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Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1988-89

Dated 24th Sept. 1895

INDEXED.

[Despatch Abstract.]

JAIL CODE.

Approving, with remarks, certain amendments to the---proposed by the Inspector General , and forwarding a copy of the amendments to the Government of India.

BACK PAPERS.

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Cost. of {1895} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., No. 1988, 24th Sept. 1895.

SEPTEMBER.

Jail Code.

Approving, with remarks, certain amendments to the — proposed by the Inspector-General, and forwarding a copy of the amendments to the Government of India.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following papers :—

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 8th June 1895, No. 3265.

I have the honour to submit a list of certain amendments to the Jail Code which have become necessary through recent orders of Government or which are recommended on other grounds. Owing to the non-receipt of the orders of the Government of India on the points requiring rules to be framed by that Government under Act IX of 1894, it is unlikely that the revision of the Jail Code contemplated in G.O., No. 467, dated 3rd March 1893, can be carried to completion for at least another year, as it can only be done at head-quarters where references are available and leisure sufficient and not during the touring season. The reasons for the proposed amendments are briefly indicated below :—

Rules 8—10.—Consequent upon G.O., No. 987, Judicial, dated 11th May 1895.

Rule 48.—Should have been corrected before.

Rule 226.—Supplies an omission in the present rule.

Rule 257.—Prisoners are often re-arrested a day or two before re-admission into jail.

Rules 278 *and* 734.—It is clearly useless to re-vaccinate a man who comes in with the scabs of successful vesicles still on his arm.

Rule 306.—It is desired to impose a longer period of cellular confinement in the close prison on habituals, and (as accommodation is limited) to relax the amount awarded to non-habitual offenders. The policy of making imprisonment specially rigorous in the case of habituals has been approved by Government on previous occasions.

Rule 333.—Supplies an omission in the present rule.

Rule 338.—The Sanitary authorities consider the use of cowdung to be objectionable.

Rule 378.—This is necessary to prevent his getting extra food from other prisoners.

Rule 383.—These words appear to be in conflict with the Advocate-General's opinion recorded in G.O., No. 938, Judicial, dated 18th May 1892.

Rule 394, *Clause* (i).—A prisoner undergoing penal diet and so relieved from task-work owing to ill-conduct should receive no marks for any day during which he undergoes such punishment.

Rule 446.—Supplies an omission in the present rule.

Rules 457—463.—As stated in paragraph 40 of the administration report for 1894, the present rules regarding clothing have not worked well. It is found that, as a rule, a supply of new clothing is more valued than a grant of marks. This is

especially the case among female convicts. There are no means except punishment of inducing short-term convicts to take care of their clothes, and it seems unnecessary to give this class of prisoner two suits. It is proposed to adopt more clearly the principle that prisoners in this presidency do not want clothing at all by day during a great part of the year, and hence to require the clothing issued to last longer.

Rule 478.—Brings the rule into accordance with the present practice.

Rule 494.—The tasks here referred to are increased, the present ones being found to be too light.

Rule 510.—This amendment is rendered necessary by the decision of the Government of India recorded in G.O., No. 3139 W., Public Works, dated 7th December 1894.

Rule 547.—This supplies an omission.

Rule 592-A.—The amendment here proposed is introduced with reference to paragraph 2 of G.O., dated 16th May 1895, No. 1034.

Rule 648.—The word "servants" here is a mistake.

Rule 673.—This rule is in direct conflict with Rule 109 and with the decision of Government contained in G.O., No. 10, dated 5th January 1892, where it was decided, in dealing with Rule 88 of the draft code, that on the ground of discipline all Christians should be compelled to attend the Christian religious services.

Rule 698.—Amended by G.O., No. 642, dated 27th March 1895.

Rule 730.—The amendment proposed is introduced merely to facilitate accounts, by having only one scale of rice diet, viz., 25 ozs. on Wednesdays and Sundays, instead of two scales—one of 25 ozs. for Burmans and fifth-class natives and the other of 24 ozs. for other convicts receiving this dietary.

Rule 801.—Analysis of water by the Medical Officers of jails is not of much practical value, as they have not the necessary appliances. Analysis once a year by the Chemical Examiner is very desirable. As a fact, it is now being carried out.

Rule 824.—The adoption of trenches two feet wide was probably a clerical error, as it is contrary to Drs. Walker and Lethbridge's recommendations and is certainly inadvisable.

Rule 1022 (4).—The use of urgent telegrams is, it is thought, unnecessary and is very expensive. In a recent case—that of a telegram sent on the 4th May 1895 from the Berhampur District Jail to the Chief Secretary—the cost of the single telegram was Rs. 10-4-0. Two or three such telegrams form an appreciable addition to the contingent charges of a small jail.

Rule 1085.—Amendment rendered necessary by G.O., No. 2224, dated 13th September 1894.

Rule 1122.—This brings the rule into accordance with practice.

Rule 1143.—It is useless to require the date of release of long-term convicts to be entered on their admission in the Release Register as their date of release varies from week to week with the marks earned.

Rule 1202.—The addition here made is proposed in order to make the list of hospital books complete—*Vide* Rules 1124 and 1212.

Appendix (ii) (5), *p. LIV.*—The quantity of water shown here has been found, after numerous experiments in many jails, to be excessive, and it is necessary to amend the instruction as it is at present misleading.

2. Many changes have been made in the forms in use in jails since the Jail Code was put in type, but it is thought that the introduction of these changes into the code can, if Government will permit it, lie over until the code itself is revised. The adoption of the alterations in the body of the code now submitted is, however, in several respects important and cannot well be so delayed.

Enclosure.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word "Cuddapah".

Rule 10.—Add Note 4—

"Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be ordinarily confined in the Central Jail, Vellore".

Rule 48.—Omit the word "Guntúr".

Rule 226.—At the end add: "He shall perform such other duties as the Superintendent may assign to him."

Rule 257, *Line* 7.—For the word "re-admission" read "re-committal to custody".

Rules 278 *and* 734.—Add: "Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be re-vaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in sub-jails need not be re-vaccinated on admission to central and district jails."

Rule 306.—Substitute the following:—

"The following are the periods to be passed in the close prison by male convicts, viz.—

	Period to be passed in close prison.
Habitual convicts—	
If sentenced to six months and under	The whole.
„ to over six months and not exceeding two years.	Six months.
„ to over two years and not exceeding five years.	Eight „
„ to five years or upwards	Twelve „
Other convicts—	
If sentenced to less than three years	*Nil.*
„ to three years and less than five years ..	Three months.
„ to five years and upwards	Six „

These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close prison for all prisoners coming under these rules, the accommodation shall be devoted to habituals in preference to other convicts.

Rule 333.—Add at the end: "Prisoners shall on no account be allowed to wander about the yards unattended."

Rule 338, *Line* 4.—Delete the words "and cowdung".

Rule 378, *Line* 1.—After the words "punishment diets" insert the words "shall be kept in a separate cell. They".

Rule 383, *Line* 2.—Delete the words "such sentences not being concurrent".

Rule 394, *Clause* 1.—Add: "or on which any punishment is inflicted".

Rule 446.—Add at the end: "covers of gauze on wire with bamboo frames shall be used to keep off flies from the food."

Rule 457.—Cancel the last seventeen words and read: "provided that convicts sentenced to less than twelve months may be given only one suit."

Rule 458, *Line* 2.—Cancel the words "while the part-worn suit shall be worn at all other times," and substitute: "the part-worn suit being used for ordinary wear".

Rule 459.—Cancel.

Rule 460.—Cancel and substitute: "Convicts employed on garden-work and other active occupations during the greater part of the year do not require to wear either coat or breeches while at labour; similarly those employed in closed workshops, kitchens, &c., do not ordinarily require to wear a coat while at labour. On the other hand, care should be taken that at meal-times, at inspections, and in cold weather, all prisoners are properly clad; prisoners should not be allowed to wear wet clothes; and if kept standing about on cold mornings the cumbly should be worn crossed over the body like a plaid."

Rule 463.—Cancel and substitute: "No convict shall be given a new coat or cap more than once in twelve months and a new pair of trousers more than once in six months. Subject to this condition clothing may be issued at the intervals prescribed."

Rule 478, *Line* 2.—After "prepared," insert the words "in duplicate".

Rule 494.—Wool-spinning—black-wool—delete the word "coarse" and the tasks shown as "fine". After wool-spinning insert: "starching cumblies—three per diem."

Rule 510.—At the beginning insert: "No charge shall be made to the Public Works Department for labour supplied to it for employment on jail works", and in line 2 after "employed on" insert "other".

Rule 547.—Add at the end:—

9. The medical case, in case of convicts transferred on medical grounds.

Rule 592-A.—At the end add: "In the case of prisoners belonging to the Presidency town the reference required by this rule shall be made to the Commissioner of Police, Madras."

Rule 648, *Line* 2.—For "servants" read "officers".

Rule 673, *Clause* 3.—Delete the last eight words and read: "Regarding their attendance, *vide* Rule 109, *supra*."

Rule 698.—Cancel and substitute:—

"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall be sent also. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—Add at the end: "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays whether the convict belongs to class IV or V."

Rule 801, *Line* 1.—For "periodical" read "quarterly" and at the end add: "At least once a year a sample of the drinking-water shall also be submitted to the Chemical Examiner for analysis."

Rule 824, *Line* 4.—For "two feet" read "one foot".

Rule 1019, *Line* 3.—For the words "The cover shall bear the words 'Appeal for mercy' and", read "The docket as well as the cover of the letter shall bear in red ink the words 'Appeal for mercy' and shall".

Rule 1022 (4), *Line* 5.—For the words "an urgent telegram" read the words "a telegram".

Rule 1085 (*as amended by the third list of corrections*).—At the end add: "Provided that in the case of persons judicially acquitted on the ground of insanity, but not insane when sent to the Asylum, no certificate in Form A shall be necessary."

Rule 1122, *Line* 12.—For "Calcutta" read "Rangoon".

Rule 1143.—Add at the end: "Convicts whose sentences exceed two years need not be entered in this register."

Rule 1202, at the end add—

(8) Letter book.
(9) Historical register.

Appendix (ii) (5), *p.* LIV, *paragraph* 4, *Line* 5.—For "eight pints" read "six ordinary pints or 72 ozs.".

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, Madras, to the Chief Secretary to Government, dated Ootacamund, 19th July 1893, No. 4231.

