

# REPORT

OF THE

## PUNJAB JAILS ENQUIRY COMMITTEE,

### 1925.



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

READ—

Report of the Punjab Jails Enquiry Committee, 1925.

RE-READ—

Report of the Indian Jails Committee, 1919-20.

RESOLUTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By order of His Excellency the Governor,

B. H. DOBSON,

*Home Secretary to Government, Punjab.*



# Report of the Punjab Jails Enquiry Committee, 1925.

By Punjab Government letter No. 23843 (Home-Jails), dated 4th November 1925, this Committee was constituted to enquire into allegations as to the existence of corruption and unauthorised punishments in the Punjab Jails and also to suggest remedies. The following are the terms of reference :—

“ To enquire into allegations of the practice of unauthorised punishments, and unauthorised indulgences in Punjab Jails, and generally into the state of discipline among the staff and inmates, and the adequacy and effectiveness of the supervision over both, and to propose remedies for defects and means of stopping mal-practices.”

2. After the conclusion of the the enquiry but prior to the submission of this report, a further communication was received from Government (Home Secretary's letter No. 2370, dated 23rd January 1926) requesting the Committee to pay special attention to the question of diet. The necessary evidence was fortunately available, as from an early stage of the enquiry it had become evident that diet and discipline were closely inter-connected.

3. We commenced work on the 23rd November 1925 and issued a questionnaire covering all the points referred to. This questionnaire was duly published in the press and conveyed a general invitation to those who were in a position to do so to favour us with written statements. A special invitation was also issued to certain gentlemen who had some experience of jail life and were thus competent to supply reliable information and make suggestions. The public response was disappointing but the Working Committee of the Punjab Provincial Congress Committee associated itself with the enquiry and assisted us by collecting written statements and suggesting witnesses. We made a selection out of the names thus suggested and examined a number of them.

4. We visited the following jails :—

- (1) Borstal Jail, Lahore.
- (2) District Jail, Rawalpindi.
- (3) District Jail, Campbellpore.
- (4) Central Jail, Montgomery.
- (5) Central Jail, Lahore.
- (6) Female Jail, Lahore.
- (7) District Jail, Multan.
- (8) Central Jail, Multan.
- (9) District Jail, Ambala.

5. The procedure that we adopted in the jails was as follows :—

We went round the workshops, the barracks, the hospital, and the solitary cells and questioned the prisoners as to whether they had any statements to make. The names of those who appeared to us to be desirous of furnishing information that related to the discipline in the jail concerned or to other matters within the scope of our enquiry were noted and the jail authorities requested to produce these witnesses before us in the office. After we had finished the inspection of the jail, we repaired to the office of the Superintendent where we recorded in camera the statements of all the prisoners who had been brought there in accordance with our instructions. We were thus able to question a large number of prisoners and everything of interest

was carefully recorded. Altogether we examined 245 witnesses, of whom 198 (including 44 Akalis) were actually inside the jails while the balance included *ex*-prisoners, visitors, Akali leaders undergoing trial in the Lahore Fort, and selected officers of the Jail Department. In addition to oral evidence, we were favoured with a large number of written statements, both in English and Urdu, all of which received due consideration. Our last witness was the Inspector-General of Prisons, who was questioned in detail with reference to the more important of the various suggestions that had been put before us.

**6. Unauthorised Punishments.**—On the evidence before us, we are forced to the conclusion that unauthorised punishments are awarded, not infrequently, in the Punjab Jails. Most of these punishments are more or less trivial in character and there is reason to believe that the past few years have seen some improvement due possibly to the greater interest now being taken in jails of the Province and the consequent pressure of public opinion. But it cannot be said that this evil has been altogether eradicated.

**7.** A common form of unauthorised punishment in jails is shoe-beating. It is stated that both convict officials and warders beat the prisoners with shoes on the slightest provocation, sometimes under the orders of Jailors and Assistant Jailors and sometimes without orders. We are informed that in some cases the Assistant Jailors themselves resort to this objectionable practice and that instances have been known where the Jailor himself has disregarded the provisions of the Jail Manual in chastising prisoners who incur his displeasure.

**8.** Some witnesses have mentioned an aggravated form of corporal punishment known as *Giddurkut* in the common parlance of Jails. As the word suggests, it signifies the beating of a man as one would beat a jackal and the *modus operandi* is for several convict officials acting in concert to attack a prisoner and beat and kick him mercilessly. This method according to our informants is resorted to sometimes in order to extort money from newcomers and sometimes for the purpose of bringing recalcitrant convicts to their senses and of making them an object lesson to the rest. It is possible that this form of ill-treatment has existed in the past and there may be rare instances of it even now, but it is only fair to add that none of the more responsible witnesses whom we have examined, even among those who have had experience of life in the jails, were in a position to affirm its existence at the present time from personal observation.

**9.** Another unauthorised punishment is known as *Kan parade*. A man is made to bend double, to pass his hands under his legs and to touch or hold his ears. The position is by no means comfortable at the best and the inconvenience is much increased by lapse of time, especially when, as is stated, it is enhanced by the administration of blows and kicks. This form of punishment appears to be well established and to be frequently made use of by unscrupulous subordinates.

**10.** Complaints were also received that the better class prisoners who had failed to satisfy pecuniary demands were prevented from sleeping at night. It is no doubt necessary for the guard to satisfy itself as to the safety of the occupants of cells but this does not imply the waking up of such convicts every half hour.

**11.** These are the principal forms of punishments for which no provision is made by the rules but some authorised punishments are so inflicted as virtually to amount to unauthorised chastisement. For instance, the penalty of standing handcuffs is perfectly legitimate, but it would appear that the hands of a prisoner are often fastened at a level higher than his head. This naturally makes the punishment more severe than is contemplated by the Jail Manual. We have reason to believe too that occasionally authorised punishments are awarded without due cause.

**12. Unauthorised Indulgences.**—There is ample evidence as to the existence of unauthorised indulgences in the jails in this Province. The most common of these indulgences is that cigarettes are supplied against rules to

the prisoners who smoke. High prices have to be paid for the articles thus smuggled into jail and the money to pay for them has to be obtained by illicit means. In many cases, this money is passed by the relatives or friends of the prisoners at the time of interviews. Some jail official is always present when an interview takes place, but as corruption among the members of the Jail staff from the Jailor downwards is prevalent, the official present at the interview connives at the passing of money as he expects to get a share of it and knows that others will do the same. Cash is also received by prisoners from their homes for their requirements in the Jail by means of money-orders addressed to warders and other subordinates. We understand too that a system of money-lending also is well established inside the prisons. When one prisoner is lucky enough to obtain possession of money either at an interview or through a money-order, his fellow-prisoners expect him to finance them to the extent of their immediate needs. It is said that a strict code of honour obtains—presumably the old maxim 'Honour among thieves' holds good—and debts are almost always discharged without demur by the borrowers as soon as they are in a position to do so. There are some prisoners who go beyond this and make a regular business of lending money at interest. We came across a concrete instance of this in the Lahore Central Jail, where a prisoner not only admitted to us that he was doing so, but produced under a promise of indemnity a *tahi* or rough memorandum of his accounts, which appeared to us to be quite genuine. We are informed that warders and even Assistant Jailors receive money on deposit from prisoners or their friends and make payments therefrom as need arises, but on a handsome scale of commission.

13. Another article which enjoys great popularity inside the jails is *gur*. This is not allowed by the rules except under medical advice, but the craving for it is second only to that for tobacco and prisoners are willing to pay many times its real price to secure supplies.

Other luxuries are also obtainable on similar terms, *e.g.*, ghee, butter, fruits and liquor. There is a common saying that with money a prisoner can possess himself of anything, but a woman. Judging by some of the witnesses even this exception has limitations.

14. Among unauthorised indulgences of a different nature may be mentioned escape from all forms of hard labour by prisoners sentenced to rigorous imprisonment; the performance of shorter tasks than those assigned to them; and admission to hospital without sufficient reason. The granting of special interviews at times other than those prescribed by the rules or the too frequent exchange of letters are also indulgences which are not uncommon so long as the necessary funds are forthcoming. On Sundays the goddess of chance is not neglected, and we are assured that the gambling is conducted under the patronage of the minor jail officials who no doubt are not forgotten by the winners.

15. **Discipline.**—It will not be denied that discipline is the basis of jail administration whether regarded from its deterrent aspect or from the point of view of reformation. Without discipline there cannot be that firm and exact control upon which the whole system is based. Lord Carnarvon in describing English prisons (which have an international reputation) explained that "they had passed through the extremes of undue harshness and undue leniency and are now approaching, though they have not reached, the wholesome condition where health and life are cared for, where facilities for moral and religious improvement are given, where labour is exacted from all and where a disagreeable sense of personal restraint and of real punishment is brought home to each offender." It seems obvious that such results can alone be attained through perfect discipline but it is necessary to emphasize the point as some of the opinions expressed by witnesses suggest, to some extent at least, that discipline and reformation are opposed to each other, whereas the real connection is that of cause and effect. Reformation is not the primary aim of punishment but it should be the main object of prison discipline. It is consequently of the utmost importance that real discipline in the jails should be established beyond dispute.

16. In the Jails which we visited (with the probable exceptions of the Lahore Female Jail and Borstal Jail, the discipline is merely superficial.

