

Financial (189) Department.

ORDINARY M.S.

G.O., Nos 619-620..

DATED 20.5.99

INDEXED. 9/10

[Despatch Abstract.]

Exchange Compensation allowance Passing orders
on letter from the J.G. of Prisons reporting the result
of the examination of the claims of the officers of
the jail Dept; and addressing the J.G. on the
subject of the claims of Dist Jailors to—

PRINTED IN G.O., dated

21/5/99

13-7-1899, No. 78

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2313/89 = 787 3276 3318 3319	137-22						

FINANCIAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 787, FINANCIAL,
DATED 13TH JULY 1899.

G.O., Nos. 619, 620, FINANCIAL, DATED 20TH MAY 1899.

Letter from the Inspector-General of Prisons, dated 23rd March 1899, No. 1785.

In paragraph 20 of Government of India Finance and Commerce Department Resolution No. 4847-Ex., dated the 5th November 1898, it was ruled that the principal appointments in the Jail department require European qualifications, and that officers of and above the rank of Assistant Superintendent in that department who were appointed to these posts direct may be regarded as eligible for exchange compensation allowance.

2. In paragraph 21 of the same resolution, officers originally appointed to the Jail department in a rank lower than Assistant Superintendent have been declared eligible for the allowance if they were so appointed in pursuance of a system of recruitment for Assistant Superintendencies or pending the occurrence of a vacancy.

3. In the same paragraph Jailors of Presidency and Central Jails are declared eligible for the allowance.

4. In G.O., No. 114, Financial, dated 18th January 1899, the Government agreed with the view expressed by Mr. Cardew that the term "Jailor" covered "Deputy Jailors," on the ground that Deputy Jailors are recruited with a view to their eventually becoming Jailors.

5. The officers regarding whose claims to the allowance orders are now solicited are the following officers of the Jail department :—

Mr. E. L. F. Cavendish,	} Superintendent, Central Jail.
" R. L. Shubrick,	
" J. E. Young,	
" S. H. Wheeler, Jailor, Central Jail.	
" Lovejoy, Deputy Jailor, Hill Jail.	

6. The Inspector-General is of opinion that Messrs. Cavendish, Shubrick and Young, who hold office each as Superintendent of a Central Jail, are entitled to the allowance under the ruling quoted in paragraph 1 *supra*.

7. From page 410 of the History of Services, it will be seen that Mr. Cavendish was appointed an Inspector of Police in 1883, an Acting Assistant Superintendent of Police in March 1884, continuing in this appointment until July 1885, when he was appointed Superintendent of a District Jail sub. *pro tem.*, being confirmed as such in March 1886. Page 411 of the History of Services shows that Mr. Shubrick was appointed sub. *pro tem.* Superintendent of a District Jail in October 1890 being confirmed in September 1891. Mr. Young is shown on pages 413 and 414 as having been an Inspector of Police in Burma from February 1887 to July 1889, when he was appointed an Acting Assistant Superintendent, in which appointment he continued until March 1892, when he was appointed Superintendent of a District Jail in this Presidency being confirmed in that post in the July following.

8. There can, it is submitted, be no doubt as regards Mr. Shubrick's claim. He is not a Statutory Native of India—*vide* despatches Nos. 9 and 8, Judicial, dated 22nd September 1890 and 26th June 1891, respectively, in which the Secretary of State's sanction to his appointment in the Jail department was applied for in consequence of the very fact that he is not a Statutory Native.

9. The terms of Mr. Cavendish's appointment to the Police department in this Presidency and of Mr. Young's appointment in Burma are not known. Their transfer

from the Police to the Jail department did not require higher sanction even if they were not Statutory Natives of India—*vide* despatch from the Secretary of State, No. 4, Judicial, dated 7th July 1881, recorded in G.O., No. 1548, Judicial, dated 3rd August 1881. Messrs. Cavendish and Young were, however, independently of their Police appointments, appointed direct to the office of Superintendent in the Jail department and they appear to be entitled to the allowance, if they are not Statutory Natives of India. This appears to be in accordance with India's ruling regarding Mr. Gadsden, who entered the Police department as an Inspector and was then transferred to the Jail department.

G.O., No. 110, Financial, dated 17th January 1899.

Page 410 of History of Services.

