

**REPORT**  
OF THE  
**UNITED PROVINCES**  
**JAILS INQUIRY COMMITTEE**  
**1929**



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# Report of the United Provinces Jails Inquiry Committee, 1929.

## CHAPTER I.

### PRELIMINARY.

1. THE Jails Committee of the United Provinces was constituted under Resolution No. 1947/200 (28)—27, Judicial Criminal Department, dated 5th June, 1928. The Committee commenced its work on the 15th November, 1928, and concluded on the 14th March, 1929. The report was signed on the 14th March by the Chairman and Pandit Jagat Narain. Hafiz Hidayat Husain was unable to be present that day. He signed the report two days later. In this period all the Central Prisons in the United Provinces (six in number), all the first-class District Jails in the United Provinces (eleven in number), fourteen second-class District Jails, five third-class District Jails (including the Bareilly Juvenile Jail) and the fourth-class District Jail at Dehra Dun were visited. The Committee thus visited the six Central Prisons and thirty-one out of the fifty District Jails in this Province. They visited all the larger District Jails.

2. In addition the following other places were visited :—

- (1) Lahore Central Prison, Punjab;
- (2) Montgomery Central Prison, Punjab;
- (3) Borstal Institution, Lahore, Punjab;
- (4) Kasur Sub-Jail, Punjab, under reconstruction;
- (5) The Burewala Reformatory Farms for conditionally released convicts, Punjab;
- (6) The Military Prison and the Military Detention Barracks, Lucknow;
- (7) The Allahabad Agricultural Institute, Naini, E. I. R.;
- (8) The Salvation Army Settlement for Criminal Tribes at Moradabad;
- (9) The Salvation Army Settlement for Criminal Tribes at Gorakhpur;

- (10) The Salvation Army Settlement for Criminal Tribes at Bareilly;
- (11) The Mental Hospital for Criminal Lunatics, Benares;
- (12) The Mental Hospital, Bareilly;
- (13) The Army Clothing Factory, Shahjahanpur;
- (14) The Government Tyler Weaving School, Shahjahanpur.

A list of all the places visited will be found in the First Appendix to this Chapter.

3. We wish here to record our appreciation of the kindness of the Punjab Government, and of the gentlemen who gave up their time to show us the working of these institutions, and tender our thanks particularly to Colonel J. Carysfort Loch, Director of Military Prisons and Detention Barracks; Lieutenant-Colonel F. C. Jenkin, D.S.O., Chief Ordnance Officer, Shahjahanpur; Lieutenant-Colonel F. A. Barker, O.B.E., I.M.S., Inspector-General, Prisons, Punjab; Major N. Briggs, I.M.S., Superintendent, Borstal Institution, Lahore; Sardar Gur Pratab Singh, Chief Reclamation Officer and Inspector-General, Reformatory Schools, Punjab; Dr. S. Higginbottom, Superintendent, Allahabad Agricultural Institute; Adjutant Smith, Captain Pinchbeck and Major Pettiford of the Salvation Army; and Mr. Gian Prasad, Superintendent, Government Tyler Weaving School, Shahjahanpur.

4. The Committee issued questionnaires which will be found in the second Appendix to this Chapter to all members of the Legislative Council, all non-official visitors of Jails, and to all gentlemen whose names were mentioned to them as interested in the subject of jail administration, and likely to assist the inquiry. Notices were inserted in leading newspapers inviting those who had not received questionnaires to apply for them. All who answered the questionnaires were asked to give evidence, and many who did not answer were asked to give evidence. Some were asked more than once. The Committee regrets that there was not a more general response to their invitations, and regrets particularly that it was decided by the Congress Party that no member of the party should meet the Committee. Four hundred and thirty-two witnesses, whose statements have been placed on record, were examined by the Committee. Of these four were members of the Legislative Council, and twenty-one were non-official visitors of Jails. Four of these are already included as members of the Legislative Council. One hundred and fifty-three convicts actually under custody and eight released convicts were examined. The Committee endeavoured to obtain, as far as possible, the evidence of all possessing special knowledge

which could help them, and examined, amongst others (the names are given in the order in which they were heard)—

- (1) Mr. L. B. Gilbert, I.S.E., Executive Engineer, Cawnpore;
- (2) Mr. A. L. Carnegie, President, Upper India Chamber of Commerce;
- (3) Lieutenant-Colonel J. G. Ryan, M.B.E., Secretary, Upper India Chamber of Commerce;
- (4) Lieutenant-Colonel C. L. Dunn, C.I.E., I.M.S., Director of Public Health, U. P.;
- (5) Rai Bahadur Mitthan Lal, Retired Superintendent, Jails, United Provinces.
- (6) Dr. A. E. Parr, M.A., Ph.D., Deputy Director of Agriculture;
- (7) Mr. F. Young, C.I.E., I.P.S., Special Dacoity Police Officer;
- (8) Dr. S. Higginbottom, Superintendent, Allahabad Agricultural Institute;
- (9) Mr. P. Robinson, Resident Engineer, United Provinces, Electric Supply Company, Lucknow.
- (10) Mr. J. W. McNamara, Deputy Superintendent, Government Press.
- (11) Mr. S. P. Shah, I.C.S., Director of Industries, United Provinces.
- (12) Colonel R. F. Baird, I.M.S., Inspector-General of Civil Hospitals.
- (13) Mr. H. Williamson, C.I.E., I.P.S., Deputy Inspector-General of Police;
- (14) Rai Sahib Prag Das, Retired Jailer, United Provinces;
- (15) Lieutenant-Colonel F. A. Barker, O.B.E., I.M.S., Inspector-General of Prisons, Punjab;
- (16) Major N. Briggs, I.M.S., Superintendent, Borstal Institution, Lahore;
- (17) Sardar Gur Pratab Singh, Chief Reformatory Schools, Punjab;
- (18) Lieutenant-Colonel J. E. Clements, I.M.S., Inspector-General of Prisons, United Provinces.

A list of the witnesses whose statements were recorded will be found as the third Appendix to this Chapter. In addition many more convicts spoke to the Committee in the Jails. Where their statements gave no

assistance they were not recorded. Every opportunity was given to the convicts of saying whatever they wished.

5. The Committee was directed under the Government order to which reference has been made to inquire into—

- (a) the jail administration of these Provinces in general with particular reference to the present state of discipline;
- (b) the organization of the jail services with particular reference to the management of Central Prisons and the larger district jails;
- (c) the adequacy of supervision;
- (d) the possibility of expansion of education of juvenile prisoners and of vocational training;
- (e) any cognate matters;

and to suggest such measures for improvement as may appear necessary or desirable with an estimate of the cost where improvements involve increased expenditure. Particular subjects were subsequently referred for opinion by the Local Government. These subjects will be considered under the heads concerned.

6. In this inquiry it was necessary for the Committee to consider, in the first instance, the principles that should guide them. The first principle is clear. It is now accepted in all civilized countries that judicial punishment is justified to the extent that it aims at the reformation of the person punished. After that, there are divergences in opinion as to the methods of reformation. In some places there has been a tendency to make the system almost devoid of punishment. In other places there has been a tendency to over-emphasize the importance of treating the criminal as a pathological subject. There has been variance in the same places even in the last few years, and there has been recently, in certain important places, a marked reaction in favour of coercive measures. The United States of America have, in the past century, embarked on the most varied experiments of a far-reaching character aimed at eliminating the coercive element from their prison system. But in the last few years the most repressive laws yet seen in the modern world have been enacted in New York. The reference is to the Boehm Laws. Under these a man convicted of three felonies is, on his fourth conviction for felony, sentenced to imprisonment for the rest of his natural life. A man convicted of highway robbery receives a minimum sentence of fifteen years on his first conviction. Other serious offences are as severely treated. The justification for the Boehm Laws was the widespread increase of serious crime under a milder system.

7. The Committee has accepted as a guide the principles adopted in Great Britain. There it is now held as axiomatic by those responsible for the conduct of prison life that the prison system, while reformatory, must restrain liberty, must act effectively as a deterrent, and must also contain an element of retribution. The treatment must in addition be essentially humane and in the main educative. Thus reformation is reached. The Committee considers that it is not only from the principles of Great Britain, but from the methods of Great Britain that guidance should be sought. Those methods appear to avoid equally both inhumanity and misplaced leniency, and to provide the best hope for reclamation of character and genuine change of life. But great care has to be taken in applying both principles and methods to Indian conditions.

8. It is probably not realized by most how great is the contrast between crime in Great Britain and crime in India. We give certain figures for England and Wales (population 37,885,242) and the United Provinces (population 45,375,787). In 1926—this is the last year for which figures are available—the average jail population in England and Wales was only 10,860, whereas in the United Provinces it was 29,868. In this province it was thus nearly three times as large. In England and Wales in 1926 more than one-third of the total admissions to jail were, for a period of one month or less, more than one-third were from one to three months, and the admissions for three months and less formed more than three-quarters of the whole number. In this province the figures are strikingly different.

*Admissions in the province in 1926.*

	Males.	Females.
One month and less .. .. .	2,830	101
Above one month, not exceeding three months .. .. .	4,883	201
Above three months, not exceeding six months .. .. .	4,977	141
Above six months, not exceeding one year .. .. .	10,188	89
Above one year, not exceeding two years .. .. .	3,006	64
Above two years, not exceeding five years .. .. .	1,999	33
Above five years, not exceeding ten years .. .. .	944	7
Exceeding ten years .. .. .	69	1
Transportation for life .. .. .	523	15
Transportation for a term .. .. .	2	..
Total .. .. .	29,421	652

It will be seen that in this Province less than one-tenth of the admissions were for a period of one month and less, and just over a quarter were for a period of three months and less. The main reason for the long sentences in this province is that the offences committed are of a much more serious nature than the offences committed in England and Wales.

9. A comparative table of various offences is instructive :—

1926.

*Persons convicted and sentenced to imprisonment of any form and to sentences of death.*

**SERIOUS CRIME.**

Offence.	England and Wales.	United Provinces.
Murder, manslaughter, wounding, etc. .. .. .	483	2,818
Dacoity .. .. .	*Nil	1,141
Robbery with violence .. .. .	†Nil	350
Burglary, house-breaking, etc. .. .. .	1,716	3,335
Sent to prison for failing, being habitual criminals, to find security to be of good behaviour under the Code of Criminal Procedure	..	16,220

\* Dacoity is an offence unknown in England and Wales.

† There are no separate figures for convictions under this head in the English returns. The figure is probably included under burglary, house-breaking, etc.

‡ These men are habitual thieves, burglars or dacoits. There is no provision for dealing with such men in England and Wales.

**VENIAL CRIME.**

Offence.	England and Wales.	United Provinces.
Larceny, embezzlement, receiving, and false pretences ..	12,399	6,019
Causing simple hurt (called assault in England) .. .. .	3,188	2,052
Drunkenness .. .. .	10,386	} 4,481
Breach of police regulations .. .. .	1,896	
Prostitution (women) .. .. .	1,219	
Begging or sleeping out without visible means of subsistence ..	2,530	

§ These offences are not necessarily venial. In the case of old offenders they may be serious, but the large majority are venial.

¶ Only a portion of these offences in the United Provinces are for drunkenness, etc. There are no separate figures. 4,481 persons were sent to prison in the United Provinces for all offences committed under the provisions of laws other than the Indian Penal Code.

Thus it will be seen that under some heads of serious crime there were 2,199 convictions resulting in imprisonment or more severe punishment in England and Wales, whereas there were 13,864 convictions of a similar nature in the United Provinces. Under some heads of venial crime there were 31,618 convictions resulting in imprisonment in England and Wales and 12,552 convictions in the United Provinces.

10. There is another striking difference. According to the 1926 figures (the latest the Committee has been able to obtain) there were on an average 1,555 convicts in the "convict prisons" for England and Wales. Any person sentenced to imprisonment for three years and over must be sentenced to penal servitude, and is confined in a convict prison. On 1st August, 1928 (the latest figure available) there were 13,546 convicts serving sentences of three years and over in the United Provinces. The gravity of the offences committed by convicts under sentences of imprisonment in the United Provinces is shown by the figures of 1st August, 1928, relating to the Central Prisons in the United Provinces. The Central Prisons should contain only convicts sentenced to terms of five years' rigorous imprisonment and over. Convicts sentenced to short terms of imprisonment should be in the District Jails, but certain short-term convicts have to be sent to Central Prisons to provide labour for outgangs and for other reasons. There has been, in the opinion of the Committee, a tendency to send too many short-term convicts to the Central Prisons. Comment will be directed to this tendency in another part of the Report.

11. On the 1st August, 1928 there were in the Central Prisons of the province 11,922 convicts, of whom 5,608 were classified as habituals and 6,314 were classified as non-habituals. 2,983 of these were serving sentences of less than five years. As 1,408 convicts in the District Jails were serving sentences of over five years there should be some adjustment in the future.

12. The following table shows the offences of which some of these convicts were convicted:—

Offence.	Number of convicts under- going sentences.
Murder under section 302, Indian Penal Code .. ..	1,683
Dacoity, aggravated or otherwise, or being members of a gang of dacoits, etc. .. ..	4,627
Robbery with violence .. ..	260
Culpable homicide not amounting to murder .. ..	963

There are many convicts serving sentences for dacoity and robbery in the District Jails. Dacoits and robbers are more often than not classified as non-habituals. It is thus seen that there are more convicts convicted of murder in the United Provinces than there are convicts convicted of all offences in all the convict prisons of England and Wales, and that the number of convicts convicted of dacoity and robbery is between 5,000 and 6,000. These facts are serious.

13. There are other serious facts. In England and Wales the jail population has decreased and is continuing to decrease. The jail population in this province shows no sign of diminution. In fact, the tendency is the other way. The fourth Appendix to this Chapter gives the figures for this century. It appears that at one time there was a tendency to diminish, but the tendency has lately been the reverse; and with these figures must be considered the fact that relief has been afforded by the expedient of wholesale releases. These are the most striking instances of wholesale releases :—

In 1903, 4,396 were released to celebrate His Majesty King Edward's Coronation.

In 1912, 3,008 were released to celebrate the Delhi Durbar.

In 1919, 10,760 were released to celebrate the close of the Great War.

In 1921, 7,055 were released to celebrate the Prince of Wales' visit.

In 1923, some 3,000 were released to relieve overcrowding.

In 1926, 2,973 were released to relieve overcrowding.

On January 20, 1929, 2,788 were released to relieve overcrowding.

When releases are to relieve overcrowding the advisability of absolving persons convicted of offences against the law from serving the sentences ordered by the Courts on the ground solely that the Crown will not undertake the responsibility of providing the means of enforcing these sentences is open to question.

14. The fifth Appendix to this Chapter shows the previously convicted and other habitual offenders admitted to the jails from 1901 to 1927. In reading these figures it must be remembered that until 1914 persons who were sent to prison under the Code of Criminal Procedure, because being habitual thieves, burglars or robbers, they were unable to find security for their good behaviour were not classified as habituals. Thus the figures are only really comprehensible from 1914 onwards. Since then, however, there has been a distinct rise, and the figures are even worse than they appear, for the Committee has discovered that in many instances the classification has been so faulty that convicts who on the face of it were habitual offenders have been classed as non-habituals.



15. It has been pointed out in the past that the figure of previously convicted and habitual offenders in this province compares favourably with that in England and Wales. This conclusion, however, is erroneous. It is based on a failure to appreciate that in the United Provinces (apart from faulty classification) only those previous convictions are recorded in a warrant which are for offences punishable under Chapters XII, XVII and XVIII of the Indian Penal Code, that is, offences relating to coin and Government stamps, offences against property, and forgery. It is true that in 1926 the proportion of previously convicted offenders to the population of total jail admissions in England and Wales was 65 per cent. But there every conviction is recorded. A disorderly woman, who is an habitual alcoholic and would be better in a mental home than in a jail, is recorded on her twenty-first conviction of being drunk and disorderly as having twenty previous convictions, and the statistics show the fact. Here no previous convictions are recorded under the rules unless they are under Chapters XII, XVII, and XVIII. The object is mainly to disclose offenders liable to increased punishment under section 75 of the Indian Penal Code. Comparisons are thus absolutely misleading.

16. There are other points. In England and Wales the vast majority of the convicts are literate. They have had sufficient grounding to make their further education both feasible and possible. They are almost all townsmen with no knowledge of rural pursuits, and when not handicraftsmen are easy to train in handicrafts. The conditions in the United Provinces will be seen from the admissions in 1927—a typical year.

	Males.	Females.
(1) Able to read and write .. .. .	870	4
(2) Able to read only .. .. .	182	1
Total of (1) and (2) .. .. .	1,052	5
Completely illiterate .. .. .	28,056	646

Thus out of a total of 29,759, 28,702 (96·44 per cent.) were completely illiterate.

Out of the 29,108 males 22,108 (75·95 per cent.) were persons engaged in agriculture or with animals.

17. The differences in conditions can now be summarized. In England and Wales the authorities have to deal with a prison population the large majority of whom have been convicted of offences of a comparatively venial nature and sentenced to short sentences. Almost all are literate. The vast majority are townsmen. The prison population is decreasing steadily. In the United Provinces the authorities have to deal with a prison population, the majority of whom have been convicted of offences not of a venial nature and sentenced to sentences of over six months. Less than one-twentieth are literate. Three quarters are agriculturists. The prison population is increasing. Further, the proportion of professional criminals is increasing. In the next Chapter the methods in England and Wales will be described.

## APPENDIX I.

*Places visited.*

Date.	Places visited.	Were witnesses examined?	Nature of journey, if any.	Remarks.	No. of inmates at the time of inspection.
November 12, 1928.	Lucknow Military Prison and Detention Barracks.	No ..	..	..	..
November 18, 1928.	Unao District Jail.	Yes ..	Lucknow-Unao-Cawnpore.	..	459
November 19, 1928.	None ..	No ..	Cawnpore-Fatehgarh.	Journey only ..	..
November 20, 1928.	Fatehgarh Central Prison.	Yes ..	..	..	2,201
November 21, 1928.	Ditto ..	Yes ..	..	..	..
November 22, 1928.	Fatehgarh District Jail.	Yes ..	..	..	477
	Fatehgarh Central Prison.	No ..	..	Surprise afternoon visit.	..
November 23, 1928.	Ditto ..	Yes ..	..	..	..
Ditto ..	Ditto ..	No ..	..	Surprise night visit.	..
November 24, 1928.	None ..	Yes ..	..	Only witnesses	..
November 25, 1928.	Fatehgarh Central Prison.	No ..	..	..	..
November 26, 1928.	Mainpuri District Jail.	Yes ..	Fatehgarh-Mainpuri: Mainpuri-Fatehgarh.	Witnesses examined in Fatehgarh also.	498
November 27, 1928.	Fatehgarh Central Prison.	No* ..	..	*One was called who did not appear.	..
November 28, 1928.	None ..	No ..	Fatehgarh-Cawnpore.	Journey only ..	..

Date.	Places visited.	Were witnesses examined?	Nature of journey, if any.	Remarks.	No. of inmates at the time of inspection.
November 29, 1928.	Cawnpore District Jail.	Yes ..	..	..	632
November 30, 1928.	None ..	Yes ..	..	Only witnesses	..
December 1, 1928.	Cawnpore District Jail.	Yes ..	Cawnpore-Lucknow.	..	..
December 3, 1928.	None ..	Yes ..	..	Only witnesses	..
December 4, 1928.	Lucknow Central Prison.	Yes ..	..	..	1,829
December 5, 1928.	Ditto ..	Yes ..	..	..	..
December 6, 1928.	Ditto ..	No ..	..	..	..
December 7, 1928.	Ditto ..	Yes ..	..	..	..
December 8, 1928.	Lucknow District Jail.	Yes ..	..	..	646
December 10, 1928.	Lucknow Central Jail.	Yes ..	..	..	..
December 11, 1928.	None ..	Yes ..	..	..	..
December 12, 1928.	None ..	Yes ..	..	..	..
December 13, 1928.	..	..	Lucknow-Cawnpore.	..	..
December 14, 1928.	Cawnpore District Jail.	Yes ..	..	..	..
December 15, 1928.	..	..	Cawnpore-Etawah.	..	..
December 16, 1928.	Etawah District Jail.	Yes ..	Etawah-Agra ..	..	358
December 17, 1928.	Agra Central Jail.	Yes ..	..	..	2,090
December 18, 1928.	Ditto ..	Yes ..	..	..	..
December 19, 1928.	Ditto ..	Yes ..	..	..	..

Date.	Places visited.	Were witnesses examined?	Nature of journey, if any.	Remarks.	No. of inmates at the time of inspection.
December 20, 1928.	Agra Central Jail	Yes ..	..	..	..
December 21, 1928.	Agra District Jail.	Yes ..	..	..	633
December 23, 1928.	Fatehpur District Jail.	..	Cawnpore-Fatehpur.	..	314
December 24, 1928.	Ditto ..	..	Fatehpur-Cawnpore.	..	..
December 26, 1928.	Muttra District Jail.	Yes ..	Agra-Muttra : Muttra-Agra.	..	319
December 28, 1928.	Aligarh District Jail.	Yes ..	Agra-Aligarh : Aligarh-Agra.	..	509
December 29, 1928.	..	Yes ..	..	..	..
December 30, 1928.	Mainpuri District Jail.	..	Agra-Cawnpore via Mainpuri.	..	..
December 31, 1928.	Cawnpore District Jail.	..	..	..	..
January 1, 1929	..	..	Cawnpore-Lucknow.	..	..
January 2, 1929	..	Yes ..	..	..	..
January 3, 1929	..	Yes ..	..	..	..
January 4, 1929	..	Yes ..	..	..	..
January 5, 1929	..	Yes ..	..	..	..
January 6, 1929	Rae Bareli District Jail.	Yes ..	Lucknow-Rae Bareli-Allahabad.	..	636
January 7, 1929	Central Prison, Naini.	Yes ..	..	..	2,117
January 8, 1929	Ditto ..	Yes ..	..	..	..
January 9, 1929	Central Prison, Naini.	Yes ..	..	..	..
January 10, 1929.	Ditto ..	Yes ..	..	..	..
January 11, 1929.	District Jail, Allahabad.	Yes ..	..	..	774

Date.	Places visited.	Were witnesses examined?	Nature of journey, if any.	Remarks.	No. of inmates at the time of inspection.
January 12, 1929.	Naini Agricultural Institute.	..	..	..	..
January 13, 1929.	..	..	Allahabad-Benares.	..	..
January 14, 1929.	Central Jail, Benares.	Yes ..	..	..	1,894
January 15, 1929.	Ditto ..	Yes ..	..	..	..
January 16, 1929.	Ditto ..	Yes ..	..	..	..
January 17, 1929.	Central Jail, Benares. Benares Mental Hospital.	Yes ..	..	..	263
January 18, 1929.	District Jail, Benares.	Yes ..	..	..	521
January 19, 1929.	District Jail, Mirzapur.	Yes ..	Benares-Mirzapur-Benares.	..	196
January 20, 1929.	District Jail, Jaunpur.	Yes ..	Benares-Jaunpur.	..	271
January 21, 1929.	District Jail, Partabgarh.	Yes ..	Jaunpur-Partabgarh-Sultanpur.	..	259
January 22, 1929.	District Jail, Sultanpur.	Yes ..	Sultanpur-Fyzabad.	..	298
January 23, 1929.	District Jail, Fyzabad.	Yes ..	..	..	532
January 24, 1929.	District Jail, Gonda.	Yes ..	Fyzabad-Gonda	..	502
January 25, 1929.	District Jail, Basti	Yes ..	Gonda-Basti-Gorakhpur.	..	268
January 26, 1929.	District Jail, Gorakhpur : The Criminal Tribes Settlement at Gorakhpur.	Yes ..	..	..	374
January 27, 1929.	..	..	Gorakhpur-Fyzabad.	378 + 53	431

Date.		Places visited.	Were witnesses examined?	Nature of journey, if any.	Remarks.	No. of inmates at the time of inspection.
January 1929.	28,	District Jail, Bara Banki.	Yes ..	Fyzabad-Bara Banki-Lucknow.	..	390
January 1929.	30,	..	Yes ..	..	At Lucknow ..	..
January 1929.	31,	..	Yes ..	..	Ditto ..	..
February 1929.	1,	..	Yes ..	..	Ditto ..	..
February 1929.	2,	..	Yes ..	..	Ditto ..	..
February 1929.	4,	..	Yes ..	..	Ditto ..	..
February 1929.	6,	..	Yes ..	..	Ditto ..	..
February 1929.	8,	..	Yes ..	..	Ditto ..	..
February 1929.	9,	..	Yes ..	..	Ditto ..	..
February 1929.	10,	..	..	Lucknow-Shahjahanpur.	..	..
February 1929.	11,	District Jail, Shahjahanpur : Government Tyler Weaving School, Shahjahanpur.	Yes ..	Shahjahanpur-Bareilly.	..	422
February 1929.	12,	Central Jail, Bareilly.	Yes ..	..	..	2,018
February 1929.	13,	Ditto ..	Yes	..	..	..
February 1929.	14,	Ditto ..	Yes ..	..	..	..
February 1929.	15,	Bareilly Juvenile Jail.	Yes ..	..	..	184
February 1929.	16,	District Jail, Bareilly.	Yes ..	..	..	805
February 1929.	18,	Salvation Army Settlement, Rajabad, Bareilly.	Yes ..	..	..	..

Date.	Places visited.	Were witnesses examined?	Nature of journey, if any.	Remarks.	No. of inmates at the time of inspection.
February 19, 1929.	Moradabad District Jail.	Yes ..	Bareilly-Moradabad: Moradabad-Bareilly.	..	613
February 20, 1929.	Meerut District Jail.	Yes ..	Bareilly-Meerut	..	777
February 21, 1929.	Lahore Borstal Institution.	Yes ..	..	..	1,355
February 22, 1929.	Lahore Central prison. Kasur Sub-Jail ..	..	Lahore-Kasur-Burewala.	..	2,800
February 23, 1929.	Burewala and Montgomery.	Yes ..	Burewala-Montgomery-Lahore.	Burewala farms Montgomery Central Prison.	325 2,021
February 24, 1929.	..	..	Lahore-Bareilly	..	..
February 25, 1929.	..	..	Bareilly-Shahjahanpur.	..	..
February 26, 1929.	Sitapur District Jail.	Yes ..	Shahjahanpur-Sitapur-Lucknow.	..	771
February 27, 1929.	..	..	..	Writing of Report.	..
February 28, 1929.	..	Yes ..	..	..	..
March 1, 1929..	..	Yes ..	..	..	..
March 2, 1929..	..	..	..	Writing of Report.	..
March 3, 1929..	Lakhimpur District Jail.	..	Lucknow-Lakhimpur-Lucknow.	..	408
March 4, 5, 6, 7 and 8, 1929.	..	..	..	Writing of Report.	..
March 9, 1929..	..	..	Lucknow-Dehra Dun.	..	..
March 10, 1929	Dehra Dun District Jail.	Yes ..	Dehra Dun-Hardoi.	..	105
March 11, 1929	Hardoi District Jail.	..	Hardoi-Lucknow	..	631
March 12, 13 and 14, 1929.	..	..	..	Writing of Report.	..



## APPENDIX II.

### GENERAL QUESTIONNAIRE.

1. What is the extent of your experience of administration in
  - (a) Central Jails,
  - (b) District Jailsin the United Provinces ?
2. Do you consider that the Inspector-General of Prisons requires assistance in the performance of his duties ?
3. Are you in favour of the present system under which the duties of the Superintendent and Medical Officer in Central and District Jails are performed by the same officer ?
4. If you are not in favour of separation of these duties, how would you select the Superintendent of a Central Jail ?
5. Are you in favour of adding to the permanent Jail staff officers possessed of special technical knowledge in respect of trades and manufactures with the object of increasing the efficiency of jail labour ? If you are in favour of such a course, what proposals have you to make as to the selection of such officers ?
6. Are you in favour of the present system under which certain Superintendents of Central Jails are in addition Superintendents of District Jails ?
7. Are you in favour of the present system under which the charge of District Jails is usually undertaken by Civil Surgeons in addition to their other duties ? If you are not in favour of the present system, what modifications do you suggest ? Would you retain Civil Surgeons as Superintendents of any District Jails ? If so, of which District Jails ?
8. Are you satisfied with the present system of recruitment of Jailers, Deputy Jailers, Assistant Jailers and of the clerical staff in jails ?
9. Have you any suggestions to make as to alteration in the duties of Jailers, Deputy Jailers and Assistant Jailers in
  - (a) Central Jails,
  - (b) District Jails ?
10. Do you consider it desirable that
  - (a) all,
  - (b) any prisonersshould be confined at night in barracks without being separated by walls or partitions from one another ?
11. If you are in favour of segregating certain prisoners at night and not permitting them to have access to other prisoners, will you please state the class of prisoners
  - (a) in Central Jails,
  - (b) in District Jailswho you consider should be so segregated ?
12. Do you consider that the charge of prisoners at night should be left
  - (a) in all circumstances,
  - (b) in certain circumstances,
  - (c) in any circumstancesto convict warders ?
13. If you are in favour of permitting convict warders to have complete charge of some but not of all prisoners at night, what class of prisoners do you consider can be left at night entirely in the charge of convict warders ?

14. Are you in favour of the abolition of the present system of convict officials or would you retain convict officials

- (a) as at present,
- (b) or under different conditions ?

If you wish to vary the present conditions, what modifications do you suggest ?

15. Do you consider the work of the present paid warders satisfactory

- (a) in Central Jails,
- (b) in District Jails ?

16. If you do not consider this work satisfactory what changes would you suggest in respect of

- (a) recruitment of paid warders,
- (b) their duties, pay and prospects,
- (c) their quarters ?

17. What is your opinion as to the tasks at present exacted from convicts in

- (a) Central Jails,
- (b) District Jails ?

Are these tasks in your opinion

- (a) excessive,
- (b) neither excessive nor insufficient, or
- (c) insufficient ?

18. Do you consider that convicts in

- (a) Central Jails,
- (b) District Jails,

are employed on suitable employments from the points of view of

- (a) the convict's mental or moral improvement,
- (b) utility to the State,
- (c) discipline in the jails ?

19. Are you in favour of the introduction of modern machinery towards the development of jail labour ?

20. Are you in favour of or opposed to the employment of convicts on

- (a) agricultural extra-mural labour,
- (b) non-agricultural extra-mural labour ?

21. Are you in favour of or opposed to the employment of convicts sentenced to simple imprisonment on light labour as opposed to hard labour ? (See section 53, Indian Penal Code, for the use of the words "hard labour.") If you are in favour of their employment on light labour, on what forms of light labour do you suggest that they should be employed ?

22. Do you consider that the present arrangements in

- (a) Central Jails,
- (b) District Jails

as to the clothing of convicts, their facilities for washing and performances of the offices of nature are satisfactory ? If you do not consider them satisfactory, will you please state the improvements which you consider necessary ?

23. Do you consider that convicts in

- (a) Central Jails,
- (b) District Jails

are sufficiently and suitably fed ? Have you reason to suppose that in any circumstances they do not receive the quantity and quality of food prescribed in the Jail Manual, or that that food is improperly cooked ? Will you please state the improvements which you consider necessary as to the feeding of the convicts ?

24. Are you satisfied with the present arrangements for the medical attendance of convicts in

- (a) Central Jails,
- (b) District Jails ?

If you are not so satisfied, will you please state the improvements which you recommend as to their medical attendance and their nursing ?

25. What facilities do you consider should be given to convicts for their moral and religious instruction and for the performance of their religious ceremonies ? Are you in favour of the employment of official or non-official agency for their moral or religious instruction ? Are you in favour of the agency for their moral and religious instruction being remunerated separately ?

26. What facilities do you propose for the education of convicts in

- (1) Central Jails,
- (2) District Jails ?

(Please divide your suggestions to cover separately the cases of convicts under 21 years of age, of convicts between 21 and 25 years of age and of convicts over 25 years of age classed according to their previous literacy or illiteracy.)

27. What forms of agency would you employ in such education ? What should be the remuneration of the instructors ?

28. How far would you include vocational training in such education ?

29. What forms of recreation do you consider suitable for convicts during their recreation hours in

- (1) Central Jails,
- (2) District Jails ?

NOTE.—Please divide your recommendations here under separate headings—

- (1) Literate convicts under 21 years of age,
- (2) Illiterate convicts under 21 years of age,
- (3) Literate convicts over 21 years of age,
- (4) Illiterate convicts over 21 years of age.

30. Are you in favour of permitting convicts to smoke tobacco either irrespective of their conduct or as a reward for good conduct ?

31. Do you consider that greater facilities should be given to convicts than are given at present in respect of interviews with their friends and of receiving and despatching letters ?

32. Have you any reason to suppose that police officers are permitted inside the jails without special permission of the proper authorities ? Have you reason to believe that police officers obtain information from convicts while in jail ?

33. Will you please suggest any incentives which may have occurred to you for the improvement of the conduct of convicts in jail and for the improvement of their characters ?

34. Are you in favour of granting to convicts a share of the profits of their work ? If you are in favour of granting them a share of the profits of their work, do you consider that they should receive this benefit for all the work done by them or for work done in excess of their allotted tasks ? Would you grant this benefit in the form of money to be paid to them on their release or partly in the form of money to be paid to them on their release and partly in the form of luxuries purchased by them out of such profits while in jail ?

35. What is your opinion as to the present rules in respect of the infliction of punishments in jails ? Do you suggest any improvements under this head ? If so, what ?

36. Will you please make any suggestions which may occur to you for the supervision of the convicts on their release from jail and their subsequent assistance in order that they may earn an honest livelihood ?

37. Do you propose any differentiation in the treatment of convicts on account of their circumstances and upbringing before admission to jail ? What differentiation, if any, do you propose ?

38. Will you please suggest any alterations in the treatment in jail of European and Anglo-Indian convicts which may occur to you ?

39. Will you please state your opinion on any points connected with jail administration not included in the above questionnaire ? You are requested to state your opinion on any points in which you are interested.

40. Will it be convenient for you to appear before the Committee during its sittings ? A programme of the tour of the Committee is attached.

41. Please return this questionnaire with answers to the Secretary, Jail Committee, c/o Registrar, Chief Court of Oudh, Lucknow, on or before 1st October, 1928, in the stamped envelope accompanying this questionnaire.

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SUPPLEMENTARY QUESTIONNAIRE FOR SUPERINTENDENTS  
OF CENTRAL JAILS.

1. How many convicts were inmates of the Central Jail on  
1st August, 1928 ?
2. Of these how many are classified as habituals ?
3. Were all of these habitual convicts separated from the remainder
  - (a) at work,
  - (b) in barracks ?
4. If any were not so separated, please state the number who were not separated
  - (a) at work,
  - (b) in barracks.
- 5. Were there any convicts in the jail on that date undergoing sentences of less than 5 years' rigorous imprisonment ? If so, please state the number of convicts undergoing imprisonment
  - (1) for 4 years and less than 5 years,
  - (2) for 3 years and less than 4 years,
  - (3) for 2 years and less than 3 years,
  - (4) for 1 year and less than 2 years.
6. Please state the number of salaried jail officials in the jail on the 1st of August, 1928 under the following heads:—
  - (1) Jailers.
  - (2) Deputy Jailers.
  - (3) Assistant Jailers.
  - (4) Clerks.
  - (5) European Warders.
  - (6) Indian Intramural Warders of the Warder Guard.
  - (7) Indian Warders of the Reserve Guard.
  - (8) Female Warders.
  - (9) Gate-keepers.
  - (10) Sub-Assistant Surgeons.
  - (11) Clerks and Muharrirs.
7. On the 1st August, 1928 how many convicts were employed as
  - (1) Convict Night Watchmen,
  - (2) Convict Overseers,
  - (3) Convict Warders ?
8. Did the number of convict officials exceed 10 per cent. of the jail average population ? If so, by how much ?

9. Please state the offences of which these various convict officials had been convicted and the periods of imprisonment which each had to undergo on 1st August, 1928.

10. Please give in detail the employment of all the convicts in the jail on 1st August, 1928.

11. How many convicts were confined at night in cells and how many were confined in barracks on 1st August, 1928? Are the convicts confined in barracks separated from each other in any way?

12. How many barracks are there in the jail? Please state the number of convicts confined at night in each barrack.

13. Outside the convict warden staff, how many paid warders were employed on night duty in the barracks on 1st August, 1928?

14. Please state how many convicts in the jail on 1st August, 1928 had been convicted of the following offences:—

- (1) Dacoity under section 395, I. P. C.
- (2) Dacoity with murder under section 396, I. P. C.
- (3) Preparation for committing dacoity under section 399, I. P. C.
- (4) Belonging to a gang of dacoits under section 400, I. P. C.
- (5) Assembling to commit dacoity under section 402, I. P. C.

How many convicts on 1st August, 1928, had been convicted of

- (1) robbery under section 392, I. P. C.,
- (2) attempt to commit robbery under section 393, I. P. C.,
- (3) voluntarily causing hurt in commission of robbery under section 394, I. P. C.,
- (4) attempting to commit robbery or dacoity when armed with deadly weapon under section 398, I. P. C.,
- (5) belonging to a gang of thieves under section 401, I. P. C. ?

How many convicts on 1st August, 1928 had been convicted,

- (1) murder under section 302, I. P. C.,
- (2) culpable homicide not amounting to murder under section 304, I. P. C.
- (3) attempt to commit murder under section 307, I. P. C.;
- (4) attempt to commit culpable homicide under section 308, I. P. C.,

(NOTE.—Where prisoners have been convicted of other offences in addition to the above they should be classified only under the above heads.)

15. Were there any Indian Military prisoners in the jail on 1st August, 1928? If so, please state the number and the sentences passed upon them. How were these prisoners employed in the jail?

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#### SUPPLEMENTARY QUESTIONNAIRE FOR SUPERINTENDENTS OF DISTRICT JAILS.

1. How many convicts were inmates of the District Jail on 1st August, 1928 ?
2. Of these how many are classified as habituals ?
3. Were all of these habitual convicts separated from the remainder
  - (a) at work,
  - (b) in barracks?
4. If any were not so separated, please state the number who were not separated
  - (a) at work,
  - (b) in barracks.

5. Were there any convicts in the jail on that date undergoing sentences of more than one year's rigorous imprisonment? If so, please state the number of convicts undergoing imprisonment

- (1) for 1 year and less than 2 years,
- (2) for 2 years and less than 3 years,
- (3) for 3 years and less than 4 years,
- (4) for 4 years and less than 5 years,
- (5) for 5 years and over.

6. Please state the number of salaried jail officials in the jail on the 1st of August, 1928 under the following heads:—

- (1) Jailers.
- (2) Deputy Jailers.
- (3) Assistant Jailers.
- (4) Clerks.
- (5) Indian Intramural Warders of the Warder Guard.
- (6) Indian Warders of the Reserve Guard.
- (7) Female Warders.
- (8) Gate-keepers.
- (9) Sub-Assistant Surgeons.
- (10) Clerks and Muharrirs.

7. On the 1st August, 1928 how many convicts were employed as

- (1) Convict Night Watchmen,
- (2) Convict Overseers,
- (3) Convict Warders?

8. Did the number of convict officials exceed 10 per cent. of the jail average population? If so, by how much?

9. Please state the offences of which these various convict officials had been convicted and the periods of imprisonment which each had to undergo on 1st August, 1928.

10. Please give in detail the employment of all the convicts in the jail on 1st August, 1928.

11. How many convicts were confined at night in cells and how many were confined in barracks on 1st August, 1928? Are the convicts confined in barracks separated from each other in any way?

12. How many barracks are there in the jail? Please state the number of convicts confined at night in each barrack.

13. Outside the convict warder staff, how many paid warders were employed on night duty in the barracks on 1st August, 1928?

14. Were there any Indian Military prisoners in the jail on 1st August, 1928? If so, please state the number and the sentences passed upon them. How were these prisoners employed in the jail?

## APPENDIX III.

*List of witnesses examined.*

No.	Date.	Place.	Name of witness.	Description.
1	November 18, 1928.	Unao ..	Khan Bahadur Qazi Nazir Ahmad.	Pleader, Honorary Magistrate, non-official visitor.
2	Ditto ..	Do. ..	Mr. Flowers, I.C.S. ..	Collector, Unao.
3	Ditto ..	Do. ..	Khan Sahib Dr. Ismail Khan.	Civil Surgeon, Superintendent Jail.
4	Ditto ..	Do. ..	Mr. Ganga Prasad ..	Jailer.
5	November 20, 1928.	Fatehgarh	Chhote Lal Khattri ..	Convict.
6	Ditto ..	Do. ..	Ram Bharose Lonia ..	Do.
7	Ditto ..	Do. ..	Ram Dulare ..	Convict, Kakori prisoner.
8	Ditto ..	Do. ..	Sachindra Nath Bakhshi.	Ditto.
9	Ditto ..	Do. ..	Monindra Nath Banerji.	Convict, attempted to murder Deputy Superintendent, Benares.
10	Ditto ..	Do. ..	Piyare Lal Chaturvedi	Convict.
11	November 21, 1928.	Do. ..	Rahman .. ..	Do.
12	Ditto ..	Do. ..	Jadunandan ..	Do.
13	Ditto ..	Do. ..	Jangi Lal ..	Do.
14	Ditto ..	Do. ..	Buddhu .. ..	Do.
15	November 22, 1928.	Do. ..	Sheo Bhukhan ..	Do.
16	Ditto ..	Do. ..	Ayub Ali Khan ..	Clerk.
17	Ditto ..	Do. ..	Maharaj Narain ..	Do.
18	Ditto ..	Do. ..	Lalta Prasad ..	Head Warder.
19	Ditto ..	Do. ..	Ejaz Husain ..	Warder.
20	Ditto ..	Do. ..	Bindra Prasad ..	Head Warder, Reserve Guard.
21	November 23, 1928.	Do. ..	Babu Gendan Lal ..	Vakil and non-official visitor.
22	Ditto ..	Do. ..	Mr. J. F. Sale, I.C.S. ..	Collector.
23	November 24, 1928.	Do. ..	Mr. E. D. White ..	Superintendent, Central Prison and District Jail.

No.	Date.	Place.	Name of witness.	Description.
24	November 24, 1928.	Fatehgarh	Sardar Bahadur Bhai Ganda Singh.	Head Jailer, Central Prison.
25	November 26, 1928.	Do. ..	Ilahi Bakhsh ..	Ex-convict.
26	Ditto ..	Do. ..	Baldeo Prasad ..	Ditto.
27	Ditto ..	Do. ..	Kunwara ..	Ditto.
28	Ditto ..	Do. ..	Farruk .. ..	Ditto.
29	Ditto ..	Do. ..	Mulla .. ..	Ditto.
30	Ditto ..	Do. ..	Doarka .. ..	Ditto.
31	Ditto ..	Mainpuri..	Sheikh Ahmad Husain	Honorary Magistrate, Mukhtar, non-official visitor.
32	Ditto ..	Do. ..	Dr. Badri Dat Pande	Civil Surgeon and Superintendent.
33	Ditto ..	Do. ..	Khan Bahadur Maulvi Rafiuddin.	Collector.
34	Ditto ..	Do. ..	Karamat Ullah ..	Jailer.
35	November 29, 1928.	Cawnpore	Mr. L. B. Gilbert ..	Executive Engineer.
36	November 30, 1928.	Do. ..	Mr. Carnegie ..	President, United Provinces Chamber of Commerce.
37	Ditto ..	Do. ..	Mr. Ryan, M.B.E. ..	Secretary, United Provinces Chamber of Commerce.
38	December 1, 1928.	Do. ..	Babu Hulas Rai ..	Proprietor, Raizada & Co.
39	Ditto ..	Do. ..	Khan Bahadur Saiyid Mohammad Ismail.	Hamirpur.
40	December 3, 1928.	Lucknow..	Rai Bahadur Babu Mohan Lal, M.L.C.	Vakil, Hardoi.
41	December 4, 1928.	Do. ..	S. Sharafat Husain Zaidi.	Honorary Magistrate, Honorary Assistant Collector, Hardoi.
42	December 5, 1928.	Do. ..	Subedar Wajid Khan	Commanding Reserve Warder Guard, Central Prison.
43	Ditto ..	Do. ..	Shiam Sarup ..	Head Clerk, Central Prison.
44	Ditto ..	Do. ..	Havildar Rajjab Ali Khan.	Reserve Guard, Central Prison.
45	Ditto ..	Do. ..	Babu Newal Kishore Gupta.	Deputy Jailer, Central Prison



No.	Date.	Place.	Name of witness.	Description.
46	December, 5, 1928.	Lucknow	Bhagwan Bakhsh Singh	Intramural Warder, Central Prison.
47	December 7, 1928.	Do. ..	Mst. Ram Dei, Ahiran	Convict, Central Prison.
48	Ditto ..	Do. ..	Gokaran Prasad, Kayesth.	Ditto.
49	Ditto ..	Do. ..	Babu, Juvenile ..	Ditto.
50	Ditto ..	Do. ..	Jhinguri <i>alias</i> Tika, Juvenile.	Ditto.
51	December 8, 1928.	Do. ..	Abdul Rahman, no. 2291.	Ditto.
52	Ditto ..	Do. ..	Lalchand, no. 4194 ..	Ditto.
53	Ditto ..	Do. ..	Muhammad Ismail <i>alias</i> Lallan, no. 4577.	Ditto.
54	Ditto ..	Do. ..	Banwari Lal ..	Kakori convict, Central Prison.
55	December 10, 1928.	Do. ..	Lt.-Col. C. L. Dunn, C.I.F., I.M.S.	Director of Public Health, United Provinces.
56	Ditto ..	Do. ..	Babu Mathura Prasad	Zamindar, non-official visitor, Bara Banki.
57	December 11, 1928.	Do. ..	Ra: Bahadur Babu Abhainandan Prasad, M.L.C.	Honorary Magistrate, Honorary Munsif, Gorakhpur.
58	Ditto ..	Do. ..	Sheikh Abdus Samad Ansari.	Vakil, Sultanpur.
59	December 12, 1928.	Do. ..	Rai Bahadur Babu Hardeo Prasad.	Fyzabad.
60	Ditto ..	Do. ..	Pandit Parmeshwar Nath Sapru.	Vakil, Fyzabad.
61	December 14, 1928.	Cawnpore	Bulaki .. ..	Convict, Juvenile District Jail.
62	Ditto ..	Do. ..	Din Dayal ..	Ditto.
63	Ditto ..	Do. ..	Barkat .. ..	Ditto.
64	Ditto ..	Do. ..	Mr. Shankar Lal ..	Non-official visitor, Fatehpur.
65	December 16, 1928.	Etawah ..	Dr. Sheo Baran Singh	Superintendent, District Jail.
66	Ditto ..	Do. ..	Mr. J. H. Darwin, I.C.S.	Collector.
67	Ditto ..	Do. ..	Babu Ram Ghulam ..	Jailer, District Jail.

No.	Date.	Place.	Name of witness.	Description.
68	December 16, 1928.	Etawah ..	Rai Sahib Babu Shiam Bihari Lal.	Chairman, District Board, Honorary Magistrate, I Class.
69	Ditto ..	Do. ..	Babu Hirday Narain	Clerk, District Jail.
70	Ditto ..	Do. ..	Dr. Chhajja Singh ..	Assistant Surgeon, District Jail.
71	Ditto ..	Do. ..	Muhammad Ahmad	Head Warder, Intramural Guard, District Jail.
72	Ditto ..	Do. ..	Ram Das ..	Head Warder, Reserve Guard, District Jail.
73	December 17, 1928.	Agra ..	Amir Khan, Pathan..	Convict, Central Prison.
74	Ditto ..	Do. ..	Tounba Kumhar ..	Convict Night Watchman. Central Prison.
75	Ditto ..	Do. ..	Shamshu, Butcher ..	Ditto.
76	Ditto ..	Do. ..	Babu, Lodh ..	Ditto.
77	Ditto ..	Do. ..	Lakhpat, Jat ..	Ditto.
78	Ditto ..	Do. ..	Jogesh Chandra Chat- terji.	Convict (Kakori prisoner), Central Prison.
79	Ditto ..	Do. ..	Nazir, Rangar ..	Convict, Central Prison.
80	Ditto ..	Do. ..	Shiam Singh, Sikh ..	Ditto.
81	Ditto ..	Do. ..	Yar Muhammad, Afghan.	Ditto.
82	Ditto ..	Do. ..	Budha, Chamar ..	Ditto.
83	Ditto ..	Do. ..	Maharaj Singh ..	Ditto.
84	Ditto ..	Do. ..	Manga Singh ..	Ditto.
85	Ditto ..	Do. ..	Nakhan Singh ..	Ditto.
86	Ditto ..	Do. ..	Jokhan Singh ..	Ditto.
87	Ditto ..	Do. ..	Hardan Singh ..	Ditto.
88	Ditto ..	Do. ..	Ismail Khan ..	Ditto.
89	Ditto ..	Do. ..	Hait Singh ..	Ditto.
90	Ditto ..	Do. ..	Ismail, Julaha ..	Ditto.
91	Ditto ..	Do. ..	Hira, Chamar ..	Ditto.

No.	Date.	Place.	Name of witness.	Description.
92	December 17, 1928.	Agra ..	Bhagwana, Chamar ..	Convict, Central Prison.
93	Ditto ..	Do. ..	Siddik, Teli ..	Ditto.
94	Ditto ..	Do. ..	Ram Sarup ..	Ditto.
95	Ditto ..	Do. ..	Kamal ..	Ditto.
96	Ditto ..	Do. ..	Baldeo ..	Convict Night Watchman, Central Prison.
97	Ditto ..	Do. ..	Khairati, Julaha ..	Convict, Central Prison.
98	Ditto ..	Do. ..	Data Ram ..	Ditto.
99	Ditto ..	Do. ..	Chhatar Singh ..	Ditto.
100	Ditto ..	Do. ..	Lala Ram ..	Ditto.
101	Ditto ..	Do. ..	Muhammad Taki ..	Ditto.
102	Ditto ..	Do. ..	Amir Das ..	Ditto.
103	Ditto ..	Do. ..	Bhana ..	Ditto.
104	Ditto ..	Do. ..	Abdul Karim ..	Ditto.
105	Ditto ..	Do. ..	Siraj-ud-din ..	Ditto.
106	December 18, 1928.	Do. ..	Ausaf Ali ..	Ditto.
107	Ditto ..	Do. ..	Mohan Singh ..	Ditto.
108	Ditto ..	Do. ..	Nabi Bakhsh ..	Ditto.
109	Ditto ..	Do. ..	Chhote Lal ..	Ditto.
110	Ditto ..	Do. ..	Kunwar Sen ..	Ditto.
111	Ditto ..	Do. ..	Nagshali Mewati ..	Ditto.
112	Ditto ..	Do. ..	Sachindra Nath Sanyal	Convict (Kakori prisoner), Central Prison.
113	Ditto ..	Do. ..	Hub Lal ..	Convict, Central Prison.
114	Ditto ..	Do. ..	Suresh Chandra Chat- terji.	Convict (Kakori prisoner), Central Prison.
115	Ditto ..	Do. ..	Badri, Brahman ..	Convict, Central Prison.
116	Ditto ..	Do. ..	Ram Kishan, Khattri	Convict (Kakori prisoner), Central Prison.
117	Ditto ..	Do. ..	Kishnan, Bawaria ..	Convict, Central Prison.
118	Ditto ..	Do. ..	Mohammad Bakhsh	Ditto.

No.	Date.	Place.	Name of witness.	Description.
119	December 18, 1928.	Agra ..	Sultan Singh ..	Convict, Central Prison.
120	Ditto ..	Do. ..	Kallan ..	Ditto.
121	Ditto ..	Do. ..	Sadhu <i>alias</i> Kundan Lodha.	Ditto.
122	Ditto ..	Do. ..	Dr. A. E. Farr, M.A., Ph.D.	Deputy Director of Agriculture, Western Circle, Aligarh.
123	December 19, 1928.	Do. ..	Hargovind Singh ..	Havaldar, Reserve Warder Guard, Central Prison.
124	Ditto ..	Do. ..	Dharmanand ..	Naik, Reserve Warder Guard, Central Prison.
125	Ditto ..	Do. ..	Subhan Singh ..	Reserve Warder Guard, Central Prison.
126	Ditto ..	Do. ..	Inayat Khan ..	Head -Warder, Reserve Warder Guard, Central Prison.
127	Ditto ..	Do. ..	Zafar Husain ..	Head Warder, Intramural Guard, Central Prison.
128	Ditto ..	Do. ..	Sri Kishan ..	Ditto.
129	Ditto ..	Do. ..	Abdul Rahim ..	Weaving Master, Central Prison.
130	Ditto ..	Do. ..	Ali Sajjad ..	Dyeing Master, Central Prison.
131	Ditto ..	Do. ..	Mirza Aziz ..	Mechanic, Central Prison.
132	Ditto ..	Do. ..	Krishna Sarup ..	Compounder, Central Prison.
133	Ditto ..	Do. ..	Dr. Saran Sarup ..	Medical Officer, Central Prison.
134	Ditto ..	Do. ..	Mr. Muhammad Faiyaz Khan, F.R.G.S., F.Z.S.	Landed proprietor of Agra district, ex-Member, Legislative Assembly.
135	December 20, 1928.	Do. ..	Major A. H. Shaikh, I.M.S.	Superintendent, Central Prison.
136	Ditto ..	Do. ..	Mr. C. W. Laing ..	Head Jailer, Central Prison.
137	Ditto ..	Do. ..	Mr. Gardener ..	Circle Officer, Central Prison.
138	Ditto ..	Do. ..	Babu Sardari Lal ..	Jailer, Central Prison.
139	Ditto ..	Do. ..	Babu Lakhi Ram ..	Office Jailer, Central Prison.
140	Ditto ..	Do. ..	Lt.-Col. R. S. Townsend, I.M.S.	Civil Surgeon, Mussoorie.

No.	Date.	Place.	Name of witness.	Description.
141	December 20, 1928.	Agra ..	Pandit Shiv Charan Lal Sharma.	Ex-convict, Journalist, Agra.
142	Ditto ..	Do. ..	Mr. F. Young, C.I.E.	Superintendent of Police, in-charge of Special Dacoity Police, Agra.
143	December 21, 1928.	Do. ..	Lal Bahadur ..	Convict, District Jail.
144	Ditto ..	Do. ..	Badri Prasad ..	Jailer, District Jail.
145	Ditto ..	Do. ..	Saadat Ali ..	Head Warder, Intramural Guard, District Jail.
146	Ditto ..	Do. ..	Dr. P. S. Varma ..	Medical Officer, District Jail.
147	Ditto ..	Do. ..	Raghubir Sahai ..	Clerk, District Jail.
148	Ditto ..	Do. ..	Rai Bahadur Babu Mithan Lal.	Retired Jail Superintendent.
149	December 26, 1928.	Muttra] ..	Dr. P. L. Gupta ..	Superintendent, District Jail.
150	Ditto ..	Do. ..	Mr. W. C. Dible, I.C.S.	Collector.
151	Ditto ..	Do. ..	Mr. Habibullah ..	Jailer, District Jail.
152	Ditto ..	Do. ..	Babu Shiam Kishore	Deputy Jailer, District Jail.
153	Ditto ..	Do. ..	Babu Shanti Prakash	Deputy Jailer, District Jail.
154	Ditto ..	Do. ..	Babu Piyare Lal Jaini	Medical Officer, District Jail.
155	Ditto ..	Do. ..	Nabi Bakhsh ..	Head Warder, Intramural Guard, District Jail.
156	Ditto ..	Do. ..	Ram Avadh ..	Head Warder, Reserve Warder Guard, District Jail.
157	December 28, 1928.	Aligarh ..	Mr. P. W. Marsh, I.C.S.	Collector.
158	Ditto ..	Do. ..	Lt.-Col. A. Cameron, I.M.S.	Superintendent, District Jail.
159	Ditto ..	Do. ..	Babu Bhagwan Dat Singh.	Jailer, District Jail.
160	Ditto ..	Do. ..	Dr. Shiyatullah ..	Medical Officer, District Jail.
161	Ditto ..	Do. ..	M. Muhammad Yahia	Deputy Jailer, District Jail.
162	Ditto ..	Do. ..	Mirza Shaukat Husain Beg.	Ditto.
163	Ditto ..	Do. ..	Babu Hoti Lal ..	Clerk, District Jail.
164	Ditto ..	Do. ..	Pandit Ram Baran Shukla.	Ditto.

No.	Date.	Place.	Name of witness.	Description.
165	December 28, 1928.	Aligarh ..	M. Abdul Hamid ..	Clerk, District Jail.
166	Ditto ..	Do. ..	Nawab Khan ..	Head Warder, Intra-mural, District Jail.
167	Ditto ..	Do. ..	Midhan Singh ..	Head Warder, Reserve Warder Guard, District Jail.
168	December 29, 1928.	Agra ..	Dr. Salig Ram, L.M.P.	On deputation from All-India Medical Licentiates Association, Agra Branch.
169	Ditto ..	Do. ..	Dr. Sukhbasi Lal, L.M.P.	Civil Hospitals. On deputation from All-India Medical Licentiates Association, Agra Branch.
170	Ditto ..	Do. ..	Dr. Shyam Lal Vidiarthi, L.M.P.	Medical Officer, Ghazipur, District Jail (on leave). On deputation from All-India Medical Licentiates Association, Agra Branch.
171	January 2, 1929.	Lucknow ..	Mr. P. Robinson ..	United Provinces Electric Supply Company, Limited, Lucknow.
172	Ditto ..	Do. ..	Pandit Sarju Prasad Dubé.	Medical Practitioner, Jhansi, non-official visitor of Jhansi District Jail.
173	January 3, 1929.	Do. ..	Mr. C. W. Gwynne, C.I.E., O.B.E., I.C.S.	Deputy Commissioner, Lucknow.
174	Ditto ..	Do. ..	Babu Sita Ram Sahib	Pleader, Kheri-Lakhimpur, non-official visitor of Lakhimpur District Jail.
175	Ditto ..	Do. ..	Captain Salamat Ullah, M.C., I.M.S.	Superintendent, Central Prison, Lucknow.
176	January 4, 1929.	Do. ..	Babu Anrudh Lal Mahendra.	Inspector-General of Registration, U. P., Lucknow.
177	Ditto ..	Do. ..	Dr. J. P. Sanyal ..	Retired Civil Surgeon, Medical Council, Lucknow.
178	January 5, 1929.	Lucknow..	Khan Bahadur Syed Ain-uddin.	City Magistrate, Lucknow.
179	January 6, 1929.	Rae Bareli	Ram Nath ..	Convict (Kakori prisoner), District Jail.
180	Ditto ..	Do. ..	Mr. Anand Sarup ..	Officiating District Magistrate.

No.	Date.	Place.	Name of witness.	Description.
181	January 6, 1929.	Rae Bareli	Dr. Chaudhri ..	Officiating Civil Surgeon.
182	Ditto ..	Do. ..	Pandit Pirthi Nath ..	Jailer, District Jail.
183	Ditto ..	Do. ..	Pandit Sheo Dulare Misra.	Lawyer, Honorary Religious Instructor, District Jail.
184	Ditto ..	Do. ..	Mahbub Ali ..	Warder, Intra-mural, District Jail.
185	Ditto ..	Do. ..	Sheo Ram ..	Warder, Reserve Guard, District Jail.
186	Ditto ..	Do. ..	Dr. Shankar Deo Varma.	Medical Officer, District Jail.
187	Ditto ..	Do. ..	M. Mushirullah ..	Deputy Jailer, District Jail.
188	Ditto ..	Do. ..	Babu Jwala Prasad ..	Ditto.
189	Ditto ..	Do. ..	Muhammad Umar ..	Compounder, District Jail.
190	January 7, 1929.	Allahabad	Shiam Sundar Lal ..	Convict, Central Prison, Naini.
191	Ditto ..	Do. ..	Puran ..	Ditto.
192	Ditto ..	Do. ..	Bije Narain ..	Ditto.
193	Ditto ..	Do. ..	Hori Singh ..	Ditto.
194	Ditto ..	Do. ..	Abdul Rahim ..	Ditto.
195	Ditto ..	Do. ..	Fauj Singh Gurkha ..	Ditto.
196	Ditto ..	Do. ..	Ratchi Singh ..	Ditto.
197	Ditto ..	Do. ..	Ram Bali ..	Ditto.
198	Ditto ..	Do. ..	Ram Nath ..	Ditto.
199	Ditto ..	Do. ..	Achur ..	Ditto.
200	Ditto ..	Do. ..	Narain Singh ..	Ditto.
201	Ditto ..	Do. ..	Bharat ..	Ditto.
202	Ditto ..	Do. ..	Munna Lal ..	Ditto.
203	Ditto ..	Do. ..	Ram Chandra ..	Ditto.
204	Ditto ..	Do. ..	Kachley ..	Ditto.
205	Ditto ..	Do. ..	Khedaru ..	Ditto.
206	Ditto ..	Do. ..	Karimuddin ..	Ditto.

No.	Date.	Place.	Name of witness.	Description.
207	January 7, 1929.	Allahabad	Vishnu Saran Dublis	Convict (Kakori prisoner), Central Prison, Naini.
208	Ditto ..	Do. ..	Narain Singh ..	Convict, Central Prison, Naini.
209	Ditto ..	Do. ..	Jwala Prasad ..	Ditto.
210	Ditto ..	Do. ..	Shankar ..	Convict (Juvenile), Central Prison, Naini.
211	Ditto ..	Do. ..	Din Dayal ..	Convict, Central Prison, Naini.
212	Ditto ..	Do. ..	Hussaina ..	Ditto.
213	Ditto ..	Do. ..	Dost Muhammad ..	Ditto.
214	Ditto ..	Do. ..	Ram Hit ..	Ditto.
215	Ditto ..	Do. ..	Hafizulla ..	Ditto.
216	Ditto ..	Do. ..	Chhotwa ..	Ditto.
217	Ditto ..	Do. ..	Ripsudan Singh ..	Ditto.
218	December 8, 1928.	Cawnpore	Jami uddin ..	Convict, District Jail.
219	January 8, 1929.	Allahabad	Kallu ..	Convict, Central Prison, Naini.
220	Ditto ..	Do. ..	Hashmat Ali ..	Ditto.
221	Ditto ..	Do. ..	Masih uddin ..	Ditto.
222	Ditto ..	Do. ..	Mazbut Singh ..	Ditto.
223	Ditto ..	Do. ..	Jaddu ..	Ditto.
224	Ditto ..	Do. ..	Ram Autar ..	Ditto.
225	Ditto ..	Do. ..	Bal Gobind ..	Ditto.
226	Ditto ..	Do. ..	Jokhwa ..	Ditto.
227	Ditto ..	Do. ..	Shyambhir Singh ..	Ditto.
228	Ditto ..	Do. ..	Kanhaiya Lal ..	Ditto.
229	Ditto ..	Do. ..	Ram Gopal ..	Ditto.
230	Ditto ..	Do. ..	Nanhe Khan ..	Ditto.
231	Ditto ..	Do. ..	Sheo Nandan ..	Ditto.



No.	Date.	Place.	Name of witness.	Description.
232	January 8, 1929.	Allahabad	Nandan Prasad ..	Head Warder, Intra-mural, Jhansi District Jail (now on leave).
233	January 9, 1929.	Do. ..	Raghubir Sahai Raisada.	Clerk, Central Prison, Naini.
234	Ditto ..	Do. ..	Abdulla Khan ..	Foreman, Jail Press, Central Prison, Naini.
235	Ditto ..	Do. ..	Babu Ram Saran Lal	Compounder, Central Prison, Naini.
236	Ditto ..	Do. ..	Pandit Shambhu Dayal Shukla.	Head Master, Primary School Central Prison, Naini.
237	Ditto ..	Do. ..	M. Muhammad Idris..	Teacher, Central Prison, Naini.
238	Ditto ..	Do. ..	Dr. Ghyasuddin ..	Medical Officer, Central Prison, Naini.
239	Ditto ..	Do. ..	Dr. Abdul Rahim ..	Ditto.
240	Ditto ..	Do. ..	Babu Raghubir Prasad	Carpentry Instructor, Central Prison, Naini.
241	Ditto ..	Do. ..	Babu Ram Lal Tewari	Jailer, Central Prison, Naini.
242	Ditto ..	Do. ..	Said-ud-din ..	Head Warder, Intra-mural, Central Prison.
243	Ditto ..	Do. ..	Mr. J. W. McNamara	Assistant-in-charge, Government Branch Press, Central Prison, Naini.
244	Ditto ..	Do. ..	Mr. P. S. Fordham ..	Jailer, Central Prison, Naini.
245	Ditto ..	Do. ..	Mr. J. L. Forrester ..	Deputy Jailer, Central Prison, Naini.
246	January 10, 1929.	Do. ..	Major Dhondy, I.M.S.	Superintendent, Central Prison, Naini.
247	Ditto ..	Do. ..	Dr. Sam Higginbottom	Principal, Agricultural Institute, Naini.
248	Ditto ..	Do. ..	Rai Sahib Babu Jwala Prasad.	Secretary, Jails Association.
249	January 11, 1929.	Do. ..	M. Hargovind Prasad	Jailer, District Jail, Allahabad.
250	Ditto ..	Do. ..	Babu Ram Lal ..	Deputy Jailer, District Jail, Allahabad.
251	Ditto ..	Do. ..	Dr. Sheo Dulare Lal..	Medical Officer, District Jail, Allahabad.

No.	Date.	Place.	Name of witness.	Description.
252	January 11, 1929.	Allahabad	Girdhari Ram ..	Head Warder, Intra-mural Guard, District Jail, Allahabad.
253	Ditto ..	Do. ..	Akbar Ali ..	Head Warder, Reserve Warder Guard District Jail, Allahabad.
254	Ditto ..	Do. ..	Mst. Jangi ..	Female Warder, District Jail, Allahabad.
255	January 14, 1929.	Benares ..	Rajendra Nath Ghoshal.	Convict, Central Prison, Benares.
256	Ditto ..	Do. ..	Ram Antar ..	Ditto.
257	Ditto ..	Do. ..	Har Charan ..	Ditto.
258	Ditto ..	Do. ..	Abdul Bakar ..	Ditto.
259	Ditto ..	Do. ..	H. Harrier ..	European under-trial, Central Prison, Benares.
260	Ditto ..	Do. ..	Ram Sundar ..	Convict, Central Prison, Benares.
261	Ditto ..	Do. ..	Har Sarup ..	Ditto.
262	Ditto ..	Do. ..	Izhar Husain ..	Convict (Zamindar of Rae Bareli district), Central Prison, Benares.
263	Ditto ..	Do. ..	Gajju ..	Convict, Central Prison, Benares.
264	Ditto ..	Do. ..	Mangli Bhanu ..	Ditto.
265	January 15, 1929.	Do. ..	Bansi ..	Ditto.
266	Ditto ..	Do. ..	Raja Bittan ..	Ditto.
267	Ditto ..	Do. ..	Jangjit Bahadur Singh	Convict, Fyzabad Gang Case (nephew of Maharani Ajodhia), Central Prison, Benares.
268	Ditto ..	Do. ..	Anant Ram ..	Convict, Central Prison, Benares.
269	Ditto ..	Do. ..	Mohan ..	Ditto.
270	Ditto ..	Do. ..	Ram Chandar ..	Ditto.
271	Ditto ..	Do. ..	Muhammad Yahia Khan.	Convict (convicted under Explosives Act), Central Prison, Benares.

No.	Date.	Place.	Name of witness.	Description.
272	January 15, 1929.	Benares ..	Faiz Ullah ..	Convict, Central Prison, Benares.
273	Ditto ..	Do. ..	D. Solomon ..	Ditto.
274	Ditto ..	Do. ..	Ram Charan ..	Ditto.
275	Ditto ..	Do. ..	Ghulam Muhammad	Convict (Jangjit Bahadur Singh's mate), Central Prison, Benares.
276	Ditto ..	Do. ..	Khairati ..	Convict, Central Prison, Benares.
277	Ditto ..	Do. ..	Sardar Khan ..	Convict (well to do zamindar of Pilibhit district), Central Prison, Benares.
278	Ditto ..	Do. ..	Balagir ..	Convict overseer whose nose was cut off in Benares Central Prison riot, Central Prison, Benares.
279	Ditto ..	Do. ..	Shankargir, Mahant..	Convict (a ringleader in Fyzabad Gang Case), Central Prison, Benares.
280	January 16, 1929.	Do. ..	Pandit Shri Sadayatan Pande, M.L.C.	Non-official visitor of Mirzapur Jail.
281	January 17, 1929.	Do. ..	Captain H. B. Rosair, I.M.D.	Superintendent, Central Prison, Benares.
282	Ditto ..	Do. ..	Mr. Hawksworth ..	Head Jailer, Central Prison, Benares.
283	Ditto ..	Do. ..	Babu Chandika Prasad	Jailer, Central Prison, Benares.
284	Ditto ..	Do. ..	Salig Ram ..	Head Warder, Intra-mural, Central Prison, Benares.
285	Ditto ..	Do. ..	Onkar Nath Misra ..	Warder, Reserve Warder Guard, Central Prison, Benares.
286	Ditto ..	Do. ..	Hem Narain Lal ..	Compounder, Central Prison, Benares.
287	Ditto ..	Do. ..	Dr. A. C. Bharadwaj	} Representatives of the All-India Medical Licentiate Association, Benares Branch.
288	Ditto ..	Do. ..	Dr. L. N. Mathur ..	
289	Ditto ..	Do. ..	Dr. K. L. Sharma ..	

No.	Date.	Place.	Name of witness.	Description.
290	January 17, 1929.	Benares ..	Pandit Yajna Narain Upadhyay, M.A., LL.B.	Ex-M. L. C., Honorary Secretary of the All-India Sanatan Dharam Mahasabha and Honorary Professor of Law, Hindu University, Benares.
291	January 18, 1929.	Do. ..	Pandit Ram Charan Pande.	Jailer, District Jail, Benares.
292	Ditto ..	Do. ..	Dr. B. C. Sanyal ..	Retired Civil Surgeon, Benares.
293	January 19, 1929.	Mirzapur	Captain G. S. Jennings, I.M.D.	Civil Surgeon, Mirzapur, Superintendent, District Jail.
294	Ditto ..	Do. ..	Babu Vasudeo Rai ..	Darogha, District Jail, Mirzapur.
295	Ditto ..	Do. ..	Babu Jagadish Sahai ..	Clerk, District Jail, Mirzapur.
296	Ditto ..	Do. ..	M. Inayet Ahmad ..	Clerk, District Jail, Mirzapur.
297	Ditto ..	Do. ..	Dr. P. N. Banerji ..	Medical Officer, District Jail, Mirzapur.
298	Ditto ..	Do. ..	Ram Sarup Lal ..	Head Warder, Reserve Warder Guard, District Jail, Mirzapur.
299	Ditto ..	Do. ..	Bahadur Singh ..	Head Warder, Intramural Guard, District Jail, Mirzapur.
300	Ditto ..	Do. ..	Hazari Lal ..	Warder, Intra-mural, District Jail, Mirzapur.
301	January 20, 1929.	Jaunpur ..	Hon. K. B. Shaikh Makbul Husain.	Collector, Jaunpur.
302	Ditto ..	Do. ..	R. B. Dr. Har Prasad	Civil Surgeon, Jaunpur.
303	Ditto ..	Do. ..	M. Muhammad Abdul Latif.	Jailer, District Jail, Jaunpur.
304	Ditto ..	Do. ..	Dr. Muhammad Usman Khan.	Sub-Assistant Surgeon, District Jail, Jaunpur.
305	Ditto ..	Do. ..	Raghubir Pande ..	Head Warder, Intramural, District Jail, Jaunpur.
306	January 21, 1929.	Partabgarh	Dr. Kharag Bahadur Singh Kirki.	Civil Surgeon, Partabgarh.
307	Ditto ..	Do. ..	B. Murli Manohar ..	Jailer, District Jail, Partabgarh.

No.	Date.	Place.	Name of witness.	Description.
308	January 21, 1929.	Partabgarh	Mirza Basharat Husain Beg.	Deputy Jailer, District Jail, Partabgarh.
309	Ditto ..	Do. ..	Dr. Lal Bahadur ..	Sub-Assistant Surgeon, District Jail, Partabgarh.
310	Ditto ..	Do. ..	Abdul Hassan ..	Head Warder, Intra-mural, District Jail, Partabgarh.
311	Ditto ..	Do. ..	Namdar Khan ..	Head Warder, Reserve Warder Guard, District Jail, Partabgarh.
312	January 22, 1929.	Sultanpur	Mr. Khurshed Ahmad, I.C.S.	Deputy Commissioner, Sultanpur.
313	Ditto ..	Do. ..	Dr. Shankar Lal Gupta	Superintendent, District Jail, Sultanpur.
314	Ditto ..	Do. ..	B. Sewak Ram ..	Jailer, District Jail, Sultanpur.
315	Ditto ..	Do. ..	M. Barkat Ahmad ..	Clerk, District Jail, Sultanpur.
316	Ditto ..	Do. ..	B. Sri Narain Mehrotra	Ditto.
317	Ditto ..	Do. ..	B. Ganga Dayal ..	Ditto.
318	Ditto ..	Do. ..	Dr. Gopal Sahai ..	Sub-Assistant Surgeon, District Jail, Sultanpur.
319	Ditto ..	Do. ..	Dr. M. M. Vaish ..	Sub-Assistant Surgeon, District Jail, Sultanpur.
320	Ditto ..	Do. ..	Ram Das ..	Compounder, District Jail, Sultanpur.
321	Ditto ..	Do. ..	Shiam Sundar Lal ..	Ditto.
322	Ditto ..	Do. ..	Ram Sahai ..	Head Warder, Intra-mural, District Jail, Sultanpur.
323	Ditto ..	Do. ..	Sarju Prasad ..	Reserve Warder Guard, District Jail, Sultanpur.
324	Ditto ..	Do. ..	Amjad Ali Khan ..	Head Warder, Reserve Warder Guard, District Jail, Sultanpur.
325	January 23, 1929.	Fyzabad..	Mr. T. B. W. Bishop, I.C.S.	Deputy Commissioner, Fyzabad.
326	Ditto ..	Do. ..	Bhupendra Nath San- yal.	Convict (Kakori prisoner), District Jail, Fyzabad.
327	Ditto ..	Do. ..	R. B. Dr. Ram Sarup Srivastava.	Civil Surgeon, District Jail, Fyzabad.

No.	Date.	Place.	Name of witness.	Description.
328	January 23, 1929.	Fyzabad ..	B. Suraj Bali Prasad..	Jailer, District Jail, Fyzabad.
329	January 24, 1929.	Gonda ..	M. Raziuddin Ahmad	Advocate, non-official visitor, District Jail, Gonda.
330	Ditto ..	Do. ..	Lt. L. V. Jaensch, I.M.D.	Civil Surgeon, Superintendent, District Jail, Gonda.
331	Ditto ..	Do. ..	B. Ram Prasad ..	Jailer, District Jail, Gonda.
332	Ditto ..	Do. ..	M. Ishtiak Ahmad ..	Deputy Jailer, District Jail, Gonda.
333	Ditto ..	Do. ..	Dr. Ibn Husain ..	Sub-Assistant Surgeon, District Jail, Gonda.
334	Ditto ..	Do. ..	Muhammad Mehndi ..	Intra-mural Warder, District Jail, Gonda.
335	Ditto ..	Do. ..	Suraj Pal ..	Intra-mural Warder, District Jail, Gonda.
336	Ditto ..	Do. ..	Raja Ram ..	Reserve Warder Guard, District Jail, Gonda.
337	January 25, 1929.	Basti ..	R. B. Babu Sarju Prasad.	Advocate, Town Magistrate, Zamindar, Rais, non-official visitor, Basti.
338	Ditto ..	Do. ..	Mr. H. Minson, I.C.S...	District Magistrate, Basti.
339	Ditto ..	Do. ..	Dr. Jasodanand Srivastava.	Civil Surgeon, Basti.
340	Ditto ..	Do. ..	B. Chattar Singh ..	Jailer, District Jail.
341	Ditto ..	Do. ..	B. Kanhaiya Lal Varma	Deputy Jailer, District Jail.
342	Ditto ..	Do. ..	B. Sarju Prasad Sinha	Apprentice, District Jail.
343	Ditto ..	Do. ..	B. Ganga Prasad ..	Clerk, District Jail.
344	Ditto ..	Do. ...	Dr. Shiam Lal Agarwala.	Sub-Assistant Surgeon, District Jail.
345	Ditto ..	Do. ..	Deo Saran ..	Warder, Intra-mural, District Jail.
346	Ditto ..	Do. ..	Muhammad Yusuf Khan.	Warder, Reserve Guard, District Jail.
347	January 26, 1929.	Gorakhpur	Lt.-Col. W. D. Wright, I.M.S.	Civil Surgeon.

