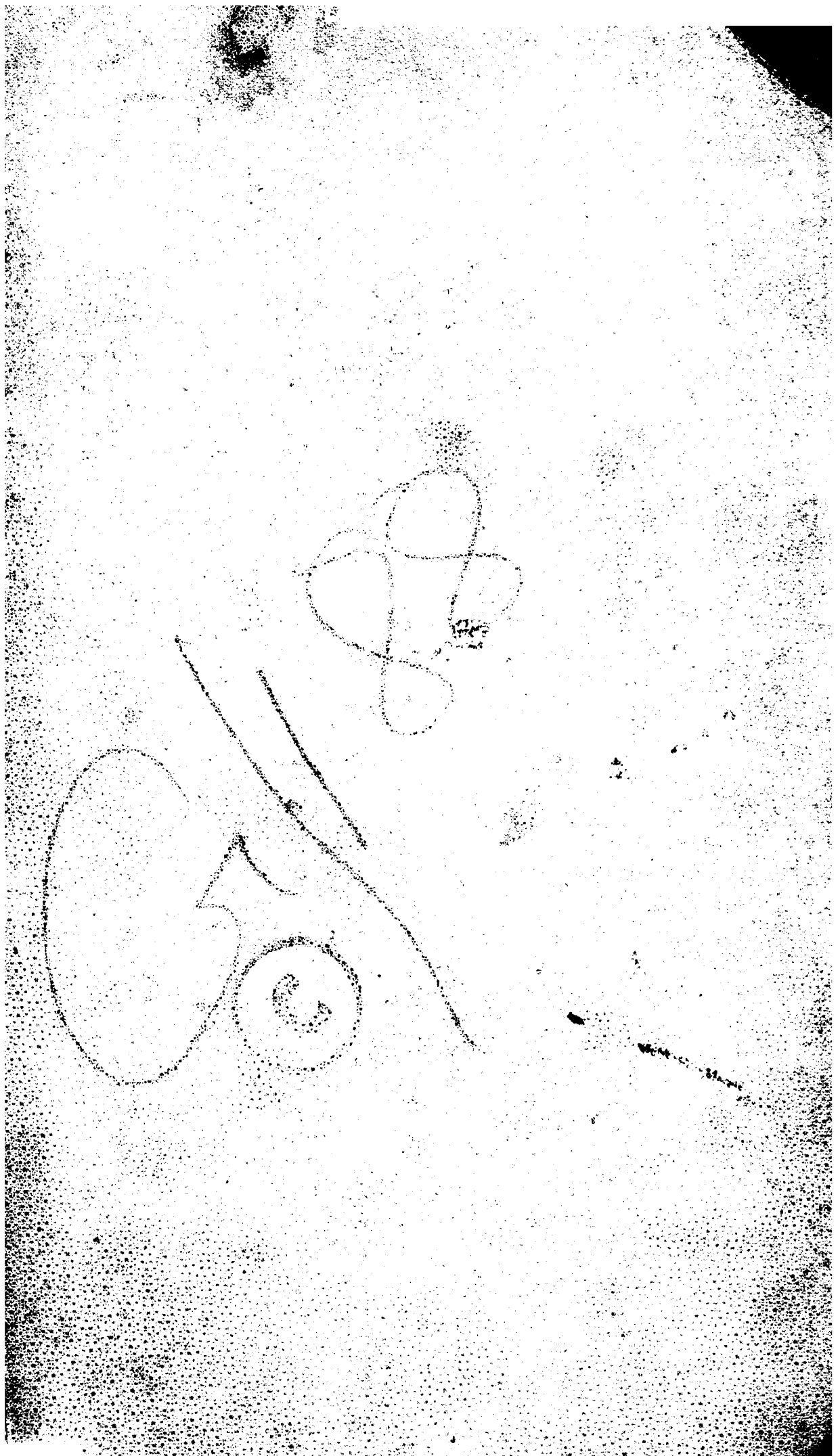




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REPORT
ON THE
ADMINISTRATION OF ENGLISH PRISONS
BY
MAJOR J. MULVANY, I.M.S.,
Superintendent, Presidency Jail, Calcutta.



No. 391D.

FROM LIEUT.-COL. W. J. BUCHANAN, I.M.S.,
Inspector-General of Prisons, Bengal.

TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL,
POLITICAL DEPARTMENT.

Dated Darjeeling, the 13th June 1911.

SIR,

I HAVE the honour to forward herewith the Report written by Major J. Mulvany, Superintendent, Presidency Jail, Calcutta, as the result of the study of prison administration in England for which he was granted special study leave, while on furlough in England, in your office memorandum No. 20D., dated the 12th April 1910.

The enclosed Report is a valuable one, and contains a mass of useful and practical information on the working of the English prison system as compared with our Indian system, as worked in Bengal.

I would especially call attention to the following, *e.g.*, the remarks on the over-centralization of the English system; the statistics of relative cost in England and Bengal, which shows how extraordinarily cheaply the Prison Department in Bengal is managed as compared with that existing in England.

The account given of the working of the Borstal system and the Borstal Association in the treatment of juvenile prisoners is very interesting; but till we are able to find an association like "The Borstal Association," able and willing to look for work for discharged prisoners, we cannot hope that our Juvenile Jail and Juvenile Sections in other jails will do as much good as they should.

I would also direct attention to the paragraphs dealing with "prisoners awaiting trial" and with "employment of prisoners," which are full of interest.

As the Report is of great value and interest, I have had it printed for circulation to all jails in this province, and I would recommend that copies be sent to the Government of India for circulation to other provinces.

I have the honour to be,

SIR,

Your most obedient servant,

W. J. BUCHANAN,

Inspector-General of Prisons, Bengal.

[Handwritten signature and initials]
V.I.I.
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Dated London, the March 1911.

From—MAJOR JOHN MULVANY, I.M.S. (on special study leave),
To—The Inspector-General of Prisons, Bengal.

WITH reference to the instructions contained in paragraph 2 of letter No. 104 from the Deputy Secretary to the Government of India, to the Chief Secretary to the Government of Bengal, dated the 5th April 1910, received under your endorsement No. 4254, dated 21st April 1910, I have the honour to submit herewith a full report of the results of my study of the administration of English prisons and of penological methods.

2. Having exhausted the facilities afforded me, and finding that I could not usefully expend the whole 6 months granted me, I have availed myself only of 4 months and 20 days.

3. I have not found it possible to refer, within reasonable limits, to all the subjects I have investigated. Those matters which,—like the Borstal system, the treatment of under-trial prisoners, employment, accounts, &c.,—appear to have a practical bearing on Indian methods, I have treated in some detail.

4. I have endeavoured to make my report as accurate as possible; but the difficulties of investigation, together with the unavoidable fact that I have had to be my own editor, may have opened the road to inaccuracies.

5. I was, unfortunately, unable to acquaint myself with the procedure in force at the execution of sentences of corporal and capital punishments. In connection with the latter, I was unable even to glean the slightest information, or to see a gallows—"The arrangements for executions are under the control of the Sheriff and are not shown to anyone."

6. It is necessary that I should preface my report by a brief explanatory note. It will be conceded that no system of prison administration is perfect, now less than ever, when an epoch of reform is at hand. Superiority of one system implies imperfection of another. It appears to me that to confine my report to mere description, without reference to what look to me to be the merits and demerits of the systems I have been comparing, would deprive it of any practical value, especially as this is, I believe, the first time that such a study has been made. I have, personally, no wish to advise, criticise, or bring my views into prominence. As, however, the submission of my report is the condition on which my leave was granted, I have little choice except to try to express my [possibly incorrect] deductions in as unbiased a manner as possible. Whatever imperfections there may be in English methods, I have alluded to only so far as they have any bearing on the Indian system, with special reference to Bengal. On the other hand, I have dealt more fully with what appears to me to be capable of improvement in Indian methods. In so doing, I trust that I shall be credited with the intention of submitting my personal views merely as an integral part of my report.

INSTITUTIONS VISITED OR STUDIED IN CONNECTION WITH THIS REPORT.

The Local Prisons of Portsmouth, Winchester, Wormwood, Scrubbs, 47 Visits. Holloway, Pentonville, and Brixton.				
The Convict Prisons of Parkhurst and Aylesbury	...	...	8	„
The Borstal Institutions of Borstal and Aylesbury	...	...	2	„
The State Inebriate Reformatory of Aylesbury	...	...	1	Visit.
The Discharged Prisoners' Aid Societies—The Royal Society, The Church Army, The St. Giles' Mission, The Catholic, The Salva- tion Army, The Portsmouth				
	...	...	5	Visits.
The Labour Homes at Portsmouth (male and female)	...	...	2	„
Public Libraries	...	...	5	„
Home and India Offices and Stores Depot	..	...	6	„
The Howard Association	...	...	1	Visit.
The Penal Reform League	...	...	1	„
Quarter Sessions	...	...	2	Visits

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STATISTICS OF INTEREST.

	1909-10.	1909.
	<i>England.</i>	<i>Bengal.</i>
Estimated total population ...	35,756,615	48,720,419
Daily average prison population—		
Local Prisons ...	18,521	
Convict Prisons ...	3,189	
Borstal Institutions ...	216	
Total ...	21,926	17,108
Total cost of Prisons ...	£ 778,237	£ 139,121
Total cost of prisons excluding public works	£ 687,943	£ 117,886
Cost of central administration ...	£ 25,917	£ 3,510
Cost per head of ditto ...	£ 1-3-6	£ 0-4-1
Total cost of public works ...	£ 90,294	£ 21,235
Cost per head excluding public works and colonial charges ...	£ 31-12-10	£ 7-1-11
Cost of central administration on a common basis ...	£ 23,917	£ 3,510
Total cost of prisons on a common basis ...	£ 697,543	£ 117,886
Ratio per cent. of cost of administration (central) to total cost ...	3·5 per cent.	2·8 per cent.
Ratio per cent. of prison salaries to total cost ...	47·	29·
Total cost of maintenance on a common basis	£ 673,626	£ 114,376
Ratio per cent. of salaries to total cost ...	54· per cent.	30·7 per cent.
Ditto victualling to ditto ...	17·5 "	47·2 "
Ditto clothing, &c., to ditto ...	6·3 "	7·0 "
Ditto medicines, &c., to ditto ...	0·4 "	1·9 "
Ditto gratuities, &c., to ditto ...	2·5 "	
Ditto lighting, &c., to ditto ...	5·5 "	3·8 "
Ditto rent, &c., to ditto ...	0·16 "	2·6 "
Ditto escort, &c., to ditto ...	9·2 "	2·1 "
Ditto travelling expenses to total cost	0·8 "	0·5 "
Ditto incidental expenses to ditto	0·59 "	3·7 "

Report showing the results of an investigation into the Administration of English Prisons and Penological Methods submitted in compliance with the orders contained in Government of Bengal Memorandum No. 20 A.—D., dated 12th April 1910, by MAJOR JOHN MULVANY, I.M.S., Superintendent of the Presidency Jail, Calcutta, [on special study leave].

PRELIMINARY.

1. Before attempting to institute comparisons between the English and Bengal systems of prison administration, it would, perhaps, be not out of place to examine briefly some of the forces that are at present, especially in England, influencing the evolution of penological methods.

2. Penology, in the past, has been defined as the study of punishment in its relation to crime. To-day it means something more. As I understand it, penology embraces not only prison administration and the execution of judicial punishment, but every circumstance bearing on crime and criminals. It deals with the treatment of crime in accordance with the methods prescribed by the Legislature, and also with its causation and prophylaxis. It treats, specially, of the criminal in his many sided aspects,—as a complex and variable human organism; and it traces the innumerable factors contributing to his lapse into offence against the social order.

3. Public opinion is beginning to claim that the formulation of penalties and the construction of penal systems should be dealt with more scientifically, and to ask for more individualism both in the prison and the court. Evidence is accumulating to show that the true relationship of crime to the social order, in its causation, effects, treatment and prophylaxis, can only be truly appreciated by study of the individual criminal not merely in the phase of his active opposition to the social order, but in the quiet of the prison cell, where, apart from the strife and turmoil of his criminal life, he is free to reflect on his wrongdoing, and where whatever is good or bad in him can be discovered.

4. There is every indication that an era of change is at hand: that penal systems are in the melting pot, and that another and more important epoch is dawning.

"Prison reform is in the air" writes an arm-chair critic, Mr. Rider Haggard.

"The present system is admitted more or less to have broken down. It has been shown to be incompetent to attain the real end for which it is established; that is, not punishment as many still believe—for this hereditary idea is hard to eradicate—but prevention and, still more, reformation."

Whether Mr. Haggard goes too far or not, he is simply voicing the views held by a considerable section of public opinion. At any rate, there never was a time when there was greater activity in all sociological matters than the present, and never before has more attention been paid to the treatment and prevention of crime. Newer methods are taking shape, and as they materialise give promise of further changes which are, in essence, absolutely revolutionary. To compare existing methods while ignoring these influences would not only be unscientific, but would diminish the value of any deductions made.

5. The execution of judicial punishment, even though it is the very *raison d'être* of every prison system, cannot be dissociated from the larger problems connected with the causation and prevention of crime. Assuming that the aims of punishment can be summarised under the four heads of—[1] Retribution, [2] Determent of the criminal and others, [3] Protection of society, and [4] Reformation of the criminal, it is becoming increasingly evident that the last or reformatory aim is one of the chief factors—perhaps the most important—in the diminution of crime. Next to prevention, reclamation is the only means of saving for the State those who have not lost their potentiality of becoming good citizens.

6. If crime be looked upon as a disease of society, it should be obviously studied and treated scientifically, like any bodily disease. Prophylaxis is more important than treatment. Crime, like certain diseases, is hard to eradicate and tends to recur. Segregation in prison is at best a compromise. It suspends for a time the criminal's power, for evil, but that it often returns a criminal to

society any better for his enforced seclusion does not appear to have been the general experience in England any more than it has been in India. Indeed, there are not a few, in both countries, who affirm that prisons are the manufactories of criminals. These people point to the facts that severe methods have never prevented recidivism; that most recidivists begin their careers of crime at tender ages, when influences for good or evil hold greatest sway; and that three out of four convicts return to jail with long sentences.

7. It is now quite generally recognised that the indiscriminate dumping of petty offenders in jail is too often fraught with disastrous results. Imprisonment, even a short imprisonment, with its accompanying shame and exposure, may have a deterrent effect on a certain few, but there can be little doubt that the usual consequences are that thousands are familiarized with the interior of a prison without either determent or reformation, the law thus setting the feet of so many potential criminals on the path of a criminal career. The Secretary of the Howard Association writes—

"I may here remark that though I have seen hundreds of youths weeping bitterly when waiting in police court cells their first conveyance to prison, I cannot call to mind a single instance of a youth weeping or showing signs of fear when awaiting his second term. The reason is not far to seek: for one short month had been sufficient to remove fear; they felt that after all prison was not such a terrible place; and after the first disgrace it did not matter if they go there again."

8. The Home Secretary has laid down three principles:—

- [1] No youth ought to be sent to prison unless he has shown himself incorrigible or has committed a serious offence.
- [2] No youth ought to receive any sentence which has not a definite, curative, and educative character.
- [3] The sending of boys to prison for three, four, or ten days for offences which might be perfectly well settled outside the prison gates has all the evils of sending them to prison for a long period.

Recent legislation has proceeded largely on these lines, every effort being made to keep first and petty offenders out of jail, and thus to cut off the supply from which the great army of crime is recruited.

9. In addition to methods aimed at the prevention of crime in its early stages, it has become an accepted principle that incorrigible habitual criminals can only satisfactorily be dealt with by prolonged if not perpetual segregation, though up till now perpetual seclusion has not been accepted in its logical entirety. The Prevention of Crime Act, in its preventive detention sections, limits seclusion to 10 years. This at any rate is a beginning which will educate public opinion to recognize that those who live by preying on society have no more right than dangerous insanes to be at large to continue their anti-social careers.

10. The Poor Law Commission, one of the most epoch-making events of recent times, has given birth to schemes which, if adopted, must have far-reaching influence not only on the prevalence of crime, but also on the magnitude of the prison population. Whether the proposals of the majority or of the minority be adopted, the measures advocated for the prevention of destitution—and particularly for the detention of vagabonds in labour colonies—must relieve the prisons of a large proportion of their short-term population.

11. The treatment of confirmed inebriates in institutions and the anticipated diminution of drunkenness due to higher liquor taxes and the probable spread of local option, cannot but still further relieve prison congestion: indeed, the strikingly unexpected results of the recent increase of liquor taxation have already proved most gratifying.

12. It may be as well to summarize here the reforms actually accomplished in recent years, or which are under consideration or proposed.

A—REFORMS ACCOMPLISHED.

- [1] *The Inebriates Act*—Establishing State Inebriate Reformatories for the detention of confirmed inebriates.
- [2] *The Probation of Offenders Act, 1907*—Empowering courts to permit the conditional release of offenders; establishing probation officers; and reviving the old law of reparation and restitution.

- [3] *The Prevention of Crime Act, 1908*—Establishing Borstal institutions; and conditional release after six months, if desirable; and the segregation of habitual offenders for not more than 10 nor less than 5 years after the expiry of a term of penal servitude.
- [4] *The Children Act, 1908*—Providing places of detention for children and young persons; prohibiting the imprisonment of children and young persons; providing children's courts; and protecting children generally.
- [5] *The Modified Borstal System* at local prisons.
- [6] The creation of the *Borstal Association*.
- [7] The co-ordination of the *Prisoners' Aid Societies*.
- [8] The abolition of separate confinement in female prisons and Borstal institutions.
- [9] The extension of association in convict prisons.
- [10] The establishment of training schools for prison officers.
- [11] Numerous minor reforms of administration and discipline, mostly in the direction of mitigation.

B—REFORMS UNDER CONSIDERATION.

- [1] Prevention of destitution.
- [2] Establishment of labour colonies.
- [3] Detention of vagrants in labour colonies.

[Mr. Churchill's Programme.]

- [4] The more extended use of probation.
- [5] The granting of time to pay fines: a bill to be passed for this purpose.
- [6] The modification of the system of ticket-of-leave and police supervision.
- [7] The federation and co-ordination of Prisoners' Aid Societies with a Government grant and Government representation on the Committee.
- [8] The establishment of a "drill" system as a substitute for imprisonment of lads, between the ages of 16 and 21, convicted of minor offences.
- [9] The reduction of the solitary confinement of convicts.
- [10] The extension of lectures, concerts, &c., for prisoners.
- [11] The amelioration of the conditions of prison life of prisoners convicted of offences involving no moral turpitude.

C—REFORMS PROPOSED.

[a] By the Howard Association.*

- [1] Time allowance for payment of fines.
- [2] Young offenders to be allowed to pay fines by easy instalments.
- [3] A thorough application of the Probation Act, with the appointment of paid Probation Officers responsible to the State and removable by the State.
- [4] Probation Officers to have power to collect fines.
- [5] Restitution for money or goods stolen, as allowed by the Probation Act, to be further developed and enforced.
- [6] The abolition of repeated short sentences, the folly and futility of which have been so long demonstrated, and the results of which have been so disastrous.
- [7] Manual or technical training for young prisoners who suffer from physical defects.

* The Howard Association, instituted in 1866 (under the patronage of the late Lord Brougham) for the promotion of the best methods for the treatment and prevention of crime, pauperism, &c., now engaged in the promotion of efficient methods of penal administration and the prevention of crime. Annual income between £400 & £500. The Association, avoiding extremes, adopts a moderate and, on the whole, reasonable attitude in its method of advocating reforms. It represents the best informed section of public opinion.

- [8] A more thorough classification of prisoners, and, to ensure this, the establishment of specialized prisons suitable to the age, physical and mental condition of the prisoner.
- [9] The adoption of the indeterminate sentence with the establishment of Parole Boards and the appointment of Parole Officers.
- [10] Establishment of special institutions for those who are classed by the prison authorities as "unfit for Prison Discipline."

(b) *By the Penal Reform League.**

- [1] Action for the wiser and wider application of the principle of probation.
- [2] For a satisfactory development of industries for convicted criminals to be organised with a view to the education of character and capacity, and to fitting them to earn a living usefully.
- [3] For the increased employment of capable women in the prison and allied services as organisers, as inspectors, as governors and directors of institutions for women, as trained nurses for both men and women, and as stewards—seeing that without the help of women the domestic economy of prisons and such like institutions is not likely to be either domestic or economical.
- [4] For the perfecting of the indeterminate sentence, on the curative principle, as now partially in practice for juveniles, and its gradual extension to older offenders.
- [5] For the reform of the law courts by insisting on a higher ideal of their function and of the qualifications required in those who constitute them.
- [6] For the better selection and training of staff, and general raising of their status and ideals.
- [7] To study the experiments made in other countries in their dealings with criminals, with a view to their possible adaptation to British requirements.

13. The above comprehensive programme covers a wide field, and, if we exclude the Penal Reform League, contains little to which exception can be taken. Its adoption, even in part, will undoubtedly do much to stem the tide of crime. The Howard Association is sanguine concerning the results of its programme. "Given," it says, "these things, and given also the assurance of their enforcement, the Committee believe that many of our prisons will become superfluous." It is remarkable that one of the ideals of prison reformers is the closing of prisons. In 1837 the number of prisons was reduced from 113 to 56, as the result of anticipations that were somewhat over sanguine. The results have been far-reaching.

14. It is not uncommonly said that prison reform seldom comes "from within." Certainly most important reforms are associated with persons unconnected with prison administration. Indeed, most persons who pose as criminologists have had little or no practical experience of criminals in prison. This may account for some of the extravagant proposals that have from time to time been advanced: such as the extinction of incorrigibles, the sterilization of habituals, the abolition of imprisonment, and also for the discovery of a supposed criminal type. There is at the present time considerable danger to be anticipated from the growth of a feeling of sentimental pity for the criminal, so much so, that Mr. H. B. Simpson of the Home Office, in his preface to the Judicial Statistics of 1909, attributes to it the increase of crime chronicled by him. At the same time he sounds a note of warning. It is fashionable just now to attack officialism. It cannot be gainsaid that a certain conservatism in procedure is not foreign to any department of the State; but few will agree with Mr. Gordon Rylands, who bitterly attacked the English prison system in the late Eighties, and, amongst other things, said—
"A man, after being a State official for a number of years, becomes such a creature of routine that every human sentiment seems, during his business hours, to have dried out of

* The Penal Reform League, instituted in 1910, "to interest the public in the right treatment of criminals, and to promote effective measures for their care and rehabilitation and for the prevention of crime." It has 24 Vice-Presidents, but up till now has not secured a President. It is unimportant, and represents the views of a few sentimental extremists.

him, producing a condition of mind which, in connection with prisons, was powerfully satirized by Charles Read in his novel "It is never too late to mend."

It may be, however, as the Prison Committee of 1894 said, that—

"Those who have to administer a system year after year are inclined to stereotype practices which they know have produced good results, and to assume for that reason that they must permanently form the basis of management."

However true this may be, the history of Indian prisons witnesses the fact that beneficial reforms have never been rejected, and the changes of the last few years give promise that Bengal will not be slow to adopt the best of the newer reforms.

15. A sufficiency of funds is, of course, the great essential of an adequate prison system. As the Chairman of the Prison Commission has expressed it in 1906—

"The features of imprisonment, i.e., of deprivation of liberty, are universally the same in principle, though varying infinitely in degree, according to the temperament of a people, the stage of civilization, and last, but not least, the national wealth. An insufficiency of 'supply' will, in many countries, prevent the authorities from realising what they know to be the best plan. All are agreed as to the necessity of good buildings, good cells, good work-shops, good sanitary arrangements, and a good and numerous staff; but it is only a few countries which can afford them. Foreigners, with an extravagant idea of England's wealth, generally regard the English system as typical of the best. Though it is hoped that the system is intrinsically good, it must be confessed that its reputation abroad is due, to a great extent, to our being able to provide a good and numerous staff. It is in staff that most foreign prisons fail, as far as my experience goes. Without staff there cannot be discipline, and without discipline there cannot be firm and exact control."

