



PROCEEDINGS

of the

**Sixth All-India Conference of
Inspectors-General of Prisons,
New Delhi**

January 23-26, 1939.

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Proceedings of the sixth All-India Conference of the Inspectors-General of Prisons, held at Delhi on the 23rd January, 1939, and subsequent days.

PRESENT :

Members :

1. Lt.-Col. F. A. Barker, C.I.E., O.B.E., I.M.S., Punjab.
2. Lt.-Col. S. C. Contractor, I.M.S., Madras.
3. Colonel E. S. Phipson, C.I.E., D.S.O., I.M.S., Assam.
4. Lt.-Col. M. A. Singh, I.M.S., Bengal.
5. Lt.-Col. Haji Muhammad Salamat Ullah, I.M.S., United Provinces.
6. Colonel R. S. Townsend, M.C., I.M.S., North-West Frontier Province.
7. Lt.-Col. G. Verghese, I.M.S., Orissa.

Secretary :

Lt.-Col. P. D. Chopra, I.M.S., Jail Superintendent, Punjab.

The Conference was opened by the Honourable Mr. R. M. Maxwell, K.C.S.I., C.I.E., I.C.S., Home Member of the Governor-General's Executive Council, at 11 A.M. on 23rd January, 1939. In opening the Conference, he said :

GENTLEMEN,

This, the sixth Conference of Inspectors General of Prisons, takes place under somewhat different auspices from its predecessors. Since the last such conference took place in 1934 the position which the Government of India occupy with regard to the administration of jails in the Provinces has undergone a profound change with the inauguration of Provincial Autonomy. Under the Government of India Act, 1919, the administration of prisons was a Provincial subject, subject to legislation by the Central Legislature, but the Government of India retained the power of superintendence, direction and control. It was, therefore, possible to give directions to the Provincial Governments so as to unify practices in important matters of general policy and administration. This power was exercised by the Government of India frequently in connection with the important recommendations made by the conference of Inspectors General of Prisons in different years. Under the new constitution, the Government of India have no power in respect of jails in the Provinces, except the concurrent power of legislation for the transfer of prisoners from one unit to another. The Central Government have, therefore, no functions now with regard to this conference except that of a central co-ordinating authority which has brought together the heads of Provincial Prison Departments for an exchange of ideas and experience and it is in this capacity only that I am present to open this Conference today and to welcome you on behalf of the Government of India. The Central

Government have, however, *a few jails under their control in the centrally administered areas and the recommendations of this conference will, I need scarcely say, receive careful attention from the Central Government in so far as they may be applicable to these jails.

While, however, the new Government of India Act has thus placed the Provinces in a position of formal isolation from one another and from the Centre so far as the local administration of jails is concerned, it is clear that nothing in the Act was intended to prevent the interchange of information or the discussion of subjects of common interest with a view to the maintenance of such uniformity of standards and practice as local conditions and policy may permit. Indeed the fact that the Government of India no longer has power to impose uniformity even in regard to important matters makes it all the more desirable that other machinery for this purpose should be brought into existence, and from this point of view these Conferences may become more rather than less important than before as a means of supplementing the formal scheme of the Act. Provincial Autonomy must naturally bring to the fore new and possibly divergent policies, new ideas of penology and new points of practical interest on which the responsible Ministers will need the best possible advice, and it will be of great advantage to them to be able to draw upon the fund of expert knowledge which a conference such as this provides. At the same time, those who, like yourselves, are individually responsible for advising Ministers on the technical and administrative sides of their proposals will no doubt feel it an advantage to be able to compare notes and to discuss perhaps novel ideas with those holding similar responsibility in other provinces. I should thus be inclined to regard the present Conference not as the sixth of the old series but as the first of a new series which I hope will continue to play an important part in the future in keeping the jail administration of India as a whole abreast of modern requirements.

I will not detain you longer now, for to judge from the length and variety of your agenda you have plenty to occupy you during the time available to you here. Your first concern will, no doubt, be to elect your own President for this conference. The Punjab Government have been good enough to lend the services of an officer of their Jail Department to act as Secretary and we are most grateful for this assistance. Gentlemen, I wish all success to your discussions.

At the conclusion of his remarks, the Hon'ble Member retired.

Lt.-Col. F. A. Barker, C.I.E., O.B.E., I.M.S., was then elected to the chair, and the agenda of the Conference was taken up.

1. Classification of prisoners, with special reference to the treatment of 'political prisoners'.

This question was very thoroughly considered. Regarding the general classification of prisoners, the members of the Conference considered that the A, B and C classifications laid down and practised during the past four years had, on the whole, been satisfactory. They, however, recommend that Provincial Governments should introduce a "Star" classification for

- *1. Ajmer-Merwara Central Jail.
2. Delhi District Jail.
3. Cellular and associated Jails, Andamans.
4. One Jail in Coorg.

first offenders of good character, and they accept the definition of "Star Class" recently adopted by the United Provinces Government, namely,

"The Star class shall consist of the best behaved casual prisoners. Only prisoners convicted of offences not involving moral turpitude or violence of a callous nature shall be admitted to this class."

The Inspector-General of Prisons, Bengal, stressed the need, in his Province, for a special classification, between B and C, for the poorer classes of Anglo-Indians, as the latter were accustomed to a different diet and mode of life. The Inspector-General, North-West Frontier Province, also thought that a dietetic sub-division of 'C' class would be beneficial as many of his prisoners normally took tea which was not a C class issue.

The Inspector-General of Prisons, Orissa, informed the Conference that his Government had decided to abolish all classifications based on status and mode of life. Madras proposed to limit such classification to two classes only—special and ordinary—the former to include the existing A and B classes.

With regard to the vexed question of "political prisoners" opinion was somewhat divided; the point of view of Inspectors-General as expert prison administrators being, on some points, at variance with the political aspect. In the first place there was the difficulty of defining a "political prisoner" and the United Provinces' recent definition met with considerable criticism. This was especially so in regard to the proposed inclusion of murder and dacoity (perpetrated with a political motive) in the category and special treatment proposed.

