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Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 65.

DATED 12 Jan. 1895.

[Despatch Abstract.]

SUBSIDIARY JAILS

Declining to sanction any scheme for a general reduction in the number of -- and pointing out the undesirability of imposing petty sentences of imprisonment.

BACK PAPERS.

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

FURTHER PAPERS.

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

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[12]
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ORDINARY, PRINTED.

J. L. DEPARTMENT.
G.O., DATED *12 Jan 1895*
No. *65*

INDEXED.

First copy sent to Press. *12/11*

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[Despatch Abstract.]

Subsidiary Jails.

Declining to sanction
any scheme for a general
reduction in the number
of — and pointing
out the undesirability
of imposing petty sentences
of imprisonment

J. L.

BACK PAPER, No.

OF 18

READ AGAIN ORDER OF GOVERNMENT, DATED
18 No.

FURTHER PAPER, No.

OF 18

~~C 1913 4/26~~
CN 308 4/95

ENCLOSURES

CURRENT NO.

6012 - h

STATEMENT WITH DISPO.

ORDER, &C., OF GOVERNMENT—A.

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Govt. of 1895 Madras.
JUDICIAL.

Issue

Recd.

Encl.

G.O., 12th January 1895, No. 65.

JANUARY.

Subsidiary Jails.

Declining to sanction any scheme for a general reduction in the number of — and pointing out the undesirability of imposing petty sentences of imprisonment.

12TH JANUARY 1895, No. 65, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From the Inspector-General of Prisons, dated 2nd November 1894, No. 6364.

ABSTRACT.—Reporting the cause of the growth of expenditure on account of sub-jails and submitting proposals for reducing the number of such jails gradually.

ORDER—dated 12th January 1895, No. 65, Judicial.

The Government does not feel disposed to accord sanction to a scheme for a general reduction in the number of subsidiary jails, although, of course, the Inspector-General of Prisons is at liberty to bring to notice any special case where the existence of a subsidiary jail is plainly unnecessary. The occasion will, however, be taken to point out to all District Magistrates that the practice of imposing petty sentences of imprisonment entails great, and often unnecessary, expense upon the State; for, in many cases, short terms of imprisonment are inflicted where whipping would form a more suitable punishment, and there is a general tendency to neglect the provisions of section 386 of the Code of Criminal Procedure. The attention of the subordinate magistracy should be drawn to the matter.

(True Extract.)

Ag. Chief Secretary.

To the Inspector-General of Prisons.

„ all District Magistrates.

Copy to the Chief Presidency Magistrate.

„ „ Inspector-General of Police.

Exd. A. Raiff.

No. 6364.

Ootacamund
OFFICE OF THE INSPECTOR-GENERAL OF JAILS,
Dated 2nd November 1894.

From

A. G. CARDEW, Esq., M.A., I.C.S.

INSPECTOR-GENERAL OF JAILS, Prisons.

To

THE Honourable Mr. T. F. Price C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

For Mr. George

Enclosure.

I have the honour to address the Government on the subject of the increasing expenditure on Subsidiary Jails.

2. This growth in expenditure occurs under the heads "Establishment," "Bedding," and "Contingencies".

3. As regards "Establishment" the increased demands for special warder-peons is principally the result of the renewed attention which has been drawn to the rules on the subject by G.O. dated 1st December 1891, No. 2452, and Rule 1333 of the Jail Code. Until the issue of that order, the provisions of G.O. 19th February 1870, No. 265, had been, doubtless, forgotten. As instances of the claims for extra establishment

establishment which have since been received from District Magistrates, the following may be referred to:—

G.O. 6th October 1894, N^o 832 — 9 warder peons
Ganjam District - annual cost Rs 648.

G.O. 1st June 1894 N^o 1329 — 9 warder peons - Salem District - annual cost Rs 648.*

* Sanction not yet accorded.

G.O. 20th October 1894, N^o 2578 — 1 warder peon - Cuddapah District - Annual cost Rs 72.

3 warder peons - Tirunelveli District, annual cost Rs 216.

2 warder peons - Kistna District — annual cost Rs 144.*

In a separate communication, an application (Reference on Magisterial N^o 890, dated 10th October 1894) from the District Magistrate Kistna, for a further increase of 5 warder peons is submitted for the orders of Government. It appears to be only a question of time before special warder peons are claimed for all Subjails in the Presidency where the Officer in charge (not being a Stationary Magistrate) has only two Revenue Peons, and it is impossible to say that in such cases extra establishment is not needed.

