

## MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT

|          |         |                |
|----------|---------|----------------|
| G.O. No. | 1236    | Press          |
|          | 38-40   | <del>Mis</del> |
| Dated    | 25-5-49 | 1949           |

Not to be folded or roughly handled

*Fort St. George, Judicial Consultation, 29th September 1857.*

Read the following papers.

No. 38. From the Honorable Company's Solicitor; to the Acting Chief Secretary to Government, dated August 21st, 1857, No. 463.

Sir,

Minutes Consultation dated 26th May 1857, Judicial Department, No. 499.

With reference to the Extract from Minutes of Consultation noted in the margin, I have the honor to state after full consideration, that I do not see any objection, legal or otherwise, to the proposed "Regulations and Orders to be observed at the Madras Penitentiary," copy whereof accompanied the Extract above noted.

I am not aware of any enactment relating to the maintenance of discipline in the Gaols of this Presidency, but

I am of opinion, that Government is quite competent, without any Legislative authority, either general or special, to frame and sanction such Regulations and Orders for maintaining discipline in Gaols as those above mentioned.

I solicit attention to my letter of the 4th of May last, No. 235, and assume that the marginal note to the 15th Rule will be expunged before the Rules are finally sanctioned.

(Signed) J. R. BOYSON,  
*Honorable Company's Solicitor.*

*Regulations and Orders to be observed at the Madras Penitentiary.*

1. The House of Correction shall be under the immediate orders and direction of the Commissioner of Police.
2. The Superintendent shall be appointed by him.
3. The Superintendent shall have the general charge of the Jail, and is responsible for the safe custody of the prisoners. He shall visit the wards daily, and see the wards are properly cleaned, regulate the duties of the Jail guard, inspect the men for work, that the food is properly cooked and distributed, and that all men who appear ill, are sent to the hospital for examination. He shall also see that all the prisoners enter their respective wards 20 minutes after sun-set daily, and that the wards shall not be again opened, except in cases of emergency, until half an hour before sun-rise the next morning. The prison gates shall be closed daily at sun-set and kept closed until sun-rise the next morning.
4. Each prisoner shall, on admission, be strictly searched and shall be deprived of all knives, sharp instruments, weapons or articles calculated to facilitate escape, and as soon after admission as possible, shall be examined by a Medical officer. He shall be shaved, his hair cut, and his body well washed. The hair of no female prisoner however, nor of a prisoner by default, shall be cut or shaved, unless a Medical officer deems it necessary on account of vermin, dirt or sickness.
5. The Superintendent shall note down in the Admission Register, each prisoner's name, age, height, features, colour, caste, religion, country, &c., &c., and any particular marks he may have on his person.
6. The Superintendent shall cause each prisoner on admission to be informed of the general Rules and Regulations of the prison, and a printed copy thereof shall be hung up in the guard-room. A few simple rules in the English and Vernacular languages as to the behaviour required of prisoners, and the punishment they will incur by misconduct, shall be affixed to different parts of the prison. A copy of these rules shall be forwarded to Government for their approval, and the course followed on any alteration being proposed.
7. In the Property book, an entry shall be made of all the clothes, monies, and other effects, which each prisoner may possess, or that may be afterwards sent to the prisoner for his use. The Superintendent shall take charge of them for safe custody only, in view to the same being restored to each prisoner on his dismissal.
8. He shall provide employment of some kind, equal to hard labor, for all prisoners sentenced to imprisonment with hard labor, and the hours of work shall be from 8 A. M., to 5 P. M., allowing for rest an interval of one hour about noon.

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9. He shall permit convicted prisoners (default prisoners excepted) to see their friends or relations after the expiration of the first month of their imprisonment, but their visits shall be limited to quarter of an hour, in the presence of an officer of the prison.

10. The Superintendent shall read all letters received or despatched. He shall also take care that no food, liquor, intoxicating drug nor gaming implements of any kind, are introduced into the Jail, either by the prisoners' friends or by the officers or servants of the Jail.

