

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1900	Press ~~Mis~~
282-285	
Dated 22-11-1986	

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Not to be folded or roughly handled

Read the following papers :—

No. 232. From the Magistrate of the Godavery District, to the Chief Secretary to Government, Fort Saint George; dated Cocanada, 10th September 1867, No. 223.

With reference to the accompanying copy of a letter from the Superintendent of Police of this district, I have the honor to state that I concur with him in thinking that the liberation at the Rajahmundry Central Jail of a number of sentence-expired convicts, the natives of other districts, will, with tolerable certainty, add to our resident criminal population in this district, whether from insufficient means being allowed them for returning to their own homes, or from favorable opportunities for committing crime offering themselves in this district.

2. I think that, if possible, they should always be escorted back to their own districts, and there liberated, and that prisoners sentenced to three years' imprisonment or less should suffer sentence in their own districts only.

From the Superintendent of Police, Godavery District, to the Magistrate of the Godavery District; dated Rajahmundry, 7th September 1867, No. 222.

I have the honor to state that a considerable number of prisoners from other districts are liberated here from the Central Jail every month. I have received a list of ten about to be released in October, belonging to Cuddapah, Nellore, and Ganjam. It is probable that the majority of these men are professional thieves and burglars, and I consider that there is a very great probability of their commencing a fresh career of crime in this district as soon as liberated. The small sum granted to them on release is insufficient, according to their own account, for their expenses in returning to their distant homes, and there is reason to believe some of these men already liberated have already commenced operations. The sentences of these men vary from one year to five years. If short-sentenced prisoners are sent here to be constantly released, I fear that this district will suffer from an increased number of criminals being set at liberty within its limits. With prisoners sentenced for long periods, arrangements might be made for escorting them to their homes before the expiry of their sentences, and there liberated, if such a measure should be sanctioned; but with a never failing stream of short-sentenced prisoners it would be difficult to supply the needful escorts.

Referred to the Inspector General of Jails, for report, in communication with the Inspector General of Police, as to the suggestion that convicts in the Central Jails should be sent back to the districts in which they were sentenced before the expiration of their sentences.

FORT SAINT GEORGE,
20th September 1867.

(Signed) A. J. ARBUTHNOT,
Chief Secretary

No. 283. From the Session Judge of Rajahmundry, to the Chief Secretary to Government, Fort Saint George; dated Rajahmundry, 1st November 1867, No. 27.

May I be permitted to bring to the notice of Government the great injury which this district will probably receive from the release in it of a large number of convicts from other districts who have been sent to the Central Jail. From statistics prepared for me by the Superintendent of the Jail, I find that the number of prisoners from other districts to be released here during the present year is 103. When the Jail is completed, and is in full working order, this number will be very

considerably increased; and there will be a perennial flow into this district of two or three hundred of the greatest ruffians in the Northern Circars, Cuddapah, and Nellore.

2. I addressed the Inspector General of Jails on the subject last year, and he considered that it rather fell within the province of the Magistracy and Police than within his own. He thought, also, that legal difficulties stood in the way of any change from the present plan, as the Jailer held a warrant directing him to keep a prisoner until a certain date, and he could not deliver him to another party before the expiration of the period for which he had been sentenced.

3. The following is the rule at present in force:—"It shall not be necessary to release a prisoner at the Jail in which he was first confined, or the place at which he was convicted. Prisoners shall, as a general rule, be released at the Jail in which they may be confined at the time of expiry of their sentence. But prisoners desirous, upon release, of proceeding to their homes, shall be furnished by the Officer in charge of the Jail with the means of subsistence for the journey; and where any portion of the journey can be accomplished by rail, the released prisoner shall be provided with the amount of a third class railway fare for such distance as may be so traversable. On the release of every prisoner convicted of a serious offence, intimation of the release of such prisoner shall be sent to the Magistrate and Superintendent of Police of the district in which the Jail from which such prisoner is released is situated, and to the Magistrate and Superintendent of Police of the district in which the prisoner's home is situated." I do not think, however, that this is sufficient to ensure the good behaviour of the released convicts while in the district, or to prevent their remaining here. I would suggest that they should be passed on under guard of the Police from district to district, and finally be released in their own; and I do not perceive how this arrangement can be illegal more than the present plan of sending them either from their own district after sentence upon them has been pronounced. If the transit one way is legal, so would be the transit in the other.

4. I think it very probable that many prisoners would prefer to remain away from their own country; and I can readily imagine a band of robbers from one place, convicted at the same time and released on the same date, planning fresh achievements after their release, especially as each would be in possession of a sum to take them to their homes, small indeed in itself, but comparatively large to men who have not even seen money for several years.

5. I believe the Magistrate of this district has addressed Government on the subject, but from a different point of view; and I think it right to bring it to the notice of Government, not only in my official capacity, but also as a private individual, in both of which characters I am interested in the well-being of this district.

No. 284. From the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 8th November 1867, No. 131.

