M.R.O. 1—77,006—8-6-37.

(1) Number of pages 34

(2) Date of repair 22. 11. 45

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 198-99 Press / Mis.

Dated 26-1- 1894.

Not to be folded or roughly handled

Madras Jail Code

Second list of Corrections

Rule 59, line 6, for the word "fortnight" read "half month"

Rule 77, line 10, for the word "fortnight" read "half month"

Rule 201. For "1st grade Rs 45 — 1 — 50" read "1st grade Rs 40 — 2 — 50"

Rule 237, clause (4), in line 1, for "six months" read "three months" in line 2, for "three black marks" read "one black mark" in line 3, for "two months" read "three months"

Rule 379, line 7. for the words "two years" read the words "one year"

Rule 381. lines 1-2, for the words "two years" read the words "one year"

Rule 384. Line 3. for the words "became a prisoner" read the words "was sentenced". at the end, add. "If a prisoner is admitted under a sentence of less than one year and is

subsequently sentenced to a further term which makes up the aggregate to one year, he shall commence to earn marks on the first day of the calendar month next, following that in which the second sentence was passed. Provided that no sentence on account of escape, attempt to escape, or outbreak in jail shall qualify a prisoner, not otherwise eligible, to earn marks

Rule 385 - Cancel clauses C1. and C2 and substitute for them the following:-

C. one mark daily for any day on which special diligence in work is shown.

Rule 393 - line 2. for the word "fifty" read the words "one hundred"

line 4 for the words "one hundred" read the words "five hundred"

line 10 for the figures "500" read the figures "1000".

Rule 399. for lines 1 and 2 read. "The award of credit marks for measurable work shall be made by the superintendent

himself in the presence of the prisoners, provided that, with the special sanction of the Inspector General, he may delegate the whole or a part of this work to the Jailor or to the Deputy Jailor.

Rule 406. For the first 23 words read:- "Superintendents shall forward to the Inspector General soas to reach him not later than the 10th of every month," and cancel the last 24 words of the rule.

Rule 408. At the end add: "During transfer prisoners shall be entitled to marks for conduct but not for industry.

Rule 428 Note to diet Scale of Native Convicts and Under trials; before the words "Native female convicts" insert the words "Under trial prisoners"

Rule 429 1 N. B. at the end, after the word "necessary", add - "Other extras will only be allowed on spoon milk diets."

Rule 881. line 3, after the words "on the first morning" insert the words "not being a Sunday or holiday" line 6 after the words. "Civil Prisoners' Register" insert comma and the words, - "by checking these entries with those relating to Civil Prisoners' batta in the Cash book

Rule 968. After this rule insert in following:-

Note. As regards the legality and date of execution of sentences of whipping, reference should be made to the Advocate General's Opinion recorded in G.O. 5th February 1891. No. 243. Judicial

Rule 1056. line 1, at the beginning, insert the word "male" before the word "juveniles"; delete the word "Kistna" opposite to the heading "to the district Jail Bellary," and add the following:-

Godavari Kistna	To the Central Jail Rajahmundry.

Rule 1174. in line 3, for the words "on the receipt side" read "in the receipt column", and in line 5 for the words "on the disbursement side" read "in the payment column"

Rule 1187. in line 2 for the words "on the receipt side" read "in the receipt column", and in line 5 for the words "on the opposite page" read "in the payment column".

Rule 1224. line 5, after the word "detailed" insert the words "any bill of permanent establishment on the graded list in Form 6, Civil

Account Code. Vol I, 5th Edition

(3) detailed".

Rule 1233. For Clauses XIV and XV, substitute the following:—

XIV. Hospital Charges. These shall include the three following sub-heads, each of which shall be supported by a separate detailed statement in manuscript, namely:—

(1) All diet issued to the sick in Hospital, whether such diets are in accordance with the ordinary scales of Jail diet (Rule 428), or whether they are in accordance with the ordinary scales of Hospital diet (Rules 729 & 730) or whether they are extras. Whatever a prisoner eats in Hospital shall be here included.

