

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 702	Press
24-26	~~Mis~~
Dated 22-6-1987	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 23rd June 1857.

No. 24. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 28th April 1857, No. 42.

SIR,

I have the honor to acknowledge the receipt of Extract from Minutes of Consultation, dated the 18th Instant, Judicial Department, No. 442, and in accordance with the orders of Government therein conveyed, to offer the following remarks on the 8th, 9th and 10th paras. of Mr. J. F. McKennie's letter.

Observations in para. 8. Previous to the year 1849, it appears that peons in Her Majesty's Jail were entirely under the orders of the Sheriff of the day. The number was fixed by Government, their pay was drawn by the Sheriff, and vacancies as they occurred, were filled up by him.

2. In the year 1848, a female prisoner by name Gunja Lutchmee made her escape from the Jail, and on that account, and for the better security of the prisoners, the Sheriff appears to have applied for a military guard. Upon this application reaching the Government, enquiry into the state of the Jail was ordered, and the late Chief Magistrate E. F. Elliot, Esq., was one of those directed to make enquiry. On the 17th day of October 1848, he forwarded his report to Government, and from that document I take the following extract, as in my opinion a good answer to that portion of Mr. J. F. McKennie's letter under reply.

Para. 6. "I beg leave respectfully to submit the following strength as an efficient guard for the perfect security of Her Majesty's Jail, under strict discipline, and due check, with the surveillance of a European Jailor, and a Deputy. It being clearly understood that the peons should be selected and entertained by a competent person, and that none but able bodied men with good recommendations should be taken. It has been represented to me that the peons now at the Jail, have generally been private servants in the employment of Sheriffs, who hold office for one year only, and on my last visit to the Jail, I observed 2 discharged men from the Police force among the peons, shewing that sufficient care is not observed in the selection of men for responsible duties."

Soon after the receipt of the above, the Government, in Extract Minutes of Consultation bearing date 23rd November 1848, No. 761, issued the following instructions.

"Para. 2. The Governor in Council is satisfied, that the Gaol is sufficiently safe, if the interior economy of it be properly arranged, and ordinary precautions adopted; and he sees nothing in the event now under consideration to prove the necessity of a military guard. It is possible, that an increase to the strength of the guard may be requisite, but it would seem, that it may be quite effective, composed as at present of peons, under a European Jailor and a Deputy, with a proper complement of petty officers, provided the men be properly selected and kept under due discipline. The Governor in Council, sees great reason to be dissatisfied with the present constitution of the Gaol guard, and it occurs to him that the best way of reforming it, is to incorporate the whole establishment of peons, allowed for the Jail, with the General Police Force, under the Chief Magistrate, providing that the necessary guard shall be supplied from that force, in the same manner that a military guard would be supplied from the Garrison, to be increased or diminished within certain limits, with reference to the number of prisoners to be guarded. The Chief Magistrate should relieve a portion of the guard monthly, putting in fresh men and recalling those relieved to perform the ordinary duties of Policemen, and he would of course give immediate attention to the suggestion of the Sheriff, for the removal of individuals, whose conduct is unsatisfactory to him, and subject them to punishment if necessary."

3. With reference to the above, and regarding the strength of the Jail guard, Mr. Elliot, in letter to Government, under date 16th May 1849, makes certain proposals, and on the 26th May 1849, the Government sanctioned the same.

*from no opinion as no one
modifications*

Fort St. George, Judicial Consultation, 23rd June 1857.

4. Since that time, a Jail guard has been furnished by the Police (ordinary strength as per margin,) and the guard has taken duty in the Jail, under the immediate orders of the Sheriff. Individual instances of misconduct on the part of the peons, have from time to time been brought to notice by the Sheriffs or his officers, and the parties have invariably been punished by their chief, after enquiry, according to the magnitude of each offence. In case, any men of the Jail guard become unfit for duty, from sickness or any other cause, another peon is immediately sent to take his place, and in that way the full complement of the Jail guard is always kept complete. At times when the Sheriff, by reason of the number of the prisoners in the Jail, or on account of their being troublesome characters, has considered the ordinary Jail guard insufficient for its security, the strength of the guard has always been increased by the Police to the extent required. The gradual relief of the guard as then ordered by Government has always left a sufficient number of men well acquainted with the general duties of the Jail, and well practised in the management of the prisoners. Thus the orders of Government given in the above Extract have been faithfully obeyed and followed by the Chief of Police in every particular.

