Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 99.

DATED 16 Jan. 1895.

INDEXED.

[Despatch Abstract.]

BLACK MARK RULES

Issuing -- for the Police, Jail and Salt and Abkari Departments.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	~~[illegible]~~ 198/9		26/4/94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	842		95	G.O.	1140 27-5-95		[illegible] 253/01 6/7/01
G.O.	602		95				
	2077		95	G.O.	908 3-5-95	S.C.	

24

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. Encl.

G.O., 16th January 1895, No. 99.

JANUARY.

Black Mark Rules.

Issuing — for the Police, Jail and Salt and Abkári Departments.

16TH JANUARY 1895, No. 99, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 26th January 1894, Nos. 198, 199, Judicial.

ABSTRACT.—Directing the Inspector-General of Jails to submit a revised list of corrections to the Madras Jail Code, and addressing the Government of India on the subject of the mark rules.

READ—also the following papers :—

From the Commissioner of Salt, Abkári and Separate Revenue, and Inspectors-General of Police and Prisons, to the Chief Secretary to Government, dated Madras, 13th September 1894.

In accordance with the instructions contained in clause (1) of G.O., dated 26th January 1894, No. 198, Judicial, we have the honour to submit, for the approval of Government, the accompanying draft of rules for the working of the black mark system in the Salt and Abkári, Police and Jail departments.

2. In this draft the instructions of Government conveyed in the above named Proceedings have been carried out, and if approved and sanctioned, the black mark rules in force in the three departments will be identical in most material points.

3. There are, however, two points on which complete agreement cannot be arrived at, and before noticing these we desire to point out that while the avoidance of glaring discrepancies between the rules in force in the several departments is desirable entire uniformity can be attained only at the expense of efficiency. The Salt and Abkári, Police and Jail departments being entirely unconnected one with the other, the existence of divergences, when necessary, is not open to serious objection, while the differences between the conditions of service in the three departments render them unavoidable.

As in the Salt and Abkári department black marks are awardable by Inspectors while in the Police they can be awarded only by Superintendents and Assistant Superintendents and in the Jails by Superintendents, the working of the rules is unlikely to be uniform, even if the rules themselves are strictly identical.

4. The first point in which agreement appears impossible is in regard to the penalty of suspension as a consequence of three black marks in cases where reduction is impossible. This penalty has not hitherto been in use in the Police and Jail departments, and the members of the committee representing those departments are agreed that it is undesirable to introduce it. The small force of constables present at an outlying station and the small strength of warders available in many of the minor jails would be seriously crippled by two or three men being suspended. There are also general objections to suspension as a frequent form of punishment. On the other hand in the much larger establishments of the Salt and Abkári department, the suspension of a few men would not cause inconvenience, while suspension as a form of punishment is not objected to by the head of that department. If absolute identity in the black mark rules must be reached, irrespective of any other considerations the draft rules as approved by the majority of the committee exclude the punishment of

suspension, but it appears to us that there would be no valid objection to allowing the Salt and Abkári department to retain a different rule on this point and the modifications which that department wish to preserve are shown in italics against rules 1, 4, 5 and 6 and 10.

5. The second point of difference occurs in regard to the cancellation of black marks by good conduct. In the Police department the existing rule provides that when an officer has more than one black mark against him, he shall not be able to cancel those black marks one by one, but shall be required to put in uninterrupted good conduct for a consecutive period of six months to cancel two black marks and for a consecutive period of nine months to cancel three black marks. Colonel Porteous states that this rule has worked well and he is opposed to its being altered. In the Salt and Abkári and in the Jail department, on the other hand, it has been the rule to allow each black mark to be separately cancelled by three months' uninterrupted good conduct. To adopt the more stringent Police rule would, in jails at any rate, where the whole force is constantly under the close and immediate supervision of the Superintendent, be liable to result in warders being unable to clear themselves of black marks within a reasonable time and consequently the majority of the committee prefer to retain in force in the Salt and Abkári and Jail departments. In this case also, however, it would probably be wise to sacrifice complete uniformity and to allow the Police department to retain the special form of rule noted in italics against rule 7.

6. No other part of the rules appear to call for special notice.

7. We regret the delay which has occurred in the submission of this report. It has been found difficult to secure a meeting between the three members of the committee, each of whom has to travel frequently.

Enclosure.

Draft Black Mark Rules framed by the Committee appointed in G.O., dated 26th January 1894, No. 198, Judicial Department.	*Modifications proposed by dissentient members.*
1. Together with every punishment, whether by fine, reduction or suspension, one black mark shall be awarded. If the officer awarding the punishment omits to record the award of a black mark also, the award of the punishment shall be held of itself to carry a black mark with it.	
Provided that reduction ‸ under the black mark system shall not itself carry a black mark.	[Proposed to be added in the Salt and Abkári Department—"*or suspension*".
Provided also that forfeiture of pay as distinguished from a formal fine, shall not be deemed a punishment within the meaning of this rule.	
2. One black mark may also be awarded in lieu of other punishment.	
3. Not more than one black mark shall be awarded for any one offence.	
4. Three black marks shall entail reduction of class or grade, or in cases in which such reduction is impossible, [reduction to the bottom of the class or grade to which the offender belongs.]	Proposed to be substituted in the Salt and Abkári Department—"*suspension for a term not exceeding one month.*"]
5. Six black marks shall entail dismissal.	[*Rules 5 and 6.* Proposed to be substituted in Salt and Abkári Department:—
6. Reduction taking place as a consequence of three black marks cancels those black marks.	*Reduction or suspension taking place in consequence of three black marks mentioned in rule 4 cancels them, but two such reductions or suspensions following each other within six months will entail dismissal unless there are special reasons which should be recorded in writing by the Assistant and Deputy Commissioners and be reported to the Deputy Commissioner or Board for approval.*]

7. Uninterrupted good conduct for a period of three months shall cancel one black mark, and each successive period of three months' uninterrupted good conduct shall cancel one black mark, provided that twelve months' uninterrupted good conduct shall cancel all black marks.	[*Rule* 7 : proposed to be substituted in Police department :— *The following periods of uninterrupted good conduct wipe off all black marks shown opposite to them :—* *Three months* .. *One black mark.* *Six* " .. *Two black marks.* *Nine* " .. *Three* " " *Twelve* " .. *All black marks.*]
8. Black marks shall take effect from the date of the offence unless otherwise stated.	
9. The existence of one or more black marks against a man shall bar promotion, but not leave.	
10. When a black mark is awarded, the order and copy of it furnished to the delinquent shall state the number of black marks outstanding against such delinquent, a warning be added, when recording two or five black marks that the next will entail reduction [the placing of his name at bottom of the list] or dismissal.	[Proposed to be substituted in Salt and Abkári department—"*suspension*".]
11. The above rules must be strictly enforced, provided that in any case in which the officer awarding the black marks considers that the application of the rules will result in hardship to the offender, he shall refer the case for orders.	
12. Care must be taken not to award a black mark on every occasion on which it may be necessary to warn or reprimand an officer. A black mark should only be given when, but for these rules, a fine would be imposed.	

