

REPORT
OF THE
PUNJAB JAILS ENQUIRY COMMITTEE,
1929.



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REPORT OF THE PUNJAB JAILS ENQUIRY COMMITTEE, 1929.

I.—INTRODUCTORY.

The Punjab Jails Enquiry Committee was constituted in accordance with the orders conveyed in the Government of India (Home Department) letter No. D. 2789, dated the 17th August 1929 (Appendix IV). It consisted of—

Lieutenant-Colonel F. A. BARKER, O.B.E., I.M.S.

(President).

Chaudhri AFZAL HAQ, M.L.C.

Lala DUNI CHAND, Advocate of Am-
bala.

Rai Bahadur Pandit DAULAT RAM,
KALIA, M.L.C.

Sardar HARBAKHSI SINGH, M.L.C.

Sardar Bahadur Sardar MEHTAB SINGH,
Advocate of Lahore.

Sardar MOHINDAR SINGH, M.L.C.

Rai Bahadur Lala MOHAN LAL,
M.L.C.

Khan Bahadur Mian MOHAMMAD
HAYAT, QURESHI, C.I.E., M.L.C.

Chaudhri ZAFRULLA KHAN, M.L.C.]

} Members.

Mr. C. MACL. F. OGILVIE, O.B.E., I.C.S.,

Offg. Home Secretary to the Punjab

Government, acted as Secretary.

The Committee held a preliminary session from the 26th August to the 1st September in Simla and drafted a questionnaire (Appendix I to this report) which was published in the Press and copies of which were circulated to all members of the Punjab Legislative Council, to Punjab members of the Legislative Assembly and Council of State and to all non-official visitors of Jails in the Punjab. These and any member of the public interested in the subject matter of the Committee's deliberations were invited to send answers to the questionnaire and to give oral evidence before the Committee, should they so desire.

The Committee again met on the 17th September at Lahore to examine the answers to the questionnaire of which 61 in all were received (Appendix II to this report).

It re-assembled at Simla on the 25th September and examined 14 witnesses, whose evidence is printed as appendix III to the report.

The final session was held in Lahore from the 18th October till the 25th October. Three more witnesses were examined and final discussions held.

In addition sub-committees were appointed to visit the Central and Borstal jails at Lahore, the new jail at Kasur and the district jails at Ferozepore, Amritsar, Ludhiana, Jullundur, Rawalpindi and Mianwali.

2. The terms of reference of the Committee were originally limited to the conditions governing the treatment of—

- (a) under-trial prisoners; and
- (b) special class convicted prisoners,

but the Government of India in their letter No. D.-3652, dated the 5th October 1929 (Appendix IV) included in the scope of the enquiry an examination of the complaint that the existing prison system in this country involves differential treatment of European and Indian prisoners.

3. The conclusions of the Committee as detailed below were unanimous with the exception of III (ii) and IV (2) to which Chaudhri Afzal Haq dissents.

II.—UNDER-TRIAL PRISONERS.

1. *Classification of under-trial prisoners.*—Prolonged discussions were held on the question as to whether it was necessary to classify under-trial prisoners in greater detail than at present with special regard to the desirability of catering for under-trial prisoners of a high social standing. It was, however, ultimately decided that the existing classification is sufficient and that no provision need be made for superior or special class under-trials, provided that the existing conditions for under-trials generally are improved. If this is done, the Committee are of opinion that privileges of receiving their own food from outside and of being allowed their own bedding and utensils

would obviate any undue hardship to prisoners of the higher classes. Prisoners should therefore be classified as—

- (i) first offenders ;
 - (ii) previous convicts ;
 - (iii) juveniles and adolescents ;
- and (iv) females ;

as at present.

2. *Conveyance.*—The main principles to be observed in arrangements for the conveyance of under-trial prisoners either from the lock-up to the court or on transfer from place to place should be—

- (i) avoidance as far as possible of parading the prisoners in public ; and
- (ii) to effect journeys or transfers with the greatest speed and the least possible discomfort to the prisoners.

Motor lorries should be employed whenever possible for conveying prisoners from the lock-up to the courts and back and where this is impracticable, suitable vehicles should be employed when the distance to be covered is more than half a mile.

Night travelling by train should be avoided whenever possible. When it is unavoidable, double accommodation should be provided. It has been brought to the notice of the Committee that the existing latrine accommodation in prison vans has been extremely unsatisfactory in the past in this province. Separate latrine accommodation is necessary in the interests of decency and where prison vans, which are now being properly equipped, cannot be provided, under-trial prisoners should travel in the intermediate class. Under-trial prisoners of superior standing should be allowed to travel in a class higher than third at their own expense. If they avail themselves of this privilege, they should pay the difference in fare of their escort as well as of themselves.

In cases where a transfer involves a night journey for a female under-trial, a female attendant should accompany her in addition to the Police. Night journeys for female under-trial prisoners should especially be avoided.

whenever possible. When in Police custody, female under-trial prisoners should be accompanied either by a relative or by a temporary female warderess. These recommendations should be held to apply also to convicted female prisoners.

3. *Handcuffs.*—The Committee is aware that the handcuffing of under-trial prisoners is more the concern of the Police than of the Jail Department, but it wishes to lay stress on its opinion that under-trial prisoners should only be handcuffed when considerations of safe custody imperatively require it, and that instructions should issue accordingly to Superintendents of Police and Superintendents of Jails.

4. *Feeding on transfer.*—Arrangements for the feeding of under trial prisoners on transfer are unsatisfactory. Diet of approximately the same quality and quantity as that supplied to under-trial prisoners in jail should be provided. This would result in the raising of the present scale of diet money to six or eight annas a day.

Arrangements should be made for supplying under-trial prisoners on transfer with a sufficient quantity of blankets if they do not possess them.

5. *Accommodation.*—The Committee are agreed that cellular accommodation should be increased and that the ultimate ideal should be the provision of cellular accommodation for 50 per cent. of under-trial prisoners. Normally, unless special circumstances exist, under-trial prisoners of the same class should be permitted to associate during the day time. For purposes of segregation under-trial prisoners who are accused in the same case may be placed in different classes. Full facilities, however, for discussing the case against them should be allowed to such persons. Until sufficient cellular accommodation is available, barracks should be sub-divided to allow of the complete separation of previous convicts from first offenders as well as juveniles from adults, and arrangements should also be made to sub-divide the day-yard in the same manner. All under-trial prisoners should, subject to the requirements of safe custody, be permitted to sleep in the open during the hot weather, e.g., from April 15th to October 15th. Two sheets should be supplied to each under-trial prisoner during the hot weather.

6. *Diet.*—The diet for all under-trial prisoners should be uniform and the cost of it should be borne by Government. It should be the same as the ordinary prison diet now supplied to convicted prisoners with the addition of a ration of *gur* twice a week during the winter and of *lassi* twice a week during the summer and the substitution of half-a-chhattak of ghee per day per head for oil. All *wheat chapatties should be supplied to them throughout the year. Those who are accustomed to a rice diet should be given rice instead of wheaten chapattis. They should be permitted, as at present, to supplement this diet.

7. *Lighting arrangements.*—Wherever electricity is available, it should be supplied to the jail and it should be used for the lighting of cells and barracks. Where it is not available, the lighting arrangements should be improved. Those at present existing are considered unsatisfactory. Literate under-trial prisoner, wherever possible, should be allowed the concession of light for reading purposes up to 10 P.M. This privilege should be dependent upon their good conduct while in the prison or lock-up.

8. *Books, etc.*—Under-trial prisoners should be allowed to have the use of their own books and magazines and also to receive books from public libraries, subject to the approval of the Superintendent of the Jail. Every jail should, in addition, be supplied with one English and one Vernacular daily paper in Urdu, Gurmukhi or Hindi, if required, at Government expense, and under-trial prisoners should be permitted to purchase at their own expense other papers on the list approved by Government. Books and the contents of newspapers should be subject to the censorship of the Superintendent of the Jail, but all cases of the exercise of such censorship should be reported to Government for confirmation. It is understood that in some provinces a prison newspaper already exists and the Committee would welcome a proposal to start one in the Punjab.

9. *Recreation, etc.*—If lectures or cinematograph exhibitions are held at any jail in which under-trial prisoners are also confined, the under-trial prisoners should be permitted to attend them with due regard to the principle of segregation from convicts.

*(Orders to this effect have now issued in the Punjab.)

It is desirable that under-trial prisoners should be enabled to take a certain amount of exercise should they so desire and reasonable facilities should be afforded wherever possible for physical recreation.

10. *Washing arrangements.*—The present washing arrangements are inadequate and Sikh prisoners in particular suffer from the lack of proper provision. Soap and oil should be substituted for soap-nuts for washing the hair and hot water should also be supplied for this purpose. They should also be allowed the same concession in regard to the supply of oil for external application as is granted to convicted prisoners. In judicial lock-ups outside jails no proper arrangements for washing or hair cutting at present exist. Arrangements should be made to provide them without delay.

11. *Visits to dying relatives.*—Subject to the requirements of safe custody an under-trial prisoner should, with proper precautions, be allowed to visit a near relation, who is dying.

12. *Interviews.*—The provisions of the Punjab Jail Manual regarding interviews with under-trial prisoners are satisfactory, but the Committee doubt whether they are invariably followed in practice. They consider that the attention of Superintendents of Jails should be drawn to the necessity of scrupulously observing these provisions.

13. All the recommendations with regard to under-trial prisoners made by this Committee should be held to apply as far as possible to under-trial prisoners confined in judicial lock-ups outside jails as well as to those confined in jails. It is considered that the conditions in lock-ups outside jails (both judicial and police) are extremely unsatisfactory, and that early and extensive improvements are required particularly as regards accommodation, washing and sanitary arrangements.

14. All judicial lock-ups whether situated inside or outside a jail should be open to visits by the non-official visitors of the district in which they are situated and also by the members of the Standing Jail Committee of the Legislative Council. Non-official visitors should be appointed to visit judicial lock-ups in districts in which there are no jails.

III.—SPECIAL CLASS CONVICTED PRISONERS.

The Committee considered at length whether it was possible to substitute a specific list of offences under the Indian Penal Code or other enactments for a general description of offences by categories which would operate to exclude from classification as a special class prisoner and came to the conclusion that it was impracticable. A great number of the offences enumerated in the Penal Code may be committed under such extenuating circumstances as would justify admission of the offender to the special class. The Committee would accordingly adopt the following criteria for eligibility :—

- (i) All non-habituals, who by character, social status, education or habit of life have been accustomed to a superior mode of living and the character of whose offences does not include the elements of callousness, moral degradation, brutality or personal greed should be placed in the special class, provided that their offences do not come under the following categories :—
 - (a) Serious, premeditated and unprovoked violence or serious offences against property ; and
 - (b) abetment of crimes of this character.
- (ii) All persons convicted of non-violent political offences (*i.e.*, which are unaccompanied by any act of actual physical violence or direct incitement to the same) libel and contempt of court shall be included in the special class, unless the trial magistrate for reasons to be recorded in writing finds after due enquiry that the inclusion of any such offender in the special class would be inconsistent with the principles of penal detention.

It was felt that this special provision should be made in favour of those prisoners whose offences not only do not fall under any of excluding categories enumerated in (i) above but also are definitely free from the element of violence in any form.

2. It was considered that there might be exceptional cases which could not properly be brought even into the wide categories ultimately decided upon and therefore it is felt

necessary to add a recommendation that it should be within the power of the Local Government to grant admission to the special class to any individual offender whether his case comes within the purview of the suggested rules or not.

The trial court should be the classifying authority, but its order in this respect should be subject to modification by the appellate and revision courts on the application of the convict. The Inspector-General of Prisons should also be permitted to include in the special class eligible convicts who have not been so classified by the courts. Recommendations to this effect may be made to the Inspector-General of Prisons by Superintendents of Jails and non-official visitors.

There should be only one special class.

3. Facilities to be granted to special class prisoners.

Special class prisoners should be allowed—

- (1) separate cellular accommodation plainly furnished. This is not to imply solitary confinement. The furniture should consist of a chair, a table, a cot, a small cupboard and pegs on which to hang clothes. In addition they should be permitted to have an easy chair at their own expense.
- (2) Private clothing (If the prisoner so desires, jail clothing of a superior pattern and quality to that provided to ordinary prisoners should be supplied).
- (3) Bedding and eating utensils (If desired, at the expense of the State and as may be laid down from time to time by executive instructions).
- (4) Fortnightly interviews in the prisoner's cell.
- (5) A letter once a week.
- (6) Artificial light up to 10 P. M.
- (7) Books, magazines and papers from the jail library or from public libraries and any other books and magazines and papers at their own expense with the approval of the Superintendent of the

Jail. The newspapers provided by the jail should include one English paper and one of any vernacular that may be necessary, e. g., Urdu, Gurmukhi or Hindi. The censoring by the Superintendent of books or papers should be subject to the confirmation of the Local Government.

- (8) Diet of the approximate value of 12 annas per diem at current rates to be selected by the prisoners subject to the approval of the medical officer and the right to supplement it at their own expense.
- (9) Separate cooking arrangements with permission to cook their own food, if they so desire.
- (10) Reasonable facilities for physical recreation.
- (11) All such facilities as may be possible for religious observances.
- (12) Only such forms of labour as are suitable to their education and mode of life should be required of special class convicts who are sentenced to rigorous imprisonment.

4. *Special Jail.*—It is desirable in the interests of prison discipline as well as in that of the health of special class prisoners that there should be a special jail set apart for them and the Committee recommend that it should be situated at Madhopur in the Gurdaspur district and should in the first instance be constructed to allow of accommodation for 100 convicts. Provision should be made for further extensions.

IV.—ABOLITION OF RACIAL DISCRIMINATION.

1 It will be observed that the recommendations of the Committee while allowing the possibility of admission to the special class to certain classes of offenders who would now be excluded from it, would not in practice very largely increase the number of offenders eligible for these privileges. It was, however, strongly felt that one of the main reasons for the discontent with the present system of prison administration in this country has been the failure to recognize the fact that the standard of living of the Punjab middle classes has risen to a very marked extent during the last few decades

and that the standards accepted as suitable for prison-life in this country are no longer suitable for them. No differential treatment in favour of any class of persons is recognized in the English Prison System, but as the Government of India are aware, the difference in standard of living and mode of life between the upper and middle and the lower classes in England is not in essentials nearly so pronounced as it is between the corresponding classes in the Punjab. It is not contended that the standard of accommodation, diet and clothing allowed to European prisoners or, more properly speaking to prisoners who have adopted the western mode of life, is excessively high, but it is universally felt that provision should be made for prisoners who, though they have not adopted the western mode of life, are in no way inferior either in culture or in standard of living to those who have. It is inequitable that an Indian who prefers the eastern style of living, though he may have been well-off and always have lived in an atmosphere of material comfort and social refinement, should, if he has the misfortune to be imprisoned, be treated on not only a different but a much lower scale than Europeans, Americans, other foreigners or Indians, who have adopted western ways.

2. A new class should therefore be created definitely to remove this anomaly and to it should be admitted Europeans, Eurasians, foreigners and all Indians of the upper and middle classes without regard to the nature of the offence which they may have committed but merely in consideration of their standard of living. Persons admitted to this class would be separated in accordance with the mode of life they had previously followed whether western or eastern. Those accustomed to the latter would be allowed accommodation similar to the others and a diet of the same quantity and quality.

The new class might be entitled the First Division or if the term "special class prisoner" were abolished and substituted by "First Division" it would become Second Division. Ordinary prisoners who fall into neither of these categories would be "Third Division." Persons should be classified as eligible for admission to the Second Division by the trial courts. Its decision on the point should be subject to modification by the appellate and revision courts.

3. It has not been felt necessary to make any detailed recommendations as to the treatment of this class as with possible unimportant modifications it would be the same as that at present accorded to the so-called "European" class and would include better clothing than that supplied to ordinary prisoners at present, simple furniture, cellular accommodation and superior diet.

V.—MISCELLANEOUS.

1. The Committee is of opinion that all prisoners to whatever class they may belong should not be entirely cut off from news of the outside world and that those who are literate should be allowed access to some form of newspaper.

2. The members also desire to urge, though they agree that the matter does not fall within the scope of their enquiry, one general reform in prison diet. Oil is rarely, if ever, used by the average Punjabi for cooking purposes and the jail-food, however good in quality it may be, is unpalatable for this reason. They are aware that the expense of replacing it with ghee would be heavy, but are of opinion that financial considerations alone should be permitted to operate against the introduction of this reform.

F. A. BARKER,

President, Jails Committee.

3. In concluding the report the Members of the Committee wish to record their very grateful appreciation of the uniform courtesy, patience and consideration accorded to them by the President of the Committee, Lieutenant-Colonel F. A. BARKER, O.B.E., I.M.S., and for the trouble which he took in arranging for the comfort of members of the various sub-committees during their journeys undertaken to visit different jails in the Province.

The members also wish to record their appreciation of the very cheerful spirit in which the Secretary of the Committee, Mr. C. Macl. G. OGILVIE, C.B.E., I.C.S., has undertaken and discharged the very heavy labours which devolved upon him in connection with the various activities of the Committee in collecting and sifting the opinions and evidence and in drafting the report and of the ready assistance which he has afforded to the Committee at every stage of its proceedings and deliberations.

M. GHULAM HUSSAIN Rathor, stenographer of the Secretary of the Committee, has placed his services unreservedly at the disposal of the Committee and the Committee appreciate the manner in which he has discharged the additional labour involved. The members are sure that these labours will be duly acknowledged by Government.

HARBAKHSI SINGH,

Member, Jails Committee.

MOHAMMAD HAYAT,

Member, Jails Committee.

DUNI CHAND,

Member, Jails Committee.

MOHINDAR SINGH,

Member, Jails Committee.

DAULAT RAM KALIA,

Member, Jails Committee.

ZAFRULLA KHAN,

Member, Jails Committee.

MEHTAB SINGH,

Member, Jails Committee.

MOHAN LAL,

Member, Jails Committee.

AFZAL HAQ,

Member, Jails Committee.

NOTE OF DISSENT BY CHAUDHRI AFZAL HAQ.

With due respect I append my note of dissent to the report which my learned colleagues have prepared after a month of deliberations. My differences are based on principle and I find myself unable to surrender the principle even for the sake of securing unanimity. I do not agree with the criteria for eligibility recommended by my colleagues and must explain my own position and lay down my own recommendations in view of criteria that I approve of. I may take this opportunity to congratulate the Government for the terms of reference and the committee for their decision to do away with the racial, colour or creed differences so far as the treatment in the Jails is concerned. But the Committee have created a class distinction which is equally, if not more, harmful than the racial distinction. The new principle that the criminals may be treated inside the jail not according to their motive or character of their offence but in accordance with the mode of life and the social status, education or character propounds a novel theory and is absolutely against the accepted principles of jail administration all over the world.

2. First of all the Government have been responsible for the enunciation of this vicious principle of giving preferential treatment in accordance with the mode of life of the criminal so that all Europeans may automatically get the preferential treatment in the Indian Jails. With the recent political awakening in India the Indian politicians began to feel the insult and strongly protested against the preferential treatment meted out to the Europeans. The Indian Members of the United Provinces Committee have been pleased to express themselves in the following terms :—

“ No self-respecting Indian can agree to any differential or special treatment being meted out to any one in Indian Jails on the ground of race, colour or creed. And if he finds that such treatment is sanctioned by the Government, then it is his duty to raise his voice in protest, even if his cry may be a cry in the wilderness and nothing may come out of it.”

After so strong a protest instead of doing away with the racial distinction *in toto* they created a class distinction to suit both the European and the Bourgeois class. They suggested that a better class of criminals be created

in order that irrespective of their criminality convicts may be put in this class and thereby get preferential treatment in the Jail. Natural enough the President of the Committee Sir Luis Stewart protested against the preferential treatment being accorded solely on the ground of social status. He says :—

“ In determining whether special treatment should be given to a convict because his standard of living outside the Jail is higher than that of an ordinary criminal, I am naturally disinclined to depart from the principle applied in England.”

In his support he quotes the following :—

“ In England there is no distinction made between any criminal. A proprietor of a newspaper, a banker, a stock broker, a doctor or a solicitor, even although he may have been used to luxurious surroundings in his ordinary life, even although he may be a man whose income at one time was as much as five thousand pounds a year or more, is when convicted by a Criminal court clothed, fed, and treated in exactly the same manner as a dock labourer would be.”

But Sir Luis had to swallow the pill because he had to save himself from similar and equally strong objection of giving preferential treatment to the Europeans on the ground of their European mode of life. And the gallant Knight had no way of escape but to lay down his otherwise strong weapon before Indian Members of the Committee by saying that he was, however, ready to accept some concessions in this matter.

In this way an alliance was effected between Europeans and Indians of high class, so that they may get preferential treatment in the jail without regard to their criminality.

Here I may say that Indian Members of the United Provinces Committee also realised the weakness of their position and admitted it in the following words :—

“ We are conscious of the fact that at first sight it appears unfair and unjust to make a distinction between a poor criminal and a rich criminal. We are also aware that in this respect we are departing from the practice followed in England. ”

Now the Punjab Jails Enquiry Committee have accepted the wrong lead given by the United Provinces Committee. The Punjab Committee's own report is short and in fact contains recommendations only. This report does not attempt to make out a case. This is why I have to make repeated references to the United Provinces Jails Enquiry Report from which the Government of India and this Committee have taken inspiration.

3. If one carefully reads the recommendations of the Committee he will come to the conclusion that the eligibility for special class is based on a very uncertain factor, that is to say, the superior mode of living. Character, social status, education, or habit of life are mere adjuncts pointing towards the superior mode of life. A man of education and character even though he be non-habitual and even though his offence does not include the elements of callousness, moral degradation, brutality or personal greed, is not tainted with serious premeditated or unprovoked violence and does not amount to a serious offence against property or abetment of a crime of a similar nature, shall not be put in a special class unless he has a superior mode of living. What will decide the superior mode of living? The whim of the trying Magistrate, except in the case of the Europeans who will be given the privilege invariably.

4. I may here point out that so far as I have been able to understand after most careful and repeated perusal and consideration of the criteria for eligibility for special class given in clause (i) of the majority recommendations, I am at a loss to understand how at all a person can by his character, social status or education be accustomed to a superior mode of living. The recommendation runs:—
 “All non-habituals, who by character, social status, education or habit of life have been accustomed to superior mode of living and the character of whose offences does not include the elements of callousness, moral degradation, brutality or personal greed should be placed in the special class.”

A person may by his habit of life be accustomed to a superior mode of living, but there apparently is no relation between character, social status or education on the one hand and a superior mode of life on the other. The words character, social status and education can be of no avail and in actual practice will prove simply redundant and it is only the habit of life amounting to a superior mode-

of living that will form the practical criterion for eligibility for the superior class.

5. So far as the treatment of the political prisoner is concerned his eligibility depends on the following factors :—

- (a) his offence should be unaccompanied by any act of actual physical violence or direct incitement to the same.
- (b) provided the trial Magistrate does not think that his inclusion in the special class would be inconsistent with the principle of penal detention.

Before I take up this point I may very briefly dwell upon the mentality of the Magistrate in this province so far as the political offences are concerned. Where in Bengal a Magistrate sentences a man under section 124-A, Indian Penal Code, for a term of a month or two, in the Punjab ordinarily convicts under the very same section and circumstances get a year or so. In a very recent case Master Mota Singh has been sentenced to a term of 7 years rigorous imprisonment under section 124-A, Indian Penal Code. Whereas in Karachi the Ali Brothers and other religious leaders who were originally responsible for the issue of a Fatwa pertaining to the Police and Military services got a sentence of two years; here in this Province a Sikh youth of under teens was awarded 7 years' imprisonment for posting a copy of that Fatwa on a wall. Poor Mr. Banerjee, the notorious Government spy was awarded five years' rigorous imprisonment on suspicion of being a genuine political worker. This crushing sentence made him mad and he made a clean breast of the whole thing. Witness after witness complained of the anti-political mentality of the Magistrates before the Committee, which fact goes a long way to show that it is not safe to give arbitrary powers unnecessarily in the hands of the Magistrate if we are really anxious to meet the country's demand. I have made mention of the Magistracy; I need not mention the attitude of the police. Their mentality in political cases can better be imagined than described.

Taking all the above-mentioned facts into consideration I will not be exaggerating when I say that a fairly large number of cases will be covered by this proviso of direct incitement to violence. You may well imagine the case if you know the defective method of reporting of the speeches by the police.

6. We are all aware that people belonging to non-violent school of thought have been working since 1919 and several have now been reduced to poverty. In their case, a Magistrate can very well say that amenities of special class are inconsistent with the principle of penal detention. What is the consolation for a political worker in the words of the report that a Magistrate will give his findings after due enquiry; when in ninety out of hundred cases no defence is being given. How these men will help the court in this respect. Will a non-co-operator stoop so low that he will offer proof of his eligibility for special class? The result would be that choudhris of Mohallas and Lambardars of villages will be the only people to help the Magistrate in his enquiry. Who does not know the fact that there is no love lost between a political worker and a Mir Mohallah or village headmen. These people will come up before the court and say "Ram Ram Maharaj, this man and twelve annas as diet allowances, it no doubt will encourage political crimes." The Magistrate will simply write down that the convict is a man of no means so he should be deprived of special class concessions. Here ends the whole show. Instead of serving the cause of political prisoners we have, unintentionally of course, been the cause of bringing their household affairs into discussion and public light.

7. A comparison of clause (i) and clause (ii) of the criteria for eligibility for special treatment shows that clause (ii) is confined to political prisoners or those convicted of libel or contempt of court. Clause (i) though general in its wording does not refer to the political prisoners specially. There is consequently the danger of the interpretation being put that clause (i) does not refer to political prisoners. The result would be that all prisoners other than political prisoners whose offence falls within the categories enumerated in clause (i) will have the benefit of special treatment but the political prisoners on the above-mentioned interpretation may be deprived of the benefit.

8. Let us now examine the general recommendations in detail. Supposing a poor patriot is brought before a Magistrate for expression of an opinion which is not palatable to the authorities and the Magistrate convicts and sentences him to a certain term of imprisonment, you give him two annas and nine pies as diet allowance per day, put him on kohlu for pressing the oil and make him sleep on

khadi. If the majority recommendations are adopted, a rich debauch convicted of an offence under section 377, I. P. C., will get twelve annas as diet allowance, will sleep on a cot and will get other furniture and concessions as recommended by the committee. Can you call this treatment a just and peral treatment? Will not an impartial Judge say that in India "laws grind the poor and rich men rule the law".

The signatories to the report recommend to create a "better class" division on the lines of the United Provinces Committee recommendations and do not themselves make out a case for such a far reaching deviation from the accepted principles.

The only argument given in favour of this departure from the accepted theory of the jail administration in the words of the Indian Members of the United Provinces Committee is that if a prisoner who is used to a better standard of living is compelled to take chapati and dal provided by jails he is practically punished twice over by the issue of this penal diet to him.

When Sir Luis put forward the plea for the better treatment of Europeans saying that he defended the differential treatment of Europeans not because they were Europeans but on what he believed to be the fact that their health would suffer unfairly if that differential treatment was not made. This argument was ridiculed by the Indian Members of the United Provinces Committee in the following words :—

"Now what is the data for holding that the health of a European prisoner would suffer if he does not get bread, butter, rice and vegetable as his daily ration. Was the experiment tried any where and did it prove harmful?" I ask in all earnestness whether the Indian Members had the data to suggest that a man of high social position is punished twice or his health suffers if he is not given preferential treatment. The real fact seems to be that neither Sir Luis nor the Indian Members of his committee had any data to go upon, they had been pleading the cause of their respective class and in the end both the parties compromised for mutual benefit, and the poor people who are putting up a stubborn fight against the powers for the sake of the country and the community are left to murmur "maya ko maya mile kar kar lambe hath, Tulsi Dass garib ki koi na

puche bat". Rich men extend their hand of sympathy and help to the rich, but none cares a two-pence for the poor.

9. I am sorry to say that the Punjab Committee contrary to the evidence and data practically came to the same conclusion as the United Provinces Jail Committee. Out of all the non-official witnesses only one witness suggested social status as the criterion for special treatment and all others pleaded for political motive as the criterion for better treatment; so much so that they even did not support the idea of differentiating between a political leader and his followers in the Jail. I have the experience of a convict and have been a non-official visitor of the Jails of the Province for the last six years, but I never heard any convict demanding preferential treatment because his mode of life was superior to an ordinary convict, though there are many in our jails who could prefer such a claim. I am quite certain that it is not the country's demand to treat the prisoners according to their wealth. What the whole country demands is first that the prisoners should be treated according to the nature of the offence and secondly that preferential treatment should be given to the political offenders because they go to jail with the good intention of elevating the condition of the society though of course according to their own ways. Instead of treating the European prisoners according to the nature of their offence we have decided to add to their number by admitting the Bourgeois class into the second division for preferential treatment. The public demand is consequently treated like the prayer of the musician who prayed to the Almighty to give him a horse to ride upon and in the way he met a choudhri of the village who ordered him to take on his back new born issue of his mare. The poor man said weeping under the burden "Oh Almighty God I wanted it to ride over its back and thou hast given it to me to carry it on my own back."

10. Preferential treatment according to social status, race, colour or creed is against common sense, against the spirit of religion, against the spirit of time and against the principle of jail discipline. The common sense of an ordinary man does not appreciate the point of giving preferential treatment to the rich and meting out the worst treatment to the poor of equal criminality. I have already quoted the opinion of the Indian Members of the United

Provinces Jail Committee that they were cognizant of the fact that different treatment to the rich and the poor does not look reasonable. I here quote Sir Luis in my support—

“I have always held the view that an offence committed by a European is in no way palliated by the fact that he is a European. I consider that the offence is aggravated by that fact.”

If that principle is sound which is no doubt sound, then what are the reasons for the different treatment. Even admitting the lame excuse of a rich man being punished twice over by the jail diet; I think that if a man of better means and better education commits an anti-social crime he deserves severe punishment also. This is why no alleviation of prison conditions is permitted in England on the ground of social standing or education (Major-General Jackson's report).

11. All the religions are one in impressing upon their followers that a man will be punished not according to the social status, colour, creed or education, but according to the gravity of his offence. Prophet Muhammad is said to have advised his daughter not to be proud of the fact that her father was a messenger of God, but to beware that people would be punished or rewarded in the next world according to their deeds. There is popular saying in the Punjabi dialect that “zat kise puchni nahin hon amlan nal naberai (None will inquire as to the caste, deeds will be the determining factor).

It goes without saying that the present idea of treating the convict according to his crime has for its basis the eternal truth of religion that all men are equal in the eyes of God; hence the theory that all men are equal before law. And this basis will be completely destroyed by the adoption of the majority recommendations.

12. The people of this world are striving hard to do away with the colour or class distinction as far as possible. Some countries have been able to completely do away with it, and the others are striving hard. But look to the irony of fate that we are creating that distinction in the sphere in which no country of the world has so far dreamt of introducing it. No country in the world can congratulate our committee on its findings or the Government for the adoption of its recommendations. If the Enquiry Committee fail to see which way the wind blows, let the overnment see it and also realise that to-day the Labour Ministry rules the

destinies of England and India and differential treatment on the basis of riches and poverty cannot be the order of the day.

13. His Excellency the Governor, when Finance Member, in his opening address to the First Punjab Provincial Jail Conference held at Lahore on April 4, 1928, laid down a fine principle for the guidance of those who are entrusted with the administration of the jails. In the course of his address he said "It is necessary to secure that treatment in jails, as far as the effect is concerned which is neither hardening nor deadening but becomes definitely curative towards its close." Can it be believed that the proposed preferential treatment will have a curative effect on the jail population? If there are 40 non-intentional criminals, 50 criminals convicted of very minor offences, and also 5 or 6 such rich murderers and if the latter are given preferential treatment because of their riches, will it not have hardening or deadening effect on the former? Will you not turn the whole jail population into enemies of the present social order? The folly of preferential treatment to the European prisoners in our jails has been responsible for so much heart-burning and the adoption of the new recommendations will not only revolutionise the mentality of the jail population but also become the source of trouble for the whole country.

14. It is a human weakness that man often tries to create arguments to suit his own purpose and in the attempt to do so he often ignores the most apparent things. The President and the Indian Members of the United Provinces committee could put forward the plea that the present jail dietary is not fit or proper for human consumption and that the standard of the jail dietary requires to be raised. But instead of that they say that the present jail dietary is not suited to the European and to the better class of Indians. I think the whole trouble is that the present dietary is so unsatisfactory that an average Punjabi convict can not live on it. This is the reason why so large quantities of contraband articles are imported into our jails and consequently the enormous extent of corruption. I quite see that there are some in whose case the present dietary of jail is a great boon and there are some in whose case even the proposed special class food is a great hardship. Such instances of hard cases will undoubtedly be found in every climate and country. In England no doubt you will find a pauper convict, in whose case the English jail diet is an

amelioration in his condition as compared with his outside living and there may be such in whose case the jail diet of English prisons may be called a great hardship. The anomaly cannot be removed by classifying the prisoners according to the standard of their living because there will be no end to this standardisation. The only escape out of the difficulty is as I have already suggested that the standard of dietary should be fixed in such a way as to ensure the health and strength of human being as a whole rather than of the different classes.

15. It is to be regretted that our committee have taken a position far inferior to one which even the Government of India desired. Mr. Emerson, Secretary to the Government of India, in his letter clearly suggested motive having regard to the nature of the offence as one of the criteria for eligibility for the special class. But in formulating the recommendations this criterion has been lost sight of, and the superior mode of living has been given prominence. Mr. Emerson while explaining the position of the Government of India in the Indian Legislative Assembly in reply to a motion of censure held out very great hopes for the better treatment of the political prisoners in the Indian Jails. The majority recommendations I am sure are not a very great monument to commemorate the noble death of Mr. J. N. Dass.

16. In my humble opinion the only criterion for special treatment is either the nature of the offence or the motive of the offender. I need not dwell at length on the first mentioned criterion, suffice it to say that in England the prisoners are classed according to the nature of the offence.

17. Now I come to the most controversial point. It is admitted on all hands that in 95 cases out of one hundred motive of the accused is taken into consideration. This feeling is so ingrained in human nature that there can be no parting from it. No amount of argument can make one believe that a man who has committed an offence with the noble motive of serving the country and the community has no preference over one who has been out to commit offences for personal greed or private revenge. I have very carefully gone into paragraph 132 of the report of the 1919 Committee. So far as their objection of extreme difficulty in ascertaining true motive is concerned I think it is only

a lame excuse to deprive the political prisoners from special consideration at the hands of the State. The Indian Members of the United Provinces Committee have given a very convincing reply to their arguments in the following sentence :—

“ As regards the question of motive involved in the commission of crime we are of opinion that at least in 95 per cent. of cases the trial court comes to a definite conclusion about the motive which actuated the prisoner to commit the offence with which he is charged and the finding determines the nature of the offence, *i.e.*, whether it is political or not, independent of the defence put forward by the accused.”

As to other difficulties in recognising the political motive the report of the Indian Jails Committee further says—

- (a) Crime is crime whatever the motive may be.
- (b) Political crime should not be marked out for lenient treatment.

In reply to these statements I refer to an authoritative book on the subject called *English Prisons To-Day*.

The learned authors of the “ *English Prisons To-Day* ” while discussing the state of the political prisoners say that recognising the iniquity of treating the political prisoners as ordinary criminal in the third division, Mr. Winston Churchill when Home Secretary introduced a new rule (numbered 243-A) in order as he said to mitigate the more degrading conditions of the prison treatment for offenders whose crime do not imply immoral turpitude.

18. I was astonished to find the following sentences in the Report of the United Provinces Jails Inquiry Committee 1919 :—

“ there is no doubt that the question of the treatment of what are known as Indian political prisoners has excited a considerable amount of controversy. It is maintained and urged with great vehemence that the treatment meted out to the Indian political prisoners is absolutely different from what is meted out to such prisoners in England. We have not been referred to any law, rule or regulation in support of this contention. We have done our best to find out whether it is so but we have failed,

and are driven to the conclusion that no such distinction is made between any criminal in England."

If the committee simply means to say that the word "political" does not occur in the rules and regulations of the English prisons, they may be right, but it is not correct to say that the treatment meted out to the Indian political prisoners is not different from what is meted out to such persons in England. The Churchill rules bear testimony to this fact. These rules were introduced as the authors of the English Prisons To-Day put it, to meet the case of the prisoners convicted for their part in the Women Suffrage Movement.

It can be urged that similar treatment is meted out to the Indian political prisoners by special class rules as is meted to such persons in England by the Churchill rules. But a cursory perusal of these rules will show that there lies a fundamental difference in both these rules. The Churchill rules take into consideration the nature of the offence only but the special class rules lay great stress on the personal merit of the offender. Here lies the whole difference.

19. Of all motives, the political motive should be the first to be recognised by the State. In the case of an anti-social crime a Judge or a Magistrate is looked upon to be an impartial gentleman, but when he sits on judgment in a case against the State his impartiality as a State servant may be questioned and the treatment in a Jail as a State institution is bound to be misconstrued. Hence the desirability of better treatment of political prisoners at the hand of the State.

The penal system involves three factors—retribution deterrence and reformation. In the case of the political offender the application of the first two factors will be resented, the application of the third will have no meaning. In the words of the Commissioners in connection with the International Prison Congress of 1900 reformation means an effort to restore a man to society as a better and a wiser man and a good citizen. If this definition of reformation is correct then who dare deny that a patriot is a better and wiser man than others and undoubtedly a good citizen. Mr. Marcovish in his paper which he read before the Buda Pest Congress in the year 1905 dwelt upon the desirability of

school masters developing the sentiments of patriotism in prisons by stories of heroic deeds of men. In other words it is not at all desirable to crush the patriotic sentiment but to encourage it even in prison, if possible. Consequently the argument that penal principle of retribution, deterrence and reformation is not applicable in the case of political offenders. Looking from any angle of vision it will be found that it is the political convicts alone who have strong claim on the State and the society for preferential treatment. I do not say that the State should not shut up the political prisoners in Jails but I only claim better treatment at the hands of the State. The Indian Government should recognise the iniquity of treating the political prisoner as an ordinary felon as the Home Government have been pleased to recognise.

I may here mention that I do not propose to recommend preferential treatment for those political prisoners who have been guilty of an act or moral degradation, callousness or brutality. The above mentioned factors when found in a so-called patriot clearly betray an ordinary criminal mentality, so he should be treated as an ordinary felon. A political offender who cannot keep up the beauty of the ideal cannot expect the treatment of a gentleman.

20. I would therefore substitute the following for the criteria of the eligibility recommended by my colleagues :—

(A) The following prisoners shall be placed in the 1st Division :—

- (i) All political prisoners whose offences do not include the elements of callousness, moral degradation or brutality and do not amount to serious, premeditated or unprovoked violence to person or property;
- (ii) Persons ordered to undergo imprisonment for failure to furnish security under any provision of the law when such security is demanded on account of their activities in furtherance of any political object or movement.

(B) The following prisoners shall be placed in the 2nd Division :—

- (i) All political prisoners who do not come under Clause (A) and whose offences do not involve the elements of callousness, moral degradation or brutality.

- (ii) All non-political offenders whose offences do not include the elements of callousness, moral degradation or brutality and do not amount to serious, premeditated or unprovoked violence to person or property.

I also make mention of another proposal that was included in the agenda and was to the following effect : —

- (a) All British soldiers convicted in the civil courts should be sent to the Military Detention Prisons to undergo imprisonment in the same way as those convicted by Military courts.
- (b) All foreigners of whatever country of origin should if sentenced to long term of imprisonment be repatriated and undergo their sentences in prisons of their own countries.
- (c) All foreigners of whatever country of origin if sentenced to short term of imprisonment receive treatment in Indian Jails similar to that which they would receive in the prisons of their own country.

I am extremely sorry to say that these proposals if adopted will be tantamount to capitulations and India no doubt will make the strongest protest against these suggestions. I want to make it quite clear that I am not a party to any such suggestions which go a long way in further alleviating the status of foreigners against which Indians so much complain already. A reference has already been made to this proposal in paragraph 471 of the United Provinces Enquiry Report and on the authority of Colonel Loch, Director of Military Prisons and Detention Barracks, it was mentioned that such a proposal had been made in the past but that effect had not been given to it owing to difficulties as to adjustment of cost of passages to England and the like.

I take this opportunity of warning the Government that if these proposals are given effect to by any Executive order, it will meet with the disapproval of the whole country.

AFZAL HAQ, M.L.C.

4-11-1929.

JOINT NOTE BY CERTAIN MEMBERS.

The Committee has elsewhere dealt with the questions which were referred to it but we the signatories of this note desire to place on record our opinion with regard to some of the matters which do not fall within the scope of reference. In course of discussion of the matters referred to the Committee and while the evidence was being recorded some of the members of the Committee attempted to raise questions which were beyond the scope of reference and on this Colonel Barker, the President of the Committee, was good enough to say that it was open to the members of the Committee to express their views on the matters not covered by the terms of reference for consideration of the Government. We, therefore, desire in our official capacity as Members of the Committee to place our views before the Government for their consideration on certain questions of great public importance. In doing so we are actuated by the desire of doing a service to the Government as well as to the public. We trust that the Government will give proper and sympathetic consideration to the representation made in this note.

While we have made specific and detailed recommendations regarding the under-trial prisoners, the special class prisoners and the better class prisoners there yet remain the bulk of prisoners in the Punjab jails who may be termed as ordinary prisoners and whose lot should be improved. We are given to understand that the Government is contemplating a big scheme under which the conditions of ordinary prisoners will be greatly improved. There is a proposal to substitute *ghee* for oil and to introduce several other improvements. In view of great rise in the standard of living around in the Punjab the inhabitants of which are economically more fortunate than those of several other provinces, it is desirable that even the poorest persons after their entry into jail should receive better treatment than they do at present. The present scale of average cost of a prisoner in the Punjab jails which is a little over two annas per head is too low and should be appreciably increased. It is a matter for real satisfaction to us to ask the Government to treat more generously our brethren the ordinary prisoners.

There are some Martial Law prisoners yet in the Punjab jails who were convicted in 1919 by the Martial Law

tribunals. We have no desire to revive the sad memories of the Martial Law days in the Punjab nor do we want to rake up Martial Law cases and discuss them on merits. It would suffice for our purpose to point out that Martial Law is an extraordinary weapon in the armoury of the Government and the trial by Martial Law tribunals is by no means a normal thing. In the very nature of things the atmosphere of Martial Law days in the Punjab was surcharged with human prejudice and bias. A Martial Law tribunal trial cannot be reasonably held to ensure the same certainty of guilt as the trial held by an ordinary court in ordinary times. We know some times even the ordinary courts presided over by honest and able judges and assisted by learned lawyers are apt to make mistakes and there is a much greater risk of Martial Law tribunals even when imbued with the best of intentions convicting innocent persons. Full ten years have passed since the persons now in jails were convicted. They have suffered amply and have had long hours, long days and long years in repenting over their deeds assuming them to be guilty. We put in a strong and earnest plea for their release without any further delay. We are making this recommendation recognizing our responsibility fully and we hope the Government will give due weight to our recommendation in this respect.

There is yet another class of prisoners whose cause we have good reasons to plead for the consideration of the Government. During the Great War three batches of accused persons among who were mostly those who had returned to India from Canada and other countries to foment trouble. They were tried by the machinery of Special Tribunals specially set up for the purpose whose procedure was summary and whose orders were final. Quite a number of them met the extreme penalty of law, some have served out their sentences and the rest are yet in jails. They were prosecuted and tried at a time when they were considered to be a menace to the successful prosecution of War and under the conditions which could not be considered as normal. It is contended on their behalf with a certain amount of reason that they have already served out their legal sentences and that they are being detained in jails owing to the proper remission period not having been calculated and allowed under the rules. In 1925 the Legislative Assembly had recommended their release. It is high time that they should be restored to

liberty. Their further detention in jails is being construed as a proof of vindictiveness on the part of the Government. We strongly recommend their release. We also urge for the immediate release of the remnants of Akali prisoners as there is no longer any active Gurdwara problem requiring settlement before the public or the Government.

Towards other political prisoners now in jails or who would be in jails hereafter we wish the Government to adopt a different attitude and policy. Nothing is so paying in politics as a sportsman like treatment of those who may be regarded as adversaries or even the enemies of the Government. We wish the time may come soon when it may become unnecessary for the Government to send people to jails for political offences and for the people to go to jails or seek imprisonment on account of their political convictions but so long as this devoutly wished-for state of things is not realised let the Government adopt to treat their adversaries as honourable foes and deal with them in a spirit of sympathy and even generosity. No political prisoner whether violent or non-violent should be kept in prison longer than is absolutely necessary in view of the principle that we have laid down above. The deviation from this principle is bound to embitter the feelings of political minded section of Indian population and its adoption is sure to ease the situation and make the solution of the problem of reconciliation easy. We feel confident that between the two contending parties settlement is bound to come sooner or later and nothing should be done by either party to make that settlement difficult.

While recognizing the fact that there has been an improvement of late in the personnel of non-official visitors of the Punjab jails we are of opinion that there is a room for considerable improvement. In nominating a non-official visitor the authorities concerned are to a great extent influenced by a desire as if it were to bestow patronage or favour upon the person selected. It is an unfortunate thing that posts of duty and responsibility are regarded by those who seek them as assets for gaining influence and position and the local authorities instead of discounting such a desire stimulate it. There is an inordinate desire on the part of good many persons to go on acquiring one place of honour after another without caring to think that they have got no time to discharge the task undertaken. Certain observations

made in the Report of the Punjab Jails Enquiry Committee, 1925, on the subject of non-official visitors are worth quoting—

“The Indian Jails Committee have explained that a non-official visitor should be ‘chosen on the ground of definite qualifications such as an interest in prison matters or other social work or ability and willingness to assist in finding work for prisoners on release.’ We have no doubt that gentlemen of this type can easily be found in this province and if selection is made out of them the problem of non-official visitors is solved and a great step will have been taken towards the improvement of our jails system.” We strongly recommend that the Government’s declared policy should be to appoint only such men non-official visitors of jails as are interested in the administration of jails, and have to serve no ends of their own. The persons who are taking active part in the movements of uplift of society and can afford to devote time should be appointed as non-official jail visitors and should insist upon the local authorities to carry out this policy. In appointing a non-official visitor the local authorities should not be influenced by the consideration of the candidate being a Government man or not. Every non-official visitor should be above suspicion and should be made to do his duty and as soon as it is discovered that he has not been upto mark in the discharge of his duty he should be politely asked to make room for a more earnest man.

There have been complaints occasionally that Mazhbi Sikhs, Musallies and other converts from untouchable and depressed classes are being forced to do scavenging works in jails as sweepers. This should be stopped as no ban should be put on those persons who want to raise themselves socially. The principal occupation of Mazhbi Sikhs is either agriculture or Military service and to force them to do sweepers’ work is to degrade them socially.

MOHINDAR SINGH.

DUNI CHAND.

MEHTAB SINGH.

HARBAKSH SINGH.

MOHAN LAL.

AFZAL HAQ.

APPENDIX I.

The Punjab Jails Committee invites the opinions of Provincial or local associations and of private individuals resident in the Punjab who are interested in the subject matter of their enquiry, on the following questions :—

A.

1. Should under-trial prisoners be classified in greater detail than at present and if so would classification as

- (1) Special Class
Ordinary { (2) First Offenders
(3) Previous Convicts

suffice? If not, what classification would you suggest?

2. Should the trying magistrate be the classifying authority?

3. Should the Superintendent of the Jail have residuary or recommendatory powers regarding the classification of prisoners?

4. In what class on the railway should special class under-trial prisoners travel when on transfer?

5. If above intermediate, what proportion of the expense should be borne by Government?

6. What should be the amount of the daily allowance granted in lieu of rations for the diet of (a) ordinary under-trial prisoners (b) special class when on transfer by train?

7. Is it desirable to accommodate all under-trial prisoners as far as possible in cells?

8. If so, should under-trial prisoners of the same class normally be allowed to associate during the day time?

9. Should literate under-trial prisoners be allowed the concession of lamps for reading purposes and if so, up till what hour of the night?

10. Should all under-trial prisoners be allowed to sleep in the open during the hot weather subject to the requirements of safe custody and medical advice, and if so, during what months?

11. Should special class under-trial prisoners be supplied at Government expense with a superior diet to that allowed to ordinary under-trial prisoners and if so, what should be the scale of that diet?

12. Should special class under-trial prisoners invariably be supplied with cellular accommodation?

13. Should special class under-trial prisoners be supplied at Government expense with furniture, and if so, of what items should that furniture consist?

14. Is there any reason to believe that the provisions of the Jail Manual regarding interviews with under-trial prisoners are not invariably followed in practice ?

15. Should under-trial prisoners be granted facilities in regard to the supply of books, periodicals and newspapers and if so, what facilities would you suggest with regard to the supply of each of these articles ?

16. At present there is no provision by which under-trial prisoners can be made to take any exercise or do any form of work. Should the Jail authorities be authorised to give them a certain amount of compulsory exercise in the interest of their health ?

17. Is it desirable that arrangements should be made, where possible, to enable an under-trial prisoner to visit a dying relative ?

18. Should under-trial prisoners be allowed to participate, with due regard to the principle of segregation in any such educational facilities as may exist for the benefit of convicted prisoners.

19. It has been suggested that washing arrangements for under-trial prisoners are at present inadequate. What improvements would you propose ?

20. Is there any room for improvement in arrangements for conveyance of under-trial prisoners either by road or by rail ? If so, what would you suggest ?

21. Is it your opinion that the conditions obtaining in judicial lock-ups should be brought into line with those obtaining in jails and to what extent is this possible ?

22. Is it desirable that non-official visitors should be appointed for judicial lock-ups outside jails ? Should the existing non-official visitors be directed to visit judicial lock-ups outside jails or should special non-official visitors be appointed for this purpose ?

B.

23. The following are the rules at present in force in the Punjab for treatment of special class prisoners :—

1. Subject to confirmation by the Local Government, convicting courts shall decide whether a convict shall be placed in the special class with reference to the status, character and education of the prisoner and the character of his offence :

Provided that the following prisoners shall be excluded from the special class :—

- (a) all prisoners, who, whatever their station in life or motives, were convicted of any offences which directly involved violence or an offence against property ;
- (b) persons who have incited others to crimes of this character

- (c) persons hired to commit offences in connection with political movements or who have committed such offences in the hope that in the resulting disorder opportunities of looting might occur ;
 - (d) persons who have been guilty of attempting directly or by general incitement to seduce soldiers or police from their allegiance ;
 - (e) persons convicted of offences directly involving criminal intimidation, when violence has been used for the purpose of intimidating. The Local Government shall have discretion to direct that any particular prisoner convicted of criminal intimidation, not involving any threat of violence, be placed in the special class.
2. When a court has decided that a convict shall be placed in the special class, the Superintendent of the Jail should classify him accordingly in anticipation of the Local Government's order confirming the decision.
 3. Prisoners of the special class shall be kept separate from ordinary prisoners, but, except as a jail punishment their imprisonment shall in no case involve anything of the nature of separate confinement. Subject to this condition, they may be accommodated either in cells or in an association ward with other prisoners of the same class.
 4. They shall be given the diet prescribed for ordinary prisoners but shall be allowed at their own expense additional food brought in from outside the jail subject to the approval of the medical officer. The food so imported should be of a simple character, and the concession should not be made an excuse for the importation of luxuries.
 5. They shall be permitted to wear their own clothing, but this concession does not cover the wearing of political symbols ; such as the Gandhi cap.
 6. They shall be permitted to write and receive one letter once a month, but on urgent occasions such as death or serious illness in the prisoner's family, the Superintendent shall have discretion to relax this rule. The subject matter of all letters shall be limited to private affairs and shall include no referenes to jail administration and discipline in the letters, nor to other prisoners nor to politics.
 7. They shall be permitted to receive a visit from friends and relations once a month, provided that not more than two persons may visit a prisoner at one time. The conversation at interviews shall be limited to private and domestic matters and the discussion of political questions shall not be allowed. Publication of the matters discussed in the

interview may be treated as a sufficient ground for the withdrawal of the privilege, if the Superintendent has reason to believe that such publication has in any way been due to any act or omission on the part of the prisoner.

8. They shall not be required to perform menial duties, nor to pay for having such duties done for them. These duties will be discharged by Jail servants who may not be used by the prisoners of the special class as their personal servants.
9. They shall be permitted to use their own cups and plates, beds and beddings, and subject to the discretion of the Superintendent, their own cooking utensils.
10. A special class prisoner may, at his own expense, be furnished with a chair and table of a size and pattern approved by the Superintendent.
11. To any special class prisoner, who is sentenced to rigorous imprisonment or elects to labour, the task allotted shall be such as is suitable to his station in life.
12. Special class prisoners shall be permitted to sleep in the open air in summer and separate latrine accommodation shall be allotted to them of such a type as may ensure privacy.
13. Special class prisoners may be given a light in their cells or wards till 10 P. M. and may be allowed books from the Jail library on such conditions as the Superintendent may deem necessary.
14. Special class prisoners shall not be handcuffed or fettered except by way of punishment or when, if this were not done, there would be danger of the prisoner's escape or of an attack being made on the Jail staff.
15. Any act of misconduct on the part of a special class prisoner shall render him liable to the forfeiture of any particular concession allowed by these rules for such period as the Superintendent may deem proper. But the power to remove the prisoner from the special class shall be exercised only by the Local Government. Deprivation of concessions may be made in addition to any other punishment to which the prisoner may be liable under the Jail Code.
16. The Local Government may at any time cancel the classification of a prisoner of the special class on receipt of a request from him in writing to the effect that he wishes to forego the privileges of a special class prisoner.

17. The Superintendent shall cause an abstract of the rules relating to discipline and conduct, rewards and punishments affecting prisoners to be placed in each cell or ward.

NOTE 1.—*Paragraph 13.*—' Books' include magazines, but not newspapers,—*vide* Punjab Government letter No. 18359-H.—Jails, dated the 14th of August 1925.

2. *Paragraph 15.*—No prisoner, who has been removed from the special class of prisoners, should be restored to that class without the orders of Government,—*vide* Punjab Government letter No. 32459-H.—Jails, dated the 21st of December 1922.

What modifications, additions, omissions or amendments would you suggest ?

24. Should there be one or more classes of special class prisoners and if so, what concessions would you suggest for each class ?

25. Have you any special suggestions to make on the subject of opportunities of exercise and recreation to be afforded to special class prisoners ?

26. Are you of opinion that special class prisoners should be concentrated in a special jail and if so, where should that jail be situated ?

27. Is there any other matter within the terms of reference of the Punjab Jails Committee on which you wish to make suggestions ?

Any representative of any association or any private individual who may desire to give oral evidence before the Committee should submit along with his written answers to the questionnaire a note on the particular points on which he wishes to be examined.

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OPINIONS RECEIVED

ON

QUESTIONNAIRE.

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Letter, dated Rohtak, the 9th September 1929.

From—Rai Sahib RAM SARAN DAS, B.A., Advocate, Non-Official Visitor, Jail, Rohtak, and Honorary Secretary, Prisoners' Aid Society District Committee, Rohtak,

To—The Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S. Jails, dated 5th September 1929, I herewith enclose my opinion on the various questions and also a note concerning my oral evidence before the committee.

Opinion.

A.

(1) In my opinion the following classification is desirable:—

1. First class.

2. Second class.

3. Third class.

(a) First offenders.

(b) Previous convicts.

(2) Yes.

(3) No.

(4) Class No. (1) in 2nd class, class No. (2) in Inter class.

(5) Half.

(6) Ordinary that is 3rd-class annas 8 per diem.

Second class Re. 1 per diem.

First class, at their own expense or Re. 1-8-0 in case they do not pay.

(7) Yes but 1st, 2nd class only.

(8) Yes.

(9) Yes till 10 p. m.

(10) Yes from 1st April to 30th September.

(11) Half the the expenses of 2nd class prisoners. First class prisoners to bear their own expenses.

Scale of diet for 2nd class prisoners to be Re. 1 per diem.

(12) Yes.

(13) Yes, 2nd class to be provided with one chair, one table, one lamp, one durree, one hand punkha in summer, one moonj charpai and writing material.

First class may be allowed one arm chair, one teapoy, one Niwar bed or couch, and one box at his own expense. Also punka with cooly.

- (14) There is some complaint.
- (15) Yes, there ought to be a small library in the Jail for the purpose.
- (16) Compulsory exercise should not be given as this power may be abused.
- (17) Yes.
- (18) Yes.
- (19) Supply of abundant water in the Jail.
- (20) Yes. 1st and 2nd class should always be provided with suitable conveyance. No prisoner to be taken in a railway truck.
- (21) Certainly yes, 1st and 2nd class to be kept in one separate lock-up. They should have better but equal comfort during day and night. District Magistrate and Superintendent of Police, to direct the classification from the time of arrest, when the prisoner is in Police custody.
- 1st class never to be hand-cuffed or fettered *if he is a first offender*. Second class, or previous convict of 1st class, not to be hand-cuffed or fettered except as punishment or for necessity of safety.
- (22) Yes. The existing Non-official Visitors of jails are sufficient for the purpose.

B.

- (23) (1) *Proviso*.— It should be amended as follows :—
- “ Provided that the following prisoners shall be excluded from the 1st class.” The right to be treated as 2nd class should not be taken away.
- (23) (5) The words, “ Such as Gandhi cap ” should be omitted.
- (24) Yes. You may call them 1st class and 2nd class as suggested by me above, with difference in treatment, or special class (a) and (b).
- (25) Facilities for the following kinds of exercises should be provided—*walking, running, mogris and dand*.
- (26) First class should be concentrated in central jails with the option of being removed to some hill station during summer at their own expense.

RAM SARAN DAS (R. S.),
 Advocate,
 Non-official Visitor, Jail,
 and

ROHTAK :
 9th September 1929.

Honorary Secretary, Prisoners' Aid Society
 District Committee, Rohtak.

NOTE.

I shall be glad to give oral evidence regarding *the classification of prisoners and their treatment* because I consider this a vital matter to bring about contentment in the present agitated state of the country. I wish to impress with all the force at my command that the treatment of prisoners should depend only on the status, character and education of the prisoner. Racial discrimination is to be altogether removed. As there are three main classes in the country that is, the upper, the middle, and the lower class, so there should be three classes among prisoners also. I am of opinion that there ought to be a clear distinction in treatment between the 1st and 2nd class but the difference should not be very great because luxuries cannot be provided in jail to any class and so far as the necessities are concerned there ought not to be very great distinction as is the case in their ordinary life. The distinction between 2nd and 3rd class ought to be a marked one because we always find a marked difference in living and eating between people of middle class and lower class. The 3rd class first offenders should be treated better and kept separate from the previous convicts of that class in order to prevent them from becoming habitual offenders. Regarding the previous convicts of the 3rd class the jail life as it exists is not at all hard for them and any further concessions are bound to encourage them to further crime. In my opinion merit neglected and racial inequality of treatment (for whatsoever grounds of policy they may be) are the chief root causes of discontentment in this country. The Jail Committee is not concerned with the first, but if it can help in abolishing all signs of the latter so far as they concern the under-trials and the convicted, it will certainly be doing a great service and will earn the thanks of all citizens of India who love peace in this country.

RAM SARAN DAS (R. S.),

Advocate,

Non-official Visitor, Jail

and

ROHTAK : Honorary Secretary, Prisoners Aid Society,
9th September 1929. District Committee, Rohtak.

Letter, dated Jullundur, the 8th September 1929.

From—Pensioned Risaldar Major Khan MUHAMMAD ALI KHAN, Sub-Registrar and Non-Official Visitor Jail, Jullundur.

