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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

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By

*Proceedings of the Madras Government, Judicial Department,
23rd May 1873.*

Read the following papers :—

No. 139. From Inspector-General E. BALFOUR, Inspector-General of Hospitals, Indian Medical Department, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Fort St. George, 3rd April 1873, No. 123.

In paragraph 4 of my letter, No. 101, of 21st ultimo, I mentioned that I had received a previous communication relating to the practice of flogging in the Coimbatore Jail, but which I had referred back for further explanation. The documents have now been returned to me, and, as the subject may possibly be referred to Coimbatore, I have the honour to enclose the whole of them, as per margin, and to summarize their contents as under.

2. In the first of these letters the Deputy Inspector-General of the Southern Districts mentions that when, with a view to estimate the state of vaccination, he was examining the prisoners in the Central and District Jails of Coimbatore, he had them stripped and drawn up in line. And as he passed along the line he encountered men on whose backs were the marks of recent flogging, a bloody ichor issuing from the lacerated integuments; and, still, as he passed along, buzzing swarms of flies pointed out another and another unpitied wretched creature standing in like plight. He sought, he says, an explanation why those punished men had not been remanded to hospital, and whether, as death from lockjaw might occur from injuries so exposed, prudence had not recommended this course, and to this the medical officer had replied that the Superintendent of the prisons considered that much of the force of his punishment would be lost by its subjects being sent to hospital. On the Deputy Inspector-General making further inquiries, he learned that during the year corporal punishment had been frequent, and recently more so, and that in the two prisons 730 prisoners had been flogged from the 1st January 1872 to the 11th of March 1873.

3. In the fifth paragraph of his letter, the Deputy Inspector-General asks whether he is wrong in saying that, according to Prison Rules, the Superintendent infringed these rules when only very recently he inflicted 100 lashes on a convict without the previous concurrence of the medical officer in charge; and, again, "whether, when the medical officer had certified to the number of lashes a convict was capable of undergoing, and this number was exceeded by the Superintendent, the rules had not equally been set aside."

4. And, in the concluding paragraph of his letter, he suggests the necessity of obtaining an authoritative decision on these points, and that orders to discontinue the course of prison discipline which, he says, appears to rule in those jails, and which he describes as sufficient to excite the prisoners to rise; and he expresses himself as not quite sure that the attempt was not once made, though happily frustrated.

5. On receiving that letter I deemed it necessary to have precise information on several parts of it, and I, therefore, requested the Deputy Inspector-General, in

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கொள்ளப்பட்ட
உறுப்புகள்
மார்ச் மாதம் 1986 வருடம்
செப்பிட்டு முடித்த
மார்ச் மாதம் 1986 வருடம்
ஆராய்ச்சி உதவியாளர்
கையொப்பம்.

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the matter of the flogged men not having been sent to hospital, "to inquire and report whether the medical officer has represented his views on this point either verbally or in writing. If verbally, state what was suggested, and with what results. If in writing, be so good as to obtain and send copies of the communications. Also, if not represented in writing, give reasons why it was not so represented." I also brought to the notice of the Deputy Inspector-General paragraphs 258 and 259 of the Prison Rules, requiring the presence of the medical officer at punishments, and I directed him "to inquire and report whether these rules were acted on, and, if deviated from, whether the medical officer represented the case or cases either verbally or in writing. In either case, communicate the verbal purport or copies of the written communication or reasons for not reporting." And, with reference to alluding to an attempt to rise, but which had been frustrated, he was requested to report the circumstances, as the mode he followed in reporting occurrences is unusual in public documents.

6. The above summary brings the matters connected with the Coimbatore Jails down to the time when I think that the Right Honourable the Governor in Council would wish me to submit the medical officer's answer to the questions put, and the Deputy Inspector-General's comments on the medical officer's reply, as there are still points in these two communications which it is proper to submit for the orders of Government.

From Surgeon-Major W. JOHNSTON, M.D., Deputy Inspector-General of Hospitals, Indian Medical Department, Southern District, to Surgeon G. BIDIE, M.B., Secretary to the Inspector-General of Hospitals, Indian Medical Department, dated Suttiamungalum, 10th March 1873.

