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MADRAS RECORD OFFICE.

Government of Madras.

JUDICIAL DEPARTMENT.

G.O. No. 110 Press Mis.

Dated 18-1-1893.

Not to be folded or roughly handled

GOVERNMENT C S.

JUDICIAL DE MENT.

READ—again the following papers :—

G.O., dated 18th November 1890, Nos. 1804 - 05, Judicial.
G.O., dated 6th November 1891, No. 22 & 6 Judicial.

READ—also the following papers :—

Extract from the Proceedings of the ent of India, in the Home Department (Jails),—under dat the 9th November 1892, No. 10 (Jails)—610-623.

Read again—

Home Department Resolution No. 458, d th October 1888, appointing a Committee to enquire into certain matters c ith Jail Administration in India.
The Report of the Committee.
Letters to Local Governments and Admin Nos. 659—668, dated the 16th September 1889.

Read also—

The following replies of Local Governments a trations to the above letters :—
Letter from the Government of Madras, No d the 18th November 1890.
Letter from the Government of Bombay, N d the 7th February 1891.
Letter from the Government of Bengal, No ted the 20th January 1890.
Letter from the Government of the Nor Provinces and Oudh, No. 3799, dated the 24th November 1890.
Letter from the Government of the Punjab, dated the 20th November 1890.
Letter from the Chief Commissioner of the rovinces, No. 1550—162, dated the 20th March 1890.
Letter from the Chief Commissioner of Burma, No. 3-191-J., dated the 2nd July 1890.
Letter from the Chief Commissioner of Assam, No. 5477, dated the 23rd August 1890.
Letter from the Chief Commissioner of Coorg, No. 64, dated the 10th January 1890.
Letter from the Resident at Hyderabad, No. 29, dated the 20th January 1891.
Letter from the Resident at Hyderabad, No. 104, dated the 10th April 1891.

Home Department Resolution No. 8 (Jails) 760—763, dated 7th December 1891, ordering a Conference to meet at Calcutta to further consider the recommendations made in Chapters XVII and XVIII of the Jail Committee's Report and other matters connected with the Report.
The Report of the Conference, dated 1st February 1892.

Resolution—

By the Home Department Resolution of h October 1888, Dr. W. Walker, Officiating Surgeon-General and Sanitary sioner with the Government of India, and Surgeon-Major A. S. Lethbridge ector-General of Jails in Bengal, were deputed by the Governor-General in to inspect selected jails in the Madras and Bombay Presidencies, Bengal, th-Western Provinces and Oudh, and the Punjab, and to report on certain ma nnected with Jail administration in India. The jails in the Central Provi ad recently been inspected by

Dr. Lethbridge, and the G
management in Burma, A
bly not be necessary, and t
the jails in the larger Provir
were instructed to direct the
on the following matters, na

(1) jail discipline an
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(2) economy of manag
the dieting of prisoners with
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(3) sanitation and wat

(4) the financial aspec
and the allotment of task-w

2. The Committee sub
17th July 1889. After the s
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replies were received, His E
questions raised in the Repor
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now fully considered the whe
position to pass orders on th
Committee.

3. Chapter I is introduct

Chapter II—Classification

(1) that as a uniform
all prisoners sentenced to
one year and upwards should
orders and authority of the
imprisonment for any period
jails;

(2) that district jails s
imprisonment for periods less
prisoners at the head-quarters

(3) that subsidiary jails, wh
for the convenience of the civil administration, should contain under-trial prisoners and, at the head-quarters of sub-divisions of districts, all persons sentenced to imprisonment for not more than fifteen days. The Committee recommended that such jails should be under the management of the Jail Department, the Superintendent being in direct communication with the Inspector-General, and that all head warders and warders employed in them should be members of the District Jail establishment and liable to frequent transfers to head-quarters; and

(4) that hájats, hawálats or lock-ups, intended for the confinement of prisoners pending trial or enquiry before a Magistrate, should (at the head-quarters of districts or sub-divisions of districts) be located inside the district jails, and that where the distance between the jail and the court is unusually great, a prison-van should be employed to convey t
iers to court.

