M.R.O. 1—82,400—23-11-33.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2476 Press ~~Mis.~~

Dated 2 — 12 — 1881.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

Extract from the Proceedings of the Government of India in the Home Department (Judicial), dated Simla, 16th November 1881, No. 11—1487-99 [Current No. 3482].

Read—again—

Circular letter to the Local Governments and Administrations, Nos 5—388-97, dated the 18th March 1881.

Read also—

The replies to the above circular:—

Letter from the Government of Madras, No. 943, dated the 12th May 1881.
" " Bombay, No. 5029, dated the 3rd August 1881.
" " Bengal, No. 987 P.T., dated the 27th June 1881.
" " North-Western Provinces and Oudh, No. 434, dated the 14th April 1881.
" " Punjab, No. 2085, dated the 30th May 1881.
" Chief Commissioner of the Central Provinces, No. 1567-65, dated the 5th May 1881.
" " British Burma, No. 2614-68 F., dated the 20th April 1881.
" " Coorg, No. 217-12, dated the 7th May 1881.
" " Assam, No. 537, dated the 6th May 1881.
" Resident at Hyderabad, No. 182, dated the 9th May 1881.

Resolution—

The Superintendent of Port Blair and the Nicobars and the Comptroller of Convicts in the Straits Settlements having represented to the Government of India the desirability of relaxing the existing rule under which life-convicts sentenced to transportation for certain crimes * are, save in exceptional cases, absolutely debarred from all hope of release, the Local Governments and Administrations were requested to favor the Government of India with their views as to whether any relaxation of the rule was possible; and, if so, to what extent and subject to what safeguards. The replies received disclose a general consensus of opinion against the release in any case of persons convicted of thuggee or the cognate crime of robbery by administering poisonous drugs; and the Governor-General in Council concurs in this view.

* Thuggee; dacoity; robbery by administering poisonous drugs; other forms of organised crime.

In regard to dacoits there are considerable differences of opinion. While some authorities are opposed to any relaxation of the existing rule, others would except only professional dacoits from the privilege of release, while some think that even professional dacoits might safely be allowed to be at large after a sufficiently long term of transportation. The Governor-General in Council has no doubt that there are dacoits of the professional or hereditary type whom it would be dangerous to release under any circumstances. On the other hand, it seems unnecessary on this

account to prescribe the whole class of criminals convicted of what is technically termed dacoity. His Excellency in Council attaches considerable importance to the view urged by the authorities in charge of the penal settlements, viz., that to deprive a large class of criminals of all hope of ultimate pardon is likely to lead to serious difficulties in the administration of the settlements, and he believes that under certain safeguards "dacoits" may unobjectionably be released save in the exceptional cases above referred to. It does not, however, appear right that it should lie with the Settlement authorities to determine whether a prisoner falls within the category of those professional dacoits whom it might be dangerous to release. The Settlement authorities should look merely to the conduct of the so-called "dacoit" while under their charge and be guided in their recommendations by facts within their knowledge. It is for Government to decide whether those recommendations can properly be complied with.

2. In accordance with the above view, the Governor-General in Council is pleased to authorise the officers in charge of penal settlements to recommend the release of any life-convict sentenced for dacoity, after twenty-five years of transportation in the case of a convict at the Andamans, and after thirty years in the case of a convict in British Burma and the Straits Settlements, provided that the convict on whose behalf such a recommendation is made is considered to have earned a claim to the indulgence by a sustained course of good conduct in transportation. On receipt of the recommendation by the Government of India, the Local Government, from whose jurisdiction the convict was transported, will be asked to report whether he belonged to any professional gang, or was known to be a hereditary dacoit; also whether any members of his family, or any of their connections, are living; and, if so, how they are employed; and, generally, whether release can safely be granted conditionally on police surveillance and residence in a place to be assigned by the Local Government. In the event of the report being considered favorable, release will be sanctioned subject to the foregoing or such further conditions, if any, as the Local Government concerned may think fit to suggest, and as may commend themselves to the Governor-General in Council.

3. In the case of life-convicts under sentence for dacoity whose health may have broken down at the penal settlements, it will be within the competence of the authorities in charge of the settlements to recommend release before the expiry of the periods specified in the preceding paragraph. In these cases the Governor-General in Council will be prepared to consider the question of releasing them, provided that there is no valid objection to this, and that they have friends or relatives who are able and willing to support them.

4. The orders now given with reference to dacoits may be held to apply to prisoners convicted of any other class of organised crime, not being thuggee or robbery by administering drugs.

Order—

Ordered, that this Resolution be communicated to the Local Governments and Administrations noted on the margin for information; to the Chief Commissioner of British Burma for information and guidance; to the Foreign Department for information; and to the Superintendent of Port Blair and the Nicobars for information and guidance.