I consider the subject of the following communication of sufficient importance to require its being brought to the notice of the Inspector-General, Indian Medical Department, and, ultimately, to that of higher authority, in anticipation of my Inspection Report of the Prison Establishments in Coimbatore:—

1. In order to arrive at an accurate estimate of the state of vaccination amongst the prison population of the Central and District Jails here, I had the entire body, amounting to a little over 1100 men, drawn up in line, and nude as to the upper parts of the person.

2. As I passed along the line, every now and then I encountered men on whose backs were the marks of recent flogging, a bloody ichor issuing from the lacerated integuments; and, still, as I passed along, buzzing swarms of flies pointed out another and another unpitied wretched creature standing in the line in like plight.

3. As I reflected that such things should be, I sought an explanation why, if so punished, those men had not been remanded to hospital, and, further, whether prudence, not always absent from cruelty, had not suggested that death from lockjaw from injuries so exposed might not result in bringing on the authors of such violence against our common humanity the punishment so richly deserved. To this it was replied by the medical officer that the Superintendent of the prisons considered that much of the force of his punishment would be lost by its subjects being sent to hospital.

4. Failing to appreciate the force of such reasoning, I inquired further and learned that corporal punishment had been during the year of very frequent occurrence, and had recently become more so; its subjects numbering, in the two prisons, from the 1st of January 1872 to the 11th of March instant, 700.

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5. Not having beside me a copy of the "Prison Rules," am I wrong in saying, when the Superintendent of these prisons, only very recently, inflicted 100 lashes on a convict without the previous concurrence of the medical officer in charge, he infringed on those rules. And, again, whether, when the medical officer had certified to the number of lashes a convict was capable of undergoing, and this number was exceeded by the Superintendent, the rules had not equally been set aside.

6. And as it appears to me an authoritative decision is required on these points, equally so is it necessary, I submit, that authority should intervene to cause to cease so abnormal a course of prison discipline as appears to rule in those jails—one which, from my point of view, I dare not designate in words which occur to me. Enough to say it is cruel to a degree, and sufficient to excite its victims—men degraded by crime, and still further by its punishment, miserable wretches perplexed in the extreme—to strike once and for all at the author of their suffering, and I am not quite sure that the attempt was not once made, though happily frustrated.

From Surgeon G. BIDIE, M.B., Secretary to the Inspector-General, Indian Medical Department, to Surgeon-Major W. JOHNSTON, M.D., Deputy Inspector-General of Hospitals, Indian Medical Department, Southern District, dated 17th March 1873, No. 1823.

Reference.—Your letter No. —, dated Suttiamungalum, 13th March 1873.

Subject.—It contains matter of importance needing attention and disposal, but further information is required.

You will observe in pencil on the margin the following notes, viz.:—

A 1. Be so good as to inquire and report whether the medical officer has represented his views on this point either verbally or in writing. If verbally, state what was suggested, and with what results. If in writing, be so good as to obtain and send copies of the communications. Also, if not represented in writing, give reasons why it was not so represented.

A 2. Paragraphs 258 and 259 of the present rules require that the medical officer shall certify to the capability of a criminal to bear the infliction of corporal punishment, and that a medical officer shall be present during its infliction. On this point be so good as to inquire and report whether these rules were acted on, and, if deviated from, whether the medical officer represented the case or cases either verbally or in writing. In either case, communicate the verbal purport or copies of the written communication or reasons for not representing.

B. You state, "I am not quite sure that the attempt was not once made, though happily frustrated." Be so good as to report the circumstances.

C. This mode of reporting occurrences is unusual in public documents.

The medical officer in furnishing the required information will follow the questions in the above order, A 1, A 2, B, and C.

From Surgeon-Major C. J. ROGERS, Civil Surgeon, Coimbatore, to Surgeon-Major W. JOHNSTON, M.D., Deputy Inspector-General of Hospitals, Indian Medical Department, Southern District, dated Coimbatore, 22nd March 1873, No. 43.