11. As a general rule, the Superintendent shall close the prison doors against all visitors, except the Governor, Members of Council, Judges, the Chief and other Secretaries to Government, Justices of the Peace, Ministers of religion, or persons having an order of admission from the Commissioner of Police.

12. The Superintendent shall keep the following books written up to date, and always ready for inspection.

- 1 { Register of male prisoners in the Penitentiary.
- 1 { Do. of female do. do.
- 1 { Do. of European do. do.
- 2 { Do. of Supreme Court do. do.
- 3 { Do. of property found upon prisoners on the date of admission.
- 4 { Monthly release book of prisoners from the Penitentiary.
- 5 { Daily do. do. do.
- 6 { Report of visits paid to the Penitentiary by the Magistrate.
- 7 { Register of prisoners sent from the Royapett Police Court, with the account of fines inflicted upon them.
- 7 { Do. do. sent from the Town and Vepery Police Courts.
- 8 { Contingent charges bill of the Penitentiary.
- 9 { List of the Jail Guard.
- 10 { Register of officers of the Jail Guard who become absent by sickness or absent on leave or otherwise, and the name of the substitute sent to act in their stead.
- 11 { Indent on the Commissary General for provisions required for prisoners in the Penitentiary.
- 12 { Daily report of the Penitentiary.

13. A book shall be kept at the Penitentiary for the visiting Justices and other visitors to record therein the date of their visit and their opinions of the state of the discipline and interior economy of the Jail. Books shall be kept for the Chaplains and Medical officers respectively, in which they shall enter the date of their visits, and any thing deserving of remark, noted.

14. The Superintendent shall at all times receive any complaints or applications of a prisoner, and make the same known to the Commissioner when he forwards his daily reports, or earlier, if emergent.

15. Any prisoner who shall disobey the orders of the Commissioner of Police, the Superintendent or any officer of the Jail, or shall treat any of the officers of the prison with disrespect, or shall be idle or negligent in his work, or shall wilfully mismanage the same, or shall wilfully injure any thing belonging to the establishment, or disobey any of the rules of the prison, shall be subject to punishment under the orders of the Commissioner of Police, by confinement to a solitary cell on half rations for any period not exceeding fourteen days for each offence, or by being placed on half rations for any period not exceeding six days.

16. In cases of misconduct of one or more prisoners, the Superintendent shall place them in confinement until he obtains the orders of the Commissioner regarding them.

17. The Superintendent is not allowed any discretion as to the enhancement or lessening of any punishment awarded.

18. All property surreptitiously introduced into the prison by the prisoners, or afterwards found upon them, shall be forfeited, and a list of the property so forfeited shall be submitted to Government half-yearly. Perishable articles only shall be sold at once, the rest shall be safely kept until the orders of Government regarding their disposal, are received.

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19. All prisoners who are committed for examination or for trial only shall be allowed to see their legal advisers at all reasonable hours, and in private, if required, unless the Committing Magistrate shall have issued an order to the contrary. Such legal adviser must be a certificated Attorney or Solicitor.

20. All prisoners sentenced to imprisonment for life or for a long period by a superior Court, shall be allowed to take as much air and exercise in the prison-yard, as may be necessary for their health, or as may be recommended by the Surgeon.

21. It will be the duty of the Superintendent to take measures and to use every precaution to prevent the escape of prisoners during that period, and to prevent each prisoner from mixing with offenders committed only for short periods. Juvenile offenders shall be kept in a separate ward, and shall be sent to the Jail School master daily, for instruction.

22. No person between sun-rise and sun-set shall be allowed to enter or pass out of the Jail, except by special permission of the Superintendent.

**DIET.**

23. All prisoners shall be clothed and dieted by means of the Commissariat, but clothing and diet, so furnished, shall be liable to such alterations and changes, as the Surgeon may think proper, for the health of any particular prisoner.