Several Inspectors-General were definitely opposed to the formation of any "political" class of prisoner; nor did they see any reason for placing an uneducated, low-class, individual into a Special, A or B class (where he would get better food and treatment than in his normal life), merely because he was sent to Jail for an offence labelled as political. There were certain types of political offences, unassociated with any act of violence, incitement to violence, or personal gain, which could well be given special consideration, but most of the members of the Conference considered that such prisoners could be dealt with quite satisfactorily under the existing A and B classification.

The Conference, however, was unanimous in the opinion that—in any Province where a Political classification is adopted—the classification as Political should be made by the sentencing court.

The members of the Conference also agreed unanimously that political prisoners should not be exempted from labour on account of their classification as political offenders. On the contrary, they, as Jail experts and medical men, considered that it was bad for prisoners both mentally and physically to be without regular work and considered that work would be for the prisoners' benefit both in Jail and after release. The type of labour given to political prisoners should be suited to their physique, intellect and status.

It was further agreed that political prisoners should be separated from other prisoners;—either in a separate jail, or in an enclosure of an ordinary jail. This opinion was accepted not so much as a concession to political offenders but as a necessary measure to guard against the incitement of ordinary prisoners.

2. The treatment of prisoners in the following matters.

(1) Diet—

The Inspector-General of Prisons, Punjab, stated that they had made several changes in recent years and had this year put up further proposals to the Punjab Government for improving the dietary. The diet for A and B class prisoners had been changed several times. Deficiency diseases are very rare in the Punjab Jails.

The Inspector-General of Prisons, United Provinces, said that they had not been able to make large improvements in the diet owing to financial conditions, but had made certain alterations.

The Inspector-General of Prisons, Madras, stated that the Madras diet was still deficient in fat.

After discussion, it was resolved as follows :—

The Conference realises that the diet must vary according to the types of prisoners, the climate, etc., but is satisfied that the diets of the Jails are, on the whole, sufficient. The Inspector-General of Prisons, Madras, considers it essential to increase the quantity of gingelly oil and introduce more variety in its *dals*.

The Inspector-General of Prisons, United Provinces, considers it essential to increase its *dal* ration and also increase the fat content of the dietary. With these recommendations, the members of the Conference, after hearing the details of the dietary, agree.

The Conference also accepts the recommendation of the Inspector-General of Prisons, Madras, to introduce a small amount of fruit in order to lessen the liability to deficiency diseases. In this connection, Orissa already supplies fruit to its prisoners, and the Punjab supplies oranges during the orange season.

The Conference is of the opinion that Jails should continue to make their own mustard oil, rather than purchase mustard oil, of whose quality they could not be satisfied, from outside. Scientific research has recently shown that, in some Provinces, mustard oil in which there has been an admixture of other seeds, sometimes has very harmful effects, and, therefore, it is better that Jails should continue to produce their own mustard oil.

(2) Labour—

After discussion, it was resolved as follows :—

The Conference discussed fully the principles and practice of labour in Jails. They accepted the principle that the manufactures should primarily be for the benefit of jails, secondly for Government, Military, and semi-Government departments and lastly for private persons.

The Conference was also of opinion that it was very important, not only for disciplinary purposes but also for the benefit of the prisoners' physique and health, to retain a full supply of hard labour in jails. It recognised the sentimental reason for which some Provinces had already abolished man-driven oil presses, wheat-kharases, and charas, but recommended the retention of hand-mills, and considered that there was no objection to munj-pounding, the jhandar of paper-making, stone-breaking, etc.

The Conference recommended the extension of hard labour in the open air, such as quarrying, building operations, road-making within the Jail area, log-sawing, farming and agricultural work generally.

Seeing that most prisoners were unskilled and illiterate, it was essential to retain sufficient labour of an unskilled variety such as munj ban, cotton and wool spinning and weaving, chick-making, etc., but in order to provide a useful trade for prisoners after release, the Conference recommended an extension of cottage industries, especially those useful to Government, such as soap, phenyle, ink, castor-oil and paper-making.

(3) Punishments—

The question of flogging was discussed by the members, and they were in favour of reducing this punishment to a minimum, but retaining it for possible use for such grave offences as mutiny, incitement to mutiny, serious assault on Government officials or public servants, and for other conduct seriously affecting the jail discipline. It was decided that the power of inflicting flogging should lie with the Superintendent of the Jail.

The existing restrictions for A and B class prisoners were satisfactory. Permission must be taken from Government before any A or B class prisoner was flogged, though it was thought that no flogging in their case was necessary.

All the members agreed that fetters for safe custody should be reduced and more reliance placed on the alertness of the Jail staff. Certain provinces had already abolished standing handcuffs and cross-bar fetters and they recommended its abolition in those Provinces where they were still maintained.

It was the opinion of the Conference that they should be greatly restricted.

(4) Privileges such as interviews, letters, supply of newspapers and books, libraries, supply of tobacco, gramophones, radio sets, outdoor games, and expenditure from private funds.

INTERVIEWS AND LETTERS.

The procedure followed in different provinces was discussed.

In Madras, Assam, Orissa and Punjab, ordinary prisoners were permitted one interview in three months, while in U. P. and Bengal, one in two months was permitted. It was stated that this did not add much to the work of the staff.

The Conference resolved as follows :—

The Conference considers that all prisoners desire interviews and letters with their relations more frequently during the earlier part of their sentence. In view of this, the Conference recommends that all prisoners should be permitted to have an interview and a letter once in two months instead of the existing rule of one in three months. (Bengal and U. P. have already granted this concession). The Conference also considers that in those cases where interviews are not feasible, the prisoner should be permitted to send a letter instead.

Thirdly, the Conference recommends that all prisoners should be allowed a special letter in order to notify to their relations their transfer from one jail to another.