In this connection it may be noted that Havelock Ellis has seen fit, in 1910, to reproduce the following criticism from his edition of "The Criminal" of 1890, without qualification—

"It is enough to say that the prison warder of to-day is about as well fitted for the treatment of criminality as the hospital nurse of a century ago was fitted for the treatment of disease. This was quoted at the last Prison Congress as being still true, by Professor Vambery of Hungary, who contended that all prison officials, whether filling high or low positions, should not only be specially selected for the purpose and should be possessed of the necessary qualifications, but they should in addition undergo a course of professional training before they were definitely appointed to their positions."

INTERNATIONAL PRISON CONGRESSES.

16. The International Prison Congresses are quinquennial meetings of delegates from various nations to discuss questions relating to criminal law, prison discipline, preventive measures and youthful offenders, and to visit the chief penal settlements of the country of meeting. Initiated in 1872 by American enterprise, the first Congress of London was followed by the establishment of a Permanent International Commission at Geneva, which meets periodically to transact business and to settle the programme of the next Congress. The funds of the Commission are derived from a tax on the country of each official representative at the rate of 25 francs per million inhabitants, together with an entrance fee of 20 francs for attendance at the Congress.

Congresses have been held as follows:—

(1) 1872—London	24 Nations represented.
(2) 1878—Stockholm	26 Ditto.
(3) 1885—Rome	25 Ditto.
(4) 1890—St. Petersburg	26 Ditto.
(5) 1895—Paris	24 Ditto.
(6) 1900—Brussels	27 Ditto.
(7) 1905—Buda-Pesth	28 Ditto.
(8) 1910—Washington	39 Ditto.

The following remarks occur in the last Annual Report of the Howard Association concerning the Congress of 1910:—

"It is not, however, in Great Britain alone that a strong desire is manifested for better methods of penal administration; for every civilized nation is awakening to its duty, and evidences are not wanting to show that they are seeking methods in which the dictates of humanity and commonsense will play an important part. The International Congress held at Washington in October confirms this, for delegates from no less than 39 nations attended and took part in the deliberations. * * *; they (the Committee) recognize that the Congress was a great influence for International Peace. For three weeks, Japanese and Russians, Chinese and Germans, Spaniards and Americans, Greeks and Italians, Siamese and Frenchmen, Cubans and Englishmen, Swiss and Austrians, lived together, travelled together, and conferred together on penological matters. * * *

Perhaps at the next Congress to be held in London in 1915 India, too, will be represented.

STATISTICS.

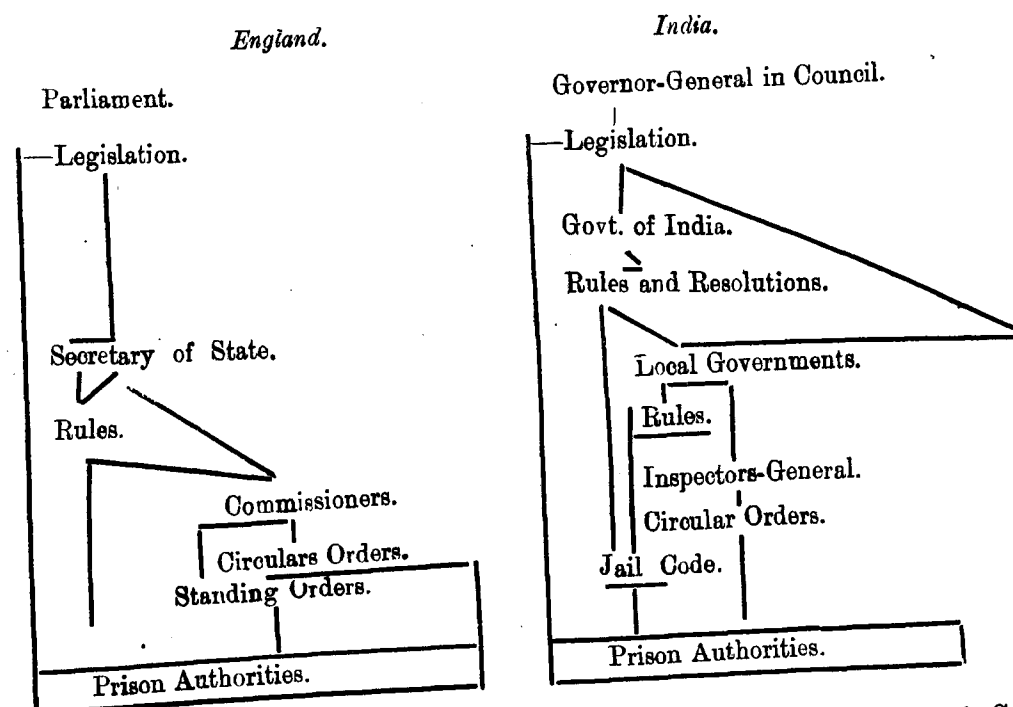
17. The question of statistics will arise frequently in the course of this Report. I may as well say here that the need for an international system of prison statistics has been repeatedly impressed on me during my present study. The Indian system, while being very complete and in most respects admirable, has certain shortcomings to which I will refer from time to time. The English system presents many difficulties to the student.

CENTRAL ADMINISTRATION.

18. The Prison System of England and Wales is a Department of the State, controlled by the Home Secretary. It is administered by a Board, the members which are variously called Prison Commissioners or Directors of Convict Prisons, who correspond, more or less, to the Inspector-General in an Indian Prison System. This dual nomenclature, which is confusing to the uninitiated, dates from the Prison Act of 1887, when the control of local prisons was removed from the local authorities and vested in a body of Commissioners appointed by the Crown, on the recommendation of the Secretary of State. Convict prisons for convicts sentenced to penal servitude had always been under the administration of an official Board of Directors. Although the Act of 1887 did not amalgamate these two bodies, the Directors were from the first appointed Prison Commissioners, and the final amalgamation of the two bodies became law by the Prison Act of 1898. To the present day the two classes of prisons are administered separately. Each has its own "rules" and "standing orders," and their staffs are, except in the higher ranks, not interchangeable. This duality of nomenclature is, to an outsider, a little confusing. The Committee of 1894 recommended the fusion of the two systems, and this has been accomplished to the extent of publishing a combined Annual Report. The Prison Act of 1898 added to duality of nomenclature by instituting "Boards of Visitors" for convict prisons, analogous to the "Visiting Committees" of local prisons.

The legislation dealing with prisons is, like most English legislation, very complex. The Committee of 1894 emphasized the need of a consolidated Prison Act containing a complete Prison Code. The Act of 1898 added one more to the number already in existence. There are, therefore, 3 Prison Acts [1865, 1877 and 1898] and 4 Penal Servitude Acts [1853, 1855, 1884 and 1891]. To one accustomed to the simple and concise Act of India, the need of such a consolidated Act and also of Penal and Criminal Codes for the United Kingdom seems indisputable. I may mention that I endeavoured in vain to buy a copy of the Act of 1865; it was out of print. The regulations governing the administration of prisons are, as in India, based on legislation, and on "rules" made by the Home Secretary on the authority of the law. Centralization is extreme, and much that in India devolves on "rule-making" authorities, in England is settled by the Legislature.

19. The manner in which regulations are made and conveyed is shown below:—



20. The Jail Codes of India correspond to the Secretary of State's Rules plus the Standing Orders of the Commissioners. They may be compared as follows:—

	England.		Bengal.
Rules of Secretary of State—			
Convict	190*	Bengal Jail Code	1,346 rules.
Local	313*	Subsidiary Jail Code	263 rules.
Standing Orders—			
Convict	1,804*		
Local	1,804*		

21. The Indian Jail Codes, issued as they are by "rule-making" authorities, are more comprehensive and self-contained than the English volumes of Standing Orders. They are, moreover, not so liable to the frequent changes which are so marked a feature of the English system. The fact that Inspectors-General in India are required to submit all proposals for change, even in minor details of routine, to Government, must tend to finality. The Standing Orders are, of course, indispensable to the investigator; but as they assume a knowledge of many principles of administration to which they refer only indirectly, and as the subject-matter is arranged on this assumption, the acquirement of knowledge is not a simple matter. I personally found the collection of material far from easy.

22. The Standing Orders framed by the Commissioners are, unlike the Indian Jail Codes, confidential to the extent that they are not available to the general public. Much valuable information is, of course, contained in the annual Blue Books, but these give no more information concerning the system than do the corresponding Indian Reports. This dearth of information perhaps to some extent accounts for the frequency and vigour of the attacks to which the English prison system is so constantly subjected at the hands of an ill-informed public. The Commissioners in their latest Report, 1910, remark on this subject in connection with a recent attack on the system of separate confinement. They say—

PARAGRAPH 37. "Public attention was called during the year in a forcible way to the alleged horrors and cruelty of the so-called separate system by a dramatic representation which omitted the explanation which would have enabled the public to grasp its meaning and purpose. So unfamiliar is the public with the history and details of our prison system, that they learnt for the first time from the stage of a London Theatre

* Many of these are the same.

what has been, for 60 years, a leading feature in the system of penal servitude. Impressions are formed more easily from a clever and well written play than from a perusal of Blue Books which, year after year, have adverted to the system and discussed its comparative advantages and disadvantages."

23. It has been said that the Prison Board corresponds *more or less* to the Inspector-General in India. The two authorities are analogous to the extent that each is the head of the prison system under Government; but where, in India, the Inspector-General merely administers in accordance with the provisions of the Jail Code, in England the Commissioners have more comprehensive powers. Their administration is more self-contained and includes procedure relating to financial matters and to public works, which are in India dealt with exclusively by the Accountant-General and the Public Works Department. Moreover, they frame their own Standing Orders under the rules for the government of prisons. Under the Prison Act of 1887, the Commissioners are a body corporate with a common seal, with power to hold land without license in mortmain. They are limited to five in number, and are appointed, only exceptionally, from the ranks of the prison service; in this respect exhibiting a marked contrast to the Indian system, in which Inspectors-General are now-a-days invariably recruited from within the Jail Department. The Commissioners have also statutory powers under the Prevention of Crime Act, 1908, to grant and revoke licenses in the case of inmates of Borstal institutions.

24. The Prison Committee of 1894, when considering the prevalence of insanity and weak-mindedness in prisons, recommended the abolition of the Medical Inspectorship and the substitution of a medical member of the Prisons Board, who would have the superintendence of all questions affecting the health and mental condition of prisoners. Parliament, in 1898, "held most strongly that it was not sufficient to have Medical Inspectors, and that it was absolutely necessary that there should be a medical officer among the Prison Commissioners." A Medical Commissioner was appointed, but the Inspectorship was not abolished. The medical vacancy that occurred in 1910 was not refilled by a medical man, but the superannuated Medical Commissioner was retained as medical adviser.

(Appointment of Mr. Waller.)

adviser.

25. A comparison of the two administrations is shown here:—

England.	Bengal.
1 Chairman.	1 Inspector-General.
3 Commissioners and Directors.	1 Personal Assistant.
1 Secretary and Inspector.	
1 Assistant Secretary.	
1 Medical Inspector.	
1 Chaplain Inspector.	
1 Lady Inspector.	
3 Inspectors.	
1 Comptroller of Accounts and Stores.	1 Superintendent of Jail Manufactures.
1 Surveyor of Building Works.	
Annual cost of above—£12,332.	Annual cost of above—£2,560.
33 Clerical Staff, &c., who are permanent.	22 Clerical Staff, permanent.
Additional.	
Annual cost of Clerical Staff—£11,148.	Annual cost of Clerical Staff—£1,128.
Total cost of administration—Salaries only.—	
£ 23,580	£ 3,688
(Ratio. 6:1:	1.)

26. In comparison with the English administrative staff, the corresponding Bengal *personnel* appears modest in the extreme. The numerous and varied duties connected with administration, which in Bengal are centred in the Inspector-General, are, in England, divided amongst a large number of responsible officials. The amount of work is, of course, greater in England, principally because of the very great centralization. There are many more committals in England, and the daily average prison population is some 20 per cent. greater; on the other hand, the proportion of long-term prisoners is over 60 per cent. greater in Bengal, and, as shown below, the number of institutions receiving prisoners and submitting returns is over

56 per cent. greater in Bengal, where, moreover, facilities for inspection are incomparably fewer.

England.		Bengal.	
Local Prisons ...	56	District Jails ...	30
Convict Prisons ...	5	Central Jails ...	7
Borstal Institutions ...	3*	Special Jail ...	1
Criminal Lunatic Asylum ...	1	Subsidiary Jails ...	68
State Inebriate Reformatories ...	2		
Total ...	67	Total ...	106

27. While the Indian system throws too much work on to the Inspector-General, it possesses the great advantage of permitting—nay, of enforcing—the infusion of that personal element so vitally important in all dealings with criminals, not only in the work of administration, but also in the local executive work. This absence of centralization is, in my opinion, one of the most hopeful points of the Indian prison systems. Centralization cannot but weaken individualism and tend to mechanical methods.

28. That a certain increase of centralization in Bengal must sooner or later come about I have little doubt: indeed, in the matter of stores, expenditure, and financial matters generally, the one royal road to economy is centralization. But in executive duties generally, and in matters of pure routine, I am convinced that the advantages of trusting the man on the spot far outweigh the disadvantages. An unsuitable Superintendent can more easily be removed in India than in England; moreover, it is unlikely that any Indian officer would apply for the Jail Department unless he has some aptitude and liking for the work.

29. In this connection the question of inspection occupied my attention. My experience in India and my investigations in England have convinced me that one of the most important factors for good in any prison system is frequency of inspections. Under existing conditions it would be impossible for an Inspector-General to cope single-handed with the ever increasing work and to extend his tour of inspections. A solution of the problem could be found by reorganization of the office of Deputy Inspector-General, making him in reality a deputy and assistant of the Inspector-General. I do not mean by this that an Inspector-General would inspect less. No amount of inspection by a deputy can equal one personal examination by the Head of the Department. Yet there is nothing like inspections for keeping jails up to the mark. For this reason, I see scope for the appointment of a selected officer of the superior jailer staff as an inspector of subsidiary jails,—an officer with a thorough knowledge of the Codes and the procedure of sub-jails, who would spend his time going from sub-jail to sub-jail supplementing the reports of official visitors. Similarly, the needs of female prisoners seem to me to call for more female influence. The advisability of appointing a female inspector is referred to later on.

LOCAL ADMINISTRATION OF PRISONS.

30. The system of administration in force in English prisons is widely different to what obtains in India. Duties are of course similar, but the organization of staffs and the division of labour have few points of resemblance.

31. The Governor in England corresponds to a certain extent to the Superintendent in India; but his powers and responsibilities are considerably less, and in reality he more resembles the Jailer. The central administration, by means of its elaborate systems of reports, returns, and procedure,—and in local prisons by the help also, of the large powers vested in the Visiting Committee,—retains in its own hands such control, even in minor matters, that the responsibilities of the Governor and his necessities for the exercise of initiative and discretion are reduced to a minimum.

* One only a separate institution.

32. The appointment of medical officers as Governors and Deputy Governors is confined to the female prisons. Even the large prison sanatorium at Parkhurst is governed by a non-medical man. There is a growing consensus of opinion that Governors should be medical men. Nearly every prison question has a medical aspect, and it is important that that aspect should receive due expert consideration. I believe that sooner or later all Governors in England will be doctors, though at present there appears to be some question as to their ability to maintain discipline. Possibly there are other reasons. It may be noted that where Medical Governors are appointed, they have medical men as Deputy Governors.

33. There are two kinds of prisons—convict and local. The former are intended for carrying out sentences of penal servitude; the latter for all other classes except juvenile-adults sentenced to the Borstal treatment. There are five classes of prisons, as follows:—

Classes of Prisons.		
Average population.	Pay of Governor.	Number.*
Class 5—under 100	£ 250—10—300	15*
„ 4—up to 200	£ 310—10—350	15*
„ 3—up to 400	£ 360—10—450	12
„ 2—up to 700	£ 500—15—650	9
„ 1—over 700	£ 700	9

34. The evolution of the present system is plainly discernible in its history. The gradual transference of power from the gaoler of Howard's time to the local Justices, and the retention of these powers, in a diminished form, by the Visiting Committee on the reorganization of the Prison Department in 1887, left the newer system of "Governors" in much the same status as their predecessors—the gaolers. The Governor of to-day is, in local prisons, the gaoler of yesterday. A somewhat similar system existed at one time in India, but on the appointment of Superintendents the Jailers were not abolished, and the Superintendents, at least at central jails, were made quite independent of local authority.

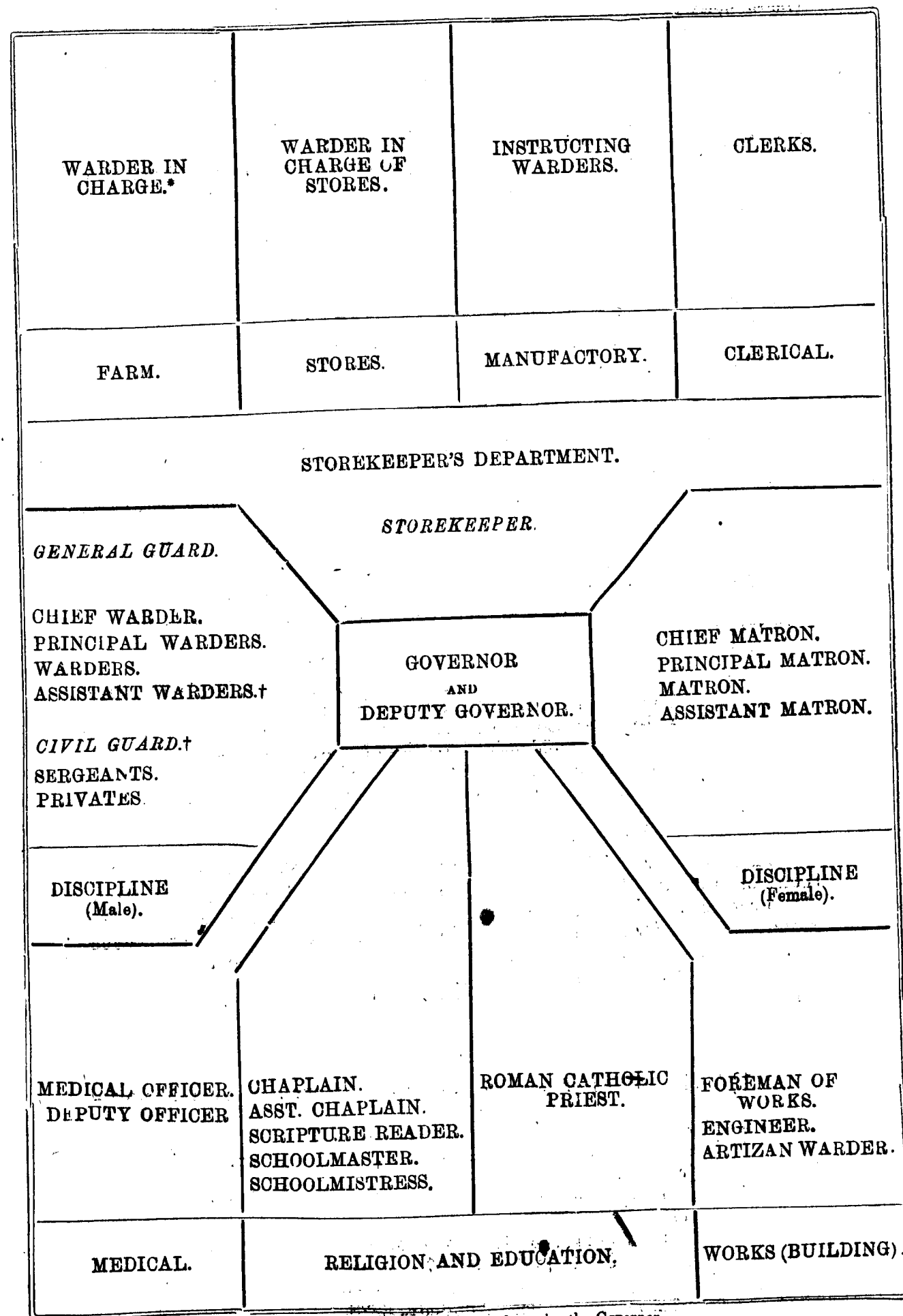
35. The Board of Visitors,—a fairly modern creation,—at English convict prisons has not been vested with powers so plenary as those possessed by the Visiting Committee, the then Secretary of State holding that "dual government" tending to "break down the authority of the Directors would undoubtedly be the result if the unofficial visitors were allowed to exercise any power of interference with the actual administration of the prisons."

36. The work of an English prison is divided into five departments, all of which are independent of each other and are immediately subordinate to the Governor. They are—

- | | |
|-------------------------------|-----------------------|
| [1] Medical. | [4] Storekeeper's— |
| [2] Religion and Instruction— | [a] Farm. |
| [a] Chaplain. | [b] Stores. |
| [b] Roman Catholic Priest. | [c] Manufactory. |
| [3] Discipline— | [d] Clerical. |
| [a] Male. | [5] Works [Building]. |
| [b] Female. | |

* The Governors of these prisons are usually promoted Storekeepers or Chief Warders.

Scheme of Work in an English Prison.



* At Dartmoor there is a Farm Bailiff directly under the Governor.

† At convict prisons only.

The manner in which the several departments are subordinated to the Governor is shown in the above diagram.

warder, &c.,—duties which usually occupy the whole time of the officers concerned. It is obvious, therefore, that in a small prison when the Head Warders and Special Warders are deducted, only a very few are left to carry out the disciplinary duties of the prison. When it is remembered to what extent class separation is enforced, it is obvious that under existing conditions only the separate system is possible at a local prison.

47. The specialization of duties referred to above is very necessary in so highly organized a prison system. Each special office involves much clerical work unknown in India, and which Indian Warders are not capable of. It is no exaggeration to say that an occurrence must be very trivial indeed that is not recorded in writing in an English prison. To describe these special duties in detail would occupy too much space, but I could see the advantages of increased specialism in some branches of Indian prison work.

The amount of work accomplished by an English Warder is really prodigious, and the hours of labour are very long. In a local prison a Warder is on duty from 5.50 A.M. till 8 P.M., with only 1 hour 50 minutes off for meals. As there is no Jailer staff, the bulk of the executive work falls on the Warders. It appeared to me that the Warders worked a great deal harder than the prisoners.

48. The pay and prospects of the English Warders seemed to me quite good, and their privileges are many; but they are not satisfied, and even now steps are being taken to form a "Prison Warders' Federation" to bring about better conditions of employment.

49. Armed guards only exist at convict prisons. They are known as the "Civil Guard" and correspond to our Reserve Guard or more properly to the old Police Guards, since they do no disciplinary work. Their military organization cannot compare with what obtains in India. They carry their arms with them when inside the prison. At local prisons a few muskets and revolvers are kept, but no practice is made with them.

50. The guards at local and convict prisons are quite distinct and are not interchangeable. To the Warders of a local prison the inside of a convict prison and its different procedure are sealed books, and *vice versa*. In the lately created Borstal institutions a third class of Warder is coming into existence, entirely for Borstal work.

GUARDING.

51. The peculiar circumstances which facilitate guarding were referred to in paragraph 45. The high pitch at which discipline is maintained, by the rewards of the Stagesystem on the one hand, and by the fear of severe punishment on the other, together with the fact that there is, with few exceptions, little extramural labour, contribute to ease in guarding.

52. Night guarding is simple, owing to the cellular system in closed halls, and to the fact that every prisoner is locked up for the night at 10 P.M., all patrols and reserve guards remaining all night in the prison. This latter practice appears to me to possess many advantages.

