

# REPORT

OF THE

## PUNJAB JAILS ENQUIRY COMMITTEE,

### 1925.



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*Proceedings of His Excellency the Governor of the Punjab in Council, Home (Jails)  
Department, No. 15619, dated the 28th May 1926.*

READ—

Report of the Punjab Jails Enquiry Committee, 1925.

RE-READ—

Report of the Indian Jails Committee, 1919-20.

RESOLUTION.

1. In consequence of allegations of corruption and unauthorised punishments and unauthorised indulgences in the Punjab Jails, a Committee consisting of Mr. O. F. Lumsden, I.C.S., retired, formerly an officiating Judge of the High Court, as President, and the Hon'ble Mr. Justice Jai Lal, Judge of the High Court, and Shaikh Abdul Qadir, Barrister-at-Law, formerly an officiating Judge of the High Court, as Members, was appointed on November 4th, 1925, to enquire into these allegations and generally into the state of discipline among the staff and inmates, and the adequacy and effectiveness of the supervision over both, and to propose remedies for defects and means of stopping malpractices. By a later order the Committee was requested to pay special attention to the question of the diet of prisoners in its bearing upon these questions. The report of the Committee has now been received, and some of its more important findings and recommendations have received consideration from the Governor in Council, while other points are still under consideration. At the present stage it is desirable to record the conclusions which the Governor in Council has already reached, and the orders which have issued, or will issue, as soon as the necessary supplementary demands have been passed by the Legislative Council.

2. The most important of the Committee's general conclusions, from which the Governor in Council finds no reason to differ, are that unauthorised punishments are awarded, not infrequently, and that there is ample evidence as to the existence of unauthorised indulgences also. The Governor in Council has issued through the Inspector-General of Prisons a warning against these unauthorised punishments and indulgences, but he recognises that radical measures for the improvement of the supervising and executive agencies are necessary in order to improve this aspect of prison administrations; and the measures which he proposes to take with this object are detailed in later paragraphs of this Resolution.

3. In paragraph 17 of its report the Committee observes that the income of the department works out at Rs. 10 per annum per convict, figures which are incompatible with any theory that each prisoner is doing his fair day's work. There is a good deal of misapprehension on this subject. Statement No. XI—Financial, attached to the Jail Administration Report, shows the employment of convicts during 1924, the latest year for which complete figures are available. Out of 15,704 prisoners sentenced to labour, 761 on an average were sick convalescent and infirm, 2,000 were employed as prison-officers, 1,974 as cooks, sweepers and jail servants, 812 on the production of vegetables for jail consumption, 3,122 on the preparation of articles for use or consumption in jails, for instance, grinding wheat and manufacturing prison clothing, 506 on repairs of buildings, and certain others on miscellaneous tasks for which no cash equivalent can be shown. The balance employed on manufactures was 5,647, or 36 per cent. of the total, and the proceeds of manufactures during 1924-25 was Rs. 3,35,270, showing a profit of just under Rs. 60 per prisoner employed. This does not, however, represent the whole of the facts, for in the year referred to no addition was made to receipts on account of the large amount of printing done by the jails, for which no paper credit was taken. Rupees 60 or Rs. 70 per annum is not a high rate of earning for each prisoner employed in industrial tasks; but there are certain reasons which militate against the full development of earning power in jails. The prisoner is a less willing workman than the free agent, he is unaccustomed to the kind of labour required from him being generally of agricultural class, and short-term prisoners must always be employed on unskilled labour, because there is not time to train them. For reasons of security, labour must be mainly