4. The increased outlay on "Bedding" was brought to notice in para 62 of the Annual Report

Report for 1893. The chief cause of increase appears to be ^{the} greater amount of attention which is now paid to Subjails than formerly. In the Form of Inspection Register which is now in force in all such Jails (Vide page CLXV - appendix III to the Jail Code), the attention of inspecting officers is directly drawn to the question whether the prisoners have the prescribed supply of bedding. In the old form of Inspection Register (Rule 1541 of the Jail Code of 1883) all such details were omitted. In consequence indents for bedding continue to increase. Several Magistrates have expressed the opinion that every Subjail ought to be supplied with a stock of bedding sufficient for the total number of prisoners it is capable of accommodating. In view of the great waste of money which would result from the adoption of this principle, I have declined to accept it and have limited supplies of bedding to a number double the daily average population. In the majority of cases such an amount of bedding is ample. By these means the cost of bedding has been controlled to a considerable extent, e.g. in a recent indent received from the District Magistrate, Anantapur, the cost of the articles originally asked for

for was Rs 119-6-0 while that of those passed was Rs 38-12-0. It is, nevertheless, necessary to incur a large expenditure on "Bedding" and as a cumbrity does not last more than a year or two, and can be destroyed in a single night by white-ants, the outlay is certain to recur.

5. As an illustration of the increased charges of Subjails under "Contingencies" I enclose duplicate of an indent lately received from the District Magistrate of one District (Malabar) for Subjail supplies. In this District large supplies of cooking pots, grinding stones have been already made to Subjails during the last year. From another District (North Arcot) I have received an indent for 17 pairs of scales and 17 sets of weights required for supply to each subjail. Each pair of scales cost Rs 9 and a set of iron weights 12 annas, the total amount being thus Rs 165-12-0. There can be no doubt that scales and weights are required in each subjail and that the District Magistrate is quite right in asking for them.

6. It will thus be seen that the tendency of Subjail charges to increase is a necessary result of the larger amount of attention bestowed on them. There is an

an almost unlimited scope for further expenditure if the provision of tools, cooking utensils, grinding stones, scales and weights, pudding moulds and other articles is everywhere required. The expenditure on Subjail buildings is always going on and as the demands of the Medical and Sanitary authorities increase it will certainly continue. The Sanitary Commissioner in inspecting the Erode Subjail recently made a series of recommendations which it would have cost a considerable sum to carry out.

7. In view of these considerations, it appears to me that the best practicable remedy lies in the gradual and cautious reduction in the number of subjails. The extension of railway communication during late years has been great and the distances between Magisterial headquarters are now much lessened. There is less need therefore for so large a number of places of confinement.

8. The last time that an enquiry into the possibility of concentrating Subjails was made, was in 1888-89 and in G.O. 11th February 1889. No. 250, the Government decided against any change being made. The subject was on that occasion considered with

with regard to the possibility of making the labour of sub-jail convicts, if collected together, remunerative, and the Government rightly came to the conclusion that there was little or no prospect of the profits being equal to the cost of transfer. But there is another point of view from which the ~~subject~~^{subject} may be considered. The Statements appended to the Annual Jail Report show that in 1893, 3740 prisoners were sentenced to simple imprisonment for periods of one month and under and 15,678 to rigorous imprisonment for similar periods, the total number of prisoners under sentences of 30 days and under being 19,418 a number equal to 58 per cent or more than one-half of the total number of convicted criminals admitted into all Jails during the year. This proportion of short-term prisoners sentenced to imprisonment is enormously in excess of that appearing in any other Province, as the following figures show:—

	1892	
	Sentences of 30 days and under.	Percentage to admissions.
Bombay	6,110	38
Bengal	13,537	35
North West Provinces	13,928	30
Punjab	5,257	22
Burma	3,464	24
Central Provinces	11,58	17
All India	67,957	37
Cp. Madras (1893)	19,418	58

See Stat. II
~~the subject~~
~~the subject~~
~~the subject~~
~~the subject~~
~~the subject~~

No. of Subjails (1892)	
Bengal	87
Bombay	27
N.W. Provinces	20
Punjab	22
Central Provinces	1
Burma	1
All India	502
Cp. Madras (1893)	305

