M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1510 Press ~~Mis.~~

46-47

46-47.

Dated 9.12.1861 ~~19~~ .

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 9th December 1861.

No. 46. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 19th November 1861, No. 537.

Judicial Department.

I have the honor to acknowledge the Order of Government of the 18th ultimo, desiring me to state whether the Road Superintendent at Bellary, who is under the orders of the Sub-Judge for Superintending the labor of convicts, should not in his opinion have his salary charged on the Jail.

2. I see no ground for charging the Prison's department with expenses incurred solely for the advantage of a station and its residents, and if this charge is admitted at Bellary, I see no ground for refusing it at every other station. As it is the Jails are put to many expenses for the benefit of the stations in which they are located; carts, tools and other implements are found, every prisoner employed on the roads costs from 1 to 1½ Rupees a month more than he would cost inside the prison walls and the result, so far from being an advantage to the prison, is destructive to discipline, and in the case of nine prisoners out of ten is a positive encouragement to crime.

3. It is ordinarily the duty of the Naib Jailer to visit the gangs of convicts and keep them to any work they may be employed on, under the orders of the Sessions Judge; there are warders with every gang to set the appointed task and superintend it. If work is done for the Conservancy or other Department every encouragement will be given to the Officers of such Department to point out, inspect, measure and report on the work.

From Sessions Judge Bellary, to Inspector General of Jails, 26th October 1861.

4. During the quarter February, April 1861, 17,061 days' labor were afforded to the station of Bellary, at which rate the Jail contributes upwards of 5,000 Rupees a year to its improvement, exclusive of the cost of tools, or more than double the old conservancy allowance. I have been obliged to refer to Bellary for some correspondence on this matter which was not in my Office: in sending it the Sessions Judge states that he does not consider that the charge fairly falls on the Jail, that he can find other profitable employment for the prisoners; he adds that the pay of the Superintendent is in arrears from the 11th September, and that in any case some arrangement must be made for settling with him.

Extract Minutes of Consultation, No. 540, Judicial Department, 19th April 1859.

5. It appears that the care of the Roads at Bellary was entrusted to the Sub Judge under the Order of Government, 28th August 1858, that the services of the Road Serjeant were placed at his disposal to direct the work, but that Mr. Kindersley, finding him inefficient, proposed that a pensioner should be engaged at a cost of 20 Rupees monthly to direct the repairs under the immediate orders of the Sub-Judge.

Extract Minutes of Consultation, 17th August 1858, No. 2,352, Military Department.

6. The Government sanctioned this arrangement for one year. It is to be remarked that the Superintendent whose pay was 20 Rupees was instead of the Serjeant who drew Rupees 74-1-9.

Order of Government, 7th June 1860, No. 722.

Order of Government, 13th June 1860, No. 1,240.

7. The Government in the Order marginally noted directed the payment of the salary of the Superintendent of road repairs from the annual allowance of 2,400 Rupees provided in the Budget for the repair of these roads, and by the Order quoted in the margin the question of the source from which the Superintendent was to be paid was referred to the Public Works Department. By the Order of Government of the 13th June 1860, No. 1,240, the District Engineer was directed to pay the Superintendent's salary from the repair funds of the District, unless any better arrangement could be suggested.

Letter from the District Engineer to the Sessions Judge, 26th July 1860.

8. The District Engineer in accordance with the Order of Government requested the Sessions Judge to pay the Superintendent from funds deposited with him by the District Engineer, Rupees 231-11-10, on his account.

Proceedings of the Madras Government, Judicial Department, 9th December 1861.

From Sessions Judge, Bellary, to District Engineer, 27th July 1861.

3rd August.

From Sessions Judge, Bellary, to Chief Engineer, 2nd September.

9. The Sessions Judge in July last requested an advance of 300 Rupees from the District Engineer to meet the pay of the Superintendent of the convicts on the Cantonment roads, to which the District Engineer replied that he had no funds at his diposal. A reference was then made on the subject to the Chief Engineer.

10. The Order of Government under which this reply is submitted recounts the subsequent correspondence, shewing that there had been under the Orders of Government, 31st August 1860, No. 3,151, a special grant for the maintenance of the Cantonment, minor roads, &c., and that the Chief Engineer declined to pay the salary of the Superintendent, considering it chargeable to this fund, while the General Commanding the Division declined to pay as he considered that other charges would require the whole funds allowed.

11. It seems to me clear that the Superintendent should be paid by the Department for which the labor is performed, there was a salary provided for the Road Serjeant which was saved by the appointment of this Superintendent. If the Prison's Department received any credit for the value of work done on the public roads, amounting in the present case of Bellary to about Rupees 5,000 per annum it could afford to pay for additional supervision, but there seems no reason why the supervision of convicts' work on the Bellary Station should be charged to the Jail any more than that the supervision of their labor when employed in aid of Public Works should be similarly charged.