Proceedings of the Board of Revenue (Separate Revenue), dated 27th September 1894, No. 4947-Sub.

Abstract.—Forwarding a copy of Circular Order I of 1886 (Revised), dated 4th May 1892 (Salt and Abkári Department), regarding rules for the award of black marks, &c.

Order—dated 16th January 1895, No. 99, Judicial.

The proposed Black Mark Rules for the Police, Jail, and Salt and Abkári departments meet with the general approval of Government, but in a few points they seem to need amendment as indicated below :—

(1) By Police and Jail rule 5, six black marks entail dismissal, but, by rule 4, three black marks entail reduction and, by Police and Jail rule 6, this reduction cancels the three black marks ; the result is that a man can never be dismissed from the Police and Jail departments under the black mark system unless he is at the bottom of the lowest class or grade. This was probably not intended and the Government thinks that Police and Jail rule 4 should be amended by substituting the words "removal of the offender's name to the bottom of the class or grade to which he belongs" for the words "reduction to the bottom of the class or grade to which the offender belongs". The effect will be that the removal of a man's name to the bottom of his class or grade, which is not a substantive punishment, will not cancel the three black marks on account of which it is made. But, in order that inconvenience may not be caused by the rigidity of the rule relating to the dismissal of persons against whom six black marks are outstanding, Police and Jail rule 5 will be prefaced by the words "unless the offender is specially exempted by the Deputy Inspector-General of Police or the Inspector-General of Prisons, as the case may be."

(2) The meaning of Police rule 7 is not obvious on the face of it but is explained in paragraph 5 of the Committee's letter. The Government remains of opinion that in all three departments the rules should provide for the gradual removal of black marks and the rule accepted for the Salt and Jail departments should be adopted in the case of the Police also.

(3) For rule 10 should be substituted the following :—

> "When a black mark is awarded, the order and the copy thereof furnished to the delinquent shall state the number of black marks outstanding against such delinquent, and a warning shall be added, when recording two or five black marks, that the next will entail reduction, the placing of his name at the bottom of the list or dismissal, as the case may be."

2. With these remarks, the Government sanctions, under section 60 of the Prisons Act, 1894, and section 9 of Act XXIV of 1859, the draft black mark rules and directs that they be inserted in the Jail Code and Police Order Book in substitution for those already existing therein. The necessary orders regarding the rules for the Salt and Abkári department will be issued in the Revenue department.

(True Extract.)

E. GIBSON,
Ag. Chief Secretary.

To the Inspector-General of Police.
" " of Prisons.
" Revenue Department.

Exd J Moses.

1	2
Draft Black Mark Rules framed by the Committee appointed in G.O. 26th January 1894 No. 198 J.D.	Modifications proposed by dissentient Members.
1. Together with every punishment, whether by fine, reduction or suspension, one black mark shall be awarded. If the officer awarding the punishment omits to record the award of a black mark also, the award of the punishment shall be held of itself to carry a black mark with it.	
Provided that reduction under the Black Mark system shall not itself carry a Black Mark.	[Proposed to be added in the Salt and abkari Department – "or suspension"
Provided also that forfeiture of pay as distinguished from a formal fine, shall not be deemed a punishment within the meaning of this Rule	
2. One black mark may also be awarded in lieu of other punishment.	
3. Not more than one black mark shall be awarded for any one offence	
4. Three black marks shall entail reduction of class or grade, or in cases in which such reduction is impossible [reduction to the bottom of the class or grade to which the offender belongs.]	Proposed to be substituted in the Salt and abkari department :- "Suspension for a term not exceeding one month"]
5. Six black marks shall entail dismissal	[Rules 5 and 6. Proposed to be substituted in Salt and abkari Department :- Reduction or suspension taking place in consequence of three black marks mentioned in Rule 4 cancels them but two such reductions or Suspensions following each other within 6 months will entail dismissal unless there are special reasons which should be recorded in writing by the Assistant and Deputy Commissioner and be reported to the Deputy Commissioner or Board for approval.
6. Reduction taking place as a consequence of three black marks cancels those black marks.	
7. Uninterrupted good conduct for a period of three months shall cancel one black mark, and each successive period	

period of three months uninterrupted good conduct shall cancel one black mark provided that 12 months uninterrupted good conduct shall cancel all black marks

[Rule 7 - proposed to be substituted in Police Department :-

The following periods of uninterrupted good conduct wipe off all black marks shown opposite to them

3 months	—	one black mark
6 "	—	two black marks
9 "	—	three " "
12 "	—	all black marks.]

58

8. Black marks shall take effect from the date of the offence unless otherwise stated.

9. The existence of one or more black marks against a man shall bar promotion, but not leave

10. When a black mark is awarded, the order and copy of it furnished to the delinquent shall state the number of black marks outstanding against such delinquent, a warning be added, when recording two or five black marks that the next will entail reduction [the placing of his name at bottom of the list] or dismissal, as the case may be.

[Proposed to be substituted in Salt and abkari Department - "Suspension"]

11. The above rules must be strictly enforced, provided that in any case in which the officer awarding the black marks considers that the application of the rules will result in hardship to the offender, he shall refer the case for orders.

12. Care must be taken not to award a black mark on every occasion on which it may be necessary to warn or reprimand an officer. A black mark should only be given when, but for these rules, a fine would be imposed.

Chas. A.

1894
Jail
1
5083

CURRENT

~~Camp~~ Madras
13th September 1894
Dd. 14th — do —

To

The Hon'ble Mr. J.F. Price C.S.I.
Chief Secretary to Government.

Sir,

UNDER SECRETARY

In accordance with the instructions contained in clause (1) of G.O. 26th January 1894 No. 198 Jud., we have the honour to submit for the approval of Government the accompanying draft of rules for the working of the Black Mark System in the Salt and Abkari, Police and Jail Departments

2. In this draft the instructions of Government conveyed in the above named Proceedings have been carried out, and if approved and sanctioned the Black Mark Rules in force in the three departments will be identical in most material points.