employed on intramural tasks; agricultural work on a large scale is not suitable, and there are some difficulties about employment on public works. Government has, moreover, always been scrupulous about competition with the manufacturer employing free labour outside the jail; and it is a principle of jail administration that jail labour is to be employed first in jail requirements, next on the requirements of other departments of Government, and that only the surplus after these requirements have been met may be devoted to manufacture for sale to the public. Until recently there were, in the interests of free industry, restrictions upon the use of machinery in jail manufactures the effect of which has been to postpone the application of up-to-date methods. The present rule is that machinery may be used in consultation with the Director of Industries, but not for work which will compete with nascent industries. Finally, advertisement by the jails is discouraged and never practised, though there is no objection to the issue of price lists and catalogues. The Governor in Council hopes, notwithstanding all these facts which differentiate the potentialities of jail labour, to increase the earnings; the Inspector General has been asked to consider the introduction of new and economically advantageous employments in consequence of the opening given by the relaxation of the old rule regarding machinery: and the opening of the proposed Farms for the employment of conditionally released prisoners, to which reference is made in a later paragraph of this resolution, will do something to increase a suitable form of employment: but the facts which have been above recited show that the Jail Enquiry Committee had not been placed in possession of the whole case when its opinion on this point was recorded.

4. It is observed in paragraph 18 of the Report that the overcrowding of the jails has greatly enhanced the difficulties of proper administration by necessitating makeshift arrangements, undue pressure upon resources in buildings and supervision and other untoward consequences. In 1924 the authorised accommodation in cells and barracks was 11,470, and the average daily population of male prisoners was 15,249. In the Lahore Central Jail the cell and barracks accommodation calculated to hold 1,428, had to suffice for an average of 2,442. Financial pressure, only now relieved, has up to the present time made it difficult to contemplate remedial measures on an effective scale. Funds have now been provided by the Provincial Government for the commencement of a new Central Jail outside Lahore, and arrangements are contemplated for rebuilding the existing group of jails at Lahore in an improved and modernized form elsewhere. It is understood that the Government of India intend to construct a Central Jail at Ferozepore, for the accommodation of prisoners of the North-West Frontier Province, of whom some seven or eight hundred now occupy space in the Punjab Jails.

5. In paragraph 19 the Committee has expressed an opinion adverse to Central Jails, except for habitual offenders, on the ground that their size is unfavourable to supervision and to reformative influences, and has advocated the confinement of non-habitual offenders in District Jails with a maximum accommodation of 500. On the other hand, the Indian Jails Committee which included experts in jail administration and made an exhaustive enquiry extending over two years in the prisons of India and other countries, arrived at a unanimous recommendation (paragraph 27 of its report) to close as many District Jails as possible and concentrate prisoners at Central Jails, and said that Government must look for future progress to a further extension of the centralising tendency if undue outlay on prisons is to be avoided. For reasons given by the Indian Jails Committee, the Governor in Council has decided not to accept the advice of the Punjab Committee for the limitation of the size of the jails, but he is quite satisfied that it is undesirable to have more than 1,500 prisoners in any jail, and will, as opportunity presents itself, erect additional buildings and make constructional changes to give effect to this principle.

6. In paragraph 21 the Committee lays stress upon the importance of the appointment of a Deputy Inspector-General, to set the Inspector-General free for important duties and particularly for inspection. The

Governor in Council agrees that at a time when large changes in the Department are being considered and carried out, it is not possible for the Inspector-General, unassisted, to combine his heavy head-quarters' duties with sufficiently frequent and detailed inspection; and has therefore decided on the creation of a post of Deputy Inspector-General of Prisons for two years, at the end of which period the necessity of a continuance of the appointment will be further considered.

7. The Governor in Council accepts the conclusion in paragraph 23 of the report that it is desirable to appoint separate whole-time Civil Superintendents to each District Jail, and to limit the duties of the Civil Surgeon to medical charge. There are two exceptional cases, that of the Female Jail at Lahore, which is satisfactorily controlled by the Superintendent of the Borstal Institution, and that of the Shahpur Tubercular Jail, which is in charge of a whole-time Medical Officer and ought to remain so. In all other District Jails the Governor in Council is taking steps for the appointment of whole-time Civil Superintendents, and hopes that at least six District Jails will have them during the current year. The large number of officers required will make the introduction of this reform in eighteen District Jails a gradual process: but the Governor in Council anticipates very valuable results from the undivided attention of a Civil Superintendent in each jail.