The Governor-General in
Committee that prisoners sente
central jails where there is acc
prisoners and those sentenced to
kept in subsidiary jails. An exce
case of long-term prisoners emplo
and Local Governments and Adm

India were of opinion that enquiry into jail
e other minor Administrations would proba-
events be postponed till after the report on
en presented. Drs. Walker and Lethbridge
s with the view of eliciting full information

gistration of punishments, with particular
cution of sentences had grown less rigorous
rs;
luding the system of purchasing rations and
to the ordinary food which persons of their

; and
employment of convicts in jails, jail labour,

r report to the Government of India on the
contained in it had been considered by the
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r they were suitable to the circumstances of
tent they appeared unsuitable. After the
n Council thought it expedient that certain
a further considered by a Conference of jail
ld in Calcutta in January 1892. Having
ondence, the Government of India are in a
t proposals contained in the report of the

Chapter II deals with the classification of jails. The recommendations of the Committee on this subject were:—

to be worked up to by all Administrations, or to rigorous imprisonment for periods of ed in central jails, and that, subject to the -General, prisoners sentenced to rigorous twelve months might be confined in such

marily contain all prisoners sentenced to year, all civil prisoners, and all under-trial trict;

ey are considered to be absolutely necessary

affirms the principles enunciated by the
one year and over should be confined in
tion for them, and that only under-trial
days' imprisonment should ordinarily be
o the former rule must be permitted in the
jail servants in district or subsidiary jails;
ions are authorized to make exceptions to

the latter rule where, owing to the isolation of the locality, or for other sufficient reasons, it is considered necessary to keep in subsidiary jails, prisoners who are sentenced to longer terms of imprisonment. His Excellency in Council is also of opinion that hájats, hawálats, and lock-ups should not, except for good reasons, which should in every case come under the consideration of the Local Government, be maintained separately from the under-trial wards of district and subsidiary jails.

In connection with the remarks on Chapter II, the Madras Government have suggested that the definition of "habitual criminal" given in Home Department Resolution No. 27—1304 to 814, dated the 14th December 1886, is too complicated, and might with advantage be rendered simpler. The definition was fully considered both by Local Governments and by the Government of India before it was framed, and, in the opinion of the Governor-General in Council, it is capable of little, if any, improvement. It appears to His Excellency in Council that the Circular which Mr. Cardew, the officer placed on duty in Madras in connection with the consideration of the Jail Committee's Report, has prepared will remove the possibility of any misunderstanding of the rule or divergence of practice in that Province. In these circumstances His Excellency in Council does not propose to amend the definition unless some improvement of it is devised in the course of the discussions on the Bill for controlling habitual offenders now under the consideration of the Government of India.

4. Chapter III contains detailed recommendations by the Committee as to jail construction, and Chapters IV and V deal with jail site-areas and jail hygiene. The recommendations of the Committee on

Chapters III, IV and V:
Jail construction.
Jail site areas.
Jail hygiene.

matters appeared to the Government of India to be judicious. They were commended to the attention of Local ments and Administrations in the Home Department letter of the 16th S er 1889, and call for no further orders from the Governor-General in Coun e suggestion contained in the final sentence of Chapter IV, regarding the n of Statement A of the annual returns, should be adopted in order to ren e possibility of the recurrence of the errors which have occurred in the sta appended to annual reports to show the jail area available per prisoner.

5. The question of Jail establishments sidered by the Committee to be t important matter connected with the administration of every system of penal discipline, and was dealt with by them under the following heads:—

Chapter VI.—Jail establishments.

(1) Superintendents.
(2) Medical Staff.
(3) Deputy Superintendents.
(4) Executive subordinates generally.
(5) Jailors.
(6) Deputy Jailors.
(7) Assistant Jailors.
(8) Guards (paid and convict).

6. The views which the Committee recorded regarding the appointment of Superintendents were—

(1) that the Superintendents of Central Jails should be commissioned medical officers;

(2) that as a general rule the appointment of Inspector-General of Jails should be reserved for Superintendents of Central Jails who have specially qualified themselves for the post;

(3) that when a Local Government has no suitable officer under its orders, it should obtain through the Government of India a jail officer from another Province as Inspector-General;

(4) that the sphere of selection for the office of Inspector-General might possibly include officers of the Sanitary Department, qualified by having had charge of a central jail for at least two years;

(5) that commissioned medical officers, who remain in charge of central jails after 18 years' service, should receive pay rising by yearly increments from Rs. 950 to Rs. 1,200;

(6) that a medical officer should be selected for the charge of a central jail as soon as possible after he has completed his preliminary military service of two years and has acquired a good knowledge of the vernacular; and

(7) that a knowledge of the provincial vernacular, shown by having passed the higher standard, being most important, it might be possible, should Jail service be found to be popular, to insist on this qualification as a preliminary to confirmation in the Jail service; that all appointments should be probationary for two years, and that only officers whose qualifications had been established should be confirmed.