SUPPLY OF NEWSPAPERS.

The discussion disclosed that in the majority of provinces prisoners are supplied with newspapers at the cost of Government. They are selected out of the lists approved by Governments, except, in one province, where

A and B Class prisoners themselves select a newspaper which the Superintendent Jail has to supply without reference to Government at the scale of 1 for every eight prisoners.

The Conference resolved as follows :—

The Conference notes that since its last session in 1934, considerable concessions have been made in the direction of granting papers to C class prisoners as well as those already allowed for A and B classes. With the exception of two provinces, all provinces now supply a paper or papers to C class prisoners and it is reported that this concession is appreciated. The Conference recommends that this concession should be introduced in those provinces where it does not yet exist.

The Conference considers that Superintendents of jails should be authorised to censor papers issued to prisoners and to remove paragraphs which they consider objectionable from the point of view of jail discipline.

BOOKS AND LIBRARIES.

It was resolved as follows :—

From the discussion it is found that libraries exist in the prisons of all provinces but the number of books in such libraries is considered insufficient, and the grant for the purchase of extra books is too low. In the U. P. there is a Government grant of Rs. 3,000 for an average population of about 30,000. It is recommended that in other provinces, the Government grant for libraries should, if funds permit, be raised to at least a similar figure, i.e., approximately Rs. 10 per annum for every 100 prisoners.

The Conference also recommends that public bodies, libraries and non-officials should be asked to donate suitable books to prison libraries.

The Conference approves of the issue of books from the jail library to C Class prisoners, but the issue should ordinarily be restricted to not more than two books at a time.

SUPPLY OF TOBACCO.

After discussion the Conference resolved as follows :—

The Conference heard with interest the proposal of the United Provinces Government to introduce tobacco into all jails for all types of prisoners. The result of the experiment would be watched, but the consensus of opinion of the Inspectors-General was against the general introduction of tobacco in any form into jails for the reasons given below :—

1. Smoking was a luxury (and even at times, a vice) and was considered unnecessary. The encouragement of tobacco by free issue in jails was liable to increase the habit among persons who did not need it and who possibly could ill-afford it outside.

2. The cost to Government of introducing smoking would be considerable. The United Provinces was reducing this to a minimum by instructing jails to grow their own tobacco and make their own *beries*. Even so the cost would be Rs. 28,000 per annum though the daily allowance would be only 6 *beries* each.

3. Past experience in the Punjab (Pecule system) showed that the permission to have cigarettes did not reduce smuggling or corrupt practice. In fact, the introduction of contraband increased somewhat after the introduction of the Pecule system.

purposes and they should be turned on after the conclusion of the day's work.

It is considered inadvisable to broadcast the daily news.

Gramophones should similarly be permitted.

OUT-DOOR GAMES.

In the United Provinces, on account of large open areas inside the Jails, ordinary prisoners were permitted to play games, such as football, kubadi, etc. In North-West Frontier Province in Haripur Central Jail, football is played. It was considered that in all Jails, games like badminton and Volley ball could be played, and all prisoners including under-trials should be allowed this concession, subject to the performance of full task and good conduct. It was suggested that there should also be scouting and physical training.

It was resolved as follows :—

The Conference is unanimously in favour of the introduction of recreation in the open air for all prisoners who are physically fit for such games.

Provision is already made for special classes, such as A and B class and State prisoners.

The permission to play games should be subject to the performance of full task and to good conduct, and games should be played after the conclusion of the working hours. This concession should also be extended to under-trial prisoners.

In addition to out-door games, it is strongly recommended that physical training, scout games, or swedish drill should be introduced in all Jails.

EXPENDITURE FROM PRIVATE FUNDS.

After discussion, the Conference resolved as follows :—

In most provinces, expenditure from the prisoners' own private funds for purchasing books, shoes, spectacles, etc., is permitted and may be continued.

The expenditure on extra diet from the prisoners' private funds is not approved.

3. (a) Introduction of a parole or "ticket of leave" system to enable prisoners to visit their families.

It was stated that in the Punjab there was no system of parole in the case of ordinary prisoners, but there was a system of provisional release under the Good Conduct Prisoners' Probation Release Act. Prisoners thus released could go for short periods to visit their homes.

In the United Provinces, there was no regular system of parole but a few prisoners had been sent out on parole in case of sickness in their families, etc.

The Inspector-General of Prisons, Bengal, put up before the Conference a draft of a bill which was to be introduced in the Central Provinces and asked for opinion on it. It was considered that only a few prisoners could safely be released on parole, and then only after prior consultation with the police.

In England, a small number of specially selected Borstal inmates are sometimes allowed to visit their homes at Christmas.

It was resolved as follows :—

The Conference has considered the bill proposed to be passed in the Central Provinces on the subject of releasing certain classes of prisoners on short parole to visit their relations and homes. The members are of opinion that there are practical difficulties and dangers in any general practice of this nature, but would favour the proposal if limited to specially elected prisoners and to exceptional circumstances. In every such case the prior sanction of the Government concerned would be necessary.

b) Release before completion of sentence ; provisional or absolute. Method in present use and recommendations.

After discussion, it was resolved as follows :—

The methods relating to releases before completion of sentence, in present use, are :

1. Advisory Boards.
2. The Good Conduct Prisoners' Probation Release Act (Punjab).
3. The Prisoners' Release on Probation Act (United Provinces).
4. Releases under the remission system.
5. Releases on account of old age and bodily infirmity.
6. Jail Deliveries to relieve overcrowding.

All these have their uses and are working satisfactorily.

As regards Advisory Boards, the Conference recommends that in those Provinces where they are in force, the provisions should be applied to all prisoners.

As regards the Good Conduct Prisoners' Probation Release Act, the Conference is of opinion that the existing restrictions could be considerably relaxed without any danger.

As regards the Jail delivery, it is the opinion of the Conference that this form of release has no beneficial effect on crime and the members consider that it should only be used as an emergency to relieve gross over-crowding.

