FOR RECORD ONLY

Government of Madras

LAW (GENERAL) DEPARTMENT

G.O. No. 667, 26th February 1923

Prisoners—Sentences—Long term—Revision—Standing Advisory Boards—Appointed.

READ—the following papers :—

I

Memorandum No. 927-C-2, Law (General), dated 7th March 1922.

The Government consider that, pending the receipt of orders from the Government of India on the recommendations of the Indian Jails Committee on the subject of the indeterminate sentence, an experiment may be started in the way of releasing on specified conditions ordinary offenders whose conduct in jail has been very good and who have served nearly all their sentence.

The Inspector-General of Prisons is requested to report his views on the subject and to submit for the consideration of Government detailed proposals for carrying out the experiment.

R. RAMACHANDRA RAO,
Secretary to Government.

To the Inspector-General of Prisons.

II

Memorandum No. 1954-C-1, Law (General), dated 5th May 1922.

The Government learn that in the Bombay Presidency, partly from motive of economy and to relieve congestion, the Government have released a number of short-term prisoners of exemplary conduct who were nearing the end of their sentence. The Inspector-General is requested to state whether, with special reference to the congestion in all the jails caused by the influx of Mappilla prisoners, he thinks it desirable to adopt a similar course in the Madras Presidency.

2. A copy of Memorandum No. 927C-2, dated the 7th March 1922, is furnished, but it need not be replied to except to the extent of relief of congestion as indicated above.

R. RAMACHANDRA RAO,
Secretary to Government.

To the Inspector-General of Prisons.

III

Letter from Lieut.-Col. J. P. CAMERON, I.M.S., Inspector-General of Prisons, to the Secretary to Government, Law (General) Department, dated Ootacamund, the 2nd June 1922, No. G-288.

I have the honour to acknowledge the receipt of your Memorandum No. 1954-C-1, dated the 5th May 1922, and to state that, prior to its receipt, particulars were collected from jails relating to the number of district jail prisoners who had completed three-fourths of their sentence and could be released with reasonable safety. From information obtained it was found some 760 prisoners could be so released. Now that annexes are being added to the Central Jails, Vellore, Salem, Trichinopoly and Cannanore and special sub-jails have been opened for the confinement of remand and undertrial prisoners in Cannanore and Calicut, and the Alipuram Central Jail, Bellary Cantonment, is capable of accommodating nearly 8,000 prisoners, there is no immediate necessity to release any of these prisoners. Moreover, I do not consider it altogether advisable to release prisoners merely for the purpose of relieving congestion, if the congestion can be overcome by other means—though I fully appreciate the desirability of being in a position to do so should urgent necessity arise—but I am entirely in favour of individual releases on the lines recommended by the Indian

Jails Committee in paragraph 453 of their report, viz., deserving long-term prisoners who have served half their sentences (two-thirds in the case of habitual offenders) including remission earned, but not special remission granted in celebration of public events. Under this scheme no sentence would come up for revision until a period of two and a half years, including remission, has been served.

2. If my proposal meets with the approval of Government, Superintendents of Jails will be instructed to submit cases recommended by the Board of Visitors for release for the consideration of Government. It is thought that, as a tentative measure, the Board of Visitors may constitute the revising Board contemplated in paragraph 454 of the Indian Jails Committee's report.

IV

Letter from C. W. Gwynne, Esq., O.B.E., Deputy Secretary to the Government of India, Home Department, to the Secretary to the Government of Madras, Law (General) Department, dated Simla, the 15th June 1922, No. F-77-Jails.

I am directed to address you on the subject of the recommendations of the Jails Committee contained in Chapter XVI of the report with reference to the correspondence ending with your letter No. 178, dated the 25th January 1922.