CONVICT OFFICE SYSTEM.

53. Convicted prisoners are, in England, never placed in authority over other prisoners. In convict prisons certain selected convicts are exempted from continual supervision, not as a reward for good conduct, but to obviate the employment of special guards. At Borstal special grade boys are permitted to carry messages without escort, and there is also provision for work without supervision, these being privileges of the grade as well as matters of convict-officer system in England. Personally, I look forward to the time when the system will disappear from Indian methods: it has little to recommend it, except economy.

54. The existence of the convict officer system complicates any attempt at comparison with England. There can be no doubt though that the Indian Warder cannot compare with the English Warder either in education, intelligence, or individual value. It may be noted that the ratio of salaries generally to the daily average cost is over 13 per cent. higher in England than in India, but I do not know whether the Warder is paid relatively more in England. At

any rate there is room for improvement, in many ways, in the Bengal Warder guard, and this will no doubt come about gradually with the abolition of the convict officer system.

THE VISITING COMMITTEE AND BOARD OF VISITORS.

55. The system under which prisons are visited in England presents many and wide differences from what obtains in India. In Bengal "visitors" are of two classes,— "official" and "non-official." The former consists of officials mostly local, who represent the Government; the latter of gentlemen, appointed by Government, who take an interest in the welfare of the prisoners—these represent the public. Visitors are vested with plenary powers in the matter of inquiry, investigation, and report. Their duties end. They have no power to interfere in the administration of the prison, except that, in Bengal, official visitors may permit a second petition for mercy to be submitted to Government. Minutes of visitors are invariably submitted to the Inspector-General [to whom they are often a valuable source of information], but they are only occasionally submitted to Government. There is, however, nothing to prevent non-official visitors addressing Government direct.

56. The Visiting Committee in England dates from the Prison Act of 1887, by which Visiting Justices were abolished and their powers vested in the Prison Commissioners. Prior to this, local prisons were not under the direct administration of a central authority, but were controlled by the local authorities and administered by the "Justices in sessions assembled." The powers and duties of the Visiting Committee are merely modifications of what pertained in former days to the Visiting Justices.

57. The system is said to have been found to be a "great success in local prisons" and has, probably in consequence, been extended to convict prisons by the Act of 1898. Many of the duties formerly discharged by the central authority are now delegated to local responsible persons who, while receiving no remuneration, act independently of, but co-operate with, the official authority, on whom, as before, the whole responsibility of the prison rests. It is considered that this will be "the means of securing public confidence in the administration of a system which, if left exclusively in the hands of permanent officials, is liable to suspicion and distrust." This innovation was the outcome of a recommendation of the Penal Servitude Acts Commission of 1878. It is noteworthy that then it was recognized that the exercise of any power of interference with the actual administration of the prisons by unofficial visitors would lead to a dual control and would break down the authority of the Directors. Visitors to convict prisons when first appointed in 1879 were restricted to visitation, inquiry and report, the scope of their duties being in marked contrast to those of the visitors of both local and convict prisons at the present day.

58. In addition to the powers vested in the visitors of Indian prisons, the Visiting Committee [local prisons] are required to co-operate with the Commissioners in promoting the efficiency of the service, and to inquire into and report on any matter specially referred to them by the Secretary of State or the Commissioners. They are to inquire into the state of buildings and to report on the necessity of repairs and additions; to supervise the carrying out of the rules for the treatment of juveniles and unconvicted prisoners; to supervise the operation of the Discharged Prisoners' Aid Societies; to select Reformatory Schools for juveniles, when such schools are not specified in sentences; to hear and adjudicate on offences reported to them by the Governor; and to approve the selection of library books.

59. They are authorized to suspend any officer of the prison; to grant leave of absence for three days in urgent cases to superior officers; to issue directions [in cases of urgency] concerning the treatment of prisoners likely to suffer injury in mind or body by the discipline or treatment to which they are subjected; and to organize lectures and addresses to prisoners.

60. They may permit any prisoner to have additional letters and visits, or they may prolong the period of a visit. They may permit any person to stay away from Divine Service, or [after due inquiry] to change his religion. They may allow offenders of the 1st Division to wear their own clothes; to supply themselves with food, books, newspapers or other means of occupation; to have

daily average numbers of long-term convicts, but we can get the following information:—

Showing the Prisoners with Sentences of over two years present on one day of the year.

	SENTENCES IN YEARS.			Total.
	2 to 5.	5 to 10.	Over 10.	
Convicts in England on 31st March 1910,—males ...	2,188	579	280	3,047
Ditto ditto, females	85	16	21	122
	2,273	595	301	3,169
Convicts in Bengal on 31st December 1909,—males	2,781	1,821	416*	5,018
Ditto ditto, females	65	25	7	97
	2,846	1,846	423	5,115

Relatively to England, Bengal has a daily average of 792 convicts too many. The difference would be very much greater if there were no deportation to the Andamans. I imagine that a daily average of 600 extra would hardly account for term transportation convicts—not to mention lifers.

71. During the last 69 years the decrease of major crime in England has been one of the most remarkable phenomena of its criminal history. Many factors have combined to bring this about: of these, the least important has been, perhaps, the influence of the prison system. But the matter is too big to discuss here.

72. The influence of age on crime, as far as statistics permit, is shown comparatively below. The matter is referred to again in paragraph 81.

Statement showing the Age on conviction of Convicted Criminal Prisoners received during the year.

		Under 16.	16 to 40.	40 to 60.	Over 60.	Not ascertained
England 1909-1910—males.	141,493	140	91,779	38,749	10,783	42
Ditto—females ...	38,468	3	23,189	13,893	1,366	17
	179,961	143	114,968	52,642	12,149	59
		68%	63·8%	29·2%	6·7%	.....
Bengal 1909—males.	28,140	22,569	5,535	695		
Ditto—females ...	1,247	950	259	25		
	29,387	23,519	5,794	720		
		80%	77%	16%	2·03%	

* Including term transportation convicts whose terms are not specified.

FEMALE CRIME.

73. Female crime in Bengal, as evidenced by the statistics of imprisonments and daily averages, is relatively insignificant, especially when compared with English female crime, thus—

Sentences of Female Prisoners.

	Bengal.		England.	
3 months and less ...	943	75·62 per cent.	25,449	66·02 per cent.
3 months to 2 years ...	267	21·41 per cent.	12,976	33·73 per cent.
Over 2 years ...	37	2·97 per cent.	43	0·11 per cent.
	1,247		38,468	

74. Taking the proportion of female crime to the total imprisonments on the basis of classification referred to in paragraph 67, we get the following:—

	Bengal.		England.	
Total female crime: population :: 1 :	39,070	:: 1 :	929	
Petty " " : " :: 1 :	51,665	:: 1 :	1,405	
Minor " " : " :: 1 :	182,473	:: 1 :	2,763	
Major " " : " :: 1 :	1,316,767	:: 1 :	831,544	

75. It is only natural to expect that female crime in England would be greater than in Bengal, though the actual difference is somewhat surprising. Calculated on the basis of population, Bengal should have a daily average prison population of 5,678 female convicts, instead of her actual 371, when compared with England. The following shows the comparison of—

Female Crime.

	Imprisonments.	Daily Average Population.
England ...	38,468	2,623
Bengal ...	1,247	371

MAJOR FEMALE CRIME.

76. The ratio of major female crime to lesser forms is greater in Bengal than in England, though in proportion to population Bengal has a daily average of 164 less than England. Comparing actual numbers, we find that in England there are 122 long-term females to 97 in Bengal—see paragraph 70.

77. The very paucity of female crime in Bengal, together with the fact that over 97 per cent. of all sentences are for terms of three months or less, has an unfortunate result in obscuring the claims of females to the special care and treatment demanded by their sex. When it is remembered that there is no female officer in any of the 38 subsidiary jails, in any 3rd class district jails, or even in some 2nd class district jails, and that, further, out of 5 central jails only 2 have a maximum of 2 female attendants, it must be evident that considerable use must be made of the convict officer system, or of the permission allowed by Rule 144 of the Sub-Jail Code, which allows the entertainment of a paid female warder or the company of a friend. The fact that there is a daily average of some 97 long-term female convicts points to the possibility of the formation of a special female prison at some central place. In England, where female prisoners receive highly specialized treatment, the appointment of a lady inspector has been attended with such excellent results that the advisability of doing the same in Bengal is perhaps worth considering.

THE YOUNG OFFENDER.

78. Nothing is more significant of the trend of modern penology than the attention paid in recent years to the question of youthful crime. The evil effects of imprisonment on the young are so patent and so well established that the marvel is that the new remedies have been so long delayed. It has long been recognized that the majority of habitual criminals commenced

their careers of crime before they had attained the age of 21, but it is only recently that any serious attempt has been made to dry up the stream of crime at its source.

79. The sociological factors which predispose to crime, such as poverty, slumdom, overcrowding, intemperance, illiteracy, lack of religious training, unemployment, and the like, are, strictly speaking, beyond the province of the penologist. In so far, however, as they contribute to the spread and continuance of crime, they cannot be neglected by those whose duties are confined to their concrete results.

80. During the 17 years ending March 1910 no less than 285,553 prisoners between the ages of 16 and 21 were received in English prisons on conviction,—a yearly average of 16,796 equal to more than half the total annual admissions of Bengal. Unless the predisposing causes referred to above are also taken in hand, there is little prospect of any very large decrease in juvenile crime by methods of reclamation, though it is reasonable to expect a diminution of adult recidivism.

81. The extent to which juvenile crime exists in India is obscured by the deficiencies of the statistics, which deal only with the age-period below 16, 16 to 40, 40 to 60, and over 60 years. It is very important that more detailed particulars should be supplied, and the following periods of age might be furnished: under 12, 12 to 15, 15 to 17, 17 to 21, 21 to 30, 30 to 40, 40 to 60, 60 and over. There can be no doubt that habitual crime, especially crime against property, can trace its origin to juvenile depravity as much in India as in England.

82. The following resolutions of the last Prison Congress are quoted as being the latest opinions on this subject:—

Section on Children.

[1] Young delinquents should not be subjected to the penal procedure applied to adults.
[2] The principles that should guide the procedure applied to young delinquents are as follow:—

- [i] Those who are entrusted with the cognizance of the cases of young delinquents should be primarily chosen for their ability to understand and sympathise with children, and should have some special knowledge of the social and psychological sciences.
- [ii] They should have the assistance of probation officers to make preliminary examination in each case and to watch over and help those put on probation.
- [iii] There should be made in connection with the cases of young delinquents such examinations as will contribute to the fund of information on juvenile delinquency, and the results should be used whenever practicable to help in the disposition of the case. Medical examinations should be made only by physicians who have some special knowledge of the social and psychological sciences. The personal information obtained in these examinations shall not be made public.
- [iv] Whenever possible in the case of young delinquents, arrest should be avoided in bringing them before the authorities, and orders for arrest should be issued only in the exceptional cases.
- [v] When necessary to detain young delinquents, the detention should be in quarters used for adults.
- [vi] In countries where a court is entrusted with the cognizance of the cases of young delinquents—
 - [a] such cases should never be heard at the same session with adults; and
 - [b] it should be the tendency in the trial of juveniles to proceed as far as practicable by way of conference for the good of the child, instead of contest about and over the child.
- [3] Those who are entrusted with the cognizance of the cases of young delinquents should also have the cognizance of the measures needed in the interest of abandoned or maltreated children.

Many of the reforms advocated above, such as children's courts, places of detention, and probation officers, are already in existence in England.

83. It may not be out of place to reproduce here section 107 of the Children Act, 1908, because of its admirable summary of the several manners in which persons under the age of 16 are now dealt with.

Children Act, 1908.

Section 707.—Whenever a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

- [a] by dismissing the charge; or
- [b] by discharging the offender on his entering into a recognizance; or
- [c] by so discharging the offender and placing him under the supervision of a probation officer; or
- [d] by committing the offender to the care of a relative or other fit person; or
- [e] by sending the offender to an industrial school; or
- [f] by sending the offender to a reformatory school; or
- [g] by ordering the offender to be whipped; or
- [h] by ordering the offender to pay a fine, damages, or costs; or
- [i] by ordering the parent or guardian of the offender to pay a fine, damages, or costs; or
- [j] by ordering the parent or guardian of the offender to give security for his good behaviour; or
- [k] by committing the offender to custody in a place of detention provided under this Part of this Act; or
- [l] where the offender is a young person, by sentencing him to imprisonment; or
- [m] by dealing with the case in any other manner in which it may be legally dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

REFORMATION.

84. A reference was made in paragraph 5 to the prominence of reformation in the programme of modern penal methods. The trend of present day opinion is to apply special reformatory methods to prisoners of all ages and classes; though in England the field has been confined to young offenders, for whom the Borstal system has been borrowed from America.

85. The following resolutions were unanimously adopted by the Congress of 1910:—

A. The essential principles on which the modern reformatory method is based are—

- [1] That no prisoner, no matter what his age or past record, should be assumed to be incapable of improvement.
- [2] The conviction that it is in the public interest not merely to impose a sentence which shall be retributive and deterrent, but also to make an earnest effort for the reformation of the criminal.
- [3] That this reformation is most likely to be accomplished by religious and moral instruction, mental quickening, physical development, and such employment as will place the prisoner on a good industrial basis.
- [4] That the reformatory system is incompatible with short sentences, and a relatively long period of reformatory treatment is more likely to be beneficial than repeated short terms of imprisonment under severer conditions.

94. The Prisons Committee of 1894 had recommended that a determined effort should be made by the Government to lay hold of the incipient criminal at that age when he is too old for the treatment of the reformatory school and still too young to be allowed to drift hopelessly down the current of crime without a serious attempt at rescue, through a succession of short sentences in ordinary prisons. The Borstal system, borrowed from America in 1902, was the tardy outcome of this suggestion, and experience gained from it has demonstrated that—

- [1] The specialization and individual attention essential in dealing with young criminals could not be obtained in ordinary prisons.
- [2] A succession of short sentences tends rather to accentuate than to arrest the habit of crime.
- [3] Little or no good can be accomplished in less than twelve months; a sentence should not be less than three years, conditional liberation being freely granted.
- [4] The corner stone of the system is a well organized after-care association.
- [5] Elaborate and costly methods are as necessary for youthful offenders as for convicts sentenced to penal servitude.

95. The results of the experiment have been sufficient to justify the "mischievous plausibilities" of the American School and to influence Parliament to add to its criminal legislature an Act that is destined to influence at no very distant date the prison systems of the Empire.

96. The Governor of Borstal, in a report [described as "admirable" by the Commissioners, who invite special attention to it] remarks—
"These few details given above will show the great break-away that has been made from Prison Rules, and the results must have had a humanising effect, and render the lads far more suited to take up their life on decent lines when they leave Borstal."

These words, implying as they do a censure on the prevailing prison system, appear to me to foreshadow a time when the leaven of the reformatory system will permeate the whole mass of penal administration, and when criminals of all ages will be subjected to the more "humanising" influences referred to by Captain Eccles.

97. The Prevention of Crime Act, 1908, has established—

- [a] A sufficient length of sentence for good influence to operate.
- [b] A power of conditional license, by which a hold can be kept on cases after discharge.
- [c] The co-ordination and co-operation between official and non-official authority as represented by the personnel of the Borstal Association.

98. It may be as well to note the several terms applied to youthful criminals, because the classifications of the Acts are not invariably used. There are in England—

A.—*Juvenile Offenders or Youthful Offenders*—Including all persons under the age of 16, divided into—

- [1] *Children*, those under 14 years of age, and
- [2] *Young persons*, those between 14 and 16.

B.—*Young Offenders or Juvenile Adults*—Including all persons between the ages of 16 and 21.

There are in India—

A.—*Youthful Offenders*.—Boys who at the time of conviction of an offence punishable by transportation or imprisonment are under the age of 15 years, and

B.—*Juveniles*.—Male prisoners under the age of 18.

99. By the Children Act of 1908, children and young persons are not remanded or committed to prison; unless in the case of a young person who is too unruly or depraved to be sent safely to a "place of detention." Children cannot be sentenced to imprisonment or penal servitude or be committed in default. A young person cannot be sentenced to imprisonment or committed to prison in default unless he is too unruly and depraved to be a fit person to

be detained in a "place of detention." The effect of this law is [with infrequent exceptions] to close the prison door to all delinquents under the age of 16, thus simplifying enormously the problem of youthful crime which confronts the prison authorities. The class which remains—the young offenders, or, as designated by the Prison Commissioners, the juvenile adults, youths between the ages of 16 and 21—is the object of the recent legislation.

100. During the year 1909-10, 12,236 males and 1,186 females between the ages of 16 and 21 [13,422 in all] were received into English prisons on conviction. These prisoners fall into six classes for determining their eligibility for special treatment, as follows:—

Those with sentences of—

- [1] one month or less;
- [2] over one month and less than four months;
- [3] over four months and less than one year;
- [4] one year and over, with previous good character;
- [5] one year and over, who are of criminal habits or tendencies, or associates of bad characters who require to be detained for their own reformation and for the repression of crime, and who are of good physique and a good health;
- [6] one year and over associates of bad own reformation: bad health or of physical school or Borstal institution before.

Prisoners of class [1] are in is, however, modified as follows:

- [a] They are, when practicable, specially located on reception.
- [b] They are placed under the special care of the Borstal Committee.
- [c] They are specially supervised in their cells by the chaplain or a minister, the Borstal Committee interested in their welfare.
- [d] They may be permitted by the Governor to drill with the juvenile adults class in lieu of exercise.
- [e] If sentenced to hard labour, they will be employed in separation on stone-breaking, wood-chopping, or other special form of hard labour. They will be kept under special supervision, and the authorised task will be rigidly exacted.

Prisoners of classes [2], [3], [4], and [6] are subjected to the "Modified Borstal Treatment;" class [2] at the prison of commitment, and classes [3], [4], and [6] at a collecting centre.

Prisoners of class [5] alone are subjected to the "Full Borstal Treatment" at a Borstal institution.

101. The reasons why only persons of bad character are sent to a Borstal institution are:—

- [1] The great danger of possible corruption from association with bad characters.
- [2] The great success attained by the star class classification, which is said to have been attended with only 8·8 per cent. reconvictions in 11 years.
- [3] They would fill places that would be more usefully occupied.

102. The above distinction can hardly escape criticism. It permits the boy of good character or short sentence—and therefore presumably less criminal—to go through life branded with the stigma of imprisonment. It does not give as good a chance to the lad of bad health or poor physique, who is already badly equipped for the battle of life, and it does not touch the petty criminal. Moreover, it throws together the best and worst of the rejected lot in the modified treatment at local prisons. It makes fish of one and flesh of the other. I can see no logical escape from the conclusion that sooner or later all criminals,—certainly all juvenile criminals,—must be subjected to special treatment, apart from any consideration of health, character or sentence. An increased number of institutions would at once remove the objections based on possibilities of corruption or want of space. Moreover, the Full Borstal System only deals with youths with a sentence of one year and over. A

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further criticism is that a youth is given only one chance, being apparently looked upon as incorrigible if reconvicted after having been in a reformatory or a Borstal institution. Such a case would, perhaps, be one for even more specialized Borstal treatment, combined possibly with the indeterminate sentence.

103. Whenever a juvenile-adult is committed to a prison for trial at Assizes or Quarter Sessions, it is the duty of the Governor to inform the court of the suitability or otherwise of such prisoner for detention in a Borstal institution, so that the court may, if necessary, pass orders of detention under the Prevention of Crime Act. Should the court not pass such orders, and sentence the prisoner to penal servitude or imprisonment, the Secretary of State has power to transfer the prisoner to a Borstal institution. Similarly, the Secretary of State is empowered to transfer incorrigibles or those who exert a bad influence on the other inmates from a Borstal institution to prison, commuting the unexpired term of detention to imprisonment with or without hard labour.

104. In order that the Governor may be able to supply the court with the necessary information, he is required to make more than usually careful inquiries, not only from the old records, but also from the police, the probation officer, the prisoner's school master, relatives, employers, and from the Governors of other prisons or institutions where the prisoner may have been confined. The information thus obtained is condensed and presented to the court in tabular form in the index to the "Before Trial Calendar" as in the following example:—

No. 3. **WILLIAM JONES.**—Considered suitable. 17 years old. In sound bodily and mental health. Lost his situation and drifted into bad company, from which it is desirable to separate him.

No. 11. **HENRY SMITH.**—Considered unsuitable. Age 20. Served a term in Akbar Reformatory School. Conduct there very bad.

105. Aliens are not eligible for treatment unless the Governor, for good reasons, thinks fit to recommend or admit them. Aliens against whom an expulsion order has been recommended are in no case admitted.

The names and full particulars of all juvenile-adults fit for hard labour [whether first offenders or not], with sentences of not less than 12 months, are submitted to the Commissioners, who select and classify them into "star" and "ordinary" classes, and issue necessary orders for the removal of those selected to institutions. In no case are they removed in company of adult prisoners.

FULL BORSTAL SYSTEM.

106. On admission to a Borstal institution the youth, as usual, passes under the eyes of the Chaplain, Medical Officer and Governor, but the examination is more thorough; the inquiries more searching. Specialization and individualization are the watchwords. The youth is no longer a criminal to be punished and repressed: he is a subject for special treatment, whose latent powers are to be developed; whose undisciplined habits are to be corrected; and who is to be built up morally and physically, so that he may once and for all forsake evil ways and embrace an honest life.

107. The system "combines strict discipline with moral and religious training, and generous rewards for growth in self-control and progress in handicrafts, physical exercise, and education."

"... the object is to reclaim by means directed to their physical improvement by drill; and to mental improvement by training, scholastic and industrial; by lectures calculated to impress youthful minds, and to evoke the higher moral qualities; and, lastly, by special measures taken for their supervision and shepherding on discharge."

108. The Commissioners emphasize the fact that the Borstal System is "not a question of buildings, staff, or a set of rules, however ingenious or elaborate. The personal element is the essential,—be it in the character of those who exercise disciplinary control, or those who hold out a helping hand on discharge. It is a simple system, but a very human one; and this is why it commands a great and growing support both among the judiciary and among the public. Its success will be in exact proportion to the sum of humanity that is forthcoming to tackle these lads, who in the strength, vigour, and defiance of misdirected youth rebel against the law; and by influences both of discipline and of sympathy to divert them from a criminal life."

109. The number of trades taught is necessarily limited; but if a boy has had any training in any of them, or if he appears to be a likely lad for any particular job, he is put to it at once. Ignorant and unlikely lads are first placed in the domestic parties, such as laundry and cleaning work. It is doubtless essential that the "service of the prison" should be attended to, but it is perhaps questionable whether ignorant and unlikely lads are not those on whom most attention should be concentrated in the matter of technical and other training. In this connection, the question arises as to what forms of employment are most suitable for prisons. That the labour should be useful and productive all are agreed. That it should be useful to the prisoner after his release is a proposition few will oppose. Personally, I am inclined to the position that "the employment of prisoners should, as far as the resources of the State permit, be such as will be of real value to such prisoners on their return to civil life." It would follow from this that, wherever expedient, the interests of the State should in the matter of employment be subordinated to the interests of the prisoner. The following words of Mr. Z. R. Brockway, the veteran pioneer of the Elmira system, must carry weight. "Incorrigible convicts may be employed for profit to the State, but not those undergoing the scientific reformatory treatment. For these, trade training, regardless of profit, is advised."

This question is bound to crop up in India.