The majority of members strongly recommend that Provincial Governments (or Advisory Boards in such provinces as have them) should consider sympathetically the release on medical grounds of old and infirm prisoners who are permanent invalids, provided that they are not suffering from an infectious disease which would prove a source of danger to the free community.

4. (a) Remissions.

The following proposals were put forward :

- (1) Grant of 60 days remission to prisoners on completion of 3 years for good conduct without any punishment. The prisoner would, in addition, get 15 days good conduct remission for the first and second years. This is already being given by the Inspector-General in Bengal.

- (2) Extension of the remission system to prisoners with a sentence of 3 months and above instead of 6 months and above as heretofore. In Madras, this is already in force.
- (3) Grant of remission to prisoners up to a maximum of $\frac{1}{3}$ rd of their sentence, instead of $\frac{1}{4}$ th.
- (4) Extension of the remission system to prisoners sentenced to transportation or imprisonment under Section 2 of the Frontier Murderous Outrages Regulation 1901.

After discussion, the following resolution was passed :—

The Conference recommends that, as a further incentive to prisoners, good conduct remission of sixty days should be awarded to prisoners on completion of three years of good conduct without any punishment. This sixty days will replace the normal 15 days annual good conduct remission in that particular year, and will be subject to the general proviso that the total remission earned should not exceed the maximum permissible.

2. The Conference understands that in Madras, remission is being granted to prisoners sentenced to three months and over instead of 6 months and over. This has been done with a view to act as an incentive to short-term prisoners to good conduct and good work.

In the United Provinces, special remission is already granted to such prisoners, but the Inspector-General of that Province considers that the proposed change greatly increases the clerical work and, as no remission can be granted in the first and last months, the concession is not commensurate with the work involved.

The Inspectors-General of Prisons, Bengal and Assam, consider that the existing rules should continue. The Inspector-General of Prisons, Punjab, agrees with Bengal and Assam and does not on principle consider that the already easy time enjoyed by short-term prisoners should be made still lighter.

3. As regards the proposed increase in the total remission to be granted from one-fourth to one-third of the whole sentence, the members of the Conference recommend that prisoners should be eligible for a maximum of one-third of their sentence. The Inspectors-General desire this not as a general routine for all prisoners but in order that they may be empowered to grant up to one-third in exceptional and suitable cases.

4. According to the Government of India Resolution No. 161-172, dated 25th June 1908, no remission can be earned in respect of any sentence of transportation or imprisonment under Section 2 of the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), passed on a person above the age of 15 years. The Conference considers that this restriction is no longer necessary and recommends that it should be abolished.

It is considered also that the existing orders, under which promotion to the various grades of convict official is dependent on the proportion of sentence undergone, require amendment in the case of prisoners sentenced to transportation for life and who do not go to the Andamans.

Under existing rules, such prisoners cannot be promoted to Convict Night Watchman till they have completed one-third of their sentence of

transportation. They, therefore, cannot be considered till they have completed 6 years and 8 months. Similarly, their promotion to Convict Overseer cannot take effect till they have passed half their sentence, i.e., 10 years; while they usually cannot be considered for Convict Warder at all as, by the time they have completed 11 years they will have earned nearly 3 years' remission and be under consideration for release under the 14-year rule.

The Conference, therefore, recommends that—for the purpose of calculating eligibility for Convict official ranks a sentence of transportation for life should be considered as one of 14 years' rigorous imprisonment. If this is allowed, such a prisoner will become eligible for Convict Night Watchman rank after completing 4 years and 8 months of his sentence (i.e., 2 years earlier); to Convict Overseer after 7 years (i.e., 3 years earlier), and to Convict Warder after about 8 years.

The Inspectors-General are of opinion that this concession would remove a definite cause of discontent from the minds of prisoners sentenced to transportation for life and would encourage them to behave well while in Jail.

4. (b) Payment to prisoners for good or extra work done. Consideration of the new system in English prisons.

The Inspector-General of Prisons, United Provinces, stated that in his Province in one Jail an experiment of giving rewards to prisoners for extra work done was being tried and it had proved very satisfactory. Only prisoners put on certain tasks are eligible for the reward which is given at the rate of 2 annas for 100 per cent. more task.

In Madras, for one day's hard labour extra in a week, a prisoner gets two annas, with which he can purchase one day's remission.

In the Punjab, reward takes the form of remission at the rate of one day for every additional day's task performed.

It was resolved as follows :—

In 1929, the Conference of Inspectors-General of Prisons considered that payment to prisoners for good or extra work done was accompanied by great difficulties and caused a great increase in expenditure.

The present Conference, however, considers that the system may be introduced cautiously in a few selected Jails and the results carefully studied with a view to extension.

As regards the English system, the members understand that it is working well and that the results have exceeded all expectations. They, however, consider it too complicated for adoption in Indian prisons.

5. Treatment of hunger-strikers.

The treatment of hunger-strikers as in force in several provinces was discussed.

It was stated that in Madras, the Local Government had defined artificial feeding as that employed "when the patient was unconscious and unable to feed himself", and forcible feeding as that employed when the patient resisted. They had issued an order forbidding any form of

forcible feeding and also any artificial feeding until the prisoner became unconscious. In the North-West Frontier Province, the Provincial Government desired that there should be no artificial feeding at all and the hunger-striker should be allowed to die. In the United Provinces and Punjab, it was left to the medical officer to start artificial feeding when he thought fit.

Discussion took place as to the time when the artificial feeding should be commenced, and whether the hunger-striker should be fed early, i.e., within the first three days of the strike so as to keep up the hunger urge, or late, when he is apathetic and less able to resist.

Some Inspectors-General considered that early feeding encouraged prisoners to keep on strike rather than to give it up. An instance was reported of a prisoner who remained on hunger-strike for 647 days.