10. Mr. Wheeler, as a Jailor of Central Jail, is eligible for the allowance if he is not a Statutory Native.

11. As regards Mr. Lovejoy, the Inspector-General now submits that the claims of Jailors of District Jails may also be admitted, inasmuch as Deputy Jailors of Central Jails are, as a rule, first posted as Jailors of District Jails before they are appointed as Jailors of Central Jails. If this view is accepted, Mr. Lovejoy, the Jailor of the Hill Jail, Russellkonda, would be entitled to exchange compensation allowance, provided he is not a Statutory Native. It is submitted, however, that the fact that Deputy Jailors of Central Jails are, as a rule, first posted as Jailors of District Jails before they are appointed as Jailors of Central Jails should have been stated by the Inspector-General when he submitted Mr. McInnes's case on which G.O., No. 114, Financial, dated 18th January 1899, was passed. The

Russellkonda is, however, classed under "other Jails" on page 167 of the Civil List.

orders of the Government of India would appear to be necessary before the rules are extended to any further class of Jailors.

(Intld.) G.S.
28-4-99.

12. The question as to whether the officers concerned are Statutory Natives of India remains to be considered. The Inspector-General states that "as the list of officers contained in the Appendix to G.O., No. 482, of 26th May 1898, was drawn up in accordance with the rules communicated in G.O., No. 809, Financial, dated 30th September 1897, and based on those communicated in G.O., No. 491, Financial, dated 24th June 1897, it follows that the officers therein mentioned are not Statutory Natives of India." In a recent case, however, the Government on further enquiry had to take a different view to that expressed

G.O., No. 1150, Financial, dated 2nd December 1898.

by the Board of Revenue in regard to whether certain officers of the Salt department are or are not Statutory Natives of India. It is submitted, therefore, that, before final orders are passed, the Inspector-General may, as was done in the case of the Police department the other day, be requested to obtain particulars, by means of the usual questions, in regard to the officers referred to above, with the exception of Mr. Shubrick.

Yes.

(Intld.) G.S.
23-4-99.

(Intld.) C.M.S.
27-4-99.

Draft.

(Intld.) G.S.
28-4-99.

For the C.S.—

Please see draft below.

(Intld.) C.M.S.
30-4-99.

H. E. THE GOVERNOR.

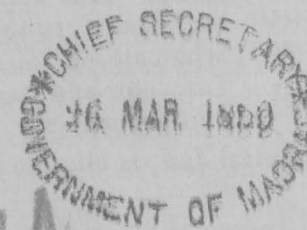
(Intld.) G.S.
1-5-99.

Seen.

(Intld.) A.E.H.
18-5-99.

Financial Judicial (1899) Department.

CURRENT No. 1420



From

The Insptr: Genl of Prisons,
Ootacamund.

Order Endorsement:-

Transferred to the

Financial Department.

By order

A. H. H. H.

Ag Under Secretary

No. 1785

Dated 23rd March 1899

Received 26-3-99

Registered

Enclosures

Spare copies

SUBJECT.

Reporting the result of the
Examination of the claims to
Exchange compensation allowance of
the officers of the Jail Department.

The Finl. Dept.

BACK PAPERS.

G.O.	No.	Department.	Date.
	Judicial	1420 and put up papers	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

H.O. Form No. 2 (1,000)—June 1897.

CURRENT No. 1420

No. 1785

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS,

Dated Ootacamund the 23rd March 1899

60 Nos 619-708 709/99

From

Ltut: Col. W. O. Hara, I.M.S.
A. G. CARDEW, Esq., M.A.,

Ag: INSPECTOR-GENERAL OF PRISONS,

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

Enclosures.

As directed in Memorandum No. 371 Financial, d/ 4th February 1899 communicated in G.O.F.No. 258 dated 20th February 1899, I have the honour to report the result of the Examination of the claims to Exchange Compensation allowance of the officers of the Jail Department (mentioned in the appendix to G.O.No. 482 Financial dated 26th May 1898), with reference to the resolution of the Government of India recorded in G.O.No. 1081 Financial dated 19th November 1898.

2. As the list of officers contained in the Appendix to G.O. 482 of 26th May 1898 was drawn up in accordance with the rules communicated in G.O.No. 809 Financial dated 30th September 1897 and based on those communicated in G.O.No. 491 Financial dated 24th June 1897, it follows that the officers therein mentioned are not Statutory Natives of India as defined in Statute 33-Victoria Chapter 3-Section 6.

3. Messrs E.L.F. Cavendish, R.L. Shubrick & J.E. Young hold office each as Superintendent of a Central Jail i.e. one of the appointments mentioned in Government of India Resolution No. 4847 Ex: Finance & Commerce Department, dated 5th November 1898 by virtue of holding which an officer appointed in India, not being a Statutory Native of India, becomes entitled to Exchange Compensation allowance. These officers, therefore, are entitled to the allowance under the revised rules.

u/o 1081 Finl
18. " 98.

