

- (1) பக்கங்களின் எண்ணிக்கை 16
 (2) புதுக்கித் திருப்பிய நாள் 15 1991
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 109

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

மெய்யப்பன் துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	<u>875 W</u>	அச்சகம் பலவகை
நாள் :	<u>29-3-1893</u>	<u>108</u>

102

மடிக்கலோ கண்டபடி கையாளலோ கூடாது

3RD MARCH 1893, No. 467, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper :—

From A. G. CARDEW, Esq., M.A., Inspector-General of Jails, to the Chief Secretary to Government, dated Bellary, 15th January 1893, No. C-161.

I have the honour to submit, herewith, a Revised Proof of the New Jail Code and to request, with reference to the last paragraph of G.O., dated 5th January 1892, No. 9, that it may be formally sanctioned and issued under Madras Act V of 1869.

2. Nearly a year and a half has elapsed since the first proof of the New Code was first submitted to Government in August 1891. Owing to the Government of India's direction that the New Code should not issue until its Resolution on Doctors Walker and Lethbridge's report appeared, its final adoption has been necessarily delayed. Now, however, that the Resolution in question has been published, this difficulty is removed.

3. The Resolution of the Government of India directs the introduction of some important changes in jail management especially in regard to the remission rules and to the scales of jail dietary. Considerable time must elapse before these directions can be carried out; and if the Jail Code is delayed until these questions are settled, it will probably not be in the hands of Superintendents for another year.

4. At the same time the Government of India contemplates the passing of a fresh Act dealing with jail offences and punishments, which will necessitate a complete revision of those parts of the code which deal with these subjects. It is impossible to forecast how long it will be before this Act will come into force. It cannot be less than a year and may easily be two or three.

5. As, therefore, the Jail Code must be subjected to further revision upon the passing of that Act, there will be no difficulty in then embodying in its provisions whatever changes are eventually necessitated by the Government of India's Resolution on Doctors Walker and Lethbridge's report. Meantime I would beg strongly to recommend that the code in its present form, containing all orders of this Government up to date, be sanctioned for immediate adoption. At present Superintendents have no reliable code to which to turn for information and guidance, and this is both inconvenient and injurious to good administration.

6. The type of the code can be kept standing at a charge of 10 per cent. per annum on its value, which, it is believed, would amount to about Rs. 600 a year, or, if it is thought better, the type can be broken up and the matter re-imposed when the further revision is undertaken.

7. I propose that an edition of 500 copies be now printed. The number of copies printed of the present code published in 1883 was 520.

8. A note is submitted drawing attention to the chief changes which have been made in the code since it was last before Government. It is hoped that this is fairly complete and accurate, but having been written at a distance from head-quarters and records some defects may exist.

9. Two tables are also submitted, by the aid of which it will be possible to trace each rule of the code of 1883 into the first proof of the New Code as submitted in August 1891, and also into the present proof and *vice versa*.

10. If the code receives the approval of Government, all cross references will be carefully checked before printing and the numbering of the rules examined. As soon as the numbering of the rules is definitely settled, the index will be prepared.

NOTE on the Revised Proof of the New Jail Code submitted to Government with this office letter No. C-161, dated 25th January 1893.

In the Revised Proof of the New Jail Code now submitted, effect has been given, so far as is known, to all orders of Government which have been passed since the original proof was submitted. In particular all the points noticed in G.O., dated 5th January 1892, Nos. 9 and 10, have received attention. Certain additional changes, which have been made, are detailed below and are submitted for the approval of Government.

Revised Proof Rule 8.—The classification of district jails has been revised with reference to their population during 1891, instead of during 1890, and in accordance with G.O., No. 644, dated 1st April 1892.

Revised Proof Rule 10.—The last sentence is new, being added to define the areas from which it is intended that prisoners confined in the "Hill jails" of Párvatipur and Russellkonda should be drawn.

Revised Proof Rules 11 and 14.—A reference to the Criminal Leper Ward is added here in accordance with the decision of Government, constituting it a separate institution, paragraph 3 of G.O., dated 21st November 1891, No. 2391.

Revised Proof Rule 15.—The words "when the magistracy shall so direct," which occur in Rule 15 of First Proof and in clause (d) Rule 1481 of existing code, are omitted as no direction of the magistracy is needed or made. *Enroute* prisoners should always go to the sub-jail and not to the Police lock-up.

Revised Proof Rule 28.—The last sentence is added to render quite certain the legality of moving convicts into camp. Last year the camp at Vatalai, into which convicts were removed from the Trichinopoly Central Jail, was 17 miles distant from the jail and in another taluk.

Revised Proof Rule 32.—Sentence is added directing the Inspector-General's attention to the quality and quantity of the food.

Revised Proof Rule 40.—The words "and Assistant Jailor" are newly added here. Now that the jail subordinate service is graded, it is necessary that the grading should be controlled by the central authority. More important than this is to prevent Superintendents from enlisting local Matriculates or candidates qualified by the Middle School examination only, when, with a little trouble, Graduates and F.As. can be obtained. Up to 1st April 1892, there was not a single graduate in any position, clerical or otherwise, in the Jail department.

Revised Proof Rules 48 and 49.—These are inserted to recognise and define the powers and duties of non-official visitors. It seems desirable to have a provision empowering a Superintendent under certain safeguards to decline to produce records before a non-official visitor. Without such a provision, a non-official visitor could call for any confidential document, or for the accounts dealing with the manufactures of the jail.

Revised Proof Rule 57.—The last sentence is added to direct attention to a recognised duty of Superintendents.

Revised Proof Rule 59.—The last sentence is added in consequence of the suggestion being made that the journal should always be regarded as confidential. In 92 per cent. of the cases this is unnecessary and would cause much trouble.

Revised Proof Rule 62.—This is new and merely reproduces the orders of Government in G.O., dated 15th December 1891, No. 2543, Judicial, paragraph 5.

Revised Proof Rule 70.—The proviso is new and gives authority to existing custom.

