30TH JUNE 1893, No. 1334, JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From C. J. LYALL, Esq., C.S.I., C.I.E. Secretary to the Government of India, Home Department (Judicial), to the Secretary to the Government of Bombay, Judicial Department, dated Simla, the 15th June 1893, Nos. 12 Judl.—674/682.

I am directed to forward a copy of the papers noted in the margin, regarding the practice of hook-swinging in the Madras Presidency, from which it will be seen that certain recent instances of the revival of this practice have given rise to a correspondence between Her Majesty's Secretary of State and the Government of Madras on the question of the measures to be adopted for its suppression, and that His Lordship has desired to be furnished with the views of the Government of India upon the subject.

(1) Despatch from Her Majesty's Secretary of State, No. 4, Judicial, dated the 17th December 1891.
(2) Madras Government's order, No. 1418, dated the 27th August 1890.
(3) Despatch from the Government of Madras, to the Secretary of State, No. 8, Judicial, dated the 17th May 1892, with enclosure.
(4) Despatch from the Secretary of State, to the Government of Madras, No. 5, Judicial, dated the 14th July 1892.
(5) Despatch from the Government of Madras, to the Secretary of State, No. 23, Judicial, dated the 27th October 1892, with enclosures.
(6) Despatch from the Secretary of State, to the Government of India, No. 2, Judicial, dated the 5th January 1893.

2. The practice of hook-swinging appears to have been carried on formerly as a public exhibition not only in Madras, but also in Bombay and the Lower Provinces of Bengal. In 1851 a case of hook-swinging at the Charak Puja, in the district of Jessore, in Bengal, attracted the notice of the Court of Directors, who expressed their opinion that the practice was inconsistent with the dictates of humanity, and desired that it should be put a stop to by any proper measures that could be adopted. An inquiry was instituted by the Local Government, and it was stated that the authoritative suppression of hook-swinging would be regarded with satisfaction by the sensible part of the Hindu community and with indifference by the rest. The Court of Directors, in reviewing the matter, however, were of opinion that endeavours for the suppression of the practice should be based on the exertion of influence rather than upon any act of authority.

In 1858 the question came before the Legislative Council of India in connection with a petition from certain Protestant missionaries, who prayed for the passing of an enactment to suppress hook-swinging in Bengal; but it was resolved that any direct interference on the part of Government was inadvisable. Her Majesty's Secretary of State (Lord Stanley) in commenting upon the proceedings of the Council, intimated that if the practice could not be discountenanced by such action as might be adopted in the course of official administration, it might be necessary to consider whether Government would not be called upon to take more decided steps to put an end to observances flagrantly opposed to the dictates of common humanity. The Lieutenant-Governor (Sir J. P. Grant), who caused an

exhaustive inquiry to be made into the subject, deprecated direct legislative interference, but issued instructions to local officers to adopt quiet and persuasive measures, rather than any action likely to cause irritation, to induce the people voluntarily to give up the practice, which had begun to show signs of decreasing.

In 1865 Raja Satya Sharan Ghosal, a member of the Bengal Legislative Council, moved for leave to introduce a Bill to declare hook-swinging illegal. The motion was, however, withdrawn, in deference to the opinion of the President and of a majority of the members present that the discontinuance of the practice might be brought about without recourse to special legislation. The British Indian Association, who were consulted in the matter, deprecated the barbarities still prevalent but expressed preference for their suppression with the aid of the ordinary criminal law rather than by a new enactment. Orders were then promulgated by a Resolution of the Bengal Government, dated the 15th March 1865 (a copy of which will be found amoung the papers appended to enclosure No. 5 of this letter), in which it was announced that the Government viewed hook-swinging with abhorrence, and magistrates were required, under the powers vested in them by law, "whenever they considered that such direction was necessary to prevent annoyance to persons lawfully employed, or danger to human life, health, or safety, to direct any person to abstain from the act of hook-swinging, or other self-torture, in public, and from the abetment thereof, or to take such order with property in his possession or under his management as might serve to prevent the commission of the act." Persons disobeying any such injunction were to be prosecuted and punished according to law. These instructions, which were issued after consulting leading members of the Hindu community, were not intended to interfere with the purely religious observances of the Charak festival. The proceedings of the Local Government were approved by the Government of India and the Secretary of State (Sir Charles Wood).

The last orders issued by the Bengal Government regarding this matter are contained in a circular dated the 13th August 1872, in which District Magistrates were directed to republish every year the prohibition against hook-swing and other self-torture of the kind in all places where the Charak festival was celebrated. The failure in the appellate court of a prosecution, under the latter part of section 188 of the Indian Penal Code, of certain persons who had resorted to a practice formerly in vogue of running skewers through their arms and tongues, and exhibiting themselves in public, led to the issue of the circular referred to; the sessions judge who heard the appeal having set aside the conviction on the ground that the injunction published by the magistrate of the district in 1865 was not an injunction for all time, and that there was not sufficient evidence of its promulgation.

3. In the Bombay Presidency, in the year 1855, it was held by the Sadar Court that no act of the legislature was required for the purpose of suppressing hook-swinging, and that the Local Government were competent to proceed under clause i, section 19 of Bombay Regulation XII of 1827. The Sadar Court also advised that District Magistrates should, by proclamation, prohibit the exhibition of the practice as occasion arose in the case of particular fairs, in preference to issuing a general proclamation, as much less importance would thus be given to the subject. The Bombay Government instructed District Magistrates accordingly.

4. The action taken in the Madras Presidency is described in the precis embodied in the order of the Local Government, No. 1418, dated the 27th August 1890, a copy of which forms part of the enclosures of this letter. District Magistrates were instructed to discourage the practice as much as possible with the co-operation of the wealthy and intelligent classes, and to make known the disapproval of Government.

5. The measures above mentioned appear to have led to the entire cessation of the practice in Bengal and Bombay, but recently there has been reason to apprehend that it may revive in the former province. Hook-swinging is reported to have been practised in a village in the 24-Parganas on the occasion of the Charak Puja in April 1893; and it is said that attempts have lately been made to

institute a swinging festival in the Hazaribagh district. It may also be mentioned that the practice of hook-swinging appears to be kept up annually at Frasdanga, a small patch of French territory adjacent to Balasore in Orissa.

6. There is no doubt that the practice, which was reported to have almost died out in Madras, has lately been resuscitated in that presidency and is rapidly extending in certain districts. In 1884, 1885, and 1889 there were petitions to the Local Government from the Madura district for permission to celebrate the swinging festival. In 1890 a case occurred at Valambagudi, in the Tanjore district, which appears to have shown the people that they had no need to ask permission, for the ceremony was performed with impunity in spite of the expressed disapproval of the officers of Government. In September 1891, hook-swinging was practised at Sholavandan, in the Madura district, after (it is said) having been discontinued for fifteen years. In May 1892, a celebration was held at Virabandi, in the same district, and another at Abhishekapuram, in the Trichinopoly district, after the lapse of twenty-eight years. In the same year the festival was repeated at Sholavandan and Valambagudi, and it was announced that it was intended to hold a celebration at Cope, in the Trichinopoly district.

These instances seem to show that the practice is regaining popularity in the Madras Presidency, and that intimation of the disapproval of Government is of no avail in checking resort to it.

7. The Government of India are advised that, under the present law, there is no legal means of preventing or punishing the practice of hook-swinging, provided that the person on whom the operation is performed is a consenting party and of full age. The Resolution of the Bengal Government, dated the 15th March 1865, was issued when the old Code of Criminal Procedure (Act XXV of 1861) was in force, and the terms of section 62 of that enactment were wide enough to authorise magistrates to issue the necessary injunctions. But under the present Code it is probable that no such prohibition could lawfully be issued.

8. The Governor-General in Council believes that, as stated in the previous correspondence on the subject when the practice was put a stop to, this form of self-torture [which does not appear ever to have been prevalent elsewhere than in Lower Bengal (including Orissa) and Southern India] has no religious sanction or obligation among Hindus, and has grown up merely as a form of penance which may be resorted to by individual devotees at their discretion for the purpose of propitiating a deity or acquiring a reputation for asceticism.

In this connection I am to append a copy of the letter, dated the 4th February 1865, from the British Indian Association, which is quoted in the preamble to the Bengal Government Resolution of the 15th March of that year, and appears to express accurately the feeling with which the practice was regarded by educated Hindu opinion in that province twenty-eight years ago. His Excellency in Council is persuaded that, with the advance in general education and enlightenment which has since taken place, the abhorrence of the observance which was so strongly expressed by the British Indian Association in 1865 is now even more widely felt among all classes of the population, and that any revival of the practice, though it might find some vogue among the ignorant and degraded, would be strongly condemned by all right-thinking persons among the Hindu community.

9. In these circumstances, and in view of the change in the Criminal Procedure Code which has removed the legal sanction under which the Bengal orders of 1865 were issued, it has been suggested to the Government of India that legislation should be resorted to with a view to make the practice distinctly illegal, and to subject persons resorting to it, either as principals or abettors, to definite penalties. Such legislation might perhaps take the form of (i) declaring hook-swinging, when performed in a place to which the public have access, either on payment or without it, to be a public nuisance; and (2) appointing a penalty, which might be that mentioned in section 290 of the Indian Penal Code (fine up to Rs. 200), with an alternative of three months' imprisonment, for principals and abettors in the offence.

10. Before taking the matter into consideration, the Governor-General in Council desires to be informed whether, in the opinion of the Governor in Council, such legislation is expedient, or whether, it is thought that the practice might be suppressed by any other means. I am particularly to ask that the opinions of the leaders of Hindu society in the Bombay Presidency on the subject may be obtained and forwarded for the information of the Government of India.

No. 683.

Copy forwarded to the Government of Madras, with a request that the Governor in Council may be moved to favour the Government of India with an expression of his views on the subject of the proposed legislation. It is also requested that the opinions of the leaders of Hindu society in the Madras Presidency on the subject may be obtained and submitted for the information of the Governor-General in Council.

(By order.)

(Signed) P. J. MELITUS,
Depy. Secy. to the Govt. of India.

ORDER—dated 30th June 1893, No. 1334, Judicial.

The letter from the Government of India will be referred to the Mahajana Sabha of Madras, for opinion, and to all District Magistrates, who will report their own views and also consult such local associations and individuals as they think advisable.

2. The Government doubts whether the legislation proposed by the Government of India is quite sufficient and is inclined to think that District Magistrates should have power to prohibit exhibitions of the kind in question and that disobedience to such orders should be made penal. Moreover, it appears to Government that the legislation should not be confined to hook-swinging but should extend to other public exhibitions of self-torture. The Government will be glad to have the opinions of the associations and persons consulted on these suggestions also.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Secretary to the Mahajana Sabha, Madras.
„ all District Magistrates.

Exd. E. Fernandez.

Govt. of {1893} Madras.

JUDICIAL.

CONFIDENTIAL.

Issued

Recd. *Encl.*

G.O., 30th June 1893, No. 1334.

JUNE.

Hook-swinging.

Directing, with certain observations, that the letter from the Government of India regarding the proposed legislation to make the practice of — illegal be referred to the Mahajana Sabha and all District Magistrates for their opinion as well as that of such local associations and individuals as the latter may think advisable to consult.

[Confidential.]

No. 12 Judl. 6/14/682

CHIEF SECRETARY'S
21 JUN 93
GOVERNMENT OF

FROM

C. J. LYALL, ESQ., C.S.I., C.I.E.,
Secretary to the Government of India,

TO

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

THE SECRETARY TO THE GOVERNMENT OF THE
NORTH-WESTERN PROVINCES AND OUDH,
JUDICIAL DEPARTMENT.

THE CHIEF SECRETARY TO THE GOVERNMENT OF THE
PUNJAB.

THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

THE CHIEF COMMISSIONER OF BURMA.

THE CHIEF COMMISSIONER OF ASSAM.

THE CHIEF COMMISSIONER OF COORG.

THE RESIDENT AT HYDERABAD.

Home Department.
Judicial.

Simla, the 15th June 1893.

SIR,

I AM directed to forward a copy of the papers noted in the margin, regarding the practice of hook-swinging in the Madras Presidency, from which it will be seen that certain recent instances of the revival of this practice have given rise to a correspondence between Her Majesty's Secretary of State and the Government of Madras on the question of the measures to be adopted for its suppression, and that His Lordship has desired to be furnished with the views of the Government of India upon the subject.

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(3) Despatch from the Government of Madras to the Secretary of State, No. 8 (Judicial), dated the 17th May 1892, with enclosure. (G.O. 30.8.92 No. 855)
(4) Despatch from the Secretary of State to the Government of Madras, No. 5 (Judicial), dated the 14th July 1892.
(5) Despatch from the Government of Madras to the Secretary of State, No. 13 (Judicial), dated the 27th October 1892, with enclosures.
(6) Despatch from the Secretary of State to the Government of India, No. 2 (Judicial), dated 5th January 1893.

2. The practice of hook-swinging appears to have been carried on formerly as a public exhibition not only in Madras, but also in Bombay and the Lower Provinces of Bengal. In 1851 a case of hook-swinging at the Charak Puja in the district of Jessore in Bengal attracted the notice of the Court of Directors, who

expressed their opinion that the practice was inconsistent with the dictates of humanity, and desired that it should be put a stop to by any proper measures that could be adopted. An enquiry was instituted by the Local Government, and it was stated that the authoritative suppression of hook-swinging would be regarded with satisfaction by the sensible part of the Hindu community and with indifference by the rest. The Court of Directors, in reviewing the matter, however, were of opinion that endeavours for the suppression of the practice should be based on the exertion of influence rather than upon any act of authority.

In 1858 the question came before the Legislative Council of India in connection with a petition from certain Protestant missionaries who prayed for the passing of an enactment to suppress hook-swinging in Bengal; but it was resolved that any direct interference on the part of Government was inadvisable. Her Majesty's Secretary of State (Lord Stanley), in commenting upon the proceedings of the Council, intimated that if the practice could not be discountenanced by such action as might be adopted in the course of official administration, it might be necessary to consider whether Government would not be called upon to take more decided steps to put an end to observances so flagrantly opposed to the dictates of common humanity. The Lieutenant-Governor (Sir J. P. Grant), who caused an exhaustive enquiry to be made into the subject, deprecated direct legislative interference, but issued instructions to local officers to adopt quiet and persuasive measures, rather than any action likely to cause irritation, to induce the people voluntarily to give up the practice, which had begun to show signs of decreasing.

In 1865 Raja Satya Sharan Ghosál, a member of the Bengal Legislative Council, moved for leave to introduce a Bill to declare hook-swinging illegal. The motion was, however, withdrawn, in deference to the opinion of the President and of a majority of the members present that the discontinuance of the practice might be brought about without recourse to special legislation. The British Indian Association, who were consulted in the matter, deprecated the barbarities still prevalent, but expressed preference for their suppression with the aid of the ordinary criminal law rather than by a new enactment. Orders were then promulgated by a Resolution of the Bengal Government, dated the 15th March 1865 (a copy of which will be found among the papers appended to enclosure No. 5 of this letter), in which it was announced that the Government viewed hook-swinging with abhorrence, and Magistrates were required, under the powers vested in them by law, "whenever they considered that such direction was necessary to prevent "annoyance to persons lawfully employed, or danger to human life, health, or "safety, to direct any person to abstain from the act of hook-swinging, or other "self-torture, in public, and from the abetment thereof, or to take such order with "property in his possession or under his management as might serve to prevent "the commission of the act." Persons disobeying any such injunction were to be prosecuted and punished according to law. These instructions, which were issued after consulting leading members of the Hindu community, were not intended to interfere with the purely religious observances of the Charak festival. The proceedings of the Local Government were approved by the Government of India and the Secretary of State (Sir Charles Wood).

The last orders issued by the Bengal Government regarding this matter are contained in a circular dated the 13th August 1872, in which District Magistrates were directed to republish every year the prohibition against hook-swinging and other self-torture of the kind in all places where the Charak festival was celebrated. The failure in the Appellate Court of a prosecution, under the latter part of section 188 of the Indian Penal Code, of certain persons who had resorted to a practice formerly in vogue of running skewers through their arms and tongues, and exhibiting themselves in public, led to the issue of the circular referred to; the Sessions Judge who heard the appeal having set aside the conviction on the ground that the injunction published by the Magistrate of the District in 1865 was not an injunction for all time, and that there was not sufficient evidence of its promulgation.

3. In the Bombay Presidency, in the year 1855, it was held by the Sadar Court that no Act of the Legislature was required for the purpose of suppressing

hook-swinging, and that the Local Government were competent to proceed under clause 1, section 19 of Bombay Regulation XII of 1827. The Sadar Court also advised that District Magistrates should by proclamation prohibit the exhibition of the practice as occasion arose in the case of particular fairs, in preference to issuing a general proclamation, as much less importance would thus be given to the subject. The Bombay Government instructed District Magistrates accordingly.

4. The action taken in the Madras Presidency is described in the précis embodied in the order of the Local Government, No. 1418, dated the 27th August 1890, a copy of which forms part of the enclosures of this letter. District Magistrates were instructed to discourage the practice as much as possible with the co-operation of the wealthy and intelligent classes, and to make known the disapproval of Government.

5. The measures above mentioned appear to have led to the entire cessation of the practice in Bengal and Bombay, but recently there has been reason to apprehend that it may revive in the former Province. Hook-swinging is reported to have been practised in a village in the 24-Parganas on the occasion of the Charak Puja in April 1893; and it is said that attempts have lately been made to institute a swinging festival in the Hazaribagh District. It may also be mentioned that the practice of hook-swinging appears to be kept up annually at Frásdánga, a small patch of French territory adjacent to Balasore in Orissa.

6. There is no doubt that the practice, which was reported to have almost died out in Madras, has lately been resuscitated in that Presidency and is rapidly extending in certain districts. In 1884, 1885, and 1889 there were petitions to the Local Government from the Madura District for permission to celebrate the swinging festival. In 1890 a case occurred at Valambagudi in the Tanjore District, which appears to have shown the people that they had no need to ask permission, for the ceremony was performed with impunity in spite of the expressed disapproval of the officers of Government. In September 1891, hook-swinging was practised at Sholavandan in the Madura District, after (it is said) having been discontinued for fifteen years. In May 1892, a celebration was held at Virabandi in the same district, and another at Abhishekapuram in the Trichinopoly District after the lapse of twenty-eight years. In the same year the festival was repeated at Sholavandan and Valambagudi, and it was announced that it was intended to hold a celebration at Cope in the Trichinopoly district.

These instances seem to show that the practice is regaining popularity in the Madras Presidency, and that intimation of the disapproval of Government is of no avail in checking resort to it.

7. The Government of India are advised that under the present law there is no legal means of preventing or punishing the practice of hook-swinging, provided that the person on whom the operation is performed is a consenting party and of full age. The Resolution of the Bengal Government, dated the 15th March 1865, was issued when the old Code of Criminal Procedure (Act XXV of 1861) was in force, and the terms of section 62 of that enactment were wide enough to authorise Magistrates to issue the necessary injunctions. But under the present Code it is probable that no such prohibition could lawfully be issued.

8. The Governor General in Council believes that, as stated in the previous correspondence on the subject when the practice was put a stop to, this form of self-torture (which does not appear ever to have been prevalent elsewhere than in Lower Bengal [including Orissa] and Southern India) has no religious sanction or obligation among Hindus, and has grown up merely as a form of penance which may be resorted to by individual devotees at their discretion for the purpose of propitiating a deity or acquiring a reputation for asceticism.

In this connection I am to append a copy of the letter, dated the 4th February 1865 from the British Indian Association which is quoted in the preamble to the Bengal Government Resolution of the 15th March of that year, and appears to express accurately the feeling with which the practice was regarded by educated Hindu opinion in that Province twenty-eight years ago. His Excellency in

Council is persuaded that, with the advance in general education and enlightenment which has since taken place, the abhorrence of the observance which was so strongly expressed by the British Indian Association in 1865 is now even more widely felt among all classes of the population, and that any revival of the practice, though it might find some vogue among the ignorant and degraded, would be strongly condemned by all right-thinking persons among the Hindu community.

9. In these circumstances, and in view of the change in the Criminal Procedure Code which has removed the legal sanction under which the Bengal orders of 1865 were issued, it has been suggested to the Government of India that legislation should be resorted to with a view to make the practice distinctly illegal, and to subject persons resorting to it, either as principals or abettors, to definite penalties. Such legislation might perhaps take the form of (1) declaring hook-swinging, when performed in a place to which the public have access, either on payment or without it, to be a public nuisance; and (2) appointing a penalty, which might be that mentioned in section 290 of the Indian Penal Code (fine up to Rs. 200), with an alternative of three months' imprisonment, for principals and abettors in the offence.

10. Before taking the matter into consideration, the Governor General in Council desires to be informed whether in $\frac{\text{the}}{\text{your}}$ opinion $\frac{\text{of the Governor in Council}}{\text{of H. H. the L. G. (and C. C.)}}$ such legislation is expedient, or whether it is thought that the practice might be suppressed by any other means. I am particularly to ask that the opinions of the leaders of Hindu society in $\frac{\text{the Bombay Presidency}}{\text{Bengal, &c.}}$ on the subject may be obtained and forwarded for the information of the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

C. J. LYALL,

Secretary to the Government of India.

