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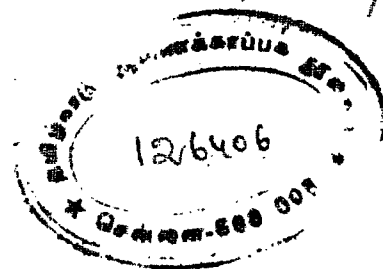
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N26.

Resolution by His Excellency the Governor in Council,—No. 192V-26, Part II, dated the 2nd October 1926.

1. Mr. Alexander Paterson, His Majesty's Commissioner for Prisons in England and Wales, came to Burma at the request of the Local Government to advise generally on Jail conditions in Burma, as well as on the possibility of introducing a modified form of the Borstal System. Mr. Paterson was four months in Burma; and during that period inspected most of the important jails in the Province, visited the Andamans, examined various sites which had been suggested for a Training School for young offenders, collected information regarding the Burman criminal, old and young, from every available source, held a camp at which young offenders taken from jail attended, investigated conditions in regard to nurseries of criminals in Rangoon and Mandalay, delivered public lectures in Rangoon on the subject of crime and its treatment, and has now presented to the Local Government the results of his labours in the Report which this Resolution prefaces.

2. Mr. Paterson's experience of the young criminal is unique. His work in the South of London is well known to all who are interested in social work amongst the youth in that city. The recommendations he makes in his Report are therefore deserving of the most careful and sympathetic consideration and will be analysed briefly as far as this is possible at this stage, in the succeeding paragraphs of this Resolution.

3. The Report has been sub-divided into three main heads, the prevention of crime, the treatment of young offenders and Jail management and discipline. The recommendations are dealt with *serialim*.

4. The recommendations (Nos. 1 to 5) relating to the prevention of crime are based upon certain conclusions which Mr. Paterson has drawn from such figures as it was possible to collect during the short period he was in this Province. While it is true that a number of criminals start their careers of crime in their early years the enquiries which the Local Government has recently instituted into the causes of violent crime and the methods to be adopted to reduce it to normal proportions do not altogether support the view that the Burman criminal is mainly drawn from the youth of the country. The figures in the statement attached show conclusively that the great majority of serious offences is committed by offenders whose ages are above that of 25 years of age. While the Local Government has no desire to minimise the necessity for constructive action in respect of the young man without occupation and therefore tending to become a criminal, it feels that a wrong impression may be drawn of the conditions under which the youth of the country are brought

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up, if it is assumed that the great mass of crime is committed by youthful offenders. The possibilities of reformation are strongly insisted upon by Mr. Paterson and with his view of the necessity for taking steps for reaching those, from whom the criminal classes are drawn in their early years, the Local Government is in full agreement.

5. Recommendations Nos. 1—3 primarily concern the Education Ministry and the local organisers of the Boy Scout movement. The interesting experiment carried out by Mr. Paterson at Meiktila indicates a possible line of reformation which is deserving of careful examination.

6. As regards the 4th recommendation the ideal of any educational system is to make primary education free and compulsory at the earliest possible date and the expenditure allotted for education in this Province during the last decennium has been much increased. Primary education is however a matter with which the local authorities are even more closely concerned than the provincial Government and it is from these authorities that the impetus necessary for the introduction of free education must come.

7. As regards the 5th recommendation legislation is required and the Bill which Mr. Paterson has attached to his Report will be examined with a view to determining to what extent its provisions can be laid before the Legislative Council for its consideration. His Excellency in Council trusts that the charitable public of Rangoon will subscribe the Rs. 3,000 per annum required for the purpose of maintaining a Preventive School in Rangoon on the lines followed in Ceylon. The Local Government will do all in its power to assist any voluntary organisation which may be initiated with a view to the reformation of the homeless orphans, who are to be found in Rangoon and other large towns in the Province earning a precarious livelihood on the streets. These five recommendations the Governor in Council proposes to have examined in detail by a representative committee.

8. A number of the proposals made by Mr. Paterson in regard to the treatment of young offenders were discussed when the Jail Committee's recommendations were taken into consideration. They cannot all be introduced at once. The penal law of India does not permit of action on the lines suggested by Mr. Paterson without legislation; and without an exhaustive examination of each of the recommendations made and without consulting those who are in the best position to advise immediate action is impracticable. Juvenile offenders (Recommendation 6) are not detained in common lock-ups or jails but are kept in special compartments or are made over to the charge of a constable who is prepared to be responsible for their detention pending trial. Similar action is provided for in the case of women offenders. There are over 300 lock-ups in the

Province and it is obviously impossible to provide forthwith "places of detention" at each of these stations. The possibility, however, of making arrangements other than those existing at present will be considered. The difficulty in respect of the trial of young offenders in separate places (Recommendation 7) is that the accommodation in courts in this Province is very limited. The new Magistrates' Courts in Rangoon will provide accommodation for the trial of young offenders.

9. The system of probation (Recommendation 8) is one which approved itself to the Jail Committee, and the Local Government, when the Report of that Committee was received, went carefully into the question of establishing such a system. The difficulties in the way are great, the chief being that of finding suitable Probation Officers who will be prepared to give of their spare time and leisure to this very important work. In the light of Mr. Paterson's recommendations, which are, in some respects, novel, this proposal will be further examined.

10. Some of the proposals (Recommendation 9) relating to corporal punishment are at variance with the law of the land. Corporal punishment is required to be inflicted under strict conditions in the jail premises. The possibility of using the cat-o'-nine-tails instead of a cane has already been considered by the Local Government and the Government of India and it has been decided that this method of inflicting corporal punishment cannot be introduced. The recommendation to combine corporal punishment with probation or committal to a school is one which will further receive the attention of the Local Government.

11. The 10th recommendation is of a very wide nature and one which makes a very extensive change in the penalties imposed by courts. The proposal must be examined with reference not only to the desirability of dealing with young offenders on sympathetic lines but from the point of view of the public which has a right to be safeguarded against offences committed by young persons.

12. The proposals (Recommendation 11) relating to schools are divided by Mr. Paterson into three heads. The recommendation to establish a Preventive School has already been referred to. A Reformatory School already exists in this Province and a number of changes have been made in the rules relating to the administration of that school which bring it more on the lines of that approved by Mr. Paterson. Mr. Paterson's proposals, however, go beyond the provisions of the Reformatory Schools Act which will have to be very considerably amended before it could be used in the manner recommended by him.

13. The third proposal relates to the establishment of Training Schools. With this idea the Local Government is in sympathy and an officer from the Burma Commission has already been placed on special

duty in England to study the subject there with a view to the establishment of a Training School at Myindaik or such other place as may be found to be suitable. This is in accordance with Recommendation No. 13.

14. The proposals (Recommendation 12) in respect of after-care are similar to those relating to probation and will be examined.

15. As already observed the Local Government has been unable to accept the proposal to substitute the cat-o'-nine-tails for a cane, nor can it agree that the punishment should be inflicted in court by an officer of the court. Rules already provide for the corporal punishment of juveniles by an officer of the Court.

16. Recommendation 16 relates to the reduction of the population of jails. The Local Government before the receipt of this Report had already considered this question. The average numbers incarcerated in jails in Burma have with the growth in crime shown a natural tendency to increase, with the result that certain jails have been over-crowded and in others the maximum accommodation has been reached. Burma requires roads and other public works and a scheme is being considered for employing prisoners in making roads and in working Government quarries.

17. The proposal to send murderers and dacoits to the Andamans cannot be further pursued. The Government of India has already stated their policy, namely, to endeavour to convert the Andamans into a colony to which selected prisoners who are prepared to take up their residence there, will be sent, transportation to all intents and purposes being abolished. The proposal to send habitual criminals after two years to island colonies is also one which has been considered by the Government of Burma. Various islands, including the Cocos Islands, have been suggested. The difficulties involved are however great, owing to the absence of cultivable land in most, and their inaccessibility during the monsoon.

18. The proposal contained in Recommendation 17 that no man should stay for more than two years in a walled jail cannot be accepted.

19. The proposals contained in Recommendation 18 will be examined with reference to the special conditions of the jails in Burma. The Local Government is in entire sympathy with the proposal to substitute Burmans for Indians on the staff. The difficulty hitherto has been that the nature of service in jails has made the Jail Department one for which the Burman has no inclination. The proposal to reduce the numbers of convict officers has been examined frequently but on financial and other grounds has been consistently negatived.

20. Effect has already been given to the 19th Recommendation. A Supervisor of Jail Industries is being appointed for a period of two years.

21. The 20th recommendation is under consideration by the Local Government and the possibility of separating undertrials from habituals whether incarcerated in jails or in lock-ups is being examined.

22. The attention of the Local Government was directed by the Jail Committee's Report to the necessity for the effective lighting of jails (Recommendation 21) and steps are being taken as quickly as possible to introduce electric lighting in all jails situated in towns in which an electric supply is in existence.

23. A complete record of prisoners (Recommendation 22) is essential in any efficient system of jail administration. The Inspector-General of Prisons is examining this question and his proposals are awaited.

24. The 23rd recommendation is one which will be examined. The Local Government is, however, impressed by the necessity for stiffening up the work in jails. The fact that Rs. 15-3-4 represents the value of the output of each prisoner in a year is an indication that the prisoners are not being utilised to the best advantage and that in many jails the work demanded of them is less than it should be.

25. Effect has already partially been given to the 24th recommendation. The Toungoo Jail is set aside for the confinement of women offenders sentenced to fairly long terms of imprisonment.

26. To Mr. Paterson the Governor in Council extends his grateful thanks not only for the insight, labour and industry that he has displayed in preparing this Report but also for the spirit of humanity and enthusiasm which he has infused into it. It is hoped that it will result in many improvements in the treatment of criminals in Burma and play an important part in the prevention of crime.

By order of the Governor in Council.

W. B. BRANDER,
Chief Secretary to the Government of Burma,
Home and Political Department.

(6)
ANNEXURE I.—Ages of persons convicted, accused or suspected of committing
dacoity between the 1st July 1924 and the 1st July 1926.

District.	Under 20.			Between 20 and 25.			Between 25 and 30.			Over 30.		
	Convicted.	Accused or discharged.	Suspected.	Convicted.	Accused or discharged.	Suspected.	Convicted.	Accused or discharged.	Suspected.	Convicted.	Accused or discharged.	Suspected.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1. Hanthawaddy	3	3	6	10	20	21	14	10	18	21	14	100
2. Insein	4	4	6	14	13	44	20	19	104	25	18	88
3. Pegu	2	6	4	27	32	30	27	38	19	27	56	13
4. Tharrawaddy	7	3	2	17	11	14	26	23	62	38	26	140
5. Prome	2	1	4	8	16	20	11	10	52	19	9	80
6. Toungoo	5	1	6	13	14	12	21	12	35	31	32	59
7. Thayetmyo	1	3	...	9	14	...	5	12	...	11	17	3
8. Salween	...	...	...	6	...	...	...	...	...	...	...	...
9. Thaton	1	1	...	7	20	17	29	35	129	48	33	278
10. Amherst	3	7	9	2	12	14	6	20	29	19	40	75
11. Tavoy	1	2	3	4	12	19	9	10	26	12	16	48
12. Mergui	6	3	1	10	9	4	7	9	2	8	26	2
13. Mandalay	4	6	...	5	12	...	7	13	1	15	14	1
14. Kyaukse	...	...	...	1	6	...	1	8	10	4	14	3
15. Meiktila	8	4	...	18	15	36	19	29	75	14	23	103
16. Yamethin	3	3	3	8	23	24	24	40	84	37	51	99
17. Myingyan	3	7	4	18	18	30	10	13	45	28	11	78
18. Magwe	6	4	...	23	14	1	18	26	...	31	37	1
19. Minbu	6	6	1	13	7	7	7	6	22	11	12	18
20. Akyab	6	3	...	14	4	2	17	7	...	22	7	5
21. Arakan Hill Tracts.	...	...	...	...	...	...	...	...	...	...	...	...
22. Kyaukpadaung	2	...	...	4	...	...	9	9	...	21	12	...
23. Sande-way	6	...	...	6	3	...	1	...	...	11	4	...
24. Bassein	10	1	...	39	11	3	33	10	6	50	19	7
25. Henzada	1	3	1	5	14	9	5	13	26	13	24	69
26. Myaungmya	8	2	1	20	10	3	28	16	4	44	18	11
27. Ma-nbin	8	4	11	13	9	56	13	11	94	24	16	108
28. Pyapôn	5	5	2	34	25	46	48	43	117	64	62	120
29. Pakôkku	9	2	5	7	12	5	8	18	11	6	9	3
30. Katha	6	...	...	4	6	...	12	11	...	14	7	...
31. Shwebo	2	3	...	8	10	...	14	24	9	15	16	3
32. Sagaing	4	3	1	3	6	10	8	5	30	4	15	49
33. Lower Chindwin.	7	2	...	16	3	...	21	7	2	13	17	...
34. Upper Chindwin.	1	...	...	...	...	...	1	...	...	1	...	...
35. Chin Hills	...	...	...	...	...	...	...	...	...	...	...	...
36. Myitkyina	1	...	3	...	...	1	...	...	1	...	...	3
37. Bhamo	...	1	...	...	2	1	...	...	...	...	1	2
38. Northern Shan States.	...	...	...	...	...	...	...	...	1	...	...	...
39. Southern Shan States.	...	...	...	...	...	...	...	...	1	...	...	...
40. Railways	2	1	...	12	8	...	2	4	...	4	5	...
41. Rangoon	3	3	3	19	23	...	11	7	6	5	5	8
Total	146	97	76	417	421	429	492	518	1,083	710	688	1,577

* Figures of suspected persons are not accurate.

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7

A SUMMARY OF THE RECOMMENDATIONS IN THE REPORT.

A.—Prevention of Crime.

1. That the course of training for those who are to teach in primary schools shall be increased by a period of two months, in order that, in addition to the subjects already taught, they shall be instructed in scoutcraft and physical training (Paragraph 47).

2. That the expenses of the headquarters organization necessary for the purpose of this instruction, and for the extension of scoutcraft and physical training throughout the Province, shall be met by Government (Paragraph 48).

3. That the Government shall also meet the expense of the appointment of divisional organisers, and of the establishment of divisional training camps, both in scoutcraft and physical training (Paragraph 48).

4. That the gradual increase in the number of teachers and schools be hastened so that primary education may become free and compulsory at the earliest possible date (Paragraph 41).

5. That the Government shall take power in a Provincial Act to establish a Preventive School or Schools, to which a Court may commit boys under 14, who are living in such circumstances as will ordinarily conduce to crime (*cf.* Appendix 1) and cannot be dealt with by voluntary agencies (Paragraph 77).

B.—The Treatment of Young Offenders (*Cf.* Appendix 1).

6. That no young persons under 14 shall be committed to lock-up or jail when awaiting trial, but sent instead to Places of Detention (Paragraph 79).

7. That charges brought against young persons under 14 shall be heard in a separate place—women magistrates to be appointed to assist in such cases (Paragraph 80).

8. That the System of Probation should be introduced for all offenders (*cf.* Appendix 2) (Paragraph 82).

9. That corporal punishment shall be carried out on the Court premises. A light cat o'-nine-tails to be used for offenders between 16 and 19. Corporal punishment to be combined with probation or committal to a School, and not to be given a second time to the same offender without some such combination (Paragraphs 94—96 and 175—179).

10. That no offender under 19 years of age shall be sent by a Court to jail (Paragraph 89).

11. That the Government shall maintain—

(a) A Preventive School or Schools for unconvicted young persons under 14, living in such circumstances as would ordinarily conduce to crime :

(b) Reformatory Schools for young persons under 14 who have been convicted :

Offenders to be under 14 on admission to these Schools and to be discharged on license on or before their sixteenth birthday.

(c) Training Schools, and perhaps Ships, for offenders who are over 14 but not yet 19. Minimum sentence three years. To go to special section if not discharged at 21. Can be licensed after six months. Site for two first Training Schools at Myindaik. To start on small scale, with help of four officers from England [Paragraphs 98—103 and 121 (4)].

12. That aftercare shall be provided for lads discharged from these Schools. License to last for 12 months after expiration of sentence. Recalled if idle or unsatisfactory, for further period in School or Jail (Paragraphs 122—127).

13. That an I.C.S. Officer shall be responsible for the administration of these Schools, and for the Systems of Probation and Aftercare (Paragraph 129).

14. That the Reformatory Act shall be repealed and a Prevention of Crime Bill on the lines of the draft in Appendix 1 be considered (Paragraph 77).

C.—Jails, Punishment, etc.

15. That the cat-o'-nine-tails shall be substituted for the cane, and the punishment be inflicted at the Court by an officer of the Court (Paragraphs 94—96).

16. That the population of the jails shall be reduced by—

(a) the introduction of the Probation System (Paragraphs 180—182) ;

(b) sending first offenders after two years in jail to construct roads, etc., and live in camps with families (murderers and dacoits excepted) (Paragraph 185);

(c) sending murderers and dacoits to the Andaman Islands, if certain arrangements for Burmans can be made there (Paragraph 188);

(d) sending habitual criminals, after two years in jail, to island colonies (Paragraph 195).

17. That no man shall stay more than two years in a walled jail (Paragraph 184).

In consequence of the reduction in the number of prisoners, some of the smaller jails should be closed (Paragraph 207).

18. That the following alterations be made in the staffing of the jails :—

(a) All jails to have a whole-time Superintendent, not necessarily an Officer of the Indian Medical Service. In jails with an average population under 200, the office of Superintendent to be combined with that of Chief Jailor. Every Superintendent to be required to converse in Burmese with his staff and prisoners (Paragraph 158).

(b) The hours of jailors to be reduced, and their numbers increased, with a chance of promotion to be Superintendent (Paragraph 158).

(c) Warders to be Burmans instead of Indians, to be paid Rs. 30 to 60 per month, with a chance of becoming jailors. Their number to be increased and hours reduced (Paragraphs 159—161).

(d) The powers of convict officers to be gradually reduced, till they become merely leaders, with no authority over other prisoners (Paragraphs 163—165).

(e) Burmans educated at the University to be encouraged to enter the Jail Service (Paragraph 158).

(f) That some Superintendents of Jails be authorized to inspect the smaller jails in their part of the Province (Paragraph 170).

19. That jail industries should be organised by a controller of industries, who will consider the possibilities of bringing some of the prisoners under the indirect employment of outside firms, and relating their diet to their output (Paragraph 171).

20. That a system of classification be introduced in the under-trial sections of jails, in sub-jails and lockups, by throwing where necessary a partition across the cages in order to separate the first from the habitual offender (Paragraphs 146—149).

21. That the lighting of dormitories in the jails be improved, and the patrolling of them made more effective (Paragraph 152).

22. That a more methodical system of keeping the records of prisoners be introduced into the jails, by combining the admission register with the prisoner's card, and keeping the records in the jail office (Paragraph 162).

23. That special jails be set aside for prisoners between 19 and 25 years of age, where a more strenuous programme may be set in operation (Paragraph 151).

24. That women prisoners be collected at three or four jails, and women officers appointed to look after them (Paragraph 210).

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REPORT

ON THE

Prevention of Crime and the Treatment of the Criminal
in the Province of Burma.

PART I.

1. The little ship swerved from its course in order to come within hailing distance of the lighthouse. For the keeper only gains touch with the outside world just once a month, and an intermediate message is very welcome. There were but a few seconds during which conversation would be audible, and as people choose their one wish in fairy stories, so the keeper must choose the one question that was foremost in his mind. Across the blue water came a simple query "What's the latest news of the Rangoon murders?" Not politics, nor sport, nor weather, all common matters for enquiry; more urgent in his mind than these was the issue of a sordid brutal murder.

Introductory Propositions.

2. The average man is indeed more interested in crime than in any other field of human action. Brutality, violence and suffering excite his morbid instincts, he pictures himself as victim or assailant, the search for a motive invites speculation, the chance of escape for the guilty suggests a gamble. The Press have long since realized how absorbing a subject of thought and conversation is the commission of a single crime.

3. Unhappily, this measure of public interest does not extend to the convicted criminal, with whose treatment and future prospect only a very small part of the population is usually concerned. Interest in crime is usually unhealthy; interest in the criminal, rightly directed, has a constructive value. It is part of the conscious purpose of this Report to awaken this interest and, if it may be allowed, to suggest the attitude of an organised human society towards its criminal members. Of the many attitudes that may be adopted in this matter, pity is perhaps the most unproductive, being indeed the refuge of the thoughtless and inept. Despair is foolish, as logically it can only suggest the axe for all. To treat a criminal as a curiosity is the refinement of cruelty; to treat him merely as an interesting patient, is to rob him of his birth-right as a creature with free will. The simplest way which should satisfy both common-sense and idealism, is to regard him as a fellow-citizen who has for one reason or another become a liability to the State. The business of those to whose hands the Court has committed

him, will then be to transform the liability into an asset, to accept him as raw material spoiled by some wrong process, and re-fashion him for a world that needs him.

4. It is probable that the period demanded for such a task, with the separation and loss of liberty involved, will be found to supply the element of deterrence which the Court thinks is necessary for the preservation of the law.

5. Viewed thus, in the singular number, it will be found that no two criminals are the same. There is no criminal type, any more than there is a type of character or countenance that is common to all red-haired men, or all left-handed men, or to all men who travel in the mail to Mandalay. One of the most dangerous dacoits in the Province, seen in a sub-jail, looked as intelligent and as presentable as a responsible civil servant, awaiting promotion.

6. Each crime is the single act of an individual. Men are led to commit such an act by a thousand different combinations of a hundred different causes. "The commonest type", writes Dr. Cyril Burt, the official psychologist to the London County Council, "is the complex type" and that is a scientific way of saying that there is no type at all. It may be possible to visit a prison and discern a common type among a thousand captives, with their frequent obeisance and shifty eye, furtive mouth and slow-moving body. But it is prison life and not their criminality that has produced these attributes; the visitor has not discovered a criminal type, but the prisoner type, which is as old a phenomenon as the oldest walls man ever built. When first they enter a prison, men are as different as the first hundred men stepping into a tea-shop, or the Secretariat, on a given morning. The sixteen lads whom we were allowed to take to camp, for a week, from Meiktila Jail, were all lads from the jungle (save only one) and first offenders of about 18 years of age, who had committed, for the most part, crimes of violence. Yet in temperament and character they were as different, and as variously balanced in strength and weakness, vice and virtue, as any sixteen lads who ever trod the steps of the Pagoda.

7. These introductory propositions are highly controversial, but demand too great a space for their full argument. They are set forth as a basis for a point of view. If they are rejected, the point of view can hardly be acceptable, but without them it would hardly be intelligible. It is necessary now to leave these arid generalities, and come to the flesh and blood in the villages of Burma, examining the different forces in play, and the different processes that ensue in the 20,000 individuals who are sent to jail every year.

Burma
and the
Burman.

8. The problem of crime in Burma is a problem of village life. It is probable that something like 90 per cent. of the people in prison come from small and scattered villages. We must follow them there and see what snakes have spread poison in the life of simple peasants.

9. The peace of a community depends largely, as does the happiness of an individual, upon its capacity for adjusting its temperament to the demands and limits of its environment. Here the Burman is singularly unfortunate, being endowed with a capacity and a temperament ill-suited to his environment. He is by nature a townsman and an industrialist, loving noise and colour and crowds, eager for gossip, sociable and gregarious. He is condemned to live in small drab villages, where gossip is restricted by the paucity of its victims, and where a crowd of any size must be a very rare occurrence. His quick and clever hands are the hands of a mechanic, engines talk to him, a tool is a toy to him. Yet he must earn his living as an agricultural labourer, his skill and interest alike unsatisfied. Did anyone ever see a labourer in the fields smile so often, or laugh with so slight a reason as the Burman gathering his rice? He lacks the impenetrable patience so usual in a helot of the soil. If it were inevitable that he should be a peasant, he would have benefited greatly, being by nature a little indolent, had he lived in a country where a bare living could only be dragged from the ground by unrelenting toil. The soil offers him a very mixed blessing in giving him a harvest for the mere scratching of it, and a very modest living in return for a few months' work. Burma is not the country for the Burman. It panders to his weak points, does not satisfy his desires, or exhaust his capacities. For some little time to come the influence of education will make him still less suited to his environment, until the final fruits of education teach him how to make the best use of what lies around him and within him.

10. Let the different features of village life, which lead the villager towards illegal acts, pass slowly in review. First comes poverty, the great sharpener of desire for the possessions of other people. Where there is a chronic need of money, sometimes growing acute beyond endurance, the desire to do wrong is multiplied, while hunger and depression have weakened the forces of resistance. It is of interest to note that among the 265 young prisoners under 21 whose stories we examined, 56 per cent. had incomplete homes, i.e. they were either orphans, or had only one parent living. In the case of young prisoners who had already been classed as habitual criminals, one-third were orphans, another third had but one parent, while only the remaining third had a complete home. Enquiries made in six different districts in the Province elicited that the normal proportion of orphans was as follows:—

Reasons
for Crime.

Families	...	...	600.
Number of children	...	...	1,269.
Number with two parents living	...	...	1,061 or 83 per cent.
Number with one parent living	...	...	191 or 15 per cent.
Number with no parent living	...	...	17 or 1·4 per cent.

This striking disparity seems to establish a definite connexion between incomplete home-life and juvenile crime. A corroboration of this was found in examining the histories of the boys at Insein Reformatory. Of 130 boys in the School, 30 had no parents, and 36 had only one parent apiece. Less than half had a complete home-life. It was further discovered that the average place in the family among these 265 young prisoners, was three-quarters of the way down from eldest to youngest. In a family of some size, the children who arrive at this stage spend their earliest years at a period when the fortunes of the family are at their lowest ebb. It is then that the largest number of children are requiring food and clothes, and contributing least to the funds of the household. It was found also that 65 per cent. of the young habitual offenders examined were below the average weight for their height upon reception into jail.

11. It is fashionable to paint Burma as a land of idyllic pasture, her peasants in gay colours, laughing and dancing as the seasons glide. A glimpse of the villages where crime is rampant reveals a great deal of poverty and some measure of privation, suffering and distress. There is under-feeding that stops short of starvation, and a restriction to bare necessities that demands real abstinence. The poverty of the villager helps to produce the petty thief.

