

1. U.C.

Sl. No. 1 (Receipt)

The Views of the Chief Commissioner, Andamans, may  
A draft is submitted.  
be obtained on the points raised by the Madras Govt. / From the  
Chief Commissioner's letter dated the 11th October 1938, it  
however, appears ~~that the intention was~~ that the proviso, that  
the age of a prisoner by the date of release should not exceed  
55, was intended for prisoners between the ages of 40 to 45.

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linked file*

*(linked file for reference only)*

*af  
5.9.39  
u.s(p)*

*T A M  
5-9-39*

Sl. No. 2 (Issue)

**3**

We may agree that the "date of release" for the purpose of  
the 55 years age limit should be arrived at in the manner  
indicated by the C.C. and reply to Madras on those lines,  
sending a copy to all other Provl. Govts. and C.Cs. for  
information. Two drafts submitted for approval.

*~~u.s(p)~~*

*af  
2/11/39*

*T. A. M  
9-11-39*

*~~af~~*

*for talam  
9.11.39*

*R (S...)  
9.9.39  
Bd keep  
15.11.39*

*B-  
11-11*

*7.76/39  
Tails.*

Sl. No. 4 + 5 (Issues)



Sl No. 1

Mr. G.  
4.9.39



HOME DEPARTMENT

No. 25099 C-1.

HOME DEPARTMENT.....  
 File No.....  
 47 SEP 1939  
 Diary No. 858/39-Jails

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From

A.R. MacEwen Esq., C.I.E., M.C., I.C.S.,  
Secretary to the Government of Madras.

To

The Secretary to the Government of India,  
Home Department.

Dated Fort St. George, the 28th August 1939.

Sir,

Andaman Colonisation scheme - Volunteer convicts -  
Conditions of transfer.

B

Coripp  
20-22  
inhd file)

I am directed to address the Government of India on the subject of the condition regarding the age of convicts who are accepted for transfer to the Andamans. In paragraph<sup>1</sup> of Mr. Sloan's letter No. F. 67/34-Jails, dated 18th March 1935, the Government of India prescribed a condition that prisoners who volunteer to the Andamans should be between the ages of 20 to 40. This condition was modified in paragraph 2 of Mr. Talukdar's letter No. 86/38-Jails, dated 20th May 1939. Under the terms of this letter, volunteer convicts should be between the ages of 20 and 45, provided that their age~~s~~ by the date of release does not exceed 55 years. The modification of the condition regarding age was ordered by the Government of India in order to attract more prisoners to the Andamans. While under the old condition convicts who were sentenced to transportation for life and who were not more than 40 years could be sent to the Andamans, the effect of the new condition is that life convicts who are not more than 35 years can alone be sent and others cannot be sent as their age at the time of the release will exceed 55 years.

2. The Inspector-General of Prisons has brought to the





notice of this Government the case of a convict sentenced to transportation for life, who has volunteered to go to the Andamans. The convict is 38 years old, and the unexpired portion of his sentence is about <sup>19</sup>~~18~~ years and 3 months. A copy of his nominal roll is enclosed. The convict would have been eligible to go to the Andamans under the old condition, but he cannot be sent there under the new condition, as his age by the date of release will exceed 55 years. It is not clear whether this effect ~~of~~ <sup>of</sup> the new condition, in the case of "life convicts", is desired or intentional. I am to bring to the notice of the Government of India the specific case of this prisoner, and to enquire whether his request for transfer to the Andamans may be complied with, and how similar applications that may be received in future should be disposed of.

3. In this connection, I am to invite reference to paragraph 2 of the Home Department letter No.F.129/26-Jails, dated 15th March 1926 and paragraph 3(6) of the Home Department letter No.F.150/32-Jails, dated 4th November 1932; under which volunteer convicts who are considered by the Chief Commissioner to be suitable for retention in the Settlement, should be granted one-third remission of their sentences. I am to enquire whether for the purpose of calculation of the age of a volunteer convict at the time of release, the full period of the unexpired sentence less one-third remission may be taken into account. If this is done in the case of the prisoner referred to in paragraph 2 above, he will become due for release after about 13 years, and his age by the date of release will be about 51 years.

I have the honour to be,  
 Sir,  
 Your most obedient servant,

*[Handwritten signature]*

Secretary to Government.