

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1453	Press ~~Mis.~~
Dated	10 - 9 - 1867	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
10th September 1867.*

No. 92. Read the following letter from the Inspector General of Jails, to the Acting Chief Secretary to Government, Fort Saint George; dated Ootacamund, 2nd September 1867, No. 92.

During a recent inspection of the European Prison at this place, a Military convict, named Mitchell, complained that he had been subjected to solitary imprisonment, although such had not formed any part of his sentence. On inquiry, I found that he had merely been placed on probation according to the provisions of the 83rd paragraph of the Prison Rules, copy of which is annexed, and I, therefore, requested the Superintendent to furnish me with a report, specifying the manner in which the rule is actually enforced.

2. In his reply, which is herewith forwarded, the Superintendent proposes that prisoners convicted of Military offences, or of minor misdemeanors, should be exempted from probation, and that, in the cases of those who have already undergone three months of their sentences, the period should be limited to one month. I concur with the Superintendent in the opinion that some modification of the rule is desirable, but I do not advocate an entire exemption from probation in any case, nor do I think that such should depend upon the technical designation of the offence committed. The distinction between felony and misdemeanor no longer exists in this country, and even if it did I should not consider that it ought to decide the period of probation; for a larceny, however petty, would be a felony, while offences of a far more serious character would be merely misdemeanors.

3. Although the separate system does not amount to solitary confinement, it has a very salutary effect, as it habituates men to the discipline of the prison, and renders them more tractable and obedient; for which reason I would not recommend that it should be dispensed with entirely in any instance, but the period of probation might be permitted to cease at the expiration of one month in the following cases, provided that the conduct of the prisoner had been satisfactory, viz:—

I.—Prisoners who have less than six months to serve when admitted.

II.—Prisoners who have undergone three months of their sentences elsewhere.

III.—Prisoners who have undergone solitary confinement as part of their sentences.

4. A copy of the Rule amended, as proposed, is herewith annexed.

Rules for European Prison.

Paragraph 83. "All prisoners on arrival shall be considered to be on probation, and shall be liable to the discipline of the separate system for such period as the officer in charge may direct, but in no case for less than three months."

(True Extract).

(Signed) W. J. WILSON,
Inspector General of Jails.

Amendment.

The following is proposed:—

Paragraph 83. All prisoners on arrival shall be considered to be on probation and shall be liable to the discipline of the separate system for such period as the officer in charge may direct, but not for less than three months, except in the following cases in which the probation

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may cease at the expiration of one month, provided that the conduct of the prisoner has been satisfactory :—

I.—Prisoners who have less than six months of their sentences remaining at the time of admission.

II.—Prisoners who have already undergone three months of their sentences elsewhere.

III.—Prisoners who have undergone solitary confinement as part of their sentences.

(Signed) W. J. WILSON,

Inspector General of Jails.

From the Superintendent, European Prison, Ootacamund, to the Inspector General of Jails, Ootacamund ; dated Ootacamund, 29th August 1867, No. 146.

I have the honor to acknowledge receipt of your letter, No. 1079, dated 26th August 1867.

2. In accordance with the 83rd paragraph of the Prison Rules, all prisoners on admission are considered to be on probation, and are subjected to the rules of the separate and silent system in the following manner :—During the day the prisoner is strictly confined to his cell, with the exception of one hour a day when he is taken out for exercise in the prison yard. He is not allowed any communication with the other prisoners, though no objection is made to his taking his exercise in a yard where prisoners, who have passed this stage, are working in association. He is allowed light work to relieve the monotony of his confinement, such as making or mending prison clothing, knitting, or picking coir yarn for mats. If his conduct is such as to warrant the indulgence, he is permitted in the last month of his probation to assist in clearing firewood, or any other ordinary prison labor, in the yards for two or three hours during the day. This, and the having his trap-door of his cell left open during the day, and the exercise in the yards with other prisoners, as well as being permitted light work in his cell, constitute the main features of distinction between ordinary separate confinement and strictly solitary confinement.

3. The advantages of the probation system are, I think, obvious, as it tends to produce satisfactory results in the character of a man which could not be so well obtained by his being permitted free intercourse and communication with others immediately on his admission. Again, I believe it is beneficial in its effects, considered as a punishment, coming as it does in most cases so recently after the sentence, and further, it affords a better opportunity to the officers of the prison to acquaint themselves with the character of the man before he is brought into association with other prisoners.

4. I would here observe that I think the system might, with advantage, be modified—thus I would enforce the three months' probation only in cases of prisoners convicted of felony, and sentenced for a period exceeding six months, and omit it for minor misdemeanors and offences of a purely Military character. In the event of a prisoner having undergone three months' imprisonment, either in a Military provost or any other prison, I would limit the probation to one month, or be guided by the character and conduct of the prisoner. I would strictly enforce it in the case of all prisoners, with former convictions, or of a notoriously bad character.

No. 93. ORDER THEREON, 10th September 1867, No. 1453.

The Governor in Council sanctions the modification of Prison Rule 83, proposed by the Inspector General of Jails.

(True Extract).

Chief Secretary.

To the Inspector General of Jails, with enclosure returned.

Ed. J. Tulloch.

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1892

92-93

With an order

Proposed on account
amount to one of the
Rules of the European
Division

From ^{no 1553} ^{Sept 1867}
The European Division
to the Chief Secy: Genl
Folkland House
Dated 23 Sept 1867
Recd: 53 Sept 1867
No 92
no 1553

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No 1553- 10 Sept 1867.
The Secretary in General
in connection the incorporation of
shown Rule 83, proposed by the
Executive General of Pacific.
M.L.
M.L.

to the Chief Secy: Genl
Folkland House