(2) All extra articles of diet and all substituted articles of diet issued on medical recommendation to prisoners not in Hospital e.g. rice issued instead of ragi to convalescents, extra food allowed to prisoners losing weight etc. All such extra or substituted articles shall be shown in Form 63 against the heading "Extra Rations," besides being accounted for in a separate detailed manuscript statement.

N.B. It will be noted that not the whole dietary of Convalescents or other prisoners receiving extra or substituted food on medical recommendation is to be debited to Hospital charges, but only the extra or substituted articles.

(3). All Hospital supplies (other than articles of diet), medicines, necessaries, cost of vaccine lymph, firewood supplied to hospital, and the like.

Rule 1233. Renumber clause XVI as clause XV.

Rule 1253. line 5: for the scale here given substitute the following :—

(A). For practice (annually).

Reserve warders .. 60 rounds ball & 80 rounds blank } per man

Other warders. 40 rounds ball & 50 rounds blank } per man

(B). For service.

Reserve warders. 50 rounds buckshot.

Other warders. 30 rounds buckshot.

(C). Revolver Ammunition

For practice. 24 rounds ball per revolver annually.

For service. 12 rounds ball per revolver.

For the purposes of this rule the Reserve warders shall be held to be one third of the warder force.

Rule 1254. line 5 after the words "civil stores" insert the words "including live-stock."

Rule 1282. line 4 after the words "to the officer supplied," insert the words "as soon as possible after despatch of the goods."

Rule 1362. line 8, for the words "supply their own food" read "supply themselves with the several articles of diet and with the quantities mentioned in the scale"

At the end add: "Such articles shall not be supplied cooked except on a special order of the Subdivisional Magistrate which should only be made in cases where the social position or former habits of the prisoner render it desirable."

Rule 1380. Cancel the last 6½ lines read:—

"These inspections shall be made at irregular intervals and without any previous notice. Every District Magistrate shall submit to the Inspector General half yearly, by the last day of February and of August respectively a consolidated return showing for each Subjail in his district all entries which have been made in the Inspection Register during the previous half-year (ending 31st December and 30th June respectively). This return shall be in the same form as is given in Appendix iii, p. clxv, but with columns added for the name of the Subjails and of the Taluks in which they are situate.

Form 34. Cancel all entries relating to

to Classes i – ii and iii

Forms 63 & 64. Cancel all headings and entries relating to Classes i – ii & iii

Annual Statement C. App. III. p. clxx. for the sub-columns headed "Two years exactly" in cols 4, 5, & 6, read,

(1) one year exactly

(2) not exceeding 2 years.

and in Note (1) to the same, for the words "under 2 years" read "under one year."

Sub Jail Registers. (1) Admission Register p clxii.

Add notes:–

(1) The cols: relating to sentence and date of sentence may be left blank in the case of prisoners received by transfer or en route.

(2). Particulars of Prisoners' Property (other than clothing) may be noted in red ink in the margin or in a Remark column.

Sub Jail Returns. Statement No. VIII. Add a Col 4A. "En route or otherwise unemployed" and in note insert "4A" after "4".

No. C/1872

Camp Madras.

OFFICE OF THE INSPECTOR-GENERAL OF JAILS,

Dated 15th November 1893.

From

A. G. Cardew Esqr. M.A. C.S.

INSPECTOR-GENERAL OF JAILS,

To

THE

CHIEF SECRETARY TO GOVERNMENT.

SIR,

Enclosure.

I have the honour to submit for the sanction of Government the second List of Corrections to the Jail Code, embodying those changes which have been ordered by Government and proposed amendments of those errors and defects which have been brought to light since the Code was introduced; as follows:–

Rules 59 & 77. It is more convenient that Superintendent and Medical officer's Journals shall be submitted regularly on the middle and last day of each month, than at fortnightly intervals which are variously calculated by different officers.

Rule 201. The scale of pay entered here is erroneous and it is proposed to substitute the correct scale shown in Proposition statements sanctioned in G.O. 24th June 1892, No. 666 Finl.

Rule 237. It is proposed to bring this rule, regulating the period of good conduct necessary to cancel black marks, into accord with Police order 238(iii), the period at present laid down being found to be excessive.