Ostensibly the prisoners obey formal commands and are engaged in regular work. Riots and disturbances are infrequent and all credit is due to the Department for the success which has attended their efforts to maintain order during a period of much stress and difficulty. But it is admitted by candid witnesses that even this show of discipline has deteriorated of recent years, and having regard to what has been stated in previous paragraphs of this report it seems hardly necessary to labour the point. An able and experienced Jail official has stated that this deterioration can be traced to four causes: the undermining of the position of the Jailor; the visits of inexperienced and unsuitable non-officials; the constant attacks of the less responsible vernacular papers; and the limitation of jail punishments. These factors are not negligible and to them we would add the present overcrowding in jails, the inadequacy of the supervision; the admission of large bodies of men bound together by common ties, e.g., the Akalis and the determination of some so-called political prisoners to cause as much trouble to the jail authorities as possible—a fact frankly admitted by one of themselves. In our opinion, however these are merely subsidiary reasons; the real causes lie deeper. A system under which a prisoner can by the mere payment of money practically set at nought all obligations in respect of labour and can provide himself freely with prohibited luxuries is manifestly utterly subversive of all discipline. One witness whose evidence on the point there is no reason to distrust assured us that sovereigns were plentiful inside the Lahore Central Jail though unprocurable outside. He had himself seen a prisoner in possession of 80 sovereigns and had kept in his box a sum of £40 for another. We have been told of a wealthy convict condemned to hard labour who not only lived a life of complete ease but actually had several less fortunate prisoners deputed to act as his servants. This was no doubt an extreme case but there is overwhelming evidence to prove that only a portion of the jail population actually fulfils the tasks ostensibly imposed. In the circumstances of the case it is not possible to give any exact figures but some witnesses have mentioned very high percentages.

17. As a result of all these irregularities, not only are the orders of Judges and Magistrates disregarded and Government defrauded of the earnings of such prisoners but invidious and altogether improper distinctions, which strike at the very roots of discipline, are raised between convicts *inter se*. As pointed out by the Indian Jails Committee 1919-20, hard labour does not necessarily involve severe physical exertion but it does imply that each prisoner should work hard at whatever employment is selected for him. This regular work whereby, apart from meal hours and time of recess, prisoners are kept in constant occupation or as the French put it 'tenuis en haleine' is a fundamental principle in Jail administration and until this principle is fully recognised and adopted there can be no hope either of any proper discipline or of reform of the prisoners which, as we have pointed out, depends upon discipline. In this connection it is interesting to note that according to the figures supplied from the office of the Inspector-General of Prisons the income of the Department works out at Rs. 10 per annum per convict. When every allowance (say, 50 per cent.) is made for the large body of men engaged in work for which there is no return in terms of money e.g., convict officials, corn grinders, well and garden gangs, cooks, sweepers, and the like, the yearly production per man represents only a sum which any unskilled coolie can obtain in a month. Such figures seem to be incompatible with any theory that each prisoner is doing his fair day's work. In any case we are satisfied, that, generally speaking, there is only the shadow and not the substance of discipline in the Jails of this Province. One non-official visitor characterised the present conditions as a farce and went so far as to urge that European soldiers convicted of criminal offences should be handed over to the Military authorities whose methods of detention would be much more likely to be effective. We are in entire agreement with the findings of the Budapest Congress of 1905 (at which 23 countries were represented) to the effect that "the system should be of stern and exact discipline, tempered only by such rewards and privileges as good conduct with industry shall earn and resting on its physical side on the basis of hard manual labour at skilled trades." Until the basic element of discipline is supplied there is no chance of betterment by way of reformative influences. It would, however, be

wrong to lay the whole blame for the present deplorable conditions on the jail officials. One important witness had the honesty to admit that the fault was largely that of the public, while, as will be seen below, the poor pay sanctioned for the jail staff is undoubtedly a contributory cause. The education of the public to a proper sense of its responsibilities in this matter must necessarily be gradual but we will endeavour in the succeeding paragraphs firstly to indicate certain measures which in our opinion will serve to place the jail administration on a sounder basis and secondly to make suggestions having as their object the reform of the inmates.

**18. Jails** — As has already been indicated, the overcrowding of the jails has greatly enhanced the difficulties of proper administration. Makeshift arrangements have had to be made for the accommodation of prisoners and the cooking of their food and there has been undue pressure on latrines and washing places. Temporary warders, often most unsatisfactory characters, have had to be entertained and adequate supervision has been rendered impossible. The proper classification of prisoners has become impracticable. The provision of further jail accommodation is imperatively necessary. From the latest figures available it would appear that Central Jails are overtaxed to the extent of 41 per cent. and district habitual jails only 7 per cent. less. In this connection, we would invite attention to paragraphs 329-331 of the Indian Jails Commission Report 1919-20. We understand that two new jails are under contemplation and we would urge their speedy completion. One of these jails is to be specially reserved for frontier convicts whose segregation in a separate jail is, in our opinion, highly desirable.

**19.** A number of witnesses have adversely criticised the system of Central Jails and we are inclined to regard such jails as suitable only for habituals. All other prisoners should be confined in district jails with a maximum accommodation of 500. In such jails which would suffice for a district or group of districts, it would be possible for the supervising staff to have a knowledge of each individual and discipline could be properly maintained. The danger of corruption either of the staff or of the prisoners would be minimised. The unit would in this province be large enough for labour organising purposes, the forms of labour in vogue being free from complexity. The size of the Central Jails is in many ways a disadvantage so far as reformative influences are concerned, and while every effort should be made to show habituals the errors of their ways, it is perhaps even more important to prevent a convict becoming a recidivist. Moreover, the casual offender kept entirely separate from habituals offers a more promising soil for the seed of reform.

**20. The Staff.**—The question of the staff is, as will be readily perceived, from what has already been stated, a matter of paramount importance. In his book on Prison Reforms, Sir Evelyn Ruggles-Brise, K. C. B., points out that the reputation enjoyed by England in foreign countries in matters connected with jail administration is largely due to the fact that she possesses an admirable staff. In another portion of this work, the author quotes with approval a Resolution of the St. Petersburg Congress which runs as follows:

“ It is essential to secure to the personnel of prison establishments a rate of pay and allowances corresponding to the importance of the task so honourable and difficult which they have to discharge in the interests of society; a short-sighted economy in this respect cannot but be prejudicial from every point of view ”.

We see no reason to doubt the accuracy of this finding; and the proposals which follow are directly based on the principles thus laid down. In all our recommendations we recognise the force of the financial argument and we have as far as possible limited our suggestions accordingly but it is clear that the desired improvements cannot be obtained without incurring additional expenditure. It appears to us doubtful too whether the Jail Department has had, in comparison with other Departments, its full share of such bounties as it has been found possible to bestow of recent years.

**21. Inspector-General of Prisons.**—We consider that the maintenance of a strong central authority is of the highest importance. It is clear, however, that as matters stand the Inspector-General of Prisons is severely handicapped. Changes effected by the Reform Scheme, attendance on the Legislative Council, and work connected therewith, the increase of correspondence of all kinds result in a loss of that mobility which is so essential to effective supervision. We strongly recommend, therefore, that the post of a Deputy Inspector-General should be created. This post should be filled preferably by a member of the Indian Civil Service and the incumbent should be eligible for promotion to the Inspector-Generalship in which case the incoming Deputy should be appointed from the Indian Medical Service. The value of constant inspection is very great especially when surprise visits are paid and it should be possible if the arrangement indicated above is carried out to ensure that one officer is always on tour—a fact which would keep all jails on the *qui vive*.

**22.** The suggestion has been put forward that an expert in English prison administration should be brought out to inspect the jails of this Province, and thereafter to advise as to the best way of improving the discipline and management. Ignorance of the language, of the customs and of the climatic conditions would no doubt militate against the usefulness of such a visit but if it were possible to secure the services of a suitable man on a reasonable salary, the arrangement might prove to be of considerable advantage.

**23. Superintendents, District Jails.**—There is general condemnation of the present system under which Civil Surgeons are *ex-officio* part-time Superintendents of District Jails. We have carefully considered this question and have come to the conclusion that there should be whole-time non-medical officers as Superintendents of District Jails. One great disadvantage of the present system is to be found in the fact that the whole management of the Jail is in the hands of the Jailor. It is said that an honest Jailor makes an honest jail, but we fear the former is the exception rather than the rule. The Civil Surgeon has many other duties and can devote only a small part of each day to jail work. He must, during this limited time visit the hospital and attend to the inmates and he has also to proceed to the office and dispose of the papers awaiting him there. The result is that his important duties towards the general body of prisoners must be neglected, and are in the majority of cases restricted to a weekly or possibly bi-weekly parade. We are convinced that this system does not make for that personal control and discipline which is so essential a feature of successful jail administration. Another though lesser objection lies in the absence of any independent opinion in case of death or injury owing to the combination of Medical Officer and Superintendent in one and the same person. We would recommend, therefore, that in the case of district jails members of the Provincial Civil Service of not less than five years approved service should be deputed for period of 5 years as Superintendents, the Civil Surgeon continuing to act as medical officer of the Jail but with duties confined to the care of the hospital, the general sanitation of the Jail and the examination of prisoners on their admission. We recognise the possibility of friction but as both officers will be in respect of jail administration under the direct orders of the Inspector General of Prisons, the danger does not appear to us to be serious. A more important objection is that of expense but this can be minimised by the abolition of Jailors whose entertainment should not be necessary in a jail of this size, the Superintendent being supported by the requisite staff of Assistants. Superintendents should be carefully selected from those of the service evincing a real interest in Jail administration and if possible a short course of training should be given including some elementary criminology and psychology. As a general rule, we think it desirable that no Superintendent should be posted to one Jail for more than three years.

**24. Central Jails.**—In the case of Central Jails, we favour the appointment of a member of the Indian Civil Service or an experienced Provincial Service Officer who has passed the Rs. 500 grade. The medical part of the work should be primarily in the hands of a resident Assistant

Surgeon and the Superintendent should be able to call upon the services of the Civil Surgeon in cases of emergency. We consider that the latter should hold any post mortems that may be desirable. The Superintendent should be supported by a Deputy Superintendent on Rs. 350—5—400, to be selected eventually from the ablest Assistants in the Central Jails, men of the present rank of Jailor of proved integrity being meantime eligible.

25. If these proposals are not acceptable, we consider that for Central Jails the present system of recruitment should be continued; *i. e.*, that Superintendents should be officers of the status of Civil Surgeons. In the case of District Jails, the charge should be held by whole-time Assistant Surgeons, the services of the Civil Surgeon being made available for special cases and for post mortems. The present arrangements appear to be satisfactory in the case of the Borstal Jail, Lahore, and Lahore Female Jail, and we do not consider that any immediate change is necessary.

