

Public (1896) Department. 1-6

ORDINARY MS.

G.O., No. 219

Dated 12 Feb. 1896.

[Despatch Abstract.]

CIVIL LISTS.

Approving and ordering the adoption in the----of the tabular form submitted by the Inspector-General of Prisons for the Jail Department list, but declining to accept his suggestion that the word "prison" should be substituted for the word "jail".

JUDICIAL. 4394

MAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF ~~LANDS~~ *Revenue*

THE CHIEF SECRETARY TO GOVERNMENT.

Referred to the Judicial Dept.
for a decision in para 3 of the
2d letter

Quib
11/16
2-1-96

22 DEC 1955
U.S. DEPARTMENT OF AGRICULTURE
OFFICE OF SECRETARY

Dated 20th
Despatched
Received 22
Regd. 7.1. '96.
No. C. 1896.
December 1895.

ENCLOSURE. M.E.

Subject.

States that he has no objection to the
 il Department List being printed on
 nos 162, 163 of the Civil List being thrown
 to tabular form and encloses a list
 tabulated accordingly.

1,000-5-11-92

3/21/01
J. J. DEPARTMENT

C. No. 4394 of 95 (Public).

FOR ORDERS.

See para 3 of the foregoing memo.
Mr. Carden suggests, in connection
with the revision of the Civil de-
now under consideration in the
Public Dept., that the word
'Prison' should be adopted
uniformly in place of the
word 'jail', seeing that the
present Prisons Act. of '94,
refers to Prisons & not to jails
and that the designation
of his appointment has been
changed from Corp. Genl of
Jails to Corp. Genl of Prisons.
2. The question of substituting
the word 'jail' by the word
'Prison' had been considered
on previous occasions and
this Genl was opposed to the
change from the beginning.

100

Govt. Dep't. letter of 7 July 93
 1390. H. E. in C. expressed
 himself in favour of entitling
 the Act 'Jails Act' and design-
 ating the head of the Dep't.
 as 'Super. Genl. of jails'.
 The Govt. of India however
 did not accept this suggest-
 ion. On the passing of the
 present Prisons Act, the desig-
 nation of the app't. of the Super-
 intend. of jails was changed
 into Super. Genl. of Prisons
 with reference to Sec 3(7) of the Act.
 The word 'Prison' is defined
 in the Act as meaning a jail
 See Sec 3(1) - & it does not
 therefore much matter by
 what name these institu-
 tions are called. No jail in
 the Presy. is at present called
 a prison. In Bengal, Punjab,
 Burma, Central Provinces,
 Assam, Coorg & Hyderabad
 assigned D's also the word
 'prison' is not used in
 naming these institutions.
 In the N. W. P. & Orissa, 'Central
 jails' are called 'Central Prisons'.

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

~~THE HON'BLE MR. J. GROSE.~~

* 5.04.28. June 94. No 1416.

* This is probably with
 to Sec 11(2) of the Act in
 the term 'Central Pris-

but the other classes of jails
 are not designated as Prisons
 in Bombay, in the other hand
 Central & D. jails are called
 Central & D. Prisons. The
 names of Prisons being styled
 as jails as heretofore.
 H. The Prison Act, 1894, relates
 only to Central & D. jails,
 including civil jails, but
 has no application to sub-
 sidiary jails. See Sec 3(1)(c).
 It is rather doubtful whether
 these jails can be called
 'Subsidiary Prisons' in
 the face of the requirement
 in ~~Section~~ Sec 3(1)(c) of the
 Prison Act that these insti-
 tutions should be declared
 by the Local Govt. to be
 'subsidiary jails'. The terms
 'D. Prisons' & 'Civil prisons'
 do not occur anywhere in
 the Prison Act, but the word
 'civil jail' occurs in several
 other acts of the Indian legis-
 lature - e.g., Civil Procedure
 Code & Criminal Procedure Code.
 The word 'Central prison'
 occurs in Sec 11(2) of the Act.
 P.T.

From the above it will be seen -

i) That, in almost all the Provinces, the term 'jail' is used in designating a place of confinement, whether Central, S.P., Civil or Sub jail;

ii) That this Govt. had on previous occasions been in favour of calling these institutions ~~as~~ jails;

iii) That there is no legal objection to calling Central & S.P. jails, possibly also Civil jails, as Central and S.P. prisons, & Civil prisons, but at the same time that there is no legal necessity for a change of name;

iv) That it is not clear whether 'Subsidiary jails' can be designated 'Subsidiary prisons' under the law as at present stands;

v) That uniformity which Mr. Carden wants to bring about cannot be secured by if one class of jails

is called 'Prisons' ^{by} and another class 'Jails'.

b. In these circumstances orders are requested as to whether the change proposed by Mr. Carden should be accepted. It will be noted that he desires to change also the designation of his Dept. into 'Prison Dept.'

It is if consistency is to be maintained we shall have 'Prison code' for 'Jail Code', 'Prison Manufactures' for 'Jail Manufactures', & so on. The term 'Jailors' must apparently remain in any case, and cannot be changed into 'Prisoners' without risk of confusion!

Complete consistency seems unobtainable, even if it were, & orders accordingly were issued, it seems very doubtful whether any one outside the Govt. office & the 'Prison Dept.' would learn to call the 'Vellore Jail', for instance, the 'Vellore Prison', & the order would remain a dead letter.

Princip

'Prison' is merely the general term used in the Act & is defining no meaning 'any jail'. There is therefore no

Re Wm Simpson - 90

name to alter the nomenclature
our jails.

and of "Jails" is now "J. of
Jails" but that is expressly
designated in the Act.

a. J. of J. may therefore
turn the papers to the Pub. Dept
for the opinion above expressed

J. J. 31. 16

Let it be
J. J. 31. 16

Public
CURRENT No. 1/1/16

Returned to the Public
with notes in original

W. Simpson

W. Simpson

W. Simpson

W. Simpson

W. Simpson

W. Simpson

W. Simpson

H. B.

(For order)

ORDER

1. The Commission on the
J. G. of Prison is appointed
advised in the Civil Code.
2. The Gov. is authorized
to accept the suggestion in
the 2nd letter.

25 August