I have the honour to be,

Sir,

Your most obedient servant,

Wofaia

Lt:Col., I.M.S.,

Ag: Insptr: Genl of Prisons.

Note.

In para. 20 of ~~the~~ Govt. of India, Fin. & Com. Dept. Resolution No. 4847 EX., dated the 5th November 1898, it was ruled that the principal appointments in the Jail Dept. require European qualifications, and that officers of ~~all~~ ~~of~~ and above the rank of Asst. Supt. in that Dept. who were appointed to these appointments direct may be regarded as eligible for Exchange Compensation allowance.

2. In para. 21 of the same Resolution officers originally appointed to the Jail Dept. in a rank lower than Asst. Supt. have been declared eligible for the allowance if they were so appointed in pursuance of a system of recruitment for Asst. Superintendencies or pending the occurrence of a vacancy.

3. In the same para Jailors of Presidency and Central Jails are declared eligible for the allowance.

4. In G.O. No. 114, Finl., dated 18th January 1899, the Govt. agreed with the view expressed by Mr. Cardew that the term "Jailor" covered "Deputy Jailors", on the ground that Deputy Jailors are recruited with a view to their eventually becoming Jailors.

claims to the allowance orders are now solicited are the following officers of the Jail Dept.:-

Mr. E.L.F. Cavendish - Supt., Central Jail
,, R.L. Shubrick - do do
,, J.E. Young - do- do
,, S.H. Wheeler - Jailer, do
,, Lovejoy - Deputy Jailer, *Hill Jail*

6. The Inspector General ~~is of opinion~~ *is of opinion* that Messrs Cavendish, Shubrick and Young, who hold office each as Supt. of a Central Jail, are entitled to the allowance under the ruling quoted in para. 1 supra.

7. From pages 410 of the History of Services, it will be seen that Mr. Cavendish was appointed an Inspector of Police in 1883, an acting Asst. Supt. of Police in March 1884, continuing in this appt. until July 1885 when he was appointed Supt. of a Dist. Jail sub pro tem, being confirmed as such in March 1886. Page 411 of the History of Services shows that Mr. Shubrick was appointed sub pro tem Supt. of a Dist. Jail in October 1890 being confirmed in ^{Sept.} 1891. Mr. Young is shown on pages 413 & 414 as having been an Inspector of Police in Burmah from Feb. 1887 to July 1889, when he was appointed an acting Asst. Supt. in which appointment he continued until March 1892 when he was appointed Supt. of a Dist. Jail in this Presidency

This appears to be in accordance with Indian ruling re Mr. Faddan (140) S.D. No 110 Inst. of 17-1-94, who entered the Police Dept. as an Inspector & was then transferred to the Jail Dept (Page 410 of History of Services) margin

being confirmed in that post in the July following.

8. There can, it is submitted, be no doubt as regards Mr. Shubrick's claim. He is not a Statutory Native of India - vide Despatches ~~10000~~ Nos. 9 and 8, Judicial, dated 23rd Sept. 1890 and ~~6th~~ June 1891, in which the Secretary of State's sanction ^{to} his appointment in the Jail Dept. was applied for in consequence of the very fact *that he is not a Statutory Native*

9. The terms of Mr. Cavendish's appointment to the Police Dept. in this Presidency and of Mr. Young's appointment in Burma are not known. Their transfer from the Police to the Jail Dept. did not require higher sanction even if they were not Statutory Natives of India - vide Despatch from the Secretary of State No. ~~1000~~ ⁴ 38, Judicial, dated 7th July 1881 recorded in G.O. 1548, Judicial, dated 3rd August 1881. Messrs Cavendish and Young were, however, independently of ^{their} Police appointments, appointed ~~directly~~ to the Office of Supt. in the Jail Dept. and they appear to be entitled to the allowance, if they are not Statutory Natives of India.

10. Mr. Wheeler, as a Jailer of Central Jail is eligible for the allowance if he is not a Statutory Native.

11. As regards Mr. Lovejoy, the Inspector General now submits that the claims of Jailors of District Jails may also be admitted inasmuch as Deputy

Jailors of Central Jails are, as a rule,
first posted as Jailors of District
Jails before they are appointed as
Jailors of Central Jails. If this view
is accepted Mr. Lovejoy, the Jailor of
the Hill Jail, Russellkonda, would be
entitled to exchange compensation allow-
ance, provided he is not a Statutory
~~Native~~ Native. It is submitted however,
that the fact that Deputy Jailors of
Central Jails are as a rule first
posted as Jailors of District Jails
before they are appointed as Jailors of
Central Jails should have been stated
by the Inspector General when he sub-
mitted Mr. Mc Innes's case on which
G.O. No. 114, Financial, dated 18th
January 1899 was passed. The orders of
the Govt. of India would appear to be
necessary before the rules are extended
to any further class of Jailors.

