

Liason i. 19

100

Goova - 2885 Technical de 28-11-1894

100

From

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

D. FOR-GENERAL OF JAILS, *Prisons*

To

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

CHIEF SECRETARY TO GOVERNMENT,

SIR,

Enclosure.

In para 5, after xxx of their Report on Jail administration, Mr. Walker and Lathbridge proposed that ordinary convicts should only be allowed to petition Government if an Official Visitor considered that course advisable and this proposal was negatived by the Government of India in para 17 of Home Department Letter No. 65 dated 16th September 1889, recorded in G.O. No. 1804 Judicial, November 1890.

In paragraphs 2, 250 of my special report on Jail administration, dated 20th May 1891, recorded in G.O. 6th November 1891, No. 2206 certain measures were proposed for carrying out the wishes of Government regarding petitions and these were approved and have been carried out. The effect of the orders thus passed and of the action thus taken has been largely to reduce the number of petitions submitted by Convicts to Government.

strong opinion expressed by the Government of India in 1889, to suggest any limitation on the right of a convict to petition the Government for pardon. In view, however, of the great growth in the number of petitions submitted during recent years it appears to me to be desirable that some rule controlling the exercise of that right should be laid down. As things at present stand, a convict may pass 5 or 6 out of 7 years in jail and in the seventh year he may express a desire to petition, and though no grounds for pardon can be alleged copies of judgment have to be obtained, a petition with translation has to be written, and the Government is obliged to receive, consider and dispose of the case.

3. The labour and correspondence thus occasioned would be of little consequence, if it occurred only in a few cases, but the petitions to Government are now annually numbered by hundreds and could be indefinitely increased. In a recent case a certain Visitor, by asking each convict in turn whether he wished to petition produced a crop of 80 petitions in one morning. The consequence was that though in no single case did Government find cause for interference

the immense amount of extra work thus occasioned threw the whole remission work of the Jail in arrears. It does not appear to me that it is necessary or desirable to allow in the case of petitions a latitude so greatly in excess of that which the law denies to appeals to regularly constituted judicial authorities.

4. While therefore wishing to ensure to every convict the right to petition Government, if he is so minded, it appears to me that there would be no objection to the adoption of the plan by which each convict on admission is asked in the presence of the Superintendent whether in the event of his conviction being confirmed on appeal he wishes to petition Government. His answer is recorded. If he replies in the affirmative the ordinary steps to prepare and submit the petition are taken, while if his answer is in the negative it remains in evidence should the question afterwards be raised. In ordinary cases the prisoner would not afterwards be allowed to change his mind, but if special circumstances exist which render the grant of permission to withdraw his refusal to petition

petition reasonable they would be brought to notice and considered at my inspections.

5. I have accordingly the honour to enquire whether Government sees any objection to the adoption of the plan above referred to. The suggested procedure has the advantage of recording the Convict's wishes before he has been influenced by the advice of prisoners older in jail experience than himself. It does not limit the prisoner's right of appeal to the Crown, which the Government of India states, is inherent in every convict but it regulates and controls the exercise of that right. And it guards against the consequences such as those referred to above which the indiscretion of Visitors, official or otherwise may produce.

I have the honour to be,

Sir,

Your most obedient servant

A. A. Cardew

Inspector General of Prisons

S

JUDICIAL.

JAIL (1894) DEPARTMENT.

From THE INSPECTOR-GENERAL OF JAILS, *Quins.*

To THE CHIEF SECRETARY TO GOVERNMENT.



Dated 3/ }
Despatched } October 1894

Received 3-10-94
Rep 3-10-94

No. 6836

ENCLOSURES.

Subject.

Submitting certain *proposals* for sanction of Government, in view to the reduction in the N^o of appeals to Government by Convicts in jail

H.M. 19th Nov

For order
There does not seem any serious objection to his proposal. A great deal of valuable time is now absolutely wasted on Convicts' petitions.

19 Nov

That any much waste of time in papers is caused by these appeals. There can be no doubt but that Carder's plan is an interference with the right of a man who has an appeal to have it heard to change his mind whenever he pleases.

J.P. 19/11/94

No one could be more gratified than myself by a decrease in the number of convicts' petitions. But I am not sure that Mr. C's plan does not increase them. We had better let it alone.

R.N.

C.S. 21/11/94
Order 28 Nov 94 No 2885
On the whole the Govt considers it better to leave matters alone for the present at all events.

(Enclosure)
25/11/94
To the Inspector-General of Jails, Quins.

HER PAPER, No. 88/1770:4 95 OF 189

2885

ENCLOSURES.

CONTENT No.

STATEMENT WITH DICTO.

ORDER OF GOVERNMENT. A A

LETTER OF GOVERNMENT.

STATEMENT WITH DICTO.

PAPER NOT FILLED UP, BEING MEANT FOR RESTATEMENT IN ORIGINAL (not pagod)

- A - Copy in full
- B - Not to be copy
- C - Copy abstract only
- Q - Copy heading only

ORDINARY, MS.

Judicial DEPARTMENT.
G.O., DATED *28-11-94*
No. *2885*

INDEXED.

When given for copying. *29/10*

[Despatch Abstract.]

*Regarding the case of
the late Mr. ...
to have matters ...
the present ...
reference to his ...
for ...
of ...
and ...*

B-1457