[ B. ]

300—19-1-06

# Educational (1906) Department.

ORDINARY PRINTED.

**G.O., No. 264**

**DATED** 4-4-06.

(37)

---

[Despatch Abstract.]

Superintendent, Reformatory school

Recording the explanation of the — in regard to the delay in the disposal of an application for the admission of the juvenile offender Swamikannu into the Reformary School, with a remark that the ~~dispos~~ ~~of~~ business ~~of~~ the school should be conducted on business-like principles.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

---

# Government of Madras.

## EDUCATIONAL DEPARTMENT.

2

| | | |
|---|---|---|
| *Recd.* | 1906. | *Enclosures* |
| *Regd.* | | *Spare copies* |

## G.O., No. 244, 4th April 1906.

N. P.

**Superintendent, Reformatory School.**

Recording the explanation of the — in regard to the delay in the disposal of an application for the admission of the juvenile offender Swamikannu into the Reformatory School, with the remark that arrangements should be introduced into the Reformatory office for the conduct of business on business-like principles.

## GOVERNMENT OF MADRAS.

## EDUCATIONAL DEPARTMENT.

Read—the following papers :—

### I

### G.O., No. 831, Educational, dated 18th December 1905.

Abstract.—Stating that the Superintendent of the Reformatory School, Chingleput, has been directed by telegram to release Swamikannu, a juvenile offender, ordered to be detained in the school and requesting the officers concerned to explain the delay in arranging for the transfer of the boy to the school.

### II

*Letter*—from Lieutenant-Colonel W. O'Hara, I.M.S., Inspector-General of Prisons.
*To*—the Secretary to Government, Educational Department.
*Dated*—Madras, the 28th January 1906.
*No.*—C. 170.

With reference to Judicial Endorsement No. 102-1, dated 10th January 1906, on G.O., No. 831, Educational, dated 18th December 1905, I have the honour to submit, in original, the explanation* of the Superintendent, District Jail, Madura, regarding the delay noticed in the despatch of the juvenile offender Swamikannu, who was ordered to be detained in the Reformatory School, Chingleput.

* Letter No. 195, dated 23rd January 1906.

2. It will be seen therefrom that the boy was committed to jail under *two* warrants, dated the 11th August 1905, the first sentencing him to two days' simple imprisonment in default of payment of fine (of 8 annas) for an offence under clause 12, section 3, Act III of 1889 (Town Nuisances Act), and the second sentencing him to two months' rigorous imprisonment for escape from lawful custody under section 224, Indian Penal Code. Under the terms of section 397 of the Criminal Procedure Code, the sentences were held to run *consecutively* and in accordance therewith the latter sentence was reckoned as commencing from the 13th August 1905 and terminating on the 12th October 1905, and these dates were correctly endorsed, as the Superintendent states, on the warrant—not under correction—and were duly attested. The Superintendent further states that the heading of the endorsement indicated, in red ink, that it was "No. II warrant". In the circumstances reported, the Superintendent of the Reformatory School, if he had any doubt in the matter, ought, I think, to have made a reference, by wire, regarding the dates of the commencement and termination of the second sentence. The question arises whether the 10th October 1905 or the 12th October 1905 should be regarded as the date on which the juvenile became ineligible for admission to the Reformatory School. The Superintendent of the Reformatory School appears to hold that the substantive sentence of imprisonment should count *from the date of the warrant* and that if the juvenile does not reach the Reformatory within the period of imprisonment calculated *from that date*, his detention subsequent thereto, as in the present case, is unlawful. The Superintendent of the Madura Jail maintains that the boy reached the Reformatory a day prior to the expiry of his sentence under the said warrant. The latter view would appear to be supported by section 397, Criminal Procedure Code, as usually construed in jails. In the circumstances, it would be as well if an authoritative decision were obtained for the future guidance of Superintendents of Jails.

3. If the view of the Superintendent, Madura Jail, in respect to the two warrants be held to be correct, then there appears to have been no undue delay in the Madura Jail in dealing with the case. The Superintendent, however, has been directed to use in future the form of application prescribed by Government.

Enclosures.

*Letter*—from Lieutenant-Colonel W. F. Thomas, m.d., I.M.S., Superintendent of Jail, Madura.
*To*—the Inspector-General of Prisons.
*Dated*—the 23rd January 1906.
*No.*—195.

Adverting to your order No. 148, dated 16th January 1906, giving cover to G.O., No. 831,* Educational, dated 18th December 1905, calling for an explanation of the delay in arranging for the transfer of juvenile offender Swamikannu to the Reformatory School at Chingleput, I have the honour to state as follows :—

* Herewith returned.

(1) The juvenile offender Swamikannu under reference was sentenced on 11th August 1905 to pay a fine of As. 8 or in default of payment of fine to undergo two days' simple imprisonment for offence under clause 12, section 3, Act III of 1889. He was committed to the jail as he did not pay the fine. On the same date he was sentenced to two months' rigorous imprisonment by the Stationary Magistrate, Madura Town, for offence under section 224, Indian Penal Code. Hence the aggregate period of imprisonment which the prisoner had to undergo in the jail amounted to two months and two days, commencing from 11th August 1905. The actual date of termination of imprisonment was therefore 12th October 1905—which was rightly endorsed—not under correction—on the reverse of the warrant of commitment of the Stationary Magistrate of Madura Town, marking down in red ink on the top of the endorsement "No. II warrant". The endorsement bears the signature of the jailor and the initials of Captain C. B. Harrison, the Superintendent at the time.

(2) While it was clear from the above that the actual date of termination of imprisonment for the juvenile under reference was 12th October 1905, the Superintendent of the Reformatory School, Chingleput, and the Director of Public Instruction, Madras, had held that the date of termination of the judicial sentence was 10th October 1905, and accordingly reported the matter for the orders of Government.

(3) Neither the Superintendent, Reformatory School, nor the Director of Public Instruction seems to have attached any weight to the endorsement of the Superintendent of Jail on the reverse of the warrant under reference, nor did they apply to the Superintendent for any explanation on the "apparent" discrepancy.

(4) Knowing that the correct date of termination of imprisonment to be 12th October 1905, the juvenile in question was despatched from the jail on 10th October 1905, and he was received in the Reformatory School, Chingleput, on the next morning, one day prior to the date of his release.

(5) The Superintendent, Reformatory School, Chingleput, was addressed for accommodation in docket form, as was done on previous occasions; and it is to be regretted it was not done in the form prescribed.

(6) With reference to the delay noticed in paragraph 2 of G.O., No. 831, dated 18th December 1905, I submit that there had practically been no delay so far as this office is concerned. The order of the Sub-Divisional Magistrate, Mélúr Division, passed on 19th September last was received in this office on the 24th idem, after a delay of five days. As 24th happened to be a Sunday, the tappal was seen by the Superintendent on the 25th. The very next day 26th, application was made to the Superintendent of Reformatory School. His reply, dated 2nd October 1905, and marked to have been despatched on the 4th was received here on the 6th after an interval of 11 days from the date of application. I find the Superintendent of Police was addressed on the 7th to send an escort on 10th October to take the juvenile to the "Reformatory" giving the Superintendent of Police two days' clear notice as required in his letter No. 1041, dated 23rd October 1898, and hitherto observed in this office. The Superintendent's letter is herewith submitted for reference and return.

---

*Letter*—from C. E. Smith, Esq., Superintendent of Police, Madura.
*To*—the Superintendent of Jail, Madura.
*Dated*—the 23rd October 1905.
*No.*—Dis. 1041.

With reference to your letter No. 1673, dated 19th instant, I have the honour to point out that the usual notice given for furnishing escorts is quite insufficient and causes much trouble in making the necessary arrangements. I therefore request you to be so good as to give at least clear 48 hours' notice to avoid any disappointment.

## III

**Endorsement No. 65, dated 9th February 1906.**

Referred to the Director of Public Instruction for early remarks.

(By Order.)

C. A. Souter,
*Ag. Asst. Secy. to Govt.*

---

## IV

*Letter*—from E. L. R. Thornton, Esq., I.C.S., Acting Collector of Madura.
*To*—the Secretary to Government, Educational Department.
*Dated*—the 30th January 1906.
*No.*—D. Dis. 236-Rev.

