

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 2311-12

DATED 13th Nov: 1895

[Despatch Abstract.]

JAIL CODE.

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

BACK PAPERS.

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

FURTHER PAPERS.

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

ORDINARY. PRINTED.

Juddel DEPARTMENT.
G.O. DATED 13-11-95
No. 2311 & 2312

INDEXED.

First copy sent to Press.

Returned for signature. 22/11

Despatched in print. 23/11

7 Copies

Dispatch Abstract.

Jail Code
Approving with remark
certain amendments
to the ~~Code~~ proposed by
the Inspector-General
of Prisons and
forwarding a copy to
the Government of
India

1128/96 (para 2 of Ltr
letter in f.o.)

No. C. 1333

5026
Camp Rajahmundry
OFFICE OF THE INSPECTOR-GENERAL OF JAILS,
Dated 21st October 1895.

Had also the f.o. paper.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF JAILS, Prisons.

To

THE Honble Mr. J. F. Price C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

Enclosure.

I have the honour to acknowledge the receipt of G.P. Jails No. 1988 dated 24th September 1895, approving, with remarks, certain amendments to the Jail Code. In the printing of this Order, the list of revised amendments which is referred to in para 2 of the Proceedings has been erroneously shown as an enclosure to my Letter No. 3265, dated 8th June 1895.

The list of amendments as revised by Govt. was printed as enclosure to Mr. Cardew's letter in result of a misdirection to the Press on the subject. For the compositor & press examiner are responsible for the error. Their carelessness will be Indian Penal Code. The change, if introduced at once, would produce inequalities in the severity of sentences even among First offenders convicted of crimes against Property, and it would certainly greatly reduce the rigour of sentences of Habituals. These results are doubtless not proposed by Government and in order to avoid them I would propose that increases in the cellular accommodation be carried out, as far as circumstances permit, and that until this can be done the amendment of Rule 306 of the Jail Code

2
30.2.95

5026 enclosure

Order complete.
Letter only.
Order complete with letter.

70

A = Print in full.
B = Not to be printed.
C = Print abstract only.
D = Print heading only.
E = Print, but not for circulation.

be postponed, the Rule being allowed to stand unaltered in the Code. If this proposal is approved, recommendations for increasing the Cellular accommodation of Central Jails will be prepared and submitted.

3. From the remarks of Government on the suggested addition to Rule 446, it appears that the object of the amendment was not made clear. The object of the covers to keep off flies is to prevent the spread of disease. It has been demonstrated that flies can carry infection and the infection of cholera might easily be thus communicated to the food of the Jail. It may be accepted as fairly certain that the Convicts themselves care nothing about the flies or the covers, and the latter can, therefore, be hardly regarded as a luxury. Their use was proposed merely as a precaution against epidemic disease, the occurrence of which involves heavy expense and loss to the State.

4. The amendment proposed in Rule 457 practically only authorizes what has been the practice in the past. The clothing is washed by the Prisoners themselves on Sundays, while they are washing and drying it, they wear their lungooty, which is quite sufficient during the warm hours of the day. There is thus no practical difficulty in carrying out Rule 457 as amended.

5. In view of the remarks made by Government regarding the form of the amendments proposed in Rules 459 and 463, these have been recast and are re-submitted for sanction.

6. Proposals for the amendment of Rule 305 will be submitted when the rules to be framed by the Government of India under the Prisons Act are received, as numerous other amendments rendered necessary by the passing of Act IX of 1894 will then have to be carried out.

7. To sum up this Letter, I request

(1)

- 1) that the amendment of Rule 306 of the Jail Code may be postponed for the present,
2) that the amendments of Rules 446, 457, 459 and 463, as shown in the Enclosure to this Letter may be sanctioned.

I beg that I may be favoured with early orders on these points in order that the 7th List of Amendments may be issued soon.

I have the honour to be
Sir,
Your Most obedt. Servant

W. G. Cardew
Insp. Genl. of Prisons.

From

THE INSPECTOR-GENERAL OF JAILS, Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated 21st
Despatched
Received 25

October 1895.

No. C. 1333

ENCLOSURE. ONE

Subject.

Submits his reply to G.O. Tied
N^o 1988 dated 24th September 1895
regarding certain amendments to the
Jail Code.

1988/89: 24-9. 95 orl
987: 11. 5-95 ab

H. M.

for notes

as to whether the Inspr. Genl's
recommendations may be approved
attention is invited to the
notes & orders in S.O. of 24
Sept. 95. No 1988.

30. 12. 95
11/11/95

for - exception to rule 446
which runs down unaccepting
4/11/95

Enclosure.

Rule 446 - "The food shall be protected from flies
by the use of bamboo or gauze covers"

Rule 457 - Cancel the last 17 words and read:-
"Provided that Convicts sentenced to less
than 12 months may be given only
one suit"

Rule 459 - Cancel.

