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MAN AND NICOBAR MANUAL,

AS IN FORCE ON THE 1ST JANUARY 1886.

COMPILED BY

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Published by Authority.

CALCUTTA:
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1886.

No. 19399

258
117194



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கொள்ளப்பட்ட நாள.
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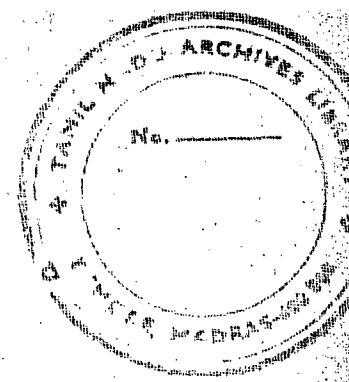
- I. Act 23 Vic., Cap. 3, Sec. I
- II. Act XXVII of 1861 (to regulate the Administration of Port Blair and other Settlements in the Andaman Islands (repealed by Regulation of 1874).—*Not reprinted.*
- III. The Andaman and Nicobar Islands Regulation, 1874 (repealed by Regulation III of 1876).—*Not reprinted.*
- IV. Subsidiary Rules framed by Chief Commissioner under Section 18 of Regulation of 1874, with previous sanction of Governor General in Council (H. D. 475, 4-12-74)
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ABBREVIATIONS.

- A. & N. G. Andaman and Nicobar Islands Gazette.
 B. B. British Burma Gazette.
 C. C. Chief Commissioner, Andaman and Nicobar Islands.
 C. C. G. N. Notifications by Chief Commissioner, with special sanction of Government of India
 C. C. N. Notifications by Chief Commissioner in local Gazette.
 D. S. Deputy Superintendent.
 G. I. Government of India.
 G. I. N. Government of India Notification—*Gazette of India*.
 H. B. Hand-Book, Andamans and Nicobars, 1877.
 H. D. Home Department, Government of India.
 H. D. N. Home Department Notification—*Gazette of India*.
 H. D. R. Home Department Resolution. Judicial Department.
 I. L. R. Indian Law Reports.
 P. M. Andaman and Nicobar Police Manual, 1884.
 R. C. Rules issued locally by Chief Commissioner (but not under Sec. 33, Regulation III of 1876).
 R. S. Rules framed by Superintendent.
 R. G. C. C. Rules made by Chief Commissioner under Sec. 18, Regulation of 1874 (or under Sec. 33, Regulation III of 1876, as amended by Regulation I of 1884), and sanctioned by Governor General in Council (H. D. N. 475, 4-12-74).
 R. G. G. Rules by Governor General in Council under Sec. 34, Act V of 1871 (H. D. 266, 29-7-74)
 S. Superintendent.
 S. O. Settlement Order by Superintendent.
 S. O. C. Settlement Order by Chief Commissioner.

* The term "Settlement Officers" as used in this Manual refers to and includes only Officers employed in the Judicial Administration, and does not include Departmental and other Officers holding official appointments at the Settlements. (Vide Sec. 48)



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PART I.

MANAGEMENT AND CONTROL

OF THE

PENAL SETTLEMENTS AT PORT BLAIR
AND NANCOWRY.

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THE
ANDAMAN AND NICOBAR MANUAL.

CHAPTER I.—TRANSPORTATION OF CONVICTS.

Secs. 1-2.

1. The Governor General in Council may, from time to time, appoint places within British India to which persons sentenced to transportation shall be sent, and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence. (Sec. 33, Act V of 1871, as amended by Sec. 2, Act IX of 1882.)

Places of transportation and removal thereto.

The Penal Settlements at Port Blair and the Nicobar Islands have been specially so appointed as such places (H. D. N. 285, 7-11-73), term as well as life convicts are permitted to be transported to them (H. D. R. 17-11-74).

The barracks and other places used for the confinement of prisoners at Port Blair have also been declared prisons for the confinement of convicts sentenced to penal servitude. (H. D. N. 858, 29-5-71.)

2. An annual statement of the probable number of convicts available in each province in India for despatch to Port Blair during the ensuing transport season (October to April) will be submitted by Local Governments to the Government of India in the Home Department not later than the 1st of September of each year. (H. D. 248, 4-5-85.)

Annual number of convicts to be deported.

Upon receipt of this information by the Superintendent, arrangements will be made by him for the due reception in the Andamans of all prisoners to be so deported.

NOTE.—Prisoners are received from all parts of the Indian Empire. There were in the Settlement on the 1st January 1886, 11,654 convicts from the following provinces:—

India	10,424	Native States.	Central India	253
Burma	400		Hyderabad, Deccan	187
Ceylon	4		Bombay	174
			Mysore	122
			Rajputana	60
			Bengal	30

3. The duty of determining the fitness or otherwise of convicts for deportation to Port Blair is entrusted to the Central Medical Committee at Alipore, Bengal, which is guided by certain rules prescribing rejection for stated diseases and infirmities, and whose decision is final. (H. D. 250, 4-5-85.)

Term convicts who have six full years of their sentence to serve at the time of their proposed deportation may be transported to the Andamans, subject only to the prescribed conditions as to physical capacity. (H. D. R. 5-399-411, 9-8-82.)

4. The rules for the regulation and management of transported prisoners *en route* from Calcutta to Port Blair are prescribed in the Andaman and Nicobar Police Manual, and shall be strictly observed in their transit. (P. M. 205-225.)

5. The following orders are those specially affecting transported prisoners upon their first arrival in transportation at the Penal Settlements.

NOTE.—See also Section 457, Chapter XXVI.

After a vessel which has arrived with convicts is anchored, the Deputy Superintendent or other Settlement Officer appointed by the Superintendent to the duty of inspecting convicts on arrival, and the senior Medical Officer, shall proceed on board and make a general inspection of the convicts.

The Medical Officer shall ascertain the presence or absence of contagious disease, and will note anything in the arrangements on board ship which may have tended to deteriorate the health of the convicts.

The Settlement Officer shall report on the state of the convicts as to discipline, clothing, the nature of the accommodation, &c. He shall also hear and enquire into and report on any complaint of the convicts as to their treatment on board ship. (R. G. C. C. V. 74.)

6. Should the Medical Officer report the presence of contagious disease, the Superintendent, after consultation with the said Medical Officer, shall take such steps as are necessary to afford relief to the sufferers. (*Ibid.*, VI.)

If there be no contagious disease on board, the convicts shall be landed under direction of the Settlement Officer at such place and in such manner as the Superintendent may direct. (*Ibid.*, VII.)

7. The senior Medical Officer, after the convicts are landed, shall, as soon as possible, make a careful individual inspection of each, and submit a report on their condition and fitness for work to the Superintendent. (*Ibid.*, VIII.)

A Standing Committee composed as under shall assemble for the purpose of examining and reporting on each body of convicts as soon as convenient after their arrival:—

The Officer in charge of the Southern District.

The senior Medical Officer.

A junior Medical Officer.

The senior officer shall preside and arrange for the meeting of the Committee. (S. O. 49-951, 16-2-80.)

NOTE.—All juvenile convicts who may appear to be less than 20 years of age may be recommended by the Committee for transfer to the boys' gang at Aberdeen, or may at any time be transferred to or from the gang under orders of the District Officers. (H. D. 245.)

8. Each convict shall also be verified by his warrant and the general descriptive roll in the office of the Superintendent, the usual certificate being appended of the man's reception on the establishment. (R. G. C. C. IX, 74.)

Full particulars regarding each convict, with notes as to any discrepancy in his "documents" or "papers" and of any who are described as being dangerous characters, shall then be entered in the General Convict Register Book. (*Ibid.*, X.)

9. The Superintendent, or in his absence from head-quarters the Deputy Superintendent, shall pass the necessary orders as to the location and employment of the newly-arrived convicts. (*Ibid.*, XI.)

10. A number shall be assigned to each convict on his arrival in the Settlement, and a metal ticket having that number stamped on it shall be given to him. (R. G. C. XI.)

NOTE.—The following abstract gives the numbering of convicts received each year for reference. It enables the year of any convict's arrival to be at once ascertained.

Year.	NUMBERS.		Year.	NUMBERS.		Year.	NUMBERS.	
	From	To		From	To		From	To
1858	1	1,949	1868	14,610	15,288	1878	23,286	24,270
1859	1,950	3,762	1869	15,289	15,973	1879	24,271	25,723
1860	3,763	4,493	1870	15,974	16,415	1880	25,724	26,512
1861	4,496	5,326	1871	16,416	17,135	1881	561B	1,312B
1862	5,327	6,379	1872	17,136	17,786	1882	1,313B	2,109B
1863	6,380	8,110	1873	17,787	18,485	1883	2,110B	2,853B
1864	8,111	9,075	1874	18,486	19,349	1884	2,856B	3,490B
1865	9,076	11,310	1875	19,350	20,355	1885	3,491B	4,253B
1866	11,311	13,500	1876	20,357	21,865			
1867	13,501	14,629	1877	21,866	23,285			

From April 1869 to January 1875 term convicts were not transported to the Penal Settlements.

The actual No. of prisoners in the Settlements on the 1st January 1886 was 11,654, of whom 10,475 were males.

pos. 11-15.

Chapter I.—Transportation of Convicts.

pos. 11-15.

II. On receipt of any money or jewellery belonging to newly-arrived convicts, the jewellery will be sold by public auction, the sale proceeds being credited to the proprietors. (S. O. 24-726, 29-10-78.) (See also Chapter XVII, Section 326.)

removal of
ms.

12. As a tentative measure, and in view to diminish the leg-sores of prisoners, the leg-irons of all convicts arriving in Port Blair may be removed after one month's residence in the Settlement, provided their conduct during that time has been good, and that they arrived with good characters from Indian jails.

Convicts who may be punished during their month's probation in leg-irons shall, in addition to the punishment inflicted, if such punishment does not involve transfer to the chain gang, wear irons for the full period prescribed for 3rd class convicts (double leg-irons, 6 months; single leg-iron, a further 6 months). (H. D. 23, 20-1-82, and 1196, 7-2-82.)

standard pat-
tern irons.

13. The standard pattern of leg-irons fixed for new arrivals is as follows:—

Link irons, consisting of two lengths of chain, each composed of 5 links of $\frac{1}{4}$ " iron, 4 inches long, connected at the upper end by a ring of $\frac{1}{4}$ ". Ankle-irons of $\frac{3}{4}$ " iron to be attached to the lower end. Weight 2 lb. (S. O. 17-639, 2-10-78.)

The heavy bar or rod irons worn during the voyage shall be removed when the convicts are landed and irons of the above description substituted.

Status of con-
victs on arrival.

14. All convicts on arrival shall be placed in the 3rd class. (R. G. G. XII. 2.) But whenever a convict has passed more than six months in an Indian jail prior to transportation, the whole or such portion of the time as the Superintendent may deem fit, with reference to the record of conduct or other circumstances, may be allowed to count as time entitling to transfer to a higher class.

(See Section 40 for female convicts.)

Printed nominal
rolls.

15. Printed lists of the names of convicts, as copied from their original warrants and papers in each case, shall be forwarded for record to all District and Divisional Officers, and in all cases, of reference the spelling shown therein shall be strictly observed, with the view of obviating confusion or discrepancy in the identification of convicts. (S. O. 33-1232, 7-1-74.)

Chapter II.—Classification of Convicts.

Secs. 16-21.

CHAPTER II.—CLASSIFICATION OF CONVICTS.

16. By Section 34, Act V of 1871, the Governor General in Council may from time to time prescribe rules as to the classification of transported convicts. Rules for classification.

The rules so sanctioned by the Government of India for the classification of prisoners are comprised in the following orders, but any convicts who prior to that date had already been accorded greater indulgences than they could claim under the rules promulgated in the year 1874 were permitted to retain them, unless convicted of any offence.

Transportation entails hard labour under strict discipline, with only such food as is necessary for health. Any mitigation of the above is an indulgence which may at any time be withdrawn in whole or in part. (R. G. G. IV. 1874.) Transportation interpreted.

17. Any convict who performs any signal service to Government may be granted by the Superintendent any indulgences beyond those for which by his class he is eligible, but in any such case the reason shall be recorded by the Superintendent and an abstract entered in the register of letters and orders kept by the Superintendent and submitted by him to Government. (R. G. G. 17.) Indulgences beyond class eligibility.

18. Every conviction of a convict offence shall be entered against the offender and shall be considered when, under the classification rules, a convict becomes eligible to indulgence of any kind. (R. G. G. X.) Effect of local convictions.

19. All convicts are liable to be placed in any lower grade by the Superintendent for such periods as he may direct. (R. G. G. XV.) Reduction to lower grades.

20. In all sentences involving the reduction of convicts from higher to lower classes or grades, the period during which such reduction is to last shall be distinctly specified; where no period is specified, however, the term of reduction shall be calculated in the Superintendent's office at six months. (S. O. 23-1040, 25-1-77.) Periods of reduction.

21. Convicts who have been punished by reduction shall as a general rule be promoted on the expiration of their terms of punishment to the class next above that to which they may have been reduced, and after six months' probation in the higher class, without further Advancement after reduction.

Secs. 22-25.

Chapter II.—Classification of Convicts.

punishment involving reduction, they may, if eligible by length of service in transportation, be again promoted; but no promotions of reduced convicts shall be made to the extent of more than one class or grade at a time, and a probationary period of six months' satisfactory conduct in each class or grade shall always be exacted from them before further advancement is sanctioned.

Reduction of self-supporters.

22. An exception (to Section 21) is made in the case of self-supporters sentenced to the chain gang for a period not exceeding six months. Such a sentence, unless expressly so directed, shall not be deemed to carry with it a forfeiture but a suspension of class. Having completed their chain-gang punishment, such convicts shall be permitted to resume their tickets as 1st class self-supporters. When the sentence includes the words "with forfeiture of class," the above provision will be inapplicable. (S. O. 10-458, 8-9-80.)

Sanctioned classes and grades.

23. The classes and grades of prisoners after their arrival in transportation shall be as follows:—

MALES.		FEMALES.	
1st Class	{ Self-supporters. Others.	1st Class	{ Self-supporters. Grades A and B.
2nd Class	{ Grade A. " B.	2nd Class.	
3rd Class			
Chain gang.		Punishment ward.	

NOTE.—See Sections 14 and 40 for male and female new arrivals, respectively.

MALES.

Third Class.

Status of 3rd class.

24. All convicts in the 3rd class shall be employed in hard gang-labour by day, and shall be confined to barracks at night. They shall receive rations and jail clothing, but shall be entitled to no indulgence or luxury. They shall wear double leg-irons for the first six months; and single leg-irons for the second six months, subject to special exemption by the Superintendent. After four years' satisfactory conduct in this class they shall be eligible for transfer to the second class. (R. G. G. XII.)

Boon service.

25. In calculating the period fixed for advancement to the 2nd class, one year's boon service shall be taken into account in the cases of all well-behaved male convicts who were in the Settlements on the 1st January 1877, the date of the proclamation of the assumption by Her Majesty the Queen of the title of Empress of India. (S. O. C. 21-991 1-1-77.)

Chapter II.—Classification of Convicts.

Secs. 26-28.

26. After one year's residence in transportation, the privilege of dry rations in lieu of cooked food may, if desired, be specially sanctioned as an indulgence under orders of the District Officers. (S. O. 6-320, 24-6-75.)

Second Class.

27. The convicts in the 2nd class shall be divided into two grades (A and B), in each of which the prisoner will pass three years:—

GRADE B.—In this lower grade a prisoner shall receive an allowance of 12 annas a month, and is to be held eligible in addition for posts in barracks or jails, or for employment in the Artificer Corps.

The following are the posts for which grade B convicts have been declared eligible locally:—

Petty Officers of the grade of Orderly.

Assistant Mohurirs.

Ward Coolies.

They are, however, to be considered on probation, and shall not be eligible for further promotion till their advancement to 2nd class, grade A. In the case of convicts of the 2nd class, grade B, employed on probation as Jail Orderlies, notes shall be entered on their character sheets of the dates from which, if they behave well, they will be eligible for further promotion. (S. O. 6-2-39, 12-5-76.)

GRADE A.—In this upper grade the prisoner shall receive one rupee per mensem, and shall be eligible in addition for employment in the convict police or in other petty Government employ as orderlies, or (except in cases of convicts transported for dacoity or robbery) (H. D. 46, 13-2-82) as servants to free residents. Term convicts are not, however, eligible as servants. (R. G. G. 8.)

28. Men in this class shall receive dry rations and be supplied with jail clothing or uniform as may be directed by the Superintendent. Rations and clothing.

29. Any additional allowance for working in the Artificer Corps or for serving in any sanctioned employment may be paid to men of this class in addition to their regular monthly allowance. (R. G. G. XII. 5.) Additional allowances.

Chapter II.—Classification of Convicts.

30. After three years of approved service in each grade of the 2nd class, convicts shall be eligible for advancement to the 1st class. (Ibid. 6.)

31. In calculating the period fixed for advancement to the 1st class, nine months' boonservice shall be taken into account in the cases of all well-behaved convicts who were in the Settlement on the 1st January 1877, the date of the proclamation above recited (Sec. 25), and who were at that time in this class. (S. O. 21-99, 1-1-77.)

First Class.

32. Convicts in the 1st class are either at labour or hold tickets to support themselves on conditions imposed by the Superintendent.

They shall remain in barracks or may be located otherwise as the Superintendent may direct; and those who do not live in barracks shall attend muster at such times as the Superintendent shall appoint, but at least once in every month.

They shall do such labour as shall be assigned them, and shall receive dry rations and from one rupee to two rupees per mensem.

The Superintendent may, however, substitute subsistence allowance for rations, where deemed desirable. (R. G. G. XII. 7.)

Convicts in this class may also receive additional allowances for working in the Artificer Corps or for serving in any sanctioned employment.

Self-supporters.

33. Self-supporters shall be eligible to support themselves either in service or upon such conditions as the Superintendent shall impose.

They shall attend muster at such times as the Superintendent shall appoint, but at least once in every month. (R. G. G. 10-8.)

Term convicts are not permitted to support themselves, or enter service or live out of barracks (excepting in the case of boatmen employed in officers' and subordinates' boats). (H. D. 565, 30-8-84.)

The conditions of the tickets granted shall be duly noted upon them.

34. The conditions which have been imposed locally by the Superintendent are as follows, and ticket-holders are required to support themselves on the conditions noted on their tickets, a breach of which renders them liable to remand to labour. (Circular No. 87, 26-5-75.)

(1) As to vocation and residence (as may be sanctioned in each case).

Chapter II.—Classification of Convicts.

Secs. 35-39.

- (2) The convict may reside at large at the place named in his ticket, but must procure a pass from his Divisional Officer to visit any other part of the Settlement.
- (3) He is still under sentence of law, and misconduct may subject him to the withdrawal of the ticket.

35. Life convicts in this class may be allowed to send for their wives and children from India or to marry locally under certain restrictions. (See "Marriages," Chapter XX, Sections 377 to 382.)

Chain Gang.

36. In addition to the three regular classes of male convicts there shall be a punishment chain-gang in which any convict may be placed by order of the Superintendent (or of the several officers locally empowered by him).

Convicts in this gang shall be subjected to the strictest jail discipline and shall be entitled to no indulgence.

They shall be employed in gangs by themselves on hard extra-mural labour, or within workshops attached to the jail.

37. There shall be refractory wards attached to the jail where offenders of this gang may be confined and kept to specially hard labour, within the enclosure wall of the ward; and there shall also be solitary cells for the punishment of offenders or dered to be confined in such. (R. G. G. XII, 10.)

38. Convicts remanded to the punishment chain-gangs shall on expiry of their chain-gang sentences be promoted to the 3rd class.

All periods passed in the chain gang shall be deducted from the qualifying periods required by the regulations for promotion from class to class. (S. O. 23-10-40, 25-1-77.)

39. In the case of self-supporters sentenced to the chain gang for a period not exceeding six months, such sentence, unless expressly so directed, shall not be deemed to carry with it a forfeiture but a suspension of class. Having completed their chain-gang sentences, such convicts shall be permitted to resume their tickets as 1st class self-supporters.

When the sentence includes the word "with forfeiture of class," the above provision will of course be inapplicable. (S. O. 10-4-58, 8-9-80.)

FEMALE CONVICTS.

40. Female convicts are divided into two classes :

1st Class { Self-supporters.
Grades A and B.

2nd Class.

Punishment ward.

All female convicts on arrival shall join the 2nd class, in which they remain for three years. They shall, however, also be entitled to count previous time passed in Indian jails in the same manner as is permitted to male convicts under Section 14.

Second Class.

41. Women in this class shall be subjected to strict jail discipline and labour within the walls of their jail, receiving only food and clothes. Three years' good conduct shall make them eligible for transfer to the 1st class. (R. G. G. XII, 12.)

42. Well-behaved women of this class shall under the proclamation above recited (Sec. 25) count nine months' qualifying service towards the first class if in the Settlement on the 1st January 1877. (S. O. 21-991, 1-1-77.)

First Class.

43. Women in this class shall reside in barracks and work in sheds attached thereto. They shall receive rations, clothing, and a money allowance of 8 annas a month.

GRADE B.—They shall first be posted to grade B, but after two years' satisfactory conduct in this grade shall be promoted to grade A. (S. O. 1-15, 5-4-80; and S. O. 491, 9-11-78.)

GRADE A.—Women in this grade may be allowed to marry locally. They shall also be permitted to enter service or to support themselves on such conditions as may from time to time be imposed, attending muster as in the case of male convicts. (R. G. G. XII, 13.)

A restriction is imposed locally on women of less than 35 years of age entering service, unless this is specially sanctioned by the Superintendent.

NOTE.—The following orders regulate all interviews with female prisoners confined in the female jail. (S. O. 180, 24-6-84.)

1. No locally unmarried female labouring convicts of the 2nd class confined in the South Point female jail shall be permitted interviews with friends from outside the jail, save in cases where the near relationship of the parties is established.

male convict
classification.

Status of 2nd
class.

Area service.

Status of 1st
class.

1. Interviews between relatives may be allowed at intervals of not less than six months, provided that the conduct of the convicts concerned has been good.

2. Female convicts in the 1st class may be allowed to interview female friends duly provided with passes.

Unmarried female convicts in 1st class, grade A, may also be allowed to interview suitors for marriage duly provided with passes.

4. Female convicts who may be locally married and who may be undergoing punishment in the female jail for local conv. offences may, after their promotion to the 1st class, be allowed interviews with their husbands or children. Such interviews to be permitted at intervals of not less than 6 months.

5. No interviews to be permitted except with the written sanction of the Officer in charge, Eastern Division, to whom all applications for such interviews should be made.

6. The particulars of each interview to be recorded in a register to be kept by the overseer of the jail for the purpose.

7. Interviews shall take place on Saturdays only between the hours of 12 noon and 2 P.M., and in the presence of the overseer or jail jemadar and senior female petty officer.

Self-supporters.

44. When permitted to reside out of barracks, female self-supporters shall each receive a ticket showing particulars of the conditions to which they are subject. (R. G. G. XII, 13.)

NOTE.—The conditions are the same as those imposed in the case of male convicts (Sec. 24).

45. The proviso of Section 39 in respect to the remand of self-supporting male convicts to the chain gang for periods not exceeding six months being deemed a suspension and not a forfeiture of class, unless expressly so stated, is applicable to female convicts (self-supporters) remanded to the female jail for corresponding periods.

Punishment Ward.

46. Women who prove refractory, or are guilty of misconduct, may be transferred to a punishment ward, and will be liable to have their tasks increased, their hair cropped close, or themselves restricted to close confinement. (R. G. G. XII, 14.)

Conditions of
S. S. tickets.

Remand to
punishment.

Punishment
ward.

CHAPTER III.—CONTROL AND MANAGEMENT OF CONVICTS.

OFFICERS AND SUBORDINATES.

Officers.

47. All officers, civil and military, in the Settlements shall be under the direct control of the Superintendent. Subordination to Superintendent.

They shall obey all orders issued by him, shall keep up such records and registers, and shall submit such returns and reports as he may call for; but the senior Military Officer will retain the immediate command of the troops, and conduct all ordinary details and correspondence connected with them. (R. G. C. C. 4)

48. The Judicial Officers appointed to the administration are— Judicial officers.

- 1 Superintendent, { who is also Chief Commissioner of the Andaman and Nicobar Islands.
- 1 Deputy Superintendent.
- 1 1st Assistant Superintendent.
- 1 2nd " " "
- 1 3rd " " "
- 2 Extra Assistant Superintendents, 1st class.
- 3 " " " 2nd "

~~48~~ It is these officers only who are referred to throughout this Manual as "Settlement Officers."

49. The Deputy Superintendent and the Assistant and Extra Assistant Superintendents shall reside at such stations as the Superintendent may from time to time direct, and shall perform such duties as the Superintendent, in the exercise of the powers conferred upon him by Government, may entrust to them. (R. G. C. C. 3.) Residence and duties.

50. Annual examinations are held in Port Blair for the examination of junior civil officers on such dates as may be fixed from time to time by the Superintendent. Examinations.

These examinations will embrace the following subjects:—

- (1) Criminal and Police Law.
- (2) Urdu.
- (3) The hearing and disposal of judicial cases. (Cir. 9-3-74)

Convict Management and Discipline.

51. The Superintendent shall exercise full and entire control over the discipline and management of the convicts, for which he is held by Government to be primarily responsible. (R. G. G. 1.)

He shall have power to withdraw any indulgences granted to a convict, and to order such punishments for convict offences as are provided by Rule VII of the Rules of 1874. (R. G. G. 2.)

52. The Deputy Superintendent and Assistant Superintendents and Extra Assistants shall exercise such powers regarding withdrawal of indulgences and infliction of penalties as they shall from time to time be invested with by the Superintendent. (R. G. G. 3.)

53. The following are the powers locally exercised by the several officers as conferred by the Superintendent. (S. O. 36-410, 31-7-79.)

BY DIVISIONAL OFFICERS.

STATES OR CLASS OF CONVICTS.	WITHDRAWALS OF INDULGENCES.				PUNISHMENTS.				REMARKS.
	1. Extra Class probation.	2. Reduction of Class.	3. Fine.	4. Remand to labour.	5. Chain gang.	6. Whip-ping.	7. Extra work-grinding.	8. Solitary cells.	9. Half-cropping.
MALES.									
3rd Class	1 year	any	1 M. A.	1	6 months	11 stripes	...	...	...
1st and 2nd Class	do.	any	do.	2 steps	do.	do.	...	...	...
Petty Officers	...	2 steps	R20	...	...	...	...	...	...
Self-supporters	...	...	...	...	...	...	...	...	...
FEMALES.									
2nd Class	1 year	any	1 M. A.	2 steps	...	14 days	...	7 days	...
1st do.	do.	any	do.	6 months	...	do.	...	do.	...
Petty Officers	...	2 steps	R20	...	...	...	...	...	...
Self-supporters	...	...	...	...	...	...	...	...	...

BY DISTRICT OFFICERS.

STATES OR CLASS OF CONVICTS.	WITHDRAWALS OF INDULGENCES.				PUNISHMENTS.				REMARKS.
	1. Extra Class probation.	2. Reduction of Class.	3. Fine.	4. Remand to labour.	5. Chain gang.	6. Whip-ping.	7. Extra work-grinding.	8. Solitary cells.	9. Half-cropping.
MALES.									
3rd Class	1 year	any	1 M. A.	1	6 months	11 stripes	...	...	...
1st and 2nd Class	do.	any	do.	2 steps	...	...	...	...	...
Petty Officers	...	2 steps	R20	...	...	...	...	...	...
Self-supporters	...	...	...	...	...	...	...	...	...
FEMALES.									
2nd Class	1 year	any	1 M. A.	2 steps	...	14 days	...	7 days	...
1st do.	do.	any	do.	6 months	...	do.	...	do.	...
Petty Officers	...	2 steps	R20	...	...	...	...	...	...
Self-supporters	...	...	...	...	...	...	...	...	...

1. District Officers have the following additional powers:—

(a) To entertain appeals in all cases decided by officers subordinate to them.

(b) To modify, reduce, enhance, reverse, or confirm any sentence or recommendation thereof of Subordinate Courts (subject to the limitation of their own powers).

(c) To remit any portion of a sentence passed by themselves or by Subordinate Courts.

(d) To confiscate property belonging to any prisoner convicted of an offence.

(e) The Deputy Superintendent when in executive charge of a district is only empowered to exercise the additional powers of a District Officer within his own district charge.

3. Chain-gang prisoners are punishable as 3rd class prisoners. (Vide also Sec. 183.)

4. Moonshew writers, and other convicts not classified under any of the classes herein named shall be liable to all or any of the penalties or withdrawal of indulgences provided for the corresponding class with reference to the length of time passed by them in the Settlement and the powers of the officers by whom their cases are disposed of.

5. By S. O. 773 dated 11-18, standing fastened to a post or wall in handcuffs during working hours for 1 week has been added to the punishments for Viper and South Point Jails, by order of the Superintendent.

(a) The Deputy Conservator of Forests has the powers of a Divisional Officer over men in his charge in respect to offences connected with their work during working hours (S. O. 775, dated 9-2-83).

(b) The Tea Garden Manager has been similarly empowered (S. O. 496, dated 18-7-84).

(c) The Officer in charge, Nicobars, has the powers of a District Officer within these islands.

(d) For chain-gang convicts' punishments see Note 2 and Sec. 185.

(e) The Deputy Superintendent exercises powers of a District Officer throughout the Settlement, and may sentence any convict to 5 years' chain gang. (See Note 2.)

jurisdiction in
convict offences.

54. The disposal of convict cases shall be governed by the following rules as regards life and term convicts respectively:—

- (a) *In the case of life convicts.*—All offences under the Penal Code "other than those punishable with death," and all other local offences committed by them in transportation, are declared by Rule VI, clause I, of the rules promulgated by the Governor General in Council under Section 34, Act V of 1871, to constitute "*Convict offences*," and consequently to be punishable under the disciplinary powers conferred by those rules on the several officers invested with such powers. (H. D. R. 266, 29-7-74, p. 9.)
- (b) *In the case of term convicts*, all of whom are liable to judicial trial for offences punishable under the Indian Penal Code committed by them during the currency of their sentences, it is optional with the officers entrusted with disciplinary powers over convicts to try, or send for trial judicially, any term convict who commits an offence punishable under the Indian Penal Code and which is not punishable by death, or to dispose of the case as a "*Convict offence*" under the provisions of clause I of the above rules. (H. D. 584, 27-11-82.)

NOTE.—(1) *In the case of free persons*, offences are dealt with by the Local Courts as provided by Act X of 1882 (The Criminal Procedure Code), and Section XIII, Regulation III of 1876 (as amended by Regulation I of 1884).

[See Part II of this Manual, Chapter XXXIV, "Judicial."]

- (2) All proceedings before Port Blair and the Nicobar Courts shall be recorded in the vernacular of the presiding officer. (H. D. N. 103, 20-4-74.)

Departmental
Officers' powers.

55. Departmental officers employed at Port Blair are not ordinarily empowered to inflict punishments on convicts, but special exception has been made in regard to the Deputy Conservator of Forests, who has been appointed *ex officio* an Assistant Superintendent (H. D. 158, 15-2-83), and the Manager, Government Tea Garden, appointed *ex officio* an Extra Assistant Superintendent (H. D. 412, 7-4-84) as above indicated, for certain disciplinary offences only, when committed during working hours by convicts engaged in their departments and working under their instructions. Similar divisional powers have been conferred on the officer in charge of the Andamanese in respect to convicts employed in that department. (S. O. 234, 15-8-82.)

Reports by
Departmental
Officers.

56. It is the duty of departmental officers to bring to the notice of District or Divisional Officers all instances of misconduct on the

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part of convicts whose services may be placed at the disposal of their departments for work.

57. The following duties have been also specially imposed upon officers in charge of divisions, in respect to discipline, in addition to their ordinary duties:—

Duties of
Divisional
Officers.

- (1) The frequent visiting of all convict hospitals. (S. O. 4-325, 15-6-74.)
- (2) The frequent attendance at and inspection of Sunday parades.
- (3) The inspection of the stores of convict bunniah (at least once monthly). (S. O. 194, 23-12-84.)
- (4) The visiting of all convicts employed on works on their division; to hear complaints and petitions.
- (5) The inspection of convict villages.
- (6) The inspection of convict barracks.

NOTE.—For diaries to be kept, see Chap. XXI, Secs. 394 and 399.

Overseers and Subordinate Officers.

58. Overseers and Assistant Overseers are appointed from time to time by the Superintendent. They are appointed on probation for six months, at the end of which period their qualifications; abilities, general character, habits, temper, and disposition will be reported to the Superintendent. Should these reports prove satisfactory, they will be confirmed in their appointments; if not, they will be removed.

Appointments of
Overseers.

59. They are expected to remain present upon their stations, and no Station Overseer is at liberty to leave his station or sleep away from his ordinary quarters without first obtaining the permission of the Divisional or District Officer. Should permission be granted, he shall first duly hand over his charge to the senior subordinate.

Absence from
stations.

60. It is their duty to see that all orders which concern the petty officers and prisoners are made known to them.

Communication
of orders.

61. They shall bring to the notice of Divisional Officers all instances of neglect, indolence, refractory behaviour, or disobedience of prison rules, for punishment.

Reports on
convicts.

NOTE.—(1) For diaries to be kept by Overseers, see Section 395.

(2) It shall also be the duty of the Overseers to report all facts concerning the welfare of their respective stations and the control and discipline of the convicts thereon to their Divisional Officers without delay, and the latter will bring to the notice and cognizance of their respective District Officers all matters which may appear to them to be of sufficient consequence to require such reference or report.

Secs. 62-63.

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Distribution of work.

62. The Overseer shall arrange on the previous night with the station jemadar for the distribution of the men on the next day's work, so that there may be no delay in the morning parade.

Morning parades.

63. Station Overseers shall personally attend, at the prescribed hour, the morning parade of convicts; regulate the distribution of labour, and see that the petty officers act strictly according to orders, that they wear their proper badges, and the prisoners their prescribed clothing and numbers.

Visits to works.

64. It is the Station Overseer's duty to frequently visit the several works in progress, pointing out what is faulty and rectifying mistakes, mixing and discoursing occasionally with prisoners on the work, to lead them, if possible, to some energy and interest in their work, and directing, encouraging, and instructing them so as to enhance their usefulness.

Inspection of station and barracks.

65. They shall regularly visit and attend to the cleanliness of their station barracks and cook-houses, and have the floors and walls of the former scrubbed with salt water (which destroys vermin), except in the case of walls which have been whitewashed.

They shall take all necessary precautions against fire, and not allow any "hooka" or unprotected light inside the barracks.

NOTE.—(1) Sections 60, 62, 63, and 65 apply only to stations where there are Overseers or Sub-Overseers.

(2) Overseers and Sub-Overseers shall perform all duties entrusted to them by their District and Divisional Officers.

Night rounds.

66. They shall go night rounds at uncertain hours at least twice a week, sending their petty officers in turns daily; particulars to be stated in the diaries of their proceedings, which shall be submitted daily to Divisional Officers. (See Section 395.)

Disbursement of allowances.

67. Overseers shall attend at the monthly parades for disbursement of subsistence allowances, taking every man's receipt in the acquittance book in the order in which he is paid, attesting it with their own initials, and personally explaining to him all hospital or other authorized stoppages. Men in hospital shall be paid by the Station Overseer in person.

Clothing and cleanliness of convicts.

68. Overseers in charge of stations are responsible for the cleanliness of prisoners under them, and shall ascertain that the Government clothing served out to each prisoner is kept clean.

Chapter III.—Control and Management of Convicts.

Secs. 69-73.

It is their duty to examine the clothing on each Sunday parade and to report all deficiencies.

69. On the transfer of any convict, the duties to be performed by Transfers. Overseers or Sub-Overseers of stations in respect to the examination of the Government clothing and equipment of the transferee shall be those defined in Section 104 of this Manual. (S. O. 204, 18-6-83. See also Sections 99 to 107.)

70. Station Overseers are empowered to arrest and confine in the Arrests of police lock-ups any convicts who may commit or who are charged with convicts. committing convict offences; they are not, however, authorized to release such convicts. This can only be done on the authority of a Settlement Officer.

NOTE.—Mechanical Engineers and Supervisors have been vested with the powers of a Station Overseer in respect of arrest and confinement of convicts employed under them. (S. O. 851, 2-3-81.)

71. Overseers are permitted to be employed in conducting the sales Sales. of confiscated property and of the property of deceased convicts, and when so employed may receive a commission for such duty. (S. O. 43, 13-10-77.)

NOTE.—See Chapter XVII, Section 336.

72. They in common with all officers of the administration to Borrowing whom the Uncovenanted Service Leave and Pension Rules are appli- money. cable, including members of ministerial establishments, are prohibited from borrowing money from natives resident within the limits of the Andaman and Nicobar Islands Settlements. (S. O. 885, 9-3-83.)

73. No subordinate officer or servant in the Settlement shall sell, nor shall any persons in trust for him, or employed by him, sell, Pecuniary dealings and interests. or have any benefit or advantage from, the sale of the property of any convict; nor shall he, nor any person in trust for or employed by him, let, or have the benefit or advantage from the loan, or letting of, any article to, or have any pecuniary dealing whatsoever with any convict, or employ any convict on his private account without permission or payment; nor shall he correspond with nor hold any intercourse with the friends or relatives of any convict, unless expressly authorized by the Superintendent or other officer duly empowered to grant such authority; nor shall he make any unauthorized communications concerning the convicts to any person whatever.

No subordinate officer or servant on the Settlements establishment shall, directly or indirectly, have any interest in any contract

Secs. 74-78.

Chapter III.—Control and Management of Convicts.

or agreement for the supply of the Settlements; nor shall he receive, directly or indirectly, under any pretence whatsoever, any fee or gratuity or present from any contractor or person tendering any contract with the establishment, nor from any convict or convict's friend, nor from any person visiting the Settlements. (S. O. 502, 8-10-83.)

Writing petitions.

74. All subordinate officials, and all clerks, mohurrirs, chuprassies (whether free or convict), employed in Government offices and Courts, are prohibited from writing petitions of any description for hire, except under the express order of the officer to whom they are subordinate.

In no case shall any charge be made or any payment allowed them writing such petitions. (S. O. 691, 18-1-83.)

Petty Officers.

Control by Petty Officers.

75. The charge and control of convicts in barracks and at labour rests with convict petty officers, qualified by the classification rules for Government employ; and for this purpose (and for petty detailed police duties) the Superintendent may employ such number of qualified convicts as may be necessary, provided the whole number does not exceed 8 per cent. of the whole number of convicts in the Settlements. (R. G. G. XV.)

Subordination.

76. On divisions and at stations which are under Overseers or Sub-Overseers, all petty officers are immediately subordinate to them, and will make their reports in the first instance to them accordingly.

Sanctioned scale.

77. Convict petty officers shall be appointed in the following proportions:—

- 1 Jemadar to every station containing upwards of 100 convicts.
- 1 Tindal to every 100 convicts.
- 1 Peon to every 50 "
- 1 Orderly to every 25 " (S. O. 306, 30-7-83.)

Duties of Jemadars.

78. Their duties are briefly as follows:—

JEMADARS.—The jemadar is charged with the general superintendence of the station. All petty officers are subordinate to him. He shall see that they fully understand all the public orders, and is responsible that such orders are carried out. He is required to attend all parades, and explain to petty officers their tasks and duty. He shall

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daily visit barracks, cook-rooms, wash-houses, latrines, &c., and inspect the rations. He shall also ascertain that the conservancy gangs carry out their work effectively.

TINDALS.—Tindals are in immediate charge of one barrack and 100 convicts. They are held responsible for the order and cleanliness of their barracks and the cook-rooms attached thereto.

PEONS.—Peons are in general charge of two sections of a barrack and 50 convicts.

ORDERLIES.—Orderlies have immediate charge of one section of a barrack and 25 convicts. They are responsible for the good order and cleanliness of their sections, and shall see that the convicts' bedding is properly rolled up, and that their boxes, if any, are neatly placed before the men proceed to work in the morning.

79. All petty officers are held strictly responsible in their respective spheres for everything connected with their charges, and shall immediately report all breaches of discipline and all offences coming to their notice.

They are prohibited from striking or abusing their men, and are held directly responsible for escapes and absences without leave.

Petty officers are prohibited from engaging in trade or any business whatever. (S. O. 203, 13-6-72.)

They are also forbidden to keep cattle, goats, or poultry. (S. O. 28-1400, 26-1-76.)

80. The following orders affect the working of gangs:—

Control of labouring gangs.

In the distribution of labouring convicts for work, the established percentage of petty officers to strength shall as far as possible be adhered to. (See Section 77.)

A petty officer shall accompany each gang of convicts, however small. He shall take his gangs to and from work in an orderly manner; the men to walk two and two. No noise or straggling shall be allowed.

81. Petty officers in charge of gangs shall be held responsible for the convicts made over to them during working hours; at all other times the petty officers of barracks are responsible for the convicts living in them. (S. O. 100, 29-4-72.)

Responsibility when in charge.

Petty officers in charge of gangs are also responsible for all tools issued to their men in the mornings for works.

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Chapter III.—Control and Management of Convicts.

All petty officers shall carry one-yard measuring rods, to enable them to measure up work.

Night duties.

82. The orders regarding night duties of petty officers at barracks are as follows:—

On return from work at 6 P.M., petty officers shall be put upon duty to prevent convicts leaving the vicinity of their barracks. (S. O. 23, 1-9-72.)

A night watch of one orderly, or if sufficient orderlies are not available, of one peon in each barrack, shall mount guard at 8 P.M., and this watch being relieved every three hours shall remain on duty till daybreak. (S. O. 100, 29-4-72.)

The petty officer on watch shall be posted inside the enclosed wards, and before taking over charge he shall count the men in the barrack in presence of the relieved petty officer. He shall not sit down during his tour of duty, and his beat is the entire passage immediately under the lamps. (S. O. 5581, 23-6-74.)

The tindal in charge of the barrack shall lock the ward door, remove the key after posting the watch, and he shall himself perform this duty at every relief of the watch.

Night rounds.

83. The night rounds shall be thus conducted:—

Round parties of one jemadar or tindal, and at least two peons, shall proceed in the neighbourhood of the convict barracks once in each watch during the night.

Their duties are to ascertain that the convict sentries are awake, to visit cook-rooms, latrines, &c., and to arrest and confine for the night all convicts whom they may meet and who cannot satisfactorily account for themselves.

Convicts reporting sick.

84. In the case of convicts reporting sick, any convict taken ill on the works in barracks or upon parade shall be sent at once to hospital in charge of a petty officer.

Hospital establishment.

85. To petty officers and prisoners employed at hospitals the following orders are applicable:—

The convict hospital establishments of compounders, ward coolies, and other convict servants are for all purposes connected with their duties under the immediate control of the Medical Department. But the petty officers employed in the maintenance of order amongst the patients are directly responsible to the officer in charge of their division for the discipline and safety of the convicts in hospital.

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Secs. 86-89.

They are also held responsible for due attention being paid to all orders given by the Medical Officers regarding the cleanliness and clothing of the convict patients, and that no food other than that ordered by the Medical Officers and no forbidden articles are brought into the hospital. (S. O. 30-1432, 4-2-76.)

86. Convalescent-gang convicts shall be worked wholly under the orders of the Settlement Officers, but shall only be employed upon authorized light labour. (S. O. 792, 1-2-82. See also Secs. 124, 130, and 274-5.)

Convalescent lunatics, however, will be worked under the supervision of the Medical Officers. (S. O. 12, 1-4-74. See Secs. 132 and 277-8.)

Convict Police.

87. Convict police are attached to stations and villages, and are subject in all respects to the control of Divisional and District Officers.

They are appointed as required within the percentage provided by Section 75, and receive additional allowances according to their class and grade. (S. O. 3168, 30-7-83.)

Their duties are to protect godowns, keep up communications, escort convicts, carry messages, and patrol bazars and villages.

They shall arrest and take direct to an Overseer or officer any convicts found committing offences, but (save for identification) they shall make no enquiries into cases reported to them without the express orders of the Divisional Officer or Overseer.

Daily Distribution of Labour.

88. At 5 A.M. the tindal in charge of the barrack shall count the men inside and see that the correct number are present. He shall then unlock the door, and the men, after having rolled up their bedding, visited the latrine, washed and dressed, and taken their conjee, shall proceed to the parade ground, in charge of their section orderlies.

89. Having arrived, the convicts shall sit down on the ground by sections, with their petty officers standing opposite them. The jemadar shall take from the latter the number of men present and report the same to the Overseer, who shall then distribute them for labour according to the orders received by him, keeping, as far as practicable, the same petty officers and men at the different works until they are completed.

Before the distribution of the men for labour, the complaining sick shall fall out, and be at once inspected by the medical subordinate in

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charge of the station, should one be present, who will select those whom he considers require medical treatment, and send the remainder back to their sections.

Distribution.

90. The moonshee having taken down the number of men detailed to the different works, the petty officers shall march them off to the tool godown, and the necessary implements having been issued they shall proceed to labour.

Mid-day rest.

91. At 10 A.M. the petty officers shall muster and count the men under their charge, and if all are present shall march them back to their barracks, in the vicinity of which all must remain till 1 P.M. (during the hot months 2 P.M.), when they shall be again mustered and marched to their work. (See also Section 123.)

Close of work.

92. At 6 P.M. the tools shall be collected and returned to the godown, and the men marched to their barracks, paraded for their food, and locked up at 7-30 P.M., when the tindal shall count them, and hand them over to the petty officer detailed for the first watch. He shall then make his report to the jemadar, who, after having seen that all fires are out and all is quiet, shall report to the Overseer.

Food parades.

93. All the petty officers shall be present in uniform during food parades, with the exception of one of each barrack detailed for the first watch, who shall be allowed to leave to get his evening meal.

Sunday Parades.

Sunday parades.

94. On Sundays the men shall, when practicable, be marched down to the sea, and, after bathing, shall assemble on parade in clean clothes for medical inspection. At stations where there is an Overseer, he shall see that all have their correct numbers, and report all those that are without such to the officer in charge of the division.

Washing barracks, &c.

95. After Sunday parade the barracks shall be thoroughly washed, if the weather permit, and all bedding, boxes, and their contents aired in the sun.

Clothing.

96. All dirty clothes shall then be collected and handed over to the dhoby, who will return them properly washed on the following Saturday evening, for distribution on Sunday.

Muster parades.

97. During the day two extra musters shall be held (at 12 and 4 o'clock), and all convicts shall remain in the vicinity of their barracks. Any men found wandering about the station shall be arrested and taken to the Overseer.

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98. All Christian prisoners, European or Native, desiring to attend Divine Service shall be paraded and marched to church in charge of petty officers.

Transfers.

99. The transfer of labouring convicts from one station to another is ordinarily effected by Divisional Officers under such special or general orders as may from time to time be issued by District Officers. All such transfers shall be entered in the divisional order book. It is open to the District Officer, however, at any time to direct that such transfers shall only take place under District orders.

100. The transfer of all classes of convicts from one division to another within a district is regulated by District Officers. All such transfers shall be entered in district order books.

101. All applications for transfers of convicts from one district to another shall be made direct to the officers in charge of the districts to which such convicts are posted. Should no objections to such transfers exist on the score of discipline (which fact should first be ascertained of the District Officer to whose district the convict is proposed to be posted), the District Officer shall submit the usual transfer memo. to the Superintendent for the issue of a Settlement order directing the transfer. (S. O. 20-934, 4-12-76.)

102. The orders contained in Sections 99, 100, and 101, are subject to the following provisos:—

- (1) These orders in no way affect transfers directed to take place by Settlement orders issued direct by the Superintendent.
- (2) Nor do they affect convicts transferred on special disciplinary grounds or under punishments involving transfer, in which the same is directed.
- (3) Convicts transferred in anticipation of Settlement or District orders or temporarily for periods not exceeding 15 days, shall be entered in morning reports as "At out-stations" and "From out-stations" respectively.
- (4) Transfers of convalescent-gang convicts shall only take place to stations where there are convalescent gangs, intimation of all such transfers being given to the senior Medical Officer. (See Section 275.)

- (5) All transfers of men employed permanently in petty posts in departments shall be notified (as provided in Section 140) to the department concerned.

103. In the case of every convict transferred from one station to another, besides the English roll of his name which is forwarded, a vernacular "rooka" shall accompany him, containing all information as to his name, No., and the reason of his transfer.

NOTE.—This applies equally to large numbers of men and to individual transfers.

104. When convicts are transferred from one station to another of the same division, the Overseer of the station from which the convict is transferred (or where there is no Overseer, the senior petty officer) shall be responsible that the transferee takes with him all articles of Government clothing or equipment.

In all cases of transfer from one division or district to another, the transferee shall invariably be paraded with his articles of Government clothing or equipment before the Overseer of his station or division, who shall furnish a certificate of the state of his kit.

105. He shall then be taken to the Overseer of the district to which he has been transferred, who shall compare the articles in the transferee's possession with the certificate and give orders as to his disposal. (S. O. 204, 18-6-83.)

NOTE.—(1) Sections 104 and 105 also apply equally to every transfer.

(2) Petty officers, when transferred from one division to another, shall be accompanied by their character and promotion rolls. (S. O. 376, 23-3-72.)

(3) As regards rations: On the day of transfer, convicts shall receive their rations at the station to which they are transferred. On the day of a rationed convict's admission to hospital, he shall receive rations from his station. For the day of his discharge he shall be supplied by the hospital.

106. All transfers ordered to take effect from the 1st day of any month shall, if issued prior to the last day of the preceding month, be noted in the morning reports of the last day of that month; so that the balance of convicts of each class shown in the column "Remaining" of the morning report of the 1st of the month, may correspond with the number for whom pay or rations are drawn. No Settlement orders for transfers during the last five days of each month shall be issued. (S. O. 815, 28-2-76.)

NOTE.—See also Section 138 (g) for transfers of departmental permanent establishments.

Transfers to the Nicobars.

107. Transfers to the Nicobars shall only be sanctioned by the Superintendent. Transfers to Nicobars.

Convicts before being sent to the Nicobars shall be passed by a Medical Officer as physically fit for transfer to that Settlement.

No term convict shall ordinarily be transferred from Port Blair to Camorta who is within three years of his release. (S. O. 185, 20-6-84.)

Life convicts shall not be sent there save under special and exceptional circumstances. (S. O. 35-1017, 8-3-84.)

All accounts in respect to pecuniary and other allowances of convicts under transfer to the Nicobars shall be settled before their departure for that Settlement. (S. O. 660, 18-11-72.)

Tools for works.

108. To every station one expense tool store-house is attached. Tools godown.

These store-houses shall as far as possible be under the view and protection of any neighbouring military, or police, or convict police guard.

An intelligent convict shall be selected and placed in charge of each such station tool-godown. He shall issue tools to the gangs requiring them every morning, noting the name of the petty officer in charge of the gang, and the number and description of tools issued, and he shall again receive them into store in the evening after work.

109. The petty officers in charge of gangs shall be held responsible that the tools in use with their gangs are duly returned into store every evening. Tools in use.

110. At stations where there are jemadars or Assistant Overseers, the key of the station tool-godowns shall be kept by them after the godowns are locked for the night; at other stations by the senior petty officer. Godown keys.

111. When any new tools or stores are required to replenish station stocks, the Divisional Officer shall indent for the same on the district godown, specifying the cause of such requirements, the quantity last indented for, and the quantity, if any, remaining in hand. (See Section 157.) New tools.

NOTE.—It shall be seen that all tools received from the district godown are marked prior to issue with the Government broad arrow. Such marking is done in the district godown.

Old tools.

112. All tools worn out and unfit for further use shall be returned to the district workshops. They shall not be sold or made over to private individuals. (S. O. 389, 12-9-82.)

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CHAPTER IV.—EUROPEAN AND LICENSED PRISONERS.

113. Under Act V of 1871, Section 21, the barracks and other places used for the confinement of prisoners at Port Blair, Port Mouat, and the Nicobars, have been declared prisons for the confinement of persons sentenced to penal servitude. (G. I. N. 858, 29-5-71.)

Prisons for
penal servitude
and transferred.

Christian prisoners, being Europeans or Eurasians, sentenced to penal servitude for long terms in Indian jails, who by continued good conduct during their imprisonment in India obtain licenses from the Government of India, are eligible for employment in these Settlements.

114. All such prisoners from date of arrival shall be placed under the rules which have been prescribed for the management of transported convicts, and thus become liable to punishment under these rules for breaches of the disciplinary regulations thereof, having regard to the conditions of their licenses. (H. D. 196, 19-3-83, & S. O. 117, 15-7-83.)

Status of
European con-
victs.

115. A European licensed prisoner on arrival shall be placed upon a subsistence allowance of Rs 30 per mensem, with which to provide himself with rations and clothing. His pay shall be gradually raised according to his capacity and conduct, but is never to exceed Rs 50. Licensed term prisoners in receipt of more than Rs 30 per mensem shall place the balance in excess of that sum in the Savings Bank till their release, when whatever savings they may have accumulated shall be handed over to them.

Subsistence
allowance.

116. When admitted into hospital they shall be dieted by the Medical Department, the cost of such diet being deducted from their monthly allowance. (S. O. 695, 27-7-71.) Their allowance while in hospital shall not exceed Rs 30 a month in all, and they shall only receive the difference between that sum and the cost of their hospital diet.

Hospital stop-
pages.

117. They shall be granted the indulgence of separate quarters when available, and shall also be allowed a convict servant free of charge.

Indulgences,
clothing, &c.

They shall each be furnished with a cot and bedding, including two blankets and a mattress (S. 23-3-83), and also with cooking utensils (to be returned on departure). All other articles, including clothing (which must be of a plain character), must be paid for out of their allowance.

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Chapter IV.—European and Licensed Prisoners.

Church parade.

118. It is incumbent on all such Christian prisoners as are Protestants to attend Divine Service on Sundays.

Revocation of license.

119. Should any European convict holding a "ticket of leave" be transferred to the Settlements, the same may in case of misconduct be (recommended to be) revoked by the Superintendent. (R. G. G. XII. 16.)

This ticket of leave is identical with the "license" alluded to in Section 23, Act V of 1871, and it is not within the competence of the Superintendent to revoke a license which has been granted under that section. (H. D. 190, 19-4-83.)

In the case of European convicts sent to the Andamans on license under the orders of the 23rd October 1869, their license shall on fresh conviction be at once cancelled, and they shall be sent back to work out the remainder of their sentences in the jail in India from which they were transferred, both the remainder of the original term and the new sentence. (H. D. 337, 18-12-75.)

Conditional pardons and remissions.

120. Licensed prisoners shall be eligible with others to obtain conditional pardons and remission of sentences under Section 401, Act X of 1882, subject to conditions to be accepted by the convict concerned, and such remissions of sentence shall be granted locally by the Chief Commissioner of the Andamans and Nicobars, subject in each case to prior reference to and sanction by the Government of India. (H. D. 745, 18-12-84.)

NOTE.—The terms of conditions are given in the chapter devoted to Conditionally-released Prisoners. (See Section 415, Chapter XXIII.)

Local convictions.

121. Free Europeans sentenced locally to terms exceeding three months shall be sent by the first opportunity either to Rangoon or Calcutta.

Each such case shall, however, under Act V of 1871, be separately referred for the orders of Government.

In the case of sentences passed on free Europeans of less than three months, the sentences shall be carried out in the Settlements. (H. D. 337, 18-12-75.)

Chapter V.—Labour.

Ss. 122-123.

CHAPTER V.—LABOUR.

122. The Governor-General in Council may from time to time prescribe rules as to the employment of prisoners in transportation, and the manner in which the proceeds (if any) of their employment shall be disposed of. (Section 34, Act V, 1871.)

The nature of the labour to be performed in the Penal Settlements of Port Blair and the Nicobars shall be regulated by the Superintendent. (R. G. G. V.)

NOTE.—The following abstract gives the actual labour at disposal of the Superintendent on the 1st January 1886:—

	Males.	Females.	Total.
Labouring Convicts	7,897	404	=8,301
The number of prisoners who had obtained tickets to support themselves was—			
Self-supporters	2,658	775	=3,433
Total convict population	10,555	1,179	=11,734

As regards castes, no less than 8,270 were Hindus, to 2,943 Mahomedans and 421 of other castes.

The distribution and location of the convicts on the 1st January was—

Port Blair	{ Northern District	4,668
	{ Southern "	6,697
	{ Nicobars	287

Hours of Work.

123. The hours of work are regulated by the Superintendent; they shall ordinarily consist of 9 hours daily, including the time of going to and returning from work (as far as practicable).

The orders which have been passed by him on this subject are as follows (see also Sections 88 to 93):—

The hours of labour shall be from 6 to 10 A.M. and from 1 to 6 P.M. (during the hot months 2 to 6 P.M.). The convicts shall turn out at 5 A.M. and be mustered; the Overseer shall (before 6 A.M.) allot the tasks of the several gangs according to the orders he has received, acquainting the respective petty officers with the same. At 10 the convicts shall return to barracks to cook and take their meal, and at 1 P.M. they shall again proceed to work, leaving off at 6 P.M.

When convicts are employed at a distance from their barracks, the hours shall be from 8 A.M. to 5 P.M., the men being allowed half an hour's rest in the middle of the day, during which conjee shall be served out to them. (S. O. 116, 16-5-81.)

Convalescents and invalids.

124. Convicts in the convalescent or invalid gangs shall be worked for 7 hours only per diem. District Officers can fix these hours, provided a rest is given in the middle of the day and the total of 7 hours' light labour is not exceeded. (S. O. 650, 21-12-81.)

These convicts shall not be employed during these hours, however, on other than light labour.

Labour in Hospitals.

Labour in hospitals.

125. Convicts who are fit for labour of a particular kind while patients in hospital shall be so employed, according to their strength, under the orders of the Medical Officer, until discharged from hospital. (S. O. 966, 21-2-73.)

Light Labour.

Medical recommendations.

126. The recommendations by Medical Officers of convicts for light labour shall always be accepted and carried out without question. (S. O. 63-1, 15-4-73.)

Description of light labour.

127. Convicts recommended by Medical Officers on discharge from hospital for light labour shall be employed on the following descriptions of work only: Sweeping, basket-making, tattie-work, splitting bamboos, cutting grass, making thatching leaves, weeding, cleaning and picking cotton (S. O. 966, 21-2-73), or in wheat-grinding, stone-breaking, &c., under cover. (S. O. 792, 8-2-82.)

Certificates of exemption.

128. Certificates of exemption from full labour shall only be granted by Medical Officers, and be addressed to officers in charge of divisions, in English.

Certificates in the following form shall be granted by Medical Officers in the cases of all convicts who may be fit for ordinary labour to a limited extent only:—

"Convict No. is to be employed on $\frac{1}{2}$, $\frac{1}{3}$, or $\frac{1}{4}$ (as the case may be) ordinary labour for days."

These certificates shall not be for longer periods than seven days at a time, and can only be extended by the Medical Officer. (S. O. 966, 21-2-73.)

Chain-gang certificates.

129. When convicts undergoing sentences in the local chain gangs, or in Viper Jail, are considered unfit for hard labour, certificates in the following form shall be granted by the Medical Officer and sent to the Divisional Officer concerned:—

Certified that convict No. is unfit to perform hard labour. He is therefore recommended for $\frac{1}{2}$, $\frac{1}{3}$, or light (as the case may be) labour for days from this date.

STATION:

The

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Officer in Medical charge.

Such certificates shall not be for longer periods than seven days at a time, and shall only be extended by a Medical Officer.

An account of the number of days so passed by each chain-gang convict on light labour shall be kept by his Divisional Officer, and added to the original chain-gang sentence; the Medical Officer's certificates being attached to the monthly returns of releases from punishment gangs, as vouchers for the enhancement of a sentence. (S. O. 25-1277, 29-12-75.)

In cases where chain-gang convicts in hospital are certified by the senior Medical Officer after examination to be permanently unfit for further hard labour, the Settlement Officer in charge of such convicts shall submit a special report of each case for the orders of the Superintendent. (S. O. 403, 31-8-83.)

For chain-gang labour see also Section 186.

Convalescent-gang Labour.

130. To each convict hospital in the Settlement shall be attached a convalescent gang composed of men discharged from hospital who are considered by the medical authorities to be unfit for ordinary labour. Convalescent-gang convicts shall be under the observation of the medical authorities, who shall arrange for their daily inspection, and the recommendations by the medical subordinates, to whom the duty of daily inspecting the convalescent gangs is entrusted with regard to labour, whether light or in-door, shall be accepted. (See Sections 86, 124, and 274.)

[The labour of this gang is of 7 in lieu of 9 hours daily.]

Convalescent-gang convicts shall be worked wholly under the orders of the Settlement authorities, and be employed only on light labour as defined above in Section 127. (S. O. 792, 8-2-82.)

Invalid-gang Labour.

131. There shall be an invalid gang at Viper or elsewhere for convicts of the Port Blair Settlement who are declared by medical opinion to be unfit for ordinary labour, or who are unlikely to be fit for ordinary labour for a long time. (S. O. 537, 20-9-84.)

There shall be also an invalid gang at Haddo, or at such other place as the Superintendent may appoint, for convicts of the Southern District. (S. O. 620, 23-10-84.)

Their labour shall be regulated by the Settlement Officers in the same manner as that of convalescent gangs. (See Section 124.)

Convalescent Lunatic Labour.

132. In the convalescent ward at Haddo for harmless lunatics, the inmates shall be worked under the supervision of the medical officers. (S. O. 12, 1-4-74. See Sections 86 and 277-8.)

The men of this gang shall be employed as far as possible out of doors, under petty officers of good temper selected for the control of this gang in quarters and at work.

Hire of Labour.

133. The grant or employment of convict labour for private purposes, except on payment to Government at the authorized rates, is prohibited.

134. All requisitions for hired labour for private purposes shall be made in writing in the form prescribed and forwarded to the Overseer of the station where the labour is required.

Note.—On the Northern Division all requisitions shall be sent to the Overseer at Chatham.

Applicants for convict labour (and for carts, &c.) on daily hire for private purposes are requested to use printed forms which are obtainable at any district or divisional office.

Convict labour, carts, &c., can ordinarily be granted between the hours of 6 and 11 A.M. and 2 and 6 P.M. Should labour be required at other hours, previous notice of one day should be given. On the Northern District, however, labour requisitions should always be sent to the Overseer at Chatham the day before the labour is required.

135. A working day for purposes of daily hire consists of eight hours, and half day of four hours. The number of hours to be charged is calculated from the time at which the hired labour is given from the station till the return of the convicts employed to their station after completion of the work.

The rates fixed are as follows:—

		Per day.	Half day.	Each hour.
		R a. p.	R a. p.	R a. p.
Jampanees and ordinary coolies	each man	0 4 0	0 2 0	0 0 6
Bullock carts	each cart	2 0 0	1 0 0	0 4 0
Pack bullock		0 12 0	0 6 0	0 3 0
Elephants		5 0 0	3 0 0	no less charge.
Blacksmith for	on 4 feet	1 8 0	...	...
ponies shod	on 2 feet	0 12 0	...	...

All labour supplied after 6 P.M. will be charged at double rates. (S. O. 5-164, 15-5-73.)

Lunatic convalescent labour.

Hire of labour.

Labour for private use.

Rates of charge.

Labour free of charge.

136. Water-carriage for bunniahs' stores is provided free of charge to the different stations, but all land transport must be furnished by bunniahs themselves. Divisional Officers shall, however, grant on payment such assistance as may be needed by bunniahs for the land transport of their stores. (S. O. 13-507, 22-7-73.)

137. Members of the Port Blair Police Force, when transferred from one station to another on the public service, shall be allowed to take with them baggage free of charge according to the following scale:—

Chief Constable	150 seers or 5 coolie-loads.
Sergeant	60 " 2 "
Constable	30 " 1 "

Any baggage in excess of the above scale shall be charged for. (S. O. 110, 10-5-81.)

Departmental Labour.

138. Convict labour employed by the several departments noted below shall be charged to those departments by invoice:—

Military. Public works.
H. M. Indian Marine.

- The demand of each of these departments in regard to the convict fixed establishment required by them in each district shall be fixed from time to time in Settlement orders by the Superintendent, and shall not be varied without reference to him.
- These fixed establishments shall be charged for monthly in the invoices in accordance with the establishment authorized in each district.
- All departments frequently requiring convict labour, &c., for public purposes, in addition to fixed establishment, shall indent for the same daily in monthly Form A in duplicate.
- All departments requiring occasional convict labour, carts, &c., for public purposes, shall indent for the same in duplicate in Form B.
- All requisitions for convict labour for public purposes shall be forwarded at the end of each month by Settlement Officers to the District Officers for compilation of the necessary invoices and returns.

(f) All invoices when signed by Settlement Officers and duly supported by the necessary vouchers shall be accepted by departmental officers and disposed of as directed in paragraph 21, Chapter 5, Civil Account Code.

(g) All transfers from one district to another of convicts employed on the permanent establishments of departments shall be made to take effect from the 1st of the month succeeding the date on which the application for such transfers are made. If moved from one district to another during the month, they shall be shown in the returns as "at and from other districts," and the value of their labour shall be included in the invoice of the district to which they belong. (S.O. 71, 12-4-84.)

NOTE.—The latest references on the subject of fixed establishments are the following Settlement orders—

251, dated 15th May 1881.
195, " 20th May 1884.
377, " 20th July 1884.
535, " 12th September 1884.
579, " 3rd October 1884.
598, " 14th October 1884.

625, dated 24th October 1883.
617, " 30th October 1885.
392, " 26th August 1885.
657, " 4th December 1885.
694, " 14th December 1885.

Hospital establishments—

S. O. 26, dated 11th April 1882.
" 79, " 5th May 1882.

833, dated 6th January 1885.
424, " 3rd September 1885.

Departmental applications.

139. Departmental Officers requiring the services of convicts shall apply to the Settlement Officers concerned, stating the number required, and the purpose for which they are required, but not nominating individual convicts, as their selection rests with the Settlement Officers. (S. O. 270, 23-6-84.)

NOTE.—This order does not affect the selection of employes in the Medical Department, such as ward coolies and pupil compounders. (Cir. 8 L., 17-6-84.)

Removal from departments.

140. Whenever convicts permanently employed in petty posts in departments are removed therefrom on disciplinary or other grounds, it shall be incumbent on the officer directing such removal to give due notice thereof to the department concerned. (S. O. 42, 84.)

Transfers.

141. Officers and subordinates on transfer on the public service are allowed all labour free of charge.

Diversion of labour granted.

142. convict labour supplied to departments shall only be made use of for the purposes for which the men are supplied. The labour is

not permitted under any circumstances to be diverted to other purposes or private use.

Servants.

143. Male convicts of good local character of the 2nd class, grade A, or 1st class, and female convicts of the 1st class, grade A (not being prisoners transported for robbery or dacoity and other serious offences against property), are eligible under the classification rules to be granted as servants to free residents. (S. O. 829, 22-2-82.)

NOTE.—(1) Conditionally-released convicts or ex-convicts or their families are not allowed to obtain this privilege of servants from grade A or 1st class prisoners, unless the latter are self-supporters. (S. O. 27-3-12, 9-12-78; and 54-10-10, 6-3-84.)

(2) As to eligibility of female convicts for service, see Section 43.

144. Convicts of the 3rd class are ineligible for employment as servants on daily hire. Convicts of the 1st and 2nd classes may be granted as servants on daily hire for a period of seven days at a time, but a period of at least 14 days must elapse from the date of discharge by an employer before the same convict is again allowed out on daily hire. (S. O. 31-378, 3-7-77.)

145. Convict servants when remanded to labour shall revert to the class for which they are eligible under the classification rules, except when remanded under punishment by proper authority. (S. O. 60, 24-9-71.)

Servants free of charge.

146. Station Overseers and Sub-Overseers are allowed a convict servant each, free of charge. Their clothes may be washed by the station dhobies, and station bheesties and sweepers shall be required to supply them with water and keep their quarters clean. They are, however, absolutely prohibited from employing convicts for private or personal purposes, though they may hire additional servants on the usual terms should they wish to do so. (S. O. 348, 14-8-72.)

147. The following officers, subordinates, and others in the Settlement have been also granted the privilege of a convict servant free of charge:—

(1) Divisional Officers—as syce for their ponies kept for Government duty (S. 69, 20-5-79); also the Manager, Government Tea Garden. (S. 760, 9-9-85.)

(2) Police Inspectors,
" Sub-Inspectors, } (P. M. 295.)
" Chief Constables, }

Who are also allowed a syce for a pony, free of charge, if they keep one.

- (3) Schoolmasters appointed in 1877. (S. 79-91, 11-4-77.)
 (4) All licensed prisoners. (H. B. 63.)

148. On the transfer of an officer to or from the Nicobars he is allowed a free passage for the following servants:—

- 2 Servants.
 1 Personal orderly. (S. O. 18-391 12-8-80.)

Artificer Corps Labour.

149. For the construction of public works and for the best utilisation of skilled labour, the formation of an Artificer Corps has been sanctioned from 1st, 2nd, and 3rd class convicts in the proportion determined on by the Superintendent. (R. XVIII. 1874.)

All convicts attached to the Artificer Corps are subject to the same rules according to their class as have been prescribed for ordinary convicts. (R. XVII.)

150. The Artificer Corps shall be at the disposal of the Superintendent, and the members thereof shall be employed under the different local officers as the Superintendent may from time to time direct. (R. 17 N. 4-12-74.)

NOTE.—The Superintendent has placed the Artificer Corps upon the Northern and Southern Districts under the immediate control of the respective District Officers of those districts.