8. In regard to Central Jails and the Borstal Institution, the Governor in Council is under an obligation to employ officers of the Indian Medical Service as Superintendents. The obligation does not, however, extend in his opinion to additional institutions as and when created; and, subject to agreement of the Government of India on the point, he contemplates, after the existing obligation to employ a certain number of Indian Medical Service Officers has been met, to appoint whole-time Civil Superintendents to Central Jails and Institutions which it is not necessary to earmark for the purposes of that obligation, with whole-time Assistant Surgeons for the medical charge. It is already the practice to put Central Jails in the charge of Extra Assistant Commissioners with Assistant Surgeons in medical charge, when officers of the Indian Medical Service are not available, and the advantage of being able to select a Superintendent solely, on the ground of his administrative qualifications, and without reference to his medical qualifications is considerable.

9. The Punjab Enquiry Committee, contemplating District Jails of a maximum accommodation of 500, and proposing a whole-time Civil Superintendent for each, arrived at the conclusion that Jailors in District Jails would henceforth be unnecessary, but proposed that Deputy Superintendents (a post for which Jailors of proved integrity would be eligible) should be appointed in Central Jails. Their proposals on this point are not perfectly clear, because, while contemplating the abolition of most of the Jailors, they comment on the extent to which the Jailor is overworked and the inability of the Jailor under present conditions to give time to the inmates of the jail, and lay stress upon the importance of relieving him of clerical duties (paragraphs 27 and 28 of report). It is clear to the Governor in Council that—whatever be the name by which the executive officials of the jail are to be designated—the appointment of whole-time Superintendents must not be made a ground for reducing the strength of the executive staffs under them. The object of having a whole-time Superintendent is to strengthen the supervisory agency, and if the Superintendent is to be occupied by work formerly done by the executive staff, this object will be largely frustrated.

10. The Governor in Council does not, therefore, contemplate any reduction in the strength of the executive staffs subordinate to the Superintendents. On the other hand, he recognises the necessity of extensive changes in the personnel, and of bringing under reduction those Jailors, Deputy Jailors and Assistant Jailors who are not definitely held to be fit for promotion. The manner in which it is proposed to attain the object in view is to introduce a Bill for the amendment of the Prisons Act by the abolition of Jailors, Deputy Jailors and Assistant Jailors, and their replacement by Deputy Superintendents and Assistant Superintendents, of better status and somewhat higher pay than the class which they are to supersede. The Jailors, Deputy

Jailors and Assistant Jailors, who are not found fit for promotion to the new rank (and strict canons of selection will be applied) will retire under the provisions of sections 426 and 436, Civil Service Regulations.

11. In paragraphs 30—40 of the report the Committee deal with the strength and pay of the warder staff and with the practice of appointing convict-officials upon which the strength of the warder staff depends. The Indian Jails Committee of 1919-20 summarised the arguments for and against the convict-officer system, but did not formulate an opinion of its own on the subject, because its members were not unanimous. But they were all agreed that the extent to which convict-officers had been employed in Indian prisons was excessive and ought to be reduced. The Punjab Committee concludes that the system has become a great source of corruption and that the best interests of the jail administration demand its total suppression. The Governor in Council has given anxious thought to this question, because the quality of the paid warders who must replace the convict-officials is not beyond doubt. But his conclusion is in principle that the employment of convicts as officials should be brought to an end, and he has given orders for the reduction of the number so employed to the figure of March 31st, 1919, as soon as the arrangements for replacing the number reduced have been worked out. A further reduction will be considered a year later. The questions of the strength, organisation and pay of the paid warder force are still under consideration.