12. Desire feeds on emptiness, and the second dominant feature of village life is its dullness and its idleness. For the greater part of the year in the rice-growing villages, there is no work to do at all. It was of interest to note that in a large village of the Delta, where some of the population worked in the fields for a few months of the year, and the others more or less regularly all round the year by the riverside, the great majority of the criminals came from the ranks of the field-workers. Time hangs very heavily with a growing lad of spirit, who has been taught no means of employing his leisure. In many of the villages visited, the young dacoits who had not yet been convicted were seen, side by side with other young villagers. They were found in nearly every case to be fitter physically and mentally than those who were supposed to be still honest. Of 500 cases of dacoits examined in prison, the majority were found to be over average weight. They had been the most promising lads in the village, with more enterprise and spirit than the others. But dacoity was the only sport, dacoity alone gave a thrill to the dullness of life, dacoity alone offered a break in the monotony of rice and jungle and muddy water. An older man, acting as leader of the gang, but playing himself a safe and unobtrusive part, finds that they require little persuasion. One joined because he was offered a drink, another because it was hinted that refusal would be taken as a sign of fear, and a third because he wanted to fire a gun. The proceeds of the dacoity may amount to but a few rupees, but the doing of the dacoity marks them out as men.

13. The famine of occupation for an active village lad in the evening, and all through the day, indeed, when there is no work in the fields, is enough to spoil the youth of any country. Sometimes there may be a football, but very rarely in the smaller villages. Footballs burst, and there is a lack of initiative or of organization to replace them. Besides, a fellow may get hurt at football. One mother forbade her boy to play the game because it was dangerous, so he played chinlôn, disagreed with another player and killed him. So even chinlôn, tricky and soft as it is, has its dangers. Sometimes a kite may be flown. A few will swim. Once a year they go to a pwe some miles away, and if it is the "toddy season" they get rather drunk, but otherwise they never leave the village. No books are seen, new songs are rarely learned. For the most part, they sit in groups and talk. There is nothing very healthy to talk about; but it is amazing how much conversation there is in a village with so limited an experience to provide material for it.

14. This same emptiness of life, the failure to exhaust the vitality of the young man, contributes also to those offences against the person that are so common in the Province. A lack of self-control is often the mark of a man who has known neither the discipline of a hard day's work, nor the self-imposed restraints of a practised sportsman. So does the emptiness of life lead the stronger, while poverty drives the weaker, into the way of crime.

15. A third factor, impelling the young villager of these days towards dishonesty, is the increased demand he makes on life, in comparison with his forbears. From the north-east has come opium, expensive to buy even as an occasional luxury, but, when it has established its position as a virtual necessity, demanding more for its regular purchase than a cooly in the paddyfields can possibly afford. From the west have come a whole array of objects, which have a semblance of utility, and all the attraction of toy and ornament. The importation of fountain pens, wrist watches and electric torches has multiplied in the last 15 years; a rubber stamp would be sufficient for the lad who can but write his name, the sun is more accurate than the daintiest of wrist watches, and a home-made lantern a safer precaution against the snake than an occasional flash that blinds both man and beast. But these things are new and bright, they carry the impress of the big world to the little creek, they add a fitful glory to the young possessor. For those in less remote villages, the cinema and the motor-car have added another outlet for the few annas a young villager can gather from his indulgent mother. No one realizes how many people a taxi or a cinema can hold until they have visited Burma. The demand for clothes has increased more swiftly than the family income in the last decade. The young man in the larger village has a silk lungyi and two of cotton; his grandfather grew paddy in the same field, and for him a single garment of cotton sufficed for many years.

16. The admission register of the prison reveals what a surprising wardrobe was possessed by the young thief at the time of his arrest. These clothes were not actually stolen property, but the expense of their purchase by the son of a peasant made crime inevitable. The river steamers and the trains of Burma are crowded with people of no financial substance, travelling hither and thither, often with little purpose save the delight of movement, or the off chance of finding a distant uncle. They cannot all escape payment of their fare, and this new zest for travel must be added to the list of luxuries, which are in danger of becoming necessities in the dull life of the villager and so making it impossible for him to balance his monthly budget.

17. Desire, whether diverted towards property or the person, is inflamed far beyond its norm by such artificial means as drink and drugs. Under their influence passion that was latent blazes into a furnace of lust or hate, and the body moves swiftly and with violence at its bidding like a thing on fire. A vein of cruelty, unsuspected behind a smiling face and charming manner, is revealed in the details of a crime, where drink has played a part.

18. Such are the influences which supply the impetus towards wrong. The opportunities for gratifying unlawful desires are everywhere to hand, and cannot be removed. It is impossible to maintain a police guard in every one of the scattered villages. The few villagers who have any store of money or valuables, keep them in their home rather than use the bank. Under rough usage they disclose the hiding-place, and the robbers are away before the forces of the law can possibly arrive. Some villages in the Delta are forty-eight hours distant from the nearest police-station, and the scent is very stale when the policeman comes in his sampan up the creek. A dangerous weapon, moreover, is daily in hand of the villager. He needs a dah to cut bamboo, to make his fire, to clear a bit of jungle. Its presence in his hand shows as clearly that he is going to do a little work, as an umbrella would show that he is going to take a little relaxation. But this dah, with its iron blade of twenty inches, is a tool for murder and mutilation. A hot-tempered man, cutting wood in the heat of the day and arguing the while with a friend, is an honest peasant one moment and a murderer the next, so deadly and so instant is his homeliest tool.

The Forces
of Resist-
ance.

19. If the desire for what he cannot have legally is growing, and the opportunity to gratify the desire is frequently to hand, what fund of resistance is there within the average villager which saves him from yielding to every vicious whim that blows across him? There must be potent reasons that often stay his hand in time, or every man in Burma would be a criminal, and the greater part of the population wearing the striped lungyi of the habitual prisoner.

20. When there occurs some crime, which appears quite unreasonable because the savagery and the risk is out of all proportion to any possible

gain, the explanation usually is found in so complete an absence of any sense of resistance within the criminal, that for the chance of five rupees he is prepared to do anything, however savage or dangerous.

21. What then are the forces of resistance that save the majority from ruthless crime? The greatest moral force in Burma is the Buddhist religion. It lays down clear precepts as to right and wrong, which are taught to nearly every Burman child from an early age. The Burman lad, by inherited instinct and by training, has regard for his religion, and is genuinely devout in his observance of its practices. In the week of aung, there was nothing that created so profound an impression on the young criminals entrusted to our charge, as the addresses of the hpongyi who visited the camp twice at our request. The inhibitory force of the national faith is everywhere visible. No guard nor gate protect the privacy of sacred spots, or enforce a reverent approach. The law is instinct in the heart of every villager, and he obeys without reminder or restraint. It is said that indiscipline among the clergy is weakening the authority of the church over the individual, and it is possible that an intelligible lack of respect for some of her ministers may lead him to question the validity of her rules. The continuance of such a process would be a calamity for the people of Burma at the present juncture. Among all men, religion touches more deeply than any force, the springs of action; it provides a motive and an ideal, at the same time disciplining desire, and providing a clear-cut system of right and wrong. If at this juncture the hpongyis by concerted action took the field and preached openly against crime, they would stem its increase in a single year. If they would insist in their villages that every dah in common use must be brought to them in order that there might be stamped upon it the precept that forbids a man to kill, the suggestion would have its effect on many a heated mind, and the toll of murder would be considerably reduced. Great is the power of religion among all people, peculiarly great in a country where its traditions and its sanctions are so strong.

22. The teaching of home life should be the next influence towards good. In Burma, children are spoiled and spared by their parents. They are loved in the soft way, and are not denied anything that can be given. They begin to smoke before they are five, any spare anna in the house is theirs, if they want to buy sweetmeats from the man who has just entered the village with his tempting trays; when they are fully grown, their mother will keep them at home in idleness, working hard while they loaf rather than lose them altogether. Children learn little self-discipline at home. They grow without the sure knowledge that they cannot always have what they want; without the tradition that will stiffen the back and brace the morale against the daily temptations to exceed unwisely or acquire unjustly. Moreover, as has been already

shewn, a large proportion of young criminals, by the death of either or both of their parents, have not known a proper home-life.

23. It is said by the pessimists who have stayed long in the country, but never become part of it, that there is now even less training given to children at home than there was in former times. Such statements must be accepted with caution, for in every country it has always been customary to think the new generation less disciplined than the older one, and to lay all the troubles of a progressive society at the door of the modern parent. The statement by a man that other people's children are not now brought up so well as he was, is a well-known sign of premature senility.

24. The school is a field of experience and training where character should be formed, and such self-control established as will resist all ordinary incentive to crime. The village schools of Burma are still too inchoate in constitution and method to perform this function. The teacher hesitates to correct the children, or curb them too rigidly, for fear their attendance will cease. Probably the teachers in the lay schools have not yet envisaged the training of character as one of their principal functions, it is certain that they have as yet no idea how to set about the inculcation of such qualities as self-control. The monastery school of former times has lost its grip; the lay school has still to find a footing. In the meantime, the school contributes little to the formation of a stable and resolute character in the young Burman.

25. There are, however, many people in the world who abstain from the actual commission of crime through no particular strength of character nor any ideal of conduct, but from a traditional respect for the law of the land. At the sight of a printed notice they react automatically towards obedience, while the appearance of a policeman sends them shuffling into step with the law. In Burma, the law has no such sanction. Some who have observed narrowly the temper of the villages, say that the European War shook the faith of the peasant in the power of the Government. For once there came into the minds of men a doubt in the invincibility of the British Empire. There ensued upon the War certain political movements, which openly challenged the power of the State. Strange echoes of what was happening elsewhere restricted in detail and significance, reached the villages. New ideas began to form, things that had been always assumed to be inviolate were examined and laid aside. It became possible to question necessities hitherto regarded as axiomatic: "Must the tax be paid after all? Need this summons be obeyed? What right has he to give this order?"

26. The present law has been imposed by force; behind its operation may be discerned the ultimate good of the people, but certainly not the consent of the people. It does not in its strictures and penalties agree with the view of the people themselves as to what is right and wrong. When an alien ethic is introduced, it cannot at once command that

instinctive allegiance which marks a constitution that has grown gradually in accordance with the needs, and only a little in front of the wishes, of the population. There is no great national tradition in Burma, its time-honoured customs being religious rather than racial. It is a land of few heroes, with little written history. There was much searching of memory and text-book when four eponymous heroes were required for the sections of camp or school. It is probable that the name of Eddie Polo is more widely known than that of Bandoola to the boys of Burma. Missing, therefore, is that solid background of centuries, which tends elsewhere to breed a natural respect for law and authority. All these considerations tend to the same conclusion that the average villager does not experience a natural recoil from crime because of his reverence for the law. His power of resistance, moreover, is successively weakened by every crime he commits. On the first occasion, there may be a measure of doubt and hesitation, finally overcome by the persuasion of his friends, the taunt of cowardice, or the courage born of alcohol. On the second and subsequent occasions, quite apart from any question of whetting the lust for blood, it is far easier to commit the crime, for any contrary influences having once been silenced, are slow to speak again.

27. Whatever resistance there might have been within the man about to commit himself, it is seriously weakened by the influence of alcohol or opium. These toxic agencies operate in a double capacity. They increase desire, and at the same time reduce the power of resistance to a minimum. The man who pleads that his crime was entirely due to drink, if he were subsequently capable of analysing his experience, would say that the principal part played by drink was the confusion of all sense of right and wrong, the brushing aside of any scruple, and the false confidence engendered in a heated brain. Malaria has also been advanced as contributing very definitely towards crime in the weakening of moral resistance that it is apt to occasion, and there is much in the geographical coincidence of criminal and malarious regions to support this contention.

28. Direct resistance consists in this recognition between right and wrong, with a distinct preference to do the right thing, and distinct recoil from the wrong thing. It answers the desire which bids a man commit crime by making him say within himself, "I will not do this thing because it is wrong to do it." There is also a strong agency of indirect resistance, known as deterrence, and founded on fear of consequences. This answers desire, not directly by making the man say, "I will not do this, because it is wrong," but by making him say, "I will not do this; because if I do it, and am caught, I shall be severely punished."

29. It is obvious at the outset that the certainty of punishment is a greater factor in deterrence than the actual nature of the punishment. The waverer is considering more earnestly the chance of conviction than his fate upon conviction. At the present time, the chance of arrest and conviction in Burma is so uncertain, that this form of

resistance cannot operate as it should in the mind of the criminal. Where for every five offences reported, only one conviction is obtained, the prospect looks so rosy as to encourage the young recruit, while the fact that only one murderer in thirteen is executed may cause the hempen rope, that should dangle before the eyes of the potential murderer, to dwindle to the proportions of a silken cord.

30. Deterrence is in certain quarters perhaps the chief preventive of crime, but its operations are strictly limited. In the first place, it offers only an indirect argument against the illegal desires, seriously weakened by the hypothesis "if I am convicted." Secondly, it appeals only to the cowardly and reflective. The angry man, the man who conceives himself to have a just cause, will not be deterred by any consequences. Many crimes are committed in passion so intense, that all save the object of attack is blurred into oblivion. Those forms of deterrence, moreover, which depend only on the infliction of pain are effective on occasion, but ultimately they rest on a principle that is unsound for full reliance. They must necessarily appeal to the weaker and baser parts of a man's nature, and so doing may, in the end, effect more harm than good. Violence begets violence. Much of the brutality shewn in the crimes of Burmans today may well be an echo of the way in which their grandfathers were mutilated by kings and governors in bygone years. The kings killed their enemies without a scruple, and the descendants of their subjects may be today subconsciously imitating the royal example. The claim that the only way to deal with crime is to "stamp it out" contains a grave danger, for the measures so taken may only in the end have served to "stamp it in."

31. There remains one last source whence resistance may come, and that is the public opinion of other people. Many respectable people remain honest, not because they have no desire to do ill, nor lack of opportunity to commit crime, but because through their intense respectability they are restrained from any conflict with the law. Convention is the great unpaid policeman of the suburb. With such, the voice of conscience is not an indigenous force, but the echo of other people's consciences, and the will to accept its suggestion is dictated by a reluctance to lose their good opinion. How is the young villager swayed by the opinion of his neighbours and his relations, when he is invited to join a gang of dacoits? It would seem that there is no definite social convention that will keep him from crime. Indeed, for lack of other forms of endeavour dacoity is about the only field in which he can earn a meed of heroism. If he wishes to be admired for a daring spirit and prowess of body, in the absence of sport and warfare, it is only by illegal means that he can win his spurs. Many of his friends will think more highly of him after his first exploit, not a few will be secretly afraid, scarcely any will feel he has brought shame upon them. For there is no strong sense that deplores crime and despises the criminal. Law and the social

conscience do not draw the same line between right and wrong. The villager probably thinks taxation wicked, yet the law actively encourages its collection. On the other hand, there are some offences under the law which the villagers would think to be no offence at all; other offences regarded as most heinous and punished most severely by the Courts, are by the villagers set low in the scale of pardonable misdemeanour. It is unhappily the fact that the opinion of his friends and family will rarely act as a deterrent to the youth embarking upon crime.

32. Having explored some of the causes which lead a man to stretch out towards crime, his opportunities for committing it, and the somewhat slender resistance offered to the suggestion, is it possible now to state in a sentence the real reason for the increase of crime in Burma during recent years? Something like this would result :—

In this second quarter of the century, there comes to the age of virility a generation whose desires are stronger and whose powers of resistance are less than were those of former generations.

It appears a vague and general proposition, but where no two crimes proceed from exactly the same combination of causes, any more exact definition is not likely to be accurate.

33. Now crime may be reduced by removing the basic causes that conduce to it, by preventing those who are already criminals from continuing to commit crime, or by training the new generation in such a way that it will not join the ranks of the criminals. The Task of Prevention.

To discuss the removal of the basic causes would involve a long dissertation by one who lacks the knowledge essential for the task. How can chronic poverty be alleviated in the jungle villages? What alteration can be made in the present system of land tenure? How can a full year of labour be provided? What other crop but a single one of paddy can be sown and reaped in these flooded fields? These are grave questions for the economic and agricultural experts of the Province, and as they solve them they will contribute more perhaps than they know to the reduction of crime. How can a greater respect for the law be spread among the villages? By what agency may the forces of religion be reawakened? These again are questions beyond the compass of this Report. Education, as it develops, will deal with the childish extravagances of the villager, and may teach him that sobriety is possible without prohibition. Very slowly can conditions hope to improve, and no magic wand can wave over the young Burman of 1926 and remove all the influences that make crime such an easy choice. Nor can the opportunity to commit crime be wrested from his hands. There will always be weapons to hand in the land of bamboo and cocoanut, always some hoarded money to steal, some private hurt to avenge. Life with no opportunity for crime would be but a listless travesty of death.

34. The task of preventing criminals from continuing their course is, in the first instance, a matter for the police. The most effective way

of deterring them from the commission of further crime is to convince them, by experience, of the certainty of their arrest and conviction. In their efforts to do this, the police deserve the support of every official and every private citizen in the Province. Once found guilty, the Courts can play their part by passing long sentences, during which they will be under the control of the State. At this stage they come into the hands of the prison authorities, whose contribution towards the prevention of crime by trying to make them into honest men, is dealt with in the later stages of the Report.

35. The question of training the younger generation in such a way that they do not in turn join this swollen army of criminals, will repay study in greater detail. The task is one of such magnitude, that it must be approached with a big heart and a far-seeing eye. There must be a measure of idealism to see the end in view, and almost infinite patience to endure the slowness of the course.

36. It is with the children of the towns and villages, but principally the villages, that the prevention of crime by this method is concerned. It is necessary to see how they can best be fitted for the battles of desire and resistance that are to take place within them.

37. Crime results from increase of desire and decrease of resistance in two different ways. It may happen that there was, as it were, before the crime, an actual contest in the mind and heart of a man, and the forces of desire proved to be greater than those of resistance. On the other hand, it is just as likely that the desire was so overwhelming, that it had swept the hand into action, constituting a crime, before the forces of resistance had time to come into the field. The forces of desire are active, those of resistance are latent, always second in their entry on the stage. It is also characteristic of the Burman that he does many things without any apparent mental process at all. He laughs gaily with but one anna in his pocket. It is not the laugh of courage, but the laugh of sheer inconsequence. Sometimes his resistive forces are suspended by passion, but often they are inoperative by something so negative that it can only be called mental inanition. "He just doesn't think."

38. The first thing which must be done to prevent the growth of criminals in Burma, therefore, is to teach self-control, in order that her sons may not be mere creatures of impulse, at the mercy of every gust of passion and every passing whim. Only in this way can the forces of resistance be given a chance before violent desire is translated into crime. The next task is to moderate the vicious desires, by the introduction of healthy desires, which shall compete with them for lawful occupation of the mind; or, further, by satisfying and sublimating the lawful elements of an ordinary desire, to give a different conclusion to the same beginnings. Thus a young man might reason "I want excitement and adventure in this dull village. I want glory and honour among these dull neighbours. Therefore, I will be a dacoit." The community should

answer: "We will provide lawful means of excitement and adventure, fields of striving where you may or may not win glory and honour among your peers. There is no need to be a dacoit to gain these things."

39. The third method of prevention is to encourage the growth of resistance within the youth himself, to supply a code of ethics or honour which will not admit brutality or dishonesty. For the weaker ones an element of deterrence will provide a useful, if indirect, measure of resistance, and once again any steps that can be taken to assist the police in the speedy detection and conviction of guilt will act in this respect as a preventive of crime.

40. The difficulty of finding the right methods of training the young Burman not to be a criminal, and then applying them, is greatly enhanced by the fact that the people concerned live in thousands of small, scattered and rather inaccessible villages. An agency which is going to teach self control, and build up a new resistance, must therefore be one which is represented in every village of any considerable size. The civil servant, the policeman, the headman, are alike unsuitable for the purpose. They have their responsible duties to perform, which cannot easily be combined with the new functions suggested. It is necessary to find the growing force in the village of the future, and to harness that to the task of the prevention of crime. That growing force, now in its infancy, but destined inevitably to grow in numbers and in value, is the lay vernacular school of the village. Already these schools exceed the monastery school both in number and attendance. It would seem that the educational policy of the Province was now so surely settled, that the monastery school will not again be considered as a possible foundation for the educational system. It may therefore be regarded as certain that the lay schools will increase while the monastery schools decrease, both in number and effect. It would be a national calamity if this gradual transference involved the elimination of religious instruction from the education of the young villager. In any scheme of early training, where ideals are to be nurtured and a distinction between right and wrong burned into the growing consciousness, religion must play a primary part. It cuts deeper than any other weapon, and draws a clearer line on the *rasae tabula* of the young mind. While, therefore, the actual control of the secular education passes more and more out of the hands of the monks, it is to be hoped that they may take their place as the teachers of religion in the lay schools.

The
Agency of
Preven-
tion.

41. The first necessity, therefore, is to increase the number of village schools as quickly as the recruitment and training of teachers will allow, in order that in days not too remote there will be free and compulsory education for all the children of Burma.

42. How are the schools of today and tomorrow to prevent crime in the next generation by producing a new generation of boys who shall be masters of themselves and obedient to the law? It can assuredly only

be done by surveying the qualities that exist in the boys today, and so framing their scheme of training as to make the best use of them. The teacher knows how pliable are the shoots of a growing plant. Finding that the lad is developing in a certain direction, he does not ruthlessly bend back the shoot and break it, but accompanies the lad a certain way in that direction, gradually pressing the shoot towards the sun. Those who have taught the young Burman and worked with him, believed in him, been disappointed in him, and again believed in him, are best qualified to give a fair estimate of his possibilities. These are the qualities they ascribe to him :—

**The Points
of a young
Burman.**

- (1) He will follow the lead of anyone who has captured his respect and confidence, showing considerable devotion with occasional interruptions. He will respond to a stronger personality. He can be led, but not driven. He has to be vitalized by the stronger personality once or twice a week, in order to keep him up to pitch. He runs down like a clock and wants winding up regularly. Sarcasm is no good. Ridicule is dangerous. The only thing is to tell him what to do, how to do it, and see that he does it. If a man of personality said to a group of young Burman criminals, "Be good for a week," they would be good for a week. It would not be necessary for him to give any reasons. They would do what he told them, simply because they recognized in him a stronger personality. They would accept his judgment, but not his reasons. The Burman lad has no particular admiration for consistency. He likes his strong man to be dramatic and would prefer Mussolini to the strong silent man in women's novels.
- (2) He wants excitement. A dull routine is almost insufferable. The element of chance, even a spice of danger, but certainly a change of scene, occupation and experience, are essential to him. This craving must be satisfied in one way or another. It cannot be suppressed altogether. His work in the fields is dull enough, and likely to remain so for some years to come. It follows, therefore, that variety of occupation and experience must come in his times of leisure, and that there must be excitement and adventure of a non-criminal order provided by way of recreation.
- (3) He is personally vain, loving new clothes and a distinctive colour. This way will lead to effeminacy if undiverted, and a general weakening of morale. On the other hand, it reflects a certain auto-critical ability, a power of seeing himself objectively, a regard for his own appearance, and a taste in the finer shades of life. Rightly developed, such a quality may become a form of self-respect, a refusal to accept second-best standards

a manly determination to express his individuality in his own way, and not to subscribe to any slavish convention. In so far as colours or distinctions are used as marks of merit and achievement, this trait in his character will increase the power of the incentive, and he will strive the harder to win his colour or his badge. He wants distinction. Let him earn it. Instead of growing hoarse in condemning his vanity, let us use it in helping him to gain virility.

- (4) He admires physical prowess. It makes, perhaps, a stronger appeal than the saintly character or the erudite mind. Eddie Polo, the acrobat of the cinema world, is the national idol of the Burman boy. He wants to be strong, to run, to jump, to be clever and victorious in the handling of ball or weapon. Here is a great lever for the trainer of character. Rightly taught, he will learn that strength comes only through self-control, and victory only through co-operation. He shall grow strong by denying himself. He shall win by cultivating the spirit of the team.
- (5) He is fond of games. In time he shall learn their discipline without losing his love for them. He shall obey the referee without question, swallow his resentment, be generous in victory, and cheerful in defeat. This shall not come all at once, but his love of sport and aptitude for it makes it possible in due course.
- (6) It is natural for him to move in gangs through sociability and fear, rather than any real feeling of comradeship. Under stress the gang does not hold together, one member being usually prepared to save his own skin at the expense of the others. This natural desire to live in a group, rather than alone, can in time be developed into the spirit of corporate action in which a public opinion can be established. If the public opinion sets steadily in the direction of honesty and decency, the young Burman, who hates ridicule, will be loth to adopt a different standard from the rest, and in this way the public opinion will serve him as a valuable means of resistance. But it is probable that the power of a corporate spirit will only grow very slowly.
- (7) He is changeable and unreliable, delighting his teachers for a while and then destroying all their hopes by a sudden and unreasoning change. Just as the Burmese house is raised on posts, so the young Burman seems to have no ground floor, but to rest on some rather flimsy and temporary supports. This is, at first, the most depressing of all his attributes, yet even here the optimist finds room for hope. The very fact that he grows tired so quickly and changes from straight to

crooked, means that there is a far greater chance of recovery, when he has slipped from the straight to the crooked. His inconsistency is an advantage just as much as it is a disadvantage. Because he is so liable to change, he is more susceptible to influences, and his recoveries are just as remarkable as his collapses. The steady and purposeful type with a character as of steel, when he does lapse into dishonour, is with infinite difficulty reclaimed. He is likely to show the same obstinacy in vice as he did in virtue. The young Burman who breaks on Wednesday the promise he made on Monday is more likely to pick himself up and change again before Sunday. A development on such erratic lines may be wearying for those who teach, but it is always full of hope, and under strong and effective leadership it is always likely that the alterations will grow less frequent, and the periods of constancy grow longer, as youth passes into manhood. Just because he is inconsistent, there is always hope for a Burman.

**The
Methods of
Prevention.**

43. How shall the teachers convey these necessary lessons to the boys in the village schools? They cannot include them in the teaching of reading, writing and arithmetic. It is suggested that the two implements which are required by the teacher of the future are—

- (a) a knowledge of Physical Training ;
- (a) a knowledge of Scoutcraft.