5. If the present manner of guarding the Jail had been found dangerous, if the Sheriffs had found the peons "obey their orders with reluctance," and if they had observed that they did not acquire a sufficient experience in the management of the prisoners, I apprehend these circumstances would have been brought to the knowledge of Government by one or more of the Sheriffs who have been in office since the year 1849. I am unable to discover that any thing of the kind has taken place, and I am convinced by enquiry I have made into the subject that the rules and orders established by Government in 1849 were well considered, and have worked well.

(Paras. 9 & 10.) I may not clearly understand Mr. McKennie's drift in the paras. of his letter now under notice, but as it appears to me he wishes the Government to prevent the Magistrates and Justices of Madras from visiting Her Majesty's Jail, or having any thing to do with the interior economy and regulation thereof; I will just mention what is the duty required of the Justices in the Jail rules, to which Mr. McKennie refers; and then leave to Government to decide whether the visits of the Justices to the Jail should be continued or not.

The rules referred to, require the visiting Magistrate to enquire into the state and treatment of the prisoners and the general condition of the prison; to visit the prison at uncertain times; to attend to any complaints a prisoner may make regarding his treatment by the officers of the Jail, and to note down in the book any observations he may see fit for the information of the Sheriff. He is particularly to enquire into all cases of punishment inflicted by the Sheriff, and to inspect the quantity and quality of the food furnished to the prisoners by the Commissariat. The above is a general epitome of that portion of the Jail rules to which it appears to me Mr. McKennie objects.

(Signed) J. C. BOULDERSON,
Commissioner of Police.

No. 25. From J. ROHDE, Esq., Inspector of Prisons; to E. MALTBY, Esq., Acting Chief Secretary to the Government of Fort St. George, dated 5th June 1857, No. 200.

SIR,

In reference to the Extract from the Minutes of Consultation No. 442 (18th April 1857,) forwarding for any remarks the correspondence on the subject of a revision of the rules for Her Majesty's Jail. I have the honor to state that not having any experience of the details of the arrangements, I cannot with any confidence suggest any great modification of rules, which having been tested by experience have not been found to be objectionable.

2. Mr. McKennie, adverts to certain changes which have taken place since the rules were drawn up, I am not aware whether any supplemental rules or orders have been formed to meet those changes, but I think it would be well, if, before laying the matter before Government, the Sheriff and visiting Magistrates were to arrange such rules as might in their opinion meet the existing state of things.

Fort St. George, Judicial Consultation, 23rd June 1857.

3. I am quite of opinion that the whole management of the Jail should be vested in one responsible individual, at the same time, from the mode in which the office of Sheriff is constituted, I do not know that there is any guarantee for that officer having the experience and judgment desirable in one to whom the sole control of Her Majesty's Jail is entrusted.

4. I do not know to what extent the existing rules may be modified without resort to a Legislative enactment or whether the Magistrates' and Sheriffs' respective duties are not defined by Legislative enactments.

5. I presume that the Government would not desire to enter, in the general rules they might lay down, into such detail as is alluded to in para. 7 of the Sheriff's letter.

6. The difficulties in regard to the peons appear to me to arise from a want of proper arrangement; there should be a sufficiency of prison officers, whether warders or peons, to conduct all the interior arrangements; the peon guard furnished by the Police being temporarily placed under the orders of the Jailor for the security of the prisoners.

7. Together with the Sheriff's letter is a copy of his correspondence with the Surgeon, the Chaplain, Bishop of the Roman Church and the keeper of the prison.

