

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1020

Dated 14th May 1895

INDEXED.

[Despatch Abstract.]

REMISSION OF SENTENCE IN THE ANDAMAN ISLANDS.

Recording letter from the Superintendent, Port Blair, forwarding an extract of section 404 of the Andaman and Nicobar Manual regarding the release of male life prisoners at the Andamans.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

831

No. 637.

From,

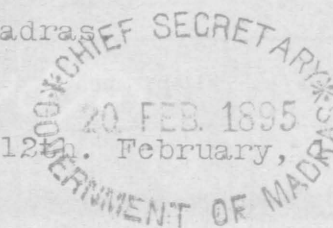
Major E. C. TEMPLE C. I. E.,
Offg. Superintendent, Port Blair.

To,

The CHIEF SECRETARY,

Government of Madras

Dated Port Blair, the 12th. February, 1895.



Sir,

In reply to your letter No. 71 - Judicial Department - dated the 12th. Ultimo, received this day, I have the honor to annex for the information of the Government of Madras, extract of Section 404 of the Andaman & Nicobar Manual, regarding the release of Male life prisoners at the Andamans, and to say that there are no other conditions under which partial remissions of sentence are granted to such convicts.

2. Certain life convicts, such as artizans and petty convict officials, are allowed marks that enable them to earn remission towards reduction of terms that they are expected to undergo as laboring convicts before they are granted tickets as Self-supporters, but the indulgence as regards these men extends no further.

3. I regret to state that I have no complete copies of the Andaman & Nicobar Manual available. Unbound copies of the Manual were sent me, and I have had some of them put together for local use. I have directed that a copy of this locally bound book be sent to you. Should you require a complete copy of the Manual, it can be obtained from the Home Office of the Government of India.

I have the honor to be,
Sir,

Your Most Obedient Servant,

Major,

Offg. Superintendent, Port Blair.

404. The orders applicable to the release of life prisoners are as follows:-

(A). In the case of all life prisoners at the Settlement on the 1st. November, 1876, (up to and including No. 21,308), the hope of eventual pardon is held out to all such convicts who by a sustained course of good conduct in transportation may have earned a claim to the indulgence-

1st,-By conspicuous gallantry or devotion in the service of Government (regarding which specific rules cannot be laid down).

2nd,-When a convict has completed 20 years' imprisonment he may be recommended for release by the Superintendent if his conduct has been uniformly good, and his return to his country would not be dangerous to society or to public order.

(B). In the case of life convicts who arrived in the Settlements after the 1st. November, 1876, (from No. 21,309,), the hope of eventual pardon is held out to all such who by a sustained course of good conduct in transportation may have earned a claim to the indulgence-

1st,-By conspicuous gallantry or devotion in the service of Government (regarding which specific rules cannot be laid down).

2nd,-When a convict has completed 20 years' imprisonment, including at least 15 in the Settlement, he may be recommended for release by the Superintendent.

(C). These indulgences (A and B) are applicable to life convicts sentenced for dacoity or any other class of organised crime after 25 years of transportation, provided that the convicts on whose behalf such recommendations are made are considered to have earned a claim to the indulgence by a sustained course of good conduct in transportation.

831

From Ind

The Sup^t
Port Blair

A 637

Dated 12. 2. 95

Recd 20. 2. 96

Subject

Form? an Extract of Sec.
404 of the Andaman &
Nicobar Manual regarding
the release of Male life
prisoners at the Andaman.

500-20-6-94.

DEPARTMENT.

No. *831*

From

Sept 27, Port Blair

Dated 12. 2. 1895,

FOR ORDERS.

The effect of the Andaman Rules is that a life convict ~~has~~ ^{is} ~~deputed~~ ^{sent} to the islands has to serve out his term (20 years = life) - This seems correct. I don't know any ^{life} convicts not transported. ~~They~~ ^{They} get off so much more easily - It does not seem right - Better ask the J. of Prisons how this came about - unless, that is, the info is available in the office. BS JG

7 or 25 years in the case of death & others, sentenced for organized crime.

∴ the order was therefore
stopped

Please see the notes in orders in
G.O. of 12-1-95 No 41. J. P., marked
with red tape. -
Two cases were under discussion
vizt - I. Convict K. K. Reddi who was
sentenced to transportation for
life by the Godavari Bench, Secunder,
Judge. The High Court recommended
a partial remission of sentence
but Govt. in G.O. of 14 Nov 1894
No. 2762 declined to interfere.
II. Four convicts vizt., S. Jayaramulu,
Bommalu Byrati, Bommalu
harazada, & Y. Krishnaiah -
who were sentenced to transportation
for life by the Secunder Judge,
Panaji.

2. Both these came up to Govt. on petitions for remissions of sentence, orig. arrests. 5895 & 6142 of 1894. After a discussion in Council it was settled (the Hon. W. Bliss, dissenting) that the sentences should not be disturbed.

3. This decision has arrived at on the belief that the remission rules gave these men the opportunity of reducing their sentences to 16 years transportation by continued good conduct.

4. Before the order has issued, doubts were entertained[†] as to whether the remission

Petitions from Convicts

rules of the Madras Jail Code apply to the case of convicts in the Andaman Isles. No final information on the subject could be found in the office & a letter was accordingly despatched to the Supt. Port Blair asking him what remission rules were in force there (E.O. No 71 of 12-1-95).

5. His reply - C. 831 - shows that these five convicts, if transported to the Andamans, can only hope for release after the completion of "20 years imprisonment, including at least 15 in the settlement;" unless "Conspicuous gallantry or devotion in the service of 'Govt'" renders special treatment possible.

6. The petitions C. 5595 & 6142 - are accordingly resubmitted for orders. If the sentences of transportation for life are commuted, it may be necessary to bring the men back from the Andamans. It is not known if they have already gone; term convicts are not now confined there.