26. **Assistant Jailors and Jailors.**—The unsatisfactory state of the higher ranks of the jail staff is accounted for partly by inadequate supervision, partly by poor pay and partly by the lack of proper care in the recruitment of the Assistant Jailors. A list of candidates is maintained in the Inspector-General of Prisons' office but names are added to that list without much enquiry and often on the recommendation of interested parties. Little regard appears to be paid to actual qualifications. Only one Jailor possesses a degree and though we do not accept the view that the possession of a degree is a certificate of honesty, we are inclined to lay stress on educational qualifications. We consider that if the pay and prospects are slightly improved it should be possible to obtain well-educated men of high character and good family. The selection should continue to be made by the Inspector-General but on different lines. Candidates of the proper standard should be required to undergo preliminary training somewhat analogous to that imparted at the Phillaur Training School for police officers and during this period of training the subjects of discipline, elementary psychology and criminology should receive special attention. At the conclusion of the course, an examination should be held on the subjects studied and the successful candidates placed *inter se* in the Department on the results of that examination. Having regard to the wide field for selection now available, we consider that only graduates should be recruited. Good character, however, should be regarded as an essential and there should be no admission to the Department of any person, however, well qualified otherwise, who fails, or is likely to fail in this particular. Financial considerations would probably prevent the erection of a special provincial institution for purposes of this training but we believe that the object could be attained without much expense by arrangement with the educational authorities and the Inspector General of Police. The starting pay might be fixed at Rs. 75 with annual increments of Rs. 5 for 15 years and thereafter increments of Rs. 10 for 5 years until the maximum of Rs. 200 is reached. An efficiency bar at Rs. 150 would probably be desirable. Men of exceptional integrity and ability would be eligible for appointment as Deputy Superintendents in the Central Jails.

27. We have made no mention of Jailors because on our proposals this post would largely cease to exist. If it has to be retained, however, we would strongly recommend that some alterations be made in the Jail Manual regarding their responsibility. Under present conditions the Jailor is by virtue of his office responsible for all missing stores and supplies and the responsibility is enforced by fines which may swallow up his whole month's pay. It is not possible for the Jailor to keep an eye upon everything and the temptation to recoup himself for losses that he could not prevent must be enormous. We consider that there should be some delegation and that subordinates and not the Jailor should be held responsible for the stores of which they are directly in charge.

28. It is clear from our own experience (and many witnesses have testified to the same effect) that the Jailor under present conditions has far too little time to devote to the inmates of the Jail.



The amount of clerical work has increased to such an extent that the office, instead of the Jail, claims most of his attention. Even where the Jailor is honest, he is thus unable to do much to check the abuses in his Jail, and we strongly recommend that he should be relieved of the greater part of the clerical work and be thus enabled to devote himself to his executive duties. Indeed we would go further and advocate a separation of the executive and clerical work, throughout.

29. If the improvement in pay suggested for Assistant Jailors is introduced, the pay of the Jailor (if retained) will have to be proportionately increased.

30. **Warders.** -- There is a general consensus of opinion, official and non-official, that the present warder staff is not satisfactory. As pointed out below, the jail authorities would in cases of emergency depend rather on the convict officials than on the paid staff, while there is ample evidence to show that many of the warders occupy a prominent place in the scheme of corruption. It has been stated that the warders' pay suffices for twenty days in the month and that for the balance, dependence is placed on contributions from the prisoners. The warders themselves complain that their pay is inadequate and prospects nil. They also lay stress on the fact that their place of service is often so far from their home that they are unable for pecuniary reasons to take leave and visit their relations.

31. We are satisfied that this branch requires to be considerably improved. There does not appear to be any dearth of candidates, but recruitment is haphazard. The pay was revised as lately as 1920 and in view of the fact that free quarters are allowed, we do not consider that it is insufficient having regard to the rates prevailing in other services. Paragraph 270 of the Jail Manual lays down that men for this establishment shall be recruited from the races which supply the army and police and the rates of pay now in force do not compare unfavourably with those obtaining in these services. We were, disappointed to find so small a proportion of pensioned or discharged soldiers though their recruitment is specially desired under the provisions of the Jail Manual. We consider that attention to this direction is urgently required and that with this end in view a proper system of recruitment should be established. It is obviously to the advantage of the Jail authorities as well as to the prisoners that the warders should be persons possessed of a strong sense of discipline.

32. Though we are unable to recommend an increase in the starting pay, we think that the increments of pay are too much spaced. A warder begins on Rs. 17 per month and rises to Rs. 18 after 2 years service. Thereafter he must wait seven years before he can reach Rs. 19 and a further seven years for the maximum of his rank Rs. 20. A biennial increase of Rs. 1, subject to good work and conduct would afford an incentive to continuous effort. A maximum pay of Rs. 24 would thus be attained after 14 years service by which time a good and energetic warder should be eligible for promotion to the grade of head warder Rs. 25-1-35. We are aware that the existing rates are similar to those enjoyed by police constables. Work in the Jails is, however, in our opinion, more irksome and less interesting and some difference in favour of warders appears to be justified.

33. It is no doubt desirable that warders should not be employed in jails situated in the districts in which they reside but we think the question of granting occasional Railway passes, once in three years, to enable them to visit their homes should be considered. The cost of a Railway journey e.g., from Ambala to Mianwali, constitutes a serious drain on the exchequer of a warder with a family and having regard to the monotonous and often unpleasant nature of the work, we feel sure that these home visits are of great importance from the point of view of efficiency.

34. Another matter of some urgency under this head is the provision of a proper reserve of warders. The men temporarily entertained are as a rule men of poor character and often reside in the vicinity of the Jail. They are thus facile agents in the hands of those who desire to set at defiance the jail regulations. The only remedy for this state of things is an adequate reserve.



**35. The Convict Officials.**—With regard to convict officials, we are afraid our recommendations must be of a drastic nature. After a careful and anxious consideration of this problem, we have come to the conclusion that, as a preliminary to any real reform, paid warders must be substituted for this class of official. We recognise that the system has certain advantages. It is economical and its supporters urge that it affords a strong incentive to good behaviour in the case of convicts eligible for such appointments. Those connected with the jail administration of this Province favour the present arrangements. They dwell on the assistance rendered by the convict official and declare that they would more readily rely on him in any peril or crisis than on a paid warder. But we are convinced that this system, however well-intentioned it may have been at its inception, has grown into such a fruitful and permanent source of evil that it should be abandoned, notwithstanding any advantages it may still possess.

**36.** Colonel Bate, C.I.E., one of the most experienced officers of the Jail Department in the Punjab, was asked in 1919 by Government to write a general note on the Prison Administration, in the course of which he expressed the following opinion as to convict warders :—

“I may appropriately offer a few remarks here on the convict officer system as carried out in Punjab Prisons. It can be defended on grounds of utility and economy, but no other, notwithstanding the fact that under it much good work is done. It must also be recognised that in the discharge of their duties convict-officers are brought in close contact with habitual offenders, which is objectionable. It has been maintained that in the peculiar circumstances of Indian prisons there is not the objection to the system that caused it to be condemned and abandoned in England many years ago. But it is not impossible that in India its defects may be obscured by the desire for economy, which is so prominent a feature of the administration in all departments. In considering the question it has to be borne in mind that the European differs so essentially in outlook, mentality and moral perception, from the Indian, that it must be extremely difficult for the former to gauge the extent to which the latter is affected by his environment. In the circumstances the matter is one that claims further and very careful attention apart from its economical bearings. Superintendents not uncommonly compared convict-officers, as regards trustworthiness and efficiency, with the paid warders, greatly in favour of the former. From this it could only be concluded that the latter were far from being what they ought to have been.”

**37.** This question was also discussed at some length by the Indian Jail Committee of 1919-20. The following extract from its Report, admirably summarises the arguments for and against the system :—

“Opinion is sharply divided as to the intrinsic merits of this system. One school of thought contends that the convict-officer system is the only really powerful reformatory influence which has hitherto existed in Indian prisons. It is said by those who hold this view that the system of gradual promotion by which long-term non-habitual prisoners, many of whom are not of a criminal type, may hope to rise by their own exertions and good conduct from one grade to another until they reach the highest, is a valuable incentive to improvement and an unequalled training of character. They contend that in many cases convict-officers are mentally, morally and physically superior to the class of warder now obtained. It is claimed that the responsible duties thus bestowed on prisoners give them a sense of self respect and fit them for return to free life to a much greater extent than any industrial occupation could do, and that the existence of this system saves the Indian prison from exercising that deadening influence which is the general effect of prison life in

other countries. On the other hand, those who condemn the Indian convict-officer system, consider that it is contrary to principle to place one prisoner, while still undergoing the punishment to which he has been sentenced by the courts, in a position of authority over his fellow prisoners. Again, it is pointed out that the convict-officer, however apparently well-behaved, is a criminal, a man whose actions have proved that he requires reformation. Is it likely, it is asked, that such a man is going to exercise a good influence on those around him? Is it in accordance with sound penological principles to place other prisoners under the control of thieves, forgers, murderers or dacoits ? ”

38. The Committee of 1919-20 did not give any finding of their own on these opposite views, but they were unanimously of opinion that “ the extent to which convict officers have been employed in Indian prisons is excessive, and should be reduced ”. They went on to say : “ Introduced originally as a system of reward and reformation for deserving prisoners, it has degenerated in some parts of India into a mere means of effecting an economy in paid establishments ”. We feel bound, however, to go further than the Indian Jails Committee in this respect and to say, confining our observations, of course, to jails in the Punjab, that the system has so deteriorated as to become a great source of corruption. The position of a convict officer is in a large number of cases purchased, instead of being earned by exemplary conduct and good work, and when so purchased is often utilised for extorting money from new-comers either directly or on behalf of the paid jail officials. We think that if the facts that have been placed before us had been brought to the notice of the Indian Jails Committee of 1919-20, they would have probably condemned the system, instead of merely recommending its reduction. Mr. Mitchell Innes, one of the members of that Committee, even then was in favour of its total abolition. Another member of the same Committee, Sir Alexander Cardew, agreed in principle with the view expressed by Mr. Mitchell Innes, but felt that if the recommendations of the majority as to the reduction of convict warders were carried out, so great an advance would be effected that it might be regarded as sufficient “ for the present ”.