It was resolved as follows :—

The present Conference agrees with the opinions set forth by the 1934 Conference of the Inspectors-General of Prisons in the matter of hunger-strikes, with the exception that it is considered that, in many cases, early artificial feeding only succeeds in prolonging the hunger-strike instead of bringing it to an end. Several Superintendents with experience have reported that they would prefer to postpone artificial feeding to a later stage (i.e., 6th-10th day) as—if fed early—the hunger-striker is encouraged to persist in his strike.

With the views of the Madras and North-West Frontier Province Governments, as reported above, the members of the Conference must, as medical men, disagree. They consider it the duty of all Medical Officers to maintain life and it should be left to their discretion when to begin and how long to continue artificial feeding.

The Conference also points out that the Medical Officers in the Jails of the two Provinces mentioned would be liable to prosecution or civil action by the relatives of prisoners who die on account of withholding of feeding as suggested by these two Governments, and to action for malpractice by the General Medical Council.

The Conference, therefore, re-affirms its opinion that the question of artificial (or 'forcible') feeding should be left to the discretion of the Medical Officers concerned.

6. Education of prisoners ; with special reference to paid teachers and magic lantern lectures.

It was stated that educating prisoners in Jails was a very suitable way of removing illiteracy. The question of imparting elementary education to prisoners was being taken up in all Provincial Jails. In the Punjab, paid teachers exist in certain jails and it is proposed to extend the appointments to all Central Jails and certain selected District Jails. In Jails where there are no paid teachers, primary education is given through honorary teachers, teachers paid by the Prisoners' Aid Society and educated convicts.

In the United Provinces, there is a system of providing individualised education to each convict through a convict teacher during the working hours and no reduction in task is allowed.

As regards age, some members were of opinion that there should be no age limit.

It was resolved as follows :—

The provision of elementary education is fully engaging the attention of all Provincial Jail Departments. The Inspectors-General consider that primary education should be provided for all suitable prisoners and that Governments should provide at least one paid teacher in every Jail.

These should be assisted by educated prisoners of good character. Departments of Education should assist by sending Inspectors to guide teachers and examine classes.

The Inspectors-General do not consider that there is any necessity to reduce the existing tasks on account of the classes for instruction ; primary instruction should be in addition to jail tasks and should be rewarded by grant of remission, etc.

The Conference consider that magic lantern lectures are an excellent and valuable method for educating prisoners.

7. (a) Progress made in different Provinces regarding treatment of young offenders.

(b) Progress made in different Provinces in provision of Probation for First Offenders.

It was reported that, in 1934, the Government of India had drafted a Probation Act, but had forwarded it to Local Governments to introduce in their Local Legislatures, if they desired to do so. The same policy was adopted in regard to Children Acts.

In the United Provinces during 1938, the following Acts were passed :—

- (1) The United Provinces First Offenders Probation Act,
- (2) Prisoners' Release on Probation Act, and
- (3) The United Provinces Borstal Act.

Children Acts are already in force in Madras, Bombay, Bengal and Central Provinces, while Borstal Acts exist in Madras, the Punjab, Central Provinces, etc.

In the Punjab, no Probation Act had been passed, as the Local Government considered action under Section 562, Criminal Procedure Code, to be sufficient.

It was resolved as follows :—

The Conference has heard with great pleasure the progress made in the treatment of young offenders and the Probation system in the United Provinces, and strongly recommends that in all Provinces where Children and Probation Acts are not already in force, early action should be taken to pass such Acts.

The Conference re-affirms the opinions expressed in the previous Conferences of Inspectors-General of Prisons on the passing of Children and Probation Acts.

8. Necessity for concentrating released habitual criminals in special industrial institutions.

After discussion, it was resolved as follows :—

The Inspectors-General of Prisons, Punjab and United Provinces, explained to the Conference their similar proposals for a colony for released habitual prisoners. In the Punjab, the proposed colony would be run by the Prisoners' Aid Society. In the United Provinces, the proposal is that it should be managed by Government. In each case, it is suggested that released habitual prisoners should be able to settle in the colony with their families.

The United Provinces colony would be almost entirely agricultural in character. In the Punjab it is suggested that it should be partly agricultural and partly industrial, for the reason that many habitual prisoners would prefer to carry on industries (such as weaving, carpentry and smithy), which they had learnt in Jail,—in preference to agriculture.

The members of the Conference considered that the proposals were feasible and would be of great value in the reclamation of habitual criminals.

9. Establishment of more Discharged Prisoners' Aid Societies.

The Inspectors-General related the work done in their respective Provinces pertaining to the Discharged Prisoners' Aid Societies.

It was observed that in those Provinces where the Local Governments themselves helped and have also directed their Civil officers to support the Societies, the response of the general public has been much greater.

After discussion, the following resolution was passed :—

It is the unanimous opinion of this Conference that there should be a Provincial Discharged Prisoners' Aid Society in each Province, and that all these Provincial Societies should have the definite and strong support of their Provincial Governments.

It is also considered that branches of the Provincial Society be established in each district and tehsil, and that these should be similarly supported by Local Government officials.

The Conference also recommends that the Indian States be requested to form Prisoners' Aid Societies, and that these Societies should co-operate closely with those in British India.

The Conference agrees to the principle enunciated by the 1934 Conference of Inspectors-General of Prisons, in regard to the formation of an All-India Prisoners' Aid Society, and recommends that the (since formed) Society should be re-organized when the Provincial Societies are in a more flourishing condition.

10. Disposal of prisoners sentenced by Court-martial and discharged from Army.

Resolutions Nos. 36 and 37 passed at the Conference of Inspectors-General of Prisons held in 1925 and Resolution No. 51 of the 1929 Conference were read. It was considered that prisoners sentenced by Court-Martial for military offences should be confined in Detention Barracks. There should be Detention Barracks for Indian soldiers as well as for European.

After further discussion, it was resolved as follows :—

The Conference desires once more to draw the attention of Government to the unjustifiable practice of confining Indian Military prisoners convicted by Courts-Martial for military offences in ordinary Jails.