7. Central jails exist in every Province except Assam, Coorg, and Berâr. In the last-mentioned Province what are called central jails are in reality district jails held as collateral charges by the Civil Surgeons of districts. No objection is made in any Province, except Madras and Bombay, to the reservation of Superintendentships of central jails for commissioned medical officers, and the rule is already in full force in the North-Western Provinces and Oudh, the Punjab, Burma, and the Central Provinces. In Bengal there is a trained service of Jail officers who are not medical men, and it is impossible to introduce the rule (which Sir Steuart Bayley fully accepted) until these officers retire or are otherwise provided for. The Government [illegible] consider it most important that the rule should be maintained where it is [illegible]d, and introduced as soon as possible where it does not yet obtain. It is not [illegible]esirable to provide posts which can be held by commissioned medical officer[illegible] of peace, so as to enable a larger reserve of these officers to be furnished [illegible] of war: the Governor-General in Council is also convinced that the commis[illegible]dical service affords the best material out of which a service of trained [illegible]cers, possessing the requisite scientific knowledge and acquaintance w[illegible]aws of health, can be provided. Such a service, composed of officers wh[illegible]ive their attention to subjects connected with their duties and make the[illegible]cial study, is the great *desideratum* for an efficient Jail administration in [illegible] The Department has too often suffered, with results which need not be [illegible] referred to here, from the want of practical experience in Superintendents of central jails and the provincial head of the Department himself. It is essentially a branch of administration which cannot safely be entrusted to amateurs, and in which it is necessary to require at the outset a good general acquaintance with sanitary laws, upon which experience will gradually gather itself in the course of years. The proposals of the Jail Committee aimed at this desirable object by taking commissioned medical officers at the commencement of their service and keeping them, after a necessary period of probation, in charge of central jails for the rest of their career. The Government of India have no doubt that either this system must be adopted, or a specially trained non-medical service must be organized for the charge of central jails; and, after a full consideration of the question, they prefer the former to the latter alternative. The objection that medical Superintendents of central jails could not be spared from their duties in time of war, and would not thus act as a reserve, is based on a misapprehension. On such an emergency arising it would be possible to place the commissioned medical officer superint[illegible]ing the Central jail in charge of the district head-quarters as well, thus sett[illegible]free the Civil Surgeon for military duty. To the case of Madras and Bombay the [illegible]overnor-General in Council is willing, out of deference to the views of the Gov[illegible]ments of those Presidencies, that for the present only one-half of the appointments in each Presidency shall be filled by commissioned medical officers. In Madras a number of central jails are now in charge of non-medical Superintendents, and until the requisite moiety of the appointments, viz., four (the total number of such appointments being eight, including the post of Inspector-General), are filled by commissioned medical officers, the first and every alternate succeeding vacancy should be given to a member of the Indian Medical Service. The Madras Government are requested to report how soon these arrangements can be introduced in order that the requisite number of appointments may be added to the cadre of the Medical Service for which recruitment is made by the Secretary of State. In Bombay there is at present only one central jail, and that is in charge of a commissioned medical officer; but two others are under construction, and, unless in the meantime the post of Inspector-General ceases to be held by a non-medical man, the first appointment to a newly-created central jail should be given to a commissioned medical officer. The Governor-General in Council is confident that, after the system of employing commissioned medical officers in these appointments has received a fair trial, they will be generally selected for the superintendence of all central jails, and not merely for those which will be reserved to them under these orders.

His Excellency in Council is not able to accept in its entirety the recommendation of the Committee that the post of Inspector-General of Jails should be absolutely reserved for commissioned medical officers, a medical officer being imported from another Province when there is not on the spot a commissioned Superintendent of a Central Jail with the requisite qualifications. It must not be forgotten that the post of Inspector-General demands administrative capacity, which may be wanting in an officer who has proved himself to be an admirable Superintendent of a Jail. In Bombay, the Central Provinces, Assam, and Berar, the office of Inspector-General is combined with other duties, the nature of which renders it impossible to reserve the appointment for commissioned medical officers. In Burma, on the other hand, it is combined with the office of administrative medical officer, and could not be held by any one but a medical officer. In Madras, Bengal, the North-Western Provinces and Oudh, and the Punjab, the office is a separate one, and while for the reason just stated the Governor-General in Council thinks it undesirable to fetter absolutely the discretion of Local Governments in the selection of an Inspe[illegible]General, he is of opinion that it is expedient, in view of the intention of ex[illegible]ing a Jail service in which commissioned medical officers may be expected to [illegible]ve continuously, to hold out to that service the prospect of succeeding as a general rule to the Inspector-Generalship. The rule in the four Provinces last named should for this reason be that, *cæteris paribus*, the Local Government should give the preference, in making an appointment to the office of Inspector-General of Prisons, to commissioned medical officers who have been employed under its orders in charge of jails. But if, on the occurrence of a vacancy, the Local Government has no suitable officer in its Jail Department, either medical or non-medical, the rule suggested by the Committee will hold good, and the Government of India should be asked to supply a Jail officer from another province as Inspector-General.