I have the honour to request that you will be good enough to cause the following corrections to be made in the draft list of amendments to the Jail Code which was submitted with my letter, No. 3265, dated 8th June 1895, viz.—

(1) For the correction proposed in Rule 378, read the following—

"*Rule* 378, *Line* 1.—At the beginning insert: 'Prisoners undergoing penal diet shall be kept in a separate cell.'"

The effect is the same as the amendment contained in my letter above named, but in that amendment reference was wrongly made in Rule 378 as it stood before it was altered by the sixth list of corrections.

2. In the correction proposed in Rule 494 the words "black wool" should not occur. The intention of the amendment is to cancel all three tasks shown as "fine," viz., 24 ozs. (white), 20 ozs. (black) and 26 ozs. (mixed) and to revert to the old system of having only one scale of tasks in wool-spinning.

Order—No. 1988, Judicial, dated 24th September 1895.

The list of amendments to the Jail Code submitted with the foregoing papers calls for the following remarks:—

(*a*) *Rule* 10.—The addition proposed to this rule is not quite in accord with G.O., No. 987, dated 11th May 1895, in that it does not expressly provide for the confinement in the district jails at Bellary and Nellore of convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district. This omission will be supplied.

(*b*) *Rule* 306.—The revised rule does not meet with the approval of Government in its entirety. It is, no doubt, desirable that prison life should be made very rigorous to habitual offenders, but, from the point of view of reforming criminals, it seems to be of more importance to make imprisonment more dreaded in the case of non-habituals. As, therefore, close prison accommodation is at present very limited, His Excellency in Council considers that such accommodation as may be available should preferentially be devoted to non-habitual criminals sentenced under Chapters XII and XVII of the Indian Penal Code, and the rule will be amended accordingly.

(*c*) *Rule* 446.—The addition proposed to this rule will be omitted, as the suggested provision of covers appears to be a luxury which can be dispensed with.

(*d*) *Rule* 457.—If the amendment suggested were adopted, it is not clear how the convicts could be expected to keep their clothing clean and dry. The Inspector-General is requested to explain.

(*e*) *Rules* 459 and 463.—The Inspector-General suggests the omission of Rule 459, presumably in view of the amendment he proposes to Rule 463. This amendment seems to render the retention of Rule 459 unnecessary so far as male convicts are concerned. But in the case of female convicts there seems to be no rule (other than the one now under consideration) regulating the periods at which clothing should be issued. Further, the reference in Revised Rule 463 to "the intervals prescribed" is not clear, inasmuch as it is nowhere laid down that issues of clothing shall be made at fixed intervals. The suggestions made in regard to these two rules will therefore be remitted to the Inspector-General for reconsideration in the light of the above remarks.

(*f*) *Rule* 460.—The revised rule requires slight verbal alterations and these will be made.

(*g*) *Rule* 494.—As the present rule gives power to the Inspector-General to modify, from time to time, the scale of tasks therein prescribed, the sanction of Government is not required to any alteration in the scale of tasks that may be considered necessary.

(*h*) *Rule* 730.—The expression "Class IV or V" appearing in the draft amendment is somewhat misleading, seeing that there are *now* only two classes of native convicts for the purposes of diet scale and *not* five as formerly. The words and figures "whether the convict belongs to Class IV or V" occurring in the proposed addition, and the words "the several classes of" in Rule 730, will therefore be omitted.

2. Subject to the above remarks, the amendments proposed by the Inspector-General are approved under section 60 of the Prisons Act, 1894, and a copy of the rules as amended by Government will be printed as an appendix to this Proceedings.

3. Rule 305 of the Jail Code requires revision with reference to the provisions of Act IX of 1894 (Prisons).

4. A copy of the amendments now sanctioned will be forwarded to the Government of India with advertence to paragraph 11 of the Home Department letter recorded in G.O., No. 1823, dated 24th July 1894.

[Here enter No. 1989, dated 24th September 1895.]

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Inspector-General of Prisons.
" Inspector-General of Police.
" Surgeon-General.
" Commissioner of Police, Madras.

A. Raitt.

APPENDIX.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word " Cuddapah."

Rule 10.—Add Note 4—

" Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be confined in the Central Jail, Vellore, or in the District Jails at Bellary or Nellore, according to the place at which they may be sentenced or committed and with reference to the accommodation available in the jails at those places."

Rule 48.—Omit the word " Guntûr."

Rule 226 —At the end add : " He shall perform such other duties as the Superintendent may assign to him."

Rule 257, *Line* 7.—For the word " re-admission " read " re-committal to custody."

Rules 278 *and* 734.—Add : " Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be re-vaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in sub-jails need not be re-vaccinated on admission to central and district jails."

Rule 306.—Substitute the following :—

" The following are the periods to be passed in the close prison by male convicts, viz.—

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" to over six months and not exceeding two years ..	Six months.
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" to five years or upwards	Twelve "
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If sentenced to less than three years	*Nil.*
" to three years and less than five years	Three months.
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" These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close prison for all prisoners coming under these rules, the accommodation shall be devoted first to persons convicted under Chapters XII and XVII, Indian Penal Code, and then to habituals in preference to other convicts."

Rule 333.—Add at the end : " Prisoners shall on no account be allowed to wander about the yards unattended."

Rule 338, *Line* 4.—Delete the words " and cowdung."

Rule 378, *Line* 1.—At the beginning insert : Prisoners undergoing penal diet shall be kept in a separate cell."

Rule 383, *Line* 2.—Delete the words " such sentences not being concurrent."

Rule 394, *Clause* 1.—Add " or on which any punishment is inflicted."

Rule 458, *Line* 2.—Cancel the words " while the part-worn suit shall be worn at all other times," and substitute " the part-worn suit being used for ordinary wear."

Rule 460.—Cancel and substitute : " Convicts employed on garden-work and other active occupations do not require during the greater part of the year to wear either coat or breeches while at labour ; similarly those employed in closed workshops, kitchens, &c., do not ordinarily require to wear a coat while at labour. On the other hand, care should be taken that at meal-times, at inspections, and in cold weather, all prisoners are properly clad ; prisoners should not be allowed to wear wet clothes ; and if they are kept standing about on cold mornings the cumbly should be worn crossed over the body like a plaid."

Rule 478, *Line* 2.—After " prepared," insert the words " in duplicate."

Rule 510.—At the beginning insert : " No charge shall be made to the Public Works Department for labour supplied to it for employment on jail works," and in line 2 after " employed on " insert " other."

Rule 547.—Add at the end :—

" 9. The medical case, in case of convicts transferred on medical grounds."

Rule 592-A.—At the end add : " In the case of prisoners belonging to the Presidency town the reference required by this rule shall be made to the Commissioner of Police, Madras."

Rule 648, *Line* 2.—For " servants " read " officers."

Rule 673, *Clause* 3.—Delete the last eight words and read : " Regarding their attendance, see Rule 109, *supra*."

Rule 698.—Cancel and substitute :—

" Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall also be sent. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—Delete the words " the several classes of " and add at the end : " and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays."

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Regr. No.

HOME 1895 DEPT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 24th Sept. 1895, No. 1989.

SEPTEMBER.

Jail Code.

Forwarding a copy of certain rules approved by this Government under the provisions of section 60 of the Prisons Act, 1894, and requesting information as to when the orders of the Government of India on the points requiring rules to be made under section 59 of the Act may be expected.

JUDICIAL DEPARTMENT.

Letter—from

The CHIEF SECRETARY to the GOVERNMENT of
FORT ST. GEORGE,

To

The SECRETARY to the GOVERNMENT of INDIA,
Home Department.

Sir,

As desired in paragraph 11 of Mr. Hewett's letter, dated 9th July 1894, No. 5, Jails—370, I am directed to forward a copy of certain rules which His Excellency the Governor in Council has approved under the provisions of section 60 of the Prisons Act, 1894.

2. As the revision of the Jail Code of this Presidency is being held in abeyance owing to the non-receipt of the orders of the Government of India on the points requiring rules to be made under section 59 of the Act, I am to request that the Government of Madras may be informed when the orders of His Excellency the Governor-General in Council on the subject may be expected.

I have the honour to be,
Sir,
Your most obedient servant,

J. F. PRICE,
Chief Secretary.

Ootacamund,
24th September 1895.

APPENDIX.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word "Cuddapah."

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"Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be confined in the Central Jail, Vellore, or in the District Jails at Bellary or Nellore, according to the place at which they may be sentenced or committed and with reference to the accommodation available in the jails at those places."

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Rule 458, *Line* 2.—Cancel the words "while the part-worn suit shall be worn at all other times," and substitute "the part-worn suit being used for ordinary wear."

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Rule 698.—Cancel and substitute :—

"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall also be sent. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—Delete the words "the several classes of" and add at the end : "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays."

Rule 801, *Line* 1.—For "periodical" read "quarterly" and at the end add : "At least once a year a sample of the drinking-water shall also be submitted to the Chemical Examiner for analysis."

Rule 824, *Line* 4.—For "two feet" read "one foot."

Rule 1019, *Line* 3.—For the words "The cover shall bear the words 'Appeal for mercy' and," read "The docket as well as the cover of the letter shall bear in red ink the words 'Appeal for mercy' and shall."

Rule 1022 (4), *Line* 5.—For the words "an urgent telegram" read the words "a telegram."

Rule 1085 (*as amended by the third list of corrections*).—At the end add : "Provided that in the case of persons judicially acquitted on the ground of insanity, but not insane when sent to the Asylum, no certificate in Form A shall be necessary."

Rule 1122, *Line* 12.—For "Calcutta" read "Rangoon."

Rule 1143.—Add at the end : "Convicts whose sentences exceed two years need not be entered in this register."

Rule 1202, at the end add :—

(8) Letter book.
(9) Historical register.

Appendix (ii) (5), *p.* LIV, *paragraph* 4, *Line* 5.—For "eight pints" read "six ordinary pints or 72 ozs."

CURRENT NO. 2817.

JUDICIAL. Dept

JAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF PRISONS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

CHIEF SECRETARY'S OFFICE
10 JUN. 1895
GOVERNMENT OF MADRAS

Dated 8th
Despatched } June 1895.
Received 10th
Regd. 11th

No. 3265.

ENCLOSURES. one.

Subject.

Submitting for approval Seventh list of Corrections to the Jail Code – with remarks.