110. No better idea of the forms of employment and their results can be obtained than from the following extract showing the employment in force at Borstal in 1909-1910, and its [hypothetical] results:—

Description of employment.			Daily average number employed.	Value of work done.		
				£	s.	d.
<i>In Manufactures—</i>			3	6	11	9
Bookbinders	...	...	1	23	6	6
Carpenters	...	...	18	150	0	3
Shoemakers	...	...	4	93	6	0
Smiths and Fitters	...	...	7	136	1	3
Tailors, &c.	...	...	—			
Total			33			
			31	482	1	0
<i>Farm</i>			—			
			—	482	1	0
<i>In Buildings, &c.—</i>			22	933	0	0
Bricklayers	...	...	27	1,088	0	0
Carpenters	...	...	35	575	7	0
Labourers	...	...	9	279	18	0
Painters and Glaziers	...	...	4	124	8	0
Plasterers	...	...	15	583	2	6
Smiths and Fitters	...	...	—			
			112			
<i>Employed in the ordinary service of the institution—</i>			4	124	8	0
Bakers	...	...	4	124	8	0
Cooks	...	...	28	435	8	0
Cleaners and Jobbers (exclusive of building)	...	...	11	171	1	0
Gardeners	...	...	1	23	6	0
Hospital Orderlies	...	...	11	256	11	0
Washers	...	...	—			
			59			
<i>Non-effective—</i>			3			
Told off at unloading	...	...	3			
Sick	...	...	2			
Under punishment	...	...	—			
			8			
GRAND TOTAL			243	5,610	15	3

111. The scheme on page 29 gives the essential details of the full Borstal System, as far as I could discover them. It should be read in conjunction with the following facts:—

- [1] All inmates start in the ordinary grade. Degradation to the Penal grade may be ordered by the Governor or Commissioners.
- [2] All inmates who have not passed the 3rd standard are instructed in association daily for two hours.
- [3] All inmates who have passed the 3rd standard are instructed in cells for one hour daily up to standard V.
- [4] All inmates are drilled every morning.
- [5] All inmates attend the gymnasium for about three hours weekly.
- [6] Lectures are given and missions held from time to time. Choir practice is organized in the Chapel.
- [7] Evening classes are in preparation.

GRADES.	Clothing.		Marks.			GRATUITY (for industry only)—Maximum = £2.	DIETARY.	LETTER (write or receive).	Visit.	REMARKS.
	Colour of dress.	Facing.	Conduct.	Industry.	Special merit.					
PENAL	Drab ...	Nil	...	...	...	Nil	Local Prison C Diet. plus Breakfast. 1 oz. margarine. Dinner. 2 oz. bread. 8 oz. suet pudding, or on Saturday 5 oz. mutton. Supper. 2 oz. cheese on Mon- days, Wed- nesdays and Fri- days. Chota Hasri. Milk and bis- cuits.	Nil	Nil	.....
ORDINARY	Brown	Nil	Daily	Daily	Weekly	Nil	Local Prison C Diet. plus Breakfast. 1 oz. margarine. Dinner. 2 oz. bread. 8 oz. suet pudding, or on Saturday 5 oz. mutton. Supper. 2 oz. cheese on Mon- days, Wed- nesdays and Fri- days. Chota Hasri. Milk and bis- cuits.	After each 144 marks. 1	After each 144 marks. 1 of 20 minutes.	Promotion to special grade after earning 600 marks, about 5 months.
SPECIAL	Blue ... Blue ... Blue ...	Blue ... Blue ... Blue ...	Nil	Good = 2 Fair = 1 Bad = 0	Good = 2 Not Good = 1	2d. 6s. for each good conduct stripe.	Plus for special grade. 2 oz. Gol- den Sy- rup on Sundays, and tea or coffee instead of porridge.	After each 96 marks. 1	1 of 30 minutes.	Are provided with a cell specially furnished with iron bedstead with springs, a strip of carpet, and a looking glass. Small pictures are allowed. Extra light allowed in cell for half hour. Evenings may be spent in associa- tion. Special gratuity may be earned and spent in part on comforts. Are allowed to play cricket, football, &c.

112. Anyone who has actually seen the Borstal system at work cannot help appreciating that it is a live system that has come to stay. It is still in its infancy and will doubtless emerge from its experimental stage in a very different shape. At present it is very like the ordinary Indian penal system, but more highly organized. It can very easily be applied to India in the event of special accommodation and funds being available. The main difference that I personally would make would be to apply it in the first instance to the A class, or less criminal boy, because of the greater danger in Indian prisons of moral contamination due to the lack of special accommodation. When the A class is provided for, the B class would naturally be taken in hand.

RESULTS OF THE BORSTAL SYSTEM.

113. The two first questions that must occur to the practical investigator in connection with this system, are its results; and—What does it cost? As to the results, I regret to record that very little can be ascertained. The only statistics furnished refer merely to the results of each year's discharges, and as they are published within a few weeks of the close of the period under report, they are of little or no value. The following statistics are compiled from the five annual reports of the Borstal Association:—

Results published by the Borstal Association.

	Total discharged.	Known to be doing well.	Believed to be doing well.	Lost sight of.	Unsatisfactory.	Reconvicted.	Reconvicted per cent. of total.
1905-1906 ...	81	46	9	6	4	16	19.7 per cent.
1906-1907 ...	186	127	11	15	3	30	16.1 per cent.
1907-1908 ...	189	96	29	14	23	27	14.2 per cent.
1908-1909 ...	266	157	20	18	29	41	15.4 per cent.
1909-1910 ...	241	168	16	7	20	30	12.4 per cent.
Total ...	962	594	85	60	79	144	15.0 per cent.

114. It will be seen that in five years 15 per cent. of all inmates released were convicted within a few weeks of the end of the year in which they had been released. Neither the Borstal Association nor the Prison Commissioners could give me any further information on the point that most interests me, namely, the number of persons who have been reconvicted after undergoing the Borstal treatment, since the beginning. To ignore all statistics except those that can only refer to a few months is to allow a loophole for criticism as serious as that levelled at the Elmira system years ago. In the present state of finger-print identification, there would be no difficulty in obtaining proofs sufficient to justify or condemn a system for which so much is claimed and which is so elaborate and expensive.

What does it cost?

115. Exact information as to the full cost of Borstal institutions is not forthcoming. The following statistics compiled from the last Annual Report give some essential details:—

Expenditure in 1909-1910 per head of Daily Average Population, exclusive of cost of new buildings, etc., and Colonial Prisoners.

	Local.	Convict.	Inebriate.	Borstal.	Total.
Staff	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Maintenance	15 0 0	22 16 4	32 5 5	23 17 3	18 4 0
Other	8 3 8	13 10 0	22 8 3	15 4 4	9 0 3
	5 12 8	2 19 1	8 12 2	5 5 2*	5 5 2
Total	28 6 4	39 5 5	63 5 9	49 6 9	30 9 4

* No Statistics:—this figure is assumed from the average of all.

116. From the above it will be seen that the Borstal lad costs £18-17-5 more than the average, i.e., 61.9 per cent. more, and £20-10-5, or 71.2 per cent. more, than the local prisoner. Staff expenditure is 78 per cent., and miscellaneous expenditure 69 per cent. greater than the average. "Other" expenditure cannot be compared. These figures may, perhaps, serve as the basis of any estimate that may be framed of the cost of introducing the system into India.

117. It is unfortunate that fuller information is not forthcoming, especially in the matter of results. Having seen the system at work, I am persuaded of its many good points; but as to whether it actually has better results than old-fashioned imprisonment, improved statistics alone will show. My personal opinion is that the system would be a great gain to India, principally because it entirely segregates the young from adults.

THE MODIFIED BORSTAL SYSTEM.

118. The Modified Borstal System was introduced into local prisons on the 1st June 1906 for the treatment of those juvenile-adults who are unfit or ineligible for the Full Borstal System—see paragraph 100. The system may, perhaps, be described as a modification of the ordinary local prison system than of the Borstal System proper. The essential points of difference are referred to below:—

Points of difference.

119. [1] There is no labour in separation; prisoners are employed from the first under strict supervision. Those who are sanctioned to more than one and less than four months are not transferred to collecting depôts, but are employed on manual labour, that is, hard, continuous, and exacting (such as earth-work), wherever practicable.

[2] Those who are fit are exercised daily in physical drill, provided that the time allotted to drill and exercise does not exceed one hour daily.

[3] They are put under school instruction as soon after reception as the chaplain may appoint, being taught in association for one hour daily (Saturdays and Sundays excepted) up to Standard V.

[4] They are allowed books of instruction and library books from the first.

[5] They are organized for choir practice if practicable.

[6] They are given addresses on secular subjects from time to time during school hours, if possible.

[7] They are granted remission conditionally. It may be withheld, if considered necessary.

[8] They pass through the four stages of the Progressive System, but after earning 224 marks in the 4th stage (four calendar months), they may be promoted to the special stage, when the following privileges are allowed:—

[a] Suet pudding 8 oz. and golden syrup 2 oz. in addition to ordinary diet on Sundays.

[b] Special cell furniture, viz., an iron bedstead, strip of carpet, and a looking glass.

[c] A good conduct badge of red cloth for every three months in the stage.

[d] A gratuity of 2s. 6d. for every good conduct badge.

[9] After passing the 2nd stage, they are eligible for special merit marks up to 24 a month (which do not count for stage).

[10] One penny gratuity is allowed for every special merit mark.

[11] The maximum gratuity is fixed at £2.

[12] Prisoners in the first four stages wear blue cuffs and collars; in the special stage red cuffs and collars.

[13] Prisoners are placed under the special supervision of the local Borstal Committee—see paragraph 124.

120. The Modified Borstal system "marks a new departure in prison treatment for a large body of prisoners, i.e., those being of an age at which it is considered that a special effort should be made so long as they remain in custody, if only for a short period, to reclaim them from a life of crime, without prejudice to, or impairment of, the necessary rigour of a sentence of imprisonment."

121. The system is said to have had excellent results, though statistical information is as scanty here as in the case of the Full System: 49 per cent. of all juvenile-adults committed to prison have sentences of less than one month, and are therefore ineligible for the modified treatment. I saw the system in work at three prisons and noted that there was considerable difficulty in separating the numerous classes, and that lads sentenced to Borstal sometimes remained for many months at the local prison, awaiting vacancies and working in association with the less criminal boys of the modified system.

THE BORSTAL ASSOCIATION.

122. It has been said [paragraph 94] that experience has shown that the "corner-stone of any system" for dealing with juvenile-adults must be a well organized *After-care Association* to visit the lads in confinement and to take care of them and befriend them after release. For this purpose the Borstal Association was founded by Sir Evelyn Ruggles-Brise "under the patronage of some of the best known and most distinguished persons in English public life." "The Prevention of Crime Act has recognized" the integral importance of this part of the system "by authorizing assistance from public funds towards the expenses of the society," which has "for some years received on his release every boy who has been under the full Borstal treatment." The Act provides that an inmate may be released on license after the expiration of six months [females three months] under the supervision or authority of any society or person willing to take charge of the case. This license remains in force, unless forfeited or revoked by the Prison Commissioners, until the expiry of the term of sentence, the youths remaining for a further period of six months under the supervision of the Commissioners. The released person must satisfy the Association that he is avoiding bad company and living a sober and industrious life, otherwise he may be arrested and taken back to Borstal. Some weeks before a boy's release, the Association takes action and makes suitable arrangements. "When he comes out clothes, work, etc., and if necessary a home, are found for him. He is visited frequently and encouraged to keep in close touch with the visitor who has him specially in his care." The Association claims that it affords to every boy a chance, and if the first fails, more than one chance, of an honest life.

123. During the last five years the Association has assisted 962 released youths, at least that number has passed through its hands. The total expenditure has been £ 5,511-8 1, which works out at an average of £5-14-7 per head.

BORSTAL COMMITTEES IN CONNECTION WITH LOCAL PRISONS.

124. The Borstal system having been extended, in its modified form, to all prisoners between the ages of 16 and 21 so far as possible, it was found necessary to form local committees in connection with the Association. It is hoped that by means of admonition and of supervision on discharge more efficacious results might be obtained than if the released prisoners were left to the Aid Societies, and also that the method of dealing with this class might be unified throughout the country. It must not be forgotten that the Prevention of Crime Act does not extend to local prisons, and that therefore the Association has no control over the prisoners released from them: moreover, the average sentence of these boys is usually quite small.

DISCHARGED PRISONERS AID SOCIETIES. ●

125. Societies for the assistance of deserving prisoners on release exist at all local prison centres. The majority are recognized by the Secretary of State and are "duly certified" by him. In some cases these societies are associated with specific religious denominations and some of them confine their attention to members of their own bodies; in others—and this is the case where a society is single—there is no ostensible connection with any religious body.

126. Government aid is granted to duly recognized societies from the public funds on the following conditions:—

- [1] Submission of an Annual Report, giving—
 - [a] Results of the aid given.
 - [b] A statement of accounts.

- [2] The Governor to be permitted to give his views on all cases to the Society.
- [3] The amount of grant plus moneys received from prison charities [expended solely on discharged prisoners] not to exceed £ 2-10 per 100 prisoners, other than convicts discharged.
- [4] The grant not to exceed the amount raised by private subscription.
- [5] The quarterly claim to be duly certified by the Secretary that the money has been expended for the benefit of the prisoners; the same to be initialled by the Governor, as the responsible head of the prison, to evidence that the rules have been complied with.
- [6] Gratuities are, if required, to be taken charge of by the Society.

Each Society is managed by a Committee, which includes amongst its members the Visiting Committee, the Governor, Chaplain, and Roman Catholic Priest.

In some cases a Sub-Committee of ladies is also appointed working under special rules made by the Commissioners. The decisions of the Committee are usually carried out by paid agents, male and female, whose duties are—

- [1] To carry out the instructions of the Committee.
- [2] To visit prisoners, in their cells if desirable.
- [3] To take charge of gratuities of less than 2s. 6d., and expend them for the prisoners.
- [4] To find employment for prisoners.
- [5] To provide board and lodging for a limited time for prisoners, pending inquiry for work.
- [6] To visit persons under the care of the Society.
- [7] To accompany prisoners to the railway station and to see them off.

127. Convicts on discharge are dealt with by the large central Societies, to whom full particulars are furnished officially by the prison authorities. The organization of the Church Army for dealing with ex-convicts is most elaborate and well arranged. Their methods seemed to me to be even more complete than those of the Home Office.

128. One of the numerous reforms recently decided on is to transfer to private agency the duties of the police in connection with the surveillance of convicts discharged on ticket-of-leave. From the 1st April 1911 a new central Committee composed of two representatives of each of the following Prisoners' Aid Societies—Royal Society, Catholic Society, Church Army, Salvation Army, St. Giles's Mission, Jewish Society, and the Borstal Association—under the Chairmanship of the Chairman of the Prison Commission, will undertake the care and supervision of all discharged convicts, who will have to report to it or its agencies, instead of, as at present, to the police. The Committee will have power to suspend or revoke licenses.

There appears to be considerable doubt as to the ability of the Societies to carry out this work satisfactorily.

RECIDIVISM.

129. Apart from its general interest, recidivism has a most important bearing on penal administration. It is an index of the reformatory value of a prison system, and upon its prevalence are largely based the numerous attacks levelled at existing methods. The sociological factors which, apart from prison life, influence the prevalence of recidivism, have not till recently come directly within the scope of prison administration, except, perhaps, to the extent that it is concerned in the disposal of the prisoner on discharge. But the penologist, to be successful, cannot confine his attention to the criminal to the exclusion of his misdeeds.

130. To obtain an exact knowledge of the prevalence of recidivism, sound schemes of identification and of statistics are essential. Identification by finger-prints is admittedly unequalled, though it must necessarily be confined to serious crime where identification is vitally important. When statistics of petty and serious crime are mixed up, no really useful deductions can be made. It is in this respect that Indian statistics [Statement No. 4 Judicial] present disadvantages, for not only do they fail to show any sub-division of reconvictions beyond two, but they make no distinction between

recidivists guilty of petty and serious offences. English statistics are, on these points, of more value. In neither system is any attempt made to classify recidivism in its relation to age periods,—a most important omission.

131. The following figures show the—

Percentage of newly admitted Male Prisoners who had been previously convicted.

		ENGLAND.		BENGAL.
		All classes.	Convicts only.	All classes.
Once	...	15.9 per cent.	4.7 per cent.	9.3 per cent.
Twice	...	7.9 "	4.3 "	3.5 "
More than twice	...	33.4 "	79. "	4.5 "
Total	...	57.2 "	88.3 "	17.3 "
No previous convictions	...	42.8 "	11.6 "	82.7 "

132. The extremely high percentage of recidivism, especially amongst convicts (88.3 per cent.) in England, is noteworthy. It is the great weapon of attack against the English system. The female percentage is 72.6 per cent.

The extremely low figures of Bengal would, if reliable, speak well for the reformatory value of its prison system; but I fear that a great deal must be discounted for deficiencies of identification.

133. There can be little doubt that many habituals are admitted to Bengal jails as first offenders. Wherever police methods are highly organized, as in Calcutta, the proportion of habituals identified is high. Thus, in the Presidency Jail, which in 1909 received less than 8 per cent. of the total admissions of the year, no less than 22 per cent. were found to have previous convictions. Can this be accounted for by the greater criminality of urban districts?

134. The institution of a "Central Registry of Habituals" for the whole of Bengal [such as exists in London for England] to deal with criminals sentenced by courts superior to those of second class Magistrates would have an important bearing on habitual crime and also on prison administration. At the same time I cannot help feeling that were the statistics available, the Indian prison systems need not fear comparison with that of England. Can it be that the separate system is inferior to that of association?

PREVENTIVE DETENTION.

135. The system of preventive detention instituted by the Act of 1908 has not yet come into force, nor is the new prison at Camp Hill [Parkhurst I of W.] ready for occupation. Draft rules have lately been drawn up by the Secretary of State, from which it appears that the principles upon which the procedure to be adopted are based are very similar to those in force at Borstal. The fact is emphasized that the new system is meant for the "professional" criminal who is a danger to society rather than for the habitual who is merely a nuisance. It is undoubtedly a great measure for the defence of society, because it keeps from active mischief the dangerous incorrigible who, after every possible mitigation has been allowed, is completely deprived of his liberty and is subject to constant supervision, control, and compulsion in all that he does. The great defect of the system is, to my mind, that the sentence has been made determinate.

THE INDETERMINATE SENTENCE.

136. The question of the indeterminate sentence has lately become so prominent that it may be as well to reproduce the views of the last Congress on the subject. The idea of releasing a prisoner when he is reformed is

theoretically excellent; the difficulty is to know when the cure is complete. It is notorious that the worst offender outside is often a model prisoner inside. The Board of Control would have to depend ultimately on the report of the prison authorities, who alone are in a position to judge. Perhaps it would be expedient, in the first instance, to ensure that all prison authorities are expert penologists and psychologists. Until that is accomplished, I cannot see how the idea can be materialized so as to be of any practical use.

137. The following are the views of the Prison Congress of 1910:—

The Congress approves the scientific principles of the indeterminate sentence.

The indeterminate sentence should be applied to moral and mental defectives.

The indeterminate sentence should also be applied, as an important part of the reformatory system, to criminals, particularly juvenile offenders, who require reformation and whose offences are due chiefly to circumstances of an individual character.

The introduction of this system should be conditional on the following suppositions:—

- [1] That the prevailing conceptions of guilt and punishment are compatible with the indeterminate sentence.
- [2] That an individualized treatment of the offender be assured.
- [3] That the Board of Control or conditional release be so constituted as to exclude all outside influences, and consist of a commission made up of at least one representative of the magistracy, at least one representative of the prison administration, and at least one representative of medical science.

It is advisable to fix the maximum penalty only during such a period as it may be necessary because of the novelty of the institution and lack of experience with it.

CLASSIFICATION.

138. The great number of classes into which English prisoners are divided is one of the most striking and bewildering features of the English system. It is held that—

"It is a commonplace of penology that prison reform must take the direction of greater classification. By that is meant that prison treatment shall have regard to the nature of the offence and to the antecedents of the offender."

For this purpose not only is the judiciary instructed to classify prisoners for prison treatment, but, in addition, the prison authorities have a classification of their own. The extent to which these classifications are carried is shown in the following table. It is, of course, improbable that all the classes specified would be found at any one time in any one prison, but it gives an idea of the problems that confront the authorities in the matter of separation.

139. CLASSES OF PRISONERS IN ENGLAND.

A—Juveniles under 16 years.

Juvenile offenders awaiting trial—

- [1] not previously convicted,
- [2] previously convicted or who have misbehaved.

Juvenile offenders under conviction—

- [3] not previously convicted,
- [4] previously convicted or who have misbehaved.

B—Juvenile-adults 16 to 21 years.

[5] Awaiting trial.

Under conviction—

- [6] Star class.
- [7] Ordinary class.

Sentenced to penal servitude—

- [8] Star class.
- [9] Intermediate class.
- [10] Recidivist class.

C.—Adults.

- [11] Debtors and debtor class.
- [12] Ditto with criminal antecedents.
- [13] Prisoners awaiting trial.
- [14] Offenders of the 1st division.
- [15] Ditto 2nd ditto.
- [16] Ditto 3rd ditto.

Prisoners sentenced to hard labour—

- [17] Star class.
- [18] Ordinary class.

Prisoners sentenced to penal servitude—

- [a] Ordinary Division.
 - [19] Star class.
 - [20] Intermediate class.
 - [21] Recidivist class.
- [b] Long-sentence Division—
 - [22] Star class.
 - [23] Intermediate class.
 - [24] Recidivist class.
 - [25] Weak-minded prisoners.
 - [26] Appellants.

The above lengthy classification, which is even yet incomplete, involves more or less complete separation of the several divisions. Females are similarly classed.

140. For the sake of simplicity the classification used by the courts is given separately below:—

JUDICIAL CLASSIFICATION OF PRISONERS IN ENGLAND.

- [1] Awaiting trial or on remand.
- [2] Appellants.

Without hard labour.

- [3] Debtors.
- [4] Offenders of the 1st division.
- [5] Ditto ditto 2nd ditto.
- [6] Ditto ditto 3rd ditto.

With hard labour.

- [7] Imprisonment with hard labour.
- [8] Juvenile-adults sentenced to Borstal treatment.
- [9] Penal servitude.

141. Interest centres round the classification, into three divisions, of those sentenced to imprisonment without hard labour. This enlargement of the powers of the judiciary appears to have been the outcome of the investigations of the Committee of 1894, who remarked—

“We lay the greatest stress on the fact that no adequate attempt has yet been made to secure a sound system of classification in local prisons.”

142. Any hopes of improvement under this innovation have long since been dispelled, as the Reports of the Commissioners perennially bear witness. During the 11 years that the Act has been in force, the average annual number placed in the 1st division has been only 49, and in the 2nd division 2,137. The Commissioners, commenting on the figures of 1909-1910, remark—

“It is fair to assume that when a court does not pass sentence of hard labour, the element of gravity is absent from the offence, and it might be anticipated that a considerable percentage of such cases were fitting subjects for 2nd division treatment. However, of 57,559 such cases, only 2.56 per cent. have been placed in the 2nd division.....

.....” * “Generally speaking, therefore, it is not too much to say that the elasticity for which the Prison Act of 1898 provided the means has not been secured.....”

143. It appears to be undeniable that an adequate system of classification cannot be obtained from the courts. Magistrates will not,—or at any rate do not,—use the powers placed at their disposal; and steps are even now being taken in England and Ireland to give to the prison authorities power to extend to offenders of the 2nd and 3rd divisions privileges at present confined to the 1st division.

CLASSIFICATION OF PRISONERS AFTER CONVICTION.

144. Rule 626 of the Bengal Jail Code says—

“The classification of convicted prisoners is an administrative function, the object of which is to prevent the further demoralization of those who come to jail for the first time by those who have become confirmed criminals, and to deprive the latter of indulgences which make imprisonment less deterrent: it is not part of a judicial sentence.”

It further prescribes that prisoners will be classified by the magistracy. The classification in force in Bengal is—

- [1] A class prisoners, and
- [2] B class, or habitual prisoners.