8. Under the orders in force when the Report of the Jail Committee was presented, the pay of commissioned medical officers in administrative charge of central jails was, except in the case of some jails held as collateral charges in Burma, regulated as follows:—

(*a*) For first class jails, which can accommodate 1,000 or more convicts, Rs. 700—50—950.

(*b*) For second class jails, with capacity for less than 1,000 convicts, Rs. 550—50—700.

When a medical officer is in medical charge and a non-medical officer in administrative charge, the allowance to the medical officer is ordinarily Rs. 100, or in special cases Rs. 150. The separate allowances for administrative and medical charge must not, when combined, exceed the amount allowed for a medical officer in sole charge.

The proposal of the Committee to improve the scale of pay of senior medical Superintendents in charge of first class central jails was accepted by the great majority of Local Governments as desirable, and the Secretary of State has sanctioned the recommendation of the Government of India that such officers should

after eighteen years' service in the Jail Department receive pay at the rate of Rs. 1,200 a month, and that the cases of deserving medical officers who have been appointed to the charge of central jails at an advanced age should be specially considered.

The proposal to take medical officers at the commencement of their service into the Jail Department on a salary of Rs. 550 rising to Rs. 700, and after a necessary period of probation to place them in charge of central jails for the rest of their career with the prospect of promotion to a maximum salary of Rs. 1,200 a month, will, the Government of India trust, have the effect of making the service more popular than it is now represented to be. The prizes of the Department are not perhaps on an equality with those in other branches of the Medical service; but it is to be remembered that an officer in charge of a central jail is seldom transferred, and is thus saved expense, while he is ordinarily accommodated in an official residence free of rent. Hitherto he has generally been debarred from private practice, and this has formed the chief difference between his position and that of District Medical officers. But the Governor-General in Council sees no reason why Superintendents of central jails should not be permitted to take private practice whenever the Local Government considers that this can be allowed without detriment to the proper performance of the duties in three jails. Besides these advantages, the officers of the department will in future, as indicated in the preceding paragraph, have a substantial claim to the post of Inspector-General of Jails.

The Governor-General in Council notices that of the jails in the Madras Presidency only one, namely that at Coimbatore, is of sufficient capacity to justify, under existing orders, the salary of Rs. 700 rising to Rs. 950 a month to a Commissioned Medical officer as Superintendent. The pay of the Superintendents of the six remaining central jails would not exceed Rs. 550 rising to Rs. 700 a month. With six appointments on the lower salary and with only one appointment on the higher there would, the Government of India apprehend, be risk of discontent, and it would seem to be a reasonable inference from these figures that the central jails in Madras are in excess of re ements. The Jail Committee had indeed recommended the abolition of the ce jail at Cannanore and the conversion of the Salem central into a district jail s Mr. Cardew has suggested, in place of the former proposal, that the Calicut district jail should be closed and its inmates transferred to Cannanore, and that, instead of reducing the Salem jail, it should be retained as a central jail, the district jails at Nellore and Kurnool being abolished. Both these suggestions have been approved by the Madras Government; and the Government of India, while drawing attention to the possibility that the number of second-class central jails in the Madras Presidency may deter competent Medical officers from joining the Jail Department, will not interfere with their decision.

9. The question how the supervision of the central jails in Burma should be arranged for has had to be specially considered by the Government of India. The Jail Committee did not visit Burma, and under the arrangements now in force in that Province all the central jails, except that at Rangoon, which is the largest in the whole of India in point of capacity, are held as collateral charges. The population of the jail at Rangoon has been materially reduced by the recent opening of the large central jail at Insein, which will be held as a separate charge. Sir Charles Crosthwaite, when Chief Commissioner, recommended that the central jails in the Province should be divided into four classes, namely:—

First-class jails with an average population over 2,000.
Second-class jails with an average population over 1,500 and under 2,000.
Third-class jails with an average population over 1,000 and under 1,500.
Fourth-class jails with an average population over 700 and under 1,000.