As it also appears that the number of sub-jails in Madras is also immensely greater than that in any other Province (vide marginally noted figures), so that three-fifths of all the Subjails in India are found in this Presidency it is a reasonable inference that the two sets of figures are connected and that one cause of the great number of short sentences of imprisonment passed is the existence of so large a number of minor prisons. It is at least highly probable that if Subjails were reduced, Magistrates would think twice before imposing sentences of 3, 5, 7 and 15 days imprisonment and it would be possible for Government by executive order to inculcate the avoidance of such sentences where there is no sub-jail. Petty sentences of imprisonment in Subjails are admittedly unaccompanied by any deterrent form of labour and they appear to have the effect of largely increasing the number of prisoners without answering any beneficial purpose which could not be better and more cheaply attained by a whipping, for offences under the Penal Code, for which it is permissible, or by a fine, levied by distress in cases.

From this point of view, it appears to me that in Districts through which the line of rail passes the subject of concentrating Subsidiary Jails might again with advantage be taken up and considered. It would, of course, be necessary to take into account the average population and other circumstances of each Subjail separately, but this could be gradually carried out in communication with District Magistrates. There is, I think, little doubt that some concentration and consequent economy, would be possible if the principles were approved by Government. Taking the North Arcot District as an example, the existence of separate subjails at Tirupati, Chittoor, Vellore, Arcot, and Arcot can hardly be necessary, now that there is rail communication between them. To the objection that additional police would be required for escort duties or that the cost of Convicts' and escorts' fares will swallow up any saving otherwise effected, I should reply that the removal of Subsidiary Jails from Magistrates' doors will reduce the number of committals. % great reduction may be visible at first,

but if the system worked well and were extended, the effects after several years might be material. Wards would still be required everywhere for undertrial prisoners, but for these no separate establishment would be necessary and they would merely represent the hawalats or lock-ups of other provinces. In the Central Subjails it would be possible to enforce more deterrent and definite forms of labour than now exist in Subjails and it is possible that some small profits might be made.

10. The adoption of some such scheme as the above is apparently the only feasible mode of counteracting the tendency of Subjail charges to increase. Should the Government approve of the general principles advocated, i.e. the gradual reduction of the number of subjails the restriction, as far as possible, of petty sentences of imprisonment, and the concentration of short-term convicts in convenient centres, the case of each District can be taken up and considered in communication with the District Magistrates and proposals separately submitted for sanction.

I have the honour to be
Sir
Your most obedient servant

JUDICIAL.
JAIL (1894) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS, Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated 2nd }
Despatched } November 1894.
Received 10th }
Regd 12th }
No. 6364

CHIEF SECRETARY
ENCLOSURES
10 NOV. 1894
GOVERNMENT OF MADRAS
Subject.

Reporting the cause of the growth of expenditure on account of Subjails and submitting certain proposals to reduce the number of Subjails gradually.

2578: 20-10-94 encl
8323: 6-10-94 encl
1231: 24-6-93
749: 11-4-93
2143: 19-11-92
575: 23-3-92
403: 3-3-92
177: 26-1-92
2482: 1-12-91 encl
2034: 2-10-91
1326/17: 4-7-91
1608: 26-5-91
736: 2-5-89
250: 11-2-89
1858: 1-7-88 encl
1542: 21-7-88 encl
224:

509-20-6-94.

Jud DEPARTMENT.

No. 6012

From

J. G. Prisons

Dated 2 Nov 1894,

FOR ORDERS.

The forwarding of this paper has taken some time. It was taken up first by Mr. Davidson & afterwards by me. This occasioned further delay which is regretted.

I don't feel disposed to go in for reducing the number of Subjails - there are obvious reasons against doing so & very few in favour of such a measure - I don't point out to the D. M. the great expense incurred by short sentences of imprisonment for offences which are punishable, & in many cases much more suitably punished, by whipping, and by neglect to detain for the collection of fines. But I don't think I would do more.

RS

20/12/94

There may be a few cases in which Subjails may be closed.

The J. G. asks Govt to express general approval of the principle of concentrating Subjails & promises, on receipt of this approval, to make detailed inquiries as to the Subjails which can conveniently be closed. Mr. Cardew urges that the proposed scheme will be productive of economy, will render it possible to enforce hard labour & will result in a diminution in the number of petty sentences of imprisonment.

