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MADRAS RECORD OFFICE.

Government of Madras.

Police **DEPARTMENT.**

GO. No. 104	Press Mk.
Dated 26-1-1970	

Not to be folded or Roughly handled

**Proceedings of the Madras Government, Public Department,
26th January 1870.**

Read the following papers:—

No. 116. From G. S. FORBES, Esq., President of the Vagrant Committee, to the Chief Secretary to Government, Fort Saint George, dated Madras, 25th October 1869.

Adverting to paragraph 2 of the Government Order of the 25th October 1869, Public Department, in which it is observed that no funds have been placed at the disposal of Government for providing passages under Section 16 of the new Vagrant Act, I am requested by the Committee to state that, with the approval of Government and under their guarantee, they are prepared to advance a sum of 1200 rupees to provide these passages.

No. 117. From the Secretary to the Government of India, Home Department, (Public,) to the Chief Secretary to Government, Fort Saint George, dated Simla, 30th September 1869, No. 4415.

Referring to the European Vagrancy Act No. XXI. of 1861, which was passed into law on the 15th instant, I am directed to request an early expression of the opinion of His Excellency in Council in regard to the Rules to be passed under the concluding Section.

Referred to the Committee on European Vagrancy for early report.

For Secret. Genl.,
16th October 1869.

(Signed)

H. R. STOKES

Under Secy. to Govt.

No. 118. From G. S. FORBES, Esq., President of the Vagrant Committee, to the Chief Secretary to Government, Fort Saint George, dated Madras, 19th October 1869.

I have the honour, by request of the Committee, to submit, for the approval of Government, a set of rules which they consider will sufficiently provide for the proper management of the Government workhouses, and for the maintenance of discipline therein.

1. The Committee think it desirable that the Inspector-General of Police and the Commissioners of Police for the Town of Madras should be called upon to frame rules for the guidance of the subordinate Police officers, whose part it will be to take the initiatory steps in applying the Vagrancy Act.

2. It is further suggested that all Justices of the Peace, Superintendents of Police, and such Assistant Superintendents as are specially recommended by the Magistrate, should be invested with powers under Part II., Section 10 of the Act.

3. Prosecutions, in the opinion of the Committee, should not be undertaken by officers below the grade of Inspectors, and in the Districts of Travancore and Cochin, it will be necessary that the Government of India should nominate persons to carry out the functions of the Act.

4. I am further to recommend that the Medical Officer of the Division should visit the Houses at stated periods, and should, if possible, attend to any urgent attention in dangerous cases.

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6. It seems sufficient to rule that ordinary patients should be received and treated at the General Hospital or the Dispensary, but in the case of patients whose health, in the Doctor's opinion, absolutely requires a modification of, or addition to, the regulated diet, a discretionary authority should be given to act upon such opinion.

7. It would also, the Committee think, be desirable that the Commissioner of Police and the Chaplain of the district should be ex-officio Members of the Committee, and that the latter should, if possible, hold a local weekly service at the House.

RULES.

I. The Governor of the House shall reside in the premises and shall be at home at least during the night within the precincts of the Committee. He shall be present at most times, and receive complaints. He shall be responsible for the discipline and management of the House.

II. No inmate of a Government institution shall be absent without the permission of the Governor. The Governor shall have authority to permit such absence between the hours of 5 a.m. and 4 p.m.

Refusal of liberty will be reported and explained to the Committee.

III. Inmates who are not present at most times, that is between the hours of 5 and 9 a.m., 1 and 2 p.m., and 6 and 7 p.m., will not be allowed to receive visitors. The Governor will be empowered to make exceptions for any departure from this rule, which may be necessary or convenient.

IV. Any inmate found to have been drunk or disorderly, either in the House or during absence on leave, will be charged before a Magistrate under Section 14 of the Act.

V. Any inmate who brings or causes to be brought or receives quarrelsome disputes into the House shall be charged before a Magistrate with breach of rules, under Section 14.

VI. Quarrelling, threats, abuse or obscene language, intentional annoyance of other inmates shall subject the offender to be charged before a Magistrate with breach of rules, under Section 14.

VII. Resistance to the authority of the Governor shall be similarly dealt with.

VIII. Inmates shall be bound to undertake such work as the Committee may direct.

Signed G. S. FORDEN.