and that the first and second class central jails only should be reserved for Commissioned Medical officers as a sole charge. He considered that the experience gained in Upper Burma had shown that jails of the third and fourth classes, corresponding with jails of the first and second classes recommended by the Committee, could, like district jails, be efficiently held as collateral charges by the Civil Surgeons of the districts in which the jails are situated. The Governor-General in Council is not disposed, so long as the Chief Commissioner is satisfied with the present arrangements, to insist on his incurring additional expenditure by giving to jails of the third and fourth classes separate Superintendents. At the same time His Excellency in Council is not unaware that objections can be urged to the regulation of the emoluments of Superintendents according to the average number of prisoners who occupied the jails in the previous year, and not according to the capacity of the jails. Such a system imports uncertainty into an officer's emoluments; it gives an officer who succeeds another, during whose incumbency the number of prisoners has reached a high figure, the benefit of the labours of his predecessor, though in his own time the number may have fallen back. His Excellency in Council does not consider that these objections should, in view of the circumstance that the jail population of the Province is at the present time very much higher than it may be expected to be in the future, outweigh the recommendation of the Chief Commissioner which he accordingly approves, subject to reconsideration hereafter should the number of prisoners fall (as appears not improbable) to any material extent.

10. The Committee recommended that district jails should be divided into three classes, the first to consist of those containing not less than 300 prisoners, for which the allowance should be Rs. 100 a month; the second of those containing less than 300 prisoners, for which the allowance should be Rs. 75 a month; and the third or intermediate jails containing not more than 100 prisoners, for which they recommended an allowance of Rs. 50 a month. This division of district jails and the scale of allowances recommended are already in force in Bengal and at the few jails in Assam which are in charge of Medical officers, while in the other Provinces the classification and allowances are regulated by the Home Department Resolution of the 28th August 1889 in the following manner:—

	Rs.
First-class jails containing 500 or more prisoners as the daily average ...	150
Second-class jails containing over 300 and less than 500 prisoners ...	100
Third-class jails containing over 150 and less than 300 prisoners	75
Fourth-class jails containing over 50 and less than 150 prisoners	50

The recommendations of the Committee have not been received favorably by Local Governments and Administrations, and the Governor-General in Council has therefore determined that the orders of the 28th August 1889 shall be maintained in the Provinces where they are now in force. The enforcement of the principle laid down in paragraph 3 of this Resolution that all long-term prisoners should, as far as possible, be concentrated in central jails, will, when additional central jails have been provided in Provinces where the number is now insufficient, render it hardly ever necessary for 500 prisoners to be located in a district jail.

11. In connection with the subject of the charge of district jails, the Committee noticed that in the Madras and Bombay Presidencies the post of Superintendent had been amalgamated with that of the Jailor in a few jails, and the combined pay given to one officer. They found themselves unable to recommend the system for general adoption. Their main ground of objection was on the score of expense, but they also expressed the opinion that, unless the work of the official visitors is very carefully and systematically done, there is considerable risk in placing supreme authority in the hands of an uncontrolled officer of the Jailor-Superintendent grade. The object of making these appointments was to secure some prospect of promotion to good jail subordinates.

The suggestion of the Committee that the Superintendents of District Jails should always be Medical officers is objected to both by the Madras and by the Bombay Government. The arguments used by the Madras Government against the suggestion are—

(1) that Civil Surgeons hardly ever have time to perform satisfactorily the work involved in the charge of a district jail, as they are unable to spend as much of each day in the jail as Superintendents of central jails; and

(2) that it is difficult to arrange for the charge of the jails during the absence of Civil Surgeons on tour;

The Madras Government are also strongly opposed to the transfer, suggested by the Jail Committee, of the management of the cellular jails of Tanjore and Palamcottah from the special Superintendents to the District Medical officers. The Government of India are unable to agree with the Madras Government that Civil Surgeons should not, as an ordinary rule, be appointed to be Superintendents of District Jails. It is to be expected that Superintendents of central jails, who have a much larger and more important charge, should spend more time each day in the jail than Superintendents of district jails. The difficulty in arranging for the charge of a jail while the Civil Surgeon is on tour might easily be met by placing (as is done in other Provinces) an Assistant to the District Magistrate in temporary charge during the Civil Surgeon's absence from head-quarters. The Governor-General in Council will not, however, press for any change in the existing arrangements for the charge of the jails at Tanjore and Palamcottah, which are the only jails in the Madras Presidency under non-medical Superintendents, nor in the case of those jails in the Bombay Presidency to which non-medical Superintendents are at present appointed; but His Excellency in Council considers that in all other cases, on the ground of economy, district jails should continue to be held by Civil Surgeons as collateral charges. He notices, moreover, that the object with which the class of Jailor-Superintendents was created, namely to reward men who have done thoroughly good and meritorious service in the grade of Jailor for a long series of years, has not always been kept in view either in Madras or Bombay in making appointments to this grade, and it must be a condition of the maintenance of the system that this object is not lost sight of in future.