No. 683.

COPY forwarded to the Government of Madras, with a request that the Governor in Council may be moved to favour the Government of India with an expression of his views on the subject of the proposed legislation. It is also requested that the opinions of the leaders of Hindu society in the Madras Presidency on the subject may be obtained and submitted for the information of the Governor General in Council.

By order,

Depy. Secy. to the Govt. of India.

Spare copies sent by Packet Post

No. 4, Judicial, dated India Office, London, the 17th December 1891.

From—Her Majesty's Secretary of State for India,

To—His Excellency the Right Hon'ble the Governor in Council, Madras.

MY attention has been called to the swinging festival held at Madura in September last, of which an account is given in the *Madras Weekly Mail* of the 29th of October last. It is alleged that the Government were apprized of the coming event and took no steps to prevent it. I desire that your Lordship will furnish me with an early report on this case, and state, at the same time, whether your Government has issued any instructions since the date of your order dated 27th August 1890, No. 1418, Judicial.

Extract from the Proceedings of the Government of Madras, Judicial Department, No. 1418, dated 27th August 1890.

READ the following paper:—

No. 4598, dated Renigunta, the 12th August 1890.

From—Colonel C. A. PORTEOUS, Acting Inspector-General of Police,

To—The Chief Secretary to the Government of Madras.

THE Superintendent of Police, Tanjore district, having mentioned in his weekly report that a case of swinging (Chedel kuttú) had taken place, during the festival, in honour of goddess Mariamman, at Valambagudi, in the Vallam taluk of his district, I called for a special report on the subject, copy of which I have the honour now to submit for the information of Government.

The practice of swinging having been prohibited many years ago, it is difficult to understand how it has continued in the Tanjore district to this day.

No. 738, dated Koradacheri, the 2nd August 1890.

From T. E. THOMAS, Esq., Superintendent of Police, Tanjore,

To—The Inspector-General of Police, Madras.

I have the honour to report, for your information, that on 10th June 1890, after the Car festival of the Mariamman goddess at Valambagudi village, in the Vallam firkah, Tanjore taluk of this district, was celebrated, a Swinging festival called in Tamil " * * * " took place. This is a vow performed by a Pariah to propitiate the deity known there as the "Muthu Mariamman," and this year the duty devolved on Para Vythi of Palyaputty, a strongly-made man aged 35 years. Two iron hooks were passed through the skin of the back in opposite directions, below the shoulder blades, and on both sides of the spine, and tied to the end of a long beam which rested on its centre on a granite pillar about 12 or 13 feet high; a rope was attached to the other end of the beam, and a man lowered it, and thus elevates the end to which Vythi was hooked and then pulled it round six times. The Inspector described it "as if the man were floating in the air, at a height of 50 feet," but from the length of the beam and height of the pillar, I should say it could not be more than 20 or 25 feet. After the sixth round the man was lowered, and the hooks were removed, and his wounds were dressed, and he was given some arrack, and conducted to a place near the temple of the deity, and allowed to rest; after which he appeared all right, and moved about. Only the Pariahs of Palyaputty are allowed to perform this vow; the temple is common to 18 villages, and its affairs are managed by a Brahmin, Swamy Iyen, who is the temple priest or "goorucal." Both the priest and the Pariahs profit to a certain extent by the alms that are given by the people that witness the ceremony. It has been going on uninterruptedly for the past 30 years, as the priest told me. The Inspector mentioned in his diary that the Pariahs would really like the thing stopped, but are afraid to express such a wish, for fear of the Kullars; but from what I learned from a Pariah who had

been swung some few years back, I should say they are not willing to have it discontinued. In 1888 the villagers were split into two factions, and one of them put in an application to the Division Magistrate and District Magistrate praying for an injunction to discontinue the practice. The prayer was not granted and serious breach of the peace was apprehended, but averted by the presence of the Inspector and Sub-Magistrate. Since I mentioned the circumstance of this Swinging festival in my weekly report, the District Magistrate has issued the following order under date the 10th July 1890, No. 1132, on the arzee No. 85, dated 2nd July 1890, reporting on the Swinging festival at Valambagudi:

"It appears that in 1888 Mr. Gibson, on a petition made, passed orders directing the Sub-Magistrate of Vallam to see that the celebration of a certain Swinging festival is not revived if the petitioner's statements were true. The undersigned regards this order as prohibiting such festivals and now also distinctly prohibits them everywhere: the Sub-Magistrate will see that this order is communicated to all concerned."

READ also the following:—

Précis of Orders on the Swinging Festival.

On the 12th September 1853, on receipt of a letter from the Government of India giving cover to copy of a Despatch from the Court of Directors reporting the measures adopted in British Guiana for the suppression of the Swinging festival among Indian emigrants in that colony, an order was issued calling on all District Magistrates and the Chief Magistrate at Madras to report on the frequency of the observance of this festival in the Madras Presidency and the measures adopted for discouraging it. The replies to this order have been printed in the pamphlet—Selection No. VII from the records of the Madras Government.

Minutes of Consultation, dated 12th September 1853, No. 861.

2. In the order passed on these reports, it was observed that the Swinging festival appeared to be less frequently observed than formerly, and that though the suppression of a practice so revolting in its nature and so injurious in its effects to those who witnessed it, would be perfectly justifiable, the Government hoped that it might be greatly checked, if not entirely abolished, by the influence of the Magistrates, aided by the example and endeavours of the higher and more educated classes of the native community. The introduction of the practice in any place where it did not then obtain might with propriety be prohibited, and the ceremony might be prohibited in any village where the observance led to loss of life. The best method of discouraging the practice must therefore be left to the discretion of the Magistracy, and the Government felt confident that, if the object of its interference were clearly understood, the efforts of the Magistracy would be willingly seconded by the influence of the great mass of the community and more particularly of the wealthy and intelligent classes, who did not appear even then to countenance or support the ceremony.

Minutes of Consultation, dated 18th February 1854, No. 173.

3. In Minutes of Consultation, dated 24th February 1854, No. 187, the Magistrate of Coimbatore was informed that he had exceeded the intentions of Government by *entirely* prohibiting the Swinging festival in his zillah, and the Board of Revenue was requested, with reference to a report by the Collector of Madura of the existence of two Maniems in that district for the Swinging festival, to state whether similar grants existed elsewhere, and the steps proposed for entirely disconnecting the Government from so objectionable a custom.

Minutes of Consultation, dated 24th February 1854, No. 187.

4. On the 24th July 1854, the District Magistrate of Tanjore reported that the festival had been entirely abandoned in his district, and that the managers of the 78 pagodas in the district, where the practice had hitherto prevailed, had voluntarily given a written engagement to discontinue it. This letter was communicated to all Magistrates for information and guidance.

Minutes of Consultation, dated 1st August 1854, No. 780.

5. The Magistrate of Trichinopoly, in his letter No. 121, dated 18th September 1854, in acknowledging receipt of the order last mentioned, stated that the practice had similarly been abandoned in that district, the managers of the 18 pagodas where it had prevailed having given a written promise to entirely discontinue it.

Minutes of Consultation, dated 3rd October 1854, No. 1117.

6. In letter No. 2, dated 24th January 1855, the Acting Collector of Nellore reported that the performance of the ceremony might be considered as at an end in his district, inasmuch as he had obtained Karanamahs to that effect from the parties connected with it in the villages in which it had been celebrated.

Minutes of Consultation, dated 6th February 1855, No. 117.

7. In the marginally noted proceedings, a letter from the Magistrate of Masulipatam, No. 75, dated 22nd May 1855, reporting that, in every part of the district in which the practice had hitherto existed, those concerned had engaged to abandon it altogether, was recorded with an expression of satisfaction.

Minutes of Consultation, dated 29th May 1855, No. 686.

8. In their No. 945, dated 19th April 1855, the Board of Revenue reported, with reference to the existence of grants in money or land for the Swinging festival referred to in Minutes of Consultation, dated 24th February 1854, No. 187, that such allowances did exist in the districts of Guntur, Nellore, Cuddapah, Chingleput, North Arcot, Rajahmundry and Ganjam, and recommended that "such inams as were clearly and simply for the swinging" should be continued to the existing incumbents for life only, with a proviso that they should abstain from the practice. The Board also reported that the Zemindar of Cungoondy had evinced a desire to revive the practice. The Government, in Minutes of Consultation No. 572, dated 8th May 1855, approved of the Board's proposals, empowering it to commute the claims of such Inamdars as might be agreeable, for a reasonable sum of money. The Board was further instructed to inform the Zemindar of Cungoondy that any attempt on his part to revive the practice would meet with the marked displeasure of Government.

Minutes of Consultation, dated 8th May 1855, No. 572.

9. On the 27th August 1856, the Magistrate of Chingleput was requested to report on the occurrence of the ceremony at a village between Madras and Ennore, and the Officer Commanding the Mount regarding the celebration of the festival there. In his reply to this reference, the Magistrate of Chingleput reported that the celebration alluded to took place at the village of Poolidewakam (*sic*), a short distance from Ennore, where it had been usual to celebrate it. He stated that his predecessor had endeavoured on the occasion of the annual settlement, by making the opinions of Government widely known, to discourage the continuance of the ceremony, but ineffectually, as the festival was held in high repute among the lower orders and nothing short of the direct action of Government would be sufficient for the purpose. The Magistrate expected that there would be little chance of any attempt at celebrating the festival at places other than where the sanctity of the village goddess had established its claims to the performance, and reported that he had instructed the Police to put a stop to any such attempt. At places where it had been usual to celebrate the festival, addresses had been sent to the Dharmakatas of the different pagodas embodying the views of Government on the subject and warning them of their responsibility for any accidents that might occur. The Officer Commanding St. Thomas' Mount had issued an order prohibiting the celebration of the ceremony within the cantonment. This order Government, in its Minutes of Consultation No. 1255, dated 17th October 1856, characterised as "very proper." At the same time, the Magistrate of Chingleput was informed that he should avail himself of every opportunity of discountenancing the practice, and Government had no doubt but that his efforts, aided by the influence of the more respectable portion of the community, would bring about its discontinuance at an early date.

Extract Minutes of Consultation, dated 2nd September 1856, No. 1022.

Extract Minutes of Consultation, dated 17th October 1856, No. 1255.

10. In paragraphs 6 and 7 of their Despatch, dated 22nd October 1856, No. 39, the Court of Directors approved of the measures proposed by the Madras Government for discountenancing the Swinging festival, suggested that the higher and more educated of the native community should be induced to circulate short printed addresses, pointing out that the practice was not enjoined in the sacred writings, and desired that reports as to the effect of such measures should be called for from time to time. These paragraphs were communicated to the Commissioner of Police and District Magistrates for the necessary action.

Extract Minutes of Consultation, dated 2nd January 1857, No. 1.

11. In his letter, No. 31 of 24th September 1857, the Magistrate of Nellore reported that the practice of the Swinging festival had been generally abandoned in the district. This was brought to the notice of the Court of Directors in paragraph 4 of Despatch No. 8, dated 16th February 1858.

Extract Minutes of Consultation, dated 3rd October 1857, No. 1410.

12. The Magistrate of North Arcot, in his report on a petition endorsed to him by Government directing him to state what order had been passed regarding the Swinging festival in the village of Chary in Caveripauk taluk of that district, stated that the Collector had in 1854 issued a circular virtually prohibiting the celebration of the festival at all. This was, however, superseded by a subsequent circular issued by Mr. Bourdillon, in which the orders of Government were strictly followed. The Collector proposed that the Tahsildar of the taluk in which the village in question was situated should be directed to limit his exertions to inducing the people to relinquish the custom, and not authoritatively to prohibit it. The Government ruled that the Magistrate should be guided by the circular instructions issued by Mr. Bourdillon in 1854.

Order, dated 16th October 1857, No. 1476.

13. The Magistrate of Tinnevelly reported, in his letter No. 73, dated 10th February 1858, that the Swinging festival had not been performed in his district during 1857. This information was forwarded to the Court of Directors.

Order, dated 24th February 1858, No. 225.

14. The Magistrate of Canara, in his letter No. 47, dated 5th June 1858, reported that, though none of the Swinging festivals usually held in the district were given up in the December preceding, he believed that the practice was gradually on the decline. At one of the places where the practice obtained, the most influential man in the neighbourhood was interested in keeping up the festival, as the offerings, considerable in amount, found their way into his pocket as Mokhtesar of the village temple at which they were made. The Magistrate, however, hoped that the individual in question would be induced to use his influence in the right direction. This report was communicated to the Court of Directors in paragraph 6 of Despatch No. 40, dated 30th October 1858.

Order, dated 23rd June 1858, No. 765.

Order, dated 15th September 1858, No. 1147.

15. The Magistrate of Nellore, in his letter No. 18, dated 1st September 1858, reported that the Swinging festival was not practised in his district during 1857.

16. The Magistrate of Tinnevelly, in his letter No. 25, dated 23rd January 1860, reported that the Swinging festival had not been performed in the district during the previous year.

Order, dated 3rd February 1860, No. 162.

17. In his Despatch, No. 10, dated 11th March 1862, the Secretary of State for India intimated his approval of the Government's action in having authorised the Magistrate of Canara to prohibit the celebration of the festival in thoroughfares and places of public resort, and directed that this order should be extended to all parts of the Presidency, pointing out at the same time that, whilst Her Majesty's Government had not thought it proper absolutely to prohibit the practice, it was desired that their disapprobation of such proceedings should be made known as widely as possible, and the practice discouraged as much as possible, whatever the localities might be in which it was proposed to celebrate it. This decision of the Secretary of State was communicated to all Magistrates for information and guidance.

Order, dated 2nd May 1862, No. 534.

18. The District Magistrate of Nellore addressed Government in 1881 on the subject of walking through fire, and Government approved of the order issued by him that in any cases where it was proposed to hold the ceremony on thoroughfares or places of public resort, or where danger to life and property was likely to result from it, it should be stopped.

Order, dated 5th July 1881, No. 1323.

19. In March 1884, certain inhabitants of Nallamaram, a village in Madura district, who applied for permission to celebrate the Swinging festival, were referred

G. O., dated 14th April 1884, No. 917.

to the District Magistrate, Madura, to whom a copy of G. O., No. 1323, dated 5th July 1881, was furnished for guidance.

20. In May 1884 and March 1885, petitions on the same subject from other villages in Madura were similarly referred to the District Magistrate.

G. O., dated 31st May 1884, No. 1331.

21. In April and August 1889, two petitioners from Madura, who applied for permission to celebrate the festival, were informed that Government declined to accede to their requests.

G. O., dated 23rd April 1889, No. 725, and 29th May 1889, No. 1484.

Order thereon by the Government of Madras.

The attention of all District Magistrates and the Inspector-General of Police will be drawn to the course of action adopted by Government in regard to the "Swinging festival" as indicated in the précis read above, and they will endeavour to discourage the practice as far as lies in their power. The District Magistrate of Tanjore should, in the opinion of His Excellency in Council, withdraw the order which he appears to have issued on the subject; the policy of Government has hitherto been to discourage but not to absolutely prohibit the custom, and this policy has been approved by the Secretary of State in his Despatch No. 10, dated 11th March 1862.

No. 8, Judicial, dated Fort St. George, the 17th May 1892.

From—The Government of Madras,

To—Her Majesty's Secretary of State for India.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 17th December 1891, No. 4 (Judicial), wherein we are requested to furnish a report upon the allegation that we took no steps to prevent the occurrence of the "Swinging festival" which was held in the district of Madura in September last, and to state whether any instructions regarding festivals of this nature have been issued since the date of our Order of the 27th August 1890, No. 1418, Judicial.

2. In reply, we have the honour to inform your Lordship that we did receive intimation that the "Swinging festival" was to be held before the event occurred, and we communicated this to the District Magistrate of Madura observing that the policy of Government was to discourage but not absolutely prohibit these exhibitions. Upon receipt of your Lordship's Despatch we called upon the District Magistrate of Madura for a report regarding the circumstances of the case. It appears that upon receiving information as to what was about to take place the Deputy Magistrate of Madura Division instructed the Taluk 2nd class Magistrate of Madura towarn the inhabitants of the village of Sholavandan, where it was intended to hold the ceremony, that its promoters would be held responsible for anything serious that might occur, and the Superintendent of Police took the additional precaution of visiting the village and warning the people that Government viewed the ceremony with disfavour.

In spite of this the festival was held on the 21st October in the presence of the Deputy Magistrate, the Superintendent of Police and a Mr. Van Allen, a medical man attached to the Madura American Mission. We forward to your Lordship an account * written by the last named gentleman, from which it will be observed that the ceremony passed off without any serious consequences.

* Enclosed in a letter from the District Magistrate of Madura, dated the 24th February 1892, of which a copy is forwarded along with a copy of a further letter, dated the 26th March 1892, from the same officer with its enclosures.

3. Finally, we beg to state that we have passed no general orders on the subject since the issue of our Order dated the 27th August 1890, No. 1418, Judicial.

No. 9, dated Madura, the 24th February 1892.

From—S. H. WYNNE, Esq., Acting District Magistrate, Madura,

To—The Chief Secretary to Government of Madras.

I HAVE the honour to submit the report called for in G. O., No. 83, dated 14th January 1892.

2. The Swinging festival was held on the 21st October 1891. The Superintendent of Police and Divisional officer, Mr. Tillanayagam Pillai, were present. There was a crowd of about 5,000 persons. Two hooks were passed through the muscles below the shoulder blades of a Kallan. This was not done in public, but it is believed that the muscles were first kneaded or pounded to induce insensibility and prevent hemorrhage. The man himself says there was no pain. He was swung to a height of twenty feet by the hooks to a pole fixed in the centre of a car which was then dragged round the town. He was hung for an hour and a quarter. He was then lowered and given some arrack, but says he had none previously. His voice was then full and his pulse strong. There was little or no bleeding. The hooks remained in their place and he walked about among the crowd. The holes were then large enough to admit the little finger. The man last swung (twenty-four years ago) was in the crowd. The scars in his back were distinct. I enclose a letter from Dr. F. Van Allen, a medical man attached to the Madura American Mission.

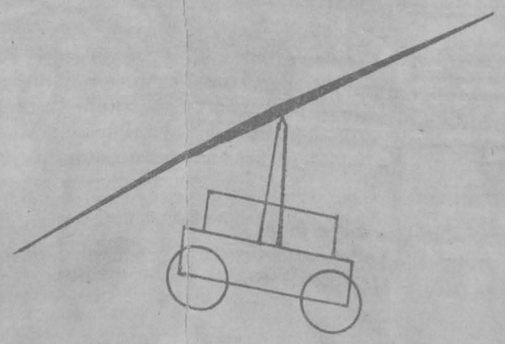
Dated Madura, the 6th February 1892.

From—F. VAN ALLEN, Esq., M.D.,

To—The Second class Magistrate, Madura Taluk.

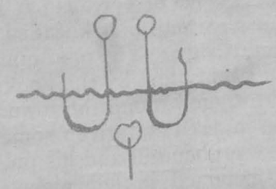
WITH reference to your letter of 30th January 1892, asking for particulars of the circumstances attending the Swinging festival which occurred at Sholavandan, India, in October last, I have the honour to say that I attended the said festival, saw the man who was swung twice before the Swinging and once afterwards. I saw him first at a distance of about fifteen yards, this time about two hours before the occurrence, the second time close at hand when I observed him carefully for about two minutes, this time about five minutes before he was swung. During the time he was hanging aloft I was watching him nearly all the time. On his completing the circuit and being lowered to the ground I examined him carefully as soon as he was released from the pole.

I may state that Sholavandan is a village of some 1,500 souls located twelve miles north of Madura. Much publicity had been given to the hook-swinging, and the village was filled with a large crowd of 10,000 to 12,000 people. So far as I could see the people were well behaved, their only emotions being curiosity and subdued excitement. The temple stands in the centre of the town; near this stood the car bearing the pole on which the victim was to swing. This car was made of timbers, was about fifteen feet square and was supported by four wheels. Projecting from the centre of the car was a large timber, the top of which rose up about twenty feet high from the ground. The top of this timber acted as a pivot for a pole about sixty feet long. This pole was spliced in the middle and where spliced rested on the point of the timber.



The distance from the end of the pole where he swung to the ground was thirty-eight feet.

Promptly at 3 o'clock the man who had been chosen to be swung was seen coming down a side street on a run accompanied by a shouting and excited crowd. I was standing near the front of the temple and as the man came near me I saw that the hooks had already been inserted. This had been done probably in a house some distance away, though it had been advertised to be done publicly at the temple. They were two iron hooks inserted into the skin and subcutaneous tissues, one on each side the backbone and brought together back to back.



Surface of the skin.

Back bone.

Some blood was running down his back.

I could not learn just how the hooks had been inserted but had heard before that a curved gouge was to be plunged into the tissues, cutting down in and then up and out, and in the path thus formed the hooks were to be passed. It is probable that this was the procedure judging from the fact that a curved gouge was shown together with the hooks and ropes afterwards. It is said that the parts were made somewhat insensible by slapping and pounding before the hooks were put in. As to this I cannot say. As the man came up to the front of the temple he was seen to be a splendid specimen of brute strength, though not of large frame. He was of medium or under size, stokily built and muscles markedly firm. His attendants were fanning him and urging to a dancing motion. The man was evidently under strong excitement but was self-controlled.