12. The existing arrangements for inspection by non-official visitors are these: They are appointed on the recommendation of the Deputy Commissioner in whose district the jail is situated, forwarded to Government through the Commissioner. The rules require them to be furnished with every facility for observing the state of the jail and its management and to be allowed to have access under proper regulations to all parts of the jail and to every prisoner. They are entitled to call for and inspect any book or other record, unless the Superintendent, for reasons to be recorded in writing, declines on the ground that its production is undesirable. Every visitor has the right to see any prisoner and to put any question to him out of the hearing of any jail officer. The note recorded by the visitor is forwarded, with the Superintendent's reply thereon, to the Inspector-General, who passes such orders as he thinks necessary. Once in every quarter a Board of official and non-official visitors, of whom one, unless prevented by unavoidable cause, is to be the District Magistrate, is required to visit each jail, inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoners' food and the punishment book and see that the latter is kept up to date. For reasons indicated by the Enquiry Committee in paragraphs 41 and 42 of their report, the selection of non-official visitors has been a subject of much criticism, from two opposite directions, and while it is on one side stated that some visitors seek only to bring the jail administration and the Government into discredit or to forward some purpose of their own, it is stated on the other side that there is a class of visitor who believes that he can only show his loyalty by finding everything beyond reproach. The Governor in Council has no doubt at all that many non-official visitors seek to do their duty conscientiously, and he has impressed upon Commissioners and Deputy Commissioners the desirability of making satisfactory selections. It is important that all officers of jails should treat non-official visitors with courtesy and consideration, and in recording their remarks on the visitors' reports abstain from taking a controversial tone. The non-official visitor is the ally of the Superintendent in keeping the administration of the jail pure and above reproach and so long as he observes the rules of the Jail Manual his co-operation should be welcomed.

13. In paragraph 43 of the report the Committee represents that certain forms of labour are useful instruments for the extortion of money from prisoners, and recommends the abolition of manual labour on the oil press, the well and paper pulping. The Governor in Council has given orders for the preparation of schemes in all jails for the substitution of animal or mechanical traction for manual labour on the wells. The remainder of

this proposal involves the working out of alternative forms of labour and is still under consideration.

14. The Committee has put forward in paragraph 41 an interesting proposal for the adoption of a system under which a small percentage of the profit arising out of the performance of the task is credited to the worker as a reward for good work coupled with exemplary conduct. The Governor in Council had already decided upon crediting a portion of their earnings to the prisoners in the Habitual Jails, and provision was made for this in the budget of the current year. It had been intended, however, that payment should be made to the prisoners only upon release; whereas the Committee's proposal is to allow those who have earnings at their credit to make small purchases of certain articles from time to time, and this principle could no doubt be extended to allowing prisoners to make remittances of money to their homes. The proposed system has certain obvious advantages, in particular the advantage of enabling the prisoner to obtain by his own energy and good conduct small luxuries which he is now strongly tempted to obtain illicitly. The Governor in Council has ascertained that the Inspector-General of Prisons is in sympathy with the proposal of the Enquiry Committee: and he accepts it in principle and will take steps to give effect to it.

15. In paragraph 63 of the report, the Committee has observed that, soon after its visit to the Central Jail in December, a number of prisoners who had made statements before it against the jail administration, had adverse entries made against them and were either put into a cell or otherwise punished. No specific cases were cited by the Committee, but the Governor in Council has examined such cases (three in number) of punishment of witnesses as it has been possible to trace. It was not of course possible to allow jail offences to remain unnoticed, merely because the offender had given evidence before the Committee; and there does not appear to be any basis for the suggestion that the punishments in these cases were a kind of reprisal upon the prisoners for their evidence.

16. With reference to the fact mentioned in paragraph 66 of the report that an entry adverse to a prisoner is sometimes made in a history ticket by a Jailor or his Assistant without the prisoner being brought before the Superintendent for necessary orders, Governor in Council has issued strict orders that the Superintendent alone has authority to order such records. The Inspector-General of Prisons has invited the attention of all Superintendents to the irregularities mentioned in paragraphs 66 and 67 of the report and has informed them that he attaches great importance to the manner in which History Tickets are kept.

17. In paragraph 69 the Committee comments on the manner in which the register of punishments is maintained in a specified jail; and urges that entries should be regularly made as offences occur. There is no reason why offences should not be entered chronologically and Superintendents have been so instructed. The Governor in Council has also ordered that the record in the punishment register shall always state as accurately as possible the specific facts which constitute the offence; so that inspecting officers may be able to exercise a check upon disciplinary measures.