24. The following is the quantity of wholesome food which shall be served out to the several classes of prisoners, and it shall be strictly enforced in all cases, unless differently advised by the Medical officer.

*For one European.*

- $\frac{1}{2}$  oz. of tea.
- $\frac{1}{2}$  oz. of sugar.
- 2 drams of milk.
- 1 lb. of bread.
- 12 oz. of meat.
- $2\frac{1}{2}$  oz. of rice.
- 1 oz. of onions.
- $\frac{1}{2}$  oz. of mint and parsley.
- $\frac{1}{2}$  oz. of pepper.
- $\frac{1}{2}$  oz. of country greens.
- $\frac{1}{2}$  oz. of salt.

Firewood 2 Pice and 80 Cents.

*For one European Child.*

Half of the above rations.

*For one Native.*

- 5 $\frac{1}{2}$  ollocks of rice.
- $\frac{1}{2}$  pollams of chillies.
- $\frac{1}{2}$  pollams of pepper.
- $\frac{1}{2}$  pollam of tamarind.
- $\frac{1}{2}$  measure of salt.
- 12 cents of curry-stuff.
- 96 cents of curries.
- 84 cents of firewood.

*For one Native Boy*

Half of the above rations.

**CHAPLAIN.**

25. A Chaplain shall visit the Jail at least once every week, and he shall perform Divine Service there, according to the Liturgy of the Church of England. He shall hold communication with the Christian prisoners, visit the sick, instruct them in their moral duties, and give them spiritual advice and religious consolation.

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26. Roman Catholic and Dissenting Ministers shall be allowed to visit prisoners of their respective persuasions, at the request of such prisoners.

27. The Jailor shall set apart a room for the particular use of the Chaplain, and for Ministers of other persuasions for the due performance of religious worship.

STANDING ORDERS.

The Police guard on duty at the Penitentiary, is placed under the orders of the Superintendent, and the Commissioner of Police holds him responsible for the discipline, efficiency and cleanliness of all men under his orders.

The number of sentries that may be required daily will of course depend upon the number of prisoners under confinement. It shall be his duty therefore to detail the number of men required daily, and to post the parahs according to his own discretion.

The peon on parah at the entrance gate of the Jail shall keep a memorandum of the number of prisoners passed out for work, and on their return they shall be counted as they re-enter the Jail, when the Duffadar, or the Naigue of the guard shall search, or cause each prisoner to be searched, in order to prevent any forbidden articles being introduced.

It is the duty of the guard sent out with working parties to prevent the prisoners from receiving any thing or speaking to any person while at work. Singing and shouting is also prohibited.

Every peon on duty at the Penitentiary shall at all times, be properly dressed. The peon at the entrance gate must not allow any noise to be made in, or near his post by any one. He shall keep his post clear of all prisoners. He must not allow the prisoners to press around the gate-way. He must deliver to the relieving peon the orders given to him and also every article that may have been placed under his charge, and he shall be responsible for any article lost during his tour of duty.

The peon on sentry at the entrance-gate shall every quarter of an hour, between sun-set and sun-rise, call out "*All's well*," and the word will be taken up by every peon on parah in succession, each peon repeating the number of his parah.

The rounds shall commence at 10 at night and continue till 4 in the morning. The duty of the Duffadar or the Naigue of the rounds is to ascertain that all is right and safe in the different wards, and in case of any parah peon neglecting to call out "*All's well*," and to repeat his number, he shall proceed to the spot to ascertain the cause.

No. 39. From the Honorable Company's Solicitor; to the Acting Chief Secretary to Government, dated September 7th, 1857, No. 515.

SIR,

I have the honor to return herewith the "General Instructions for the guidance of the Constables in charge of the Police Lock-up-houses at Madras," forwarded to me with your official memo. of the 24th Ultimo, and to state that with the exception of the words in para. 3, which I have underlined in red ink, I do not see any objection to these instructions.