151. A Supervisor of Works has been appointed to each district and placed at the disposal of the District Officer for supervision of works undertaken by the Artificer Corps, and he shall at all times perform such duties as may be assigned to him by the District Officer.

152. Convicts attached to the Artificer Corps, belonging to the 1st or 2nd class, may receive gratuities for excellence of work to such amounts and within such limitation as to numbers as may be sanctioned by the Superintendent. (R. XX, 1874.)

The monthly gratuities sanctioned for men of the Artificer Corps by the Superintendent are as follows (S. 61, 27-5-84.):—

	R	a.
3rd grade artificers	0	8
2nd " "	1	0
1st " "	2	0

These gratuities are payable or may be withheld at the discretion of District Officers in each case, and are exclusive of the "regular allowances" of convicts of the 1st and 2nd class.

In the case of petty officers, they are also exclusive of the special consolidated allowances the latter receive for acting in that capacity.

No 3rd class convict is eligible to receive any gratuity, and when members of the Artificer Corps are reduced as a punishment to the 3rd class, the award is in such cases to carry with it the forfeiture of the gratuity which the convict may be receiving as an artificer. (S. O. 133-3, 1-5-77.)

153. When a convict of the Artificer Corps commits an offence which causes his reduction to the chain gang, he shall be removed from the Artificer Corps, in order that he may be employed in hard gang labour until he becomes eligible for re-admission into the corps. (S. O. 1437-31, 5-3-75.)

154. The promotion to the different classes of artificers shall depend on a man's skill and industry, and the proportion of the grades, but no man shall receive a gratuity unless he has acquired effective skill as an artificer. The number of artificers in each grade shall be fixed from time to time by the Superintendent.

155. The best petty officer artificers shall be selected as working "Tindal maistries."

They shall be charged with the instruction of such promising cooly convicts as have been newly drafted into the Artificer Corps. These petty officers shall perform all their duties in connection with jail discipline in addition to their artificer work.

156. Every artificer or group of artificers shall be furnished with a box or case in which to keep his or their tools; the whole under the charge of the artificer Foreman, whose duty it shall be to see locked up every evening the tools of all such artificers as may be present at the workshops.

District Tool and Store Supply.

157. Tools and stores prior to issue are kept in district godowns which are replenished from time to time by purchases from the contractors for the supply of these articles.

Supervisors of local works or Overseers shall have immediate charge of these godowns, and be held responsible for their contents.

Inspections.

158. The District Officer or one of his assistants specially deputed by him shall examine the district tool and store godown on the 10th April and 10th September in each year, the result of the examination being communicated to the Superintendent in the prescribed form which shall be prepared by the Supervisor or Overseer in charge in anticipation of the examination, and be certified by him to be correct.

The officer deputed on this duty shall count or weigh or otherwise examine all tools and stores in the district godown, and satisfy himself that the entries in the form are correct; he shall also select a month at haphazard, and examine and compare the vouchers for that month with the entries in the stock ledger.

The certificate to be furnished by the inspecting officer shall be in the following terms:—

"Certified that I have counted and weighed all tools and stores in the district godown, and satisfied myself that the entries in the form are correct. I have also compared the entries in the stock ledger for the month of _____ with the vouchers and found them to agree."

All indents and invoices shall be recorded and retained at district godowns as vouchers for receipts and issues of tools and stores. (S. O. 97, 9-5-82.)

Private sales.

159. All articles issued on payment to private individuals and self-supporters shall be issued unmarked; those for the public service shall be marked in the godowns with a broad arrow prior to issue. (S. O. 389, 12-9-82.)

Sales to private individuals are permitted with the sanction in each case of District Officers. (S. O. 126, 4-2-84.)

Holidays.

Holidays.

160. The following are the holidays (or rests from labour) specially authorized by the Government of India, but on these occasions no processions or assemblies of convicts shall be permitted. (R. XIV.)

(1) A General Holiday on Her Majesty's Birthday, and on Christmas Day.

(2) To the Christian Prisoners.

(4) To the Mahomedans.

Christmas Day 1 day.	Bukra Ede 1 day.
New Year's Day 1 "	Mohurram 1 "
Good Friday 1 "	Ed-ul-Fitr 1 "

(3) To the Hindus.

(5) To the Burmans.

Dushora 1 day.	Full Moon of Watso 1 day.
Dewalee 1 "	" of Thadehk Yook 1 "
Hollee 1 "	(being the 1st and last day of Buddhist Lent).

No prisoners of the punishment chain-gangs are allowed to participate in these indulgences.

Tasks.

161. The following are the tasks of labour prescribed throughout the Settlement as those to be exacted from convicts. (S. O. 202, 27-6-82.)

Daily.

DESCRIPTION OF WORK.	Quantity.	No. of men.
Bamboo chicks	100 sup. ft.	8
" mats	8 "	1
" rattles	100 "	1
Baskets, earth	8 in No.	1
Brick-making	1,200 "	1
Coir rope	1 coil.	10
" mats	3 sup. ft.	1
" husk-pounding (dry fibre)	3 lb.	1
" yarn-spinning	2 "	3
Dry-earth pounding	10 cub. ft.	1
Earthwork excavating	60-150 "	1
" embankment, " 50 yards run "	180 "	3
Firewood cutting	1 cord.	5
" splitting	1 "	5
Masonry, plain, 1st and 2nd class	30 & 20 cub. ft.	1
Net-making mesh 1"	25 sup. ft.	2
" 1 1/2"	12 "	2
Pottery, gumlahs	60 in No.	1
" gurrahs	10 "	8
Cane chair (in 2 days)	1 "	1
Cane morah (3 days)	1 "	1
Sawyers, pit, 1st, 2nd, 3rd class	100, 80, 60 sup. ft.	2
Soo-kee	12 to 16 cub. ft.	3
Stone-breaking, according to stone	10, 12, 16 "	1
Tailoring (sewing coats)	3 "	1
Tile-making, flat	500 in No.	1
" " half-round	500 "	1
" " ridge	140 "	1
Weaving dosuti, 26" wide	3 yards.	1
" blankets	18 sup. ft.	1
Wheat-grinding (chain gang)	20 seers.	1
" " ordinary labouring convicts	20 "	1
" " convalescent gang	10 to 15 "	1
" " women	80 "	1
Wool-teasing	2 lb.	1
Wool-spinning	1 "	1

FEMALE JAIL TASKS.

	NEW LOOMS.	Fly-Shuttle Looms.
Cloth-weaving	{ 24" in width 5 yards.	7
	{ 30" " " 4 "	6
	{ 40" " " 3 "	5
Spool-winding	6 lb. cotton.	
Net-making	{ 25 square feet of 1" mesh.	
	{ 12 " " " 1 1/2" "	

CHAPTER VI.—OFFENCES.

162. By the rules promulgated under Section 34 of Act V of 1871^{Convict offence.} by the Governor General in Council (1874), the following have been declared to constitute "Convict offences" when committed by convicts at the Penal Settlements of Port Blair and the Nicobars (R. G. G. VI.):—

- (1) Anything that is an offence under the Indian Penal Code and not punishable with death.

NOTE.—(a) For offences punishable with death, life and term convicts are sent for judicial trial to the local Criminal Courts.

(b) Term convicts being liable to judicial trial for offences punishable under the Indian Penal Code committed by them during the currency of their sentences, it is optional with the officers entrusted with disciplinary powers over convicts to try or send for trial judicially any term-convict who commits an offence punishable under the Indian Penal Code, and which is not punishable by death, or to dispose of the case as a "convict offence" under the provisions of clause 1 of the above rules. (H. D. 584, 27-11-82.)

- (2) Mutinous or insubordinate conduct, or exciting to the same.
- (3) Disrespectful conduct towards any officer or subordinate officer of the Settlements.
- (4) Damaging Government property.
- (5) Interrupting order and discipline.
- (6) Disobedience to the order of any officer or subordinate officer.
- (7) Failing to observe any bye-laws laid down by the Superintendent.
- (8) Idleness or negligence in work.
- (9) Riotous or noisy behaviour.
- (10) Passing beyond the limits to which convicts are restricted.
- (11) Introducing into barracks or being possessed of articles forbidden for convicts' use.
- (12) Parting with food or any other articles supplied by Government for convicts' use.
- (13) Committing nuisance.

163. Every conviction of a "convict offence" shall be entered (cf. 171) against the offender, and shall be considered when, under the classification rules, a convict becomes eligible to indulgence of any kind. (R. G. G. X.)^{Consequences of conviction.}

Abetment by
free persons.

164. Under the provisions of Section 32, Regulation III of 1876 (clause *b*), any person who abets, within the meaning of the Indian Penal Code, the commission by a convict of any breach of a rule made or of any disobedience to an order issued by proper authority, shall be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding ₹1,000, or with both. (*Vide* also A. & N. G. 7, 5-8-82.)

Acts prohibited.

165. The following acts have been specially prohibited to convicts :—

- (1) The introduction into the Settlements of Port Blair and the Nicobars, and the manufacture, barter, sale, or possession of any of the articles mentioned in Section 31, Regulation III of 1876. (A. & N. G. N, 13-12-78.)

These articles are—

- (a) Beer, wine, or other spirituous or fermented liquor.
- (b) Opium, ganja, or other hurtful or intoxicating drug.
- (c) Arms or weapons of any description.
- (d) Dangerous cutting instruments, or cutting instruments the possession of which the Chief Commissioner, or any officer authorized by him in this behalf, may declare to be dangerous to the public safety.

NOTE.—The following notification has been issued on this subject: The Chief Commissioner hereby declares bayonets, swords, daggers, spears, spear-heads, and tuiwars to be instruments the possession of which in the Settlements of Port Blair and the Nicobars, except by the servants of Government who are authorized to carry them, is dangerous to the public safety, and their introduction into the said Settlement is accordingly prohibited. (A. & N. G. 13-12-78 & 12-8-82.)

- (e) Gunpowder or other explosive or highly inflammable substances.

- (2) By Settlement Order No. 287, dated 22nd July 1882, any or all of the following acts :—

- (a) The misappropriation, gift, sale, or improper disposal, in any manner whatsoever, of any articles of food, clothing, equipment, bedding, tools or stores, the property of Government, whether acquired or received by them for their personal use or entrusted to their care, custody, or control.
- (b) The acquirement by barter or purchase, or the reception in whatever manner, of any goods or other articles from troops of the garrison (European or Native), from members of the police force, or from camp followers.
- (c) The leaving anchored, or moored, or with a less crew than two men, at any pier or jetty where there is no police guard stationed, or at any other point within the harbour or on the coasts, of any boat unprotected by an escort.

- (d) The writing of petitions or applications of any description for parties to suits in the Civil Courts, and the reception of money for advising them in respect of cases.
- (e) The entering into, frequenting, or being employed as salesmen in any shop licensed to sell beer, wine, or other spirituous or fermented liquor by dram or glass, or in any shop licensed to sell opium, ganja, or other hurtful or intoxicating drug. (As added by S. O. 350, 15-8-81.)

- (3) The joining or taking part in any procession. (S. O. 230, 6-7-82.)

NOTE.—As to marriage processions in villages, however, an exception is made. (See Section 332, Note (d); & S. O. 2026, 25-3-84.)

- (4) The mortgaging of their cattle, houses, or crops.

Self-supporters are forbidden to mortgage their cattle, houses, or crops to private individuals or to self-supporting convicts, and the local Civil Courts shall not attach in execution of decrees any such property, whether so mortgaged or not. (S. O. 224, 23-11-83; & 245, 1-7-85.)

- (5) The following the trade of goldsmith or hawker.

Ticket-holders shall not be allowed to support themselves as goldsmiths and hawkers, and the possession of implements used in the goldsmith's trade is forbidden.

Possession of such implements by any convict shall be held to be evidence of the employment of such convict as a goldsmith.

In cases where convicts may be convicted of plying the trade of goldsmith, rewards not exceeding one half of the amount realised by the sale proceeds of such convicts' property if it be confiscated by District Officers may be awarded by them to the informers. (S. O. 46-813, 2-12-77.)

- (6) The employment of labouring convicts, or allowing them to visit their houses.

Self-supporters shall not employ labouring convicts or permit labouring convicts to visit their houses on any pretence whatever.

Self-supporters who may be convicted of the unauthorized employment of labouring convicts or allowing them to visit their houses, shall be liable to be deprived of their tickets and remanded to labour. (S. O. 45-818, 2-11-77.)

NOTE.—The term "labouring convicts" in this clause includes all convicts other than self-supporters and servants.

- (7) The putting gold and silver ornaments on their children unless when accompanying them.

Convict parents and guardians are prohibited from putting gold and silver ornaments on their children except when accompanied by their parent or guardian. Breaches of this order shall entail confiscation of such ornaments, and, in addition, be liable to subject the parents concerned to punishment. (S. O. 12-1008, 26-11-74.)

- (8) The institution or prosecution of suits in the Civil Courts by self-supporters in any case in which it is *prima facie* apparent that the claim is based upon an unregistered document which should have been registered in accordance with clause 19 of this section. (S. O. 607, 14-12-82.)
 - (9) The re-endorsement by self-supporters of their tickets to follow other vocations within one year of the date of the last endorsement without special cause, or the following other vocations than those prescribed upon the conditions of their tickets. (Cir. L. 87, 26-5-75; & 542, 17-1-83.)
 - (10) The preferring of any appeal from decrees in civil cases where both parties are convicts, and where the amount sought to be recovered in the original suit did not exceed Rs 50 in value. (S. O. 586, 15-11-83.)
 - (11) The acquiring of land by self-supporters otherwise than from Government, or the sub-letting or otherwise alienating it.
- NOTE.—See as to sub-letting of houses, Note 2, Section 441.
- (12) The possession of any articles of Government clothing by self-supporters, except in the event of its having been marked with the letters S. S. and being clothing that was in their possession as labouring convicts at the time of their obtaining a ticket. Self-supporters are prohibited also from parting with such clothing to others. (S. O. 149, 12-5-84.)

NOTE.—See Section 234.

- (13) The leaving their districts or stations without passes by self-supporters, or sleeping away from their stations or villages. (See Chapter XIV, Sections 290-298.)
- (14) The possession or manufacture of knives other than razor-shaped in pattern (with a square head and thick back) and not exceeding an ordinary razor in length.

NOTE.—(1) This prohibition is not applicable to self-supporters.

(2) Butchers' and tradesmen's tools for the exercise of their vocation are not included in this prohibition.)

- (15) The relinquishment or surrendering of land granted to them free of rent. Occupants under the above terms shall not be permitted, under any circumstances, to abandon such land during such time as they may hold it

- rent free, and should they do so, their tickets shall be liable to be finally cancelled with a view to their remand to labour. (S. O. 810, 7-3-83.)
- (16) The felling of any trees or taking the produce thereof, or any forest produce in the South Andaman, without license. (S. O. 461, 22-10-83.)
 - (17) The export of any padouk timber. (R. C. 16-7-85.)
 - (18) All convicts other than licensed prisoners and self-supporters are directed to abstain from the following acts:—
 - (a) The acceptance or receipt of any pecuniary reward, gratification, remuneration, payment, or salary whatsoever from any person, without prior sanction (first obtained) of a District Officer.
 - (b) The entering upon or holding any monetary dealings or transactions or engagements with each other, or with free persons, other than cash purchases of necessary articles from local shops or Government bunniahs. (S. O. 287, 22-2-82.)
 - (19) Licensed prisoners and self-supporters are also directed to abstain from the following prohibited act:—

The entering upon or holding any monetary transactions with each other, or with free persons, unless the same shall have been reduced to writing and registered.

☞ This prohibition shall not apply or extend to cash purchases, or to mere shop account debits and credits in respect to the same. (S. O. 287, 22-2-82.)

CHAPTER VII.—PUNISHMENTS.

166. Any convict of either sex guilty of a "convict offence" is Punishments, liable to all or any of the following punishments :—

- (1) the withdrawal of any indulgence ;
- (2) transfer to a punishment gang or ward with extra hard labour, and low diet for such term as may be ordered ;
- (3) solitary confinement not exceeding two months ; and (*in the case of male convicts only*) to
- (4) corporal punishment not exceeding 30 stripes. (R. VII.)

(1) For full particulars as to powers of officers for punishments, see table on page 15.

(2) For definition of convict offences see Section 162.

167. In lieu of withdrawal of indulgence or of punishment an Reprimand and warning, order of "reprimand and warning" may be passed on conviction of a convict offence. (R. IX.)

168. The withdrawals of indulgences include—

- (1) Extra class probation (*i.e., the deferment for fixed periods of any advancement of class or grade*).
- (2) Reduction of classes or grades.
- (3) Fines and withdrawal of any pecuniary allowances.
- (4) Deprivation of any other privileges or indulgences.
- (5) Confiscation of their property. (S. O. 35-410, 31-7-79.)

169. The punishment gangs are subject to the following extra re- Extra punishments, strictions and punishments :—

MALE CHAIN GANG.

- (1) The strictest jail discipline.
- (2) Disentitled to all indulgences.
- (3) Employ in gangs by themselves extra-murally or in workshops at the jail.

REFRACTORY WARD.

- (4) Specially hard labour within enclosure wall of ward.
- (5) Solitary cells. (R. 10.)

FEMALE PUNISHMENT WARD.

- (1) Increase of task.
- (2) Hair cropped close.
- (3) Close confinement. (R. XII. 14.)

NOTE.—(1) At each station where there are chain gangs, the gang works apart from other convicts and under selected petty officers at hard and monotonous manual labour. (S. O. 4-74, 13-4-73.)

(2) When a male self-supporter is remanded to a chain gang, his wife is ordinarily sent temporarily to the female jail pending his resuming his ticket. This is, however, discretionary with District Officers. (S. O. 11-7-69.)

Powers of officers.

170. Powers for the infliction of punishment and withdrawal of indulgences have been granted by the Superintendent, under the authority for this purpose vested in him to the several officers of the Administration to the extent specified in the table on page 15.

The Superintendent has power to revoke or modify any order passed by any such officer, or to pass such fresh orders as he may deem fit. (R. G. G. 8.)

For appeals to Superintendent see Section 201.

Sequences of punishment.

171. Every punishment shall be entered against an offender and be considered when under the classification rules he becomes eligible for indulgences of any kind (*cf.* 163). It shall also be taken into consideration when the time comes to consider any recommendation on his behalf for release, whether conditional or absolute.

Departmental punishments.

172. In all cases in which the punishment inflicted involves the removal from their employ of convicts permanently employed in petty posts in departments, notice of such punishment shall be sent to the departmental officers concerned for information. (S. O. 42, 8-4-84.)

Corporal Punishments.

Corporal punishment certificates.

173. Corporal punishment shall not be inflicted except on a medical certificate (in the following prescribed form) to the effect that the prisoner is fit to undergo the same (S. O. 427, 6-9-83):—

CERTIFICATE.

I have examined the convict as per margin and certify that he is in a fit state of health to undergo the corporal punishment awarded to him.

Infliction.

174. Corporal punishments shall be inflicted on the breech with a light ratan not less than half an inch in diameter, precautions being taken to prevent the blows from falling on any other part of the person.

All corporal punishments shall be inflicted in the presence of a Settlement Officer or Overseer or European Sub-Overseer, and also of a Medical Officer or subordinate. In cases where the punishment is inflicted in the presence of an Overseer or European Sub-Overseer, he shall return the flogging certificate to the officer by whom the punishment was ordered, with an endorsement on the back that the punishment awarded has been inflicted. (S. O. 8-6-85.)

Sentence in lieu.

175. When a sentence of flogging cannot be carried out, either in part or whole, in consequence of a convict's being declared medically

unfit to undergo it, one month in the punishment chain-gang shall be awarded for each stripe not inflicted. (S. O. 16-5-50, 6-8-75.)

Record of Punishments.

176. A record shall be kept of the enquiry into every convict offence, and the reasons for withdrawing indulgence or inflicting punishment shall be noted. (R. G. G. VIII.)

All punishments inflicted by officers shall be reported as inflicted in the prescribed serial memorandum of punishments both in English and Urdu.

177. Officers shall record in their judgments, and in the punishment serials forwarded to the Superintendent's office, the clauses and sections of this Manual under which they may convict prisoners of "convict offences" charged against them (S. O. 18-144, 12-5-75), and in cases falling under the Indian Penal Code the section of the Code shall be cited both in the serial and the judgment. (S. O. 730, 21-1-82.)

178. Convict offences shall be entered in a register to be kept by each District and Divisional Officer which shall contain the following particulars:—

- (a) The serial number.
- (b) The date of the commission of the offence.
- (c) The date of the report or complaint.
- (d) The name of the complainant.
- (e) The number and station of the accused.
- (f) The offence complained of or proved.
- (g) The prisoner's plea.
- (h) List of witnesses heard for prosecution.
- (i) List of witnesses heard for defence.
- (j) The finding and, in the case of conviction, a judgment embodying the substance of the evidence on which the conviction was held, and specifying the section, and clause of section 162, of this Manual, and in cases under clause (1) the section of the Indian Penal Code, under which the prisoner is convicted.
- (k) The sentence.
- (l) The date on which the proceedings terminated.

Settlement Officers can record at length the evidence in convict offence cases when they may consider it necessary for the ends of justice so to do. All evidence given in such cases shall be upon oath or solemn affirmation. (S. O. 39-580, 30-8-77.)

Property.

179. At the close of every trial, District and Divisional Officers shall invariably pass orders regarding the disposal of any property brought before them. (S. O. 693, 5-1-82.)

Compensation to witnesses.

180. In all convict cases in which the plaintiff or defendant is a self-supporter, should it appear in the course of the hearing that free persons not in the service of Government or self-supporters have been unnecessarily summoned to give evidence on his behalf, the Settlement Officer after hearing the case may award reasonable compensation to such witnesses for each day on which they may have been so summoned to attend and give evidence.

Court-fee stamps.

181. Complaints by self-supporting convicts to Settlement Officers of the commission by convicts of offences other than those cognizable by the police, must bear a stamp of 8 annas. If the complaint for such offence is not made by written petition, the complainant shall pay a fee of 8 annas, unless the Settlement Officer thinks fit to remit the payment. If the accused is convicted, the Settlement Officer shall order him to repay the complainant the fee paid on such application or petition.

Joint trials.

182. In cases in which free persons and convicts are jointly charged with offences under the Indian Penal Code or any local or special law and which are not punishable with death, the proceedings in the case of convicts shall be recorded in the convict offence register, an entry in column j of the number and date of the criminal regular proceedings in which judgment was passed being substituted for a judgment embodying the evidence in the case.

Viper Island Jail.

Charge of Jail.

183. The jail on Viper Island is intended for the reception of locally-convicted prisoners and of such convicts of the punishment chain-gangs as from time to time may be sent there.

It shall be under the special charge of the Divisional Officer stationed there, whose duty it will be to visit it at least once a day, a special written report being made to the District Officer of any special circumstance worthy of notice.

The staff of petty officers for duty in this jail shall be specially selected.

Refractory ward.

184. A ward and cells shall be set apart for the reception of refractory convicts of the punishment chain-gang, who shall be tasked at works in a shed near their ward, and not allowed to leave their own enclosure. They shall keep perfect silence, and shall be under

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the constant supervision of petty officers, and shall be visited two or three times a day by the Jail Overseer. (See also Section 169.)

185. Prisoners of the punishment chain-gangs shall have their food cooked for them, and for prisoners obstinately refractory, solitary confinement with a special scale of penal diet shall be inflicted. Diet and penal diet.

Whenever restrictions of diet may be ordered as a punishment, notice in writing is to be given to the Medical Officer, Viper, by the officer in charge of the jail. The Medical Officer shall visit such prisoners daily, and he has authority to direct the discontinuance of the penal diet whenever he may observe or has reason to apprehend any injurious effects, recording in writing the reasons for any change he may make.

The imposition of penal diet shall in no case be continued for more than 96 consecutive hours, and shall not be repeated before the interval of a full week.

When penal diet is imposed, penal labour shall not be exacted, but some of the lighter forms of hard labour shall, at the discretion of the Officer in charge of the Jail, be enforced.

Prisoners on penal diet shall be given only two meals in the day, and their food shall consist of one pound of rice or wheaten flour, boiled as a porridge and seasoned with salt.

Solitary confinement without penal diet may also be awarded as a punishment, but no prisoner shall be confined for more than 14 days at a time, and such punishment shall not be repeated before the interval of a full week.

Incorrigibly idle prisoners on whom other punishments have been tried without any effect may be fastened with handcuffs to a staple in the wall of the workshed during the hours of work only. They shall be released at the hours of bathing, feeding, and latrine parades of the other prisoners.

The staple in the wall shall be high enough to prevent the prisoner sitting down, but shall not be higher than the prisoner's shoulder.

186. When convicts undergoing sentences in the chain gang in Viper Jail are considered unfit for hard labour, certificates in the prescribed form shall be granted by the Medical Officer of the Jail. (S. O. 25-12-77, 29-12-75. See Section 129). Labour exemptions.

Such certificates shall not be in force for longer periods than seven days at a time, and shall only be extended by a Medical Officer.

187. Monthly lists of jail and chain-gang prisoners whose sen- Monthly lists.

Ss. 188-192.

Chapter VII.—Punishments.

tences will expire during the ensuing month shall be forwarded to the Superintendent before the 25th of each month. (S. O. 14-475, 12-7-73.)

Savings Bank books.

188. Whilst a prisoner is under confinement in the Viper Jail, his Savings Bank pass book (if he possesses such) shall be retained by the Officer in charge of the Jail pending the prisoner's release therefrom, when it shall be delivered to him. (S. O. 382, 24-4-78.)

Irons.

189. The irons prescribed for all punishment chain-gangs are as follows :—

Bar irons consisting of a pair of bars $\frac{3}{4}$ " round iron, 17 inches long, connected at the upper ends by a ring of $\frac{3}{8}$ " iron. Ankle irons of $\frac{3}{8}$ " iron are to be attached to the lower ends. Weight 4 lb. (S. O. 17-639, 2-10-78.)

Jail Outbreak.

Jail outbreak.

190. A serious outbreak or mutiny in Viper Jail shall be indicated by the firing of 4 guns, 2 in quick succession, followed by 2 more at a short interval. The guns shall be fired at the requisition of the senior civil officer present on the island. (S. O. 557, 28-11-70; & S. 25-6-72.)

Notice of the same shall also forthwith be sent by semagram and special messenger to the District Officer and to the Superintendent direct.

See also "Alarms," Chapter XIX, Sections 363 to 368.

Rewards.

Rewards. Special service and good conduct.

191. Any convict who performs any signal service to Government may be granted by the Superintendent any indulgences beyond those for which by his class he is eligible. (R. G. G. XII. 17.)

NOTE.—In every such case the reasons shall be recorded by the Superintendent and an abstract entered in the register of letters and orders submitted by him monthly to Government.

The hope of eventual pardon is also held out as a reward to convicts who earn a claim to the same by a sustained course of good conduct in transportation, subject to certain restrictions and conditions. (Vide Chapters XXII & XXIII.)

Money rewards.

192. The following pecuniary rewards are those which have received special local sanction :—

	R	
(1) Recapture of escaped convicts	5	(H. B. 228.)
(2) To informers and others in Forest rule breaches.	100	(S. O. 46, 22-9-23.)
(3) To informers and others in Excise cases (Cl. C, Sec. 31, Reg. III.)	250	(S. O. 148, 12-5-84.)
(4) To informers and others in sale of Military equipments.	Amount not limited.	(S. O. 183, 19-5-84.)
(5) To chowkidars.		(S. O. 20, 7-4-82.)

Chapter VIII.—Appeals, Petitions, and Complaints.

Ss. 193-195.

CHAPTER VIII.—APPEALS, PETITIONS, AND COMPLAINTS.

193. Appeals are ordinarily of but two descriptions—

- (1) against original conviction in India;
 - (2) against local convictions and punishments;
- and these are separately dealt with.

Clauses of appeals.

Against Original Conviction.

194. Under the existing law, a convict has a right to appeal once. Against original conviction.

When a convict has not already preferred an appeal, the Superintendent shall forward the convict's appeal, and shall also procure for him a copy of the order appealed against (Sec. 548, Crim. Pro. Code), and also a copy of the proceedings in the case on the cost of the latter being paid.

As a rule, no convict is sent to the Andamans until the result of his appeal is known, or until the period within which an appeal can be submitted has elapsed, but in order to enable the Superintendent to know whether a convict has appealed or not, orders have been issued to provide that the descriptive roll of every convict sent to Port Blair shall show whether an appeal has been preferred or not.

Save as explained above, the Superintendent is not bound to forward appeals; and he will exercise his discretion in withholding appeals, or petitions for mercy, which he is not bound by law to forward.

The Superintendent shall forward petitions of appeal direct to the appellate authority and not to the Local Governments. (H. D. 12-502, 26-8-78.)

After once forwarding to any appellate authority a petition of appeal, the Superintendent shall not (unless, in his discretion, he sees fit) forward a further representation or petition. (H. D. 96, 14-4-79.)

195. Prisoners at Port Blair wishing to appeal against their sentence shall apply for copies of the needful documents through the Superintendent to the Court that tried and sentenced them, and when the prisoner has not already presented an appeal which has been rejected, the Court shall be bound to give such copies without any charge. Where convicts have already appealed against their sentence, copies of the documents shall only be granted on payment. (S. O. 12-502, 26-8-78.)

Copies of judgments, &c.

All applications for copies, on payment, of judgments, or other documents connected with the sentences of convicts shall be accompanied with 6 annas postage stamps and with the necessary money

Ss. 196-199.

Chapter VIII.—Appeals, Petitions, and Complaints.

orders which officers in charge of divisions shall obtain from the money order office beforehand. (S. O. 350, 15-8-72; & 1083, 19-3-73.)

Every application for such copies shall be forwarded by the Superintendent to the Local Government concerned, which will transmit it to the Court by which such sentence was passed. (H. D. 19-9-72.)

Mercy appeals.

196. Appeals for remission of sentence which are mere appeals for mercy shall not be forwarded to Government in cases in which the prisoners have not been rendered eligible for pardon by long and good service for 20 years or by some signal act of good behaviour. (S. O. 11-493, 16-8-78.)

False assertions.

197. District Officers are requested before forwarding to the Superintendent petitions for copies of proceedings (in view to appeals) to enquire from petitioners if appeals have already been made in their cases, and to warn them that if they are found to have furnished false replies, they will be punished. (S. O. 747, 10-1-84.)

Against Local Convictions and Punishments.

From local convictions.

198. The cases of appeal against local convictions and punishments are subdivided as follows:—

- (a) Convictions before local Judicial Courts.
- (b) Convictions of convict offences.

From local Criminal Courts and death sentences.

199. Appeals from convictions in the local Judicial Courts shall be dealt with as provided by the Criminal Procedure Code (Act X of 1882; and Section 13, Regulation III of 1876, as amended by Regulation I of 1884, Section 3).

The following orders have been issued in respect to applications for revisions of sentences of death passed locally by the Superintendent as Chief Commissioner acting in the capacity of Sessions Judge:—

- (1) On any prisoner under sentence of death expressing to the police officer in charge of his guard a desire to apply for a revision of sentence to the Governor General in Council, immediate intimation of the fact shall be given to the nearest Divisional Officer, who will at once act in accordance with the provisions of Section 277 of the Criminal Procedure Code.
- (2) He shall forthwith give all proper facilities to such prisoner for drawing up his petition of appeal, allowing his friends, or the station or division writers or moonshees, to have access to him, if desired, for this purpose.

Chapter VIII.—Appeals, Petitions, and Complaints.

Ss. 200-203.

- (3) The appeal may be drawn up in any language.
- (4) The Divisional Officer shall send any such application without delay direct to the Chief Commissioner. (S. O. 192, 23-6-82.)

Petitions to the Government of India from convicts sentenced to death will be forwarded by the Superintendent to the Government of India, when the case is submitted to the Governor General in Council for confirmation of the sentence. (H. D. 698, 10-12-84.)

200. As regards appeals from convictions of convict offences.

Appeals to District Officers.

Appeals from convictions before Divisional Officers shall be preferred to Officers in charge of Districts, who have power—

- (a) To entertain appeals in all cases decided by officers subordinate to them.
- (b) To modify, reduce, enhance, reverse, or confirm any sentence or recommendation thereof of subordinate Courts, subject to the limits of their own powers.
- (c) To remit any portion of a sentence passed by themselves or by subordinate Courts.
- (d) To confiscate property belonging to a convict convicted of an offence. (S. O. 36-410, 31-7-79.)

201. Appeals from the disciplinary orders of the Deputy Superintendent or of District Officers shall be preferred only to the Superintendent, who has power to revoke or modify any orders passed by the Deputy Superintendent or Assistant or Extra Assistant Superintendents, or to pass such fresh orders as he may think fit. (R. G. G. VIII.)

Appeals to Superintendent.

Convicts who wish to appeal to the Superintendent in person shall be permitted to do so on giving notice to their Divisional Officers beforehand.

202. Appeals in civil cases shall be disposed of in accordance with the Civil Procedure Code (Act XIV of 1882) and Section 14, Regulation III of 1876 (as amended by Regulation I of 1884, Section 4).

Civil appeals.

NOTE.—Except that where both parties are convicts no appeal from decrees is permitted where the amount sought to be recovered in the original suit did not exceed Rs 50 in value. (S. O. 586, 15-11-83.)

Petitions and Complaints.

203. All petitions by labouring convicts should be preferred verbally in the first instance to their Divisional Officers, who, if necessary, will forward the representation made to the District Officer, unless it is within their own competence to dispose of the matter.

Verbal petitions.

When references are expressly solicited by convicts to higher authority, officers shall invariably comply with the request.

204. Convicts employed in departments are prohibited from petitioning departmental officers, and shall address all complaints to the officers in charge of their divisions. (S. O. 24-1237, 16-12-75.)

205. In special cases written petitions from labouring convicts may be allowed, when the station writer or moonshee shall be ordered to draw them up free of charge. This shall ordinarily be confined to cases requiring reference to higher authority.

206. Self-supporters presenting petitions are required to affix Court-fee labels, and are permitted to present them thus stamped direct to the District and Divisional Officers.

207. All clerks, mohurirs, chaprasis, and other subordinate officers, whether free or convict, employed in Government offices or Courts, are prohibited from writing petitions of any description. (S. O. 754, 19-2-83.)

208. All convicts are also expressly prohibited from writing petitions or applications of any description for parties to suits in Civil Courts. (S. O. 287, 22-7-82.)

CHAPTER IX.—RATIONS AND SUPPLIES.

Rations.

209. The scale of diet to be allowed to convicts shall be regulated by the Superintendent. (R. G. G. V.) Convicts in transportation are only entitled to the receipt of such food as is absolutely necessary to health.

210. The scales of rice or atta rations are prescribed for convicts belonging to rice- or wheat-producing countries respectively, but as a general rule half rice and half atta rations shall be drawn and issued at each station.

When the number of one of the above classes of convicts considerably exceeds those of the other class on the same station, the District Officer may draw a larger proportion of the ration prescribed for the more numerous class. (S. O. 254, 14-7-85.)

211. The following classes of prisoners are entitled under the classification rules to receive rations from Government free of charge:—

Males.		Females.	
3rd class.—Rations.		2nd class.—Rations.	
2nd class.—Dry rations.		1st class.—Rations.	
1st class. { Dry rations (or subsistence allowance in lieu).			

212. The District Officers have been authorized to grant as a special indulgence dry rations after one year in transportation to 3rd class prisoners, should they deem this desirable, but no other officers are so empowered. (S. O. 6-320, 24-6-75.)

213. The scale of rations fixed by the Superintendent for the several classes of convicts is as follows:—

(A) Europeans and Eurasians.

	Rice.	Ghee.	Salt.	Curry-stuff.	Vege- tables.	Fish.	Meat.	Tea.	Sugar.	Bread.	Milk.
	oz.	oz.	oz.	oz.	lb.	oz.	oz.	oz.	oz.	oz.	oz.
Per man	4	1	$\frac{1}{2}$	$\frac{1}{2}$	1	8	12	$\frac{1}{2}$	1	1	2

(1) On days when fish is issued only 6 oz. of meat will be allowed.
(2) When admitted to hospital they will be dieted by the hospital and a recovery made of "hospital stoppages" for such diet.

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(B) Natives.

Scale.

(As per S. O. 21-670, 11-10-78; & S. O. 57-1030, 16-3-80.)

Grade.	Rice or Atta.		Dhal.	Ghee.	Salt.	Condi-ments.	Vegeta-bles (unchan-ed).	Remarks.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	
1st, 2nd, & 3rd class*	24	20	4	1	$\frac{1}{2}$	$\frac{1}{4}$	8	* Includes petty officers, chain gangs, and convalescents.
Female convicts (and in- valid gang)	20	16	3	1	$\frac{1}{2}$	$\frac{1}{4}$	8	
Hospital patients	10 and 8		3	1	$\frac{1}{2}$	$\frac{1}{4}$	8	

From all paid classes in receipt of regular or other allowances there shall be recovered 2 annas monthly for vegetables issued to them. (S. O. 122, 17-5-81.)

(C) Additional Issues.

ALL CLASSES.—Receive daily 2 oz. of rice made into "conjee" (seasoned with 1 drachm of salt) before parade on every working day.

Also, during the monsoon, an increase of the salt ration to $\frac{3}{4}$ oz.

All in receipt of dry rations receive firewood (3 lb daily).

Female convicts, Invalid gang, and 3rd class, } Receive additionally { Dhaie 6 oz. twice weekly, Fish 5 oz. 4 times weekly (when available) or (if not available) Rice 5 oz. in lieu. (except convalescents and hospital patients),

Hospital patients receive fish 5 oz. 4 times weekly (if not in receipt of meat).
Convalescents receive milk 12 oz. (in lieu of fish or dhaie). (S. O. 62, 14-4-84.)

(D) Special Issues.

JUNGLE CLEARING.—Convicts employed in jungle clearing may receive an extra allowance of 3 oz. rice and $1\frac{1}{4}$ drachms of salt per man, on special sanction of District Officers. (S. 1139, 9-12-69; & 1, 1-4-76.) Milk is also allowed as specified on next page.

Chapter IX.—Rations and Supplies.

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MILK RATIONS.—(a) Milk may be issued to jungle clearers with sanction of District Officers 10 oz.

(b) Also to convicts employed in work necessitating their standing in mud or water during the greater part of their working hours any quantity not exceeding 16 (S. O. 14-7-68, 5-11-76; S. O. 770, 13-12-84.) (Half quantity with each meal.)

(c) To convalescents (in lieu of fish and dhaie). 12 (S. O. 62, 14-4-84.)

CHILDREN.—Children of convicts whose parents are both at labour, or of whom the father is at labour or in a grade or post where he does not draw more than R4 and rations, shall receive—

2 to 6 years— $\frac{1}{2}$ rations.

6 to 12 " — $\frac{3}{4}$ "

12 to 16 " —full " (S. O. 844, 18-10-73; & S. O. 17-741, 17-9-73.)

214. Children whose parents are both labouring convicts, or whose father is at labour or in a post or grade where he does not draw more than R4 and rations, shall receive a monthly cash allowance of R1 up to 2 years of age. (S. O. 17-741, 17-9-73.)

Children of women undergoing punishment in the female section shall be rationed at the expense of their father, provided he is a self-supporter, servant, or labouring convict drawing more than R4 and rations; station bunniahs supplying such children according to the scale laid down for age, and the amount being recovered from the convict father concerned by bill through the officer of his division. (S. O. 39-1490, 16-3-74.)

Cooking Utensils.

215. The following issue of cooking utensils at Government expense is sanctioned:—

FOR MESS-GANG CONVICTS.

Males.
1 Thali.
1 Katora.

Females.
1 Thali.
1 Lotah.

On promotion to paid classes or to dry rations, each prisoner of

either sex may also receive 1 kuráhi or 1 dekhchi. (S.O. No. 465 P., 22-9-85.)

NOTE.—For cooking in the mess-gangs there is a fixed scale of cooks and water-carriers allowed in the following proportions :—

Cooks.	{ 1 for rice-eating races	to every 50 convicts.
	{ 1 " " atta-eating races	" 25 "

Water-carriers—1 for every 50 convicts. (S.O. 16-120, 10-2-75.)

Penal Diet.

Penal diet.

216. Penal diet for refractory convicts of both sexes placed in cells shall consist of 1 lb of wheaten flour or of rice flour, as the case may be, made into porridge and seasoned with salt, to be given in two meals.

NOTE For full details, see Section 185.

Distribution of Rations.

Distribution of rations.

217. The daily distribution of rations to the convicts shall be conducted in the following manner :—

For each section of rationed prisoners there shall be a ration mate whose duties are to assist in drawing the rations, to distribute the shares of his section, and to split up the firewood into rations of 3 lb each. Each section mate shall have for the purpose—

- 1 set of scales and weights (country).
- 1 set of tin measures.

The rations shall be issued by the ration moonshees and mates of sections; the moonshee is responsible for the accurate distribution of rations to mates of sections, and the mates are held responsible that each rationed prisoner of their sections gets his proper quantity of provisions.

A senior petty officer shall always be present at the distribution of rations, and shall bring to notice all complaints of prisoners as to shortness of rations.

All issues shall be made daily, and no convicts are permitted to receive accumulated issues (except under the written authority of a District or Divisional Officer).

On the day of a rationed prisoner's admission to hospital he shall receive rations from the station godown; on the day of his discharge he shall receive them from hospital.

On the day of a rationed prisoner's transfer he shall receive rations from the station to which he may have been transferred.

Fish, Milk, Dhaie, and Vegetables.

218. Fish, milk, and vegetables are supplied to stations as required, the first from Government or self-supporting fishing gangs, the milk and vegetables by self-supporters direct through the agency of village chowdries, unless where special contracts for their supply are made in the Commissariat Department. Method of supply.

The dhaie for use of convicts shall be prepared under the orders of Divisional Officers when this article is not supplied in its manufactured state by contractors. In such latter case the milk required for this purpose shall be supplied through contractors. It should pass the lactometer test before being converted into dhaie. (S.O. 6-251, 5-6-78.)

219. Station moonshees shall furnish daily vernacular receipts for all supplies of milk, dhaie, and vegetables, and at the end of the month bills shall be made out by Divisional Officers in accordance with these receipts, which shall be checked by station daily reports. Receipts.

220. The following arrangements have been made for supervision and to ensure the strict performance by contractors of the terms of all contracts made by them. Supervision of contractors.

Officers in charge of districts and divisions and the senior and junior Medical Officers are appointed inspecting officers for all or any of the purposes of any agreements entered into within their several jurisdictions with any contractor or contractors for the supply of local produce to convict stations and hospitals, and are empowered to act in all matters relating to or connected with such agreements.

They are also authorized on behalf of Government to sign agreements with such contractors. (S.O. 218, 22-6-83.)

221. With reference to condition 4 of Land Licenses and condition 5 of House Site Licenses of the Rules for the Administration of the Land Revenue of the Port Blair Settlement, the following orders for the supply of milk by villages to convict stations have been issued for general information and guidance in cases in which the supply is not made directly under contract with the Commissariat Department. Arrangements for milk supply from villages.

- (1) On the 25th of each month, Division Officers shall submit to the District Officers memoranda showing the probable average daily demand of milk or dhaie for each of their respective stations during the ensuing month, and vernacular lists, prepared and signed by chowdries of the villages within their respective divisions, showing the names, &c., of all milk-suppliers in such villages, and the estimated quantity of milk which can be supplied daily by each man during the ensuing month.

- (2) The District Officers shall then assign the milk supply of each station to such village or villages as they may consider best suited to maintain that supply.

NOTE.—It is not necessary for District Officers to make such assignments monthly, but the periodical submission by Divisional Officers of these lists will enable them to judge when any alteration in the assignment may be advisable.

- (3) The quantity of milk available being limited, arrangements shall be made by District Officers for the acceptance of milk rations at stations both mornings and evenings, when necessary, to complete the full quantity required for rations.
- (4) When milk is supplied in the mornings, it can be converted into dhaie; and when supplied in the evenings, it can be issued as milk in lieu of an equal quantity of dhaie.
- The 3½ percentage allowed to chowdries for superintending the milk-suppliers shall be paid by Government and not by the ryot. The percentage shall therefore be included in the milk bills submitted monthly to the Commissariat.
- (5) Should there be more milk available in one district than is required for local use and issue in such district, such surplus may be utilised in the other district, under arrangements to be mutually agreed upon by the District Officers concerned.
- (6) The cost of the milk shall be drawn by District Officers from the Commissariat monthly.
- (7) All payments on account of milk and dhaie thus expended shall be made monthly to chowdries at the district office on the 15th of each month (or should that day fall on a Sunday, then on the following day), when all suppliers who desire to do so shall be invited to attend.
- (8) The money shall be disbursed by District Officers or by officers specially deputed by them for the purpose, to chowdries of villages, whose receipts for the same shall be taken, and who shall be required to pay the claims of such suppliers as may attend and may desire it, in the presence of the officer superintending the disbursement, all disputes being at once enquired into and settled. (S. O. 121, 19-10-82.)

222. Vegetables are either supplied from Government gardens or by contractors.

When the supply is obtained from contractors, District and Divisional Officers shall see that cultivators, in accordance with paragraph 5 of their pottahs, at all times grow in their holdings a reasonable quantity of vegetables for sale to contractors, and shall encourage by all means in their power the cultivation of root-crops such as yams, gonyahs, sweet potatoes, &c.

Charcoal and Firewood.

223. Charcoal and firewood being prepared by the agency of labouring convict gangs, departmental officers shall obtain their requirements in this respect by indents on the Settlement. (S. O. 3, 1-4-72.)

Wood is supplied by measurement instead of weight.

A "cord" of firewood measures 3' x 4' x 4' and weighs about 50 maunds. Its cost is fixed at 14, and at this rate credit can be taken for it in the monthly returns. (S. O. 921, 29-3-82.)

The price of a maund of charcoal is fixed at 6 annas.

Firewood and charcoal can also be obtained from the wood bunniah on Ross, who is authorized to sell both to the public at the Commissariat rates.

Commissariat Ration Issues.

224. At Ross and Aberdeen, rations are drawn daily for the Southern District (on indents) from the Commissariat godown direct. On the Northern District they are drawn daily on indents from district godowns, which are periodically replenished from the Commissariat stores.

Printed forms for the purpose have in each case been supplied.

225. Indents from out-stations on the Commissariat for rations or supplies shall be forwarded by post so as to reach the Commissariat office the evening of the day before delivery is required, and it will be the duty of the Commissariat Officer to have the stores ready for issue at an early hour on the following day. (S. O. 29-1060, 1-12-73.)

The Commissariat office shall remain open until all indents received the previous day have been complied with, and every effort is to be made to get the stores away from Ross by noon at the latest.

Indents on the Commissariat Department shall show clearly the quantity or number of the articles indented for, and they should be receipted on presentation. (S. O. 1877, 19-9-78.)

226. Ration indents shall be forwarded in triplicate, one copy being returned to the indenting officer.

As an additional safeguard, the name of the person who is to receive the stores from the Commissariat shall be given in all practicable cases. He shall be sent to the Commissariat early on the morning of the day of issues.

The Commissariat Officer at the time of complying with indents shall hand over to the person entrusted to take delivery of the stores the triplicate copy of the indent with an endorsement as to the manner in which it has been complied with, and the drawer shall refuse to take delivery of the stores until such indent has been handed to him. Should the Settlement Officer on receipt of the stores discover any discrepancy, he shall at once communicate with the Commissariat Officer; so that if a mistake has occurred, it may be rectified; or if a fraud has been committed, it may be discovered. (S. O. 32-1093, 12-2-79.)

Vegetable contracts and provision.

Charcoal and firewood.

Compliance with indents.

Sec. 227.

Chapter IX.—Rations and Supplies.

All alterations made in receipts for rations shall be attested by the initials of the indenting officer.

See also Chapter XXVII, Section 474, for rules as to issue of stores from the Commissariat Department.

Government Cattle.

227. The following is the sanctioned scale for the issue of rations to Government cattle in the Settlements of Port Blair and Camorta (S. O. 797, 26-2-83.)

ANIMALS.	Paddy.	Indian-corn.	Gram.	Salt.	Bran.	Oil.	FODDER.				Rice.	Dall, Corad.	Tamarinde
							Dry.	Green.	Bhonsa.				
Elephants	lb 50	...	...	oz. 2	...	oz. 1	lb 150	or 320	...	...	...	...	oz. 7
Bulls	...	lb 3	or lb 4	dr. 2	lb 2	...	...	or 25	...	...	...	...	...
Bullocks, draught	...	...	or lb 6*	...	...	...	...	or 40	lb 15*	...	...	...	...
" pack	...	...	or lb 4	...	...	...	...	or 30	...	...	...	...	...
" slaughter	...	...	or lb 4†	...	...	...	...	or 20	...	...	...	...	...
Cows in milk	...	...	...	...	lb 3	...	...	...	...	lb 3	...	...	...
Ponies	lb 4	...	...	...	...	...	...	...	...	...	...	...	...
Sheep	...	...	...	...	...	...	lb 4†	...	...	...	...	...	...

* To be issued only when actually employed as draught cattle; at other times they should be rationed as pack bullocks.

† The quantities marked are the maximum quantities to be issued. The feed of slaughter cattle and sheep to be left, within the limits specified, to the discretion of the Executive Commissariat Officer.

Rations of Government cattle.

Chapter X.—Clothing.

Ss. 228-230.

CHAPTER X.—CLOTHING.

228. The following classes of prisoners are entitled to receive jail clothing:—

MALES.		FEMALES.	
3rd class	{ Jail clothing	2nd class	{ Jail clothes.
2nd class	{ Jail clothing or uniform.	1st class	{ Jail clothing.

(R. G. G. XII.)

To 1st class prisoners at labour and who have not received self-supporters' tickets, jail clothing is also issued free of charge.

NOTE.—Petty officers above the rank of orderly will not receive Government clothing.

All articles of jail clothing and equipment issued to convicts are Marks, the property of Government, and all such articles shall be marked so as to denote that they belong to the State. (O. S. 205, 18-6-83.)

229. Each newly-arrived male convict about to be transferred to an out-station shall have in his possession—

2 dhotis,	2 country blankets,
2 koortahs with sleeves,	1 blanket coat,
2 gumchas,	

and whenever transfers are made, the subordinate authorities concerned shall see that the labouring convicts about to be transferred are in possession of the authorized quantity of clothing. (S. O. 786, 7-2-82.) (See Section 104.)

230. All native male convicts entitled to clothing shall receive—

2 dhoties	} annually.
2 koortahs with sleeves	
2 gumchas	
1 blanket	every alternate year.

Native male clothing.

Male convicts in the 3rd class shall receive an additional suit of 1 dhoti, 1 koortah, and 1 gumcha annually.

All labouring male convicts, petty officers included, shall receive 1 blanket coat each every alternate year. (S. O. 786, 7-2-82.)

European and Eurasian male convicts not in receipt of money allowance shall receive half yearly—

3 jackets (blue)	} coarse cotton.	1 hat (straw).
3 trousers (")		1 blanket (country).
3 shirts (white)		1 pair of shoes.

Europeans and Eurasians.

Ss. 231-234.

Chapter X.—Clothing.

231. Female convicts entitled to clothing shall receive yearly—

- 2 sarrees.
2 koortahs.
1 country blanket.

Female petty officers shall wear red chadars to distinguish them from the labouring convicts.

The colour of clothing issued to the women of labouring convict classes shall be white with blue stripe, except in the case of those undergoing punishment, for whom a special dress is provided.

232. Each male labouring convict shall have in his possession the following articles of jail clothing and equipment:—

- | | |
|---------------------|-----------------|
| 2 dhotis, | 1 blanket coat, |
| 2 koortahs, | 1 thalee, |
| 2 gumchas, | 1 katorah, |
| 2 country blankets, | |

and, in case of convicts receiving dry rations, a karrahie. (S. O. 205, 18-6-83.)

No labouring convict shall have more than three country blankets and two blanket coats in his possession at a time. (S. O. 261, 20-6-84.)

Should any of the above articles of jail clothing and equipment be wanting, others shall be supplied in their place, the cost being invariably deducted from the regular allowance of the convict concerned at the following rates:—

	R	a.	p.		R	a.	p.
Dhoti	0	12	0	Blanket coat	1	8	0
Koortah	0	12	0	Thalee	1	8	0
Gumcha	0	6	0	Katorah	0	8	0
Blanket	2	0	0	Karrahie	1	8	0

In the cases of 3rd class convicts their promotion shall be delayed by as many months as will make good the price of the articles missing, at the rate of 12 annas a month. The above shall be in addition to any other punishment which may be inflicted on the offenders. All convictions under this paragraph shall be recorded in the "convict offence" register. (S. O. 205, 18-6-83.)

233. When a new issue of blankets and blanket coats takes place, convicts shall be allowed to retain two old blankets and one blanket coat, so that they may have in their possession not more than three of the former and two of the latter at a time. (S. O. 108, 26-4-84.)

234. The possession by self-supporters and free persons of articles of Government clothing is prohibited, except in the case of a labouring convict obtaining a ticket, when he shall be allowed to retain his jail clothing and equipment after each article has been distinctly

Chapter X.—Clothing.

Ss. 235-240.

and durably marked with the letters S. S. Such convict is prohibited from disposing of the clothing and equipment thus granted to him. (S. O. P. 149, 12-5-84.)

235. Convicts of the punishment chain-gangs and 3rd class are forbidden to wear or be in possession of any but Government clothing. (S. O. 874, 2-2-76.)

Petty officers are required to appear in a clean white dress of approved pattern, the Government supplying belts and badges.

236. All Government clothing shall be made up by convict tailors, each article being stamped with the prisoner's general number.

Before each issue of clothing, officers in charge of districts shall submit indents for the quantity required.

237. On Sunday parades, convicts' clothing shall be carefully inspected, convicts wearing their clean garments. All such parades shall be held inside convict barracks, each convict standing at his bed head and exhibiting the articles of jail clothing and equipment in his possession. (S. O. 205, 18-6-83.)

238. The possession by labouring convicts other than petty officers, moonshees, and writers (on gratuities as such) and convict police in barracks, of boxes for clothing, &c., is prohibited. Each man shall be provided with a tât in which to keep his bedding and clothing.

239. The following is the sanctioned scale of washing material allowed for the use of convict dhobies:—

- 1 lb of soap
2 lb of Fuller's earth } 100 pieces of clothing. { (S. O. 6415, 1-7-74.)

Convicts of the rationed classes shall have 1 suit consisting of 3 pieces washed weekly at Government expense. (S. O. 979, 22-3-73.)

240. The following are the rules for the management of the clothing godown:—

- (1) The head tailor is in charge of the convict clothing godown, and is held responsible that the number of each description of article in the godown agrees with the number entered in the ledger maintained in the Superintendent's office.
- (2) He shall maintain in his own language a simple receipt, issue, and balance account of the articles in his charge, so that he may be prepared at any moment, when called upon, to state the number of each description of article on hand.
- (3) He is responsible for the making up of the clothing within sufficient time for issue to the convicts on due date.
- (4) He is responsible for the good order of the godown and the preservation of its contents.

- (5) To aid him in this work a small gang of convicts shall be allowed him once a week, and he is expected to personally see that the contents of the godown are thoroughly aired on these occasions.
- (6) The godown shall be opened during convict working hours. The head tailor will keep the keys, and will be responsible that the building is properly closed after work and made over to the charge of a pahrawala.
- (7) The contents of the godown shall be examined and compared with the books on the 10th April and 10th September in each year by one of the members of the Superintendent's office, the result of the examination being reported to the Superintendent.
- (8) The Head Assistant, Superintendent's office, shall maintain registers in English of the receipts and issues of convict clothing and blankets. He shall receive reports from the head tailor and occasionally inspect the godown and ascertain that the clothing is in good order, and that the above instructions are duly carried out. He shall bring to the notice of the Superintendent any irregularities he may notice, and is responsible for keeping him informed of the quantity of clothing in store. (S. O. 375, 4-9-82.)

CHAPTER XI.—ALLOWANCES AND GRATUITIES.

241. By the rules promulgated in 1874 by the Governor General in Council under Section 34, Act V of 1871, the following "regular allowances" are prescribed for convicts transported to Port Blair and the Nicobars :—

MALES.		FEMALES.
2nd class	{ Grade B.—12 as. per mensem. Grade A.—1 R " "	1st class—8 annas per mensem.
1st class	. 1 to 2 R " "	

NOTE.—The increments in the first class from R1 to 2 are given at the rate of 4 annas—thus, after 10 years R1-4, after 13 R1-8, after 16 R1-12, and 19 years R2.

242. It is provided, however, that male convicts of the 1st and 2nd classes shall also be eligible as follows, and that any "additional allowance" for working in the Artificer Corps or for serving in any sanctioned employment may be paid to the men of these classes in addition to their regular monthly allowances. (R. G. G. 12-5.)

2nd class	{ Grade B.—For posts in barracks or jails, or for employment in the Artificer Corps.
	{ Grade A.—For employ in the convict police, or other petty Government employ, as orderlies; or as servants to free residents. (R. G. G. 12-3.)

1st class.—For all or any of the above posts a "subsistence allowance" in lieu of rations may also be given. (R. G. G. 12-7.)

See proviso and note, Section 246, clause (b).

243. Although members of the invalid gangs are classified according to the rules, they shall not receive the full regular allowances of their class, but shall be paid as follows :—

2nd class	{ B—4 as. A—8 as.
1st class	. 12 as. (S. O. 25, 10-4-82.)

244. In the case of the Artificer Corps, men of the 1st and 2nd classes may also receive "gratuities" for excellence of work to such amounts and within such limitation as to numbers as may be sanctioned by the Superintendent. (R. G. G. XX.)

245. All "additional allowances" are in addition to free rations and clothing, with the following exceptions :—

- (1) Rations are not given to compounders.
- (2) Clothing is not issued to jemadars, tindals, peons, or compounders.

246. The "additional allowances" which have been sanctioned by the Superintendent from time to time are as follows.

(a) *Petty Officers*.—In lieu of their class regular allowance and an additional allowance, they are granted a consolidated allowance calculated thus monthly :—

Jemadars	R8	Peons	R4
Tindals	R6	Orderlies	R2

NOTE.—One half of the allowances of all petty officers drawing more than R2 per mensem (i.e., of all petty officers above the grade of orderly) shall be deposited monthly by Divisional Officers in the Savings Bank to their credit; the Savings Bank books of depositors being kept by Divisional Officers until such time as the depositors may obtain tickets to support themselves or be released, when their Savings Bank books shall be restored to them with an endorsement thereon by Divisional Officers to the effect that having received tickets, the depositors can withdraw the amount of their deposits should they desire to do so.

Such deposits shall not be subject to forfeiture on account of fine or other punishment inflicted on depositors, who, moreover, may be permitted to inspect their bank books on pay days should they desire to do so. Should petty officers who are depositors under the above rules be remanded to labour, their Savings Bank books shall be returned to them for custody as in the case of ordinary labouring convicts at present having deposits at credit which are only liable to withdrawal on sanction. (S. O. 306, 30-7-83.)

Writers, &c.

(b) *Convicts employed as writers, moonshees, office orderlies, or convict police*, may receive additional allowances according to their class, monthly, as follows :—

2nd class	{ B—8 as.
	{ A—1 R
1st class	2 R (S. O. 30, 6-7-83.)

PROVISO.—The above rates, however, merely define the *maximum* permissive amounts which convicts in the several classes are declared eligible to receive.

A convict on first appointment to any of the posts enumerated shall receive no additional allowance during a probationary period of apprenticeship of one year.

Thereafter he will be eligible to receive the *minimum* rate of gratuity (8 as.), irrespective of his class or grade, provided he be recommended for the same by the District Officer.

A qualifying period of 2 years shall be then required to intervene between each further advancement of increment, such advancements being in each case subject to this special recommendation.

This order shall not affect gratuities already granted, but is applicable to all future increments proposed. (S. O. 501, 2-10-85.)

NOTE.—This clause and proviso are also applicable to duffries, pressmen, and all convicts in other petty Government employ.

(c) *Male convicts of the 1st and 2nd classes (and female convicts of the 1st class) employed in the manufacture of tea, or in weaving*, may receive additional allowances monthly as follows, to the extent specially sanctioned :—

3rd grade workers	8 as.
2nd " "	1 R
1st " "	2 R (S. O. 705, 25-1-83.)

(d) *Ward coolies* receive a consolidated allowance of R2 Ward coolies, inclusive of their class regular allowance.

NOTE.—The payment of the additional allowances sanctioned for ward coolies is contingent upon the satisfactory performance of their hospital duties, and is liable to be withdrawn at any time that the senior Medical Officer may report their conduct as unsatisfactory. (S. O. 40-598, 7-9-77.)

(e) *Hospital compounders*.—There are three classes of hospital compounders.

In lieu of class regular allowances, plus extra allowance, compounders shall receive consolidated monthly allowances as follows :—

	R	a.	p.
3rd class	6	4	0
2nd "	8	4	0
1st "	10	0	0

without rations or clothing.

There is no fixed probationary period in each class.

Promotions shall be made on the recommendation of the senior Medical Officer. The proportion shall be one third of each class. (S. O. 663, 28-12-81.)

(f) *The Gratuities sanctioned to men of the Artificer Corps* Artificer Corps, of the 1st and 2nd classes are :—

3rd grade artificers	8 as.
2nd " "	1 R
1st " "	2 R

247. *The Subsistence Allowances sanctioned for 1st class convict writers, S. S., in lieu of rations, are, per mensem :—* Subsistence allowances.

	R		R
5th grade	7	2nd grade	12
4th "	8	1st "	14
3rd "	10		

NOTE.—A qualifying period of two years shall be passed in each grade before promotion. The subsistence allowance is consolidated, and the 1st class regular allowance shall not be paid to these men, nor shall they receive rations or clothing. (S. O. 37-524, 10-5-77.)

Allowances and Gratuities.

248. In addition to the above "additional allowances" or gratuities certain special gratuities for work have been sanctioned in branches or departments of the administration and are paid from special funds :—

1. Marine.	6. Police.
2. Commissariat.	7. Ecclesiastical.
3. Military.	8. Postal.
4. Forests.	9. Judicial.
5. Education.	

The departmental officer concerned shall forward monthly to District Officers lists of the convicts recommended for such gratuities,

noting in each case the grade or class of the convict and the amount of gratuity recommended.

In no case are such gratuities or additional allowances permitted to be paid to 3rd class convicts.

(See proviso and note, clause (b) of Section 246.)

Children.

249. Children of convicts whose parents are both at labour, or whose father is at labour or in a post or grade where he does not draw more than R4 and rations, shall receive a monthly allowance of R1 up to two years of age. (S. O. 17, 17-9-73.)

After this age they shall receive rations on a fixed scale according to their age. (See Chapter IX, Section 213.)

Licensed prisoners.

250. The allowances of licensed prisoners shall commence at R30 per mensem, and may be gradually raised for good conduct to a maximum of R50.

Each licensed prisoner is required, however, to defray from the allowance received the cost of his own rations and clothing, but he is allowed a convict servant free of charge.

Allowances in excess of R30 monthly to licensed prisoners shall be lodged in the Savings Bank for their use after leaving Port Blair on the expiry of their sentences. (S. O. 728, 30-1-71.)

European and Eurasian prisoners when admitted into hospital shall not receive subsistence allowance at the rate of more than R30 a month until their discharge, and from this amount hospital stoppages shall be retained, the balance only being paid to them. (S. O. 695, 27-11-71.)

Disbursement of allowances.

251. The allowances of all prisoners shall be disbursed by the Overseers in charge of the stations to which they belong, convicts on special rates of pay being included in a separate bill, which shall be prepared in the Superintendent's office, and forwarded to the treasury for disbursement; the amount payable to each district being detailed on the back of the bill. The bank deposits of licensed prisoners under the previous paragraph shall be deducted by the Treasury Officer and credited to the prisoner's account. (S. O. 448, 19-9-72.)

All convicts are required to produce their tin numbers at the time of receiving their allowances. (S. O. 874, 19-9-72.)

The allowances of convicts who may be released, or granted tickets, shall not be refunded, but the subsistence allowances of convicts who may die or who may be reduced before such allowance is disbursed to them shall be refunded. (S. O. 457, 23-7-68.)

The allowances of convicts transferred to the Nicobars shall be adjusted prior to their departure for Nancowry.

CHAPTER XII.—MEDICAL.

Hospitals.

252. The convict hospitals are under the immediate charge of the senior Medical Officer, assisted by the junior Medical Officers. Charge and control.

The subordinates shall be distributed amongst the several hospitals according to the discretion of the senior Medical Officer in communication with the Superintendent.

253. The convict hospital establishments of compounders, ward coolies, and other convict servants shall, for all purposes connected with their duties, be under the immediate control of the Medical Department. Petty officers and establishments.

The petty officers, however, employed in the maintenance of order amongst the patients are directly responsible to the Divisional Officer for the discipline and safety of the convicts in hospital.

They are also held responsible for due attention being paid to all orders given by the Medical Officer regarding the cleanliness and clothing of the convict patients, and that no food other than that ordered by the Medical Officers, and no forbidden articles, are brought into the hospital. (S. O. 30-1432, 4-2-76.)

The strength of the hospital establishment shall be fixed from time to time in Settlement order by the Superintendent. (S. O. 5, 6-4-82.)

NOTE.—The Settlement orders fixing these establishments are at present Nos. 26, 79, 434, and 833, dated respectively 11-4-82, 5-5-82, 6-1-85 and 3-9-85.

254. Whenever ward coolies are required either to fill vacancies on the permanent establishment or for temporary employment in any of the hospitals, the Medical Officer shall inform the Divisional Officer concerned. That officer shall cause about 20 or 30 convicts of the 2nd class, A or B grade (or as many as are available for this employ, and who may appear to be suited for such employment), to be paraded in view to the Medical Officer making a selection therefrom. Ward coolies.

The payment of the money gratuity sanctioned for ward coolies in excess of the regular pay of their grades is contingent upon the satisfactory performance of their hospital duties, and is liable to be withdrawn at any time that the senior Medical Officer may report their conduct as unsatisfactory. (S. O. 40, 7-9-77.)

Ss. 255-260.

Chapter XII.—Medical.

Compounders.

255. In order to provide as far as possible qualified men as compounders, a few medical pupils, not exceeding six in number, shall be kept under training in the Ross or other hospitals by the senior Medical Officer ready to fill vacancies as they occur.

These men should be able to read and write some language, and shall be taken from grades A and B of the 2nd class. (S. O. 40-591, 7-9-77.)

There is no specified probationary period to be passed for promotion from one class to another of convict compounders; promotions shall be made solely on the recommendations of the medical authorities, with due regard to the special qualifications of each compounder and the vacancies that may at the time of recommendation exist.

The proportion of compounders shall be one third in each class. (S. O. 663, 23-12-81.)

Apothecaries and hospital assistants.

256. Apothecaries and hospital assistants are, when possible, to be located near their hospitals, and shall not absent themselves from their stations without the permission of their medical superiors.

Labour out-patients.

257. Convicts who are fit for labour of a particular kind while patients in hospital shall be so employed according to their strength, under the orders of the Medical Officer, until discharged from hospital. (S. O. 966, 21-2-73.)

Admission of sick.

258. Convicts who may fall sick at stations where the hospitals are under the immediate supervision of Medical Officer or Apothecaries, shall either be admitted at once as patients or be rejected and sent back to work with the least practicable delay. (S. O. 979, 22-2-73.)

At stations where only detaining hospitals exist, convicts shall be admitted or rejected in the manner above described, and if it is found after twenty-four hours' detention that further treatment is necessary, the patient shall be sent to the nearest hospital.

Where a convict falls sick on parade or works, he shall be at once sent to hospital in charge of a petty officer.

Discharge.

259. All convicts shall be discharged from hospital at a stated hour, and shall be duly made over with their discharge certificates to their respective stations. A petty officer shall be detailed daily on each station to convey sick to and from hospitals.

Irons.

260. Medical Officers may direct the removal of the irons of sick convicts in hospital when necessary. (S. O. 741, 22-2-72.) Medical subordinates, however, are not empowered to remove convicts' irons without a reference to Divisional Officers.

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Chapter XII.—Medical.

Ss. 261-263.

261. Time passed by chain-gang convicts in hospital shall not ordinarily count towards completion of chain-gang sentences. (S. O. 401, 31-8-83.)

262. Medical Officers shall report to the Chaplain every case of illness of a Christian prisoner likely to terminate fatally. Christian prisoners.

In the case of a Christian prisoner dying a natural death in hospital, the Medical Officer in charge of the hospital shall apply direct to the Chaplain for interment of the body, furnishing a medical certificate of cause of death and all other necessary particulars. (See Chapter XXXIII.)

NOTE.—As to deaths of convicts out of hospital, see Chapter XX, Section 372; for accidental deaths, see Section 373; and for burials, see Section 376.

263. Divisional Officers are required to visit the convict hospitals periodically, reporting the fact in their diaries. Inspections.

Corporal Punishments.

264. Corporal punishment shall be ordinarily carried out in the vicinity of the hospitals. Corporal punishments.

The rules affecting the presence of Medical Officers and subordinates at corporal punishments, and as to prior medical certificates of fitness of the convict for the same, shall be strictly adhered to in all cases, and shall be those inserted under this head in the orders relating to punishment. (See Chapter VII, Sections 173 to 175.)

Self-Supporters.

265. Self-supporters suffering from slight illnesses may be treated as out-patients free of charge at the central hospitals of Ross, Haddo, Chatham, and Viper. (S. O. 166, 6-6-81.) Out-patients.

NOTE.—See Section 372 as to deaths out of hospital.

