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Report on Prison Conference
1892



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REPORT

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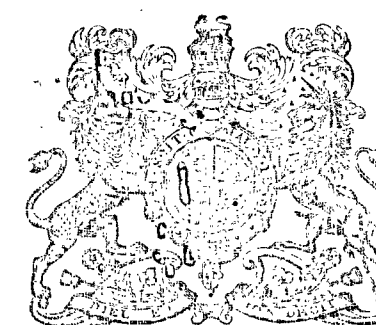
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THE PRISON CONFERENCE,

APPOINTED IN JANUARY 1892.

WIT

PROCEEDINGS AND APPENDICES.



செப்பனிருவதற்காக எடுத்தல்
கொள்ளப்பட்ட
சி.க. சிவசுந்தரன்
தொண்டி மாதம் 1988 வருடம்
செப்பனட்டு முடித்த
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தொண்டி மாதம் 1988 வருடம்

CALCUTTA:
 OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
 1892.

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To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Calcutta, the 1st February 1892.

SIR,

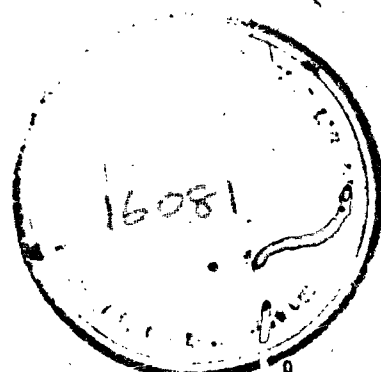
We, the undersigned members of the Conference convened by Home Department Resolution No. 8-760-768, dated 7th December 1891, have the honour to submit the following report on the subjects referred to us for consideration.

2. Our first meeting was held in Calcutta on Monday, the 11th of January, and our last meeting on Monday, the 1st February. Between these two dates we held seventeen meetings, all of which were attended by all members, except Mr. Cardew, who did not arrive in Calcutta until the 14th January, and Sir John Tyler, who was prevented by illness from being present on two or three occasions. We visited the Presidency and Alipour Jails and the Reformatory School at Alipur, and took advantage of these visits to view the several forms of punishment in force in the jails of Bengal. Appended to this Report will be found printed minutes of the proceedings of each meeting, from which the actual course of our discussions will appear.

3. The chief matter which is referred to us in the Home Department Resolution above cited relates to the Law of Jail Offences and Punishments, and to this we therefore devoted our attention first. We commenced by considering whether the proposed code should be exhaustive, containing in itself a complete list of all jail offences and of all jail punishments, or whether a part only of this subject should be dealt with in detail by the Legislature, the remainder being left to be regulated by rules made under the Act and having the force of law. We found that the majority of jail offences must consist of the breach of specified jail rules, and it seemed to us very inconvenient that it should be impossible to add to or modify these rules without recourse to legislation. We were also of opinion that it would be exceedingly difficult to define many of these rules with the precision requisite in a legislative enactment, and observing that the Government of India had itself expressed a preference for the division of the subject into two parts—one composed of an Act and the other of rules made under it—we decided to recommend the adoption of that arrangement.

4. We had next to decide what subjects should be included in the Act and what in the rules made thereunder. For the reasons already given, we considered it inexpedient to deal with the enumeration of offences in the Act, but in regard to punishments we came to the conclusion that it was very desirable that their number should be strictly limited and their nature clearly defined by the Legislature itself. We therefore determined to recommend that all forms of punishment which are to be used in future should be enumerated in the Act, the necessary power to make rules for the definition of offences and other cognate matters being provided.

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8, HASTINGS STREET.



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5. In this connection we considered the suggestion that those penalties for jail offences which consist merely in the modification of discipline or treatment in a manner unfavourable to the prisoner do not require legislative basis and need not be included in the Act. We observed in the first place that it was not easy to draw the line between penalties of this nature and those which constitute so material an addition to the sentence of imprisonment judicially awarded as to require the sanction of the Legislature. In Bengal Act V of 1865, for instance, no mention is made of penal diet, which is awarded in this province under executive rule only, whereas in Act XXVI of 1870, in Madras Act V of 1869, and in Bombay Act II of 1874, it was considered necessary specifically to authorize this punishment. Moreover, we considered it of primary importance that no additions to the list of punishments now laid down should be made without the fullest examination and consideration. We desired to define strictly the limitations of the punishments now to be authorized, and to prevent the possibility of local varieties of penalties springing up. We therefore resolved to make our enumeration as exhaustive as possible, and to recommend that no addition thereto, or subtraction therefrom, be in any degree possible, except by legislation.

6. We then proceeded to consider in detail the punishments which should thus be sanctioned and the conditions and restrictions which should be attached to their infliction. In order to give definite form to the results at which we arrived, they have been embodied in a draft Act which forms Appendix I to this Report, and we now propose to notice as briefly as possible the chief debatable points arising in connection with this draft.

7. In the first place we did not consider it desirable that the powers of punishment conveyed by the Act should, in all cases, be bestowed on the Superintendents of subsidiary jails, and on those of subordinate jails (especially of the lower class) in Bombay. These jails are often under the supervision of officers on very low pay and of limited experience, and we did not think it right to invest them with the same plenary powers of punishment as an officer in charge of a Central Jail may possess. We therefore propose to limit the original application of the Act to Central, District, and (in Bengal) Intermediate Jails, while empowering the Local Government by rule to invest any or all officers in charge of subsidiary or subordinate jails with any or all of the powers of punishment conferred by the Act.

8. Turning next to the list of punishments contained in section 5 of the draft Act, it will be observed that we have commenced with "formal warnings." At first sight, it may appear incongruous to apply the word "punishment" to a warning. On the other hand, the fact that a prisoner has been formally warned not to repeat a particular offence is a material consideration in awarding a penalty for its repetition. The warning is, in fact, evidence of a previous conviction for which no punishment, other than a warning, was inflicted. Such formal warnings should be recorded, and should be distinguished from mere admonitions, which from their informality may fail to impress the prisoner's mind. Thus, on the other hand, we desired to prevent a heavier penalty being inflicted merely on the ground of a previous casual warning, while, on the other, we were anxious to recognise the importance and weight which should be attached to a formal warning. We, therefore, resolved to include the latter as a definite form of punishment.

9. In the enumeration of other punishments, we have followed closely the recommendations contained in Chapter XVIII of Drs. Walker and Leth-

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bridge's Report, and it is not necessary for us to explain in detail our reasons for each item. (In regard to the three punishments termed respectively "solitary," "separate," and "cellular confinement," we have appended explanations to render the distinction between each penalty clear. In solitary confinement the prisoner will be placed in a cell the door of which, or of the courtyard in front, will be of wood, and he will thus be unable to see beyond the limits of his own immediate place of confinement, while in separate confinement there will be a barred-iron door only, not preventing him from seeing out of the cell. In both these cases he will receive his food in his cell and alone, but in cellular confinement, as inflicted in the close prisons now attached to Central Jails in Madras, and in some cases in Bengal, the prisoner will receive his meals outside the cell in association with other prisoners, and be allowed an hour's exercise daily.

10. It will be observed that we propose to include in the Act authority to impose both handcuffs and fetters of certain descriptions, as defined in the interpretation clause, by way of punishment on males only. This is at present allowed only by the Bengal Prisons Act, but Drs. Walker and Lethbridge strongly recommended the extension of this punishment to the whole of India, and we observe that His Excellency the Governor General in Council has already expressed approval of the suggestion. In consequence of the very necessary restrictions which have of late years been placed on the use of corporal punishment, it has been generally found that the means of punishment at present existing are insufficient. There are grave objections to the frequent use of penal diet, and solitary or separate confinement without reduction of rations is not always efficacious. The withholding of marks has little effect on desperate or obstinate characters, and it will thus be seen that the list of punishments to which Superintendents can resort is soon exhausted. We, therefore, consider it absolutely necessary to invest Superintendents with additional means of coercion, and we do not believe that the use of handcuffs and fetters, subject to the carefully considered conditions which we propose, is open to any valid objection. We have included the imposition of gunny clothing, and we have adopted a uniform limit of thirty stripes as the maximum corporal punishment. It was suggested that, in order to discourage frequent recourse to whipping, a minimum number of stripes should be added, but we considered that the end in view could be achieved by executive action, and that the inclusion of a minimum amount of punishment in a legislative enactment was undesirable.

11. There are certain other forms of punishment, the adoption of which in the draft Act has been proposed and negatived. The Government of India has already expressed its objection to the use of stocks, and in this objection we concur. We likewise disapprove of the use of dark cells. A proposal to introduce as a punishment the use of a wooden ticket to be worn suspended from the neck-ring night and day was rejected, and we also determined not to include the cutting of the hair or shaving the head of female prisoners. It would be objectionable thus to disfigure a woman shortly before release, and the punishment would thus be inapplicable to short-term female prisoners, who are often the most violent and difficult to manage.

12. In section 7 of the draft Act we have made an attempt to separate the minor forms of punishment from the more serious, and in general terms to indicate the character of offences for which each class shall be appropriate. We have not, however, considered it possible to attempt to assign any particular punishment to any particular offence. It is evident that the circumstances of each offence, the intention with which it was committed, and the previous charac-

ter of the offender, must determine the nature and degree of punishment necessary, and that it would be impossible to appropriate specific penalties to specific offences. Sections 8 to 12 do not require any comment, as their provisions explain themselves. In section 13 we have reproduced, in a modified form, the provisions of section 49 of the Prisons Act of 1870. It will be seen that we have omitted those clauses which enable the Magistrate to award a prisoner cells or irons for six months, or corporal punishment. The latter can already be awarded by the Superintendent, and if our recommendations are accepted, the former also will not require recourse to a judicial tribunal. The only other penalty awardable under section 49 is additional imprisonment. There is no doubt that the existence of this penalty as a last resource is of much value, and we propose to raise the period which may be allotted from six to twelve months. We consider, however, that the power to award such additional imprisonment should be confined to Magistrates of the first class, and we are opposed to the suggestion that this power should be conferred on Superintendents of Jails as such. If Superintendents are invested with magisterial powers, as has been done in one province, there will be nothing to prevent their taking cognizance of cases under this section, but we consider it undesirable that a Superintendent should be able by an executive order, against which there is no appeal, to extend a prisoner's sentence.

13. We now proceed to notice those recommendations which we consider may conveniently take the form of rules. We have here also endeavoured to give our proposals a definite shape, and, as Appendix II to this Report, will be found a draft Notification which, it is suggested, may be issued under the powers conferred by section 4 of the Act. We have considered it best to provide that these rules may be made either by the Government of India, or by any Local Government with the previous sanction of the Government of India. It might be more convenient to allow Local Governments to frame their own rules while securing uniformity by the reserve of central control. This, however, is a question hardly within our competence to discuss.

14. The first matter which we have dealt with in the draft Rules proposed to be issued in the form of a Notification under the Act, is the provision of as exhaustive a list as possible of jail offences. We observe that the Government of India, in paragraph 3 of Home Department Resolution of the 7th December 1891, has expressed an opinion that the existence of such a list is desirable for the guidance of Superintendents new to jail work, and it also appears to us that it should be possible to place before each prisoner as complete a statement as possible of the offences the commission of which will render him liable to punishment. We have, therefore, endeavoured to provide an enumeration of offences which would cover all combinations of circumstances in any way likely to occur, and we have thought it desirable to run the risk of making the list appear unduly long in order to make it complete. It does not appear to be necessary for us to refer in detail to any of the items in this list; they are in part derived from the lists already existing in several local Jail Manuals to which our attention is drawn in paragraph 3 of the Resolution, supplemented by such additions as experience has shown to be necessary.

15. In drawing up this list of offences we have received much assistance from a draft laid before us by Colonel Bowie, and exhibiting the views of the Chief Commissioner of the Central Provinces. Following the system adopted in this draft, we have proposed to divide the major part of jail offences under the

main headings of offences connected with general behaviour, work, prohibited articles, and mutiny, assaults and escapes.

16. The next matter to which our attention has been specially directed in connection with the Rules to be framed under the Act is the separation of offences into two classes,—the one containing serious and the other minor offences,—as suggested by the Government of India. The difficulties which surround any attempt to declare finally what offences shall be serious and what minor are very numerous. These have not been overlooked by the Government of India, but the opinion is expressed in the Home Department Resolution of the 7th December, that there are probably many breaches of discipline which might be specified as minor, or at all events as appropriately punished by minor penalties. Following this suggestion, we have placed after each offence the letter M. or S., in order to indicate what is, in our opinion, the classification most generally suitable to it. We have provided that, as a general rule, minor offences shall be punished by minor penalties, and in section 7 of the Act we have indicated what those penalties are. We have not, however, considered it possible to lay down in absolute terms any classification of minor offences. There is hardly any case in which the gravity of an act may not be indefinitely increased by the intention or previous character of the offender, while, on the other hand, there may be frequent occurrences in which offences of a serious character may be best dealt with by light penalties. In awarding punishment for jail offences, Superintendents should endeavour to apportion the penalty to the needs of the case, and should imitate, as little as possible, the inflexible procedure of a judicial tribunal. We would, therefore, record our opinion that the classification of offences into serious and minor cannot be regarded as more than a general indication of the ordinary gravity of each offence, and that this may be modified indefinitely by the circumstances of the case.

17. It will be observed that we have included in our list of offences certain acts which constitute an offence punishable under the Indian Penal Code. In some cases, e.g., petty assaults and destruction of property, this is unavoidable, as it is absolutely necessary to empower Superintendents to dispose of such charges without having recourse to a Court. But there are certain cases which, though falling within the definitions of jail offences, ought not, in our opinion, to be disposed of without judicial enquiry. We have accordingly inserted in the draft Rules, contained in Appendix II, a direction which empowers a Superintendent, as a general rule, himself to dispose of any act which is an offence both under the Rules and under the Penal Code; but in the cases of more serious offences, obliges him to send them for trial before a Court. It is hardly necessary for us to add that this provision will in no way prevent the jail authorities from instituting a prosecution in any other case should they consider public enquiry desirable.