The words I have so underlined contemplate and make provision in general terms for the detention of prisoners in custody for more than one night previous to their being taken before a Magistrate. I consider it in the highest degree desirable that such detention as this should be avoided as far as is practicable; and if it is still necessary in the Vepery District, I think the Commissioner of Police had better issue special instructions on this point to the Constables in charge of the Lock-up-houses in that District, rather than lead to the impression, by providing for this contingency in these general instructions that such a course is permissible in either of the other two Police Districts.

(Signed) J. R. BOYSON,  
Honorable Company's Solicitor.

Fort St. George, Judicial Consultation, 29th September 1857.

General Instructions for the guidance of the Constables in charge of the Police Lock-up-houses at Madras.

1. A Constable shall be placed in charge of each Lock-up-house, and the Police guard on duty at each place, shall be under his orders.

2. The keeper of the Lock-up-house, shall be appointed by the Commissioner of Police, from whom he shall receive instructions, whose orders he shall obey, and to whom he shall report daily.

3. The keeper shall take charge of all persons handed over to him by the Police, (usually called night-cases) charged with any crime or unlawful act. It shall be his duty to take all such persons before the Magistrate of his district, at his next sitting. When prisoners are remanded for further examination, he shall obtain a Warrant of Commitment from the Magistrate.

In case of persons being troublesome and violent, or attempting to escape, the keeper shall have power to place them in a solitary cell, and if necessary, to hand-cuff them. In all such cases, however, he shall send a report of the circumstance to the Commissioner of Police.

He shall submit to the Magistrate of his district, daily, a report according to form (A). In this report, he must be careful to name all persons remanded for examination, and the nature of the charge against each, so as to prevent any case being overlooked.

He shall draw batta or provision allowance for all prisoners under his charge, at the following rate, per diem.

European male and female, four Annas.

Native male and female, one Anna and six Pice.

Children, &c., &c., one Anna and six Pice.

4. He shall pay this allowance into the hands of each prisoner daily, in order that they may provide their own food.

5. Prisoners shall be allowed to cook their own food in the Lock-up-house yard, or they may be permitted to receive it cooked from their friends. It must be a standing rule, however, that no food shall be cooked in, or introduced into the Lock-up-house, between the hours of 6 P. M., and 6 A. M. Between those hours, all prisoners shall be confined to their respective cells or wards.

6. In event of several prisoners concerned in one case, being placed under his care, the keeper shall keep them separate, and do all in his power to prevent their communicating with each other. In case they should be too numerous to admit of his doing so, he shall report the circumstance to the Commissioner of Police, who shall have power to remove some of them into other jails.

7. The keeper shall take measures to prevent the introduction of spirituous liquors, tobacco, or any intoxicating drugs into the jail, and any article of the kind surreptitiously introduced therein, shall be forfeited.

8. He shall cause every prisoner to be searched on his being placed in custody, and he shall take charge of all property that may be found on his person, keeping an account of the same in view to its being correctly returned, should the prisoner be released, or otherwise disposed of, as the Magistrate may order.

9. No prisoner placed under his charge shall be released from custody, except by order of the Commissioner of Police, or one of the Magistrates.

10. The keeper shall take measures to prevent all prisoners, under examination, having intercourse with any one, except by order and permission of a Magistrate.

11. The keeper is held responsible that the Police guard on duty at the Lock-up, perform their duty properly, and keep themselves clean, and neatly dressed. In case of any misconduct, or any neglect of duty, he shall report the same to the Commissioner of Police, his failing to do so shall be deemed a serious neglect on his part.

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FORM A.

Daily Report of the

Lock-up-House

| Date of commitment. | No. of persons. | Names of persons. | When received into custody. | Charge. | By whose order detained in custody. |
|---------------------|-----------------|-------------------|-----------------------------|---------|-------------------------------------|
|                     |                 |                   |                             |         |                                     |
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For the information of the Magistrate, by order of the Commissioner of Police.