2. In their letter No. 141-Jails, dated the 19th May 1921, the Government of India expressed their general agreement with the proposal that Advisory Boards should be constituted on the lines proposed by the Committee, but asked for the views of local Governments after the question had been examined from a practical point of view. The replies received to this reference indicate generally a willingness to try the system of advisory boards as an experimental measure. As to the constitution of the board and the necessity for a whole-time secretary, there is necessarily some divergence of opinion. On these points of detail the Government of India are not in a position to give any general ruling; they largely depend on the special circumstances of the province itself, the extent to which the experiment is tried, the amount of work falling on the board, and the extent to which the further suggestions in the same chapter are given effect. The Government of India are content to leave these questions of detail to the decision of each local Government provided that the spirit of the principles enunciated by the Jails Committee in this chapter and with which they are in general agreement is not materially departed from. In regard to the information to be submitted to the Board they desire to be more explicit. In every case the judgment of the court, full and accurate details of the prisoner's previous history and his prison record should invariably be placed before the Board. As to the method of securing this information the Government of India are content to leave the matter to the discretion of local Governments. But they deprecate the adoption of a suggestion which has been made that instructions should be issued that courts when sentencing an accused to a term of imprisonment of five years or upwards should include in the judgment a short account of the accused's record and previous history. In the opinion of the Government of India this procedure is not suitable as the court is not in a position to give the necessary particulars as to an accused's previous history and should not be put in the position of being forced to collect this information.

3. I am now to request that with the permission of His Excellency the Governor in Council the question of appointing revising boards should now be considered, and such boards should, if possible, be constituted at any rate as an experimental measure. In any province in which such a board is constituted I am to request that a report may be submitted to the Government of India indicating the measures adopted and the success achieved. The Government of India do not think it necessary to lay down any rigid adherence to the minimum of two and a half years recommended by the Jails Committee, but if any local Government thinks a longer minimum period might be tried in the first instance, they have no objection. Only a few of the local Governments have commented on the recommendation of the Committee in regard to the interval at which the revising board should meet. The Government of India consider that it would be necessary for the board to sit at least twice a year at each of the jails; otherwise a case might not come before the board until nearly a year after it was ripe for consideration. It is, in the opinion of the Government of India, possible that some local Governments may for financial reasons

find themselves unable to constitute a revising b
as to the best method of setting to work so as t
am therefore to enclose a copy of a resolution i
as it is possible other local Governments may in
example of the Government of Bombay. The G
this course.

4. With regard to the other recommendation
in paragraph 4 of the Home Department letter
the Government of India observe that opinion i
recommendations have not been favourably rec
to introduce a probationary period during whi
released from the restrictions of jail life is accept
expense. There are various suggestions, e.g., tha
tion in farm colonies, or should undergo intern
measure should only be tried experimentally. C
agreement against the appointment of special pa
India agree that there are objections to the appoi
think that the recommendation regarding a probat
accepted in principle, and they are confirmed in t
of local Governments. In putting this recom
inclined to the view, that while the appointment
impracticable yet the institution of a probation
supervising authority would be open to objectio
opinion that prisoners should only be released on
supervising authority or agency is appointed. Suc
District Magistrate concerned. But with these obs
the matter in the hands of local Governments to
prepared to adopt without impairing the efficiency o
to them in due course the measures adopted and
attended. In regard to recommendation (*b*) that wh
the revising board should have power to suspend a
him made under section 565 of the Code of Crimin
Government of India agree with the view held by t
that while it may be open to revising boards to r
Government alone should have the power to remit s

As to proposal (*c*) that, in the event of the
accepted, the practice of granting remission of sen
joicing should be abandoned (paragraph 460), the
agree with the recommendations of the Jails Com
India would therefore be glad if, in the event of
being adopted by any local Government, the pr
sentence on occasions of public rejoicing could be aba
in which the immediate release of the convict concer

Order—No. 667, Law (General), dated 26th February 1

With a view to secure the advantages of indete
economy in prison administration, the Indian Jai
chapter XVI of their report the revision of sentences
appointment of advisory boards for the purpose of su
Governor in Council has considered these recommen
order the appointment of Standing Advisory Boards t
sentences of prisoners confined in the prisons of this Pr

2. The Advisory Board for the City of Madras wil
the Inspector-General of Prisons (Chairman);
the Chief Presidency Magistrate; and
a non-official member appointed by the Governm
The Superintendent of Prisons, Madras, will be Se

bard at once or they may be in doubt
secure the most valuable results. I
sued by the Government of Bombay
the first instance wish to follow the
overnment of India would welcome

s made in Chapter XVI summarized
No. 141, dated the 19th May 1921,
divided and that the Committee's
ived in all quarters. The proposal
ch a convict should be gradually
ed generally, though it will involve
such convicts should be on proba-
ediate imprisonment, or that the
n the other hand there is general
role officers. The Government of
ntment of these officers: but they
ionary period is one which may be
his view by the general agreement
nendation into practice they are
of special parole officers may be
ary period without some sort of
n; and they accordingly are of
probation provided such suitable
h an authority might well be the
rvations they are content to leave
take such measures as they are
f jail administration and to report
the success with which they are
en a prisoner is released on parole
nd set aside any order regarding
l Procedure (paragraph 459), the
he majority of local Governments
nake recommendations, the local
ch orders.
ystem of release on parole being
tence on occasions of public re-
majority of local Governments
mittee and the Government of
release on parole
actice of granting remission of
ndoned or at least in those cases
ied would not be possible.