To—The Home Secretary to Government, Punjab

WITH reference to your letter No. 5200-S.-Jails, dated the 5th September 1929, I have the honour to forward herewith, my replies to the questionnaire drawn up by the Special Punjab Jails Committee.

Replies by Pensioned Risaldar Major Khan Muhammad Ali Khan, Non-Official Visitor of the Jullundur District Jail to the questionnaire drawn up by the Special Punjab Jails Committee.

A.

1. (i) There should be two classes in special class :—
 - (a) Member of the community who are under-trials or convicts, non-violent and having high living outside the Jail.
 - (b) Ordinary political prisoners, non-violent, whether under-trials or convicts.
- (ii) First offenders should be treated separate from previous convicts.
2. Yes.
3. Yes.
4. (i) (a) in second class.
(i) (b) in intermediate class.
5. All the expenses should be borne by the Government.
6. (a) Ordinary undertrial prisoners 0-6-0 per diem.
(b) Special class (a) Rs. 1-8-0 per diem.
(c) Special class (b) Re. 0-12-0 per diem.
7. Yes.
8. They should meet with the prisoners of their own class during meal time.
9. Yes upto 9 P.M.
10. No. Only special class prisoners may be allowed to sleep in open air from 15th April to 15th September.
11. Yes. (a) Special class (a) Rs. 1-8-0.
(b) Special class (b) Re. 0-12-0.
12. Yes.
13. Yes. (i) Special class (a) one box, one charpoy, one table, one chair, one looking glass, and a decent bedding.
(ii) Special class (b) one charpoy, one box and ordinary bedding.
14. The instructions laid down in the Jail Manual should be complied with.
15. Only books and periodicals of moral character and newspaper of moderate views should be supplied.
16. They may be allowed indoor exercise at their own will and not compelled to do by the Jail authorities.

17. Only special class prisoners may be allowed this concession.
18. No.
19. Washing of special class prisoners' clothing may be done by Dhobies—convicts or employees. Other under-trials may wash their clothing with their own hands with soap supplied by their relatives.
20. Where the courts are at a distance from the Jail, Lorry arrangements should be made for conveyance.
21. Yes. The Judicial Lock-ups should be brought under the control of the Inspector-General of Prisons and special Jail staff should be incharge of the Lock-ups like Sub-Jails.
22. Yes. The Non-Official Visitors of the Central, District or Sub-Jails should also be the visitors of the Lock-ups in their own districts.
23. Seen.
24. Yes. Already mentioned in paragraph 1.
25. Yes.
26. Yes. I strongly recommend. Special Jails are essential as below :—
- For special class (a) at Palampore (Kangra).
- For special class (b) at Dera Ghazi Khan.
27. There should be a separate building for the under-trials in the Jail Compound.

Letter, dated Lahore, the 10th September 1929.

From—Mr. D. V. MUHAMMAD, M.A., LL.B., M.L.C., Advocate, 10 Napier Road, Lahore,
To—The Home Secretary to Government, Punjab.

WITH reference to your circular letter No. 5200-S.-Jails., dated Simla, the 5th of September 1929, I beg to send herewith my replies to the Questionnaire drawn up by the Special Punjab Jails Committee.

1. I would classify all prisoners into the following 4 classes :—
3rd Class ; 2nd Class ; 1st Class and Special Class.
- Note.*—For description of these classes please see my answer below to question No. 23.
2. I would not leave the work of classifying to the trying magistrate, as uniform results cannot be expected ; regard being had to the

idiosyncracies, personal inclinations and temperaments of the various magistrates. In my opinion it is absolutely essential that definite rules should be framed by the Government on this point, the interpretation and the practical application of which should be left to the Superintendents of those Jails in which the prisoners would be admitted. Every Superintendent of Jail should be required to classify the prisoners according to these rules and a right of appeal to the Local Government be reserved in case of disagreement. This procedure would not only regularise the work but would facilitate it also.

3. In view of my reply to question No. 2, this does not arise.

4. Special Class prisoners should on transfer be carried in 2nd Class Compartments and First Class Prisoners in Intermediate, all others in ordinary prisoners' Vans or 3rd Class.

5. Government should pay all expenses of transport of prisoners but if any prisoner wishes to travel in a Compartment higher than what he is entitled to under the rules, he should be permitted to do so, provided he pays the additional expenses.

6. The amount of such daily allowance should be regulated as below :—

3rd Class Re. 0-6-0, 2nd Class Re. 0-8-0, 1st Class Re. 0-12-0 and Special Class Re. 1.

7. It is not necessary, nor desirable to accommodate all prisoners indiscriminately in separate cells. I would recommend separate cells for Special Class prisoners only. First Class Prisoners should be accommodated in association wards ; and 2nd and 3rd class prisoners in barracks. I would, however, suggest that the separate cells recommended for the Special Class prisoners should be constructed after the model of the cubicles in an ordinary hostel and not like the punitive cells in Jails ; and the Association Wards after the model of hospital wards or hotel dormitories, and not like the prison barracks. ; I would also insist that prisoners of the same class should be housed together in the same barrack and not of different classes.

8. Yes.

9. Light should be provided both in cells and in Association Wards till mid-night at least. In the case of other prisoners, present arrangements can safely continue.

10. Yes ; from 15th April to 15th September, facilities under due safeguards should be provided for all prisoners to sleep under the sky.

11. Yes ; superior diet should be provided for all Special Class and 1st Class prisoners at Government expense, the nature of such diet can be determined according to the individual requirements of the prisoner concerned, due regard being paid to his religious susceptibilities and natural inclinations, provided that the daily expenditure of the Special Class shall not exceed Re. 1 and that of the 1st Class annas 1-

12. Yes. Please see my answer to question No. 7.

13. Yes; a bed a table and a chair to the Special Class and a bed only to the first class should be supplied at Government expense. Both the cells and the association wards should be fitted with hanging pegs and the prisoners of the special class be allowed to keep a wooden box for their clothes.

14. No; I do not think so.

15. Yes; but only those which are approved by Government. In addition to these I would recommend that writing material should also be supplied to the Special Class prisoners as a rule and to the 1st class prisoners in the discretion of the Superintendent of Jail.

16. Yes; compulsory exercise in the form of walking or any other suitable non-appliance exercise should be insisted in the case of all under-trial prisoners.

17. Yes.

18. Yes; if they so desire.

19. It is true that washing arrangements for under-trial prisoners are inadequate in certain Jails. A Persian well worked by bullocks can meet their requirements in all Mufassil Jails; in all other places where water works have been constructed, there should be a hydrant for every ten cells and for every association ward or barrack.

20. Yes. The present arrangement for conveyance of under-trial prisoners is not suitable. If travelling by Rail, the carrying capacity of a railway compartment should not be exceeded under any circumstances. The prison vans for road journeys should be more commodious and spacious. Special Class and 1st Class prisoners should be carried in ordinary hackney carriages, wherever available. In long journeys, no under-trial prisoner should be made to walk on foot or fettered, unless he is reported by the Jail authorities to be specially dangerous or likely to abscond. Special Class and 1st Class under-trial prisoners should not be hand-cuffed even while in transit. Previous arrangements for feeding such prisoners should be made before their transport is arranged and sufficient funds should be placed in the hands of the officer in whose charge they travel.

21. Yes. Judicial Lock-ups can be easily remodelled to meet these requirements. Wooden benches should be provided in them for Special and 1st Class prisoners; ordinary mats for all other classes. They should also be provided with open compounds to be utilised in the summer season and adequate arrangements for relieving the call of nature should be attached to every Judicial Lock-up.

22. The existing Non-official Visitors can be safely entrusted with the work of visiting Judicial Lock-ups also.

B.

23. I would suggest the following rules for treatment of all under-trial prisoners including the special class :—

Rule 1.—Under-trial prisoners shall be classed in the following manner :—

- (a) Third Class shall include all those prisoners to whom section 75 of I. P. Code applies.
- (b) Second Class to include all those prisoners not included in III-Class whether charged with any offence under the I. P. Code or any special or local Law or Ordinance, and whether first offenders or not.
- (c) First Class shall include all prisoners of the Second Class, whose status, ordinary mode of living, character and education entitle them to a preferential treatment.
- (d) Special Class shall include all prisoners of the 1st Class who ordinarily live in European style and pay more than Rs. ₹50 as income-tax or land revenue to Government or are assignees of this amount and all those prisoners of the 1st Class whom the local Government on the recommendation of the Superintendents of Jails or otherwise shall consider entitled to this privilege.

Rule 2.—The Superintendents of Jails shall decide in which class a convict shall be placed as soon as he is admitted in Jails, provided that his decision relating to the admission into the 1st or special class shall be subject to confirmation by the local Government.

Rule 3.—The following under-trial prisoners shall on conviction be deprived of the concession attached to the special or first class :—

- (a) All prisoners who whatever their station in life or motive are convicted of any offence to which section 75 of the Indian Penal Code applies or of any offence under sections 302, 303, 304, 307, 308, 310, 326 to 333, 359 to 377, 463 to 477-A.

Note.—The words of the existing rule are too vague and too wide. A simple first class offence involves violence and an ordinary trespass is an offence against property. Hence the necessity of recasting the rule.

- (b) Prisoners who have abetted the offences mentioned in (a) or attempted to commit those offences.
- (c) Prisoners who have committed or attempted to commit or abetted or have been hired to commit offences in connection with movements for the overthrow of the British Empire as contemplated by sections 121,

121-A and 122, or who have committed such offences in the hope that in the resulting disorders opportunity of looting might occur.

(d) Prisoners who have been guilty of attempting directly or indirectly to seduce soldiers or Police from their allegiance

and

(e) Persons convicted of offences directly involving criminal intimidation when such intimidation is committed against public servants or in connection with movements referred to in (c).

Rule 4.—When a Superintendent of Jail has decided that a prisoner shall be placed in a special or 1st class, he shall treat him accordingly, in anticipation of the local Government's orders confirming his decision.

Rule 5.—Except as a jail punishment the imprisonment of the prisoners of the special class or 1st class shall in no case involve anything of the nature of separate confinement.

Rule 6.—Prisoners of the 2nd or 3rd class shall be given the diet already prescribed for ordinary prisoners. Prisoners of the special or 1st class shall be allowed a superior diet prescribed for them in view of their religious scruples and personal inclinations. They shall also be allowed at their own expense additional food brought from outside the jail subject to the approval of the medical officer.

Rule 7.—Prisoners of Special and 1st Class shall be permitted to wear their own clothings but this concession would not cover the wearing of political symbols

Rule 8.—Prisoners of the Special and first Class shall be permitted to write and receive one letter once a week, but on urgent occasions such as death or serious illness in the prisoner's family, the Superintendent shall have discretion to relax this rule. The subject matter of all letters shall be limited to private affairs and shall include no reference to jail administration and discipline in the letters, nor to other prisoners nor to politics.

Rule 9.—Prisoners of Special or First Class shall be permitted to receive a visit from friends and relations one a fortnight, provided that not more than two persons may visit a prisoner at one time. The conversation at interviews shall be limited to private and domestic matters and the discussion of political questions shall not be allowed. Publication of the matters discussed in the interview may be treated as a sufficient ground for the withdrawal of the privilege, if the Superintendent has reason to believe that such publication has in any way been due to any act or omission on the part of the prisoner.

Rule 10.—The prisoners of Special or First Class shall not be required to perform menial duties, nor to pay or having such duties performed for them. These duties will be discharged by jail servants

who may not be used by the prisoners of the special or first class as their personal servants.

Rule 11.—Prisoners of Special Class or First Class shall be permitted if they so desire to use their own cups and plates, beds and beddings, and subject to the discretion of the Superintendent, their own cooking utensils.

12. To any special class or 1st class prisoner, who is sentenced to rigorous imprisonment or elects to labour, the task allotted shall be such as is suitable to his station in life.

13. All prisoners shall be permitted to sleep in the open air in summer. Separate latrine accommodation of such a type as may ensure privacy (1) shall be allotted to the Prisoners of Special and First Class.

14. Special Class and First Class prisoners may be given a light in their cells or wards till 12 P. M. and may be allowed books, &c.,* from the jail library on such conditions as the Superintendent may deem necessary.

15. Special or 1st Class prisoners shall not be hand-cuffed or fettered except by way of punishment or when, if this were not done there would be danger of the prisoner's escape or of an attack being made on the jail staff.

16. Any act of misconduct on the part of a special or 1st Class prisoner shall render him liable to the forfeiture of any particular concession allowed by these rules for such period as the Superintendent may deem proper. But the power to remove the prisoner from his class shall be exercised only by the Local Government. Deprivation of concessions may be made in addition to any other punishment to which the prisoner may be liable under the Jail Code.

17. The Local Government may at any time cancel the classification of a prisoner of the special or 1st class on receipt of a request from him in writing to the effect that he wishes to forego the privileges of that class.

18. The Superintendent shall cause an abstract of the rules relating to discipline and conduct, rewards and punishment affecting prisoners to be placed in each cell or ward.

Notes.—(1) Paragraph 14.—Books include magazines, periodicals and news papers.

(2) Paragraph 16.—No prisoner, who has been removed from the special or 1st class of prisoners, should be restored to that class without the orders of Government.

Q. 24. Please see above.

25. Please see above.

26. In my view prisoners of Special or First Class should be concentrated in a Special Jail situated at Lahore.

*Nors &c. includes magazines, periodicals and newspapers.

27. I would suggest that while appearing in Court prisoners of Special or 1st Class should not at all be hand-cuffed unless there are special reasons for withdrawing this concession.

Note.—If the Committee considers it necessary I am prepared to give oral evidence on any particular point contained in my answers.

DIN MUHAMMAD,

Member, Legislative Council.

Dated 10th September 1929.

From—Khan ATA MUHAMMAD KHAN Mallezai, Non-Official Visitor of Jail,
Rais and Municipal Commissioner, Multan,

To—The Home Secretary to Government, Punjab, Simla,

WITH reference to your letter No. 5.00—S.-Jails, dated 5th September 1929, I beg to reply as under :—

1. The under-trial prisoners should be separated from the convicts, and non-official members should be appointed to visit them and hear their complaints.

2. The classes in case of under-trial prisoners must be introduced as in case of the convicts.

3. The fare of the under-trial prisoners must be borne by the Government, if travelling, up to the Intermediate class. In higher classes prisoners should be charged only one-half fare.

4. The under-trial prisoners should be provided by the Government with chairs, bed and beddings and newspapers according to their position.

5. The under-trial prisoners should be brought in the court without fetters, but if there is a strong apprehension of rescue or running away he should be brought in the fetters.

6. The under-trial prisoners should be provided with a Drill Master, and should be compelled to exercise compulsorily.

7. The diet of under-trial prisoners should be given according to their position and status.

8. The under-trial prisoners should be allowed to attend the funeral of his relative on giving a sufficient bail bond to secure his return.

Dated Rohtak, 10th September 1929.

From—SHAM LAL, Advocate, Non-Official Visitor, Rohtak.

To—The Home Secretary to Government, Punjab, Simla.

I AM sending herewith answers to the questions drawn up by the Special Punjab Jail Committee with a note on the points on which I would like to give oral evidence before the Jail Committee.

Answers to questions sent by the Punjab Jails Committee.

A

1. I think the classification suggested in the question is quite sufficient, *i.e.*—

(1) Special Class.

Ordinary { (2) First offenders.
(3) Previous convicts.

So far as undertrial prisoners are concerned there should be no distinction between prisoners charged with non-violent offences and those charged with violent crimes.

2. The trying Magistrate should be the classifying authority, but in some cases it takes time before the case actually comes in the court of the trying Magistrate, in that case the provisional classification should be done by the Magistrate granting the remand. An appeal should lie from the order of the Magistrate to the Sessions Judge.

3. The Superintendent should have the residuary powers of the classification of the prisoners.

In case two non-official visitors of a jail are of opinion that a certain prisoner should be treated as a special class prisoner, the Superintendent should treat him as such unless there are very strong reasons to the contrary. If the Superintendent does not agree with the opinion of the non-official visitors, he should bring the case to the notice of the Sessions Judge whose order should be final on the subject.

4, 5. A special class prisoner should travel in the class to which he is entitled according to his position. The test is what class of Railway fare he would get if called as a witness in court. It should in no case be less than Intermediate Class.

This classification should also be done by the Superintendent or by the officer in charge of the prisoner.

If a special class prisoner wants to travel in a higher class than allowed by the Superintendent or such officer, he should pay the excess Railway fare from his own pocket.

If subsequently the trying Magistrate thinks that the prisoner should have been allowed to travel in the higher class, the prisoner should get the refund from the Government.

No hand-cuffs or fetters of any kind should be used in taking a special class prisoner from one place to another.

6. The daily allowance for rations in the case of an ordinary under-trial prisoner should be twelve annas, in the case of special class prisoner, it should be from Re. 1-8-0 per diem to Rs. 5 per diem according to the position of the prisoner.

There is a general complaint that under-trial prisoners do not get sufficient diet when they are transferred from one place to another.

7. I do not think that it is possible to accommodate all under-trial prisoners in cells. I am of opinion that the jail of under-trial prisoners should be quite separate from the jail of prisoners, though both may be under the same management. In the case of ordinary prisoners I prefer barracks to cells.

There should not be over-crowding in barracks, the same accommodation should be allowed to under-trial prisoners as is generally allowed to boarders in a school. For special class under-trial prisoners there ought to be spacious rooms to which bath-rooms are also attached.

8. The under-trial prisoners of the same class should be allowed to associate during the day time.

9. Literate under-trial prisoners should be allowed concession of lamps for reading purposes up till 11 P.M.

10. All under-trial prisoners should be allowed to sleep in the open in the hot weather (i.e., from 15th April to 15th October) subject to the requirements of safe custody and medical advice.

11. The Special class under-trial prisoners should be supplied with a superior diet to that allowed to the ordinary prisoner. The cost of the diet should be Rs. 1-8-0 per day.

12. If a special class under-trial prisoner requires cellular accommodation and it is available it should be supplied to him.

13. Special class under-trial prisoners should be supplied with the following furniture :—

1. Table.
2. Chair.
3. Cot.
4. Lota or Jug.
5. Tub.
6. Lamp.
7. Stool.

14. There is great difficulty with regard to the interviews granted to under-trial prisoners. Jail officials have got no time for such interviews. Special facilities should be provided for interviews. There ought to be a spacious room and a separate jail official for interviews. Interviews are specially necessary on the dates of the hearing of the cases. Lawyers and relatives find great difficulty in interviewing prisoners on the dates of hearing. In fact all under-trial prisoners are accommodated in the judicial lock-up on the date of hearing. In the judicial lock-up there is no open space or any room for interviews. I am going to suggest improvements in the judicial lock-up, but I think it is necessary that there ought to be arrangements for interviews while the prisoners are in the judicial lock-up. There ought to be one officer in charge of the prisoners in the lock-up. Police Constables do actually get money when the relatives want to have a talk with under-trial prisoners. If there is an officer in charge of the prisoner he can grant interviews to lawyers and relatives.

15. The under-trial prisoners should be allowed to read books newspapers and periodicals which may be sent by friends or relatives. There should be no restriction as to any book or newspapers.

16. Under-trial prisoners should have all facilities for exercise there ought to be sufficient space for having walk or running. If the under-trial prisoners want to have dumb bells or clubs at their own expense they should be allowed to have them. Under-trial prisoners may be given light work according to their taste. No under-trial prisoner should remain idle. Literate under-trial prisoners may pass their time in reading, but illiterate under-trial prisoners must be given some work. Nothing makes a man more miserable than remaining idle.

17. An under-trial prisoner must be allowed to see a dying relative, he should be allowed to stay with him for some time not exceeding 12 hours.

18. Under-trial prisoners must be allowed to participate in all the educational facilities provided to convicts.

19. Washing arrangements for under-trial prisoners must be separate from those of convicts. There ought to be a sufficient number of pipes, one pipe being provided for 10 prisoners.

20. Under-trial prisoners should be carried in conveyances, in no case on foot. Nowadays when motor and conveyance are available everywhere, it is more costly for the prisoners and the Police Constables to go on foot, it is disgusting to see him being dragged in hand-cuffs by Constables. This practice should now cease. Under-trial prisoners generally starve in being transferred from one place to another place, if the transfer is in a conveyance the chances of starvation would be reduced. There should be strict supervision with regard to the diet arrangements of prisoners when they are transferred from one place to another.

21. I think the condition obtaining in the judicial lock-ups should be brought into line with those obtaining in jails. Every lock-up should

have an open space, latrine, interview room and arrangements for drinking water. There ought to be an officer in charge of the lock-up.

22. Non-official visitors of jails should be directed to visit judicial lock-ups and report about them. No new non-official visitors need be appointed for the lock-ups.

23. I suggest the following amendments in the rules relating to special class prisoners.

(1) Convicting courts shall decide whether a convict shall be placed in the special class, but an appeal shall lie from the order of the convicting court to the appellate court. The Superintendent of Jail should have also the residuary power of treating any prisoner as a special class prisoner. If two non-official visitors of the jail are of opinion that a prisoner should be treated as a special class prisoner, the Superintendent should treat him as such unless there are very strong reasons to the contrary. In that case he would make a report to the Sessions Judge whose decision would be final. The classification by the convicting court shall not be subject to the confirmation of the Local Government, though the Local Government may order that any prisoner may be treated as a special class prisoner. The convicting court in making the classification shall have regard to the status, character, education of the prisoner and the character of his offence.

Where the motive of the offence is political and no moral turpitude is involved, the offender shall generally be treated as a special class prisoner, the distinction between European and Indian should cease. Provided that prisoners guilty of murder, rape, unnatural offence, dacoity, extortion, housebreaking by night with the intention of committing theft, robbery, abduction, counterfeiting of coins or an abetment of such offences shall be excluded from the special class.

I would omit the proviso to rule 23.

(2) I would omit it.

(3) Prisoners of the special class shall be kept separate from ordinary prisoners. In no case they shall be confined. They shall be accommodated in spacious rooms with other prisoners of the same class. If separate cells are available, they may be accommodated in cells, no special class prisoner should be given a cell against his wishes.

(4) Special class prisoner shall be given a diet costing Re. 1-8-0 per day at Government expense. If a special class prisoner wants a particular diet costing more than Re. 1-8-0 per day, he will have to pay the excess charges from his own pocket, but this particular diet should be of simple nature and subject to the approval of the medical officer. In no case the special class prisoner should be allowed any liquor or intoxicating drugs.

(5) They shall be allowed to wear their own clothing, there should be no restriction as to clothes at all, they should be allowed to wear Gandhi caps or any dress according to their religious and political conviction.

(6) They shall be permitted to write and receive one letter every fortnight, but on urgent occasions such as death or serious illness the Superintendent shall have discretion to relax this rule. The subject-matter of letters shall be limited to private affairs, and shall include no reference to jail administration and discipline, nor to other prisoners nor to politics.

(7) They shall be permitted to receive a visit from friends and relatives every fortnight, provided that not more than four persons may visit a prisoner at one time, unless they happen to be his parents, wife, children and brothers. In case the matters discussed in the interview are published at the instance of the prisoner, he should be deprived of the privilege of interview for three months.

(8) No change suggested.

(9) No change suggested.

(10) The table and chair should be provided to the special class-prisoner at Government's expense, but other necessary furniture may be allowed at the prisoner's own expense.

(12) No change suggested.

(13) The light for reading should be allowed up till 11 P.M., all books and newspapers which are not prescribed sent by friends or relatives should be allowed.

(14) No special class prisoner should be hand-cuffed or fettered unless he is guilty of any violent crime in the jail.

(15) The privilege of special class would not be withdrawn unless the prisoner is guilty of any offence in the jail which if committed outside the jail would have disqualified from getting a special class privilege.

(16) No change suggested.

(17) No change suggested.

24. There should be only one class of special prisoners including Europeans and Indians.

25. Facilities should be provided for exercise and recreation. Special class prisoners may have tennis, badminton at their own expense. If possible ample space should be provided for walk or running.

26. I am strongly of opinion that there should be central Jail for special class prisoners, it should be located at Lahore. If the number of special class prisoners is not sufficient, it may be used as an ordinary jail. If the number increases the present central jail may also be used for special class prisoners.

27. I wish to draw the particular attention of the Jail Committee to the inhuman practice of hand-cuffing of prisoners and locking them up in one room when they are brought for trial in courts. There-

should be strict rules with regard to hand-cuffing and no prisoner should be hand-cuffed unless he is guilty of a violent crime or unless there is an apprehension of his escaping.

SHAM LAL,

Advocate,

Non-official Visitor, Rohtak.

Note as to oral evidence.

I would like to give oral evidence before the Jail Committee on four points—

1. Hand-cuffing of prisoners.
2. Arrangements for the transfer of prisoner from one place to another.
3. Moral education to be given to prisoners.
4. Vocational training to prisoners.

I have already dealt with points Nos. 1 and 2 in answers to questions, but I would like to suggest in my oral evidence how hand-cuffing can be avoided and what arrangements should be made for the transfer of a prisoner from one place to another place. I lay considerable stress on the moral and vocational training to prisoners. I think there ought to be moral instructors for jails, who should try to improve the morals of the prisoners.

Every prisoner should also receive some vocational training. There is a great scope for motor mechanics, and if some prisoners can become motor mechanics, it would be a great gain to the society.

SHAM LAL,

Advocate,

Non-official Visitor, Rohtak.

Statement to be put before the Jail Enquiry Committee.

Being twice convicted I lay the following facts before you of my personal experience :—

1. Every under-trial prisoner should be permitted to have his own food and bedding on application. He should be awarded every facility for bathing and hair-cutting.
2. Every under-trial prisoner should be free to correspond daily, and be open to interview at least twice a week.
3. Some improvements are quite necessary in case of judicial lock-ups other than in the districts, such as at Tahsils and Sub-Divisions, where the arrangements of board and lodging for the accused are most deplorable. The food supplied to them is quite unfit

for human consumption. All of them are shut up in one room, where one has to ease himself in the presence of all, regardless of human decency. Bathing and hair-cutting is quite overlooked, and they are altogether deprived of enjoying fresh air. Judicial lock-ups should be constructed in separate compounds, where these accused should be freed in the day time. Arrangements for bathing, washing the clothes, and shaving be made therein, and the latrines be constructed in seclusion.

4. The literate accused on application be supplied with books for study, the papers and ink for writing and lamp in the night if necessary.

5. The political accused be kept apart from other ordinary prisoners.

6. The political accused should in no case be hand-cuffed while producing before the court of trial or conveying them to some other place; in case of apprehension they can be conveyed under the escort of bayonets.

PRISONERS.

1. The treatment to the convicts should not be meted out on the basis of colour, but on the nature of the offences.

The convicts should be classified under the three heads :—

- (1) The prisoners who are convicted of immoral crimes such as murder, dacoity, theft, illicit cohabitation, and kidnapping, etc.
- (2) Convicted for other ordinary offences.
- (3) Convicts guilty of such actions which are perpetrated for the good of the country but are deemed offences in the eyes of the Government, must be classified as political prisoners. If the Government is not inclined at present to take the prisoners convicted of violent offences as political prisoners the others be brought under that category till further decision.

2. The prisoners of the first two heads be kept together in the same jail, but a separate jail be provided for the political prisoners. They may be accommodated in separate wards till such arrangements are not met with.

3. There should be only one class of political prisoners, and to differentiate them is to create disunion amongst them.

4. Dangerous convicts falling under head No. 1 be awarded the treatment in vogue.

5. The prisoners of head 2 be treated better than the former, they may be allowed to use the Jail Library books, and be permitted to borrow books from outside. Some reforms are quite necessary in the present.

arrangements of cutting hair, bathing and washing clothes. If any prisoner is addicted to smoke, he may be duly supplied with a full packet of cigarette weekly, and if they need more, can arrange privately. The Jailor should provide them with every requisite of bathing, washing clothes, and shaving, out of the money deposited by them with the Jailor.

6. The prisoners of head 2 should in no case be put to work on grinding, oilpress, well, munj-making, and paper manufacturing.

7. The political prisoners should be accommodated in the separate rooms furnished with one charpoi, one tea-poy, one chair and one lamp.

8. The political prisoners be allowed to use their own clothes and beddings.

9. The political prisoners be provided monthly with one cake of soap and hair oil. If they intend to use soap and oil of superior quality they can have that at their own cost.

10. Barbers be appointed for political prisoners, who should attend on them at least twice a week, and if any one likes to keep with him the shaving materials he may be allowed accordingly.

11. There should be started a separate kitchen for the political prisoners. They should be given one chhittack of ghee on every interval of meals, one half seer of milk daily, and curd and sweets twice a week. Meat should be substituted for curd if one likes it.

12. Washermen be deputed for the political prisoners who should wash their clothes weekly.

13. Political prisoners if they intend to purchase fruits, aerated water, sweets or betel, they can have them at their own cost.

14. For their study, there should be books and newspapers in every language and of all views in the Jail Library. If any prisoner desires to take any other book or newspapers not prescribed he can do so at his own cost.

15. They should be at liberty to smoke. Two packets of cigarettes be supplied to them in a week at the Jail expense. They may be allowed to order for tobacco in case of Huqa and cigarettes if required more than the scheduled one.

16. All the prisoners be supplied with twigs of trees (*datans*), and if any one wants to keep his own tooth-brush and powder he may be permitted at his own expense.

17. The political prisoner who does not intend to keep his own clothing and bedding, the Jail authorities should provide him half-yearly with two shirts, and two Dhoties, or say one Dhoti and one Pajama (trousers). In winter one warm coat of closed collar be supplied. For bedding in summer two blankets and one chadar and in winter four blankets, one chadar and one pillow be supplied.

18. If a relative of any political prisoner is on death-bed or has expired, he may be permitted to go to his house for some days as the case may be. In such cases, close supervision is necessary, and such days of leave should not be counted in the term of his imprisonment.

19. Every political prisoner should be allowed to correspond and make interviews at least twice a month.

20. Every Political Prisoner is allowed to write books on all subjects.

21. Every political prisoner who is sentenced to rigorous imprisonment be put to light labour, such as weaving of carpets and Khaddar, caning chairs, making chucks, envelopes, and spinning. They may be put to work on these works according to their own wishes.

22. At present the rules of remission framed for other prisoners be applied to political prisoners too and they may also be appointed convict warders bearing bandage of black dress and yellow dress.

23. Fetters, the bar fetters, standing hand-cuffing, grinding such as Jail punishments should in no case be awarded to them.

24. When the political prisoners are taken outside, they should in no case be hand-cuffed or chained with fetters.

25. To discriminate political prisoner or accused from others, it should be done on the principle that anybody who is a member of any established political body in India and is arrested somewhere while preaching the programme set by that body be taken as political prisoner or, accused, his affidavit should be taken immediately after his arrest before a Magistrate ; in which he should state that he belongs to such body and such propaganda ; and if the Magistrate may feel any necessity for authenticating his statement, he can refer to the Secretary of that Committee to which he belongs, in the meantime he may be considered as political accused.

26. Non-official Visitors should see the political prisoners at least twice a month, and every provincial committee be allowed to appoint one Non-official Visitor on its behalf.

27. Political prisoners be permitted to recreate at their own expense, and can indulge in decent games and plays at their own expense whenever they like.

If you want me I can come personally for evidence.

*General Secretary,
Congress Committee Jaranwala,*

Dated the 16th September 1929.

From—Maulvi MAZHAR ALI AZHAR, B.A., LL. B., Advocate, High Court,
Brandreth Road, Lahore,

To—The Home Secretary to Government Punjab.

I AM enclosing herewith my statement in reply to the questionnaire of the Punjab Jails Committee. Please acknowledge receipt.

The statement of Maulvi MAZHAR ALI Azhar, B.A., LL. B., Advocate, High Court, Lahore, in answer to the questionnaire issued by the Punjab Jails Committee.
 The statement is on behalf of the District Khilafat Committee, Lahore.
 The Khilafat volunteer corps and the Muslim National volunteer corps, Lahore.

The case of special class prisoners was considered to require treatment first. Therefore the statement begins with the answers to the questions 23 and 24. The case of under-trials is taken up after the case of the special class convicts.

Special class prisoners.

Qs. (23) (24) Ans. ;

Q. 23 and 24.

SPECIAL CLASS PRISONERS.

The rules existing at present should be altered so as to come in line with following 1

There should be three classes of special class prisoners, A. B. & C.

1. The following classes of prisoners shall be placed in the special class (A).

- (i) Prisoners convicted under section 124-A of the Indian Penal Code or ordered to undergo imprisonment for failure to furnish security under section 107 (A), Criminal Procedure Code.
- (ii) Political prisoners convicted of any offence in furtherance of any political object or movement when such offence involves no moral turpitude or violence, actual or intended, to person or property and persons ordered to undergo imprisonment for failure to furnish security, under any provision of the Law other than Section 108 (A), Criminal Procedure Code, when such security is demanded on account of their activities in connection with some political object or movement.

2. The following persons shall be placed in special class (B) :—

Persons convicted of offences in furtherance of any political object or movement, or persons of high status or education, when the offence committed does not amount to serious or pre-meditated violence to person or property and is not tainted with callousness or immorality.

3. The following persons should be placed in class (C) :—

Political prisoners, or prisoners of high status or education convicted of any offence not falling in the classes mentioned in (1) and (2) above.

Provided that persons guilty of an attempt to incite soldiers to mutiny or rebellion shall be excluded from privileges of the special class.

4. Every Court when recording the statement of an accused person in the course of any inquiry proceedings or trial shall ask the accused whether he claims the benefit of being treated as a special class prisoner if he is convicted, and, if so, which class. If the prosecution does not admit the claim of the accused to be so classified, the court shall allow the parties to adduce evidence in support of their contention. When convicting the accused the court shall make an order specifying the class in which the accused is to be placed. (Placing of a convict in a class lower than the one he claims shall be deemed to be severity of sentence.)

5. Prisoners in special class (A) shall be allowed one rupee for their diet expenses, provided that the Government may, in any particular case either order an increased allowance or order the food to be supplemented at the prisoners' own expense.

6. Prisoners of special class (B) and (C) shall be allowed twelve annas and ten annas respectively as their diet expenses without any further allowance or supplementation.

7. All special class prisoners shall be permitted to wear their own clothing, but this concession shall not cover the wearing of political badges.

8. Special class (A) prisoners shall be allowed one letter every week, class (B) every fortnight and class (C) every month, but on urgent occasions the superintendent shall have discretion to relax this rule.

9. All special class prisoners shall be supplied with charpais. They may be furnished with tables and chairs of a size and pattern approved by the superintendent at their own expense.

10. All special class prisoners shall be supplied aluminium cups and plates and in the case of A class prisoners aluminium cooking utensils. B and C class prisoners shall be allowed to have cooking utensils at their own expense. A class prisoners may supplement their utensils at their own expense.

11. Special class prisoners shall be allowed a choice in the labour to be allotted to them whether they are sentenced to rigorous imprisonment or themselves elect to labour.

12. Special class prisoners in A and B divisions shall be allowed to sleep in the open air from the 1st of April to the 10th of October and prisoners in C division may also be allowed by the superintendents so to sleep. Separate latrine accommodation of a type ensuring privacy shall be allowed to all special class prisoners.

13. A class prisoners shall be allowed a visit every fortnight, B class every 3 weeks and C class every month. Three friends or relatives in addition to father, mother, wife or husband as the case may be, and children and grand-children shall be allowed to be present at each interview. In addition to private and domestic matters, matters of general public importance may be communicated at the interviews.

but the superintendent, subject to the instructions of the Local Government, shall be entitled to prohibit the discussion of any political matters. Duration of interviews of A class shall be 45 minutes, B, 30 and C, 15 minutes. The interviews shall take place in rooms and the prisoners shall not be separated by any device from the persons interviewing them.

14. No special class prisoner shall be required to perform any menial duties or to pay for having such duties performed for him.

15. Special class prisoners of A & B classes shall be given a light in their cells or wards till 10 P.M. in winter and 11 P.M. in summer. The privilege may be extended to prisoners of C class. Books from the Jail library shall be allowed to all special prisoners, but they shall be allowed to supplement such books at their own expense or by their own arrangement. The Superintendent shall have the discretion to disallow any particular book on the ground of its obscenity or extreme political philosophy.

16. Special class prisoners shall ordinarily be kept in the Jails near their district of residence, they shall be brought to the jails of their district for interviews. If this is not possible the Government should pay the travelling expenses of three of the relatives or friends of the prisoner interviewing him.

17. All special class prisoners shall be allowed to visit their dying or very infirm relatives at home and also to attend the funeral procession of a deceased relative.

18. Every prisoner of the A class shall if he is sentenced or ordered to imprisonment for more than a year, be allowed at the end of the 1st year and thereafter at the end of every six months to live with his relatives for a period of one week. He may be allowed to go on Parole or on furnishing security for his return, provided that he undertakes not to commit any offence or partake in any political activities or deliver any speech or write any articles for newspapers.

In the case of prisoners of B & C class the privilege may be extended by the Superintendent, subject to the approval of the Local Government.

19. Prisoners of the A & B classes shall be allowed to work for gain by following any profession or calling with due regard to proper jail discipline.

20. Special class prisoners of the A class shall be allowed at least one daily newspaper, English or Vernacular. The newspaper shall be chosen by the prisoner from the list of the papers on the white list of the Government. Provided that if more than five prisoners of A class are kept together the number of the papers supplied may be curtailed by the Superintendent, after consultation with the prisoners, provided that the number of newspapers supplied does not amount to less than five different newspapers.

Prisoners of B class shall similarly be allowed one weekly newspaper, and of C class one monthly journal or magazine. Provided that

the prisoners of every class shall be allowed to supplement the supply of daily or other newspapers, etc., at their own expense.

Question 25.—Arrangement should be made for indoor and outdoor games in addition to other modes of recreation and exercise. Indoor games should be allowed to be played in the evening upto the time light is allowed.

Question 26.—It is not necessary nor even easily practicable to have a special jail for special class prisoners. Concentration in one place will also stand in the way of interviews. With the habitual offenders already segregated it is not necessary to separate the special class prisoners from the other ordinary prisoners. But the special class prisoners should not be so located, when they are not in sufficient numbers, as to turn their imprisonment into solitary confinement.

Question 27.—Appeal should be allowed to the appellate court if the first court does not place the prisoner in the class claimed by him. Revision should also be allowed. The Superintendent, subject to the sanction of the Local Government, may place any prisoner in any special class.

Under-trial prisoners.

1. The classification of under-trial prisoners should follow the classification of the convicts detailed above as prisoners of the special class.

The other prisoners should be classified as—

- (i) Prisoners who if convicted would not be liable to enhanced punishment under section 75, I. P. C.
- (ii) Prisoners who if convicted would be so liable.

2. Yes.

3. The Superintendent of jail should have residuary power regarding the classification of under-trial prisoners provided the power is not used to the detriment of the accused in contravention of the order of the court.

4. (a) No special class under-trial prisoner should travel in the third class.

(b) In case of journey by night and in case of prisoners of high status or education, the journey should ordinarily be in the second class. First class may also be allowed in special cases at the prisoners own expense.

5. Only in cases of persons of high status the Government may ask them to pay expenses above intermediate. The expenses of the first class above the second should be paid by the prisoner.

6. Ordinary under-trials to get 10 annas and special class Rs-1-8-0 as daily allowance in lieu of rations for the diet when on transfer by train.

7. No.
8. Does not arise.
9. Yes ; upto 10 P.M. in winter and 11 P.M. in summer.
10. Yes ; From 1st of April to 10th of October.
11. Yes. The scale should be similar to that recommended for the special class convicts.
12. No ; unless they themselves desire.
13. Yes. The items should be similar to those of special class convicts.
14. Yes.
15. Yes. There should be a reading room for under-trials where they could get newspapers, periodicals and books. They should also be allowed to have their own books, etc. Special class prisoners should all be supplied with at least one daily newspaper.
16. Opportunities for exercise and recreation should be afforded but there should be no compulsion. The experiment of voluntary exercise should be made for a sufficient period before considering the propriety of compulsory exercise.
17. Yes. Arrangement should be made not only for visiting a dying relative, but also for attending the funeral if any relative dies.
18. Yes. But without compulsion.
19. (1) Better washing arrangements should be made by employing skilled washermen from outside the jails.
- (2) Where under-trial prisoners cannot afford more than one set of clothing, suitable clothing should be supplied at the Government expense.
20. (1) No under-trial prisoner should be made to walk when the distance is more than half a mile.
- (2) No prisoner should have both his hands hand-cuffed in any case.
21. Yes. Better accommodation ought to be provided and the rooms of judicial lock-ups should be better fitted for use in summer as well as in winter. At present the judicial lock-ups are far worse than the jails.
22. Yes. The same visitors who visit the jails should be allowed to visit the judicial lockups outside the jails. Appointment of fresh or separate visitors would not tend to produce uniformity of conditions in both cases.

MAZHAR ALI AZHAR, B.A., LL.B.,

ADVOCATE,

Dated 10th September 1929.

Brandreth Road, Lahore.

NOTE.—I would like to give oral evidence in respect of the questions 23 to 27 relating to special class convicts. If it is considered advisable to examine me about the under-trials I may be informed in time.

M. A. AZHAR.

Dated 10th September 1929.

Dated 12th September 1929.

From—G. C. RAMPAL, Journalist, Ekki Gate, Lahore,

To—The Home Secretary to Punjab Government, Simla.

I BEG to submit, herewith, my opinion on the questions issued by the Punjab Jails Inquiry Committee.

I have been interested in the subject of jails for a long time and have on various occasions written special articles on the amelioration of conditions in the Punjab Jails.

I shall feel obliged if you will place it before the chairman and the members of the committee.

OPINION.

BEFORE submitting a reply to the questionnaire issued by the Punjab Jails Inquiry Committee, I beg to say that my statement is not based on any political views. I have formulated my memorandum according to the elementary principles of Criminal Jurisprudence, which lays down that punishment should be such as to have a combined reformatory and retributive effect upon the offender. One without the other is useless, and so both must go side by side.

Answers to questions.

1. Only two classes, namely, special and ordinary, are sufficient in the case of under-trial prisoners. A further classification of the ordinary class of prisoners is nothing but a useless encumbrance and multiplication of work for jail officials.

2. The classification should be notified by the Government in the jail manual and the Government Gazette, and it should be according to the educational and social position of a prisoner. Minimum standards for which should be fixed and the prisoners should be placed in the class to which they ought to belong, automatically by virtue of their qualifications as required and fixed by the Government. If the matter is left on the discretion of the Magistrates much of the trouble would remain unsolved.

3. Yes.

4. In second and Intermediate classes according to their position health and age.

5. The Government should bear all the expenses.

6. For ordinary prisoners when on transfer by train annas 8 and for special class prisoners rupee one.

7. Not essential to accommodate all under-trial prisoners in cells.

8. Under-trial prisoners of the same class should ordinarily be allowed to associate during the day time.

9. Yes, up to 10 P.M.

10. Yes.

11. Yes, from April to the middle of October, except on rainy nights.

Special class under-trial prisoners should be allowed superior diet to that supplied to ordinary prisoners. The former should be allowed meals worth Re. 1 per day.

12. The question should be left to the discretion of the jail authorities, and in some cases the prisoners themselves, but when they are kept in barracks, no ordinary class of prisoner should be allowed to mix with them.

13. Yes; The furniture should consist of a table, a chair, a bedstead, a lamp, a commode, a washing basin, and writing materials.

14. Yes, but I would not go into details here, as it is a ticklish kind of question which I intend to amplify in my oral statement.

15. All kinds of books, newspapers, periodicals, except proscribed or admittedly seditious or revolutionary. No objection should be raised towards allowing them books, and magazines published by standard publishers in England, and such books which can be placed in the category of history, even if it be history of a revolution, provided the authorities have not got sufficient grounds to suspect the truth of the statements in such books.

16. The undertrial prisoners should be given some compulsory exercise, the standard of which should depend upon the age of a prisoner, but it should not amount to "labour," unless the prisoner himself wants to undertake it.

17. Not without bail or under any other provision of law.

18. Yes.

19. Tanks with water pipes should be provided in the barrack in which ordinary class of prisoners are kept. The washing of special class prisoners should be done either by other prisoners or by washermen.

20. In the case of ordinary prisoners the present arrangement for conveyance are sufficient. Special class and undertrial prisoners should not be conveyed in ordinary Jail vans.

21. Yes.

22. Yes.

23. The power to allot under-trial prisoners to each class should not rest with the Magistrate or with any other official. They may however, be conferred powers to hear appeals or complaints in this connection.

The allotment to special class should depend upon the following qualifications, and each prisoner should by virtue of the possession of such qualifications be treated as a special class prisoner. If, however, inspite of the fact of his having satisfied all conditions required for his being placed in the special class, he is not treated as such, the matter may be reported (first) to the Superintendent of the Jail, (second) to the Inspector-General Prisons, (third) to the Magistrate and finally to a Sessions Judge or a High Court Judge.

1. (a) Yes.
- (b) Yes.
- (c) Yes.
- (d) Yes, but not in the case of people who do so in obedience to a general resolution of a recognised political religious or social body.
- (e) Yes.
2. In the light of my above suggestion it does not arise.
3. Yes.
4. Special class prisoners should be given special diet at Government expenses. They may, however, be allowed to get at their own expense luxuries in food and clothing not prohibited by Jail regulations, and which may be reported by the Medical Officer of Jail to be beneficial for the health of the convict.
5. Gandhi cap is no longer a political symbol. It has been adopted by a large number of people as a part of their usual dress and there should be no ban against its use in the Jails.
6. No restriction is required on their correspondence, provided its contents are not against Jail rules. Period and time limit in the case of special class prisoners should be abolished.
7. Visits from friends and relatives may be limited to once a week, without any restriction to the number of visitors. The conversation must, however, be confined to private and domestic matters. I agree with the remaining part of this section.
- 8 and 9. No alteration in sections 8 and 9.
10. Special class prisoners should be provided a table, a chair, a bedstead, a lamp, a washing basin, and a commode by the Jail.
11. Yes.
12. Add the words "and cleanliness" at the end of the sentence
13. Yes.
14. Add the words "in case he has grossly abused the privileges granted to him and has acted in the direct contravention of Jail rules" after the word "punishment" in the second line.

15. Add at the end of the section "But no special class prisoner who has rendered himself liable to the forfeiture of any part or all concessions granted to him shall be thrown among ordinary prisoners.

16. No alteration.

Both the sub-notes should be left unaltered.

24. The classification of special class prisoners should be according to the following manner and by the standard suggested against each :—

(i) A.—All graduates, editors of weekly newspapers and persons paying an income-tax of Rs. 100 or below per annum and convicted under the sixth, and seventh chapters of the Indian Penal Code and under sections 153-A and 500 and sections 143, 145, 149, 150, 151, 152, 154, sections 172 to 190, 223 to 228, 268 to 280, 284 to 291, 295 to 298, 352, 353 and 358, and chapters 19 and 20 of the Indian Penal Code, subject, however, to the condition that in the case of the abovementioned sections of chapters 8 and 10 a prisoner should have acted in obedience to a resolution of a recognised political, religious or social body. In the case of assault sections, a prisoner should be placed in special class only if it is proved that his past character was unblemished, untainted that he committed the offences in the circumstances which raise a suspicion that there might have been some provocation and that the offence was not committed in furtherance of any other offence.

This class of prisoners should be treated as special class (A).

B.—All other persons having lesser educational and other qualifications than those mentioned above and convicted under chapters sixth and seventh and the abovementioned sections of chapters 8 and 9, and section 500, subject, however, to the same conditions and restrictions as suggested above, may be treated as special class (B).

C.—A Star special class should be made for lawyers, editors of daily newspapers, political leaders of recognised position and of advanced age, double degree holders, and persons paying an income-tax higher than Rs. 100 per annum, and who are convicted under chapters sixth, seventh and eighth subject to in the last case the same restrictions as suggested above.

(ii) Ordinary class of prisoners should be divided into two classes (a) educated, (b) illiterate. These two classes of ordinary prisoners should be kept separate in order that the educated prisoners should escape the evil influence of the company of dangerous dacoits and murderers and common felons.

The standard of minimum education in this case should be Matriculation.

25. Special class prisoners should be provided facilities to play some outdoor game of the type of football, or hockey and a few indoor games of the type of cards, ping pong, etc., should also be supplied.

26. Special class prisoners should be concentrated in a special jail situated at a place like Dharamsala.

27. Government should recognise the rights of persons convicted of political offences, as such and should call them political offenders, because the name special class does not convey the real meanings.

The object in imprisoning political offenders is to stop their activities. They are not depraved individuals who are to be saved from further degradation. In their case the only element to be considered is retributive and not reformative. But retribution should not be such as to kill him intellectually and physically. His confinement is a sufficient retribution upon him and it should not be enhanced.

I would like to discuss with the Committee the fate of persons convicted under sections 121 and 121-A, Indian Penal Code or under these sections along with murder and other dangerous offences of the same type. This is a moot point and I want to leave it for argument before the Committee. I would also like to further amplify my division of classes in my oral statement.

G. C. RAMPAL,

care of the *Civil and Military Gazette,*

Lahore.

Dated 10th September 1929.

From—S. BUDH SINGH, Butalia, Non-Official Visitor, Gujranwala Jail,

To—The Home Secretary to Government, Punjab, Simla.

In reply to your letter No. 5200-S—Jails, dated 5th September 1929, I have the honour to enclose herewith the opinion and suggestions asked for regarding classification of under-trial prisoners.

BUDH SINGH BUTALIA,

Non-Official Visitor, Gujranwala Jail.

OPINION.

1. The three main classes for under-trial prisoners are not quite sufficient. The special class may be divided into two grades :—

(i) Special (first grade) Class,

Special (Second grade) Class.

(ii) First offenders.

(iii) Previous convicts.

2. Yes, trying Magistrate to be the classifying authority with the approval of the Deputy Commissioner who will submit papers to the local Government for sanction and confirmation.
3. Yes, the Superintendent may have such powers.
4. First grade special class prisoners should travel in 2nd class while 2nd grade in inter class when on transfer.
5. The expenses should be met by the Government.
6. (a) Annas six for ordinary under-trial prisoner.
(b) Annas 12 for 2nd grade under-trial prisoner.
(c) Rupee 1 for 1st grade under-trial prisoner.
7. No. All under-trial prisoners should not be in cells.
8. No, harm if the prisoners of the same class may associate in the day time.
9. Yes, the light may be allowed up to 10 P.M.
10. Yes, the food may be supplied according to the standard of a 2nd class Hotel on Railway Station to all under-trial special 1st grade, to others less than the above standard.
12. No, except in case of 1st grade who may be kept separate from all.
13. The furniture should be supplied by Government to 1st class Special under-trial prisoners, a bed, a chair, a table, and to 2nd grade only a bed (couch).
14. It is not true, the interviews are regularly granted and no complaint is made, even the counsels visit freely the under-trial prisoners.
15. The library in the jail should be started and desirable books should be allowed. Standard Papers may be left at the discretion of the Superintendent to supply them.
16. Yes, the jail authority should be authorised such kind of exercises, running or long walks for preserving the under-trial prisoners' health.
17. A visit to a dying relative is not needed and will involve many troubles and difficulties.
18. No harm if they are associated.
19. There is no complaint, but if the system is to be changed the Government may prescribe soap weekly to wash the clothes.
20. Each jail in the District should have one lorry to run. The under-trial prisoners may be sent by that in the District when they more than 5 in number. The same can also be used in the District lying in vicinity of short run.

21. Each Tahsil should have a Judicial lock-up and special rules may be framed for them.

22. The present non-official visitors may be tried to look into the judicial lock-ups of each Tahsil which is assigned to him. There is no reason that they should not be entrusted with such work when they can visit the District Jail. Each non-official visitor should submit a monthly report to Inspector-General, through the Deputy Commissioner.

23. _____

24. I have already suggested to create two grades of special class. This will certainly enable the trying Magistrate to make up his firm mind to which class the prisoner should be allotted. One more suggestion regarding the 2nd grade Special prisoners is put forth, that is, he should have the right to be promoted into 1st grade on the recommendation of the quarterly jail board, by the Local Government.

25. A mild exercise of long walk, clubs, etc., may be allowed to special class prisoners.

26. None. _____

Opinion by Lala KRISHEN GOPAL, B.A., I.L.B., Pleader, Batala.

As the reference is not clear whether it requires classification of special class only or all under-trial prisoners or political prisoners hence full classification is given.

Under-trials—

(1) *A.—Political—*

(i) First offence

(ii) Previous convicts

(iii) First offender

B.—Non political—In religious disputes—

(i) First offences

(ii) Previous convicts

C.—Non-political—

(i) First offence of moral turpitude ...

(ii) Previous convicts ...

} Special class A.

} class B.

... Class C.

... Ordinary D.

(2) Political offences, and non-political offences of nature above-mentioned should be classified by the authorities as stated below :—

Political class (A).—District Magistrate should send the files to the District Judge who should declare to which class the prisoner be put in case of summary trials' special tribunals or in cases in which no appeal lies to him otherwise a civil judge of no less than seven years standing be the proper authority in the district. The Trying Magistrate will get prejudiced in the course of trial of the case.

Non-politicals of class A.—Religious matters. District Magistrate should authorise any Magistrate to classify them, and in case of other non-political offences, he himself may do. If it be a heavy task, at civil judge may do the whole business, for the Executive side can't deal this question with fairness.

(3) The Superintendent, Jail, should have recommendatory powers.

(4) Special class A and classes B and C in the Intermediate, others D class as usual.

(5) Full expenses by Government, in case the prisoner can't afford, otherwise ($\frac{1}{2}$) half expenses by the Government and half by the prisoner's relatives.

		Rs. A. P.	
(6) Special class A and B	1 8 0
Class C	1 0 0
Ordinary D	0 10 0 as usual.

FACILITIES IN JAILS.

(7) Yes.

(8) Yes but in case of ordinary separate.

(9) Yes but in case of ordinary with due regard to the nature and habits of the convict upto 10 P.M. and not otherwise.

(10) Yes, but in case of ordinary with special care or privilege be withdrawn to give him lesson.

(11) At their own expenses but there should be no limit. If the Government is to provide, it should provide a uniform scale in case of special A $\frac{1}{2}$, B, C $\frac{1}{4}$ in case of ordinary Re. 0.10-0.

(12) Yes.

(13) Only bedstead, a chair, a table. (To A and B to C. and D. only Takhtposh.) wooden. In no case on the ground.

(14) No personal knowledge.

(15) Only *pro-government* literature, or books of his own religion or newspapers specially sanctioned by Local Government including one an English paper from England in case of political prisoners in order to correct their misguided ideas if any. Or the Government organ selected from newspapers, magazine and other periodicals for the prisoners in jails.

(16) Jail authorities should not be authorised to give them compulsory exercise. If the prisoner desires to take any form of exercise, he should be brought before the Magistrate of any class available to give statement to that effect, otherwise it will create complaints against Jail authorities.

(17) Yes.

(18) Yes.

(19) That soap—sunlight Indian and oil (desi) in case of Sikh curd *i.e.*, Dhahi (دھی)—

(i) for hair twice a week.

(ii) For washing clothes—(i) To Sikhs : Raethra (ਰਾਏਠਰਾ) or soap (داسی).

(iii) To others *دو مرتبہ* (Twice a week). Those who want daily baths should be allowed to do so with soap, oil and towel which lie there for the use of all concerned and plenty of water and a separate place.

(20) Yes : *Special carriages* be provided to convey special A and B, C classes of prisoners. From one station to another if Jail be at a distance of more than half a mile. In case of ordinary as usual.

Special carriages should not be such as to pack them but should give them sufficient accommodation to sit and that number should be distinctly noted as "To carry 5 prisoners." In case of railway journey there be no night travel at any cost. If it be desirable or necessary, it should be in intermediate class with accommodation to sleep. It is a *zalam* if the under-trial prisoner be not allowed to sleep in the face of section 114, Indian Evidence Act.

(21) Yes, partly.

(22) Special non-official visitors not the Government title or distinction holder but pleader or advocate of ten years, standing or the President of the congress or Hindu Sabha, or Muhamandan of any recognised institution.

SPECIAL CLASS PRISONER.

(23) *Rule I.*—Must go. Only the convicting Courts should decide as to the class irrespective of the offence committed, but the aggrieved person can appeal from this order to District Judge. No need there be of any sanction by the Local Government. The accused should give in his defence evidence to this fact and the court should consider it.

Rule II.—Does not arise.

Rule III.—Prisoners of the special class shall be kept separate from ordinary prisoners, other portion should go.

Rule 4.—I concur.

Rule 5.—I concur.

Rule 6.—They shall be permitted to write and receive two letters twice a month but on urgent occasion etc., Superintendent shall relax the rule. The *Subject matter* of all letters shall be limited to private affairs, and (to their own treatments by the Jail authorities such letters should not be censured).

Rule 7.—Twice a month. It should be limited to private affairs to his domestic matters and to complaints regarding Jail treatment towards him only.

Rule 8.—I concur.

Rule 9.—I concur, provided the discretion be sound and not of the vindictive nature.

Rule 10.—I concur.

Rule 11.—Yes, I concur.

Rule 12.—Yes, I concur.

Rule 13.—Yes, I concur

Rule 14.—Special class prisoners shall not be handcuffed or fettered. But if this privilege requires to be withdrawn then judicial inquiry by some Magistrate of First Class in open Court be made.

Rule 15.—Must go as misconduct not defined. It is the executive rule and hard one.

Rule 16.—Yes I concur.

Rule 17.—Yes I concur.

MODIFICATIONS.

(24) The question has been answered as regards undertrials but as regards convicts only two classes. *Special* (highly educated, first offence and second offence). *Ordinary* (men of ordinary status), First offence, Second offence and P. C. of all status.

It is lengthy question to give details.

(25) No.

(26) Yes. Not at Mianwali or Montgomery but Rawalpindi, Lahore, Delhi—Jullundur—(Kulu—Dharmasala, Dharmapore Hills hot-weather).

(27) For convicts (i) Books and papers :

(ii) Clothes of what make and colour, etc.

(iii) *Privilege* to make complaints regarding treatment in jail during the period of confinement.

(iv) Prayers privileges.

(a) *Books and papers.*—As in Question 15.

(b) *Clothes* for special class prisoners be white or grey, or any uniform colour with marks ' S. ' so that the Government officials may know while meeting him. He should be supplied with half boot of grey or brown colour. Convicts of this class may be allowed to use their own clothes after due inspection of the given pattern and style.

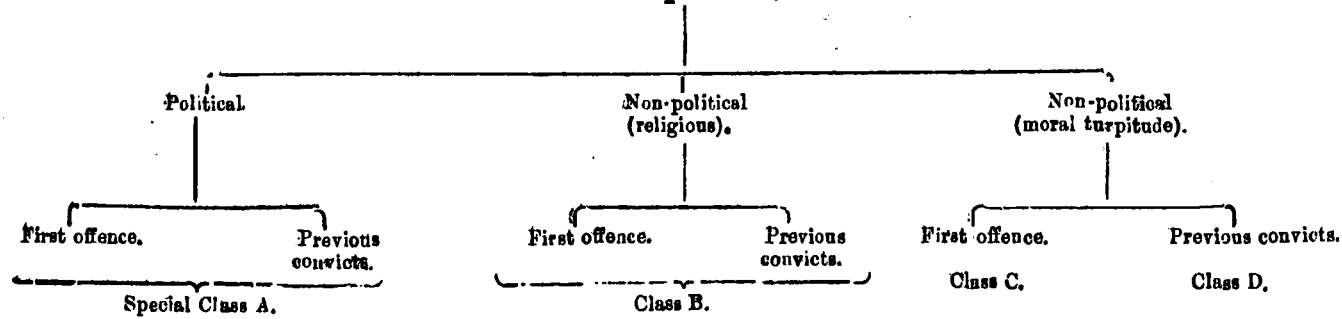
(c) *Complaints.*—Magistrate of any class should go or make rounds with a complaint book and have complaints noted. It should not be shown to any jail authority, he may note down in it any act of misconduct regarding any jail servant or official, and due notice of it be taken. It should go to Deputy Inspector-General of Prisons or to such other officer as the Local Government may appoint. It should be considered as a sacred trust of prisoner and it should be treated as such for necessary action.