President.

No. 110. Session 1869-70, 26th January 1870, No. 104.

With reference to the first of the foregoing letters, the Committee on European Vagrants will be informed that a sum of Rs. 20,000 has been entered in the Budget Estimate for the financial year 1870-71, to meet the expenditure which will be involved in working the Vagrancy Act, No. XVI. of 1869, in this Presidency, and that any orders which the Government of India may pass in regard to the provision made in this respect will be duly communicated to the Committee.

3. The Government are inclined to believe that, as far as the establishment of workhouses under the Act is concerned to receive European vagrants, the *Strangers' Home* at Madras, when sanctioned under Section 11, will be a central workhouse, sufficient for the whole of this Presidency, excepting perhaps the districts of Coimbatore, Vengaloor, Chingleput, Arcot, and Tinnevely, for which, on account of their

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great distances from the Presidency town, it may be necessary to make separate provision. To meet the requirements of these districts, the Government think it will be sufficient to establish two workhouses—one at Coimbatore, for the four northern districts, and another at Tuticorin for the district of Tinnevely. Before, however, arriving at any conclusion on this point, the Government desire to receive the opinions of the Magistrates of the Coimbatore and Tinnevely Districts as to the expediency of establishing a workhouse in each of these districts.

2. The Government approve of the Draft Rules submitted by the Committee with their President's letter of the 19th October last, for the management and discipline of the House, after it shall have been brought under the operation of the new law. These rules will be submitted for the sanction of the Government of India, as required by Section 14 of the Act.

4. The Government approve also of the recommendations made by the Committee with regard to the professional attendance at the House of the Medical Officer of the district, the treatment of the sick at the General Hospital or Dispensary, the nomination of the Commissioner of Police and the Chaplain of the district as ex-officio Members of the Committee of Management to be appointed under Section 12, and the performance of Divine service at the House. The Inspector-General of the Indian Medical Department will, in communication with the Committee, fix the periods at which the Medical Officer of the 1st District should visit the House; and the *Right Reverend the Bishop of Madras* will likewise be requested to arrange for a Divine service being held at the House by the Chaplain or the *Dean of the Cathedral*.

5. In the letter from the Government of India above recorded, the opinion of this Government is requested as to the administrative rules to be passed by the Governor-General in Council for the guidance of officers in matters connected with the enforcement of the Act. As suggested in paragraph 2 of Mr. Forster's letter of the 19th October, the Inspector-General of Police will be requested to frame rules for the guidance of the officers of the Police, on whom will devolve the duty of taking the initiatory steps for carrying out the provisions of the new law. Major Hearn will also submit his views upon the opinion of the Committee, contained in paragraph 4 of that letter, as to the grade of Officers to be appointed under Section 37 for conducting proceedings under the Act.

7. The Government think that administrative rules may also, with advantage, be framed on the following points:—

(1) *Grant of Certificates under Section 9.*—Section 9 provides that Magistrates of Police or Justices of the Peace exercising full Magisterial powers, may give certificates or pass-ports for a time not exceeding six months, which would relieve the persons named in them from detention under the Act. In his speech delivered in the Imperial Legislative Council, when moving the consideration of the Select Committee's Report on the Bill which became Act XXI. of 1869, the Honorable Mr. Casson Maize stated that he "hoped that the power given by this Section would be used with discretion, or there might be a number of licensed vagrants wandering over the country. If it was abused, the exercise of the power could be regulated by a rule of the Governor-General in Council under Section 34." It is also apprehended that vagrants, who may be called upon by a Police Officer under Section 6 to appear

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before a Justice of the Peace, or a Magistrate of Police, to be dealt with under the Act, may evade the law, either by imposing upon a Constable who is ignorant of the English language with a fictitious certificate in that language, or by alleging the possession of a certificate but declining to produce it. To prevent such evasions, it is thought desirable that certificates should be issued in English and in the principal vernacular languages of this Presidency, and that persons who have received certificates should be expressly required to produce them when their production is demanded by a Police Officer.