R 17/6 awaits the return of Sept 27-3-95; Ro 642 June 10-5-95; Ro 987 Revised numbers for

Ro 1034: 16-5-95 mis.
987: 10-5-95 mis (also)
922: 4-5-95 mis
764/5: 11-4-95 Sc
675: 24-95 mis
642: 27-3-95 mis (also) 1236 R/94.
R 2347/8: 27 Sep 94 Sc.
2224: 13 Sep 94 Sc.
467/8: 3 March 93 Sc. 110/1935c
938: 18 May 92 Sc 2286/91 Sc
910: 5 Jan 92 Sc.
5: 4 Jan 92 Sc.
804/5/90
on W & L Report

Cuddapah

Seventh List of Amendments to the Jail Code

49

✓ Rule 8. Omit the word "Cuddapah."

✓ Rule 10. Add note 4.

Convicts sentenced to imprisonment in excess of 30 days and civil prisoners committed in the Cuddapah District shall for the present be ordinarily confined in the Central Jail, Vellore.

Govt. G.O. dt 11-5-95, No 787, directed that such prisoners should be sent to Vellore, Bellary or Rajahmundry according to the place at which they are sentenced & cost reference to the recommendation annexed to the Govt. Jail Committee's Report.

✓ Rule 48. Omit the word "Gunner."

✓ Rule 226. At the end add: "He shall perform such other duties as the Superintendent may assign to him."

✓ Rule 257 Line 7, for the word "re-admission" read "recommittal to custody."

✓ Rules 278 and 734. Add: "Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be revaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in Subjails need not be revaccinated on admission to Central and District Jails.

✓ Rule 306. Substitute the following:—

The following are the periods to be passed in the Close Prison by male convicts, viz:—

Habitual Convicts.	Period to be passed in Close Prison
If sentenced to 6 months and under—	The whole.
If sentenced to over 6 months and not exceeding 2 years—	6 months

24

Habitual Convicts. Period to be passed in Close Prison

If sentenced to over 2 years and not exceeding 5 years. — 8 months.

If sentenced to 5 years or upwards — 12 months.

Other Convicts.

If sentenced to less than 3 years — nil.

If sentenced to 3 years and less than 5 years. — 3 months

If sentenced to 5 years and upwards — 6 months.

These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close Prison for all prisoners coming under these rules, the accommodation shall be devoted to Habituals in preference to other convicts.

Rule 333. Add at the end: "Prisoners shall on no account be allowed to wander about the yards unattended."

Rule 338, Line 4 — Delete the words "and cowdung".

Rule 378. Line 1. After the word "Punishment Diets" insert the words "shall be kept in a separate cell. They"

Rule 386. Line 2 — Delete the words "such sentences not being concurrent."

Rule 394. clause (1) — add: "or on which any punishment is inflicted."

Rule 446. add at the end: "covers of gauze on wire with bamboo frames shall be used to keep off flies from the food."

Rule 457. Cancel the last 17 words and read:— "Provided that convicts sentenced to less than 12 months may be given only one visit."

Rule 458 - Line 2. Cancel the words: "while the part-worn suit shall be worn at all other times", and substitute:— "the part-worn suit being used for ordinary wear."

Rule 459. Cancel.

Rule 460. Cancel and substitute:—

"Convicts employed on garden-work and other active occupations during the greater part of the year do not require to wear either coat or breeches while at labour; similarly those employed in closed workshops, kitchens etc do not ordinarily require to wear a coat while at labour. On the other hand, care should be taken that at meal-times, at inspections, and in cold weather, all prisoners are properly clad; prisoners should not be allowed to wear wet clothes; and if kept standing about on cold mornings the cumbly should be worn crossed over the body like a plaid".

Rule 463. Cancel and substitute:—

"No convict shall be given a new coat or cap more than once in 12 months and a new pair of trousers more than once in six months. Subject to this condition clothing may be issued at the intervals prescribed."

Rule 478. Line 2 — After "prepared", insert the words: "in duplicate".

Rule 494. Wool spinning- [Black wool-] Delete word "coarse" and the tasks shown as "fine".

after wool spinning insert: "Starching cumblies — 3 per diem".

Rule 510. at the beginning insert:-

"No charge shall be made to the Public Works Department for labour supplied to it for employment on Jail works;"

and in line 2 after "employed on" insert "other".

Rule 547. add at the end:-

9. The Medical case, in case of convicts transferred on Medical grounds.

Rule 592 A. At the end add- "In the case of prisoners belonging to the Presidency Jails the reference required by this rule shall be made to the Commissioner of Police, Madras".

Rule 648. Line 2- for "servants" read "officers".

Rule 673. clause 3- Delete the last 8 words and read:- "Regarding their attendance- Vide Rule 109 Supra".

Rule 698 Cancel and substitute:-

"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of Assessors, to death, transportation or imprisonment for more than 6 months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishement. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in Jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor and every petition written in Jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a Convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the Petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the appellate Court shall be sent also. These copies will be supplied by the Court free of cost except in summons cases".

Rule 730. add at the end:- "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays whether the convict belongs to Class IV or V."

Rule 801.

Rule 801, line 1, for "periodical" read "quarterly" and at the end add:- "At least once a year a sample of the drinking water shall also be submitted to the Chemical Examiner for analysis."

Rule 824, line 4, for "two feet" read "one foot".

Rule 1019- line 3- for the words "The cover shall bear the words 'appeal for mercy' and", read "The docket as well as the cover of the letter shall bear in red ink the words 'appeal for mercy' and shall."

Rule 1022(4)- line 5- for the words "an urgent telegram" read the words "a telegram".

Rule 1085 (as amended by the 3rd list of corrections), at the end add: "Provided that in the case of persons judicially acquitted on the ground of insanity, but not insane when sent to the Asylum, no certificate in Form A shall be necessary."

Rule 1122. Line 12- for "Calcutta" read "Rangoon".

Rule 1143. Add at the end: "convicts whose sentences exceed 2 years need not be entered in this Register".

Rule 1202. at the end add:-

(8) Letter Book

(9) Historical Register.

Appendix II (5)- p. LIV para. 4, line 5, for "8 pints" read "6 ordinary pints or 72 ozs".

1895.
Judl. Dept.
Enclos. No 1
To
C. No 2817.

A.G. Cardew
Inspector-General of Prisons.

[Form No. (4)—250—4-1-95.]

CURRENT No 2817

No. 3265 J

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS,

Dated Ootacamund, the 8th June 1895.

From

A. G. CARDEW, ESQ., M.A.,

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J. F. Price C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

Judl 8-1

SIR,

One Enclosures.

I have the honour to submit a list of certain amendments to the Jail Code which have become necessary through recent orders of Government or which are recommended on other grounds. Owing to the non-receipt of the orders of the Government of India on the points requiring rules to be framed by that Government under act IX of 1894 it is unlikely that the revision of the Jail Code contemplated in G.O. 3rd March 1893, No 467 can be carried to completion for at least another year, as it can only be done at head-quarters where references are available and leisure sufficient, and not during the touring season. The reasons for the proposed amendments are briefly indicated below:—

Rules 8—10. Consequent upon G.O. No-987 Judl. dated

dated 11th May 1895.

Rule 48. Should have been corrected before. The Jail Manual Rules (G.O. 29-6-93 No 1321)

Rule 226. Supplies an omission in the present rule.

Rule 257. Prisoners are often re-arrested a day or two before re-admission into jail.

Rules 278 and 734. It is clearly useless to re-vaccinate a man who comes in with the scabs of successful vesicles still on his arm.

Rule 306. It is desired to impose a longer period of cellular confinement in the Close Prison on Habituals, and (as accommodation is limited) to relax the amount awarded to non-habitual offenders. The policy of making imprisonment specially rigorous in the case of Habituals has been approved by Government on previous occasions. G.O. 6 Nov 91, No 2086

Rule 333. Supplies an omission in the present Rule.

Rule 338. The sanitary authorities consider the use of cowdung to be objectionable. ???

Rule 378. This is necessary to prevent his getting extra food from other prisoners.

Rule 383. These words appear to be in conflict with the Advocate General's opinion recorded in G.O. 18th May 1892, No 938 Judicial.

Rule 394. clause (1). A prisoner undergoing penal diet, and so relieved from task-work owing to ill-conduct should receive no marks for any day during which he undergoes

undergoes such punishment.

Rule 446. Supplies an omission in the present rule.

Rules 457-463. As stated in para 40 of the Administration Report for 1894 the present rules regarding clothing have not worked well. It is found that as a rule a supply of new clothing is more valued than a grant of marks. This is especially the case among female convicts. There are no means except punishment of inducing short-term convicts to take care of their clothes, and it seems unnecessary to give this class of prisoner two suits. It is proposed to adopt more clearly the principle that Prisoners in this Presidency do not want clothing at all by day during a great part of the year, and hence to require the clothing issued to last longer.

Rule 478. Brings the rule into accordance with the present practice.

Rule 494. The tasks here referred to are increased, the present ones being found to be too light.

Rule 570. This amendment is rendered necessary by the decision of the Government of India recorded in G.O. 7th December 1894, No 3139 W. Public Works.

Rule 547. This supplies an omission.

Rule 592 A. The amendment here proposed is introduced with reference to para

para 2 of G.O. 16th May 1895 No. 1034.

Rule 648. The word "servants" here is a mistake.

Rule 673. This Rule is in direct conflict with Rule 109 and with the decision of Government contained in G.O. 5th January 1892 No. 10, where it was decided, in dealing with Rule 88 of the draft Code, that on the ground of discipline all Christians should be compelled to attend the Christian religious services.

Rule 698. Amended by G.O. 27th March 1895, No. 642.

Rule 730. The amendment proposed is introduced merely to facilitate accounts, by having only one scale of rice diet, viz, 25 ozs on Wednesdays and Sundays, instead of 2 scales one of 25 ozs for Burmans and 5th class Natives and the other of 24 ozs for other convicts receiving this dietary.

Rule 801. Analysis of water by the Medical Officers of Jails is not of much practical value, as they have not the necessary appliances. Analysis once a year by the Chemical Examiner is very desirable. As a fact it is now being carried out.

Rule 824. The adoption of trenches two feet wide was probably a clerical error, as it is contrary to Drs. Walker and Lethbridge's recommendations and is certainly inadvisable.