We have ascertained that no reduction in the number of convict warders has been effected in this Province, since the recommendations of the Indian Jails Committee were made five years ago, and we have noticed a distinct disinclination on the part of Jailors and Superintendents who have expressed their opinions before us to part with these convenient tools. We find indeed that the number of convict officers in the Punjab has been steadily increasing, as is apparent from the figures given below :—

1919	...	...	...	...	1,571
1920	...	...	...	...	1,627
1921	...	...	...	...	1,728
1922	...	...	...	...	1,895
1923	...	...	...	...	1,959
1924	...	...	...	...	2,000

39. We have been forced to the conclusion that there can be no effective reform in the existing system of Jail administration until this principal source of corruption is removed. There is ample testimony in the written statements received and in the oral evidence recorded by us to show that the position of a convict warder far from being the reward of good conduct is in many cases a mere question of payment to the Jailor or his Assistants ; in other words, a man who has been sent inside the jail to be punished for wrong-doing and to be reformed, starts his new career by committing a fresh offence. It is obviously unfair to the comparatively poor and well-behaved among the inmates that a person who is less law-abiding and less scrupulous should assume a position of superiority over them and secure more remissions and more comforts than they do. The evil does not stop here. We have been told by witnesses whose testimony on this point is impressive that convict officials are employed to persuade those who enter the jail to accept the prevailing custom under which indulgent treatment is obtained by bribing the jail officials. In short, most of the unlawful doings

inside the jails are attributed to them. If a prisoner is to be beaten, ill-treated or roughly handled, it is the convict officials who are deputed to execute the job. If any prohibited articles are to be smuggled in or thrown inside the jails, it is this irresponsible class of subordinates that is found handy. If pilfering is to be done out of the food or the clothing meant for the prisoners, it is the resourceful convict placed in the position of a prison officer who can manage the business. He had few scruples when he entered the jail; his jail life, instead of effecting any change for the better, has made him more daring still. He knows that he can do with immunity what a paid warder or an Assistant Jailor would not venture to do. He feels confident that the officials who originally helped him to gain his artificial promotion will stand by him and will not let him suffer and even if by some mischance he has occasionally to suffer he is prepared to run the risk. Among these convict officials we have noticed a large number of men from the Frontier districts, who are generally described as Pathans. They are useful men, according to some jail officials, but we have no doubt that for most of the down country prisoners they are a great source of trouble and are largely, though not entirely, responsible for the existence of abominable and unnatural practices in the Jails. Under such circumstances no amount of serviceableness can justify their retention in positions of power and influence. There are no doubt a few exceptional men among the convict warders who will suffer with the large majority of corrupt officers of this class by the abolition of the system but we are satisfied that the system is so liable to abuse and has been actually abused to such an extent that the best interests of the Jail administration demand its total suppression.

40. These proposals must necessarily involve considerable additional expense. There are about 2,000 convict warders in the Punjab and, *prima facie*, the extra cost to Government will amount to Rs. 40,000 per mensem. We believe, however, that if the idea of insisting on productive labour in the Jails (which we have suggested elsewhere in our Report), is acted upon and these 2,000 men who now do no productive work are set a daily task, the increased earnings should go far towards covering the wages of their paid substitutes. It is also possible that if paid warders take the place of these convict officials, it will not be necessary to recruit more than three-fourths of the present establishment, as under the existing system there is always a great temptation to the jail authorities to multiply the number of such posts. But even if these views are optimistic, we are of opinion that the reform likely to be effected fully justifies the additional expense.

41. **Visitors.**—No apology is required for the introduction of this heading in our report. Owing to changes in the general system of Government in this Province, the subject has assumed an importance much greater than at the time of the formulation of the Indian Jails Commission report and hardly a witness of any weight has failed to give us his views on this somewhat thorny question. There is a direct connection between visitors, discipline, and reform and we feel that our report would lack completeness if we simply ignored the matter. We are not aware whether non-official visitors are appointed in England or other countries but we recognise that even if they were not, the conditions in this Province might quite conceivably justify an exception to the ordinary rule. We are in general agreement with the views of the Indian Jails Committee that the existence of non-official visitors is "valuable as supplying a training ground where members of the public can obtain an insight into jail problems and learn to take an interest in prisons and prisoners." It is from this standpoint that we consider their retention desirable as distinct from official visitors who are at least equally competent to see that the rules are duly observed and that abuses are speedily brought to light. The position of official visitors is unquestioned and so far as they are concerned, we need merely emphasize the importance of surprise visits, a point on which many witnesses have laid stress. In fact, there is evidence to the effect that the most valuable of all visits are unannounced inspections by District Magistrates. We agree that these officers by constant vigilance can do much to improve the general standard of jails.

42. Much criticism has, however, been directed against the present body of non-official visitors. On the one hand, it is alleged that persons

having a direct connection with Government, *e.g.*, Honorary Magistrates, regard the position as a simple mark of honour, responsibilities being satisfied by an occasional formal and superficial walk round the Jail. On the other hand, it is asserted that various of the existing non-official visitors came to the Jail merely with the object of picking holes in the Jail administration and of subverting discipline or even in some cases of furthering some ulterior purpose of their own. It cannot be said that either criticism is without foundation. There are no doubt some gentlemen who visit the jail as seldom as possible and are content on these rare occasions to saunter round accompanied by a large escort who show them only what is considered desirable. There are others in this class, however, who obviously make a real effort to fulfil their functions and whose visits are of benefit both to the jail administration and the prisoners. The wholesale condemnation of this class of visitor is in our opinion quite unjustified. Similarly, we would hesitate to brand as unsuitable visitors unconnected with Government merely on account of the faults of some of their members. We have been informed, for instance, that in one district members of the bar used their visits to the jail as a means of extending their practice—a proceeding naturally viewed with disfavour by their fellow members. It has been stated too that in one jail a non-official visitor grossly abused his position to the extent of persuading Sikh prisoners to refuse the conditional release offered by Government while in yet another case we were told that in defiance of jail regulations, a visitor assembled the prisoners round him and lectured them on political matters. We have ourselves suspected from the notes recorded by certain visitors that their main object was not to help the prisoners but to discredit the jail administration. Persons of this type seriously add to the already great difficulties of management. Honest criticism is or ought to be welcomed by the authorities, and no one will deny the existence of abuses in Jails. That fact, however, does not entitle individuals to bring wild and baseless charges against the officials and to give them wide publicity. The Indian Jail 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 jail system. We agree with the views of the Indian Jail Committee that selection should be made by Government, not as suggested by certain witnesses, by any local body or association. In this connection, we would draw attention to one of the findings of the Washington Congress, 1910, which runs as follows :—

“That political interests operating in prisons are the great bar to progress and good Government which to be stable and permanent must be quite independent of outside influences”. The warning is not unneeded because we have found that there is a disposition to regard the terms a man of public spirit and a politician as synonymous. We believe that in this Province there are gentlemen whose nomination can be safely based on the definition formulated by the Indian Jails Committee and we strongly recommend that when nominations are made regard should be had to the qualities therein enumerated.

**43. Labour.**—The question of labour is, as we have seen, intimately bound up with that of discipline. It is not, of course, possible to arrange that every convict shall be given a task of equal interest and extent and even if that were practicable, the task would still be of differing effect according to the physical and mental capacity of the worker. Admitting this we feel that under present conditions the variations in task are too great and are a fertile source of corruption. Certain forms of labour—the oil press, the well gang, and paper pulping (*jugal*) are useful instruments for the extortion of money from prisoners reluctant to enlist in the ranks of “*tarikhas*”, *i.e.*, convicts who pay a regular sum to the jail officials monthly or yearly. Non-official opinion is almost unanimous in condemning these labours as “inhuman”. The objection is, of course, purely sentimental and the use of the

adjective does not imply cruelty but is due to the fact that such tasks are ordinarily performed by animals or machinery. It would be easy to demonstrate the questionableness of the argument by referring to various instances where human agency is employed instead of animals, *e.g.*, rickshaw coolies, but though we are not impressed by this course of reasoning we do consider that these forms of labour should be abolished both because of the opening they allow for corruption and because they are not economically sound. The Washington Congress (1910) laid down "that unremitting action and useful employment is the basis of all reform. If as is assumed about 80 per cent. are ignorant of any trade, there must be a great disparity in the forms of labour to meet all aptitudes". This is no doubt a counsel of perfection and America herself as, we understand, been unable to carry it out to its logical conclusion, though it is interesting to note that France has arrangements for teaching no less than 63 trades. But if the principle be admitted that convicts should be employed as far as possible in directly productive labour both for economic reasons and for purposes of reform then the mere fact that perfection cannot be attained is no reason for a failure to proceed as far as may be in its direction. We recommend, therefore, that these three forms of labour should be abandoned, at any rate in all jails where long term habituals are not confined. The wells and oil press should be worked by machinery or oxen and if the paper manufactory is of any economic value and should, therefore, be retained—a matter on which we entertain some doubt—the pulping can be done by mechanical means. In place of these labours endeavours should be made to develop munj making, carpet making, durrie weaving, chick making, pottery, weaving, painting, the simpler forms of carpentry, basket making, the seating of straw bottomed chairs, and the like. We feel confident that a demand for jail products could be developed especially if a central bureau with a supply of detailed price lists and samples could be instituted. Such development would not only go far towards meeting extra expenditure but should enable many convicts to earn an honest living after release. Assuming that prices are based as they ought to be on market value, we are not impressed by the objection that the Jail products would constitute unfair competition and injure private enterprise. This question was carefully considered at the Washington Congress, where it was held that the outcry was unreasonable for the following reasons :—

- (a) That the amount of competition by prison labour is so small as to be hardly appreciable.
- (b) That all productivity from any source is a gain to the community.
- (c) That the product of prison labour relieves the cost of maintaining prisons.
- (d) That the importance of reforming prisoners by labour outweighs all economic considerations.