(ii.) *Deportation of persons of European parentage, born in India.*—When the Act was under discussion in the Imperial Council, the question was raised by Sir H. M. Darnley as to whether it was intended that persons of European extraction, who had been born in India and had become vagrants, should necessarily be deported. The Honorable Mr. Mons replied "that there was no legal obligation thrown by the measure on the Local Governments or their officers to enter into agreements under Part IV. of the Act. Unquestionably, there would be certain vagrants whom it would ordinarily be improper to remove from India; but here again an administrative rule of the Governor-General in Council would be found to point out what discrimination was to be made between the different classes of persons coming under the measure."

(iii.) *Payment of Subsistence Allowance.*—Under Section 8 it is directed that with the Magistrate of Police, or Justice of the Peace, shall be paid a subsistence allowance at the rate of eight annas per diem. With reference to this Section, it seems necessary to lay down a rule to the effect that the subsistence allowance shall be paid into the hands of the Police Officer who may have charge of the vagrant, and not to the vagrant himself. Such a rule will preclude the possibility of the money paid in respect of the subsistence allowance, being misapplied by the vagrant.

(iv.) *Prohibition of the sale of Spirituous Liquors to Vagrants.*—As a means of ensuring the good conduct of vagrants while under the surveillance of the Police, it is considered desirable that all vendors of intoxicating liquors should be prohibited from selling or otherwise giving, such liquors to vagrants who may be in charge of the Police in pursuance of the provisions of Sections 4, 5, 6, and 7 of the Act.

5. The Commissioner General of Police will be requested to submit his opinion on the points above referred to, and also on any other points on which he may consider it expedient that administrative rules should be framed under Section 34 of the Act.

6. According to the provisions of Section 10, under which the Government may confer on a Justice of the Peace, District Superintendent of Police, or Assistant Superintendent of Police, with the jurisdiction and powers conferred by Part II. of the Act on a Justice of the Peace concerning the full powers of a Magistrate, the Government resolve to direct that the Magistrates of the several districts will submit the names of the officers in their respective districts who, in their opinion, should be invested with the powers conferred in that Section.

7. Section 34, it is observed, provides that the process and duties conferred and imposed by this Act on Magistrates, Justices of the Peace concerning the

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full powers of a Magistrate, and Police officers respectively, may in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor-General of India in Council shall from time to time appoint in this behalf. With reference to this Section, the Resident of Travancore and Cochin, the Political Agent at Pondicherry, and the Magistrates of Bellary and Kurnool will be requested to submit the names of the officers whom they would recommend to be appointed to exercise the powers given by the Act, in the territories noted in

the margin. They will also be requested to submit their views as to the expediency of extending to those territories that part of the Act which, under clause 3, Section 2, requires the Notification of the Governor-General in Council to bring it into operation therein.

(Signed) J. L. MINCHIN,
Acting Chief Secretary.

No 120. To the Secretary to the Government of India, Home Department,
dated Fort Saint George, 26th January 1870, No. 105.

With reference to the letter from this department to your address, dated 24th October last, No. 1460, on the subject of the European Vagrancy Act, I am directed to submit the enclosed copy of the Proceedings of the Madras Government of the 26th January 1870, in relation to the proposed Bill for the management and discipline of the Strangers' Home at Pondicherry, for the management and discipline of the Strangers' Home at Pondicherry, after it shall have been licensed under clause 2, Section 11 of Act XXI. of 1857, and to request that His Excellency the Governor-General in Council will be pleased to accord his sanction to these Rules under the provisions of Section 14 of the Act.

(Signed) J. L. MINCHIN,
Acting Chief Secretary.

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JANUARY.
Nos. 110-120.

Advancing for 1890. Notes prepared by
The Post Office & Savings Act for the year
and the balance of the Government of the
at 1890.

Tab 6 copy of P. No. 1057

Public Department

No. 1057

To

The Secretary to the Government
of India,

Sir,

I have reference to the
letter from the Chief-
secretary to your address
dated 25th October last
No. 1060, on the subject
of the Bangalore Typing
School, I am directed to
submit the enclosed copy
of the proceedings of
the Bangalore Typing
Committee, forwarding
under the Draft of,
the proposed by the
Committee as Bangalore
Typing School for the purpose
of the Bangalore Typing
School.

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shall have been taken
under clause 2. Section
of Act XXI of 1857.
to ensure that this is
not being done.
General in Council
will be placed under
his command to the
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of Colonel 13 of the 1st

Fort St. George
26 Jan 1770.