Rule 1022(4). The use of urgent telegrams is, it is thought, unnecessary and is very expensive. In a recent case, that of a telegram sent on the 4th May 1895 from the Berhampore District Jail to the Chief Secretary the cost of the single telegram was Rs 10-4-0. Two or three such telegrams form an appreciable addition to the Contingent charges of a small Jail.

Rule 1085. Amendment rendered necessary by G.O. 13th September 1894 No. 2224.

Rule 1122. This brings the rule into accordance with practice.

Rule 1143. It is useless to require the date of release of long-term Convicts to be entered on their admission in the Release Register as their date of release varies from week to week with the marks earned.

Rule 1202. The addition here made is proposed in order to make the list of Hospital books complete. Vide Rules 1124 and 1212.

Appendix ii (5) p. LIV. The quantity of water & khoran here has been found, after numerous experiments in many jails to be excessive, and it is necessary to amend the instruction as it is at present misleading.

2. Many changes have been made in the

the Forms in use in Jails since the Jail Code was put in type, but it is thought that the introduction of these changes into the Code can, if Government will permit it, lie over until the Code itself is revised. The adoption of the alterations in the body of the Code now submitted is, however, in several respects important, and cannot well be so delayed.

I have the honour to be,
Sir
Your most obedient servant

D. G. Cordner
Inspector General of Prisons.

CURRENT No. 3469

JUDICIAL. Dept.

JAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF PRISONS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

Dated 19th
Despatched } July 1895.
Received 20th.

No. 4231

ENCLOSURES. UNDER SECRETARY 20 JUL 95 PUBLIC & TR. DEPTS.

Subject.

Requesting to cause certain connections to be made in the draft List of Amendments to the Jail Code which was submitted with this office No. 3265 dated 8th June 1895.

Note for Mrs. Rees (Rec'd 28/7 & 3/8)

Please put in type on

[Form No. (4)—250—4-1-95.]

CURRENT NO. 738/9

No. 4231

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS,

Dated Ootacamund *the* 19th July 1895.

From

A. G. CARDEW, ESQ., M.A.,

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J. F Price. C. S. I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

Enclosures.

I have the honour to request that you will be good enough to cause the following corrections to be made in the draft List of Amendments to the Jail Code which was submitted with my Letter No. 3265 dated 8th June 1895. Viz:—

(1) For the correction proposed in Rule 378, read the following:—

"Rule 378 Line 1. at the beginning insert:- "Prisoners undergoing penal diet shall be kept in a separate cell."

The effect is the same as the amendment contained in my Letter above named but in that amendment reference was wrongly made to Rule 378 as it stood before it was altered by the 6th List of Corrections.

2. In the correction proposed in Rule 494 — the words "Black wool" should not occur. The intention of the amendment is to cancel all three tasks shown as "fine" Viz: 24 oz: (white), 20 oz: (black).

(black) and 26 oz^s (mixed) and to revert to the old system of having only one scale of tasks in wool spinning.

I have the honour to be
Sir.
your Most Obd^t Servt

D G Cardew
Insp^r Genl of Prisons.

Revd 2/8/95

TH AUGUST 1895, No. , JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 8th June 1895, No. 3265.

I have the honour to submit a list of certain amendments to the Jail Code which have become necessary through recent orders of Government or which are recommended on other grounds. Owing to the non-receipt of the orders of the Government of India on the points requiring rules to be framed by that Government under Act IX of 1894, it is unlikely that the revision of the Jail Code contemplated in G.O., dated 3rd March 1893, No. 467, can be carried to completion for at least another year, as it can only be done at head-quarters where references are available and leisure sufficient and not during the touring season. The reasons for the proposed amendments are briefly indicated below:—

Rules 8—10.—Consequent upon G.O., dated 11th May 1895, No. 987, Judicial.

Rule 48.—Should have been corrected before.

Rule 226.—Supplies an omission in the present rule.

Rule 257.—Prisoners are often re-arrested a day or two before re-admission into jail.

Rules 278 *and* 734.—It is clearly useless to re-vaccinate a man who comes in with the scabs of successful vesicles still on his arm.

Rule 306.—It is desired to impose a longer period of cellular confinement in the close prison on habituals, and (as accommodation is limited) to relax the amount awarded to non-habitual offenders. The policy of making imprisonment specially rigorous in the case of habituals has been approved by Government on previous occasions.

Rule 333.—Supplies an omission in the present rule.

Rule 338.—The sanitary authorities consider the use of cowdung to be objectionable.

Rule 378.—This is necessary to prevent his getting extra food from other prisoners.

Rule 383.—These words appear to be in conflict with the Advocate-General's opinion recorded in G.O., 18th May 1892, No. 938, Judicial.

Rule 394, *Clause* (i).—A prisoner undergoing penal diet, and so relieved from task work owing to ill-conduct, should receive no marks for any day during which he undergoes such punishment.

Rule 446.—Supplies an omission in the present rule.

Rules 457—463.—As stated in paragraph 40 of the administration report for 1894, the present rules regarding clothing have not worked well. It is found that, as a rule, a supply of new clothing is more valued than a grant of marks. This is especially the case among female convicts. There are no means except punishment of inducing short-term convicts to take care of their clothes, and it seems unnecessary

× was it ruled that sentences could not be concurrent? or only that they weren't concurrent in the absence of direction that they shd be concurrent?
BS

+ It was ruled that sentences could not be concurrent. Please see G.O. of 18 May 92, No 938.

to give this class of prisoner two suits. It is proposed to adopt more clearly the principle that prisoners in this presidency do not want clothing at all by day during a great part of the year, and hence to require the clothing issued to last longer.

Rule 478.—Brings the rule into accordance with the present practice.

Rule 494.—The tasks here referred to are increased, the present ones being found to be too light.

Rule 510.—This amendment is rendered necessary by the decision of the Government of India recorded in G.O., dated 7th December 1894, No. 3139-W., Public Works.

Rule 547.—This supplies an omission.

Rule 592-A.—The amendment here proposed is introduced with reference to paragraph 2 of G.O., dated 16th May 1895, No. 1034.

Rule 648.—The word "servants" here is a mistake.

Rule 673.—This rule is in direct conflict with Rule 109 and with the decision of Government contained in G.O., dated 5th January 1892, No. 10, where it was decided, in dealing with Rule 88 of the draft Code, that on the ground of discipline all Christians should be compelled to attend the Christian religious services.

Rule 698.—Amended by G.O., dated 27th March 1895, No. 642.

Rule 730.—The amendment proposed is introduced merely to facilitate accounts, by having only one scale of rice diet, viz., 25 ozs. on Wednesdays and Sundays, instead of two scales—one of 25 ozs. for Burmans and fifth-class natives and the other of 24 ozs. for other convicts receiving this dietary.

Rule 801.—Analysis of water by the Medical Officers of jails is not of much practical value, as they have not the necessary appliances. Analysis once a year by the Chemical Examiner is very desirable. As a fact, it is now being carried out.

Rule 824.—The adoption of trenches two feet wide was probably a clerical error, as it is contrary to Drs. Walker and Lethbridge's recommendations and is certainly inadvisable.

Rule 1022 (4).—The use of urgent telegrams is, it is thought, unnecessary and is very expensive. In a recent case—that of a telegram sent on the 4th May 1895 from the Berhampur District Jail to the Chief Secretary—the cost of the single telegram was Rs. 10-4-0. Two or three such telegrams form an appreciable addition to the contingent charges of a small jail.

Rule 1085.—Amendment rendered necessary by G.O., dated 13th September 1894, No. 2224.

Rule 1122.—This brings the rule into accordance with practice.

Rule 1143.—It is useless to require the date of release of long-term convicts to be entered on their admission in the Release Register as their date of release varies from week to week with the marks earned.

Rule 1202.—The addition here made is proposed in order to make the list of hospital books complete.—*Vide* Rules 1124 and 1212.

Appendix (ii) (5), *p. LIV.*—The quantity of water shown here has been found, after numerous experiments in many jails, to be excessive, and it is necessary to amend the instruction as it is at present misleading.

2. Many changes have been made in the forms in use in jails since the Jail Code was put in type, but it is thought that the introduction of these changes into the code can, if Government will permit it, lie over until the code itself is revised. The adoption of the alterations in the body of the code now submitted is, however, in several respects important and cannot well be so delayed.

ENCLOSURE.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word "Cuddapah."

Rule 10.—Add Note 4—

"Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be ordinarily confined in the Central Jail, Vellore."

Rule 48.—Omit the word "Guntúr."

Rule 226.—At the end add: "He shall perform such other duties as the Superintendent may assign to him."

Rule 257, *Line* 7.—For the word "re-admission" read "re-committal to custody."

Rules 278 *and* 734.—Add: "Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be re-vaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in sub-jails need not be re-vaccinated on admission to central and district jails."

Rule 306.—Substitute the following:—

"The following are the periods to be passed in the close prison by male convicts, viz.—

	Period to be passed in close prison.
Habitual convicts—	
If sentenced to six months and under	The whole.
,, to over six months and not exceeding two years.	Six months.
,, to over two years and not exceeding five years ..	Eight ,,
,, to five years or upwards	Twelve ,,
Other convicts—	
If sentenced to less than three years	*Nil.*
,, to three years and less than five years	Three months.
,, to five years and upwards	Six ,,

"These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close prison for all prisoners coming under these rules, the accommodation shall be devoted to habituals in preference to other convicts."

Rule 333.—Add at the end: "Prisoners shall on no account be allowed to wander about the yards unattended."

Rule 338, *Line* 4.—Delete the words "and cowdung."

Rule 378, *Line* 1.—After the words "punishment diets" insert the words "shall be kept in a separate cell."

Rule 383, *Line* 2.—Delete the words "such sentences not being concurrent."

Rule 394, *Clause* 1.—Add "or on which any punishment is inflicted."

~~*Rule* 416.—Add at the end: "Covers of gauze or wire with bamboo frames shall be used to keep off flies from the food."~~

Rule 457.—Cancel the last seventeen words and read:—"provided that convicts sentenced to less than twelve months may be given only one suit."

Rule 458, *Line* 2.—Cancel the words "while the part-worn suit shall be worn at all other times," and substitute "the part-worn suit being used for ordinary wear."

Rule 459.—Cancel.

Rule 460.—Cancel and substitute: "Convicts employed on garden-work and other active occupations during the greater part of the year do not require to wear either coat or breeches while at labour; similarly those employed in closed workshops, kitchens, &c., do not ordinarily require to wear a coat while at labour. On the other hand, care should be taken that at meal-times, at inspections, and in cold weather, all prisoners are properly clad; prisoners should not be allowed to wear wet clothes; and if kept standing about on cold mornings the cumbly should be worn crossed over the body like a plaid."

