

MADRAS RECORD OFFICE.

Government of Madras.

Jurial **DEPARTMENT.**

G.O. No.	1529	Press
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Dated	21-9-	1867

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
21st September 1867.*

No. 234. Read the following Proceedings of Government in the Military Department, dated 16th September 1867, No. 3499.

Authorizing the adoption in this Presidency of the Bengal Regulations for the management of Station and Garrison Regiments. } (Vide Proceedings, Military Department, dated 16th September 1867, Nos. 454—455.)

No. 235. ORDER THEREON, 21st September 1867, No. 1529.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

From the Secretary to the Government of India, Military Department, Simla, 12th August 1867, No. 178; to the Secretary to Government, Military Department, Fort Saint George.

I am directed to forward the accompanying copy of a letter* from the Adjutant General, conveying the recommendations of His Excellency the Com-

* No. 366E, dated 31st May 1866.

mander-in-Chief for the establishment in various parts of India of Military prisons on the footing of such prisons at Home, as laid down under the rules and regulations for their management, issued by the Secretary of State for War on the 22nd April 1863.

2. I am to request that you will move the Right Honorable the Governor in Council to favor the Government of India, in this Department, with His Lordship's opinion on this subject, more especially as to the sites, whether in the plains or hills, His Excellency in Council would recommend for them, should their construction be finally resolved upon, and to cause a return to be drawn up in the accompanying form, shewing the number of British Soldiers sentenced to imprisonment for periods of 3 months and upwards in each division of the Madras Presidency from the year 1860, to the latest practicable date.

3. I am at the same time to forward, for the information of the Governor in Council, the accompanying copy of a letter from the Adjutant General, No. 804E, dated 15th June 1867, and of a Code of regulations lately sanctioned by the Governor General in Council for the management of station, garrison and regimental cells in this Presidency, with a request that His Lordship in Council will take the matter into consideration, in view to the issue of a similar Code, so far as local circumstances may permit, for use in the Madras Presidency.

From the Adjutant General, Head Quarters, Simla, 31st May 1866, No. 366E; to the Officiating Secretary to the Government of India, Military Department.

In a letter from this Department, No. 426C, dated 23rd March last, the Commander-in-Chief had the honor to submit, for the consideration and approval of the Government of India, a code of rules for the management of garrison and regimental cells.

2. A similar code, but adapted for Military prisons and garrison cells, had been submitted by His Excellency's predecessor, and had been returned with the general approval of Government; but, on a careful review of these rules, Sir William Mansfield came to the conclusion that they would be difficult of application, and that it would be preferable to prepare two distinct codes, one for military prisons, properly so called, and the other for the minor places of confinement, viz. garrison and regimental cells.

3. His Excellency, accordingly, directed, before again bringing the subject to the notice of the Government of India, that this measure, viz., of distinct codes of regulations for Military prisons on the one hand, and garrison and regimental cells on the other, should be carried out in accordance with the principle obtaining under the Home Government, where the prisons are under the

immediate authority of the Secretary of State for War, and governed by a code of rules issued from the War Office—the garrison and barrack cells being ruled by Her Majesty's regulations and orders for the army.

4. The rules which His Excellency has already submitted are accordingly calculated to provide for the custody of soldiers sentenced to short terms of imprisonment by summary order of a Commanding Officer, or by such sentences of Courts Martial as may conveniently be carried out in these garrison or regimental cells. To this class of prison, all existing places of confinement in this Presidency belong.

5. But experience has shewn that these station prisons and cells are not adapted for carrying out the longer terms of imprisonment, which follow on the commission of graver classes of offences, both civil and military, and which require that the offender shall be subjected to a severer and more complete system of prison discipline than can be attained in the minor places of confinement.

6. To meet the requirements of the longer sentences, Sir William Mansfield would therefore propose, for the consideration of the Government of India and the Right Honorable the Secretary of State for India, the construction in this country of Military prisons, similar in constitution and object to those which have been established at Home, in the Mediterranean, and in the Colonies, under the orders of the Secretary of State for War, on the authority of the 29th Clause of the Annual Mutiny Act (1865.)

7. The Commander-in-Chief has caused a copy of the War Office Regulations* for the Government of these prisons to be interleaved, and such changes as have appeared necessary to His Excellency in order to meet the altered circumstances of the case, to be noted on the fly leaves. Should the principles be admitted by Government, the Commander-in-Chief will be prepared to submit a further letter explanatory of the principal changes proposed, and embodying a scale of the establishments His Excellency would recommend for the prisons, and of the pay and position, &c., of the officers and subordinates, corresponding to the Appendix I of the War Office Rules.