With reference to Government Endorsement No. 132-A-1, dated the 12th January 1906, I have the honour to submit in original the explanation of M.R.Ry. V. S. Sambasiva Aiyar Avargal, Sub-Divisional Magistrate, Mélúr Division, therein called for. The delay on the part of the Deputy Magistrate would appear to have been unavoidable.

---

### Enclosure.

*Letter*—from M.R.Ry. V. S. Sambasiva Aiyar Avargal, Sub-Divisional Magistrate, Mélúr Division.
*To*—the Collector of Madura.
*Dated*—the 24th January 1906.
*No.*—N. Dis. 9/Camp.

With reference to your No. N. Ref. 79-B. & G. dated 22nd January 1906, I have the honour to state that I was in camp in Sendurai, a generally inaccessible part of Mélúr Taluk, being surrounded by mountains. My diary shows that I reached Sendurai late in the day and I would have passed my order late in the evening. The tappal leaving Sendurai on the 20th could have reached Mélúr, a distance of 38 miles, only on the 22nd or 23rd. Leaving Mélúr on the 23rd, it could have reached Madura only on the 24th.

---

## V

*Letter*—from Lieutenant-Colonel H. Thomson, m.b., c.m., d.p.h., I.M.S., Officiating Sanitary Commissioner for Madras (late Superintendent of the Reformatory School).
*To*—the Personal Assistant to the Surgeon-General with the Government of Madras.
*Dated*—the 1st February 1906.
*No.*—415/S.

With reference to your endorsement R. C. No. 59/1, dated 23rd January 1906, on G.O., No. 831, Educational, dated 18th December 1905, requesting me to explain the delay in replying to an application for accommodation for a juvenile from the Superintendent, District Jail, Madura, I have the honour to state that, upon perusing the records connected with the case, I find that the application referred to was received on the 27th September 1905, and as there was no office on the following day which was a gazetted holiday, the paper was registered on the 29th idem and the list of previous pending applications for accommodation was scrutinized on the 30th. The 1st day of October being a Sunday the paper came for disposal on the 2nd, the draft was fair-copied on the 3rd and it was signed and despatched on the 4th. It will, therefore, be seen that there was no unnecessary delay in my office in the disposal of the application. If, however, the application had been marked urgent or at least contained information as to the date of expiry of the term of the juvenile's judicial sentence, the paper would have certainly been attended to earlier. In the absence of this information which should have been supplied in the form prescribed in G.O., No. 1402, Judicial, dated 15th September 1902, the communication was treated as an ordinary one and went through the usual routine course. In this connection, I would also invite the favour of your attention to the remarks as contained in paragraph 2 of letter R. C. No. 255/Gl., dated 13th November 1905, from Major T. H. Foulkes, I.M.S. (late Superintendent of the School), which is printed as an enclosure to the Government order under reference.

---

## VI

*Letter*—from Captain C. B. Harrison, I.M.S., Acting District Medical and Sanitary Officer, Tinnevelly, and late Superintendent, District Jail, Madura.
*To*—the Personal Assistant to the Surgeon-General with the Government of Madras.
*Dated*—the 8th February 1906.
*No.*—N. Ref. on C. No. 345 Genl.

With reference to your R. C. No. 446/5, dated 3rd February 1906, on the question of the delay in forwarding a juvenile offender from the Madura District Jail to the Chingleput Reformatory, I have the honour to explain as follows.

2. Swamikannu, the juvenile offender, was sentenced on the 11th August 1905 to pay a fine of As. 8 or, in default, to undergo simple imprisonment for two days for an offence under clause 12, section 3 of Act III of 1889. As he did not pay the fine, he was committed to jail. On the same date he was sentenced to two months' rigorous imprisonment by the Stationary Sub-Magistrate of Madura town for an offence under section 224, Indian Penal Code. Therefore, the total period of imprisonment the prisoner had to undergo in the jail amounted to two months and two days commencing from the 11th August 1905. The actual date of expiry of the sentence was therefore the 12th of October 1905 and this date is rightly endorsed on the reverse of the warrant under a heading in red-ink "No. II warrant". This endorsement bears the signature of the Jailor as well as my initials as Superintendent at the time.

3. Knowing that the correct date of expiry of sentence was the 12th October 1905, the boy was sent from the jail on the 10th October 1905 and he was received into the Reformatory the next morning, or one day prior to the date of his release.

4. The application for accommodation at the Reformatory was made as on former occasions and it is to be regretted that the correct form was not made use of.

5. With reference to the delay noticed by Government I beg to submit that the order of the Sub-Divisional Magistrate passed on the 19th September was received on the 24th idem. The 24th being a Sunday, it was seen by me on the 25th and application was made to the Reformatory on the 26th. The reply was received on the 6th October. The Superintendent of Police was addressed on the 7th October to send the necessary escort on the 10th October thus giving him two clear days' notice as required by him. The boy was therefore sent to the Reformatory before his sentence had expired.

*Endorsement No. 152, dated 20th February 1906.*

Submitted with reference to the concluding portion of paragraph 2 of G.O., No. 831, Educational, dated 18th December 1905, communicated with endorsement No. 74-1, Public, dated 17th January 1906.

W. R. Browne, Surgn.-Genl., m.d., c.i.e., V.H.S. I.M.S.,
*Surgeon-General with the Government of Madras.*

---

## VII

*Letter*—from the Hon'ble Mr. A. G. Bourne, D.Sc., f.r.s., Director of Public Instruction, Madras.
*To*—the Secretary to Government, Educational Department.
*Dated*—the 9th March 1906.
*No.*—R.C. 8753 of 1905.

With reference to endorsement No. 65, Educational, dated 9th February 1906, herewith returned with enclosures, I have the honour to invite the attention of Government to the subjoined copy of the resolution passed by the Committee of

Visitors of the Reformatory School, Chingleput, at their meeting held on the 27th ultimo to consider the remarks offered by the Superintendent of the District Jail, Madura, and the Inspector-General of Prisons in the letters referred to me in the endorsement quoted above :—

*Resolution, dated 27th February* 1906.

"When the Committee passed its resolution V, dated 12th October 1905,* all the facts were not laid before it. Even now it is not in a position to offer any opinion or remarks in the absence of the judgment and the warrant under which the boy Swamikannu was sentenced in default of payment of fine. Whether the second sentence of imprisonment is to be calculated to commence from the 11th or 13th August is a purely legal question, and on that point the Committee has not sufficient materials to go upon."

2. The view taken by the Superintendent of the District Jail, Madura, which is concurred in by the Inspector-General of Prisons, that the two sentences should be held to run consecutively and that accordingly the date of termination of the second should be taken to be 12th October 1905, would appear to be one to be referred to the Law officers of Government for an expression of a definite opinion in the matter.

3. As will be seen from the correspondence printed with G.O., No. 831, Educational, dated 18th December 1905, the Superintendent of the District Jail, Madura, was at my suggestion requested to state the circumstances under which the boy could not be sent from the jail before the 10th October 1905 which as then understood by the authorities of the Reformatory School was the date of termination of the sentence of imprisonment for two months. If the actual date of termination of the term of two months was the 12th October 1905, the Superintendent of the Madura Jail could have in his reply pointed it out to the Superintendent of the Reformatory School, and if this had been done the Committee of Visitors would probably have called for papers about the first sentence before questioning the eligibility of the boy for admission into the school. I may add that there was nothing in the warrant of commitment to indicate that the two months' sentence was to run consecutively with a prior sentence already executed, beyond the entry "No. II warrant" and the dates endorsed, which were taken by the Superintendent of the Reformatory School to be incorrect, being inconsistent with those given in the body of the warrant.

---

* This is the resolution referred to in my letter embodied in G.O., No. 831, Educational, dated 18th December 1905.

A.G.B.

---

**Order—No. 244, Educational, dated 4th April 1906.**

Recorded with the remark that the explanation furnished by the Superintendent of the Reformatory School in regard to the delay in the disposal of the application by the Superintendent of Jail, Madura, for the admission of the juvenile offender Swamikannu indicates that the disposal of business by the Reformatory establishment is far from satisfactory. The application was received on the 27th September 1905, the reply was not despatched till the 4th October. The application should have been registered and perused on the day of its receipt and, in view of the urgency of the matter, disposed of on the 28th or at the latest on the 29th morning and a reply sent off. The excuse that the routine of the office did not allow of greater despatch is inadmissible. No time should be lost in introducing into the Reformatory office arrangements for the conduct of business on business-like principles.

(True Extract.)