145. In England classification after conviction is, for the most part, vested in the Commissioners, the Secretary of State reserving to himself the classification of convicts for the “Long Sentence division.”

THE STAR CLASS.

146. Exceptional importance is attached to this class, which is explained by the following Standing Order, No. 294:—

“With a view to the absolute separation while in prison of prisoners who have never been previously convicted and are not habitually criminal from those who are versed in crime, full inquiries will be made into the character and antecedents of all first-convicted prisoners for the purpose of obtaining such information as will furnish the grounds for deciding whether they shall be kept thus apart. The necessity for these inquiries arises from the consideration that the object of separation of these prisoners would be defeated if prisoners of corrupt habits were placed amongst them, solely because, by evading detection, they had never before been convicted. The object of the Star Class is not to confer privileges, but to secure the absolute separation while in prison of prisoners who have never been previously convicted, or are not habitually criminal, from those who are versed in crime, or are habitually criminal, and it must, to have any meaning, apply equally to all prisoners, whatever their length of sentence.”

Searching inquiries are made, and the results are sent to the Commissioners for decision. In cases where the police know nothing of a prisoner's antecedents, he is not admitted to the Star Class without a satisfactory reference from some respectable person having knowledge of his past life.

147. It will be seen that extraordinary precautions are taken to keep the Star Class select. Great stress is laid on the fact that during the past 13 years only 9.2 per cent. males and 14.4 per cent. females of the Star Class local prisoners have been reconvicted, and in 31 years only 1.73 per cent. of male convicts of the Star Class have returned with fresh sentences of penal servitude.

148. No information is available of the number of prisoners with no previous conviction who were considered ineligible for the Star Class. Nor can it be ascertained what proportion of convicts of the Star Class were reconvicted and sentenced to imprisonment. To disregard subsequent convictions because they were not penal servitude, seems to me to obscure whatever value the statistics of results might have. As far as I can make out, the class of prisoner placed in the Star Class is the class that does not usually return to prison at all. The distinguishing mark of the Star Class is a scarlet star on each sleeve and [males] on the front of the cap.

THE ORDINARY CLASS.

149. The Ordinary Class exists at local prisons only. It consists of prisoners who have been previously convicted of serious crime, or who are habitual criminals or of corrupt habits. In it are placed all prisoners who are not in the Star Class.

THE INTERMEDIATE CLASS.

150. This class is confined to convicts. Any convict may be placed in it—

- [a] who has not been previously convicted, but who, owing to his general character and antecedents, is not considered by the Directors to be suitable for the Star Class; or
- [b] whose record shows that he has been previously convicted, but not of such grave or persistent crime as would bring him within the Recidivist Class.

Convicts of the Intermediate Class may be promoted to the Star Class on their showing proofs of a reformed character, or they may be reduced to the Recidivist Class if they are known to be exercising a bad influence over their fellow-convicts.

This class is distinguished by a chevron of scarlet cloth on each sleeve and [males] on the front of the cap.

THE RECIDIVIST CLASS.

151. This class is also confined to convicts. Any convict may be placed in it—

- [a] who has been previously sentenced to penal servitude, or whose record shows that he has been guilty of grave or persistent crime; or
- [b] whose license, under a sentence of penal servitude, has been revoked or forfeited.

THE LONG-SENTENCE DIVISION.

152. This class consists of convicts sentenced to more than 10 years who are selected by the Secretary of State after completion of more than $7\frac{1}{2}$ years. In addition to their segregation, where practicable, in a prison or part of a prison set apart for them, they are allowed certain privileges not permitted to the ordinary division, such as—

- [1] They wear a grey dress with a blue band round the left arm.
- [2] They may earn, by special industry with good conduct, gratuity continuously throughout their sentence, at the rate of 2s. 6d. for each 240 marks [180 females] earned in the division, half of which may be spent on certain prescribed articles of comfort or relaxation.
- [3] They may have their meals in association.
- [4] They may converse with each other at exercise and at meals, but not during hours of labour.

The subdivision into Star Class, &c., is maintained in the Long-sentence Division.

153. I have gone into the question of classification at some length, not only because of its prominence in the English system, but also on account of its important bearing on the future evolution of the Indian system. There can be no doubt that reform in India, as well as in England, must proceed along the lines of greater classification, keeping in mind the dangers of extending the principle beyond the capacities of the system. An ideal system would be one in which the classes are so divided that the members of each subdivision are morally on such an equality as to reduce the possibilities of contamination to a minimum. Such a division is, of course, impossible, unless by permanent separation each prisoner is made a class in himself. Even supposing this were possible, the recognized evils of seclusion and the necessity for association would negative it.

154. The structural arrangements of Bengal jails, which provide only a modicum of cellular accommodation, necessitate association on a most undesirable scale. Even the moderate degree of separation required by statute is attained with difficulty. The moral contagion of a "harem," where young and old, innocent and guilty, first-offenders and hardened criminals, live together in the closest association—sometimes for months—cannot but be a prolific cause of recidivism.

155. Recent steps in the direction of [1] more specialized treatment of juveniles at the juvenile jail, and [2] the segregation of the worst habituals at the new Central Jail at Monghyr, witness the progressive spirit that is moving in Bengal, and inspires a hope that this movement of classification will press forward until the most serious defects are remedied.

156. There is need of a class for offenders of the 1st Division. The recognition of such a class by the Bengal Jail Code has no statutory basis and, I believe, the courts have never made use of the rule.

157. The classification of prisoners after conviction would, perhaps, be better done by the Jail Department than by the Magistracy. The lines on which greater classification should proceed are, in my opinion, such as will—

- [1] exclude children under the age of 12 years utterly from jail;
- [2] create a class of "young persons" aged from 12 to 15, who should only exceptionally be committed to prison;
- [3] recognize a "juvenile-adult" class formed of youths between the ages of 15 and 23 for whom special institutions should be provided;
- [4] separate effectually under-trial prisoners of criminal antecedents from others;
- [5] allow segregation of certain classes of offenders accused of political or other serious crime;
- [6] provide a third or C class of convicted prisoners to include the worst types of habitual criminals;
- [7] make the A class more select; and
- [8] gradually diminish the convict-officer system with a view to its final abolition.

THE PROGRESSIVE STAGE SYSTEM AND REMISSION OF SENTENCE.

158. Remission of sentence, gratuity, visits, letters and practically all prison privileges [other than those accorded by law] are inseparably bound up in a complicated and highly organized system of progressive stages through which all prisoners have to pass. The details vary in convict and local prison and in Borstal institutions, though the guiding principles in each are the same.

159. Sir E. F. Du Cane explained [in 1882] the system as follows:—

"The plan by which we endeavour to bring before the prisoner in a form easily intelligible to him is that, as in ordinary life, the advantages held out to him as an encouragement to industry are directly proportioned to his industry; that he cannot be idle for a day without corresponding loss; that good conduct is necessary as well as industry, because ill-conduct will deprive him of the advantages he would gain by his industry;—and is carried out by a system of recording the industry by marks."

160. The Commissioners in 1894 remarked—

"We have endeavoured in framing this system to provide that the rigour of the discipline to which each prisoner will be subjected shall be to some degree in his own hands. Commencing with the most severe discipline and the hardest and most uninteresting labour, he may pass through the four stages, on attaining each of which he secures certain advantages or the remission of certain penal discipline, but each of these stages is attained only after the performance of a certain amount of labour, and misconduct may delay his promotion or cause his degradation."

161. The period passed in each stage depends on the earning of a specified number of marks, the award of which depends solely on the industry displayed. There is no specific award of marks for good conduct, though misconduct may be punished by forfeiture of marks earned—

"The object of the Progressive Stage System is to encourage industry in prison and so to prepare the prisoner on release to earn an honest living. If, therefore, marks are given which are not earned by industry, the whole object of the system is defeated."

162. Tasks are graded and marks awarded for stage according to the amount of work done, this:—

Maximum task gains	8 marks.
Medium " = $\frac{7}{8}$ of maximum gains	7 "
Minimum " = $\frac{6}{8}$ of maximum gains	6 "
(These are calculated on a 9-hour day.)	

Explanation.—The minimum is what a prisoner working hard can accomplish in six hours. No more than this is required, but the prisoner who only does the minimum task gets only 6 marks. Prisoners doing less than the minimum get no marks and are liable to punishment. In either case, only 6 marks are available for remission, 2 remission marks are lost, thus prolonging imprisonment by $\frac{1}{4}$ day.

163. The unit of the system is 6 marks. There is every incentive to performance of the maximum task, for remission lost can never be regained. On the other hand, there is no reward or inducement for performance of work beyond the maximum task.

An appellant cannot earn marks.

164. Remission of sentence may be granted as follows—

To a male convict one-fourth sentence on license. Female convict one-third sentence on license.

To a prisoner sentenced to imprisonment, one-third sentence unconditionally.

Juvenile-adults are only granted remission when specially recommended.

The cases of life-prisoners will be specially considered at the end of 20 years.

165. On the admission to a local prison of a prisoner sentenced to imprisonment, the maximum number of marks to be earned, the earliest possible date of release, and the date of expiration of sentence are entered in the Stage Register and Record [History Ticket]. Both dates are also entered in the Discharge Book. The number of marks to be earned is ascertained by deducting from the actual number of days of sentence one-sixth of that number, ignoring any fraction and multiplying the remainder by 8. The earliest possible date of discharge is the day after the required number of marks has been earned.

Example.—A. B. is sentenced to two months' imprisonment in the 3rd division on the 8th August 1910. The date of expiry of sentence is 7th October 1910.

The duration of sentence is 61 days.

$$\text{Then } 61 - \frac{61}{6} = 51$$

$$51 \times 8 = 408 = \text{maximum marks.}$$

$$\text{Maximum remission} = 10 \text{ days.}$$

$$\text{Earliest possible date of release} = 27\text{th September } 1910.$$

166. Should a prisoner fail to obtain maximum marks, the revised earliest date of discharge is entered in the Discharge Book 7 days before the earliest possible date of release, and the process is repeated if necessary.

167. The table on next page shows more clearly than much writing the essentials of the Progressive Stage System:—

LOCAL PRISONS.

PAG.	Marks to be earned.	Minimum duration of stage.	LABOUR IN—		Gratuity—Maximum 10s.	EDUCATIONAL.			Letter—receive and write.	Visit.	Exercise on Sundays.	DISTINCTIVE MARKS.
			Separation.	Association.		Books of religious and secular instruction.	Library books.	School instruction.				
I	28 x 8 = 224	28 days...	If sentenced to hard labour, hard bodily or manual labour in strict separation.	If not sentenced to hard labour, industrial labour in association if necessary.	No	Yes	No	No	Not	Not	No	No badge.
II	224	28 days...	.....	Less hard labour in association if practicable.	1s. for 224 marks, or 1d. for each 20.	Yes	One once a week.	If eligible under rules	No	No	Yes	One stripe on left arm above elbow.
III	224	28 days...	.....	Ditto	1s. 6d. for 224 marks.	Yes	One twice a week.	Ditto	One	One of 20 minutes.	Yes	Two stripes on left arm above elbow.
IV*	...	Till end of sentence.	.....	Ditto, but eligible for special services, e.g., domestic.	2s. for 224 marks till 10s. earned.	Yes	Ditto	Ditto	One after earning 112 marks in stage, and again after each 224 marks.	One of 30 minutes.	Yes	Three stripes on left arm above elbow.

* After completion of 12 months of sentence, may walk and converse with another prisoner of the same class during one period of exercise on one day of the week.

After the first stage, prisoners of good conduct and industry may be allowed to retain photos and memorial cards in their cells.

- Special letters.*
- (1) When a prisoner will be rearrested on discharge—to inform his friends of probable rearrest.
 - (2) To settle affairs on return from court.
 - (3) To inform friends of sentence and prison.
 - (4) To prosecutor (not to revise or reproach him).
 - (5) Convicts may write and receive one letter and reply within the first seven days.
 - (6) Letter, telegram, or special message re payment of fine.

† But special interviews and letters are allowed as follows:—

Special interviews.

- (1) To settle affairs on return from court.
- (2) Convicts may have one interview within the first seven days. A second interview is in the discretion of the Governor.
- (3) When served with a writ or other legal document, may see Solicitor or communicate with friends.
- (4) Accredited agents, under written authority of the King's Proctor, and official receivers in bankruptcy are allowed access to prisoners.

In convict prisons the stage system is based on similar principles, but the duration of the first three stages is longer (one year for males and nine months for females) and the recidivist class remains three months in separate confinement. There is also a fifth, or a special stage, which is reached after periods of imprisonment varying with the length of sentence. The gratuity obtainable is larger. Letters and visits are not permitted so frequently: thus, for the first two years, they are only allowed every four months.

168. It will be seen that there are two mark systems in force at the same time,—one for stage and one for remission. Daily entries are required involving considerable clerical work. The calculations are not easy, and the system is difficult to understand. It cannot compare with the Indian system of remission in days.

The Progressive Stage System reduces prison administration to a fine level of mechanical precision, and involves a degree of organization to which Indian systems will, probably, not attempt to attain.

HISTORY TICKETS.

169. Very marked differences of procedure exist in the English methods of recording the history of a prisoner's life as compared with those in force in Bengal. The varieties occurring are here shown—

ENGLAND.	BENGAL.
(1) Prisoner's Record (for all prisoners except convicts).	(1) Civil Prisoner's History Ticket.
(2) Penal Record (for convicts only).	(2) Under-trial Prisoner's History Ticket.
	(3) Convicted Prisoner's History Ticket.

In Bengal.

170. The History Tickets in use in Bengal consist of cards or series of cards fastened together in covers on the single card system. In addition to certain personal details, they record in chronological sequence every occurrence of importance in the jail life of the prisoners concerned and every order specially relating to them. Each is kept in the custody of the convict officer in charge, to be produced by him whenever required. It accompanies the prisoner at all times and in all places. History Tickets are kept for two years after the release of the prisoner.

In England.

171. The procedure varies accordingly as the prisoner is sentenced to penal servitude or is confined in, or sentenced to, imprisonment in a local prison. In either case the record is more in the nature of a Secretariat file for occasional reference than a history for constant use.

The prisoner's *Record* is used only in local prisons. It consists of a piece of paper about 12 by 9½ inches, somewhat resembling the Bengal History Ticket, though it is much less accessible, and does not contain details of illnesses. It is preserved for ten years.

The *Penal Record*, or, in other words, the convict's History Ticket, is a most elaborate permanent record, foolscap size, the pages strongly fastened together, in which are recorded, under appropriate headings, every detail, even the most minute, of a convict's prison life.

The following is a brief summary of the subject-matter and the way it is arranged:—

- Page 1—General particulars.
- Do. 2—Record of previous convictions.
- Do. 3—Personal description, photographs on reception and discharge, &c.
- Do. 4—Special remarks.
- Do. 5—Newspaper report of trial.
- Do. 6—Records of visits.
- Do. 7—Statement of stage, gratuity, cash, &c., on transfer to a prison.
- Do. 8—Records of visits.
- Do. 9—Disposal on release.

Pages—7 and 8—Blank.

Between the 6th and 7th pages the following enclosures are, from time to time, secured by the authorised fastening:—

- [a] Calculation of sentence, remanent, &c., and record of marks for stage gratuity and remission.
- [b] Record of offences and punishments.
- [c] Record of petitions and applications.
- [d] Medical history.
- [e] Record of letters written and received.
- [f] The Caption or Order of Court, or a certified copy.
- [g] Separate newspaper reports of the trial.
- [h] Results of inquiries into antecedents.
- [i] Any report in connection with matters referred to on page 4, or copy of any instructions received.
- [j] Copy of notification of forfeiture or revocation of license.
- [k] Parchment certificate of discharge from Army or Navy.
- [l] Police reports on proposed correspondents or visitors.
- [m] Application to change religion, and reports, &c., thereon.
- [n] Special orders and restrictions.
- [o] Report of accident or injury.
- [p] Letters, &c., which have been suppressed.
- [q] Order for special cell.
- [r] Order for restraint.

On the return of the Penal Record after registration, the medical history will be kept by the Medical Officer, and in convict prisons the following enclosures will be kept:—

- [e] By the Chaplain.
- [f] In a separate place.
- [n] By the Principal Warder of the Hall.

They will, however, be secured in their proper places before the Penal Record is returned to the Directors on the release of the convict.

172. Considering the importance and complexity of such a collection of documents, it is not surprising that it is guarded with extreme care.

"A penal record will not be taken out of the Governor's office. Any officer desiring to obtain information contained in a Penal Record will apply to the Governor, who will supply such information if it be proper that he should do so."

173. Penal Records when first prepared are sent to the Directors for classification and registry. Previous Penal Records are obtained from the Head Office, and the complete collection of records of past and present sentences are kept together and are sent to the Directors on the discharge of the convict, for permanent storage. At the Head Office, in addition to the preservation of the records, the main particulars are extracted into the "General Register of Convicts"—an elaborate abstract always accessible for reference.

174. As to the merits of two so widely different systems, it is perhaps sufficient to say that under existing circumstances each in its own place is perhaps best adapted to its own requirements. While, on the one hand, the detail and centralization of the English system presents peculiar advantages in subsequent dealings with the convict, either in the matter of fresh convictions or in the refutation of baseless charges, &c.; on the other hand, the Bengal practice, allowing as it does ready reference, is an integral part of the Indian policy of individualism. It permits great scope for exercise of the personal element so necessary, especially in a country where there are undoubted advantages in the has a medical aspect. At the same time there are undoubted advantages in the systematic preservation of the history tickets of habitual and other important criminals. The custody of history tickets by convict officers is a practice not free from serious objection.

RELIGIOUS AND EDUCATIONAL INSTRUCTION.

175. "Each prison has a duly appointed Chaplain, and provision is made for the attendance of ministers of all denominations. Daily service is held in the chapel, and it is the duty of the Chaplain to frequently visit prisoners and

to interest himself in their moral welfare. Religious missions and addresses are also authorized. These are conducted by persons not connected with the administration, and in some cases extend over a period of a week or ten days. In most prisons also lady visitors are appointed, who have access to female prisoners and exercise a moral influence over them.

"The instruction of prisoners is carried on by means of schoolmasters, and the supply of library and educational books for the use of prisoners in their cells. Every prison has one or more schoolmasters, according to the number of prisoners eligible for instruction."

176. The object of education in prison is stated to be "to provide that a prisoner during his sentence should be afforded the opportunity of learning to read and write easily and to conduct simple calculations in money likely to be of service to him in the operations of his daily life on discharge."

177. The classification of prisoners' education in India is intended to gauge the state of education of the criminal population; whereas in England it is obviously intended to be more of a test of eligibility for instruction of newly admitted prisoners. In both countries the fallacy,—which is perhaps unavoidable, occurs—of showing the total admissions irrespective of the number of individuals contributing to that total.

178. The following shows the extent of illiteracy in the two countries:—

ENGLAND.			BENGAL.		
Eligible for instruction	...	10,538	Total admissions	...	30,357
Illiterate	...	1,139	Illiterate	...	27,234
Percentage of ditto	...	12.7	Percentage of ditto	...	89.7

It is only to be expected that these statistics would show great disparity, though the English ratio is strikingly high when it is remembered that all those under consideration have been under the influence of compulsory education.

179. The standards regulating the classification of education of Bengal prisoners has the anomalous effect of showing that more prisoners can read and write than can read only, in the proportion of 8.42 to 1.87. Most people who can read at all can also sign their names. This may account for the above fact. Some more concise classification might be advantageous.

180. With few exceptions, all persons with sentences of three months and over and who are under 40 years of age, are educated, as far as possible, up to the 3rd standard, or in convict prisons up to the 4th standard, good results being obtained. No provision is made in Bengal for education, except in the case of juveniles sentenced to one year or more. At one time education was a marked feature of Bengal prison methods; why it was abandoned I do not know.

181. What the influence of illiteracy on crime may be has not, I think, been satisfactorily estimated. My Calcutta experience inclines me to believe that education, especially higher education, has if anything a tendency to increase crime, possibly because it facilitates deception of illiterate people. In England it is found that unemployment is a cause of crime, and that it is the exception to find men and women committed to prison possessing industrial knowledge. If illiteracy be a cause of unemployment, it must also, indirectly, be a cause of crime. At any rate, I see advantages in the gradual reintroduction of primary educational teaching into Bengal jails.

CLOTHING AND BEDDING.

182. The clothing and bedding of English prisons have little bearing on Indian interests. With such an elaborate system of classification as that described in paragraph 139, it is only natural that distinguishing marks should be sought in clothing: and this is the case. I do not propose to go into the details of the numerous distinguishing marks in use, but I append below the colour scheme in force to distinguish the main classes of male prisoners. Female clothing is under a much needed revision at the present time, the new principle being to distinguish classes by aprons. It may be noted that specific colours have not necessarily the same significance in different institutions, and this is not the least perplexity that confronts the outsider.

Colour of Clothing (Males).

183. BLUE—
Awaiting trial (or own clothes).
Debtors.
Juvenile-adults—Special grade at Borstal.
Convicts—Special stage, ordinary division.
Convicts—Special stage at local prisons.
- GREY—
Offenders—First Division (or own clothes).
Sailors and soldiers, convicted of breaches of discipline.
Convicts—Long-sentence division. (When in special stage, a blue band is also worn round the left arm).
- BROWN—
Offenders—Second Division.
Juvenile-adults—Ordinary grade at Borstal.
- DRAW—
Offenders—Third Division.
Prisoners sentenced to hard labour.
Juvenile-adults—Penal grade at Borstal.
Juvenile-adults—Modified system.
Convicts—Ordinary division, first four stages.
- DRAW AND BLACK—
Convicts in punishment for assault.
- DRAW AND YELLOW—
Convicts in punishment for escape or attempt to escape.

DIETARY.

183. The radical differences that exist between the dietaries of the East and West render any detailed remarks unnecessary. The present diet sheets have been in force in England since 1898, when they were introduced in response to public agitation. The principle on which they are based is "the fact that the ordinary prison diet is not to be regarded as an instrument of punishment. At the same time any approach either to indulgence or excess will be avoided, so that prison diets may not bear too favourable a comparison with the diets of free labourers in the outside world, or of the inmates of workhouses."

184. The diets vary in quantity in each class of prison institution, and become more generous in local prisons with the length of time spent in prison. Neither in quantity nor variety does the English dietary compare with the dietary of European prisoners in Bengal.

The practice of permitting certain classes of prisoners to expend a portion of their gratuity on "articles of comfort and relaxation" is gaining ground in England. It is now allowed to convicts of the long-sentence division and to inmates of Borstal institutions (paragraphs 152 and 111). It will have already been noticed that Borstal inmates are given a more generous diet than the inmates of local prisons, and indeed receive a diet that compares very favourably with the diets of similar classes outside. The cost of diet per head for all classes is in England 17.5 per cent. of the total cost, against 30.7 per cent. in Bengal.

185. It is unquestionable that the native diet of Bengal jails is superior to the average diet of free labourers outside. This must be so, for the simple reason that humanity alone compels the provision of a dietary superior to what necessity compels the ryot to live on. This circumstance, unfortunately, tends to make jail a desirable place, especially in times of want. It must further help to make certain classes of prisoners dissatisfied with free life. Many men who have become used to three good meals a day, with an ample midday rest and a maximum of nine hours' labour, do not take kindly, on return to civil life, to twelve hours' work a day, with one or at most two scanty meals and no midday rest. At any rate, this has been noticed in connection with the Aid Society's work in Calcutta.

PRISONERS AWAITING TRIAL OR UNDER REMAND.

186. As the matter of treatment of accused persons is of more than ordinary interest, not only because of its penological importance, but also because of the attention it has received at recent important trials, I will deal with it at some length.