No.	Date.	Place.	Name of witness.	Description.
348	January 26, 1929.	Gorakhpur	B. Baldeo Prasad ..	Jailer, District Jail (see his supplementary statement).
349	Ditto ..	Do. ..	Dr. Muhammad Yusuf	Sub-Assistant Surgeon, District Jail.
350	Ditto ..	Do. ..	M. Saiyid Husain ..	Clerk, District Jail.
351	Ditto ..	Do. ..	Azmatullah ..	Warder, Intra-mural, District Jail.
352	January 28, 1929.	Bara Banki	Dr. Ram Chandra ..	Civil Surgeon, District Jail.
353	Ditto ..	Do. ..	B. Debi Dial ..	Jailer, District Jail.
354	Ditto ..	Do. ..	Pt. Sarju Prasad ..	Deputy Jailer, District Jail.
355	Ditto ..	Do. ..	M. Habib Ahmad ..	Ditto.
356	Ditto ..	Do. ..	Dr. Suraj Narain Sak-sena.	Sub-Assistant Surgeon, District Jail.
357	January 30, 1929.	Lucknow..	Mr. S. P. Shah, I.C.S.	Director of Industries, U. P., Cawnpore.
358	February 1, 1929.	Do. ..	Col. R. F. Baird, I.M.S.	Inspector-General of Civil Hospitals, U. P., Lucknow.
359	February 2, 1929.	Do. ..	Lt.-Col. H. C. Buckley, I.M.S.	Civil Surgeon, Lucknow.
360	February 4, 1929.	Do. ..	Mr. V. N. Mehta, I.C.S.	Secretary to Government, U. P., Education and Industries Department, Lucknow.
361	February 6, 1929.	Do. ..	Mr. S. S. Nehru, I.C.S.	Deputy Commissioner, Rae Bareli.
362	February 8, 1929.	Do. ..	Mr. H. Williamson, C.I.E., M.B.E.	Deputy Inspector-General of Police, U. P., Allahabad.
363	February 9, 1929.	Do. ..	Pt. Mohanlal Tiwari ..	Advocate, non-official visitor, Kheri.
364	February 11, 1929.	Shahjahan-pur.	Rai Sahib Babu Prag Das, O.B.E.	Pensioned officer, Jail Department.
365	Ditto ..	Do. ..	B. Sada Nand Rae ..	Jailer, District Jail.
366	Ditto ..	Do. ..	Ram Charan Lal ..	Warder, Intra-mural, District Jail.

No.	Date.	Place.	Name of witness.	Description.
367	February 11, 1929.	Shahjahanpur	Captain Howatson ..	Civil Surgeon, Shahjahanpur.
368	Ditto ..	Do. ..	Mr. Gian Prasad ..	Superintendent, Government Tyler Weaving School.
369	February 12, 1929.	Bareilly ..	Nanhoon ..	Convict No. 4650, Central Prison, Bareilly.
370	Ditto ..	Do. ..	Shiam Nath Singh ..	Convict No. 5305, Central Prison, Bareilly.
371	Ditto ..	Do. ..	Shiamgir ..	Convict No. 5867, Central Prison, Bareilly.
372	February 13, 1929.	Do. ..	Muhammad Akbar .. Khan.	Convict, Central Prison, Ba- reilly.
373	Ditto ..	Do. ..	Narain .. ..	Ditto.
374	Ditto ..	Do. ..	Buddha .. ..	Ditto.
375	Ditto ..	Do. ..	Muhammad Mujtaba	Ditto.
376	Ditto ..	Do. ..	Sardar Muhammad Azim Khan.	Afghan Detenu, Central Pri- son, Bareilly.
377	Ditto ..	Do. ..	Sardar Muhammad Ali Khan.	Ditto.
378	Ditto ..	Do. ..	Manmatha Nath Gupta	Kakori prisoner, Central Pri- son, Bareilly.
379	Ditto ..	Do. ..	Raj Kumar Sinha ..	Ditto.
380	Ditto ..	Do. ..	Mukandi Lal ..	Ditto.
381	Ditto ..	Do. ..	Lt.-Col. G. Holroyd, I.M.S.	Superintendent, Central Pri- son, Bareilly.
382	February 14, 1929.	Do. ..	Mr. C. E. Teyen ..	Jailer, Central Prison, Ba- reilly.
383	Ditto ..	Do. ..	B. Raghunath Prasad	Deputy Jailer, Central Prison, Bareilly.
384	Ditto ..	Do. ..	Dr. Mathura Prasad ..	Sub-Assistant Surgeon, Cen- tral Prison, Bareilly.
385	Ditto ..	Do. ..	Hidayatulla Khan ..	Head Warder, Intra-mural Guard, Central Prison, Bareilly.
386	Ditto ..	Do. ..	Bule Khan ..	Subedar, Reserve Guard, Central Prison, Bareilly.



No.	Date.	Place.	Name of witness.	Description.
387	February 14, 1929.	Bareilly ..	M. Iltifaz Ahmad ..	Clerk, Central Prison, Bareilly.
388	Ditto ..	Do. ..	M. Mushtak Ahmad ..	Carpentry Instructor, Central Prison, Bareilly.
389	Ditto ..	Do. ..	Thakur Jai Narayan Singh.	Deputy Jailer, Central Prison, Bareilly.
390	Ditto ..	Do. ..	R. B. Lala Sheo Prasad, M.B.E.	Member of the Committee of the Bareilly Juvenile Jail.
391	Ditto ..	Do. ..	K. B. Saiyid Jafar Husain, M.L.O.	Barrister, non-official visitor of jail, Moradabad.
392	February 15, 1929.	Do. ..	Mr. Akhtar Husain Khan.	Non-official visitor, Juvenile Jail, Bareilly.
393	Ditto ..	Do. ..	Thakur Balkaran Singh	Jailer, Juvenile Jail, Bareilly.
394	Ditto ..	Do. ..	Ram Aare ..	Ex-convict of the Juvenile Jail
395	Ditto ..	Do. ..	Harchandi ..	Convict, Special Star Class, Juvenile Jail, Bareilly.
396	Ditto ..	Do. ..	Hirk .. ..	Convict, child of 10 who committed murder, Juvenile Jail, Bareilly.
397	Ditto ..	Do. ..	Badri Nath Gupta ..	Clerk, Juvenile Jail, Bareilly.
398	Ditto ..	Do. ..	Saiyid Nazir Husain..	Weaving Instructor, Juvenile Jail, Bareilly.
399	Ditto ..	Do. ..	Gajraj Singh ..	Reserve Warder, Juvenile Jail, Bareilly.
400	Ditto ..	Do. ..	Mr. C. P. Singh ..	Advocate, Dehra Dun.
401	February 16, 1929.	Do. ..	Lt.-Col. E. C. Hepper, I.M.S.	Civil Surgeon, Bareilly.
402	Ditto ..	Do. ..	Khan Sahib M. Ehsan Ali.	Jailer, District Jail, Bareilly.
403	Ditto ..	Do. ..	Dr. Bishunath Singh..	Sub-Assistant Surgeon, District Jail, Bareilly.
404	Ditto ..	Do. ..	M. Muhammad Anwar Husain.	Compounder, District Jail, Bareilly.
405	Ditto ..	Do. ..	Ram Sarup ..	Reserve Guard, District Jail, Bareilly.
406	Ditto ..	Do. ..	Mr. C. F. Wood, I.C.S.	Collector, Bareilly.

No.	Date.	Place.	Name of witness.	Description.
407	February 18, 1929.	Bareilly ..	Panjaban Bhantu ..	Inmate of Salvation Army Settlement, Rajabad.
408	Ditto ..	Do. ..	Lungan Bhantu ..	Ditto.
409	Ditto ..	Do. ..	Chunnis Bhantu ..	Ditto.
410	Ditto ..	Do. ..	Chiriyā Bhantu ..	Ditto.
411	Ditto ..	Do. ..	Ensign Pettiford ..	In-charge of Salvation Army Settlement, Rajabad.
412	Ditto ..	Do. ..	Tiru Bhantu ..	Inmate of Salvation Army Settlement, Rajabad.
413	Ditto ..	Do. ..	Raju .. ..	Ditto.
414	Ditto ..	Do. ..	Guidia .. ..	Ditto.
415	Ditto ..	Do. ..	Firozan .. ..	Ditto.
416	Ditto ..	Do. ..	Ram Gaya ..	Ditto.
417	February 19, 1929.	Moradabad	Lt.-Col. B. E. M. Newland, I.M.S.	Superintendent, District Jail, Moradabad.
418	Ditto ..	Do. ..	Khan Bahadur Saiyid Jafar Husain, M.L.C.	Non-official visitor, District Jail, Moradabad.
419	Ditto ..	Do. ..	B. Ram Narain Lal ..	Jailer, District Jail, Moradabad.
420	Ditto ..	Do. ..	Abbas Khan ..	Head Warder, Intramural, District Jail, Moradabad.
421	Ditto ..	Do. ..	Adjutant Smith ..	In charge of Salvation Army Settlement, Fazalpur.
422	February 20, 1929.	Meerut ..	Muhammad Nazir ..	Convict, District Jail, Meerut.
423	Ditto ..	Do. ..	Rao Sahib Rao Abdul Hamid Khan.	Ex.-M. L. C., Chairman, District Board, Muzaffarnagar. Non-official visitor.
424	Ditto ..	Do. ..	Dr. S. L. Sharma ..	President, All-India Medical Licentiate's Association, Meerut.
425	Ditto ..	Do. ..	Lt.-Col. J. S. O'Neill, I.M.S.	Superintendent, District Jail, Meerut.
426	Ditto ..	Do. ..	Wazir Khan ..	Warder, Intramural, District Jail, Meerut.
427	Ditto ..	Do. ..	Anup Singh ..	Ditto.

No.	Date.	Place.	Name of witness.	Description.
428	February 21, 1929.	Lahore ..	Lt.-Col. F. A. Barker, O.B.E., I.M.S.	Inspector-General of Prisons, Punjab.
429	February 23, 1929.	Montgomery	Risaldar Muhammad Khan.	Probation Officer, Montgomery and Multan Districts.
430	February 26, 1929.	Sitapur ..	Baiju .. ..	Convict, District Jail, Sita- pur.
431	February 28 and March 1, 1929.	Lucknow..	Lt.-Col. J.E. Clements, I.M.S.	Inspector-General of Prisons, United Provinces.
432	March 10, 1929.	Dehra Dun	Prem Kishan Khanna	Convict, District Jail (Kakori prisoner).

## APPENDIX IV.

*U. P. Jail population for the years 1901—28.*

Year.	Number of convicts in jail at beginning of year.	Remarks.
1901	30,893	
1902	28,756	
1903	26,490	4,396 released for Coronation.
1904	23,668	
1905	23,010	
1906	24,401	
1907	23,775	
1908	25,138	
1909	26,317	
1910	25,806	
1911	24,409	
1912	21,488	3,008 Durbar releases.
1913	22,216	
1914	22,988	
1915	26,056	
1916	27,984	
1917	25,406	
1918	24,175	
1919	30,331	10,760 released to celebrate close of War.
1920	25,773	
1921	25,387	7,055 released to celebrate Prince of Wales' visit.
1922	24,282	
1923	28,307	Some 3,000 released to relieve overcrowding.
1924	28,119	
1925	28,052	
1926	29,149	2,973 released to relieve overcrowding.
1927	30,927	
1928	30,266	

In 1929 2,788 were released to relieve overcrowding.

## APPENDIX V.

*Number of previously convicted and habituals (other) admitted into the Jails from 1901-27.*

Year.	Previously convicted.		More than twice.	Total.	Convicted S. 110.	Grand total.	Percentage to total admission.	Remarks.
	Once.	Twice.						
1901 ..	1,850	953	777	3,580	..	..	10·86	
1902 ..	1,533	642	761	2,936	..	..	8·82	
1903 ..	1,437	751	794	2,982	..	..	9·85	
1904 ..	1,404	719	791	2,914	..	..	9·43	
1905 ..	1,653	874	956	3,483	..	..	10·91	
1906 ..	2,631	1,268	1,459	5,358	..	..	16·55	Section 110 prisoners included, but not separately classified.
1907 ..	2,596	1,302	1,512	5,410	..	..	17·37	
1908 ..	3,697	1,569	1,835	7,101	..	..	18·58	Total .. 46,923
1909 ..	3,274	1,242	1,722	6,238	..	..	19·97	Average .. 5,865
1910 ..	3,066	1,259	1,796	6,121	..	..	20·55	<i>Average of classes.</i>
1911 ..	2,703	1,200	1,718	5,621	..	..	19·13	One conviction only .. 2,939
1912 ..	2,694	984	1,680	5,358	..	..	18·69	Two convictions only .. 1,235
1913 ..	2,858	1,062	1,796	5,716	S. 110 not previously convicted.	..	19·81	More than two convictions .. 1,689
	23,519	9,886	13,518	46,923	..	..	..	
1914 ..	1,939	1,204	1,803	4,946	2,583	7,529	21·09	
1915 ..	2,393	1,467	1,906	5,766	2,675	8,441	23·26	Excluding S. 110 habituals who had not been convicted before.
1916 ..	2,162	1,279	1,813	5,254	2,567	7,821	22·77	
1917 ..	2,078	1,303	1,868	5,249	2,240	7,489	23·29	Total .. 74,154
								Average .. 5,296

Year.	Previously convicted.		More than twice.	Total.	Convicted S. 110.	Grand total.	Percentage to total admission.	Remarks.
	Once.	Twice.						
1918 ..	2,749	1,505	1,445	5,699	3,359	9,058	26·23	
1919 ..	3,336	1,371	1,756	6,463	4,204	10,667	25·40	
1920 ..	2,256	1,147	1,670	5,073	2,028	7,101	24·07	
1921 ..	2,447	1,152	1,512	5,111	2,161	7,272	22·87	<i>Average of classes.</i>
1922 ..	2,696	1,243	1,772	5,711	3,315	9,026	25·4	One conviction only .. 2,423
1923 ..	2,296	958	1,470	4,724	3,020	7,744	26·18	Two convictions .. 1,250
1924 ..	2,138	1,065	1,340	4,543	2,444	6,987	26·00	
1925 ..	2,176	1,216	1,294	4,686	2,438	7,224	25·95	More than two convictions .. 1,623
1926 ..	2,723	1,266	1,377	5,366	3,168	8,534	28·12	
1927 ..	2,533	1,334	1,696	5,563	2,642	8,205	27·57	
	33,922	17,510	22,722	74,154				

## CHAPTER II.

## THE ENGLISH PRISONS.

18. The prisons in England and Wales are divided into four classes—Local Prisons, Convict Prisons, Institutions established by the Prevention of Crime Act of 1908 for dealing with habitual criminals under preventive detention, and Borstal Institutions for young offenders between 16 and 21. The system is nowhere better described than in the treatise of Sir Evelyn Ruggles Brise, K.C.B. "The English Prison System" and the note of Mr. Mitchell Innes, printed as Appendix XI to the Report of the Jails Committee (Indian), 1919-20.

The Committee wishes to express its acknowledgment for the valuable assistance derived from these works.

19. Persons sentenced to "Hard labour"—a term almost as misleading as "Rigorous imprisonment" since "Hard labour" largely takes the form of making mail bags for the post office and similar occupations—are confined in Local Prisons. The maximum sentence of hard labour is two years. Persons sentenced to penal servitude, the minimum term of which is three years, are confined in convict prisons or special establishments. Separate provision is made for convicts between the ages of 16 and 21. In the Local Prisons are received as prisoners debtors (an important class in England: in 1926 there were 10,683 such admissions) and persons sentenced to imprisonment with or without hard labour.

20. There is some misunderstanding in India as to what is meant in England by the classification of prisoners as in the First and Second Division. It is believed in some quarters that all prisoners not sentenced to penal servitude are classified in Divisions. This is not the case. It is only persons who are sentenced to imprisonment without "hard" labour who can be placed in the First and the Second Division. Imprisonment without hard labour is most nearly equivalent to simple imprisonment in India. Persons sentenced to imprisonment without hard labour and placed in the First Division are given valuable special privileges. They are treated as under-trial prisoners are treated, may wear their own clothes, purchase their own food, books and papers, and have daily letters and visits. But they are made to work on light work. All imprisonment in England differs from simple imprisonment

in India in the material particular that every prisoner is made to work. If he is not on hard labour he has to work on light work. The privileges of confinement in the First Division are given to very few—usually to persons only who have been convicted for contempt of Court. In 1926 only four men and one woman were placed in the First Division. Confinement in the Second Division, which is also only given to prisoners sentenced to imprisonment without hard labour, benefits more in what it does not enforce than in what it positively confers. Prisoners sentenced to imprisonment with hard labour are kept in separate confinement in their cells for the first month and have to sleep for the first fortnight on a plank bed. Prisoners in the Second Division are kept apart from other classes, do not undergo separate confinement, and are excused the plank bed. They receive letters and visits earlier. But their clothing is similar to, and their diet is the same as the clothing and diet of, other prisoners, and they do the same work. In 1926 1,290 men and 130 women were placed in the Second Division.

21. Other prisoners sentenced to imprisonment without hard labour are placed in Division III. Their only advantage is that they work in association, and have a mattress on the plank bed while using it.

22. There is, however, a modification of the system which has been found to be of great advantage. Prisoners in Division III and prisoners sentenced to hard labour “who have not been previously convicted of serious crime or who are not habitually criminal or of corrupt habits” are separated from other prisoners and classified as being in the Star Class.

23. In the Local Prisons the diet in 1919 was as follows:—

(The quotation is from Mr. Mitchell Innes' note)

“Breakfast and supper consist of porridge, or cocoa, and bread.

Dinner consists of potatoes and bread, plus meat twice, bacon and beans once, suet pudding twice, and soup twice a week.”

The diet has since been slightly improved.

24. It was in 1924 as follows in the Local Prisons:—

				Men. Diet I.	Women. Diet II.
Breakfast—					
	Daily ..	..	Bread .. .. .	8 oz. ..	6 oz.
			Porridge .. .. .	1 pt. ..	$\frac{1}{2}$ pt.
			Tea* .. .. .	..	1 pt.

\*This includes milk and sugar.



				Men. Diet I.	Women. Diet II.
Dinner—					
Daily ..	{	Bread .. ..	3 oz.	2 oz.	
		Potatoes .. ..	12 oz.	8 oz.	
Sunday ..		Preserved meat .. ..	5 oz.	4 oz.	
Monday ..	{	Beans .. ..	12 oz.	10 oz.	
		Bacon .. ..	2 oz.	2 oz.	
		Fresh vegetables .. ..	4 oz.	4 oz.	
Tuesday ..		Soup .. ..	1 pt.	1 pt.	
Wednesday ..		Suet pudding .. ..	12 oz.	10 oz.	
Thursday ..	{	Beef .. ..	5 oz.	4 oz.	
		Fresh vegetables .. ..	4 oz.	4 oz.	
Friday ..		Soup .. ..	1 pt.	1 pt.	
Saturday ..		Suet pudding .. ..	12 oz.	10 oz.	
Tea and supper—					
Daily ..	{	Bread .. ..	8 oz.	6 oz.	
		Cocoa* .. ..	1 pt.	1 pt.	
		Margarine .. ..	$\frac{1}{2}$ oz.	$\frac{1}{2}$ oz.	

\* This includes milk and sugar.

25. It was for males in Convict Prisons:—

				Diet III.	Diet III(a).
Breakfast—					
Daily ..	{	Bread .. ..	8 oz.	10 oz.	
		Margarine .. ..	..	$\frac{1}{2}$ oz.	
		Porridge .. ..	1 pt.	1 pt.	
		Tea* .. ..	1 pt.	1 pt.	
		Milk .. ..	..	$\frac{1}{2}$ pt. with porridge.	
		Sugar .. ..	..	$\frac{1}{2}$ oz. with porridge.	
Dinner—					
Daily ..	{	Bread .. ..	4 oz.	4 oz.	
		Potatoes .. ..	12 oz.	12 oz.	

\*This includes milk and sugar.

				Diet III.	Diet III(a).
Sunday ..	..	{	Preserved meat .. ..	5 oz. ..	4 oz.
			Fresh vegetables .. ..	4 oz. ..	4 oz.
Monday ..	..	{	Beans .. ..	12 oz. ..	12 oz.
			Bacon .. ..	2 oz. ..	2 oz.
Tuesday ..	..	{	Mutton .. ..	5 oz. ..	5 oz.
			Fresh vegetables .. ..	4 oz. ..	4 oz.
Wednesday	..		Pea soup .. ..	1 pt. ..	1 pt.
Thursday	..	{	Beef .. ..	5 oz. ..	5 oz.
			Fresh vegetables .. ..	4 oz. ..	4 oz.
Friday ..	..		Soup .. ..	1 pt. ..	1 pt.
Saturday..	..	{	Suet pudding .. ..	12 oz. ..	12 oz.
			Treacle .. ..	..	2 oz.
Tea and supper—					
Daily	..	{	Bread .. ..	12 oz. ..	12 oz.
			Cocoa* .. ..	1 pt. ..	1 pt.
			Margarine .. ..	$\frac{1}{2}$ oz. ..	$\frac{1}{2}$ oz.
			Cheese .. ..	1 oz. ..	1 oz.
			Jam .. ..	..	1 oz.

\* This includes milk and sugar.

26. Talking was not ordinarily allowed in Local Prisons though it was permitted in Convict Prisons for long-term prisoners on Sundays. Promiscuous conversation is never allowed. Such conversation as is allowed is conducted under supervision. The reasons according to Mr. Mitchell Innes are "that the unrestricted conversation of male-factors is regarded as more likely to be harmful than beneficial to them, and that it affords an excellent opportunity for getting up charges against officers, planning assaults or escapes, blackmailing, etc." There have been, however, relaxations since, but conversation is still under supervision.

27. Each man is locked up in a separate cell from 4-30 P.M. to about 8-30 A.M. Work is done usually in association. The amenities

are reading in cells, visits, association with the chaplain and schoolmaster (there is education as part of the course), visits from non-official visitors and the receipt and despatch of letters. There has also been of late years permission to attend lectures and concerts, and debates are occasionally permitted. Religion is imparted through attendance at chapel and the visits of the chaplain.

28. Mr. Mitchell Innes has given the day of a prisoner in a Local Prison in the twenty-seventh paragraph of his note:—

“The ordinary life of a prisoner in a “Local Prison” is as follows. He rises at 5-30 A.M., washes his face and hands, dresses, and does an hour's cell work. Breakfast is then brought to his cell—after which if it is a chapel day, he goes to prayers. At 8-30 he goes out to the yards, and has an hour's exercise round a ring; after which he returns to cell if in I stage or goes to the shops if he has passed out of it. At noon dinner is served in cells. At 12-40 P.M., work commences for I stage, and at 1-30 P.M., for other prisoners. Supper is served at 4-30 P.M., and cellular labour goes on from 5 to 7 P.M.—lights being put out at 8 P.M.”

29. The warder staff are sufficient. They are highly qualified men, well paid, and not over-worked. The relations between them and the prisoners are usually excellent, and in many instances the prisoners look on the warders as their friends.

30. It is obvious, however, that in the case of short-term prisoners, who form the majority of the inmates of the prisons in England and Wales, the period passed in prison is too short to enable influences of an educative and reformatory character to be applied with great effect. This is the reason why the conditions are in some manner stricter in Local Prisons than in Convict Prisons. The preliminary solitary confinement, the period on the plank bed, and the deprivation of association are all deterrent. They give the new-comer as his first impression, the impression of the discomforts of jail-life. This is intentional. He finds life unpleasant, and in many cases does not wish to return. But to a short-sentence man the period does not permit a positive reformation. Here other influences come into action. The first influence—paradoxical as it may sound—is not to send him to prison. This result is sought by the adoption of the following methods. In the Courts of Summary Jurisdiction the principal punishment is by fine. Under the Criminal Justice Administration Act, 1914, it is obligatory on the part of the Courts to allow time in which to pay the fine imposed, and the number of persons sent to prison for failure to pay fines has fallen

enormously. Further, some Courts need not enforce a sentence of imprisonment and others may hold the sentence over placing the person convicted at the same time under probation. This power was given by the Probation of Offenders Act of 1907. In the case of juvenile offenders the convict can be sent to an Industrial school, or a Reformatory instead of to a prison. In the case of adolescents the Borstal system, described in the Appendix to this Chapter, can be applied. For those who are actually sent to prison on short sentences the lessons of implicit obedience, order, and regularity can be taught to some extent, and the subsequent reclamation is left to the efforts of Police Court Missionaries, and the equally devoted workers—men and women—who labour in the Discharged Prisoners Aid Societies and similar institutions.

31. The problems of the long-term prisoner is different. Here, while the field is more unpromising, there is more time for effort to reclaim. It has been recognized for many years in England, and in all other civilized countries, that in the case of long-term prisoners, correct classification and differential treatment are essential for reform.

First comes the classification, then comes the differential treatment. The male convicts in the convict prisons are considered as probably reclaimable, possibly reclaimable, and unlikely to be reclaimable. Provision is made for the first class in Maidstone, for the second class in Parkhurst, and for the third class in Dartmoor. Women convicts are detained at Aylesbury and Liverpool. The conditions for women have little bearing on conditions in India. The life of these convicts is the same in the main as in Local Prisons. The convicts are confined at night in separate cells, and work in association during the day. In recognition of the fact that the circumstance of a long sojourn in prison requires in itself increased alleviations, the convicts in convict prisons are granted an extension of privileges. They work in the same manner, as in Local Prisons, and if anything work harder. The discipline is stricter. To all persons detained both in Local Prisons and Convict Prisons a reduction of sentence can be gained by good work and good conduct.

32. There remains, however, a class of men who at first sight appear irreclaimable. Here the hope of reformation would seem faint. The English legislature has recognized that there is unfortunately a residuum of professional criminals who have said in effect "Evil be thou my good" and that the public must be protected from them. Provision is made for their treatment in a special Preventive Detention Prison at Camp Hill. The persons affected are those known as

professional criminals, to whom the remarks made in the English Judicial Statistics of 1897 have application.

“It is a fact to be faced that neither penal servitude nor imprisonment serves to deter this class of offender from returning to crime. His crime is not due to special causes such as sudden passion, drunkenness, or temporary distress, but to a settled intention to gain a living by dishonesty.”

33. In 1908 the present Act was passed. The original intention was that there should be no fixed limit of detention, and that a man should be detained indefinitely until he was pronounced fit for release. But Parliament refused to proceed so far, and confined the term of further detention to a minimum of five years and a maximum of ten years. The procedure is that such a person must first receive a sentence of penal servitude which is served in the ordinary manner. On the expiration of that sentence, if the jury so finds and the Court so directs, he is sent to Camp Hill, for a period stated at not less than five or more than ten years. These men are placed first in the ordinary grade. After six months' good conduct they can rise to the special grade. Men in either the ordinary or special grade can be reduced to a disciplinary grade as a result of misconduct. There are special privileges in each grade.

34. There is an Advisory Committee—a body of experienced men. The members study closely each individual, and report whenever they consider he deserves conditional release. When a man is released he is kept under observation and assisted by the officers of a Central Association.

35. This is the English system of the present day. It aims, in the first instance, at keeping offenders out of prison. When received in prison the system aims at exercising reformatory influence over the short-sentenced prisoner by impressing on him at the beginning that prison life is unpleasant, and training him to habits of industry and obedience. On his release every effort is made to guide him into better ways. For the worst of those who relapse and for those who are convicted of serious crime there are the Convict Prisons. Here, while the sentences are of necessity longer, there is a greater field for reformatory influence. Firm discipline impresses on each convict the necessity of labour, method, and obedience. Each man is taught something useful in the way of a handicraft or occupation which he can follow on release. There are different prisons for differently situated convicts. There is differentiation of treatment. On release there are the same

Societies to watch over and aid the ex-convict and restrain him from relapse into crime. Even for the very worst men—the professional criminals—men who have been described by Dr. R. F. Quinton, who spent his working life as a Medical Officer and Governor in the English Prisons as possessing “a rooted aversion to a humdrum existence of regular work: a marked predilection and very often an aptitude for devious courses of living which combine a measure of risk and excitement with a sporting chance of considerable profit: and an absence of that moral sense which constitutes the basis of character” (The Modern Prison Curriculum, page 113)—there is a graduated treatment, in each stage of which alleviations can be earned by good work and good behaviour, and where there is always the prospect of obtaining release on showing proof of a genuine intention to avoid evil courses in the future.

36. The above is the system for adults. For the young, Reformatories and Industrial Schools take the place of prisons. For the adolescents there is the Borstal Institution which is not a jail at all.

37. There has been a considerable decrease in England and Wales both in actual crimes and crimes of a serious nature during the hundred years of the nineteenth century. Many factors have contributed to that decrease, amongst which improvement in the treatment of the criminal both inside and outside the prison is only one factor. The rise in the standard of living, improved hygiene, increased facilities for games, sports and innocent amusement, diminished intemperance, advances in education, and every other movement towards a saner and happier life with a resulting increase in the civic sense have all played their part. So little can be postulated till a comparatively recent period as to the improvement due to improved methods of dealing with the criminal. To realize how much has been effected by English methods in this direction it will be better to look at the figures only for recent years. Since 1909-10 there has not been a marked advance in the standard of living or the other factors already enumerated—with the exception of the factor of the growth of temperance. So since 1909-10, it may be asserted with some degree of confidence, that improvement is largely due to a better treatment of the criminal. It is since then that the greatest strides have been made in the extension of humanizing influence, and in the more intelligent treatment of professional crime. There has been during those years special progress in measures to keep the adult criminal as well as the juvenile out of jail, to smooth the path of the prisoner before and after release, and to help him towards a cleaner life. At the same time the conditions in jails have been adapted not only

to afford hope to all, but to deter the hardened professional criminal. The figures of two classes of crime have been selected. These are crimes by which the efficacy of the preventive treatment can be tested.

38. England and Wales.

						Persons admitted to jails after conviction for burglary, house- breaking, etc.	Persons admitted to jails after conviction for larceny, embezzlements and false pretences.
1909-10	..	..	..	..	..	2,738	26,042
1913-14	..	..	..	..	..	1,960	19,126
1918-19	..	..	..	..	..	840	9,767
1919-20	..	..	..	..	..	1,426	11,424
1920-21	..	..	..	..	..	1,548	12,995
1921-22	..	..	..	..	..	No figures obtainable.	
1922-23	..	..	..	..	..	1,724	11,382
1923-24	..	..	..	..	..	1,734	12,129
1924-25	..	..	..	..	..	1,714	11,759
1925-26	..	..	..	..	..	1,685	11,277
1926	..	..	..	..	..	1,716	12,339

These figures show a decline from 1909-10 to the year before the Great War. The figures during the War are not given. There was a large drop in crime—in fact, almost a cessation of crime—in the years of the War, but that drop was due to temporary causes connected with the War itself, and the figures for those years should be excluded. It is noticeable that in the year in which active hostilities came to an end (1918-19) the figures were still abnormally low. In 1919-20 peace conditions had returned and a great increase in crime might have been expected as the result of the demobilization of many men who had before the War been convicted of serious offences. But there was no great increase. Although in the intervening years there have been a very large number unemployed, and there have been many serious industrial disputes, the figures are on the decline.

39. To summarize there were a little more than half the number convicted of burglary in 1926 than there were in 1909-10 and less than half convicted of larceny (that is theft) embezzlement, receiving, and false pretences than were convicted in that year. Two decades have not passed, but that is the result.

40. Further, the decrease in prisons has been remarkable. There are now only three prisons in which male convicts sentenced to penal servitude are received. The first is Maidstone where convicts not previously convicted are detained. Their prospects of reformation entitle them to be enumerated in a special category. In Parkhurst, the remaining convicts not previously convicted are detained, but this prison receives also all Jews, all old and infirm, and those who are mentally deficient and mentally unstable (though not certifiable) whether sentenced or not sentenced to penal servitude, and Dartmoor where "recidivists"—convicts sentenced to penal servitude who have been previously convicted are confined. Their average number was in 1926 only 481. There were formerly six Convict Prisons.

41. In 1924-25 there were thirty-two Local Prisons only. Twenty-six Local Prisons were closed between 1900 and 1924-25 as the accommodation in them was no longer required. One was closed in 1902. Fifteen were closed during the War—but they were not reopened afterwards, eight were closed in 1922, and two were closed in 1925. The Commissioners of Prisons reported in 1924-25—"We can also now claim with confidence that a substantial number of offenders, who had actually reached prison, have been re-established as honest citizens by the patient efforts of prison officials of all ranks, and of voluntary teachers and visitors to train, educate, and influence them during the period of their imprisonment, combined with the work of Aid Societies in placing them, and in many cases providing some form of supervision after their discharge."

42. Further light is thrown on the system in the report of 1925-26. "Prisons exist to protect society, and they can only give efficient protection in one of two ways either (a) by removing the anti-social person from the community altogether or for a very long period; or (b) by bringing about some change in him. Any general application of the first method would not be supported by public opinion. The prison administration must, therefore, do its utmost to apply the second; that is to say, to restore the man who has been imprisoned to ordinary standards of citizenship, so far as this can be done within the limits of his sentence. Unless some use can be made of the period of imprisonment



to change the anti-social outlook of the offender, and to bring him into a more healthy frame of mind towards his fellow-citizens, he will, on leaving the prison gates after a few weeks or months, again become a danger, or, at any rate, a nuisance. He may, indeed, be worse than before if the only result has been to add a vindictive desire for revenge on Society to the selfish carelessness of the rights of others which he brought into prison with him.

“The change can be, and is, effected in a good many cases by vigorous industrial, mental, and moral training, pursued on considered lines by officers, teachers and prison visitors of character and personality. The effect of such training, properly conducted, is to induce self-respect, to lessen self-conceit (characteristic of many prisoners on first reception), and to arouse some sense of personal responsibility. Failures there are, and, always will be, but the records of successes justify the system and the efforts of those who work to carry it out.”

## APPENDIX TO CHAPTER II.

### BORSTAL SYSTEM IN ENGLAND.

[NOTE.—The greater part of this chapter is taken direct from Sir Evelyn Ruggles-Brise's "English Prison System," his "Memorandum to the Governors of the Male Borstal Institutions" the "Borstal Book of Regulations and Standing Orders", and "Borstal in 1928."] ]

43. This system, which originated in small beginnings, is intended to provide for the treatment of the class of juvenile adult criminals between the ages of 16 and 21. The institutions in which they are kept have now attained an efficiency which must surprise those who knew the system in former years. Before the system is explained it is necessary to state the class of criminals who are detained there. They are almost entirely youths and young men from the larger cities in England and Wales. Mr. Paterson, Commissioner of Prisons, described in a lecture recently delivered how this class of criminals comes into being :—

"The great majority of the youthful offenders of this country, and also of nearly all the European countries, come to our Courts from the most overcrowded homes in the largest towns, where the social environment both of these girls and boys has played a very large part in the commission of their early crimes, and I want to trace just for a few minutes the effect that environment has on the problems of juvenile crime. It is obvious that the desire of a lad for something that is not his is sharpened by poverty, and that it is concentrated by idleness. Poverty and unemployment have a great deal to do with juvenile crime. When a lad is without a job, has nothing to do all day, and stands at the corner of the streets kicking his feet against a wall, his life is empty, his hands are idle his mind is unoccupied and therefore such unlawful desires which present themselves at one time or another to anyone, come to an empty mind and an unexhausted energy. The busy lad with eight hours of work to do, and with sports or some other occupation in his spare time, with friends and associates, has a fuller life: his thoughts and his mind are occupied, and he does not tend as a rule to commit this early crime."

44. As early as 1894 the Committee, which examined then in England the question of the treatment of criminals, reported :—

"The age when the majority of habitual criminals are made lies between 16 and 21. It appears to us that the most determined effort should be made to lay hold of these incipient

criminals, and to prevent them by strong restraint and rational treatment from recruiting the habitual class."

The opinion then was that up to a certain age every criminal might be regarded as potentially a good citizen, that his relapse into crime may be due either to physical degeneracy, or to bad social environment, and that it was the duty of the State at least to try and effect a cure and not to class the offender off-hand and without experiment with the adult professional criminal.

The scheme now in practice has been evolved by the efforts of many devoted workers, none of whom has been more devoted than Sir Evelyn Ruggles-Brise. The present Institutions will now be described.

45. The Borstal Associations do not call these Institutions prisons. They call them State Training Schools for young offenders between the ages of 16 and 21. The inmates are admitted under the provisions of the Prevention of Crime Act, 1908, and the Criminal Justice Administration Act, 1914, on the directions of Judges after indictment or committal for that purpose from a Magistrate's Court, on conviction of offences when it has been established that they are between the ages of 16 and 21, and that by reason of their criminal habits or tendencies, or association with persons of bad character, it is expedient that they should be subject to detention for such term and under such instruction and discipline as appears most conducive to their reformation and the repression of crime. It is not always known that the inmates of the Borstal Institutions are seldom first offenders. Nearly all of them have been convicted more than once before reception. Many have been convicted more than five times. They are young men who have been already placed on probation, or fined, or imprisoned or sent to Reformatory Schools. They are, in fact, the failures of a preliminary preventive treatment. Their crimes are almost wholly crimes of dishonesty. Out of 513 discharged in 1927 14 had serious physical defects, 102 had serious mental defects and 3 had both. In 48 cases there was a family history of insanity or mental defect. Thus it will be seen that the material is not easy material to handle. The period of detention under penal discipline in a Borstal Institution is under the Act of 1914 not less than two years, nor more than three years; but provision is made for release on license after the expiration of six months in the case of a male or three months in the case of a female. Under the license the inmate is placed in charge of the Borstal Association, whose duty it is to watch over and guide the inmate, reporting relapse into misconduct. On such relapse the license is cancelled.

46. We are concerned here with the males. A youth sent to a Borstal Institution is first placed in the ordinary grade. There the inmates work in association during the day. They take their meals separately, and have little association for purposes of recreation. On passing out of the ordinary grade they pass into the intermediate grade A. They then have the privilege of meals in association, and may associate on Saturday afternoons and Sundays. During this period of association talking may be allowed, and games such as chess and draughts may be played in the corridors. After remaining for three months in this grade the inmates pass into the intermediate grade B, where they are allowed to play games in the open air. Thence they are eligible for the probationary grade, but no inmate is passed into the probationary grade except after formal consideration of his case by the Institution Board. No inmate is allowed to pass out of the probationary grade except on the special certificate of the Institution Board, that he has profited by his training and can safely be trusted with the liberties and privileges of the special grade. Then comes the special grade, and finally the Star special grade. In all these grades, as the lads pass into each grade, they obtain special privileges and they finally are under restrictions which compare favourably with the restrictions of pupils in English Public Schools, though they are stricter than what prevail in Universities. Two main features of the system are strict discipline and hard work. To all are given industrial training, physical training, and education. The working day is from 5-40 a.m. to 9 p.m. with intervals for meals. From 8 a.m. to mid-day and 1 p.m. to 5 p.m. everyone is occupied in manual training or necessary domestic work. The training is given in brick-laying, carpentry, painting, smith's work, fitting, cooking, baking, garden, and farms. Evening classes follow the day's work and instruction is given in them on ordinary educational subjects and a variety of useful hobbies. Sunday is a complete holiday. Saturday is a half-holiday. Matches are then played between the Houses or with local teams, and there are lectures and entertainments. The physical training includes gymnastics. It should be emphasized that the Borstal Institutions recognize that in the period at their disposal it is not possible actually to teach a trade as there is not time within the limits of the sentence for the inmates to become skilled workmen. It is claimed, however, with justice that a reasonably intelligent and industrious lad can acquire such knowledge as will make him at least a useful workman, and that at the same time he will learn habits of hard work and self-control.

47. It has only been possible to secure the results attained by the efforts of a competent, sympathetic, and self-sacrificing staff. In a Borstal Institution no portion of the work is treated as a matter of routine. Every member of the staff gives the same attention to the case of each individual inmate, as he would give to the case of his own relative. While the discipline is strict, and disobedience of orders is never permitted there are singularly few punishments, as each breach of discipline is met by the attention of an intelligent, devoted man. Everything is done to remove the impression that the place is a prison. The Institution is divided into Houses. For each House there is a House Master, and the inmates are encouraged to consider themselves members of the community which is represented by the House and bound in honour to support the credit of the House in work, games, and conduct.

In order to impress the fact that the Institution is not a jail, the officers do not wear uniform, and the costumes of the inmates, although necessarily usually devoid of individual distinction, are based upon the costumes of young men at schools and colleges who are engaged in active pursuits. The two great weapons in daily use are the personal influence of the members of the staff upon the boys. To quote from the Borstal Book, "Governor and his Deputy, House Master and Assistant, Chief and Principal, Instructor and Officer, keen optimists with a care for others, by word and example set a standard before each lad." The second weapon which has now come into being is the public opinion of the inmates themselves.

48. There has to be, however, in the end provision for the minority who do not yield to the principles of the Institution. They are placed in a penal class, and retained there until their behaviour justifies their return to the ordinary ranks of the Institutions. This penal class is separately located, and clothed in ordinary prison dress. They are employed on hard manual or bodily labour. If no employment can be found for them on land in any capacity they are employed on grain-grinding or stone-breaking.

49. This is how the ordinary inmates are described in the Borstal Book: "They look more human after they have settled at the Institution, in their football kit, bare head and knees, shirt, shorts and stockings with a coloured top. Some wear clothes of brown and others of blue, and between the two is a great gulf stretched. For the lad in brown is still in his first year of training, learning to play the game. The lad in blue has passed through four stages and is in his second year. He is comparatively a free agent, moving at his own will, with some authority over the lads in brown, enjoying a little world of privileges, which he

has won laboriously as he passed through each stage. Last stage of all he has earned the right to have one cigarette or pipe each evening and to go to camp for a week in the summer. Every privilege serves a double purpose. It acts prospectively as an incentive and once attained it is a potential punishment. For, if a lad is mischievous, he can lose his cigarette that evening, a simple punishment, innocuous and instant."

But the actual reformation of the young criminal does not cease when he obtains his discharge. He may obtain his discharge early on licence as a result of specially good conduct, or he may obtain it on the expiration of his sentence. The nature of the license should not be misunderstood. It is absolutely different from that license, which was formerly called a ticket of leave and was granted to a convict. It does not bring the ex-inmate into monthly contact with the police. Whether a license is or is not issued the former Borstal inmate is handed over to the care of the Borstal Association, and without the Borstal Association the treatment in the Borstal Institution would not ordinarily be effective. This Association was founded for the purpose of taking charge of these lads. The connection between the inmates and Association commences when the inmate is in the Institution. As soon as he is sentenced the nearest associate is requested to visit his home and to fill up a detailed report on its conditions, and on the lad's habits and mental and physical characteristics. The associate visitors visit him while he is in the Institution, and, when the time draws near for his discharge, the Association makes all arrangements for his reception at home or in decent lodgings and arranges, if possible, for his immediate employment and, if necessary, for his support until he becomes self-supporting. He is not sent back to his own surroundings, if it is considered that those surroundings are likely to corrupt him. On the morning of his release, he is provided with a complete outfit of clothes and a change of under-clothing, and brought to the office of the Association. His relations with the Association are clearly explained to him. He is told that it desires to help him to live honestly and to prosper, and that it is the duty of the Association to report him for re-arrest if he fails to lead a sober and industrious life. He is warned against talking about his past, against expecting too much to begin with, or being contented with too little progress later on. He is advised to apply to the nearest Police Station, if through any sudden mishap he finds himself stranded, and cannot immediately communicate with the office. He is then sent on to his home or to the lodgings which have been found for him and is received by the associate of that district who has been duly notified of his coming. He is provided with working clothes and tools. Work is found

for him if possible and if necessary money is provided to meet the expenses of board and lodging until he is self-supporting. The local associate thereafter exercises a close friendly supervision, seeing that the ex-inmate is regular at his work, and if possible connecting him with a club or other means of spending his spare time healthfully and honestly.

50. The Association consists mainly of unpaid workers who devote a considerable portion of their energies and their spare time to the reformation of these young men. In addition to the paid office staff there are one thousand associates in all parts of the country and it is because it has been found possible to find such men, who are ready and willing to make these duties a main portion of their life's work, that the efforts of the founders have met with the success which they have attained.

51. Success is not always attained, but the statement made in "Borstal in 1928," at page 5, speaks for itself:—"Considering the difficulties and temptations to which lads of the labouring class have been exposed by the abnormal state of industry during recent years, those may perhaps be counted as successes who, two years after leaving the Institution gates, have not again come into conflict with the law. Out of a total of 433 lads who fulfilled that condition, over 66 per cent. have succeeded. Many of those who have failed have been convicted of a trivial offence and nearly half of them are living an honest life after the lesson taught by revocation of license."

52. Many years ago Sir Evelyn Ruggles-Brise pointed out to an international Penal Congress that the task of the Borstal Institution was one which "must tax the courage of the boldest, the confidence in the possibilities of human nature of the most courageous, and the skill and patience of those most competent to influence and reform the young."

What the Borstal system has done for England and Wales can be seen largely in the figures given in an earlier chapter on the continual decrease of serious crime in England and Wales.

## CHAPTER III.

## PRISONS IN THE UNITED PROVINCES.

53. The first place in the United Provinces where the beginner makes acquaintance with the life of the jail is the Havalat or Lock-up. Practically all prisoners under trial are confined in District Jails. The figures for prisoners under trial were as follows in 1927—

	Remaining at close of 1926.	Received during 1927.	Disposed of during 1927.	Remaining at end of 1927.
Males .. ..	3,398	36,412	36,086	3,724
Females .. ..	89	1,129	1,142	76

The average daily numbers were 3,787 males and 80 females.

54. Thus 39,810 males, and 1,218 females were in the lock-up during the year. The lock-up in most places is a portion of a District Jail and inside the jail gate. The males are kept in one part of the jail, and the females are kept in another. But amongst themselves practically all live in general association. They sleep in general association barracks, and when not in Court (that is to say, for seven days out of eight as a rule) they use a common yard. They do not work. They cannot of course be expected to do so. They wear their own clothes if they wish. They receive jail diet on the scale granted to non-labouring convicts, but may purchase and cook their own food if they so desire.

55. A few informers and one or two others are kept in cells. In District Jails a separate portion is assigned for use as a lock-up, but at present the accommodation so provided is insufficient, and the undertrials for whom no accommodation has been provided are kept in association barracks intended for convicts. In certain instances undertrials are in yards in which convicts also are kept. We have found overcrowding the rule rather than the exception. These were some of the worst figures at the time of our visits.

Unao District Jail .. ..	116	undertrials.
Fatehgarh District Jail .. ..	143	..
Mainpuri District Jail .. ..	167	..
Cawnpore District Jail .. ..	237	..
Agra District Jail .. ..	233	..
Aligarh District Jail .. ..	139	..



Gonda District Jail	..	..	..	..	128 undertrials.
Shahjahanpur District Jail	..	..	..	..	126 ..
Moradabad District Jail	..	..	..	..	249 ..
Meerut District Jail	..	..	..	..	215 ..
Sitapur District Jail	..	..	..	..	195 ..
Hardoi District Jail	..	..	..	..	337 ..

In certain jails undertrial prisoners are confined at night on bel chains.

56. There are special causes which have increased this overcrowding. One main cause is that there are a large number of prisoners under trial charged with gang dacoity. They are being charged as the result of the activities of the Special Dacoity Police. The situation can be relieved here by the speedier appointment of Special Magistrates to commit and Special Judges to try the cases. A subsidiary cause is the agricultural situation. In many districts the Deputy Magistrates were on tour distributing *takavi* advances, and had little opportunity of doing their criminal work. But even when these causes cease to operate the lock-up accommodation will be insufficient.

57. The overflow of undertrial prisoners into parts of the jail occupied ordinarily by convicts has a bad effect on the work of the jails. There is an irreducible minimum of labour required in a District Jail for work in the jail itself such as grinding corn, drawing water, cooking, and cleaning, and provision must first be made for this labour. When space required by convicts is occupied by undertrial prisoners the number available for productive labour is reduced. Relief is afforded occasionally by releasing convicts under special releases to make rooms for undertrials. Relief is also afforded by transfer of short term convicts to Central Prisons. But the number of convicts employed on manufactures in District Jails must be reduced. We found in the Agra District Jail 633 inmates, of whom 233 were undertrial prisoners. Only 108 of the convicts there were employed on manufactures. This overcrowding produces especially unfortunate results when undertrial prisoners are, as is frequently the case, in the same yard with convicts. Under present conditions it is impossible to prevent communication between them. The system of general association amongst the undertrials themselves is safeguarded by Paragraph 358 of the Jail Manual, which provides that undertrial prisoners who are members of criminal tribes, or who have previous convictions are kept separate from those who are on their trial having never been previously convicted, and that juvenile undertrials shall be kept separate from adult undertrials. But effect is not always given to this rule. In practice it is found frequently impossible to provide the

separate accommodation required, and association with opportunity of conversation is the habit for many hours in the day, and between lock-up and unlocking, i.e., from dusk to sunrise. Such association can lead to the worst results. It can never be postulated, even if an undertrial has not been convicted before, that he has not a contaminating influence. Under the present system, a man who is eventually acquitted, or who even if convicted has not committed an offence involving serious moral turpitude, is exposed to contamination from a hardened scoundrel while in the lock-up. There is unfortunately reason to believe that there are instances in which the seeds of evil have been sown in a man who was innocent of the offence with which he was charged and has been subsequently acquitted.

58. We have next to consider the life of the convict in a District Jail. There are five classes of District Jails. The first class is a jail holding over five hundred prisoners. This does not mean that it has accommodation for five hundred prisoners. It may have accommodation for only four hundred and fifty and be holding five hundred and ten. On the other hand a Jail holding four hundred and fifty prisoners and having accommodation for five hundred and fifty is classed as a second class jail. Convicts whose sentences are not in excess of five years are confined in these. The second class holds from 300 to 500 prisoners. Convicts whose sentences are not in excess of 3 years are confined in these. The third class holds from 150 to 300 prisoners and the fourth class holds from 100 to 150 prisoners. Convicts whose sentences are not in excess of two years are confined in these. The fifth class holds less than a hundred prisoners. Convicts with sentences not in excess of one year are confined here. There were in 1927 eleven first class jails, twenty second class jails, twelve third class jails (including the Bareilly juvenile jail) two fourth class jails and five fifth class jails—fifty in all. As has been already stated these jails also contain undertrials. They further contain civil prisoners.

59. The vast majority of the convicts are kept in general association barracks. Excluding hospital cells, observation cells, and excluding cells for civil prisoners, undertrials, European convicts, juvenile convicts, and female convicts there was in 1927 cellular accommodation in the District Jails for 976 male adult convicts, and accommodation in general association barracks for 21,123.

60. The day of a convict in a District Jail who sleeps in a general association barrack is as follows. The main-gate bell sounds half an hour before sunrise, the convicts rise, fold their beddings and blankets

on their sleeping berths, and sit in the wards where they have slept, till the gate of the barrack is unlocked. They are then counted, and visit the latrines and bathing platforms. After their ablutions, etc., they receive their morning meal. They are then distributed into their gangs and set to work. At 11 a.m. the main-gate bell is rung, and they return to yards, where after washing they receive their midday meal. They then return to work. At 4.30 p.m. in winter and 5.30 p.m. in summer the main-gate bell rings, and all work is stopped. They then go back to their barracks, where after visiting the latrines and washing they receive their evening meal. Then follows the lock-up parades, and they are locked up in their barracks for the night. On Sundays and the ten extra holidays allowed no work is done except indispensable jail work such as drawing water and cooking.

61. The nature of their work will be discussed later. It is sufficient to say here, that out of the average number of convicts sentenced to labour in District Jails, 1,778 were employed in 1927 on working days as prison officers (this does not include convict night watchmen employed on ordinary jail labour during the day) 1,882 were employed as prison servants cooking, drawing water, cleaning, etc., 1,228 were employed in the gardens, 1,893 were employed on articles for use or consumption in the jail, such as grinding grain, manufacturing prison clothing etc., 2,114 were employed on jail repairs, and making alterations and additions, and only 4,698 were employed on manufactures. Of the remaining 1,278—272 were in hospital, 461 were convalescent or infirm, and 545 could not be employed being otherwise not available for labour.

62. Convict officials, who are more numerous than the "prison officers" already mentioned, are convict warders, convict overseers, and convict night watchmen. No convict official is allowed to have independent charge of a file, gang, or other body of prisoners, and he must always work under the control and orders of a paid officer but in many instances—as for example in factories and barracks at night—a paid officer is not present. Subject to these restrictions the work of a convict warder is much the same as that of a paid warder. He receives a gratuity of one rupee a month, lives and sleeps apart from other prisoners, is allowed to wear shoes, cook for himself, and smoke tobacco at certain times and in certain places. Convict warders are recruited from convict overseers. Convict overseers are in effect assistant warders. Control of labour falls mainly on them. Their main privilege is that they do not work usually with their own hands. They are in charge of work. Convict night watchmen obtain very little except that they obtain extra remissions and are eligible for promotion as convict overseers, and may

rise to be convict warders. From lock-up to unlocking (that is to say, for twelve hours) the convicts in general association barracks are left in the complete charge of convict overseers and convict night watchmen. There are two convict overseers to each barrack, each of whom has a six-hours watch, and two convict night watchmen serve together on two-hours watches. They are responsible for barrack discipline and the safe custody of the convicts. There is nothing to separate the convicts in these barracks. Each is expected not to leave his own sleeping berth. The barracks are lighted by Dietz hurricane oil lanterns hung from the roofs. These lanterns at the best give only a faint light. The barracks are periodically visited by night rounds during the night.

63. The only classification of convicts in both, District Jails and Central Prisons is into two classes, habituals and casuals. The word "casual" means in this connection a convict who has not been classified as an habitual. It would be better to call him a "non-habitual." Habituals according to this classification are in the main persons convicted of offences against property, offences relating to coin and Government stamps, and of offences relating to documents and trade and property marks, under the provisions of Chapters XVII, XII and XVIII of the Indian Penal Code, whose previous conviction or convictions taken in conjunction with the facts of the last case in which they have been convicted show them to be by habit robbers, house-breakers, dacoits, thieves or receivers of stolen property, or habitual extortioners, cheats, counterfeiters, or coiners, persons convicted of offences against the person, under chapter XVI of the Indian Penal Code, with previous convictions who are found to be habitual committers of offences against the person, persons sent to prison in default of finding security for their good behaviour under sections 109 and 110 of the Code of Criminal Procedure, persons who even though not previously convicted are habitual members of gangs of dacoits or thieves, are dealers in slaves and stolen property, and members of criminal tribes. The classification is made by the convicting court but the jail authorities can point out errors in classification.

64. Habitual and non-habitual convicts are kept usually in separate parts of the District Jails. They are not, however, treated differently, except that an habitual convict cannot rise to the rank of convict overseer and is under less liberal remission rules. He thus cannot become a convict warder.

65. As has been stated above no convict with a sentence of over five years should be sent to a District Jail. There are, a large number of long-term convicts in the District Jails. On the 1st August, 1928

when the Committee took a census of the jail population in the United Provinces, there were in the District Jails :

1,408 convicts serving sentences of 5 years and over;

782 convicts serving sentences of 4-5 years;

1,028 convicts serving sentences of 3-4 years;

that is 3,218 long sentenced convicts. It would at first sight be expected that in these circumstances there would be no short term convicts in the Central Prisons. There are, however, a considerable number. On the same date there were in the Central Prisons—

497 convicts serving sentences of less than one year;

865 convicts serving sentences of one to two years;

390 convicts serving sentences of two to three years;

(that is 1,752 in all) and there were in addition 419 serving sentences of 3-4 years, and 812 serving sentences of 4-5 years—that is 1,231—making a grand total of 2,983. There are reasons for this to which we shall advert in another place.

66. The average number of convicts in the Central Prisons was 12,140 in 1927. On the 1st August, 1928, there were 11,922 of whom 5608 were classified as habituais and 6,314 were classified as non-habituais. Most of these are confined in general association barracks. There is ordinary cellular accommodation for 1911 only, and not all the cells are occupied. The daily life in a Central Prison is the same as in a District Jail. All that has been said of a District Jail can be said of a Central Prison. But the convicts are of a different temperament. The habituais in particular are very difficult men to handle. There is considerable difference between the prisoner in a Local Jail in England and the convict undergoing penal servitude. There is an even greater difference between the average convict in a District Jail and a long-term habitual in a Central Prison. Discipline must necessarily be stricter in a Central Prison, and a better staff is required.

67. The figure of average employment in the Central Prisons was as follows in 1927 :—

Prison officers	..	..	..	..	..	1,346
Prison servants	..	..	..	..	..	1,291
Employed on gardens	..	..	..	..	..	781
Employed on articles for use or consumption in the jail	..	..	..	..	..	1,596
Employed on repairs, additions, etc.	..	..	..	..	..	1,047
Employed on manufactures	..	..	..	..	..	4,968

This describes the jails.

68. The methods of keeping offenders out of the jail are, so far, very few. The Salvation Army and the Government Settlements for the reclamation of criminal tribes have some preventive effect. The use of section 562 of the Code of Criminal Procedure ensures a certain number being bound over instead of being sent to prison. There are a few Juvenile Courts. A little is done by Discharged Prisoners' Aid Societies. But both, preventive work in the real sense and after-care of the prisoner on discharge, have hardly begun to be understood in this part of India. For reformation in the jail there is little or nothing outside the jail life. The convict has to learn personal cleanliness, punctuality, and a certain amount of discipline is enforced. He has to work. He does not work as hard as a man of the working classes works outside the jail. His working day is nominally nine hours, but there are so many interruptions that the actual hours of work are less than seven. He is fed and clothed. We shall consider the question of his food and clothing at a later stage of this report. There is only an occasional attempt to educate him, though there has been a praiseworthy experiment in the direction of education in some places—notably Agra Central Prison. Little or nothing is done by way of religious and moral instruction. The life and work of the long-sentenced man remain unaltered usually from the day he enters the prison to the day that he leaves it.

69. The main present incentives to reformation in a jail are the reduction of sentence for good conduct under the Good Conduct Remission rules, and the prospect of obtaining release on the Revising Board's Report. Convicts serving sentences of under six months are entitled to no remission. But with that exception a convict can by good conduct and industry earn an ordinary remission of four days a month. A convict warder receives eight days, a convict overseer receives six days, and a convict night watchman receives five days remission in the month in place of those four days. Convicts such as cooks and sweepers, who work on Sundays and holidays, receive an extra two days a month. At the end of the year in which he has received no jail punishment greater than a warning the ordinary prisoner receives fifteen days extra remission. He may receive the extra fifteen days even if he has been punished with a punishment greater than a warning. Special remissions may be granted for specially excellent work to an amount not exceeding thirty days in the year at the discretion of the Superintendent, and not exceeding sixty days in the year at the discretion of the Inspector-General or the Local Government.

Remissions can be cancelled in part or totally as a punishment for misconduct.

70. It will be of interest here to consider the greatest possible remissions that can be earned by a convict sentenced to a medium sentence, whose conduct has been of the best. Supposing he is a man sentenced to a sentence of five years' Rigorous Imprisonment for participation in an agricultural riot in which a man has been killed. In his first year he can obtain the maximum remission  $48 + 15 = 63$  days. After fifteen months, having served one-quarter of his sentence, he may be promoted a convict night watchman. He can then earn 12 days for the first three months, 45 days for the next nine months and 15 days extra for good behaviour in the year. . . . i.e., 72 days. He would, having served two years, have earned 135 days remission. At the end of the next six months, having served half his sentence, he could be promoted a convict overseer. He could then earn for the third year:  $6 \times 5 = 30$  days +  $6 \times 6 = 36$  days + 15 days, i.e., 81 days, making 216 days in all. After serving another six months he could be promoted a convict warder. He would then have served as convict overseer for a year. In this six months he could earn 36 days making 252 days in all. At the end of his fourth year he would have to his credit  $252 + 6 \times 8 = 48 + 15 = 315$  days. Towards the end of the year he might be granted a special remission of 45 days for protecting an officer of the prison from attack (it will be no advantage to him to grant him more). This would bring his remissions to 360 days, (360 days = a year for remission purposes) and he would be released at the end of his fourth year. But such a man would usually be released even earlier by the Revising Board. An intervening case would be that of a man sentenced to five years who receives his  $48 + 15$  days' remission a year. At the end of his fourth year he would have 252 days' remission to his credit. He would be released after serving four years and three months. The very bad man sentenced to five years who has all remissions cancelled serves the full five years.

71. In the case of long-sentence convicts there are further opportunities. Their cases are submitted to the Local Government after a specified period, the shortest period being in the case of a convict sentenced to transportation for life for an offence not judged specially heinous (and not being a professional hereditary or specially dangerous criminal) the period of fourteen years less remissions earned. The case of an ordinary murderer thus goes up when he has served fourteen years less remissions—that is to say ordinarily after twelve years or less, and such persons are usually released either conditionally or unconditionally after that period has elapsed. The cases of men convicted of heinous crime even when they are professional, hereditary, or specially dangerous criminals also go up for consideration and ordinarily the maximum of total imprisonment is twenty-five years.

72. But the greatest inducement to good behaviour is in the authority delegated to Revising Boards. The cases of all non-habitual convicts with sentences of not less than three years or more than four years come before the Revising Boards when they have served two years of their sentences. The cases of all non-habitual convicts with sentences of over four years come up when they have served half their sentences, and the cases of habitual convicts come up when they have served two-thirds of their sentences and completed at least two and a half years' imprisonment. These cases are considered at the meetings of the Boards. The Boards recommend conditional or unconditional release, or postpone the case till the next hearing or indefinitely. Their proposals for release are submitted to the Local Government who pass final orders.

73. The Boards for convicts confined in Central Prisons consist of the Inspector-General of Prisons, the Sessions Judge within whose jurisdiction the Central Prison is situated, and a non-official gentleman (preferably a local Member of the Legislative Council) nominated by the magistrate of the district in which the prison is situated. They meet twice a year at the Central Prisons concerned.

74. There is only one Board for convicts confined in District Jails. It consists of the Inspector-General of Prisons, the Sessions Judge of Lucknow, and a non-official gentleman (preferably a local member of the Legislative Council) nominated by the District Magistrate of Lucknow. This Board meets twice a year.

A certain very small class of convicts is excluded from the number whose cases go before the Revising Boards.

75. For juveniles and adolescents there are the Chunar Reformatory which is not a jail, and the Bareilly Juvenile Jail. We shall discuss the question of the treatment of juveniles at length in another part of the report. Something is done for mentally deficient and mentally unstable convicts in the Agra District Jail but so far there has been no serious attempt to examine suspects as a whole, or provide for special treatment for mental cases which cannot be certified.

Thus very much remains to be done towards reformation. Here the system is essentially defective.

76. On the other hand, there are many good points in the jails in this Province. They are clean. The sanitary arrangements are excellent. The health is good. The death rate is low. The food and clothes though open to criticism and improvement cannot be condemned. The staff work under great disadvantages. Considering the paucity



of their numbers the length of their hours of work, the inadequate opportunity of advancement, the difficulty of obtaining leave and the absence of the conveniences of life the work of many of these officers is much better than should be reasonably expected.

77. Against these good points there is the fact that the convict is treated too little as an individual capable of reformation, and too much as a one-thirty-thousandth of a system. This defect is not due to those who administer the present system. Considering the absence of opportunities and their other difficulties our feeling is sometimes of admiration and almost of amazement that so much has been done with the instruments. But the feeling of the Committee is that the system must be re-organised and re-organised on broad lines. The situation demands more than makeshift alterations. Without sweeping changes the system will remain much as it is. The consequence of the present system is that few men leave the jails in this Province better men than when they entered, and many leave worse than when they entered. Some leave very much worse. Against the gratifying figures in England of diminution in the jail population, diminution of serious crime, and a closing of prisons we find our prisons overflowing, new prisons required, an increase in serious crime and an increase in the number of previous offenders returning to jail. The jail system is only one of the factors operating towards this result. It is, however, the only factor with which we can deal here. If the jail system can be improved the results will be improved to some extent.

78. If anything is done which is worth doing, money will have to be spent freely. We suggest that there could hardly be a better object on which to employ public funds. Even if nothing material could be recovered extra expenditure would be justifiable. The reformation of the morally unstable, the conversion of persons who would otherwise be a danger or at best a nuisance to the community into decent citizens—these are objects worth the expenditure of large sums of money. But it is hoped that something material will be recovered. There should be an actual saving in years to come from a present increased expenditure on jails, not only the saving to the future victims of crime, but to the Crown itself. The saving to the Crown will take the form of reduced expenditure on the jails themselves, on the expenses of courts and prosecutions, and a reduction in police expenditure. The present system is not producing even good financial results. After exercise of drastic economy the figures of jail expenditure are showing a tendency to rise. It will be the Committee's aim to show that—paradoxical as it may sound—increased expenditure will cause a reduction.

## CHAPTER IV

### ADMINISTRATION.

79. The appointment of the Inspector-General of Prisons in the United Provinces is reserved under the orders of the Secretary of State for an officer of the Indian Medical Service, and the holder is usually appointed by selection from officers of the Indian Medical Service, who are senior Superintendents of Central Prisons. The duties of the office in this province are exacting. The following comparative statement shows that the Inspector-General of Prisons in the United Provinces has a heavier charge than any officer in a similar position in India.

Province.	Central Prisons and Presidency Jails.	District Jails and similar institutions.	Lock-ups and subsidiary jails.	Prison population for the last day of 1927.
United Provinces .. ..	6	50	.. .	31,140
Bengal .. ..	7	21	61*	13,538
Punjab .. ..	3	21	10	19,444
Central Provinces .. ..	2	10	9	4,375
Bihar and Orissa .. ..	4	13	51*	7,503
Bombay .. ..	1	16	8	12,979
Madras .. ..	10	6	..	18,476
Assam† .. ..	..	11	9	2,421
North-West Frontier Province‡ ..	2	3	8	3,971
Burma .. ..	9	23	..	19,347

\* These are not necessarily inspected by the Inspector-General.

† The Inspector-General of Civil Hospitals in Assam is also Inspector-General of Prisons.

‡ The posts of Chief Medical Officer and Inspector-General of Prisons are combined in the North-West Frontier Province.

The only assistance given to the Inspector-General in this province in the performance of these duties is from his head assistant, an officer drawing from Rs. 240 to Rs. 300 a month.

80. The actual duties of inspection necessarily take up the greater part of his time in the cold weather and rains. The six Central Prisons must be inspected at least twice a year, and the District Jails must be

inspected at least once a year. The Committee is of opinion that five days are necessary for the inspection of a Central Prison, and that one day is necessary for the inspection of a District Jail. This figure is based on their own experience. It will not take the whole of a day to inspect all District Jails, but it is inadvisable to inspect more than one District Jail in a day. Forty-three of them are situated in separate places where there is no Central Prison. The remaining seven are situated in places where there is a Central Prison. The latter jails, however, require a day each for their inspection. The Inspector-General would prefer two days. When there is added to the days so required the time taken in travelling from one place to another, it is not surprising that for seven and a half months in the year the Inspector-General spends about twenty days a month on tour, and can only spend the rest of his time at headquarters. He cannot always spend ten days at headquarters for his touring duties are not confined to inspection. In the case of disturbance (or even friction) in a jail it is often necessary for him to proceed at once to the place and make an investigation which may last for some days. At headquarters the duties are heavy.

81. These are some of the duties of an Inspector-General:—

Transfers of prisoners from one jail to another must in certain cases be submitted to him for approval. He is responsible for promotions and has to grant special sanction in the case of the appointments of convict officials and prisoners employed on outside labour. He has to apportion the amounts allotted for buildings, examine and pass the plans, and check the amounts spent. He has to go through the voluminous returns submitted from each jail. He has to place contracts for raw materials. He has to control the manufactures in the jails. He has to arrange the postings of the superior staff. He has further considerable correspondence with Government, which includes the duty of submitting information for answers to questions in Council, and he has further to hear appeals against supersessions and punishments preferred by members of the staff. He has to make proposals for the Jail Budget. The Committee so far from being able to make suggestions for the reduction of his duties proposes to add to them, for one of the Committee's proposals is that the classification of some prisoners should be checked carefully in the Inspector-General's office.

82. In these circumstances it is not surprising that the work is not conducted as satisfactorily as it should be. When the Committee has visited jails in this Province it has not had to devote its attention to many subjects, which necessarily engage the attention of the Inspector-General. The Committee has not had to examine and check the accounts. It has not had to decide the question of improvements in

buildings. It has not had to consider the employment of labour from the practical side, or to apportion the labour available. It has not had to consider in detail the treatment of the sick, and the sanitation of the prisons. The Committee has therefore been able to devote considerably more time than the Inspector-General has at his disposal to such points as classification of prisoners, the examination of prisoners' actual ages, the necessity or want of necessity of transfers that have been made from one jail to another, and cases of prisoners which deserve special consideration. The result of the Committee's observations has been that in many instances patent errors are existent. As is stated elsewhere, classification is frequently found to be incorrect on the face of the warrant. In many instances it has been discovered that the ages of convicts have clearly been inaccurately stated. Youths have been recorded as three or four years older than they really were, with the result that they have not been treated as adolescents when they were adolescents. The Committee has discovered many instances of convicts in Central Prisons who should have been in District Jails and convicts in District Jails who should have been in Central Prisons. It has been able to trace from the examination of papers that certain convicts have been transferred from one jail to another for no adequate reason. It would almost appear that certain superintendents apply for the transfer from their own prisons of certain convicts, because the convicts are troublesome and unruly. One instance will illustrate the meaning of this remark. The Committee found in a small District Jail a convict who had been transferred four times in the course of eighteen months, and it was frankly admitted from the last jail transferring him, that he was transferred because he was intriguing and suspected of sending anonymous petitions from the jail. The Committee has noted many special cases—cases of men who on the face of it were mentally unstable but receiving the same treatment as ordinary convicts, and of men for whom special arrangements should have been made.

83. Our observations thus show that under the present system there are not always sufficient checks either at the time of inspection or in the office. For this no blame can be attached to the present Inspector-General or his office. The duties are such that the Inspector-General cannot attend with the care that is necessary to every point, and his office is not sufficient to provide for necessary checks. In the matter of transfers especially the office has not the time to scrutinize the reasons, and cannot be blamed for the result. The remedy is obviously to increase the staff.

84. This in the opinion of the Committee can best be done by the appointment of a Deputy Inspector-General who will relieve the Inspector-General of the duties of inspection of all second class, third class, fourth class and fifth class District Jails, excluding Benares, Fatehgarh, Sultanpur, Dehra Dun and the Bareilly Juvenile Jails. Benares and Fatehgarh should be inspected by the Inspector-General as they are jails situated in places in which there are Central Prisons. The Sultanpur Jail should be inspected by him as all tuberculosis cases in the Province are sent there, and the Bareilly Juvenile Jail and the Dehra Dun Jail should be retained for his inspection for special reasons, apart from the fact that there is a Central Prison at Bareilly. This leaves him 22 of the present jails. The Deputy Inspector-General will inspect 34. It should also be permissible for the Inspector-General to depute to the Deputy Inspector-General inspections of the jails ordinarily inspected by him, and himself to inspect, should he wish to do so, jails which would ordinarily be inspected by the Deputy Inspector-General. The duties of the Deputy Inspector-General would not be only those of an inspecting officer. He would assist the Inspector-General in his work at headquarters. If this arrangement is made the occasions when both are absent from headquarters will be infrequent. The Deputy Inspector-General will in addition be in special charge under the Inspector-General of the improvement and co-ordination of jail industries, devoting particular attention to the meeting of demands and the marketing of the jail products. He will also be responsible for the supervision of the two Training Schools, which we propose should be constructed for the training of the Subordinate Staff and Warders. In the Punjab, where there are fewer institutions to inspect, and where the jail population is two-thirds of the jail population in the United Provinces, a Deputy Inspector-General has already been appointed. The appointment is for five years. It is held by Major Puri, I.M.S.

85. This proposal will not, however, give sufficient relief. There should be in addition an officer retained usually at headquarters to take most of the office work from the Inspector-General and the Deputy Inspector-General. The checking of transfers, the checking of building projects, the inspection of returns and the checking of classifications can be done satisfactorily by an officer of the qualifications possessed by a first rate jailer, whose duties will be to remain ordinarily at headquarters, only touring when required to investigate serious complaints made against a particular jail in the audit department, or matters of a similar nature. For the post of Deputy Inspector-General the Committee recommends in the first instance the appointment of a senior

officer in the Indian Medical Service, who should be remunerated by his jail pay with a special allowance of Rs. 250 a month, to be selected from amongst the Superintendents of Central Prisons. Subsequent appointments should be made from selected superintendents whether in the I.M.S. or not. For the post of Secretary Inspector the Committee is disposed to recommend a selected Jailer. The Committee has already seen more than one Jailer at present in the service who in their opinion is competent to perform these duties. He should receive the pay of his grade with a personal allowance of Rs. 100 a month partly in consideration of the importance of his duties and partly in consideration of the loss of the free quarters which he would have as a Jailer. The present Inspector-General of Prisons is not in favour of appointing a promoted jailer to this post. He would reserve it for a Superintendent of a District Jail. The Committee expresses no final opinion in the matter. It will be for the Local Government to accept or not to accept the proposal to make such an appointment, and if it is made to determine who shall be appointed to it.

There should be a Supervisor of the Public Works department attached to the office of the Inspector-General to prepare plans and estimates of buildings and assist with expert advice. The question is considered in Chapter 16.

#### *Superintendents, Central Prisons.*

86. The Committee has been asked to report whether, in their opinion, the post of Superintendent of a Central Prison should be separated from the post of Medical Officer. The question has for the present been decided in respect of five such posts, as under the recent orders of the Secretary of State for India five posts have been reserved for officers of the Indian Medical Service. The present Inspector-General of Prisons is not in favour of reserving any of these posts for officers in the Indian Medical Service. He would throw all such posts open to selected Superintendents of District Jails. If the question is re-opened, it will have to be re-opened by the Government of India. The Inspector-General recognized that the non-reservation of these posts would imply the non-reservation of the post of Inspector-General of Prisons to an officer in the Indian Medical Service. It appears to the Committee that when officers of the Indian Medical Service are appointed, it is not necessary to separate the post of Superintendent from the post of Medical Officer. As it will be proposed to relieve all Superintendents of Central Prisons from the charge of the District Jails and the

Bareilly Juvenile Jail, Superintendents who are medical men will have sufficient time for the performance of the duties of both posts. But apart from the posts actually reserved for officers of the Indian Medical Service, there is much to be said in favour of reserving other posts for medical men. Colonel Baird, I.M.S., Inspector-General of Civil Hospitals, has said in his answer to the general questionnaire :—

“ I regard it as a very great asset to Government that the Superintendent is a medical man and also holds medical charge. The present excellent system of sanitation, which has led to a great diminution in the death rate, has been gradually built up entirely because of this fact. The Medical Officer is not here, as is usually the case, merely the adviser to a Superintendent who may or may not carry out his recommendations, but he is an executive officer who is in a position to carry out his own recommendations. The result is that the jail prisoner is the healthiest adult Indian in the world to-day.

“ I am quite aware that there are objections to the combination of these two duties, and it may be argued that there is not enough purely medical work even in a Central Jail to occupy the Medical Officer, but so long as medical men are to be found, who are sufficiently keen on the type of work which a jail superintendent has to do, the advantage of combining the two posts are greater than the disadvantages.”