H. D. TAYLOR,
*Ag. Secretary to Government.*

To the Director of Public Instruction.
,, Public Department.

---

EDUCATIONAL DEPARTMENT.

## NOTES CONNECTED WITH G.O., No. 244, EDUCATIONAL, DATED 4TH APRIL 1906.

[SUBJECT.—*Delay in arranging for the admission of a juvenile offender into the Reformatory School, Chingleput.*]

*From the Inspector-General of Prisons, dated 28th January* 1906, *No. C.* 170.

In paragraph 2 of G.O., No. 831, Educatioual, dated 18th December 1905, M.R.Ry. V. S. Sambasiva Aiyar, Sub-Divisional Magistrate of Melur, Captain C. B. Harrison, I.M.S., Superintendent, District Jail, Madura, and Lieutenant-Colonel H. Thomson, I.M.S., Superintendent of the Reformatory School, Chingleput, were requested to explain the delay in arranging for the transfer to the Reformatory School, Chingleput, of Swamikannu, a juvenile offender, ordered to be detained in the school. With reference to this order, the Inspector-General of Prisons now submits the explanation of Lieutenant-Colonel W. F. Thomas, I.M.S., the present Superintendent, District Jail, Madura.

2. For orders as to whether this file may lie over pending receipt of the explanation from the other two officers concerned.

N.L.R.—6-2-06.

It seems better to wait for the explanation of the Sub-Divisional Magistrate, Melur, and of the Superintendent of the Reformatory School, Chingleput. Meanwhile this file may go to the Director of Public Instruction for any remarks he may have to offer on Lieutenant-Colonel Thomas' letter.

P. T. THARYAN—6-2-06.

Refer for early remarks.

C. A. SOUTER—7-2-06.

REVENUE DEPARTMENT.

*From the Collector of Madura, dated 30th January* 1906, *D. Dis. No.* 236-*Rev.*

Sambasiva Aiyar's explanation may, it is submitted, be transferred to the Educational Department with reference to paragraph 2 of G.O., No. 831, Educational, dated 18th December 1905.

M.S.—3-2-06.

F. B. EVANS—5-2-06.

*To the Educational Department:*

EDUCATIONAL DEPARTMENT.

The explanation of the Superintendent, District Jail, Madura, is now with the Assistant Secretary. These papers may be added to the file.

P. T. THARYAN—7-2-06.

The draft endorsement placed below may issue.

N.L.R.—7-2-06.

P. T. THARYAN—7-2-06.

Issue.

C. A. SOUTER—8-2-06.

[Endorsement No. 65, Educational, dated 9th February 1906.]

---

PUBLIC DEPARTMENT.

*From the Surgeon-General, dated 20th February 1906, No.* 152.

---

The Surgeon-General forwards the explanations of Lieutenant-Colonel H. Thomson, I.M.S., and Captain C. B. Harrison, I.M.S., in respect of the delay in sending a juvenile offender to the Reformatory School, Chingleput, noticed in paragraph 2 of G.O., No. 831, Educational, dated 18th December 1905. Submitted that the papers may be transferred (u.o.) to the Educational Department for disposal.

N.K.—23-2-06.

C. S. SIMPSON—23-2-06.

A. Y. G. CAMPBELL—24-2-06.

*To the Educational Department.*

---

EDUCATIONAL DEPARTMENT.

Submitted that the present file may lie over pending receipt of the Director of Public Instruction's reply to Endorsement No. 65, dated 9th February 1906. Meanwhile the Director may be reminded.

N.L.R.—28-2-06.

P. T. THARYAN—28-2-06.

Yes.

C. A. SOUTER—1-3-06.

---

*From the Director of Public Instruction, dated 9th March* 1906, *No.* 8753.

---

The Director of Public Instruction submits his remarks (called for in Endorsement No. 65, dated 9th February 1906) on the letter of Lieutenant-Colonel W. F. Thomas, I.M.S., the present Superintendent of the District Jail at Madura, on the subject of the delay in forwarding one Swamikannu, a juvenile offender, from the Madura District Jail to the Reformatory School at Chingleput.

2. The explanations of Lieutenant-Colonel Thomas and Captain C. B. Harrison, the late and present Superintendents of the Madura District Jail, M.R.Ry. V. S. Sambasiva Aiyar, Sub-divisional Magistrate, Melur, and Lieutenant-Colonel H. Thomson, late Superintendent of the Reformatory School, Chingleput, are briefly summarised below.

3. Lieutenant-Colonel W. F. Thomas and Captain C. B. Harrison state that the order of the Sub-divisional Magistrate, Melur, — M.R.Ry. V. S. Sambasiva Aiyar— passed on the 19th September last, was received in the office on the 24th idem after a delay of five days, that as the 24th happened to be a Sunday the tappal was seen on the 25th, that the very next day, namely the 26th, application was made to the Superintendent of the Reformatory School for the accommodation of the juvenile offender in the Reformatory, that the Superintendent's reply on the subject, dated 2nd October 1905, and marked to have been despatched on the 4th was received in the office on the 6th after an interval of 11 days from the date of application, that the Superintendent of Police, Madura, was addressed on the 7th October to send an escort on the 10th to take the juvenile offender to the Reformatory, thus giving 2 days' clear notice to the Police Superintendent, and that there was no delay on their part.

*M.R.Ry. V. S. Sambasiva Aiyar, Sub-Divisional Magistrate, Mélúr*, states that he was at the time in camp in Sendurai, a generally inaccessible part of Mélúr taluk, being surrounded by mountains, that as his diary shows that he reached Sendurai late in the day on the 19th September 1905 he would have passed his order late in the evening, that the tappal leaving Sendurai on the 20th could have reached Mélúr, a distance of 38 miles, only on the 22nd or 23rd evening, and that the tappal leaving Mélúr on the 23rd could have reached Madura only on the 24th.

There was no delay in this case.

H. D. TAYLOR.

*Lieutenant-Colonel H. Thomson, late Superintendent of the Reformatory School, Chingleput*, says that the application for the accommodation of the juvenile offender Swamikannu in the Reformatory was received in his office on the 27th September 1905, that the *following day*, namely, the 28th September, being a gazetted holiday the paper was registered *on the 29th* idem, that the list of previous pending applications for accommodation was scrutinized on the 30*th*, that the 1st of October 1905 being a Sunday the paper came for disposal on the 2*nd idem*, that the draft was fair copied on the 3*rd* and was signed and despatched on the 4*th*, and that there was no unnecessary delay in the disposal of the application. He further points out that if the application had been marked *urgent* or at least contained information as to the date of the expiry of the juvenile's judicial sentence, the paper would certainly have been attended to earlier and that in the absence of this information which should have been supplied in the form given in G.O., No. 1402, Judicial, dated 15th September 1902, the communication was treated as an ordinary one and went through the usual routine course.

Had the communication been marked urgent, this routine delay might have been much reduced.

H.D.T.

An unjustifiable delay.

G. S. F[ORBES].

4. In the explanations submitted by Lieutenant-Colonel W. F. Thomas and Captain C. B. Harrison it is also pointed out that the juvenile offender Swamikannu was committed to jail on two sentences, dated 11th August 1905, the first sentencing him to two days' simple imprisonment in default of payment of fine of As. 8 imposed on him for an offence under clause (12) of section 3 of the Town Nuisances Act, 1889, and the second sentencing him to two months' rigorous imprisonment for escape from lawful custody under section 224 of the Indian Penal Code. It is argued that the aggregate period of imprisonment which the offender had to undergo was thus two months and two days, commencing from the 11th of August 1905 and that the actual date of termination of imprisonment was therefore the 12th of October 1905. The Inspector-General of Prisons agrees in this view. The Director of Public Instruction however says that the view would appear to be one to be referred to the Law officers of Government for an expression of definite opinion.

This is beside the point at issue which is "was there unnecessary delay?".

H.D.T.

N.L.R.—14-3-06.

In the resolution of the Committee of Visitors of the Reformatory school, Chingleput, dated 27th February 1906, extracted in paragraph 1 of the Director's letter, it is stated that the judgment and the warrant under which the boy Swamikannu was sentenced in default of payment of fine were not among the papers about the boy sent to the Superintendent of the Reformatory school and in paragraph 3 it is pointed out that no information was given even in the letter of the Superintendent of Jail, Madura, No. 2741, dated 7th November 1905, printed on page 2 of G.O., No. 831, Educational, dated 18th December 1905, regarding the *actual* date of termination of the term of two months' imprisonment to which the boy Swamikannu was sentenced.