The first two results will probably follow but, in addition to enhancing court charges, it is probable that the abolition of a number of Subjails will necessitate expenditure on the enlargement of those that remain & this expenditure is likely to be rather large. It will be noted that the G. of S. recently sanctioned a reversion in this Presidency to the old practice of confining in Subjails.

to 30 days & under, upon a representation from this Govt. that the transfer of prisoners from out-lying Subjails to Central Subjails involves great labour to the police & great hardships to prisoners & renders a large expenditure on buildings necessary (vide G.O. 17 Oct 1893, No. 2154-5, L.D. & prison correspondence alluded to herein). It is quite possible that the abolition of certain Subjails will reduce the number of petty sentences of imprisonment, because there is little doubt that Magistrates, as a rule, prefer sending a man to jail if he can't pay a fine, to distraining his property. If, however, a prisoner has to be sent 50 miles to undergo imprisonment, it is likely that distraint will be enforced in preference, in petty cases. It is not, however, quite safe to assert that the abundance of petty sentences of imprisonment in Madras is a result of the abundance of Subjails. To a certain extent this may be true, but it is likely that other causes could be found. The statistics in Statement 2 appended to the Criminal Justice Report suggest that the relative frequency of petty sentences in Madras may be due to

for moving them from one place to another. The whole system is very poor & the Govt. should be given.

24/12

under local & special laws in this Presidency. As offences against such laws are usually punishable with comparatively trifling penalties an abundance of such offences will naturally result in an abundance of petty sentences.

To take a few examples:—

- (1) Madras shows, in 1893, 208,792 persons convicted & of these 23,655 or 11 p.c. were convicted under the Abkari Law, 7,035 or 3 p.c. under the Forest Laws, 12,039 or 6 p.c. under the Municipal Acts, 13,118 or 6 p.c. under the Salt Act & 189,409 or 46 p.c. under the City Police & Towns Nuisances Acts.
- (2) Bengal shows 166,053 convictions of which 4,208 or 2½ p.c. fall to Abkari, 274 or 0.2 p.c. to Forests, 12,558 or 7½ p.c. to Municipalities, 42,878 or 26 p.c. to Police & 104,535 or 63 p.c. to Salt.
- (3) Bombay shows 108,873 convictions of which 2958 or 3 p.c. are credited to Abkari, 2,466 or 2 p.c. to Forests, 30,120 or 28 p.c. to Municipalities, 38,919 or 36 p.c. to Police & Cantonment & 7,380 or 7 p.c. to Salt.
- (4) Punjab distributes its 83,512 convictions as follows:— 357 or 0.4 p.c. to Abkari, 2,568 or 3 p.c. to Forests, 3,369 or 4 p.c. to Municipalities, 11,841 or 14 p.c. to Police & 67,377 or 80 p.c. to Salt.

(5) The figures for the *Nov.*
are not separately given,
but out of 90,038 convictions,
only 40,681 or 45 p.c.,
appear under the head
of "Convictions under the
Crim. Proc. Code & Special
Local Laws".

The result is that, ~~under the~~
the total number of convictions,
the principal Special & Local
Laws contributed in 1893 as
follows:—

Madras 69 p.c.; Bengal
37 p.c.; Bombay 63 p.c. &
Punjab 22 p.c.

But, whatever may be the
cause of the peculiar
frequency of petty sentences
of imprisonment in Madras,
there seems no reason to
dispute the S. G.'s view that
it would be to the public
advantage if the number
of such sentences were
reduced. It is submitted, then,
that a general approval
of Mr. Cardew's proposals
may be given.

149 Dec.

18/12/94

Reduction of
Sub Sails

He & Am. for
(For Order)

Sub. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

18, No.

Again G.O., dated

18, No.

Current No. 6012 of 1894, dated 2 Nov from the S. G. of Prisons.

Current No.

of 18, dated

Order from 12th Jan 1895 No. 65
P.S.

The Govt. does not feel
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sec. 386 of the Code of Crim.
Procedure. The attention

should be drawn to the
matter.

(Forwarded)

to

to San

Letter I.G. of Prison with
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I.G. of Police ^{19/11/95}

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for Sub Mag. also.

to

CJ
P.S. (Forwarded)

Abolition of ...

Indl Oct. 65 d/12 January 95

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The Collectors of

The District Magistrates of

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27
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STATEMENT WITH DITTO.

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OF GOVERNMENT

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