12. In all central and district jails, except a few in the Madras and Bombay Presidencies and (for the present) the central jails in Bengal, the responsibility for the medical management of prisoners will rest with the Commissioned Medical officer who is also in executive charge. The Committee made the following recommendations regarding Medical subordinates:—

(1) that they should be specially selected from the grade of Civil Hospital Assistant;

(2) that for large central jails containing over 1,400 prisoners, there should be two Hospital Assistants and one Compounder; for all other central jails, one Hospital Assistant and one Compounder; and for all district jails, one Hospital Assistant, except in localities where the Jail and Police Hospitals can be placed under one subordinate;

(3) that the pay of Hospital Assistants serving in jails, who have hitherto been entitled to nothing beyond their grade pay, should be improved by the grant of a local allowance at the end of the year by the Inspector-General for thoroughly good work on the following scale:—

For ordinary healthy district jails, Rs. 10 a month; for unhealthy district jails, where the work is hard and harassing, Rs. 15; for central jails having less than 1,200 prisoners, Rs. 20; and for central jails which have more than 1,200 prisoners, Rs. 25. In those central jails which have two Hospital Assistants, the amount to be divided between them either in equal proportions or in the proportion of Rs. 15 to the senior officer and Rs. 10 to the junior;

(4) that a manual should be drawn up for the guidance of Medical subordinates attached to jails; and

(5) that the pay of Compounders in central jail hospitals should be Rs. 10 rising to Rs. 16 by yearly increments of 8 annas, the increments to be given for really good work.

The Governor-General in Council approves generally of the scale of Medical subordinates recommended by the Committee, but discretion must be left to Local Governments and Administrations to vary it as local circumstances may require. His Excellency in Council also concurs in the views of the Committee regarding the necessity for improving the prospects of Hospital Assistants in charge, and authorizes Local Governments and Administrations to grant them such special allowances, within the limits fixed in paragraph 5 of the Home Department Resolution of the 9th January 1878, which regulates the grant of allowances to Hospital Assistants

for independent or other charges of more than ordinary importance as may be deemed necessary. The rate of pay proposed for Compounders is such as may, in the opinion of the Government of India, be unobjectionably adopted by Local Governments. Medical subordinates attached to district and central jails are, it is understood, as a rule, prohibited from taking private practice. The Governor-General in Council is of opinion that this prohibition should be strictly enforced in all Provinces, the special allowances being regarded as covering any loss of income from this source.

The question of a manual for the guidance of Medical subordinates has been separately dealt with, and Local Governments and Administrations have been addressed on the subject.

13. The Committee recommended that for all central jails in which one special industry is carried on there should be a skilled manufacturer, qualified to superintend the factory department in all its branches, to be styled Deputy Superintendent and to hold the position of a gazetted officer. The Governor-General in Council concurs in this recommendation, but does not consider it necessary to make the Deputy Superintendent a gazetted officer. At present four such appointments exist in Bengal, where the special industry system has been fully developed, and His Excellency in Council hopes that this recommendation will be borne in mind in other Provinces as it becomes possible to concentrate the labour in central jails on individual industries.

14. The recommendations of the Committee respecting executive subordinates in jails were:—

(1) that all executive and clerical officers filling posts in the subordinate Jail Service should be classed under the three grades of Jailor, Deputy Jailor, and Assistant Jailor;

(2) that from the grade of Assistant Jailor should be selected Deputy Jailors of central jails, and from Deputy Jailors of central jails should be chosen the Jailors of the Department;

(3) that these officers should be provided with free quarters on the jail premises;

(4) that all members of the subordinate Jail Service should receive some military training, and should wear uniform of some description resembling a military uniform;

(5) that members of the subordinate Jail Service should not be employed in their native districts;

(6) that the Jailors and the higher subordinates should be frequently transferred from one jail to another—an arrangement which can be easily effected with a graded service;

(7) that the rates of pay should be improved;

(8) that every Jailor, Deputy and Assistant Jailor, and member of the warder guard should be allowed one month's privilege leave on full pay every year, or, if he desires it, to accumulate two or even three months after two or three years' service; and

(9) that every jail official, from the Jailor down to the lowest grade warder, should be required to furnish security, the amount to be fixed in the case of Jailors at a year's pay, and in the case of all other subordinates at half a year's pay, to be deducted from their salary in monthly sums to be fixed by the Inspector-General.