There was also nothing in the warrant of commitment to indicate that the two months' sentence was to run consecutively with a prior sentence already executed, beyond the entry "No. II warrant", and the dates endorsed.

2. As regards delay, it is for consideration whether it should not be held that there was avoidable delay in the office of the Superintendent of the Reformatory School. The dates were as follows—

Application for accommodation—
Received —27th September 1905.
* Registered —29th " "
Scrutinized —30th " "
† Disposed of — 2nd October "
Reply—
Copied — 3rd " "
Despatched — 4th " "

* The 28th was a gazetted holiday (Mahalaya Amavasi).

† The 1st was a Sunday.

Surely in this institution tappal could have been opened on a holiday. It cannot be heavy and might be emergent.

H. D. Taylor.

3. As regards insufficiency of papers, the warrant of commitment to jail for two days in default of payment of fine was apparently returned executed and was not with the Superintendent of the Madura Jail when he sent the other papers, but he could have explained the fact in his letter No. 2741, dated 7th November 1905, on page 2 of G.O., No. 831, Educational, dated 18th December 1905.

P. T. Tharyan—14-3-06.

The commitment warrant was issued on 11th August 1905, and the order on appeal that the boy should be sent to the Reformatory school was passed on the evening of 19th September 1905. The warrant ran for two months and expired on the evening on 10th October 1905. This gave 21 days within which the boy might reach Chingleput. Sambasiva Aiyar's (Deputy Magistrate) order took four days to reach Madura. There was no appreciable delay considering the distance. Captain Harrison (Superintendent of Madura Jail) took two days (one a holiday) to send an application to Chingleput. No appreciable delay. Lieutenant-Colonel Thomson (Reformatory school) took eight days (two holidays) to send his reply which reached Captain Harrison on 6th October 1905. It was here that most of the delay occurred and the explanation, viz., that the paper was not *marked urgent*, is, I submit, not very satisfactory. On the other hand it would seem that the Superintendent of the school was unaware of the date on which the sentence expired. On the 7th October Captain Harrison addressed the Police Superintendent for an escort on the 10th. This gave the Superintendent two clear days' notice. The escort arrived on the 10th, but was too late as it could not get to Chingleput in time.

2. There is another point. The boy was under two sentences, dated 11th August 1905, one of two days and the other of two months' imprisonment. Under section 397, Criminal Procedure Code, these sentences would seem to run consecutively. If this is so the sentences expired on 12th October 1905 and the boy was in time to be admitted to the school.

We cannot admit him now.

H. D. Taylor—16-3-06.

3. Perhaps the papers may be simply recorded.

C. A. Souter—15-3-06.

The papers may be recorded. But I do think that the officer in charge of the Reformatory should be able to open his tappal, which may be of emergent nature, on all days, holidays or not. It would perhaps be best to direct that all applications and inquiries as to accommodation in the Reformatory school should be made by telegram. There can then be no excuse on the ground of "holidays" or want of indication as to "urgency". Such references should be replied to by telegram on the same or following day.

H. D. Taylor—16-3-06.

Colonel Thomson's delay was inexcusable. The application was received on 27th September, should have been registered and perused on that day. On perusal it was clearly an application not admitting of delay and should have been disposed of on 28th or at the latest on 29th morning. The fault lay with the Superintendent and his explanation that the routine of his office did not allow of greater despatch is wholly inadmissible; and the sooner arrangements are introduced for the conduct of business on businesslike principles the better.

He may be told so.

G. S. F[orbes]—18-3-06.

Please draft.

H. D. Taylor—20-3-06.

A draft order is submitted for approval.

N.H.S.—21-3-06.

If approved it may be forwarded to Public for acceptance.

P. T. Tharyan—21-3-06.

C. A. Souter—22-3-06.

*To the Public Department.*

---

PUBLIC DEPARTMENT.

The draft may be accepted in Public.

C. S. Simpson—23-3-06.

A. Y. G. Campbell—24-3-06.

H. Bradley—27-3-06.

*To the Educational Department.*

---

EDUCATIONAL DEPARTMENT.

To the Honourable Member.

H. D. Taylor—30-3-06.

Issue as revised.

G. S. F[orbes]—1-4-06.

Issue.

H. Bradley—3-4-06.

[G.O., No. 244, Educational, dated 4th April 1906.]

[ E. 8 ]
1,500—12-12 m ]

G.O. No. 244
4-4-06

EDUCATIONAL DEPARTMENT.

# CURRENT FILE.

## CONTENTS.

| From | Number. | Date. | Pages. |
|---|---|---|---|
| [141] The I.G. of Prisons | 170 | 28-1-06 | 1-10 |
| [158] The Collector of Madura | 236 | 30-1-06 | 11-15 |
| Encl to the D.P.I. | 65 | 9-2-06 | 16 |
| [320] Surgeon General | 152 | 20-2-06 | 17-21 |
| [390] The D.P.I. | 8753 | 9-3-06 | 22-24 |

[P. T. O. FOR PUT UP PAPERS.

PAPERS PUT UP WITH CURRENT No. 141

Papers of the department to which the current belongs.

| Number. | Date. | Original (=O) or spare copy (=S. C.). | Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.) | Initials of Referencer with date in token of return to Reference department. |
|---|---|---|---|---|
| 831 | 18-12-05 | SC | | |

Papers of other departments.

| Department. | Number. | Date. | Original (=O) or spare copy (=S. C.). | Despatcher to note the return of the papers to the departments concerned. |
|---|---|---|---|---|
| | | | | |

---

70 831=18-12-05 Ed.

CURRENT No. 141

Stock Form No. 134
5,100—17-1-05.

## JUDICIAL DEPARTMENT.

9

Received UNDER SECRETARY 30 JAN 06 PUBLIC & EDU. 190 , Registered CURRENT NO. 0464 190 JUDICIAL

Ed. 30-1-06.
3-2-06

Subject.

Submitting Explanation of the Superintendent District Jail Madura regarding the delay noticed in the despatch of the Juvenile offender Swamikannu to the Reformatory School Chingleput.

ENCLOSURES.
No. 2 (two)
Spare copies

No. C 170

Station Camp Madras, Dated the 28th January 1906.

From (Name) Lieutenant-Colonel William O'Hara I.M.S.

(Designation) Inspector General of Prisons

DESPATCHED. 28 JAN 1906

To The Chief Secretary to the Government of Madras.

Sir,

With reference to Judicial Endorsement No 102-1 dated 10th January 1906 on G.O. No 831 Educational dated 18th December 1905, I have the honour to submit, in original, the explanation× of the Superintendent, District Jail, Madura, regarding the delay noticed in the despat of the Juvenile offender, Swamikannu, wh was ordered to be detained in the Reformatory

× Letter No 195 dated 23rd January 1906
(Page 5-8 [illegible])

Reformatory School Chenglepat.

2. It will be seen therefrom that the boy was committed to Jail under two warrants dated the 11th August 1905, the first sentencing him to two days' simple imprisonment in default of payment of fine (of 8 annas) for an offence under clause 12 Section 3 Act III of 1889 (Town Nuisance Act), and the second sentencing him to two months' rigorous imprisonment for escape from lawful custody under Section 224 Indian Penal code. Under the terms of Section 397 of the Criminal Procedure Code the sentences were held to run consecutively and in accordance there-with the latter sentence was reckoned as commencing from the 13th August 1905 and terminating on the 12th October 1905, and these dates were correctly endorsed, as the Superintendent states, on the warrant - not under correction - and were duly attested. The Superintendent further states that the heading of the

Page 3 of the act

* Page 11 of the original of G.O. no. 831 Eng 18-12-05 G

Page 111 of the India Penal code

Page 197 of the Procedure code

Recd

Page 12 of the original of G.O. no. 831 Eng 18-12-05 G

the endorsement indicated, in red ink, that it was "No. II warrant". In the circumstances reported, the Superintendent of the Reformatory School, if he had any doubt in the matter, ought, I think, to have made a reference, by wire, regarding the dates of the commencement and termination of the second sentence.