18. Before quitting the subject of offences, we desire to refer briefly to the subject of the record of offences. On this point there has been much divergence of practice between different provinces, the fact that a large number of offences has been recorded having been sometimes regarded as a proof of more careful administration, while in other cases it has been pointed to as evidence that the jail discipline must be bad. It appears to us to be certain that in an Indian jail containing large numbers of prisoners in association, no day can pass without a very considerable number of breaches of jail discipline, for the most part of a petty character, being committed. The question then arises whether it is more desirable that these breaches should be left to be punished by Jail subordinates by the

many indirect and unrecognised means open to them, or should be in every case brought to the notice of the Superintendent. We believe that there can be but one answer to this question. Nothing leads more directly to oppression and maltreatment of prisoners than the practice of allowing a subordinate on any pretext to strike, or in any way punish, a prisoner. If, then, this is to be avoided, every breach of rule must be reported to the Superintendent. We would, therefore, lay down, as an axiom of prison management, that every infringement of jail rules shall be brought to the notice of the Superintendent. It will be for the Superintendent to decide whether the act reported was committed in such circumstances, *e.g.*, wilfully and without reasonable excuse, as to constitute an offence. If he considers that it was done through ignorance or excusable carelessness, he will dismiss the charge without bringing it on record. If he finds it to have been an offence, he must award some punishment, and that punishment will then in every case be recorded in the Punishment Register. In this way only can the unauthorized disposal of cases by Jail subordinates be checked, and an adequate security be obtained that the full number of offences of a jail is brought on record.)

19. As regards the form in which the Punishment Register should be kept, we have not thought it necessary to prescribe an actual form, but we have enumerated in section 12 of the draft Act (Appendix I) the particulars which this register should include. It will be seen that we have here adopted the suggestion contained at the end of paragraph 5 of the Home Department Resolution of the 7th December, and have distinguished between the amount of record required in cases of serious and minor offences. In the case of serious offences not involving resort to corporal punishment, the Superintendent is required to record the names of witnesses proving the offence, whereas in the case of minor offences this is unnecessary. If, however, whipping is awarded, we propose that the Superintendent shall record not only the names of witnesses, but their evidence, the prisoner's defence, and the finding, with his reasons therefor. Farther than this we do not think it desirable to go. We have just pointed out the necessity of all offences being brought to the notice of the Superintendent, in order that he alone may deal with them. If this is acted up to, he will have a considerable number of cases to dispose of daily, and must devote a larger portion of his time than hitherto to this object. It is, therefore, undesirable to hamper him by insisting on a full record in every case, and we consider that the only result of doing so would be to produce the very effect which we desire to avoid by causing Superintendents to discourage the practice of reporting every offence.

20. We also consider it inexpedient to prescribe strictly the form which the record of evidence required in cases involving infliction of corporal punishment, should take. In some provinces it may be convenient to make this record in the Superintendent's minute or order-book, in others in that part of the Jailor's report-book which is reserved for the Superintendent's orders, while in others it may be thought best to institute a separate record somewhat resembling a Magistrate's Summary Trial Register. We think it will be sufficient to provide that the record should be in a permanent form of some kind.

21. We have also considered the form of statement which should in future take the place of Annual Statement VI. This return consists of two portions—one showing offences and the other punishments—and the Government of India has decided, in paragraph 6 of the Resolution of the 7th December, that both serious and minor offences are to be included. The Resolution goes on to suggest that serious and minor offences, *as gauged by punishment*, should be shown

separately. We are fully agreed that the only feasible criterion for deciding whether an offence included in this statement is serious or minor, is the character of the punishment awarded. We have already drawn attention to the difficulty of declaring absolutely what offences fall in the one category and what in the other. But if the punishment is to be the criterion, it does not appear to be necessary to take up space by dividing offences into serious and minor; it will be sufficient to divide punishments in this way, and it will, then, at once be known that the proportion which serious offences bear to minor offences is equal to the proportion which major punishments bear to minor punishments, and *vice versa*. We have drawn up a Statement on these lines, and it forms Appendix III to this Report. It seemed to us hardly necessary in this form to distinguish between punishments inflicted on males and females, as is done in the present Statement VI.

22. This concludes the consideration of the matters relating to jail offences and punishments, which were referred to us in Home Department Resolution of the 7th December 1891.

23. We now pass on to the other subjects dealt with in the Resolution. Of these the first is the preparation of a list classifying all descriptions of jail labour under one of the three heads,—Hard, Medium, and Light. We examined the lists already existing in the various Provincial Jail Codes, as well as such as had been drawn up by Members of the Conference, and we found that there was undoubtedly a want of uniformity in the classification of labour which it was desirable to remove. We accordingly adopted the arrangement shown in the list which forms Appendix IV to this Report. This list does not, of course, pretend to be scientifically precise or exhaustive. It is probably impossible to make any enumeration of forms of jail labour, the items of which shall not sometimes overlap. It should be recognised that labour, however light, may be penal and deterrent, if the task is properly apportioned to the physical capacity of the prisoners. We are of opinion, however, that the classification proposed will be a sufficient guide to Superintendents, and will ensure a fair measure of uniformity being attained.

24. The next matter referred to us is the Mark Rules. On this subject we had first to consider a suggestion which was brought before us for a radical change of system, whereby the full ordinary remission obtainable would be allotted to a convict on his admission to jail, deductions being made therefrom from time to time if through want of industry or bad conduct he failed to merit the remission thus allotted. This change would, it was argued, simplify the system and save clerical labour without in any way diminishing the incentives to good conduct. On the other hand, we observed that the terms of Home Department Resolution of the 7th December invited us to define the form which the Mark Rules should take, but not to alter the system altogether; that the rules had now come to be well understood by prisoners and jail officers, and that a complete change would be prejudicial; that the practical result of the alteration proposed was to turn the Mark system into a mere punitive agent, by which remission would be cancelled for misconduct, instead of a system of rewards for good conduct; that by laying before the convict the maximum remission which in ordinary circumstances he can earn, he could be deprived of the stimulus to exertion which is supplied by the present rules; and, lastly, that the proposed system would constitute so immediate and violent an interference with the Court's sentence as to be likely to lead to legitimate protests from the judicial tribunals. We therefore rejected the proposal to revise the remission system in this direction.

25. We then considered the suggestion emanating from the Madras Government that the grant of marks and remission, which is at present confined to convicts under sentence of two years and upwards, should be extended to convicts under sentence for one year and upwards. We came to the conclusion that the adoption of this proposal was desirable on several grounds. In the first place, it would increase the number (at present very limited) of prisoners who are brought under the incentives to good conduct supplied by the Mark system. It would also have the effect of extending these incentives to that class of prisoner who is presumably most open to influence, *viz.*, the short-term prisoner. Under existing rules, the grant of remission is in a large measure confined to habituals, because they form the bulk of the long-term prisoners. Lastly, the proposed change would give Superintendents a larger field from which to draw a supply of convict officers.

26. It is impossible, however, to deny that the extension of the Mark system to convicts sentenced to one year and upwards will largely increase the labour of awarding marks and granting remission. It is probable that the number of cases to be dealt with will be at least doubled, and if existing orders are maintained, we are of opinion that this increased work could not be taken up by the present establishments. We therefore propose to introduce certain modifications in the working of the system which will enable the larger work to be done without difficulty. Firstly, as regards the award of marks, we recommend that this duty should no longer be imposed entirely on the Superintendent, but that he should be allowed to delegate it to certain specified grades of officers, *viz.*, the Deputy Superintendent, the Jailor or Deputy Jailor, and to any other officer whom the local Inspector-General may specially authorise. This system has actually been in force for several years in Bengal. It has been found impossible there to require the Superintendent to allot all marks himself, and it has also been found convenient to empower officers, like the Deputy Superintendent, who are in direct charge of factory or other labour, to give the marks to the convicts working under their control. We consider this relaxation of the rule to be absolutely necessary.

27. The other direction in which relief is required is in connection with the processes immediately antecedent to the prisoner's release. In the Presidencies of Bengal, Madras, and Bombay, all remission is in theory a suspension or cancellation of sentence under section 401 of the Code of Criminal Procedure, and can, therefore, be granted only by the Local Government. In consequence it is necessary to submit to Government monthly lists of convicts eligible for early release; these lists are subjected to an arithmetical check in the Office of the Inspector-General and the Secretariat, but, except as regards this arithmetical check, there are no means of judging how far the award of so many days' remission to any particular prisoner is in accordance with the rules or with the equities of the case. The submission of these lists to Government is, therefore, little more than a formality.

It is apparently doubtful whether, as the rules at present stand, prisoners guilty of thuggee or robbery by poisoning and others covered by clause A of Rule I, if sentenced to periods of imprisonment or transportation less than life, are entitled to marks at all. We resolved to lay down the general principle that no prisoner should be excluded from the hope of remission, provided his sentence extends to at least one year.

28. In the Punjab and Burma, where Act XXVI of 1870 is in force, this almost useless formality does not exist. Section 54 of that Act empowers

Local Governments to frame rules having the force of law regulating the grant of remission. Rules having been once framed under this section, it is left to Superintendents to carry them out, and a very large amount of unnecessary correspondence is saved. This system has worked without difficulty or objection of any kind, and we strongly recommend that it be extended to the whole of India, a similar power to make rules being provided and the Superintendent being then allowed to grant remission in strict accordance with those rules.

29. We have proceeded to revise the form of the remission rules on the basis of these recommendations, and the result will be found recorded in Appendix 5 to this Report. It will be seen that we have completely re-drafted the first few rules. The present rules are unquestionably clumsy and obscure, and we believe we have effected a material improvement in them. In Rule 6 of our draft, corresponding to Rule 3 of the rules printed in Chapter XXVI of the Jail Commission's Report, we have introduced a change of some slight importance, by proposing to modify clause C, which limits the Superintendent's discretion in awarding marks for extra work. It was represented that if tasks are pitched high, a prisoner who does as much as even one-twelfth in excess of the task may deserve an additional mark, and that it is better to leave it to the Superintendent to determine when such special diligence as calls for reward has been shown. As regards Rule 8 of the Jail Commission's Report corresponding to Rule 12 of our draft, we have proposed to increase the number of special marks which it is within the competence of a Superintendent or Inspector-General respectively to allot without reference to higher authority. A thousand marks which we propose should be awardable by the Inspector-General does not quite amount to six weeks' remission of sentence—a term which does not seem an excessive maximum, while the present limits of 50 marks or two days' remission for the Superintendent of a District Jail, and of 100 marks or four days' remission for the Superintendent of a Central Jail, are certainly too low.

30. We have omitted Rules 9 and 10 of the Jail Commission's draft. It seemed to us that these rules related properly to punishments, and that, if they were required at all, they should occur in the rules regulating offences and penalties. The other alterations are either consequent on the recommendations contained in paragraphs 25 to 27, or are useful additions which have been borrowed from the rules in force in provinces other than Bengal. We do not consider it desirable to embody in the rules any provision enabling or requiring the District Magistrate to take any part in the award of marks. In many provinces, where the districts are of great size and the jails not always at headquarters, such a provision would be quite incapable of application, and we believe that even in Bengal it has been rarely, if ever, used. Moreover, we think it better to lay full responsibility for the working of his jail on the Superintendent, leaving it to the District Magistrate to intervene entirely as a visiting or controlling authority, should he think it necessary to do so.

31. In connection with the Mark system, there are two points to which we desire to draw attention. One is the principle that, in the case of prisoners earning marks, the grant of prison privileges and of promotion to any grade of convict officer should be made to depend on the number of marks earned, and should thus be definitely connected with the Mark system. We believe that in some provinces this is not now the case. The other is connected with the grant of gratuities to prisoners on discharge. These gratuities can be connected with the remission system, the amount to be earned weekly being increased as the prisoner rises in grade. But we think that whatever plan is adopted, the

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principle should be recognised that a prisoner is not to be sent out of jail penniless. He should, in our opinion, be given sufficient to support him for such a period as will afford him a reasonable opportunity of obtaining suitable employment, and, in order to prevent any undue extravagance, a maximum sum can easily be laid down.

32. The only other matter to which our attention is drawn by the Resolution of the 7th December 1891 is the subject of jail registers and returns. We have accordingly considered this matter, and have examined such suggestions for the improvement of the Jail Commission's forms as later experience in Bengal has suggested. We understand that the Government of Bombay has expressed its willingness to further consider the forms of registers and returns suggested by Drs. Walker and Lethbridge on the receipt of a report on the subject from the local Accountant-General. In the case of Madras, several of the most important of the Jail Commission's recommendations have been accepted, and the remainder will, we understand, not be lost sight of, but will be examined in the light of future experience. It would not be desirable, in our opinion, to insist on the introduction into any province of an entirely fresh set of books and returns all at once, as such a procedure would certainly produce confusion and mistakes. We therefore recommend that the matter be again commended to the attention of Local Governments, without absolute uniformity being insisted on.

33. In conclusion, we think it desirable to record that the recommendations embodied in this report were not in all cases arrived at unanimously. In particular, Mr. Cardew, representing Madras, dissents from the views expressed in paragraph 10 regarding the use of irons; Mr. Filgate, representing Bombay, dissents from paragraph 11, in so far as he desires to retain as punishments the stocks and the cutting the hair of female prisoners; Mr. Filgate and Sir John Tyler, representing the North-Western Provinces, dissent from paragraph 24 and advocate the adoption of the change in the Mark system therein referred to; and Sir John Tyler also dissents from the recommendations in paragraphs 26 and 28. For the sake of unanimity, however, all members of the Conference have signed this report, their individual views being recorded in the Minutes of Proceedings.

We have the honour to be,

SIR,

Your most obedient Servants,

A. S. LETHBRIDGE.

T. E. L. BATE.

M. M. BOWIE, Colonel.

A. G. CARDEW.

P. W. DALZELL.

T. M. FILGATE.

J. W. TYLER.

7
First Meeting of the Conference of Inspectors-General of Prisons
appointed under Government of India (Home Department)
Resolution No. ^{8 Jails} 760-763, dated 7th December 1891.