3. There are however, two points on which complete agreement cannot be arrived at and before noticing these we desire to point out that while the avoidance of glaring discrepancies between the rules in force in the several Departments is desirable entire uniformity can be attained only at the expense of efficiency. The Salt and Abkari, Police and Jail Departments being entirely unconnected one with the other, the existence of divergences, when necessary, is not open to serious objection, while the differences between the conditions of service in the three Departments render them unavoidable.

As in the Salt and Abkari Department Black marks are awardable by Inspectors while in the Police they can be awarded only by Superintendents and Assistant Superintendents and in the Jails by Superintendents, the working of the rules is unlikely to be uniform, even if the rules themselves are strictly identical.

4. The first point in which agreement appears impossible is in regard to the penalty of suspension as a consequence of 3 black marks in cases where reduction is impossible. This penalty has not hitherto been in use in the Police and Jail Departments and the members of the Committee representing those Departments are agreed that it is undesirable to introduce it. The small force of constables present at an outlying station, and the small strength of warders available in many of the minor Jails would be seriously crippled by 2 or 3 men being suspended. There are also general objections to suspension as a frequent form of punishment. On the other hand in the much larger Establishments of the Salt and Abkari Department, the suspension of a few men would not cause inconvenience, while suspension as a form of punishment is not objected to by the Head of that Department. If absolute identity in the Black mark Rules must be reached, irrespective of any other considerations the draft rules as approved by the majority of the Committee exclude the punishment of suspension, but it appears to us that there would be no valid objection to allowing the Salt and Abkari Department to retain a different rule on this point and the modifications which that Department wish to preserve are shown in red ink against Rules 1, 4, 5 & 6 and 10.

5. The Second point of difference occurs in regard to the cancellation of Black Marks by good conduct. In the Police Department the existing rule provides that when an officer has more than one black mark against him, he shall not be able to cancel those Black Marks one by one, but shall be required to put in uninterrupted good conduct for a consecutive period of six months to cancel 2 black marks and for a consecutive period of 9 months to cancel 3 Black Marks. Colonel Porteous states that this rule has worked well and he is opposed to its being altered. In the Salt and Abkari and in the Jail Department on the other hand it has been the rule to allow each Black Mark to be separately cancelled by 3 months uninterrupted good conduct. To adopt the more stringent Police rule would in Jails at any rate, where the whole force is constantly under the close and immediate supervision of the Superintendent, be liable to result in warders being unable to clear themselves of Black Marks within a reasonable time and consequently the majority of the Committee prefer to retain in force in the Salt and Abkari and Jail Departments. In this case also, however, it would probably be wise to sacrifice complete uniformity and to allow the Police Department to retain the special form of Rule noted in red ink against rule 7.

6. No other part of the rules appear to call for special notice.

7. We regret the delay which has occurred in the Submission of this Report. It has been found difficult to secure a meeting between the three members of the Committee, each of whom has to travel frequently.

We have the honour to be
Sir,
Your Most obdt. Servants

A. T. Arundel
Commissioner of Salt Abkari
& Separate Revenue

Chas. A. Porteous
Insp. General of Police

A. G. Cardew.
Insp. General of Prisons

8 · 3 · 94 · 580 [illegible]
26 · 6 · 94 – 1989 [illegible]
[illegible] 1944 : 19 · 9 · 91 [illegible]
4647 · 2 · 9 · 85 [illegible]

Filed

CURRENT No. 5083

From

The I. G. of Police Jails &
Commr. of Salt & Abkari –

For orders

Dated 13
Recd. 14
Regd. 17 } Sept. /94

Enclo. one

Forwards Draft Black Mark Rules for approval of Govt.

For orders

Please put up Goo. of 2-9-85, 4647 Rev ... of 15 Aug. 1891, No. 756, Rev. as well as Circular Order No. 1 of 1886 (Revised), of 4 May 1892. Go. order in G. O. of 8-3-94, No. 580 [illegible]

As Received at [illegible] 26/9

Note. [illegible] 1891 Rev papers put up. [illegible] memo sent [illegible] requesting them to send it to [illegible] office direct [illegible] 26/9

CURRENT No. 5283

13

SALT AND ABKARI DEPARTMENT.

CIRCULAR ORDER No. I OF 1886 (REVISED).

Dated May 4, 1892.

Rules for the award of Black Marks, &c.—The following rules are prescribed for the award of black marks and other forms of punishment of subordinates and for the record of the official character of all officers of the Department :—

(1) Petty fines should not, as a rule, be awarded for petty offences. Black marks should be given instead.

(2) Three black marks will entail reduction, or in cases in which reduction is not possible (*e.g.*, in those of a clerk on rupees fifteen or of a peon on rupees six) suspension for a term which will not ordinarily be less than three months.

(3) Reduction or suspension taking place in consequence of three black marks mentioned in rule (2) cancels them, but two such reductions or suspensions following each other within six months will entail dismissal, unless there are special reasons which should be recorded in writing by the Assistant Commissioner (or Deputy Commissioner) and be reported to the Deputy Commissioner (or the Board) for approval.

(4) A period of three months' uninterrupted good conduct will cancel one black mark.

(5) The existence of a black mark is a bar to promotion.

(6) When two black marks have been recorded against an officer, he should be carefully warned that the next black mark will entail reduction or suspension. When an officer has been awarded two black marks within six months of a reduction or suspension under rule (2), he should be carefully warned that the reduction or suspension resulting from another black mark within the same period of six months will render him liable to dismissal under rule (3).

(7) Fines and other punishments which it may be found necessary to impose count as black marks.

(8) Not more than one black mark is to be awarded at the same time. If an offence is of such a nature as to call for more severe punishment, it should be otherwise dealt with.

(9) Black marks take effect from the date of the offence for which they are awarded, unless the contrary is clearly stated.

(10) When three black marks have accumulated against a Petty Officer or Peon, the Inspector will at once report to the Assistant Commissioner in Form A-12 (*vide* Circular Order No. V of 1889, para. 35) giving a short account of each offence, and requesting orders as to the punishment to be inflicted.

(11) Inspectors will enter all black marks awarded by them in the monthly return of fines and stoppages made from the pay of public servants (No. 31 in Circular Order No. VI of 1883) submitted by them to the Assistant Commissioner, who may either confirm, modify or cancel the Inspector's orders, as he may deem fit.

Commissioner's Proceedings, 3rd July 1880, No. 4161.
Do. 21st April 1884, No. 2832.
Board's Proceedings, 31st August 1891, No. 385.

8-3-94 - 580

26-1-94 - 1986

From

The I. G.

Comm

Dated

Recd.

Regd.