18. In paragraphs 70—72 of their report, the Enquiry Committee deal with the subjects of interviews and letters, express their approval of the model rules given as an annexure to Chapter XI of the Report of the Indian Jails Committee, and urge the provision of a properly constructed interview room at or near the main gate in every jail. The model rules have already been incorporated in the Provincial Jail Manual, and the Governor in Council has reason to believe that the period of 20 minutes which is laid down for interviews is not infrequently extended in practice. He recognises the importance of properly constructed interview rooms, and has ordered that steps be taken to provide them in all jails where they do not at present exist. In order to provide an additional incentive to good conduct on the part of prisoners, he has also decided that prisoners who have passed a period of twelve months without a jail punishment shall, during the ensuing period of twelve months, be allowed the

privilege of interviews and letters at intervals of two months instead of the normal interval of three ; the discretion of the Superintendent to allow even more frequent interviews or letters in special or urgent cases remaining the same as at present. The prevention of the abuse of interviews and letters to which the Enquiry Committee has alluded in paragraph 72 forms a part of the general question of the improvement of supervision for which the other measures specified in this resolution are intended to provide.

19. In paragraph 73 the Enquiry Committee examines the question of adult education in jails, remarks that the inmates of the Borstal Institution (who may continue in the institution in certain cases up to the age of 23) already receive elementary education, and advocates the teaching of the three Rs. to prisoners generally up to the age of 30, on the ground that the teaching will occupy hours now unemployed and will exercise a reformatory influence. The 1,400 or so of Borstal inmates (who may be admitted up to the age of 23 and may continue till the age of 28 or even somewhat longer) are already under instruction, and the Governor in Council agrees with the Committee in thinking that education should be an element in the discipline of the jails and may with advantage be extended in the first instance to male prisoners generally up to the age of 30. Some changes of jail routine, particularly in connection with the time of general lock-up, will be involved ; but steps are being taken to work out a scheme to give effect to the Governor in Council's decision.

20. The Inspector-General of Prisons has been asked to arrange for libraries in every jail having an accommodation of 500 or more prisoners, and for recreation rooms in all jails.—(Paragraphs 76 and 77 of report.) The recreation rooms involve structural changes and will take some time to complete.

21. In close alliance with the subject of jail administration is that of measures for the prevention of committal to prison, discussed in Chapter XV of the Report of the Indian Jails Committee, and of removal of good conduct prisoners at as early a stage as possible from jail influence. In this connection the Governor in Council contemplates the revival of the Borstal Bill which was dropped temporarily a year ago in consequences of certain changes made by the Legislative Council in important sections, and of the closely related Adolescent Offenders' Conditional Release Bill in a form which will make it applicable also to adult offenders ; and he will, as soon as funds for the purpose have been voted by the Legislative Council, establish one or more farms in the Nili Bar Colony to which conditionally released prisoners can be sent to spend their probation in agricultural work. It is under contemplation to appoint a Reclamation Officer, who, in addition to the duty of supervising institutions established for reformatory purposes will also be responsible for the effective carrying out of measures of the type proposed in Chapter XV of the Indian Jails Committee's Report.

22. A special meeting of the Legislative Council will be held in June ; and the necessary legislative and financial proposals will be put before it to give effect, so far as available funds may permit, to as many of these decisions as can be worked out in time for the meeting.

23. A number of proposals remain, which will receive careful consideration from the Governor in Council, after the Inspector-General has had time to examine them. In the meanwhile he desires to thank Mr. Lumsden and the Members of the Jail Enquiry Committee for their valuable report and the promptitude with which it was submitted.

**ORDER :—**Ordered that a copy of the Report and of the Resolution be forwarded to the Government of India in the Home Department, the President and Members of the Punjab Jails Enquiry Committee, the Inspector-General of Prisons, Punjab, and to all Members of the Punjab Legislative Council.

Ordered also that the Resolution be published in the *Punjab Government Gazette* together with the Report.

By order of His Excellency the Governor,

B. H. DOBSON,

*Home Secretary to Government, Punjab.*