In paragraph 36 of the 1925 Conference of Inspectors-General of Prisons, it was recommended that the Military authorities should make arrangements for Indian soldiers similar to those for British soldiers and provide detention barracks for such offenders. With this, the present Conference agrees.

Pending the provision of such separate accommodation, the Conference strongly recommend that Indian soldiers, on conviction by court-martial, should at once be transferred to a Jail in their own Province. It is considered essential that they should be allowed to undergo their period of detention or imprisonment among others of their own race, language and diet.

11. Discussion of jail reforms introduced in Provinces including study of new Acts.

After discussion, it was resolved as follows :—

Probation Acts should be administered by Government who should both appoint and pay Probation officers, whether whole-time or honorary. The assistance of the Discharged Prisoners' Aid Society should be asked only in so far as suggesting suitable gentlemen and ladies for honorary probation officers.

Paid whole-time Probation Officers should, in the opinion of the Conference, undergo a special course of training before appointment.

The same applies, *inter alia*, to the conduct of Borstal and Children Acts.

Such training, it is understood, is available in the Dorabji Tata School of Sociology for graduates in Bombay.

As regards *minor reforms*, the Conference favours the proposal that prisoners should be permitted to wear private or civil suit clothing :

(a) when attending courts (This is already in force in Madras and Bengal),

(b) when on transfer to another Jail,

(c) when having an interview with their relatives,

provided that sufficient prior notice of the interview is given.

(These three proposals have all been accepted by the Punjab Government.)

The Conference approves of the proposal that convicts sentenced to rigorous imprisonment should be allowed like under-trials and simple imprisonment prisoners, to trim their hair only to such extent as may be necessary for the purpose of securing health and cleanliness. Those prisoners who were accustomed to shave their faces before admission to Jail may be shaved in Jail also. (This is in force in Bengal and has been recently accepted by the Punjab Government.)

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The Conference approves of the introduction into Indian Jails of a system similar to that of the "Red Collar" system in English prisons, under which prisoners of excellent character (who cannot be made convict officials) are trusted to move about the Jail without an escort.

12. The relationship between Advisory Boards and the Police and Magistracy.

The question was fully discussed by the Conference and the advantages and disadvantages of the existing procedure considered. Some of the members of Provinces in which Advisory Boards are in force felt that the reports which are prepared for the consideration of Boards should lay stress on the antecedents and previous character of the prisoner, existence of factions in his village, etc., rather than on any actual recommendations for or against release.

But the Conference decided not to place on record any resolution on this subject.

13. Jail industries with special reference to :

- (a) Price of Jail products.
- (b) Sale of jail-made articles.
- (c) Demonstration farms and cottage industries.

(a) Price of Jail products.

It was resolved as follows :—

The discussion shows that the Jail Departments in India price their jail products on approximately the same basis calculated on :

- (1) price of material,
- (2) jail labour,
- (3) percentage of wear and tear of tools and plants,
- (4) percentage of profit.

The Punjab, however, alone, makes no charge for labour for articles supplied to Government Departments. This difference renders comparison between the profits of the Punjab and other Provinces rather difficult.

The resulting sale price fixed on the above method is usually above the market price of the articles concerned. Under such circumstances, Jail Departments are permitted to reduce the sale price of the articles to the level of, but not below, market price, provided that this price covers cost of material.

The advisability of purchasing raw materials through a Provincial Stores Purchase Department was considered. The Inspector-General of Prisons, United Provinces, as a result of his experience, did not consider this suitable and other Inspectors-General were content to continue their existing procedure.

(b) Sale of Jail-made articles.

It was stated that in the Punjab, there was a Supervisor of Jail Manufactures, who spent 15 days in a month inspecting Jail factories with a view to improving industries, and 15 days in the Head office. While at

the Head office, he consults the Director of Industries, and other technical experts, Heads of Departments, etc.

In the United Provinces, there is a Director of Jail, Industries.

In Bengal, there is a Manager, Gazetted, who is permitted to go to Jails to select articles for sale and who also goes round securing orders. He is responsible for all the stores stored in the Jail showroom. He was entertained from the Industries Department.

It was resolved as follows :—

The Conference draws attention to paragraph 27 of the fourth Conference of Inspectors-General of Prisons, in which the appointment of a Supervisor of Jail industries was strongly recommended.

Since then, the Punjab and, more recently, the United Provinces have appointed such officers and their value in these Provinces is already apparent. This Conference considers that a Supervisor of Jail Manufactures should be appointed in all large Provinces to assist the Inspector General in the matter of Jail industries and their marketing.

In view of the necessity of providing good forms of industry for our Jail prisoners and also of reducing the cost to the tax-payer of the upkeep of jails, it is essential that good markets should be provided for jail industries, and the members of the Conference see no objection to the sale of Jail-made products to the outside public as well as to Government and semi-Government Departments.

(c) Demonstration Farms and Cottage Industries.

After discussion, it was resolved as follows :—

The Conference considers that the institution of demonstration farms at large Jails is a valuable form of education for prisoners, and should be instituted wherever possible. The Agricultural Department should be requested to co-operate by providing instructors, seeds and the loan of agricultural implements.

The Conference also considers that all Jail Departments should increase the cottage industries in Jails, not only to provide interesting and educative employment for prisoners, but also to realise profits from their work, and to be of value to prisoners in their own livelihood after release.

14. Jail Staff :

(a) Recruitment (including Superintendents).

After discussion, it was resolved as follows :—

Superintendents.—It is the opinion of the Conference that all Central Jails and first class District Jails with a population of over 500 should have whole-time Superintendents.

The consensus of opinion is in favour of appointment of Medical Officers as Superintendents provided that they have had military and sound sanitary training. (The Inspector-General of Prisons, Assam, is content to continue with part-time Civil Surgeons).

The Inspector-General of Prisons, North-West Frontier Province, considers that the Superintendent must have good training in discipline

and, therefore, advocates retention of I. M. S. or (failing them) of ex-army officers for Central Jails.