In answer to your docket, No. 854, dated 20th March 1873, received this day, I have the honour to state, for the information of the Inspector-General, Indian Medical Department, that—

A 1. In respect to the cruelty or the frequency of the punishments animadverted upon by you, I have respectfully to remark that I should be overstepping the limits of my duty were I to interfere with the discipline of the jail by suggesting to the Superintendent that he should have less frequent recourse to the use of the cat-o-nine-tails. It is to be presumed that all punishments have been reported to the Inspector-General of Prisons by the Superintendent, the necessity of their frequency and severity explained to him, and that he has approved of the discipline thus exercised. The Superintendent remonstrated with me about admitting convicts into hospital after being

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I regret so being prejudicial to his authority, and likely to lessen the force of the punishment. I then ordered that they should attend hospital daily to have the backs dressed.

A 2. I have confined myself to certifying to the physical fitness of those convicts sent to me for punishment to bear the punishment ordered by the Superintendent, and have frequently presented the punishment by declaring them unfit to bear it, and it was, of course, out of my power, and, as stated before, beyond my province, to judge of the propriety of the order. A medical subordinate is always present during the infliction of corporal punishment.

B. I am not aware of any attempt on the part of the prisoners to revenge themselves by any act of violence or supposed ill-treatment. One convict endeavoured to attack the Superintendent and threatened to murder him at the first opportunity.

C. It is entirely within my knowledge that, after I have certified to the number of lashes a man is capable of undergoing, the number is exceeded. The 3rd Class Hospital Assistant, Prémur, yesterday informed me that in the case on your last inspection, never having said a word to me on the subject before.

From Surgeon-Major W. JOHNSTON, M.D., Deputy Inspector-General of Hospitals, Indian Medical Department, Southern District, to Surgeon G. BIDE, M.D., Secretary to the Inspector-General, Indian Medical Department, dated Ootacamund, 29th March 1873.

To carry out the instructions conveyed in Memorandum, No. 1823, of the 17th instant, I had, at the first instance, to communicate with the medical officer in medical charge of the Coimbatore Prison, and I have now the honour to forward his reply together with my original letter.

2. Let me briefly offer a few observations on one or more of the statements advanced by this medical officer.

3. Leaving his statement to which paragraph A 1 is devoted as containing matter to be dealt with solely by the Inspector-General and other authority, I pass to A 2, and the attention of the Inspector-General will no doubt at once be drawn to the statement therein contained, and especially to the words italicised by himself, and which are, in my opinion, very suggestive, whilst neither in this paragraph nor elsewhere in his letter are the statements made by me as to convicts being flogged without his previous concurrence alluded to.

4. And on this question and on the last, which engrosses C of his letter, Surgeon-Major Rogers should have stated that he was present, and indeed himself pointed out a convict bleeding at the time, who, as stated by me in my letter, had "only very recently" been punished to the extent of 100 lashes without his previous concurrence, and, further, that he was also present when the Hospital Assistant made the statement reported by me and heard him say that he was prepared to support it on oath.

Referred to the Inspector-General of Jails for report.

Fort St. George,
8th April 1873.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 140. From Lieutenant-Colonel W. J. WILSON, Inspector-General of Jails, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Ootacamund, 10th May 1873, No. 76.

I have the honour to return the letter of the Inspector-General of Hospitals, Indian Medical Department, dated 3rd ultimo, No. 123, referred for report on the 8th idem, and herewith forward the explanation given by Mr. Grimes, Superintendent

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of the Central Jail at Coimbatore, in reply to the charges brought against him by Dr. Johnston, Deputy Inspector-General of Hospitals, Southern Division, viz.:—

I. That convicts are not admitted into hospital on being flogged owing to an objection raised by the Superintendent to the effect that he considered that much of the force of his punishment would be lost by its subjects being admitted into hospital.

II. That corporal punishment had been inflicted without the previous concurrence of the medical officer, and that the Jail Rules had, therefore, been infringed.