Forwar

mark

of G

2. **Exceptions to the General Rules.**—The above rules are general rules only. Special exceptions may occur. For instance, a man may be awarded three black marks at intervals of nearly three months each. He would probably not be considered to deserve reduction though no black marks would have been actually cancelled. Again, there might be special cases of promotion in spite of black marks.

Commissioner's Proceedings, 3rd July 1880, No. 4161.

3. **When Black Marks are to be awarded.**—Care must be taken not to award black marks on every occasion on which it may be necessary to reprimand a man. They should only be given, when, but for these orders, fines would have been imposed.

Commissioner's Proceedings, 3rd July 1880, No. 4161.
Do. 11th November 1881, No. 8789.

4. **Defaulter Books and Conduct Registers.**—In order to ensure a proper and continuous record of the character of officers, the following Registers will be maintained :—

A.—DEFAULTER BOOKS, to be kept

(*a*) *by Inspectors*, for every man in the Circle below the grade of Assistant Inspector,

(*b*) *by Assistant Commissioners*, for every man in the Sub-Division below the grade of Assistant Inspector and above the grade of Petty Officer, and

(*c*) *by Deputy Commissioners* for Sub-Inspectors and Clerks on rupees thirty and upwards.

N.B.—The Defaulter Books kept by Assistant and Deputy Commissioners will be used also for the respective office establishments subordinate to those officers ; and a similar book will be kept by the Assistant Secretary to the Commissioner for the Board's Office Establishment.

B.—CONDUCT REGISTERS, to be kept

(*a*) *by Deputy Commissioners*, for Sub-Inspectors and Clerks on rupees thirty and upwards, and

(*b*) *by the Secretary to the Commissioner*, for Inspectors and Assistant Inspectors.

Commissioner's Proceedings, 3rd July 1880, No. 4161.

5. **Instructions regarding the Maintenance of Defaulter Books.**—Defaulter books are intended for the record not only of all punishments awarded but for the entry of good work done by subordinate officers. The latter class of entries will be written across the whole page. Such remarks as to good work may be made by Inspectors only for Petty Officers and Peons ; by Assistant Commissioners only for the members of their office establishments and for clerks drawing less than rupees thirty per mensem ; and by Deputy Commissioners for Sub-Inspectors and clerks on Rs. 30 and upwards. Such entries will be communicated by the officer making them for copy in the Defaulter Book of his subordinates in the same way as black marks.

Entries may be made in Defaulter Books by a clerk under the instructions of the officer ordering them, but must be initialled by the officer.

6. **Instructions regarding the Maintenance of Conduct Registers.**—Conduct registers are confidential records, intended for such entries regarding character, ability and physical capacity as may enable a new Commissioner or Deputy Commissioner fairly to estimate the claims of officers to promotion and the localities in which it is advisable to employ them. No entry may be made therein save in the handwriting of the Secretary to the Commissioner (or other officer specially empowered by the Commissioner) or the Deputy Commissioner, as the case may be.

Commissioner's Proceedings, 3rd July 1880, No. 4161.

7. **Entries to be made in Defaulter Books, &c., in cases of mere suspicion.**—Subject to the limitation prescribed in para. 5, both Defaulter Books and Conduct Registers may contain entries of cases in which grave suspicion has been excited against an officer, but nothing has been absolutely proved and no punishment has been awarded.

Commissioner's Proceedings, 3rd July 1880, No. 4161.

8. **Entries in the Defaulter Book to be copied and sent in the case of Officers transferred.**—When an officer is transferred from one Circle, Sub-Division or Division to another, a true copy of all entries whether cancelled or not relating to him in the Defaulter Book (or Conduct Register, as the case may be) should be sent with his last pay certificate to his new superior, by Inspectors for all officers below the rank of Assistant Inspectors ; by Assistant and Deputy Commissioners for members of their office establishments ; and by Deputy Commissioners for all officers respecting whom they have entries in their Conduct Registers.

Commissioner's Proceedings, 3rd July 1880, No. 4161.

9. **Cancelled Black Marks to be ruled off.**—As black marks are cancelled under para. 1, rule 4, they should be ruled off in red ink in the Defaulter Book.

Commissioner's Proceedings, 3rd July 1880, No. 4161.

W. S. MEYER,
Ag. Secy. to the Commr. of Salt,
Abkári and Separate Revenue.

To Deputy and Assistant Commissioners of Salt and Abkári Revenue and Officers in charge of Circles, with spare copies to the latter for distribution to Factories.

Copy to the Secretary to Government, Revenue Department.

trar,

dated

retary

ment.

Note

Said it to every office

28/9

26/9

262

Up.

1894
Judl. Dept.
Enclos. No. 1
C. No. 5283

Note Nos 75 & 91 Rev papers put up. From Govt. [illegible] of 1893, Memo sent to R.D. requesting them to send it to Govt. Office direct

Red 27/8

26/9

A.S. 28/9

Rep. This has been already read here. [illegible] explanation [illegible]

1/10

Read C. No. 5283.

CURRENT NO 5283

REVENUE BOARD OFFICE, MADRAS.

Print abstract only
6/4
15/10

abstract

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 27th September 1894

No. 4947. Sub.

Read Memorandum from the Registrar, Revenue Secretariat, Government Office, dated 26th September 1894 for C. No. 5083 Judicial

Resolution

Ordered accordingly.

(True Extract.)

Assistant Secretary.

To
The Under Secretary
to Government
Judicial Department.

Exd
BSR
22-1

26/9

Jud

Judicial

18/

CtNo 5083/94.

1894.
CURRENT NO. 5283

Board of Revenue.
(Separate Revenue)
Madras

To

The Under Secretary
to Government
Judicial Department

UNDER SECRETARY
29 SEP 94
PUBLIC WKS DEPT

Dated 27th September 1894.

No 4947. Sub

(~~Ordering the supply to Government~~ forwarding of a copy of Circular Order I of 1886 — (Revised) dated 4th May 1892, (Salt and Abkari department) regarding rules for the award of Black marks &c.

19.

Note for C.S.

Under H.E.'s personal orders these two drafts are to go to Col. Porteous & Mr. Cardew (D.O.) for remarks before issue. D.O.s for C.S.'s approval & signature are therefore put up.

M
29 Nov.

Office

Send this up to C.S. with fair copies of the following D.O.s

No. 444 D/30 Novr/94 Despd 30/11 Copied 30/11

My dear Porteous,

Before issuing orders on the subject of the Black marks system, Govt. wishes to have your opinion on the proposed G.O. of which a proof is enclosed. A copy of a draft G.O. on Cardew's proposals for the introduction of a system of Good Conduct Allowances into the Jail Dept. is also enclosed for your information & remarks, if you think any necessary.

