Rev (Spl) Dept (18)

Sesh. II—18—21,560—15-1-17.

Home (1917) Department.
(Miscellaneous)

Ordinary SERIES. 1/492-93

G.O. No. 492-93.

DATED 25-5-1917.

INDEXED

19-தாலூகாக்

[Despatch Abstract.]

[illegible]

directing the despatch of a reply to the Government of the Straits Settlements asking for further particulars regarding the
———— 11 [illegible]

G.O.	No.	Depar
1655-6 14-9-17		

தமிழ்நாடு ஆவணக்காப்பகம்

பாதுகாப்பு (Pr1) பிரிவு

செப்பனிட்டவரின் பெயர் : என். சந்திரன்...
ஆவணத்திலுள்ள மொத்த தாட்கள் : 19
செப்பனிட்டு முடித்த நாள் : 03.03.15
செப்பனிட்டவரின் கையொப்பம் : என். சந்திரன்...

11/3/2015 — — சரிபார்க்கப்பட்டது — — 3/3/2015

பணி வழங்கிய எழுத்தர்
(Issue Clerk)

பணி சரிபார்த்த எழுத்தர்
(Checking Clerk)

பிரிவுத் தலைவர்

Sectt. II—9.

Home DEPARTMENT.
(Mis).

2/492—93

CURRENT FILE.

CONTENTS.

Current No.	From	Number.	Date	Pages.

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

PAPERS PUT UP WITH CURRENT No. ________

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, etc., should be marked with a cross.)	Initials of Referencer with date token of return to Reference department.

Papers of other departments.

Department.	Number	Date.	Original (= O.) or spare copy (= S.C.)	Initials with date of (1) Referencer acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to the department concerned.

H.M.L. C.V.

Colonial Secretary, Straits Settlements

3/492-93

Ct Rw 225
Judl C
Reg 0261/17
29

20-JAN-1917

Colonial Secretary's Office,

Singapore, 17th January, 1917.

It is requested that the following number be quoted in the reply to this letter.

No. 315/1917.

24-JAN-1917

Sir,

I am directed to inform you that the Government of Johore, a protected Malay State, desires to repatriate a prisoner, Kadirsah, son of Mydin Pichay, who has been sentenced to imprisonment for life for homicide, by beating a child to death.

2. Particulars concerning the prisoner are annexed.

3. I am to enquire whether the Government of Madras would object to this man's repatriation.

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

Barnes

Colonial Secretary,
Straits Settlements.

The Secretary to the
Government of Madras,
Fort St. George,
MADRAS.

P.V.

2/

4/
492-93

STATE OF JOHORE.

PARTICULARS CONCERNING PERSON ARRESTED ON

BANISHMENT WARRANT NO. OF 19 .

What is your name? Kadirsah

Your nickname or other name? Nil

Where were you born?

Country (and Province) India, Madras Presidency.

(Perfecture and) District Mailbram (Mofussil)
Badakarai (village). | N. malabar dt.

Who is your father? Mydinpichay.

Where born? Same place.

Who is your mother? Fatimah.

Where born? Same place.

Give exact details of your birth-place

Town or Village Badakarai

Street } Nil
House }

In what year were you born? About 1884.

What day is your birthday?

To what animal do you belong?

In what year was your father born?

To what animal does he belong? ?

In what year was your mother born?

To what animal does she belong?

Give names of all brothers and sisters with ages and birth-places.

Syed Mohamed - about 11 years - Badakarai

Rosenbi (f) - about 30 years - Badakarai

(does not know whether still living or not.)

(Sd/-) F. Robinson

Superintendent of Prisons,
Johore Bahru.

9. XII. 16.

3/ 5/492-93

General No.	Name and Nationality	Crime	Sentence and Date	Remarks.
7.	Kadirsah Madrasi	Homicide beating a child to death	Imprisonment for life 17. 2. 1908	Behaviour good Age 32 years Escaped from Prison 23. 6.11. Recaptured on 3rd August 1911.

C.F. 19—1-14.

SPR
2/1

Page No. 6/492-93

4

Home (Jud) Dept.