266. Convict self-supporting women may be admitted and treated at Haddo or Nancowry female hospitals (hereinafter referred to) at the present rates of charges, viz., a payment of one anna per diem. (A. & N. G. N. 9, 18-3-84.) S. S. women.

Such female convicts shall not ordinarily be admitted for treatment into the female jail hospital at South Point.

Severe and urgent cases of disease or injury amongst women may be treated at the nearest central hospital, but such cases shall be forwarded as soon as they can safely be removed to Haddo. (S. O. 129, 21-5-83.)

Chapter XII.—Medical.

Ss. 267-268.

S. S. diet in hospitals.

267. For those self-supporters, male or female, who are unable to provide their own food while patients in hospital, rations shall be supplied from the Settlement godowns on the requisition of Medical Officers, who will include their names in the general monthly stoppage roll in view to the cost of the rations being recovered at the rate of one anna per diem. (S. O. 51-1007, 28-12-77, & 477, 28-8-84.)

Ex-Convicts and Conditionally-released Convicts.

Ex-convicts.

268. Released ex-convicts and conditionally-released male convicts may be admitted into the nearest convict hospital, unless they express a wish to be sent to the General Hospital at Ross. (S. O. 48, 18-12-77.)

Convict Hospital Stoppages.

Hospital stoppages.

269. Hospital stoppages shall be recovered from all convicts who draw money allowance in addition to rations, at the following rates:—

	per diem.
	a. p.
Jemadars	2 0
Tindals	1 6
Peons	1 0
Orderlies	0 6
First class, drawing more than R 1-8	0 6
" " " less " " 1-8	0 3
2nd class, grade A	0 3
" " " B	0 3

Clerks, moonshees, &c., who receive gratuities (other than those under Artificer Corps grant) in addition to money regular allowance and rations, and those who receive class pay only and rations, shall pay 3 pies per diem for each rupee they receive.

Clerks, moonshees, &c., whether self-supporters or not, who receive a money allowance from Government but no rations, shall pay 1 anna 8 pies per diem.

Self-supporters not in Government employ shall pay 1 anna per diem.

NOTE.—(1) District Officers are authorized to remit hospital stoppages in the case of self-supporter convicts when they consider such remission advisable, submitting at the end of the month a statement to the Superintendent's office of the cases in which they have exercised this discretion.

(2) Half a rupee and under not to reckon; over half a rupee to count as one rupee. (S. O. 47, 28-8-84.)

European and Eurasian prisoners when sick shall be dieted in hospital, stoppages being made from their subsistence allowance to cover the cost of hospital diet. Their subsistence allowance while in hospital shall not exceed R 30 a month. (S. O. 695, 27-11-71.)

Chapter XII.—Medical.

Ss. 270-272.

270. Medical attendance free of charge in all cases of sickness shall be allowed to the families of all subordinates at the Port Blair and Nicobar Settlements whose salaries do not exceed R 200 a month. (S. O. 31-1936, 27-1-79.)

271. The following orders have been specially framed by the Superintendent in respect to admission and treatment of free patients not in Government employ in the Government hospitals at the ports of Port Blair and Nancowry. (A. & N. G. N. 2-12-82, & N. 11-8-84.)

(1) All vessels visiting the above ports shall have the option of sending their sick to the Government hospitals for treatment, on admission orders being granted for this purpose by the Conservators of the Ports.

(2) Insubordination or misconduct of any kind in any patient shall render him liable to immediate dismissal from hospital, due regard being had to his condition at the time; his admission being on the understanding that he will conform to the rules in force in the hospital.

(3) The following fees per diem, inclusive of accommodation, medicines, and attendance, shall be charged for each patient:—

	Annas.
Mates of vessels and others in the same sphere of life	8
European sailors and others in the same sphere of life	4
For free natives with salary of R 15 per mensem or less	2
" " with a salary of R 15 to R 30 per mensem	4
" " with incomes above R 30	8

If diet is supplied, the actual cost thereof shall be charged in addition to the above.

(4) No ship, any of the crew of which may have been treated in a Government hospital, shall be granted a port clearance without the previous production by the master of a "No demand" certificate from the subordinate medical officer of such hospital.

(5) Articles of diet, &c., required for patients admitted into hospital shall be drawn on indent from the Commissariat, all fees being paid into the Treasury to the credit of Government under the heading of "XI, Hospital stoppages. 1.—Fees for treatment of free sick in hospital."

(6) European and native sick not belonging to the public service who may be destitute and suffering from diseases requiring treatment in hospital, shall be received and treated at the expense of Government.

272. For the female free hospitals at Haddo and Nancowry the following rules have been framed. (A. & N. G. 9 of 1883-84.)

(1) All free native women at Port Blair and the Nicobars requiring treatment in Government hospitals for any disease or injury shall, if they so wish, be admitted as in-door patients into the Government female hospitals at Haddo or at Nancowry, and treated there until the medical officer considers them to be in a fit state of health for discharge therefrom.

(2) Insubordination or misconduct of any kind on the part of a patient shall render her liable to immediate discharge from hospital, due regard being

had to her state of health at the time; her admission being on the understanding that she will submit to the rules in force in the hospital.

- (3) A fee of 4 annas per diem shall be charged for each day's residence in hospital in all cases except where there is clear evidence forthcoming that the patient has no means to pay this demand. This charge shall cover all costs for accommodation in hospital, diet, medicines, and attendance.
- (4) In the case of a mother bringing one child or two children into hospital for treatment, only one charge of 4 annas per diem shall be made (if the child or children are under 5 years of age), to cover maintenance of mother and children while in hospital.
- (5) Articles of diet, &c., required for patients admitted into hospital shall be drawn on indent from the District or Commissariat godowns, as the case may be, and issued to the patients in accordance with the scale laid down for "patients in hospital" in this Manual (Chapter IX). Any extras in the shape of milk, mutton, eggs, chickens, bread, &c., shall be allowed according to the discretion of the Medical Officer.
- (6) All fees shall be recovered by the Medical Department on discharge of a patient from hospital, and paid into the Treasury to the credit of Government.
- (7) Any sick free women who may be destitute and suffering from diseases requiring treatment shall be admitted into hospital and treated at the expense of Government.

Medical Stores and Supplies.

273. All medical stores are under the charge of the senior Medical Officer, who shall prepare the annual indents for medicines, &c.

All petty articles shall be obtained on monthly indents from the Commissariat Department.

Rations and local supplies shall be drawn on indents on district godowns or otherwise as the Superintendent may direct.

NOTE.—On the day of a rationed prisoner's admission to hospital he shall bring his rations from his station with him. For the day of discharge the hospital shall issue them.

Convalescent Gangs.

274. To each convict hospital in the Settlement shall be attached a convalescent gang, composed of men discharged from hospital who are considered by the medical authorities to be unfit for ordinary labour. Convalescent-gang convicts shall be under the observation of the medical authorities, who will arrange for their daily inspection, and the recommendations with regard to labour, whether light or in-door, of the medical subordinates, to whom the duty of daily inspecting the convalescent gangs is entrusted, shall be accepted.

Convalescent-gang convicts shall be worked wholly under the orders of the Settlement authorities and be employed only on light labour. (S. O. 792, 8-2-82.)

For the "light labour" to be imposed on convalescents, see Chapter V. For diet, see "Rations," Chapter IX.

275. Transfers of convalescent-gang convicts to other stations without chain-gang sentences being passed on them shall not involve discharge from convalescent gangs, and shall be made only to stations at which there are convalescent gangs; copies of the transfer orders in each case being furnished to the senior Medical Officer. (S. O. 403, 31-8-83.)

Whenever convalescents are transferred to Viper Jail under punishment, the officer sentencing them shall give notice of the transfer to the Medical Department. When a convict in a local chain-gang is recommended for transfer to the convalescent gang, he shall be posted to the Viper Jail to undergo the rest of his sentence. (S. O. 47-944, 23-2-80.)

Invalid Gangs.

276. There shall be an invalid gang at Viper or at such other stations as the Superintendent shall appoint for all convicts who are declared by medical opinion to be unfit for ordinary labour, or who are likely to be unfit for ordinary labour for a long time, and a similar gang at Haddo or elsewhere on the Southern District for the reception of such convicts of the Southern District. (S. O. 537, 20-9-84.)

NOTE.—(1) The labour and hours of labour are those allowed for the convalescent gangs, but their diet is regulated by a separate scale. (S. O. 570, 23-11-84.) (See Chapter IX.)

(2) Invalids are classified according to the prescribed rules, but shall only receive the following portion of their allowances:—

	Annas.
2nd class, grade B	4
" " A	8
1st class	12 (S. O. 23, 10-4-82.)

(3) A quarterly Medical Committee shall assemble for the examination of convicts whose transfer is proposed to or from the invalid gangs or to ordinary or special labour. (S. 216, 22-9-84.)

(4) On transfer of invalid-gang convicts, intimation shall be given to the Medical Department as provided in the case of convalescents.

Convalescent Lunatics.

277. A convalescent ward shall be maintained at Haddo or at such station as the Superintendent shall appoint, for the reception of harmless lunatics, who shall be worked under the supervision of the Medical Officers. (S. O. No. 1-2, 4-1-74.)

Ss. 273-281.

Chapter XII.—Medical.

The men of this gang shall be employed as far as possible out of doors under petty officers of good temper selected for their control.

Committees on lunatics.

278. A quarterly Medical Committee composed of the senior Medical Officer and two junior Medical Officers shall sit in the months of January, April, July, and October in each year to examine and report on the state of the lunatics, recommending such of their number as may appear fit for discharge, for transfer to the ordinary labouring gangs of convicts.

The Medical Officer in charge of the lunatics shall attend the Committee and give all the information in his power regarding them.

Medical Inspections and Parades.

Medical inspections.

279. The senior Medical Officer shall divide the Settlement into circles of inspection according to the strength of the medical staff.

Medical Officers shall make periodical Sunday inspections of all the stations in their circle in turns, and Divisional Officers shall see that every labouring convict borne on the books of the station so visited shall, if possible, be present in conformity with the rules in force on this subject. (S. O. 967, 2-73.)

The convicts at adjacent stations on the mainland shall be brought together as much as possible for convenience of inspection.

The periodical inspection of convicts at distant out-stations shall be left to the discretion of the Medical Officer in charge of the circle, provided these inspections be made at least every two months.

Intimation shall be previously given to the Divisional Officer of the time and place of inspection, so that the convicts may be duly assembled.

S. S. parades.

280. Self-supporting convicts shall be paraded half yearly at their own villages for the inspection of the Medical Officer, who shall give previous notice to the Divisional Officers concerned of the times at which they will visit the villages. (S. O. 40-1492, 16-3-74.)

New arrivals.

281. The duties of the senior Medical Officer in respect to the inspection of newly-arrived convicts on board vessels in harbour are as follows. (R. G. G. C. 475, 14-12-74.)

- (1) After a vessel which has arrived with convicts is anchored, the senior Medical Officer shall proceed on board and make a general inspection of the convicts. The Medical Officer shall ascertain the presence or absence of contagious disease, and shall note anything in the arrangements on board ship which may have tended to deteriorate the health of the convicts.

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- (2) Should the Medical Officer report the presence of contagious disease, the Superintendent, after consultation with the said Medical Officer, shall take such steps as are necessary to afford relief to the sufferers.
- (3) If there be no contagious disease on board, the convicts shall be landed under direction of the Settlement Officer at such place and in such manner as the Superintendent may direct.
- (4) After the convicts are landed, the senior Medical Officer shall, as soon as possible, make a careful individual inspection of each, and submit a report on their condition and fitness for work to the Superintendent.

(R. V. VI. VII. VIII.)

NOTE.—(See also Chapter I, Section 7, as to Committee.)

CHAPTER XIII.—CONVICT CORRESPONDENCE.

282. The following orders are those affecting convict correspondence and parcels. Characters permitted.

All letters to or from convicts shall be written only in such characters as shall be prescribed by the Superintendent. (R. G. G. 17.)

These latter have been restricted as follows, but in exceptional cases the Divisional Officers have discretionary powers to permit other languages. (S. O. 10-596, 26-8-76.)

English.		Telugu.
Urdu	{ Devanagri or Persian.	Tamil.
Bengali.		Goozrathee.

283. Every letter shall have the name and address of the sender written legibly upon the envelope (if in the vernacular in Urdu), and have endorsed thereon the initials of the Divisional Officer, unless received in a sealed bag from his office or that of the District Superintendent of Police. In the absence of these precautions it shall not be despatched by the Post Office. (S. O. 10-596, 26-8-76.) Special precautions.

284. No convict shall hold any communication with persons beyond the limits of the Settlement, nor shall he or she receive any goods or articles from beyond those limits without the knowledge or consent of the Superintendent. (R. G. G. 17.) Prohibition.

285. The following is the prescribed maximum number of letters permitted to be sent or received:—

1st class (traders)	Monthly	1. { If sanctioned by Superintendent.
1st " ordinary convicts	Quarterly	1.
2nd and 3rd class males	Annually	1.
2nd class females		
Chain gang	Nil	{ Unless specially sanctioned by Superintendent.

Certain 1st class self-supporters, however, who were in the Settlement on the 1st January 1877, on the assumption by Her Majesty the Queen of the title of Empress of India, are permitted as a special boon to correspond monthly with India. (S. O. 21-991, 1-1-77.)

286. All letters to or from convicts shall pass through the office of the Superintendent or that of such officer as he may appoint. Police control.

This duty shall until further orders be performed by the District Superintendent of Police.

Ss. 287-289.

Chapter XIII.—Convict Correspondence.

The District Superintendent shall arrange with the Post Master for the receipt and despatch of the convict mail bags. (S. O. 793, 8-2-82.) (See also Section 511.)

Inspection.

287. The Superintendent shall have power to inspect and, if necessary, to detain any communications sent or received through any Post Office within the Settlement, or by any other means. (R. G. G. 15.)

Registers.

288. Registers of letters received and despatched by convicts shall be maintained in each Divisional Office.

Sorting.

289. Mohurrirs from the District Offices shall be deputed to attend at the Police Office, Aberdeen, after the arrival of each mail to assist in sorting the letters and parcels for their respective districts.

When sorted, the letters shall be despatched by the District Superintendent in sealed packets to the several District Offices. (S. O. 793, 8-2-82.) (See also P. M. 272-274.)

Chapter XIV.—Passes.

Ss. 290-294.

CHAPTER XIV.—PASSES.

290. Convicts are not permitted to leave the stations to which they are posted unless furnished with a pass. Object of passes.

NOTE.—These passes shall be printed ordinarily in Urdu character.

291. Passes shall only be granted by District or Divisional Officers (or, with the special sanction of the District Officer, by the Station Overseer), and only as prescribed in the rules which follow. By whom granted.

Departmental Officers are not empowered to grant passes, and are prohibited from doing so. (S. O. 671, 17-11-71.)

NOTE.—(1) In the absence of the Divisional Officer, the Overseer is at all times empowered to sign Form B passes.

(2) An exception has, however, been made in the case of the Forest Department Deputy Conservator as to Form B passes only, but a duplicate of such pass shall be at once furnished to the Divisional Officer in each case. (S. O. 28-11-84.)

(3) All convicts employed departmentally, or in public or private establishments, shall obtain the previous sanction of their Departmental Officers or of the employers in whose immediate service they are before applying for passes. (S. O. 424, 11-9-71.)

292. No prisoners or conditionally-released prisoners are permitted to board any vessel in harbour without a special permit or pass from a District or Divisional Officer. Passes for boarding vessels.

293. The passes prescribed are as follows:—

- | | | |
|---|--|------------------------|
| 1. FOR CONVICTS | { 1. For permanent use, A.
2. For temporary use, B.
3. For Sundays only, C.
4. For free passage by ferries.
5. Special passes. | Description of passes. |
| 2. { FOR BOATS
(with convict crews). | { 1. For Officers' and Subordinates' boats.
2. For special boats.
3. For fishing-boats.
4. For other boats or canoes. | |

For Convicts.

(S. O. 574, 22-11-82.)

294. The passes for permanent use are "General Passes, Form A." Permanent passes, A.

General Passes, Form A, shall be issued only by District Officers and to such self-supporters only as are obliged by the nature of their business to frequently quit their stations. They are permanent, but liable to be withdrawn by the officer granting them. They shall be current only for the district in which the grantees reside, and shall be

granted for such stations only as the holders in their ordinary course of business are frequently obliged to visit.

NOTE.—(1) These passes are not available for Sundays, nor do they cover absence from a station at night. General pass holders desirous of sleeping off their stations shall obtain special permission to enable them to do so.

(2) General passes shall be issued in the first instance to self-supporters free of charge; all applications for the renewal or alteration of such passes shall be made in writing and stamped with a Court-fee stamp of 8 annas.

(3) In cases where permanent general passes (Form A) are applied for to visit stations other than stations within the limits of the district to which the applicants belong, the sanction of the officer in charge of the district to be visited shall be previously obtained and his signature attached to the passes in question.

295. The passes for temporary use are "*Temporary Passes, Form B.*"

Temporary Passes, Form B, may be granted by Divisional or District Officers, or, with the special sanction of the latter, by Overseers, to self-supporters, or other convicts, the nature of whose duties necessitates their visiting stations other than their own.

They shall not be current for more than 24 hours, or, generally, for Sundays, but may be issued for any district.

NOTE.—(1) District and Divisional Officers are authorized to issue Form B passes on Sundays only in very emergent cases, the nature of the emergency being written across the face of such pass so issued.

(2) The Deputy Conservator of Forests is authorized to grant Form B passes. It will not be necessary for the holder of such a pass granted by that officer to get it initialled by the Divisional Officer or Overseer of the division or station which he has been permitted to visit, but the Deputy Conservator shall send a duplicate of each pass granted by him to the Divisional Officer. (S. O. 28-11-84.)

296. The passes for Sundays are "*Sunday General Passes, Form C.*" Sunday General Passes, Form C, may be issued by District Officers to those self-supporters whose occupation necessitates their passing from place to place on Sundays. These passes are permanent, but liable to withdrawal, and shall be current only for the district in which the grantees reside, unless countersigned by the District Officer of the other district.

NOTE.—A fee of Rs 1 shall be charged for each such pass, and for each alteration or renewal thereof a further fee of Rs 1.

297. Free passes by ferries are permitted to be made use of by the following persons only :—

- | | |
|---|----------------------|
| (1) Eurasians and Native N. C. officers, soldiers, and Police officers, when in uniform | } When on duty only. |
| (2) Convicts provided with passes or under Police escort | |
| (3) Officers' servants | |
| (4) Free employes of Government furnished with District Officers' passes only | |

NOTE.—(a) Officers and Police parties (with passes) and infants in arms (without) travel free.

(b) These passes can be obtained in anticipation from District Officers, the detail of service being later filled in and the pass returned after use.

298. The issue of Special Passes is regulated as follows :—

Special passes.

(1) Special passes are required to enable troops, Police and camp followers, to proceed (unless on duty) to the vicinity of the female jail, South Point, which is out of bounds. (S. O. 771, 19-1-84.)

(2) Special passes for interviews with female convicts in the above jail are required to be obtained from the Eastern Divisional Officer. (S. O. 280, 24-6-84.)

(3) For all other special passes application shall be made to District Officers either direct or through Divisional Officers.

NOTE.—The licenses issued by the Forest Department (A. & N. G. No. 14, 22-9-83) shall not be regarded as passes authorizing absence from a station.

Special separate passes shall in addition be obtained from the District Officers for prolonged absences from stations by self-supporter convicts, or the ordinary passes from Divisional Officers for temporary absences.

Boat Passes.

299. All boat passes shall be printed both in English and Persian characters.

NOTE.—(1) Passes are unnecessary in all cases in which the boat is in charge of a free Police escort.

(2) See also Section 318 for Police duties as to passes.

FOR OFFICERS' AND SUBORDINATES' BOATS :—

Officers' boats.

Passes are necessary when an Officer or European or Eurasian subordinate, or European or Native soldier, or a free servant of an officer, is not actually using the boat.

PROVISO :—

The above is applicable from 6 A.M. to 5 P.M. At any other hour, unless one of the above-mentioned persons is actually using the boat, a Police escort is indispensable.

FOR SPECIAL BOATS :—

Special boats.

Boats conveying correspondence, or in use for any other urgent purpose, require a special pass signed by a District or Divisional Officer, between 6 A.M. and 5 P.M. After this hour they require a Police escort also.

These passes (blue) are required for boats of the Medical and other Departments on urgent service, and can be obtained from District Officers and

Sec. 299.

Chapter XIV.—Passes.

Divisional Officers in anticipation; the particulars of service requiring to be filled in later by the officer using the pass, which shall be ultimately returned to the District Office.

Fishing-boats.

FOR FISHING-BOATS:—

Government fishing-boats require passes from Divisional Officers, and so provided can go out at all hours, whether by day or night. The manjee in charge shall hold and produce his pass whenever called on to do so.

Other fishing-boats are treated as private boats.

Private boats.

FOR PRIVATE BOATS AND CANOES:—

These passes can only be granted by District Officers, whether for private fishing-boats (manned by convicts) or for canoes.

They are issued subject in each case to special conditions, which are duly recorded upon them, and which must be strictly observed.

43 No passes are required for departmental working boats or for dāk boats within the limits of the harbour.

Chapter XV.—Buildings.

Ss. 300-303.

CHAPTER XV.—BUILDINGS.

300. All public buildings are placed under the direct charge of District and Divisional Officers. (S. O. 331, 12-4-80.)

Whenever empty Government buildings are vacated either by the Civil or Military Department, they shall at once be handed over to the Settlement Officer in whose division they are situated. (S. O. 42-682, 1-10-77.)

301. The construction of new buildings of a permanent character and all repairs to existing permanent public buildings are carried out by the local Artificer Corps under the direction of the District Officers.

The sanction of the Superintendent is necessary prior to the construction of all new permanent buildings the cost of construction of which exceeds Rs 200, and plans and estimates for the same shall be prepared by Supervisors under the orders and for the approval of District Officers, by whom they shall then be submitted to the Superintendent for his countersignature. (S. O. 743, 25-1-82.)

NOTE.—No temporary buildings shall be constructed without the prior sanction of District Officers.

Departmental and Divisional Officers shall obtain the sanction of these officers before erecting, altering, or removing any buildings of a temporary character; and all proposed renewals or repairs of the same shall be reported for orders before being undertaken.

302. Sites for convict barracks and other civil buildings intended as residences shall be selected in the first instance by the officer in charge of the district in which the buildings are to be erected, but no site shall be finally determined on till approved by a Committee composed of the Superintendent, the District Officer, and the senior Medical Officer. (S. O. 634, 21-12-81.)

303. No alterations or additions shall be made to existing Government buildings which have been erected in accordance with duly sanctioned plans and estimates, except on plans and estimates previously submitted by officers in charge of districts for the sanction of the Superintendent.

NOTE.—The powers of sanction of officers in charge of districts for petty works and repairs on requisition extend to Rs 200 only, and this amount must include the value of convict labour and material, which for the purposes of this order shall be estimated as follows:—

Labouring convicts, 4 annas per diem each.
Bricks, Rs 2 per thousand.
Tiles, „ 6 „ „
Lime, annas 6 per cubic foot.
Soorkee, „ 2 „ „ „
Wood, Rs 1-8 „ „ „ (S. O. 743, 25-1-82.)

Ss. 304-311.

Chapter XV.—Buildings.

Departmental and other officers.

304. Departmental and other officers shall forward all applications for alterations or repairs of buildings direct to District Officers, and are responsible for bringing to the notice of the latter all repairs, non-attention to which would involve deterioration of buildings which are Government property, and which are in their own occupation or use, or that of convicts or others employed under their immediate supervision, or which contain Government stores in their charge.

NOTE.—See also note to Section 301 as to temporary or "kutchas" buildings.

Barracks.

Convict Barracks and Accommodation.

Whitewashing.

305. The interior of all permanent convict barracks shall be whitewashed annually in the month of April.

In renewing such whitewash the former coating shall be carefully scraped off before the application of the fresh coat. (S. O. 56, 23-5-83.)

Space allowed.

306. A maximum space of 648 cubic feet and 36 of area shall be allotted to each native convict in every permanent barrack.

The allotment of space for European and Eurasian prisoners is the same as that laid down for a European soldier, *viz.*, 1,800 cubic feet.

Lights and fires.

307. Smoking inside the barrack is strictly prohibited. No extra or unprotected lights or cooking fires within or near the barracks are to be permitted. (See also 309.)

Night latrine.

308. To each barrack there is attached a latrine which shall be used during the night only.

Tatties and screens.

309. No tattie or other temporary work shall be put up in or below convict permanent barracks or other buildings without the sanction of District Officers, and no fires of any description shall be allowed within 50 feet of these buildings. (S. O. 923, 8-2-73.)

Interior arrangement.

310. Permanent barracks, according to length, are ordinarily divided into compartments or sections, each capable of accommodating 1 orderly and 25 men. At one extremity a small trellised partition is allowed for the petty officers in charge. The windows are provided with bars and the doors with grating, and when the men go to work the doors are locked, no one being allowed to enter till the return of the men from work.

Charge of barracks.

311. Each barrack shall be in special charge of a tindal, who will sleep therein; he shall be responsible for the order and cleanliness of

Chapter XV.—Buildings.

Sec. 312.

his barrack and for the prisoners sleeping in it. Each barrack shall have four casks kept continually full of water in front of it, the water being changed weekly.

A lantern, to be suspended 8 feet from the floor, shall be kept burning in each occupied section of each barrack during the night.

The barracks shall be swept the first thing in the morning directly they are vacated, and the walls once a week. In dry weather the floor shall also be washed with water once a week on Sundays; salt water being used at stations close to the sea.

Huts in Villages.

312. All huts in convict villages shall be whitewashed by their owners twice a year, *viz.*, at the time of the Holi and Dusserah festivals. (S. O. 304, 25-7-83.)

NOTE.—Each occupier of a hut shall keep during the north-east monsoon two large vessels, continually full of water, in his verandah as a precaution against fire.

Convicts residing in huts are permitted to burn protected lights throughout the night should they wish to do so. (S. O. 2, 1-4-71.)

Self-supporters in Government employ are required to supply themselves with huts. Should they be allowed to rent huts the property of Government, they shall be charged a rental of not less than R2 per mensem. (S. O. 668, 1-1-82.)

CHAPTER XVI.—BOATS AND FERRIES.

Boats.

313. The Port Officer is responsible for keeping all Government boats in working order, and it is the duty of Settlement Officers at out-stations to aid in this matter, by seeing that all boats at out-stations, whether officers' boats or departmental boats, are regularly cleaned. Care of boats.

Boats sheathed with metal shall be hauled up and cleaned once a month, but unsheathed boats shall be hauled up and cleaned once a week without fail. All boats the property of Government shall be marked "Port Blair" in letters cut into the wood. Marking of boats.

314. All cargo boats shall be marked by the Marine Department with a load-line below which they are not to be immersed. Cargo boats.

Salt, being a dangerous cargo to carry, shall always be stored in a separate boat, only a steersman being in the boat with the salt. (S. O. 36-519, 8-8-77.)

NOTE.—The steersman shall always be provided with an axe to cut the towing rope, if necessary.

Heads of departments shall be held responsible that no working boat in their employ shall be sent on such duty as will necessitate its absence from the nearest jetty guard after 6 P.M., and also that no boat shall be sent to North Bay, Corbyn's Cove, or any other place outside the harbour, without an escort of police. (S. O. 12-764, 30-9-75.)

315. Rafts shall never be detached from the shore or from a position of safety without a sufficient number of anchors being attached, with suitable hawsers or light chains to bring them up in case of necessity. (S. O. 43-876, 17-1-80.) (H. D. 143, 30-5-79.) Rafts.

316. Officers, Overseers, and other persons who may leave their boats at jetties and other landing-places where Police guards do not exist, must distinctly understand that they do so at their own risk; and, in the event of an escape, it will devolve upon them to prove that their negligence did not abet the escape. Negligence with boats.

317. No boat (other than an officer's or a subordinate's boat) shall carry a sail or anything that can be converted into a sail, without the written permission of the Superintendent. (S. O. 288, 30-6-84.) Sails.

Sec. 318.

Chapter XVI.—Boats and Ferries.

Duties of the Police as to Boats.

(See also Section 299.)

Police duties.

318. The following rules prescribe the Police duties as to boats. (S. O. 13-762, 30-6-84.)

For the purposes of this order, the harbour shall include such portions of the sea as lie inside an imaginary line drawn from the south end of Ross to South Point, and North end of Ross to Perseverance Point.

Responsibility.

- (1) Wherever there are Police jetty guards, all boats lying off such jetties are under the supervision of the Police, whose duty it shall be to see that they are not removed by unauthorized persons. They shall also see that no boat other than an officer's or subordinate's boat takes or carries a sail or anything that can be readily converted into a sail. (S. O. 283, 30-6-84.)
- (2) On any boat being detained by the Police for a night at a jetty other than that at which it is ordinarily anchored, information shall at once be sent (by semagram, if possible) by the Police to the Divisional Officer to whose division the boat belongs. (S. O. 245, 14-7-81.)

Officers' and Subordinates' Boats.

Officers' boats.

- (3) The Police shall on no account interfere with any boat actually in the use of an officer or Overseer, or of European or Eurasian or Native subordinates, or of European or Native soldiers, either by day or by night; but in all cases when such officer, Overseer, or European or Eurasian subordinates, or European or Native soldiers, are not actually using such boat, the Police shall not permit the boat, between the hours of 6 A.M. and 5 P.M. to leave their jetties, unless the manjee is provided with a proper pass signed by a Divisional or District Officer, or unless the boat is under Police escort.

After 5 P.M., unless the boat is actually in the use of such officer, Overseer, European or Eurasian subordinate, or European or Native soldiers, or under Police escort, the Police shall not, under any circumstances, allow it to leave the jetty.

637. Boats of officers and subordinates are permitted to carry sails, but no other without special written sanction. (S. O. 288, 30-6-84.)

Special Boats.

Special boats.

- (4) The Police shall permit any boats, not included in the above, which may be needed for the conveyance of correspondence or for any other urgent purpose, to leave the jetties between the hours of 6 A.M. and 5 P.M., provided they are furnished with proper passes, and after 5 P.M., if under Police escort.

NOTE.—Special passes for such emergencies are obtainable from Station or District Officers.

On application being made to Station Officers, or in case of emergency to Sergeants in command of Police station guards, a Police escort shall be provided for any boat, special or other, on sufficient cause being shown.

Departmental Boats and Dak Boats.

Departmental and ferry boats.

- (5) The Police shall permit all working boats belonging to the Marine or other Departments, and all dak boats, to leave their jetties without passes and

Chapter XVI.—Boats and Ferries.

Ss. 319-320.

without Police escort, between the hours of 5-30 A.M. and 6 P.M. Between the hours of 6 P.M. and 5-30 A.M., they shall allow no such working boat to leave their jetties unless under Police escort or in tow of a steam-vessel.

The Police shall see that the number of persons allowed to be carried by dak boats under the licenses granted by the Port Officer is in no cases exceeded. (H. B. 358.)

It is also their duty to see that these start at the times fixed by the time tables, and further that no convicts embark in them unprovided with passes signed by District or Divisional Officers, or by Station Overseers. (See "Ferries," Sections 323-24, and "Passes," Sections 294-98.)

Fishing-boats.

- (6) The Police shall allow fishing-boats provided with passes from Divisional or District Officers to leave their jetties at all hours of the day or night.

Such boats and their crews shall invariably be previously searched with a view to prevent the men from taking their rations and cooking-pots with them.

Divisional or District Officers may send their fishing-boats out of the harbour at all hours, provided the manjee is provided with a pass, and provided also the crews be forbidden to land at any of the neighbouring islands or take their rations and cooking-pots with them. (S. O. 841, 8-2-84.)

All fishing-boats shall be painted red.

Canoes belonging to convicts may be worked between the hours of 6 A.M. and 6 P.M., either within or without the harbour, provided they are furnished with proper passes.

- (7) All passes for boats shall be printed in the English and Persian characters, Boat passes, and must bear the signature of a Station or District Officer.

NOTE.—A copy of these rules in English and Urdu shall be hung up at all Police and jetty guards for reference and guidance.

They are applicable to all Government boats of every description without any exception: Clauses (1) and (2) apply equally to private boats the property of officers or of other persons. (See also Section 299.)

Convict Boats' Crews.

319. Officers in charge of divisions shall keep up a register of the names and numbers of men employed in the boats, and no changes of any kind shall be made without the District Officer's sanction. Register of crews.

The Port Officer shall indent on the district in the same manner as other departmental officers for such convicts as he may require and as may from time to time be sanctioned, and shall furnish such information in respect to their employ as may be called for by the District Officer.

The crews shall be maintained and employed at the strength sanctioned from time to time.

320. Life convicts shall not be employed in boats of any kind, and 3rd class term convicts shall not be employed in officers' or subordinates' boats. Composition of crew.

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Chapter XVI.—Boats and Ferries.

Officers shall as far as possible arrange that the men composing each crew shall be of different castes, religions, and countries. (S. O. 841, 8-2-81.)

Convicts who have once escaped shall never be employed in boats or allowed the use of boats. (S. O. 45, 16-4-72.)

No Overseer shall employ more than four boatmen in his boat.

Absence.

321. When boatmen are at any time required to sleep away from the station to which they are posted, notice shall be given to the officer of the division to which they are attached, as well as to the Divisional Officer of the division on which it is proposed that they shall sleep. (S. O. 8-239, 21-6-80; & 637, 29-11-80.)

Sleeping in barracks.

322. All convict boats' crews shall sleep in barracks, except those for whom special exemption has been first obtained from District or Divisional Officers. Term convicts employed in officers' and subordinates' boats can be granted special exemption by these officers only, and such exemption shall be for strictly limited numbers. (H. D. 565, 30-8-84; & S. O. 536, 19-9-84.)

Ferries.

(S. 1-3-75; S. O. 24-936, 3-11-76.)

Description.

323. The ferries are worked by Government boats with convict crews, and the time tables which are sanctioned by the Superintendent from time to time shall be strictly adhered to, no changes being instituted without his express sanction.

The ferries shall be put up to auction annually in the office of the Deputy Superintendent, and the sale confirmed by the Superintendent.

Rules.

324. The following are the rules in force respecting the control of ferries:—

Ferry Regulations.

1. On the established lines of ferries passenger traffic by means of private boats between stations is prohibited; there will, however, be no interference with any boat employed by its owner in taking himself or his own property across any of the ferries.

2. No boat shall ply for the conveyance of goods or baggage except under special passes to be granted by the Deputy Superintendent on such terms as may hereafter be sanctioned by the Chief Commissioner.

3. The following shall travel free:—

- (1) European or Native non-commissioned officers and soldiers and Police, when in uniform and proceeding on duty.
- (2) Free employees of Government, such as clerks, &c., when proceeding on Government duty and provided with passes signed by District Officers.
- (3) Convicts when proceeding on duty and provided with passes, or under Police escort.
- (4) Children in arms.

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Chapter XVI.—Boats and Ferries.

Sec. 324.

4. Officers' and Police ponies, and servants of officers furnished with passes by their several Divisional Officers, shall travel free by the ferries when travelling on duty.

5. The term "such burden as a person can ordinarily carry" used in the fare table shall mean a package weighing 20 seers or 2 feet by 2 feet by measurement; for every additional 20 seers, or 2 feet by 2 feet by measurement or parts thereof, an additional fare shall be charged.

6. Nothing in these rules shall be held to apply to any boat granted by Government to or owned by any officer on duty at the Settlement, or by any Overseer, Inspector, or Government servant in local employ.

7. The ferries will be under charge of the Free Police at the different jetties and piers between which ferry boats ply, and the Police will be held responsible that the ferry boats do not carry more than their registered number of passengers in any one trip, and that they start at the time specified in the published time tables.

Table of Ferry Fares.

	Ross, Aberdeen.	Jungli Ghat, Viper.	Haddo, Chatham.	Chatham, Hope Town.	Viper, Elephant Sheds.
For each person (this to include such burden as one person can ordinarily carry, viz., a package weighing not more than 20 seers or not exceeding 2 feet by 2 feet by measurement)	6 pies	1 anna	3 pies	3 pies	3 pies
For each pony, bull, bullock, cow, or calf	8 annas	8 annas	8 annas	8 annas	8 annas
For each goat or kid	2 annas	2 annas	1 anna	1 anna	2 annas
For packages in addition to the above, for every package weighing 20 seers or measuring 2 feet by 2 feet or parts thereof	6 pies	1 anna	3 pies	3 pies	3 pies

CHAPTER XVII.—CONVICTS' PROPERTY.

Labouring Convicts.

325. No 2nd or 3rd class convict shall have the right to acquire^{2nd and 3rd class.} or hold any property without the knowledge and sanction of the Superintendent, and in the absence of such permission, any property found in his possession is liable to be confiscated by order of the Superintendent. (R. G. G. XIII.)

NOTE.—Powers of confiscation have been vested by the Superintendent in District Officers only. (S. O. 36-419, 31-7-79.)

326. On receipt of money and jewellery belonging to newly-arrived^{New arrivals.} convicts, the jewellery shall be sold by public auction, the sale proceeds being credited to the owners. (S. O. 24 726, 29-10-78.)

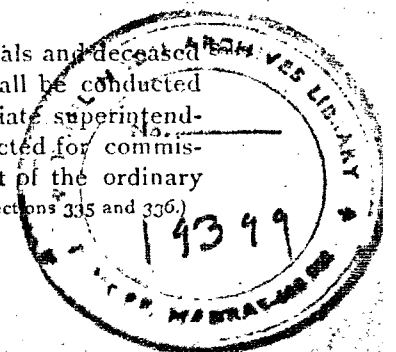
In cases where the sum amounts to Rs 1 and in the case of all sums in excess thereof, the money shall be deposited in the Savings Bank to the credit of the convict owner, not to be withdrawn until he or she has obtained a self-supporter's ticket. Fractions of a rupee may be handed to the convicts. (S. O. 437, 27-9-81.)

327. No labouring convicts shall retain in their possession any^{Possession by labouring convicts.} gold or silver ornaments or any sum of money in excess of two months' pay or gratuity. All ornaments shall be placed in the treasure chest, and all money in excess of the amount named shall be deposited in the Savings Bank till the owners receive tickets, when the whole shall be made over to them. (S. O. 16-960, 14-9-75.)

328. Except in the case of convicts confined in Viper Jail, all Sav-^{Savings Bank books.} ings Bank books shall be made over to the owners for safe custody. (S. O. 382, 24-4-78.)

329. Money dealings between labouring convicts, or between self-supporters and labouring convicts, are strictly prohibited. Infringe-^{Pecuniary dealings.} ment of this prohibition shall be liable to entail the confiscation of ornaments or money found in possession; and self-supporters convicted of having money dealings with labouring convicts shall be liable to be remanded to labour.

330. The sale by auction of the effects of new arrivals and deceased^{deceased} labouring convicts (including petty officers, &c.) shall be conducted by divisional or station moonshees under the immediate superintendence of the Overseer. No percentage shall be deducted for commis-^{commission} sion from the sale proceeds, it being deemed a part of the ordinary routine duty of the station. (S. O. 43, 13-10-77.) (See Sections 335 and 336.)



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Sec. 331-335.

Chapter XVII.—Convicts' Property.

Confiscations.

331. Divisional Officers have not been empowered to confiscate property, and shall refer for orders as to disposal of any property found in possession of convicts which they may desire to have confiscated. (S. O. 36-410, 31-7-79.)

Self-Supporters.

Self-supporters.

332. Self-supporters may acquire and hold personal property, and may institute and maintain suits in the Civil Courts with the following provisos. (H. B. 234.)

Provisoes.—(1) Nothing in this section shall be deemed to permit of the institution or prosecution by a self-supporting convict of any civil suit in which it is *prima facie* apparent that the claim is founded upon a document which required registration under the provisions of any rules locally in force, but which has failed to be so registered, nor upon any pecuniary transaction whatever which in accordance with such rules should have been reduced to writing and registered. (S. O. 607, 14-12-82. See Section 165, clause 19.)

(2) In all civil cases, where both parties are convicts, no appeals will be allowed where the amount sought to be recovered in the original suit does not exceed Rs 50 in value. (S. O. 586, 15-11-83.)

(3) Self-supporters are forbidden to mortgage their cattle, houses, or crops to private individuals or to self-supporting convicts, and the local Civil Courts shall not attach in execution of decrees any such property, whether liable to mortgage or not. (S. O. 248, 1-7-85; & 224, 23-11-83.)

This order does not apply to cattle, houses, or crops mortgaged prior to the 23rd November 1883. (S. O. 270, 8-7-85.)

NOTE.—As to property of self-supporters remanded to labour, see clause (f) of Section 336.

Landed property.

333. Self-supporters may hold land under lease from Government, but are forbidden to acquire it from others, or to sub-let or otherwise alienate it. (H. B. 234.) (See Chapter XXV, "Land Revenue," Section 441.)

Convict traders' goods.

334. Goods, the property of convict traders, shall be landed and made over to them after search in the manner prescribed by paragraphs 263 to 267 of the Local Police Manual (1884). (See also Chapter XXVI, Section 464, of this Manual, where rules are reprinted for reference.)

Estates of Deceased Convicts.

Disposal.

335. Should a convict die leaving a family in the Settlement, their claim to his estate shall be referred to the Divisional Officer. Should there be no family, the proceeds shall be lodged in the Treasury and passed to the credit of Government.

Chapter XVII.—Convicts' Property.

Sec. 336.

336. The following are the rules regulating the sale by auction of the property of deceased convicts, and also in certain specially sanctioned cases of the estates of free persons. (S. O. 42-724, 13-9-77.)

Sales by auction.

(a) The sale by auction of the effects of deceased petty officers and labouring convicts will be conducted by station moonshees under the immediate superintendence of the Overseer in charge of the station concerned; no percentage is, however, to be deducted from the sale proceeds for the performance of this duty, which is to be considered as part of the ordinary station routine.

(b) Inventories and sales by auction of the moveable property of deceased self-supporters or of self-supporters who have been remanded to labour shall be prepared and conducted by the chowdries of the villages in which the convicts concerned resided, or in cases where there is no village chowdry, by such persons, not being convict petty officers, moonshees, or labouring convicts, as the officer in charge shall appoint.

Sales by auction of the moveable effects of deceased free persons may also be conducted by the chowdry of the villages in which they resided, or by such persons as the officers directing the sales may appoint.

(c) An Overseer shall be deputed to be present at the preparation of the inventory of articles to be sold at every such sale by auction. The inventory shall be in the vernacular in the form prescribed; it shall be dated and signed by the chowdry, or other person appointed to prepare it, and countersigned by the Overseer, who shall certify that the list was prepared in his presence and contains an accurate account of all the moveable property pointed out as belonging to the person whose property is to be sold. The inventory shall then be sent to the officer directing the sale, who shall enforce an order thereon specifying the auctioneer by whom the sale is to be conducted, and the date and place at which it is to be held.

(d) An Overseer shall be deputed to be present at and generally superintend every auction sale.

(e) At the time of the sale, the chowdry or other person conducting it shall enter or cause to be entered against each article specified in the inventory referred to the amount bid and the name of the purchaser; the list when completed shall be again dated and signed by the chowdry or person appointed to conduct the sale, and countersigned by the Overseer, who shall certify that he was present at the sale and that it was fairly conducted. The chowdry or other person shall then collect the money and pay the same direct to the officer ordering the sale, at the same time producing the inventory duly signed and countersigned.

(f) The officer directing the sale, after deducting the charges incident thereto, a memorandum of which should be endorsed by him on the aforesaid inventory, shall pay the balance into the Treasury, or otherwise dispose of it as may be ordered, and file the inventory in the records of his office.

(g) The following charges only shall be deducted from the sale proceeds of property sold by auction under the above orders:—

(1) Hire of convicts or Government carts or bullocks employed in protecting or removing the property sold.

Chapter XVII.—Convicts' Property.

(II) Expenses incurred in advertising the property for sale.

(III) A percentage of 3½ on the sale proceeds realised; this sum to be paid to the chowdry or other person appointed to conduct the sale.

(h) The chowdry or other person conducting the sale will be held personally responsible for the preparation of the inventory and price list, the care of the property to be sold, the collection of the sale proceeds, and their payment to the officer ordering the sale, and for the above duties he will be remunerated as prescribed above.

(i) Where no Overseer is available, an Assistant or Sub-Overseer may be appointed to be present at the preparation of inventories and sales by auction of the property of free men and self-supporters.

(j) No Overseer, Assistant or Sub-Overseer so present at a sale by auction shall be allowed to bid for or purchase, either directly or indirectly, any article put up for auction at that sale, nor shall he receive any remuneration for his services connected therewith.

(k) Sales by auction may be advertised by beat of drum through the agency of village chowkidars, who may be allowed a fee of two annas each for their trouble when directed to proclaim such sales; these fees to be paid from the sale proceeds of the property.

(l) In the absence of any express order directing confiscation, the sale proceeds of the property of any self supporter convict remanded to labour will be placed to his credit in the local Savings Bank.

Other estates
of property.

337. All other cases of deceased estates of released convicts and free persons shall be referred to the Deputy Superintendent for orders under the Indian Succession Act (X of 1865) or the Probate and Administration Act (Act V of 1881) respectively.

All cases of unclaimed property will be referred to the Deputy Superintendent through the Police under Section 25, Act V of 1861.

Chapter XVIII.—Escapes and Recaptures.

Es. 338-342.

CHAPTER XVIII.—ESCAPES AND RECAPTURES.

338. Every person aware of the escape, or intention to escape, of any convict from the limits to which he is restricted shall, in the absence of reasonable excuse (the burden of proving which shall be on such person), give immediate information of the same to the nearest Police Officer or Magistrate. (R. III., Sec. 29.)

339. The following are the orders in force respecting escapes at Port Blair :—

Immediately on an escape being reported, the officer in charge of the division concerned shall forward notice thereof to the following officers :—

- | | | |
|---------------------------------------|---|--|
| 1. District Officers | { Northern District.
Southern " } | |
| 2. Divisional Officers | { Ross Division
Eastern " } Southern District.
Western " }
Northern " } Northern District.
Southern " } | |
| 3. Deputy Superintendent. | | |
| 4. District Superintendent of Police. | | |
| 5. Officer in charge of Andamanese. | (S. O. 575, 25-11-81.) | |

The District Officers shall give immediate information to the Superintendent.

It will be the duty of the District Superintendent to give notice to Police guards at stations and jetties. (P. M. 404.)

NOTE.—As regards escapes from Police custody, see paras. 226-228, P. M.

340. Should an escape take place at the Nicobars, the officer in charge shall give notice to—

1. The Superintendent.
2. The Deputy Superintendent.
3. The District Superintendent of Police. (S. O. 575, 25-11-81.)

341. All reports of escapes shall be despatched in "Urgent" covers, and shall also be semagraphed to the several officers concerned when time will be gained thereby. (S. O. 36, 17-4-85.)

NOTE.—For despatch of urgent correspondence see Section 510, and for semagrams Section 509, Chapter XXXI.

342. The fact of an escape having been effected shall be considered evidence of the want of vigilance on the part of the petty officers

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Chapter XVIII.—Escapes and Recaptures.

concerned, on whom the onus of proving themselves clear of all blame shall rest. (S. O. 739, 14-12-71. See also Section 316.)

Action by
Andamanese;

343. Should the runaways not be recaptured within a day or two the officer in charge of the aborigines shall send out parties of Andamanese in search of them.

by Deputy
Superintendent.

344. In all cases of escape by land of a convict, if the runaway be not recaptured within 14 days after his escape, the Deputy Superintendent shall issue a warrant (accompanied by descriptive roll) charging him with having committed an offence under Section 224, Indian Penal Code, addressed to the Chief of the Police of the province or administration in which the convict is known or is likely to be found, and shall also forward a warrant with descriptive roll through the Superintendent to the Home Department of the Government of India. (S. O. 575, 25-11-81. See also Section 355.)

Recaptures.

Notices.

345. Immediate intimation of all recaptures shall in every case be given by the officer who has issued the notices or warrants of escape, to each and every officer to whom such notices or warrants have been sent.

Police recap-
tures.

346. When the arrest is made by the Police, or when the recaptured convict is taken direct to the Police, immediate notice shall be sent by the District Superintendent of Police to the Divisional Officer concerned, who shall send notice to the officers mentioned above. (S. O. 20-8-84.)

Disposal of
recaptures.

347. All recaptured convicts shall be sent at once by the Police to the Superintendent's Office for identification. (S. O. 46, 12-4-71.)

Runaways who are brought back sick or wounded shall be sent to the Haddo Hospital. (S. O. 11-6-48, 5-9-76.)

After identification all recaptured convicts shall be sent either before the Deputy Superintendent or District Officers for trial.

Rewards.

348. A reward of Rs 5 per man to the captors is sanctioned for every escaped convict who is recaptured and returned to safe custody.

Applications for the reward should be accompanied by a report of the circumstances of recapture. (S. O. 48-940, 16-2-80.)

Special reports.

349. When escaped convicts are not recaptured within a week from date of escape, District Officers shall submit, with the recapture statement, a report in which the places where the runaways lived during their absence. The manner in which they obtained provisions,

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the circumstances of recapture, and any other points of interest, shall, as far as can be ascertained, be mentioned. (S. O. 776, 11-1-84.)

Boat Escapes.

350. In all cases of boat escapes or suspected boat escapes, the District Superintendent of Police will be held responsible that an immediate report thereof is conveyed to the Superintendent. In the event of the Superintendent being absent from Ross, the District Superintendent shall cause intimation to be sent to the Port Officer to enable him to cause the exits from the harbour to be guarded without delay. (S. O. 52-995, 28-2-80.)

Immediate
measures.

351. In cases of escape by boat by night, two blue-lights shall be exhibited at the station from which the escape has been effected, and this signal shall be repeated by each station in sight until it is answered by one blue-light on the Ross jetty. This signal, if first made from Chatham Island, need not be repeated by stations farther up the harbour. The District Superintendent is responsible that all blue-lights are kept in good order, and that the Police are instructed in their use. (S. O. 16-352, 29-7-80.)

Blue-lights.

352. In the case of an escape by boat by night from Viper Island, in addition to the above signal, two guns shall be fired at an interval of two minutes. (S. O. 14-320, 19-7-80.)

Signal guns,
Viper.

353. In the event of further steps being unnecessary or of the alarm being a false one, one blue-light shall be exhibited at the station at which the signal mentioned in the preceding paragraph was first shown, and it shall be repeated at intermediate stations until answered by a single blue-light at the Ross jetty.

False alarms,
&c.

NOTE.—As to responsibility for negligence with boats which facilitates their escape, see Section 316.

354. As soon as the signals mentioned in Sections 351-53 are observed, the commander of the station guard-ship shall despatch two armed boats to watch the northern and one to watch the southern entrance of the harbour. The Port Officer shall also despatch two boats to assist in guarding the northern entrance. These boats are authorised to challenge, stop, or pursue any boats leaving the harbour, and to fire into them should they not stop or satisfactorily answer the challenge.

Station guard-
ship.

The boats sent to guard the entrances to the harbour shall remain in position, unless they see a boat or boats trying to leave the harbour, or until they receive further orders, or see the signal mentioned

in the preceding paragraph. This signal may be taken as a signal of recall. (S. O. 529, 12-2-81.)

NOTE.—All boats passing the station steamer are required to answer if challenge by the vessel. (S. O. 307, 2-7-72.)

Action by
Deputy
Superintendent.

355. In all cases of escape by sea, if the runaway has not been re-captured within 14 days after the escape, the Deputy Superintendent shall act as in escapes by land and forward warrant and descriptive rolls by the first opportunity. (S. O. 575, 25-11-81.)

The Deputy Superintendent shall also cause to be furnished to the Inspector-General of Police, British Burma, by the first mail, the following particulars regarding the runaways as far as is possible from the information available:—

- (1) Boats or rafts by which the convicts are believed to have escaped.
- (2) Guns or other weapons they are believed to have had with them.
- (3) Direction of wind at the time they are believed to have left the Andaman coast.
- (4) Supplies of food they are believed to have had for their journey. (S. 178, 22-6-85.)

Search of
vessels.

356. Whenever the Chief Commissioner or any officer empowered by him in this behalf has reasonable and probable cause for believing that any ship within 3 miles of the coast of any of the said islands is intended to facilitate the escape of convicts from the limits to which they are restricted, or to aid any other contravention of this Regulation, he may—

- (a) authorize any person to board and inspect such ship, and to require the master to produce before him any convict who may be on board, and to allow the ship to be searched; and
- (b) require the master to take such ship within a reasonable time, not less than twelve hours, to a distance exceeding 3 miles from the coast of any of the said islands, and not to return without the permission of the Chief Commissioner.

Any master refusing to allow such boarding or inspection, or to comply with any requisition under this section, or returning without such permission, shall be liable to a fine not exceeding one thousand rupees. (Section 24, Regulation III, 1876, Appendix V.)

If the master of any vessel or other person wilfully receives on board such vessel any convict undergoing a sentence of transportation, for the purpose of conveying him from any penal settlement without proper authority, such master or other person shall be liable to a fine not exceeding one thousand rupees, in addition to any punishment that may be inflicted upon him under the provisions of the Indian Penal Code. (See also Secs. 23 & 29 of Regulation, Appendix V.)

CHAPTER XIX.—FIRES AND ALARMS.

Fires.

357. Fire engines with equipments shall be maintained at Police Fire engines, stations as available, and as may be directed from time to time by the Superintendent.

The fire engines of each station shall be under the special charge of the District Superintendent of Police, who will practise his men in the use of the engines. The engines shall at all times be kept ready for use, and the District Superintendent shall make a written report to this effect on the 1st of every month.

NOTE.—The fire engine at Viper is under the charge of the Military Department.

358. The District Superintendent shall select for each engine as Supply of men, many men as will form an efficient company. The Settlement Officers shall at fires supply such number of convict watermen as may prove necessary for the supply of the engine with water.

359. Each engine-house (wherein the equipment is to be also stored Engine-house, and kept in the most perfect order) shall be situated with due regard to easy access at points from whence the principal roads may be easily reached.

360. The duty of the Police at fires is to preserve order amongst Duties of Police, the assembled crowd, to prevent accidents, and to protect property from plunder.

The District Superintendent of Police, or, in his absence, the senior Police Officer present, on arriving with his men at a fire, has three duties immediately and invariably to look to,—

- 1stly,—Promptly to ascertain if there be any risk to human life, and to do his utmost to save those in danger;
- 2ndly,—The direction and force of wind ascertained, to direct the engine-mate and party where best to place and work his engine to check spread of fire;
- 3rdly,—To look for the best point of supply for water, and direct his water-mate thereto, and at once to place police to keep all clear about this party.

The District Superintendent of Police, or senior Police Officer present, shall thereafter attend to the following matters,—

- 4thly,—Securing, if possible, valuable moveable property, such as iron safes, specie, Government or other records. The custodians or owners of such property, if present, should of course point out the place where such property lies, and the readiest approach to it. The speedy removal out of danger of live-stock should be early looked to.

Chapter XIX.—Fires and Alarms.

5thly.—Ascertaining if any adjacent buildings are likely to ignite; if so, causing them to be cooled by a party dashing or pouring water over them from above; this duty might be assigned, as a general rule, to the military, if present.

6thly.—Inquiring if there be combustible articles, such as timber, dhunnee or thatch, coir, hay, shingles, firewood, grain, &c., in sheds; these should be first unroofed, and the property within, if necessary, removed or watched.

NOTE.—The responsibility connected with the extinction of fire rests with the District Superintendent of Police, when present, and no other officer should interfere with him in the performance of this duty.

361. In the event of a fire taking place, the convicts shall not quit their barracks or works without special orders. They shall, if brought out of barracks for service at fires, simply fall in as on parade under their petty officers, so as to be ready to execute any orders they may receive.

362. All matters of internal discipline connected with the practising of Police for fire duties and the efficiency of the engines at all times for service shall be regulated by the District Superintendent of Police in the manner provided by paragraphs 362 to 365 (inclusive) of the Police Manual for the Andaman and Nicobar Settlements (1884).

Repairs of engines shall be effected in the District or Marine or Chatham workshops, on requisitions signed by the District Superintendent of Police and countersigned by the District Officer.

NOTE.—For the Native Infantry fire engine repairs the requisition shall be signed by the Military Officer in charge.

Indents on the Marine workshops shall be addressed to the Port Officer, and those on the Chatham workshops to the Deputy Conservator of Forests.

Alarms.

[See also Secs. 127 to 132, Criminal Procedure Code (Act X of 1882).]

363. In the event of any unusual disturbance on Ross, the "alarm" shall be sounded at the Native Infantry barracks and repeated at the European barracks, upon which all troops shall turn out, and repair to their respective posts as follows:—

I. The European Officer of the week to the main guard.

II. One non-commissioned officer and 12 privates of the European detachment to reinforce the main guard, which will take up its position south of Government House, leaving a double sentry on the guard-room. A double sentry will also be posted on the top of the hill in the Chief Commissioner's garden, on the east side of the hill, to watch the lower road and the road leading to the main guard, and at the cross roads by the mess-house.

These sentries will allow no natives to pass.

Chapter XIX.—Fires and Alarms.

III. One non-commissioned officer and 20 privates of the European detachment to take up a position in front of the Police jetty guard. Four double sentries to be placed on the jetty to prevent convicts seizing the boats or any assembly of convicts at the jetty.

IV. One non-commissioned officer and 6 privates of the European detachment to proceed to the church for the protection of Europeans and others.

V. One non-commissioned officer and 6 privates of the European detachment to take up a position at the cross roads by the Post Office and prevent the passage of convicts along these roads.

VI. The senior officer present at the Native Infantry barracks will at once occupy the line of the palisade and sunk fence from east to west of the island, and prevent all convicts passing to the north of it.

VII. A picquet, consisting of 1 havildar, 1 naik, and 20 privates of the Native Infantry detachment, will take up a position at the cross roads near the Treasury, and will throw out sentries along the shore to prevent the passage of convicts.

VIII. The non-commissioned officer in command of the Commissariat guard will arrange for the protection of the godowns.

364. The Police at the Thana shall guard the western road, until the Native Infantry picquets have taken up position, and shall then conform to the orders of the officer commanding troops in preventing the passage of convicts along the western road or by the shore.

The reserve of Police shall form up in front of the Police jetty guard, one sergeant and 8 constables being detached to the boat shore to prevent the seizure of boats by convicts, firing upon them should the attempt be persisted in, without reference to the instructions contained in paragraph 366.

One sergeant and six men from the Police jetty guard shall form upon the jetty.

The Superintendent's gig shall be at once manned by his boat's crew, four of whom will attend on the Superintendent.

365. Should the disturbance prove serious, 2 guns in quick succession shall be fired from the Native Infantry barracks. This signal shall not be fired by any authority less than the senior officer on the island, or without the concurrence of the senior Civil authority on the island, or his representative.

After the alarm signal guns have been fired, the troops shall not hesitate to fire upon any convicts who attempt to force the line of sentries after having been warned to retire, or who collect in bodies after having been warned to disperse, or who make any offensive demonstration whatever.

366. The convicts shall not be fired upon before the signal by gun, unless they actually endeavour to force the chain of sentries, or

Chapter XIX.—Fires and Alarms.

refuse to obey the orders they may receive from the Civil or Military authorities.

Families of
Europeans.

367. In the event of a serious disturbance taking place, the families of Europeans, &c., shall assemble at the church, where provision shall be made for their protection.

368. Whenever the alarm is sounded on Ross or any other station, the station steamer shall at once get up steam, so as to be ready to carry out without delay any orders which may be issued by the Superintendent.

Chapter XX.—Births, Deaths, and Marriages.

Ss. 369-371.

CHAPTER XX.—BIRTHS, DEATHS, AND MARRIAGES.

Births.

369. All births occurring in the Settlements are required to be reported to the Superintendent and registered in his office. (R. G. C. C. XII.)

The births of the children of convicts shall be in the first instance reported to the Divisional Officers, who shall register the same and forward a report in the prescribed form to the District Officer. The birth shall be duly noted in the District Registers and the report be then endorsed and transmitted to the Superintendent's Office for registry.

NOTE.—The following statistics give the number of births of convicts' children annually in the Settlements during the past 22 years:—

1863-64	12	1874-75	69
1864-65	23	1875-76	66
1865-66	37	1876-77	39
1866-67	50	1877-78	86
1867-68	38	1878-79	89
1868-69	67	1879-80	77
1869-70	55	1880-81	94
1870-71	90	1881-82	115
1871-72	66	1882-83	92
1872-73	57	1883-84	77
1873-74	78	1884-85	116

NOTE.—All births of children of free persons require also to be reported to the Superintendent's Office for registry. (R. G. C. C. XII. *Vide* Sec. 531 of this Manual.)

Deaths.

370. All deaths of convicts occurring in the Settlement shall be reported to the Office of the Superintendent and registered therein. (R. G. C. C. XII.)

NOTE.—The deaths of free persons require also similarly to be reported to the Office of the Superintendent for registry (*vide* Sec. 531).

371. The numbers and names of all convicts who may die shall be reported forthwith, by the District Officer under whose charge they were, to the Superintendent. (S. O. 43-724, 13-10-77.) The report of death shall in the first instance be made by the Divisional to the District Office, and shall be transmitted from the latter to the Office of the Superintendent for registry.

NOTE.—The following table gives for reference the mortality from all causes amongst convicts in the Settlements since 1859.

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Chapter XX.—Births, Deaths, and Marriages.

	Rate per cent.		Rate per cent.		Rate per cent.		Rate per cent.
1859 .	63.00	1866 .	10.56	1873 .	1.51	1880-81 .	5.12
1860 .	13.4	1867 .	10.17	1874 .	2.51	1881-82 .	4.85
1861 .	14.25	1868 .	3.9	1875-76 .	3.67	1882-83 .	3.3
1862 .	15.53	1869 .	2.0	1876-77 .	4.17	1883-84 .	1.89
1863 .	21.55	1870 .	1.21	1877-78 .	4.90	1884-85 .	1.42
1864 .	14.64	1871 .	1.72	1878-79 .	6.73		
1865 .	6.57	1872 .	1.64	1879-80 .	4.63		

NOTE.—The annual numbers of deaths of convicts were as follows from 1863-64:—

1863-64 .	733	1869-70 .	128	1875-76 .	316	1881-82 .	536
1864-65 .	395	1870-71 .	103	1876-77 .	356	1882-83 .	378
1865-66 .	302	1871-72 .	120	1877-78 .	403	1883-84 .	216
1866-67 .	710	1872-73 .	134	1878-79 .	625	1884-85 .	185
1867-68 .	672	1873-74 .	131	1879-80 .	465		
1868-69 .	262	1874-75 .	216	1880-81 .	552		

Deaths out of hospital.

372. The corpses of all convicts dying out of hospital, from whatever cause, shall be forwarded by the Police authorities to hospital.

In cases where no notice or information of the unnatural or sudden death of a convict out of hospital is received by the Police, it shall be sufficient for the officer in charge of the police station to forward the corpse to hospital with a memorandum to the effect that deceased is reported to have died from natural causes. It shall then rest with the medical authorities to make *post-mortem* examination or not as they may think fit. (S. O. 319, 14-8-82.)

Accidental deaths.

373. In every case of the alleged death of a convict by accident, in addition to the ordinary police enquiry enjoined by law, the officer in charge of the district concerned shall make a special detailed report of the facts to the Superintendent, specifying, in cases of death from carelessness, the punishment inflicted on those through whose negligence the accident happened, and the measures taken to prevent a recurrence of the same. (S. O. 822, 20-2-82.)

Report to India.

374. The Superintendent shall send intimation of the death of every convict to the Magistrate of the district from which such convict was originally transported. (R. G. C. XII.)

Fatal illness, &c.

375. Medical Officers shall report to the Chaplain every case of illness of any Christian prisoner likely to terminate fatally.

Burials.

Convict burials.

376. For Mahomedans and other convicts requiring burial, separate burial-grounds have been set apart by the Superintendent in each district.

Chapter XX.—Births, Deaths, and Marriages.

Ss. 377-380.

Arrangements for the cremation of convicts are made at Haddo and Dundas Point stations, where only corpses are permitted to be burnt, unless otherwise specially sanctioned by the Superintendent or by District Officers.

NOTE.—(1) For free persons (Europeans and Eurasians) there is a duly consecrated cemetery at Aberdeen station where all interments are required to take place. (S. O. 37-415, 9-4-79; & S. O. 438, 11-4-80.) (For the rules in force respecting them see Part II, Chapter XXXIII, Section 538; also Appendix XV.)

(2) For free natives separate cemeteries have been established near Phoenix Bay for the interment of Mahomedans and others desiring burial. (S. O. 362-408, 9-5-77.)

Marriages.

377. The Act removing all legal obstacles to the re-marriage of Hindu widows (Hindu widows (Act No. XV of 1856) has been specially extended to the Andaman and Nicobar Islands. (G. I. N. 108, 22-3-82.)

378. As regards the marriage of the free children of convict parents, it is open to Settlement Officers at their discretion to advise parents on the subject of the marriage of their children, but they have no power to interfere with the marriage customs of any class of the free population. (H. D. 109, 22-3-82.)

379. All marriages between convicts and free persons are prohibited. (H.D.)

Male life convicts of the 1st class may be allowed to send for their wives or children, or to marry. (R. G. C. XII, 9.)

Female life convicts of the 1st class, Grade A, are also permitted the indulgence of local marriage. (See Sec. 43, R. G. C. XII, 13.)

No term-convict marriages are permitted.

No marriage shall be recognised either of male or female convict unless the special permission of the Superintendent shall have been granted. All such permissions shall be recorded in some durable form. (R. G. C. XII, 9.)

NOTE.—The annual number of marriages of convicts has been as follows during the past 14 years:—

1871-72 .	41	1875-76 .	35	1879-80 .	104	1883-84 .	85
1872-73 .	44	1876-77 .	67	1880-81 .	60	1884-85 .	88
1873-74 .	61	1877-78 .	109	1881-82 .	65		
1874-75 .	37	1878-79 .	111	1882-83 .	42		

380. Any marriage of a convict contracted without the consent of the Superintendent as Chief Commissioner, or not registered in accordance with the rules which the Chief Commissioner may from time to time prescribe in this behalf, shall be void.

Consent and
registry by
Superintendent
as Chief
Commissioner.

A certificate signed by the Superintendent as Chief Commissioner that the marriage of any convict named therein has been solemnised with such consent *and registered in accordance* with the rules, shall, until the contrary is proved, be evidence of the facts so certified. (Sec. 28, Regn. III of 1876, Appendix V.)

NOTE.—As to effects of local marriages on releases, see Secs. 405-407.

381. The following orders were issued by the Superintendent as Chief Commissioner in this matter. (R. C. 542, 14-11-81.)

"With reference to Section 28 of the Andaman and Nicobar Regulations, 1876, self-supporting convicts desiring to marry female convicts shall apply by petition for this indulgence through their Divisional and District Officers, who, after ascertaining whether the women concerned are willing and eligible, shall forward the application in the prescribed printed form with their opinions recorded thereon to the Superintendent's Office.

"2. Columns 9 and 10 of the forms will then be filled up from the records in the Convict Department of the Superintendent's Office, and the Superintendent will satisfy himself, as far as possible, that the proposed marriages will be binding on the parties under the personal law applicable to both in India.

"3. Should there appear to be no objection so far to the marriages, the parties will attend at the Convict Record Department of the Superintendent's Office for identification with their descriptive rolls, and will then be forwarded to the senior Medical Officer for medical examination.

"4. These conditions fulfilled, the parties will appear in person before the Superintendent and signify their desire to be married; the Superintendent shall then warn them that they are contracting a permanent obligation, and not entering into a mere temporary cohabitation, and shall, if he agrees, record his special permission to the marriage on the printed application above referred to, which shall be filed in the Convict Record Office."

After marriage the parties shall appear before the Superintendent as Chief Commissioner and make the following declaration:—

"We (*male*) and (*female*) hereby declare that, in accordance with the sanction accorded by the Superintendent to our application, we were duly married on the—
(date)—in accordance with the provisions of the personal law applicable to both of us in India."

Sd. _____ (*male*).

Sd. _____ (*female*).

This declaration shall be accompanied by a certificate signed by the Superintendent as Chief Commissioner as follows:—

"Certified that the parties whose signatures are attached to the above declaration appeared before me this—day of—and signed the above in my presence, and that their marriage has been solemnised with my consent and registered in accordance with the above rules in the records of the Convict Department."

The above declaration and certificate shall be filed with the application above referred to in the records of the Convict Department, and finally the marriage shall be published in Settlement Orders.

382. The following orders have been passed by the Superintendent for the regulation of measures preliminary to local marriages (S. O. 281, 24-6-84.)

Rules.

"(1) Betrothals or engagements of male self-supporters with female convicts in the second class, or 1st class, grade B, and the giving of presents to or acceptance thereof by such females, are prohibited.

"(2) Proof of the bestowal or acceptance of such presents shall entail rejection of the marriage applications of the delinquents, in addition to any punishment for disobedience of orders which may be inflicted on them.

"(3) All male self-supporter convicts desirous of being married to female labouring convicts, and who may obtain permission from their Divisional Officers, shall apply to the Officer in charge, Eastern Division, for passes to visit the female jail for that purpose. No passes for such visits shall be granted by that Officer except on the production of the necessary sanction from the Divisional Officer concerned.

"(4) Applications for such passes may be made verbally to the Officer in charge, Eastern Division, during office hours on Saturdays.