Yrs sincerely

A copy of this draft has been sent to Cardew also for remarks.

D.O. No 445. Despd 30/11 Copied 30/11 D/30 Novr/94

My dear Cardew,

M
29 Nov.

I enclose two draft G.O.s, one on the Black mark system, the other on the Jail Good Conduct

20

mark system. Before issuing them, Govt. would be glad to ~~have any remarks~~ know whether you have any remarks to make about them. Porteous also has ~~also~~ been asked his opinion as to ~~received~~ ~~a copy of~~ ~~for~~ the draft G.O. on the Black Mark system.

Yrs sincerely

29/11

30/11

30/11

Note for Office

Have the proofs corrected as shown before sending them to Col. P. & Mr. C.

BACK PAPER, No. G.O. 30·11·94: 2912 OF 189
& tel. 5083~~15~~83

4

FURTHER PAPER, No. D.O. 747/94 (Mr [illegible])
" 751/94 (Col [illegible])

[G / 18]
250—22-9-94.

DEMI-OFFICIAL.

DEMI-OFFICIAL DATED 30-11-94

No. 444 + 445

When given for copying

[Despatch Abstract.]

Soliciting the remarks of Messrs Cardew + Porteous on the propos'd G.O.s re: the Black mark System + the Jail good conduct mark System.

5

D.O 444/5 · 30-11-94 8 papers

[G / 9]
1,000—25-10-94.

~~Current~~ D.O No. 747

~~Department.~~

From

A. G Cardew Esq.

No.

Dated 6th Dec 94

Received 8th ...
Regd 8th ....
Enclosures

SUBJECT.

Deprecating the amendment of Rule 4, Suggested in clause (1) of the G.O. on the Black mark Rules + the proposed Jail good conduct System as the measure would be attended with disadvantageous results.

MR 8/12

Please keep this till Col! P's reply is also recd.
MR 8/12

Government viz. to prevent a man's dismissal under the Black Mark Rules unless and until he reaches the lowest class or grade. If the Rules are too severe, it will be impossible to punish men, for fear of losing useful officers. I shall be glad of the Police Rules to help me in the preparation of the Jail Good Service Rules, and I beg to say that the proposals of Government on this subject as contained in the draft G.O. appear to me to be open to no objection.

Yours sincerely
A. G. Cardew.

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

Not seen by CA
FDB
8/12

D. No 747

CHIEF SECRETARY GOVERNMENT OF MADRAS
-8 DEC 1894

OFFICE OF INSPECTOR GENERAL OF JAILS,
Camp
~~Ootacamund~~ Trichinopoly. 6.XII. 1894.

My dear Mr. Price,

I beg to acknowledge receipt of your D.O. Letter dated 30th November 1894, enclosing draft G.O's on the Black Mark Rules and the proposed Jail Good Conduct System.

It is the opinion of all the Superintendents whom I have consulted on the matter that the chief danger of the new Black Mark Rules will be that of running useful men out of the service too rapidly on petty reports. Jail Warders are not scattered about a district, like the Police or Salt Officers, but are every hour of the day under close supervision. Hence reports against them are far more frequent, small matters, such as being dirty on parade, not marching gangs in proper order, sitting down while in charge of prisoners, being necessarily noticed + corrected. The new Black Mark Rules will, accordingly, have to be worked with great care, especially in Central Jails, where a fairly high standard of smartness is expected. I, therefore, deprecate the amendment of Rule 4 suggested in clause (1) of the G.O.. I think the Committee intended the result noticed by

D.O. No. 751

31

Chief Office of Inspector General of Police.
Madras 8th Decr 1894

UNDER SECRETARY
9 DEC 94
PUBLIC ETC. DEPTS.

My dear Price

I return the proof of the proposed Government Order on the subject of the Black Mark System received with your [illegible] official of 30th ultimo.

The amendments in rules 4 and 10 are I think an improvement.

Police rule 7 having worked well, I regret that Government remains of opinion that in all three departments the rules should provide for the gradual removal of Black marks.

Thanks for copy of draft G.O. on Cardew's proposals for the introduction of a system of good conduct allowances. I have just received the orders of Government on my proposals on this subject.

Yours Sincerely

Chas. A. Porteous

DO.s Nos 747 & 751.

No objection is raised to the draft G.O. about the Jail Good Conduct Allowances so it may issue.

2. Col. Porteous regrets the determination of Govt. to enforce in all three departments the same rule as to the cancellation of Black Marks.

Mr. Cardew objects to the amendment of B.M. Rule 4 proposed by Govt. on the ground that it will unduly facilitate the removal of men.

There is force in Mr. Cardew's remarks, but it should be remembered that one B.M. will be cancelled by each period of three months uninterrupted good service, so it is probable that dismissals under the B.M. Rules as proposed to be revised by Govt. will not be so frequent as Mr. Cardew anticipates.

On the whole, the best plan will perhaps be to make the proposed Jail Rules relating to this subject applicable to all three departments; in other words to substitute suspension, when reduction of class or grade is impossible, & to declare that dismissal shall follow two suspensions or reductions within twelve months

~~Done~~

Done 8/1

I should adhere to this.

The rule as amended seems to me quite right – Mr. Cardew has already strongly objected to suspension as a consequence of an accumulation of B.M.s on the ground that, with his small estabt., he cannot afford to suspend men. I should say that the best way would be to preface Rule 5 by the words:– "Unless the offender is specially exempted by the I.G. of Prisons, the D.I.G. of Police, or the D.C. of S. & A.R., as the case may be,". Then there wd. be a discretion which wd. enable the dept concerned to keep a good man who had inadvertently run to his tether in the way of B.M.s, or to get rid of a bad one, at option

What do you think of that?

22/12/94

of each other.
If this is agreed to, the Salt Rules will need some amendment as to the persons by whom special reasons should be recorded & to whom the same should be reported.
In the Police Dept., the recording officer may be the Asst. or Dt. Supt. & the officer reported to the D.I.G.
In the Jail Dept., the Supt. will record the reasons & report them to the I.G.

JD

21/12/94.

18 Dec

G.O. 16.1.95

GG

Black Mark Rules

Office

The draft G.O. under cover of D.O. 751 may issue as amended.
I have spoken to H.M. about it.

G.O. 16.1-95

GG

C 21/12 Recd 15/1/95

R 22/12

C. Nos. 4215 & 5083 & 5283

C. No. 4215 contains the proposed Good Conduct Allowance Rules. H.M. desired to see the revised Black Mark Rules before disposing of that current & C. No. 5083 which contains the B.M. rules is therefore subm^d. linked.