44. In this connection, we would draw the attention of Government to the system of 'pecule' under which a small percentage of the profit arising out of the performance of the task is credited to the worker as a reward for good work coupled with exemplary conduct. The system is in force in various countries but we appreciate the special problems of this Province where the caste system is in force, and where therefore certain prisoners, *e.g.*, sweepers, would be *ipso facto* deprived of the benefits. On the whole, however, we are of opinion that a trial should be made, the system not only affording a strong incentive to good behaviour and steady work but also providing the convict with a sum of money to tide over the interval between his release and his obtaining employment. It would probably be necessary to ensure that this money was not squandered and this could be arranged through the Prisoners Aid Societies to which we make reference at a later stage. We would suggest that two annas in the rupee would be a fair percentage and we would also favour a trial in conjunction with this of the "canteen" system under which the convict would be able to draw on his balance to a limited extent not exceeding 50 per cent. to provide himself with

much small luxuries in the way of diet (ghee, etc.) as may be prescribed. As has been pointed out above, the craving for cigarettes, *gur* and the like, is one of the main difficulties in the way of discipline and we believe that arrangements under which small quantities of such articles could be obtained licitly but under suitable restrictions would do much to purify the jail administration and lead to better work on the part of the prisoners. The combined system would be applicable only in the case of those who had learnt some form of skilled labour, who had been in prison for more than one year, and who during that period had been of good conduct. In the case of cooks, sweepers and others, whose work would not be directly productive, the difficulty of applying the system could be got over by calculating the value of their services on the basis of the ordinary monthly wage payable to such men outside the Jail and allowing them a suitable percentage of that wage.

45. Before leaving the subject of labour, it is necessary to make a brief reference to the question of corn grinding. Certain witnesses have urged that this form of labour should also be abolished. We are unable to accept this view. We recognise that it is a kind of work eminently suitable for prisoners who are confined to cells and that it would be difficult if not possible to replace it on a large scale with any other form. Special precautions have to be taken regarding the introduction of articles into cells and it would not be safe to allow many of the prisoners the use of tools. At the same time, we consider that during the period of quarantine corn grinding should not be awarded. At present almost all prisoners on admission are put to corn grinding as a matter of course and the evidence before us shows that this practice affords a great opportunity for corruption. The newcomer unaccustomed to manual labour of this kind finds himself unable to complete his task; blisters his hands and fears that next day he will find himself in serious trouble. It is then that the convict official makes his invidious suggestions with the result that one more name is added to the long list of "tarikhias." The period of quarantine is so short that it should be possible to find other work for prisoners while thus segregated. If any exception has to be made, it should be confined to the habitual jails.

46. It is doubtful whether the subject of under-trial prisoners comes within the scope of our reference but we are compelled to record a brief note owing to the fact that several of them came forward to give evidence, while other witnesses have, in their statements, made mention of the treatment accorded to jail inmates prior to conviction. There is some reason to believe that in certain jails work other than the legitimate cleaning of cells and barracks, in accordance with paragraph 813 of Jail Manual, is exacted from under-trials without their consent and contrary to the rules of the Jail Manual. A possible explanation is to be found in the fact that deficiencies in the jail outturn have to be made up in this way. But whatever the reason it is clear that such forced labour should cease. If any under-trial wishes to work—and it is easy to understand that the more energetic of their number would prefer employment to sitting idle—great care should be taken to ascertain that the offer of assistance is purely voluntary. In this connection we consider that the provisions of Article. 803 of the Jail Manual should be brought prominently to the notice of all under-trials on admission. So far as we could judge from a limited experience that article is a dead letter, and we doubt whether any under-trial had any knowledge of the facilities for profitable work therein provided.

47. **Diet and Cooking.**—Most of the witnesses from whom we have received written statements or who have given evidence before us have laid stress on the necessity of improving the present arrangements as to diet. Their complaints as to food are many, but we give below only the more important of them:—

- (1) The ration allowed, *viz.*, ten chhitacks per head per day, is not sufficient.
- (2) The mixing of gram flour with wheat flour is unwholesome.
- (3) The flour used in jails often contains a mixture of dust or sand.

- (4) The cakes or *chapatis* supplied are not properly cooked and are sometimes below the prescribed weight.
- (5) Mustard oil is used for cooking vegetables and *dals* and it is unpalatable as well as injurious to health. It is further added that the quantity allowed is insufficient.
- (6) Sometimes even the few condiments allowed are not used.
- (7) The proper quantity and quality of vegetables is not given to prisoners. (We will examine the above complaints *seriatim*).

48. (1) It has been represented to us that the flour allowed to each prisoner should weigh 12 chhitacks or more per day instead of 10, as at present. We are told that many inmates who are physically strong, and especially those of them who do hard manual work, find this quantity insufficient and have either to go hungry or to beg, borrow, or steal bread. It is possible that 10 chhitacks per head may not be quite enough for some prisoners but it is equally possible that there are many for whom this quantity is more than sufficient. We think therefore, that as an average the quantity laid down in the Punjab Jail Manual must be maintained. The principles laid down at the International Congress of Prisons at Rome as to the regulation of prison dietary are that "it should be sufficient and not more than sufficient, and adopted according to physiological needs to the labour, treatment and constitution of the prisoner." These principles have since been adopted in all civilised countries and accordingly we do not feel it necessary to suggest any change in the existing scale but we must emphasise the necessity of a better system of distribution of food. So far as *chapatis* are concerned, what is now done is that two large *chapatis* are supplied to each prisoner twice a day. For some these two *chapatis* represent more than they can eat while for others they constitute a short ration. If the size of these *chapatis* were to be altered, so as to divide the quantity of dough now used for two into four, and if three of them were to be given to those on light labour or with smaller appetites, and five allowed to those employed on hard work or having larger appetites, the difficulty felt at present will be to a great extent obviated. This would mean the cooking a larger number of *chapatis* per day than is done now and consequently more work for the cooks, but the more judicious distribution of food and the improvement in the quality of cooking would compensate for the extra trouble.

49. (2). The objection to the mixing of the gram with wheat is based mainly on the ground that it is not customary in the Punjab even among the peasants. It is true that in those parts of the Punjab where the peasantry is more affluent than previously, wheat is the staple food and gram flour is only occasionally used for a change. The mixture, however, is not unknown even now among the poorer peasants. We have no evidence that the flour of gram, especially when mixed with an equal quantity of wheat, is deficient in the nutritive qualities. We do not, therefore, see any sufficient reason for suggesting the obviously more expensive idea of giving the prisoners pure wheat flour every day. Under the present rules they are supposed to get wheat flour twice a week and if they are given what they are entitled to and the Superintendents make a point of seeing that the rations actually supplied are not defective in weight or quality, there can be no genuine grievance on this score. It must be borne in mind that the prisoners cannot reasonably expect to get in Jail the food they get at home.

50. (3) This is a complaint which requires serious notice. The mixture of sand or dust with flour is most pernicious. It is said that dust is not found in the flour which is the result of grinding in a *kharas* but is often found in the flour which is ground in cells. We have been told by Jail officers that the convicts put on grinding work sometimes mix dust to add to the quantity of their work, and sometimes eat some of the grain and make up the deficiency with a proportionate amount of sand. Steps must be taken by the Jail officials to check this practice and all such irregularities should be adequately punished. The warders should be instructed to taste occasionally the flour taken from a particular cell to see that it is free from dust or arrange to have it tested by an Assistant Jailor, before they take it to the godown and mix it with the quantity already in store there.



51 (4). We have examined the *chapatis* cooked in the jails we have visited. We were informed by prisoners that they were better cooked than usual on the days of our visits, but even so the results in many cases were far from satisfactory. We realise that where it is a question of cooking *chapatis* for a thousand people or more, twice a day, it is difficult to attain the standard of cooking which is possible in private life, but still we think there is room for improvement in the standard obtaining in the Jails in this Province. The Punjab Jail Manual lays down (para. 936) that "it shall be the duty of the Superintendent, the Medical Officer, and Jailor, at all times, to satisfy themselves respectively that every article of food supplied to any prisoner in a cooked state or which requires to be cooked before being so supplied, is properly and cleanly cooked in such manner as to be wholesome and reasonably palatable." This is a sound direction, and if it were always acted upon, there would be no cause for complaint. The Indian Jails Committee in their Report invited the attention of the Jail authorities to the importance of good cooking in the following words :

"We are not sure that it is sufficiently recognised by all Jail officers that the cooking of the prisoners' food is almost as important for the maintenance of a good standard of health as the composition of the dietary. We wish to lay stress on the importance of good cooking and to this end on the necessity for constant and intelligent supervision over the cooking arrangements and the cooks".

They even went so far as to give detailed directions on this point which we think may be reproduced with advantage. They said: [Vol. I, Paragraph 293 (c)].

"Great care must be taken that the iron plate on which the cakes (*chapatis*) are baked is not too hot and that sufficient time is allowed to enable the cakes to be cooked thoroughly and yet not burnt. In some Jails we found the cakes (*chapatis*) burnt on the outside but raw within, a state of affairs very liable to produce indigestion and bowel complaints".