Rule 463.—Cancel and substitute:—"No convict shall be given a new coat or cap more than once in twelve months and a new pair of trousers more than once in six months. Subject to this condition clothing may be issued at the intervals prescribed."

Rule 478, *Line* 2.—After "prepared," insert the words "in duplicate."

Rule 494.—Wool-spinning (~~black wool~~). Delete word "coarse" and the tasks shown as "fine." After wool-spinning insert: "starching cumblies—three per diem."

Rule 510.—At the beginning insert: "No charge shall be made to the Public Works Department for labour supplied to it for employment on jail works," and in line 2 after "employed on" insert "other."

Rule 547.—Add at the end :—

"9. The medical case, in case of convicts transferred on medical grounds.

Rule 592-A.—At the end add : "In the case of prisoners belonging to the Presidency town the reference required by this rule shall be made to the Commissioner of Police, Madras."

Rule 648, *Line* 2.—For "servants" read "officers."

Rule 673, *clause* 3.—Delete the last eight words and read : "Regarding their attendance, Rule 109, *supra*."

Rule 698.—Cancel and substitute :—

"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall be sent also. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—Add at the end : "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays whether the convict belongs to Class IV or V."

Rule 801, *Line* 1.—For "periodical" read "quarterly" and at the end add : "At least once a year a sample of the drinking-water shall also be submitted to the Chemical Examiner for analysis."

Rule 824, *Line* 4.—For "two feet" read "one foot."

Rule 1019, *Line* 3.—For the words "The cover shall bear the words 'Appeal for mercy' and," read "The docket as well as the cover of the letter shall bear in red ink the words 'Appeal for mercy' and shall."

Rule 1022 (4), *Line* 5.—For the words "an urgent telegram" read the words "a telegram."

Rule 1085 (*as amended by the third list of corrections*).—At the end add : "Provided that in the case of persons judicially acquitted on the ground of insanity, but not insane when sent to the Asylum, no certificate in Form A shall be necessary."

Rule 1122, *Line* 12.—For "Calcutta" read "Rangoon."

Rule 1143.—Add at the end : "Convicts whose sentences exceed two years need not be entered in this register."

Rule 1202, at the end add :—

(8) Letter book.
(9) Historical register.

Appendix (ii) (5), *p.* LIV, *paragraph* 4, *Line* 5.—For "eight pints" read "six ordinary pints or 72 ozs."

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, Madras, to the Chief Secretary to Government, dated Ootacamund, 19th July 1895, No. 4231.

I have the honour to request that you will be good enough to cause the following corrections to be made in the draft list of amendments to the Jail Code which was submitted with my letter, No. 3265, dated 8th June 1895, viz.—

(1) For the correction proposed in Rule 378, read the following—

"*Rule* 378, *Line* 1.—At the beginning insert : 'Prisoners undergoing penal diet shall be kept in a separate cell.'"

The effect is the same as the amendment contained in my letter above named, but in that amendment reference was wrongly made to Rule 378 as it stood before it was altered by the sixth list of corrections.

2. In the correction proposed in Rule 494 the words "black wool" should not occur. The intention of the amendment is to cancel all three tasks shown as "fine" viz., 24 ozs. (white), 20 ozs. (black) and 26 ozs. (mixed) and to revert to the old system of having only one scale of tasks in wool-spinning.

DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.

Again G.O., dated 18 , No.

Current No. of 18 , dated from

Current No. of 18 , dated from

D. O
No 322

Colonial Secretary's Office
14th August 1895.

My dear Carden,

The Hon. the Chief wishes to see you in connection with the amendments to the Jail Code you proposed in your letter of the 8th June '95; No 3265. Will you please let me know when it will be convenient for you to see him so that I may might send the papers to the Hon. Member in time

Yours truly

To
A. G. Carden Esq[re]. Dep[t]

14/8

D.O. Note
No papers rec[d] per mail
13/8/95 from Jail until the 1st Sept[r]
in the meantime D.T.

Re amendments to the Jail Code

DESPATCH

No.

D. O. to Mr. Cadell

CHIEF SECRETARIAT,

D. O.

No. 322

Dated, 14th August 1895

DESPATCH

Madras

+ or in the D. Jails at Bellary or Vellore, according to the place at which they may be sentenced and with reference to the accommodation available in the Jails at those places."

Appendix

ENCLOSURE.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word "Cuddapah."

Rule 10.—Add Note 4—

"Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be ~~ordinarily~~ confined in the Central Jail, Vellore."

Rule 48.—Omit the word "Guntúr."

Rule 226.—At the end add: "He shall perform such other duties as the Superintendent may assign to him."

Rule 257, *Line* 7.—For the word "re-admission" read "re-committal to custody."

Rules 278 *and* 734.—Add: "Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be re-vaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in sub-jails need not be re-vaccinated on admission to central and district jails."

Rule 306.—Substitute the following:—

"The following are the periods to be passed in the close prison by male convicts, viz.—

	Period to be passed in close prison.
Habitual convicts—	
If sentenced to six months and under	The whole.
„ to over six months and not exceeding two years.	Six months.
„ to over two years and not exceeding five years ..	Eight „
„ to five years or upwards	Twelve „
Other convicts—	
If sentenced to less than three years	*Nil.*
„ to three years and less than five years	Three months.
„ to five years and upwards	Six „

"These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close prison for all prisoners coming under these rules, the accommodation shall be devoted to habituals in preference to other convicts."

Rule 333.—Add at the end: "Prisoners shall on no account be allowed to wander about the yards unattended."

Rule 338, *Line* 4.—Delete the words "and cowdung."

Rule 378, *Line* 1.—After the words "punishment diets" insert the words "shall be kept in a separate cell."

Rule 383, *Line* 2.—Delete the words "such sentences not being concurrent."

Rule 394, *Clause* 1.—Add "or on which any punishment is inflicted."

Rule ~~446~~.—Add at the end: "Covers of gauze or wire with bamboo frames shall be used to keep off flies from the food."

Rule 457.—Cancel the last seventeen words and read:—"provided that convicts sentenced to less than twelve months may be given only one suit."

Rule 458, *Line* 2.—Cancel the words "while the part-worn suit shall be worn at all other times," and substitute "the part-worn suit being used for ordinary wear."

~~*Rule* 459.—Cancel.~~

Rule 460.—Cancel and substitute: "Convicts employed on garden-work and other active occupations during the greater part of the year do not require to wear either coat or breeches while at labour; similarly those employed in closed workshops, kitchens, &c., do not ordinarily require to wear a coat while at labour. On the other hand, care should be taken that at meal-times, at inspections, and in cold weather, all prisoners are properly clad; prisoners should not be allowed to wear wet clothes; and if kept standing about on cold mornings the cumbly should be worn crossed over the body like a plaid."

Rule 463.—Cancel and substitute:—"No convict shall be given a new coat or cap more than once in twelve months and a new pair of trousers more than once in six months. Subject to this condition clothing may be issued at the intervals prescribed."

Rule 478, *Line* 2.—After "prepared," insert the words "in duplicate."

Rule 494.—Wool-spinning (black wool). Delete word "coarse" and the tasks shown as "fine." After wool-spinning insert: "starching cumblies—three per diem."

Rule 510.—At the beginning insert: "No charge shall be made to the Public Works Department for labour supplied to it for employment on jail works," and in line 2 after "employed on" insert "other."

Rule 547.—Add at the end :—

"9. The medical case, in case of convicts transferred on medical grounds.

Rule 592-A.—At the end add : "In the case of prisoners belonging to the Presidency town the reference required by this rule shall be made to the Commissioner of Police, Madras."

Rule 648, *Line* 2.—For "servants" read "officers."

Rule 673, *clause* 3.—Delete the last eight words and read : "Regarding their attendance ~~(vide~~ Rule 109, *supra*."

Rule 698.—Cancel and substitute :—

"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall be sent also. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—~~Add~~ at the end : "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays ~~whether the convict belongs to Class IV or V.~~"

Rule 801, *Line* 1.—For "periodical" read "quarterly" and at the end add : "At least once a year a sample of the drinking-water shall also be submitted to the Chemical Examiner for analysis."

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2. In the correction proposed in Rule 494 the words "black wool" should not occur. The intention of the amendment is to cancel all three tasks shown as "fine" viz., 24 ozs. (white), 20 ozs. (black) and 26 ozs. (mixed) and to revert to the old system of having only one scale of tasks in wool-spinning.

Jail Code - amendments

A. M.

(Remarks)

Code

Note for H.C. Rao

Please have the G.O. on the letter put in type-sharp & send two proofs with broad margin

AJ
5/9/95

[G.] 600—7-5-95.

Jud. Dept.

C. No 3817 of 1895 18. June 95
3469 of 1895 19. July 95

FOR ORDERS.

*G.O. dated 11th May 1895, No. 987.

I draw attention to the rule (10) which must be in accordance with the G.O. BS

The list of amendments to the Jail Code forwarded with the currents read above does not seem to call for any remarks except with reference to the alterations proposed in respect of the following rules:—

(1) Rule 10- When passing orders on Mr. Cardew's proposal to abolish the Cuddapah District Jail, the Govt. directed that prisoners sentenced to periods of imprisonment exceeding one month in the Cuddapah District should be sent to Vellore, Bellary or Nellore, according to the place at which they might be sentenced and with reference to the accommodation available in the Jails at those places. In the addition now proposed, provision is made for such convicts and civil prisoners being "ordinarily confined" in the Vellore Central Jail only. The addition may

may perhaps be approved. The Inspector General will no doubt make other arrangements ~~or come up to Govt. for an alteration of the rule,~~ if at any time he finds the accommodation in the Vellore Jail insufficient.

(2) Rule 306. - The amendment proposed is important, tending as it does, to a more rigorous ~~imprisonment~~ punishment of habitual criminals and to a slight relaxation of the severity of the punishment in the case of non-habituals. As the Inspector-General observes, the policy of making imprisonment specially rigorous in the case of habitual offenders has met with the approval of Govt. on previous occasions--vide G.O. dated 6th November 1891, No. 2286.