The Conference met at the Committee Room of the Home Office
at 12 noon of the 11th January 1892:—

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I., INSPECTOR-GENERAL, PRISONS, BENGAL	President.
SIR JOHN TYLER, K.T., C.I.E., INSPECTOR-GENERAL, PRISONS, N.-W. P.	
T. M. FILGATE, ESQ., INSPECTOR-GENERAL, PRISONS, BOMBAY	
COLONEL M. BOWIE, INSPECTOR-GENERAL, PRISONS, CENTRAL PROVINCES	Members.
SURGEON-MAJOR T. E. L. BATE, INSPECTOR-GENERAL, PRISONS, PUNJAB	
SURGEON-MAJOR P. W. DALZELL, INSPECTOR-GENE- RAL, PRISONS, BURMA	

1. The Resolution of the Government of India, containing the instructions for the guidance of the members of the Conference, was taken as read.
2. The President informed the members that the officer representing the Madras Government had not arrived, but would join the Conference on the 14th instant. It was decided to begin the work of the Conference, but to postpone any decision on the questions raised until Mr. Cardew was able to place the views of the Madras Government before the members.
3. It was arranged that the Conference should meet daily, except on Saturdays, at noon. The proceedings of the Conference will be printed, and members will be given copies of these proceedings for transmission, if necessary, to their respective Governments.
4. The President then placed the following points before the members for consideration at the next meeting:—

(a) Although the Government of India has made no especial mention of the subject, it was necessary to consider, in the first place, the offences coming under the Penal Code which in the opinion of the Conference were sufficiently serious to require a public enquiry, and should therefore be tried by a Court of Justice. A list of these offences was given, and members were asked to express their views on this subject at the next meeting.

(b) On the other hand, there are minor offences provided for in the Penal Code which have always been dealt with by Jail Superintendents without reference to the Criminal Courts. The Conference will decide whether these offences should be enumerated in the proposed Prisons Act and the rules framed under it.

(c) In classifying offences under the heads "serious" and "minor," it was suggested that each of these heads might be sub-divided into sub-heads, representing (1) offences relating to the possession of forbidden articles, (2) offences relating to work, (3) offences relating to general misconduct. Members were asked to consider whether such a classification as that proposed would be the most convenient one for the purpose.

5. Colonel Bowie intimated that he would at the next meeting propose a classification, based on somewhat different lines, as being more convenient than that now suggested.

6. Sir John Tyler handed to the President a memorandum, giving the views of the North-Western Provinces' Government and of his department on the questions now before the Conference. The President undertook to have this memorandum and any similar papers printed for circulation, so that the views of each representative at the Conference may be placed in a convenient form before the members for consideration.

Proceedings of the Second Meeting of the Prison Conference held at the Home Office at noon on the 12th January 1892.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHERBRIDGE, C.S.I.	President.
SIR JOHN TYLER, KT., C.I.E.	Members.
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON MAJOR T. E. L. BATE	
SURGEON MAJOR P. W. DALZELL	

1. The Proceedings of the First Meeting were approved, and it was arranged that each Member should receive 3 copies of each day's Proceedings.

2. Colonel Bowie read a paper containing the suggestions made by the Chief Commissioner of the Central Provinces for the classification of jail offences in the proposed Prisons Act, and for enumerating all offences, including breaches of jail rules, in a schedule of the new Act. It was resolved that this memorandum should be printed for circulation among the Members, and should be attached as an appendix to these Proceedings.

3. Mr. Filgate desired to place before the Conference the views of the Bombay Government on the subject of jail offences, and read extracts from a Resolution of the Bombay Government on the Report of the Prison Committee. Resolved—that these extracts be printed for circulation among the Members.

4. Sir John Tyler informed the Conference that he would also furnish the Members with extracts from the instructions he had received from the Government of the North-West Provinces and Oudh.

5. The Conference next proceeded to examine the suggestion made by

Colonel Bowie for enumerating certain offences under the Penal Code, which it is proposed should be tried by the Criminal Courts:—

(1) Rioting—

Section 147.—Rioting.

" 148.—Rioting armed with a deadly weapon.

" 152.—Assaulting or obstructing public servant when suppressing riot.

(2) Escape—

Section 222.—Intentional omission to apprehend on part of a public servant (Convict Officer).

" 223.—Escape negligently suffered by a public servant (Convict Officer).

" 224.—Escape.

(3) Offences affecting life—

Section 302.—Murder.

" 303.—Murder by a person under sentence of transportation.

" 304.—Culpable homicide.

" 304A.—Causing death by rash or negligent act.

" 306.—Abetting the commission of suicide.

" 307.—Attempt to murder.

" 308.—Attempt to commit culpable homicide.

" 309.—Attempt to commit suicide.

(4) Causing miscarriage, etc.—

Section 312.—Causing miscarriage.

" 314.—Death caused by an act done with intent to cause miscarriage.

" 315.—Act done with intent to prevent a child being born alive or to cause it to die after its birth.

" 316.—Causing death of a quick unborn child by an act amounting to culpable homicide.

" 318.—Concealment of birth by secret disposal of dead body.

(5) Hurt—

Section 325.—Voluntarily causing grievous hurt.

" 326.—Voluntarily causing grievous hurt by dangerous weapons or means.

" 328.—Administering stupefying drugs with intent to cause hurt, etc.

" 333.—Voluntarily causing grievous hurt to deter public servant from his duty.

(6) Rape—

Section 376.—Rape.

(7) Unnatural Offence—

Section 377.—Unnatural offence.

(8) Mischief—

Section 429.—Mischief by killing, poisoning, maiming, or rendering useless any animal.

Section 435.—Mischief by fire or explosive substance with intent to cause damage to amount of Rs100 or upwards or, in case of agricultural produce, Rs10 or upwards.

436.—Mischief by fire or explosive substance with intent to destroy a house, etc.

6. In the opinion of the Members present the Superintendent of a Prison should be allowed no option in regard to the disposal of the cases coming under the sections of the Penal Code above enumerated. They must be tried before a Criminal Court.

7. It is clearly understood that the above recommendations will in no way interfere with the right of the Jail authorities to prosecute any other cases coming under the Penal Code before a Criminal Court, if in their judgment such prosecution and public enquiry is necessary.

Proceedings of the Third Meeting of the Prison Conference held at the Home Office at noon on the 13th January 1892.

Present :

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
SIR JOHN TYLER, KT., C.I.E.	} <i>Members.</i>
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	

1. The Proceedings of the Second Meeting were read and approved.
2. The Conference examined in detail the proposed classification of offences and the framing of a schedule for the same under a new Prisons Act.
3. It was suggested by the President that this proposed schedule of offences should be examined by the Members in the light of the information obtained in the jails of all the Provinces of India to see whether every possible offence in a jail had been provided for.
4. The Members were supplied with a printed copy of the suggestions made by the Government of the Central Provinces as regards the classifications proposed for punishments. With the help of such a memorandum before him each Member could note for himself and bring up for discussion any amendments or additions that may appear necessary.

Proceedings of the Fourth Meeting of the Prison Conference held at the Home Office at noon on the 14th January 1892.

Present :

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
SIR JOHN TYLER, KT., C.I.E.	} <i>Members.</i>
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Third Meeting were read and approved.
2. The Conference continued the examination of the proposed schedule of offences and approved of some additions and alterations to the original list.
3. A proposal to include in this list such offences under the Penal Code as theft, cheating, coining, etc., was discussed. On the one hand it was argued that, as the list under preparation already contained some Penal Code offences, the schedule should be made as complete as possible by enumerating all the offences commonly committed in jails, so that Superintendents who were not acquainted with the Penal Code could have such a list in the Prisons Act always ready for reference, and, having these offences divided under the heads Serious and Minor, would be able to award a suitable punishment in each case. It was represented on the other side, that the enumeration of these offences would be an unnecessary addition to the list, and there would be great difficulty in deciding what Penal Code offences should or should not be included. *Resolved*—that this question be left for the decision of Government. If it is decided that these offences should not be included in the schedule, the fact that Superintendents of Jails have the power to try such cases and deal with them under the Prisons Act should be very clearly stated in that Act.
4. The Conference is of opinion that it will be necessary in the new Act to have a section punishing the abetment of any of the offences mentioned in the schedule.

Proceedings of the Fifth Meeting of the Prison Conference
held at the Home Office at noon on the 15th January
1892.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	President.
T. M. FILGATE, ESQ.	Members.
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Fourth Meeting were read and approved.
2. A list of jail offences having been prepared and classified at the last Meeting, the Conference took up the question of punishments.
3. The first point brought up for discussion was the form in which the punishments should be enumerated in the Act. It was resolved that the Members should be allowed time to study this point and bring up their suggestions at a subsequent Meeting.
4. The next subject discussed was the suggestion made by the Government of India that only punishments requiring legislation should be enumerated in the Act. Mr. Cardew pointed out that while one province considered a certain punishment merely a modification of discipline and treatment, another province thought it sufficiently important to require legislation. *Resolved*—that the Conference strongly recommend that all the forms of punishment which are to be sanctioned in future should be enumerated in the Act.
5. Before proceeding to an examination of the punishments in detail, the Conference was asked to consider the necessity for increasing the powers of Jail Superintendents in regard to punishments and the necessity for maintaining the arrangement now sanctioned by section 49 of the Prisons Act. *Resolved*—that this Conference recommends that all Superintendents of Central, District, and Intermediate Jails should be vested with power by the proposed Prisons Act to use all the jail punishments enumerated in that Act for jail offences, subject, in certain cases, to the sanction of the Inspector-General.
6. Surgeon-Major Bate proposed that section 49 of the present Prisons Act should be utilised in the new Act, so as to allow Superintendents to send prisoners guilty of repeated breaches of jail rules before a Magistrate for the award of an additional sentence of rigorous imprisonment, and for no other purpose. Mr. Filgate informed the Committee that the Bombay Government was of opinion that full powers should be conferred on Superintendents to deal with all offences against jail discipline without the interposition of Magistrates. The Committee did not consider it desirable to give Superintendents of Jails as such the power of giving additional imprisonment without reference to a judicial tribunal, and, therefore, agree with Dr. Bate that in certain cases it might be necessary to use an additional sentence of rigorous imprisonment as a punish-

ment for jail offences, but that this punishment should be awarded by a Magistrate.

7. Surgeon-Major Dalzell informed the Committee that the Chief Commissioner of Burma desired to confer magisterial powers on Superintendents of Jails similar to those conferred by Bengal Act II of 1864, section VI. The President explained that, although Superintendents of Jails in Bengal possessed magisterial powers under this Act, he was not aware that these powers had ever been exercised for the last ten or twelve years. Nor did it appear to him necessary to confer these powers on Superintendents. The Committee would observe that when local circumstances render it necessary that Superintendents of Jails should have magisterial powers, it is within the power of Local Governments to confer these powers without reference to the Prisons Act, and they, therefore, do not consider it necessary to make any recommendation on this point.

8. With the view of putting a stop to unauthorised disposal of cases by jail subordinates and attempting, if possible, to improve the recording of jail offences and punishments, the Committee discussed the question as to what should be considered a breach of jail rules, and who should be the proper person to decide whether an offence has been committed or not. The Committee strongly recommend that the following rule should be enforced in every jail in India:—“Every infringement of jail rules must be brought to the notice of the Superintendent, who will himself decide whether an offence has been committed. Every offence and the punishment awarded (whether it is a formal warning or otherwise) must be recorded in the Punishment Register.” If such a rule is introduced into our prison system and worked fairly, we shall at least eliminate the influence and idiosyncrasies of jail subordinates, and make it possible to have an accurate record of what occurs in a jail in regard to offences and punishments.

9. The Conference next considered in detail the punishments to be specified in the Act:—

- (1) Formal warnings by the Superintendent. If the Superintendent is satisfied that an offence has been committed and he considers it necessary to warn the prisoners, this warning must be recorded.
- (2) Reduction from a higher to a lower class or grade, either temporary or permanent.
- (3) Temporary forfeiture of class, grade, or prison privileges, e.g., permission to write or receive a letter deferred for three months.
- (4) Loss of marks earned but not converted into remission, provided that such loss should not exceed a quarter's mark.
- (5) Cancellation of remission earned, subject to the sanction of the Inspector-General of Jails.
- (6) Loss of future marks for a definite term not exceeding three months.
- (7) Loss of future marks for more than three months or total exclusion from the mark system with the sanction of the Inspector-General.
- (8) Hard labour for seven days for prisoners not sentenced to rigorous imprisonment.
- (9) Penal diet, i.e., restriction of diet in the manner and under the rules as to medical supervision prescribed by the Local Government for any period not exceeding 96 consecutive hours, provided it shall not be repeated except for a fresh offence and after the expiry of a full week.

10. The day's Proceedings were brought to a close by a discussion on the advisability of allowing the deprivation of the early morning meal as a punishment. Some of the Members entirely disapproved of this punishment, and argued that penal diet being a recognized punishment, it could be used for one day or one meal, if necessary.

Proceedings of the Sixth Meeting of the Prison Conference
held on Saturday, the 16th January, at 7-30 a.m., at the
Alipore Central Jail.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
T. M. FILGATE, ESQ.	} <i>Members.</i>
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Conference met at the Alipore Jail to examine the fetters used in Bengal jails, and to see them as they were worn by the prisoners.
2. It was suggested that the three varieties of fetters should be known as (1) link fetters, (2) bar fetters, and (3) the cross-bar fetter.
3. Of the three varieties the link fetters are the lightest, and they interfere least with the prisoner's movements. These usually consist of three or four long links on either side, forming a chain 2 feet long. The weight, including the ankle rings, is 3lb.
4. Bar fetters consist of two ankle rings with a bar of iron 1 foot 8 inches long attached to each ankle ring. The two bars are brought together at the top and fastened to a ring, to which is also attached the leather thong which fastens round the waist, and thus takes off the weight of these fetters when the prisoner is moving about. Since the reduction in length of the bar interferes with the prisoner's movements and makes the punishment more severe, it is essential that a standard length should be fixed for the bars. It is suggested that the length should be 1 foot 8 inches. The total weight of these fetters, including ankle rings, is 5lb. These are the fetters used in most provinces for securing dangerous criminals for whom fetters for safe custody have been sanctioned.
5. The cross-bar fetter consists of two ankle-rings with a bar of iron between them. It has been the practice in Bengal to use this fetter alone as a punishment, or in combination with either link or bar fetters. When used in combination, only one set of ankle rings is used. It is suggested that the cross-bar should never exceed 1 foot 6 inches in length, and that for very short prisoners it may be necessary to reduce the length to 16 or 14 inches. As a fact, it was noticed that by moving the bar along the ankle rings, the prisoner, whose feet were at first 18 inches apart, could bring them as near together as 10 inches. There was therefore a play of 8 inches which the prisoners were in the habit of using to relieve the restraint which constitutes the punishment.

in these cases. This form of punishment can only be given with sedentary work. The total weight of the cross-bar fetter should not exceed 2½lb.