(d) *Prayer time* be given to the prisoner if not allowed otherwise.

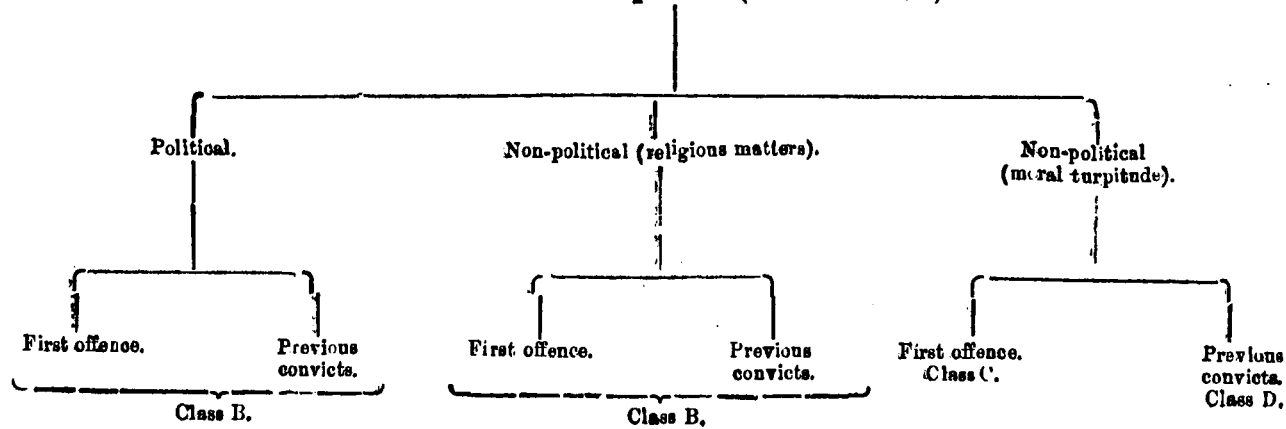
I enclose the answers to all these questions and I hope if any matter requires any explanation I can offer myself to those points for evidence at Lahore provided I get the copy of the points to be examined beforehand at Batala on the address given below.

KRISHEN GOPAL, B.A., LL.B.,
Pleader, Batala, Punjab.

Under-trial special (Educated).



Under-trial special (Uneducated).



Dated Dehra Dun, the 14th September 1929.

From— Rai Bahadur Lala RATAN CHAND, O.B.E., M.L.C.,

To—The Home Secretary to Government, Punjab, Simla.

IN reply to your circular No. 5200-S.—Jails, I have the pleasure to enclose herewith my opinion on the questionnaire drawn by the special Punjab Jails Committee.

RATAN CHAND,
Member, Legislative Council.

OPINION.

IN my opinion under-trial prisoners should be classified as per the detail given in the questionnaire but previous convicts for political crimes other than those given in exceptions A to E in paragraph 23 of the questionnaire, i.e., rules in the Punjab for treatment of special class prisoners, should be treated in the special class.

2. Both the authority issuing the warrants and the trying magistrate should be the classifying authorities.

3. The Superintendents of the jails should also have the residuary and recommendatory powers regarding the classification of the prisoners.

4. (A) Special class under-trial prisoners while travelling short distances and in the day time should travel by intermediate class but in case of longer journeys and while travelling in the night they should be provided sleeping accommodation in the second class.

(B) If any special class under-trial prisoner wishes to travel in a higher class than provided for him under the rules he should be allowed to do so provided he agrees to pay the difference of fares between the class that he is provided under the rules and that in which he wishes to travel.

5. Government should pay the whole expense of travelling except in cases mentioned in paragraph B of the last clause (4).

6. The amount of daily allowance in lieu of rations for the diet should be rupee one a day for ordinary under-trial prisoners and rupee one and annas eight a day for special class under-trial prisoners when on transfer by train. If European under-trial prisoners are allowed a higher scale, then special class under-trial prisoners should also be allowed the same amount.

7. Yes, it is desirable to accommodate all under-trial prisoners in cells as far as possible.

8. Under-trial prisoners of the same class should be allowed to associate in the day time.

9. Literate under-trial prisoners should be allowed the concession of lamp for reading purpose up to 10 P. M., in the night and again required in the morning for one hour before sunrise.

10. During the months from May to September, all under-trial prisoners should be allowed to sleep in the open air subject to requirements of safe custody and medical advice.

11. Special class under-trial prisoners should be provided with superior diet than ordinary under-trial prisoners according to the requirements at Government cost, but it should not cost more than rupee one, annas eight a day. If they want still better food they must pay the difference of price. If European under-trial prisoners are allowed a higher rate than the special class under-trial prisoners should also be allowed the same.

12.

13. Special class under-trial prisoners should be provided at Government cost one cot, one chair, one table, and ordinary toilet requisites in addition to Punkha arrangement in summer.

14. I have no knowledge of it.

15. Under-trial prisoners should be allowed facilities with regard to supply of books, periodicals and newspapers at their own cost, provided that such books, periodicals and newspapers do not incite to crimes, political or otherwise. Newspapers and books from Jail Library should be supplied free.

16. No compulsory exercise should be given to under-trial prisoners. They should only be given facilities for exercise.

17. It is desirable that arrangement should be made where possible to enable under-trial prisoners to visit a dying relative.

18. Under-trial prisoners should be allowed to participate with due regard to the principle of segregation in any such educational facilities as may exist for benefit of convicted prisoners.

19. The under-trial prisoners should be supplied the facility of fresh water bath daily and hot water bath twice or thrice a week.

20. Under-trial prisoners while travelling by road must be supplied with Motor, Lorries or other vehicle conveyance according to their social standing.

21. Under-trial prisoners in Judicial lock-ups should be supplied with the same facility as supplied in the jail.

22. Existing non-official visitors, Presidents of Municipal and District Board, Members of the Legislative Councils, Assemblies, and Council of State should have powers to visit judicial lock-ups and jails.

23. I have the honour to suggest the following amendments to the rules in force for the treatment of under-trial prisoners.

Clause 4.—The diet given should be better and costing 50 per cent. more than ordinary prisoners but they should be allowed at their own expense additional food brought in from outside the jail subject to conditions already existing.

Clause 6.—They should be permitted to write letters once a fortnight instead of once a month. Other conditions to be the same as existing.

Clause 7.—In this also I would suggest the change of words “once a fortnight” instead of “once a month.”

Clause 10.—A special class prisoner should at Government expenses be furnished with a cot, chair, table and ordinary toilet requisites besides Punkha arrangement in summer; other facilities allowed to European prisoners should be allowed to special class under-trial prisoners.

Clause 13.—The light in the cell should be supplied up to 10 P.M. and again if required in the morning for one hour before sunrise for reading. Further they should be allowed to get books periodicals and newspapers at their own cost.

24. There should be only one special class of prisoners.

25. Special class prisoners should have opportunities every morning and evening for recreation and exercise.

26. Special class prisoners should be concentrated in a special jail and it should be situated at a healthy place like Dharamsala neither very hot nor very cold.

RATTAN CHAND,

Member, Legislative Council.

Dated 12th September 1929.

From—Hon. Lieut. KIRPA RAM, Lala HANWANT DAS and Hon. Lieut. SHER SINGH Rana Bahadur, Non-Official Visitors, Sub-Jail, Dharamsala,

To—The Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S.—Jails, dated 5th September 1929, we have the honour to submit herewith our opinions on the questions drawn up by the Special Punjab Jails Committee.

KIRPA RAM, HON. LIEUT.

HANWANT DAS, ADVOCATE.

SHER SINGH RANA BAHADUR, HON. LIEUT.

Opinions on the questions.

A

A.—1. There should be the following classification :—

(1) Special class ... (a) Political.
 (b) Non-Political.

(2) Ordinary ... (a) First Offenders.
 (b) Previous Convicts.

- A.—2. Yes : but the order of classification will be subject to review by the trying Magistrate and in every case such order shall be subject to appeal.
- A.—3. No residuary or recommendatory powers should be given to Superintendents of Jails.
- A.—4-5. Special class under-trial prisoners should ordinarily travel in Inter-Class. They should be permitted to travel in second-class if the extra expenditure is met by them or their relations or friends.
- A.—6. (a) Ordinary 12 annas.
(b) Special class Re. 1½.
- A.—7. Under-trial prisoner except those who are being tried for murder, dacoities and other heinous crimes should be ordinarily kept in dormitories.
- A.—8. Yes.
- A.—9. Yes, lamps should be provided till 10 p. m.
- A.—10. Yes, from April to September.
- A.—11. Special class prisoners should be given a superior diet to ordinary prisoners at Government expense. It shall not be less than Re. 1 a day.
- A.—12. Special class under-trial prisoners should be given better and separate accommodation.
- A.—13. Yes. (a) Table.
(b) Chair.
(c) Charpai.
(d) Mat.
- A.—14. Yes, there are.
- A.—15. All reasonable facilities should be granted to under-trial literate prisoners—books, periodicals and news-papers. A prisoner may be allowed to study all non-proscribed books and journals at his own expenses.
- A.—16. No. Under-trial prisoners should be afforded facilities for taking such exercise as they choose.
- A.—17. Well behaved prisoners should be allowed to visit their dying relations at their own expense.
- A.—18. Yes.
- A.—19. The present arrangements are inadequate. A washerman should be employed at each jail. Special class prisoners should be supplied with a soap-cake, towel and a comb.
- A.—20. Suitable conveyance should be provided to all under-trial prisoners compatible with their status if available.
- A.—21. Yes.

A.—22. Non-official visitors should be authorized to visit the judicial lock-up in the headquarter jails, but special non-official visitors should be appointed for the jails outside the headquarters.

B

B.—23. (1) As it is, but add this also :—

All persons should be classified as special class prisoners who are convicted of offences against the State by speech, writing, any other non-violent action, subject to Local Government's confirmation.

Proviso —

Following alterations are recommended :—

Omit (a), (b), (c) and substitute as :—

All prisoners who are convicted of murder, dacoity or other similar heinous crimes and abetment thereof.

(d) As it is.

(e) To be omitted.

(2) Yes.

(3) Yes.

(4) See answer to 11 above.

(5) Yes.

(6) Letters may be allowed twice a month (ordinarily rest as it is).

(7) Visit for friends, relatives should be allowed twice a month (rest as it is).

(8) Yes.

(9) Yes.

(10) Omit. See 12 above.

(11) Yes.

(12) Yes.

(13) and (14). Yes.

(15) The order of Superintendent should be subject to the confirmation of Inspector-General of Prisons.

(16) Yes.

(17) Yes.

NOTES.—(1) Paragraph (13) Books may include newspapers.

Extra additions as :—

(1) Shaving should be allowed once a fortnight.

(2) Suitable arrangements should be made for the bath.

(3) Suitable facilities should be provided for cleaning of teeth.

(4) Religious books should be provided at Government expense.

(5) Comb.

- B.—24. See No. 1.
 (a) Political, Re. 1-4-0 a day.
 (b) Non-political, Re. 1-0-0 a day.
- B.—25. Chess, indoor games and cards, etc.
- B.—26. Special class prisoners should be placed in the Central Jail at Lahore and Amritsar. They should be sent to hill-stations on consideration of health.
- B.—27. None.

Dated Amritsar, the 14th September 1929.

From—L. LACHHMI NARAIN, Municipal Commissioner and Non-official Jail Visitor, Amritsar.

To—The Home Secretary to Government, Punjab.

As desired in your circular No. 5200-S.—Jails, dated 5th instant, I now have the pleasure to enclose herewith my answers to the questionnaire drawn up by the Special Punjab Jails Committee.

LACHHMI NARAIN,

*Municipal Commissioner and Non-Official
 Visitor, Amritsar.*

*Answers to the questionnaire drawn up by the Special Punjab Jails
 Committee.*

No. 1.—The classification of under-trial prisoners should remain as before, viz. (a) Special Class, (b) First Offenders, Ordinary (c) Ordinary previous convicts.

No. 2.—Yes.

No. 3.—No.

No. 4.—Second Class.

No. 5.—Government should bear all expenses.

No. 6.—Daily allowance in lieu of rations for diet should be (a) 10 annas, (b) Re. 1-4-0.

No. 7.—As far as possible in cells.

No. 8.—Yes.

No. 9.—Yes upto 11 P.M.

No. 10.—Yes. From 1st April to 30th September.

No. 11.—Special class under-trial prisoners should be supplied superior diet to that allowed to ordinary under-trial prisoners at Government expense, to cost between annas 12 to Re. 1.

No. 12.—Yes.

No. 13.—Yes. One table, one teapoy, one chair and one bed.

No. 14.—I have no knowledge.

No. 15.—Reading matter in the shape of papers, magazines is very essential, especially daily papers.

No. 16.—No compulsion should be used. Each individual should be allowed to choose any form of exercise in the interest of his health.

No. 17.—Yes.

No. 18.—Yes.

No. 19.—Special Bathrooms consisting of W. C. and baths should be provided, if possible attached to the cells.

No. 20.—No under-trial prisoner should be made to walk with handcuffs on and where possible motor lorries or tongas should be provided at Government expense.

No. 21.—Yes.

No. 22.—Yes. The existing Non-official visitors should be directed to visit judicial lock-ups also.

LACHHMI NARAIN,

*Municipal Commissioner and Non-Official
Visitor, Amritsar.*

Dated Gurdaspur, the 14th September 1929.

From—Lala DHANI RAM, Advocate, Gurdaspur,

To—The Home Secretary to Government, Punjab, Simla.

WITH reference to your letter No. 5200-S.—Jails dated 5th September 1929, I note below the replies in seriatum to the questionnaire drawn by the Special Punjab Jail Committee :—

PART A.

- (1) The classification as { (a) First offenders,
(1) special class and ordinary { (b) Previous convicts.
would suffice.
- (2) Yes.
- (3) Yes.
- (4) Inter. class.

(5) The whole expenses should be borne by the Government.

(6) { (a) Re. C-8-0 per head per day for ordinary
under-trial prisoners
(b) Re. 1 per head for special class prisoners.

(7) Yes.

(8) Yes.

(9) Yes, upto 10 P. M.

(10) Yes, May to August.

(11) Yes, at the scale of Re. 1 per head.

(12) Yes.

(13) Yes, table, chair and charpoy.

(14) At present I have no experience about this.

(15) Yes, the books, periodicals and newspapers should be out of the list approved by the Government. If any under-trial prisoner wants to study any other book, he may be supplied with it at his own expense with the permission of the trying magistrate.

(16) Yes, but the deciding authority should rest with the Superintendent on the advice of the medical officer of the Jail.

(17) Yes.

(18) Yes.

(19) I would suggest, that they should be allowed to wash their clothes twice a week in summer.

(20) No.

(21) No opinion to offer.

(22) The existing non-official visitors should be allowed to visit Judicial lock-ups outside Jails.

PART B.

(23) (a) In rule 4, provision should be made that the special class prisoners should be supplied with diet at the same scale, which they were getting as under-trial ones.

(b) In rule 6, they should be permitted to write and receive letters twice a month.

- (c) In rule 7, visits should be allowed twice a month,
- (d) In rule 9, cooking utensils, should be permitted to be used along with cup and plates, &c.
- (e) In rule 10, expenses should be borne by the Government.
- (24) One class will do.
- (25) They should be allowed morning and evening walks within the Jail precincts.
- (26) Yes, at Lahore.
- (27) No.

DHANI RAM,

Advocate, Gurdaspur.

Dated Gurdaspur, the 13th September 1929.

From—Sardar Salib Sardar JAWAHAR SINGH, Non-official Visitor, Gurdaspur,

To—The Home Secretary to Government, Punjab, Simla.

WITH reference your letter No. 5200-S.—Jail, dated 5th September 1929, with regard to the inquiry about the treatment of special class prisoners in the Punjab Jails I beg to lay before you the following :—

That, although what I say below has no direct bearing on the subject, but I consider it very important to say what I really feel about the situation. I have been studying the condition of the people of the Punjab for the last 60 years and what I find is that the people before the advent of British Raj were quite illiterate in every way. But since the British took over the country they have done their best to educate the people and thus after giving them the requisite training put them into the responsible posts where they are governing the country in those capacities, say Engineers, Doctors, Lawyers, etc., for which the people should thank the Government from their bottom of the heart. Besides, the Government gives opportunities, to fight for their rights by constitutional methods and if the

subjects still feel discontented under such Rule, it is most unfortunate.

What I know of the Jail administration from my 8 years' experience as a non-official visitor, is that since my first visit about 8 years ago the things have improved considerably. The Government is always ready to remove any difficulty provided it is brought to their notice.

The diet in the jail has considerably improved since. Although what I feel is that the deficiency previously was not due to the regulations of the jail manual, for although I do not know English I believe that it has not been revised but my contention is that the jail manual was not brought into practice in the right sense. As soon as the Government came to know that the prisoners are not getting what was intended they appointed the non-official visitors and if even they neglect their duty, I think the Government is not to blame. Here in the Gurdaspur Jail there is only one European Jail Superintendent and the rest of the staff is all Indian and if they have no feeling for their brethren what can the strenuous efforts of that single officer do and how can he put things right single handed, although he spares no pains, therefore, unless they all co-operate with him, the facilities provided in the Jails cannot go to give any relief intended.

As for the special class prisoners I cannot quite conceive how a fellow is entitled to any preferential treatment when he has once been convicted for crime committed. He is not a prisoner of war who has submitted and who should be given a comfortable living, he is on the other hand a criminal whatever his crime is, no matter.

Of course it is taken for granted that the Government has raised the status of the country and, therefore, if considering the nature of the crime, they are given certain facilities, according to their station in life, it is only a boon and favour, but to demand it as a matter of right is out of question. Providing facilities to the criminals, means encouragement to the criminals which ultimately results in the increase in the number and their extra expenditure is a burden to the tax-payers of the country. I would leave

the details to the better heads who can give better consideration to the question, but suffice it to say that whatever is done to improve their condition, should be welcome. I would add one thing more, that is an European Officer treats the Hindu, Sikh and the Mohammadan alike, he has no affinity for any of them and, therefore, I give my candid opinion that with the increase of European Officers in the department, the conditions will improve considerably.

JAWAHAR SINGH, SARDAR SAHIB.

Dated 12th September 1929.

From—Sardar HERRA SINGH, M.L.C., Post Office Narli, District Lahore,

To—The Home Secretary to Government, Punjab.

I HAVE received your questions about Jail administration to-day and write my opinion where necessary, quoting the number of the question.

(1) There should be a separate class for Political under-trial prisoners.

(2) Yes.

(3) No.

(4) Intermediate class, but if a prisoner wants to travel by first or second class, he may be permitted to do so.

(5) In the latter case, Government should pay $\frac{3}{4}$ and the prisoner $\frac{1}{4}$ from his private fund.

(6) In case of (a) 8 aunas and in case of (b) one rupee, but every one should be allowed to spend more from his own pocket.

(7) They should be kept in cells or wards as they choose.

(8) Yes.

(9) Yes. Upto 10 P.M. in summer and 11 P.M. in winter.

(10) Only Political prisoners should be allowed to sleep outside from April to September. Other prisoners may be allowed under the advice of the Doctor.

(11) Yes. The value of the diet should be 12 annas per day.

(12) No.

(13) Yes, a chair, a table, a tub and a charpoy.

(14) Yes. The Jailor should not be within hearing of the interview.

(15) They should get books, periodicals and newspapers.

(16) They may take exercise if they wish to do so. No compulsion should be exercised.

(17) No.

(18) Yes.

(19) Materials for washing should be supplied more in quantity and not more than 25 men should wash at one time.

(20) If a prisoner be in fetters, he should not walk on the road.

(21) Yes, as far as possible.

(22) Yes. The existing visitors can carry on the business.

B.

(23) (I) Political prisoners of (b), (d) and (e) class should be placed in special class.

(4) They should get diet at Government expense of the value of 12 annas per day.

(5) He should be allowed to wear political symbols.

(6) If he has any complaint regarding the jail treatment, he should be allowed to write it to the non-official visitor.

(7) Not more than five persons may visit at one time.

(23/7) If the Jail authorities do not remove his grievance, it may be published and no punishment should be given for this publicity.

(23/10) The Government should provide this furniture.

(23/14) No such punishment should be given unless there be danger of escape or attack.

(24) If a large number of prisoners come to jail for civil disobedience and it be not possible to treat them as special class political prisoners, they should be given facilities as far as possible.

(26) Yes. Near Lahore Cantonment as the water and climate of this side of Lahore is comparatively better.

(27) Every member of the Council should be non-official visitor of the jails of his circle.

I beg to remain

Sir,

HEERA SINGH, M. L. C.,
Post Office Narli, District Lahore.

Dated Lyallpur, the 12th September 1929.

From—S. MOHAMMAD SHAH, Ghani, M.L.C., Non-Official Visitor Jail, Lyallpur,

To—The Home Secretary to Government, Punjab.

IN reply to circular letter No. 5200-S.-Jails of the 5th of September 1929, I have the honour to forward herewith my opinion on questions drawn up by the Special Punjab Jail Committee.

(1) In my opinion there must be only two classes of under-trial prisoners, viz., special class and ordinary class.

(2) Yes.

(3) No, but if any prisoner applies to the Superintendent, Jails that he should be put in the special class, he will have to send his application for disposal to the trying magistrate.

(4) Ordinary prisoners should travel in the third class, but the special class prisoners might, according to their status, be permitted to travel in the Intermediate or 2nd class, but the Government should bear only the third class fare.

(5) Kindly,—*vide* reply in No. (4) above.

(6) For ordinary prisoners six annas should be the daily allowance in lieu of rations for the diet, but from 8 to 12 annas should be granted to special class prisoners.

(7) Yes, but cells should be better ventilated.

(8) Yes, they should be allowed to associate in the day time, but special class prisoners should not be allowed to mix with ordinary prisoners.

(9) Yes, uptill 10 o'clock in the night, but after 10 lamps should be taken from them.

10 Yes, they should be allowed to sleep in the open from 1st June to 15th of September, but they should be chained.

(11) Ordinarily special class prisoners should be allowed superior diet at the expense of their relatives, but in case of those prisoners who are very poor and have got no relatives, the Government should bear the expenses from 8 to 12 annas.

(12) They should be kept in a separate jail, so that they may not influence ordinary prisoners.

(13) Yes, each prisoner should be supplied with a table, a chair, a charpai and a lamp at his own expense.

(14) No. Provisions of Jail Manual are followed, and this is quite efficient.

(15) Yes, but books, etc., supplied should not be of political nature.

(16) So far as I know the prisoners are allowed to walk in the compound of their barracks, this is sufficient. They should not be compelled to do any work.

(17) The prisoners in the case of such an emergency should apply to the Superintendent, Jail, the trying Magistrate who will through the Police arrange the visit.

(18) Yes, but separate from convicted prisoners.

(19) In the compound of every barrack sufficient water pipes should be set on the washing platform where at least 10 prisoners may wash at one time.

(20) If conveyance is allowed from one Railway Station to the other, the rail arrangement is quite sufficient. In other cases Jail lorries should be introduced.

(21) Yes.

(22) Yes, at the Sadar the present non-official visitors should be directed to visit judicial lock-ups outside Jail, but in other places special non-official visitors should be appointed to save the Government of extra expense.

S. MOHAMMAD SHAH, GILANI,

Non-Official visitor of Jail,

Lyallpur.

From—Khan Bahadur S. MAHATAS ALL, Non-Official Visitor, Jail,

To—The Home Secretary to Government, Punjab.

I HAVE the honour to submit the attached statement expressing my opinion on the questionnaire so kindly sent to me by you with your kind letter No. 5200-S-Jails.

ORDINARILY there should be no distinction between under-trial prisoners as from the point of view of the crime not having been established all such prisoners have the same claim on the consideration of Government. They should not, as matter of justice, be treated as prisoners at all till they are declared as criminals. Any hardship experienced by a possibly innocent person is a serious breach of the principles of justice. Except confinement they should be allowed all home facilities at their own expense and where these are not available Government should supply food at its own expense, so far the rates of food are concerned as special class prisoners. One distinction may, however, be necessary, *e. g.*, between people with some show of respectability and the offenders of a furious type. Arrangements should be made to keep them separately, but the criterion of distinction should mainly be of the apparent character of the offender and in some remarkable cases the nature of the alleged crime.

(2) Yes. Provided his orders are appealable.

(3) Yes. Subject to the approval of at least one jail visitor.

(4) In the class in which they would travel themselves if they were to undertake such a journey provided they pay the expenses *minus* the fare of the class which Government would allow in their case according to the following classification :—

A.—Intermediate in the case of apparently respectable prisoners.

B.—Third class in the case of low class offenders.

(5) Please refer to No. (4) above.

(6) Rupee I in the case of special class under-trial prisoner and annas twelve in the case of ordinary under-trial prisoner.

(7) They should be accommodated in association wards according to the class unless an individual prefers to stay in a cell.

(8) Certainly.

(9) Yes, uptill 10 o'clock.

(10) Yes, from 15th of May to 15th of September.

(11) Yes, at the rate of a rupee a day, to be distributed into three meals.

(12) Whichever they prefer.

- (13) Yes, a bed, a chair and a small table.
- (14) So far as my personal knowledge is concerned the provisions of the Jail Manual are followed in this respect.
- (15) Yes. All kinds of healthy literature, including newspapers, after the due censorship.
- (16) Exercise of a healthy character should be made compulsory but proper provision should be made to guard prisoners against any torture in the shape of exercise at the hands of an unsympathetic warder.
- (17) Yes. After having secured his return by means of a special bail.
- (18) Yes. In case of those where trial is expected to last long.
- (19) They should be allowed to receive clothes from their homes. When it is not possible, facilities for washing the clothes at least twice a week should be provided. A loincloth of sufficient length to cover their bodies while they are washing their clothes should also be supplied.
- (20) They should never be allowed to march unless it is absolutely impossible for Government to find a conveyance.
- (21) Judicial lock-ups are in a condition that leaves much room for improvement. They should be at any rate better than jails. Separate latrines arrangement must be taken in hand at once.
- (22) The appointment of non-official visitors for judicial lock-ups will be a very healthy innovation and will, it is hoped, bring about great relief.

S. Maratab Ali, KHAN BAHADUR,
Non-official visitor, Jail.

Dated 14th September 1929.

From—AMOLAK RAM, Kapur, Esq., B.A. (Hons.), LL.B., Advocate, High Court,
To—The Home Secretary to Government, Punjab.

I BEG to enclose herewith my opinions on the Questionnaire issued by the Punjab Jails Committee, and shall be obliged if you kindly place the same before the Committee. I wish to appear as a witness to amplify the opinions which I have ventured to express in the accompanying Memorandum, and shall be glad to appear at Lahore on any day which the Committee might choose to fix.

Memorandum of opinions on the Questionnaire issued by the Punjab Jails Committee.

Under-Trials.

- (1) The under-trial prisoners should be classified as under:—
(a) Special Class, including those charged with offences committed with some political motive; and all persons who have passed the Matriculation Examination

of any University or read upto the standard in any educational institution which, in the opinion of the classifying authority, is similar to the Matriculation standard.

(b) Persons below the age of twenty-one, who are first offenders.

(2) & (3) Both should be competent to classify a prisoner.

(4) Intermediate class, except those who habitually travel in Second Class.

(5) The entire.

(6) (a) Ordinary under-trials—8 annas per *diem*, (b) Re. 1-8-0 per *diem*.

FACILITIES IN JAILS.

(7) If any under-trial prisoner desires to be accommodated in a cell, and accommodation is available, he should be so accommodated ; but generally they should be kept in barracks and allowed ordinary social amenities of association.

(8) Yes.

(9) Yes, uptill 11 in the night.

(10) Yes ; from the month of April to September.

(11) Yes, at 12 annas per *diem*. Every under-trial prisoner should be allowed to get other articles of necessity from his relations or friends or private purse.

(12) No,—*vide* (7).

(13) Yes ; one table, one chair, one cot ; ordinary toilet necessities.

(14) No ; but they should be liberalised.

Books and papers.

(15) Yes. The under-trial prisoners should be allowed to get at their own expense or from relations or friends any book, periodical or newspaper which has not been proscribed. They should also be allowed to lend the same to their fellow prisoners without any restriction.

(16) There should be provision for physical exercise in every jail, but there should be no compulsion. Any compulsion will cause unnecessary resentment and is likely to be exercised in a questionable manner.

(17) Yes. The under-trial prisoners should be allowed to visit their relatives who happen to be seriously ill, at their own expense.

(18) Yes.

(19) There should be sufficient supply of pure water, and ordinary bath-rooms provided with a number of taps and ordinary facilities.

(20) I cannot suggest any.

(21) ...

(22) Yes. There is no necessity of appointing special non-official visitors for the purpose ; but the number of non-official visitors should be increased.

In the appointment of non-official visitors Bar Associations should be asked to suggest names, and non-official visitors, or, in any case, some of them must be appointed from amongst those whose names have been recommended by the Bar Association, or Bar Associations, where there be more than one, of the place where the Jail is situated. The existing system of appointment is not satisfactory.

Special class prisoners.

(23) Modifications, additions, omissions or amendments suggested.

(1) These rules are too narrow and limited in their scope and requires a thorough change. The classification suggested under the head " Under-Trials " should be adopted. There is no reason why the rules laid down for ' European ' prisoners should not apply to Indian prisoners who are convicted of political offences or who, having regard to their status and education cannot be said to be inferior to a European prisoner. Europeans convicted of offences against life or property involving moral turpitude are treated sufficiently liberally and the ' nature of the offence ' is never taken into consideration. The conditions laid down in the existing rule are obnoxious to the sense of self-respect of an average educated Indian, and leave very few who can be treated as special class prisoners, although they might have been maintaining a fairly good standard of living before their conviction, or in some cases even better than some of the European prisoners.

(2) & (3) may be retained ; but it is further suggested that an appellate Court or a Court exercising jurisdiction on the Revision side should be specifically given the power to classify a prisoner as a special class prisoner even where the convicting Court has refused to do so.

About diet.

(4) There is no reason why special class prisoners should not be given the same diet or diet of a similar quality as is given to European prisoners. The European prisoners are not treated like ordinary prisoners and the diet supplied to them is paid for by the Government, or say, the tax payer. There is no valid reason why racial distinction, which is so stinking to the nostrils of self-respecting Indians, should be observed and preserved in such rules. In addition to the diet which must be supplied on the ' European ' scale, special class prisoners should be allowed to purchase certain articles of necessity from their private purse.

(5) It is a pity that the Gandhi cap is sought to be discarded and disallowed as a political symbol. It is not a political symbol, and if at all, it is symbolical of the simplicity, humility, sincerity and purity of character of the greatest living man with whose name it has come to be associated.

(6) The rule should be so modified as to allow the writing of four letters in a month to one or more relatives, or friends.

(7) This rule works great hardship in case of prisoners who have got more than two near relations, such as wife, children, sisters, brothers, and parents. There is no reason why all such relations should not be allowed to pay visit to the prisoners who are usually kept behind the bars, while persons paying the visit are kept standing outside in the open. No inconvenience to the Jail officials will be caused if more than two relations or friends are allowed to pay visit at a time. moreover, the interviews should be allowed twice a month.

(8) Yes.

(9) Yes.

(10) The expenses should be incurred by the Government.

(11) Yes.

12) Yes.

(13) Light should be given till 11 p.m. Besides books supplied from the Jail library, books, magazines and newspapers for which a prisoner pays should be allowed. Such books, magazines and newspapers should be allowed to be lent by one prisoner to others. Writing material should also be supplied.

(14) Handcuffs and fetters should be discarded altogether as other ways of punishment are available.

(15) This clause should be deleted, as it gives the Superintendent of a Jail unfettered power, and he should not be allowed to take away the concessions in this way. The Jail Code contains various other ways of punishing a recalcitrant prisoner.

(16) Yes.

(24) The classes have been suggested under the heading "Under-Trials" and should be adopted for convicted prisoners.

(25) A gymnasium should be provided in every Jail, but the prisoners should be left to their option to make use of it. Two hours in the morning and two in the evening should be set apart for exercise in view of the fact that imprisonment is always very irksome and affects the health of every inmate of the gaol.

(26) Yes. One jail for all special class prisoners should be at Lahore, and another at some hill-station where a prisoner should be transferred on medical grounds or on payment by him, his friends or relatives of the cost incurred on transfer.

(27) It is particularly requested that educated under-trial prisoners (whether they fall in the category of special class or not) should not be handcuffed while they are taken to the Court-house or any other place from the judicial lock-up, Jail or Police custody.

Volume IV of the High Court Rules and Orders contains the following rules at page 187 :—

“ XIX.—Under-trial prisoners are to be subjected to no further restraint than is necessary for their safe custody, and shall not ordinarily be confined in fetters or placed under mechanical bodily restraint. Provided that the officer-in charge may, with the permission in writing of the Magistrate having control over the lock-up, have recourse to fetters or other necessary mechanical bodily restraint in the case of any under-trial prisoner who is violent or turbulent, or who is considered to be otherwise dangerous.

Under-trial prisoners while being escorted to and from Court by the Police should not be handcuffed, unless there is a reasonable expectation that such prisoners will use violence, or that an attempt will be made to rescue them. ”

In practice it is not the rule, but the exception that has become the invariable rule. The matter should not be left to the discretion of the Police. The Committee should recommend that the rules should be liberalised thoroughly. The undersigned has had several occasions of noticing that very respectable Indian gentlemen are handcuffed, when they are being taken from the District Court lock-up to the Court of a Magistrate while Europeans, Anglo-Indians and even those whose only distinction is that they bear a European name are not handcuffed irrespective of the fact that they are accused of robbery, theft or cheating. I have seen persons accused of offences under section 124-A, 153-A and other purely political offences, being handcuffed. Men of high education holding double degrees of B.A., LL.B or M.A., LL.B. were handcuffed, although it would be sheer nonsense to maintain for a moment that they were so desperate as to effect or attempt an escape.

Note.—I like to give oral evidence before the Jails Committee in order to amplify the opinions expressed and suggestions made in paragraphs 1, 2, 3, 11, 15, 16, 22, 23, (1) (2), (3), (4), (7), (10), (13), (15) and (24), (25), (26) and (27).

AMOLAK RAM, KAPUR,

Advocate, Cutchery Road, Lahore.

No. 572, dated 13th September 1929.

From—The Superintendent, District Jail, Jullundur.

To—The Home Secretary to Government, Punjab.

SUBJECT:—*Supplementary statement of Master Mota Singh.—An Akali under-trial prisoner in this jail.*

I have the honour to forward herewith the Supplementary statement of Master Mota Singh, allowed by the Committee, to be considered along with his previous statement and oral evidence, before Jail Enquiry Committee on the 5th instant.

Supplementary statement of Master Mota Singh to the Jail Enquiry Committee, Punjab, dated 12th September 1929.

SUGGESTED REFORMS.

1. The under-trial prisoners should be classified as Political and Non-political. The non-political prisoners should be again subdivided into—

- (a) Ordinary moral offenders.
- (b) Heinous offenders.

All offenders who are imprisoned for flagitious crimes as "Raping" Bribery, "Forgery," "Habitual Theft" and "Sodomy," etc., should be classified as "Heinous Offenders." and others who commit ordinary offences should be classified as "Ordinary Moral Offenders." Those whose cases come under Sections 124-A, 120, 121-A, 144, 188, 153, 147, 108, and similar other Sections of Indian Penal Code that are applied for political offences, should be classified as political prisoners.

Note.—Any act done for the political cause but never out of personal motives, whether of active or passive nature, which the state may regard as an offence against it, be treated as a Political Offence.

2. The Trying Magistrate should have the power to classify the prisoners according to the nature of their offences as political or non-political prisoners but never as Special Class Prisoners.

3. The political as well as the non-political ordinary offenders should be classified as a Special Class prisoners by the Jail Non-Officials' Board, provided that—

- (a) they are aged above 45 years of age,
- (b) or that they are of too delicate and weak temper.

Note.—(a) The decision of the Jail Non-Official Board as a classifying authority shall be final and in no case be subject to the confirmation of Medical Officer.

- (b) The Superintendent of the Jail should have residuary powers to promote the class of political prisoners as well as of those others whom he may think deserving the

Special Class privilege on some other ground. But his decision should be subjected to the confirmation of the Jail Non-Official Board.

4. The Special Class prisoners as described under-clause "A" (3) should be taken in the 1st or 2nd class compartment when on transfer, whereas the Political prisoners may be taken in the 2nd or Intermediate Class, provided their seats are Reserved but such Political Prisoners who for certain political reasons are transferred to other Provinces, should always be treated as Special Class Political Prisoners, in order that they might not be handicapped in other Provinces in dietary, clothing and religious matters.

5. The transit expenses should never be borne by the prisoners whether they are taken in the 1st or 2nd class compartments or in some other way.

6. The Daily Allowance granted in lieu of rations for all the prisoners when on transfer should be from annas 12 to Rs. 3 according to the class of compartments in which they are made to travel.

7. It is highly desirable that the under-trial prisoners be kept in separate cubicles, provided that the key of such cubicles be allowed to remain with them during the day time, or some arrangement be made to safe-guard their articles in shelves or boxes under lock and key.

8. As at present there should be no restriction for the under-trial prisoners in their way of associating with one another.

9. There should be light arrangements for all the prisoners kept in cells or cubicles. Lamps should be allowed to be lit up ordinarily upto 11 o'clock in the first part of the night, and from 4 to 6 o'clock in the morning. But there should be no restrictions if lamps be lit up for the purpose of prayers, for going to laterine, or for the performance of some emergent need at some other moment in the night,

10. An under-trial prisoner should be allowed to sleep in the open air from March to September.

11. The scale of diet of the ordinary prisoners should be improved and the cost of their viands should be eight annas per diem, so that oil be replaced by little ghee and curd. The scale of diet for the Special Class under-trial prisoners and the political prisoners should range from annas eight to Rs. two per day.

12. It should be left to the choice of an under-trial prisoner to be kept in a ward or in a Cell.

13. The Special Class as well as the political prisoners should be supplied at Government expenses with a couch, a mattress, chair and table, a lamp with lighting materials, dining tables with benches or carpets and small wooden chaukis for dining purposes, bathing soap and oil and other necessary things to meet their reasonable requirements.

Note.—Special Class as well as Political Prisoners should be allowed to use their own bedding and clothes. But they, who fail to get things from their relatives or friends, should be supplied things from the Jail. The clothing of all prisoners should be

of plain unstriped Khaddar as in Burmah. All prisoners should be supplied with two cotton blankets and two Khaddar sheets in Summer and four woollen blankets with two Khaddar sheets in Winter. In places where the cold is intense and severe, a sufficient number of blankets should be issued according to the requirements of the prisoners.

14. The present arrangement of interviews is highly defective. The wire-gauze obstructive screen is the cause of a great nuisance to the interviewers. The intervening width between the prisoners and their interviewers is unreasonably too much. Another great difficulty apprehended about interviews is the insufficiency of time, especially when under-trial prisoners have to issue essential legal directions to their friends or relatives about their cases. In some Jails due interviews are not allowed unless the illegal gratifications of the officials are satisfied. Prisoners are so much intimidated that they cannot dare complain against such officials. They, who ever dare come forward to make their specific complaint against any prison corruption before any Jail Visitor, have to suffer the gloomy consequences. The obstacle in the way of prisoners in getting their legitimate grievances redressed can be removed only if two complaint-boxes—one for the officials and the other for the non-official visitors be placed in some suitable place inside the Jail, so that the prisoners could put in their written complaints about serious matters.

Note.—Some benches should be permanently fixed in the Interview's room.

15. Books, periodicals and papers in English, Urdu, Hindi and Gurmukhi should be supplied for the prisoners and kept in the Jail Reading Room. Books on sociology, constitutional history, politics, economics, art and general literature should be freely recommended for the perusal of the Political and Special Class Prisoners.

16. The literate Under-trial Prisoners should be provided with the facilities of doing any literary work of their choice. If suitable arrangements be done for teaching Typewriting and Stenography, etc., most of the under-trial prisoners shall be able to utilize their time in the learning of some useful arts. There should be some provision for the indoor as well as the out-door games. But exercise should be optional and never compulsory.

17. As far as possible some arrangements must be done to enable under-trial prisoners to visit a dying relative.

18. The under-trial prisoners should be permitted to participate in educational as well as religious facilities, as may exist for the benefit of convict-prisoners.

19. The washing arrangements for all the prisoners are utterly inadequate. If the system of convict washerman be introduced, it would avoid all irksomeness which the prisoners have to apprehend at present.

Note—(a) For the hair bath of the Female and Sikh prisoners hot-water should be supplied, and some separate place with a covered roof should be specified for that purpose.

(b) Soap should be supplied to all the prisoners for bathing purposes.

20. The Under-trial prisoners should always be taken by road in Cars or Tongas. The particulars about the conveyance by train have already been mentioned. The prisoners taken to the court may be escorted by Armed Police, but should never be chained in gangs as is in vogue at present.

21. The conditions obtaining in the lock-ups are horribly bad. They should be brought up in lines, with those obtaining in jails, particularly as regards accommodation rules, beds and beddings, bathing, latrine, and light arrangements. For bedding purposes there should be wooden planks of the size of a cot fixed against the walls. The latrines should be in privacy.

22. The lock-ups should be daily inspected by the Medical Officers and visited by the non-official visitors, at least twice a week.

Note—There should be the Non-Official Visitors' Board and should generally consist of ten members nominated by Municipal Committees and District Boards, out of their elected members. They should be bound to visit jails at least once a week. At the time of their visit to the Jails they should not be accompanied by the Jail Officials, if necessary they may be escorted by Police Constables. The Jail Non-Official Board should have its separate office, and keep a regular record of its proceedings and activities.

25. The suggestions regarding the classifications of convicts have already been made. The rules at present in force in the Punjab Jails for the treatment of the Special Class and Political prisoners should be modified in the light of the above made suggestions.

Before concluding I must lay special stress on the point that the status of the Political prisoners of India should in no way be inferior to that of the Political prisoners of the other countries. There should be no discrimination of any sort whatsoever between the treatment meted out to the Political prisoners on the mere pretext of the violent or non-violent characters of their offences. The labour of the political prisoners should be light and selected according to their own choice.

Note.—If Mr. Shoulden (the Ex-railway Guard), son of the Inspector of Police, Multan, could, after committing a flagitious crime of "Raping" and "Murdering an English Girl", be treated as a "Special Class Under-trial Prisoner, why not a Political Prisoner convicted under section 121-A, etc., be treated on better lines.

A. MOTA SINGH.

Dated 13th September 1929.

From—Khan Sahib HASHAM KHAN, Non-official Visitor, District Jail (Attock) at Campbellpur.

To—The Home Secretary to Government, Punjab.

SUBJECT:—*Opinion regarding questionnaire drawn up by the Special Punjab Jails Committee.*

1. (1) Special Class.
- (2) First Offenders.
2. (1) Crimes involving moral turpitude.
- (2) Crimes involving immoral turpitude.
- (3) Previous convicts.
2. Yes.
3. The remarks by the Superintendent of Jail may be taken into consideration by the Magistrate.
4. Second Class.
5. All expenses connected therewith.
6. (a) Ordinary Re. 0-6-0.
- (b) Special Class Re. 1-0-0. Per diet.
7. No. They should be accommodated in barracks. Further water closets should be supplied. For ablution purposes water should be supplied enough to meet thorough bodily wash.
8. Yes.
9. Yes. In winter up to 9 P.M. and in summer up to 10 P.M.
10. Yes. From June to September only.
11. As laid down in No. 6.
12. Yes.
13. One table, one chair and one bed.
14. Yes.
15. Yes. Periodicals and books should after sanction of the Superintendent Jail be supplied to the under-trial prisoners. Religious books, i.e., Koran for Muslim, Bible for Christian and Granth for Hindus and Sikhs or any other religious book for the under-trials who wish to read.

16. Yes.
17. Yes. If convenient.
18. Yes.
19. Prisoners labour should be employed adequately.
- 20.
21. Yes.
22. Yes, certainly.

Dated Isakhel, 13th September 1929.

From—Khan Sahib MUHAMMAD SAIFULLAH KHAN, A.R.O., Khan of Isakhel,

To—The Home Secretary to Government, Punjab.

WITH reference to your office letter No. 5200-S.—Jails, dated 5th September 1929, I have the honour to submit herewith my views, given *ad seriatim* on the various points of the questionnaire drawn up by the special Punjab Jails Committee.

A.

1. The classification proposed in the questionnaire will do.
2. Yes.
3. No. That may complicate matters.
4. All special under-trial prisoners of requisite status should travel in the Intermediate Class. Those desiring to travel in the second class may, however, be allowed to do so provided they bear the balance of expenses above that of the Intermediate Class.
5. In the case of the Intermediate class the entire cost should be borne by the Government.
6. The existing rules on this subject are not fully known. Hence no suggestion can be made.
7. Yes.
8. No. It may lead to further complication.
9. Yes. Uptill 10 P.M. in the winter season.
10. Yes. During the period of four months, from the 15th of May to the 15th of September.
11. For lack of definite information on the point no suggestion can be made.
12. Where possible such accommodation is desirable.

13. Yes. It should be of the standard supplied to Europeans.
14. No.
15. Existing rules on the subject are good enough.
16. Exercise for the sake of health should be left to the option of the prisoners. Compulsory exercise is not likely to prove beneficial.
17. Yes.
18. Yes.
19. For want of definite information no suggestion can be made.
20. Consistent with safe custody arrangements for conveyance should be improved with due regard to the health and comfort of the under-trial prisoners.
21. Yes.
22. Yes. The existing non-official visitors should be directed to visit judicial lock-up also.

B.

23. The rules in force require no change.
24. According to their previous standard of life the special class prisoners should be sub-divided into two classes A and B.
25. The existing rules are good enough.
26. Yes. It should be situated at some place which is suitable from the point of view of health.
27. No.

Dated Mianwali, the 13th September 1929.

From—K. S. Hony. Lieut. Malik MUZAFFAR KHAN, Non-official Visitor of Mianwali Jail,

To—The Offg. Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S—Jails, dated 5th September 1929, calling for my opinion on the questions contained in the questionnaire received therewith, I have the honour to state *seriatim* as follows :—

1. Yes they should be classified in greater detail as noted below :—

- (a) Special class (i) Persons having their living status like Europeans.
- (ii) Persons of good status other than those described above.

- (b) 1st offender.
 (c) Previous convicts.
 (d) Adolescent.
 (e) Juveniles.
2. Yes, the trying Magistrate subject to confirmation by Government.
3. Does not seem necessary.
4. They should travel in the following classes :—
- | | | | |
|---------------|-----|-----|--------------|
| a (i) Class | ... | ... | 2nd class. |
| a (ii) Class | ... | ... | Inter class. |
| Other classes | ... | ... | 3rd class. |
5. The total expenses of all classes should be borne by Government.
6. Should be as follows :—
- (a) Ordinary under-trial prisoners Re. 0-8-0.
 (b) Special class (i) Rs. 3.
 (ii) Rs. 1-8-0.
7. No, except as a punishment.
8. Yes, they may be allowed.
9. Yes they should be allowed the concession if locked up in barracks until 10 P.M.
10. Only those who are taking their trial under bailable offences during the months of May, June, July and August.
11. Yes, the scale of diet being as noted below :—
- Wheaten bread 10 Chataks throughout the year.
 Dal and vegetables with ghee instead of oil at $\frac{1}{2}$ chatak per meal. As usual.
 Halwa of 1 chatak suji—twice a week.
 Milk $1\frac{1}{2}$ seer daily.
12. Yes, they may be supplied where possible.
13. Yes they may be supplied with charpoy, a table, a chair, and chicks each of class (i). Beds only to be supplied to class (ii).
14. No, there is none.
15. Libraries and reading rooms exist in jails or are under contemplation. They can use library books and if they desire periodical and newspaper approved by Government at their own expense.

16. Yes, there should be badminton for the special class (i) and (ii) prisoners and compulsory half an hour's walking for others in the morning.

17. Yes, arrangements should be made to enable such of the under-trial prisoners to visit their dying relatives, who are taking their trial under bailable offences, at the discretion of the court.

18. Yes, they should be allowed.

19. A washerman should be provided from amongst the convicted prisoners to wash clothes of special class under-trial prisoners with soap and Soda instead of sujji, others should wash their clothes themselves with the same material.

20. A lorry would be a suitable conveyance where the road journey exceeds half a mile.

21. Yes, they should be brought into line with those obtaining in jails by improving the arrangements for bathing, washing clothes and latrines.

22. Yes some influential local men should be appointed non-official visitors of judicial lock-ups in each place.

B.

23. I would suggest the following modifications:—

- (6) They should be permitted to write and receive two letters instead of one in a month.
- (7) They should be permitted to receive a visit from any number of nearest relatives such as father, mother, brothers, sisters, wives, sons, daughters at one time. Of course in the case of friends the number should not exceed two at any one time.
- (9) Government should provide at its own expense all the articles enumerated herein.
- (10) Similarly chairs and tables should be provided at the expense of Government.

26. Yes there should be a special jail for the concentration of special class prisoners, I would recommend Mianwali or Montgomery as suitable localities for the situation of such special jails. I would also suggest that there should be separate barracks in each jail to receive and keep special class prisoners both convicts and under trial.

Dated Hisar, the 13th September 1929.

From—Rai Sahib Lala CHHABIL DASS, Honorary Magistrate, 1st Class, and Non-official Jail Visitor,

To—The Home Secretary to Government, Punjab.

I HAVE the honour to return herewith the replies to the questionnaire received with your letter No. 5200-S.-Jails, dated 5th September 1929.

A.

- (1) The three classes proposed will suffice.
- (2) Ordinarily all political offenders should be put in special class, otherwise, the trying magistrate should be the classifying authority.
- (3) The Superintendent should have no hand in the matter of classification.
- (4) All special class under-trial prisoners should be permitted to travel in the 2nd or Inter. according their social status. Discretion to be exercised generally by the Superintendent of Jail.
- (5) In no case, should the undertrial prisoner be made to pay any portion of the expenses.
- (6) Ordinary prisoners (first offenders) should be paid Re. 0-8-0 per day. Special Class Rs. 1-8-0 per day.
- (7) No, only the previous convicts should be kept in cells.
- (8) Yes.
- (9) Yes, up to 10 P.M.
- (10) Special class prisoners and first offenders be allowed to sleep in the open from May to September.
- (11) Yes, scale should be Rs. 1-8-0 per day.
- (12) Yes, those only who prefer cells to barracks.
- (13) Yes, a niwar bed, a small table and one chair, one trunk and one tray.
- (14) No.
- (15) Yes, books and periodicals at their expense, provided they do not deal on controversial political matters. Books on fiction, religion, history and economics may be generally permitted. One English and one Vernacular daily may be subscribed for all special class prisoners and a small library and reading room be attached to each jail.
- (16) No work should be imposed, but arrangements for exercise be provided but there should be no compulsion.
- (17) Yes, even in cases of serious illness, but on providing security.
- (18) Yes, of course.
- (19) One washerman or more if necessary be attached to each jail for washing the clothes of under-trial special class prisoners.
- (20) Yes, in lorries or other vehicles.
- (21) Yes, the present police and court judicial lock-ups are most insanitary and in-sufficient. Women should be separately located. Yes, so far as diet is concerned.

(92) Yes, the present non-official visitors can very well discharge these duties as well.

B.

(23).

- (1) Right of appeal should be given to the accused in cases in which convicting court does not classify him as a Special class prisoner or fails to take any action.
- (b) and (c) to be omitted. (d), (e) as well.
- (2) No change.
- (3) It should be changed in the light of the above.
- (4) Good nutritious food should be supplied on Government expense.
- (5) Yes, such as the Gandhi cap to be omitted.
- (6) Yes.
- (7) Except in cases of leaders who may be allowed freedom to consult on political matters by permission.
- (8) Yes.
- (9) Yes, if they choose.
- (10) Yes, if not supplied as suggested above.
- (11) Yes.
- (12) Yes.
- (13) Yes.
- (14) Yes, but pretext should not be found out to use these things.
- (15) Not till third fault, in other cases warning or other light inconvenience.
- (16) Provided the consent is freely given.
- (17) Yes.
- (24) Yes, Political leaders punished only for holding views unpalatable to the Government should be classed as A (class) prisoners.
- (25) None.
- (26) No.
- (27) None.

Dated September 1929.

From—HARI SINGH, Member, Legislative Council, Punjab,

To—The Home Secretary to Government, Punjab.

WITH reference to your circular letter, dated 5th September 1929, I beg to state the following :—

Before I begin to reply the queries by numbers I wish to discuss one or two vital points regarding the political prisoners which are, in my opinion, most essential.

Firstly. - It should be decided once for all as to who should be termed political prisoners. I will define them as below :—

- (1) Any act done for the cause of the country and not out of personal motive and pursuits, whether of violent or non-violent character which the Government regard as an offence against the Crown, should be treated as the political offence, and as such all the offenders against State should be taken as political prisoners.
- (2) The class of all above cited offenders should be only *one*, in every case, which should in no case be treated less than the European prisoners being even the convicts of forgery and other heinous offence.

Answers to Questions.

- (1) As stated above.
- (2) and (3) No. As settled above.
- (4) Not below Inter Class in any case.
- (5) The whole.
- (6) Not less than one rupee daily per head both for under-trial and convicted.
- (7) Should be left to their own will.
- (8) Yes, certainly.
- (9) Yes, up to 10 o'clock in the night.
- (10) 15th April to 1st October.
- (11) Yes, on Government expenses. Scale should in no case be less than that of European prisoners.

(12) If they so desire.

(13) Yes, charpoy, table and chair and ordinary floor matting be supplied by Government at Government cost.

14.

15. All sorts of books which have not been confiscated by the Government. Newspapers for which Punjab Legislative Council Jail Committee may recommend be given for study.

(16) No compulsory exercise be taken. The dumb-bells, chest expanders and Indian Clubs be managed for them including some indoor games.

(17) Yes, and even in the case of his relative's serious illness.

(18) Yes.

(19) The clothes should be washed weekly by Dhobi. Daily bath in winter with hot water and Sikhs should be furnished with sufficient quantity of necessaries for washing their hair such as bath soap, dahi and oil once a week and bath soap twice a week, and for other prisoners there should be arrangement of bath soap extra twice a week, for both under-trial and convicted.

(20) They should be taken without hand-cuffs in open carriages.

(21)

(22) Every member of the Council within his constituency.

(23) About classification of political prisoners I have fully discussed in item 1, but about those sub-paragraphs in it on which some more light is to be thrown are given below :—

(6) They should be permitted to write and receive the letters at every time, in which they can convey due complaints and their jail life alike.

(7) Twice a month, but no restrictions should be placed on the number of visitors at a time.

(9) Government should provide them with all of these articles if they like they can have their own.

(10) They should not be sentenced to rigorous imprisonment, and solitary cells.

(26) There should be erected a special jail for all the political prisoners, one in Lahore and the second in any of the hilly stations where in summer season they should be accommodated.

General suggestions.

(a) Latrines should be separate, and at least of the type of railway carriage latrines on physical principles.

(b) Ghee should be given instead of oils.

(c) Penal diet, penal dress should be abolished altogether.

(d) All of these suggestions relate to both under-trial and convicted prisoners.

HARI SINGH,

Member, Legislative Council.

Dated Lahore, the 13th September 1929.

From—ATMA SWARUPA SHARMA, Journalist (Assistant Editor Daily "Pratap").

To—The Home Secretary to Government, Punjab, Simla.

I HAVE the honour to forward herewith my answers to the questions published by the Jail Enquiry Committee along with a note expressing my views on some of the important questions involved in the enquiry.

1. I would suggest the following classes for the under-trial prisoners :—

(1) General, (2) Special, (3) Juvenile.

Class (1) will include habitual offenders, those who belong to a lower status in life. Class (2) will have better class educated people. All political under-trial prisoners (except the Juvenile) will be included in this class irrespective of status in life and the nature of their offence. Selected first offenders can also be included in this class.

Class (3) will be for prisoners of tender age, who require to be kept apart. Minor political prisoners may also be included in this class.

2. No.

3. He should only recommend.

4. Never less than Inter Class, and in special cases 2nd Class.

5. The entire expenses will not be usual for the prisoners of this class to travel above Inter Class.

6. Annas 12 general under trial prisoners.

(b) Re. 1 for special class under-trial prisoners.

7. No.

8. Yes.

9. Yes, upto 9 at night and in some cases when the prisoners desire such arrangements for the early hours of the morning also.

10. Yes. To all special class and Juvenile prisoners and selected general class under-trial prisoners, when it is safe to keep outside.

11. Amount spent on the diet of the under-trial European prisoners should be the standard of expense for the special under-trial prisoners.

12. No.

13. Yes, they should be supplied the following furniture :—

(1) Table, (2) Chair, (3) Stool, (4) Charpai,

14. Yes.

15. Books may be supplied to an under-trial prisoner at his own

expenses once a month in case he finds the prison library deficient.

(b) A few copies of vernacular and English daily papers may be supplied for a group.

(c) Two monthly journals and one illustrated weekly may be allowed for a group of the under-trial prisoners.

16. Yes.

17. Yes.

18. Yes.

19. There should be a big enclosure with a number of taps provided in it.

20. A distance may be fixed after which it may be necessary to look to the conveniences of the under-trial prisoners travelling by rail or road. Feeding arrangements should be more thorough while in transit.

21. In fact more facilities should be given to under-trial prisoners in every respect in a judicial lock-out.

22. Special non-official visitors should be selected.

23. Details from (a) to (e) are vague and can be omitted. Determining standard in all cases excepting the political prisoners should be the status of the under-trial prisoners.

(4) They should not have ordinary diet, and in case they get food from outside they should be allowed to have decent food.

(5) Is unnecessary. The prisoner should have the same class to which he is accustomed even if it includes Gandhi cap.

(6) The number of letters should be increased to four a month, correspondence from the council should not be included in this number.

(7) Final authority to stop interview in case breach of conditions given should not be the Superintendent.

(8) He should not have any humbling punishment.

24. There should be only one special class.

25. They should be allowed to stroll in the jail gardens for some time in the morning and in the evening and in case they like to have some sort of sports, gymnastic or indoor games they may be allowed the same.

26. It is better to keep them in one jail. Lahore is the best.

27. See a separate note.

ATMA SWARUP, SHARMA,

JOURNALIST,

Assistant Editor, Daily "Pratap,"

Bradlaugh Hall, Lahore.

Dated Montgomery, the 15th September 1929.

From—FATEH CHAND, B.A., LL.B., Pleader, Non-official
Visitor,

To—The Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S.-Jails, dated 9th September 1929, I beg to submit the following reply of the questions in seriatum :—

1. The classification is alright, but the special class should ordinarily include all educated men and also those political prisoners who are not charged of any offence of violence.

2. Yes, but his order should always be appealable. Appeal should lie in the High Court.

3. Yes.

4. Ordinarily in Intermediate Class. Exception should always be made in favour of those who hold high position in the Government, and also those who are admittedly high placed national leaders.

5. If the above is approved, the whole expense should be borne by the Government.

6. (a) Eight annas, (b) one rupee.