44. Physical training will appeal to the natural desires of the young Burman, and make the best of his liveliest instincts. Boxing and football will teach him selfcontrol and the corporate spirit. The best cure for the murderer who strikes from momentary passion, is to learn how to take and receive blows with good temper. He cannot win at football without learning to sacrifice himself to the good of the team. Exercise will relate the body to the mind, and bring the limbs under the control of the brain.

45. Scoutcraft must be thoroughly Burmanized before it can be usefully applied to the lad in the jungle. Such exotic features as 'shorts' must for reasons of expense and sentiment give way to the national lungyi. The vocabulary must be translated into the simplest Burmese words, the ideals must be related where possible to existing ideals in the country. When it has shed its exotic character, it will be found to appeal to the strongest desires of the village lad. His wish to be one of a number, to follow a leader, to wear distinctive dress with marks of attainment, to have adventures and a programme whose only certainty is the certainty of change, all these natural longings will be satisfied by a good scout-troop under a resourceful leader.

46. The teachers are the only body of men who can bring physical training and scoutcraft to the villages of Burma. So far, these movements have only reached the high and middle schools, but they are sorely

wanted in the villages, whence come the vast majority of the young criminals.

47. To carry out this suggestion, the training courses for village teachers should be lengthened by two months, so that they may be taught, in addition to the other subjects in their curriculum, these two subjects of physical training and scoutcraft. At this point, the importance of the training schools for teachers must be emphasised. It is those who train the teachers who really build up the boys of this generation to be the men of the next. They are the corner-stone of the educational fabric of the country, and on them rests the greatest responsibility of all. It is they who will fit the teacher for these new tasks. Every teacher will not, perhaps, prove to be an adept instructor in physical training or a born scoutmaster, but a proportion of them, growing as the years pass, will gather the main ideas and impart them with varying success.

48. It is, however, too much to expect that a young teacher can struggle alone in his village without advice and encouragement, and put into practice not by copying, but by adaptation, all that he has learned in his course of training. His troop of scouts will fail if they are not related to other troops, his own interest will flag if he is not shown a way over his difficulties. It will therefore be necessary not only to strengthen the staff at the Scout Headquarters, in order to provide at the teachers' training classes some instruction in scoutcraft, but it will be essential that divisional organizers shall be appointed, to help teachers to start and maintain their troops, to run training camps for their further instruction and to co-ordinate all their efforts. It would be quite incompatible with the spirit of scouting that scoutmasters or their assistants should ever become salaried officials of the State. The Government, however, can contribute most usefully to the extension of scouting, without in any way injuring its spirit, by meeting the expense of provincial and divisional organization. Similarly, it will be necessary to strengthen the staff of physical instructors at headquarters, to bring them directly under the Director of Public Instruction, and to establish organizers of physical training in each division. These organisers will be responsible for athletic competitions of every kind among the villages in their area, but their primary duty will be to see that the real spirit of physical training, self-control and self-effacement, is introduced into the village schools as widely and as soon as possible.

49. Such then will be the recommendations to the Government for the prevention of crime in the village.

50. Anyone knowing the extent of serious and violent crime in Burma at the present moment, who has read so far as this, will be understood if he throws down the paper in disgust, shouts for a cold soda, murmuring to himself : " all that the fellow can suggest is to teach them physical jerks and turn them into Boy Scouts." It is a natural comment from one impressed by the murders of the moment, the growth of dacoity

among all ages, the insecurity of person and property in many districts. On reflection, however, he will remember we are dealing primarily, at the moment, with measures which will prevent people from becoming criminals. The process by which a boy becomes a criminal reaches into deep waters, and the prevention of this process must start at an early age, and deal with those deep under-currents, wherein are found the determinant factors of a man's character. The most far-sighted measures of prevention will leave the adult criminal to the judgment and mercy of his fellow-citizens, and will concentrate upon the task of preventing those who are still young from following in his steps. It is better to lay wisely the foundations of to-morrow than to put patches of paint on the unsightly results of yesterday.

51. The type of teacher is improving; the percentage of trained teachers is increasing. The parents are more anxious than formerly to send their children to a school, though with some the small fees of the lay school are still a burden they resent. In the village schools lies the hope of the future. It is here that the criminal statistics of 1925 are now being determined. If an area is criminally inclined, let the police be doubled by all means, but let the teachers there be trebled. For though there is need of control when lives run awry, there is even more need for development.

Prevention of Crime in the Towns.

52. Although crime in Burma is primarily a village problem, and the five larger towns contribute surprisingly little to the prison population, there is one definite source which could be closed without great difficulty, and certainly with great gain to the community. As a lamp attracts the foolish moth, so in all countries the large town, with its movement, light and appearance of wealth, attracts the homeless or adventurous lad from the village. On any night in Rangoon, it is safe to say without exaggeration that at least two hundred lads will be found sleeping in the streets, without any regular means of subsistence. Half of these may be Indians, whose case is somewhat different from that of the Burman youngster, who has run away from home. The latter come from a surprising variety of districts in the Province. Some have run away because of second marriage in the home, and often allege ill-treatment on the part of the step-parent. Others resented the proper chastisement that rewarded their idleness. Some are genuine orphans with no anchorage at all, others come with thoughts of adventure, or of making money in the rich city, where the streets are said to be paved with gold. They find a number of odd jobs, some advertising the programme at the bioscope or selling mineral waters there, while others are washing up at tea-shops. They may earn a few annas, with which to buy their food, but none have any place in which to sleep. They may be found strewn by the roadside or beneath the stalls, on window-sills or in doorways, waifs of eight and ten and twelve. With each gang of four or six is an older man, who on enquiry usually is found to be an ex-prisoner. He is teaching them to live as an outlaw, and who knows

how soon he may find them useful as participants in his crime? In the minds of those who have seen them at night and interviewed them in the morning, there can be no doubt at all but that these youngsters, whose only home is in the streets of Rangoon, are being bred in a nursery of crime. So far, they have committed no proved offence, but the community is committing a crime against them if it allows them to grow up in such an environment.

53. In the special class for habitual prisoners under 18 at Insein Jail are to be found several who graduated under some Fagin in the Rangoon streets. A sure measure of prevention would be the clearing of these children from the very brink of crime.

54. Two possible methods present themselves. In Ceylon, the public-spirited action of the police authorities in starting clubs, which are also hostels, for the homeless urchins in the streets of Colombo and Galle, has solved the problem. Out of the sixty lads who are members of the Club in Colombo only one in the last two years has been brought before the Courts, though formerly they were in constant conflict with the police. This is a memorable achievement for voluntary enterprise, undertaken by public servants, but demanding no financial support from the Government, and seeking no legislative powers.

55. It is possible that the evil in Rangoon may be partly met by some public-spirited body coming forward, and providing a club-hostel for these homeless lads. The cost of looking after 60 or 70 of them should not exceed three thousand rupees a year, and it is difficult to believe that in so rich a city as Rangoon, for work of definite reclamation, so moderate a sum cannot be obtained from the charitable public. In such a venture the Government cannot be expected to take the initiative; it can only approve action on the part of some public body, and give it such facilities and possibly such support, as may lie within its powers.

56. It is, however, probable that some of the boys in Rangoon, though not yet actually convicted of a crime, have gone too far in the ways of criminality to be dealt with adequately by a voluntary agency. It is recommended that for them the Government should establish a Preventive School, where they would be housed and fed and trained for an honest life. The Court should have power to commit a boy under 14 years of age to such a school, if satisfied that he is living in circumstances which will ordinarily conduce to crime, although no actual charge is proved against him. Committal to such a school will not rank as a conviction, and the fact of committal should not subsequently be recorded against him. The Government should be able to keep him at the school till he is sixteen, but have power to license him before that time. The school should be maintained purely as an educational establishment, no penal dress or discipline tolerated, and no suggestion made that the boys are young criminals. They are there for their own safety, not through their own fault. From an examination of

the street-children in Rangoon, it was apparent that while a few were diseased and depraved, there was much good material amongst them, and a Preventive School that taught honesty and self-control, habits of industry and obedience, would transform potential criminals into trustworthy citizens. From a rough estimate of their condition, it is probable that sixty per cent. of the homeless boys could be looked after by voluntary agencies, while forty per cent. would need the greater measure of control provided by a Preventive School. When the clusters of homeless lads in Moulmein, Bassein, Pegu and Mandalay are added to those of Rangoon, it is probable that a total number of five hundred would be reached. It would therefore be only necessary for the Government to establish one Preventive School for about 200 boys, while voluntary agencies cared for the remainder. When the buildings and grounds were once acquired, the annual cost, based on the present cost of boys at the Reformatory School, would probably amount to 60,000 rupees. This is a considerable expense, but dwindles in significance when compared with the gain of saving even a tenth of these boys from a life of habitual crime, that is as wasteful to the State as it is to them.

PART 2.

YOUNG OFFENDERS.

Facing
the facts.

57. However excellent may be the measures taken to prevent crime, though religion may exercise its full authority and education reach every lad in every township, though every village adventurer be satisfied, and there be no homeless lads in the town, there will still be some youthful offenders against the law. For there is a pleasing perversity in human nature and some will always defy the measures taken for their safety and well-being. After everything, therefore, has been done to prevent crime, it remains to devise methods for dealing with the young criminal.

58. The treatment of young offenders is of special importance. The majority of habitual criminals begin their career at an early age. In a census taken among 2,500 habitual criminals, it was found that 35 per cent. were first convicted before they were 20, and 75 per cent. before they were 30. It is probable that their first exploits in crime occurred some time before their first conviction. To reclaim these offenders after their first offence will save a great deal of money for the State, and avoid much unhappiness for their victims and their friends. Further, it is far easier to effect an alteration in habit and point of view in the young and callow, than in a man of set frame, who has formed a picture of himself, and lives in accordance with it.

59. There is a large amount of crime among the boys of Burma, much of it done on the impulse of the moment, but serious in its consequences. In reading the figures given below, it will be borne in mind that for

every lad convicted there are many more young criminals who escape detection or conviction.

During the year 1925—

25 boys under 15 years of age were sent to the Reformatory,

99 boys under 16 years of age were sentenced to a term of imprisonment,

645 boys over 16 and under 19 were sentenced to a term of imprisonment.

60. In addition to this army of young prisoners, there was also a large but unascertained number of young offenders sentenced to a corporal punishment.

61. A scrutiny of the records of these young prisoners reveals the fact that the proportion of habitual offenders to first offenders is, as in the case of adult prisoners, one to two. In so far as these young habitual prisoners are concerned, there is proof positive in their records of the utter inadequacy of corporal punishment as at present administered, and of short sentences of imprisonment. The following records will show how ill-considered and how fruitless are some of the sentences pronounced by the Courts in the case of young offenders. The corporal punishment has proved to be no deterrent; the sentence of imprisonment is long enough to accustom him to prison and to involve contamination, not long enough for the prison authorities to give him anything that could be called a course of training. The records selected are only typical of many scores of other cases.

A		
Age.	Offence.	Sentence.
13	...	...
6 months later	...	15 lashes
12 months later	...	3 months
	...	6 months

A case for a Reformatory School at first or second conviction.

B		
11	...	...
7 months later	...	15 lashes
18 months later	...	3 months
3 years later	...	6 months
	...	12 months

He was sent to prison instead of Reformatory soon after he was 12.

C		
10	...	...
2 months later	...	10 lashes
7 months later	...	15 lashes
3 months later	...	15 lashes
12	...	...
13	...	...
16	...	...
	...	15 lashes
	...	1 year
	...	3 years
	...	5 years

A flagrant instance. Corporal punishment having proved ineffective, he should at that early stage have been sent to a Reformatory School.

D

Age.		Offence.		Sentence.
12	...	Theft	...	10 lashes
2 months later	...	Theft	...	3 months
12 months later	...	Theft	...	8 lashes
2 months later	...	Theft	...	6 months
12 months later	...	Theft	...	18 months

The futile alternation of corporal punishment and short sentences.

E

13	...	...	Theft	...	10 lashes
6 weeks later	...	...	Theft	...	3 months
2 years later	...	...	Theft	...	9 months
2 years later	...	...	Trespass	...	12 months

The effect of the corporal punishment was very slight.

F

13	...	...	Theft	...	10 lashes
4 months later	...	...	Theft	...	10 lashes
9 months later	...	...	Theft	...	15 lashes
9 months later	...	...	Theft	...	21 months
2 years later	...	...	Theft	...	3 years

Another instance of the way in which habitual criminals are manufactured.

G

12	...	...	Theft	...	5 lashes
6 months later	...	...	Theft	...	15 lashes
14 months later	...	...	Theft	...	20 lashes
12 months later	...	...	Theft	...	12 months
2 years later	...	...	Housebreaking	...	3 years

And again another instance.

H

12	...	...	Theft	...	10 lashes
13	...	...	Theft	...	1 month
14	...	...	Murder	...	20 years

This lad should, at his second, if not at his first, conviction been sent to a Reformatory School. This would have saved a human life, and have saved him from the long prospect of a life sentence at 14.

The
present
system.

62. Under the present system of administration there is only one Reformatory School, now situated in what was formerly a small jail at Insein, sandwiched between the Central Jail and the Police Training School. It is administered by the Director of Public Instruction, under theegis of the Home Department. A more uncomfortable position, geographical or administrative, can barely be imagined. The Official Report of 1890 explains somewhat naively that the present site was chosen as being more convenient to the members of the Committee. It is hoped that the site of any new School in the future, will be determined by more cogent reasons. It contains only 130 boys as a rule, who must enter before they are 15 and must be discharged on license when they

are 18. It is certain that there are far more offenders eligible for committal to the School than is represented in this figure. An examination of the records of sixty young habitual prisoners at Insein Jail disclosed the fact that in the cases of 22 at least there had been a stage when they were certainly eligible for committal, but the Court had chosen the easier course of pronouncing yet another dose of corporal punishment, or a shorter sentence of imprisonment. The Reformatory School has in the past received scant notice or encouragement from the Government. Funds have not been available for such necessities in the training of delinquent boys as musical instruments and boxing-gloves.

63. Veritably the Cinderella of Government Institutions, it has plodded on from year to year, kept alive by the character of its Superintendent and the occasional keenness of its Committee. It is unfortunate that the members of such a Committee are usually appointed, not because of their personal interest in the work or their fitness for participation in it, but on account of the offices they hold in the district. In appointing similar bodies for the different Schools suggested in this Report, the Government will be well advised to select men for their own personal interest and capacity, rather than to prescribe that the occupants of certain offices shall constitute the major portion of the Committee.

64. When certain new ideas were put before the Committee and Superintendent of the Reformatory School, they were accepted by the Committee, and put into execution without delay by the Superintendent who, by the promptness of his action and receptivity of mind, showed his keenness for development. The 14 feet wall which surrounded the School, though the average age of its 123 boys was but 13, is now being gradually reduced to 7 feet, an outward and visible sign of the gradual transformation of the place from an undersized prison to a flourishing school. The armed Indian warders also will soon be found unnecessary and unsuitable for the training of these diminutive criminals. The staff requires the addition of younger men, and in particular should be augmented by one skilled in the latest methods of physical training.

65. In prison boys under the age of 18 are treated as juveniles and so far as is practicable, kept apart from older prisoners. In the congestion of a large jail, this separation must be regarded as being only of a nominal order. If the juvenile prisoner is serving a sentence of three months or more, he is sent to Meiktila Jail if he is a first offender, and to Insein Jail if he is an habitual offender.

66. At Meiktila the whole of a small jail is reserved for these young offenders. Much has been gained by the mere fact of their separation from older prisoners, but Meiktila is a jail and a place of custody, rather than of training. The boys rarely go outside the walls, save for their work on the seed-farm, and the organised physical and mental training falls far below the standard required. The busy Civil Surgeon, who acts as Superintendent, has charge also of the local hospital and

the vaccine farm. Even his goodwill and energy must have some limit. Apart from some excellent Burman jailors, the staff consists of Indian warders, who are openly despised by the boys. The jail only accommodates 125, and there are always young prisoners in ordinary jails waiting for a vacancy at Meiktila. This shortage of accommodation was mentioned in official reports so long ago as 1910.

67. At Insein a special block is set aside to house some 60 young habitual prisoners. They are in the midst of 2,500 of the worst men in Burma, and it is impossible that they should avoid contamination. Very easily is the label of habitual prisoner attached to the young neck. One lad of 15, on his first conviction for the vague crime of 'bad livelihood' was so classed by the Court, and found accordingly among the reprobates at Insein.

68. This provision of one small Reformatory School, an ill-equipped jail of inadequate size for first offenders; and a corner of a crowded jail for habitual offenders, is not sufficient provision for all the young criminals of Burma. The prison authorities have done what they can to minimise the evils of contamination without incurring further expense, but an entirely new programme is needed if the problem is to be squarely faced.

The
Human
Material.

69. What manner of lad is it that enters the jails of Burma at so early an age? A few figures, based on the histories of 265 young prisoners, may yield a clearer view of him. Ninety-five per cent. of the first offenders and seventy-five per cent. of the habitual offenders come from villages. The petty thief accounts for the difference: he is usually a townsman, and is more likely to be an habitual offender than the lad of more violent habits.

70. Attention has already been drawn to the unusually large proportion of these lads with an incomplete homelife, and to the fact that they were usually born into a family at the lowest ebb of its fortunes.

71. So far as education was concerned, it was found that 65 per cent. had attended a monastery school for periods that varied between a day and ten years, 25 per cent. had attended other schools, and the remaining 10 per cent. had never spent a single day at school. The vast majority had left at 10 or 12 years of age, because their help in the fields, gathering paddy or tending cattle, was required.

72. As for the fruits of education, so far as these may be fairly judged by the capacity for making marks on paper, 33 per cent. of the habitual offenders and 24 per cent. of the first offenders were found to be illiterate: this proportion is slightly higher than that for all prisoners in 1878, which stood at 23 per cent. Only three of the 265 young prisoners examined were found to be bordering on mental deficiency, though a considerable number from the small jungle villages and a few degenerates from the towns were markedly sub-normal. The range of their general knowledge was very limited. Some were doubtful

whether the Kings of Burma still held sway. Few had heard of the European war, fewer still knew who had proved victorious. Ideas of time and space were very primitive, India and England being equally distant, and a motor-car no more rapid than a railway train. Of their own country, its size, history or heroes they had learned nothing. The village was the limit of their horizon.

73. Physically, it was recorded that 65 per cent. of the habituals, but only 56 per cent. of the first offenders, were below the average weight for their size on reception into prison.

74. Of the first offenders those who were under-sized had usually committed an offence against property rather than against the person.

75. The crimes committed by these lads show how far more repetitive is the act of dishonesty than the act of violence.

	First offenders.	Habitual offenders.
Against the person ...	58 per cent.	8 per cent.
Against property ...	34 ..	79 ..
Dacoity ...	8 ..	13 ..

It only remains to add that nearly 100 per cent. of the young prisoners were completely innocent of the charge against them—according to their own statements.

76. There is forming now in outline, a picture of the young criminal in Burma. Nearly always is he a village lad (save in the case of the sneak-thief from the town), coming from a poor home, where he has not always been very happy, rather below the average in physique and intellect, falling rather clearly into two classes. There is first the healthier lad, who commits violent crime and does not often recur to jail; secondly, and in smaller number, the meaner lad of less physique, who steals, who comes on occasion from the town, and tends to steal again.

77. A whole series of proposals are now to be put forward for dealing with young offenders. for at present the provisions of the law, the action of the Courts and the subsequent treatment imposed by the Government, alike need reconsideration. It is impossible to make purely administrative changes which shall prove commensurate with the needs of the situation. A Provincial Act dealing with young offenders is required. A very rough draft of the lines which such an Act might follow is attached in Appendix I. The Province of Madras has passed a Children's Act and a Borstal Act as separate provincial measures, but it is suggested that the simpler course for Burma would be to repeal the existing Reformatory Act of 1897, and to pass a comprehensive and co-ordinating measure to deal with all aspects of juvenile crime. As the system of probation, which applies to offenders of all ages, is included in the draft submitted, the provisional title of 'Prevention of Crime Bill' has been employed.

78. The Bill passes in chronological order from the time of arrest to that of trial, then to the means of disposal by the Court, and the establishment of different types of Schools by the Government for the education and training of young offenders.

79. The first proposal is that children under 14 (perhaps at a later date the age may be raised to 16) should not be sent to prison or lockup during the the period when they are on remand or awaiting trial. Those who are conversant with these places are aware that their use as places of custody for unconvicted children is indefensible on any ground whatsoever. To see a lad of 13, hitherto unconvicted, locked up in a cage with middle-aged dacoits, a hundred yards from a jail, in full view of passers-by, is to witness the unnecessary manufacture of the criminal by a swift and certain process. Save in very rare cases where the crime is heinous, and the young criminal strangely wicked for his age, such commitments to jail or lock-up should be prohibited, and a "place of detention" allowed to serve the purpose. In Rangoon, the frequency of such cases should be sufficient to justify the setting apart of a few rooms in a special house, perhaps the residence of the probation officer. It may be possible in the other towns to make use of hostels and homes already in existence. In the villages, the practice of lodging the offender in the quarters of a married head constable, already operative without known difficulty in the case of women, should solve the problem. It is not suggested that the lad should be locked up in the quarters. His custody would be assured if during the day he were confined to the police lines. The payment of half a rupee a day in each case would be infinitesimal to the Government, but might be enough to reconcile the head constable, and more particularly his wife, to this new responsibility.

80. The second stage is set in the Court itself. Here the child is at a grave disadvantage if subjected to all the formality of a full and open Court. If the object of the trial is to elicit the truth, it will fail if the small accused is too frightened to remember, or too paralysed to speak the truth. The best child is at his worst in such surroundings, the trickiest little criminal shows to best advantage. It is therefore proposed that when the accused is under 14 years of age (here again the age may later, with advantage, be raised to 16) the magistrate or judge shall hear the case in a place different from that where the other cases are heard, and that with certain exceptions, the general public shall be excluded. Taken thus, in the quiet of an ordinary room, regaining his confidence as he realizes he is to have a chance, the child may give a fair account of his doings, and the proceedings will assume the form of an enquiry rather than an inquisition. The ordinary forms of legal procedure should be to this end simplified to the utmost possible extent. It is of importance that honorary magistrates should be associated with the regular magistrates on these occasions, and in particular that women, who can speak Burmese, should be appointed as magistrates for this purpose. The presence of a woman who can ask questions and understand the

replies, will help to reassure the child and ascertain the truth. At the present time the Courts have been pressed by Circular to adopt measures for the separate hearing of children's cases, but mandatory legislation is necessary to secure observance throughout the Province.

81. A wise legislature shows its trust in the discretion of its judiciary by placing in their hands as large a variety of weapons as possible. Many and various are the types that enter the dock, many and various should be the judgments attaching to them, when they leave it at the conclusion of the case. The system of probation legalises and organises a method that many magistrates have for long employed, when they trusted their common sense to show them the way out of a difficulty.

The Pro-
bation
system.

82. There are frequently occasions when an accused person, young or old, is found guilty of a first offence, not very heinous in character, but it is clear to the magistrate that the offence is an indication of gradual deterioration, and that unless some measures are taken to control or supervise the accused, he will soon be in the dock again. The magistrate is unwilling to send him to prison unless it is absolutely necessary, and asks whether there is anyone with influence over the accused who will take him away and look after him and keep him out of trouble. Someone, either apt or officious or interested, offers to act, the accused is bound over and handed informally to the self-appointed guardian. The introduction of a probation system recognises that this method is one of common-sense, and makes it of wider and more effective application by arranging for the appointment and payment of a recognised class of probation officers.

83. The Sections of the Draft Bill relating to Probation make it clear that the probation officer must keep in touch with the offender under his charge, and report regularly to the Court as to his progress. If the period of probation passes without misadventure, the offender is in as good a position as before the offence, no conviction having been recorded against him. If he refuses to follow the guidance of his probation officer, and appears to be setting his face deliberately towards crime again, he can be summoned to Court and punished for his original offence.

84. There may be general agreement with the merits of such a system, but the keystone of the whole position is the probation officer himself, and the general query in Burma will be as to the source from which the best probation officers may be obtained. In Rangoon, when the Courts have accustomed themselves to the idea of probation, there will be enough work for the wholtime employment of two men. It should be understood that one hundred cases is the maximum that should be on probation to either of these officers at one time. One of the two might reasonably be expected to superintend also the Remand Home for young offenders. Their salary might run from 300 to 400 rupees a

month, with a bonus of one rupee for each man, who during the year had completed twelve months on probation without reconviction.

85. It has been suggested that in the first instance the work of probation should be undertaken by the Salvation Army in Rangoon. Even those who have had the closest opportunity for appreciating the work of the Salvation Army in several countries would hesitate to recommend this proposal.

86. The probation officer should owe an undivided allegiance to the Court. The making of a probation order is a judicial act, and the officer on whom that order confers certain powers should carry out his duties as an Officer of the Court, responsible to no other authority. He should be exempt from any suspicion that he is using his powers to proselytise the offender. It would be a grave disservice to the growth of the probation movement if in its earliest stages of development it could be associated in any way with such a suggestion.

87. Although at first sight it appears difficult to find the right man for the post, yet when a group of men who have known Rangoon for many years sit down to discuss it, after each one has said it is very difficult to think of anyone, everyone proceeds to think of someone. A conversation which began in amiably agreeing there was no one in view, ends in controversy over the rival claims of the candidates that each has proposed. In the towns of Pegu, Moulmein, Bassein and Mandalay, it should be possible to employ the whole of one man's time in the duties of probation officer, for it will be remembered that in addition to looking after offenders placed on probation to him, the Officer can be of the greatest value to the Court in seeing a certain number of offenders before they come into Court, making enquiries about them, and acting in many cases as friend of the accused. In the villages, the task of finding a person suited to act as probation officer for the one or two people who may require help and supervision in the course of a year, is admittedly more difficult. Here an Officer would do the work in addition to his ordinary occupation, and receive a small fee in respect of each case. The villages are so numerous that it would be some years before a comprehensive list of people fit and willing to act as probation officers could be compiled. If, however, a task will take long to accomplish, there is only the more reason for starting at the earliest possible moment. It is proposed that each Deputy Commissioner should forward to the Government from time to time a list of people in his district whom he considers trustworthy and competent for the task. Sub-inspectors of schools, in many instances, could act in their own villages. Their example might soon be followed by teachers who were recommended by the sub-inspectors. The possibility of undertaking such work as this, when they had found their feet and obtained some position in the village, should be put before young teachers when passing through their school of training. The fee payable to part-time probation officers might be ten rupees on reception of the offender from the

Court, with a further fifteen rupees when the offender had been of good conduct for twelve months, and a final payment of twenty-five rupees if at the end of two years his record was still unbroken. A total fee of fifty rupees should prove a very welcome addition to an active man with a small salary. It is possible that in some villages a hpongyi would undertake the duty, reporting verbally, and receiving payment in kind, or a retired civil servant might be found suitable for the work. Gradually the idea will take root in the Courts and in the district; offenders will be dealt with outside prison instead of inside, and men will be forthcoming for the task.