Rules 379, 381, 384, 385, 393, 399, 406 & 408. are — amended with reference to G.O. 18: October 1893. N: 2177 and the Remission Rules in the Jail Code will thus be brought into agreement, on all material points, with the Rules annexed to Home Department Resolution N: 10 (Jails) - 610 - 623. The amendments ordered in para 1 & 2 of G.O. 18: October 1893 N: 2177 are made. In Rule 384 it is proposed to amend the words "became a prisoner" because they are ambiguous and do not show whether a prisoner who is detained a week in a sub Jail is entitled to marks at the beginning of the month following his sentence or at the beginning of the month following his admission into a District or — Central Jail. 110: 15 / 93

Rule 428. In the scale of Diet for "Natives convicts and Under-trials" as revised in the first list of Corrections, although the heading refers to "Under trials" no provision is made for them in the scale which follows. It is now proposed to supply this omission and to treat Undertrials as non-labouring prisoners, as in fact they are.

Rule 729. The addition proposed to the Note in this rule occurred in the Code of 1882, vide page 169, and was omitted from the new Code through oversight.

Rule 881. In this rule words are proposed to be introduced in line 3 to render it clear that a Superintendent is not required to release a Civil debtor on a Sunday or holiday, and in line 6 to draw Superintendent's attention to the necessity of checking the entries in the Civil Prisoners Register by those in the Cash-book, before releasing a civil debtor for non-payment of batta.

Rule 968. A reference G.O. 5: February 1891 N: 243 has been added, as it is found that the terms of the Advocate General's opinion therein recorded are lost sight of.

Rule 1056 - Amended with reference to G.O. 7: October 1893. N: 2089.

Rules 1174 & 1187. The phrases which is proposed to amend in these rules imply that the Cash book has separate pages for receipts and disbursements, whereas in fact it has separate columns but not separate pages. Vide Form N: 31.

Rule 1224. The words here proposed to be inserted seem to have dropped out in the printing of the Code.

Rule 1233. It is proposed to amend this so as to embody the revised instructions on Hospital charges — referred to in this office Letter N: 4676 dated 7: October 1893. G.O. 2207 - 23 10 93

Rule 1263. This amendment is rendered necessary by Home Department Resolution 11 Jails - 416 - 497 dated 5: September 1893 recorded in G.O. 26: September 1893 N: 1977.

Rule 1254. Insertion proposed with reference to para 2 of the Accountant General's Letter N: 2543 dated 10: September 1886 recorded in G.O. 1: October 1886 — N: 1007 Fin: L.

Rule 1282. Insertion proposed, as it is found that delays occur in preparing and forwarding invoices thus delaying the adjustment of the charges.

Rule 162. This amendment is proposed in consequence of a reference from the District Magistrate of Malabar who pointed out that the rule, as at present framed, permits the free introduction of cooked food into Subsidiary Jails. This is contrary to the rule laid down for District and Central Jails and the District Magistrate considered it dangerous, as enabling under-trials prisoners to procure poison. It is proposed to bring the rule into agreement with Rule 920.

Rule 1380 – The amendment here proposed is necessary to make it clear 1st that the return of Sub Jail Inspections is to be a consolidated one for each District 2nd that it is due by a fixed date. At present it is often submitted many months late and in some instances it has consequently been lost sight of and has ceased to be submitted at all in the past.

Forms 34, 63, 64. These amendments are consequent on the revision of diet scales (Rule 428) which was introduced by the First List of Corrections. | Go. 1121 [illegible] 5 93

Annual Statement C – Vide Go. 26 May 1893 – No. 1078 and Go. 18 October 1893, No. 2177.

Sub Jail Registers (1). This amendment is made in consequence of suggestions received from the District Magistrate of Malabar.

Sub Jail Returns VIII Several District Magistrates have drawn attention to the necessity of amending this Statement as it furnishes no means at present of accounting for prisoners who are en route or otherwise unemployed.

2. On receiving the orders of Government the list will be printed, and copies supplied to all officers furnished with the Jail Code and Subsidiary Jail Rules.

I have the honour to be,
Sir,
Your Most obdt. Servt.

A. G. Cardew
Inspr. Genl. of Jails.

1495

JUDICIAL.