He was then hurried away to the car which stood a few yards away. I proceeded to the car at once and watched them tie the ropes which were attached to the hooks. When all was made secure, traction was made on the further end of the pole and he was raised into the air. When he first left the ground he winced decidedly and the skin and muscular tissues were drawn up from the surface of his back about three inches. He had no other support than the hooks in his back. As he went higher into the air I could not see plainly the expression of his face, but as well as I could make out, it took on a dogged or determined look. On his ankles were bangles and in his hand he carried a silk cloth. His body was naked except a cloth about his hips and a turban on his head. He kept beating his ankles together with a steady cling-cling and kept waiving the cloth in his hand. These motions were probably to show that he had not fainted, but as a physician, I must say that I fully expected that he might faint at any time. There can be no doubt but he had strong stimulants.

The car was drawn through four streets forming a square, about one mile in distance and after one hour and fifteen minutes it returned to its starting place. During the time of the ordeal the victim was encouraged by the shouts of the people.

When he was lowered to the ground again I examined him in less than a minute after the ropes were untied. His face wore a somewhat exhausted look but his voice was full and strong, he answered questions promptly, his pulse was good. The hooks were still left in his back, in fact were not taken out for several hours. The hooks, which at first had fitted snugly in the hold in the holes in the skin and deep tissue, had now torn their way about one-third out.

The man was able to walk around the town that afternoon and night and collect money from the people for his performance. It is certain that he took large quantities of arrack afterwards, for he did so openly.

As a physician I am much surprised that the ill-effects on the man were so small. No ordinary man could pass through such an ordeal without serious danger to his life.

No. 15, dated Madura, 26th March 1892.

From—C. J. WEIR, Esq., Acting District Magistrate, Madura,

To—The Chief Secretary to Government of Madras.

WITH reference to Government Reference on C. No. 883, dated 8th March 1892, Judicial, I have the honour to submit, for the information of Government, copies of proceedings of the Deputy Magistrate, dated 8th August last, and of the letter, No. 454, dated 21st March 1892, of the Superintendent of Police.

2. It will be observed that the promoters were duly informed of the feelings of Government in the matter and warned of their responsibility.

Proceedings of the Deputy Magistrate of Madura Division, dated 8th August 1891.

READ—

Arzi, No. 1103, dated 2nd August 1891, of the 2nd class Magistrate of Madura taluk, requesting orders on the mahazir of the inhabitants of Sholavandan, &c., villages, praying that they may be allowed to celebrate the Swinging festival which has not been done for the last 15 years.

Read—

G. O., No. 1418, dated 27th August 1890, Judicial, stating that the practice be discouraged but not prohibited.

ORDER.—The Taluk 2nd class Magistrate of Madura will warn the petitioners of the serious risk they run of being held responsible for anything serious that may happen by the renewal of the practice.

No. 454, dated Madura, the 21st March 1892.

From—COLONEL F. KILGOUR, Superintendent of Police, Madura,

To—The District Magistrate, Madura.

WITH reference to your letter, No. 287, dated 14th March 1892, I have the honour to report that previous to the festival, I went to the spot and personally communicated to the promoters of the feast the feelings of Government.

No. 5, Judicial, dated India Office, London, the 14th July 1892.

From—Her Majesty's Secretary of State for India,

To—His Excellency the Right Hon'ble the Governor in Council, Madras.

Hook Swinging (Churruck pooja).

I HAVE considered in Council the letter of your Government, No. 8, dated the 17th of May last, on the subject of the Swinging festival held in the district of Madura in September 1891, and the instructions issued by you regarding such festivals.

2. It is much to be regretted that the barbarous process of hook swinging should have been practised on the occasion referred to, notwithstanding the warning and remonstrances of the taluk 2nd class Magistrate and the Superintendent of Police; and I desire to invite the attention of your Excellency in Council to the question whether the time has not arrived when, in the interests of civilization and common humanity, such degrading exhibitions should be prohibited.

3. It is true (as stated in the Order of your Lordship in Council, dated the 27th of August 1890) that the policy of discouraging, but not absolutely prohibiting, the custom was approved by the Secretary of State in his Despatch

No. 10, dated the 11th March 1862. Since that time, however, the practice of hook swinging has almost entirely disappeared, and it is, I believe, to be found only in a very few places in Madras. This most desirable result has been mainly brought about by the advance in education and intelligence of the people themselves, but partly also by the judicious action and influence of the officers of Government.

4. The action to which I specially refer was taken in Bengal in and subsequent to 1865. I enclose, for the information of your Government, a Resolution of the Lieutenant-Governor of Bengal, dated the 15th of March 1865, directing that, when necessary, active steps should be taken to prevent the recurrence of these barbarities. The Resolution was approved by the Secretary of State (Despatch, Judicial, No. 36, dated 25th May 1865). It carried with it the assent of all the more enlightened, intelligent, and respectable Hindus, and the results were entirely successful.

5. I shall be glad to be favoured with the opinion of your Excellency in Council as to the advisability of now adopting in Madras some such measures as proved so beneficial in Bengal.

No. 13 (Judicial), dated Ootacamund, the 27th October 1892.

From—The Government of Madras,

To—Her Majesty's Secretary of State for India.

We have the honour to acknowledge the receipt of your Lordship's Despatch, dated 14th July 1892, No. 5 (Judicial), in which our attention was invited to the desirability of suppressing such barbarous exhibitions as that of "hook swinging" at religious festivals in this Presidency and the adoption of some such procedure was suggested as that followed by the Government of Bengal in and after 1865.

2. Prior to the receipt of your Lordship's Despatch above referred to, we had communicated with the Government of Bengal, with a view to ascertain what action had been taken in that Province to discourage similar practices therein, and we also enquired of that Government whether any objection to the legality of its order (with a copy of which we were furnished) had ever been raised and contested in a court of law. From the information received, it appeared that the orders passed by the Bengal Government in 1865 were issued under the provisions of section 62 of the Code of Criminal Procedure then in force (Act XXV of 1861). A conviction under section 188 of the Indian Penal Code for disobeying an order issued in compliance with these instructions was quashed by the Officiating District Judge of Burdwan in 1872, and a re-trial ordered by the High Court of Calcutta; the question then involved, however, was not as to the legality of the order, but as to whether it had been "lawfully promulgated" and brought to the notice of the accused. Except in this instance, it is stated that the validity of the orders issued by the Government of Bengal has never been disputed. Act XXV of 1861 has, however, been long since repealed, and the present Criminal Procedure Code (Act X of 1882) gives much less power to Local Governments and Magistrates in dealing with such cases. On our referring the correspondence with the Government of Bengal to the local Advocate-General, that officer has expressed the opinion that the procedure adopted in the last-mentioned Province is now illegal, and that section 144 of the present Criminal Procedure Code cannot be interpreted to authorize the prohibition of "hook swinging" or any other practices of a similar nature. From this view we see no reason to differ.

3. The only means of preventing the recurrence of such exhibitions would appear, therefore, to be by legislative enactment. We consider that, if this course is decided upon, the necessary action should be taken by the Government of India, as the practices in question exist in other parts of India and are not confined to this Presidency in particular. In this connection we desire to point out that the customs of swinging devotees from poles by means of hooks inserted into the muscles of the back, and of exhibiting other devotees with hooks and needles inserted into their flesh, &c., though barbarous, cruel and revolting

to humanity, are regarded by the lower classes of the population, who principally practice them, as necessary or appropriate accompaniments to the due performance of their religious ceremonies. To suppress them at once and altogether would appear to be in contravention of clause 9 of Her Majesty's Proclamation of 1858, which expressly disclaims any intention of interference with the religious belief or worship of any of Her Majesty's subjects. Those who indulge in the practices above referred to do so from a religious motive which is entitled to due consideration in view of this Proclamation, and we are of opinion that, if legislation is undertaken for the suppression of such customs, the prohibition should be confined to exhibitions openly conducted in public places.

4. In conclusion, we enclose for your Lordship's perusal copies of the correspondence which has taken place between this Government and that of Bengal and also copy of the opinion of our Advocate-General on the question whether it is possible to prevent the celebration of hook swinging festivals by the issue of orders under section 144 of the existing Code of Criminal Procedure (X of 1882).

Extract from the Proceedings of the Government of Madras, Judicial Department, No. 1859, dated 4th October 1892.

READ again the following papers :—

G. O., dated 25th May 1892, No. 990, Judicial.

Order thereon by the Government of Madras.

* * * * *

Telegram to Government of Bengal.

"223. With permission of His Honour the Lieutenant-Governor, kindly telegraph particulars of the attitude taken by the Bengal Government in respect of the Churruck pooja or Swinging festival. A large festival of this nature is about to take place in this Presidency."

Extract from the Proceedings of the Government of Madras, Judicial Department, No. 1079, dated 8th June 1892.

READ the following papers :—

Telegram from the Government of Bengal, dated 28th May 1892.

Your telegram of 25th, Churruck pooja. All District Magistrates are required to direct persons to abstain from hook swinging or other torture in public and from abetment thereof. This prohibition is published every year in places where the Churruck pooja is celebrated. Disobedience is punished by prosecution under section 188, Penal Code. It has also been pointed out that when a man by hook swinging or the like sustains grievous hurt all persons who take part are liable to punishment. Copy of standing orders on subject follows by post.

Letter from the Government of Bengal, dated 28th May 1892, No. 159, Judicial Department.

In continuation of my telegram of the 28th instant, I am directed to forward, for the information of His Excellency the Governor in Council, copies of the papers noted in the margin relative to the suppression of the practice of hook swinging at the Churruck festival in Bengal.

Resolution of Government, dated the 15th March 1865.
Circular of Government, No. 46, dated 13th August 1872, to all Commissioners.

Dated 15th March 1865.

RESOLUTION—By the Government of Bengal.

READ again—

The Proceedings of this Government relative to the suppression of the practice of hook swinging at the Churruck festival.

Read also—

The papers on the subject published in the Supplement to the *Calcutta Gazette* of the 26th October last, as well as a letter addressed to the British Indian Association, No. 5318, dated the 31st idem, and the reply of the Association, dated the 4th ultimo.

RESOLUTION.—The practice of hook swinging and other self-torture, such as banfora and the like, in public at the Churruck festival, which has been either voluntarily discontinued or authoritatively suppressed in most parts of India, still prevails in many districts of the Lower Provinces of Bengal.

2. These practices are cruel to those who suffer hurt from them, whether of their own will or otherwise, and revolting to humanity. They also present a demoralizing public spectacle and tend to keep alive among the people a feeling of indifference to the sufferings of their fellow-creatures and to the value of human life. They have long been discountenanced and discouraged by the Government and its officers, as well as by the more enlightened, intelligent, and respectable Hindus. An influential body of Hindu gentlemen has lately recommended that they should be suppressed, and one of the Hindu members of the Council of the Lieutenant-Governor has still more recently brought forward a project of law for that purpose.

3. The measures which have hitherto been taken to discourage hook swinging, though partially successful, have in many places failed to produce any perceptible diminution of it, and it accords therefore with the instructions given in the Despatch of Her Majesty's Secretary of State for India, dated the 24th February 1859, that more decided steps should be taken. In now adopting such a step, the Lieutenant-Governor is supported, not only by a sense of what is due to the feelings of all classes of Her Majesty's subjects, but by a decided expression of enlightened opinion on the part of the leading members of the Hindu community.

4. All Magistrates of districts in the Lower Provinces are accordingly hereby required, under the powers vested in them by law—whenever they shall consider that such direction is necessary to prevent annoyance to persons lawfully employed, or danger to human life, health or safety—to direct any person to abstain from the act of hook swinging, or other self-torture, in public, and from the abetment thereof, or to take such order with property in his possession or under his management as may serve to prevent the commission of the act. Persons who disobey any such injunction should be prosecuted and punished according to law.

5. All Commissioners of divisions and Magistrates of districts in which hook swinging prevails are further required to make known to the public that the Government regards the practice with abhorrence; to enlist the sympathy and co-operation of influential landholders and other members of the native community in its prevention; and to warn all who are concerned, or are likely to be concerned, in it, that if they persevere they will make themselves liable to legal punishment.

6. It is to be understood that this order is not intended to authorize or justify any interference with the religious observances of the Churruck festival, or with the popular amusements, other than hook swinging and its attendant cruelties, usual on that occasion.

Circular No. 46, dated Calcutta, the 13th August 1872.

From—A. MACKENZIE, Esq., Officiating Secretary to the Government of Bengal, Judicial Department,

To—All Commissioners.

I am directed to draw your attention to paragraph 4 of the Government Resolution of the 15th March 1865, on the subject of hook swinging at the Churruck festival, which, for ready reference, is transcribed below :—

"All Magistrates of districts in the Lower Provinces are accordingly hereby required under the powers vested in them by law—whenever they shall consider that such direction is necessary to prevent annoyance to persons lawfully employed or danger to human life, health or safety—to direct any person to abstain from the act of hook swinging or other self-torture in public, and from the abetment thereof, or take such order with property in his possession or under his management as may serve to prevent the commission of the act. Persons who disobey any such injunction should be prosecuted and punished according to law."

2. It has recently been brought to the Lieutenant-Governor's notice that in a district in which an injunction under the above orders was published by the Magistrate in 1865, certain persons of low castes reverted in the present year to the old practice of running skewers through their arms and tongues and exhibiting themselves in public; and the wounds which they inflicted on themselves were declared by the Civil Surgeon to be such as would on persons in bad health be dangerous to life. The parties on being prosecuted were convicted by the Joint-Magistrate under the latter part of section 188 of the Penal Code. The conviction was, however, set aside by the Judge on the ground that the injunction published by the Magistrate in 1865 was not an injunction for all time, and that there was not sufficient evidence of its proper promulgation.

3. Under these circumstances, the Lieutenant-Governor considers it desirable that all Magistrates of districts should carefully republish every year the prohibition against hook swinging and other self-torture of the kind in all places where the Churruck festival is celebrated, and I am to request that you will issue the necessary instructions on this point. The widest possible publicity should be given to the notification.

4. You are also requested to point out to the Police authorities that when a man by hook swinging, *banfora*, or such like acts, sustains such an injury as by incapacitating him in the manner indicated in section 320 of the Penal Code constitutes grievous hurt, all persons who take part in the ceremonies are liable to be prosecuted and punished either as principals or abettors under that section. The exception in section 87 of the Penal Code does not cover cases where the injury amounts to causing death or grievous hurt and was intended or known to be likely to cause this.

No. 1079 Mis., dated 8th June 1892.

Order thereon by the Government of Madras, Judicial Department.

The following telegram will be despatched to the Government of Bengal :—

No. 236. "Your telegram and letter dated the 28th ultimo, about the hook swinging festival. With permission of His Honour the Lieutenant-Governor kindly state whether the legality of the orders of the Bengal Government regarding hook swinging has ever been contested or whether the orders have ever come under the consideration of the High Court."

READ also the following papers :—

No. 244-J.D., dated Darjeeling, the 13th June 1892.

From—H. J. S. COTTON, Esq., C.S.I., Officiating Chief Secretary to the Government of Bengal,

To—The Chief Secretary to the Government of Madras.

With reference to your telegram No. 236, dated the 8th June 1892, on the subject of the Churruck pooja, I am directed to forward, for the information of

His Excellency the Governor in Council a copy of letter from the Commissioner of the Burdwan Division, No. 404, dated 23rd July 1872, and of its annexures, from which it will be seen that the legality of the orders of 1865 was contested in a District Court and that the orders also came under consideration of the High Court. I am to add that the circular of this Government, No. 46 of 13th August 1872, a copy of which was forwarded to you with my No. 159-J. D., dated 28th May 1892, was issued in consequence of this representation from the Commissioner of Burdwan, and that since the issue of that circular no questions connected with the Churruck pooja have come prominently to the notice of Government.

No. 404, dated Burdwan, the 23rd July 1872.

From—A. ABERCROMBIE, Esq., Officiating Commissioner of Burdwan,

To—The Officiating Secretary to the Government of Bengal, Judicial Department.

I have the honour to bring to the notice of Government a case in which the defendants were brought to trial for performing the self-torture called "banfora" in disobedience of the order published by the Magistrate in 1865 under the authority from Government conveyed in Resolution dated 15th March 1865. The facts of the case are briefly these : At the time of the "banfora" this year, certain persons of low castes, resident in Kyete and other villages in its neighbourhood, in the district of Burdwan, reverted to the old practice of running skewers through their arms and tongues and exhibiting themselves in public. The fact was brought to notice by a resident in the district and the parties were prosecuted.

2. It appeared from the evidence of the Civil Surgeon that the wounds which the accused had inflicted on themselves were such as would on persons in bad health be dangerous to life. The Joint Magistrate of Burdwan, who tried the case, was of opinion that the order published in 1865 was an injunction issued by the Magistrate within the meaning of section 62 of the Procedure Code, and, considering the evidence of the publication of the order to be sufficient, he convicted the accused under the latter part of section 188 of the Indian Penal Code and sentenced each of them to undergo an imprisonment of two months.

3. On appeal the Judge of Burdwan held that section 62 of the Procedure Code is not to be taken to cover a general prohibition and released the prisoners. I beg to append a copy of the Judge's decision and to point out that it is opposed to the ruling of the High Court in a similar case which occurred in Howrah in 1871. Enclosed is a copy of the High Court's decision in that case, from which it will be seen that the Court held that there is nothing in section 188 of the Penal Code which makes it necessary to serve special notice of an order on particular individuals, though the Court's decision seems to indicate that it would be necessary to prove that the accused knew of the promulgation of the order. Under instructions from this office the Magistrate brought this ruling of the High Court to the notice of the Judge, who thereupon recorded (as per copy annexed) that he was of opinion that the Proclamation of the Magistrate in 1865 is not an order to hold good for ever against all persons, and that there is not sufficient evidence that the prisoners were cognizant of the order.

4. It will thus be seen that although hook swinging, tongue skewery, &c., have in fact been suppressed, yet the Proclamation of 1865 becomes a dead letter by the judgment recorded in this case whenever the order is contravened. The prohibition of the practice of hook swinging and other self-torture has been in force now for seven years and causes no offence to any class of the people whose opinion should be considered. I would, therefore, beg to suggest that the practice might now be made illegal and punishable by legislative enactment. There would then be no room for any argument as to the length of time during which an "order" is to be of force, nor would it be necessary to prove that each person accused knew that the order was promulgated.

No. 22, dated 18th May 1872.

Opinion by A. F. MACLEAN, Esq.,—Officiating Judge.

I feel great reluctance to interfere in this case lest an erroneous impression should be produced that the practice of "banfora" or self-torture will not be

punished, but I am bound to see that the proceedings of the Magistrate are legal.

The conviction is disobedience of an order which the offenders knew to have been published with lawful authority by a public servant, or, in other words, for having practised "banfora" in contravention of an order published in 1865 under authority from Government conveyed in Resolution of 15th March 1865.

The terms of that Resolution are such that it was the duty of Magistrates to issue injunction, whenever they might think it necessary, directing any person (not all persons) to abstain from hook swinging and self-torture. This seems to contemplate an injunction or order to be directed to individuals and not to the public, and it is now established that section 62 of the Procedure Code is not to be taken to allow general prohibition. I feel, therefore, compelled to say that these persons have not contravened any order by which they were prohibited from practising "*banfora*" and must be released from further imprisonment.

P. S.—If the promulgation of a general prohibition entailed the consequences of disobedience on the population for all time, I should in this case have been bound to call for fresh evidence (section 122) to establish the fact of such promulgation in the village or near the place where this affair occurred. A statement of the mohurir of the District Superintendent's office at Burdwan that a general perwanah was sent out to the thannahs proves nothing.

HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Criminal Revisional Jurisdiction, the 3rd June 1871.

PRESENT:

The Hon'ble F. B. KEMP, „ F. A. GLOVER, } two Judges of the said Court.

Revision of proceedings in the case of Kali Dass Manna and others.

Mr. Justice Glover.—We think that the Deputy Magistrate was wrong in refusing to go into the case.

The mere fact of the notification being addressed, in the first instance, to the Police would not prevent its being an "order promulgated by a public servant" in the sense of section 188. The order was sent to the Police for the purpose of being promulgated through the district, and the prosecutor was ready (as appears from the Magistrate's letter) to prove by evidence that it had been so promulgated. The only point for inquiry was whether the Magistrate's orders embodying the Government Resolution prohibiting hook swinging had been promulgated; and, if so, whether the accused knew of such order.

There is nothing in section 188, Penal Code, which makes it necessary to serve special notice of an order on particular individuals, and except under very peculiar circumstances, it would be enough that they are shown to have known of the order. In this case the prosecutor would have to show first that an order was promulgated; and, secondly, that the accused, knowing that it had been so promulgated, wilfully disobeyed it.

The Deputy Magistrate will be directed to re-hear the case with reference to those remarks.

(Signed) F. B. KEMP,

(„) F. A. GLOVER.

3rd June 1871.

No 30.

Criminal Appeal.