7. No.

8. If they are kept in cells, they should be allowed to associate during the day time with the prisoners of their class.

9. Yes, only in winter months up to ten o'clock.

10. Yes, this is very essential.

11. Yes, twelve annas a day, meat and eggs should not be supplied in jails. Milk and local fruits should be given as far as possible.

12. Not necessarily.

13. One small table, one chair and one charpai.

14. More facilities should be given for interview to the under-trial prisoners. Much time should not intervene between the time of application and the time of interview.

15. Yes, the interviewers should be asked to supply the books and papers if they so desired.

16. There should not be any compulsion for any work or exercise; but there should be provision for exercise and work. They should be given option.

17. This should be only in very exceptional cases.

18. Only ordinary and not special class under-trial prisoners.

19. The under-trial prisoners are generally complaining about the inadequate washing arrangements. In summer months, more facilities should be provided. Those who grow hair on head or beard should be allowed free use of soap at least twice a week and also oil, at least in the districts of Multan Division, where the climate is very dry and the people are in the habit of using oil.

20. ...

21. Yes, there is much room for improvements in the judicial lock-ups. The accommodations in judicial lock-ups is generally insanitary and insufficient.

22. Non-official visitors would be instrumental in bringing reforms in the judicial lock-ups. It is desirable to appoint Non-official Visitors for judicial lock-ups. The present Non-official Visitors would do.

23. ...

24. There should be two classes of special class prisoners. For A class, there should be more concessions, in the form of better accommodation and better food arrangements.

25. Indoor games like dumb-bells and *monylies* should be provided. They should also be given option of manual labour like hand-spinning, weaving and such light labour. Gardening should be done by all special class prisoners.

26. It would be better to have one jail at Lahore for political prisoners and special class prisoners.

Dated Lahore, the 12th September 1929.

From - Syed MUBARIK HAN, M.L.C., Lahore,

To - The Home Secretary to Government, Punjab, Simla.

I HAVE the honour to enclose herewith answers to the Punjab Jails Committee enquiry which I trust will meet requirements :—

1. Under-trial prisoners should be classified in existing detail, and the following classification would suffice :—

Ordinary	{	(a) Special class
		(b) First offenders
		(c) Previous convicts

2. The trying Magistrate should be the classifying authority.

3. The Superintendent of the Jail must have residuary powers regarding the classification of prisoners even if they have already been classified by the trying Magistrate.

4. Special class prisoners ought to travel in Intermediate Class when on transfer.

5. The Government should bear all expenses.
6. The amount of the daily allowance granted in lieu of rations for the diet of (a) special class prisoners, (b) under-trial prisoners, when on transfer should be as follows:—
 - (a) Six annas per meal (note 2 meals per day)
 - (b) Four annas per meal " "
7. All under-trial prisoners should as far as possible be accommodated in cells at night.
8. The prisoners of the same class must be allowed to associate during the day time.
9. Yes up to 10 P. M.
10. All special class under-trial prisoners and first offenders should be allowed to sleep in the open air during the hot weather from 1st of April to 15th of October, subject to the requirements of safe custody and medical advice.
11. Yes. The scale of the special class under-trial prisoners should be twelve annas per day at Government expense, provided they cannot make their own arrangements.
12. It is not necessary; however it should be left to their own option.
13. (1) one charpoy, (2) one chair, (3) one small teapoy to hold books, etc., (4) one washing basin and a jug, (5) one glass and a "surahi", (6) one *lota* to Indians.
14. Cannot say anything regarding this.
15. Yes, if they pay the prices of books, papers and periodicals.
16. There should be some sort of physical exercise to maintain their health, but no work of the Jail authorities should be given to them.
17. Yes, under the custody of Police, arrangements should be made to enable under-trial prisoners to visit his dying relative.
18. Yes. Under-trial prisoners should be allowed to participate in such cases.
19. As regards the ordinary under-trial prisoners the present Dhobi Ghat system in jails is sufficient, but in the case of special class (a very small number) and under-trial prisoners some better arrangements from outside should be made.
20. Cannot say anything.
21. The conditions of the judicial lock-up should be made better than those in jails.
22. Absolutely necessary. Non-official Visitors should be directed to visit judicial lock-up outside jail. No necessity of appointing a special Non-official Visitor.

Dated 12th September 19.9.

From—PEAN NATH Nanda, Pleader, Secretary Hindu Sabha, Gujrat, Punjab.

To—The Home Secretary to Government, Punjab.

I HEREWITH enclose answers to the questionnaire issued by the Punjab Jail Committee. I am prepared to be orally examined on the subject :—

Answers to the Questionnaire issued by the Punjab Jails Committee.

Under-trials.

- (1)—(4) May be added juvenile offenders.
- (2) There should be a body consisting of five non-officials who should tender their opinion in the matter to the trying Magistrate, and in case of difference the opinion of the majority should prevail.
- (3) Should have only recommendatory powers.
- (4) In the second class.
- (5) Whole of the expense should be borne by the Government.
- (6) (a) Rupee one, (b) rupees two, respectively.

Facilities in Jails.

- (7) No.
- (8) Needs no answer.
- (9) Yes. Up to 10 P.M. and from 4 A.M. to 6 A.M. in the morning.
- (10) Yes. From 15th of February to the end of October.
- (11) Yes. One Rupee eight annas.
- (12) Yes.
- (13) Yes. It should consist of a decent cot, a table, an office chair, an easy chair, a reading lamp, a piece of matting, pegs, etc., with a decent arrangement for bath.
- (14) Many cases have been brought into notice.

Books and papers.

(15) Special class under-trial prisoners be supplied with books, periodicals and newspapers at their request at the Government expense. They may also be allowed free use of public and private libraries. All other under-trial prisoners be supplied with newspapers at the Government expenses and be permitted to use their own books.

(16) To special class under-trial prisoners at their request ; to others compulsorily in the interest of their health.

(17) Must be made.

(18) Yes.

(19) ...

(20) ...

(21) Yes.

(22) Yes. Special Non-official visitors be appointed for this purpose.

Special Class Prisoners.

(23) (1) Section (a) and (b) should not be excluded from the category of Special Class prisoners and under-trials. Motive must be considered.

About diet.

(4) All special class prisoners should be given diet according to their respective station in life. They may be permitted to take private food if they liked.

(6) They should be permitted to write and receive letters ordinarily once a week.

(7) They should be permitted to receive a visit from friends and relative at least once a week.

(10) The furniture suggested in answer to question No. 13 above be regarded as answer to this question.

(13) The same as answer to question No. 13.

(24) (a) Special class ordinary and (b) Star class.

(a) Answer,—*vide* question 11 and 13 above.

(25) Games like Tennis, football, etc., be permitted. Indoor games also be provided.

(26) It is highly desirable. Gujrat will be a suitable place being situated on the Main line and almost a central station and climatic conditions excellent.

(27) In addition to these answers I am prepared to be examined on the following questions :—

(a) Who should be special class prisoners ?

(b) Facilities to special class prisoners ?

(c) Need for a separate Jail for Special Class prisoners ?

(d) Need for a non-official organization for the better administration of the jails.

Dated Gharib Ghar, Gujrat (Punjab), the 12th September 1929.

From—KIRPA RAM BHATIA, B.A., LL.B., Advocate, High Court, President, Bar Association, Gujrat, Member of the Red Cross Executive Committee, Gujrat District.

To—The Home Secretary to Government, Punjab.

I ENCLOSE herewith suggestions to the questionnaire issued by the Punjab Jail Committee. I shall be willing to be orally examined if so desired.

Answers to the Questionnaire issued by the Punjab Jails Committee.

Under-trials.

- (1)–(4) May be added Juvenile offenders.
- (2) There should be a body consisting of five non-officials who should tender their opinion in the matter to the trying Magistrate and in case of difference the opinion of the majority should prevail.
- (3) Should have only recommendatory powers.
- (4) In the second class.
- (5) Whole of the expense should be borne by the Government.
- (6) (a) Rupee one, b) Rupees two, respectively.

Facilities in Jails.

- (7) No.
- (8) Needs no answer.
- (9) Yes. Up to 10 P.M. and from 4 A.M. to 6 A.M. in the morning.
- (10) Yes. From 15th of February to the end of October.
- (11) Yes. One Rupee eight annas.
- (12) Yes.
- (13) Yes. It should consist of a decent cot, a table, an office chair, an easy chair, a reading lamp, a piece of matting, pegs, etc., with a decent arrangement for bath.
- (14) Many cases have been brought into notice.

Books and papers.

- (15) Special class under-trial prisoners be supplied with books, periodicals and newspapers at their request at the Government expense. They may also be allowed free use of public and private libraries. All other under-trial prisoners be supplied with newspapers at the Government expense, and be permitted to use their own books.

(16) To special class under-trial prisoners at their request; to others compulsorily in the interest of their health.

(17) Must be made.

(18) Yes.

(19) ...

(20) ...

(21) Yes.

(22) Yes. Special Non-official Visitors be appointed for this purpose.

Special Class prisoners.

(23) (1) Section (a) and (b) should not be excluded from the category of special class prisoners and under-trials. Motive must be considered.

About diet.

(4) All special class prisoners should be given diet according to their respective station in life. They may be permitted to take private food if they liked.

(5) They should be permitted to write and receive letters ordinarily once a week.

(7) They should be permitted to receive a visit from friends and relatives at least once a week.

(10) The furniture suggested in answer to question No. 13 above be regarded as answer to this question.

(13) The same as answer to question No. 13.

(24) (a) special class ordinary and (b) Star class.

(a) Answer—*vide* questions 11 and 13 above.

(25) Games like tennis, foot-ball, etc., be permitted. Indoor games also be provided.

(26) It is highly desirable. Gujrat will be a suitable place being situated on the Main line and almost a central station, and climatic conditions excellent.

27. In addition to these answers I am prepared to be examined on the following questions :—

(a) Who should be special class prisoners ?

(b) Facilities to special class prisoners ?

(c) Need for a separate Jail for special class prisoners ?

KIRPA RAM, BHATIA,

Advocate,

12th September 1929.

Gu rat, Punjab.

Dated 13th September 1929.

From—BARKAT RAM KALIA, Esq. M.A., Sitla Gate, Jullundur City,

To—The Home Secretary to the Government, Punjab.

WITH reference to the questionnaire issued by the Jail Enquiry Committee, I beg to submit the following answers in serial order of the questions issued, for the consideration of the Committee. I also beg to state that I wish to make some oral evidence as well, reference to which will be found in the answers :—

Under-trials.

(1) Yes. The classification given here will do. But special class ordinary need further explanation. I will discuss this question in oral evidence.

(2) No. The entire Magistracy in the Province is not competent enough to discharge this important function. There are Honorary Magistrates whose judgment is liable to be influenced in such classification. Also the Magistrate who tries a case is often prejudiced against the claims of the accused. As such the District and Sessions Judge should be the classifying authority. But where he himself is the trying Magistrate, the classification in such cases should be done provisionally by the District Magistrate to be confirmed by the District and Sessions Judge of the neighbouring district.

(3) No. The chief business of the Superintendent of Jail is to supervise Jail work, and its administration. He being a very busy officer, it is increasingly difficult for him to know the exact case of each prisoner. The number of prisoners is so large at present that each Jail is over crowded. Some times prisoners are removed from one Jail to another Jail pretty frequently. Under such circumstances any such power, recommendatory or residuary vested in Superintendent of Jail, shall in fact be exercised indirectly by his subordinate staff. But the subordinate Jail officials, are low paid. It will thus lead them to corruption. It is better therefore, that the Jail Superintendents be left alone.

(4) Ordinarily in third class. Usually people travel higher class in this country for want of proper accommodation in a lower class. The class distinction is not a chief consideration. The motor traffic is very common, and people of all ranks travel there indiscriminately. Mahatma Gandhi, one of the greatest leaders of India travels third class. Sometimes undesirable society and dearth of room are the chief factors that compell many travellers to travel a higher class most unreluctantly. As such third class is the most suitable class for the under-trials of whatever rank or position they may be. According to the Jail Manual, whenever five prisoners travel, they have a compartment to themselves. This is enough to satisfy the under-trials or the

convicts as to the space and society grievance. But whenever the under-trials may wish to travel in any higher class, they should pay the difference. The differential charges of the escort should also fall on them.

(5) No proportion should be borne by the Government. Those who claim special class privileges are usually well-to-do people. So they should make good the difference, till they travel higher class on medical advice, in which case the State should pay for them.

(6) (a) For the ordinary under-trials six annas will do. Usually people spend four to six annas a day on their food. The average class of people in this country does not indulge in every day rich dishes. Even in most of the School and College Hostels where the students run their own mess, the average food expenses amount to about six annas a day.

(b) The special class under-trials may be allowed twelve annas a day, because these people are accustomed to every day rich dishes. This amount will meet their food necessities more than sufficiently. The expenses of the best Hostels of the two premier Colleges at Lahore have seldom gone above this rate. I refer to Government and Forman Christian Colleges, where the students of the Punjab aristocracy study.

(7) Yes, it is most desirable. The prisoners often say that in Jails they find fit places to learn all vascalities. They get such opportunities from mutual association. Even in best educational institutions, the students prefer cubicles to dormitories. When the educated classes prefer separate rooms to escape the influence of some undesirable associates, there is no reason why the offenders with evil tendencies dormant or inherent in them should not be segregated.

(8) No harm. The possibility of any mischief arising out of such association should be made as remote as practicable.

(9) Yes. Upto ten o'clock in the night. This is the usual hour when all lights are put off in all educational institutions. Moreover, from health point of view, it is rather necessary that one should have at least two hours' sleep before midnight.

(10) Only if arrangements permit. In that case from the middle of April to the middle of September.

(11) No. The under-trial prisoners ordinarily are allowed private food. But those who claim to be special class, they are usually above the common people, in their social position. Their status in life permits them to spend money for their marginal comforts. If the Jail diet is unrelishing to them, they can avail the privilege of private diet, a privilege which is invariably availed.

(12) It is most desirable. Segregation of one class of people from the other is of pressing necessity. The special class under-trials make a claim to superior intelligence and rank in life. Obviously it is their pride that they should not live with riff-rafs. In so doing they indirectly urge for segregation. Moreover, they are liable to influence-

an average kind of prisoner more rapidly than any one else in the jail. Their superiority in jails over other prisoners is likely to stir them for any agitation of which they may be indirect instruments. If they are put in barracks, any control over them may become difficult. The warders or the convict officials are not qualified in English. The under-trials may snatch an opportunity in the barracks to discuss matters, the discussion of which may have been prohibited according to jail rules in force.

(13) Yes. Only a table. If they so desire they may be allowed their own table and a chair without any restriction.

(14) No. I do not think so. Twice I visited the District Jail of Jullundur on different dates. On each visit I questioned several prisoners on this point. Their reply conveyed me their entire satisfaction.

(15) Yes. In addition to the books in the Jail library, such other books that the Superintendent of Jail may allow privately, may be supplied. The maximum number of books at a time should not be more than four, renewable after a ten days' period. This is the maximum number that the M. A. students are allowed in colleges.

As to newspapers, it is desirable that none should be supplied. Each paper contains some kind of excitable matter. Under an impulse some trouble may be created in jail. Moreover, in the good interest of general administration in the jails it is expedient sometimes not to disseminate certain news.

(16) Most certainly. As the under-trials can be yoked to no work and the option to work is not exercised by them, they grow sulky in liver and limbs. In the interest of their health they should compulsorily be made to do some kind of exercise at regular hours, both in the morning and evening. The nature of exercise may be some Boy Scouts games or gymnastic.

(17) Yes. But only in special cases, *viz.*, in case of father, mother, and son.

(18) Yes. It may prove useful occupation against idleness.

(19) I differ very much. In Jullundur Jail the provision is most adequately made. I presume that such arrangements exist elsewhere as well. But it seems, the under-trials do not avail the opportunity offered to them. The under-trials should be compelled to wash their clothes on the lines of jail convicts.

(20) Yes. There is a loud call for the use of some vehicles for carrying prisoners from one place of their incarceration to another, or even for their taking to the court of trial. At present in many places the under-trials are made to walk from prison house to the courts of trial, which often are situated at miles distance. This system of walking the prisoners is objectionable on the following grounds :—

(i) It takes long time to the prisoners to reach the court.

(ii) It exposes them to the public view in their hand-cuffed condition for a long time.

- (iii) It affords them a chance of escape.
- (iv) In summer season, some weak persons are liable to heat-influence.
- (v) Mischievous persons can trouble their escort by squatting on the road.
- (vi) Relatives and friends of some of the prisoners get a chance to speak to them and instruct them in legal quibbles.
- (vii) Sometimes collection of crowd along the prisoners may necessitate an extra Police guard, which could better be used profitably somewhere else.
- (viii) Public demonstrations are more than probable, when political prisoners are so carried.
- (ix) Under-trials, who claim immunity from hand-cuffing devolve greater responsibility on their escort.

By using some vehicle all these difficulties will be overcome. The motor traffic is very common these days. So far the funds permit, each jail should have its own motor lorry, which can be used for various purposes. But where motor lorry purchase is not soon possible, prisoners can be carried by two horses, may be arranged.

21, 22. At present my information on these points is incomplete. I will make an oral statement about these questions.

23. (1) Subject to the right of an appeal to the High Court, the District and Sessions Judge should be the only authority to classify the prisoners.

(c) Persons hired to commit offences in connection with political movements involving violence or an offence against property or the State or who have committed such offences in the hope that in the resulting disorder opportunities of looting might occur.

(e) Instead of the Local Government. On the recommendation of the District Magistrate the District and Sessions Judge shall have the necessary discretion.

(2) The Superintendent of Jail should implicitly obey the orders of the District and Sessions Judge regarding the classification of the prisoners.

(3) So far accommodation in the jails permit the special class prisoners ward should be quite separate from that of other prisoners.

(4) The standard of diet in jail should be improved, and the importing of any private food should be entirely stopped.

(7) The number of relatives may be increased to four, provided they are—father, mother, wife, sons or daughters, or brothers and sisters.

(15) On the recommendation of the District Magistrate the District and Sessions Judge should be the only authority to cancel the class privilege, subject to a right of an appeal to the High Court. To restore the class privilege should only be vested in the High Court.

(16) This power should be vested in the District and Sessions Judge.

24. There should be only one class of special class prisoners. But it should be sub-divided according to age and sex, for matter of jail discipline.

25. Some kind of compulsory physical exercise should be introduced. It will afford them the necessary recreation.

26. Yes. It should be situated on some Hill Station like Dharm sala.

27. Yes. On matters of diet in jail, treatment of hunger-strikers, prisoners' barracks, beddings, labour in jail, and its publicity in the public; about female prisoners and the position of convicts of simple imprisonment. Also something about criminal prisoners in jails.

BARKAT RAM, KALIA.

September 13, 1929.

Dated 10th September 1929.

From—NABAIN CHAND DUTT, M.B.V., Non-official Visitors, Jail, Hoshiarpur,

To—The Home Secretary to Government, Punjab.

I beg to enclose herewith my opinions on the questionnaire drawn up by the Special Punjab Jails Committee:—

OPINION.

In reply to the questionnaire drawn up by the Special Punjab Jails Committee:—

1. The classes suggested are sufficient. Special class prisoners should, however, be sub-divided into two classes—A and B.

2. The trying Magistrate is the best Judge of the prisoner's class. Should any prisoner feel dissatisfied with the Magistrate's order in this behalf he should have a right of appeal to the Sessions Judge.

3. The Superintendent of the Jail shall have no residuary power. He may be allowed the power of recommendation.

4. Special class under-trial prisoner should ordinarily be conveyed by the Inter Class, in which case the expenses should be borne by the State.

5. If, however, any such prisoner likes to travel by a higher class, he should bear the burden of the excess fare.

6. An ordinary under-trial prisoner while on transfer should get Re. 0-6-0 per diem as his daily allowance in lieu of rations. Special class A should get Rs. 1-8-0 and B Re. 1 daily.

7. Under-trial prisoners should as far as possible be accommodated in cells.

8. In this case, they should be allowed to associate during the day-time with prisoners of their own class.

9. Yes, up till 10 P.M.

10. Yes. The months should be decided according to locality generally, they should be allowed to do so, during the hot and rainy seasons.

11. The special class should have a superior diet which should consist of the following:—

(a) Wheat flour 10 chhataks daily.

(b) Ghee 1½ chhataks daily.

(c) Milk ½ a seer.

(d) Pulse and vegetables.

It should, however, be ensured that the eatables are pure, fresh and unadulterated. This is a complaint frequently made.

12. Yes, if possible.

13. Special class A should be supplied with a table and a chair.

14. None.

15. Yes, they should be supplied with books, periodicals and newspapers of a non-political character. Books dealing with politics may be allowed, if they are really required in the interests of his defence.

16. Compulsory exercise is no exercise and is undesirable, since it is liable to abuse. Facilities should, however, be provided for exercise, if the prisoner so desires.

17. Yes. Humanity requires it.

18. Yes, it would tend to reform.

19. The washing arrangements are satisfactory.

20. No.

21. Most certainly.

22. Yes, the present number of non-official visitors is insufficient. The present Non-official Visitors should have the right to visit all Jails and Judicial lock-ups. More may be added for visiting Judicial lock-ups.

23. The existing rules should be liberalised as follows :—

1. Regard should be had to the motive while classifying prisoners.
2. Special class prisoners should be allowed two letters a month, as also two visits.
24. It has been already answered.
25. None.
26. Yes, at Dharamsala, District Kangra.
27. None.

NARAIN CHAND DUTT, M.B.E.,

Non-official Visitor of Jails:

Dated 12th September 1929.

From—BAWA CHARAN SINGH, B.A., LL.B., Advocate,

and

Rai Sahib KOTU RAM, Non-Official Visitors to Ferozepore Jail,
Ferozepore City.

To—The Home Secretary to Government, Punjab.

WITH reference to the questionnaire drawn up by the Special Punjab Jails' Committee and sent over to the undersigned with letter No. 5200-S.—Jails, the undersigned beg to submit their answers below in *seriatim* :—

Answer to Question No. 1.—Under-trial prisoners require classification in greater detail than at present and they may be classed as follows :—

1. Special Class—

(a) *Standard A.*—Gentlemen of very high status in life, possessed of excellent character, and gifted with sublime educational acquirements.

(b) *Standard B.*—Those who are not eligible for standard A,

Ordinary—

First offenders—

(a) For petty offences.

(b) For serious offences and under-going trials in Sessions Courts.

Previous convicts—

(a) For petty crimes.

(b) For serious crimes, under-going trials in Sessions Courts.

Q. 2.—Yes, the trying Magistrate should be the classifying authority, but his order should be subject to appeal to the Sessions Court, and in case the under-trial prisoner does not appeal, the Sessions Judge may be empowered to revise the trying Magistrate's order *suo moto*.

3. If right of appeal to the Sessions Judge is conceded the Superintendent, Jail. should be given recommendatory powers only, otherwise he can be bestowed with residuary powers and in that case the Official and Non-official Visitors of the Jail can be given recommendatory powers.

4. Special class under-trial prisoners of Standard A (as given above) should travel by 2nd class, while others may travel by Intermediate class.

5. The whole expenses should be borne by the Government in either case.

6. The amount of the daily allowance granted in lieu of rations should be as follows :—

			Rs.	A.	P.
Special Class Standard A	...	...	1	8	0
Ditto B	...	...	1	0	0
Ordinary	...	...	0	8	0

7. It is not desirable to accommodate all under-trial prisoners in separate cells, they may be accommodated in association wards with other prisoners of the same class or sub-class.

8. Yes, under-trial prisoners of the same class or sub-class may normally be allowed to associate during the day time.

9. Yes, literate under-trial prisoners may be allowed the concession of lamps for reading purposes up till 10 P. M.

10. Yes, all under-trial prisoners may be allowed to sleep in the open during the hot weather, say, from 15th April to the end of September.

11. Yes, special class under-trial prisoners should be supplied at Government expense with a superior diet and the scale of that diet should be—

			Rs.	A.	P.
(a) Standard A	...	...	1	8	0 per day.
(b) Standard B	...	...	1	0	0 „ „

12. Yes, special class under-trial prisoners should invariably be supplied with cellular accommodation, but these cells should be built and furnished on the same lines as the cells allotted to the Europeans the present cells in the jails are rotten and quite inadequate to the requirements of the special class prisoners.

13. Yes, special class under-trial prisoners should be supplied at Government expense with the following furniture :—

Cot to sleep on, chair and small table, pegs for hanging clothes, lamp, commode, pis-pot, washing basin with stand, looking-glass, and separate cooking arrangements should be made for prisoners of this class.

14. Yes, there are reasons to believe that provisions of the Jail Manual regarding interviews with under-trial prisoners are not invariably followed in practice.

15. Yes, under-trial prisoners should be granted facilities in regard to the supply of books, periodicals and newspapers, this can be done by replenishing the Jail Libraries and by allowing them from outside with approval of the Superintendent, Jail.

16. Yes, exercise is very essential in the interest of the under-trial prisoner's health and for that purpose Gymnasiums should be established, Mullers exercise and drill should be introduced.

17. Yes, arrangements may be made to enable an under-trial prisoner to visit a dying relative, and facilities should be given for his release on bail on such occasions.

18. Yes, he may be allowed to participate in educational facilities existing for the benefit of the convicted prisoners.

19. Of course, the washing arrangements for under trial-prisoners are not adequate at present—system of shower-bath may be introduced and all may be allowed soap and rape seed oil.

20. When travelling by road they should be conveyed by lorries or tongas whichever available and when by Railway they should be allowed to travel in the compartments they are entitled to in accordance with their classification.

21. Yes, the conditions obtaining in the judicial lock-ups should be brought into line with those obtaining in Jails and it is possible to a great extent.

22. Yes, Non-official Visitors are necessary for Judicial Lock-ups also, and the existing non-official visitors will be able to discharge this duty efficiently—special non-official visitors for Judicial Lock-ups will not be able to achieve this end, as not entitled to visit the Jails, they cannot be in a position to bring the conditions of the Judicial Lock-ups outside jails in the same line with those existing in the Jails.

B.

23. We have to suggest the following modifications, additions, omissions, and amendments in the rules at present in force in the Punjab for treatment of special class prisoners :—

Paragraph one may be modified in the following way "Subject to the confirmation by the Local Government the convicting Courts shall

decide whether a convict shall be placed in the special class standard A or standard B, with reference to his status, character, education and the character of his offence but the decision of the convicting Courts shall be subject to decision of the appellate Court and in case no appeal is preferred, the appellate court may be empowered to revise such orders *suo moto*.

To paragraph No. 3 the following may be added "such cells or wards should be built and furnished on the style provided for European prisoners."

From sub-clause (a) to the provision of paragraph one the word "or motives" may be omitted.

Paragraph No. 4. After the words "they shall" in the first line the word "not" may be added and after the words "but shall be allowed" the whole of the remaining paragraph may be omitted and in its place the following words may be added "food at the Government expense at the rate of Rs. 1-8-0 per day for standard A special class under-trial prisoners, and rupee one for Standard B special under-trials may be allowed.

5. From paragraph No. 5 the following words may be omitted:— "but the concession does not cover the wearing of political symbols such as Gandbi cap"

6. In paragraph No. 6 instead of "once" in the first line "twice" may be substituted.

10. From paragraph No. 10 the words "at his own expenses" may be omitted and the following words may be added to the paragraph and he will also be allowed the following items at the Government expense:—

a cot, pegs for hanging clothes, lamp and bath-room necessary equipments.

Answer to question No. 24.

This has already been discussed when replying to question No. 1 to 6-A.

25. The suggestions for exercise have already been given in reply to question No. 16-A.

26. Yes, it is very essential that special class prisoners should be concentrated in a special Jail and that Jail should be situated at Lahore or any other central place in the central Punjab.

BAWA CHARAN SINGH, B.A.,

Advocate.

and

KOTU RAM, RAI SAHIB,
*Non-official Visitor to
Ferozepore Jail.*

FEROZEPORE CITY: }
The 12th September 1929. }

Opinion, dated the 12th September 1929, of Rai Bahadur Lala GIRDHARI LAL, Honorary Magistrate, 1st Class, and non-official visitor of the Jhang Jail on the questions invited by the Punjab Jail Committee.

(A)

1. Yes. They should be classified as follows :—

- | | |
|--------------|-------------------------|
| | 1. Special Class. |
| Middle Class | { 2. First offenders. |
| | { 3. Previous convicts. |
| Ordinary ... | { 4. First offenders. |
| | { 5. Previous convicts. |

2. Yes.

3. As regards the under-trial prisoners the Superintendents' recommendations may be taken into consideration by the trying Magistrate. In other cases the trying Magistrate would classify the prisoner without any recommendation.

4. (1) Special class 2nd Class.

- | | |
|--------------|---|
| Middle Class | { (2) First offenders ... Intermediate Class. |
| | { (3) Previous convicts Third Class. |
| Ordinary ... | { (4) First offenders ... } Third class. |
| | { (5) Previous convicts } |

5. By the Government for every class.

	Rs.	A.	P.
6. (1) Special Class	1	4	0
Middle Class { (2) First offenders ...	0	10	0
{ (3) Previous convicts	0	8	0
Ordinary ... { (4) First offenders ...	0	7	0
{ (5) Previous offenders	0	6	0

7. No. Each class should be accommodated in separate barracks.

8. Yes. In barracks, prisoners of each class can live together day and night.

9. Yes. Upto 10 P.M., from 1st September to the end of March.

10. Yes. From 1st April to the end of September.

11. Yes. As is mentioned in question No. 6 (A).

12. No necessity if each class has got a separate barrack.

13. Yes. Small table one, chair one, stool one, lamp one, earthen vessel for drinking purposes one, glass one, hand punkha one, and plates three.

14. In Jhang it has not come to my notice.
15. Yes. Books from the Jail library, periodicals and such newspapers as are not objectionable, at their own expenses.
16. They can have any exercise or form of work according to their own choice but drill exercise should be compulsory.
17. Yes.
18. Yes.
19. In each barrack for each class there should be separate pipes and a bathing place for 15 persons as is arranged in the school boarding houses.
20. By road any conveyance such as lorry, tonga, pony or a camel.
21. Just as in jails but there should be three separate barracks for special, middle and ordinary classes.
22. Yes. The existing non-official visitors would do and shall be more useful than the special ones.

(B)

23. 1. Agreed.
2. Agreed.
3. Agreed.
4. The same scale of diet as mentioned in question 6-A, should be granted at Government expense but more at their own expense which may not amount to luxury.
5. Agreed.
6. Twice a month, otherwise agreed.
7. Twice a month, otherwise agreed.
8. Agreed.
9. Agreed.
10. At Government expense.
11. Agreed.
12. Agreed.
13. Agreed.
14. Agreed.
15. Agreed.
16. Agreed.
17. Agreed.
24. In my opinion all the prisoners should be classified as mentioned in Rule No. 1 (A) and the same scale of diet as mentioned in Rule 6 (a) be allowed.
25. Badminton and Ping Pong would do.
26. Yes. At Lahore.

27. The middle class prisoners should be better treated than the ordinary ones.

GIRDHARI LAL, RAI BAHADUR,

*Non-official Visitor and
Honorary Magistrate, 1st Class.*

Dated Muzaffargarh, the 12th September 1929.

From—M. GHULAM MUHAMMAD, Advocate, Non-official Visitor, Sub-Jail,
Muzaffargarh,

To—The Home Secretary to Government, Punjab.

I BEG to send herewith my answers to the questionnaire of the Special Punjab Jails Committee.

GHULAM MUHAMMAD,

*Advocate and Non-official Visitor,
Sub-Jail, Muzaffargarh.*

Answers to the questions drawn up by the Special Punjab Jails Committee.

1. I would suggest a fourth class, *i.e.*, "Minors." Difficulty is sometimes felt when sureties are not forthcoming for minor under-trial prisoners.
2. Yes.
3. Yes.
4. Intermediate class.
5. None. If an under-trial prisoner of Special class wants to travel above intermediate class he should bear all the expenses himself.
6. (a) Six annas, (b) twelve annas.
7. No. The trying magistrate may so order.
8. Yes ; but the trying magistrate may order otherwise.
9. Yes, up to 10 P.M. as at present.
10. Yes, from 1st May to the end of August.
11. Yes, annas 12 per diem should be the maximum.
12. No. It may be left to the discretion of the trying Magistrate and the Superintendent of Jail.

13. A bed and a table. A chair may be supplied at the expense of the accused.

14. I do not know of any.

15. Yes. Books, periodicals and newspapers may be supplied to the prisoners. A list of books, etc., which may thus be supplied should be issued by the Government from time to time. Prisoners may be allowed to select books from the list. The list should permit all religious books held sacred by the various religions.

16. Jail authorities may recommend any form of exercise to prisoners. But no compulsion should be used.

17. Yes.

18. Yes.

19. Yes, they are inadequate. Washing arrangements should be put on the same basis as for convicts.

20. I have not noticed any particular defect in the arrangements for conveyance of under-trial prisoners.

21. Yes. At present conditions in judicial lock-ups are quite unsatisfactory. As there are innocent persons among under-trial prisoners judicial lock-ups should be more comfortable than the jails. At present it is just the reverse.

Judicial lock-ups should be brought into line with jails. How far this can be done is a question of expense.

The best thing will be for the members of the Committee to pay surprise visit to some mofassil judicial lock-ups and see things for themselves.

22. Yes. Non-official visitors of Jails should be also the Non-official visitors of the judicial lock-ups. But special non-official visitors of judicial lock-ups may also be appointed.

23. No other suggestion.

24. There should be only one class of special class prisoners.

25. No.

26. No. Every District or Central Jail should have accommodation for such prisoners.

27. We should not make jails places of ease and comfort. A certain amount of hardship should be a necessary accompaniment of Jail life.

We must also consult the pockets of the tax-payer.

MUZAFFARGARH :
The 12th September 1929. }

GHULAM MUHAMMAD,

Advocate.

Dated 12th September 1929.

From—Khan DAURAN KHAN, Non-Official Visitor, Sub-Jail, Sheikhpura,
To—The Home Secretary to Government, Punjab.

In reply to your letter No. 5200-S.—Jails, dated 5th September 1929, I have the honour to send herewith replies to the questionnaire of the Jail Committee.

DAURAN KHAN,

Non-official Visitor, Sub-Jail, Sheikhpura.

- Answer to question* No. 1.—The present classification will suffice.
- Ditto* No. 2.—Yes.
- Ditto* No. 3.—Yes.
- Ditto* No. 4.—They should travel in intermediate class and in special circumstances in the second class.
- Ditto* No. 5.—The difference between inter. class and second class.
- Ditto* No. 6.—(a) Annas 10 and (b) Re. 1 daily.
- Ditto* No. 7.—It is not a pleasant arrangement. They should be kept in open barracks.
- Ditto* No. 8.—Yes.
- Ditto* No. 9.—Yes, upto midnight.
- Ditto* No. 10.—Yes, during June, July, August and September, if the weather permits.
- Ditto* No. 11.—Yes, in the ratio given in the answer to question No. 6.
- Ditto* No. 12.—Only if they are well ventilated and are not injurious to health.
- Ditto* No. 13.—Yes, having regard to the personality and position of each prisoner he should be supplied with articles, for washing hands and face, a commode, a chair and tripod, etc.
- Ditto* No. 14.—Apparently there is no reason to believe but complaints are usually heard.
- Ditto* No. 15.—Yes, books and periodicals on morality or on religion or on history.
- Ditto* No. 16.—Having regard to the health of the prisoner they should be given such easy duties to perform, which they used to do at home or other small errands, e.g., cutting of paper, twisting of *Ban* and other similar light work.

Answer to question No. 17.—Yes.

Ditto No. 18.—Yes, if the prisoner so desire.

Ditto No. 19.—In place of the present arrangements the prisoner should be allowed to wash his clothes twice a week in the summer.

Ditto No. 20.—No, present arrangements suffice.

Ditto No. 21.—Yes.

Ditto No. 22.—The present visitors should be directed to visit judicial lock-ups and in the case of necessity special visitors may be appointed to supervise them.

KHAN DAURAN KHAN,

Non-official Visitor, Sub-Jail, Sheikhpura.

Dated Hissar, the 14th September 1929.

From—L. JYOTI PRASAD, M.L.C., Hissar,

To—The Home Secretary to Government, Punjab.

I AM in receipt of your kind letter No. 5200-S—Jails, dated Simla, the 5th September 1929, forwarding the questionnaire drawn up by the Special Jails Committee and in compliance therewith I submit my considered replies herewith.

JYOTI PRASAD, M. L. C.,

Hissar.

REPLIES.

1. In my opinion the under-trial prisoners should be classified in greater details than at present. I would further recommend the classification of special class in to (a) political, (b) all others. I agree to classifying ordinary into first offenders and previous convicts as suggested in the questionnaire.

2. Yes, except in case of special class (a) in whose case no discretion need be left with the trying magistrate.

3. Yes, residuary powers must be given to the Superintendent, Jails. But they should not be recommendatory.

4. Second class.

5. All expenses should be borne by Government.

6. Rupees 1-8-0 for special class both (a) and (b) and annas 12 for ordinary.

7. No. The wishes of the individual under-trial prisoners should be met as far as possible with due regard to the nature of accommodation available.

8. In either case there should be no restriction in allowing the under-trial prisoners to associate during the day time. The existing rules should be relaxed as to permit them to be out for longer periods.

9. Yes, for three hours during winter from 1st October to 31st March, 7 P.M. to 10 P.M. will do.

10. Yes, all except previous convicts of the ordinary class. From 1st May to 15th of September.

11. Yes, special superior diet for all under-trial prisoners of special class. Rupees 1-8-0 will meet the requirements.

12. Not necessarily (see reply to question 7).

13. Yes—1. A table.

2. Two chairs (one easy).

3. One niwar bed.

4. One box.

14. Yes. The visitors find it difficult to obtain interviews. The Jail office should be authorised to grant interviews from 10 A.M. to 4 P.M. even without permission of Superintendent. Jailer's permission will do.

15. Yes, no restriction need be placed on books and papers.

16. No. I do not favour compulsion in such matters.

17. Yes, even in cases of serious illness.

18. Yes.

19. A dhobi should be placed on the permanent staff of the Subordinate Jail establishment.

20. The present arrangements for conveyance are hopelessly defective. Lorries or prisoners' van driven by horses should be used to convey prisoners to court or to the railway station at least in the case of special class prisoners. Better class railway carriages for prisoners should be provided.

21. Yes. So far as diet, furniture and permission to read books during day time in case of special class prisoners goes.

22. Yes. I would recommend separate non-official visitors, for the Judicial lockups outside jails.

B.

23. As for rule No. 1, in the case of political prisoners when a convicting court has decided that a convict should be placed in the special class the rule so far as it relates to confirmation by the Local Government should be abrogated, and certain under-trial prisoners who satisfy a definite criterion should be given special class treatment and in their case no discretion need be vested even in convicting courts. For illustration's sake I would recommend that political prisoners who are practising lawyers or graduates of a recognised University, doctors, journalists, and all others who pay income-tax or land revenue above rupees 100. In the case of other convicts the discretion may be left to the convicting courts having regard to status, character and education. I am in favour of deleting provisos (a), (b) and (e).

Sub-rule 2—Should be amended in the light of above remarks.

Sub-rule 3—Calls for no change.

Sub-rule 4.—Be so amended as to include provision for diet of a better quality at the expense of Government entirely.

Sub-rule 5.—There need be no ban on Gandhi Cap.

Sub-rule 6.—Instead of one letter a month there should be permission to write at least two letters a month.

Sub-rule 7.—There should be at least two visits a month and no restriction at all about the number of relations should be imposed.

Sub-rule 8—Calls for no change.

Sub-rule 9.—The words "Subject to the discretion of Superintendents" should be omitted.

Sub-rule 10.—Furniture as mentioned in No. 13 of my answer should be provided at Government expense.

Sub-rules 11 and 12.—No change is recommended.

Sub-rule 13.—Papers and such books (not of political nature) as they may like to have from outside. In this I would leave the discretion to the Superintendent, Jail.

Sub-rule 14.—Calls for no change.

Sub-rule 15.—Jail manual contains sufficient penalties for recalcitrant prisoners and I am not in favour of depriving the convicts of concession.

Sub-rules 16 and 17.—Call for no change.

24. I have already suggested the classifications of special class prisoners into (a) political and (b) all others. In all others I would include persons of status character, and education and others referred to above in my answer to 23 Sub-rule 1 above, and would limit them to convictions for offences relating to misappropriation, class hatred, and defamation, etc.

25. Such indoor exercise as the convicts like to have. A small gymnasium to be attached which may be kept open for certain hours in the morning and evening.

26. Yes, preferably in Dharamsala.

27. All rules which make racial distinctions should be done away with and a standard should be prescribed for admission to special class. The rules should be made liberal.

JAJOTI PRASAD, M.L.C.,
Hissar.

Dated Simla, 15th September 1929.

From—L. THAKUR DAS BHARGAVA, M.L.A., Simla,
To—The Home Secretary to Government, Punjab, Simla.

I BEG to submit herewith replies to the questionnaire of the Jails Enquiry Committee.

THAKUR DAS BHARGAVA, M. L. A., SIMLA.

OPINION.

I.

1. The question is one of great difficulty. In the case of under-trial prisoners, as the law assumes every accused to be innocent sojourn should not be made function. The classification of convicts however presents greater difficulties. Though there is no special question about convicts I prefer to submit my opinion as regards both under-trial and convict prisoners. It is clear that there should be a greater latitude in the case of under-trial prisoner than in the case of convicts. Classification may be as follows:—

1. Special class by virtue of status in life, character, education and nature of the offence alleged.
2. Political prisoner *i.e.*, accused of an offence against the State.
3. Ordinary accused person whether previous convict or otherwise 1 and 2 should get the same kind of preferential treatment.

After conviction, moral turpitude and exceptional violence may be regarded as factors for differentiation into classes.

II.

The trying Magistrate should be the classifying authority but appellate and revisional Courts should be entitled to control the discretion of the trying Magistrate and reverse his orders.

III.

The Superintendent of Jail may have enabling powers of recommendation but should not be invested with any powers of recommending withdrawals of concession or changing the class of any prisoners classed by court for the work.

IV, V & VI

Second Class.—Government should bear all the expenses of such travel.

Ordinary under-trial prisoners should get Re. 0-10-8, per day and special class Re. 1-0-0 per day.

VII.

If the cells are healthy and habitable such under-trial prisoners as choose to live or prefer to live alone may be accommodated in cells.

VIII.

Certainly.

IX.

Up till 12 at night literate prisoners should be allowed the use lamps and in places where electricity lights the prisoner's cell the switch should be at the disposal of the prisoner for the whole night.

X.

Yes. From April 15th or May 1st to 15th September or 1st October.

XI.

Special class prisoners should get better diet than ordinary prisoners Re. 1-5-4 per day.

XII.

If desired by them.

XIII.

Yes. Chair, table, teapoys, bed, bedding, cups, plates, towels, soaps oil looking glass, material for writing, brush, shaving material and instruments.

XIV.

As regards political under-trials complaints are seen every day in the papers. As regards suspects also the complaint is frequently made.

And their interviews should be private when a prisoner is talking to his counsel or relations no policeman or jail official or warder should overhear the talk or be present at such time.

XV.

Books, periodical and newspapers should certainly be supplied. If there is no library attached to the jail arrangement can easily be got made with some public library for lending books. Periodicals and newspapers according to the requirements of the prisoner can be arranged. But if the prisoner requires any special paper beyond those allowed to other prisoners he should pay for the same.

XVI.

Some exercise to keep prisoners in health and spirit may be provided for but it should in no case be compulsory.

XVII.

Certainly.

XIX.

Yes. In proper cases their services may be utilized for the purpose.

XX.

Under-trial prisoners should have complete facility for work.

XXI.

I do not know of the present arrangement in big jails. In ordinary jails all prisoners are taken on foot to the Court if the Courts are near. In proper cases regard being had to the status in life of the prisoners. Conveyance should be employed by the prosecution to carry them to Courts.

XXII.

Non-official visitors should be appointed for visiting Judicial lock ups. If the personell should be the same depends upon the personnel itself Members of Council, Assembly and Council of State should be regarded as *ex-officio* non-official visitors of jails.

First rule has already been discussed in fixing the classification.

2. Court should be the classifying authority without confirmation by local Government.

3. Breach of Jail discipline evidently ordinary speaking can not be more serious than the penal offence for which a prisoner is given sentence of imprisonment. Then a special class prisoner should not be treated with harshness if he offends against jail rules.

4. Government should give the better diet.

5. Gandhi cap is certainly not a political symbol and even if it were one such symbols should not be perforce avoided. The prisoners who wear this are generally men of strong conviction and sensitiveness. They go to jails on principles and no attempt to break their spirits or humiliate this is justifiable. It is threatment of the nature that leads to hunger-strikes. A clash with selfrespect of such prisoners should be scrupulously and studiously avoided.

6 and 7. Rules for letters should to much more liberal and the visits also should be much more frequent. If a man happens to possess six children, it is a pity he should only be allowed to see 2 of them.

8. Special class prisoners should not asked to pay for menial service.

9. The furniture as already indicated should be supplied by the Government.

10 to 14. Do not need comment.

15. In my opinion all these amenities are not in the nature of concession. A special class prisoner is allowed them as his habits education, character and status in life entitle him to these. Forfeiture will be no punishment for an offence. These rights should be allowed to be enjoyed in all cases. As in the case of ordinary prisoners the amenities allowed to him are not curtailed by way of punishment so in the case of special prisoners punishment of breach of jail rules should have no relation to these rights.

16. A prisoner not willing to avail of these rights should be a liberty to wave or revive such rights.

24 to 27. No special reply is necessary.

SIMLA:

THAKAR DAS BHARGAWA,

The 15th September 1929.

M. L. A.

Dated Lahore the 9th September 1929.

From—**FEROZE-UD-DIN**, Esq., Late Chief Booking Clerk, North Western Railway, Mahalla Khizri, Lahore,

To—The Home Secretary to Government, Punjab, Simla.

I MOST respectfully beg to append in urdu the answers of the twenty-two questions in connection with the Jail Enquiry Committee for your perusal.

FEROZE-UD-DIN,

*Late Chief Booking Clerk, North-Western Railway,
Mahalla Khizri, Lahore.*

**Answers to the questionnaire issued by the
Jails Enquiry Committee.**

(1) There should be four classes of under-trial prisoners :— .

- (1) Special class.
- (2) First offenders.
- (3) previous convicts (those who have been convicted more than once).
- (4) Juvenile offenders.

(2) The trying magistrate should, in special circumstances, have the authority of classifying convicts.

(3) The Superintendents of Jails should not only have residuary or recommendatory powers regarding the classification of prisoners but should have, under special circumstances, full powers to change

the class of under-trial prisoners. The Superintendent should have the full power to change the classes of those under-trial prisoners who do not abide by Jail rules or have been punished more than once.

(4) The special class under-trial prisoners should, when on transfer, travel third class on the railway.

(5) In case the under-trial prisoners travel in the intermediate the railway expenses should be borne by them.

(6) Ordinary under-trial prisoners while travelling in railway, should be granted daily allowance for the diet at the rate of 8 annas per day and the special class under-trial prisoner should be given from Re. 1 to Rs. 2.

(7) In winter the under-trial prisoners of all the classes should be accommodated in separate cells and they should be allowed to associate with and talk to one another for two hours during the day. In summer all the under-trial prisoners should be accommodated in barracks.

(8) The prisoners of the same class should be permitted to associate during the day time.

(9) All the under-trial prisoners should be provided with lamps at night or till 9 p. m. in winter and till 10 p. m. in summer.

(10) All under-trial prisoners except the habitual offenders should be allowed to sleep in the open in the hot months of June and July subject to medical advice in every season.

(11) Special class prisoners should be permitted to get diet of every sort from their home and if they do not get diet from their home they should be provided with fruits and milk at the expense of the Government, besides the diet supplied to ordinary prisoners, the price of which should vary from annas 8 to Re. 1.

(12) Special class under-trial prisoners should, in summer, be supplied with cellular accommodation.

(13) Special class under-trial prisoners should be supplied in lock-up with a small table, chair, carpet and small almirah in which they might keep their clothes, books, utensils and other important things.

(14) The provisions of the Jail Manual regarding the interviews with under-trial prisoners are practically followed and it is, therefore not necessary to change them.

(15) Under-trial prisoners should be permitted to send for and read religious, moral and social books and pamphlets.

(16) Special class prisoners and the first under-trial first offenders should not be required to do any work. Under-trial habitual offenders should be required to do work. Special class prisoners and first offenders should be required to take exercise in the interest of their health. If special class under-trial prisoners and under-trial first offenders are required to do work in jail the jail officials will have a chance of taking bribe.

(17) Arrangements should be made to enable an under-trial prisoner to visit a dying relative.

(18) Under-trial prisoners should be allowed to participate, with due regard to the principle of segregation, in educational facilities but these facilities should be provided within jail limits.

(19) Under-trial prisoners should be provided with soap to wash their clothes and they should be permitted to get soap, oil, etc., from their homes. The clothes of special class under-trial prisoners should be get washed by other prisoners.

(20) Under-trial prisoners should be conveyed in lorries through public streets so that they may not feel ashamed on seeing the people. In railway carriages such compartment, as are meant for the servants of first and second class passengers, should be reserved for under-trial prisoners.

(21) The conditions obtaining in judicial lock-ups should be brought up into line with those obtaining in jails for the purposes of health and not for exacting work.

(22) Non-official visitors should be appointed for the inspection of judicial lock-ups. The existing non-official visitors should be directed to visit judicial lock-ups. There is no necessity of appointing special non-official visitors.

FEROZ-UD-DIN,

*Released prisoner, Central Jail, Multan,
Mohalla Khizri, Lahore.*

Answers of the Editorial staff of the *Awaz* (Mullana, Ambala District) to the questionnaire issued by the Jails Enquiry Committee.

1. Classification (of prisoners) is advisable, but the previous convicts who have undergone imprisonment for some political offence should not be deprived of the concessions granted to special class prisoners.

2. Local Government should be the classifying authority.

3. The Superintendent of the Jail should have no power to classify the prisoners.

4. Special class prisoners should be conveyed (from one place to another) in at least second class Railway compartments.

5. Government should bear all the expenses of the prisoners.

6. No distinction should be observed in different classes of prisoners in the matter of diet. Every prisoner while he is on journey should be given Re. 1 in lieu of rations for the diet.

7. Under-trial prisoners should be kept in open barracks.

8. This question will never arise.

9. Literate prisoners should be provided with lamps at least till 11 o'clock in the night.

10. There should be a general permission for the prisoners to sleep in the open. Prisoners should be allowed to sleep in the open during April, May, June, July and August.

11. Special class prisoners should be supplied better food than that given to ordinary prisoners, so that their brains might remain undisturbed. Fruits, meat, vegetables and when necessary even milk should be supplied to them.

12. No. The prisoners should have conditional permission to move about in the Jail.

13. Furniture should be provided. Bedstead, chair, table, one box and bedding composed of a durri, Toshak (quilt), bedsheet and dillow are indispensable.

14. Cannot believe that this is so except in certain cases.

15. Books, periodicals and newspapers should be supplied in a fixed number. If in addition to the fixed number any prisoner wishes to read any book, periodical or newspaper he should be permitted to get it at his own cost. The Superintendent of the Jail or Jailor should have the authority to (supply these books, periodicals and papers).

16. No under-trial prisoner should be made to take exercise. Prisoners can take a little exercise morning and evening of their own accord.

17. The term "dying relative" includes every relative. Such visits will not be advisable. Of course an under-trial prisoner can be permitted to visit his (dying) father, mother, brother, wife and sister.

18. The principle of segregation should be observed only to the extent that these prisoners are to be kept separate from ordinary prisoners. It is not proper to impose further restrictions. Educational facilities should be provided, but there should be no compulsion. In summer under trial prisoners should be provided daily and in winter every third day with a suitable (quantity) of water for bathing purposes. They should be daily given water and sunlight soap for washing their hands and faces. The prisoners should be allowed to use every kind of soap at their own expense.

20. Under-trial prisoners can be conveyed from one place to another in an airy motor lorrey by road. The prisoners, however, should not be handcuffed in journey, either by rail or by road. There should be an armed guard with them.

21. No, never. The conditions obtaining in judicial lock-ups should be far better than those obtaining in jails.

22. Non-official visitors should certainly be appointed.

23. First part is introductory. Second part (?)

(a) Right.

(b) Do.

(c) Do.

(d) Every one has the right to express his opinion freely. Just as Government requires the men serving in the army and police to take the oath of allegiance, so one has the right to say to these men, "Country will suffer by your service. You should not therefore take up this service."

(e) This is right.

2. The local Government should classify the prisoners and the jail authorities should promptly carry out this order under the instructions of the Magistrate.

3. Prisoners of the special class should in no case be awarded the sentence of solitary imprisonment. Political prisoners whether they have been classed as special class prisoners or ordinary prisoners can be kept in one ward. Under-trial prisoners should be kept separate.

4. Changes should be made in their diet as mentioned in the answer to Question No. 11. They can be provided with every sort of food subject to the approval of the Medical Officer. Government should sanction Re. 1-8-0 daily for diet of each prisoner.

5. Political prisoners should be permitted to wear every kind of clothing.

6. They should be permitted to write and receive one letter once a week instead of a month which is a very long period.

7. They should be permitted to receive a visit once in a fortnight instead of a month. Prisoners can have conversation with their relatives on every matter and this conversation can be published in newspapers. It is an act of great highhandedness and cunning to deprive the prisoners of this concession.

8. In cases of sickness special class prisoners should be allowed to keep servants at their own expense.

9. This is right.

10. For an answer to this (question) please see recommendation No. 13.

11. Special class prisoners should not be required to labour. He should be required to do office work daily for one hour. It should be left to the prisoners choice if he likes to do more work.

12. This is right.

13. The time should be extended to 11 o'clock in the night.

14. This is right.

15. This is right. But every prisoner can at least protest against any rule and give arguments. It is, however, improper to violate the rule.

16. This is right.

17. This is right.

NOTE 1.—“ Books ” should include Magazines and newspapers also,

NOTE 2.—Prisoners should be deprived of the concession for a certain period and not for ever.

24. It is unnecessary to make more classes of special class prisoners.

25. Yes, there should be arrangements for the prisoners taking such exercise as running, playing foot-ball, walking, etc.

16. This is the most reasonable suggestion. A jail can be built in Simla or Murree or at Lyallpur.

27. A separate note has been submitted in this connection.

Sr. GHAZIF of Mullana,

Editor of the Journal

(Sd.) MUBARIK HUSSAIN,

Assistant Editor of the Journal.

Note under question No. 27.

1. Has the Committee made any recommendation to enable every prisoner to perform his religious rites freely? If so, what is that recommendation? If not, why?

2. Has any recommendation been made for the grant of permission to political prisoners to keep with them any kind of literature such as odes, poems or any useful book or writing?

3. Has any recommendation been made for giving facilities to political prisoners in securing their conditional release?

4. Will political prisoners (special class) be permitted to recite according to their taste prayers, etc., with any other person?

5. Will the political prisoners be perfectly at liberty to get themselves shaved?

Is there any proposal to send the political prisoners outside the Punjab?

6. Is there any proposal to give in extra hours such work to political prisoners for which they may be paid? For instance writing books or similar other works. Will political prisoners be in a position to directly inform the Local Government of any irregularity in the jail?

7. Will the political prisoners (who have been sentenced to transportation for life) be allowed to see their children and wives?

8. Is there any suggestion that the prisoners sentenced to transportation for life should not be sent outside the Punjab ?

9. Will political prisoners be able to secure conditional release ?

10. Is there any law under which persons committing political offence no matter how serious the nature of the offence is (murder being the exception), cannot be sentenced to transportation for life or death ?

11. Has Government made any arrangements to give facilities or provide food to the wives, children and other relatives of political prisoners who have been sentenced to long terms of imprisonments ?

12. Will Government make any arrangement for educating the children of political prisoners ?

GHAZIF,

Of Mallana, Ambala District.

Note.

'Punishment should not be vindictive' is a preliminary principle of justice which is unfortunately being badly overlooked by the whole of the administration in India in general and the Punjab in particular. If the High Court had not been in existence for the maintenance, with some what justice, of the prestige of law the subordinate courts and the bellish jails would have made the country a living hell for a long time past. The Punjab is the most unfortunate province in India so far as the Magistracy and the jail administration are concerned. To award severe punishments in the name of justice and to practice oppression in the name of jail discipline are common aspects of official life in the Punjab which are felt not only by the inhabitants of the Punjab but also by the outsiders. The authorities in the Punjab regard high-handedness as synonymous with the Punjab. This is why when a complaint is made against their oppression or irregularity the officers show the hardihood of openly saying that 'this is the Punjab'. It is an open secret that while in Bengal a sentence of a few months imprisonment is awarded in cases tried under section 124-A, in the Punjab several years' imprisonment is awarded for a similar offence, why this difference under the same Indian Penal Code ? The reason is clear. Here high-handedness is considered to be an act of pride and even if the jails are desperately filled the Government expresses no surprise.

Under-trial prisoners deserve to be accorded far better treatment than that meted out to the prisoners in the Judicial lock-ups, because their position is like those innocent people who are arrested under suspicion. I am convinced that a large number of under-trial prisoners in every province is acquitted after undergoing the tortures of lock-ups. I have not been able to collect statistics relating to the Punjab. A perusal of the United Provinces Administration report for the year 1928, however, shows that more than half of the under-trial prisoners proved innocent. They had

to remain in the judicial lock-ups for no fault of theirs. To accord unjust and inhuman treatment to under-trial prisoners is, therefore, an act which cannot be justified by truth, civilization and justice. Is it not a sufficient punishment for them that their movements are restricted and they are thrown into lock-ups? Justice demands that under-trial prisoners should be accorded better treatment and political prisoners still more proper treatment because their countrymen hold them in great esteem.

I am one of those people who wish that the jail may not prove 'hell' to a worst offender. No distinction should be made between a rich and a poor prisoner. Political prisoners. Moreover, practising oppression or showing leniency on the bases of crime cannot be held reasonable because, as I have already said, punishment should not be vindictive. It is to be wished that there should be one class of prisoners in jails in the Punjab which may be treated like human beings. But as the country is very backward in education and a large portion of the population is illiterate and ignorant the classification of prisoners is essential. I am not in favour of political prisoners being grouped in one class. There can be no denying the fact that the law of the country is defective and the alien Government has framed it for its personal interest. I wish that we had been empowered to amend the unsympathetic and unjust law. But as we are not in a position to do we are compelled to accept it in its present form. The question of the repeal or amendment of law is not under consideration at present. The question is what treatment should be accorded to prisoners? A person who is held criminal by law should be regarded as such. A person cannot be held innocent because we consider him to be innocent. If this were the principle no body in the world could be held guilty. If a political prisoner whom we regard as innocent is criminal in the eye of the Government he should be awarded punishment under the existing law whether it is right or wrong, we have no right to compel other people to accept our decision. India regards General Dyer a worst offender but the Government does not regard him as such. This is a difference of opinion. The point of view of the Government and the intention of law cannot be ignored. In my opinion a political prisoner as such cannot demand distinctive treatment at the hands of the alien Government, of course if his demand is based on his social position, reeducation and motives with which he committed the crime it is quite a different thing. Political crimes owe their origin to the alien Government and when it is no more the crimes in question will cease to exist. But so long as a political action has the status of 'an offence' in the code of law we have no alternative but to undergo imprisonment for the same. Why should political prisoners be grouped into a separate class? Of course every prisoner—whether political or non-political—can demand better treatment on the basis of his social position, education and the motive with which he committed the crime. Political prisoners should, without being grouped into a special class, be accommodated along with prisoners of a better class. Educated and uneducated prisoners should not be kept apart by way of distinction but because they cannot live together. Any

how it is necessary that political prisoners should be separated from ordinary convicts forthwith.