12. The question as to whether
the officers concerned are Statutory
Natives of India remains to be consid-
ered. The Inspector General states that
"As the list of Officers contained in
"the Appendix to G.O. 482 of 26th May
"1898 was drawn up in accordance with
"the rules communicated in G.O. No. 809,
"Finl., dated 30th September 1897, and
"based on those communicated in G.O. No.
"491, Finl., dated 24th June 1897, it
"follows that the officers therein men-
"tioned are not Statutory Natives of
"India". In a recent case however, the
Govt. on further enquiry had to take a

*Russellkonda is, however,
claimed under "Other Jail"
on page 167 of the Civil
List.*

1/1/99 + 1/1/99.

G.O. No. 1150, Finl., dated
2nd Decr. 1898.

different view to that expressed by the
Board of Revenue in regard to whether
certain officers of the Salt Dept. ~~are~~
or ~~are~~ not Statutory Natives of India.
It is submitted, therefore, that before
final orders are passed, the Inspector
General may, as was done in the case of
the Police Dept. the other day, be re-
quested to ^{obtain} ~~provide~~ particulars ^{by} ~~of the~~
~~means of the usual questions~~
~~information upon which he has arrived~~
~~in regard to the~~
~~at the conclusion that the officers~~
referred to above, with the exception of
Mr. Shubrick are not Statutory Natives
of India obtaining such ~~such~~ informa-
tion as he required by means of the
usual questions.

*Civil
27. 4. 98 N. S. the Governor*

*(Dtd) 8.5
1.5.99*

For the C.B. Smit

Please see draft below.

*Civil
20. 4. 98*

*Sam
A. 9. 4. 98
B. 5. 9. 98*

Printed

22/1/99

[Handwritten signature]

118. The End

7.2H.
18.5.99

IV (in Curve)

2. From the correspondence
induis with G.O. No. 1838

Judicial, 27th 10th September 1891, it is clear that Mr. Shubrick is not a Statutory Native and no further question arises as regards his claim.

3. The 24 of Purvis will,
from each of the
however, obtain ~~as usual~~ two

other officers mentioned above
replies to the questions contained
in the appendix to G.O. No
432 Dated 21st March 1899.

4. The orders of the G. of I.
will be obtained in regard
to the admission of Jailors
of District Jails to the allowances.

Curd
20. 11. 99

11/11/99

22/5/99

J. H. Purois (G.O. 12, 70)
Act Genl (770) a 70
Jail. Dept (77, 1, 10, 72)

25.5.99

No 620
Letter to the Secretary to the
G. of I., the Finance &
Commerce Dept.

with copy of G.O. 114
18.1.98

20/5/99

Sir,

In para 21 of G. of I. Fin:
(Commerce Dept. Route No 484). Ex
of the 5th November 1898, it was
laid down that Jailors of
Presidency and Central Jails
may be admitted to the benefits
of exchange compensation
allowance, if personally
eligible. As it is obvious
that Jailors of Presidency
and Central Jails cannot be

G.O. 1081 Dated
19.11.98 P

25.5.99

enlisted, as such, without
first undergoing training in
the post of Deputy Jailor,
and as in para 22 of the
resolution quoted above the
G. of I. recognized the claims to
the allowance of European
wardens in those jails in
which special accommodation
is provided for Europeans,
the former in Council has
ruled that the term "Jailor"
in para 21 of the Resolution
includes "Deputy Jailor".
vide copy of Proceedings No.
114 Dated 18.1.98 enclosed -
2 The G. of I. Purois now
points out that Deputy
Jailors of Central Jails are,
as a rule, first posted as
Jailors of Dist. Jails ^{with a view} before
~~they are appointed~~ as Jailors
of Central Jails, he contends
that Jailors of
District Jails should, if
otherwise eligible, be ad-
mitted to the allowance.
3. I am to submit this

proposed

proposal for the favourable
consideration of the Govt. of
India.

Civil
30/11/77

1/5/77

When given for copying _____
When copied _____ 1899
When examined _____
When signed _____

READ AGAIN G.O., No. _____, DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAYERS NOT FILED UP, BRING WANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.