10

The question arises whether the 10th October 1905 or the 12th October 1905 should be regarded as the date on which the Juvenile became ineligible for admission to the Reformatory School. The Superintendent of the Reformatory School appears to hold that the substantive sentence of imprisonment should count from the date of the warrant and that if the Juvenile does not reach the Reformatory within the period of imprisonment calculated from that date, his detention subsequent thereto, as in the present

present case is unlawful. The Superintendent of the Madura Jail maintains that the boy reached the Reformatory a day prior to the expiry of his sentence under the said warrant. The latter view would appear to be supported by Section 397 Criminal Procedure Code, as is usually construed in Jails. In the circumstances it would be as well if an authoritative decision were obtained for the future guidance of Superintendents of Jails.

Page 197 of the Procedure Code

3 If the view of the Superintendent Madura Jail in respect to the two warrants be held to be correct, then, there appears to have been no undue delay in the Madura Jail in dealing with the case. The Superintendent however has been directed to use in future the form of application prescribed by Government.

G.O. No 1402 Jud. 15.5.02

I have the honor to be
Sir
Your most obedient Servant
W. O'Hara Lt. Col. I.M.S.
Inspector General of Prisons,

---

Rev/

Mysore

No 195 P. 57 Madura District Jail
23rd January 1906.

From
Lt. Col. W. F. Thomas; M.S. I.M.S.
Superintendent of Jail
Madura.

To
The Inspector General of Prisons
Ootacamund.

Sir,

Adverting to your order No. 148 dated 16th January 1906 giving cover to G.O. No. 831 Educl.* dated 18th December 1905 calling for an explanation of the delay in arranging for the transfer of Juvenile offender Swamikannu to the Reformatory School at Chingleput, I have the honor to state as follows:—

*Herewith returned

1. The Juvenile offender Swamikannu under reference was sentenced on 11th August 1905 to pay a fine of annas eight or in default of payment of fine to undergo 2 days' simple imprisonment for offence under Clause 12 Sec. 3 Act III of 1889. He was committed to the Jail as he did not pay the fine. On the same date he was sentenced to 2 months rigorous imprisonment by the Stationary Magistrate, Madura Town, for offence under Sec. 224 I.P.C. Hence the aggregate period of imprisonment

Page 3 of the Act

Page 111 of the I.P.C

which

PAGE ~~10~~ 8

an escort on 10th October to take the Juvenile to the "Reformatory" giving the Superintendent of Police 2 Days' clear notice as required in his letter No. $\frac{1041}{23.10.98}$, and hitherto observed in this office. The Superintendent's letter is herewith submitted for reference and return.

Page 9 of

I have the honor to be,

Sir,

Your most obedient Servant

Wm. [illegible] M.D.

Lt. Col. I.M.S.

Superintendent of Jail

---

Dec.

Enclosure 2

Dis 1041/98

PAGE ~~5~~ 9

District Police Office

Madura dated 25th October 98

13

From

C. E. Smith Esquire

Superintendent of Police

Madura

To

The Superintendent of Jail Madura,

Sir

With reference to your letter No. 1673 dated 19th inst., I have the honour to point out that the usual notice given for furnishing escorts is quite insufficient and causes much trouble in making the necessary arrangements. I therefore request you to be so good as to give at least clear 48 hours notice to avoid any disappointment.

I have the honour to be

Sir

Your most obedient Servant

Superintendent of Police

88

RM

26-10-98

From 1150/26-10-05

The Superintendent of Police
Madura

To
The Superintendent of
Jail
Madura

Dated 23-10-05
D. R. D. 24-10-05

Dis. No. 1041/2 M S

Requesting to give at least clear 48 hours notice to avoid any disappointment in supplying men for escorts

1906.
J. T. PT.
C. No. 464
Enclosures 1

---

E 11 14

Stock Form No. 30
1,000—29-10-02.

# ~~Revenue~~ Educational (1906) Department.

## CURRENT No. ~~4887~~ 158

From
[Name] E. L. Thornton Esquire, I.C.S.
[Designation] Ag Collector of
[Station] Madura.

SECRETARY TO GOVERNMENT
-2 FEB 1906
REVENUE DEPARTMENT

Dis. No. 236/Rev of 06
Dated 30th January 1906.
Enclosures one

Received 27 } 2 { 1906
Registered 27 } { 1906

SUBJECT.

Submitting the explanation of M.R.Ry. V. S. Sambasiva Aiyar Avl. Sub Divisional Magistrate, Melur Dn., in re the delay in communicating to the Jail Department the order to send a Juvenile Offender to the Reformatory School, Chingleput.

BACK PAPERS.

FURTHER PAPERS.

To

*The Secretary to Government,*

*Revenue Department.*

Madras

*Sir,*

With reference to Government Endorsement No. 132 A/06-1, dated the 12th January 1906, I have the honor to submit in original the explanation of M.R.Ry. V.S.Sambasiva Aiyar, Avargal, Sub Divisinnal Magistrate, Melur Division, therein called for. The delay on the part of the Deputy Magistrate would appear to have been unavoidable.

I have the honour to be,

Sir,

Your most obedient servant,

M Vasudeva Rao

For Collector.

A.S.

---

Enclo. No 1 to Madura Collector's letter D Dis No 286/Rev of 06 dated 30th January 1906

N Dis 9/Camp of 06.

Melur Sub Divisional magistrate's office

24th January 1906.

From

M.R.Ry. V.S. Sambasiva Aiyar avl.
Sub Divisional magistrate
Melur Division

To

The Collector of
Madura.

Sir,

With reference to your No N Ret 79/B+G of 06 dated 22-1-06. I have the honor to state that I was in Camp in Sendurai, a generally inaccessible part of Melur Taluk, being surrounded by mountains. My diary shows that on 19-9-05 I reached Sendurai late in the day and I would have passed my order late in the evening. The tappal leaving Sendurai on the 20th Could have reached Melur a distance of 38 miles, only on the

the 22nd or 23rd. Leaving Melur on the 23rd, it could have reached Madura only on the 24th.

I have the honor to be

Sir

Your most obedient Servant

V.S. Sambasiva

Sub Divisional Magistrate

24-1-06

bSy
24/1/06

~~9~~/ 15

79 Bdl. g/06

79 06
27.1.06

From

The Sub Divisional
Magistrate
Melur Division

DISTRICT TREASURY
26 JAN 1906
MADURA

To

The Collector of
Madura

Dated 24th }
Despatched 24 } January 1906

Camp Nri N^o. 9

Enclosure - 1.

## Subject

Submitting explanation for the delay in arranging for the ~~boy~~ transfer of the boy Swamikannu, to the Reformatory School, Chinglepout

1906
REVENUE DEP
1
488A

---

16

~~17 Bdl. g/06~~

17

[E. / 6]
1,000—12-11-03.

EDUCATIONAL DEPARTMENT.

C. No. 141, From the I.G. of Prisons no. 170, Dated 28-1-1906.

Encl. Nil 65. 17.9-206.

Referred to the D.P.I. for early remarks.

Clr
JHM

with original warrants ~~___~~ in Cat to be returned.

NAR
7/2/6

PH
7/2/6

Desp
8/2/6

Desp.
V.I.S.P.
9/2/06

Edl CURRENT No 329 Pub. 617 Ed 74-1/06

Stock Form No. 155
2,000—8-3-05.

~~MARINE DEPARTMENT~~

~~Ed 71~~

REGR. CHIEF SECT. 21 FEB 1906 MADRAS SCT.

Received 27-2-6 190 , Registered 27-2
18

CURRENT NO.
0711
PUBLIC

~~CURRENT NO. 0168 PENSION~~

~~CURRENT NO. 0236 MARINE~~

Subject.

Submitting explanation from certain officers for the delay in arranging for the transfer of a juvenile offender to the Reformatory School, Chingleput.

| ENCLOSURES. |
|---|
| No |
| |
| Spare copies |

No. 152

1D8

Station Madras, Dated the 20th February 1906.

From (Name) Surgeon-General W.R. BROWNE, M.D., V.H.S., C.I.E., I.M.S,

(Designation) Surgeon-General with the Government of Madras.

To The Chief Secretary to the Government of Madras,

~~Sir,~~

Edn

Submitted with reference to the concluding portion of para 2 of G.O.No.831, Educational, dated 18th December 1905, [communicated with endorsement No. 74-1, Public, dated 17th January 1906.]

G

L. W. Richards

Captain, I.M.S.,
For Surgeon-General with the Government of Madras.

Ae.

[1,000—18-8-05.]