Madras.	Central Provinces.
Bombay.	Coorg.
Bengal.	Assam.
N.-W. P. and Oudh.	Hyderabad.
Punjab.	

(True Extract.)

(Signed) A. MACKENZIE,
Offg. Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

ORDER—dated 2nd December 1881, No. 2476, Judicial.

Communicated to the Inspectors-General of Police and Jails with reference to G.O., 12th May 1881, No. 942.

2. In order that the requisite information may be available in the event of Government being hereafter required to furnish the report referred to in paragraph 2 of the foregoing letter when the release of a life-convict, sentenced for dacoity or similar crime, is recommended to the Governor-General in Council, the Honorable the Judges of the High Court will be requested to direct all Session Judges, in modification of the standing order regulating the destruction of calendars, to preserve copies in all cases where sentences of transportation for life have been passed on convicts of the classes specified.

(True Extract.)

Chief Secretary.

To the Hon'ble the Judges of the High Court, with covering letter.
" Inspector-General of Police.
" Inspector-General of Jails.

Exd. T. O'Connor

Govt. of [1881] Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 2nd December 1881, No. 2476.

DECEMBER.

Life-Convicts.

Relaxation of the rule under which life-convicts sentenced to transportation for certain crimes are debarred from all hope of release.

CURRENT No. 3422

No 684-75

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—under date Simla, the 15 November 1881.

READ again—

Circular letter to the Local Governments and Administrations, Nos. 5—388-97, dated the 18th March 1881.

Read also—

The replies to the above circular :—

Letter from the Government of Madras, No , dated the 12th ~~March~~ 1881.
„ „ Bombay, N 9, dated the 3rd August 1881.
„ „ Bengal, No .-T., dated the 27th June 1881.
„ „ North-Wes rovinces and Oudh, No. 434, dated the 11th 1881.
„ „ Punjab, No , dated the 30th May 1881.
„ Chief Commissioner of the gral Provinces, No. 1567-65, dated the 5th May
„ „ Britis rma, No. 2614-68F., dated the 20th April 1881.
„ „ Coorg, 217-12, dated the 7th May 1881.
„ „ Assam . 537, dated the 6th May 1881.
„ Resident at Hyderabad, No , dated the 9th May 1881.

RESOLU ION.

THE Superintendent of Port Blair a he Nicobars and the Comptroller of Convicts in the Straits Settlements h g represented to the Government of India the desirability of relaxing the sting rule under which life-con- * Thuggee; dacoity; robbery by administering poisonous drugs; other forms of organised crime. vict entenced to transportation for cer- tain imes* are, save in exceptional cases, absolutely debarred from all hope of ase, the Local Governments and Administrations were requested to fav the Government of India with their views as to whether any relaxation of t ible was possible; and, if so, to what extent and subject to what safeguards. e replies received disclose a general consensus of opinion against the release n any case of persons convicted of thuggee or the cognate crime of robbery by administering poisonous drugs; and the Governor General in Council con urs in this view.

In regard to dacoits there are conside ble differences of opinion. While some authorities are opposed to any re xation of the existing rule, others would except only professional dacoits rom the privilege of release, while some think that even professional dacoits ight safely be allowed to be at large after a sufficiently long term of transportation. The Governor General in Council has no doubt that there are dacoi of the professional or hereditary type whom it would be dangerous to rel e under any circumstances. On the other hand, it seems unnecessary on his account to proscribe the whole class of criminals convicted of what i chnically termed dacoity. His Excellency in Council attaches considera importance to the view urged by the authorities in charge of the penal set ements, *viz.*, that to deprive a large class of criminals of all hope of ultima pardon is likely to lead to serious difficulties in the administration of the s lements, and he believes that under certain safeguards 'dacoits' may unobject ably be released save in the excep- tional cases above referred to. It does no owever appear right that it should lie with the settlement authorities to det ine whether a prisoner falls within

the category of those professional acoits whom it might be dangerous to release. The settlement authorities should look merely to the conduct of the so-called "dacoit" while under their charge and be guided in their recommendations by facts within their knowledge. It is for Government to decide whether those recommendations can properly be complied with.

2. In accordance with the above view, the Governor General in Council is pleased to authorise the officers in charge of penal settlements to recommend the release of any life-convict sentenced for dacoity, after 25 years of transportation in the case of a convict at the Andamans, and after 30 years in the case of a convict in British Burma and the Straits Settlements, provided that the convict on whose behalf such a recommendation is made is considered to have earned a claim to the indulgence by a sustained course of good conduct in transportation. On receipt of the recommendation by the Government of India, the Local Government from whose jurisdiction the convict was transported will be asked to report whether he belonged to any professional gang, or was known to be a hereditary dacoit; also whether any members of his family, or any of their connections are living; and, if so, how they are employed; and, generally, whether release can safely be granted conditionally on police surveillance and residence at a place to be assigned by the Local Government. In the event of the report being considered favourable, release will be sanctioned subject to the foregoing or such further conditions, if any, as the Local Government concerned may think fit to suggest, and as may commend themselves to the Governor General in Council.