8. It seems to me very undesirable that the time of the Surgeon should be taken up with inquests in case of prisoners dying from cholera or other disease.

9. In regard to Mr. Firth's letter, I know nothing of the duties of Chaplain of Black Town, but I believe there are three Churches there and at least 3 Clergymen, I do not think the demand on the time of the "Chaplain to the Jail" could be more moderate than they appear in the rules under review.

10. The third letter is from Dr. Fennelly, the question suggested by his letter is one of general application and the only unobjectionable course appears to me to be to lay down the rule that "service" shall be performed by the Chaplain at a time and place appointed by the Sheriff or Magistrates and that the same place shall be given up to approved Ministers of other Churches at such time as may be most convenient, leaving it optional with christians of all denominations to attend any or all of the services.

11. The suggestion in Mr. Gibbs' letter that corporal punishment should be awardable for breaches of Jail discipline is I think worthy of adoption, indeed I believe the power to be necessary to its enforcement in general, the latter half of rule VIII applicable to the keeper would I think be better omitted as it seems open to abuse; a Taboot and Moheerrum as in Singapore might be the result of "consulting as much as possible the religious feeling and prejudices, the habits and customs of the native prisoners." I likewise agree with Mr. Gibbs in thinking rule XVI indicating certain offences as requiring the keeper's dismissal to be objectionable, they act as it were as a stigma on the keeper's office.

12. Mr. Gibbs' suggestion in regard to the feeding of certain classes otherwise than from the cooked food issued by the Commissariat will require attention. I believe it will be desirable to leave such individual cases discretionary with the officer in charge, providing however that such separate food should be issued in a reduced proportion. I believe that all classes may without offending any recognized religious prejudice eat from certain classes.

13. Rule XIII requiring the keeper's attendance at Divine service would in case of any modification of the rules for service apply only to the recognized ministrations of the Chaplain.

14. Rule XIV requiring him to give the Chaplain a list of absentees might I think be as well omitted.

15. "Rules for deputy keeper" require some modification distinctly specifying what duties may, and what may not be delegated without special sanction. Some rule as to absence from the premises should also be laid down for the keeper as well as deputy keeper. Rule VIII regarding offences by the deputy keeper should be withdrawn as suggested in regard to the similar rule XVI applicable to the keeper.

16. Several trivial rules as that directing the prisoners to make water in a particular place should either be omitted, to be supplied as occasion suggested in a table of bye-rules, or the present compilation should contain all rules and orders to be obeyed by all classes.

17. I return the copy of rules sent.

(Signed) J. ROHDE, Inspector of Prisons.

form no opinion as to the
modifications

Fort St. George, Judicial Consultation, 23rd June 1857.

No. 26.

ORDER THEREON, No. 702; dated 22nd June 1857.

Resolved that copies of the letters recorded above be furnished to the Sheriff of Madras with reference to his letter of 1st April last. Mr. McKennie will, in communication with the visiting Justices, prepare a revised set of rules for the government of Her Majesty's Jail; and, after obtaining the concurrence of the Judges of the Supreme Court, submit it for the approval of Government. As at present informed the Government can form no opinion as to the modifications which are necessary in consequence of changes in the internal economy of the Jail, since the present rules were framed.

2. The Government consider the explanation afforded by the Commissioner of Police in regard to the manner in which the Jail guards have been furnished entirely satisfactory; and are of opinion that it is inexpedient to change the present system.

(Signed) E. MALTBY,
Acting Chief Secretary.

Judicial Department

No 702

*Extract from the Minutes of Consultation
dated 22nd June 1857.*

Read the following Letters

From Commr of Police - (Here enter 28th April/57 No 42)

From the Inspector of Prisons (Here enter 5th June/57 No 200)

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12 Copies

Copy to Sheriff of Madras

" Commr of Police.

" Inspector of Prisons

Sept 20th

Rules for the government
of the hall

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Judicial 1837 29th 1841

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