"(5) Except on the day and at the hours specified in the pass, no self-supporter convicts shall ordinarily be permitted to visit any female convicts at South Point Jail."

All entries in the Station Register shall be attested by the signature of the Officer in charge of the Police station.

NOTE.—(a) Under instructions from the Government of India, upon the point of caste restriction, in the arrangement of local convict marriages, the Superintendent will ordinarily accord his sanction to any convict marriage which may be proposed, except in instances in which he has good reason to believe from the information before him that the marriage would be legally invalid. To justify the marriage in the Settlement of a female convict who has her husband living in India, there must be some evidence that she has been properly divorced according to the law or custom of the caste to which she belongs. (H. D. 618, 13-10-84.)

(b) Applications for marriage will only be received from convicts in the first class duly qualified according to the classification rules, and who have obtained permission to support themselves and live out of barracks.

(c) Such applications duly stamped must be made in the first instance to Divisional Officers, and must show that the convict applicant is in a position to maintain a wife, and that the parties are both willing and eligible for marriage so far as can be ascertained. They will be transmitted through District Officers to the Superintendent, by whom final orders will be passed. They will be made only in the forms prescribed for this purpose.

(d) Marriage processions may be permitted within the limits of the villages in which the ceremony may take place, provided previous application for such permission be made on the usual stamped paper through Divisional Officers to the District Officer, and sanction obtained. (S. O. 2026, 26-3-84.)

CHAPTER XXI.—REGISTERS, REPORTS, AND RETURNS.

383. All Officers, Civil and Military, in the Settlements, shall keep up such records and registers and shall submit such returns and reports as the Superintendent shall call for. (R. G. C. C. IV.) Superintendent to prescribe

Superintendent.

384. The Superintendent shall keep a register of all letters despatched or received and of all orders of general application issued by him. The register shall contain an abstract of the subject-matter of each entry, and a copy of this register shall be forwarded monthly to the Secretary to the Government of India, Home Department. (R. G. C. C. I. See also Section 383.) Register of letters and Settlement orders.

385. Within two months after the 1st April in each year, the Superintendent shall submit to Government a full report on the condition of the Settlements, embracing all administrative and financial details for the preceding year. (R. G. C. C. IV.) Annual Report.

386. The Superintendent shall keep a General Convict Register Book in which shall be entered full particulars regarding each convict (on his arrival in transportation), with notes as to any discrepancy in his documents or papers, and of any convicts who are described as being dangerous characters. (R. G. C. C. X.) He is required to append a certificate of every prisoner's reception on the establishment to the warrant and general descriptive roll by which the convict is accompanied. (R. G. C. C. IX.) Other Registers.

Printed lists of newly-arrived convicts shall be issued from the Office of the Superintendent, and the spelling of the names indicated therein shall be strictly followed for each convict. (S. O. 33-1262, 7-1-74.)

He shall also maintain a register of all births and deaths occurring in the Settlements. (R. G. C. C. XII.)

387. In the case of released convicts, he is required to provide all discharged prisoners with certificates of release bearing his signature and seal. Released convicts' documents.

He is also required to furnish descriptive rolls of all released convicts and to endorse their warrants before returning them to the committing Courts. (R. G. C. C. 15 & 16.)

Ss. 388-394.

Chapter XXI.—Registers, Reports, and Returns.

Escape Reports.

388. In the event of escapes he is required to report the same (if the convict is not apprehended before the departure of the steamer) to the Magistrate of the station from whose Court the prisoner was sentenced. He shall also furnish descriptive rolls with such reports. (R. G. C. C. 13.) (See Secs. 344 & 355.)

Special indulgences.

389. In the event of his granting to any convict, in consequence of such convict having performed any signal service to Government, any indulgences beyond those for which by his class he is eligible, he is required to record in every such case his reasons, and to enter an abstract thereof in the register of letters and orders kept by him and submitted by him to Government. (R. G. G. XII., 17.)

Marriage records.

390. In the event of marriages of convicts receiving his special permission, he is required to record the same in some durable form. (R. G. G. XII., 9.)

Civil Offices.

391. The Superintendent shall from time to time prescribe the records and registers which shall be maintained in the several Civil Offices throughout the Settlements, and shall prescribe the returns and reports required by his office.

Deputy Superintendent.

Record Office.

392. With a view to the due preservation of Civil and Criminal papers, a record room has been established in the Deputy Superintendent's Office, to which all decided cases shall be sent immediately after decision. (S. O. 146, 11-4-78.)

The Deputy Superintendent's clerk is *ex officio* record-keeper, and the files of all Civil and Criminal cases shall be sent to him, and he shall grant a receipt for them. (S. O. 39-483, 2-9-79.)

NOTE.—For the escape reports required of the Deputy Superintendent, see Chapter XVIII, Sections 344 and 355.

District Officers.

Progress reports.

393. District Officers are required to submit, to the Superintendent, monthly reports of progress on their respective districts.

NOTE.—Similar reports are due from the Officer in charge, Nicobars, the senior Medical Officer, the Executive Commissariat Officer, and the Officer in charge of the Andamanese.

Divisional diaries.

394. District Officers are empowered to call for weekly or monthly diaries from the Divisional Officers (S. O. 893, 5-3-81), and the latter are required to note in these their visits to the several hospitals on their divisions (S. O. 4-326, 15-6-74), as well as the performance of the other duties imposed upon them by Section 57 of this Manual.

Chapter XXI.—Registers, Reports, and Returns.

Ss. 395-400.

395. The District Officers shall also prescribe from time to time the form of diary to be maintained by Overseers on divisions or by Supervisors of works respectively. ^{Subordinates' diaries.}

The diaries of Overseers shall be submitted direct to Divisional Officers daily; those of Supervisors to the District Officers direct.

396. District Officers shall submit to the Superintendent all such reports and returns as may be called for by him or from time to time prescribed for periodical submission. ^{Periodical returns.}

397. They shall make a half-yearly inspection in the first week of April and September in each year of the Offices of the Divisional Officers and report the result to the Superintendent. ^{Inspections.}

398. District morning reports shall be submitted in English and Urdu daily to the Superintendent's Office, and shall be forwarded on the day after the date to which they refer. (S. O. 234; 27-7-70; & S. O. 432, 6-10-70.) ^{Morning Reports.}

NOTE.—All transfers, promotions, and reductions ordered to take place from the 1st of any month shall be shown in the morning reports of the last day of the previous month, so that the numbers of the convicts of each class shown in the column "Remaining" of the morning report of the 1st of the month may correspond with the numbers for which subsistence allowance is drawn in the bill for that month. No orders for transfers, promotions, or reductions shall be issued from the Superintendent's Office with effect for the last 5 days of each month. (S. O. 815, 18-1-71.)

Divisional Officers.

399. The Divisional Officers shall maintain the diaries above prescribed (Sec. 394) whenever required by the District Officer to do so, and shall include therein all such details as to their personal inspections of stations, their visits to hospitals and works, or such other information as may from time to time be prescribed by the District Officers to whom they are directly subordinate. (See Section 57.) ^{Diaries to include}

400. The following books and records shall be kept up in Divisional Offices and produced on occasions of inspection:— ^{Book and records.}

- | | |
|---|---|
| 1. Register, in Vernacular, of all convicts. | 9. Register of Punishments inflicted. |
| 2. Pay Acquittance Register, in English and Vernacular. | 10. " " Transfers. |
| 3. General Cash Account. | 11. " " Applications for Marriage, Indexed. |
| 4. Tools and Stores Register, Station Godowns. | 12. " " Applications for Tickets, Indexed. |
| 5. Copies of Miscellaneous Returns. | 13. " " Petitions. |
| 6. Register of Letters Received. | 14. District Orders in manuscript. |
| 7. " " " Despatched. | 15. File of printed Settlement Orders. |
| 8. " " " all Indents and Requisitions. | 16. List of Convicts' Letters Received. |
| | 17. " " " " Despatched. |
| | 18. Convict Offence Book. |

Ss. 401-402.

Chapter XXI.—Registers, Reports, and Returns.

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|--|--|
| 19. Nominal Roll. | 21. Register of Boats' Crews. |
| 20. Character Sheets of Petty Officers.
(S. O. 12-76, 4-10-76.) | 22. File of printed Punishment Sheets. |

Comparison.

401. All Divisional and Station Moonshees shall attend at the District Office on such days monthly as the District Officer may direct, for comparison of the Vernacular Registers and Returns, &c.

Destruction of Records.

Destruction
of records.

402. The following orders shall regulate the destruction of old records in all offices of convict record.

To be destroyed:—

ENGLISH.		VERNACULAR.
After 1 year	Overseers' Diaries.	Ration Indents.
	Ration Indents.	Daily
After 2 years	Daily Reports.	Chowdries' receipts for supplies of milk, dhali, and vegetables.
	Dhai Returns.	"Sectionwar" Accounts.
	Vegetable Returns.	Miscellaneous monthly Station Papers.
		Station Morning Reports.
After 3 years	Morning Report Abstracts.	Rough Accounts.
	Pay Acquittance Books.	Hospital Stoppages Returns.
	Copies of monthly Miscellaneous Returns.	District Morning Reports and Abstracts.
		Pay Acquittance Books.
After 3 years	Ration Godown Account Books.	Originals and copies of monthly Returns.
	Registers of Tools and Stores.	Petitions and Miscellaneous Reports.
	Applications for Marriages.	
	Applications for Self-support Tickets.	Ration Godown Accounts.
	Petition Memoranda.	Register of Tools and Stores.
	Written Settlement Orders.	Written Settlement Orders.
	District or Divisional Orders (ordinary routine), Transfers, &c.	District or Divisional Orders of ordinary routine.
	Indent Registers.	

Character rolls of petty officers may be destroyed on the death, release, or remand to labour of the petty officers concerned. (S. O. 12-76, 4-10-76.)

Chapter XXI.—Registers, Reports, and Returns.

Sec. 403.

Special Reports.

403. All special reports of serious offences, such as attacks on officers, shall be reported to District Officers by express messengers forthwith, and at once forwarded on by express to the Superintendent. (S. O. 46-931, 9-2-80.)

(See also Chapter XXXI, Secs. 508 to 510, as to urgent reports, correspondence, and semagrams through Police.)

CHAPTER XXII.—RELEASES.

404. The orders applicable to the release of life prisoners are as follows:— Orders as to release.

- (A) In the case of all life prisoners at the Settlement on the 1st of November 1876 (*up to and including No. 21308*); the hope of eventual pardon is held out to all such convicts who by a sustained course of good conduct in transportation may have earned a claim to the indulgence—

1st,—By conspicuous gallantry or devotion in the service of Government (regarding which specific rules cannot be laid down).

and,—When a convict has completed 20 years' imprisonment he may be recommended for release by the Superintendent if his conduct has been uniformly good, and his return to his country would not be dangerous to society or to public order. (S. O. 11-514, 30-8-74.)

- (B) In the case of life convicts who arrived in the Settlements after the 1st November 1876 (*from No. 21309*), the hope of eventual pardon is held out to all such who by a sustained course of good conduct in transportation may have earned a claim to the indulgence—

1st,—By conspicuous gallantry or devotion in the service of Government (regarding which specific rules cannot be laid down).

and,—When a convict has completed 20 years' imprisonment, including at least 15 in the Settlement, he may be recommended for release by the Superintendent. (S. O. 16-845, 1-11-76.)

- (C) These indulgences (A and B) are applicable to life convicts sentenced for dacoity or any other class of organised crime after 25 years of transportation, provided that the convicts on whose behalf such recommendations are made are considered to have earned a claim to the indulgence by a sustained course of good conduct in transportation. (H. D. Jndl., 11-1487, 16-11-81; S. O. 585, 1-11-81.)

Married Convicts.

405. When recommending the release of a convict, the Superintendent shall state whether such convict has a wife or husband under sentence in the Settlement, and shall report for the information of Government the facts connected with the marriage, its apparent validity or otherwise under the personal law applicable to the parties in India, and the facts of the case of that one of the parties whose Married convicts.

Ss. 406-411.

Chapter XXII.—Releases.

term is still unexpired, with the Superintendent's own recommendation as to the remission of any such unexpired term, or the detention of the other party to the marriage until both can be released together. (S. O. 534, 9-11-81. (H. D. 263, 13-10-81.)

Where husband ineligible.

406. In the case of a life convict wife of a life prisoner who has become or who hereafter may become eligible for release under the 20 years' rule, she shall be detained until her husband shall have become eligible for his release. (S. O. 362, 23-7-84.) (H. D. 389, 12-6-84.)

Particulars to be recited.

407. District Officers in sending on applications for release of married convicts shall state the occupation of the husband, and also whether, in the event of release, the parties desire to proceed to India. (S. O. 632, 21-12-81.)

Term-Convicts' Remissions.

Term remissions.

408. In the case of term convicts the Superintendent has authority, subject to certain conditions, to grant remissions equal to one sixth of the sentences passed, in the cases of well-behaved prisoners. (G. I. 843, 27-5-71.)

After Release.

Disposal of ex-convicts.

409. On the receipt of orders for the release of a prisoner, he shall be relieved from all further labour from the date of his release (S. O. 150, 17-5-81), and shall be forwarded to Ross Island to await embarkation, unless he has meantime received sanction to remain in the Settlement. He is prohibited from further communication with prisoners, and shall not proceed to out-stations without permission. (S. O. 550, 6-10-71.)

Documents.

410. Every released convict shall receive from the Superintendent a certificate of release, bearing the signature and seal of such Superintendent. (S. O. 1150, 17-5-70.)

It shall be incumbent upon the Superintendent to furnish proper descriptive rolls of released convicts, and to duly endorse their warrants, returning the same to the committing Courts. (S. O. 1150, 17-5-70.)

Passage or license to remain.

411. The ex-convict shall receive, if returning to India within three months from the date of his release, a free passage to the port in India whence he was transported, with rations during the voyage and free transit to the nearest presidency town. (See Rules, 5-12-74.)

In the event of his obtaining sanction to remain at the Settlement beyond this period or upon license for residence, this indulgence shall be deemed to have been forfeited. (S. O. 493, 18-3-85.)

No released convict who is permitted to remain in the Settlement shall be granted a passage certificate to leave the Settlement without reference to the Superintendent. (S. O. 358, 12-8-85.)

Chapter XXIII.—Conditional Releases.

Ss. 412-415.

CHAPTER XXIII.—CONDITIONAL RELEASES.

412. Under certain circumstances conditional pardons and remissions of sentences are granted by the Governor General in Council under the provisions of Section 401, Act X of 1882, whether with or without permission to return to India, and subject to special conditions in each case. The remission in respect to those convicts conditionally released locally at Port Blair and the Nicobars is granted by the Chief Commissioner under the section cited, but with the previous approval and sanction of the Government of India. (H. D. 745, 18-12-84.)

With Return to India.

413. In the cases of those whose return to their country is sanctioned, the convict is required to execute an agreement accepting the conditions of release offered him, and such agreement will be forwarded to the Local Government within the jurisdiction of which his residence may be authorized, attached to the released prisoner's warrant. Agreements.

414. The Superintendent shall, before forwarding such warrant to the said Local Government, cause to be endorsed upon it the fact and date of such conditional release, with a reference to the convict's agreement thereto annexed and citing the order of Government sanctioning such release. (H. D. 145, 18-4-83.) Other documents.

With Residence at the Penal Settlements.

415. In the case of prisoners whom it is desired to release conditionally on their continued residence within the Settlements, conditional remissions are granted by the Chief Commissioner under Section 401, Act X of 1882, after prior reference to the Government of India and sanction in each case. (H. D. 745, 18-12-84.) Conditions of agreement (Europeans).

The following are the conditions prescribed in the case of European and Native convicts respectively, which are required to be accepted by the convicts concerned.

European and Eurasian Convicts.

Conditions.

- "1st.—That the said
will support himself by working for the Government in the capacity of
or in any other capacity whenever his services
may be required on a salary of Rs 30 per mensem or such higher sum
not exceeding Rs 50 per mensem as the Superintendent of Port Blair
and the Nicobars may from time to time be pleased to grant.
- "2nd.—That he will not quit or attempt to quit the Settlement of Port Blair
without the permission of the Superintendent of Port Blair and the
Nicobars before on which date his
sentence would expire in course of law.
- "3rd.—That he will reside within such limits in the Andaman and Nicobar Islands
as the Superintendent of Port Blair and the Nicobars may from time
to time fix, and that he will not quit those limits without sanction from
competent authority.
- "4th.—That he will obey any orders conveyed to him by the Superintendent or
other officers under whom he may be appointed to serve.
- "5th.—That in the event of his becoming a lunatic and being confined under
the provisions of Act XXXVI of 1858 in a lunatic asylum in British
India, and being before the expiration of his sentence discharged from
such asylum, he will immediately, on a passage being provided for him
by the Government, return to Port Blair, report himself to the Superin-
tendent there, and thereafter conform and submit to the foregoing
conditions until the expiration of his sentence.
- "6th.—That should he fail to fulfil these conditions, or any portion of them, or
be guilty of any gross misconduct, of which the Superintendent of Port
Blair and the Nicobars is to be the judge, the Chief Commissioner of
the Andaman and the Nicobar Islands may cancel the remission of his
sentence, and he may be arrested by any Police officer without warrant
and be remanded to undergo the unexpired portion of his sentence."

Native Convicts.

Conditions.

- "1st.—That the said will not quit or attempt to
quit the Settlement of Port Blair without the permission of the Su-
perintendent of Port Blair and the Nicobars.
- "2nd.—That he will submit to such conditions and orders as the Superintendent
of Port Blair and the Nicobars may deem necessary and may issue
from time to time for providing against his leaving the Settlement of
Port Blair without permission.
- "3rd.—That he will not commit any offence punishable by any law in force in the
Settlement.
- "4th.—That should he fail to fulfil these conditions, or any portion of them, the
Chief Commissioner of the Andaman and Nicobar Islands may cancel
the remission of his punishment, whereupon he shall be remanded to
undergo the unexpired portion of his original sentence."

Conditions of
Settlement.
(Natives).

416. To those prisoners who may be locally conditionally released, the following local conditions and orders shall be applicable :—

Local conditions
prescribed.

They are prohibited from all or any of the following acts :—

- The boarding of any vessels without the written permission of the officer in charge of the district or division in which they are allowed to reside.
- The remaining on board any vessel after the hours fixed for any visit there- to, by any pass granted as above provided.
- The removal of residence from one station to another, without the written authority of their District or Divisional Officer.
- Absence for more than ten days without permission from registered resi- dence and station.
- Refusal to attend at any Court (without sufficient reason) or at the District Police Office when called upon to do so and after due notice to that effect.
- Refusal to permit domiciliary visits by Police Officers for the purpose of as- certaining presence at or absence from registered residence and station.

Failure in the fulfilment of any of the above conditions or any breach thereof shall involve liability to the revocation by the Chief Commissioner of the pardon accorded and consequent remand to undergo the unexpired portion of sentence, or of subjection to any or all of the rules which have been laid down for the discipline of the Settlement. (R. C. C. 5, 23-7-78.)

417. Notices of the conditional release of any prisoners locally in Port Blair and the Nicobars shall be furnished by the Superintendent's Office to the District Superintendent of Police, who will maintain a register of all such conditionally-released prisoners in the Settle- ments, all entries therein being attested by his initials. Such register shall be maintained in the form prescribed from time to time by the Superintendent.

Police Registers.

For purposes of comparison and check, the District Superintend- ent shall attach to his annual report a list of conditionally-released prisoners borne on this register and present on the 1st of April in each year.

418. District Officers shall communicate to the District Superin- tendent of Police all changes of residence which conditionally-released prisoners may from time to time be authorized to make.

Change of
residence.

419. A register of the conditionally-released convicts residing within the limits of each Police circle in Port Blair shall be also main- tained at the Police station of that circle, and the Police Officer in charge of the circle shall personally ascertain by domiciliary visits once a quarter (*viz.*, on or about the 1st January, 1st April, 1st July, and 1st October) that the conditionally-released convicts whose

Police Station
Register.

names are borne on the register of his station are present, and after the performance of this duty he shall submit a written certificate to the District Superintendent of Police to the following effect:—

Certificate.

"I hereby certify that on the (*here enter dates*) I personally visited and saw all the conditionally-released convicts whose names are borne on the register of the Police station, and that they are at present residing within the limits of the above Police station."

All entries in the Station Register shall be attested by the signature of the Officer in charge of the Police station.

NOTE.—The privilege locally granted to free residents of employing eligible convicts of the 2nd class (grade A) as servants is not extended or applicable to conditionally-released prisoners or their families. (S. O. 27-842, 9-12-78; & 54-1010, 6-3-80.)

PART II.

RULES AND ORDERS

AFFECTING

OTHER BRANCHES OF THE ADMINISTRATION.

PART II.

RULES AND ORDERS AFFECTING OTHER BRANCHES OF THE
ADMINISTRATION.

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CHAPTER XXIV.—EXCISE AND OPIUM.

420. The introduction into any Settlement of the Andaman and Nicobar Islands, or the manufacture, barter, sale, or possession of spirituous liquors or drugs, is strictly prohibited, subject to certain exceptions hereinafter recited. Restrains in Settlements.

NOTE.—(1) The South Andaman was declared a Settlement in 1877. (G. I. N. 243, 21-9-77.)

(2) The Nicobar Islands were similarly declared in 1881. (G. I. N. 132, 31-5-81.)

(3) The Opium Act (XXIII of 1876 as amended by Act VI of 1877) is still locally in force.

421. The following restrictions are those imposed by Regulation III of 1876, Section 31:— Legal prohibitions.

No person shall, without a license in writing from the Chief Commissioner, or from some officer empowered by him to grant such license, introduce into any Settlement, or manufacture, barter, or sell, or have in his possession any of the following articles, namely,—

- (a) Beer, wine, or other spirituous or fermented liquor.
- (b) Opium, ganja, or other hurtful or intoxicating drug.

NOTE.—(1) Nothing in this section applies to the possession by any person of any such quantity of a spirituous liquor or intoxicating drug kept for such person's own use only, as the Chief Commissioner may from time to time declare to be exempt from the prohibition contained in this section when so kept. (Section 31. See Section 422.)

(2) Regulation III is printed *in extenso* as Appendix No. V.

(3) The Deputy Superintendent is the officer specially invested locally with the power defined in this section (A. & N. G. N. 4 of 1879).

(4) For punishments of these offences see Section 32 (c) of Regulation (Appendix V).

422. The quantity of spirituous liquors or intoxicating drugs respectively, the possession of which when kept for personal use is exempt from the prohibition of Section 421, has been declared to be thus limited (A. & N. G. N., 15-3-84):— Exemption for private use.

English or foreign beer	6 gallons or 36 quart bottles.
Rum	2 " " 12 quarts.
Wines or spirits (other than rum) of one and the same description	6 " " 36 quart bottles.
Native arrack or other country spirits	1 gallon. " 6 " "
Toddy	1 " " 6 " "
Opium or any preparations or admixtures thereof at South Andamans	1 tola.
Opium or any preparations or admixtures thereof at Nicobars	3 tolas.
Ganja or bhang	3 "

Sa. 423-425.

Chapter XXIV.—Excise and Opium.

Prohibitions as to convicts.

423. As regards convicts (whether at Port Blair or the Nicobars) the exemption does not hold good; absolute prohibitions to the possession, manufacture, barter, or sale of any of the prohibited articles of Section 31 having been issued in regard to all prisoners. (See A. & N. G., 13-12-78, Port Blair, & 12-8-82 for Nicobars.)

Convicts have also been specially prohibited from entering into, frequenting, or being employed as salesmen in any shop licensed to sell beer, wine, or other spirituous or fermented liquor by dram or glass, or in any shop licensed to sell opium, ganja, or other hurtful and intoxicating drug. (S. O. 350, 15-8-83.)

Suspected vessels and boats.

424. Whenever the Chief Commissioner or the Deputy Superintendent of the Settlement has reason to believe that any person on board any vessel in any port of the Andamans or in the port of Camorta is in possession of any opium or ganja or other hurtful or intoxicating drug with intent to introduce the same into any Settlement in contravention of Section 31 of the Regulation, the Chief Commissioner or the Deputy Superintendent, as the case may be, may by an order in writing authorize any officer of Police not below the grade of Inspector to board and search such vessel, and to seize such drug and to arrest the person possessing the same.

Any person possessing any such drug on board a vessel in any of the said ports with the intent aforesaid may on conviction be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both, and the drug, if any such is seized, may be confiscated by order of the convicting Magistrate. (Sec. 25, Reg. III of 1876.)

NOTE.—By Section 3 of the Regulation the term "vessel" includes any description of boat or ship, and "master" includes every person having command or charge of a vessel.

Local license rules.

425. The following are the rules now in force locally for the issue of passes and licenses to introduce into the Settlements of South Andaman and the Nicobars, manufacture, barter, or sell, or have in possession any of the articles specified in Section 31, Regulation III of 1876. (See Appendix V for Regulation.)

Rules.

1. All applications for passes or licenses under these rules shall be made in writing to the Deputy Superintendent.
2. The Deputy Superintendent has power, should he think fit, to reject applications for passes or licenses, subject, however, to appeal by the applicants to the Chief Commissioner.
3. Passes for the importation of wine, beer, or other spirituous or fermented liquors, may be obtained from the Deputy Superintendent on written appli-

Chapter XXIV.—Excise and Opium.

Sec. 426.

cation specifying the quantity and description of liquor to be imported, and whether it is required for sale or private use.

4. Applications for licenses to have in possession arms or weapons, &c., should be made under the provision of Home Department Notifications on the subject, re-published in local Notification No. 8, dated 22nd July, 1882, of the Andaman and Nicobar Gazette, and subsequent notifications.
5. The following is the scale of fees now leviable upon each license:—
For the sale of wine, beer, or spirits by the bottle—Rupees 25.
For the retail sale of opium—by auction.
For the retail sale of ganja and bhang.
For the retail sale of spirituous liquors of country manufacture (including rum) by the dram or glass—by auction.
For the retail sale of tari—by auction.
6. Forms of passes and licenses are prescribed (*vide* Forms Nos. 1, 2, 3, 4, 5, and 6). The Deputy Superintendent will maintain registers in Forms Nos. 7 and 8 of passes and licenses granted by him under the above rules. The Treasury Officer shall also keep a register (Form No. 9) showing the quantity of opium taken by each licensed vendor.
7. All licenses to terminate on the 31st March of each year. Arrangements for licensed shops should be made, as a rule, annually, to take effect from the commencement of the official year. Those made at other periods of the year will be in force only to the end of the year.
8. Only one shop to be carried on under one license, and each license to have a distinct number on the roll.
9. No interference to be exercised with the price at which spirits, liquors, or drugs are supplied by the retail vendor to the purchaser, and the price to be left to private arrangement between the parties.
10. The Chief Commissioner will determine annually the number and position of the licensed shops to be established in each Settlement for the retail sale of liquors and drugs.
11. Each shop to be licensed to sell, by retail, opium, ganja, or tari, to be sold separately by auction. The opium licensees to take all their opium from the Treasury at the price fixed from time to time by the Chief Commissioner.
12. Opium licensees are not to be required to take a given quantity of opium in each month. It rests with them to determine the amount they will take.
13. All opium in transit to be covered by a pass from the Deputy Superintendent or Treasury Officer.
14. No convicts shall be granted passes or allowed to hold licenses under these rules.
15. The particulars of all convictions of license-holders of breaches of the conditions of their licenses to be enfaced on such licenses by convicting Magistrates at the time of such convictions. (A. & N. G. 15-3-84; 1, 9-4-84; & 30-5-85.)

426. The following are the conditions which are imposed locally and which are endorsed upon licenses for the retail sale of BEER, WINE, or other SPIRITUOUS OR FERMENTED LIQUOR by bottle (Form 2).

[N. B.—A bond forming counterpart of the lease is required to be signed by the license-holder and deposited in the District Office. The license is liable to be revoked

Beer and spirit licenses.

Chapter XXIV.—Excise and Opium.

on failure of compliance with its conditions, or without any reason being assigned, after one month's notice, by the Deputy Superintendent. It is not transferable.]

Conditions.

1. The license-holder to pay into the treasury a fee of Rupees * * * * in advance on or before the 1st April, and will forward to the Deputy Superintendent the treasury challan receipt for the amount.
2. The license-holder to sell liquors only in the shop for which this license is granted, and not to sell liquors in any other place or establish a second shop without another separate license.
3. The license to be produced whenever required by any Magistrate, or Police Officer above the rank of Sergeant, or other person deputed by competent authority for the purpose.
4. The license-holder not to receive any wearing apparel or other goods in barter for liquor.
5. No wines, beer, or other spirituous or fermented liquors to be sold or supplied by the license-holder to or for the use of any European or Native soldier or Police constable, or to or for the use of any European or Eurasian, or native of India being a camp follower, or soldier's wife, without a written license from the Officer Commanding, or some person having sufficient authority from the Officer Commanding to grant such license.
6. No wine, beer, or other spirituous or fermented liquors to be sold or supplied to or for the use of any convicts or to or for the use of any minor, nor will any convict be employed in the licensed shop as salesman of liquor.
7. Quantities of not less than one pint bottle, and not more than six magnums, twelve quart or twenty-four pint bottles, of one and the same description of liquor, may be sold at one time.
8. All liquors kept for sale under this license to be in magnum, quart, or pint bottle, corked and sealed after the manner usual with European wines.
9. No liquors to be drunk by purchasers in the license-holder's shop, or on the premises.
10. The license-holder not to open his shop or effect sales therein before sunrise, nor keep it open or effect sales therein after 8 p.m.; nor to harbour any person during the night.
11. The license-holder to store all liquors in a substantially-built house or godown.
12. The license-holder to have constantly fixed up at the entrance of his shop a signboard in English bearing the following inscription:—
"Licensed to sell wine, beer, &c., by retail."
13. The license-holder to keep a register of all sales of liquors made by him under this license, showing the name and residence of the purchaser, the quantity and description of liquors purchased, and the date of such purchase; such register to be open at all times to inspection by any Magistrate, or Police Officer above the rank of Sergeant.
14. The license-holder to execute an agreement binding himself to fulfil the above conditions; all expenses connected with the preparation of such agreement to be borne by the license-holder.

Chapter XXIV.—Excise and Opium.

427. The conditions for the sale of OPIUM and preparations thereof are as follows, the licenses being subject to the same provisos and liabilities of withdrawal as indicated in the preceding section:—

[Form 3.]

Conditions.

1. The license-holder to pay into the Treasury R * * * * in equal monthly instalments of R * * * * each on the 1st day of each month, or on the 1st treasury day thereafter, and will forward to the Deputy Superintendent a treasury receipt for the amount immediately after paying in the money.
2. The license-holder to sell no opium but such as he may purchase from time to time from the Treasury Officer, such opium to be conveyed from the treasury to the shop for which this license is granted, the license-holder not to receive or have in his possession opium obtained otherwise.
3. The license-holder to effect his sales only in the shop for which this license is granted, and not to sell opium or any preparations therefrom at any other place, nor establish a second shop without a separate license.
4. The license-holder not to sell more than 1 tolah's weight of opium or of any preparation therefrom to any person at one time.
5. The license-holder not to receive any wearing apparel or other goods in barter for opium.
6. The license-holder not to open his shop or effect sales therein before sunrise, nor to keep it open or effect sales therein after 8 p.m., and the license-holder not to harbour any person therein during the night.
7. The license-holder not to permit persons of notoriously bad character to resort to his shop, and to prevent gaming and disorderly conduct therein, and to give information to the Magistrate or Police Officer of any suspected persons or convicts who may resort to his shop.
8. The shop for which this license is granted to be substantially built of wood, mud, or brick, and to be entirely closed up in the rear and to have only one door for ingress and egress.
9. The license-holder shall not sell or supply opium or any preparation thereof to or for the use of any convict, or to or for the use of any minors under 18 years of age.
10. The license-holder to have constantly fixed up at the entrance of his shop a signboard bearing the following inscription in English:—
"Licensed to sell opium and preparations thereof by retail."
11. The license-holder to keep up daily an account in the form prescribed, in either English or Urdu, showing the receipts and deliveries of opium at his shop each day, and balance in store.
12. The license-holder to produce at once for inspection, on the demand of any Magistrate, or Police Officer above the rank of Sergeant, his license and accounts, and to permit a Police Officer of any grade to enter his shop at any hour of the day or night.
13. The name of the actual purchaser shall be entered in the accounts kept, and not that of the person in whose name the opium is solicited, no person being permitted to purchase opium on behalf of another.
14. No opium or preparation thereof to be sold, bartered, or given to the Nicobarese or Andamanese.

Sec. 428.

Chapter XXIV.—Excise and Opium.

15. The license-holder not to employ any convict in the licensed shop as salesman of opium, or preparation thereof, nor permit any convict to enter into it.
16. The license-holder to execute an agreement binding himself to fulfil the above conditions; all expenses connected with the preparation, &c., of such agreement to be borne by the license-holder.

NOTE.—The Opium Act XXIII of 1876, as amended by Act VI of 1877, is also still locally in force.

Country liquor
and rum.

428. The conditions prescribed for the sale of COUNTRY LIQUORS and RUM (but exclusive of tari) are these—with the usual provisoes:—

[Form 4, as recited in Section 426, ante.]

Conditions.

- I. The license-holder to pay into the treasury R * * * in equal monthly instalments of R * * * each on the 1st day of each month, or on the 1st treasury day thereafter, and will forward to the Deputy Superintendent a treasury receipt for the amount immediately after paying in the money.
- II. The license-holder to sell spirituous liquors to be drunk on the premises only in the shop for which this license is granted, and not to sell spirituous liquors to be drunk elsewhere than in the said shop, or establish a second shop without another separate license.
- III. The license-holder to produce his license whenever required by any Magistrate, or Police Officer above the rank of Sergeant, or other person deputed by competent authority for the purpose.
- IV. The license-holder not to receive any wearing apparel, or other goods in barter for liquor.
- V. The license-holder not to sell or supply spirituous liquors to any European soldier, sailor, woman or child, or to any person armed with any kind of arms, or to any European or to any person of European descent, or to any convict or minor, nor will he allow such persons to enter his shop; he will not employ any convict as salesman in his shop.
- VI. The license-holder will not sell any spirituous liquors on credit, nor enter into law-suits to recover debts on such account.
- VII. The license-holder not to allow intoxicated persons to remain in his shop.
- VIII. The license-holder not to open his shop or effect sales therein before sunrise, nor keep it open, or effect sales therein, after 8 p.m.; nor harbour any person during the night.
- IX. The license-holder will store all spirituous liquors in a house or godown substantially built of brick or wood, entirely closed up in the rear, and having only one door for ingress and egress.
- X. The license-holder to have constantly fixed up at the entrance of his shop a signboard in English bearing the following inscription:—
“Licensed to sell country spirits by retail to be drunk on the premises.”
- XI. The license-holder to keep a daily register of all sales of liquor of each kind, such register to be open at all times to the inspection of any Magistrate, or Police Officer above the rank of Sergeant.
- XII. The license-holder to execute an agreement binding himself to fulfil the above conditions; all expenses connected with the preparation of such agreement to be borne by the license-holder.

Chapter XXIV.—Excise and Opium.

Ss. 433-435.

429. The conditions for the retail sale of TARI (Form 5) are the following, with the usual provisoes as above recited (Section 426):—

Conditions.

- I.—The license-holder to pay into the treasury R * * * in equal monthly instalments of R * * * each on the 1st day of each month, or on the 1st treasury day thereafter, and will forward to the Deputy Superintendent a treasury receipt for the amount immediately after paying in the money.
- II.—The license-holder to sell tari to be drunk on the premises only in the shop for which this license is granted, and will not sell tari in any other place, or establish a second shop without another separate license.
- III.—The license-holder to produce his license whenever required by any Magistrate, or Police Officer above the rank of Sergeant, or other person deputed by competent authority for the purpose.
- IV.—The license-holder not to receive any wearing apparel or other goods in barter for tari.
- V.—The license-holder not to sell or supply any tari to or for the use of any European or Native soldier or sailor, or to or for the use of any European or Eurasian, or native of India being a public follower, or soldier's wife, without a written license from the Officer Commanding or some person having sufficient authority from the Officer Commanding to grant such license, or to sell or supply any tari to a minor.
- VI.—The license-holder not to sell or supply any tari to or for the use of any convict, nor to employ any convict as salesman, nor allow him to enter into or frequent his shop.
- VII.—The license-holder not to sell less than three or more than six quart bottles of tari (except in the case of tari that may be required for the Commissariat bakery) for removal from the premises under a written pass signed by himself, a register of such passes to be kept by him and to be open at all times for inspection by any Magistrate, or Police Officer above the rank of Sergeant.
- VIII.—The license-holder not to open his shop, or effect sales therein, before sunrise, nor keep it open or effect sales therein after 8 p.m., nor harbour any person during the night.
- IX.—The license-holder to have constantly fixed up at the entrance of his shop a signboard in English, bearing the following inscription:—
“Licensed to sell tari by retail.”
- X.—The license-holder to execute an agreement binding himself to fulfil the above conditions; all expenses connected with the preparation of such agreement to be borne by the license-holder.

430. The conditions for the possession and sale of GANJA and BHANG by retail (Form 6) are as follows, with the usual provisoes:—

Conditions of License.

- I.—The license-holder to pay into the treasury R * * * in equal monthly instalments of R * * * each on the 1st day of each month, or on the 1st treasury day thereafter, and will forward to the Deputy Superintendent a treasury receipt for the amount immediately after paying in the money.

- II.—The license-holder to sell no ganja and bhang but such as he may import from time to time from India under written permission, such ganja and bhang to be conveyed direct from the vessel to his shop for which he has received this license, and he will not receive or have in possession ganja and bhang obtained otherwise.
- III.—The license-holder to effect his sales only in the shop for which this license is granted, and not to sell ganja and bhang at any other place, nor establish a second shop without a separate license.
- IV.—The license-holder to abstain from selling ganja and bhang to minors under 18 years of age, or to persons for delivery to other persons.
- V.—The license-holder not to sell more than 3 tolas weight of ganja and bhang to any person at one time.
- VI.—The license-holder not to receive any wearing apparel or other goods in barter for ganja and bhang.
- VII.—The license-holder not to open his shop or effect sales therein before sunrise, nor keep it open or effect sales therein after 8 P.M.; nor will he harbour any person therein during the night.
- VIII.—The license-holder not to permit persons of notoriously bad character to resort to his shop, and to prevent gaming and disorderly conduct therein, and to give information to the nearest Magistrate or Police Officer of any suspected persons or convicts who may resort to his shop.
- IX.—The shop for which this license is granted to be substantially built of wood, mud, or brick, and to be entirely closed up in the rear, and to have only one door for ingress and egress.
- X.—The license-holder shall not sell or supply ganja and bhang to or for the use of any convict, nor employ any convict in his licensed shop as salesman of ganja or bhang.
- XI.—The license-holder to have constantly fixed up at the entrance of his shop a signboard bearing the following inscription in English:—
“Licensed to sell ganja and bhang by retail.”
- XII.—The license-holder to keep up daily an account in the form prescribed, in either English or Urdu, showing the receipts and deliveries of ganja and bhang at his shop each day and balance in store.
- XIII.—The license-holder to produce at once for inspection, on the demand of any Magistrate, or Police Officer above the rank of Sergeant, his license and accounts, and to permit a Police Officer of any grade to enter his shop at any hour of the day or night.
- XIV.—No ganja or bhang to be sold, bartered, or given to the Nicobarese or Andamanese.
- XV.—The license-holder to execute an agreement binding himself to fulfil the above conditions; all expenses connected with the preparation of such agreement to be borne by the license-holder.

Rewards to
informers

431. The following rewards to informers are those which have been sanctioned locally. (S. O. C. 148, 12-5-84.)

In case of conviction before a Magistrate of any person of an offence under clause C, Section 32, Regulation III of 1876, a portion not exceeding one half of the fine imposed and of the value of the goods confiscated, if any, may be awarded by such Magistrate to any officer in the public service not being a gazetted officer, or to any informer, provided the total amount thus awarded does not exceed the sum of Rs 250. (See Chapter VII, Section 122.)

432. The shops of licensed sellers of ganja, bhang, opium, and spirituous and fermented liquors shall be inspected periodically, by a Police officer not below the grade of Chief Constable, and a report in writing submitted through the District Superintendent to the District Magistrate, noticing any special irregularities on the part of the licensees requiring correction. (P. M. 293.)

Police
inspections.

CHAPTER XXV.—LAND REVENUE.

433. All the land comprised in any Settlement in the Andaman and Nicobar Islands is vested absolutely in Her Majesty the Queen, and no person shall be deemed to have acquired any property therein, or any right to or over the same by occupation, prescription, or conveyance, or in any other manner whatsoever, except by a conveyance executed by a Secretary to the Government of India, by order of the Governor General in Council: Property in land.

Provided that nothing in this section shall affect any rights created under the powers conferred by the first section of Act No. XXVII of 1861. (See Sec. 4, Regn. III of 1876, printed as Appendix V of this Manual.)

~~433~~ Note.—The country round about Port Blair has been surveyed on the scale of 4 inches to a mile. An area of 670 square miles has been topographically surveyed on the scale of half an inch to a mile. The triangulation has been extended ready for survey so as to cover the whole of the South Andaman with its minor islands and the Middle Andaman, leaving North Andaman and its islands, as well as the Little Andaman, to be still dealt with. (Letter No. 407 S.-S. of Surveyor-General of India, 30th June 1885.)

434. Under the provisions of Section 12 of the Andaman and Nicobar Islands Regulation, 1876, the Chief Commissioner, with the sanction of the Governor General in Council, has appointed the officers in charge of the Northern and Southern Districts to exercise all powers conferred on the said Chief Commissioner by Sections 5 to 10 of that Regulation. (A. & N. G. N. 9-11-78.) District Officers' powers.

435. By Section 12 of the Regulation every officer so appointed shall in these matters be subject to the direction and control of the Chief Commissioner and be guided by such instructions as he may from time to time issue. Legal provisions as to land.

These sections are as follows:—

"Section 5.—The Chief Commissioner may, by a license in writing and on such terms and subject to such conditions as he may deem fit, permit any person to occupy for any purpose any land within the limits of a Settlement.

"Every such license shall describe the land so to be occupied by its boundaries or otherwise with convenient certainty, and shall specify the purpose for which such permission is granted, and the terms and conditions on, and subject to, which it is granted.

"When permission is granted to occupy land with a view to the erection of buildings or the construction of agricultural works thereon, the license shall further specify the maximum amount which may be expended on such buildings or works, and such maximum amount shall in no case, without the previous sanction of the Governor General in Council, exceed twenty-five thousand rupees.

"Section 6.—No such license, and no right acquired under such a license, shall devolve or be transferred by inheritance, conveyance, or in any other manner

whatever, without the consent of the Chief Commissioner given in writing.

"Section 7.—The Chief Commissioner may at any time determine a license to occupy land upon giving to the licensee one year's previous notice of his intention so to do, and paying to him in respect of any buildings erected or works constructed on such land in pursuance of a permission granted in the license, such compensation not exceeding the maximum sum specified in such license as to the said Chief Commissioner may seem reasonable.

"Explanation.—No compensation for improvements or expenditure of any description can be claimed by the licensee except as herein provided.

"Section 8.—The notice required by section 7 shall be in writing, and shall be served on the licensee in person if he can be found.

"If the licensee cannot be found, it shall be sufficient to affix the notice to some conspicuous place on the land to which it refers.

"Section 9.—If on the determination of the license by lapse of time, by notice under Section 7, by breach of any condition contained therein, or otherwise, the licensee does not give up the land to such officer as the Chief Commissioner may depute to take it over, the Chief Commissioner may direct such officer to enter upon the land and remove any person found thereon, and all property found thereon shall be forfeited and shall vest in Her Majesty.

"Section 10.—The Chief Commissioner may at any time grant a license in writing, on such terms and subject to such conditions as he may think fit, to any person to fell any trees, or take the produce of any trees, or collect edible birds' nests, or any other product of any settlement in any of the said islands."

436. As regards the recovery of rent, revenue, or other Government dues, the powers defined by Section 11 have been vested in the Deputy Superintendent only, throughout the limits indicated by Section 1 of the Regulation. (A. & N. G. N. 4, 8-11-76.)

Section 11 is as follows:—

"Any rent, revenue, or other dues claimable by Government in respect of the occupation of land in a Settlement or in respect of a license granted under section 10 may be summarily recovered by such officer as the Chief Commissioner may appoint in this behalf by attachment and sale of the defaulter's property or by arrest of the defaulter and his simple imprisonment for a term not exceeding 6 months."

[N.B.—The South Andaman Island has been declared a Settlement under Section 30, Regulation III of 1876, for the purposes of that Regulation. (H. D. N. 243, 21-2-77.)]

437. The following are the rules regulating the OCCUPATION OF LAND AND THE GRANT OF LICENSES within the limits of Port Blair, in force with effect from the 31st January, 1885. (A. & N. G. N. 18, 31-1-85.)

I.—The boundaries of each village and its surrounding lands shall be fixed by the Revenue Officer, and a sketch of the boundaries prepared after the erection of masonry boundary marks on the sites selected by the officer.

II.—A khasrah survey of each village and its land will then be made by the amins, and the shajrah will be prepared in accordance with the system adopted in the North-Western Provinces. The khasrah will be kept in the prescribed form.

Recovery of
Government
dues.

Land Rules,
Port Blair,
South Andaman.

III.—From the above papers the khateoni, or abstract of holdings, will be prepared. This important settlement paper shall be prepared in the Land Revenue Office by some official other than the amins who surveyed the villages. The form in which the khateoni is to be kept will be strictly observed, as from it the total yearly rent to be paid by any ryot can be ascertained at a glance.

IV.—The maximum land rent is fixed at Rs. 8-0 per bigah for low land and 12 annas per bigah for hill lands, to last for five years from the date of the first collection, subject, however, to increases where leases of land which may have lapsed to Government are put up and sold by auction.

All licenses to occupy land for cultivation at the Port Blair Settlement under the provisions of Section 5 of the Andaman and Nicobar Islands Regulation, 1876, shall be in Form A.

V.—On the completion of the khasrah and shajrah of a village, a plan of such village showing the house-sites duly numbered and the names of the occupants will be prepared, together with a list of these houses.

Public buildings will also be included in the above list, though no rent is payable.

VI.—On the completion of the above plans and lists, licenses in Form B will be granted to all house-owners.

VII.—For land revenue purposes the sites of houses in the Port Blair Settlement shall be classed as follows:—

- 1st class, or those whose owners or holders earn a net annual income of Rs. 1,200 or upwards;
- 2nd class, or those whose owners or holders earn a net annual income of Rs. 600 to Rs. 1,200;
- 3rd class, or those whose holders earn a net annual income of Rs. 100 to Rs. 600;
- 4th class, or those whose owners earn less than Rs. 100.

The holders of 1st class house-sites shall pay Rs. 5 tax annually; the holders of 2nd class house-sites shall pay Rs. 10 tax annually; the holders of 3rd class house-sites shall pay Rs. 5 tax annually; the holders of 4th class house-sites shall pay Rs. 2 tax annually.

N.B.—Sites for cattle-sheds shall be reckoned as 4th class house-sites.

VIII.—District Officers shall determine from time to time the class to which each site shall belong, and should any householder object to the class assigned to his site, he may apply by petition to the District Officer concerned within 30 days after the publication of the lists, specifying the classes to which the sites have been assigned, to have the class of his site changed.

IX.—The District Officer shall fix a day for hearing the petitions, and after hearing the same shall pass such orders thereon as he thinks fit.

X.—The sites of houses occupied by revenue-paying cultivators will be exempt from taxation.

XI.—Finally, an abstract shall be prepared giving all particulars of the land and its value in each village.

XII.—The settlement records of Port Blair will thus consist of the following papers for each village:—

- | | |
|--------------------|---|
| (1) Boundary maps. | (5) Plan of house-sites. |
| (2) Khasrah. | (6) Register of house-sites. |
| (3) Shajrah. | (7) Abstract of land and house sites compared in the village. |
| (4) Khateoni. | |

XIII.—These papers will be kept in a separate file book for each village, a copy being supplied to the village chowdary, to whom due information of all changes will be communicated.

Chapter XXV.—Land Revenue.

XIV.—Chowdries will be held responsible to keep these papers duly corrected up to date, and at the close of the collection of an instalment, will bring the village records to the District Office for purposes of comparison with the originals.

XV.—In each district an Urdu register of all changes (*dakhil kharij*) shall be maintained. Every entry in the above register to be attested by the initials of the District Officer.

XVI.—Of the above papers, the khateoni and village abstract shall be maintained in English as well as Urdu. All changes directed in district orders shall be noted at once in the English "khateoni" and initialled by the District Officer. At the commencement of each year a fresh abstract of each village, land revenue, &c., shall be prepared in English, from which the revenue demand and present condition of the lands of the village can be easily ascertained.

Miscellaneous.

XVII.—The Chief Commissioner may grant a license in writing to a ryot to graze two bullocks for every five to fifteen bigahs of land he may hold, and cut grass or firewood without payment, except what he may be called on to pay under condition III of the conditions of his license, in such plots of Government jungle as may from time to time be assigned for the purpose. Special permission, on application, will be granted to a ryot for cutting building and other timber, subject to such conditions as the Chief Commissioner may think fit to impose. Save when a free license is given under this rule, both ryots and other persons shall be liable to pay fees

Bullocks, cows, buffaloes, &c., over three years old, per head per year	2 0	Commissioner, and not exceeding those noted in the margin for grazing their cattle on such lands as
Goats over one year, per head per year	0 8	

the Chief Commissioner from time to time may set apart for that purpose.

All persons holding free grazing licenses shall appear at the Land Revenue Office on a day fixed before the collection of revenue, and exhibit their licenses on pain of forfeiture of such licenses should they fail to do so.

Fees are not realisable from persons who do not make use of public grazing lands for grazing or for cutting grass for their cattle. (S. O. 12-307, 13-7-30.)

Free grazing lands.

438. With reference to the provisions of Rule XVII of the Rules for the Land Revenue administration of the Settlement of Port Blair (cited in Sec. 437), the following are declared to be AREAS OF FOREST LAND within the South Andaman Settlement within the limits of which ryots may cut grass or firewood for their own use without payment:—

SOUTHERN DISTRICT.

I.—All clearings and forest land lying within the following boundary lines and not leased to any person:—

From Corbyn's Cove to Brookesabad by the sea.

From Brookesabad to Protheroeport by a jungle track.

From Protheroeport to the head of Corbyn's Cove creek by a metalled road.

From the head of Corbyn's Cove creek to Corbyn's Cove clearing by the creek itself.

Chapter XXV.—Land Revenue.

II.—All clearings and forest land lying between the following boundary lines and not leased to any person:—

From Junglee Ghat Jetty to Gharara Chaframa, by a metalled road.

From Gharara Chaframa to Junglee Ghat by the Protheroeport Creek and the sea. (A. & N. G. 24-11-82.)

NORTHERN DISTRICT.

I.—All the clearings and forest land between North Bay valley and Brigade Creek.

II.—The clearings and forest land lying between Dani Leaf Creek and Fresh Water Creek.

Ryots may also cut bamboos and bullees, and gather thatching materials within these limits for their own domestic use, but not for market sale. (A. & N. G. 2-2-84.)

They are required, however, to pay fees for firewood collected for sale at Rs 4 per mensem per cart. (A. & N. G. 17-5-84.)

NOTE.—The waste land, the situation, area and limits whereof are specified below, having been planted with padouk by the Forest Department, is reserved and placed under charge of that Department, and is not to be made use of for grazing purposes:—

Waste land at Navy Bay, Port Blair, estimated area 10 acres, within the following boundaries:—

North—Government waste land.

South—A track leading to the convict barracks.

East—The Navy Bay main road.

West—The sea. (A. & N. G. 24-11-82.)

For further fees and restrictions see "Forests," Chapter XXIX.

439. The conditions imposed upon PERSONS LICENSED TO HOLD LAND for purposes of cultivation are as follows. They are printed on the reverse of all such licenses granted for this purpose, and it is stipulated thereon that failure to observe the condition of any license will render the license liable to be cancelled without further proceedings in a Civil Court, in addition to any other penalty which by law the licensee may incur.

Conditions of License.

1. The licensee shall occupy the land herein described for the period of five years, unless he be remanded to labour or surrender the land in accordance with the conditions of this license.
2. The licensee shall pay the rent prescribed in this license in such manner and at such times as the Chief Commissioner may from time to time direct.
3. The licensee shall pay school, chowkidari, grazing, conservancy, and such other fees or cesses as the Chief Commissioner may from time to time impose.

Sec. 440.

Chapter XXV.—Land Revenue.

4. The licensee shall abide by such rules regarding the supply of produce to the Government as may be framed from time to time by the Chief Commissioner.
5. The licensee may not voluntarily surrender his land during the term of this license unless—
 - (a) he gives three months' notice of his intention so to do before the close of any year, and unless
 - (b) he pays the rent due for the next succeeding half year, and unless
 - (c) if he is desirous of surrendering only a portion of his land, he obtains the sanction of the Chief Commissioner or officer appointed by him.
6. Should the licensee desire to transfer his occupancy-rights in the land described in this license or in any part of it, and should such transfer be sanctioned by the Chief Commissioner under the provisions of Section 6 of the Andaman and Nicobar Islands Regulation, 1876, the licensee shall pay to the Government, at the time of registration of such transfer in the land transfer register, 5 per cent. on the total amount realised by him from the transferee.
7. The cultivation of the poppy, ganja, or other intoxicating or noxious plants on the land described in this license is forbidden.

[N. B.—Cultivators are required at all times to grow in their holdings reasonable quantities of vegetables for sale to contractors, and District and Divisional Officers are requested to see that this order is duly carried out, and to encourage, by all means in their power, the cultivation by land occupiers of root-crops, such as yams, gunya, sweet potato, &c. Seed for such root-crops may be issued gratis from Government gardens, S.O. 55, 20-4-83.]

House-sites.

440. The conditions imposed upon persons occupying land for HOUSE-SITES are as follows. They are printed upon the reverse of the licenses granted, and contain the same stipulations as to forfeiture as those in respect to land on breach of any of the conditions.

Conditions of License.

1. The licensee shall pay the house-site tax prescribed in this license in one instalment in January of each year.
2. Should the licensee desire to transfer his occupancy-rights in the land described in this license or in any part of it, and should such transfer be sanctioned by the Chief Commissioner under the provisions of Section 6 of the Andaman and Nicobar Islands Regulation, 1876, the licensee shall pay to the Government, at the time of registration of such transfer in the land transfer register, 5 per cent. on the total amount realised by him from the transferee.
3. The licensee shall erect a house on the site described in this license, of such size and description as shall be prescribed by the Chief Commissioner or other officer empowered by him. The amount which may be expended on the house shall not exceed rupees .
4. The licensee shall pay school, chowkidari, grazing, and such other fees or cesses as the Chief Commissioner may from time to time impose.
5. The licensee shall abide by such rules regarding the supply of milk and other country produce to the Government as may be framed from time to time by the Chief Commissioner.

Chapter XXV.—Land Revenue.

Ss. 441-442.

441. Self-supporter convicts are permitted to hold land for cultivation and for house-sites under lease from Government, but are forbidden to acquire it from others or to sub-let or otherwise alienate it. (H. B. 234.)

Status of convict land-holders.

NOTE.—(1) Certain land is also granted to self-supporters rent-free with the proviso that occupants under such terms shall not be permitted, under any circumstances, to abandon such land during such time as they may hold it rent-free, and should they do so their tickets will be liable to be cancelled with a view to their removal to labour. (S. O. 810, 7-3-83. See Section 165, Chapter 15.)

(2) Houses and shops erected on sites leased from Government by self-supporters can only be sub-let wholly or in part to under-tenants with the prior sanction of the District Officer first obtained.

Such tenants shall in no case be free persons or other than self-supporter convicts; and houses shall not ordinarily be permitted to be sub-let except in the case of Ross, Aberdeen, and other bazars.

Sub-leases for periods exceeding one month shall be in writing and registered.

The sub-letting by a self-supporter owner to free persons, under the above conditions, is not prohibited where the owner is not himself a resident in the building, but in no case are convicts and free persons permitted to reside or have shops under one roof.

442. In addition to the rental fixed for land held for cultivation under Rule IV above recited, and to house-site tax under Rule VII and grazing fees under Rule XVII, the following cesses and fees are also locally leviable at Port Blair:—

- | | |
|----------------------|----------------------|
| 1. Educational Cess. | Condition of Pattah. |
| 2. Chowkidari Fees. | No. |
| 3. Conservancy Fees. | 3. Of land rent. |
| | 4. „ house tax. |

1.—Educational Cess.

Educational cess.

HOUSE-SITE HOLDERS.

Owners of 1st class shop and house sites (who pay an annual rental of Rs 25)	Per Annum.
	R s. d.
Do. 2nd class ditto 10	3 0
Do. 3rd „ ditto 5	1 8
Do. 4th „ ditto 2	0 12
Shopkeepers who hold their leases for 10 years Rs 5 per cent.	0 6

LAND-HOLDERS.

	Per Annum.
	R s. d.
Less than 5 bigahs	0 6
5 to 15 bigahs	0 12
Above 15 bigahs	3 0

[The collections to be made half-yearly, concurrently with land revenue collections. (S. O. 61, 20-4-82.)]

2.—Chowkidari Fees.

Chowkidari fees.

These fees are imposed only in villages to which the chowkidari system is extended and which comprise more than 50 houses. (S. O. 20, 7-1-82.)

The fees, inclusive of $1\frac{1}{2}$ annas per house for chowdries (S. O. 770-771, 15-2-83), are at present fixed at $3\frac{1}{2}$ annas per mensem payable by the owner of each house in every village in which the chowkidari system is in force.

They are collected monthly by chowdries and paid into the District Offices.

N.B.—For names of villages and further particulars of realisation, see Section 528.

3.—Conservancy Fees.

These are levied in villages to which conservancy gangs are supplied, at the rate of 4 annas per house per mensem.

In villages in which there are public latrines maintained, there is a charge of 2 annas per mensem per house also levied and paid to those employed in their conservancy. These fees are collected monthly by chowdries.

443. The following is the sanctioned scale of fees recoverable by the District Amin on behalf of Government, in the Land Revenue Department:—

	FEES.	
	R.	a. p.
First survey	No charge.	
For any survey after a first survey.	2 0 0	per diem, for each day of amin's employ.
For duplicate license	0 8 0	payable in Court-fee stamps.
For all alterations of license	0 8 0	
		(H. B. 351.)

444. The further grant of sugarcane advances as distinct from taccavi advances has been suspended, and all such will in future be made under Section 445.

445. Advances are made to cultivators under the Northern India Taccavi Act (X of 1879), which has been specially extended to the Chief Commissionership of the Andaman and Nicobar Islands by Home Department Notification No. 465, dated 14th July 1884.

The following are the rules prescribed by the Chief Commissioner with the sanction of the Governor General in Council under Rule 3 of that Act:—

Rules.

- I. The Chief Commissioner will inform District Officers what amount will be placed at their disposal for advances under the Act for each financial year. If an additional grant be required for the district it should be at once applied for. The Chief Commissioner will have the power of transfer from one district to another.
- II. Interest upon such advances will be one anna in the rupee, or 61 per cent. per annum, but the Local Government may, for special reasons, make such advances at a lower rate of interest, or even without interest. Special

applications must be made in all cases where it is desired to make advances otherwise than at 61 per cent. interest.

III. The dates fixed for instalments must not extend over more than ten years as a maximum. Ordinarily, advances for seed should be repaid from the crop produced from the seed; ordinarily, those for the purchase of plough cattle should be repaid within two years.

IV. The dates for payment of instalments should usually be the dates fixed for payment of the land revenue, advances being recoverable as revenue. (Section 3, Act X of 1879.)

V. When advances are given without interest and are not repaid on the dates fixed, interest at the usual rate is chargeable at the discretion of the District Officer from date of default; and when advances are given subject to interest at a double rate, i.e., 121 per cent., is chargeable at the discretion of the District Officer upon all over-due instalments or interest, or principal and interest.

VI. When any portion of an advance made under these rules is found to be irrecoverable, special report must be made to the Chief Commissioner.

VII. Annual statements of advances and collections should be submitted, in the forms annexed, to the Chief Commissioner on the 1st June, for the year ending on the preceding 31st March.

VIII. Subject to the provisions of these rules, the grant of advances will be absolutely within the discretion of District Officers, but the district allotment must not be exceeded without the sanction of the Chief Commissioner. (A. & N. G. 9-8-84.)

NICOBARS.

446. By Notification No. 132, dated 31st May 1881, the Governor General in Council has declared (under the provisions of Section 30 of Regulation III of 1876) the Island of Nancowry, together with all others commonly known as the Nicobar Islands,—that is to say, the Islands of Car Nicobar and Great Nicobar, with those lying between them, including Tillanchong,—to be a Settlement for the purposes of that Regulation, and the following Notification in respect to the occupation of land therein has been issued by the Chief Commissioner:—

In exercise of the powers conferred by Section 12 of the Andaman and Nicobar Islands Regulation, 1876, the Chief Commissioner has been pleased, with the sanction of the Governor General in Council, to appoint the officer for the time being in charge of the Nicobars to exercise, subject to the rules and orders on this subject for the time being in force, the power of granting licenses to occupy land in that Settlement conferred by Section 5 of that Regulation on the Chief Commissioner, if the land applied for does not exceed 50 acres in area, and if the buildings or agricultural works which it is proposed to erect or construct do not exceed Rs 500 in value. (A. & N. G. No. 9, 5-9-84.)

447. The following rules relating to the grant of licenses to occupy land within the limits of the Nicobar Settlement have been specially sanctioned. (A. & N. G. 10, 5-9-84.)

Rules.

1. No land available shall be disposed of under these rules which is required by the State, and no land shall be occupied under these rules which may contain any huts, graveyards, cocoanut plantations, pandanus trees, or any sort of crops owned by the Nicobarese, except with the consent of all persons interested duly recorded in writing, and with the written sanction of the Chief Commissioner accorded after due investigation into each case.
2. All licenses to occupy land at the Nicobar Settlement under the provisions of Section 5 of the Andaman and Nicobar Regulation, 1876, shall be in either of the forms A or B prescribed.
3. All applications for licenses to occupy land within the limit of the Nicobar Settlement shall be made in writing, in the first instance, to the officer in charge, Nicobars, who is authorized to grant such licenses if the land applied for does not exceed 50 acres in area, and if the buildings and agricultural works which it is proposed to erect or construct do not exceed Rs 500 in value. All applications for licenses to occupy land and erect buildings or agricultural works in excess of the above figures shall be forwarded by such officer to the Chief Commissioner.
4. When a person makes an application to the officer in charge of the Nicobars for a license to occupy land, that officer shall himself proceed to the spot or depute a land measurer to do so, and cause a sketch to be made of such land, measure it, and note its boundaries. He shall then give verbal and written notice to the Nicobarese in the villages nearest to the land applied for, that such application has been made, and shall fix a date not less than 15 days after the issue of such notice before which any Nicobarese may show cause why the said application should not be granted. It should be stated in such notice that, if no such cause is shown, the application will be taken into consideration.
5. Should no cause be shown why such application should be granted, or should objections made under Rule 6 be dismissed, the officer in charge of the Nicobars may, if the grant is within his powers of sanction, issue a license to occupy the land applied for. The officer in charge may, however, refuse a license, if for any reason he deems it expedient to do so. If the grant is beyond his powers of sanction, he will forward the application and the record of any proceedings under Rule 6 with his remarks and recommendations for the orders of the Chief Commissioner.
6. Should any opposition be offered to the application, the officer in charge of the Nicobars shall fix a date for hearing the case, allowing a reasonable time for the parties to appear, and on such date shall proceed to inquire into, and record the claims of the parties, or of such of them as may appear. Should the objections raised appear to be valid, and not be susceptible of adjustment, the officer in charge of the Nicobars shall reject the application for a license to occupy such land or any part of it, the occupation of which may be so objected to. Should the case appear doubtful, the officer in charge shall forward his proceedings with his recommendation thereon to the Chief Commissioner for final orders.
7. The following registers shall be maintained in the offices of the Chief Commissioner and of the officer in charge of the Nicobars:—
 - (1) Register of licenses to occupy land in the Settlement within the two-mile radius from Nancowry jetty.

Rules for land
occupation,
Nicobars.

- (2) Register of licenses to occupy land in the Nicobar Settlement beyond the two-mile radius from Nancowry jetty.
- (3) Register of transfers.
8. In all cases of transfers of licenses sanctioned by the Chief Commissioner under the provisions of Section 6 of the Andaman and Nicobar Islands Regulation, 1876, the party or parties thereto shall sign the register of transfers kept under the preceding rule.
9. The land measure to be used shall be as follows:—

320,875 square feet	One pie,
12 pias = 2,722.5 square feet	„ anna,
16 annas = 43,550 square feet	„ acre.

448. The following are the conditions of a LICENSE TO OCCUPY LAND WITHIN A RADIUS OF TWO MILES FROM THE JETTY OF NANCOWRY. They are endorsed upon it, and it is provided that breach of any of the same shall render the license void.

1. The licensee shall occupy the land herein described rent-free for a period of ten years from the date hereof, at the end of which time this license will expire.
2. The right to all mines, minerals, coals, and quarries, and to all watercourses within the limit of the land described in this license, and the right to remove sand, clay, earth, stone, or other material for building, road-making, or other public purposes, shall be reserved to the Government; and the Government shall have all powers necessary for the proper enjoyment of such rights: Provided that whenever, in the exercise by the Government of the rights herein referred to, actual damage is caused by the occupation or the disturbance of the surface of such land, the Government shall pay to the licensee compensation for such damage. The amount of such compensation shall be determined, as nearly as may be, after the manner prescribed in the Land Acquisition Act, 1870.
3. The licensee shall bear all expenses connected with the survey of the land described in this license and with the demarcation of boundaries and erection of land-marks thereon.
4. The licensee shall pay all such taxes, cesses, and rates as may from time to time be imposed on the land described in this license under any law for the time being in force.
5. The licensee shall comply with such instructions as he may from time to time receive from the Chief Commissioner or other officer appointed by him to administer the land revenue in the Nicobar Settlement relative to furnishing statistics regarding the land comprised in his license.
6. Should the licensee desire to transfer his occupancy-rights in the land described in this license or in any part of it, and should such transfer be sanctioned by the Chief Commissioner under the provisions of Section 6 of the Andaman and Nicobar Regulation, 1876, the licensee shall pay to the Government, at the time of registration of such transfer in the land transfer register, 5 per cent. on the total amount realised by him from the transferee.
7. The maximum amount which may be expended by the licensee in the erection of buildings or construction of agricultural works on the land described in this license shall not exceed R

License within
2-mile radius.

NOTE.—Sections 5 to 9 of the Andaman and Nicobar Islands Regulation, 1876, are reproduced here for the information of the licensee. His signature below is an acknowledgment to the effect that he has read the same.

"Section 5.—The Chief Commissioner may, by a license in writing, and on such terms and subject to such conditions as he may deem fit, permit any person to occupy for any purpose any land within the limits of a Settlement.

"Every such license shall describe the land so to be occupied by its boundaries or otherwise with convenient certainty, and shall specify the purpose for which such permission is granted, and the terms and conditions on, and subject to, which it is granted.

"When permission is granted to occupy land with a view to the erection of buildings or the construction of agricultural works thereon, the license shall further specify the maximum amount which may be expended on such buildings or works, and such maximum amount shall in no case, without previous sanction of the Governor General in Council, exceed Rs25,000.

"Section 6.—No such license, and no right acquired under such a license, shall devolve or be transferred by inheritance, conveyance, or in any other manner whatever, without the consent of the Chief Commissioner given in writing.

"Section 7.—The Chief Commissioner may at any time determine a license to occupy land upon giving to the licensee one year's previous notice of his intention so to do, and paying to him in respect of any buildings erected or works constructed on such land in pursuance of a permission granted in the license, such compensation not exceeding the maximum sum specified in such license as to the said Chief Commissioner may seem reasonable.

"Explanation.—No compensation for improvements or expenditure of any description can be claimed by the licensee except as herein provided.

"Section 8.—The notice required by Section 7 shall be in writing, and shall be served on the licensee in person if he can be found.

"If the licensee cannot be found, it shall be sufficient to affix the notice to some conspicuous place on the land to which it refers.

"Section 9.—If on the determination of the license by lapse of time, by notice under Section 7, by breach of any condition contained therein, or otherwise, the licensee does not give up the land to such officer as the Chief Commissioner may depute to take it over, the Chief Commissioner may direct such officer to enter upon the land and remove any person found thereon, and all property found thereon shall be forfeited and shall vest in Her Majesty."

449. The conditions of a license for the OCCUPATION OF LAND OUTSIDE A RADIUS OF TWO MILES from the jetty of the station of Nancowry, Nicobars, are as follows. They are endorsed upon it, and it is expressly provided that breach of any of the same shall render such license void.

Land beyond 2-mile radius.

Conditions of License.

1. The licensee shall occupy the land herein described until the day of on which day this license will expire.

*2. No rent or revenue shall be payable for the first 15 years, after that land revenue shall be payable at the rate of one rupee per acre per annum on the 1st of July in each year.

*3. Not less than one third of the land shall be cultivated or brought into the condition of good grazing land before the expiration of the first 15 years.

* NOTE.—These conditions will be omitted when the license is granted less than 15 years before the date on which it expires.