923.

rminate sentences and to effect
ls Committee recommended in
of long-term prisoners and the
h revision. His Excellency the
dations and is now pleased to
o investigate and report on the
residency.
consist of:
ment.
retary to the Board.

In the mufassal, the Board will c… onsist of :

the Inspector-General of Priso… is (Chairman) ;

the District and Sessions J… dge of the district in which the prison is situated ; and

a non-official member appoint… d by the Government.

The Superintendent of the Jail … oncerned will be Secretary to the Board.

The term of office of each non… official member will ordinarily be fixed at three years.

3. Each Board shall sit at least … once in six months.

4. For the present, the Board… should consider only the cases of non-habituals who satisfy the following conditions, viz. :—

(i) that the prisoner has serv… d two-thirds of his sentence including remission, and further,

(ii) that he has served not le… s than 2½ years including remission.

The Boards should submit ear… recommendations with a view to the release of as many of this class as can be rele… sed without injury to the community.

5. To enable the Advisory Boa… rds to judge the fitness of prisoners for release, it is necessary in every case that the judgment of the court, full and accurate details of the prisoner's previous history and his prison record should invariably be placed before them. This duty will devolve on the Superintendent of the Jail in his capacity as Secretary to the Board, but the Police and the District Magistrate should render him every assistance in collecting the information. The Boards should also consult the officers of the Madras Presidency Discharged Prisoners' Aid Society on the arrangements which may be practicable for the supervision of the prisoner's after-life.

6. The Governor in Council considers that it is inadvisable to release prisoners unconditionally and that prisoners who are released should ordinarily pass a period of probation during which their fitness for final release can be tested. During this period, the prisoner should be under the supervision of a probation or parole officer whose duty it will be to see that the conditions of release are not broken and to give the prisoner any protection, assistance or advice he may need. Where the Discharged Prisoners' Aid Society can undertake this work it should be asked to do so. Where it cannot, the District Magistrate should himself undertake the work. He may make use of the services not only of private persons but also of departmental officers other than those belonging to the Police department such as Sub-Registrars, and officers of the Co-operative or Labour departments. These agents of the District Magistrate should be brought in touch with the Discharged Prisoners' Aid Society in the district, if any such exists, and should be encouraged to send to that society periodical notes about a prisoner's behaviour. If at any time it should be necessary to bring to notice that a prisoner is relapsing into crime and that action by the District Magistrate is called for communication should be made direct to the District Magistrate, either in addition to, or instead of, the communication to the Discharged Prisoners' Aid Society.

(By order of the Governor in Council)

P. L. MOORE,
Acting Secretary to Government.

To the Inspector-General of Prisons.
" the Superintendent, Government Press (for publication in Gazette).
Copy to the Government of India, Home Department (with C.L.).
" Judicial Department.

LAW (GENERAL) DEPARTMENT.

NOTES CONNECTED WITH G.O. N… DATED 26TH FEBRU… No. 667, LAW (GENERAL), …ARY 1923.

[SUBJECT.—*Notes connected with the propo… Salem Central Jail for Map… sal to provide an annexe to the …pilla prisoners.*]

* * * * * *

I understand that in Bombay there has bee… n some kind of a jail visitation for the purpose of releasing ordinary offenders who h… ave only a short time to serve and so making room for new admissions. Could … not this be done here also ? The B | stoppage of prosecutions and convictions in … the Martial Law Area threatens to paralyse our efforts to restore normal conditio… ns.

A. R. K[NAPP]—23-2-22.

* * * * * *

As to **B**, I was always anxious to try the … probation system or letting out a certain number of good conduct people on paro… le. I do not know what Bombay 1 | is doing. I do not know if any proposals to abo… lish imprisonment for non-payment of debts have gone to Government of India. B… efore the scheme can be fully noted the Government of India's sanction or orders on … the Jails Committee's report on indeterminate sentences should be received. In t… he meantime we may consult the 2 | Inspector-General of Prisons as to releasing pri… soners on conditions provided they are of very good conduct and had served nearly all … their sentence.