Revised Proof Rule 74.—The same remark applies.

Revised Proof Chapter VII.—This chapter has been entirely revised in order to give effect to the orders of the Government of India in Home Department letter No. 3, Jails, 463, dated 21st August 1891, communicated by G.O., dated 16th September 1891, No. 1895. See also G.O., No. 240, Judicial, dated 6th February

1892, and subsequent connected orders. In Rule 84 words have been added defining more clearly the relation of medical subordinates to the medical officer and to the Superintendent respectively in respect of grant of leave, hours of attendance, &c.

Revised Proof Note preliminary to Chapter IX.—In G.O., dated 5th January 1892, No. 9, the Government directed that this note should be so framed as to exclude medical subordinates from the operation of any rule in Chapter IX. There are, however, certain rules which should apply to medical subordinates and these have now been particularized in the note.

Revised Proof Rule 117.—This has been revised in accordance with the notification No. 447 published at page 1412 of the *Fort St. George Gazette* of the 15th November 1882, Part I.

Revised Proof Rule 121.—*Vide* note on Rule 62 *supra*.

Revised Proof Rule 144.—This is an important rule which is curiously absent both from the existing Code and from the first proof of the new Code, although warders are frequently punished for contravening its provisions.

Revised Proof Rule 145.—The last seven words are added to cover cases in which convicts might be employed by a jailor or warder to work up materials for a contractor or supplier, no proof of gain to the jailor or warder being available.

Revised Proof Rule 148.—Liquor, gunjah, postage stamps and playing cards are newly added.

Revised Proof Rule 149.—The proviso is new and is absolutely necessary during outbreaks of cholera and the like. It is just then that the strain on the jailor and deputy jailor is heaviest, and to require them to turn out every time a prisoner reports sick at night is impossible.

Revised Proof Rule 152.—The last clause regarding casual leave is new and merely recognizes the present practice.

Revised Proof Rule 172.—The second clause regarding the share in locking-up and unlocking to be taken by the deputy jailor and chief warder is new, but represents existing usage.

Revised Proof Rule 196.—The same remark applies to this rule which is new.

Revised Proof Rule 197.—The explanation is added to remove doubts, which have been expressed. It also recognizes present custom.

Revised Proof Rule 199.—This is new, and is merely explanatory of the manner in which the deputy jailor's duties should be fixed.

Revised Proof Rule 200.—Clause (2) is added, as being a branch of work almost invariably allotted to the deputy jailor.

Revised Proof Rule 206.—The amount of security to be taken from the store-keeper has been fixed at Rs. 500 and that to be taken from the assistant store-keeper, where this official exists, at Rs. 250. Hitherto only the store-keeper has ever given any security, the amount required from him being from Rs. 500 to Rs. 1,000. Considering the store-keeper's pay, Rs. 500 seems to be as large a sum as should be required, though the value of the stock entrusted to him is often very large.

Revised Proof Rule 221.—This represents G.O., dated 23rd August 1887, No. 934, Financial, which was overlooked when the First Proof was submitted.

Revised Proof Rule 222.—In a similar manner represents the orders of Government contained in G.O., dated 22nd February 1883, No. 512, Judicial, and subsequent connected orders (G.O., dated 28th February 1890, No. 374).

Revised Proof Rule 224.—A minimum height and chest measurement for warders are prescribed. Those in force for the Police have been adopted.

Revised Proof Rule 230.—This is new and is merely a direction drawing Superintendent's attention to the amount of drill to be expected from warders. It will be supplemented by the Small Drill Manual which it is proposed to issue.

Revised Proof Rule 238.—This rule embodies the regulations connected with "the Black Mark System" as at work in the Police and to a certain extent in the jails.

Revised Proof Rule 248.—The second clause, beginning "A separate warrant," is new, but is obviously necessary. Compare Rules 585—587.

Revised Proof Rules 252—261. These rules have been carefully revised—

(1) so as to give correct effect to the Advocate-General's opinion based on rulings of the High Court as communicated in G.O., dated 18th May 1892, No. 938, Judicial;

(2) to give effect to the ruling of Government in G.O., dated 22nd July 1892, No. 1323, regarding the inclusion of the day on which a prisoner escapes or is released on bail in calculating the period of sentence undergone;

(3) to remove the conflict which existed between Rule 226 of the First Proof of the new Code and section 396 of the Code of Criminal Procedure. See Rule 260 of the Revised Proof.

Revised Proof Rule 270.—The proposal made in the First Proof to number convicts in the Penitentiary up to 20,000 has not met with favour and is omitted.

Revised Proof Rule 281.—The first clause is new. So much as refers to the use of the letter H for habituals carries out existing usage. The use of S for simple imprisonment females has been suggested, because in the absence of any ankle-ring on hard labour females, there is nothing in their dress to distinguish those sentenced to simple imprisonment from those sentenced to labour. In the third clause of this rule, the provision inserted in the First Proof, directing that no precise date of expiry of sentence should be placed in lifers' tickets, is exactly reversed, because it has been pointed out that a better effect is produced on the convict if he knows clearly that his sentence has a definite date at which it must terminate than if the sentence is apparently indefinite and unending.

Revised Proof Rule 283.—The last clause of this rule is added to show that the shaving need not be postponed, because a convict, whose appeal has been rejected, put in a petition for review to the next higher appellate authority.

Revised Proof Rule 285.—*Note.*—The last eight words are new and are intended to provide a record of the medical officer's orders.

Revised Proof Rule 329-A.—There is some reason to believe that prisoners get chills through bathing late in the afternoon in the cold weather or wet months. It will be noticed that no further exercise follows the bath; the men have to squat for half an hour to eat their food, and are then locked up. The experiment of having the bath in the morning is now being tried. It is almost certain that a large part of the dysentery and diarrhoea, which causes so great a loss of life in jails, is produced by chills.