52. In connection with cooking, we think one suggestion may be usefully made. It has been stated by witnesses having experience of jail work that the maximum number to be served by one kitchen should be five hundred. In our opinion it is desirable to fix some such limit and wherever there is room for two kitchens, things may be so arranged as to give separate kitchens to Hindus and Moslems, the Sikhs sharing with the former. Many of the prisoners who made statements to us asked for this change and we noticed in one or two places that the kitchen had been partitioned into two compartments, one for Hindus and the other for Moslems. We were informed that the results of this change were satisfactory and that under this arrangement the kitchens were better managed and controlled than before. Such a division is already provided for in the Punjab Jail Manual, in certain circumstances, mentioned in paragraph 943, but we think the arrangement may be conveniently extended to all jails where the number of inmates requires more kitchens than one.

53. We cannot close our observations on cooking without saying a word as to the fuel supply. The prisoner witnesses have told us that the fuel supplied is insufficient. Some say that the quantity allowed per head under the rules is small, while others state that the quantity prescribed is not actually supplied. An experienced Superintendent gave it as his opinion that if the prescribed quantity was supplied there would be no difficulty in cooking the food satisfactorily but that he had reason to believe that the actual supply was often short of the standard laid down, either because some Jailors dishonestly purchased smaller quantities while charging for the full amount, or because the paid servants of the jail themselves consumed part of the prisoners' fuel ration. We think that this complaint should be removed, either by making the prescribed supply a little more liberal, on the ground that petty pilfering of fuel by jail subordinates is not easy to stop, or by rigorously insisting on the proper supply of fuel according to the present standard.

54. (5) There is considerable feeling inside the jails on the use of mustard oil for cooking vegetables and *dals*. It is said that even the poorer



classes in the Punjab use *ghi* instead of oil and that consequently *ghi* should be substituted for oil, even if a smaller quantity of it is allowed. It is true that it is not usual outside the jails to put oil in *dal*, though the use of oil for cooking vegetables is not uncommon. We can understand the desire of the prisoners to have *ghi* instead of oil and would have been inclined to recommend the change, had it not been for the following considerations which lead us to believe that it would be on the whole safer not to disturb the existing arrangement :—

- (a) We are told by one of our Indian Superintendents that “scientifically there is no difference between *ghi* and oil” and he considers mustard oil quite satisfactory, though he is of opinion that *toria* oil is inferior.
- (b) If an equivalent quantity of *ghi* is allowed, the increase in expenditure would be very considerable. On the other hand, if the amount is reduced, there would be the danger, medically, that sufficient fat-producing nourishment would not be supplied.
- (c) In case of *ghi* there is much more risk of adulteration than in case of oil and perhaps greater opportunities of pilfering by the subordinate staff. Moreover, if the system of pecule is introduced in jails, prisoners will be able to supply themselves with small quantities of this commodity.

55. We would add, however, that in our opinion, an effort should be made to supply mustard oil and not *toria* oil. We saw *toria* being pressed in the oil presses in several jails and only in one did we come across mustard seed. The explanation offered was that in many parts of the Punjab cultivation of *toria* has taken the place of mustard. The Jail Department, however, require mustard in large quantities and it should not be difficult to make arrangements for the supply of the requisite amount, either by indenting on a district which is producing mustard or by negotiation with some big land-owner who would undertake to grow all that was needed.

56. As to the allowance of oil per head, we think that the quantity allowed is sufficient, provided Superintendents would carefully see that the actual supply is not allowed to fall short of the standard laid down in the Manual.

57. The question of condiments is a matter of minor importance, but the prisoners are not unnaturally anxious that their simple diet should be made as palatable as possible. The jail authorities recognise in theory the importance of the use of condiments in proper quantities, as it is laid down in paragraph 940 (6) of the Jail Manual that “condiments and salt should be added in the presence of the Jailor or Medical subordinate or other superior official, to the *dal* and vegetables while they are being or immediately after they are cooked.” If this rule were strictly carried out in practice, the complaint under this head would be removed.

58. The supply of vegetables is a very important question. In every Jail that we visited we were told that instead of the solid parts of vegetables such as turnips, radishes, and cauliflowers, merely the leaves were given to them, and that the *sag* supplied was of inferior and unwholesome varieties. We must admit that the supplies of vegetables brought in from the jail garden on the occasions of our visits were quite good, but we were informed by the inmates that vegetables of this description were the exception rather than the rule. Making due allowance for exaggerations by the prisoners, some of whom stated that leaves of trees were occasionally mixed with vegetable leaves, we believe that the complaint under this head is not without foundation. In some places the jail officials acknowledged that owing to the demands made on the jail gardens by overcrowding, the proper supply could not be maintained. It is also obvious that there is a great temptation to jail subordinates to take the best part of the vegetable produce for their own use and it is also true, unfortunately, that it has been customary to send out *dalis* from jail gardens. This is a matter, therefore, which requires the most

careful attention of the higher jail authorities and we would put forward the following suggestions for the improvement of the vegetable supply :—

- (a) Wherever the number of prisoners has risen beyond the limit for which the particular prison was meant, there ought, wherever land is available, to be a proportionate increase in the amount allotted for the jail garden, so that a larger area may be brought under cultivation to meet the extra demand.
- (b) In all large jails the services of a trained gardener should be secured to supervise the work, and a larger number of prisoners employed in the garden, if necessary.
- (c) Where no extra land is available and it is not possible, even with expert assistance, to produce the additional quantities in the jail garden the supply should be supplemented by purchases from the market.

59. In connection with the topic last mentioned we wish to associate ourselves with the following remarks made by the Indian Jails Committee in its Report :—

(Para. 292-C., Vol. I.) —“Some Jail Manuals lay down that the Jailor shall be made to pay from his own pocket the cost of all vegetables and condiments purchased for the use of prisoners, unless he can prove to the satisfaction of the Inspector-General that the deficiency in the supply obtained from the jail garden was not due to his neglect. Recoveries of this character are, in our opinion, unsound in principle, even if the rule is applied with entire fairness and discretion. The proper way to deal with a jailor who neglects his jail garden is to refuse him promotion, or, if, necessary, to reduce him. The presence in the Jail Manual of a rule such as is here referred to leads to the practice of planting large areas with inferior vegetables, as a protection against the risk of being subjected to recovery. We recommend that this rule should be cancelled and it should be laid down instead that the Jailor (or the Deputy Jailor, should he be in charge of the garden) shall be responsible to the Superintendent that the full supply of vegetables required for prisoners' consumption shall, as far as possible, be grown in the jail garden and that when vegetables are bought, an explanation of the failure to obtain the supply from the garden shall be furnished by the Inspector-General.”

We agree also with two other suggestions made by the Indian Jails Committee under this head, which are reproduced below :—

(Para. 292-A, Vol. I.)—“While in most jails it is generally possible to provide a full supply of vegetable from the jail garden during the cold weather and the rains, it is often exceedingly difficult to maintain this supply in the dry months. We suggest therefore that in all Provinces it should be made a rule that such antiscorbutic vegetables as are suitable for the purpose should be stored during the season of plentiful supply for issue in the following hot weather”.

(Para. 291-B, Vol. I.)—“In most Provinces the rules permit of a free supply of vegetables from the jail garden being made to the Jailor and other jail subordinates when the garden is yielding a surplus, but we certainly think that such issues should cease if any vegetables have to be purchased for the jail, and that the rule on this subject in the provincial Jail Manuals should contain a stipulation to this effect”.

60. It has been suggested to us, not only by prisoners, but by some of the experienced Medical Officers in charge of Jails, that a certain limited quantity of *gur* should be included in the diet allowed to prisoners at any

rate in the cold weather. There are other officers who regard *gur* as a mere luxury and who are not prepared to support this suggestion. Those medical officers, however, who favour the introduction of *gur* as a part of the statutory diet are of opinion that it is a necessity rather than a luxury. We are not in a position to give a decision on the merits of these two conflicting opinions, from a medical or scientific point of view, but it has been pointedly brought to our notice that there is a general craving for *gur* among all classes of prisoners and that after tobacco and cigarettes, this is the commodity which is most commonly smuggled. We believe that if, to a limited extent, this craving can be legitimately met, there will be an appreciable reduction in smuggling and in the accompanying bribery, so that the extra expense involved in making this allowance would be amply compensated by the corresponding improvement in jail discipline. The supply should be made conditional on good behaviour and petty jail offences might perhaps be punished by a period of deprivation.

61. This discussion of the question of food would be incomplete without a reference to the allied question of the purchase and storage of grain, etc. The existing rules on the subject are given in paragraphs 947 to 952 of the Punjab Jail Manual. The purchasing is left largely in the hands of the Jailor under the supervision of the Superintendent. This system has its drawbacks. The Jailor who is not a well paid officer and who is often liable to be mulcted in his pay whenever any deficiency in stores is detected is exposed to the great temptation of adding to his income when purchasing stores. In many cases Superintendents are willing to be guided in such matters by their Jailors and there is a danger that gram of inferior quality is purchased or heavier rates paid by a clever manipulation of tenders. We think it would be desirable to introduce a system of purchase for all jails through a Central Agency at the headquarters of the Province, working under the direct control of the Inspector-General of Prisons. If such a bureau were established, the risks mentioned would be minimised and as large quantities would be required, favourable rates would be obtained. To this Bureau should also be assigned the function of controlling the supplies of materials required for the jail manufactures and of effecting the sale of the finished articles. The general public have at present little knowledge of the better class of articles turned out in the Jails of this Province with the result that, as we noticed, orders for carpets and the like are confined to Government offices and persons connected with the Jails. In one of the Jails we detected irregularities in the registering of orders in the case of articles in process of manufacture for the latter class. We believe that if greater publicity were given to the products of the jails a regular demand would arise. It is certain that if prisoners are as far as possible employed on productive labour and are made to do their proper daily task, this demand can easily be met by increased outturn, which in its turn would serve to lessen the great disproportion at present existing between Jail income and expenditure. The Central Bureau would act as a connecting link. It would maintain a proper supply of samples clearly priced, register orders, and pass them on to the jails for execution, care being taken that each jail manufacturing the same class of article receives its legitimate share. It would examine the finished article before passing it on to the customer and recover the price which would be based on market rates. It should also pass goods manufactured by one Jail for some other Jail and thus ensure the maintenance of the proper standard. Judging by our experience such a check is by no means unnecessary.