Current No. 446 of 1906 Mis

No. 415/5

Office of Sanitary Commissioner,
Madras, 1st Feb 1906

From

LIEUT-COL. H. THOMSON, M.B., C.M., D.P.H., I.M.S.,
Offg: Sanitary Commissioner for Madras,

OFFICE OF SURGEON-GENERAL WITH GOVT. OF MADRAS. 2 FEB 1906

To

The Personal Assistant to the Surgeon-General
with the Government of Madras.

Enclosure.

Sir,

With reference to your Endorsement R.C.NO.59/1, dated 23rd January 1906, on G.O.No. 831, Educational, dated 18th December 1905, requesting me to explain the delay in replying to an application for accommodation for a juvenile from the Superintendent, District Jail, Madura, I have the honour to state that upon perusing the records connected with the case, I found that the application referred to was received on the 27th September 1905, and as there was no office on the following day which was a gazetted holiday, the paper was registered on the 29th idem and the list of previous pending applications for accommodation was scrutinized on the 30th. The 1st day of October being a Sunday the paper came for disposal on the 2nd, the draft was fair copied on the 3rd and it was signed and despatched on the 4th. It will, therefore, be seen that there was no unnecessary delay in my office in the disposal of the application. If, however, the application had been marked urgent or at least contained information as to the date of expiry of the term of the juvenile's judicial sentence, the paper would have certainly been attended to earlier. In the absence of this information which should have been supplied in the form prescribed in G.O.No. 1402, Judicial, dated 15th September 1902,

the

the communication was treated as an ordinary one and went through the usual routine course. In this connection, I would also invite the favour of your attention to the remarks as contained in para 2 of letter R.C.No. 255,gl.,dated 13th November 1905, from Major T.H.Foulkes,I.M.S., (late Superintendent of the School) which is printed as an enclosure to the G.O. under reference.

8o No. 831 Ed/g 18-12-05
G (Page 39 of the printed 80)

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

W. Mowson
Lt-Col, I.M.S.,
Offg: Sanitary Commissioner for Madras.
(late Superintendent Reformatory School)
Chingleput

---

N Ed[illegible] No. ~~345/06~~ 5/Jail
1920
Current No. 449/3 1-06

Office of the District Medical and Sanitary Officer, Tinnevelly.

Palamcottah Dated 8th February 1906.

**From,**
Captain C.B. Harrison I.M.S.
THE DISTRICT MEDICAL AND SANITARY OFFICER,
TINNEVELLY.

OFFICE OF SURGEON-GENERAL
12 FEB 1906
WITH GOVT. OF MADRAS.

**To,**
The Personal Assistant to the Surgeon General with the Government of Madras.

**Sir,**

With reference to your R. C. No. 446/5 dated 3rd February 1906, on the question of the delay in forwarding a juvenile offender from the Madura District Jail to the Chingleput Reformatory, I have the honour to explain as follows

2. Swamikannu, the juvenile offender was sentenced on the 11th August 05 to pay a fine of eight annas or in default to undergo simple imprisonment for two days for an offence under clause 12 sec 3 of Act III of 1889. As he did not pay the fine, he was committed to jail. On the same date he was sentenced to two months rigorous imprisonment by the Stationary Sub magistrate of Madura town for an offence under section 224 I.P.C. Therefore the total period of imprisonment the prisoner had to undergo in the jail amounted to 2 months & 2 days, commencing from the 11th August 1905. The actual date of expiry of the sentence was therefore the 12th of October 1905 and this date is rightly endorsed on the reverse of the

Page 13 of the Act

Page 111 of the I.P.C

Page 12 of the original of G.O. No. 831 Edl of 18-12-05 - G 1

warrant under a heading in red-ink "No. II warrant". This endorsement bears the signature of the Jailor as well as my initials as Superintendent at the time.

3. Knowing that the correct date of expiry of sentence was the 12th October 1905, the boy was sent from the Jail on the 10th October 1905 and he was received into the Reformatory the next morning or one day prior to the date of his release.

4. The application for accomodation at the Reformatory was made as on former occasions & it is to be regretted that the correct* form was not made use of.

* in G.O. No. 1402 Judl 15-9-02

5. With reference to the delay noticed by Government I beg to submit that the order of the Sub divisional Magistrate passed on the 19th September was received on the 24th idem; the 24th being a Sunday, it was seen by me on the 25th and application was made to the Reformatory on the 26th. The reply was received on the 6th October. The Superintendent of Police was addressed on the 7th October to send the necessary escort on the 10th October thus giving him 2 clear days notice as required by him. The boy was therefore sent to the Reformatory before his sentence had expired.

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

C B Harrison Captn. I.M.S.
Ag District Medical and Sanitary Officer,
Tinnevelly.

---

Memo 65/06 Edl 22

CURRENT No. 390

Sto Form No. 135
3,700—17-6-05.

**EDUCATIONAL DEPARTMENT.**

21

Received LOCAL & MUNICIPAL 10 MAR 1906 SECRETARIAT. 190 , Registered 10 - 3 - 1906.

Subject.

Returning with remarks Government Endorsement No. 65, Educational, dated 9th February 1906 in regard to the explanation of the Superintendent, District Jail, Madura, for his delay in sending a juvenile offender to the Reformatory School, Chingleput.

ENCLOSURES.
No. 5
Spare copies

R.C. No. 8753 of 1905. 12 P

Station Madras , Dated the 9th March 1906.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

Page 16 of ct.

With reference to Endorsement No. 65, Educational, dated 9th February 1906, herewith returned with enclosures, I have the honour to invite the attention of Government to the subjoined copy of the resolution passed by the Committee of Visitors for the Reformatory School, Chingleput at their meeting held on the 27th ultimo to consider the remarks offered by the Superintendent of the District Jail, Madura, and the Inspector-General of Prisons in the letters referred to me in the endorsement quoted above:-

Resolution

dated 27th February 1906.

"When the Committee passed its resolution V dated 12th October 1905 x all the facts were not laid before it.

x This is the resolution referred to in my letter embodied in G.O. No. 831, Educational, dated 18th December 1905.

G

Even now it is not in a position to offer any opinion or remarks in the absence of the judgment and the warrant under which the boy Swamikannu was sentenced in default of payment of fine. Whether the second sentence of imprisonment is to be calculated to commence from the 11th or 13th August is a purely legal question, and on that point the Committee has not sufficient materials to go upon".

2. The view taken by the Superintendent of the District Jail, Madura, which is concurred in by the Inspector-General of Prisons, that the two sentences should be held to run consecutively and that accordingly the date of termination of the second sentence should be taken to be 12th October 1905, would appear to be one to be referred to the Law officers of Government for an expression of a definite opinion in the matter.

3. As will be seen from the correspondence printed with G.O. No. 831, Educational, dated 18th December 1905, the Superintendent of the District Jail, Madura, was at my suggestion requested to state the circumstances under which the boy could not be sent from the Jail before the 10th October 1905 - which as then understood by the authorities of the Reformatory School was the date of termination of the sentence of imprisonment for two months. If the actual date of termination of the term of two months was the 12th October 1905, the Superintendent of the Madura Jail could have in his reply pointed it out to the Superintendent of the Reformatory School, and if this had been done the Committee of Visitors would probably have called for papers about the first sentence before questioning the eligibility of the boy for admission into the school. I may add that there was nothing in the warrant of Commitment to indicate that the two months' sentence was to run consecutively with a prior sentence already executed, beyond the entry "No. II Warrant" and the dates endorsed which were taken by the Superintendent of the Reformatory School to be incorrect being inconsistent with those given in the body of the warrant.

G

Page 12 of the original of G.O. No. 831 Edl. d/18-12-05

G

I have the honour to be,

Sir,

Your most obedient servant,

T R Scott

For Director of Public Instruction.

KPD

O.P.
4/2-06

Explanation of V. S. Sambasiva Aiyar, Sub Divl. Magte., Madura in regard to the delay in commn. certain order

REVENUE DEPARTMENT.

[illegible] 244 [illegible]
4-4-06 23

C. No. 488 A, From the Collr. of Madura. Dis. No. 236/06 Rev, Dated 30 - 1 - 1906.

To Under Secy

* on pp 7-8 of ct.

~~[illegible]~~ Sambasiva Aiyar's explanation* ~~[illegible]~~ may, it is submitted, be transferred ~~[illegible]~~ to the Educational Dept ~~[illegible]~~ ~~[illegible]~~ with reference to para 2 of G.O. No. 831 Edn. of 18. 12. 05

p. 3 of C. 7

SRl.
3.2.06

3.2.06

2.06

LOCAL & MUNICIPAL
7 - FEB 1906
SECRETARIAT.