Proceedings of the Seventh Meeting of the Prison Conference
held at the Home Office at noon on the 18th January
1892.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
T. M. FILGATE, ESQ.	} <i>Members.</i>
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the 5th and 6th Meetings were read and approved.
2. The Conference then continued the consideration of the list of jail punishments to be prescribed in the proposed Act, dealing first with the subject of solitary and separate confinement. Definitions of these two forms of punishment were proposed and accepted, it being resolved that the maximum period of solitary confinement awardable by the Superintendent should be 14 days, and of separate confinement 14 days. It was considered desirable, also, that power should be vested in the Inspector General of Jails, on the recommendation of the Superintendent, to award longer periods not exceeding six months of separate confinement as a graver form of punishment. This is already in existence in Bengal and Madras. It was resolved, however, to provide in such cases that the prisoner shall receive his meals in association with other prisoners, and shall be allowed not less than one hour's exercise per diem.
3. On the subject of gunny clothing, the President, in the absence of Sir John Tyler, drew attention to the objection taken by the Government of the North-Western Provinces to this form of punishment. The Conference, however, was of opinion that it was desirable to authorize the adoption of the punishment in question, and as a maximum period for which the wearing of gunny clothing may be awarded adopted three months.
4. The punishment of cutting the hair or shaving the head of female prisoners was next discussed. The Conference did not consider it desirable that women should be shaved or have their hair cut shortly before leaving jail, as this would cause them to be sent out disfigured and bearing a jail mark. The punishment would, therefore, be inapplicable for short-term prisoners, who form the most numerous and often the most troublesome class, and consequently the Conference did not consider it desirable to include the punishment in the proposed Act.
5. The Conference was then asked to consider as to the desirability of the use of dark cells. As an objection to this form of punishment it was pointed out that the use of dark cells involved much difficulty in giving sufficient ventilation.

lation during the hot weather. On this and other grounds, the Conference resolved not to approve of this punishment.

6. The subject of handcuffs and fetters was next considered, and Surgeon-Major Bate raised the question whether they were in any case to be applied to female prisoners. The Conference was of opinion that neither handcuffs nor fetters should be allowed to be used in the case of women as a punishment, though the necessity of retaining power to place handcuffs on violent, refractory, or dangerous female prisoners, as a means of restraint, was recognised.

7. The Conference then adjourned to Tuesday, the 19th January.

Proceedings of the Eighth Meeting of the Prison Conference held on Tuesday, the 19th January, at 11 a.m. at the Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	President.
SIR JOHN TYLER, K.T., C.I.E.	Members.
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Conference continued the consideration of the subject of jail punishments, the discussion regarding the use of irons being resumed.

2. Mr. Cardew informed the Conference that the Madras Government was altogether opposed to the adoption of irons as a jail punishment, on the ground that they were a barbarous form of punishment, the use of which would encourage an inhumane tendency among jail officers. All other Members of the Conference were agreed in considering the adoption of irons to be necessary in order to provide Superintendents with additional forms of punishment.

3. The Conference then considered the proposed forms of irons in detail. It was resolved to limit the use of handcuffs in front to twelve hours by day and night for a maximum number of four consecutive days or nights, and that of handcuffs behind to six hours at a time and by day only, and for not more than four consecutive days. As regards handcuffing to a staple it was resolved (1) that the staple should be so arranged as to allow of the level of the handcuffs being adjusted to the height of the prisoner in such a way as not to be above his shoulder; (2) that this form of punishment should be only used in association and never in a cell; (3) that it should be limited to a total period of nine hours in any one day, with an interval of at least one hour in the middle of such period, and should not be used for more than seven consecutive days.

4. Mr. Filgate then informed the Conference that the local Committee had approved of the continuance of the use of stocks in the Bombay Jails, suggesting that an improved form of stocks should be constructed under the supervision of a board of medical officers, a suggestion of which the Bombay Government, being of opinion that this form of punishment was unobjectionable, had approved. The Conference, however, resolved not to approve of this punishment.

5. The Conference next dealt with the several descriptions of fetters. As regards link-fetters, it was resolved that the total weight, including ankle rings, should not exceed 5lb, that the length of the chain should not be less than 2 feet, and that the maximum period awardable should be twelve months. In the case of bar-fetters the Conference considered that the total weight, including ankle rings, should not exceed 5lb; that the length of the bar should not be less than 1 foot 8 inches, and the maximum period should be six months. In regard to the cross-bar fetters it was similarly determined that the total maximum weight should be 2½lb, the maximum length of bar 16 inches for men of 5 feet 6 inches and over, and 14 inches for men under 5 feet 6 inches, and the maximum period ten days or 240 hours. Mr. Cardew stated that he had stronger objections to this form of irons than to any other, as likely to brutalise prisoners and jail officers. It was, however, pointed out that in provinces not fully provided with the means of inflicting separate confinement, no other sufficient means of coercing turbulent prisoners existed, and that it would be easy to limit the use of irons in those provinces where they were disapproved of.

6. On the subject of corporal punishment, a uniform maximum limit of thirty stripes was agreed on, and it was resolved to recommend the incorporation of the provisions of Rule 637 of the Bengal Code either in the Act or in the rules made under it. The Conference considered it essential, in order to guard against unnecessary resort to this punishment, that the Superintendent shall make a complete record, in his own handwriting after full enquiry, of the evidence adduced, of the defence of the accused, and of the finding. It was also determined to directly provide that all whipping shall be inflicted on the buttocks, and not on the shoulders, so that there may be no risk of a prisoner being scarred in an exposed part of the body. A provision excluding civil and female prisoners from liability to corporal punishment was agreed on.

7. Surgeon-Major Dalzell proposed to add to the list of punishments shot-drill and the use of wooden history ticket to be worn fastened round the neck. It was decided that shot-drill was a form of labour, and might, therefore, be awarded as a punishment by way of change of labour; the Conference did not consider it desirable to authorize the use of wooden history tickets. Change of labour was then defined as meaning "a change to some more irksome or severe form of labour, such as shot-drill, the crank or the treadmill."

8. The Conference then proceeded to consider the classification of punishments into major and minor, and the following was decided on:—

A.—Minor Punishments.

- (1) Formal warnings.
- (2) Change of labour.
- (3) Temporary reduction from a higher to a lower class or grade.
- (4) Temporary forfeiture of class, grade, or prison privileges.
- (5) Loss of marks earned but not converted into remission.
- (6) Loss of future marks for a period not exceeding three months.
- (7) Penal diet.
- (8) Separate confinement for periods not exceeding fourteen days.
- (9) Solitary confinement for periods not exceeding seven days.
- (10) Gunny-clothing.
- (11) Handcuffing of any kind.
- (12) Link-fetters if imposed for not more than thirty days.

B—Major Punishments.

- (1) Hard labour for periods not exceeding seven days in the case of prisoners not sentenced to labour.
- (2) Permanent reduction from a higher to a lower class or grade.
- (3) Cancellation of remission earned.
- (4) Loss of future marks exceeding three months, or total exclusion from the mark system.
- (5) Separate confinement for periods exceeding fourteen days.
- (6) Solitary confinement for periods exceeding seven days.
- (7) Penal diet with solitary confinement.
- (8) Link-fetters if imposed for periods in excess of thirty days, and bar or cross-bar fetters.
- (9) Corporal punishment.

9. In dealing with the above classification, Surgeon-Major Bate objected to the inclusion of penal diet among minor punishments. He considered that it was a form of punishment likely to be dangerous to health unless carefully and sparingly used, and that to include it among punishments appropriate to minor offences was tantamount to encouraging Superintendents to have recourse frequently to this punishment. The Conference was divided in opinion on this subject, but it was pointed out that while to include penal diet among major punishments would almost entirely prevent its use for minor offences in any province which desired so to use it, its inclusion among minor punishments would not prevent any local Government which disapproved of its frequent use from issuing executive instructions limiting it to graver cases. It was resolved, therefore, to leave penal diet among minor forms of punishments, but to include penal diet, when accompanied with solitary confinement, as a distinct punishment in the major class.

10. The President laid before the Conference a communication which he had received through Sir John Tyler from R. Temple Wright, Esq., M.B., Civil Surgeon and Superintendent of the Jail, Shahjahanpur, North-Western Provinces. The communication was read and recorded, and the Conference adjourned to Thursday, the 21st January.

Proceedings of the Ninth Meeting of the Prison Conference
held at the Home Office at 11 a.m. on the 21st January 1892.

Present :

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE,	
C.S.I.	<i>President.</i>
T. M. FILGATE, ESQ.	} <i>Members.</i>
COLONEL MR. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the 8th Meeting were read and approved.

2. The Conference proceeded to consider the form of Punishment Book to be prescribed, and the following principles were agreed on, *viz.*—(1) that in the case of minor offences a less amount of record was necessary than in the case of major offences; (2) that in the case of major offences generally it would be sufficient to record the names of witnesses without including their evidence; (3) that in cases of corporal punishment a complete record of the evidence produced in support of the charge, of the defence of the accused, and of the finding with reasons should be required to be kept by the Superintendent in his own handwriting in the manner followed in summary trials. It was considered undesirable to prescribe strictly the form in which this record should be kept, but it should be entered in some permanent register.

3. The following form of Punishment Book was then agreed to (headings of columns), 1. Serial No., 2. Register No. of Prisoner and Class (*i.e.*, whether habitual or not), 3. Name, 4. Offence, 5. Date of Offence, 6. In serious offences, Names of Witnesses proving the offence, and in cases of corporal punishment, Reference to the record of Superintendent's formal enquiry, 7. Finding, 8. Number of Previous Offences and Date of Prisoner's Last Offence, 9. Nature of Punishment awarded, and whether Major or Minor, 10. Medical Officer's Certificate of Fitness, 11. Date of Infliction of Punishment, 12. Initials of Jailor, 13. Initials of Superintendent.

4. The Conference next proceeded to consider the form of return of punishments which should be adopted in place of Statement VI of the present Annual Returns. Attention was drawn by Mr. Filgate to the Bombay Government's proposal to exclude minor offences altogether from this statement, but it was pointed out that this suggestion had been negatived by the Government of India in paragraph 6 of Home Department Resolution of the 7th December 1891. It was ~~proposed~~ proposed to exhibit minor and serious offences separately either in one statement or in two statements, but on this point as it appeared that the criterion of the gravity of the offences classified would be the nature of the punishment inflicted, it would be sufficient to distinguish between major and minor punishments inflicted. The form of return appended to these Proceedings was then agreed on.

5. The Conference proceeded to consider the classification of labour into Hard, Medium, and Light, but had not disposed of the subject when it adjourned to the 22nd January.

Proceedings of the Tenth Meeting of the Prison Conference
held on Friday the 22nd January 1892 at 11 a.m. at
the Home Office.

Present:

SURGEON-LIEUTENANT COLONEL A. S. LETHBRIDGE,
C.S.I.

President.

T. M. FILGATE, ESQ.

COLONEL M. BOWIE

SURGEON-MAJOR T. E. L. BATE

SURGEON-MAJOR P. W. DALZELL

Members.

A. G. CARDEW, C. S.

1. The proceedings of the Ninth Meeting were read and approved.

2. The Conference continued the consideration of the proposed division of all descriptions of jail labour into three categories of Hard, Medium, and Light. The classification shown in the annexure* to these proceedings was then agreed upon, but the Conference desired to place on record that this list does not pretend to be scientifically precise or exhaustive. It is impossible to frame any enumeration of jail labour the items of which shall not sometimes overlap, but the Conference considered that the classification arrived at should be a sufficient guide to Superintendents and produce a fair measure of uniformity.

3. The Conference next took up the subject of the Mark Rules, and Surgeon-Major Dalzell brought to notice a proposal made by his predecessor for a very complete change in the working of the remission system. An extract was read from Surgeon-Major Sinclair's memorandum, which showed that he proposed, in place of the present system of awarding a prisoner marks from week to week by which he becomes entitled to so much remission, to credit each prisoner on admission with the total amount of remission for which he could ordinarily be eligible during his term of imprisonment, and if he was guilty of misconduct or idleness to make deductions therefrom. Mr. Filgate stated that the local Committee, which sat in the Bombay Presidency, had proposed a similar arrangement, and that the Bombay Government had approved of the change, which, it was argued, would simplify the system, save clerical labour and in no way diminish but rather increase the incentives to good behaviour and industry. On the other hand, it was pointed out that, whereas at present a prisoner has constantly before him the hope that by increased exertions he may gain a larger amount of remission, under the system proposed the maximum limit of ordinary remission would be fixed and the moral effect greatly decreased. Instead of being an incentive to and reward for good conduct, remission would thus become merely a punitive agent by which the loss of an already secured benefit might be effected. It was represented also to be inexpedient to make a radical change in a system which was only now coming to be well understood by prisoners and jail officers. The Conference accordingly did not approve of the suggestion.

* See Appendix iv, page 42.

4. The proposal of the Madras Government to grant remission to all prisoners sentenced to one year and upwards was then considered. The Conference was of opinion that it was desirable to accept this proposition for several reasons—

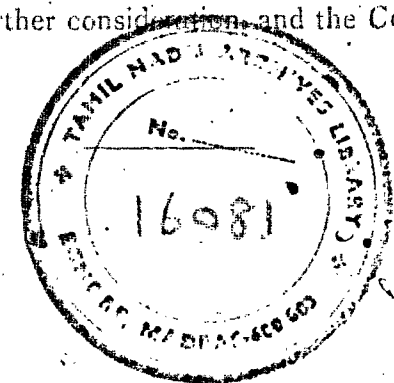
- (1) as increasing the number of prisoners to be brought under the incentives to good conduct afforded by the award of marks;
- (2) as extending these incentives to short-term prisoners who are presumably less hardened criminals than men under longer sentences.
- (3) as providing a larger supply of convict officers.