Revised Proof Rule 355.—The words "unless the offender is under a life-sentence or unless the Inspector-General otherwise orders" are new. It is practically useless to prosecute for an escape a man who has from 20 to 25 years still to serve, as the additional punishment he will receive will probably not exceed six months. In such cases departmental punishment is much more deterrent. It also seems undesirable to lay down that every theft, serious assault and attempt to escape "shall" be prosecuted when it may be that the evidence connecting the prisoner with the offence is insufficient to render a conviction by a Court probable. The "Note" to this rule is also new and is intended to render more definite the meaning of the rule.

Revised Proof Rule 360, Clause (7).—"The date of award" is new; it will show whether undue delay occurred in disposing of the offence.

Revised Proof Rule 412.—The provision requiring third-grade convicts to wear a piece of black tape as a badge is omitted. It is found that the black tape of the third class is too much like the blue tape of the second class, and it is evident that the absence of any badge is the simplest way of denoting a third-class convict. So in the Army, Police, &c., stripes are only accorded to the grades above the lowest.

Revised Proof Rule 418.—An important change is made at this point and is submitted for the approval of the Government. This consists in the abolition of the

grade of convict warder. In the existing Jail Code the three grades of convict officer are defined in Rule 536. They comprise the following, viz.:—

1. Convict maistry.
2. " work overseer.
3. " warder.

In Rules 541 to 544 the duties of these grades are particularized. The functions of the convict work overseer are clearly distinguished from those of the other two classes, but perusal of Rules 541 and 543 will show that there is no material difference between the duties assigned to convict warders and those performed by maistries. Then came the creation of a fresh grade, hitherto known as convict warder guards, the rules relating to this class being for the first time clearly formulated in Colonel Porteous' letter recorded in G.O., dated 11th March 1890, No. 464. The convict officers in this Presidency accordingly now comprise four grades. Experience, however, has shown that the existence of the separate grade of convict warders, with the duties defined in Rule 543 of the existing Code and in Rule 380 of the First Proof of the new Code, serves no useful purpose. These duties can be equally well performed either by a convict maistry or by a convict warder guard, and all Superintendents who have been consulted agree that there is no need to retain the grade of convict warder. On the other hand, no Province in India except Madras has, so far as is known, more than three grades of convict officer. In paragraph 86, Chapter VI of their reports, Detors Walker and Lethbridge recommend the retention of three grades only. For these reasons it is proposed to omit all reference to convict warders from the new Code.

Revised Proof Rule 419.—Another point of importance arises here. The words which declare that the strength of the convict warder guard shall "not exceed one-third" of the free warder establishment are omitted, it being left to Government to fix the strength in accordance with the requirements of the jail. It does not appear, on full consideration, that there is any necessary relation between the strength of the warder establishment and that of the convict warder guard. The former is fixed with regard to the total jail population which it has to guard, that is in the ratio of one warder to every 11 prisoners in Central Jails and one to every 10 prisoners in District Jails. The number of convict warder guards depends on other considerations. For reasons which have been explained in paragraph 68 of the report, dated 20th May 1891, recorded in G.O., dated 6th November 1891, No. 2286, and in this office letter recorded in G.O., dated 18th October 1892, No. 1977, night guarding is now carried out in Central Jails by placing a sentry to patrol up and down the windows of the sleeping barracks. These sentries are, as far as possible, convict warder guards, because they never go outside the main gate and so are less able to pass in contraband articles at night than paid warders. One sentry cannot efficiently guard more than a single barrack and hence the number of sentries required varies with the construction of the Jail buildings. It will thus be seen that the number of convict warder guards necessary really depends more on the structure and arrangement of the jail than on any relation to the strength of the paid warder guard. A jail which has ten barracks to be guarded will require the employment of 30 convict warder guards nightly (three men to each sentry post), while a jail with eight barracks needs only 24. It seems also undesirable to lay down a rule which prevents a Superintendent from obtaining an extra convict warder guard unless he also obtains two extra paid warders. At Vellore, the ratio proposed in Rule 382 of the First Proof has already been departed from, 30 convict warder guards having been sanctioned for that jail in G.O., dated 6th November 1891, No. 2286 (*vide* Proposition statement in paragraph 67 of the report, dated 20th May 1891). The omission of the words "establishing a necessary ratio between the convict warder and free warder guard" is a point of considerable importance and is strongly recommended.

Revised Proof Rules 420 and 421.—A third important variation from the First Proof of the new Code occurs here, and also necessitates rather lengthy explanation. Under the Remission rules (compare Rule 386, Revised Proof *supra*) convict warder guards are allowed 6 marks per diem. In a month of 30 days, they thus receive 180

marks per mensem, which are equal to $7\frac{1}{2}$ days' remission of sentence. This is a liberal amount of remission, as every four weeks served knock off one week from the sentence. But under the rules at present in force (*vide* Colonel Porteous' letter recorded in G.O., dated 11th March 1890, No. 464, and Rule 383 of the First Proof of the new Code), convict warder guards are also entitled to a lump grant of marks as follows:—

if in 3rd grade,	48	marks per mensem.
if in 2nd "	96	" "
if in 1st "	144	" "

As 24 marks are equal to one day's remission, it will be at once seen that a first-grade convict warder guard will obtain $13\frac{1}{2}$ days' remission for every month he serves in that grade; a second-grade convict warder guard obtains $11\frac{1}{2}$ days' remission and a third-grade convict warder guard obtains $9\frac{1}{2}$ days' remission per mensem. It is hardly necessary to show that this amount of remission is excessive, and it seems likely that the result of giving so large an extra grant of marks was not clearly foreseen when the rules were framed. In this matter, also, no other Province in India has anything resembling the Madras system. In all other Provinces the convict warder guard gets his 6 marks a day and nothing more. Moreover, the practical effect of giving so large an amount of remission would be to render the convict warder guard system almost unworkable. A prisoner, earning $13\frac{1}{2}$ days' remission every month, works out his sentence so rapidly that his release occurs just when he is beginning to be most valuable as a convict warder guard, and it has been found necessary to stop further promotion to the first and second grades pending revision of the rules. At the same time the grant of so large a proportion of remission is not much additional guarantee of good conduct; a man who will sacrifice or risk the loss of $7\frac{1}{2}$ days' remission per mensem will not be deterred by the loss of $13\frac{1}{2}$ days' remission. On all grounds, therefore, it is most important that the rule should be revised as proposed in the Proof now submitted. A small exception is recommended in the case of Burmese prisoners for the reason given in Rule 421, Revised Proof. As the ordinary Burmese diet is rice, they do not gain anything in respect of diet when appointed convict warder guards and are thus not so well off as the native convict warder guard. To compensate for this it is proposed to allow Burman convict warder guards 48 marks extra per mensem.

