

Public Works (1899) Department.

RAILWAY BRANCH.

G.O., No. 667. Ry

DATED 14th June 1899.

[Despatch Abstract.]

Conveyance of Prisoners by Rail

Coming to the Agent, S. S. Ry, for info. Res
of the Jail Dept accepting certain arrange-
ments made by the Inspector General
of Prisons with the Agent, for the —

BACK PAPERS.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government (1899) of Madras.
JUDICIAL.

1899.

G.O., No. 856, 1st June 1899.

JUNE.

Conveyance of Prisoners by Rail.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

From L. M. WYNCH, Esq., I.C.S., Acting District Magistrate of South Arcot, to the Chief Secretary to Government (through the Inspector-General of Prisons), dated Camp, Acherpauk, 12th January 1899, Ref. on No. 1653-Mag. of 1898.

I have the honour to request the orders of Government in the following case.

2. In the beginning of November last, the railway stationmaster, Tirukkóvilúr, refused to permit convicts committed to the District Jail, Cuddalore, to travel otherwise than in a reserved compartment. The Deputy Magistrate, Tirukkóvilúr Division, referred the matter to me for orders and I asked the Agent of the South Indian Railway to state the reasons for the stationmaster's objection. In his letter No. 4164, dated 22nd ultimo (copy enclosed), he states that the objection was based on Rule 6, Part II, of the rules made by the Government of India under the Indian Railway Act, 1890, and published at pages 383 to 413 of the *Fort St. George Gazette*, Part I, dated 9th April 1895.

3. The rules refer only to State Railways, but I find that in paragraph 2 of the Resolution of the Government of India, printed at page 383 of the *Gazette*, Agents and Managers of other Railways have been desired to apply for the adoption of the rules. The Sub-Jail Manual makes no reference to this rule which has not hitherto been enforced. The working of the rule, if it is to be enforced, will however be very inconvenient as very often only one or two prisoners have to be escorted and the retention of reserved accommodation in every case will materially increase the transit charges. Sometimes reserved accommodation cannot be obtained without previous notice and this again will cause inconvenience and delay.

ENCLOSURE.

From the Agent, South Indian Railway, to the Collector of South Arcot, dated Trichinopoly, 22nd December 1898, No. F. 1047—21-4164.

In reply to your letter No. 1653 of the 5th December 1898, the accompaniments to which are herewith returned, I have the honour to inform you that the action taken by this administration in regard to insisting upon prisoners and their escorts travelling in reserved compartments is in compliance with Rule No. 6 of Part II, of the General Rules of the Government of India for Indian Railways which is as under—

"6. Prisoners and insane passengers shall not be allowed to mix with other passengers, but must, upon reserved accommodation being engaged, be placed with their escort or attendance in a prison van or in a separate compartment as the case may be."

The General Rules above referred to were published in the *Gazette of India* Part I, of the 23rd March 1895—*vide Fort St. George Gazette*, Part I, of the 9th April 1895.

Forwarded.

No. 538.

2. The application to the South Indian Railway of the "General Rules" of 23rd March 1895, was sanctioned by the Government of India in Notification No. 308, dated 23rd August 1895—*vide* pages 727 and 728 of the *Gazette of India*, dated 24th August 1895.

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3. Rule 6 of the General Rules was until lately disregarded by the railways in this Presidency and is now only enforced by the South Indian Railway, the authorities of which apparently discovered it early in 1898. Its practical effect is to increase railway receipts at the expense of Provincial revenues and to cause much inconvenience in the despatch of prisoners by rail. It is improbable that the 3rd class travelling public would have any objection to being in the same compartment with a prisoner and his escort, but the rule prohibiting such an arrangement has just that appearance of propriety which renders cancellation difficult. I shall be very glad if the Government of India can be induced to cancel it.

(Signed) A. G. CARDEW,
Inspector-General of Prisons.
OOTACAMUND,
23rd January 1899.

From Lieut.-Colonel W. O'HARA, I.M.S., Acting Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 26th April 1899, No. 2606.

I have the honour to return the papers which were forwarded to me for remarks with Judicial endorsement, No. 483, dated 15th February 1899, and to state that in accordance with the suggestions of the Joint Secretary to Government the Agent, South Indian Railway, was addressed and requested to consider whether in view of the inconvenience and expense attending the operation of Rule 6 Part II, of the General Rules of the Government of India for Railways, some arrangements for obviating the difficulties complained of could not be made.

2. In a personal interview with the Agent, South Indian Railway, the following alternative arrangements were suggested:—

(a) Prisoners and their guards to travel by goodstrains.
(b) That they should be treated as "Special" and permitted to travel in reserved accommodation at reduced rate, *i.e.*, the "minimum" rate for third-class passengers.

3. In his letter No. F. 1047—21-1203, dated 21st April 1899, the Agent has replied that he is willing to concede the reserving of a compartment on payment of six fares instead of eight as heretofore. This concession he states will not apply to either of the mail trains running between Madras and Tuticorin.

4. As this privilege will tend to reduce the expenditure on transfer of prisoners by permitting eight prisoners to travel at six fares and also by reducing the minimum charge for reserved accommodation, I beg to request that it may be accepted as it is very unlikely that the Government of India will ever be induced to revoke Rule 6, Part II, of the General Rules for Railways. Instructions have already been issued to Jails that in making transfers the number of prisoners and their escort should as far as possible be eight or multiples of eight so as to utilise as far as possible all accommodation that is paid for.

ORDER—No. 856, Judicial, dated 1st June 1899.

The Inspector-General's recommendation in paragraph 4 of his letter is accepted.

(True Extract.)

To the Inspector-General of Prisons.
" District Magistrate, South Arcot.
" Public Works Department.
" Financial Department.

Exd. A. F. Eccleston.

A. G. Cardew
for Chief Secretary.

for Chief Secretary.

Communicated to A. F. Eccleston

information

14/6/99

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