For the reasons stated in my reference, dated 13th instant, I am of opinion that the Proclamation of the Magistrate in 1865 is not an order to hold good

for ever against all persons whether they have become aware of it or not. I am of opinion that there is not evidence that these prisoners were cognizant of that order and they cannot be convicted of wilfully disobeying an order which they knew to have been promulgated by the Magistrate. I reverse the conviction and direct that the prisoners be discharged.

(Signed) A. F. MACLEAN,

Officiating Sessions Judge.

29th June 1872.

From the Government Solicitor, Madras, dated 27th July 1892, No. 306.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 25th July 1892.

OPINION.

[In the matter of the "Hook swinging" festival and of section 144 of the Code of Criminal Procedure.]

The Resolution of the Government of Bengal, dated the 15th March 1865, the "Injunctions" published in obedience thereto, and the Circular No. 46, dated "Calcutta, the 13th August 1872," were all passed and published while the Code of Criminal Procedure XXV of 1861 was in force. The terms of section 62 of that Code were so wide and general that, under it, Magistrates were "lawfully empowered to promulgate" the order required, and disobedience of such order was an offence punishable under section 188 of the Indian Penal Code, which was then in force.

2. I think that the Officiating Chief Secretary to the Government of Bengal was not quite accurate when he stated in his letter of the 13th June 1892 (No. 244, Judicial Department, Current No. 2593) that "the legality of the orders of 1865 was contested in a District Court, and that the order also came under consideration of the High Court." The legality of the order of prohibition under section 62 of Act XXV of 1861 was not, and could not be contested. The contentions of the Officiating Judge of Burdwan were that though the Magistrates were legally bound to issue the order required by the Resolution of the Bengal Government, they were, by the very terms of that Resolution, not authorized to issue a general Proclamation to the public to remain in force for all time.

The Calcutta High Court pointed out that the only questions for the consideration of the learned Judge were whether the Magistrate's order had been promulgated; and, if so, whether the accused knew of such order.

3. Section 62 was one of the sections contained in Chapter III which laid down "Preliminary Rules," and was unconnected with the subject of "Public Nuisances" dealt with in section 63, and with "Local Nuisances" dealt with in Chapter XXXIX. I think it is clear that the orders of the Magistrates under section 62 prohibiting "hook swinging" did not deal, and could not have dealt, with the thing prohibited as a "nuisance." They were legal because the terms of the section were sufficiently wide to include such orders.

4. A similar general provision was not contained in the Code of Criminal Procedure of 1872 (Act X of 1872) and is not to be found in the present Code, Act X of 1882. Chapter XXXIX of the Code of 1872 deals with "local nuisances," and confers powers somewhat similar to those conferred by section 62 of Act XXV of 1861, but those powers are apparently confined to cases of such "nuisances." The object, according to the first explanation annexed to section 518, was to provide for prompt action where such action was necessary in cases which (but for such necessity) would come within the provisions of section 521. That section did not include such practices as "hook swinging" and self-torture.

5. This object is carried out in the present Code by dealing with "Public Nuisances" in Chapter X, and with "temporary orders in urgent cases of nuisance" in Chapter XI. No new powers are conferred on Magistrates by these

chapters, and the general power conferred by section 62 of Act XXV of 1861 was not re-granted by the later Codes of Criminal Procedure.

6. The question now is—is "hook swinging" a "nuisance" within the meaning of the present Code? That word is not defined, but what the legislature intended it to mean and include, may, I think, be gathered from the various matters dealt with in Chapter X. I do not think Chapters X or XI relate to practices which may "present a demoralizing public spectacle and tend to keep alive among the people a feeling of indifference to the sufferings of their fellow-creatures and to the value of human life," * or to those which may endanger the life of the performer alone. It may be fairly argued that so-called "lion taming" is as demoralizing as "hook swinging," and that polo and parachute descents are at least quite as dangerous to the life of the players and performers, but it has never yet been suggested, and I do not think that it could be successfully contended that they come under the above chapters.

See Resolution, 15th March 1865.

I am of opinion that "hook swinging" is not a nuisance within the meaning of Chapter X, and therefore that Chapter XI is inapplicable. If orders be passed under section 144 prohibiting the celebration of the hook swinging festival, as such festival is not a "nuisance," the orders will be *ultra vires*, and therefore not "lawfully promulgated," consequently disobedience thereof will not be an offence punishable under section 188 of the Indian Penal Code.

7. My answer to the question put to me is that it is not possible to prevent the celebration of the hook swinging festival by means of orders passed under section 144 of the Code of Criminal Procedure.

(Signed) J. H. SPRING BRANSON,

Advocate-General.

No. 2, Judicial, dated India Office, London, the 5th January 1893.

From—Her Majesty's Secretary of State for India,

To—His Excellency the Most Honourable the Governor General of India in Council.

With reference to the correspondence with the Government of Madras noted in the margin, regarding the question of suppressing such barbarous exhibitions as "hook swinging" at religious festivals in the Madras Presidency, Your Excellency in Council will observe that the Madras Government are advised and are of opinion that these exhibitions cannot be prohibited under section 144 of the present Criminal Procedure Code; and that if fresh legislation in this matter is desirable, the necessary action should be taken by the Government of India.

Despatch from the Secretary of State, No. 4, dated the 17th December 1891.
Despatch from the Government of Madras, No. 8, dated the 17th May 1892.
Despatch from the Secretary of State, No. 5, dated the 14th July 1892.
Despatch from the Government of Madras, No. 13, dated the 27th October 1892.

2. I shall be glad to receive the observations of Your Excellency in Council with reference to this question and to the views expressed in the Despatch from the Government of Madras, No. 13, dated the 27th of October last.

Dated the 4th February 1865.

From—BABU JOTEENDRO MOHUN TAGORE, Honorary Secretary, British Indian Association,

To—The Under-Secretary to the Government of Bengal.

I have the honour, by direction of the Committee of the British Indian Association, to acknowledge the receipt of your letter of the 31st October last, calling the attention ofthe Association to the papers on the subject of swinging at the Churruck pooja, published in the Supplement of the *Calcutta Gazette*

of the 26th idem, and requesting the opinion of the Association, for the information of His Honour the Lieutenant-Governor, as to whether the time has not come when the practice of hook swinging may properly be prohibited by the Magistrates under the provisions of the Code of Criminal Procedure as a practice dangerous to human life and safety, and as an annoyance to all educated and right-thinking persons.

There can be no doubt, the Committee admit, that the barbarous practices of boring the body and hook swinging at the Churruck festival are alike cruel and degrading. They have no religious sanction, and their observance is principally confined to the lower orders of Hindoos. Long usage has, however, given these practices a religious character in the estimation of the masses, and they regard them with the same veneration as they do those ceremonies which have the authority of the Shasters for their basis.

The progress of education and enlightenment has, however, considerably counteracted the evil. It may be said with truth that there is scarcely a single educated native of Bengal who does not hate these revolting practices and anxiously wish for their cessation. The influence of educated and enlightened zemindars, among whom the Committee are glad to count not a few members of this Association, has already gone far towards the suppression of hook swinging in their respective estates, and as time will advance, and the blessings of education will be diffused, the demoralizing exhibitions noticed by the Lieutenant-Governor will doubtless cease to receive popular support.

The Committee are, however, ready to admit that, if the total abandonment of the custom were to depend on such a change of the moral feeling of the masses as to qualify them rightly to estimate its degrading character, the reform is not likely to be effected within such a reasonable period as the Government and the members of the British Indian Association could wish. Under these circumstances, and bearing in mind that the practice of hook swinging has been suppressed in the Bombay Presidency by order of Government, and in the Madras Presidency also by the agency of Government, though in a less peremptory manner, it has been mooted whether in Bengal the revolting ceremonies in connection with the Churruck festival should be left to die out by the gradual enlightenment of the masses, or legislative measures be adopted by the Government to bring about their immediate cessation.

Occupying the position which this Association does, the Committee are naturally anxious to see, as much for the sake of the credit of the Queen's Government as for the sake of the good will of the people towards it, that no alarm may be wantonly given as to the intentions of the Government towards their religion, nor any violation offered to their feelings, or even to their prejudices, calculated to produce dissatisfaction and discontent. The people of India, it is well known, are peculiarly sensitive in matters of religion, and it is therefore of paramount importance for the Government to avoid all semblance of interference with customs or usages which, whether directly sanctioned by religion or not, are still associated in their minds with religious awe and veneration, and cherished with undiminished respect. Hence it is that this Association, no less from a sense of loyalty to Her Gracious Majesty than from a sense of duty to their countrymen, venture occasionally to express their opinions respectfully, but unreservedly, regarding measures or proceedings of Government having even the remotest appearance to a violation of the policy of religious neutrality, and to contend for the preservation of time-honoured customs, usages, or institutions which, however superstitious they may seem in the eyes of enlightened persons, are still entitled to respect when they are followed so reverently by millions of fellow-creatures and fellow-subjects. In fact it has been the cherished conviction of the Committee that social and religious changes must be effected by the natural progress of society; that intellectual and moral development is the only right road to that progress; and that the legal authority of the Government should be the last resource of the community wherewith to put down any social abuse or to promote any moral or religious reform.

But the barbarities of the Churruck pooja do not fall within the scope of the foregoing observations. In the first place the custom is not, as the

Committee have already observed, sanctioned by the Shasters; in the second place it is not followed by the better instructed and higher orders of the community; in the third place it may be abandoned without materially interfering with popular religion; in the fourth place the suppression of these cruel practices has been effected by many landholders in their respective estates without producing dissatisfaction among the masses; and lastly, if these practices are now to be put down as proposed with the authority of Government it is not because that the Government wishes to suppress them arbitrarily, but because the Government has the consent and support of the upper and educated classes of the community, those on whom the ruler in every civilized country naturally relies for the eradication of any evils of long standing, or for the promotion of any measure of general usefulness affecting the well-being of the entire community.

The Committee would of course deprecate any interference with the religious observances connected with the Churruck, and they are glad to receive the assurance of the Lieutenant-Governor that His Honour entertains no such intention. Nor do the Committee see much objection in swinging in itself. If the mob in Bengal wish to amuse themselves by swinging from the Churruck tree without hooking the flesh, the Committee see no reason why they should be interfered with. In Madras, the Committee are informed, the people swing by sitting within a basket, and either this or any other contrivance may be employed by the swingers here for their own amusement. As a popular pastime simple swinging may, the Committee are of opinion, be fitly allowed to be contiuned without violence to the moral feelings of any educated or right-thinking persons.

This festival, His Honour the Lieutenant-Governor may not be unaware, is made the occasion of a general *melá* in the villages, where thousands of people congregate, make purchases of edibles, playthings, articles of dress, and interchange social reciprocities, and the *melá*, the Committee submit, dererves to be encouraged rather than otherwise. The continuance of the pooja and simple swinging, without the attendant barbarities, will render the proposed interference of the Police innocuous.

The Committee would certainly prefer to see the suppression of the barbarities of the Churruck with the aid of the ordinary criminal law to the enactment of any special law on the subject. The action of the Magistrates and the Police in the usual course will not cause any needless alarm or suspicion in the popular mind, while it will not fail to be effectual, which, however, cannot be confidently said of any special legislation.

In conclusion, the Committee deem it due to observe that, while they recommend the suppression of the cruel practices of perforating the body commonly called *bánphorah* and hook swinging at the Churruck pooja, they humbly and respectfully hope that the interference of Government may not be extended beyond the prohibition of the barbarities under comment. Perhaps this object may be well attained by requiring the District authorities to prevent simply the abovenamed practices, without interfering with the Poojah and the amusements of the people.

No. 676

Rajahmundry Central Jail
12th June 1893

From

G. D. Gaines Esquire,
Superintendent, Central Jail,
Rajahmundry.

To

A. G. Cardew Esquire M.A.C.S.
Inspector General of Jails,
Octacamund.

Sir,

I have the honour to forward my remarks called for in your confidential Memorandum No. 2258 dated 18th May 1893, and to request that you will be good enough to submit this my explanation in original to His Excellency the Governor in Council.

2. Of the points in connection with the administration of this Jail during 1891 and 1892 dwelt upon in your letter No. 1519 dated 18th April 1893, I will first take up the subject of the [illegible] of the Jail. I beg to refer you to the following observations of Surgeon-Major H. Carruthers, the [illegible] in his [illegible] Jail.

Go. 1025/17-5-93

fine days after I took charge. "As
have so recently come to the jail, it
l be as well, I think, that you should
fully informed of the facts as far as
understand them relating to the health
f this jail. There had been several
"cases of bowel complaint before I left for
"Badrachalam, and I was very uneasy
"about them, and wrote to the Sanitary
"Commissioner on the subject. In his reply
"which I found on my return, he seemed
"to think lightly of the matter, but sug-
"gested that the ragi was coarse. This
"was at once attended to, and the food
"supplies were generally overhauled, and
"some new grain which had been is-
"sued discarded + + I hoped and believed
"that matters had mended and that we
"were out of difficulties + + but in
"view of yesterday's event (increase of
diarrhoea) I can no longer endorse that
w + + If you can, on considering
matter from your (Supt's) more ex-
experience of Jail administration
I shall be only
w greatly distressed
ition

I introduced the use of iron cooking
in lieu of Kaloyed copper pots which
in use when I took charge. I appen
a comparative statement of deaths dur
the first five months of 1890 and 1891:

Year		No. of deaths	Year		No. of deaths	Remarks
January	1890	"	January	1891	"	
Feby.	"	4	Feby.	"	3	
March	"	"	March	"	4	
April	"	"	April	"	1	
May		1	May	"	4	
Total		5	Total		12	

This shews that the increase of death
rate for 1891 had begun before I assumed
charge (May 1891), and I need hardly
say as to how far your statement in para
4 of your letter No. 1519, viz, "in 1891
"the death rate suddenly rose to 64.3 per
mille" is applicable against me in the face of
the above circumstances. In the 4th
para you have "taken due precautions
"against sick
ter in
Jail

Assumed charge
11th May 1891.
Sd.

+ Gs. 1025/17543

2342/125-92

vras 9, 12 and 13 of which you seem
have given expression to this opinion,
regret I am unable to give an ex-
lanation. On the other hand I beg
to quote some of the remarks of the
Medical Officer to shew what amount
of attention I paid to the welfare of
the prisoners in 1891 and 1892. "I really
"think nothing has been left undone
"that might have been done, and
"so far no cause for the sickness has
"been found" (signed) H. St. Carruthers.
12-9-91.
In Sanitary sheet for 1891 para 4, the
Medical officer remarks. "Most careful
"attention was paid to the food but with
"no apparent results". "The food is well
"boiled and prepared as the others. (signed)
J. Lychlander. 2-8-92. The cholam
cakes were well cooked (signed) R St Cama
9-9-92. "The cholam and dhall
"and vegetables appeared to be well
"cooked." (signed) R St. Cama 30-10-92.

It will not be out of place
now that I
ever

Jail I was aided
I state the then Jailor
in great
tion great interest

in the welfare of the prisoners; wh
in 1892 I had Mr. Payne, who w
in any respect equal to the work
Jailor of a Central Jail without
his physical unfitness into consideration
4. As regards causes other than food
of the sickness and mortality in 1891/92,
I would bring to notice the following
extracts from the Medical Officer's Journal. "I notice too that of late the
"drafts sent from other Jails seem to
"contain a most undue proportion of
"old, sickly, or broken-down men, and
"as a result we are bound to shew
"again this year a heavy death rate.
"The men I refer to are not sent here
"on Medical grounds, but in the ordi-
"nary course". (signed) H. Carruthers 6-1-92.
"As pointed out in the Annual Rep
"several of the deaths occurred amo
"old men under life sentences, and
"are aware, we ha
"a considerable nu

cholera, the sickness in 1892 was at-
tributable to the unusually heavy rains,
inches over the average rain fall, I
believe, and consequently a good many
of the old and weakly convicts were
affected by it. On 14 September 1892
Surgeon Major Kama wrote in his journal
"I am sorry to observe that the admis-
"sions from diarrhoea and dysentery are
"steadily increasing and the mortality
"from the latter disease has been very
"great of late. These diseases seem to
"select mostly old and weakly convicts
"who, when once attacked (especially
"with the acute type of dysentery) steadily
"go under it from bad to worse having
"no stamina or vitality sufficient to re-
"sist the exhausting effects of the disease."
The same officer in his Journal of
October 1892 remarks, "During a couple
eeks or so of dry weather there was
rkable absence of diarrhoea and
ysentery
a few isolated cases
the onset of the

"north-east monsoon and the previous
"chilly wind cases of bowel complaint
"coming on again. Again on 28 October
"1892 he remarked, "Two more cases of
"diarrhoea were admitted yesterday. I
"am afraid the present wet weather
"will again increase admissions from
"these complaints". I beg to point out
that cumbly jackets and extra cumblies
were issued to the prisoners when re-
commended by the Medical Officer.

5. In para 14 of your Inspection
Report of this Jail in November
last, you have thus remarked
about the raw rations and the cooked
food. "I examined the raw rations in
"stock, which appeared to be of good
"quality, and I saw and weighed the
"cooked food at several Kitchens, in-
"cluding that in the Female yard
"and found it of full weight".

6. I will next proceed to in
remarks on the Jail

ring the current year. With regard
the rice found new by the Assistant
Surgeon, I have the honour to state
that I subsequently proved that
the rice was old and not new as he stated.
7. With regard to the meat, this
was the first occasion on which
the meat was ever condemned and
this was only one carcase. Dr Hall
remarked in the Journal, "Yesterday
"after visit rejected one sheep's carcase
"being pale, flabby and illnourished."
This was at once replaced by a
fresh one. Considering there are
on an average 27 to 30 animals killed
weekly and they are merely grass fed,
it is not to be wondered at, should
a poor carcase be found; but as I
previously remarked, this, to my Know-
ledge, has been the one only case of
the meat being rejected.

The supply of garlic ran out
[illegible] January 1893, and the Ag. Jailor
[illegible] duty it was to see
[illegible]

failed to repo it to me. As
as I learnt from the Deputy
Jailor on 25 February 1893
the supply having run out,
immediately ordered a fresh
supply to be procured which
was done.

9. I have always ordered
the cholum to be properly cleaned
and ground, and it was the
duty of the Ag. Jailor Mr Payne
to see that my orders were
carried out, and I regret that
on the two occasions mentioned
by Surgeon Major Evans that it
was not done. It was only a
short time previous to this that
I examined the cholum with
Surgeon Major Carruthers, and
he made no remarks as to its
unfitness or bad preparation.
The defects pointed out by Dr.
were soon rectified, and
not the least complaint
10. Surgeon Major
Jail

re from 29 July 1892 to 17 January
93, and approved of the usual
ethod of preparing the cholam.
ingeon Captain Hall came on 12
ebruary 1893 and disapproved of
this, and recommended that the
cholam flour should be washed be-
fore cooking. Surgeon Major Car-
ruthers came on 15 March 1893, and
disapproved of the washing of the
flour and recommended the ordinary
method. All the above recommenda-
tions were carried out.

11. Surgeon Major Carruthers re-
ported in his journal on 24 March
1893 of the short weight of the food
and its being smoked. I immediately
inquired into the matter and warned
the warder who had quite recently
been put on this duty, and fined
another warder seven days' pay, who
was also reported for neglectful su-
rvision of food.

With reference to the condem-
ned portion of the rice be-
cause it

it was partly new, I desire to point
out that I have given strict orders
to the Deputy Jailor never to take any
articles into his store until they were
seen and pronounced good by the Me-
dical Officer. According to my order
the rice was shewn to Dr Carruthers
who condemned it. I myself had
seen the rice and rejected it.
The rice was not for the day's is-
sue; it was procured from the
merchant to be taken on stock and
was replaced by rice of good quality.
Therefore I do not see I was to blame
in this matter.

13. In the concluding portion of para
5 of your letter No 1519 you state your
orders are not carried out, and that, were
not for the Medical officers, there would be
supervision whatever of the quality, cooking
and quantity of the food. I cannot ag
with you on this point as I have al
taken great interest in the preparation
as shewn in a copy of a letter sin

Jail

8P. 1025/17-5-93

th
7 June 1893 received from Dr. Carruthers
(vide appendix A), and ever since the re-
ipt of your No. 3738 dated 23 August 1892
have been inspecting the food almost daily
nd satisfying myself as to the quality, quan-
tity and cooking of it, and the results are
recorded in my fortnightly journals
which speak for themselves. I have
always attended to the food of
the prisoners, and if I had had
a good Jailor to assist me
these complaints would not have
occurred.

14. With reference to paras
2 and 3, of your letter No. 2140,
I beg to point out that your
No. 1635 dated 20 April 1893
has been answered in my No.
502 dated 5 May 1893, vide
appendices B + C. The weigh-
ment of prisoners for the
last few months has not
been satisfactory, and in the case
of Civil Jail prisoners is, I think,
culpable to the fact of
their

their not having sufficient time
pick up lost weight as they are
leased sooner, and also to the
weather during which season
men usually lose more weight than
at other times. The statement made
by the prisoners to Surgeon Major
Evans that the reason they lost
weight was because they could not
eat their food and had to throw
it away. Such a complaint was
never made to me by the prisoners,
nor am I aware of it ever having
been made to any other Medical
Officer. It was the Jailor's duty
to see if the prisoners consumed
their food, and, if not, to bring it
to my notice, which he never did.
As soon as it was brought to my
notice by Dr. Evans, I took immediate
diate steps to rectify it. As a
Convict No. 455 being admitted
Hospital with acute dia
vomiting and that the Jailor
in
Jail

tained column but I beg to append a letter from Dr Evans on the subject, vide appendix D.