Revised Proof Rule 426.—Rule 388 of the First Proof is omitted as an unnecessary commentary on the duties of Superintendents, and Rule 426 is newly added. It is evident that if a convict warder guard becomes bed-ridden or so infirm as to be unable to do his duties, he must give way to another man who is physically fit. It is unfortunate for him that he should lose marks and privileges merely through ill-health, but the marks, &c., are given entirely as a reward for actual work done, and if the work is not done, the reason for the grant of mark ceases.

Revised Proof Rule 431.—The last clause is newly added to make it quite clear that the food is to be issued as flour. This is implied but not stated in the existing Code. Compare Rule 1097.

Revised Proof Rule 436.—The last clause of this rule is also new, and for a similar reason.

Revised Proof Rule 438.—This rule has been altered in order to prevent its conflicting with the orders of the Government of India in Home Department letter No. 3, Jails, 463, dated 21st August 1891, recorded in G.O., dated 15th September 1891, No. 1895. Some modification of the rule as printed is unavoidable.

Revised Proof Rule 443.—The words "husk and grind the dry grain" are omitted, it being the general custom now to have all the ragi husking and grinding done by different prisoners from the cooks. This division of labour is essential to the exaction of any task in ragi-grinding.

Revised Proof Rule 451.—The words "but he should exercise" to the end are new and are added for obvious reasons.

Revised Proof Rule 462.—The last clause is new and is the result of experience in the working of the new Clothing rules. It has been found, especially among the female convicts, that the grant of marks is not a sufficient set-off to the absence of a new cloth.

Revised Proof Rule 472.—A pith sunhat, which costs one rupee, has been substituted for the straw-hat hitherto supplied to European and Eurasian prisoners, as being a better protection to the head.

Revised Proof Rule 486.—The classification of labour which was drawn up by the Jail Conference of January 1892 has been adopted here in anticipation of its approval by the Government of India.

Revised Proof Rule 494.—The Scale of tasks has been very carefully revised in communication with Superintendents of Jails and with reference to experience, and various omissions in it supplied. It is now fairly complete.

Revised Proof Rules 495 and 496.—These rules represent Rule 455 of the First Proof of the new Code, but have been re-drawn so as to make their meaning and application clearer and more precise.

Revised Proof Rule 502.—In this rule it is proposed to insert words making it clear that only such Superintendents, Jailors and Deputy Jailors as have quarters on jail premises may have gangs of prisoners to work in their gardens. This was probably the intention of Rule 268 of the present Code. It is certainly undesirable that convicts should be marched half-way across a civil station in order to work in the garden of a non-resident Superintendent. Not only is it impossible to prevent prisoners so employed from obtaining prohibited articles, but it is not possible to provide the necessary escorts on the present reduced scale of establishment.

Revised Proof Rule 510.—This rule has been revised so as to bring it into accord with the new Public Works Code, that issued by the Government of India. The rule hitherto in force in this Presidency under which no credit was given for convict-labour used by the Public Works Department on jail works is one of the reasons why the total jail receipts of other provinces have so largely exceeded those of Madras.

Revised Proof Chapter XXVII.—The revised rules under the Prisoners' Testimony Act, which were approved in G.O., No. 1108, dated 13th June 1892, are adopted in this chapter.

Revised Proof Rule 534.—This rule has been newly introduced in accordance with G.O., No. 1519, dated 18th August 1892.

Revised Proof Rule 545.—The last clause is added with reference to G.O., dated 13th June 1892, No. 1108. In lines 6 and 7 of this rule words are added to render it unnecessary that a jail warder should accompany prisoners who are transferred for short distances by rail.

Revised Proof Rule 557.—This rule is new and is inserted with reference to G.O., dated 13th June 1892, No. 1108.

Revised Proof Rule 595.—The form of agreement referred to has been revised with reference to G.O., dated 19th February 1892, No. 305. It seems evident that the improved form of agreement which was sanctioned in G.O., dated 8th October 1886, No. 2695, was overlooked when G.O., dated 19th June 1888, No. 1348, was passed, and that it should now be adopted in preference to the one printed in the First Proof of the new Code.

Revised Proof Rule 596 is new and has been inserted with reference to the Government Order named in the rule.

Explanation may here be added with advertence to G.O., dated 8th February 1892, No. 252. Rule 673 of the existing Code has been omitted from the revised proof now submitted, not because any change in procedure is involved, but because the statement referred to in Rule 673 of the existing Code forms one of the prescribed monthly returns, viz., the appendix i to statement No. 1 printed on page cxxvi of the appendix to the proof now submitted. With regard to paragraph 3 of G.O., dated

8th February 1892, No. 252, it will be observed that the rules, which are printed as appendix C to the existing Code, were already omitted from the first proof of the new Code which was submitted in August 1891. The practice of sending prisoners to be released from the jail nearest their home has long been completely discontinued, and instead every prisoner on release is furnished with a railway warrant entitling him to a free passage to the railway station nearest his home and with road-batta also if necessary. It has not been ascertained when this system was introduced, but it is far simpler and more economical than that of transferring prisoners to the jail nearest their homes and releasing them thence. Burmese convicts alone are now transferred to Rangoon prior to release, and in their case it involves a large extra expenditure on escorts.