88. The Government will lay down the type of men suitable for the work of a probation officer, but the actual choice of individuals will rest in the case of whole-time officers, with the Court, and in the case of part-time officers, with the Deputy Commissioner of the District. Once appointed the work of these officers must be subject to the inspection of an Officer of the Local Government. The probation system should effect a saving to the State rather than increase its expenditure. To send a man to prison for a year costs 120 rupees, to keep him out of prison for two years, by putting him on probation, will cost but 50 rupees. If such a course is more likely permanently to rehabilitate him as an honest worker, than a year in the contamination of a crowded jail would be, then the indefinite cost of a further series of crimes, trials and imprisonments has also been saved.

89. There follows in the Draft Bill a proposal of some moment, requiring that the Courts should send no young offender to prison, who is under the age of nineteen years. A number of alternatives, detailed in a subsequent paragraph, remain open to the Court, at least as numerous and divers as they can exercise at the present time. The reasons against sending young offenders to prison are simple enough. In the ordinary jail, where adult prisoners are also in custody, whatever separation may be attempted by screen or partition, so long as they are all within the same wall and under the same staff, there must always be a large measure of contamination. Even if separate jails are set apart for boys, the fact that they are jails disqualifies them from being the proper place for a young offender.

90. There is no room in the cramped space within the wall for the varied forms of industrial, physical and general training that should be given to a lad in his teens. His daily programme should be far more strenuous and exacting than can possibly be organised within four walls. Furthermore, the essence of jail life is confinement and monotony. It is said by all with long experience of the average lad, that confinement brings out all that is worst in him, while giving little chance to develop what is best. To be externally all that could be desired, to be furtive and suspicious, superficial and intensely selfish, these are the marks of a man who has passed his formative years in a cage. For

Abolition
of Im-
prisonment
for Young
Offenders.

these reasons is advocated the abolition of sentences of imprisonment for offenders under nineteen. In some cases, it will be necessary where a lad has failed to respond to the influence and discipline of a School, that he should be transferred by Government to prison. In the first instance, however, a lad should not be confined and repressed into the dull and unattractive shape of a prisoner, but given his chance to work hard and long in the open air. The suggestion was recently made that only the lads considered likely to benefit by training on the lines of a school should be sent from prison for the purpose. The objection to this course lies in the fact that so long as men or boys are within the restrictions of a jail, they are in an artificial atmosphere, not showing their true selves, and it is impossible to foretell how they will react to training in the open. Those who are the most troublesome in jail frequently surprise even the most experienced observer by the response they show to the comparative liberty of another system. Let each, therefore, have his chance, with the threat always of return to jail in the background. So long ago as 1878, a circular was issued, with the concurrence of the Chief Commissioner, pointing out that "grave objections exist to the confinement of juvenile offenders in the common jail" Fifty years is a long time to wait for wisdom to mature.

It is difficult to state with sufficient emphasis the responsibility of the Court when a young offender stands his trial. Once found guilty, the decision of the Judge or magistrate may well mark the greatest turning-point in a human life. The musical heresy of a former generation bids him let the punishment fit the crime. In modern times, it is universally accepted that the first duty of the Court in the case of a young offender, is to make the penalty fit the criminal. Up to the stage of the trial, when he has been found guilty, the whole attention of the Court has been concentrated on the nature of the crime. It is then time to turn to the criminal. In his life the crime is probably but a single act, one of many million acts he has performed in recent months. It should be viewed not merely as an offence against the law, trivial or heinous, but as a symptom of a certain condition in the lad. It may indicate a complete incapacity to control his passion or his temper, or that he is hopelessly enmeshed in a criminal gang of older fellows, or tied to the feet of a bully, or slipping down the path of least resistance, led by drink or bright clothing, or some expensive lady.

91. Having diagnosed the condition of which the crime is a clear symptom, it is the critical duty of the Court to choose the right way of dealing with the lad. It may decide that he can best be dealt with by advice and supervision in the outer world, and assign him to the care of a probation officer. In that event, the Court will call for reports on his progress at stated intervals from the probation officer, always reserving to itself the power, if the lad laughs at the probation order and makes no attempt to do better, to recall him and exert its power in another direction. It is of great consequence that a lad placed on

probation should not confuse probation with acquittal, and think that he can continue to do just as he did before with impunity.

92. The Court may decide that a sentence of corporal punishment would more fitly meet the case. In that event, the punishment should be properly administered. It can be of no use to the lad or anyone else unless it hurts him.

Corporal
punish-
ment

93. At present, corporal punishment is ordered every year in hundreds of cases, with scarcely any effect whatsoever. The prison and police records are full of cases where men and boys have been beaten over and over again, and committed the same crime within a few weeks of their sentence.

94. Three recommendations are made with regard to the use of corporal punishment by the Courts in the case of young offenders. First, it is essential that the punishment should be effective, and for this purpose it should be properly carried out at the Court by an Officer of the Court. In the case of lads over 16, the Court should have power to order the use of a light cat-o'-nine-tails, in lieu of the cane. By this means a severer form of punishment is applied without the degradation of permanent marks.

95. Secondly, it should be remembered that the use of corporal punishment is the easiest, and therefore at times, the laziest way of dealing with a case. It is quickly carried into effect and it costs nothing. In the case of a young offender, however, the Court is vitally concerned not merely with the crime itself, but with the causes which produced the condition, of which the crime is a symptom. The infliction of pain may provide the offender with a useful association of ideas. He may carry with him for a time the wise reflection that a certain act, if detected, is apt to produce certain consequences. But this by itself will, as a rule, effect no permanent result, for the causes which led to that act may still be operative. To beat a lad and send him back to the same environment which caused the crime, is too short-sighted a form of treatment to deserve a cure. It is therefore well to accompany a sentence of corporal punishment with a probation order or a committal to a School. Should the period on probation fail, the offender could, without having committed another specific offence, be sent away to a School for a more thorough training than can be given in the surroundings of his home.

96. The third recommendation on this point is based on the fact that if one application of corporal punishment has failed to achieve its object, a second application on the occasion of a fresh offence is likely to prove only a waste of time and effort. In order to prevent the series of unavailing doses of the cane, which are so common a feature at the present time, the Courts should not have the power in the case of young offenders to order a second application of corporal punishment, unless they accompany it with a probation order or a committal to a School.

**Training
in Schools.**

97. There is a natural disinclination to incarcerate more people in institutions than is absolutely necessary, partly on the ground of expense, and partly because the best institution must in the end offer but an artificial experience of life to those within it. But there will each year be a stream of young criminals, whose offences are so serious and whose prospects are so untoward, that they must in their interests, and in those of the State, be sent away for a period of thorough training. Prison being excluded as a place of training for young offenders, the Government must provide a series of Schools suitable for lads up to the age of nearly nineteen. It is obvious that the Schools must be distinguished by the age of their occupants, and that age must not be rigidly a matter of years, but must represent a deeper difference of habit and point of view, of physical development and the mental adjustment that ensues. While, therefore, limits of age must be prescribed in the law, a certain elasticity should be given to the Courts, and beyond them to the Local Government in deciding which is the appropriate grade of School for each offender. It is difficult for anyone who has been afforded but a glimpse of the Province and its young criminals, to lay down with any certainty the time at which a lad changes in his orientation towards life. For with the Burman in the adolescent stage, the passage from boy to man is a violent transition, like the quick dawn and twilight of the East. After discussion with those who have had close observation and long experience, it is suggested that the years from 14 to 16 should be taken as the normal period of transition. It is roughly at this time that the Burman boy, having passed through the stage of puberty at twelve, is becoming a youth, acquiring the virility, though not the stability, of a man. On this hypothesis it is wise so to distinguish between the Schools that there shall not ordinarily be in the same School offenders under 14 and offenders over 16.

**Preventive
and Reformatory
Schools.**

98. In practice there should be Preventive and Reformatory Schools, to which small boys may be sent if, at the time of committal, they are under 14, and at which they may be kept till they are 16. There should also be Training Schools, to which lads may be sent if, at the time of committal, they are over 14 and under 19, where they may be kept till they are 21. In the case of young offenders between 13 and 15, the Courts will often exercise their discretion, and the Local Government their right of transfer, according to the precocity or retardation of the lad concerned. These are borderline ages, and a knowledge of each individual is required before the more appropriate grade of School can be selected.

99. The Preventive and Reformatory Schools will contain lads of the same ages, and their mode of training will be nearly identical. The difference consists simply in the fact that the former contains boys who have committed no offence and are sent there for their own safety, while at the Reformatory School every lad has committed at least one

offence against the law. These Schools will be educational and not penal in character. They will regard their boys as promising material in need of development. There will be no walls and no armed guards. The staff will consist of teachers. Each School will resemble a prison as much as a sampan resembles a man-o'-war. The Reformatory School at Insein will doubtless continue to serve its purpose. It will be necessary to open one Preventive School, and in due course a second Reformatory for first offenders, leaving Insein to deal with habitual offenders, if so serious and unbending a word as "habitual" can be applied to imps who have not yet reached the age of 14.

100. The establishment of Training Schools for offenders in their later teens, is an innovation in the Province. It has already been found possible to control younger boys in a school rather than a prison, but to apply the same measure of freedom and responsibility to older lads is a considerable extension of this practice. The age of the lads in these Training Schools is notoriously a difficult age. They are growing fast, thinking of marriage, the pulse of life and desire beats strongly, too rigid a control will produce external order and internal tumult. If they are confined for a long space in prison, they will become prisoners; if they are led in the open, they will follow and may become men.

101. So much greater are the difficulties in dealing with this age-group, that it would be folly to make the first attempt with a large number. If the Government were to build a large Training School with free labour, it would commit itself to heavy initial expense, and would not be able to withdraw were the experiment a failure, without considerable loss. Furthermore, if in a given month 300 young criminals were assembled there, their names and temperaments unknown, it would be necessary, in order to avoid indiscipline and chaos, to treat them as a battalion, to put guards and sentries at all corners, and to establish something scarcely distinguishable from a prison or an armed camp.

102. The surer way of effecting in the end what is desired from the beginning, is to be content with a very small but significant start, and to make certain that the foundations are truly laid. If the microcosm is sound, developments can come slowly until the whole ground is covered.

103. The following plan seems most likely to succeed. In the autumn a man who understands the young Burman criminal, who can talk to him and forecast his reaction to different influences, should take out to camp 20 first offenders from Meiktila Jail. The party should include if possible, some, at any rate, of those who have already been tested in camp-life. They would go to a piece of ground near Myindaik, on the Burmese side of the Shan States frontier, and establish themselves in tents. The band of 20 would be divided into four teams or sections, each commanded by a younger man from England, who has experience of dealing with young criminals on modern lines. The teams, working and playing and studying in competition, with one of the lads as leader

under the officer, will make the place habitable, building mat huts lined with mud for themselves, and bungalows for the officers.

104. Each Officer will get a grip of his section, learning simple conversational Burmese in a few months. He will spread a spirit in his team. They will learn what is counted right, what is wrong, and what is absolutely impossible.

105. After a month or so of life in this small community, during which they will be so busy and so much absorbed in the novelty of the proceedings that the thought of escape will not worry them, another eight boys will be drafted to the camp, two being attached to each section. The new boys will learn the way of the place, mostly from those who are by now old inhabitants. Each month a few more will come, till at the end of the year nearly 100 first offenders are undergoing training in the first school. They will then begin to build about a mile away in the same temporary fashion, a second training school for habitual offenders of the same age. Some of the staff will move across to start this school, which will grow in the same snowball fashion. The two schools will increase till each can accommodate 200 lads in four sections of 50 each. Then another pair of Training Schools will be built, perhaps in the same region, perhaps in another part of the Province, until there is room for 800 young criminals in all. The suggestion of a training ship moored in one of the breezier parts of the Delta, is worth consideration. The Burman does not, as a rule, take kindly to seafaring in the first instance, but some who have persevered past the initial embarrassments common to all humanity, are now contented members of the crew on deep sea liners. It is possible that after some years of training on sea and river, a fair number of lads from the School might take to the sea as a livelihood, and find there a far better future than in their own village.

106. The manner in which unskilled prisoners, under the supervision of the Public Works Department have been able, after a very short time, to do skilled work in the construction of the new jail at Tharrawaddy, shows that it is possible for the younger men to build something much simpler for themselves. Instructors from the Public Works Department will be needed to show the boys how to build, etc., but the general work of supervision can mostly be done by the elder lads.

107. As some of the Englishmen move from the first school to the second, it is hoped that their places may be taken by young Burmans from the University. Should the Government wish to send them to England for any course of training in this type of work, the Prison Commission of England and Wales will be happy to afford all facilities.

108. There is much practical advantage and economy gained by establishing these schools in pairs. Contamination can be avoided if they are a mile apart, while each can help the other in case of leave or sickness, and the same Medical Officer and hpongyi can serve both.

109. Myindaik is suggested (cf. Appendix 5) after a number of other sites have been explored, because in work, prolonged and laborious, is to

be found the salvation of many young Burmans. The temperature of Myindaik and the abundance of work there make it possible to exact labour all through the day, and on every day of the year.

110. This cannot be done save in the cooler parts of the Province. It has also the advantage of remoteness. To the villager in the plains, it will sound like Siberia, and the committal of a lad to such a distant spot in the mountains will exercise a valuable deterrent effect on his friends in the village. It is suggested that the locality is malarious. Careful enquiry elicited no proof of this. There is no stagnant water in the neighbourhood, and with proper medical care, every reason exists why the lads should grow to be healthy men in the clean air of the mountains. They will not like the cold, and will learn that only work and exercise can make it tolerable. The neighbourhood will for many years to come provide work, hard but not without interest, for some hundreds of lads. First they must regulate the water supply, and build their school. Then must a road be built to Myindaik Station and to Kalaw. Meanwhile, trees must be cut, jungle cleared, and the ground prepared for cultivation. Anything from potatoes and carrots to strawberries and coffee can be grown, and a proper rotation of crops should provide an annual programme of labour without a wasted week.

111. Two streams of water run down the hillside, one impounded by the railways, but not exhausted by them. There is rough timber on the hill-side, and a large amount of sawn timber quoted at cheap rates, lying in a station further down the line. The practical difficulties are by no means insuperable. A cheerful optimist with loyal supporters will find ground for humour in the greatest of them.

112. The advantages of starting in so small a way may be briefly enumerated :—

A Slow Start.

(1) It will be possible to ensure a sound spirit among the few, which may be spread by them to the many. The best way to convince lads of anything, is to get other lads to convince them. Start with a sound nucleus, and the rest will follow as the day the night.

(2) There is time to train the Staff to deal with these lads, to learn the right and wrong way of approach, before a whole army of lads invade the Schools. It would be impossible at the present moment to produce in Burma enough experienced men to train 800 young criminals. But the number of trained teachers grow *pari passu* with the increase of the criminals, and the problem is solved.

(3) The experiment will be conducted without any heavy capital expenditure. Should the advice given in this report prove unsound in any respect (and who may promise 100 per cent. of pure wisdom?) changes can easily be made before the scheme develops any further. If Myindaik proves to be

unsuitable, the scene can shift without appreciable loss of money, and a fresh start be made on the same lines elsewhere.

- (4) The cost of the scheme will be spread over a number of years, and no large sum will be required from the estimates in any particular year. The Schools will be built for use rather than show. There will be simple wooden bungalows for the Staff, with no walls of brick or stone, and nothing of more than a quasi-permanent nature.
- (5) The lads will have built their own School, and that cannot but have an effect upon them. It will shape their attitude towards the place, and make the idea of escape a far less serious issue.

113. Two obvious objections must occur on consideration of such a scheme. The pessimist will opine that half the lads will escape in the first few weeks. "Some," he says, "will go after the first cold night. As they huddle over a fire in the early morning, drawing blankets round their head and shoulders, they will vow that the evening shall find them back in the plains. Once a leader voices the sentiment, the sheep will follow." It may be so only experience can prove how far the pessimist may be right.

114. It must be remembered, however, that these lads are unlikely to run anywhere, save to their own village. Their friends there will not betray their return to the authorities, but most of these lads have committed murder or rape in these villages, and have won enemies there as well as friends. It is indeed to the unfriendliness of the headman that the vast majority attribute their present position. The young Burman, moreover, is no mountaineer. If he is going to escape, he will not plunge further into the mountains of the Shan States, but will steer for the heat of the plains. He will make little progress across country. The only road stretches for 60 miles to Thazi. An officer on a motor-bicycle can give him many hours' start and be there before him. A telephone message to Thazi Police-station eight hours after the escape, will produce a constable on the solitary road along which the lad must pass. Apart, however, from the chances of recapture, which seem to be in favour of the authorities, will there be any great incentive to abscond? The psychology of escaping is peculiar. The absence of walls and wire, guards and sentries will diminish greatly the chance of the idea entering his head. A full day's training will send him to sleep pleasantly exhausted. The lads who were pioneers will have founded a tradition against escaping. The fact that the place is their own handiwork will make it a strange idea to run away from it. All these influences will militate against escape, and what will probably happen is that for months together the idea will never enter the mind of anyone.

115. The pessimists are generally wrong in this matter of escapes. The Salvation Army Colony for young prisoners in Rangoon, where a

man can run away by day or by night, is a standing refutation of their fears. It was even prophesied that it would be impossible to keep sixteen prisoners with long sentences in camp for a week without guards and sentries.

116. They knew the lads so little that they never realised the idea of escape would barely occur to them. Pessimism is one of the curses of Burma. It should be treated as a treasonable offence, and made punishable with transportation for life beyond the seas. Till that is done, it must not be taken too seriously.

117. The objection of the optimist is that of the man in a hurry. He sees some hundreds of young offenders buried alive in jail, learning little there save what they should not learn, and he chafes naturally at a solution, which only proposes to deal with twenty of them at the outset, and at the end of a year will only have removed a hundred from the jails. It is indeed a pity that while a scheme which might make men of them is so slowly maturing, some five or six hundred youths should be drifting into idleness and depravity. Yet the task of reclaiming young criminals is never an easy one. There is no short cut, or long ago it would have become a beaten track. It is worth a great deal to make the right beginning, and to rest the efforts of the future on a sure foundation. It is always difficult to mortgage the present for the sake of the future, but this is a case where infallibly it must be done, and eyes must be turned to 1930 rather than to 1926.

118. A rough calculation seems to show that an accommodation for 800 in these Training Schools should ultimately be sufficient. At present, about 700 lads over 14 and under 19 are sent to prison every year. The introduction of probation should reduce this number to 550. Furthermore, it will be found on examination that a considerable proportion of these 550 form a stage army, constantly appearing in the Courts and being sent away for short sentences of imprisonment. A longer course of training at a School must have the effect of reducing the number of their appearances at the Courts, for if they are at the School for two years, they are for that period, at any rate, unable to continue their in-and-out procedure. As a result, it seems probable that there will not be more than 400 lads sent to the Training Schools each year, and if the average stay of a lad is for two years, an average population will be 800.

119. Of this 800 it is probable that three parts will be first offenders, and there will therefore be three Schools for them, with only one for habitual offenders. In addition, there will be attached to a School for first offenders a separate block to which can be sent, on attaining the age of 21, those lads who on account of their crime, have received much longer sentences. Although in many cases the Local Government will discharge lads on license some time before the expiration of their sentence, it may be impolitic to discharge some murderers after a couple of years. In the case of those who commit murder before they are 14, and are

sent to a Reformatory School, there is no need to keep them after 16, for a shorter period is sufficient in such rare and precocious crimes.

120. Those, however, who commit murder after the age of 14, and are sent to Training Schools, cannot always be liberated when they are twenty-one. To send them back to an ordinary jail is a very retrogressive policy. They will have learned much in their two years or more at the School. To plunge them at the end of it into the jail atmosphere for an indefinite period, is as wasteful as to train a young boxer carefully for a winter and then give him a season ticket to a night club for the rest of the year. But if they are to be kept at the School, it is better for these elder ones to be housed apart. Properly handled, they should be of considerable value to the rest of the School, their age proving an asset rather than an embarrassment. Some after their discharge, may be engaged as instructors in the Schools. Should any of them, however, while in the separate block, become a nuisance, it will always be possible for the Local Government to transfer them to a prison or a colony.

**Features
of the
Training.**

121. The task of the School is to train the characters of these lads, to teach self-control, to instil healthy interests which may counterbalance other less healthy interests, and to teach the difference between right and wrong. There will be several special points in the scheme of training.

- (1) The influence of their religion upon these lads will be employed to the full, and it is hoped that a suitable hpongyi may be in residence so as to attend regularly at each pair of Schools.
- (2) A hard day's work will be insisted upon, and there will be a shortage of diet at the second meal for any gang or individual who has not earned his food that day. There will be plenty of work to do, and the lads will only be in good temper and condition if they are kept busy all the day. In the evening there will be classes, those who can write teaching those who cannot, and all learning something of their own country and its history.
- (3) If it is true that the young Burman is keen to follow a man he admires, and quick to learn a new way of doing anything, every use shall be made of these qualities. He shall be well led and well taught. He shall learn the use of tools and sing his songs.
- (4) The Staff shall be composed of Burmans so far as is possible. Each member of the Staff will be a leader and a teacher, rather than a custodian. Although at first it is wise to introduce, on a temporary basis, four men of experience from England, under the Head of the School, it is not suggested that the Training School shall be a replica of the Borstal Institutions in England. The needs of Burma, and the

qualities of the young Burman are so different that a special scheme of training, with a name of its own, must be evolved in Burma. The name given to these Schools should imply a strenuous training.

- (5) A marked feature of the place shall be the fact that some 200 boys, built up as a community from a small number, are being handled in open country, and that the control is as effective as if they were surrounded by walls and guards.
- (6) Behind the whole development of the Schools must lie a measure of faith in the lads. Some have committed crimes of unspeakable cruelty, some have done things for which it is hard to find explanation or forgiveness. But to help them to be men, it is necessary first to believe in them. Risks will be taken, they will be trusted before they have fully learned the meaning of honour. It is better to trust and be disappointed, than always to be sure and never take a change.

122. Perhaps the hardest time of all in the experience of the lad will come when the authorities decide to discharge him from one of these three sorts of Schools on licence. He may have improved in physique and character while in the School, but if he returns to a life of comparative idleness in his village, spending most of his time with former accomplices, the work of a few years may be undone in as many months. At present the Reformatory School has power to discharge on licence before the age of 18; if this is not done, the lad must be discharged absolutely on attaining the age of 18. In the absence, however, of any adequate organization for the after-care of lads from the School, very few indeed are licensed. The great majority stay at the School till the expiry of their sentence, though it is probable that many of them are quite ready for discharge some time before that date.

**Licence
and After-
care.**

123. The ability to license out a lad from such Schools at the earliest date that is wise, depends on the ability of the authorities to ascertain his prospects on discharge, and to find someone to supervise him during his first months of freedom. It will often happen at a Preventive or Reformatory School that though he can be kept there till he is 16, he is quite ready for discharge at 14 and will gain little by further detention. In that event, if there are suitable people to receive, employ and supervise him, he should be licensed forthwith. The same applies to a lad at the Training School whose sentence does not expire till he is 21, but who has done well there for three years and is fit for discharge at 19.

124. Some knowledge of home and prospects on discharge there or elsewhere, must be in the possession of the School before it can give any opinion on the question of licence. A member of the School Staff will be made responsible for acquiring this information. Where Probation Officers exist, he will make use of them. Where they have not yet been appointed, he will correspond with the administrative authorities

or the police, as occasion serves. These steps should be taken when the lad has reached a stage at which he appears to be trustworthy and ready for free life. The question of discharge on licence before expiration of sentence should be considered in the case of every lad.

125. When the day of discharge does come, whether on licence or expiration, he cannot be merely seen off the premises with a friendly word. To train a lad for two or three years and then shoot him into the world, from the control and discipline of a School into the absolute freedom of a village, is to leave a very rough edge on a good piece of work. As the Probation System is gradually built up in the Province, the chance of after-care will grow simultaneously. The people who agree for a small fee to try and keep offenders out of School or prison, will also be required for another small fee to look after the lads coming out of the Schools. It will be some years before the system can cover the whole Province, but each year there should be more and more people ready to take the responsibility. This is admittedly a difficult side of the work, but its necessity and the fact that it will become easier in time, should not be forgotten. It is important also that reports should be received from those supervising the lads on licence, in order that, if necessary, the question of revocation of licence may be considered, and that some simple form of statistics may be built up showing the result of the training in the Schools. The Committee of Meiktila Jail have made efforts by enquiry in the districts, to learn how many of their young offenders have done well on discharge. One enquiry is made in each case, twelve months after discharge. Even after so short an interval, however, in the absence of any system of after-care, no news could be obtained of a third of the cases.

126. In connection with the after-care of older lads from the Training Schools, the brave venture of the Salvation Army in Rangoon will no doubt be found to be of use. Here some thirty prisoners of 18 or 20 years of age have been sent to serve their last year or two of imprisonment. They live and work together in the compound of an ordinary house. It would be easy to escape, but they do not. An officer of the Salvation Army and his wife, with an old member of the Colony, are alone in charge, and the prisoners do not abuse the friendliness of their rule. The whole spirit and atmosphere is incomparably better than that of prison, and it is not surprising to hear that in the last two years only one of the young prisoners going out from the place has relapsed into crime. This experiment has shewn, among other things, what a remarkable force is the presence and personal influence of the right sort of woman among criminals of this age.