5. With reference to para 6 of your letter No 1519 on the subject of tasks, it was the duty of the Ag. Jailor Mr Payne to see that the prisoners performed their tasks, and, if not, to report them for punishment. I have invariably punished prisoners for not performing their tasks. The system of merely stopping marks has been discontinued since your remarks on the subject at your inspection, and carried out in accordance with Jail Rules. At your inspection I pointed out to you that the Jailor had failed to bring cases of short work to my notice.

6. The perusal of paras 7 and 8 of your letter No 1519 would infer that Manufactures were in a flourishing condition before my transfer to Jail, and that since then manufactures have deteriorated. The

The arguments I now proceed to put forth will shew such has not been the case. I invite your attention especially to the Inspector General of Jails letter No 4984 of 29 August 1890, 2386 dated 17 June 1891 and 2478 dated 20 June 1891 (vide Appendices E, F & G) in which complaints have been made by the then Inspectors General of the inferior quality of supplies to the Police Department of the delay in supplying them &c. I quote these letters not with a view to disparage my predecessors; far from it, but to show the state of manufactures of the Jail, and how I have been handicapped. A few weeks after I took charge of the Jail, your predecessor in his No 2478 dated 20th June 1891 quoted above, pointed out the great delay in the supply of boots allotted to this Jail which should have been supplied in December 1890 - five months before I came to the Jail; the Jailor in the Jail

s that the delay in supplying
t allotment affected after allot-
nts, as of course the arrears had
be executed in addition to the
egitimate allotment. A few of the
umblies were not up to the standard
owing to the want of proper super-
vision by the Ag. Jailor Mr Payne
and the Storekeeper, who had not
properly examined them before
being taken into store as I pointed
out to them; the defects in the umb-
lies were rectified before despatch.
17. With reference to the drill
I pointed out that the quantity
rejected by the Police could be
disposed of without a loss as
private individuals are ready to
purchase it at the same rate.
18. With regard to the manu-
facturing results of last year which
shewed a profit of Rs 1052 and
hich, I much regret, was not
h more, I beg to state that
results should not be com-
with those of the previous
year

year. In 1891 I had the assista
of a most capable Jailor Mr Ca
who took the greatest interest
the Manufactures and every thin
else connected with the Jail, and
there was no epedimic. In 1892
Mr Payne came to act, and altho
I pointed out to him the importan
of keeping up the Manufactures,
he took very little interest in
them either in the way of Public
work or work for private indivi-
duals. Also cholera broke out in
the Jail which greatly retarded
manufactures for two months. From
the statement (appendix H) it will
be seen how manufactures progress
in the Cannanore and Salem Jai
and the Penitentiary in the ye
1885 to 1890 when I was in charg
and had officers of ordinary ab
to assist me and when the
of Manufactures in some Jail
nil.

Jai

I now come to the general discipline of the Jail which you consider in the highest degree unsatisfactory, basing your reasons for the same on the occurrence of the escape in October 1892, and again in March 1893. The first escape took place when the chief warder in charge of the warder guard was an inefficient native, who was transferred here by your predecessor just before he left the Department, and against whose nomination I protested by telegram when you in your No. 5/103 dated 25 February 1892, (Ap. 1) regretted your inability to comply with my request as it was too late. I remarked at your inspection that the man was useless, and in my annual Report, (Ap. 2) that he was "wanting in tact and had not the control over the warders he should have." The gross negligence on the part of a Head warder in not seeing the removal of a ladder from a

a workshop to a place of security just before meal time mainly contributed to the escape, and the warder was punished by dismissal from the service. Of the escape of the four convicts on the 13th March 1893 I gave you intimation in 14 lines as you say, but not a report. In this my letter No. 303 dated 15th March 1893 I have stated that a full enquiry was being made into the cause of the escape and would be duly reported. I accordingly sent a full report in my No. 320 dated 22nd March 1893 severely criticising the conduct of the Sg. Jailor Mr. Payne in the following terms. "In conclusion I must remark that I "think if the Jailor had personally "attended to the locking up of the "solitary cells instead of deputing "2nd Grade Head Warder Saujid "hindchin to do so, the escape would "not have occurred, and I hold

Jail

y strong disapprobation of his
nduct", vide appendix K. In
our order No 1931 dated 5th May
893 you said that you "agreed
"in the disapprobation of the Jailor's
"conduct, as there is no provision of
"the Jail Code under which the Jai-
"lor is allowed to delegate the duty
"of locking up any part of the
"Jail to a Head Warder". As you
are well aware, owing to the gross
neglect of the Ag. Jailor in not sear-
ching the prisoners locked up in
cells and in having delegated
the important duty of the locking
up of the cells in direct contraven-
tion of the Jail Code, knowing
as he did that these four were
notoriously bad characters, and
that one of them was one of the
three who had escaped in October
1892, this escape occurred.

In paras 10, 11 and 12
d with mixed feelings of sor-
d surprise that you have
pronounced

pronounced me quite unfit to conti
to be Superintendent, knowing fully
well as you did that I had all
along to work with a most ineffi-
cient Jailor and yet never caring to
remove him and thus remove the
insurmountable obstacle in my way
You yourself found out his utter
inefficiency and condemned him
in strong language in para 35
of your notes on the Inspection of
this Jail in November 1892. I
was in hopes that this (vide appen-
dix L) would tend to make him
pay more attention to his work
and improve matters as I also
spoke to him. I bore up with
his conduct till March 1893 when I
gave him to understand he had
better apply for a District Jail
and sent you a telegram strongly
recommending his transfer tho'
this was done on the plea of
ill health as I did not wish to
injure his prospects. I
Jai

ings after this that the escape
of the four convicts took place,
when, as said above, I animadverted
to his conduct. Once more I waited
"till the 23d March 1893 when my
"patience was thoroughly exhausted
and wrote you as you yourself
admit and said that he was
utterly useless and that I could
not stand him any longer, and
although I inadvertently did
not write demi officially, it ex-
pressed my feelings pretty clearly.
If the condemnation of this subor-
dinate by you and myself in
the various ways shewn above is
not sufficient to establish his in-
capacity, I am at a loss to know
what more specific statement
could have been brought against
him and of what avail it would
have been. I can only say in all
my experience of Jail work extend-
ing to over 16 years I have never
had more trouble or worry as I
had since Mr. Payne has
Jailor or a person who took
to

so little interest he has simply
taken no interest in the manufac-
tures, gardens, farm or prisoners
food or anything, although these were brought
to his notice – a great contrast to
his predecessor who always did his
best to assist me in every way;
and I extremely regret not having
brought his incapacity to your
notice earlier. I merely refrained
from doing so partly in hopes
he would improve, and partly
thought you might remove him
knowing well his inefficiency – but
you hesitated to remove Mr Payne,
I called on the Medical Officer
for his opinion as to the Ag. Jailor's
physical fitness to perform the
duties of Jailor of a large Jail like
this and forwarded his reply with
my No 568 dated 22 May 1893.
21. As regards the warders
being corrupt and out of hand,
they may be the former to some
extent as I fear they are in

Jail.

Jails, but I beg to differ with you on the latter point as I do not consider them out of hand. You remarked at your inspection that they appeared to be a troublesome lot from the number of punishments. I must also say I have never felt any fear for the safety of the Jail. I beg to assure you that I will use my utmost endeavours in future to see that every thing goes on satisfactorily, but I trust that the Ag. Jailor Mr. Payne may not be permitted to remain any longer, and I may have a capable man.

22. In the latter part of para 12 of your No. 1519 you state that the Jail was not visited by me on two Sundays and Good Friday. The code states that Sundays are excepted, and Good Friday is regarded as Sunday. I regret that my visits were not

not of longer duration, but it was on account of the heat; but since your remarks I have extended their duration, and in future will continue to do so. I beg to append a statement (appendix H) shewing the results of my administration in other Jails, and this will speak for itself. I respectfully appeal to your sense of Justice and ask you to consider whether it is fair on your part to condemn me in toto in my 53rd year after so many years of successful working without having the least regard to the want of any assistance from the subordinate staff and to the consequent heavy task that fell to my lot in addition to my legitimate duties as Superintendent.

In conclusion with reference to the 12th para of your letter No. 151 I append copies of letter from to the Medical Officer and reply (Appx M & N) No entry been

the Medical Officer, complaining
of the rations since 6th May 1893.

23. Your letter No 1519 dated
18th April 1893 and 2140 dated
1st May 1893 are herewith returned

I have the honour to be
Sir
Your most obt Servt

G. Palmer
Superintendent Central Jail

Appendix A

No. 1718

Calicut, 6th June.

From

Surgeon Major H. St. Barr
Ag. District Surgeon
Malabar

Confidential

To

G. D. Grimes Esquire
Superintendent, Central Prison
Rajahmundry

Sir,

With reference to your confidential letter No. 604 of 30th May 1893, I have the honour to state that to the best of my Knowledge and belief you in no way failed to look after the welfare of the prisoners either in the way of the food or otherwise.

2 So far from this being the case I as Medical officer, received every possible assistance at your hands during a most trying and anxious time. The entries in the Medical Officer's Journal should shew that every suggestion made met with due attention on your part, and I can testify to many long conversations in which the state of the Jail & its inmates very seriously considered by

1. A reference to the records will, I think, shew that the health of the Jail has been declining for several years past. The mortality had been heavy before I took charge at the end of 1888. During the next seven or eight months there were but few fatal cases, and then the death rate rose again. The majority of fatal cases being due to bowel complaints.

4. The last two or three analyses of the water made by the Chemical Examiner shewed a deterioration of quality, the details of which are entered in the medical officer's journal.

5. I called the attention both of the Sanitary Commissioner and of his Deputy when they visited Rajahmundry to the state of affairs and begged them to favour me with any suggestions in their power, but elicited nothing for our guidance in the future.

You will remember that the points we went into from time to time were briefly:—

1. The possible existence of any taint of scurvy among the men.

2. The numbers in the various barracks and the state of the ventilation of each barrack.

3. The position of the night soil trenches with reference to the Jail and the prevailing wind.

4. The existence of any special condition in the blocks furnishing most of the sick; or any special point in regard to the men's work or work sheds.

5. The condition of the hydrant for and of the pipes leading thereto, some of which were dug out and the joints examined.

6. The latrines and pans received careful attention.

7. Disinfecting powder was literally used for a time.

8. New chatties were issued

9. All water was boiled and then filtered.

10 The food instead of being prepared in chatties as had been the custom cooked in iron pots.

11 The tables on which the food is spread were covered with zinc.

12 Covers were made to protect it.

from flies

13. Every possible care was taken to exclude new or diseased grain or other unwholesome articles of diet.

14 The cholum was issued crushed instead of whole as formerly.

15 Several attempts were made to pump out and clean the well but the Engines available were not powerful enough.

16 The possible existence of some special condition which caused the female yard to be as remarkably healthy as the other portion of the Jail was unfortunately unhealthy.

7. Finally, if my memory serves me, I would invite attention to a remark in the visitors' Book by the late Surgeon General (Dr. Bidie) who after seeing the Jail from Fort Hill stated it as his opinion, that lying as the Jail did in a hollow, he was not surprised to learn that it was unhealthy.

I have &c

(signed) H. Carruthers

/True copy/

G. D'Rimes

Supt central jail

12 June 93 Rajahmundry

Enclosure to Appendix

Extract from Official

Visitors' Book.

\+ \+ \+ \+ \+

The country around the Jail is fairly open and the buildings are well raised above the river, but looking from the top of the Jail tower it is very evident that the Jail stands in a sort of hollow the outlet of which is towards the river. It is possible therefore that the subsoil at certain seasons may from this peculiarity of position be kept damp and help to give rise to the malaria which haunts this prison.

\+ \+ \+ \+ \+

(signed) Bidie

18 & 19 Feby 1884. Surgeon General

/True Extract/

G. D'Rimes

12 June 93 Supt. Central Jail Rajahmundry

Appendix B

Judicial (Jails) Department

Proceedings of the Inspector-General of Jails.

Read the following:—

Weighment statements of the Rajahmundry Central Jail for January, February, and March 1893.

Order dated 20 April 1893. No. 1635.

The percentage of Convicts losing weight in the Rajahmundry Central Jail during the months January, February & March 18. was very large, and the last months shows the worst result as will appear from the following figures:—

	Percentage losing weight		
	Central Jail	District Jails	Burmans.
January	45	39	50
February	45	48	54
March	56	55	70

What there have been fewer deaths is a hopeful sign but loss of weight is ordinarily evidence of deteriorated health and the matter calls for the close attention of Superintendent and Medical Officer.

2. The Inspector-General of Jails desires to receive from the Superintendent a full and careful report on the following points.

(1) On what machine the weights are taken admission and at what hour of the day

(2) On what machine the periodical weigh

taken, and at what hour of the day.

). whether the two machines yield exactly similar eighments. This should be tested by weighing a gang 50 men on each and the results on the two machines ould be submitted.

). whether the provision of fixed shutters to both doors and windows of Blocks Nos 1 and 8 have been ompleted, and, if not, how much remains to be done.

5) whether the trials in Ward No 5 Blocks 1 and 8 are completed.

. The Inspector-General of Jails further desires that the Superintendent will, at least once a fortnight, ithout notice and on varying dates, check-weigh he whole of the grain (flour) ration issued from the Store-om. The hour of issue can be ascertained, and the superintendent can easily arrange to make his exami-ation in such a way as to ascertain for certain hether the proper quantity of flour is issued.

. The Superintendent in addition to weighing the puddings ould occasionally count the whole number, going from itchen to kitchen to do so.

. Estimates should be submitted for providing wooden hutters, on the outside, to both doors and windows of locks 3 & 7.

An early reply should be submitted.

(Signed) A. G. Cardew

Inspector General of Jails

he Superintendent, Central Jail, Rajahmundry

(True Copy)

G. D'Rimel

undry Central Jail
ne 1893

Superintendent Central Jail

Appendix C

No 502

Rajahmundry Central Jail
5th May 1893.

From The Superintendent, Central Jail
Rajahmundry

To The Inspector General of Jails
Ootacamund.

Sir

With reference to your Order No 1635 dated the 20th April 1893, I have the honor to report as follows to the queries therein contained in para 2.

(I) The weights are taken by the Hospital Assistant in the presence of the Medical Officer after the prisoner have done their ten days of quarantine, on the weighing machine used in the Hospital at 7 or 8 A.M. in accordance with the foot note printing on the Convict Registers Cols. 6, 10, and 22.

(II) The periodical weighments are taken on the above weighing machine kept in the Hospital early in the morning before the prisoners have had their porridge i.e, on empty stomach. In future they will be carried out in accordance with your Circular No 1683 dated 24-4-1893.

(III). Only the above weighing machine is in working to the Sallers Spring balance Sanctioned letter No 2166 dated 16-5-92 and purchased from Messrs Oakes & Co. Madras being inaccurate

V) Windows and doors to Blocks 1 and 8 Sanctioned in our Orders No 7834 dated 18-11-92 and No 9/78 of 20-1-93 respectively, are completed.

VI) Trials have been completed with the exception of 2 Block which are being pushed on and will be completed shortly.

Para 3. — Will be attended to.

4. This I have been doing, as I inspected the food of each block, but I will also count the whole periodically as requested.

5. Estimate for this work is now Submitted for favor of sanction, block No 7 already has shutters fixed inside to the windows on both sides, and only requires 12 doors for the 3 Compartments. Block No 3 requires 12 doors & 12 windows.

In conclusion I beg to request that you will be so good as to sanction the purchase of a weighing machine by W & T. Avery & Co. Burmingham, Similar to the one used in the Hospital, so that it may be kept outside near the quarantine yard and rule 87 of the Jail Code be strictly adhered to, notwithstanding Quarantine rules. Should you sanction the purchase of this weighing machine an indent will be submitted in the proper form.

I have &c.

(Signed) G. D. Grimes
Superintendent Central Jail

(True Copy)

Rajahmundry Central Jail
12th June 1893

G. D. Grimes
Superintendent Central Jail.

Appendix D

No 31. Rajahmundry Central Jail
8th June 1893.

From The Medical Officer Central Jail
Rajahmundry

To The Superintendent Central Jail
Rajahmundry.

Sir,

With reference to your letter No 648 of 7th June; I have the honor to state that the mania case was from the beginning very obscure.

He was admitted in a semi-collapsed state for diarrhœa — from this collapse he never properly recovered although the diarrhœa soon stopped. He then had suppression of urine and hiccough. He relapsed and died.

He was admitted on April 16th and died on 30th.

On admission I had grave doubt as to whether it was cholera and I am decidedly of opinion that there was some other cause than the Cholera bacillus as the Symptoms were not such as I should have expected from that cause alone.

Whether the cause was due to something eaten by him of a poisonous nature or whether it was due to some cause as Cholera I cannot say.

I recorded in the Journal on the day the man died my opinion that the case was obscure and that there was more than I could account for.

I have &c.

(Signed) J. W. Evans Surgn
In Med. Ch. Central Jail
Rajahmundry

(True Copy)

Rajahmundry Central Jail
12th June 1893

G. D. Grimes
Superintendent Central Jail

Appendix E.

N° 4984 Office of the Inspector-General of P.
Madras 29th August 189

From

Colonel C. A. Portlous
Af. Inspector-General of Police

To

The Inspector-General of Jails.
Ootacamund.

Sir,

The Superintendent of Police Ganjam reports that the supply of boots for the year 1890 has not yet been made to his District, I have the honour to ask you to be good enough to expedite their despa

I have &c.

(Signed) J. Meredith
Af. Asst Inspector-General of Police

N° 3864.

True Copy forwarded to the Superintendent Central Jail Rajahmundry for early compliance.

(Signed) J. W. Smith,
Colonel
Af. Inspector-General of Jails.

Madras.
1st September 1890

(True Copy)

Rajahmundry Central Jail
12th June 1893

G. D'Emmes
Superintendent Central

Appendix F

No 2386 Office of Inspector-General of Jails
Dolaicamund 17th June 1891

Official Memorandum

As the Ganjam District appears not to have been supplied with its allotment of 1034 Police Cumblies, the Superintendent is requested to report what number of Cumblies he has now ready for delivery and when he will be able to complete this order.

He will also report whether the 1121 Cumblies due to the Kistna District have been supplied as no intimation was received in this Office, although the necessary steps for assembling a Committee to examine them were taken in April - Vide this Office No 1255 dated 8th April 1891.

(Signed) J. M. Smith
Colonel
Inspector General of Jails.

To

The Superintendent,
Central Jail
Rajahmundry.

(True Copy).

Rajahmundry Central Jail
12 June 1893

E. O'Connell
Superintendent Central

Appendix G

No 2478

Office of the Inspector-General of Jails
Rajahmundry 20th June 1893

Official Memorandum.

The Superintendent is requested to report by return of post the cause of his great delay in the Supply of Police boots allotted to his Jail which should have been supplied in December.

He will also report what number he has now ready for delivery as not a single District appears yet to have been supplied.

(Signed) J. N. Smith
Colonel
Inspector-General of Jails

To

The Superintendent
Central Jail
Rajahmundry.

(True Copy)
Rajahmundry Central Jail
12th June 1893

G. O'Brien
Superintendent Cen

Year	Jails	Average earning (of manufacture) per head of convicts Sentenced to labour			Ratio (of deaths) per mille of average Strength.	Jails which Shewed no earning at all.	Remark.
1885	Cannanore	7	12	"	28.59		
1886	Salem	+22	13	"	10.84	Coimbatore and Trichinopoly	+ 1st in Presidency
1887	Madras	+21	12	"	15.01	Trichinopoly, Cannanore & Salem	+ —— do ——
1888	Do	10	6	"	37.24	Salem	
1889	Do	+ 9	13	"	16.61	Do	+ 2nd Among Central Jails.
1890	Do	7	2	"	20.05	"	

Rajahmundry
Central Jail
12 June 1893

G. Skinner
Superintendent Central Jail.

Appendix I

No 9/103.

Bellary
Office of the Inspector-General of Jails
25th February 1892
Despd 26th – Do

Official Memorandum.

The Acting Inspector-General of Jails regrets that it is too late now to comply with the Superintendents' wishes, as Kumaraswami Pillai has already started for Rajahmundry Owing to the Superintendents' telegram being sent to Madras it has only to-day been received.

(Signed) A.G. Cardew
Actg. Inspector-General of Jails

To

The Superintendent
Central Jail
Rajahmundry

His reference Telegram dated 19th February 92.

(True Copy).

Rajahmundry Central Jail
12th June 1893

G. Stiness
Superintendent Central J

Appendix J

Administration Report of the Central Jail at Rajahmundry for the year 1892.

× × × × × ×

× × × × × ×

Establishment.

× × × × ×

Acting Chief Warder Kumaraswami was sent here on the 27-2-92 in place of Mr C.A. Kerr the permanent incumbent who was transferred to act as Jailor of the Hill Jail Parvatipore. I do not consider him fitted for his post, he is wanting in tact and has not that control over the warders he should have. I should recommend his being replaced by a more efficient man. He resigned his appointment on the 14th January 1893.