III. That the number of lashes had been increased after the certificate of the medical officer had been obtained.

IV. That the corporal punishment inflicted in the jails at Coimbatore is, not only excessive, but cruel to a degree.

2. The officer in medical charge having been called upon by the Head of his Department for further information as to what had passed between him and the Superintendent regarding admission into hospital, replied in the following words, viz.:—"The Superintendent remonstrated with me about admitting convicts into hospital after being flogged as being prejudicial to his authority and likely to lessen the force of his punishment. I then ordered that they should attend hospital daily to have the backs dressed." He also states that he certifies to the physical fitness or otherwise of all convicts who are sent to him to be examined for the purpose, and that a medical subordinate is always present when corporal punishment is inflicted.

3. Mr. Grimes states that prisoners who have been flogged are sent to hospital every morning to have their backs dressed until it is determined by the medical officer that their attendance should cease. He denies having remonstrated against the admission into hospital of such men, and points out that, although in the time of Dr. Davis prisoners were occasionally admitted on being flogged, there have not been any admissions on that account since Dr. Rogers took charge. Consequently, any orders given by that officer as to the attendance of patients for the purpose of having their backs dressed could not have proceeded from the discontinuance of admissions at the instance of the Superintendent. Neither the Inspector-General, Indian Medical Department, nor his Deputy make any remark as to the conduct of the medical officer with respect to this matter, but it is obvious that the duty of determining whether a prisoner ought or ought not to be admitted into hospital rests with that officer alone, and that he ought to exercise his judgment in each individual case, for it is absurd to lay down one general rule for the treatment of all men who have been flogged. Such a renunciation of his proper functions as that pleaded by Dr. Rogers has never before come to my knowledge; it is diametrically opposed to the character and practice of the profession, and there is no proof that it existed in this instance. I am of opinion that no case has been made out against Mr. Grimes with respect to the matter discussed in this paragraph.

4. The practice of medical officers, as regards the admission into hospital of men who have been flogged, is not uniform. For example, at Rajahmundry,

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Belary, and Callagah, every man is received; whereas at Vellore, Salem, Trichinopoly, Channarayana, and the Penitentiary, only those whom the medical officer may select are admitted.

3. With reference to the infliction of corporal punishment without the previous concurrence of the medical officer, and the award of an additional number of stripes after the certificate of the medical officer had been obtained, Mr. Grimes explains that he acted in certain special and emergent circumstances described by him, and he submits that he was borne out by the Jail Rules in

Paragraphs 63, 255, and 259.

As regards this, I must observe that the discretionary power to which Mr. Grimes refers is not repeated in Act V. of 1860, which is now the authority under which corporal punishment is awarded for breaches of jail discipline;

Section XI, Class IV.

consequently, according to the letter of the law, the opinion of a medical subordinate is not sufficient, but that of the medical officer himself ought to be taken before the punishment is inflicted. The rule which requires the presence either

Paragraph 252, Jail Rules.

of the medical officer or of a medical subordinate has been duly observed, and the Superintendent himself has always been present as directed in the Act above quoted.

Section XI, Class IV.

6. I do not consider that the Deputy Inspector-General of Hospitals is qualified to pronounce upon the extent and character of the corporal punishment required for the maintenance of discipline. Mr. Grimes, although a strict Superintendent, is neither hasty nor impulsive, and I have no reason to believe that the punishments ordered by him are excessive. Out of 435 sentences of corporal punishment inflicted in the Central Jail during 1872, the large number of 402 were for less than sixty lashes, and the great proportion ranged from twelve to thirty-six lashes; but a statement of this kind does not convey an accurate idea of the proportion of persons punished. For instance, the number of prisoners who passed through the Central Jail during 1872 was 1130, and that of corporal punishments was 435, but, in point of fact, only 276 individuals were flogged, many having been so punished several times as shown in the enclosed statement. The maintenance of discipline and the enforcement of the satisfactory completion of the assigned tasks in a large Central Jail is by no means an easy matter. It is the duty of the Superintendent to see that the sentences of rigorous imprisonment are effectually carried out, and this cannot be done without punishment, the extent of which must vary according to circumstances. The population of these jails is composed of men convicted of offences of the most serious description. Many of them are intriguing, refractory, and dangerous. Such characters are always intent on evading the performance of their tasks, and they lose no opportunity of endeavouring to induce their simpler fellow-prisoners to follow their example. The difficulties with which Mr. Grimes has to contend as described in his letter, such as the disposition to shirk work, to injure the looms and warps, and such like, have been experienced in other large manufacturing jails, and with the same result, viz., an increase in the number of punishments.

