

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1618	Press ~~Mis.~~
Dated	9-10-1887	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
9th October 1867.*

No. 84. Read the following letter from the Magistrate of Bellary, to the Chief Secretary to Government, Fort Saint George; dated Bellary, 20th September 1867, No. 48.

In forwarding transcript of a letter to my address from the Superintendent of the Bellary Jail, I have the honor to request the consideration of Government as to whether petty offenders against Act III of 1864 (Abkarry), sentenced to imprisonment for less than a month, in default of realization of penalty, might not be confined in a Taluq Subsidiary Jail, rather than in the Central Jail of Bellary.

2. From some Taluqs of this District, a journey of 120 miles might be necessitated, which would entail a march of eight days on the defaulter and his Police Guard.

From the Superintendent of the Jail, Bellary, to the Magistrate of Bellary; dated Bellary, 19th September 1867, No. 459.

Two individuals were sentenced on the 13th instant, by the Sub-Magistrate of Kulliendoog, under Section 22, Act III of 1864, and sentenced to a fine of Rupees 3 each, and, on non-payment, have been committed, under Section 32 of the same Act, to imprisonment for 15 days in the Civil Jail.

2. All prisoners sentenced to imprisonment under *one* month are, as you are aware, confined in the Subsidiary Jails, but in consequence of offenders under Abkarry Act being liable to imprisonment in the "Civil Jail," cases arise, like the present, where prisoners have to be brought in from great distances, for the purpose of being confined a few days. In the present case, the prisoners were not received till the evening of the 16th, so that they had just 12 clear days' imprisonment to undergo, after which they will have a long distance to travel to reach their homes, and with no means of subsistence whatever, as no batta is given to prisoners on release when the period of imprisonment undergone by them is under one year; and as they were unable to realize the sum of Rupees 3 which they were fined at their own village, it may be presumed that they are of the humblest class.

3. My object in bringing this case to your notice is with a view to your issuing orders, if possible, on the subject. I am aware that all civil debtors are confined in this Jail, but it is rarely, if ever, that a person is here under *one* month, and batta for one month is in every case provided. Where, however, the imprisonment is but for a few days, it appears to me that it cannot be the intention of the Legislature that prisoners should be sent such great distances if other arrangements could be made. This Jail, though called a Civil Jail, is really a Criminal Jail, complete separation from the criminal prisoners being impossible, owing to the nature of the Jail, and I cannot but think that temporary arrangements might also be effected in Subsidiary Jails, where prisoners might be equally "civil prisoners" as in this Jail.

4. Should there be nothing repugnant to the Law in my view of the case, I have the honor to request you will issue such orders on the subject as you may deem fit.

No. 85. ORDER THEREON, 9th October 1867, No. 1618.

The Government cannot sanction the imprisonment of persons committed under Section 32, Act III of 1864, in the Subsidiary Jails, as the Law requires that persons so committed shall be imprisoned in the Civil Jail.

(True Extract).

Chief Secretary.

To the Magistrate of Bellary.
,, Inspector General of Jails.

Exd. J. H. Burns.

Judicial DEPARTMENT.

No. 2061

From the Magistrate of Bellary

Dated 20th September 1867.

FOR ORDERS.

I think that the recommen-
-dation of the Magistrate may
be acted on J.P.

The Law requires imprisonment in
"the Civil Jail". I do not see how
the Govt. can well get behind the
law solely on account of a few local
inconveniences.

The Magt. when referring to an act should
show that he refers to a specific act
W.P.

N^o 1618 dated 9th Oct 1867.

gto
N.

The Government cannot
sanction the imprisonment of persons
committed under Section 32, Act III
of 1864 in the subsidiary jail, as
the Law requires that persons so
committed shall be imprisoned
in the Civil Jail.

W. M.

by

To the Magistrate of Bellary
Respectful Obedience
J. S. 11/10