× × × ×

× × × ×

(Signed) G. D. Grimes
Superintendent Central Jail

True Extract

Rajahmundry Central Jail
12th June 1893

G. D. Grimes
Superintendent Central

Appendix K

N° 320 Rajahmundry Central Jail
22nd March 189

From The Superintendent, Central Jail,
Rajahmundry

To The Inspector-General of Jails.
Ootacamund.

Sir,

In continuation of this Office letter N° 303 dat
the 15th March 1893, and with reference to your telegra
dated the 20th instant, I have the honor to submit aft
enquiry the explanation called for regarding the esca
of the four prisoners.

2 During the day of the 13th instant, Block Convic
Warder N° 5979 Chokalingam was in charge of the
Solitary cells upto 4 P.M. when he was relieved by
Convict Warder Guard No 3250 Lenkolingadu, previo
to his going for his meal he made over the keys o
the Solitary Cells which were locked up to the Conv
Warder telling him that he had searched the ce
of each prisoner and every thing was correct. This to
Convict Warder who had been given strict orders to
watch the prisoners in cells and report any irreg
that might come to his notice, failed to do so,
moreover permitted them to get to adjoining
although they had been always kept far

3 2nd Grade Head Warder No 6 Syed Mohideen was ordered by the Jailor to examine the Solitary Cells and search the prisoners before lock-up, he also had 2nd Class Warder No 38 Khem Ahmed and Convict Warder Guard No 8950 Lentchigadu to help him. He reported to the Jailor that everything was correct. In addition to his knowing himself the bad character of the prisoners in the Solitary Cells, one of whom, Viz 312 Abdool Rayman had tampered with his lock previously. owing to the neglect of this very Head Warder for which he had been fined a weeks pay and awarded two black marks, he was specially warned to be very careful in future. Not only did he fail to search these prisoners, but also failed to bring to notice the fact of these four having been placed in cells adjoining each other that day, Contrary to strict orders that they should be kept apart so as to prevent communication.

4. The following Convict Warder Guards were on duty that night, viz. No 8560 Jodo from 6 to 8 P.M., No 9727 Kaduvamuthu from 8 to 10 P.M. and 8361 Damodara from 10 to 12 Midnight, and these three again in order from Midnight to 6 A.M.

The first two Convict Warder Guards when relieved by the 3rd man reported every thing Correct to the 3rd man in the presence of the Deputy Chief Warder who returned them. No 8361 states that he was the Sentry from 10 to 12 Midnight, that at 11.30 P.M. he was in the Block No 1, and saw Convict No 311 Palaniandi,

seated

seated, the Convict Warder Guard asked him why he did not sleep, and ordered him to his bed at once. From there he proceeded to Blocks No 1 and 2 and found that every thing was correct, by the time he was returning 12 was striking and the reliefs were being marched by Dy Chief Warder Veeraraghavulu who relieved him in No 1 Block by Convict Warder Guard No 8506 Jadoo. This Convict Warder Guard on proceeding to the Solitary Cells immediately discovered that four Cells were open with their locks on the ground and no prisoners in them. He raised an alarm at once and reported the matter to the Dy. Chief Warder who was following. Convict Warder Guard No 8361 Damodara admits that the escapes occurred within the two hours of his sentry, and that owing to the night being a very stormy one accompanied by heavy rain, thunder &c he could not hear what was going on in the Solitary Cells. On enquiry from the other Convicts placed in the other Solitary Cells they stated that they new nothing of the escape, nor did they hear any noise.

6. The escaped convicts forced open a door of one of the godowns in the enclosure and obtained a wooden mortar & pestle, and made their way with these implements to the back of the hospital, and got over with the aid of their Cumblies at the nearest point which is

7. No clue can be obtained as to how they came into possession of the rasp and blacksmiths Chisel. The lists in the Workshops were found correct. Mr.

Appendix L

Note on the Inspection of the Rajahmundry Central J
on the 14th, 15th, 16th, [illegible], 18th and 19th November 1892.

× × × × × × ×

× × × × × × ×

Conduct of Officers:—

35. Mr. Payne the Jailor is acting here in the vacancy caused by Mr. Cleary's deputation and has not had previous experience in a Central Jail. His clerical work was neat and careful, but in all o respects his work leaves much to be desired. The n enforcement of tasks, the backward state of the gard and manufactures, and the inferior quality of ma of the articles turned out, show that he has not exerc proper supervision and shown sufficient energy. Th discipline of the prisoners appeared to be lax, and t recent escape shows that the Warder Establishment not in proper order. The abandonment of the auctio System, if it results in increased cost, will be diffic to justify. I shall expect to find a very marked im provement in all respects on my next visit, otherwi Mr. Payne will not be continued in his present positio

× × × × × × ×

× × × × × × ×

Signed) A. G. Cardew.
Inspector General of Je

(True Extract)

Rajahmundry Central Jail 12 June 1893

G. D. Grimes
Superintendent Centr

at the chisel was secretly made in the blacksmiths
op but no proof of this can be got.

Report has been made to the District Magistrate
and Superintendent of Police of this District and to the
Districts to which the prisoners belong.

I beg to report that I reduced Block Convict Warder
No 5979 Cholalingam to 3rd Class Convict, as his conduct throughout is very suspicious, his evidence is not straight forward,
and he knows more than he will divulge. I dismissed
3rd Grade Head Warder No. 6 Syed Mohideen, for gross
neglect of duty and disobedience of orders, reduced 2nd Class
Warder No. 38 Khan Ahmed to 3rd Class for neglect of duty
and Convict Warder Guard No. 8361 to 3rd Class Convict for
neglect patrolling as he should have done and No 8950 Lutchi-
mudu to 2nd Class Convict for neglect of duty.

The four prisoners who escaped were undergoing
punishment in the Solitary Cells.

In conclusion I must remark that I think if
the Jailor had personally attended to the locking up of
the Solitary Cells instead of deputing 2nd Grade Head Warder
Syed Mohideen to do so, the escape might not have occurred
and I have expressed my strong disapprobation of his
conduct.

I have &c
(Signed) G. D. Grimes
Superintendent Central Jail.

(True Copy)

Rajahmundry Central Jail 12 June 1893

G. D. Grimes
Superintendent Central Jail.

1418
27-8-90
Conn 70

CONFIDENTIAL No. 185

Judicial DEPARTMENT.

[9]

CURRENT NO. 2621

From

The Govt of India,

Home Dept

I agree with the hon. Sir A. Stokes. We must get as much information as we can from educated natives in the first place – and then I think Recommend India to adopt legislation on the lines proposed. It would be easy to define self-torture as the exhibition of any unusual treatment of the body by inserting articles into the skin or limbs, which ~~and~~ in a manner evidently not intended for personal adornment.

No. 683

Dated 15 June 1893.

Received 21

Enclosures 6 (stitched with current).

SUBJECT.

calling for an opinion on the proposed legislation to make the practice of hook-swinging illegal

The hon. members will remember my circulating a paragraph from a newspaper the other day, from which it appeared that where the Dr. Magistrate had succeeded in stopping the ceremony of hook swinging, the victim went about the streets with hooks stuck through his back from wh. were suspended 7 lb. weights. This was a perpetration of a ring stuck through the nose or ear. I think the time has come to stop these barbarous exhibitions in public, & I believe the Govt. if it seem to be in earnest will be supported by public opinion. I strongly object to the idea of Govt. giving licenses on any such occasions.

23 June

For Orders as to the persons & authorities who should be consulted.

22 June.

22/6/93

I would refer to the Mahajana Sabha of Madras, & direct District Magts to consult such local associations or individuals whose opinion they may consider worth having, as well as give their own views.

I don't think the legislation proposed by the Govt of India, though good as far as it goes, quite sufficient. I think Magts should have power to prohibit these exhibitions, disobedience to the order being made penal; and also that the legislation should not be confined to hook swinging but should extend to other public exhibitions of self torture.

I would call opinions in the manner above stated whether the proposals of the Govt of India should be extended as I suggest.

HHS
23 June

Hook-swinging is made a public nuisance by s. 290 of the Penal Code & the legislation proposed by the Govt of India can only be to empower Govts to forbid it & disobedience to the order to be made penal as in s. 188 of the Code.

Also

Hook-swinging & other self-tortures is a rather nice question. If it is self-torture to put a skewer through the tongue or cheek is it not also self-torture to pierce a ring through the nose & the ear? Would not the abolition of hook-swinging & swinging be regarded as an unwarrantable interference with religious rites? The religious bigotry which tolerates & upholds these practices is a powerful thing to deal with. Perhaps the best way would be to issue a Resolution inviting opinions on the question, & then to legislate in the light of the opinions received.

23 June

[5]

Judl DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.

Again G.O., dated 18 , No.

Current No. 2621 of 1893, dated 15 June from the G. of I.
Conf. No. 188

Current No. of 18 , dated from

Order 30th June 1893 No 1334.
The letter from the G. of I. will be referred to the Mahajana Sabha of Madras (for opinion) & to all Dr. Magts who will report their own views & also consult such local associations and individuals as they think advisable.

27/6/93 J.H.S.

2. The Govt doubts whether the legislation proposed by the Govt of India is quite sufficient & is inclined to think that Dr. Magts should have power to prohibit exhibitions of the kind in question & that disobedience to such orders should be made penal. Moreover it appears to Govt that the legislation should not be confined to hook-swinging but should extend to other public exhibitions of self-torture. The Govt will be glad to have the opinions of the associations & persons consulted on these suggestions also.

(From orders)

27/6/93 HS
27 June

Forth Secy to the Mahajana Sabha &
all Dr. Magts. 126

1418
27-8-90.
Con 70

BACK PAPER, No. 1362 OF 1893.
5-7-93

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No.

FURTHER PAPER, No. 3450 OF 189 .
2662/3
21-12-93
Con 508/94.
1284
27-5-94
Con. 82 & 94

ENCLOSURES.

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[7]

Confidential No. 105.
1893.

Judicial DEPARTMENT.
G.O., DATED 30-6-93.
No. 1334.
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INDEXED.

First copy sent to Press.

Returned for signature. 12/7-93

Despatched 13/7-93

[Despatch Abstract.]

Book Swinging: Directing with
main observations that the letter from
G. of I. regarding the proposed legis-
tion to make the practice of
legal be referred to the Mahajana
Sha & all Ot Magtes for their opinion
well as that of such local associations
individuals as the latter may think
visable to consult

126

13.5.63G

Confidential.

Appendix M

No 674 Rajahmundry Central Jail
10th June 1893.

From The Superintendent, Central Jail
Rajahmundry

To The Medical Officer, Central Jail
Rajahmundry

Sir,

With reference to various entries you have made in the Journal about the quality of the food and the State of health of the prisoners I have the honor to request you will be good enough to inform me whether you approve of the food as now issued and whether you consider the health of the Jail has improved.

I have &c
(Signed) G. D Grimes
Superintendent Central Jail

(True Copy)

Rajahmundry Central Jail 12 June 1893

G. D Grimes
Superintendent Central Jail

Appendix K

Rajahmundry Jail
Central Jail
10th June 18

No. 32

From

The Medical Officer
Central Jail
Rajahmundry

To

The Superintendent
Central Jail
Rajahmundry

Sir,

With reference to your C
No. 674 of 10th instant, I have the
honour to state that I have no
no fault to find with the patients
The men eat their food well. Th
have much improved in appearan
and there are only 8 sick men
hospital. Up to date this year
(June 10/93) there have been on
7 deaths.

I have &c

(Signed) J. W.

True copy

G. Thomas
12th June 93 Supt Central Jail

From

The Supt. Central
Jail. Rajahmundry

To The Insp.r Gen.l
of Jails,
Cota camund

Dated 12. } June 93
Rec.d
No. 676

Enclosures 17.
Regarding administration of the
Rajahmundry
Central Jail

Enclosure (1) to Letter No. 2981.
dated 17 June 1893.

1893.
Jail. Dept.
6
2590.

I.G. of Jails.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following :—

Progress Report of Manufactures of the Central Jail, Rajahmundry, for March 1892.

Order } 17th May 1892. No 2180.

The following remarks on the Progress Report of Manufacturing transactions in the Rajahmundry Central Jail are communicated to the Superintendent for early explanation:-

(1) Sandals. On the 31st March last, 4223 pairs of sandals had been completed out of 5977 pairs allotted. As 3/4 of the year's allotments should have been delivered by the 15th of March, the manufacture is somewhat in arrears. The Superintendent would note that the remaining 1754 pairs are to be completed and delivered by the 15th June, i.e. the middle, not the end, of that month, as entered in the Progress Report.

(2) Gunnies. The total allotment of gunnies was 2804, and these were due to be delivered on the 1st February, and not on the 1st December 1892. The mistake has already been pointed out in the Official Memorandum 29th Oct. 18[illegible] 1892, [illegible]

By [illegible]

that official Memorandum and by official
Memorandum No 5201 of 22d December 1891, the
Allotment has been reduced from 2,804 to 1,556
by 44 per cent. The Superintendent will explain
why the reduction effected by the official Memo-
randum of the 22d December last, has not been
carried out in the Progress Report. In spite of
this large reduction, the Jail is still in arrears,
having completed only 1,276 cumblies on the 31st
March.

(2) White drill. The Superintendent will report-
1st how many yards of Police drill have been
completed in the Jail from the first com-
mencement of the manufacture in 1890 to date.
2d how many hands are employed on this
manufacture, and what daily task is enforced.
On the allotment of 1891-92 alone, the Jail was
1,196 yards in arrears on the 31st March 1892.

(3) Boots. The total allotment of boots is
shown by the Superintendent as 2551 pairs,—
but as has been already pointed out in this office
Official Memorandum. No 1719. of 27th April, the
whole of these should have been delivered on the
1st December 1891, instead of the 1st December
1892. The Superintendent will explain how
he came to overlook this important mis-
take in date, month after month. Of the
pairs which should have been completed

on

on the 1st December 1891,—
pairs had been finished on the
1892. The existence of this b
should also be fully explained.

(5) The Progress Reports for recen
months are dated and have been re-
ceived in this office as shown below—
February 1892 - dated 18 March recei
24 March.
March 1892 - dated 22 April receive
2 May.
April 1892 - not yet received.
Under Rule 1479 of the Jail Code the
detailed manufacturing bills are due in
this office on the 10th of the month o
in accordance with Note on page
cxxxi of the Appendix to Progress
Report must accompany the bills.
The Superintendent will ex the
extreme delay which has allowed
to occur in the submission of the
Returns.

(6) The very backward state of m a
factures under Cumblies, Police dri
Boots; the careless and inaccu
preparation of the Progress Re

that report; and the delay in its
Memoran
ion, just referred to, are extremely
Retmen
factory. The particular atten-
by 44
by the the Superintendent is invited
and to these matters, as such a state of
ngs cannot be allowed to continue.

Sd. a. g. Cardew
Acting Inspr Genl of Jails

The Supt Central Jail, Rajahmundry

True copy)
A.G. Cardew.
Inspr Genl of Jails

Rajahmundry Central Jail. the
No. 205 28th 2
only 1,264
to 31st Mar
From
G. D. Grimes Esquire M.A. Barr
Superintendent; Cen. Jail
Rajahmundry
To,
The Inspector General of Jails
Octacamund.
Your office Memo: No. 2180 dy 19th May 189

Sir,

I have the honor to submit the following explanation on the points noted in the above reference.

Cumblies. The reduction in the allotment of cumblies ordered in the office Memorandum No. 5201 dy 22nd December 1891, was through ove sight not carried out, all this mist has been rectified in the Progress for April 1892.

White drill. 13,096 yards of Police uni

have been completed in the Jail from the commencement of its manufacture in 1890 up to the end of April 1892. 16 hands, skilled and unskilled, have been engaged and 56 yards per diem turned out by them. The number will be increased, if possible.

Boots. The entry regarding the date of delivery was made through oversight, and has been altered in the Progress Report for April 1892. Some of the old bootmakers in the jail having been released, and the hands employed in their place being new and inexperienced, the delay has unavoidably occurred. I may also mention that a new pattern boot was received from the Inspector General of Police in September 1891, and the making up of boots according to this, upset all the workshop arrangements for some time. All the available hands are now engaged on this work, which is being pushed on with as much vigour as possible.

I wish to point out the Jail population was low last year.

Manufacture Returns having been hitherto, delayed owing to vouchers not having been, sometimes, received in time, the punctual despatch of these Returns will be attended to in future. In the statement received in this office in December 1891, it was stated that the articles will be required for 1891-92.

I have etc.
Sd G. D. Grimes
Supt Central Jail.

True copy)
A.G. Cardew.
Insp. Genl of Jails

Enclosures (2) and (3) to Letter
No: 2981. dated 17 June 1893.

1893
Jail Dept.
No. 5
To
No. 2590.

Note on the Inspection
the Rajahmundry Central J
on the 14th, 15th, 16th, 17th, 18th
19th November 1892.

Extent of Inspection

1. The provisions of Rules 24 to
+29 of the Jail Code were duly
complied with.

Complaints and requests

2. A large number of prisoners
made requests and complaints
as follows:-

(1) various men asked to be
-ferred to another jail; in each
case I asked the Medical offi-
whether he considered transfe
necessary on Medical grounds
he said no.

(2) several men asked for rice
instead of Chelum and one or
complained of the chelum bei
now ground into flour. The
quest is obviously inadmissib
and the complaint frivolous,
grinding of the chelum being
-proved by the Medical officer
being undoubtedly more whole
than the issue of the grain w

the following Burman Con-
ts asked to be allowed to petition
Chief Commissioner of Burma,
Nos 388. 389. 394. 615. As there
nothing to show that they
ave petitioned before, they should
allowed to do so.

Burman No 400 said that
me order came to the Peniten-
ry regarding his release. The
Superintendent is requested to
to the Superintendent of Prisons,
Madras, for copies of corres-
ndence, if any, about this man.

Convicts Nos 9969 and 9859
xplained of not having been given
bilee Remission. There is nothing
show why No 9969 did not receive
; he should now be credited with
months remission for every year
is sentence. No 9859 is a recon-
ted prisoner and was, therefore,
tly excluded from Jubilee Re-
ssion.

Convict No 21130 complained that
was not promoted to Maistry,
tho'

tho' he had been in the jail over a
since 1896. It appears that he escaped
escaped in April 1880, which is
sufficient reason for not making
him a convict officer.

(7) Convict No 9235 complained that
clothing of his, worth Rs 30/ has
been sold for Re 1. The entry in
Central Jail Convict Register shows
on the contrary, that part of his
clothing sold fetched Rs 13. 6. 5.

(8) Convict No 9905 said he had a
complaint to make, but refused to
make it unless brought to the
In these circumstances, it remains
unmade.

(9) Convict 9611 wished to petition
Government. He should be allowed
to do so. Convicts 600 and 9990
the result of their petitions, be
it appeared that the petition
No 600 had not yet gone in and that
none had been prepared for No 9
Care should be taken that peti
petitions and appeals are pro
-ly forwarded.

(10) Convict No 858 complained of
having been assaulted. The

Superintendent is requested
report the result of his enquiry
to this complaint. An old
mpa convict begged for release,
d it appears that his case was
t up in 1890 and Government
fused his request in G.O 9th Jan-
ry 1891, No 44.

The buildings are in fair Buildings
der. If the blocks continue
leak, the Public Works Depart-
ent should be asked to examine
em.

It is unnecessary here to recite
he points requiring attention
the buildings now under con-
uction, and in the alterations
hich are in progress, as the
Superintending Engineer has al-
ady been addressed.

There is no Civil Debtors'
ard in the Jail, but the so-
lled Warders' Hospital, which
quite useless for that purpose,
n easily be converted into a
ard. The Government will be
directed on this subject.

A Central Kitchen is much

much needed. The Superinte
is requested to select a site a
to take measures to have
built as soon as the Standa
Plan is ready.

7. I do not think it is desir
to build a wall in front of
solitary cells, as proposed by
Superintendent, at any rate
til the Government of Ind
Resolution, defining Solitary
Separate Imprisonment, is
received.

8. The enclosing wall of
Female Yard in 2 places above
on the Main Wall, thus cre
a weak point. This can be
edied by raising the Main W
for about 6 feet at each pla
The Superintendent is requ
to report whether he can car
this out departmentally, or
whether the work should be
touched to the Public Works
partment.

9. The present Juvenile B
should be turned into a yar
for the Convict Warder Guard,
soon as the Close Prison

ready and the Juveniles can then
kept there, which will make
ir punishment more deterrent.

The supply is ample and Water Supply
he quality was reported satis-
factory by the Chemical Examiner
891. If the water has not
een submitted to the Chemical
Examiner in 1892, this should
ow be done. If it has, the re-
sults of ~~the~~ this examination
ould be reported. The state-
ent in the ~~Inspection~~ Memo-
randum of Information that
e drinking water for 628 prison-
s is boiled, is probably incorrect.
examined the Water Cistern
ich was clean.

