

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 593	Press His.
16-17	
Dated 3. 5. 1861	H.

k/y

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
3rd May 1861.*

No. 16. Read the following letter from H. FORBES, Esq., Member of the Legislative Council of India, to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 11th April 1861.

I have had the honor to receive your letter of the 28th ultimo, forwarding, for my consideration, a copy of a letter from the Inspector of Jails relative to the provision which he conceives to be wanted for the punishment of Prison offences.

2. As the Penal Code does not provide for the punishment of such offences, and as its fifth Section keeps alive all special laws, Regulation X of 1832 no doubt will remain in force.

3. As regards the case of British subjects, whether confined at the Presidency or in the Mofussil, I beg that the attention of the Inspector of Jails may be drawn to Acts XVI of 1840 and XXIV of 1855, laws which appear to me to have been drawn with the intention that they should have the very widest scope.

Section III.

4. By the former of these two laws it is enacted that the Government shall have power to frame rules touching the classification of Convicts sentenced to transportation, their confinement, treatment, and discipline, and also touching such moderate correction as may be necessary in cases of misbehaviour,

Section VII.

disorderly conduct, neglect or disobedience, and the latter Act, which is the law substituting penal servitude for transportation in the case of Europeans and Americans, enacts that all Regulations and Acts in force with respect to Convicts under sentence of transportation shall be construed to extend to all persons under sentence of penal servitude.

5. It appears to me therefore that the present law arms the Government with every power to enforce Jail discipline over Europeans, and that it is not necessary to introduce any new Bill upon the subject.

No. 17. ORDER THEREON, 3rd May 1861, No. 593.

Communicated to the Inspector General of Jails, in reference to his letter of the 11th March last, No. 105.

2. It is remarked that the power of framing rules for the management of Convicts sentenced to transportation—which rules by Act XXIV, 1855, would be applicable also to Convicts sentenced to penal servitude—is by Act XVI, 1840, vested, not in the local Government, but in the Governor General in Council. Mr. Rohde will submit a draft of such rules as he may deem needed, especially for Convicts who are British subjects—and this Government will then address the Government of India on the matter.

(Signed) T. PYCROFT,
Chief Secretary.

N^o. 593 - 3rd May 1861 -

Communicated to the
the Inspector General
of Sails, in reference to
his letter of the 11th ^{March last} Ult^o.
N^o. 105.

2. It is remarked that
the power of ^{framing} ~~framing~~
rules for the management
of Convicts sentenced
to transportation - which
rules by Act XXIV - 1855,
would

would be applicable
also to Convicts sentenced
to penal servitude — is
by Act XVI-1840 vested,
not in the local Govt.,
but in the Governor or Ge-
neral in Council. Mr.
Graham will submit a
Draft of such rules as
he may deem needed,
especially for Convicts
who are British sub-
jects — & this Govt. will
then address the Govt.
of

of India on the matter.

JP

13-40

The Inspector General }
of Sails. — } 3-5-61.