But it was felt that the proposed change would involve a large increase of work both in jails and in the office of the Inspector General. It was accordingly resolved to recommend—

- (1) that Superintendents should be relieved of the exclusive duty of awarding marks, and that the Bengal rule should be adopted under which the Deputy Superintendent, Jailor, Deputy Jailor, and any other officer specially empowered in that behalf by the Inspector General may award marks, subject to the Superintendent's careful supervision;
- (2) that in the Presidencies of Bengal, Madras, and Bombay, where at present no prisoner can be released under the remission rules without the direct sanction of Government, the system in force in the Punjab and Burma should be generally adopted. In these provinces Act XXVI of 1870 applies, section 54 of which gives power to the Local Government to make rules "for remission of sentences." Under this section rules having the force of law have been framed, prescribing the conditions on which remission shall be granted and empowering Superintendents, if these conditions are fulfilled, to grant the remission admissible without any further reference. This arrangement was stated to have been found open to no objection in the Punjab and Burma, and the Conference decided to recommend strongly that it be extended to the whole of India. If this is not done, the extension of the mark system to convicts of one year and upwards will involve increased establishments.

5. It was also determined to recommend that, in the case of prisoners under the mark system, the grant of prison privileges and of promotion to any grade of convict officer should be made to depend on the number of marks earned and should thus be definitely connected with the mark system.

6. The Conference proceeded to examine the existing mark rules in detail, and Colonel Bowie read a note embodying the views of the Government of the Central Provinces on the amendment of those rules. The note was ordered to be printed in view to further consideration, and the Conference then adjourned to January 25th.



Proceedings of the Eleventh Meeting of the Prison Conference
held at the Home Office at 11 a.m. on Monday, the 25th
January.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
SIR JOHN TYLER, KT., C.I.E.	} <i>Members.</i>
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Tenth Meeting were read. Sir John Tyler, who had been prevented by illness from attending the Tenth Meeting, expressed his concurrence with the views which had been put forward thereat by Mr. Filgate on the subject of the proposed alteration of the mark-system. He also expressed dissent from the recommendation that marks should be awarded to prisoners by any officer other than the Superintendent, on the ground that as the Superintendent awards punishments, he should apportion rewards. He further dissented from the proposal that remission should be granted by the Superintendent, considering that, though a reference to Government was needed, the sanction of the Inspector General to the grant of the remission should be obtained prior to the release of the prisoner. The Conference resolved that Sir John Tyler's views on these matters should be recorded, but it adhered to the decisions previously arrived at.

2. In the last line but four of paragraph 3 of the Proceedings of the Tenth Meeting, Mr. Filgate desired to insert the word "*quasi*" before the word "secured." The Conference resolved to record the proposal.

3. The Proceedings of the Tenth Meeting were then approved.

4. A draft Act drawn up by Mr. Cardew and embodying the decisions of the Committee on such points as require to be dealt with by the Legislature was next considered. It was decided to insert in this draft a clause empowering Local Governments to apply any of the provisions of the Act to subordinate and subsidiary jails, but not to make any of its provisions directly applicable to prisons of these classes. At the instance of Surgeon-Major Bate some words were added to the definition of "penal diet" with the object of enabling Local Governments to lay down whether prisoners receiving this dietary shall be given any, and if so what, labour. The term "cellular confinement" was substituted for "separate confinement" in cases where seclusion is inflicted for periods exceeding 14 days. In the case of handcuffs on the wrists in front, a provision was inserted requiring an interval of not less than 12 hours to elapse after each full period during which handcuffs have been worn, while in section 13 it was resolved to extend from six to twelve months the maximum period of imprisonment which may be awarded by a Magistrate to a prisoner convicted before him of repeated offences

against jail discipline. Some verbal amendments were introduced into other sections, and, subject to these changes and additions, the draft was approved.

5. The Conference then adjourned to the 26th of January.

Proceedings of the Twelfth Meeting of the Prison Conference
held on Tuesday, the 26th of January, at 11 a.m., at the
Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
SIR JOHN TYLER, KT., C.I.E.	} <i>Members.</i>
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Eleventh Meeting were read and approved.

2. The Conference considered certain suggestions for the amendment of the Reformatory Schools Act, 1876, which had been referred to it by the Home Secretary, and determined to submit a separate note to the Government of India on this subject.

3. The subject of the remission rules was then resumed, and the note furnishing the views of the Government of the Central Provinces was further considered. The President pointed out that under the terms of the existing remission rules, which are somewhat obscurely worded, it was apparently the intention to exclude altogether from the mark-system prisoners convicted of thuggee, robbery by the administration of poison, dacoity, or any class of organized crime, if sentenced to terms of imprisonment less than life. It was observed that the Chief Commissioner of the Central Provinces suggested the alteration of this provision, and the Conference, concurring in this suggestion, resolved to recommend, as a general principle, that it is undesirable wholly to exclude any class of prisoners from the benefits and incentives to good conduct held out by the mark-system. Sir John Tyler desired to put on record that the Government of the North-Western Provinces had expressed an opinion contrary to this resolution, holding that professional, hereditary, or specially dangerous criminals guilty of organised crime, such as dacoity, should, if sentenced only to a term of years, be granted no remission.

4. The President then suggested that the difference in treatment between prisoners based on their being returned as professional, hereditary, or specially dangerous, should be modified in the rules. He pointed out that a prisoner might be classed by one Court as "specially dangerous" when by another he would not have been so treated, and there thus arose inequalities between sentences of the same character and amount. This subject was discussed, and no decision had been arrived at when the Conference adjourned to January 27th.

Proceedings of the Thirteenth Meeting of the Prison Conference held on Wednesday, the 27th of January, at 11 a.m., at the Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
SIR JOHN TYLER, Kt., C.I.E.	} <i>Members.</i>
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Twelfth Meeting were read and approved.
2. The Conference continued the consideration of the Mark Rules. It was resolved to retain the reference to professional hereditary or specially dangerous criminals. It was further decided—
 - (1) to modify the rules relating to the award of marks for work done in excess of the task;
 - (2) to increase the number of special marks which may be awarded by Superintendents and the Inspector-General, respectively, without reference to higher authority.
3. Certain additions were made to the Mark Rules, and the necessary modifications were introduced to give effect to the Conference's resolution that Superintendents should be empowered to grant remission and to release prisoners without the submission of any return for sanction of the Inspector-General or Government.
4. The Mark Rules, as shown in the annexure to these Proceedings, were then agreed to and the Conference adjourned to January 28th.

Proceedings of the Fourteenth Meeting of the Prison Conference held on Thursday, the 28th of January at 11 a.m., at the Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
T. M. FILGATE, ESQ.	} <i>Members.</i>
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Thirteenth Meeting were read and approved.

2. Some additional points in connection with the Mark system were discussed. The question was considered whether the power to award marks to convicts, which is at present vested in the District Magistrate in Bengal, should be continued. It was represented that in other provinces, *e.g.*, Madras, the District Magistrate possesses no such power, and that the multifarious nature of his duties would render it quite impossible for him to exercise it if he had it. In the case of Bengal, it was stated that the provision was practically a dead-letter. The Conference came to the conclusion that it is undesirable to give the District Magistrate any powers in connection with the Mark system, being of opinion that the responsibility for its working should rest entirely with the Superintendent.

3. It was then considered whether it was desirable to advise the Government of India to replace in the Mark Rules the provision which was cancelled by Home Department Resolution No. 3—119, dated 21st June 1888, and which provided that any convict who is considered fit for promotion to be a convict officer, but is for any reason debarred from such promotion, may, under special orders of the Superintendent, receive marks on the scale laid down for convict officers. It was pointed out that if it is desired to give increased marks to a convict whom it is inconvenient to promote, it can be done by an award of special marks, and that it was open to objection to allow to a convict employed on task or other work, a scale of marks expressly laid down as a reward for definite duties and responsibilities. The Conference, therefore, did not consider it desirable to recommend the re-introduction of the rule in question.

4. Surgeon-Major Bate then drew attention to the desirability of granting gratuities to released prisoners. Without laying down any detailed rules, the Conference determined to recommend the general recognition of the principle that no prisoner should be sent out of jail destitute. On release each prisoner should be given, either by way of gratuity earned under the Mark Rules or as subsistence allowance, a sum sufficient to maintain him for a reasonable period within which he may with due diligence obtain work, such sum to be subject to a definite maximum.

5. The Conference then adjourned to Friday, the 29th January.

Proceedings of the Fifteenth Meeting of the Prison Conference held on Friday, the 29th January, at 11 a.m., at the Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE, C.S.I.	<i>President.</i>
SIR JOHN TYLER, Kt., C.I.E.	} <i>Members.</i>
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	

1. The Proceedings of the Thirteenth Meeting were read and approved.
2. The Conference took up the subject of jail registers.

3. The following alterations and additions to the registers recommended by the Prison Committee were approved by the representatives of the Governments which have adopted these registers:—

- (1) *Register Nos. 1 and 2* should each have a column showing the serial number of the report or minute entered in these registers.
- (2) *Register No. 5.*—In column 4, after "age and sex" add "married or single." Column 7—for "Zillah" substitute "District." Column 8 should be enlarged to admit of anthropometric measurements being recorded wherever this system of identifying criminals has been adopted. Column 14—for "date" read "days." After column 19 add a column to show amount of solitary confinement passed before transfer. In column 20 omit "conduct in jail."
- (3) *Register No. 6.*—In regard to this register it is only necessary to have the following columns:—(a) Register No.; (b) Name of prisoner; (c) Name of father or husband.
- (4) *Register No. 7.*—For the words "expiration of sentence" substitute "admission."
- (5) *Register No. 8.*—Column 5, for "Zillah" read "District." Column 15—for the words "duration of imprisonment" substitute "detention," and for "date" read "days."
- (6) *Register No. 9,* column 14, for "date" read "days," column 16, omit the words "Miscellaneous forms."
- (7) *Register No. 10.*—Omit "state of education on admission, state of education on discharge if he received education in jail."
- (8) *Register No. 12.*—After the heading "Convicted Prisoners" add "or prisoners detained in default of security." Omit the words "or under rules 487 to 568." In the last line but one add a column for Political prisoners.
- (9) *Register No. 13.*—It appeared to the Conference that it was unnecessary to have a separate part of the register for females, inasmuch as the Annual Returns did not require this information for males and females separately. It will, however, be necessary to give the number of male and female convict officers separately as has been done in the form framed by the Central Provinces. After the word "gardening" should be added "Agriculture or farm work."
- (10) *Register No. 14.*—Omit the words "Old system (year's marks) new system, year's marks (Particulars)." Omit "Grand total, marks earned." Omit "Under new system." Omit "Date of submission of Remission Roll."
- (11) *Register No. 15* has been considered and revised by the Conference at its Ninth Meeting.
- (12) *Register Nos. 16 and 17.*—Omit in both cases the words "How classified in correspondence Almirah."
- (13) *Register No. 19.*—Column 5 to "Total in stock," add "Old and new."

- (14) *Register No. 23.*—Omit the first word "Warders," for the word "Thanna" read "Police Station," for the word "Employ," substitute "Service."
- (15) The Conference then discussed at considerable length the necessity for maintaining a special register for prisoners in the convalescent and special gangs. There being considerable divergence of opinion on this point, no definite conclusion was arrived at.
- (16) The Conference considered the Contingent Cash-book Register No. 26, and arrived at the conclusion that it was not necessary to have a ledger to this book.

The Conference then adjourned to the 30th instant.

Proceedings of the Sixteenth Meeting of the Prison Conference held on Saturday, the 30th January, at 11 a.m., at the Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE,	
C.S.I.	<i>President.</i>
SIR JOHN TYLER, KT., C.I.E.	
T. M. FILGATE, ESQ.	
COLONEL M. BOWIE	
SURGEON-MAJOR T. E. L. BATE.	
SURGEON-MAJOR P. W. DALZELL	
A. G. CARDEW, ESQ., C.S.	<i>Members.</i>

1. The Proceedings of the Fourteenth and Fifteenth Meetings were read and approved.
2. The Conference considered in detail the draft report which is to be submitted to Government.
3. Mr. Filgate desired to bring up for discussion the subject of a uniform system of annual returns showing the contingent charges for each Province. It was generally considered that the figures now taken from the provincial returns did not allow of a fair comparison being made in regard to the cost of contingencies in different Provinces. As this subject had not been referred to in the Resolution appointing the Conference, it was decided that it should be brought to the notice of the Government by letter.
4. With the view of obtaining uniformity and in compliance with the orders laid down in the Civil Account Code, Dr. Bate recommended and the Conference agreed with him that the Bengal system of having the manufactory accounts of Indian prisons audited by an officer of the Accountant General's Department, should be adopted throughout India.
5. The Conference then adjourned to the 1st of February.

Proceedings of the Seventeenth Meeting of the Prison Conference held on Monday, the 1st February, at 1 p.m., at the Home Office.

Present:

SURGEON-LIEUTENANT-COLONEL A. S. LETHBRIDGE,
C.S.I.

President.

SIR JOHN TYLER, KT., C.I.E.

T. M. FILGATE, ESQ.

COLONEL M. BOWIE.

SURGEON-MAJOR T. E. L. BATE.

SURGEON-MAJOR P. W. DALZELL.

A. G. CARDEW, ESQ., C.S.

Members.