There is sufficient storage room Rations
here Gaol for the present. I am
satisfied with the method
which the Rations are pur-
ased. There appears to be no
urity that the cheapest prices
obtained, reliance as to rates
g placed partly on the Dah-
Gaol's price-lists, partly on en-
iries made thro' a warder. Up
to

to the beginning of 1891 the
auction system was followed in
this Gaol with marked success
the Gaol being dieted cheaper
than any other Central Gaol in
the Presidency, and there is no
reason apparent why what was
done then cannot be done now.
The Superintendent was not able
to give me any figures showing
how the cost per head in 1892 com-
pared with that of previous
years, and I am not, therefore,
a position to test the success
of the present method by its re-
sults, but it must be clearly un-
derstood that he will be held re-
sponsible if it turns out that
abandonment of the auction sy
has resulted in a loss of econ
12. It has been insinuated by
present jailor that the low c
per head in previous years w
achieved by the prisoners' n
receiving their full rations.
may or may not have been
but I take the opportunity
recording that when the pr
Da
cally

ailor pointed to the Mutton
e count as suggesting that,
ior to his arrival, the prison-
rs' food was cut, I examined
he account and found that
t warranted no such inference,
nd on my asking for further
idence of the suggestion, none
ce forthcoming.

3. In my opinion the Auction
ystem should be reverted to;
equent small purchases of ar-
icles of rations should be avoid-
; reliance should not be placed
the Tahsildar's Naraikanama,
hich is usually an unsafe
ide; payment should, in no
se, be made thro' a warder;
t should, if possible, be made
the Superintendent, direct
the Merchant, or if this
sometimes impracticable,
ndorsing the Minor Abstract
the Merchant and leaving
to cash it, or failing these
thods, by the Jailor.

e) examined the raw rations Food
rocks, which appeared to be
of

of good quality, and I saw and
weighed the cooked food at several
kitchens, including that in the Female
Yard and found it of full weight.

Fuel. 15. The issue of fuel, which is 14 ozs.
head rising to 1lb in the Female
Hospital should be reduced. If in
small Jails like Guntur and Mangalo
the food can be cooked with 13 ozs a
head, it can be done still more
easily in a Central Jail

Clothing 16. With the exception noted below
(§15-(3)) the prisoners' clothing was
sufficient and in sufficiently good
order. The Superintendent informs
me that since March last clothin
has been issued to him without ind
being submitted to and passed by m
This is wrong. The Circular to whic
he referred in no way cancelled
Rule 1189 of the Jail Code and inden
must invariably be submitted in

Health. 17. The health of the Jail during
first 10½ months of 1892 has been
than it was in 1891. There have
56 deaths, of which 20 have been
to bowel-complaints, and the weigh
of the prisoners are unsatisfactory
causes of this regrettable loss of li
and sickness were, the first early

which engaged my attention, and I have come to the conclusion that the most probable cause is undue exposure to cold. The features of the case have been summed up in a special report to Government. It is only necessary here to record the measures which I wish taken to effect, if possible, an improvement, Viz:—

(1) the immediate provision of wooden shutters to both doors and windows in Blocks Nos 1 & 8. I have already sanctioned an Estimate for this work. The shutters must be put up outside and not inside the wards. Until they are ready the existing removable half-shutters should be used every night so far as they will go, and the carrying out of the Estimate should be regarded as an urgent work.

(2) The immediate provision of pials in No 5 Ward of Blocks 1 & 8, where the men at present sleep on flag-stone floors. The pials should be of brick plastered with mud.

) The early issue of a second cumbly to every prisoner in the Jail. An indent for this has been already sanctioned. Whatever cumblies are in stock should be used at once, and more should be made as fast as can be done without throwing back

the manufacture of Police cumblies next. The Superintendent of the Bellary District Jail has been asked to supply 200 at an early date. It is to be regretted that both Superintendent and Jailor were ignorant of the orders issued by Col. Pearson so lately as 1899 to the effect that a second cumbly should be issued during the cold months. In this Jail every prisoner should have two cumblies from June until the beginning of March.

(4) The improvement of the Manufacture of the cumblies supplied to prisoners which are at present almost totally unmilled and in consequence thin and loose in texture. The cumbly now in stock should be 10 feet long and should shrink to 8 feet if properly milled whereas the cumblies now in stock measure 9 feet 2 inches. The present stock should be further milled before issue and care must be taken that in future they are sufficiently milled to contract to the proper lengths.

(5) The alteration of the bathing during the cold months of the year i.e from June to February from 4 to immediately before the mid-day meal. Jailors should be an exception and should wash in the after-

ail.

ec

18. The Medical Books were satisfac- Medical Books.
actory with one exception, viz: the cash-book.
rs I found that this was almost entirely
f confined to cases proving fatal and
he instead of being written up "day by day"
h as required by Rule 90 of the Jail Code
p the entries are all made after the fatal
ic termination has occurred. This system
ca defeats the object of the Case-book which
is to provide a contemporaneous record
of the progress and treatment of the case.
eq In future, as soon as any case in any way
enious is admitted or, if previously in
ol hospital, as soon as it develops
; nious symptoms, it should be entered
d the Case-Book, the entries being made
he ay by day by the Hospital Assistant and
initialled by the Medical Officer in
id idence of their correctness.

ase. Although the Memorandum of Airing of Bedding.
formation states that the bedding
aired daily, I found that at 9.30 a.m.
ne of it had been removed from the
rds

2°. The conservancy arrangements Conservancy.
satisfactory, and removable utensils
used in some at least of the latrines,
th is a good thing. The dry earth is,
ver, not sifted. This should be
t in future.

) The trenching was carried out Trenching.
ccordance with a description given in
ir Circular sent from the Head office in

June 1890. This Circular will be cancel
and trenching should be carried on
in the manner described in para 13
of Doctors Walker & Lethbridge's note on
the Vellore Central Jail printed at
p. xc - xcI of the Appendix to their Report
a copy of which will be supplied if n
previously sent. The trenches should b
2½ x 1' x 1', placed at intervals of 2'; 3"
depth of night-soil should be placed
in each trench and covered in with
9" of soil.

Employment of Convicts - 22. The administration of the Jail
in this important branch has been a
is far from satisfactory. The statemen
in the Memorandum of Information th
tasks are enforced as laid down in
Circulars" is at variance with fa
and should not have been made
Labour is wasted through too many m
being allotted to some works and man
factures are retarded through an ins
-ficient out-turn being exacted in oth
In raggi grinding, for instance, 8 me
do the work which should be done by
2½ men, while in weaving three, t
and even only a single yard is obta
from prisoners who have been m
on this industry.

23. Examination of the Reco
of punishments and remission. Sh
showed further that no definite
attempt has been made to enfor

18eg punishments while the working
of the Remission system has been vitiated
by allowing prisoners to remain for
months without marks because they
have not done their tasks and yet to go
as otherwise unpunished. Without checking
more than a small portion of the
Remission sheets I found 47 cases of
prisoners who had for from one to five
complete months not received a single
mark and yet had not once been
punished. This fact alone shows how
entirely the enforcement of tasks, the
exaction of hard-labour and the proper
progress of manufactures have been
neglected.

24. The out-turn of Police drill has
been very small, and this is a necessary
consequence of small tasks exacted. The
indent for Police boots due on the
for December next has only been
commenced this month. The quality of the
service drill is not good and the Inspector
General of Police has lately complained
to me. I have referred to the bad quality
of the Jail blankets above. I am glad
to be able to add that the Police boots
indented to be satisfactorily made and the
sandals to be fair, though these contained
many inferior pairs. The boots should
have three rows of stitching in the
seams: and not two.

25. Vigorous and systematic measures
must be taken to remedy all these
defects, and the matter demands the
urgent attention of the Superintendent.
Until the Police indents for boots is com-
pleted, no boot-making for private
parties is to be undertaken.

26. The following should be added
to the list of tasks:—

(1) cholum grinding - 120 lbs per man per diem

(2) cotton cordage - twisting strands
1" 1¼" and 1½" rope 4 strands - each
man - 2 ropes of 50 yards per diem.

Garden and Farm

27. The Jail is surrounded by a large
area of land, of which at present
sufficient use is not made. A great
part is now overgrown with tall
flowering grasses and weeds which have
sprung up since the rains. It is said
that there are not Convicts sufficient
to till the land and there may be
some force in this plea. But at present
labour is wasted in many places
as in raggi-grinding above referred
and I am not satisfied that more
could not have been done to put
crops down on this land. No part
the garden is in good order, and
like other items of employment
requires reform.

Remission —

28. I have already referred to the
practice of withholding marks for
long periods. In the case of three Bu

Convicts Nos 619, 389, and 400 I found
of the life sentences wrongly entered as
equal to 25 years whereas they should
be taken as equal to 20 years. This
should be corrected. Convicts
Nos 400 and 615 were excluded from
the Jubilee Remission. A report should
be submitted as to the reasons for this,
with defaulter sheets of the Convicts.
I noticed a case of a Convict Warder
Guard who was promoted on probation,
an entry being made that he was
not to be given Convict Warder guards
marks because he had not finished
half his sentence. This practice is
irregular and dangerous. Men must
not be employed as Convict Warder Guards
without receiving the rewards which
have been laid down as inducement
to faithful service, and unqualified
men must not be promoted without
special sanction. The Remission sheets
are carefully kept.

Warder Establishment Drill.

Drill. I saw the Warder Guard drill.
The results were less satisfactory than
in any other of the mofussil central Jails.
The Chief Warder did not know the
drill himself and hardly seems fitted
for his post.

Guarding

The Warder Establishment consists
of 21 permanent and 9 temporary —
30 men. On examining the Duty-Roster
I found there were ten men permanently
on duty while a number of unnecessary

duties are included. The Superin-
tendent will at once dispense with
five of the temporary warders and
will reorganize the system of guarding
on the lines laid down in Chapter XXX
of the draft Jail Code. The following is a
sketch of the arrangement to be adopted,
which has been found to work elsewhere
and which must be firmly enforced.

Standing Guard by day. One Petty officer,
one Head Warder and 12 Warders
will furnish 2 sentries - one at the
main gate, the other at the
Quarantine.

Relievable posts. - nine outside gangs.
Nine men will come on at 6 a.m.
and be on duty till noon, when
another nine men will come on
at noon and be on duty till
lock-up; eighteen men will thus
be required for these Gangs.
The extra of Public Works gang is
apparently only temporary.

Full day posts. For these 21 men remain
allowing 5 per. cent or say 3 men
for casualties, the following 18 posts
can be provided.

General charge of Guard - 1 Chief Warder	
General Supervision Inside - 1 Dy — do —	
— do — outside - 1	
Gatekeeper	1
Bazar orderly	1
Superintendent's orderly	1
Tappal orderly	1
Seven blocks	7
Chucklers	2
Hospital yard	1
Solitary cells	1

The sentries on the Wall should be
taken off. The one on the Farm side

is altogether unnecessary if prisoners are properly guarded within the Jail In place of the sentry who is on the wall behind the Hospital, a warder should be put on duty in the Hospital yard whose duty it will be to patrol the rear side of the Hospital building. A Convict Warder Guard is already allowed for the Hospital and no separate and additional Hospital Orderly is necessary. For No. 4 yard and Workshop a Convict Warder Guard is provided, or it might be better to put the Convict Warder Guard on the Solitary cells and use the extra Warder for No. 4, thus having 8 Block Warders. Probably none is needed in the Shoemakers' Shop, where there are two Warder instructors. In any case it is clear that the Jail can be easily guarded with 53 men.

31. The night guard will be composed of the nine men who went off duty at noon and of 5 men from the Day standing Guard.

Uniform.

32. The Chief Warder should wear a leather waist-belt as the Deputy and assistant chief Warders do. The Convict Warder Guards should all wear white turbands in accordance with the rules printed on page 66 of the draft Jail Code: the red and blue turbands may be continued until they are worn out. The Convict Warder Guards should also wear their tickets inside their tunics. The purchase of turban cloth for Warders turbands should cease it can be made in the Jail as is now being done at Trichinopoly. The Superintendent is requested to submit a list with prices, of the other articles of uniform which are purchased.

1893

Books.

33. The books kept by the Jailor were neat and well-maintained. In future, wherever an entry is struck out in the Release Register, the correction should be initialed. The books maintained by the Head Clerk were fairly well-kept, but examination of the Permanent Advance Account with the Jailors Cash Book shewed that numerous sums had been advanced to the Jailor from the General cash balance without any record of such advance being made anywhere. No advances should be made except from the Permanent Advance and every advance must be recorded in the Permanent advance Account. The permanent advance can be recouped whenever it runs low. The Manufacturing books seemed to be well and carefully kept and I was glad to see that the indents were in order and the entries on the right half filled in.

34. The clothing Books, which should lee kept leg the Deputy Jailor, proved to lee in a very bad state. No ledger of part-worn clothing has been maintained though it is distinctly prescribed leg Rule 1334 of the Jail Code and no record of the receipts and issues of Part. worn clothing exists. The Ledger of new clothing was full of mistakes and contains no entries during the months November 1891 to February 1892, though the Stock-Book B kept leg the storekeeper showed that numerous issues of clothing had leeen made. The Rations-Book also kept leg the Deputy Jailor were likewise in a very bad state. The stock-book was entirely unreliable, being full of mistakes and erasures and the Diet-Roll was in a similar condition.

Conduct of officers.

35. Mr Payne the Jailor is acting here in the vacancy caused leg Mr Cloney's deputation and has not previous experience in a Central Jail. His clerical work was neat and careful, but in all other respects his work leaves much to lee desired. The non-enforcement of tasks, the backward state of the garden and manufactures and the inferior quality of many of the articles turned out show that he has not exercised proper supervision and shown sufficient energy. The discipline of the prisoners appeared to lee lax and the recent escape shows that the Warder Establishment is not in proper order. The abandonment of the auction-system, if it results in increased cost, will lee difficult to justify. I shall expect to find a very marked improvement in all respects on my next visit otherwise Mr Payne will not lee continued in his present position.

36. Mr Byrne, the Deputy Jailor, is a pensioned soldier. It is evident that he is wholly unfit for his position and quite incapable of keeping the books entrusted to him which he has grossly neglected. Orders removing him to another post will forthwith issue. The conduct of this officer could have leeen brought to notice leg the Superintendent in answer to question No 41 in the Memorandum of Information.

37. I have already referred to the Chief Warder. The conduct of the other officers of the Jail does not call for specific notice.

38. The condition of the Jail on the whole cannot lee said to lee "creditable" within the meaning of Rule 37 of the Jail Code. I do not wish, however, to make an unfavourable report to Government without giving fair notice and opportunity of improvement, but I trust that the Superintendent will recognize the seriousness of the matter and the necessity for more energetic and careful administration. I hope that on my next inspection the defects now pointed out will have been removed, failing which it will lee necessary to give effect to the provisions of Rule 37.

sgd. A.G. Cardew
Insp. Genl of Jails.

22nd November 1892

True copy
A.G. Cardew
Insp. Genl of Jails

affecting health and espec-
-ially

Enclosure (4) to Letter
No. 2981. dated 17 June 1893.

Rajahmundry
23rd March 93

My dear Mr Cardew,

I must ask you to transfer Mr Payne as I cannot stand him any longer he is really more useless & not at all fitted for the post; he has been here a year now & I don't see that he has improved

Cotacamund
OFFICE OF INSPECTOR-GENERAL OF JAILS.
17th June 1893.

No. 2981.

From

A. G. CARDEW, ESQ., M.A., C.S.
INSPECTOR-GENERAL OF JAILS,

To

THE Honorable J. S. Price C.S.
Chief Secretary to Government

SIR,

Enclosures five

(1) Mr. Grimes' explanation
(2) Proceedings of the Inspr.Genl. of Jails dt. 17th May 1892, No. 2180
(3) Reply from Supdt. C. J. Rajahmundry No. 2057 dt. 28th May 1892
(4) Inspection Notes of the Rajahmundry C. J. 21st Nov. 1892
(5) Demi official from Mr. Grimes dt. 25th March 1893.

I have the honor to transmit for the consideration of His Excellency the Governor in Council the explanation of Mr. Grimes, called for in G.O. 17th May 1893, No. 1025.

2. The first 14 paragraphs of Mr. Grimes' explanation deal with the matter of the health of the Jail. The points to which I drew attention in this connection in my Letters No. 1519 & 2140 dated 18th April and 12th May 1892 were -

(1) that the mortality in the Rajahmundry Central Jail rose to an undue extent during 1891 & 1892.
(2) that tho' the mortality had decreased in 1893, the weightments continued to be very unfavourable.
(3) that, therefore, special attention to all matters affecting health and especially

specially food was required.

(4) that, as was shown by the specific instances mentioned, this attention had not been given by Mr. Grimes.

These remarks Mr. Grimes replies that the increase in the death-rate began before he took charge; that there were certain special causes of sickness; that due attention was paid to matters connected with health; and the specific instances quoted were either mistaken, isolated, or due to neglect of subordinates.

4. The number of deaths at Rajahmundry in 1888 was 11, in 1889 it was 11, in 1890 it was 15, in 1891 it was 35 and in 1892 it was 64. The general causes which lead to a high rate of mortality are so complicated and obscure that is seldom safe or possible to dogmatize about them. Altho' therefore, I incline strongly to the opinion that excessive mortality is in nine cases out of ten due to preventible causes, and that such general excesses as large admissions of sickly prisoners, a lowlying Jail &c should only be accepted with the greatest cautions, I do not charge and have not charged Mr. Grimes with responsibility for the mortality. But it appears to me that the existence of this mortality and loss of weight threw on the Superintendent the duty of exercising special attention over all matters connected with health.

5. I regret that I cannot think that Mr. Grimes' explanation shows such care to have been exercised. In my letter No. of dated 21st November 1892, I gave as instances to the contrary (1) the omission to carry out the standing order for the issue of a second cumbly during the cold months (2) the bad quality of the cumblies issued. Altho' Mr. Grimes has not seen this letter the defects in question were clearly stated in paragraph 17, clauses (3) & (4) of my Inspection Notes of November 1892, and he has not replied to or contested those statements. I submit copy of the Inspection Notes for reference.

G.O. 2342 19-12-93

6. As to the other instances I want of due care given in my letters of the 18th Apr and

in

G.P. 1025 17-5-93

2nd 12th May, I do not know how McGrimes
(4 roved that the rice remarked on by the
Assistant Surgeon was old (para 6 of the
explanation). Doctor Hall examined it,
and informed me that he showed it to "a
committee of rice merchants" who pronoun-
ced it to be mixed old and new grain. As
rice pronounced by Doctor Carruthers to
be 3/4 new and 1/4 old was supplied so soon
after the 22d March, and was condemned
on the Medical officer's report, the joint
opinion of the Assistant Surgeon and
the rice merchants was probably correct.

7. The explanation regarding the meat
may be considered sufficient. Mr Grimes
does not notice the ghee or the vegetables,
though the latter were repeatedly con-
demned by Doctor Hall. The neglect to
procure and issue garlic was brought to
notice in the Medical officer's Journal
of the 25th February. As regards the
dangerously defective preparation of the
cholum, on the 22d February the Medical
officer

officer wrote in his Journal - "The
Hospital Assistant is directed to
attend before the Superintendent &
show two samples of grain. The first
is cholum flour - it is scarcely flour
- tall in the ordinary meaning of the
word, being merely cholum grain slight-
-ly broken. It was from No I Block.
Many grains can be picked out -
totally - unground. The other is a sam-
-ple of raggi from the stores; its -
-nature - containing an enormous pro-
-portion of sand - at length explains
the grittiness of the raggi gruel which
has hitherto puzzled me". Against
this Mr Grimes wrote "strict orders -
have been given to see that the cho-
-lum is properly ground". Yet, in the
Medical officer's Journal for April,
which is with Government, Doctor
Evans is found making almost exactly
the same complaints again about the
cholum.

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5. It seems to me that Mr. Grimes must accept the responsibility for the neglect of his subordinates in this and other matters. It is, doubtless, true that he issued orders, but they were not obeyed and he did not see that they were obeyed. If the Superintendent of a Jail does not or cannot enforce obedience, his orders are clearly useless.

9. The quality of rations is a matter on which it is very difficult to get clear evidence. That which has been produced in this case is unusually good, because it comes from the Medical officers of the Jail, who could have no motive for recording unpleasant remarks. Indeed it is not an agreeable task for a Medical officer to bring to light the defects of the executive administration, and it is not every officer who will face the odium of doing it. It is much easier "record the usual routine entries, &c", as are quoted at the end of paragraph 2 of the explanation.

10. Paragraphs 15 to 18 of Mr. Grimes' letter deal with the non-enforcement of tasks, the want of punctuality in Police Supplies, the bad quality of articles manufactured, and the falling off in manufacturing receipts. This does not call for much remark, as there is little explanation offered. It was, undoubtedly, Mr. Grimes' duty to see that tasks were enforced, nor can this responsibility be shuffled off on to the Jailor. As the Superintendent is the authority who awards marks, and as marks were withheld, Mr. Grimes must have been aware of the failure to enforce tasks. The defence of the delay in making Police supplies - viz that such delays have occurred before - is not very effective. It is true that at Rajahmundry, as at other Jails, there had been great unpunctuality in such supplies, while other Superintendents, on being more definite enquiries, [illegible] some remarks in

to reform, did so, Mr. Grimes did not. (My Proceedings dated 17th May 1892, Nº 2180, of which copy is enclosed (as well as of Mr. Grimes' reply, Nº 205, dated 28th May 1892). will show that he had full and explicit warning. Yet, tho' thus made aware of his position, his outturn of boots during the 7 months June to December 1892 averaged 160 pairs a month, (the finest number in any one month - August - being 191 pairs) while in January to March 1890, 1023 pairs or an average of 341 pairs per mensem were made, showing that the previous delays have been solely due to neglect. As regards bad quality, not only were the Police cumblies bad, but the Jail cumblies were defective, as already noticed, and the drill made was rejected by the Police. No explanation of the falling off in manufacturing profits is offered, except that the Jailor was to blame.