187. The rules in force in England are framed "to prevent unnecessary hardship to those who are confined for purposes of security only, but who are not in the eye of the law guilty, and therefore cannot be subjected to any punishment other than that which is involved in the requirements for safe custody and good order and promoting the ends of justice. In carrying out the relaxations permitted by these rules, the Visiting Committee are entrusted with considerable power and responsibilities, which their possession of local or personal knowledge will enable them to fulfil."

188. While the principle embodied above is implied in the Bengal Jail Code [Rule 915], there is a considerable difference in procedure in India, where structural arrangements and other considerations have hitherto rendered it either impracticable or inexpedient to relax disciplinary measures to the extent found possible in England. On the other hand, the degree of association necessitated in Indian prisons by climatic conditions and a lack of separate accommodation must largely ameliorate the rigour of confinement in India to an extent impossible under the rigid rules of separate confinement in England.

189. On admission, prisoners awaiting trial or under remand are separated at once from convicted prisoners and from each other. They are given separate cells, and are, if possible, kept out of view, even of convicted prisoners. They are searched for the purpose of detecting concealed articles only. Those who surrender to bail at court are searched only when there are grounds for suspecting the concealment of some weapon or dangerous article. They are, however, searched "with all possible consideration" before they are placed in the dock. Those who are produced in court from prison are "thoroughly searched" in prison and afterwards carefully "rubbed down" before going into the dock. These special precautions are the outcome of a case in 1903, when a prisoner shot himself in the court cells immediately after conviction.

190. During imprisonment search is carried out under the orders in force for all prisoners.

191. No examination is made for distinctive marks, nor are any measurements taken except height. They are not photographed nor are their fingerprints taken, except by order of the Governor or on the application of the police. Should they object, force may be used, subject to the decision of the Secretary of State or a Justice of the Peace. In the event of any such prisoner being acquitted or discharged, all photographs [negatives and copies], finger-print impressions, and records of measurements are forthwith destroyed or handed over to the prisoner.

They are not compelled to bathe on admission unless necessity demands.

They are acquainted on admission with the special rules referring to them, and any application they may make is at once attended to. A notice concerning communications with the police and the production of witnesses is placed in each cell.

192. The relaxations that may be permitted by the Visiting Committee are:—

- [1] To occupy a specially furnished room on payment of 2s. 6d. weekly.
- [2] To be relieved of the performance of unaccustomed tasks on payment of 6d. daily [of which 2d. goes to the prisoner attendant].
- [3] To exercise separately or with selected untried prisoners.
- [4] To have the use, at own cost, of private furniture and utensils.

The Visiting Committee may permit the Governor to modify prison routine by dispensing with any practice which is unnecessary in the case of any particular prisoner. They may also permit these prisoners to be visited by, and to receive medicine from, their usual medical attendant, at their own expense.

193. The Governor is empowered to permit, on the request of the Solicitor or of a friend, any prisoner to be examined by a medical man of their own choosing, so that they may have medical evidence for the defence. Should the medical officer of the prison have any doubt as to the mental condition of a prisoner awaiting trial, the court will be informed. If the prisoner be insane and his removal to an asylum is not immediately necessary, he is not certified, but allowed to stand his trial, so that his insanity may be publicly decided by the majority of a jury.

194. Prisoners awaiting trial may wear prison dress [blue as for debtors], but are not compelled to do so unless their own are insufficient, or unfit, or are required as evidence. They are required to wear a badge on the left breast. They may provide themselves with bedding.

195. They may provide themselves with food and malt liquor in lieu of prison dietary under restrictions as to notice, time, inspection, &c. No smoking is allowed.

They are permitted to retain any books, papers, documents, or other articles which were in their possession at the time of arrest, provided that they are not improper and are not wanted by the police.

[Note.—In practice, as far as I could discover, most things are taken from these prisoners.]

They may supply themselves with books and newspapers without restriction, or other means of occupation, provided they are not immoral or objectionable; or they may have a library book [changed twice a week] and books of instruction from the prison library.

They are not compelled to work, but may, if practicable, be allowed to follow their trades or employment; or they may be allowed to work at prison industries, being credited with payment for the same, less hire of tools at $\frac{1}{2}d.$ a day, and 6d. a day for maintenance, subject to a maximum of 5s. If they have been convicted but not sentenced, they are not allowed to earn money, but may gain marks under the rules of the Progressive Stage System.

They are required to keep their cells clean and tidy, or to pay for having the work done for them.

Members of the Church of England or Roman Catholic Church are compelled [unless prevented by illness or otherwise dispensed], to attend Divine Service whenever performed.

196. Visits and Communications of Prisoners awaiting Trial.

Rules made by the Secretary of State.

207. (1) Due provision will be made for the admission at proper times and under proper restrictions of persons with whom prisoners awaiting trial desire to communicate, care being taken that, so far as is consistent with the interest of justice, the prisoners shall see their legal advisers alone.

(2) Every prisoner awaiting trial shall be permitted to be visited by one person, or (if circumstances permit) by two persons at the same time, for a quarter of an hour on any week day during such hours as may be appointed.

(3) The Visiting Committee may, in any special case for special reasons, prolong the period of the visit allowed to any prisoner awaiting trial, or allow him to be visited by more than two persons at the same time.

(4) Every endeavour shall be made to provide that prisoners awaiting trial be not, when visited, exposed to the view of the friends of other prisoners, and to prevent the friends of one prisoner from coming in contact with the friends of another while in the prison.

208. A prisoner awaiting trial shall at his request be allowed to see his legal adviser (by which is to be understood a certificated solicitor or his clerk, if the clerk has written authority from his principal), on any week day at any reasonable hour, and, if required, in the sight but not in the hearing of an officer.

209. A prisoner awaiting trial who is in prison in default of bail shall be permitted to see any of his friends on any week day at any reasonable hour for the *bonâ fide* purpose of providing bail.

210. Paper and all writing materials to such an extent as may appear reasonable to the Governor shall be furnished to any prisoner awaiting trial who requires to be so supplied for the purpose of communicating with friends or preparing a defence. Any confidential written communication prepared as instructions for a solicitor may be delivered personally to him or his authorized clerk, without being previously examined by any officer of the prison; but all other written communications are to be considered as letters and are not to be sent out of the prison without being previously inspected by the Governor.

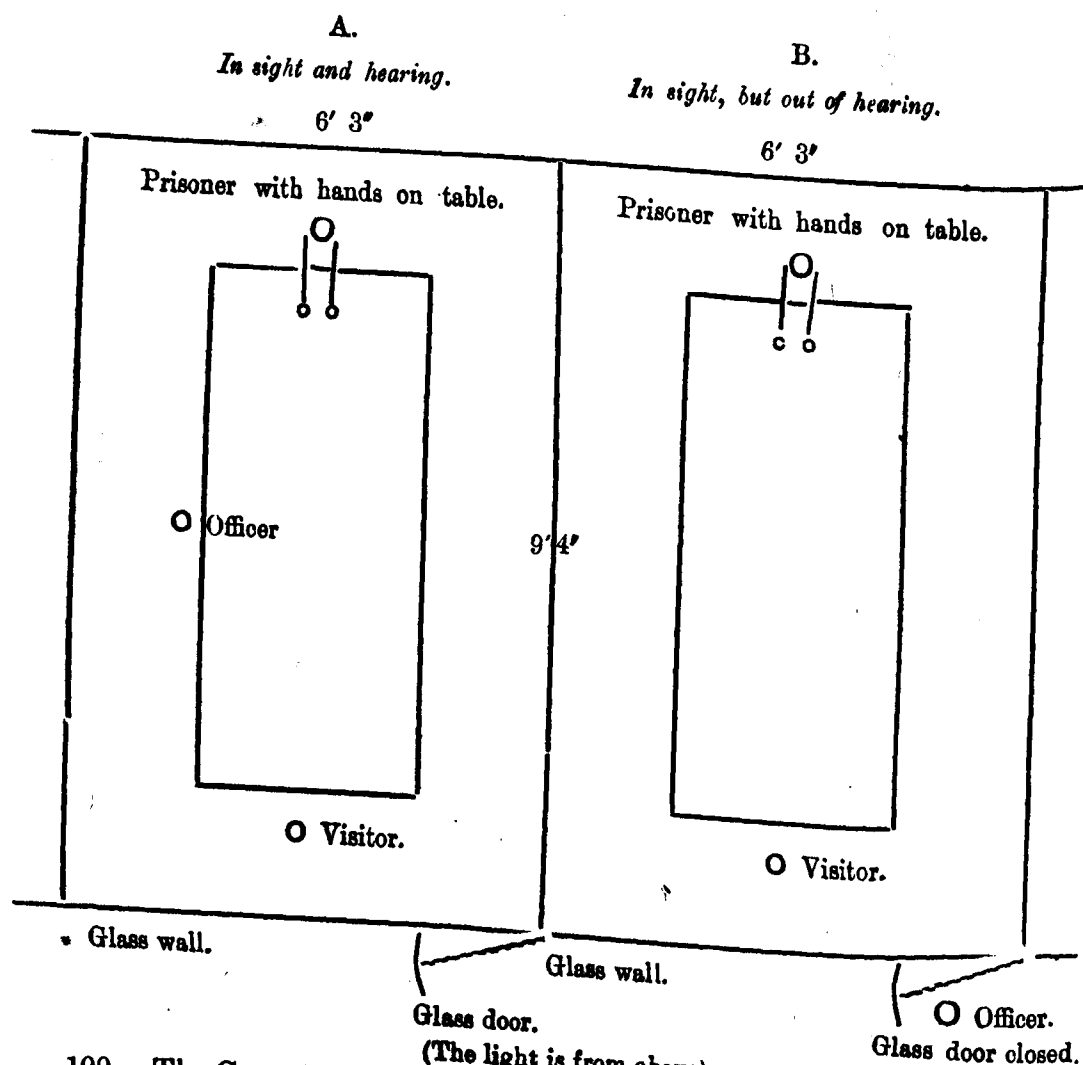
197. The following Standing Order has been made by the Prison Commissioners:—

509. Visits of legal advisers and others to prisoners will be conducted under the following regulations:—

- (a) In order that reasonable facilities may be given for the transaction of any *bonâ fide* legal business of such a nature as to justify an interview in private, Barristers or Solicitors conducting any legal proceedings, civil or criminal, in which a prisoner is a party or *bonâ fide* acting as legal advisers to the prisoner in any business of his, will be allowed to see him with reference to

such business in the sight, but not in the hearing, of an officer. It should be made clear that the interview is to be confined to legal business in which the prisoner is concerned, and it would be proper to require a pledge of conformity to that condition.

- (b) Barristers or Solicitors seeing a prisoner on any other business will see him in the sight and hearing of an officer.
 - (c) All other special visits will be in the sight and hearing of a prison officer, and no departure from this will be entertained except in the case of the police, officials of the Post Office, Customs and Inland Revenue, and other Public Departments, on application of a superior authority of those departments.
 - (d) Such interviews will be allowed only by order from the Commissioners, except in cases of extreme urgency, in which there is no time for application to the Secretary of State or to the Commissioners, in which case the Governor will grant the interview, reporting the same to the Commissioners.
 - (e) All such visits will be subject to the consent of the prisoner, except in the case of visits from officials, in which it will be clearly understood that the prisoner is free to refuse to make any statement or disclosure.
 - (f) Any privilege beyond what is above stated will be granted only by order of the Secretary of State.
198. The following diagrams show the procedure in force at special interviews:—



199. The Commissioners have issued the following—
Instructions for Officers supervising Special Visits by Friends of Prisoners in the Special Visiting Rooms.

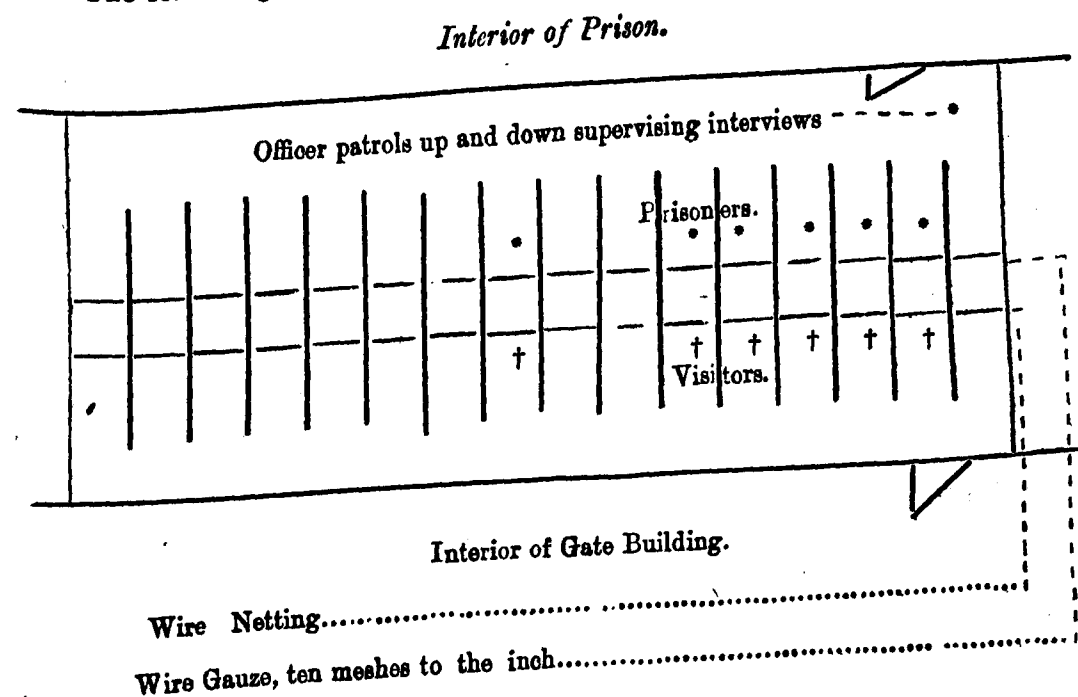
- [1] The prisoner will be seated at the table at the end further from the door and the visitor at the opposite end, so that the table shall be between them.
- [2] The prisoner will be required to keep both his hands on the table, so that the officer may see that the prisoner does not receive anything.

- [3] If the visit is to be within hearing, the officer will stand halfway between the prisoner and the visitor; if within sight and out of hearing, the officer will stand at the door and will not move from it.
- [4] An officer will only supervise one visit at a time, the whole of his attention being given to the visit and nothing else.
- [5] Should the officer have the least suspicion that the visitor is trying to pass anything to the prisoner, the visit will be stopped at once; and the officer will report forthwith to the Chief Warder or Senior Discipline Officer on duty, who will at once order the prisoner to be strictly and properly searched.
- [6] When the visit is over, the visitor will be accompanied to the gate by the officer supervising, who will walk between the prisoner and the visitor, and the officer will take the prisoner to his cell or other proper location.
- [7] A copy of these instructions will be posted in the special visiting rooms, and they will be read to all officers at midday parade on the first day of each month.

200.—VISITS TO PRISONERS IN THE ORDINARY VISITING ROOMS.

Although prisoners awaiting trial are not visited in the ordinary visiting rooms, it may be as well, for the sake of completeness, to dispose of the subject here.

The following diagram shows the procedure in force at ordinary visits:—



201.—THE COMMISSIONERS HAVE ISSUED THE FOLLOWING—

Instructions for Officers supervising Visits in the Ordinary Visiting Rooms.

- [1] The officer supervising the visit will examine each compartment before the visitor and prisoner leave the compartment on termination of the visit, and will ascertain whether any damage has been attempted or done to the structure.
- [2] Should the officer find that there has been any damage, or attempt to tamper with the wire guards or other arrangement to prevent contact, he will report forthwith to the Chief Warder or Senior Discipline Officer on duty for the orders of the Governor.
- [3] A copy of these instructions will be posted on each side of the visiting room for the information of officers supervising the visits.

202. The following instructions have been issued with regard to—

Visits to Prisoners in Hospital.

- [1] Visits to prisoners in hospital who are medically unfit to go to the regular visiting room, will be supervised by officers specially selected for this duty by the Governor.
- [2] If the visit takes place in one of the association wards, the duty of supervision is *not* to be taken by the officer who at the time is in charge of the ward.
- [3] The officer superintending a visit, either in a ward or a cell, will invariably stand between the prisoner and the visitor, and will give the whole of his attention to this duty and to nothing else.

[4] A copy of these instructions will be posted in every hospital ward.

203. The English procedure relating to interviews, which has been detailed above, is simple and effective. If the few simple rules are observed, nothing can pass between the prisoner and his friend; indeed, in the ordinary visiting room, so long as the wire gauze is intact, the passage of articles is a physical impossibility. Contraband articles do, as a matter of fact, get into prisons; but that is another matter. The structural arrangements of visiting rooms are simple and quite inexpensive.

204. Prisoners under trial who are foreigners are permitted to communicate with their Embassy, Legation, or Consul.

There are no restrictions on letters and telegrams sent at a trial prisoner's expense. The Governor is empowered to pay postage if the prisoner has no funds.

Prisoners brought up for trial at Assizes or Quarter Sessions remain in the custody of the Governor throughout the trial; at other courts they are given into the custody of the police.

Soldiers, sailors, and marines are not produced in uniform but in plain clothes or blue prison dress. The uniform is taken to the court in case it is required. These prisoners do not wear uniform while under trial in prison.

Convicted prisoners invariably wear plain clothes when produced in court. Chains and handcuffs may be used when producing prisoners at court to prevent escape, rescue, or violence, if absolutely necessary. When, however, prisoners are produced by the police, the question of security does not concern the prison authorities.

The court may permit, in special cases and for special reasons, interviews with prisoners after conviction in the court cells.

Food is provided by the prison for prisoners produced at Assizes and Sessions, i.e., when the prisoners remain in the custody of the prison authorities.

APPEALS.

205. The period within which appeals must reach the Appellate Courts are as follows:—

Appeal to Quarter Sessions	...	7 days.*
Appeal to Court of Criminal Appeal	...	10 "

206. A prisoner convicted of a non-indictable offence and who has not pleaded guilty, may appeal from a Court of Summary Jurisdiction to Quarter Sessions. No appeal lies when the imprisonment is in default of [1] payment of money; [2] finding security; [3] recognizances; and [4] giving security.

A person convicted on indictment may appeal to the Court of Appeal:—

- [1] *Against his conviction*—
 - [a] On a point of law.
 - [b] With leave of the Court of Appeal, or on the certificate of the Judge who tried him, or on a question of fact, or of mixed law and fact, or other sufficient ground.
- [2] *Against his sentence*—
 - [c] With the leave of the Court of Appeal, unless the sentence is one fixed by law.

* May be extended by Court of Appeal, except in case of death sentence.

Sentences of death or corporal punishment are not carried out pending appeal or determination of appeal.

207. The time during which a prisoner is an appellant or is treated as an appellant does not count as part of his sentence, unless directed by the Court of Appeal.

An appellant, if not released on bail, is in a class by himself; he is neither under trial nor convicted, from both of which classes he is segregated. He is debarred the privileges of under-trial prisoners except in the matter of clothing, and he is credited neither with earnings nor marks unless his appeal succeeds. If, therefore, an appellant cannot get released on bail, it is not advisable to submit a frivolous appeal.

GRATUITY.

208. The award of gratuities to prisoners is an integral part of English penal methods; the underlying principle being apparently that no prisoner on release should find himself absolutely destitute.

The maximum amounts that can be earned are as follows:—

In local prisons	...	...	£ 0-10
In convict prisons	Males	...	£ 6-0*
	Females	...	£ 6-0*
In Borstal institutions	...	...	£ 2-0

209. As a rule, the gratuity is handed over to the Discharged Prisoners Aid Society, to be expended for the benefit of the prisoner as the Society may decide.

210. The annual cost to the State is about £ 16,500. Possibly, better results would be obtained if the whole grant were made over to the Aid Societies.

SEPARATE CONFINEMENT.

210. The system of separate confinement as an integral part of the English Prison System requires more than a passing notice here. The dictum of the Commissioners, in defending its use, that it "is the recognised basis of every prison system in every civilised country," embodies an implication that I need not particularize. It will be remembered that, apart from the infliction of solitary confinement as part of a judicial sentence, confinement in cells is, with infrequent exceptions, employed in Bengal prisons largely as a punishment. It is true that rule 635 permits the application of the cellular system to B class prisoners, but in practice this is generally restricted to cases of expediency. In any case, it is not an integral part of the system; nor is it, with its grated cells and its ameliorative restrictions, comparable with the systematic confinement of England.

211. Separate confinement "means literally that every prisoner shall occupy a cell by himself, and that he shall remain in this cell and not associate promiscuously with other prisoners, unless he is required to do so for purposes of labour. The separate system, as the preliminary of a sentence of penal servitude, means that for purposes of labour a prisoner shall not be so associated, and that he shall occupy his cell by day as well as by night for a certain period of time, subject, of course, to the same alleviations as obtain in the case of all prisoners, viz., egress for chapel and exercise and schooling, with constant supervision of his labour, which he carries on in the cell. Originally, the system was adopted entirely with regard to its reformatory value, i.e., the seclusion of a man from companions who might corrupt, and the opportunity for reflection and exhortations which it gave. Later, more stress came to be laid on its penal, or deterrent, aspect; and on these grounds it was specially recommended by the Royal Commission of 1873 as an essential of penal servitude. Allegations have been made from time to time that cellular confinement extending over a period of nine months impaired a man mentally and physically; but these allegations have not been corroborated. If they had been, needless to say the system would not have continued in force for a day. At the same time, impartial examination of the system, while not condemning it as injurious to the mind or body, led to its modification in 1905, when, having regard to its penal value only, it was thought desirable to modify it relatively to the antecedents of convicts and to the class in which they were placed.

* The amount attainable depends on the length of sentence. The award is in proportion to the marks earned in the Progressive Stage System, until the maximum is earned. Thus, in local prisons the full amount of 10s. can be earned in less than six months. Gratuity forfeited can never be regained.

212. Separate confinement was introduced from America in 1842, and the duration of the period of separation was fixed at 18 months. As, however, it was incontestably shown "that the minds of prisoners became enfeebled by long continued isolation," the term was reduced in 1853 to 9 months. In 1905 it was again reduced, in the case of Star and Intermediate class convicts to 3 and 6 months, respectively; and again in 1910 to 3 months for Recidivists and one month for the others, "subject to such exceptions as administrative necessity and convenience may demand."

213. The criticism of cellular confinement has not been confined to the public, and evidence is forthcoming to show that there is a feeling against it from "within." Dr. Sutherland, an ex-prison medical officer, considers it "indefensible," and says—

"The 'solitary' system has been proved devoid of any touch of humanity,—of few, if any, of those influences which might soften the hard or heal the broken heart,—nothing but silence, monotony, despair, and a starvation of the mental faculties resulting."

214. The last report of the Governor of Holloway [Female] Prison says—

"The system of employing the prisoners in association has been much extended. In July 1909, as a result of the investigations and report of a special committee, an experiment was started here of putting all the prisoners to associated labour at once unless unfit, the period of cellular work (first stage) being abolished. The result of this was considered very satisfactory, so it has been continued and extended to female prisoners in other prisons. Nearly all the prisoners have much appreciated the change, and few have abused the privilege by misconduct. Under this system the instructors can supervise the work better than when they have to go from cell to cell. I think the quality of the work done has improved."

215. Separate confinement finds no place in the Borstal system, and the Report of Captain Eccles testifies to the "humanising" results [see paragraph 96]. The Annual Report of the Borstal Association appositely remarks:—

"Though it has not been felt prudent to dispense with cells, it will be seen that the time which a boy spends in solitude is short and that the day is one of strenuous work, not of unwholesome solitude and monotony, which produce deterioration of mind and body."

OFFENCES AND PUNISHMENTS.

216. I went into the question of prison offences and their punishment in England in some detail. Want of space precludes me from more than a brief survey.