Rule 463 - Cancel and substitute:-
"Clothing shall be issued to Convicts at
the following intervals, namely, to males
a new cap and coat not oftener than
once in nine months and a new pair
of trousers not oftener than once in
six months; to females - a new cloth
not oftener than once in nine months"

A. G. Cardew
Insp. Genl. of Prisons.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated 24. Sept.

1895, No. 1988

Current No. 5026

of 1895, dated 21. May from

the Secy of Prison. A

" "

" 189 , " , "

" "

" 189 , " , "

ORDER. No. 2311. d/13 Nov 95

P.S.

does consider that
the Board is not prepared to
accept the ^{suggested} amendment
of Rule 44b of the Jail Code, the
is necessary.
Surpr. Board's proposals
seem suitable and are hereby
approved under the provision
of Sec 60 of the Prisons Act, 1874.

W. S. G. (from Secy)

12/11/95.

To the Secy of Prison } d/22/11/95
P. S. G.

Enclosure No. 2312 d/13 Nov 95

31 Copy forwarded to the Secy of
Prison d/23/11
H. D. in compliance of the office
d/24. Sept. 95, No 1989, G.O.

W. S. G.

8/11/95.

5
Jed
1
5026

Jail Code amendments

FROM ORDERS.

C. S.

Fr H C

*Show this to the person
when it returns from C.S.
done by 12th 8/11/55*

*Revised copy of S.O.
No. 1988 of 25/10/55
H.C.*

For info

Nos. 2311, 2312, JUDICIAL, 13TH NOVEMBER 1895.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G.O., No. 1988, Judicial, dated 24th September 1895.

READ—also the following paper:—

From A. G. CARDEW, Esq., M.A., Inspector-General of Prisons, to the Chief Secretary to Government, dated Rajahmundry, 21st October 1895, No. 1333 C.

I have the honour to acknowledge the receipt of G.O., No. 1988, Judicial, dated 24th September 1895, approving, with remarks, certain amendments to the Jail Code. In the printing of this order, the list of revised amendments, which is referred to in paragraph 2 of the Proceedings, has been erroneously shown as an enclosure to my letter No. 3265, dated 8th June 1895.

2. The revision of Rule 306 of the Jail Code in the manner desired by Government will, I think, involve considerable difficulties at present. It will almost certainly result in the entire exclusion of the habitual from the close prison, and it is probable that the existing number of cells will be insufficient even for all the persons convicted for the first time under Chapters XII and XVII of the Indian Penal Code. The change, if introduced at once, would therefore produce inequalities in the severity of sentences even among first offenders convicted of crimes against property, and it would certainly greatly reduce the rigour of sentences of habituals. These results are doubtless not desired by Government, and in order to avoid them I would propose that increases in the cellular accommodation be carried out, as far as circumstances permit, and that until this can be done the amendment of Rule 306 of the Jail Code be postponed, the rule being allowed to stand unaltered in the Code. If this proposal is approved, recommendations for increasing the cellular accommodation of Central Jails will be prepared and submitted.

3. From the remarks of Government on the suggested addition to Rule 446, it appears that the object of the amendment was not made clear. The object of the covers to keep off flies is to prevent the spread of disease. It has been demonstrated that flies can carry infection and the infection of cholera might easily be thus communicated to the food of the jail. It may be accepted as fairly certain that the convicts themselves care nothing about the flies or the covers, and the latter can, therefore, be hardly regarded as a luxury. Their use was proposed merely as a precaution against epidemic disease, the occurrence of which involves heavy expense and loss to the State.

4. The amendment proposed in Rule 457 practically only authorizes what has been the practice in the past. The clothing is washed by the prisoners themselves on Sundays; while they are washing and drying it, they wear their lungooty, which is quite sufficient during the warm hours of the day. There is thus no practical difficulty in carrying out Rule 457 as amended.

5. In view of the remarks made by Government regarding the form of the amendments proposed in Rules 459 and 463, these have been recast and are re-submitted for sanction.

6. Proposals for the amendment of Rule 305 will be submitted when the rules to be framed by the Government of India under the Prisons Act are received, as numerous other amendments rendered necessary by the passing of Act IX of 1894 will then have to be carried out.

7. To sum up this letter: I request—

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ENCLOSURE.

Rule 446.—“The food shall be protected from flies by the use of bamboo or gauze covers.”

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 459.—Cancel.

Rule 463.—Cancel and substitute—

“Clothing shall be issued to convicts at the following intervals, namely, to males a new cap and coat not oftener than once in nine months, and a new pair of trousers not oftener than once in six months; to females, a new cloth not oftener than once in nine months.”

ORDER—No. 2311, Judicial, dated 13th November 1895.

The Government does not consider that the suggested amendment of Rule 446 of the Jail Code is necessary. The Inspector-General's other proposals seem suitable and are hereby approved under the provisions of section 60 of the Prisons Act, 1894.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Inspector-General of Prisons.
„ Surgeon-General.

ENDORSEMENT—No. 2312, Judicial, dated 13th November 1895.

Copy forwarded to the Government of India, Home Department, in continuation of my letter, dated 24th September 1895, No. 1989, Judicial.

This office

Chief Secretary.

Gobt. of {1895} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., &c., Nos. 2311, 2312,
13th November 1895.

NOVEMBER.

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Nos. 2311, 2312, JUDICIAL, 13TH NOVEMBER 1895.

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READ AGAIN G.O. No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B. —

A = Print in full.
B = Not to be printed.
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Q = Print heading only.

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REQUIRED.

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Letter only.

Order complete with Letter.