Regarding the selection of men for the post of Assistant Jailor, and their subsequent promotion, the Committee made the following suggestions:—

(1) that they should be recruited from among young men not over 25 years of age who have passed the Entrance or F.A. Examination of an Indian University, and are of sound physique;

(2) that they should serve for ten years as Assistant Jailors in both central and district jails;

(3) that they should then be promoted to be Deputy Jailors of central jails, and, if successful in this grade, receive further advancement as Jailors of district jails, which latter position they would reach after about fifteen years; and

(4) that natives should ordinarily be selected as Assistant Jailors, the appointment of Jailor in central jails, for which a European is required, being given to men who have served as Non-commissioned officers in the British Army.

The rates of pay and the grading proposed by the Committee for a service consisting of 40 Jailors were—

Grade.	Pay.	No.
1st	Rs. 275—15—350	1
2nd	,, 225—10—275	2
3rd	,, 175—10—225	4
4th	,, 125—10—175	8
5th	,, 100— 5—125	12
6th	,, 75— 5—100	13

and they recommended that the grant of commission to Jailors should be altogether discontinued.

Two other suggestions made by the Committee for improving the position of Jailors were (1) that their names should be shown in the Civil Lists; and (2) that one or two appointments should be annually given in the Revenue and Judicial Departments to the best qualified men of long service.

The Committee recommended that the pay of Deputy Jailors should be Rs. 50—2—60, and that promotion to this grade should be restricted to Assistant Jailors likely to qualify as Jailors, any Deputy Jailor reported unfit for promotion being reduced again to Assistant Jailor. The pay which they proposed for Assistant Jailors was Rs. 40—1—50, and they advised that original appointments should be made by the Inspector-General on probation for one year. Where storekeepers, supervisors or accountants for a factory are required, the Committee recommended that they should be selected from among Assistant Jailors.

15. The suggestions of the Committee, which are based on the organization in force in Bengal, cannot be generally applied in the smaller Provinces, such as Assam, Berar and Coorg, and the great majority of them deal with matters of detail in regard to which the final decision must be left to Local Governments and Administrations. The Governor-General in Council is satisfied that, where this is feasible, it would be an advantage to amalgamate the executive and clerical appointments in the service; but, as it is not clear that the same identity between the classes who do the executive and the clerical work that exists in Bengal is found in other Provinces, His Excellency in Council would prefer to leave the amalgamation of the appointments in question to the discretion of Local Governments and Administrations. The designations of the executive service recommended by the Committee, and their proposal that all the officers of this service should be provided with free quarters on the jail premises, are approved. Their recommendations that the executive service should receive some military training and wear a uniform; that the Jailors and higher subordinates should be frequently transferred from one jail to another; that men should not be employed within their native districts; and that they should be required to furnish security, commend themselves to the Governor-General in Council, who trusts that Local Governments and Administrations will carry them out as far as possible. His Excellency in Council also agrees with the Committee that the rules regarding the grant of privilege leave should be worked as liberally as circumstances will admit.

The Government of India do not consider it desirable to lay down scales of pay for Jailors, Deputy Jailors, and Assistant Jailors which shall be applicable to all Provinces. The scale of pay must vary in different parts of India, and what may be suitable for Bengal will probably be found to be too low for Burma, and too high for some other parts of India. It should, however, be a fixed principle that jail officials may receive no emoluments beyond their pay, and where it is still the custom to pay them commission on jail profits, the practice should be abandoned. It will be for each Local Government and Administration to fix the

standard of education which must be satisfied by a candidate for employment in the Jail Service. The Governor-General in Council sees no objection to the inclusion of the names of certain grades of Jailors in the Civil List, but Local Governments and Administrations must be left to decide whether this suggestion shall be adopted, and, if so, where the line should be drawn. His Excellency in Council cannot approve of the proposal to appoint jail officials to the subordinate executive and judicial services. The Jail Service should, in the opinion of His Excellency in Council, be self-contained, and training and experience as a Jailor are not calculated to qualify a man to become either a good Magistrate or a good Civil Judge.

16. The next subject discussed by the Committee is the establishments for guarding jails. They point out that there are two systems in force in Indian jails—(1) that under which the whole work of watch and ward, as well as the duty of the reserve armed guard, is undertaken by trained warders belonging to the Jail Department; and (2) that under which the maintenance of discipline, supervision at work, and guarding by night and by day are entrusted to the jail warder guard, while the duty of protecting the jail from attack and putting down outbreaks is committed to a separate body of police or a military guard. The former system has been in force in the Bengal jails for some years past and has recently been introduced into Madras and the Central Provinces. The advantages claimed for it are thus enumerated by the Committee—

(*a*) The whole work of watch and ward in all the jails and sub-jails of the Province is done by warders belonging to the Jail Department;