4. The right to all mines, minerals, coals, and quarries, and to all watercourses within the limit of the land described in this license, and the right to remove sand, clay, earth, stone, or other material for building, road-making, or other public purposes, shall be reserved to the Government, and the Government shall have all powers necessary for the proper enjoyment of such rights: Provided that whenever, in the exercise by the Government of the rights herein referred to, actual damage is caused by the occupation or the disturbance of the surface of such land, the Government shall pay to the licensee compensation for such damage. The amount of such compensation shall be determined, as nearly as may be, after the manner prescribed in the Land Acquisition Act, 1870.

5. The licensee shall bear all expenses connected with the survey of the land described in this license, and with the demarcation of boundaries and erection of land-marks thereon.

6. The licensee shall pay all such taxes, cesses, and rates as may from time to time be imposed on the land described in this license under any law for the time being in force.

7. The licensee shall comply with such instructions as he may from time to time receive from the Chief Commissioner or other officer appointed by him to administer the land revenue in the Nicobar Settlement relative to furnishing statistics regarding the land described in this license.

8. Should the licensee desire to transfer his occupancy-rights in the land described in this license or any part of it before the expiry of the rent-free period of his occupancy, and should such transfer be sanctioned by the Chief Commissioner under the provisions of Section 6 of the Andaman and Nicobar Regulation, 1876, the licensee shall pay to Government, at the time of registration of such transfer in the land transfer register, 5 per cent. on the total amount realised by him from the transferee.

9. The maximum amount which may be expended by the licensee in the erection of buildings or construction of agricultural works on the land described in this license shall not exceed Rs

* * * * *

Sections 5 to 9† of the Andaman and Nicobar Islands Regulation, 1876, are printed on the license for the information of the licensee. His signature below is an acknowledgment to the effect that he has read the same.

† For these sections see Section 448, where they are cited *in extenso*; also Appendix V.

Ss. 450-454.

Chapter XXV.—Land Revenue.

License will be granted to occupy land situated within a radius of 2 miles from the jetty of Nancowry Station for a period of 10 years rent-free, and to occupy land situated outside that radius for a period of 45 years,* the first 15 of which shall be rent-free, and subsequently land revenue shall be payable at the rate of Rs 1 per acre per annum. (A. & N. G. 5-9-84.)

* To commence from the date of the publication of these rules.

Chowdries.

System.

450. In each village to which the provisions of the chowkidari system have been or shall be extended there shall be a paid chowdry or village headman.

Pay.

451. Each chowdry shall receive a salary of Rs 8 monthly, payable in arrear, in addition to any remissions of land revenue which he may enjoy as such chowdry under the provisions of the present land revenue settlement.

The pay of chowdries shall be drawn in the chowkidari bills and disbursed monthly by District Officers.

In villages to which the provisions of this system have not been extended, unpaid chowdries may be appointed, their land being held rent-free.

Duties.

452. The duties of chowdries in connection with the suppression of crime are defined in Section 45 of the Criminal Procedure Code (Act X of 1882); they are generally responsible for the maintenance of peace and discipline in their villages, for which purpose the chowkidars are subordinated to them; they are village tax collectors and auctioneers, are expected to aid the land revenue officials, and should make such reports to their superior officers as may from time to time be required of them. (S. O. 770, 15-2-83.)

NOTE.—For duties of chowdries in respect to inventories and auction sales of the estates of deceased self-supporters and others in their villages, see Chapter XVII, Section 336.

Cost how met.

453. To meet the additional expenditure incurred in respect to village chowdries, a fee of 1½ annas per mensem shall be levied on each house.

Reports required.

454. Village chowdries shall communicate to their District and Divisional Officers, as well as to the Police, all information which they may obtain respecting—

- a. The residence of any notorious thief, receiver, or vendor of stolen property in their villages.
- b. The resort to any place within the limits of their villages of persons known or suspected to be thieves, robbers, or runaway convicts.

Ss. 455-456.

Chapter XXV.—Land Revenue.

- c. The commission or intention to commit any heinous offence at or near their villages.
- d. The occurrence of any sudden or unnatural death.

The omission, therefore, by chowdries to keep their District and Divisional Officers acquainted with the state of crime in their respective villages shall be treated as *prima facie* evidence of their unfitness for their posts, and will lead, if detected, to their dismissal. (S. O. 165, 9-6-82.)

NOTE.—See also as to their duties, Chapter 3, paras. 433 to 457, Police Manual.

455. Chowdries are prohibited from competing for contracts of any kind for the supply of articles to Government. Their bids for contracts for the supply of dhafie, milk, &c., put up to auction, shall therefore not be accepted, unless they first signify their intention of relinquishing their appointments on obtaining such contracts. (S. O. 839, 7-2-84.)

456. Chowdries are responsible to the Land Revenue Department for keeping the following vernacular papers in a separate file book and duly correcting them up to date; and at the close of a collection of an instalment of land revenue, for bringing the village records to the District Office for comparison with the originals. (R. 12-14.)

- (1) Boundary maps.
- (2) Khasrah.
- (3) Sahjrah.
- (4) Khateoni.
- (5) Plan of house-sites.

- (6) Register of house-sites.
- (7) Abstract of land and houses comprised in the village.

(A. & N. G. 18 of 1884-85.)

CHAPTER XXVI.—MARINE.

Vessels.

457. The following orders are those in force in respect to vessels and boats in connection with the convict administration at the Penal Settlements of Port Blair and Nancowry:—

- (1) On the arrival of a vessel in the harbour at Port Blair, the Police shall prevent any one boarding her, except the Port Officer, unless or until a white flag is hoisted to show a clean bill of health. (S. O. 718, 712-71.)
- (2) Should there be any sickness on board, the Port Officer shall at once communicate with the senior Medical Officer.
- (3) No boats, except those carrying officers or subordinates, shall be permitted to approach the ship without the Police flag. This flag shall be supplied to all boats authorized to visit ships by the Police at the Ross jetty.
- (4) Boats leaving the ship, except such officers' and subordinates' boats, shall land at Ross jetty, and at no other point.

458. After a vessel which has arrived with convicts is anchored, the Deputy Superintendent or other Settlement Officer appointed by the Superintendent to the duty of inspecting convicts on arrival, and the senior Medical Officer, shall proceed on board and make a general inspection of the convicts.

The Medical Officer shall ascertain the presence or absence of contagious disease, and note anything in the arrangements on board ship which may have tended to deteriorate the health of the convicts.

The Settlement Officer shall report on the state of the convicts as to clothing, discipline, the nature of the accommodation, &c. He shall also hear and enquire into and report on any complaint of the convicts as to their treatment on board ship. (R. G. C. C. V.)

Should the Medical Officer report the presence of contagious disease, the Superintendent, after consultation with the said Medical Officer, shall take such steps as are necessary to afford relief to the sufferers. (R. VI. *idem.*)

If there be no contagious disease on board, the convicts shall be landed under direction of the Settlement Officer at such place and in such manner as the Superintendent may direct. (R. VII. *idem.*)

459. The following orders and regulations are those affecting the ports of Port Blair and Nancowry (Camorta) and requiring to be observed by all vessels entering or leaving the same.

Masters of Vessels.

Rules.

1. The Master of any vessel entering the Port of Camorta or any Port in the Andamans shall, within twenty-four hours from the time of so entering, deliver to the Conservator of the Port a list of the crew and passengers on board of such vessel, as well as a manifest of the cargo carried by such vessel.

Any Master failing to deliver such list and manifest within such period shall be liable to a fine not exceeding five hundred rupees. (Sec. 18, Reg. III, 1876. See Appendix V.)

2. Every Master of any vessel anchored in, or about to depart from, any such Port shall, on the requisition of the Conservator of the Port or other person acting under the instructions of the Superintendent of the Port or other officer as aforesaid, permit such Conservator or other person to inspect such vessel, and shall produce before such Conservator or other person any person who may be on board of such vessel. (Sec. 21, *ibid.*)

Any Master failing to comply with any of the provisions of the section shall be liable to a fine not exceeding one thousand rupees.

3. If the Master of any vessel or other person wilfully receives on board such vessel any convict undergoing a sentence of transportation, for the purpose of conveying him from any Penal Settlement without proper authority, such Master or other person shall be liable to a fine not exceeding one thousand rupees, in addition to any punishment that may be inflicted upon him under the provisions of the Indian Penal Code. (Sec. 22, *ibid.*)
4. Whenever the Chief Commissioner or Deputy Superintendent of the Settlement has reason to believe that any person on board any vessel in any Port of the Andamans or in the Port of Camorta is in possession of any opium or ganja or other hurtful or intoxicating drug with intent to introduce the same into any Settlement in contravention of Section 31 of this Regulation, the Chief Commissioner or the Deputy Superintendent, as the case may be, may, by an order in writing, authorize any officer of Police, not below the grade of Inspector, to board and search such vessel and to seize such drug and to arrest the person possessing the same.

Any person possessing any such drug on board a vessel in any of the said Ports, with the intent aforesaid, may, on conviction, be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both;

and the drug, if any such is seized, may be confiscated by order of the convicting Magistrate. (Sec. 25, *ibid.*)

5. Every Master of a vessel shall, within such time before the departure of such vessel from any such port as the Chief Commissioner may from time to time by general rules or special orders direct, deliver to the Conservator of such Port a correct list of the crew and other persons about to sail in such vessel, specially designating the persons (if any) who have not arrived at the Settlement in such vessel; and every Master failing to deliver such list shall be liable to a fine not exceeding one thousand rupees.

If any Master, after delivering the list herein mentioned, takes or receives on board his vessel any person not mentioned in such list, for the purpose of taking him from such port, without forthwith informing the Conservator of such Port of the names of such persons, he shall be liable to a fine of five hundred rupees for every such person so taken or received on board. (Sec. 21, *ibid.*)

6. The provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code, and of Sections 386, 387, 388, and 389 of the Code of Criminal Procedure, shall apply to all fines imposed under this Regulation, or under the rules, made in the exercise of the power given by Section 33.

In the case of the Master of a vessel, such fine may also be levied by the distress and sale of such vessel, and the tackle, apparel, and furniture thereof. (Sec. 35, *ibid.*)

Under Section 3 of the Regulation "Vessel" includes any description of boat or ship, and "Master" includes every person having command or charge of the same.

(For Regulation III see Appendix V.)

Port Blair.

460. Port Blair has been declared a Port under the Indian Ports Act by the following notification, and the Harbour Master of Port Blair for the time being has been appointed the Port Conservator thereof under Section 8 of the Act. He will be designated "Port Officer."

Particulars and limits of Port Blair.

NOTIFICATION 114.

In exercise of the power conferred by Section 5 of the Indian Ports Act XII of 1875, the Chief Commissioner of the Andaman and Nicobar Islands is pleased to extend, with the sanction of the Governor General in Council, the said Act to the said islands, and to direct that the limit of Port Blair for the purposes of the said Act shall be a line drawn from North Point, North Bay, to the northernmost point of Ross Island, thence along the western shore of Ross Island at high-water level to the southernmost point of Ross Island, thence to the Sesostris Buoy, thence to Corbyn's Cove, South, and thence round the harbour at high-water level to North Point, North Bay. (H. D. N. 114, 8-4-77.)

NOTE.—(1) Ross Island, Port Blair, is situate in Latitude $11^{\circ} 40' 30''$ North, Longitude $92^{\circ} 45'$ East: it is identical with the port formerly known as Port Chatham or Old Harbour. (G. I. N. 2213, 13-10-60.)

(2) The Port Conservator is throughout referred to in this chapter and will be addressed as Port Officer. (A. & N. G. No. 28, 30-1-82.)

(3) Tide Tables for Port Blair are published annually by authority of the Secretary of State for India, and are obtainable locally of the Port Officer, or of Taylor and Francis, Red Lion Court (Fleet St., London).

461. As regards the landing of persons at Port Blair and Camorta, no persons shall land within the limits of any such ports, except under a license granted as hereinafter provided, or under the written permission of the Port Officer or of the Chief Commissioner, or some officer empowered by him to grant such permission, and any person so landing without such license or permission shall be liable to a fine not exceeding five hundred rupees. (Sec. 19, Reg. III of 1876.)

Landing of persons.

The officer in charge of Ross Island is empowered to grant such licenses (A. & N. G., 1-12-79); as also is the Port Officer of Port Blair within the limits of that port, and of Nancowry within those of the latter port.

The following are the rules prescribed:—

Rules.

1. Every person desiring to obtain the written permission of the Port Officer to land within the limits of the Ports of *Port Blair* or *Nancowry* shall apply in writing for that permission. Every application under this rule shall state—

- I, The name of the applicant,
- II, The object of his visit, and
- III, The probable duration of his stay.

2. Upon receipt of the application, the Port Officer shall register it in a register to be kept for that purpose and shall pass immediate orders thereon. If the application is granted, a written permit in Form A shall be furnished to the applicant. (A. & N. G., 30-12-82.)

[N. B.—When persons are about to quit the Settlement they shall ordinarily require to obtain formal permission from the Chief Commissioner in writing to enable them to procure from the agents of the steamer the necessary passage ticket for embarkation. These certificates should be applied for at least two days before the steamer's departure. (S. O. 7-2-80.)]

Landing of
goods and
shipment.

462. As regards the shipment and landing of goods in these ports, the following are the orders in force:—

- (1) In exercise of the power conferred by Section 11 of the Sea Customs Act (VIII of 1878), the Chief Commissioner of the Andaman and Nicobar Islands has been pleased to declare Port Blair to be a port for the shipment and landing of goods, and that the limits of Port Blair for the purposes of the said Act shall be those laid down in Home Department Notification No. 114, dated 18th April 1877, above recited. (H. D. N. 87, 1-4-79. See Sec. 460.)
- (2) No goods or other thing shall be landed within the limits of any such port except under the written permission of the Port Officer or other officer appointed in that behalf; and any goods or thing landed without such permission shall be liable to be seized by any person in the employment of Government, and may be confiscated if the Chief Commissioner or any officer empowered by him in this behalf so directs. (Reg. III of 1876, Sec. 20. See Sec. 453.)

NOTE.—(1) The officer in charge, Ross Island, has been invested with the powers defined in the first clause of this section, and the Deputy Superintendent with those mentioned in clause 2 as regards confiscation. (A. & N. G., 1-12-79.)

(2) At the Port of Camorta the officer in charge, Nicobars, has powers of confiscation under this section 20). (A. & N. G., 12-11-82.)

- (3) The charge for landing private cargo or stores by Government agency from vessels in Port Blair Harbour was fixed at Rs 1 per ton (measurement), with effect from 1st April 1882, a similar charge being made for all such cargo or stores conveyed about the harbour. (S. O. 7, 1-4-82.)

463. The following conditions have been determined by the Chief Commissioner as those requiring to be attached to the grant by the Port Officer of Port Blair, of the written permission, prescribed by Section 20 of the Andaman and Nicobar Islands Regulation of 1876, for the landing of goods or other things within the limits of the port:—

Conditions for
landing goods.

Conditions.

For the landing of personal baggage of passengers:—

- (a) That every facility will be afforded by the passenger for the examination of his baggage, should this be demanded by the baggage officer deputed by the Conservator.
- (b) That on obtaining a permit for the landing of the same, he will produce it should its production be demanded by any Police Officer.

NOTE.—The baggage of 1st and 2nd class passengers will not be subjected to search, provided they sign a declaration to the effect that certain prohibited and specified articles are not contained therein.*

* These articles are those the import and possession, &c., of which is prohibited by Section 32 of the Andaman and Nicobars Regulation, viz.,—

- (a) Beer, wine, or other spirituous or fermented liquor.
- (b) Opium, ganja, or other hurtful or intoxicating drugs.
- (c) Arms or weapons of any description.
- (d) Prohibited dangerous cutting instruments or cutting instruments.
- (e) Gunpowder or other explosive or highly inflammable substances.

Exceptions.

Any articles as above allowed and kept for personal use or imported under license previously granted locally. (A. & N. G. N. 24 of 1882-83.)

For the landing of goods, merchandise, &c.:—

- (a) That the consignees will afford every facility to the Port Officer or officer deputed by him for the examination of such goods after landing and before removal from the Port Office.
- (b) That on obtaining a permit to land the goods, the consignee will produce it should its production be demanded by any Police Officer.

[N. B.—Should the consignee be other than a trader the goods need not be subjected to search, provided he signs a declaration to the effect that certain prohibited and specified articles (as above) are not contained therein.]

464. The duties of the police on board vessels on their arrival in ports, and in respect to their supervision of goods landed in ports and as to other matters in connection with shipping in ports, are those recited in the Andaman and Nicobar Police Manual, 1884, paragraphs 249 to 267, which are here reprinted for facility of reference and information:—

Duties of police
on vessels.

Extract.

"249. On the arrival of a vessel, other than a man-of-war or Indian Government vessel, in the harbour, the Inspector shall proceed on board with a guard of one Sergeant and four constables with side-arms. When on board, the Inspector shall see that sentries are placed at the gangways, and that they know their orders.

"250. No boats, except those carrying officers, shall be permitted to approach the ship without the Police flag. This flag will be supplied to all boats authorized to visit the ships by the Police at the Ross jetty.

"251. Boats leaving the ship, except officers' boats, must land at Ross jetty and at no other point.

"252. The orders to be given to each sentry are,—to keep a sharp look-out that nothing contraband is thrown over the ship's side into any convict boats below; to allow no baggage to pass him till he has made himself aware that it has been passed (if he is doubtful, he can refer to the Inspector or senior Police Officer on board for orders); to report at once to the Inspector, or Sergeant of the guard, if any cargo-boat comes alongside without a sentry on board.

"253. If a vessel has convicts on board, the Inspector will not allow them to land till the Medical Officer and Settlement Officer have seen them. Upon receiving the orders of the Superintendent of Convicts and the Settlement Officer that they may be landed, the Inspector will arrange for their landing, seeing that a sufficient guard is placed in each boat, and that the boats are not overcrowded.

"254. The duty of searching the baggage of passengers arriving at, and goods consigned to traders in, the Settlement, will not devolve on the Police, but on the Port Officer.

"255. On the arrival of a vessel at Port Blair, a Police Constable, who can read and write Urdu, will be detailed to accompany the officer deputed by the Port Officer to examine goods and passengers' baggage, and to assist him in filling up the Urdu translations of the forms of the permit.

"256. A Police Officer will be stationed on Ross jetty, whose duty will be to count the number of packages landed by passengers, and to ascertain that it corresponds with that recorded in the permit. He will allow no baggage to be landed without a permit.

"257. On the arrival of a Police guard, their baggage will be searched by the subordinate deputed for the examination of baggage in the presence of and under the orders of the Inspector, who will give every assistance in conducting the search. The baggage of Police returning from leave or joining in small parties will, however, be examined as ordinary passengers' baggage.

"258. All lascars, whether belonging to Government or private vessels, to be searched on landing at the jetties in Port Blair or Camorta.

"259. The Police Officer commanding the guard on board ship shall search working gangs of convicts coming on the steamer, to see that they bring no money or letters on board; and shall search them again on leaving, to ascertain that they have no contraband articles or letters with them.

"260. The Chief Constable or Thana Sergeant at Ross shall see that sentries are posted on all cargo-boats, and that no cargo-boat leaves the shore for the steamer without a sentry on board. He shall place an extra sentry on the beach, with orders to search for contraband articles, any boat that he sees coming from the vessel to the beach.

"261. Sentries on board cargo-boats are to be armed with side-arms; they are to see that nothing contraband is passed from the steamer to the boats; that the crew of the boats do not steal any of the cargo; and when the boat is discharged, to search her carefully, that nothing contraband or stolen is stowed away.

"262. Sentries are to remain on cattle-boats so long as they remain alongside the vessel.

"263. The Chief Constable or Thana Sergeant should remain on the jetty and beach during the time goods are being landed, to see that the boat sentries and beach sentry do their duty and search the cargo-boats properly.

"264. When a vessel is about to depart, the Inspector and guard should be very careful that no convict surreptitiously remains on board; they should search the ship to see that no convict is stowed away; they should clear all boats, other than officers' boats, from alongside; when this has been done, the Inspector should report to the Port Officer that the vessel is ready to start.

"265. The Police guard to be withdrawn from vessels in harbour between the hours of 6.30 P.M. and 6 A.M., during which time no convict will be at work on board.

"266. A guard will be placed over all goods consigned to traders on being landed, and will remain over them until they are examined and delivered to the consignees. The senior Police Officer at Ross will attend during this examination.

"267. The senior Police Officer at Ross shall record in his diary the date and hour he receives permission from the Port Officer for the delivery of the goods, and no unnecessary delay should occur in searching and passing them."

Port of Camorta (Nicobars).

465. Camorta has been specially declared a Port under the provisions of Act XII of 1875 by the following notification, and the officer for the time being in charge of the Nicobars has been appointed Port Conservator thereof. (A. & N. G. N. 14 of 1877.)

Notification No. 115.—In exercise of the power conferred by Section 5 of the Indian Ports Act (XII of 1875), the Chief Commissioner of the Andaman and Nicobar Islands is pleased to extend, with the sanction of the Governor General in Council, the said Act to the said Islands, and to direct that the limit of the Port of Camorta for the purposes of the said Act shall be a line drawn from the northern most point of Trinkut Island due west until it touches the eastern shore of the Island of Camorta, thence along the eastern and southern shores of the Island of Camorta at high-water level to Man Point, thence to Indian Point, thence along the northern shore of Nancowry. (H. D. N. 115, 18-4-77; & 149, 11-12-79.)

[N.B.—The Settlement at the Nicobars is in the harbour of Nancowry, and it was directed by the Governor General in Council in 1871 that the Settlement at the Nicobars should be called by this name. (H. D. R. 2016, 25-4-71).]

466. All conditions and restrictions as to the landing of persons at the port of Port Blair and described in Section 461 are applicable to the Port of Camorta, the Conservator of the port having been specially empowered. (A. & N. G. N. 27-9-83). So also in respect to goods (Sec. 26), as in Sections 462-463, *ante*. (A. & N. G. N. 30-12-8.)

Coasts of Islands.

467. The following orders have reference to places on the coasts of the Andaman and Nicobar Islands other than ports.

[For the earlier orders by which the Superintendent of Port Blair was alone vested with authority to allow access to the Andaman group of islands (including the Cocos, Preparis, and Narcondam) for trading and other purposes, and by which he was empowered to impose restrictions with regard to visiting these islands, see Notification 1243, 4-7-60.]

Chapter XXVI.—Marine.

Rules.

1. The Master of any vessel shall not, without the written permission of the Chief Commissioner or some officer duly empowered by him to grant the permission, land, or anchor such vessel for the purpose of landing, any person or any goods or things, at any place on the coast of any of the said islands, except at such place as may be declared a port under the provisions of the Act for the time being in force for the regulation of ports and port dues.

Any Master so offending shall be liable to a fine not exceeding one thousand rupees. (Sec. 15, Regn. III of 1876. See Appendix V.)

2. No person shall, without the written permission of the Chief Commissioner or some officer duly empowered by him to grant the permission, land from any vessel at any place on the coast of any of the said islands, not within the limits of some port declared under the provisions of such Act.

Any person so offending shall be liable to a fine not exceeding five hundred rupees, and any goods or thing landed from any vessel without a written permission as aforesaid, except within such limits, may be seized by any person in the employment of Government, and may be confiscated if the Chief Commissioner or any officer empowered by him in this behalf so directs. (Sec. 16, *ibid.*)

3. The provisions of the last two preceding sections shall not apply to any vessel the property of Her Majesty or used for any public purpose, nor to any person, goods, or thing landed from such vessel, nor in any other case when the provisions of the same sections have been infringed from stress of weather or other unavoidable circumstances. (Sec. 17, *ibid.*)

4. The Chief Commissioner may, from time to time, determine the conditions upon which permission, under Section 15, to a master of a vessel to land or anchor his vessel, or under section 16, to any person to land from a vessel, may be granted.

Power for Chief Commissioner to determine conditions of permission granted under Sections 15 and 16.

"If the master of any vessel to whom any permission under Section 15, or any person to whom any permission under Section 16, has been granted, fails to conform to, or infringes, any of the conditions upon which the permission has been granted, he shall be punished with fine which may extend, in the former case, to one thousand, and in the latter case to five hundred, rupees." (Sec. 6, Reg. I of 1834.)

5. Whenever the Chief Commissioner or any officer empowered by him in this behalf has reasonable and probable cause for believing that any ship within three miles of the coast of any of the said islands is intended to facilitate the escape of convicts from the limits to which they are restricted, or to aid any other contravention of this Regulation, he may—

(a) authorize any person to board and inspect such ship, and to require the Master to produce before him any convict who may be on board, and to allow the ship to be searched, and

(b) require the Master to take such ship within a reasonable time, not less than twelve hours, to a distance exceeding 3 miles from the coast of any of the said islands, and not to return without the permission of the Chief Commissioner.

Chapter XXVI.—Marine.

Any Master refusing to allow such boarding or inspection, or to comply with any requisition under this section, or returning without such permission, shall be liable to a fine not exceeding one thousand rupees. (Sec. 24, Reg. III of 1876.)

NOTE.—As regards this section (24) the Deputy Superintendent has been specially empowered (A. & N. G., 17-6-81.), and in respect to the Nicobars only, the officers in charge thereof. (A. & N. G., 11-4-81.)

468. The following special prohibition to calling at the coasts of any of the islands at places other than ports has also been issued. (A. & N. G. Notfn. No. 6, 27-8-85.) It empowers the Conservators of the Ports of Port Blair and Camorta to grant licenses under Sections 15 and 16 of the Regulation.

"I.—Under the authority vested in him by Section 17A (1) of Regulation I of 1884, the Chief Commissioner, Andaman and Nicobar Islands, hereby notifies that the provisions of Section 15 and 16 of the Andaman and Nicobar Regulation, 1875, hereto subjoined, will be strictly enforced.

"II.—The master of any vessel wishing to trade with any of the Andaman or Nicobar Islands must first call at Port Blair or the Port of Camorta, which are the only declared ports in the said islands, and must obtain from the Conservator of either port a written permission to visit any of the said islands.

"III.—After this date the master of any vessel found at any of the Nicobar Islands without such written authority will be prosecuted as the law directs.

"IV.—Notice is also given that the importation into the said islands of arms, ammunition or military stores, and also of spirituous liquors of any description, is strictly prohibited, and that permits will not be granted to vessels having on board any of the said articles.

"V.—Nothing in the above paragraph shall be held to affect the importation into the Nicobar Settlement of a reasonable quantity of spirituous liquor for a person's own use only or for sale in shops duly licensed.

"VI.—Notification No. 10 of 12th November, 1880, and last clause of Notification No. 9 of 12th August, 1882, are hereby cancelled.

Sections 15 and 16 of Andaman and Nicobar Regulation III of 1876.

15. The master of any vessel shall not, without the written permission of the Chief Commissioner or of some officer duly empowered by him to grant the permission, land, or anchor such vessel for the purpose of landing, any person

or any goods or things, at any place on the coast of any of the said islands, except at such place as may be declared a port under the provisions of the Act for the time being in force for the regulation of ports and port dues.

Any master so offending shall be liable to a fine not exceeding one thousand rupees.

16. No person shall, without the written permission of the Chief Commissioner or of some officer duly empowered by him to grant permission, land from any vessel at any place on the coast of any of the said islands, not within the limits of some port declared under the provisions of such Act.

Penalty for landing at unauthorized port.

Any person so offending shall be liable to a fine not exceeding five hundred rupees, and any goods or things landed from any vessel without a written permission as aforesaid,

and any goods or things landed from any vessel without a written permission as aforesaid,

except within such limits, may be seized by any person in the employment of Government, and may be confiscated if the Chief Commissioner or any officer empowered by him in this behalf so directs. (A. & N. G. N. 6 of 1883-85.)

Station Steamer and Guard-vessel.

Station steamer
guard-ship.

469. Whenever an alarm is sounded on Ross Island or at any other station, the Government steamer shall at once get up steam so as to be ready to carry out without delay any orders which may be issued by the Superintendent.

NOTE.—(1) See also Sections 350-354 as to duties in event of boat escapes, and Section 368 for alarms.

(2) The Officer Commanding the station steamer having been directed when anchored off Ross to keep a watch over the boats in Ross harbour at night, all officers and others who may be passing are requested to answer when challenged after dark from the steamer. (S. O. 307, 2-7-72.)

Additional Notes.

Additional
notes (Marine).

470. The following additional notes in Marine matters affecting the Andaman and Nicobar Islands are here added for information and reference:—

- (1) *Barren Islands and Narcondam*.—For full particulars of the volcanoes of Barren Islands and Narcondam in the Bay of Bengal, see Mallet: *Memoirs, Geological Survey of India*, Vol. 31, Part 4, 1884. These islands were surveyed by Captain Hobday in 1883; anchorage was found off the N.-W. corner of Narcondam in 12 fathoms, with a small island bearing north 75° E. true, and also anchorage off S.-W. corner of Barren Island in 13 fathoms off a little sandy bay, two coconut trees bearing north 50° E. true.

NOTE.—For surveys of these islands see General Report, 1883-84, Surveyor General of India.

- (2) *Marine Surveys*.—All matters affecting Marine surveys should be communicated to the Director of the Indian Marine, Calcutta. (G. L. N. 30, 22-10-82, Military (Marine) Department.)

- (3) *Rules for entering the Harbour of Port Blair*.—

"The Penal Settlement of Port Blair, on the east side, and about 4 leagues from the south end of the South Great Andaman, is in latitude $11^{\circ} 45' 30''$ N., and longitude $92^{\circ} 45'$ E. from Greenwich. It has a spacious and safe harbour, extending a considerable distance inland; the entrance is fronted by Ross Island, which extends about one mile in length in a N.-N.-E. and S.-S.-W. direction, its greatest breadth being about 1,000 yards, and its height above the level of the sea about 250 feet. Ross Island is easily distinguished from the surrounding land by its cleared appearance, and the houses on its summit, which, when the sun shines on them, are visible for a distance of 11 to 12 miles. This island is the principal depôt of the Settlement, and the residence of the Superintendent.

"The northern entrance to the harbour is between the north point of Ross Island and a point on the mainland called 'North Point,' a distance of $1\frac{1}{2}$ miles across, having deep water from within 100 yards off the shore on either side.

"Vessels entering the north channel should make the north end of Ross Island, keeping at a convenient distance from it in not less than 10 fathoms, and stand to the westward, until the channel between Ross Island and the mainland is well open, in about 25 fathoms; and the landing-place and the store-houses on the west side of Ross Island about S. E. magnetic; then stand for the anchorage about S.-S.-E., and anchor off the town in from 9 to 15 fathoms, sandy bottom about 500 yards from the beach, with the Superintendent's house on the hill bearing from E. by N., E.-N. E. magnetic, and Atalanta Point about west.

"The line of shoal water of the N. and N.-W. end of Ross Island is marked by small red buoys, inside of which it would not be prudent to venture.

"The south channel formed between the south end of Ross Island and the main is narrow, and should only be attempted by steamers or sailing vessels with a steady fair wind.

"Sesostri Reef, a dangerous patch, having only $1\frac{1}{2}$ fathoms, in some parts rocky, uneven ground, bears S. $\frac{1}{2}$ E. magnetic, about three fourths of a mile from the south end of Ross Island; it is about 600 to 800 yards in extent, and is marked by a red buoy, which should be given a good berth, as the ground about is rocky and uneven.

"Vessels entering this channel from the southward with a fair wind should round the Sesostri Reef buoy, keeping it fairly close on the port side, and then steer straight up for Perseverance Point, which will bring the ship into a position to choose a suitable anchorage. Perseverance Point bears N. 28° W. true or N. 30° magnetic.

"During the strength of the S.-W. monsoon, the wind generally bangs well to the southward, and often blows fresh and steadily along shore for some days, with a current to the north-eastward. Vessels coming from the northward should, therefore, make the land to the southward of Ross Island, if possible, and run up.

"Wood and fresh water are easily obtained; and for vessels having lost spars, or received other serious damage in the Bay, or in the vicinity of the Andamans, Port Blair affords a very desirable place of shelter, where their defects may be made good."

- (4) A "Notice to Mariners" was issued in 1866 to the following effect. (Notn. 2273, 9-66.)

"NOTICE TO MARINERS.

"Doubts having been expressed as to the accuracy of the longitudes assigned to the Andaman Islands on the existing charts, notice is hereby given that the longitude of Chatham Island, Port Blair, has been recently determined to be $92^{\circ} 43'$ east of Greenwich; whereas in the Chart of the Andaman Islands, which is compiled from the surveys of Lieutenant Blair and Captain Moorson in 1780-90, revised by Lieutenant Heathcote in 1853, it is assumed to be $92^{\circ} 56'$. The whole group of islands is, probably, 13 miles west of the position that has hitherto been accepted.

"The recent determination of the position of Chatham Island is deduced from 202 observations of lunar zenith distance and 29 culminations observed by Mr. Nicolson, of the Survey Department, with an alt-azimuth instrument, having a vertical circle 36 inches in diameter. They were reduced in the office of the Great Trigonometrical Survey of India."

- (5) *Survey*.—The country round Port Blair Settlement has been surveyed on a scale of 4" to a mile. An area of 670 square miles has been topographically surveyed on the scale of 1" to a mile; the triangulation has been extended so as to cover, in 1885-86, the whole of the South Andaman with its minor islands and the whole Middle Andaman, leaving the North Andaman and Little Andaman to be still dealt with. (Letter No. 407 S.-S., dated 30th June 1885, Surveyor-General of India.)

CHAPTER XXVII.—COMMISSARIAT.

[For ration issues by the Commissariat Department to convicts, see Chapter IX, Sections 209 to 226. For issues to cattle, see Section 227.]

Indents.

471. Articles required to be supplied locally by the Commissariat Department are issued upon indents drawn by the several officers specially authorized in this behalf by the Superintendent.

472. Three forms of indent have been furnished for the use of officers when indenting on the Commissariat Department—

- No. 1 is the form for ration articles for convicts.
No. 2, for all petty stores and grain for cattle.
No. 3, for articles on payment.

These forms only shall be used for the several demands indicated. Indents for rations and stores shall be prepared and forwarded in triplicate, one copy being returned to the District Officer.

As an additional safeguard, the name of the person who is to receive the stores from the Commissariat shall be given in all practicable cases.

All indents shall be sent direct by District Officers to the Executive Commissariat Officer, and shall show the quantity or number of the articles indented for, in letters as well as in figures. They shall be receipted on presentation.

473. Indents from out-stations on the Commissariat shall be forwarded by post so as to reach the Commissariat office the evening of the day before delivery is required, and it will be the duty of the Commissariat Officer to have the stores ready for issue at an early hour on the following day. (S. O. 29-1060, 1-12-73.)

The person who is to take over the stores shall be sent from his station to the Commissariat early in the morning of the day of issue.

The Commissariat Officer, at the time of complying with indents, shall hand over to the person entrusted to take delivery of the stores the triplicate copy of the indent, with an endorsement as to the manner in which it has been complied with, and the drawer shall refuse to take delivery of the stores until such indent has been handed to him. Should the Settlement Officer on receipt of the stores discover any discrepancy, he shall at once communicate with the Commissariat Officer,

so that if a mistake has occurred it may be rectified, or if a fraud has been committed it may be discovered. (S. O. 32-1093, 12-2-79.)

The Commissariat office shall remain open until all indents received the previous day have been complied with, and every effort is to be made to get the stores away from Ross by noon at the latest.

NOTE.—Indents of convict bunnials do not require the prior countersignature of District Officers, being issues on payment.

In all cases in which indents are drawn upon the Commissariat Department for convict rations or supplies without the quantities required being specified therein, the Commissariat Officer shall be guided in the compliance with such indents by the scales of rations prescribed for convicts of the several classes in this Manual, Chapter IX.

Issue of stores.

474. The following orders have been issued by the Superintendent regulating the issue of stores on indent from the Commissariat Department:—

- (a) On receipt of an indent for stores required at any station, for which water carriage is required, the Executive Commissariat Officer will arrange with the Marine Department for the necessary water carriage; and on the time and hour for despatch being settled, he will intimate the same to the indenting party, not less than 24 hours' clear notice being given. The hour should be fixed before 8 A.M., so as to ensure the stores reaching their destination before dark.
- (b) The indenting officer will depute a responsible person to attend at the Commissariat godowns to see the stores weighed and to take them over.
- (c) The responsibility of the Commissariat Department will cease on the stores leaving the Commissariat premises.
- (d) The stores on being delivered by the Commissariat Officer will be conveyed by the Marine Department to the lighter, and will be rallied, when put on board the lighter, by an employé of the Marine Department and by the person deputed by the indenting officer. If any discrepancy is discovered, it will at once be reported and form the subject of immediate inquiry by the officer in charge of Ross, who is also Port Officer.
- (e) The Marine Department is responsible that the water carriage is ready at the time fixed, and that the lighters are despatched as soon as the consignment is on board.
- (f) The person deputed by the indenting party will accompany the stores and will remain in charge of them until they reach their destination and are discharged. (S. O. 456, 30-9-85.)

Bills and Invoices.

475. In addition to the articles supplied direct from the Commissariat Department on indents for the use of rationed convicts, arrange-

Bills and Invoices.

ments have been made for the adjustment through the Department of certain supplies to the labouring convicts and hospitals.

These shall be monthly passed into the Commissariat contingent accounts upon bills or invoices respectively of the District Officers.

ON BILLS.

Milk.
Dhal.
Vegetables.
Fish.

ON INVOICES.

Fish (large and small).
Firewood
Vegetables.

NOTE.—The distinction is due to the fact that all articles supplied on invoices are furnished through the agency of convict labour and do not require cash adjustments, whilst the supplies for which bills are rendered are purchased by District Officers (at contract rates previously fixed by the Commissariat Department) from self-supporters and free contractors, and are subsequently paid for monthly on bills countersigned by District Officers.

Cattle.

476. Free residents and others wishing to have cattle slaughtered can send them to the Aberdeen slaughter-house for that purpose, with the permission of the Executive Commissariat Officer previously obtained. Persons wishing their cattle killed elsewhere shall apply to the District Officer concerned, who will appoint a suitable place for the slaughter. (S. O. 40-806, 18-12-79.)

477. All young bulls, the property of Government which are not considered suitable for breeding purposes, shall be castrated. (S. O. 2-56, 16-4-73; & S. O. 321, 4-2-84.)

NOTE.—This order applies equally to the cattle of self-supporters.

CHAPTER XXVIII.—MILITARY.

478. All Military Officers in the Settlements shall be under the direct control of the Superintendent. Control of Superintendent.

They shall obey all orders issued by him, shall keep up such records and registers and shall submit such returns and reports as he may call for; but the senior Military Officer will retain the immediate command of the troops, and conduct all ordinary details and correspondence connected with them. (R. G. C. C. IV.)

479. The duties of the military on the occurrence of all alarms or unusual disturbances amongst the convicts have been specially defined and are those cited at Section 363 of this Manual. They shall be strictly observed on all such occasions. Duties of Military in alarms.

NOTE.—See also Sections 129 to 131, Act X of 1892, Criminal Procedure Code.

480. All traders in the Settlements are warned that they are not to give credit to soldiers, and that if they do so, they will not be allowed to sue upon such debts in the local Courts. (S. O. 14-1181, 13-1-75.) Crying down credit.

481. The sale of eau-de-cologne and lavender water locally to European soldiers is forbidden. (H. B. 450 S. O., 23-3-76.) Eau-de-cologne.

482. The rules in force in respect to the arrest and treatment by the free Police of European soldiers who may be guilty of the commission in the Settlements of offences requiring the intervention of the Police are those prescribed in paragraphs 320 to 333 of the Police Manual of the Andaman and Nicobar Settlements (1884), and shall be strictly followed in all cases. Arrest of British soldiers.

NOTE.—(1) In regard to the trial for offences locally committed of British soldiers by the Criminal Courts at Port Blair and the Nicobars, it has been ruled by the High Court of Calcutta that Section 101 of the Mutiny Act (XLI, Vic., cap. 10, 1878) does not deprive the Civil (as opposed to Military) Courts of jurisdiction over British soldiers committing offences within the territorial limits of those Courts; nor render the exercise of their jurisdiction dependent upon the sanction of the Commander-in-Chief. The section is merely permissive of a military trial being held. (*The Empress v. Maguire*, I. L. R., IV, Cal., 124.)

(2) In all cases in which the local Criminal Courts inflict sentences exceeding three months, the prisoners shall be sent either to Rangoon or to Calcutta.

Each such case will, however, under Act V of 1871, be first separately referred for the orders of Government as to transfer.

Sentences passed on Europeans for shorter terms than three months shall be carried out in the Settlement, it not being worth while to transfer the prisoners to the continent of India. (H. B. 327, 18-12-75.)

Prohibition as to female jail.

483. The enclosure round the female jail at South Point has been declared "out of bounds" for troops, Police, and camp followers, unless proceeding there on duty and furnished with special passes from responsible officers. (S. O. 771, 19-1-84.)

Sale of equipment and necessities.

484. The sale by soldiers of articles of their supply or equipment being prohibited, persons purchasing rations, articles of clothing, or other necessities, which have been issued to European or Native soldiers, shall be prosecuted with the utmost rigour of the law (under Act VII of 1867 or any other Acts in force), and any person giving information leading to conviction in such cases shall be rewarded. (S. O. 183, 19-5-84.)

CHAPTER XXIX.—FORESTS.

Establishment and powers of Department.

485. A Forest Department has been established at Port Blair to which the following rules and orders are applicable. Establishment of Department.

It is in charge of a Deputy Conservator of Forests who is subject to the orders of the Chief Commissioner.

N.B.—In vernacular correspondence it has been directed to be referred to as Bani-ki-laka. (S. O. 756, 15-1-84.)

486. By Section 10, Regulation III of 1876, the Chief Commissioner of the Andaman and Nicobar Islands may at any time grant licenses in respect to felling of trees or taking the products thereof, and may appoint, with the sanction of the Governor General in Council, any officer to exercise all or any of the powers conferred by Sections 5 to 10 of the Regulation. This section is as follows:— Legal provisions and powers.

Section 10.—The Chief Commissioner may at any time grant a license in writing, on such terms and subject to such conditions as he may think fit, to any person to fell any trees or take the produce of any trees, or collect edible birds' nests, or any other product of any settlement in the said islands.

* * * * *

It is further thus provided by Section 12 of the same Regulation:—

Section 12.—The Chief Commissioner, with the sanction of the Governor General in Council, may appoint one or more officers to exercise all or any of the powers conferred on the Chief Commissioner by Sections 5 to 10.

Every Officer so appointed shall, in the matters aforesaid, be subject to the direction and control of the Chief Commissioner, and be guided by such instructions as the Chief Commissioner may from time to time issue.

The Deputy Conservator of Forests has been duly empowered by the Chief Commissioner under the above sections to exercise the powers conferred on the Chief Commissioner by Section 10 in regard to the issue of licenses to persons to fell any trees or take the produce of any trees within the limits of the Settlement of South Andaman only. (A. & N. G. N. 21, 12-11-83.) Issue of Licenses.

N.B.—The whole island of South Andaman was declared to be a Settlement,—*vide* H. D. N. 243, 21-9-77.

See Appendix V, note to Section 30, Regn. III of 1876.

Ss. 487-490.

Chapter XXIX.—Forests.

Convict use of Forest licenses.

487. The indulgence of these licenses is granted to self-supporter convicts, as well as to free residents; but the former, not being allowed to leave their stations without passes from the Settlement Officers, are required to obtain the same (in addition to the license) before proceeding into the interior to bring in any timber or jungle produce.

In all cases of the grant of any Forest license to a convict, a copy of such license is required to be forthwith furnished to the District Officer of the district to which the convict is proceeding.

N.B.—For passes see Section 298.

Forms of licenses.

488. The forms of licenses to be made use of shall be those prescribed by Notification XIV of 1883-84 (A. & N. G. No. 8), of the 22nd September 1883, and these can only be issued by the Deputy Conservator.

Reservations.

Reserved forest land.

489. The following waste land having been planted with padouk, has been reserved and placed under charge of the Forest Department (A. & N. G. 25, 24-11-83):—

AT NAVY BAY—

Estimated area—
10 acres.

Boundaries—

North—Government land.
South—A track leading to Convict Barrack.
East—Navy Bay main road.
West—The sea.

Forest land for grazing, &c.

490. The areas of forest land which have been declared those within the limits of which ryots may cut grass or firewood for their own use without license or payment under the provisions of Rule XVII of the Land Revenue Rules, are those hereinafter recited. (A. & N. G. N. 24, 15-11-83.)

NORTHERN DISTRICT.

All clearings and forest land between the following boundaries:—

North Bay—

Valley and Brigade Creek.

Dari Leaf—

Creek and Forest Water Creek.

Chapter XXIX.—Forests.

Sec. 491.

SOUTHERN DISTRICT.

All forest land lying within the following boundaries (and lines):—

From	To
Corbyn's Cove	Brookesabad (by the sea).
Brookesabad	Protheroeopore (by a jungle track).
Protheroeopore	Head of Corbyn's Cove creek (by a metalled road).
Head of Corbyn's Cove creek	Corbyn's Cove clearing (by the creek itself).
Jungly Ghat Jetty	Gurracherma (by metalled road).
Gurracherma	Jungly Ghat (by Protheroeopore Creek and the sea).

Licenses.

491. The following rates for licenses have been prescribed with effect from the 1st November, 1883. (S. O. C. 451, 22-9-83.)

Padouk	R20	} per ton.	Girdled trees, padouk	} per ton.
Other 1st class trees	" 15		" " others	
2nd class trees	" 5		" " " R20	
3rd " " "	" 1		Sleepers or crooks . . 10	

N.B.—In the case of the first five items the license is only granted subject to subsequent payment of revenue at the rates noted.

The forms of licenses in use are the following:—

- FORM I. To cut, convert, and otherwise utilise 1st class trees at 8 annas license fee per tree.
- " II. To cut, convert, and otherwise utilise 2nd class trees at 4 annas license fee per tree.
- " III. To cut, convert, and otherwise utilise 3rd class trees at 2 annas license fee per tree.
- " IV. To cut, convert, remove, and otherwise utilise girdled trees at 8 annas license fee per tree.
- " V. To hew sleepers and crooks of 1st class woods out of small trees felled for the purpose at 6 pies license fee per sleeper or crook.
- " VI. To collect and utilise forest produce at the following rates:—

Bamboos per mensem	R 1-0-0	Bark	girth	R 0-4-0
Rattans & canes	" 0-8-0	Thatching leaves	"	" 0-8-0
Rattan roofs	" 2-0-0	Pan leaves	"	" 2-0-0
Poles below 1' girth	" 2-0-0			

FORM VII. To tap wood-oil between fixed dates at R 1 per mensem.

FORM VIII. To cut, collect, cart, and otherwise utilise firewood at 4 annas per cord (or at R4 per month per cart). (Notn. A. & N. G. 4, 12-5-84.)

" IX. To burn charcoal of 3rd class and waste timber in clearings at 4 annas per workman per mensem.

" X. To establish saw-pits at 4 annas per workman per mensem.

" IX. To hold marking hammers of certain impressions at an annual license fee of R1 per hammer. (For rates see also A. & N. G. 15, 22-9-83.)

[N.B.—After the above date all persons were forbidden to fell or take the produce of any trees or collect any forest produce in the South Andamans Settlement without such licenses.]

PROVISIONS—

(a) Nothing in the above order to affect any license which may have been or may hereafter be given to any ryot to cut firewood for himself without payment in any plot of Government jungle which may have been or may hereafter be assigned for the purpose under the provisions of Rule XVII of the Rules for the Land Revenue Administration of the South Andaman Settlement, but all ryots who may desire to cut building and other timbers should apply for the necessary licenses to the Deputy Conservator of Forests.

(b) All licenses to be issued by the Deputy Conservator of Forests in duplicate, the original being given to the licensee and the duplicate being forwarded for information to the officer in charge of the district in which the trees or forest produce for which such license has been given may be situated.

(c) In case of conviction before a Magistrate of any person of an offence under clause (a), Section 32 of the Andaman and Nicobar Islands Regulation, 1876, any portion of the proceeds of the fine, if any, inflicted, not exceeding R100, may be awarded to any officer in the public service, not being a gazetted officer, or to any informer. (See also A. & N. G. 14, 22-11-83.)

Classification and Export of Timber.

492. The following is the sanctioned classified list of woods in special charge of the Forest Department. (A. & N. G. N. 16, 22-11-83.)

Native name.	Botanical name.	Local name.
I CLASS.		
Padouk	<i>Pterocarpus indica</i> .	
Pyinma	<i>Lagerstroemia Flos Regineæ</i> .	
Pyin'ado.		
Toungpung	<i>Artocarpus Chaplasha</i>	Jungle Jack.
Gangaw	<i>Mesua ferrea</i>	Iron-wood.
Kokko	<i>Albizia Lebbek</i> .	
Yu eh-gyi	<i>Adenanthera pavonina</i> .	
Mohwa	<i>Mimusops indica</i>	Bullet-wood.
Nabbeh	<i>Odina Wodier</i> .	
Thingan (white)	<i>Hopea odorata</i> .	
Thitoin	<i>Podocarpus latifolia</i> .	
Myouk-Soi	<i>Artocarpus Lakoocha</i> .	
II CLASS.		
Chandanam	<i>Dysoxylum</i> .	
Palawa	<i>Garcinia speciosa</i> .	
Chugalam	<i>Terminalia alata</i> .	
Lingyau	<i>Dillenia parviflora</i> .	
Chérâ	<i>Croton argyratus</i> .	
Lettouk	<i>Memecylon elegans</i> .	
Thabayeh	<i>Eugenia formosa</i> .	
Sit	<i>Albizia procera</i> .	
Thingan (red)	<i>Hopea odorata</i> .	
Kahya	<i>Mimusops Elengi</i> .	
Thirkyâ	<i>Diospyros Kurzii</i>	Marble-wood.
Lai Cini.		
III CLASS.		
All timbers other than the above.		

493. The right to the export of padouk timber from the Andaman Islands has been reserved to Government by special notification (A. & N. G. N. 3, 16-7-85), and is subject to the following conditions and restrictions:—

- (1) Padouk timber purchased by licensees before the 15th July 1885 may be exported by them up to the 15th August.
- (2) After the above date, only manufactured articles of padouk intended for *bonâ fide* private use, and not exceeding the passenger baggage allowance, will be permitted to be shipped by private individuals. The Deputy Conservator of Forests may relax the provisions of this rule in cases where he is satisfied that the spirit of the regulation is not evaded.

Export of
padouk timber.

Chapter XXIX.—Forests.

- (3) From the date above notified, waste padouk (as defined in the margin) in the Settlement of Port Blair will be free for all purposes except export.
- a. Stumps, buttresses, poles and branches of felled trees.
b. Trunks of hollow trees in the clearings.
c. Generally, remnants of felled padouk trees, not prepared for extraction by the Forest Department or its licensed woodmen.
- (4) Government will purchase, at the export depôt, such quantities of sound padouk planks and scantling of such sizes and at such rates as may from time to time be notified by the Deputy Conservator of Forests. Licenses for felling and converting padouk timber will be issued on the mere payment of the fee. It will be the duty of licensees to tender all sound scantling to Government. They may retain rejections and waste or dispose of it in the Settlement of Port Blair, but neither they nor any persons will be permitted to export these rejections and waste.

Timber supply to districts.

494. Timber will be supplied by the Forest Department to the several District Officers on invoices at rates to be fixed from time to time by the Chief Commissioner and Superintendent.

[N.B.—For rates at present in force see S. O. 1087, 23-3-85.]

The District Officers will indent upon the Chatham saw-mills through the Deputy Conservator of Forests.

Powers of Deputy Conservator.

Disciplinary powers of Deputy Conservator.

495. The Deputy Conservator of Forests has been appointed *ex officio* an Assistant Superintendent (H. D. N. 158, 15-2-83) to exercise the powers of a Divisional Officer in respect to the punishments of convicts employed in his department for offences connected with departmental work committed during working hours. (S. O. 775, 3-2-82.)

[N.B.—See Section 53 as to powers.]

Chapter XXX.—Education.

CHAPTER XXX.—EDUCATION.

496. Schools have been established at Port Blair with the special sanction of the Government of India for the education of children, whether of free or convict-parents. Establishment of schools.

497. These schools receive at present a fixed annual grant from the Government of India, but a local cess is also levied, which is fixed for the present at the following annual rates with reference to the conditions of the pottahs of land and house-site holders:— Education grants and cesses.

Landholders—		R. a.
Less than—		
5 bigahs		0 6
5 to 15 bigahs		0 12
Above 15 bigahs		3 0
House-site holders—		
4th class		0 6
3rd "		0 12
2nd "		1 8
1st "		3 0

Sheepkeepers who hold their leases for ten years,—5 rupees per cent. per annum.

[N.B.—The collection to be made half-yearly, concurrently with land revenue collections. (S. O. 51, 25-4-82.)]

498. As regards internal management and discipline these schools are under the general control of a School Committee appointed by the Chief Commissioner. Committee.

The following is the composition of the Committee, which consists of a President and four members (*ex officio*), one of the latter being selected by the Committee as Honorary Secretary. (A. & N. G. No. 22, 15-11-83.)

President.

The Deputy Superintendent

Members.

The 1st Assistant Superintendent.

" 2nd ditto ditto.

" 3rd ditto ditto.

One Extra Assistant Supdt. { to be nominated from time to time by the Superintendent.

The Committee, with the sanction of the Chief Commissioner, will prescribe the course of education to be followed, and will arrange for the supply of all school-books and stationery that may be required.

Ss. 499-504.

Chapter XXX.—Education.

Elementary course.

499. The elementary course will consist of a sound knowledge of reading, writing, and arithmetic for boys, with needlework added, when practicable, for girls. Decency and cleanliness will be enforced from members of both sexes.

Compulsory attendance.

500. District and Divisional Officers are requested, as far as possible, to compel the attendance of all male children between the ages of 6 and 12 living within the limits of their jurisdiction.

The attendance of girls, the progeny of convicts, between the ages of 6 and 10 years, is compulsory, and optional beyond that period.

All requests for exemption of girls from attendance at school in consequence of their being over 10 years of age to be addressed to officers in charge of districts, who alone will sanction such exemptions.

European and Eurasian children.

501. A separate school, which receives a grant in aid from the Educational Funds, but is under the direct charge of the Chaplain, has been established at Ross Island, for European and Eurasian children, the sanctioned scale of fees for which is as follows:—

	R a. p.
For one pupil, monthly	3 0 0
In cases where there may be more than one pupil, the children of the same parents, for each additional child	1 0 0
For children of non-commissioned officers and soldiers, European and Eurasian, employed regimentally or on the military staff	half the above rates.

Elementary school charges.

502. No charges are made for education in the Elementary Schools; those for Higher Schools will be fixed by the Committee, with the sanction of the Superintendent.

Establishments.

503. There is a fixed establishment of free masters and monitors employed, but for some of the junior classes the assistance of convict masters is also given. Where this is the case, the convict school-masters will be borne on the rolls of the stations at which they are serving, and any gratuity which may be granted to them from school funds will be forwarded by the Committee to Divisional Officers, who will disburse it to them.

School buildings.

504. All elementary school buildings not of a permanent character are under the charge of Divisional Officers, who will keep them in a thorough state of repair with convict labour. (S. O. 35-414, 11-7-77.)

Chapter XXXI.—Police.

Ss. 505-509.

CHAPTER XXXI.—POLICE.

505. The Andaman and Nicobar Police Force is constituted under Constitution. Act V of 1861, which Act was extended to these Islands by H. D. Notification 377, of the 24th August 1875.

Section 34 of the Act extends at present to Ross Island only. (H. D. N. 81, 17-3-80.)

The Chief Commissioner of the Andaman and Nicobar Islands is *ex officio* Inspector-General of Police, and the Government of India is the Local Government within the meaning of the Act.

506. The District Superintendent of Police, in addition to his ordinary functions as a Police Officer, has been appointed Public Prosecutor in the Andaman and Nicobar Islands. (A. & N. G. Notn. 8, 22-8-84.)

507. The Rules and Regulations prescribed by the Andaman and Nicobar Police Manual, 1884, shall be those recognised in the said islands in respect to the conduct of the force in all matters affecting their communications with, or custody of, prisoners; but the District Superintendent and all Subordinate Police Officers shall also be guided in their relations with the officers of the local administration and in the performance of their duties by all instructions thereon which may be prescribed by this Manual.

508. To facilitate rapid communication between stations, Police signal posts, supplied with flags, heliographs, and signalling lamps, have been established at Ross, Aberdeen, and Hadde, on the Southern District; and at Chatham, Viper, Mount Harriet, and Hope Town, on the Northern District.

These stations are open at all hours, and subject to certain restrictions may be used by the general public for the transmission of private messages, but service messages will have precedence over all others.

509. The following semagram abbreviations are those adopted for signalling the addresses of the several officers. (O. S. 421, 26-9-81.)

C.C.—Chief Commr. and Supdt.	COMMT.—Ex. Commr. Officer.
D.S.—Deputy Superintendent.	D.S.P.—District Supdt., Police.
N.D.—Northern District Officer.	N.D.N.—Northern Divisional Officer.
S.D.—Southern District Officer.	S.D.N.—Southern " "
O.C.—Officer Commanding Troops.	E.D.N.—Eastern " "
S.M.O.—Senior Medical Officer.	W.D.N.—Western " "
P.O.—Port Officer.	R.D.N.—Ross " "

The numerals by cipher are thus indicated,—

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
A.	B.	C.	D.	E.	F.	G.	H.	I.	K.	L.	M.

but with A. M. or P. M. affixed, the letters are to be understood as representing the time code and should be read as on the dial of a clock or watch, the first letter indicating the hour, the second the minutes; e.g., A. B. A. M. = 1-10 A.M.; D. E. P. M. = 4-25 P.M.

Urgent official correspondence.

510. As regards the rapid transmission of urgent official correspondence the following orders are applicable. (S. O. 630. 17-12-81.)

All emergent official (and demi-official) letters which are to be forwarded through Police agency should be enclosed in covers with the word "*Urgent*" in English and "*Zaruri*" in Urdu in large type thereon.

These covers are to be obtained on indent from the Superintendent's office, and all Settlement Officers should keep a supply of them, but they are not to be used except on the public service.

The District Superintendent of Police will arrange for the immediate despatch through Police agency of such letters to their destination, the exact time of such despatch being noted in the diaries of the Police stations at which such letters are delivered for transmission.

All reports of escapes are required to be despatched in urgent covers, and, where possible, semagraphed to the several officers concerned. (S. O. 36, 17-4-85.)

Convict correspondence.

511. All convict correspondence to and from places beyond the limits of the Settlement is required to pass through the office of the District Superintendent of Police, who will arrange, in communication with the Post Master, for the receipt and despatch of all convict mail bags. (S. O. 793, 8-2-82. See also Chapter XIII for full restraints, &c.)

Enquiry into convict offences.

512. The Police will enquire into the following offences, and no others, when committed by convicts, unless they receive special orders from any Settlement Officer, or from the District Superintendent:—

Murder,	Rape,
Culpable homicide,	Housebreaking,
Grievous hurt,	Robbery,
Hurt,	Theft,

and all attempts at any of these offences. (See paras. 397-407. P. M.)

Settlement Officers may, however, make use of the services of the Police in enquiries into offences committed by convicts which, if committed by free persons, would come under the definition of

"cognisable offences," and may also employ the Police in cases where their aid may be necessary to elucidate some point during the progress of enquiries into offences which, if committed by free persons, would not be cognisable by the Police; but Police agency should not be invoked in initiating enquiries into trivial cases regarding which full particulars can be obtained at once from witnesses who can be produced either by the parties concerned or through the local village authorities. (S. O. 183. 5-6-83.)

513. In all cases in which convicts have been arrested by the Police without orders from Settlement Officers, due notice of such arrest and of the convicts' subsequent disposal should be sent from the Police station to the Divisional Officer of the division to which the convict belongs. (S. O. 22. 7-4-82.)

Arrest of convicts.

514. The Police have orders to receive into safe custody and confinement any convict made over to them for this purpose by Overseers of Stations or by Supervisors of Works and Mechanical Engineers.

Custody of prisoners made over.

Station Overseers are empowered to arrest and confine in the Police lock-ups any convicts who may commit or who are charged with committing convict offences. They are not, however, authorized to release such convicts: this can only be done on the authority of a Settlement Officer.

Mechanical Engineers and Supervisors are vested with powers of a Station Overseer in respect of arrest and confinement of convicts employed under them. (S. O. 862, 2-3-82.)

515. No Police Officer who has once arrested a convict shall release him, unless he receives orders to that effect from a Settlement Officer or from the District Superintendent of Police.

Release from custody.

516. It is the duty of the Police to take charge of, and forward to hospital with all possible dispatch, the corpses of all convicts who may die out of hospital from whatever cause (S. O. 319, 14-8-82), care being taken that due identification of the corpse is made and recorded.

Charge of corpses.

(1) In ordinary cases the report by which the corpse is accompanied should state that the deceased is reported to have died from natural causes, thus leaving it to the Medical Officer to determine the necessity for a *post-mortem* examination.

(2) In all other cases of sudden or accidental death, the Police will proceed as provided in Section 174, Act X of 1882. (Vide also paras. 408-15, Police Manual.)

517. The Police have been prohibited from visiting the vicinity of the female jail at South Point, which has been declared to be "out of bounds" in their case and that of troops and camp-followers, unless

Precincts of female jail.

when proceeding there on duty and furnished with special passes from the responsible officers. (S. O. 771, 19-1-34.)

Baggage
transport.

518. Members of the Police Force when transferred from one station to another on the public service are allowed convict labour for the transport of their personal baggage to the following extent and free of charge:—

Chief Constable	150 seers, or 5 coolie-loads.
Sergeants	60 " " 2 " "
Constables	30 " " 1 coolie-load.

All excess must be paid for at the Settlement prescribed rates. (S. O. 110, 10-5-81.)

Boats and
ferries.

519. The duties of Police in respect to boats and ferries are those defined under these heads in this Manual. (Sections 318 & 324.)

In the event of any boat being detained by the Police, however, for the night at any jetty other than that at which it is ordinarily anchored, it shall be the duty of the Police to transmit immediate information of the detention in the quickest manner possible (by semagram or otherwise) to the Divisional Officer of the division to which the boat is ordinarily attached. (S. O. 245, 14-7-81.)

Boat escapes.

520. The District Superintendent of Police shall take measures to ensure that all cases of escape (or suspected escape) of boats are at once reported to him, and he will be held responsible that immediate information thereof shall be conveyed to the Chief Commissioner.

In the event of the Chief Commissioner being absent from Ross, intimation should be also sent to the Port Officer, to enable him to cause the exits from the harbour to be guarded without delay. (S. O. 28-2-80. See also Chapter XVIII, "Escapes and Recaptures.")

Protection of
officers.

521. For the personal protection of officers engaged in the administration, Police guards are stationed at their houses and at that of the District Superintendent of Police.

A constable is also detailed as a personal escort for each Settlement Officer (and for the Medical Officer in charge of the Police), whom he will attend when walking about the Settlement. He will wear side-arms and carry a stick.

Mounted orderlies are detailed to accompany Settlement Officers when riding about their divisions or districts. They will dismount only when ordered to do so. Orderlies must remain close to the officers, and should keep a sharp look-out to prevent a sudden attack on them. (P. M., 229-232.)

It is the duty of all Settlement Officers to avoid incurring any unnecessary personal risks by which not only their own safety but the

discipline and safety of the Settlement might be seriously compromised. (H. D. R. 266, 29-7-74.)

No officer should ever go out unattended by his orderly, and officers should at night have access to their rooms rendered difficult without the knowledge of the sentry. (S. 593, 23-8-74.)

Village Police.

Chowkidars.

522. The following arrangements for the protection of convict villages and the prevention of crime have been sanctioned:—

In each convict village to which this system may, from time to time, be made applicable by Settlement Orders, an establishment of one chowkidar for every 50 houses shall be maintained, and for every additional 50 houses an additional chowkidar shall be entertained, provided that the total cost of establishment of chowkidars does not exceed the total of the chowkidari fees collected.

When any village in a district shall exceed 50 houses in number, the District Officer shall at once report the circumstances to the Superintendent, with a view to the chowkidari system being extended to it. Due notice of such extension shall be published in Settlement Orders for general information.

523. The chowkidars shall be selected from released or conditionally-released convicts, or from self-supporting or 1st class convicts. Their duties are to report all crimes occurring in their villages and to aid the Settlement Officers and the Police in the investigation of crime and the apprehension of offenders, to constantly go night rounds and ascertain that all self-supporters are in their respective huts after 8 P.M., to watch all bad characters, and convey to chowdries and the police immediate intelligence of any suspicious persons who may be in the habit of visiting their villages.

The village chowkidar is subordinate to the village headman or chowdry, to whom he shall report daily; he shall also report daily at the Police station to which his village is attached, but all heinous crimes shall be reported at once; copies of all reports by chowkidars other than the ordinary "all's well" report shall be sent at once from the Police stations to the Divisional Officers concerned. District Officers are responsible that the chowkidars keep the Police fully informed of all offences specified in paragraph 94 of the Police Manual committed within the limits of their respective villages. (See also P. M., paras. 433-457.)

Pay.

524. Each chowkidar shall receive R 7 monthly from Government, payable in arrear. He is free to follow any occupation he may select, other than that of cultivator, so long as it does not interfere with his duties as chowkidar, but he shall not be allowed to take contracts for supplies or to rent farms. Bills for the pay of chowkidars shall be submitted monthly by District Officers for inclusion in the monthly bill for the pay of the convict establishments.

Chowkidars are prohibited from competing for Government contracts of any kind whilst retaining their appointments. (S. O. 839, 7-2-84.)

Rewards.

525. Chowkidars may be recommended for rewards by the Police or Magistracy, but such recommendations shall always be forwarded through District Officers to the Superintendent, so that the grant of such rewards may be noted in the history sheets of the convict chowkidars concerned.

Appointments and casualties.

526. Chowkidars, like all other petty convict officials, shall be nominated by District Officers and appointed by the Superintendent, due intimation of such appointments being given to the Police.

Intimation shall be given by District Officers to the District Superintendent of Police of all transfers, promotions, reductions, and punishments of chowkidars.

Chowkidari tax.

527. To meet the cost of chowkidars a tax of 2 annas monthly shall be levied on the owner of each house in each village to which this order is extended. The tax shall be collected on the first day of each month by village chowdries and paid into District or Divisional Offices immediately after collection. Officers in charge of districts or divisions shall forward the amount so collected to the Treasury. (S. O. 20, 7-4-82.)

Villages to which extended.

528. The chowkidari system has been extended to the following villages :—

SOUTHERN DISTRICT.

Aberdeen	(S. O. 217-82.)
South Point	
Nyagaon	
Brookesabad	
Jungli Ghat	
Pahargaon	
Protheroeopore, old	
Ditto, new	
Guarra Cherna	
Lamba Line	
Haddo	(S. O. 272, 16-2-83.)
Boomlitan	(S. C. 121, 18-5-83.)

NORTHERN DISTRICT.

Bamboo Flat	(S. O. 217-82.)
Stewart Gunge	
Wimberley Gunge	
Fresh Water Creek	
Port Mouat	
Dhani Leaf Creek	(S. O. 217, 19-6-83.)
Namanaghur	
Hope Town	
Kadaka Chang	(S. O. 11-6-83.)
Bindrabai	

Cattle Pounds.

529. Pounds have been established at the following stations and pound-keepers appointed under the provisions of the Cattle Trespass Act (Act I of 1871) by the Deputy Superintendent :—

SOUTHERN DISTRICT	1. Ross	(S. O. 13-5-80, 27-8-76.)
	2. Aberdeen	
	3. Haddo	
	4. Boomlitan	
	5. Guarra Cherna	(D. S. 357, 27-9-84.)
	6. Protheroeopore	
	7. Brookesabad	(D. S. 11-6-83.)
	8. Pahargaon	
	9. Lamba Line	(D. S. 578, 7-12-83.)
	10. Nyagaon	
NORTHERN DISTRICT	1. Hope Town	(S. O. 13-10-80, 21-8-78.)
	2. Viper	
	3. Dhani Leaf Creek	
	4. Bamboo Flat	
	5. Port Mouat	
	6. Namanaghur	
	7. Kadaka Chang	

530. The following are the pound and poundage rules locally in force :—

- (1) It shall be lawful for the cultivator or occupier of any land to seize, or cause to be seized, any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village in which the land is situated.
- (2) Chowkidars and Police Officers, when called upon, shall give their aid to cultivators and occupiers making such seizure of cattle; but they have no power to interfere on complaint in such cases, after a rescue has been effected. Plaintiff should be referred to the Magistrate.
- (3) Any person whose cattle may have been seized and detained as doing damage to land, or crops or produce thereon, may prefer a complaint against the seizure at any time within ten days from the date thereof to any Magistrate, or other officer having criminal jurisdiction, authorized to receive and try such charges.
- (4) Persons in charge of public roads, canals, embankments, and the like, may seize, or cause to be seized, any cattle doing damage to the same, and the same procedure as in the two foregoing clauses shall be observed.
- (5) Village chowkidars and Police Officers shall convey to the pounds established under Section 4 of Act I, 1871, all cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of the Act relative to the detention, release, and sale of cattle seized as trespassing and doing damage, shall be applicable to all cattle impounded as aforesaid.