2. Regarding the G.C.A. Rules H.M. observed that they should appear in the Police Order Book; this is certainly so. Col. Porteous will not confuse the Police Order Book & the Police Weekly Circular again, as the difference between them has been pointed out in G.O. dd 27 Sept. 1894, No. 2341, Ind^l.

Also, as noted by H.M., the cancellation of clause (x) of P.O. 238 seems a mistake. If it disappears there will be no authority for awarding stripes & G.C.A. Rule 2 which refers to stripes will become meaningless. Clause (x) should stand but needs to be amended so as to make it clear that six stripes can be awarded under it or, if this is the intention of the clause, that any number of red marks can be given althoug only three of them are actual converted into stripes.

If the latter is the meaning of clause (x), the reference in

Please show draft orders on these currents

24/12/94

I take it that this is what is meant.

G. C. A. Rule 2 should be to red marks, rather than to good conduct stripes; and if this alteration is made, G. C. A. Rules 3, 4, 7, 10, 11, 12, 13 & 14 will need a similar amendment.

Yes
WS

The proposed provisions regarding interruptions of service seem unnecessarily complicated &, indeed, it would perhaps be as well to recast the G. C. A. Rules entirely. They should begin by declaring the circ^s under which red marks may be given, proceed to specify the punishments which cancel red marks, then go on to describe the conditions on which holders of 3 or 6 red marks shall draw a good conduct allowance & end by explaining that the cancellation of the 6th. red mark involves the loss of the second allowance & the cancellation of the 3rd. red mark the loss of the first allowance.

This would certainly be an improvement. If the rules were thus arranged no doubt clause (x) of P.O. 238 might go.
WS

3. Regarding the Black Mark Rules attention is invited to the Note for Orders under cover of G.O. of 26 Jan. 1894, No. 198, Jdl.
The present Jail B.M. Rules will be found in Jail Code Rule 237; the present Police B.M. Rules in Police Order 238 & the present Salt & Abkari Dept. B.M. Rules under cover of C. No. 5283.

As ordered by Govt. the Rules now framed provide
(1) that only one B.M. may be inflicted at a time &
(2) that fine, reduction & suspension shall carry a B.M. with them, except in the case where the reduction is the result of the accumulation of three B.Ms.

But the I. G. of Police is disinclined to accept the suggestion of Govt. that B.Ms should be wiped off gradually & prefers to retain the present rule which is described in para. 5 of the Committee's report.

In para 5 of the report it is stated that the I.G. of Police proposes to retain the Police rule shown in red ink against ~~for~~ rule 7. But that is practically identical with Rule 7, though worded in a different way. There must be some error in copying — However, it doesn't matter. I think Rule 7 will do as it stands for all the Depts in question.
WS

The only other points which seem to call for notice in these Rules are that the wording of Rule 10 might be improved as shown in red chalk & that the S. & A. Dept. wants to retain the power to suspend for three B.Ms & to dismiss if two reductions or suspensions under the B.M. Rules occur within 6 months of each other.

Yes
WS

Very well
WS

7 Oct.

11|10|94

12/10.

I take it the case is thus:— If a man is reduced in class or grade on getting 3 B.Ms, the B.Ms are wiped off. But he may

Note. By Police Rule 5. Six Black Marks entail dismissal — But

40

by Rule 4 - three Black marks entail reduction and by Rule 6 this reduction cancels the three black-marks - How then can a man accumulate six? The Salt Rule is intelligible - under it two reductions within 6 months involve dismissal -

Then again, what is to happen to Policeman X who becomes amenable to Rule 4 (reduction) if he is at the bottom of the lowest class or grade? Perhaps rule 5 is meant for his benefit alone - for, as he could not be reduced, he would not be able to get rid of his first 3 black marks -

L.G. 12/10.

not be reduced as the word is usually understood, but simply have his name placed at the bottom of his class or grade. The same word reduction is used which seems a mistake. The wording might be made more clear - For the last 2 lines of rule 4, read "removal of the offender's name to the bottom of the class or grade to which he belongs". Word the rule in this way, & the effect is practically the same as that of the Salt Rule.

HS

The rule provides - see above.

HS

H.P.

(Forwarded)

Sub Sec. [illegible] K.D.

for favour of [illegible]

C23/10

Jud. DEPARTMENT. 41

[5]
20-6-94.

Papers to be read in Proceedings :—

(P) Again G.O., dated 26 Jan 1894, No. 198-9 Jud.
Again G.O., dated 18 , No.
(A) Current No. 5083 of 1894, dated 13 Sept from I. G. Police & Prisons & the Comr. of S. & A. Rev.
(write rules)
(P) Current No. 5283 of 1894, dated 27 Sept from Bd. of Rev.

This will need to be re-written, I fear - at least the second page will - please send me again, also the other papers. HS 5/11/94

Order

P.S.

The proposed Black Mark Rules for the Police, Jail & Salt & Abkari Depts. meet with the general approval of Govt., but in a few points they seem to need amendment as indicated below:—

(1) By Police & Jail Rule 5, six black marks entail dismissal, but, by Rule 4, three black marks entail reduction &, by Police & Jail Rule 6, this reduction cancels the three black marks; the result is that a man can never be dismissed from the Police & Jail Depts under the black mark system unless he is at the bottom of the lowest class or grade. This was probably not intended & Govt. thinks that Police & Jail Rule 4 should be amended by substituting the words "removal of the offender's name to the bottom of the class or grade to which he

42

"belongs" for the words "reduction
" to the bottom of the class or
" grade to which the offender
" belongs". The effect will
be that the removal of a
man's name to the bottom which is not a substantive punishment,
of his class or grade, will
not cancel the three black
marks on account of which
it is made.

(2) The meaning of Police Rule
7 is not obvious on the
face of it (but the intention is
~~[illegible]~~
~~to prohibit the gradual~~ is ex-
~~should be added to it:~~
plained in para. 5 of the Committee's
~~Note. Black marks cannot~~
letter. The Govt. remains of opinion that
~~be wiped off by degrees;~~
in all three depts. the rules should
~~for example if a man has~~
provide for the gradual removal
~~two black marks against~~
of Black Marks & the rule adopted
~~him he cannot claim after~~
for the Jail & ~~Abkari Dept. & the~~
~~three months of good conduct~~
Jail Depts should be adopted in the
case of ~~the Police also~~
~~to have one of them removed.~~
should be substituted:

(3) For Rule 10 ~~the words "the copy~~
the following:
~~thereof" should be substituted~~
~~for the words "copy of it"; the~~
~~words "and" & "shall" should~~
~~be inserted respectively~~
~~before & after the words~~
~~"a warning"; the word "the"~~
~~should be inserted before~~
~~the word "bottom" & the~~
~~words "as the case may~~
~~be" should be added at the~~
~~end.~~

With these remarks, the
Govt. sanctions, under sec.
of the Prisons Act, 1894,
sec. 9 of Act XXIV of 1859,
draft black mark rules
directs that they be inserted
the Jail Code & Police Order
ok in substitution for those
eady existing therein. The

Black Mark Rules

H. P.S (From order)

Note As H.M. says, the Police Rule comes to much the same thing as the Jail & S & A. Rule. But this is due to a defect in drafting which it is proposed to rectify. The intention of the Police Rule is to prevent the gradual removal of B.Ms & it is not understood that H.M. objects to this intention.