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7. As it is evident that an Inspecting Medical Officer is not in a position to be able to form a sound opinion as to the extent of punishment required for the maintenance of discipline, it is incumbent upon him, in the event of his believing that it is his duty to draw attention to the administration of the Superintendent of a Jail in that respect, that he should state his views in a becoming and temperate manner. The language used by Dr. Johnston on this occasion is most objectionable, and I regret that it should have passed unnoticed by the Inspector-General, who has taken exception to a mere fault of style which is comparatively unimportant.

From H. R. GRIMES, Esq., Superintendent of the Central Jail, Coimbatore, to Lieutenant-Colonel W. J. WILSON, Inspector-General of Jails, dated Coimbatore, 19th April 1873, No. 32.

I have the honour to acknowledge the receipt of your letter, No. 1029, dated 9th instant, containing the enclosures noted in the margin, and calling on me for an explanation regarding the statements made in those enclosures. I have the honour to submit the following reply.

No. —, from the Deputy Inspector-General, Indian Medical Department, Southern District, to the Secretary to Inspector-General, Indian Medical Department.
No. 1823, from the Secretary, Inspector-General, Indian Medical Department, to the Deputy Inspector-General, Southern District.
No. 43, from the Zillah Surgeon of Coimbatore, to the Deputy Inspector-General, Southern District.
No. —, from Deputy Inspector-General, Indian Medical Department, Southern District, to Secretary to Inspector-General, Indian Medical Department.
No. 123, from Inspector-General, Indian Medical Department, to the Chief Secretary to Government.
Your letter, No. 1029, dated 9th instant.

2. The correspondence contains a series of charges, some vague and general, others special and particular, brought by the Deputy Inspector-General of Hospitals, Southern Division, against the discipline as administered in these jails. The charges may be resolved into the four following:—

I. Men who had been recently and severely flogged had not been admitted into hospital by the medical officer, and such non-admission was due to my opposition.

II. Corporal punishment to the extent of 100 lashes had been inflicted without the concurrence of the medical officer.

III. The number of lashes sanctioned by the medical officer had been on one occasion exceeded.

IV. Altogether the discipline ruling in these jails is needlessly cruel and calculated to provoke an outbreak.

3. (i.) As to the first charge, I beg to state the facts of the case as they stood on the morning of the Deputy Inspector-General's inspection. Out of 1,100 prisoners whom he inspected, there were twenty who had been recently flogged. Of these twenty, five were flogged on the medical officer's recommendation, viz., three for not washing themselves, and two for producing sores on their legs. Seventeen out of the twenty had been going daily to the hospital to have their backs dressed. The remaining three had only been flogged on the previous evening, and, had the medical subordinate, who was present at the time the punishment was inflicted, thought it necessary, he might have ordered them straight from the punishment to the hospital.

(ii.) The prisoners in both jails are inspected weekly by the medical officer and myself together. They stand back to back in two lines in their respective yards, sufficient space being left between the lines for us both to walk; the medical officer inspects the front of one line and I the other. Meeting at the end of the lines we then walk back between them inspecting the backs of the men. Every man is inspected naked once a month, and without his jacket three times a month; so that no man with a sore back can avoid being seen by the medical officer, who immediately directs any

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man to be taken out of the ranks whom he considers it necessary to send to hospital. The medical officer has never on this or any other occasion selected a man suffering from a sore back from flogging for admission into hospital, neither do I recollect his ever remarking to me that a convict so suffering ought to go to hospital. Moreover, from the monthly returns of sickness and mortality, it will be seen that there have been no admissions into hospital either under the usual heading "Punitus," i.e., jail punishments, or under the heading "Judicial," i.e., Magisterial punishments, ever since the present medical officer has been in charge of the jails, which dates so far back as September 1871, although in the former medical officer's (Dr. Davis') time men were occasionally admitted, as will be seen from the monthly returns from September to December 1870 and in the earlier part of 1871. I have, therefore, had no occasion to remark to the medical officer that by his admitting men into hospital after being flogged much of the force of my punishment would be lost.