I want to lay the greatest stress on the point that all prisoners should be treated like human beings without any distinction. It is a fact that jail regulations—whether they are good or bad—are not fully acted upon. The criterion of whatever can be enjoyed by prisoners under the existing rules is very low and is not maintained by unsympathetic, selfish and bribetaking Jail authorities. It should, therefore, be raised so high that it may become above the reach of the said authorities. 'Jails' is the only Department whose irregularities do not come to the notice of the Government. Even the cleverest Superintendent of Jail or the official visitor cannot easily detect the irregularities committed in Jails. Those people in jails, who rule over the prisoners, are the sole masters of Jails and prisoners cannot have the courage of uttering anything against them. The standard of prisoners should be raised as suggested above.

I hate European prisoners being accorded a distinctive treatment on the ground that they belong to the ruling race. There is no objection to their accommodation in separate wards, because their mode of living differs from that of Indians, but why should they be allowed to lead a luxurious life in Jails? This is unjust. The grant of preferential treatment to European prisoners on the basis of racial distinction creates feelings of estrangement and hatred in the minds of Indians against the Government. The Government provokes these feelings by its own actions and then provides punishment for them in the Indian Penal Code. This is wonderfully ridiculous. If the Government really desires that the feelings in question should cease to exist it will have to accord equal treatment to Indian and European convicts in Jails.

Who should be included in the category of political prisoners is a very intricate question. Its decision cannot be left with the rulers or the ruled. Section 124-A, however, can be regarded as a political section. Many people will object to the classification as political prisoners of those persons who are tried and sentenced under this section. In my opinion the question as to which sections of the Indian Penal Code are political should be decided by law. A debate should take place on it in the Assembly and a list of political offences compiled.

Handcuffs are used in India not for preventing prisoners from absconding but for humiliating them. The accused are handcuffed for insignificant offences and are sometimes taken on foot through the bazaar. Having experienced such humiliations for a long past India feels that it should not be subjected to such a treatment. It is a pity that the court should abet such an attitude on the part of the Police and the authorities and acquit itself by saying that 'it is in the power of the police.' Handcuffing persons arrested under political charges is tantamount to taking revenge from them, although most of them are always prepared to

welcome the wrath of the Government. Indiscriminate use of handcuffs should be dispensed with at once.

Conveyance should be provided for prisoners if they are taken from one place to another. To make a person dance at the tune of the police after his arrest is tantamount to taking undue advantage of his weakness. The point should be considered as also the question whether prisoners should be handcuffed when they are being taken from one place to another.

Prisoners in civilized countries are permitted to visit their houses in cases of emergency. This system with reasonable restrictions can be fearlessly introduced in this country. In my opinion prisoners should be allowed not only to see their dying relations, but also to take part in some of the happy functions. I recently read in newspapers that in France three prisoners were allowed to marry during the time of their imprisonment. They returned to Jail after their wedding. Such things are common in those countries in which the Jail administration is based on sympathy. Why should they not be made common in India?

From some time past non-officials have been appointed visitors of Jails. I do not know how far this system has proved successful. Anyhow as Jails have gone from bad to worse it is clear that they have not done much so far as the Jail reforms are concerned. There have been cases in which the aforesaid visitors were insulted and some times ill-treated by prisoners in Jails. This system can prove useful only if they are vested with some powers. Again these people who are appointed non-official visitors should not only enjoy the confidence of the Government, but also that of the public. In my opinion these visitors should be replaced by an Advisory Board consisting of non-officials, officials, representatives of religious and other bodies, journalists and if possible some educated ladies. The board should visit Jails and offer advice to the Government. It would be better if the work of classifying prisoners is taken out of the hands of the magistrates and entrusted to the Board which will be an impartial body. It will work according to the wishes of its majority.

Indian staff appointed in connection with the Jail administration should be highly educated and should be selected from a better section of the society. A majority of existing warders has arisen from lower ranks. The staff which has to deal with educated convicts and political prisoners should consist of those persons who have had social, moral and educational training, and who are capable of sympathetically considering the requirements of the said prisoners.

(Sd.) ATAM SARUP, SHARMA,

Journalist and Assistant Editor
of the daily *Milap*, Bradlaugh Hall,
Lahore.

The Punjab Jail Committee has issued a questionnaire to the public with the object of ascertaining its opinion about the reforms of the Punjab Jails. As I have three times, in my political capacity, undergone imprisonment for a period of nearly three years, I think it necessary to record its replies and lay them before the committee.

(1) The existing classification of under-trial prisoners is not based on offence but on race, that is, they have been divided into European and Indian convicts. Accordingly distinct treatment is being meted out to them. In my opinion this division only has created the most contemptuous passion against the Government. Masses have begun to think that a European dacoit enjoys comfort in jail only because he belongs to Europe and that an Indian endures great trouble for an ordinary offence simply because he is an Indian. The Jail Committee will do its duty only if it makes, in the first instance, a decisive declaration that racial distinction has been wholly removed from the grades of prisoners in jail. If the Committee could not rid jails from the curse of racial distinction it would not succeed in putting an end to future jail agitations. May, I think that it will further stabilize the foundation of the agitation. Prisoners in jail should be divided into two classes, political and non-political. By political prisoner is meant a person who commits a crime, whatever its nature may be, out of patriotism or for the protection of his religion, because it is not our duty to see what is the nature of his crime but we have to see the motive with which the crime has been committed. Therefore every person in jail who has been imprisoned for patriotism or for the protection of his religion, should be accorded better treatment than that which is meted to ordinary convicts. The grade of a political prisoner should not be determined on the basis of his education, wealth or position in the outside world. Even if an insignificant labourer has thrown himself in prison for the love or well-being of the country he should be held a political prisoner. All the remaining prisoners whether they are Englishmen or Indian should be grouped into one class. No concession should be granted on the basis of racial distinction.

(2-3) In order to hold a prisoner political or non-political, political sections should also be taken into consideration in addition to the recommendations of the Magistrate and the Superintendent of Jail), *i. e.* those persons who are convicted under political sections should be declared political prisoners without the recommendation of the Magistrate.

(4) Political prisoners when travelling should be paid second class railway fare and Re. 1-8-0 (per head) per day as diet money.

(5) All the expenses should be borne by the Government.

(6) An ordinary convict should, because of the dearness of food in travelling, be given annas twelve per day for his expenses.

(7) Political prisoners should not be kept alone. And if any particular danger may be apprehended in accommodating ordinary convicts together they can be separated.

(8) Political prisoners of one and the same kind should certainly be allowed to meet each other.

(9) Under-trial prisoners in case they are educated should be provided with lamp until midnight.

(10) Political prisoners should always be kept loose and the doors of their cells should not be closed in any season, so that they might easily answer the call of nature. They should be allowed to sleep in the open air from March to October.

(11) Under-trial political prisoners should be given at least Re. 1-8-0 (per head) per day as diet money. As the Government itself is plaintiff in cases against them it should accord them good treatment throughout so that the impression that it accords vindictive treatment to them may be removed from the mind of the public.

(12) In the first place under-trial political prisoners should not be kept in cells but if they are to be kept thus their cells should have bath rooms' as in the case with European rooms because the greatest misfortune for an occupant of a cell whether he is an ordinary convict or a political prisoner is that he has to evacuate and urinate eat and sleep in it. A European dacoit enjoys the distinction of having a separate bath room at his disposal. In short his room is always free from stink and bad smell. In my opinion the Government has never taken medical advice as to whether pots for urine and evacuation should be kept or not in the cells of Indian prisoners, but the Government does not regard Indians as human beings. In my opinion it should dispense with the systems of cells in jail but if it considers it necessary for administrative purposes it should provide a separated bath room with every cell because no prisoner can tolerate the nuisance of evacuation and urine in his cell. Moreover, no arrangements of ventilation have been made in these cells. It is my personal experience that no breeze can find its way into the cells. A window having iron bars should be provided in the back wall of a cell facing the door.

(13) Under-trial prisoners included in the special class should be supplied, at Government expense. with the furniture of room, *viz.*, table, chair, lamp, etc.

(14) Jail regulations are not followed in the matter of interview with prisoners. The reason is this that the Jail employees consider it a source of trouble for themselves to provide comfort to a prisoner without taking any bribe from him. The reforms effected in Jails during the past 4 or 5 years have not been acted upon in 95 cases out of hundred. The foremost reason is that the existing Superintendent of Jails do not wish to provide comfort for prisoners. If a Superintendent of Jail wants to afford facilities to them in accordance with

Jail regulations his subordinates do not help him in the matter. I visited Jail as a political prisoner in 1928, since then it is my belief that so long as the present Jail staff—from the Head Warder to the Jailer—is not summarily dismissed and replaced by new hands, prisoners can have no comfort. In the Rawalpindi Jail I have myself seen two Assistant Jailers taking bribe openly. They used to extort something from a prisoner at the time of his interview or release. The Superintendent of the Jail, who is a very honest man, tried his best to put an end to corruption but as he could not always supervise his assistants the evil could not be nipped in bud.

(15) The Government should supply under-trial prisoners with books, journals and newspapers of every kind. They should be given by the Government at least two newspapers and the same number of the best magazine. They should also be empowered to purchase as many newspapers as they like.

(16) Under-trial prisoners should not be required to take compulsory exercise. They should be provided with material of football or any other similar exercise.

(17) They should be permitted to see their dying relations.

(18) Educational facilities should be provided for under-trial prisoners and convicts.

(19) Bathing and washing arrangement for under-trial prisoners is not good. It should be highly improved.

(20) Under-trial prisoners should be taken from Jail in tongas. The Railway compartments for prisoners, are not intended for human beings but for monkeys and dogs. Prisoner should, not therefore, be made to travel in them.

(21) In my opinion Judicial lock-ups should be brought to the level of Jails.

(22) Existing non-official visitors of Jails should also be non-official visitors of Judicial lock-ups outside the Jail.

(23) I have answered this in connection with the definition of a political prisoner, *i.e.*, political prisoners should have the option of wearing any kind of clothes. No restrictions should be imposed on the number of letters received by him. He should be permitted to be interviewed once a month but if his relations want to see him more than once he should be allowed to interview them. A report of interview may be published in the Press.

I can verbally answer all these questions provided that they are put in Urdu.

(Sd.) (MAULANA) HABIB-UR-RAHMAN,

President of the Khilafat Committee, Ludhiana.

Answers to the Questionnaire of the Punjab Jails Committee :—

(1) There is no need for the classification of the prisoners, only there should be a separate political class.

(2) The trying magistrate should not be the classifying authority for many defects underlie it. Usually the magistrate follows the wishes of the European higher official and the Indian official cannot displease him. Therefore, the political class should by law come under the purview of political sections, as for example, such sections in which no loss of life or property has been rendered to the Government or the subjects. If the Magistrate forcibly applies sections 302 or 304 or any other section for accusing the under-trial prisoner, an appeal should be filed in the High Court to have it corrected. The ordinary Political section 124, 120, 121, 144, 108 and etc., should be applied.

(3) The Superintendent of the Jail should not have recommendatory powers regarding the classification of the prisoners for it will promote corruption.

(4 & 5) The class on the railway should be specified according to the educational qualifications of the under-trial prisoners, a second class for a graduate and an Inter class for a matriculate. The railway expenses should be borne by the Government. Any one wishing to travel in a higher class than specified for him should pay from his own pocket the excess in fare.

(6) The amount of daily allowance should be Re. 1-8-0 or the actual expenses.

(7) All under-trial and political prisoners should be kept in rooms 10 feet by 12 feet by 12 feet with latrine and toilet arrangements. A lota (jug), a glass, a towel, soap, country and English, an earthen pot and phenyle lotion should also be supplied to each.

(8) During the day time the under-trial prisoners should be allowed to associate.

(9) Lamps should be supplied to literate under-trial prisoners up to 11 O'clock of the night.

(10) All under-trial prisoners should be allowed to sleep in the open from the 12th April to the 15th September subject to the requirements of safe custody. They should be supplied a blanket or they can keep their own.

(11) An under-trial political prisoner should be provided better food than an ordinary one, at the expense of the Government. If any one wishes, he may give his monthly food charges to the Government

The following is the scale of diet for an under-trial political prisoner :—

Morning 8 O'clock.—Boiled milk 6 chataks or curd 4 chataks with one chatak sugar.

Midday meal.—Wheat flour (pure) 6 chataks, butter one chatak, raw vegetable 4 chataks, pulse (washed) $1\frac{1}{2}$ chataks, one onion, 2 lemons or $\frac{1}{2}$ oz. lime juice.

Evening meal.—Bread of 6 chataks flour, ghee one chatak, vegetable 4 chataks and pulse $1\frac{1}{2}$ chataks.

The following is the approximate cost of one day's meals and other expenses :—

				Rs. A. P.
Wheat flour	12 chataks	...	...	0 2 0
Ghee	2 „	...	...	0 4 0
Pulse	„	...	...	0 1 0
Raw vegetable	12 „	...	...	0 3 0
Milk	6 „	}	...	0 1 0
or Curd	4 „		...	0 1 0
Sugar	3 „	...	...	0 1 0
Rice	2 „	...	...	0 0 6
Oil		...	...	0 2 0
Wood	5 seers	...	...	0 0 6
Lemon		...	...	0 0 6
Boot polish		...	...	0 0 3
Newspapers and books		...	...	0 2 0
Soap, country and English		...	...	0 0 6
Miscellaneous (if eggs are required)...		...	...	0 4 0
Total				1 6 3

Bengalee prisoners should be supplied fish instead of eggs twice a week. Cigarettes, wine, tea, opium, and meat should not be given.

Fruits can be had at the prisoner's own expense or for the wages of his labour in the jail. All things brought through the warders should be examined according to the rates for they decreases in quantity while coming in.

12) An under-trial political prisoner should be kept in an airy cell (the dimensions are given in answer to No. 7).

(13) Under-trial political prisoners should be supplied a little furniture, e. g., a tea table, a chair or a stool and pegs for hanging clothes.

(14) Under-trial prisoners should be allowed to interview their counsels and relatives.

(15) Books and newspapers should be supplied especially Physical Culture Magazine (Banglore), so that the prisoners should maintain their health.

(16) Half-an-hour in the morning and an hour in the evening should be set apart for taking exercise according to the Physical Culture Magazine. During daytime the prisoners should be made to work, but should be paid accordingly. A political prisoner should not be required to work hard like grinding the mill-stone, working the oil press, keeping awake, but he should be taught some kind of industry which should help him outside the jail.

(17) The same as in No. 14.

(18) Under-trial prisoners should be allowed to participate in educational facilities.

(19) They should be supplied enough soap to wash their clothes every second day and those who have never washed should have their clothes washed twice weekly at the expense of the Government.

(20) Under-trial prisoners should be allowed to see or talk to anyone who wishes so, while on the road or in a railway carriage. On a railway journey both the hands should not be handcuffed. A light handcuff should be placed on one hand over a rubber or a cloth pad.

(21) The conditions obtaining in the judicial lock-ups should be brought into line with those obtaining in jails according to the answer to No. 7.

(22) Non-official visitors should be appointed for judicial lock-ups outside jails, but they should be pensioner medical men or sub-assistant surgeons and not Zaildars or Honorary Magistrates.

Dr. Hakam Singh, Mehta, Pensioner, Malkhanwala *vid* Baiguwala, Sialkot District.

Dated 12th September 1929.

From—Lala KIDAR NATH, Sargol, Meerut,

To—The Home Secretary to Government, Punjab, Simla.

I AM sending the following answers to the questionnaire of the Punjab Jails Committee from the Meerut Jail as I have been transferred here from the Punjab in connection

with the second case, I hope that you will make the required amendments in the Jail regulations and remove the legitimate grievances of the country.

KIDAR NATH, SAHGAL,

Meerut.

1) There should be no classification of the under-trial prisoners. There should be only one class and it should be the special. All under-trial political prisoners should be grouped in one class though some of them have been prosecuted and convicted many times. The classification mentioned in the questionnaire will be productive of more dissatisfaction than before.

(2) No. Every trying magistrate should be instructed to consider an under-trial political prisoner as a special class prisoner.

(3) The Superintendent of the Jail should have no residuary powers regarding the classification of the under-trial prisoners. Every under-trial political prisoner should be considered a special class prisoner from the beginning and afforded facilities accordingly. The Superintendent should be authorised to recommend more facilities than already afforded.

(4) At least by second class.

(5) The Government to bear all expenses.

(6) The political prisoner and the under-trial prisoner should be long to one class and should be supplied food according to their tastes.

(7) They should be provided separate cells which should be 'pakka' built and airy. There should be an outlet for water, also pegs to hang the clothes on.

(8) They should be allowed to associate freely with each other at any time they like, even for the whole day.

(9) Every literate and illiterate political prisoner should be supplied lamps with permission to keep lights on till 12 o'clock of the night (though any one may put it out at 8.)

(10) During summer they should be allowed to sleep in the open as it is necessary for health (when it is terribly hot in the whole of India, save some places). This should be allowed from March till September.

(11) Every under-trial political prisoner should be awarded a special class he be rich or poor, literate or illiterate and should be supplied superior diet like the fruits of the season, vegetables, bread of fine wheat, meat, fish, eggs, tea, milk, rice, sugar and limejuice, etc.

(12) They should be really provided with airy and "pakka" built cells, and if they do not want to live alone, they should be allowed put up with others.

(13) Yes, furniture should be provided at the cost of the Government as follows:—A table, two chairs, an easy chair, a stool, a lamp, a bed, durrie, door mat, matting and mosquito curtain.

(14) Really they are not followed to even $\frac{1}{100}$ th part, while the regulations in themselves are not laudable. Every one be he a friend relative, stranger or counsel wishing to have an interview should be allowed to do so for at least three hours and the application for the interview should be granted within 15 or 30 minutes. Interview should take place in the cell of the prisoner and the Jailer should be at a sufficient distance.

(15) Every under-trial prisoner or a convict should be supplied intellectual nutriment, even the illiterate should be taught to read. Every book and newspaper not proscribed should be provided when asked for.

(16) Physical exercise should be compulsory and should consist of the following games:—Football, Cricket, Volley Ball, Tennis, Kabaddi, Race, Raising of Bar-bells and heavy Dumb-bells, swimming, etc. Hard labour should not be compulsory and should be left to the option of the prisoners.

(17) Arrangements should be made to enable the under-trial prisoner to visit a sick relative or to attend any special ceremony.

(18) If there are any educational facilities for the under-trial prisoners, they should be allowed to make the most of them.

(19) Arrangements for washing clothes, bathing, shaving and cropping hair are unsatisfactory. They can be improved with a little attention—

(a) Water should not be brought from wells by the prisoners, but arrangements should be made for an oil engine or water pump or where electricity is procurable by electric power. All prisoners should be allowed to use water freely. Professional dhobis should be provided soap, alkali and washing materials in sufficient quantities.

(b) Barber should be provided thrice a week, which is essential.

(c) Soap, oil and tooth powder should be supplied for toilet purposes.

(20) Under-trial prisoners should be provided a good conveyance by road or rail. Handcuffs and fetters should on no account be used.

If the Police fears escape on the part of the prisoner, it should take very precaution.

(21)

(22)

(23)

(24) There should be only one class of the special class prisoners and no more. Nor will the Indians agree to them. As for diet I have written in answer to No. 11 and for furniture in answer to No. 13. Clothes should be supplied as the prisoner usually wears.

25. The means of recreation should be the same as under No. 17. If a prisoner proposes any other it should be provided.

26. All special class prisoners should be kept in the same jail. I should be from among one of the following places :--Solon, Dalhousie, Dharamsala, Abbotabad. From November 15 to February 15 they should be kept at Lahore.

(27) I want to discuss many points, but the law forbids my presence in person.

Out of these, 22 questions were concerning the under-trial prisoners and in them no mention was made of special class prisoners. Only three questions were asked about the special class prisoners and as I could not do justice to them and throw sufficient light on their inconveniences and requirements in the answers I recommend the following treatment for them.

(1) A special class prisoner should have a cell to himself with ventilators and windows. The floor should be *pakka* built. There should be an outlet for water and a place for making ablutions. During summer he should be allowed to sleep in the open as stated in No. 10.

(2) Latrines should be well built and of a type to ensure privacy.

(3) There should be adequate arrangements for bathing which is essential for the maintenance of health. A tub, a basin with table, soap, towel and oil should be supplied.

(4) The cooking utensils should be clean. There should be no iron pots, but those made of bronze or China clay which should not blacken the food.

(5) Sufficient furniture should be supplied as given in No. 13.

(6) One or more daily and weekly, newspapers, periodicals, magazines and books not proscribed should be supplied when so desired.

(7) Clothes should be supplied to special class prisoners as they desire and which they usually wear. The choice of cut and colour should also rest with them.

(8) Estimates for the food charges of the special class prisoners should not be less than Rs. 3. A brief description of the menu is given in No. 11.

(9) A special class prisoner should be allowed to write letters whenever he wants.

(10) He should be permitted to receive visits once a month and sufficient time should be allowed for an interview, say 3 hours at the least. The application for interview should be granted within half an hour of its submission. Every one be he a relative, a friend,

a lawyer or a stranger should be allowed to interview the special class prisoners.

(11) At the time of conveyance he should not be handcuffed. The police should take all necessary precautions if it fears escape on the part of the prisoner :—

(a) Journey by rail should be made in the second class.

(b) Food during the journey be supplied to taste.

(12) Arrangements should be made to enable a special class prisoner to visit a dying or a sick relative or to attend any special ceremony. The Government to bear all expenses of conveyance.

(13) There should be no inhuman punishments in the jail, like bludgeon feathers, handcuffs, grinding the millstone, working the oil press, thumping hemp, drawing water from well, bad uniform and flogging. There should be no solitary imprisonment. If the prisoner commits any offence the case should be tried by a court.

(14) Smokers should be allowed to smoke.

(15) The jail officials should not adopt an insulting attitude without any rhyme or reason, like the slavery teaching parade, searching, etc.

(16) Every political prisoner should be given concession for 7 to 12 days a month. If he is not guilty of an offence throughout the year he should be given an extra concession for a month.

Thus the Jail Manual should be thoroughly revised and the regulations about the political prisoners should be changed. A comparison should be drawn between this Manual and the Jail Manuals of Russia, France, Germany, England and other civilized countries. The above concessions should be granted to every political prisoner, be he a supporter of violence or non-violence. The crime itself should prove that it was of a political nature.

Answers of Mirza Qasim Beg, Government Pensioner, Gujrat, Punjab, to the questionnaire issued by the Punjab Jails Committee.

1. There should be three classes of under-trial prisoners till their cases are decided :—

(i) Special class prisoners, (2) first offenders, (3) previous convicts.

2. Trying Magistrate should be the classifying authority.

3. The Superintendents of Jails should have no power to interfere with the classification of prisoners. Of course, when these men in Judicial lock up commit any mischief or do any improper act, the Superintendent of the Jail should report to the Magistrate who is trying the offenders and who has classified them. The Magistrate will hold a thorough enquiry and deprive them of the concessions and order them to be classified as ordinary prisoners.

4. In case special class under-trial prisoners are to be transferred from one place to another by rail it will be advisable to take them in ordinary third class compartments. Special class prisoners, however, should be taken in intermediate compartment only. Where there is no railway they should be taken in *baghi*, tonga or mail cart.

5. They should not be permitted to travel in compartments above intermediate no matter whether their companions are prepared to pay first class railway fare, tum tum or tonga hire.

6. Ordinary under-trial prisoners or special class prisoners, when being transferred from one place to another, be given the amount of the daily allowance in lieu of ration for the diet which is spent on them in jail.

7. Under-trial prisoners should not be accommodated in solitary cells.

8. Under-trial prisoners of the same class should be allowed to associate during the day time.

9. If any such prisoner expresses his desire to read at night he should be provided with lamp till 10 o'clock in the night.

10. Such prisoners should be permitted to sleep in the open in-jail during the hot months when people of this country sleep in the open.

11. Special class under-trial prisoners should be provided with somewhat better food than that supplied to ordinary under-trial prisoners. For instance, if annas 3 are spent on the diet of an ordinary prisoner annas 4 should be spent on the diet of special class prisoner.

12. Special class under-trial prisoner should be kept separate from ordinary prisoners.

13. Special class under-trial prisoners, if they so desire, should be supplied with furniture, i.e., an office chair and a small table provided they themselves or any of their friends pay for it.

14. I am not in a position to say anything about this question.

15. Under-trial prisoners should, with the consent of the Superintendent of Jail, be provided with newspapers and journals which do not publish article calculated to cause mischief.

16. Under-trial prisoners should not be required to do any work by way of exercise. If any person desires (to do work by way of exercise) his statement should be taken down in the presence of a Magistrate because such things are sometimes likely to cause mischief.

17. Special arrangements should be made (to enable an under-trial prisoner) to visit (a dying relative).

18. Such prisoners should be permitted to attend the school in-jail which has been started to improve the morals of ordinary prisoners.

19. Special and separate bathing, and washing arrangements should be made for under-trial prisoners.

20. The existing regulations for the conveyance of prisoners from one place to another are quite enough. No amendment is needed.

21. The conditions obtaining in judicial lock-up should be brought into line with those obtaining in jails. No official visitors should be appointed to inspect judicial lock-up outside jails.

N. B.—Prisoners when convicted and sentenced to rigorous imprisonment should not be required to grind corn nor should they be required to work a well or an oil pressing machine.

FOOTNOTE.—In this country the accused who are convicted by Courts are sentenced to rigorous imprisonment are required in jail to grind corn. Male convicts are required to work a well and an oil-pressing machine although according to the social customs prevailing in this country males do not grind corn no matter how miserable their condition may be. In this country women alone grind corn. In other words, this strange practice of requiring male to grind corn is prevalent in jails and is to be found nowhere in the world. I, therefore, request that this form of labour may be replaced by some other form of labour in jails.

Dated Amritsar, the 10th September 1929.

From—Sardar NAHAR SINGH, GYANI, Sub-Editor, *Daily Asli Qaumi Dard*, and Editor, *Dushtdaman*, Secretary, District Sikh League, Amritsar,

To—The Home Secretary to Government, Panjab.

ON behalf of myself and well-known Sikh leader Gyani Sher Singh, Editor, *Daily Asli Qaumi Dard* and General Secretary, Central Sikh League, I have the honour to bring the following to your kind perusal

Punjab Jails Committee recently issued a questionnaire and has invited the public opinion about this. We have published this in the columns of *Asli Qaumi Dard* along with the necessary answers and remarks. It appeared in the said paper Nos. 221 and 223, dated 8th and 11th September, respectively. I submit these issues and a statement of mine published in the *Tribune* of 16th August regarding the treatment of political prisoners, for the consideration of the Committee.

Both of us are willing to appear as witnesses before the Jails Committee so I hope that you will accede to our request.

Thanking in anticipation of your favourable reply.

NAHAR SINGH, GIYANI.

The Asli Qaumi Dard (Amritsar) of the 8th September 1929, says.—We publish here the questions put by the Jail Enquiry Committee as also answers to these questions, so that they may help the persons who will appear as witnesses before the committee. Most of the questions relate to under-trial prisoners. Before answering these

questionable it should be understood that under-trial prisoners are placed in the lock-up (*lit.* shut) not because they have committed a fault, but because they are suspected to have committed a fault. They should be put to the least trouble, because most of them prove innocent and to put an innocent person to trouble is equal to casting a stain on the forehead of law and justice. One should keep this in view while answering the questions concerning under-trial prisoners.

UNDER-TRIAL PRISONERS.

Answer to question No. (1).—It is essential to introduce more classes than the existing ones. The first thing that should be done is that there should be a separate class for the under-trial political prisoners and no discrimination should be made between the under-trial political prisoners arrested once and those arrested twice or thrice, because they commit an offence not because of some moral weakness or bad habit. It is a noble sentiment on being swayed by which they commit (*lit.* have committed) a mistake from the legal point of view. They should be given such facilities about movement (*lit.* sitting and standing) as they enjoy at home. Diet costing at least twelve annas should be given to them per day. They should be at liberty to send for every kind of newspapers and books and to have the best diet and accommodation at their own expense. There should be no sections of this class (*lit.* no more classes) because the well-to-do (under-trial political prisoners) can send for from their homes and take the best diet. At the same time (*lit.* but) it is necessary that (under-trial political prisoners) should be divided into classes according to their social status so far as the railway journey is concerned, while the remaining under-trial prisoners, who are charged of committing an offence against morality should, indeed, be divided into three classes.

Answer to question No. (2).—The trying magistrate must be invested with the powers of assigning classes, but if an under-trial prisoner asserts in an application that he is a under-trial political prisoner, and the magistrate does not agree with him, the application should go to a non-official committee for (final) decision. Such committees should consist of the elected members of the Legislative Council, Municipal Committees and District Boards and the Government should appoint these committees at the places where they are required. They are needed, because the magistrates at several places act, under the present circumstances, on the suggestion of the administrative Government and are narrow-mindedly disposed towards the patriots.

Answer to question No. (3).—(The Jail Superintendent) must be invested with (such) powers.

Answer to question No. (4).—It is essential that some distinction should be made between under-trial political prisoners in case of railway journey. They should be made to travel in third, intermediate, second or first class according to their social status and the under-trial prisoners who are arrested on the charge of committing an offence against morality and who are assigned special class should be allowed to travel in intermediate class.

Answer to question No. (5)-- All the expenses should be borne by the Government. But only those persons should be selected for travelling in second class who are not at all accustomed to travel in inter class.

Answer to question No. (6)—One rupee per day should be fixed for the diet of each of the under-trial political prisoners and prisoners arrested for an offence against morality. But they should be allowed to spend more (if they so desire). By this we mean that the rich should not (be able to) derive undue advantage from the Government treasury. Nay, this benefit should go to the political prisoners from the labouring class in general. The rich may, by all means, enjoy with their own money. Eight annas per day should be fixed for (the diet of) each of the ordinary under-trial prisoners.

FACILITIES TO UNDER-TRIAL PRISONERS IN JAIL.

Answer to question No. (7)—No. They should be kept in open air or houses just as the people live outside the jail. If an accused is likely to make good his escape and is arrested in a very serious case, a security should be taken from the accused when an extreme necessity arises. But it should be avoided as far as possible to shut the accused in the jail.

Answer to question No. (8)—Unless there is (any likelihood of) some sudden danger there should be no hinderance in the way of the under-trial prisoners in general and under-trial political prisoners in particular meeting one another. When they are not to be shut in cells the question does not arise whether they should be kept in cells during day or night.

Answer to question No. (9)—The question has been partly answered in replying to the first question. Here it is necessary to write that for educated (under-trial) prisoners there should be a satisfactory arrangement for light up to 11 P.M.

Answer to question No. (10)—From the 1st of April to the end of September—to the 15th October at places where climate is particularly hot—all under-trial prisoners should (be allowed to) sleep outside.

Answer to question No. (11)—Almost the whole answer to this question has been given in answer to question No. 1. Here it is sufficient to mention that like (under-trial) political prisoners the prisoners who are arrested on the charge of an offence against morality and who are assigned special class should be given a proper diet costing twelve annas per day and every one (of them) should be allowed to spend (more) from his own pocket.

Answer to question No. (12)—The under-trial prisoners should not be shut in cells except when there is likelihood of their creating disturbance and a most critical state of affairs.

Answer to question No. (13)—All political and special class under-trial prisoners should be provided with so much furniture as can meet their requirements.

Answer to question No. (14)—There are several complaints in connection with the interview (with under-trial prisoners).

NEWSPAPERS AND BOOKS FOR UNDER-TRIAL PRISONERS.

Answer to question No. (15)—The jail should be provided with a library and a reading room. Besides, the (under-trial) prisoners should be allowed to send for any newspaper they like at their own expense.

Answer to question No. (16)—No. In this way the jail (authorities) will get an opportunity of unnecessarily extracting labour from under-trial prisoners. But there should be arrangement for their exercising to their own liking.

Answer to question No. (17)—Certainly. If possible the prisoners should also be given this privilege.

Answer to question No. (18)—Certainly.

Answer to question No. (19)—The under-trial prisoners should be given full facility to get their clothes washed from outside (the jail).

There should be a complete arrangement for supplying soda, soap-water, soap-nuts (*rithas*, etc., for all under-trial political prisoners and special class under-trial prisoners arrested on the charge of offences against morality.

Answer to question No. 20—When there is no danger of their effecting escape, they should not be handcuffed and fettered at all. And even when there is such danger, they should only be handcuffed. Arrangements should be made for tongas, motors, etc. as conveyance for under-trial prisoners according to their health and status. About the railway journey suggestions have already been made.

Answer to question No. (21)—Necessary step should be taken keeping in view the interests of the under-trial prisoners.

Answer to question No. 22.—Non-official visitors must be appointed. The old non-official visitors should be allowed to continue to work or some new non-official visitors should be appointed. But after appointing non-official visitors the Government should obtain sanction every year from the provincial council by advertising (the names of these visitors) among the public, so that the public may come to know if these non-official visitors are not sycophants and the persons who look with bloody eyes at the (under-trial) political prisoners in particular.

Questions 23 to 26 relate to special class prisoners. Question No. 27 is a general question. These five questions and their answers will be published to-morrow.

In continuation of the answers published in its issue dated the 8th of September 1929, the *Asli Qami Dard* (Amritsar) of the 11th of September 1929, publishes some more answers. In the very

Beginning of these answers the paper says that the following amendments should be made in the already existing rules about political prisoners :—

The conviction of a political prisoner for violence or his conviction for non-violence shouldn't at all weigh in granting special class to him for the first type of a political prisoner is awarded severer punishment than the second type and that is an enough distinction between the two. All the political prisoners should be considered 'special class' prisoners, but amongst them too there should be two classes. One for those who are persons of ordinary social status and the other for those who are given to luxuries. When a magistrate refuses to give 'special class' to any prisoner on the ground of his not being a political prisoner, but the prisoner asserts that he is one, the dispute should be referred to a non-official jail committee. We realise that in this question we have surpassed the limits of the rights of the Jail Enquiry Committee, but for the purpose of exposing our opinion fully we could not but do so. With regard to giving special class to the political prisoners the paper remarks that the sanction of the Government is not needed. It says that diet worth 12 annas per day should be given to every prisoner of the special class and he should be allowed to spend more from his own pocket. Nothing except cigarettes, liquors and other intoxicating drugs should be regarded as a luxury. Excluding these things he should be allowed to take everything else. There should be no ban on Gandhi cap and national turban. In short there should be no restriction on the wearing of clothes. Every prisoner should be allowed to write two letters a month, but there should be no limit on the number of letters that he can receive. He should be free to complain about the jail management and write about his fellow prisoners. Two interviews should be allowed every month. Ten persons should be allowed to interview him at one time. There should be no check on his talking about the jail management or about his fellow prisoners. The repressions practised by the jail authorities should be published in papers in order to save the prisoners. The light should be supplied to them up till eleven P. M. Besides the jail library the prisoners should be at liberty to send for their own books and newspapers and they should be free to write social and religious books. The prisoners should never be deprived of the 'special class'. Moreover no inhuman punishment should be imposed upon them.

Answer to question No. 24.—Prisoners of the 'special class' should also be divided into two classes. The first class should be for only those who are from their very childhood accustomed to pass the summer season in hills. Such political prisoners should be sent to some cold place in the summer season.

Answer to question No. 25.—They should be allowed to play Tennis, Volleyball and similar other games.

Answer to question No. 26.—Yes, there should be separate jail, Gurdaspur, Rawalpindi or any other cool place should be chosen for such a jail.

Answer to question No. 27.—Even ordinary prisoners shouldn't be given very hard labour, such as Jagai working on the hand mill, oil press, pump or paper machine. Whenever there is a quinine parade every prisoner should be supplied with half a seer of milk. The cloths should be such as do not disfigure the prisoner. The non-official visitors should be the elected members of the Councils, Municipal Committees and District Boards. They should be specially those who are previous convicts in political cases. The ordinary prisoners should be allowed to write one letter a month and have interview with outsiders once a month. They should be supplied with one dish of *Palan*, *Karah* (kind of sweatmeat made of flour, sugar and ghee), *Khir* (rice boiled with and milk), or meat once a month according as the circumstances permit. All letters addressed to a prisoner should be given to him except those which are likely to abet him to commit an offence. If a prisoner falls ill seriously then his relatives should be allowed to attend him, and if possible he should be bailed out for a reasonable amount for a short period. One man should not be allowed to perform the duties of a Doctor and a Superintendent both, for in that case his mind becomes divided. On one side is his sense of duty as a doctor which compels him to be kind towards his patient (the prisoner). On the other side is his duty of management which urges him to be harsh. If both the posts are held by the doctor, he becomes a hard hearted person. The prisoners sentenced for theft, gambling and adultery and other recognised offences should be kept in separate jails. The bread should be generally made of wheat, and in the winter season of Indian corn at intervals, for saltish bread without milk and curd is very harmful. The present management of jails with regard to wearing clothes is very harmful and requires overhauling. The Sikhs should be provided with sufficient soap and *Rethas* (soapnut) for washing their head. Every one of them should be supplied with half a chhatak of oil for their hairs and if any one of them possesses thick hairs, he should be given one chhatak. In the winter season there should be arrangement for a hot bath (of the body as well as of the hairs of the head). Whenever in the jail or in the jail hospital the Sikhs are supplied with meat it must be *Jhatka*. And the Sikhs should never be compelled to cook *halal* by way of labour. That prisoner who is not willing to perform the duties of a sweeper should never be compelled to do so, even if he was a sweeper before he came in the jail. The period of remission should be extended in the case of those prisoners who serve as sweepers. The prisoners should be supplied with a sufficient number of blanket and bed sheets. Every prisoner should possess a towel. The Sikh prisoners should be supplied with two *Kachhs* each. In summer instead of the blankets they should be provided with *Khes* (a woollen sheet). Those prisoners who are sentenced for a period of less than four years or whose period of imprisonment that is left to be served is less than four years should be allowed to sleep outside in summer. Imprisonment for life including the remission should be understood to mean imprisonment for fourteen years at the most. If any political prisoner from any jail in the Punjab is transferred to a jail of an outside province then he should be deemed to possess the same rights there as his fellow prisoners have in the Punjab. Putting into

practice all these proposals will certainly mean some expense for the Jail Department. So it is necessary that the labour in jails should be of the modern industrial type instead of the old mode of extracting labour. We have not fixed more than 12 annas per day for the diet of any prisoner because we want that the public money shouldn't be consumed by very wealthy prisoners. We want that all the political prisoners should be placed in the 'special class' and the high and the low all should spend 12 anna a day on food. Educated persons of a high social status convicted of offences other than theft, adultery, dacoity, gambling, wilful murder, and criminal breach of trust should be placed in the special class. There should be only one distinction between political prisoners of the 'special class' and 'special class' of offenders against morality, that the extra expenditure (over and above the expenses of the ordinary prisoners) of this special class of prisoners should be borne by themselves. The Jail Department should pay as much expenses for him as it pays for other criminals against morality. The latrines shouldn't be outside the cell, but they should be so constructed that their doors open in the inside of the cells. The political prisoners should be given the right of being appointed as warders, etc. When political prisoners are being transferred from one jail to another they shouldn't be in fetters and they should be provided with all sorts of facilities in the course of the journey. The Jail Manual should be properly amended keeping in view the modern necessities. The political accused shouldn't be handcuffed at the time of arrest unless there be some special reasons for that. For the Sikh prisoners there should be such an arrangement for reading and worshipping. *Guru Granth Sahib* that the sacred book is not disgraced in any way. Worshippers of God like Bhai Randhir Singh and many others are rotting in jails for about fifteen years, but in that period they have never been lucky enough to have a glimpse of *Guru Granth*. It particularly affects the Sikhs for they regard *Guru-Granth* as their teacher and look upon it with the eye of extreme reverence. This is why they don't take it into the jail as Hindus and Muhammadans do (Hindus and Muhammadans take their religious books in the jails) The Jail Manual should be carefully revised and amended. The amendment of paragraph 516 (A) is specially necessary.

Dated Multan City, the 15th September 1929.

From—Lala BODH RAJ, M.A., LLB., Pleader and Member, Legislative Council,

To—The Home Secretary to Government, Punjab.

I BEG to submit the following replies to the questionnaire issued by the Punjab Jails Committee:—

- (1) The under-trial prisoners may be classified as under:—
 - (a) Ordinary (a) First Offenders, (b) previous convicts,
 - (ii) Special Class which shall cover the cases of such prisoners who having been actuated by any political motives are

charged, with having committed any offence. The latter class may again be sub-divided into those who are charged with offences not involving any violence, and those who are charged with having committed offences, involving violence.

NOTE.—No distinction shall be maintained merely on the basis of caste, creed, colour or nationality.

(2) The prisoners who having been actuated by any political motives are charged with any offence, shall, as a rule, be classed as Special Class. In the case of other ordinary prisoners the trying magistrate may be the classifying authority. The Superintendent of the Jail in which the prisoner is confined, and any non-official visitor of the jail who is also a member of the Standing Jails Committee of the Punjab Legislative Council or who represents any other Local Body, can also recommend to the trying magistrate for treating any under-trial prisoner as a special class prisoner after having given the reasons for his recommendation. The Local Government has, however, got powers to treat any prisoner as a special class prisoner subject to the note given in (1) above.

(3) The Superintendent of the Jail shall have the recommendatory powers as stated in (2) above.

(4) The Special Class prisoners shall be allowed to travel in any class on the railway except in third class.

(5) In case of political prisoners if the trying magistrate allows the prisoner to travel on the railway by any class above intermediate, or if the status of life of the prisoner outside the jail warrants that he should travel by any class above intermediate, the expenses should be borne by the Government. In case of prisoners other than political prisoners, who, having been charged with offences involving any moral turpitude or violence, are classed as special class, shall be allowed to travel in the Intermediate at the expense of the Government, and if his status in life outside the jail warrants that he should travel in any class above intermediate, he may be allowed to do so provided he bears the expenses above intermediate himself.

(6) The amount of the daily allowance granted in lieu of ration^s for the diet of (a) ordinary under-trial prisoner should not be less than the average expenditure incurred by the Jail Department on a convict prisoner (b) on special class, not less than double the expenditure incurred on an ordinary convict.

(7) The under-trial prisoners may be accommodated in cells or in barracks, but they shall not be mixed with ordinary convicts who are not political prisoners.

(8) Yes.

(9) Yes, up till 10 P.M.

(10) Yes, excepting such ordinary prisoners as are dangerous, or are previous convicts.

(11) Yes, the uniform rate of Re. 1 fixed, to be allowed by the Government. If in the opinion of the Superintendent or the Magistrate any political prisoner's status requires that he should be allowed more than the average fixed, the Magistrate or the Superintendent may allow up to double the said amount. Over that limit the prisoner may be allowed to bear the expenses himself.

(12) As far as possible.

(13) Yes. One cot or charpai, one chair, and one writing table, the last two items of furniture being allowed only to literate prisoners.

(14) Yes.

(15) Books and periodicals in the Jail Library, and one English, one Urdu, one Hindi, and one Garmukhi daily newspaper be supplied at Government's expense. Any other book or periodical may be supplied at the cost of the prisoner himself and with the sanction of the Magistrate or the Superintendent.

(16) Arrangements for the exercise of the under-trial prisoners be made and some form of light work be also fixed, but it should not be compulsory for the prisoner to take that exercise or undergo that labour.

(17) Yes.

(18) He may not be allowed to mix with ordinary convicts but he may be given such educational facilities separately as already exist or may exist for the benefit of convicted prisoners.

(19) The Waterworks arrangement, wherever possible, be made and the pipe connections in the open compound attached to the barracks or the cells of under-trial prisoners, be arranged, and the prisoners be allowed to wash themselves at least once a day.

(20) If the prisoners are to be taken to a place more than one mile they may be taken in a conveyance, and they should not be compelled to go on foot. They may, however, be allowed to go on foot if they like.

(21) Yes.

(22) Yes. The existing non-official visitors may be directed to visit the judicial lock-ups. Over and above some representatives of the Local Bodies may also be appointed as non-official visitors, the names of such representatives to be suggested by the Local Bodies concerned.

(23) The convicting courts shall decide whether a convict shall be placed in the special class with reference to the status, character, and education of the prisoner and the character of the offence. The character of the offence shall not be taken into consideration in the case of such prisoners or convicts who have been actuated by political motives to commit the offence. The appellate courts shall exercise the same powers as the magistrate in the grant of a special class, but they shall have no power to withdraw this concession if granted by the subordinate court.

The Superintendent of the Jail, and those non-official visitors of the jails who are the members of the Jails Standing Committee, or who represent any Local Bodies shall have the power to recommend to the Local Government to grant this concession to any convict for the reasons given in their recommendations.

The Local Government has, however, full powers to grant such a concession to any prisoner.

The exceptions given in the proviso shall have no application in the case of political prisoners. Subject to this (a) and (b) may be retained. (c), (d), and (e) may be omitted from (1)

(2) To be committed, being unnecessary in view of above.

(3) To be retained.

(4) They shall be given the diet prescribed for special class prisoners on the line indicated in above.

(5) They shall be permitted to wear their own clothes, but some decent uniform quite separate from that of an ordinary convict, should be supplied by the Government to the prisoner. The limitation clause in the existing rule be deleted.

(6) They shall be permitted to write and receive one letter once a fortnight, but the Superintendent shall have discretion to relax this rule especially on urgent occasions such as death or serious illness in the prisoner's family. The subject matter of all letters shall be limited to private affairs and may include reference to Jail administration and discipline. The reference to political matters may be made subject to the approval of the Superintendent.

(7) They shall be permitted to receive a visit from friends, relations, and other persons interested in the prisoner once a fortnight, provided that not more than five persons may visit a prisoner at one time. The conversation at the interviews shall not relate to such matters as would disturb the jail discipline. All other limitations in this connection in the existing rule to be omitted.

- (8) To be retained.
- (9) To be retained. The cups, plates, etc., provided by the Jail Department shall be decent and quite different from, and of superior standard to that of those provided for the ordinary convicts.
- (10) A special class prisoner may at his own expense be furnished with furniture over and above that given in (12) above subject to the approval of the Superintendent.
- (11) To be retained.
- (12) To be retained.
- (13) Special class prisoners may be given light in their cells or wards till 10 P.M. and may be allowed books, magazines, and newspapers as indicated in (15) above.
- (14) Special class prisoners shall not be handcuffed or fettered except in the case of danger of the prisoner's escape or of an attack being made on the jail staff.
- (15) The Local Government shall have the power to forfeit any particular concession allowed by these rules or to remove the prisoner from the special class for any act of misconduct on the part of the special class prisoner. The Superintendent shall have no power to withdraw or forfeit any of such concessions.
- (16) To be retained.
- (17) To be retained.
- (24) Classification of the special class prisoners to be made on the lines indicated in (ii) of (1) above.
- (25) The opportunities of exercise and recreation be afforded to special class prisoners in view of the status and position in life of the prisoner outside the jail, which may be conveniently arranged by the Jail Department.
- (26) Yes, at Lahore if possible, or in a separate ward of the jail of the place to which the prisoner belongs.
- (27) Those persons who have committed any offence against the State, who have courted suffering and imprisonment in connection with the non-violent activities of Indian National Congress or of any other political organisation, or who have offered Civil disobedience or passive resistance to any law or order promulgated by any lawful authority which he conscientiously cannot obey in the interests of his country or with a view to advance reforms in the country, shall be included in the term of political prisoners who are to be treated as special class prisoners.

BODH RAJ,

Pleader and Member, Legislative Council.

Dated Delhi, the 14th September 1929.

From—Mir MUHAMMAD HUSAIN, Municipal Commissioner, 1024, Kucha Chelan, Delhi,
To—The Secretary, Punjab Jail Committee, Simla.

I HAVE the honour to enclose a copy of my replies to the questionnaire of your committee, which I hope you will find useful. Should my replies require further explanation or amplification, I will be glad to furnish same in my oral examination at Delhi.

MIR MUHAMMAD HUSAIN,
Municipal Commissioner, Delhi.

Replies to questionnaire by Mir MUHAMMAD HUSAIN, Municipal Commissioner and Non-official Visitor of Jail, Delhi.

Under-trial prisoners should be classified in greater detail as follows :

- (1) *Special Class*.—Prominent persons in social life leading comfortable and honourable lives, leaders in public life.
 - (2) *Middle Class*.—All artisans, cultivators and employees, *i.e.*, all persons generally known as middle class people.
 - (3) *Ordinary*.—All persons not falling within the definition of the above two classes.
2. As soon as an accused is put up to a magistrate for remand or trial he should immediately be given a class after proper enquiry.
 3. The Superintendent of Jail may, in consultation with the non-official visitors of the Jail, make recommendation to the trying court for classification of an under-trial prisoner to a better class.
 4. Prisoners of the ordinary class should travel in 3rd class, of the middle class in the inter. and those of the Special in second class. Next higher class may be given in cases of illness if recommended by medical authorities.
 5. All expenses of all classes should be born entirely by the Government.
 6. Fifty per cent. above the ordinary, middle and special class diet charge should be paid to prisoners while travelling.
 7. Yes. Until sufficient accommodation is available first offenders should be separated from habitua's and juveniles from adults.
 8. Yes, at the discretion of the Superintendent of Jail.
 9. Yes, upto 10 P. M. or according to rules then in force.

10. Yes, from May to September according to climatic conditions.
11. Rs. 2 per diem.
12. Yes.
13. Yes. A bed, table, chair, mat and utensils.
14. No complaints in Delhi, I cannot say about small jails.
15. From the jail library if any and from outside at the discretion of the Superintendent of Jail.
16. Compulsory exercise is not advisable. Facilities may be provided at the discretion of the Superintendent of Jail.
17. Yes, with due regard to safety at the discretion of the Superintendent of the Jail.
18. Yes. The convicted prisoners may be allowed educational facilities from approved and recognised societies only at the discretion of the Superintendents of the Jail.
19. Taps and bath closets may be provided as funds and accommodation permit.
20. None in Delhi.
21. In my opinion the accommodation and conditions in judicial lock-ups should be made to conform with those obtaining in jails.
22. Yes. The non-official visitors should be visiting lock-ups Their numbers may be increased.
- 23.
24. Special, middle and ordinary as described already.
25. None
26. Yes, within the jail compound.
27. No.
- 28.

MIR MUHAMMAD HUSAIN,
Municipal Commissioner,
and Non-Official Visitor of Jail, Delhi.

Dated 11th September 1929.

From—Sheikh ZAHUR-UD-DIN, Nizami, Municipal Commissioner and Non-official
Visitor, Sub-Jail, Hoshiarpur,

To—The Officiating Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S. (Jails), dated 5th September 1929, with printed copy of questions in connection with the Jail Committee, I beg to inform you that in my opinion there is no necessity for any new changes in the Jail Rules which are quite satisfactory and according to which the work is going on at present.

ZAHUR-UD DIN,
Municipal Commissioner, Hoshiarpur.

Dated Lahore, the 12th September 1929.

From—Rai Bahadur Lala MILKHI RAM, C.I.E., Non-official Jail Visitor, Lahore,

To—The Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S.-Jails, dated 5th instant, I have the honour to submit a note, containing briefly my replies to the several questions, drawn up by the Special Punjab Jails Committee.

MILKHI RAM,

Non-official Jail Visitor, Lahore.

Punjab Jail Committee Rules.

THE existing rules appear to be suitable in the case of *ordinary prisoners* but in the case of political prisoners, and persons under-trial, some distinction in treatment appears necessary.

2. It would be well to classify the prisoners into—

- (1) Special class ;
- (2) First offenders ; and
- (3) Previous convicts ;

and the classification should be kept to be determined by the convicting magistrate. Superintendents of Jails should also have a voice in this matter according to the behaviour of the prisoners in jail.

3. I will try to reply to each question *seriatim* as far as possible.

4. Question 1.—Yes. The 3 classes proposed will be sufficient.

Question 2.—Yes.

Question 3.—Yes.

Questions 4 and 5.—Say—Intermediate class.

Question 6.—Ordinary under-trial prisoners—Say 6 annas or 8 annas a day—*Special class*, 12 annas a day.

Question 7.—Yes, as far as possible.

Question 8.—I think not necessarily in all cases.

Question 9.—Yes, say up to 10 P.M.

Question 10.—Yes, as far as possible.

Question 11.—Yes. The diet they usually take at home.

Question 12.—As far as possible.

Question 13.—Yes, say a charpoy, a chair and a small table, if possible.

Question 14.—I don't think so.

Question 15.—One or two newspapers at the discretion of the Superintendent, Jail.

Question 16.—At the discretion of Superintendent, Jail.

Question 17.—Yes, as far as possible.

Question 18.— Ditto ditto.

Question 19.—I would leave it to the discretion of Superintendent, Jail, to make some suitable arrangements.

Question 20.—Special class prisoners may be carried separately from ordinary class.

Question 21.—As far as possible.

Question 22.—The existing non-official jail visitors could look after both.

MILKHI RAM,

Non-official Jail Visitor, Lahore.

Dated Sialkot, the 19th September 1929.

From—Rai Bahadur Diwan GYAN CHAND, Puri, Provincial Darbari, Honorary Magistrate and Non-official Visitor, Sialkot District Jail, Sialkot,

To—The Officiating Home Secretary to Government, Punjab.

I HEREWITH enclose my replies to the questions of Special Jail Committee.

GYAN CHAND,

Non-official Visitor, Sialkot District

Jail, Sialkot.

Opinion of Rai Bahadur Diwan GYAN CHAND of Sialkot on the questionnaire drawn up by the Special Punjab Jails Committee.

A.

1. I would propose the following classification :—
 - (a) Special—
 - (i) Political prisoners not advocating and resorting to violence.
 - (ii) Non-political prisoners of social status.
 - (b) Ordinary—
 - (i) First offenders.
 - (ii) Previous convicts.
 - (c) Juveniles.
 - (d) Adolescents.
2. Yes, except that the District Magistrate should be able to revise the classification.
3. Yes, the Superintendent of Jail should have both the powers.
4. All special class under-trials should travel by 2nd class.
5. The whole cost should be borne by Government.
6. (a) Ordinary under-trials as now, (b) Special class ones like Europeans.
7. Juveniles and adolescents should be in cells at night, other under-trials should be kept in association except when punished for a jail offence or when their isolation is necessary in the interests of administration.
8. Normal association is desirable as far as possible.
9. Yes, up to 10 P.M.
10. Yes, from 15th of May to 15th of September.
11. Of about the same value as European prisoners.
12. Yes at night if possible.
13. One small table, 1 chair and 1 bed.
14. I have not received any complaints.
15. Yes at the expense of the under-trials and at the discretion of the Superintendent of Jail.
16. Yes walking morning and evening according to the state of health of the under-trial prisoners.
17. Yes, if possible.
18. Yes.
19. Convict Dhobis should be employed on this work.
20. They should be provided with conveyance on the road as far as possible, where the distances are long. The case of special class prisoners travelling by train has already been dealt with.

21. I have no experience.
22. The same visitors should do for both.

B.

23. Only the following modifications seem necessary :—
In rule 1 add " or District Magistrates " after convicting courts.
The following may be substituted for the present rule 4.

"They should get diet of about the same value as European prisoners".

24. See No. 1 above. They should be treated alike.
25. Nothing except no. 16 above.
26. Yes one jail, preferably at the capital of the Province.
27. No

GYAN CHAND PURI,

Non-official Visitor, Sialkot District Jail, Sialkot.

From—Sardar NAUNihal SINGH, Mann, Non-official Visitor, Sheikhpura Sub-Jail,
To—The Officiating Home Secretary to Government, Punjab.

IN reply to your letter No. 5200-S.-Jails, inviting opinions on the questionnaire drawn up by the Special Punjab Jails Committee I have the honour to forward the following lines in connection with the same.

1. The existing rules for the classification are quite adequate.

2. The trying Magistrate should be the classifying authority, but he should be subject to the rules framed by the Local Government.

3. The Superintendent of Jail should have recommendatory powers only.

4. Special class prisoners may travel in third or inter. class as the case may require.

5. Half the expenses borne by the Government would suffice.

6. Annas 8 for an ordinary and Re. 1 for a special class under-trial prisoner would suffice for the daily allowance in lieu of their rations for the diet.

7. Yes, it is desirable.

8. Under-trial prisoners of the same class may be allowed to associate during the day time under the supervision of the jail authorities.

9. Literate under-trial prisoners may be allowed the concession of a lamp uptill 10 P.M. for reading purposes, provided the jail authorities have made sure that the prisoner would do no wrong if he is given a lamp.

10. Under-trial prisoners subject to the requirements of safe custody and medical advise may be allowed to sleep in the open during the hot weather from the middle of April to the middle of September.

11. Special class under-trial prisoners may have their meals at their own expenses, subject to the strict supervision of a medical officer.

12. Yes.

13. The furniture required for a special class under-trial prisoner can suffice with one chair, one teapoy and a cot at Government expenses.

14. The provisions of the Jail Manual regarding the interviews with under-trial prisoners are generally followed in practice.

15. Yes, the under trial prisoner may be allowed the facility to purchase or get books, periodicals and newspapers from the jail library or from his friend and relatives.

16. Compulsory exercise in the interest o health for an under-trial prisoner should be left to his choice.

17. Yes it is desirable.

18. Yes.

19. Under-trial prisoners may be allowed facilities for soap and oil at their own expenses.

20. Under-trial prisoners may be allowed to use their own conveyance if they may desire.

21. Yes.

22. Yes the existing non-official visitors may be asked to visit the lock-ups.

NAUNIHAL SINGH MANN,
Non-official visitor, Sheikhpura Sub-Jail.

Dated Nawabwala, the 19th September 1929.

From—Khan SHER AHMAD KHAN, Saddozai, Non-Official Visitor of Sargodha Jail,

To—The Officiating Home Secretary to Government, Punjab.

WITH reference to your letter No. 5200-S.-Jails, dated 5th September 1929, I have the honour to submit below my opinion regarding the questionnaire drawn up by the Special Punjab Jails Committee :—

In my opinion the present rules need no change. There should be no other facility given to the prisoners or under-trial prisoners. Showing of concession would do more harm than good. The prisoners would be apt to take to a habitual criminal life, if they are treated more leniently and given special class food. More political unrest will follow, as people would take the imprisonment quite lightly. The very object of imprisonment will be destroyed and in the case of laxity in Jail rules, there would not be much use in keeping the Jails.

Under the circumstances there is no need of further classification of prisoners or under-trial prisoners.

The present rules are sufficiently lax and I would opine that they should be maintained excepting this that if a high classed loyal person comes to trouble, some concession should be shown to him in Jails (of course if his imprisonment was not the result of a political offence).

SHER AHMAD KHAN,
Non-Official Visitor of Sargodha Jail.

Opinion by Rai Bahadur Diwan KHILANDA RAM, F.A., LL.B., Advocate, Government Pleader and Public Prosecutor, Civil Lines, Multan, dated 13th September 1929.

Reference Home Secretary's letter regarding certain questions on which the Punjab Jails Committee has invited the opinion of the non-official visitors of Jails and other bodies and individuals.

A.

1. I would classify under-trial prisoners as below :—

(i) Special class.

(ii) (a) First offenders charged with offences against the 'human body' and against 'property'.

(b) First offenders against offences under other sections of the Indian Penal Code and against local and special laws.

(iii) (a) Previous convicts charged with offences against 'human body' and against 'property'.

(b) Previous convicts charged with offences under other sections of the Indian Penal Code and against local and special laws.

2. Trying Magistrate should be the classifying authority and he should exercise his discretion on the evidence produced at the trial in court. The order of the trying Magistrate should be final, but should always be subject to a revision by the local Board of visitors consisting of the Deputy Commissioner, Sessions Judge and the most Senior non-official visitor of the local jails.