1. The Proceedings of the Sixteenth Meeting were read and approved.
2. The Conference continued the examination of the register recommended by the Prison Committee. Sir John Tyler and Dr. Bate were in favour of continuing the mill register in use in the North-Western Provinces and the Punjab. It was pointed out that, in jails where the diet was chiefly composed of rice, such a register was not required. In the opinion of the Conference this register should be brought into use wherever it was found necessary.
3. In regard to Register No. 28A, the Conference was of opinion that the form in which the information should be given under the different headings of this register, should be left to Local Governments to elaborate. The President promised to send a revised form for this register for the information of the Members.
4. The suggestion that there should be a receipt book kept at the jail gate for taking receipts for prisoners, their warrants and property from the police, was approved.
5. A dairy register was also considered a necessity where dairies had been established in jails.
6. In Registers 35 and 36 it was suggested that columns should be added giving the pages of the Jeggars referred to.
7. To the list of miscellaneous forms should be added the prisoners' letter form as now used in the Presidency Jail.
8. Before preparing the Report, the President and Members of the Prison Conference desired to place on record their high appreciation of the valuable services rendered to the Conference by Mr. A. G. Cardew, who kindly undertook the arduous work of recording its Proceedings, drafting the proposed Act, and preparing the Report.
9. The Members also desire to express their high sense of the invariable courtesy and consideration with which the Proceedings of the Conference have been conducted by their President, and of the readiness with which he has received and promoted every representation which has been made to him.
10. The Report having been signed, the Conference adjourned *sine die*.

(APPENDIX I.)

WHEREAS it is expedient to amend the law relating to offences committed by prisoners in jail and to the punishments for such offences; It is hereby enacted as follows:—

- (1) This Act may be called the Indian Jail Discipline Act.
- (2) It shall come into force on such date as the Governor General in Council may by notification direct.
- (3) It extends to the whole of British India.

2. From and after the date on which this Act comes into force, the enactments mentioned in the schedule hereto annexed, are repealed to the extent shown in the third column.

3. In this Act, unless there is something repugnant in the subject or context:—

"Inspector-General" means any officer appointed by the Local Government to perform the duties imposed by law or by executive order on the Inspector-General of Jails.

"Superintendent" means the officer for the time being in executive charge of a Central, District or Intermediate Jail.

"Medical officer" means the officer for the time being in medical charge of a Central, District or Intermediate Jail.

"Remission system" means the rules for the time being in force regulating the award of marks to, and the remission of sentences of, prisoners in jails.

"Handcuffs" shall mean handcuffs of such pattern as the Local Government may prescribe.

"Link-fetters" shall mean fetters composed of a chain and ankle-rings, the total weight of which including rings shall not exceed 3lb, and of which the chain shall not be less than 2 feet in length.

"Bar-fetters" shall mean fetters composed of two bars joined together by a link and attached to ankle-rings, the total weight of which including rings shall not exceed 5lb, and of which each bar shall not be less than 20 inches in length.

"Cross-bar-fetters" shall mean fetters composed of a single bar for keeping the legs apart and ankle-rings; they shall not exceed 2½lb in total weight, including ankle-rings, and the total length of the bar shall not exceed 16 inches in the case of men measuring 5 feet 6 inches in

height and upwards, and 14 inches in the case of men measuring less than 5 feet 6 inches in height.

4. The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may, for the territories under its administration, make rules consistent with this Act—

- (1) defining the acts which shall constitute offences against jail discipline;
- (2) determining the classification of such offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of such offences or classes of offences;
- (4) declaring the acts which, if constituting both an offence against jail discipline and an offence against the Indian Penal Code, shall or shall not be dealt with by the Criminal Courts;
- (5) extending any or all of the provisions of this Act and of any rules made thereunder to the officers in charge of subordinate or subsidiary Jails.
- (6) generally for carrying out the provisions of this Act.

5. The following are the punishments which may be inflicted on prisoners in jails for offences punishable under the rules made under this Act, *viz.*:—

- (1) Formal warnings:
Explanation—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the Punishment-book.
- (2) Change of labour to some more irksome or severe form, such as shot-drill, the tread-mill or crank.
- (3) Hard labour for a period not exceeding seven days in the case of prisoners not sentenced to rigorous imprisonment.
- (4) Loss of privileges admissible under the remission system, *viz.*:—
(a) Forfeiture of marks earned but not converted into remission.
(b) Forfeiture of future marks not yet earned.

- (c) Forfeiture of marks earned and already converted into remission.
- (d) Temporary forfeiture of class, grade or prison privileges.
- (e) Temporary or permanent reduction from a higher to a lower class or grade.
- (f) Permanent exclusion from the benefits of the remission system.

Proviso.—The number of marks forfeited under sub-clause (a) or (b) of this clause shall not exceed the total number of marks which would be ordinarily obtainable by the prisoner during the period of three months immediately succeeding the date of forfeiture.

- (5) Penal diet, i.e., restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government, provided that such restriction of diet shall in no case be applied to a prisoner for more than 96 consecutive hours, and shall not be repeated except for a fresh offence and until the expiry of an interval of one week.

- (6) Solitary confinement for any period not exceeding fourteen days.

Explanation.—Solitary confinement shall mean such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners.

- (7) Separate confinement for any period not exceeding fourteen days.

Explanation.—Separate confinement shall mean such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

- (8) Cellular confinement for any period not exceeding six months:

Explanation.—Cellular confinement shall mean such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him to receive his meals in association with other prisoners, and not less than one hour's exercise per diem.

- (9) Penal diet as defined in clause (5) combined with solitary confinement as defined in clause (6).

- (10) Imposition of handcuffs, viz.:—

- (a) handcuffs on the wrists in front by day or night for a period which shall not exceed twelve hours at a time with intervals of not less than 12 hours between each period and for not more than four consecutive days or nights;

- (b) handcuffs on the wrists behind by day only for a period which shall not exceed six hours at a time in any one day and for not more than four consecutive days;

- (c) handcuffing to a staple by day for not more than nine hours per diem, with an interval of not less than one hour in the middle and for not more than seven consecutive days; provided that such staple shall be on a level with the prisoner's shoulder and that this punishment shall not be carried out except in the presence of other prisoners.

- (11) Imposition of fetters, viz.:—

- (a) link-fetters, for a period which shall not exceed twelve months.

- (b) bar-fetters, for a period which shall not exceed six months.

- (c) cross-bar-fetters, for a period which shall not exceed 240 hours.

- (12) The substitution of gunny for cotton clothing for a period which shall not exceed three months.

- (13) Whipping, provided that the number of stripes shall not exceed thirty.

Proviso.—Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

6. No punishment other than those specified in the foregoing section shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of the foregoing section. Any jailor or subordinate officer of a jail contravening this section shall be held to have committed an offence punishable under section 51 of the Prisons Act, 1870.

- 7. Of the punishments enumerated in section 5, the following, viz.:—

- (1) formal warning,
- (2) change of labour,
- (3) forfeiture of marks earned but not converted into remission, forfeiture of future marks not yet earned, temporary forfeiture of class, grade or prison privileges, temporary reduction from a higher to a lower class or grade,

- (4) penal diet,
- (5) solitary confinement if not exceeding seven days,

- (6) separate confinement for periods not exceeding fourteen days,

- (7) Imposition of handcuffs,

- (8) link-fetters if imposed for not more than thirty days,

- (9) Gunny clothing,

shall be held to be minor punishments, and shall in the absence of aggravating circumstances be ordinarily appropriate for such offences as may be classed as minor offences in the rules made under this Act.

- (2) Of the punishments enumerated in section 5, the following, viz.:—

- (1) Hard labour in case of prisoners not sentenced to rigorous imprisonment,

- (2) Forfeiture of marks earned and already converted into remission, permanent reduction from a higher to a lower class or grade, permanent exclusion from the remission system,

- (3) solitary confinement if exceeding seven days,

- (4) cellular confinement,

- (5) penal diet combined with solitary confinement,

- (6) link-fetters if imposed for more than thirty days,

- (7) Bar-fetters,

- (8) Cross-bar fetters,

shall be held to be major punishments, and shall be ordinarily appropriate for such offences as may be classed as serious offences in the rules made under this Act, and for such offences as through the presence of aggravating circumstances or on account of the commission of similar offences previously by the same prisoner, are serious in character.

- 8. Any two of the punishments enumerated in section 5 may be awarded in combination, subject to the following exceptions, namely:—

- (1) formal warnings shall not be combined with any other punishments,

- (2) penal diet shall not be combined with "change of labour," nor shall any additional period of penal diet awarded simply be combined with any period of penal diet awarded in combination with solitary confinement,

- (3) solitary confinement shall not be combined with separate confinement or with cellular confinement so as to

prolong the total period of seclusion to which the prisoner shall be liable,

- (4) handcuffing to a staple shall not be combined with any form of fetters.

9. The Superintendent shall have power to award any of the punishments enumerated in this Act subject, in the case of the punishments defined in sub-clauses (c) and (f) of clause (4) and in clause (8) of that section to the previous confirmation of the Inspector-General before inflicting the punishment. No officer subordinate to the Superintendent shall have power to award any punishment whatever.

10. No punishment of penal diet or whipping shall be executed until the prisoner awarded such punishment has been examined by the medical officer, who if he considers the prisoner fit to undergo the punishment awarded, shall certify accordingly in the appropriate column of the Punishment-book referred to in section 12. If he considers the prisoner unfit to undergo the punishment awarded, he shall in like manner record his opinion in writing, and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification (e.g., in the length or scale of penal diet, or number of stripes) necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

11. No punishment of whipping shall be inflicted in instalments, and except in the presence of the Superintendent and medical officer or medical subordinate. Whipping shall be inflicted with a light rattan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of 16 it shall be inflicted in the same manner, but with a lighter rattan and in the way of school-discipline.

12. In every Central, District and Intermediate Jail there shall be kept a book to be called the "Punishment-book," in which shall be recorded, in respect of every punishment inflicted under this Act, the prisoner's name, register number and the class

(whether habitual or not) to which he belongs, the offence of which he was guilty, the date on which such offence was committed, the number of previous offences recorded against the prisoner and the date of his last offence, the punishment awarded, and the date of infliction. In the case of every serious offence the names of the witnesses proving the offence shall be recorded, and in the case of offences for which corporal punishment is awarded, the Superintendent shall record the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor. The medical officer's certificate as to the fitness of the prisoner to undergo certain forms of punishment shall be recorded in this book as required by the provisions of section 10; and against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries.

13. If any prisoner is guilty of repeated offences against jail discipline, or of any offence against jail discipline, which, in the opinion of the Superintendent, is not adequately punishable by infliction of any punishments awardable under this Act, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment of either description which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he was guilty of the offences against jail discipline above referred to:

Provided that no person shall, under this section, be punished twice for the same offence.

SCHEDULE.

ENACTMENTS REPEALED.

(See Section 2.)

1. Acts of the Governor General in Council:—

No. and year.	Short title.	Extent of repeal.
Act No. XXVI of 1870.	The Prisons Act, 1870.	Sections 47, 48, 49, 50 and clause (f) of section 54, so far as it is inconsistent with this Act.

2. Acts of the Governor of Fort St. George in Council:—

No. and year.	Short title.	Extent of repeal.
Act No. V of 1869.	An Act for the regulation of jails within the Presidency of Fort St. George, and for the enforcement of discipline therein.	Sections 9, 10, 11 and 13.
Act No. VII of 1882.	An Act to amend Madras Act V of 1869.	The whole.

3. Act of the Governor of Bombay in Council:—

No. and year.	Short title.	Extent of repeal.
Act No. II of 1874.	An Act for the regulation of jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	Sections 34, 35, 36, Section 53, the word "punishment."

4. Acts of the Lieutenant-Governor of Bengal in Council:—

No. and year.	Short title.	Extent of repeal.
Act No. II of 1864.	An Act for the regulation of jails and the enforcement of discipline therein.	Section 18.
Act No. V of 1865.	An Act to amend Act II of 1864, and to extend the provisions thereof to the Presidency Jail.	Section 4.

APPENDIX II.

NOTIFICATION.

In exercise of the powers conferred on him by section 4 of the Indian Jail Discipline Act, His Excellency the Governor General in Council is pleased to make the following rules defining and classifying offences against jail discipline, declaring the punishments which may be awarded therefor, and the acts which shall be dealt with by the Criminal Courts. These rules shall apply to all classes of prisoners, whether civil, convict or under-trial, provided that none of the offences relating to work shall apply to civil or under-trial prisoners, and that nothing in these rules shall be held to prohibit the possession and use by those classes of prisoners of private clothing, bedding, cooking vessels, and articles of extra diet in accordance with the jail regulations for the time being in force:—

I.—It shall be the duty of all prisoners in jails to obey all rules, regulations, and directions which may from time to time be made by competent authority, and every lawful order of the Superintendent, Jailor, or other Jail or convict officer, and any prisoner who is guilty of any breach of this rule shall be punishable under the Jail Discipline Act.

II.—If any prisoner without reasonable excuse—

A.—General Behaviour.