127. When these proposals come to be put into operation, it will probably be better that such a place as this Institution in Rangoon should be used for lads who are not actually serving a sentence, but have been discharged on licence and have not yet established a firm footing in the outside world.

128. There is much in these proposals that involves the breaking of fresh ground. A Preventive School has to be established, together with a series of Training Schools, and perhaps a second Reformatory School. A Probation System is to be inaugurated, which shall serve also as an after-care service for lads discharged from the Schools. The Reformatory School already in existence should no longer be under the supervision of the Director of Public Instruction, but should join the other Schools under a new administration.

129. An I.C.S. Officer, with the necessary qualifications for pioneer work, with shield and spear ready for the pessimists, should therefore be attached to the Home Department to administer under the Chief Secretary all the Schools mentioned, and also the system of probation and after-care. He will be wise to visit his Schools frequently and be in close touch with their personnel. He will work in co-operation with the educational and prison authorities, but he will have his own policy and his own staff. He will be known variously as the Chief Probation Officer, and the Officer in Charge of the Home Department's Schools. His will be a busy life.

PART 3.

ADULT OFFENDERS.

130. There must always be some young offenders who will elude the reformer. Weakness of character, pride and obstinacy, physical or mental defect, or an open preference for a dishonest life, all tend to produce the life-long criminal and to provide the Jails with an adult population. A second type of older criminal, not uncommon in Burma, is that of the man who has in reality been a criminal for many years, but is not actually convicted till middle-age has come. There remains the man whose first offence is not committed till years of discretion are supposed to have been reached. He is generally an accidental criminal, who has yielded to some sudden burst of passion. It will be seen at a glance how different are these three classes of adult offenders. For the first, there is only a slight measure of hope. He may get tired of jail life and its concomitants, but it is more probable that the mischief is deep-seated in brain or character, and he will be under some form of restraint for the rest of his days. The second class also presents a tough proposition. They may have prospered in crime for twenty years before any retribution has overtaken them, and may therefore reason that the crooked life is worth so slight a risk, resolving that it will be more than twenty years before they are caught again. On the other hand, one long sentence may suffice to divert their thoughts, and they may determine to finish honestly. The third class contains, for the most part, men who can be trusted and are unlikely to recur to jail. For the first two of

Types of
adult
prisoner.

these classes nothing but a long sentence can be of any avail; for the accidental criminal, a shorter period of imprisonment will probably be sufficient.

The Facts in Burma.

131. Every year about twenty thousand men are admitted to the jails of Burma, two-thirds of them coming for the first time, and being called "casual prisoners," while the remaining third, not all of whom have been to jail before, are according to their previous prison record, or the nature of their crime, classed as "habitual prisoners." These numbers are very large for a Province whose population is in the neighbourhood of thirteen millions, and would be still larger if the authors of every crime committed were detected and convicted.

132. There is a general impression in Burma that the bulk of these men have committed crimes of passion on the impulse of the moment, or have been members of a gang of dacoits. The facts are strangely at variance with this impression. Of the men committed to prison in 1924, only one in six were convicted for offences against the person, the remainder having been found guilty of some form of dishonesty. The cases of assault, homicide and murder were numbered in their hundreds (only 381 dacoits were received*); but those of theft and housebreaking in their thousands. It is true that as a rule, the crimes of violence have been requited with longer sentences than those committed against property, and the population of a jail on any given day therefore shows a larger proportion of murderers and dacoits than is shewn in the actual number received during the year. The fact, however, remains that the typical criminal in Burma is a thief, petty or otherwise, a housebreaker or a cheat.

133. The average sentence is in the neighbourhood of twelve months, but as a certain amount of remission is usually earned by a prisoner, and long sentences are occasionally reduced by a Revising Board, the average daily population in each year is about four-fifths of the number received in each year. If, therefore, 20,000 men are sent to prison each year, the convicted population on any day will amount to about 16,000.

The Object of a prison.

134. No one visiting the great jails of Burma, studying first the 2,600 first offenders at Rangoon, and then the 2,500 habitual prisoners at Insein, can forbear from asking the simple question—what is the good of it all? What purpose has been served by dragging all these men from earning a livelihood with their wives and families (as the majority of them were doing) and enforcing upon them this highly artificial life within walls, where they do very little work and cost the Province over 20 lakhs every year? What effect has it on them or the world outside? Can no more effective and less expensive way be found to meet the end for which prisons were designed?

* This figure should be compared with dacoits (Lower Burma only) convicted in 1879.

135. The first answer that rises to the mind is that the outside world is the safer if these men are under lock and key. Doubly safer, indeed, for it is secure from the crimes that otherwise they would be committing, and it may be that the incarceration of these men is deterring other potential criminals from actual breaches of the law. The answer is obvious, and yet touches the root of the matter, for the primary object of all prisons is indeed the protection of society. Here, however, emerges a distinct choice of policy. Is the protection afforded to society to be of a temporary nature, limited in its extent to the period of incarceration, or can it assume a more permanent form?

136. If a prison is merely a cloakroom in which the enemy of society is duly deposited, till called for after a fixed period, or a kennel in which he is safely caged until on the appointed day he is let loose on society again, then indeed the protection afforded is of a temporary nature, and it may well be that, after the security of a few months or years, society will be at the mercy of an enemy more bitter and implacable than before. With this in mind, the tendency of modern administration has been to make a prison something more than a mere place of custody.

137. In order to afford anything in the nature of permanent protection, either the prison must keep the offender within its walls for the term of his natural life, or it must bring such influences to bear upon him while in custody that he will, on the day of his discharge, be an honest, hard-working and self-controlled man, fit for freedom, and no longer an enemy of society. Public opinion still revolts from the idea of life-long imprisonment, save in exceptional cases. It is a sentence of living death, beside which a speedy end on the scaffold would usually be a more merciful alternative. It remains, therefore, the duty of a prison administration to secure permanent protection from society by the reformation of the offender. Can the murderer of thirty be taught in the course of years to control his temper? The answer is a hopeful affirmative. Can the middle-aged dacoit who has avoided prison for fifteen years and has now been laid by the heels for the first time, or the hardened failure of all the Reformatory and Training Schools be trained for the humdrum life of an honest labourer by a long period of imprisonment? The answer is less hopeful. But whether the prospect is hopeful or not, it is the duty of each prison administration to strain every nerve not merely to keep men in safe and sanitary custody, but to do everything possible to train them to be fit for freedom. A man finding dirty clothes on the floor, may fling them into a cupboard, that they may be out of sight: but a woman will put them in a basket that they may be washed.

138. The choice of policy so far seems to be clear. The object is to be training in custody, and not maintenance in custody alone. Here, however, another doubt suggests itself. Once words like "training" and "reformation" are accepted as watchwords of the system, is there not a

Prison as a place of training.

danger lest the elements of deterrence and punishment may be eclipsed? Is it not healthy that prison should be a place to be feared? Will not the sanction of the law be weakened if prison comes to be regarded as anything else than a grim scene of daily punishment?

139. There are two sufficient answers to this vital question. In the first place, the element of punishment contained in a sentence of imprisonment does not consist so much in what happens to the offender while he is in prison, as in the actual fact that he has been sent to prison. Some hundreds of prisoners interviewed in the jails of Burma, and some scores of ex-prisoners in the villages, all expressed their hatred of prison life. There was rarely any specific complaint of ill-treatment; the food was sufficient, though the rice was dark and cheap; the work was not too hard. The only real hardship was that they were away from home. They wanted to be back there with wife and children, or girl and parents. Prison is a punishment to the Burman because of the separation from home and family and women-folk, and because he is set under authority and not allowed to do just as he pleases. In a phrase, men are sent to prison as a punishment, and not for punishment.

140. The second reason why a definite policy of training in prisons need not interfere with the deterrent value of a sentence, lies in the fact that if a real attempt is made in prison to train the Burman in habits of honesty and industry, there must ensue a long and arduous programme of work and activity throughout the day. He will find prison life far more exacting and uncomfortable under these conditions than if the daily programme is dictated by a policy of safe custody alone. There are few things the habitual thief will resent more than being made to work for his daily rice.

141. Once this question is settled, and it has been decided to regard prison as a place where men are to be trained to be fit for freedom, two or three changes in the existing procedure must be made. In the first place, sentences must be longer in the case of habitual offenders, for a change in his manner of life is not going to be effected in his case in the course of a few months. His point of view towards life is established and will not be shaken for some time. He has acquired habits not easily forsaken, or formed attachments not easily broken. Secondly, the prisoner must be regarded from quite a different standpoint by those in authority over him. He will become an object of individual interest. The old conception of last century that prisoners existed to provide the staff with an ill-paid occupation must everywhere be laid to rest and the truth that the staff exist to train the prisoners be daily borne in mind. For the prisoner has come not merely to be detained, but to be trained. When numbers are reduced, he must be treated as an individual. As in the case of the young offender, the method of the training will be to discover his good points and develop them, rather than to make the whole prison system a precautionary

network against his bad ones. He believes in his religion: let him have every facility to practise it. He is fond of his family: let him have every facility to keep in touch with them. He is handy with tools: let him study and pursue his craft. He can read: ply him with books. He can beat a drum: let him do so in due season. The attitude, moreover, of the prison staff must be influenced by the striking fact that two out of three entrants to prison have never been there before. A week before arrest they were free men, accustomed to do things for themselves without supervision. It is not necessary to treat them as old, cunning and accustomed prisoners on their first arrival at the jail. Some men are known to be dangerous and unscrupulous. In the interests of the staff and the other prisoners, they must be carefully watched. But the great majority of those men who are in prison for the first time can be given a very considerable degree of liberty within the walls. Trust begets openness, while distrust, suspicion and precaution beget deceit and hostility. A very considerable difference might be made in the regime of jails, where only first offenders are received from those reserved for habitual prisoners. One other considerable change is needed in the conduct of the jails if they are to be more than places of safe custody, and that is a busier day for the prisoner.

142. The weakest part of the existing programme is an idle two hours in evening, when he sits and talks with his companions on the verandah or inside his dormitory. This period should be filled with classes, reading or physical exercises. It will require more staff and a little more money, but much of the instruction can be given by prisoners, and a better supply of Burmese books will occupy a large number of men, the more literate reading aloud to the others. It is during these idle hours of the early evening that the forces of contamination and deterioration are most clearly at work.

143. The spare hours and the working hours must all be fully occupied. Idleness is not neutral: it is a definitely adverse influence in the life of a man.

144. Before developing the theory of how a criminal may be made into a good citizen by a sentence of imprisonment, a step back must be taken to reflect how it shall be ensured that he does not deteriorate as a result of his experience. One decent apple in a sack of bad ones has little chance of emerging without a speck. A man of decent character coming to prison for the first time on a charge of assault, who sleeps every night in the same dormitory, and works in the same shop all day, as fifty professional thieves or practised dacoits, hearing them boast of their easy gains and long continued immunity from arrest, must in the course of time deteriorate from his previous standards. A prison may be neither a place of training, nor a mere cloakroom, but an actual

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cesspool, where men meet all the polluting influences of the country and become themselves dirtier than they were before.

145. The Jail Authorities in Burma have recognised this salient fact by setting aside separate dormitories and workshops for casual and habitual prisoners. In some cases (e.g., Rangoon and Insein, Bassein and Myaungmya, etc.) whole jails have been set aside to house casuals or habituals alone. This is a step of great significance and must have done a great deal to reduce recidivism.

146. The utility of such arrangements, however, is distinctly impaired, if before receiving sentence the man of decent character has been awaiting his trial for a period of some months in the company of old offenders. In several jails the undertrial section contains two divisions, but the opportunity thus afforded is not always used for the segregation of first from old offenders. This should everywhere be done, and where no such facility exists in the building at present, a partition should be forthwith set up at the cost of a few rupees to effect the separation.

147. Pursuing this matter of contamination a stage further back brings the sub-jail and lock-up into view. These places have been severely criticised on questions of overcrowding, sanitation, cleanliness, diet, and facilities for bathing and exercise. In the course of seeing a score of lock-ups, arriving at some quite unexpectedly, these evils, though they do no doubt occur in certain places where the average number is in excess of the accommodation, did not seem so malignant as the almost complete failure to avoid contamination. First offenders, still untried, sat for weeks and months with no occupation but to listen to the boasting of old dacoits. Lads of thirteen upwards learned every lesson that depravity could teach. Everywhere the old offender was in the ascendant, the "Bo" recruiting for his gang from among younger men, who were awaiting trial very often for non-criminal offences. Even where separate cages existed, little thought had been exercised to separate the novice from the notorious criminal.

148. The difficulty of administering the lock-ups is mainly occasioned by the delay of the Courts in hearing the cases, and their reluctance in granting bail. If the procedure of the Courts can be hastened, and bail more freely given, the evils consequent upon overcrowding will mainly disappear. It does seem unnecessary to detain six decent peasants for a week in a lock-up already containing twice the number it is supposed normally to accommodate, when they are only charged with gambling by the roadside. The other occupants of their cage were dacoits, young and old, petty thieves and opium addicts.

149. In the meantime, steps can be taken without any great expense to mitigate the major evil of contamination. Where there is already the means of separation, let it be used carefully to keep the novice from the adept. Where there is only one case, let a moveable partition be run across so that conversation between the two classes may be all but

impracticable. Such a partition may interfere slightly with the light, but that is a minor drawback compared with the contamination that now ensues. At the same time, the question of food in the lock-ups will no doubt receive attention. There is a very limited amount of evidence to the effect that men contract beri-beri owing to the stale rice in a lock-up. With regard, however, to the amount, it does after a number of visits seem to be established that the amount of rice is not weighed, and that men who spend two or three months in a lock-up gain weight on going to prison, although the ration there is only the same as they are supposed to receive in the lock-up, and the life is not quite so sedentary.

150. Classification of the jails themselves will no doubt continue, if the Inspector-General is able to carry out his policy in this direction. Tubercular cases have already been collected at Myingyan. Soon it should be possible to collect prisoners of marked sub-normal mentality in a similar section of some other jail, where they can be subjected to examination, and to a different discipline from that which must be exacted in the case of the normal prisoner. At present, they are compelled to take their place among the other prisoners, to perform the same tasks and observe the same rules; they are often the butt of every bully among their fellows, and mental deterioration must ensue.

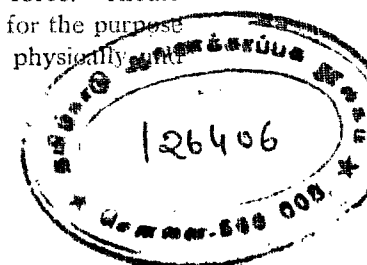
151. When offenders under 19 are removed from the jails and sent to Training Schools, the classification by age should take a further step, and special jails (two perhaps for casual prisoners and one for habitual prisoners) should be set aside for the younger men between 19 and 25. A different programme, including harder physical work and exercises, can be exacted from them, and their separation from older men will again serve to avoid contamination. To such special jails would be sent the failures of the Training School. The separation of these younger men is not a mere afterthought, but a very important feature in the reconstruction of the jail system. Between these ages a large proportion of the criminals in the Province receive their first conviction. During the year 1925 no fewer than 2,469 persons between the ages of 19 and 21, and 7,655 between those of 22 and 30 were sentenced to imprisonment. At least one-third of these men had been convicted before, and their reconviction might have been saved if they had experienced training in a school on the previous occasion, rather than a period of confinement in the common jail. The others, however, who have come to jail for the first time in early manhood constitute quite a separate problem in jail administration. They are too old for treatment as lads in a school. If officers with sufficient personality, knowledge of their language, and understanding of their mentality, were available, and if occupations more varied than those of the ordinary unit could be provided, they might make a useful frontier force. Should this alternative fail, they should be kept in jails set aside for the purpose for a year or two, where they should be exercised physically.

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mentally to the fullest possible extent. After eight hours of the most strenuous labour that can be provided, on the satisfactory completion of which their daily ration should depend, physical exercises, and classes in Burmese history, handicrafts, etc., should keep them active till they are glad to fall asleep. Twice a week route marches for ten miles in the surrounding country, with songs and music, should be added to the programme. They will not like it overmuch, but it will help them to something nearer manhood than they will otherwise attain. These jails will be important charges and the best men, superintendents, jailors and warders should be detailed for them. At the end of a year or two, for a long spell of confinement is not healthy for these married and marriageable men in the early twenties, they will be sent to camp or colony, when it is considered that they have begun to learn how to work hard.

**The Jails
them-
selves.**

152. The choice between confinement in a cell and life in association has for a century or more agitated the little world of prison administration. In the West, the pendulum swung last century with some momentum from the theory of association towards a completely cellular life, and prison after prison was built throughout Europe consisting entirely of cellular blocks, designed for a daily programme wherein a prisoner slept, ate and worked in the solitude of his cell. This century has seen the pendulum swing partly back again. Long periods of cellular confinement are becoming less common, and in an increasing number of countries the prevailing view is that a prisoner should sleep at night in a cell by himself, but should spend at any rate the greater part of the day in association with other prisoners. In Burma, confinement in a cell is usually employed as a means of punishment, and the ordinary prisoner sleeps in association in a large dormitory, and works in association all the day. It is possible that a long period of unrelieved confinement by night and day would have a bad effect on the Burman's mentality and character. He is an extrovert and must have play for his emotions, the expression of which demands the presence of other people. He is intensely sociable, and will react unfavourably to a prolonged term of solitude. While association at work is better for him, there is little doubt that were it practicable, it would be far better to provide him with a separate cell for the night. The cost however of transforming the existing dormitories into cellular blocks proves upon examination to be utterly prohibitive. If any money can be spared for the development of the jail system in Burma, it would be more wisely spent on men than on stone or brick. For it is the excellence of the staff and not the stone walls that make a prison. Apart from structural alteration, however, the lighting in the dormitories stands in urgent need of improvement. The lamps in use are quite insufficient, and nothing less than electric light, which so far has only been installed at Mandalay Jail, will be adequate for the proper employment of the prisoners in the

evening, and a real supervision at night. It is doubtful, also, whether the present system of night patrols can provide sufficient supervision of the dormitories. A patrol should walk eighteen miles in his six hours of duty to complete his programme. If dormitories are to be a permanent feature of Burmese jails, the three questions of better lighting, more frequent patrols, and careful classification, demand attention.

153. A country, like each of its citizens, usually gets the sort of article for which it pays. This is abundantly true of prisons. The annual cost of a prisoner in Burma is 120 rupees; in England it amounts to 1,200 rupees. It would therefore be as ungracious, as it would be foolish, to expect that the same standards would be observed in all respects in the two countries. The people of Burma get full value for their money. It is surprising how much is done at so low a cost. A daily average of 18,000 prisoners are kept in such secure custody that only a bare dozen escape in a year, of whom seven are recaptured before the end of the year. The jails, on the whole, are clean, an unremitting warfare being waged against rats and vermin. The prisoners will be adequately clothed, now that a second issue of each item is to be supplied, and they are so amply fed that nine out of eleven gain weight during their sentence. The number of times corporal punishment was found to be necessary to preserve jail discipline dwindled from 2,953 in 1878 (Lower Burma only) to 62 for the whole of Burma in 1924. The number of assaults upon officers, and the number of reports against prisoners, have alike declined.

154. The Province can be congratulated on an administration which provides so much at so small an expense.

155. There are, however, certain changes, radical and far-reaching, which should without prohibitive cost improve the administration of the jails, and enable them to extend their function from that of custody alone to include also that of training. **Staff.**

156. At present, out of the 31 jails in the Province in only four does the Superintendent devote the whole of his time to the jail, the remainder being under the supervision of the Civil Surgeon, who is allowed a very small increment to his salary in return. Of these four Superintendents, three are members of the Indian Medical Service, while the fourth has been always in the Jail Service. As a result, the real governance of the remaining 27 jails rests in the hands of the Chief Jailors. This is a wholly unsatisfactory position and can only be defended on grounds of economy. The superintendence of a jail is a highly technical piece of work, a skilled profession in itself; and cannot be performed in a few spare hours by men wholly untrained for it, who are not selected by reason of their fitness for it, but slip into the part by the mere accident of their being Civil Surgeon in the area. They sign their names upon a hurried series of forms, they hear applications from, and administer justice among, prisoners whose language is usually a closed

book to them. They are compelled to accept from the Chief Jailor and his subordinate jailors, not only their interpretation of all that a prisoner says, but also their account of all that happens in the jail itself. Their conception of a jail rarely goes further than supposing all is well if the prison is clean, and the prisoners quiet, the accounts correct, and there are no escapes. They have neither the time nor the experience to face such a pungent question as to whether a man is worse or better for spending five years in their jail.

157. There is a movement in certain quarters of the world to place the control of all criminals in the hands of the medical profession, in the hope that more attention may be paid to the psychological aspect of crime. The medical superintendence of jails already exists in the East, but purely for reasons of economy. The number of prisoners is so large and the spare hours of a part-time medical superintendent so few, that there is no sign of any mental or psychological work having been done. The physical health of prisoners is too small a sub-department of jail work to necessitate the presence of a medical man as superintendent, and unless a beginning is going to be made in the study of a prisoner's mentality, there seems to be no reason for a continuance of the association between the Indian Medical Service and the superintendents of jails.

158. The first step should be to sever the connection with the Indian Medical Service and to constitute a separate Jail Service, with the chance of promotion from the bottom to the top. Every jail should have a whole-time Superintendent; in those with an average population of less than 200, the offices of Chief Jailor and Superintendent could be merged into one. It should be regarded as among the first essentials that the Superintendent can speak to his Burmese prisoners in their own language. Their inability to do so freely, save in one or two instances, is perhaps the weakest spot in the whole administration of the Burmese jails. Where the appointment of a whole-time Medical Officer is justified by the size of the jail, he should rank as a member of the Jail Service, responsible through the Superintendent to the Inspector-General. In smaller jails, the Civil Surgeon would act as part-time Medical Officer. It should be possible in course of time to obtain suitable young Burmans from the University who would serve first in the Training Schools and then pass on to be Deputy Superintendents of Jails. Others will be promoted from the rank of jailor, their promotion serving to attract a more educated type of man into the Service. The chief jailors, deputy jailors and jailors (150 in all) are the substance of the staff. They have passed a civil service examination and speak English with varying fluency. On them falls everywhere the brunt of responsibility. They and the convict officers alone understand the prisoner and his language, and keep the machinery of the jail in action. Their hours are very long, because they are too few in number, and very little in the jail can be done without them. The profession of jailor is

probably the least popular of all the subordinate services in the Province. When the hours are somewhat reduced, and the way of promotion is made a little clearer, the service of the jails will rank higher in the estimation of the candidates for the provincial services, and a better field of selection will be secured.

159. Beneath the jailors, there serve at present as warders 1,000 Indians, who are paid only 20 rupees a month. The veriest stranger, deaf and dumb among so many strange tongues, needs not to be told that in the first place only the least ambitious of the races of India can be attracted by so low a wage, and that in the second place they will be sure to supplement their meagre pay by illicit means. Underpayment of men in authority can only lead to corruption. The Indian is, moreover, unsuited for the work, because the Burman instinctively regards him as inferior, and real discipline can never exist where those in authority are openly despised. The youngest prisoners may be seen openly flouting the control of their Indian warders. There is only one solution. The Indian warder must be gradually abolished, and his place taken by the Burman warder, who must have a chance of promotion to the post of jailor. In order to secure the right sort of Burman, a starting wage of 30 rupees, rising to 60 rupees a month will have to be offered. The possibility of subsequent promotion by examination to the post of jailor, whose salary starts at 100 rupees, should attract men who would not ordinarily look at so small a beginning. It is urged in many quarters that a Burman is by temperament unfitted for the monotony of a warder's life. The fact is that the experiment has never been fairly tried.

160. It is obvious that if only 20 rupees a month is offered, as was the case when a few Burmans were engaged, with no prospect of a rise in pay, the sort of Burman who is likely to succeed is not likely to apply, and only those who can get no other occupation will be recruited. Those who question the sticking power of a Burman should watch some of the Burman jailors in the Service. Never absent from the jail, working for twelve hours or more a day, pursuing without a complaint a very monotonous round, having practically no life outside their duty, they present with all their failings, an illustration of unremitting public service. Without the jailors and the convict warders, the whole system would collapse like a pack of cards.

161. The effect of this recommendation will be to double the present cost of the warder staff, the Burman warder receiving on an average twice as much as his Indian predecessor. Certain alterations will also have to be made in quarters, for the bachelor rooms of the Indians will not be suitable for the married Burmans with their families. It is also advisable to reconsider the number of warders employed in each jail. At present they are on duty for twelve hours a day, and even so their number is so inadequate that a large part of what properly should be their work has to be delegated to convict officers of various grades. As time proceeds,

ten Burmans should, if possible, replace seven Indians, so that the new staff have more tolerable hours, and may perform some of the more responsible duties now undertaken by prisoners. The Burman whom it is hoped to bring into the Service will not only require a higher wage, but also a shorter day than is now the lot of the Indian warder.

162. At this stage a plea must be entered for a little more expenditure on the proper keeping of records in the jails. There are no prison clerks. All the clerical work is done by the jailors and prisoners. Very little money is spent upon it, with the result that it is extremely difficult for those in authority to gather statistics, or obtain an intelligible record of each prisoner. The prisoner keeps, at present, a cardboard version of his record, which he frequently has the good sense and hardihood to correct in favour of himself. In the office is an admission register, in which a large number of the particulars of his past are written down at the time of the reception of the prisoner. The simplest plan for the future would be to combine these two documents in one large card, which would be kept in the office on a card index system, the outline of a man's past being entered at the time of admission, and the story of his progress in the jail being entered from time to time. No prisoner should have the custody of his own record.

Convict Officers.