Revised Proof Rule 601.—In this rule, the words "a certain proportion" have been substituted for the word "half," as it has been found best to let the Superintendent decide what number of the night-guard shall be furnished by the day sentries and what number by the reserve.

Revised Proof Rule 614.—The words "unless employed singly" are added. It is not safe to place a carbine in the hands of warder who has sole charge of an extramural gang, lest he should be surprised and overpowered.

Revised Proof Rules 643 and 644 are revised in accordance with G.O., dated 14th January 1893, No. 84.

Revised Proof Rule 689.—This rule is new. It does not seem to be the duty of the Jail authorities to forward or assist in the preparation of petitions for revision.

Revised Proof Rule 695.—The note is new and is added for the guidance of Superintendents.

Revised Proof Rule 698.—The words "shall be read over to and signed by the prisoner" are substituted for the words "shall be written." It is not necessary to require that the actual writing of the petition shall be done in the presence of the Superintendent or Jailor, and now that petitions of Government are numerous the maintenance of the rule would greatly retard work.

Revised Proof Chapter XL.—This is a new chapter. Rule 704 represents Rule 763 of the existing Code and Rules 705 and 706 explain themselves.

Revised Proof Rule 741 has been slightly modified.

Revised Proof Rule 747 has also been somewhat altered so as to lay greater stress on the advantages of a move into camp.

Revised Proof Rule 760 has likewise been modified. The boiling of the water required for a large number of prisoners can seldom be so carried out as to possess any practical value.

Revised Proof Rule 764 is new and represents the method of disposing of cholera dejecta which has been followed in recent epidemics by the Madras Municipal authorities.

Revised Proof Rule 774.—This rule is cancelled in accordance with G.O., dated 18th October 1892, No. 1977.

Revised Proof Chapter XLV.—The rules in this chapter relating to the uniform of jail officers have been carefully revised with a view to effecting economy and to bringing them into accordance with present practice.

Revised Proof Rule 876 inserted with reference to G.O., dated 17th September 1892, No. 1746, Judicial.

Revised Proof Rule 935.—This rule is new and represents the provisions of G.O., dated 14th May 1888, No. 1119.

Revised Proof Rule 982.—This rule has been revised so as to provide for the examination and deportation of convicts twice a year in accordance with G.O., dated 29th September 1891, No. 2029.

Revised Proof Rule 999.—The list of articles of clothing has been revised with reference to G.O., dated 6th February 1892, No. 241.

Revised Proof Rule 1020.—In line 6, the word "write" has been substituted for the word "telegraph." At the expiry of a month the delay of a few days more or less is hardly of sufficient importance to necessitate expenditure on a telegram.

Revised Proof Rule 1032.—This corresponds with Rule 983 of the First Proof of the Jail Code, and as directed by Government in G.O., dated 5th January 1892, No. 9, the Surgeon-General has been consulted as to the scale of drop to be allowed in executions. His letter No. 6350, dated 13th October 1892, is enclosed. As the majority of natives of India weigh less than 140 lb., it will be seen that the scale which Surgeon-General deFabeck recommends is practically one of not less than 8 feet, which, as already stated in the note printed in G.O., dated 5th January 1892, No. 9, is excessive. Practical experience in this Presidency shows that a drop of over six feet is rarely required. The scale which is printed in Rule 1032 of the Revised Proof now submitted is one which has been laid down in Bengal and used there successfully, and it is recommended that for the present at any rate this scale should be allowed to stand. The adoption of a minimum 8 feet drop would necessitate structural alteration in the gallows of several jails. It may be noted that the recommendation of a minimum 8 feet drop in Chapter XII of Doctors Walker and Lethbridge's report emanated from Dr. Walker and not from Dr. Lethbridge.

Revised Proof Rule 1052.—The last sentence is new. The question is clearly one for the Medical officer and it is desirable to lay this down.

Revised Proof Rule 1068.—This Rule is new and is based on the recommendations of the Director of Public Instruction which were approved in G.O., dated 3rd February 1892, No. 225.

Revised Proof Rule 1077.—This Rule replaces Rule 1027 of the First Proof, and has been revised so as to bring it into accord with the provisions of law quoted.

Revised Proof Rule 1078 inserted with reference to G.O., dated 9th August 1892, No. 1445, and 15th September 1892, No. 1726.

Revised Proof Chapter LVIII.—This Chapter embodies the existing orders regarding leper convicts as directed in G.O., dated 21st November 1891, No. 2391. The provision in Rule 1090, requiring a nominal roll with medical case to be submitted as soon as any leper convict is admitted into jail, has been carried out for the last nine months and is found to serve all purposes. It is now easy to prevent the leper ward from being crowded with early cases of the disease on the one hand, and from being kept half-empty on the other.

Revised Proof Chapter LX.—The Rules in this Chapter have also been revised with reference to G.O., dated 21st November 1891, No. 2391.

Revised Proof Rule 1124.—Such changes as appear in the books named in this Rule are noticed below under the Rule relating to each book separately.

Revised Proof Rules 1144 and 1145.—Words are added, requiring the jailor to authenticate with his initials all erasures in the release register.

Revised Proof Rule 1152.—This Rule is mainly new, and has been added in order to provide clear instructions with reference to the revised form of labour register. As the Rule states, the new form of labour register follows, as closely as possible, the revised form of monthly return No. V (pp. CXXX-CXXXI) of appendix, which is, in its turn, based on annual statement No. XII as prescribed by the Government of India. It may be added that, with the adoption of the revised form of labour register, the figures in sub-columns E and K, column 7 of annual statement No. XII, may attain some degree of accuracy. At present, they are entirely unreliable, because the present form of labour register does not distinguish between weavers (e.g.) employed on manufacture of convict clothing and those employed on Police drill.

Revised Proof Rule 1163.—It has been found necessary to retain this book, because a quarterly statement of punishments inflicted on Jail officers has to be submitted to the Inspector-General. Experience suggests that this statement should be retained, and, if retained, the book is necessary. It involves a trifling amount of clerical labour.