But that is just what I do. I said "I think Rule 7 will do as it stands for all the depts in question" i.e., I did not approve the Police proposal, which, as I pointed out, was not carried out by the red ink rule. W.

Better give them a grammatical re-draft – they will only make a botch of it, if you put it in this way. W.

(necessary orders regarding the rules for the S. & A. Dept. will be issued in the Rev. Dept.

(From order)

To the I.G. of Police,
—— Prisons,
—— Rev. Dept.

4/25 Oct.
1.11.94
2/11

[G./24]
100—29-9-94.

Judicial DEPARTMENT. 43

Papers to be read in Proceedings:—

(P) Again G.O., dated 26th January 1894, No. 198-9 Judl.
Again G.O., dated 18 , No.
(A) (with rules) Current No. 5083 of 1894, dated 13th Septr. from the Is. G. Police & Prisons the Comr. of S. & A. Rev
(P) Current No. 5283 of 1894, dated 27th Septr. from the Board of Rev.

12/11/94

Order

P.S.

The proposed Black Mark Rules for the Police, Jail & Salt & Ábkári Depts meet with the general approval of Govt. but in a few points they seem to need amendment as indicated below:—

(1) By Police and Jail Rule 5, six black marks entail dismissal, but, by Rule 4, three black marks entail reduction &, by Police & Jail Rule 6, this reduction cancels the three black marks; the result is that a man can never be dismissed from the Police & Jail Depts. under the black mark system unless he is at the bottom of the lowest class or grade. This was probably not intended & the Govt. thinks that Police & Jail Rule 4 should be amended by substituting the words "removal "of the offender's name to the bottom of the class "or grade to which he belongs" for the words "reduction to the bottom of the class or grade "to which the offender belongs". The effect will be that the removal of a man's name to the bottom of his class or grade, which is not a substantive punishment, will not cancel the three black marks on account of which it is made.

44

) The meaning of Police Rule 7 is not obvious face of it but is explained in para. 5 of the mittee's letter. The Govt. remains of opinion in all three Depts. the rules should provide the gradual removal of Black Marks & the accepted for the Salt & Jail Depts. should adopted in the case of the Police also.

(3) For Rule 10 should be substituted the lowing :-

" When a black mark is awarded, the order d the copy thereof furnished to the delinquent shall state the number of black marks outstanding gainst such delinquent, and a warning shall added, when recording two or five black marks that the next will entail reduction, the lacing of his name at the bottom of the list or dismissal, as the case may be".

2. With these remarks, the Govt. sanctions, under sec. 60 of the Prisons Act, 1894, & sec. 9 Act XXIV of 1859, the draft black mark rules & directs that they be inserted in the Jail Code & Police Order Book in substitution for those already existing therein. The necessary orders regarding the rules for the S. & A. Dept. will be issued in the Rev. Dept.

(From orders.)

8 Nov.

15/11/94

The I.G. of Police.
" " Prisons.
" Rev. Dept.

Black Mark Rules

(From orders)

HM

P.S

50

January 5

16th November 1894, No. 1999, Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following paper :—

G.O., dated 26th January 1894, Nos. 198, 199, Judicial.

Abstract.—Directing the Inspector-General of Jails to submit a revised list of corrections to the Madras Jail Code, and addressing the Government of India on the subject of the mark rules.

Read—also the following papers :—

From the Commissioner of Salt, Abkári and Separate Revenue, and Inspectors-General of Police and Prisons, to the Chief Secretary to Government, dated Madras, 13th September 1894.

In accordance with the instructions contained in clause (1) of G.O., dated 26th January 1894, No. 198, Judicial, we have the honour to submit, for the approval of Government, the accompanying draft of rules for the working of the black mark system in the Salt and Abkári, Police and Jail departments.

2. In this draft the instructions of Government conveyed in the above named Proceedings have been carried out, and if approved and sanctioned, the black mark rules in force in the three departments will be identical in most material points.

3. There are, however, two points on which complete agreement cannot be arrived at, and before noticing these we desire to point out that while the avoidance of glaring discrepancies between the rules in force in the several departments is desirable entire uniformity can be attained only at the expense of efficiency. The Salt and Abkári, Police and Jail departments being entirely unconnected one with the other, the existence of divergences, when necessary, is not open to serious objection, while the differences between the conditions of service in the three departments render them unavoidable.

As in the Salt and Abkári department black marks are awardable by Inspectors while in the Police they can be awarded only by Superintendents and Assistant Superintendents and in the Jails by Superintendents, the working of the rules is unlikely to be uniform, even if the rules themselves are strictly identical.

4. The first point in which agreement appears impossible is in regard to the penalty of suspension as a consequence of three black marks in cases where reduction is impossible. This penalty has not hitherto been in use in the Police and Jail departments, and the members of the committee representing those departments are agreed that it is undesirable to introduce it. The small force of constables present at an outlying station and the small strength of warders available in many of the minor jails would be seriously crippled by two or three men being suspended. There are also general objections to suspension as a frequent form of punishment. On the other hand in the much larger establishments of the Salt and Abkári department, the suspension of a few men would not cause inconvenience, while suspension as a form of punishment is not objected to by the head of that department. If absolute identity in the black mark rules must be reached, irrespective of any other considerations the draft rules as approved by the majority of the committee exclude the punishment of

suspension, but it appears to us that there would be no valid objection to allowing the Salt and Abkári department to retain a different rule on this point and the modifications which that department wish to preserve are shown in italics against rules 1, 4, 5 and 6 and 10.