163. The system of convict officers, overseers and night watchmen has grown up as an economy, and not as an experiment in self-government, nor as a means of reforming the prisoners concerned. It is cheap and nasty. It has led in the past to bullying, immorality and corruption, though the scores of ex-prisoners interviewed in the villages were unanimous in saying that of recent years these evils had very considerably abated. These convict officers have, however, now become so vital a part of the jail organization that it will be some time before their powers can be seriously reduced. At present, they have more grip on the prisoners than the warders, who are despised because they are of a different race and cannot always speak the prisoners' language. In a jail of 2,600 prisoners, with only 21 jailors, it can be imagined how great is the power of these convict officers over the prisoners: when it is noted that in this jail in a single year no less than 626 punishments were dealt out to the 549 convict officers employed, it will be realized how unfit they were for their position of authority. The advent of Burman warders, who will speak the language and acquire the respect of the convicts will, in itself, serve to weaken the position of these convict officers, and the increase suggested in the number of warders employed should enable the authorities to put the convict officer in his proper place, as a leader with no authority. The Prison Report of 1920 foreshadowed that in consequence of the Indian Jails Committee's recommendations, the number of convict officers would be reduced. In fact, however, the number so employed has recently risen by 60 from 1924

to 1925, in correspondence with an increase of average population amounting to 840 prisoners.

164. It will not be possible to replace Indians by Burmans in the rank of warder in a short space of time: the new men must be carefully selected and trained. Every man in search of work thinks he would make a good warder. It is not so. Nor can Burmans and Indians serve in the same rank at the same jail, with differing rates of pay. The change must first be made wholesale at a single jail, and gradually extended till the whole Province is covered. The increase of pay resulting from the change will thus be spread over a number of years. When the change is complete, the increase in pay and numbers will involve an additional annual expense of four and a half lakhs.

165. It is not suggested that there should not in work, and possibly in other spheres, be leaders among the prisoners, but the present regime under which, in company with a batch of overworked jailors they run the jail, cannot be allowed indefinitely to continue. The price to be paid for the change is heavy, but it is fundamental to the reduction of bribery and betterment of jail administration.

166. The conception of what work a prisoner should do has advanced a little since the Inspector-General wrote in his report for 1879:—"The principle of subordinating the interests of manufactures to those of discipline has been steadily kept in view. In several of the smaller jails manufactures have been entirely abandoned for labour of an unremunerative but penal character; and no efforts have been spared throughout the Province to make the work performed really punitive. The principal form of unremunerative penal labour is shot-drill." This announcement of policy fired the Superintendent of Maubin Jail to write in his Report for the following year—"Besides, the number of times some of the prisoners have disabled themselves by dropping the shot on their feet and crushing their toes, and the number of applications made for transfer to Rangoon, are sufficient to show that the drill is carried on properly and that the prisoners do find it very irksome. Shot-drill, is a good form of hard work: it is hated by every prisoner." Even in 1900 the Official Report contains the following hint:—"Both here and elsewhere it may perhaps be well to impress on officers that the primary object of the labour is to afford suitable and deterrent punishment to the convict, and this aim must not be made subservient to any financial results which may accrue."

Prison Industries.

167. A new century opens and by 1910 (quoting again from the Annual Report):—"The Lieutenant-Governor entirely concurs with the Inspector-General in regarding the employment of prisoners on shot-drill as unsatisfactory."

168. What is the policy to-day? The first point in it should be a definite rule that every prisoner should work every day, and that the monstrous device of the Courts known as "simple imprisonment" should

be abolished. Simple imprisonment at present means that a man need not work unless he likes, and in fact none elect to work. Their idleness is an eyesore to the visitor, damnation to themselves, and a disgrace to the law. For the rest, who are expected to work, the first desideratum for prison labour is that it should be laborious, not from punitive reasons, but because hard work keeps a man fit, and is a valuable agent of moral recovery. It should not be worthless, but should yield as good a return to the State as possible in order to repay part, at any rate, of the prisoner's maintenance. Moreover, the products of jail labour should not be sold at so low a price to the outside public as to compete unfairly with the outside employer and so cause a measure of unemployment in any particular type of manufacture. It is not often possible in a country like Burma, where the vast majority of prisoners are going back to agricultural work of a comparatively unskilled character, to provide them with occupation which is of a nature likely to help them on discharge. The best thing that can be done for them from the point of view of training is to ingrain in them the habit of hard and sustained work. The sneak-thief with soft hands, and air of elegance should leave the jail with the hard hands, braced and fit for anything.

169. There is no gainsaying the fact that at present there is not enough hard work in the jails of Burma. The prisoners do not work long enough, because of staff difficulties, nor hard enough, for want of industrial organization. Some thousands of them are just wasting their time expensively. The cost of a prisoner to the Province is roughly five annas a day, while the average worth of his day's labour is a bare anna. Here is a great waste of money. It is incredible that the employment of 16,000 men cannot be so organised as to make a higher average of profit than one anna from the daily work of each.

170. No blame attaches here to the existing administration. Economy has provided so slender a staff at the headquarters of the Prison Service, that a single officer is expected to visit all the 31 jails in the Province (some of them three or four days distant) and to be responsible for all administration at the head office. This in itself is more than one man can do. He certainly can find no time to embark upon the thorny and detailed problem of organising prison industries. For the more frequent and adequate inspection of small jails, it would be well to divide the Province into regions, and to appoint the Superintendents of the larger central jails to act as inspectors of the smaller jails in their area. This would relieve the Inspector-General of much time and energy spent in travelling to places very remote from Rangoon. Thus a whole-time Superintendent of Bassein could inspect the jails of the Delta, while the Superintendents of Myingyan and Mandalay could divide the jails of Upper Burma. Even with this relief, he will not be able to give to the employment of prisoners the concentration that the task requires.

171. An officer of some business or accountancy experience should be appointed as controller of jail industries. It will not be long before he has discovered several little corners where Government money is leaking away, where material could be bought more cheaply, manufactured more speedily, and the product sold to greater advantage. Before the end of his second year, the savings he will effect should be far greater than his salary.

172. He will no doubt concentrate on the two great needs of the present situation, that more work should be put into the jails, and that the prisoners should be led or forced to do a full day's work. He will do well to consider in connection with the first of these propositions, the possibility of obtaining direct employment for his prisoners by allowing outside firms now employing Indians to put their plant and material into the prisons. A merchant would buy a million coconut husks in the cheapest market and deliver them at the jail. The prisoners would pound them and, in course of time, should produce something like 175,000 lbs. of rope. The merchant would pay an agreed sum for every pound of rope he received from the jail. The prison authorities would see that the number of prisoners employed on the task, and the time occupied were such as to realize a wage of at least half a rupee per day per man. After deducting five or six annas a day for the maintenance of each prisoner, the balance would be credited to the men working in that shop. This method would provide the men with an incentive to work hard, and not to waste material. Similarly in the manufacture of simple furniture and carpets, an outside firm might provide the material and pay for the products. This is a matter for organization, which cannot be even investigated until the Inspector-General is reinforced for the purpose by a controller of industries. It is not suggested that the labour of prisoners should be offered to outside employers at such low rates as to reduce the rate of wages now being paid to Burmans in the outside labour market.

173. Occupations could be chosen in which, because of the lowness of the wage, or the nature of the work, Burmans are not engaged. The second point to which the controller of industries would wisely direct his attention is to the possibility of relating the amount of work a prisoner does to the amount of food he receives. At present, the man is well-fed. His complaint is against the cheap quality of the rice and its dark colour, and it is of little use to explain that the darker rice is healthier than the white rice. But he never complains of any insufficiency of food. It comes twice a day with such regularity and in such bulk as would be oppressive to one who was not a rice-eater. He eats it all, stretches himself with difficulty, and grows fat. He may have idled nearly all the day, either because there was no work for him to do, or because he escaped supervision, or was on friendly terms with the supervisor. But he swells himself out with rice and contentment just the same. If a number of the prisoners are to be paid the proceeds of work done for

outside employers it should not be impossible to make the size and variety of the second meal depend on the value of their output. A calculation from day to day would be unduly laborious, but once a month the earnings of a working party could be ascertained, and their diet for the succeeding month, including the provision or non-provision of tobacco, arranged accordingly, the balance of their earnings being credited to them on discharge, or set aside for restitution towards those whom they had despoiled. The allotment of a task to the prisoners engaged in domestic duties would be more difficult, but even here it would not be impossible for the controller of industries, with the employment charts of 31 jails before him, to say that the cleaning or the cooking, or the conservancy work in a jail of a certain size, should be competently done by a certain number of prisoners, and to allot a certain ration to the party. If they worked indifferently, and it was found necessary to add a few more prisoners to the party in order to get through the work, there would be rather less food for each. The suggestion appears to be simple enough, but its practical application in detail requires considerable organization.

174. To the prisoner food means a great deal. As with a passenger on boardship, his meal-times are oases in rather a monotonous programme, and he welcomes them just as heartily whether he has done anything or nothing to deserve them. It is in the interest of a prisoner that he should learn to work steadily through every day. Only so is he likely to be of service to the community when he is discharged. The most effective way to infect him with the habit of industry is not by the cane or confinement in a cell, but by relating the output of his hands to the income of his stomach, and so teaching the economic axiom of every community that if a man does not work, neither shall he eat.

Corporal Punishment.

175. There is a delusion widespread in the Province that while prison has no terrors for the criminal, he is mortally afraid of being beaten with a cane. A hundred times at least was the same view advanced with the agreeable certainty of a truism, but generally by people who had seen strangely little of the actual criminal, save in a purely official capacity. This question of the comparative fear of one form of punishment or another is an important issue in the treatment of crime. Some scores of prisoners were asked their opinion individually, and they were unanimous in saying that they preferred a sentence of corporal punishment to one of imprisonment. It is not always the truth that is told by a prisoner to a stranger, and their statements cannot be accepted if they stand alone. But some scores also of ex-prisoners, seen quietly in their own villages, were also unanimous in the same opinion: they had experienced both forms of punishment, they were free men, with nothing to gain or lose, and if they thought about it at all, would probably have imagined that they were expected to give an answer to the opposite effect. Throughout the Province they said the same thing, and it is difficult to explain their

unanimity save by accepting it as being near the truth. Headmen and elders confirmed the opinion; and eloquent corroboration was found in the records of well-known criminals at the police-stations, which showed how often corporal punishment as a corrective or deterrent had been utterly ineffective.

176. The explanation offered of this preference for the cane was that imprisonment would always be disliked because—

- (a) a man was separated from his wife and home,
- (b) he could not do as he liked,
- (c) he had to work,
- (d) the rice was dark and coarse.

Treatment in prison might be mitigated by bribery, but liberty could not be bought, and it was loss of liberty that a man disliked.

177. On the other hand, there was everywhere an impression that the beating with a cane was unpleasant, but was soon over, it did not usually leave any marks, and it could be considerably reduced in severity by the payment of money to the right person.

178. The quantity of corporal punishment ordered in the Province is excessive; in practice its quality is inferior. It is only justifiable as a corrective to the individual and a deterrent to others, if it involves considerable pain at the time, but leaves no permanent mark or injury. The branding of a man for life as the punishment for crime has long ago been abandoned by all civilized States. A beating with a cane, if severe enough to act as a corrective, must leave these marks. A greater amount of pain with less chance of permanent marks, is caused by the proper use of a cat-o'-nine tails. It is suggested, therefore, that this instrument be substituted for the cane. Corporal punishment will then become a reality to be avoided; its infliction will be severe enough to act as a corrective and deterrent; once inflicted it will be over, and there should be no permanent degradation.

179. Further, in order to ensure that the punishment is properly inflicted, without fear or favour, it should not be done by prisoners in a jail, but at the Court House by an officer of the Court. The attendance of a medical officer and a magistrate would be practicable, if a certain hour once a week were arranged for all such punishments to take place. Similarly, the process of capital punishment, which is the extreme sentence of the law, should be carried out by officers of the jail, or by persons specially engaged for the purpose and no longer by fellow-prisoners.

180. The main criticism of the jails of Burma offered in this Report is that there are too many people in them. The administration is obviously not to blame in this respect; they can but receive and do their best for everyone duly sent by order of the Court. The Court has few alternatives when guilt has been proved, and to prison are sent a widely varied assortment of people. There has been little clear thinking on the

The Reduction of the Prison Population

subject of prisons, their purpose, their method and their effect, among the general community. They are accepted as necessary and convenient evils, with a hope that they are not too expensive. There is usually a vague pity for the individual prisoner, but for prisoners as a class there is always expressed the same ignorant and superficial opinion that they are given far too easy a time, and most of them would rather be there than in the outside world. In every country of the world is the same experience related, how a man once asked to be sent to prison. The fact that such a thing is remembered and considered worth such countless repetition proves that it is an exceptional rather than a typical occurrence. If a community is confident that men would rather be in prison than outside, why does it consent to a heavy annual charge upon its purse for providing stone walls and iron gates, locks and keys, warders and sentries? All this is but sloppy thinking, scarcely worth serious refutation. Yet it serves to show how the proper treatment of crime has suffered by incoherence of thought. Committal to prison is the refuge for a community that will not take the trouble to think of any other way of dealing with a troublesome person. What happens to him there or thereafter scarcely stirs their imagination. Hence the great aggregation of all sorts and sizes of men in the crowded jails. A current saying strikes near the truth—"Half the people in prison ought never to have been sent there; the other half ought never to be discharged." The first half of the epigram will find universal agreement, the second is still a matter of some controversy. The saying has sacrificed accuracy for pithiness, and omitted the intermediate class who may well benefit by a limited stay in a prison, if that prison is performing its proper function of training men for honest life.

181. The final recommendations of this Report are concerned with the dispersal of nearly half the prison population of to-day.

182. The effective working of a probation system, applied principally to first offenders, young and old, would probably mean that in the course of a few years a thousand offenders would be on probation instead of being in jail.

183. A further six hundred will ultimately be located in Training Schools, who would otherwise have been in jail. These two additional alternatives should therefore effect a reduction of 1,600 in the daily average population of the jails.

184. There remains still a great mass of criminals in the jails, over seven thousand of whom are serving sentences of more than two years' duration. The punishment awarded for the crime consisted in their being sent away from home into the artificial bachelor existence of a jail. Two years of training under discipline in a jail, where they have to work hard if they wish to receive a full diet every day, should make them more useful and industrious. It is very doubtful whether after two years any good is done to a man by further detention in the circumstances of

jail-life. He will get used to it, relapse into the half-light of a monotonous regime, lose count of time and space, and become daily more fitted to be a prisoner than a free man. It is therefore suggested that the jails should serve as a preliminary place of training, where men should learn the habit of hardwork, and as a sorting-station where the trustworthy can be distinguished from the untrustworthy. No one should ordinarily stay in a jail for more than two years. At the end of this period, all these 7,000 men should be regarded after their period of training as being "at the disposition of the State." Instead of remaining for many more years in jail, a heavy burden of expense to the State and growing daily more habituated to the false perspective of a confined life, they should be sent where the State has most need of their labour, under such conditions as the State prescribes. After two years in jails of manageable size, those in charge should be able to classify them for the most appropriate method of disposal.

185. The first offenders, excepting those guilty of murder and dacoity, should be sent in parties large and small to work under the direction of the Public Works Department, on the construction of new roads and the reclamation of outlying areas. The prosperity of the Province in the future depends largely on the improvement of communications, and the bringing into cultivation of large areas now covered by jungle, or in need of irrigation. Better far that the convicts of the Province should do this valuable pioneer work than waste their lives in work that can never fully repay the cost of their maintenance. It should be possible to employ men all the year round if they are quarrying and breaking stones in those seasons when it is too wet to lay the road. The men would be joined by their wives and families, and live in mat huts near the scene of their labour. They would have no guards and would be paid the wages of a free labourer. If they were discharged for idleness, they would return to jail. These settlements would not be permanent. When the road was finished, or a given area of land fit for cultivation, the party would move on to another task. When their sentence had expired, they would be free to stay or to return to their native village. Being used by them to regular work and wages, they might remain as free settlers with a grant of land from Government in one of the new villages in the reclaimed areas. The action taken by some of the prisoners at Tharayaddy in remaining as free workmen in the employment of the jail, but living outside it after their sentence is complete, rather than returning home, is a sign that such a thing is by no means impossible.

186. There are some distinct objections to be met. In the first place, would they all run away at the outset and tax the efforts of the police in twenty different districts to recapture them? Some undoubtedly would, for nothing is true of 100 per cent. of such unaccountable people as criminals. Given, however, regular work, to which they will have become partly accustomed in the jail, and regular wages all round the year,

Road making and reclamation camps.

which will be a novelty to the denizen of the paddy-fields, and the company of wife and family in as good a home as they have known, and freedom from guards or walls, there will be suprisingly little from which to escape. A more serious and very practical difficulty arises when the readiness of the wife to join her husband after two years is considered: she may have formed other attachments, or be unwilling to remove to a remote part of the Province. The solution of this difficulty lies probably in the fact that such a drastic change in prison administration will not come into immediate operation. A start will be made on a small scale, only those men being chosen for the experiment whose wives are willing to join them. Gradually, it will become common knowledge in the villages that when a man is sent away for a long period, his wife will be able to join him at no long interval in circumstances where a regular wage is assured. Divorce may not then be the usual sequel to a long sentence.

187. There may be other prisoners, not strictly first offenders, who after the test of two years in a jail are considered worth a trial with one of these pioneering parties. A Jail Superintendent of long experience has pointed out with some force that the dichotomy which divides ruthlessly all prisoners into 'casuals' and 'habituals' is hardly true to the facts. There should be three classes—'casual prisoners' (*i.e.* first offenders) and 'habitual prisoners' and also a third class of 'incorrigible prisoners.' There are many men who, because of a second conviction, or because of the section of the penal code under which they were charged, are technically 'habituals,' who are far from being incorrigible. These men might, in a number of cases, be given a chance with the first offenders.

The Andaman Islands.

188. It would be contrary to public policy to give to murderers and dacoits such a wide margin of liberty within the Province after only two years in jail. For them the best method of disposal, if suitable arrangements can be made with the Government of India, is that they should volunteer for transfer to the Andaman Islands. They would probably be ready to do so, if altered conditions were obtained for them there, and if they realized that the alternative would be transfer to another penal colony for habitual offenders.

189. Before a definite recommendation on the point can be made, the position of the Burman in the Andaman Islands must be very considerably changed. A visit of two days to the Burman convicts on Aberdeen Island revealed the Andaman Islands as a penal settlement run by India for Indians. The Burman is merely an after-thought, treated as just another race of Indian, welcomed as a good mechanic and a loyal servant, welcomed but not understood. It was strange to find that for seventy years Burmans should have been sent to this settlement, invariably for long periods and often for their lifetime, that for many years they were forbidden to assemble for religious purposes, and that ever since the ban had been removed no provision whatsoever had been made for the practice of their religion. There is not a hpongyi, a

pagoda or hpongyi-kyauing in the whole settlement, and a people who are noted, however simple, ignorant and criminal they may be, for their religious faith, are utterly deprived of its guidance during their whole stay in the islands. There is now some chance of a hpongyi settling there, a tardy recognition of a vital need.

190. The Burmese village proved to be a miserable shadow of a village in Burma. There were 36 people there, of whom ten were women. No pagoda, and no school for the children. Not a musical instrument in the place, no sign or suggestion of their nationality. If that is the conception of a Burmese village, it is little wonder that Burmans do not volunteer to go to the Andamans, and if they do go there, are unwilling to send for their wives. No special arrangements are made in the convict barracks for the cooking of food for Burmans. They do not have their own cooks or cookhouses, but must eat the food as cooked for Indians. The Burman convict is miserable because he feels he is in a foreign country under alien control. All the teseldars are Indians. The only person in authority speaking Burmese is the Deputy Commissioner, and the convicts explained that they could not run up to so high an officer with their little troubles. When they are charged with an offence, or wish to make any application, the proceedings are in a strange tongue, and they never know what the Indian Officers are saying about them. Of some of the Indians, who pursue them for unworthy motives, they are afraid. Many of them asked to be taken back to the jails of Burma; they would rather be there than under the Indian regime at the Andaman Islands.

191. These opinions were founded partly on conversation with the convicts through an interpreter, but principally on reports from our Burman servants, to whom as they wandered about, the convicts had spoken more freely. It seems better to state frankly the sources of our information, in order that the right degree of credence may be accorded to it. The remaining grievance of the Burman convicts was that their cases had not come under the notice of the Revising Boards, that had visited the jails in Burma. As the date of release is the most important thing in life to any convict, this was perhaps the most serious of all their grievances.

192. Apart from these difficulties, the Andaman Islands present a wonderful opportunity as a settlement for a certain type of convict.

193. The climate is good, malaria and its causes are disappearing, there is an abundance of work to be done. The Burmans, on the whole, looked healthy and well-nourished. Their skins were clearer than are seen in the jails of Burma, with no sign of sore or scabies.

194. An understanding with the Government of India on the following points should be arrived at before any more Burmans are sent there :—

- (1) The Burman should arrive with wife and family and become a self-supporter without delay.

- (2) He should be found a quarter in a village that is wholly Burman.
- (3) Arrangements should be made for the establishment of a monastery, with hpongyi, pagoda and school in the Burmese villages.
- (4) The system of Revising Boards should apply to Burman convicts in the Islands, just as it does to those in the jails of Burma.
- (5) There should be in each village or group of villages an interpreter who can represent the case of any Burman to those in authority.
- (6) Music and the acting of pwees, and other Burmese national customs should be actively encouraged.

When it is known in the jails and villages of Burma that these six points are agreed and are in active operation, there should be far less difficulty in persuading the murderers and dacoits to volunteer for free settlement in the Islands, and far less reluctance on the part of their wives to accompany them.

Island
Colonies
for habi-
tual
prisoners.

195. There remains the most difficult body of all, the habitual criminals, popularly known as the "bad hats" of Burma. Experience has shewn that little or nothing is gained either by them or by the State in keeping them for a long term of years in the walled jails of the province. They will not be accepted by the Andaman Commission, and it will therefore be necessary to find another Island within the Province of Burma, where they can be sent with wives and families as pioneers and colonists. Cocos Island, lying a mile to the south of Table Island, is suggested as a possible site for the experiment, when the present lease comes to an end and the property reverts to the Government. It should not be an expensive venture as the Island is thickly fringed with cocoanuts, from which many subsidiary manufactures could be profitably organised. It would be necessary for the Government to maintain a man and his family for their first year. After that they would be self-supporting, selling the nuts and the produce of the nuts to an agent on the steamer at its monthly visits. There are difficulties of approach to the Island at certain seasons of the year, which would have to be explored. Four hundred families could make a living on the Island, when some of the jungle has been cleared. There are sandflies in the evening during the rainy season, but no wild beasts of any reputation, no poisonous snakes or fever. There is a good supply of fresh water and rough timber. The convicts there would be free within the limits of the Island. A superintendent or magistrate would hear any cases that might arise between the colonists, and his orders would be enforced by a small armed guard, based on Table Island, that would be relieved every three months. It should be quite unnecessary to incur anything like the heavy overhead charges which have burdened the development of the Andaman Islands. The conditions of

life should be as rude and simple as those that prevail in many a jungle village.

196. Another experiment might subsequently be made in the island of Pyinzalu, on the southern edge of the Delta. At some date these Islands must be developed in the economic interests of the Province. The pioneer work of clearing jungle, draining swamps and tilling the raw earth can be done by habitual criminals more fitly than by anyone else.

An important feature of all these camps or colonies for criminals, in danger of being overlooked unless it is forcibly emphasised, should be a good school with a first-rate teacher for the children who are brought or born there. To collect a number of criminals in a village or an island and found a colony there, but make no special provision for the education of their children, is to play false with posterity. For the time, society is free from its troubles, but the children would grow into manhood in due course. It is not suggested that there will be any criminal taint in their blood, for such fancies belong to the romance of last century. There is however, a real danger lest children in a village where every adult is an ex-criminal with stories of his exploits to relate, may absorb the idea that crime is quite an ordinary and indeed rather a splendid profession. The children of a seaport town tend to follow their fathers to sea. Those born in married quarters often join the army or the police. In order to combat this natural tendency, the children nurtured in criminal settlements must have a corrective point of view put before them by a good teacher at a good school. Unless arrangements to this end are made conscientiously by the Government in every such settlement, it may happen that 400 criminals are kept in safety, but four thousand more are being bred to harass the peace of the next generation.

197. An estimation of the number available for each of these experiments cannot hope to be exact. Of the 7,000 men serving sentences of more than two years, some 1,500 are dacoits and murderers. Assuming that these 1,500 contain the usual proportion of two first offenders to one habitual offender, it follows that 1,000 would be eligible for the Andaman Islands and 500 for an habitual colony. Of the remaining 5,500 convicts "as the disposition of the State," following again the same proportion of two first offenders to one habitual offender, 3,700 will be available for pioneer work within the Province, while the remaining 1,800 will join the 500 habitual murderers and dacoits in one or other of the colonies for habitual offenders. It will be understood that the men for the Andaman Islands should leave immediately after conviction with wives and families, but that the men for the habitual colonies should first spend two years in a jail.

198. These re-arrangements will involve considerable change in the system of remission as at present practised. The Revising Boards will continue to exercise their functions at headquarters, not interviewing the prisoners and colonists, but judging their cases from reports received.

Remission
and
After-care

Apart from this, it should be considered whether any further remission should not relate to a shortening of the period spent actually in jail, rather than to a systematic reduction in the period in colony or camp. It is unwise to be constantly reminding a man, who is in process of being settled in a new environment with wife and family, that the better he works the sooner can he leave that environment. Remission in such circumstances produces the opposite to the effect desired. It unsettles a man, and only serves to emphasise the temporary nature of his household.

199. There must, however, be many who at the end of their sentence, short or long, decide to return from jail or colony or camp, to their native village. Opinion varies very much among those "who know Burma and the Burman" as to the position of the ex-prisoner on returning to his village. It is often a matter of regret with them that no stigma attaches to imprisonment. That is an unfortunate position so far as it makes a man less unwilling to risk imprisonment by commission of crime. But it should operate to the advantage of society, if it means that when a man has paid his penalty, he is given another chance by his neighbours, and not sentenced to a form of social banishment so frequent in other communities.