D
21.2.95

Apparently - the life convicts when deported come under a set of rules which gives him no remission whereas the life convicts who remain in the country because unable to stand the climate of the Andamans or owing to some physical defects are entitled to remission. This seems rather anomalous.

LD
26/2/95

H.M. & C. & C.

Resubmitted; the distinction between the cases of Madras, & Andaman life-transport is based upon rules of the Govt of India, ~~which are not in force in the Andamans~~ ~~and are not in force in the Andamans~~ ~~and are not in force in the Andamans~~. The papers are now resubmitted with a view to the disposal of the petitions for mercy; as it is probable that it will take considerable time to ~~obtain~~ ^{obtain} the ~~information~~ ^{information} required by H.M.'s. It is believed that H.M.'s require it with a view to considering whether an alteration in the Madras Rules is wanted; if so, it is respectfully submitted that the petitions for mercy may be disposed of one, separately. They have been pending since November & if H.M. members adhere to the opinion already expressed in the previous notes for orders, the information now called for will not affect the points in issue as regards these prisoners.

H
3.3.95
5/3/95

~~I don't think~~ ~~was~~
I don't think ~~was~~
I don't think ~~was~~
I don't think ~~was~~

9/3

agreed to
11 Mar

There seems to be some error as being dissenting - all I said that was that in the case of two out of the five men concerned I should not object to a reduction of their sentences. As to the others, I held that, as they could by good conduct get a reduction to 16 years, I would not go further. So I say still. It is true that they may be sent to the Andamans & that in that case they will have to serve out their full time - but that I cannot help - but, in fact, has the fact any bearing until we know if they will be sent to the Andamans.

I should say that the order already passed should issue

LD
7/3/95

C6/3/95
29/3

Petitions from Convicts

W. H. + G. + ...

* The effect of the Andaman Rules is that a life convict transported to the islands has to serve out his term (20 years = life) and I don't know why life convicts not transported shed. get off so much more easily. Better ask the D. G. of Prisons, how this came about unless, that is, the information is available in the office.

* or 25 years in the case of Socoils or those sentenced for organized crime.

Life Convicts

Note for H. In

Ref: H. In's remarks of the 26 Feb. last on the note for issues on C. No 831

The present remission rules in the Jail Code are based on the rules laid down in the Appendix to the Home Dept. Resolution read in S.O. of 18. June 1893, No 110.

2. In the case of convicts (detained in Madras jails) coming under classes I & II of Rule 379 of the Jail Code, life-sentence is reckoned as 25 years' imprisonment. Under rule 382 prisoners of class I, though eligible for remission, are liable to be transferred to the Andamans or detained in Madras Jails after the expiry of 25 years' imprisonment (less remission earned). Under the same rule prisoners of class II have to live under police surveillance during the period of the remission obtained.

In the case of prisoners

C. 10/5
R. 1/5

P. T. O.

26/3/09/3
R. 1/3

2.
of classes I & II transported
to the Andamans, release
will not be sanctioned until
after the expiry of 25 years'
imprisonment.

From the above it will be
seen that prisoners of these
classes detained in Andaman
jails and those transported
to the Andamans are practi-
cally in the same position
as regards release.

3. On the other hand, life.
convicts of class III detained
in Andaman jails are more
favourably placed in this res-
pect than those transported
to the Andamans. In the latter
case ~~there~~ ordinary hope for
release only after the expiry
of 25 years whereas the former
can get away before the expiry
of that period. This difference
in treatment is probably due
to the ^{fact} ~~circumstances~~ that the con-
ditions of imprisonment at
Port Blair differ greatly from
the close confinement of an
Andaman jail and thus the
Govt. of India might therefore

There is I think no
doubt that this
explanation is
correct.

3.
have desired to mitigate
the rigour of imprisonment
in the case of men who,
owing to unfitness for hard
out-door labour, are not
sent to the penal settlements
by allowing them more
favourable terms. ^{Vide} ~~provisions~~
marked in para 7 (2) (c) of the
Home Dept. Resolution number
in G.O. of 24 July 84, No 1879.

The present rules regarding
life convicts of the III class
in Andaman jails were first
laid down by the Govt. of India
in 1844 (^{Vide} Home Dept. Resoln.
above ref. to). Drs Walker
and Lethbridge ~~expressed~~
and the Jail Conference of
1892 acquiesced in the principle
underlying these rules and
the Local Govt. expressed its
approval of the same in
G.O. Nos 3251 & 4, of 13 Dec 84 &
5 Jan'y 92, respectively.
Transports undoubtedly have a
very much better time of it than
convicts confined in Andaman jails.
On arrival the transport, if a male,
is placed in the "Shed Class"
& ^{is} ~~is~~ ^{placed} ~~placed~~ in the "Shed Class"
1/5/95.

by 4 years good conduct he can rise to the Second Class, in 6 years ^{more} (sec. 30) he can rise to the First Class & may then be a "self-sufficient", living in barracks or attending master (sec. 32) but else practically free within the limits of the islands, allowed to marry or send for his wives & children (sec. 379) under these circumstances it is easy to understand why an ordinary life convict undergoes 20 years in the Madamans, whereas in an Indian jail he can by good conduct attain freedom in 16 years.

Seen — This seems to clear up the case — Anyway, I can't spare the time to print it any more.
 BW
 10/5/95

Caps
 14/5

Life Convict

~~Lapsed~~
 11 585
 14 May 1895 No 1020
 RECORDED
 13. 5. 55

Then given for copying _____
 Then copied _____
 Then examined _____
 Then signed _____ } 189.

READ AGAIN G.O., No. _____
 189 , DATED _____

CURRENT No. _____

ENCLOSURES TO O. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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