3 | Enquire also of Bombay.

K. S[…INIVASA AYYANGAR]—28-2-22.

The file regarding abolition of imprisonment … for debts is in circulation with draft letter to India.

Drafts submitted with reference to **2** and **3** abo… ve.

P.G.S.S.—4-3-22. R. V. KRISHNA AYYAR—6-3-22.

… rusal to C-4.

Issue the two drafts ; then for p… RAMACHANDRA RAO—6-3-22.

R. …NIVASA AYYANGAR]—22-3-22.

K. S[RI… h 1922, to the Inspector-General of … isons.] …he Government of Bombay.]

[Memorandum No. 927 C-2, dated the 7th Marc…

[Letter No. 927 C-3, dated the 7th March … 22, to t…

* * * * * *

From the Government of Bombay, No. 432-D, da… ed the 30th March 1922.

The Inspector-General's reply to Memorandum … No. 927 C-2, dated the 7th March 1922, has not yet been received. It may be aw… ited.

V.N.S.—7-4-22. S.A.—8-4-22. R.R.—11-4-22.

From the Inspector-General of Prisons, No. G. 14… , dated 15th April 1922.

A copy of our memorandum may be furnished … to the Inspector-General as requested. The letter from Bombay may also be sent t… him at the same time.

Draft submitted.

P.G.S.S.—26-4-22. S.A.—27-4-22. R.V.K.—27-4-22.

Apart from a *jails* point of view
to remove congestion in our jails.

We asked Inspector-General to
reference.

But is it necessary to obtain his
gone into the matter thoroughly. W
ask Inspector-General to send rolls
special cases from the categories.

My proposal was only for a sp
prisoners, but I observe that the n
this but put to the Inspector-Gene

This is what C-3 then Honourable Me
Jails ordered.

R.R.—3-5

B altogether by considerations o
inclined at the present mome
lines suggested. That I think
etc., are further advanced. But
an opportunity if he desires to ta
possibly also meeting the budget
clearance of those who fulfil our c
want of accommodation we are
release, while many well-behaved
similar opportunity of getting out
the Inspector-General calling his
motives of economy and to reli
number of short-term prisoners
their sentence and ask him whet
the jails caused by the influx o
should adopt a similar course.

A draft memo

A.S.—4-5-22.

[Memorandum No. 1954 C-1

From the Inspector-Gen

In view of Hon'ble Men
General's in his letter in the
question of releasing on parole
may be dropped for the present

2. As regards the Inspect
long-term prisoners on the line
report, the Government of In
Government and their reply
consider the Inspector-General

For orders.

C.P.G.—10-6-22. S.A.—10-6-22.

Paragraph 1 *above*.—Yes.

Paragraph 2.—No orders

the immediate object of these references were

nd in his views; he has probably mislaid the

views? The Bombay Committee seems to have
e may accept the general principles therein and
for sanction, giving him discretion to exclude

R. RAMACHANDRA RAO—1-5-22.

cial emergency step to make room for Mappilla
morandum of the 6th of March gave no hint of
al in general terms a proposal for cutting short
sentences of offenders whose conduct has
been very good. The Bombay experi-
ment, as that Government's first resolution
clearly shows, was dictated almost
economy and the relief of congestion. I am not
t to make any large experiment on the general
should wait until our arrangements for probation,
think we might still give the Inspector-General
ke it of relieving the congestion in the Jails (and
nt made in the Jail department) by a special jail
nditions. It is perhaps rather anomalous that for
ntemplating letting out Mappillas on conditional
and much less harmful criminals do not have a
of jail. Please therefore send a memorandum to
ttention to the fact that in Bombay, partly from
ve congestion, the Government have released a
f exemplary conduct who were nearing the end of
her with special reference to the congestion in all
Mappilla prisoners he thinks it desirable that we

A. R. K[NAPP]—2-5-22.

randum is submitted for approval.

R.R.—5-5-22.

dated 5th May 1922, to the Inspector-General of
Prisons.]

ral of Prisons, No. 9288, *dated 2nd June* 1922.

ber's remarks at **B** above and of the Inspector-
current file, it is submitted for orders whether the
short-term prisoners nearing the end of their sentences,

or-General's proposal regarding individual release of
s indicated in paragraph 453 of the Jails Committee's
dia have already been furnished with the views of this
is awaited. It does not therefore seem possible to
s proposals till India's reply is received.