JAIL. (1893) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS,

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated 15th
Despatched
Received 16
November 1893.

No. 9/1872

CHIEF SECRETARY'S GOVERNMENT 16 NOV 93

ENCLOSURES. One

Subject.

Submits with remarks 2nd draft of corrections to the Jail Code —

To await G.O. 9/18 Oct'93 & 2177/8
As ordered by H.E.
pkbp. 25/11

Ref 1711

25/11

G.O. 2207: 23.10.93. mis
G.O. 2177/8: 18.10.93 mis (ab)
G.O. 2089: 7.10.93 mis
G.O. 1977: 26.9.93 mis
G.O. 1532: 1.8.93 mis
G.O. 1530: 1.8.92 mis
G.O. 1346: 3.7.92 mis (ab)
G.O. 1078: 26.5.93 mis (Jail)
G.O. 1012: 16.6.90 "
" 46/8: 3.3.93 &c.
" 110: 18.1.93 &c.
" 666/7: 24.6.92 &c.
" 243: 5.2.91. Jail &c.
" 1007: 1.10.86 &c. Jail.

~~2 Circulars Add & New Jail Codes~~

H.M.

For orders.

Jail Department. 13 → 15

Current No. 1957

From the I.G. of Jails.

Dated 15 Nov 1893.

FOR ORDERS.

The wording of Rules 60 & 61 requires alteration — For "He" at the beginning of Rule 60, & for "he" in the 2nd line of Rule 61, read "the Supt."

WP

WP

I went Cabinetwise into the question of black marks in the Jail Dept. years ago & imagine that I shall support rather now what I then thought would right — Put up the Jail Dept. Rules with the others.

WP
3/1

The remarks in this note (as far as approved) had better be comd. to the I.G. of Jails, whose attention should also be directed to the Jail Dept. B.Rs. C.O., & who can then redraft his Bk. rules — afterwards, when we have the Jail B.Rs. Rules in order the I.G. of Police may be asked to bring his rules into accord — or, perhaps better still, the two I.Gs or the Comrs. of S.D.A.R. may be directed to form a Comm. to frame B.Rs. rules of general application

WP
20/1/94

(1) The proposed amendments in Rules 59, 77 & 201 do not call for any remarks.

(2) The rules regarding Black marks which appear in Rule 237 of the Jail Code differ in several respects from those in Police Order 238: In the Police one B.M. only may be given at a time; 3 months' good conduct wipes off one B.M., 6 wipes off 2 B.Ms., 9 wipes off 3 B.Ms., 12 wipes off 4 or 5 B.Ms. In the Jail Dept. three B.Ms may be awarded at a time; 6 months' good conduct wipes off 3 B.Ms, 8 wipes off 4 B.Ms, 10 wipes off 5 B.Ms.

Mr. Cardew proposes to adopt the Police rules so far as regards cancellation of B.Ms & to this proposal there is no objection but the rules require further alteration & elucidation. It is the rule in the Police (though the fact is not brought out clearly in Police Order 238) that B.Ms cannot be

wiped off gradually. Thus, if a Constable gets a B.M. in May & another in July & then behaves himself properly for 3 months, he is not thereby entitled to the wiping off of one of his two B.Ms; he must behave properly for 6 months, i.e. until the following January, before any of his B.Ms are cancelled & then both of them are wiped off. Both in the Jail Code & in the Police Order Book it ought to be made clear that this is the intention.

Again it is objectionable to permit the infliction of more than one B.M. at a time; the Jail Code should be brought into accord with the Police Order Book on this point.

Further the Jail Code should contain a provision that fine, reduction & suspension carries with it a B.M. (or, better still, both Codes should provide that the authority inflicting fine, suspension or reduction may direct the award of a B.M. along with it, subject however to the proviso that a B.M. may not be awarded along with reduction when the reduction itself is the result of the culprit receiving 3 B.Ms.

Also in clause (3) of Jail Code Rule 237 the word "dismissal" should be substituted for

14

FOR ORDERS.