(3) Rule 894 - The sanction of the Govt. of India appears to be required for the proposed alteration in this rule inasmuch as it relates to the award of marks--vide clause (5) of section 59 of the Prisons Act No. IX of 1894.

(4) Rule 459 and 466--Rule 459, as it stands, provides that no convict shall receive a fresh issue of clothing oftener than once in six months. Mr. Cardew suggests the omission of this rule, presumably in view of the amendment

FOR ORDERS.

Rule 305 needs amendment with refce to recent legislation BS

I am not sure about this - I agree that prison life shd be made as unpleasant as possible to habituals - But the question is, from the point of view of reforming criminals, whether more good will not be done by increased rigour in the case of non-habituals, and therefore whether, if class prison accommodation is not available for all, the non-habituals shd not get the largest share of it - Ask Mr Cardew to come & speak to me about this BS

I think the alteration may stand. It is obviously needed - Besides, it doesn't relate to the award, but to the non-award of marks BS

proposed to Rule 466. The amendment runs

"No convict shall be given a new "coat or cap more than once in 12 months "and a new pair of trousers more than ~~once~~ twice "in six months. Subject to this condition "clothing may be issued at the intervals "prescribed."

This amendment seems to render the retention of Rule 459 unnecessary so far as male convicts are concerned. But in the case of female convicts there seems to be no rule (other than the one now under consideration) regulating the intervals at which clothing should be issued. Rule 456 lays down that the clothing of a female convict shall consist of a single cloth six yards in length and one yard in width, but at what intervals the issues will be admissible there will be nothing to show if Rule 459 is omitted as suggested. The reference in rule 466 to "the intervals prescribed" is not clear. It is nowhere laid down that issues of clothing shall be made at fixed intervals. All that the rule says is that ~~they~~ clothes shall not be issued more than once in six months or once in twelve months as the case may be. It seems therefore desirable to omit altogether the words "subject to this condition

"condition clothing may be issued at the "intervals prescribed'' in the revised rule 463.

Mr. Cardew proposes the amendment of this rule in the manner indicated above, so as to adopt more clearly the principle that ''prisoners in this "Presidency do not want clothing at all "by day during a great part of the year, "and hence to require the clothing issued "to last longer''. In para 40 of the Jail Administration report for 1894, he stated that the rules in this chapter directing the issue of clothing to be made according to requirements had not worked well and that it would probably be necessary to revert to a modified system of fixed issues. ~~The amendment now suggested introduces this modified system by providing for fixed issues of clothing at stated intervals~~. But further, as noted ~~in paragraph 15 supra~~ above, the revised rule does not show at what intervals clothing may be issued to female convicts. In these circumstances, the Inspector-General may perhaps be asked to revise his draft rule ~~in the light of the foregoing remarks~~.

(5) Rule 494 -- Mr. Cardew's explanation of the reason assigned for the proposed

* These rules were based on Drs. Walker and Lethbridge's recommendations contained in para 8, Chap.XV, of the Jail Commission Report, 1889.

Yes - see some remarks I have made on the draft rules MM

proposed amendment is rather carelessly worded. The tasks referred to are not increased as he says; but the alternative lighter tasks are struck off so that the convict has not the option of spinning a smaller quantity of fine wool.

(6) Rule 593 (a) - is proposed to be amended with reference to para 3 of G.O. dated 16th May 1895, No.1034. No corresponding revision of Form No.52 has however been suggested. The alteration of this form would appear to have been deferred, pending the general revision of the Jail Code--vide the concluding para of the Inspector-General letter now under consideration.

(7) Rule 730 - The following words are proposed to be added at the end of this rule.''and that the allowance of "rice shall be 25.ozs. on Wednesdays "and Sundays whether the convict belongs "to class IV or V.'' The expression ''class IV or V' appearing in this amendment is rather misleading, inasmuch as there are now only two classes of native convicts for the purposes of diet scale and not five as formerly.- vide amended table ''C. Native convicts "and Under-trials''. attached to rule

428.It is therefore proposed that the words and figures '' whether the con-"vict belongs to class IV or V'' occurring in the draft addition and the words ''the several classes of'' in rule 780 be omitted.

(8) Rule 1022 - Though the issue of urgent telegrams may be unnecessary, it might be dangerous to alter the words urgent into deferred as the consequent delay might in exceptional cases result in an execution requiring to be postponed owing to the non-receipt of orders from Govt. in sufficient time.

(9) Rule 1132 - Mr. Cardew's proposes to substitute the word ''Rangoon'' for the word ''Calcutta'' occurring in line 13 of the rule, so as to bring the rule into accordance with the present practice. The practice may presumably be continued though it seems to be opposed to the procedure laid down in the Govt. of India's letter recorded in G.O. dated 6th September 1887, No.2087, which requires Local Govts. to transfer their Burman convicts to Calcutta, to be conveyed thence to Rangoon by an officer from Burma.

2. In conclusion Mr. Cardew says that a number of changes have been made in the forms in use in Jails since the Jail Code was put in type and proposes that the introduction of those changes into the Code should be deferred pending the general revision of the Code. This revision has had to be postponed owing to the non-receipt of the orders of the Govt. of India on the points requiring rules to be made by that Govt. under section 59 of the Prisons Act , IX of 1894.. The Local Govt. was asked for an expression of its views on the matter in the Home Dept. letter recorded in G.O. dated 24th July 1894, No.1823, which were duly communicated in this Govt.'s letter of the 27th September last, No.3348. Nothing further has been heard yet from the Supreme Govt. though more than 9 months have expired since the report of this Govt.

The alteration may be passed. In the majority of cases urgent telegrams are despatched now
× I don't see that there is anybody's when "telegram" alone is used it is understood as far as I know to refer to "ordinary". There is really no visible difference between urgent and ordinary HP

I daresay India has since discovered that the way from Madras to Rangoon is not via Calcutta HP 12/8/95

D 7-8-95

HP 6/8/95

Re. Amendment of the Jail Code

For Orders

HON'BLE MEMBER.

Direct

Resubmitted to H.M.
Mr. Cardew will be at
H.M's house at 2.30 p.m.
tomorrow (17th)

16.8.95

after discussion with me
Mr. Cardew has assented
to the amendments of Rule
No. 306 which I have
made with the object of
making Jail imprisonment
more effectual as a repu-
natory measure

28/8/95

Only one letter of
Insp.r General
two quoted at head
of draft-

Due at bottom of page

GOVERNMENT MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 8th June 1895, No. 3265.

I have the honour to submit a list of certain amendments to the Jail Code which have become necessary through recent orders of Government or which are recommended on other grounds. Owing to the non-receipt of the orders of the Government of India on the points requiring rules to be framed by that Government under Act IX of 1894, it is unlikely that the revision of the Jail Code contemplated in G.O., dated 3rd March 1893, No. 467, can be carried to completion for at least another year, as it can only be done at head-quarters where references are available and leisure sufficient and not during the touring season. The reasons for the proposed amendments are briefly indicated below :—

Rules 8—10.—Consequent upon G.O., dated 11th May 1895, No. 987, Judicial.

Rule 48.—Should have been corrected before.

Rule 226.—Supplies an omission in the present rule.

Rule 257.—Prisoners are often re-arrested a day or two before re-admission into jail.

Rules 278 *and* 734.—It is clearly useless to re-vaccinate a man who comes in with the scabs of successful vesicles still on his arm.

Rule 306.—It is desired to impose a longer period of cellular confinement in the close prison on habituals, and (as accommodation is limited) to relax the amount awarded to non-habitual offenders. The policy of making imprisonment specially rigorous in the case of habituals has been approved by Government on previous occasions.

Rule 333.—Supplies an omission in the present rule.

Rule 338.—The sanitary authorities consider the use of cowdung to be objectionable.

Rule 378.—This is necessary to prevent his getting extra food from other prisoners.

Rule 383.—These words appear to be in conflict with the Advocate-General's opinion recorded in G.O., 18th May 1892, No. 938, Judicial.

Rule 394, *Clause* (i).—A prisoner undergoing penal diet, and so relieved from task work owing to ill-conduct, should receive no marks for any day during which he undergoes such punishment.

Rule 446.—Supplies an omission in the present rule.

Rules 457—463.—As stated in paragraph 40 of the administration report for 1894, the present rules regarding clothing have not worked well. It is found that, as a rule, a supply of new clothing is more valued than a grant of marks. This is especially the case among female convicts. There are no means except punishment of inducing short-term convicts to take care of their clothes, and it seems unnecessary

to give this class of prisoner two suits. It is proposed to adopt more clearly the principle that prisoners in this presidency do not want clothing at all by day during a great part of the year, and hence to require the clothing issued to last longer.

Rule 478.—Brings the rule into accordance with the present practice.

Rule 494.—The tasks here referred to are increased, the present ones being found to be too light.

Rule 510.—This amendment is rendered necessary by the decision of the Government of India recorded in G.O., dated 7th December 1894, No. 3139-W., Public Works.

Rule 547.—This supplies an omission.

Rule 592-A.—The amendment here proposed is introduced with reference to paragraph 2 of G.O., dated 16th May 1895, No. 1034.

Rule 648.—The word "servants" here is a mistake.

Rule 673.—This rule is in direct conflict with Rule 109 and with the decision of Government contained in G.O., dated 5th January 1892, No. 10, where it was decided, in dealing with Rule 88 of the draft Code, that on the ground of discipline all Christians should be compelled to attend the Christian religious services.

Rule 698.—Amended by G.O., dated 27th March 1895, No. 642.

Rule 730.—The amendment proposed is introduced merely to facilitate accounts, by having only one scale of rice diet, viz., 25 ozs. on Wednesdays and Sundays, instead of two scales—one of 25 ozs. for Burmans and fifth-class natives and the other of 24 ozs. for other convicts receiving this dietary.

Rule 801.—Analysis of water by the Medical Officers of jails is not of much practical value, as they have not the necessary appliances. Analysis once a year by the Chemical Examiner is very desirable. As a fact, it is now being carried out.

Rule 824.—The adoption of trenches two feet wide was probably a clerical error, as it is contrary to Drs. Walker and Lethbridge's recommendations and is certainly inadvisable.

Rule 1022 (4).—The use of urgent telegrams is, it is thought, unnecessary and is very expensive. In a recent case—that of a telegram sent on the 4th May 1895 from the Berhampur District Jail to the Chief Secretary—the cost of the single telegram was Rs. 10-4-0. Two or three such telegrams form an appreciable addition to the contingent charges of a small jail.