For the above reasons, the Conference is unanimously in favour of temporary I. M. S. officers who have had 5 years' training in discipline and sanitation, and who can combine the medical and non-medical duties in one person. As a further reason in favour of Medical Superintendents, the Conference stresses the importance of psychology and allied subjects in the treatment of prisoners and in which knowledge a Medical Officer is better trained.

As regards the promotion of Deputy Superintendents or Jailors to the rank of Superintendent, the Conference considers that the standard has improved in recent years and, therefore, they should be considered eligible for such promotion, but only in exceptional cases after full consideration of their suitability for the enhanced position and duties.

The Conference is of the opinion that the Inspector-General of Prisons of the Province concerned should, in all cases, be asked to advise in the selection and appointment of Jail Superintendents.

Other staff.—The Conference considers that the lowest educational qualifications for the selection of both executive and clerical staff should be Intermediate or an examination similar to the Senior Cambridge, though the aim should be to secure Graduates.

The Inspectors-General of Bengal and United Provinces have pointed out that their clerks do executive duties. In such cases, it is the opinion of the Conference that they should be called Assistant Jailors and treated as such.

The Inspector-General of Prisons, United Provinces, expressed his difficulty in connection with the medical subordinates employed in his Jails. He was of opinion that either the Medical subordinates should be at his disposal for a definite period of service while on deputation or if this be not possible, he should have a cadre of his own. With this proposal the Conference agrees, for a large cadre such as his. In other Provinces, the system of deputation is working satisfactorily, but it is considered that Sub-Assistant Surgeons should be under the control of the Inspector-General of Prisons for discipline and transfers.

(b) Establishment of an All-India Training College.

After discussion, it was resolved as follows :—

As the Jail Departments are now being provincialised, and as there are differences in language, diet and requirements of different provinces, it is useless to have an All-India Training College.

2. *Pages 20—23 of the United Provinces Government Jail Committee of January 1939.*—The members of the Conference, having studied the proposal of the United Provinces Departmental Jail Committee, agree that there should be a training school for all Jail officers, at any rate, in large Provinces, and consider that the smaller provinces might depute their staff to these schools for training, if they cannot have their own.

The Conference understands that arrangements are being considered for provincial training schools in Madras and the Punjab as well as in the United Provinces.

(c) Necessity for a leave reserve for all sections of the Jail staff.

After discussion, it was resolved as follows :—

The Conference observes that Bengal, Orissa and Assam have already a leave reserve for their staff, while the Punjab has approved a leave reserve for warders and a reserve for upper executive staff is under consideration.

The Conference recommends that, in those provinces which do not possess a reserve, the Provincial Governments should favourably consider this provision.

15. Recognition of gallantry and meritorious service rendered by the staffs of Jails.

The Conference of Inspectors-General of Prisons has on several previous occasions recommended for the consideration of the Government of India the institution of two medals for the Jail Departments of India, namely,

- (a) The King's Prison Medal open to all officers and men of the Prison Department.
- (b) The Viceroy's Prison Medal open to all ranks of the Prison Service.

It is understood that the Government of India has so far not considered that there is sufficient cause to institute a separate medal and has suggested the grant of the Imperial Service Medal for meritorious service, and the medal of the Order of the British Empire for gallantry and acts of bravery, in the same way as prison officials are granted these in England.

The Conference, however, respectfully points out that these medals are both British honours and that there is still no special Indian honour which can be awarded to a Jail official in India. In England, about 60 per cent. of executive officers, who retire with good records and 25 or more years' service, are awarded the Imperial Service Medal on retirement; whereas in India, the award of British honours on this scale would be quite impossible.

It is also pointed out that the Police Department of India are eligible in addition for the Indian Police Medal for which there is no counterpart for their sister service, the Jail Department.

The Conference, therefore, again recommends the institution for Jail staffs of some recognition for gallantry and for meritorious service similar to the Indian Police medal.

16. Method of calculating the maintenance charges of prisoners from other provinces.

The present method of calculating the maintenance charges of prisoners from other provinces is to recover the expenditure per prisoner as given in column 14 of Statement No. IX appended to the Jail Administration Report of the Provinces where the prisoners are confined. This statement shows the expenditure incurred in guarding and maintaining prisoners in the Jails, excluding the cost of building new Jails, additions,

alterations and repairs. It was stated that in Madras, it is proposed to include the following indirect charges :—

- (i) Cost of vegetables produced in Jail gardens.
- (ii) Proportionate cost of maintaining jail buildings.
- (iii) Pensionary charges of Jail establishment.
- (iv) Overhead charges.
- (v) Proportionate share of the pay of the Inspector General of Prisons and his head office establishment.
- (vi) Proportionate share of the pay of the Secretary to Government in charge of the Jails.

And that rebate should be allowed for the cash earnings of prisoners as given in statements Nos. XII-A. and 13.

It was, however, observed that all prisoners are not sentenced to labour and that the introduction of these charges would make the inter-provincial adjustments highly complicated besides increasing the work of the head office staff of the offices of the Inspectors-General of Prisons.

The proposal to include the extra cost of the diet and clothing of Class I and II prisoners was also not approved.

It was resolved as follows :—

The question of calculating the maintenance charges of prisoners from other provinces was submitted by the Madras Government who desire that indirect charges should be included in the calculation.

The Conference heard the statement made by the Inspector General of Prisons, Madras, and, after full consideration, came to the conclusion that the Madras proposals were far too complicated and consider that the existing practice should continue and no change be made.

SUPPLEMENTARY AGENDA.

17. Transportation to the Andamans.

(a) Should transportation to Andamans, on the existing voluntary basis, continue to be encouraged? What is the Provincial policy in this respect?

(b) In order to secure more recruits for Andamans, should the age limit be raised to 45 if the prisoner's health is otherwise satisfactory?