The following shows particulars relating to the punishments in force in England:—

Punishments.	MAXIMUM.		Inflicted by order of—
	Local.	Convict.	
Close confinement	3 days 14 "	3 days 28 "	Governor. Visitors.
Separate confinement	.....	6 months 6 "	Director. Visitors.
No. 1 Diet	3 days 15 "	3 days 15 "	Governor. Visitors.
No. 2 Diet	14 " 42 "	14 " 42 "	Director. Governor. Visitors.
Stage reduction or postponement	14 days 28 "	3 months	Governor. Visitors.
Forfeiture of remission or privileges of any stage.	14 " 28 "	..... .....	Governor. Visitors.
Forfeiture of remission	14 " 28 "	14 days All	Governor. Visitors.
Deprivation of mattress	3 days*	3 days*	Director. Governor.
Corporal punishment (under 18 years)	18 lashes	18 lashes	Secretary of State.
Ditto ditto (over 18 ")	36 "	56 "	

* Convicts only.

217. Certain important statistical facts are shown below:—

	BENGAL.	ENGLAND.
Ratio per cent. of total offences to daily average population—		
(a) English Local Prisons	...	93
(b) English Convict Prisons	...	157
(c) English Prisons (all classes)	...	148
(d) Bengal Jails	215	.....
Ratio per cent. of total punishments to daily average population	215	281
Ratio per cent. to total offences of—		
(1) Confinement in cells	2.5	75
(2) Dietary punishments	4.2	74
(3) Irons, &c.	40	.....
(4) Other punishments	52	.....
(5) Corporal punishments	0.37	0.09
(6) Loss of privileges	.....	47
Ratio per cent. of corporal punishments to total punishment	0.37	0.05

218. It will be seen that, in England, discipline is maintained chiefly by means of dietary punishments and cellular confinement. These punishments are only very sparingly resorted to in Bengal, owing to their tendency to react prejudicially (at least in a hot climate) on the body and mind of the recipient. Moreover, medical men of all countries look with disfavour on methods that carry with them the potentiality of dangerous results. Dr. Quinton, the late Governor of Holloway, speaking of dietary punishments, says—

Crime and Criminals 1910—"This latter method of correction, though it has always seemed to me a more or less barbarous and senseless proceeding to apply to human beings, was nevertheless very necessary with unruly prisoners. I know of nothing approaching a scientific excuse for its use, except the principle on which a horse has its oats reduced in order to tame its spirits. As a matter of fact, however, it is often found to be the only way of appealing to the feelings of an idle or insubordinate person short of the infliction of corporal punishment."

It is regrettable that the statistics do not indicate the duration or varieties of dietary punishments inflicted, nor do they distinguish between the comparatively mild punishments of the Governor and the sterner punishments of the Visitors and Directors.

219. No. 1. diet consists of 1 pound of bread with water. It is carried out in "close" confinement for 3 days or less. If inflicted for 15 days, ordinary B diet must be given on every alternate 3 days. No labour is enforced during this punishment. An equal interval must elapse before No. 1 diet is reimposed.

220. No. 2. diet is more generous. It consists of 24 ounces of bread, 8 ounces potatoes, and 3 ounces oatmeal in the form of porridge. It is carried out in close confinement, except that exercise is allowed. It may be given for 6 weeks, but after 21 days B diet must be given for a week. An interval of 7 days must elapse before this diet is reimposed after its infliction for 21 days continuously. For a fresh offence, a prisoner on No. 2 diet may be placed on No. 1 diet for 3 days. A daily task of labour is enforced.

221. Separate confinement means such confinement in separation as is inflicted on convicts on first reception, and involves passing through the stages from the beginning. It is confined to convict prisons and cannot be inflicted by the Governor. It may extend to 6 months.

222. Close confinement means confinement in a cell in strict separation. The prisoner is only allowed to leave his cell for purposes of nature, except on the recommendation of the Medical Officer. All articles except a urinal and religious books are removed from the cell, and are passed in when necessary for use. No exercise is allowed, nor is work permitted.

223. Here again statistics do not discriminate between separate and close confinement, presuming that separate confinement is shown at all. Nor is there any distinction between the 3-day limit of the Governor and the 20-days of the Director. It must be conceded that "close" confinement, especially when combined with dietary punishment, is a very severe form of punishment. Its limitations explain the secret of the maintenance of rigid discipline with a minimum of corporal punishment. It is more than probable that most would prefer a whipping to even a moderate combination of close confinement and No. 1 diet, especially when it is remembered that during the whole period of the latter punishment there is nothing but utter blankness,—no exercise, no chapel, no society, no sight even of a fellow prisoner,—nothing but four blank walls,

religious books, and a urinal. I have been told that certain Indian punishments are degrading; but on the whole I prefer them.

224. Corporal punishment can only be inflicted for mutiny or gross personal violence, and only with the sanction of the Secretary of State. Either the cat or birch is used, and the punishment is inflicted by a subordinate officer, to whom an allowance is made. I endeavoured to see its infliction, but without success. I was informed—

“The Commissioners regret that they are unable to accede to your request for permission to witness a case of capital or corporal punishment.”

225. Apparently there is more prison crime in Bengal than in England, but facts are obscured by the existence of “restraints” in England, and by the fact that all offences are reported in India, and even “formal warnings” (21 per cent.) are counted as punishments.

RESTRAINTS.

226. The following are the authorized means of restraint to be used only as a measure of restraint and not as a punishment:—

- [1] *Light steel connecting chains, and handcuffs, swivel or curb chain*—for security on removal when necessary.
- [2] *Loose canvas restraint jacket*—on medical grounds.
- [3] *Canvas suit* [for males].—{ to be worn by prisoners who destroy their clothes.
- [4] *Canvas dress* [for females].—{
- [4] *Canvas waistcoat and trousers in one and canvas frock*—for male prisoners, on medical grounds.
- [5] *Body belt*—for violent prisoners.
- *[6] *Handcuffs*—in front or behind for violence.
- [7] *Ankle straps*—for female prisoners, on medical recommendation, to prevent self-injury.
- *[8] *Leg chains or cross irons*—for male prisoners, to prevent repetition of attempt to escape or assault. Not to be worn continuously for more than 6 months.

In addition to the above, though not classified in the Standing Orders as “restraints,” the following are authorized:—

- *[9] *Special cells for the temporary confinement of refractory or violent prisoners*—These special cells are provided, as a rule, with double doors to deaden sound. They are furnished with a plank bed and a solid seat, both securely fixed to the masonry. In many cases the lighting and peephole are above. The utensils are of guttapercha and unbreakable. The Annual Report shows that use was made of these cells 389 times in 1909-1910.
- [10] *Drab and black parti-coloured dress*—for male convicts who have committed assault or attempt at assault.
- [11] *Drab and yellow parti-coloured dress*—for male convicts who have escaped or attempted to escape.

227. The above long list of “restraints” witnesses the radical differences that exist between Indian and English methods of prison punishment. In India, restraints are, indeed, permitted to a limited extent:—thus fetters and irons are authorized for safe custody by the Prisons Act of 1894, and the Bengal Code permits the jailer to use handcuffs or fetters or to lock a prisoner in a cell in case of absolute necessity, subject to immediate report to the Superintendent, but there is nothing comparable to English methods. I have long felt that strait-jackets might with advantage be placed at the disposal of the Medical Officer, especially as there are no padded cells in any Bengal jail. Violence, attempt to escape, destruction of clothing, &c., are in Bengal considered to be prison crimes, and are punished as such; and it is difficult to see why means taken to suppress such crimes should not be classed as punishments. The procedure referred to emphasises the radical differences of principle that exist in the two countries.

* Only irons, handcuffs, and special cells appear in the Annual Administration Report.

MEDICAL.

228. The Medical Department is, with the exception of two prisons, dissociated from administrative office. In the larger prisons it is managed by a whole-time graded service; in the smaller, by part-time medical officers. The following gives some important details of pay and prospects:—

English Prison Medical Service.

	Salary.
	£
1 Medical Inspector	700—20—900
1 Medical Governor	700
1 Ditto	500—15—650
8 Medical Officers	400—15—550
5 Ditto	300—10—390
42 Ditto part-time, average ...	133
14 Deputy Medical Officers ...	250—5—300
1 Deputy Medical Officer, part-time	100

An excellent house is provided for all whole-time Medical Officers.

229. A compounder is appointed at the 9 larger prisons, at a salary of £105—5—150.

Hospital Warders are appointed at 19 prisons. A special allowance of £10 is attached to this post.

230. The duties of Medical Officers, other than Medical Governors, being purely medical, call for little comment. It is worthy of note, however, that no serious operation may be performed without a previous consultation with another medical practitioner. In cases of peculiar difficulty or danger, consultation with outside practitioners is permitted. In such cases, the employment of trained nurses is allowed, fees being prearranged by the Governor with a local nursing institution. For the purpose of watching cases requiring special supervision on medical grounds temporary officers are authorized.

Compounders or hospital warders compound medicines for the sick; where such officers are not appointed, this duty devolves upon the Medical Officer.

231. The Medical Officer is in no way responsible for the maintenance of discipline in hospital, though he is called upon to “support the Governor” in the maintenance of discipline and order and the safe custody of the prisoners.

RELEASE OF PRISONERS ON MEDICAL GROUNDS.

232. Release of sick prisoners by the Secretary of State is very frequent. In 1909-1910 the number released was 101, and in the previous year 111. Of those released in the last year, 65 were females with advanced pregnancy; the others were released for purely medical reasons.

The following Standing Orders refer to these matters:—

396. When a Medical Officer after careful examination discovers that a female prisoner is in such an advanced state of pregnancy that it is probable that, if her confinement takes place in prison, she will be required to be detained beyond the term of her imprisonment, he will make a report of the circumstances in writing to the Governor, who will forward it addressed direct to the Under-Secretary of State, Home Office, * *.

413. When the Medical Officer is of opinion—

- (a) that the life of a prisoner will be endangered by further imprisonment; or
- (b) that the illness of a prisoner is likely to terminate fatally within a brief period and before the expiration of the sentence; and where at the same time the prisoner is still capable of being removed, and there is reason to think that he has friends able and willing to take care of him in the event of his release; or
- (c) that the mental condition of a prisoner will be affected or endangered by further imprisonment;

the fact will be duly certified on the authorized form to the Governor, who will forward it, accompanied by a covering letter affording all information which may be necessary, to the Under-Secretary of State, Home Office *.

1216. With reference to section 153 of “the County Court Act, 1888,” whenever the Medical Officer certifies that further imprisonment of a County Court debtor will shorten or endanger the prisoner’s life, a certificate will be forwarded by the Governor direct to the County Court Judge who committed the prisoner, to be dealt with by him under the powers above cited *.

The release of prisoners on medical grounds does not count against the death-rate, as in India. As no record of the ultimate fate of prisoners so

released is published, it is not possible to accurately estimate prison mortality. No statistics of the daily average sick are published or are available.

EMPLOYMENT.

233. The following resolutions of the 10th Prison Congress of 1910 form a fitting preface to the discussion of the problems arising from the employment of prisoners;—not because they add anything new to the subject, but because they represent a weighty consensus of opinion. To the question—“What is the best method of securing effective and permanent work for those confined in small prisons”—the following resolutions were the reply:—

- (1) All penal institutions, including houses of detention and jails, should be under the control of a central authority.
- (2) All persons, whether sentenced for long or short terms, and whether confined in large or small prisons, should be employed at useful labour.
- (3) So far as local conditions permit, all persons serving sentences should be concentrated in institutions large enough to permit of the effective organization of labour, leaving local jails and houses of detention solely for prisoners awaiting trial.
- (4) Where such concentration is not possible, various kinds of labour should be introduced, depending upon the economic conditions in a given locality.
- (5) It would be desirable that the large prisons with well-organized industries and efficient industrial equipments should serve as training schools for the men who will later take charge of the smaller institutions.
- (6) The officials of small prisons should include if possible at least one man competent to direct industrial work.

234. The methods regulating the employment of prisoners in England differ considerably from those of India. The legal restrictions on hard labour, the different methods of treatment of convicts and local prisoners, and the element of separate confinement, so modify the imposition of penal labour, that it may be not out of place to reproduce here a description from the pen of the Chairman of the Prisons Commission, published in 1900:—

6. “There is a distinction between the form of labour of prisoners who are expressly sentenced to ‘hard labour’ and of those whose sentence is one of ‘simple imprisonment without hard labour.’ The rules enjoin in the former case that a prisoner shall be kept for 28 days of his sentence in strict separation on hard bodily or manual labour, after which period he will be employed on the ordinary prison industries, if necessary in association; in the latter case, that a prisoner shall be employed from the beginning of his sentence on some useful prison industry, if necessary in association. The object of this distinction is to emphasise the penal character of a sentence of hard labour by insisting on strict separation in the early stage, combined with labour of a harder and less interesting kind than that given in the latter stages; but it must be noted that labour, even in this first or penal stage, is of a productive nature,—all the old useless forms of unproductive labour having been abolished, e.g., cranks, treadwheels, &c. These are only now in use where they can be employed for some useful end, e.g., the grinding of corn and the pumping of water, or sawing of wood. A sentence of ‘hard labour’ is peculiar to sentences other than those of ‘penal servitude,’ i.e., to short sentences served in the local prisons. A sentence of penal servitude implies hard labour on some useful public employment throughout the sentence; but the term has no special signification as in local prisons, and is used generally to denote merely a form of employment imposed on all prisoners alike, irrespective of the length of their sentences, and modified by considerations of health and medical fitness to discharge a task of work. Labour in English prisons is entirely under the control of the Government; and is employed almost entirely upon work for the different departments of the State—the War Office, Admiralty, Post Office, &c. The system of letting prisoners’ labour to outside contractors is unknown, and is opposed to the public sentiment, which would regard the use of prisoners’ labour by outside firms for purposes of gain as injurious to the discipline and morals of prisoners, by withdrawing them from the surveillance of a carefully trained prison staff, and subjecting them to the authority of agents having no other regard for their welfare than the amount of work they could extract from them. As a very insignificant charge is made upon the State Departments beyond the cost of material, there can be no considerable contribution from prisoners’ labour towards the cost of prisons, which are maintained entirely out of moneys voted by Parliament. In 1898* the amount voted was £527,000, in aid of which would be placed only a few thousand pounds, representing the difference between cost of material and the small percentage charged by the prison authorities in addition to such cost. The total estimated earnings of prisoners for 1898† was £120,837; but, as above stated, this does not represent cash payment, but merely the amount of work accomplished at outside market rates, and which, presumably, it would have realized if the sale had been to ordinary customers and not to departments of the State.

* In 1910 it was £307,577.

† In 1910 it was £248,361.

“The essential feature of that (penal servitude) system has been, historically, the employment of convicts on public works at home, such as the construction of harbours of refuge or works under some public department. The breakwater of Portland, the great basin of Chatham and other similar works, which have been constructed mainly by convict labour, are cited by the Royal Commission of 1879 as testifying to the system by which associated labour has been directed, and as substantial proofs that convicts can be made to repay to the public a considerable part of the cost of maintenance of those prisons. The extraordinary diminution of the numbers sentenced to penal servitude, of course, renders it impossible for the Government now to undertake public works of the character which was then associated with the penal servitude system. The principle, however, of associated labour remains the same, the men being employed in healthy and hardy outdoor labour where health and circumstances permit; but their numbers are not more than sufficient for the performance of such labour of which the remaining convict prisons afford the possibilities and, if the present tendency continues, will not suffice for the execution of even these.”

235. The principles underlying penal labour were defined by Sir E. F. Du Cane as follows:—

“The employment of prisoners may be made to conduce to any or all of three objects: firstly, to create a deterrent effect on the prisoner himself and on the criminal class; secondly, to produce a reformatory effect on the prisoner himself; and, thirdly, to recoup, as far as possible, the cost of maintaining the prison.”

“The most practical way of achieving the three objects to be attained by the industrial employment of prisoners—viz., to deter them by its penal character; to reform them by its operation on their moral feelings; and to contribute towards the expenses of their maintenance,—is to divide the period of punishment into different stages, during one of which the penal or deterrent object should be principally considered; during the other the reformatory and pecuniary may prevail in various degrees.”

236. Tasks in England are graded into maximum, medium, and minimum, corresponding to the hard, medium, and light of Indian prisons; not so much with the idea of suiting the labour to the physical capabilities of the prisoners [as in India], as to suit the purpose of the Progressive Stage System. And here a marked difference appears, for whereas in India the principle adopted is that each prisoner shall throughout his sentence be liable to perform the maximum [scheduled] task consistent with his physical condition, in England only the minimum task—two-thirds the maximum,—is enforced, the performance of less than the maximum involving irrevocable loss of corresponding remission, but no actual punishment. There is no incentive to any outturn beyond the maximum task, there being no equivalent to the award of special remission as obtains in India. In this connection, it should be remembered that prison tasks do not require the full day’s labour of a free man from a prisoner. Prison labour is admittedly inferior to free labour. The difference has been variously estimated. Possibly it would be fairly correct to say that two convicts are equal to three free men. Smith, quoted by Du Cane, gives the following:—

The relative amounts of work done by civilian, soldier, and convict in a day of the same length are, therefore, as follows:—

Civilian	...	...	56 pence or 11 or 1-00
Soldier	...	...	40 do. or 8 or .71
Convict	...	...	26 do. or 5 or .46

If tasks are calculated on a 50 per cent. or even a 75 per cent. basis, as compared with free labour, and if a prisoner throughout the whole of his sentence is compelled to do no more than 50 per cent. or 75 per cent. of what he would have to do outside, it is, perhaps, debatable whether there is not here a question of great sociological importance.

237. The following table shows statistics of employment of prisoners in England and Bengal:—

	ENGLAND.		BENGAL.	
		Ratio per cent.		Ratio per cent.
(1) Average number sentenced to labour ...	22,018	.....	14,656	.....
(2) Non-effective ...	3,373	15-32	1,543	10-50
(3) Average number on manufactures ...	12,958	53-80	6,819	46-52
(4) Ditto on farm (garden, Bengal)	402	1-80	851	5-80
(5) Building (Public Works Department, India).	2,062	9-30	747	5-90
(6) Service of the prison ...	3,222	14-60	3,341	22-70
(7) Unremunerative labour ...	.....	.....	427	2-20
(8) Prison officials ...	.....	.....	927	6-32
	100-00		100-00	

238. The following table shows the—

Results of Employment of Prisoners.

	ENGLAND.		BENGAL.	
	Earnings.	Per head.	Excess of	Per head
	£	£	£	£
[1] Manufactures	112,994	5.13	32,619	2.22
[2] Farm	6,236			
[3] Prison building	59,492			
[4] Admiralty building	6,437			
[5] Service of prisons	63,821			
	248,981	11.30	32,619*	2.22

239. The value of the labour of prisoners in England is estimated according to elaborate scales fixed by the Commissioners, and credit is taken for all work done, whether in manufactures or in the service of the prison. The question of cash profits is of minor importance, and is subordinated to that of actual work done. The earnings, shown in the Annual Report for 1909-1910, amounting to £248,991 [see paragraph 238], are therefore purely hypothetical, the actual cash receipts being not even mentioned. The following extracts from the English Labour Scales are given as typical of the whole. It is difficult to criticise the tasks, but the rates charged do not seem in any way excessive.

Extracts from Labour Scales.

Articles.	WEEKLY SCALES.		
	Minimum.	Medium.	Maximum.
Picking coir from ballots—			
Female prisoners	80	100	120
Male prisoners	96	120	144
Picking oakum—			
Without mechanical appliances*	12	15	18
With the aid of a fiddle	12	15	18
Handkerchief hemming	72	90	108
Hammock-making No. 1	5	6½	7½
Mail bags, wallets, 4' 10" x 2' 10"	2	2½	3
Coal sacks, No. 3	5	6½	7½
Weaving—Shirting—R. S. 39"	40	50	60
" Sheetting—R. S. 40"	40	50	60

* Hard labour.

Extracts from "Rates to be charged in Statistical Returns for labour performed by prisoners for the Manufactory, Farm and Store departments of H. M. Prisons."

NOTE.—For prisoners employed in the production of articles for sale to private customers, the approximate profit realised should be given, due abatement being made for incidental charges, loss on tools, etc.

Articles.	RATES.	
	s.	d.
Picking Coir	2	0 per cent.
" Oakum—Admiralty	2	6 "
Handkerchief hemming	0	0½ each
Hammocks	1	9 "
Mail bags, wallets, 4' 10" x 2' 10"	4	6 "
Coal sacks, No. 3	2	0 "
Weaving—Shirting—R. S. 39"	0	1½ per yd.
" —Sheetting—R. S. 40"	0	1½ "

* This figure represents the total results of the manufactories, and includes raw materials and manufactured goods in hand. The Government of India take cognisance of cash transactions only, disregarding stock and purely paper transactions. The cash earnings for 1909 amounted to £10,534, or an average of £0.72, against £29,657 and £1.45 in 1908.

	Per diem.
s.	d.
Printing—	2 6
Compositors	2 3
Printers	2 6
Stereotypers	2 6
Bakers, cooks	1 0
Cleaners, pumpers, gardeners, sweepers	1 6
Nurses, stokers, washers and manglers	1 3
Repairs—	1 6
Basket-making	0 6
Carpentry	1 6
Knitting	1 0
Leather (other than boots and shoes)	1 3
Mail bags	1 6
Tailoring	1 6
Tinware	1 6

240. The following is an example of the manner in which labour is divided in a small prison:—

Daily Return of Employment of Male Prisoners in Prison during the Month of 1910.

IN MANUFACTURES—	2
Coir-pickers	20
Mail bag-makers	1
Shoemakers	1
Tailors	1
First Stage Hard Labour.	
(In separation.)	20
Coal sack makers	0
Industrial labour (second fortnight)	—
Total on manufacture	44
IN THE ORDINARY SERVICE OF THE PRISON—	1
Bakers	3
Cooks	10
Cleaners and jobbers (exclusive of building works)	4
Gardeners	—
Total	18
IN BUILDINGS, &c.—	6
Labourers	—
Total	6
NON-EFFECTIVE—	19
Awaiting trial when not employed	2
Certified as unfit for any labour	8
Not told off at unlocking	3
Sick	0
Under punishment	—
Total	32
Grand total in custody, employed and not employed	100

STAGE CLASSIFICATION, &c.—

First Stage.	
Associated labour	24
Cellular	12
Non-effective	—
Total	36
Second Stage.	
Associated labour	10
Cellular	—
Non-effective	—
Total	10

<i>Third Stage.</i>				
Associated labour	...	...	...	12
Cellular "	...	...	...	...
Non-effective ...	...	...	...	...
		Total	...	12
<i>Fourth Stage.</i>				
Associated labour	...	...	...	18
Cellular "	...	...	...	...
Non-effective ...	...	...	...	1
		Total	...	19
<i>Not in Stage.</i>				
AWAITING TRIAL—				
Non-effective ...	...	...	...	19
		Total	...	19
DEBTORS—				
Associated labour	...	...	...	4
		Total	...	4
Total Associated labour	...	...	...	44
Cellular labour	...	...	...	24
Non-effective ...	...	...	...	32
		Grand Total	...	100

INSTRUCTING OFFICERS.

241. The employment of instructing officers has an important bearing on the quality and quantity of the work done. The following scale of allowances, which are not pensionable, is authorized to officers who, from the possession of the necessary technical knowledge, are properly qualified, and who are employed instructing prisoners in certain trades and industries.

Class I. Industries. (Convict prisons only.)

Officers in charge of prisoners working at, or being instructed in, specially important trades, the number of whom will be very limited:—

£ 15 per annum on appointment.
£ 18 per annum after five years' approved service.

Class II. Industries.