R. V. KRISHNA AYYAR—10-6-22.

can issue till we hear from India.

R.R.—12-6-22.

Paragraph 1.—Yes.

Paragraph 2.—I do not understand what
represent a provincial subject and we are
not entitled in a matter of this kind to go ahe
We had better tell them that we propose t
and if so when a reply to our letter of the 10th

In his note in G.O. No. 1541, dated 22nd
this file to be re-examined. In the Governme
Order, the Government of India was against de
Government under clause 59. Clause 59 (5)
subject matter of this file. So we cannot of
long-term prisoners.

* Not issued.

As amended

From the Government of India, Home D
dated 15th June 1

The points for decision are mentioned below

C.P.G.—6-7-22. S.A.—7-7-22.

Forwarded to the Inspector-General of Priso
notes below.

Returned with my remarks Unde

Submitted for orde

(*a*) The question of appointing revising Boar
(i) permanently, or
(ii) as an experimental measure.

We have already agreed to the appointment of s
them permanently.

I agree.

(*b*) Constitution of the Board and the necessity
(i) if the Board be permanent,
(ii) if the Board be experimental.

We have already agreed to the constitution of th
454 of the Jails Committee's report, viz.—
(1) Chairman—Inspector-General of Prisons
(2) District and Sessions Judge of the distric
which the Jail is situated
(3) A non-official appointed by Government.

India has to do with our jails. They
nly under their supervision. Are we
d without their sanction?
proceed in the matter and ask whether
November 1921 is to be expected.

A. R. K[NAPP]—14-6-22.

June 1922, Hon'ble Member wanted
t of India letter on that Government
legating now their powers to the Local
efers to shortening of sentences, the
our own accord go forward with the

. The draft to India may issue.*

R. RAMACHANDRA RAO—27-6-22.

A. R. K[NAPP]—28-6-22.

partment, No. F. 77, *Jails,*
922.

in the form of sectional notes.

R. V. KRISHNA AYYAR—10-7-22.

s for remarks under the sectional

R.R.—12-7-22.

r Secretary's notes.

J. P. CAMERON—14-8-22.

LAW (GENERAL) DEPARTMENT.

rs.

R.V.K.—21-8-22.
R.R.—22-8-22.

uch Boards. We may constitute

R.R.—12-7-22.

J.P.C.—30-7-22.

A. R. K[NAPP]—24-1-23.

for a wholetime Secretary,

e Board as given in paragraph

t in } Ex-officio.

2. The term of office of the non-offi… tial may be fixed at three years.

3. We have already decided not t… o have a wholetime Secretary; the Superintendent of the prison concerned ough… rt to be able to discharge the duties of the Secretary as sketched out in paragraph 454.

R. RAMACHANDRA RAO—12-7-22.

The constitution of the Board … s suggested is approved. To begin with the Superintendent of the prison concerne… l may discharge the duties of Secretary, but it may be necessary later to consider the … appointment of a wholetime Secretary.

J. P. CAMERON—30-7-22.

For orders whether in the case o… the city, the Chief Presidency Magistrate may take the place of the District and Sess… ions Judge in the mufassal.

C.P.G.—19-8-22. S.A.—19-8-22… R. V. KRISHNA AYYAR—21-8-22.

R.R.—22-8-22.

A. R. K[NAPP]—24-1-23.

(*c*) Minimum period of senten… ce which should have been served to qualify a prisoner for release

(i) in the case of habituals …

(ii) in the case of non-habit… als.

Please see paragraph 453. Th… ough the Government of India deprecate strict adherence to the limits expressed i… on this paragraph, we may prescribe them to be observed as a rule.

In the case of sentences of two y… ears and below, one year may be the minimum.

R.R.—12-7-22.

I think it advisable to follow t… he Bombay Government's lead to begin with in view of the probation difficulty and deal only with cases of non-habituals who have served two-thirds of their sentences, including remission earned.

I agree.
A. R. K[NAPP].

J.P.C.—30-7-22.

I would stipulate that the s… *After note.*

I agree.
A. R. K[NAPP]

entences of long-term prisoners only be brought under revision and that no sentence should come up for revision until a period of 2½ years, including remission, is necessary in order to curtail the number of cases has been served. The restriction … is necessary in order to curtail the number of cases to be put before the Revising B… oard, and because it is not so necessary to revise shorter sentences.

J.P.C.—14-8-22.