I have the honor to return the letter of the Magistrate of the Godavery District dated 10th September 1867, No. 223, with an enclosure, referred to me on

the 20th idem, for report in communication with the Inspector General of Police, and I herewith enclose the reply of that Officer, from which it will be seen that he does not recommend any departure from the usual course, and is of opinion

Judicial Department, 15th August 1867, No. 1328.

that the operation of the Order of Government noted in the margin should not be extended to Jails in the plains.

2. No short-sentenced prisoners, properly so called, will be released from the Central Jail at Rajahmundry, as no convicts will be received, except such as have been sentenced for periods exceeding one year. If the District Jail were to become crowded, a transfer of short-sentenced men would be made therefrom as a special case; but, as far as regards the question under discussion, it would not signify from which Jail they were released.

3. The Jail Rules sanction the payment of subsistence money to released convicts, for the purpose of enabling them to reach their homes, and also

the grant in certain cases of a sum for maintenance, which is not to exceed two Rupees per man. These rules seem to provide sufficiently for the purpose, but

the meaning of the last mentioned paragraph appears to have been misunderstood by the Acting Superintendent at Rajahmundry, who has taken it as limiting the grant to 2 Rupees including the travelling allowance. I have set him right on this point.

From the Inspector General of Police, to the Inspector General of Jails; dated Kotagerry, 1st November 1867, No. 1992.

General Department.

I have most carefully considered the subject of your letter, dated 25th September 1867, No. 1241 and its enclosures.

2. The application has evidently been suggested by the Government Order relating to the Hill Jail, and I should not recommend any further departure from the usual course.

3. Ootacamund is a case *per se*. To extend the order referring to this station to all Central Jails would cause increased expense and infinite trouble.

4. No such measure is necessary. Released convicts will find their way home from low country districts; and, if they do not, they are absorbed into a large native population, and can quite as easily be watched by the Police, should they domicile themselves at the station where released, as in their native country.

No. 285. ORDER THEREON, 22nd November 1867, No. 1900.

The Governor in Council, after a careful consideration of the papers above recorded, is of opinion that the Order of Government, dated 15th August last, No. 1328, directing that convicts at the Hill Jails shall, before the expiration of their sentences, be sent back under escort to their respective districts and be there released, should be made applicable to convicts in the Central Jails of the Presidency whose sentences are about to expire.

2. Although, as stated by the Inspector General of Police, increased expenditure and trouble are involved in this measure, the Governor in Council is satisfied

*Proceedings of the Madras Government, Judicial Department,
22nd November 1867.*

that it is very undesirable that the districts in which the Central Jails are situated should periodically be subjected to the presence of released convicts who have formed part of the criminal population of other districts.

(True Extract).

R. S. ELLIS.
Chief Secretary.

To the Magistrate Godavery District.
" Session Judge, Rajahmundry.
" Inspector General of Jails.
" Magistrate of

Memo for orders.

The order asked by the Judge
by the Judge of Rajahmundry
Magistrate of Godavery
was passed in the case of
Othacandam. But the question
is likely frequently to arise
when Central Jails are com-
pleted and it would seem
desirable that a general
Rule on the subject should

at the end of the
the ...
...
! he trusts down by ...
It may be perhaps well to
refer this letter to the
Inspector General of Prisons
and the Inspector General
of Municipal Police. It
seems desirable that
large numbers of convicts

a district. There seems no
legal difficulty in arranging
that the time taken in
transmitting a prisoner to
his district should be included
in the time for which he
is sentenced - nor can there
be I presume any legal
objection to this course.

M.E.

Nov. 8.

MADRAS

11th June 5

My dear Ellis

Will you kindly
send me copy of G.O.
No. 1900 dated 22nd
Nov: 1867 regarding
convicts released from
Central Jail.

Yours truly

C. Mearns

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter.

Magte Godfrey Wrote. Of 10 Sept 1867 No 223.
Session Judge Raghunundam - 1 Nov - 27.
Insp Genl of Jails - 8 - 131.

Order thereon 22 Nov 1867 No 1400.

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after a careful consideration
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is of opinion that the order
of Govt. Dated 15th August 1867
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made applicable to
convicts

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of the Presidency, ^{where} ~~where~~
sentences are about to expire.
2. Although, ~~as~~
as stated by the Inspector
General of Police, increased
expenditure and trouble
are involved in this measure,
the Governor in Council
is satisfied that it is
very undesirable that
the districts in which
the Central jails are situated
should periodically be
subjected to the presence
of released convicts who
have formed part of the
criminal population of
the districts.

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To the Magte Godavery Dist 6
— Sec Judge Rayachurudry 3
— Insps Genl of Jails. 6
— All Magistrates
Commissioner of M.D. dep 14/5/89

C. F. D.
1867. Department.

No. 1900

PROCEEDINGS OF GOVERNMENT.

Off. 143/68.
1874

Dated 22nd *March* 1874