4. To the second charge. I have the honour to reply that I have endeavoured to guide my conduct by the Jail Rules (paragraphs 68 and 256), which lay down that no prisoner is to undergo corporal punishment, "except in cases of great emergency," unless he is examined by the medical officer. This rule has been generally observed, but there have been occasions on which I have considered it necessary to have the floggings summarily inflicted, and these must be the occasions to which the medical officer refers in the sentence where he underlines the words "when sent to me." Such was the case complained of when I awarded a convict sentenced to fourteen years' transportation 100 lashes for instigating other convicts not to complete the task assigned to them; also, for endeavouring to bribe a Warder with a view to secure his dismissal. This I considered a case of "great emergency" deeply affecting the industrial discipline of the whole jail. I, therefore, sent for a medical subordinate, who certified to the convict's fitness to receive 100 lashes, and who was present during its infliction. This summary punishment had the desired effect, the work has steadily improved since, and I trust that in resorting to it with the safeguards of the medical subordinate's certificate and presence I have not contravened the Jail Rules.

5. The third charge is that of enhancing the punishment beyond the amount sanctioned by the medical officer. The case alluded to was as follows:—A Chinaman under sentence of transportation for life, being reported to me for kicking another Chinaman in the abdomen, was awarded twenty-four lashes, for which he was certified as fit by the medical officer. On returning from being examined, and prior to being punished, he threatened to kill the man who had reported him, whereupon the Jailer put him in separate confinement and reported the matter. During my inquiry into it the prisoner was insubordinate and attempted to seize the penknife from my table, which he was fortunately prevented from doing. I ordered him sixty additional lashes. Considering the case an emergent one and having already the medical officer's certificate that the prisoner could bear punishment, I had it summarily inflicted. It will thus be seen that this should rather come under the second charge. It was not a case of enhanced punishment, but a case of emergent punishment for a subsequent and very serious offence, and its justification depends on the interpretation of the Jail Rules as quoted above. This case occurred some months ago.

6. Before proceeding further, I beg in this place to answer your question (*vide* paragraph 3 of your letter under reply) calling for a full statement of all that has passed between the medical officer and myself. I have already mentioned that I have had no occasion to remonstrate with him about admitting men into hospital after being flogged. That it is not customary for him to do so is proved by the monthly returns of sickness and mortality. I have, however, remonstrated with him about his not upholding my authority, and the reason for my doing so was this. On the 11th of November last a convict was awarded eighteen lashes for idling, and was not passed as fit by the medical officer. I then ordered the man to be put on half diet in separate confinement for seven days. The medical officer, without assigning any reasons, recommended the man three-quarter diet, whereupon I wrote to him officially asking him for his reasons, and quoting paragraph 59 of the Jail Rules. Before I received his reply we met in the jail, and in conversation on the

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subject I remarked that I thought he was not upholding my authority in this case, also in passing many men as unfit for flogging. (You will observe that he states in his letter to the Deputy Inspector-General, that he has frequently prevented punishment by declaring men unfit to bear it.) The medical officer said in reply that he did his best to uphold my authority, and here the conversation ended. Shortly afterwards I received his official reply, in which he assigned his reasons for having recommended the increase of diet to the convict in question, and the diet was increased accordingly. This circumstance shows that the medical officer asserts his authority when he considers it necessary, and that my remonstrances are not allowed to have the injurious effect attributed to them.