3. I would not invest the Superintendent of the jail with any residuary or recommendatory powers regarding the classification of prisoners, but it will be open to the local board of the visitors to invite his opinion and that of the medical officer as to their experience about the under-trial prisoners.

4. Special class under-trial prisoners should travel on (transfer in an 'Intermediate class' or in a third class specially reserved for them.

5. If a special class prisoner wishes to travel in a class above the Intermediate class, the railway expenses above the Intermediate Class must be borne by or on behalf of the prisoner himself. One-half of the extra Railway expenses for the Police escort should be borne by or on behalf of the prisoner and the remaining half should be shared by the Government.

6. The trying Magistrate should decide the amount of the daily allowance granted in lieu of ration for the diet of (a) ordinary under-trial prisoners, (b) and special class when on transfer by train.

7. I would accommodate all ordinary under-trial prisoners in barracks excepting females and boys who should have separate barracks for themselves. But if any under-trial prisoner is charged with dacoity or murder or other serious crime against person or property, trying Magistrate will in the first instance decide whether or not he is to be placed in a cell, and if so what time he has to spend according to law in the cell.

8. I would normally allow all under-trial prisoners of the same class to associate during the day time.

9. I would allow literate under-trial prisoners the concession of lamps in winter for reading purposes upto 10 o'clock at night.

10. I would allow all under-trial prisoners of the same class to sleep in the open during the hot weather subject to the requirements of safe custody and medical advice during summer, *i.e.*, from April to August, both inclusive.

11. I would allow all special class under-trial prisoners superior diet at Government expense according to the scale at present allowed to ordinary European under-trial prisoners. The scale should be fixed by the trying Magistrate subject to the maximum provided by the Government.

12. I would place all special class under-trial prisoners in barracks unless any one of them is desirous to have a separate room for himself and accommodation is available in the jail.

13. I would allow special class under-trial prisoners at a Government expense ordinary furniture which is at present allowed to an ordinary under-trial European prisoners.

14. I have no reason to believe that the provisions of the Jail Manual regarding interviews with under-trial prisoners are not ordinarily followed in practice. But I would suggest that an aggrieved visitor to any under-trial prisoner should be allowed to represent his grievances if any, to the District Magistrate.

15. I would grant facilities to all under-trial prisoners at their own expense for supply of religious books and novels and portions of periodicals and newspapers which do not touch the political subjects and which are not prohibited by the Government. Such question should in the first instance be decided by the trying Magistrate who should also be authorised to receive the price of the articles in advance.

16. I would invest the jail authorities with the power to give under-trial prisoners a certain amount of compulsory exercise in the interest of their health, but no under-trial prisoner should be compelled to do grinding or oil pressing work under any circumstances.

17. It is desirable that arrangements should be made as far as possible to enable an under-trial prisoner to visit a dying relative on the production of the medical certificate by the Local Civil Surgeon or by an order from a first class stipendiary Magistrate.

18. I would allow all under-trial prisoners to participate, with due regard to the principle of segregation in any such educational facilities as may exist for the benefit of convicted prisoners.

19. I have nothing to suggest regarding improvements in washing arrangements for ordinary under-trial prisoners. But I would suggest that special class prisoners should have some better arrangements regarding privacy.

20. The present arrangements for conveyance are sufficient except as suggested in reply to questions 4 and 5. If any special class prisoner wants conveyance by road, he must pay for the same for himself and for the Police guard, unless Government conveyance is available for that purpose.

21. The conditions obtaining in jail judicial lock-ups should be brought into line with those in jail as far as it is practicable. It is not possible that conditions obtaining in judicial lock-up outside jails can be brought in to line with those obtaining in jail, but in my opinion some improvement should be made in the furniture supplied to the special class prisoners. They should be supplied with a chair or a durrie and a bath room to themselves.

22. There is no necessity for appointing non-official visitors for judicial lock-ups outside jails.

B.

I have carefully read the rules at present in force in the Panjab for treatment for special class prisoners.

23. The present rules do not require any modifications excepting what is given in clauses (a) and (e) of rule No. 1 and in rules 3, 14 and 15.

I would modify rule (1) (a) as follows :—

All prisoners, who, whatever their station in life, age or motive were *twice* convicted

and (1) (c) as follows :—Persons convicted of offences directly involving criminal intimidation for *political purposes* when violence has been used for the purposes of *such* intimidating.

(3) I would not accommodate political prisoners in cells unless a request is made by them. I would put all political prisoners of the province in a separate jail some miles away from the public, but I would allow them to mix freely with each other.

(13) I would allow them any books on religious and social topics and cuttings from periodicals and newspapers not dealing with political subjects and not prohibited by Government provided that they pay for the same.

(14) I would not handcuff or fatter a political prisoner on transfer or on way for trial to the court unless specially ordered to the contrary by the trying Magistrate, and if the trying Magistrate is not available by the District Magistrate.

(15) Superintendent, Jail, should have the power to recommend to the Board of Visitors as aforesaid that any particular concession of a special class prisoner be forfeited, and the order of the Board shall be final.

24. There should be two classes of special class prisoners (a) political prisoners. (b) First offenders who on account of education, status or position in life are declared by the trying Magistrate in his judgment of conviction to be entitled as such.

25. I have to make no suggestions on the subject of an opportunity to the special exercise or recreation for special class prisoners.

26. Special class prisoners, who are political prisoners must be concentrated in a special class jails as was already suggested by me in 1925 in my written statement sent to the Lumsdon Jail Enquiry Committee. I think that the new Central Jail now built at Multan should be the most appropriate for such prisoners. Other special class prisoners should not under any circumstances be put in the same jail with the political prisoners. They may be put in special barracks of ordinary local jails.

27. (a) Government will be well advised to provide better clothings to all literate persons, who should not be ordinarily put on grinding and on oil pressing work unless they misconduct themselves in the jail.

(6) We are very much behind times regarding industries in the jails. In my opinion paper industry at any rate must be working at a heavy loss. No private people wants such as bad stuff. We should try to modernise the jail industries and make an attempt to see themselves self-supporting.

I base my opinion on the experience gained as a Non-Official Visitor of Multan jails for 16 or 17 years past, and from the casual observations which I had a chance to make in several other important jails which I had to see in connection with the Bande Matram Case.

KHILANDA RAM, R. B. DEWAN,

MULTAN :

Non-Official Visitor,

The 14th September 1929.

Multan Jails.

Dated the 22nd September 1929.

From—Rai Sahib Lala LACHHMAN DAS, Non-official Visitor, Punjab Jails,

To—The Home Secretary to Government, Punjab.

I HAVE the honour to send herewith a list of replies to the questionnaires of the Punjab Jails Enquiry Committee forwarded with your letter No. 5200-S.—Jails, dated 5th September 1929. The delay in submission of these replies is due to my unavoidable absence from Lahore, which is regretted.

LACHHMAN DASS, RAI SAHIB,
Non-Official Visitor, Punjab Jails.

The following are the replies to the questionaire of the Punjab Jails Enquiry Committee:—

“ A ”

1. The under-trial prisoners may be classified as specified in the circular.

2. Yes.

3. In cases the trying Magistrate overlooks to classify any prisoner the Superintendent concerned should exercise residuary or such powers which enable him to put any prisoner on admission into Jail in grade he thinks proper. If however the prisener objects to accept the grade the matter should be referred to the trying Magistrate for his orders which should be final.

4. The Special Class prisoners may be allowed to travel in any class not higher than 2nd class.

5. Expenses should be borne by the Government.

6. The ration allowance should be allowed to (a) at annas 6 a day (b) at Re. 1-4-0 a day.

7. They should not be accommodated in cells but should be put up in separate Barrack.

8. The prisoners of the same class should be allowed to associate during the day time.

9. All literate prisoners should be provided with light up to 10 in the night specially in winter season.

10. Yes, they may be allowed to sleep in the open air during the months of May to September.

11. They should be supplied with better diet than is allowed to the Ordinary prisoners.

12. They should always be kept together.

13. Every prisoner should be supplied with one cot and one stool at Government expenses.

14. More facilities should be allowed so as to enable that the interviews are held within two hours the application are made therefor.

15. Only religious books should be allowed.

16. Yes, the prisoners should be allowed to take such an exercise which may up-keep their health.

17. Yes. Such prisoners should be allowed to see their dying relatives with the permission of the Superintendent of the Jail and the approval of the District Magistrate.

18. Yes.

19. Special Class under-trial prisoners may be allowed to have their clothes washed by Dhobies (washer-men) at their own expenses.

20. The prisoners should never be forced to undertake any journey on foot.

21. I do not think it convenient to allow the same facilities to the under-trial as are enjoyed by such prisoners in the jails.

22. The present Official and Non-official Visitors can easily serve the purpose.

B.

With the following amendments the existing Rules for the Special Class Convicted Prisoners are exceptable.

1. All Special Class Convicted Prisoners should be allowed Ration allowance at Re. 1-4-0 per day by the Government.

2. Willing prisoners may have their own arrangement for their diet.

3. They should be allowed to correspond with their friends and relatives twice every month on personal matters only.

5. They should be allowed to interview with 5 men a' a time with restrictions already in force.

6. Labour of menial and manual nature should not be taken from prisoners of this Class.

No. 117-C., dated 23rd September 1929.

From—Major P. D. CHOPRA, I.M.S., Superintendent, Central Jail, Lahore,

To—The Inspector-General of Prisons, Punjab, Simla.

IN accordance with your verbal orders, I have the honour to submit herewith the replies to the Questionnaire of the Punjab Jails Enquiry Committee for your perusal and disposal.

P. D. CHOPRA, MAJOR, I.M.S.,
Superintendent, Central Jails, Lahore.

Replies to Questionnaire by the Punjab Jails Enquiry Committee.

A.

1. The classifications of under-trials as suggested appears to be satisfactory.

2. Yes.

3. Yes.

4. They should be provided accommodation in intermediate class.

5. May be permitted to travel in any higher class provided he is prepared to pay the difference of cost between the intermediate class and the higher class both for himself and the escort.

6. (a) Ordinary under-trial 6 annas per day.

(b) Special class under-trials 10 annas per day.

7. Cellular accommodation is very desirable.

8. Yes.

9. Yes. Light to be provided upto 9-30 P. M.

10. If arrangements for safe custody are satisfactory they may be allowed to sleep in the open from 1st May to August 31st. Special enclosure would be required to provide.

11. The cost of such extra diet should not exceed 12 annas per diem.

Suggested Scale.

<i>Morning</i>	<i>Noon</i>	<i>Evening</i>
Milk $\frac{1}{2}$ seer	Chappatties 5 Chittacks	Chapatties 5 chittacks.
Sugar $\frac{1}{4}$ Chittack	Vegetables two kinds.	One dal.
Loaf one.	Curd 4 chittacks.	One vegetable.
	<i>Afternoon.</i>	
	Milk $\frac{1}{2}$ seer.	
	Sugar $\frac{1}{4}$ Chittacks.	
	Fuel Wood.	

12. Not necessarily. They should be provided separate accommodation from ordinary under-trials.

13. Yes. The items to be supplied at Government expense be as follows :—

(a) Bed.

(b) Dining table in a common dining hall with form for seating.

(c) A small bed side locker.

(d) One chair at the cost of the individual if he desires.

14. The provisions of Jail Manual are followed in my Jail.

15. (a) Books be supplied from Jail Library and private sources (subject to censor).

(b) Periodicals as above.

(c) Newspaper, the cost to be borne by the individual under-trial (subject to censor).

16. Arrangements be made by the Jail authorities for provision of physical exercise, e.g., Physical Drill or Muller's exercise. This should be optional but not compulsory.

17. Yes. Application for such permission should be granted by the magistrate trying the case.

18. Yes. The under-trials should be given separate facilities and not mixed with convicted man.

19. The existing arrangements are satisfactory and adequate.

20. The arrangements at Lahore are satisfactory.

21. I have no knowledge of judicial lock-ups.

22. I do not know anything about judicial lock-ups but I am of opinion it is desirable.

B.

23. I have no suggestion to make.

24. No. Only one class is sufficient.

25. See reply to No. 16.
26. Yes. It is desirable at the foot of a hill station in the Punjab.
27. No.

P. D. CHOPRA, MAJOR, I.M.S.,

Superintendent, Central Jail, Lahore.

Dated 23rd September 1929.

Dated Montgomery, the 21st September 1929.

From—Hafiz KHALIDUR RAHMAN SHAH, Honorary Magistrate and Non-Official Visitor Jail

To—The Home Secretary, to Government, Punjab, Simla.

WITH reference to your letter No. , dated
I beg to suggest the following :—

- (1) The classification suggested would suffice.
- (2 and 3) On the recommendation of the Superintendent, Jail and in consultation with the local Non-official Visitor, the trying Magistrate should be the classifying authority.
- (4) At least second class.
- (5) The whole expense should be borne by the Government.
- (6, 7 and 8) No. Cells are not advisable. Dormitory system (college boarding house system) is preferable to cells and large barracks.
- (9) Up till 10 P. M.
- (10) Yes. 1st April to 1st October.
- (11) Yes. The scale should be the same as that of European prisoners according to the status of the person in his social life.
- (12) No.
- (13) Yes. A chair, a table, commode, a charpoy and bed suitable for the season.
- (14) Yes. The under-trials should be allowed the privilege of holding interview with their

relations or friends any time they want it. The present system varies in different jails and is dependent on the discretion of the Superintendent. No under-trial should be denied an interview with his friends or relatives even if it is applied for daily.

- (15) All kinds of religious books as desired by the prisoners. Novels of reformatory nature. High class literature and Magazines and periodicals. Religious and Political newspapers as may be recommended by the local Non-official Visitors.
- (16) Yes.
- (17) It is very desirable.

B

There should be no distinction. The daily allowance should be awarded according to their social status in life. It is most desirable to keep special class prisoners in one special jail which should be built as early as possible.

*HAFIZ KHALILUR RAHMAN SHAH,
Honorary Magistrate and Non-official
Visitor Jail.*

MONTGOMERY :

The 21st September 1929.

Dated Sialkot, the 26th September 1929.

From—S. S. CHABAT SINGH, P. H. A., H. E. A. (com.); Licentiate in Law, District Judge (Retired).

To—The Home Secretary to Government, Punjab.

REF.—Punjab Jails.

A.

I.—Yes in greater detail :

1. Special class—to consist of 3 grades :—
- (a) First.
 - (b) Second.
 - (c) Third.

*To illustrate :—*A well earning High Court Advocate—or a high ranked official—goes to Jail due to his principles—Should be classed first class special.

A person of a big family or a big merchant should be classed 2nd grade.

A Railway employee drawing Rs. 35 a month or so should be classed 3rd grade.

Actually, I noticed such men in the jail.

1. Ordinary.
2. First offenders.
3. Previous convicts.

In the capacity of under-trial prisoners there should be no distinction in classification—in view of the fact that for the pending case they are to be deemed innocent and free.

II.—I think not. The Magistrate does not know personally all and each. Until he makes independent enquiry. There should be independent assessors—3 of them of local fame.

III.—I think not. The same holds good for him.

IV.—Just according to grades—but not inferior to intermediate in any case.

V.—Transfer is an administrative function—Government to bear—of course if the prisoner needs it, he must pay it.

VI.—No cash to be given. Let them choose according to their class the diet to fill up their belly as at home. If they do it from their own pocket, let them do it. The officer in charge should be an honest and pay up the bill as required.

VII.—The word "Cell" should be changed into the word room—and such rooms should be immediately built up. Not less than 12 × 12 with a small Court-yard 12 × 16. This for special class. For ordinary "barracks" with Veranda will do. Instead of mud cots-wood cots should be provided.

VIII.—Yes—up to 10 p. m. There is no harm.

IX.—Yes. Some read before dawn—Religious people read their sacred books "Sukhmani, &c., in the early morning before dawn—some read in the night *1st quarter*—Lamps be provided to each room and the oil in the lamps should be so arranged as to mean 4 hours in the night.

X.—Yes. The whole summer—April to August both inclusive.

XI.—The diet should be according to the grade and habit as eaten ordinarily at home—compatible as the health—no "luxury". Should not be underfed—all the same—A Bania will be "vegetarian" an Akali will be meat eater and so on. High Class people can afford to eat from their own pocket.

I have been an independent Superintendent *i.e.* "Magistrate Superintendent" in Ferozepore. The *cooks* should be trained persons and not the convicts—*Kucha Roti* Spoil health—I had to take great pains to have good meals—for all of them—scale of diet as in Indian hotels—*meno* published a week before—any objection to be compromised.

II.—Yes, but good and well ventilated rooms—not cells as at present existing for hardy offenders.

XIII.—Yes. Table, chair, cots, durrie or mat: High ranked persons can have their own furniture if their please.

XIV.—Some times very costly. The recent appointments of Lowest Superintendent might have perhaps effected some change—what papers cry—it is to be believed that the interviews are not permitted as they should be. There is no harm at all to allow free interviews—in as much good advice of good leaders makes good impression—and the Government will get real information as to the condition obtaining in the Jail. There will be the least chance for misunderstanding.

XV.—Yes, excepting the prohibited forfeited and undesirable. Some of them however are obnoxious in the main.

As regards "Facilities". For special class a small cosy Library to be open at appointed times in a good room—for others as Superintendent declares.

XVI.—Civilized exercise—no compulsion.

XVII.—The words "where possible" should be expunged. In all cases of serious illness and death they should be allowed to attend. These men who go to Jail on the strength of their principle (should not be anarchists of course) will never escape.

XVIII.—No need—they are generally well educated—advice on honest leaders at interview will be educative.

XIX.—Certainly—regular Dhobies from outside should be engaged. Those prisoner who can afford to pay—should pay up from their own pockets.

XX.—Certainly—lorries should always work where available—just as in Lahore. If by Rail—according to grades. 1st, 2nd and inter.

XXI.—Not at present—let us improve on Jail administration at an early date.

XXII.—No use. It is for honour—rarely speaking. It is no good for Jails even. They have not dared making any remarks against administration otherwise there should not have been an occasion

for *hunger strikes* which are cropping up as epidemic—of course—the control should be with the High Court and the Local Government combined. Occasionally the Jails and lock-ups should be visited by high officers and by genuine "*Leaders*" and public men—*not appointed*.

"B"

XXIII.—After the Committee Report these rules should be published and opinions should be invited—compatibility needed essentially. They are to be amended greatly, but after the enquiry.

XXIV.—I have replied *ad interim*.

XXV.—Civilized exercise—Badminton—tennis—Volly Ball—Dumb Ball.

XXVI.—This is certainly most welcome offer. There must be separate Jail—location—(1) In Delhi, (2) In Pindi. (3) In Amritsar. To be called special jails 1st class. There should be 3 divisions. Consisting of 9 districts, under the direct control of Commissioners and High Court.

XXVII.—It is really very deplorable that contradictory and inconsistent versions of the statement of the President and the members of the Jail committee have been circulated broadcast. The effect is unwholesome. Mr. B. R. Puri seems to have got wide the mark.

I suggest humbly that let us wait the Committee Report if unanimous—and then further suggestions be kindly invited I am constrained to observe that the Jail Manual is to be overhauled according to the untoward conditions that have arisen these days due to misunderstanding; honest advice in matters of this kind should be obtained by first hand information. Much of the calamity could have been avoided.

CHARAT SINGH, S. S., P. H. A.,

Licentiate in Law.

District Judge (Retired),

H. E. A. Commr.

SIALKOT :

The 26th September 1929.

No. 1345-C., dated Lahore, the 26th September 1929.

From—Major N. BRIGGS, I.M.S., Superintendent, Borstal Institution, Lahore,

To—The Home Secretary to Government, Punjab, through the Inspector-General of Prisons, Punjab.

I HAVE the honour to forward my answers to the questionnaire of the Punjab Jails Committee 1929.

N. BRIGGS, MAJOR, I.M.S.

Superintendent, Borstal Institution, Lahore.

**Answers to the questionnaire of the Punjab Jails Committee
1929.**

A.

1. Suggested that Special Class under-trial prisoners should also be divided for purposes of segregation into :—

- (1) First offenders.
- (2) Previous convicts.

2. Yes, with reference to the *social status, character, education and general behaviour* of the prisoners.

In this connection I do not consider that too much stress should be laid on claims to educational qualifications, as many of the agricultural class have a much higher social standing, although they have not devoted their time to sitting for Matriculation Examination and so on. I refer to Zamindars owning fifty acres of land, or above, and also village Headmen, Safed Poshes and Zaildars, also Mir Mahallas and Claudhries of Tribes, and all payers of Income-tax.

I recommend also that Government Servants drawing salaries of Rs. 50 per mensem and over should be considered as eligible for the Special Class, also Indian Officers, retired or otherwise.

A prescribed form should be provided giving full details of :—

- (a) Property.
- (b) Income.
- (c) Social standing.
- (d) Educational qualifications.
- (e) Income-tax paid.

Such particulars would be verified by the Police, and afterwards endorsed by the Magistrate and the form attached to the commitment warrant for the immediate information of the Jail authorities.

3. Yes, the Superintendent should be empowered to inform the Magistrate that his classification does not appear to be correct, and in anticipation of reclassification the prisoners after due observation has

been segregated and treated according to the rules affecting the other class, whichever he may decide as suitable.

4. Intermediate Class.

5. If above Intermediate Class the prisoner should pay the extra expenses involved, for himself and the escort.

6. The amount of the daily allowance granted in lieu of rations for the diet of (a) ordinary under-trial prisoners should be 3 annas (Re. 0-3-0) for each meal necessary whilst travelling.

(b) The amount sanctioned for the Special Class should be 12 annas (Re. 0-12-0) a day, and any extras required should be purchased at their own expense. (Special Class under-trial prisoners, should normally be in a position to pay for any extras they require.)

7. I think it is desirable to accommodate all under-trial prisoners as far as possible in cells.

8. Under-trial prisoners of the same class should normally be allowed to associate *during certain hours* in the day time. (In my experience if prisoners in long numbers associate together without any restriction, quarrels sooner or later.)

9. Yes, for reading purposes up till 9-30 P.M.

10. No, not as a rule, unless special enclosed verandahs are provided.

Cases could be allowed to sleep outside on Medical grounds, but in practice such cases are usually under special attention in the Hospital.

11. In the case of Special Class under-trial prisoners it would be reasonable to expect that the prisoners or their relatives, or friends would be in a position, and take the trouble to supply extras to the ordinary food supplied by the Government, as this is the rule under which the poorer ordinary under-trial prisoners are able to obtain any small comforts for which they have been accustomed.

If the ordinary under-trial has to forego certain comforts because he, his relatives, and friends have not the means or the methods of providing them, surely the same rule should be applicable to Special Class under-trial prisoners who, according to their status in life are more likely to have their own means, or relatives and friends who can afford and should be in a position to provide any extras, to which they have been accustomed.

A superior diet should be supplied to Special Class under-trial prisoners up to 12 annas (Re. 0-12-0) a day, at Government expense, provided that—

(a) Such extra diet be supplied on Medical grounds,

or,

(b) The classifying Magistrate certifies that the prisoners or his relatives and friends are now not in a position (perhaps owing to distance or lack of money) to provide the necessary

extras to bring the jail diet up to that, to which the prisoner has been accustomed, in the ordinary course of events.

12. Yes, I recommend cellular accommodation be provided.

13. Yes, a table and wooden chair for writing and reading purposes.

In the interests of safe custody no charpoy constructed with newar tape, or rope etc., could be provided.

An all wooden bedstead could be provided if desired.

14. No, except when interviews have to be restricted owing to large numbers and lack of facilities.

15. Yes, from the Jail Library and outside, subject to censorship. (No extra expense to Government.)

Periodicals and newspapers should be allowed according to an approved list, and subject to censorship by the Superintendent. All to be provided at the prisoners' own expense or by relatives and friends.

16. Such exercise should be voluntarily taken, and then in whatever form it is convenient and suitable for the Jail authorities to provide.

It would not be practicable to arrange varieties of work to suit individuals, and such voluntary workers could not be held responsible for the loss of materials, etc.

17. Yes.

18. No.

19. Under-trial prisoners could be allowed to hand over their clothes for washing to the Jail or an outside dhobi at market rates.

20. Under-trial prisoners of either class should be conveyed in enclosed vehicles and not exposed to the public gaze more than is absolutely necessary.

21. No remarks.

22. No remarks.

B.

23. Suggested amendments—

11. Add "and can be arranged according to the forms of labour available in the jail where the prisoner is accommodated for the time being."

12. Add after, in summer "provided they do not sleep on cots which under certain circumstances might provide means of escape for themselves or other prisoners."

24. Special Class convicted prisoners should also be divided into :—

- (1) First offenders,
- (2) Previous convicts,

for purposes of segregation.

25. Opportunities of exercises and recreation can only be afforded when a special jail is provided.

26. Yes, in a special jail, preferably in a *healthy country district*, out in the open, as far as away as possible from bazar and city influences which may or may not have lead to their incarceration.

No. 1361-1F-6-C., dated 24th September 1929.

From—Major N. BRIGGS, I.M.S., Superintendent, Borstal Institution, Lahore,

To—The Home Secretary to Government, Punjab, through the Inspector-General of Prisons, Punjab.

SUBJECT :— *Answers to Questionnaire of the Jails Committee 1929, by the under-trial prisoners of the Lahore Conspiracy Case.*

I HAVE the honour to forward herewith answers to questionnaire of the Jails Committee 1929, by the under-trial prisoners of the Lahore Conspiracy Case confined in the Borstal Institution, Lahore.

N. BRIGGS, MAJOR, I.M.S.,

Superintendent, Borstal Institution, Lahore.

Dated 28th September 1929.

From—J. N. SANYAL and thirteen other accused in the Lahore Conspiracy Case, now confined in the Borstal Institution,

To—The Secretary, The Punjab Jails Committee. Simla (through the Superintendent, Borstal Jail, Lahore).

WE beg to forward herewith the enclosed memoranda signed by us—fourteen accused in Lahore Conspiracy Case at present confined in Borstal Institution.

Kindly note that this memoranda has not been signed by comrades Bhagat Singh and Bhutkeshwar Datta as we had no opportunity to consult them in the matter.

In conclusion we draw your attention to the fact in reply to your questionnaire, we have in most cases laid out the general principles and an outline of concessions, for

placed as we are at present in jail, it is not possible to make suggestions in greater detail.

J. N. SANYAL

and thirteen other accused in the Lahore
Conspiracy case, now confined in the Borstal
Institution.

A.

1. Yes. The classification of under-trials under the following two heads, *viz.*, Special and Ordinary, the latter being subdivided into two classes, *i.e.*, First offenders and previous convicts, is essential on principle.

2. The Committing Magistrate may be the classifying authority : Keeping in view the principles of Law that an under-trial is confined in jail only for safe custody and lawful detention and further that an under-trial is innocent in the eyes of law, irrespective of the nature of offence for which he is charged, we suggest the following criteria for classification as special class under-trial :—

(a) All educated persons or persons coming from respectable class of society, and accustomed to a higher standard of living.

(b) All persons charged with offences against the State.

The under-trials should have the right to appeal to higher judicial courts as is the procedure in all criminal cases.

3. The Superintendent should have only recommendatory powers.

4. Special Class under-trials should not in any case travel below Intermediate classes. The compartment occupied by one or more of them should be reserved because there is a general grievance that identification witnesses are often introduced into compartments occupied by the accused for facilities of identification.

For persons whose social status and mode of living demand a higher class, accommodation in second or First classes should be secured.

5. The whole of the expense should be borne by the Government.

6. (a) Annas ten.

(b) Rs. 2-8-0.

In fixing the diet-allowance it must be borne in mind that the food-articles procurable at Railway Stations are very dear in comparison to those available in jails.

7. It is not desirable to invariably accommodate all under-trials in cells. Prisoners who are accused in the same case should be kept together in Association Barracks, if so desired by them.

8. All special class under-trials should normally be allowed to associate with each other during the day time, in view of their social instincts.

9. Yes, upto 11 p. m.

10. Yes, 15th April to 15th October.

11. Yes, Rs. 1-8-0 per day.

12. Special Class under-trials should not be invariably supplied with cellular accommodation. Prisoners who are accused in the same case should be kept together in Association Barracks, if so desired by them.

13. Yes, one table, one chair, one cot with bedding, one shelf and one rack.

14. The provisions of the Jail Manual are not invariably followed in practice, and often it happens that a prisoner is not given proper facilities for interviewing his friends and relatives.

15. Yes. They should be allowed all books and magazines that are not proscribed. Wherever, desired by the prisoners, proper facilities should be afforded for their becoming members of Public Libraries, because Jail Libraries at present are hopelessly poor in respect of high class literature.

As regards newspapers, they should be supplied with at Government cost, at least one English and one Vernacular daily of their own choice from a list approved by the Government. This list should not necessarily contain only pro-Government papers. Besides the under-trials should be allowed to subscribe any number of newspapers and periodicals.

16. Jail authorities should not be allowed to give them compulsory exercise, but should afford them proper facilities in this matter, if desired by them.

17. It is strongly desirable that proper arrangements should be made to enable an under-trial prisoner to visit a dying relative.

18. Yes.

19. For special class prisoners, washing arrangements should be made twice a week, washing soap also being supplied for this purpose.

20. Special class prisoners should in no case be made to walk for more than a quarter of a mile; and as for ordinary under-trials, this distance should not exceed one mile, but when the latter are in fetters, they should be given some conveyance.

21. ———

22. It is desirable that existing non-official visitors should be directed to visit judicial lock-ups outside jails.

B.

Before replying to the questionnaire we want to bring to the kind notice of the Committee that drastic changes are necessary in the rules at present in force regarding special class prisoners. The criteria for classification is hopelessly inadequate and excludes persons specially political prisoners, who by virtue of their social status, education and higher standard of living, and self-less motives in the commission of crimes for which they are convicted, highly deserve a better-class treatment. Debarring them from enjoying special class privileges amounts to nothing less than vindictiveness. The main object of confinement in prisons in every progressive and civilized country is the reformation of prisoners, but the treatment that is at present meted out to political prisoners in India is such that during confinement all the higher instincts, intellectual and moral, are inevitably killed as a natural sequel. We, therefore, suggest that there should be two classes of special class prisoners, namely, A and B, with the following rules :—

(1) *Criteria of classification.*—The following persons should be included in Special Class A :—

- (a) All persons convicted of offences with a political motive as distinguished from offences committed with selfish ends. The only exception should be made for persons convicted under section 302, I. P. C.
- (b) All educated persons coming from a respectable class of society and accustomed to a higher standard of living whose crime does not involve moral turpitude.

All educated persons coming from a respectable class of society and accustomed to a higher standard of living, but whose crime does involve moral turpitude should be placed in Special Class B.

(2) *The classifying authority.*—The convicting courts should decide whether a convict should be placed in one of the special classes. Prisoners should have the right to appeal to higher judicial courts as is the procedure in ordinary criminal cases. Besides, prisoners should have the right of appeal to a committee specially appointed for the purpose, of non-official members of the Legislative Council. Non-official visitors and Superintendents of Jails should have recommendatory powers. The recommendations to be forwarded to the local Government.

(3) *Treatment.*—(Both for special class A and B, unless mentioned otherwise).—

(i) *Confinement and accommodation.*—(a) All special class prisoners in a province should be concentrated in one particular jail situated in a healthy locality, preferably a hill station, e.g., Dharamsala in the Punjab and Dehra Dun in United Provinces. The concentration should never be arranged in places like Mianwali or Dera Ghazi Khan, as seems the prevalent practice in the Punjab. The principle of not insulating them in consideration of their social instincts.

should always be kept in view. Segregation in their cases would act as an additional sentence of severity. To provide them with opportunities of association, they should be kept in groups in association barracks.

(b) Persons hailing from another province, the climate of which is altogether different from that of the province where he is convicted, should be transferred to jail in the province to which they belong, if so desired by them.

(ii) *Labour*.—They should not be given any kind of work to which they are not accustomed and for which they have no aptitude owing to their habits and previous mode of living. The hours of labour should not exceed 36 hours in a week.

In case of long term prisoners with sentences of 10 years or more, they should not be put to any labour after they have finished $\frac{1}{2}$ of their term. As for prisoners with lesser terms of imprisonment labour should be given for only half the term.

(iii) *Diet*.—The scale of diet for special class prisoners should be at least Re. 1 per diem for A class, and Rs. 0-12-0 for special class B. They should be allowed their own kitchen inside their wards, proper arrangements being made by jail authorities for cooking. Cooking utensils should be supplied to them. The food to be prepared should be according to their choice, provided the expense incurred is within the limits of the prescribed allowance. Special class A prisoners should be allowed to supplement their diet at their own cost.

(iv) *Personal comforts and necessities* :—

- (a) The same furniture should be supplied to prisoners of special class A as is now supplied to European class prisoners in Bengal, as well as other physical amenities of life as enjoyed by them. To special class B prisoners should be given one cot with bedding, one chair, and one table.
- (b) They should be allowed shaving and toilet requisites.
- (c) Jail clothing should be supplied to special class A and B prisoners which should be of a decidedly better type and quality than that supplied to ordinary convicts. Special class A prisoners should be allowed their own private clothings.
- (d) They should not be required to perform menial duties, nor have to pay for having such duties done for them by Jail servants.
- (e) Special class A prisoners should be permitted to use their own cups and plates, beds and beddings, and their own cooking utensils.

(f) Special class A prisoners should be permitted to sleep in the open air from 15th April to 15th October. Separate latrine accommodation should be allotted of such a type as may ensure privacy.

(v) *Books and newspapers.*—All the concessions suggested for under-trials in reply to question No. 15 should be made applicable to all convicted special class prisons also, with the exception that they may not be allowed to subscribe newspapers and magazines.

(vi) *Recreations, games and exercise.*—Such indoor games as cards, carrom, chess, etc., should be allowed to special class A prisoners. Soft music such as gramophone, harmonium should be allowed. To prisoners of both the classes proper facilities should be given for taking outdoor physical exercise.

(vii) *Interviews and letters.*—Special class prisoners should be allowed monthly interviews; not more than two friends or five relatives may visit the prisoner at one time. During the interview there should be no restriction in their holding conversation on political topics, provided it does not amount to discussion or propaganda. They should be allowed two letters a month, but on urgent occasions such as death or serious in the prisoner's family, the Superintendent of Jail should have discretion to relax the rule. In the letters they should be allowed to make reference to Jail administration and discipline as affect them personally. They should also be allowed to touch on political questions provided it does not amount to propaganda.

(viii) *Fetters and handcuffs.*—These should not be applied in jail except as a punishment; when on transfer handcuffs may be used; if necessary, but not fetters.

(ix) *Light.*—They should be provided with light in their wards till 11 P.M.

27. Yes.

Re special class under-trials.

(a) Relatives and friends coming to interview should never be subject to the humiliation of search; proper watch during the time of interview is sufficient to prevent receiving or introducing any prohibited article.

(b) Duration of interview for special class under-trials should be at least 1 hour, and for that of ordinary under-trials, it should be half an hour.

(c) *Recreation.*—All the facilities suggested for Special Class A prisoners under this head should be made applicable to special class under-trials also.

(d) *Handcuffs and fetters.*—No under-trial should be handcuffed or fettered whether during their detention in jail, or stay in court, or when being conveyed from one place to another.

- (e) *Letters and interviews.*—Special class under-trials should be allowed at least 3 letters and 3 interviews in a week. All the other rules suggested under these heads for special class prisoners should be made applicable to special class under-trials also.
- (f) *Diet.*—The concession for the arrangements of cooking, utensils and choice of food-articles as suggested under this head for special class A prisoners should be made applicable to special class under-trials also.

Both regarding special class under-trials and prisoners.

1. To provide facilities for study, and in the case of under-trials, for the purpose of defence as well, retaining of writing materials and papers should be allowed.
2. A prisoner should be allowed to prepare and write a book, if he so desires, with the proviso that the subject matter of the book will be censured by the authorities before being sent outside.
3. They should be allowed to consult Jail Manual, whenever they desire.
4. Proper facilities should be given to them in view of their enlightened position, to forward all suggestions for improvement regarding Jail administration and discipline to local Government.

B. SINHA,

and other 13 accused of the Lahore
Conspiracy Case.

Dated the 7th October 1929.

From— W. R. C. ADCOCK, M.A. L.L.B., (Cantab), Barrister-at-Law, Ludhiana,
To—The Home Secretary to Government, Punjab.

I HAVE the honour to submit replies to the questionnaire of the Punjab Jails Enquiry Committee.

I shall be glad to appear before the Committee at Lahore or elsewhere to give evidence or to submit to cross-examination.

So far as my replies are expressions of opinion, they are based upon my own personal knowledge of incidents which have actually occurred. The statements of fact can be supported by many references to the actual records of decided cases. I should welcome any enquiry for particulars if the Committee desires further information on any point raised.

I should add that as far as I have been able to ascertain from my own observation and from enquiries of former clients the *jail* authorities administer most sympathetically the rules by which they are bound; but this is not so in the case where *police* are concerned, either as custodians or as escorts from jail to court house.

I consider that it is not so much the so-called political offender who needs protection as the poor and ignorant accused; the former is usually able to obtain the best legal assistance, but the latter has to stand on his own feet and is usually afraid to complain, and witnesses are afraid to tell the truth from fear of prosecution.

I consider also that a political motive is no ground for regarding an offence as less serious than one committed with other motives; robbery and murder for the purpose of obtaining funds for a political organisation are no less serious than the same crimes committed by a thug, who if a genuine thug has the much purer motive of worshipping the Almighty in the way he believes most acceptable. I must also protest against a crime being described as without "moral turpitude" when the country has decided that it is punishable with imprisonment. Anything that is contrary to the standard of right laid down by custom and universally endorsed, as it is when the act is punishable by imprisonment, is immoral, and the standard of morality is that laid down by the country as a whole and not by particular sections of it. (For example, there are tribes in West Africa which regard marriage with a step-mother as perfectly proper and normal procedure, and marriage with a cousin as incestuous (the exact reverse of the European standard and will assert their views in no-uncertain manner—surely it cannot be suggested that the latter act *if committed where it is so regarded* is devoid of "moral turpitude"?).

I regret the delay in submitting these replies. I felt that I should make sure of every fact on which I rely in support of the opinions expressed, and have taken time to get chapter and verse for every one.

W. R. C. ADCOCK,
M.A., L.L.B. (Cantab.) Bar.-at-Law,
Advocate, High Court
(Sometime Prison Visitor in Nigeria).

A.

1. In view of Section 31 prisons Act 1894, there appears no need for classification of *under-trial* prisoners.

The privileges granted to civil prisoners under section 34, and to convicts sentenced to simple imprisonment under section 36, should be extended to under-trial prisoners, but there should be no deduction in such cases for cost of maintenance or for clothing and bedding supplied under section 33 (1).

2. In no case should classification be made by the trying court. Far too much extraneous matter already appears in the file of a case, making it extremely difficult for a magistrate to decide a case upon the evidence *legally* before him. Section 54, Evidence Act, is constantly evaded in spirit, and section 255, A, Criminal Procedure Code, is ignored. Classification should be by the Superintendent of Jail.

There is not the same objection to classification by a Magistrate, *after he has signed the committal order*, for the period between committal and sessions trial.

3. The Superintendent, Jail, should be the classifying authority. Alternatively he should have powers similar to those given him under the Reformatory Schools Act and section 8, Punjab Borstal Act, 1926.

4. Government should provide transport at Government expense in the lowest class available in the train selected. Prisoners should be allowed to pay difference in fares for self and escort and travel in a higher class if they desire. If the prisoner is handcuffed on the journey, and there are railway police on the train, he should not be required to pay for more than one escorting policeman.

5. Government should not pay more than 3rd class fare unless the transfer is by a train not carrying 3rd class passengers, or the prisoner is infirm or aged and there is a long night journey, when intermediate might be allowed.

(Note.—I have frequently travelled 3rd class in ordinary and police carriages, and seen nothing objectionable).

The reasons why ordinary persons travel in higher classes are (i) prestige, which does not arise when a man is in custody (ii) comfort, for which they have to pay. Prisoners should pay for extra comfort in the same way as freemen.

6. The amount should be that for which the prisoners can be fed on the journey, whether as vegetarian, non-vegetarian, Mussalman or European (soldier ration). More on *genuine* medical grounds only. Prisoners should be allowed to supplement, on proper notice, at his own expense; e.g., European who would be given a soldier's midday meal (8 annas) should be allowed a first-class lunch (Rs. 2-0-0) if he pays Rs. 1-8-0 difference before the time at which the guard has

to telegraph for it, and other prisoners the same privilege *mutatis mutandis*.

7. Yes. Always if they desire it.
8. Allowed, but not compelled.
9. Yes, until the night watch is set.
10. Yes. The thermometer and not the calendar should be the guide.
11. Good plain food should be supplied to all according to their usual diet. Extras should be supplied at prisoners' expense. Extras ordered by the medical officer on *genuine* medical ground should be free.

12. No answer.

13. Charpoy, and use of table and chair, not necessarily set apart for use of a particular prisoner.

14. When I have visited jails as a legal practitioner to interview clients I have invariably been treated with the greatest courtesy, and interviews have been allowed at all reasonable hours without delay and on application. Even when I have asked to see convicts to take instructions for appeal I have only had to wait the necessary time to get them from their work gang, and the jail official has kept out of earshot without being requested to do so. I have been allowed to take my own interpreter on my verbal assurance of my responsibility for his conduct, and generally I can speak in the highest terms of the helpfulness of the officials at the Ludhiana Jail, the Lahore Jail, and the Borstal Institution at Lahore.

The reverse is the case at the police lock-ups. There I have been treated invariably with the greatest hostility and obstruction. An application to the officer-in-charge is invariably refused. An application to a magistrate is opposed by the police prosecutor and adjourned for the production of rulings which he well knows he cannot produce. Even when the magistrate has made a definite order for interview the obstruction has continued, and I have never yet been able to get an interview with my client at a police lock-up.

(*Note.*—I can see the objection to allowing interviews with relatives—a prisoner might tell his brother where to find a blood-stained garment and destroy it—but this does not apply to Advocates on the roll of a High Court.)

Both the Bombay and Lahore High Courts have expressed their views in no uncertain terms against this police practice, and executive instructions are necessary to secure observance of the law.

I can give definite instances, two of which are absolutely scandalous. In one a boy who was afterwards acquitted, *the magistrate*

stating in his judgment that the charge was maliciously false, had been advised by the police to admit the offence, as "he would then be let off with a warning, while otherwise he would get severe punishment". There were other illegalities too long to recount here. The other was a murder case in which no commitment was made—both accused were discharged.

15. They should be allowed whatever they can pay for.

16. There should be opportunity but not compulsion.

17. Yes, if it is satisfactorily established that the relative is seriously ill. Prisoner should pay expenses of self and escort unless he is a pauper.

18. Yes, and in trade instruction. I have known of men remaining in jail under trial for 10 months, and a small boy charged with a petty theft is usually in jail for about a month.

The Inspector-General, Prisons specially wrote to the District Magistrate, Ludhiana, about cases of detention in jail of some children (aged 9 and 11½) in 1928, but I had myself seen this and gave my personal bail. They and their uncle (aged about 30) were all discharged later, after court proceedings lasting 2½ months; they had been over 2 months in Nabha State jails awaiting extradition. An alleged murderer aged 13 was acquitted by the Court of Sessions after 4 months in jail awaiting trial. A "burglar" of 14 arrested on 28th February was in police custody for 10 days and then in jail till acquitted on 25th April. Theft trial of a boy of 14 lasted over 3 months—he was acquitted—but he was bailed.

19. I have no data, and cannot answer.

20. Yes, so far as I have observed. I have seen a boy of 13 chained in the middle of a gang of adults charged with murder and rioting. He was acquitted of receiving stolen goods. The man who shared his handcuffs was sentenced to death.

Often handcuffs do not fit properly, and turns of chain are taken inside the wristlets, and some times wrapped round the wrists also. I have seen wrists covered with bruises from this cause. Proper gang chains should be provided if it is necessary to chain men together in gangs.

21. To what conditions is reference made?

22. Yes. I do not see that it matters whether the lock-up visitors are the same as the jail visitors or not.

B.

23. 1 (a) Offence against property. I cannot see why it should be possible to extend to a perjurer, bribetaker or forger privileges which are denied to a petty thief.

(e) Nor can I see that a threat to accuse of a foul crime is less serious than a threat to slap or whip.

5. This concession should not be allowed with regard to outer garments.

8. Is there any definition of "menial duties"?

11. In my opinion it is difficult to conceive anything more contradictory or ridiculous than calling the imprisonment of a special class prisoner "rigorous". If the court considers that the prisoner should be placed in the special class it should sentence him to simple imprisonment.

17. This ought to apply to *all* prisoners. Notices should be in English as well as local vernaculars.

24. The system should be entirely overhauled and made somewhat like the English system. Prisoners in India are nearly always given rigorous imprisonment as a matter of course except when simple imprisonment is the only form allowed.

It is worthy of note that a vagrant who cannot find security usually gets a year's rigorous imprisonment, while if he had the sense to commit a petty crime as soon as he found the police were watching him he would get less.

It must also be noted that the courts have very large powers of mercy. There are very few cases (murder, armed dacoity, etc.) where a minimum punishment is prescribed. Even where imprisonment is obligatory it can be for one day only. It seems therefore that special class treatment is only required to deal with the small number of cases where the convict must be incarcerated for a substantial period rather to keep him out of mischief than to punish him.

This matter is perhaps not within the terms of reference, which are not stated in the questionnaire.

25. No.

26. They should all be sent to one Jail, not necessarily a special Jail.

27. (i) The police rules prescribe the cases in which under-trial prisoners may be handcuffed on their way to court. These rules are ignored, and in fact every under-trial prisoner is handcuffed, often in an illegal and brutal way.

(NOTE.—Even a person against whom the railways make an application under section 113 Railways Act, who is really a civil prisoner if arrested under section 132, is handcuffed. Police officers appear to imagine that their power of arrest under section 132, the analogue of section 57, Criminal Procedure Code, makes travelling without a ticket cognisable, and usually add a charge under section 112, Railway Act. The latest dodge is to prefer a further charge under section 109, Criminal Procedure Code).

(ii) Prisoners remain handcuffed and chained to their escort even in the dock and while undergoing examination. An under-trial prisoner summoned to give evidence remains handcuffed in the witness-box.

(iii) No light canes are provided (as required by law) for the whipping of juveniles. The long heavy canes prescribed for adults (the Indian equivalent of the "Cat") are used, and thus the punishment must be either a brutality or a force.

(iv) Convicts are transferred (contrary to the High Court Rules) from the jail of conviction before the appeal is put in, and in some cases before the delivery of the copy of judgment. This greatly hampers the preparation of the appeal, as pleaders have no opportunity of taking instructions upon doubtful points.

I should like to add that such grievances as may exist are hardly the fault of the jail department. The trouble is principally due to violations of law by police and magistrates.

For example, section 170, Criminal Procedure Code provides that witnesses shall be made to give security to appear on the day the accused is ordered to appear (if bailed) or brought before the court (if in custody). This law is persistently ignored. In *not one single case* of the many instituted in Ludhiana in week ending 26th September 1929 was this law complied with. The accused is brought up with police report, and the magistrate gives a date for the first hearing, sometimes a month ahead. During the hearing adjournments of a fortnight or more are granted because witnesses are not present, and no enquiry is made as to the reason for absence. Clearly if the witness is absent after service a warrant should be issued, while if he has not been served strict enquiry should be made and the officer in default should be punished. These absences, I believe are frequently due to dishonest motives.

Section 173, Criminal Procedure Code requires investigations to be completed with as little delay as possible and challan to be put in immediately on its completion. Frequently the *putting in of the challan* is delayed for the arrest of an alleged absconder, and the co-accused are kept in prison. The law is that the challan shall be put in when the investigation is complete, and the arrest of an accused has nothing to do with the case. It is for the *magistrate* to decide whether the case shall proceed against the accused who are present or shall be adjourned for arrest of the absconder.

Again, many magistrates seem to be unaware that the law of bail was amended in 1923. Originally bail was demandable of right, as it still is, in bailable offences, and could not be granted in non-bailable offences where there appeared reasonable grounds for believing accused guilty. *Now* the court's discretion is only limited in the case of a healthy adult male charged with an offence punishable with a life sentence or death. It is submitted that *when no evidence is produced* there is no reasonable ground for believing an accused guilty of a non-bailable offence, and he should be granted bail; and in other cases of non-bailable offences of the lesser degree it should be for the prosecution to show cause why the court should exercise its discretion against the accused rather than the other way about.

As to the actual treatment of under-trial prisoners, it seems to be overlooked that the detention is not penal, and is for one purpose only, namely the assurance that the accused shall stand his trial and shall be available to submit to the orders of the court. Accordingly if his standard of living is above that of the rank and file he should be allowed the full liberty accorded to him by the Prisons Act to supplement the rank and file treatment, which Government has to pay for from the private means by which he normally maintains that higher standard while free.

But nearly all the possible causes of grievance would be removed if trials were conducted without the unconscionable delays that now occur from easily preventable causes.

Dated Ambala City, the 5th October 1929.

From—Rai Bahadur Lala PANNA LALL, Rais, Mill Owner, Railway and General Contractor, Ambala,

To—The Home Secretary to Government, Punjab, Simla.

SUBJECT:—*Questionnaire issued by the Punjab Jails Committee.*

WITH reference to circular No. 5200-S-Jails, dated 5th September 1929, I beg to enclose herewith answers to the questionnaire issued by the Punjab Jails Committee.

I regret for the delay which I hope you will kindly excuse.

PANNA LALL,
RAI BAHADUR,
Non-Official Visitor of Jails.

COPY of the above, along with that of the answers, forwarded to the Inspector-General of Jails and Prisons, Punjab Province, Lahore.

PANNA LALL,
RAI BAHADUR,
Non-official Visitor of Jails.

Answers to the questionnaire circulated by the Punjab Jails Committee (Home Government Circular No. 5200-S.-Jails, dated 5th September 1929).

A.

1. This classification would do.
2. Persons of high social standing and character, those who pay income tax, and persons having higher University education should invariably be included in special class. For others the trying magistrate should be the classifying authority.
3. Yes.

4. In second or intermediate class according to their social standing.

5. All expenses should be borne by the Government.

6. (a) For first offenders Re. 1 and for previous convicts annas 8, (b) European standard.

7. No, unless there are strong reasons for it. In case they are kept in cells, the latter should be in European style of quarters.

8. Yes. But persons relating to the same offence and case under which they are apprehended should not be allowed to meet. They must, however, in no case be allowed to associate with previous convicts.

9. Yes, upto 10 in the night. But care must be taken that the lamps are not misused.

10. Yes. According to local climatic conditions, but generally from April to August.

11. Yes. European standard.

12. No. See 7 above.

13. Yes. Bed, easy chair, ordinary chair, table, commode, washing basin, toilet and other decent utensils. Beds should not be of *Niwar* or *Moonj*, as both can be misused.

14. Yes, they are not invariably followed in practice. This all depends upon the mercy of the jail Staff.

15. Yes. Books of law to help them in their cases. Religious and social books and magazines. Fiction to kill time should be provided, in readable languages of prisoners. Political literature, either in books, periodicals or newspapers, should not be allowed in case of political prisoners.

16. Mild form of exercise on their own wishing, such as walking, should be allowed. It should not be of hard nature, such as labour, and not compulsory, as it would throw the prisoners at the mercy of the Jail staff, and which would result in corruption.

17. Yes, and in all cases, unless where there is some fear of a prisoner being rescued. But special safeguards can be taken in all cases.

18. No. They should be provided with separate facilities.

19. Sanitation bathrooms should be introduced.

20. Yes. Sleeping accommodation should be provided in nocturnal journeys, in addition to latrine arrangements and free supply of water.

21. Yes, as far as practicable. Under-trial prisoners should in no case be kept in judicial lock-ups for more than 24 hours, and as far as practicable they must be removed during this period from the influence of the police officers who are conducting the investigation. As far as possible and practicable Jail facilities should be introduced.

22. It is not necessary that special non-official visitors be appointed for judicial lock-ups. The existing ones would do better, in as much as they might compare the conditions obtaining in jails and lock-ups and thus suggest improvements in latter.

There is much that can be done by non-official visitors. They should be required to inspect once in every month, and those who fail to do so for 3 consecutive months should be removed from the list.

While visiting they may take notes on the spot but they should be required to write the reports at home after consulting law and other requisite books.

They should also submit a copy of their report to each one of (a) the Sessions Judge, (b) the District Magistrate, and (c) the Inspector-General of Prisons.

The Sessions Judge should constitute forthwith enquiry if there is anything suggested in the report and must take any independent action if he deems it fit in any particular case or matter suggested in the report.

B.

(1) (b) " persons who have incited others to crimes of this character " should not be excluded from the special class.

(4) They should be allowed diet on European standard and at Government expense.

(9) All these should be provided to them by Government.

(10) At Government expense.

24. There should be only one class.

25. As in A (16).

26. Yes, such a jail should be in some cool, healthy place, such as in the newly-opened Kangra Valley.

27. *Utensils.*-- The ones now-a-days generally supplied are made of iron and are very bad-looking. They should be of copper or brass.

Ordinary Treatment.-- Harsh and abusive language should not be used by jail staff. The reason that most of the prisoners in jails are common people and previous convicts, should not be a further reason that beating, harsh and abusive language and treatment be meted out to them and thus be made more brutal.

(Sd.) PANNA LAL,

AMBALA CITY :
The 5th October 1929. }

RAI BAHADUR,
Non-official Visitor.

APPENDIX III.

**Oral Evidence recorded by the Punjab
Jails Enquiry Committee.**

APPENDIX III.

26th September 1929.

1. Rai Sahib Lala Ram Saran Dass of Rohtak :—

GENERAL STATEMENT.

The words "merit neglected" in the last paragraph of my written memorandum referred not to prisoners but to Government servants. Since the submission of my written memorandum I have discussed the question of classification of special class prisoners with other persons, *e.g.*, political workers, &c., and am now of opinion that there should be only two classes, *viz.* special class, and ordinary class, just as is suggested in the questionnaire. This classification would also apply to under-trial prisoners. I would suggest an extra class but this I will deal with later.

The authority for placing a prisoner into special class should in the first instance be the District Magistrate and Superintendent of Police. After that the court in which the accused is first produced and thereafter the trying court. After conviction the convicting court or the appellate court. Unless a prisoner is classed as special class prisoner, he should be treated as ordinary.

Extra special class.—At any time after conviction at the desire of the prisoner a jail committee consisting of District Magistrate or Superintendent of Jail and two non-official visitors of jail (this Committee may be constituted) may, having regard to the status, education and character of a special class prisoner put him in the extra special class at his own expense, provided that no person who is convicted of counterfeiting coin, of murder, attempt to murder, dacoity, robbery, abduction, rape or any unnatural offence or of an offence involving violence to property should ever be declared as extra special. Practically speaking there would thus be two classes—

- (1) ordinary special class,
- (2) extra special class.

The judicial courts should only say that a prisoner should be placed in 'special class'. The question of placing him into the extra special class should be decided later on.

I am not in favour of any concessions for political prisoners as such. I think the concessions should be granted having due regard to status, character, education and the nature of the offence. The mere fact that a prisoner is convicted of political offence should not entitle him to better treatment. One concession, however, I would be prepared to give to a Political prisoner, who has not been put under special class by any authority and is to be treated as ordinary and that is that he should be treated as an ordinary class prisoners A, *i.e.* first offender in spite of the fact that he is a previous convict. But if he is guilty of dacoity or murder:

committed for political purposes or is a previous convict of a similar offence he should not be given this concession. I think, however, that he should not be put with the hardened criminals and some separate arrangements may be made for him. As regards foods, &c. he should be treated as a first offender, because there is a mitigating circumstance in his case.

As regard diet, scale of diet and dress I am of opinion that special class prisoners may get some thing like Re. 1-8-9 *per diem* and their diet should be bread with one dal and bhaji or two bhajis in the morning as well as in the evening, milk 6 chhths, or tea with biscuits twice a day and one sweet dish once a week, 1 chhatak of ghee per head daily.

Ordinary class prisoners i.e. Class No. 1.—first offenders should get 12 annas and previous convicts 8 annas. Instead of oil they should get ghee and instead of parched gram they should get two cups of tea.

Class No. 2.—Their food and dress should remain as it is at present. In my opinion the dress for ordinary class previous convicts should remain as it is at present. For first offenders, however, khaddar dress should be substituted for the present one.

As regards special class, I would suggest that they should have their own dress. The extra special class prisoners should be given fruits, sweets and such other things with the approval of the Superintendent of Jail to the extent of Re. 1 over and above the amount suggested by me for special class prisoners. They should be allowed to supplement furniture at their own expense subject to the approval of the Superintendent of Jail. No extra special class prisoner should be subjected to drill or parade; they should not be handcuffed; their diet should be either Indian or European or mixed as desired by them and approved by the Superintendent of Jail. They should get second class accommodation. They should be removed if they desire to hill stations at their own expense. They should have newspapers and books subject to the approval of the Superintendent of Jail at their own expense.

To quote an example of such a prisoner I would say that supposing a millionaire is convicted of rash driving, he should be treated as extra special. There should be a separate ward for such prisoners. I would suggest that Special class prisoners should not be handcuffed unless it is definitely desirable for purposes of safety. They should have separate bath rooms and latrines. There should be no racial discrimination and the classes of prisoners should be in accordance with status, education, etc.

Hand spinning and charkha should be introduced in jails. Chakki should be abolished even for the ordinary prisoners, *i.e.*, first offenders. For class B, *i.e.*, habituals it should remain. The ordinary and special class prisoners should be given the option of working on chakki or charkha.

Extra special class prisoners should be allowed to have a cooly and pankha at their own expense.

IN ANSWER TO QUESTIONS BY VARIOUS MEMBERS.

Chaudhri Zafarullah Khan.—Qs.—Nos. 4 and 5 of the questionnaire.—Ordinarily they should travel in inter class. If they want to travel in a higher class, they should bear the additional expenses.

Q.—You have suggested various authorities for classification of under-trial prisoners. Also you start with the higher authorities and then you give power to their subordinates. Would it not be best if the magistrate before whom an accused is first produced classifies ?

A.—I would let in the circumstances Superintendent, Police, to decide. Thereafter the magistrate.

Q.—The term “violence to property and life” is too general and would probably debar certain cases unjustifiably. I would suggest “serious violence” instead of “violence”.

A.—I agree, but such offenders should never be placed in extra special class.

Chaudhri Afzal Haq.—Q.—You give importance only to the status, etc, but you do not attach any weight to a political offence.

A.—I think that the classification should go in accordance with the criterion suggested by me and no preferential treatment should be given to political prisoners as such.

Q.—Supposing a person of the position of a magistrate is convicted of an offence you would give him special class, but you are averse to extending the same privileges to an ordinary man who possesses very high ideals. You would not give any importance to the latter sort of case.

A.—As a prisoner I would not make any difference. It is very difficult to find out ideals.

Jail life should be hard but not intolerable.

I do not want to give any privileges to a political prisoner as such.

In my opinion if every body gets his due, the agitation will be subsided. No body should get special consideration because he is a political prisoner. A political worker gets his reward in fame, salvation or what not.

I would leave the demarcation between the ordinary, middle and high classes to the magistrate convicting an accused.

Re diet, the middle class in my opinion to take *dehi*, milk, etc., and the ordinary zamindar also does. I would put the ordinary zamindar in the middle class.

Sardar Harbakhsh Singh.—Newspapers of moderate views should be supplied to all literates with the permission of the Superintendent of Jail. For extra special class prisoners I would suggest that other papers also may be allowed at their own expense. There should be a list of such papers in every jail.