11. This point - the inefficiency of the Jailor - is made so prominent by Mr. Grimes that it must be further noticed. The Jailor in question was specially selected by my predecessor for promotion in February 1892. I knew nothing of him till I visited Rajahmundry in November 1892. No complaint regarding him was then made to me by Mr. Grimes - I was left to find out the value of the Jailor and Deputy Jailor. As will be seen from the Inspection Notes, I was dissatisfied with both. I reduced and transferred the latter and warned the former. Still I received no complaint whatever from Mr. Grimes regarding Mr. Payne until the letter of the 23rd March, which I enclose for perusal of Government. In my reply, I wrote to Mr. Grimes: "It must be obvious to you that I cannot reduce Mr. Payne in the manner you suggest without some more definite evidence than the remark

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in an apparently private letter of yours that he is "next door to useless." I added." If you will furnish specific instances of acts of neglect or such clear evidence of inefficiency as will enable me to act, I will take action at once." Again on the 9th May I urged Mr. Grimes to take notice of the Jailor's neglect to see to the proper preparation of the food etc, but without effect. If then, Mr. Grimes has suffered thro' the neglect of this subordinate, it is solely his own fault, and his omission to hand the man up before is the most cogent proof of the fatal weakness which unfits him for his position.

I have the honor to be,
Sir,
Your most obedient Servant,
R. G. Cardew
Inspector General of Jails.

8.

Judicial

JAIL (1893) DEPARTMENT.

Confidential

From

THE INSPECTOR-GENERAL OF JAILS,

To CONFIDEN JAIL No 181

THE Chief Secretary

to Government

CHIEF SECRETARY'S GOVERNMENT OFFICE 17 JUN 93

Dated 17.
Despatched
Received 17. | June 1893.

No. 2981.

ENCLOSURES 5

& encls 1698 & 2056 rcfd.

Subject.

Transmitting (with remarks) for the consideration of His Excellency the Governor in Council, the explanation of Mr Grimes called for in G.O 17th May 1892, No 1026.

To remain in charge respectively as at present & the D.J. will submit proposals at an early date for placing him in charge of a Second Class Central Jail.

(From orders)

26 June.

To the Sg. of Jail. despd 27/6

Such

Confidential

Orders

[5]

Jud! DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 17 May 1893, No. 1025 Jud?

Again G.O., dated 18 , No.

Current No. 2590 of 1893, dated 17 June from the I. G. of Jails.

Conf. N° 181

Current No. of 18 , dated from

Orders 27 June 1893 N°. 1303.

The only conclusion that can be drawn from the papers before Govt. is that Mr. Grimes has in the position of Supt. of the Rajahmundry Jail proved lamentably deficient in energy, decision & power of control. The various grave irregularities which have occurred in this Rajahmundry Central Jail & its general maladministration can be ascribed to no other cause than the Superintendent's culpable weakness. The Govt. is, however, ready to admit that Mr. Grimes' shortcomings are to a certain extent palliated by the fact that his immediate subordinate the Jailor, Mr. Payne, was grossly remiss in the performance of his duties & consequently, is prepared to take a more lenient view of the case than might otherwise have seemed proper. Mr. Grimes will not therefore be removed from the public service but he cannot be permitted

12.

the same. He had therefore every reason to be particular & exacting with & exercise constant & close supervision. There is not in his explanation an indication of his ever having done any of these things. Had he if been what a Supt should be or anything like it he would have had his Papers at any rate out of the Jail in a very short time. He did absolutely nothing and it was not until he much have been pretty well aware that the present row was about to burst that he took any trouble to complain against the ways and then in a form of which the I.G could take no present notice other than what he did. Such the state of things during Mr. Grimes regime as the Rajahmundry Jail has been all round from Satisfactory it cannot be a shadow of a doubt and the conclusion I mentioned the first that can be drawn from the papers before Govt. as to Mr. Grimes total unfitness and want of control & superintendence on the part of Mr. Grimes that has been the cause of it.

HH
25/6/93

Case of Mr Grimes

Memorandum

(Pencil)

When inspecting the Rajahmundry Jail last March, in company with Mr. Grimes, I was much struck with Mr. Grimes' want of energy, his listlessness & apparent inability to take in his work. He does not seem to take responsibility & the fact that it was his duty to see that his Jailor did his duty properly. I don't think Mr. Grimes is allowed to remain in charge of this large Central Jail & consider that the best solution of the difficulty would be to transfer him to a 2nd class Jail where there is an efficient Jailor & where little is expected of the Superintendent.

J.H.S
22/6/93

and after the warning he has now received with a good Jailor under him he may be found equal to such a charge.

HH
21 June.

I think this proposal will best meet the case, & the sooner it is carried out the better - but wherever Mr. G. goes, he will require to be carefully looked after.

W
23 June

C. 20/6
R 24/6

charge is that the escapes were due to the inefficiency of the Head Warder & the Jailor; that if any general mismanagement of the Jail has occurred it is due to the presence of a useless Jailor; & that the briefness of his visits to the Jail was due to the heat.

Mr. Cardew only remarks on this explanation that it is Mr. Grimes' own fault that he has been troubled with an inefficient subordinate & that if he had formulated definite complaints the man would have been punished.

16) The whole inquiry leaves little room for doubt as to Mr. G's general want of Energy & Decision. He is 53½ years old & seems to have had a total service of about 16½ years including about 17 years pensionable.

(7) The Jailor, Mr. Rayne, seems to deserve the severest punishment. Doubtless the I.G. intends to deal with him.

This is undoubted, although Mr. Grimes was culpably weak about the man, the character of the Jailor is some palliation for Mr. G's shortcomings. J.H.S.

&

19 June.

There is a great deal of force in what the C.S. has written and there is no doubt that Mr. Grimes' shortcomings have been very serious, but I don't think a sufficiently strong case is shown for dismissing him from the service without the pension which he is within 1½ years of. If he were to be reduced to a second class jail, the punishment I think would be appropriate

It is contended that Mr. Grimes has not made out a sufficient defence. From first to last, wherever blame can be thrown upon any one it is cast upon the Jailor. Mr. Grimes is without experience of Jails. He knew that he had a bad Jailor, he was apprised & aware that the Dy. Jailor was bad also and he says that his Chief Warder was

with those adopted by the I.G. in his Jail Report.

If therefore Mr. S. thinks that the exact effect of the causes recited by Mr. G. ought to be ascertained it will be necessary to refer to the I.G.

If on the other hand the figures of the Jail report are accepted for purposes of comparison, they show that the average earnings per head at Rajahmundry have been R. 59-9 in 1888, R. 15.3 in 1889, R. 21.7 in 1890, R. 17.15 in 1891 & R. 3.2 in 1892; on the other hand the average earnings in all Central Jails last year amounted to no less than R. 44.6. In 1891, however, Rajahmundry did not do very badly in manufactures.

It should be noted that in 1892 not only Rajahmundry but also 4 other Central Jails were much affected by cholera.

On the whole there seems little doubt that manufactures were considerably neglected in the Rajahmundry Jail in 1892.

(5) The [illegible] charge relates to general management & in this connection the I.G. drew attention in his letter of the 18th April to two escapes which, in his opinion, indicated (on the part) gross neglect of the Jail subordinates.

Mr. Cardew also brought to notice the briefness of Mr. Grimes' visits to the Jail during the period between the 16th & 31st March last.

Mr. Grimes' reply to the general

The causes appear to be valid ones, but they can hardly account for the great decrease shown below.

Not well, hardly

A month of cholera is one of the 5 causes assigned for 92.

I think so.

in 1892 no explanation has been offered except that the Jailor is to blame.

As to this last remark, attention is invited to para. 8, page 11, of the Jail Reviews for 1892. It will be seen that Mr. Grimes did give on a former occasion an explanation for the fall in profits in 1892 which, if correct, has some force. For this decline in profits five causes are assigned the first being that the cash drawals from the Treasury in 1892 exceeded those in 1891 by R. 7,435. Mr. Cardew argues in para. 7 of his letter of the 15th April last that this first so-called cause had no effect because, though the drawals for 1892 included R. 5,136 on account of purchases in 1891, those for 1891 included R. 9,990 on account of purchases in 1890. But obviously Mr. Cardew's remarks on this point do not meet the case; what he ought to show is that the cash drawals in 1892 did not exceed those for 1891 by R. 7,435 as stated. The other 4 causes suggested by Mr. Grimes have not been controverted, or indeed referred to, by the I.G. Assuming that Mr. G's statement about the excess drawals in 1892 is correct it is yet impossible to arrive at an accurate comparison between the manufacturing accounts for 1892 & 1891 because the figures given by Mr. G. in his annual report & the I. G. do not tally at all

which I was not responsible that caused the delay in making the supplies for 1892 (& 1892). The defect in the size of the cumblies was due to the negligence of the Jailor & the Storekeeper; I pointed out to them that the cumblies ought to have been examined before being received into store & had them rectified before supplying them to the Police. The decline in the manufacturing receipts in 1891 was due to the departure of the Jailor Mr. Clancy & the appointment of Mr. Payne (who takes no interest in manufactures) to that post & also to an outbreak of cholera in 1892. When I was in charge of the Cannanore & Salem Jails & the Penitentiary between 1888 & 1890 there were never any complaints as to the conduct of the manufacturing dept.

Mr. Cardew & I are on this explanation but it is clear that there has been much dilatoriness on the part of past Supts of the Rajahmundry Jail but that Mr. Grimes was warned in May 1892 that he must use more expedition & get took no steps to effect any improvement. He adds that not only the Police cumblies but also those made for the use of the Jail were bad in quality & that for the decline in profits

** There seems to be some mistake here; apparently the cumblies had been supplied to the Police & were rejected by a committee which sat to pass Police Clothing.

the carrying out of all orders regarding the labour of prisoners & this duty was apparently much neglected by Mr. Payne the Tailor. At the same time, as the I.G. says, this does not absolve Mr. Grimes.

not altogether

(4) The fourth charge is that manufactures have been much neglected.

The I.G. reported in his letter of the 18th April last that the I.G. of Police had refused to accept 858 yards of Police drill made in this Jail; that the allotment of Police boots required by the 1st Dec. 1892 was only commenced in November of that year & was not completed till March; & that the Supt of Police complains of the quality & size of the cumblies supplied to him by the Jail.

Mr. Grimes' explanation on this charge may be summarized as follows —

"The charge implies that manufactures were in a flourishing condition before I joined the Jail; this was not so; in August 1890 & in June 1891 the I.G. of Police complained of the inferior quality of the articles supplied to the Police & of the delay in supplying them. The allotment of Police boots due on the 1st Dec. 1890 had not been completed when I joined the Jail in May 1891; it was the delay in making this supply for

ill-health.

Mr. Grimes, with the best intentions towards the prisoners, seems all the same to have taken no active steps whatever to remedy the defects from time to time brought to notice by the Medical Officer, & the Jailor must unquestionably have grossly neglected his duties.

(3) The third charge is that the employment of prisoners has not been properly supervised.

The I.G. reported in his letter of the 18th April last that tasks have not been Exacted as they should have been & that the only punishment inflicted on prisoners who neglected their work has been the withholding of marks.

Mr. G's Explanation is that it was the duty of the Jailor to see to this, & to report cases of neglect; he adds that since the I.G's inspection in November last the system of punishment by the withholding of marks [illegible] stopped & that he [illegible] at inspection brought to the I.G's notice that the Jailor had neglected to report cases of failure to perform the task to him.

The Gaoler in forwarding the explanation notes that as the Supt. awards marks & as the marks were withheld he must have been aware of the failure to enforce tasks.

Jail Code
It will be seen from Art. 152 that the Jailor is responsible for the

to Mr. G's notice by the Medical Officer on the 22nd Feby 1893 yet in April Dr Evans had again to comment upon it.

With regard to this second charge attention is invited to Chap. XXIII of the revised Jail Code. It will be seen that Art. 400 requires the Medical Officer to inspect daily all articles of food issued for consumption; Art. 401 throws the responsibility for any short weight upon the Jailor; Art. 407 also requires that the Jailor shall see that the food supplied is properly cooked & that each prisoner gets the proper quantity; Art. 408 requires the Jailor to enquire into all complaints about the food & to report the same to the Superintendent. (See also Art. 199).

The specimens of cholum contained in the bottles sent up by the I.G. with his letter of the 12th ultimo show the manner in which diet in the Rajahmundry Jail is prepared, & probably if grain in that form is eaten it is liable to set up irritation of the stomach & intestines but it is difficult to see how such grain could ever reach the prisoners if all the food issued is daily inspected by the Medical Officer as required by Art: 400.

However, reach the convicts it apparently did & there seems to be no doubt that it led to the refusal by them of a considerable portion of their meals & to consequent loss of weight &

for seeing that the cholum is properly ground. I warned & fined the warders who were responsible for the short weight & bad preparation of food noticed by Dr Evans. As to the condemnation of rice by Dr Carruthers it was done in the ordinary course of duty; the rice was shown to him before being put in store & he refused to pass it; I had condemned it myself previously; it was not intended for the day's issue. Since August last I have been inspecting the food myself almost daily. As to Dr Evans's statement that the prisoners often refuse their food I have only to say that the prisoners never complained to me of the quality of their food nor did the Jailor ever bring to my notice, as he ought to have done if it was true, that the prisoners refused to eat it. As to the death of the prisoner from diarrhœa I append a letter from Dr Evans which shows that it is very doubtful whether the man's death was in any way attributable to Eating coarsely ground cholum."

Mr. Cardew in forwarding Mr. Grimes' letter remarks that he does not know how Mr. G. proved that the rice which the Asst. Surg. pronounced to be sour was really old but that the explanation about the meat is satisfactory. As to the defective preparation of the cholum the I.G. notes that although the matter was brought prominently

being supplied;

(c) that Dr Carruthers had found the food under weight & smoked on one occasion & had condemned a large quantity of rice as being three-fourths new.

Again in his letter dy 12th May 1893 the I.G. reported to Govt that Dr Evans the present medical officer had recently reported

(a) that the food is not being properly cleaned & husked;

(b) that the prisoners do not cook well;

(c) that they refuse a large quantity of the food;

(d) that on the 14th & 15th April last the cholum issued to the prisoners was unfit for food;

(e) that on the 16th April a convict was seized with acute diarrhœa & vomiting, during the course of which he passed cholum husk, & afterwards died.

In reply to this charge Dr G. makes the following defence: —

"The I.G. examined the Jail in November 1892 & expressed himself as satisfied with the raw & cooked food. I subsequently proved that the rice which the Asst. Surg. considered to be new was really old. Dr Hall only once condemned the meat & then it was only one carcase. It was the fault of the Jailor, Payne, that the garlic ran out; directly I knew of it I got a fresh supply. The Jailor is also responsible

cation than Rajahmundry & the figures (relating to bowel complaints) do therefore go a long way to suggest mismanagement at that Jail.

As regards weighments it will be seen from the Jail Reports that out of 628 prisoners discharged from Rajahmundry during 1892 no fewer than 312 had lost weight; on the other hand the figure was 321 out of 632 in 1891 & 328 out of 628 in 1890; for the former year Mr G. was responsible only in part & for the latter not at all.

On the whole all that can be said is that the figures suggest a general want of care of the health of the prisoners during the last two years at Rajahmundry.

(2) The second charge is that the food given to the prisoners was not properly prepared or sufficient. It has already been observed that in his letter read in G.O. dy 19 Dec. 92, No. 2342, Jud. Dept, the I.G. spoke of the rations as sufficient & properly prepared although he admitted that the cholum had been ground into flour as much as it ought to have been.

In his letter of the 18th April last, however, the I.G. reported —

(a) that the Asst. Surgeon had, in Feb. 1893, found the rice to be new, the ghee bad & the vegetables worthless;

(b) that Dr Hall, later, had been obliged to condemn the meat & the vegetables & had noticed that the cholum was hardly ground at all & that no garlic was

health of the prisoners was not exercised, yet the causes of an increased mortality are so difficult to determine, that he does not charge Mr. J. with responsibility for the rise in the death-rate.

Below appear statistics of the mortality in Central Jails during the last 5 years:—

Jail	Ratio per mille to average strength				
	1888	1889	1890	1891	1892
Rajahmundry	20.9	21.1	28.8	64.4	99.1
Vellore	4.1	2.6	8.2	28.0	15.2
Trichinopoly	40.4	70.4	40.3	49.7	50.3
Coimbatore	20.4	103.1	32.0	33.2	118.4
Cannanore	72.2	27.2	19.1	50.9	84.7
Salem	9.3	15.8	20.9	40.8	50.8
Penitentiary	37.2	16.6	20.0	66.0	38.4

It will be seen that there was a very large increase in the death-rate of Rajahmundry in 1891 & 1892 & it was observed in para. 16 of the Jail Review for the former year that the cause of the increase is not very clear. At the same time it will be observed that Vellore, Cannanore, Salem & the Penitentiary also showed very high death-rates in 1891 & 1892 & although the figures for 1891 were largely affected in the Penitentiary by the prevalence of cholera & those for 1892 were similarly affected in the Cannanore Jail, still the fact remains that both these years were generally unhealthy. The deaths from bowel-complaints numbered 17 in 1891 & 23 in 1892 at Rajahmundry which is very high, but Trichinopoly showed 20 in the former year & Coimbatore 33 in the latter; both these jails have however a much larger popu-

of the prisoners continue to be unfavorable.

Mr. Grimes' reply to this charge may be condensed into the following:—

"I did not take charge of the Jail till 11 May 1891 & a few days after Dr. Carruthers stated in his Journal that the occurrence of diarrhœa made him feel anxious. As a fact there were 12 deaths in the first 5 months of 1891 against 5 in the corresponding period of 1890 which proves that the increase in the mortality began before I took charge. The Medical Officer has from time to time certified that every attention is being paid to the prisoners. Moreover in January 1892 Dr. Carruthers remarked that recent drafts from other Jails contained an undue number of old & sickly prisoners. Heavy rain in 1892 also raised the death-rate; Dr. Cama commented on this fact in October of that year. Cumbly jackets & extra cumblies were issued to the prisoners whenever the Medical Officer recommended it."

Mr. Grimes further submits a copy of a letter dy 6 June 1893 from Dr. Carruthers in which he certifies to the care & attention paid by Mr. J. to the prisoners, and also an entry by Dr. Bridie in the Official Visitors' Book which is to the effect that the situation of the Jail is unhealthy. The I.G. in forwarding this explanation remarks that, although he is of opinion that sufficient supervision over the

Jud^{l} Department.

No. 2590 (Conf. N^{o} 181) from I.G. Jail.
17. 6. 93

From Conf. G.O. of N^{o} 182 I.G.
17. 6. 93

Dated 189 .

FOR ORDERS.

This relates to the case of Mr G.D. Grimes.

(1) The first charge is that Md. G. has not looked properly after the health of the prisoners.

The I.G. first reported on this subject in the letter which was recorded in G.O. of 19 Dec. 92, N^{o} 2392, Jud^{l}. Hr there observed —

(a) that in spite of Col. Porteous' distinct orders in 1889 each prisoner was given only one instead of two cumblies during the cold months.

(b) that the cumblies supplied to prisoners are very bad.

At the same time the I.G. remarked —

(a) that the prisoners' food seems to be sufficient & properly prepared.

(b) that the cholum was, in spite of the provisions of the Jail Code, cooked whole until Mr Cardew himself some time back issued orders that it should be ground.

In his later letter on the subject (read in G.O. of 17 May 1893, N^{o} 1025, Jud^{l}) the I.G. in para 4 observed that in 1891 the death-rate of the Jail rose suddenly & continued exceedingly high during 1892; he adds that during the current year health has improved but the weight

CONFIDENTIAL No. 182.

Jud^{l} Department.

[9]

From Mr G. Cardew Esq.

No.

Dated 17 } June 93.
Received 17 }

Enclosures

SUBJECT.

Such early orders on Md. Grimes' as

OFFICE
Ootacamund, 17

y dear Mr Price.

I am this day submitte
explan.n with remarks.

Referring to your D.O. date
I venture to ask that I may be fur
with the orders of Government on the m
at as early a date as possible. Mr Goodri
has furlough from the 1st Aug. & wants to
take subsidiary leave a fortnight before making
over charge about the 15th July. On the
decision of Mr Grimes' case rests the question
whether I am to relieve Mr Goodrich or some
one else. Mr Goodrich also wishes to make
arrangements as to his kit before he leaves.
For these reasons an early decision of Govt.
is desired.

Yours sincerely
A.G. Cardew.

The Hon.ble Mr Price C.S.I.

BACK PAPER, No. Con 74
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Case of Mr. G. D. Grimes.

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