87. There are at present six Central Prisons, and when the sanctioned Central Prison at Meerut comes into being there will be seven, but as the Committee suggests in addition the appointment of a Deputy Inspector-General there will be actually eight such posts, the holder of one being Deputy Inspector-General. There are thus three posts to be considered. The Committee does not suggest that any of these posts should be reserved for officers of the Indian Medical Service. It considers that a reservation of the post of Inspector-General and five posts of Superintendents of Central Prisons for officers of the Indian Medical Service is sufficient. The remaining three posts should be open to selected whole-time Superintendents of District Jails. The appointment of these officers will be considered subsequently. There is already one officer originally of the Indian Medical Department, who is a permanent Superintendent of a Central Prison. This officer should be retained. In the event of the appointment of a Superintendent of a

Central Prison who is not a medical man—an appointment which the Committee contemplates as possible, it will be necessary to provide a separate Medical Officer. Such a Medical Officer should be a selected Assistant Surgeon deputed from the Government Medical Department. The Committee is strongly of opinion that no Superintendent of a Central Prison should be placed in collateral charge of a District Jail. The duties in a Central Prison are amply sufficient to form a whole-time charge, and in the opinion of the Committee a Superintendent of a Central Prison has not sufficient leisure to attend satisfactorily to the additional duties of the Superintendent of a District Jail.

88. The next question is in respect of the appointment of the Superintendents of District Jails. It may be postulated at the beginning that the present system under which the Civil Surgeon is usually Superintendent of the District Jail has usually worked well in places in which the Civil Surgeon's other duties leave him sufficient leisure for the administration of a District Jail. Where the jail is a small jail, the supervision of the Civil Surgeon is usually adequate. There seems to the Committee no reason to change the present system in respect of third, fourth or fifth class District Jails unless their charge is of a peculiar nature, but where a Civil Surgeon has really heavy work in connection with his official duties, and his duties towards the patients who reasonably look to him for medical attendance, the Committee considers that an overwhelming case is made out for the appointment of a whole-time Superintendent of a first or second class District Jail. Where the Civil Surgeon is retained as Superintendent, the Committee considers that the Inspector-General of Prisons should lay down the requisite time that each Superintendent should spend in the jail. There is nothing usually to be gained in the opinion of the Committee in not selecting a medical man for the appointment of Superintendent of a District Jail. As in the case of Central Prisons it is obviously an advantage that the same man should combine the duties of Superintendent and Medical Officer, if he has the time within which to perform both efficiently. The Committee would suggest that where such medical men are appointed as Superintendents, officers in the Indian Medical Department should remain eligible for such appointments, but that the majority of these appointments should be reserved for specially recruited medical men who have obtained degrees in the Indian Universities. On the evidence which the Committee has recorded it appears to them perfectly feasible to recruit an efficient cadre of Jail Superintendents from properly qualified medical men shortly after they have taken their degrees. There seems no reason



why the Jail Department should obtain officers less efficient than the officers who are now being taken by the Public Health Department. We see no reason to suppose that such officers will be wanting in administrative qualities. There is no necessary difference in the character of a student studying medicine and the character of a student studying arts, science, commerce or law in an Indian University. They all lead a life which makes for formation of the same character. They meet outside their working hours in the activities of the University. Students other than students studying medicine are appointed to appointments which require high administrative qualities, and have shown that they are capable of performing their duties. The training in jail administration can be given by appointing them originally as Deputy Superintendents on probation, and attaching them both to District jails and Central Prisons, where they will learn their administrative duties under the supervision of the Superintendent. The Inspector-General of Prisons was at first disposed to question the advisability of combining the post of Superintendent with the post of Medical Officer, but when our present proposal was explained to him he accepted it. The Committee does not consider that any Civil Surgeon has sufficient leisure to attend to the duties of Superintendent in addition to his own duties in a jail where the population is 500 or more. It therefore proposes that whole-time Superintendents should be appointed in the nine first class District Jails which are at present not collateral charges, and at Agra. Lucknow District Jail under our proposals will be reserved for non-habitual adolescents. There will be thus eleven posts. To these will be added Shahjahanpur District Jail, Benares District Jail, (at present a collateral charge) Sultanpur District Jail (a whole-time Superintendent is already in charge) the Bareilly Juvenile Jail as reconstituted, and the Dehra Dun Jail. Sultanpur houses all the tuberculosis cases. The Committee proposes to convert the Dehra Dun Jail into a jail for European convicts, for Indian convicts who live after European fashion and for Star Class Indian convicts of superior social position, and the charge of this jail should be made over to a whole-time Superintendent. It proposes a first class District Jail at Shahjahanpur. There are thus sixteen jails which in the opinion of the Committee should be placed in charge of whole-time Superintendents. The Dehra Dun Jail would be best administered by an officer of the Indian Medical Department. The Committee would reserve thirteen posts for the Provincial Jail Department of medical men. The remaining two posts the Committee considers should be reserved for selected Jailers. There are some Jailers in this Province whose work would justify their selection to such posts. The

Committee suggests that such Superintendents should receive a starting pay of Rs. 300 a month rising by an annual increment of Rs. 50 to Rs. 700 a month. We also propose a free house or house allowance. A special allowance should be given to the Superintendent of the Sultanpur Jail, the Agra Jail, which on our proposals will house mental cases, and the Superintendents of the Lucknow and Bareilly adolescent Jails in view of their responsibilities. When a Jailer is appointed Superintendent of a District Jail, he should receive on appointment a salary not less than the salary together with the allowance which he has received as a Jailer. In a case, in which a promoted Jailer is appointed Superintendent of a District Jail, a whole-time Assistant-Surgeon should be appointed as Medical Officer. The Committee suggests that Superintendents of District Jails when appointed Superintendents of Central Prisons should be placed on a starting salary of Rs. 800 rising by annual increments of Rs. 50 to Rs. 1,200, and that they should receive free residences. To the sixteen posts proposed should be added two more in order that the cadre should be self-supporting to provide a leave and study reserve. The leave reserve will provide a reserve also for the Central Prisons. It will also be possible for the Superintendent of a District Jail to take over temporary duties for short periods in addition to his own duties to relieve a Superintendent of a Central Prison. It will then no longer be necessary to depute a Magistrate for temporary duties in Central Prisons.

#### *Subordinate Staff.*

89. We shall consider separately the subordinate staff in Central Prisons and in District Jails. In a Central Prison the subordinate staff consists usually of one Head Jailer, two Jailers who are known as Circle Officers, one Office Jailer, one Deputy Jailer, six clerks, twenty-seven Intramural Warders and a reserve Warder Guard of twenty-seven. In a larger District Jail the staff consists of one Jailer, one Deputy Jailer (this post is not always filled up), two clerks, about twenty Intramural Warders, and from six to nine in the Reserve Warder Guard. Before we consider the question of recruitment, appointment, duties and pay of the members of these staffs it will be better to state some general impressions, at which the Committee has arrived, as a result of what it has actually seen, and of what it has heard from the members of the staff themselves and from others.

90. The Committee states confidently that these officers are over-worked. They do not receive either the leave or the holidays which

the members of other services receive ordinarily. Their hours of duty are too long. It is not unusual for these officers to work for ten to twelve hours a day. They sometimes work more. They have in addition to perform night duties. Leave is obtained with great difficulty. Holidays are practically non-existent. On the days when the convicts ordinarily do no work, such as Sundays and the ten other holidays granted in the year, the Jail staff so far from having to do no work find their duties somewhat increased. The members of the staff live under uncomfortable conditions. Their quarters are almost invariably bad. They have few facilities for educating their children and practically no amenities of life. In addition there is actual danger which can be appreciated by reading the Chapter on Punishments and Discipline in Jails. It is a commentary on the difficulties of obtaining employment that so many candidates are found to undertake these duties.

91. In these circumstances it is not surprising that the work of the Jail staff is not considered satisfactory by many members of the public. Complaints are not levelled against Superintendents, but it is said, and said freely, that among the subordinate staff from Jailers downwards there is much amiss with the department. One suggestion is that, while well-to-do convicts, who can and will pay for the privilege, obtain all the amenities that they can desire, the well-to-do convicts who can but will not pay, are made to suffer every kind of discomfort until they disgorge, and that the poorer are treated with no attention to their just claims. That there is truth in these assertions there can be no doubt, but the Committee has been unable, after making all possible effort to discover the truth, to obtain anything approaching the proof which would justify a finding against individual jailers and members of the superior subordinate staff. The Committee would have been assisted if witnesses from outside the jails who were in a position to put forward concrete instances had come before them and made statements. But there was an unfortunate disinclination. There has been evidence justifying such charges against the Warders, and the finding that many Warders are corrupt, and some are oppressive, reflects to a certain extent on those in immediate authority over them. How far the charge of laxity or possibly something worse can be considered to condemn the Jailers should be considered in fairness in the light of the conditions under which they are compelled to live and work. But when the Committee has found, as it has found, convicts of means, who were in a position to pay, receiving exceptionally favourable treatment, the circumstance indicates that not only the Warders are concerned.

92. The remedy, as this report will suggest, is obvious. If the conditions are improved, the temptations will decrease and there will be no excuse for corruption or other defects. If the staff are properly treated, and adequately remunerated, dismissal will be feared in a manner in which it is not feared now, and—what is much more important—self-respect will be increased, and a superior class will enter the service.

93. All Jailers of Central Prisons and District Jails are selected by promotion from Deputy Jailers, and from such members of the clerical branch as were confirmed on 1st April, 1925. The salary of the post is Rs. 140 rising to Rs. 400, with two efficiency bars. Jailers who have attained to the pay of Rs. 325 a month are classified as gazetted officers. There is no distinction between the pay of a Head Jailer of a Central Prison, and a Jailer of a District Jail, whatever be the class of District Jail. The pay depends on the length of service. The duties of the Jailer are given in Chapter XXXVIII of the United Provinces Jail Manual and in other places in the Manual. There are, however, considerable distinctions between the duties of Jailers in Central Prisons and Jailers in District Jails. The word "jailer" in reference to a Central Prison requires particular explanation, as it includes the Head Jailer of the Central Prison, the Jailer of the Central Prison who performs the duties of Circle Officer, and the Jailer who supervises and controls the work of the clerical establishment and is known as the "Office Jailer."

94. The Head Jailer of a Central Prison controls the whole establishment for disciplinary purposes under the orders of the Superintendent. He is on duty from the time of unlocking until the time of lock-up and his duties are not then completed, for he has frequently to pay surprise visits at night, and has also under the present rules to sleep inside the prison one night in three. He is not allowed to leave the prison premises at night time without the written permission of the Superintendent. Inside the prison in addition to being responsible for discipline and food of all not in hospital, he is in charge of a circle or semi-circle for the purpose of supervision of labour. This means that in addition to disciplinary control over some two thousand convicts the Head Jailer in a Central Prison has also to control the labour of several hundred convicts. That does not conclude his duties inside the prison, for he is also in charge of the building operations and inside gardens, and outside the prison he is responsible for the work of the out-gangs and for control of the outside gardens, and any farm land that may be under cultivation. The duties of a Head Jailer in a Central Prison are

more onerous than the duties of a Jailer in a District Jail. The responsibilities are enormous. There is no prison official in Great Britain who is expected to do anything approaching the work of a Head Jailer in a Central Prison in the United Provinces. He receives no assistance.

95. The duties of the Jailer in charge of a circle are considerably less than those of a Head Jailer, but they are sufficiently onerous. He has control over more convicts in the factories, but his responsibilities do not extend far outside his own circle, although he, like the Head Jailer, has to sleep in the prison one night in three. A very heavy duty is the writing up of tasks in the factories. In certain prisons he is assisted in this duty by paid members of the technical staff. The Weaving Master in the Fatehgarh Central Prison writes up the tasks in the weaving factory. But in many places he has no such assistance, and is responsible for noting the work done on the prescribed labour tickets. His hours of duty are not less than the hours of duty performed by the Head Jailer.

96. The Office Jailer supervises the purchase of materials for the factory and building departments, verifies all stores quarterly, checks remissions, revision sheets, all registers, accounts and records of the prison. As Head Accountant and Treasurer he has custody of the cash, prisoners' jewellery and valuables, maintains the cash books and prepares abstract bills. As Head Store-Keeper he weighs all provisions purchased, and examines and weighs all goods sent from the factory to the store. In a District Jail the Jailer combines the duties of a Head Jailer and an Office Jailer in a Central Prison, but as the work is on a smaller scale the duties are not as onerous as those of a Head Jailer in a Central Prison, though they are sufficiently onerous in the larger District Jails. It may be taken, however, as a settled principle that all these officers are on duty for over ten hours a day. Where the duties are lighter they work at lower pressure: where the duties are heavier they work at higher pressure, but the actual hours are much the same everywhere. The first recommendation in respect of Central Prisons is that Deputy Jailers should be appointed to assist the Head Jailer, and the two executive Jailers, that is to say, an increase of three Deputy Jailers on the executive side. The work will then still continue heavy, but it will not impose the excessive strain thrown at present upon these officers.

97. The Office Jailer requires the following officers to assist him. Under the proposed scheme these will be drawn from the Deputy Jailer or Assistant Jailer class. He should have one Head Accountant, one

Warrants and Remissions Clerk, one Correspondence Clerk, one Assistant Correspondence Clerk and one clerk for history tickets, etc. for the Record section, and he should for stores have one Head Store-Keeper, one Factory Store-Keeper, one Grain Store-Keeper and one Store-Keeper in charge of clothing, buildings and miscellaneous matters. These are in the main the proposals of the United Provinces Jails Association. The addition is only an addition of two extra men.

98. There are certain duties imposed on the Head Jailer of a Central Prison which in our opinion might be discontinued. The Head Jailer should be relieved of the obligation to sleep inside the prison. He will, of course, not be relieved from making surprise night visits or from his ordinary tour of night duty. One responsible officer must sleep in the prison every night, but under our proposals there will be ample responsible officers to sleep in the prison at night, and no such officer will be required to sleep in more than a reasonable number of nights. If a Head Jailer cannot be trusted to come into the prison, whenever his presence is required, he should not be retained as a Head Jailer. His reliability is not increased by making him sleep in the prison. There are further certain duties of the Head Jailer which can well be relegated to other officers, but we leave the question of relief from such duties to the administrative authorities themselves when the staff is increased.

99. The present position of the Head Jailer of a Central Prison in the matter of salary is anomalous. If he is transferred from a Central Prison to a District Jail (which is a possibility—though a remote one) he will actually gain by the transfer, for he will receive the same salary, and do considerably less work. There is an instance in which an officer has been retained for special reasons in a District Jail although he has become a gazetted officer. To meet this difficulty it is suggested that every Head Jailer of a Central Prison should receive a local allowance of Rs. 150 a month, and in addition local allowances should be granted to the Executive Jailers in charge of circles and Deputy Jailers on circle work in Central Prisons. Executive Jailers should, it is suggested, receive a local allowance of Rs. 100 a month, and Deputy Jailers a local allowance of Rs. 50 a month. These allowances are justified not only by the fact that their duties are more onerous, more responsible, and more dangerous than the duties of officers on similar salaries in District Jails, but that these officers are required to wear uniform every day, and that they have such a large amount of ground to cover in the course of their duties that they are unable to perform them except by bicycling. In practice every one of these officers keeps a bicycle at his own expense.

100. There is further a very important point in connection with the executive staff in Central Prisons. The Committee is convinced that the practice of appointing a special staff for Central Prisons which prevailed in the past should not have been discontinued. The nature of the work in Central Prisons is so essentially different from the nature of the work in District Jails, that an executive staff should be recruited for Central Prisons only, and the members should be recruited on a higher pay. For this class, recruitment as a Deputy Jailer is proposed on Rs. 80—5—140 a month, to which will be added the local allowances which we have mentioned. These Deputy Jailers for Central Prisons would, of course, be recruited separately, and their educational qualifications should be such as to ensure that they possess the necessary intelligence for the performance of their duties. The Committee suggests that this educational test should be in the case of Indians that the candidate has passed the Intermediate examination, and in the case of Anglo-Indians that the candidate has obtained the Senior Cambridge certificate. A local allowance of Rs. 75 a month for an Office Jailer in a Central Prison and a local allowance of Rs. 40 a month for his Deputy Jailer, should such Deputy Jailer be appointed are further proposed.

101. In the District Jails it appears necessary to attach to each jail a Deputy Jailer. In some District Jails the Jailer has the assistance of a Deputy Jailer, but there should be a Deputy Jailer in every first class, second class, and third class District Jail. It is not only a question of relieving a District Jailer of many of his present duties, such as the writing up of account books and registers: it is a question of proper efficiency. As matters stand the Jailer must necessarily be absent occasionally on duty. When he is absent on duty (as for example on occasions when he has to give evidence in court) there is at present in jails, where no Deputy Jailer is posted, no one to take charge of his work except a clerk. He may be a junior clerk. Although difficulties in the matter of discipline occur infrequently in District Jails (especially in smaller District Jails) there should at all times be a responsible officer of some standing present in the jail. It is for this reason that a Deputy Jailer should be appointed in all instances. There is further the disparity at present between the duties of a Jailer in a large and important District Jail such as Meerut, and in a small District Jail. The work of no District Jailer is as heavy as the work of a Head Jailer in a Central Prison, and it does not seem fair that a man should be asked to do the work of the jail in such a jail as the Meerut District Jail and receive exactly the same remuneration as he would receive if he were in a small and unimportant jail. To meet this difficulty

it is proposed that Jailers in first and second class District Jails should receive a local allowance varying from Rs. 25 to Rs. 50 a month according to the size of the jail. A special allowance of Rs. 50 a month is already given to the Jailer of the Bareilly Juvenile Jail which is a third class District Jail. This should certainly be continued in view of the specialized nature of the duties. An extension of the principle is proposed. It is for consideration whether such an allowance should not also be given to the Jailer in the new Dehra Dun Special Jail, which the Committee proposes should be constructed. (See Chapter XII.)

102. On the question of additional staff there should be in addition to the Jailer and a Deputy Jailer at least four other officers in all the larger District Jails. The number could be reduced to three in the smaller jails and can be reduced to two in the smallest, but the staff should never be less in any circumstances in the interests of efficiency than one Jailer, or Deputy Jailer and two others.

103. In respect of the officers now designated as clerks the Committee is of opinion that the new division by which certain officers are made clerks for the whole period of their service on a salary rising from Rs. 40 to Rs. 100 should be discontinued and that they should no longer be designated as clerks. The Committee is in favour of recruiting candidates under the designation of Assistant Jailers on a salary of Rs. 50—5—80. On attaining the salary of Rs. 80 they would be called Deputy Jailers and their salary would then be Rs. 80—5—140 with an efficiency bar at Rs. 100. The distinction between a clerk and an executive officer does not exist in reality, for as has been pointed out to us by witnesses from the Jail Department every executive officer performs many clerical duties, and every clerical officer performs in addition executive duties. There was formerly no distinction of a hard and fast nature in the Jail Service. The present distinction has been only recently introduced. It is not justified by the distinction in the duties, and, in the opinion of the Committee, should be removed.

104. It is suggested that the educational qualification for an Assistant Jailer should be that he is in possession of the School-Leaving Certificate. A certain number of Deputy Jailers should be appointed direct at Rs. 80—5—140. The Committee suggests that in their case they should have passed the Intermediate Examination if Indians, or have obtained the Senior Cambridge Certificate if Anglo-Indians.

105. If a hard and fast rule can be made under which an executive officer performs no clerical duties, and a clerical officer performs no executive duties, a case can be made out for the recruitment of clerks



on a lower salary with less prospects. But so far, no practical scheme has been evolved under which the duties can be separated in this manner. Pandit Jagat Narain agrees to the educational qualifications proposed for future recruitment, and is therefore strongly of opinion that the scale of pay should be revised. But as he has no office experience and is not in a position from what he has seen of the jail administration in the last four months to decide on the scheme he does not feel justified in accepting or rejecting the proposals made for increase of staff and increase of pay and allowances. He is in favour of a specially recruited staff for Central Prisons to be retained in Central Prisons, and of the amalgamation of the executive and clerical staff.

106. In considering the question of subordinate staff the Committee wishes to draw attention to a practice which is still in existence in the Jail Department, from which departure has been made in many other Government departments. The reference is to the appointment of unpaid apprentices. The Jail Department still employs unpaid apprentices, and the practice is this. A candidate is selected for appointment in the Department, but he is not appointed to it without passing through a preliminary period as an unpaid apprentice. He is a selected candidate, and the lot of a selected candidate is to work without pay, until there is a vacancy to which he is appointed. He has the opportunity of being posted in an officiating vacancy, but when the period of officiating ceases, he reverts without pay, continuing to work until the occurrence of another vacancy. We have come across instances in which candidates have been for four years unpaid apprentices, having officiated for two years of the period. The result, of course, is that in most cases after the four years are over the candidate is taken in the Department. His work may have shown that he is not suitable, but after the Crown has taken his services for two years or more without payment, it is difficult to ignore his claim to a permanent appointment. This makes for inefficiency. In many other departments the practice of appointing unpaid apprentices has ceased. No man in those departments is expected to work for nothing. We have seen the results of appointing unpaid apprentices during our visits to the Central Prisons and District Jails. In another place reference will be made to mistakes in convicts' papers. When these mistakes are made by an unpaid apprentice it is hardly fair to show severity in dealing with him, but these mistakes may sometimes have a very serious result. We came across in a certain District Jail an instance in which an unpaid apprentice in giving the descriptive marks of a convict who had an aquiline nose, no marks on his forehead, and his left arm missing, described

him as a man with a flat nose, a scar on his forehead and his right arm missing. The unpaid apprentice in charge of the preparation of the descriptive sheet explained that he had not looked at the nose very carefully, had mistaken a wrinkle on the forehead for a scar, and had a very hazy idea as to which was the right arm and which was the left. But it is obvious that if this convict had escaped from prison his description in the descriptive sheet would not have aided the police in his apprehension. The Committee suggests strongly that this system of employment of unpaid apprentices should be discontinued. The cadre should be strengthened by adding sufficient probationers on suitable pay to provide a leave reserve.

107. We have now to consider the establishment of Warders. They are divided into the Reserve Warder Guard whose duties are of a semi-military nature and who are armed. They are ordinarily retained for sentry duties outside the prisons, escort duties inside the jails and to act as a reserve in the event of disturbance. The value of this guard was established in 1910 when it was only by the determination of some of the Warder Guard in the Fatehgarh Central Prison that a very serious mutiny was quelled. They are in most instances recruited from men who have served in the ranks of the regular Army. The Intramural Warders have different duties. Their duties are watch and ward and, to some extent, supervision of labour. The general idea as to the duties of the Intramural Warders will be obtained by an examination of the manner in which twenty Intramural Warders in the Lucknow Central Prison were employed on duty one day last January. Only three were employed inside the Central Prison which has over 2,000 inmates. They were on what is known as circle duty. They were in the circles employed mainly in locking and unlocking the gates as the Circle Officer passed through one yard to another. Nine were employed in charge of out-gangs working outside the jail premises, three were employed as gate-keepers on the gates, one was employed in the hospital, one was in charge of the solitary cells, one was on patrol duty on the main wall, one was in charge of the blacksmith and carpenter's shop, and one was working as an orderly carrying messages. The number employed is clearly absolutely disproportionate to the needs of such a large Central Prison, and it is to be observed that more than half the number were employed either in charge of out-gangs or as gate-keepers.

108. The conditions under which these men work are such as to prove an obstacle to the recruitment of suitable men in the service. They come on duty at unlocking, that is to say, at half past four in the summer and half past five in the winter. They work straight on

till 11 a.m. They are then allowed an hour off for their food, their places being taken by the night Warders who, although they have worked from lock-up till unlocking, are called out at eleven o'clock to distribute the food to the convicts. When relieved by the night Warders, the Warders on day duty are allowed an hour to cook and eat their food. In practice they usually remain away at least an hour and a half. This necessitates night Warders working longer, but, as the same men work by shifts on day and night duty, the night Warders do not complain of the extension of time, as they will soon be working as day Warders, and the convicts like the extension as they thereby do half an hour's work less. The day Warders then return and remain on the jail premises till lock-up. This takes place at 6-30 p.m. in the summer and at 5-30 p.m. in the winter. In the summer, when the prisoners are allowed to rest in the heat of the day, the night Warders are not allowed to rest. They have to look after the prisoners till they are relieved by the day Warders. The ordinary day Warder does not get his evening meal until after lock-up. It is possible for Warders on day duty not to attend closely to their work, but it is not easy for them to avoid almost continual walking except in the case of Warders in charge of the out-gangs. The position of the latter is not an easy one. Escapes among members of the out-gangs are not unknown, and when such an escape takes place the Warder in charge is usually dismissed. The hours of duty are in the neighbourhood of thirteen hours a day. In addition they are transferred usually at least once in three years, and when on transfer they receive travelling allowance, if married men, of two third class fares each, if single men of one third class fare. Both have to pay for the carriage of their possessions, and a married man has in addition to pay the railway fares of his children. In many instances they have little or no opportunity of getting their children educated. Schools are frequently at a distance from their quarters. In some instances certain Superintendents, who have shown particular care for the welfare of their staff, have made efforts to get small schools established in the neighbourhood of their quarters. Where this has not been done the children have either to leave their parents in order to obtain education or to remain uneducated. Warders are frequently punished by fine. We shall discuss their quarters later. The pay of a Warder now commences at Rs. 20 a month. The initial pay is not bad, but the prospects of any particular Warder rising above the pay of Rs. 25 a month are very small. Most never rise higher than Rs. 22 a month. The Warder has no holidays and gets very little leave. We have found Intramural Warders who in twenty years'

service have only had four months' leave. Casual leave is almost unknown. There is no leave reserve and when leave is granted, those who are left behind have to do the absentee's work. In these circumstances it is not surprising that the work of the Intramural Warder is on the whole far from satisfactory. He has ample opportunities of making money out of the convicts and too often uses them. He is one of the main intermediaries for bringing money to the convicts in the prison, and when money has been obtained by the convict it is the paid Warder who gets it back from him by selling him prohibited articles, or by taking payments for bringing in unauthorized letters or taking out unauthorized letters. As the punishment rolls show he is occasionally found ill-treating prisoners.

109. We consider that in order to effect improvement in the jails an improvement must be made in the prospects of the Warders. The initial pay of Rs. 20 is sufficient. An allowance of Re. 1 a month should be given in addition to literate Warders. The present prospect of an increase, as we have said, is very slight. It is clear that even a good initial pay will not satisfy a man if he receives no increase as years go on. This is especially the case in respect of Indians. Most Indians are married men, and a married man's expenses increase with years. Before children are born, or when children are young, the man becomes accustomed to a standard of living based on what he is making at the time. As children grow up, his expenses increase. If his salary is not increased, he will not be likely to reduce his standard of living, and will endeavour to make up for his increased expenses by illicit means. This is exactly what has happened in the jails. The first step to be taken to meet this is to provide for a reasonable increase as years go on. The Committee suggests that a Warder's pay should commence as it is at present at Rs. 20 a month, but that it should rise by annual increments of Re. 1 to Rs. 25, and that an Intramural Head Warder's pay should be from Rs. 30 to Rs. 35 a month by annual increments of Re. 1. We should add that in our opinion only literate Warders should be promoted as Head Warders. If in addition, there were in Central Prisons one Head Warder on Rs. 40, one on Rs. 45 and one on Rs. 50 a better class of men can be expected. The pay of the Reserve Warder Guard should be similar. A Warder should receive from Rs. 20 to Rs. 25 a month by annual increments of Re. 1, and Head Warders should receive Rs. 30 to Rs. 35 a month by annual increments of Re. 1. The Head Warder commanding the guard in a Central Prison should receive Rs. 50 a month, and the Havildar in a Central Prison should receive Rs. 40 a month. The two Chief Head Warders in a Central Prison should wear a special uniform.

110. In addition to this improvement in pay there should be a reduction in hours of duty especially among the Intramural Warders. This can only be obtained by an increase of staff. Apart from the question of reducing the hours of duty the present number of Warders in Central Prisons particularly is absurdly inadequate. This fact was emphasised by the Jail Committee of 1919, but practically nothing has been done to remove this patent defect. There should be at least one Warden on duty for each barrack in addition to the Warden on duty in the circle. There should be a sufficient reserve to allow for leave vacancies. There should be one paid Warden in charge in each yard in which food is distributed. At present a Warden after distributing food in a yard goes to another yard and sees to the distribution of food there. No duties on the main wall and no duties outside the barracks at night should be assigned to convict officials. The Warden staff should be increased to provide for these duties. The increase in the Warden staff will require a considerable extra expenditure, but it should be understood distinctly and clearly that unless this extra expenditure is met, the dangers which in the Committee's opinion are at present inherent in the present system, will continue, and the prospects of reformation of the convicts will remain as unsatisfactory as they are at present. In putting forward these suggestions the Committee is surprised at its own moderation; when it considers the numbers of jail staff employed not only in England and Wales, but in America, and all Continental countries. And in other provinces in India—for example the Punjab—the necessity of having a sufficient Warden staff has been recognized. There were in the Lahore Central Prison at the time of our visit 287 Head Warders and Warders for a jail population of 2,800. In the Allahabad Central Prison—a typical Central Prison in this Province—there are 54 Head Warders and Warders (both Reserve Warden Guard and Intramural) for a jail population of about 2,100.

111. A reasonable grievance which has been put forward on behalf of the Warden Staff is that they are transferred continually. While the Committee recognizes that a certain minimum of transfers is requisite in the interest of efficiency, it is of opinion that there are at present many unnecessary transfers, and that the transfers should be reduced to that minimum. The Warders further complain that when they are transferred they receive an inadequate allowance for the conveyance of their wives and families and no allowance for the carriage of their luggage. The expenses which they incur thereby are undoubtedly heavy, and the Committee is in favour of allowing the Warden staff their out-of-pocket expenses on transfer. This would, however,

involve a re-casting of the travelling allowance of the inferior staff in all departments. The Warders who wear uniforms daily should be issued an additional pair of *khaki* shorts and two additional *khaki* shirts a year.

112. There are further improvements necessary. Efforts should be made to provide special schools for the education of Warders' children where there are no schools within reasonable distance. Such schools already exist in some places in the Punjab. Provision should be made, where it does not exist, for hospital accommodation for such Warders as require it. When the Warder Staff is insufficient posts are frequently filled up by the appointment of temporary Warders. The temporary Warders are selected where they can be found. As they have no certainty of permanent employment they are apt to neglect their duties. They are also apt to utilize their opportunities even more than the permanent staff. They receive Rs. 16 a month and get no quarters. Their duties are as onerous as the duties of permanent Warders. Their work is usually exceedingly inefficient and it is not surprising that it should be so. The remedy is obviously that they should never be employed, and a sufficient leave reserve should be created in the permanent staff to supply leave vacancies.

113. In regard to the appointment of Warders the system which the Committee suggests is that candidates should be nominated by Superintendents of Central Prisons, selected by the Inspector-General at the time of his annual inspections of Central Prisons, and then sent to the Training School.

114. There is one additional important suggestion that must be made in respect of a particular branch of Warders' duties, that is, the duties of Gate-keepers. The Gate-keeper is a most important functionary in a prison, as he is responsible for the prevention of the introduction of prohibited articles through the main gate, and of the taking of unauthorized articles out of the prison. This is not his only duty but it is his most important. At present Gate-keepers are taken from the ordinary Warder Staff. The Committee has every reason to apprehend that Gate-keepers connive largely at the introduction of prohibited articles into the prisons, and that their searches both of Warders and convicts are most perfunctory. It will be impossible to obtain any real improvement without recruiting a special cadre of Gate-keepers, men of selected character, and paying them a higher pay than is granted to the ordinary Warder. This pay should, in the opinion of the Committee, be Rs. 35—1—40. They should all be literate.

The Punjab has recognized the necessity of appointing special Gate-keepers. In the Lahore Central Prison the Gate-keepers are retired officers of the Indian Army who receive a salary comparable with the salary we propose.

115. The question of quarters may be considered here as of all the quarters in the jail the Warders' quarters are the worst. The Committee, however, regrets to have to record its opinion that all jail quarters are almost invariably bad. It will not be unfair to describe some of the worst which the Committee has seen. There are quarters in a certain Central Prison for the Reserve Warder Guard which consist of an open barn without doors. This houses twelve men and affords insufficient accommodation for those twelve. The roof is constructed of single tiles. It is full of cracks and there is a good view of the sky through it. The kitchen is sufficient to accommodate about three cooking places at most. It is tumble down and insanitary. There is no latrine for these men, and they are expected to use a field some two hundred yards away for the purposes for which a latrine should be provided. A married Warder's quarters in the same Central Prison consist of one small room without a window. When the door is closed the place is pitch dark. The usual pattern of Warders' married quarters consists of one room. Some have verandahs. Sometimes there is a kitchen. Sometimes cooking has to be done inside the one room. The space occupied by the whole quarters is pitifully small. In these quarters the married Warder is expected to keep his wife and family. The quarters of the Superior Staff, though somewhat better, are usually distinctly bad. They are not quarters in which a self-respecting man of a higher class should be expected to live. The worst instance was where the whole-time Superintendent of the Sultanpur Tuberculosis Jail was found residing in a ramshackle building which had been condemned as Jailer's quarters some years before.

116. The Committee considers that immediate steps should be taken to improve most of the present quarters. Some new quarters—but far too few—have been recently constructed, but they are not good. The amount allotted is usually inadequate for the construction of proper quarters. It appears to the Committee very difficult for members of the jail staff, unless they are very exceptional men, to preserve their self-respect if they live in places of this nature. It must be exceedingly difficult for a married Warder with a family to preserve any sense of decency when he, his wife and family live in one room. The minimum accommodation for any married man should be two rooms, and a separate kitchen and latrine should be provided. The Punjab Government has provided for provisionally released convicts working on the

Burewala Farm, when living with their wives, quarters containing two rooms with a fairly large enclosed courtyard. This is a wise concession to a convict's self-respect.

117. The difficulty has been considerably increased recently by the fact that Government has very rightly provided proper quarters for Police Officers. As new Police quarters have just been constructed outside the precincts of the Fatehgarh District Jail the Committee had the opportunity of seeing the pattern of the Police quarters. With the exception of the fact that the married quarters for Constables consist of only one room, the Committee considers the pattern of the buildings very good. In its opinion the new quarters given to a Sub-Inspector of Police are very much better than the ordinary quarters assigned to the Jailer in the Jail Department. The quarters given to an Inspector of Police are incomparably better. The fact that these Police quarters are close to the jail quarters naturally invites comparison.

#### *Training Schools.*

118. Before any considerable improvement can be expected in the work of the Jail Department it is necessary to provide for their training. As in the case of quarters an example has been set in the Police Department which it is desirable to follow. As a result of the establishment of the Police Training School in Moradabad the work in all ranks of the Police has improved. There should be two Training Schools in the Jail Department, one for the training of Assistant Jailers and one for the training of Warders. These two Training Schools should be established preferably at Lucknow, but the candidates should not be recruited from Lucknow alone. The best method would be to recruit candidates for the Superior Subordinate Service and for the Warders, Service as previously suggested.

Those candidates selected should be placed in the training schools for a period of four months in the case of Superior Service and four months in the case of Warders. The instruction should be in the hands of selected members of the Jail Department either on active service or retired. The details of the scheme for these training schools will be supplied subsequently.

119. The Committee thus proposes improvements in the pay prospects and conditions of service of the Executive Subordinate Staff and the Warder Staff in Central Prisons and District Jails. These proposals, if accepted, will involve considerable expense. There is room here



for this criticism. The Committee has stated that the work of the Warder Staff in particular is open to serious question. How can the improvement of the conditions then be justified? The reply is this. The main object of the recommendations is to obtain a better and more suitable class of officer, and in the case of men enlisted in the future the criticism has no force. In respect to the men already in the service this much may be said. In the first place it is impossible to make sweeping dismissals. It is impolitic to place men already in the Department in a position inferior to that of new comers. This would create an atmosphere in which efficiency would deteriorate. But members of the present staff will, if these improvements are made, have a fear of dismissal which they do not possess at present. Under present conditions, dismissal is not dreaded in the Jail Department, as it should be dreaded. The loss of salary, opportunities, and pension is not desired. But on the other side is the termination of a life which has for years necessitated the performance of unpleasant and sometimes dangerous duties during twelve or thirteen hours a day, with insufficient sleep, insufficient opportunities of cooking and eating, with bad quarters, no holidays, and practically no leave. When these conditions are remedied the advantages of the Jail Service will be increased to an extent which should operate as an incentive for improvement even to the worst members of the present staff. And there is a further point. Under present conditions, when a Warder is dismissed a man of exactly the same character is appointed. In future, when a Warder is dismissed, a better man will be obtained. Pandit Jagat Narain wishes to add here his emphatic opinion that if the general complaint of ill-treatment of convicts by paid Warders is to cease, it is absolutely essential that the improvement of the paid Warder Staff should be taken in hand immediately. Hafiz Hidayat Husain concurs absolutely in this opinion and desires immediate action. The Chairman also draws attention to the necessity of giving priority to this recommendation.

#### *Medical Staff.*

120. The resident duties of the Medical Staff in Central Prisons and District Jails are performed by officers who are described in the Prisons Act (IX of 1894) as "medical subordinates". These are Sub-Assistant Surgeons. They are not in the United Provinces permanent members of the Prison Staff. These officers are deputed by the Inspector-General of Civil Hospitals to the Jail Department for an unspecified period. They can be, and in practice are, usually taken back on

the establishment of the Inspector-General of Civil Hospitals after a term of years, either at his own discretion, or on the application of the officers concerned, or on the application of the Jail Department. They are not permitted private practice, but they are permitted to take such appointments as the appointment of Police Surgeon, or the appointment of Medical Officer to a school. They receive a special monthly allowance of Rs. 10 or Rs. 15 provided their work has been in every way satisfactory. This allowance may be withheld under the orders of the Inspector-General of Prisons for any month, during which the work of the medical subordinate is considered unsatisfactory by the Inspector-General or by the Superintendent. Apart from the withholding of this allowance the jail authorities have little effective disciplinary control over the medical subordinates. In the event of their work being found unsatisfactory, the only remedy of the Jail Department is to report the medical subordinates to the Inspector-General of Civil Hospitals. The position of medical subordinates employed in jails was considered generally by the Indian Jails Committee of 1919. It was suggested to them that a separate and independent Medical Service for jails should be created to which the Inspector-General of Prisons would recruit candidates. This service would be self-contained. Those who entered it would pass their whole time in the Jail Department, and would be under the disciplinary control of the Inspector-General of Prisons. The 1919 Committee was opposed to this scheme on the ground that it would be exceedingly unlikely that men of the required qualifications would enter the Jail Service, and that the creation of this service would necessitate the maintenance of an independent leave reserve. The Committee further considered that a Sub-Assistant Surgeon, electing for continuous service in the jails, would after a certain number of years become disgusted with the monotony of jail life, and the 1919 Committee therefore suggested as an alternative that the selection of Sub-Assistant Surgeons for jail duties should be made on the basis of a regular roster, on which every Sub-Assistant Surgeon's name should be entered, and according to which every Sub-Assistant Surgeon should be liable to take his turn of service in the Jail Department. As a compensation for the nature of the duties involved the 1919 Committee suggested that the jail allowance should be fixed at Rs. 30 to Rs. 70 a month in accordance with the grade of the Medical Subordinate, and that in addition the Inspector-General of Prisons should receive a lump sum of Rs. 6,000 or more according to the number of jails in the province, which would be divided at the end of each year at his discretion, so as to form a reward allowance for those

Sub-Assistant Surgeons who had shown special diligence or done exceptionally good work.

121. Before this Committee puts forward its proposals in respect of this branch, it proposes to give the complaints of the officers of the branch, which have been laid before them by deputations representing various branches of the All-India Medical Licentiates Association and by certain witnesses who are either serving in the Department or who formerly served in it. Certain of these objections relate to their nomenclature and their position in the jail. Other objections relate to the nature of their duties, and other objections relate to their salaries and allowances. The members of the service have made further suggestions as to the improvement of the attendance of the sick in jail. We shall consider the latter suggestions in a separate place.

122. The objections to nomenclature, position in the jail, and the nature of the duties naturally derive support from the fact that these officers have not usually volunteered for the posts, and in many cases have been posted to the jails against their will. There would be less force in these objections, if the officers had themselves elected for a jail service, in which case they could not reasonably take objection, on many of these points, but the situation is altered by the fact that certain of them have not desired to be employed in the jails and have every desire to leave them. They object to being called "medical subordinates" and point out that, when they are employed under the Inspector-General of Civil Hospitals, they are described as medical officers. The question may be of moment to the officers concerned, and it is certainly somewhat anomalous that a man who is called a medical officer, when serving under the Inspector-General of Civil Hospitals, should after transfer to the Jail Department be described as a medical subordinate. The difficulty here is that the term "medical subordinate" is the term given by the Prisons Act itself. The medical officer of a prison under the Act is the Chief Medical Officer and any medical officer subordinate to him is rightly described as a "medical subordinate" in the terms of the Act. The grievance would be removed by an amendment of the Act substituting the words "resident medical officer" for "medical subordinate". This suggestion was accepted by the Conference of Superintendents of the Punjab Jails held in 1928.

123. They further object to what they describe as their subordinate position to the Jailer. The rule here is contained in paragraph 824 of the Jail Manual. "The medical subordinate shall be under the orders of the medical officer in all matters connected with the care of the sick

and other technical duties, but shall be subject to the orders of the Superintendent and the Jailer in all matters connected with the maintenance of order and discipline and with the general management of the prison." They wish that the words "and the Jailer" should be deleted from this paragraph. It is, however, to be observed that the medical subordinate has free access to the Superintendent of the Jail (who at present is almost invariably also a medical officer, and who under the arrangement which we propose will almost invariably remain a medical officer) to bring to his notice any matters connected with sanitation, or defects in the preparation of food, or unsuitability of clothing. This we pointed out to the witnesses and the depositions. The reply was that the circumstance that they were subordinate to the Jailers in certain matters operated as an obstacle to their bringing freely before the Superintendents matters in which they considered the treatment of prisoners to be capable of improvement. These objections were made to the 1919 Committee which considered that there was no necessity for accepting them, and this Committee is of the same opinion.

124. We now come to the second question—certain duties of the medical subordinates to which they take exception. They object to the rule in paragraph 840 (3) of the Jail Manual, under which the senior medical subordinate is responsible for the maintenance of order and discipline and the safe custody of the prisoners in the hospital, and is also responsible for the security of the yards and the buildings of the hospital. We cannot see that there is any force in this objection. The hospital is under him and under the rules he is responsible both for the medical attendance of the prisoners in the hospital, and for their diet, including the cooking of their food. We cannot see that he has any reasonable grievance, if he is made responsible also for order, discipline, and safe custody in the hospital, and for the proper security of the buildings. They further take exception to the wording of paragraph 825 of the Jail Manual which says: "The medical subordinate shall, under the directions of the medical officer, attend jail officers and their families without charge and as a part of his regular duty." They considered that according to the wording of this rule they are required to go into the quarters, and inquire from door to door as to whether there is any case of illness. We do not understand that the rule lays down any such duty upon them. They obviously should attend the jail staff as part of their duties.

125. The next objection taken was that, when the medical subordinate makes his rounds, he is directed to inquire personally from the Warden in charge, if his services are required in any workshop and among

working gangs. The objection here is that it is beneath the medical subordinate's dignity to ask personally from the Warder if his services are required, but that it should be the duty of the Warder to report to the medical officer. We have noted this objection. We are not disposed to treat it seriously. We do not see how it can be beneath the dignity of the most eminent members of the medical profession on arriving at the gate of an institution which they are visiting, to inquire from the porter if there is any sickness.

126. They further object to the fact that in the District Jails the medical subordinates are expected to superintend the weighment of the prisoners. They point out that in the Central Prisons the executive staff have to superintend the weighment. We consider, however, that it is very essential that a medical officer should be responsible for the weighment of the prisoners, as the weighment of the prisoners is closely connected with the prisoners' health, and so far from proposing that this duty should be taken away from the medical subordinates in the District Jails, our proposals are that the duties should be taken away from executive officers in the Central Prisons and given to the medical subordinates. So far we are not in sympathy with any of the objections, but there are other objections made by these officers which we consider reasonable.

127. The first objection of this character is as to the manner in which the special allowance can be withheld at the discretion of the Inspector-General of Prisons or Superintendent. They point out that this allowance should be given to them as compensation for the deprivation of private practice, and it appears to us that this allowance is given in fact, though not in name, as compensation for the want of private practice. In these circumstances it should be considered as a portion of the income of the post, and if it is withheld it should only be withheld as a punishment. If it is withheld as a punishment, the ordinary rules as to the infliction of punishments should be followed, and a power of appeal should be given. To this extent we consider this objection reasonable. It is further objected that the allowance is not sufficient. We consider that the allowance is insufficient. We shall revert to this point later. A further objection is taken in the special cases of the Sub-Assistant Surgeons employed in the District Jails of Agra, Rae Bareilly and Sultanpur, who have special duties to perform for which they receive special allowances. The objection is that these allowances are inadequate. We consider that they are inadequate. These officers have further a reasonable grievance in the rule which obliges one medical subordinate, when two medical subordinates are

employed, to remain in the prison throughout the night. We see no reason for this rule. Where there is only one medical subordinate in charge, he is permitted to sleep in his own quarters, and we suggest that no medical subordinate should be obliged as part of his ordinary duty to sleep in prison throughout the night though, of course, he must be in attendance in night cases when his presence is required.

The question of pay should be considered with the question of allowances.

128. In our opinion the main remedy required is the formation of a special Jail Medical Service, such as the service suggested to the Jail Committee of 1919. If officers are recruited for this jail service they will have no reason to complain if they are called medical subordinates, or are placed in matters outside their profession under the orders of the Jailer, and will have no grievance, for they will understand the conditions of their service before entry. We do not apprehend the difficulties in recruiting suitable men which were apprehended by the Jails Committee of 1919. In the first place the objection that the pay of the Sub-Assistant Surgeon on first appointment was so inadequate that if the prospect of private practice were removed, suitable men would not enter the service, has been removed, for the pay of the Sub-Assistant Surgeon has now been raised to Rs. 70—5—160 with a selection grade of 10 per cent. on Rs. 175 and 2 per cent. on Rs. 200. Further the enlistment of Sub-Assistant Surgeons in Government service has been largely discontinued. A considerable number of dispensaries have now been placed under the charge of the District Boards, who make their own arrangements for the engagement of the officers in charge. These Boards are frequently unwilling to pay the salaries which are paid in Government service. We have found instances in which Sub-Assistant Surgeons of jails have been transferred to the Jail Department, because the District Boards refuse to pay their salaries. There are an increasing number of students becoming qualified as Sub-Assistant Surgeons, and we are of opinion that the pay is sufficient, if a suitable allowance is attached, to attract the right class of officers. We do not see that there is any force in the objection that the creation of this service would necessitate the creation of a special leave reserve. The special leave reserve already exists, and the leave reserve of the Medical Department would be reduced in proportion to the number of Sub-Assistant Surgeons removed from it. The total leave reserve would remain the same. We cannot see that there is force in the objection that Sub-Assistant Surgeons would refuse to join the department on account of the monotony of jail life. There is no difficulty in obtaining

Deputy Jailers and clerks and in their case the monotony of jail life is even greater. Further there is no difficulty in obtaining in England whole-time prison doctors, who devote the whole of their lives to services in the jail. For the above reasons we are of opinion that an independent service should be constituted which should be under the complete control of the Inspector-General of Prisons.

129. But in order to increase the attractions of this service and to compensate for the loss of private practice we consider that the allowance should be raised. We have consulted Colonel Baird, the Inspector-General of Civil Hospitals, as to what are the general expectations of private practice in the dispensaries. He put the private practice at about Rs. 50 a month where there was some practice. He said that there were occasions when a very good man could make a great deal more, but on the other hand, there are several places where the private practice is nil. He considered that if the present charge allowance was doubled, there would be no difficulty in obtaining Sub-Assistant Surgeons of sufficient qualifications, and that they would have no genuine grievance. We accept his views.

130. There is a further point. If there is no compounder, the duties of a Sub-Assistant Surgeon in a larger District Jail are apt to be excessive. It must be remembered that these Sub-Assistant Surgeons not only combine the posts of House Surgeon and House Physician, but that they also under the medical officer's orders are responsible for the hygiene of the jail. Further where there is no compounder the Sub-Assistant Surgeon is tied down and finds it difficult to get away from the jail premises. We consider that a compounder should be attached to the larger District Jails.

131. In regard to compounders, the Committee suggests the advisability of giving compounders a jail allowance of Rs. 10 a month. They receive at present exactly the same salary as they receive outside. Outside they receive small fees when assisting in operations, and in compensation for the loss of the fees which jail employment involves we consider that they should receive this allowance.

#### *Technical Staff.*

132. We have considered the question of the provision of a technical staff in jails. This question is connected intimately with prison labour and manufactures. The Jails Committee of 1919 made far-reaching proposals as to the appointment of experts to be placed in charge of the manufacturing department of each jail in which any large

organized industry is proposed to be developed. They recommended that such experts should ordinarily be men from outside the Department, who had learnt the latest methods under practical conditions in England, or elsewhere, and that they should be paid salaries sufficient to attract thoroughly competent professional men. After an examination of the whole question this Committee is of opinion that this proposal should not be repeated. As a result of their inquiries they are satisfied that, to obtain the services of a man of this description, it would be necessary to pay a very high salary indeed, and even if this salary were paid it would be difficult to find suitable men for the posts. If suitable men were discovered, and they were paid salaries sufficient to attract them, there does not appear to this Committee to be a sufficient prospect of development in any branch of industry, that could be undertaken in the jails of the United Provinces which would justify the extra expenditure involved. The overhead expenses would be greater than any increased profit.

133. The difficulty can be met in another manner. The Department of Industries in this province has developed very greatly in the last few years, and the Director of Industries has with him a staff of experts who can give valuable advice and instruction. We have consulted Mr. S. P. Shah, I.C.S., the present Director of Industries, who states that he will have no difficulty in deputing members of his staff to assist with advice and guidance the development of jail industries, and it is in this manner that we would suggest that the necessary improvement will be attained. There are already in the Jail Department certain trade instructors attached to the jails who instruct in weaving, dyeing and the like. Their pay and general conditions appear in some instances to require improvement and we suggest improvement and further additions to their numbers. The expense involved will not be considerable, and will be more than met by improvements in the manufactures.

134. We should, however, note here the high standard attained in manufactures by certain of the Jail Staff who have learnt their work in the prisons themselves. Even a chance visitor can see the high skill attained in many of the Central Prisons. Even greater skill will be attained in certain instances, if members of the present Jail Staff are deputed for a course of instruction to proper centres, and after receiving such instruction return to the prisons upon the same duty upon which they are at present engaged. At present these trade instructors are recruited locally on local standards of pay. The pay varies considerably. We found in one jail a weaving instructor on a fixed pay of Rs. 25 a month, while in other jails weaving instructors of exactly



similar qualifications were drawing Rs. 30 to Rs. 60 a month. We suggest that there should be uniformity. Further the position of the instructors is anomalous. They have no authority, and are not on the staff. This difficulty will be overcome if they are enlisted in a special cadre, and given certain executive powers.

#### *Convict Officials.*

135. The advisability of utilizing convicts as prison officers, and of employing them to supplement the paid officers of the Department is discussed in the report of the Jails Committee of 1919. That Committee did not arrive at any final conclusion in the matter. The Punjab Jails Inquiry Committee of 1925 condemned convict officials unhesitatingly. They said: "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." The report continues with even stronger accusations.

136. The principle of placing one convict in a position of authority over another is doubtful. It is a principle, from which deliberate departure was made in England many years ago, and the only attempt at its reintroduction in England has been the introduction of the monitorial system in the Borstal Institutions. But a Borstal Institution differs so greatly from an ordinary jail that the acceptance of this principle in a Borstal Institution does not imply a departure from the previous practice. It is possible to retain the convict official system without placing a convict in a position of real responsibility over others, and, so long as the general association barrack is retained, convict officials must be retained. As we shall point out later only convict officials can be placed in charge of other convicts in general association barracks at night. So it must be postulated that if the general association barrack is retained—we personally have every desire that it should be abolished—its retention implies the continuance of a system which is difficult to justify, and those who object on grounds of expense to the replacement of the general association barrack by the provision of cells

in which convicts will be separated at night, will have to recognize that by the retention of the general association barrack they are perpetuating a system which at its best involves the elements of danger and corruption.

137. In any circumstances, however, we consider that the grade of convict warder should be abolished. A convict warder is practically the same as a paid warder. He has practically the same authority and the same opportunities. It is in our opinion absolutely unjustifiable to take a paid warder's work from a convict and remunerate him by giving him permission to cook his own food (which as a matter of fact he hardly ever troubles to do) permission to smoke, a separate sleeping cell, and a rupee a month with certain remissions thrown in. We are emphatically of opinion that whatever else may be done the grade of convict warder should be abolished. We add, however, that the present incumbents should be retained as convict Warders during the remainder of their prison life. Not only will it not be fair as a result of a change of system to deprive these men of the privileges which they presumably have earned, but their reduction will almost certainly cause a discontent which may have serious consequences. Our proposals in their case are to retain them where they have already been appointed, but whenever such a man is released to replace him by a paid Warder.

138. With regard to convict overseers we are of opinion that they should not be placed in a position of real responsibility—except in so far as the retention of the separate association barrack requires that they should be placed in such a position—but that they should be retained in the factories wherever they are required as foremen and overseers. We consider that, whatever may be the conditions in England, the conditions in India do not require the removal of convicts from the positions of foremen and overseers in the factories. They do that work well. Our visits to the Central Prisons and District Jails have convinced us that, if convict overseers are removed from such positions in factories and workshops, and if they are replaced by paid men, the work so far from being better will become worse. We do not see that while holding such positions they have much power of mischief, provided they are supervised as we propose that they should be supervised by an increased staff of paid men.

139. The result of the complete removal of convict officials in one place in the Punjab is described by the Inspector-General of Prisons, Punjab, in his administration report for 1927 as follows: "As an experiment, in 1926, all convict officials were removed from the Lahore Central Jail, and their place was taken by the entertainment of 11

Head Warders and 110 Warders. The combined escape from a barrack clearly showed that a guard is essential within such barracks at night, and the convict night watchmen were replaced." But while retaining convict overseers for the duties on which we suggest they can be employed suitably we consider that their number should be greatly reduced. They should be removed from certain duties on which they are now employed. They should never be placed—even in a factory—in charge of adolescent or juvenile convicts, and they should never be employed outside the barracks at night. Further we do not consider that they should ever be employed on duties on the main wall. It is while on duties on the main wall that they get their main opportunities of introducing prohibited articles into the jails. As in the case of convict Warders we consider that no man at present employed as a convict overseer should be removed from his post so long as he remains in the jail and shows himself fit for his duties, but that the appointments as they fall vacant should not be filled up, until the requisite minimum is attained, and that the duties of the number removed should be met by the appointment of more paid Warders.

140. If and when the general association barrack disappears, convict night watchmen will not be required, but so long as the general association barrack remains convict night watchmen must be retained for night duty in such barracks. They should be retained for no other purpose.

141. The acceptance of these principles will remove certain difficulties which are felt under the present system. The main difficulty at present is to obtain sufficient convict officers who are likely to perform their duties efficiently. The beneficial action of the Revising Boards and the grant of a large number of remissions together with the indiscriminate releases which have marked the last few years have had the effect of removing a number of prisoners who were doing or could have done satisfactory work as convict officials. The result has been that the Central Prisons and District Jails have been hard put to it to find men of the right quality and, amazing as it may sound, they have had to meet the case mainly by appointing dacoits as convict officials. It is true that such dacoits are dacoits who have been classified as non-habituals by the courts, but it may well be doubted whether a man convicted of such an offence as dacoity is likely except in an infinitesimal number of cases to make a responsible officer. He can hardly have had the requisite character when he entered the prison, and under the present conditions it is not easy to see how he can have acquired it there. By a reduction of the number of convict officials this difficulty will to

a certain extent be met. Further if the duties of the convict officials are confined to supervision of labour as foremen and overseers in the factories and workshops, the reason for refusing to appoint habituals as convict officials disappears. In practice habituals are put already in the position of convict officials inside the factories and workshops. They are not called convict officers. They are called teachers, and work as foremen and overseers. In future, if our recommendations are accepted, it will be possible to appoint them as convict overseers, because then it will be recognized that their duties are exactly the duties which they now perform under the name of teachers.

142. For the present rules governing their selection we should substitute rules laying down that they should be selected—subject of course to their having justified their selection by previous good conduct and having shown a reasonable amount of reliability—mainly on their qualifications to control and direct labour. The selection should be much as is now employed in the selection of convict teachers in the habitual factories. There the main qualification is the capacity to take semi-independent charge and to direct labour. One of the best convict teachers in the Agra Central Prison is an old habitual who has a very bad reputation as a dacoit. But as a result of long experience and some natural aptitude, he is doing remarkably good work as a foreman in the carpet factory. He issues all directions and, as he has a capacity of enforcing his orders and an artistic sense both in patterns and colours, he produces admirable carpets. We suggest that the same principles which were applied in selecting him for the post should be followed in the selection of convict officials in the future.

143. We consider that certain special privileges should be given to the convict overseers. Whatever their characters may be they are doing extra work and useful work. They should be separated at night from other convicts, except where they are required to be in charge of general association barracks. We consider further that the privilege of smoking should be permitted to them even when it is not permitted to other convicts. The net result of these proposals would be eventually to reduce the number of convict officials to less than one half of what they are at present.

## CHAPTER V.

### CLASSIFICATION OF PRISONERS AND PRISONS

AND

#### SEPARATION BY NIGHT.

144. The first step towards reformation is orderly arrangement. Convicts must be classified to allow for variation in their treatment. It was considered, as far back as 1877, that the classification of convicts in England was unsatisfactory. Since then every effort has been made in England to perfect a system, and apply it correctly. The importance of correct classification has been again impressed in the report of the Commissioners of Prisons for 1925-26. The method of classification in jails in the United Provinces has already been described. The terms are open to criticism. In the case of offenders against property, forgers, and counterfeiters a description as professionals and not as habituals would be more correct. As Mr. Churchill said in introducing the Rules for carrying out the Preventive Detention Act:—

“There is a distinction well known to criminologists between habituals and professionals. Habituals are men who drop into crime from their surroundings or physical disability, or mental deficiency rather than from any active intention to plunder their fellow creatures, or from being criminals for the sake of crime. The professionals are the men with an object, sound in mind—so far as a criminal can be sound in mind—and in body, competent, often highly skilled, who deliberately and with their eyes open prefer a life of crime, and know all the tricks and manœuvres necessary for that life.”

145. The point is not academic. Indian courts are apt to take the word “habitual” to mean only a man with previous convictions. Now a man may be discovered to be a “professional” on his first conviction.

146. It is not so much however with the wording of the rules—though their reconsideration is desirable—as the manner in which they are carried out. In practice the classification slip is filled up by a clerk of the court, who hurries through it. It is passed by the Judge, often as a matter of routine. The convict is sent in the first instance to a

District Jail. There his history sheet—a very important document—is prepared by one of the insufficient clerical staff, who is frequently an unpaid apprentice. If the convict is a man with a sentence over five years he will ordinarily be sent to a Central Prison. The classification slip and history sheet accompany him. The Central Prison clerical staff ought to check both. That staff is undermanned and overworked. The checking is not done, or done perfunctorily. The Committee has seen very many serious errors in classification as a result. This has been in an inquiry which has been conducted at high speed and under great pressure. If there had been time to go carefully through the history sheets of the convicts in the prisons and jails of this province at the time of our visits (there were more than 24,000) many more errors would have been discovered.

147. Even on what has been seen there have been more instances than can be reported here. A few only are given:—

- (1) *A. B.* sentenced to imprisonment in default of finding security as being “a habitual thief and burglar”. The presiding officer of the court, who signed the warrant, classified him as a “non-habitual”.
- (2) *C. D.* as *A. B.*
- (3) *E. F.* the police had sent up special remarks about this convict. He opened a shop which did no genuine business. Using its name he travelled and obtained orders, despatched bales by value-payable post, and collected the money. When opened, the bales were found to contain old ragged mats. He was convicted of frauds in three separate districts on more than three charges and sentenced to nine years’ rigorous imprisonment in all. There were charges against him in three other districts. They were not proceeded with. He was classified as a “non-habitual”.

The Prison authorities have discretion to bring errors in classification to the notice of the court, but the court refuses occasionally to alter the classification. The instance was shown us of—

- (4) *G. H.* After admission he told the jail authorities that he had served a sentence of eleven years’ penal servitude in South Africa. This was reported to the convicting court which refused to inquire into the matter.

148. Not only is the classification affected. The statistics are affected, and the position is shown better than it is owing to errors in the sheets. One instance was discovered in which the warrant showed four previous convictions with sentences aggregating seventeen years. The history sheet showed no previous convictions, and that convict must have been entered in the figures of the year as a first offender. We have seen many such instances.

149. Further, except in the case of convicts sentenced to transportation for life it is not obligatory to enter on their papers anything showing the circumstances of the offence committed. The Police may enter particulars if they wish. They generally do not do so.

150. The object of classification is to separate the worse convicts from the better convicts, to minimize contamination of the latter, and to facilitate the grouping of convicts according to their characters, so as to assist appropriate differential treatment. With incorrect classification these objects cannot be attained, and—what is more serious—the risk of contamination which is inseparable from the adoption of the general association barrack is increased appreciably.

151. Correct classification is far from easy. In England classification is done by men who can be fairly called experts. Exhaustive inquiries are made as to the convict's family history, his past, and his mental condition, and the individual case is considered in every aspect before final classification. It is not feasible to apply these methods to India except in a modified form. But strong efforts should be made to reform radically the present system. The Police should be enjoined to make careful inquiries as to all previous convictions, under whatever law or section they may be, and all those previous convictions should be entered in the classification slip after conviction. The adoption of this procedure cannot prejudice the trial. Clear orders should be issued to presiding officers of courts, that the preparation of the classification slip is an important proceeding, to which they must devote individual attention. In the case of sentences of over two years a short statement of the offender's character and offences should be given. There is no necessity to attach a copy of the judgment. The preparation of this statement should be an easy matter. In the case of the man *E.F.* it would be sufficient to say—

“Common cheat. Obtains orders for non-existent goods. Secures payment. Sends rubbish. Has on evidence operated in three districts, and probably operated in others.”

152. The necessary information should be supplied by the Police Officer investigating the case, and the statement should be prepared by the Prosecuting Inspector, countersigned by the Superintendent of Police, and then placed before the Presiding Officer of the Court, which has passed the sentence. He should adopt it after any correction found necessary. It should then be incorporated in the classification sheet.

153. The information given by the investigating officer should be confined to—

- (a) Previous convictions,
- (b) Occupation and position of convict,

and should not contain any opinion of the officer, or any reference to rumours. The Presiding Officer will himself know the circumstances of the case. The Presiding Officer will be at liberty to excise anything which he considers an unfair remark.

154. The convict on conviction is sent to the District Jail in the first instance. He should then be shown the papers and have their purport explained to him, and any objection or remarks he has to make should be recorded. The papers with the convict's objections or remarks (if any) should then be sent to the office of the Inspector-General of Prisons, who would then pass orders as to the place of detention. The convict should be allowed an appeal against the classification to an authority to be decided by the Local Government.

#### *Classification of Prisons.*

155. We now proceed to the classification of prisons, and differential treatment therein. It is proposed to consider the Central Prisons only. The need is greatest there, and the experiment can best be tried there in the beginning. It may be taken as a result of our inquiries that there should be 12,000 long sentenced adult male convicts in the Central Prisons of whom on a proper classification 5,500 are habituals and 6,500 non-habituals. Three Central Prisons should be reserved for habituals and the rest for non-habituals. One should be kept for the worst habituals—the men whose reclamation is apparently the least likely. These would include professional criminals, dangerous criminals, leaders of gangs of dacoits and the like. Bareilly might be selected at present as the most suitable as it is the most secure prison of the present six. For the better habituals Fatehgarh and Benares could at present be reserved. For the non-habituals Agra, Allahabad and Lucknow could be reserved, Lucknow being reserved for the most promising—the men nearest the "Star Class".

156. All adolescents—that is to say convicts of 21 and under—should, as far as possible, be taken irrespective of sentence out of the Central Prisons and District Jails and kept together in separate Institutions. In England provision is made for some of them in the Borstal Institutions. A similar treatment should be adopted here. The English methods cannot be adopted in entirety. But they can be adapted. The worst can be sent to one place, and the rest to another. The suggestion is that the present Bareilly Juvenile Jail should be enlarged so as to contain all habituals and that the non-habituals should be sent to the Lucknow District Jail which would be converted into a Reclamatory Institution. Provision could be made for ordinary convicts from Lucknow in a new prison at Sitapur and at Bara Banki with



a new lock-up at Lucknow. It will not be possible to confine all adolescents in these two Institutions, but this will provide for the most difficult cases. More intelligent discrimination in the awarding of sentences of imprisonment, and the provision for release on probation as described hereafter will tend to diminish the number of admissions. The residuum will have to be accommodated in special wards or barracks in selected District Jails. There they should be separated absolutely from adults. In no circumstances should juveniles or adolescents be confined in Central Prisons.

157. There can be in the future a better arrangement. When the proposed Central Prison in Meerut comes into existence, the worst habituels—the Camp Hill type—could be retained there. This will release Fatehgarh and enable all convicts of sentences of three years and over to be retained in the Central Prisons. An approximate reversion would then be made to the prior system, which prevailed till the abolition of the Andaman Institutions and the increase of crime caused the Central Prisons to overflow.

158. A question arises here to which an answer should at once be given. How is the present distribution by which short term men are sent to Central Prisons, and long term men sent to District Jails to be corrected? The reasons given to us for the apparent anomaly by which District Jails whose organization and methods are adapted for the treatment of short term convicts receive long term convicts, and short term convicts are sent to Central Prisons whose organization and methods are peculiarly adapted for the treatment of long term convicts, are these. Convict officials have to be taught their work. The only men likely to make good convict officials are long term convicts. They are taught their work in Central Prisons, and then sent as officers to District Jails. Convicts are further wanted to work as *bhistis* and sweepers on the quarters of the staff, to keep outside grounds in order, and to do outside repairs. So short sentenced men are sent to Central Prisons. Now in the first place there were on 1st August, 1928, 3,218 long sentenced convicts in the District Jails and only 1,778 men in all were employed as convict officials. Amongst these 1,778 convict officials we have found many short sentenced men. There were 1,752 short sentenced men in the Central Prisons on that date, and there was nothing like sufficient outgoing work for that number.

159. Apart from that point the remedy is this. The Committee proposes to reduce the number of convict officials very considerably, to curtail their responsibilities, and increase the paid staff. If this is done, the difficulty in finding convict officials among short sentenced men

will tend to disappear. The existence of outgangs in the Committee's opinion operates adversely to the efficiency of the administration of prisons. An altogether disproportionate number of Warders has to be detailed in charge of the outgangs. The outgangs cannot be trusted even not to steal. Many thefts are committed by them in the quarters of the staff. They are agents in introducing prohibited articles into the prisons. The paid staff should of course not be made to suffer as the result of the reduction of outgang labour. But the reduction should be made. The utilization of the services of convicts for Jail officials was expressly prohibited in England in 1865 ("English Prison System" page 69). This is the right principle. If, however, the grant of these services has been considered as part of the emoluments of the officers in question it is to be considered whether the Crown should continue to grant them the privilege of service or its equivalent by the employment of paid *bhistis* and sweepers or by the grant of a corresponding increase of salary.

160. Once this classification of prisons has come into effect, the way is prepared for the improvement of the moral character of the inmate, and for the introduction of alleviations in the treatment of individuals. The broad principles will be these. In the prisons reserved for the worst habituals, the life will be harder and the alleviations few. In the prisons reserved for the better habituals, the life will be easier and the alleviations more numerous. It will be possible to introduce differential treatment within such prisons. The life in the prisons reserved for the worst non-habituals will be much the same as the life in the prisons for the best habituals. The best non-habituals will have an easier life and many amenities. But here is a difficulty. The system must provide for reformation even of the worst habitual. The Committee proposes to meet the difficulty in this manner. In the first place there will be provision in all prisons for education, and the introduction of moral and religious influences. There will also be hopes of improved treatment. The proposal of the Committee is that a convict, either habitual or non-habitual, will be permitted to rise from one prison to another, or from one circle in a prison to another circle, when he has shown by his life signs of reformation. He will further be liable to be reduced from one prison to another or from one circle to another for misconduct, when the misconduct deserves such treatment. He will thus have the hope of benefit if he tries to improve, and the fear of punishment if he prefers to deteriorate.

161. It will, however, be most undesirable to transfer an habitual to a prison reserved for non-habituals, and something special must be done for habituals in the final stage. It is not enough that they should

have to look forward to the highest habitual prison as the end. Remissions can only partially effect the desired object. There are some habituals in the prisons now who are serving sentences of fifty years and more. They can only hope to get out in twenty-five years. They deserve their sentences, and unless they really reform (most show no indication of reform) they must be kept under control in the interests of the community. But such men's outlook is comparatively hopeless. Their number include (as might be expected) the most refractory convicts in the prisons. Provision must be made for them. In making such provision the proposal must provide for all habituals. The final goal that the Committee proposes is removal from prison. Reclamation farms or labour colonies should be created, where the habitual who has earned the concession will pass the last stage. Here he will have all the privileges of a free man with the exception of choice of residence. He will remain under supervision until his sentence after deduction of remissions comes to an end. If, as would be the case of a man undergoing a fifty-year sentence, he will almost certainly serve for twenty-five years, he will pass the final period under conditions equal in all essentials to the conditions under which a free man lives. The Committee proposes no fixed period for removal to such a farm or colony. It must be left to each convict to determine that period by his conduct and indication of intention to lead a new life.

162. The problem is easier in the case of non-habituals confined in Central Prisons, for in their case good conduct should ensure substantial reduction of sentences on the recommendation of the Revising Boards. But for the intermediate class—men who have not advanced sufficiently to be trusted with complete liberty, but who have advanced to a stage where they can be trusted to the Superintendent of a Reclamation Farm or Labour Colony—similar institutions should be provided.

163. The Committee cannot claim originality for these views. The principles now advocated were laid down in the seventh Chapter of the Report of the Indian Jails Committee of 1919-20. In paragraph 98 that Committee stated "We have therefore come to the conclusion that the only satisfactory solution of these difficulties is the provision of separate jails for habitual prisoners. A commencement of this system has been made in one province—Madras—and has been found to work well." The principles did not originate with that Committee. They are the principles recognized by all those who speak with authority in England.

164. In this connection we have to consider the recent proposals for the conversion of sentences of transportation into sentences of penal

servitude. In the discussion which arose on these proposals the question of the introduction of a progressive stage system was also considered. The system suggested by the Inspector-General of Prisons provided three stages and a special stage. We have considered his proposals and recommend their alteration in some respects, and their amplification in other respects.

165. On a preliminary point—the conversion of transportation into terms of penal servitude. As transportation beyond the seas has ceased to exist, the law should provide for sentences of rigorous imprisonment, or penal servitude. The sentence of penal servitude for life which will take the place of transportation for life should be converted (as it is converted at present in the case of sentences of transportation for life) into a sentence of penal servitude for twenty to twenty-five years according to the nature of the crime, with remissions, and with the power of revision and reduction as already exercised by the Local Government.

166. The maximum length of a sentence of rigorous imprisonment and the minimum length of a sentence of penal servitude, must first be determined. Here there are difficulties. In England there are none. All sentenced to hard labour in England necessarily go to Local Prisons, and all sentenced to penal servitude go to Convict Prisons. But the case is different in this Province where a man serving a ten years' sentence can be sent and is sent to a District Jail, and a man serving a one year's sentence can be sent and is sent to a Central Prison. Until there can be provision for the detention of all convicts sentenced to more than two years in the Central Prisons it is necessary to keep the maximum of rigorous imprisonment and the minimum of penal servitude to three years. No adult male convict sentenced to rigorous imprisonment should be confined in a Central Prison, and no adult male convict sentenced to penal servitude should be confined in a District Jail. An exception should be made in the case of male convicts under twenty-one years of age, when confined in special Institutions. They should be confined irrespective of sentence.

167. The progressive stages accepted tentatively by the Local Government in the case of convicts sentenced to penal servitude are given in a note by the Inspector-General of Prisons:—

*Note.*

The progressive stage system should apply to all penal servitude convicts. There should be no distinction as regards work in the stages. Penal servitude shall commence with a period of separate confinement which shall be one month for casuals and

three months for habituals. There shall be four stages, viz., I, II, III and special, and the privileges in each stage will fall under the following heads:—

- (1) Remission.
- (2) Privileges as regards hair and dress.
- (3) Interviews and letters.
- (4) Revising Board.
- (5) Attendance at lectures and recreation rooms.
- (6) Promotion to convict officer's post.
- (7) Gratuity.

(1) *Remissions.*—We should be more liberal and allow maximum earnable to be one-third of the sentence awarded. Remission for industry and conduct should be on the same basis in all stages. Maximum remission awardable should be ten days in a month. Full task and good conduct in a month, should entitle a prisoner to six days' remission, but for labour above the prescribed tasks 7, 8, 9 or 10 days may be awarded instead of six according to the excellence shown. Work below the prescribed task should carry less than six days' remission and be reported for punishment. If a prisoner has been admitted into hospital he may be granted six days' remission per month if the medical officer certifies that the illness was actual and not feigned, or was not the result of misconduct. Remission shall be entered monthly on the stage boards attached to the history tickets.

*Stage promotion.*—Every prisoner shall be entitled to promotion to the III stage when he has earned 270 days' remission. This will ordinarily happen after a convict has been in jail for more than two years. He shall also be granted one month's special remission on promotion to the II stage. When a prisoner has earned 500 days' remission he shall be eligible for promotion to III stage and will receive a special remission of two months. Promotion to the special grade should be by selection. The Superintendent should restrict promotion to those prisoners who have earned not less than two years' remission and have undergone six years in jail.

- (2) *Privileges in each stage.*—Dress, etc.

Stage I.—In this stage there should be no distinction regarding dress and hair.

Stage II.—Distinctive cap; may grow hair and moustaches.

Stage III.—Special dress.

Stage IV.—Special dress approximating to that of a free man, and may cook his food.

- (3) *Interviews and letters.*—

Stage I.—Same as rigorous imprisonment prisoners.

Stage II.—May write a letter and have an interview for every thirty days' remission earned.

Stage III.—May write a letter and have an interview for every twenty days' remission earned.

Stage IV.—May write a letter and have an interview twice a month.

(4) *Revising Board.*—All cases should be reviewed after half sentence is completed. Those rejected should be considered again when they have been one year in the special stage.

- (5) *Attendance at lectures, recreation rooms and use of library, etc.*—

Stages I and II.—Nil.

Stages III and IV.—May attend lectures and recreation room between six o'clock and bed-time.

- (6) *Promotion to convict officers' grade.*—

Stages I and II.—No concession. Convicts in stage III will be eligible for promotion to convict night-watchman and convict overseer's post and those in the special stage will be eligible for special employment in positions of trust.

(7) *Gratuity.*—

Stages I and II.—Nil.

Stage III.—Eight annas per month with permission to use half the money on tobacco and other comforts.

Stage IV.—Rupee 1 per month; after a year in this stage, the amount may be increased to Re. 1-4-0 per month and further four annas during each succeeding year up to a maximum of Rs. 2 per month."

168. The modifications proposed are these. We see no reason for commencing with a period of solitary confinement. We should alter the remissions according to a scale suggested in Chapter VIII. The periods to be passed in the several stages should be based on the classification of convicts and the jails. This scheme provides uniform advantages for all—the worst as well as the best. We should alter the classification here as follows :—

	Class I—Star class convicts and other non-habituals.	Class II—Intermediate convicts, non-habituals.	Class III—Worst convicts, non-habituals.	Class IV—Best convicts, habituals.	Class V—Intermediate convicts, habituals.	Class VI—Worst convicts, habituals.
	Marks.	Marks.	Marks.	Marks.	Marks.	Marks.
In stage I till men of average good behaviour have earned ..	126	158	189	189	221	252
In stage II till they have earned	252	315	378	378	441	514
In stage III till promoted to special class .. ..	..	..	..	..	..	..
Special class .. ..	..	..	..	..	..	..

Thus men of average good behaviour and steadiness would pass into the Second and Third grades as follows :—

	<i>Into second grade.</i>	<i>Into third grade.</i>
Class I .. ..	In two years,	In four years.
Class II .. ..	In two and a half years.	In five years.
Class III .. ..	In three years.	In six years.
Class IV .. ..	In three years.	In six years.
Class V .. ..	In three and a half years.	In seven years.
Class VI .. ..	In four years.	In eight years.