The question here is what c… ases should be considered by the Board. Once the arrears are dealt with, the subse… quent work will not be heavy. And in the case of short-term prisoners the Board w… ill not revise. I would adhere to paragraph 453.

R.R.—22-8-22.

(*d*) Information to be pla… ced before the Board regarding prisoners whose cases come up for revision and in pa… rticular whether details of the prisoner's life before conviction should be placed befo… re the Board and by whom.

See paragraph 4 of our … report. The Police can be asked to furnish the information before conviction. … All subsequent information can be supplied by the Superintendent.

It will be necessary to pres… cribe a form of report to be submitted to the Board.

R.R.—12-7-22.

I agree. A form of report to be pla… d before the Revising Board will be prepared, if the Government approve of the … Secretary's suggestion. If the Police report is not full enough, the District Magistra… te can be called upon to supply any information required.

J. P. CAMERON—30-7-22.

A. R. K[NAPP].

(*e*) In the case of a permanent Board, in… rvals at which the Board should sit. Once in six months.

R. RAMACHANDRA RAO—12-7-22.

Yes.

J.P.C.—30-7-22.

A. R. K[NAPP]—30-2-22.

(*f*) Probation and parole officers: Whet… her a probationary period prior to release is necessary and whether prisoners shou… ld be released only where adequate supervising authority exists at any rate in the cas… e of prisoners who are to be recommended for release by the Board at the outset.

Cases that can be released unconditionally ma… y be released on one's own bond.

2. Other cases. We must ask the Prison… rs' Aid Society to start a Home. The Society's staff will be the parole officers.

R.R.—12-7-22.

I do not think it desirable to effect uncondi… ional releases at the outset of the experiment. All should come under some super… vising authority. The Discharged Prisoners' Aid Society will require to appoint pro… bation and parole officer in every district, apart altogether from the District Comm… ittees of the Society formed, in connexion with certain jails. What is required … is a network of suitable officers throughout the Presidency who can undertake the … work of the Discharged Prisoners' Aid Society when required to do so. Their dut… es would include the exercise of general supervision over persons released by the … Revising Board during the period of parole.

J.P.C.—30-7-22.

The difficulty would be to evolve a proper … machinery at the outset. In the case of the Reformatory, the Inspector of School… is supposed to supervise. The Police are out of the question. We can only p… rescribe periodical reports to the Society or District Magistrate or selected individuals, … till we get parole officers.

R.R.—22-8-22.

We cannot release unconditionally; on the ot… her hand, I am afraid that the Inspector-General's picture of probation and parol… e officers in every village is an ideal which we shall not reach for many generation… s. The rule should be, I think, that where a Discharged Prisoners' Aid Society ca… n do so they should undertake the supervision. Where they cannot, it should be … the District Magistrate. But the latter should be encouraged to make use of th… e services not only of private persons, but also of departmental officers such as … Sub-Registrars, officers of the Co-operative Society, officers of the Labour Departme… nt, and possibly District Munsifs; every one, in fact but the Police. It should also be … laid down that these agents of the District Magistrate should be brought in touch … with the Discharged Prisoners' Aid Society if it exists in the district and sho… uld be encouraged to send to that Society periodical notes about the prisoner's bel… aviour. But if at any time it should be necessary to bring to notice that the prison… er was relapsing into crime and that action by the District Magistrate was called for, … that communication should be made direct to the District Magistrate, either in additi… on to or instead of the communication to the Discharged Prisoners' Aid Society.

A. R. K[NAPP]—25-1-23.

A draft order is submitted for a… pproval.

C.P.G.—1-2-23. S.A.—2-2-23.

It covers all the recommendation
those in paragraphs 459 and 460.

2. As regards the recommenda
No. 1873, dated 10th November 1921
their letter No. F. 77, dated 15th J
accepted them. The Government of
under section 565 of the Criminal
released on parole, the revising au
remission of, and the Local Gover
section. The object aimed at is th
of persons released on parole,
A whether it is possible to give e
by suitable rules passed under
and whether any legislation is neces

3. As regards the recommenda
report, there is no rule in the Jail
rejoicing. No special action seems

4. The file may be circulated
taking necessary extracts from th
file from Public, it may be circ
given full circulation. As the pro
unnecessary that Finance should s

One of the recommendations
Revising Boards to revise the s
The matter was under correspo
Department and that department
in the draft Government Order
prison and that Board is to e
submit recommendations to Gove
these recommendations, orders
401 of the Criminal Procedure
should be released and the depa
matters for separate considerati
jail matters, such cases might ap

2. The particular point wit
the revision of orders passed
Under this section certain cour
convicted a second time of cert
five years from the date of expi
of residence shall be notified in
ment. The rules made by this
No. 940, dated 15th June 19
Revising Board when releasing
any order under this section sh
completes the period of parole
become void.