Officers in charge of prisoners working at, or being instructed in, the trades when there are employed:—

Not less than an average of—

36 prisoners	...	...	...	£ 12 per annum.
27 "	...	...	...	9 "
18 "	...	...	...	6 "
9 "	...	...	...	3 "

Class III. Industries.

Officers in charge of prisoners working at, or being instructed in, the trades, or undertaking the physical drill and gymnastic training of male juvenile-adults, when there are employed or drilled—

Not less than an average of—

60 prisoners	...	...	...	£ 12 per annum.
45 "	...	...	...	9 "
30 "	...	...	...	6 "
15 "	...	...	...	3 "

242. Instructing officers will be available for all discipline duties, except when specially exempted by the Commissioners. They will be eligible for promotion as discipline officers according to their seniority on the staff; but on promotion to the rank of principal warder they will, except in the case of Class I—Industries, cease to be paid as instructing officers.

243. The selection of thoroughly capable instructors being a matter of vital importance, no officer will be appointed to the position of instructing officer until he has proved himself thoroughly competent for the duty to the

satisfaction of the Commissioners. Instructing officers, being appointed for special duty, are not available for escorts. Where there is no paid instructor, instruction will be given by competent members of the staff, duly selected by the Governor, and these will be eligible for promotion as instructors elsewhere, if qualified.

244. All prisoners under sentence [including debtors], except offenders of the 1st division, are compelled to work in England. Labour is classified under two heads, [1] *Hard bodily or manual labour*, e.g., wood-chopping, oakum-picking without mechanical appliances, making heavy coal sacks, stone-breaking, etc., and [2] Labour of a less hard description, such as work of a manufacturing or industrial nature. Only convicts and prisoners sentenced to hard labour are liable to hard bodily or manual labour; the former for the term of sentence, the latter for the first 28 days only.

EMPLOYMENT OF DEBTOR PRISONERS.

245. Debtors are, contrary to the Indian practice, compelled to work, usually in cellular confinement, either at their own trades or at prison industries. They are allowed a portion of their earnings, up to a maximum of 2s. 6d. weekly. They are eligible for extra-cellular employment at odd jobs,—painting, etc., provided that they are not brought into immediate and close contact with ordinary criminal prisoners.

DISPOSAL OF PRODUCTS OF EMPLOYMENT.

246. The difficulties experienced in India of finding an outlet for the disposal of the products of prison labour have been met with in England in even greater magnitude, but have been successfully overcome. It is true that, as the result of the opposition of Trades Unions, the manufacture of a mats,—a most excellent form of prison industry,—had practically to be given up, yet at the present day a sufficiency of work is found for a daily average population of 18,645 in such a manner as not to obtrude upon the public gaze, nor to clash with vested interests. This is accomplished mainly by the assistance given by the other departments of Government in a manner that might be advantageously imitated in India.

247. The principle underlying the employment of prisoners in England is contained in the Prison Act of 1877, section 11, which runs as follows:—

"(11) Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should be in part defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching such prisoners modes of gaining honest livelihoods, means should be taken in promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with any particular trade or industry: Be it enacted that * * *."

248. The Prison Committee of 1894 elicited the views of the majority of Trades Unions on this question:—

"These admitted that industrial labour was morally and physically beneficial to the prisoners, and agreed that it ought to be found. They urged that direct competition with outside labour should not be allowed at 'cutting prices.' Taking their evidence as a whole, we gather that they approve of industrial training of prisoners; and bearing in mind that the products of prison labour go to reduce the cost of prisons, they have no objection to the sale of prison goods, provided that (a) they are not sold below the market price elsewhere; (b) every consideration is shown to the special circumstances of particular industries outside to avoid all undue interference with the wages and employment of free labour. With these general views we agree. The witnesses admitted that the value of

* £ 248,981 in 1909-1910.

prison labour,* which is estimated at from £ 111,000 to £ 120,000 per annum, including the domestic services of the prison, is an infinitesimal proportion of the money earned by free labour throughout the country. Mr. Duncan, the store accountant in the Prison Department at the Home Office, to whom we are indebted for much clear and valuable evidence, stated that, taking the industries now practised in prison, and regarding a prisoner as equally efficient with a free workman—which, of course, he is not—the abolition of unproductive labour and the employment of all now so engaged upon productive labour would only increase the interference of prison with outside labour in the proportion of 1 to 2,500. Broadly speaking, and taking into view the great importance of industrial training, this is a percentage which the industrial workers of the country, we are persuaded, would be glad to ignore.

We recognise, however, that appreciable competition may arise with respect to certain industries, as, for instance, mat-making, which appears usually to have produced the agitation against prison labour. The extent of competition in a particular trade depends obviously on its relative proportion within the prisons and outside. Mat-making cannot be called one of the large industries of the country; but at the same time, up to 1890 it was one of the chief employments in the prisons. In 1877-78 the number of prison mat-makers actually exceeded those outside by 23·87 per cent. In a case like this, we think that the industry on account of special value as a prison occupation ought not to be given up, but at the same time great care should be taken to avoid as far as possible any direct or material interference with the local markets of the home manufacture."

249. The growing disinclination of the consuming departments of Government to make use of the jail-made goods is referred to with never failing regularity in Indian Annual Reports, which reveal the struggle that exists to find useful employment for the ever increasing army of convicted prisoners. The fact is so well known that proofs are unnecessary. The Government of India have framed rules regulating the employment of jail labour and the selling prices of jail-made goods. The following rules of the Bengal Jail Code give the essential particulars:—

"782. The Government of India have decided that jail labour shall be employed in supplying, firstly, jail requirements, secondly, the wants of other consuming departments of Government. These departments are bound to obtain articles which they require from jails, provided they can be supplied of the same quality and at the same price as in the open market. In selecting industries for jails these principles must be strictly complied with, and only in the event of it being impossible to meet the requirements of any consuming department, shall any industry which competes with free labour be worked in a jail. The number of industries in a jail must be limited as much as possible, and must be deterrent in their character, especially in district jails. Large industries shall be concentrated in central jails, where steam industry may be employed, provided that its use is not incompatible with the penal character of convict labour, and that it does not compete injuriously with private capitalists in the neighbourhood.

"1299. In regulating the price of jail-made articles, whether offered for sale to the public or to the consuming departments of Government, the prevailing market rates for similar articles should be followed as closely as possible; when such market rates do not exist or cannot be ascertained, the following procedure should be adopted, care being taken that, in estimating the price to be assigned to jail products, due allowance is made for the admitted inferiority of convict labour to free labour.

"The prices of jail manufactures supplied to the public and to departments other than jails should always include—

- (a) the price of raw materials;
- (b) the wages of jail labour rated according to the wages of free labour of the same class in the neighbourhood;
- (c) 5 per cent. on cost of raw materials for wear and tear of plant;
- (d) 10 per cent. profit on raw materials and labour for supplies to Government or wholesale dealers, and 25 per cent. for supplies to the general public;
- (e) an additional 3½ per cent. on the price of the finished article, whenever similar goods are subject to import duty under Act II of 1896; and
- (f) packing and other charges.

"In the case of jail supplies to other jails, the cost of raw materials only shall be debited to the consuming jail." (See Government of India Resolutions Nos. 20—1406-19 of 22nd September 1882 and 4-148-154 of 24th March 1896.)

250. I assume it to be an undoubted fact that, in the matter of quality, jails can always compete successfully in the open market. It must be, therefore, in the matter of price that they lose ground. This may be explained by the restrictions detailed above, or perhaps in other ways. When jails are successful in the open market, at once the cry of injurious competition is raised: this brings the trade in jail-made goods into undesirable publicity and fosters the never-sleeping opposition to jail competition. The crux of the matter is undoubtedly this competition in the open market. In England the difficulty has been overcome, because the prisons do not compete in public and because prison profits are not aimed at, the consuming departments being only charged an insignificant amount beyond the cost of raw materials. Yet, even this insignificant charge brings into the prisons' balance sheet the substantial sum of £24,500 cash, against £10,534 [1909] in Bengal, profits and all. In other words, 58·8 per cent. of English prisoners earn, without considering profits, cash to the extent of £1-17-9 per head, against 46·5 per cent. in Bengal, earning, with profits, cash to the extent of 14s. 4d. per head. The result is that English prisons are hives of industry in the cause of Government, the consuming departments keeping the prisons employed almost to the full extent of their

available labour, sales to the public averaging not more than 10 per cent. of the total output.

251. The adoption of the English method would, I think, be advantageous, and, judging from the above facts, would not be accompanied by any financial loss; though it must be remembered that the perfection of the English system of accounts provides safeguards that do not at present exist in Bengal. I have no means of estimating whether, under existing conditions, there would be any loss or profits, or if there would be a loss, how great it would be. Statistics do not discriminate between Provincial and Imperial sales. The annual statements prepared by the Jail Department date from 1st January to 31st December, while the accounts of the Accountant-General are for the financial year; moreover, the former are not finally audited by the Accounts Department, and, in fact, present points of difference. The last budget estimate of Bengal showed for the 12 months ending 31st August 1909—

				Rs.
Total receipts, jail manufactures	...	...	...	8,75,364
Expenditure ditto	...	...	...	8,84,507
			Balance deficit	9,143
Estimated receipts, jail manufactures	...	...	...	9,50,000
Ditto Expenditure ditto	...	...	...	9,05,000
			Estimated profit	45,000

Statement XII of the Annual Jail Report for 1909 showed a cash profit on the year of Rs. 1,58,012, and Statement XIII showed a total balance credit of Rs. 4,90,292. Without attempting to reconcile discrepancies, it will be sufficient here to single out the fact that the expert official estimate of the total jail profits for the current financial year amounts to the insignificant sum of Rs. 45,000, which may advantageously be compared with the appropriations in aid of the English Prison Budget, amounting to £24,500, or Rs. 3,67,500 [without profits]!

252. Turning to another aspect, Annual Statement XIII shows that at the end of 1909 the jail godowns of Bengal contained manufactured goods to the extent of Rs. 4,83,051 and raw materials, Rs. 4,43,681, or Rs. 9,26,732 in all. The interest on this stock at 5 per cent. would amount to more than the profits estimated for the year, disregarding for the moment the capital sum of Rs. 9,05,000 provided in the budget for jail manufactures. The English system renders the storage of raw materials and manufactured articles unnecessary except to a very small extent.

253. There can be little doubt that the consuming departments of Government are able to more than keep every prisoner fully occupied at useful labour. There would be no necessity to depend on precarious sales to the public, nor to stock jail godowns with piles of unsold and in some cases unsaleable articles. Sales to the public are tolerated in England probably because of their insignificance. The general consensus of opinion seems to be opposed to such sales. In India, however, many articles, e.g., mustard oil really pure, can hardly be obtained outside the jails.

254. A visit to the Stores Department of the India Office reveals the fact that a variety of articles is obtained from England that could well be made in jails. Amongst other things, I noticed rope, cordage, kit-bags, housewives' thalis, baltis, buckets, branding irons, etc. Even oakum is occasionally supplied.

255. Of course, to attempt to introduce the manufacture of goods for Government on the scale that exists in England would necessitate a thorough reorganization of the manufactory system, and the formation of a "Stores" Department, and other matters.

256. The following extract from the Annual Report of the Howard Association shows how the problem has been solved in America:—

"In America the Board of Charities and Correction have control of the prison industries and, by law, they can compel the Departments of Public Service to buy what commodities and articles they require. As the Board of Charities and Correction also controls hospitals, asylums, poor-houses, schools and all offices used for public educational purposes, it follows that they possess a large and varied field for prison labour, with power to ensure a constant demand for the goods they themselves manufacture. Hence we find all sorts of

industries carried on in a State Prison, and also that a staff of experts outside the prison walls are employed to enforce the sale and direct the distribution of prison-made commodities."

ACCOUNTS.

256. Supplies are obtained on contracts made by the Prison Commissioners in accordance with the requirements of each prison as detailed in annual, quarterly, and occasional estimates, which are subjected to the closest scrutiny. With the exception of wines, spirits, and malt liquors, contracts are entered into for the supply of all articles ordinarily required for the service of a prison. Supplies can ordinarily only be obtained through the respective contractors.

257. No cash transactions of an unauthorized nature are permitted. Payments out of the ordinary course are not permitted, unless with the *previous* approval and authority of the Commissioners, except payments on account of [a] escort and travelling expenses up to 10s. [b] fees to outside medical men up to £1-1; [c] cash purchases up to £2 of non-contract articles, provided that the outlay is reasonably and fully justified and that the prescribed procedure has been rigidly adhered to. Although certain discretion is thus allowed to Governors, no expenditure under the above authority is permitted except when previously approved in an estimate, unless the emergency is of so pressing a nature that the public interests would suffer from the delay incurred by a reference to the Commissioners.

258. There is no equivalent to article 1 of the Civil Account Code, which requires that no sums of money paid into a prison on behalf of Government shall be utilized for making payments. No permanent advance to meet contingent petty charges, article 77, Civil Account Code, is provided, such expenditure [if any] being met from the floating cash balance of the prison, the corresponding receipts being held to be equivalent to actual cash until the charges are finally approved and met by the Commissioners. Money is obtained monthly from the Commissioners, on a requisition submitted by the Governor on the 22nd of each month, giving details of all payments to be made, and all receipts anticipated during the ensuing month. The receipts are available for current expenditure and reduce the amount of imprest required. After approval of the requisition, an imprest is issued by the Commissioners to the Governor, and the amount is credited to the account of the "Prison Commissioners" at the local Bank of England [if any] or, in its absence, a draft in favour of the Governor is issued on the local bank that has been officially selected.

259. All receipts of cash in excess of current requirements are deposited in the bank, any surplus above monthly needs being sent to the Commissioners on a cheque payable to the Paymaster-General. Cash in hand at the prison is kept in the custody of the Storekeeper. Whenever necessary, money is drawn from the bank on cheques signed by the Governor and countersigned by the Deputy Governor [if any] or Storekeeper, or in Class V Prisons, the Chief Warder. The cheque book is never allowed out of the possession of the Governor, who is required to write out all cheques himself and also to draw the money personally from the bank. When absent on leave, the Governor may not place the bank balance at the disposal of the acting Governor. Two courses are open to him—[a] to retain charge of the book and draw cheques when required, and [b] to make over the cheque book to his substitute, at the same time instructing the bank not to honour weekly payments above a certain sum.

THE STOREKEEPER.

260. The Storekeeper is, properly speaking, the Accountant of the prison, and is eligible for promotion to Governor. There are three grades of Storekeeper, —No. I on a salary of £310—10—360; No. II on £250—10—300; and No. III on £155—10—240. The Storekeeper is promoted from the clerical staff. He is the business man of the prison. He controls the Stores, Manufactory, and Clerical Departments and is responsible for the prevention and check of unnecessary and improvident expenditure. He is responsible for the due receipt, custody and issue of all moneys, stores, provisions, and stationery. He frames all estimates other than those connected with the Building Department;

these latter he deals with after verification by the Works Officer. He has custody of the prisoners' cash and valuables.

261. He is responsible for the general superintendence of the entire stock of the prison, floating and otherwise. Although officers are responsible for the floating stock committed to their care, the Storekeeper is responsible for frequently testing the accuracy of the inventories. He inspects and reports on the quarters of subordinate officers periodically. He signs, before the Governor, all demands on contractors for supplies, and he inspects and checks all supplies on delivery. He is responsible for the receipt and issue of stores. He is responsible for the storage and removal of kitchen refuse. He sees all building materials and tools on receipt, checks invoices, and examines and countersigns all demands connected with the Building Department.

262. The Storekeeper supervises all the work of the prison. He issues necessary orders to the trades officers, and all work produced in the manufactory must be passed by him. He is responsible for the produce of the garden. He keeps all the accounts of the prison, and must sign all accounts and returns relating to cash, stores, &c. He must sign the cash-book monthly. He countersigns all cheques drawn by the Governor, in the absence of the Deputy Governor. All demands for supplies, however insignificant, received by him must be in writing, and must be initialled by him for the approval of the Governor. He is not empowered to sign receipts for moneys paid to the prison; he merely initials the receipt, which is invariably signed by the Governor. Every payment of public money must be made by the Storekeeper in his office.

BOARDS OF SURVEY.

263. Boards of Survey, consisting of a president and two members, are appointed by the Governor at regular intervals for the purpose of stock-taking and condemnation, and occasionally for the inspection of new supplies. The Storekeeper or his clerks may not be members of any board. The Storekeeper must be present or be represented at all stock-takings. Officers with special knowledge are appointed members of occasional boards, assembled to inspect important supplies delivered in large quantities, or any particular supply, concerning which the Governor desires assistance in forming a judgment.

Annual stock-taking boards are intended to be an independent check on the balances shown by the Storekeeper. Every portion of the stock must be examined, and the figures compared with the inventories and floating stock-books.

264. The proceedings of Condemnation Boards, and lists of articles for sale by auction are, after approval by the Governor, sent to the Commissioners, every six months in the case of the Stores Department, and quarterly in the case of other departments. The Commissioners, after confirmation, return the proceedings and transmit to the auctioneers the list of saleable articles. A second board is assembled to carry out the recommendations of the first board, and to certify accordingly. Condemned articles are branded with the word "Condemned."

The proceedings of the boards confirmed by the Commissioners are attached to the annual statements as vouchers.

265. The following Boards of Survey are held:—

I.—OCCASIONAL. To—

- (a) inspect supplies considered inferior,
- (b) inquire into other occasional matters.

II.—PERIODICAL.

A.—Condemnation Boards on worn and unserviceable articles of the—

- | | | | |
|------------------------------|-----|-----|------------|
| (a) Storekeeping Department | ... | ... | Monthly. |
| (b) Manufacturing Department | ... | ... | Quarterly. |
| (c) Farm | ... | ... | Quarterly. |
| (d) Works Department | ... | ... | Quarterly. |

B.—Stock-taking (Annual) on—

- | | | | |
|--------------------------|-----|-----|----------------|
| (a) Provisions | ... | ... | 31st December. |
| (b) Miscellaneous stores | ... | ... | 30th June. |
| (c) Manufactory | ... | ... | 31st March. |
| (d) Farm | ... | ... | 31st March. |
| Works (tools and plant) | ... | ... | 31st March. |

266. I have referred to the matter of stores and accounts in some detail because of the excellence of the English system in its general results, viz., economy and efficiency. I have already (paragraph 38) remarked on the advantages that might accrue from the formation of a Storekeeper's Department in Bengal jails. I believe, from what I have seen in England, that such a departure would present great possibilities, especially if it were accompanied by an extension of auditing. I need only refer to the variations exhibited in controllable expenditure at different jails, as shown in Annual Statements Nos. IX and X for 1909. The question of differences of prices in different localities must, of course, affect totals, though in a matter like clothing this factor is non-existent. The following four items from the two metropolitan prisons, whose expenditure is under these heads strictly comparable, show quite remarkable differences:—

			COST PER HEAD.		Difference.
			AVERAGE OF LAST FOUR YEARS.		
			Alipore	Presidency.	
			Rs. A.	Rs. A.	Rs. A.
Dietary charges	...	...	45 4	39 3	6 1
Hospital	„	...	7 5	4 6	2 15
Clothing	„	...	6 3	5 4	0 15
Total		...	58 12	48 13	9 15
Sanitation		...	1 0	4 8	3 9

Other jails show even wider variations.

OFFICE AND CORRESPONDENCE.

267. The amount of correspondence resulting from so centralized a system is naturally very great;—so great, indeed, that I was amazed at its mighty volume. As might be supposed, it is at the head office treated most scientifically and is well under control. The "card-index" system may here be seen developed to a high pitch. It differs little from what Mr. Watson, Controller of Office Systems, has introduced into many Government offices in Bengal, and which he proposed, in a simplified form, for the office of the Inspector-General of Prisons, Bengal. It is unnecessary, therefore, for me to refer to the details of a system which must, sooner or later, displace the old and unwieldy volume system. It is, of course, not yet perfect, and does not appear to me to offer sufficient facilities for the issue of reminders.

268. The "file" system in use does not appear to me as efficient as that in use in the Bengal Secretariat; but I was impressed by the manner in which the continuous note-sheet system is employed in correspondence between the head office and the prisons.

The following Standing Orders explain the procedure, which cannot but diminish considerably the clerical work of the head office:—

963. All replies, remarks, or queries arising out of an original letter or memorandum will be made in the form of minutes. The first minute will follow immediately the original letter or memorandum, and the person who affixes it will mark in the centre of the paper the original letter or subject-matter No. 1, and his own minute thereon—No. 2. Each succeeding minute will follow immediately that which by date precedes it, and will, in like manner, be numbered in sequence. A fresh half-sheet will be added, when required for the commencement or continuation of a minute, and on no account will such commencement or continuation be made in the margin or on any vacant spaces, but under the last preceding minute.

967. No separate document forwarded for perusal, or for report upon its contents, will be written on at the prison; but the Governor's reply or remarks will be added by minute, as directed in Order 963, on the letter forwarding such document.

969. Copies of all letters and memoranda, either commenced at a prison or received by the Governor, with the succeeding minutes, will be kept at the prison, and all papers

bearing the registry stamp or number of the Commissioners' Office and all telegrams sent to the Governor, will, unless otherwise ordered, be returned immediately the instructions thereon have been noted.

The above procedure, which obviates the necessity of keeping any office copies at the head office, and keeps the "file" within reasonable proportions, is, I believe, in use in certain military departments in India. There is, of course, the occasional danger of loss in the post; this is minimised by the fact that the prison always keeps copies of all correspondence.

269. The following details show the enormous volume of clerical work connected with the submission of reports and returns. The numerous occasional reports and references required by the Standing Orders are not included.

Periodical Reports, Returns, &c.

	Convict Prisons.	Local Prisons.
Weekly	4	4
Four times a month	1	1
Half-monthly	1	1
Monthly	14	11
Quarterly	21	22
Half-yearly	3	3
Annual	48	48

The number of printed books and forms in use exceed 866. The form of estimate for printed forms is very simple, and appears to me to be quite as good as the more complicated forms in use in Bengal.

270. In concluding my report on my investigations into the administration of English prisons and penological methods, I have little to add, except that I regret that I have been unable to deal more fully with my subject. I have found the study interesting and instructive, and I feel that I am now able to take a broader view generally of the problems presented by penology. There is much in the English system that could be advantageously adopted in India; on the other hand, there is more that would prove unsuitable. In the English system is to be found, probably, the most highly organized penal machine in the world;—a system in which details of procedure are brought to a pitch of mechanical perfection that has to be seen to be realized. Wherever it is possible for thought and care to elaborate and control detail, such has been done. The centralization, which is perhaps the most marked feature of English methods, is carried to a pitch beyond my powers of description; and the very perfect means devised to control and to check and counter check and to record permanently all executive acts render control by the central authority with its enormous staff a matter of ease and simplicity. With such perfection of detail in its methods of procedure, it is only to be expected that those branches of administration which are not inherently penological,—such as the accounts and stores and the regulation of correspondence,—should be excellent. With regard to the penal system proper, which differs so markedly from that of India, I have little to say. It is now in process of change, and in what shape it will emerge I would not like to predict. That it will become more like the Indian system of association is not unlikely, especially as the Borstal treatment is the nearest approach to Indian methods I have seen in England. The Borstal principles are those that will influence, in the future, the whole English system; and Borstal is merely India expensively and highly elaborated. Amelioration of the prisoner's life is well to the front; the separate system is doomed, and prison is shorn of its terrors. Prevention and reclamation are superseding the deterrent of punishment.

I would be ungrateful if I closed my remarks without placing on record my appreciation of the great courtesy and kindness I have experienced at the hands of individual members of all ranks of the staffs of the prisons I have visited, and whose very busy lives I cannot but have made busier by my enquiries.

JOHN MUEVANY, M.A., I.M.S.,

Superintendent of the Presidency Jail, Calcutta.

LONDON,
The 27th March 1911.