I prefer the gradual wiping off of B.Ms. HS 20/1

Yes HS

Yes

No

Yes

HS

Yes HS

17

X The delegation under this rule should be by name of person ~~[illegible]~~, not by name of office, & will thus need to be renewed with each change of incumbent. HS 3/1

The Code sh.d in this respect be brought into exact accordance with the G. of I. Mark Rules HS 3/1

As the Code stands, a lifer at the end of 25 years minus remissions must be sent to the Andamans where (presumably) he will get a ticket & have to support himself. I can understand this. Under the G. of I. Mark Rules, he is at that period to go to the Andamans, if he so desires and is capable of earning his living. But if he does so desire & is not so capable, what is to become of him? If he is to be retained in custody, what good have the Mark Rules done him? If, on the other hand, he is to be released, we shall have too many murderers &c at large — Please explain the position HS 3/1

17 15

"discharge".

1) The amendments proposed in Rules 379, 381, 384, 385, 393, 399, 406 & 408 are necessary but even after making these amendments Chap. XXI of the Jail Code will not be in exact accordance with the Mark Rules contained in the Appendix ~~[illegible]~~ to the G. of I. Resolution read in G.O. dy 18 Jan. 1893, No. 110, Ind.l.

(2) The G. of I. Mark Rules declare that (I) Thugs, (II) Robbers by the administration of poisonous drugs, (III) professional, hereditary & specially dangerous criminals convicted of heinous organized crime are eligible for remission under the Mark system & explain how such remission shall be awarded. Rule 379 of the Jail Code implies that such criminals are entirely beyond the pale of the Remission system. The Jail Code, needs alteration therefore.

(b) Further, the G. of I. Mark Rules state that criminals of the kind referred to above shall at the expiry of 25 years (less remission earned) be transferred to the Andamans if they so desire & are capable of earning their livelihood. On the other hand Jail Code Rule 382 (which is also inconsistent with Rule 379 in implying that prisoners of Class I may earn remission) states absolutely that

criminals after said Rule shall be transferred to the Andamans on the expiry of 25 years (less remission). After again an alteration is necessary.

~~And the High Court has decided that~~
~~the Govt of India Code Rule [illegible]~~
~~to be made to read~~
~~[illegible] is ultra vires~~
~~[illegible]~~

(c) Jail Code Rule 389 differs in some important respects from G. of I. Short Rule 9 but the Jail Code rule seems the better. However the G. of I. has laid down that it Short Rules shall be adopted & it seems therefore necessary to amend Jail Code Rule 389.

d) Jail Code Rule 390 does not appear among the G. of I. Short Rules.

~~[illegible] appears to be a mistake,~~
~~[illegible] Code rule does not~~
~~[illegible]~~

(e) Jail Code Rule 394 & the G. of I. Short Rule 13 are not in exact accordance but it is perhaps unnecessary in this case to alter the Jail Code Rule.

f) Jail Code Rule 395 is no doubt necessary but does not appear in the G. of I. Short Rules. For the present at all events it may stand.

Yes
HS
3/1

The Code rule simply points out in (2) no portion of punishment from misconduct to which the penalty of total forfeiture remarks cannot apply to date is attached. Let it stand.

HS
3/1

This notice is inconsistent with the Jail Rules, but rather an Executive direction as to how they are to be applied. It will stand.

HS
3/1

Yes
HS
3/1

Yes - It is clear, I suppose, that the man's release is not to be delayed pending the orders of Govt - That seems to be the obvious intention of the Short Rules, para 5 (i) H.S. 45.401 C.M. notwithstanding - Perhaps better add a few words to make the point clear.

HS
3/1

X An alteration is proposed in the Note to this Rule - But in my opinion is no note!
HS
3/1

O I don't find any such rule in my copy!
HS
3/1

Yes - I recall the argument as to the Jail Code holiday & attend to the matter.
Supt
HS
3/1

It will no doubt need amendment when the new Prisons Act is passed.

g) Jail Code Rules 396, 397 & 398 have no exact counterpart in the G. of I. Rules but may stand.

h) The same remark applies to Jail Code Rules 400 & 401.

i) It is necessary to add to Jail Code Rule 406, as amended, the following sentence: —
"The I.G. shall satisfy himself of the correctness of the remission statement & forward it at once to the Chief Secretary to Govt in view to obtaining formal sanction for release under sec. 401 Cr. P. C."