5. The second point of difference occurs in regard to the cancellation of black marks by good conduct. In the Police department the existing rule provides that when an officer has more than one black mark against him, he shall not be able to cancel those black marks one by one, but shall be required to put in uninterrupted good conduct for a consecutive period of six months to cancel two black marks and for a consecutive period of nine months to cancel three black marks. Colonel Porteous states that this rule has worked well and he is opposed to its being altered. In the Salt and Abkári and in the Jail department, on the other hand, it has been the rule to allow each black mark to be separately cancelled by three months' uninterrupted good conduct. To adopt the more stringent Police rule would, in jails at any rate, where the whole force is constantly under the close and immediate supervision of the Superintendent, be liable to result in warders being unable to clear themselves of black marks within a reasonable time and consequently the majority of the committee prefer to retain in force in the Salt and Abkári and Jail departments. In this case also, however, it would probably be wise to sacrifice complete uniformity and to allow the Police department to retain the special form of rule noted in italics against rule 7.

6. No other part of the rules appear to call for special notice.

7. We regret the delay which has occurred in the submission of this report. It has been found difficult to secure a meeting between the three members of the committee, each of whom has to travel frequently.

ENCLOSURE.

Draft Black Mark Rules framed by the Committee appointed in G.O., dated 26th January 1894, No. 198, Judicial Department.	*Modifications proposed by dissentient members.*
1. Together with every punishment, whether by fine, reduction or suspension, one black mark shall be awarded. If the officer awarding the punishment omits to record the award of a black mark also, the award of the punishment shall be held of itself to carry a black mark with it.	
Provided that reduction under the black mark system shall not itself carry a black mark.	[Proposed to be added in the Salt and Abkári Department—"*or suspension*".
Provided also that forfeiture of pay as distinguished from a formal fine, shall not be deemed a punishment within the meaning of this rule.	
2. One black mark may also be awarded in lieu of other punishment.	
3. Not more than one black mark shall be awarded for any one offence.	
4. Three black marks shall entail reduction of class or grade, or in cases in which such reduction is impossible, [reduction to the bottom of the class or grade to which the offender belongs.]	Proposed to be substituted in the Salt and Abkári Department—"*suspension for a term not exceeding one month.*"]
5. Six black marks shall entail dismissal.	[*Rules* 5 *and* 6. Proposed to be substituted in Salt and Abkári Department:—
6. Reduction taking place as a consequence of three black marks cancels those black marks. how can they follow each other?	*Reduction or suspension taking place in consequence of three black marks mentioned in rule 4 cancels them, but two such reductions or suspensions following each other within six months will entail dismissal unless there are special reasons which should be recorded in writing by the Assistant and Deputy Commissioners and be reported to the Deputy Commissioner or Board for approval.*]

7. Uninterrupted good conduct for a period of three months shall cancel one black mark, and each successive period of three months' uninterrupted good conduct shall cancel one black mark, provided that twelve months' uninterrupted good conduct shall cancel all black marks.	[*Rule* 7 : proposed to be substituted in Police department :— *The following periods of uninterrupted good conduct wipe off all black marks shown opposite to them :—* *Three months* .. *One black mark.* *Six* ,, .. *Two black marks.* *Nine* ,, .. *Three* ,, ,, *Twelve* ,, .. *All black marks.*]
8. Black marks shall take effect from the date of the offence unless otherwise stated.	
9. The existence of one or more black marks against a man shall bar promotion, but not leave.	
10. When a black mark is awarded, the order and copy of it furnished to the delinquent shall state the number of black marks outstanding against such delinquent, a warning be added, when recording two or five black marks that the next will entail reduction [the placing of his name at bottom of the list] or dismissal.	[Proposed to be substituted in Salt and Abkári department—"*suspension*".]
11. The above rules must be strictly enforced, provided that in any case in which the officer awarding the black marks considers that the application of the rules will result in hardship to the offender, he shall refer the case for orders.	
12. Care must be taken not to award a black mark on every occasion on which it may be necessary to warn or reprimand an officer. A black mark should only be given when, but for these rules, a fine would be imposed.	

Proceedings of the Board of Revenue (Separate Revenue), dated 27th September 1894, No. 4947-Sub.

ABSTRACT.—Forwarding a copy of Circular Order I of 1886 (Revised), dated 4th May 1892 (Salt and Abkári Department), regarding rules for the award of black marks, &c.

ORDER—dated 16 Jan 1895 ~~November 1894~~, No. 99, Judicial.

The proposed Black Mark Rules for the Police, Jail, and Salt and Abkári departments meet with the general approval of Government, but in a few points they seem to need amendment as indicated below :—

(1) By Police and Jail rule 5, six black marks entail dismissal, but, by rule 4, three black marks entail reduction and, by Police and Jail rule 6, this reduction cancels the three black marks ; the result is that a man can never be dismissed from the Police and Jail departments under the black mark system unless he is at the bottom of the lowest class or grade. This was probably not intended and the Government thinks that Police and Jail rule 4 should be amended by substituting the words "removal of the offender's name to the bottom of the class or grade to which he belongs" for the words "reduction to the bottom of the class or grade to which the offender belongs". The effect will be that the removal of a man's name to the bottom of his class or grade, which is not a substantive punishment, will not cancel the three black marks on account of which it is made. But, in order that inconvenience may not be caused by the rigidity of the rule relating to the dismissal of persons against whom six black marks are outstanding, Police & Jail Rule 5 will be prefaced by the words "unless the offender is "specially exempted by the "Dy. I.G. of Police or the

(2) The meaning of Police rule 7 is not obvious on the face of it but is explained in paragraph 5 of the Committee's letter. The Government remains of opinion that in all three departments the rules should provide for the gradual removal of black marks and the rule accepted for the Salt and Jail departments should be adopted in the case of the Police also.

(3) For rule 10 should be substituted the following :—

"When a black mark is awarded, the order and the copy thereof furnished to the delinquent shall state the number of black marks outstanding against such delinquent, and a warning shall be added, when recording two or five black marks that the next will entail reduction, the placing of his name at the bottom of the list or dismissal, as the case may be."

2. With these remarks, the Government sanctions, under section 60 of the Prisons Act, 1894, and section 9 of Act XXIV of 1859, the draft black mark rules and directs that they be inserted in the Jail Code and Police Order Book in substitution for those already existing therein. The necessary orders regarding the rules for the Salt and Abkári department will be issued in the Revenue department.

(True Extract.)

Chief Secretary.

To the Inspector-General of Police. 6
" " of Prisons. 6
" Revenue Department. c

despd
19/1/95

Exd. J. Moses.

Land
Gazett

Encl. 1. to D.O. 751

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED.
- Order complete.
- Letter only.
- Order complete with Letter.

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

CURRENT No.

ENCLOSURES TO C. 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.
P = Print abstract only.
Q = Print heading only.