(c) Would the Inspectors-General approve of publicity and propaganda in support of voluntary transfer to Andamans being carried out in Jails? If so, in what form?

The Chairman (Lt.-Col. F. A. Barker, Punjab) explained that there was a great need for more volunteers for the Andamans as, unless many more came forward, it would become impossible for the Settlement there to carry on. Every year, about 1,000 volunteers were required to replace casualties. Last year, only about 500 could be sent. The Settlement had relied in the past to a great extent on volunteers from Burma, but since its separation from India the supply had lessened considerably. In 1932 he had produced a pamphlet, in English and Urdu, explaining the conditions of life in the Andamans and had

information of Superintendents and prisoners. He feared, however, that this pamphlet had been lost sight of by Superintendents.

As regards the Punjab, the Provincial Government were quite willing to send to the Andamans as many convicts as volunteered and were passed fit. But he considered the conditions governing transportation to be too strict.

The Inspector-General of Prisons, Madras, stated that his late Minister (of the Congress Government) had been averse to the sending of any convicts to the Andamans. He would not rely on the statements of Superintendents but required the Inspector-General himself to satisfy himself personally that each reported volunteer was really willing to go. Lately, however, the transfer of volunteers to the Andamans had again been permitted.

The Inspector-General of Prisons, Orissa, said that transportation to the Andamans was not considered in his Province; but he saw no reason for his Government to object to it if the conditions there were satisfactory. He said that his prisoners knew nothing of the conditions under which they could be sent there and under which they would live after arrival. If they knew more about it he thought a sufficient number would volunteer. For this reason he would be glad to have, for distribution, a pamphlet such as that provided for the Punjab Jails.

The Inspector-General of the United Provinces reported that his Government was not in favour of sending prisoners to the Andamans. He had written to his Government on the subject of renewing transportation but had, as yet, received no reply. He considered that if a prisoner had been awarded a sentence of transportation by the Court, and was willing to go, the Provincial Government could not legally stop him from going.

The Inspector-General of Prisons, Bengal, stated that his Government was calling for volunteers. He further pointed out that prisoners allowed to go to the Andamans were granted 1/3 remission, and that even if sent back after a few months they still retain that remission. He considered that a prisoner returned for bad conduct should forfeit the extra remission. The existing procedure removed an incentive to good conduct in Andamans. Other Inspectors-General agreed that in such cases returned prisoners should lose the concession for bad conduct, but should retain the 1/3 remission if their repatriation was due to causes beyond their own control, such as illness, etc.

The Inspector-General of Prisons, Bengal, also considered that a pamphlet such as that in the Punjab would be very valuable publicity, especially if it had more pictures.

The Inspector-General of Assam said that in his Province the idea of sending convicts to the Andamans was unpopular; but the prisoners did not know the conditions. He advocated publicity in Jails by means of lantern slides and explained the modern method of replacing glass slides by a film of 40—50 negatives. Such a film could easily be circulated to Jails.

After further discussion, the Conference resolved as follows :—

- (a) Transportation, on the existing voluntary basis, should continue to be encouraged.

- (b) It is considered that the conditions regulating the transportation of volunteers to the Andamans are too strict and should be relaxed. The Inspectors-General are of opinion that if a prisoner is otherwise quite fit and healthy he should be allowed to go to the Andamans even if his age is 40-45 years. They also consider that the restriction preventing prisoners from being sent to the Andamans if they have passed three or more years in Indian prisons should be abolished, as this excludes many prisoners under 30 years of age.
- (c) The Inspectors-General are in favour of publicity in jails in regard to the Andamans, and consider that many more prisoners would volunteer if they were told more about the conditions in the Settlement. They recommend that an up-to-date pamphlet, with plenty of pictures, should be published in all major vernaculars as well as in English for the information of Jail Superintendents and the prisoners in their charge. Special stress should be laid, in this pamphlet, on the facilities given for the import of families, for religious observances according to each man's faith, and for education.

A set of lantern slides (and/or the film suggested by the Inspector-General of Prisons, Assam) would also be of great value for circulation to Jails.

18. International Penal and Penitentiary Commission.

Will Provinces resume support and pay their quota of the annual subscription? If so

- (a) Does the Conference approve of a permanent delegate?

or

- (b) Should India appoint a delegate *ad hoc* for the 1940 Conference?

The Chairman (Lt.-Col. F. A. Barker, Punjab) explained that some years ago, India was asked to be a member of the Penal Commission, the subscription to which was Rs. 3,000 a year. The Government of India had suggested that each province should subscribe in rotation. More than one province, however, had stated, when their turn to pay came, that they had no funds. The Government of India, therefore, decided to drop it. In 1932, Col. Powell, the then Inspector-General of Prisons in Central Provinces, was sent to the Commission. Since then, India had had no representative.

The members said that they had not consulted their Governments and did not, therefore, know what was their attitude. All the members personally approved of the proposal to resume membership of the Commission. Some members considered that there should be a permanent delegate who should do research work. On the other hand an *ad hoc* member would have an up-to-date knowledge of the Indian conditions.

It was resolved as follows:—

The Inspectors-General, having considered the Government of India's questions, are unable to give any opinion whether their Provinces would resume support to the International Penal and Penitentiary Commission, or not.

- They, however, unanimously recommend that India should resume membership of this Commission. Although a permanent representative has certain advantages, the Inspectors-General consider it preferable to appoint a delegate *ad hoc* for each Conference, so that he could be up to date in all matters regarding Indian Penal and penitentiary conditions.

Conclusion.

The Conference in conclusion regrets the absence from the discussion of the Inspectors-General of Bombay, Central Provinces, Sind and Bihar. They especially regret the first two named, as several reforms and new Acts have, it is understood, been passed in those Provinces recently.

The Members consider that such Conferences are very valuable, but would suggest for the consideration of Government the advisability of holding the next Conference at some place, such as Lahore, where the members may have the benefit of inspecting the jails and their factories, administration, etc.