Men of exceptional character would reach the grades sooner.

169. As to the privileges of the grades we propose to improve conditions for all in respect of the cutting and shaving of the hair on the

head and face and are suggesting improvements in the granting of facilities for the writing and receiving of letters, and the granting of interviews. We are taking up the question of recreation and gratuities separately.

170. This scheme, however, does not in our opinion go far enough. We consider that when a convict has attained the special class—that is to say been selected out of the third grade as a man in whose case reformation has been practically achieved he should be removed from the prison ordinarily and settled on a farm settlement or labour colony.

171. The Punjab Government has recently made a most successful experiment which has taken the form of removing suitable convicts to a farm colony or extramural work on conditional releases. The headquarters selected are near Burewala about sixty miles from Montgomery. There is accommodation on the farms for five hundred convicts, and there are at present three hundred and twenty-five in residence. The inmates on the farms work first as paid labourers on the Government Farm. They are subsequently given separate holdings for their own cultivation. There is no watch and ward, and they are treated in every way as free men, subject to the restriction that they are not allowed to leave the settlement. So far not a single man has absconded. There are two hundred and thirty-one working outside the farms as paid labourers. The releases of only three have had to be cancelled. The administration can only be appreciated by a visit to Burewala. The Chairman was able to make this visit. He cannot speak too highly of the management and the success of the operations. So far those convicts only have been sent to the Settlement who are non-habituals, but in the future habituals also are to be taken.

172. One noticeable feature of Burewala is that many of the inmates have their wives and children living with them. It was not possible at the short time at their disposal for the Committee to obtain more than a superficial impression of the work done in this direction. But enough information has been obtained to justify the suggestion that here is the path to reformation. The Committee suggests the possibility of similar settlements in this province on the new lands opened up by the Sarda Canal.

173. These are the Committee's proposals as to Central Prisons. There will be no advantage at present in devising a detailed programme for District Jails. In the first place, before any final orders can be passed in respect of District Jails it will be necessary to see these proposals

carried out in Central Prisons, and to ascertain how they work in practice. If our proposals are accepted they should have the result of eliminating the long sentenced convict from the District Jail, and the problem will then become a different problem. Further, while the problem in respect of District Jails is in some aspects easier, it is in other aspects more difficult. The convicts in District Jails are now very much easier to handle than are convicts in Central Prisons. If long sentenced men are eliminated the remainder will be still easier to handle. But on the other hand the classification will be less accurate. The difficulties of classification in this province will be realized when it is remembered that in 1927 out of 28,855 male convicts admitted into the United Provinces Jails on sentences of transportation and imprisonment, 25,418 were sentenced to sentences of two years and less. The Committee's proposals would entail a more elaborate classification for the remaining 3,437. But there should be a reasonably accurate classification of the 25,418 and there will be difficulties in obtaining such classification.

174. Further at present the District Jail is expected to provide for the prison population of its own district, and for few others. The reservation of some District Jails for habituals only and the separation of convicts for differential treatment according to their classification would increase considerably the charges for moving prisoners. These charges amounted in 1927 to Rs. 69,382. Supervision of the Superintendent even if our proposals are accepted will be unavoidably not as thorough in the smaller jails. Nevertheless despite these difficulties the Committee considers that efforts should be made in the District Jails in the direction proposed for the Central Prisons. There should be jails for habituals. There should be jails for the Star Class. There should be differentiation of treatment and a hope of improved conditions as the result of good work and behaviour. It is trusted that some at any rate of these suggestions will be put into effect. It is, however, better at present to lay down principles rather than submit detailed proposals in the case of District Jails.

175. It is obvious that if there is to be any prospect of success on the lines formulated the Staffs of the Central Prisons for habituals, and for the Adolescent Institutions should be selected with particular care. The Committee is of opinion that there will be no difficulty in securing efficient officers, if their proposals for the general improvement of the staff are accepted.

176. Before closing this portion of the Report it seems advisable to give some indication as to the type of offender at present in our



Central Prisons. There is a tendency in some quarters to regard the inmates of Central Prisons as poor men who have had bad luck, who are too weak to work or who could not find work, and who have committed a trivial crime and gone to jail. The Committee wishing to discover exactly what the inmates of a Central Prison had done selected at random the inmates of one habitual general association barrack in a Central Prison, and the inmates of one casual barrack in the same prison. All the men in question were healthy robust men who were capable of working. All were doing a sufficient task in prison. These are the lists. The names of the convicts are not given. Only their numbers are given.

*Habituals.*

177.

Number of convict.	Offence.	Section of Indian Penal Code.	Sentence.
8112	*Theft .. ..	379/75	20 years.
9259	*Dacoity .. ..	395/75	10 "
5476	Dacoity .. ..	395	8 "
6090	Dacoity .. ..	395	6 "
6374	*Dacoity .. ..	395/75	10 "
2637	Dacoity .. ..	395	10 "
5398	*Burglary .. ..	457/75	8½ "
9002	*Robbery with violence .. ..	394/75	10 "
9009	Dacoity .. ..	395	8 "
84838	*Theft .. ..	379/75	9 "
6752	*Burglary .. ..	457	9 "
7609	*Burglary .. ..	457/75	4 "
6079	Dacoity with murder .. ..	396	25 "
14820	Murder .. ..	302	25 "
9011	Dacoity with murder .. ..	396	10 "
9035	Dacoity .. ..	395	7 "
8382	*Burglary .. ..	457/75	7 "

\* This signifies previous conviction.

Number of convicts.	Offence.	Section of Indian Penal Code.	Sentence.
8750	Dacoity .. ..	395	10 years.
6016	*Burglary .. ..	457/75	7½ "
9270	×*Theft .. ..	380/75	2 "
7544	*Burglary .. ..	457/75	14 "
5025	*Theft .. ..	379/75	11 "
7398	*Theft in a house .. ..	380/75	10 "
8149	*Theft in a house .. ..	380/75	25 "
7187	*Burglary .. ..	457/75	7 "
1322	*Theft .. ..	379	20 "
7826	*Theft .. ..	379	7 "
2774	*Burglary and attempted murder ..	457/307	13 "
6772	*Burglary .. ..	457	10 "
4655	Dacoity .. ..	395	10 "
6022	Dacoity .. ..	395	25 "
1081	*Theft .. ..	379	5 "
5359	*Cheating .. ..	420/75	6 "
2648	*Theft in a house .. ..	330/75	8½ "
6969	Murder .. ..	302	20 "
7951	Member gang of dacoits .. ..	400	7 "
24	Member gang of dacoits .. ..	400	25 "
8684	×*Failure to find security .. ..	109, Code of Criminal Procedure.	1 year.
9012	Robbery and poisoning .. ..	328/394	38 years.
5038	Gang of dacoits .. ..	400	25 "
9164	Gang of dacoits .. ..	400	25 "
8577	Gang of dacoits .. ..	400	10 "
7077	Dacoity .. ..	395	7 "
8461	*Theft in a house .. ..	400	10 "
8953	Gang of dacoits .. ..	400	7 "
7189	*Burglary .. ..	457/75	20 "

\* This signifies previous conviction.

Number of convict.	Offence.	Section of Indian Penal Code.	Sentence.
5169	*Dacoity .. .. .	395	15 years.
8993	Gang of dacoits .. .. .	400	7 "
8187	Gang of dacoits .. .. .	400	25 "
9148	*Theft in a house .. .. .	380/75	7 "
6513	Gang of dacoits .. .. .	400	25 "
9297	Gang of dacoits .. .. .	400	10 "
8665	Dacoity .. .. .	395	14 "
9201	× Membership of criminal tribe .. .. .	..	2 "
4285	Dacoity with murder .. .. .	396	25 "
8034	*Cheating .. .. .	420/75	10 "
8073	*Receiving .. .. .	411/75	26 "
9294	Gang of dacoits .. .. .	400	25 "
8572	Gang of dacoits .. .. .	400	25 "
9205	× Attempted burglary .. .. .	457/511	1½ "
8731	Dacoity with murder, etc. .. .. .	396	50 "
9166	Poisoning and cheating .. .. .	328, 420	7 "
8498	Gang of dacoits .. .. .	400	7 "
7209	Gang of dacoits .. .. .	400	10 "
7962	*Theft .. .. .	379/75	20 "
3470	Dacoity .. .. .	395	8 "
9254	*Theft .. .. .	379/75	9 months.
8786	Dacoity .. .. .	395	11 years.
5768	*Dacoity .. .. .	395/75	7 "
9328	*Cheating .. .. .	420/75	20 "
8650	Dacoity .. .. .	395	8 "
9256	× Failure to find security .. .. .	110, Code of Criminal Procedure.	1 year.
9269	× Criminal Tribes Act .. .. .	..	2 years.
4803	Gang of dacoits .. .. .	400	8 "
3250	Dacoity .. .. .	395	10 "
8985	Dacoity with murder .. .. .	396	25 "

\* This signifies previous conviction.

Six of these convicts (those marked with ×) should not have been in a Central Prison. Of the remaining 70, 15 were members of gangs, associated for the purpose of habitually committing dacoity, 5 had committed dacoity with murder, 18 had committed dacoity, 13 were professional thieves, 10 were professional burglars (one had attempted murder), 1 had committed robbery with violence, 1 had committed robbery by poison, 4 were professional cheats (one of these was a poisoner), 1 was a professional receiver, 2 were murderers.

*Casuals, i e. Non-habituals.*

Number of convict.	Offence.	Section of Indian Penal Code.	Sentence.
6445	Dacoity .. ..	395	10 years.
5484	Robbery .. ..	392	10 ..
1462	Dacoity with murder .. ..	396	20 ..
3845	Murder .. ..	302	20 ..
4846	Murder .. ..	302	20 ..
6018	Dacoity .. ..	395	10 ..
9082	Dacoity .. ..	395	5 ..
5295	Dacoity .. ..	395	8 ..
9220	Dacoity with arms .. ..	398	8 ..
7010	Murder .. ..	302	20 ..
7953	Dacoity with arms .. ..	398	25 ..
4639	Gang of dacoits .. ..	400	25 ..
9052	Manslaughter .. ..	304	7 ..
7756	Dacoity with murder .. ..	396	25 ..
7972	Murder .. ..	302	20 ..
9230	Dacoity .. ..	395	8 ..
5615	Murder .. ..	302	14 ..
7904	Attempted murder .. ..	307	20 ..
8421	Murder .. ..	302	20 ..
7259	Manslaughter .. ..	304	7 ..
5611	Murder .. ..	302	20 ..
8636	Assembling to commit dacoity .. ..	402	4 ..
6652	Murder .. ..	302	20 ..
8616	Murder .. ..	302	14 ..
7812	Murder .. ..	302	20 ..
8413	Murder .. ..	302	20 ..
8685	Murder .. ..	302	20 ..

Number of convict.	Offence.	Section of Indian Penal Code.	Sentence.
7614	Preparing to commit dacoity .. .. .	399	12 years.
4059	Dacoity with murder .. .. .	396	20 ..
4179	Murder .. .. .	302	20 ..
5589	Murder .. .. .	302	20 ..
8966	Murder .. .. .	302	20 ..
8524	Murder .. .. .	302	20 ..
7812	Murder .. .. .	302	20 ..
8915	Dacoity .. .. .	395	25 ..
8137	Stabbing .. .. .	326	9 ..
8757	Murder .. .. .	302	20 ..
8673	Dacoity with murder .. .. .	396	20 ..
9305	Riot and manslaughter .. .. .	147/304	5 ..
9136	*Attempt to cheat .. .. .	419/511	1 year.
6213	Dacoity .. .. .	395	7 years.
7933	Dacoity with attempted murder .. .. .	397	7 ..
9175	*Simple hurt .. .. .	323	1 year.
7979	Rape .. .. .	376	6 years.
7146	Attempted murder .. .. .	307	10 ..
8604	Dacoity .. .. .	395	8 ..
7558	Stabbing and riot .. .. .	326/149	10 ..
119	Dacoity .. .. .	395	15 ..
8533	Dacoity .. .. .	395	7 ..
9114	Dacoity with kidnapping .. .. .	395/364	4 ..
5656	Murder .. .. .	302	20 ..
9060	Causing disappearance of evidence .. .. .	201	3 ..
9251	Attempted murder .. .. .	307	4 ..

Two of these (marked with an asterisk) should not have been in a Central Prison.

178. It is noticeable how many dacoits are here classified as non-habituals. In one instance the error is palpable. The man was convicted under section 400 that is of the offence of belonging to a gang associated together for habitually committing dacoities. He is classified as a non-habitual. The offences committed by the 51 "Casuals" who should have been in a Central Prison are as follows:—

- 19 were convicted of murder,
- 4 were convicted of dacoity with murder,
- 3 were convicted of culpable homicide not amounting to murder, i.e., manslaughter.

That is to say—

- 26 (more than half) are homicides,
- 3 were convicted of attempt to murder,
- 2 were convicted of stabbing;
- 1 was convicted of rape,
- 1 was a member of a gang associated for the purpose of habitually committing dacoity.
- 14 were convicted of dacoity,
- 2 were convicted of assembling to commit a dacoity.

That is to say—

- 17 are dacoits who have not committed dacoity with murder,
- 1 was convicted of robbery,
- 1 was convicted of causing the disappearance of evidence.

*Separation by night.*

179. Closely connected with the improvements proposed is the question of separation by night. In order to improve conditions it is to be considered how far separation by night should be enforced to provide a suitable guard against moral contamination.

180. The general association barrack has already been described in this report. Its existence is, in the opinion of the Committee, an influence which tells against the reformation of the convict. It must be understood clearly that this Committee does not suggest the substitution of a cellular system of the nature formerly employed in English prisons. The old cellular system in English prisons involved a complete segregation of the convict from every one except the prison staff. That system has been long since abandoned in England. The English system

has already been described and it is not necessary to repeat the description. It is sufficient to say that the principle is to permit association at work, to permit in certain instances conversation, but at a certain hour to send the convict to his own room (a cell is a room) and leave him there till next morning. There is really no more hardship in this practice than in the practice common in many English schools, where after a certain hour a boy is sent to sleep in his own room, and no boy is permitted to enter another boy's room during the night, but where all come out again in association in the morning. There is this distinction, which is inevitable in the jails, that whereas a school boy is not locked up in his room the convict is locked up in his cell. But it seems difficult to understand why the introduction of the English system should have met with such violent opposition in some quarters as it has experienced in India.

181. The disadvantages of the general association system should be sufficiently obvious. No man with any experience of prisons can suggest seriously that convicts' unrestrained conversation is improving. It is not only when the conversation is indecent that it is undesirable that prisoners should be allowed to talk to one another freely. Indecency is not the only factor. The main objection is that there is a very large number amongst all criminals, who are proud of those very qualities in them, which are the most reprehensible. A dacoit is proud of his skill as a dacoit, a burglar is proud of his skill as a burglar, and in other forms of crime there is the same spirit of satisfaction with his worst qualities shown by the man who is himself paying the penalty for his past conduct. A very superficial study of the criminal temperament should be sufficient to show that three of the predisposing causes of crime are laziness, selfishness and conceit. Truthfulness is also not a conspicuous feature of the criminal. Not all men confined in jails are affected with the spirit of self-satisfaction and bravado, but there are sufficient in a mixed assembly (as a general association barrack must be) who will delight in boasting to their fellows of what they have done in the criminal world, and frequently inventing crimes which have never existed as the product of their genius. A professional convict usually looks upon himself as an exceptionally clever man, and looks upon the victims of his crimes as fools whom nature has provided to secure him an easy life. Unfortunately it is not only the professional criminal who has these qualities, but the man who is hoping some day to be a professional criminal, and he can be found amongst the non-habituals, even if the system of classification is perfect. It may, however, be said that amongst habituals at any rate the fact that they possess the same defects will prevent them increasing the corruption of one another, but that is not true. Even a hardened professional criminal

is capable of being made worse by another hardened professional criminal. Their bad qualities act and re-act upon one another, when they are left in unfettered association. Where a less bad man has found his way into a prison as an habitual, he will undoubtedly be made worse by the others. For this reason alone the general association barrack should stand condemned.

182. How did it come into being? It is impossible to avoid the conclusion that it came into being very largely because it cost very little. As those Members of the Committee of 1919-20 who were in favour of separation at night said in paragraph 186 of their report: "It must cost more to build fifty rooms for fifty prisoners than to build one room for fifty prisoners." But it is difficult to understand what else can be said in its favour. Apart from contamination, there is another serious objection to general association. There can be no doubt as to the fact that as a result of general association in barracks plans are made in the United Provinces for the commission of crimes after the convicts have left the jail. The Chairman of the Committee can give as a result of his own experience in criminal appeals which he has heard that on the evidence dacoities have been actually planned in the lock-ups and the jails. Those of the Members of the 1919-20 Committee who objected to separation at night stated at paragraph 154: "The theory advanced by some witnesses that prisoners plot future crimes in association sleeping wards is hardly worth considering, when we reflect that in associated labour and at meals they would have some twelve hours to do so, if they wished." But this comment overlooks certain obvious facts. It is possible for men to talk to one another during associated labour, but it is difficult for any man to talk to any one except the men on each side of him, and the noise made during many forms of associated labour is not conducive to the preparation of plots. It is true that, when work ceases, remarks can be made but they can only be made to the men close by, and it would not be easy to prepare a plot in such circumstances. Convicts at their meals are made to sit in a line. They can talk to one another, but again the occasion is not favourable for the hatching out of deep schemes. In fact in the opinion of this Committee the only places where such schemes can be hatched out are the sleeping barracks always, and the yards on Sundays and holidays. We propose to reduce general association to a present minimum, and to suggest its eventual complete abolition. In respect of the unfettered association in the yards on Sundays and holidays, it is proposed to control the men when in those places by having a proper watch and ward over them instead of leaving them as they are at present—450 men in about six separate yards under the control of one paid warder who is standing in a circle outside the yards.



183. There is further a very unsavoury side to the general association barrack. The Committee does not propose to go into details on this point, but its abstention is not for want of evidence. We refer to offences punishable under section 377 of the Indian Penal Code. We have evidence which we accept that such offences are committed frequently inside the jails.

184. How is it possible to prevent the abuses of the present system and yet retain the general association barrack? The members of the 1919-20 Committee who were opposed to separation by night were officers whose experience in jail administration was considerable. One of them had been Inspector-General of Prisons in Bengal and the other had been Inspector-General of Prisons in Bombay. This Committee feels that while dissenting from their deliberately expressed views it is only respectful to examine those views closely. These officers considered that if a prisoner had his day fully occupied by labour and instruction under a strict discipline with hopes for the future and alleviations permitted which would remove the monotony caused by deadening routine, he would have little time for evil thoughts or undesirable imagery, and having been allowed reasonable use of his tongue during permitted hours he would have small inclination for conversation, plotting, or degrading practices during sleeping hours, as he would then be a healthily tired man. In regard to the method of making the convict a healthily tired man, this Committee is of opinion that the convict is already worked as hard as it is reasonable to work him. Anything like a substantial increase in the labour performed would be in its opinion unjustifiable. He will not in the future be any more tired than he is at present, and we know that at present many of them are not sufficiently tired to converse with one another as long as they wish. Now it is to be remembered that under the present system a convict who wishes to talk to another or to communicate with another in other ways has at night the run of the general association barrack which must, if it is to be an association barrack at all, accommodate at least 20 men. Under present conditions it frequently accommodates 80. He is left at night in the charge of convict officials only. The supporters of the general association barrack stipulated for the provision of properly patrolled wards. The difficulty is this—how they are to be sufficiently lighted to ensure a proper patrol, and who is to conduct the patrol? To any one who has seen the lay out of the jails in the Province, it is clear that the watch must be conducted inside the barrack, and not outside it. The attempt to introduce an outside patrol in the Lahore Central Prison resulted as we have stated in a large number of escapes, and the reintroduction of the inside watch by convict officials. A night control from outside by a paid patrolling staff can only be

effective; either if the light inside the barrack is brilliant, or if the patrolling staff flashes lights on each inmate at very short intervals. It is enough to say that in either circumstance sleep will be difficult to most, and impossible to many. So the watch must be done inside. As to the light—it could be possible to have a brilliant light until the time for sleep, and then reduce it to the present glimmer which serves duty as light in the general association barrack. The light must be reduced in the interests of sleep. We are then left again with the present system—the convict official who patrols to some extent. This control is sufficiently effective to prevent usually escapes or mutinies but it is ineffective for any other purpose. Even the modified patrolling has its objections when done inside. If the general association barrack is retained, the convict officials must be retained as the patrolling staff. It will be asked why should we not substitute a paid warder staff? We do not base our objection here on the question of expense (though it is a consideration) but mainly on the fact that paid warders could not exercise sufficient control unless they were as many as the present convict overseers and night watchmen. The numbers of the latter vary from eight to sixteen according to the size of the barrack. There is also the element of danger. It will be remembered that out of 51 casuals in the non-habitual barrack described 19 had been convicted of murder, 3 of dacoity with murder, 3 of culpable homicide not amounting to murder, 3 of attempting to commit murder, 2 of stabbing, 14 of dacoity and 2 had been convicted of assembling to commit a dacoity. We need not discuss the others. This would be the collection of men with whom the paid Warders would be expected to pass the night, the convicts being absolutely unfettered and capable of attacking the staff at any time they chose. It has been found as a matter of experience that the convict official inside is not exposed usually to danger. The reason is that he is one of themselves. The convict official is usually a dacoit and one dacoit can be trusted with safety to other dacoits and murderers, but it would be unreasonable to expect that their presence would be tolerated, if they made a real attempt to prevent conversation or misbehaviour. Provided they make no complaints as to the behaviour of the inmates their lives are safe. But if they commenced to bring to the notice of the authorities conversation or other more objectionable practices their personal safety would be imperilled. This much they can do and usually do. They frequently (though not always) inform the authorities of attempts to commit outbreaks. They certainly did not give much information, if any, prior to the riots at Benares and Allahabad which we are describing in another portion of this report. There can be no doubt as to the fact that those risings were probably pre-arranged in the association barracks.

185. The present system of night patrol is as effective as a system of night patrol can be under the conditions of the present jails. To test the efficacy of this patrolling system a visit was paid during our tour to a Central Prison at 10 p.m. The night was a moonlight night. The patrol was accompanied on its rounds. Owing to the situation of the barrack—which was the ordinary situation of a barrack namely inside a yard—the outer gate of the yard had to be unlocked, and the noise made by the unlocking of the outer gate was sufficient to give the inmates of the barracks two minutes warning of the approach of the patrol. As conversation and other acts cannot go on inside the barracks without the knowledge and connivance of the convict officials within, the notice so afforded to the men on watch is sufficient to enable all to get back to their sleeping berths and get under the blankets well before the patrol arrives. We fail to see how under present conditions any system of night patrol can overcome this difficulty. The barracks must be inside the yards, and the yards must be locked.

186. While collecting evidence with regard to a certain incident in which reprehensible conduct was proved to have been committed inside a general association barrack, one of the convicts, who admitted his complicity in this conduct stated to the Committee: "As to night rounds they give no trouble. We always know when they are coming and are back on our own berths before they arrive." He had previously stated that the convict officials in his barrack knew all about what was going on, and paid no attention to the misdeeds. We had reason to believe that this convict who is a youth of not more than 19 was telling the truth.

187. It has been suggested that convicts prefer association barracks to cells. It seems difficult to understand how they can like some aspects of the system, and we have it on the evidence of certain convicts that they personally do not like those aspects. Every convict official is alert to prevent escapes. If an escape occurs in a general association barrack the convict officials therein are likely to suffer. So they are anxious almost invariably to prevent escapes. This is the manner in which they check the men in their charge. When the night patrols come round the convict official inside counts audibly every convict in the barrack not by name but by numbers—one, two, three and so on. This process is repeated very frequently. Convict officials almost invariably consider that the number should be called out very loudly and clearly, and the result is a noise which must be discomposing to a light sleeper. Convicts have complained to us of this noise.

188. But it may be said that at any rate this could be got over by stopping the continual counting. Unfortunately the continual counting

is necessary, as we discovered from an instance that occurred last October in the Lucknow Central Prison. As a result of the free liberty allowed to the convicts in the yards for general association on Sundays and holidays, two convicts sat together one Sunday reading a religious book at the tops of their voices. Light saws had been introduced into the prison probably in the binding of another book. While those two convicts who were Hindus were reading this religious work a Muhamadan convict was sitting at their feet, apparently enthralled in the recital. He was actually at the time sawing through the bars of one of the grilles in the association barrack. He did his work with skill. We saw the cut out piece, and how it fitted into the remainder. Having cut out a sufficient length the piece was replaced in such a manner as to escape detection by other than close scrutiny. It escaped detection, and one of the readers of the religious book was able to crawl out of the barrack that night. He had taken the precaution of placing his clothes under his blankets in such a manner as to resemble a human figure. The convict official noticed that it was not a human figure at the time of counting. An alarm was then raised and this ingenious person was, unfortunately for himself, discovered concealed in a factory where he was collecting ropes with the intention of scaling the wall. This circumstance shows the reason for the counting.

189. We have now given the disadvantages of the general association barrack. We have to consider the disadvantages of the cell. We premise in the first place that the cells should be airy, well ventilated and comfortable. The Committee has consulted Mr. L. B. Gilbert a senior Member of the Imperial Service of Engineers with a large experience of construction. He has evolved a pattern cell which appears to the Committee to be comfortable and satisfactory. The members of the 1919-20 Committee who objected to separate confinement at night considered that the climate of the Punjab would be unsuitable for life in cells. There was a difference of opinion as to whether the climate was unsuitable. No special reference was made to this province. As it, however, may well be said that in many parts of this province the extreme heat in summer is as great as it is in parts of the Punjab, we consider that we should meet this objection. The answer seems obvious. The Bareilly Juvenile Jail which contained in 1927 an average population of 227 is an exception to the other jails in this province. There all the inmates are confined by night in separate cells. In 1927 there was only one death in the Bareilly Juvenile Jail. This was not due to heat. The Inspector-General of Prisons has in his 1927 report stated that the health of the inmates of the Bareilly Juvenile Jail was exceptionally good. It is hoped to introduce a pattern cell in the province

which will be better than any in the Bareilly Juvenile Jail. As we are pointing out in another place two blocks of cells in this Jail are bad, and should be replaced. Yet the health is good.

190. If it be necessary, cool air could be pumped into the cells at certain periods of intense heat. This is already done in the Military Detention Barracks in Lucknow. On the balance of the arguments the inconveniences of sleeping in cells in the hot weather do not outweigh the moral contamination involved by the continuance of the association barrack system.

191. The next objection which was taken in 1919-20 was that by the introduction of the cellular system at night it would be impossible for the inmates between lock-up and the time of sleep to occupy themselves in any manner. This obviously would not be the case in regard to literate convicts, for literate convicts could read, and it would be much easier to provide light for reading in a cell than in a barrack. If, as it is hoped, electric light is introduced in all Central Prisons, the literate convict will be much better off in a cell in respect of amenities, for it will be possible to turn on his light for two hours or so after lock-up and permit him to read in his own cell. Against this the unfortunate fact remains that 96 per cent. of our convicts are illiterate. But all literate and illiterate alike can be given some occupation. This can take the form of work on the *charkha*. The thread so spun can be sold. The All-India Spinners Association may be approached to purchase it and the amount paid can be retained by the convict himself after deducting the cost of the cotton. It must be admitted that separation at night has the disadvantage that unless suitable rooms are provided in the barracks convicts in cells cannot be assembled for the purpose of instruction after lock-up. But against the great disadvantages of the general association barrack this is a minor disadvantage which must be tolerated.

192. We now come to the last and most formidable objection that our scheme will meet. It will certainly be expensive. But we consider that the great disadvantages of the present system demand the change, however considerable the cost may be. It will not be possible, however, to introduce this system in one year. Even if the money were available it would be difficult to re-cast the whole of the jails and to turn the whole accommodation of the jails into accommodation providing cells by night. The space in the barracks when converted will not provide cellular accommodation for more than two-fifths of the numbers at present confined. A very considerable impetus will be given to this necessary reform if the Meerut Central Prison the construction of which has

been sanctioned and which is awaiting the allotment of funds is converted as we propose and if as we propose all the worst men in the province be confined there. As the next step every habitual in Central Prisons should be confined at night in cells and that at least 33 per cent. of the non-habituals should also be confined in cells at night. In the lock-ups all prisoners under trial who are charged with really serious offences should be confined in cells. The scheme can be introduced gradually into District Jails, first in the larger District Jails and then in the smaller. It would probably not be necessary in the District Jails to confine at first more than 50 per cent. in cells at night and in some of the smaller jails 25 per cent. only need be so confined. In this manner the operation of the scheme could be spread over a term of years. It is noticeable that even those gentlemen who objected to separation at night concurred with the proposal that 25 to 30 per cent. of the accommodation in all jails should be cellular. In this province those figures have never been approached. As has already been stated in the District Jails there is at present cellular accommodation for 976 male adult convicts out of a total number of 22,099 and in the Central Prisons there is cellular accommodation for 1,911 male adult convicts out of an average population of about 12,000.

193. Now the initial cost of constructing these cells will undoubtedly be great. There will not be a greatly increased cost in watch and ward. Convict officials in charge of convicts at night will cease to function and the only person in their place need be one warder sitting in the passage between the cells who can sound an alarm. A night patrol will, of course, be essential but its duties will not be to flash lights on to the prisoners, but to examine the outer walls to see that they are secure.

## CHAPTER VI.

## LABOUR AND INDUSTRIES.

*Forms of Labour.*

194. The various forms of labour, on which convicts are employed in this province, are classified in paragraph 704 of the Jail Manual. Hard labour, as defined includes many different forms of labour. The hardest labour on which convicts are put takes the form of oil-pressing, grinding grain, drawing water, and aloe-pounding. But under the head of hard labour are also such comparatively light forms of labour as dussootie-weaving and printing. Medium labour comprises, among other forms, carpet-weaving, durrie-weaving, tailoring, and ordinary gardening. Light labour includes work on the *charka* and twisting thread, spinning wool, folding paper, making envelopes, winding bobbins, dressing vegetables, weeding, light gardening and sweeping.

195. Work on the oil mills, and the flour mills, the actual raising of the water either with a wheel or by pulling on a rope and aloe-pounding are really hard work. The other forms of labour do not call for any particular criticism. As we shall note later, the objections to employing manual labour for the grinding of grain, and on the oil mills, and on drawing water are not only that the form of labour is too exacting but that the methods are uneconomical. If these methods are uneconomical they should, other things being equal, be discarded for that reason alone. But economy is not the only factor. There is the factor of discipline, and it will have to be considered whether it is not necessary to retain some of the harder and less pleasant forms of labour as a form of discipline for certain convicts. It can be argued that the harder forms of labour should be retained more as a form of punishment, than as a form of ordinary employment, and in considering whether oil mills or flour mills should be retained in any particular prison the question of classification of prisoners and prisons will enter largely. For example, it may appear unnecessary that any prisoner who has been specially classified as in the Star Class or who is in prison to which convicts are sent when they are considered to be on the path of improvement should be placed upon these forms of labour.

*Tasks.*

196. We shall now discuss the adequacy, or inadequacy of the tasks. Under section 35 of the Prisons Act (IX of 1894) no criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency, with the sanction in writing of the Superintendent, be kept on labour for more than nine hours in any one day. In practice no convict in this province (except the cooks) works for more than between six and seven hours a working day. No work, except work of a necessary nature required for the inmates themselves, is done on Sundays and on the ten authorized holidays. In the cold weather it is not possible to set a convict to work much before 7-30 a.m. All work is discontinued a little after 11 a.m. for the mid-day meal. It is not resumed for about an hour and a half. Before 4 o'clock work is practically discontinued for the checking of the tasks or the bringing in men from where they are working. Then follow washing, the evening meal and lock-up. In the hot weather work is commenced earlier and continues a little later, but the extra time so gained is lost from the fact that three to four hours' interval is allowed in the hot weather to enable the convict not only to take his midday meal but to rest.

197. It is on these hours of labour that the task is based and the Committee is of opinion that, provided the men are fit for the labour they are undergoing, the tasks are certainly not excessive. It has seen no instance where a man has been employed on labour which he was physically unfit to do. The tasks are less than what free labourers of a similar class would have to perform. Even the task of grinding flour on the mills—this is considered a very severe task by the public—is easy to some. The Committee has seen frequently two convicts accustomed to the task who had practically finished the first grinding of the thirty seers required from them before the midday meal. The Committee, however, considers that it would be inadvisable to increase the tasks at present enjoined. They cannot well be diminished.

198. There is, however, one point which the Committee considers worth attention. The tasks as laid down in paragraph 704 of the Jail Manual read as the tasks exacted from beginners as well as from trained men. It is obvious that in such industries as weaving a beginner cannot be expected to do the full task. In practice he is never asked to do so. He is at first placed under instruction and does little until he has had time to learn the work. We could find no instance when a man was punished for short work who was not capable of performing the task. But the paragraph should be altered to bring the rule into conformity with the practice. There is further an opportunity for



oppression here. In this connection we draw attention to paragraph 679 :—“The Superintendent shall employ every convict on these forms of labour only in accordance with the class of labour determined by the medical officer. The labour allotted on admission and subsequent changes of labour shall be recorded on the history sheet under the initials of the Superintendent.” It is necessary, in our opinion, that the Superintendent should never allot or alter the form of labour without seeing the prisoner at the time of affixing his initials.

*Manufactures.*

199. The principles on which the manufactures of the jails are organized are that jails should first manufacture articles for the use of the Jail Department, should, secondly, manufacture articles for the use of Government Departments, and, thirdly, should manufacture articles for sale to the public.

200. The work is separated amongst different jails to a certain extent. In respect of articles manufactured for the use of the Department, weaving of cotton clothing for convicts and the making of it into garments is kept in the Fatehgarh, Benares and Bareilly Central Prisons. The greater part of the woollen blanket coats and blankets used by convicts are manufactured in the Agra Central Prison. The remainder of such articles for convicts' use are manufactured in the Bareilly Central Prison. The whole of the printing work required by the Jail Department is performed in the Allahabad Central Prison. All iron articles, except the vessels used for food and drink required by the Jail Department, are made in the Allahabad Central Prison. Vessels used for food or drinking are manufactured in the Benares Central Prison.

201. In respect of articles manufactured for use in Government Departments, the Lucknow Central Prison concentrates on durries, bandage cloth and string bags for use in treasuries; Benares concentrates on blankets and basta cloth; Allahabad concentrates on stock form printing, newar, ropes and cotton putties; and Agra concentrates on dusters. All tents for Government Departments are made in the Fatehgarh Central Prison. All the quinine tablets used in Government dispensaries and the tablets sold by the post office are made in the Aligarh District Jail. In addition there is a very important industry which has been introduced into the Cawnpore District Jail. This is tailoring. Uniforms and a certain number of other articles are made up for the Police, Excise and Forest Departments. This jail also makes up uniforms for the Jail Department. The cloth is purchased in the market by the Stores Purchase Officer, but the actual cutting out and making up are done in this jail.

202. In respect of articles manufactured for sale to the public there is a certain amount of specialization. For example high grade woollen carpets and durries are made in the Agra Central Prison. Articles are, however, manufactured for sale to the general public in all Central Prisons and the large majority of the District Jails. Amongst articles which are purchased by the public, mats made of moonj and aloes form a staple. There has been considerable demand by certain firms both in England and India for moonj mats made in the prisons in the United Provinces. Power-driven machinery has only been introduced, in very few places, and there to a limited extent. All the articles manufactured are made by hand. In consequence the jail-manufactured article is usually at a considerable disadvantage. Although it is produced by cheap labour it is generally in the end dearer than an article produced by machinery controlled by more costly labour. We shall consider later the introduction of power-driven machinery into the jails. The fact that the manufactures are by hand considerably restricts the field of operations. In so far as the jail-manufactured article for use in the Department is concerned, the standard required by the Department is not high. The clothing of the convicts is not elaborate. Their blankets can be woven sufficiently well by hand. The vessels from which they eat and drink can be made by hand without difficulty. The work of the convicts in manufacturing the articles for jail use could not be better directed and they provide practically everything required for their own use. The cloth out of which their clothes are made is woven in the jails. The clothes are cut out and made up by convict labour. The blankets are reasonably good, though capable of improvement. Provision for thirty thousand inmates requires a certain amount of labour. Thirty thousand blankets are manufactured every year, and clothing is manufactured on a similar scale. But after the requirements of the Department are satisfied there remains a large number of convicts who should be employed on manufactures.

203. It is when the Department commences to supply articles to other Government Departments that the first difficulties arise. The claims of the Department then come in conflict with the claims of private firms, who have in the past been supplying the Government Departments in question. Further, the quality of the jail-manufactured article is subjected to scrutiny. When it is shown that the jail-manufactured articles are dearer than articles of the same quality made by machinery, it is difficult to question the decision of the Government Departments, which refuse to purchase them, when such

Departments are only allowed a fixed amount for expenditure on all their needs. The Committee has been in communication with the Stores Department of the Government of India and with the Director of Industries of the United Provinces. The opinion of the Stores Department is contained in the following letter :—

204. “ I have the honour to acknowledge receipt of your letter, dated the 3rd September, 1928, and of a letter bearing the same date from the Registrar, Chief Court, Oudh, enclosing a copy of the General Questionnaire issued by your Committee. In reply I have to say that, in my opinion, there is no real opening for starting the manufacture in the United Provinces jails of articles which are purchased by this Department, except possibly that of simple textile articles made by hand, such as durries and dusters. These are already made in certain jails in India and purchases have been made by this Department, but, generally speaking, the jails cannot compete with the trade. The reasons are :—

- (1) that the jail labour is unskilled and constantly changing;
- (2) that there is no expert supervision; and
- (3) that yarn is not purchased scientifically.

“If these difficulties could be got over and (2) and (3) might be (2) by engaging supervisors with a knowledge of the trade, and (3) by purchasing yarn through the medium of this Department, thereby enabling ‘bulk’ prices to be obtained,—there is a possibility, I think, that jails might succeed in obtaining orders for such articles. I hesitate, however, to make any definite recommendation that the matter be pursued as the scales are heavily weighted against the non-professional, and, under the rules for the supply of articles for the public service, no preference in any respect can be given to the jails.

“ I have read through the Questionnaire issued by your Committee. The only question in regard to which I am qualified to express an opinion is no. 19 regarding the introduction of modern machinery to develop jail labour.

“ I am not in favour of this. I do not think that the ordinary type of Indian prisoner could be expected to achieve efficiency in the working of machinery during his term of imprisonment, and the cost of supervision would in any case be very high. It seems to me extremely unlikely that jails would be able to turn out machine-made goods of any description at a cost which would enable them to be sold at prices which would compete with trade prices.

“ With regard to question no. 40, in view of what I have said. I do not think that any useful purpose would be served by my appearing before the Committee for oral examination, but I am quite ready to do so if so desired.”

205. The Director of Industries was more sanguine. He considers that there is room for a considerable extension in the supply of jail-made articles to other Departments.

He is of opinion that the jail industries can be expanded by employment on wood work, simple iron work, seed-growing the making of bricks and tiles, the making of sealing wax, the making of twine, the making of mail bags, kit bags, waterproofs, capes and hoods, tarpaulins, wool-spinning, and leather work. He is of opinion that comparatively simple furniture, such as is used in schools and offices, can be manufactured efficiently and economically in certain prisons, and in order to obtain a market for such articles, he suggests that, when Government gives grants-in-aid to schools or gives grants-in-aid to District Boards for educational purposes, a condition of the grant-in-aid should be that the furniture should be supplied by the Jail Department, and he suggests in the alternative that Government should itself supply the furniture obtaining it from the Jail Department. In respect of metal work he suggests that at Aligarh, where brass work is well understood, the Aligarh District Jail should engage in the manufacture of the cheaper type of locks, hinges and handles of a standardized type, and that attention should be paid to the production of spades and similar articles for agricultural use in certain of the Central Prisons. He recognizes that seed can only be provided, if something of a nature of a farm is attached to a prison. Bricks are already made in certain Jails. He is in favour of extending the manufacture. Tiles are also made in the Allahabad Central Prison. Mr. Shah is in favour of extension. He considers under this head that there is an opening for the manufacture of sealing wax in Mirzapur where there is an abundant supply of lac.

The Committee would welcome improvements on these lines.

206. The present Director of Industries has made every effort to bring the Stores Purchase Department into touch with the jail authorities. The Committee recognizes appreciatively how much has been done in this direction, and will welcome further developments. Mr. Shah considers—and in the Committee's opinion considers rightly—that there will be no marked development of jail manufactures unless the Local Government lays down as a principle that it will not expect as high a standard in jail articles as it expects from manufactures in

articles produced privately. He points out with force that unless Government Departments are ready to expect a somewhat less finished article—and even on occasions to pay slightly more for a jail-made article than it would for an article produced by a private firm,—there will be great difficulty in extending jail manufactures to any appreciable extent. Even if the Local Government is ready to lay down this policy, it will not be possible to extend jail manufactures to Government Departments, which are not controlled by the Local Government, such as the Army Department. The disinclination on the part of certain Government Departments to purchase jail-made articles, is, as has already been pointed out, found where they are allotted so much money to meet necessary expenditure, and have either to reduce their demands under one particular head, or to economize under another. For example a Department requires so many blankets, and so many other articles. If jail blankets are 10 per cent. dearer than blankets of the same quality purchased in the market, the Department will have, if it purchases jail blankets, to buy fewer blankets, or reduce its expenditure on other articles. This difficulty can be met by giving that Department instead of an allotment of money, an order for the number of blankets actually required to be made in the jails. Further, in Departments, such as the Army Department, it is laid down usually as a condition that every article must be according to sample. It is almost impossible in producing textiles for men working by hand not to deviate to a slight extent from the pattern laid down. The deviation may be trifling, but there is a deviation, and the Army Department is apt to refuse to accept any article which is not completely similar to the pattern.

207. There will be considerable difficulty in meeting the claims of certain firms which have already come into existence to supply some of these articles. To take the instance of boots, shoes and leather work generally, even if it is possible to obtain sufficient labour of an efficient character for leather work, the difficulty will be that all leather work made in the jails will displace the same amount of leather work at present manufactured by certain firms in the province. These firms say, and say with some justice, that they came into existence largely to supply Government Departments, and that it is inequitable to introduce competition with articles manufactured by jail labour. There has even been difficulty over the branch of industry to which we have already referred, that has recently come into existence in the Cawnpore District Jail. There a flourishing tailoring business has been organized, commencing on a very small scale with two sewing machines. The Cawnpore District Jail tailoring business is now a larger business.

There are now sixty-six machines, sixteen of which are operated by the use of electric power (this is an instance in which modern machinery has been introduced into a jail) which turned out in 1927-28 1,05,000 articles the profit on which amounted to Rs. 20,113. The Committee has seen this business in operation, and was surprised at the efficiency attained. There have, however, been serious objections taken by Cawnpore firms to the introduction of this industry. Whatever force there may have been in these objections in the past, the Committee does not consider that the activities of the Cawnpore District Jail should be reduced. At present there is no reason to suppose that the jail is competing unfairly with private firms. There is no under-selling. There is no use of paid labour to supplement the jail labour. The work done is so good, and the effect on the convicts has been so excellent, that the Committee considers it would be a great misfortune if this particular industry were discouraged. But here, although it cannot be said that the Jail Department is depriving any firm of work, to which it has legitimate claim from a Government Department, it will be seen what the difficulties are, and the Committee considers that any advance in supplying Government Departments should be made very carefully and with due regard to the genuine claims of private firms. It would suggest here, that, while there is an opening for extension, the opinions of the business world who would be naturally largely represented by the Chambers of Commerce, should be taken before any such advance is made.

208. The third form of activity is the supply of articles for sale to the public. The difficulties under which the Department labours are here very great. Where the articles are necessarily hand-made articles the difficulties are less. For example, the carpets and durries made in the Agra Central Prison are of admirable workmanship and great artistic beauty. There is no question here of competition with a machine-made article as carpets and durries of this kind are hand-made. But other difficulties are present. The main difficulty is marketing. There is a strong opposition to the Jail Department advertising their goods, or placing them in sales rooms in business quarters, and this opposition has hitherto prevailed. In consequence there is no advertisement. There is further no sale of jail articles to the public except in the jails themselves. These restrictions naturally hamper the Department greatly. There are many people who do not know of the existence of most jail-made articles. Those that do know of the existence of the articles often do not know where the jail is. If they do know, many will not take the trouble to go there. The Agra Jail-made carpet is, it is true, well known, but other difficulties operate

against its sale. The rise in the price of materials has practically doubled the cost of the high grade Agra carpet. Apart from that fact, the demand has fallen off for other reasons. Thirty years ago well-to-do officials in the province spent greater periods of continuous residence in India. Facilities for travel were less. It was nothing unusual for a Collector or a Sessions Judge to remain five years or even more in one house. He had more money at his disposal, prices were lower, and he had both the opportunity and desire to beautify his residence. Such officers bought expensive carpets. In these days that class has less available money, and it travels more. Their residences are not furnished as they were formerly. The result is a considerable falling off in the demand for articles of this nature. Visitors to India might buy these articles more, but, in the first place, the majority do not know of their existence, and there is another serious obstacle. So long as these articles are kept in the jail and not marketed according to business methods, it is difficult to produce them except on order. The cost of materials and the difficulties of storage may render valuable carpets a source of loss to the Department instead of a source of profit. So usually these articles are only made to order. Visitors to India are not inclined to place an order when they will not obtain delivery until after they have left the country. Further, certain countries refuse to admit articles made by jail labour. Thus the demand is considerably restricted. It is unfortunate that the manufacture of carpets and durries in the Agra Central Prison is declining. The Committee is of opinion that the manufacture should not be given up, even if there is very little profit or a possible loss. The reason for this recommendation is that the skill in carpet weaving is indigenous. Certain convicts have a surprising aptitude for this work. There have been too many arts lost to India in the past by want of encouragement, and it is to be hoped that the Agra carpet and durrie manufactures will not be allowed to fall into desuetude, as once the manufacture is discontinued it will be very difficult to revive it.

209. There are some indications of an increased demand for certain articles from Europe. One London firm is placing an increasingly large number of orders for moonj mats. But here there has been a certain amount of falling off in the orders owing to a cause which the Committee notices, in order to prevent its recurrence. These articles are manufactured from moonj grass. It unfortunately happened in the year 1928 that a stock was purchased of inferior quality. The result was that the mats were discoloured and some of them have been refused by English firms. This is most regrettable. It is difficult

enough to capture a market, but, once it has been captured, it should never be lost by lowering the quality of the article produced.

210. While weight must be given to the objections of private firms against advertisement and competition in salesmanship, the Committee considers that undue weight should not be given to those objections. Provided the jail competition is fair and reasonable, it is difficult to understand why the Jail Department should be hampered by restrictions to which no private individual would submit. It should be sufficient in the Committee's opinion, if there is no under-selling and no unfair use of the Government position in promoting the sale of jail-manufactured articles. It is one thing to refrain from advertising; it is another to conceal the existence of an industry. It is one thing to push salesmanship; it is another to refrain from salesmanship. The Jail Department has been unduly restricted in the past on these points. In the end the Jail Department will have practically no chance of competing when the production is of a hand-made article as against a machine-made article. It has considerable difficulty in competing even in the case of a hand-made article, for jail labour, though cheap is not so cheap as it would appear on the surface. No convict does three-quarters of the task of a free labourer employed on the same work. The jails in the United Provinces cannot be blamed for that, for this is the universal experience, and even in England where every effort is made to instruct the convict in handicrafts it will be seen from the 1926 figures that his wage-earning capacity is less than half of that of a free labourer outside the jail. The convict at present costs the province very little. Put at an outside figure he does not cost as much as five annas a day, but it is to be remembered that he turns out very much less work than a paid labourer, so the figure is fallacious.

211. The present restrictions in marketing and salesmanship should be partially removed. There should be a dépôt where jail-made articles can be exhibited and sold. The Committee suggests that a portion of the premises in the School of Arts and Crafts, Lucknow, should be set aside for the purpose.

#### *Introduction of Machinery.*

212. We now propose to consider the question of the introduction of modern machinery into jails. In some cases we recommend its introduction to a modified degree, but the Committee is of opinion that it is inadvisable to introduce machinery to any large extent. The care and repair of such machinery will be very difficult. It will be almost impossible to make provision for the supervision and repair of the machines



by use of convict labour alone. It will almost certainly be necessary to bring from outside paid mechanics to perform these duties. This is an almost insuperable difficulty. It is a well-recognized principle of jail management that free labourers should not be allowed to work with convict labourers. If technical assistance is sought, the assistants must be officers in the prison. A large addition of technical assistance to the jail staff would be detrimental to good management. The Committee is also of opinion that the extensive introduction of machinery would not be profitable. The overhead charges would more than counterbalance any increase in profit. Further, the introduction of machinery to a large extent is inadvisable in the interests of the convicts themselves. If modern machinery is introduced and the jails are turned into modern factories, the convicts employed will be taught work, which they will have very great difficulty in obtaining on their release. There is at present no great demand for new-comers in the factories and mills of this province. The ex-convict will find it difficult to obtain employment in such places. If he does obtain such employment it is doubtful whether it will be usually to his advantage. At present the large majority of convicts on release return to their own villages. They go back to their own homes and their own people. This is one of the few factors in this province which helps towards reformation. If such a man on leaving jail takes up his residence in an industrial centre, separated from his own home and his own surroundings, his chances of reformation are considerably reduced.

213. These are the reasons why the Committee is not in favour of introducing power-driven machinery generally into the jails. It thus appears undesirable to engage on new industries which can only compete in the market successfully when power-driven machinery is employed. There are, however, instances when the use of power-driven machinery is necessary. The Committee is of opinion that the system for drawing water generally in use in the jails is undesirable. In certain jails it is drawn by sixteen men pulling a rope on a well run. The Committee considers this form of employment as one which should be avoided if for no other reason because the employment of labour in this manner is most uneconomical. Even if the value of a convict's labour is estimated at four annas a day the water is drawn at a cost of Rs. 4 a day, and it can be drawn by the use of an electrically propelled pump for about one-quarter of that cost. Further,—and this is more important—a more plentiful supply of water is required in most jails, and this increase can be best supplied by the use of power-driven pumps. Similarly, if grain is ground by a power-driven machine, the work will be

done more cheaply and more efficiently, but in the case of flour mills we must consider the necessity for hard labour. We consider that the *kolhu*—the ordinary mustard oil press—should not be operated by hand labour. The Punjab jails have discontinued hand labour on it. It is there worked by bullocks. We recommend the use of bullocks for this purpose in this province. There remains aloe-pounding. As to aloe-pounding it was found in Bara Banki where seventy-five men were employed on this form of labour that hardly a case of dermatitis (inflammation of the skin) existed. This shows that the acrid juice of the aloe has not necessarily a deleterious effect on the skin. It is necessary, however, that the feet should be protected and oil issued for rubbing on to the hands and arms at the end of the day's work.

214. In the opinion of Pandit Jagat Narain, in which the Chairman concurs, hard labour in the real sense of the word is necessary for certain prisoners, and when productive and not degrading should be retained. According to this opinion, aloe-pounding and work on the flour mills should be retained for all except members of the Star Class. Hafiz Hidayat Husain would, however, only retain these forms of labour as a punishment for non-habituals. He would retain them as hard labour for habituals. Pandit Jagat Narain emphasizes that in this province some eighteen hundred convicts work on the flour mills every day, and points out the difficulty in employing this number on other forms of productive labour, if work on the mills is kept only as a form of punishment. This applies particularly to short-term prisoners who are not long enough in prison to be employed usefully on any manufacture. Before this work is performed in entirety by machinery, it would be necessary to devise some other form of hard productive labour to take its place. If such a form is devised, Pandit Jagat Narain would have the grain ground by machinery. He is further of opinion that the present system of work on the flour mills is abused for the purposes of extortion, and looks on its retention at the best as a disagreeable necessity. He would point out that in no circumstances should any prisoner physically fit be exempted from any form of hard labour on racial grounds. The Chairman and Hafiz Hidayat Husain concur.

215. The Committee considers that the carding and spinning of wool could be done more efficiently and more economically by the use of electrically-driven machines. It is also of opinion that this carding work as done at present is unsuitable for convicts. There is no question here of competing with private industries. It is necessary to card and spin the wool for the making of blankets, and the blankets are made practically entirely for the use of the Department.

216. While hand carding, as done at present, presents a possibility of injury to health and is dearer and less efficient, the spinning by hand is most uneconomical. It is not possible, when wool is spun by hand to produce a consistent yarn, and thus a blanket woven from hand-spun yarn presents inequalities, with the result that it wears out faster than a blanket woven from machine-made yarn. We have noticed that while the texture of the United Provinces Jail blanket is satisfactory in the first year, the texture opens up after the first year, and the opening is increased after every washing. The result is that the blanket tends to wear into holes, where a blanket woven from machine-made yarn will not wear into holes. Thus a worse quality is produced. The remedy is either to spin the yarn by machinery, or to purchase yarn from the Indian mills for the blankets. In the Punjab the blankets are woven from Indian machine-made yarn. The adoption of the Punjab method would have the advantage of the closing down of carding in the jails. If, however, carding continues in the jails, sanitary well-ventilated sheds with masonry floors must be provided for the purpose lighted by electric light when required and fitted with exhausts. The Committee was not satisfied with the conditions in the carding shed at Agra, and found mud floors in Bareilly. Further, disinfectors must be provided everywhere to obtain immunity from anthrax. They are not provided at Benares at present.

217. If factory labour can be sufficiently developed the need will be found for increasing and enlarging the factories in the prisons. This question, however, is subsidiary to the development of factory labour and can be left to be decided when it is ascertained how far this labour can be developed. But in addition to increasing the factories, much can be done in adapting the existing factories and the question of plant apart from machinery is here of importance. The Committee has examined the nature of the plant employed in various industries. It considers that much can be done to improve the weaving of cotton dusootie even without the introduction of power-driven machinery. The present hand loom in use in some District Jails is in the end uneconomical. It is true that it can be constructed for very little, and that it costs little to mend, but a weaver working on this hand-loom ordinarily turns out not more than 30 feet of cloth a day. In Central Prisons fly shuttle looms have now been introduced. These fly shuttle looms are not of the best design, but where they are used it is possible to set a task of 60 feet of cloth a day. As it is proposed by us (we hear that our proposal has already been anticipated by the Government) to issue all convicts two suits of cotton clothing in place of the one suit now

issued, it will be necessary, if this proposal is accepted, to weave nearly double the amount of dusootie woven at present, and in these circumstances the question of the type of loom must be considered further. Mr. Shah has kindly offered to give the Committee a note as to the various types of fly-shuttle looms which do not require the use of power, and the Committee will submit this note as soon as received. It will then be for the Government to consider how far an improved form of fly-shuttle loom should be introduced universally, which will show the highest results in proportion to the cost of construction and the cost of up-keep.

218. In 1927 about 40 per cent. of convicts in the Central Prisons were employed on manufactures. If the convict officials be reduced to half and labour-saving machinery employed there will be an estimated number of about eight hundred more available for employment on manufactures. Even with the present number employed on manufactures there is difficulty in finding them sufficient useful work to do. The number employed on manufactures for use in the Jail Department is reasonably constant. It will be increased if the issue of clothes and blankets is increased. The number employed on manufactures for use in other Government Departments will increase somewhat if the Committee's recommendations are accepted. There remains the number employed on manufactures of articles for sale to the public. The question of employment here is most difficult, for the number required varies with the demand from the market. It has already been proposed to put sales on a more business-like footing, and, if this is done, the situation will be rendered less difficult, but in the end the fact remains that the market demand will vary. The jails are palpably in no better position than is a private firm in dealing with market demands. They are in a worse position. When trade is slack and orders fall off, a private firm reduces its output and dismisses a certain number of its workmen. A jail cannot dismiss its convicts. Even when workmen are not dismissed, they can be put on short time. A jail cannot put its convict on short time with advantage. How then can the remainder of the men be employed? A constant difficulty experienced by every Superintendent is, how to employ his convicts during slack seasons.

*Farms.*

219. The Committee's remedy here is the attaching of farms to Central Prisons and District Jails. If the suggestion is adopted, the difficulty will be solved to a considerable extent. To show the effect on the question of jail labour it will be better to give a description of the proposed employment of convicts on a farm of 400 acres such as it is proposed to attach to the Lucknow Central Prison. Forty-four convicts would be resident on the farm. These men would be

required to yoke the bullocks and start work before dawn. They would not complete their work till sunset. They would have to work much as the ordinary farm labourer works outside. They would not, however, be employed for more than nine hours a day as their extra hours would be compensated for by an equivalent rest in the middle of the day. These men would be selected from the convicts of the best character in the jail. They would be largely outside the ordinary jail restrictions and could be given many amenities, such as tobacco. Two hundred and thirty-six other convicts would be required to work between unlocking and lock-up. They would reside in the jail and would be marched to and from the farm for their work. This farm would then employ two hundred and eighty men actually on agricultural labour. There would be others employed on non-agricultural labour, but they would be taken from men ordinarily employed on work in the jail and this would not affect the figure. On this estimate in the Central Prisons alone there would be seven hundred men employed. This will partially meet the difficulty. If these agricultural farms are sanctioned, the difficulty of finding employment will diminish. But we have to take into account the time when labour on the fields ceases. Agriculturists outside the jails do not, however, find this period a period of complete idleness. There is much work to be done after the grain is harvested, and this ordinary work of an agricultural labourer will be done by the convicts. To fill up the remainder of their time should not be difficult. One of the obstacles to the introduction of education in the jails is that it is difficult to fit the education into the day without reducing unduly the day's task. The necessary cessation of work on the fields during this period will provide an opportunity for educating the men engaged on the fields. This will be a time that can be utilized with advantage for instruction not only on simple educational subjects but for instruction in the employment of better agricultural methods, and this will be a time when simple vocational training can be given. As these men will almost invariably be agriculturists by occupation the training will be even more valuable.

220. The Committee has considered a scheme for the allocation of these farms. It has found that suitable land can be acquired adjacent to the Central Prisons at Lucknow, Allahabad and Fatehgarh. The total area is about one thousand acres. More can be acquired, but the Local Government will have to consider whether more should be acquired. Before the land is acquired it will have to be considered how far the value of the experiment justifies the removal of the present occupants. It will be necessary to avoid the acquisition of inhabited areas, unless houses can be provided elsewhere for those dispossessed. It

will be necessary not to interfere with certain roads, and rights of way. Every endeavour must be made not to embarrass genuine cultivators now in possession. The local authorities suggested to the Committee that 2,000 acres of land were available in proximity to the Central Prisons of Lucknow, Allahabad, Fatehgarh, Benares and Bareilly. But after examination of the land the Committee does not consider itself justified in proposing the creation of a farm at Benares. The greater part of the land proposed to be acquired there is highly cultivated land, which has been for many years under cultivation by the same tenants. At the most a small area between the jail and the railway line can be acquired. There are more opportunities in Bareilly, but after consideration the Committee is of opinion that the creation of a farm at Bareilly should be left open for determination in the future. It has largely reduced the areas originally proposed in Lucknow, Allahabad, and Fatehgarh. This leaves the area which the Committee proposes should be taken up in the immediate future at about 1,000 acres, and this area will suffice at the inception. If the experiment is successful extensions can be made in the future. There is an opening for a small farm inside the walls of the new Meerut Central Prison. There can be small farms attached to some of the District Jails. Jail land is under cereal crops already in Bara Banki and other places, and extension is desirable.

221. These farms are distinct from the farm colonies to which reference has already been made. The cultivators will be convicts under jail discipline and not provisionally released men. But they will be convicts who have earned the privilege to work on the land—a privilege which all appreciate—by having shown genuine efforts to reform. In the non-habitual prisons the privilege should ordinarily be given to those who have passed into the third stage of the progressive system. In the habitual prisons it can also be given to selected convicts in the third stage. In the District Jails it can be given by selection.

222. Watch and ward on the farms can be provided by recruitment of a special class of warders, preferably men who have served in the Indian Army, who will be assigned this duty only. Such Warders living alone should be given quarters on the farm and Warders living with their families should be given quarters just outside, when the farms are outside the jail walls. When the farms are outside the jail walls, an additional precaution should be taken by the erection of inner and outer barbed wire fences 8 to 10 feet high and 8 to 10 feet apart. If considered necessary, a live electric wire can be laid, contact with which will be painful, but not fatal. It will be laid in a place where it can only affect persons who have broken through one of the fences. The administration of these farms should be entrusted to a Farm

Superintendent selected and appointed by the Agricultural Department. This officer should be responsible for the management and interior economy of the farm, and should be under the supervision of the Deputy Director of the Circle. The position of this Farm Superintendent in reference to the Superintendent of the Central Prison should be analogous to the position occupied by Mr. J. W. McNamara, Deputy Superintendent of the Government Press to the Superintendent, Allahabad Central Prison. This officer is in charge of the Government Branch Press in the Central Prison. He is under the Superintendent of the Central Prison in certain respects, but is given full discretion in the management of the printing. The position of the Farm Superintendent would be similar. The Central Prison would provide labour and watch and ward. The Committee has received advice from Mr. George Clarke, C.I.E., Director of Agriculture, Dr. A. E. Parr, Deputy Director of Agriculture and Dr. S. Higginbottom, Principal of the Allahabad Agricultural Institute. This advice is acknowledged gratefully.

223. Detailed proposals and estimates could not be prepared in the time at the disposal of the Committee. They cannot be completed until the land has been examined more closely. Certain aspects of the scheme also require further examination before the costs can be worked out. It is premature to do more than forecast the final form the proposal will take. The broad outlines will be these. The farming on the farms will be general farming for the production of staple crops. Experiments can be made in seed raising. If possible a dairy farm should be included in each farm area. The result should be to show a nett profit of more than 5 per cent, on the outlay, and if this result can be attained there will be justification for borrowing the capital sum required by public loan. It is, however, the reformative influence of the work on the land rather than the commercial aspect which should be emphasized. The success of the Punjab experiments affords additional reason for a venture in this direction.

#### *Jail Gardens.*

224. The Committee considers that something can be done in improving the production of vegetables in the Jail gardens. Lieutenant-Colonel Dunn, C.I.E., I.M.S., Director of Public Health, considers that much better results will be obtained if the trenched land is not cultivated and if the contents are removed to be used as manure on other fields in the form of poudrette, the trench being filled again and the process being repeated. We commend this suggestion to the notice of Government. It is further to be considered whether more could not be done in the training of the convicts employed as gardeners, and whether in certain jails the number of men employed in the gardens should not be increased. Attempts should be made to secure an increase of irrigation.

*Extra-mural Labour.*

225. The Committee has considered the question of extra-mural labour, but it is of opinion that extra-mural labour in the jail sense of the word is not suitable in this province. Extra-mural labour, according to the jail sense of the word, means labour employed outside the jail precincts. It does not include labour on farms attached to a Central Prison or a District Jail. It would include work done on the excavation of canals, work done on roads at a distance from the jail precincts, quarrying in quarries which are not within the jail precincts and the like. Should farm colonies come into being, as the Committee hopes they will, the labour employed on them is not what would ordinarily be considered extra-mural labour. Extra-mural labour of the class contemplated, namely, working outside the jail precincts, is objectionable from many points of view. It is specially objectionable when the place where the work is done is situated at such a distance that the convicts cannot return to the jail at night and are given temporary accommodation. Watch and ward then becomes exceedingly difficult, and it is hard to make suitable arrangements for the convicts' health. It is only in cases where epidemic disease has broken out in prisons that removal to a place, where only temporary accommodation can be provided, is justifiable. But even where the distance to a place is not so great as to prevent the convicts being taken to and from the jail to their work, such extra-mural labour is undesirable, as it involves either excessive cost of transport of the convicts to the place of work, or, if they are marched to their work and back, loss of working hours and the possibility of communication with the outside public on the way to work and back, whereby prohibited articles can be introduced into the jail. None of these objections, however, apply to work on jail farms which form a portion of jail premises. Work on such farms is not strictly extra-mural labour.

*Vocational Training.*

226. The Committee has considered the question of vocational training apart from the question of the useful employment of the labour within the jail. The point of view from which this subject has been approached is this. How far is it desirable to teach the convicts in this province a trade, firstly as an education, and secondly as a vocation on release? As a matter of education there can be no objection to teaching the convict a vocation of an interesting nature which will train the hand and eye, inculcate regular habits, and concentrate the mind. But it is to be remembered that in many instances there is little reason to hope that the convict will follow this vocation when he leaves the jail. Vocational training forms the staple training of the inmates of the Bareilly Juvenile Jail. The report of 1927 shows that out of some 318 inmates released in 1924-25 who could be traced and who had not relapsed into crime, only one per cent. were employed in the vocations which had



been taught them in the institution. When this is the result where the material is young and plastic it is not likely that attempts to teach a trade to men of over twenty-one will result in that trade being followed on release. But there can be no doubt as to the fact that such vocational training is of value in itself. As, however, the opportunities of training are necessarily limited, it would appear better for the authorities to confine their attention to men who will be more likely to follow the trade on release. On the face of it the agriculturists, who form some 80 per cent. of the jail population, would be less likely to engage in vocations other than agriculture when they leave the jail. We would therefore suggest that, although vocational training should remain an important portion of the training of convicts, it should be largely restricted to townsmen, who are more likely to follow the trades on release, and that special efforts should be made to train the younger townsmen. There can be successes, and there have been successes. It has been found that a certain number of the convicts who had been trained to tailoring in the Cawnpore District Jail have remained tailors after their release. A noticeable example is that of a Pathan habitual criminal who learnt the work of a tailor so successfully, while he was in the Cawnpore District Jail, that he has been retained as a technical instructor in the jail in which he learnt the work. He has so far shown no signs of relapsing into crime.

227. The training of agriculturists in cottage industries is also recommended. The cottage industries suggested would include basket-making and spinning thread on the *charkha*.

228. But if vocational training is to be successful it is necessary that the equipment of the workshops should be considerably better than it is. Training in carpentry has been introduced in the Allahabad and Bareilly Central Prisons, but the equipment of the carpentry sheds—the same may be said of the blacksmith's sheds—is quite inadequate. There is no lathe in any of the sheds. If this instruction is to be of any value it is necessary that the pupils should have some opportunity of learning advanced work. The electrical power which can be obtained locally will be sufficient for driving lathes and drills. It is only by instruction on lathes and drills that an advance can be made in either carpentry or blacksmith's work. There is undoubtedly an opening for skilled labour of this kind. The Committee was told by Mr. P. Robinson, Resident Engineer of the United Provinces Electric Supply Company at Lucknow, that his Company could employ a number of trained turners, if such turners were available. He said that he would not have the slightest objection to employing ex-convicts as turners, if they were capable of doing the work. In order to make vocational training

a success, it is necessary firstly to select the convicts to be trained, secondly to have sufficiently competent instructors, and thirdly to have a proper equipment for the workshops in which the instruction is given. Even when all these conditions are satisfied, too high expectations should not be formed. It should be remembered that even the Borstal Institutions in England do not expect to turn out skilled workmen in three years. The attempt, however, may well be made.

*Summary of recommendations.*

229. Our recommendations under these heads are as follows :—

The proposed Deputy Inspector-General of Prisons should be in general charge of the business side of the jails manufactures. There should be close co-ordination between the Jails Department and the Director of Industries. While there should be no unfair competition with the trade, no underselling and no injustice to firms already supplying Government Departments, the Jail Department should be in a position to supply all Government Departments with articles that they can manufacture economically and of a reasonable standard. Even when the standard of the jail articles is below the standard of the article that can be purchased outside, preference should be given to the jail article by Government Departments, when preference can be given fairly. The Chambers of Commerce should be consulted and asked for criticism and advice in respect of new developments in the manufacture of articles for sale both to Government Departments and the public. There should be a central dépôt—preferably in Lucknow—under the business control of the Deputy Inspector-General of Prisons for the sale of prison made articles to the public. In these sales the same principles should be followed as are enjoined for sale of articles by the Jail Department to other Departments. There must be no underselling and no unfair competition. At present so far from the jail underselling private concerns the tendency is to fix the jail profits too high and to list the articles at prices at which they do not sell readily. Machinery should be introduced in certain instances. Equipment should be improved. More technical work masters should be appointed. Members of the jail staff should undergo courses of training in technical branches. Jail farms should be created, and jail gardens developed.

## CHAPTER VII.

## PUNISHMENTS AND DISCIPLINE.

230. The authorized punishments inflicted in jails consist of the minor punishments enumerated in paragraph 617 and the major punishments enumerated in paragraph 618 of the Jail Manual. The minor punishment most frequently inflicted is a formal warning. Other minor punishments are of a more effective character, such as change of labour to a more irksome form, forfeiture of remission not exceeding four days, forfeiture of privileges not exceeding three months, temporary reduction, cellular confinement for a period of not more than seven days, separate confinement for not more than fourteen days, the imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple, the imposition of link fetters for not more than thirty days, and the substitution of clothing of gunny or other coarse fabric for the portion of the ordinary prison clothing, which is not woollen, for a period which does not exceed three months. Major punishments are hard labour for a period not exceeding seven days to persons not sentenced to rigorous imprisonment, forfeiture of remissions earned for a period of more than four days, cellular confinement for a period of seven to fourteen days, separate confinement for fourteen days, the imposition of bar fetters, cross-bar fetters, handcuffing behind or to a staple, and, as a last resort, whipping. The tendency of late years has been to inflict fewer and fewer major punishments in proportion to minor punishments. The figures under this head are given in the Appendix attached to this Chapter.

231. There seems to be an impression that the punishment of whipping is inflicted frequently in the jails. This is not the case as will be seen from the figures of the last five years. Out of a jail population of about 30,000 on an average 23 were flogged in 1923, 22 in 1924, 20 in 1925, 12 in 1926, and 27 in 1927. The average number of convicts in the United Provinces jails was 29,868 in 1926. In England and Wales it was 10,860 in that year. Out of that number eight were flogged for prison offences in England and Wales. There is thus no foundation for the impression that flogging is inflicted as a usual and regular punishment. Most of the floggings are inflicted in Central Prisons. Out of the 27 convicts, who were flogged in 1927, 24 were habituals.

232. The Committee has taken pains to ascertain the class of offences for which convicts are flogged under the present system. These offences are usually offences which would be punished, if the prisoners were tried by Criminal Courts, with sentences of not less than two years, and possibly transportation for life or even death. An attempt to murder committed by a life convict is punishable with death. We found that in one case last year in which three convicts received thirty stripes each in the Fatehgarh Central Prison the offence for which they were flogged was endeavouring to cut off the nose of a fellow-prisoner. In addition to cutting his nose they broke his arm and caused him other serious injuries. If they had been tried by a Criminal Court for this offence they should have received heavy sentences, and the punishment of whipping in their case was in no way too severe. This is the type of offence for which flogging is inflicted.

233. Cellular confinement and separate confinement are not as formidable as they sound. When a convict is sentenced to cellular confinement he is put in a cell which, when of a proper pattern, is separated from outside only by a grille. He is within sight of other convicts. He is not supposed to communicate with them, but in practice he frequently does communicate with them. He is usually required to work while in the cell. Separate confinement differs from cellular confinement to the extent that it is less severe, for prisoners sentenced to separate confinement are allowed not less than one hour's exercise a day and have their meals in association. There is nothing in the jails in the United Provinces approaching confinement in a dark cell, and no convict is ever cut off from actual communication with the world. The imposition of fetters is undoubtedly unpleasant, but every precaution is taken to prevent abrasion from the fetters. When the fetters are placed upon the ankles leather anklets are placed underneath them to avoid abrading the skin.

234. Many previous forms of punishments have now been discontinued. At one time a convict could be punished by being placed on penal diet. That is no longer allowed. The fettering of a convict to a *bel* chain, that is to say, to a long chain fastened at each end, which was formerly a feature of the prison system, has been abolished, except in cases where owing to want of proper accommodation in the prisons prisoners are kept in tents. Then in order to provide for their safe custody they are occasionally fettered to *bel* chains. The *bel* chain is in use for this purpose in a few places. The Committee saw the *bel* chain in use in Mainpuri, where owing to the overcrowding of the lock-up caused by the fact that certain gang cases were under trial, 91 under-trial prisoners were being kept at night in tents secured by *bel* chains.

In Hardoi two hundred under-trials were in tents secured by *bel* chains. The arrangement is certainly not satisfactory. The *bel* chain should never be used. With proper provision for accommodation it need never be used.

235. The Committee considers that two forms of major punishment, namely, the imposition of cross bar fetters, and handcuffing behind or to a staple should be discontinued as a punishment to convicts in the jails. It may be necessary to handcuff a convict behind in order to restrain him temporarily while conveying him to a cell, and the Committee expresses no opinion as to the fetters to be worn when a convict is taken from jail to another jail or to a Court.

236. As the rules stand at present, whipping as a jail punishment "shall be inflicted only for (a) mutiny, or for (b) conduct seriously affecting the discipline of the prison, or for (c) incitement thereto, or for (d) serious assaults on any public servant or visitor, or (e) after other punishments have failed for other offences of a specially grave nature."—Paragraph 624, Jail Manual. The Committee has considered the desirability of retaining this punishment, and the conditions under which it should be inflicted. It has examined the practice in England, and the practice in the United States of America. It finds that both in England and the United States it has been found necessary to retain this punishment as a last resort for convicts whose conduct is a menace to the discipline of the jail and the well-being of their fellows. It would recommend that in cases where a further sentence of imprisonment constitutes a real punishment recourse should be had to the regular Courts in cases where sometimes at present the Superintendent prefers to exercise his own authority and awards a flogging. In a case where a further sentence of imprisonment is meaningless—such as the case of a convict sentenced to sixty years' imprisonment—the best course may be to award a jail flogging. But, as the rule stands, certain portions are open to objection on account of their vagueness. The words "conduct seriously affecting the discipline of a prison" should be amplified and made more clear. The words "after other punishments have failed for other offences of a specially grave nature" are even more open to criticism. The Committee suggests a reconsideration of the wording of the clause, and suggests the addition of the words "or any inmate of the jail" after the word visitor in (d), to cover the case of a serious assault on fellow-convicts, and others. Pandit Jagat Narain goes further. He would delete (b) and (e).

237. The English practice is that all sentences of whipping have to be confirmed by the Secretary of State in the Home Department

before they are inflicted. In Bengal the practice in recent years has required confirmation by a Committee, of whom the District Magistrate is one. This Committee considers that it is desirable that there should be a confirmation of sentences of whipping in this province. The question is who should be the confirming authority, should it be a Committee, or an individual officer? On this point we do not agree. Pandit Jagat Narain and Hafiz Hidayat Husain would prefer that a Committee constituted under rules made by the Local Government should be appointed. The Chairman suggests that the Commissioner of the Division in which the Jail is situated should be the confirming authority. We all agree that final orders should be passed in each case within a week of the submission of the case.

*Unauthorized punishments.*

238. There can be no doubt as to the fact that unauthorized punishments are given in the jails, but we have no evidence to support the conclusion that the practice of inflicting unauthorized punishments is actually common. The conditions in the jails in the United Provinces are strikingly different from the conditions reported by the Punjab Jails Inquiry Committee as existing in the Punjab in 1925. We could find no evidence that shoe-beating was ever inflicted or that there was any practice of beating a man as one beat a jackal by several convict officials acting in concert to attack a prisoner and beat and kick him mercilessly. Nor could we find any instance of a man being made to bend double, to pass his hands under his legs and to touch and hold his ears. Brutality of this nature was not suggested by the vast majority of convicts we examined who were still undergoing imprisonment, or convicts who had been released. We recorded the statements of 153 convicts undergoing their sentences, and eight persons who were ex-convicts. Out of the convicts actually undergoing imprisonment 142 made no suggestions of any such ill-treatment existing in the jails. Of the ex-convicts released six made no suggestions of any such ill-treatment.