62. **Classification of Prisoners.**—The principle of the classification of prisoners has been long recognised by successive International Penitentiary Congresses in Europe and was strongly advocated by the Indian Jails Committee of 1919-20, who expressed an opinion that a classification of the "best prisoners" was as necessary as that of the "worst". By the "worst" they meant prisoners with previous convictions who might be classed as "habituals" by the convicting courts or by District Magistrates or by Superintendents in charge of Jails, subject to the control of the District Magistrates, in cases where the authorities first mentioned had failed to pass any orders as to such classification. The proposed revised rules describing the persons coming within the

definition of a "habitual" for the purposes of detention in a separate prison or ward are given in paragraph 107 of Volume I of the Report of the Indian Jails Committee, and need not be reproduced here. We agree with the views expressed by that Committee on the necessity of having a separate Jail or Jails for "habituals" and it is satisfactory to note that already a beginning has been made in the Punjab to keep "habitual" prisoners separate, so far as possible, so that they may undergo a discipline suited to their requirements and may not have opportunities of contaminating less hardened convicts. With regard to the prisons now set apart as Jails for habituals, our only criticism is that they do admit at present a considerable number of prisoners of the better class, whose association with confirmed thieves and robbers is most undesirable, and the separation should, in practice, be more complete than it is.

63. There is, however, another type of prisoners who deserve to form a class by themselves. This class is composed of men who have come into Jail for first offence, men whose offences involve no moral turpitude and men who have yielded to some sudden impulse in committing a crime. In the following passage, the Indian Jails Committee recommended that for such persons a Star Class of prisoners should be formed, on the lines of a similar class in Great Britain :--

"The Star class as there constituted, is not very strictly defined. It is to consist of convicts who have not been previously convicted of serious crime and whose previous life has not been habitually criminal or their habits depraved. One or even two previous convictions for a trivial offence or a previous conviction which occurred several years before would not debar a man from being placed in the Star Class".

Inclusion in the Star class in Great Britain does not however confer any special privileges :—

"The convict included in the Star class receives no indulgences in regard to diet, labour, remission, gratuity or otherwise. He is simply separated as far as possible from other prisoners, whether at work, at exercise or in chapel, and his cell is so situated that he cannot come in contact with persons of other classes." So far as we are aware no steps have been taken, hitherto, to introduce this classification in the Punjab. It involves the division of the prisoners (other than habitual) into two classes, namely, "the Star class" and "Ordinary," which will have to be kept apart in different wards, if not in different Jails. We think that from the point of view of reform this further extension of the system of segregation might be tried experimentally.

64. Some witnesses have advocated that of recent years in consequence of the non-co-operation movement followed by the Akali trouble, many educated men of respectable families have been inmates of the jail in connection with the commission of offences varying greatly in gravity. It is to be hoped that with the efflux of time the numbers will steadily diminish. The definition of a political prisoner presents much difficulty and in any case we see no sufficient reason for special classification.

Government have already recognised the desirability in certain cases of differential treatment in the matter of diet and clothing and have made provision by rules under section 30 of the Prisons Act 1894, whereby convicting courts may in the case of convicts whose antecedents justify the action recommend that they be treated as special class prisoners. There is nothing in the rules to exclude persons convicted of offences against the State from the benefits of this special classification should they be otherwise qualified.

65. One important witness drew our attention to the definition of the term "European prisoner" given in paragraph 3 (g) of the Punjab Jail Manual, wherein is included "every other person (whether a Native of India or not) whose habits and manner of living, in the opinion of the Superintendent, more nearly approach those of the European than those of the

ordinary native of India." He urged that there was no reason why Indians of good social position should not be allowed in prisons the same standard of amenities of life as the European prisoners, even if they have not adopted the European manner of living. We fear that in practice the association of prisoners accustomed to European standards of living with others would not be conducive to happy results and in view of the existence of the special class referred to above such inclusion is in no way necessary. We think, however, that Government should call the attention of all Magistrates and Judges to their duties in the matter of the classification of prisoners. In the Lahore Central Jail, we examined an Indian who stated that he represented an important commercial firm, had adopted the European manner of living before incarceration but had failed to secure a place either as a European or a special class prisoner. We express no opinion on the merits of the case but consider that in conformity with the spirit of the rules Superintendents should exercise freely the discretion vested in them when dealing with Indians of education and good social position.

**66. History Tickets and Register of Punishments**—To have a permanent record of the behaviour of each prisoner in jail and as a guide for decisions in cases of punishment for any breach of jail discipline or in cases of remissions for good conduct, the system of History Tickets of prisoners has been devised and a Register of punishments is maintained. The history tickets and the Register are also of assistance to official and non-official visitors and are a check on any arbitrary or irregular action by the jail officials. It is of the utmost importance, therefore, that the entries in them be made carefully and accurately. It has been brought to our notice that there are many irregularities in connection with history tickets. For instance, it happens sometimes that an entry adverse to a prisoner is made in a history ticket by a Jailor or his Assistant, without the prisoner being brought before the Superintendent for necessary orders, *i.e.*, without what is known as a *peshi*, in the terminology of jails in the Punjab. An instance was mentioned to us by one witness, where several entries were made against him without any *peshi*, and his history ticket was not shown to him at the time. Later when he was transferred to another jail, the entries counted against him and discredited him in the eyes of the officers of the jail to which he had been sent. Another case came under our observation where absolutely false entries of short labour were made in the history ticket, though according to the registers the prisoner was not then employed on that labour. For obvious reasons this is unfair and a careful watch should be kept that no entries prejudicial to a convict are made in his history ticket, without their coming to the notice of the Superintendent and without his decision as to their genuineness or otherwise. We have also been informed that unjustified entries favourable to a convict are not uncommon if money has been paid and if the subordinate officials desire to pave the way for that convict's promotion to the rank of a convict official or to obtain remissions for him. Superintendents ought to exercise greater vigilance in this respect and should endeavour to satisfy themselves by personal enquiry and observation as to correctness of the entries whether these are to the credit or discredit of the convict.

**67.** One method employed by subordinate jail officials to prevent a proper check on the entries is to retain the tickets with them for days at a time on the plea of overwork. We have seen frequent notes by non-official visitors that they found that a prisoner's history ticket, when called for by them, was not easily forthcoming and we noticed the same defect ourselves in the course of our Enquiry. The rule under this head should be strictly enforced and members of the staff making the entries in history tickets informed that they must regard this part of their duty as more urgent than other matters of routine so that history tickets received for fresh entries should be returned to proper custody as early as possible.

**68.** Among the complaints made to us in connection with entries in history tickets, it has been mentioned that invariably a man who complains to the Superintendent or a Visitor, finds himself in trouble through

the entry of some fictitious charge in his history ticket. We noticed that soon after our visit to the *Lahore Central Jail* in December a number of the prisoners who had made statements to us against the jail management had an adverse entry made against them and were either put into a cell or otherwise punished. On our second visit to the same jail in January, we looked at these entries and we cannot help being surprised at the strange coincidence that almost every one of those prisoners should have committed a breach of discipline so soon after giving his evidence. We found that two or three of them had, prior to our visit, extraordinarily good records. We are not in a position, however, to make any pronouncement on the merits of those entries but have mentioned this fact in order to emphasise the necessity of careful enquiry on the part of Superintendents and other responsible officers so that no one may come to grief simply because he has made a complaint. Punishment is only justified in such cases if on enquiry it is found that the complaint was false or unfounded.

69. We have examined the Register of Punishments maintained at the *Lahore Central Jail* and we are not satisfied with the way in which this book is kept. The punishments awarded to convicts are not entered in it in accordance with the chronological order of the offences to which they relate. There are numerous cases in which an entry relating to an offence that has occurred, say, on the first of a month, succeeds that of an offence which has taken place on the 10th or the 15th. The Superintendent explained that this was unavoidable because at times he was not free to inquire into a particular matter and the entry had to wait till he had come to a decision. But we think that the present system of keeping this book, whatever may be the reason or the excuse for it, is defective and likely to leave a loophole for entries that are not genuine or reliable. It should not be difficult to devise some means whereby the entries are regularly made when an offence occurs, even though the date of the punishment may have to be postponed until it has been possible to complete the enquiry.

70. **Interviews and letters.**-- Many representations have been made to us by prisoners, as well as by outsiders, that the relatives of prisoners should be allowed to interview them more often than at present and that a more frequent interchange of letters between the convicts and their friends should be permissible. It is suggested that the recently fixed interval of three months should be further reduced to one month. From one point of view this would be desirable. As the Indian Jails Committee rightly observed, "the maintenance of the prisoner's home-ties is an important matter. Nothing produces a worse effect on a prisoner than to feel that his friends and relations have cast him off". Communication between a convict and his relatives has or ought to have a reforming influence, the value of which cannot be under-rated but, every interview and every letter means so much more work for an establishment already fully burdened seeing that an official has to be present at every interview while letters passing between a convict and his friends must be carefully censored. In view of these difficulties, the Jails Committee contented themselves with recommending the interval of three months as the ordinary rule to be relaxed in special cases at the discretion of the Superintendent, and we do not deem it necessary to suggest more frequent communications.

71. In some jails the arrangements as to the place are far from satisfactory, and we express the hope that early steps will be taken to carry out the suggestion of the Indian Jails Committee to provide "a properly constructed interview room at or near the main gate" in every Jail. It might be added that in certain of the large Jails more than one such room will be required to enable the daily average of such interviews to be conveniently overtaken. Many have complained that owing to the pressure the time allowed for interviews is very short. Relatives travel long distances and incur considerable expense so that a hurried dismissal naturally causes serious disappointment while so far as the prisoner is concerned the very shortness of the interview tends to defeat the object for which it has been allowed. We consider that 20 minutes, the time proposed by the Indian Jails Committee, is reasonable and should generally be allowed. Under the rules, the Superintendent can extend the time in any special case when a further limit is justified.