Lala Duni Chand.—Q.—You are for complete abolition of racial distinction. How would you treat Europeans who do not fulfil the conditions of special class ?

A. They should be treated as ordinary prisoners and I would treat them in the same manner as I would an ordinary Indian prisoner. They should get the same food and clothes as are supplied to the ordinary convicts.

The agitation I have alluded to in my written statement which is being carried on is not, in my opinion, being carried on on behalf of political prisoners only but on behalf of all aggrieved persons.

Q.—Are you prepared to concede that all those persons who are found guilty of political offences not involving violence for instance offences under sections 124-A, 153-A-I. P. C. &c. should be put in the special class either as special class prisoners or as extra special class ?

A.—I would place them according to their status in these classes.

Q.—Are you not prepared to put these men into the special class without any regard to their status ?

A.—I am not prepared to do so.

Q.—Would you kindly define as specifically as possible what kind of people convicted under these sections you would put in these classes ?

A.—My idea is that political workers convicted under these sections who are graduates or persons of such education as that of a graduate ought to be in special class. Pleaders, etc., who want to go in the extra special class may do so at their own expenss. Further I would put in the special class a man of good social status, *i.e.*, a merchant or the son of a tahsildar or an Extra Assistant Commissioner and also a man whose monthly income is not less than Rs. 100. If a failed B. A., etc., has no other qualifications than education, he should not be placed in the special class. Social status, character and education must all be considered when placing a convict in the special class. I would put a headmaster of a high school into the special class but a teacher getting Rs. 50 a month I would put him in the ordinary class.

Political murderers and dacoits—should not claim any concession. They should be put in the ordinary class (first offenders) not in the habitual class and they should be given khaddi and charkha as labour. I would give no better food to a long-term political prisoner who has

been convicted of murder or dacoity. When he has committed dacoity or political murder or attempt to murder, I do not think he deserves any concession in that line. For political workers dacoity and murder should be specially reprehensive. Beyond papers and books of moderate opinion I would not give any thing also to such men. Of course they should be treated as ordinary class I.

Extra special class prisoners should not be subjected to any kind of drill or any other thing of the sort.

Jails cannot give special consideration for political reform, etc., and political reformers should not claim any special treatment.

Sardar Bahadur Sardar Mehtab Singh. Q.—Can murder come into the special class?

A.—Murder can come into the special class if the offender fulfils the conditions required.

Q.—According to your views a rich murderer is eligible for special class but a poor patriot, who has been convicted for expression of opinion only is not, leaving other considerations?

A.—If a political worker has neither position nor education nor character and is a poor man, he should be classed as ordinary prisoner though he has been convicted under section 124-A., etc.

On the other hand, a rich man having no other disqualification to exclude him from special class should go in the special class in spite of the fact that he is guilty of murder.

I would not allow political murderers and dacoits to supplement their reading material at their own expense. The extra special class would be allowed to supplement their food.

Q.—Will you make any difference between a prisoner who has been convicted of overt acts of violence and between a prisoner who has expressed an ordinary opinion?

A.—I would make a distinction between them. One can be extra special class and the other cannot.

Further when a man goes to jail he goes as a prisoner and not as a patriot or unpatriot. We are concerned with giving them proper treatment having regard to their status, character and education. I would not consider the nature or motive of the offence as entitling a prisoner to admission in the special class.

Rai Bahadur Pandit Daulat Ram Kalia.—I agree to the general principle that a man should not be better treated in jail than he is treated outside at his house. I agree that if this principle were ignored it would lead to increase of crime in the country.

I would consider a man's mode of life as well as character, status and education when putting him in any class. I recognize that there is an eastern mode of life as well as a western mode of life. I am,

however, of opinion that if any discrimination between those who have adopted European or eastern mode of life is carried out in all the classes of prisoners in a jail, the impression will be created that though theoretically racial distinction has been removed in practice it still remains. I would recognize, however, the difference in modes of life only in extra special class.

Q.—Do you not think that if a European prisoner is compelled to eat *chapattis* with his hands, it will be a little hard on him?

A.—It may be but an excellent impression would be produced outside. He should get habituated to such life.

Q.—Is it a fact that there are some of the trading classes of this country whose incomes are as large as 10 thousand rupees a year or more, but whose mode of life is so simple that they do not require a *pankha* cooly, while a European guard getting Rs. 120 a month only would spend all that he earns and would always employ *pankha* coolies at night, &c.

A.—I agree that if a European railway guard and *Banya* were sentenced for the same offence and for the same term of imprisonment, the European guard would find jail life harder than the *Banya* according to my criterion. I agree as a lawyer that the one is getting a harder punishment than the other. I call it justice because the other alternative is still worse. The hardships indicated will have to be taken into consideration by the courts. Individual cases cannot be avoided.

Khan Bahadur Muhammad Hayat, Qureshi.—I do not think that questions of age or debility should be considered in classification.

I wish the special class prisoners should get privileges of diet as suggested by me, but I do not insist on the full amount stated by me.

Lala Duni Chand.—In my opinion a man would not commit a political crime in order to get better treatment in jail than he was getting outside, but there is danger of this.

2. Bhai Nihar Singh Giani, of Amritsar.

Jaikaras (religious shouts of Sikhs) after the evening prayer do not affect jail discipline and there is no harm if this is done in jails.

I have been in jail for 4 years.

In my opinion all political prisoners whether their offences involve violence or not should be given special treatment as regards diet, clothes, accommodation, newspapers, &c., and they should be kept

separately (in one class) from other offenders for the reason that they do not commit any offence from selfish motives and their object being one there should be no special divisions. If one is rich he can get more concessions at his own expense.

So far as I know, no one gets better rations at present inside the jail than he gets outside.

Rai Bahadur Pandit Daulat Ram, Kalis.—Q.—Should a prisoner get better treatment in jail than he gets outside?

A.—As a prisoner loses his liberty and freedom, which he enjoyed outside jail, he should in order to get physical and mental food be given better food, better treatment and better clothes, etc., in jail.

Q.—Will this treatment not lead to increase of crime in the country?

A.—If the purpose of imprisonment is reform of the prisoner concerned, it will not; if it is for retribution, it may.

Q.—Should there be any deterrent element in punishment?

A.—No, the jail should be for reform only under the present civilization in this country.

Ch. Zifarullah Khan.—Q.—If a man earning Rs. 50 a month and having 4 other persons in his family, i. e., he spends a maximum of Rs. 10 a month over each of the members of his family, were to go to jail, should he receive, as stated by you in your written memorandum, food costing 12 annas a day or approximately Rs. 24 a month? Do you not consider this an unjustified concession?

A.—Having in view the fact that he is in prison and the fact that the scales have been drawn up for all classes of prisoners, both rich and poor, 12 annas are not much.

Q.—Will there not be a great difference between the very rich and those moderately so if all get 12 annas a day?

A.—As already stated in my written memorandum, the rich people may be allowed to supplement their rations.

Q.—Would you give the same privileges to persons who have committed non-violent crime from purely communal motives in which no desire of personal gain entered, e. g., a Hindu may incite his community against Mussalmans?

A.—I can give no opinion on this point.

Q.—Would you allow special privileges to Khuda Bakhsh, the man who attempted to commit murder with a view to avenge the honour of his Prophet and without any desire for personal

advantages of any kind and who has now gone on hunger strike in order to get privileges of special class, or not ?

A.—I have not considered the matter sufficiently and cannot now give an answer.

Q.—Would you class as political prisoners and give the privileges of political prisoners to persons who might at some time or another attack or kill the present political leaders on the ground that they object to their activities as causing strife and confusion in the country ?

A.—If their motives were pure and their actions were for the benefit of the people, I would.

Q.—Would you object to Musalman prisoners in jail uttering Azan at times of prayer ?

A.—No.

Q.—What privilege you desire for Sikhs in accordance with their religious observances in Jail ?

A.—Sikhs cannot carry the Granth Sahib about with them and Muslims and Hindus can carry their religious books about. I therefore want a special place set aside in each jail where the worship of Granth Sahib can be carried on.

Khan Bahadur Mian Qureshi Muhammad Hayat.—Q.—If beef is required for Mssalmans in the hospital, would you object ?

A.—No. Sikh prisoners likewise should be given jhatka.

Choudhri Afzal Haq.—Q.—Do you think that there is any likelihood of political offences being committed in order to obtain better treatment in jail ?

A.—In my experience I have never seen any body who would do so.

Bhai Nahar Singh handed a copy of the *Tribune* of the 16th August 1929 containing his statement on the subject of political prisoners and expressed a desire that it be considered:

“ TRIBUNE.”

16th August 1929.

Political Prisoners' twelve Demands.

S. NAHAR SINGH'S STATEMENT.

“ INDIAN JAIL IS A HELL ON EARTH.”

(From our Correspondent.)

Amritsar, Aug. 12.

Giani Nahar Singh of the “ Dusht Daman ” and “ Quami Dard ” newspapers in a statement to the Press writes the Indian prison is verily a hell on earth. In 1915 several prisoners were given quinine in excess leading to the alleged death of one of them. Similarly Bhai Randhir

Singh passed full one week without water in the Ludhiana jail in the same year. He had to remain on hunger strike for 45 days in the Multan Jail. Again in the Nagpur Jail he hardly received any good treatment. Political prisoners have to confront great difficulties on account of the rules that vary from province to province. Evidently the political prisoners are mostly educated, cultured and well behaved Messrs. Bhagatsingh and Dutt along with their colleagues are on hunger-strike and have thus drawn the attention of the public throughout India to the deplorable condition of the political prisoners. Members of the legislatures and other prominent leaders of the country are urged to move in the matter and try to secure the following privileges :—

- (1) Political prisoners should be at liberty to worship, live and eat according to their faith.
- (2) They should not be given any hard labour.
- (3) They should be allowed to read papers and books and, if they like, to write books on social reforms and religious matter.
- (4) They should not be kept in solitary cells.
- (5) Their properties should not be confiscated.
- (6) They should be permitted to use full clothes and wear shoes, Sikhs should be allowed to keep religious symbols.
- (7) Separate arrangements should be made for their board and lodging.
- (8) No special hardship should be inflicted on them.
- (9) They should be given special facilities for interviews and correspondence.
- (10) Since political prisoners can be transferred to a jail in any part of the country, a common legislation for all the political prisoners should be passed keeping in view their religious and the methods of eating, clothing and living according to their respective provinces and communities. The object is to check their activities but not to take revenge.
- (11) Political life prisoners should necessarily be released on completing ten years including the remission.
- (12) Governments should arrange for the maintenance of the political prisoners' families.

In conclusion he urges that a special legislation should be placed on the anvil in the Assembly at once so as to obviate further trouble.

3. Lala Sham Lal, Advocate, Rohtak.

In a general statement said.—Undertrial prisoners are brought from jail to the judicial lock-up and then they are taken to courts in handcuffs. In his opinion this is very bad. They are handcuffed everywhere. Even when they wish to take water, or write, the handcuffs are not removed. Unless a prisoner is guilty of serious violence and there is risk of his escape, he should not be handcuffed. I would specially emphasize that in very rare cases undertrial prisoners should be handcuffed. The docks should be made in such a way as to preclude any possibility of their escape. Whenever it is possible, undertrial prisoners should always be brought to the lock-ups or courts in conveyances. This is both for the purposes of economy as well as for the comfort of the undertrials.

Female undertrials on transfer should be accompanied by a male or female relation.

There should be moral instructor at every jail.

Lala Duni Chand.—I have been connected with the Congress-movement for the last 12 years. I am Vice-President of the Rohtak-Bar Association.

I would provide the same moral instruction through the same instructor to all prisoners whatever their religion. I am opposed to any form of religious instruction as such being introduced into jails.

I think European prisoners even if they are guilty of crime which does not entitle them to special class should get better treatment than ordinary Indian prisoners. I would not place Europeans in the special class who are not entitled to be included in it, but I would accord them separate treatment in accordance with their mode of life and to what they had been previously accustomed. Such a class would be intermediate between special class and ordinary class.

I would grant better treatment to prisoners accused of any violent crime, provided that the motive was political. I would modify my written memorandum to this extent. I would accord this class the same treatment as would be accorded to European prisoners who do not come into the special class. I am certainly in favour of supplying newspaper and books, but with regard to food so far as these violent political prisoners are concerned, I would suggest that Government pay Re. 1 a day as the maximum and they should be allowed to supplement it at their own expense. I would allow them toilet necessary. They should also be accommodated separately from other prisoners.

I am of opinion that the grant of concessions I have enumerated would allay discontent that at present exists among political prisoners in jail.

Non-violent political offenders.—I am of opinion that all non-violent political prisoners, *e. g.*, those convicted under sections 124-A, 153-A, &c., &c., should automatically be admitted into the special class.

Political workers convicted of violent crimes and Europeans who do not come in class A may go in class B of the special class.

As regards non-violent political prisoners I attach no conditions of status, character, education, &c., whatever.

I do not think that there would be any risk of the number of political prisoners being substantially increased if the proposed concessions were granted. I am of opinion that the grant of these concessions would decrease bitterness against Government.

S. B. Sardar Mehtab Singh.—Undertrial prisoners should not be compelled to work. The work should be optional for them and should be according to the desire of the prisoners himself expressed in writing.

I have selected Lahore as the place for the construction of a special jail for the reason that it has a central situation. I am definitely of opinion that all political prisoners should be segregated from ordinary prisoners. I would allow special class prisoners all forms of literature and newspapers except those which have been proscribed by Government. Any books which appear to the Superintendent of a jail to be morally degrading should be brought to the notice of Government by him and Government might pass orders prohibiting them.

R. B. Pandit Daulat Ram Kalia.—I recognize some Indians live in European fashion. I will have no objection to Indians who have adopted the European mode of life living in a separate ward. I think that such a ward, *i. e.*, for Indian prisoners who have adopted European mode of life is necessary in every jail.

Q.—Would your statement that all political prisoners should be placed in class A or in class B according as they are violent or non-violent, be subject to the proviso that the one should receive better treatment in jail and the other should not?

A.—This cannot be determined, so I would not make any classification. According to my classification it is possible that a political prisoner may live in a better position in jail than he was outside.

I agree that the theory of punishment involves both reform and the elements of deterrence. Simple detention is in itself deterrent.

I have fixed Rs. 1-8-0 as it is the general charge for two meals in Indian restaurants. Second class railway restaurants' food is the proper one for special class prisoners of class II. I think a student spends Rs. 40 Rs. or 50 a month on his food in a college, fruits, morning tea and milk excluded.

President.—I would not object to books which are immoral, &c., being forwarded to the Director of Public Instruction for purposes of censorship, but no political book, in my opinion, should be censored unless it is proscribed by Government.

The officer in charge of a lock-up whose appointment I have recommended in my written memorandum should be a member of the Jail Department and all judicial lock-ups should, therefore, be under the Inspector-General of Prisons, the officer in-charge of them being normally an Assistant Jailor.

Ch. Zafarullah Khan.—I would be prepared to admit into class A of the special class any non-violent offender, whether political or otherwise, whose motive was not purely personal or selfish.

Khan Bahadur Mian Mohammad Hiyat, Qureshi.—In the case of under-trial prisoners on transfer the whole expense should be borne by Government and should be between Rs. 1-8-0 minimum and Rs. 5 maximum. As regard the class of railway accommodation, under-trial prisoners should get the same as they would get if they were called as witnesses; but if they wish to travel higher than that, they should pay for it.

I would exclude religious preachers from jails as religious preachers of one faith are on occasions apt to speak against the opinions of another.

Ch. Afzal Haq.—In the case of political prisoners I do not attach much importance to the reformatory or deterrent elements in punishment.

Both European and Indian violent political prisoners who are in class B should be allowed to supplement their food at their own expense.

4. Maulvi Mazhar Ali, Azhar, Advocate, Lahore.

Sardar Harbakhsh Singh.—I am of opinion that prisoners who commit offences from religious motives should be entitled to the same privileges as are granted to those who commit offences from political motives.

When there is no communal feeling there would be no harm in Mussalmans saying the Azan and the Sikhs their religious cry after the evening prayer even in the same barrack. I would have no objection to the installation of Granth Sahib in jails especially for the worship of long-term Sikh prisoners.

The magistrate should be bound to classify a convict whether the convict has stated his wish to be included in the special class or not.

I have no objection to all literate convicts being allowed to read newspapers, as I have stated in paragraph 20 of my written memorandum.

Q.—Do you accept the principle that prisoners should not receive better diet, clothing etc., in jail than they have been accustomed to outside?

A.—I do not think they should receive worse inside than they do outside.

The previous mode of life, *e. g.*, European should be considered only in so far as certain articles are indispensable. These may be granted.

Lala Duni Chand.—I have no objection to the reclassification of a prisoner when he is convicted.

The reasons for distinction as stated in paragraph 20 of my written memorandum are due to reasons of expense.

I do not think that there would be any risk of persons committing political offences in order to enjoy the same facilities regarding food, etc., inside jail as they enjoyed outside. The deterrent effect of jail life would still remain. I have practical experience of jail life. Jail food is not now even fit for consumption by ordinary prisoners both as regards quality and quantity.

I would put political motive on the same footing as status, character, education, etc., for purposes of classification.

Sardar Bahadur Sarwar Mehtab Singh.—Proscription by Government may be fixed as the standard for non-admission of political literature into jails.

Rai Bahadur Pandit Daulat Ram Kalis.—A soldier in His Majesty's service who goes and kills an anarchist simply because in his opinion he should be put out of the way should not be placed in the special class. Any person who kills anarchists or the enemies of Government because he considers that their activities are detrimental to the interest of the country would not be political prisoner. Government is strong enough to defend itself and therefore private persons have no right to usurp its powers and if they do so, they should not be classed as special class prisoners.

Q.—During the days of non-co-operation many low class people were convicted under the Criminal Law Amendment Act in Lahore and other cities. Do you think these people take mutton, pulao, etc., in their homes?

A.—I think such people do eat such things in their homes.

President.—In my opinion Government should pay for the fares of 3 relations of both ordinary and special class prisoners who wish to have interviews with them if they have been removed from the jail of their district to some other place.

I have been a non-official visitor of all the jails in the Punjab and my statement that the present jail food is not fit for consumption is based on personal experience. The fact that in 60 per cent. of cases the health of prisoners has improved by residence in jail seems due not to the jail life but to their abstention from eating all sorts of things as they do outside.

Khan Bahadur Mian Mohamad Hayat Qureshi.—I would like the judicial lockups outside jails to come under the Jail Department.

Ch. Afzal Haq.—I have been an M. L. C. and I first took up the question of jail reform in 1924 and on my suggestion the Jail Enquiry Committee was constituted at the time.

When recommending the different scales of diet, I have taken into consideration the fact that the prisoners should not be provided with better facilities than those they enjoy outside jail.

Q.—Do you think that the principle of reform and deterrence should be applicable so far as political prisoners are concerned?

A.—Detention in jail is sufficiently deterrent. No further hardship should be added to it in order to deter people from committing any political crime, and those who have got their *magna Charta* from King John at the point of the sword and bayonet should not put forward this plea.

27th September 1929.

5. Lala Bodh Raj, M. L. C.

Lala Bodh Raj in a general statement said that in the case of ordinary prisoners, the magistrate who is first seized of the case should be the sole classifying authority, but political prisoners should automatically get into the special class.

He would not agree with the definition of Europeans given in the Jail Manual because it would create an idea of distinction. The words "European" and "Indian" should altogether disappear. The court should take into consideration all the points, *e. g.*, mode of life, &c., at the time of classifying.

President Q.—Is it your opinion that the condition of judicial lockups should be brought into line with the regular jails? If so, whom would you give charge of these?

A.—It would be better if they were put under the Jail Department with jail officials to run them.

S. Mohindar Singh, M. L. C.—Q.—If criminal tribesmen, who had previously been convicted for theft, etc., and who had been bailed out of jail by people who wished to use them for political purposes, were subsequently convicted for political offences, would you treat them as special class prisoners and allow them to remain with others of higher status?

A.—Yes.

L. Duni Chand, Ambala.—Q.—Is there the least possibility of members of criminal tribes being employed for political purposes?

A.—My opinion is that there is none. I have been connected with the Congress movement for a good many years and such a thing never happened.

Q.—Have you come across any undesirables who had been hired or employed by the Congressmen or other political bodies?

A.—Not to my knowledge.

Special class undertrial prisoners on transfer should receive diet costing 8 annas per day. Political prisoners convicted of offences involving violence should receive less concessions than those whose offence does not involve violence. I would give the minimum concession that can be allowed to the special class to violent political offenders. I would give them books, magazines and newspaper. I would give them better diet than the ordinary ones. This should be about 12 annas in the case of violent and about one rupee in the case of non-violent. I would give political prisoners convicted of violent offences the right to supplement their diet at their own expense. They should be kept separate from ordinary prisoners.

Q.—What other concessions would you give them?

A.—I would give them their own clothes and a chair and table if they are literate. They should also have their own utensils. Facilities should also be provided for recreation and exercise.

If some concessions are not given to political prisoners accused of violent crime, there is likelihood of the continuance of discontent. I would include in the special class persons who commit murders and dacoities from political motives.

I am in favour of a special jail but I am opposed to such a jail being built in a remote corner of the Province. I think this jail should accommodate about 1 thousand special class prisoners.

I have been a member of the Standing Jails Committee for two years.

Q.—Do you consider that the present diet given in jails is satiable for consumption of special class prisoners?

A.—No.

Q.—Are you in favour of classifying special class prisoners with reference to particular chapters and sections of the Indian Penal Code and also Criminal Procedure Code and other statutes?

A.—Yes.

Q.—Is there any danger of increase in political crime if better treatment is accorded to political prisoners?

A.—No.

Lala Mohan Lal.—I mean by offences against the State those contained in Chapter VI of the Indian Penal Code.

In my opinion people will not go to jail in order to get better treatment, but there is a danger.

R. B. Pandit Doulat Ram, —Kalia.—Q.—Are you now of the opinion that some distinction has to be made on account of mode of life?

A.—I am of opinion that some distinction in treatment should be made in accordance with previous mode of life.

Q.—How would you define political motives?

A.—If I commit an offence to advance my country and for the purpose of gaining my rights as an Indian, I commit a political offence with political motives.

I agree that there are different political schools of thought in the country. Any one belonging to any political school of thought if his object is to bring about advancement, should be accorded special treatment. If on the other hand the object of such persons is to retard the reforms, etc., they should not be considered to be political prisoners.

Q.—Who will be the judge whether a prisoner intends to advance or retard the progress of the country?

A.—Recognized political associations and organizations.

Q.—If those organizations are of different views, who is to be the judge?

A.—I mean that only those who oppose the present system of Government should be considered as political offenders. Persons who would wish to maintain the present system of Government because it is their opinion that it would be beneficial for the interests of the country should not be treated as political prisoners, if they commit an offence in furtherance of that view.

Q.—Would you call a person who attempted to murder the Viceroy as a political offender?

A.—Yes.

Q.—A man who believing that the policy of the Viceroy was good and therefore his would be murderer should be put out of the way attempts to fulfil his object. Would he be in your opinion a political offender?

A.—No.—as the would-be murderer is not responsible for the policy of Government and the Viceroy is.

Q.—If there is a society of persons who are opposed to anarchists and terrorists, who are operating against the present system of Government, and commit offences in respect of them would they be counted as political prisoner?

A.—No. Only those persons are political offenders who kill those people who support the present policy of Government. There is therefore only one school of politicians who are entitled to be called as such and those are those who wish to reform the present system of Government.

Q.—Are there many shades of reform ?

A.—Yes.

The test as to whether a murderer is "political" or not is whether he is advancing or not advancing his country's interests.

Q.—If one party desires increase of taxation for the sake of education, sanitation, etc., and another party objects conscientiously to such taxation which it regards as unnecessary and both parties commit murders in furtherance of their object, would they be entitled to be called as political prisoners?

A.—The results of their working will have to be seen before they could be declared as political prisoners.

Q.—Is the committing of any crime against the present Government immoral ?

A.—No.

Q.—Khudah Buksh, convict, attempted to kill one Raj Pal out of religious zeal. Should he receive special treatment ?

A.—No.

Q.—Why should he be refused this privilege?

A.—Because his offence is not against the State.

Q.—Communists are not entitled to special consideration in England. Do you think such men should be entitled to special treatment in this country ?

A.—The communists in this country who would like to put an end to the present Government should be entitled to special treatment. The reason is that England is being ruled by its own Government whereas India is being governed by foreigners.

Q.—Will you please give the dietary which you will prescribe for the special class prisoners ? What should they have in the morning and what in the evening ?

A.—For Indians in the morning milk and *Ha'wa*, and morning meals consisting of chapatis rubbed with ghee, two or three vegetables, dal, rice, dehi and butter. In the afternoon some sort of sweets or some salty dish and in the evening chapati, vegetables, dal, milk and those who wish to have meat may have it with two or three vegetables and fruits.

Q.—Do you think that political workers get these things at their own homes ?

A.—I think the average man gets this sort of diet at his house.

Q.—What subsistence allowance you usually give to a Congress preacher ?

A.—From 30—100 rupees. But a man who gets Rs. 30 a month is invariably a single man. If he had a wife he would be given more pay. There is no schedule prescribed, but it is given according to the circumstances of the man. There is, I think, a resolution of the Congress on the subject.

Ch. Zafarullah Khan. Q.—Are the views expressed by you your individual views or are they shared by the Congress Committees ?

A.—They are shared by the Congress also.

The definition I have given of political prisoners in paragraph 27 of my written memorandum is not exhaustive. My final definition is any person who has committed any offence against the State from political motives.

Q.—If when a political movement of any kind is at its height and the sympathies of the common people are being enlisted in support of it and the movement is at a time when it is likely that such people may be arrested, do you not think that the idea that they would receive better treatment inside the jail in the way of food, etc., than they had been receiving outside would act as an incentive for them to join the movement and therefore go to jail ?

A.—I do not think so.

Q.—Would you be prepared to extend the same concessions which have been granted in the case of political prisoners to those persons who have committed offences from impersonal or unselfish motives though their offences were not directed against the system of Government ?

A.—No.

Q.—Would you give the same concessions to a person of the type of Kharag Bahadur who killed a Marwari in Calcutta from pure and unselfish motives as you would give to a man who killed a Deputy Commissioner from political motives ?

A.—No.

Q.—Supposing there were certain persons who conscientiously objected to the Child Marriage Bill on the ground that it was likely to increase immorality and was in fact a retrograde measure and in furtherance of their views committed offences, violent or non-violent would you consider such persons as political offenders ?

A.—No.

Q.—If there are two parties in the State both opposed to the present system of Government and both equally desirous to get Dominion Status and one party considers that every means, including violence, etc., should be adopted to secure this end while the other party considers that violence is not only illegitimate but is a distinct disservice to the country and in furtherance of their view the first party commit offences involving violence would you treat them as political offenders?

A.—No.

Q.—If at some future stage when Dominion Status has been granted would you treat as political offenders those who considering that Dominion Status was not enough attacked the then existing Government?

A.—Yes.

Q.—Would you treat as political offenders those persons who Dominion Status having been granted to this country committed offences against persons who were in opposition to it on the ground that their activities tend to anarchy and disruption?

A.—No.

Q.—If at some further time India may become a republic and a class of persons considers that monarchy would be in the best interests of the country and kills certain people who are against it, would you treat them as political workers?

A.—Yes.

Q.—If when India has achieved self-Government a Mohammedan association is formed which conscientiously holds that a Musalman raj was in the best interests of the country and that a mixed Government was useless and therefore committed offences against the then existing Government, with the idea of establishing a Muslim dominion, would you hold them to be political offenders?

A.—No.

Q.—Now that you have seen several instances of persons who would and would not be considered in your view to be political offenders, can you give a definition which will cover all political offenders?

A.—Persons who belong to an organized society without reference to religion who consider that the then prevailing form of Government should be changed will be considered to be political offenders.

Q.—Supposing that a Punjabi association was formed, India having secured independence, which would impose its will upon the rest of India by committing offences, violent and non-violent, with the idea that they were best suited to rule the country, would they be considered to be political offenders?

A.—No. When India as a whole is concerned the society to which the persons must belong in order to be considered as political offenders must be an all-India Society.

Q.—If India have secured independence an all-India society of Zamindars regardless of religion were formed for the purpose of establishing universal domination of Zamindars in India and committed offences, violent or non-violent, in furtherance of this view, would you consider them as political offenders?

A.—Yes.

On further consideration I would hold that the Zamindars mentioned in the last question should not be treated as political offenders as I would not allow the country to be governed by any one class.

Supposing there are two sections of the population in the country one of which is in favour of revolutionary change and the other is not and a member of either section commits an offence against the section in power the offender must be considered a political offender.

Q.—If there were two political parties in the country one urban and the other rural and the urban party were in power, would you consider the adherents of the rural party if they honestly considered that the urban party were bad and tyrannical and should not be in power, as political offenders if they committed offences, violent or non-violent, in furtherance of their object?

A.—No.

K. B. Mian Mohd. Hayat, Qurehshi.—Q.—Do you consider that the food, clothes and accommodation of undertrial or convict prisoners in jail should be better, worse or the same as that which they enjoy outside?

A.—In the case of political prisoners clothes, accommodation and diet should be, if not better, at least the same. With regard to non-political prisoners, it may be the same as they get outside or it may be worse.

Q.—With regard to your recommendation that political prisoners of whatever class should always travel higher than third class would it not be the case that some political workers would travel as prisoners in a higher class than that to which they were accustomed to travel as free men?

A.—Yes. It would be so.

Ch. Atzal Haq.—Whenever I had occasion to visit the Lahore Central Jail, I do not remember having seen high class Europeans in the European Ward.

Q.—Is it a fact that all Europeans of whatever class are admitted to the European ward?

A.—Yes.

Q.—Is it a fact that Indians of high status, *e. g.*, doctors, vakils, etc., are not admitted to the European ward?

A.—Yes.

Q.—Do you consider that Europeans, etc., whom you saw in the European ward at the Central Jail, Lahore, were enjoying better facilities inside than they would have been enjoying in their homes outside?

A.—Some of them.

I would apply the same principles to European prisoners as I would to Indian prisoners and consider that they should in no case receive better treatment in jail than they receive in their homes outside.

Q.—If Europeans are continued to be treated in a better way than Indians in jail, do you consider that public discontent will continue?

A.—Yes.

I would treat both Europeans and Indians alike having regard to the character and nature of the offence.

Q.—Would you allow a millionaire special concessions without having regard to the nature of the offence committed by him and the circumstances in which it was committed?

A.—No.

Q.—If a Graduate commits a very heinous offence, would you grant him special concessions merely because he happens to be a Graduate?

A.—No.

Q.—Is it a fact that the Churchill Rules were made because the British people could not bear political offenders being treated as ordinary offenders?

A.—Yes. The difference between the treatment of political prisoners and ordinary prisoners was then recognized.

Q.—Is it not a fact that a communist leader if he could get a sufficient number of adherents would be able to overthrow the Government of England?

A.—Yes, it is.

Q.—Do you agree that it is open to communists in England to endeavour to overthrow the Government by non-violent and constitutional means?

A.—Yes.

If I were a communist leader in this country and obtained a majority in the Assembly, I could not under the present form of Government change the constitution.

If India has the same constitution as England, I would not resent if the communists in India are treated in the same manner as in England.

Q.—Is there any difference between the Suffrage movement in England and the Nationalist movement in this country having regard to the fact that in neither case would Government yield to demands constitutionally expressed?

A.—None in my opinion.

Q.—Why do you not wish to give a magistrate discretion in the matter of deciding whether a political prisoner is to be admitted in a special class or not?

A.—I do not wish to do so, because magistrates are normally biassed against political offenders.

Q.—Do you consider that magistrates refrain from placing political prisoners in the special class with a view to pleasing Government and thereby gaining promotion, &c.?

A.—Yes.

Q.—Have you heard of the case of Master Mota Singh who in spite of being a person of status, education &c., and entitled to be placed in the special class was not so placed according to present rules?

A.—Yes.

Q.—Are you of opinion that this is one of the many instances of magisterial bias?

A.—Yes.

Q.—Do you consider that Jail Superintendents treat political prisoners in an objectionable manner?

A.—Yes. They have the same biassed mentality in regard to them as the magistrates; sometime they take pride in treating them harshly.

Sardar Harbakhsh Singh.—Q.—Why would you exclude from special treatment those who have committed offences from purely religious motives?

A.—Because their activities are not for the good of the country and are likely to cause a breach of the peace. If their activities are directed against any other section of the population, I would not give them special treatment. Akali and Khilafat workers should be given special concessions, when their activities are against Government.

Q.—Do you consider that full religious facilities should be given inside jails?

A.—I do not. Sikhs, however, should be given the same religious facilities as the other communities, so that they may be able to worship the Garanth Sahib if they wish.

Q.—Do you think that the uttering by Sikhs of 'Jaikara' after evening prayers would have a bad effect on jail discipline?

A.—It should not have, because they are accustomed to do so outside.

The minimum concession as regards food to special class prisoners should be allowed—even to a sweeper who had committed a political offence. I would give the same treatment to Pandit Madan Mohan Malavia and to the sweeper if both of them were in the jail for the same offence and would allow them to associate if they liked.

I would have no objection to the amalgamation of the wards of convicted political prisoners and persons under-trial for political offences.

With regard to paragraph 16, I do not mean that either the light work or the other work should be compulsory. It should be on the option of the prisoner.

Sardar Bahadur Sardar Mehtab Singh.—In my opinion the most natural form of Government is the representative Government by the people from all its classes.

Q.—Would you call persons who were convicted for endeavouring to establish this form of Government in India political prisoners?

A.—Yes.

Q.—Would there be any difficulty for the trying magistrates in finding out who are genuine political prisoners?

A.—None.

Q.—Would you call those who have been convicted for endeavouring to establish democracy or dictatorship in the country "political prisoners"?

A.—No.

Q.—Will the agitation in the country continue if the rules are so formed as to allow a rich murderer to enter into the special class while a poor patriot who has been convicted for simply expressing his opinion is not?

A.—Yes.

Q.—Do you remember that during the Akali movement when passive resistance was being practised only leaders were arrested and the rank and file were not?

A.—Yes.

The rules at present in force as regards interviews are not obeyed owing to corruption in jails.

I agree that it would be a better answer to that given in paragraph 15 of my written memorandum to say that only such books as have been prescribed by Government should be forbidden for the use of prisoners.

27th September 1929.

6. Mr. G. C. Rampal, Journalist, Lahore :—

President.—I have heard of interviews being stopped but I cannot say what the reasons were. If these interviews are to be for propaganda, they should be stopped ; otherwise not.

I have heard that under-trial prisoners on occasions have not been permitted to get food from outside. I do not know what the reasons for refusal were.

The actual placing of a prisoner in a definite class in the first place should be done by the Superintendent of Jail.

Sardar Bahadur Sardar Mehtab Singh.—I would only allow persons who have actually obtained a Degree into the A class.

I agree that my standard of differentiation in concessions between the editors of daily papers and the weekly papers is not a safe one and is liable to be abused. The Committee should fix another standard but the difference between the daily and weekly papers' editors should remain and both should be treated separately.

Q.—Would you give a very highly polished, cultured and educated man the same standard as you would give to one who has actually got a Degree ?

A.—No.

Persons paying a certain amount of land revenue which may be fixed by the Committee should be treated as special class. But it should be higher than the income-tax standard.

I would not give the authority to classify persons to convicting magistrates as the convicting magistrates might be biased against a prisoner owing to his behaviour in his court or anything else.

Q.—What do you mean by the expression "admittedly seditious and revolutionary" ?

A.—I mean works written by eminent revolutionary writers of whom the only one I can think of is Mr. M. N. Roy some of whose works have come to my notice.

I am of opinion that books should not be allowed which have either been proscribed *in toto* by Government or specially proscribed by Government for issue to prisoners.

There is no fear in my opinion of the compulsory exercise being abused. The exercises I would recommend as compulsory are Muller and Swedish drill.

I am convinced that people who offend against life and property should have no place in the special class, but I admit that Sardar Bahadur Sardar Mehtab Singh's example, *e.g.*, that the President and office bearers of the S. G. P. C. were convicted for conspiring to steal wood in the Guru-ka-Bagh affair has impressed me.

I would agree to the insertion of the word "serious" before the word "violence" in paragraph 23 (1) of my written memorandum, but I would not agree to its insertion before "offence against property."

As regards the seduction of police and troops from their allegiance I do not consider that individuals have any right to do so. The right to seduce soldiers and policemen is limited, in my opinion, to recognized associations or bodies.

Q.—Lala Duni Chand.—Are you in favour of determining the classification with reference to the specific provisions of law and not on the basis of general principles as that would make it difficult to classify?

A.—Yes.

I would regard as special class offenders of the B class those who have been guilty of political offences which do not involve violence and would not insist upon any other qualification of status, &c.

I would include Seditious Meetings Act and Criminal Law Amendment Act in paragraph 24 (1) (a) of my written statement.

I would not concede that people who committed murders and dacoities from political motives should be accorded treatment different from ordinary murderers, unless they were educated, and under no circumstances would I allow them admission to the special class. I would place them in ordinary class A.

For ordinary literate A class prisoners I would allow 12 annas a day for food and books, literature and newspapers as to other special class prisoners. I would also allow them separate latrine accommodation. I would allow them the same facilities for recreation and exercise as I would in the case of ordinary prisoners. I would give them no special concessions as regards furniture except a bedstead. I would allow them their own utensils. I would not give them the right to supplement the dietary in jail to the extent of 8 annas a day but if the Government dietary does not go up to 12 annas, I would allow them to supplement to that extent.

Q.—Are you of opinion as a responsible journalist that unless some sort of concession is given to all political prisoners, agitation, trouble and discontent will continue?

A.—Yes.

Q.—By President.—Are you of opinion that if these concessions are granted, agitation, discontent and trouble will cease?

A.—Yes, for the present at any rate.

Lala Duni Chand.—All political prisoners should be segregated absolutely in a separate jail; otherwise they are liable to pollute the atmosphere of ordinary jails.

Q.—Is there any risk or danger of the jails being flooded with political prisoners simply for the sake of better treatment enjoyed inside the jail as compared with that enjoyed outside it?

A.—I find that there is an idea of that nature, but I do not think that people will come forward.

Q.—In the case of political prisoners is special treatment any compensation for the loss of liberty ?

A.—I can only say that these people, *i.e.*, political workers voluntarily court imprisonment and therefore should be content with what they get.

Rai Bahadur Lala Mohan Lal.—There are exceptions to Chapters XIX and XX which I should like to be included in my written memorandum's paragraph 24 (1) (a), *i.e.*, the following sections be excluded—497, 498 and 496. In fact I am prepared to delete the whole of Chapter XX.

R. B. Pandit Daulat Ram Kalsa.—I do not think that jail life would ever prove attractive to masses even if the concessions were given, as such concessions would not be availed of against loss of liberty, &c.

Q.—What is the pay of a chaprasi generally ?

A.—Rs. 14 to Rs. 15.

Q.—Do you not think that 8 annas a day for food is too large an allowance for prisoners who are not earning more than Rs. 14 or 15 a month outside jail taking into consideration the fact that their families have also to live on this money throughout the month ?

A.—I see the point but it does not appeal to me that a man should live in jail on less than 8 annas a day.

I would define "political offences" as "offences against the State". The killing of a Sub-Inspector of Police would not be regarded as a political offence.

Q.—Taking into consideration the fact that the jail has to deal wholesale, that no profits are made and that no rent has to be paid, do you not think that the sum you have fixed for the diet of special class prisoners is not excessive and the results which you have in mind could be achieved from a lower expenditure ?

A.—Yes.

Section 149 may be omitted from my list in the answer to question No. 24 (1) (a).

My idea is that the concessions to be granted to any class of prisoners should depend on the consideration whether those concessions are or are not reasonable and the danger of agitation, etc., should be excluded altogether.

I think that if some of the demands which have been put forward on behalf of political prisoners are acceded to and some refused and if they still continue their agitation, the sympathies of persons who are at present espousing their cause will be alienated.

Khan Bahadur Mian Mohd. Hayat Qureshi.—Q.—Do you not see any objection to first offenders and previous convicts being associated together in jails ?

A.—I see none.

Q.—Would you exclude the dacoits or murderers who happen to be literate from the literate class of ordinary class prisoners ?

A.—No.

I think that the convenience of being at a place which is healthy outweighs the disadvantages or any inconvenience of not being in a jail centrally situated. It should be a jail for political prisoners and not for special class prisoners. Others may remain in other jails.

MR. G. C. RAMPAL'S EVIDENCE—CONTINUED.

28th September 1929.

Ch. Afzal Haq.—Q.—Is it correct that in the last 3 or 4 years endeavours had been made in the Council, in the Press and by political prisoners themselves to ameliorate their condition and Government did not pay any heed to them ?

A.—Government created the special class some time in 1922 or 1923.

Q.—Are you aware that originally Government allotted 12 annas per head for the diet of special class prisoners but that subsequently this concession was withdrawn without the knowledge and consent of the Legislative Council ?

A.—I think so.

Q.—Did not the political leaders, etc., give sufficient interval to Government to reconsider its decision of withdrawing special privileges for special class prisoners ?

A.—Yes.

Sardar Harbakhsh Singh.—Q.—Do you think the retributive aspect of punishment should be ignored to a great extent ?

A.—It should not be ignored.

I have first hand knowledge of jail dietary since 1916.

Q.—Do the Punjabis ever use oil instead of *ghee* ?

A.—Some do and some do not.

Q.—Do you agree that sugar-cane juice is an essential diet for zamindars.

A.—Yes.

Q.—Are you aware that *ghee*, sugar-cane juice, *sag*, curds and butter are the essential ingredients of a zamindar's diet ?

A.—Yes.

Q.—Would you have any objection to the Akalis in special class wearing black *pagris* in jail, as it has become an ordinary article of their clothes ?

A.—No.

Q.—Should the use of *jaikaras* (religious shouts) after prayers be permitted ?

A.—I would not object if such were not uttered in such a way as to cause annoyance, or if they were not used in the form of religious or political propaganda.

Q.—Would you allow Sikhs to worship the *Granth Sahib* in jails ?

A.—There is no objection if the jail authorities can arrange for the separate erection of a Gurdwara in a jail.

7. Mr. Krishen Gopal B.A., LL.B., Pleader, Batala :—

28th September 1929.

President.—Q.—Do you not consider that the scheme you have proposed whereby prisoners may be permitted to record complaints in a complaint book to be in the possession of a magistrate of any class would not encourage prisoners of bad character to make false allegations against the jail staff and thereby cause deterioration in prison discipline ?

A.—I do not think so.

Q.—Have you any experience of the administration of jails and the management of dangerous prisoners or prisoners of bad character ?

A.—No.

Q.—Why do you consider that the secret complaint book should go to the Deputy Inspector-General of Prisons ?

A.—I recorded Deputy Inspector-General of Prisons, as I considered the Inspector-General was already over-burdened with other work. I would have no objection to the complaint book going to the Inspector-General of Prisons.

R. B. Lala Mohan Lal.—What do you mean by pro-Government literature (Q. 15 of your written memorandum) ?

A.—I mean such literature as will tend to guide the prisoner into the right path. No revolutionary literature should be supplied to prisoners in jail. An approved list of literature might be prepared for this purpose.

R. B. Pandit Daulat Ram Kalra.—What do you believe to be the cost of an ordinary prisoner's diet in prison at present ?

A.—Six annas, I think.

Q.—Will you let me know how you define a political prisoner ?

A.—Political prisoners are those who are fighting against the present system of Government in these days. If such a person committed a murder, I would still regard him as a political prisoner. Any person committing any crime with a political motive is in my opinion a political prisoner.

Q.—Do you consider that a person who murdered an anarchist or a terrorist on the ground that his actions were not in his opinion for the benefit of the country would be a political prisoner ?

A.—Yes, he would be.

Q.—Do you consider that the grant of concessions to any body committing crime from a political motive having regard to the fact that there are many political parties of divergent views in the country would not lead to a state of warfare among them and a great increase of crime of all kinds ?

A.—I do not think so.

Q.—Do you not think that the grant of liberal concessions in jail to low class people, *e.g.*, sweepers, &c., because they have committed violent political crimes would not encourage persons of that class to commit such crimes ?

A.—I have no opinion to offer on this point.

Q.—Can you give me a dietary for a special class prisoner ?

A.—I would give him whatever he likes according to his tastes.

Q.—What do you have yourself for your various meals during the day ?

A.—I cannot answer this question.

Q.—Do you consider that it is sanitary to allow the use of one towel to all prisoners ?

A.—The word "towel" in paragraph 19 (3) of my note should read "towels". I think every one should have a towel, *parna* is not a good thing.

Q.—Do all inter. and third-class passengers have sleeping accommodation on the railway when travelling at their own expense ?

A.—The railway do not provide such accommodation.

Q.—*Ch. Zafarullah Khan*.—Do inter. class passengers usually manage to sleep at night ?

A.—As a rule they can, except in mail trains. I mean by stating that it is *Zulam* not to allow prisoners to sleep in view of 114 of the Evidence Act that under-trial prisoners are presumed to be innocent prisoners.

Q.—Are you in favour of endeavouring to put an end to political offences in the same way as efforts are made to put an end to other forms of crime?

A.—I cannot at present answer this question.

Q.—Do you not consider that giving a prisoner who had been earning 6 or 8 annas a day outside jail and supporting a family on that, a dietary for himself alone costing Rs. 1/8/0 a day would not render him discontented with his free mode of life on emerging from the jail?

A.—It would make him all the more zealous as a political worker.

Q.—*K. B. Mion Mohd. Hayat Qureshi.*—What is the point in having sub-divisions of special class if there is to be no practical difference in treatment between the sub-divisions?

A.—I admit that there is no need of these sub-divisions.

Q.—What is your objection to the trying magistrate making the classification?

A.—I have no objection, provided that an appeal might lie to the District and Sessions Judge. I mean by 'District Judge' in paragraph 26 (2) of my written statement 'District and Sessions Judge'.

Q.—What is the meaning of the words "as usual" written opposite 10 annas in paragraph 26 (6) of your original memorandum?

A.—I wish to omit these words.

I would have no objection to the inclusion of a man of high status in the special class convicts.

Q.—*Ch. Afzal Haq.*—Do you not consider that 2 annas and 9 pies, the present cost of the diet supplied by Government to prisoners is absolutely insufficient for a man to live upon?

A.—Yes, that is why I suggested 10 annas.

Q.—Do you consider that crime committed by European vagrants would be increased if they were granted superior treatment inside the jail then they were getting outside.

A.—Yes.

Q.—Do you not consider that the grant of preferential treatment inside the jail to persons of good character would have the same effect in the matter of increasing crime as the grant of such treatment to persons of low status?

A.—No.

Q.—Why do you consider that better treatment should be given to wealthy persons in jail than to poor ones?

A.—For reasons of health. I mean that having regard to their previous mode of life the sudden change in the matter of food would cause such men's health to suffer.

Q.—Are you of opinion that the ordinary jail diet would have a very bad effect on the health of say, a Vakil ?

A.—Yes.

I would have no objection to the grant of special diet on the grounds of health.

Q.—Do you mean to exclude patriotic literature from prisoners in jail ?

A.—(Submitted by L. Duni Chand pro-Government literature includes patriotic literature —with this the witness agreed.

Q.—Do you argee that the classification of prisoners should be made automatic by allotting certain sections to certain types of offences, e. g., religious sections, political sections, etc. ?

A.—Sections will not help. I am afraid that such rules cannot be made. I would have, however, no objection to the framing of such rules by this Committee, if possible.

Sardar Harbakhsh Singh.—Q.—Do you not think that the trying Magistrate is the best person to classify a prisoner at the time of conviction ?

A.—I cannot modify my previous statement on this point.

Q.—When you fixed 10 annas a day for dietary of ordinary prisoners were you under the impression that 6 annas a day was the cost of their present dietary ?

A.—Yes.

Q.—If you are now informed that the cost of their diet per day is 2 annas and 9 pies, will you still adhere to the figure of 10 annas ?

A.—Yes.

Q.—In fixing your rates have you taken into consideration the fact that *ghee* should be used and not oil ?

A.—Yes. Oil is never used by any class of Punjabis. *Ghee* is invariably used.

Q.—Do you consider that the health of the under-trial prisoners would be adversely affected by being placed on oil diet instead of *ghee* diet which he was previously accustomed to use ?

A.—Yes.

Q.—Do you not think that the diet of *dal-roti* continually would be obnoxious to health ?

A.—I must leave that to medical opinion.

I have recommended *takhtposhes* for ordinary prisoners to sleep on as no class of persons in this country sleeps on the ground; political prisoners should have *charpoy* as a matter of necessity.

Q.—You have stated that pro-Government literature should be supplied to convicts in order that they may be converted to sane view ?

A.—Yes.

Q.—Is it your view that the views of Government are necessarily and always sane ?

A.—As Government is advised by Legislative Councils, Honourable Members and so on, it is likely to take a sane view.

If Government has not proscribed a literature, the presumption is that it is all right and I consider that all literature which has not been proscribed is pro-Government literature.

Q.—Are you of opinion that washing facilities are sufficient in jail ?

A.—So far as I have learnt from prisoners, I consider they are not. I think that there should be a special jail in every range in the Punjab so as to allow of visits by relatives. I cannot agree to the suggestion that the Jail Department should supply railway fares to relatives in order to visit prisoners who are confined in places far from their homes.

I am acquainted with the mode of life of the zamindars and I consider that the health of a Jat will be shattered if he were denied sugar-cane juice, *lassi* and butter in jail.

Sardar Mohindar Singh.—Q.—Do you consider that for reasons of health it would be difficult to have one dietary for all classes of prisoners in jail ?

A.—I would leave it to medical men.

S. B. Sardar Mehtab Singh.—Q.—Are you definitely of opinion that political prisoners as such should have better treatment in the way of diet, clothing, etc. ?

A.—Yes.

The only limit which I would put to the supply of literature is proscription by Government.

Q.—Do you think that Indian edited newspapers would not do for the prisoners ?

A.—English newspapers are of a better type and contain better ideas. I think they would be better for Indians than any of the newspapers that we have now in this Province.

Q.—Do you not disapprove of the fettering of all classes of undertrial prisoners on transfer ?

A.—I only disapprove of the fettering of A and B classes. I agree that conveyances should be used whenever procurable.

Q.—Do you consider Sikhs should have a place set aside in jails for worship of the *Granth Sahib* ?

A.—Yes.

Q.—Would you modify views about the construction of special jails ?

A.—I would prefer one special class jail to be located for all special class prisoners in a place of temperate climate.

People convicted in communal riots would be included by me in class B.

Q.—*Lala Duni Chand*.—Do you consider that political prisoners are recruited from a class which would rush to jail in order to enjoy concessions ?

A.—No.

Q.—Do you consider that in the case of political prisoners loss of liberty and the stoppage of their public and private work is a sufficient penalty and no labour should be required from them in jail whatever ?

A.—Yes.

Q.—Do you know that prisoners are normally afraid of making any complaints against the jail officials ?

A.—Yes.

Q.—Do you recommend the minimum necessity and justice of according concessions to those political prisoners whom you have defined as such ?

A.—Yes.

Q.—Is it in your opinion high time that this was recognized ?

A.—Yes.

Q.—Are you agreed that the essential part of the definition of a political prisoner is that his activities should be directed against the present system of Government and its reform ?

A.—Yes.

Q.—*President*.—What qualifications have you to make a definite statement of fact regarding the mind or opinions of the average prisoner ?

A.—I have no practical experience but I have consulted numbers of *ex-prisoners* as a practising lawyer.

28th. September 1929.

The Committee decided to examine—

(8) Master Tara Singh,

(9) Sardar Hari Singh, M. L. C., and

(10) Sardar Kishen Singh,

simultaneously, as their views were considered to be the same and that Master Tara Singh should act as the spokesman. The three witnesses agreed to this.

Q.—*Sardar Bahadur Sardar Mehtab Singh.*—Do you think it necessary that the political prisoners should be placed in a special class apart from others ?

A.—I do.

Q.—Do you consider it necessary to accord special concessions to these prisoners on the ground that the offences which they may have committed were not due to selfish motives of any kind but for the service of their country ?

A.—Yes.

Q.—Do you consider that there should be one or more than one special class for political prisoners ?

A.—I think there should be one.

Q.—What class of persons do you consider political offenders are chiefly drawn from ?

A.—The middle class.

Q.—Do you consider that it will be sufficient to fix a single scale for all of them ?

A.—I think it would be sufficient but permission should be given them to supplement it at their own expense.

Q.—Do you consider that political offenders including those who have been guilty of crimes of violence should be given these special concessions ?

A.—Yes, because in the long run it will be extremely difficult to differentiate between the violent and non-violent political prisoners.

Q.—Would you allow literature of all kinds desired by them to be supplied to them while in jail ?

A.—Yes.

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A.—Yes.

Q.—What facilities should be given for interviews with under-trial prisoners ?

A.—As many as are necessary for the conduct of their defence.

Q.—What facilities for interviews should be granted to special class convicts ?

A.—Twice a month.

Q.—Would you fix any number of persons who might be allowed to interview special class convicts simultaneously ?

A.—Five or six relatives and friends.

Q.—If the convict is ill, should there be any restrictions on the number of relatives and friends allowed simultaneously to interview him ?

A.—There should be no restriction on the number of interviews or on the number of persons interviewing at one time.

Q.—What should be the system of interviews ?

A.—The cage system should be abolished. Interviews should be given in a room.

Q.—What latrine accommodation should be provided ?

A.—Special arrangements should be made. The present latrine accommodation is in all respects unsatisfactory.

Rai Bahadur Pandit Daulat Ram Kalra.—Q.—Should the number of interviewers and interviews be restricted on medical advice ?

A.—Yes, they may be.

Q.—If members of the Chief Khalsa Diwan attacked the members of Shiromani Gurdwara Parbandhak Committee on the ground that they wished no change in the Gurdwara Legislation while the Shiromani Gurdwara Parbandhak Committee did, would they be entitled on conviction to be treated as political prisoners ?

A.—No.

Q.—A person lectured against the Akalis and an Akali hit him with a *kirpan*. Would you treat him as a special class prisoner ?

A.—The Akali would not be treated as a political prisoner unless the lecturer assaulted had been prompted by Government.

Q.—One Khuda Bakhsh assaulted one Raj Pal on purely religious grounds should he be given the benefits of the special class ?

A.—No, as Government was in no way concerned in the matter.

Q.—Do you consider that members of the lower classes, e.g., hawkers and others, would not be encouraged to join a political movement.

and go to jail as political prisoners, because they would receive better food in jail?

A.—No. Not as a general rule. There might be a few black sheep but the rules should not therefore be changed. I have seen no person of this type during my four sojourns in jail.

Q.—What should be the dietary for special class prisoners?

A.—Early in the morning—*Lassi*, biscuits and sweets.

Morning meals—bread, *ghee*, one vegetable or *dehi* or two vegetables.

Afternoon—milk.

Evening meals—the same meals as in the morning. Meat eaters should get meat once in a day.

(At the suggestion of S. B. Sardar Mehta Singh) occasionally fruits also.

Q.—Do you consider the dietary you have given to be that of an ordinary middle class man in this country?

A.—Yes.

A.—Can you say what the average income of an Indian is?

A.—I have heard that the average is 3 annas a day. But in the Punjab it will be more. I would estimate the average of a Punjabi at 8 annas a day.

Khan Bahadur Mian Muhammad Hiyat Qureshi.—Q.—What sleeping arrangements should be made in the hot weather in the judicial lock-ups?

A.—Arrangements should be made to allow every body to sleep outside subject to the requirements of safe custody.

Q.—In what class on the railway should special class prisoners travel?

A.—They should be given inter. class fare and if they want to travel in a higher class, they should pay the difference. If the prisoner is sick or ill, the higher class may be allowed at Government expense.

Q.—Should special class prisoners be given better food or the same or worse than that which they were in the habit of getting outside?

A.—They should not get worse. Their only punishment should consist of imprisonment in the four walls of the jail. Difference of food should play no part in the punishment. They would require better food than they were getting outside owing to the fact that they had lost their liberty, &c.

Q.—Should violent and non-violent political prisoners be treated in exactly the same manner?

A.—They should be treated in exactly the same manner, except as regards the requirements of safe custody.

Q.—Should non-political prisoners of high status, education, &c., be allowed the same concessions as political prisoners?

A.—I have not considered this question.

Chandhri Afzal Haq.—Q.—Do you not consider that the present system of jails is reprehensible inasmuch as advantages can be obtained by the wealthy?

A.—Yes. This will continue as long as there are unequal riches in the country.

Q.—Do you consider that the ordinary jail diet is injurious to health?

A.—Yes.

Q.—Are you of opinion that any sort of crime, Political or Non-Political, will be increased by the grant of better food in jails?

A.—No.

Sardar Harlaksh Singh.—Q.—Do you agree with the definition given by Sardar Hari Singh of political prisoners in his written reply to the questionnaire?

A.—We all agree.

Q.—What are the special difficulties of Sikhs in jails?

A.—(1) Washing the hair for which soap, oil and curds are necessary. In the cold weather, hot water should be supplied for washing the hair.

(2) The difficulty connected with the worship of the *Granth Sahib*. Arrangements should be made for its installation in a separate room. After the evening prayers some jails object to Sikh prisoners raising the "Jaikara." This should not be done. All religions should have freedom to say their prayers. Mazhabi Sikhs should not be forced to work as sweepers.

The accommodation for under-trial prisoners in judicial lock-ups is insufficient.

Q.—Is oil ever used by Punjabis instead of *ghee*?

A.—No.

Q.—Does the practice of giving oil instead of *ghee* to under-trial prisoners cause deterioration in their health?

A.—Yes.

The staple food of the ordinary Punjabi is wheat bread, butter, curds, *ghee*, sweets, milk and *lassi*.

Q.—What arrangements should be made for the interviews with persons who are confined a long way from their homes?

A.—A large number of persons should be able to interview them and for longer periods.

Lala Duni Chand.—Q.—If the reasonable concessions are given to a certain number of political prisoners only and not to all, do you think that there would be any diminution in the agitation?

A.—No.

Q.—Do you consider that the demands of the people in this connection are genuine or merely intended to harass Government?

A.—I consider that they are genuine.

Q.—Do you consider that if Government granted reasonable concession to all these people the agitation will entirely subside?

A.—Without doubt.

Q.—What sort of furniture do you think ought to be given to special class prisoners?

A.—Bed, chair, table, light and stationery.

Q.—Do you think special class prisoners should be allowed to have their own clothes and their own utensils?

A.—If they so desire.

Q.—Do you consider that special class prisoners should be allowed to make their own cooking arrangements if they choose within their allowance?

A.—Yes.

Q.—What arrangements do you consider should be made for the provision of recreation?

A.—Volley Ball, Badminton and other such games which can be played in a small place.

Q.—Do you think that the articles necessary for playing these games should be supplied by Government?

A.—Yes.

Q.—Do you consider that special class prisoners should be allowed to visit relatives who are very ill?

A.—Yes with proper safeguards.

Q.—In case of long term prisoners do you consider that after reasonable intervals, say two years, they should be allowed to see the world?

A.—Yes

Rai Bahadur Lala Mohan Lal.—Q.—Is there a complaint that long term prisoners are intellectually starved ?

A.—Yes.

Q.—Would you grant special concessions to a counterfeit coiner the committed his crime not for himself but for political purposes ?

A.—Yes.

Q.—If in the course of an execution of a decree between two parties a member of one party from religious motives resisted the execution of the decree and had in consequence been arrested, should he be treated as a political prisoner ?