8. It will be observed that some points relating to the scales of prison labor and diet have been left for after consideration. Before entering on these subjects, His Excellency thinks it would be better to decide on the localities in which the prisons should be built, and on the number of prisoners they should be calculated to accommodate. Both as regards diet and discipline, the Commander-in-Chief conceives that the climate and means of punishment might greatly influence the allowance of food and the amount and description of labor to be inflicted.

9. But in order to introduce and maintain the prescribed prison discipline, Sir William Mansfield believes, according to an opinion submitted by the Acting Judge Advocate General of the Army, that it will be necessary to obtain the introduction, into the Mutiny Act, of a clause similar to Clause 29, authorising the Secretary of State for India or the Government of India to establish Military prisons, to prescribe the discipline of the prisons, and to appoint officers and visitors empowered to administer the discipline. By this clause, a board of officers, or a single officer will be authorised to order summarily, and on the spot, corporal and other punishment, which could otherwise be inflicted only by sentence of a Court Martial, duly confirmed, and under certain restrictions as to the classification of the prisoner and the nature of the crime, imposed by stringent regulations.

10. The assembly of a Court Martial to punish a prisoner, who offends while undergoing a former sentence, entails delay. Unless the prisoner is in the second class, and commits a second class offence, it is out of the power of the Court Martial to pass a sentence of corporal punishment; thus it happens that the offence against the prison discipline is visited by a prolongation of imprisonment only, a measure to which His Excellency is much opposed, as long imprisonment in this climate is ruinous to the European constitution, and has no effect on a hardened criminal.

11. On the other, under the proposed discipline, according to the idea of prison discipline expressed in the Mutiny Act, the punishment follows immediately on the offence, and is of such a nature as to deter from the commission of crime those even for whom the prospect of a prolonged imprisonment has no terrors.

12. The existing prisons at Dugshaie and Sealkote come within the class of prisons alluded to.

13. Hereafter when laid down, a communication will have to be made to the Quarter Master General's Department with respect to the situations for future prisons, and designs for the same.

STATEMENT showing the number of European Soldiers sentenced to imprisonment in each Division of the Army in the Bengal Presidency during the years 1859-60-61 and 1862, (compiled from Divisional Reports received with Adjutant General's Memorandum, No. $\frac{1141}{2}$, dated 12th February 1863.)

Division or District.	Three months and upwards.				One year and upwards.				Penal Servitude.			
	1859	1860	1861	1862	1859	1860	1861	1862	1859	1860	1861	1862
Presidency Division.....	18	20	31	51	...	1	4	5	...	...	2	...
Benares Division.....	14	10	21	10	...	1	6	...	...	...	2	2
Saugor Dis. rict.....	2	22	17	23	...	...	1	...	...	3	...	...
Gwalior District.....	19	32	18	12	...	3	1	2	...	...	1	...
Rohilkund District.....	5	10	14	12	1	1	...	...	...	...	2	3
Oude Division.....	34	100	123	59	...	6	16	13	...	3	13	5
Meerut Division, not including Delhi.....	47	27	46	48	1	8	7	6	...	3	4	4
Peshawur Division.....	23	30	44	35	...	1	2	2	1	3	...	2
During the last three years.												
Lahore Division.....	...	...	97	224	...	...	Not furnished.		...	...	...	...
Sirhind Division.....	...	...	76		...	...			...	...	...	...
Delhi Station.....	...	...	51		...	...			...	...	...	...

Qr. MR. GENL.'s OFFICE, H.D. QRS, SIMLA, 2nd September 1863.

(Signed) J. S. PATON, Colonel, Quarter Master General.

From the Adjutant General, Head Quarters, Simla, 15th June 1867, No. 804E.; to the Secretary to the Government of India, Military Department.

In forwarding, for information and use in your department, the accompanying 12 copies of the rules for station, garrison and regimental cells in Bengal, which have received the sanction of Government,* I am instructed by the

Commander-in-Chief to suggest, with reference to your letter, No. 36 of the 4th ultimo, the desirability of similar rules being introduced into the Madras and Bombay Presidencies.

ORDER, (No. 3499) 16th September 1867.

Communicated to the Commander-in-Chief (Adjutant General's Department,) in view to the Government being favored with His Excellency's opinion, and with the return called for in paragraph 2.

2. Under the authority conveyed in the concluding paragraph, and in accordance with His Excellency the Commander-in-Chief's recommendation, conveyed in the Adjutant General's letter, No. 497, dated 3rd August 1867, the Right Honorable the Governor in Council authorizes the adoption, in this Presidency, of the Bengal Regulations for the management of station, garrison and regimental cells.

(True Extract.)

William Hunter Colonel,

Deputy Secretary to Government.

To the Adjutant General, with a copy of the Regulations, to be returned

.. Controller of Military Accounts.

.. Judicial Department, for information.

Exd. A. W. Cooke.