7. I may further add, in reply to your questions, that the prisoners are sent to hospital every morning to have their backs dressed after being flogged, and it is determined by the medical officer when their attendance should cease. The question also of admission into hospital is solely determined by him. I myself and a medical subordinate are present at all floggings, and it is not customary for the medical officer to attend.

8. I now come to the last and gravest charge, which is that the discipline in these jails is needlessly and provokingly cruel. The punishments, it is true, have been numerous, but not severe, as will be seen from Statement No. VI., Judicial, of the Annual Returns for the year 1872. Out of 435 corporal punishments inflicted, 402 have been under sixty stripes, and most of these ranged from one to three dozen. This also appears from the returns of punishments submitted to you quarterly; and the absence of any entries under the head "Punitus" in the monthly returns of sickness and mortality is the strongest proof of the absence of cruelty. The increase in the number of punishments during the past year is due to two causes:—

(i.) The former Jailer has been replaced by a more active successor, and the Native Warders by Europeans and East Indians. In gradually introducing a closer supervision, opposition has been aroused, and many minor offences which formerly escaped report are now brought to light and meet with punishment.

(ii.) Large quantities of cloth, cumblies, sandals, &c., had to be supplied within certain dates, and on distributing the work it was found that the men were weaving (to take one chief branch of prison industry as a specimen) much less for their daily task than they were able to do. The task was three yards a day, and it was ascertained that elsewhere the task was four yards. Taking this into consideration, and also seeing men weave six yards and upwards, even to eleven yards, when an object was to be gained, I raised the task to four yards, which is well within the power of all to perform. The majority are now weaving more than five yards a day, and are gaining thereby a remission of a part of their sentences, while a few who have obstinately refused to complete the four yards have been consequently punished for idleness. No man has been punished for not fulfilling a task beyond his strength. The punishments have been for refusing to complete a reasonable task, for wilfully damaging prison property (some of the convicts have broken their looms, cut the warps, &c., in order to escape work), and for wilful mismanagement of work; and, had they not been inflicted, discipline could not have been maintained, of rigorous imprisonment there would have been none, and the jail as a whole would not have turned out the work required.

9. With reference to the contemplated outbreak alluded to by the Deputy Inspector-General of Hospitals, I have only to observe that, from constant intercourse, I believe myself well acquainted with the tone and temper of the convicts. I have not seen, nor do I see, the slightest indication of such a movement. With regard to myself it is true that on one or two occasions during the seven years I have been in charge of these jails, a rush has been made at me by an individual angry convict, but the assault has been unpremeditated on his part, and quite innocuous in its results.

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STATEMENT of the Number of Prisoners corporally punished during the years 1871 and 1872.

FOR THE YEAR 1871.		FOR THE YEAR 1872.	
Number of Prisoners.	Number of times corporally punished.	Number of Prisoners.	Number of times corporally punished.
182	Once.	189	Once.
29	Twice.	52	Twice.
19	Thrice.	15	Thrice.
5	Four times.	11	Four times.
2	Five times.	4	Five times.
3	Six times.	3	Six times.
		1	Seven times.
		1	Eight times.
142	25.71 per cent. to daily average strength.	276	46.10 per cent. to daily average strength.
Total number of corporal punishments during the year 220		Total number of corporal punishments during the year 435	

COIMBATORE,
12th April 1873.

(Signed) HENRY R. GRIMES,
Superintendent, Central Jail.

No. 141. ORDER THEREON, 23rd May 1873, No. 824.

The Governor in Council is of opinion that the subject of these papers calls for very serious notice on the part of Government, and he is by no means satisfied with the manner in which the Inspector-General of Jails has dealt with it in his report.

2. The complaints made by the Deputy Inspector-General of Hospitals against the management of the Coimbatore Jail are—

(1.) That prisoners are not sent to hospital for treatment after undergoing the punishment of the lash;

(2.) That such punishment has been inflicted in excess of that which a prisoner has been certified as fit to endure;

(3.) That punishment has been inflicted without the prescribed certificate having been obtained; and,

(4.) Generally, that the use of the lash in this jail is excessive.