(4) The proposed amendments of Rules 425 & 729 call for no remarks.

(5) As regards the proposed amendment of Jail Code Rule 551 it will be observed from Jail Code Rule 553 that prisoners whose sentence expires on a holiday must be released then & there. The only close day recognized is Sunday. On the same principle the words to be inserted in Rule 551 are "not being a Sunday" and not "not being a Sunday or holiday". ~~[illegible]~~
There is no hardship in excluding all references to holidays because if the

judgment-creditor's payment is not received before lock-up on the day preceding the holiday the Supt. will know that the judgment-debtor must be released on the holiday & will arrange accordingly.

(6) The proposed amendment of Rules 968, 1056, 1174, 1187, 1224 & 1233 calls for no remarks.

BS 3/1

~~[illegible]~~

(7) I do not know the authority for the I.G.'s statement that, for the purposes of Rule 1253, the Reserve Warders should be held to constitute one-third of the Warder force: it is probably a rough generalization, for the proportion varies, I believe, in different Jails.

It is not a matter of importance

BS 3/1

(8) The proposed alterations in Rules 1254 & 1282 call for no remarks.

BS 3/1

(9) There is a serious objection to the proposed amendment of Rule 1362. In Central & District Jails arrangements can be made for caste cooks. In Sub jails this is not so & it seems therefore necessary to allow the privilege of supplying cooked food to prisoners in these jails to continue. The

I agree with the U.S.

BS 3/1

danger of the introduction of poison is minute. I have never heard of a Subjail prisoner poisoning himself & if such a case had occurred the I.G. would no doubt have reported it to Govt. It is submitted that further evidence of the necessity for the amendment should be produced before it is sanctioned.

(10) The proposed alterations in Rule 1380 & in the various Forms, Statements & Accounts call for no remarks.

BS 3/1

The first list of corrections does not appear to have been posted into my copy of the Code at all. I suppose it is the business of some person in the office to post up the books I keep at my house for refs. He should be suitably dealt with & the Code copy should be corrected as soon as possible

BS 3/1/93

16 Dec.

JD 27/12/93

Alterations in the Jail Code

HM

(For Orders)

space is available, it would be more convenient if replies to my marks & queries were put on the newspaper. BS

See remarks on ~~other~~ former note

BS

(X) By the Code rule, they have to go to the Andamans at the end of 25 years (minus remissions), irrespective of age & physical fitness. This may be exceedingly hard measure. This rule therefore needs alteration. On the other hand, the India Rule seems equally objectionable, or nearly so. I don't see what we can do but refer to India for clearer instructions.

BS
20/1/97

Note for H.M.

1) The Black Mark Rules of the Salt Dept. are put up as ordered. They appear in G.O. of 2/9/85 No. 4647, Rev., & G.O. of 15 Aug. 1891 No. 756, Rev. and in Circular order No. 1 of 1886 (Revised) of 4 May 1892 obtained since writing the note.

(2) With regard to H.M.'s remarks on p. 2 of the note.

India's rules are ambiguous as H.M. notes. The class of criminals involved is very small, viz,

(1) Thugs
(2) Robbers by administration of poisonous drugs
(3) Professional hereditary or specially dangerous criminals convicted of heinous organized crime

(X) Lifers are sent at once to the Andamans unless for medical reasons this course is inadvisable so that the provision that these criminals under life sentence shall, at the expiry of 25 years, be "transferred" to the Andamans is not very intelligible. In this respect & in the point noticed by H.M. India's Rules seem to need amendment.

(3) With regard to H.M.'s remarks on p. 3.

I respectfully submit that a Supt. cannot legally release a prisoner till orders of Govt. are received. But the law is under amendment on this point & in any case there is no reason why any difficulty should

21

experienced in issuing the sanctioning release before it falls due provided sufficient notice is given by the Supt. to the I.G. Perhaps the 15th of the preceding month does not allow quite long enough; it might be altered to the 10th, or even the 1st, though it is not advisable to make the interval too long. Under the existing rules no difficulty has been found in getting the G.O.s sanctioning release out in good time.