- (1) is guilty of immorality of any kind—(M or S);
- (2) talks during working hours, or is guilty of loud talking, laughter, singing, quarreling, abusive, insulting or threatening language at any time—(M);
- (3) is guilty of indecent or disorderly behaviour of any kind—(M);
- (4) barters, gambles, or plays any game—(M);
- (5) secretes any article whatever—(M or S according to the nature of the article, and the object for which secreted);

- (6) feigns or conceals illness—(M or S);
- (7) wilfully causes to himself any illness, injury or disability—(S);
- (8) shows disrespect to any Jail officer or visitor either in speech or bearing—(M);
- (9) wilfully brings any false accusation against any Jail officer or fellow prisoner—(S);
- (10) makes groundless complaints—(M);
- (11) answers truthfully any question put by Jail officers or visitors—(M);
- (12) holds any communication (in writing, by word of mouth or otherwise) with outsiders, with female, civil and under-trial prisoners, or with prisoners of a different class except with the permission of the Jailor, or holds any conversation with the subordinate Jail officials beyond what is absolutely necessary—(S) if communication is with outsiders, in other cases M or S according to nature of communication);
- (13) conspires with or instigates other prisoners to commit any offence or any breach of these rules—(M or S according to the character of the offence);
- (14) omits to assist in the maintenance of discipline by reporting breaches of rules or omits to give assistance to the Jail officials when called on to do so—(M);
- (15) is guilty of any act or uses any language calculated to wound or offend the feelings and prejudices of his fellow prisoners—(M or S);
- (16) is guilty of any act calculated to create unnecessary alarm in the minds of the prisoners or Jail officials—(S);
- (17) leaves the gang to which he is attached or the part of the Jail in which he is confined, unless ordered to leave it by proper authority—(M);
- (18) leaves the ward, the yard, the place in file, the seat or berth assigned to him—(M);
- (19) loiters about the yards or lingers in the wards when these are opened—(M);
- (20) omits or refuses to march in file when moving about the jail—(M);

- (21) visits the latrines or bathing platforms except at stated hours or without special permission—(M);
- (22) refuses to eat the food prescribed by the Jail diet scale—(M or S);
- (23) eats or appropriates any food not assigned to him or takes from or adds to the portions assigned to other prisoners—(M);
- (24) removes food from the cook-room or godowns or from the place where meals are served, or disobeys any order as to the issue and distribution of food and drink—(M);
- (25) wilfully destroys food or throws it away without permission—(M);
- (26) introduces into food or drink anything likely to render it unpalatable or unwholesome—(M or S according to the nature and effect of the article introduced);
- (27) omits or refuses to wear the clothing given to him, or exchanges any portion of it for the clothing of other prisoners, or loses, discards, damages or alters any part of it—(M);
- (28) removes, defaces or alters any distinctive number, mark or badge attached to or worn on the clothing or person—(M or S);
- (29) omits or refuses to keep the person clean, or disobeys any order regulating the cutting of hair and nails—(M);
- (30) omits or refuses to keep clothing, blankets, bedding, fetters, neck-rings, neck tickets, iron cups, and platters clean, or disobeys any order as to their arrangement and disposition—(M);
- (31) commits nuisance or urinates in any part of the Jail which has not been assigned for such purposes—(M);
- (32) spits on or otherwise soils any floor, door, wall or other part of the Jail building or any article in the Jail—(M);
- (33) wilfully defouls the wells, latrines, washing or bathing places—(M or S);
- (34) files, damages or tampers with in any way the Jail locks, bars, door hinges, gratings, roofs, walls, lamps or lights—(S);
- (35) tampers with or in any way alters or defaces handcuffs, fetters, neck tickets, history tickets, wall tablets, placards, records or documents—(S);
- (36) damages the trees and vegetables in the garden, or maltreats the Jail cattle—(S);

- (37) omits or refuses to take care of all prison property entrusted to him, or wilfully injures or defaces in any way the structures, fittings, apparatus, materials, instruments, and records of the prison—(S);

B.—Works.

- (38) wilfully disables himself for work—(S);
- (39) refuses to work—(S);
- (40) is idle or negligent at work—(M);
- (41) wilfully mismanages work—(S);
- (42) omits or refuses to perform the allotted task carefully and completely—(M);
- (43) omits or refuses to take due care of, or injures, destroys or misappropriates, materials and implements entrusted to him for work—(M or S);
- (44) manufactures any article without the knowledge or permission of the Jail authorities—(S);
- (45) performs any portion of the task allotted to another prisoner, or obtains the assistance of another prisoner in the performance of his own task—(M);
- (46) appropriates any portion of the task performed by another prisoner—(S);
- (47) mixes or adds any foreign substance to the materials issued for work—(S);

C.—Prohibited articles.

- (48) receives or possesses alcohol or spirituous liquors of any kind—(S);
- (49) smokes or receives or possesses materials for smoking, chewing or snuffing, such as tobacco, pipes, etc.—(M);
- (50) receives or possesses ganja, opium, or any other drug or poisonous article—(S);
- (51) receives or possesses poisonous materials, materials for making fire or materials which would cause disfigurement—(S);
- (52) receives or possesses money, valuable securities, jewellery or ornaments of any kind—(S);
- (53) receives or possesses books or writing materials of any kind except with the special sanction of the Superintendent—(M or S);
- (54) receives or possesses knives, arms, ropes or implements of any kind other than those issued for use in the performance of jail work; or possesses the latter out of working hours or elsewhere than in the place where the work for which they were issued is carried on—(S);

- (55) possesses or uses any article which has not been issued for the use of prisoners from the jail stores and supplies—(M);

D.—Assaults, Mutiny, and Escapes.

- (56) is guilty of, or omits to assist in, suppressing violence or insubordination of every kind—(S);
- (57) commits an assault or uses criminal force—(S);
- (58) attempts to escape or assists other prisoners in escaping—(S);
- (59) takes part in any attack upon any prisoner or Jail official—(M or S);
- (60) omits or refuses to help the Jail officials in case of an attempted escape or of an attack upon them or upon other prisoners—(S);
- (61) omits or refuses to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt to escape, or preparation for an escape, and any attack or preparation for attack upon any prisoner or Jail official—(S).

such prisoner shall be punishable under the Jail Discipline Act.

III.—Whoever, without reasonable excuse, abets the commission of any breach of any of the provisions of Rule I or II shall be punishable under the Jail Discipline Act.

IV.—In respect of acts or omissions which are punishable both under the Indian Penal Code and under these Rules,

it shall be discretionary with the Superintendent either to use his own powers of punishment or to prosecute the offender before a Court or Magistrate:

Provided that in the case of the following offences a prosecution shall be instituted, viz.:—

(1) Rioting—

Section 147.—Rioting.

148.—Rioting armed with a deadly weapon.

149.—Assaulting or obstructing public servant when suppressing riot.

(2) Escape—

Section 222.—Intentional omission to apprehend part of a public servant.

223.—Escape negligently, suffered by a public servant.

224.—Escape.

(3) Offences affecting the human body—

Section 304A.—Causing death by rash or negligent act.

309.—Attempt to commit suicide.

325.—Voluntarily causing grievous hurt.

326.—Voluntarily causing grievous hurt by dangerous weapons or means.

(4) Every case exclusively triable by the Court of Sessions and any other grave offence punishable under the Indian Penal Code.

V.—For the purposes of section 125 of the Jail Discipline Act, every breach of the provisions of Rule I or II shall be held to be either serious or minor, and the classification of every such breach or omission is indicated by the letters "S" or "M" following the description in Rule II.

APPEN

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DIX III.

[illegible]

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APPENDIX IV.

Classification of Jail Labour.

Hard.	Medium.	Light.
1. Shot-drill.	1. Carpet and durrie-weaving.	1. Twisting thread or fibre.
2. Treadmill, crank, capstan or pug-mill.	2. Tape and money-bag-weaving.	2. Teasing coir, wool or thread.
3. Public Works labour.	3. Cloth printing.	3. Making bobbins.
4. Road-making.	4. Basket, bamboo, and rattan work.	4. Splitting and dressing cane.
5. Earth-digging.	5. Carpentry (general).	5. Lacquering.
6. Masonry work.	6. Leather-working.	6. Folding paper.
7. Stone-quarrying, breaking or cutting.	7. Tin-work.	7. Making envelopes.
8. Carrying or hauling loads (earth, water, stones, stores, etc.).	8. Book-binding.	8. Sizing and drying paper.
9. Raising water.	9. Dyeing.	9. Dressing vegetables.
10. Hewing and cleaving fire-wood.	10. Tent-making.	10. Grain or seed sifting.
11. Lime-grinding.	11. Tailoring.	11. Sweeping.
12. Pounding bricks.	12. Sewing gunny-bags.	12. Weeding and light gardening.
13. Extracting coir, aloes, or other fibre by pounding or beating.	13. Pulse-husking.	
14. Oil-pressing.	14. Winnowing grain.	
15. Grinding grain.	15. Flour-sifting.	
16. Husking and cleaning grain.	16. Storing and weighing grain.	
17. Brick and tile-making.	17. Cleaning lamps and utensils.	
18. Sawing wood and rough carpentry.	18. Cleaning and colour-washing barracks.	
19. Blacksmith's work.	19. Polishing furniture.	
20. Press-work.	20. Gardening.	
21. Printing.	21. Laundry-work.	
22. Weaving of all kinds not included under Medium.	22. Hair-cutting.	
23. Warping by manual labour.		
24. Mule spinning.		
25. Blanket-manufacture.		
26. Bowing wool or cotton.		
27. Felting or shrinking blankets.		
28. Rope-making.		
29. Pottery.		
30. Paper and paste-board making.		
31. Scavenging.		
32. Cooking.		

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APPENDIX V.

MARK RULES.

1. For the purposes of these rules convicted prisoners shall be divided into three classes, *vis.* :—

I.—Thugs, robbers by administration of poisonous drugs, and professional hereditary or specially dangerous criminals convicted of heinous organized crime, such as dacoity;

II.—Dacoits and other persons convicted of heinous organized crime who are not professional hereditary or specially dangerous criminals;

III.—All other prisoners.

2. Every convicted prisoner whose sentence or aggregate of sentences, exclusive of any period awarded in default of payment of fine, amounts to one year or upwards, shall be eligible for marks under these rules, provided that, if such prisoner is under sentence of simple imprisonment, he shall not receive marks unless he voluntarily labours throughout the term of such imprisonment.

3. For the purposes of these rules a life-sentence shall mean—

25 years' imprisonment in the case of prisoners included in classes I and II;

20 years' imprisonment in the case of all other prisoners.

4. The remission earned under these rules shall have the following effects, *vis.* :—

(a) In the case of a prisoner included in class I—

if under life-sentence, the period of remission shall shorten *pro tanto* the term of 25 years which must otherwise

elapse before he becomes eligible for a self-supporter's ticket at the Andamans;

if under sentence for a term of years, the period of remission earned shall be passed under such police surveillance as the Local Government may prescribe.

Explanation.—Prisoners included in class I and under sentence for life shall, at the expiry of 25 years, less remission earned, if not previously transported and if he so desires, be transferred to the Andamans; irrespective of their age or physical condition.

(b) In the case of a prisoner included in class II, whether under sentence for life or term, the period of remission earned shall be deducted from the sentence, and shall be passed under such police surveillance as the Local Government may prescribe.

(c) In the case of all other prisoners remission earned shall reduce the sentence absolutely.

5. Every prisoner, who is entitled to earn remission under the foregoing rules, shall be brought under the Mark system on the first day of the calendar month next following that in the course of which he became a prisoner, provided that if a prisoner admitted under a sentence of less than one year is subsequently sentenced to a further term which makes up the aggregate to one year, he shall, if otherwise eligible, and unless such subsequent

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sentence is inflicted on account of riot, escape, or repeated jail offences, commence to earn marks on the first day of the calendar month next following that in which the second sentence was passed.

6. Ordinary marks shall be awarded on the following scale, viz. —

- (a) One mark daily for thoroughly good conduct and scrupulous attention to all jail regulations.
- (b) One mark daily for industry and the due performance of the daily task imposed upon him.
- (c) One mark daily for any day on which special diligence in work is shown.

7. In addition to any marks earned under the previous rule convict warders shall receive four marks, convict overseers two marks, and convict night watchmen one mark. But convict warders and overseers shall not be eligible for any additional mark under clause (c) of Rule 6. It will thus be possible for a night watchman showing special diligence in work to obtain four marks a day, which is likewise the maximum number obtainable by a convict overseer.

8. On Sundays and holidays, when ordinary jail industries are stopped, marks for conduct only may be earned, but prisoners employed on jail services may be awarded also marks for labour. Convict officers shall be awarded marks as on other days.

9. A prisoner in hospital for more than one month shall receive marks for conduct only. A prisoner in hospital for less than a month shall receive marks for conduct, and shall also on his discharge be credited with the average number of daily marks for industry earned by him during the month previous to his admission, provided that he did not, by any improper action of his own, induce or aggravate the disease on account of which he was admitted into hospital.

10. A convict sent to a Court under Act XV of 1869 shall be credited during

his absence with marks in the same way as a convict in hospital, provided that his presence before the Court has not been required in consequence of any offence committed by him and for which he is to be tried.

11. Special marks may be given for special service, such as —

- (1) Assisting in detecting or preventing breaches of jail discipline or regulations.
- (2) Success in teaching handicrafts.
- (3) Special excellence of work.
- (4) Protecting jail officers from attack.
- (5) Assisting jail officers in case of outbreak, fire, etc.
- (6) Economy in the wearing of clothing.

12. The Superintendent of a District Jail may award to the same prisoner not more than one hundred special marks for any one service or in any one quarter. The Superintendent of a Central Jail may in like manner award not more than five hundred special marks. When any number of special marks is awarded under this rule, a report thereof shall be made to the Inspector-General setting forth the grounds of the award. All proposals for the award of more than the number of marks above indicated must be referred to the Inspector-General, who will submit for the orders of Government any case in which he proposes to award more than one thousand marks.

13. Marks and remission may be forfeited for misconduct, and prisoners may be temporarily or permanently removed from the Mark system in accordance with the law for the time being in force regulating jail offences and punishments, provided that no prisoner shall receive marks for the day on which any offence is committed, and that the Superintendent may restore to the benefits of the Mark system any prisoner removed therefrom.

14. The award of ordinary marks shall be made either by the Superintendent himself or, subject to his control and super-

vision, by the Deputy Superintendent, Jailor, Deputy Jailor, or any other officer specially empowered in that behalf by the Inspector-General. The award of special marks shall be made only by the Superintendent or Inspector-General.

15. The officer awarding marks shall, before making the award, consult the prisoner's work-sheet and history-ticket, in which every offence proved against the prisoner must be carefully recorded. In the absence of any entry against the prisoner on any day, it shall be presumed that he has earned "ordinary" marks for that day. Ordinary marks shall be recorded in the presence of the prisoner weekly, fortnightly, or monthly, as circumstances admit, and special marks shall be awarded as soon as possible after they have been earned. All marks shall be noted in the Mark Register, which shall be written up from the entries in the prisoner's history-ticket.

16. Every convict coming under the operation of the Mark system shall be entitled to a remission of one day of his sentence for every 24 marks earned by him. Marks shall be converted into remission, and the actual remission earned shall be recorded quarterly in the Mark Register. The amount of remission earned quarterly by each convict shall be intimated to him by the Superintendent at the first weekly inspection after the close of each quarter.

17. Remission being thus earned in days shall be recorded in days in the Mark Register, and shall not be converted into months or years. Provided that remission on account of the Queen's Proclamation or Jubilee, which was granted in months, shall be separately shown in months and not converted into days.

18. In converting marks into quarterly remission, any balance of marks which remains after dividing by 24 shall be carried forward to the next quarter. In converting marks into remission at the end of a prisoner's sentence, if there is a balance of 12 and upwards remaining after dividing by 24, it shall be considered equivalent to one day's remission; any smaller balance shall be disregarded.