Revised Proof Rules 1167-1170.—These Rules have been transferred to this place from Chapter LXVII of the First Proof of the New Code.

Revised Proof Rule 1174.—The note is new, and is the result of experience at the Penitentiary where the new system, followed in Bengal, of entrusting the permanent advance to the jailor and of keeping a single cash-book, has been tried for some months with success. The Superintendent states that "it is found to be an improvement on the former mode, as it saves clerical labour, reduces the number of cash-books, and, if strictly carried out, facilitates payments."

Revised Proof Rule 1190.—A few words here have been altered. The reference to "the contractor" which was allowed to remain in Rule 1127 of the First Proof of the New Code was due to oversight.

Revised Proof Rule 1213.—New, but merely declares the prevailing practice.

Revised Proof Rules 1217 and 1179.—The direction which appeared in the corresponding rules, viz., 1153 and 1116, of the First Proof prohibiting the cashing of bills between the 25th and the last day of the month was a mistake and has been struck out.

Revised Proof Chapter LXVIII.—This Chapter has been largely altered, after communication with the Accountant-General. The Rules now printed represent the existing practice. It seems unnecessary to refer in detail to the changes introduced. The main object has been to simplify the financial returns, and the revised forms required with regard to salaries, contingencies, &c., have been approved by the Accountant-General. The three statements relating to rations have been in use for some months and are found to furnish a complete check on the receipts, issues and balances of ration stocks. Superintendents have been asked, from time to time, to suggest such modifications as experience showed to be needed, and these have been used and, when necessary, introduced. On the whole, the new books and statements relating to rations have proved entirely successful and are believed to be the best forms for the purpose in India. The Bengal forms connected with this subject are admittedly imperfect.

Revised Proof Chapter LXIX.—This Chapter has also been carefully revised.

Revised Proof Rule 1242 deals with the revised forms of monthly returns which received the sanction of Government in G.O., dated 10th August 1892, No. 1463, Judicial.

Revised Proof Rules 1243 and 1244 contained new instructions which are evidently correct. The method laid down is that followed by the statistical officer to the Surgeon-General with the Government of India.

Revised Proof Rule 1249.—This rule is also new and relates to the revised form of annual returns which also were approved by Government in G.O., No. 1463, dated 10th August 1892. Annual statements F, G and H are added in order to bring together in one view all the returns which are necessary for the purposes of the annual report.

Revised Proof Rule 1250 to Rule 1258.—In these Rules an attempt has been made to collect and make an exhaustive list of all annual returns other than the purely statistical jail returns, which have to be submitted to various authorities under orders of Government or otherwise. The scale of ammunition in Rule 1253, which is borrowed from the Police orders, is merely tentative and will have to be revised later when the Government of India issues its final orders on the subject.

Revised Proof Rules 1282-84.—These Rules have been redrafted and are in a great measure new. They explain the system under which supplies by jails made to other departments of the State are paid for by book entries and adjustments.

Revised Proof Chapter LXXI.—The manufacturing registers have been revised and modified with reference to criticisms received from Superintendents. These registers have not yet been tried in any jail and until they have been put to the test of experience, it is impossible to say how far they will need further modification. There can be no doubt that they will be a great improvement on the present manufacturing registers which are generally admitted to be very unsatisfactory.

Revised Proof Rule 1302.—The statements Nos. (7) and (8), which appear in the corresponding Rule of the First Proof, are no longer needed in consequence of the revised form of manufacturing Bill which is described in Rules 1305-1306.

Revised Proof Chapter LXXIII is new and is submitted for the approval of Government.

The form referred to in Rule 1311 is that recommended by Doctors Walker and Lethbridge—vide page XIV, Appendix C, to their report. The procedure described in Rule 1310 is similar to that followed in Bengal.

Revised Proof Rule 1333.—This Rule is new. In certain sub-jails, e.g., those at Chingleput, Calicut, Trichinopoly, Masulipatam, &c., a jailor, who usually receives Rs. 20 per mensem, exists, and it seems desirable to define his duties.

Revised Proof Rule 1330.—Revised in accordance with G.Os., dated 12th October 1892, No. 1926, and 12th December 1892, No. 2293.

Revised Proof Rule 1374.—The mistake to which attention was drawn in G.O., dated 29th April 1892, No. 819, has been corrected.

Revised Proof Rule 1377.—This is new, the need for such a provision having been felt when almost all sub-jails were in charge of the Tahsildar or Deputy Tahsildars. From enquiries made it was found that in some cases it was customary to take prisoners out to the Magistrates' camp to be released. Although the creation of Stationary Sub-Magistrates will prevent this occurring in the majority of cases, the rule may be useful in the case of sub-jails which are still in charge of Tahsildars or of Deputy Tahsildars.

Revised Proof Rule 1381.—This Rule has been slightly altered, and the form of Inspection register to be kept in sub-jails has been revised. A comparison of the revised form printed on page CLXV of the Proof herewith submitted with that contained in Rule 1541 of the present code will show that the latter was extremely defective and omitted all reference to most of the chief matters which the Inspecting officer should look into. This defective character of the form has been more than once remarked on by Magistrates.

Revised Proof Appendix II, Paper No. 5.—The last three paragraphs dealing with the cooking of ragi are new and are intended especially to lay down a minimum weight which must be attained by the cooked food. This most important point is not dealt with in the present code.

Revised Proof Appendix III.—The forms here printed have been revised throughout in accordance with the remarks above submitted and with the various orders of Government quoted.

(Signed) A. G. CARDEW,
Inspector-General of Jails.

ENCLOSURE.

From Surgeon-Major-General W. F. DEFABECK, M.D., Surgeon-General with the Government of Madras, to the Inspector-General of Jails, Ootacamund, dated Madras, 13th October 1892, No. 6350.

I reply to your letter No. 3829, dated the 29th August, I have the honour to state that the scale of drops quoted in your letter as followed in Bengal appears in my opinion to be too low. I append in the margin a revised scale varying with the weight of the prisoners. This scale, with slight alterations, is observed in Burma without any untoward results and can therefore be safely adopted in this Presidency.