The I.G. has already proposed to alter 15th to 10th, say 5th to make more sure.
[illegible]
20/1/94

(4) I submit my own copy of the Tail Code for H.M.'s information with reference to his remark about Article 428.

My copy has now been corrected. Alteration approved
[illegible]
20/1

(5) Rule 729. A. is not a new Rule. Rule 729 is divided into two parts, A & B, & the former is referred to.

729, A was no doubt meant. 729A was written & I could find no such rule. Alteration approved
[illegible]
20/1

(6) With regard to H.M.'s remarks on p. 4.

It is the duty of the Librarian to keep the Codes etc up to date. There have been several changes of Librarian recently. The neglect in the present case is being enquired into; it seems to have been due to a reference at Ootacamund. A memorandum is going to H.M. asking for the return of his books to be written up.

[illegible]
20/1

[illegible] 16 Jan.
17/1/94

Ind. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 18 Oct. 1893, No. 2177-8, Ind.
Again G.O., dated 18 , No.
Current No. 4987 of 1893, dated 15 Nov from the I.G. of Tails.

Current No. of 18 , dated from

Order since 26th Jan 94 No. 198

The amendments which the I.G. proposes to insert in the Tail Code do not meet in every respect with the approval of Govt. & another list of corrections revised in the light of the following remarks, should be submitted as soon as may be:

(1) The Black Mark Rules should be identical in the Salt & Abkari, Police & Tail Depts. & the Govt. desire that the Heads of these Depts will form themselves into a Committee at an early date & prepare a set of rules of general application for the approval of Govt. In these rules it should be laid down that only one Black Mark may be inflicted at a time & that fine, reduction & suspension carry a Black Mark with them, provided that the reduction itself is not the result of the infliction of three Black Marks. Moreover the Govt. is of opinion that Black Marks should be wiped off [illegible]

That is to say, a man on whom two Black marks have been awarded inflicted should be able to cancel one of them by three months' good behaviour & so on. The practice of the Police Dept. is, it is understood, that a man in such a case cancels both his Black marks by six months' good behaviour but cannot do not cancel one of them separately by means of periods of three months' good behaviour.

(2) It is proposed, by amending Rule 399, to enable the Superintendent to delegate the power to award marks to the Jailor or Deputy Jailor. The Govt. considers that the delegation under this rule should be by name & not by office & that it should, therefore, require renewal with each change of incumbent. The rule shall be amended accordingly.

(3). Jail Code Rule 379 implies that (I) Thugs, (II) Robbers by the administration of poisonous drugs & (III) Professional hereditary or specially dangerous criminals convicted of heinous organized crime are not eligible for remission at all. Rule 382, on the other hand, implies that such prisoners do come within the scale of the Remission system & this implication is correct.

DEPARTMENT.

No. 27

Dated 189 .

FOR ORDERS.

Rule 379 should be amended so as to make its meaning clearer. But there is another point to be noticed in connection with these Rules. Unless there are medical objections all persons under sentence of transportation for life are sent at once to the Andamans but Code Rule 382 is so worded as to require that in every case, after twenty-five years imprisonment (less remission earned), criminals falling under the head of Thugs etc. shall be transferred to the Andamans. Obviously, however, if the convict is at Port Blair on the expiry of the twenty-five years there will be no transfer & obviously, too, there ought to be no transfer (to Burma etc.) if the medical objections which existed at the time of sentence hold good at the expiry of the twenty-five years. This Rule 382 therefore needs amendment but, as the rules prescribed by the G. of I. on this subject

25

though different, are equally ambiguous, the Govt. of India will be moved to explain or amend them & the result of the reference will be comd. to the I.G. who will then make the necessary alterations in the Jail Code.

(4) Jail Code Rule 389 must be brought into harmony with the G. of I.'s Mark Rule 9.

(5) In order to give ample time for the transmission of the remission statements to Govt. & the passing of orders thereon, the Govt. considers it advisable that the statements should be forwarded so as to reach the I.G. not later than the 5th (instead of the 10th as proposed) of the preceding month. It will also be necessary to add to Rule 406 a sentence to the following effect:—

"The I.G. shall satisfy himself of the correctness of the remission statement & forward it at once to the Chief Secy. to Govt. in view to obtain formal sanction for release under sec. 401 C.C.P."