On all these points the Governor in Council is of opinion that the case is proved.

3. In regard to the first it must be assumed that the cases which the Deputy Inspector-General himself saw were such as were, in a medical point of view, fit subjects for hospital treatment, and in this matter the medical officer of the jail is solely responsible.

Dr. Rogers excuses his inaction in the matter on the ground that the Superintendent of the Jail objected that his interference in such matters weakened his influence and injured discipline.

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Mr. Grimes asserts that he never objected to any proposal of Dr. Rogers to send any prisoner to hospital after flogging; but, from his own admission, it is evident that he had protested against interference by the medical officer in an analogous case, and in this respect the Governor in Council considers him to have been to blame. The medical officer is solely responsible for his recommendations for remission of punishment on the score of health, and these ought to be accepted by the Superintendent without comment, it being open to him to address the Inspector-General of Jails on the subject if he has reason to think that the discipline of the jail is being injured by them.

But Dr. Rogers is himself censurable for not having, as he himself admits, sent into hospital after flogging convicts whom he considered to require admission; and the reason he assigns for his failure is no justification for his neglect of duty.

4. As regards the infliction of punishment in excess of what a prisoner was certified by the medical officer as physically fit to bear, or in the absence of any certificate, Mr. Grimes justifies his action by reference to the Jail Rules of 1855 in regard to cases of emergency.

The Governor in Council observes that in this respect the Jail Rules were superseded by the Madras Jails' Act No. V. of 1869, Clause IV., Section 11 of which expressly provides "that corporal punishment shall not be inflicted on any male prisoner unless the medical officer of the jail shall state in writing that the prisoner can bear it without danger to his general health."

There is no exception in regard to "cases of emergency," neither can the Governor in Council admit that the instances detailed by Mr. Grimes were of so emergent a character as to have warranted deviation from the Jail Rules, even had the Act not been in existence. An hour's delay would have sufficed probably to obtain the certificate, and the cases were not such as to have rendered such delay in punishment a matter of importance. The Governor in Council views with much dissatisfaction Mr. Grimes' departure from the provisions of the law.

5. Finally, as regards the extent to which corporal punishment has been resorted to in this jail, the Governor in Council, while not opposed to the use of the lash as a means of preserving penal discipline in jails, is decidedly of opinion that the frequent and habitual resort to it in any jail is evidence of defective administration, and that the fact that in the Coimbatore Jail the number of such punishments in the year was more than 46 per cent. on the convict strength is in itself strongly condemnatory of the system there pursued, even though it be the case that in many instances the same prisoner was punished repeatedly. The Inspector-General of Jails points out that, in fact, only 276 convicts were flogged in the year 1872 out of a total number of 1130 who passed through this jail, and that, out of the 435 sentences of corporal punishment, 402 were for less than sixty lashes; but he furnishes no analysis of the offences for which these numerous punishments were inflicted, and, on general considerations, the Government are satisfied that their frequency must have been excessive.

6. What has been brought to their notice on this occasion convinces the Government that further information on the subject of corporal punishment in jails is necessary, and they accordingly direct the Inspector-General of Jails to submit without delay a statement for the last two years of the number of cases in which

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prisoners were flogged as a matter of jail discipline in all the Central and District Jails, distinguishing the offences, the number of lashes in each case, and the cases in which this punishment was inflicted for a first offence. The Inspector-General will draw the attention of all Jail Superintendents to Act V. of 1869, and make them clearly understand that where the provisions of the Act and the Jail Rules of 1855 are inconsistent the Act supersedes the Rules.

The Government do not doubt, from what has been established elsewhere, that in many cases restrictions in diet and separate confinement would be found as efficacious as the more brutal punishment of the lash.

(Signed) W. HUDLESTON,
• *Chief Secretary.*

Govt. of 1873
JUDICIAL.

THE INSPECTOR-GENERAL,
INDIAN MEDICAL DEPARTMENT,
GOVT. OF INDIA.

1744 May, 25th.

Recd.

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G. O., 22nd May 1873, No. 824.

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Nos. 139-141.

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