Weight.				Drops.
100 to 110 lbs.	..	..	..	9 feet
120 to 140 "	..	..	..	8 "
150 to 180 "	..	..	..	7 "
190 to 200 "	..	..	..	6 "

ORDER—dated 3rd March 1893, No. 467, Judicial.

With the letter read above, Mr. Cardew submits a copy of the Jail Code revised with reference to the orders which have from time to time been passed since it received the approval of Government a year ago.

2. Subject to the alterations specified below, the Code now submitted is approved and it will be issued at once by the Inspector-General. It is to be regretted that Mr. Cardew did not await the receipt of G.O., dated 18th January 1893, No. 110, Judicial, before addressing Government, as he would then have been able himself to make the amendments necessitated by the Resolution of the Government of India read in that Government Order.

3. As remarked by Mr. Cardew, the changes under the head of dietary, which are rendered necessary by the views expressed in Home Department Resolution, dated 9th November 1892, No. 10 (Jails)—610-623, cannot be carried out at once. Mr. Cardew should, however, consult with the Surgeon-General and submit his proposals on the subject as soon as he can.

4. In paragraph 36 of the Home Department Resolution referred to above, the Government of India ordered that the revised Mark rules should come into force from the 1st January 1893, but it will be pointed out to that Government that it is impossible to introduce the change until the conditions set out in paragraphs 26 and 27 of the Report of the Prison Conference have been satisfied.

5. The Government thinks that, as a new edition of the Code will be issued in a year or so, it will be advisable to keep the type standing and that the present edition should not consist of more than 200 copies.

6. The following are the alterations which Government thinks it necessary to make before the Code is issued; they are marked in the proof copy of the Code which will be returned to Mr. Cardew. Copies of the Code, as amended by Government, should be struck off as soon as possible and supplied to Government and to the other authorities concerned:—

(1) *Rule 8.*—This will require alteration if it is decided to abolish the Kurnool Jail.

(2) *Rules 8 and 11.*—In neither of these rules are the Palamcottah and Tanjore Jails shown; they should be classed as District Jails and shown in Rule 8.

(3) *Rule 15.*—This rule needs revision with reference to the orders contained in paragraph 2 of G.O., dated 18th January 1893, No. 110, Judicial, and to the recent orders declaring that the Subsidiary Jails at Ootacamund and Gúdalúr shall be treated as if they were situated at the head-quarters of a taluk. The necessary alteration has been made in the proof.

(4) *Rule 49.*—The Government sees no reason why non-official visitors should not see manufacturing accounts, nor is it aware that Superintendents have any confidential records which ought not to be shown to such visitors; the words "provided that . . . Inspector-General" will accordingly be omitted from Rule 49.

(5) *Rule 70.*—Should be revised as shown; there are other cases besides orders on petitions from convicts sentenced to death where copies of the orders passed by Government are communicated both to the Superintendent direct and to the Inspector-General.

(6) *Rule 84.*—Under G.O., dated 14th January 1893, No. 86, Judicial, charge allowances are given to Medical Subordinates in District Jails subject to a condition specified; the rule must be revised with reference to this order. The question whether the Medical Subordinate attached to the Civil Jail, Madras, should also receive a charge allowance has not been raised before, so far as Government is aware, but as he also is forbidden to practice, the concession seems reasonable.

(7) *Rule 116.*—The form in which this rule is put is objectionable, in that it will require revision whenever the Examination rules are altered; it should be revised as shown.

(8) *Rule 187.*—The Government considers that the Jailor should be required to accompany non-official as well as official visitors; the word "official" will therefore be omitted.

(9) *Rules 201, 202, and 203.*—In Rule 203 it is observed that the fourth Assistant Jailor, where such exists, will be a man of the third grade; this is correct with reference to G.O., dated 24th June 1892, No. 666, Financial. But in Rule 201 a new fourth grade of Assistant Jailors on Rs. 20—1—25 is mentioned. For this there is no authority, and the allusion to a fourth grade in Rules 201 and 202 should be omitted. Also in Rule 201 the figures in the last two lines should be 20 and 14 and not 1—20 and 1—14.

(10) *Rule 230.*—The last sentence of this rule is unnecessary and should be omitted; all Warders should be able to read and write.

(11) *Rule 232.*—Is unnecessary as Article 320 of the Civil Service Regulations itself provides for Jail Warders.

(12) *Rule 254.*—In illustration 2 to this rule the words "on the original warrant" should be inserted after the word "entitled."

(13) *Rule 328.*—This rule refers to an "interval after the midday meal," but nothing is said about the length of the interval, and it is only by implication that it can be gathered that any interval at all is necessary after the midday meal. In paragraph 34 of the Home Department Resolution read in G.O., dated 18th January 1893, No. 110, Judicial, the opinion is expressed that the interval should not be less than two hours in the hot weather and that it should never be less than two hours in the case of weakly and infirm prisoners. The rule has therefore been amended as shown.

(14) *Rule 329-A.*—It would be better to run on this rule with the preceding Rule 329; with reference to it, Rule 330 seems to require the alteration shown in the proof.

(15) *Rule 359.*—This requires alteration with reference to the orders passed on the first Proof Rule 304 in G.O., dated 5th January 1892, No. 9, Judicial. The necessary alteration has been made in the proof.

(16) *Rule 415.*—In paragraph 18 of the Resolution read in G.O., dated 18th January 1893, No. 110, Judicial, the Government of India directs that the employment of "habituals" as convict officers shall be entirely prohibited except under the special written orders of the Inspector-General of Jails. Mr. Cardew should amend Rule 415 so as to give effect to this order.

(17) *Rule 418.*—It seems to Government that as there are in future to be only three grades of convict officers, it would be as well to replace the tautological name "Convict Warder Guard" by "Convict Warder"; the matter will, however, be left to the Inspector-General's discretion.