Rule 1085.—Amendment rendered necessary by G.O., dated 13th September 1894, No. 2224.

Rule 1122.—This brings the rule into accordance with practice.

Rule 1143.—It is useless to require the date of release of long-term convicts to be entered on their admission in the Release Register as their date of release varies from week to week with the marks earned.

Rule 1202.—The addition here made is proposed in order to make the list of hospital books complete.—*Vide* Rules 1124 and 1212.

Appendix (ii) (5), *p. LIV.*—The quantity of water shown here has been found, after numerous experiments in many jails, to be excessive, and it is necessary to amend the instruction as it is at present misleading.

2. Many changes have been made in the forms in use in jails since the Jail Code was put in type, but it is thought that the introduction of these changes into the code can, if Government will permit it, lie over until the code itself is revised. The adoption of the alterations in the body of the code now submitted is, however, in several respects important and cannot well be so delayed.

× Print here the encls. to C.No 2817 as originally framed.
× Print here C.No 3469. ——×Dr——×.

APPENDIX.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word "Cuddapah."

Rule 10.—Add Note 4—

"Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be confined in the Central Jail, Vellore, or in the District Jails at Bellary or Nellore, according to the place at which they may be sentenced and with reference to the accommodation available in the jails at those places."

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Rule 257, *Line* 7.—For the word "re-admission" read "re-committal to custody."

Rules 278 *and* 734.—Add: "Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be re-vaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in sub-jails need not be re-vaccinated on admission to central and district jails."

Rule 306.—Substitute the following:—

"The following are the periods to be passed in the close prison by male convicts, viz.—

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If sentenced to six months and under	The whole.
„ to over six months and not exceeding two years.	Six months.
„ to over two years and not exceeding five years.	Eight „
„ to five years or upwards	Twelve „
Other convicts—	
If sentenced to less than three years	*Nil.*
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"These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close prison for all prisoners coming under these rules, the accommodation shall be devoted first to persons convicted under Chapters XII and XVII, Indian Penal Code, and then to habituals in preference to other convicts."

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"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall be sent also. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—Delete the words "for the several classes of" and add at the end : "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays."

Rule 801, *Line* 1.—For "periodical" read "quarterly" and at the end add : "At least once a year a sample of the drinking-water shall also be submitted to the Chemical Examiner for analysis."

Rule 824, *Line* 4.—For "two feet" read "one foot."

Rule 1019, *Line* 3.—For the words "The cover shall bear the words 'Appeal for mercy' and," read "The docket as well as the cover of the letter shall bear in red ink the words 'Appeal for mercy' and shall."

Rule 1022 (4), *Line* 5.—For the words "an urgent telegram" read the words "a telegram."

Rule 1085 (*as amended by the third list of corrections*).—At the end add : "Provided that in the case of persons judicially acquitted on the ground of insanity, but not insane when sent to the Asylum, no certificate in Form A shall be necessary."

Rule 1122, *Line* 12.—For "Calcutta" read "Rangoon."

Rule 1143.—Add at the end : "Convicts whose sentences exceed two years need not be entered in this register."

Rule 1202, at the end add :—

(8) Letter book.
(9) Historical register.

Appendix (ii) (5), *p.* LIV, *paragraph* 4, *Line* 5.—For "eight pints" read "six ordinary pints or 72 ozs."

Paste here a coloured slip
with the following words.
The slip to be pasted over only 6 copies,
using the rest copies.

Proof for approval
Please see if this is co

24TH SEPTEMBER 1895, No. 1988, JUDICIAL.

To be substituted for 20 of the
same Nos dealt previously sent.

21/09.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 8th June 1895, No. 3265.

I have the honour to submit a list of certain amendments to the Jail Code which have become necessary through recent orders of Government or which are recommended on other grounds. Owing to the non-receipt of the orders of the Government of India on the points requiring rules to be framed by that Government under Act IX of 1894, it is unlikely that the revision of the Jail Code contemplated in G.O., No. 467, dated 3rd March 1893, can be carried to completion for at least another year, as it can only be done at head-quarters where references are available and leisure sufficient and not during the touring season. The reasons for the proposed amendments are briefly indicated below :—

Rules 8—10.—Consequent upon G.O., No. 987, Judicial, dated 11th May 1895.

Rule 48.—Should have been corrected before.

Rule 226.—Supplies an omission in the present rule.

Rule 257.—Prisoners are often re-arrested a day or two before re-admission into jail.

Rules 278 *and* 734.—It is clearly useless to re-vaccinate a man who comes in with the scabs of successful vesicles still on his arm.

Rule 306.—It is desired to impose a longer period of cellular confinement in the close prison on habituals, and (as accommodation is limited) to relax the amount awarded to non-habitual offenders. The policy of making imprisonment specially rigorous in the case of habituals has been approved by Government on previous occasions.

Rule 333.—Supplies an omission in the present rule.

Rule 338.—The Sanitary authorities consider the use of cowdung to be objectionable.

Rule 378.—This is necessary to prevent his getting extra food from other prisoners.

Rule 383.—These words appear to be in conflict with the Advocate-General's opinion recorded in G.O., No. 938, Judicial, dated 18th May 1892.

Rule 394, *Clause* (i).—A prisoner undergoing penal diet and so relieved from task-work owing to ill-conduct should receive no marks for any day during which he undergoes such punishment.

Rule 446.—Supplies an omission in the present rule.

Rules 457—463.—As stated in paragraph 40 of the administration report for 1894, the present rules regarding clothing have not worked well. It is found that, as a rule, a supply of new clothing is more valued than a grant of marks. This is

Rules 8 to
about 55 copies
20/Sept/95

especially the case among female convicts. There are no means except punishment of inducing short-term convicts to take care of their clothes, and it seems unnecessary to give this class of prisoner two suits. It is proposed to adopt more clearly the principle that prisoners in this presidency do not want clothing at all by day during a great part of the year, and hence to require the clothing issued to last longer.

Rule 478.—Brings the rule into accordance with the present practice.

Rule 494.—The tasks here referred to are increased, the present ones being found to be too light.

Rule 510.—This amendment is rendered necessary by the decision of the Government of India recorded in G.O., No. 3139 W., Public Works, dated 7th December 1894.

Rule 547.—This supplies an omission.

Rule 592-A.—The amendment here proposed is introduced with reference to paragraph 2 of G.O., dated 16th May 1895, No. 1034.

Rule 648.—The word "servants" here is a mistake.

Rule 673.—This rule is in direct conflict with Rule 109 and with the decision of Government contained in G.O., No. 10, dated 5th January 1892, where it was decided, in dealing with Rule 88 of the draft code, that on the ground of discipline all Christians should be compelled to attend the Christian religious services.

Rule 698.—Amended by G.O., No. 642, dated 27th March 1895.

Rule 730.—The amendment proposed is introduced merely to facilitate accounts, by having only one scale of rice diet, viz., 25 ozs. on Wednesdays and Sundays, instead of two scales—one of 25 ozs. for Burmans and fifth-class natives and the other of 24 ozs. for other convicts receiving this dietary.

Rule 801.—Analysis of water by the Medical Officers of jails is not of much practical value, as they have not the necessary appliances. Analysis once a year by the Chemical Examiner is very desirable. As a fact, it is now being carried out.

Rule 824.—The adoption of trenches two feet wide was probably a clerical error, as it is contrary to Drs. Walker and Lethbridge's recommendations and is certainly inadvisable.

Rule 1022 (4).—The use of urgent telegrams is, it is thought, unnecessary and is very expensive. In a recent case—that of a telegram sent on the 4th May 1895 from the Berhampur District Jail to the Chief Secretary—the cost of the single telegram was Rs. 10-4-0. Two or three such telegrams form an appreciable addition to the contingent charges of a small jail.

Rule 1085.—Amendment rendered necessary by G.O., No. 2224, dated 13th September 1894.

Rule 1122.—This brings the rule into accordance with practice.

Rule 1143.—It is useless to require the date of release of long-term convicts to be entered on their admission in the Release Register as their date of release varies from week to week with the marks earned.

Rule 1202.—The addition here made is proposed in order to make the list of hospital books complete—*Vide* Rules 1124 and 1212.

Appendix (ii) (5), *p. LIV.*—The quantity of water shown here has been found, after numerous experiments in many jails, to be excessive, and it is necessary to amend the instruction as it is at present misleading.

2. Many changes have been made in the forms in use in jails since the Jail Code was put in type, but it is thought that the introduction of these changes into the code can, if Government will permit it, lie over until the code itself is revised. The adoption of the alterations in the body of the code now submitted is, however, in several respects important and cannot well be so delayed.

(Here print the list of Amendments exactly as submitted by the Inspr. of Prisons.)

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, Madras, to the Chief Secretary to Government, dated Ootacamund, 19th July 1893, No. 4231.

I have the honour to request that you will be good enough to cause the following corrections to be made in the draft list of amendments to the Jail Code which was submitted with my letter, No. 3265, dated 8th June 1895, viz.—

(1) For the correction proposed in Rule 378, read the following—

"*Rule* 378, *Line* 1.—At the beginning insert: 'Prisoners undergoing penal diet shall be kept in a separate cell.'"

The effect is the same as the amendment contained in my letter above named, but in that amendment reference was wrongly made in Rule 378 as it stood before it was altered by the sixth list of corrections.

2. In the correction proposed in Rule 494 the words "black wool" should not occur. The intention of the amendment is to cancel all three tasks shown as "fine," viz., 24 ozs. (white), 20 ozs. (black) and 26 ozs. (mixed) and to revert to the old system of having only one scale of tasks in wool-spinning.

ORDER—dated 24th September 1895, No. 1988, Judicial.

The list of amendments to the Jail Code submitted with the foregoing papers calls for the following remarks:—

(*a*) *Rule* 10.—The addition proposed to this rule is not quite in accord with G.O., No. 987, dated 11th May 1895, in that it does not expressly provide for the confinement in the district jails at Bellary and Nellore of convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district. This omission will be supplied.

(*b*) *Rule* 306.—The revised rule does not meet with the approval of Government in its entirety. It is, no doubt, desirable that prison life should be made very rigorous to habitual offenders, but, from the point of view of reforming criminals, it seems to be of more importance to make imprisonment more dreaded in the case of non-habituals. As, therefore, close prison accommodation is at present very limited, His Excellency in Council considers that such accommodation as may be available should preferentially be devoted to non-habitual criminals sentenced under Chapters XII and XVII of the Indian Penal Code, and the rule will be amended accordingly.