(6) Under Jail Code Rule 583 prisoners whose sentences expire on holidays must be released then & there, the only close day recognized being Sunday. On the same principle the words to be inserted in Rule 881 are "not being a Sunday" & not "not being a Sunday or holiday".

DEPARTMENT. 26.

29

No.

Dated 189 .

FOR ORDERS.

(7) The Govt. cannot accept the proposed amendment of Rule 1362. In Central & District Jails arrangements can be made for caste cooks. In Subsidiary Jails this is not so & it is necessary therefore to allow the privilege of supplying cooked food to prisoners in these Jails to continue. The danger of the introduction of poison is very slight. The Govt. is not aware of any case having occurred of recent years.

2. The following letter will be dpd to the G. of I.

(From orders)

24/1/94 23 Jan.

To the I.G. of Jails (Q & O)
— I.G. of Police
— Bd. of Rev. thr. the R.D. } P & para (1) only

Letter No. 197

To the Sec. to the G. of I., H.D.

Sir,

I am directed to address you on the subject of the Mark Rules which form an Appendix to Home Dept. Resol.

27

dated 9th Nov. 1892, No. 10 (Jails) — 610-623, questions having been raised as to the interpretation to be placed upon portions of them.

2. For the purposes of the ~~said~~ rules in question convicts are divided into three classes of which the first contains

(1) Thugs;

(2) Robbers by administration of poisonous drugs;

(3) Professional hereditary or specially dangerous criminals convicted of heinous organized crime.

It is laid down in Rule 4 that a prisoner belonging to the ~~said~~ first of the classes specified above under sentence for life shall at the expiry of 25 years, less remission earned, if he so desires & is capable of earning his livelihood, be transferred to the Andamans irrespective of his age. It is this provision which has given rise to doubts.

3. It is the practice to carry out sentences of transportation as soon as possible after they are passed, unless the convict is pronounced medically unfit for transportation. In the great majority of cases therefore the twenty-five years will expire while the convict is at the Andamans & the provision that he shall be "transferred" thither at the expiry of the said period seems meaningless in such cases. Assuming, however, that for any reason the ~~[illegible]~~ convict concerned is in India &

DEPARTMENT. 25

No.

13

Dated 189 .

FOR ORDERS.

not at the Andamans when the twenty-five years expire the rules are silent as to the manner in which he is to be treated in the event of his

(1) being desirous not to be sent to the Andamans,

(2) being incapable of earning his livelihood,

(3) being pronounced medically unfit for the transfer.

I am to request that the G. of I. may be moved to favour this Govt. with an explanation of the points referred to above ~~& I am to request that this Govt. may~~

Further the definition of the first class of convicts is so worded as to ~~whether~~ leave it doubtful whether the word "professional" is to be regarded as qualifying the word "hereditary" or whether it qualifies the word "criminals" & should be separated from the word "hereditary" by a comma.

5. I am to request that this Govt. may be favoured with an explanation of the proper interpretation to be placed upon

rules in respect of the matters alluded to above.

I have etc.

24/1/94. 23 Jan.

25/1/94

Back Paper, No. 39 of 8

Further Paper, No. 449 / 627 } = 580 / 8/31 of 1894

1293 — 94

1670/94 (Post-master Genl.)

2862/94

5083/94

786 / 30.3.94

1598 / 27 / 94

199 = 16.1.95

Read again Order of Government, dated 18 , No. , Miscellaneous.

Enclosures.

Current No.

Statement with ditto.

Order of Government. A A

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original (not paged).

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

[G / 11]

2,000—11-12-00.

ORDINARY, MS.

Judl Department.
G.O., Dated 26-1-94
No. 198-9.

INDEXED.

When given for copying. 26/1.

[Despatch Abstract.]

Directing the I.G. of Jails, with remarks, to submit a revised list of corrections to the Madras Jail Code & addressing the G.G. on the subject of the Mark Rule.

22.5.94
9-1-11
14.8.13
2.7.23
24-1-27

D