239. One convict who suggested that such ill-treatment took place was palpably untruthful. This man had been an inmate of the Fatehgarh Central Prison for three weeks. He stated that he had been brutally thrashed by the Head Jailer, and that we would find the marks of the beating upon his back. We examined his back. There was not a mark on it. He then pointed to a scar on his leg which he said had been also produced by the beating. The scar was some three months old and was, according to the medical opinion which we took upon it, either the result of an abrasion or of an ulcer. It could not by any possibility have been the result of ill-treatment during the period that he had been in

the Fatehgarh Central Prison. Sachindra Nath Bakhshi who was convicted in the Revolutionary Conspiracy Case, while stating that he never received any ill-treatment himself, said that he had seen a very brutal assault upon three of his fellow prisoners, but upon examination it was discovered that he was referring to what happened to the three men to whom we have already referred who tried to cut a fellow-prisoner's nose off, and broke his arm. It appears that while their victim was being rescued these three men were roughly handled, and Sachindra Nath had drawn the conclusion from seeing them after they had been roughly handled that they had been the victims of an unprovoked attack.

240. Thus the examination which we made of persons who were in the best position to know whether such unauthorized assaults take place in the prisons, would rather go to show that there is an absence of unauthorized assaults. It may of course be said that we were unable to get the true facts out of these convicts, as they were afraid to tell us the truth, being apprehensive that after our departure they would be severely dealt with by the jail authorities. But against this it is to be noted that the large majority of them were examined by us in the jail office with no jail officials in the room, that there were a few convicts who made serious accusations against the jail authorities, and that one of them was not afraid to make a palpably false charge of ill-treatment against the Head Jailer to his face.

241. Pandit Jagat Narain and Hafiz Hidayat Husain consider that the scales were weighted against the Committee as many of the outside public who had experience of jail conditions refused to appear before it, and as in their opinion no convict unless he were desperate and fearless of consequences would dare to complain of such ill-treatment.

242. That there is some ill-treatment the Chairman has no doubt, and the Committee is unanimous on that point. But the Chairman considers that the Committee was in a position in spite of the difficulties to form a conclusion and he himself has formed one. He agrees with his colleagues that such ill-treatment exists, and bases this conclusion on the number of instances in which it was found from the service books of the Warders that punishments had been inflicted upon them for beating prisoners. The explanation of the fact that, while such unauthorized punishments are undoubtedly inflicted the large majority of the convicts did not mention them, appears to the Chairman to be that the unauthorized punishments are usually not of a severe character. It is most wrong and most improper for a Warder to strike a prisoner either

with a stick, or a cane, or with his hand, but in his opinion most convicts are men who do not regard occurrences of this nature as very serious. A slap in the face, or a cut with a cane or even a blow from a stick is not resented by the vast majority and is soon forgotten. Convicts are rough among themselves. They are continually being punished for fighting with one another, and they sometimes strike one another hard. In former days a school boy did not actively resent having his ears boxed by a master or an older boy. He would not have thought it necessary to make a complaint on the subject. The mentality of the convict in the United Provinces is perhaps not dissimilar. The reason why so few people complained to the Committee may have been not because they were afraid to complain but because those who did not do so did not think the subject worth complaint. This opinion is, however, only the opinion of the Chairman, and is not shared by the members of the Committee. This is no reason for in any way condoning the infliction of unauthorized punishments by members of the staff, but it appears to the Chairman a reason for discounting certain rumours. Stories of brutal and savage unauthorized punishments have been accepted as true in some quarters. The suggestion that a prisoner could have received a treatment in a jail which amounted to being beaten like a jackal or receiving from one hundred and fifty to five hundred blows with shoes or sticks does not seem a suggestion that should be accepted unless it is established by direct evidence which can be tested. It would hardly be easy for savage brutes guilty of such conduct always to escape discovery. It would be a most inefficient Superintendent who would fail to detect that a convict had been so grossly manhandled. The victim would bear every physical effect of ill-treatment, and it would require extraordinary skill on the part of his tormentors to keep him concealed from the Superintendent, who is bound under the rules to see every convict in his charge at least once a week (paragraph 787 of the Jail Manual). If a prisoner had been smuggled into a cell to escape observation the Superintendent would fail in his duty if he did not detect him, as he has to visit every cell at least once a week and has to see every prisoner who is in solitary or separate confinement at least once a day (paragraph 776 of the Jail Manual). In these circumstances before such brutal ill-treatment could be carried out effectively, it would be necessary to have a Superintendent who was utterly remiss in carrying out his duties, in addition to a jail staff which was thoroughly bad and exceptionally clever in concealing its malpractices. The Chairman is unable to accept the conclusion that such abuses exist on unverified statements which have appeared outside the jail, or from the statements of those prisoners who made those assertions before him, as in every instance he



find these prisoners to be unworthy of belief. He does not say that such occurrences are impossible. It would be difficult for such things to be, but it is not impossible that they could be. He is, however, concerned with what he discovered himself as a result of the closest scrutiny of the conditions of which he was capable.

243. The prevention of such unauthorized punishments as are inflicted would appear to him to lie partially in a more intelligent infliction of authorized punishments. As the figures which are given in the appendix show there has been an increasing tendency of late years to inflict fewer real punishments in the jails. The result, he is constrained to say, of not inflicting authorized punishments in an intelligent manner, may be to increase unauthorized punishments. When a jail subordinate finds that when he reports a prisoner for slack work, impertinence or breach of minor rules, no punishment is inflicted, or the prisoner escapes with a warning to which he gives no attention, the result may well be that on the next occasion when a prisoner offends, the jail subordinate takes the matter into his own hands, and slaps the convict's face, or may even chastise him more severely. The first remedy against unauthorized punishments is the application of intelligent authorized punishments when they are deserved.

244. The Committee draws attention to the fact that when jail officials have been found guilty in the past of maltreating the convicts, the punishments inflicted on them appear inadequate and in some cases ludicrously inadequate. We have found in service books of Warders such entries as "Fined four annas for beating a prisoner" and "Warned for beating a prisoner." The first remedy is to punish adequately members of the jail staff convicted of offences of this nature.

245. But this will not end the matter. As the case stands, so long as the staff remains as it is, unauthorised punishment to an appreciable extent is likely to continue. Here the remedy has already been indicated by us. If the conditions and prospects of the staff in the jails are made better it will be possible to recruit a better class of officers who can be trusted to keep the rules, not to lose their tempers, and not to inflict unauthorized punishments.

246. Unauthorized punishments were formerly by no means unknown in the English prisons. Those who remember the writings of the late Charles Reade will recollect the vivid description which he gives of the unauthorized punishments inflicted in the English prisons of the middle of the nineteenth century. He has given in the novel, "It's Never Too Late to Mend," a description of the miseries of English prison life

of the period. This description could hardly be more horrible. The staff of those days according to him was composed for the most part of mean, brutal tyrants who tortured for the pleasure of torturing. Making all allowances for the exigencies of fiction, and discounting much there said, but taking into account the facts which official records show, it remains that until a comparatively late period in the nineteenth century inhumanities against the prisoners in their charge were not infrequent amongst the prison staff in England. We have the best of reasons for supposing that in the present day it is almost unknown for a prison official in England to maltreat a person under his charge. How has this result been obtained? It has been obtained by recruiting men of the right class, by paying them a sufficient salary, by giving them reasonable hours of duty, and by granting them reasonable amenities of life. The result in England has been to suppress such practices. It is by the adoption of these methods that unauthorized punishments will also cease in India.

#### *Discipline.*

247. The first matter into which this Committee was directed to inquire was the jail administration of these provinces in general with particular reference to the present state of discipline. It is here proposed to examine the question of discipline in the jails at present. The Committee cannot claim to have examined the question as thoroughly as it should have wished. There are six Central Prisons and fifty District Jails in this province. The Committee has visited all six Central Prisons and can report on the state of discipline there, but it has in the time at its disposal been able to visit only thirty-one of the District Jails. It is true that it has visited all the most important District Jails, but it has not visited all. The Committee has, however, seen sufficient of the District Jails to be able to hazard with some confidence the opinion that the smaller the jail the better the discipline. The reason is obvious. It is easier for the staff to handle a small number, than a large number, and the least criminal of the convicts are confined in the smaller jails. It is certain that the discipline of the District Jails as a whole compares favourably with the discipline of the Central Prisons. That fact is not surprising.

248. Before an opinion can be given on the state of discipline in the jails it is necessary first to consider what is meant by the word. A useful comparison here can be taken from the discipline of a school. There is the discipline which does not show on the surface, and there is the discipline which shows on the surface. Even for an experienced Inspector of Schools visiting one of the large boarding schools in India it

will be difficult to ascertain how far certain rules are kept. Do the boys indulge in smoking when smoking is forbidden? Do they go to places to which they are forbidden to go? Do they engage outside school hours in conversation of an undesirable nature? The most experienced visitor will have difficulty in answering those questions. The masters may or may not know. They may know, and refuse to admit the existence of malpractices because, they wish to preserve the reputation of the school. There will be nothing on the surface except the punishment roll. The punishment roll will depend largely on the character of those in authority. In schools where the monitorial system exists it will depend largely on the monitors. In other schools it will depend entirely on the masters. In the jails in the province the system may be likened to the monitorial. The monitors are the convict officers. The Warders are in the position of subordinate masters. The Circle Officers are in the position of assistant masters. The Jailer is the Headmaster, and the Superintendent is the Principal.

249. If the convict officials could be trusted all would be well, but there is every reason to suppose that they cannot be trusted to enforce minor rules of discipline, and that sometimes they cannot be trusted to enforce major rules. They can be trusted to supervise labour, preserve some sort of order, and report attempts to mutiny and attempts to escape. The paid Warder staff as has been said already is far from satisfactory. Even if it were satisfactory, the number is so small that it is impossible for them to enforce discipline properly. During the day while at work some nine hundred convicts in each Central Prison are employed on manufacture in factories. These factories are usually situated in yards which radiate like the spokes of a wheel from a circle which is the hub of the spokes. There are at least five of these factories in each circle. Every factory is locked up. Inside there are only convict officials. There is a locked gate to each yard. For the whole circle consisting of 450 men or more employed in five or six different yards there is one Circle Officer whose duties are to go from yard to yard supervising the work. To assist him there is one Warder whose main duties are unlocking and locking gates. The prison attendant in an old fashioned English prison was known as a "turnkey" because his main duties were turning a key. The circle Warders might well be called by the same name. When the prisoners are at their meals in the yards there are not sufficient Warders to enable one to be present while each meal is being eaten. A Warder sees to the distribution of the food in one yard, and then goes on to another yard to see to the distribution of the food there. The convict officials can be trusted to keep the convicts

eating their meals seated in their places. That is all. The convicts can converse as they wish with those nearest to them. On Sundays and holidays only those convicts whose services are required for the necessary work of the prison do any work. The remainder are allowed to mix freely in the yards. There is not one Warder to each yard. At night, as we have said, the convicts are left to the convict officials, while the Warders do night rounds.

In these circumstances it would be amazing if the discipline which was not apparent on the surface was good. This Committee has every reason to know that it is not good. The Committee was told everywhere by all who knew anything of jail life, jail officials, official visitors, non-official visitors and the convicts themselves that prohibited articles are introduced freely into the jails. It is a question of paying for them, and nothing else. Those convicts who can obtain money either by having it sent in to them by their relations and friends from outside through the agency usually of the paid Warders (though out-gangs help in this way) can buy most things which they desire. They can always buy tobacco. Those who have not money sent in to them occasionally get it by selling food and other articles to those who have. Money so obtained can be supplemented by gambling. It is possible for a stronger convict to rob a weaker convict of his money. As far as this Committee can gather, the situation is now no worse than it has been before, but it is no better. Conversation goes on freely. Every minor rule can be, and is broken and many major rules are broken. Very little appears on the surface. Occasionally prohibited articles are discovered in the possession of a prisoner. The Committee had the opportunity of observing more than one discovery themselves. While the members were visiting a weaving factory in the Fatehgarh Central Prison one of the weavers started complaining volubly of his treatment. The reason was that he had something which he wished to conceal. He was afraid that it might attract attention. As this was in his cap he thought the best way to escape discovery was to throw his head back and complain loudly. This would have deceived the Committee, but it did not deceive the Secretary who went behind him and took his cap off. In it was a small bag containing tobacco. In the Sitapur District Jail there were discovered at the time of visit a packet of tobacco and a packet of cigarettes hidden under the grain in the bin from which two convicts were feeding the mill. Probably not one instance out of a hundred of possession of prohibited articles is discovered. When it is discovered, the man is punished and the punishment is entered in the roll. The punishment for a first offence is usually a warning.

250. There has been a tendency in the past to judge the discipline of prisons by the number of punishments inflicted. If the number of punishments inflicted is high, it is presumed that the discipline is bad. As the number of punishments decreases it is presumed that the discipline improves. Apart from the fact that the employment of this test makes for suppression of offences by those who are interested in upholding the efficiency of the institution the test is in itself fallacious. To return to the parallel of a school. While it is true that a good master who will not permit breaches of discipline has to inflict very few punishments, a bad master is often found to inflict very few punishments, because he is too lazy to inquire into breaches of discipline. It would be unfortunate if it became recognized as a principle that the fewer the punishments the better is the condition of the jail, and the greater the reputation of the Jailer, for it is after all the Jailer who is mainly instrumental in bringing cases for punishment to the notice of the Superintendent.

251. But the word "discipline" is not usually held in reports on the jails to signify such breach of rules. The word is usually considered to cover only the outward conduct of the convicts. Are they alert? Do they obey orders without question? Are they respectful to their superior officers? Do they refrain from violence to one another, to the convict officials and to paid officials? Are there escapes? Are there riots? Are there mutinies? This is what the word "discipline" mainly means to a jail official. The present Inspector-General considers the discipline in the jails very satisfactory. In his report of 1923 he considered that the convicts were much more amenable to discipline than they formerly had been. He attributed the absence of conspiracies, and escapes from inside the jails (which in that year fell to two) to better treatment of the convicts and to better discipline thus obtained. In 1924 the figure of escapes rose to 11. In 1925 there were 6. In 1926 there were only 3 and in 1927 there were none. In 1927 the Inspector-General reported that the discipline in all the jails was very good.

252. The Committee is not disposed to accept the figure of escapes as a test of the discipline of the convicts of a jail. It would appear rather to be a test of the efficiency of the staff. The Committee cannot believe that, however humane the treatment may be, and however satisfied the convicts are with their treatment, there would not be a large number of escapes if the convicts only had the opportunity to escape. The figure of escapes over these years reflects great credit on the jail staff, but it does not seem to us to have much to say to the

discipline of the jail. The punishment figures here again afford little help. It does not always happen that offences such as assaults on convict officials and even on Warders are reported. If a Warder has been engaged in smuggling prohibited articles for the use of a convict, and there is a dispute as to the price, and the convict assaults the Warder, it is quite likely that the Warder will say nothing about it. The Chairman is averse to introducing his personal experiences in the matter, but he feels it necessary to note that his experience as a visitor to Central Prisons goes back twenty-eight years and he is certainly under the impression that the discipline in Central Prisons is not as good as it was at the beginning of the century.

253. The following facts seem to bear out this conclusion. There has been of late years an increasing frequency in murderous assaults made with knives or similar articles. These assaults are made sometimes by a convict on a convict, sometimes by a convict on a convict official, and sometimes on members of the superior staff. There have also been recently outbreaks in the Central Prisons at Benares, Lucknow and Allahabad. These outbreaks will be examined later. First some instances may be given as to serious attacks made on individuals.

254. In 1922 a European Deputy Jailer of the Allahabad Central Prison was the victim of a murderous assault at the hands of a life convict. The Deputy Jailer's nose was nearly cut off, and he received other severe injuries.

255. In 1926 the Jailer of the Benares District Jail was attacked by a convict while accompanying the Superintendent on a parade of prisoners. He received a dangerous wound in the neck, and his life was in danger.

256. In the same year a murder was committed in the Lucknow Central Prison in the following circumstances. Kallan a convict undergoing a sentence of transportation for life on a charge of murder was working on the 15th of July, 1926, in the afternoon after the midday meal on the oil presses in the circle. There were some fifteen men working on the presses. In charge was a convict called Nasir Mian. There being no paid Warder within sight and little prospect of detection, Nasir Mian lay down to sleep in a corner of the factory. Kallan approached him, picked up a ten pound weight which was in the factory for the purpose of weighing the oil, and proceeded to hammer Nasir Mian's head with it. He inflicted injuries as a result of which Nasir Mian died. This instance appears to the Committee to be an illustration of exceedingly bad discipline. The action of the deceased man in leaving his duties and going to sleep shows clearly that he was not in the

least afraid of being detected, and the attack made by the murderer in a factory containing fourteen other men indicated that he at any rate was not disciplined.

Last year three convicts in the Fatehgarh Central Prison made a murderous attack on a convict night watchman called Indar Sahai. They endeavoured to cut his nose off.

257. Last year in the Agra Central Prison a convict called Kunwar Sen attacked Deputy Jailer Sardari Lal with a knife. He narrowly missed killing him.

258. Neither the Fatehgarh case nor the Agra case was sent to a Court. In both instances the offenders were flogged as a jail punishment. In the Agra case the offence was apparently an attempt to murder by a convict under sentence of transportation for life and Kunwar Sen was liable to be tried on a charge, which might have resulted in a death sentence. The then Superintendent of the Agra Central Prison (an officer who is no longer in the Jail Department) stated that he thought it undesirable to prosecute Kunwar Sen as the Courts would probably give him only a year's imprisonment, and he was already sentenced in all to thirty-five years.

259. In the same year Khan Sahib Ehsan Ali the Daroga of the Bareilly District Jail was attacked by convicts and stabbed in the arm. Two men were tried and convicted in this case.

None of the last five incidents are mentioned in the jail reports. How many more there may be the Committee cannot say. The last four were discovered almost accidentally as a result of remarks made to the Committee during their visits.

260. On the 18th October, 1926, Sirajuddin, a convict teacher in the habitual circle of the Benares Central Prison was attacked by convicts while the tasks were being checked. His nose was cut, but not cut off. The Head Jailer and a Circle Officer arrived on the scene and Sirajuddin was rescued. Ten men, Chandan Khan, Daulat and eight others were put on their trial for complicity in this attack. Chandan Khan and Daulat were convicted. The rest were acquitted by the jury and the Judge did not refer their case to the High Court. The weapons employed were *khattans* (knives used in *durrie* work). They had been manufactured clandestinely.

261. On the 26th April, 1927, there were two separate outbreaks in the Benares Central Prison. These took place at dawn. Unlocking had taken place at about half past four. The morning issue of parched gram had been served out. All the convicts were in their respective yards. These outbreaks again were in the habitual circle.

The Circle Officer had gone to work in another part of the prison. A solitary Warder was in the circle. The yard gates were locked. A convict overseer by the name of Balagir was attacked by a mob of habitual convicts in yard no. 7 and thrown down. His nose was then cut off—again with *kattans*. The other convicts in yard no. 7 raised a vociferous din. The noise attracted convicts in the other yards. Most of the convicts in no. 3 yard were at the grille. Ram Khilawan Chamar who was in that yard approached the grille. This man is a habitual undergoing a sentence of fourteen years for burglary. The men in no. 7 were expressing their sympathy with the men in no. 3. We have seen the place. It is to be noted that it is practically impossible for inmates of no. 3 to see what is happening in no. 7, as the two yards are opposite one another, and a cook-house in the centre blocks the whole view. Thus unless the outbreaks in the two yards had been premeditated, the inmates of no. 3 could only have ascertained what was happening in no. 7 from the shouts emanating from that yard. Certain of the inmates of no. 3 seized Ram Khilawan, threw him down and cut off his nose with a *kattan*. The Superintendent of the Central Prison arrived shortly. The District Magistrate, Mr. Mehta, arrived almost directly afterwards and the outbreak was quelled. Certain of the offenders were convicted by the Sessions Court. The jury having refused to convict others, their cases were referred by the Sessions Judge to the High Court where further convictions ensued.

262. On the 11th November, 1927, there was an assault on a Circle Officer Mr. S. N. Tiwari in the Central Prison at Lucknow. This was early in the morning. After unlocking, the convicts were being taken to their respective factories. Mr. Tiwari was seated in the watch place known as the "Gomti" in the central circle. Ten of the habituais in the habitual circle attacked Mr. Tiwari with *kattans* and other weapons. He was very seriously injured. No case was instituted, the convicts concerned being punished with jail punishments which included in some instances flogging.

263. On the 20th January, 1928, there was a serious riot in the Allahabad Central Prison. While food was being distributed in two adjoining yards in the habitual circle there was a disturbance and a Brahman convict called Bhagoti was pulled down and his nose was cut off with a *kattan*. Afterwards a convict cook called Gajadhar received injuries which caused his death. Such paid and convict officials as were present got out of the yard and locked the gate behind them. An alarm was raised, and the Superintendent arrived with the Reserve Warder Guard. Some of the convicts had in the meanwhile climbed roofs which commanded the passage through which the relieving party



came, and pelted the party with tiles. The guard fired, and entry was made in the yards. There further disturbance took place. More shots were fired. Three of the convicts died as the result of gunshot wounds. More were injured. Certain convicts were convicted by the Sessions Judge of Allahabad for participation in this affair. As their appeals have not so far been decided the Committee makes no further remarks on this occurrence.

264. On the 10th October, 1928, there was another outrage in the Benares Central Prison. Jailer Zakir Husain was sitting at a table in the circle at about 6 a.m. when he was attacked with a crowbar and received injuries which endangered his life. The attack is alleged to have been made by a certain convict, but the Committee cannot go into details as the case is still under trial.

265. It would appear to the Committee desirable that in every instance in which there is a dangerous assault committed in a jail there should be a detailed description of it in the annual report, that the public may have an opportunity of knowing what the discipline in the jails really is. There is further an unfortunate tendency not to take cases for prosecution into the courts. The reason is not far to seek. Unless it is a question of the award of a death sentence, there is little to be gained when attacks are made by convicts sentenced to transportation for life in giving an additional sentence of imprisonment. Apart from that there is a distinct disinclination in the Jail Department to face the dislocation of the work of the jail caused by the institution of a criminal case. The staff is so limited that the absence of a certain number in a Court throws out the whole work in the jail. The remedy should, however, be to increase the staff and to bring the facts before the proper tribunal. Where it is possible the case should be heard in the jail itself. This would reduce the dislocation of the work to a minimum. Court rooms are provided for this purpose in some of the Punjab jails.

266. While the Committee is of opinion that the discipline in the Central Prisons is deteriorating and that it is probably deteriorating though to a less extent in the District Jails it makes no reflection upon individual members of the staff, except in instances where disputes between members of the staff have been a cause of the disturbances. Some reasons for the deterioration are these. In the first place the abolition of the Andamans as a penal settlement and the retention of all cases of convicts transported for life in Central Prisons has naturally affected discipline. Some of the worst men in the Central Prisons are men who would formerly have been sent overseas. Owing to their retention, discipline has necessarily

deteriorated. There is further some deterioration owing to the cessation of the old system of recruitment of officers in the Central Prisons. Formerly these officers were retired non-commissioned officers of the British Army. They were kept in the Central Prisons, and never went anywhere else. It is possible to question the methods by which in some instances they enforced discipline. But there can be no doubt as to the fact that they enforced outward discipline thoroughly. That class is no longer recruited, and the Committee does not suggest that it should be recruited. It considers that sufficiently satisfactory results will be obtained by careful recruitment from classes still eligible.

267. But reversion should be made to the old system by which men were appointed only for Central Prisons and retained in Central Prisons. Under the present system a Head Clerk in a District Jail may become a Circle Officer in a Central Prison. The atmosphere of a District Jail is very different from the atmosphere of a Central Prison, and it is quite possible that a man who has been an excellent Head Clerk in a District Jail and might make an excellent Jailer in a District Jail on becoming a Circle Officer in a Central Prison will find his duties somewhat more than he can manage. The Committee has already proposed that for the Central Prisons the officers should be directly recruited and that they should be retained in Central Prisons.

268. Another factor is the deterioration amongst the convict officials. This is unavoidable. The men who made the best convict officials in the past are the very men who obtain remissions of sentences from the Revising Boards. It is very desirable that they should obtain these remissions of sentences, and the Committee does not suggest that they should be retained in the prisons to work as convict officials, but the fact remains that the convict officials as a class are deteriorating.

269. There are other factors such as an increased spirit of assertiveness amongst convicts, which formerly did not exist.

270. The Committee does not wish to exaggerate the dangers of the situation, but emphasizes the facts that there are dangers in the situation, and that those dangers are serious. It is not realized by many how slender are the defences against organized outbreaks in the Central Prisons, and how nearly those outbreaks can attain success. In the outbreaks of recent years there has not been sufficient determination on the part of the rioters to bring them within measurable distance of success. But there was an instance (it occurred nearly nineteen years ago, but it should not be forgotten) of an outbreak in a Central Prison in which only the determination of a few officials supported by the steadiness of the Reserve Warder Guard prevented the complete capture of the prison by the rioters. The reference is to the outbreak

which took place in the Fatehgarh Central Prison in the year 1910. The Committee has examined the judgment in the cases in which those rioters were tried and it has had the advantage of hearing from the lips of a gentleman, Mr. Anrudh Lal Mahendra, who was recently officiating as Inspector-General of Registration what he actually saw. He was then a Deputy Magistrate in the District, and he was one of the first to arrive at the scene of the disturbance. He was the Magistrate who committed the subsequent cases to Sessions. Discipline in the Fatehgarh Central Prison had for causes which need not be detailed been allowed to become lax. That prison contained in that year an exceptionally large number of desperate and dangerous criminals. They planned a general mutiny, and the result was very nearly the capture of the prison by the convicts. If that prison had been captured eighteen hundred men, of whom nearly one half were desperate criminals, would have been let loose on the country side. Fortunately it was not successful. Had it been, the consequences would have been appalling. Restoration of order in the districts into which those men had penetrated would have been most difficult, for there would have been formed a large number of gangs of dacoits, who emboldened by their success would have taken greater risks than they ever had taken before. These gangs would have committed outrages upon inoffensive members of the public of a nature difficult to contemplate with equanimity.

271: In the last few years these outbreaks have followed one another with increasing frequency. The temper of certain of the convicts in the Central Prisons is becoming more and more daring. The Committee is of opinion that the time may come, if no remedy is taken, when one of these outbreaks will attain complete success. It does not consider such an event probable, but it cannot disregard its possibility. The situation can be saved, and can be saved easily by taking proper measures. Those measures will, however, cost money. The Committee asks the authorities to consider whether they will not be justified in sacrificing financial considerations to meet the grave dangers of the situation. Many of the remedies have already been stated. If Superior and Subordinate staff are increased, and if the improvements which we suggest are made in the treatment of the Warder staff very much will be done to prevent the danger. Further if prisons, and prisoners are classified, if the general association barrack becomes a thing of the past, if the amenities which we propose are introduced, even more will be done to relieve the situation. If punishments are inflicted more intelligently and are not withheld when they are deserved there will be a further improvement. It is along these lines that the solution will be found.

272. We refer to a point which has struck us as serious. It has already been noted that many offences of a grave nature have been committed lately in which the convicts have used the *kattan*. The *kattan* is a small sharp knife which is used for shearing (or it may be said shaving) the threads which protrude while *durries* and carpets are being manufactured. It is exceedingly sharp, and as has already been seen is a most dangerous weapon. The *kattans* used in the factories are returned to store every night. It is not difficult, however, for convicts to manufacture clandestinely similar *kattans*. They can be made from odd scraps of hoop or flat iron. As they are very small, they can easily be secreted on the person or elsewhere. A better staff and a better supervision will do something to prevent the secreting of these weapons, but more than this should be done. The Committee has been observing with interest experiments in rendering the workshop *kattan* more difficult to conceal, and rendering it less effective as a murderous implement. These experiments are being made in certain Central Prisons. The best method of rendering the *kattan* comparatively innocuous and making it much more difficult to secrete would be by embedding the blade in a wooden block allowing only one quarter of an inch to protrude. If this were done the *kattan* would not be so easy to secrete, and further, although it could inflict an unpleasant cut, it would be rendered comparatively innocuous as the blade could only penetrate one quarter of an inch. But considering the frequency with which these weapons have been used of late the Chairman would go further. He would not add to the authorized punishments, but would suggest as a continuation of one of them that if it were laid down in the rules that any convict found in possession of a prohibited weapon dangerous to life should in absence of reasonable excuse be sentenced as a matter of course to a whipping of at least fifteen stripes, the practice of secreting such weapons will tend to disappear. The rule would not be found to be inhumane in respect of the large majority of the convicts. He considers that if such a rule were introduced, it would not be necessary to inflict more than ten floggings in all, for after it became well known that secretion of *kattans* entailed a flogging in absence of reasonable excuse, he is sufficiently optimistic to suggest that the practice will stop. He has taken the opinion of experienced jail officials on the point, and those officials consider that if such a rule be introduced the secreting of these articles will cease in a very short time. The other members of the Committee, however, are not in favour of such a rule.

## APPENDIX.

*List showing number of minor and major punishments inflicted in these provinces during the last ten years.*

	Central jails.		District jails. †		Total prison population.
	Major.	Minor.	Major.	Minor.	
1919 .. .. .	3,528	5,114	3,559	11,148	30,331
1920 .. .. .	4,504	7,234	3,083	10,486	25,733
1921 .. .. .	3,526	6,088	2,687	10,238	25,387
1922 .. .. .	2,987	7,460	3,034	10,486	24,282
1923 .. .. .	3,210	8,785	3,439	11,389	28,307
1924 .. .. .	2,126	5,978	3,633	10,707	28,119
1925 .. .. .	1,790	5,386	3,835	11,828	28,052
1926 .. .. .	2,119	5,370	3,286	10,731	29,149
1927 .. .. .	3,086	6,094	3,302	11,220	30,927
1928 .. .. .	3,689	9,695	3,530	13,685	30,266

## CHAPTER VIII.

### REFORMATORY INFLUENCES INSIDE THE JAIL.

273. The remission system has been in operation in the United Provinces for many years and has been found to operate as an incentive to good behaviour. The system has already been described, and it is not necessary to describe it further. The Committee has examined the rules relating to remissions, to see whether the system requires to be improved by making the rules more liberal. Certain modifications have been made in them already as a result of the report of the Jails Committee of 1919.

274. This Committee is of opinion that the rules require further additions and alterations. If the progressive system is introduced into the Central Prisons its introduction will necessitate a modification and enlargement of remissions. The division of convicts undergoing penal servitude into three grades, and a special grade requires an alteration in the remissions earned according to the grades. We consider the present remission rules sufficient to meet the cases of convicts in the first and second grades or stages, and are not in favour of the proposal, that as a matter of course each convict on passing into the second grade should receive thirty days' special remission and on passing into the third grade should receive sixty days' special remission. We consider that paragraph 179 of the Jail Manual already provides sufficiently for the cases of men who have done particularly well. Under this the Superintendent can grant thirty days' special remission in the year, and the Inspector-General can grant sixty days. The discretion should be used more freely than it has been used in the past, but the rule gives the necessary power.

275. If this discretion be exercised properly, a convict who has behaved exemplarily and worked exceptionally well could work his way into the third grade in less than three years having earned a remission of a quarter of his sentence already undergone. This is enough to meet the cases of all but the men sentenced to very long sentences. In their case, however, it is necessary to provide something further after they have passed into the third grade. Here instead of taking the best non-habitual we can take the instance of a man with a sentence of transportation for life (= 25 years) and a bad habitual record who is confined in

the Central Prison reserved for the worst habituals, when such a man behaves moderately well and commits no prison offences justifying cancellation of remissions. He will have served eight years before he attains the third grade. He will then have earned 504 days' remission. He should then be given six days' ordinary remission a month for the next four years. At the end of the twelfth year he will have earned  $504 + 348 = 852$  days' remission. He should then be given eight days' ordinary remissions a month for the next four years. At the end of the sixteenth year he will have earned  $852 + 404 = 1,256$  days. He should then be given ten days' ordinary remissions a month for the next four years. At the end of the nineteenth year he will have earned  $1,104 + 540 = 1,644$  days. A Jail Year is 360 days. He will be released in his twenty-first year having had just under one-fifth of his sentence remitted, that is to say, a year more than he would receive under the present rules. In addition such a man would also have passed into the best habitual jail, though he would not have reached the Special Class. We propose therefore the following modifications :—

For convicts sentenced to penal servitude in the third grade.	Ordinary remissions.
First four years in third grade .. ..	Six days a month.
Second four years in third grade .. ..	Eight days a month.
Any subsequent period in third grade ..	Ten days a month.

And we propose that for all convicts in the special grade the ordinary remissions should be twelve days a month.

276. We do not consider that any further concessions than the above are necessary owing to our proposal to reduce considerably the number of convict officials. These concessions are sufficiently liberal combined with the grant of special remissions to cover all cases.

277. It is to be remembered that these remissions can be earned by the convict himself, and are independent of any special reduction of sentences proposed by the Revising Boards and accepted by the Government, or granted by the Government on its own initiative. The latter concessions are not within the control of the convict himself.

278. The work of the Revising Boards has been considered in an earlier part of this report. The Revising Boards do very useful work, and they have in the Committee's opinion sufficient authority, which they are exercising with beneficial results. The existence of the rules, under which the cases of long term convicts are referred to Government for orders after a period, has unfortunately produced an impression amongst a number of the convicts sentenced to transportation for life that they have a right to be released after some ten years. The

way in which they look at the case is this. They have received life sentences. They have seen other men who have received life sentences released after ten years or possibly less, so they consider that every man sentenced to transportation for life should be released after ten years. A large number of life convicts put forward as a genuine grievance to the Committee that they had not been released on the first occasion when their cases had gone to the Government or to the Revising Boards. We were unable to remove this erroneous impression from their minds. The existence of these complaints is stated, as in some quarters they have been considered to reflect upon the work of the Revising Boards.

The fact that sentences can be remitted as a result of the report of the Revising Boards undoubtedly operates as an influence for good conduct and good behaviour and is thus of a reformatory nature.

279. The next reformatory influence which the Committee has to consider is the allotment to the convict of a cash allowance which either accumulates to the convict's credit during his imprisonment and is paid to him on his release or partly accumulates to his credit, is partly distributed under his directions to his relations, and partly devoted to the purchase of certain approved articles of comfort. At present nothing is allowed to convicts in the United Provinces under this head. The Punjab Government has recently introduced as an experiment payment to convicts in respect of the work done by them. The payment amounts to fifteen rupees a year. The report on the Administration of the Jails in the Punjab for 1927 indicates that the granting of this concession has not been an unqualified success. The Inspector-General of Prisons, Punjab, says :—

“The system has now been in force for over a year, and it is possible to some extent to estimate its value. It must be confessed that its good effects have not come up to the expectations of those who introduced it. One aspect has already been referred to in paragraph 19, i.e., it has not so far reduced offences relating to work or to prohibited articles. The prisoners like it and it is probable that a certain number do complete their daily task in order not to lose the pecule.”

The first Punjab Provincial Jail Conference, however, agreed, though not unanimously, that the system had done good in that in some jails the introduction of forbidden articles had decreased, and that the convicts try to do full task in order to get the luxuries. It was agreed that the system had had a good effect.



280. Apart from the failure or success of the experiment in the Punjab it is necessary to consider the question for the United Provinces. The Jails Committee of 1919 was in favour of the introduction of such a system, and considered that the results of the introduction, where it had been already introduced in England and the United States of America, had been to improve the characters of the prisoners. This Committee is in favour of the introduction of a system of gratuities upon certain principles. A common form which this system has taken is by a money payment for work done in excess of the allotted task. This Committee is not in favour of adopting that principle. In the first place it can only be applied to convicts employed on a task capable of being calculated. It can be applied in the case of men employed on hand-weaving and other forms of calculable work, but many convicts are employed necessarily on tasks which cannot be calculated easily. In the case of a convict employed on the manufacture of tents it is in practice almost impossible to calculate the work done by each individual. Further there remain a large number of convicts who are employed on work not affected by their own desires. Those employed as cooks in the kitchen have to cook a certain amount of food. They cannot cook more food in order to qualify for a gratuity. The writing up of tasks is in practice exceedingly difficult even in the case of piece workers. At present the task is written up without pretensions to strict accuracy and the convicts do not question the figures, as provided they have done their full day's task the actual figures are not of great importance. If, however, the amount of gratuity depends upon the accuracy of the figures there will be continual disputes which will take up the time of the prison authorities and which will not be easy to settle.

281. It appears to the Committee possible to devise a scheme which will contain none of these disadvantages. If each convict receives a fixed sum of money when it is certified that he has done his work satisfactorily the Committee considers that a very valuable reformatory influence will be introduced which will work smoothly and give a minimum of clerical labour to the staff. What that amount should be will depend on what the authorities propose to give.

282. The present scale of remissions is worked out in marks which represent each a remission of a sentence by one day. It has been shown in an earlier part of this chapter how many marks will be obtained by a convict of exceptionally good behaviour if their proposals are accepted. The figure would work out something like this. Such a man serving a five-year sentence would on release have earned about 360 marks. A man serving a five-year sentence of moderate behaviour would

have earned about 260 marks. If each man received a rupee for each twenty marks earned the first would have eighteen rupees to his credit, and the latter thirteen. There would be no extra calculation or account-keeping as the number of marks is already written up on the history ticket. Twenty marks to a rupee would give the average convict about three rupees a year. The Committee considers that amount too little and would fix the rate at a rupee for ten marks.

283. The question then arises as to how this money is to be given to the convict. In the Committee's opinion it should be allowed to accumulate until his release, with discretion to Superintendents to allot in special cases, if the convict so desires, a portion to his dependants out of the amount which has accumulated in his favour. The Committee is not in favour of permitting the convict to purchase small luxuries out of this amount. It proposes to provide the comforts in another manner. The setting up of a jail shop in which articles can be purchased will present great difficulty, and the question of provision of amenities is one which the Committee would prefer to see decided apart from the convict's own expenditure.

284. It will be observed that under this system the prisoners who behave best and do their work best will not receive very much more than those who are only average. It seems necessary to make special provision for convicts who have shown exceptional diligence. The Committee considers that the best method of rewarding such convicts will be by the issue of articles not provided ordinarily, such as sugar in the form of *gur*, food cooked in *ghi*, and possibly tobacco. It considers that a grant should be made to Superintendents, out of which at their own discretion they can make these issues as a reward for specially good work. This is apart from the question of the issue of *gur* as a part of the jail dietary, or the provision of special meals as a general concession to all prisoners. The Committee is proposing that a limited issue of *gur* should be granted as a part of the jail diet, and here proposes that extra *gur* should be given as a reward for specially good work.

285. One reason why the Committee suggests the granting of these privileges is that it considers that in addition to such inducements to reformation, as can only operate at a comparatively late date (as, for example, remissions and distribution of money allowance) there should be some method of rewarding specially industrious or well behaved prisoners, which will operate at once, and to permit a convict to purchase articles out of money which has accumulated to his credit would not really be considered by him much of a reward. He can reasonably argue that, as it is his own money, he is not being rewarded by being

permitted to purchase out of it articles for himself. The issue of *gur* given at once without payment, would on the other hand be highly appreciated. The question of the granting of these amenities is largely bound up with the question of graded prisons and graduated stages of imprisonment.

286. The most difficult question in this connection will be in respect of the issue of tobacco. The Committee is opposed to the issue of tobacco to the worst men. It does not think that such a concession should ever be made to the worst habituals in the most penal prisons, but it considers that in the case of better prisoners and men who have worked their way up to the agricultural farms, the issue of tobacco will be advisable and will have a good effect. It would follow the English system on these points. While smoking is prohibited absolutely in certain English prisons, a limited amount of smoking is allowed in the Borstal Institutions and elsewhere, and, if tobacco is so issued, many of the difficulties which attend smoking in prisons will disappear. It will be more easy to provide facilities for smoking in the case of men employed on the land, or in the case of men of particularly good behaviour. The concession will further be more appreciated if it is not made universal.

287. Some witnesses have suggested that smoking should be allowed in jails as a confession of failure. Their argument is that inasmuch as it is a well-known fact that tobacco can be obtained and is obtained in jails on payment, and as it is smoked and chewed almost universally by those who can afford it, it should be issued free to a certain extent to kill the practice of illicit introduction. But the Committee considers, that it is not necessary to accept these conditions as inevitable, and that the remedy is to improve the jail staff as it has proposed. In England in years gone by there was considerable introduction of illicit articles into the jails with the connivance of a corrupt staff. Now the practice has practically ceased as a result of employing a better staff. The remedy in India should also be to employ a better staff.

288. Anything which makes for the reasonable comfort of a convict will operate as a reformatory influence. We are not here considering questions of health in the matter of diet, clothes, etc. Where the conditions require an improved diet, improved clothing, or the like, our recommendations will be put forward on considerations of health; but, even when considerations of health do not require an alteration, it should be considered how far small concessions which make for self-respect should be introduced.

289. The first point for consideration here is in regard to the shaving of the head and the face of convicts in prisons. Shaving of the head and the face is not obligatory on all convicts. Sikhs, for example, are permitted to wear their hair and beards according to the precepts of their religion, but an ordinary Hindu convict has his head and face shaved and his moustache clipped close. The shaving of the head is done partly to make the convict more easily recognizable in event of his escape, and partly for reasons of health. It is suggested that if the head is shaved there is no danger of vermin getting into the hair. But it has been pointed out by medical officers to us, that if the hair is clipped close, there is practically no danger of vermin getting into the hair and that it is not usual to find prisoners with vermin in their heads even on admission. The reason for the shaving of the face and the clipping of the moustache is mainly to give the convict a neat and tidy appearance. In England a close-cropped convict's head and the absence of the moustache and beard were formerly signs which indicated to the ordinary mind that the man was a convict. Of late years considerable concessions have been made in this respect in English prisons. These concessions have, however, largely been made a part of the differential treatment of convicts according to the nature of offences and their behaviour.

290. The Chairman is in favour of similar concessions in India granted in the same manner. He would make the growing of hair and moustache and the growing of a beard by others than Sikhs and Muhammadans (if a convict wishes to grow a beard) a concession to be given to the better convicts. He would, of course, not suggest that the concession given at present to Sikhs and others should be withdrawn. But he thinks that the question should be regulated by the classification of the convict on admission, and the classification of the prison in which he is serving his sentence. Pandit Jagat Narain and Hafiz Hidayat Husain are in favour of complete abolition of the present system by which the head is shaved. They consider that close clipping is sufficient in all cases, and that all who wish to grow beards should be allowed to do so. Sikhs and Muhammadans are already allowed to wear beards. They object also to the clipping of the moustache.

291. Many witnesses have brought to our notice the hardship inflicted on certain convicts in being bare-footed. Shoes are only permitted to be worn by convict officials. The ordinary convict goes with-

out them. The large majority of the convicts in the prisons are men who are accustomed to walking bare-footed, who sometimes have never worn shoes, and who usually have only worn them occasionally. In the case of such convicts it is obviously unnecessary to provide them with shoes. There remains a class of men, however, who have been accustomed to wear shoes outside the jails and they feel the inconvenience of walking bare-footed. A concession might be made here again in the case of men accustomed to wear shoes according to the classification of the convicts and the classification of the prisons. The Chairman considers that the general issue of shoes is not only unnecessary but undesirable. He thinks that if all convicts were given shoes, there is every reason to suppose that the shoes would in many instances be used for committing assaults upon one another and upon the jail officials, but if foot covering is given only to men who have been accustomed to wear them outside the jails, when such men are particularly well conducted, the concession would have a useful effect. Here he agrees with other members who while not apprehending danger from a general issue yet regard such an issue as unnecessary. The other members are in favour of allowing shoes to all who are accustomed to them on payment. The Chairman does not agree here as he considers the concession should not depend upon the financial position of the convict's relatives.

292. There is one small concession which should be made. The hand fan is coming more and more into use in India even amongst the poor classes. It costs very little and alleviates the heat of the hot weather and rains. We are in favour of the issue of hand fans to every convict irrespective of his classification or behaviour. They can be made in the jails.

293. The next reformatory influence which it is proposed to consider is the provision of amusement in the jails. One of the most deadening influences in jail life is its monotony, and it is not only sentimentalists who advocate that as much as possible should be done to alleviate this monotony. It is under this head that the question of amusement comes. One form of amusement is conversation. But here it is necessary to provide strict safeguards. This form of amusement is in existence without safeguards in all the prisons in this province, for prisoners have in practice every opportunity of conversing as much as they like. In the day they have to keep their conversation under some sort of restraint. In the night they can converse as much as they wish, and do converse very freely. Lately permission to talk has been granted in the United Provinces prisons for some hours after lock-up.

It was hardly necessary to make this concession; as prisoners had always talked not only for some hours after lock-up but as long as they wished, and here, according to our views; there is need for restriction. There is too much talking in the prisons, and it is in the conversations that plots are formed, and that crimes are planned to be committed on release from jail. We propose to restrict conversation in certain instances, and would permit very little in the prisons where the worst offenders are confined. The concession can do no harm amongst the better prisoners. In England it has been possible to permit debates amongst the prisoners. We doubt whether debates would be useful for any prisoners in this province except amongst persons very carefully selected.

294. In England games are encouraged. We doubt whether games such as hockey and football could be introduced usefully into the Indian prisons except amongst juveniles, and the younger adolescents. There are certain simple Indian games that might be popular. Pandit Jagat Narain suggests such games as "sola gutti" and "pachisi." It has been suggested that where prisoners can sing, they should be permitted at certain hours to do so, as the singing will be greatly appreciated by their fellows. This is a suggestion which deserves attention. At present the main recreation of convicts on Sundays and holidays is to listen to the reading of a book by an educated convict. Every encouragement should be given to this practice. It was suggested to us by one witness that swimming pools might be constructed in the jails, where prisoners who wished to swim should be encouraged to do so, and where other prisoners could be taught to swim. There are elements of danger about this proposal, but it is worth consideration. We are strongly in favour of the principle of permitting convicts some form of amusement. But the form which it should take is not one on which we have decided views.

295. It was suggested by a Committee in Bengal that lectures should be given to convicts. It was suggested that the Collector might lecture to convicts on rural matters, and that the Superintendent might lecture to them on hygiene. This does not appear to us to be a practical proposal in this province. Collectors and Deputy Commissioners have very little time to devote to lecturing, and under the conditions of jail life such lectures could only be given to a limited number. It is doubtful whether they would have any beneficial result or would interest the prisoners. It has also been suggested that cinematograph films should occasionally be shown to the convicts. There will be no harm in this but the difficulty in showing selected films in a large Central Prison

will be that they must be shown after dark, can only be shown to a few men at a time, and that it will be practically impossible to find a place where they could be shown to large numbers.

296. The Jail Committee of 1919 recommended that there should be an increase in the letters and interviews allowed to convicts. The increase suggested has been made in this province. But it has been urged to us that the ordinary prisoner should be allowed more interviews than he is allowed at present and that he should be allowed to write and receive more letters. At present he is allowed an interview once in three months and is allowed to write and receive letters once in three months. The privileges here can certainly be increased with advantage, but the jail staff may have to be increased to cope with the extra work entailed. It is not generally realized how much time the supervision of interviews takes, and how difficult it is to arrange for interviews in a large prison. There must be effective supervision both over the prisoner and his visitors, for, if this effective supervision is not supplied, there is always the possibility of prohibited articles being passed by the visitor to the convict. This is not a fanciful suggestion. Such articles have been introduced by visitors when the supervisor has been faulty. It is absolutely necessary when an interview takes place that there should be effective supervision. The staff has at present difficulty in providing the supervision necessary for the limited number of interviews that take place, and, if those interviews are increased, the staff must be strengthened. There is considerable work also imposed on the staff in scrutinizing letters issued by literate convicts, and received by them. The staff have also to write letters for illiterate convicts and read letters sent to illiterate convicts. It is to be remembered that not one convict in twenty can write. Here however the services of literate convicts in writing letters for and reading letters to illiterate convicts can to some extent be utilized.

The fact that the staff must be increased is no reason for withholding the concession. Better provision must be made to provide places for the interviews. In some jails provision has been made already. Provision should be made everywhere.

297. In the case of all the above concessions suggested the Committee wishes to make it clear that the concessions should not only be granted as a result of good conduct but that they should be taken away as a result of bad conduct. If they are granted irrespective of conduct they will lose much of their reformatory influence.

298. The next question which we have to consider is the imparting of religious and moral instruction in the prisons. If it is imparted what form shall it take and who shall be the instructors? The imparting of religious instruction in the proper sense of the term presents very great difficulties in the Indian jails owing to the fact that the majority of the convicts are Hindus, and that amongst Hindus there are so many different forms of belief. Even in the English prisons where the population may be called entirely Christian there are great difficulties in providing for the needs of the different denominations. The difficulties in India are considerably greater. In these circumstances it appears necessary that amongst Hindus religious instruction should be on the broadest and most general lines. There are certain books which are recognized as authoritative by all Hindus, and in the opinion of the Committee religious instruction should be confined mainly to reading and explaining these books. Amongst the Muhammadans the difficulties will not be as great.

299. The agency should in our opinion be a paid agency. Pandits and Maulvis should be attached to each Central Prison and District Jail.

Their duties should not be confined to the imparting of religious instruction. They should impart moral instruction, and assist generally in the education of the prisoners. Their position should be analogous to that of the Government School teachers at present employed in the Allahabad Central Prison. They would be whole-time members of the staff. They would correspond to some extent to Prison Chaplains in England. The Committee considers that they should be appointed by the Hon'ble the Home Member on the recommendation of the District Magistrate on a salary to be fixed by him commensurate with their qualifications and the nature of their duties. The Committee suggests that the appointments should only be given to men of mature age. They could assist very largely in devising amusements for the convicts, and controlling the conduct of the amusements. Moral instruction can further be imparted by private gentlemen. The Committee found excellent work being done in that direction in Rae Bareli and Muttra.

300. We found a great difference of opinion on the subject of observance of religious ceremonies. There is a demand in some places for free permission for convicts to perform their religious ceremonies in common and in large numbers. We consider that this demand is



somewhat artificial. It does not seem to come from the convicts themselves. Most of them set little store on the performance of religious ceremonies. All convicts are given facilities for prayer. A Hindu, a Muhammadan or a Christian is given reasonable facilities for the observance of his own forms of prayer. The objections to laying down a general rule are great. The main objection is that if there is a general rule permitting a large number of convicts to assemble together to hold joint services there will be danger. Collections of convicts in large numbers should be discouraged. All experienced jail officials are convinced that there is real danger in permitting large masses of convicts to assemble. The danger is increased when the convicts are of a certain type. It is difficult in any circumstances to avoid the presence amongst convicts, who on the whole are well behaved, of a few who are dangerous and capable of working up trouble. Where, however, the conditions permit there is no objection to prayers in common. We have found in some of the smaller jails Muhammadan religious instructors conducting prayers in common, and there no ill effect has been discovered. The question must be left largely to the discretion of the Superintendent, but there seems no objection to permitting Muhammadan convicts in one barrack to pray together. The Committee has considered the question of making special concessions in respect of work and diet to Hindus and Muhammadans on such occasions as the Sheoratri for Hindus and the month of Ramzan for Muhammadans, and during recognized festivals. Something has been done in this direction, but the Committee considers that more should be done.

301. We come here to the question of education. Some general principles can be laid down. Education must be given to the young and the adolescent. Instruction can and may be good and is not likely to do harm to the older, but where such instruction involves expenditure it should be borne in mind that after the age of twenty-five the convict is not likely to derive much benefit from it. There is no reason why education should not be given to men over twenty-five, but it must be borne in mind that the effects are less likely to be valuable. The Committee was pleased to find that in many jails instruction is being given, and was particularly pleased to find that in some of them this instruction was given as a result of the unremunerated exertions of the staff themselves. In the Agra Central Prison education has been introduced both for non-habituals and for habituals. The system is exceedingly simple. Books are given to the literate convicts and the literate convicts teach the illiterate. Mr. Gardner, Jailer in charge of the non-habitual circle, has produced extraordinarily good results. Out of

over 500 non-habituals in the circle 230 have been taught to read and write by the literate convicts in the same circle in their spare hours. Fairly good results have been obtained in the habitual circle though in comparison with the results obtained in the non-habitual circle they were disappointing. We recommend strongly that action should be taken in all prisons and jails on the lines that have been followed in the Agra Central Prison. We note that as a result many men of over the age of twenty-five have learnt to read and write.

302. In the Allahabad Central Prison paid teachers are employed for the instruction of the juveniles and adolescents. The results are good. We are strongly in favour of extension of these activities, but suggest that precautions should be taken to prevent a certain type of convict from volunteering in order to avoid work. We saw no reason to suppose that there was any such tendency in Agra or in Allahabad. In Agra the convicts obviously could not avoid work as a result of volunteering for instruction, as the instruction was given outside work hours. This is the best method of giving it. In Allahabad precautions were taken to prevent abuse of the privilege. When it is found that men who volunteered for instruction are making no attempt to learn anything no further instruction is given to them, and they are sent back to their work. We are in favour of compulsory education for juveniles and adolescents and of men between twenty-one and twenty-five.

303. As to the agency one of the best agencies appears to us to be the literate convict. The instruction which he gives is of the simplest character and there is no real apprehension that, while giving it, he will be able to corrupt the pupils. Where paid teachers are employed they should be remunerated sufficiently to compensate them for the inconvenience of work in a jail atmosphere, and if they are not provided with quarters they should be given proper facilities for coming from their homes to the jail and returning to them.

304. We have finally to consider the question of jail libraries and the use of books by convicts. There are already small libraries in the jails. We consider that they should be greatly improved particularly by choosing suitable and interesting books, and by increasing the number of books. Increased grants should be made to these libraries. Unfortunately the illiteracy of 19 out of 20 of the convicts restricts very greatly the reformative influence which can be received from books. But where convicts are literate every encouragement should be given to them by the provision of good books. There can be considerable development in this direction.

305. But it will always be necessary to scrutinize carefully the issue of books to convicts and particularly to examine carefully the books sent to them from outside. The books should ordinarily be small and in no circumstances should they be allowed to have covers sewn on to them. It is necessary to provide these precautions, as it has been found in the past that not only implements that can be used in effecting escapes have been concealed either in these covers, or behind the binding on the back of the book, but that weapons with which outrages have been committed have been concealed there also. We heard of an instance in which a knife was inserted behind the binding on the back of the book and a murder was committed with that knife. Only recently it was discovered in the Lucknow Central Prison that the saws which were used for cutting the bars had been concealed in a convict's Kuran. The difficulty can be avoided by never permitting the use of books with sewn covers, by only issuing the books at certain times, and by insisting on their return every evening. These precautions can be relaxed when the books are very small or when the binding is of such a nature that nothing can be concealed in the book itself.

## CHAPTER IX.

## MEASURES TO PREVENT ADMISSION TO PRISON.

306. In England possibly more has been done to keep offenders out of prison by the procedure already described under which time is allowed for payment of fines than in any other manner. The vast majority of convictions by Courts of Summary Jurisdiction in England are for petty offences. The Courts consider rightly that such offences are punished sufficiently by the infliction of a fine which while sufficient to cause its exaction to be felt by the offender, is within his means to pay. The large majority of the persons convicted are averse to going to prison. Further they can usually pay, if not at once, if they are given time for payment. Thus the new practice under which the courts allow every opportunity for payment of fines attains its object in nearly every instance. The fines are paid and the persons convicted do not go to prison. There is, of course, a residuum. It may be taken that a very large number of persons who are shown in the figures as having been sent to prison for periods of a week were confined in 1926 because they were unable to pay their fines. In India provision was made in 1923 by section 388 of the Code of Criminal Procedure for suspension of execution of a sentence of imprisonment in default of payment of fine under orders directing the fine to be paid in instalments, and permitting the Courts to give time for the necessary payment. The Committee has to consider whether a case is made out for directing the Courts in all cases to suspend the payment of fines. It is of opinion that sufficient cause has not been made out.

307. The figures of realizations of fines in the province in 1927 show that under the present system fines are generally paid, and that the persons convicted do not go to prison in default of payment. In the province of Agra, Magistrates in that year inflicted fines amounting to Rs. 9,91,588 and Rs. 8,01,344 were realised. In Oudh the Magistrates inflicted fines amounting to Rs. 2,29,641 and Rs. 1,85,424 were realised. It seems doubtful whether realisations would increase greatly, if it were made compulsory to allow time for the payment of fines. The Magistrates appear to be using the power of suspension with discretion.

308. Assistance in keeping convicted offenders out of prison will be derived from a system of release on probation. The Code of Criminal Procedure already provides that Courts can release first offenders under

the provisions of section 562 on their entering into a bond with or without sureties to appear and receive sentence when called upon during such period not exceeding three years as the Court may direct, and in the meantime to keep the peace and be of good behaviour. Further under section 31 of Act VIII of 1897 youthful offenders can be discharged under admonition or delivered to their parents or guardians. In 1927 2,657 offenders were released under section 562, and 121 juvenile offenders were discharged after admonition. The Committee is not satisfied with the operation of these sections. In most cases the binding over under section 562, the admonition to the juvenile, and the making over of the juvenile to his parents produce little reformatory effect, if any. There are, of course, cases in which these sections operate with advantage, but there are many instances in which the offender once released shows neither contrition, nor a desire to repent. It was recognized many years ago in England that, unless efforts are made to provide for proper supervision over persons convicted even for trivial offences, who are permitted to go free without the payment of a fine, binding over has little effect. For some time supervision over such persons was left in the hands of Police Court missionaries and others, whose influence was extraordinarily effective considering the fact that they had no authority except that derived from their own personalities. Subsequently the Legislature enacted the English Probation of Offenders Act of 1907. This Act gives power "If the Court, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, thinks fit so to act, to discharge the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction" (if before a Court of Summary Jurisdiction) "and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order." So far the Act goes no further than section 562, but it in addition contains the power which is utilized very largely in England—a power not given by the Indian Law—to add as a condition, that the offender can be put under the supervision of a Probation Officer. When the offender is placed under the supervision of a Probation Officer it is the officer's duty, subject to the direction of the Court, "to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order, or subject thereto as the Probation Officer may think fit; to see that he observes the conditions of his recognizance; to report to the Court as to his behaviour, to advise, assist, and befriend him, and, when necessary, to endeavour to find

him suitable employment." In event of the probationer committing fresh offences or otherwise breaking any of the conditions, the Probation Officer reports accordingly, and the probationer is then brought before the Court and sentenced for his original offence. Sir Evelyn Ruggles Brise writes at page 109 of the English Prison System; "The new procedure, under the Act of 1907, marks a great advance. The formality of the Probation Order, regular visits and reports, and the knowledge that the supervision is that of a duly appointed officer of the Court—all these things combine to secure a much stronger hold over the offender than the simple recognizance, which was previously the rule. Again, the Act provides for the appointment of officers at a number of Courts which had not previously been provided with the means of securing supervision in cases where the Courts desired not to resort to the penalty of imprisonment. The appointment of at least one paid Probation Officer at every Court may not be regarded as indispensable for the proper administration of justice."

309. The Probation Officer is as necessary in this province as he is in England. The Committee is, however, of opinion that the Continental system is better than the English system in respect of probation. Under the Continental system the offender on conviction is sentenced to a substantive sentence, but the sentence is suspended and he is placed under the charge of a Probation Officer for a certain period. If during this period he leads an honest life, does not get into bad society, and does not relapse into crime, the sentence is cancelled. The reasons why the Committee prefers the Continental system to the English system are these. When a probationer does not know what sentence will be passed on him, if he falls again into evil courses, he is more inclined to treat the consequences of his actions lightly. When he knows what the sentence will be and is in a position to dread a known consequence he is more likely not to relapse. A concrete instance will illustrate the point. A young man of twenty-one steals his master's watch. Under the system which we propose the Court could sentence him to a flogging but could place him under a Probation Officer with directions that, if he behaved himself for a specified period, the sentence of flogging would not be enforced. Remembering that if he does not behave himself he will be flogged, he is more likely to behave himself. If he does not know what sentence the Court will inflict, he is less likely to behave himself. This is the advantage of the Continental system over the English system.

310. Apart from that, the inconvenience of determining a sentence after a period will be considerable. When the Court passes the order

handing the offender over to a Probation Officer, it has all the facts in its mind, and is in a better position to adjudge sentence. If, as under the English system, the prisoner is brought up for sentence—possibly a year later—because he has relapsed into crime, the Court will then have to look up the case, which by this time it has very likely forgotten and decide the matter with less clear impressions as to the actual facts. Further the Presiding Officer may have been transferred, and the case may come up before an officer who has no personal knowledge of the facts. The Committee, therefore, prefers the Continental system and would like to see it applied.

311. There remains the question of the extent to which the probation system can be applied in the beginning in this province. For its success it is necessary to have a competent Probation Officer, who can and will exercise a real supervision. The conditions of the province make it difficult to secure these essentials except in Municipal areas. Where the person convicted resides outside a Municipal area, the difficulties of keeping such a person under supervision are very great. It is essential that a Probation Officer should exercise an actual supervision. If, as would be the case usually when the probationer resides in an agricultural village, he lives at a considerable distance from the residence of the Probation Officer, the supervision will not be effective. In a town the case is different. There, there should be no difficulty in finding Probation Officers who live within a reasonable distance of the probationer, and who can exercise an effective supervision over him. The Committee would, therefore, suggest that in the first instance the experiment of release on probation should be confined to Municipal areas.

312. Considerable care will have to be taken in the selection of Probation Officers. It is absolutely essential that they should be persons who are competent to supervise, and who can be trusted to carry out the supervision effectively. It is doubtful whether unpaid agencies will usually be able to perform these duties satisfactorily. Close attention must be given to each case. The Probation Officer must know exactly what the probationer is doing, and how he is living. He must in addition be a man of tact, of kindly disposition, and of unlimited patience. These qualities can no doubt be found amongst persons who would be ready to give their services gratuitously, but in the opinion of the Committee there would not be sufficient persons possessing these qualities to supply the continuous demand that would be made on their services. In these circumstances it would seem better—in the beginning at any rate—to employ only paid Probation Officers. The remuneration could be fixed at from Rs. 3 to Rs. 5 a month for each probationer with a

minimum of Rs. 50 to Rs. 100 a month according to the area of the Municipality. The number placed under the Probation Officer will have to be limited. In England it is found that no Probation Officer can exercise effective supervision over more than fifty probationers. It is clear that this remuneration will ordinarily be inadequate for the support of a suitable Probation Officer, but nevertheless it should be possible to find satisfactory Probation Officers who would do such work on this remuneration. The most satisfactory officers would be pensioned officers. There reside in the towns of this province a large number of gentlemen who have left service, but have still sufficient energy to devote themselves to work such as this. Many of them are men who take a real interest in the reformation of those who have strayed, and they could be trusted to use their best efforts for this work. The emoluments, even though they do not come to more than Rs. 50 or Rs. 60 a month, would be sufficient not only to pay out of pocket expenses, but to assist the officer towards comforts which would be greatly appreciated by a pensioned officer. We have already met pensioned officers who have told us that they are ready to accept such posts, and we do not anticipate that there will be difficulty in finding sufficient qualified men, if the experiment is introduced. Gentlemen who have not been in service will, of course, be eligible for these appointments. The difficulty in their case will be that they must devote the whole of their time to the duties. The emoluments will not be sufficient for their support, so unless they are men of private means there will be few candidates.

313 The subject of probation is connected with the trial of juvenile offenders by special Courts. The Probation Officers, whose appointment we have suggested, will not be concerned only with juveniles. They will be concerned also with adolescents, that is to say, young men from sixteen to twenty-one and also with men of more than that age. These officers will be concerned, however, with the treatment of juvenile offenders and they will be the officers on whom the present Juvenile Courts will mainly rely. In 1913 the Local Government issued instructions for the establishments of Courts for the trial of juvenile offenders and for the guidance of presiding Magistrates. In each district the District Magistrate was directed to select an experienced First Class Magistrate who should try at headquarters all offences committed by persons under the age of sixteen, except in cases where such juveniles were implicated with adults in serious crimes like dacoity. It was directed that only relatives of the accused and persons actually connected with the case should be admitted to the Court. It was further directed that the cases should not be tried in the ordinary Court house, but at the Magistrate's own residence, or some place where there was



not likely to be a large assembly of people. Particular directions were laid down to prevent as far as possible the actual arrest of such juveniles, and in cases in which they were arrested the Police were directed to segregate them carefully whilst they were in the Police lock-up. Under these orders however no arrangements were made for the appointment of Probation Officers.

314. As far as the Committee can ascertain the Courts appointed under this order are working with a reasonable amount of success. But while they provide offenders under sixteen with an environment less undesirable than the environment of an ordinary Court, they do little more, and their efforts are considerably hampered by the failure to make proper provision for these boy offenders, once they have left Police custody. The Committee has noticed in many places the unsatisfactory arrangements made for juvenile offenders in the jail lock-ups. It is true that under the rules they are separated from adults—that is to say, from men over twenty-one; but they are not separated from adolescents up to the age of twenty-one or from one another. Such boys after having been kept in separate cells in Police lock-ups, when handed over to the jail authorities, are usually kept in general association barracks. The Jail authorities do their best and keep them when they can in separate cells, but the difficulty is that in many of the lock-ups there are no cells. It is further to be noted that after conviction the Police arrangements for bringing these boys to jail are hardly satisfactory. The Committee saw at the Bareilly Juvenile Jail the admission of a boy of fourteen. He had been brought on foot through a densely populated portion of the town, wearing bar fetters. The Police cannot be blamed for putting bar fetters on him, for if he had escaped in the bazar the constable in charge would probably have been tried for a criminal offence. But the precautions to prevent the boy's young mind being affected adversely by his surroundings laid down in the instructions of 1913 are largely nullified by taking the same boy after conviction through a bazar with fetters and a rope tied round his wrists. The remedy was obviously to have brought him in a covered conveyance in which case fetters would not have been necessary. The difficulty we were told was that there was not provision to meet the charges of the conveyance. While the efforts made by the Local Government in the direction of the establishment of Juvenile Courts are admirable, they have not gone far enough. The first necessary supplement is the appointment of a Probation Officer. We should add here that as it costs Government about eight rupees a month to keep a convict in jail, and will cost more if our recommendations are accepted,

there will be a saving in employing Probation Officers to keep people out of jail.

315. There is further some provision for the care and reclamation of persons already convicted. The most important measure in this direction has been the formation of Settlements. Some Settlements are managed by the Salvation Army, and others are managed by the Police. The Committee has not had the opportunity of visiting the Settlements under official agency, but it has visited some of the Settlements under the control of the Salvation Army.

316. The largest Settlement seen was at Moradabad. This Settlement contains Bhandus, Haburahs, Doms, Sansias, and Kanjars. There are 530 men, 457 women, 247 boys and 251 girls in the Settlement. 138 are employed as weavers and 69 of the women are employed on needle work. A special feature of this Settlement is that 106 of the inmates are employed on agriculture. The cultivation has so far extended to 274 acres. The experiment of employing members of the criminal tribes on the land had not hitherto been attempted and its success in this Settlement affords hope for the employment upon the land of the worst criminals in other places. There are 206 of the inmates employed on outside work, 23 on levelling and reclaiming land, and 13 are engaged on building work. There are thus 555 of the inmates on work. This includes the large majority of the men working in the Settlement. The behaviour of the inmates is more satisfactory than might have been expected knowing the characters of the most of them on admission. At the time of our visit 89 of the men and 4 of the women were in prison. There are more relapses amongst the Bhandus than amongst the other criminal tribes. The persons in prison are not included amongst the number which we have given. We have only given the numbers who were actually resident in the Settlement at the time of our visit. 19 male Bhandus, 55 women, 23 boys and 17 girls have of their own accord already left the Settlement and settled in the Andaman Islands. This number is also not included in the figure.

317. In Gorakhpur the Settlement is a Settlement of Doms. Out of 378 persons in the settlement 145 were employed as Municipal sweepers, 22 were employed as sweepers in the notified area and 50 were employed in the Settlement factories. The success which the reform of their character has attained is shown by the fact that 52 of the sweepers work by night from 6 p.m. to midnight on scavenging work in the city, and that so far no complaints have been made against them. There was excellent work being done in the factories. A youth of 15 or 16 was working there on a loom and earning Rs. 13 a month on piece work.

318. We visited the Bareilly Settlement which is somewhat smaller. It contains 149 Bhandus and 30 Doms. The relapses amongst the Bhandus are here again noticeable. Amongst the Bhandus there were 45 men, 53 women, 22 boys and 29 girls present. 43 adult male Bhandus and one boy and two girls were in prison. Amongst the Doms there were 10 men, 10 women, 5 boys and 5 girls present. Only one Dom was in prison. 121 of the inmates were employed on weaving moonj matting and needle work. 16 on work in the Settlement and 11 on outside labour. Thus 148 in all out of a total of 179 were working.

We checked the task on the moonj and found that the task assigned and done by the inmates was slightly greater than the task assigned in our jails.

319. One of the features in the Salvation Army Settlements is that there is no watch and ward. The inmates have to be in the Settlement after a certain hour. They are not allowed out except on a pass, and if they absent themselves without obtaining a pass they are liable to prosecution under the Criminal Tribes Act. But inside the Settlement they are free. There is nothing in the nature of a warder system. The discipline is entirely in the hands of the Manager. It is remarkable how effective that discipline is.

320. There is a noticeable difference between the inmates who have been admitted into the Settlements as men and women, and the inmates who have been in the Settlement, since childhood, and have been educated in the Salvation Army Schools. Amongst the latter we have found some young men and women, whom it would be difficult to recognise as members of a criminal tribe. They were well dressed, with good manners, and had obtained a self-respect which was surprising considering their origin. Great stress is laid upon education. All children are educated from the age of six. Those who apprehend that the Settlements are used by the Salvation Army for the purpose of proselytizing should examine the figures of the Moradabad Settlement. There were actually 1,485 inmates at the time of our visit. Adjutant Smith stated that in the fifteen years during which the Settlement has been in existence only 83 had become Christians. He added that he did not consider the majority of them real Christians, and that they fell far short of his conception as to what a Christian should be. Thus these Settlements have done practically nothing in the way of conversion to religion. They have done a very great deal towards the improvement of the character of the inmates and towards their reformation, and in the majority of instances have turned actual or potential criminals into men and women who are earning an honest living.

321. Pandit Jagat Narain wishes to state that he is aware of the strong public objections to any persons born as Hindus and Muhammadans being admitted into the Salvation Army Settlement based on the apprehension that they will be converted to Christianity. He wishes to give as his opinion, that so long as Settlements conducted efficiently by Hindus and Muhammadans are not in existence he is not disposed in any way to refuse assistance to the Salvation Army Settlements, which are doing admirable work. Hafiz Hidayat Husain and the Chairman concur in this view.

322. These Settlements however only touch the criminal tribes. Settlements for persons who do not belong to the criminal tribes do not exist. The Committee would suggest that much good can be done by extending the experiment to cover not only the members of the criminal tribes but old offenders who are equally criminal.

323. The last measure to prevent relapse into crime is the work done by Discharged Prisoners' Aid Societies. The extension of activity in this direction is greatly to be desired. The work done in this manner should be increased a thousandfold. The Committee has observed with great satisfaction the admirable work which is being done in Bareilly by the Committee which watches the interest of the prisoners discharged from the Bareilly Juvenile Jail. While in Bareilly the Committee was able to meet Rai Bahadur Lala Sheo Prasad Sahib and Mr. Akhtar Husain Khan, two gentlemen who with others are doing invaluable work for the reclamation of the ex-inmates of that institution. In Muttra there is a Discharged Prisoners' Aid Society of which Dr. Gupta, the Civil Surgeon, is President and Mr. Jamna Prasad, a gentleman resident in the district, is Secretary. This society is doing much good. The Committee has not had the opportunity of discovering how much other work in this direction is being done in the province. It is satisfied however that a beginning has been made, and would draw the attention of all concerned in the reformation of the convict to the extent of work that can be done. There can hardly be a better object for any public spirited man than to use all efforts in the reclamation of the offender. The question arises as to the best form which these efforts should take. It appears to the Committee that in every district a Discharged Prisoners' Aid Society should be formed where it is not already in existence. The District Magistrate should be the President of the Society. The Committee does not propose the District Magistrate as President of the Society on the ground that he will be the most suitable President in all cases, but on the ground that the holder of the office will always be there, and, so long as the District Magistrate is

President of the Society, the Society will continue to exist. If the formation of these Societies is to be left to non-official effort, there will always be danger that, even if a Society is formed, it may cease to function after a certain number of years owing to the difficulty of replacing the President when he is unable to continue his duties. The District Magistrate, while President should, however, direct himself mainly to collecting non-official support. The gentlemen who are likely to be the most useful members of such a Society will be gentlemen who are in a position to find work for released convicts, and to keep an eye on what they are doing. It is of course essential that they should be actuated by a real interest in the subject. Landed proprietors, employers of labour on a large scale, members of the Seva Samiti and similar institutions will be in a better position to attain the necessary objects. The first effort of such a Society should be to find work where work is needed, and a place in life for a released prisoner. They should further be in a position to supply such persons when necessary with the implements and opportunities of earning an honest livelihood. They should further watch what they are doing. These are objects not easy to attain, but they are objects that have been attained both in Bareilly and in Muttra. It has been suggested to us in some quarters that the Secretaries of these Societies should be the Superintendents of the Central Prisons and the Superintendents of District Jails. There can be nothing gained by appointing Superintendents of Central Prisons as Secretaries as they would only be in a position to deal with the persons belonging to the districts in which the prisons are situated. Under our proposals Superintendents of Central Prisons will cease to be Superintendents of District Jails, so the question is narrowed down to the appointment of Superintendents of District Jails as Secretaries. We consider that the Superintendent of a District Jail will not be a suitable person to be a Secretary of such a Society. A non-official of the right class will be the very best Secretary who can be obtained. Here the question of continuity does not arise. It will be for the District Magistrate as President with the Committee to fill up a vacancy as it occurs.

324. There is further the question of finance. The method in England is to collect money from private sources, and for Government to double the amount so subscribed. This is the best method, but if subscriptions from private sources, even when doubled, are not sufficient for the purpose, a case in our opinion is made out for substantial grants from Government to assist such Societies. The money will be well spent. We repeat that under present conditions a convict costs Government on an average about Rs. 8 a month. Although under our recommendations convicts will leave the jails with

a certain amount of money put by, that amount will usually be insufficient to set them up in life. Even if the Societies can prevent the relapse into crime of fifty convicts, the amount of their maintenance if they did not relapse will be saved to the extent of Rs. 5,000 a year.

325. The Committee has been told both by members of the Muttra Association and others that the methods in which certain Police officers conduct surveillance over ex-convicts registered in the Police Registers act as an obstacle to the persons under supervision obtaining or retaining employment. The practice to which objection is mainly taken is the practice of Police appearing at the houses in which these persons are sleeping at night and shouting to them until they reply, to ascertain whether they are or are not in their houses. The Committee has made investigations on the point, and is satisfied that there is substance in these objections. We have been told both by Mr. H. Williamson, C.I.E., M.B.E., Deputy Inspector-General of Police in charge of the Criminal Investigation Department, and by Mr. F. Young, C.I.E., in charge of the Special Dacoity Police, that the methods of certain Police officers are open to question, not only in respect of surveillance over ex-convicts, but in respect of putting pressure upon them in other ways. Both officers deprecate such practices strongly, and have done their best to suppress them. The Committee urges the desirability of avoiding any action on the part of the Police which tells against the reformation of released convicts. Supervision over the movements of certain convicts must be exercised. In many instances there is an order of the Court that certain convicts are to be under Police supervision, and in most pardons there is a condition attaching to the release of convicts, who have not served their full term but have obtained remission as a matter of grace, that during a certain period they shall remain under similar supervision. Further it is the duty of the Police to keep themselves acquainted with the movements and the habits of certain released convicts. But in all cases it should be impressed upon the Police officers concerned that such surveillance should avoid any appearance of persecution. There seems no necessity why any man should be awakened from his sleep by Policemen shouting at him from outside. It is clear that apart from troubling the man so disturbed the practice is not likely to help him in honest employment. Apart from that when an ex-convict, as is frequently the case, has obtained employment with a respectable employer there is little if any necessity for supervision of an exacting nature.