Letter

To 225 C-1 d/ 31.1.17

1/2/17

The Honourable the
Colonial Secretary,
Straits Settlements,
Singapore.

1.2.17

Sir,

With reference to your letter no. 315, dated the 17th January 1917, regarding the repatriation of one Kadirsah, I am directed to enquire whether it is proposed to transfer him, as a convict ~~to be confined in the gaols of this Presidency for~~ for him to serve out the remainder in this Presidency of his life sentence or whether it is proposed to release him before repatriation.

p.1c.f

CvV
29.1.17

M.V.V.
30-1-17

E.H.H.
31.1.17

C.V.U

M.T.

5

C No. 679
Judl C
Rd 7.3.17

7/492-93

Colonial Secretary's Office,

Singapore, 24th February, 1917.

It is requested that the following number be quoted in the reply to this letter.

No. 315/17.

-7 MAR 1917

SECRETARY TO GOVERNMENT OF MADRAS
-7-MAR-1917
HOME DEPARTMENT

Sir,

In reply to your letter No. 225 C-1 of the 31st ultimo, I am directed to inform you that the Government of Johore proposes to remit the balance of the life sentence passed on Kadirsah as from the date on which he is banished from Johore.

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

R. Crichton

f Colonial Secretary,
Straits Settlements.

The Secretary to the Government
of Madras,
Home (Judicial) Department,
Fort St. George,
MADRAS.

NOTES.

I

From the Colonial Secretary, Straits Settlements, No 315/17 d the 17.1.17, Home dept (Mis).

II

Letter No 225 C.1 d the 31.1.17

III

From the Colonial Secretary, Straits Settlements, No 315/17 d the 24.2.1

Endt 611-1 d 9.3.17

Referred to the I. G. of Police for remarks.

EHK
9.3.17

Fq
8.3.17

Park
8.3.17

Recd. [illegible] with [illegible] 10.3.17.

To
The I. G of Police (Endt ~~[illegible]~~) with papers at pages 1-3 & 5 C.F to be returned with reply.

7

C No. 1242 Mis

Cancel in C: Regd in Mis

C.F.—29.

Circle

Cer. 1020 Recd on 5.4.17

HOME **DEPARTMENT.**

TCM

REGISTRAR HOME DEPARTMENT GOVT: OF MADRAS -5-APR-1917

Received 191 . *Registered* 574 191

9/492-93

Subject.

Submitting a reply to Home (Judicial) Department endorsement No. 611-1, dated the 9th March 1917, regarding one Kadirsa whom the Government of Johore desire to repatriate to this Presidency.

SECRETARY TO GOVERNMENT HOME DEPARTMENT -5-APR-1917.

ENCLOSURES
No. 1 file returned
Spare copies

70c No. 471/state of 17

Station Madras , *Dated the* 4th April 1917.

From (Name) P.L. Moore, Esquire, C.I.E., I.C.S.,

(Designation) Inspector-General of Police.

To The Secretary to the Government of Madras,

Home (Judicial) Department.

Sir,

In returning herewith the papers received with Home Department (Judicial) endorsement No. 611-1, dated the 9th March 1917, I have the honour to state that no information is forthcoming as to whether Kadirsa whom the Government of Johore desire to repatriate to this Presidency, was ever a resident of Badagara in the Malabar district. There is nothing on record in the police registers regarding the individual. It is however evident that he has given a false name and address and he has committed a serious

6 p6 ante

offence

There was another case in which an [illegible] permit (by mistake) this repatriation of an undesirable. [illegible] & Cardew's notes on it; it may be put up with this case.

[illegible] 5.4.17

V

G.O. 256 12.2.16 & G.O. 947 R 16.5.16 are put up.

9½

6

offence. I do not consider that such an undesirable character should be allowed to return here.

I have the honour to be,

Sir,

Your most obedient servant,

for Inspr.-Genl. of Police.

4/4

V.R.
***

KO

C.E.—12

10
492-93

NOTES.

Scott. II—8 (a)—12-1-15.

NOTES.

9

Page ~~1~~

11/492-93

Home (Just) dept.

Repatriation.

p.1 cf

[C No. 215] From the Colonial Secretary, Straits Settlement
No. 215 of the 17.1.17

U.S.