Rev u.o. No. 488A
5-1-1906

Educational Dept u.o.

Edl u.o. No. 37R
6.2.06

Educational Departt

The explanation of the Superintendent, Distt. Jail, Madura is now with the G.O. These papers may be added to the file.

7/2/06

[ G./3 ]
5,000—17-3-04.

Explanation of the Supt., Dt. Jail, Madura, re delay in the despatch of a juvenile offender to the Reformatory

Judicial DEPARTMENT.

24

C. No. 464, From the I.G. of Prisons, No. C.170, Dated 28.1. 1906.

Judicial

To the Educational Dept.

LOCAL & MUNICIPAL
3 - FEB 1906
SECRETARIAT.

K.K.
31/1/06

31.1.06

Cles
1/2/06

Jud. No
464-1
2/2/06

Edl. u.o. no. 34R
2.2.06.

G

Edl. Department.

In paragraph 2 of G.O. no. 831 Educational, dated 18th December 1905, ~~the~~ M.R.Ry. V.S. Sambasiva aiyar, Sub-Divisional Magistrate of Melur, Captain C.B. Harrison, I.M.S., Superintendent, District Jail, Madura, and Lieut.-Colonel H. Thomson, I.M.S., Superintendent of the Reformatory School, Chingleput were requested to explain the delay in arranging for the transfer to the Reformatory School, Chingleput, of Swamikannu, a juvenile offender, ordered to be detained in the School. With reference to this order, the I.G. of Prisons now submits the explanation of Captain C.B. Harrison, I.M.S., Superintendent, District Jail, Madura. This explanation will be found on pages ~~7-10~~ 5-8 of current file.

2. For orders as to whether this file may lie over pending receipt of the explanation from the other two officers concerned.

It seems better to wait for the explanation of the

6/2/6

2

Sub Divisional Magistrate, Melur, & of the Superintendent of the Reformatory school, Chingleput. Meanwhile this file may go to the D.G.I for any remarks he may have to offer on Lieut Col: Thomas' letter.

25

PBJ
6/2/6

Refer for early remarks.

Cas
7/2/06.

The draft Endorsement placed below may issue.

NRG
7/2/6

PBJ
7/2/6

Issue
Cas
8/2/06

[ Endt. no. 65 dated 9th February 1906 ].

The Acts have been retained for the office.

NRG
7/2/6

[G./3]
10,000—11-1905.

26 48

Public DEPARTMENT.

C. No. 711, From the Surgeon General, No. 152, Dated 20-2-1906.

LOCAL & MUNICIPAL
27 FEB 1906
SECRETARIAT.

Public U.S.

The S.G. forwards the explanations of Lt. Col. H. Thomson I.M.S. and Captain C. B. Harrison I.M.S., in respect of the delay in sending a juvenile offender to the Reformatory School, Chingleput, noticed in para 2 of Govt. 831 Edl. of 18-12-05. Submitted that the papers may be transferred (wo) to the Edl dept. for disposal.

NB
23/2/06

[illegible] Where is it?

24.2.06

Cn
23.2.06

Edl. W.O.

27/2/06

Pub 711-1
26.2.06

~~Edl. U.O. No 78R~~
~~26.2.06~~

Educational Deptt.

Submitted that the present file may lie over pending receipt of the D.P.I.'s reply to Edl. no. 65 dated 9th February 1906. Meanwhile the Director may be reminded.

NSR
28/2/6

28/2/6

Page 16 of ct.

Y.U.
send reminder
7/3/6

done
7/3/06

27

8

From the D.P.I. no. 8753, dated 9th March 1906.

Page 16 of ct.

Pages 5-8 do

The D.P.I. submits his remarks (called for in Endt. no. 65 dated 9th February 1906) on the letter of Lt. Col. W.F. Thomas, the present Superintendent of the District Jail at Madura, on the subject of the delay in forwarding one Swamikannu, a juvenile offender, from the Madura District Jail to the Reformatory School at Chingleput. ~~It is however submitted that Lt. in G.O. no. 831 Educational, dated 18th December 1905 the explanation of Lt. Col. Thomas was not called for. Nevertheless it would appear that he was concerned in the matter.~~

G

2. The explanations ~~for the delay~~ of ~~Lt.~~ Col. Thomas and Captain C.B. Harrison, the late & present Superintendent of the Madura District Jail, M.R.Ry. V.S. Sambasiva Aiyar, Sub-divisional Magistrate, Melur, and Lt. Col. H. Thomson, late Superintendent of the Reformatory School, Chingleput, are briefly summarised below:—

* Para. 6 of his letter on pages 7 & 8 of ct.

⊛ Para 5 — do — page 21 of ct.

Lt. Col. W.F. Thomas* and Captain C.B. Harrison.⊛ state that the order of the Sub-divisional Magistrate, Melur, M.R.Ry. V.S. Sambasiva Aiyar — passed on the 19th September last, was received in the office on the 24th idem after a delay of 5 days; that ~~As~~ the 24th happened to be a Sunday the tappal was seen on the 25th; that the very next day, namely the 26th, ~~that~~ application was made to the Superintendent of the Reformatory School for the accommodation of the juvenile offender in the Reformatory, whose reply on the subject dated 2nd October 1905 and marked to have been despatched on the 4th, was received in the office on the 6th after an interval

Read

of 11 days from the date of application; that the Superintendent of Police, Madura, was addressed on the 7th October to send an escort on the 10th to take the juvenile offender to the Reformatory, thus giving 2 days' clear notice to the Police Superintendent; and that there was no delay on their part.

Pages 13 & 14 of ct

M. R. Ry. V. S. Sambasiva Aiyar, Sub Divisional Magistrate, Melur, states that he was in camp in Sendurai, a generally inaccessible part of Melur Taluk, being surrounded by mountains; that his diary shows that he reached Sendurai late in the day on the 19th September 1905 and would have passed his order late in the evening; that the tappal leaving ~~Madura~~ Sendurai on the 20th could have reached Melur, a distance of 38 miles, only on the 22nd or 23rd evening; and that the tappal leaving Melur on the 23rd could have reached Madura only on the 24th.

There was no delay in the case

Lt. Col. H. Thomson, late Superintendent of the Reformatory School, Chingleput, says that the application for the accommodation of the juvenile offender Swamikannu in the Reformatory was received in his office on the 27th September 1905; that the following day, namely the 28th September, being a gazetted holiday the paper was registered on the 29th idem and that the list of previous pending applications for accommodation was scrutinized on the 30th; that the 1st of October 1905 being a Sunday the paper came for disposal on the 2nd idem, the draft was fair copied on the 3rd and was signed and despatched on the 4th; and that there was no unnecessary delay in the disposal of the application. He further points out that if the application had been marked urgent

Pages 18 & 19 of ct

Has the communication been marked urgent. this routine delay might have been much reduced

An unjustifiable delay

29 JP

or at least contained information as to the date of the expiry of the juvenile's judicial sentence, the paper would certainly have been attended to earlier and that in the absence of this information which should have been supplied in the form given in G.O. No. 1402 Judicial, dated 15th September 1902, the communication was treated as an ordinary one and went through the usual routine course.

3. In the explanations submitted by ~~There is then the question whether the 10th or the 12th of October 1905 was the date on which the sentence passed on the juvenile offender Swami Kannu expired.~~ Lt. Col. W. F. Thomas and Captain C. B. Harrison, (this also pointed out) that the juvenile offender Swami Kannu ~~in question~~ was committed to Jail on two sentences ~~warrants~~ dated 11th August 1905, the first sentencing him to 2 days' simple imprisonment in default of payment of fine of annas eight imposed on him for an offence under clause (12) of Section 3 of the ~~Madras~~ Towns Nuisances Act, 1889, and the second sentencing him to two months' rigorous imprisonment for escape from lawful custody under Section 224 of the I. P. C. It is ~~therefore~~ argued that the aggregate period of imprisonment which the offender had to undergo was ~~is~~ thus 2 months and 2 days, commencing from the 11th of August 1905 and that the actual date of termination of imprisonment was therefore the 12th of October 1905. The I.G. of Prisons agrees in this view. The D.P.I. ~~at~~ however says that the view would appear to be one to be referred to the Law Officers of Govt. for an expression of definite opinion. ~~in the matter. Attention is also invited to~~ In the resolution of the Committee of Visitors of the Reformatory School, Chingleput ~~dated~~ 27th February 1906 extracted in para. 1 ~~and para 3 of~~

Read

X

Pages 5-7 & 20-21 of ct.