- (6) Pounds shall be erected at such places as the Magistrate of the District, subject to the general control of the Local Government, from time to time directs. All pounds will be constructed with railings and pillars in front, so that all cattle in the pound may be clearly seen. There will be a shed in each pound for the protection of the cattle from the weather.
- (7) The mohurrirs of Police stations, near which pounds are erected, will be *ex-officio* pound-keepers, and will receive an allowance of Rs 2 per mensem for this duty.
- (8) Each seizure will be entered in the diary in the ordinary way; a copy of the recording seizer shall be given to the seizer or person bringing cattle to the pound.
- (9) It will be the duty of the pound-keeper to provide for the proper care and tending of the cattle impounded, and also to keep up the register and accounts of receipts and disbursements required by the Act.
- (10) The registers should be strictly kept on a uniform model (*vide* Appendix V).
- (11) For every head of cattle impounded as aforesaid, a fine shall be levied according to the scale laid down in Section 12 of Act I of 1871, and no cattle shall be released by the pound-keeper without the payment of such fine, unless the release be ordered by competent authority.
- (12) The charge for feeding shall be as follows:—
- | | per diem | a. p. |
|-------------------------------|----------|-------|
| Elephant | 3 | 0 |
| Buffalo | 2 | 0 |
| Horse or pony | 4 | 0 |
| Bull, bullock, cow, or heifer | 2 | 0 |
| Calf, ass, or pig | 1 | 0 |
| Sheep, goat, or kid | 1 | 0 |
- (13) If the owner appears and claims the cattle, they shall be delivered to him on payment of the prescribed fine, together with the expense of feeding the cattle, at the rates as above stated, and the owner, on taking back his cattle, shall sign a receipt for them in the register kept by the pound-keeper.
- (14) A schedule of the fines and of the rates of charge for feeding cattle shall be stuck up, in a conspicuous place, on or near to every pound.
- (15) If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the officer in charge of the nearest Police station, or such other officer as the Magistrate of the District may appoint, who shall put in a conspicuous part of his office a notice containing a statement of the number and description of the cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place nearest to the place of seizure.
- (16) If the cattle are not claimed within seven days from the date of the notice, they shall be sold by public auction by the station Police Officer, or an officer of his establishment deputed for the purpose, at such place and time, and subject to such conditions, as the Magistrate of the District directs.
- (17) If the owner appears, and refuses or omits to pay the fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Police Officer, or other officer as aforesaid, and the remaining cattle, and the balance of the purchase-money, if any, shall be delivered to the owner, together with an account showing the number of cattle seized, the time they were impounded, the charge for fines and expenses, the number of cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of;

- and the owner shall grant a receipt for the cattle delivered to him and the balance of the purchase-money paid to him (if any) according to such account.
- (18) Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any cattle at a sale under this Act.
- (19) All sales to be conducted by the senior Police Officer of the station. The auctioneer to be a constable or sergeant.
- (20) No sale shall take place before 10 A.M., or later than 4 P.M., of the day fixed, and, for at least half an hour prior to the sale, a gong or drum shall be sounded at the place of sale.
- (21) The cattle shall be sold in such convenient lots as the Police Officer conducting the sale, or other competent person attending the sale, may direct, and to the highest bidder. Any lot sold for less than Rs 5 shall be paid for before 5 P.M. of the day of the sale. If the price of any lot exceed Rs 5, the purchaser shall deposit Rs 5 and half of the price in excess of that sum; the remainder of the price shall be paid within one week of the sale.
- (22) No lot shall be delivered till paid for, and the purchaser of any lot sold, but not cleared, shall be required to pay for its keep till delivered.
- (23) If the price is not paid, or the cattle are not removed within the stipulated time, the purchaser will forfeit all claims upon the lot, and the deposit money shall likewise lapse to Government.
- (24) Such forfeited lots shall be again put up for sale, and all expenses incurred subsequently shall (unless those conjointly do not exceed the deposit money) be recovered from the original purchaser.
- (25) Animals, when sold, before being made over to the purchaser, to be branded with the letter U.
- (26) The above conditions of sale shall be audibly proclaimed in the ordinary language of the district by the officer holding the auction before the commencement of the sale.
- (27) When cattle are sold under the provisions of the Act, the fines leviable, and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale proceeds.
- (28) The expenses of feeding and watering shall be paid over to the pound-keeper, who, in cases where he is also a policeman, shall also forward all sums received by him on account of such expenses, with the fine money, to the District Superintendent of Police.
- (29) Monthly accounts of poundage receipts and disbursements will be sent by Police pound-keepers at the end of each month to the District Superintendent of Police, who, after ascertaining their correctness, will forward the amounts to the Deputy Superintendent, who shall hold them in deposit for three months, and if no claim be preferred and established within that period, shall, at the expiry of that time, dispose of them as provided.
- (30) The sums received on account of fines, and the unclaimed proceeds of the sale of unclaimed cattle, shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the Local Government, or of expenses incurred for the construction and maintenance of pounds, or for any other purposes connected with the execution of the Act.
- (31) English and Urdu translations of Act I of 1871 to be kept at all pounds, and both Police Officers and pound-keepers are required to make themselves acquainted with their provisions.

CHAPTER XXXII.—REGISTRATION.

531. A Registration Office under Act III of 1877 has been established at Port Blair, and all documents executed by convicts and requiring registration, as well as all documents desired to be registered by free persons, will be registered at the office of the Sub-Registrar, Ross Island. (S. O. 421, 30-9-82.) Registry Office.

532. All monetary transactions between self-supporter convicts or between such convicts and free persons have been absolutely prohibited, unless the same shall have been reduced to writing and registered. Compulsory registration for convicts.

Proviso.—This prohibition will not apply or extend to cash purchases or to mere shop accounts of debits and credits in respect to the same. (S. O. 287, 21-8-82.)

NOTE.—See also Sec. 165, clause 19, and proviso to Sec. 332.

533. The following are the powers which are exercised by the several officers in regard to registration. (A. & N. G. N. 14, 30-9-82.) Powers of the local officers.

- (1) Under the provisions of Section 4 of the Indian Registration Act (No. III of 1877), the Deputy Superintendent for the time being of the Andamans and Nicobars exercises and performs within the limits of the Port Blair and Nicobar Settlements all or any of the powers conferred or imposed upon the Inspector-General of Registration by the above-mentioned Act.
- (2) Under the provisions of Section 6 of the above Act, the 1st Assistant Superintendent for the time being of the Andamans and Nicobars has been appointed *ex-officio* Registrar of the Port Blair and Nicobar District, and the officer for the time being in charge of the Treasury has been appointed Sub-Registrar of the Port Blair and Nicobar Sub-District, having his office at Ross Island, Port Blair, such office being amalgamated with that of the Registrar of the above district.
- (3) The Sub-Registrar of the Port Blair and Nicobar Sub-District has been authorized to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar of the Port Blair and Nicobar District.
- (4) Under the provisions of Section 5 of the above Act, the Settlements at Port Blair and the Nicobars have been declared a district and sub-district for the purposes of the above Act, the limits of such district being the limits described in Home Department Notifications Nos. 243 of 21st September 1877, and 132 of 31st May 1881; and the limits of such sub-district being continuous with the limits of the district.

Rules as to
registration.

534. The rules which have been framed under Section 69, Act III of 1877, and are now in force, are the following:—

Rules.

1. All books, papers, and documents connected with the Registration Offices shall be securely kept under lock and key within such offices, from which they shall not be removed without the express sanction of the Registering Officer, who shall be personally responsible for the custody of the keys.
 - (a) The Registering Officers shall also invariably retain within their personal custody and control their seals of office.
 - (b) No other person than the Registering Officer shall grant or sign receipts or documents, whether in his name or on his behalf.
 - (c) Prior to the authorized destruction of any books, papers, or documents which it has been decided by the Inspector-General of Registration need no longer be kept, careful and accurate lists in duplicate giving full particulars of the same shall be prepared by the Registering Officers and submitted to the Inspector-General, who shall note thereon with his own hand the authority for such destruction if approved, and such records or papers only as are therein authorized to be destroyed shall be so dealt with in the presence of the Registering Officer, who shall thereupon certify the fact of such destruction under his hand at the foot of such lists.
- One copy of the said lists shall then be lodged for record in the Registering Office, the duplicate being returned to the office of the Inspector-General.
2. The English and Urdu languages shall be deemed to be those in ordinary use in the district and sub-district of Port Blair, documents in any other language being refused registration unless accompanied by a true translation or true copy in either of the above languages.
3. It shall be sufficient for the purposes of Section 21 of the Act to describe any houses or land, giving, in addition to the other descriptions required by that section, the registration sub-district and district within which such are situate.

4. In dealing with applications under Section 24, the Registrar shall realise the extra fee prescribed as well as the penalty enforceable, unless he shall transfer the application to a Sub-Registrar, in which case he shall authorize registration by the latter under Sections 28 and 29 on payment of the penalty.
 - The date of presentation shall in such cases be deemed the date on which the application was made.
 - When a fine has been already paid under Section 24, no second fine shall be levied under Section 34, nor shall more than one fine be levied on the same document.
5. An oath shall only be administered when the Registering Officer shall doubt the truth of any verbal statement made to him.
 - Evidence recorded under Section 63 should not be so on the document but on separate sheets, but a note shall be made on the document to the effect that such evidence has been taken.
6. All endorsements of documents shall be made in red ink, excepting signatures, which may be in black ink. Where the endorsements are on a covering slip or rider, a note to that effect shall be endorsed on the document itself.
 - (a) When the document has been presented for registration and the Registering Officer has satisfied himself that it is admissible in all respects, he shall proceed to endorse the following certificate on the face of the deed and near the stamp and shall sign the same:—

Stamp correct under article _____ of schedule _____ of the General Stamp Act.
Admissible under _____ of the Registration Act.

(NOTE.—The sections to be referred to and inserted are any of the following applicable. (Sections 19 to 32.)
 - (b) This being complete the fee shall be received (and any fine under Section 24), the amount thereof being marked on the document and entered in the fee-book, when a second endorsement shall be made and signed as follows:—

Presented for registration between the hours of _____ and _____ on the _____ of _____, at the office of the Sub-Registrar of _____ by _____

Where the presenter is acting under a power of attorney, this latter should be cited as well as the office of the Sub-Registrar before whom such power was duly authenticated. Where a power of attorney has been granted for the registration only, it should be filed in the office; where otherwise, it should be returned to the agent after the necessary particulars have been noted in the endorsement in respect thereto.

(c) A subsequent endorsement under Section 58 shall then be made to the following or like effect :—

Execution was admitted by—

1. A. B. of Port Blair (mercant. &c.) or
2. A. B. as aforesaid, agent for C. D. of—under a power of attorney No. of 188, executed in the presence of the Sub-Registrar of

(Signed) A. B.

Known personally to the Registering Officer.

3. E. F. of Port Blair, Signed E. F. Identified by M. N., Shop-keeper of Ross. Signed M. N. The said E. F. admitted receipt of consideration as stated in the document.

(Signed) _____

Dated _____

Registrar.

(d) When the document has been copied, the following final endorsement shall be made thereon :—

Registered in Book _____ Vol. _____
Page _____ being No. _____ for 188 _____
Date _____

Seal and Signature.

7. After completion of the registration the record shall be carefully compared with the original by some other person than the copyist, when both shall append their signatures to the former. All errors in the copy shall be carefully authenticated by the Registering Officer, who shall add any notes required by Section 20. He shall also affix his initials to each page of the record, and at the end of the same shall certify it to be a true copy.

8. The following particulars shall be those contained in Indices Nos. I, II, III, and IV, respectively, as prescribed by Section 55 :—

(a) Index I.—Personal Index—

Name.
Addition.
Capacity in the transaction.
Serial No.
Book.
Vol.
Page.

(b) Index II.—Local Index—

Village.
Division.
District.
Nature of transaction.
Serial No.
Book.
Vol.
Page.

(c) Index III.—Wills and Authorities—

Name.
Addition.
Capacity in transaction.
Serial No.
Book.
Vol.
Page.

} of all persons referred to in Book III.

(d) Index IV.—Miscellaneous—

Name.
Addition.
Capacity in transaction.
Serial No.
Book.
Vol.
Page.

} of persons referred to in Book IV as executing or claiming.

The Index entries will be in English, and will be entered at once on the registration of the document or within 24 hours thereof.

9. The holidays to be observed in the Registry Offices shall be the following :—

Holidays.	New Year's Day	1
	Good Friday	1
	Queen's Birthday	1
	Christmas Day	1
	With any other public holidays granted within the Port Blair Settlement.	

10. Wherever the office of a Registrar shall have been amalgamated with that of a Sub-Registrar under Section 7, the former shall in that capacity only receive and register documents under Section 30 (a) when no portion of the property referred to therein is situated in the sub-district of which he is Sub-Registrar. (A. & N. G. N. 15, 30-11-82.)

535. The following table of fees to be levied in the Port Blair and Nicobar Settlements under the Indian Registration Act III of 1877 has been approved by His Excellency the Governor General in Council :—

I.—Ordinary Fees.

A. The fees for the registration of the documents described below shall be regulated on an *ad valorem* scale and calculated according to the value of the right, title, and interest affected, in the manner following, that is to say :—

	R s. p.
Where the value does not exceed Rs 50	1 0 0
Exceeding Rs 50, but not exceeding Rs 100	2 0 0
For every further Rs 100 or part thereof up to Rs 1,000	0 4 0
Thereafter for every Rs 1,000 or part thereof	0 3 0

Sec. 535.

Chapter XXXII.—Registration.

Conveyances and bills of sale, deeds of gift or dower, settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, bonds, assignments of any interest secured by bond or mortgage deed, policies of insurance, bills of exchange and promissory notes, and generally all other documents of the nature of those hereinbefore mentioned:—

Provided—(a) That in case where any consideration is expressed, the consideration, and in case of leases and other periodical payments the amount payable for one year in addition to any fine or premium, and in case of bonds and mortgages, the amount to be secured, shall be taken to be the value of the right, title, or interest affected.

(b) That if no consideration, rent, or other value be expressed in the document, the amount payable shall be in every case R10.

B. The fee for the registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether consideration on account of any deed of sale or mortgage or rent on account of any lease, or other value expressed in any document, shall be calculated according to the amount received on the above scale.

Provided that, if any instrument referring to the same transaction have already been registered, the fee shall not exceed R2.

C. (a) The fee to be paid on the deposit of any sealed cover containing a will shall be R2.

(b) On the opening of such cover, R2, besides the expense of copying the contents according to the scale laid down in this table for the granting of certified copies.

(c) On the registration of any will presented open, R4.

D. The fee for the registration of a certified copy of a decree or order of Court shall be R1.

E. The fee for the registration of an agreement for present service shall be 8 annas only.

F. The fee for the registration of any document of a description not mentioned above shall be R2 for every document not exceeding 800 words. For every document exceeding 800 words, R4.

G. For every copy and memorandum of a document to be forwarded to another office under Sections 64-67, there shall be paid an extra fee equivalent to that paid under articles A, B, D, or F, provided that the fee for a copy shall not exceed R10, and that the fee for a memorandum shall not exceed R1.

H. The fee to be paid for search shall be—

For the first year in the books in which the search is made, R1.

For every other year, annas 4, provided that no fee under this article shall exceed the sum of R5.

NOTE.—Every application for the grant of a certified copy, except at the time of the registration of a document, shall be considered as an application for search.

I. For making or granting copies of reasons, entries, or documents before, on, or after registration, a fee shall be charged at the rate of 2 annas for every hundred words in the native character, and of 4 annas for every hundred words in the English character.

II.—Extra or Additional Fees.

K. For registration by any Registrar of any document under Section 30 (a), R5.

NOTE.—The additional fee shall not be payable when an instrument is registered by a Registrar acting as Sub-Registrar in the temporary absence of the latter, or in consequence of the Sub-Registrar by whom it should be registered under Section 29 being a party interested in the transaction to which such instrument relates.

Extra or addi-
tional fee.

Sec. 535.

Chapter XXXIII.—Registration.

L. For attendance under Section 31 at a private residence for registration or acceptance of any one document, will, or authority, R10.

M. Before the issue of a commission, or before the Registering Officer personally proceeds to any dwelling-house or gaol, to obtain evidence as to the voluntary nature of the execution of a power of attorney under Section 33, for the examination of any person under Section 38, a fee shall be paid as follows on account of every person exempted from appearance:—

(a) If the person be exempted on account of bodily infirmity, such as to make it impossible without risk of life to attend the office, or because confined in gaol, R5.

(b) If the person be exempted on account of sickness of any other kind, or as a person exempt by law from personal appearance in Court, R10.

Provided that where two or more persons who execute the same document reside together, only one commission fee shall be charged so far as those persons are concerned.

N. For admission of a document to registration under Section 24 or 34 after the expiration of the time prescribed:—

If presented within seven days of the time prescribed, } Twice the fee payable on account of such document.

If presented within a month of the time prescribed, } Four times the fee.

If presented within four months of the time prescribed, } Ten times the fee.

Explanation.—This fine is inclusive of the ordinary fee.

NOTE.—When two or more copies of a document executed by the same parties are presented for registration at the same time, an ordinary fee shall be payable for each copy. But any extra or additional fee which is payable under articles K, L, M, and N, shall be calculated as for one document only, no matter how many copies of that document may be registered.

O. For attesting the execution of power of attorney as follows:—

If it is a special power R1

If it is a general power R2

P. The fees for serving summonses under the provisions of Section 37 shall be regulated according to the scale in force in the Civil Courts in the same district. (See Section 524.)

CHAPTER XXXIII.—ECCLESIASTICAL.

536. All Christian prisoners (European or Native) at Port Blair who may be desirous of attending Divine Service on Sundays are permitted to do so. Church parades of convicts.

Native Christian prisoners are marched to and from church in charge of petty officers, who will take them back to their respective stations as soon as the service is over. (S. O. 420, 9-9-72.)

537. Medical Officers are required to report to the Chaplain every case of illness of any Christian prisoner likely to terminate fatally, and in the case of a Christian dying a natural death in hospital, the Medical Officer in charge is required to apply to the Chaplain direct for his interment. Fatal illness or death.

538. There is a Christian cemetery at Aberdeen, Port Blair, for the interment of Christians who may die in the Settlement, and to which the following rules, which are in conformity with Home Department Notification (Ecclesiastical) No. 421 of the 12th December 1877, are applicable. (S. O. 37-415, 14-4-80.) Rules for cemeteries.

Rules.

1. The key of the cemetery will be kept by the chowkidar, under the direction of the Chaplain, to whom all applications for interment or burial shall be made at least six hours previous thereto, the following particulars being furnished:—
 - (a) In which portion of the cemetery a grave is desired, *viz.*, whether in the portion set apart for Protestants or Roman Catholics or other Christians.
 - (b) Whether the services of the Chaplain are required for the burial.
 - (c) The name, sex, age, religion, and parentage of the deceased.
 - (d) The place, date, and circumstances of death, authenticated when possible by a medical certificate.
2. Upon receipt of such applications, the Chaplain shall at once make the necessary arrangements with the Southern District Officer regarding the graves, and for coffins, &c., which latter will be made up in the district workshops.

NOTE.—In the temporary absence of the Chaplain, application should be made direct to the District Officer.

No graves will be dug until the sanction of either of the above officers has been obtained to the burial or interment.

3. In the case of a *Christian* dying a natural death in hospital, the application to the Chaplain required by clause 2 will be made direct by the Medical Officer in charge of the hospital. In the case of a *Christian prisoner* dying a natural death out of hospital, the application will be made by the Divisional Officer concerned.

NOTE.—In the case of a Christian prisoner dying a violent death, where the case has been in the hands of the Police, the District Superintendent of Police will make the application after receiving the sanction of the Magistrate.

The above applications will be made by special messenger or by semagram, as may be most expeditious.

4. The Chaplain should fix the time for the funeral and signify the same to the Eastern Divisional Officer (or in his absence to the Overseer at Aberdeen), who shall have the grave ready by the appointed time.
5. The District Officer shall, on receipt of the Medical Officer's certificate of death, forward to the Chaplain for entry in his register the following form duly filled in, accompanied by the medical certificate as to the cause of death:—

DATE OF DEATH.			Christian name in full.	Surname.	Age.	Occupation.	Cause of death.	Remarks.
Year.	Month.	Day.						

NOTE.—(1) The Revised Rules for the care and use of Government Cemeteries throughout India (G. I. Notification 103, 20-6-85) are printed for reference in Appendix XV.
(2) For interments or cremation of natives, see notes to Section 376.

539. All deaths of free persons occurring in the Settlements shall be reported to the Superintendent's office for registry (R. G. C. C. 12), through officers in charge of districts.

540. All births of children of free persons occurring in the Settlements shall similarly be reported to the superintendent for registry in his office. (R. G. C. C. 12.)

CHAPTER XXXIV.—POSTAL.

541. The Post Offices at Port Blair and Nancowry are subject to Control, the control of the Post Master General, British Burma.

542. The Superintendent of the Andamans and Nicobars has been empowered to inspect and, if necessary, to detain any communications sent or received through any Post Office within the Settlements, or by any other means. (R. G. G. XVI. 74.)

543. No convict is permitted to hold any communication with persons beyond the limits of the Settlements, nor shall he or she receive any goods or articles from beyond those limits without the knowledge and consent of the Superintendent.

All letters to or from convicts shall be written in such character as shall be prescribed by the Superintendent, and shall pass through his office or through such officer as shall be appointed by him to this duty. (R. G. G. XVII.) The officer so appointed is now the District Superintendent of Police. (S. O. 793, 8-2-82.)

NOTE.—For further information and rules respecting convicts' letters, see Sections 282-289.

544. At Port Blair the officer in charge of Ross Island is *ex-officio* Post Master, whilst at Nancowry the officer in charge of the Nicobars fills a similar capacity. (See as to latter appt. A. N. G. N. 12, 28-8-83.)

545. As regards the ordinary routine of the Postal Department at the Settlements, the following rules proposed by the Deputy Post Master General, British Burma, for regulating the relations of the *ex-officio* Post Masters of Port Blair and Nancowry with the Post Offices of those places have been sanctioned by the Chief Commissioner and Superintendent. (A. & N. G. 20-8-83.)

Rules.

1. The *ex-officio* Post Master shall visit the Post Office once a week, on which occasion he will perform the following duties:—
 - a. See that the office books are written up to date and signed daily by the Deputy or Sub Post Master.
 - b. Count the cash in hand and see that it agrees with the balance shown in the cash account (Port Blair) of sub-office account (Nancowry). Count the permanent advance for purchase of postage labels (Rico Port Blair

and R20 Nancowry), and see that the amount is represented by postage labels and cash. Count the permanent advance for contingencies, R5 (Port Blair only), and see that the amount is represented by vouchers for money expended, and the balance in cash.

- c. In the case of Port Blair only, check the Treasury Remittance Book with the cash account, and also see that the cash balance has never exceeded rupees five hundred on any one day.
2. In all cases of loss, theft, or tampering with any articles, reported against the Post Office, the *ex-officio* Post Master shall make an enquiry, and report the result to the Deputy Post Master General.
3. The correspondence of the Post Office shall ordinarily be conducted by the Deputy Post Master, Port Blair, or by the Sub-Post Master, Nancowry, but in special cases by the *ex-officio* Post Master.
4. The Deputy Post Master, Port Blair, will be directly subordinate to the Settlement Officer, Ross, as *ex-officio* Post Master; and the Sub-Post Master, Nancowry, will be directly subordinate to the Settlement Officer, Nicobars, as *ex-officio* Post Master. All orders issued by the *ex-officio* Post Masters shall be obeyed by the subordinate officials so long as the orders are not in opposition to the rules of the Postal Department as laid down in the Post Office Manual, the Indian Postal Guide, and the Sub-Post Masters' Hand-book.
5. The result of the weekly visits, and all orders which it may be necessary to issue, shall be recorded by the *ex-officio* Post Masters in the Post Office Order Book.
6. Provided the above duties are regularly carried out, no responsibility in regard to money matters appertaining to the Post Offices shall rest with the *ex-officio* Post Masters.

546. The Post Office at Port Blair is a Head Post Office under the Postal Rules and also a Money Order Office.

Money orders are not, however, granted to convict remitters unless the latter are furnished with a written authority from District Officers sanctioning such remittance. The sanction of District Officers for convict remittances is limited to R100 for each such remittance. Should any convict desire to remit a larger amount, the sanction of the Superintendent must be produced.

CHAPTER XXXV.—JUDICIAL.

547. The Chief Commissionership of the Andaman and Nicobar Islands includes— Extent of jurisdiction

- (1st) The group of islands known as the Great and Little Andamans, with their dependencies. (a)
- (2nd) The Island of Nancowry (b), together with all others commonly known as the Nicobar Islands,—that is to say, the Islands of Car Nicobar and Great Nicobar, with those lying between them, including Tillan-chong. (c)

It was constituted a Chief Commissionership in 1872, by a Resolution passed by the Secretary of State on the 9th May, under the provisions of 33 Vic., Cap. 3, Sec. I. (H. D. N. 1387, 29-7-72.)

NOTE.—(a) Possession taken 22-2-58, on behalf of Her Majesty and the East India Company (Calcutta Gazette, 1858, p. 942). The islands had previously been occupied in September 1789, but possession had been abandoned in 1795.

The Penal Settlement established at Port Blair is identical with the port formerly known as Port Chatham or Old Harbour. (G. I. N. 1043, 19-10-60.)

The Great Cocos and Table Islands were transferred to Burma in 1879. (G. I. 2-8-79, p. 520.)

The Little Cocos and Preparis Island followed in 1882. (G. I. 18-11-82, p. 1677; and Act VIII of 1883.)

(b) This name was fixed as that of the Settlement also by H. D. R. 2019, 25-5-71.

(c) Possession taken 16-4-69. Notn. 84, 20-5-69, B. B.

Of the Nicobars possession had temporarily previously been taken from Denmark in 1807, but was restored to the Danes in 1814.

548. The Penal Settlements at Port Blair and the Nicobar Islands were declared places to which persons sentenced to transportation in India could be sent (under Section 319, Act X of 1872) in the year 1873 (H. D. N. 285, 7-11-73), it having previously been declared (in 1871) under the provisions of Section 25, Act V of 1871, that the barracks and other places used for the confinement of prisoners at Port Blair, Port Mouat, and the Nicobars, were prisons for the confinement of convicts sentenced to penal servitude. Places for transportation and prisons.

NOTE.—(1) Rules for the management of transported convicts at these Settlements were promulgated under Section 34, Act V of 1871, by the Governor General in Council in 1874. (See Appendix VI.)

(2) For acts prohibited to free persons in these penal settlements, and to convicts

the abetment of which by free persons is punishable under Section 32, clause B, Regulation III of 1876, see Chapter VI, Section 165. Also the following local Gazette Notifications:—

1878, 13th December.	{ Excise. Arms and weapons.
1882	{ 15th July—Processions. 5th August—General prohibitions.
1883	{ 6th January } Landing and residence without license. 13th } 25th August —Frequenting liquor shops. 22nd September—Felling trees, &c. 27th October—Landing at Nancowry.
1884	{ 15th March—Excise.
1885	{ 18th July—Padouk export.

Police District.

549. The islands were declared a General Police District under Act of 1861 in the year 1875. (H. D. N. 377, 24-8-75.) that Act having been specially extended to them.

NOTE.—See as to Ross Island, Sec. 34, G. I. N. 81, 17-3-80. At present this is the only island to which the provisions of this section have been extended.

Local Acts by Supreme Council.

550. The following is the only "Local Act passed by the Supreme Council" specially affecting these Settlements: Act IX of 1879—Coast lights.

Local Regulations.

551. The "Local Regulations" passed under 33 Vic., Cap. 3, and now in force, are:—

Regulation III of 1876	{ Peace and government of the Andaman and Nicobar Islands.
" I of 1884	{ Amending above.

Scheduled Districts Act Extensions.

552. The Chief Commissionership of the Andaman and Nicobar Islands is a *Scheduled District* (Act XIV of 1874), and the *Scheduled District Act* was brought into force in 1878. (G. I. N. 75, 16-3-78.)

The following enactments have been locally notified and declared in force or extended to the Andaman and Nicobar Islands under that Act:—

(1) Bengal Regulations	III of 1818	{ State Prisoners. (G. I. N. 105, 22-3-82.)
	XXXIV of 1850	{ State Prisoners. (<i>ibid.</i>)
(2) Acts of Governor General in Council.	XV of 1856	{ Marriage, Hindu Widows. (G. I. N. 108, 22-3-82.)
	I of 1859	{ Merchant Seamen. (G. I. N. 104, 22-3-82.)
	VI of 1864	{ Whipping. (<i>ibid.</i>)

Local Rules under General Statutes.

553. The *Local Rules and Notifications made under General Statutes* have been as follows:—

1865, 28 Vic., Cap. 15, Sec. 3	{ High Court, Calcutta, to exercise Original and Appellate Jurisdiction and to discharge functions of High Court in criminal proceedings against European British subjects. (G. I. N. 77, 15-3-78.)
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[NOTE.—For full information as to Public General Statutes, Rules, Notifications and Orders in Council applying to British India, see Cap. I., "Lists of Enactments in force in British India." 1884.]

554. The "Local Rules and Notifications made under General Acts" may be thus summarised (excluding notifications of a temporary nature or conferring powers on officials by name):—

Local Rules and Notifications under General Acts.

Year.	Act.	Section.	Subject of Act.	Notification.
1861	V	46	Police	Extending Act appointing Chief Commissioner as Inspector-General. (H. D. N. 377, 24-8-75.)
		4	"	Appointing District Superintendent. (H. D. N. 30-10-80.)
		34	"	Extension to Ross Island of Section. (H. D. N. 81, 17-3-80.)
1865	I	—	Acts and Regulations extension (since repealed).	Penal Code extended to Nicobars. (H. D. 4913, 27-10-69.)
1870	VII	Cap. IV	Court fees	Process fees. (A. & N. G. 2-4-3 & 18-6-80.)
		21	Prisoners	Penal servitude convicts. (G. I. N. 85, 29-5-71.)
1871	V	34	"	Rules for management of convicts. (G. I. N. 256, 29-7-74.)
				(See also married convict releases.) (H. D. 205, 13-10-81.)
1872	X	319	Criminal Procedure Code.	Penal Settlements declared for transportation. (H. D. 285, 7-11-72.)
		335	"	Proceedings in Vernacular of Courts. (H. D. 102, 20-4-74.) (Act X since repealed, but see Section 2, Act X of 1882.)
		3	"	Declaring Act to extend to A. & N. Islands. (H. D. N. 75, 15-3-78.)
1874	XIV	5	Scheduled Districts	Declaring extension of Acts I of 1859, VI of 1864. (H. D. N. 104, 22-3-82.)
		"	"	Extending Regulation III of 1818 and Act XXIV of 1850. (H. D. N. 105, 25-3-82.)
		6	"	Extending Act XV of 1856. (H. D. N. 108, 22-3-82.)
		"	"	Administration, Civil Justice. (H. D. N. 76, 15-3-78.)
		"	"	Administration, Criminal Justice. (A. & N. G. 10 { 8-11-75, 8-8-77, 21-7-79, 29-4-81.)
1875	XII	5	Ports and Port	Extending Act defining Port Harbour Limits. (H. D. N. 114 & 115, 21-4-77, and 219, 11-12-72.)
		8	"	Appointing Conservators. (A. & N. G. 14, 5-6-77.)
1877	III	4, 5, 6	Registration	Declaring Settlement a District, &c., appointing Inspector-General, Appointing Registrar and Sub-Registrar. (A. & N. G. 59-9-82.)
		69	"	Rules and fees, &c. (<i>ibid.</i>)
1878	VIII	11	Sea Customs	Ports for landing and shipping goods. (G. I. N. 87, 1-4-79.)

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Chapter XXXV.—Judicial.

Notifications
under General
Acts.

Year.	Act.	Section.	Subject of Act.	Notification.
1879	I	3 cl. 8	Stamps . . .	Deputy Superintendent appointed "Collector." (A. & N. G. 10-5-83.)
		55		Local Treasurer sole Vendor. (H. D. 1935, 14-12-81.)
1881	V	2	Probate and administration.	Chief Commissioner and Deputy Superintendent's Courts empowered. (H. D. 129, 25-5-81.)
1882	X	...	Criminal Procedure.	See Regulation I of 1884, Secs. 12 & 37. 3rd Assistant Superintendent appointed 1st class Magistrate. (A. & N. G. N. E. 26-9-85.)
1882	XIV	...	Civil Procedure.	

(1) For full information as to Public General Acts, Rules, and Notifications in force locally, see Chapter II, pages 27 to 77, "Lists of Enactments in force in British India," 1884, but note that those marked (a) or otherwise so indicated are not in force locally in the Andamans and Nicobars, unless they have been specially extended or declared applicable (*vide* above list), as such Acts have been declared not to extend to the Scheduled Districts.

(2) An Index of the Nos. of the Acts in frequent reference locally will be found in Appendix XIII.

(3) For Notifications under the Arms Act, see A. & N. G. Notn. 8, 22-7-82, and reprints in later Gazettes of India—

1194, 7-8-82.	1940, 11-12-82.
1259, 21-8-82.	190, 24-1-83.
1435, 15-9-82.	114, 25-1-83.
1882, 29-11-82.	666, 4-5-83.

(4) For Savings Bank Rules under Act V of 1873, see G. I. N. 461, 9-5-81.

Criminal Justice.

555. The administration of criminal justice within the Andaman and Nicobar Islands is conducted under the Code of Criminal Procedure (Act X of 1882), which, however, has been declared subject to the following modifications by Regulation I of 1884, Section 13.

Regulation III of 1876 (as amended) is as follows:—

The Code of Criminal Procedure (Act X of 1882) shall be subject to the following modifications:—

(a) All the islands aforesaid shall form one Sessions Division, and the Chief Commissioner shall be the Sessions Judge in such Division.

(b) No appeal shall lie from any order of the Sessions Judge.

(c) The functions of the High Court under Chapter XXVII of the Code (of the submission of sentences for confirmation) shall be discharged by the Governor General in Council.

(d) The functions of the High Court under Chapter XXXII of the Code (of reference and revision) shall be discharged in respect to proceedings of the Court of Sessions by the Governor General in Council, and in respect to proceedings of Courts subordinate to the Court of Session, by the Court of Session.

(e) All other functions of the High Court shall be discharged by the Court of Session.

Chapter XXXV.—Judicial.

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(f) Trials before the Court of Session may, in the discretion of the Sessions Judge, be conducted without the aid either of a jury or assessors.

(g) Whenever the Sessions Judge deems it essential for the maintenance of tranquillity in any Settlement that a sentence of death legally passed by him should be executed forthwith, he may order such sentence to be executed without the confirmation of the High Court under Chapter XXVII of the Code.

NOTE.—For procedure in applications (or appeals) for revisions of sentences of death passed locally, see Section 193 of this Manual.

Clauses (b), (d), and (e) of this section shall not apply to proceedings against European British subjects or persons jointly charged with European British subjects.

556. The jurisdiction of the High Court of Calcutta has been declared by the following notification:—

No. 4919, dated 27th October 1869.

Under the provisions of Section 3 of the Statute 28, Victoria, Cap. 15, the Governor General in Council is pleased to authorize and empower the High Court of Judicature at Fort William in Bengal to exercise, within the territory hereinafter described, the same criminal jurisdiction and powers as the said Court now exercises in respect to European British subjects in those portions of British India for which the said Court was established lying beyond the limits of its ordinary Original Civil Jurisdiction.

The island of Nancowry and all the other islands included in the group commonly known as the Nicobar Islands,—that is to say, the Islands of Car Nicobar and Great Nicobar, and the islands lying between them, including Tillanchong.

Also by Notification No. 77, dated 16th March 1878, Original and Appellate Jurisdiction was conferred, under 28 Vic., Cap. 15, Sec. 3, and the High Court was empowered to discharge the functions of a High Court in criminal proceedings against European British subjects. (See Section 553, *ante*.)

557. The Criminal Courts established locally are the following:—

Chief Commissioner	Sessions Judge.
Deputy Superintendent	District Magistrate. (Sec. 31, Act X, 1872.)
1st and 2nd Assistants	Magistrate, 1st class, with all additional powers. (Secs. 37 & 47, Act X, 1872.)
3rd Assistant	Magistrate, 1st class (Secs. 12 & 37, Act X of 1862) with all additional powers. Clauses 1 to 9 and also 12 of Schedule IV. (A. & N. G. N. E. 26-9-85.) (A. & N. G., 7-8-77.)
Extra Assistant Superintendents, 1st class	Magistrate, 2nd class, with additional powers. (Sec. 25, Act X.)
Extra Assistant Superintendents, 2nd class	Magistrate, 3rd class, with additional powers. (Sec. 25.)
Officer in charge, Nicobars	Magistrate, 1st class, with all additional powers, but confined to the limits of the Nicobars defined in H. D. No. 132, 31-5-81. (Sec. 27.) (A. & N. G., 26-10-82.)
Officer in charge, Viper Jail	Magistrate, 3rd class, in the District. (Ibid., 31-7-79.)

Local Criminal Courts.

NOTE.—(1) Under the provisions of Section 333 of the Code of Criminal Procedure (Act X of 1872), the Governor General in Council has been pleased to direct that in all proceedings before the Court of Sessions or before any Magistrate in the Settlements of Port Blair and the Nicobars, the evidence of complainants and witnesses shall be recorded in the vernacular language of the officer presiding over the Court. (G. I. N. 102, 20-3-74.)

(2) Officers have been appointed Justices of the Peace by name and not in virtue of appointments held.

(3) All appointments made under Act X of 1872 are continued in force by Section 2, Act X of 1882.

558. The following are the notifications which have issued on the subject of the local jurisdiction of officers at the Settlements:—

Notifications.

(A. & N. G., 7-8-77.)

No. 16 of 1877.—In amendment of Notification No. 2 of the 8th November 1876, the Chief Commissioner is pleased to confer on the officers for the time being, in performance of the duties of Deputy Superintendent, and 1st, 2nd, and 3rd Assistant Superintendents, the following powers, and under Section 38, Act X of 1872, to declare the limits within which the jurisdiction of those officers shall be exercised to be the limits defined by Section 1 of the Andaman and Nicobar Islands Regulation of 1876:—

The Deputy Superintendent to be a Magistrate of the 1st class and to exercise the powers of the Magistrate of the district, under the provisions of Section 35, Act X of 1872.

The 1st and 2nd Assistant Superintendents, under the provisions of Section 37, Act X of 1872, to be Magistrates of the 1st class, and invested with the powers defined by Section 27 of the said Act.

No. 8 of 1885-86.—Under the provisions of Sections 12 and 37 of Act X of 1882, the Chief Commissioner is pleased to confer on the officer for the time being in the performance of the duties of the 3rd Assistant Superintendent, the powers of a 1st class Magistrate, together with the additional powers specified in clauses 1 to 9 inclusive and 12 of Schedule IV of the said Act. (A. & N. G., 26-9-85.)

No. 8 of 1879-80.—The officer for the time being in charge of Viper Island will exercise the powers of a Magistrate of the 3rd class in the district. (A. & N. G., 21-7-79.)

No. 18 of 1882-83.—Notifications Nos. 18 of 1877, 8 of 1879-80, and 5 of 1880-81 are cancelled, and under the provisions of Section 37 of Act X of 1872, the Officiating Chief Commissioner is pleased to confer on the officers for the time being in the performance of the duties of Extra Assistant Superintendents, 1st and 2nd class, the following powers, and under Section 38 of the same Act to declare the limits within which the jurisdiction of such Extra Assistant Superintendents shall be exercised to be the limits defined by Section 1 of the Andaman and Nicobar Islands Regulation, 1876:—

Extra Assistant Superintendents, 1st class, to be Magistrates of the 2nd class with the powers defined in Section 25 of Act X of 1872.

Extra Assistant Superintendents, 2nd class, to be Magistrates of the 3rd class with the powers defined in Section 23 of the above Act.

The officer for the time being in charge of the Nicobars to be a Magistrate of the 1st class with the powers defined in Section 27 of the above Act within the limits defined in Home Department Notification No. 132 of 31st May 1881. (A. & N. G., 26-10-82.)

No. 3 of 1881-82.—The Chief Commissioner is pleased to invest the officer for the time being in charge of the Nicobars with power to try summarily all or any of the offences mentioned in Section 222 of Act X of 1872. (A. & N. G., 29-4-81.)

NOTE.—(1) These powers are continued in force by Section 2, Act X of 1882.

(2) For notes in aid of Magistrates in local Criminal Procedure, see Appendix XI.

(3) The District Superintendent of Police has been appointed Public Prosecutor by the following notification:—

No. 8 of 1884-85, 22nd August 1884.—The Chief Commissioner is pleased to appoint the District Superintendent of Police Public Prosecutor in the Andaman and Nicobar Islands.

(4) For the relations of the Magistrates and Police, see Chapter I, Part II, of Police Manual, Andaman and Nicobar Islands, 1884.

559. As regards Process Fees in Criminal Cases—

No fees shall be charged for any process issued through the Police.

In non-cognizable cases, when a process is served or executed through the peons of the Court, a uniform fee of 4 annas shall be levied. (A. & N. G. N., 2-4-80.)

A separate process shall be issued for each person summoned or arrested, or upon whom a notice is served, and a separate fee should be charged for each process.

Processes requiring stamps shall not be prepared or issued until the proper stamp has been filed. When the stamps have been put in as they ought to be with the application of process, the process shall be prepared and the stamp affixed to it and immediately punched.

560. The additional functions conferred upon local officers have been as follows:—

Chief Commissioner and Superintendent	(1) As Sessions Judge. The functions of a High Court of reference and revision in respect to proceedings of Courts subordinate to the Court of Session, under Chap. 32, Act X of 1882. (Sec. 13, Regulation III of 1876, as amended by Regulation I of 1884.) NOTE.—For other functions of High Court, for appeals from death sentences and for execution of death sentences without confirmation of High Court, see Secs. 199 and 555 of this Manual.
	(2) Inspector-General of Police. (H. D. N. 377, 24-8-75.)
	(3) Powers under Regulation III of 1876. (See Appendix V.)
	(4) Probate and Administration applications reception Act V of 1881. (G. I. 129, 28-5-81.)
Deputy Superintendent	(1) Inspector-General of Registration. (A. & N. G., 30-9-82.)
	(2) Collector (Stamp Act I of 1879). (A. & N. G., 19-5-81.)
	(3) Probate and Administration applications reception Act V of 1881. (G. I. 129, 28-5-81.)
	(4) Powers under Secs. 11, 19, 20, 24, 25, 31, Regulation III of 1876. (See notes thereto, Appendix V.)
1st Assistant Supdt.	(1) Registrar (Act III of 1877). (A. & N. G., 30-9-82.) See also notes to Regulation III of 1876, Appendix V.

Civil Justice.

Administration
of Civil Justice.

561. The Administration of Civil Justice within the Andaman and Nicobar Islands is conducted under the Code of Civil Procedure (Act XIV of 1882), which, however, has by Section 14, Regulation III of 1876 (as amended by Regulation I of 1884), been declared subject to the following modifications:—

(a) For Section 584 thereof the following section shall be substituted:—

584. Unless when otherwise provided by this Code or by any other law, from all decrees passed in appeal by any Court subordinate to the High Court, reversing or modifying the decision of the Court of Original Jurisdiction on a point material to the merits of the case, an appeal shall lie to the High Court, if it appears to that Court, on a perusal of the ground of appeal and of copies of the judgment of the Courts below, that a further consideration of the case is requisite for the ends of justice;

(b) Section 586 thereof shall be omitted; and

(c) for Section 622 thereof the following section shall be substituted:—

622. The High Court may call for the record of any proceeding of any Court subordinate to it, and, if it appears that there has been in the proceeding an error material to the merits of the case, may pass such judgment or order thereon as it thinks fit.

Establishment
of local Civil
Courts.

562. The Civil Courts which have been established locally are the following:—

Chief Commissioner	Sadr or highest Civil Court of Appeal. Principal Civil Court of Original Jurisdiction. Powers to try and determine suits of every description without limitation in value or amount, and to hear appeals when an appeal is allowed by the law of Civil Procedure from decisions and orders of the
Deputy Superintendent	1st Assistant Superintendent and the Officer in charge of the Nicobars. Also to hear similar appeals from Divisional Courts. (A. N. & G. Notn. 29-7-81.)
1st Assistant	Powers to try and determine suits of every description under Rs. 5,000 in value or amount.
Officer in charge, Nicobars	Powers to try and determine all suits of every description under Rs. 500 in value or amount. (G. I. Notn., 16-3-78.)
Assistant and Extra Assistant Superintendents in charge of Northern, Southern, Eastern, Western, and Ross Divisions.	Powers within the limit of their Divisions to try and determine Civil suits of every description under Rs. 100 in value or amount. (A. & N. G. Notn., 10-2-81.) Regard being had to the residence of defendant. (S. O. C. 325, 9-8-81.)

NOTE.—As to suits in Civil Courts by self-supporters and the position of such self-supporters as plaintiffs or defendants therein, see Chapter XVII, Section 332; also Section 165, Clause 19.

563. The following are the notifications which have been issued in regard to the Administration of Civil Justice by the local Courts:—

Notifications
advising local
Courts.

No. 76.—In exercise of the power conferred by Section 6 of Act XIV of 1874 (The Scheduled Districts Act), the Chief Commissioner of the Andaman and Nicobar Islands is pleased to issue the following directions for the administration of civil justice in the said islands:—

- (1) The First Assistant Superintendent shall have power to try and determine suits of every description under Rs. 5,000 in value or amount.
- (2) The Officer in charge of the Nicobars shall have power to try and determine suits of every description under Rs. 500 in value or amount.
- (3) The Deputy Superintendent shall have power to try and determine suits of every description without limitation in value or amount, and to hear appeals when an appeal is allowed by the Law of Civil Procedure from decisions and orders of the First Assistant Superintendent and the Officer in charge of the Nicobars.

The Court of the Deputy Superintendent shall be deemed to be the principal Civil Court of Original Jurisdiction in the said Islands.

- (4) The Chief Commissioner shall discharge all the functions of the Sadr or highest Civil Court of Appeal in the said islands. (G. I. N. 76, 16-3-78.)

No. 10 of 1881-82.—In exercise of the powers conferred by Section 6 of Act XIV of 1874, the Chief Commissioner of the Andaman and Nicobar Islands is pleased to invest all Assistant and Extra Assistant Superintendents who may from time to time be in charge of the local areas known as the Northern, Southern, Eastern, Western, and Ross Divisions, with power within the limits of their Divisions to try and determine civil suits of every description under Rs. 100 in value or amount.

The Deputy Superintendent is vested with power to hear appeals from the decisions of these officers when an appeal is allowed by the Code of Civil Procedure. (A. & N. G. 25-7-81.)

No. 129.—In exercise of the power conferred by Section 2 of Act V of 1881 (The Probate and Administration Act, 1881), the Chief Commissioner of the Andaman and Nicobar Islands is pleased, with the previous sanction of the Governor General in Council, to authorize the following Courts to receive applications for Probate or Letters of Administration within the said islands:—

- (1) The Court of the Deputy Superintendent.
- (2) The Court of the Chief Commissioner.

NOTE.—See Section 332, Chapter XVII, as to status of self-supporter convicts in Civil Courts.

564. The following rules for the levy of process fees have received the sanction of the Governor General. (A. & N. G. 2-4-80 & 18-6-80.)

Process fees of
Civil Courts.

RULES REGARDING PROCESS FEES FRAMED UNDER CHAPTER IV OF ACT VII, 1870.

I. *Grades of Courts.*—Fees shall be leviable on processes issued by Civil Courts according to the grade of the Court issuing the process, and for this purpose the Courts of the Andaman and Nicobar Islands shall be divided into three grades as under:—

1st grade.—The Sadr Court or highest Civil Court.

2nd grade.—The Court of the Deputy Superintendent.

3rd grade.—Courts of the First Assistant Superintendent and of the Officer in charge of the Nicobars.

II. *Scale of fees.*—Fees shall be leviable in Courts of all grades according to the annexed schedule.

Schedule of Fees for Civil Processes.

NATURE OF PROCESS.	Courts of first grade.	Courts of second grade.	Courts of third grade.
	R. a. p.	R. a. p.	R. a. p.
Summons, notice, or other process not being a warrant of arrest or attachment . . .	2 0 0	1 0 0	1 0 0
Warrant of attachment or arrest . . .	4 0 0	2 0 0	1 0 0
In respect of each man appointed to ensure safe custody of property, per diem . . .	0 6 0	0 6 0	0 4 0
Order for the sale of property . . .	2 0 0	2 0 0	1 0 0

A separate process shall be issued for each person summoned or arrested, or upon whom a notice is served, and a separate fee shall be charged for each process.

Processes requiring stamps shall not be prepared or issued until the proper stamp has been filed. When the stamps have been put in as they ought to be with the application of process, the process shall be prepared and the stamp affixed to it and immediately punched.

NOTE.—The local Treasurer, Port Blair, is the sole authorized vendor in the Settlement of every description of stamps except postage stamps. (G. I. N. 1936, 14-12-31.)

Attendance of
convicts at Civil
Courts.

565. The following rules have been issued by the Chief Commissioner and Superintendent in respect to the attendance of any labouring convict in the local Civil Courts [Act XV of 1869 (The Prisoners' Testimony Act) not being locally in force] :—

1. Any local Civil Court may, in its discretion, if it appear that the attendance of any labouring convict is material as plaintiff, defendant, or witness, in any matter depending in such Civil Court, make an order for his attendance directed to the officer in charge of the district in which such labouring convict is located.
2. When such order is made in a Civil Court subordinate to the Court of the Deputy Superintendent as District Judge, it shall not be forwarded to the officer to whom it is directed, until the same has been submitted to, and countersigned by, the Deputy Superintendent.
3. Every order so submitted shall be accompanied by a statement, under the hand and seal of the Court making the order, of the facts which render such order necessary, and the Deputy Superintendent may, after considering such statement, decline to countersign the order. (R. C. 44, 29-5-85, S. O.

NOTE.—As regards disabilities and restrictions imposed on self-supporters who are parties to suits in Civil Courts, see Chap. XVII, Sec. 732; and Sec. 165, Clause 19.

PART III.

APPENDICES.

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APPENDIX I.

ACT 33 VIC., CAP. 3, SEC. 1.

[By a Resolution passed by the Secretary of State in Council on the 9th May 1872, the provisions of the thirty-third of Victoria, Chapter three, Section 1, were declared applicable to the Andaman and Nicobar Islands. (H. O. 1387, 270-72.)]

Every Governor of a Presidency in Council, Lieutenant-Governor, or Chief Commissioner, whether the Governorship, or Lieutenant-Governorship or Chief Commissionership be now in existence, or may hereafter be established, shall have power to propose to the Governor General in Council drafts of any Regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration, to which the Secretary of State for India shall, from time to time, by Resolution in Council, declare the provisions of this section to be applicable from any date to be fixed in such Resolution.

And the Governor General in Council shall take such drafts and reasons into consideration, and when any such draft shall have been approved of by the Governor General in Council, and shall have received the Governor General's assent, it shall be published in the *Gazette of India* and in the local Gazette, and shall thereupon have like force of law and be subject to the like disallowances as it if had been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any Governor, Lieutenant-Governor or Chief Commissioner, on whom it has been conferred, and may from time to time restore the same, as he shall think fit.

[NOTE.—Appendices II and III are not reprinted.]

Subsidiary Rules framed by the Chief Commissioner.

APPENDIX IV.

Subsidiary Rules framed by the Chief Commissioner, Andamans and Nicobars.

[With previous sanction of the Governor General in Council—(H. D. N. 45, 4-12-71.)]

In the exercise of the power conferred on him by Section 18 of the "Andaman and Nicobar Islands Regulation, 1874," and with the previous sanction of the Governor General in Council, the Chief Commissioner of the said Islands has made the following Subsidiary Rules for their administration :—

Rules.

I.—The Superintendent of the Andamans shall keep a Register of all letters despatched or received, and of all orders of general application issued by him. The Register shall contain an abstract of the subject-matter of each entry, and a copy of this Register shall be forwarded monthly to the Secretary to the Government of India, Home Department.

II.—Within two months after the 1st April in each year, the Superintendent shall submit to Government a full report on the condition of the Settlements, embracing all administrative and financial details for the preceding year.

III.—The Deputy Superintendent and the Assistant and Extra Assistant Superintendents shall reside at such stations as the Superintendent may from time to time direct, and shall perform such duties as the Superintendent, in the exercise of the powers conferred upon him by Government, may entrust to them.

IV.—All officers, civil and military, in the Settlements shall be under the direct control of the Superintendent. They shall obey all orders issued by him, shall keep up such records and registers, and shall submit such returns and reports as he may call for; but the senior Military Officer will retain the immediate command of the troops, and conduct all ordinary details and correspondence connected with them.

V.—After a vessel which has arrived with convicts is anchored, the Deputy Superintendent or other Settlement Officer appointed by the Superintendent to the duty of inspecting convicts on arrival, and the senior Medical Officer, shall proceed on board and make a general inspection of the convicts. The Medical Officer shall ascertain the presence or absence of contagious disease, and will note anything in the arrangements on board ship which may have tended to deteriorate the health of the convicts. The Settlement Officer shall report on the state of the convicts as to discipline, clothing, the nature of the accommodation, &c. He shall also hear and enquire into and report on any complaint of the convicts as to their treatment on board ship.

VI.—Should the Medical Officer report the presence of contagious disease, the Superintendent, after consultation with the said Medical Officer, shall take such steps as are necessary to afford relief to the sufferers.

VII.—If there be no contagious disease on board, the convicts shall be landed

Subsidiary Rules framed by the Chief Commissioner.

under direction of the Settlement Officer at such place and in such manner as the Superintendent may direct.

VII.—After the convicts are landed, the senior Medical Officer shall, as soon as possible, make a careful individual inspection of each, and submit a report on their condition and fitness for work to the Superintendent.

IX.—Each convict shall also be verified by his warrant and the general descriptive roll, the usual certificate being appended of the man's reception on the establishment.

X.—Full particulars regarding each convict, with notes as to any discrepancy in his "documents" or "papers," and of any who are described as being dangerous characters, shall then be entered in the General Convict Register Book.

XI.—The Superintendent, or, in his absence from head-quarters, the Deputy Superintendent, shall then pass the necessary orders as to the location and employment of the newly-arrived convicts.

XII.—All births and deaths in the Settlements shall be reported and registered in the Superintendent's Office, and in case of death of a convict, intimation shall be sent to the Magistrate of the district from which he was originally transported.

XIII.—In the event of an escape, if the convict is not apprehended before the departure of the steamer, a report must be made from the Superintendent's Office to the Magistrate of the station from whose Court the prisoner was sentenced, accompanied by a descriptive roll.

XIV.—Released prisoners shall be furnished with a passage to the port of India from whence they were transported; rations during voyage and a free passage to the nearest Presidency Town shall be provided.

XV.—The Superintendent will furnish proper descriptive rolls of the released convicts, and instruct return convicts to report themselves on their arrival to the proper authorities.

XVI.—All discharged convicts shall be furnished with certificates of release bearing the signature and seal of the Superintendent. The warrants of all released convicts shall be endorsed and returned to the committing Courts.

XVII.—The Artificer Corps shall be at the disposal of the Superintendent, and the members thereof shall be employed under the Executive Engineer or the different local officers, as the Superintendent may from time to time direct.

APPENDIX V.

REGULATION III OF 1876.

(As amended by Regulation I of 1884.)

A Regulation for the Peace and Government of the Andaman and Nicobar Islands.

Preamble. WHEREAS it is expedient to provide for the peace and government of the Andaman and Nicobar Islands, it is enacted as follows:

PART I.—PRELIMINARY.

Short title. 1. This Regulation may be called "The Andaman and Nicobar Islands Regulation, 1876":

Extent. It extends—
 (a) to the group of Islands known as the Great and Little Andamans, with their dependencies (hereinafter called 'the Andamans'), and
 (b) to the Island of Nancowry, together with all others commonly known as the Nicobar Islands (that is to say), the Islands of Car Nicobar and Great Nicobar, with those lying between them, including Tillanchong:

Commencement. And it shall come into force at once.

Repeal of enactments. 2. The Andaman and Nicobar Islands Regulation, 1874, and Act No. XXVIII of 1870 (to authorize the committal of European British subjects by Courts in the Andamans to the High Court at Fort William) are repealed, but not so as to revive Act No. XXVII of 1861 (to regulate the administration of Port Blair and other settlements in the Andaman Islands) or to affect anything done, or any offence committed, or any fine, penalty, liability or forfeiture incurred, or any proceedings commenced, before the publishing of this Regulation.

All appointments and declarations made, powers conferred, licenses granted, and directions and instructions issued under the said Regulation or under the said Act No. XXVII of 1861, shall be deemed to have been respectively made, conferred, granted and issued under this Regulation. And all commitments made under the said Act No. XXVIII of 1870 shall be deemed to have been made under this Regulation.

Interpretation clause. 3. In this Regulation, unless there be something repugnant in the subject or context—

- 'section' means a section of this Regulation;
- words importing the masculine gender include females;
- words in the singular include the plural and *vice versa*;
- 'month' means a month reckoned according to the British calendar;
- 'vessel' includes any description of boat or ship; and
- 'master' includes every person having command or charge of a vessel.

PART II.—OF LAND AND THE PRODUCTS THEREOF.

Ownership of land. 4. All the land comprised in any settlement in any of the said islands is vested absolutely in Her Majesty the Queen, and no person shall be deemed to have

acquired any property therein, or any right to or over the same by occupation, prescription or conveyance, or in any other manner whatsoever, except by a conveyance executed by a Secretary to the Government of India, by order of the Governor General in Council:

Provided that nothing in this section shall affect any rights created under the powers conferred by the first section of the said Act No. XXVII of 1861.

5. The Chief Commissioner may, by a license in writing, and on such terms and subject to such conditions as he may deem fit, permit any person to occupy for any purpose any land within the limits of a settlement. Power to grant license to occupy land.

Every such license shall describe the land so to be occupied by its boundaries or otherwise with convenient certainty, and shall specify the purpose for which such permission is granted and the terms and conditions on, and subject to, which it is granted. Contents of license.

When permission is granted to occupy land with a view to the erection of buildings or the construction of agricultural works thereon, the license shall further specify the maximum amount which may be expended on such buildings or works, and such maximum amount shall in no case, without the previous sanction of the Governor General in Council, exceed twenty-five thousand rupees. Permission to erect building.

6. No such license, and no right acquired under such a license, shall devolve or be transferred by inheritance, conveyance, or in any other manner whatever, without the consent of the Chief Commissioner given in writing. Such license not transferable.

7. The Chief Commissioner may at any time determine a license to occupy land upon giving to the licensee one year's previous notice of his intention so to do, and paying to him in respect of any buildings erected or works constructed on such land in pursuance of a permission granted in the license, such compensation not exceeding the maximum sum specified in such license as to the said Chief Commissioner may seem reasonable. License determinable by notice.

Explanation.—No compensation for improvements or expenditure of any description can be claimed by the licensee except as herein provided.

8. The notice required by Section 7 shall be in writing, and shall be served on the licensee in person if he can be found. Service of notice.

If the licensee cannot be found, it shall be sufficient to affix the notice to some conspicuous place on the land to which it refers.

9. If on the determination of the license by lapse of time, by notice under Section 7, by breach of any condition contained therein, or otherwise, the licensee does not give up the land to such officer as the Chief Commissioner may depute to take it over, the Chief Commissioner may direct such officer to enter upon the land and remove any person found thereon, and all property found therein shall be forfeited and shall vest in Her Majesty. Failure to give up land on determination of license.

10. The Chief Commissioner may at any time grant a license in writing, or such terms and subject to such conditions as he may think fit, to any person to fell any trees, or take the produce of any trees, or collect edible birds' nests, or any other product of any settlement in any of the said islands. Licensing of persons to fell trees, or take produce.

NOTE.—See note to Section 12.

11. Any rent, revenue, or other dues claimable by Government in respect of the occupation of land in a settlement, or in respect of a license granted under section 10, may be summarily recovered by such officer as the Chief Commis- Recovery of rent, revenue, or other Government dues.

sioner may appoint in this behalf* by attachment and sale of the defaulter's property, or by arrest of the defaulter and his simple imprisonment for a term not exceeding six months.

Delegation of powers to officers.

12. The Chief Commissioner, with the sanction of the Governor General in Council, may appoint one or more officers to exercise all or any of the powers conferred on the Chief Commissioner by Sections 5 to 10.

Every officer so appointed shall, in the matters aforesaid, be subject to the direction and control of the Chief Commissioner and be guided by such instructions as the Chief Commissioner may from time to time issue.

NOTE.—By Notification No. 9 of 1878 (A. & N. G., 9-11-78), the Chief Commissioner, with the sanction of the Governor General in Council, appointed the officers in charge of the Northern and Southern Districts to exercise all the powers conferred on the Chief Commissioner by Sections 5 to 10.

By Notification No. 21 of 1883-84 (A. & N. G., 12-11-83), the Chief Commissioner, with the sanction of the Governor General in Council, appointed the Deputy Conservator of Forests (A. & N.) to exercise the powers conferred on the Chief Commissioner by Section 10 only in regard to the issue of licenses to persons to fell any trees and take the produce thereof within the limits of the Settlement of the South Andaman.

For rewards to informers under this section, see S. O. 161, dated 22nd September 1883, and also Section 192 of this Manual.

PART III.—OF THE ADMINISTRATION OF JUSTICE.

13. The Code of Criminal Procedure, Act No. X of 1882, shall be subject to the following modifications:—

Code of Criminal Procedure applied with modifications.

- (a) All the islands aforesaid shall form one sessions division, and the Chief Commissioner shall be the Sessions Judge in such division.
- (b) No appeal shall lie from any order of the Sessions Judge.
- (c) The functions of the High Court under Chapter XXVII of the Code (of the submission of sentences for confirmation) shall be discharged by the Governor General in Council.
- (d) The functions of the High Court under Chapter XXXII of the Code (of reference and revision) shall be discharged in respect to proceedings of the Court of Session by the Governor General in Council, and in respect to proceedings of Courts subordinate to the Court of Session, by the Court of Session.
- (e) All other functions of the High Court shall be discharged by the Court of Session.
- (f) Trials before the Court of Session may, in the discretion of the Sessions Judge, be conducted without the aid either of a jury or assessors.
- (g) Whenever the Sessions Judge deems it essential for the maintenance of tranquillity in any settlement that a sentence of death legally passed by him should be executed forthwith, he may order such sentence to be executed without the confirmation of the High Court under Chapter XXVII of the Code.

Clauses (b), (d), and (e) of this section shall not apply to proceedings against European British subjects or persons jointly charged with European British subjects.

* By Notification No. 4 of 1876 (A. & N. G., 8-11-76), the Deputy Superintendent is vested with the powers defined in this section throughout the limits defined in Section 1.

NOTE.—(1) By Notification No. 77, dated the 16th March 1878.—In exercise of the power conferred by the twenty-eighth of Victoria, Chapter XV, Section 3, the Governor General in Council has been pleased to authorize and empower the High Court at Calcutta to exercise Original and Appellate Jurisdiction and to discharge all the functions of a High Court under the Code of Criminal Procedure in all proceedings against European British subjects or persons jointly charged with European British subjects in the Chief Commissionership of the Andaman and Nicobar Islands. (See also Notification No. 4919, dated 27th October 1869, and Section 556 of this Manual.)

(2) The powers exercised by the other local Criminal Courts within the islands within the Sessions Division are as follow:—

By Notification No. 16 of 1877 (A. & N. G., 8-8-77).—

Deputy Superintendent	District Magistrate (Section 35, Act X of 1872).
1st and 2nd Assistants	1st class Magistrates (Section 37 and powers of Section 27).
3rd Assistant Superintendent	1st class Magistrate (Sections 12 and 37 and powers of Act X of 1872. (A & N. G. S. 20-9-85.)

The limits of jurisdiction being those defined by Section 1 of this Regulation.

By Notification No. 18 of 1882-83 (A. & N. G., 26-10-83):—

Extra Assistant Superintendents, 1st class	Magistrate, 2nd class, with powers of Section 23, Act X of 1872.
Extra Assistant Superintendents, 2nd class	Magistrate, 3rd class, with powers of Section 23.

Also within the limits of the Nicobar Settlement:—

Officer in charge, Nicobars	Magistrate, 1st class, with powers of Section 27.
Officer in charge, Viper	Magistrate, 3rd class.

14. The Code of Civil Procedure (Act XIV of 1882) shall be in force subject to the following modifications, namely:—

Code of Civil Procedure applied with modifications.

(a) for Section 584 thereof, the following section shall be substituted:—

584. Unless when otherwise provided by this Code or by any other law, from all decrees passed in appeal by any Court subordinate to the High Court, reversing or modifying the decision of the Court of Original Jurisdiction on a point material to the merits of the case, an appeal shall lie to the High Court, if it appears to that Court, on a perusal of the ground of appeal and of copies of the judgments of the Courts below, that a further consideration of the case is requisite for the ends of justice;

Appeal to High Court to from appellate decrees.

(b) Section 586 thereof shall be omitted; and

(c) for Section 622 thereof the following section shall be substituted:—

622. The High Court may call for the record of any proceeding of the Court subordinate to it, and, if it appears that there has been in the proceeding an error material to the merits of the case, may pass such judgment or order thereon as it thinks fit.

Power of High Court to call for record of case.

NOTE.—The Civil Courts locally established are as follows (Notification No. 76 G. I., dated 16th March 1878):—

Chief Commissioner	Sadr or highest Court of Appeal.
Deputy Superintendent	Principal Civil Court of Original Jurisdiction.
1st Assistant Superintendent	Appellate Court in respect to decisions and orders of 1st Assistant, and Officer in charge, Nicobars.
	Suits of every description under Rs. 5,000 in value or amount.

Officer in charge, Nicobars . Suits of every description under Rs500 in value or amount.

Also by Notification No. 10 of 1881-82 (A. and N. G., 29-7-81):—Assistant and Extra Assistant Superintendents when in charge of divisions.

The Deputy Superintendent being also the Appellate Court for Divisional Courts.

PART IV.—OF THE ARRIVAL AND DEPARTURE OF VESSELS, AND THE LANDING OF PASSENGERS AND GOODS.

15. The master of any vessel shall not, without the written permission of the Chief Commissioner or of some officer duly empowered by him to grant the permission, land, or anchor such vessel for the purpose of landing, any person or any goods or things, at any place *on the coast* of any of the said islands, *except at such place as may be declared a port* under the provisions of the Act for the time being in force for the regulation of ports and port dues.

Any master so offending shall be liable to a fine not exceeding one thousand rupees.

NOTE.—By Notification No. 114, G. L., 18-4-77, Port Blair was declared a port under Act XII of 1875 (The Indian Ports Act) and its limits are recited therein, and by Notification No. 115, G. L., of same date (amended by 249, 11-12-79), Camorta was declared a port. By Notification No. 87, G. L., 1-4-79, both the above are also declared ports under Act VIII of 1878 (Sea Customs) for the shipment and landing of goods.

These are at present the only ports in the islands.

By Notification No. 21 of 1882-83 (A. & N. G., 6-1-83), the Conservators of Port Blair and Nancowry are empowered to grant written permission for landing in those ports respectively and the rules for landing are prescribed. See Sections 461 and 466 of this Manual for landing in ports, and Sections 467-8 for passes for landing on the coasts elsewhere than in ports. (Vide Notn. A. & N. G. 6, 27-8-85.)

16. No person shall, without the written permission of the Chief Commissioner, or of some officer duly empowered by him to grant the permission, land from any vessel at any place *on the coast* of any of the said islands *not within the limits of some port* declared under the provisions of such Act.

Any person so offending shall be liable to a fine not exceeding five hundred rupees,

and any goods or thing landed from any vessel, except within such limits, may be seized by any person in the employment of Government, and may be confiscated if the Chief Commissioner, or any officer empowered by him in this behalf, so directs.

NOTE.—(1) See note to preceding section.

(2) By Notification No. 10 of 1880-81 (A. & N. G., 12-11-80), the Conservators of Port Blair and Nancowry are empowered to give licenses under Section 16 for the Andaman and Nicobar Islands, and vessels are required to call first at these ports to obtain the same. (See Sections 467-8 of this Manual.)

By Notification No. 5 of 1881-82 (A. & N. G., 18-5-81), the Officer in charge, Nicobars, is invested with powers defined in 3rd clause, Section 16, within the Nicobars.

17. The provisions of the last two preceding sections shall not apply to any vessel the property of Her Majesty or used for any public purpose, nor to any

person, goods, or thing landed from such vessel, nor in any other case when the provisions of the same sections have been infringed from stress of weather or other unavoidable circumstances.

17A. (1) The Chief Commissioner may from time to time determine the conditions upon which permission, under Section 15, to a master of a vessel to land or anchor his vessel, or under Section 16, to any person to land from a vessel, may be granted.

(2) If the master of any vessel to whom any permission under Section 15, or any person to whom any permission under Section 16, has been granted, fails to conform to, or infringes, any of the conditions upon which the permission has been granted, he shall be punished with fine which may extend, in the former case, to one thousand, and in the latter case to five hundred, rupees.

NOTE.—For special notification defining conditions for the coasts of the Andaman and Nicobar Islands, see Section 463 of this Manual, and A. & N. G. N. 6, 27-8-85.

18. The master of any vessel entering the port of Camorta or any port in the Andamans shall, within 24 hours from the time of so entering, deliver to the Conservator of the port a list of the crew and passengers on board of such vessel, as well as a manifest of the cargo carried by such vessel.

NOTE.—The only ports in the Andaman and Nicobars are Port Blair and Camorta. See note to Section 15 *ante*.

Any master failing to deliver such list and manifest within such period shall be liable to a fine not exceeding five hundred rupees.