A.—No.

30th September 1929—10 A.M.

11. Lieut.-Col. Stanger-Leathes, I.M.S.

President.—I have 35½ years' service in India, I have been Superintendent and Medical Officer of the Delhi Jail for 5½ years. I ceased to be Superintendent in the beginning of 1928.

There have been many improvements in jails since 1922. The prisoners are now getting two suits of clothes; the peccole system has also been introduced; provision is made for religious instruction, &c.

The only classification that existed previously among under-trial prisoners was separation of males from females and separation of adolescents from adults. I do not consider this classification to be sufficient and think that habituals should be separated from first offenders. This classification was impossible in Delhi Jail, as it was so over-crowded that the maximum that could be done was the separation of Sessions under-trials from others. The only way in which this could be effected is either by the reduction in crime or provision of more accommodation, which would be much expensive.

I agree that it is hard for better class prisoners to be mixed up with a common herd of under-trials but this cannot be avoided unless more accommodation is provided.

The jail staff could not classify under-trial prisoners and it should be done by an outside agency, either police or the magistracy.

The diet supplied is ample in quantity, but not very appetizing and the better class prisoners in particular object to it. The utensils also might be improved.

I am of opinion that the best method of making this diet more palatable would be the substitution of *ghee* for oil.

Bath arrangements might also be improved. Latrines and ablutionary arrangements should also be improved.

Hand-cuffing and fettering of under-trial prisoners on transfer is not a matter with which Superintendents of Jails are concerned, but my personal opinion is that there is too much of it. I am of opinion that under-trial prisoners should always be taken to Courts in conveyances, especially in hot weather and when they have to go to Courts situated at a distance of over a mile.

Under-trial prisoners who had been convicted in a previous case, as far as I remember, used to go to their trial courts in convict clothing. They had no other clothing according to my knowledge. I see no reason why those who have private clothes should not be allowed to wear them when going to courts.

Special class convicts.— I have had very few special class prisoners in Delhi Jail, but there were no special facilities provided for them. Those that I had were placed in the European ward.

I think that the special class prisoners should have better diet and better accommodation than they have at present. The cost of ordinary prisoners' diet in the Delhi Jail was about 3 annas, but I think this did not include vegetables which were sown in the Jail garden. The 3 annas was the cost of flour, &c., at wholesale rates. I am of opinion that the diet for special class prisoners should be double in value, i.e., 6 annas a day excluding vegetables.

The present scale of diet for ordinary under-trials is ample to maintain the prisoners in good health. They keep fit on it and indeed gain in weight on it. The prisoners are satisfied with the quantity, but do not consider it very palatable.

Previous mode of living should be an important factor in considering diet for special class prisoners in jail.

The special class prisoners should be supplied with the necessary furniture, e.g., a bed, table, chair at Government expense. They might be allowed more facilities for writing and reading. Light should be given up to 10 P.M. The general amenities especially as regards latrine accommodation and bathing arrangements may also be improved. They should have better eating utensils than the ordinary prisoners. They should in addition to the diet supplied by the jail be allowed to supplement it from outside with the permission of the Medical Officer.

I would not be in favour of a Superintendent of Jail being allowed to recommend the inclusion in the special class of a prisoner who had not been classified as such by courts. If he did in one case, all the others would come forward to be treated in the same manner.

I had some genuine Europeans in the Delhi Jail including one or two British officers. I had two good class Chinamen. They were put in the European ward and given that diet, though they were not classed by the courts at all. The proportion of Europeans to Indians in Jails of the Punjab, I think, is about one to fifteen hundred.

If Indians are accustomed to live in the same way as Europeans they should have the same treatment. The nature of the crime should make no difference.

Personally I do not think the Indians of this class would like to live in association with the so-called Europeans, but if they do not object, there should be no reason why they should not at least during the day time. I think that decent people and bad characters should be separated. This of course applies both to Europeans and Indians.

Apart from the question of expense, I think that special class prisoners should have a separate room each. If a special class jail is built, I should have some cellular accommodation and some association accommodation in it.

I would not classify political prisoners as such in any special group. The fact that they are political should be ignored and they should be classified according to the nature of their crime and to their previous mode of living.

If the military authorities agree, I think it would be much preferable for all military prisoners to be kept in military prisons.

I think the genuine European prisoners, if they were sentenced to imprisonment of over 6 months, should be deported to England to finish their imprisonment there. I think this is now done in the case of soldiers who get over two years. European female prisoners may also be deported to England in the same manner.

I think it will be a good thing to have a special jail for all special class prisoners. This should be located in a place of good climate, preferably in the hills. I am not in favour of putting them in ordinary jails.

The genuine Europeans should be sent to the special jail in the hills but I see no objection to the ordinary habituals staying in jails in the plains.

Ch. Afzal Haq.—I have no experience of European Jails or Central Jails in this country. I would include in the special class those Indians who are otherwise entitled to it but are not used to European mode of life. Those Indians who have not adopted European mode of life but who are of very superior status should be allowed a more expensive Indian diet, say up to 12 annas a day.

I have not seen the Churchill Rules, &c.

Q.—If any concessions are given in England to political prisoners as such, would you agree to extend the same concessions to political prisoners in India?

A.—As I do not know of the concessions, if any, which are given in England, I do not like to answer this question. I have formed no opinion regarding this aspect of the question.

I have not studied the Honor System of America. I have not studied the English system of penology nor the Indian one.

Q.—Would you make any difference between the treatment of certain types of European offenders ?

A.—I have already said that I would separate the habituals from first offenders. European prisoners who have committed serious crimes should be distinguished from those who have committed less serious ones.

At this hour the witness expressed a wish to leave, as he was to attend his office. It was decided that the rest of the questions which the members wish to ask should be sent to him in writing. The witness agreed to come to Lahore, if required.

12. Bawa Charan Singh, Advocate, Ferozepore.

30th September 1929.

President.—I am a non-official visitor of Ferozepore Jail for the last 2 years.

I do not consider accommodation for under-trial prisoners to be satisfactory at present in jail. The under-trial sleeping barracks are old fashioned, badly ventilated and not in good repair.

I have not seen the new jail at Kasur.

R. B. Lala Mohan Lal, M.L.C.—As regards special class prisoners I do not consider that all Indians are necessarily to be treated in the same way as Europeans, though I am of opinion that those who prefer the Indian mode of life should be allowed to have that and those who have adopted the European mode of life should be treated in the same way as Europeans. The allowance proposed should be the same and all other concessions should be similar.

I see no objection to enumerating certain sections such as 124-A which would automatically entitle a prisoner to be placed in the special class.

I think there should be a difference between persons convicted of violent crime and those convicted of non-violent crime.

I think that persons who have committed serious crimes of violence should be definitely excluded from consideration of the special class. As regards motive, I am of opinion that it may be considered in certain cases but not invariably.

K. B. Mian Mohammad Hayat, Qureshi.—Violent criminals should not normally go into the special class A or B, but there might be special cases.

S. B. Sardar Mehtab Singh.—I would permit all literature to be given to special class prisoners except that proscribed by Government.

It should be optional for under-trial prisoners to take various exercises.

I would put all well-educated political violent prisoners into the special class but not others. I would give them all concessions which I have proposed for special class prisoners.

Educated young men whatever their crime, should not be mixed up with hardened criminals.

Lala Luni Chand.—I am in favour of giving special class treatment to all political prisoners who are not convicted of violence.

I cannot recognize any general principle that a political prisoner guilty of crimes of violence should be treated better than other prisoners guilty of such crimes.

A high educated young man who has embarked upon a career of political crime deserves some consideration in the matter of treatment.

There is a justifiable demand for better treatment of political offenders both inside and outside jail.

I am in favour of this demand being favourably met by Government.

I think that if concessions are granted to some and not to all the trouble will continue though it will be lessened. On the whole I am in favour of granting some sort of concessions to all political prisoners.

R. B. Pandit Daulat Ram, Kalra. Q.—If an ordinary *Gunda* made a speech which rendered him liable to conviction under section 124-A. of the Indian Penal Code, would you accord him the same treatment as you would to a recognized leader, who had been guilty of the same offence?

A.—No.

The most important conditions governing treatment in jail should be previous mode of life, status, character and education. I agree that all political prisoners should not be treated in the same way.

Q.—Do you consider that a person who murdered a Superintendent of Police should be given special consideration merely because he committed the crime from political motives?

A.—No.

Q.—If a riotous crowd burnt houses discriminately from political motives could you be prepared to give them special treatment?

A.—No.

Q.—Can you give any universal principle governing the cases of persons convicted of crimes of violence?

A.—No.

Q.—Do you think that Indian first class dinner would cost the same as European first class dinner ?

A.—I think Indian first class dinner would cost more. The Indian first class dinner supplied at railway refreshment rooms is not really first class nor is European first class dinner supplied at such restaurants.

I think it takes some time before the issue of a paper can be proscribed by Government and the same applies to books. In the mean time Superintendent of a Jail should be entitled to withhold literature from prisoners until Government sanction is received.

S. Mohindar Singh Q.—How would you define ' High Education'.

A.—I find it difficult to define, but I would not limit it to English education. A man might be an under-graduate but otherwise very highly learned.

A political offender is one who committed his offence to uplift his motherland. I would call any body a political worker whose intention it was to uplift his motherland regardless of his school of thought.

—
Dated 30th September 1929.

The Committee decided to call—

(13) Rao Abdul Ghaffar Khan, and

(14) Maulana Habib-ur-Rahman,

together. Maulana Habib-ur-Rahman to be the spokesman.

K. B. Mian Mohd. Hayat Qureshi.—I have included in my own definition of political offenders those who for the sake of religion committed any crime.

Q.—Do you consider that a person who has committed a crime for the sake of his religion should be considered a political offender if his crime is committed against any person or only if it was committed against Government ?

A.—He should be so considered even if his offence was against any person. (R. Abdul Ghaffar Khan states that he does not agree with the opinion of M. Habib-ur-Rahman in this particular, that persons who commit an offence against a religion should be considered as political offenders. They should not be considered as such.)

Q.—Would you give 2nd class railway fare to all types of political prisoners even to those who have been previously accustomed to travel in 3rd class ?

A.—Yes, because when a man is in the condition of a prisoner, he requires greater convenience than a free man. This I know from my personal experience.

Ch. Afzal Haq.—I have been President of the District Congress Committee of Ludhiana. I am a member of the All-India Congress Committee, of the Jamiat-ul-Ulama-i-Hind, of the all-India Muslim League and also have been Secretary of the Provincial Khilafat Committee.

I would allow better class prisoners to have every kind of literature except that which is actually proscribed by Government and which people cannot even get outside.

Q.—Do not Mussalmans usually eat meat ?

A.—Yes, Muslims cannot live without it.

I have always a volunteer with me. I give him rations, etc., which cost approximately Rs. 2 a day.

Q.—Do people in the Punjab take oil or *ghee* with their food ?

A.—No one in the Punjab takes oil. All take *ghee*.

My experience is that courts are prejudicted in the matter of classification, because I was once treated as special class prisoner while on the second occasion I was not.

S. B. Sardar Mehtab Singh. Q.—Do you not consider from your experience of the two religious movements in the Punjab, *e.g.*, the Akali movement and the Khilafat movement, that Government considers them to be political movements and treats them accordingly ?

A.—I do.

I consider that a person who has committed a murder not for some personal ends but in order to support or avenge his religion should be treated as a special class offender. I do not include him in political offenders.

Lal Duni Chand. Q.—If Hindus and Mussalmans are fighting on any matter, do you think that they should be deprived of special concessions in jails ?

A.—If fighting was due to selfish motives, then they should not be given any concessions.

I consider that there should be no distinction between those political offenders who have committed crimes of violence and those who have not, because I consider that political offenders ought to be regarded as prisoners of war and should receive at the hands of Government the same treatment as prisoners of war.

Q.—Do you consider that the country is much excited about the treatment at present accorded to political prisoners ?

A.—Yes, the whole country is undoubtedly affected by it.

Q.—What do you consider the effect would be of Government granting concessions to some political prisoners and not to all ?

A.—The agitation would increase.

Q.—Do you consider that the agitation of the people is genuine or merely to annoy the Government ?

A.—I consider it to be genuine, because they feel the trouble of their leaders in jail.

Q. Do you consider that were the generous concessions to be allowed to political prisoners, a large number of persons would go to jail in order to enjoy them ?

A.—No, no one would exchange his liberty for the sake of food.

(*R. Abdul Ghaffar Khan*).—I have been a member of the Congress since 1921. I have been General Secretary of the Congress and am now Vice-President of the Ambala City Congress Committee. My father is a large land-owner, who has been a Magistrate in the Patiala service.

Q.—Do you consider that the rules of the Jail Manual are in practice obeyed in jails ?

A.—No. I took the statements on oath of prisoners released in 1921 and 1922 and from their statements I can say that the Jail Rules are not obeyed so far as the political prisoners are concerned.

Q.—Do you consider that there should be some method of bringing the complaints of special class prisoners to the notice of the authorities ?

A.—Yes, I consider that a register ought to be kept either by a Magistrate or Superintendent of Jail in which special class prisoners might record their complaints. This register should be kept entirely confidential and should never be shown to the jailor or other subordinate officials. I think it would be preferable if the register remained in the possession of non-official visitors.

Q.—Have you any suggestion to make in regard to history tickets ?

A.—I consider that whenever a jail punishment is inflicted the signature of the prisoner concerned should be obtained to that effect. In 1921 and 1922 approximately 150—200 persons from Ambala went to jail for political reasons. None of these persons was such as would go to jail for the sake of getting better food and there was none who went with this intention.

M. Habib-ur-Rahman said that the public regard the volunteers with even greater respect than they regard Pandit Moti Lal Nehru when they go to jail and therefore their treatment should not be less than bigger men.

Rai Bahadur Pandit Daulat Ram, Kalia.—To R. Abdul Ghaffar Khan...

Q.—Do you mean that your proposed register for prisoners' complaints should on no occasion be seen by the jail officials?

A.—If it is necessary to make enquiries the jail officials may of course see it. I mean that the complaints should never be written in the presence of jail officials.

Q.—Are you aware that non-official visitors at present can hear complaints of special class convicts in the absence of jail officials?

A.—No.

Rai Bahadur Pandit Daulat Ram, Kalia.—To Maulana Habib-ur-Rahman.

Q.—Would you agree that it rests with the Government of the time to decide whether such and such action is an offence or not?

A.—No.

Q.—How would you define an offence?

A.—I would define an offence as that which is generally agreed to be an offence against morality.

Q.—Who should be the judge to decide?

A.—Such things are well known in the world.

Q.—Supposing a *Bania* considers it wrong to eat flesh because he will go to hell, and a Muhammadan thinks it is right because he will go to heaven by doing so, what is your opinion on this matter?

A.—Perhaps both will go to hell or heaven.

Q.—Are you aware that bigamy is a crime in Europe and not in this country?

A.—Yes.

Q.—Which is right?

A.—Both.

Q.—Do you know any thing about the history of revolutions in other countries?

A.—I do not know.

Rai Bahadur Pandit Daulat Ram Kalia.—By R. Abdul Ghaffar.—The District non-official visitors do not inspire confidence of the public. The appeal from all cases of classification should lie not to the District Magistrate but to the Sessions Judge.

Rai Bahadur Pandit Daulat Ram Kalia.—By M. Habib-ur-Rahman.

The cage system of interviews should be abolished as far as political prisoners are concerned.

18th October 1929.

15.—Giani Sher Singh.

Sardar Mohindar Singh.—Q.—Do you recommend that all political prisoners should be put in one class ?

A.—Yes, but I would recommend that special consideration should be given to those persons who are accustomed to live in hills and used to a high class of diet.

Q.—If a man of ordinary status goes in jail for an offence committed with political motive, should he be put along with political prisoners of very high status in one class ?

A.—I would not object to both being put in one class.

Q.—Would you place in the same class a habitual ?

A.—I would not put him in the special class if it is proved that his previous crimes were not political.

Lala Duni Chand.—Q.—Should non-violent political prisoners, e.g., those convicted under section 124-A, &c., be put in the special class without regard to status, &c.

A.—Yes.

I would make no distinction between violent and non-violent political prisoners for purposes of classification.

Q.—Should a political murderer and a man who has committed an ordinary offence of making a speech be treated alike in jail ?

A.—Yes, for purposes of classification and treatment.

Q.—How would you define a “political offender” ?

A.—A man who commits an offence with the object of freeing his country from foreign rule or from a tyrant would be a political offender.

Q.—Would you allow both violent and non-violent prisoners to see a sick relative subject to special restrictions ?

A.—Yes.

Q.—Would you allow long-term prisoners to be taken out of jail in open air for the purpose of change ?

A.—Yes, if it is practicable.

S. B. Sardar Mehtab Singh.—Q.—Do you think that crime will increase if certain privileges are granted to political prisoners ?

A.—No, as nobody will be willing to sacrifice his liberty for better treatment in jail.

I would not like that an ordinary prisoner should be allowed to obtain special class on account of his riches while a patriot should be deprived of it simply on account of his poverty.

All literate prisoners should have all literature except that which is proscribed by Government.

Members of societies with different political opinions when fighting against each other should not be allowed special class, because members of one society can convert the members of the other society by persuasion; but Government cannot be converted to one's views by persuasion and therefore effective steps have to be taken to change the system of Government.

If a man commits an offence owing to his own bigotry and religious intolerance, he should not be allowed special class, but if there was general provocation then he should have special class. The discrimination between the two classes should be left to the trying magistrate.

In the case of Sikhs I would recommend that meat should be killed by *jhatka*. Religious principles should be given consideration in the supply of meat as far as possible.

Q.—What facilities should be given to Sikhs in regard to 'jaikara' without encroaching upon jail discipline;

A.—I think Sikhs should be allowed to shout 'jaikara' after morning and evening prayers and the Mohammedans to call 'Azan' before prayers.

Sikhs should be allowed to worship the Granth Sahib inside the jail with due formalities, as Hindus and Muslims can take their Gita and Quran inside the jail while the Sikhs cannot do so. There should be a separate room allotted for the purpose.

Rai Bahadar Pandit Daulat Ram Kalra.—In view of the fact that a prisoner inside the jail has his movements restricted there is no harm if in the way of compensation for the loss of liberty which he enjoyed outside he gets better treatment in jail than that which he had outside. A sweeper convicted of a political offence should get in my opinion better treatment in jail than he was getting outside.

Q.—Would you allow inter class accommodation to a prisoner, who, when a free man, never travelled in that class?

A.—Yes. My reason is that he having been deprived of liberty is not in a position to find for himself suitable accommodation in third class as he could when he was a free man.

I am not prepared to grant any power to the Superintendent of Jail in the matter of censoring newspapers, etc., before they are actually proscribed by Government, because he may abuse such power, the mentality of such officers being against political prisoners in these days.

The 'Jaikara' is shouted generally on congregational occasions but *pakka* Sikhs generally shout it individually also. According to

Panth Parkash and many other books even individual Sikhs shouted jaikaras after *Ardasa*.

Lala Duni Chand (2nd time).—I admit that religions disputes lead to trouble in this country.

Hindus should also be allowed to worship their idols in jails if they desire and if it is practicable.

19th October 1929.

16. Major N. Briggs, I.M.S., Superintendent of the Borstal Institution, Lahore.

President.—I have been at the Borstal for about 5 years. I have been in charge of the District, Female and Central Jails, Lahore.

We keep only habituals separat from casuals in the Borstal. The Magistrates, however, should inform Superintendents of Jails whether an under-trial is habitual or not, so that the present difficulty felt by the jail officials in the matter of separation may be avoided.

In my opinion the present arrangements regarding treatment of under-trials should be improved. Separation should be more definite and there should be some improvement in bathing and accommodation arrangements. As a concession, diet should also be improved. The present diet, however, is sufficient to maintain the health of the prisoners. As a Medical Officer I have never noticed any defect in the diet. Some prisoners of course complain about the dietary, but generally such complaints, if any, are against the bad quality of vegetables. The quality of wheat so far as I know has never been complained of.

I have come across under-trial prisoners who should have been put in the special class.

Q.—Would you take on the classification of prisoners?

A.—I should prefer that a magistrate did this classification.

Q.—Do you find that the police invariably handcuff under-trials when going to court or on transfer?

A.—Almost invariably as far as I know.

I approve of the vans as in Lahore in every case for the carriage of prisoners to courts.

The special class under-trial prisoners now in the jail get special accommodation in the Association Ward and special beds; also chairs, tables and lights up to 10 p. m. As to diet, they get things which cost about 12 annas a day at Government expense. They wear their own clothing.

Q.—Is this diet in your opinion sufficient ?

A.—I think it is ample.

I would have no objection to the addition of pegs for hanging their clothes, etc. I think 12 annas towards diet is more than sufficient for the special class.

The ordinary prisoners at present get 2½ annas including vegetables.

European soldiers should in my opinion be sent always to the military prison at Lucknow. This is a sound proposal. If they are sentenced to long periods, they should be repatriated to English prisons to undergo imprisonment.

Q.—Who should pay for the journey ?

A.—I think India should pay, because they were sentenced in India.

Q.—Have you got any accommodation for female European prisoners in the Female Jail ?

A.—No. There is only one small ward. I have had only one and she was not a genuine European.

Q.—Do you approve of the proposal to have a special class jail in a temperate climate ?

A.—I should prefer a special jail, because separate wards in jails would cause trouble in the matter of discipline owing to invidious distinctions, etc. I would put all special class prisoners in such a Jail, except the habituals who should be separated.

Lala Duni Chand.—Q.—Would you not recommend the construction of the special jail in a central place for the reason that its construction in an out of the way place may give rise to public grievance ?

A.—I think it should be situated in a temperate climate.

The relations of prisoners who come for the purpose of interview from long distances should not be given their railway fares and other expenses by Government.

Q.—Are you, in principle, in favour of abolishing distinctions between Europeans and Indians in jail ?

A.—Yes.

Q.—Do you think there will be heart-burning and resentment if there remains the present difference in the treatment of Europeans and Indians in jails ?

A.—I cannot say. I suppose there may be.

Q.—Do you think it fair that India should pay for the repatriation of long term European prisoners ?

A.—India should only pay for the transport of such prisoners, but the English prisons should pay for their maintenance.

Q.—Would you recommend any special form of recreation or exercise for special class prisoners ?

A.—Not compulsorily. If a tennis ground is available, I would have no objection to their playing that game. But the prisoner should himself pay the expenditure, &c., thereof.

Q.—Do you know that so far as the handcuffing of prisoners goes, the police make no distinction between various classes of prisoners ?

A.—As far as I know they make no distinction.

I do not think it is a genuine complaint that vegetables in jail dietary are not good. I think the quality of food given in jail is quite wholesome and is the chief reason for the good health of the prisoners generally.

Motive should not be taken into consideration at all in the classification of prisoners. The nature of the crime, however, may be taken into consideration.

Q.—Can you give me any reason why you refuse to take motive into consideration ?

A.—I would rather not give my reasons. Non-violent political prisoners may be put in special class in my opinion.

Q.—Do you admit the fact that in case of violent political prisoners there is a demand for special treatment in jails ?

A.—Yes, there is.

Q.—Would you be prepared in view of the agitation to give some concessions to them over and above those granted to ordinary prisoners ?

A.—No.

Q.—Would you allow them some concession, *e.g.*, bedding, chairs, tables, newspapers, etc.

A.—I would allow them books, but not newspapers.

Q.—Do you not think it will be very hard for a man, who has been sentenced to 15 years' imprisonment and who used to read newspapers outside ?

A.—No.

I would not give them special food unless they were put in the special class.

Q.—Would you like to make two sections of the special class, one higher and one lower?

A.—Yes, I would not object to that so that jail life may not be unduly hard.

Q.—What concessions would you grant to those whom you would place in the lower section of the special class?

A.—I would suggest 12 annas for the higher class and about 6 annas for the lower. I would have no objection to both classes having the right to supplement the privileges granted. I would allow both classes to have their own clothing; I would also grant lights and chairs to both classes.

Chaudhri Zafrullah Khan.—The attendant circumstances of any particular offence including any extenuating circumstances would ordinarily be taken into consideration by the magistrate for the purpose of determining the severity of the sentence and in my opinion they should not be taken into consideration for purposes of *classification*.

In answer to questions put to me by Lala Duni Chand with regard to the concessions which might be granted to violent or non-violent political prisoners wherever I have said that certain concessions might be granted to them in the way of books, better diet, etc., I have meant throughout that these concessions should be granted if the previous mode of life and other matters, which I consider should form the basis for the classification, justify; irrespective of the fact whether the offender is a political offender or not.

Rai Bahadur Pandit Daulat Ram Kalia.—Among the Borstal inmates 800 out of 1,800 gained weight and 130 lost.

Chaudhri Afzal Haq. Q.—Are you in favour of granting to those persons who have adopted the western mode of life the same treatment as is now provided in the Jail Manual?

A.—Yes.

Q.—Supposing a European murderer is convicted, would you also grant him these concessions?

A.—I would grant him these concessions for reasons of health.

I would not give any special treatment to the convicted prisoners on account of their social status alone.

Q.—Do you accept the principle that the English system should be applied throughout in Indian prisons?

A.—It should be adapted with certain modifications.

If newspapers are given in England to ordinary prisoners, I would not object to this concession being granted to such prisoners in Indian jails. The Churchill Rule may also be applied under the same circumstances and to the same type of prisoners.

I do not know of any declaration made by the Suffrage Movement Leader in England that she would not respect property.

Weight is a most important factor in the estimation of the health of a prisoner.

Q.—Do you remember that Ram Chandra, prisoner, made a complaint to a non-official visitor that he was badly treated in jail?

A.—I know of no such complaint. On the contrary he asked to remain in the Borstal (this was also confirmed by the Inspector-General of Prisons, President).

As a medical officer I do not make any difference between patients whether they be political or non-political.

Q.—Is it not the case that special diet was given to the Lahore Conspiracy Case prisoners one day after the issue of the Government Communique?

A.—I do not remember.

Q.—Is it a fact that whereas all under-trial prisoners are usually kept in the same barrack, the Lahore Conspiracy Case prisoners were kept separate?

A.—Yes. The circumstances were exceptional.

Q.—Do you think that Government doubts that the non-official visitors encourage very badly the political prisoners?

A.—No.

Q.—Should the Superintendent also have the power of recommending to a magistrate that a prisoner should be taken out of the special class?

A.—No.

Sardar Mohindar Singh.—The labour of an individual prisoner is officially calculated at 4 annas per day. It may be less.

Q.—How much soap and oil do you allow to a Sikh prisoner?

A.—I think three-quarters of a chhattak. They also get soap-nuts. It is considered too little by some prisoners.

Q.—Have you any objection if Guru Granth Sabib is kept in a separate room in jail for the worship of Sikh prisoners if practicable?

A.—I do not feel in a position to make a definite statement in this respect.

19th October 1929.

17. Major P. D. Chopra, I.M.S., Superintendent of the Central Jail, Lahore.

President.—About 15-16 Europeans are generally in the Central Jail, Lahore, of whom 4 or 5 may be soldiers. The remainder are generally Anglo-Indians. I had once two or three Russians also.

Q.—What is the approximate value of the labouring diet for Europeans ?

A.—About 11 annas per head.

There is no special class for Europeans. Even a high class European will have to be put along with habitual or low class Anglo-Indians. I think it is desirable to separate the European habituais from casuals.

Quite apart from the nature of the crime, I would give better treatment to a high class prisoner than I would to a man of low status.

Motive should not be taken into consideration apart from the crime.

Q.—Are you satisfied that the present treatment of soldiers is satisfactory ?

A.—They should go in military prisons.

At present I do not think a separate jail for special class is necessary, as the number of such prisoners is very small.

I think the present diet is quite sufficient to maintain health of under-trials. I have never had any complaints from them. I would only substitute ghee for oil, if at all.

Q.—If you substitute ghee for oil in the case of under-trial prisoners would you also give further concessions in the case of special class prisoners ?

A.—The present arrangements for special class prisoners are in my opinion quite sufficient.

Q.—Do you think that the existing rules in the Punjab for special class prisoners are satisfactory ?

A.—I consider they are satisfactory.

Sardar Bahadur Mehtab Singh.—The present cost of ordinary prisoners' raw rations comes to about 2 annas per diem, wholesale rate.

If a special class prisoner cannot supplement his jail diet from his private pocket, then I consider that the present scale, *i.e.*, two annas, is quite sufficient. (The witness then quoted the Jail Manual diet.)

I would give the existing jail diet even to Matatma Gandhi.

I would not allow ghee to the special class prisoners at Government expense, nor curds, fruits or sugar.

Q.—Are you satisfied with the present arrangement by which the lowest class of Indian prisoner classed as European costs Government

11 annas while the highest class of Indian graded as the highest class of 'special class' costs Government only 2 annas ?

A.—There is a seeming disparity, but I consider that it is due to the fact that the diet of the Europeans costs more than that of Indians.

Q.—Is this your opinion that the ordinary diet of the highest class Indian is only 2 annas outside jail ?

A.—No.

I would suggest for special class prisoners double the present rate.

The diet for Lahore Conspiracy Case prisoners sanctioned by Government and quoted in my written statement is in my opinion more than sufficient for a special class prisoner. This is too liberal (This statement I make as a tax-payer). I would reduce it by 8 annas. I cannot give off-hand the dietary which would be covered by 4 annas per diem. I regret that one chittack of ghee was inadvertently omitted from the dietary given in my written statement.

If food has to be cooked for one or two special class prisoners the quantity of ghee will have to be increased.

Q.—Would you give special class to a man on account of his riches ?

A.—Riches should be taken into consideration in the matter of classification.

Q.—Would you give special class to a poor patriot when he goes to a jail ?

A.—I am not prepared to answer this question.

Rai Bahadur Pandit Daulat Ram Kalia.—In reply to the question of Sardar Bahadur Sardar Mehtab Singh relating to Mahatma Gandhi, my criterion was that a man who could not afford to live better life outside jail, should not have better life inside the jail and I was acting on the principle that people should have harder life inside the jail than they have outside it.

The degree of difference in the standard of life allowed to Indians and Europeans in jail is the same as that which prevails outside. Europeans are not used to chapatis outside jail and therefore they have to be provided with loaves of bread. It costs about one anna or 9 pies. Meat is the principal diet of a European.

Chaudhri Afzal Haq.—Meat is not included in the dietary given in my written statement.

Q.—Do Mohammadans eat meat ?

A.—Yes.

From my experience I can say it will be dangerous to allow meat inside the jail owing to the question of Jhatka and Halal.

With regard to the Europeans the question of Jhatka and Halal does not arise, because their kitchen is absolutely separate from the rest of the jail.

The Hindu and Mohammedan kitchens are separate from each other, but in the same enclosure.

My experience was that at the time when the Akali prisoners were under me they accepted the difficulty of supplying meat and reasonably agreed to take eggs instead.

Under medical advice meat is allowed in jails.

I do not know whether meat was allowed to all special class prisoners in 1922-23.

Iala Luni Chand.—Q.—Are you in favour of abolishing all distinctions between Europeans and Indians with regard to their treatment in jail?

A.—Yes, as far as practicable.

Q.—Would you not take into consideration at the time of classification the fact that an offender's motive was unselfish or honest?

A.—I would not and I would not make any distinction between an offence committed with the basest motive and an offence committed with the noblest motive as far as classification goes.

I would take into consideration the nature of the offence when classifying.

I would probably give special class to non-violent political prisoners.

Q.—Do you concede in case of violent political prisoners that they should not be deprived of intellectual nourishment?

A.—I do. I would allow them books and magazines.

Q.—Are you in favour of supplying any kind of newspapers?

A.—I would permit papers subject to censorship and provided the prisoner himself pays for them.

Q.—Would you give violent political prisoners better food than ordinary prisoners?

A.—I would make no difference; nor I would allow them the right to supplement their food.

Violent political offenders are mostly educated. Those that I have seen have been.

Q.—Would you put violent political prisoners who are very well educated in special class?

A.—No.

I would not give special class on account of education to anybody.

Q.—Would you eliminate the consideration of education entirely from the consideration of the special class?

A.—Yes.

Q.—Would you put in the special class a man of very high character who has committed a violent political crime?

A.—No, and the same would apply to a non-political offender.

Q.—Do you not think that if no concessions whatsoever are given to the violent political prisoners, the discontent is bound to continue?

A.—I do not know.

I would not give violent political prisoners the right to wear their own clothes. I would not give any other concession to violent political prisoners and I would treat them in exactly the same manner as I would treat ordinary prisoners.

APPENDIX IV.

No. D.-2789, dated Simla, the 17th August 1929.

From—H. W. EMBSON, Esq., C.I.E., C.B.E., Secretary to the Government of India, Home Department,

To—All Local Governments and Administrations.

I AM directed to address you on the subject of the re-examination by Local Governments of the rules relating to under-trial prisoners, and to the classification of, and the privileges granted to, convicted prisoners, and in this connection I am to enclose a copy of a *communiqué* issued by the Government of India on the 10th August 1929.

2. In regard to the general character of the examination, I am to say that the Government of India attach great importance to the ascertainment of non-official opinion, and especially of the views of non-official visitors of jails. While they are content to leave to the discretion of Local Governments the manner in which such opinion should be obtained, they desire that no cause should be given for complaint that sufficient opportunity was not afforded for the expression of the views of representative non-officials interested in the question. If, however, the Local Government have recently carried out an enquiry into these matters and have on record the evidence of non-officials, it will be necessary only to supplement the record in such manner and to such extent as will attain the above object. It is the wish of the Government of India that the examination be undertaken and completed with as little delay as is consistent with a thorough review of the various issues involved. They consider that it is very desirable that the rules of the various provinces should be as uniform as possible, and in order to facilitate a comparison of the existing rules the Government of India will shortly forward to Local Governments copies of the relevant rules framed by the Local Governments relating to under-trial and special class prisoners. It is not, however, the intentions of the Government of India that the object of the review should be limited to the introduction of changes based on a comparison of the rules now in force in various provinces. They contemplate that decision will be reached on particular issues which may involve amplification and amendment of the existing rules. Some of the issues which are likely to arise are indicated below, but the Government of India do not regard them as exhaustive, and have no doubt that other points will be raised during the course of the examination. In regard both to under-trial and convicted prisoners, the rules as amended must be consistent with the safe custody of prisoners and the maintenance of jail discipline, and in regard to convicted prisoners they must be consistent with the principles of penal detention.

3 In regard to under-trial prisoners, the Government of India consider that the rules adopted should, where possible, be at least as liberal for prisoners of similar social standing as those which may be ultimately adopted for special class convicts. The main questions which appear to require review relate to diet, conveyance and accommodation. In regard to the first item, it is for consideration, firstly, whether the diet, in accordance with pro-

scribed scales, of under-trial prisoners, should not be in all cases a charge on Government, and, secondly, whether one or more special scales should be proscribed for under-trial prisoners, whose standard of living is definitely superior to that of the ordinary convict. As regards the second item, the Government of India recognise that the conveyance of under-trial prisoners is a matter of police rather than jail administration, and that the issues involved extend beyond the question whether special consideration should be paid to under-trial prisoners of social standing. The question is admittedly a difficult one and it may not be practicable to lay down hard and fast rules, but the Government of India are inclined to think that the discretion given in this respect to Police authorities might be more clearly defined. It appears in particular to be desirable, that, in cases of conveyance of under-trial prisoners of social position by rail, sanction should be given to a fairly liberal scale of diet money, and to accommodation of a class higher than the 3rd class.

In regard to the conveyance of an under-trial prisoner between the jail and the court, the Jails Committee appointed by the United Provinces Government have drawn attention in paragraph 382 of their report to the waste of time and the embarrassment or inconvenience caused to under-trial prisoners when they have to be escorted on foot. They have accordingly recommended that where lock-ups are at a considerable distance from the courts, prison vans should be provided if this provision does not already exist. The Government of India commend this suggestion for the consideration of local Governments. Since, however, financial considerations may delay the introduction of this reform, it is a matter for examination whether, subject to adequate arrangements being made for the safe-custody of the prisoners, the Police authorities should not be instructed to provide special means of conveyance for under-trial prisoners of good social standing in cases where prison vans are not available.

The problem of better accommodation of under-trial prisoners raises questions of new expenditure, which in some provinces may be on a considerable scale. For this reason it is probable that improvement in this direction can only be gradual. Nonetheless the Government of India consider it desirable that the question of accommodation should be included within the scope of the re-examination, with the object of introducing, as financial resources permit, the reforms that may be found to be desirable. The observations of the Jails Committee of the United Provinces on this question are contained in paragraphs 384 and 385 of their report, and relate to the complete separation of under-trial prisoners by night and the more careful segregation by day, in order to prevent contamination by association with convicts or with other under-trial prisoners, whose previous record or alleged offences indicate depraved habits or tendencies. A further question for consideration is whether under-trial prisoners of good social standing should be provided with simple furniture, such as is allowed in some provinces to special class convicts, and, if so, whether it should be supplied at their own or at Government expense.

4. In so far as the suggestions made in the last two paragraphs relate to the privileged treatment of under-trial prisoners of good social standing, they raise the question of their classification for this purpose. Since the assumption must be made that under-trial prisoners are innocent until they are proved to be guilty, the nature of their alleged offences cannot be adopted as a criterion for the purpose now in question although it can, as suggested above, be adopted with propriety for the purpose of segregation of under-trial prisoners *inter se*. A suitable and perhaps the sole criterion for the grant of additional privileges to under-trial prisoners would appear to be the social status, education and character of the prisoners. No formal classification would seem to be necessary so long as the person is in police custody, and the requirements of the case would probably be met by the grant of discretionary powers to the police, combined with careful supervision by administrative officers that the powers are properly used. As soon, however, as an under-trial prisoner is committed to the custody of the Jail authorities, a formal classification would be necessary, and it is a matter for consideration as to what authority should be responsible for the classification. It might be desirable to confer the necessary powers either on the District Magistrate or on the Superintendent of the Jail in consultation with the District Magistrate and the exercise of the powers might be subject, if this is considered desirable, to the confirmation of local Governments.

5. So far as the enquiry is concerned with convicted prisoners, it should be limited to the review of the rules relating to special class prisoners and should not include general questions of classification, *e.g.*, the separation of casual and habitual offenders. Within the scope of the examination as thus defined, the three main subjects for enquiry will be :—

- (1) The criteria for classification.
- (2) The classifying authority.
- (3) The privileges to be granted to special class prisoners.

6. With regard to the criteria to be adopted, I am to invite attention to paragraph 2 of the *communiqué*, in which are stated the tests now employed. I am to lay particular stress on the fact that the Government of India regard as fundamental the principle of differentiation between offences for the purpose of classification and are unable to contemplate any deviation from this principle which would introduce the criterion of motive regardless of the offences committed. Subject to this essential condition, the general questions that are likely to arise in this connection would appear to be the following :—

- (a) Whether it is necessary or desirable to make classification depend, as in the Bombay Rules, on the nature of the imprisonment to which the convict is sentenced, namely, whether it is simple or rigorous; or whether the nature of the offence regardless of the punishment inflicted should be uniformly adopted as a criterion.

(b) If the nature of the offence is uniformly adopted, whether the list of offences, the commission of which exclude persons from classification as special class prisoners, should be extended in some directions and restricted in others. For instance, a question for consideration will be whether the list should include, as in the Bengal rules, the following offences :—

- (1) The possession of bombs or other explosive substances or being concerned in their manufacture where there is a presumption that they are intended to be used subsequently to endanger life or property.
- (2) The illegal possession of arms where there is a similar presumption.

On the other hand, the further question will arise as to whether it is necessary to include in the list all offences against property, or whether it is practicable to curtail the list by the inclusion of certain specific offences only.

(c) Whether in place of the general description of offences by categories it is practicable and desirable to substitute a specific list of offences, stating the section of the I. P. C. or other enactments, conviction under which will exclude from classification as a special class prisoner.

7. With regard to the authority responsible for classification, the existing rules show considerable diversity in regard to the original authority, but it is probable that a fairly uniform standard is secured by the fact that the original classification is either subject to the confirmation of the Local Government or is submitted in the form of a recommendation for the orders of the local Government. The questions for consideration in this connection would appear to be the following :—

- (a) Whether the system of confirmation by the local Government should be uniformly adopted.
- (b) Whether the rules should specifically provide for an application to the Local Government by a convict in regard to whom no recommendation has been made or order passed classifying him as a special class prisoner.
- (c) Whether the rules should specifically provide for action by a Local Government, on its own motion in cases where no reference is made by the original classifying authority.
- (d) Whether there are defects in the administration of the existing rules which are capable of remedy.

8. In regard to the privileges to be granted to special class prisoners, the desirability of uniformity to which reference is made in paragraph 2 above will indicate the scope for revision in accordance with the principles which are at present accepted. The further question will arise as to whether it is desirable to extend those principles in

certain directions, and in this respect the following points will require examination.

- (a) In regard to diet whether it is practicable and desirable to fix one or more scales, superior to the ordinary scale and to be provided at Government expense, for those classified, in accordance with the criteria adopted, as special class prisoners, the scale varying according to the further classification, if necessary, of the prisoner as determined by his previous mode of living. If the answer is in the affirmative, the further question will arise as to whether the scale or scales should include all the reasonable requirements of a prisoner, or whether he should be allowed at present to supplement it from outside the jail. Another matter for consideration will be whether the existing rules provide sufficiently for variation in the diet.
- (b) The question as to what extent other privileges, which special class prisoners may now enjoy at their own expense, should be provided at the expense of Government.
- (c) The question as to whether the rules in regard to accommodation and separation from other convicts require revision.

9. I am to request that on the completion of the re-examination of the rules, the views of the local Government may be communicated, with as little delay as possible, to the Government of India. The course that will be then adopted by the Government of India will depend to a large extent on the measure of uniformity represented by the proposals of the various local Governments and for this reason I am unable at the present stage to indicate the procedure which may be followed.

H. W. EMERSON,

Secretary to the Government of India.

COMMUNIQUÉ.

The Government of India make the following announcement for the information of the public.

The Punjab Government in a *communiqué*, dated 6th August 1929, have stated certain facts relating to the treatment of prisoners in the Punjab. In view of the public interest which has recently been evoked in regard to the rules relating to under-trial and convicted prisoners, the Government of India consider it desirable to supplement the information contained in that *communiqué* by reference to certain general aspects of the question.

2. Subject to legislation by the Indian Legislature, prisons and prisoners are a reserved provincial subject. The last revision of the rules was made by the various local Governments as a result of a Conference convened by the Government of India in 1922 attended by representatives of all the Provinces, at which a thorough examination,

was made of the subject. The rules are based on certain broad principles which, while allowing for differences of details between province and province, have secured a large measure of uniformity throughout British India. In the classification of convicts as special class prisoners the two criteria adopted are:—firstly, the character of his offence; and secondly, the social status, education and character of the prisoner. The rules framed by most of the local Governments provide that if the status, education and character of a convicted person merit the grant of privileges not accorded to the ordinary prisoner, he may be classified as a special class prisoner, provided that the offence for which he has been convicted does not fall within certain categories. The offences, the commission of which excludes a convict, whatever his station in life or motive may have been, from the privileges of a special class prisoner are broadly, those against property or involving violence, or the abetment of such offences, or the seducing of soldiers or police from their allegiance, or those committed in connection with political movements by persons who have been hired for the purpose. A convict whose offence does not fall within any of these categories is eligible for classification as a special class prisoner whatever the motive of his offence may have been, provided that his status, education and character merit such classification. On the other hand, no person convicted of any of the above offences can be so classified whatever may have been his motive. The principle of discrimination between offences for the purpose of inclusion within, or exclusion from, the benefits of the rules of convicted persons was adopted after very careful examination of the various considerations involved. The Government of India regard this principle as fundamental and they are unable to contemplate any deviation from it which would introduce into the rules of classification the criterion of motive, regardless of the offence committed.

3. A convict, who is classified as a special class prisoner, is entitled to certain privileges, the general nature of which, subject to differences of detail, has been stated in the *communiqué* of the Punjab Government.

4. As regards under-trial prisoners, the rules show some local variations; but effect has been generally given to the following provisions:—Under-trial prisoners are separated from convicts, and a further separation is made between those under-trial prisoners who have previously been convicted of an offence and those who have not. Under-trial prisoners are not subjected to more restraint than is necessary for their safe custody, the maintenance of discipline, and the enforcement of jail rules. They are allowed to retain their own clothing, bedding, and eating and drinking vessels. They are permitted to purchase books or to obtain them from friends and they may supplement the prison diet by purchase or from private sources. They are granted all reasonable facilities for interviewing and communicating, either orally or in writing, with their relatives, friends and legal advisers. They are not required to labour; but they may, if they so wish, follow a trade and receive the earnings thereof.

5. The Government of India trust that the above statement will remove any misconception that may be present in the mind of the public in regard to the existing rules. At the same time they are conscious of the fact that public opinion is disquieted to whether these rules are sufficiently liberal in some directions, and they consider it proper that a re-examination of them should be made with the view of ascertaining and remedying any defects that may be found to exist. Such a re-examination in any case would have been necessary in the near future as a consequence of the report of the Jails Committee constituted in June 1928, by the Government of United Provinces to enquire into and report on the jail administration of those provinces. Their report, which is now under the consideration of the local Government, raises various questions relating to under-trial prisoners, and to the classification and privileges of convicted prisoners, and since any changes in the rules which the local Government might desire to make would be referred to the Government of India, the opportunity would then have been taken of consulting other local Governments in regard to the issues raised. In order that the consideration of the general question may be expedited, the Government of India have decided to request local Governments to re-examine, with as little delay as possible, the rules relating to under-trial prisoners, and to the classification of, and the privileges granted to, convicted prisoners. Local Governments will be requested to consult non-official opinion in such manner as they may consider to be desirable and the Government of India hope that leaders of public opinion will assist local Governments with their views.

H. W. EMERSON,

Secretary to the Govt. of India,

Home Department.

SIMLA :

The 10th August, 1929.

No. D.-3652. dated Simla, the 5th October 1929.

From—H. W. EMERSON, Esq., C.I.E., C.B.E., Secretary to the Government of India, Home Department,

To—All Local Governments and Administrations.

I AM directed to address you on the subject of the examination by Local Governments of certain rules of jail administration with the object of removing, so far as this may be possible, the complaint that the existing system involves a differential treatment of European and Indian prisoners. In this connection I am to explain what the Government of India believe to be the nature of the complaint. If special class prisoners be excepted, it may be said broadly that the existing jail system recognises, for purposes of treatment two classes of prisoners, namely those covered by the European rules and those not so covered. The first class is not strictly confined to Europeans, since the rules adopted by most Local Governments provide that those prisoners, whatever their race may be, whose mode of life approximates more closely to the western than to the eastern manner of living, shall be eligible for the

grant of facilities in accordance with the European rules. Moreover, the regulations governing the treatment of Europeans were framed ; not on the basis of racial distinction, but in accordance with the accepted principle of jail administration that the standard of facilities, while avoiding any tendency to luxury, should be sufficient to maintain the health and strength of the prisoner—a principle which necessarily requires that regard be paid to the previous habits and the mode of living of the prisoner. But, although the system may be defended on general grounds, the Government of India believe that, in practice, it is the cause of anomalies which give support to the complaint of racial discrimination. In the first place, the condition that eligibility for admission to the rules relating to Europeans shall depend on the degree of approximation to the western mode of life appears to be too rigorous, since, if strictly interpreted, it excludes from admission those Indians who have not adopted the European mode of life, but whose social position and standard of living are high. In the second place, the admission of all European and Angli-Indian prisoners to the benefit of the rules involves the anomaly that a prisoner of this class who has committed a serious offence and whose social status is comparatively low, may and often does, receive, better treatment than an Indian, whose offence may be less serious and whose social position is relatively high. In the third place, the difference in treatment is accentuated by the fact that there is a wide gap, especially in regard to diet, between the scales of comforts prescribed under the ordinary and the European rules.

2. In these circumstances, it is natural that public attention should be directed towards the question, and that there should be a demand that, in so far as the present system does in practice involve the element of racial discrimination, it should be so revised as to leave no reasonable cause for complaint. This demand found expression during the last session of the Legislative Assembly, in the course of the debates on the Bill to amend the Criminal Procedure Code and on the adjournment of the House in consequence of the death of Jatin Das, and I am to invite a reference by Local Governments to those debates. The proceedings in the Legislative Assembly and the discussions in the press convey the definite impression that the present system is a cause of deep offence to Indian opinion, and that there is a genuine and widespread desire that it should be reformed. At the same time, the Government of India believe that there is no general wish, on the one hand, that the facilities now given to European prisoners should be so altered as to affect prejudicially their health or strength, or, on the other hand, that the conditions of the ordinary prisoner should be raised to an unreasonably high standard having regard to his ordinary mode of life. The scope of the demand appears to be limited to the removal of existing anomalies with the object of securing that, so far as this is practicable, Indian prisoners, whose normal standard of living ought to be taken into consideration, shall not receive less liberal treatment than European prisoners convicted of similar offences.

3. The issues involved in the problem, as stated above, were to some extent anticipated by the Government of India in their circular letter No. D.-2789, dated the 17th August 1929, to Local Govern-

ments, since, in regard to both under-trial and special class prisoners, one of the questions suggested for examination was that of fixing two or more scales of diet in accordance with the previous mode of living of the prisoner. That reference did not, however, include convicts who were not classified as special class prisoners and it did not specifically raise the question of the removal of racial discrimination. In these circumstances, and in response to what the Government of India believe to be a public demand, the Hon'ble the Home Member made a statement in the Legislative Assembly on the 16th of September last indicating the action which the Government of India propose to take in the matter. He explained that their intention was to make a specific reference to Local Governments, to communicate to them the views on the question which had been expressed in the House and to call a conference of provincial representatives at an early date. He reminded the House that, in addressing Local Governments in regard to the examination of the rules relating to the under-trial and special class prisoners, the Government of India had particularly requested them to ascertain non-official opinion, and he stated that the Government of India proposed to follow a similar course. Accordingly, the Home Member invited leaders of the various parties of the House to confer with him, and to communicate any concrete suggestions they might have to make in the matter, with a view to their communication with the minimum of delay to Local Governments. The Home Member further assured the House that if his invitation were accepted, he would seek further consultation with the leaders of the various parties when the views of Local Governments had been received on the present and the previous reference. It is in accordance with this statement in the House that I am directed to address Local Governments. I am to say that the invitation of the Home Member was accepted by the leaders of all parties, and that a discussion accordingly took place between them and the Home Member. It was the unanimous wish of the party leaders that, firstly, the Government of India should convey to Local Governments the considered view of the leaders that the jail rules should be so revised as to remove any cause of complaint that they involve racial discrimination; and secondly, that the Government of India should request local Governments to consider at an early date how effect could best be given to this purpose. In the course of the discussion several suggestions were made relating to the particular problem now under consideration and to the question of special class prisoners, and these suggestions have been included for the consideration of local Governments among the various questions mentioned in this letter and its enclosure, as matters which in the opinion of the Government of India merit examination.

4. The Government of India regard as fundamental the proposition that the standard of jail treatment for various classes of prisoners, while avoiding any tendency towards extravagance, should be sufficiently high for the maintainance of the health and strength of the class concerned. In accordance with the above principles, while some distinctive treatment in diet and other matters will still be necessary for those who have been accustomed to the European mode

of life, it may also be necessary to introduce a corresponding distinction in the Indian standards so as to ensure that Indian prisoners whose normal standard of living is comparable should not receive less liberal treatment than European prisoners convicted of similar offences. In this respect the attainment of the object in view will involve consequences opposed to the views of the Indian Jails Committee of 1919, who, while recognising that a sentence of rigorous imprisonment often involved greater disgrace and discomfort to a person of good social standing or education than to a labourer accustomed to hard fare and hard work, deprecated in paragraph 131 of their report the acceptance of the principle that convicts of the former class should be entitled to special treatment. On the other hand, it may be contended that the adoption of the principle in India is capable of justification on three grounds:—firstly, that the differences in the standard of life between the great majority of Indian prisoners and the exceptional Indian prisoner of the middle or higher class are much greater than similar differences in England; secondly, that the existence of large differences does aggravate the punishment of a better class Indian prisoner, if he receives only the same standard of jail comforts as is allowed to an ordinary prisoner; and thirdly, that the presence of European prisoners (small though their number may be) to whom, on account of considerations of health, a comparatively high standard of comforts has to be allowed encourages racial feeling and accentuates the absence of an intermediate stage between the ordinary scale and the scale allowed to Europeans and to those whose mode of life approximates to that of Europeans. But whatever arguments may be advanced on either side, the fact remains that if the grounds on which the complaint of racial discrimination is based are to be effectively dealt with, then the solution must involve some measure of class distinction. Subject to the views of local Governments, the Government of India are disposed to consider that there is no other practicable alternative, and on this assumption the main problem is to find a satisfactory solution. In the memorandum attached a brief outline is given of four schemes, which, in the course of recent discussions, have been brought to the attention of the Government of India. These schemes are not exhaustive, and the Government of India do not desire that the examination by local Governments should be confined to them, but they may serve to indicate some of the lines along which the problem may be approached. Whatever may be the scheme ultimately adopted, it is clear that the consequential changes in jail administration will be considerable, and an attempt has been made in the memorandum to indicate some of the questions that are likely to arise; but here again the statement of the case is not intended to be exhaustive.

5. On the assumption that measures for dealing with the complaint of racial discrimination will have a considerable effect upon the present system of classification, it is a matter for consideration whether it will still be necessary to continue to superimpose on the ordinary structure the special class of prisoners. The provisional view of the Government of India is that the necessity will remain, since they do

not contemplate that the changes introduced as a result of the present reference will be so wide in scope as to render unnecessary the grant of special privileges to convicts who satisfy certain criteria. They, therefore, desire that local Governments should complete the re-examination of the rules relating to special class prisoners on the lines indicated in paragraphs 5, 6, 7 and 8 of my letter No. D.-2789, dated the 17th August 1929; and they take the opportunity of communicating for the consideration of Local Governments two suggestions which have been made to them in this connection. Both suggestions have been made on the assumption that the principle will be maintained that it is necessary normally to exclude from classification as special class prisoners convicts who have been guilty of certain offences, but that the present description of excluded offences will be more clearly defined and will be restricted as a result of the examination suggested in paragraph 6 of the letter above cited. The first suggestion is that, in regard to these excluded offences, the exception may be made that if the sentence imposed is one of simple imprisonment, the convict should nevertheless be eligible for classification as a special class prisoner. The second suggestion is that motive be taken into account when the convict is otherwise eligible for classification as a special class prisoner, that is to say, provided that he has not been sentenced to rigorous imprisonment on conviction for an excluded offence and he satisfies the other criteria such as education, social status, etc.

6. I am to say that, as in the case of the re-examination of the rules relating to under-trial and special class prisoners, the Government of India attach importance to the ascertainment of non-official opinion in regard to the subject of this reference. At the same time, however, they believe that public opinion is more concerned with the desirability of obtaining an early solution of these problems than with the details of the solution itself, and while, therefore, the Government of India desire that every reasonable opportunity should be given to the public to express their views, they do not wish that the enquiry should be unduly prolonged on this account. They proposed to invite the representatives of local Governments to a Conference to be held at as early a date as circumstances will permit, and although they are unable at present to indicate a definite date, they consider that the Conference should not be delayed later than the third week in November. I am, therefore, to request that if the Governor in Council has no objection, this and the previous
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reference may be regarded as matters of very urgent importance.

I have the honour to be,

SIR,

Your most obedient servant,

H. W. EMERSON,

Secretary to the Government of India.

MEMORANDUM.

(1) On the assumption that it is desirable that the jail rules should be so revised as to supersede the present system of differentiation between European prisoners as such (and those whose manner of living approximates to that of the European) and other prisoners, the question for decision is how this can best be done. Whatever system may be adopted, it would appear that it should be consonant with the principle that classification in future should be based, not on the fact that a prisoner is a European or an Indian, but on the ground that the convict, independently of this satisfies whatever criterion of classification may be adopted, *e.g.*, the previous standard of living. The further principle, which should be regarded as fundamental, is that the scale of prison comforts prescribed under the ordinary rules for any class of prisoners should be sufficient for the maintenance of health and strength, but at the same time, should avoid any tendency to luxury or involve any impracticable scale of expenditure. On the basis of the above principles the following alternative systems, which, however, are not intended to be exclusive, would appear to require examination :

I

The maintenance of the existing ordinary and European scales of comforts with such slight modifications as might be desirable. The European scale might receive a new designation, and the criterion of classification might be the previous mode of life, without the present qualification that it should approximate to the European mode of living. That is to say, a high standard of living, whether western or eastern, might qualify for admission to the revised scale. An apparent objection to this scheme is that the higher scale would be too liberal and the lower scale not liberal enough for the middle class Indian.

II

(a) The scheme propounded in paragraph 448 of the Report of the United Provinces Jails Enquiry Committee, by which a class of better class prisoners would be created and sub-divided into two groups containing—

- (1) those whose guilt involved moral turpitude or degradation, and
- (2) those whose guilt did not involve moral turpitude or degradation.

(b) A variant of this scheme is suggested by the Chairman of the Jails Committee of the United Provinces in paragraphs 472-73 of the Report.

III

(a) A variation of scheme II has been suggested by which three divisions of prisoners would be created as a normal feature of the jail administration.

The first division would include those European prisoners and those Indian prisoners whose previous standard of living was high and who (Europeans and Indians alike) have not been convicted of serious offences involving moral turpitude or degradation.

The second division would contain other Europeans and those Indian prisoners whose standard of living was high, but who had been convicted of offences involving moral turpitude or degradation. This division would also include the Indian prisoners of the middle class whatever their offence might be.

The third division would contain those prisoners whose standard of living was below that of the middle class.

(b) As a variant of this scheme, Indian prisoners of the middle class, who had committed offences involving moral turpitude or degradation, might be included in the third division instead of in the second division.

IV

A scheme by which as a normal feature of jail administration prisoners would be classified, without reference to race or the nature of the offence, into three divisions according to the previous standard of life. The scale of the first division would correspond, roughly, to the existing European scale; that of the third division would correspond to the existing ordinary scale, while that of the second division would be intermediate between those of the 1st and 3rd divisions.

2. Whatever scheme be recommended for adoption, the following questions *inter alia* are likely to arise :—

- (a) What should be the standard of comforts and, in particular, of diet for division ?
- (b) Who should be the classifying authorities, *e.g.*, the trial Court, or the District Magistrate, or the Superintendent of the Jail in consultation with the District Magistrate, or the Local Government on the report of one of these authorities, or, if confirmation by the Local Government is considered desirable, should confirmation be necessary only in the case of division I prisoners ?
- (c) Should not special rules relating to Europeans be cancelled as being unnecessary, since a prisoner will be classified in his appropriate division, not because he is an Indian or a European, but because of his previous standard of living, or because he satisfies whatever other criterion may be adopted ?
- (d) Should not the scale of comforts be the same for all prisoners of the same division, *e.g.*, should not the cost of diet be the same, although the actual dietary may vary according to previous habits of the prisoner ?

- (e) On the assumption that the labour performed by prisoners of the same division will be, so far as possible, of the same standard, what forms of labour are suitable for the higher divisions ?
 - (f) Will the proposals involve a large building programme so as to provide adequate cellular accommodation of a reasonable standard ? If so, pending the completion of the programme, what arrangements are possible for accommodation ?
 - (g) Will the creation of divisions be prejudicial to jail discipline ? If so, what measures will be necessary to check this ?
 - (h) Is it desirable that prisoners of the higher divisions should be confined in a special jail in each province, or is it desirable to confine them in different jails where cellular accommodation is now, or can be made, available ?
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