The prisoner whom it is proposed to repatriate from the Johore State is under a sentence of imprisonment for life passed on him on the 17th February 1908 for beating a child to death. The Colonial Secret[illegible] has not [illegible] informed this Govt. wh[illegible] it is proposed to transfer the prisoner to [illegible]his Presidency as a convict or whether it is proposed to release him and send him. A draft letter asking for this information is submitted for approval. On receipt of this information, the D.M. of Malabar[x] may be consulted, if necessary.

p.3 c.f.

[x] The prisoner is a native of Badakarai, Malabar dt (p.2 cf)

CoV
29.1.17

m.v.v.
30-1-17

31.1.17

p.4 cf [Letter No. 215 C-1 of 31.1.17]

p.5 c.f. [C No. 679] From the Colonial Secretary, Straits Setts.,
No. 315 of 24.2.17

U.S.

Please see the letter from the Colonial

Secretary on page 5 c.f. The Govt. of Johore propose to release the convict before repatriation. In the circumstances no action appears necessary in Judicial. The file may, it is submitted, be transferred to the Miscellaneous Section.

CoV
7.3.17

M.V.V.
7.3.17

Expedite disposal.

E.W.M.
9.3.17

F.D.

Home (Mis)

Judicial no 225C-2
8.3.17

C No. 611 Mis
8.3.17

Home dept
(Mis)

For Secretary

It is for consideration whether the remarks of the I.G. of Police may be invited on the proposal of the Govt. of Johore. A draft endt. is submitted for approval. For precedent please see Endt. No 5371-2 d the 9.11.15 at page 7 of G.O. 256-57 d the 12.2.16.

8.3.17.

P.d.R.
8.3.17

E.W.M.
9.3.17

[Endt. No 611-1, Home (Mis), d the 9.3.17]

NOTES.

11/ 13/492-93

pp7-8CF

From the I. G. of Police, F.O.C No 471/17 Stats, d the 4.4.17.

For the W. S

In the circumstances reported by the I. G of Police this Govt may, it is submitted, object to the repatriation of the man ~~to this Presidency~~. A draft order and a draft letter are submitted for approval. [Please see in this Connection G.O. no 256 d 12.2.16 and G.O. 947 d 16.5.16]

pp7-8C.F

V, R.

19.4.17.

20.4.17

Is there any precedent for refusing to take back a criminal native of this country on the grounds put forward in the draft? They look rather thin.

21.4.17

For the W. S

Submitted that no precedents are traceable for refusing to take back a criminal native of this Presidency. The only case on the point is that dealt with in G.O. no 947, Pub, d the 16.5.16 in which the Hon'ble Sir Alexander Cardew remarked

R

Page 2 of notes
640. 947 R
16.5.16

that this Govt should not have consented to the repatriation of a man who left for Johore while an infant and who did not know who his father was.

2 It is submitted in this connection that H. E. the Governor of the French Settlements in India refused to take back a native of Pondicherry from this Presidency) on the ground that he was a professional thief – *vide* pages 9-10 of correspondence in G.O no 2291, Judl d the 20.9.16.

Y

28.4.17.

S.
F n orders.

P. d. R.
30.4.17

Judl C.
17

O.M.V.V.
2.5.17

E. W. U.
3.5.17

U. S.

Suppose the Colonial Govt. remits the balance of sentence and releases the prisoner; the prisoner thereafter return to India x put up

S. 3 of Act III of 1864

We can repatriate ~~[illegible]~~ a foreigner under the Foreigners' Act^x; that is to say, we can exclude him from this country. Presumably the F.M.S. have a similar act and can do the same. If the F.M.S. do this & send him back here, or, if he returns here on release from the F.M.S. can we exclude him? If so, under what law?

Please put up Foreigners' Act and any other relevant act or paper.

CML
5.4.17

RD 6.5.17

__For the U.S__

A copy of Act III of 1864 is put up.

__2__ Submitted that there appears to be no provision of law under which the man can be excluded from this Presidency). If necessary action may perhaps be taken under the Ingress into India Ordinance, 1914 (V of 1914) to arrest and intern or confine the man on his return here or to direct him to remain in a specified area. This power can

p/p 50-51 of Pamphlet put up.