200. When a villager returns from prison and settles again in his old house, how is he viewed by his former neighbours? Many are prepared to think none the worse of him, regarding him as having been the victim of circumstances. It will depend probably on the nature of the crime he committed. It may have been one of violence, rated as heinous by the law, but intelligible to those in the village, who themselves are liable to commit the same crime on provocation. If, however, he is a thief and does not seem to have changed his habits, they will not welcome him into their house, either as friend or servant. The Burmese word for "gaolbird" attaches to him, he must make his friends among the other bad characters in the village. He is hardly encouraged to start an honest life.

201. The ex-prisoner, whether he returns to town or village, needs help if he is to begin again on better lines.

202. It will be a long time before adequate help and guidance can be given to any large proportion of those who leave jail each year. Gradually, however, the organization which begins with the appointment of probation officers here and there, and in its second stage of development is used to supervise young offenders on licence from the Schools, may ultimately be able to exercise the same friendly functions towards the more hopeful section, at any rate, of the prisoners who want help on their discharge.

203. The general objection to all these proposals will be to the effect that the element of punishment has been lost sight of in this re-arrangement of the prison population. It is, however, certain that emigration

to the Adamans or any other islands, with or without families, will not be popular. The Burman will not relish the role of colonist or pioneer. He prefers the smooth track in his own village. Similarly, the first offender will not enjoy two years of hardwork in a jail, hardening his hands in order to get a sufficiency of rice, to be followed by a migration to a strange part of the province.

204. There will also be many practical people who will say it cannot be done, largely for the reason that it has not been done before. The only way to deal with such people is to proceed to do it and leave them to forget their prophecies. The scheme does, at any rate, attack the present anomalous position, wherein thousands of peasants are dragged into the towns, hemmed in behind high walls, and fed with rice in return for a modicum of work, while the remoter parts of country are crying for their labour in the development of the land.

205. Something assuredly must be done. Crime increases, at no alarming rate, but steadily each year. Its causes are, for the most part, deepseated and will not quickly be removed.

206. The Lieutenant-Governor of the Province wrote in 1920: "Whatever the future may have in store, no Government can neglect the warning presented by the consistency in the extent of criminality during the last decennium." His words have an added force to-day, when the space of a vicennium is coming within sight. The old methods must be recast, and new measures must be welcomed. Written ten years ago, this Report would have been regarded as so chimerical that it would have lain upon a convenient shelf till only the dust of years contrived to bring it down to earth. Now when the need for change is realized, and ears are open for suggestions, it may find audience among those who have the will and the power to act.

207. Some of the proposals contained in this Report appear to be rather costly. Training Schools, though they grow gradually, may well prove to be more expensive than jails. The appointment of a whole-time Superintendent at each jail, the substitution of ten Burmans for seven Indian warders, will involve a yearly increase of six lakhs in the provincial expenditure, on jails. Against these increases of expenditure, however, must be set three sources of gain on the other side of the account. In the first place, the reduction of the convict population of the jails by one-half will enable the authorities to close a certain number of the smaller jails, and will reduce the charges of maintenance very considerably. A fair proportion of the 20 lakhs now spent upon the jails should be saved if nine thousand convicts are taken away from the sixteen thousand now in custody, and put in surroundings where they will gradually come to support themselves.

208. Secondly, an increase in the industry of prisoners will effect a great economy. At the present time only 5,000 prisoners are employed on manufactures. The price charged to the customer for the work of these

men is calculated as follows :—First is put down the cost of the material, to that is added a sum for labour, which is calculated by allowing eight annas a day for each man to be employed on the work ; to this is added a profit of 25 per cent. in the case of outside firms, and 10 per cent. in the case of Government Departments, the percentage being based on the cost of material and labour. It is obvious that this calculation should result in a substantial profit on these manufactures, if the men did indeed finish the job in the number of days allowed in the estimate of cost. What happens actually is that the calculation of the amount of time to be taken is based on the number of days that workmen outside would require. The prisoners work much more slowly and less efficiently, and as a result, the profit is reduced. If the 5,000 worked for 300 days a year and did indeed earn half a rupee a day, their earnings should amount to 7½ lakhs. In practice, however, for want of incentive to work, and proper organization of the jail industries, the net profit on their labour is only 2½ lakhs, or less than three annas apiece, i.e., half the cost of their maintenance, while the average individual earnings of all the 10,000 convicts is estimated at only an anna a day. It will be rather surprising if a business-like controller of industries, exploring the two suggestions put forth in this Report, and many others that will occur to him, does not treble the value of the labour of these 5,000 men and improve the earning capacity of all the other prisoners. Such a result will provide a very real saving in the cost of jails, and will go a long way towards paying for the more expensive suggestions that have been made.

209. The third avenue of economy lies in the reduction of recidivism, which should result from the reorganization of the jails. This is a matter in which no exact calculation can be employed. But it is understood by all that the detection of a crime, the arrest and trial of the accused, and his subsequent incarceration is always an expensive proposition. Each time the same man repeats his crime, the same expense is incurred by the State. The most economic way of treating a criminal is therefore to take all steps humanly possible to make him into an honest man.

210. The remarkable paucity of women prisoners in Burma is the excuse for leaving the question of their special treatment to a penultimate paragraph.

211. In the year 1925 the daily average of women prisoners in the whole Province was only 142, or '8 per cent. of the whole prison population, compared with 1'14 in 1880. The number actually sentenced to imprisonment during the year was 567, the difference being explained by the fact that while the average sentence for a man is 12 months, that for a woman is only 3 months. These women were scattered among no fewer than 17 jails, so that in 11 of these jails the daily average was less than 10. Having regard first to the younger ones it seems that only two were received during the year under the age of

16, and 35 were received between the ages of 16 and 19. (" In the good old days " of 1877, 23 girls under 15 were received in prison from Lower Burma alone). It is hardly practicable for any Government to start a training school for girls, when the number are so small, and the type of girl necessarily so varied. A great number of these could be dealt with on probation, and others could be sent to the care of such homes and hostels as exist in Rangoon and Mandalay. It should rarely be necessary to send girls under 19 to the common jail, and where the court finds itself unable to adopt any other alternative, the cases should be reviewed at least once a year by the Government with a view to release on licence.

212. With regard to the women, in spite of the great difficulties of transit, it is imperative that steps should be taken to collect them in a few centres, rather than that they should be scattered in such small groups all over the Province. At present, because each group is so small, it must contain very different types thrown into the closest contact with each other, the young infanticide talking all day with the experienced prostitute and the opium addict. Because there are so few in each jail, there are no women prison officers. A senior prisoner is chosen to be responsible for the others, and the little group is left alone to do a little sewing and eat a good deal of rice. A certain measure of classification would be secured if sections of two jails could be used in Upper Burma and two in Lower Burma, the more innocent being, in each region, kept in a separate place from the more depraved. With women this somewhat vague basis of classification is of more use than the formal one between casual and habitual offenders. In fact, the number of habitual offenders is so small (5 per cent. or 6 per cent. of the whole) that a separate jail for them would be an absurdity.

213. Having collected the women prisoners in three or four sections, the second necessity is to provide a few women prison officers. It should not be difficult to find women of the right sort from those who pass out of the middle schools and do not immediately become teachers or wives. The expense will be slight, and a reproach to the jail system will be removed. Women in prison should receive, if anything, more care than men. A woman officer will understand them better, make them work harder, and will help the authorities so to order their time in jail that they are the better and not the worse for their sentence.

214. It is not easy to find bearings and gauge a situation in a few months, and quite impossible if gates are shut, or sand is thrown in the eye, or whitewash unduly spread about the way. I have to thank Major P. K. Tarapore, I.M.S., Inspector-General of Prisons for the Province, and the whole of his Staff, both at headquarters and in the jails for the open-hearted way in which they stood aside and let me see all that I asked to see. Without their co-operation, the four months would have been a waste of time. It is better to write with emphasis and from the

Conclu-
sion.

Women
Prisoners.

shoulder, and though some chance phrase may strike them hard, they will know it comes from keenness and perhaps obstinacy, but not from malice.

To the Imperial Police, an equal obligation exists. Though not always sharing the same point of view, they set themselves to help me from one end of the Province to the other, and left me with some appreciation of their difficulties and a great admiration for their spirit.

To the Government of Burma, for the generous facilities they afforded, and to the people of Burma, for the spirit in which they received us, my Secretary and I are beyond measure indebted, conscious that even so long a Report is but a poor return for their welcome.

Anyone who has spent four months in constant journeying, in a country where all means of transport are thwarted by nature, cannot leave without a word of gratitude for the wonderful efficiency of the Irrawaddy Flotilla Company and the Burma Railways. They inspire a man to write verses, and give him time to do so.

To a host of new-found friends who by their hospitality, always accepted, and advice, never forgotten, made Burma a land of many happy memories, and to the one mosquito at M. . . . that failed to bite us, a thousand thanks.

ALEXANDER PATERSON.

HOME OFFICE, 19th May 1926.

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APPENDIX No. 1.

Prevention of Crime Bill, 1926.

ARRANGEMENT OF SECTIONS.

PART 1.—*Detention of Young Persons on Remand.*

SECTION

1. Committal to place of detention.
2. Provision of places of detention.

PART 2.—*Arrangements for the separate hearing of charges brought against Young Persons.*

3. Separation of young persons at Court.
4. Separate hearing of case.
5. Exclusion of spectators from Court.
6. Honorary Magistrates.

PART 3.—*The System of discharging offenders on probation.*

7. Placing an offender on probation.
8. Appointment of Probation Officers.
9. Payment of Probation Officers.
10. Discharge of Probation Officers.
11. Payment of expenses.
12. Duties of Probation Officer.
13. Failure to obey conditions.
14. Power to make Rules.

PART 4.—*The establishment of preventive, reformatory and training schools.*

15. Power to commit to a Preventive School.
16. Power to commit to a Reformatory School.
17. Power to commit to a Training School.
18. License from the Schools.
19. Establishment of Schools.
20. Establishment of Visiting Committee.
21. Power to make Rules.
22. Elasticity of age limits.
23. Power to transfer.
24. Special jails for young adults.

PART 5.—*The establishment of a system of after-care.*

25. Power to pay for after-care.

PART 6.—*Provisions for the treatment of Girl Offenders.*

26. Probation or prison.

PART 7.—*General.*

27. Short Title and Commencement.

PART 1.

DETENTION OF PERSONS UNDER 14 YEARS OF AGE ON REMAND.

[Children
Act, 1908,
Sec. 95.]

1. The Court, on remanding or committing for trial a person who appears to them to be under the age of 14 years (hereinafter called 'a young person') who is not released on bail, shall, instead of committing him to a jail or lock-up, commit him to custody in a place of detention provided under this part of the Act, to be there detained for the period for which he is remanded, or until he is thence delivered in due course of law : provided that if the Court should be convinced that the young person is of so depraved or unruly a character that he cannot be sent to such a place of detention, he may be committed to a jail or lock-up.

[Secs. 108,
109 and 110.]

2. (1) In those areas where it appears that at any one time accommodation will have to be found for a number of young persons in a place of detention, the Local Government shall have power to establish and maintain such a place of detention, to be wholly employed for the purpose. In other areas, the Government shall have power to arrange with charitable, religious, or other agencies, to receive into their Homes or Hostels young persons committed from the Court : in that event, the Local Government shall have power to make payment to the authorities of such Home or Hostel in respect of each young person so detained, and the place so used shall be regarded as a place of detention for the purposes of this Act. The Local Government shall arrange for a regular inspection of all places used for this purpose.

(2) In those districts where the Local Government is unable to make such provision as is contained in the foregoing sub-section, the District Superintendent of Police shall appoint one or more of his married head constables to receive into their quarters, at a rate to be fixed by the Local Government, a young person committed by the Court ; these quarters shall, for the purposes of this Act, be a place of detention, and the head constable to whose care the young person is committed, shall be responsible for his welfare and custody. So far as is practicable, a young person shall only be committed to the care of a head constable belonging to the same race as himself, and shall not be in the custody of one who is directly concerned in the investigation of the charge against him.

PART 2.

ARRANGEMENTS FOR THE SEPARATE HEARING OF CHARGES, BROUGHT AGAINST PERSONS UNDER 14 YEARS OF AGE.

[Children
Act, 1908,
Sec. 111 (3).]

3. Where young persons are awaiting their trial at the Court, they shall be kept separate from other persons also awaiting trial.

[Sec. 111 (1).]

4. The Court shall arrange to hear a case, where the only accused is a young person, either in a different building, or in a different part of the building from that where the cases of other persons are heard.

[Section
111 (4).]

5. When a charge against a young person is being heard, everybody shall be excluded from the hearing, save the parents and guardians of the young persons accused, other persons whose attendance is required for the hearing of the case, and representatives of the Press.

6. When a Magistrate is hearing a charge brought against a young person he shall, whenever it is practicable, be assisted by Honorary Magistrates. The Local Government shall appoint a number of honorary women Magistrates, who shall have power to assist the Magistrate on these occasions.

PART 3.

THE SYSTEM OF DISCHARGING OFFENDERS ON PROBATION.

7. (1) Where any person is charged before a Court with an offence punishable by such a Court, and the Court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the nature of the offence, or to the extenuating circumstances under which the offence was committed, it is expedient to release the offender on probation, the Court may, without proceeding to conviction, make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour, and to appear for conviction and sentence when called on at any time, during such period, not exceeding three years, as may be specified in the Order.

[Probation
of Offenders
Act,
1907, Sec. 1
1.)]

(2) Such an order shall contain the condition that the offender be under the supervision of a person hereinafter called a Probation Officer. [Sec. 2 (1).]

(3) The order so made shall be called a Probation Order, and may contain such conditions with respect to residence, abstention from intoxicating liquor and any other matters as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence, or the commission of other offences. [Sec. 2 (2).]

(4) The Court by which a Probation Order is made shall furnish to the offender a notice, in writing, stating in simple terms the conditions he is required to observe.

[Probation
of Offenders
Act,
1907].

(5) In placing an offender under the age of 19 years on probation, the Court may also order him to receive a whipping, in accordance with the provisions of the Whipping Act, 1909. [Sec. 2 (3).]

(6) The Court shall require a Probation Officer to submit a report on each person under his care not less frequently than once in six months.

(7) It shall be within the power of the Court, in special circumstances, to place an offender on probation to a particular individual who has not been appointed as a Probation Officer. In such an event, the person deputed to act as a Probation Officer shall have the same powers and may receive the same fee as though he were on the authorised list.

Provided that nothing in this section shall be construed as depriving the Court of the power conferred upon it by section 562 of the Criminal Procedure Act.

8. (1) In every area where it seems to the Local Government that the number of persons, at any one time, on probation, will be sufficient to require the services of one or more whole-time Probation Officers, the [Sec. 3(1).]

District Magistrate of that area shall, in accordance with Rules made under this Act by the Local Government appoint a person, or persons, to act in that capacity.

(2) In other areas within the Province, the Deputy Commissioner in accordance with Rules made under this Act by the Local Government shall appoint persons whom he considers to be fit to perform the functions of a Probation Officer, to act as Probation Officer in the case of such offenders as may be placed under their supervision by a Court.

(3) The Local Government shall lay down in writing for the direction of District Magistrates and Deputy Commissioners, certain conditions prescribing the age, character, standard of education and other qualifications which must be observed in the appointment of a Probation Officer.

[Sec. 3(4).] 9. (1) A Probation Officer appointed by a District Magistrate shall be paid such salary and emoluments as may be laid down by the Local Government.

(2) A Probation Officer appointed by a Deputy Commissioner may be paid a fee for each offender committed to his care, the amount of that fee, and the manner in which it is to be paid, to be determined by the Local Government.

[Sec. 3 (5).] 10. A Probation Officer may be discharged from his post by the authority who appointed him. He shall have the right to appeal against that discharge, to the Commissioner of the Division.

[Sec. 3 (5).] 11. The out-of-pocket expenses incurred by a Probation Officer in the course of his duties, shall be repaid to him by the District Magistrate, or the Deputy Commissioner in accordance with a scale prescribed by the Local Government.

[Sec. 4.] 12. It shall be the duty of a Probation Officer, subject to the directions of this Court :—

- (a) to keep in close touch with the offender committed to his care, and to see that he observes the conditions of his recognizance ;
- (b) to report to the Court as to the behaviour of those persons under his care, so often as is directed by the Court ;
- (c) to advise, assist and befriend the offender and, when necessary, endeavour to find him suitable employment, lodgings, clothes, tools, etc. ;
- (d) in the case of persons under the age of 16 to act *in loco parentis* to them, and to exercise if necessary, the punitive rights of a parent.

[Sec. 6 (1).] 13. (1) The Court which has placed an offender on probation, or any other Court, if satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, may issue a summons to the offender to attend at the Court.

[Sec. 6 (3).] (2) The Court before which the offender appears or is brought, may remand him to a prison or lock-up or, in the case of a young person, to a place of detention, until his case has been fully heard.

[Sec. 6 (5).] (3) The Court, on being satisfied that he has failed to observe any condition of the recognizance, may forthwith, without requiring any

further proof of his guilt of the offence for which he was originally placed on probation, convict and sentence him for the original offence. Provided that, if the original order of probation had been accompanied by a whipping, in accordance with the terms of Section 7 (5), the offender may not on recall to the Court be again sentenced to a whipping, unless a further offence against the law is proved against him.

14. The Local Government may make such Rules for carrying this [Sec. 17] part of the Act into effect, and in particular so far as the appointment, resignation and removal of Probation Officers, the performance of their duties, and the reports to be made by them, are concerned, as may appear to them to be necessary.

PART 4.

ESTABLISHMENT OF PREVENTIVE, REFORMATORY AND TRAINING SCHOOLS.

15. Any person may bring before the Court any young person who
- (a) is found begging, or receiving alms ; or
 - (b) is found without any home or means of subsistence ; or
 - (c) is under the care of a parent or guardian who is unfit to have care of the child ; or
 - (d) is living in such conditions, or under such circumstances, as would ordinarily conduce to the commission of crime.

[Children Act, 1908, Sec. 58.]

Should no other person act in this matter, it should be the duty of the police to bring a young person in such circumstances before the Court. And the Court before which such a person is brought, if satisfied that he comes within one of these foregoing descriptions, although no charge is brought against him, may either place the young person in the care of a Probation Officer, or in the case of a male, may order him to be sent to a Preventive School, where he shall be kept until the Local Government, on the recommendation of the Visiting Committee of the school, shall discharge him on licence.

16. When a young person is found guilty by that Court of any offence against the law, the Court shall not sentence him to any term of imprisonment, but in addition to, or as alternative to, the other courses readily prescribed by law may place him under the care of a Probation Officer, or in the case of a male, may proceed to convict him of the offence and order that he be sent to a Reformatory School, where he shall be kept, until on the recommendation of the Visiting Committee of the School, the Local Government shall agree to discharge him on licence. [Sec. 57.]

17. Where a male person, who appears to the Court to be between 16 and 19 years of age (hereinafter called 'a youth'), is found guilty of an offence against the law, the Court shall not sentence him to any term of imprisonment but in addition to, or as alternative to the other courses readily prescribed by law, may commit him to the care of a Probation Officer, or may convict him and send him to a Training School for such period, not less than three years, as the Court may determine. [Prevention of Crime Act 1903, Sec. 1.]

[Children
Act 1908,
Sec. 65.]

PREVEN-
TION OF
CRIME ACT,
1908.

[Sec. 5.]

18. (1) The Local Government shall have power to discharge a young person or youth on licence from a Preventive, Reformatory or Training School at any time after a minimum period of six months, if satisfied that there is a reasonable probability that the offender will in future abstain from crime, and shall name in the license the person who is willing to help the offender on his discharge, and in any case, every offender shall be so licensed before attaining the age of sixteen years, in the case of Preventive and Reformatory Schools, or twenty-one years in the case of a Training School. Provided that a youth sent to a Training School after a conviction from murder, homicide or dacoity may be kept there after the age of 21 years.

(2) A license under this section shall be in such form and shall contain such conditions as may be prescribed in regulations made by the Local Government.

(3) A license under this section shall be in force till the expiration of one calendar year after the expiration of the original sentence.

(4) Subject to regulations to be made by the Local Government, a license under this section may be revoked at any time during its currency by the Local Government; and when a license has been revoked, the license-holder may be arrested without warrant, and detained till the expiration of the license in such School or jail (if the offender is over the age of sixteen years) as the Local Government may direct.

Provided that it shall always be within the power of the Local Government to license the offender again at any time after his recall.

19. The Reformatory Act of 1896 is hereby repealed and the responsibility for establishing and maintaining the Schools mentioned in this part of the Act shall be borne by the Local Government.

20. The Local Government shall appoint at each School, established under the provisions of this part of the Act, a Visiting Committee consisting of men and women interested in the work of the School and containing, wherever possible, members of each race of which there are representatives among the members of the School. The Committee shall serve for a period of three years, and shall exercise such powers as may be laid down in Rules drawn up by the Local Government.

21. The Local Government shall make Rules for the Schools mentioned in the foregoing sections, particularly with regard to

- (a) the classification, training, treatment, employment and control of those sent to the Schools;
- (b) the discipline to be observed;
- (c) the punishments that may be inflicted;
- (d) the constitution and powers of the Visiting Committee;
- (e) the conditions under which a license for discharge may be granted.

22. The Court shall have power, in special cases, to disregard the age limits which have been prescribed in the foregoing Sections of the Act, so far as committal to a School is concerned. In any case, however, where they do so, they shall inform the Superintendent of the School to which the offender has been committed and he shall, after six months, report to the Local Government whether, in his view and in that of the Visiting Committee of the School, the committal to the School appears to be appropriate.

[Children
Act, 1908,
Sec. 69 (2).] 23. Where it appears to the Local Government that an offender sent to one type of School would be more properly placed in another type

of School, they shall order the transfer of the offender. Furthermore if it appears to the Local Government that an offender, being over the age of sixteen years, at a Training School is incorrigible, or is exercising a bad influence on the other members of the School, the Local Government may commute the unexpired residue of his sentence to a term of imprisonment, to be not greater in length than the amount of such unexpired residue.

24. The Local Government shall arrange to set aside certain jails in the Province for the imprisonment of offenders whose ages appear to be between 19 and 25 years and whose sentences are for a period of six months or more, and of those also who have, under the foregoing sections, been transferred from Training Schools.

PART 5.

ESTABLISHMENT OF A SYSTEM OF AFTER-CARE FOR PERSONS DISCHARGED FROM THESE SCHOOLS.

25. Whenever anyone is discharged on licence from any of the Schools mentioned in the foregoing parts of the Act, the Local Government shall arrange that he is discharged to the care either of a Probation Officer, or of someone who will be interested in his future welfare. A scale of fees and out-of-pocket expenses, payable in respect of such services, will be laid down by the Local Government. [Prevention of Crime Act, 1908, Sec. 8.]

PART 6.

PROVISIONS FOR THE TREATMENT OF GIRL OFFENDERS UNDER THE AGE OF 18.

26. When a girl, who appears to be under the age of 18, is found guilty of an offence against the law, she shall be put on probation, unless her offence is of so serious a character that such a method of dealing with the offence appears to the Court to be incompatible with the requirements of justice and the maintenance of the law. In that event, should the Court decide to sentence the girl to a term of imprisonment, steps shall be taken by the authorities of the jail to avoid the contamination of the girl by association with older prisoners. Such cases will be brought to the notice of the Local Government once every year with a report on the progress of the girl, in order that the possibility of her release on license to some suitable person, or agency, may be considered at the earliest possible date.

PART 7.

SHORT TITLE AND COMMENCEMENT.

27. (1) This Act shall be cited as the Prevention of Crime Act, 1926.

(2) This Act shall come into operation on January 1st, 1927, saving the clauses 15—26 inclusive, which shall not come into operation till January 1st, 1928.

APPENDIX 2.

Regulations to be made by the Local Government under Sections 8, 9, 11 and 14 of the Prevention of Crime Act, 1926.

Appoint-
ment of
whole-
time pro-
bation
officers.

1. The District Magistrate must first satisfy the Local Government that the number of offenders who are likely to be on probation during any one year, within the jurisdiction of his Court, are sufficient to require the whole-time of a probation officer. He will then be empowered to make the appointment, subject to the following conditions:—

- (a) The vacancy must be duly advertised, and a Selection Board of three be constituted to deal with the applications. The Board shall consist of the District Magistrate and a representative of the Local Government, together with a third person, on whose appointment the two shall agree. The Selection Board shall first pick out from the written applications those which appear to all to be most promising, and shall then proceed to interview these applicants. The final choice between those interviewed shall rest with the District Magistrate.
- (b) Applicants must be between the ages of 25 and 55, able to read and write in Burmese or English, and to speak in either language.
- (c) No account will be taken of the religious views held by the applicant.
- (d) An applicant must be of good health and good intelligence.
- (e) The applicant must be free to give the whole of his time and his undivided energy to the work of a probation officer. He must not be in the employ of any other body or person.
- (f) Any attempt by a candidate or by anyone on his behalf to canvass any member of the Selection Board, directly or indirectly, will disqualify that candidate.

Tenure
of the post
of a whole-
time pro-
bation
officer.

2. The appointment shall, in the first instance, be for one year only. During the year the engagement may be terminated on either side by a month's notice, no reason being given. Before the end of that year, the representative of the Local Government shall personally investigate the work done by the probation officer, and report to the Selection Board, who shall advise the District Magistrate either to dispense with the services of the officer, or to engage him on a more permanent basis. If the District Magistrate approves, the probation officer may then be engaged as a permanent officer of the Court, to remain in the service of the Court, save in the case of dismissal or resignation, till he attains the age of 60.

Dismissal
of a whole-
time pro-
bation
officer.

3. Should either the District Magistrate or the representative of the Local Government have reason to think that the probation officer is failing in his duty, the Selection Board shall be convened by either of them, and if it shall appear to any two of the Board that the services of the probation officer should not be retained, he shall be dismissed by

the District Magistrate with three months' pay or notice, and shall have right of appeal to the Commissioner of the Division.

4. The Deputy Commissioner will forward to the Local Government the name and village of any man in his district whom he considers competent to perform the duties of a probation officer in a village or group of villages. In making his recommendation, the Deputy Commissioner will have regard to the character of the man, and the nature of the influence he is likely to exert over anyone under his care. He will satisfy himself that the man

- (a) appreciates the purpose of the Act;
- (b) can read and write Burmese;
- (c) will be diligent and reliable in the performance of his duties;
- (d) is not engaged in such an occupation as will be incompatible with his duties as a probation officer.