19. In the first week of each month a list shall be made out of those prisoners who, on the supposition that they will earn their full ordinary marks during the intervening period, will be entitled to release in the course of the month next ensuing. This list shall be submitted to the Superintendent, signed by him and filed in the office. If the prisoner fails to earn the number of marks assumed in the list, or if from bad conduct he forfeits any of the marks already earned, the date of his release will be proportionately deferred; while if, on the other hand, he earns an additional number of marks, the date of his release will be proportionately advanced. As soon as he has earned such number of marks as entitle him to release, he shall, if otherwise eligible, be released by the Superintendent without further sanction or reference. The amount of remission finally earned shall be endorsed on the prisoner's warrant and the endorsement signed by the Superintendent.

20. When a prisoner is transferred from one jail to another, a record shall be sent with him showing the amount of remission and the number of marks which stand to his credit. Prisoners transferred from one jail to another shall be awarded marks for conduct during the period spent in transit, but not for industry by the receiving jail.

APPENDIX VI.

Notes recorded by Sir John Tyler, Kt., C.I., Inspector-General of Prisons, North-Western Provinces and Oudh, on the questions raised in the Government of India's Resolution No. ^{8 Jails} 760-768, dated 7th December 1891.

In discussing the points connected with Jail Administration in India, which have been referred to the consideration of the Conference by the Government of India in their Resolution No. ^{8 Jails} 760-768, dated 7th December 1891, I propose to deal with them in the order in which they are therein enumerated, viz. :—

- (1) Offences.
- (2) Punishments.
- (3) Authorities competent to inflict them.
- (4) Classification of Jail labour.
- (5) Mark system.
- (6) Jail Registers and Returns.

In regard to the first point I have drawn up an exhaustive list of offences compiled from the various Indian Jail Codes, from the late Jail Committee's Report, and from the Rules of the Scottish and Irish Prisons. I have further attempted to classify these offences into "Serious" and "Minor" in pursuance of the directions of the Government of India, and I now venture to invite discussion on the classification.

Serious Offences.

- (1) Prisoner wilfully disabling himself for labour.
- (2) Wilful mismanagement of work.
- (3) Contumaciously refusing to work.
- (4) Wilful damage to prison property.
- (5) Assaults or use of criminal force.
- (6) Insulting or threatening language to an officer or prisoner.
- (7) Indecent or disorderly language or behaviour.
- (8) Filing or cutting irons or bars.
- (9) Conspiring to escape or to assist in escaping, or to commit any of the above offences.
- (10) A male adult prisoner mixing or holding any intercourse with females without permission.
- (11) Smoking or receiving or possessing implements for smoking tobacco or ganja or other poisonous drug, spirits, intoxicating liquors, or money or jewellery, or any article of food or clothing prohibited by the Jail rules, or books, papers or writing materials of any description unless specially authorized by the Superintendent or Jailor, or rope or any knife or other implement (except in working hours and when the implement is required for their work), or failure on the part of any prisoner to report to the Jailor or Warder when he finds any of the above articles.
- (12) Omitting to report any plot or conspiracy or instigation for evil-doing, and any attempt to escape or preparation for an escape or for an attack upon any prisoner or official.
- (13) Omitting to help Jail Officers in case of any attack upon them.
- (14) Gambling or bartering or playing any game within the Jail.
- (15) Selling or losing Jail clothing, bedding or property.
- (16) Being habitually dirty either in person or clothing.
- (17) Attempting or abetting the commission of any of the above offences.

All the offences enumerated above are in my opinion of sufficient gravity to justify their incorporation in the amended Prisons Act.

Minor Offences.

The following list contains a detail of offences which might ordinarily be placed in the category of Minor Offences :—

- (1) Wilful disobedience to the prescribed Prison regulations.
- (2) Idleness or negligence at work.
- (3) Prisoners omitting to keep their persons, clothes, bedding, blankets, labour tickets, cups and plates, clean and in proper order.
- (4) Tearing or otherwise destroying clothing.
- (5) Malingering.
- (6) Bathing or visiting the latrine without permission or eating out of hours.
- (7) Rusty fetters or neck rings.
- (8) Prisoners not remaining strictly with their gangs and within the part of the Jail in which they are confined unless ordered by proper authority to leave it.
- (9) Prisoners failing to keep silence and to abstain from singing, shouting or quarrelling, making unnecessary noise, or giving unnecessary trouble at all times.
- (10) Holding communication unnecessarily with prisoners of a different class from their own or with the guards.
- (11) Prisoners failing to be orderly and respectful in their behaviour to the Jail officials, to march two and two when they move about the Jail, and to stand to attention with their hands down when addressed by a Jail official or visitor.
- (12) Removing provisions from the canteen or feeding platforms, or concealing any article of food in the wards or cells, or in any way tampering with Jail rations.
- (13) Removing any unconsumed food from the place where the meal is taken.
- (14) Leaving without sanction the bed, ward, yard, seat at meals, or work which has been assigned to them.
- (15) Loitering about the yards or in the wards after the doors have been opened.
- (16) Committing any nuisance or making water in any part of the Jail which has not been assigned for that purpose, or dirtying, soiling, disfiguring or injuring any part of the Jail or any article in the Jail in any way.
- (17) Putting out any light at night.
- (18) Not wearing the clothing of the class given to a prisoner or exchanging it for that of any other prisoner.
- (19) Carrying fire into or possessing fire in the wards or cells.
- (20) Attempting or abetting the commission of any of the above offences.

Punishment.

I now proceed to a consideration of the various punishments which it is proposed to inflict in cases of the offences just described. On this point I am generally in accord with the views of the Jail Commission, and I propose that

the list of punishments recommended by them for infliction for serious offences should be universally adopted and included in the amended Prisons Act. The remaining minor punishments, with, perhaps, the exception of gunny clothing, may be incorporated in the Provincial Jail Manuals. In regard to this particular form of punishment I desire to point out that, however useful and appropriate it might be in the Lower Provinces, it is, in my opinion, altogether unsuitable as a deterrent to the races of the North-Western Provinces, and I am accordingly authorized by the Government of those Provinces to suggest that it should be eliminated from the list. In like manner I do not view with favour the proposal to cut the hair of females.

I would further suggest that, except in grave and very exceptional circumstances, a first offence that may rightly be classed as Serious ought not to be punished as such, but should be treated as a Minor offence. On the other hand, I consider that repeated minor offences should be treated as serious. In this connection it should also be borne in mind that there is a general consensus of opinion that all offences, whether serious or minor, may be punished by loss of marks instead of, or in addition to, any other punishment.

To make the list of punishments more exhaustive I propose that the following be added:—

Confinement in dark cells on the Alipore model.—This was recommended by the Prison Conference of 1877.

Warning.—This is in accordance with the orders of the Government of India.

Forfeiture of mark.

Agency by which punishments should be inflicted.

In regard to the agency by which punishments should be inflicted, I think Superintendents of Jails should have full power to impose any of the authorized jail punishments for jail offences. In aggravated cases the Superintendent could of course send up the prisoner for heavier punishment by the Magistrate, as provided in Section 49 of Act XXVI of 1870.

Classification of labor.

This item of Jail discipline formed the subject of discussion amongst the Members of the Jail Conference of 1864, and their conclusions are embodied in the accompanying table, which I have extracted from their Report. The classification has been observed in the jails of the North-Western Provinces ever since, and it has been found to answer all practical purposes. I commend it therefore to the consideration of the Conference for general adoption.

Mark system.

The Jail Commissioners in their Report are silent as to the eligibility of habituels to qualify for good-conduct marks. In the North-Western Provinces they are admitted to the benefits of these rules, and I think that the concession might be generally extended to this class of prisoners. With the other modification suggested by the Government of India in their printed letter No. 662, dated 16th September 1889, I think that the recommendations of the Jail Committee might be accepted. I concur in the views of the Government of India, as expressed in the last clause of paragraph 13 of the letter just referred to, that there is no special advantage in adopting the suggestions contained in paragraphs 16 to 20, Chapter XXVI of the Commissioners' Report.

Jail Registers and Forms.

A detailed examination of the registers and forms proposed by the Jail Committee was referred by the Government of the North-Western Provinces to

a Committee. The results arrived at by them and approved of by the Local Government, are substantially embodied in a note appended to this paper. There are, however, other registers included in the Manual of the North-Western Provinces, which it would be convenient in those Provinces at all events to retain. For instance, the Mill Register No. 11. This has no corresponding one among those proposed by the Jail Committee. The North-Western Provinces Committee, however, recommended its retention (and I concur in their recommendation) for the reason that it is a most useful and convenient one.

Register No. 19 (N.-W. P.).—The object of this register is to arrive at the number of prisoners who are sleeping in hospital. This number is necessary for Register No. XII (Jail Committee's), and there is no register proposed by the Jail Committee which will enable this to be arrived at.

Register No. 37 (N.-W. P.).—There is no similar register among those recommended by the Jail Committee.

It is useful as a check on the accuracy of the other registers, and it cannot be prepared unless they are up to date.

Copy of a letter, No. VI-252-B., 1892, from the Secretary to the Government of the North-Western Provinces and Oudh.

The list of punishments classified as suitable for serious and for minor offences proposed by the Jail Committee in paragraphs 16 and 17, Chapter XVIII of their Report, may be accepted with the addition of confinement in dark cells to serious and of warnings and forfeiture of marks to minor punishments and the omission of "gunny clothing." The punishments should be provided for in the Act or under the rules according as they are classed as suitable for serious or minor offences.

In any case the following serious offences, even when committed for the first time, should be punished by a serious punishment:—

Assaults or use of criminal force.

Filing or cutting irons or bars.

Conspiring to escape or to assist in escape, or to commit either of the above two offences.

A male adult prisoner mixing or holding any intercourse with females without permission.

Omitting to report any plot or conspiracy or instigation for evil-doing and any attempt to escape or preparation for an escape, or for an attack upon any prisoner or official.

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Classification of Labour.

Hard labour.	Medium labour.	Light labour.	REMARKS.
Oil-pressing.	Masonry.	Tailoring.	
Lime-grinding.	Stone-cutting.	Dyeing.	
Flour-grinding.	Paper-making.	Cloth-printing.	
Paper-pounding.	Blanket-weaving.	Folding and stitching books.	
Pounding bricks for surkhie.	Gunny-weaving.	Reading proofs and lithographic writing.	
Paper-polishing.	Cotton cloth-weaving.	Barber's work.	
Printing (Press work).	Basket-making.	Spinning twine or thread.	
Book-binding (Press work).	Durrie, rug and carpet-weaving.	Leather work.	
Digging and carrying earth.	Cleaning yards and wards.	Sizing and drying paper.	
Drawing water.	Washing paper pulp.	Weeding and removing decayed vegetation.	
Cleaving firewood.	Brick and tile-making.		
Sawing wood.	Cooking and parching gram.		
Cleaning privies and carrying night-soil.	Supplying masons with materials.		
Bowing wool.	Storing and weighing grain.		
Making bricks or drain tiles by machinery.	Carrying or pumping water.		
Blacksmith's work.	Carpentry.		
Sifting flour at 5 mds. per man daily.	Compositor's work.		
Breaking stones for metalling roads.			

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APPENDIX VII.

VIEWS OF THE BOMBAY GOVERNMENT:
JAIL OFFENCES AND PUNISHMENTS.

[Para. 10 from letter No. 833 of 7th Feby. 1891, Judd. Dept., from the Govt. of Bombay to the Govt. of India.]

The Governor in Council has given careful consideration to the recommendations of the Commission in Chapters XVII and XVIII with regard to jail offences and punishments, and agrees with the Inspector General of Prisons in advocating the proposed division of the former into serious and minor, serious offences being defined as those calling for investigation and liable to some decided form of punishment. Serious offences alone should be entered in the Punishment Book and in Statement No. 6; Minor offences should only be recorded on the Prisoners' History Ticket, and, in the opinion of His Excellency in Council, need not be shown in any statement with the Annual Administration Report. Superintendents will no doubt continue to differ, as they do now, in their estimate of what constitutes a minor offence, and the continued preparation of statistics, which for this reason have been found to be worthless for comparison with one another, will be merely a useless labour. I am to add a suggestion that a perfectly clean record for six months should be allowed to cancel all prior minor offences recorded against a prisoner. In His Excellency's opinion malingering might with advantage be added to the list of prison offences in any amendment of Act XXVI of 1870 that may be undertaken by the Government of India.

To the various questions regarding punishments for jail offences raised in the 9th paragraph of your letter, I am to reply as follows:—The Governor in Council approves of the list of major and minor punishments put forward in paragraph 15 of Chapter XVIII, subject to the suggestions of the Inspector General of Prisons, of which the Governor in Council approves, that stocks should be added to, and loss of the morning meal omitted from, the list of major punishments. I am to add that His Excellency in Council considers it unnecessary to amend the existing law of this Presidency (Bombay Act II of 1874) by providing for handcuffing behind the back. The Inspector General's proposed amendment of the list of minor punishments is also approved. His Excellency in Council is prepared to act on the suggestions of the Inspector General of Prisons that a model form of stocks should be introduced in this Presidency, and will limit its use, by executive orders, to a maximum of eight hours. As to the legislation required to carry out the suggestions of the Commission, I am to say that, in the opinion of the Governor in Council, this should be local, and that in preference to an exhaustive specification in a statute of all possible prison offences and punishments it would be desirable for the Local Government to take power by which considerable latitude would be left to it to define offences and impose their punishment. As a safeguard against provincial eccentricity, the Government of India might, by Legislative or Executive order, require that all regulations as to prison discipline should be communicated to it within a period of not less than two months before they are brought into operation.

*Extract from paragraph 2 of Government Resolution, Judicial Department,
No. 6961 of 24th December 1891.*

On the two new points raised in paragraphs 4 and 5 of the present letter from the Government of India, Government consider that the maximum number of stripes to be inflicted for an offence against prison discipline may be fixed at 30, and that whatever punishments may be determined for such offences, the power of inflicting them all should be vested in the Superintendent without the interposition of a Magistrate, provided the major punishments are not inflicted without the record suggested by the Government of India.