## CHAPTER X.

## PRISON HYGIENE AND MEDICAL ADMINISTRATION.

*Diets.*

326. The following are the ordinary scales of daily diets in the province. All adult male labouring convicts receive fourteen chittaks (1 $\frac{3}{4}$  pounds) of grain with one chittak (two ounces) of dal, four chittaks (eight ounces) of vegetables,  $\frac{4}{25}$ th of a chittak of oil, a chilli,  $\frac{1}{50}$ th of a chittak of turmeric and  $\frac{1}{6}$ th of a chittak of salt a day. Adult female labouring convicts and juvenile labouring convicts receive instead of the fourteen chittaks of grain twelve chittaks of grain, that is to say, a pound and a half. Undertrial prisoners and non-labouring convicts receive ten chittaks of grain that is to say a pound and a quarter. Dal, vegetables and other articles are supplied in all three scales alike. Women nursing their own children receive four ounces of wheat flour and an ounce of *ghi* in addition to the above diet. From the 1st April to the 31st October, when the supply of vegetables is indifferent, a ration of lime juice or tamarind pulp, or other extracted juice is issued daily to each prisoner. The grain ration is issued in the following manner:—Two chittaks (four ounces) of parched gram are issued to those on diet scales nos. I and II every morning. Those on diet scale no. III receive nothing in the morning. The principal meal consists for those on diet scales nos. I and II of the balance of the grain ration in the form of flour made into *chapatis* in equal quantities half at midday and half in the evening. To this is added the *dal* ration with the midday meal and the vegetable ration with the evening meal. Those on scale no. III receive ten ounces of flour made into *chapatis* at midday with the *dal* ration, and ten ounces of flour made into *chapatis* with the vegetables in the evening. The composition of the flour is either of wheat and gram (two parts of wheat to one of gram) or of *bajra* (millet) or *makka* (maize) with a proportion of one part of wheat to two of the other grain. During the hot weather the Superintendent may issue a rice ration of a pound of rice and a quarter of a pound of *dal* once a week to each prisoner. When limes are in season, the prisoners are allowed to receive one lime with the midday meal. The medical officer has discretion to order special diet or extra articles of diet to a prisoner on account of his health when the prescribed diet is

unsuitable. He is also allowed to issue a special diet to a prisoner when the prescribed diet is physiologically unsuitable having regard to the dietary to which the prisoner is accustomed. Such variations, must, however, be sanctioned by the Inspector-General. In the case of convalescent or weakly prisoners unable to labour or performing only light labour scale No. 1 reduced by two chittaks of parched gram or scale No. III may be issued. Sick prisoners receive a different diet consisting of milk, sago, rice, *dal* and wheat issued in different proportions.

*Purchase of grain, cleaning and grinding.*

327. The purchase of grain has been conducted according to different methods in the past. The present method came into force in April 1928. A local Committee now meets in each district in the month of April and purchases wheat, gram and *arhar* for the jails in the district for the use of the convicts. This Committee consists of a representative of the District Magistrate, a non-official visitor (preferably the M. L. C. for the constituency or failing him a member nominated by the Board of non-official visitors from among their members) and the Superintendent of the District Jail. In districts where there is also a Central Prison the Superintendent of the Central Prison is a member and the Superintendent of the District Jail is not a member. The Superintendent is the Secretary of the Committee. The grain is then stored in pits or bins. A sufficient quantity is drawn and cleaned each day, and the grain required for flour is issued for grinding to the convicts working on the flour mills. The grinding is done by hand. Two convicts are employed on each mill. The task is grinding thirty seers (sixty pounds) of grain a day. Grain weighing sixty pounds is placed in a bin beside each mill and is then ground falling usually into a receptacle. When all the grain has been ground it is ground again until the flour can pass through a perforated zinc sifter of No. 6 gauze, twelve holes to the inch, or fine wire gauze with twenty holes to the inch. This sifter retains all bran and the pure flour is then re-collected in the receptacle. The bran is reground and more flour is extracted. The weight of the pure flour is laid down on a scale which determines how much flour and how much bran should be extracted from the grain. The flour is then taken by the convicts to the grain godown, and is issued next morning for cooking.

*Cooking.*

328. The cooking in the jail for ordinary prisoners is done in central kitchens. There the *chapatis* are made. The flour for them



is first soaked in water for half an hour and then kneaded by hand. The dough so obtained is rolled out thin on a table. The *chapatis* are cut by a cutter and are then cooked on an iron range. The cooks are Brahmans. For kneading the flour other high caste Hindus are employed. Separate arrangements are made for cooking for patients in hospital. These are the general arrangements for all prisoners other than Europeans. The *dal* and vegetables are cooked separately. The medical subordinate personally adds the condiments and oil to the *dal*. Gram is parched in a separate place. Before issue the food is weighed. It is taken out in metal trays provided with handles and served in the yards to the inmates. The *dal* and vegetables are served hot. The *chapatis* are not served hot. They are not stone cold but they are not hot.

*Alleged adulteration.*

329. One of the most frequent complaints that has been made is that the flour is adulterated with foreign matter, and that it contains a considerable amount of grit and similar substances, so that the *chapati* is black and rough. The Committee has seen at work nearly forty kitchens other than hospital kitchens and nowhere has it discovered any instance of such adulteration. It may be suggested that the jail authorities were always prepared for the Committee's visits, and were careful on the days of those visits to have the food good. But the Committee not only paid regular visits. It paid surprise visits to the kitchens. It is not easy to pay surprise visits, but the Committee did its best. For example, after inspecting the kitchen before the morning meal they occasionally returned in the evening when they could hardly have been expected, and on one occasion the Chairman while motoring from Agra to Cawnpore stopped unexpectedly at Mainpuri, and inspected the kitchen there. It was hardly possible to anticipate that visit, as Mainpuri is seventy-seven miles from Agra, and no one in Mainpuri knew that the Chairman was going from Agra to Cawnpore that day. No difference in the food was discovered when the visits were surprise visits. The Committee has investigated the chances of adulteration in the food. It is possible to adulterate the food. When adulteration takes place it is often in the following manner. It is done in the mills by the convicts themselves. The convicts cannot obtain any reduction of their tasks by adulterating the food for they are given sixty pounds of grain and thus sixty pounds of grain have to be ground. It can be seen at once if there is any grain left in the bin. But it occasionally happens that some of the men on the mills abstract

while in the mill-house a portion of the contents. They have to make up the weight. If they wish to make up the weight they have to bring a certain amount of dirt concealed in their clothes, or collect a certain amount of dirt on the way to the grain godown and mix that with the flour which they have ground.

330. Pandit Jagat Narain points out that this view is supported by "Mushhidat-i-Zindan" (Impressions of Prisons) by Hasrat Mohani, page 26, where it is stated that flour in the jails in this province is sometimes abstracted by convicts themselves for their own consumption, and that there is sometimes an unavoidable loss of flour by the action of the wind in the hot weather, and by flour adhering to the person or mill-stand. On such occasions the weight is made up by adding dirt, according to this book.

331. Where the grain has not been properly cleaned before issue an admixture of foreign matter in the flour is unavoidable. Here the improvement would be by better winnowing. But there is another cause. Grain may be accepted which contains more than the authorized percentage of dirt and non-edible food grains. Here the check can only be by the Superintendent himself at time of storage. When the flour is kneaded in iron kneading troughs as is the case in certain jails it is apt to become slightly discoloured and discolouration due to this cause may convey the impression that there is foreign matter in the flour. In many of the jails cement or stone kneading troughs are used. These are better. They should be employed universally. The *dal* which the Committee has seen is quite good *dal* and on no occasion has there been any reasonable cause for complaint against it. The vegetable rations will be considered in a later part of this Chapter.

#### *Parched gram ration.*

332. The parched gram rations are not satisfactory. They have to be parched over-night and parched gram is not good when the parching has taken place some hours before it is eaten. It should be parched in the morning wherever practicable. Further the gram supplied is not of the best quality and the result is that the parched gram ration is usually unpalatable and very hard to chew.

#### *Suggestions for improvement of quality in grain.*

333. The first improvement that the Committee suggests in regard to the grain is that there should be a more efficient check over the grain godown Moharrir who is at present left practically in independent charge. The Jailer is expected to check his work, but the Jailer has no time to do this. This is one of the many reasons for the appointment of

extra Deputy Jailers. A Deputy Jailer should make a daily check of the work of the Moharrir in charge of the grain godown. But, until reliance can be placed on the integrity of the Jailer himself, no system of check will afford a complete safeguard.

*Alleged short weight.*

334. There is another complaint. This is to the effect that short-weight rations are issued. We have found no proof in support of this. Certain convicts have complained that rations are of short weight, but were unable to support these statements. In fairness it should be said that it would have been very difficult for them to do so. The Committee are thus left with very little in the way of proof to go on. We fail to see how if the Jailer and Gatekeeper are dishonest it is possible to prevent the issue of short-weight rations except by constant vigilance on the part of the Superintendent and frequent surprise visits. If the Gatekeeper is honest, no grain can be removed from inside the jail.

335. Something has been done recently to provide for a greater check by the Superintendent. At the end of the year the Superintendent himself now has to check the contents of the grain pits and bins. If more stock is found than the books account for, not only has the Jailer to explain the excess, but he gains nothing from the excess as the only result will be that a smaller quantity will be purchased for the ensuing year. But this check does not prevent grain being taken from the pits, ground into flour, and then abstracted. The issue of short rations can hardly be effected appreciably by malpractices on the part of the Moharrir in charge of the grain godown. It will be difficult for him to take out of the jail more at the most than five pounds of flour at a time unless he is supported by the Gatekeeper and the Jailer. A shortage of five pounds of flour in the whole of the jail rations even in a small jail will not affect seriously the weight of the issue.

336. The rules lay down explicitly that the rations are to be weighed before issue. Paragraph 448 says, "At food distribution parade the cooks shall carry light scales and weights so that any prisoner desiring to test the weight of his ration may do so. All complaints of prisoners respecting the quantity, quality, or cooking of the rations shall be brought to the notice of the Superintendent at the first opportunity." It has been suggested freely in certain quarters that these rules are consistently broken and that if a prisoner asks for his rations to be weighed, not only is his request refused but he is maltreated. Those making the allegations could give no instances which could be checked. Here again it would have been difficult for them to give such instances.

*Suggested remedy for short weight.*

337. We do not see how there can be efficient safeguards unless the Superintendents are present at the distribution of food at fairly frequent intervals, at times when it is impossible to say where he will be present. This is done already in certain prisons, but it is not done invariably. Where it is done the danger of issue of short rations is appreciably reduced.

*Suggested improvements in diet.*

338. We have now to consider how far the staples are suitable and to what extent they should be changed or supplemented. The question of allocation of the several diets to particular classes of prisoners will be considered separately.

339. The Departmental Committee on prison dietaries which met in London in 1899 laid down generally the principles that the scale of prison dietaries should be sufficient for the maintenance of health and strength at the same time avoiding any tendency to luxury. A well-balanced diet should contain—

	Grams.
Proteins .. .. .	90—100
Fats .. .. .	80—90
Carbohydrates .. .. .	360—450

with, in addition, an ample supply of vitamins, salts and a caloric content of from 2,500—3,500 (women 2,000—2,900) calories.

340. The Director of Public Health has kindly estimated the food value of the present diet scales.

Diet scale No. 1 gives a food value as under :—

	Grams.
Proteins .. .. .	134
Fats .. .. .	32·44
Carbohydrates .. .. .	498·3

with a total of 2,802·9 calories.

(NOTE.—Other diet scales in like proportion.) He pointed out that this diet is high in proteins, extremely low in fats, somewhat high in carbohydrates and gives a sufficient number of calories for the performance of fairly strenuous labour. In his opinion the present diets contain too much *dal* and *gram*. An increase is also necessary in the fats, preferably such animal fats as are contained in milk. Unless each jail maintains a dairy capable of supplying sufficient milk for the inmates (this is impracticable) the deficit cannot be made up in animal fats. As an alternative the deficit can be made up by an increase in the issue of mustard oil from  $\frac{1}{4}$  chittak to  $\frac{1}{2}$  chittak a head. Carbohydrates are high (this fact partially makes up for the low fat content) and he therefore did not recommend an increase in the carbohydrate content by the addition of *gur*. The issue of *gur* should on his views be considered a luxury and not

a physiological necessity. He considered it impossible to generalise on the vitamin content of the jail dietaries as these are obviously dependent on the success of the jail gardens. Any deficiency here is however met by the issue of certain anti-scorbutics (which are rich in vitamins) enjoined in paragraphs 429, 435 and 436 of the Jail Manual. An increase in the salt issue was also advocated.

341. The Committee are of opinion that the present jail dietaries should be adjusted on the lines suggested by the Director of Public Health and recommend that Diet Scale No. 1 should consist in future as under :—

					lb. oz.
Wheat	..	..	..	..	11 chittaks = 1 6
Gram	..	..	..	..	3 chittaks = 0 6
Dal	..	..	..	..	1 chittak = 0 2
Vegetables	..	..	..	..	4 chittaks = 0 8
Oil	..	..	..	..	$\frac{1}{4}$ chittak = 0 $\frac{1}{4}$
Salt	..	..	..	..	$\frac{1}{4}$ chittak = 0 $\frac{1}{4}$
Turmeric	..	..	..	..	$\frac{1}{50}$ chittak = 0 $\frac{1}{25}$
Chillies	..	..	..	..	1 or more.

other wheat-gram combinations being altered proportionally with increased oil and salt.

342. Major (now Lt.-Col.) D. McCay, I.M.S., in his "Investigations into Jail Dietaries of the United Provinces" published 1911, thus appraised the above combination. "It appears to us to be of the proper type, *viz.*, a combination of two cereals, one to be wheat with a pulse. With good quality wheat a diet of this type would show a level of nitrogenous metabolism quite up to the standard we require and a percentage of protein absorption much higher than that obtainable with the present dietaries".

The same author further stated.—"That there is one more point, the importance of which we cannot emphasise too strongly—that is the quality of the wheat to be used—it is absolutely essential." Elsewhere the author repeatedly laid down that the wheat should invariably be of the first class. On this diet, as suggested, the morning ration of parched gram would disappear, its place being taken by two chittaks of dalia, which could be sweetened with gur or salted on alternate days to introduce variety.

343. To introduce further variety into the dietary the Committee recommends that :—

1. the proposed wheat-gram combination should be given for 8 months, i.e., 5 cold weather months and during 3 of rainy season.

2. The present combination of 8 wheat and 6 gram, with an early morning meal of parched gram to which *gur* should be added if salt is not added (but with increased issue of oil, salt and chillies) should be given for 4 months, i.e., during the hot weather.

344. The Committee urges the importance of introducing as much variety as possible into the diets. It is recognised by medical opinion that however good a diet may be it will lose its value if never varied. It is difficult to vary a jail diet appreciably but much has been done by the variation in the *dals*. It considers that in the summer months the rice ration should be issued at least twice a week to those prisoners who desire it. Improvements are desirable in the cooking of the rice. These improvements can be effected if the rice is cooked as it is cooked in the Bengal Prisons.

345. We were told by the Inspector-General of Prisons that the issue of fuel has been recently increased from two and a half chittaks to three chittaks a head. We have since seen the order giving effect to this alteration. It is dated 22nd January 1929. This is a much needed improvement. But in addition there should be an issue of wood for kindling; and an extra allowance of fuel should be issued for parching gram and cooking *dalia*.

346. Diet scale No. II provides for reduction of two chittaks or four ounces in the grain ration. We would confine Diet No. II only to adult female labouring convicts. We are of opinion that male convicts between the ages of 16 and 21 who at present are on Diet No. II should be placed on Diet No. I. In the opinion of the Committee the youths and young men of that age require as much food as adults, and this opinion is supported by the London Departmental Committee of 1899 which laid down that all males over sixteen should be given full diet. We should retain Diet No. III with the increased proportion of wheat for all non-labouring convicts. In respect of undertrial prisoners the Committee is of opinion that Diet No. III is sufficient in quantity to keep in health the average undertrial prisoners in this province, but it has seen instances, where certain undertrial prisoners require more than the amount given under that scale. It appears to the Committee that the case of every undertrial prisoner should receive the individual consideration of the Superintendent. He has discretion to increase the diet. We have reason to believe that in many District Jails, especially when there is a rush of admissions, the cases do not receive such individual attention as is necessary, and we suggest that there should be

special care taken in the future. Financial provision should be made automatically for such increases. In the case of prisoners under sixteen we should add to Diet No. III four chittaks of milk a day. We further recommend on the advice of the Director of Public Health the issue of one chittak of *ghi* and eight chittaks of milk to nursing mothers in lieu of the two chittaks of wheat flour and half chittak of *ghi* allowed under the present dietary. We propose further a concession which does not come under the head of general dietary of a whole wheat issue according to scale of class and a chittak of *gur* to all prisoners on the ten jail holidays allowed under paragraph 677 of the Jail Manual.

#### *Vegetables.*

347. We have now considered the grain rations including the *dal* rations. The question of vegetable rations presents more difficulty. The vegetables composing the rations are grown in the jail gardens. An inappreciable quantity of vegetables is purchased from outside. The daily issue of vegetables is cut, cleaned and then issued to the kitchen. Many complaints have been received as to the quality of the vegetables supplied to the convicts. Pandit Jagat Narain has prepared the following note on the subject of vegetables. Hafiz Hidayat Husain concurs absolutely in the note of Pandit Jagat Narain :—

348. "There was a general complaint that the vegetables supplied to the prisoners were neither of good quality nor properly cooked. It was alleged that such stalks and leaves were generally issued as are only fit for fodder. Every prisoner is allowed four chittaks of vegetables per day which are issued with the evening ration. In the evening no *dal* is issued. There are extensive jail grounds attached to every jail where these vegetables are grown by prison labour. Practically nothing is purchased from outside. For daily consumption the jails require  $30,000 \times \frac{4}{16} \div 40$  equal to about 187 maunds of vegetables. It is therefore obvious that the problem of supplying good fresh vegetables is not an easy one to solve. During my visits to various jails I found that cauliflowers, cabbages, *kerampak*, *palak*, and brinjals were issued. I did not find the issue of turnips, *kaddu*, *mooli*, potatoes, beans or onions, anywhere. As the Jail Manual strongly recommends extensive cultivation of potatoes and pumpkins for storage, I particularly asked everywhere why potatoes and pumpkins were not issued. The reply given was that the ground was not suitable for raising a crop of potatoes. I am however informed that potatoes are issued at some District Jails of the province. *Kerampak* is not used as a vegetable in these provinces by any class of people nor is it grown in any appreciable

quantity. As it is very easy to grow and gives a constant plentiful supply its seed was therefore, I believe, imported from Kashmir. I was told that it possesses good medicinal qualities but there is no doubt that it is very insipid in taste and unless cooked with oil and spices is not palatable at all. This, I believe, is the staple vegetable issued to prisoners. The average weight of a cauliflower is about 12 chittaks. Taking it to be one seer or sixteen chittaks a Central Prison with a jail population of about 1,500 will require  $1,500/4 = 375$  cauliflowers per day for evening rations if leaves and stalks and root are removed. It is freely suggested by others also that the cream of the vegetables is consumed by the jail officials and stalks and leaves are given to the prisoners. On the dates the Committee visited various prisons the supply of vegetables was not bad and cabbages particularly were very good. The question is not however easy to decide. The jail officials were not prepared to admit the truth of the complaint and the prisoners were not in a position to prove their allegations. But I have come to the conclusion that the complaints about the bad quality of vegetables, though greatly exaggerated, is a genuine one.

349. "On two occasions I arrived at the prison gate half an hour after the Chairman had gone inside the jail and I saw that two *dalis* of vegetables were being taken out from inside the jail. The market value of these *dalis* was under no circumstances less than twelve annas each. There was nothing wrong or illegal about it. Under paragraph 724 of the Jail Manual vegetables from the jail garden are allowed daily free of charge to Superintendents, Jailers, Deputy Jailers, Clerks and medical subordinates, sufficient for the requirements of *each household* provided that the requirements of the jail have been in the first place fully supplied. The allowance for each officer is to be inspected by the Superintendent daily on his arrival at the jail. If there *are vegetables to spare* they may be given to Head Warders and Warders to the extent of their personal needs. No serious objection can be taken to the rule as framed but the question is whether it is followed in practice. Assuming that the Superintendent exercises the supervision provided by the rule it is very easy for jail officials to remove any quantity of garden produce from jail gardens in his absence for their personal use and for the use of their household. It would be very difficult to believe that every one including the Warders does not get his share of the daily vegetables irrespective of the limitation mentioned in the rule. I am of opinion that any prohibition under this head will be useless and unfair. But the natural consequence is that better part of the vegetables is used by the jail officials and to make up the deficiency of daily supply for jail purpose leaves and stalks are freely cooked along with some good vegetables.



350. "In his annual report for the year 1928 the Inspector-General of Prisons values the whole of the produce of jail gardens at Rs. 1,51,588. Assuming that every bit of this produce is issued to prisoners it comes to about 28 pice per head per month including the cost of chillies and turmeric and onions. But there are 56 jails in the province and the total number of officials, clerks and Warders comes to 2,049. To this should be added the number of the members of the families of the various officials roughly speaking 3,000. Deducting the price of vegetables taken by them it will be less than three-quarter of a pice—rather about half a pice—which is spent on the prisoners per head. On the above calculation it would be clear that both quality and quantity of the vegetables issued can neither be good nor sufficient.

351. "It may be mentioned here again that the dinner or evening meal of an Indian prisoner consists only of *chapatis* and four chittaks of vegetables and nothing else. European, Anglo-Indian and Eurasian prisoners are allowed two and a half chittaks of vegetables plus five and a half chittaks of potatoes per head per day besides other things which will be mentioned and discussed on.

352. "The question then arises what is the remedy? My answer is (a) stricter supervision, (b) more supply of water to gardens by means of pumps, (c) extensive cultivation of potatoes, *ghuiyan*, *pumpkins*, *laokies*, turnips, brinjals, radishes, *turais*, *karelas*, beans, cabbages, cauliflowers, chillies and onions, etc., and (d) decrease in the issue of *kirampak*. From what I have seen I conclude that the gardens are capable of much improvements and their outturn can be increased considerably by employment of more labour attaching one or two trained warden malis to each garden."

353. The Chairman is not disposed to express an opinion on this matter. He feels that on the question of the best provision of vegetables to Indian convicts the opinions of the two Members of the Committee should be considered carefully. His knowledge of this subject is practically none. He does not however accept the figure that the issue of vegetables to the Jail staff works out as high as the note suggests.

#### *Suggested improvements in cooking.*

354. We now come to the cooking. Much criticism has been directed against the cooking in the jails. Some critics have lost sight of the fact that in all jails except the very smallest the cooking has to be done for a large number of people. The jail kitchen has ordinarily to provide three meals a day for three to five hundred persons. When

wheat and gram *chapatis* are cooked six are cooked for each convict at each meal. Thus a jail kitchen has to turn out at each meal from 1,800 to 3,000 *chapatis* alone, in addition to cooking the *dal* and the vegetables. Under such conditions it is not possible to attain the highest standard. It is not possible either to increase the number of ranges substantially as control would be impossible if the number were greatly increased. The present range is an adaptation of the range devised by the late Lt. Col. E. Hudson, I.M.S., who was for many years a Superintendent of a Central Prison in this province. The pattern was evolved after careful experiment. The range in question is considered by experts from other parts of India as the best range ever devised for an Indian jail. The pattern has been adopted in other provinces. This range is intended mainly for the efficient cooking of *chapatis* and simultaneous cooking of *dal* and vegetables with the minimum fuel consumption. By the heating the *chapatis* are gradually brought up through various stages from cold flour to completion. The surplus heat is utilized for the cooking of the *dal* and the vegetables. This type of range is the best which has so far been discovered. It may be possible to effect improvements, and the Committee would welcome any experiment made by the Health Department or others to improve the present design. Originally as devised by Lt.-Col. Hudson, surface plates were made of cast iron and were absolutely level. By this device the gradation in heat was made more certain. Since then there has been a divergence in practice. The surface plate formerly consisted of five sections of cast iron. This never bulged. The level remained constant and the gradation in heating was retained. Since then owing to the difficulty in obtaining cast iron plates they have not always been replaced. As the old ranges wore out the ranges have been replaced by a range of the same pattern in which the bed consists of a single wrought iron plate. The change has not been advantageous. The wrought iron plate expands and bulges. It ceases to be level, and the gradation in the heat becomes less. The Committee is of opinion that in all cases reversion should be made to the old cast iron plates. There will be no difficulty in obtaining these plates now. They have been obtained recently in certain places. In the Bareilly Central Prison a new range has been laid down, the cast iron plates being obtained locally.

#### *Suggested improvements in kitchens.*

355. The kitchens in the jails vary considerably. Some of them should be retained no longer. The worst kitchens are those which are situated in old watch towers ("gomtis") which were formerly used

as a place for observation of all the convicts in the surrounding circles. Most of these "gomti" kitchens are unsuitable as kitchens. They should be demolished and replaced by kitchens of a modern pattern. In many places kitchens of a modern pattern have been constructed. They are satisfactory. The Committee draws attention to the necessity of providing every Central Prison and District Jail with sanitary, well ventilated, and airy kitchens. The work of the men engaged in the kitchens is sufficiently trying even in the cold weather. The Committee has not seen them engaged during the hot weather.

*Suggested improvements in kneading.*

356. We also draw attention to the importance of efficient kneading. The facilities for kneading vary greatly. In some places we have seen kneading troughs in which the depth was such, that the kneaders had to strain to get down to their work. When this is the case the kneading is almost certainly inferior. The quality of the *chapati* depends very largely on the kneading of the flour, and we suggest that in all cases the kneading troughs should be examined very carefully to see whether they provide proper facilities for the work and that they should invariably be replaced when necessary by kneading troughs in which the kneaders will not have to stoop unduly. Kneading troughs of iron should not be retained. They should be replaced by troughs of Portland cement. The stone kneading troughs when existent can be retained if the depth is correct. They should not be replaced by stone troughs as such troughs are unnecessarily expensive.

*Suggested improvements in cooking vegetables.*

357. Pandit Jagat Narain has prepared the following note as to the cooking of the vegetables. Hafiz Hidayat Husain concurs with this note. The Chairman here also has no knowledge of the best method of cooking vegetables and expresses no opinion upon the point:—

"In my opinion the complaint about the bad cooking of vegetables is fully justified. The method adopted in jails for cooking the vegetables is as follows—All sorts of vegetables *whether they go together or not* are cut to pieces and mixed together, (I have seen brinjals, *palak*, and cauliflower mixed together) and are put inside a *handa* (a cylindrical brass vessel) with sufficient quantity of water to boil them by steam heat. In some jails salt is added to the vegetables when boiling, in others it is added afterwards. When the rations are ready for distribution vegetables are taken out of the *handa* and boiled mustard oil is poured over them and they are distributed to prisoners. No wonder that they are unpalatable and are disliked. The way in which vegetables are cooked

outside the jails is that when in large quantities they are first fried in an iron *karahi* in boiling mustard oil and *ghee* which process in common parlance is called *chowkua*. After ten minutes salt, chillies and spices are added to them and then sufficient water is added to boil them and to make them tender and the vessel is covered up and is allowed to remain on fire till the water is wholly burnt up or some of it remains in the form of gravy. I had a talk with the cooks of the various jails and they informed me that this could be done very easily in jail kitchens or outside jail kitchens provided more fuel is allowed and *handas* are replaced by *karahis* and ordinary *choolhas* (cooking place of an Indian type) are built. For making them more palatable more oil, more chillies and some spices are required.

“To erect an Indian *pukka choolā* about two dozens of *gumma* bricks and a little quantity of lime is required and nothing else.

“I therefore recommend that such cooking places be built outside every jail kitchen or even inside if there be room for it, that one extra chilli per head be allowed, that *handas* be replaced by *karahis* with proper covers, that some extra allowance of mustard oil be granted and that onions and dry *dhanīa* be added to turmeric for daily allowance. The erection of *choolhas* will practically cost nothing and the *handas* thus released could be used for preparing *dal*”.

#### *Prisoners' vessels.*

358. Under this Chapter comes the question of the provision of vessels to convicts for use at their meals and at other times. The present vessels are what are known as a *tasla* and a *katori*. These are flat bowls made of sheet iron. The *tasla* is about ten inches in diameter and the *katori* is about four inches in diameter. The ordinary practice at meal times is to fill the larger bowl with water and receive the *dal* or vegetables in the smaller. It has been suggested that these articles should be made of aluminium instead of sheet iron. The Committee is in favour of this suggestion. In the Borstal Institution at Lahore the inmates use aluminium vessels of separate shape, which can be used for eating, drinking, and cleansing purposes. The Committee recommends vessels of this pattern. It has been suggested in the alternative that in the place of these vessels the convicts should be issued brass *lotas* and *thalis*. There is nothing to be gained by introducing brass *thalis*. The *lota* would no doubt be popular amongst all prisoners. The Committee has ascertained that the brass *lota* was formerly issued to convicts, but the issue had to be discontinued owing to the fact that the *lotas* were used freely in assaults and that it was dangerous to permit their use. At the worst the *lota* could be filled with mud and a

string tied round its neck. It then becomes a murderous weapon. The Committee was told by an old jailer that when the ordinary *lota* ceased to be issued for this reason, the authorities cut off the lip of the *lota* and issued it in this form. Issued in this form it has no advantage over a *tasla* or *katori* and is in fact more inconvenient to handle. In the case of prisoners undergoing imprisonment in the Special Jail at Dehra Dun which will subsequently be described there will be no objection to the issue of brass *lotas* or *thalis* such as are at present issued to civil prisoners.

#### *Suggested improvements in boilers, etc.*

359. At present the *dal* and vegetables are usually cooked in sheet-iron boilers (*handas*). The same boilers are usually used for both. Objection has been taken to the use of these boilers specially in reference to the preparation of *dal* on the ground that unless kept scrupulously clean and scrubbed with soda they discolour the *dal*. When they are not kept scrupulously clean, *dal* cooked in such iron receptacle comes out black. If turmeric is added a better colour is obtained. It has been suggested that, where they are in existence, they should be replaced by brass boilers. The change has already been made in certain places. The Committee considers this suggestion reasonable. It does not base its view only on the fact of discolouration. Brass vessels are much easier to keep clean. The difference in cost between supplying iron vessels and brass vessels will not amount to a very large sum altogether. Wherever it is possible to meet objections, which are not unreasonable, the Committee considers that concessions should be made. For this reason the Committee is also in favour of replacing the present iron *dal* buckets in which the *dal* is served and vegetable buckets by brass utensils of the same pattern.

#### *Clothing.*

360. The ordinary scales of clothing for male convicts consist of one cotton shirt, one pair of cotton shorts reaching above the knees, one cotton loin cloth (*langot*), one outer loin cloth (*tikoni*) and one woollen blanket coat to be worn between the 1st October and 31st of March. Each convict receives in addition one cap and one towel. Muhammadan convicts can receive in addition a sheet which is intended for use at prayer to be placed between the knees and the ground when praying. The shirt has short sleeves reaching above the elbow. The pattern of shorts do not satisfy most of the convicts. They would prefer trousers made loose and reaching below the knee. In the opinion of the Committee the patterns in use should be modified to meet these views. We consider that the clothing in the jails should be such rough

clothing, as would ordinarily be worn by labouring men, who are not absolutely poverty stricken, and according to this standard, we recommend that the shorts should be replaced by a garment which would conform to what such a man would expect to wear outside. Whatever be the advantages of shorts for purposes of exercise, they are only liked by the most advanced Indians. They are accepted as part of a uniform, but it is a common experience that Indian soldiers, policemen, and others, who have to wear shorts on duty almost invariably exchange them for a *dhoti* or pyjamas when off duty. *Dhotis* are not suitable for wear in jails. Some sort of trousers must be substituted. We consider that the present form is unnecessarily short, and that there are no advantages in retaining it. It is true it costs less, but the cost is not the question. The question is the suitability. *Pyjamas* are not desirable. They wear out too quickly at the knee. This was noticeable in the Punjab jails where *pyjamas* are worn. It will be sufficient if these garments are cut wider, and extend five inches below the knee cap.

361. The main objection to the present issue of cotton clothing is that only one set of cotton clothing is issued to each prisoner. Under the rules the shirts and shorts are expected to last for six months, and the other cotton garments are expected to last nine months. The blanket coat is expected to last three years. The rule says that they should ordinarily last for this period, but we find that in practice in many jails the rule is understood to mean that all these garments must last for the full period. It is not the rule which is wrong here but its application. These shorts and shirts made as they are of hand-woven *dusootie* vary in texture. This is unavoidable. Further the life of the garment depends largely on the work done by the wearer. The Committee suggests that a proviso be added to the rule to ensure that when a garment becomes manifestly ragged it should be discarded.

362. The Committee is, however, of opinion that the issue of only one set of cotton garments to the convicts is indefensible. The convicts should have a change of garments, one suit on and another suit off. The practice at present is to wash these garments on Sundays. The convict takes off his shirt and shorts, and stripped to his loin cloth, washes the garments which he has taken off. They are then dried in the open air. On cloudy days they do not dry quickly. The man remains stripped while his garments are drying. In the winter he is exposed to considerable discomfort waiting wrapped up in his blanket coat until they are dry. On another Sunday he removes his loin cloths and washes them. He is exposed to the same amount of discomfort while they are drying. The obvious remedy is to issue him two suits on admission with a fresh issue of a shirt and lengthened shorts every six months and loin cloths every nine months. The Inspector-General of Prisons

informed us that provision is already being made to supply an extra issue.

363. The blanket coats at present issued are reasonably good at the time of issue. But there is one defect in them. The wool composing them is spun by hand. When wool is spun by hand, it is difficult to obtain an even yarn. Only the best hand-spinners, of whom there are very few in the jails, can produce a uniform yarn, and the yarns which we have examined are not uniform in thickness. The yarn is thick in one place and thin in another. Cloth woven of such yarn is apt to open out after use. This is the case with all home-spun cloth. The yarn can be woven by hand to obtain a uniform texture, when it is machine spun, but hand-spun yarn will not produce a uniform texture however it is woven. When the coats open up they do not give sufficient warmth. As a general rule the coat ceases to become serviceable before three years have elapsed. The remedy here is not to reduce the period but to use machine-spun yarn. We have suggested in a previous Chapter the introduction of machinery for spinning the yarn or the purchase of machine-spun yarn.

#### *Blankets.*

364. Convicts are issued two blankets each in the winter and one blanket in the summer. These blankets are expected to last three years. The same criticisms which apply to the blanket coats apply also to the blankets. When first issued they are good, but after a time they open up. Here again the remedy is the same. It has been suggested that in many parts of the province two blankets are not sufficient to keep a convict warm during the cold weather. This objection has less force if both the blankets are of the standard at the time of issue, but in practice both the blankets are hardly ever good. At the best one is good, and the other is showing signs of wear. Sometimes it has worn out. Even when both the blankets are good they may not be sufficient during exceptional cold spells such as occurred during this cold weather, or normally in places like Dehra Dun where the cold is more intense. Sufficient covering in the Eastern districts may not be sufficient in a climate like that of Dehra Dun. The remedy here would appear to be to keep a stock of surplus blankets to enable issues to be made when required either owing to severe cold or for any other reason. Under the present rules the medical officer, who is usually the Superintendent, can issue extra blankets to a weakly prisoner and extra blankets are usually issued to the old and infirm. The rules, however, make no provision for an extra issue when the cold is unusually severe, and there is not ordinarily a sufficient stock of blankets in a jail to enable such.

issue to be made. Hard and fast rules cannot be laid down, but the stock of blankets should be sufficient to provide for such emergencies. Pandit Jagat Narain goes further. He is in favour of the issue of an extra blanket everywhere from the 15th November to the end of January to prisoners sleeping in general association barracks.

*Bedding.*

365. The bedding supplied to the convicts has been criticized. From what we have seen, it is reasonably good and we do not suggest any modifications. Three-quarters of the jail population are not used to anything better. There is no necessity to issue pillows generally. They are issued at present in the hospitals. We should be in favour of keeping an increased stock of pillows to enable an issue when the medical officer considers it necessary. We consider that in the Dehra Dun jail pillows should be supplied to all inmates. The sleeping berths in most of the jails are sufficiently good. Where they are not good, they should be re-made in order to comply with the correct standard.

366. It has been brought to our notice that prisoners suffer considerable inconvenience in the hot weather at nights. It is then too hot for them to cover themselves with the blankets provided, and as a result they sleep without any covering. They have nothing to protect them from mosquitoes. We consider that in these circumstances one cotton sheet should be issued to each prisoner in the hot weather and rains. The Muhammadans who attend to their religious worship are already provided with such sheets, and they use them to cover themselves at night, but the same concession should be made to all prisoners in the hot weather and the rains, whether they are or are not Muhammadans. It has been objected that, if such sheets are provided, they could be knotted together in association barracks and thrown over the struts which are usually a feature of the present roofs, and then it would be possible to climb up the rope so formed and effect an escape through the tiles of the roof. This of course is possible, but in order that such an escape should be successful, it would be necessary for the convict officials in the habitual association barracks to show exceptional remissness in their duties. Apart from that the objection does not however appear of weight as no such struts should be used in the construction of the roofs. The roofs should not be constructed in such a manner as to permit escapes through them. Finally it is proposed to abolish the general association barrack.

*Proposed issue of oil.*

367. It is for consideration whether there should be an issue of oil for the hair, and rubbing on the body.



*Conservancy and general sanitary arrangements.*

368. The present arrangements for latrines and conservancy are now excellent. One of the best features in the jails is the conservancy. It could hardly be improved upon. It is better than most conservancy outside. The latrines are clean and sweet. The use of crude oil has produced the best results. It appears to the Committee that the improved health of the inmates has been largely due to the recent improvement in the sanitary arrangements.

369. Objections have been taken to the present latrines on the ground that they do not afford sufficient privacy. The Committee does not agree with these objections. It considers that the new standard pattern latrines give sufficient privacy to the persons using them, and that they compare favourably in this respect with many latrines outside the jails. In certain places the latrines are not good and do not afford sufficient privacy. These are latrines which are not of the new standard pattern. The Committee suggests that where there are latrines not of the standard pattern they should invariably be replaced by latrines of the standard pattern.

370. There is an insufficiency of night latrines in certain barracks. We have found in many instances the barracks of civil prisoners without night latrines. Night latrines should be put in everywhere as soon as possible.

*Water supply.*

371. While we are satisfied that the conservancy arrangements are good it would of course be desirable, when the water supply permits, to provide water carriage. Under the present arrangements there is not sufficient water for the purpose. The Director of Public Health considers that the minimum allowance per head of water for drinking and personal ablution should be five gallons, and that there should be in addition a water supply for cooking, a further supply for the washing of clothes and a further supply for the flushing of drains. The Committee is not in a position to work out an estimate as to how much more water will be required. The additional amount required will vary in the jails. The Committee is strongly of opinion that Colonel Dunn's view should be accepted and that the water supply should be increased to allow sufficient water for all the purposes enumerated. It is satisfied that sufficient water is not always supplied at present.

*Arrangements for washing clothes.*

372. On the question of washing clothes the Committee considers that there are disadvantages in the introduction of *dhobi*-ghats for central washing. It is not easy to obtain sufficient *dhobis* and we doubt whether the *dhobis* will wash the clothes as well as the wearers wash them. There is no reason why convicts should not devote a portion of their Sundays to the washing of their own clothes. But they must be given greater facilities. The present arrangements under which the clothes are washed in cold water are not satisfactory. Further the convicts are not given sufficient *sajji* to get their clothes really clean. The Committee proposes drastic alterations here. It considers that there should be a sufficient supply of hot water and an increased supply of *sajji* with the addition of soap with which to wash the cotton clothes. In addition the Committee is of opinion that one or more Thresh Disinfectors should be provided for each jail. Woollen clothes and blankets should be disinfected once a month through a Thresh Disinfector and again before return to store. The blankets and blanket coats would then be all disinfected and all vermin would be killed. The Committee strongly recommends the supply of Thresh Disinfectors in all jails.

*Proposal to enlist assistance of Health Department.*

373. In connection with the general hygiene of prisons the Committee suggests that the co-operation of the Health Department should be enlisted. There is at present in this province an organised Health Department. Its services are utilized by practically all Departments in the province except the Jails Department. The Inspector-General of Civil Hospitals consults the Health Department on questions of hygiene in the hospitals and the dispensaries. The Committee has asked the Director of Public Health whether the Health Department will be in a position to co-operate with the Jails Department. Colonel Dunn's reply was that the Health Department would be glad to co-operate with the Jails Department and to assist it in every possible way. The Inspector-General of Prisons told us that he would be very glad to accept his assistance. The Committee puts forward this recommendation for favourable consideration.

*Lighting.*

374. One of the worst features in the jails in the United Provinces is the lighting at night. It varies from poor to very bad. On a moonless night a Central Prison is for the most part in pitch darkness. There is no necessity, it is true, why most parts of it should ordinarily

be lighted. But there might be occasions when some sort of light would be urgently required. The lighting in the barracks has already been described. It could hardly be worse. The light given by the hurricane lanterns in the ordinary barracks is so bad that it is difficult to see anything more than ten yards away. Beyond that distance there is no more than a blur. The obvious remedy is to instal a system of electric light. Current is supplied by authorized agencies at present in Bareilly, Agra, Allahabad, Benares and Lucknow. Five Central Prisons could be connected. It is only a question of expense. In Fatehgarh it would be necessary to instal a plant. In many other places such as Cawnpore, Fyzabad, Gorakhpur and Shahjahanpur current is already available. We do not suggest that a separate plant should be provided in all the District Jails, but we do suggest that where current is available it should be utilized. There can be no reasonable objections to the expenditure involved as the advantages would be out of all proportion to the expenditure. The Lahore Central Prison and the Lahore Borstal Institution are already lighted with electric light. In Calcutta, Bombay, many of the Jails in Madras, and in Rangoon electric light is supplied. Once electric light is provided a large number of the present troubles will disappear. There will be no difficulty in providing light in the cells, so that literate convicts can read until a certain hour. There will be no difficulty in increasing or diminishing the light as wanted. While general association barracks exist, lights can be turned on when wanted and turned off when wanted. The full amount of lights can be turned on for a certain time, then all can be turned off with the exception of pilot lights. At the time of the visits of the night rounds the full amount can be turned on again. Where air cooling is required in hospitals and elsewhere provision can be made for electric fans. It is difficult to understand why steps have not been taken already in places where electric current is available towards the introduction of this system. The Committee recommends very strongly that it should be introduced. It has already been introduced to a small extent for the provision of power for the tailoring factory in Cawnpore.

375. If, however, it is impossible to introduce electric light in particular jails, the Committee strongly recommends an increase in oil lamps, and the provision of better oil lamps, with the addition of acetylene lamps for certain purposes. The lighting of jails as has already been said is one of the worst features. Few persons outside the prisoners and the staff have ever seen a jail at night. Those who have are not likely to doubt the necessity of improvement.

Pandit Jagat Narain is strongly of opinion that, if electric light is not provided to the prisons in the near future, artificial light should be provided to literate prisoners between 6 p.m. and 9 p.m. to enable them to read.

*Hospitals and Dispensaries.*

376. The first question to be considered in the hospitals and dispensaries in the jails is the question of diet. The diet appears to the Committee on the whole to be reasonably good, and the fact that discretion is given to the Medical Officer to vary and supplement the diet ought to be sufficient to insure the diet being appropriate in all cases. Unfortunately the discretion of the officer is questioned occasionally to an unnecessary extent in audit. The Committee found an example of this in the Sultanpur Jail which is in effect not a jail but a hospital for the treatment of convicts suffering from tuberculosis. The convicts other than those suffering from tuberculosis in this prison are kept there mainly to do the interior work of the jail. The Superintendent in charge of the Sultanpur Jail rightly gives a generous diet to the tuberculosis inmates. The matter is purely a medical matter, and the auditor's task should be easy. We found, however, when necessary changes had been ordered in diets that the Superintendent was continually being asked to give reasons for the expenditure incurred. He was always in a position to supply the reasons, but the correspondence appeared to us unnecessary. There is no necessity to change the rules in the matter and there is little room for criticism in respect of the diets issued at present in the hospitals. But the Committee would draw attention to the paramount importance of making sufficient provision for extra expenditure when incurred.

377. The cooking of the food of the patients in the hospital is done in a separate kitchen. The cooking is usually done well. The difficulties in cooking in the hospital kitchen are not great. The amount of food cooked is comparatively small and the cooks in the hospital do not labour under the same disadvantages as the cooks working for ordinary convicts.

378. It has been suggested that the medical equipment in some of the jails is insufficient. As far as we can see, the supply of drugs is not insufficient to meet the ordinary needs of the patients, and, where the needs are not ordinary, provision is made for local purchase by the Medical Officer of anything requisite. The equipment, however, does not appear to be satisfactory, and we suggest that a close examination

should be made of the equipment. We found, for example, that in no jail hospital was a microscope supplied. In many diseases which are endemic in districts in which some of the jails are situated a microscopic examination is absolutely necessary. For example hook-worm is endemic in the Gorakhpur and Basti districts. No microscope is supplied anywhere. The Medical Officer uses a microscope, but he provides himself with one at his own expense. This is not as it should be. It is not necessary to instal an equipment sufficiently elaborate for the treatment of everything, as under recent rules convicts who require special operations or special medical treatment can be removed to the headquarters hospitals and treated there. But the equipment, as it is, does not appear to us to be satisfactory.

379. The work of house surgeon and house physician is performed in all District Jails by one officer called "The Medical Subordinate." In three of the larger District Jails he is assisted by a compounder. The Committee is of opinion that a compounder should be attached to all First Class District Jails and most Second Class District Jails and to Third Class District Jails when necessary. Unless a compounder is attached, either the officer is kept in the jail premises day and night, or there may be no one present at the jail if a case of emergency arises. As these officers are permitted to take up outside appointments, such as the appointment of Surgeon to the Police, contingencies can arise when there is no one in charge of the hospital except a convict hospital attendant. This is not as it should be. The Committee therefore makes the recommendation stated above.

380. The attendance upon the inmates of the hospital has been freely criticized and the Committee considers has been criticized justly. Under the present arrangements the attendants in the hospital are convicts. They undergo some sort of training from the medical staff but their work is necessarily not of the best. The Committee considers that the system of training convicts as hospital attendants should not be discontinued entirely, but while retaining them it considers that they should be trained more carefully, and is of opinion that their numbers should be supplemented by the appointment of paid hospital ward orderlies. There will be no difficulty in obtaining such hospital ward orderlies from the ranks of retired ward orderlies of the Indian Army. Such orderlies should be recruited as warders and receive warders' pay, with if necessary a hospital allowance.

381. The dispensaries and store rooms in most of the District Jails are bad. In most of the Central Prisons they are fairly good. These dispensaries and store rooms are usually formed by walling in

the ends of the hospital verandah. Some are badly lighted, some are badly ventilated and most are too small. Further there is no provision as a rule for a place in which convicts appearing for medical examination can be seen. They are seen in most jails either on the verandah or under a tree. These defects should be remedied. Everywhere there should be a well lighted, well ventilated dispensary and a satisfactory store room. In all Central Prisons and in all first class District Jails there should be an administration block in which there will be proper space, proper light and proper conveniences for the examination and treatment of patients whether they do or do not require subsequent admission into the hospital. The Committee has no difficulty in putting forward a suggestion as to the construction of these administration blocks. An administration block, which provides for everything necessary, has been constructed in the Allahabad Central Prison recently. Its construction cost only Rs. 2,000.

## CHAPTER XI.

## SPECIAL CLASSES OF PRISONERS.

*Under-trial prisoners.*

382. We here repeat certain facts, and enlarge on them.

Undertrial prisoners are generally confined in lock-ups which are situated in the District Jails. Sometimes these lock-ups are outside the main buildings but within the outer walls of the jails. They are usually, however, a portion of the jail proper, and the undertrial prisoners can and do come in contact with the convicts, both when going to the Courts and returning from them. In certain jails undertrial prisoners and convicted prisoners use a common yard. In a very few instances the lock-ups are in a different building, and completely separated from the District Jails. In Gorakhpur the lock-up is not only in a different building from the District Jail but is situated more than two miles distant from it. The inclusion of the lock-up in the building of a District Jail should be avoided. The District Jail should not be in a densely populated part of a town. No prison should be in such an area. The lock-up should be close to the Courts. The Courts should be situated, as they usually are situated, in a central place in the city. So it is only where the jail is in the wrong place that the lock-up is in the right place, and the lock-ups where the jails are in the right place are frequently at a considerable distance from the Courts. In Allahabad the District Jail, which contains the lock-up, is situated as badly as it can be. Although it is in a frequented part of the city, it is at the same time at a considerable distance from the Courts. The lock-up in the District Jail at Lucknow is some miles distant from the Courts. The lock-up in Agra is at a considerable distance from the Courts. A number of other instances can be given. Whenever the lock-ups are at a considerable distance from the Courts, there is great waste of time in escorting undertrial prisoners to the Courts and back. The waste of time is least, when prison vans are provided. When prison vans are provided the expense is greater, and prison vans are only provided in a limited number of places. Where they are not provided, undertrial prisoners are escorted on foot to the Courts and back. For security they have to be fettered and ropes are sometimes attached to the undertrial prisoners. It is deplorable that this should be so. The result, when a van is not provided, is unavoidably to parade the prisoners through the

streets in a manner in which no man should be paraded. Some may not object to it. All have a right to object, and many do object strongly. Where lock-ups are at a considerable distance from the Courts, the extra expense should be faced, and prison vans should be provided, in which undertrial prisoners can be taken to the Courts and back without their being visible from the outside. This is an elementary need.

The ideal would, of course, be to provide everywhere, as has already been provided in Gorakhpur, a lock-up which is close to the Courts and a method of conducting the prisoners to the Courts and back, by which they will not be observed on the way.

383. As has already been stated in a previous part of the report, there is insufficient provision made for separation of undertrial prisoners from one another by night or by day. There are provisions that undertrial prisoners who are members of Criminal Tribes, or who have previous convictions should be kept separate from those who are undertrial for the first time. Juvenile undertrial prisoners, if not in company of their fathers or other relatives, are supposed to be kept separate from adult undertrial prisoners. But with the exception of these persons (and certain special undertrials such as informers who are kept occasionally separate from other undertrials) the association is under the rules promiscuous. As there is no cellular accommodation as a rule in the undertrial lock-ups an informer, who has to be segregated, is usually placed in a cell in the main prison. The Committee can hardly conceive less desirable arrangements. The rules are quite insufficient to meet the needs. Even those rules are not kept in many places owing to want of accommodation. We have frequently found undertrial prisoners with previous convictions in the same general association barracks with undertrial prisoners who were on trial for the first time. There is practically no attempt to separate adolescent undertrial prisoners from the others. We have found young boys in general association barracks because there was no method of separating them. We have already adverted to the danger of contamination, while the prisoners are under trial.

384. The accommodation provided is absolutely insufficient in many instances. As we have already pointed out, where the accommodation is insufficient, undertrials overflow into the portion of the prison reserved for convicts. When accommodation cannot be provided there, they are occasionally kept in tents and fastened to a bel chain at night. To relieve the situation, certain convicts serving sentences are occasionally released. In the last release which took place on the 20th January, 1929, there was no overcrowding of the jails by convicts sentenced to



imprisonment. The overcrowding was caused entirely by the excessive number of prisoners under trial. To obtain accommodation for prisoners under trial 2,788 convicts have been released. On the 28th February, 1929, there were still 4,747 undertrial prisoners in the jails. The accommodation is for 2,772. In each district, the question ought to be considered carefully as to what is the normal maximum amount of accommodation likely to be required, and, when that maximum amount of accommodation has been ascertained, a lock-up should be usually constructed within the precincts of or near the Courts capable of accommodating that number. When such a lock-up is constructed, it should provide for complete separation of every undertrial prisoner by night, and for a reasonable segregation by day. Conversation should be allowed of course amongst the undertrial prisoners, but that conversation should ordinarily be under supervision to prevent contamination. An exception would be made in respect of a conversation between an undertrial prisoner and his legal adviser or relatives or friends. This is the first reform necessary. As soon as such lock-ups have been constructed a major portion of the difficulties will disappear.

385. But while the present lock-ups exist, there should be a serious attempt made to construct cells in them, and to use those cells, and there should be a serious attempt made to classify undertrial prisoners according to the offences with which they are charged. Of course there can be no presumption when a man is charged with an offence that he is guilty of it, but there is no presumption of guilt involved in the separation of men charged with certain offences from men charged with certain other offences. Very serious results may follow from the present promiscuous association. Men charged with offences under section 377, Indian Penal Code, are under the present rules confined in general association barracks promiscuously with others, amongst whom there are often youths of 17 or 18. The Committee has seen instances, where such men have been in association with such youths in the lock-ups. Of course such a man may be innocent, but on the other hand many are subsequently found guilty, and it would be better to separate at the beginning.

386. In some jails convict officials are placed in some sort of charge over undertrial prisoners. This should cease. Convicts should not be allowed to have any association with undertrial prisoners. They must, of course be employed for sanitary and other purposes in the lock-ups, but they should not be allowed to communicate with undertrial prisoners.

387. We have noted that in some jails the arrangements for feeding undertrial prisoners attending Courts are not satisfactory. They are taken to the Courts before the hour of the midday meal. In certain jails they receive nothing except a portion of that meal and do not receive the *dal* ration till their return. In other jails better arrangements are made and they receive a full meal before they start. This should be the practice invariably. The diet of the undertrial prisoner has been criticized. We have considered this question in another place.

388. There is a further point of some importance. Complaints have been made in several quarters that undertrial prisoners are in some instances prevented from communicating with their legal advisers and friends. These complaints appear to have arisen in the following circumstances. Some undertrial prisoners have to be shown subsequently to witnesses to ascertain if they will or will not be identified. Under paragraph 367 of the Jail Manual, the Police authorities are expected to inform the Jailer in writing at the time of admission or soon afterwards, that such identification will be attempted. When such intimation is received the Superintendent of the Jail is directed to prevent the prisoners disguising themselves, or changing their appearance in such a manner as to make their recognition difficult. There is nothing in this rule, however, which lays down that such persons should not be allowed to interview their relatives or their legal advisers before the identification proceedings take place. Paragraph 554 of the Jail Manual lays down clearly, that unconvicted criminal prisoners shall be granted all reasonable facilities under proper restrictions for interviewing or otherwise communicating orally or in writing with their relatives, friends, and legal advisers. It appears that some District Magistrates have intimated to the Superintendents of Jails that such persons, while awaiting identification, should not be allowed to see or communicate with anyone. There is nothing in the Jail Manual or anywhere else which gives the District Magistrate authority to prohibit such communication, but a Superintendent may under paragraph 552 refuse to allow such a prisoner to be interviewed "if in his opinion it is inexpedient in the public interest to allow any particular person to interview a prisoner or for other sufficient cause". The prohibition appears to have taken its origin in an apprehension that if a prisoner is allowed to interview his relatives before identification it might be suggested in the subsequent trial, that the prosecution witnesses have obtained access to him on the pretext of being his relatives, and thus studied his features so as to identify him subsequently. This is not a likely contingency, and the difficulty can be easily got over by permitting interviews always

with legal advisers, and with any other persons, who are admitted by the prisoner to be his relatives or friends.

389. The next objection taken is that the Police are allowed illicit facilities for obtaining information from undertrial prisoners, with a view to working up evidence and cases against them or against other prisoners. The complaint here is not only in connection with undertrial prisoners: it is in connection with all prisoners. The suggestion is that undertrial prisoners and convicts are approached by Police officers for the working up of cases in a manner unauthorized by the rules or by the law. The Police are permitted under certain restrictions to interview prisoners. Paragraph 742 of the Jail Manual lays down that the District Magistrate may authorize any special Police officer named by him in writing to interview any prisoners—either under trial or convicted—for the purpose of obtaining information which may lead to detection of crime. When this written permission has been obtained, no objection can be taken to the action of the jail authorities in allowing such interviews. They are complying with the rule. Whether the rule in itself is a good rule is not a question which we have to determine. That question has nothing to do with the administration of the jails but with the methods in use for detecting crime. We have been unable to find any evidence that a Police officer, who has not obtained such permission in writing, has been allowed inside the jails.

390. It has further been suggested, that jail officials have assisted in effecting identification of prisoners. Jail officials under the rules have nothing to do with the arrangements for identification. Under paragraph 367(c) the Magistrate who attends the identification proceedings is in charge of the whole proceedings. The jail officials have nothing to do with the conduct of the proceedings. They have to obey the Magistrate's orders. It is for the Magistrate to arrange the prisoners, and to conduct the identification proceedings. If jail officials ever have made dishonest attempts to secure the identifications, the Magistrates conducting the proceedings must have been to blame. We have found no evidence to justify these allegations.

391. Although the following question does not come actually under the head of treatment of undertrial prisoners, it can be considered here. What arrangements should be made for prisoners—whether undertrial prisoners or convicts—to give evidence before the Criminal and Civil Courts? At present they are taken to the courts fettered and, if convicts wear their prison clothes. While it is obviously necessary to guard them so that they shall ordinarily have no opportunity of escape, it appears

to the Committee that provision can be made for their safe custody which will not involve the wearing of fetters, and that in no circumstances is it necessary that such prisoners as can be provided with ordinary clothes, and wish to wear them, should give evidence in prison clothes. The question is closely connected with the question of conveyance of undertrials from the jails to the courts, and is therefore considered here.

*Civil prisoners.*

392. There are a certain number of prisoners in the jails who are in custody under the orders of the Civil Courts in execution of decrees on account of not having satisfied the amounts due from them. These prisoners are kept separate from others. They wear their own clothes, they do their own cooking, they are permitted to smoke, they are given books, and they are allowed to follow their own trades or profession, and to engage in such indoor games or other occupation as the Superintendent considers unobjectionable. They receive special clothes, special bedding, and special vessels. The decree-holder has to provide these. As far as we can gather the arrangements made for the custody of these civil prisoners are usually good. In certain jails, however, these arrangements are not good. We have found in many places an absence of night latrines, and in Gorakhpur the accommodation for the civil prisoners is bad. The place in which they are confined is capable of accommodating only five or six men, and was accommodating twelve at the time of our visit.

*Aged and infirm prisoners.*

393. There are many convicts in the Central Prisons and District Jails, who by reason of age or infirmity or both are incapable of doing any real work. Some old and infirm men can do simple work of a more or less useful nature, such as sweeping up leaves, flushing drains and the like, but many are past work of any description. The average number of convalescents and infirm convicts in 1927 was 1,066. The Committee has not been able to apportion this figure in order to separate the men now described from men who are only temporarily unfit, but considers that an estimate of 500 old men of this description is not excessive. Of these about half are in the Central Prisons, and about half in the District Jails. With the exception of a very few (less than fifty in all probability) these men are not only past work: they are past crime of a serious nature. Some of them are sentenced to long terms of imprisonment. Those who survive are released in due course. Others are sentenced to short terms. There is every reason to suppose

that many of these old men, being old offenders, commit crime deliberately in order to get back into prison. Some have no homes, and no means of supporting themselves. Others have relations, but the relations either look upon their support as a burden, or are unable to support them in comfort. They come back to prison, as the place where they are happiest. As has already been stated, they do no work or do work only of the lightest description, and they spend their days in the hospital enclosure warming themselves in the sun, and grumbling about the food. If there were institutions in this province for the support of such people, there would be no difficulty. They could be transferred from prison to such institutions. But there are no institutions. There are no alms houses, and no work houses for these derelicts. It is not within the scope of the inquiry to suggest the formation of such institutions, and the Committee has to recognize the fact that at least 500 of these men will continue to be in our prisons every year. We have observed that the task of the jail authorities is increased appreciably by having to make provision for such prisoners. That task has not been neglected. As far as we can see, they are treated considerately and humanely. But it is obviously a waste of energy to have to make provision for three such men in one District Jail, five in another, ten in another and so on. In the Central Prisons, where the numbers are greater, the task presents less difficulty, but every one of these old men is taking up accommodation which could be reserved for a working convict. Their presence in the Central Prisons renders it necessary to retain men with moderately long sentences in the District Jails. It may be postulated that these old men are harmless in jail but not always harmless outside. It is no remedy to give them free releases. This would mean either turning them out into the streets to die sooner, or in order that they may commit a petty crime; so as to return to jail. It has been suggested in some quarters that old and infirm men are released, when about to die in order to reduce the figures of mortality in jails. There is no foundation for this suggestion. In 1927 only twenty-eight males and three females were released under the orders of Government on account of their ill-health. Of these fifteen males and two females were suffering from tuberculosis. Their chances of recovery were remote. They were released in accordance with their own wishes. If the aged and infirm prisoners whom we have been describing were released generally, the result would undoubtedly be to hasten the deaths of many of them. The Committee's suggestion is this: out of the approximate number of 500, 250 or so are capable of doing light work inside the jails. They may be retained, but, when a man is absolutely incapable of work, he should not be retained in an

ordinary Central Prison or a District Jail. The Committee suggests that portions in two selected District Jails should be set aside for the reception of these prisoners. One should be in the east of the Province, one should be in the west. There would be no objection there to general association barracks being used. The staff need be only a small one, for watch and ward would not be difficult and there would be no labour. If this were done, proper attention could be paid to their comfort and their diet. It may, however, be objected that if such places are set aside, there will be an inducement for old men of this type to commit crime in order to enter them. The reply would seem to be that the position will not be appreciably altered, as respectable old men will not commit crime in order to find a refuge in their old age, and men who are not respectable already do so. The proposal here will have the effect of relieving the present prisons of a difficult task and at the same time improving the conditions. It is to be emphasized that when these old men are capable of doing useful work they should not be sent to the special prisons.

*Convicts sentenced to simple imprisonment.*

394. The Committee has next to consider the question, whether persons sentenced to simple imprisonment should be obliged to do some form of light labour. As section 36 of the Prisons Act of 1894 stands, it appears to the Committee that legally they cannot now be compelled to labour. The words of the section are, "Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner." The section is interpreted rightly, as meaning that no prisoner sentenced to simple imprisonment can be made to labour against his will. If he chooses to labour, he is given a better diet. The privilege of obtaining a better diet appeals to some, but not to all. There are some men sentenced to simple imprisonment, who prefer idleness to a better diet. It seems difficult to understand, why the Legislature decided deliberately, that any man sentenced to imprisonment should be at liberty to do nothing. It would appear obvious that, if imprisonment is to have a reformative effect, something should be done in every instance to occupy the convict's time and to occupy his mind. Permission to do nothing is not only non-reformative: it makes for deterioration of character. The principle that a

prisoner should do nothing was abandoned in England very many years ago. There every prisoner, even when sentenced to imprisonment without hard labour, has to work at something. The work may be (and usually is) of the lightest description, but he is not permitted to be idle. The Committee is strongly in favour of the application of this principle. Light labour as defined in paragraph 704 of the Jail Manual consists of twisting thread, spinning, folding paper, making envelopes, winding bobbins, sifting grain or seed, splitting or dressing cane, weeding or light gardening, dressing vegetables and sweeping up leaves, or flushing drains. The Committee suggests that all prisoners on simple imprisonment should be obliged to labour, but that they should be only placed on light labour, and should be allowed to select their form of labour. Such persons would then become entitled to a better diet, and the benefits proposed by the Committee. It will, however, be necessary in the opinion of the Committee to alter the law to effect this object.

*Indian Military convicts.*

395. We have next to consider the case of Indian soldiers in the Army. Under the present rules they are sent to the ordinary prisons where they are treated in every way as ordinary convicts. Many of these men have been convicted of purely military offences. As Indian soldiers are not received in military prisons, and no accommodation is provided by the Military Department, they must be retained in the ordinary jails, but all such convicts should be concentrated in one prison where they should be separated at night and work together in the day in association amongst each other having no connection with the other convicts in the prison. In other respects their treatment should be the same as that of ordinary convicts. There should be no difficulty in arranging this.

*Condemned prisoners.*

396. The next question which has to be considered is in respect of the arrangements made for prisoners sentenced to death. Their ordinary treatment does not require improvement. They are confined in separate cells kept under a separate watch and ward and are allowed all reasonable amenities. But we have found in certain instances—notably at Cawnpore—that the condemned cells are at a great distance from the gallows enclosure with the result that a man on his way to execution has to walk a considerable distance—sometimes several hundred yards—before he arrives at the gallows. The Committee is given to understand that in England a man sentenced to death has never to

go more than a few yards to the scaffold and that every effort is made to take as short a time as is possible over the execution. It will not be possible under Indian conditions to arrange that the man should leave his cell and walk straight into the gallows enclosure. But it should be laid down as a principle that in no case should any condemned prisoner have anything approaching to a long walk from his cell to the gallows. Where the jails are so situated, that there is a great distance between the condemned cells and the gallows enclosure either the condemned cells should be placed in a different situation, or the gallows should be placed in a different situation.

397. There has been further a modification of the old system which requires attention. Formerly, when a man was sentenced to death, he was hanged in the district where he had been sentenced. The guard on the condemned cells was then supplied by the Police and was posted, wherever required. Under new arrangements certain jails have been made concentration jails for hanging, and executions only take place in those jails. The arrangements for the watch and ward have been completely altered. Watch and ward is now supplied by the jail staff, and in these concentration jails it is necessary to appoint four extra Warders or more. Should there be no prisoner in the condemned cells, these Warders are available for other duties. The Committee recognizes that it is desirable to entrust the duties of watch and ward to the jail staff and not to the Police, and is of opinion that in spite of the fact, that the duties of superintending of executions have been largely increased in the concentration jails, this system is on the whole better than the other. It would require special arrangements to re-introduce the old system. We were informed by Mr. H. Williamson, C.I.E., O.B.E., Deputy Inspector-General of Police, that there has been a reduction in the Police staff owing to the relief afforded them. But one difficulty has arisen. It is not uncommon for a man to be executed now at a considerable distance from his own home. Usually some of his relatives wish to attend the execution in order to take away the body and perform the last rites. When they are poor people, as is often the case, they have great difficulty in raising funds for their expenses. We have come across instances where Superintendents of Jails have themselves reimbursed the expenses of such people out of their own pockets. This defect requires to be remedied. The Committee suggests that a remedy could be supplied, if one or more relatives of each condemned man are allowed, if so required, their travelling expenses to proceed to the place of execution and back.



*Indian female prisoners.*

398. The treatment of female prisoners in the jails in the United Provinces does not present any great difficulty, as they are fortunately few in number. The crimes for which they are admitted are usually serious. There is little petty crime requiring sentences of imprisonment committed by Indian women in this province. Their habits of life are such that most of the offences committed by women in England are not common amongst them. In England female crime affords a serious problem, but in India pilfering from shops and crimes of a similar nature are not usual amongst women. Practically no Indian prostitutes are sent to prison for frequenting public thoroughfares or importuning contrary to the law. Most of the women sentenced to imprisonment are convicted of murder, poisoning, receiving stolen property and kidnapping. These women give little trouble in the jails. In fact it is extraordinary how well behaved they are. In these circumstances the problem is not difficult. But the Committee has certain suggestions to make. In the first place there are defects in classification and segregation. Some attempt has been made at segregation. Unconvicted undertrials are separated from convicts, juveniles and adolescents are separated from adults, habituals from non-habituals and prostitutes and procuresses are separated from respectable women. This is the theory. But procuresses are frequently not considered to be procuresses. Many of the women convicted of kidnapping in this province have kidnapped girls in order to sell them. These women are not professional procuresses, although to all intents and purposes they are as bad. The Committee considers that a more careful and intelligent classification should be made, so as to avoid what has been actually seen—a young married woman who has attempted to commit suicide in the next berth in a general association barrack to an elderly woman who has been convicted of kidnapping a minor in order to sell her.

399. It appears to the Committee that considerable improvement is required in the hospital accommodation for women. Knowing the prejudices against medical treatment by males, more provision should be made for medical treatment by women. The situation of course does not require the appointment of wholtime female medical officers. In most places there are qualified medical women practising in the vicinity. Attempts should be made to utilize their services at least in the more delicate cases. It frequently happens that female prisoners are admitted to jails when they are pregnant, and that they are delivered in the jails. The only arrangement made so far is that one of the female convicts who has some pretensions to be a midwife assists at

the labour. This is wrong. There should be provision made in every case at least for a qualified *dai* to attend the confinement. It should not be necessary to appoint a qualified *dai* everywhere. As it is, female prisoners serving sentences of over four months are already concentrated in three Central Prisons and one District Jail. It would be sufficient if qualified *dais* were appointed in those places. In the rare event of a woman sentenced to less than three months who is about to bear a child, she can be transferred to one of these prisons. But apart from that, the Committee suggests that where qualified medical women are available the Superintendent of the Prison should be authorized to enlist their services, whenever he requires them, on fees to be fixed by the Department.

400. The Committee is satisfied that under the conditions proposed the scale of diet will be sufficient. If the Committee's recommendations as to the variation of staples are accepted, the female convicts will obtain the same benefits as others. It is difficult to find work for them except rough sewing, *ban*-twisting, and work of the nature of cleaning on their own side of the prison. The arrangements appear however to be satisfactory and no modifications are suggested. The arrangements by which they are allowed to retain their children appear satisfactory.

401. There is another point. Under a recent rule female prisoners are invariably accompanied by a female Warder on transfer from one jail to another, but the rules so far do not provide for a female Warder accompanying an undertrial female prisoner. The rule should be altered to ensure that a female Warder invariably accompanies a female undertrial to Court or elsewhere.

402. As suggested elsewhere, lady non-official visitors should be appointed to visit the female side.

403. In respect of education and amusements efforts should be made to educate the younger females and older females when the latter do not refuse education. A female teacher should be appointed. The Committee realises that there may be practical difficulties in obtaining such a teacher. Their amusements may be left in charge of the matron.

#### *Criminal lunatics and mental defectives.*

404. Criminal lunatics are of three classes—persons who at the time of their trial are found to be of unsound mind, persons of sound mind at the time of trial but acquitted by the Court on the ground that at the time at which they were alleged to have committed the offence they were by reason of unsoundness of mind incapable of knowing the

nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, and convicts who after conviction are found for the first time to be of unsound mind.

405. European and Anglo-Indian criminal lunatics are detained in the European Mental Hospital, Ranchi, and Indian criminal lunatics are detained in the Mental Hospital, Benares. At the time of the visit of the Committee to the Benares Mental Hospital there were 233 males and 30 females confined there. The inmates are ordinarily kept in general association barracks, but the system here works well for, as soon as an inmate shows any signs of violence, he or she is placed in a cell, until normal conditions again prevail. This system requires competent observation, but the fact that the observation is competent is established by the circumstances that there are practically no violent assaults, and that there has not been a case of suicide or attempted suicide within this hospital for some years. Every inmate capable of work is employed in some manner. They work in the garden, they work on the mills, they cook, they weave *dussootie* and they make *durries*. One inmate was turning out good work in *newar*. They are allowed to smoke in moderation and are given many alleviations such as extra food, *ghi* and *gur*. In order to form a better idea as to the conditions in this mental hospital the Committee visited the mental hospital for non-criminals in Bareilly. There the conditions are also good. But there are many more patients far advanced in mental disease there. After visiting both institutions the conclusion was formed that the management in the Benares Mental Hospital was good.

406. There does not seem to be any reason to suppose that any man in the jails, who is actually certifiable, has not been sent to the Benares Mental Hospital. But the Committee has to draw attention to the necessity for improvement in the treatment of cases of convicts who are mentally defective, and convicts suffering from mental aberration not amounting to insanity in its certifiable form. There are all degrees in mental cases, and there are many cases in the jails, which are not certifiable, but which nevertheless require special treatment and special care. The present rule is that mentally defective convicts and convicts suffering from mental aberration not amounting to insanity in a certifiable form should be detained in the Agra District Jail but no special accommodation has been assigned for them, and no special provision has been made for their treatment. Further the accommodation available for such prisoners has been left to depend upon the capacity of the jail to hold its ordinary inmates. At the time of our visit to the Agra District Jail conditions

were peculiarly unfortunate. The jail has accommodation for 668. The number at the time of our visit was 633 and of these 233 were under-trial prisoners. The under-trial accommodation is only for 64. The result was not only that the under-trials were crowding out the ordinary convicts, but that owing to the congestion in the jail applications for admission of convicts who were mentally defective and suffering from mental aberration were being refused on the ground of there being not sufficient accommodation for them in the jail. This restriction was depriving many convicts of the special treatment which they require. We had complaints from more than one Civil Surgeon, that convicts in their District Jails who in their opinion were in this category, had been refused admission to the Agra District Jail because there was no accommodation, and we saw several men in the ordinary jails, undergoing exactly the same treatment as ordinary convicts, who according to the medical opinion which we were in a position to obtain were undoubtedly men who should have been under special observation. The failure to provide this special observation and treatment can have very serious consequences. We found one convict who was sentenced to transportation for life in 1919. He was then a juvenile and sent to Bareilly Juvenile Jail. There he was a ring-leader in a riot. He is now an adult. In the last few years he has five times assaulted officials. The assaults were usually motiveless. He has clearly an extraordinary temper, and appears to be mentally unstable. Ordinary jail discipline has no effect upon him. If this man is permitted to continue as he is, his next offence may be an offence of murder. He is under a sentence of transportation for life for wounding.

407. It is impossible to get figures as to how many there are in the jails in this province, who require special treatment under this head. In England the figure is put very high. The fact that most of the convicts in our jails are agriculturists, who have led a life less artificial than the life of the townsmen who are the ordinary convicts in the English jails, would tend to make the proportional number less in this province. But on a proper examination and classification it is difficult to see how the number of such persons could be less than one per cent. This would show three hundred. We found in Agra only five men in all detained as falling under this category. It seems to us that this is in no way approximate to the number requiring treatment. The Committee is of opinion that the Inspector-General should impress strongly upon Superintendents of Jails the importance of sending up convicts of this class for examination. If they are not themselves psychiatrists arrangements should be made for the proper examination of these prisoners by a trained psychiatrist. When it is found they require special

treatment they should be concentrated in one District Jail with a whole-time Superintendent. The Committee has not sufficient knowledge on the subject to offer any useful suggestions as to the exact form which this treatment should take, but the Committee is convinced that special treatment is required. In the case of non-criminals the necessity of treatment at an early stage is well recognized. In the case of a criminal it should be recognized even more.

408. The Committee draws attention to the manner in which non-criminal lunatics are detained for observation in the District Jails. Under the law a suspected lunatic can be sent by the District Magistrate to the Civil Surgeon for observation and report. While under observation he has to be detained somewhere. As there is no other place, where he can be detained for observation, he is detained in the District Jail—usually in a cell. This arrangement appears to us most objectionable. In some Jails where executions no longer take place, such non-criminal suspects are confined in the old condemned cells. No such person should be detained in a Jail. Provision should be made for their reception in a hospital, with proper attendance provided.

*Convicts suffering from Tuberculosis.*

409. Tuberculosis patients are at present concentrated in the Sultanpar District Jail. At the time of the Committee's visit there were 140 convicts in this jail suffering from tuberculosis. The arrangements for their care are good. They are kept in general association barracks. They are retained there rightly in order to give them every opportunity of cure. They are graded in these barracks according to the degree which the disease has attained. Dr. Shankar Lal Gupta has been specially selected as Superintendent, mainly in order to attend to the treatment of these tuberculosis cases. He is allowed free discretion in diets. The patients get ample milk from a dairy maintained by a private contractor, which is under the Superintendent's supervision. A good hospital administration block has been made. In 1928 there were 38 deaths and 18 inmates were discharged as cured. In 1927, 42 were discharged as cured and in 1926, 29 were discharged as cured. Eighty-five per cent. of the survivors in 1928 who were not discharged as cured, had gained in weight.

410. Suggestions have been made that this sanitarium should be closed and that a tuberculosis sanitarium should be made in the Hills. We consulted Col. Baird, I.M.S., Inspector-General of Civil Hospitals, in respect of this proposal. He considered that it would be impractical to construct a sanitarium in the Hills for convicts suffering from

tuberculosis. He pointed out that the winter cold in the Hills is so intense that the patients from the plains cannot endure it. For this reason the tuberculosis sanitarium in Bhowali is closed in the winter, the inmates returning to the plains. The inmates refuse to remain in Bhowali during the winter. Not only would it appear questionable to retain convicts suffering from tuberculosis against their will in the Hills during the winter but the effect of the cold would be deleterious to them. Thus if a sanitarium were opened in the Hills for tuberculosis convicts it would be necessary in addition to retain the tuberculosis sanitarium in Sultanpur for their residence in the winter. These are the views of Colonel Baird.