Should the Local Government accept the recommendation of the Deputy Commissioner, they will authorise him to appoint the man to the post of a probation officer and to issue to him a certificate to that effect, which shall continue to be his property, unless he is called upon to surrender it, in the event of his dismissal from the post.

The probation officer appointed as in the last foregoing section, shall continue to act as a probation officer until he resigns from the position, or until such date as the Deputy Commissioner may consider him to be failing in his duty and dispense with his services, calling upon him to surrender his certificate. In that event, the probation officer shall have the right of appeal to the Commissioner of the Division.

6. An annual salary, whose amount and manner of payment shall be fixed by the Local Government, shall be paid to the whole-time probation officer, and a capitation fee, also to be fixed by the Local Government, for each case received from the Courts by a part-time probation officer. When one officer is succeeded in his post by another, the fees in respect of certain cases current at the time of change, shall be shared between them in proportion to the time during which the offender has been under the supervision of each officer.

7. It shall be the duty of a probation officer to do everything in his power to help anyone placed in his charge to live an honest and industrious life and abstain from any violation of the law. To this end, he should remain in close and constant touch with the offender, seeing him at least once a week during the first six months of the period of probation, and subsequently at least once a month during the remainder of the period. He shall see the offender both at the latter's place of residence and away from it.

He should keep a diary recording the dates on which he has seen the offender, and a note of the latter's doings and progress, and of the action he has himself taken to help him. This diary shall be open to inspection by the Deputy Commissioner or an officer of the Local Government, at any time.

If the offender lacks employment, the probation officer shall make every effort to find him employment. If the offender fails to follow the employment found for him, or loses it through his own fault, the officer shall forthwith report the facts in writing to the Court.

Appoint-
ment and
Dismissal
of a part-
time pro-
bation
officer.

Tenure
and Dis-
missal of a
part-time
probation
officer.

Payment
of proba-
tion
officers

Duties of
probation
officer.

The probation officer shall direct the offender where to live, and if the latter changes his place of living without first informing him, he shall report the fact in writing to the Court.

Expenses incurred by probation officer.

8. The District Magistrate and the Deputy Commissioner shall be authorised to repay to a whole-time or part-time probation officer respectively, who is working in their district, certain out-of-pocket expenses properly incurred by the probation officer in his efforts to help an offender. It shall be incumbent on the probation officer to render a monthly account to the District Magistrate or Deputy Commissioner showing what money he has received from them, and accounting for its expenditure by the showing of receipts, etc. The Local Government shall fix a limit under certain headings, e.g., clothes, tools, food and lodging, travelling expenses, which a probation officer may not exceed without first obtaining express sanction from the District Magistrate or Deputy Commissioner.

Official list of probation officers.

9. The Local Government shall provide each Court in the Province with a list of the probation officers appointed, and shall notify every Court of additions or alterations to the list within fifteen days of such addition or alteration taking effect.

Allocation of offenders to probation officers.

10. The Court, before deciding to place an offender on probation, shall be satisfied that there is a probation officer in his probable place of residence during the period of probation, and shall assign him to the care of that probation officer. Should the offender subsequently, with the consent of all concerned, change his place of residence, he will come under the supervision of the probation officer in the district to which he goes, the two officers sharing any fees that may be involved, in proportion to the periods of time that the offender has been under supervision of each one. It is usually inexpedient, save in exceptional cases, to allow the offender to move to a district where no probation officer has been appointed.

APPENDIX 3.

Regulations to be made by the Local Government under Section 21 of the Prevention of Crime Act, 1926.

1. On the committal of any young offender to a School, the Court shall forthwith inform, by telegram, the Local Government of such committal, and the name of the lock-up or jail, or in the case of those under 14, of the place of detention, where the offender is awaiting transfer. The Local Government shall forthwith instruct the superintendent of the lock-up, jail or place of detention as to the School to which the offender is to be sent, and it shall be the duty of the police of the district in which the lock-up, jail or place of detention is situated, to provide an escort for the purpose without delay.

Transfer to a School.

2. The responsibility for deciding whether a boy or youth is committed to a Preventive, Reformatory or Training School, and the period he shall spend there, rests in the first instance, with the Court. Should the Court exercise its discretion under Section 22 of the Prevention of Crime Act, 1926, and commit an offender outside the statutory age-limits of the School, the Head of the school shall, after the expiration of six months, bring the case to the notice of the Visiting Committee at his School and forward their recommendation, together with a separate and independent one of his own, as to the expediency of allowing the boy or youth to remain at the School. In coming to a decision on this issue, both the Committee and the Head of the School will be guided by two considerations:—(a) Is his retention at the School detrimental to the interests of the School (b) is this School the most appropriate place of training for him? The first of these considerations will always have priority over the second.

Classification.

3. Should the Head of the School come to the conclusion that the interests of the School, or of any particular member of the School, would best be served by his transfer to another School, he shall bring the matter to the notice of the Visiting Committee and proceed as in the foregoing regulation. In making recommendations for transfer, it will be remembered that each case is to be considered on its merits, and adherence to exact age-limits, or to the technical status of boy or youth as a first or an habitual offender is not required if the advantage of all concerned can better be served otherwise.

4. Each School shall be divided into houses or teams or sections, and the Head of the School shall post each entrant to one or other of these divisions, which shall not be based on age or degree of delinquency. Every opportunity shall be given in work, discipline, and the other forms of training to encourage a healthy rivalry between these divisions. For this purpose, they should be fairly equal in the age of their members. Nor is it wise that all the worst or more difficult members of the School should be put in one division.

The Divisions of a School.

5. The boys in each School shall be divided into at least four grades. Newcomers will start in the ordinary grade, from which they may be promoted after a minimum period of six months to a Special Grade. There shall also be a penal grade below the ordinary grade, to which they may be reduced for idleness or misconduct for a period not exceeding

The Grade System.

one month. Finally, there shall be in each division a certain number of leaders, chosen from the Special Grade, who shall, so far as possible, be made to feel responsible for the good conduct of the other members of their division.

The privileges and responsibilities which shall mark these four grades, shall be in accordance with a scheme which the Head of the School, in consultation with his staff shall frame, and which shall not be operative till it has received the approval of the Visiting Committee and the sanction of the Local Government. Similar measures shall be taken for any alteration in the scheme.

Promotion from one grade to another shall only be gained by positive merit in work or any other branch of the training, and shall be made by the Head of the School, after consultation with the Officers in charge of the divisions. For these and other purposes, the Head and the Officers in charge of divisions, shall form themselves into a School Board, which shall meet at least once a week. Reduction in grade can only be made by the Head of the School.

Employment.

6. Every new arrival at a School shall be examined, with a view to discovering his physical fitness, his mental efficiency, and his capacity and taste for different forms of employment. He shall then be allotted by the Head to what after examination appears to be the most appropriate form of employment for him in the School, and this shall not be changed without the consent of the Head, who shall be satisfied that a very good reason exists for such a change. The amount of work done by each lad shall never, save in case of illness, be less than eight hours on every working day. The Head shall decide how many holidays there shall be in each year. Work shall be the paramount feature of the training programme, and no other occupation, save the exercise of religious duties, shall interfere with it. While everything possible shall be done to make the members of each working-party take an intelligent interest in their work, the primary necessity is that each one should work steadily, whether the task be congenial or uncongenial.

Discipline

7. Minor offences shall be dealt with by the Officer in charge of each division, who shall have power to inflict minor punishments, such as the withdrawal of the lesser privileges and the imposition of extra fatigue duties.

In such cases an appeal may be made to the Head, where the offence appears to the Officer to be of a more serious character, he shall report it to the Head, who shall hear his statement, and any other evidence, in the presence of the accused. The Head shall have power to deprive the accused, if found guilty, of any privileges he may have earned, to order his reduction in grade for such period as he thinks fit, or his detention in solitary confinement, together with such punitive tasks as may be prescribed by the Local Government, for a period not exceeding one month. He shall also have power, in the case of grave offences against good order and discipline, to order the offender to receive corporal punishment with a cane, the maximum penalty being 20 strokes for those under 16 years of age, and 30 strokes for those over 16. The medical officer and he will both be present at the infliction of the punishment.

A return of all punishments shall be submitted monthly to the Local Government, and shall be scrutinized at each meeting of the Visiting Committee.

Medical.

8. Each entrant to the School will be medically examined, and his intelligence will be tested. Subsequently his weight and height will be recorded monthly. The medical officer will attend within twenty-four hours after learning that his presence is required. He will attend daily when anyone is sufficiently ill to make it necessary. If an operation is necessary, arrangements will be made for the case to be transferred to the Civil Hospital, and on reaching a proper stage of convalescence the patient will return to the School, his period in hospital counting as part of his sentence.

Educational.

9. The Head will arrange for classes to be held on every working day in such subjects as his staff can teach and as appear suitable to the mentality of the lads. The basis of the education will not necessarily be a literary one. Handicrafts will be encouraged, together with a practical understanding of the every day concerns of life, and a study of the geography and history of their own country.

Religious duties.

10. The visiting hpongyi will be given every access to the lads, and he shall have facilities for the practice of all religious duties that he declares to be necessary. Any question at issue between the hpongyi and the authorities of the school will be referred to the Visiting Committee for settlement.

Records.

11. A careful record shall be kept of each member of the School, containing—

- (a) the facts known of his career before coming to the School;
- (b) the dates of his promotion to or reduction from, the different grades;
- (c) a note of any punishments;
- (d) monthly reports of those under whom he has worked and by whom he has been taught;
- (e) all medical particulars;
- (f) the decisions of the School Board as to his fitness for discharge on license;
- (g) any other correspondence or papers relating to him.

Visiting Committee.

12. The Visiting Committee shall consist of not less than twelve persons, and shall be appointed by the Local Government for a period of three years. In the case of resignation, an interim appointment shall be made by the Local Government till the end of the triennium. The Committee shall meet monthly at the School and shall elect its chairman and vice-chairman. The travelling expenses of the Committee shall be defrayed by the Government. Three members of the Committee shall form a sufficient quorum for the transaction of business.

12.A The duties of the Committee shall be—

- (a) to visit the School at any time and satisfy themselves that the members of the School are being properly trained, are working hard and obeying orders; that they are properly fed and clothed, and cared for in body and mind; that the premises of the School are clean and healthy, and that the staff are performing their duties as they should;
- (b) to report annually to the Local Government on the progress of the School, making such suggestions for the improvement of the training as they may think fit, and to report at any time on any matter which they think should receive the attention of the Local Government;

(c) to hear any application any member of the School may wish to make to them, discuss them with the Head of the School and, if they consider necessary, report them to the Local Government;

(d) to make recommendations to the Local Government as to the desirability of transferring a lad to another School, or of discharging him on license;

(e) to scrutinize the punishments awarded since their last meeting.

The powers of the Committee shall be :—

(a) to have free access to any part of the School at any time ;

(b) to see and talk to any member of the School ;

(c) to see any papers relating to any member of the School.

Letters,
etc.

13. The members of a School shall be allowed to receive visits or letters from their friends and families, and to write letters to them, in accordance with the scheme of privileges referred to in the fifth of these regulations.

Discharge
on License

14. When a member of the School has served for one continuous year in the Special Grade, the School Board shall begin to consider whether he is fit for discharge on license. They will try to form an opinion as to whether the good conduct and industry he has shewn in the School is likely to be continued in the freedom of life outside the School, or whether a further period of training is advisable. The Head will consult the other members of the Board, but his decision will always be final. If on the first occasion it is decided not to recommend the case for license, it will be reconsidered subsequently every three months. In the meantime, the Head will depute one of his staff to ascertain the prospect of the lad on release, and will endeavour to find some responsible person who will supervise him while on license. When the fitness of the lad for discharge, and the details of his disposal are agreed, the case will be put before the Visiting Committee at their next meeting, and their recommendation forwarded to the Local Government. If the Local Government orders discharge on license, the lad shall be provided with new clothes, a ticket for his journey, sufficient cash for his maintenance thereon and a copy of his license (cf. form below), with letter-paper and stamped envelopes. If able to write, he should be encouraged to inform the School of his doings on discharge.

In exceptional cases a member of the School may be discharged on license after completing a minimum period of six months.

Revocation
of License.

15. Should the Local Government, on obtaining reliable information from any responsible source to the effect that a lad has broken any of the conditions of his license, decide to revoke the license, the lad may be arrested without warrant, or appearance in the Court. The Local Government will have regard to the merits of each case, in deciding whether he shall be sent to a jail for a term not greater than the unexpired portion of his license, or to a School for such period as may afterwards be decided in accordance with the recommendations of the School-authorities. If the latter course be chosen, he will first spend one month in the penal grade, and the question of relicensing him will be considered after he has completed six months at the School.

FORM OF LICENSE.

day of

The Local Government, in pursuance of the powers conferred upon them by the Prevention of Crime Act, 1926, do by this licence allow

who at the Court held at

on the of 19, was found guilty of and sentenced to in a School, and is now

detained at the School, to be discharged from the said School within thirty days from the date hereof, on condition that he places himself under the care, supervision and authority of

of until the expiration of his license on the day of 19 unless in the meantime the Local Government shall alter, cancel or revoke this licence.

This license is granted subject to the conditions endorsed hereon, upon the breach of any of which it will be liable to be revoked.

On behalf of the Local Government.

CONDITIONS.

(To be printed in Burmese on the other side of the licence and explained to the holder of the licence before discharge.)

To

(1) You will go with new clothes, and railway ticket to and rupees, to of and tell him you have come from the School.

(2) You will live where he tells you to live, and do what work he tells you to do. You will treat him as a friend who is trying to help you.

(3) You will not commit any crime against the law, or have as your companions those who are breaking the law.

(4) If you break any of these rules, you will be sent back to the School or to a jail, and may be kept there till

(5) If you are unhappy or in any difficulty write to the Head of the School on this piece of paper.

Signature of holder of license.

APPENDIX 4.

Cocos Island.

(Notes from Diary for 21st March 1926.)

We approached the large Cocos Island from the south-west, being favoured with good weather and a calm sea, at about eight o'clock in the morning. The first point we observed was Jerry Island, which is in truth scarcely an Island, because it is joined to the south point of the Cocos Island by a thin line of coral reef. Although exposed on the south-west to the monsoon, cocoanut trees grow round the coast. In the centre the little island rises to about 100 feet. It occurred to me that Jerry Island might be used as a punitive quarter for the colonists of Cocos Island. There is no reason why heavy expense should be incurred by building an elaborate cellular jail. It should be possible, when necessary, to send a man or a few men, across the coral reef with fresh water and dry rations, and set them a small patch of jungle to clear, allowing them to go back to the main Settlement when they had finished their task. The coral reef is so narrow that it would only be necessary to post a couple of guards to prevent anyone returning before their proper time.

Coasting along the south-west corner of Cocos Island, we observed cocoanut trees growing right down to a sandy patch. We saw three huts among the trees on the edge of the beach.

On the western side of the Island, which is exposed to the wind and weather, there are green trees, but not so many cocoanuts. The green trees appear to be rather useless bush. The coast shows no bare rock. Wherever there is a sandy semi-circular beach, it is fringed with cocoanut trees, but they do not climb far up the hill. In the sand we could see turtle tracks like the ruts made by a heavy cart.

The north side, facing Table Island, is sheltered and here again is a semi-circular beach with a few cocoanut trees. Behind them are trees which probably can only be used for firewood.

On the western side of the Island, we first passed Pollock Bay and saw a large rowing boat on the beach and a considerable plantation of cocoanut trees.

We finally dropped anchor in Ford Bay, where there is a long sandy beach for a couple of miles and a fairly thick belt of cocoanut trees, with a few huts among the trees. We effected a landing in the ship's boat, but found it difficult to discover the proper course to the shore. The water is very clear and you can see the rocks or the sand below to a depth of 40 feet. The shore then shelves rapidly, and the boat very quickly grounds on the sand, or hits a rock. Our tobacco suffered in consequence, as we scrambled ashore. There is a way in, which will bring the boat at high tide on to the beach and at low tide would only involve wading for 12 yards. This way can be found by steering for the two highest trees on the beach.

At our approach, there came to meet us two Indian coolies, one from Benares and the other from Southern India, men of 30 or 40 years of age. They had been left there by the manager in charge of the Island. Apparently, he voyages between the two Islands and the mainland. Every month or so he brings 70 coolies to the Cocos Island, where they gather the cocoanuts. Each man gathers 50 or 60 in a day. The trees bear fruit all the year round.

There is a good well at the north end of the Bay, which the coolies say has never run dry during the two years they have been there. They estimate, somewhat wildly, that there is enough water there for a thousand men. There is another well at the south end of the Bay, and the coolies are sure there must be water also half way down the Bay, as wild cattle live in the bush and are not likely to go thirsty. The coolies say they have not had a day's illness during the last two years, and have experienced no fever. There are sandflies, but they only come at night during the rains. There are no wild beasts and the snakes are harmless.

Not much has been done to clear the bush in the centre of the Island, but paddy was formerly grown there with some success. It was only discontinued because cocoanuts were found to be more profitable.

Cocoanut husks are thrown about everywhere and tons of them litter the shore. They are allowed to rot and waste, but with sufficient labour could profitably be manufactured into rope, etc.

There is a brick office and house for the manager, and plenty of timber for the construction of huts. The Island is hot, with a pleasant breeze from the sea. There are no sharks, but plenty of fish.

A boat calls at Table Island every month, and if the coolies are in any difficulty, or want any help, they row across to Table Island in a small boat, or make signals to the man in the lighthouse.

The first steps to be taken in considering the possibility of Cocos Island as a penal colony, are to send land and water experts, who can survey the Island, giving an opinion as to the water, the timber and the prospect of cultivation, and also the means of approaching it at the different seasons of the year.

The Island is nearly six miles in length as the crow flies, the eastern coast-line stretching for at least $7\frac{1}{2}$ miles, while it measures over a mile across the broadest part. It rises in the centre to 360 feet, climbing steeply from the beach on the western shore and sloping gradually towards the east.

APPENDIX 3.

Sites for a Training School.

A.—MYINDAIK.

A very rough track, which can just be covered by a Ford car, but must be nearly impassable for four wheels in the rainy season, stretches from Kalaw to Myindaik, a distance of 5 or 6 miles. The higher ground to the north of Myindaik Station, sloping towards the south, seems to be a very suitable site for building a Training School for young offenders. There is one good stream of water which has been impounded by the railway, but arrangements could probably be made with them for using this supply, which apparently never runs dry. There is another stream at hand, not so plentiful, which might also be used. It is possible to grow potatoes, coffee, strawberries and cabbages. There will be plenty of work for the lads to do. In the first instance, they would have to make a proper road, both to Myindaik Station and to Kalaw. Secondly they would have to do a good deal of work to conserve and improve the water-supply. They would also be concerned in the early days in building quarters for the officers and mat huts for themselves. These mat huts would be lined with mud to keep out the cold on winter nights. At the same time, they would be getting the land under cultivation, and it should be possible, by a proper rotation of crops, to find work on the land throughout the year.

Most of the timber in the neighbourhood is pine rather than teak, but two hundred tons of sawn pyinkado lying at Yinnabin Station down the line, and available at a very reasonable price, would be very useful for building.

The rainfall is not so heavy: it is spread over five months, and amounts to about 50 inches in the course of the season. There is no reason why malaria should be prevalent, in the absence of stagnant water, mosquitoes and statistics.

A start should be made towards the end of November in order to get the huts finished before the rain. When it does rain, it very rarely happens that it rains throughout the whole day. There are living on the site some Gurkha villagers, who are growing paddy and vegetables. They would have to be accommodated elsewhere. The soil consists of rather heavy red clay.

It is possible to get to Kalaw on a motor-bicycle in about half an hour all through the year.

It would probably be better, in the first instance, to send Officers from England who are either unmarried or who are prepared to leave wives at home for the first year or two. The staff must be prepared for the pleasures of camp life during the early stages of the experiment.

The Commissioner of the Shan States, and the Deputy Commissioner, in whose district Myindaik falls, both agree that it would be a very suitable place for a Training School.

5th March 1926.

B.—SHWEBO BARRACKS.

The Barracks stand in the middle of a great cantonment area and it was proposed to set aside three blocks for the purposes of a Training School. The blocks are wooden structures with tiled roofs: built in 1890, the Public Works Department Officer estimated they would stand for another 25 years. The ground is dry and the soil is gravel. The drains are good, but the water-supply is insufficient in May and June. Nothing can be grown on the land without irrigation except, perhaps, a little millet. The whole place is hard and parched.

The two large barracks which it is proposed to set aside are in good condition, with no appearance of rot. There are several small rooms, and some very large ones. Each barrack would accommodate about 150 lads.

The third block was built as married quarters. Each quarter consists of one fair-sized room and a bathroom attached; there is only one storey.

The whole place comprises 1,200 acres and provides good playing-fields, but nothing else.

There are buildings already in existence. That is perhaps the principal argument in favour of the proposal. Against it are the facts that—

- (a) Shwebo is so hot that a full day's work and training would rarely be done;
- (b) the ground is not suitable for agriculture, unless a considerable scheme of irrigation is contemplated;
- (c) it is not wise to have so many as 150 boys in a single block. They should live in smaller units, so that their own leaders can exercise a considerable measure of control;
- (d) the position of these three barracks in the midst of a large cantonment would limit very seriously the amount of freedom that could be given to the boys within the precincts of the place.

The peace of mind of the other residents in the cantonments could only be preserved if the boys led something like a caged existence.

There can be few places in the world more unsuitable than Shwebo for the purpose of a Training School!

2nd March 1926.

C.—MEIKTILA BARRACKS.

The Barracks at Meiktila, which are at present only partially used by some Burma Militia in training, cover 134 acres of higher ground. There are eight large huts which act as dormitories, with two storeys and big verandahs; and small rooms at the end for non-commissioned officers or supervisors. There is a wash-house and a cook-house for every two of these huts, built of brick.

Water is laid on and pipes and taps are all fitted. The supply does not fail. There are also seven bungalows for officers, and a large hut for a hospital, divided into wards. In addition, there is a block for married soldiers' quarters, each quarter consisting of two rooms. The main metal road is only a hundred yards away.

Cotton and Indian corn are grown, and tomatoes, but the ground is too high and dry for paddy. Only one hut would be required for the

lads, and the other huts could not easily be made into workshops. In some of the huts there is a certain amount of dry-rot.

The whole site stands on high ground, it is very fresh and healthy. It is too big for a Borstal Institution; 200 lads would be lost there. No one would know where they were or what they were doing. It is proposed to use part of the site for training courses for younger civil servants. Subsequently the phrase "trained at Meiktila" might prove ambiguous.

Here again buildings of great capacity are already in existence, and the proposal has the appearance of economy. But the buildings by their size and formation are unsuitable for small groups of boys. The place is too near Meiktila to allow of very much freedom, and the presence of other bodies in training within the same cantonment would lead to a restriction of movement that would be incompatible with the methods of a Training School.

25th January 1926.

APPENDIX 6.

Habituals.

At the instance of Mr. A. Paterson an investigation into certain circumstances attending habitual crime in Burma was made covering a period of 10 years *viz.* 1914 to 1923 inclusive. These figures being now available are inserted in this Report at Mr. Paterson's request.

During this period over 60,000 habituals were admitted into our Jails. The accompanying table shows the result of the enquiry.

It will be seen that the percentage of prisoners returning to Jails goes on increasing from the year of discharge till it attains its maximum (about 25) during the third year after discharge. The results also prove the fact that most habituals start their criminal career early in life, *i.e.*, 28 per cent. before they are 21 years of age, 47 before 25 and 67 before they are 30. Another important fact brought out by the enquiry is that the regular habitual does not start his criminal career by acts of violence, the percentage of habituals whose first offence was against the person being only 2.

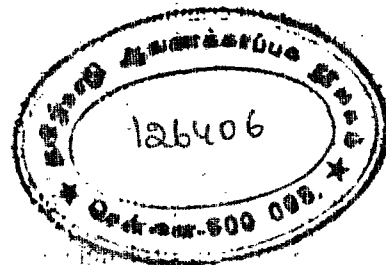
The table showing the length of last period of liberty shows that 13 per cent. return within 6 months, another 13 between 6 months and 1 year, 19 between 1 and 2 years and another 13 between 2 years and 3 years.

Eighty-four per cent. being Burman Buddhists probably signifies very little as that is roughly the proportion of the class to the total population.

A.—Percentage of men discharged in 1914 and reconvicted before 31st December 1923	...	...	...	23
B.—Percentage of men discharged in 1915 and reconvicted before 31st December 1923	...	...	...	24
C.—Percentage of men discharged in 1916 and reconvicted before 31st December 1923	...	...	...	22
D.—Percentage of men discharged in 1917 and reconvicted before 31st December 1923	...	...	...	23
E.—Percentage of men discharged in 1918 and reconvicted before 31st December 1923	...	...	...	24
F.—Percentage of men discharged in 1919 and reconvicted before 31st December 1923	...	...	...	24
G.—Percentage of men discharged in 1920 and reconvicted before 31st December 1923	...	...	...	25
H.—Percentage of men discharged in 1921 and reconvicted before 31st December 1923	...	...	...	18
K.—Percentage of men discharged in 1922 and reconvicted before 31st December 1923	...	...	...	12
KK.—Percentage of men discharged in 1923 and reconvicted before 31st December 1923	...	...	...	5
L.—Percentage of men (<i>i.e.</i> habituals) under 30 at 1st conviction	...	...	...	67
M.—Percentage of men (<i>i.e.</i> habituals) under 25 at 1st conviction	...	...	...	47

P.—Percentage of men (<i>i.e.</i> habituals) under 21 at 1st conviction	28
Q.—Length of last period of liberty percentage under 6 months	13
R.—Length of last period of liberty percentage 6 months to 1 year	13
S.—Length of last period of liberty percentage 1 year and under 2	19
T.—Length of last period of liberty percentage 2 years and under 3	13
U.—Percentage of the reconvicted men whose first offence was against person	2
W.—Percentage of Burman Buddhists* among reconvicted	84

* NOTE.—Burmans—Burman Buddhists does not include 110 C.P.C's:



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