3. The point is, supposing
sentence of a man in whose c
can the operation of the latte
stands at present, the suspensi
within its scope. To remedy
Criminal Procedure Amendmer
cover orders under section 56

of the Jails Committee in Chapter XVI except

ions in those two paragraphs in our letter
we approved of those recommendations and in
ne 1922, the Government of India also have
India say that in the case of persons dealt with
rocedure Code, if any such persons should be
thority should have power to recommend the
ment to remit, any orders passed under that
t the Police should not supervise the after-lives
It is for the Public Department to consider
ject to the proposal of the Government of India
section 565 (3) of the Criminal Procedure Code

tions in paragraph 560 of the Jails Committee's
Manual enjoining remission on occasions of public
o be necessary.

to Public for acceptance of the draft and for
file for action on A above. On return of the
ulated to C-4, C-3 and His Excellency or perhaps
osals are calculated to save money, it is perhaps
the case.

R. V. KRISHNA AYYAR—6-2-23.
P. L. MOORE—7-2-23.

JUDICIAL DEPARTMENT.

of the Jails Committee was the appointment of
ntences of long-term prisoners at fixed intervals:
dence with the Government of India in the Law
now propose to give effect to this recommendation
below. An Advisory Board is proposed for each
amine the case of the non-habitual prisoners and
rnment with a view to their release. On receipt of
ill have to be issued by Government under section
Code. The conditions under which such prisoners
rtment in which such orders should issue, etc., are
n and do not arise here. As pertaining to purely
propriately be dealt with in Law.

reference to which this file has been sent here is
nder section 565 of the Criminal Procedure Code.
s have power when passing sentences on a prisoner
ain offences to order that for a period not exceeding
y of sentence the prisoner's residence and any change
accordance with rules made by the Local Govern-
Government for this purpose will be found in G.O.
004. The Jails Committee recommended that the
prisoner on parole should have power to direct that
uld be suspended and that if the prisoner so released
successfully, the order should be finally set aside and

the Revising Board recommend the suspension of the
se an order under section 565 has been passed, how
order be suspended? As section 401 of the Code
n or cancellation of such an order cannot be brought
his, the Government of India have proposed in the
t Bill to insert a clause under section 401 so as to
Till that is passed into law, it is for consideration

whether the Local Government can insert
No. 940, Judicial, dated 15th June 1904, prov
tion of the Local Government the orders of the

Submitted that the Law Department
whether this course would be legal. The
previous sanction of the Governor-General
been deleted by the Delegation Act.

Before the draft issues, it seems necess
instructions as to how they should act in the
under section 565 has been passed.

R.V.—17-2-23.

And I should think it would be advisable to
the Legislative Assembly. There is no vast
think these was no doubt about the amendment

As it stands, section 565 (3) does not em
setting aside an order passed by a court under
tory; and the conditions prescribed in the d
considered by the Advisory Boards make any
present.

For orders as to circulation

C.P.G.—19-2-23. S.A.—19-2-23.

additional rule to the rules in G.O.
ng that in certain cases at the discre-
urt can be suspended conditionally.

ay be requested to advise us as to
se in section 565 (3) requiring the
ules framed under that section has

to give the Revising Boards some
e of persons in whose case an order

wait the result of the Bill now before
urry in the matter, and I should
eing accepted.

G. R. F. TOTTENHAM—27-2-23.

ower the Government to make rules
section 565 (1) or making it nuga-
ft with regard to the cases to be
action of the sort unnecessary at

R. A. GRAHAM—17-2-23.

LAW (GENERAL) DEPARTMENT.

f the draft.

V. KRISHNA AYYAR—20-2-23.
P. L. MOORE—20-2-23.
A. R. K[NAPP]—20-2-23.
[AMASWAMI AYYAR]—21-2-23.
M. H[ABIB-UL-LAH]—21-2-23.
C. G. T[ODHUNTER]—23-2-23.
W[ILLINGDON]—24-2-23.

C. P.
th February 1923.]

[G.O. No. 667, Law (General), dated 2