411. The Sultanpur Jail has much to recommend it as a site of a tuberculosis sanitarium. The site is healthy. It is well outside the town. The buildings were formerly barracks for British soldiers, and they have been adapted as wards for the patients. The figures of cures, considering the fact that many cases are received when recovery is practically hopeless, are satisfactory. One of the difficulties in making arrangements for these patients is to arrange for their transport with due consideration to their health. These difficulties will be considerably intensified if they are transported to the Hills.

412. Pandit Jagat Narain's views are these: As a layman he says, that he cannot dispute the expert view of Colonel Baird, but throughout his life he has been informed by all medical practitioners in India without exception, that it is necessary for an Indian patient suffering from tuberculosis to travel by sea, go to a seaside health resort, or to a sanitarium in the Hills. Whether the stay of such a patient in the Hills during December, January and February assists or retards the cure can only be decided authoritatively by medical experts. But his impression gathered from medical men is, that the more intense the cold the better it is for tuberculosis patients, especially if there is snow on the Hills, and that for this reason Switzerland in the winter is selected as a place of cure. It is irrelevant if the Bhowali inmates refuse to stay at Bhowali during the winter. A convict cannot question, and should not be allowed to question arrangements for his own good.

If this argument is sound he would have a sanitarium for convicts suffering from tuberculosis in the Hills open for the whole year. If it is not sound he would have a sanitarium in the Hills for their reception in the summer months and return them to Sultanpur in the winter.

413. The Chairman has no decided views on the subject. He considers that the question is one which should be considered carefully by the Jail and Medical authorities. Hafiz Hidayat Husain is in general agreement with Pandit Jagat Narain.

414. Such patients in Sultanpur, as are physically capable, work in the garden. They have made a pretty garden. The expenditure on the garden has only been partially met by Government. Much has come from the Superintendent's own pocket. An increase of the garden grant by Rs. 100 a year is desirable. We consider that Dr. Gupta requires more assistance. He has at present two compounders. We think he should have also a laboratory assistant. An operating theatre should be supplied and a better equipment should be given to the hospital and the dispensary. There is one patent defect in the equipment: there is no disinfecter. One should be supplied. A further grant should be made to the library for the benefit of such tuberculosis patients as are literate.

415. Some persons have suggested that all convicts suffering from tuberculosis should be released from jail. The Committee points out that it will be difficult for the vast majority to obtain the necessary treatment and diet if they are released from jail. Pandit Jagat Narain has not been able to satisfy himself whether such release is advisable or not. The Committee considers that the treatment of tuberculosis patients after release from jail should receive consideration from the Government.

#### *Lepers.*

416. All convicts suffering from leprosy are confined in the Rae Bareilly District Jail. At the time of our visit there were 80 male lepers and one female leper in the jail. The early cases of leprosy are separated from the cases in which the disease is more advanced. The leprosy patients receive special vessels not of the ordinary kind. They are kept absolutely separate from other convicts, but when they can work in their own quarter of the prison they are allowed to do so. They then work upon the land. They work in a garden producing vegetables for their own use only. The arrangements for the leper convicts are good. The only improvement which the Committee suggests here is the increase of the allowance of the Medical Subordinate. He receives at present an allowance of Rs. 10 a month for the additional work entailed in looking after the lepers. As he has 81 lepers in his charge he has to look after them in addition to his other duties and as he appeared to the Committee to be doing his best for them, the Committee suggests that this allowance should be increased, and that an extra compounder should be appointed.

417. The Committee suggests that the case of these leper convicts after release should receive the consideration of Government.

418. There is one class of convicts suffering from a special disease for whom no special arrangements have so far been made in the jails. These are convicts suffering from epilepsy. Epilepsy has its mental side, and the Committee suggests that epileptics should be concentrated with the convicts who are mentally defective and suffering from mental aberration not amounting to certifiable insanity.



## CHAPTER XII.

### SPECIAL CLASSES OF PRISONERS.—(continued.)

419. In the preceding chapters the Committee has not considered the treatment of European prisoners, political prisoners and better class prisoners. In the original note put up by the Chairman their treatment was discussed, but when the subject came up for discussion before the Committee it was found that the same solution was not suggested by Pandit Jagat Narain and Hafiz Hidayat Husain on the one hand, and by the Chairman on the other. It was then considered advisable to state the views of the Committee in separate notes. The first of these notes is the note of Pandit Jagat Narain and Hafiz Hidayat Husain. It will be observed that in this note reference is made to a note of the Chairman. This note of the Chairman was the original note put forward for discussion. Since he has had the advantage of reading and discussing the subject with Pandit Jagat Narain and Hafiz Hidayat Husain he has modified his views in some particulars but he has not altered his views on the main principles. The notes in question are written in the first person.

420. "*Note of Pandit Jagat Narain and Hafiz Hidayat Husain.*

#### *Treatment of prisoners.*

- (a) European and Eurasian prisoners.
- (b) Political prisoners.
- (c) Better class prisoners.

How to treat the different classes of prisoners in our jails is a question which cannot be easily answered.

421. "Having regard to the conditions prevailing in India a just and fair solution of the problem is very difficult. We further believe that any solution proposed by us without paying due regard to Indian sentiment will be unacceptable and unsatisfactory.

We had the privilege of reading and discussing the note\* written by our Chairman, Sir Louis Stuart, on this question. As we are not in agreement with some of his views and arguments and as in our opinion an important question of principle is involved in the right decision of this question we thought it best to write a separate note giving detailed reasons in support of our views and recommendations.

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\* See para. 453.

(a) *European and Eurasian Prisoners.*

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

We, however, hope, and believe that the Government with an Indian Home Member in charge of the Jail Department will at least be able to appreciate the Indian point of view and will endeavour to find a satisfactory solution of the difficulty. We have done our best to do so and in making our recommendations were not actuated by any racial bias.

We have taken up the question of the treatment of Europeans first because in our humble opinion a decision as to what should be meted out to them in jails has a very important bearing on treatment to be recommended by us for prisoners under sub-heads (b) and (c).

423. "In order to clear the ground we consider it necessary to give below (1) a detailed scale of their jail diet past and present, (2) list of the clothes they are permitted to wear and (3) description and furniture of their prison cells.

For the purposes of comparison we have also given below the scale of diet and list of clothes allowed to an Indian prisoner.

424. "*Menu of week-day diet of European and Eurasian prisoners according to old Manual of 1915—page 257.*

## A.

	Breakfast.	Dinner.	Supper.
Sunday .. ..	<i>Dal</i> and rice ..	Irish stew ..	Bread pudding.
Monday .. ..	Potatoes and milk	Curry and rice ..	Rice pudding.
Tuesday .. ..	Rice pudding ..	Broth .. ..	Potatoes and milk.
Wednesday ..	<i>Dal</i> and rice ..	Irish stew ..	Bread pudding.
Thursday .. ..	Potatoes and milk	Curry and rice ..	Rice pudding.
Friday .. ..	Rice pudding ..	Broth .. ..	Potatoes.
Saturday .. ..	Potatoes and milk..	Curry and rice ..	Rice pudding.

The ultimate components of the above dietary per week were—

	Oz.
Bread ... ..	91
Meat ... ..	42
Rice ... ..	42
Milk ... ..	77
<i>Dal</i> ... ..	6
Potatoes ... ..	77
Vegetables ... ..	35
Sugar ... ..	3·5
Butter ... ..	10·5
<b>Total</b> ... ..	<b>384</b>

with 7 ounces spices and 1,400 grains salt. Tea and sugar after one month,  $\frac{384}{16}$  ounces  
 $=24$  lbs.  $=12$  seers  $=\frac{12 \times 16}{7} = 27\frac{3}{7}$  chittaks per day, with  $3\frac{1}{2}$  chittaks of spices and 1,440  
 grains of salt per week  $=200$  grains per day  $=\frac{8}{35}$  chittaks  $\frac{2}{9}$  chittaks  $=\frac{8}{36}$  chittaks.

425. "Present menu of week-day diet of European prisoners.

**B.**

..	Chota Hazri.	Breakfast.	Dinner.
Sunday ..	One cup tea, 3 slices bread with butter.	One plate <i>dal</i> and rice, 3 slices bread with jagree.	Three meat cutlets, vegetables, one loaf, one cup of tea.
(Milk for the day 8 oz. Sugar for the day $\frac{1}{2}$ chittak.)			
Monday ..	One cup tea, 3 slices bread with butter.	One plate <i>dal</i> and rice, 3 slices bread with jagree.	On plate mutton curry, one loaf, one cup of tea.
Tuesday ..	Ditto ..	Ditto ..	Three potato cutlets, vegetables, one loaf, one cup of tea.
Wednesday ..	Ditto ..	Ditto ..	One plate Irish stew one loaf, one cup of tea.
Thursday ..	Ditto ..	Ditto ..	Three meat cutlets, vegetables, one loaf, one cup of tea.
Friday ..	Ditto ..	Ditto ..	One plate mutton curry, one loaf, one cup of tea.
Saturday ..	Ditto ..	Ditto ..	One plate Brown Stew, one loaf, one cup of tea.

*New daily diet scale for European prisoner.*

## C.

*Class of Diet.*

	No. I-	No. II.
Meat .. .. .	6 chittaks	3 chittaks.
Bread .. .. .	2 loaves	1½ loaves.
Dallia .. .. .	1 chittak	1 chittak.
Gur .. .. .	¼ "	¼ "
Sugar .. .. .	¼ "	¼ "
Tea .. .. .	¼ "	¼ "
Potatoes ... ..	5½ "	4 "
Rice .. .. .	3 "	2½ "
Milk ... .. .	5½ "	5½ "
Dal .. .. .	1½ "	1½ "
Vegetables .. ..	2½ "	2½ "
Spices .. .. .	¼ "	¼ "
Butter .. .. .	¼ "	¼ "
Salt .. .. .	¼ "	¼ "
Chillies .. .. .	¼ "	¼ "
Onions .. .. .	¼ "	¼ "
Coal .. .. .	2 seers	2 seers.

NOTE.—Total of scale no. 1 is 29 chittaks excluding salt, chillies, spices and tea. An ordinary loaf of bread weighs 2 chittaks but in this calculation we have put it at 1 chittaky

One quarter chittak of sugar and one quarter chittak of tea will be issued after completing one month's imprisonment.

## D.

427. *Old Manual 1915—page 263.*

*Diet scale No. 1 for Indian Prisoners per day.*

	Chittaks.
Chapatia .. .. .	14
Dal .. .. .	1
Vegetables .. .. .	3
Oil .. .. .	4/25
Chilli .. .. .	One in number.
Salt .. .. .	150 grains.
<hr/>	
Total .. .. .	18 $\frac{4}{25}$ chittaks with 1 chilli and 150 grains of salt per day.

428. *New Manual 1927—page 91.**Scale No. 1 daily dietary for Indian prisoners.*

				Chittaks.
Chapatis	..	..	..	14
Dal	..	..	..	1
Vegetables	..	..	..	4
Oil	..	..	..	4/25
Chilli	..	..	..	One in number.
Salt	..	..	..	1/6 chittak
Turmeric	..	..	..	1/50 „
Total				19—2/5 chittaks with 1 chilli 1/6 chittak salt and 1/50th chittak turmeric.

The only difference between the new and old scale is an extra allowance of one chittak of vegetables.

**E.***Clothing of Europeans.*

429. "The scale of clothing of Europeans is neither given in the old Manual nor in the new. But according to the Circular No. 2 of 1927, dated February 24, 1927 issued by the Inspector-General of Prisons it is as follows:—

*Clothing of European males.*

Summer.	Winter.
2 coats.	1 brown flannel coat.
2 <i>pants</i> .	1 pant.
2 garha shirts.	2 garha shirts.
1 mattress.	1 mattress.
1 pillow (cotton).	1 pillow (cotton).
1 pith helmet.	1 pith helmet.
1 blanket.	3 <i>blankets</i> .
2 pair white socks.	2 pair white socks.
2 towels.	2 towels.
1 pair black boots.	1 pair black boots.
2 dusootie sheets.	1 <i>woollen Jersey</i> .
2 pillow cases.	2 pillow cases.
2 drawers.	2 drawers.

F.

430. CHAPTER XIX, NEW MANUAL 1927, PAGE 97, PARAGRAPH 456.

*Clothing for male convicts.—Indians.*

One kurta.

One fangiah.

One langot.

One cap.

One tikoni.

One towel.

One blanket.

} For Summer.

*Winter*—Two blankets and one blanket coat. Under paragraph 454 an extra blanket is issued to *some* prisoners during the winter months and this on medical grounds only.

*Furniture and bedding for Indians.*

431. "One *moonj* matting—if in cell, two earthen pots for answering the call of nature in a corner of the same cell.

G.

*Cells for Europeans and their furniture.*

432. "The Europeans are kept in separate cells. These cells have verandahs on both sides, the sanitary arrangements are not in the cell proper where the prisoner sleeps and works. It has a cot, one water stand, two small tables, one jug of water and one aloe fibre matting, besides the articles of bedding mentioned in list E and one lamp or lantern for reading. On our visits to jails we saw these things with our own eyes inside cells occupied by Europeans.

*Indians.*

433. "Indian prisoners generally sleep in Association Barracks. They are allowed only two blankets and one *moonj* matting and sleep on raised platforms arranged in straight lines. When placed in cells two earthen pots are placed close to them on the ground for the purpose of answering the call of nature. The cell contains nothing else but one matting and even that cannot be used during the day time.

434. "A comparison of the tables A, B, C, D, E, F, and G will show that special treatment is accorded to European prisoners which extends to diet, clothing and accommodation. The question naturally arises, why this differential treatment is meted out to Europeans only? In discussing this question in his note Sir Louis Stuart has remarked "that this differentiation is rightly justified by the fact that the diet of an Indian prisoner would disagree with the health of a European prisoner and that a diminution below a certain point in the amenities of life granted to him will operate too harshly on him." We are sorry to

say that we cannot agree with this opinion and have come to the conclusion that this differential treatment is based on the ground of race, creed and colour. We are prepared to accept this argument as sound provided its application be extended to the Indian prisoners who belong to the educated and upper classes of Indian society.

435. "Let us examine this question more closely. Before we proceed further, we wish to make it clear that we in no way directly or indirectly desire that any privileges enjoyed by the European prisoners should be taken away from them, provided that the same privileges be also extended to Indian prisoners. But if the lot of Indian prisoners similarly situated, better educated, occupying a higher social status, and used to a higher standard of living cannot be improved, then surely this differential treatment will not and cannot be tolerated by Indian public opinion. There are only two alternatives open to Government—either to treat all alike or to give differential treatment to Indians, whom we have called *better class prisoners*. It is open to Government to decide which of these alternatives to choose.

436. "Now what are the data for holding that the health of a European prisoner would suffer if he does not get bread, butter, rice, *dal* and vegetables as his daily ration? Was the experiment tried anywhere? and did it prove harmful? Is it a necessity of life for him to get meat, sugar and tea as jail diet and, if it be so, why is it not necessary for a high class Indian prisoner brought up in the lap of luxury to get milk, potatoes, *ghi* and good vegetables? Why should not a better class Muhammadan be given a meat diet?

In order to strengthen our contention that differential treatment is based on racial grounds it is necessary for us to mention here some glaring and startling instances of differential treatment.

#### *Diet.*

437. "European prisoners get 29 chittaks of rations per day including milk and meat. Indian prisoners get only  $19 \frac{2}{5}$  chittaks but no milk and no meat. Europeans get 1 chittak of sugar, no *gur* or sugar is given to Indians. Tea is given to Europeans but not to Indians. An Indian who gets only *chapatis*, *dal* and indifferent vegetables to eat must remain content with oil  $\frac{4}{25}$  chittak, salt  $\frac{1}{8}$ th chittak turmeric  $\frac{1}{50}$ th chittak and one chilli only while his fellow prisoner (because he is a European) gets butter  $\frac{3}{4}$ th chittak, salt  $\frac{2}{9}$ th chittak, chillies  $\frac{1}{8}$ th chittak, and other spices  $\frac{1}{4}$ th chittak. We were greatly surprised to find that even in the matter of salt and chillies the needs of

a European are greater than that of an Indian. Regarding the disparity of rations issued—the difference being about 10 chittaks per day, we were informed that scale No. 1 is meant for those Europeans who are 120 lbs. or more in weight, and a European requires more food because he is heavier in weight. In reply to this we maintain that at least 50 per cent. of the Indian prisoners will weigh 1 maund and 20 seers, i.e., 120 lbs., and if the issue of diet is to be regulated by consideration of weight—we do not contend that it should not be so—then the complaint of some of the Indian prisoners that they are underfed is fully justified. When the Committee suggested an issue of *gur* in small quantities to Indian prisoners objection at once was raised that it is an article of luxury, that a jail should not provide for luxuries, that if given at all it should be given only to a few best behaved convicts as a reward, and, that if it is proposed to be given to all indiscriminately, it will cost Government a lot of money. In our opinion to raise a question of cost when we are discussing a question of principle is absolutely irrelevant. We are under the impression that quantity for quantity a European eats less than an Indian per day, one being a meat eater and the other being principally a vegetarian whatever may be the difference in the food values of their diets. Even if we be wrong in our impressions, the raising of a false issue of food values and chemical values of different kinds of food cannot meet the objections raised by us.

#### *Clothing.*

438. "Although the clothing given to European prisoners is not very good it is not degrading. But a comparison of tables E and F will satisfy any unprejudiced mind, that that issued to Indians is wholly insufficient. We have already dealt with this question in a previous chapter. But the question remains why an educated Indian or a better class prisoner should be compelled to wear *jangias* all the year round and not a European who is more used to wear shorts outside the jail. Why should a European be provided with long-sleeved coats and an Indian with short-sleeved coats—why should a European be given two sheets and an Indian none? Is it contended that mosquitoes have no taste for Indian blood? But the greatest unfairness and injustice is done in the issue of blankets. A European prisoner sleeps inside his cell. During the winter months he is protected from cold winds, whilst the vast majority of Indian prisoners sleep in an Association Barrack which is open from all sides. Notwithstanding this a European prisoner gets three blankets and the other gets only two, one of which is always an old one. We need not pursue this matter any further.



*Cells and accommodation.*

439. "In this connection we refer to tables G and E. The only question we wish to put is why a pillow, a cot, and a mattress are necessities for a European and why they are not necessities for a better class Indian? A lamp for reading is given to every European prisoner but not to educated Indian prisoners.

440. "The only inference that can be drawn from the facts stated above is, that this differential treatment has for its basis considerations of race, creed and colour. Further we believe that if Europeans be treated in our jails in the way in which Indians are treated there will be such a tremendous agitation in Europe and elsewhere that the Government will be compelled to change its way.

441. "To meet these objections, sometimes a lame answer is given, and that is that the rules have empowered Jail Superintendents to issue extra articles or to change the prescribed diet on medical grounds and that Superintendents do so in some cases. It is not necessary for us to show that the reply is absolutely unsatisfactory, and does not meet the point at all. In order to strengthen our arguments further we refer to Jail Manual, 1927, Chapter X, page 54. This Chapter deals with the treatment of convicts declared by the Governor in Council to be Special Division convicts. Surely these men will belong to the highest class of Indian society.

Paragraph 253 lays down that the diet of a special convict shall be *the ordinary jail diet*, but may be supplemented at the convict's own expense by extra articles of food. . . Such extra diet shall be of a simple character and shall not include articles of luxury.

Paragraph 257 (a) lays down that beds should not be provided at Government expense except on medical grounds, but they shall be allowed to convicts prepared to supply them at their own expense, provided that the accommodation available admits of this concession, and that the Superintendent is satisfied that the concession will not be abused.

Paragraph 258 says that furniture of a reasonable character suited to the social position of the convict may be supplied at the *expense of the convict*. . . provided that the Superintendent is satisfied that the furniture will not be misused.

Paragraph 259 says that oil may be supplied by the jail authorities for a lamp provided by the convict himself.

From the above extracts it will be seen that even the highest in the land is treated in a different way from the European prisoners.

442. "Why not make the European prisoner pay for the extras he wants? If he is poor and is not in a position to pay for them, then it is obvious that he would be in a better position in jail than he was outside it. From this it should not be inferred that we are in favour of making poor prisoners pay inside the jail for certain amenities of life to which they may be entitled having regard to their education and status in life. But in order to choose out of two evils it is better to choose the lesser one and as a compromise we have accepted its application where we have dealt with *better class prisoners* guilty of offences involving moral turpitude.

443. The principle that there should be no special treatment, where the offence in itself involves moral turpitude or moral degradation, whatever be the motive or whatever be the previous circumstances of the criminal appears on the face of it to be sound. But after careful consideration we refuse to accept it. Will it be applied to the case of European convicts? If not, then we strongly object to its being applied to Indian prisoners alone.

Is a villager who commits theft to provide food for his starving family, an Indian treasurer of a bank who forges documents or fabricates false accounts, a respectable landholder who is guilty of an agrarian riot, a respectable and educated man who causes grievous hurt to the seducer of his wife or sister, or a man who gives false evidence to save the life of his friend or relation a greater moral leper compared to a European who forges books of account, or issues bogus cheques and thereby cheats a large number of firms, or a European Banker who floats bogus companies or issues fraudulent balance-sheets or a European who commits sodomy? If they are equally morally degraded then why should one get only *chapatis* and *dal* and the other get sugar, tea, butter, cutlets and potatoes?

So much for the European prisoners.

444. "The conclusions to which we have arrived at and the principles upon which we have acted in dealing with sub-heads (b) and (c) are briefly stated below :—

1. That about 75 per cent. of our jail population consists of labourers and agriculturists and that their diet clothing and accommodation is not satisfactory and should be improved according to our recommendations.

2. That Europeans and Eurasians be not deprived of the diet, clothing and accommodation allowed to them under the present rules provided Indians of equal status and equal criminality receive the same favoured treatment.
3. That conditions of society in India are such that differential treatment of better class prisoners is permissible.
4. That, having regard to differences in race, creed and habits, minor difference in the details of diet and clothing should be allowed.
5. That the standard of living to which a better class prisoner was used should be considered regarding his diet, clothes and accommodation because diminution below a certain point in the amenities of life granted to a person used to a better standard of living operates very harshly upon him.
6. That there should be an appreciable difference in the treatment of those who are guilty of an offence involving moral turpitude and those who are not guilty of an offence involving moral turpitude.
7. That those whose guilt does not involve moral degradation (both Europeans and Indians, political and non-political) should be centralized if possible at one place preferably Dehra-Dun.

(2) *Political Prisoners.*

445. "There is no doubt that the question of the treatment of what are known as "Indian political prisoners" has excited a considerable amount of controversy. It is maintained and urged with great vehemence that the treatment meted out to the Indian political prisoners is absolutely different from what is meted to such persons in England. We have not been referred to any law, rule or regulation in support of this contention. We have done our best to find out whether it is so but we have failed, and are driven to the conclusion that no such distinction is made between any criminals in England. Whatever distinction in treatment of prisoners exists in England has already been detailed in an earlier chapter of this report. The first question that we have to consider in this connection is, what is a political prisoner? It is very difficult to define these words in a way as to meet the views of all men. By the words "political prisoners" we mean persons who are

convicted of an offence under Chapter VI of the Indian Penal Code, under section 153A of the Indian Penal Code; and also those who are convicted of disobeying any order promulgated by lawful authority on conscientious and political grounds. No doubt this definition is not exhaustive, and may include such persons who commit other offences with which political ideas have actual connection. We are in general (though not complete) agreement with the views expressed in paragraph 132 of the report of the 1919 Committee which is quoted verbatim in Sir Louis' note.\* In our opinion no Government whether autocratic or democratic, whether foreign or national can afford to encourage political crime. As regards the question of motive involved in the commission of a crime, we are of opinion that at least in 95 per cent. of cases the trial Court comes to a definite conclusion about the motive which actuated the prisoner to commit the offence with which he is charged, and the finding determines the nature of the offence i.e. whether it is political or not—independent of the defence put forward by the accused. Those who claim special treatment for political offenders claim it on the general ground that their guilt does not involve any moral turpitude, and that the criminal act is sufficiently punished by deprivation of liberty. They further contend that the end and aim of strict prison discipline is the reform of the prisoner and therefore should not be vindictive, that though a political prisoner be a criminal in the eye of the law, no moral blame attaches to him in the opinion of the public, and that no political movement has ever been crushed by harsh treatment of political offenders.

446. "For the purposes of the note it is not necessary for us to discuss the points raised, because we are not prepared to agree to the general proposition that no moral degradation is involved in the commission of any alleged political offence. Whether it is so or not depends on the actual circumstances of each case. We shall explain our meaning by an illustration. Suppose a band of revolutionaries goes to the house of an inoffensive *mahajan* to loot his house for providing funds for revolutionary propaganda. This innocent victim of dacoity seeing that his wife is tortured to disclose the whereabouts of the buried cash, raises a hue and cry whereupon his neighbours come to his help. The dacoits inflict grievous injuries on them and escape with the looted property. A constable on duty pursues them and is shot down. Can it be seriously maintained that the crime of these dacoits does not involve any moral turpitude? Would any Government treat them with leniency simply because the funds obtained by loot were intended to be spent on revolutionary activities. It is true that in history we find instances of

heinous crimes being committed by revolutionaries who when successful were honoured as patriots, but it should be remembered that when the attempt failed they paid the full penalty without murmur or complaint.

447. "As we are going to recommend that all those offenders whose offence does not involve moral turpitude and whose social status and mode of living is different from the rest of our jail population should receive special treatment and as we believe a majority of political prisoners as defined by us will be covered by our general recommendations, it is not necessary for us to make any recommendations in favour of political prisoners as such. In our opinion they will come under the heading of better class prisoners with whom we are dealing in the following paragraph.

(3) *Better class prisoners.*

448. "These will include educated middle class men and men of better social status who are used to better mode of living whether Indian or European. These can be conveniently divided into two groups: (1) Those whose guilt involves moral turpitude and degradation and (2) those whose guilt does not involve moral turpitude or degradation. We were obliged to divide them into the above two groups because of the fact that European and Eurasian prisoners in our opinion receive preferential treatment on the ground of their race, creed and colour and which in our opinion is not justified. After careful consideration we are prepared to recommend preferential treatment, to both the groups with some difference. We are conscious of the fact that at first sight it appears unfair and unjust to make a distinction between a poor criminal and a rich criminal. We are also aware that in this respect we are departing from practice followed in England. But we are doing so for very good and sufficient reasons. We believe that in England there is not such a wide gulf between the standard of living of a private soldier or artisan or manual labourer as there is between the standard of living of an ordinary cultivator and a member of the better classes. This may be highly deplorable but we are not at present concerned with that question. Most of our jail population are poor agriculturists and labourers. At least 50 per cent. of them are better clothed in jails and have the certainty of getting two meals per day. If a prisoner used to a better standard of living is compelled to take the *chapatis* and *dal* provided by jails he is practically punished twice over by the issue of this penal diet to him. By working on drawing water, flour mills and oil mills instead of being reformed he feels degraded and loses his self-respect. He feels very keenly the deprivation of ordinary amenities of life and the deprivation of facilities for reading and writing.

449. "We have recommended certain improvements in the diet, clothing etc., etc., of an ordinary prisoner. With those improvements we recommend the same treatment to our first group of prisoners with this proviso that if they want a cot, bedding, shoes, sheets, *ghi*, sugar and milk, etc., they should pay for them. For European and Eurasian prisoners of this group we recommend bread, butter, rice, *dal*, vegetables and potatoes as food to be supplied by Government. But if they want sugar, tea, meat and milk, etc., they must pay for it. Similarly they must pay for pillows, sheets, cots, etc. etc. Both Indians and Europeans of this group should be treated alike. There will naturally be difference in their food and dress. If an Indian prisoner of this group is used to the English mode of living he should be treated exactly like his fellow European prisoner. No punishment should be awarded to an Indian prisoner of this group and no hard labour should be taken from him which is not awarded to or taken from a European of this group. We have not dealt here with every detail of prison life but we have clearly indicated what we mean what we recommended.

450. "Now remains the second group, that is, those whose guilt does not involve moral degradation. They should be centralized at one place—preferably Dehra Dun if sufficient accommodation is provided. This group would consist of both Europeans and Indians, politicals and non-politicals whose guilt does not involve moral turpitude. We entirely agree with the recommendations of the Chairman regarding the treatment of these prisoners and therefore it is not necessary to repeat them here. The Government will have to bear all their expenses. We leave the classification of better class prisoners into group no. 1, or group no. 2 in the hands of the trial Court."

*Note by the Chairman.*

451. "I have had the advantage of reading the note of Pandit Jagat Narain and Hafiz Hidayat Husain. I am impressed with the ability with which the case is stated by them. I am in accord with some of the conclusions at which they have arrived, and I consider that there should be differentiation of treatment in the case of certain Indian convicts, whose former manner of life has been such as to render jail conditions peculiarly unpleasant to them. But the remedy which I wish to see applied is not the remedy which the other Members would apply.

452. "They are ready to leave the treatment of European and Anglo-Indian convicts as it is at present, provided that certain concessions are made to certain classes of Indian convicts. They would, however, give exactly the same treatment to European and Anglo-Indian

convicts as is given to Indian convicts, if those concessions are not made. I am not in favour of treating European convicts in the same manner as the ordinary Indian convict is treated in any circumstances. I am strongly opposed to any European convict being given Indian clothes, and the diet of *chapātis*, *dal* and vegetables which forms the diet of the ordinary Indian convict. I do not base my views upon any racial distinction. I have always held the view that an offence committed by a European is in no way palliated by the fact that he is a European. I consider that the offence is aggravated by that fact. I have always held the view that the punishments to be inflicted upon Europeans, who commit offences should be no less than the punishments inflicted upon Indians who commit the same offences, and I defend the differential treatment of Europeans not because they are Europeans but on what I believe to be the fact that their health would suffer unfairly if this differentiation of treatment were not made.

453. "In paragraph 421 a quotation is given from me. I have looked up my former note. This is what I actually said. The words are not exactly those in the quotation in paragraph 421 :—

"The European prisoner in the United Provinces does not wear the clothes or eat the diet of an Indian prisoner. He performs the same work. The differentiation in treatment of the European prisoner is justified and rightly justified by the fact that the diet of an Indian prisoner would disagree with his health. But it cannot be said that the diet of a European prisoner is just sufficient to keep him in health. It is a little better than that and the improvement can only be excused on the ground that a reduction below a certain point would operate too harshly on him."

454. "In considering the question of diet the principles laid down by the Departmental Committee on prison dietaries which met in London in 1899 afford a guide. The scale of prison dietaries should be sufficient for the maintenance of health and strength at the same time avoiding any tendency to luxury. These principles are observed in England. The diets in the English prisons are given in paragraphs 24 and 25 of the Report. A comparison can be made with the diets given for European Prisoners in India in paragraphs 424—426. It will be seen that the diets in England are considerably better than the diets given to European Prisoners in the jails in this province. But the diet is not as good as the diet of a private soldier in the Army. This will be seen from a weekly diet sheet of a private soldier in a British Regiment stationed in this province which is as follows :—

455.—Weekly Diet Sheet during the week ending 12th January, 1929.

Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Re
Porridge, Tea*, Bread Fried Bacon, Eggs, Mashed Potatoes.	Tea*, Biscuits, Porridge, Tea*, Bread, Crumbed Steak, Mashed Potatoes.	Tea*, Biscuits, Porridge. Tea*, Bread, Corned Beef, Cut- lets, Mashed Po- tatoes.	Tea*, Biscuits, Tea*, Bread, Fried Steak, Mashed Potatoes.	Porridge, *Tea, Bread, Three Boiled Eggs, and Butter.	Tea* Biscuits, Tea*, Bread, Battered Steak, Mashed Potatoes.	Tea*, Biscuits, Porridge, Tea*, Bread, Liver and Onions.	
Mutton Stew, Vegetable, Jam Tart.	Roast Meat, Roast Po- tatoes, Vegetables, Rice Pudd- ing.	Plain and Curry Stew and Dump- lings, Sago Pudding.	Roast Meat, Potatoes, Vegetables. Sultana Roll and Custard.	Brown Curry Stew and Rice.	Boiled Meat and Pota- toes, Vegeta- bles, Fig Roll, White sauce.	Stewed Steak Boiled with Potatoes, Vegetables, Sago Pudd- ing.	Su
Tea*, Bread, Butter and Salad.	Tea*, Bread and Drip- ping.	Tea*, Bread, Butter and Fritters.	Tea*, Bread, Butter and Jam.	Tea*, Bread and Butter.	Tea*, Bread and Butter.	Tea* Bread and Drip- ping.	

\*Tea includes milk and sugar.



456. "It is true that the soldier pays three annas a day out of his pay towards this diet. But I am not considering the question of payment. I am considering the diet. As far as quality is concerned it is clear that the food of a European convict is not of as good quality as the food of a private in a British Regiment in India. This standard is followed in the case of an Indian convict also. His food is not quite as good as the food of an Indian soldier. This will be seen from the following daily scale of rations for Indian Troops and followers which I have obtained from the Military authorities:—

457.	<i>Indian Troops.</i>		...	<i>Followers.</i>	
Ata ..	1½ lb.	..	..	1½ lb.	
Rice ..	1½ lb.	..	..	1½ lb.	
Dal ..	3 oz.	..	..	3 oz.	
Salt ..	½ oz.	..	..	2/3 oz.	
Potatoes ..	2 oz.	..	..	..	
Ghee ..	2 oz.	..	..	1 oz	
Firewood ..	3 lb.	..	..	..	
Sugar ..	1½ oz.	..	..	..	

458. "In my opinion the difference in standards of food of a British soldier and a European convict is somewhat more than the difference in standards of an Indian soldier and an Indian convict. I am not disposed to contrast the treatment between the European convict and an Indian convict altogether on the weight of the diet, and in considering this weight it should be remembered that the weight of meat issued includes bone. Six chittaks of meat contains on an average about three chittaks of bone. Further the milk issue can hardly be determined by the weight. Five and a half chittaks of milk are a liquid measure equivalent to little over half a pint. The milk and sugar are given in the tea. If allowance is made for the bone and the milk is eliminated the total weight of ordinary food-stuffs will be reduced to 20½ chittaks as against 19 2/5 chittaks issued to an Indian convict. The potato issue is not very nourishing. In my opinion, if a European convict were put on the ordinary Indian diet, his health would suffer considerably. The question of digestion enters here. A European is not usually able to digest the food eaten by an Indian. An Indian is equally not able usually to digest the food eaten by a European. This fact is recognised in England where Oriental convicts are given a different diet from that given to English convicts.

459. "On the question of general treatment of the European convicts in the matter of cells, blankets and sleeping arrangements I quote from my previous note—

"As to their accommodation they sleep on cots and have pillows. They have sheets, they have a small table and a stool, and

their conservancy arrangements are the conservancy arrangements usual to the European. But the furniture is of the roughest, and the appointments of the European prisoners would be considered poor and unsatisfactory by the lowest-paid Anglo-Indian fitter in a Railway workshop. Their cells are no better than the cells supplied to Indian prisoners with the exception that each cell has a sanitary annexe which is obligatory in the case of persons employing European sanitary methods. For bathing they are given a large earthen *nand*. Their bathing is no more comfortable than the bathing of Indian prisoners. They receive no hot water. Their clothes are of the roughest."

460. "I have again considered the accommodation given to European convicts, and I am of opinion that this is a correct description. I had not, however, observed when I wrote my first note that European convicts receive three blankets while Indian convicts receive only two. There is no justification for this distinction. If three blankets are considered necessary for a European convict three blankets should be issued to an Indian convict. As to the provision of light to European convicts, I propose to extend the provision of light to all convicts.

461. "The question is complicated by the fact that many of the so-called European convicts are Anglo-Indians, whose standard of living outside the prison is lower than that of the lowest-paid fitter in the Railway workshop. Their classification, however, cannot be altered by the Jail Department. Sometimes classification as a European is ludicrous. I was told of a case in which an African negro who was convicted in this Province was classified as a European because he claimed to be an American subject. I certainly do not consider that such a person should be allowed amenities greater than those given to an Indian convict. But in deciding the question we have to look at the cases of pure Europeans and Anglo-Indians who adopt European methods of living.

462. "In determining whether special treatment should be given to a convict because his standard of living outside the jail is higher than that of an ordinary criminal, I am naturally disinclined to depart from the principles applied in England. Again I quote from my former note—

"In England there is no distinction made between any criminals. A proprietor of a newspaper, a banker, a stock broker, a doctor or a solicitor, even although he may have been

used to luxurious surroundings in his ordinary life, even although he may be a man whose income at one time was as much as five thousand pounds a year or more, is when convicted by a Criminal Court clothed, fed, and treated in exactly the same manner as a dock labourer would be."

I am however ready to accept some concessions in this matter. As I said in my previous note: "But this much can be said to justify a differentiation in treatment in India. The English treatment provides a diet and clothing somewhat worse than the diet and clothing of a private soldier. There is not in England such a wide gulf between the standard of living of a private soldier in the Army and a member of a London Club, as there is between the standard of living of an ordinary cultivator in India and a member of the upper classes."

463 "For this reason I am ready to support a differential treatment. But I support it only in certain cases, or under certain conditions. I am strongly opposed to a differential treatment of a man who has committed a crime involving moral turpitude because he belongs to the upper classes and would give it only upon a consideration of his health. As I said in my previous note, "Where a member of the upper classes has committed a crime which in itself has degraded him to lower than the level of a working man there should be no differentiation." But where the crime is not of that character I am ready to accept a certain differentiation based upon habits of living which will be determined on the nature of the crime and the previous habits of the criminal. When I find, as I have found, men belonging to higher society in India who have taken part in gang robberies, and while taking part in such robberies have associated with professional criminals and members of registered criminal tribes, have spent the night in the jungle in their company, and have eaten together with them, I fail to understand how such persons can claim differential treatment on the ground of their social position except for reasons of health. Not only have they forfeited their social position: they have accepted the standard of living of the lowest while the crimes were being committed. They cannot with any reason complain if they are made to adopt the same standard when they are suffering punishment for the crime. But where the crime in itself does not involve moral turpitude I am ready to accept a differentiation of treatment and the manner in which I consider this differentiation should be made is as follows.

464. "I consider that a special jail should be constructed in Dehra Dun for the reception of—

- (1) European and Anglo-Indian male convicts either habitual or non-habitual,

- (2) European female convicts either habitual or non-habitual,
- (3) Indian convicts who have adopted the European mode of living who have committed offences not involving moral turpitude,
- (4) Indian convicts of a superior class who have committed offences not involving moral turpitude.

465. "I propose Dehra Dun for the purpose as it possesses a suitable climate for Europeans and Anglo-Indians. This climate is appreciated by Indians. Dehra Dun has a sufficient water supply, and committed a crime involving moral turpitude because he belongs to the whether the present jail could be enlarged and adapted for the purpose. I consider that it is inadvisable to enlarge and adapt the present jail as an adaptation will involve a complete destruction of the present buildings, and as the site has disadvantages. But it will be easy to construct a new jail on a different site just outside the town, where all the conveniences required can be supplied. I should construct here a block of 20 cells with an exercise yard for European male habituals and a block of 20 cells with a separate yard for European male non-habituals, a block of 10 cells for European female convicts with a separate yard which would house both habituals and non-habituals and five blocks of 40 cells each with a capacity for extension for Indians convicted of offences not involving moral turpitude who either live after the European fashion or who are of a superior class. This prison should be self-contained. Water would be laid on and there would be no wells to work. Flour would be purchased and there would be no flour mills except for European prisoners on hard labour, and for all prisoners as a punishment when deserved. The latrine should be water flushed with separate arrangements for those who use European sanitary methods and those who use the Indian sanitary methods.

466. "The ordinary occupations that I suggest here are mat making, durrie making with the fly shuttle loom, tailoring, book binding and gardening. In event of excessive heat the cells can be cooled by Sirocco fans. Both Europeans and Indians would obtain the same privileges here. I have consulted the Members as to this plan and here we are all in agreement. This has been stated in their previous note. It is true that in this jail it would be necessary to confine both habitual and non-habitual European convicts. This is a defect, but it is an unavoidable defect and is met to some extent by the provision of separate yards for habitual and non-habitual European male convicts. The reason why I propose to keep both classes in the same prison is this. There are so very few European and Anglo-Indian convicts in the province. At

the time of our visits there were only seven European male convicts in the Allahabad Central Prison and two in the Lucknow Central Prison. There was one European male undertrial in Lucknow and one in Benares. There were thus only nine European convicts out of a jail population of over thirty thousand. There were two European female convicts in Lucknow. There were no others. In these circumstances the retention of habituals and non-habituals in the same prison seems justified. The concentration proposed would remove many difficulties at present existent. In my opinion the accommodation for European female convicts in Lucknow is most unsatisfactory and most inadequate. There is no privacy and there is hardly decency. They should certainly be moved from Lucknow and the best place for them will be Dehra Dun. There could then be one kitchen for Europeans, Anglo-Indians, and Indians living after European fashion and another kitchen for Indians living after Indian fashion.

467. "The amount payable for diets for Europeans and Indians should be exactly the same. It should be the amount at present sanctioned for European convicts, ten annas a day. I found that in the Punjab more than that was allowed, but I consider that ten annas a day is sufficient. Indian convicts living after Indian fashion would also be allowed ten annas a day and their food could be according to their wants up to that amount. In this prison the convicts will do their own cooking, will clean up their cells, as European convicts already clean up their cells, and will do practically everything for themselves. As the latrines will be water flushed, both for Europeans and Indians, there will be very little sweeper's work and not more than two sweepers will be required for such work as is necessary. These two sweepers alone would be brought from other prisons.

468. "As far as labour is concerned the European convicts should be made to do exactly the same tasks as the Indian convicts and in some cases should do harder tasks. A European when stronger should have to work harder. I find that European convicts were formerly employed on flour mills as an ordinary form of labour. This form of labour was discontinued in October last year. I see no reason why it should have been discontinued. I do not propose any amelioration in the conditions for European convicts except such as will be allowed to Indian convicts. In the case of long-sentenced men the progressive system would operate.

469. "There is another point however on which I cannot agree with the other Members. They would leave the classification of the Indian convicts, confined in the Dehra Dun jail to the Courts. According to

my view, the Courts should suggest, but no Indian convict should be sent to Dehra Dun until his case has been considered by the Local Government and his case has been accepted by them as justifying differential treatment. The other Members' views and mine differ as to the number of persons likely to be affected. I believe that there are very few, and that is the reason why I consider that a jail of the accommodation suggested will be sufficient to accommodate all the persons who ought to be sent there. If the number is very few, there will be no difficulty in Government considering each individual case.

470. "There is one more alteration which I would suggest. There are occasionally amongst the European prisoners in this province British soldiers in the regular Army, who have been convicted by the ordinary criminal courts of offences against the ordinary law. At the time of our visits there was only one such man in the jails. The numbers are never very great. They are never likely to be more than four or five in this province. It may be estimated that there are never likely to be more than twenty or thirty at the outside in the whole of India. I consider that it is undesirable that British soldiers should be confined in the ordinary jails. I wish to make no special concession of any kind to British soldiers who have been convicted of offences against the law, but I consider that the ordinary Central Prison where they are at present confined is an unsuitable place for their reception. It is to be remembered that at the end of their sentences they are repatriated to England being discharged from the Army and the object of their detention should be as far as possible to reform them and to give them an opportunity of leading an honest life when they leave India. In the Central Prisons it is difficult to discipline them, teach them anything useful, or reform them.

471. "Three days before the Committee met I visited the Military Detention Barracks and Military Prison at Lucknow. As a result of a remarkable improvement in the conduct of the troops in recent years many of the Military Prisons and Detention Barracks in India have been closed. The Lucknow Institution is one of the largest that remains. It contained at the time of my visit fifty-four inmates, and had accommodation for double that number. Fifteen of the inmates had been sentenced to be discharged from the Army at the expiration of their sentences. Amongst them were men who had committed offences which were punishable both by the ordinary criminal law and military law—such as burglary. The arrangements in the Lucknow Prison are admirable. I have seen nowhere in our jails such a system. It makes effectively for reformation and improvement of character. The arrangements reflect very great credit on Colonel J. Carysfort Loch, Director

of Military Prisons and Detention Barracks, and the excellent staff working there. In my opinion it will be of advantage in every way if in future British soldiers convicted by the criminal courts in this province are sent to the Lucknow Institution. It will be better for them, and it will be better for the jail administration in this province. Colonel Loch told me that such a proposal had been made in the past, but that effect had not been given to it owing to difficulties as to adjustment of the cost of passages to England and the like. These difficulties, however, can be easily removed. It can be settled which Department is responsible for meeting such expenses. In the interests of the men themselves I have no doubt as to the benefit to be gained if our suggestion is adopted.

*Indian Prisoners of Higher Classes who have been convicted of offences involving moral turpitude.*

472. "Provision must be made for the differential treatment of some of these persons. Obviously on any method of classification they cannot be sent to the Dehra Dun Jail which is reserved in the case of Indians for men of what is known in England as the Star Class. I have accepted as an unavoidable necessity the confinement in Dehra Dun of European prisoners who are habituals, but the number of convicts of the higher classes who have committed offences involving moral turpitude is such that unless that jail is considerably extended it may not be possible to accommodate them there and in any circumstances there seems no reason to make any further concession on this point. Government, however, can consider the advisability of making a larger jail at Dehra Dun to accommodate them. Here I am strongly of opinion that preferential treatment should only be justified for reasons of health, and I am not in favour of meeting the difficulty in the way the other Members desire by permitting such men to pay for their own amenities. If they require amenities on the ground of health they should get them for nothing, and if they do not require them on the ground of health, they should not get them at all.

473. "I have however seen cases where the present rules operate hardly. There are some old men of the higher classes who have committed offences involving moral turpitude in our prisons. There can be no doubt that some are suffering unduly as a result of their treatment as ordinary convicts. But the present rules appear to me to cover their cases if they are somewhat extended and applied properly. Paragraph 438 of the Jail Manual if extended should cover the case. It

reads, "In any case in which the Superintendent considers the prescribed diet to be physiologically unsuitable for consumption by a prisoner having regard to the dietary to which he is accustomed, he may recommend in writing that a special diet shall be given. Such special diets shall require the sanction of the Inspector-General". If this rule is applied convicts of this class would be placed on a special diet. Something more than a special diet is, however, necessary. To some such men, sleeping on the present sleeping berths must be prejudicial to their health. If the result is that they cannot sleep they should be given a bed. The decision should be given by a medical man. The other Members consider that this discretion should not be left with safety to the Superintendents. I consider that this can be left safely to the Superintendents. One difficulty felt in the past was the want of accommodation for such convicts in most of the prisons. Such a man should of course be given a separate cell. He should be given a special bed if he requires one and suitable bedding. Our proposal to make cells everywhere however meets the difficulty as to accommodation. The necessity of examining these cases carefully should be impressed on Superintendents.

#### *Political Prisoners.*

474. "My views are in the main the views of the other Members and I confine myself to giving a quotation from the report of the Committee of 1919 to which the other Members have referred. It is in paragraph 132 of their report."

475. "A somewhat similar proposal to that considered in the last paragraph was brought forward by several witnesses. This was to the effect that special treatment, which would extend to labour, diet, clothing and accommodation, should be given to all political offenders, who should, it was proposed, be included in a special division. It seemed to be thought that as persons who commit certain political offences, such as those punishable under section 124A or 153A of the Indian Penal Code are generally not inspired by the same motives as those which actuate ordinary criminals, therefore all persons who commit offences from political motives are deserving of special consideration and leniency. While it is easy to see the sentiment which underlies this proposal, there appear to us to be many great and serious objections to its acceptance. In the first place we think that the suggestion that the law should expressly recognize motive, whether political or otherwise, as an ingredient in crime is a step very much to be deprecated. It is no doubt true that every court, in estimating the degree of guilt



and the need for punishment, does take motive into account; but that is done with reference to the special circumstances of each individual case. It would be a very different thing to lay down by legislative or executive enactment that a particular motive, for example, a political motive, should always differentiate a crime and mark it out for more lenient treatment. Such a declaration would, it seems to us, be tantamount to an encouragement to crime of that description. A further objection to the proposal is the extreme difficulty of ascertaining true motive and the extreme ease with which political motive can be alleged as an excuse for ordinary crime. Experience has proved that everywhere crime may have an underlying political object, private revenge or greed is far from being always absent. Mixed motives occur in this, as in many other matters, and it would be very dangerous to furnish a criminal with the ready-made excuse that he committed his offence from a political motive. Lastly, it is quite impossible from the point of view of the public safety to accept the view that because a theft, a dacoity or a murder is committed from political motives or in the furtherance of a political movement, such crimes become less heinous or less deserving of condign punishment. Crime remains crime, whatever the motive of the criminal may be. The loss to the community through the destruction of life or the dishonest seizure of property is none the less because the criminal intends to use the property for the purpose of a political propaganda, or because the person murdered was opposed to the political party to which the murderer belongs. On this subject Garofalo in his "Criminology" (1914) has some apposite remarks:—"In political crimes," he says, 'such as attacks upon the life of the head of the State or other public officers, the use of bombs and dynamite to further revolutionary propaganda and similar acts of violence, it is of little moment what the political object may be, if the sentiment of humanity is wounded. Has there been killing or an attempt to kill, not in the course of war, or in the exercise of lawful self-defence? If so, the author, by that fact alone, is a criminal. . . . In such cases the crime exists independently of the passion which has provoked it. It exists because of the wilful intent to destroy human lives.' We feel sure that the persons who put forward this proposal had not considered with sufficient care the implications it contains and the dangerous consequences to which it might lead."

## CHAPTER XIII.

## JUVENILE AND ADOLESCENT DELINQUENTS.

476. The present rules as to treatment of children, youths, and adolescents, who have been sentenced to imprisonment in the United Provinces, provide for the retention of those under sixteen sentenced to terms of imprisonment of less than one month in the District Jails in the districts where they are sentenced, Convicts under sixteen sentenced to terms of imprisonment of more than one month are retained in the Central Prisons. Under special provision made for certain boys and certain adolescents, a limited number of non-habituals of these classes are detained in the Bareilly Juvenile Jail.

477. This jail has been in existence for some years. The buildings are not well adapted for the purposes desired. It was formerly a reformatory, and the buildings were constructed at a time when the question of reforming young criminals had not received the attention which it has since attracted. When this reformatory was constructed, the buildings were crowded together. There is a want of open spaces and the lay-out is defective in many ways. There is one excellent feature, however, about the jail. All the inmates are separated in cells at night. There are six blocks of cells. Four of the blocks are good and require little improvement. In the remaining two the cells are not good. They are too small being only eight feet by six feet. They are placed back to back with no through ventilation. It is, however, remarkable that, in spite of the fact that one-third of the cells are cramped and badly ventilated, the health of the inmates is good. This fact is sufficient to dispel the impression, that separation by night in this province is deleterious to health. The cold in Bareilly in the cold weather is above the average of the province, and the heat in Bareilly in the hot weather is also above the average. Nevertheless the health is good.

478. The treatment of the inmates is not in any sense the treatment adopted in English Borstal Institutions. The inmates are treated as ordinary convicts are treated, with the exceptions that they are all educated, that they all are exercised daily in physical drill, and that they receive moral instruction. The training is vocational. The inmates are employed on carpentry, smith's work, leather work (particularly shoe-making) weaving, type-setting and the making of *durries* and cotton carpets. Little has been done to introduce a monitorial system. An attempt has been made to introduce a progressive system. There is a Star Class, which is open to inmates who are sentenced to

terms of two years and over. In the first stage—this can be reached after good behaviour for three months—the inmates receive an extra remission of one day a month, and are given a badge to wear on their caps. In the second stage they obtain an extra remission of two days a month, and are allowed a better pattern of clothes with long trousers and long sleeves to the coat. They wear a brass star on the breast and a brass star on the cap. They receive two suits of clothes and they are allowed a lamp for some hours at night for reading, and obtain an extra remission of two days a month. In the third stage (the special Star Class) the inmates wear a uniform of the same pattern but coloured yellow. The star worn is on the shoulder, and they have the privilege of a special extra remission of four days a month. Ten out of the whole number selected from the special Star Class are allowed to wear shoes, and obtain an extra remission of eight days a month. Those in the second and third stages receive in addition a piece of soap.

479. Special attention is paid to moral instruction. The moral instruction is given almost entirely on the lines laid down by Rai Bahadur Mithan Lal, who was the first Jailer in charge of the Bareilly Juvenile Jail. Placards are placed all over the jail, on which are written moral precepts, and a series of recitations have been prepared, which the inmates commit to memory. In these principles of good conduct are inculcated.

480. An attempt has been made to provide for the care of the inmates after release. There is a Committee of gentlemen in Bareilly who have undertaken the duties of looking after young men released from the Institution finding them employment, and supervising their conduct. Among the members of this Committee, who are doing particularly useful work, we wish to mention the names of Rai Bahadur Lala Sheo Prasad and Mr. Akhtar Husain. The efforts of the members of this Committee however are necessarily confined to those ex-inmates who remain in Bareilly City. They can do nothing for the others. Attempts have been made to form Committees in the districts to which other inmates have gone, but unfortunately very little interest has been taken in these outside Committees, and they have done little or nothing in most places. We urge the necessity of stimulating interest in the movement in other districts.

481. The results of the treatment in the Bareilly Juvenile Jail are reasonably encouraging. An inquiry was made into the subsequent behaviour of 476 inmates who were released in 1924 and 1925. Twenty-six per cent. could not be traced, six per cent. had relapsed into crime, and two per cent. had died. Of the remainder five-sixths had returned

to the land or agricultural labour, and one-sixth were in domestic service or trade, or vocations. It is of interest to note that only one out of a hundred of these released was found engaged in the trade which he had been taught in the jail. This fact indicates that vocational training is more useful as an education than as affording a means of livelihood.

482. The system employed in the Bareilly Juvenile Jail has little resemblance to the system in the Borstal Institution as known in England. A nearer approximation is the Lahore Borstal Institution which was visited on the 21st February, 1929: This is a much larger institution than the Bareilly Juvenile Jail and contained on the day of our visit 1,355 inmates, more than five times the number of inmates for whom the Bareilly Juvenile Jail can provide accommodation. The Borstal Institute at Lahore is not a jail. The inmates are not convicts, as they are in the Bareilly Juvenile Jail. They are detained under the provisions of the Punjab Borstal Act. The arrangements approximate to the English arrangements, but they are not the same.

483. The inmates are divided into companies. Each company is about 250 strong, and is under a leader—a jail official of the standing of a Deputy Jailer in the United Provinces. There are five section commanders who are inmates. Each section is divided into two groups. There are group leaders for each group. Here we have an approximation to the monitorial system with an opportunity of rising to monitorial rank to 15 out of 250—that is to six per cent. There are three grades besides the ordinary grade. These are open only to those who are sentenced to less than three years. The limitation is based on the principle that sufficient time cannot be given to qualify for these grades in the case of those sentenced to shorter sentences. In order to get into the first grade, which is known as the special grade, the inmate must have completed at least one half of his sentence and proved his fitness by his character. He must have passed in drill, and studied up to the second class in education, and become a good worker at a trade, but not necessarily skilled. The next grade is the Star grade. When an inmate in the special grade has passed at least six months in the special grade, can drill a company of fifty boys, has studied up to the third primary class in education, and has become sufficiently skilled in a trade to be able to work independently, he can be promoted into the Star grade. The final grade is the monitorial grade. When an inmate has passed half of his sentence and can take charge of 200 boys for instruction in drill, has studied up to the fourth primary class in education, can write letters, is an expert in a trade and can

impart elementary instruction to other inmates, he is eligible for promotion to the monitor grade.

484. The daily life of an inmate in the Institution is as follows :-- He leaves his cell or barrack at 6-45 a.m. and his first half-hour is spent at morning prayer according to his religion. Then there is half an hour's physical drill. The next three-quarters of an hour are occupied by the morning meal. From 9 a.m. to 5 p.m. there is work in the factory for five and a half hours, an hour and a half in school, and an hour's rest. Games are played between 5 p.m. and 6 p.m. The evening meal follows from 6 p.m. to 6-30 p.m. There is then half an hour for evening prayer, and the inmate returns to his cell or barrack at 7 p.m. The chief industries taught are carpentry, smith's work, printing, tailoring, tent-making, weaving, dyeing, painting, cane-work, leather-work, *chick*-making, and *durrie*-weaving. There is also instruction for some in agriculture on a plot of land adjacent to the jail. The inmates who have obtained admission into the first grade, the Star grade and the monitor grade are granted distinctions in dress, and are granted increased remissions. There is in addition a penal grade, to which an inmate can be reduced for bad behaviour. In this they wear rough clothing, and do special hard work. Great attention is paid to games. Three special features deserve notice. Two bands have been formed one for brass instruments, and the other for bagpipes. There is instruction in ambulance-training. Some of the younger inmates are enrolled and trained as Boy Scouts. At the time of our visit the band played, and we saw physical drill and ambulance drill. A high standard has already been obtained in all these activities.

485. The vocational training has been very successful. The work turned both in wood and metal is really good, and some of the articles produced are of a high standard. In the opinion of Major Briggs, I.M.S., who has been in charge of the Institution for some years, the vocations most likely to be followed in the after lives of the inmates are printing, carpentry, metal, and leather-work. He considers that there is no great difficulty in an inmate of the Borstal Institute earning good wages as a printer as a result of what he has learnt in the Institution. He is also reasonably satisfied with the prospects of those who have learnt carpentry. Inmates who have been working on metal are reasonably skilled but are not likely to do as well as the carpenters. The work in leather is being given to Chamars. They have certainly learnt enough to make a living out of it. Some of the boots produced, particularly the foot-ball boots, are of a good quality, and some of the suit cases and bags can stand comparison with similar articles manufactured in the local market. It is to be remembered that the standard of leather

work in Lahore is high. Major Briggs considers that those who have been instructed in painting should have no difficulty in getting employment as painters after their release.

486. We consider that the Borstal Institution at Lahore should be taken as the pattern on which the Institutions in the United Provinces should be based. But before the Institutions in the United Provinces function satisfactorily, it will be necessary to pass a Borstal Act which can be based in the main on the Punjab Borstal Act. Any alterations and additions considered necessary, can be made by the Legislature.

487. There are, however, certain modifications which will be required, if the treatment of boys and adolescents in the United Provinces is to be as successful as it should be. Both in the Punjab and the United Provinces only non-habituals are received in the Institutions. The Punjab is making arrangements for the reception of habituals, who will be divided completely from the non-habituals. The treatment of old offenders below a certain age should be undertaken on Borstal lines in the United Provinces also. We have already noted that the Borstal Institutions in England are intended for the reception of old offenders.

488. The actual Borstal system as it exists in England is not in the opinion of the Committee one that can be adopted in the United Provinces without considerable modifications. In fact the system in India must necessarily be a different system. The division in the Borstal Institutions in England into houses with house masters and a real monitorial system and a liberty which can be compared with the liberty, which is enjoyed by the inmates of an English public school, cannot be followed in India. As far as we can see, there will be nothing gained in endeavouring to go beyond the system introduced in Lahore. This is certainly the case at present. It will take time to introduce the Lahore system into the United Provinces. When that system has been introduced, and has been in existence for some years it will be time to see whether it can be further amplified.

489. We now come to our proposals for the United Provinces. There is one serious defect at present in the Bareilly Institution. The inmates are kept together irrespective of age. It is unfortunately necessary not only to sentence certain children to imprisonment but occasionally to sentence them to long terms. This will be seen from the instance of one child who is in the Bareilly Juvenile Jail. He is a Pasi belonging to a registered criminal tribe. With another little Pasi boy and a little Pasi girl belonging to the same tribe he murdered a little girl in order to obtain her ornaments. The ornaments were sold, and the proceeds were shared amongst the three child murderers. When the murder was committed, he was not more than ten years old. Now it is obvious that a case like this requires a treatment which must extend for years. The child was sentenced to Transportation for Life,

that being the minimum sentence that the Law allowed, and has been sent to the Bareilly Juvenile Jail, where we saw him. He seems an exceptionally intelligent boy, and, as far as we could gather, is being rapidly reformed, but it would be much better if he were separated and placed with other boys of his own age. In the Borstal Institute at Lahore there is separation. Boys under sixteen are kept separate from those older, and there is a third border line class who are separated from the other two. This is as it should be. No steps have been taken at Bareilly in this direction. It is largely owing to the defects in the buildings that proper arrangements have not been made. We postulate in the first instance that inmates between sixteen and twenty-one should be separated from those under sixteen. It is not a question of corruption, but of variation of treatment. As a result of the adoption of complete separation by night in the Bareilly Juvenile Jail, immorality amongst the inmates is practically unknown and there is little corruption in other ways. But it is obviously undesirable that young men of twenty-one, who are mentally and physically developed, should be kept in close association with little boys of eleven and twelve. Such association would not be permitted in any school and it should not be permitted in an Institution of this kind.

490. We here note that we are not in favour of raising the age for admission to these Institutions to more than twenty-one. The Indian of twenty-one is more advanced physically and is nearer to intellectual maturity than the European of that age. As a result of experience special treatment is confined in England to young men of not more than twenty-one. No inmate should be retained in a Borstal Institution after he has attained the age of twenty-one. They are so retained in the Punjab, but we consider such retention inadvisable.

491. The present Bareilly Juvenile Jail should be extended. It has at present only accommodation for 256 inmates. This accommodation is absolutely inadequate, as will be seen from the fact that in 1927, 849 convicts of from sixteen to eighteen years and 1,791 convicts of from nineteen to twenty-one years were admitted into the United Provinces' Prisons under sentences of imprisonment.

492. The best course would be to build two jails for the reception of juveniles and adolescents—one with an accommodation of about 1,200 for non-habituals (it will be seen that in the Punjab with a smaller jail population provision has been made for over 1,300) and another with an accommodation of about 800 for habituals. But the fact that Bareilly Juvenile Jail is already in existence and that it provides for separate sleeping accommodation for every inmate inclines us to its retention as a jail for juveniles and adolescents with such extensions and

improvements as will make it suitable for the purpose. We are satisfied that such extensions and improvements can be made. We suggest that the jail should be extended so as to contain 600 inmates. Extension can be made, to provide for the inclusion of necessary play-grounds and drill yards. A considerably better equipment is required in the shops. At present there are no lathes and no drills. It is eminently desirable that there should be an installation both for electric lighting and electric power. In the Lahore Borstal Institution there is such an installation. There will be no difficulty in arranging for an installation in Bareilly. When that installation has been provided there will be no difficulty in arranging for electric power where it is wanted. The educational facilities should be improved. In Bareilly education is at present given by the jail staff; who are doing their best. We are in favour of retaining education in the hands of the jail staff. The necessary improvement can be effected by enlisting qualified teachers as Assistant Jailers on the staff, and giving them an extra allowance of Rs. 10 a month for the performance of their duties in the school. If the Bareilly Juvenile Jail is developed on these lines it will provide sufficient accommodation and requisite training for habituals.

493. In respect of non-habituals the Committee suggest that the Lucknow District Jail should be converted into a Borstal Institution for non-habitual juveniles and adolescents. It provides at present accommodation for 653 prisoners but with structural alterations it can be made to accommodate at least 900, when it is no longer retained as a concentration jail for hangings. The site at present utilized by the condemned cells and the gallows enclosure can be utilized for additional accommodation. Further accommodation can be provided if the small number of prisoners at present detained in execution of civil court decrees are removed. Our proposal here is to construct a lock-up at once in Lucknow for undertrial prisoners on a site close to the Courts. We have found that such a site is available. The present arrangements at Lucknow for undertrial prisoners are most unsatisfactory. The District Jail is several miles distant from the Courts. The expenditure on conveying the undertrials from the District Jail to the Courts and back is considerable. The duty of providing an escort under the present conditions is also considerable.

The condemned cells and the gallows enclosure can be placed in the Central Prison, on the site at present occupied by juvenile convicts. Under our proposals no juvenile convicts will be retained in a Central Prison.

494. There is a very great advantage in selecting Lucknow as the site of a Borstal Institution. It is accessible to members of the public who are likely to take an interest in such Institutions, and it can be reasonably hoped that the result of the interest which will be so taken will be even more valuable than it has been in Bareilly. Civil debtors



can be accommodated in the lock-up which it is proposed to make. Provisions can be made for 525 convicts for whom accommodation is provided in the Lucknow District Jail at present by their distribution over jails in the neighbourhood. Bara Banki is 17 miles from Lucknow, and Sitapur is 52 miles away. There should be no difficulty in providing for the convicts who would ordinarily be confined in the Lucknow District Jail in a new jail to be built at Sitapur, and in the Bara Banki Jail which can be enlarged.

495. Another advantage in locating a Borstal Institution in the premises at present occupied by the Lucknow District Jail is this. The Lucknow District Jail adjoins the Lucknow Central Prison. As will be seen from other parts of the report our proposal is to utilize the Lucknow Central Prison as one of the principal Central Prisons for the accommodation of non-habituals of the better class, and that it is further proposed to attach the largest agricultural farm to the Lucknow Central Prison. If this is done the opportunity of exercising reformatory influence by the employment of juveniles and adolescents on improved agricultural methods on the land will be increased.

496. The improvements which we suggest may not be sufficient but we consider it will be unwise to propose anything more ambitious at present. If these suggestions are accepted, we consider that a great deal will be done to check the criminal instinct at the beginning, and to turn criminals into honest men.

497. We impress very strongly the necessity of enlisting all public support in the supervision and control of these young men after release. Bareilly has made an admirable start. It is hoped that Lucknow will profit by the example of the public spirited gentlemen in Bareilly, who are doing as much as they can towards the end desired. The work of unpaid public spirited gentlemen must be supplemented by the work of paid Probation Officers. The difficulties will not be as great as they are in England, for the vast majority of the inmates will have no difficulty in finding employment in their own villages on their return from jail. But there will be much work to be done.

498. We draw the attention of those interested in the subject to one practical difficulty that we have found. There is unfortunately a tendency, when a youth has been taught a vocation in the Bareilly Juvenile Jail, and is employed by a private employer on release for the private employer to use the fact that he is an ex-convict in order to exact more than the requisite amount of work from him and to pay less than the requisite amount of wages. When such conditions prevail there is a great opportunity for honorary workers to find other employment for such a youth.

## CHAPTER XIV.

### NON-OFFICIAL VISITORS.

499. When the Jail Committee of 1919 issued its report, non-official visitors had been appointed for Central Prisons in the United Provinces, but not for District Jails. That Committee recommended that non-official visitors should be appointed for District Jails also. These recommendations were accepted and there are now Boards of non-official visitors consisting of not less than six members for each Central Prison and ordinarily not less than four members for each District Jail. A non-official Member of the Legislative Council representing a territorial constituency is ordinarily (if he is willing to serve) appointed as a Member of the Board of Visitors for either a Central Prison or a District Jail situated within his constituency and within the district in which he resides.

500. It was suggested by some witnesses before us that it is undesirable to appoint Members of the Legislative Council as non-official visitors solely owing to the fact that they are Members of the Legislative Council. We consider, however, that there is no force in this objection and that Government has exercised a wise discretion in making these appointments. The 1919 Committee considered that, if non-official visitors were appointed, a training ground would be provided, where members of the public could obtain an insight into jail problems, and learn to take an interest in prisons and prisoners. The more interest that Members of the Legislative Council take in the administration of the jails the greater will be the advantage to the administration. The insight which they will thus obtain will enable them to decide questions of jail administration, when such questions come before the Legislature.

501. This Committee issued questionnaires to all non-official visitors in this province. There are more than 200. The Committee regrets that few responded to the invitation to give their views in writing and that fewer gave evidence. Twenty-one non-official visitors both replied to the questionnaires, and gave evidence before the Committee. Four of these are Members of the Legislative Council representing constituencies in Hardoi, Gorakhpur, Mirzapur, and Moradabad. In addition the Committee examined three gentlemen who were formerly visitors and one gentleman who is a member of the Advisory Committee of the Bareilly Juvenile Jail. Thus it heard twenty-five

witnesses of this class. In addition the Committee examined, wherever it went, the remarks written in the books of the jails by non-official visitors, and was shown by the Inspector-General of Prisons a mass of copies of remarks of non-official visitors which had been sent to him.

502. As might be expected, there is a considerable divergence of opinion amongst non-official visitors as to the administration of the jails. From a hundred opinions taken at random from the Inspector-General's file, the Committee found that eighty-four visitors had made remarks which were favourable to the administration of the jails which they visited. These opinions varied from completely favourable opinions to opinions containing criticisms on minor points which did not reflect upon the administration of the jails concerned. These opinions are on the whole more favourable to the administration of the jails, than are the opinions of the Committee. Thirteen other visitors criticized the administration of the jails they visited more unfavourably than favourably. Only three were actually condemnatory.

503. Of the gentlemen who gave evidence before us the majority spoke highly of the administration of the jails which they knew, the minority criticized the administration and in some cases criticized it severely. We have given full weight to the criticisms made by them.

504. We are disposed to think that the system of appointing non-official visitors is working well in practice. The value to be derived from their services depends greatly on the manner in which they are assisted by the jail staff. It cannot be expected that when non-official visitors are first appointed they can ordinarily have much knowledge of jail conditions, or know the points to which they should direct their attention. It is, when they are first appointed, that every attempt should be made to explain the system of administration, and to show the reasons why particular rules exist, and the necessity for their enforcement. If this is done, and if the visitors are treated with consideration due to their position as non-official visitors there should be no friction between them and the staff. As far as we can see there is little friction at present. Where such friction exists, it may in many instances be due to failure to explain to the visitors the matters involved.

505. We have heard complaints from certain visitors that information which they require has not been supplied. The Jails Committee of 1919 indicated the extent to which such information should be supplied. They said in paragraph 520 of their report "Every visitor should have the power to call for and inspect any book or other record in jail, unless the Superintendent, for reasons to be recorded in writing, declines on the

ground that its production is undesirable. Similarly, every visitor should have the right to see any prisoner, and to put any questions to him out of the hearing of any jail officer." Under paragraph 526 of the Jail Manual "a visitor may call for all books, papers, and records other than those of a confidential nature, which are connected with the administration of any department of the prison." This rule appears to us to give the visitor all necessary power. He obviously cannot see papers and documents of a confidential nature. It is not, however, always explained clearly that certain documents (such as service books of jail officials) are of a confidential nature. The visitor is permitted already to examine the convicts' history sheets and to make full inquiries as to their individual cases. .

506. The Committee of 1919, while laying down that every visitor should have the right to see any prisoner and to put to him questions out of the hearing of any jail officer, laid down emphatically that no visitor should be allowed to go round a jail without an escort, as such an escort was necessary for his personal safety. It laid down that such an escort should consist of at least two Warders. It laid down further, that any visitor should be at liberty to go round the jail unattended, except for the Warden escort, if he so desired. It has been suggested by some non-official visitors that they can do nothing of a useful nature towards ascertaining the complaints of prisoners, if they are attended by any escort. We agree, however, with the Jail Committee of 1919, that it is essential for the visitor's personal safety that he should while passing the prisoners have such an escort. It is true that it is not likely that a prisoner will attack a non-official visitor, but those who have experience of jail management know that there is a possibility of such an attack, and that even though the contingency is remote, there must be safeguards. Some prisoners are of an uncertain temper. There is a minority (fortunately a small minority) of convicts who brood sullenly over real or imaginary grievances and are apt to explode at unexpected moments, and attack the nearest person within reach. Men of such mental instability, should, when their conditions have been diagnosed, be retained in a separate jail under special observation. But so far, there is no proper provision for the separation of these persons, and, even if the separation which we propose is made, there will be always a danger that such an attack may be made before the mental peculiarity has been diagnosed. For this reason, we are of opinion that ordinarily a visitor should be attended by an escort of two Warders. We consider that it is most desirable that every visitor should have the right to see any prisoner, and put any question to him out of the hearing of a jail

officer, and we suggest a manner in which such conversations can take place without the risk of danger to the visitor.

507. If in every prison a place is provided, where a visitor can talk to any convict, to whom he wishes to talk, separated by a netting of metal which will be sufficient to prevent an attack, such a conversation can easily take place within the sight of members of the prison staff, but not within their hearing.

508. We consider that it is desirable that every non-official visitor should be allotted a copy of the Jail Manual, while he is a visitor which will be returned when he ceases to be a member.

509. The 1919 Committee impressed the importance of enlisting the activities of non-official visitors in movements connected with the welfare of the prisoners. They should be encouraged to take an active part as members of Discharged Prisoners' Aid Associations, and of the even more important Reformatory Associations, which still have to come into being. If it were impressed more upon non-official visitors, that the object of their appointment is to secure the well-being of the prisoner, not only while he is in jail, but after he has been discharged much good might result. Valuable as the assistance is, which is derived from the visits of non-official visitors, that assistance will be more valuable, if the jail authorities during those visits direct their attention to the fact that there is much which the visitors can do for the reclamation of the prisoners after release which the jail authorities cannot do. The jail authorities then have little opportunity. The opportunities of a non-official visitor then become the greater. We were glad to see, that in more than one instance non-official visitors have taken an active interest in finding employment for discharged convicts. There is, however, room for greater effort in this direction.

510. The Jail Committee of 1919 recommended that lady visitors should be appointed for all Central Prisons and District Jails, where female prisoners are confined. So far no effect has been given to this recommendation in this province. We consider that effect should be given to this recommendation.

511. Finally we impress the necessity, when non-official visitors make criticisms or suggest improvements of giving sufficient consideration to their suggestions and of replying to them. Even when these suggestions cannot be accepted, nothing will be lost by an explanation which can satisfy the visitor that the refusal to accept his suggestions is unavoidable.

## CHAPTER XV: PRISONERS' COMPLAINTS.

512. The Committee has already referred in many of the preceding chapters to complaints made by convicts under various heads. The Committee, however, thinks it advisable to state in a separate chapter (even if this involves repetition) the methods which they adopted to surmount the difficulties of obtaining reliable information from convicts, and the nature of the complaints received.

513. It is obvious that information received from convicts must be scrutinized closely. The large majority of convicts have in the course of the trials in which they have been convicted made assertions which the decisions against them show to be untrue. There are an inappreciable number of convicts whose defences have been straightforward and honest. We were thus dealing with men who had mostly disclosed their unreliability at least on one occasion. Even where the Committee has had to deal with informants who were not convicts the necessity has existed of scrutinizing and checking the value of the information given. This is the obvious duty of persons making any inquiry, however honest and however well-meaning their informants may be. Erroneous conclusions would be based, on any statements accepted at their face-value without scrutiny. The necessity for scrutiny is greater when the informants are convicts—men who have been convicted of offences against the Law, whose previous conduct has usually shown that they have been found on important occasions of their lives to be unworthy of belief. To have accepted the statements of these convicts at their face-value would have resulted in the acceptance of very much which was completely false.

514. But it was obvious that we had to discover as far as we could from the convicts themselves, whether they had grievances and what those grievances were. They were in the best position to give us the information we required, and we had to get that information. Convicts making statements before us were clearly in a difficult position. Once it became known to certain persons in authority over them, that they had made statements reflecting upon individual officers and the administration of the jail, their position could be rendered very difficult in the future. When called upon to establish independently the truth

of an allegation they might well have been unable to produce corroboration, even where the statement was true. We made full allowances for these difficulties and endeavoured as far as we could to reduce them.

515. Our practice was this. Wherever the Committee had the opportunity of seeing the convicts on parade—we saw several thousands in this manner—any convict who addressed the Committee, and stated that he had a communication to make was, unless the communication referred to a point that could be decided at once, or to something that the Committee could not remedy, sent for later. His statement was then recorded in the jail office. Where the convict made a statement such as this—that his case had not been put before the Revising Board, and on the face of it he had not served a sentence sufficient to render its submission possible, or when he stated that he had been convicted unjustly, the Committee having no power to interfere with his conviction, it was unnecessary to record his statement afterwards. But when there was any indication that the convict had something to say, which might require a private hearing, his name was taken and he was called subsequently before the Committee in a portion of the jail office in which no jail officer was present with the possible exception of the Superintendent. Usually the Superintendent was not present. In these circumstances, there does not appear to be any actual reason why the convicts should have apprehended any danger in making statements to the Committee. But we do not overlook the fact that convicts are usually suspicious, and that any convict may have believed that some unseen person was listening. Be that as it may, the Committee took all precautions that could be taken.