Page 3 of the Act.

~~[illegible]~~
~~3 [illegible] date - there [illegible]~~
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~.

Page 111 of the I.P.C.

This is ~~[illegible]~~ beside the point at issue which is "was there unnecessary delay"

Please see the I.G.'s letter on pages 1-4 of ct.

Para. 2 of his letter on page 23 of ct.

Pages 22-23 of ct.

30

Read

of the Director's letter on pages 22-24 of current, it is ~~brought to notice~~ stated that the judgment and the warrant under which the boy Swami Kannu was sentenced in default of payment of fine were not among the papers about the boy sent to the Superintendent of the Reformatory School. In para. 3 of the Director's letter referred to it is pointed out that no information was given even in the letter of the Superintendent of ~~the~~ Jail, Madura, No 2741 d/ 7th November 1905 printed on page 2 of G.O. No 831 Jul dt 18th ~~[illegible]~~ December 1905 regarding the actual date of termination of the term of two months imprisonment to which the boy Swami Kannu was sentenced. There was also nothing in the warrant of Commitment to indicate that the two months sentence was to run consecutively with a prior sentence already executed, beyond the entry "No II warrant", and the dates endorsed.

N&R 14/3/6

G.

4. As regards delay, it is for consideration whether it should not be held ~~that~~ there was avoidable delay in the Office of the Superintendent of the Reformatory School. The dates ~~are~~ were as follows —

Application for accommodation — received 27th Septr 1905
Registered* 29th " "
Scrutinized 30th " "
Disposed of† 2nd Octr
Reply — copied 3rd " "
Despatched 4th " "

~~[illegible]~~
Some of the [illegible] Capital [illegible] have been opened on a holiday. It cannot be [illegible] or might be [illegible]
[illegible]

* The 28th was a gazetted holiday. (Mahalaya Amavasai)

† The 1st was a Sunday.

Read

31

JP

5. As regards insufficiency of papers – the warrant of Commitment to jail for two days in default of payment of fine was apparently returned executed & ~~could~~ was not apparently with the Superintendent of the Madura jail when he sent the other papers. But he could have explained the fact in his letter no 2741 dt 7th November 1905 on page 2 of G.O. No 831 Edl dt 18th December 1905.

C4

PJ
14/3/6

~~[illegible]~~ Sec

The commitment warrant was issued on 11/8/05, & the order on appeal that the boy should be sent to the Refy. school was passed on the evening of 19/9/05. The warrant ran for 2 months & expired on the evening of 10/10/05. This gave 21 days within which the boy might reach Chingleput.

Sambasiva Aiyar's (Dy. Magte.) order took 4 days to reach Madura. There was no appreciable delay considering the distance. 4

Capt. Harrison (Supdt. of Madura Jail) took 2 days (one a holiday) to send an application to Chingleput. No appreciable delay. 2

Lt.-Col. Thomson (Refy. School) took 8 days (2 holidays) to send his reply which reached Capt. Harrison on 6/10/05. 8

It was here that most of the delay occurred

Clear

& the explanation viz. that ~~the~~ paper was not marked urgent, is, I submit, not very satisfactory. On the other hand it would seem that the Supt. of the School was unaware of the date on which the sentence expired. On the 7th Oct. Capt. Harrison addressed the Police Supt. for an escort on the 10th. This gave the Supt. 2 clear days' notice. The escort arrived on the 10th but was too late as it could not get to Chingleput in time.

2

There is another point. The boy was under 2 sentences dated 11/8/06, one of 2 days & the other of 2 months imprisonment. Under S. 397 C.P.C. these sentences would seem to run consecutively. If this is so the sentences expired on 12/10/06 & the boy was in time to be admitted to the School.

We cannot admit him now
H.
16/3.

Perhaps the papers may be simply recorded.

C.A.S.
15.3.06.

The papers may be recorded. But I do think that the officer in charge of the Reformatory should be able to open his tappal, which may be of urgent nature, on all days, holidays or not. It would perhaps be best to direct that all applications & enquiries as to accomodation in the Reformatory School shd be made by telegram. There can then be no excuse on the ground of "holidays" or want of indication as to urgency. Such reference shd be replied to by telegram on the same or following day

HW
16.3.08.

Hn

Col. Thomson's delay was inexcusable. The ~~letter~~ application was received on 27 Septr. & shd have been registered & perused on that day. On perusal it was clearly ~~an~~ application not admitting of delay & shd have been disposed of on 28th. or at the latest on 29th morning. The ~~[illegible]~~ fault lay with the Supt & his explanation that the routine of his office did not allow of greater despatch is wholly inadmissible; & the sooner arrangements are introduced for the conduct of business on business like principles the better.
Kenny be told so 18/

Please refs
20.3.08

RM

34

A draft order is submitted for approval.

If approved it may be forwarded to Public for acceptance.

21.3.06.

21/3/06

22.3.06.

Public u.o.

LOCAL & MUNICIPAL
30 MAR 1906
SECRETARIAT.

Pub. u.o.

CURRENT NO.
1190

Recd 23.3.06

Eol no. 235 d / 23.3.06.

PUBLIC DEPARTMENT

[illegible]

The draft may be accepted in Public.

23.3.06

3.06

27 3 06

Pub no. 1190-1-D 28.3.06

Eol u.o.

30.3.06

Issue as revised

7/4

3.4.06

As.

Edl file 244

[ E. / 12. ]
1,000—14-6-05.

35

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No. 831, dated 18 – 12 – 1905.
" " " " , " 190 .

*READ ALSO:—*

C. No. 141, From the I. G. of Prisons, No. C. 170, dated 28th Jany. 1906
" 158 " Collr. of Madura " 236/Rev. " 30th " "
" " 320, " " Surgeon General, " 152, " 20th Feb. 1906.
" " 390, " " D. P. I., " 8753/8 1905 " 9th March 1906.

**ORDER**

P.S.

No. 264 dated 4 – 4 – 1906

disp. w/mins & print 3/4/6

~~indicates~~

Recorded with the remark that the explanation furnished by the ~~[illegible] Thomson, I.M.S., &c~~, Superintendent of the Reformatory School, ~~Chingleput~~, in regard to the delay in the disposal by the Supdt. of Jail Madura of the application for the admission ~~recom-mendation on behalf~~ of the juvenile offender Swamikannu, ~~indicates an unsatisfactory~~ ~~made to him by the Superintend-~~ ~~method of disposing of~~ ~~ent of Jail, Madura, cannot~~ ~~business~~ ~~be accepted as satisfactory~~ indicates that the disposal of business by the Reformatory estabt. is far from satisfactory.

The application was received on

the

~~It was not disposed~~ the reply was not despatched till the 4th October. The applicn

the 27th September 1905, ~~which~~ should have been registered and perused on ~~that date~~ the day of its receipt and, in view of the urgency of the matter, disposed of on the 28th or at the latest on the 29th morning, & a reply sent off. ~~The explanation of Lt. Col. Thomson I.M.S.~~ The excuse that the routine of ~~his~~ the office ~~of which he was then in charge~~ did not allow of greater despatch, is ~~wholly~~ inadmissible. No time should be lost in introducing ~~(into the office)~~ the Reformatory office arrangements for the conduct of business on business-like principles.

M.S.
21.3.06.

Ces
22.3.06.

21/3/6

30.3.06

7/14

To
The D. P. I.
.. Pub. Dept.

Despd
6/4/6

35

First copy sent to Press.

eturned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED
- Order complete.
- Letter only.
- Order complete with Letter.

I

AD AGAIN G.O., No. 831 , DATED 18-12-05
190 .

1 abstract

Abstract

37

16P
Index 1-12P

II

RENT No. 141, A

Do & Enclosures — do — A

III

C no. 158 A

do A

CLOSURES TO C. No.

IV

Dft no 65 d 9/2/06 A

V

C no 320 A

Annex to do A

ER OF GOVERNMENT.

VI

C no 389 A

TER TO GOVERNMENT

T WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

Press

[illegible]

Please proof

N.B.—
A = Print in full.
B = Not to be printed.
F = Print abstract only.
C = Print heading only.