3. In the case of life-convicts under sentence for dacoity whose health may have broken down at the penal settlements, it will be within the competence of the authorities in charge of the settlements to recommend release before the expiry of the periods specified in the preceding paragraph. In these cases the Governor General in Council will be prepared to consider the question of releasing them, provided that there is no valid objection to this, and that they have friends or relatives who are able and willing to support them.

4. The orders now given with reference to dacoits may be held to apply to prisoners convicted of any other class of organised crime, not being thuggee or robbery by administering drugs.

ORDER.—Ordered, that this resolution be communicated to the Local Governments and Administrations noted on the margin for information; to the Chief Commissioner of British Burma for information and guidance; to the Foreign Department for information; and to the Superintendent of Port Blair and the Nicobars for information and guidance.

Madras.	Central Provinces.
Bombay.	Coorg.
Bengal.	Assam.
N. W. P. and Oudh.	Hyderabad.
Punjab.	

(True Extract.)

A. Mackenzie

Secretary to the Government of India.

To the Secretary to the Govt. of Madras.

Govt. Central Branch Press, Simla.—No. 731 H. D.—15-11-81.—222.

Remission to Life Convicts

N CIRCULATION.

Judicial Department.

25-11-87

3. The Right Honorable The GOVERNOR.

~~His Excellency The COMMANDER-IN-CHIEF.~~

2. The Honorable W. HUDLESTON.

1. The Honorable D. F. CARMICHAEL.

Send with Cover to Thos. J.P. 28/11

Rule

Remarks, with reasons.

Govt. 12 May 1887. No. 942.

His Excy. The
Lieut. Governor.

Sir,

I have the honour to forward herewith Petitions of Prisoners in the Fife Convict Establishment for Commutation of Sentence to Transportation for Life.

I have the honour to be,
Sir,
Your most obedient
humble Servant,
(Signature illegible)
Superintendent.

No. 942 J - 12-5-87.

I. D. 11

From Govt. of India, Home D. No 11 of 1887

16 Novr/87 —

For orders.

This is the resolution of G. of I. on the question of allowing remission to life convicts in certain cases.

Thugs & poisoning robbers are to be excluded, but all others are to have a 'spes libertatis' — The release of Dacoits & persons convicted of organized crime are not dealt with the Officers of the penal settlement, but with the Govt — G. of I. after on consideration of a report from the Local Govt. — inter alia — as to whether the man belongs to a professional

This applies to be Supt Andaman Islands & Commissioner of Prisons Central Provinces —

or hereditary criminal gang
or class —

As legal memory will not
~~[illegible]~~ cover the 25 years
term, will it not be necessary
to prescribe a rule requiring
convicting Courts, &c or rather
Dist. Magrs., to record a short
history of the convicts, con-
templated in para 2 of
Richd's Letter. (before they are transported.) At present
for what accompanies them
a bare descriptive roll.?

Jud Department.

15

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter

From the Govt. of India
dy 18 Nov. 1887. No. 7/148/29.

Rules. 2nd Dec. 1881, No 2476.

Immunity to the Lg.
Police and Jail visits
Appeal to H.C. 12 Lucy
1887. No. 942.

2. In order that the
requisite information
may be available
in the event of Govt
being hereafter re-
quired to furnish
the report referred

Extraction of Calendars,
to prevent copies in
all cases where cer-
tificates of Examination
for life have been
granted in convicts
of the classes specified

(From orders)

The Hon. the Judges
with C.C.
a L.G. Police
a L.G. Jails.

Dec 15/12

D 15/11.

the foregoing letter,
when the release
of a life-convict
sentenced for Dacoity or similar crime
is recommended to
the L.G. in Council,
the Hon. the Judges of
the High Court will
be requested to
direct all the Judges,
in modification of
the Standing orders
regulating the de-

Govt. of {188 } Madras.

Dated } 188 , *No.*
Recd. }

Nos.

Govt. of H.S.H. Khadras.

Just

DISPOSED OF

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BY G.O. NO. 24/6

16—3—91

28—2—92

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21-9-05

19-5-06

14-12-08.

17-7-11

17.1.12

1-12-16

9-11-34

Life-convicts. Relaxation of the rule under which life-convicts sentenced to transportation for certain crimes are debarred from all hope of release.