Until better accommodation is available it may be found necessary in the larger jails to begin interviews earlier in the day. We recognise that this may involve some slight disarrangement of labour and throw a little extra work on the staff. Proper arrangements will minimise the former difficulty and the importance of an adequate interview outweighs the latter.

**72.** It is common knowledge that interviews are often abused. The arrival of a relative for this purpose has come to be regarded as an opportunity for passing money, to which the inmates as well as the jail subordinates look with equal eagerness. The higher jail officials must keep a keenly vigilant eye on this practice and do all in their power to check it. An institution, which is meant as a reforming influence, cannot be allowed to degenerate into an occasion for smuggling and bribery. In the case of letters, we have been told that a large number of them contain instructions to relatives to send money through certain jail officials or even to the care of outsiders for payment to jail officials. If that be true, there could hardly be a stronger indictment of the kind of censorship exercised by the jail officials on this correspondence. While advocating full facilities for interviews and postal correspondence, we consider it necessary to draw pointed attention to these two abuses of the privilege. As regards the general conditions governing interviews and letters, we need merely say that we are in entire agreement with the model rules given as an annexure to Chapter XI of Volume I of the Report of the Indian Jails Committee.

**73. Education in Jails.**—There is some difference of opinion as to the practicability or otherwise of a system of elementary education in Jails. Many non-official witnesses, as well as literate prisoners, have told us that arrangements for education are badly needed in our prisons and if introduced are likely to have a good effect on the character of the prisoners. On the other hand, some of the officials consider it unlikely that the adult rustics of this Province who constitute the bulk of the population in our Jails, will take kindly to any system of education. We think, however, that there is a good deal to be said in favour of education in Jails having regard to its possibilities as a reforming influence. It would, of course, be of an elementary character and in our opinion the experiment should, for the present, be confined to persons who are not above the age of thirty. The youths detained in the Borstal Jail can remain there up to the age of 21, and in certain cases up to 23, and in that institution elementary education is rightly regarded as a part of the prison routine. There appears to be no reason why persons between the ages of 20 and 30 confined in ordinary jails should not profit by a similar, though less elaborate, system. An hour or two devoted every day to teaching the three R's to such prisoners would, in our opinion, be well spent, and this can be arranged without detriment to the hours of labour. Under present circumstances, there is too much spare time and the hours of idleness lend themselves to many abuses. It is probable that in many jails educated prisoners would willingly come forward to assist in such work though a nucleus of trained teachers would be required. We think too that as an adjunct to this, occasional lectures of an interesting and instructive type might be delivered. Agriculture, craftsmanship and travels are instances of subjects which would be suitable.

**74. Religious Instruction and Religious Observances.**—Arrangements should be made, if possible, for religious instruction for all classes of prisoners, literate as well as illiterate. It should not be difficult to secure the services of reliable preachers who could be prepared to address the prisoners on Sundays at times prescribed by the Superintendent and under the supervision of some jail official, on non-controversial religious and moral topics. The Indian Jails Committee attach considerable importance to this subject in their Report. They observe :—

(Page 153, Volume I).—“A practice has, however, grown up of late years in several Provinces of allowing voluntary workers belonging to non-Christian communities to give addresses on moral and religious subjects. In Burma, the jails are more or less regularly visited by *pongyis* who preach on Sundays to



attentive audiences. In Madras, Christian and non-Christian lecturers have been attached to various jails to give moral instruction. A similar step has been taken in the Central Provinces and Bombay and elsewhere in the case of juvenile jails. The degree of success attained has necessarily varied with the interest or enthusiasm shown by these voluntary workers, but we nowhere heard that their admission to jail had had any untoward results or had been followed by any developments unfavourable to discipline or to the regularity of the jail administration".

In another paragraph, while recognising the difficulties in the way of carrying out this idea, owing to the great diversity of religions in this country, they proceed as follows :—

(Page 154, *Volume I*).—"Our opinion closely coincides with that of the majority of the witnesses who came before us. It is undoubtedly true that the existence in India of various, more or less, antagonistic sects and religions, makes it less easy to provide instruction in religion than it is in countries such as Burma, where practically all prisoners belong to one faith. This also renders it specially necessary that the selection of the teachers to be admitted to jail should be made with great care, so that only persons of thoroughly sound character and discretion shall be chosen. But we certainly think that endeavours should be made to provide religious and moral instruction for all prisoners in jail. The existing differentiation in favour of Christian prisoners can hardly continue and we think that no prisoner ought to be cut off from communication with the ministers of the religion to which he belongs. Experience seems to indicate that the difficulties arising out of sectarian differences will not prove so great or so serious as some observers have expected."

We agree with the above remarks and hope that an earnest endeavour will be made to secure persuasive religious preachers, with the following caution (which we feel is important and which was very properly emphasised by the Indian Jails Committee) against any efforts at proselytising :—

(Page 155, *Volume I*).—"No minister should be allowed to have access to any prisoner who does not belong to his own denomination unless the prisoner voluntarily and spontaneously expresses a wish to see such a minister, in which case the matter should be reported to the Inspector-General for orders. It would obviously be improper to allow jails to be used for purposes of proselytising, and the existing rules which are quite clear on this point should be strictly maintained".

75. We wish also to associate ourselves with what the Committee recommended as to the provision of reasonable facilities to members of every community for the observance of their religious practices, with due regard to the maintenance of Jail discipline, and would add that on the occasion of the death of any inmate his funeral rites should be performed in accordance with the rites prescribed by the religion to which he belonged. This point has been strongly pressed on our attention by prisoners in different jails and we think this request is not unreasonable on their part. It seems proper that this should be allowed not only out of respect due to the dead but also to encourage humane and religious sentiments among the prisoners. There is, we fear, some ground for the current Punjabi saying :—

"A prisoner dead is a dog dead,"

"A prisoner escaped is a lion escaped."

76. **Libraries.**—Almost all literate prisoners, who have come before us, have expressed a desire for books. They urge that there should be a library in every jail, in which books on religious and moral subjects, historical works and possibly some harmless fiction, should be available for the use of



prisoners. The jail officials, whom we have questioned on this point, raise no objection to the provision of such libraries and admit their usefulness. We have noticed a small beginning made in this direction in the Central Jail, Lahore, and we think that a general extension would be a healthy and helpful addition to the potential influences for good.

77. Apart from the small initial expense which would be greatly minimised if members of the Public would pass on to the jail authorities suitable books which they no longer require, the main difficulty in the introduction of the system is the question of lighting. Under present conditions reading is practically out of the question in the winter evenings. The illumination of the barracks is confined to one dim lamp. Where there are only a few educated prisoners in a jail, it might be possible to accommodate them during an hour or two in the evenings under proper supervision in one selected barrack for which adequate lighting arrangements would be provided. We are impressed with the desirability of keeping prisoners usefully occupied between lock-up and bed time and we consider that in this connection the following observations of the Indian Jails Committee deserve careful consideration :—

(Page 152, Volume I).—“The hours between lock-up and 8-30 or 9-30 P. M. are those in which time must hang most heavily on the prisoners' hands and in which illicit practices and harmful conversation are most likely to occur. It is very desirable that some method of providing occupation for these hours should be found, and with this object we suggest that, wherever possible, a portion of each sleeping barrack should be cut off and turned into a recreation room, where prisoners would be allowed to read, either to themselves, or aloud, to play quiet in-door games, or to receive education. A paid officer should be present to keep order and to prevent abuses such as betting, singing, bad conduct or conversation. The room should be properly lighted and supplied with any necessary adjuncts. It should be separated from the sleeping-ward by a batten door. The privilege of using the recreation room should be conditional on good behaviour and should be liable to be withdrawn as a punishment”.

78. All our remarks regarding the introduction of elementary education and of religious teaching and the provision of libraries would be equally applicable to female convicts, wherever there is a separate jail for them and suitable arrangements can be made. The Female Central Jail in Lahore contains accommodation for over 300 prisoners and at the time of our visit there were 226 inmates. We are informed that these women very seldom give any trouble and that jail punishments are almost unknown. This jail would, therefore, appear to offer a promising field for experiments on the lines suggested.

79. **Certificates and Prisoners Aid Societies.**—In conclusion, we would commend to the consideration of Government a suggestion made by one of the prisoner witnesses to the effect that exemplary conduct during the period of jail life should secure a certificate from the Superintendent at the time of release. The witness pointed out that as matters stand the public have no means of knowing whether a released convict has by his behaviour in jail shown a desire to atone for his offence or not and that consequently all are equally suspect when they endeavour to secure honest employment. We examined the history sheet of this witness and found that it was uniformly good over the whole long period of incarceration. A soldier on discharge is given a certificate of conduct and though the cases are naturally not quite analogous we are inclined to think that the possibility of gaining such a certificate would in many cases be a strong incentive to good behaviour, while its possession might prove a useful aid to the obtaining of work on release.

80. There is another subject closely connected with life after release which in our opinion is of great importance. Many of the Chief witnesses that appeared before us rightly declared that the principal aim of jail discipline

should be the reform of the criminal yet, apart from the Europeans, not one of the communities has made any effort to further that reform by establishing prisoners' aid societies. However good a system of jail reform may be, its benefits will be largely nullified if no helping hand is stretched out at the time of release. Such societies are in existence in practically all countries which take any thought for the criminal and the advantages they confer are unquestioned. We have been much impressed by the apparent anxiety for the betterment of the criminals displayed by not a few of the principal witnesses and we feel sure that this serious omission to any effective scheme of reform has only to be mentioned to elicit an immediate response from the public-spirited men of all communities. To those who are disposed to assist in the good work, we would recommend a perusal of Chapter XIV of the Indian Jail Committee Report 1919-20 where much useful information regarding organisation will be found.

O. F. LUMSDEN,  
*President, Jail Committee.*

JAI LAL,  
*Member, Jail Committee.*

ABDUL QADIR,  
*Member, Jail Committee.*