19. No person shall land within the limits of any such port, except under a license granted as hereinafter provided, or under the written permission of the Conservator of the port or of the Chief Commissioner, or some officer empowered by him to grant such permission,

and any person so landing without such license or permission shall be liable to a fine not exceeding five hundred rupees.

NOTE.—(1) See note to Section 15, *ante*.

(2) See Section 461 of this Manual, by which Port Conservators are empowered to grant licenses for landing.

(3) By Notification No. 10 of 1879-80 (A. & N. G., 1-12-79), the Officer in charge, Ross, is also invested with powers defined in Section 19. By the same notification also with powers under the 1st clause of Section 20, and the Deputy Superintendent with the powers defined in 2nd clause of that section as regards confiscation.

20. No goods or other things shall be landed within the limits of any such port except under the written permission of the Conservator of the port or other officer appointed in that behalf;

and any goods or thing landed without such permission shall be liable to be seized by any person in the employment of Government, and may be confiscated if the Chief Commissioner, or any officer empowered by him in this behalf, so directs.

NOTE.—(1) See Sections 462 and 463 of this Manual, by which rules are prescribed for goods; and also note to Section 19, *ante*.

(2) By Notification No. 24 of 1882-83 (A. & N. G., 13-1-83), the conditions for landing at Port Blair passengers' personal baggage and for goods and merchandise are prescribed.

By Notification No. 17 of 1883-84 (A. & N. G., 27-10-83), similar conditions are prescribed for Nancowry (Camorta).

Penalty of master anchoring his vessel for the purpose of landing of passengers or goods at unauthorized port.

Penalty for landing at unauthorized port.

Exception from provisions of last two sections.

Power for Chief Commissioner to determine conditions of permission granted under Sections 15 and 16.

Master of vessel entering port to deliver list of crew, &c.

Penalty.

Penalty for any person landing without license.

Penalty for landing goods without license.

master leaving
port to deliver
list of crew, &c.

21. Every master of a vessel shall, within such time before the departure of such vessel from any such port as the Chief Commissioner may from time to time by general rules or special orders direct, deliver to the Conservator of such port a correct list of the crew and other persons about to sail in such vessel, specially designating the persons (if any) who have not arrived at the settlement in such vessel; and every master failing to deliver such list shall be liable to a fine not exceeding one thousand rupees.

If any such master, after delivering the list herein mentioned, takes or receives on board his vessel any person, not mentioned in such list, for the purpose of taking him from such port, without forthwith informing the Conservator of such port of the name of such person, he shall be liable to a fine of five hundred rupees for every such person so taken or received on board.

inspection of
vessels.

22. Every master of any vessel anchored in, or about to depart from, any such port shall, on the requisition of the Conservator of the port or other person acting under the instructions of the Superintendent of the port or other officer as aforesaid, permit such Conservator or other person to inspect such vessel and shall produce before such Conservator or other person any person who may be on board of such vessel.

penalty.

Any master failing to comply with any of the provisions of this section shall be liable to a fine not exceeding one thousand rupees.

penalty for
receiving on
board a convict
for the purpose
of escape.

23. If the master of any vessel or other person wilfully receives on board such vessel any convict undergoing a sentence of transportation, for the purpose of conveying him from any penal settlement without proper authority, such master or other person shall be liable to a fine not exceeding one thousand rupees, in addition to any punishment that may be inflicted upon him under the provisions of the Indian Penal Code.

power to board
and search
inspected
vessels and
quarantine them
if depart.

24. Whenever the Chief Commissioner or any officer empowered by him in this behalf has reasonable and probable cause for believing that any ship within three miles of the coast of any of the said islands is intended to facilitate the escape of convicts from the limits to which they are restricted or to aid any other contravention of this Regulation, he may

(a) authorize any person to board and inspect such ship and to require the master to produce before him any convict who may be on board, and to allow the ship to be searched; and

(b) require the master to take such ship within a reasonable time, not less than twelve hours, to a distance exceeding three miles from the coast of any of the said islands, and not to return without the permission of the Chief Commissioner.

Any master refusing to allow such boarding or inspection, or to comply with any requisition under this section, or returning without such permission, shall be liable to a fine not exceeding one thousand rupees.

NOTE (1) By Notification No. 7 of 1881-82 (A. & N. G., 7-6-81), the Deputy Superintendent has been invested with the powers defined in this section (24).

(2) By Notification No. 1 of 1883-84 (A. & N. G., 16-4-83), the Officer in charge, Nicobars, has been similarly invested within the local limits of Nicobar Settlement.

25. Whenever the Chief Commissioner or the Deputy Superintendent of the Settlement has reason to believe that any person on board any vessel in any port of the Andamans or in the port of Camorta is in possession of any opium or ganja or other hurtful or intoxicating drug, with intent to introduce the same into any settlement in contravention of section thirty-one of this Regulation, the Chief Commissioner or the Deputy Superintendent, as the case may be, may by an order in writing authorize any officer of police not below the grade of Inspector to board and search such vessel and to seize such drug, and to arrest the person possessing the same.

Any person possessing any such drug on board a vessel in any of the said ports with the intent aforesaid may on conviction be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both, and the drug, if any such is seized, may be confiscated by order of the convicting Magistrate.

PART V.—OF LICENSES TO RESIDE AT A SETTLEMENT.

26. No person shall reside at any settlement beyond the period of one month, or after the departure of the vessel by which he was conveyed to such settlement, unless he holds a license granted by the Chief Commissioner, or by some officer empowered by the Chief Commissioner in this behalf;

and any person so residing without such license shall be liable to a fine not exceeding five hundred rupees.

Such person may be required to remove himself from the settlement in which he is within such time as the Chief Commissioner or other officer as aforesaid directs, and if he fails so to do, he shall be liable to a fine not exceeding five hundred rupees and may further be shipped and removed from the settlement by any vessel that the Chief Commissioner or other officer as aforesaid appoints for that purpose.

NOTE.—By Notification No. 21 of 1882-83 (A. & N. G., 6-1-83), rules are promulgated as to methods of obtaining licenses under this section and for renewal of the same (Rules II to VII) both at Port Blair and the Nicobars. (Vide Appendix VI; also note to Section 19, ante.)

27. The Governor General in Council may determine the conditions upon which a license to reside in any settlement may be granted.

If the holder of any such license fails to conform to, or infringes, any of the conditions therein specified, he shall be liable to a fine not exceeding one thousand rupees.

Such person may also be required to remove himself from the settlement in which he may be, and on failure so to do, he may be punished and his removal may be enforced as provided in Section 26.

NOTE.—By notification No. 580, H. D. (G. I., 2-12-82), conditions are defined and prescribed for South Andaman Settlement only. (Vide Appendix VI.)

By Notification No. 581, H. D., dated 27-11-82, conditions are prescribed for the Nicobar Settlement.

PART VI.—MISCELLANEOUS.

28. Any marriage of a convict solemnised without the consent of Chief the Marriages of Commissioner or not registered in accordance with the rules which the Chief Marriages of Commissioner may from time to time prescribe in this behalf, shall be void.

A certificate signed by the Chief Commissioner that the marriage of any convict named therein has been solemnised with such consent and registered in accordance with such rules shall, until the contrary is proved, be evidence of the facts so certified.

NOTE.—By a Settlement Order, No. 542, 14-11-81, certain orders were framed and issued by the Chief Commissioner and Superintendent under this section. (See "Marriages," A. & N. Manual, Chapter XX, Section 380.)

Escape or intention to escape.

29. Every person aware of the escape or intention to escape of any convict from the limits to which he is restricted, shall, in the absence of reasonable excuse, the burthen of proving which shall be upon such person, give immediate information of the same to the nearest police officer or Magistrate.

Power to define limits of Settlements.

30. The Governor General in Council may, if he thinks fit, from time to time, by notification in the *Gazette of India*, define the limits of any settlement or penal settlement in any of the said islands.

NOTE.—(1) By Notification 243, H. D., 21-9-77 (G. I.), the whole island of South Andaman was declared a settlement for purposes of this Regulation.

(2) By Notification 132, H. D., 31-5-81 (G. I.), the Nicobar Islands were similarly so declared.

Certain articles not to be introduced, &c., without license.

31. No person shall, without a license in writing from the Chief Commissioner, or from some officer empowered by him to grant such licenses, introduce into any settlement, or manufacture, barter, or sell, or have in his possession any of the following articles, namely:—

- (a) beer, wine, or other spirituous or fermented liquor;
- (b) opium, ganja, or other hurtful or intoxicating drug;
- (c) arms or weapons of any description;
- (d) dangerous cutting instruments, or cutting instruments the possession of which the Chief Commissioner, or any officer authorized by him in this behalf, may declare to be dangerous to the public safety;
- (e) gunpowder or other explosive or highly inflammable substances.

Exception of articles for domestic use or consumption.

Nothing in this section applies to the possession by any person of—
cutting instruments for his own domestic use or for the purpose of his trade or occupation only, the possession of which has not been declared as aforesaid to be dangerous to the public safety, or

cutting instruments for his own domestic use or for the purposes of his trade or occupation only, the possession of which has not been declared as aforesaid to be dangerous to the public safety, or

any such quantity of a spirituous liquor or intoxicating drug kept for such person's own use only as the Chief Commissioner may from time to time declare to be exempt from the prohibition contained in this section when so kept.

NOTE.—(1) By Notification 4 of 1876 (A. & N. G.) the Deputy Superintendent was invested with the powers defined in this section. For rewards to informers under clauses (a) and (b), see S. O. 148, 12-5-84; also Sections 192 and 431 of this Manual.

(2) Notification 32, 15-3-84 (A. & N. G.), prescribes rules for grant of passes and licenses under Section 31. (See Chapter XXIV, Part II, "Excise," Section 425 of this Manual.

(3) Notification 35, 15-3-84 (A. & N. G.), prescribes the quantity of liquor or drug of which possession is allowed for personal use. (See Chapter XXIV, Section 427 of this Manual.)

(4) Act XXIII of 1876 (The Opium Act) is still in force in the Andamans.

(5) Notification C., 13-12-78 (A. & N. G.), declares arms and instruments the possession of which (except by the servants of Government authorized to carry them) is deemed by the Chief Commissioner dangerous to public safety. (See Chap. VI of Manual, Sec. 165, Cl. 1, note.)

32. Any person who—

- (a) fells or takes the produce of any trees or collects any product of a settlement without a license under Section 10,
 - (b) abets within the meaning of the Indian Penal Code the commission by a convict of any breach of a rule made, or of any disobedience to an order issued, by proper authority,
 - (c) introduces into a settlement, manufactures, barter, sells or has in his possession, except as provided in Section 31, any article of the descriptions mentioned in the said section without a license or in violation of any condition in his license, or
 - (d) attempts to commit any of the above offences,
- shall be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding rupees one thousand, or with both.

Acts punishable.

NOTE.—(a) Notification No. 21 of 1883-84 (A. & N. G., 12-11-83) confers powers for granting these licenses on Deputy Conservators, Forests.

(b) For acts specially prohibited to convicts, see this Manual, Part I, Chapter VI, Section 165; also A. & N. G.—

13-12-78. (Arms & weapons).	6-1-83. Licenses for residence & landing.	By Supdt.—S. O. 691, 18-1-83. Writing petitions.
15-7-82. Processions.	13-1-83. Liquor shops.	S. O. 816, 7-3-83. Giving up land.
5-8-82. General prohibitions.	25-8-83. Felling trees.	S. O. 248, 1-7-85. Mortgaging cattle, crops, or houses.
12-8-82. Liquor, arms, Nicobar.	22-9-81. Landing, Nancowry.	S. O. 461, 22-10-83. Felling trees.
	27-10-83. Excise.	C. C. 3, 16-7-85. Exporting padouk.
	15-3-84. Exporting padouk.	
	18-7-85. Exporting padouk.	

(c) Notification 4 of 1876.—Deputy Superintendent only can grant these licenses. See Section 421, note (3), of this Manual.)

33. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make subsidiary rules, consistent with this Regulation, for the administration of any settlement, and may, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, of imprisonment of either description for a term not exceeding six months, or of fine not exceeding rupees one thousand, or of both.

Power to make rules and provide punishments for breach of them.

All rules made under this section shall, on being published in the *Gazette of India* and in the local *Gazette*, have the force of law.

NOTE.—The only subsidiary rules promulgated under this section with the sanction of the Governor General and still in force are those of H. D. N. 475 (G. I., 4-12-7, under corresponding Section 18 of Regulation of 1874), reprinted as Appendix IV of this Manual.

34. When any person is convicted of an offence punishable under Section 32 or of a breach of any rule to which a punishment is attached under Section 33, the Superintendent may adjudge that, in addition to any sentence passed by the Court, all or any of the property of such person shall be forfeited to Government.

Power to adjudge forfeiture of property in addition to sentence of Court.

Application of enactments to fines.

Recovery of fines in the case of masters of vessels.

35. The provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code, as amended by Act VIII of 1882, and of Sections 386, 387, 388, 389, of the Code of Criminal Procedure, shall apply to all fines imposed under this Regulation, or under the rules made in the exercise of the power given by Section 33.

In the case of the master of a vessel, such fine may also be levied by the distress and sale of such vessel, and the tackle, apparel, and furniture thereof.

NOTE.—The Indian Penal Code was specially extended to the Nicobar Islands by Act I of 1865 (see Notification 4918, G. I., 30-10-69), but was previously in force there *proprio vigore* Section 1).

APPENDIX VI.

Rules for the obtaining of Licenses (under Section 26, Regulation III of 1876) for residence at the Settlement of South Andaman and the Nicobars (A. & N. G. N. 21, 30-12-82), with the conditions for the grant of the same prescribed by the Governor General in Council (H. D. N. 580-81, 27-11-82).

The following are the Rules prescribed in respect to the obtaining of Licenses under Section 26, Regulation III of 1876, for residence within the South Andaman or the Nicobar Settlements, from and after the 1st April 1883. (A. & N. G. N. 21, 30-12-82.)

1. Every person desiring to obtain a license to reside in the Settlement of the Island of South Andaman or that of the Nicobars under Section 26 of the Andaman and Nicobar Islands Regulation, 1876, shall apply in writing for a license to the Chief Commissioner through the officer in charge of that district of the South Andaman Settlement in which he intends to reside or through the officer in charge of the Nicobars. Every application under this rule shall state—
 - (a) the name and vocation or calling of the applicant ;
 - (b) the objects of his proposed residence ; and
 - (c) if that object be trade, the precise trade he proposes to carry on.
2. Every application shall be registered in the office of the Chief Commissioner in a register to be kept for that purpose.
3. If permission to reside in the Settlement is granted, the applicant shall be furnished with license in Form B or C.
If permission to reside in the Settlement is refused, the applicant shall be furnished with a copy of the order refusing permission.
4. Every application for renewal of a license to reside in the South Andaman Settlement shall be made to the officer in charge of the district in which the applicant resides.
5. These rules shall come into force with effect from the 1st April 1883, and, so far as licenses under Section 26 of the Regulation are concerned, shall apply to every person now residing in the Settlements, as well as to every person who may hereafter desire to reside there.

Conditions.

The conditions upon which licenses to reside in the South Andaman Settlement and Nicobar Settlements respectively are granted have been determined by the Governor General in Council under the following notifications. (G. I., 2-12-82, Part I, p. 486).

SOUTH ANDAMAN SETTLEMENT.

H. D. Notification No. 580, dated 27-11-82.

In exercise of the powers conferred by section 27 of the Andaman and Nicobar Islands Regulation, 1876, the Governor General in Council is pleased to determine the following as the conditions upon which licenses to reside in the Settlement of the Island of South Andaman shall be granted :—

I.—Every license to reside in the Settlement of the Island of South Andaman shall continue in force from the day of the date thereof till the first day of April next after the date of the grant thereof.

II.—Every person to whom a license has been granted, and who desires to continue to reside in the Settlement after the expiration of his license, shall apply for a renewal of his license on or before the 15th day before its expiration.

Rules for obtaining Licenses for residence.

III.—Every license shall be liable to be cancelled, if the license-holder is convicted during the currency of his license of an offence punishable under the provisions of the Andaman and Nicobar Islands Regulation, 1876, or of the rules made thereunder, or of any other law for the time being in force.

IV.—The Chief Commissioner may, at any time, after recording his reasons in writing, but without assigning to the license-holder any reason for so doing, by order in writing, cancel any license, and the license shall be void from the date of the receipt of the order by the license-holder :

Provided that in every case in which he cancels a license under this rule the Chief Commissioner shall forthwith send a copy of his recorded reasons for so doing to the Governor General in Council; and the Governor General in Council may, on his own motion, or on application by the person whose license has been cancelled, or otherwise, reverse the order of the Chief Commissioner, and thereupon the license shall again come into force and be valid.

NOTE.—See also H. D. 495, 25-9-82, as to those persons by whom a license is not required to be taken out.

NICOBAR SETTLEMENT.

H. D. Notification No. 581, dated 27-11-82.

In exercise of the powers conferred by Section 27 of the Andaman and Nicobar Islands Regulation, 1876, the Governor General in Council is pleased to determine the following as the conditions upon which licenses to reside in the Nicobar Settlement shall be granted :—

I.—Every license to reside in the Nicobar Settlement shall continue in force from the day of the date thereof till the death or departure of the holder from the Settlement, or till cancelled by proper authority.

II.—Every license shall be liable to be cancelled if the license-holder is convicted during the currency of his license of an offence punishable under the provisions of the Andaman and Nicobar Islands Regulation, 1876, or of the rules made thereunder, or of any other law for the time being in force.

III.—The Chief Commissioner may, at any time, after recording his reasons in writing, but without assigning to the license-holder any reason for so doing, by order in writing, cancel any license, and the license shall be void from the date of receipt of the order by the license-holder :

Provided that in every case in which he cancels a license under this rule the Chief Commissioner shall forthwith send a copy of his recorded reasons for so doing to the Governor General in Council; and the Governor General in Council may, on his own motion, or on application by the person whose license has been cancelled, or otherwise, reverse the order of the Chief Commissioner, and thereupon the license shall again come into force and be valid.

The Prisoners Act, 1871.

APPENDIX VII.

THE PRISONERS ACT, 1871.

ACT No. V OF 1871.

(As amended by Act IX of 1882.)

(Received the assent of the Governor General on the 27th January 1871.)

An Act to consolidate the laws relating to Prisoners confined by order of a Court.

For the purpose of consolidating the laws relating to prisoners confined by Preamble. order of a Court; It is hereby enacted as follows :—

I.—PRELIMINARY.

- | | |
|---|-----------------|
| 1. This Act may be called "The Prisoners Act, 1871." | Short title. |
| It extends to the whole of British India; | Local extent. |
| And it shall come into force on the passing thereof. | Commencement. |
| 2. The Acts mentioned in the schedule hereto annexed are repealed to the extent specified in the third column of the said schedule. | Repeal of Acts. |

II.—PRISONERS IN THE PRESIDENCY TOWNS.

3. All writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer of police within the local limits of such jurisdiction. Warrants and writs to be directed to Police Officers.

4. The Local Government may appoint officers who shall have authority to receive and keep prisoners committed to their custody under the provisions of this Part. Power to appoint Superintendents of Presidency Prisons.

All such officers appointed under any Act hereby repealed shall be deemed to be appointed under this Act.

Such officers shall be called, in Calcutta, the Superintendent of the Presidency Prison; in Madras, the Superintendent of Prisons for the town of Madras; and in Bombay, by such title or respective titles as the Local Government from time to time directs.

Every such officer is hereinafter referred to as "the Superintendent."

5. The Superintendent is hereby authorized and required to keep and detain all persons duly committed to his custody pursuant to the provisions of this Act, or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged by due course of law. Superintendents to detain persons committed.

6. The Superintendent shall forthwith, after the execution of every such writ, order or warrant, except warrants of commitment for trial, or after the discharge Superintendents to return writs.

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The Prisoners Act, 1871.

Ex. after execution or discharge.

of the person committed thereby, return such writ, order or warrant to the Court or other officer by which or by whom the same has been issued or made, together with a certificate endorsed thereon and signed by the Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

Delivery of persons sentenced to imprisonment or death.

7. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

Delivery for intermediate custody of persons sentenced to transportation or penal servitude.

8. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the imprisonment of such person shall have effect from such delivery.

Order under Mutiny Act for intermediate custody.

9. Whenever any Judge of a High Court makes, under any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, an order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the Superintendent.

Commitments by High Court in execution of a decree or for contempt.

10. Whenever any person is committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause, he shall be taken by the officer to be appointed for that purpose by such Court, and shall be delivered to the Superintendent, together with a warrant of commitment.

Delivery of persons sentenced by Police Magistrate.

11. Whenever any person is sentenced by a Magistrate of Police for the town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or is committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with a warrant of the Court.

Delivery of persons committed by Justice or Magistrate or Coroner for trial by High Court.

12. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing him to have the body of such person before the Court for trial, and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

Custody pending enquiries under Act XXIII of 1861, section 6.

13. Pending any such enquiry as is mentioned in section 8 of Act No. XXIII of 1861 (to amend Act VIII of 1859), which the High Court considers it necessary to make, the defendant may be delivered by the officer of the said Court to the Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same section, and the Superintendent is hereby authorized and required to detain such defendant in safe custody until he is delivered to the officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he is released by due course of law.

Delivery of persons arrested in pursuance of warrant of

14. Every person arrested in pursuance of a writ, warrant, or order of the High Court, in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras, or

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Bombay, under Act No. IX of 1850 (for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay), High Court or Small Cause Court.

or in pursuance of a warrant issued under section 3 of this Act, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant, or order was issued, awarded, or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction; and if such Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court otherwise orders, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof for the exercise of original jurisdiction, in order that such person may be dealt with according to law;

and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

15. Any warrant of commitment under Regulation III of 1818 of the Bengal Code (for the Confinement of State Prisoners), Regulation II of 1819 of the Madras Code (for the Confinement of State Prisoners), and Regulation XXV of 1827 of the Bombay Code (for the Confinement of State Prisoners, and for the Attachment of the Lands of Chieftains and others, for reasons of State), may be directed to the Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 (for the better Custody of State Prisoners) and Act No. III of 1858 (to amend the Law relating to the arrest and detention of State Prisoners). Warrants under Regulations for confinement of State prisoners.

III.—PRISONERS IN THE MUFUSSIL.

16. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal acting under the authority of Her Majesty, or of the Governor General in Council or of any Local Government. Officers in charge of prisons may give effect to sentences of certain Courts.

17. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him. Warrant of officer of such Court to be sufficient authority.

18. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner. Procedure where jailor doubts the legality of warrant sent to him for execution.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

19. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences:—

- counterfeiting coin,
- uttering counterfeit coin,

Imprisonment in British India of persons convicted of certain offences in Native States.

murder,
culpable homicide not amounting to murder,
being a thug,
voluntarily causing grievous hurt,
administering poison,
kidnapping,
selling minors for purposes of prostitution,
rape,
robbery,
dacoity,
dacoity with murder,
robbery or dacoity with attempt to cause death or grievous hurt,
attempt to commit robbery or dacoity when armed with a deadly weapon,
making preparation to commit dacoity,
belonging to a gang of dacoits,
dishonest misappropriation of property,
breach of trust,
house-burning,
house-breaking,
forgery, and
theft of cattle;
or for an attempt to commit any of the above offences,
or for abetment, within the meaning of the Indian Penal Code, of suicide by
burning or burying alive, or of any of the other offences above specified,
or for such other offences as the Governor General in Council, from time to
time, by order published in the *Gazette of India*, thinks fit to prescribe:

Provided that such sentences have been pronounced after trial before a tribunal
in which an officer of Government, duly authorized in that behalf by such Native
Prince or State, or by the Governor General in Council, is one of the presiding
Judges.

20. Every officer of Government so authorized as aforesaid shall forward with
every prisoner a certificate of his conviction, and a copy of the proceedings held at
the trial, that the same may be forthcoming for reference at the place where the
sentence of imprisonment or transportation is carried into effect.

Fugitive.

Certificate of
conviction.
Copy of proceed-
ings.Persons sen-
tenced to penal
servitude where
sent and how
dealt with.Intermediate
imprisonment.Time of in-
termediate
imprisonment
to count in dis-
charge of
sentence.

IV.—CONVICTS SENTENCED TO PENAL SERVITUDE.

21. Every person sentenced to be kept in penal servitude may, during the term
of the sentence, be confined in such prison within British India as the Governor
General in Council by general order, from time to time, directs;
and may, during such time, be kept to hard labour;
and may, until he can conveniently be removed to such prison, be imprisoned,
with or without hard labour, and dealt with in all other respects as persons sen-
tenced by the convicting Court to rigorous imprisonment may, for the time being,
by law be dealt with.

The time of such intermediate imprisonment, and the time of removal from one
prison to another, shall be taken and reckoned in discharge or part discharge of
the term of the sentence.

* See Notification 858, H. D., 29-5-71, for appointment of barracks at Port Blair and Nicobar Islands
as such prisons, and Section 1 of this Manual.

22. All Acts and Regulations now in force within British India, with respect to
convicts under sentence of transportation, or under sentence of imprisonment with
hard labour, shall, so far as may be consistent with the express provisions of this
Act, be construed to apply to persons under any sentence of penal servitude.

Law respecting
convicts sen-
tenced to trans-
portation or
imprisonment
with hard
labour applied
to persons sen-
tenced to penal
servitude.

23. The Governor General in Council may grant to any convict sentenced to be
kept in penal servitude, a license to be at large within British India or in such part
thereof as in such license is expressed, during such portion of his term of servitude
and upon such conditions as to the Governor General in Council seems fit.

Power to
grant license
to convict
sentenced to
penal servi-
tude.

The Governor General in Council may at any time revoke or alter such license.

24. So long as such license continues in force and unrevoked such convict shall
not be liable to imprisonment or penal servitude by reason of his sentence, but shall
be allowed to go and remain at large according to the terms of such license.

Holder of
license to be
allowed to go
at large.

25. In case of the revocation of any such license as aforesaid, any Secretary to
the Government of India may, by order in writing, signify to any Justice of the
Peace or Magistrate that such license has been revoked, and require him to issue a
warrant for the apprehension of the convict to whom such license was granted, and
such Justice or Magistrate shall issue his warrant accordingly.

Apprehension
of convict
where license
revoked.

26. Such warrant may be executed by any officer to whom it may be directed
or delivered for that purpose in any part of British India, and shall have the same
force in any place within British India as if it had been originally issued or subse-
quently endorsed by the Justice of the Peace, or Magistrate, or other authority
having jurisdiction in the place where the same is executed.

Execution of
warrant.

27. The convict when apprehended under such warrant, shall be brought, as
soon as conveniently may be, before the Justice or Magistrate by whom it has been
issued, or before some other Justice or Magistrate of the same place, or before a
Justice or Magistrate having jurisdiction in the district in which the convict is
apprehended.

Apprehended
convict to be
brought up for
re-commitment.

Such Justice or Magistrate shall thereupon make out his warrant under his
hand and seal, for the re-commitment of the convict to the prison from which he
was released by virtue of the said license.

28. Such convict shall be re-committed accordingly, and shall thereupon be liable
to be kept in penal servitude for such further term as, with the time during which
he may have been imprisoned under the original sentence and the time during
which he may have been at large under an unrevoked license, is equal to the term
mentioned in the original sentence.

Re-commit-
ment.

29. If a license be granted under section 23 upon any condition specified
therein, and the convict to whom the license is granted violates any such
condition,

Penalty for
breach of
condition of
the license.

or goes beyond the limits specified in the license,
or, knowing of the revocation of such license, neglects forthwith to surrender
himself, or conceals himself, or endeavours to avoid being apprehended,

he shall be liable upon conviction to be sentenced to penal servitude for a
term not exceeding the full term of penal servitude mentioned in the original
sentence.

V.—REMOVAL OF PRISONERS.

Removal from the jail to places in territories under Local Government.

30. When any person is, or has been, sentenced to imprisonment by any Court, the Local Government, or (subject to its orders and under its control) the Inspector General of Jails, may order his removal, during the period prescribed for his imprisonment, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

Removal of unatic prisoners.

31. Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, such Government, by a warrant setting forth the grounds of belief that such person is of unsound mind, may order his removal to a lunatic asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence; or, if it to be certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be detained under medical care or treatment, then until he is discharged according to law.

Remand on recovery.

When it appears to the said Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand the prisoner to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged.

Discharge. Act XXXVI of 1858, section 2, applied to prisoners in lunatic asylums.

The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under this section after the expiration of the term of imprisonment to which he has been sentenced, and the time during which he has been so confined shall be reckoned as part of such term.

Government of India may order removal of prisoners from one prison to another.

32. When any person is, or has been, sentenced to imprisonment by any Court, the Governor General in Council may order his removal, during the period prescribed for his imprisonment, from the prison in which he is confined to any other prison in British India.

VI.—MANAGEMENT OF TRANSPORTED CONVICTS.

Governor General in Council may appoint places to which persons sentenced to transportation shall be sent. Local Government to direct removal of such persons to places appointed.

33. The Governor General in Council may from time to time appoint places within British India to which persons sentenced to transportation shall be sent; and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

NOTE.—(H. D. N. 285, 7-11-73. As to penal settlement at Port Blair and Nicobars having been appointed such places, see Section 1 of this Manual.)

For term as well as life convicts. (H. D. R. 17-11-74.)

Power to make rules as to convicts.

34. The Governor General in Council may, from time to time, prescribe rules as to the following matters:—
the classification of convicts;
their confinement, treatment, discipline, and employment;

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their punishment for misbehaviour, disorderly conduct, neglect, or disobedience; and the manner in which the proceeds (if any) of their employment shall be disposed of.

NOTE.—For rules prescribed under this section by the Governor General in Council for the management of transported convicts at the penal settlement of Port Blair and the Nicobars, see H. D. R. 266, 29-7-74; also H. D. 263, 13-10-81; H. D. 584, 27-11-82. These rules are reprinted in full,—*vide* Appendix VIII.

VII.—DISCHARGE OF CONVICTS.

35. Any Court established under the twenty-fourth and twenty-fifth of Victoria, Discharge of convicts recommended for pardon.
chapter one hundred and four, may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

SCHEDULE.

(See Section 2.)

Number and year of Act.	Subject or Title.	Extent of repeal.
VII of 1837	Charter Courts' power to discharge Convicts recommended for pardon.	The whole.
XVI of 1840	An Act concerning the management of Convicts transported to places within the territories of the East India Company.	The whole.
XXIV of 1855	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts.	Sections 5, 6, 7, 9, 10, 11 and 12.
XVII of 1860	An Act to repeal Act V of 1858 (for the punishment of certain offenders who have escaped from jail, and of persons who shall knowingly harbour such offenders) and to make certain provisions in lieu thereof.	The whole.
XXV of 1861 } VIII of 1869 }	The Code of Criminal Procedure	Sections 49, 49A, and 399.
VIII of 1863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	The whole.
VIII of 1865	An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original Civil Jurisdiction.	The whole.
II of 1867	An Act to make further provision for the removal of prisoners.	The whole.
XII of 1867	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal, Madras, and Bombay.	The whole.
XXVI of 1869	An Act to correct a clerical error in Act No. VIII of 1863.	The whole.

APPENDIX VIII.

Rules for the Management of Transported Convicts at the Andaman and Nicobar Islands.

(Sanctioned by the Governor General in Council—Home Department,
No. 256, 29th July 1874.)

Under the provisions of Section 34 of Act V of 1871, the Governor General in Council is pleased to prescribe the following rules for the management of transported convicts in the Andaman and Nicobar Settlements:—

I.—The Superintendent of the Andaman and Nicobar Settlements shall exercise full and entire control over the discipline and management of the convicts, for which he will be held by Government to be primarily responsible.

II.—The Superintendent shall have power to withdraw any indulgences granted to a convict, and to order such punishments for convicts' offences as are provided for in Rule VII.

III.—As regards the discipline of convicts, the Deputy Superintendent and Assistant Superintendents and Extra Assistants shall exercise such powers regarding withdrawal of indulgences and infliction of penalties as they shall from time to time be invested with by the Superintendent.

IV.—Transportation entails hard labour under strict discipline with only such food as is necessary for health. Any mitigation of the above is an indulgence which may at any time be withdrawn in whole or part.

V.—The nature of the labour to be performed, and the scale of diet to be allowed, shall be regulated by the orders of the Superintendent.

VI.—The following, when committed by convicts, constitute "convict offences":—

- (1) Anything that is an offence under the Indian Penal Code, and not punishable with death.
- (2) Mutinous or insubordinate conduct or exciting to the same.
- (3) Disrespectful conduct towards any officer or subordinate officer of the Settlements.
- (4) Damaging Government property.
- (5) Interrupting order and discipline.
- (6) Disobedience to the order of any officer or subordinate officer.
- (7) Failing to observe any bye-laws laid down by the Superintendent.
- (8) Idleness or negligence in work.
- (9) Riotous or noisy behaviour.
- (10) Passing beyond the limits to which convicts are restricted.
- (11) Introducing into barracks or being possessed of articles forbidden for convicts' use.
- (12) Parting with food or any other articles supplied by Government for convicts' use.
- (13) Committing nuisance.

VII.—Any convict guilty of a "convict offence" shall be liable to withdrawal of indulgence, and shall also be liable to be transferred to a punishment gang with

extra hard labour and low diet for such term as may be ordered, or to solitary confinement not exceeding two months, or, in case of a male convict, to corporal punishment not exceeding 30 stripes, or to all or any of these punishments.

VIII.—A record shall be kept of the enquiry into every such offence, and the reasons for withdrawing indulgence or inflicting punishment shall be noted. All withdrawal of indulgences or infliction of punishments ordered by the Deputy Superintendent or Assistant or Extra Assistant Superintendents, in accordance with powers given to them by the Superintendent under Rule III shall be periodically, or otherwise as may be ordered by the Superintendent, reported to the Superintendent, who shall have power to revoke or modify such orders, or to pass such fresh orders as he may think fit.

IX.—In lieu of withdrawal of indulgence or punishment, an order of reprimand and warning may be passed on conviction of a "convict offence."

X.—Every conviction of a "convict offence" shall be entered against the offender, and shall be considered when, under the classification rules, a convict becomes eligible to indulgence of any kind.

XI.—A number shall be assigned to each convict on his arrival in the Settlement, and a metal ticket having that number stamped on it shall be given to him.

XII.— Rules for Classification of Convicts in the Settlement.

(1) There shall be three classes of male convicts, as follows:—

(2) *3rd Class.*—All convicts on arrival shall be placed in this class. They shall be employed in hard gang-labour by day and shall be confined to barracks at night. They shall receive rations and jail clothing, but shall be entitled to no indulgence or luxury. They shall wear double leg-irons for the first six months and single leg-irons for the second six months, subject to special exemption by the Superintendent. After four years' satisfactory conduct in this class, they shall be eligible for transfer to the second class.

(3) *2nd Class.*—In this class there will be two grades, in each of which a prisoner will pass three years. In the lower grade a prisoner may receive a regular allowance of twelve annas a month, and is to be held eligible for posts in barracks or jails or for employment in the Artificer Corps. In the upper grade the prisoner may receive one rupee per mensem, and shall be eligible in addition for employment in the convict police, or in other petty Government employ, as orderlies, or as servants to free residents.

(4) Men in this class will receive dry rations, and be supplied with jail clothing or uniform as may be directed by the Superintendent.

(5) Any allowance for working in the Artificer Corps or for serving in any employment may be paid to the men of the second class in addition to their regular monthly allowance.

(6) After three years of approved service in each grade of the second class, convicts shall be eligible for transfer to the first class.

(7) *1st Class.*—Convicts in this class shall remain in barracks or may be located otherwise as the Superintendent may direct. They shall receive dry rations and from one rupee to two rupees per mensem. In cases where it may appear desirable, the Superintendent may substitute subsistence allowance for rations.

(8) They shall do such labour as shall be assigned to them, and shall be eligible for service, or to support themselves in such conditions as the Superintendent

Rules for Management of Transported Convicts.

may impose. In such cases a ticket shall be given to each convict with the conditions entered on it. Convicts of this class who do not live in barracks shall attend muster at such times as the Superintendent shall appoint, but at least once in every month. Term convicts shall not be eligible for service, or be permitted to support themselves or live out of barracks.

(9) Life convicts in this class may be allowed to send for their wives or children, or to marry, but no marriage shall be recognised either of male or female convict unless the special permission of the Superintendent shall have been granted. All such permissions to be recorded in some durable form.

(10) In addition to the three regular classes of male convicts, there will be a punishment chain-gang in which any convict may be placed by order of the Superintendent for such periods as he may think fit. Convicts in this gang will be subjected to the strictest jail discipline, and shall be entitled to no indulgences. They shall be employed in gangs by themselves on hard extra-mural labour, or within workshops attached to the jail. There shall be a refractory ward attached to the jail, where offenders of this gang may be confined and kept to specially hard labour within the enclosure wall of the ward; and there shall also be solitary cells for the punishment of offenders ordered to be confined in such.

(11) Female convicts shall be divided into two classes.

(12) *2nd Class.*—On arrival, all shall join the 2nd class. Women of this class shall be subjected to strict jail discipline and labour within the walls of their jail, receiving only food and clothes. Three years' good conduct shall make them eligible for transfer to the 1st class.

(13) *1st Class.*—Women in this class shall reside in barracks and work in sheds attached thereto. They shall receive rations, clothing, and a money allowance of eight annas a month. After two years' satisfactory conduct in this class they may be allowed by the Superintendent to marry or go into service, or support themselves on such conditions as may from time to time be imposed, attending muster as in the case of male convicts. When allowed to live out of barracks, each shall receive a ticket showing particulars of the conditions to which they are subject.

(14) Women who prove refractory, or are guilty of misconduct, may be transferred to a punishment ward, and will be liable to have their tasks increased, their hair cropped close, or themselves restricted to close-confinement.

(15) All convicts are liable to be placed in any lower grade by the Superintendent for such periods as he may direct.

(16) Should any European convict be transferred to the Settlements having a ticket-of-leave, the same may, in case of misconduct, be revoked by the Superintendent, and the convict may be remanded to such class as may seem proper to the Superintendent.

(17) Any convict who performs any signal service to Government may be granted by the Superintendent any indulgences beyond what by his class he is eligible for; but in every such case the reasons shall be recorded by the Superintendent, and an abstract entered in the register of letters and orders kept by the Superintendent, and submitted by him to Government.

(18) Convicts who may have been already accorded greater indulgences than they could claim under these rules shall be entitled to retain them unless convicted of any offence.

Rules for Management of Transported Convicts.

XIII.—No 2nd or 3rd class convict shall have the right to acquire or hold any property without the knowledge and sanction of the Superintendent; and in the absence of such permission, any property found in his possession is liable to be confiscated by order of the Superintendent.

XIV.—The Superintendent may allow holidays to the following extent on the principal Christian, Hindoo, Mahomedan, and Burman festivals, but on such occasions no processions or assemblies will be permitted.

HOLIDAYS.	
(1) <i>To the Christian Prisoners.</i>	
Christmas Day	1 day.
New Year's Day	1 day.
(2) <i>To the Hindoos.</i>	
Dushora	1 day.
Dewallee	1 day.
(3) <i>To the Mahomedans.</i>	
Bakra Ede	1 day.
Moharrum	1 day.
(4) <i>To the Burmans.</i>	
Full Moon of Watso	1 day.
Full Moon of Thadehk Yook	1 day.

Good Friday 1 day.
Holi 1 day.
Rumzan 1 day.
} being the first and last day of the Buddhist lent.

(5) A general holiday will be allowed on Her Majesty's Birthday and on Christmas Day.
(6) No prisoners of the punishment gang are allowed to participate in these indulgences.

XV.—The charge and control of convicts in barracks and at labour should rest with convict petty officers, qualified by the classification rules for Government employ; and for this purpose and for petty detailed police duties, the Superintendent may employ such number of qualified convicts as may be necessary, provided the whole number does not exceed eight per cent. of the whole number of convicts in the Settlements.

XVI.—The Superintendent shall have the power to inspect, and, if necessary, to detain, any communications sent or received through any Post Office within the Settlements, or by any other means.

XVII.—No convict shall hold any communication with persons beyond the limits of the Settlements, nor shall he or she receive any goods or articles from beyond those limits without the knowledge and consent of the Superintendent.

No convict in the punishment gang is to be allowed to receive or send any letter whatever, unless where such receipt or sending (as the case may be) appears to the Superintendent to be absolutely necessary or highly desirable.

No convict in the 2nd or 3rd class of male convicts or the 2nd class of female convicts is to be allowed to receive and send more than one letter in each year, or convicts of the 1st class oftener than once in three months. Those in the 1st class who are traders may send a letter once a month if permitted by the Superintendent.

All letters to or from convicts shall be written in such character as shall be prescribed by the Superintendent, and shall pass through his office, or through such officer as shall be appointed by the Superintendent.

XVIII.—For the construction of public works and for the best utilisation of skilled labour, an Artificer Corps will be formed from 1st, 2nd, and 3rd class convicts in the proportion determined on by the Superintendent.

XIX.—All convicts attached to the Artificer Corps will be subject to the same rules according to their class as have been prescribed above for ordinary convicts.

XX.—Convicts attached to the Artificer Corps belonging to the 1st or 2nd class may receive gratuities to such amounts and within such limitation as to numbers as may be sanctioned by the Superintendent.

Regulation for confinement of State Prisoners.

APPENDIX IX.

REGULATION III OF 1818.

PASSED BY THE VICE-PRESIDENT IN COUNCIL ON THE 7TH APRIL 1818,
Corresponding with the 26th Cheyite 1242, Bengal era; the 16th Cheyite 1825
Fusly; the 27th Cheyite 1225 Willaity; the 2nd Cheyite 1875 Sumbut; and
30th Jumadee-ul-awul 1233 Higeree.

Extended to the Andaman and Nicobar Islands in 1882 (G. I. N. 105, 223-82).

A Regulation for the confinement of State Prisoners.

Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint, individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper, and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor General in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zemirdars, talookdars, and others situated within the territories dependent on the Presidency of Fort William, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceedings; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government; the Vice-President in Council has enacted the following rules, which are to take effect throughout the provinces immediately subject to the Presidency of Fort William from the date on which they may be promulgated.

II. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or one

Regulation for confinement of State Prisoners.

of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Second.—The warrant of commitment shall be in the following form:—

To the *(here insert the officer's designation)*.

Whereas the Governor General in Council, for good and sufficient reasons, ^{Fe} has seen fit to determine that *(here insert the prisoner's name)* shall be ¹⁸⁸ placed under personal restraint at *(here insert the name of the place)* you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III of 1818.

FORT WILLIAM,

The

By order of the

Governor General in Council.

A. B.,

Chief Secretary to Government.

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail, or other place, within the territories subject to the Presidency of Fort William.

III. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health, and the comfort of such State prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

IV. *First.*—When any State prisoner is in the custody of a Zillah or City Magistrate, the Judges of circuit are to visit such State prisoner on the occasion of the periodical Sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

Second.—When any State prisoner is placed in the custody of any public officer not being a Zillah or City Magistrate, the Governor General in Council will instruct either the Zillah or City Magistrate or the Judge of circuit, or any other public officer, not being the person in whose custody the prisoner may be placed to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

V. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor General in Council.

VI. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Regulation for confinement of State Prisoners.

VII. Every officer in whose custody any State prisoner may be placed, shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

VIII. The provisions contained in Sections III, IV, V, VI, and VII of this Regulation are hereby declared to be applicable to all persons who are now confined as State prisoners under the authority of Government within the territories subject to the Presidency of Fort William.

IX. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar or other person, without any previous decision of a Court of Justice or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated, to the provincial Court of appeal and circuit, and to the Sudder Dewanny Adawlut and Nizamut Adawlut.

X. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realisation of fines or otherwise, during the period in which they may be so held under attachment.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

XI. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Act for the better custody of State Prisoners.

APPENDIX X.

ACT No. XXXIV OF 1850.

PASSED ON THE 23RD OF AUGUST 1850.

Extended to the Andaman and Nicobar Islands in 1882. (C. L. N 105, 22nd March 1882.)

An Act for the better custody of State Prisoners.

Whereas doubts have been entertained whether State prisoners confined under Regulation III, 1818, of the Bengal Code, can be lawfully detained in any fortress, gaol or other place, within the limits of jurisdiction of any of the Supreme Courts of Judicature established by Royal Charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East India Company, it is enacted as follows :—

1. The warrant of commitment of any State prisoner, under Regulation III, 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to the commandant of any fortress, or to the officer in charge of the gaol or other place, in which it is deemed expedient that such State prisoner be confined, in any part of the said territories; and such warrant shall be sufficient authority for the detention of such State prisoner in the fortress, gaol, or other place mentioned in the warrant.
2. Regulation III, 1818, of the Bengal Code, shall be extended and applied to every Sheriff, commandant or officer, having any State prisoner in custody under the said Regulation, as explained and extended by this Act.
3. Any State prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor General in Council, shall be deemed to have been lawfully committed thereunto.

APPENDIX XI.

Notes for the Assistance of Magisterial Officers in matters of procedure in Criminal Cases (Under Act X of 1882) in the Andamans and Nicobars.

By LIEUT.-COLONEL W. B. BIRCH, 1st Assistant.

These notes are in no sense an authoritative publication.

I.—JURISDICTION.

- (a) Every officer must be closely governed by—
 - (1) The ordinary powers of a Magistrate of his class (section 12 and schedule II).
 - (2) Any additional powers conferred on him (section 37 and schedule IV). For more ready reference the powers of the several officers have been given at the close of these notes.
- (b) When he is doubtful as to whether any case brought before him is capable of being enquired into or tried by him, he should refer to column 8 of schedule II, "By what Court triable;" and also to section 29, if necessary, as to offences under other laws than the Indian Penal Code.
- (c) If he is empowered to commit cases to the Séssions for trial, 206 (under his additional powers), he can proceed under Chapter XVIII; but see section 346 where not so empowered.
- (d) If he is in any way personally interested in a case, he should refer the matter to the Deputy Superintendent's Court, as without its sanction he is disqualified (section 353) from any action.
- (e) If for any other reason he thinks he should not try the case, he should act on sections 346 to 349.
- (f) There are certain offences which cannot be taken cognizance of without special sanction or authority. These are—
 - (1) Contempts of authority, public servants (195a); but see sections 480 to 487.
 - (2) Offences against public justice (195b and as above).
 - (3) Offences relating to documents (195c and sections 476 to 478).
 - (4) Offences against the State (196).
 - (5) Offences against public servants, 197 and 526.
 - (6) Offences against Chapters XIX and XXI, Penal Code, and sections 493 to 496, Penal Code.
 - (7) Offences of adultery and enticing married women (199).
- (g) When an accused is brought up by the police, who ask for a remand for investigation, see section 167. Require, however, that copies of the Special Diary are produced and that the accused be brought before the Court, and record reasons if time is granted. If the remand is refused, note the fact across the application with brief reasons.

2.—INITIATION OF PROCEEDINGS IN CRIMINAL CASES.

Proceedings in criminal cases are ordinarily initiated at Port Blair in one of the following modes:—

- (a) By a case being transferred from the Deputy Superintendent's Court for inquiry or trial (section 192). This has been the local procedure, but cases may also be originated as follows when a Magistrate is empowered to act:
- (b) On a police report of facts which constitute an offence (section 191b), or on an accused being brought up in police custody for a cognizable offence.

By section 24, Act V of 1861, any police officer may lodge information and apply for a summons, warrant, or other process, and prosecute up to final judgment.

- (c) On "a formal complaint" of facts which constitute an offence (191a). The above can be dealt with by any Magistrate, provided that the offence is such as a Magistrate of the class before whom it is brought can deal with. Refer to column 8, schedule II.
- (d) On information received from any person (not a police officer) or upon the Magistrate's own mere suspicion or knowledge that an offence has been committed (191c). Only 1st and 2nd Class Magistrates can be so specially empowered, and even then it is in respect to those offences only which a Magistrate of this class may try or commit for trial.
- (e) If a complaint is made in writing to any Magistrate not empowered to entertain it, he should endorse it to that effect and return it to complainant at once (201) for presentation elsewhere.
- (f) If the offence is one under—
 - The Cattle Trespass Act, I of 1871,
 - The Post Office Act, XV of 1866,
 - The Arms Act, XI of 1878,
 - or local Regulation III of 1876, &c., &c.,
 refer to the special Act or Regulation itself.

3.—FIRST STEPS TAKEN BEFORE PROCEEDING FURTHER.

- (a) Examine the complainant on oath at once and make him sign his deposition. The Magistrate also signs it as "Taken before me," with place, date, &c. (200). Complainant should be also asked who are his witnesses, more particularly in all warrant cases (252).
- (b) If the case has been transferred by the Deputy Superintendent (192) and he has already examined the complainant, then re-examination is not compulsory, but may be taken (200c).
- (c) If the complaint or charge is of an offence (other than one for which the police can arrest without warrant (schedule II, column 3), a Court-fee stamp of 8 annas must be realised (Article 1, 6, schedule II, Act VII of 1870) from complainant if not already attached to a written complaint.
- (d) Five courses are open to a Magistrate after the examination of the complainant has been recorded:—

Notes for local Officers in Criminal Cases.

- (1) To dismiss the complaint at once (203) if there is, in his judgment, no sufficient ground for proceeding.
- (2) If he distrusts its truth after recording his reasons, he can (if a 1st or 2nd Class Magistrate)—
 - (a) Enquire into the case himself.
 - (b) Order a local investigation either by a police officer or any other person (202) to ascertain its truth or falsehood.
- (3) Return complaint, if in writing, after endorsing it for presentation in another Court, if it is not a case within his jurisdiction.
- (4) He may stay proceedings and report case to Deputy Superintendent (section 346), and if a *summons case not instituted on complaint*, may also stop them (249).
- (5) Or proceed with the case (204).

He may also await the return of the result of the local investigation or result of his own enquiry, and if he considers there is then no sufficient ground for proceeding, he can still dismiss the complaint (203).

4.—IF MAGISTRATE DETERMINES TO GO ON WITH THE CASE.

- (a) If the accused is already before the Court, having been arrested by the police or otherwise, the Magistrate may (provided the case is within his cognizance, schedule II, column 8) proceed with it at once. The case will then require to be dealt with according to its nature either—
 - (1) As a summons case, Chapter XX, sections 241 to 250.
 - (2) As a warrant case, Chapter XXI, sections 251 to 259.
 - (3) Summarily (if specially empowered), Chapter XXII, sections 260 to 265.
 - (4) By enquiry for committal to Sessions, Chapter XVIII, sections 206 to 220, according to the offence established and the powers of the Court.
- (b) If the accused has not been arrested, the Magistrate should issue either a summons or warrant (204),—see column IV, schedule II.
 - (1) A summons ordinarily issues in all cases of offences punishable with fine only or imprisonment not exceeding 6 months or both (see column 7 of schedule II), and in all other cases in which a warrant might issue, but where it seems that a summons will answer the purpose, it is optional to order it in lieu (sections 68 and 204, form No. I, schedule V). Where only a summons is issued, the Magistrate can dispense with personal attendance of accused (205) and permit him to appear by pleader, but this is rarely done. He may also at any time after, despite the issue of a summons, issue a warrant or issue from the first a warrant in lieu of a summons (90) under certain circumstances.
 - (2) A warrant issues in all heinous cases (but when the charge is of a bailable offence, see section 496, sections 75 and 76, and form No. II).
 - (3) In all non-cognizable criminal cases where processes are issued otherwise than through the police, a fee of 4 annas for each requires to be levied by the Court before issue. (Notification A. & N. Gazette, No. 1 of 1880-81, Rule IV.) The Court-fee stamp to be affixed to summons.
 - (4) When summons is against an employé of Government, send it to head of department (72).

Notes for local Officers in Criminal Cases.

- (5) If in the course of an enquiry a search warrant is required to produce document or other thing, it can under special circumstances (for which see section 96) be given by any Magistrate. If it is in respect to deposit or sale of stolen property, &c., &c., see section 93, when only a 1st Class Magistrate can direct a warrant.

5.—ATTENDANCE OF WITNESSES.

- (a) (1) In cases brought by the police these have been bound over to appear (section 170, para. 2).
The security bond should be produced at time of hearing.
When witness is sent in custody refer to section 171.
- (2) In summons cases.—The complainant is ordinarily supposed to bring his own witnesses, but on application of either complainant or accused, the Magistrate may summon them for applicant (244).
Before doing so Magistrate may, however, require that *reasonable expenses* for each witness be deposited.
Any Court may at any time itself summon any material witness, and may recall and re-examine any witness or examine any person present (540).
- (3) In warrant cases.—Magistrate must ascertain from complainant who are his witnesses, and shall summon such of them as he deems necessary (252).
If accused applies to Magistrate to issue process for compelling witness to attend, the Magistrate shall issue it unless, for reasons to be recorded in writing by him, he considers such application should be refused as made for vexation or delay or defeating justice (257).
He may, however, first require reasonable expenses to be deposited.
- (4) In summary trials.—The rules of procedure follow those for summons or warrant cases as regards the offence charged (262).
Where witnesses are absent, see section 344.

6.—TRIAL OF SUMMONS CASES, CHAPTER XX, SECTIONS 241-250.

Undefended Cases.

- (a) The first act is to explain the complaint carefully to the accused, and to ask him if he has any cause to show why he should not be convicted (241).
- (b) If he admits he has committed the offence and shows no sufficient cause to the contrary, he may be convicted on his own admission (243), which should be recorded *verbatim*.
Note specially sections 344 and 364 as to best mode of recording any examination.
See that accused signs it and Magistrate must do so. Also note that no influence is to be used to induce admission (343).
- (c) The accused may be convicted of any offence triable as a summons case which he appears to have committed on his own statement merely (246).

Defended Cases.

- (d) If complainant is absent, see 247.
If complainant wishes to withdraw, see 248.
- (e) If Magistrate in cases where there is no regular complaint desires to stop case, see 249.

Notes for local Officers in Criminal Cases.

- (f) If defendant makes no admission the Magistrate must—
1st.—Hear complainant and all his witnesses.
2nd.—Hear accused and all his witnesses.
3rd.—Summons any further evidence for complainant or defendant on deposit of expenses (244).
4th.—Summons any further evidence the Court desires (540).

The accused must be present throughout or his pleader (353), and the evidence shall be recorded by Magistrate (355 and 358).

As to adjournment see section 344.

- (g) As to examination of accused see sections 342 and 364, but if there is no case made out against him by prosecution, it is not necessary to enter fully on defence (245).
 (h) No charge sheet should be drawn.
 (i) If accused is found "not guilty," an order of "acquittal" must be passed. If accused is found "guilty," sentence must be passed on him according to law (245).
 (j) Where case is withdrawn by complainant (248) or Magistrate acquits accused either under 245, on the merits, or for non-appearance of complainant (247), he may, if he considers the complaint was frivolous and vexatious, by the order of acquittal direct complainant to pay the accused compensation not exceeding Rs. 50 each (250).
 (k) All cases under Regulation III of 1876 (Andamans and Nicobars) can be dealt with as summons cases.
 (l) In all matters of doubtful evidence refer to Evidence Act (I of 1872), and of recording evidence refer to sections 353 and 364, Act X of 1882.

Note that an accused cannot be discharged in summons cases.

The only courses are—

- (1) Dismissal of case before hearing, 203.
 - (2) Dismissal after a local enquiry or investigation, 203.
 - (3) Acquittal of accused, 245 or 247.
 - (4) Conviction of accused, 245.
- (m) In case of failing to recover compensation by distress, see section 250 and form No. 30, section V, for imprisonment in default.

7.—TRIAL OF WARRANT CASES, CHAPTER XXI, SECTIONS 251 to 259.

Undefended Cases and cases of weak prosecution.

- (a) Proceed to hear complainant (if any) and take all evidence present for prosecution (252).
- (b) Examine accused under sections 342 and 364.
- (c) If no case has been made out which if un rebutted would warrant a conviction, then discharge accused (253) without preparing a charge, or Magistrate can even do so at any earlier stage if he considers charge groundless, but must if so acting record full reasons in writing.
- (d) If a charge has once been framed, accused must be either acquitted or convicted, not discharged, 258. If (1) the complainant is absent and (2) the offence is one which may be lawfully compounded (see section 345), but not otherwise, the Magistrate may before the charge is framed discharge the accused (259). He cannot do so if charge has been framed.

Notes for local Officers in Criminal Cases.

Undefended Cases.

- (e) If there is *prima facie* a case made out against the accused, frame charge accordingly. See Chapter XI, sections 221 to 240, and if previously convicted set the fact out in the charge (221). As to procedure in case of such previous conviction, see 517b. Identification now necessary also.
 (f) Read and explain charge to accused and ask him—
 (1) If he is guilty of such charge.
 (2) If he has any defence to make.
 (g) If he pleads guilty the Magistrate shall record the plea, and may in his discretion convict him thereon (255).

Defended Cases.

- (h) If accused puts in a written statement, it must be filed with the record (256):
 also—
 (1) if he refuses to plead at all, or
 (2) claims to be tried,
 he must enter on his defence.
 (i) He may recall any witness for prosecution in the Court or its precincts (257), or may ask for any other witnesses to be called if he deposits reasonable expenses for them.
 (j) If it is desired to adjourn or postpone proceedings (344).
 (k) The examination of accused should be carefully conducted under sections 342 and 364 and signed by accused and Magistrate. It should not be in narrative form, but by question and answer.
 (l) The examination of the witnesses should be conducted under 357 (*vide* Notification No. 102, dated 20th March 1874), recorded in the language of the presiding officer of the Court and read over to witness and translated (if necessary) to him (360), and if he denies any part it may be corrected, or the objection merely recorded.
 (m) The Court may call any other witness whose evidence it desires (540).
 (n) When the charge has once been framed (258), a decision of conviction or acquittal must be recorded.
 (1) If the accused is found "not guilty" an order of "acquittal" must issue.
 (2) If found guilty some sentence must be passed according to law.
 (o) As to bail, see section 497.
 (p) A stamp of 8 annas is required for every petition containing a complaint or charge of any offence for which police may not arrest without warrant. Schedule II, Article 1b, Court-fees Act.

8.—SUMMARY TRIALS, CHAPTER XXII, SECTIONS 260 to 265.

- (a) Only 1st class Magistrates specially empowered can try cases in a summary way.
- (b) Only specified offences can be so tried (260).
- (c) Procedure is in summons cases as for such and warrant cases as for such (see 262 and 355).
- (d) Maximum limit of imprisonment three months (260).
- (e) No appeal in cases of three months' imprisonment (200), fine or whipping, (414) unless combined.

Notes for local Officers in Criminal Cases.

- (f) What particulars to be recorded (363) invariably.
 (g) Examination of accused in summary trial, see 263g, final paragraph 364, also 342.

9.—ENQUIRY INTO CASES TRIABLE BY SESSIONS, CHAPTER XVIII, 206 TO 220.

This is an enquiry and not a trial.

- (a) First hear the complainant and all witnesses produced for prosecution (203) or in behalf of accused, or as Magistrate may himself call for (540).
 (b) If further witnesses are asked for on either side, grant the application (203) and adjourn case (344).
 For examination of witnesses see sections 357 to 353 in narrative form.
 (c) Examine accused (209 and 346 and 342), taking his signature and Magistrate signing. This is not to be in narrative form, but by question and answer, to be signed by accused and Magistrate.
 (d) If the Magistrate considers the charge groundless he shall record his reasons, and then "*discharge*" accused (209).
 (e) If he considers that there are grounds for trying him himself (rather than for committing him) or for sending the case to some other Magistrate (349), he shall proceed to do so (as in warrant or summons case according to offence disclosed).
 (f) If he considers there are not sufficient grounds for committing or trying accused, he shall *discharge* him (209).
 (g) As soon as the *prima facie* case for committal is made out, Magistrate must frame a charge (221 *et seq.*, Chapter XIX), and read and explain it to accused, giving him a copy if he asks for one, free of costs.
 If he has been previously convicted of an offence, this is to be cited in the charge, and the fact, place, and date of previous conviction cited (221). For proving this fact see 511b, and admission of accused may be taken. He should be asked the question.
 (h) The accused must then be called on for his list of witnesses (211) required for the trial before the Sessions, and the Magistrate may send for any of them and examine them (in presence of accused) if he wishes to do so, adjourning the enquiry for the purpose (344).
 (i) After this has been all completed an order may be made out committing accused for trial (213), and the Magistrate should briefly record the "Reasons for commitment" to accompany the record.
 (j) The commitment will on the same day be notified to the Court of the Chief Commissioner by a letter giving the name of accused, and the sections, Indian Penal Code, under which he is committed (through the Deputy Superintendent), together with the charge, the record of enquiry, and any weapon or thing which is to be adduced in evidence (213). A calendar should also be prepared and furnished on the printed forms provided for this purpose.
 (k) The accused will meantime be committed to custody by warrant (220) until and during the trial, unless bail is taken (497).
 (l) Every exhibit in the case should be carefully marked (and lettered) with the number of the case, and care should be taken that the witnesses are given the opportunity of clearly deposing to the identification of each exhibit.

Notes for local Officers in Criminal Cases.

10.—STEPS AT CLOSE OF EVERY TRIAL.

(a) *Judgment*—

- (1) The accused must (if in custody) be present to hear it, and if not in custody should be required to attend (366).
 (2) It shall contain—
 (a) The point or points for determination.
 (b) The decision thereon.
 (c) The reasons for the decision.
 (d) The offence of which the accused is convicted and the section of Penal Code or other Act under which conviction has been held.
 (e) If doubtful under which of two sections or which part of same section, this must be expressed and the conviction be in alternative (see 236), but also refer to section 72 of the Penal Code.
 (f) When it is of *acquittal* it shall state the offence of which the accused is acquitted, and *order that he be set at liberty* (367).
 (g) It cannot be altered or reviewed (369), unless merely to correct a clerical error (395).
 (h) It must be pronounced in open Court (366).
 All Courts are open Courts to which the public may have access (352).
 (i) Where judgment imposes a fine, compensation may be given to accused (545).
 (j) A copy of judgment must always be given to accused (or translation) if he applies for it (except in summons cases), free of cost (371); and copies of depositions, proceedings, &c., must be given on payment to any person affected thereby (543). See Court-fee Act, 1870, schedule I, article 9.

(b) *Subsequent measures needed*—

- (1) If accused is *acquitted* nothing further is necessary, unless then to direct his being set at liberty.
 (2) In a summons case where Magistrate can order compensation to accused (250) and does so, it will be recoverable as a fine (see section 547).
 (3) If accused is *convicted* he may be sentenced (see column 7, schedule II) in the discretion of the Court to any of the punishments provided for the offences therein and within the powers of the Court by section 32.
 (a) To fine only (see sections 63 and 67, Penal Code).
 (b) To fine with alternative of imprisonment in default. See sections 64 and 65 of Penal Code as to limit of imprisonment, and 56 as to whether rigorous or simple.
 (c) To fine as well as imprisonment (section 33, Act X of 1832).
 (d) Imprisonment only without alternative and either simple or rigorous, see section 60, Penal Code.
 (e) Whipping (consult Act VI of 1864).—1st Class Magistrate only has powers unless 2nd is otherwise specially authorized. This form of punishment can only be awarded as the Act quoted directs.
 (f) For solitary confinement during rigorous imprisonment see section 73, Penal Code. As to powers of Magistrates of each class, see section 32, and table given at last page of these notes.

Notes for local Officers in Criminal Cases.

- (a) If sentence is of fine only. Issue a warrant for distress and sale of moveable property (section 386, form No. 37, schedule V), if fine is not at once paid.
- (b) If of fine or alternative imprisonment (in default section 32)—
 - (1) Issue distress warrant (386), form 37.
 - (2) But a bond may be taken as well, 383.
- (c) If fine as well as imprisonment—
 - (1) Insert alternative for default of payment of fine (section 33) in the warrant drawn up under 383-385, form 29, schedule V; and see section 245 for summons and 258 for warrant cases.
 - (2) Note that where imprisonment forms part of substantive sentence only one-fourth of the maximum imprisonment the Magistrate could award for the offence can be given in lieu of the fine (33).
- (d) If imprisonment only—
 - (1) Make out warrant (form 29), section 38, and forward it forthwith to Viper Jail, 383-385, with the prisoner.
- (e) Whipping (see sections 390 to 395). Only Magistrates of the 1st class can award unless a 2nd Class Magistrate has been specially empowered.
 - (1) Where in addition to imprisonment in appealable cases 15 days must elapse at least before infliction (391).
 - (2) No one aged more than 45 can be whipped.

NOTE.—A duplicate warrant of imprisonment, together with a descriptive roll of the prisoner, is required to be sent to the office of the Superintendent of Port Blair as well as the original to the officer in charge of Viper Jail.

II.—MISCELLANEOUS.

- (a) Property—
 - (1) When property or documents respecting which any offence appears to have been committed are produced before the Court on conclusion of an enquiry or trial by it—
 - (a) It can pass orders itself (which should not be given effect to until time for appeal has passed, 517), except in case of live-stock or property subject to decay.
 - (b) The Court may order the property to be delivered to Deputy Superintendent for his orders, 517.
 - (2) Where property is found on accused see 519.
 - (3) Where found or seized by police (523).
 - (4) Where unclaimed see section 25, Act V of 1861 (Deputy Superintendent only).
- (b) Tendering pardons, see sections 337 to 339.
- (c) Escaped convicts (term), see 396.
- (d) Lunatics, see 464 to 475.
- (e) Contempts of Court, see 480 *et seq.*
- (f) Special rules of evidence—
 - (1) Medical witness, 509.
 - (2) Chemical Examiner, 510.
 - (3) Previous convictions of accused, 511.
 - (4) As to summoning any witness, 540.

Notes for local Officers in Criminal Cases.

- (g) Expenses of complainant and witnesses and compensation, 544.
- (h) Recording dying declarations, &c. Where a mere statement or deposition (of a person other than accused) is required to be taken, it is most important that, if possible, it should be recorded in the presence of the accused, who should be sent for for that purpose, and the fact of its having been recorded in his presence should be specially noted (see section 32, Evidence Act, I of 1872, for dying declarations).
The accused must be allowed to cross-examine, or it should be recorded that he declines to do so. It is not necessary that the witness sign, but the Magistrate should certify at the foot of the statement that it was taken before him, and note the place, date, and circumstances in a Proceeding.

12.—CONFESSIONS, SECTIONS 364 AND 164.

It frequently happens that an accused is prepared when recently apprehended to confess his crime, and it is of the utmost consequence that when this is so, the confession should be recorded at once.

- (1) It can be taken by any Magistrate of whatever class, who should first, however, ascertain from the accused whether the same is desired to be made voluntarily.
- (2) The whole of the examination, including every question put, and every answer given by the accused, must be recorded in full, in the language in which he is examined (or if that is not practicable, in the language of the Court, or English).
It should not be in narrative form, but by question and answer.
- (3) The record must, when the examination is completed, be shown or read to the accused, or (if he does not understand the language in which it is written) it must be interpreted to him in a language he understands.
- (4) He is at liberty to explain or add to his answers.
- (5) He shall then *sign* the record when it has been made conformable to what he declares is the truth.
- (6) The Magistrate shall also sign it and shall subscribe the following certificate thereto in these precise words:
“I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.”

Taken at _____ (Signed.) A. B.,
This _____ day _____ at _____
A. M. P. M. Magistrate.

- (7) When thus complete the confession should be forwarded by special police messenger to the Deputy Superintendent, with a Proceeding or letter showing the circumstances under which it was taken, *viz.*, that accused charged with a crime (to be specified) was brought up in the custody of the police, or otherwise, &c.

13.—POWERS OF OFFICERS.

- (a) For limit of punishment that a Court of each class can inflict, see Section 32, but when sentencing compare schedule II, column 7, to see that such a punishment as proposed can be awarded for such offences.

Notes for local Officers in Criminal Cases.

(b) The general powers already granted in Port Blair are as follows (Schedule III). They extend to the whole of the Andamans and Nicobars. Notifications No. 16 of 1877 and No. 18 of 1882-83, local Gazette.

1st and 2nd Assistant Superintendents are Magistrates, 1st class, with all additional powers of section 27, Act X of 1872 (A. & N. G., 7-8-77); as is also the Officer in charge, Nicobars, for Nicobars only (A. & N. G., 26-10-82). Summary powers were also specially conferred on the latter officer. (A. & N. G., 29-4-81.)

3rd Assistant Superintendent is now a Magistrate, 1st class. (Sec 12 and 37, Act X of 1882, A. & N. G. N. 8, 26-9-85.)

NOTE.—Officers have been appointed Justices of the Peace locally by name and not in virtue of the appointments held by them.

POWERS.

1. To order police to investigate a case (section 155) he can try or commit.
 2. To issue any search warrant (98) also for persons wrongfully confined (100).
 3. To require security to keep the peace (109.)
 4. To require security for good behaviour, 109 & 10.
 5. To make orders in possession cases, 145-6-7.
 6. To commit for trial, 206.
 7. To stop proceedings in absence of complainant, 249.
 8. To order maintenance, 488-89.
 9. To make orders as to local nuisances, 133.
 10. Ditto ditto as to repetition, 143.
 11. To give written orders (temporary) under section 144 against nuisances.
 12. To hold inquests, 174.
 13. To issue process for offences committed beyond his jurisdiction.
 14. To take cognizance of cases on complaints or on police reports or on information, 191.
 15. To try certain cases summararily, 260.
 16. To hear appeals from convictions of 2nd and 3rd Class Magistrates, 407, if so ordered by Deputy Superintendent.
 17. To sell property alleged or suspected to have been stolen, 524.
- Can pass sentences of whipping subject to Act VI of 1864, which has been specially extended (G. I. N. 104, 22-3-82).