(*c*) *Rule* 446.—The addition proposed to this rule will be omitted, as the suggested provision of covers appears to be a luxury which can be dispensed with.

(*d*) *Rule* 457.—If the amendment suggested were adopted, it is not clear how the convicts could be expected to keep their clothing clean and dry. The Inspector-General is requested to explain.

(*e*) *Rules* 459 and 463.—The Inspector-General suggests the omission of Rule 459, presumably in view of the amendment he proposes to Rule 463. This amendment seems to render the retention of Rule 459 unnecessary so far as male convicts are concerned. But in the case of female convicts there seems to be no rule (other than the one now under consideration) regulating the periods at which clothing should be issued. Further, the reference in Revised Rule 463 to "the intervals prescribed" is not clear, inasmuch as it is nowhere laid down that issues of clothing shall be made at fixed intervals. The suggestions made in regard to these two rules will therefore be remitted to the Inspector-General for reconsideration in the light of the above remarks.

(*f*) *Rule* 460.—The revised rule requires slight verbal alterations and these will be made.

(*g*) *Rule* 494.—As the present rule gives power to the Inspector-General to modify, from time to time, the scale of tasks therein prescribed, the sanction of Government is not required to any alteration in the scale of tasks that may be considered necessary.

(*h*) *Rule* 730.—The expression "Class IV or V" appearing in the draft amendment is somewhat misleading, seeing that there are *now* only two classes of native convicts for the purposes of diet scale and *not* five as formerly. The words and figures "whether the convict belongs to Class IV or V" occurring in the proposed addition, and the words "the several classes of" in Rule 730, will therefore be omitted.

2. Subject to the above remarks, the amendments proposed by the Inspector-General are approved under section 60 of the Prisons Act, 1894, and a copy of the rules as amended by Government will be printed as an appendix to this Proceedings.

3. Rule 305 of the Jail Code requires revision with reference to the provisions of Act IX of 1894 (Prisons).

4. A copy of the amendments now sanctioned will be forwarded to the Government of India with advertence to paragraph 11 of the Home Department letter recorded in G.O., No. 1823, dated 24th July 1894.

[Here enter No. 1989, dated 24th September 1895.]

(True Extract.)

Chief Secretary.

To the Inspector-General of Prisons.
" Inspector-General of Police.
" Surgeon-General.
" Commissioner of Police, Madras.

Exd. A. Raitt.

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 24th Sept. 1895, No. 1988.

SEPTEMBER.

Jail Code.

Approving, with remarks, certain amendments to the — proposed by the Inspector-General, and forwarding a copy of the amendments to the Government of India.

JUDICIAL DEPARTMENT.

Revised copy of letter as modified

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

As desired in paragraph 11 of Mr. Hewett's letter, dated 9th July 1894, No. 5, Jails—370, I am directed to forward a copy of certain rules which His Excellency the Governor in Council has approved under the provisions of section 60 of the Prisons Act, 1894.

2. As the revision of the Jail Code of this Presidency is being held in abeyance owing to the non-receipt of the orders of the Government of India on the points requiring rules to be made under section 59 of the Act, I am to request that the Government of Madras may be informed when the orders of His Excellency the Governor-General in Council on the subject may be expected.

I have the honour to be,
Sir,
Your most obedient servant,

OOTACAMUND,
24*th September* 1895.

Chief Secretary.

[Appendix.

Exd. Md. Pahilvan.

Note
The portion of the
printed as ennels to the
letter from the I G Prisons,
No 3265 dy 8/6/95.
But - note please that it
is printed there exactly
as it was originally submitted
& not - as
altered by the
Govt. I am
told that the
copy printed
on the wide
margin proof
is true copy
as originally
submitted.
20/6.

APPENDIX.

ENCLOSURE.

Seventh List of Amendments to the Jail Code.

Rule 8.—Omit the word "Cuddapah".

Rule 10.—Add Note 4—

"Convicts sentenced to imprisonment in excess of thirty days and civil prisoners committed in the Cuddapah district shall for the present be ordinarily confined in the Central Jail, Vellore".

Rule 48.—Omit the word "Guntúr".

Rule 236.—At the end add: "He shall perform such other duties as the Superintendent may assign to him."

Rule 257, *Line* 7.—For the word "re-admission" read "re-committal to custody".

Rules 278 *and* 734.—Add: "Provided that prisoners who, on admission, show clear marks of recent successful vaccination, need not be re-vaccinated. Thus, prisoners who have been successfully vaccinated while temporarily detained in sub-jails need not be re-vaccinated on admission to central and district jails."

Rule 306.—Substitute the following:—

"The following are the periods to be passed in the close prison by male convicts, viz.—

	Period to be passed in close prison.
Habitual convicts—	
If sentenced to six months and under	The whole.
„ to over six months and not exceeding two years.	Six months.
„ to over two years and not exceeding five years.	Eight „
„ to five years or upwards	Twelve „
Other convicts—	
If sentenced to less than three years	*Nil.*
„ to three years and less than five years ..	Three months.
„ to five years and upwards	Six „

These periods shall be undergone as soon after admission as possible, provided that if accommodation is not available in the close prison for all prisoners coming under these rules, the accommodation shall be devoted to habituals in preference to other convicts.

Rule 333.—Add at the end: "Prisoners shall on no account be allowed to wander about the yards unattended."

Rule 338, *Line* 4.—Delete the words "and cowdung".

Rule 378, *Line* 1.—After the words "punishment diets" insert the words "shall be kept in a separate cell. They".

Rule 383, *Line* 2.—Delete the words "such sentences not being concurrent".

Rule 394, *Clause* 1.—Add: "or on which any punishment is inflicted".

Rule 446.—Add at the end: "covers of gauze on wire with bamboo frames shall be used to keep off flies from the food."

Rule 457.—Cancel the last seventeen words and read: "provided that convicts sentenced to less than twelve months may be given only one suit."

Rule 458, *Line* 2.—Cancel the words "while the part-worn suit shall be worn at all other times," and substitute: "the part-worn suit being used for ordinary wear".

Rule 459.—Cancel [redacted]

Rule 460.—Cancel and substitute: "Convicts employed on garden-work and other active occupations during the greater part of the year do not require to wear either coat or breeches while at labour; similarly those employed in closed workshops, kitchens, &c., do not ordinarily require to wear a coat while at labour. On the other hand, care should be taken that at meal-times, at inspections, and in cold weather, all prisoners are properly clad; prisoners should not be allowed to wear wet clothes; and if, kept standing about on cold mornings the cumbly should be worn crossed over the body like a plaid."

Rule 463.—Cancel and substitute: "No convict shall be given a new coat or cap more than once in twelve months and a new pair of trousers more than once in six months. Subject to this condition clothing may be issued at the intervals prescribed."

Rule 478, *Line* 2.—After "prepared," insert the words "in duplicate".

Rule 494.—Wool-spinning—black-wool—delete the word "coarse" and the task shown as "fine". After wool-spinning insert: "starching cumblies—three per diem."

Rule 510.—At the beginning insert: "No charge shall be made to the Public Works Department for labour supplied to it for employment on jail works", and in line 2 after "employed on" insert "other".

Rule 547.—Add at the end:—

9. The medical case, in case of convicts transferred on medical grounds.

Rule 592-A.—At the end add: "In the case of prisoners belonging to the Presidency town the reference required by this rule shall be made to the Commissioner of Police, Madras."

Rule 648, *Line* 2.—For "servants" read "officers".

Rule 673, *Clause* 3.—Delete the last eight words and read: "Regarding their attendance, *vide* Rule 109, *supra*."

Rule 698.—Cancel and substitute:—

"Every convict desiring to make a petition to Government shall be allowed either to prepare his own petition or to adopt or supplement one prepared for him by friends or counsel. If he wishes to write his own petition, he shall be furnished with the necessary writing materials and shall be given the necessary opportunity for writing it. If he is unable to write his own petition, and if he has been sentenced by a Sessions Court, acting with the aid of assessors, to death, transportation or imprisonment for more than six months, the Superintendent shall have the petition written for him, at his dictation, by an officer of the Jail establishment. In other cases it shall not be incumbent on the Superintendent to have petitions written for convicts. Every petition written in jail for a convict shall be read over to and signed by him in the presence of the Superintendent or Jailor, and every petition written in jail by a convict, or prepared by friends or counsel and adopted or supplemented by a convict, shall be signed in the presence of the Superintendent or Jailor. Every petition from a convict in jail to Government shall be submitted to Government through the Inspector-General, except in the case of petitions from convicts under sentence of death. Every petition shall be accompanied by a copy of the final judgment passed in the petitioner's case, showing the facts of the case. If the convict has appealed, a copy of the judgment of the Appellate Court shall be sent also. These copies will be supplied by the Court free of cost except in summons cases."

Rule 730.—Add at the end: "and that the allowance of rice shall be 25 ozs. on Wednesdays and Sundays whether the convict belongs to class IV or V".

Rule 801, *Line* 1.—For "periodical" read "quarterly" and at the end add: "At least once a year a sample of the drinking-water shall also be submitted to the Chemical Examiner for analysis."

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Rule 1019, *Line* 3.—For the words "The cover shall bear the words 'Appeal for mercy' and", read "The docket as well as the cover of the letter shall bear in red ink the words 'Appeal for mercy' and shall".

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Rule 1085 (*as amended by the third list of corrections*).—At the end add: "Provided that in the case of persons judicially acquitted on the ground of insanity, but not insane when sent to the Asylum, no certificate in Form A shall be necessary."

Rule 1122, *Line* 12.—For "Calcutta" read "Rangoon".

Rule 1143.—Add at the end: "Convicts whose sentences exceed two years need not be entered in this register."

Rule 1202, at the end add—

(8) Letter book.
(9) Historical register.

Appendix (ii) (5), *p.* LIV, *paragraph* 4, *Line* 5.—For "eight pints" read "six ordinary pints or 72 ozs".

Regr. No.

HOME 1895 DEPT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 24th Sept. 1895, No. 1989.

SEPTEMBER.

Jail Code.

Forwarding a copy of certain rules approved by this Government under the provisions of section 60 of the Prisons Act, 1894, and requesting information as to when the orders of the Government of India on the points requiring rules to be made under section 59 of the Act may be expected.