Constable and Keeper.

No. 40.

ORDER THEREON, No. 1236; dated 25th September 1857.

1. Under the opinion expressed by the Honorable Company's Solicitor, the Right Honorable the Governor in Council sanctions the adoption of the Rules for the Madras Penitentiary and Lock-up-houses, submitted by the Commissioner of Police, as now amended; and directs that a copy of them, omitting marginal notes, be furnished to that Officer, who will watch their operation and bring to notice from time to time any modifications that may seem necessary. Copy of Mr. Boyson's letter of 4th May, will also be forwarded to Colonel Boulderson for his information.

2. His Lordship in Council concurs in opinion with the Honorable Company's Solicitor, that it is objectionable to detain persons in confinement for more than one night previous to their cases being enquired into; but should the circumstances of the Vepery District render detention for a longer period necessary, the Commissioner will issue special instructions for the guidance of Officers in charge of Lock-up-houses in that District.

3. The Lord Bishop of Madras will be requested, through the Ecclesiastical Department, to arrange for the Chaplains of Vepery visiting the Penitentiary, pursuant to the Rules now adopted.

(Signed) E. MALTBY,  
Acting Chief Secretary.

*[Handwritten signatures and notes in the right margin]*

Insane Department.

N<sup>o</sup>. 1236

Extract from the Minutes of Consultation

Dated 25<sup>th</sup> September 1857.

Read the following letter from  
the Honble Company's Solicitor

(Here enter 31<sup>st</sup> Aug 57 & 462/575)

A  
See me to the  
in only  
H

Before passing  
this. I shall wish to see  
a copy of the rules drawn  
out with the amended  
disposition of the Rules for the Mad  
houses of

submitted by the Commission  
of Police, as now amended, and  
directs that a copy of them,  
omitting marginal notes, be  
furnished to that officer, who  
will watch their operation

1. Under the opinion expressed  
by the Honble Company's Solicitor,  
the Right Honble the Governor  
in Council sanctions the adoption  
of the Rules for the Mad  
houses of  
submitted by the Commission  
of Police, as now amended, and  
directs that a copy of them,  
omitting marginal notes, be  
furnished to that officer, who  
will watch their operation

and

Accepted on 27<sup>th</sup> 1857

Justices of the Peace

No 1236.

Extract from the Minutes  
of Consultation  
Dated 25<sup>th</sup> Sept 1857

1858.

2/10/1857 of 60  
2/11/1857 of 60

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38-66

38-66

and bring to notice from time to  
time any modifications that  
may seem necessary. Copy of the

+ Bayson's letter of 4<sup>th</sup> May will also  
be forwarded to Col. Boultonson  
for his information.

2. His Lordship in Council  
concurs in opinion with the  
Honble Company's Solicitor, that  
it is ~~highly~~ objectionable to detain  
persons <sup>in confinement for</sup> more than one night  
previous to their cases being  
engaged into; but should the  
circumstances of the Naborry des-  
tinct render detention for a  
longer period necessary, the  
Commissioners will issue special  
instructions for the guidance  
of officers in charge of lock-  
up-houses in that District.

3. The Lord Bishop of  
Mendons will be requested, that  
the Ecclesiastical Dept, do ar-  
range for the Chaplains of  
Vopory visiting the Penitentiary  
pursuant to the Rules now

Copy to Court of Police (with revised articles) adopted  
 each Sept. (20-21). } Disf. 28  
 11/27

U.S. Army, Department of the Interior

No. 236

Extract Mins. Cons.

Dated 25<sup>th</sup> Sept 1897.

Letter for the President  
and his family

Copy of the  
letter to the President

32040

Medical - Treated at the Government Press.

+ Payson's letter  
he forwarded  
for his in

Copy to Comptroller  
R 15  
R 21  
R 22