All Extra Assistants, 1st class, are Magistrates of 2nd class, with all additional powers under section 25, Act X of 1872 (A. & N. G., 7-8-77, and 26-10-82.)

POWERS.

1. To order police to investigate a case they can try or commit (155).
2. To prohibit repetition of a nuisance, 143, and give written orders in urgent cases, 144.
3. To hold inquests, 174.
4. To take cognizance of offences on complaints and on police reports or on information, 191.
5. To commit for trial, 206.

Notes for local Officers in Criminal Cases.

6. To sentence to whipping subject to Act VI of 1864, only if so specially empowered.

Magistrates of this class appointed under Act X of 1872 are not empowered to award sentences of whipping (see I. L. R. 7, Bombay, 303) under Act X of 1882, section 32b.

Extra Assistants, 2nd class, are Magistrates, 3rd class, with all additional powers under section 23 (& N. G., 26-10-82.)

POWERS.

1. To prohibit repetition of nuisances, 143, and give written orders under 144 in urgent cases.
2. To hold inquests, 174.
3. To take cognizance of offences on complaints or on police reports, but not on mere information (191).
4. To commit for trial, 206.

In addition to the above, all Magistrates of whatever class have the following powers—

- (1) To arrest (or direct arrest in his presence of) an offender.
- (2) To endorse a warrant or order the removal of an accused arrested under warrant, 83, 84, 86.
- (3) To issue proclamations in cases judicially before him, 87.
- (4) To attach and sell property in such cases, 88.
- (5) To restore attached property, 89.
- (6) To issue a search warrant under section 95 (not 98) during an enquiry.
- (7) Power to endorse a search warrant and order delivery of thing found, 99.
- (8) To record statements or *confessions* during a police investigation, 164.
- (9) To authorize remands for police enquiry, 167.
- (10) To detain an offender found in Court, 351.
- (11) To sell perishable property of a suspected character, 525.

Notes for local Officers in Civil Cases.

APPENDIX XII.

Notes for reference of Officers exercising Civil Jurisdiction in dealing with Civil Cases at Port Blair under Act XIV of 1882.

By LIEUT.-COLONEL W. B. BIRCH, 1st Assistant.

These notes are in no sense an authoritative publication.

PROCEDURE.

1.—WHEN A PLAINT IS FIRST PRESENTED.

- (a) Compare stamp with table of *ad valorem* fees, schedule II, Act VII of 1870 (Court-fees Act). See also rules at Chapter XXXVII of this Manual as to Court-fee stamps.
- (b) Compare contents of plaint with section 50, as it must contain the particulars prescribed therein.
- (c) Note that it is signed by plaintiff or pleader and verified by him (51 and 52).
By section 2 a "pleader" includes every person entitled to appear and plead for another in Court, but he requires a written authority.
- (d) Observe dates of alleged cause of action with reference to bars by limitation, schedule II, Act XV of 1877. See also first paragraph, section 50.
- (e) If plaintiff is a minor refer to sections 440 to 442 and enquire as to "next friend" by whom he must sue.
- (f) If defendant is a minor see as to "guardian *ad litem*," section 443, to be appointed by Court.
- (g) If plaintiff or defendant is a married woman, the Court should, if necessary after due enquiry, make the husband a party to the suit (sections 27 and 28). All objections on this score must be taken before the first hearing (34).
- (h) As to agents for parties refer to section 37 *et seq.*
- (i) If the parties sue or are sued in merely a representative capacity (as in suit on behalf of or against estates of deceased persons), see that some cause is set forth for the liability of defendant, and that the *locus standi* of plaintiff is shown, sections 50 and 58.
- (j) See that there is endorsed on the plaint or annexed to it a memorandum of the documents produced with it (58).

Notes for local Officers in Civil Cases.

COURT-FEES, DIVISIONAL COURTS.

TABLE OF AD VALOREM FEES.

Fees leviable on the institution of suits not exceeding Rs100 as to amount or value of subject-matter.

Where the amount or value of the subject-matter exceeds	But does not exceed	Proper fee,	Remarks.
...	5	Rs 0 6 0	
5	10	0 12 0	
10	15	1 2 0	
15	20	1 8 0	
20	25	1 14 0	
25	30	2 4 0	
30	35	2 10 0	
35	40	3 0 0	
40	45	3 6 0	
45	50	3 12 0	
50	55	4 2 0	
55	60	4 8 0	
60	65	4 14 0	
65	70	5 4 0	
70	75	5 10 0	
75	80	6 0 0	
80	85	6 6 0	
85	90	6 12 0	
90	95	7 2 0	
95	100	7 8 0	

2.—WHEN A PLAINT REQUIRES TO BE AMENDED, REJECTED, OR RETURNED.

- (a) Cases in which it may be amended, rejected, or returned (section 53). Every amendment must be attested by Judge's signature.
- (b) Cases in which it must be rejected (section 54). The order of rejection must be in Judge's own hand.
- (c) Cases in which it must be returned. Particulars to be endorsed on the plaint by Judge (section 57).
- (d) See that *verbatim* copies are kept of all orders under these heads and attested by Judge.

3.—ON ADMITTING THE PLAINT.

- (a) When plaintiff sues on a document he must produce it in Court with the plaint, and must then deliver it (or a copy) to be filed with the plaint if it is in his possession or power (section 59), and if not in his possession or power he must state in whose it is (60).
- (b) All other documentary evidence on which plaintiff intends to rely must be entered in a list to be added to the plaint or annexed thereto, whether in plaintiff's possession or power or not (59). It cannot otherwise be received in evidence afterwards, unless with special leave of Court (section 63).
- (c) If a shop-book is relied on, it must also be then produced with a true copy of extracts (62), which must be compared and attested.
- (d) See that there are as many copies of plaint on plain paper as there are defendants. (In long plaints concise statements may replace copies (58).
- (e) After the above have been complied with, write an endorsement on the plaint that it having been presented by the plaintiff (or otherwise) duly

Notes for local Officers in Civil Cases.

subscribed and verified, it is ordered that it be admitted and registered as suit No. — and that a day and hour specified are fixed for *either*—

- | | |
|--------------------------|---|
| (1) settlement of issues | } of suit, according as the case appears very complicated or otherwise. |
| or | |
| (2) final disposal | |

(f) It is the duty of the Judge to see that the Court Clerk—

1st.—Enters plaint in register of Civil suits and assigns it a consecutive number.

2nd.—Signs the memorandum of documents and copies of concise statements after comparison of them.

3rd.—Marks, after comparing the same, any documents or any book or shop-book, as well as the true copies or extracts therefrom, and attests the same if correct (62).

4.—STEPS IMPERATIVE AFTER ADMISSION OF PLAINT.

(a) Issue summons (in duplicate) on each defendant with copy of plaint (or concise statement) attached in each case (64 *et seq.*).

(b) The summons should be in form 118 (Local No. 2) if for settlement of issues, and in form 119 (Local No. 3) if for final disposal of suit (68).

(c) If any document is required to be produced by defendant, name it (70), as well as direct him to bring any on which he relies.

(d) If for final disposal, summons directs defendant to produce his own witnesses (71).

(e) For service of summons refer to sections 72 to 95.

(f) Sign no original summons until a Court-fee stamp of R1 has been attached (local Gazette No. 1 of 1880-81).

(g) Where a letter is substituted for a summons (sections 91 and 92), the same Court-fee is leviable.

(h) When defendant is a military man, see section 465, and refer to memorandum on this subject issued by Deputy Superintendent.

See also Statute 44 and 45 Vic., C. 58, Part IV, published as Supplement to Statutes relating to India, 1891.

5.—INTERMEDIATE PROCEEDINGS BEFORE HEARING.

(a) Written statements may be tendered by either party at this stage and must be placed on record (110); they must be signed and verified (115).

(b) The Court itself may now or at any time order a written statement from any of the parties to be filed within a given time (112), and may admit written statements answering these. If the party fails to present his written statement within the time ordered, the Court can give a decree against him (113).

(c) If any documents are required to be produced by either party for inspection, see section 131.

(d) If the Court considers the production of any documents desirable it can order them to be produced (130).

(e) As to documents generally refer to sections 128 to 137.

(f) Summonses for witnesses can issue on the application of parties, either for their personal attendance (159 to 163) or merely to produce documents (131; see forms Nos. 12 and 125, 4th schedule).

Notes for local Officers in Civil Cases.

But applicants must first deposit—

(1) The Court-fee stamp for each original process of R1.

(2) The travelling and other expenses of the witnesses.

As regards the latter the prevailing local rate is per diem—

For self-supporters 4 annas.

For free persons 8 „

but the Court has power to alter this rate in any special case, and to fix what it considers a sufficient sum (160) having regard to *status* of witness.

(g) When amount paid in is insufficient or the witness is required to appear for more than one day, see section 162.

For service of summonses generally, refer to Chap. XIV, sections 159 to 166.

(h) As regards attachments before judgment—

On receipt of application specifying the property asked to be attached, the Court should thoroughly satisfy itself that the defendant has the intent of obstructing or delaying execution of any decree that may follow, and that he either—

(1) is about to dispose of the whole or part of his property,

or

(2) has quitted the jurisdiction leaving property therein with this intent, and only then can it call on him to furnish security (483-4), or to show cause (form No. 160). It should examine applicant (on oath) and make any further investigation, and if the defendant fail to show cause or to furnish security an order may issue.

Where attachments are on insufficient grounds, &c., compensation may be awarded (491).

Refer to sections 483 to 491 and for form see Nos. 163-4, C. P. Code.

(i) For interlocutory orders as to property, or samples, or experiments, or inspections, refer to sections 498 to 502, form No. 166.

(j) Where payment into Court is made before suit to save costs, &c., notice must issue. See sections 376 to 379, and form No. 155.

(k) Where a witness is about to leave jurisdiction of Court before the date fixed for hearing (see section 192).

(l) For withdrawals and adjustments of suits, see 373 to 375, the latter section citing what must be recorded without fail.

6.—AT THE FIRST HEARING OF THE SUIT.

(a) Ascertain from defendant if he admits or denies the allegations of plaint.

(b) Ascertain from each party any admissions or denials as to allegations made in any written statements previously or now filed (of the opposite party). In either of the above cases record on solemn affirmation substance of examination and all admissions or denials. It is the Court conducts this examination, but it may allow either party to suggest questions. Each examination should be signed by the Judge as "Taken before me" (117 to 120).

Notes for local Officers in Civil Cases.

- (c) Enquire if the parties have ready all their documentary evidence (section 138) and receive it under section 140 with a list in each case. It cannot be produced after first hearing, section 139. In certain cases notice to produce is not necessary, section 66, Evidence Act. Failure to produce, see Act X of 1882, Chap. X.
- (d) If at the first hearing the parties are not at issue on any question of law or fact, the Court can pronounce its judgment at once (section 152), and it is not necessary to frame and record issues where the defendant makes no defence to the suit (146) or if the summons having been for final disposal either party fails on insufficient cause to produce his evidence (155).
- (e) If the parties are found to be at issue on material propositions—
 (1) of facts
 or
 (2) of law.
 proceed at once to frame and record the issue on which the right decision of the case appears to depend (146), and when issues of both kinds arise refer to the section itself.
- (f) These issues should be framed from the materials denoted in 147.
- (g) When the issues have been framed, proceed to examine the plaintiff and his witnesses, as provided in sections 179 to 193, on solemn affirmation, and next defendant and his witnesses; but only allow evidence on points relevant to these issues, and confine them to these under section 39 of Evidence Act.
- As to limiting witnesses' examination see Evidence Act, 137-8, and cross-examination, 143-6. If any other witness is desired to be examined by the Court, see 165 to 170 and 650.
- Where a witness is required to be recalled by the Court, see section 193. As to method of recording evidence, see sections 181 to 189. Where it is desired to impeach the credit of a witness, this may be done as provided in section 153, Evidence Act; but the Court should stop merely insulting questions, 151-2. As to witness refreshing his memory by notes, &c., see sections 159 to 161.
- (h) Take care that no document is placed on the record unless it has been proved or admitted (section 141), and the Judge must endorse with his own hand that it was "proved against" or "admitted by" the person against whom it is used. As also—
 (1) the number and title of the suit;
 (2) the name of person producing it;
 (3) date of its production.
- If any document is insufficiently stamped, see section 34, Act I of 1879. See also Stamp Rules at Chapter XXXVIII of this Manual.
- For the mode of proving the genuineness of a document see Evidence Act, I of 1872—
- | | Sections |
|---------------------------|----------|
| (1) by party, | 21-70 |
| (2) by attesting witness | 68 |
| (3) by experts | 45 |
| (4) comparison of writing | 73 |
| (5) admission of parties | 23 |

Notes for local Officers in Civil Cases.

- (2) All provisions regarding documents apply as far as possible to all other material objects produced as evidence (145). If the Court or any party to the suit desires to inspect the record of any previous suit in its own or any other Court, it can do so (section 137), but the admission of any document is subject to the Rules of Evidence.
- As to omissions to produce documents, see section 178, C. P. Code.
- (g) Where an exhibit after being proved or admitted is rejected as inadmissible by the Court, endorse it with the word "Rejected," sign it, and return it to producer (142).
- (h) As regards evidence admissible. In certain cases oral evidence cannot be received in respect to written contracts. As to when it may or may not be so, see sections 91 to 98; also 21, Evidence Act.
- Whenever in doubt consult the Evidence Act, I of 1872.
- Where a person is deemed to be guilty of giving false evidence, refer to sections 191-2, I. P. Code.
- Where the suit is on a promissory note, &c., examine the stamp to see that the document is properly stamped with reference to Act I of 1879, the Stamp Act, and also refer to Act XXVI of 1881, the Negotiable Instruments Act, and particularly to Chapter XIII, sections 118 to 122, as to what may be presumed until the contrary is proved; also to sections 79 and 80 as to interest.
- (i) Where the question at issue has reference to a contract, follow Act IX of 1872.
- (m) In cases affected by Hindu and Mahomedan Law or usage refer to the standard works on the subject in library of Deputy Superintendent.
- (n) As to documents that require to be registered refer to Act III of 1877, the Registration Act (see sections 17 and 49), and to recent local Gazette notification respecting pecuniary transactions between convicts or between the latter and free persons read with section 23 of Contract Act (I of 1872).
- As to effect of registered documents see section 48, Act III of 1877; those relating to property take effect against oral testimony, where possession has been delivered.
- (o) As to adjournments, see section 154, final paras. 156 to 158.
- (p) In case of non-attendance of plaintiff or defendant refer to sections 100 to 107, and of witnesses, 172 to 178.
- (q) Where set-off is pleaded, which it can only be in suits for recovery of money, note the following points:—
 (1) It must be claimed in a written statement tendered at or before the first hearing.
 (2) It must be of an ascertained sum of money legally recoverable from plaintiff.
 (3) Both parties must fill the same character as in plaintiff's suit (sections 111 and 112).
- (r) Where a compromise, &c., is come to, the nature of the agreement, compromise, or satisfaction, must be fully explained, and set forth on the record; and the Court must pass a decree in accordance therewith, so far as it relates to the suit, and such decree is final (see 375).

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Notes for local Officers in Civil Cases.

Non-suits.

Commissions.

Limitation.

Judgment to contain.

Judgment on issues.

When summons was for settlement of issues only.

Costs.

Alterations.

Costs.

Instalments.

Decree to follow judgment.

Amendment of instalments.

- (s) When plaintiff elects a non-suit, see 373.
- (t) Where it is necessary to examine complicated accounts by commission, or to make local investigations, see section 392 to 395; and to examine witnesses by commission, see Chap. 25, sections 383 to 391 (forms 156 and 157).
- (u) Where suit is barred by limitation, it *must* be dismissed even though limitation is not pleaded (section 4, Act XV of 1877).

7.—OF THE JUDGMENT.

- (a) In cases in which the parties are found not to be at issue on any material question and the Court proceeds (under section 154) to pronounce judgment at once, the following points *must* be contained in the judgment:—
- (1) A concise statement of the case.
 - (2) The points for determination.
 - (3) The decision thereon.
 - (4) The reasons for such decision.
- (b) When issues have been framed, if satisfied that no further argument or evidence than the parties can at once supply is required (on such of the issues as are sufficient for the decision of the suits), and that no injustice will proceed from proceeding with the suit forthwith, the Court, may proceed to determine the issues, and if the finding is sufficient for the decision to pronounce judgment thereon (154).

If the summons was for settlement of issues only, however, and not for final disposal, this can only be done when the parties are present and none object.

The Court *shall* record—

- (1) a concise statement of case,
- (2) its finding or decision on each separate issue,
- (3) the reasons thereof,

unless where the finding on any one or more of the issues is sufficient for the decision of the suit (204); and such judgment shall state by whom all costs are to be paid (219). No interest on costs can exceed 6 per cent. per annum (222).

- (c) Judgments must be dated and signed by Judge in open Court at time of pronouncing them, and cannot be altered or added to afterwards (except as provided in section 202).

- (d) As regards costs and rules governing them, see sections 218 to 222.

- (e) As to payment by instalments if ordered by Court at time of pronouncing judgment, see section 210.

The Court has full powers at this stage to use its discretion, but later can only allow instalments with the consent of the decree-holder.

8.—THE DECREE.

- a) This must agree with the judgment (for form see No. 127 *et seq.*), and shall specify clearly the relief granted or other determination of the suit, as well as the amount of costs and by whom they are to be paid. It must be dated the same day as the judgment; after comparison with it, it will be signed by Judge (205-6).
- (b) If at any time it proves necessary to amend the decree refer to 206.
- (c) As to payment of money by instalments, the Court can allow this *ipso motu* at the time of passing the decree and in the decree itself, but it cannot

Notes for local Officers in Civil Cases.

App. XII.

do so afterwards without the consent of the judgment-debtor (210); but where time is given see section 257a.

- (d) As to interest at a reasonable rate (to be fixed by Court) on the principal interest sum adjudged, see section 209, but costs cannot bear interest above 6 per cent. per annum (222).

- (e) After the decree is passed, if any document or shop-book has not been impounded (under section 143) and has not become void or useless by force of the decree, it may be returned to owner on application (after time for presenting appeal has elapsed) on his giving a receipt for the same (144). See Court-fees Act as to stamps required.

- (f) Having passed the decree, the Court forwards the record to the record-keeper and takes no further action until again put in motion for the execution of the decree by special application of the decree-holder under section 230.

Unless immediate execution is at the time applied for orally by the decree-holder (section 256) in decrees for less than Rs. 1,000 in which a warrant may at once issue.

9.—APPLICATIONS FOR EXECUTION OF DECREE.

- (a) These must be in writing and verified, and contain all particulars required by and specified in section 235.
- (b) When it is for attachment of moveable property not in possession of judgment-debtor himself, an inventory and reasonably accurate description of such property must be "annexed to" the application (236, and see 263).
- (c) Where there is *prima facie* doubt in the mind of the Court respecting real ownership of property of which attachment is sought for on the motion of the decree-holder, the Court can issue a summons first (267).
- (d) As to articles which are and are not liable to attachment, refer to section 266.
- (e) As to applications by transfers of decrees see 232 and 233.
- The Court which passed a decree can, on decree-holder's application, send it to another Court for execution (223 and 224).
- (g) If application is "admitted," the fact shall be entered in the register of suits and execution ordered (245), but the value of property of which attachment is sanctioned shall as nearly as may be correspond with the amount of decree.

- (h) The Court shall then issue its warrant dated, signed, and sealed, with a date fixed, before which it must be executed.

For Court-fee stamp thereon see Gazette, No. 1 of 1880-81, value Rs. 1.

1. If for moveable property in defendant's own possession see form No. 136.
 2. If for moveable property in possession of another person, form No. 138.
 3. If money in hands of Government officials, section 272, form No. 142.
- For salary of public officers, &c., see section 268.
- (i) Where decree is declaratory only (as in suits for restitution of conjugal rights), see sections 259 and 260.

A wife can only be imprisoned in a civil jail or her property attached. No local civil jail has yet been established.

In all references as to execution of decrees refer to Chapter XIX

Mode of attachment.

- (j) If property is moveable property in the possession of the judgment-debtor himself, attachment is made by actual seizure (between sunrise and sunset), and the attaching officer *must* keep the property in his own custody or that of one of his subordinates. Court charges for man in possession are 4 annas per diem. But where the expense of custody will exceed value, it may be sold at once (269).

In the case of a negotiable instrument also (not in Court or custody of public officer) actual seizure is allowed, 270.

Mode of attachment of property not in possession.

- (k) If property is not in possession of judgment-debtor the attachment is ordinarily by written prohibitory order only (Section 268); a copy of every such order must be fixed up in the Court-house in a conspicuous place, as well as served on the person affected.

Other decrees.

For attachment of other decrees see 273.

Immoveable property.

- (l) For attachment of immoveable property see 274. A prohibitory order is needed, and a proclamation by beat of drum, two copies of the order being fixed up—one in the Court-house and one on the property.

Alienation.

- (m) When an attachment has once been made, any alienation or other disposal of the property is absolutely void (see section 276.)

Fraudulent removals, &c.

- (n) For fraudulent removal of property or concealment to evade decree, see Indian Penal Code, 206 and 207, and also for fraudulent claims. For frauds against creditors see 421 to 424, Indian Penal Code, and for using such as genuine see 471.

10.—FROM ATTACHMENT TO SALE.

Resistance.

- (a) Where resistance is offered to execution, see sections 328 to 335.

Payment into Court.

- (b) If the amount decreed with costs and all charges and expenses of attachment be paid into Court, or if satisfaction of decree be made through the Court or if decree so set aside or reversed, an order shall be issued (on application) for the withdrawal of attachment (275).

Objections to attachment.

- (c) When objections are made to attachment of any property, or claims are preferred thereto, the Court *must* investigate them (unless it considers that they were designedly or unnecessarily delayed), 278, and it is bound to hear all parties and the claimant or objector must adduce his evidence, 279. For forms of notice, see No. 144, schedule 4.

Orders on objections proved.

- (d) If it is established to satisfaction of the Court after such investigation that the property is not liable to such attachment, such property shall be released therefrom (280).

If not proved.

- (e) If not so satisfied the Court shall disallow the claim and the attachment will continue in force (281).

If deemed subject to a mortgage or lien only, section 282.

Suits for declaration decrees.

- (f) The party affected by such disallowance may then, notwithstanding such, institute a regular suit to establish his right (283), but this will not necessarily delay or debar proceedings for sale.

Several attachments, same property.

- (g) Where more Courts than one have attached the same property, see 285.

11.—SALES.

Date of sales.

- (a) When it is desired to sell attached property, a proclamation shall issue of public auction of the same, on a date not less than fully 15 entire days,

in the case of moveable property, or 30 days in that of immoveable, calculated from the date of fixing up the proclamation in the Judge's Court-house (292):

Provided that the judgment-debtor can by tendering his consent *in writing* allow this term to be reduced.

See, however, section 269 as to property subject to decay or not worth costs of custody. Immediate sale

A Court-fee stamp of Rs 1 is required for warrant.

For form of warrant see section 145.

Warrants and proclamations.

- (b) The proclamation shall specify all the particulars noted in section 287.

- (c) It shall be made by beat of drum (or other customary mode) on the spot where the property is attached, and a copy of the proclamation shall be fixed up—

(1) at the Court-house,

(2) in a conspicuous place near the property,

and a copy may, if considered necessary, be published in the local Gazette (289).

- (d) The Court may for any reason adjourn a sale, or the officer conducting it may do so for any sufficient reason (to be recorded), but if for more than 7 days a fresh proclamation must issue (291) unless judgment-debtor waives this (291). Adjournments.

- (e) If at any sale before the lot is knocked down full adjustment of the decree is made, including all costs, the sale will be stopped (291). Prior satisfaction.

- (f) The price of the lots must be paid for at the time of sale, or so soon after as the officer holding the sale directs. Payments for purchase.

The officer receiving the purchase-money shall grant a receipt, on which the sale becomes absolute (297).

- (g) If there is a default of payment the property must be forthwith put up again and sold (297), and the deficiency of price, if any, on the re-sale and all expenses attending the same can be recovered from the defaulter (section 293). Default.

- (h) For general rules as to all sales, see sections 285 to 295.

Rules.

For moveable property, 296 to 303.

For immoveable property, 304 to 335.

- (i) As to delivery of property not actually seized by or in possession of bailiff after sale, see forms Nos. 146 to 151. Delivery of possession.

12.—MISCELLANEOUS.

- (a) Certified copies of the judgment and decree must be given if asked for, section 219. Copies.

- (b) As to staying and executing decrees which are under appeal, see sections 545 to 547. Staying execution.

- (c) When notice under section 550 is received from the Appellate Court that an appeal has been preferred, dispatch at once to the Appellate Court all material papers. Procedure on appeal.

- (d) If any party to the suit requires copies of any of the documents in the case, grant them on payment (section 550). Copies of documents.

App. XII.

Notes for local Officers in Civil Cases.

- Remands. (e) If a case is *remanded* under section 562, conduct proceedings strictly in accordance with terms of order of Appellate Court (section 563).
- References. (f) When under section 566 the case is merely *referred back* for trial of certain issues, keep solely to these, as the Lower Court is *functus officio* as to all else.
- Appellate decrees. (g) When the copy of judgment and decree of an Appellate Court is received under section 581, attach it to record of suit and denote result in Register of Civil Suits.
- Appellate decrees. (h) The decree of the Appellate Court takes the place of the decree of the Lower Court, and the Lower Court is required to execute it exactly as if it were its own decree (section 583).

Index to Acts and Regulations.

App. XIII.

APPENDIX XIII.

Index to Acts and Regulations of frequent reference at the Andaman and Nicobar Islands.

	No. of Act.	Year.		No. of Act.	Year.
CRIMINAL.			GENERAL.		
Arms	XI	1873	Census	12	1880
Cattle Trespass	18	1877	Christian Marriage	15	1871
Criminal Procedure *	X	1882	Destruction of Records	3	1879
Explosives	4	1894	Forests	7	1878
Evidence	1	1872	General Clauses	1	1878
Law Reports	18	1875	Land Improvement Loans	19	1883
Oaths and Affirmations	N	1877	Legal Practitioners	16	1879
Opium	XXIII	1875	Marriage	2	1872
Penal Code	45	1860	Marriage, Hindu Widows*	15	1856
Police *	27	1870	Municipal Taxation	XI	1881
Prisoners	10	1872	Obstructions in Fairways	16	1881
Reformatories	5	1876	Post Office	14	1866
State Prisoners	34	1850	Power-of-Attorney	7	1872
Whipping *	6	1851	Registration	12	1879
Regulations { Regulation	1	1876	Religious Society	1	1870
Ditto	5	1878	Repealing Act	13	1876
CIVIL.			Savings Banks	5	1873
Administrator General	2	1874	Scheduled Districts *	11	1874
Civil Procedure *	9	1881	Tariff	XI	1882
Contract	14	1872	Tacca (N. India) *	10	1879
Court Fees	7	1870	Telegraphs	15	1875
District Delegates	20	1870	Volunteers	10	1867
Limitation	13	1877	MILITARY.		
Majority	8	1830	Articles of War	5	1839
Married Women's Property	9	1875	Cantonments	5	1870
Negotiable Instruments	26	1881	Military Courts of Requests	2	1854
Official Trustees	17	1884	Native Soldiers	5	1875
Probate and Administration	15	1877	Purchasing Arms	7	1867
Probate and Administration*	2	1877	MARINE.		
Stamps	1	1879	Carrying Passengers by Sea	3	1880
Succession	10	1855	Coast Lights*	5	1879
Transfer of Property	4	1882	Merchant Seamen	10	1874
	5	1885	Merchant Shipping	5	1883
			Native Passenger Ships	17	1885
			Ports and Port Dues*	17	1883
			Sea Customs*	8	1878

* The Acts marked thus * have been specially declared in force or extended to the Andaman and Nicobar Islands. See Chapter XXV of Manual, Section 554.

The 27th July 1885.

APPENDIX XIV.

Rules to be observed at all Stations in the Andaman and Nicobar Settlement during Rinderpest.

The following general rules are required to be observed at all stations during rinderpest:—

- (1) The early symptoms of this disease are great dulness; the animal stands with its head drooping and coat staring; cows lose their milk gradually; the urine becomes scanty and bowels costive; rumination is suspended, but the animal will eat food offered to it; this stage continues from 48 hours to 4 days, and is succeeded by the feverish stage, in which the body is warm, pulse weak, animal refuses food, has great thirst, running at the nose and eyes, slobbering at the mouth, great debility, urine scanty and high-coloured, diarrhoea sets in, purgings very offensive, rumination completely suspended, the skin becomes rough by the elevation of the hair, &c.
- (2) On a report being made to the District Officer that any animal within the limits of his district is affected, he shall at once proceed accompanied by two or three of the most experienced men in his district, and inspect the animal; should the disease appear to be "Rinderpest," or should the case be doubtful, the sound cattle living in the same shed should forthwith be picketed out in a selected spot at least 300 yards from the village.
- (3) Two or more parawalas to be placed in charge of this spot, for the perfect cleanliness of which they will be held responsible. The picketed cattle are not to be allowed to graze, but must be fed by the parawalas in charge, the owners providing the necessary fodder, and putting it down at a distance of at least 30 yards from the spot where the cattle are picketed. No one will be permitted to approach these cattle except the parawalas.
- (4) In the Southern District, all animals suffering from "Rinderpest" to be forthwith forwarded by the coast road to Old Haddo, where they will be treated in the Government shed; at other stations, arrangements should be made for their perfect isolation.
- (5) In cases where the disease makes its appearance, the sound cattle will not be permitted to re-enter their stalls until three weeks after the removal of the infected animals, and after the thorough disinfection of the stalls. In doubtful cases, should it subsequently appear that the suspected animals are not suffering from "Rinderpest," the sound cattle may be permitted to return to their stalls; but in all such cases an interval of at least ten days' segregation by picketing must be allowed to elapse before the cattle are permitted to return to their stalls.
- (6) Stalls which have been occupied by infected cattle to be carefully disinfected under the personal inspection of heads of stations as follows:—
Flooring to be dug up, and fresh earth put for flooring.

Rules to be observed during Rinderpest.

Interior and exterior of stalls to be lime-washed, and posts tarred for four feet from the ground. All dung, offal, and rubbish in or near the infected stall to be buried; all straw, litter, mates, hay, ropes, bamboos, &c., in or belonging to the infected stalls to be buried.

Owners of infected stalls should be made to fumigate their stalls with sulphur before their re-occupation by cattle is allowed.

The cloths of all those who have been in attendance on infected cattle should be boiled or destroyed.

APPENDIX XV.

Revised Rules for the care and use of Government Cemeteries throughout India.

(G. I. Notification No. 103, 20th June 1885.)

No. 103 (Ecclesiastical), dated 20th June 1885.

Notification by the Government of India, Home Department.

The following revised rules (1) for the care and use of Government cemeteries throughout India, except those in the Presidency Town of the Diocese of Calcutta; (2) for the levy and expenditure of fees on graves and monuments in cemeteries and churches throughout India; (3) for the levy of other ecclesiastical fees; and (4) for regulating grants for the building of churches, compensation for accommodation for soldiers in chapels neither belonging to, nor rented by, Government, and for the supply of church furniture, are published for general information and guidance:—

I.

Rules for the care and use of Government Cemeteries throughout India, except those in the Presidency Town of the Diocese of Calcutta.

CHARGE OF THE CEMETERY.

RULE I.—(1) The Resident Chaplain of a station has charge of the general cemetery and frames an estimate of the expenditure connected therewith in accordance with the directions contained in paragraph 1, Home Department Resolution * No. 6—370-382, dated 9th November 1876.

* Appendix A.

(2) The term "Resident Chaplain" includes a Clergyman of the Additional Clergy Society so far as concerns the stations to which he stands appointed, or other Clergyman of the Church of England placed in charge by the Bishop.

(3) During the temporary absence of the Chaplain, and at stations where there is no Resident Chaplain, the charge of the cemetery belongs to the Chief Magistrate on the spot, or the senior Military Officer if the cemetery is attached to a military cantonment.

(4) At out-stations where there is a Church Committee, the charge of the cemetery will belong to the senior member of Committee, and where there is no such Committee, to any subordinate officer nominated by the Magistrate or Deputy Commissioner of the district.

RULE II.—Each cemetery is allowed a mali-chowkidar or chowkidars in accordance with the scale prescribed in paragraph 2, Home Department Resolution † No. 6—370-382, dated 9th November 1876. These chowkidars are paid by Government through the Resident Chaplain by whom they are appointed and dismissed. In stations where there is

† Appendix A.

no Resident Chaplain, the chowkidars are paid, appointed, and dismissed by the other officers named in Rule I.

RULE III. Every reasonable effort should be made by the Resident Chaplain or other officer in charge under Rule I, not only to keep the cemetery in decent order, but to preserve its character as the resting-place of the remains of departed friends by providing for the necessary repairs and by planting the ground with suitable trees.

NOTE.—To meet the expenditure under this Rule, see Rule I, and paragraph 1 of Home Department Resolution * No. 6—370-382, dated 9th November 1876.

* Appendix A.

RULE IV.—The chowkidar will keep the key of the cemetery under the direction of the officer in charge.

RULE V.—The officer who has charge of the cemetery under the operation of Rule I will perform all the duties assigned to the Chaplain by Rules VII, VIII, IX, X, and XI, with the exception of the approval of the inscriptions in that part of the cemetery reserved for the Church of England. These are to be forwarded to the visiting Chaplain, or, if there be none, to the Archdeacon, and not cut till his sanction be obtained. Should an inscription be disapproved, it may be referred, if those interested desire this, to the Government for decision.

INTERMENTS BY WHOM TO BE CONDUCTED.

RULE VI.—(1) The Chaplain will bury Christians of all denominations whose friends desire his services, as laid down in the orders of the Government of India, Home Department, † No. 159, dated the 6th June 1877, using always the service of the Church of England, and the consecrated portion of the cemetery.

† Appendix B.

(2) A portion of every cemetery will be set apart by the orders of Government for the use of Roman Catholic congregations, and another portion will be appropriated for the joint use of other Christians whose friends desire that they should be interred otherwise than according to the ritual of either the Church of England or of the Church of Rome, or who cannot legally be so interred.

(3) The unconsecrated portions thus set apart are not to be fenced or walled off from the rest of the cemetery, but simply divided off by a pathway, and they must be added to the existing cemetery or reserved from it. If the existing cemetery be large enough for the wants of the whole Christian community, such portions will be reserved without reference to the fact that the whole enclosure has, or has not, been consecrated according to the rites of the Church of England. If the cemetery be only large enough for the wants of Christians desiring to be buried with the service of the Church of England, such portions will be added. The whole cemetery thus divided is to be surrounded by a wall, to have but one gate of entrance, and to be under the care of the officer specified in Rule I.

RULE VII.—(1) Ministers of all denominations have a right to conduct the service of burial over the body of any deceased member of their respective congregations who may be buried in any fitting portion of the ground set apart for the denomination to which the deceased belonged. At least six hours' previous notice of the burial should be given to the Chaplain in charge of the burial ground, or, in the absence of the Chaplain, to the officer who may be in actual charge. The period herein prescribed may, for special reasons, be shortened with the permission of the Chaplain or officer in charge of the cemetery. Such Chaplain or officer will,

if he thinks the circumstances of the case demand it, bring the facts to the notice of the local magisterial authorities in time to admit of an order stopping the burial being passed if necessary.

(2) A certificate of burial drawn up according to the required form must be sent to the Chaplain or to the Registrar of Births, Marriages, and Deaths, to be entered in the register kept up by him.

RULE VIII.—(1) No burial can, as a general rule, take place in that part of a Government cemetery which has been set apart for the use of members of the Church of England, unless the service prescribed by that Church is read by the Chaplain, if there be one, or, in his absence, by the layman who officiates at the funeral. But a person may be interred in the other portions of a Government cemetery with or without the use of any services of religion.

(2) Where in that part of a Government cemetery which has been set apart for the use of members of the Church of England there is a family vault or grave, or a reserved plot of ground purchased by a member of the family, or a masonry grave, prepared in immediate contiguity to such family vault or grave, or reserved plot, any deceased member of a family may, if the relative, friend, or legal representative having charge of the funeral arrangements shall so desire, be interred in such family vault, grave, or reserved plot without the performance of the service for the burial of the dead according to the rites of the Church of England.

(3) The burial may take place at the option of the person having charge of the same either without any religious service or with such Christian and orderly religious service at the grave as such person shall think fit; and any person or persons who shall be thereunto invited, or be authorised by the person having charge of such burial, may conduct such service or take part in any religious act thereat.

(4) Notice of any burial which it is intended to conduct under the provisions of clauses (2) and (3) shall be given to the Chaplain or other officer in charge of the burial-ground in the manner prescribed by Rule VII.

ARRANGEMENTS FOR BURYING.

RULE IX.—The arrangements for making the necessary preparations for digging graves, preparing coffins, and the like, will rest in military stations upon the senior military officer, and in civil stations upon the chief local Magistrate. These officers are authorised to direct any local Public Works officer to supply all that is necessary. The local Public Works officers would usually be the Executive Engineer of Military Works in military stations and the Civil Executive Engineer in other stations. The expenditure incurred by the Executive Engineer will be held in his miscellaneous advance account until repaid by the officer authorising the expenditure. But in the cases of necessity or emergency, either officer may be called upon to do what is required.

RULE X.—The officer in charge of the cemetery shall keep a plan of the entire cemetery to be provided by the Public Works Department, with references written upon it, in a book, in which the names of parties interred are recorded; this plan and book being kept with church registers.

NOTE.—The Executive Engineer prepares a plan of the cemetery showing on it all the existing graves and the space allotted for future graves, and giving them all consecutive numbers.

RULE X-A.—The officer in charge of the cemetery may reserve grave space, as limited by Rule XI below, on the application of near relatives of persons already buried in the cemetery, and for the burial of the persons named in the application. A double ground-fee shall be levied in advance before granting any such application, and each grant shall be registered in a book to be kept for the purpose and indicated on the plan. The ground will then be reserved for ten years. Before the expiry of that period, a fresh application should be made and a further double fee paid; failing which the ground will be resumed.

RULE XI.—The size of each grave, whether of masonry or not, is limited to 9' x 4', and the area of ground to be enclosed must not exceed 11' x 7' by external measurement.

RULE XII.—(1) All graves must be at least 6 feet in depth.

(2) No body shall be buried in any vault or masonry grave which it is intended at any after time within 14 years to re-open unless the coffin be separately entombed in an air-tight manner by properly-cemented stone or brick work, which shall never be disturbed.

(3) One body only shall be buried in a grave at one time, unless the bodies be those of members of the same family.

(4) No non-masonry grave or masonry grave unprovided with the separate air-tight compartment prescribed in clause (2) shall be re-opened within 14 years after the burial of a person above 12 years of age, or within 8 years after the burial of a child under 12 years of age, unless to bury another member of the same family, in which cases a layer of earth not less than one foot thick shall be left undisturbed over the previously buried coffin. If on re-opening the grave any soil is found to be offensive, such soil shall be left undisturbed.

(5) There shall never be less than 3 feet of earth between the topmost coffin in a grave and the surface of the ground.

ERECTION AND REPAIR OF MONUMENTS.

RULE XIII.—Monuments may be erected by any interested person. The inscription before being cut, and the design when the monument is other than a simple headstone, must be first approved of as laid down in Rule V.

RULE XIV.—When a grave is not of masonry throughout, the only monument ordinarily allowed over it is a simple cross or headstone on an adequate masonry foundation not exceeding 3' x 2'; and the whole structure must not stand higher than 3' 6" from the ground-level. But with the permission of the officer in charge of the cemetery a monument, such as may be erected over a masonry grave, may be placed over a non-masonry grave when adequate masonry foundations are provided on which the monument may rest.

RULE XV.—No monument, of whatever material constructed, shall exceed 8' x 4' at the base without the previous sanction of the Local Government.

RULE XVI.—No monument of masonry shall stand higher than 3 feet from the ground-level.

RULE XVII.—No cenotaph shall be more than 6 feet square at the base.

RULE XVIII.—The enclosure of ground round a grave must be by a metal railing, or by chains or bars of metal supported on masonry or metal pillars. Wooden or masonry enclosures are not permitted. The previous sanction of the

Archdeacon, or, in his absence, of the Bishop, is necessary to the enclosure of a non-masonry grave; and no such sanction will be given unless the same fees are paid as for the construction of a masonry grave.

RULE XIX.—When a monument needs repairing, the officer in charge of the cemetery should communicate with the friends of the deceased, or, when such communication is not possible, advertise three times in the *Gazette of India* and the *Gazette of the Province*; and if it falls into a ruinous condition and no person will undertake to restore it, the ruined monument shall be made level with the ground during the next repairs, and any slab it contained will be placed over the grave in simple masonry, or be inserted in the wall of the cemetery.

NOTE.—(1) This rule does not apply to monuments of historical or archaeological interest. Lists of such tombs should be obtained by Local Governments and Administrations, and as many of them as may be properly preserved at the public expense should be looked after by the Local Public Works Department.

(2) The cost of the advertisements in the *Gazette* is met by the Government.

(3) In the Bombay Presidency a person, other than a British soldier or a non-commissioned officer, desiring to erect a monument over a grave, is required to pay into the treasury a sufficient sum of money to be invested in Government securities, so that the interest on it will be sufficient to cover the cost of repairs annually. A British soldier or a non-commissioned officer is not compelled to make a deposit; but in the event of money for repairs not being forthcoming, Rule XIX is held to apply.

RULE XX.—All work connected with monuments must, as far as possible, be carried on outside the cemetery, and any undertaker not removing the debris of his work immediately upon its completion is liable to a fine of Rs. 5.

INSPECTION.

RULE XXI.—The cemetery should be inspected once in a half-year by the Chaplain in company with the Executive Engineer, the plan and book kept under Rule X being also examined, and a report made to the Archdeacon and recorded in the Ecclesiastical record-book of the station, and also in the Engineer's office.

RULE XXII.—(1) Commissioners of divisions should inspect cemeteries, whether closed or in use, within their respective jurisdictions, in the course of their annual tours, and should bring to the notice of the Local Government any instances of cemeteries which are negligently kept, or which the officers in charge may have allowed to fall into a state of bad repair or disorder. All cemeteries are equally subject to the visitation and supervision of the Bishop and Archdeacon.

(2) Sanitary officers in cantonments are invited to inspect cemeteries within their respective cantonments, and to report to Local Governments any matter calling for notice.

MISCELLANEOUS.

RULE XXIII.—It is desirable that officers commanding regiments or detachments should be instructed to cause a report to be made to the nearest civil officer of graves dug for soldiers on march, that measures may be taken for their effectual protection and preservation. These graves and all scattered Christian graves throughout the district are under the care of the local civil authorities.

RULE XXIV.—The above rules do not apply to Presidency cemeteries, which are regulated by special rules.

II.

Rules regarding Fees in Cemeteries and Churches throughout India.

RULE I.—The following are the rates of fee chargeable:—

	R	a.	p.
(1) For every square foot of ground occupied by grave	0	8	0

NOTE.—This fee is independent of the actual charge for making a grave.

(2) For a masonry monument, per square foot	1	0	0
(3) For a cut stone or marble monument, per square foot	0	8	0
Provided that no fee under (2) or (3) shall be less than	5	0	0
(4) Additional fee when a cut stone or marble monument stands higher than 3 feet from the ground-level	16	0	0
(5) For a headstone or cross over a non-masonry grave	5	0	0
(6) For a faculty for the erection of a monument in a church	75	0	0

NOTES.—(1) A tablet on the wall of a cemetery shall be regarded as a monument.

(2) The term "stone or marble" does not include "slate."

(3) The fee of Rs. 75 levied on a faculty is in all cases to be spent in charity.

(7) For a cenotaph, in addition to the ground fee, a special fee of 50 0 0

RULE II.—Fees are leviable over the whole cemetery, including those portions which are used by Roman Catholics and Nonconformists.

NOTES.—(1) The same rules in regard to fees apply to all graves, whether of Roman Catholic, of Nonconformists, or members of the Established Church.

(2) Where a parcel of ground used for burial by a Christian community of any particular denomination other than the Established Church of England forms no part of the general cemetery but is separate from it, or where, although not so separate, it is clearly distinguishable and was not originally acquired, and has not been kept up at the expense of the State, then, if the community by which the ground is used so desire, the Government will give up all claim to fees, on the distinct understanding that it is divested of all responsibility for the maintenance of the cemetery in proper order. On the other hand, where such parcels of ground form part of a cemetery of the Established Church or of the general Christian community, provided and maintained by the Government, no distinction can be made as to keeping up any one part of the cemetery, nor should any exemption from fees be permitted.

EXEMPTION FROM FEES IN GOVERNMENT CEMETERIES.

RULE III.—British soldiers and non-commissioned officers are exempted with retrospective effect from the payment of any fee for the construction of graves, or for the erection of monuments in burial-grounds to the memory of their comrades, wives, or children; but not from the fees prescribed under Rule I, (6) and (7). The widows and children of British soldiers and non-commissioned officers are also exempted from payment of the former class of fees in the case of their deceased husbands and parents. No monument, either regimental or private, shall exceed the dimensions prescribed in Part I of these rules.

NOTES.—(1) This rule is applicable to British soldiers and non-commissioned officers whether in military or civil employ.

Revised Rules for Government Cemeteries.

- (2) Monuments erected under this rule subscribed for partly by non-commissioned officers and men, and partly by officers, are likewise exempted from the prescribed fee.
- (3) Warrant officers and volunteers are not exempted from payment of ecclesiastical fees.

RULE IV.—The Chunar pensioners being more or less under military control come under the category of soldiers, and are therefore entitled to the same exemptions as soldiers. But this ruling does not apply to other pensioners who are not similarly under military control.

RULE V.—The Chaplain may at his discretion reduce, or in cases of extreme poverty altogether remit, the fee leviable on the construction of graves, but not for the erection of monuments.

NOTE.—The Bishop on special occasions may sanction a reduction or remission of fees for the erection of monuments.

FEES BY WHOM TO BE COLLECTED.

RULE VI.—In those stations in which a mason has been appointed, who alone is allowed to work within the cemetery, he is required, in exchange for the monopoly, to collect the fees on monuments and masonry graves and pay them to the Chaplain; and any person ordering the construction of a masonry grave or monument by a mason or undertaker other than the person appointed by the Chaplain must pay the fees in advance.

NOTE.—Fees on masonry graves and monuments constructed by the appointed mason or undertaker need not be paid in advance, but in case of failure of payment, their recovery must be entrusted by the Chaplain to the Magistrate or Deputy Commissioner as the case may be.

FEES TO WHOM TO BE PAID.

RULE VII.—The fees prescribed in Rule I should be paid to the Chaplain, or, in the absence of the Chaplain, to the officer in charge of the cemetery, and remitted at once to the civil treasury, except fees for monuments in churches, which should be paid over by the Chaplain to the charitable objects to which the Bishop assigns them when his faculty is issued.

CEMETERY RECEIPTS AND CHARGES.

RULE VIII.—All cemetery receipts and charges are to be regulated as laid down in paragraph 4 of Home Department Resolution* No. 6—370-382, dated the 9th November 1876.

* Appendix A.

MISCELLANEOUS.

RULE IX.—(1) A person may not purchase a portion of a Government cemetery as a burial-place for himself and his family so as to have a right to fence it with a rail or fence, and thus make it the private property of himself and family. But when such rights already exist, they are not without reason to be interfered with, and special cases as they arise may require exceptional treatment. In such special cases the Archdeacon may exercise his discretion with the sanction of the Local Government.

(2) All private rights must, however, cease if, for sanitary or other public reasons, the cemetery is closed against burials, or even that portion of it in which the private ground is situated; but in special cases the Archdeacon may exercise his discretion of giving permission to open a vault or masonry grave.

Revised Rules for Government Cemeteries.

(3) No cutcha grave can be opened in any cemetery for the purpose of converting it into a masonry grave without application to the Archdeacon, which must be accompanied by a certificate from the Principal Medical Officer that this may be done without risk to public health.

RULE X.—(1) When a piece of ground is granted by Government as a cemetery to a Railway Company for the interment of its own servants, which afterwards keeps it in repair and provides the necessary establishment, so that beyond the original grant of ground Government is at no expense, the collection and application of fees accruing are left to the decision of the Railway Company which maintains the cemetery in good order and repair.

(2) The Commissioner or District or Judicial Officer, and in military stations the Officer Commanding, should inspect such cemeteries and report to Government if they find them negligently kept.

III.

Other Ecclesiastical Fees.

RULE I.—No fees are charged for the performance of the rite of baptism or burial, or for the registration of the performance of these offices.

RULE II.—In addition to the fee for the Surrogate's license, a fee of *Rio* shall be charged on all marriages by license, except the marriages of officers and others in the Military or Naval Service of Her Majesty.

RULE III.—The fee for a Surrogate's license shall be *R50* both at the Presidency Towns and in the interior. No fee shall be charged on marriages by banns.

RULE IV.*—When registers are searched and a copy of any entry given, a fee of one rupee shall be charged for the first year,† and four annas for every additional year over which the search may extend; as well as a fee of one rupee for the certificate. Soldiers, sailors, and non-commissioned and petty officers are exempted from payment.

NOTES.—(1) The amount of fees payable for marriages performed, and for searching registers kept in accordance with the provisions of Act XV of 1872 (The Indian Christian Marriage Act), is fixed by each Local Government.

(2) The Chaplain may, at his discretion, reduce or altogether remit in cases of extreme poverty the fee for searching registers.

* Extracts from Government of India, Finance Department, Notification No. 1503, dated the 9th June 1882.

Whereas copies or extracts certified to be true copies or extracts of baptismal, marriage, and burial certificates granted by Ministers and Marriage Registrars, are generally furnished on printed forms for which impressed sheets of stamp paper cannot be used without inconvenience; therefore in exercise of the power conferred by Section 9 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following rule:—

The stamp duty payable under Article 22 of schedule 1 of the Indian Stamp Act, 1879, on copies or extracts certified to be true copies or extract of baptismal, marriage, and burial certificates, shall be denoted by means of adhesive court-fee labels.

2. The officer issuing the certificate shall cancel the adhesive court-fee label affixed thereto by writing his name across it; and His Excellency in council considers it desirable that a statement signed by the officer issuing the certificate should be made thereon, showing the grounds on which such certificate is issued without the payment of stamp duty.

*Extract from Proceedings of the Government of India in the Home Department,—
Nos. 2275 to 2287 (Ecclesiastical), dated Simla, the 8th September 1875.*

Read the undermentioned correspondence relative to a proposed revision of the rules at present in force for the guidance of Chaplains of the Church of England in regard to the burial of such persons as have laid violent hands upon themselves; and of those who having been members of the Roman Catholic Church, have been refused burial by the Priests of that Church—

From Government of Fort St. George, No. 142, dated 12th June 1874, and No. 203, dated 28th August 1874.

To Solicitor to Government, No. 327, dated 22nd September 1874.

From ditto ditto, No. 2316, dated 26th September 1874.

From the Lord Bishop of Calcutta, dated 13th January 1875.

RESOLUTION.—The first question was raised by the refusal of the Reverend C. H. Deane, Chaplain of Bangalore, to read the funeral service over a person who was found by a Court of Inquest to have committed suicide while in a state of temporary insanity.

2. The subjoined letter* from the Reverend C. H. Deane sets forth the ground

* To Mr. Knox, dated 2nd of his refusal:—
January 1874.

"When I answered your memorandum about the interment of the remains of the late Sergeant Spiers, of the 18th Hussars, I was not aware that he had committed suicide. If, as I understand, there is no doubt that he poisoned himself, I regret to say that I shall not be able to officiate at his funeral. The Rubric before the burial service distinctly forbids it to be used for any that 'have laid violent hands upon themselves,' so that I have no option in the matter. The grave will be ready at 5 P.M., but no service can be used."

† To the Acting Chief Secretary to the Government of Fort St. George, No. 483, dated 24th March 1874.

3. The view taken of the question by the Right Reverend the Bishop of Madras is stated in the subjoined letter †:—

"I am directed by the Right Reverend the Bishop of Madras to acknowledge your communication of the 17th ultimo, forwarding copy of a letter from the Deputy Adjutant General, transmitting correspondence relative to the Reverend C. H. Deane's refusal to read the funeral service over the late Sergeant Spiers, 18th Hussars, who committed suicide.

"2. In reply, I am desired to state that Mr. Deane seems to have been requested to perform the funeral without having been furnished with the customary death-report, or any intimation that it was a case of suicide.

"3. The Coroner's warrant in itself appears to be 'no more than a certificate that the body is not demanded by the law, and that therefore the relations may dispose of it as they please.'—(Wheatley on the Book of Common Prayer.) It does not, therefore, indicate the duty of a clergymen, or place him under legal obligation to give to a body Christian burial.

"4. In keeping with this view, the Government Notification in *Fort St. George Gazette*, June 11th, 1850, page 623, when it intimates that 'the Reverend Chaplains will in future consider the warrant of the Coroner for the interment of a body on which an inquest has been held to be a sufficient authority for their performance of the burial service over it,' adds, 'if it would be their duty, under ordinary circumstances, to perform that service.'

"5. What is the duty of a Clergyman when requested to bury a person who has committed suicide is to be ascertained partly from the Rubrics of our Church,

which are binding upon the Clergy and have the force of law; and partly from the limitations of recognised legal commentators.

"6. The Rubric at the opening of 'the Order for the Burial of the dead,' forbids a Clergyman 'to use that service for any that have laid violent hands upon themselves.'

"7. In Burn's 'Ecclesiastical Law' it is laid down: 'Of this sort [suicide] are to be understood not all who have procured death unto themselves, but who have done it voluntarily, and consequently have died in the commission of a mortal sin; and not idiots, lunatics, or persons otherwise of insane mind.'

"8. In the same book it is also stated that 'the proper judges whether persons who died of their own hands were out of their senses are doubtless the Coroner's jury.'

"9. In the case under consideration it appears that the Reverend Mr. Deane, having regard only to the Rubric and *foro conscientie* accounting himself responsible for the interpretation of it, refused to bury the corpse even when he knew that the Coroner's jury had returned a verdict of 'temporary insanity.'

"10. In this refusal, I am instructed to state that Mr. Deane has not, so far as the Bishop can ascertain, violated any law, but he has departed from a recognised custom in not accepting the verdict of the Coroner's jury as a justification for the using of the Church's Service over the remains of Sergeant Spiers.

"11. Mr. Cripps, in his 'Practical Treatise on the law relating to the Church and the Clergy' [Ed. 1869],* states: 'No case appears ever to have occurred in which a clergyman who has refused to bury the corpse of one who has committed suicide in insanity has been punished by the Ecclesiastical Law.' At the same time he adds: 'It must be doubtful whether a departure from a custom of such acknowledged propriety would not be visited with ecclesiastical punishment.'

"12. In the absence of any Court competent to visit with ecclesiastical punishment, the Bishop desires me to point out that it is very painful to a laborious and conscientious clergymen, such as Mr. Deane is, to deny the last offices of the Church to one who has been under his spiritual charge, and it must, the Bishop thinks, be allowed that there was much in the circumstances of the present case to support the conclusion at which Mr. Deane arrived. I am therefore directed to say that His Lordship is disposed to take a lenient view of Mr. Deane's action, and the more so as those who are endeavouring to check the prevalence of intemperance in the army can ill afford to lose any aid which a Clergyman in the honest discharge of his duty can lawfully render."

4. The Government of Madras referred the whole correspondence for the information and orders of the Government of India.

5. The following brief statement of the English law will be found sufficient for the present purpose: By Common Law, Christian persons are entitled to burial with the rites of the Church. The Statutes passed from time to time for the uniformity of public worship have proceeded upon, though not expressly dealing with, this state of things. The 68th of the Canons of 1603 recognises it, and enjoins the Clergy to act upon it. In that Canon occurs the exception of persons excommunicated for some grievous and notorious crime, and of whose repentance no testimony could be given. The Canons of 1603 are no part of the Statute Law, and it is only in a qualified sense that they are part of the law at all. But this

Canon has been taken as truly expressing the ancient Common Law of the Church. The Books of Common Prayer have been embodied into the Statute Law by the various Acts of Uniformity, and Rubrics are authoritative guides when they speak on the question when the services are or are not to be used.

6. Down to the year 1661 there was no Rubric forbidding the performance of the Burial Service over any persons except persons excommunicated. The Rubric now in force was framed in the year 1661, and received the force of law from the Uniformity Act of 1662. It prescribes that "the office is not to be used for persons unbaptised or excommunicated, or who have laid violent hands on themselves."

7. The question now is whether the expression "have laid violent hands on themselves" includes all who have committed the overt act of suicide, or only those who have done so deliberately, being in their sound senses and in a state in which moral responsibility attaches to them.

* Page 293.

8. In Mr. Cripp's Treatise* the following statement is made :—

"The uniform practice, however, so far as it has been able to be ascertained, is in accordance with the reasoning and opinion of Dr. Burn, and it must be doubtful whether a departure from a custom of such acknowledged propriety would not be visited with ecclesiastical punishment."

9. The opinion of Dr. Burn will be found in his work on Ecclesiastical Law, Volume I, page 265. After referring to the ancient Canon which forbade Christian burial to those who violently put themselves to death, and stating that this rule was understood to apply to those who did the act voluntarily, Dr. Burn intimates that the Rubric should not be construed as severer than the preceding Ecclesiastical Law, and therefore should not apply to persons of insane mind.

10. In the year 1809 the Court of Arches, speaking of the treatment of suicides, puts it on the ground that they are supposed to die in the commission of mortal sin, and to have renounced Christianity. *Kemp versus Wickes*, 3 Phillimore, pages 272, 273.

11. The Government of India have not been referred to, and do not know of, any authority for holding that the words of the Rubric apply to persons who are not responsible for their actions. It is certain that the practice has not been to apply these words in that way.

12. Under the circumstances the Governor General in Council comes to the following conclusions :—

(a) It is reasonable in this matter to regulate the conduct of Clergymen of the Church of England, who serve the Government of India, by the law and practice of the Church of England.

(b) There is no authority for holding that the Rubric under consideration applies to those who have caused their own death when in a state of mental insanity. For holding the contrary there is the authority of commentators and of judicial *dicta*. There is also the much greater authority derived from a usage which is very widespread and long continued, if indeed it is not quite unbroken. Testing the question by reason, it is only reasonable to hold that the framers of this Rubric did not intend as regards the burial of suicides to alter the law and practice that they found in existence, or to visit with what must be con-

sidered as an ecclesiastical penalty, an act for which the doer is not responsible.

(c) Sincere respect is due to the scruples felt by conscientious men in performing a service of extreme solemnity. Nevertheless, it would not be reasonable that such scruples should prevail against the ancient law and practice of the Church of England which has been handed down to the present time, and which plainly authorizes the use of the burial service over persons who have caused their own death while in a state of insanity.

13. The Governor General in Council must therefore require from all Clergymen connected with the Government their conformity to this ruling.

14. The next point for consideration is the rule requiring Chaplains to read the funeral service over the bodies of persons who, having died in the profession of the Roman Catholic faith, have been refused burial by the Priests of that Church. It is stated by the Bishops of Calcutta and Madras that the Clergy of the Church of England look upon the rule as bearing hardly upon them and they desire to have it reconsidered.

15. This rule was laid down in the year 1855 under the belief that the case was governed by positive law, *viz.*, the 68th of the Canons of 1603. But on reconsideration of the matter the Governor General in Council is of opinion—*first*, that the Canon in question, which is founded on the English parochial system, cannot for the purpose now under consideration be applied to the very different circumstances of an Indian station; and, *secondly*, that even if it were applicable, it would not prevent the Government from establishing a different rule of conduct for Indian Chaplains if found expedient.

16. The Governor General in Council further thinks that for the case now under review a different rule is expedient. The Chaplain of an Indian station does not stand to the residents in the station in the relation which the Parson of an English parish bears to his parishioners. It was expressly so ruled by the Court of Directors in their despatch on this subject bearing date the 30th October 1844. Chaplains have been ordered to abstain from endeavours to influence the religious tenets of Roman Catholic soldiers, and in one case a Chaplain was compelled to resign the service for persisting in such endeavours.

17. As regards the Chaplains themselves, it does not seem consistent that they should be compelled to perform duties towards the corpse of a man whom when living they were forbidden to approach in any pastoral relation, and the Governor General in Council admits that the dissatisfaction which the Chaplains have felt with the order of 1855 rests on reasonable grounds.

18. As regards other persons, it can hardly be agreeable to the feelings of either Protestants or Roman Catholics that the Chaplain should be called in to supply a service which the Priest has refused. To Protestants it must seem that in so acting their Church is lax and careless about the performance of its solemn rites. To Roman Catholics it can hardly be otherwise than offensive that a stranger, who in their eyes has no authority, should affect to give to a member of their Church what the recognised authority of that Church has thought fit to withhold. And neither community can wish it on account of any advantage to the dead man; nor Protestants, because the whole notion of such an advantage is contrary to their tenets; and not Roman Catholics, because they do not attribute any spiritual character to the Chaplain.

App. XV.

Revised Rules for Government Cemeteries.

19. For the above reasons the Governor General in Council is pleased to revoke the order issued in the year 1855, and he will request the Military authorities to make arrangements for the decent burial of Roman Catholic soldiers to whom the rites of their Church have been refused by the Priests.

Extract from the Proceedings of the Government of India in the Home Department (Ecclesiastical), No. 159, dated Simla, the 6th June 1877.

Read again—

Home Department Resolution No. 275—287, dated the 8th September 1875, laying down certain rules for the guidance of Chaplains of the Church of England in regard to the burial of suicides, &c.

Read also—

Office memorandum from the Military Department, No. 810, dated the 16th November 1875, forwarding, for an expression of opinion, a draft General Order which His Excellency the Commander-in-Chief proposes to issue on the subject in accordance with the above rules.

RESOLUTION.—On a reconsideration of the subject, the Government of India think it necessary to modify the rules contained in the Resolution of 8th September 1875, so far as regards the burial of deceased Roman Catholics. The Government of India have now decided—

1st, that at stations where there is a Roman Catholic Priest drawing an allowance from Government, he shall be held bound to read the burial service over the body of every deceased Roman Catholic soldier brought for burial, unless he be excused from doing so by the Rubrics and Canons of the Roman Catholic Church; and that when the Roman Catholic Priest refuses to read the burial service over the body of a deceased Roman Catholic soldier, the military authorities shall make proper arrangements for the decent interment of the corpse;

2ndly, that where there is no Roman Catholic Priest paid by the State, the Protestant Chaplain shall, if requested by the friends of the deceased, or by the Officer Commanding, be bound to bury the deceased according to the rites and ritual of the Church of England, except in either of the three cases in which Protestant Chaplains in India are excused from burying a deceased Protestant, *viz.*, dying unbaptised even by lay baptism; excommunicated by the major excommunication; or declared to be *felo de se*;—and that when a Protestant Chaplain refuses to officiate at the burial of a deceased Roman Catholic soldier, on either of the three above-mentioned grounds, the military authorities shall, as in the case of refusal by a Roman Catholic Priest, make proper arrangements for the decent interment of the corpse;

3rdly, that whenever, with or without furnishing any explanation of his reasons, a Roman Catholic Priest paid by the State or a Protestant Chaplain refuses to perform the funeral rites of his Church over the body of a deceased Roman Catholic soldier, the circumstances of the case should be fully reported by the military authorities for the consideration and orders of the Government.

The Governor General in Council is accordingly pleased to direct the modification in the above sense of the provisions of paragraphs 15 to 19 inclusive of the Resolution of the 8th September 1875.

Revised Rules for Government Cemeteries.

App. XV.

NOTES.—(1) The expression "proper arrangements for the decent interment of the corpse" in Rules 1 and 2 means that when both the Roman Catholic and Protestant Chaplains refuse burial in a case of suicide by a Roman Catholic soldier whilst of unsound mind, the burial service should be read over the body by the Officer Commanding the deceased's company.

(2) The intention of the passage "bound to bury the deceased according to the rites and ritual of the Church of England" in Rule 2 is, that the service of the Church of England should be read over the body, if the Protestant Chaplain is requested by the friends of the deceased to do so; but the rule does not in any way re-impose on Protestant Chaplains the burden of reading of the burial service over either soldiers or civilians to whom a Roman Catholic Chaplain has refused burial. There is nothing to prevent a Chaplain burying any one if he chooses to do so, provided they are not unbaptised "even by lay baptism," excommunicated by the major excommunication, or declared to be *felo de se*, only the Protestant Chaplain is no longer bound to do so.

(3) The expression "unbaptised even by lay baptism" in Rule 2 is equivalent to "unbaptised by either clerical or lay baptism." The meaning intended to be conveyed is that baptism, either by lay or clerical, is sufficient to prevent a person from being regarded as "unbaptised" for the purposes of the rule.

APPENDIX XVI.

Rules under the Indian Stamp Act (Act I of 1879).

The following rules under the Indian Stamp Act being of constant reference, are here reprinted for the assistance of local officers.

INDIAN STAMP ACT, 1879.

(G. L., 3rd March 1882.)

No. 1288.—In exercise of the powers conferred by sections nine, fifteen, seventeen, thirty-two, fifty-one and fifty-six, of the *Indian Stamp Act, 1879*, the Governor General in Council is pleased to make the following Rules:—

Rules.

CHAPTER I.—PRELIMINARY.

1. These rules shall come into force throughout British India on the 1st April 1882 in supersession of the Rules promulgated by Notifications No. 875, dated 26th February, and No. 966, dated 4th June, 1881.
2. All words and expressions used in these Rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meaning attached to them respectively by the said Act.
3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely:—
 - [a] Impressed stamps, including—
 - Impressed Sheets, that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon, and sold to the public for use by them in accordance with these Rules.
 - Impressed labels,—to be affixed and impressed by Government officers as directed in Chapter III of these Rules.
 - [b] Adhesive stamps sold to the public for use by them in accordance with these Rules.

CHAPTER II.—IMPRESSED SHEETS.

4. All instruments chargeable with duty, except Hundis, may be written on impressed sheets, and except as provided by section ten of the said Act and by these Rules, shall be so written.
5. [a] When any instrument is to be written on an impressed sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless—
 - Where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or where such application is made to a stamp-vendor, the vendor, certifies that he is unable to furnish a single stamp of the required value.
- [b] When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a treasury officer or stamp-vendor

has certified under clause [a] that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the treasury officer or the stamp-vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

- [c] No certificate shall be made under clause [a] or clause [b] by a stamp-vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorized to sell.
- [d] When, under this Rule, two or more impressed sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.
- [e] When a single sheet used under this Rule is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be sub-joined thereto as may be necessary for the complete writing of such instrument: provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the letter can be written on the plain paper joined to such sheet. Provided further, that the part of the instrument written on the plain paper must be attested by the signatures or marks of all the persons executing the document and the witnesses to the same.
6. [a] Hundis other than hundis which can be stamped with an adhesive stamp under section ten of the said Act shall be written as follows:—
 - (1) Hundis payable otherwise than on demand, but not more than one year after date or sight, and for amount not exceeding Rs. 30,000 in individual value on impressed sheets bearing the word "Hundi";
 - (2) Hundis exceeding Rs. 30,000 in individual value, and hundis payable at more than one year after date or sight on paper supplied for sale by the Government, and to which labels have been affixed by one of the officers mentioned in Rule nine, clause (b), or by the Superintendent of Stamps, Calcutta, and impressed by him, in manner provided by Rule ten.
- [b] Every sheet of such stamped paper shall be of a size not less than $8\frac{1}{2} \times 5\frac{1}{2}$ inches, and no plain paper shall be joined to it.
- [c] The provisions in Rule five as to use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to hundi stamps used under this rule.
7. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, or Rangoon.

CHAPTER V.—MISCELLANEOUS.

15. When it is necessary under section fifteen of the said Act to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.
16. Every payment made under section thirty of the said Act shall be made in cash.
17. The Collector may require every person claiming a refund or renewal under chapter VI of the said Act, or his duly authorized agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his agent.
18. Any Magistrate convicting or trying an offender under Chapter VIII of the Stamp Act may grant to any person, who may have contributed to the conviction, a reward within a limit to be fixed by the Local Government.

APPENDIX XVII.

Rules under the Court Fees Act (Act VII of 1870).

The following Notifications being of constant reference, are here reprinted for the assistance of local officers.

COURT FEES ACT, 1870.

(G. I., 18th April 1883.)

No. 361.—In exercise of the powers conferred by Sections 26 and 35 of the Court Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification by the Government of India in the Financial Department, No. 1520, dated 5th March 1875, and all other Notifications on the subject, the Governor General in Council is pleased to issue the following directions:—

- I.—When in any case the fee chargeable under the said Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive stamps bearing the words "Court Fees," at present in use, or adhesive stamps of any different shape, size or pattern, bearing the words "Court Fees," which may hereafter be issued for use in supersession of, or in addition to, the adhesive stamps now in use.
- II.—When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 10, such fee shall be denoted by impressed stamps bearing the words "Court Fees," adhesive stamps being only employed to make up fractions of less than Rs. 10.
- III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.
- IV.—This Notification shall take effect on and after the 1st June 1883.

(G. I., the 6th March 1875.)

Notification No. 1156.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor General in Council has remitted the whole of the fees payable on an application made by Section to the Collector under the 2nd paragraph of Section 39 of the Indian Stamp Act, 1859, for the return to the person, or to the Registration Officer who impounded it, of a document impounded and sent to the Collector by a Registration Officer.

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