No. 47. ORDER THEREON, 9th December 1861, No. 1,510.

The Government concur with the Inspector General of Jails in the view taken in the above letter.

Extract Minutes Consultation, Military Department, 17th August 1858.

2. It is observed that prior to 1858, the repair of the roads in the Cantonment of Bellary was carried out by the Military authorities, but that in August of that year, the work was, as a matter of accommodation, undertaken by the Sub-Judge of the Zillah. The road Serjeant who had previously been employed on the roads at a salary of Rupees 74-12-9 per mensem was placed under the orders of the Sub-Judge—his salary after, as before, his transfer being debited to the Military Department.

Extract Minutes Consultation, Military Department, 13th May 1859.

3. The road Serjeant having been found to be inefficient was withdrawn, and a Native Superintendent at a salary of Rupees 20 a month substituted.

From the Inspector General, 19th November 1861, paragraph 4.

4. This Superintendent is not required for the charge of the prisoners or to maintain discipline among them, but simply to superintend the repair of the Cantonment roads. It seems, too, from the report of the Sub-Judge, that he could find other profitable employment for the prisoners where the services of the Superintendent would not be required.

G. O. Public Works Department, 10th July 1860, No. 1,158.

5. The Government think with the Inspector General that, under these circumstances, the pay of the Superintendent should not be made a charge against the Jail Department, but should be charged either against the Reserve fund of the District as once already ordered, or against the Conservancy allowance.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

J Pro 19th April /59 Nos 61–62
" 28th Aug /58 Nos 20 & 21
" 7th June /60 Nos 58–59
" 21st Do " Nos 144–145
" 10th Sep Do " Nos 116–117
P W Dn 7th July " Nos 437–438
J Pro 12th Octr/61 No 1265

Proceedings
Judicial Department

28

From
The Inspector Genl. of Jails
To
The Chief Secy to the
Govt of Fort St. George

Dated 19
Recd 22 } November 1861

No 537

No 1888

Concurrence [illegible]
[illegible]
States that it seems to him that the Supdt
should be paid by the
Deptt. for which the
labor is performed for reasons
assigned and submits
certain observations in regard thereto

Ch. Jr.
R4 Decr 41

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Inspector General of Jails.

(Here enter 19th Novr 1861 No. 537.)

Order thereon 9th ~~Novr~~ Decr 1861 No. 1570.

The Govt has to decide whether the money is to be charged against the reserve Fund of the District or the Conservancy allowance - I quite agree that it ought not to be charged against the first - I think the conservancy allowance ought to cover it

The Govt. concur with the Inspector General of Jails in the view taken in the above letter.

E.M.C. Military Dept. 17 August 1858

2. It is observed that prior to 1858 the repair of the roads in the Cantonment of Bellary &c was carried out by the Military Authorities but

but that in August of that year, the work was, as a matter of accommodation, undertaken by the Sub Judge of the Zillah. The Road Serjeant who had previously been employed on the roads at a salary of Rs. 74-12-9 per mensem was placed under the orders of the Sub Judge - his salary after, as before, his transfer being debited to the Military Department.

C.M.C. Military Dept.
12 May 1859.

2. The Road Serjeant having been found to be inefficient was withdrawn, and a Native Superintendent at a salary of Rupees 20 a month substituted -

From the Supdt. Genl.
19 Novr. 1861 para 4.

3. This Superintendent is not required for the charge of the prisoners or to maintain discipline among them - but simply to superintend the repair of the Cantonment roads. It seems, too, from the report of the Sub Judge, that he could find other profitable employment for the prisoners where the services of the Superintendent would not

not be required.

4. The Govt. think with the Inspector General that under these circumstances the pay of the Superintendent should not be made a charge against the Jail Department but should be charged either against the Reserve fund of the District as once already ordered, or against the Conservancy allowance.

G. O. P. W. Dept.
7 July 1860 No. 1455.

40

To the Inspr. Genl. of Jails. 3
" Departt. Pub. Works. 21
" Military Departt. 7
with copy of the H. E. the Govr.'s Note 5
} Dept. No.

[illegible]

Department 1861 Judl.

No. 1870.

Proceedings of the Madras Government.

Ft. 7 Feby./62 — 209 — 1385 — 1606/62

Dated 9th December 1861.

Observe under circumstances stated that the salary of the Road Superintendent at Bellary who is under the orders of the Sub Judge for superintending the labor of Convicts should not be made a charge against the Jail Departmt. but should be charged either against the Revenue funds of the District or against the Conservancy allowance.

2501] Madras—Printed at the Government Press.

46847