(18) *Rule 492.*—This rule requires that every adult-labouring prisoner shall perform not less than 8 hours' work daily, but no maximum time has been prescribed as required by paragraph 34 of the Home Department Resolution read in G.O., dated 18th January 1893, No. 110, Judicial. The rule has accordingly been amended as shown in the proof.

(19) *Rules 582 and 583.*—In connection with the first Proof Rule 542, Government ordered in G.O., dated 4th January 1892, No. 5, and G.O.s, dated 5th January 1892, Nos. 9 and 10, Judicial, that the rule should be modified in such a way as to empower Superintendents to refuse to accept payment of fines after lock-up or on holidays. It is, however, observed that effect has not been given to this order in revised Rule 583 and the rule has accordingly been amended as shown in the proof. In the same rule and in Rule 582 the words "Christmas-day or Good Friday" must be omitted with reference to the orders contained in paragraph 42 of the Home Department Resolution read in G.O., dated 18th January 1893, No. 110, Judicial.

(20) *Rules 643 and 644.*—Mr. Cardew's revised Rules 643 and 644 are not in strict accordance with G.O., dated 14th January 1893, No. 84, Judicial. As the

revised rules stand, Superintendents cannot give rewards to any but private individuals and the Inspector-General of Jails cannot give rewards to any but Police and Jail officers. These restrictions are not imposed by the Government Order quoted and while the Government has no objection to the restriction imposed upon the powers of Superintendents, it considers that the limitation of the powers of the Inspector-General is unnecessary. Rule 644 also professes to lay down a rule binding the Inspector-General of Police, an officer with whom the Jail Code has no concern. Rule 644 will therefore be amended as shown.

(21) *Rule 760.*—The Government prefers the corresponding Rule 714 in the first proof to this rule. Boiling and filtering are alike important, and it should be possible to carry out the former without much trouble and at a trifling cost. Rule 714 of the first proof should be restored.

(22) *Rules 878 and 880.*—Remarks similar to those made above on Rule 588 apply to these rules. Rule 880 provides that payment of the monthly subsistence allowances cannot be made after 5 p.m., or on Sundays or holidays, but the rules omit to make a similar provision in regard to the payment of the judgment-debt. Rules 878 and 880 require therefore to be revised as shown.

(23) *Rule 1032.*—The Government accepts the scale of drop given in this rule in preference to that suggested by the Surgeon-General, but the rule should be amended verbally by the omission of the words "98 lbs. and" and "126 lbs. and" which are unnecessary.

(24) *Rule 1033.*—The Government of India has ruled in paragraph 24 of the Resolution read in G.O., dated 18th January 1893, No. 110, Judicial, that every execution shall, outside the Presidency Town, be attended by a Magistrate; in the case of executions taking place within the Presidency Town the Government of India has not specified the officer who should attend, but His Excellency in Council considers that this duty should be imposed upon the Deputy Commissioner of Police. The necessary amendments have been made in the proof of Rule 1033.

(25) *Rules 810 and 1038.*—In the same paragraph of the said Resolution the Government of India has ordered that the bodies of criminals who have been executed shall ordinarily be given up if claimed by relatives or friends. This decision necessitates alteration in Rules 810 and 1038 which should be carried out by Mr. Cardew.

(26) *Rules 347 and Chapter LVI.*—It will be necessary to make some alteration in Chapter LVI with reference to the orders contained in paragraph 25 of the Home Department Resolution read in G.O., dated 18th January 1893, No. 110, Judicial, and a slight change will also be necessary in Rule 347 so as to bring it into accord with the order that instruction shall be confined to prisoners below the age of eighteen. Mr. Cardew will make the necessary amendments.

(27) *Rule 1078.*—The words "of the classes specified in Rule 1072" have been added in order to make this rule clearer.

(28) *Rule 1092.*—The words "as far as possible" should be added between the words "shall" and "apply."

(29) *Rule 1094.*—This rule requires an alteration similar to that made by Mr. Cardew in his revised Proof Rule 18.

(30) *Chapter LXIX.*—In this and following chapters the references to the pages of the appendix on which forms are to be found have, in many instances, been left blank; these blanks should now be filled in.

(31) *Chapter LXXIII.*—The Government accepts the rules contained in this chapter although they are not in complete accordance with the recommendations of Drs. Walker and Lethbridge which were commended to the consideration of Local Governments in paragraph 15 of the Resolution of the Government of India read in G.O., dated 18th January 1893, No. 110, Judicial. In Rule 1309, however, the rates of recovery from Jailors should be raised to Rs. 30, Rs. 25 and Rs. 20.

(32) *Rule 1320.*—It is necessary to amend this rule in the same manner as Rule 15.

(33) *Rule 1334.*—This rule can be made more explicit by being worded in the manner shown in the proof.

7. The particular attention of all Sessions Judges and District Magistrates will be drawn to Rule 939 and of the Commissioner of Police to Rule 1033.

8. The following letter will be despatched to the Government of India:—

(Here enter letter, dated 3rd March 1893, No. 468, Judicial.)

(True Extract.)

Ag. Chief Secretary.

To the Inspector-General of Jails.

- „ all Sessions Judges.
- „ all District Magistrates.
- „ the Chief Presidency Magistrate.
- „ the Inspector-General of Police.
- „ the Commissioner of Police, Madras.
- „ the Surgeon-General.
- „ the Public Works Department.
- „ the Revenue Department.
- „ the Accountant-General.
- „ the Honorable the Chief Justice, with C.L.

Exd. J. Moses.

Govt. of 1893 Madras.
JUDICIAL

No 875 Wd/29 March/93

Communicated to
officers of the Public Works
Department.

Issued 1050
Recd. 18.3.93 Encl.

21.3.93

G.O., 3rd March 1893, No. 467.

MARCH.

S. Engrs.
C. H. /
C. H. /
R. S.

Jail Code.

Approving, with certain alterations, the revised
— and directing that it be issued at on ce.

one copy sent to roe
3/11/4.

2. c. 94
with order.