Section 3 of Foreigners Ordinance & 52 of Ingress into India Ordinance III of 1914 & V of 1914

[The Govt have got powers –

[illegible]

S. 2 (2) of Ingress into India Ordinance.

be exercised ~~by them~~ only if it is considered that such a course is desirable in order to protect the State from the prosecution of some purpose prejudicial to its safety, interests or tranquillity. The circumstances of the case do not seem to be such as to warrant action being taken under the Ingress into India Ordinance.

3 The principles in force for the regulation of the release of life-convicts from Port Blair are contained in the memorandum at X pages 3-4 of G.O. 1774 Judl. d the 18.11.11. The prisoner in the present case will fall under the 3rd class of convicts specified in para 3 of the memorandum. i.e. he is not a professional and habitual criminal. The rule is that in such cases the man may be recommended for release on the expiry of twenty years inclusive of remissions. The man in the present case was sentenced to imprisonment for life on 17.2.08, ~~and~~ and if the rule for the release

63CF

If the man had
een in confinement
n India he will be
eligible for release
after 14 years im-
prisonment inclusive
of remissions, against
the 20 years of a
Port Blair convict.
~~[illegible]~~ If he has earned
sufficient remissions
e would ~~have been~~ be
eligible for release just
bout this time. Please
ee the case disposed of
in G.O. 5 Jud 9-1-17. ~~He~~
e convict therein
was sentenced to trans-
portation for life on 6-9-07
and he was released in
January last = within 10 years.

M.N.V.
19.5.17 Thro' Judl C.

CoV
19.5.17

of Port Blair convicts is applied he will have to remain in prison for another 11 years, inclusive of remissions.

4 It is for consideration whether the Govt of the Straits Settlements may be informed that in the opinion of this Govt the man should not be released from prison.

13.5.17

Pdek
16.5.17

S.

If we accept the man's statement that he is a native of India I am afraid that we cannot object to his entering India. He may of course be put under Police surveillance when here; but that I submit seems unnecessary. The Col Govt. may be informed that we do not object to the repatriation.

E.M.
22.5.17

I think the draft as amended may issue – & avoid the raising of the legal difficulties in the case. 25/5/17

25 MAY 1917

Issue E.M.
25.5.17

Scott. II– 10 (a)—12-1-15.

18
492-93

Home DEPARTMENT.
(Mis).

Repatriation

Directing the despatch
of a reply to the Govt of the Straits Settlements ~~stating~~
asking for further particulars
~~that the Govt do not consider that Kadirsah~~
regarding the
~~a prisoner should be permitted to return~~ to
repatriation of a prisoner Kadirsah.
~~this Presidency~~).

READ AGAIN G.O. No. .... dated .... 191 .
" " " " ...., " .... 191 .

READ ALSO :—

Papers in C.F.

C. No. ...., From the ...., No. ...., dated .... 191 .
" " ...., " " ...., " ...., " .... 191 .
" " ...., " " ...., " ...., " .... 191 .

ORDER.

Mis

No. 492, dated 25. 5. 1917.

The following reply will be despatched to the Hon'ble the Colonial Secretary, Straits Settlements.

19.4.17.
20.4.17
E.W.H.
3.5.17

Letter
Mis
493 d the 25.5.17

26/5

To

The Hon'ble the Colonial
Secretary,
Straits Settlements.

Sir,

I am directed to invite

~~8~~ 17

a reference to the correspondence ending with your letter no 315/17, d the 24.2.17, on the subject of the repatriation of a prisoner, Kadirsah, and to state that no information is forthcoming as to whether the ~~[illegible]~~ individual was ever a resident of Badagara in the Malabar district. It is evident that he has given a false name and address ~~[illegible]~~ ~~and that he has committed~~ guilty of a ~~I regret to say that~~ serious offence. They Govr in Council does not therefore consider that such an undesirable character should be permitted to return to this Presidency.

19.4.17.

20.4.17

3.5.17

If the prisoner can be induced to report his circumstances accur enquiries can be made as to his relations an this Govt will then be in a better position to judge if they can accept his return to this Presidency.

25 5/17