516. The impression left upon Pandit Jagat Narain and Hafiz Hidayat Husain is that a large majority of the convicts who were examined, while ready to complain on matters which did not reflect on the jail staff, such as insufficiency of clothing the nature of the diet, and the like, were afraid to complain as to such matters as unauthorized punishments inflicted on themselves and on others. The Chairman, while giving full weight to this view, is of opinion that most of the convicts who came to make statements would not have been afraid to make complaints of that nature, if they had wished to do so. He finds it difficult to see why certain convicts, who were under orders of release, should have been afraid to complain against anyone. Four such convicts were examined in Lucknow Central Prison. They were being released within an hour of making their statements. One of them was a woman who made complaints against the female warders of showing favouritism to prisoners who could pay them. The second

was a man who had been bound over to find security for good behaviour on the ground that he was a habitual dācoit. He complained that there were vermin in the blankets, but made no complaints on any other point. The others were a youth who had been sentenced to three months for attempted burglary and another youth who had been sentenced to eighteen months for a similar offence. They made no complaints of any kind. Attempts were made to secure the attendance of convicts just after their release outside the jail premises at the Committee's headquarters. But not a man appeared.

517. The Chairman was further impressed by the fact that certain convicts, who in his opinion were not afraid to make genuine complaints even if they could not support them, while criticizing closely what they considered to be defects in the jail arrangements did not put forward the accusations of brutal oppression which have been freely made outside the jails. He was considerably impressed by the fact that Sachindra Nath Sanyal did not consider that there was much oppression. This man was sentenced to Transportation for Life in the Benares Conspiracy Case and after being released from prison before his sentence had expired, was again sentenced to Transportation for Life in the Revolutionary Conspiracy Case which is commonly known as the "Kakori Case". He is a man of considerable intelligence, and most outspoken. He was said to be a leader. At the suggestion of the Committee he wrote out a long written statement embodying his views. The only persons he accused of using violence to convicts were convict officials. These are his words on this point:—"The present practice of employing convicts as officers may be continued. They no doubt render very exceptional service to the Jail Department, but they are also no less the source of troubles in jails. But if the Superintendents take necessary precautions then the evils may be rectified. Agra and Lucknow Central Jails are the examples. These officers pick up quarrels with the prisoners over whom they want to exercise overlordship, and they are also responsible for many illegal beating of prisoners which has not been thoroughly suppressed yet."

518. It was suggested that persons convicted in the Kakori Case should, wherever they were in jails visited by the Committee be examined by them. The Committee examined Sachindra Nath Sanyal, Sachindra Nath Bakhshi, Ram Dulare, Banwari Lal, Jogesh Chandra Chatterji, Ram Kishan, Ram Nath, Vishnu Saran Dublis, Bhupendra Nath, Manmatha Nath Gupta, Raj Kumar, Mukandi Lal, and Prem Krishan Khanna. These were all the Kakori prisoners in the jails visited.



519. Sachindra Nath Sanyal's opinion on the question of ill-treatment has already been given.

Sachindra Nath Bakhshi suggested ill-treatment, but was only able to give one instance where to his knowledge certain convicts had been severely handled. It is true that these men had been severely handled but it was found on investigation, that they had been severely handled, while they were being pulled off a fellow convict whose nose they were trying to cut off, and whose arm they had broken.

520. Ram Dulare said, "I am not prepared to make a statement whether unauthorized punishments are inflicted in Fatehgarh Central Jail, but this much I can say that during the time of the present Head Jailer no such thing has happened." He made certain allegations but would give no specific instances.

521. Banwari Lal made no complaints as to ill-treatment or anything else.

522. Jogesh Chandra Chatterji produced sixteen headings which contained all his criticisms. He did not include among them any suggestion of general ill-treatment of the prisoners. He said he had once seen a man knocked down and beaten, but that he did not know how this had happened. The man he said was taken to the cells afterwards. He could give no details.

523. Ram Nath made no suggestion of the ill-treatment of himself or anybody else. His only complaint was that he was learning nothing useful in the jail and that he would get very few clothes and little money when he was released.

524. Vishnu Saran Dublis made complaints of ill-treatment, but gave no details. He said he had never been ill-treated.

525. Bhupendra Nath made no complaints of ill-treatment either of himself or anybody else.

526. Manmatha Nath Gupta and Raj Kumar suggested that there was ill-treatment, not of themselves, but of others. They gave no details which could be followed up.

527. Mukandi Lal made no complaints of ill-treatment either of himself or anybody else.

528. Prem Krishan Khanna said that he never been ill-treated. He said that he had seen ill-treatment inflicted under the authority of a certain Jailer. This Jailer, the Chairman knows, has been since dismissed.

529. This report has already referred to the man who made a palpably false complaint against the Head Jailer of the Fatehgarh Jail. Another man who made suggestions of general ill-treatment in jails was a man who had been convicted of a particularly mean fraud and whose defence had been found by all the Courts (this includes the High Court of Allahabad) to be absolutely baseless. He was unable to give any incident of ill-treatment in the jail, in which we found him, but made statements as to ill-treatment in other prisons. It is to be noted that this man was an educated man who was perfectly intelligent and who had argued in person an application for revision before the High Court. We quote a portion of his statement:—"In Allahabad prisoners are beaten for complaining of short food. I saw this once. I saw one convict complaining at the time of the distribution of the food that his food was short. Thereupon a Warder, whose name I think was Gir-dhari Lal, ordered a convict official to beat that man and the man was beaten. I do not remember the convict's name. The convict had his face slapped and was knocked down and kicked. He was a Hindu. He was not in the same barrack as I was. I do not remember the number of my barrack. I do not remember the number of his barrack. I do not remember the month but it was between last February and June. I think it was at the beginning of the hot weather, because as far as I remember we were not wearing blanket coats. I was never beaten myself. I have seen other forms of punishment and ill-treatment. In Allahabad, Lakhimpur and Bareilly men are made to sit down and hold their ears and are well beaten. They call this "*murga banana*", that is to say, to make a man a cock. This is done to extort money or as a punishment for short work. I cannot give the name of any man so ill-treated." It is noticeable that this convict was an educated man. He was unable to give a single detail that could assist the Committee in making an inquiry into the allegations.

530: Another man, who was serving a ten years' sentence for dacoity, complained that he had been beaten severely with a stick by another convict called Sheo Nandan. When asked if he had any marks he said he did not think he had any. He stated that he complained to the Superintendent. It was discovered that on the occasion in question he had made no complaint to the Superintendent. We sent for the other convict whom he accused of beating him. This man was not a convict official. He was a small weak man, and the complainant was a strong man. As soon as the complainant was taken out of the office out of our sight, loud howls were raised. The Chairman went out at once to see what had happened, and found the complainant writhing on the ground. The complainant said that he had been thrashed as soon

as he got out of the office. There were at least thirty people present, the majority of whom were convicts, as the out-gangs were coming in from work. They all declared that no one had touched the complainant but that he had thrown himself down as soon as he came out of the office and had proceeded to roll on the ground and howl.

531. Another man who was serving a sentence of transportation for life for dacoity with murder stated that he had once been struck by a Jailer. He said that this had happened in a different jail. The Jailer was in a different town, and we could not obtain his reply. This is the evidence which we received on the subject of ill-treatment after the examination of 153 convicts.

532. When complaints were made on other points there was the same difficulty in getting anything satisfactory in the way of corroboration. One man who made a complaint, which was not uncommon, that the prisoners never receive vegetables but only stalks and leaves, was taken to where the daily stock of vegetables was and was asked to show the vegetables about which he complained. He was unable to find any vegetables that were not good. He then changed his statement and said that they were good that day, but that they had been specially selected for our inspection. These points are noted to show the difficulty of extracting reliable information from the convicts themselves. Nevertheless the examination of these convicts gave us valuable information on many points.

533. The most common complaint which we received sounds an extraordinary one. 24 convicts who gave evidence before us, 127 who did not give evidence before us but who signed a written statement, and some 20 others who did not wish to give evidence but made remarks to us on parade—that is 171 convicts in all—put in the following complaint. They were all men who had been sentenced to Transportation for Life. Their complaint was that they had been retained in India and had not been sent to the Andamans. There can be no doubt as to the fact that many of the convicts sentenced to Transportation for Life desire to go to the Andamans. The explanation appears to be this. Many convicts are now in the Central Prisons who have served a portion of their sentences in the Andamans, and have now been sent back to India, to serve the remainder of their sentences. These convicts have clearly been conversing freely with other convicts. Under the present system as already stated the convicts in this province have every opportunity of conversing with each other. The men who have not been to the Andamans have evidently heard from those who have been that,

under the system which has now come to an end in the Islands, no convict was detained in prison for more than a certain period, and that he was then allowed out under conditions approximating to the conditions under which a free man lives. What these men were desiring was evidently to leave the jails and serve the remainder of their sentences on something in the nature of a farm colony. If our recommendations are accepted many of them will obtain the opportunity.

534. Another complaint that was voiced very freely illustrates again the opportunities that the convicts in this province obtain of knowing what is going on outside. This complaint was that the convicts in this province receive no gratuities. The men who made it were clearly well aware of the system now prevailing in the Punjab and the receipt of what is known as the "pecule"—that is to say, a certain sum of money every month. As some of these convicts had served terms of imprisonment in the Punjab jails they had every opportunity of knowing the facts there, and had clearly imparted their knowledge to others. It would almost appear that in one Central Prison there had been meetings of the convicts to decide the representations which they had to make to the Committee. As has been seen we are proposing the introduction of a system which will have the effect of securing payments for the convicts of this province.

535. Complaints were made very freely as to the difficulties of obtaining sufficient remissions and, as we have said already, there appears to be an impression amongst many men sentenced to life imprisonment that they are entitled as a matter of right to release after about ten years. We have already made our suggestions on the subject of remissions.

536. It was admitted freely to us by many of these convicts that illicit articles are introduced into jails and can be obtained on payment. The remaining complaints were in respect of the clothes, the food, the nature of the work done, the badness of the light at night, of favouritism shown to certain convicts and not shown to others, faulty classification, and the disadvantages of the general association barracks. The convicts who complained of the general association barracks were invariably men of the better class who objected to promiscuous association. We have already in the previous chapters given effect to many of the representations which the convicts have made to us.

537. On the question of unauthorized punishments we are all agreed that unauthorized punishments are inflicted in an appreciable number of cases. Pândit Jagat Narain and Hafiz Hidayat Husain consider that these unauthorized punishments are inflicted frequently and

that they are sometimes of a severe character. The Chairman does not agree with them that they are inflicted as frequently or are as severe. But the point is academic. The Committee is unanimous in the view that there is some ill-treatment and that that ill-treatment must cease. Here the remedy is in an improvement of the staff and more severe treatment of such members of the staff as are found to inflict unauthorized punishments. The question of remuneration of the convict, improved food, improved clothes, better lighting, the cessation of certain forms of labour, a more intelligent system of labour, increased remissions, the abolition of the association barracks and other points raised have all been considered. It is difficult to see how favouritism can be checked, but here again the improvement of the staff will diminish the evil. Suggestions have been made to prevent the introduction of illicit articles into the jails.

538. The Committee has already in Chapter V discussed the present classification rules and made suggestions for their improvement, for the recording of objections of a convict to his classification at the first possible opportunity, for the decision of these objections by a higher authority, and for an appeal by the convict against the classification of that higher authority. But these suggestions will not cover the cases of persons whose classification has become final under the present rules. We consider that the cases of certain of these persons should be re-considered. We refer particularly to certain persons convicted in the "Kakori Case" who have been classified as "habituals". These persons are—Sachindra Nath Sanyal and his brother Bhupendra Nath Sanyal, Jogesh Chandra Chatterji, Suresh Chandra Bhattacharji, Vishnu Saran Dublis, Prem Krishan Khanna, Raj Kumar Sinha, Ram Dulare Trivedi, Ram Nath Pande and Parnawesh Kumar Chatterji. In the opinion of the Committee there is a good case for a re-consideration of the classification of these men by Government in the Home Department.

539. There is one point left. Few convicts are affected here, but those that are affected, are affected seriously. Certain convicts complained to us that they were strangers in a strange land. A Gurkha complained bitterly that he was serving a sentence far away from his own surroundings and in a climate which was uncongenial to him. As far as we could see there was no particular force in this man's complaint for he had been living in this province for a considerable period and had become accustomed to the conditions. But some of the cases struck us as hard. The Committee found two Arab convicts, from Iraq in Jaunpur. They did not record their statements as it was possible to take action without recording their statements. One of these

men knew no Hindustani. The other had picked up a little. Their sentences were shortly to expire. The Committee at once reported the cases, but has since been given to understand that as a result of arrangement which the Inspector-General of Prisons had already made for these convicts before the Committee's report was received they are being repatriated to their own country.

540. We found other cases in the jails in which Trans-frontiers men had been sent under the orders of the Government of India to serve sentences in this province. One of these men made a statement on behalf of himself and his friend. He could speak some Hindustani, and could make a statement. The statement was this. His friend does not know a word of Hindustani, and no one in the prison can speak his language. While the man making the statement was in the prison he was able to interpret for his friend, but he was just about to be released and he pointed out with force that when he was released his friend would not understand a word, would not be able to know what orders were given to him and would not be able to explain what he wanted to anyone. This certainly seemed a hard case. The Committee is not in a position to know why these men have been sent to this province. There was evidently some reason why they should not be confined in jails in their own locality, but it would appear advisable if such transfers are made never to incarcerate a prisoner in a place, where he necessarily can neither understand nor can make himself understood. There are very few of these cases, but endeavour should be made to meet them. We bring their existence to the notice of the Government.

## CHAPTER XVI.

## BUILDINGS.

541. The District Jails of this province have been constructed at different times and at different periods. Some are constructed on the circle plan. Some are constructed on a system of blocks. Some are constructed on no plan at all, and are a haphazard collection of buildings, which apparently came into being within the outer wall, as new needs arose, independent of one another. Many District Jails appear to owe their origin to some forgotten District Officer who, having to make a jail and finding an unused building, constructed a wall round it (if one did not exist already) and turned it into a place which could accommodate convicts. His attention was not directed to the lay out of factories for in those days there were few factories. The convicts usually worked outside on road making, secured by heavy irons. Such an officer was not concerned greatly with the necessity of intelligent watch and ward. Heavy irons mainly provided for watch and ward. Hygiene was not advanced. Given an outer wall, an ample supply of fetters and sufficient road making outside, these jails were sufficient for the only purposes for which they were then intended, namely, for punishment and safe custody.

542. Later when other considerations came into being, when the necessity for better hygiene began to be understood, when road-making and other extramural labour of the kind were condemned as unsuitable forms of employment for convicts, and when fetters became less popular, better sleeping accommodation, better kitchens and better sanitary arrangements received attention. Further factories had to be provided, and the staff had to be given better opportunities for supervision. As each new need arose, it was met by the construction of a new building and the old main wall remained where it was. The result has been an absence of method which sometimes has had ludicrous results. The Central Prisons, coming into being later, were laid out more methodically.

543. In the end there are some remarkable dispositions. We have seen condemned cells in the hospital enclosure, and another hospital yard used as a thoroughfare for convicts going to and returning from their work. We did not visit the Saharanpur Jail, but we ascertained that it is situated in an old fort. The walls and certain buildings inside this jail are under the charge of the Archaeological Department, being preserved as ancient monuments. It is not only in Saharanpur that the Archaeological Department and the Jail Department divide responsibility. A visit was paid to Jaunpur. Inside the jail there is a tomb in the charge of the Archaeological Department, which owns also the land round the tomb. The jail wall has been built to enclose both tomb and land. The Committee was informed that the Archaeological Department maintains the tomb and leases the appurtenant land to the jail as a portion of the garden. The Mainpuri Jail which we visited is an adaptation of the horse stables of a former Raja. The Committee was impressed with the ingenuity with which the elephant stables of the Moghul Emperors have been converted into a portion of the Agra Central Prison. The result is seldom good and at the worst confusing. In the circumstances in which the jails came into being it would be impossible to expect a lay out in conformity with modern ideas.

544. The materials of which the jails are constructed are not always good. Persistent economy sometimes preferred mud to masonry. In certain jails the outer wall is of mud. A large number of the buildings are of mud. There are barracks and cells in many of the jails which are of mud. Here any energetic man, if left undisturbed, can dig his way out, using as a tool his own drinking vessel. The disadvantage of cells of this kind was shown very recently when ten convicts in a prison in another province dug their way out of their cells in a few hours. These mud walls and buildings in addition to being insecure are in need of continual repair. In every rainy season some portions are washed down. There are even occasional breaches in the main wall.

545. There are other defects. Many of the lock-ups are situated in the most unsuitable places. The worst in this respect is Lucknow which is situated some miles distant from the Courts. The Allahabad lock-up is also at a great distance from the Courts. The Meerut lock-up is at a considerable distance from the Courts. The Agra, Saharanpur, Sultanpur and Muttra lock-ups are also too far away. We have already in Chapter III indicated the jails which we visited in which the over-



crowding of undertrials was greatest. This is the accommodation in the jails in question for undertrials:—

Name of jail.	Number of undertrials at time of visit.	Number of undertrials for whom accommodation is provided.
Unao .. .. .	116	56
Fatehgarh .. .. .	143	80
Mainpuri .. .. .	167	44
Cawnpore .. .. .	237	54
Agra .. .. .	233	89
Aligarh .. .. .	139	62
Gonda .. .. .	128	49
Shahjahanpur .. .. .	126	99
Moradabad .. .. .	249	57
Meerut .. .. .	215	34
Sitapur .. .. .	195	89
Hardoi .. .. .	337	104

546. It is difficult to understand the principles on which undertrial accommodation was allotted in the past, but there does not seem to have been any general principle adopted in allotting accommodation for anyone in District Jails. The needs of individual districts do not seem to have been considered in any way when the jails were constructed. Jails with a smaller accommodation have been constructed in places in which there is greater crime, and jails with a larger accommodation have been constructed in places where there is less crime. But, while relief can be obtained in the case of convicts by transferring them from one jail to another, no such relief can be afforded in respect of undertrial prisoners who obviously have to be kept in the places in which they are being tried. The question of buildings for undertrials requires examination upon consideration of the average of undertrials in custody for ten years, and we suggest that the question should be examined on these lines. Until proper arrangements have been made in all districts for the accommodation of undertrials, temporary relief can be provided by the use of an expedient which we noticed in the Punjab. There in certain places when the lock-up has not sufficient accommodation for undertrials, spaces are enclosed outside the

jail with a double enclosure of barbed wire, and undertrials are kept there in temporary buildings or in tents under the watch of an armed guard. This is not a satisfactory expedient, but it is better than the employment of the *bel* chain.

547. Certain of the District Jails are on unsuitable sites. They are in densely populated areas surrounded by houses and cramped in every way. We instance Cawnpore, Aligarh, Allahabad, Mirzapur, Shahjahanpur, Moradabad and Sitapur. All these jails are in the centre of populous quarters. The worst situations are at Moradabad, Mirzapur and Sitapur. We have no information in respect of the jails we have not visited except Saharanpur.

548. If the Committee based its recommendations upon the type of buildings required, the accommodation required for undertrials, and a lay-out such as is required on modern ideas, its recommendations would be sweeping. Amongst them would be the abandonment of the Agra Central Prison. It is in as bad a position as a Central Prison can be, in a populous quarter and surrounded by buildings. It would further recommend the abandonment of a number of District Jails and a complete rebuilding of others. But the Committee considers that it cannot ask for ideal conditions and accordingly confines its recommendations under the head of buildings to the provision of what it considers absolutely necessary. The Committee does not suggest the provision of model jails, but only suggests certain improvements which will remove what it considers to approach the scandalous.

549. We now come to our actual recommendations. It is essential that the construction of the Meerut Central Prison should be expedited. The site has been visited. It is a good site in a healthy position close to the Meerut Cantonments. In event of an *émeute* it would be possible to obtain speedy assistance from the Military. The Committee, however, suggests considerable amendments in the design. The 1919 Committee gave close attention to the construction of Indian prisons and recommended the use of the semi-circle in preference to the circle. The plan which we saw for the Meerut Central Prison provides circles and not semi-circles. We consider that it will be more economical, and more effective if the semi-circle plan is adopted. Further it would appear that this prison is now intended to contain non-habitual convicts. We are of opinion that this prison should accommodate habituals and that it should accommodate the worst habituals in the province. In these circumstances the whole of the sleeping accommodation should be in cells. There should be no general association barracks. The Committee impresses the fact, that here is an opportunity as the prison has not yet

been constructed, of breaking away completely from the general association barrack with all its disadvantages. As the site to be acquired is good agricultural land provision can be made in this prison for a farm inside the main wall. It may not be necessary to acquire as much land as according to the plan it is proposed to acquire. The Committee would suggest considerable other alterations in the plan. It thinks that it is possible to reduce the expenditure on many of the buildings provided, but it would add other buildings. The views of the Committee on this point cannot be stated fully in this report. The Chairman will, however, be pleased to submit after the Committee is dissolved his views on possible improvements in the Meerut Central Prison, before the construction actually commences.

550. In regard to the remaining Central Prisons the Committee would retain Fatehgarh at present as a Central Prison for habituals. A small farm could be attached to it. It would retain the Lucknow Central Prison for non-habituals and would attach a large farm to it. It would retain the Agra and Allahabad Central Prisons for non-habituals. A fairly large farm can be attached to Allahabad. The Committee would retain the Benares and Bareilly Central Prisons for habituals. If after the construction of the Meerut Central Prison sufficient accommodation can be found for all habituals in three Central Prisons only, the Fatehgarh Central Prison could be turned into a prison for non-habituals. This would permit men with shorter sentences to be detained in a Central Prison and reversion could be had to former conditions.

551. In regard to District Jails the Committee propose, as already stated, the conversion of the Lucknow District Jail into an institution for adolescent and juvenile non-habitual convicts and the extension of the Bareilly Juvenile Jail to accommodate adolescent and juvenile habitual convicts. The conversion of the Lucknow District Jail will necessitate accommodation being provided for convicts from the Lucknow district in other places. The method of making this provision will be to construct a new District Jail in Sitapur. At the time of the visit to the Sitapur District Jail there were 576 convicts therein. At the time of our visit to the Lucknow District Jail there were 435 convicts confined there. Accommodation is required for about 1,000 convicts from the Lucknow and Sitapur districts. The best method to arrange for their accommodation will be to construct a new District Jail in Sitapur with accommodation for 750. At the time of the visit to the Bara Banki Jail there were 310 convicts and 80 undertrials. The jail has accommodation for 479. If a new lock-up is constructed at Bara Banki and the jail slightly altered, the Bara Banki Jail which is only 17 miles distant from

Lucknow can accommodate the remainder. It will be easy to despatch convicts from Lucknow either to Sitapur or Bara Banki. Sitapur is only 52 miles distant from Lucknow. Both places are connected with Lucknow by good metalled roads and the convicts can be transported in motor lorries.

552. The Aligarh District Jail is in an exceedingly bad position and a new jail is required there in a different locality. The present Aligarh Jail can be retained as a lock-up and can also be utilized as the jail in the West where old and infirm prisoners can be collected.

553. The Allahabad District Jail is in a most unsuitable position. As a lock-up it has the disadvantage of being at a considerable distance from the Courts. As a jail the situation is eminently undesirable. Not only is it in a crowded part of the city; it is close to a school. The Committee understands that proposals have already been made for the abandonment of this jail, and for the utilization of the site for other purposes. It recommends that the new District Jail should be constructed on another site at some distance from the City.

554. The Mirzapur Jail is in an unsuitable position. It is in a good position as a lock-up. It is in a very bad position as a jail for ordinary convicts. It should be retained as a lock-up, and the remaining space can be utilized for the detention of old and infirm convicts from the Eastern districts. A new jail should be built at Mirzapur.

555. The Shahjahanpur Jail which is also in an unsuitable position as a jail should be abandoned as a jail and retained as a lock-up. A new jail should be constructed outside Shahjahanpur City capable of accommodating not only convicts from the Shahjahanpur district but also the over-flow from Hardoi.

556. The Moradabad District Jail is in a most unsatisfactory situation. It should be abandoned as a jail and retained as a lock-up. At the time of the visit it contained 364 convicts and 249 undertrials. A jail to accommodate about 400 convicts should be constructed on a site outside Moradabad.

557. Under the Committee's proposals it will be necessary to construct in addition a new special jail in Dehra Dun. Under this programme seven new jails will be constructed, one will be converted and two will be extended.

558. The next provision in the building programme should be for the construction of new lock-ups. These are urgently required in Lucknow, Agra, Allahabad, and Meerut and to a less extent in Mainpuri, Saharanpur, Muttra and Sultanpur.

559. The building programme proposed is thus somewhat extensive, but there is not a single construction which the Committee proposes that it does not consider necessary. Even if the money which will be required to carry out these improvements were immediately forthcoming, it will take many years to complete these buildings, and there is no necessity to commence them all at once. Where new prisons and new jails are being constructed the agency should be an agency other than the agency of the Jail Department, and much of the work will have to be done by free labour. Where it is a question of adaptation or extension of an existing jail or a conversion of an existing jail into a lock-up or a lock-up with additional accommodation for old and infirm prisoners, the actual work can be done by convict labour.

560. We suggest, however, that for the whole of these constructions a special engineer should be appointed to be in complete charge. He can be deputed by the Public Works Department if an officer is available. We base these recommendations on what has already been done in the Punjab where a special engineer, an officer of considerable experience, has been appointed by the Punjab Government to be in charge of the jail major building programme.

561. We have a further recommendation to make in respect of buildings. At present all jail works costing Rs. 20,000 and less are not only constructed by convict labour, but are designed by jail officials who also control the work. The buildings are sometimes difficult to construct and frequently the officers concerned require expert advice. Superintendents of Central Prisons have usually some experience in the matter, but certain Civil Surgeons in charge of District Jails have very little experience, if any. We were told by one senior Civil Surgeon who has recently been building a new office that he knew nothing about the subject and built the roof by trial and error. In the circumstances it is remarkable that the roof was ever put on. In regard to these buildings every Superintendent is his own architect, with the Jailer as Clerk of the Works. The plans are drawn up by the Jailer under the Superintendent's instructions and are passed by the Inspector-General of Prisons. We propose here that there should be one supervisor from the Public Works Department posted to the Jail Department to assist the Department with expert advice. He would be attached to the office of the Inspector-General.

562. We have already indicated the necessity of distributing this work over a programme. We suggest that the period to be occupied should be ten years. We shall describe the method in which this programme will be carried out in the next chapter which will deal with the financial aspect of all our proposals.

## CHAPTER XVII.

### FINANCIAL.

563. It is proposed to consider the financial result of the acceptance of the Committee's proposals. The duties of the Committee were not only to suggest such measures for improvement as appeared necessary and desirable, but also to make an estimate of the cost where improvements involved increased expenditure. The Committee regrets that it has been unable in the period of the inquiry to calculate with even approximate accuracy the cost which will be incurred if its suggestions are accepted. In respect of certain heads there has not been time to collect the materials necessary. In respect of the proposal for agricultural farms there has not been time to survey the land sufficiently and the Committee has not had an agency for calculating the cost of buildings, equipment and the like. In the case of construction of new quarters it has not been possible to collect sufficient information as to the exact requirements. There will be various reductions possible when buildings are pulled down and reconstructed due to the sale or utilization of the old materials. Where it is proposed to abandon certain jails in whole or in part, it will be possible to sell the sites, some of which are of value, and the price obtained will reduce the expenditure.

564. The office establishment of the Committee was very small, it has been employed as fully as an establishment could be worked and it has had no time to work out estimates of the amount that will be necessary to provide for increases of staff and the like, and in the opinion of the Committee there is still some four months' work to be done by a small selected staff before even an approximate estimate can be made. The Committee has proposed that their Secretary Lieutenant-Colonel Palmer and Mr. Phillips, Superintendent, shall be deputed for the necessary period to prepare these estimates. If this is done, something approaching to accurate estimates will be in the possession of the Government by the middle or the end of June.

565. In spite, however, of the want of opportunity to give anything approaching to accurate estimates the Committee is in a position to forecast generally the amount of expenditure which will be required and to explain its justification.

566. The Committee here divides its proposals into proposals, which in the main will involve non-recurring expenditure, and proposals which will involve recurring expenditure. The first head will be "Buildings." The expenditure on the proposed Central Prison at Meerut is estimated to be about Rs. 22,00,000. There may be some modification in this amount. The expenditure will be increased if the Committee's proposal to the effect that no general association barracks are constructed is accepted. The expenditure will be reduced, if the proposals which the Chairman proposes to make subsequently to the Local Government for modifications in the lay-out are accepted. Here we may leave the figure at Rs. 22,00,000. In addition cellular sleeping accommodation should be provided in the Benares and Bareilly Central Prisons for 4,000 habitual convicts, and cellular sleeping accommodation should be provided in the other Central Prisons (which on our proposals will contain non-habitual convicts) for 2,500 inmates, one-third of the total number. On the estimate which we have at present the cost of a suitable cell should work out at Rs. 310. This then will give an expenditure of Rs. 20,15,000. Something will be saved here by the utilization of existing cells when suitable. Rs. 1,15,000 may be deducted. This will reduce the expenditure under this head to Rs. 19,00,000 making a total of Rs. 41,00,000.

567. We now come to the expenditure on District Jails. It is proposed to construct in the following order seven new District Jails. The list is given in the order of urgency. This is the estimate :—

	Rs.
Dehra Dun .. .. .	3,50,000
Sitapur .. .. .	7,50,000
Shahjahanpur .. .. .	7,50,000
Moradabad .. .. .	4,00,000
Mirzapur .. .. .	3,00,000
Aligarh .. .. .	5,00,000
Allahabad .. .. .	5,00,000

Rupees 4,00,000 are estimated as required for the extension of the Bareilly Juvenile Jail, and the Bara Banki District Jail, and the conversion of the Lucknow District Jail.

568. The Committee is here on uncertain ground. The rough figure which we have taken for new jails is that the jail will cost Rs. 1,000 per inmate. This is partly based upon the cost of constructing new District Jails in the Punjab. The cost per head in a Central Prison is both in the Punjab and this province about Rs. 1,500 per inmate. We find that in the Punjab the new Sub-jail at Kasur without workshops and electric lights is estimated to cost Rs. 3,08,242 and will accommodate 306 convicts. Although our figure will include factories and provide for cellular accommodation we think the figure can be kept

down to Rs. 1,000 per inmate. A higher figure is given for Dehra Dun as that will be a special jail with better accommodation. The total for District Jails will then be Rs. 39,50,000.

569. We now come to lock-ups. We propose to construct new lock-ups as follows. This table gives them in order of urgency :—

					Rs.
Lucknow	..	..	..	..	1,50,000
Bara Banki	..	..	..	..	1,00,000
Agra	..	..	..	..	1,50,000
Meerut	..	..	..	..	1,50,000
Allahabad	..	..	..	..	1,50,000
Saharanpur	..	..	..	..	1,00,000
Muttra	..	..	..	..	1,00,000

We here again calculate at Rs. 1,000 per inmate. The amount will come to Rs. 9,00,000.

570. Provision should then be made for the construction of 1,000 cells in the present lock-ups. This will come to Rs. 3,10,000.

The next non-recurring head will be for the provision of new quarters for the staff and improvement of the present quarters. We here make an estimate of Rs. 10,00,000. This estimate is necessarily vague. The average cost of these quarters in the past has been estimated at about Rs. 1,000 each, and this would give a provision for the increase in the staff proposed. The figure, however, will require correction when more accurate estimates are prepared.

571. The new hospital administration blocks which we propose will cost about Rs. 40,000.

572. This comes to Rs. 1,03,00,000 but there are other heads under which the Committee cannot estimate such as the improvement of kitchens and constructing new kitchens, provision of electric equipment, improvement of water-supply, provision of factory equipment and the like. Here we may add as a very rough estimate Rs. 5,00,000 making Rs. 1,08,00,000.

573. This leaves out the proposal to construct farms. Here we do not attempt to give an estimate, as on our view, the farms will be self-supporting and, whatever the cost may be found to be on the estimates that will be submitted in June, the money can we hope be safely borrowed on a loan, as the profits will be sufficient to pay the interest.

574. We are thus left with the figure of Rs. 1,08,00,000. Rs. 22,00,000 have already been sanctioned. Thus we are suggesting an extra expenditure of Rs. 86,00,000. This is undoubtedly a large figure, but it is suggested that if sufficient expenditure had been incurred in the past there would have been less necessity to incur expenditure now. On a ten-year programme the expenditure will work out to Rs. 8,60,000 a year.



575. The Committee has suggested that there would have been less necessity to incur expenditure, if proper expenditure had been made in the past. It bases this suggestion on the figures of expenditure in the last ten years. The following table shows the amount expended on buildings in seven provinces in India in the last ten years. The Committee has been unable to obtain the figures for Burma, Assam and the North-West Frontier Province, but the figures are given for all the other provinces :—

	Bengal.	Bihar and Orissa.	Madras.	Punjab.	Bombay.	Central Provinces.	United Provinces.
	Jail population, 1927 :	Jail population, 1927 :	Jail population, 1927 :	Jail population, 1927 :	Jail population, 1927 :	Jail population, 1927 :	Jail population, 1927 :
	13,537	7,503	18,476	19,444	12,979	4,375	31,140
1918 ..	2,77,238	2,90,210	1,24,220	1,54,211	1,18,328	21,787	66,680
1919 ..	3,56,324	1,82,141	*	1,85,026	92,837	*	1,18,611
1920 ..	3,44,900	1,11,407	2,11,784	1,75,712	1,97,973	30,818	1,87,398
1921 ..	3,37,343	1,46,287	2,41,732	2,40,853	1,41,831	32,414	1,57,969
1922 ..	6,22,741	1,92,764	3,50,710	2,65,625	1,16,715	*	1,41,004
1923 ..	3,86,281	2,14,532	3,11,779	3,07,671	83,358	41,798	1,29,152
1924 ..	3,35,291	1,57,314	3,38,252	1,57,147	2,54,159	44,103	1,29,910
1925 ..	3,51,697	2,18,514	2,12,797	1,52,034	1,56,011	41,747	1,29,867
1926 ..	4,79,558	1,55,867	5,13,885	2,29,763	3,56,981	35,966	1,13,298
1927 ..	11,93,945	2,70,206	3,63,447	6,21,590	1,16,330	50,497	1,55,570
Total ..	46,85,318	19,39,242	26,68,606	24,89,632	16,34,523	2,99,130	13,29,459
Average expenditure annually.	4,68,531	1,93,924	2,96,511	2,48,963	1,63,452	37,391	1,32,945
Average annual expenditure per prisoner. Approximate.	34	25	14	12	11	9	4

\*Figures not available.

576. It will be seen from this that in the past ten years the average expenditure on jail buildings per head of the prison population has been (excluding annas and pies) Rs. 34 in Bengal; Rs. 25 in Bihar and Orissa; Rs. 14 in Madras; Rs. 12 in the Punjab; Rs. 11 in Bombay; Rs. 9 in the Central Provinces and Rs. 4 in the United Provinces. If the United Provinces had incurred expenditure on jail buildings in proportion to the jail population on the scale accepted in Bengal it would have expended during this period on an average population of 30,000, Rs. 1,02,00,000. It actually expended Rs. 13,29,459. This shows a reluctance to incur expenditure under this head to the extent of some Rs. 88,00,000. So it will be seen that, while the Committee proposes a largely increased expenditure now, it is in effect asking the authorities to settle an old debt.

577. We now come to the recurring expenditure. Here we can give no certain figures. We can, however, suggest that in no circumstances are we asking an increase in recurring expenditure which will be as much as Rs. 25,00,000 a year. In fact the figure even on the roughest estimate will be less. We have obtained information which shows the comparative expenditure on jails per head of prisoners excluding expenditure on buildings in the year 1927 in the whole of India. This is the table.

578. Comparative expenditure on Jails, excluding buildings, in 1927.

Name of province.	Average cost per head of prisoner.		
	Rs.	a.	p.
Bengal .. .. .	179	3	0
Bihar and Orissa .. .. .	172	12	11
Central Provinces .. .. .	161	6	6
Punjab .. .. .	155	4	5
Assam .. .. .	148	9	9
Bombay .. .. .	142	10	9
North-West Frontier Province .. .. .	131	6	5
Madras .. .. .	127	8	8
Burma .. .. .	118	3	2
United Provinces .. .. .	93	10	5*

\* The annual Jail Administration Report for the United Provinces gives at paragraph 20 the average expenditure as Rs. 94-12-11. But this figure is corrected at page 67A to Rs. 93-10-5 and is accepted by the Inspector-General of Prisons who supplied the Committee with the table given.

579. The following table shows what other provinces would have spent on these rates if they had had a population of 30,000 prisoners. This is the average jail population of the United Provinces. They would have spent as follows :—

Province.	The amount which would have been expended in 1927 on 30,000 prisoners (excluding building charges) at the preceding rates.	Excess over what the United Provinces would have expended on 30,000 prisoners at Rs. 93-10-5 (Rs. 28,09,531-4-0).
	Rs. a. p.	Rs. a. p.
Bengal .. .. .	53,75,625 0 0	25,66,093 12 0
Bihar and Orissa .. .. .	51,84,218 12 0	23,74,687 8 0
Central Provinces .. .. .	48,42,187 8 0	20,32,656 4 0
Punjab .. .. .	46,58,281 4 0	18,48,750 0 0
Assam .. .. .	44,58,281 4 0	16,48,750 0 0
Bombay .. .. .	42,80,156 4 0	14,70,625 0 0
North-West Frontier Province ..	33,42,031 4 0	11,22,500 0 0
Madras .. .. .	33,26,250 0 0	10,16,718 12 0
Burma .. .. .	35,45,937 8 0	7,36,406 4 0

580. The United Provinces actually expended Rs. 29,16,359 in 1927 on a jail population of 31,140. We are taking the average figure of 30,000 which gives an expenditure of Rs. 28,09,531-4-0. The above table not only shows what other provinces would have expended, but the excess of that expenditure over that of the United Provinces, and it will be seen that in the case of Bengal, which shows the highest scale, it would have expended Rs. 25,66,094 more, and in the case of Burma, which shows the lowest scale, it would have expended Rs. 7,36,406 more. Here again the United Provinces show an expenditure in jails which stands out as exceptionally low in the whole of India. It appears from the following table how expenditure has been gradually reduced in this province :—

581. A statement showing the progressive reduction in expenditure in the United Provinces Jail Department :—

Year.	Total cost per head.	Establishment.	Dieting.	Hospital charges.	Clothing	Other miscellaneous expenditure.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1922 ..	125 3 0	34 1 2	67 14 8	3 12 2	7 15 6	11 7 6
1923 ..	99 12 11	32 2 4	47 7 6	3 3 0	7 8 11	9 7 2
1924 ..	86 3 0	32 13 5	35 14 1	2 13 6	6 0 3	8 9 9
1925 ..	94 1 0	33 3 10	44 15 11	2 6 10	5 15 3	7 7 2
1926 ..	95 3 0	32 12 3	48 12 1	2 3 2	5 3 11	6 3 7
1927 ..	93 10 5	32 0 2	48 2 11	2 2 9	4 4 2	7 0 5

582. In 1922 it was over 25 per cent. more than it is at present, and since then it has fluctuated around Rs. 95 a head. When the price of food has gone down the expenditure has dropped even lower. The expenditure on clothing has been reduced in six years to nearly one-half of what it was before. The expenditure on establishment is even less than it was six years ago. A reduction in expenditure which is due to increased economy is admirable, and in so far as the reduction in expenditure is due to better methods, the stopping of leakage and the like the Department is entitled to great praise. But it appears to us that a portion of the reduction is due to failure to spend money on essentials. An example of reduction in expenditure due to saving of overhead charges will be found in the Madras Presidency, where by the abolition of District Jails and the concentration of all convicts in Central Prisons it has been possible to effect a reduction of staff without loss of efficiency. But the Committee considers that in this province the reduction in expenditure has gone too far to be healthy, and the Committee feels justified in making recommendations that the expenditure should be increased largely.

583. It is difficult to justify the contrast between some of the Punjab jails and the jails in this province in respect of the amenities of life. To take one instance. The Punjab has introduced gratuities for prisoners. The gratuities given there are greater than the gratuities

which this Committee considers necessary. But the principle is correct. No gratuities have been introduced in this province, and the Committee proposes to introduce them. The diet in the Punjab is a whole wheat diet, though it is four ounces less in daily quantity per prisoner. The Punjab Government gives each prisoner two suits of clothes, and three or more blankets. The Punjab has introduced electric light in places in which there is a power supply. Both the Lahore Central Prison and the Lahore Borstal Institution are lighted entirely with electric light. The recommendations of the Committee which involve recurring expenditure relate to increase of staff, improvement of the pay of the staff, improvement in the diet and clothes of the convicts, the granting to the convicts of gratuities, the provision of better water, better light, more facilities for washing and the like.

Pandit Jagat Narain adds that in his opinion the reduced expenditure in this province is not due to any appreciable economy by the Department, but to unsympathetic outlook towards the individual convict.

584. There is not a single recommendation which the Committee has made under these heads which has not been the result of careful consideration and considerable discussion, and in every instance the Committee has endeavoured to reduce the expense to a minimum. We conclude this chapter with a quotation from the report of the 1919 Committee which will be found in the 24th paragraph of their report:—

*Outlay on reform a true economy.*

585. "It is, we think, evident that some of our proposals will involve increased expenditure. The higher salaries recommended for jail officials are largely due to the great rise in the cost of living, and are therefore unavoidable; but the provision of a Deputy Jailer in every Central and District Jail, the increase in Warder staff, the addition of compounders in all larger jails, the additional technical staff and the proposed probation and parole officers are additional items, while the provision of juvenile jails and special institutions for adolescents, of additional Central Jails and of institutions for mental defectives must involve considerable expenditure. We should like, however, to point out that other of our recommendations, if carried out, should furnish a substantial set-off to some of this increase in outlay. The extension of the probation system should result in keeping a large number of persons out of prison; the work of the Revising Board ought to have a material effect in shortening sentences and so reducing jail population; the grant of increased remission will tend in the same direction; and the prohibition

of petty sentences of imprisonment and the proposals regarding payment of fine should result in greatly reducing the number of prisoners committed to jail. Moreover, the increased and improved staff recommended, the more systematic supervision and employment of convicts and the introduction of up-to-date machinery for that purpose will, we hope, contribute materially to reduce the burden falling on the tax-payer. Even if, however, our recommendations involve a net increase in expenditure, we would urge that increased outlay is here a necessary condition of reform and progress, and that it is essential that there should be reform and progress if India is to keep up to the standard of a civilised country in the matter of prison administration. Nor is such increased outlay likely to be wholly a burden to the State. In England and Wales the daily average number of criminals confined in local and convict prisons has been reduced from 30,134 in 1880, when the population was 25½ millions, to 17,056 in 1913-14, when the population was well over 35½ millions. The saving to the community thus effected cannot be exactly calculated, but must be very large. If this has been accomplished by wise legislation and skilled administration in England and Wales, it may reasonably be hoped that something of the same nature is possible in India. We do not suppose that anyone believes the criminal population of this country to be more difficult to reform than that of Great Britain; possibly the contrary proposition would be nearer the truth. The daily average population of convicted prisoners in this country may be taken at about 100,000. If it is assumed that the net value of the labour of these prisoners, when at liberty, is Rs. 100 per annum, the loss to the country through their detention in prison amounts to ten crores a year. To this must be added the net cost of guarding, feeding and clothing them in jail, which cannot be placed at a lower figure than another ten crores per annum. The total loss to the community is thus twenty crores a year. If the daily average number of criminals could be reduced, even by 20 per cent., it would represent a saving of nearly four crores a year. We are not, therefore, without hope that the increased expenditure which may be involved in the adoption of the recommendations may in the long run prove to be an economy."

Note to Chapters XVI and XVII by Pandit Jagat Narain.

I have not visited many of the District Jails, so am not in a position to arrive at an independent conclusion regarding certain matters discussed in these two chapters. But I have agreed to the recommendations made in these two chapters after discussion with the Chairman.

## CONCLUSION.

### CHAPTER XVIII.

586. We have endeavoured in the time allotted to us to see and hear all that could be seen or heard in connection with the questions referred for opinion and cognate questions. We are fully conscious that we have not obtained the intimate knowledge of the many subjects we had to consider that we should have desired. We have done, however, as much as we could do, and now proceed to summarize our conclusions on the points referred to us:—

#### 587. I. *Organization and supervision.*

- (1) The Inspector-General is over-worked and has not sufficient opportunity to exercise that supervision over the work of the Jail Department which is desirable.
- (2) Superintendents of Central Prisons have not sufficient time to attend to the charge of District Jails. The charge of District Jails is usually left to the Civil Surgeons. In many places they have not time to perform satisfactorily the duties of a Superintendent of a District Jail.
- (3) The superior subordinate staff are over-worked and under-paid and live under unsatisfactory conditions. Their work is not always satisfactory.
- (4) The paid Warder staff are over-worked and under-paid and live under unsatisfactory conditions. The work of the paid Warder staff is far from satisfactory.
- (5) Too much is left to convict officials.

*Conclusion*:—Supervision is inadequate and the services are not properly organised.

#### 588. II. *Treatment of convicts and discipline.*

- (1) The present classification of convicts is defective. This results in an association of the less bad with the worse which makes for the deterioration of both.
- (2) The unrestricted association which is inevitable if prisoners are confined at night in general association barracks increases the deterioration of the convict. Ineffective supervision further increases this deterioration.

(3) The deterioration of the convict is assisted by—

- (a) the absence of a progressive treatment which holds out the hope of alleviation of conditions as the result of good conduct and industry,
- (b) the monotony of many of the tasks,
- (c) the inadequacy of reformative influence,
- (d) the discomfort of the life in prison,
- (e) the existence of corruption amongst certain members of the staff which results in favouritism, and the provision of illicit luxuries to some and the ill-treatment of others.

*Conclusion* :—The result is that the convict is not likely to be reformed. He is more likely to leave the jail a worse man than when he entered it.

589. The above conditions do not make for good discipline. The discipline is not good. Prohibited articles are introduced into prisons. Convicts do much as they wish in the general association barracks at night, and in the yards on Sundays and holidays. Plans are made in the prisons for the commission of crimes after release. Violent offences are committed with increasing frequency. In the opinion of the Chairman, outward discipline was formerly better, but the inner discipline was never good. Discipline is deteriorating. Pandit Jagat Narain and Hafiz Hidayat Husain are not in a position to discuss the deterioration, but consider the discipline not good.

590. III. *Education of juvenile prisoners and vocational training.*

Insufficient attention has been paid to the education of juvenile prisoners and vocational training.

The Committee now summarizes its recommendations as to the remedies :—

591. I. *Organization and supervision.*

- (1) Assistance should be given to the Inspector-General of Prisons.
- (2) The charge of District Jails should be removed from Superintendents of Central Prisons.
- (3) Whole-time Superintendents should be appointed for the larger District Jails.
- (4) The superior subordinate staff should be increased and re-organized. Those entering the service should be trained



in training schools. Their pay and prospects should be improved. The hours of duty should be reduced. There should be a leave reserve. The quarters should be improved.

- (5) The paid Warder staff should be increased and reorganized. Those entering the service should be trained in training schools. The initial pay does not require increase. The prospects, however, should be improved. The hours of duty should be reduced. There should be a leave reserve. The quarters should be improved.
- (6) No convict Warders should be appointed. The duties of convict overseers should be confined to the duties of foremen in the workshops once the general association barrack has ceased to exist. So long as the general association barrack exists convicts must be retained as convict overseers and convict night watchmen in the barracks.

*Conclusion* :—Supervision will then be more effective.

## 592. II. *Treatment of convicts and discipline.*

- (1) An improved system of classification of convicts is proposed.
- (2) There should be a classification of Central Prisons. Certain Central Prisons should accommodate only habituals and others should accommodate only non-habituals. The same system should be extended where possible to District Jails.
- (3) The general association barrack should be abolished at once in all Central Prisons accommodating habituals. Cellular sleeping accommodation should be constructed at once in Central Prisons accommodating non-habituals. It should be provided for 33 per cent., of the inmates. Eventually the general association barrack should be abolished everywhere, both in Central Prisons and District Jails.
- (4) Cellular sleeping accommodation should at once be provided in lock-ups for something less than half the inmates. The general association barrack should eventually be abolished in lock-ups also.
- (5) Remissions should be increased for all. Treatment should be progressive for convicts in Central Prisons, the last stage being on a farm settlement or labour colony outside the prison.

- (6) The forms of labour should be altered and improved. Some forms should be abolished, such as drawing water with a rope from a well and propulsion of the oil mill by convicts. Work on the flour mills must be retained in the opinion of the majority of the Committee. There should be no distinction in labour between Indians and others.
- (7) Reformatory influence should be increased in every way. There should be education, religious and moral instruction and some opportunity of amusement. Education should be made compulsory up to the age of 25. Other reformatory influences are indicated.
- (8) The discomfort of the life in prison should be reduced in various stages of the progressive treatment by the granting of certain alleviations.
- (9) There should be an improvement in diet, clothing and blankets for all, and certain minor concessions such as the issue of hand fans should be made to all.
- (10) There should be improvement in the lighting.
- (11) There should be improvement in the water supply.
- (12) Greater facility should be given for washing clothes.
- (13) Special diet should be given on jail holidays.
- (14) Certain forms of punishment should be abolished.
- (15) Better libraries should be provided.
- (16) A system of gratuities should be introduced.

These improvements will not only make for reformation: they will also make for better discipline.

593. *III. Juvenile prisoners and vocational training.*

Adolescents and juveniles should be confined as far as possible in separate jails. Jails should be reserved for habituals and non-habituals, the classes being kept separate. Special attention should be paid to education and moral training of juveniles and adolescents. The treatment should be a treatment based on the English Borstal system. Vocational training should be improved.

594. The main other improvements suggested by the Committee are the formation of jail farms and jail colonies, the provision of special accommodation and treatment for certain classes of prisoners, and the establishment of a system of probation.

Pandit Jagat Narain adds in respect of no. II that the most important reform under that head is the abolition of differential treatment on the ground of race, creed and colour, which in his opinion exists in the jails of this province. He further lays great stress on the necessity of special treatment of better class prisoners and draws attention to the note on the subject prepared by Hafiz Hidayat Husain and himself.

595. It now remains for the Committee again to express their thanks to officers and others who have assisted them. The names of some have already been mentioned. We here wish to draw particular attention to others, to the District Magistrates, Superintendents of Central Prisons and Civil Surgeons, who, wherever the Committee went, have devoted their time to explaining local conditions and have assisted the Committee in every possible way. We have also to thank Mr. Gilbert and the other officers of the Public Works Department who have assisted us with their advice. Finally, we wish to put on record our great appreciation of the assistance that we have received from our Secretary, Lieut.-Col. C. E. Palmer, I.M.S., and of the admirable work done by the staff. Mr. S. Phillips, Superintendent of the Committee, has worked indefatigably and has conducted his duties with great efficiency. Mr. L. C. Talbot and Mr. J. R. Mendis have also given us more than satisfaction. The very small staff has done an amount of work which would ordinarily be expected from at least double their number, and they have done the work well.

LOUIS STUART.

*March 14, 1929.*

JAGAT NARAIN.

*March 14, 1929.*

HAFIZ HIDAYAT HUSAIN.

*March 16, 1929.*

## SUMMARY OF RECOMMENDATIONS.

### CHAPTER IV. ADMINISTRATION.

#### (a) *Inspector-General.*

(1) The appointment of a Deputy Inspector-General is recommended not only to assist the Inspector-General in his inspections, but for the performance of certain other specified duties (paragraphs 84 and 85).

(2) A Secretary Inspector is also necessary to supervise routine work in the Inspector-General's office (paragraph 85).

(3) A Supervisor of the Public Works Department should be attached to the office of the Inspector-General to prepare plans and estimates (paragraph 85).

#### (b) *Superintendents.*

(4) The retention of medical officers as Superintendents of Jails is recommended (paragraph 86).

(5) No Superintendent of a Central Prison should be retained in collateral charge of a District Jail (paragraph 87).

(6) The post of Superintendent of Central Prisons should not necessarily be reserved for I.M.S. officers (paragraph 87).

(7) Whole-time Superintendents should be appointed to the larger District Jails (paragraph 88).

(8) Suggestions are made regarding the appointment of such whole-time officers (paragraph 88).

#### (c) *Subordinate staff.*

(9) The executive side of Central Prisons should be increased by the addition of three Deputy Jailers (paragraph 96).

(10) The staff of the Office Jailer in Central Prisons should be increased by two (paragraph 97).

(11) Certain duties at present imposed on Head Jailers of Central Prisons should be discontinued (paragraph 98).

(12) A special allowance is recommended for the executive staff of Central Prisons (paragraph 99).

(13) The executive staff of Central Prisons should be recruited separately (paragraph 100).

(14) In Central Prisons a special allowance should be given to the Office Jailer and his Deputy (paragraph 100).

(15) In the larger District Jails a special allowance should be given to the Jailer and a Deputy Jailer should be appointed to assist him in his duties (paragraph 101).

(16) In every District Jail there should be an increase of staff (paragraph 102).

(17) Recommendations are made regarding the amalgamation of the Deputy Jailer and clerical branches (paragraphs 103 to 105).

(18) The practice of appointing unpaid apprentices should be discontinued, and a sufficient leave reserve should be formed (paragraph 106).

*(d) Warder staff.*

(19) An improvement must be made in the prospects of Warders and recommendations are made regarding a revised scale of pay (paragraph 109).

(20) There should be a general increase in the numbers of the Warder staff (paragraph 110).

(21) The transfer of Warders from jail to jail should be reduced to a minimum; and where transfers do take place, they should receive their "out-of-pocket" expenses (paragraph 111).

(22) Certain additional articles of uniform should be issued to all Warders (paragraph 111).

(23) Efforts should be made to provide special schools for the education of Warders' children (paragraph 112).

(24) Provision should be made, where it does not exist, for hospital accommodation for such Warders as require it (paragraph 112).

(25) Temporary Warders should not be employed, a sufficient leave reserve should be created on the permanent staff to supply leave vacancies (paragraph 112).

(26) A special cadre of gate-keepers should be formed (paragraph 114).

*(e) General.*

(27) Immediate steps should be taken to improve the present quarters both of officials and Warders (paragraphs 115 and 116).

(f) *Training schools.*

(28) There should be two training schools in the Department—one for the training of Assistant Jailers and one for the training of Warders (paragraph 118).

(g) *Medical staff.*

(29) Suggested that the term "medical subordinate" be replaced by "resident medical officer" (paragraph 122).

(30) All weighments in Central Prisons should be carried out by medical subordinates and not by executive officers (paragraph 126).

(31) (a) The compensatory jail allowance should only be withheld as a punishment, with a right of appeal (paragraph 127).

(b) When two medical subordinates are employed there appears to be no necessity for one to remain in the prison all night (paragraph 127).

(32) The formation of a special jail Medical Service is recommended with an increase in the present jail compensatory allowance (paragraphs 128 to 130).

33. (a) A compounder should be attached to the larger District Jails (paragraph 130).

(b) A jail compensatory allowance should be given to compounders (paragraph 131).

(h) *Technical staff.*

(34) Experts should be deputed, when necessary, from the staff of the Director of Industries to assist with advice and guidance (paragraph 133).

(35) Members of the present jail staff should be deputed to proper centres for a course of instruction in selected technical subjects (paragraph 184).

(36) A uniform scale of pay should be adopted for trade instructors at present in the Department (paragraph 134).

(i) *Convict officials.*

(37) Convict Warders should be abolished and replaced by paid Warders, but present incumbents should be retained during the remainder of their prison life (paragraph 137).

(38) Convict overseers should be retained, but should not be placed in a position of real authority (paragraph 138).

(39) Convict night watchmen must be retained so long as the general association barrack exists (paragraph 140).

(40) Certain recommendations are made regarding the selection of convict overseers (paragraph 142).

(41) Convict overseers should be separated from all other convicts at night, except when on duty, and should be given certain special privileges (paragraph 143).

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## CHAPTER V.

### CLASSIFICATION OF PRISONERS AND PRISONS.

(42) Convicts must be classified to allow of variation in their treatment (paragraph 144).

(43) Strong efforts should be made to reform radically the present system of classification, and the importance of a correct classification at the time of conviction should be impressed upon Presiding Officers of Courts (paragraph 151).

(44) In the case of sentences over two years a short statement of the offender's character and offences should be given (paragraphs 151 to 153).

(45) All such classification should be checked in the office of the Inspector-General of Prisons, and the convict should be allowed an appeal against classification to an authority to be decided by the Local Government (paragraph 154).

(46) There should be a proper classification of Central Prisons whereby habituals and non-habituals are confined in separate prisons (paragraph 155).

(47) All adolescents should, as far as possible, be taken, irrespective of sentence, out of Central Prisons, and District Jails and kept together in separate institutions (paragraph 156).

(48) The proposed Central Prison at Meerut should be reserved for the worst type of habitual (paragraph 158).

(49) An attempt should be made to reduce the number of prisoners employed outside the jail on certain forms of labour (paragraph 159).

(50) Terms of transportation should be converted into terms of penal servitude (paragraph 165).

(51) A "Progressive Stage System" should be introduced (paragraph 168).

(52) Well behaved convicts towards the end of their sentences should be removed from prison and settled on farm settlements or labour colonies (paragraphs 170 to 172).

(53) Efforts should be made in the future whereby short sentence convicts will be confined separately in habitual and non-habitual District Jails (paragraph 174).

(54) The accommodation of prisoners by night in general association barracks is considered highly undesirable, and cellular accommodation by night combined with association by day is recommended for certain classes of prisoners (paragraphs 179 to 191).

(55) In the first instance cellular accommodation at night should be provided for all habituals and for 33 per cent. of non-habituals in Central Prisons. In the District Jails similar accommodation for from 50—25 per cent. of the inmates (including undertrials) should be ultimately provided (paragraph 192).

## CHAPTER VI.

### LABOUR AND INDUSTRIES.

#### (a) *Tasks.*

(56) Due allowance should be made for beginners and paragraph 704 of the Jail Manual should be modified accordingly (paragraph 198).

(57) Paragraph 679 of the Jail Manual should be amended so as to provide stricter supervision on the part of the Superintendent (paragraph 198).

(58) Convicts on aloë pounding should be provided with some form of protection for the feet and should be issued with oil (paragraph 213).

(59) The Chairman and Pandit Jagat Narain would retain hard labour on aloë pounding and on the mills for all except members of the Star class. Hafiz Hidayat Husain, however, would only retain these forms of labour for habituals, keeping them as a punishment for non-habituals (paragraph 214).

(60) No convict (if physically fit) should be exempted from any form of labour on racial grounds (paragraph 214).

#### (b) *Manufactures.*

(61) The Committee would welcome improvements on the lines suggested by the Director of Industries (paragraphs 205 and 206).

(62) No extension of manufacture for Government Departments should be undertaken without first obtaining the opinion of the business world as largely represented by the Chambers of Commerce (paragraph 207).



(63) There can be no objection to the sale of jail made articles to the public, provided jail competition is fair and reasonable (paragraph 210).

(64) The present restrictions as to marketing and salesmanship should be partially removed. There should be a dépôt where jail made articles can be exhibited and sold (paragraph 211).

(c) *Introduction of machinery.*

(65) The introduction of machinery is recommended to a modified degree only (paragraph 212).

(66) The Committee is of opinion that the drawing of water by hand is undesirable and that it should be replaced by some form of power (paragraph 213).

(67) The employment of convicts on the *kolhu* (country oil press) is considered objectionable and the use of bullocks in lieu is recommended (paragraph 213).

(68) The Committee is of opinion that the carding and spinning of wool could be done more efficiently and economically by the use of electrically driven machines (paragraph 215).

(69) Blankets should be manufactured either from purchased yarn or from yarn which has been machine spun in the jails (paragraph 216).

(70) If hand carding is continued in jails, sanitary and well ventilated sheds, lighted by electricity and fitted with exhausts, should be provided (paragraph 216).

(71) Wherever wool carding is in force a disinfectant should be provided (paragraph 216).

(72) Further attention should be paid to improved methods of weaving (paragraph 217).

(d) *Farms.*

(73) The opening of small farms in connection with certain selected Central Prisons is recommended (paragraphs 219 to 223).

(e) *Jail gardens.*

(74) Suggestions are made regarding improved methods of fertilisation, better irrigation and increase in the number of convicts employed (paragraph 224).

(f) *Vocational training.*

(75) Vocational training should remain an important portion of the training of convicts (paragraph 226).

(76) The training of agriculturists in cottage industries is recommended (paragraph 227).

(77) Vocational classes should be provided with improved equipment, including power driven machinery (paragraph 228).

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## CHAPTER VII.

### PUNISHMENTS AND DISCIPLINE.

(78) The imposition of cross bar fetters and handcuffing behind or to a staple should be discontinued (paragraph 235).

(79) Suggestions are made regarding a modification of the rules governing the infliction of whipping as a jail punishment (paragraph 236).

(80) A sentence of whipping as a jail punishment should be referred to a confirming authority (paragraph 237).

(81) The intelligent application of authorized punishments will mitigate against the infliction of unauthorized punishments (paragraph 243).

(82) Adequate punishment should be awarded to officials and Warders found guilty of maltreating convicts (paragraph 244).

(83) A detailed description of dangerous assaults committed in jails should be given in the Annual Report (paragraph 265).

(84) Where possible, criminal cases instituted against prisoners for offences committed in jail should be heard in the jail itself (paragraph 265).

(85) The Chairman is in favour of making the possession of a prohibited weapon dangerous to life punishable with at least fifteen stripes. Both Members, however, dissent (paragraph 272).

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## CHAPTER VIII.

### REFORMATORY INFLUENCES INSIDE THE JAIL.

(86) The rules relating to the remission system require further additions and alterations (paragraph 274).

(87) The granting of special remission should be made more freely (paragraph 274).

(88) Recommendations are made as to the award of ordinary remission in connection with a proposed "Progressive Stage System" (paragraph 275).

(89) Recommendations are put forward regarding the award of a cash allowance to all convicts (paragraphs 279 to 283).

(90) Certain indulgences are suggested as a reward for specially good work or for issue to well behaved prisoners (paragraphs 284 and 285).

(91) Facilities for smoking might be given to convicts employed on the land or to those of particularly good behaviour (paragraph 286).

(92) Suggestions are made regarding the shaving of the head and the clipping of beard and moustache (paragraphs 289 and 290).

(93) The use of shoes is recommended for certain classes of prisoners (paragraph 291).

(94) A hand fan should be issued to all in the hot weather and rains (paragraph 292).

(95) Certain recommendations are made regarding amusements (paragraphs 293 and 294).

(96) Increased facilities, under specified reservations, should be granted as regards letters and interviews. Better provision should be made to provide places for interviews (paragraph 296).

(97) All suggested concessions should be dependent on good behaviour and should be withheld for misconduct (paragraph 297).

(98) The appointment of a paid agency for imparting religious and moral instruction is recommended (paragraph 299).

(99) More should be done regarding special concessions in respect of work and diet during recognized religious festivals (paragraph 300).

(100) Compulsory education is advocated for juveniles, adolescents and adults up to the age of 25 (paragraphs 301 and 302).

(101) In any educational scheme advantage should be taken of literate convicts. Where paid teachers are employed, they should be adequately remunerated (paragraph 303).

(102) Libraries should be increased in all jails (paragraph 304).

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## CHAPTER IX.

### MEASURES TO PREVENT ADMISSION TO PRISON.

(103) The introduction of a probation system and the appointment of Probation Officers in Municipal areas is recommended (paragraphs 308 to 314).

(104) The scope of criminal settlements should be extended to meet the cases of old offenders who are not members of criminal tribes (paragraph 322).

(105) Discharged Prisoners' Aid Societies should be formed in every district (paragraph 323).

(106) Police surveillance over registered ex-convicts after release should avoid any appearance of persecution (paragraph 325).

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## CHAPTER X.

### PRISON HYGIENE AND MEDICAL ADMINISTRATION.

#### (a) *Dietary and allied subjects.*

(107) There should be a more efficient check over the official in charge of the grain godown (paragraph 333).

(108) Superintendents should frequently attend the distribution of food at uncertain times (paragraph 337).

(109) Adjustments are recommended in the present diet scales (paragraph 341).

(110) More variety should be introduced into the diets, and recommendations are made on this point (paragraphs 343 and 344).

(111) Extra fuel should be issued for parching gram and for the cooking of dalia (paragraph 345).

(112) Male convicts between the ages of 16 and 21 should receive an adult ration (paragraph 346).

(113) Particular attention should be paid by Superintendents to the requirements of individual undertrials as regards their diet (paragraph 346).

(114) The diet of nursing mothers should be modified (paragraph 346).

(115) A special diet should be issued on jail holidays (paragraph 346).

(116) Pandit Jagat Narain and Hafiz Hidayat Husain consider that the vegetable supply should be improved, and make suggestions (paragraph 352).

(117) The *tawas* of the present cooking range should invariably be made of cast iron (paragraph 354).

(118) Modern kitchens should be provided everywhere (paragraph 355).

(119) Iron kneading troughs should be replaced by those made of cement (paragraph 356).

(120) Pandit Jagat Narain and Hafiz Hidayat Husain make suggestions as to an improved method of cooking vegetables (paragraph 357).

(121) The present iron *tāslas* and *katoris* should be replaced by vessels made of aluminium (paragraph 358).

(122) *Handas* and *dal* buckets should be made of brass in lieu of iron as at present (paragraph 359).

(b) *Clothing.*

(123) *Jangias* (shorts) should be cut wider than at present and reach five inches below the knee (paragraph 360).

(124) Such cotton clothing as has become manifestly ragged through fair wear and tear should be condemned irrespective of the date of issue (paragraph 361).

(125) Two suits of cotton clothing on admission and a further single issue every six months is necessary (paragraph 362).

(126) The quality of the blanket coats should be improved (paragraph 362).

(c) *Blankets and bedding.*

(127) The quality of the blankets should also be improved (paragraph 364).

(128) The stock of blankets in each jail should be sufficient to allow of the issue of a third blanket whenever considered necessary by the Medical Officer. Pandit Jagat Narain would give all prisoners a third blanket during a specified period (paragraph 364).

(129) Sufficient pillows should be stocked to allow of issue when considered necessary by the Medical Officer. In the proposed special jail all the inmates should be supplied with one (paragraph 365).

(130) A cotton sheet should be issued to all convicts in the hot weather and rains (paragraph 366).

(d) *Body oil.*

(131) The question as to issue should be considered (paragraph 367).

(e) *Conservancy.*

(132) Standard pattern latrines should be provided everywhere (paragraph 369).

(133) Night latrines should be provided in all barracks; special attention is drawn to the barracks of civil prisoners (paragraph 370).

*(f) Water supply.*

(134) Where necessary the water supply should be increased so as to allow of sufficient water for all purposes (paragraph 372).

*(g) Washing of clothes.*

(135) Hot water should be available and sufficient soap and *sajji* should be given to each prisoner for the washing of cotton clothing (paragraph 372).

(136) Thresh disinfectors should be provided in each jail for the proper disinfection of woollen clothing and blankets (paragraph 372).

*(h) General.*

(137) The co-operation of the Health Department should be enlisted on matters connected with prison hygiene (paragraph 373).

*(i) Lighting.*

(138) The Committee strongly recommends that electric light be installed into all jails where a supply is already available (paragraph 374).

(139) A special installation would be necessary for the Fatehgarh Central Prison as Company's supply is not available at present (paragraph 374).

(140) Where an electric supply is not available steps should be taken to provide better oil lamps (paragraph 375).

(141) Pandit Jagat Narain strongly advocates, in the absence of electric light, that better lighting arrangements be made for literate prisoners (paragraph 375).

*(j) Hospitals and dispensaries.*

(142) Sufficient financial provision should invariably be made to meet the cost of extra diets ordered by Medical Officers (paragraph 376).

(143) A close examination should be made as regards hospital equipment and certain necessaries, such as a microscope, provided (paragraph 378).

(144) Compounders should be attached to all first class District Jails, to most second class ones and to such of the third class as may require them (paragraph 379).

NOTE.—See no. 32 of summary of recommendations.

(145) Convict hospital attendants should be supplemented by paid hospital ward orderlies (paragraph 380).

(146) Well lighted, well ventilated dispensaries and a satisfactory store room should be provided in every jail (paragraph 381).

(147) Administration blocks should be provided in all Central Prisons and in every first class District Jail (paragraph 381).

CHAPTER XI.  
SPECIAL CLASSES OF PRISONERS.

(a) *Undertrials.*

(148) The inclusion of a lock-up in the building of a District Jail should be avoided (paragraph 382).

(149) When a lock-up is situated at a considerable distance from the Court prison vans should be provided for the transport of undertrial prisoners (paragraph 382).

(150) The ideal arrangement is to construct lock-ups close to the Courts and of sufficient size to meet all requirements (paragraphs 382 to 384).

(151) Sufficient cellular accommodation should be provided in existing lock-ups (paragraph 385).

(152) Undertrial prisoners should never be placed under the charge of convict officials (paragraph 386).

(153) Arrangements should be made whereby undertrial prisoners invariably receive a proper meal before being sent to Court (paragraph 387).

(154) Recommendations are made regarding the granting of interviews (paragraph 388).

(155) Suggestions are made regarding the imposition of fetters and the wearing of prison clothing (convicts only) by prisoners attending Criminal and Civil Courts (paragraph 391).

(b) *Aged and infirm.*

(156) The Committee recommends that two selected District Jails be set aside for the reception of this class of convict (paragraph 393).

(c) *Simple imprisonment.*

(157) Suggested that all persons sentenced to simple imprisonment be obliged to perform some form of light labour (paragraph 394).

(d) *Indian Military.*

(158) These should be concentrated in one jail and have no connection with other convicts (paragraph 395).

(e) *Condemned.*

(159) Condemned cells should be placed as near as possible to the gallows enclosure (paragraph 396).

(160) One or more relations of each condemned prisoner should, if required, be given travelling expenses to the place of execution and back (paragraph 397).

(f) *Indian females.*

(161) Present system of classification and segregation should be reviewed (paragraph 398).

(162) Hospital accommodation should be improved (paragraph 399).

(163) Attempts should be made to utilize the services of qualified medical women practising in the vicinity (paragraph 399).

(164) A qualified *dai* should be appointed in each of the concentration female prisons (paragraph 399).

(165) A female warder should invariably accompany a female undertrial prisoner to Court or elsewhere (paragraph 401).

(166) Efforts should be made as regards education (paragraph 403).

(g) *Criminal lunatics and mental defectives.*

(167) An improvement is necessary in the treatment of convicts who are mentally defective or are suffering from mental aberration not amounting to insanity (paragraph 406).

(168) Arrangements should be made for the examination of these classes of convicts by trained psychiatrists (paragraph 407).

(169) These two classes of convicts should be concentrated in one District Jail under a whole-time Superintendent (paragraph 407).

(170) Non-criminal lunatics, when under observation, should not be detained in jail. Proper provision should be made for their reception in a hospital (paragraph 408).

(h) *Convicts suffering from tuberculosis.*

(171) Pandit Jagat Narain and Hafiz Hidayat Husain would prefer a sanitarium in the hills for this class of convict (paragraphs 412 and 413).

(172) More assistance and better equipment should be provided at the Sultanpur District Jail which is at present set aside for this class of convict (paragraph 414).

(173) The Committee considers that the treatment of these convicts after release from jail should receive consideration from Government (paragraph 415).



(i) *Lepers.*

(174) An increased allowance should be given to the medical subordinate and an extra compounder employed (paragraph 416).

(175) The Committee suggests that the case of these leper convicts after release should receive the consideration of Government (paragraph 417).

(j) *Epileptics.*

(176) Provision should be made for convicts suffering from epilepsy (paragraph 418).

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CHAPTER XII.

SPECIAL CLASSES OF PRISONERS—(continued.)

(a) *Europeans and Anglo-Indians.*

(177) Pandit Jagat Narain and Hafiz Hidayat Husain summarise their conclusions (paragraph 444).

(178) The views of the Chairman are contained in a separate note (paragraphs 451 to 461).

(179) The Chairman considers that British soldiers should not be confined in ordinary jails, and puts forward certain suggestions (paragraph 470).

(b) *Political prisoners.*

(180) Pandit Jagat Narain and Hafiz Hidayat Husain submit their views (paragraphs 445 to 447).

(181) The Chairman concurs with these views in the main (paragraph 474).

(c) *Better class prisoners.*

(182) The views of Pandit Jagat Narain and Hafiz Hidayat Husain are contained in a separate note (paragraphs 448 to 450).

(183) The Chairman gives his views on this subject (paragraphs 462 to 473).

(d) *General note.*

(184) Both Chairman and Members are in favour of a special jail at Dehra Dun for the accommodation of certain classes of convicts [paragraphs 444 (7) and 464.]

### CHAPTER XIII.

#### JUVENILE AND ADOLESCENT DELINQUENTS.

(185) The passing of a Borstal Act and the formation of institutions on Borstal lines is advocated (paragraph 486).

(186) Provision should be made in such institutions for both habituals and non-habituals (paragraph 487).

(187) In any such institution inmates between sixteen and twenty-one should be separated from those under sixteen (paragraph 489).

(188) No inmate should be retained in a Borstal Institution after he has attained the age of twenty-one (paragraph 490).

(189) The present Bareilly Juvenile Jail should, after extension and improvement, be reserved for habituals (paragraphs 491 and 492).

(190) The Lucknow District Jail should be converted into a Borstal Institution for non-habitual juveniles and adolescents (paragraph 493).

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### CHAPTER XIV.

#### NON-OFFICIAL VISITORS.

(191) The system of jail administration should be explained to non-official visitors on first appointment (paragraph 504).

(192) A place should be provided in every prison whereby a non-official visitor can converse with any prisoner within sight of but out of hearing of the staff (paragraph 507).

(193) Every non-official visitor should be given a copy of the Jail Manual (paragraph 508).

(194) Lady visitors should be appointed to all Central Prisons and District Jails in which female prisoners are confined (paragraph 510).

(195) Sufficient consideration should be given to the remarks of non-official visitors (paragraph 511).

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### CHAPTER XV.

#### PRISONERS' COMPLAINTS.

(196) The question of classification of certain convicts should be reconsidered (paragraph 538).

(197) It is undesirable to confine prisoners in a place where they can neither understand nor make themselves understood (paragraph 539).

## CHAPTER XVI.

### BUILDINGS.

(198) The whole question of accommodation at present available for undertrial prisoners should be reviewed on certain suggested lines (paragraph 546).

(199) When overcrowding exists among undertrials, temporary accommodation outside the jail (in a wire enclosure) is preferable to the employment of the *bel* chain (paragraph 546).

(200) It is essential that the construction of the proposed Meerut Central Prison be expedited. Certain modifications in the plans are recommended (paragraph 549).

(201) Suggestions are made regarding the classification of Central Prisons (paragraph 550).

(202) The Lucknow District Jail should be converted into a Bors-tal Institution for non-habituals and the Bareilly Juvenile Jail into a similar institution for habituals, see Chapter 13, paragraphs 491 to 493 (paragraph 551).

(203) The construction of a new District Jail at Sitapur and a new lock-up at Bara Banki would then be rendered necessary (paragraph 551).

(204) A new District Jail is required at Aligarh, the present jail being retained as a lock-up and for the accommodation of the old and infirm, see Chapter 11, paragraph 393 (paragraph 552).

(205) A new District Jail should be constructed at Allahabad (paragraph 553).

(206) Mirzapur requires a new District Jail, the present jail being retained as a lock-up and for the old and infirm, see Chapter 11, paragraph 393 (paragraph 554).

(207) A new District Jail should be built at Shahjahanpur (paragraph 555).

(208) The Moradabad District Jail should be abandoned as a jail and retained as a lock-up, a new Jail being built outside the town (paragraph 556).

(209) A special jail should be constructed at Dehra Dun (paragraph 557).

(210) Lock-ups (separate from District Jails) are urgently required at Lucknow, Agra, Allahabad and Meerut and to a less extent at Mainpuri, Saharanpur, Muttra and Sultanpur (paragraph 558).

(211) When new prisons and jails are constructed the work should not be carried out by the Jail Department (paragraph 559).

(212) A special engineer should be appointed to take complete charge of any jail major building programme (paragraph 560).

(213) A supervisor should be permanently attached to the office of the Inspector-General, see Chapter 4, paragraph 85 (paragraph 561).

(214) The proposed building programme should be spread over a period of ten years (paragraph 562).