(*b*) there is no division of authority and no loss of power, as is the case when the duty is performed partly by jail officials and partly by military or police guards;

(*c*) there has been a remarkable improvement in the security and discipline of the jails in which this system has been adopted;

(*d*) the warder guard are thoroughly trained in military exercises and to the use of arms and in the larger jails are armed with breech-loaders;

(*e*) it renders it possible by a reduction of numbers to raise the pay of the lower grades and to make the jail service more popular and less corrupt;

(*f*) it enables the duty of the warder guard to be reduced to six hours' work by day and two or at most three hours' watch at night, thereby increasing materially their efficiency while on duty and adding to the popularity of the service;

(*g*) it provides for the grant of a month's privilege leave on full pay to every warder in the service once a year and allows him to accumulate this leave up to three months after 33 months' service: this privilege has made it possible to recruit warders at considerable distances from their homes;

(*h*) it requires the residence on the jail premises of all warders, and, if necessary, provides accommodation for their families: the jail is by this arrangement fully manned at all hours of the night or day, and the guard is ready for any emergency;

(*i*) warders are brought under the pension rules, and those whose salaries exceed Rs. 10 draw pensions on the superior scale—a provision which is a great security for good behaviour;

(*j*) as young men are recruited for the lowest grade, they rise by merit and length of service to the higher and more responsible posts of head warder: the selection for these important posts can now be made from a larger number of men than was possible when more than half the guard were police men or soldiers;

(*k*) as a result the service in Bengal is now so popular and the appointments so highly prized that warders of a superior stamp adopt it as a permanent employment—a result which is not attained elsewhere.

17. The recommendations of the Committee on this subject are—

(1) That the system of guarding jails by trained warders should be generally prescribed, the mixed system being abandoned.

The Madras Government are in favour of this proposal. The Bombay Government oppose the change on the ground that it would not introduce any improvement in security and that the external guarding of a prison is a duty quite distinct from its internal regulation. In the North-Western Provinces and Oudh the experiment is being tried in the Lucknow Central Prison and in the district jails in the Rohilkhand division. The reform is approved by the Punjab Government; it is in force in Burma and is about to be introduced into Berar. In Assam the Inspector-General prefers to maintain the system at present in force, because, if the warder system were introduced, the Province could not, it is stated, afford to have reserves and vacancies would have to be filled up with untaught men. In Coorg, where there is only one jail, it is proposed to maintain the present system.

The Government of India are, for the reasons stated by the Inspector-General, not disposed to press the reform in Assam, but the objections raised by the Bombay Government have not satisfied the Governor-General in Council that the system advocated by the Committee should not be adopted there, and he would be glad if the Governor in Council would introduce it in selected jails as a commencement. It has been preferred by all experts on jail questions and has given satisfaction and proved economical wherever it has been tried. The Government of India approve of the proposal of the Committee that persons employed on the duty of guarding jails should be known by the title of warders only.

(2) That the men should be specially recruited—

(*a*) from districts at some distance from the place where they will be employed;

(*b*) from races which supply the police and army;

(*c*) with some proportion of ex-soldiers or army reserve men (the reserve head warder being a soldier).

The Governor-General in Council leaves the question of the place of recruitment to the discretion of Local Governments and Administrations, merely observing that the Committee's recommendation is based upon experience and not upon theory. His Excellency in Council approves of the suggestion that jail warders should be recruited from races which supply the army and the police and that the old soldiers should be utilized, provided that such men are enlisted only in accordance with the orders contained in the Military Department circular, dated the 9th September 1890, regarding the employment of pensioners in civil offices. He cannot, however, accept the suggestion of the Committee that the military training in a jail, including a test of marksmanship by Military officers, should be accepted as the equivalent of the annual training of a reservist and that men of the reserve forces should be entertained as warders. In the event of mobilization, jail guards could not possibly be withdrawn from their duties for military service.

(3) That all the warders of a Province should wear uniform of one pattern selected as most suitable for a force which has undergone military training.

(4) That the warder guard should be armed with breech-loading rifles or shot-guns instead of muzzle-loading muskets and that ball-cartridge should be provided for training at the butts and buckshot for use in case of an outbreak.

These suggestions are approved by the Government of India and should be adopted generally. The weapon for jail warders should be the smooth-bore snider, to carry ball and buckshot, which is now being supplied to the police reserves.

(5) That there should be three grades of warders on Rs. 8, 9 and 10 in the proportion of $\frac{1}{3}$, $\frac{1}{3}$, and $\frac{1}{3}$, respectively, with extra allowances, should the Local Government think them necessary, in places which are unhealthy or where provisions are dear.

The proposed grading is based on experience acquired in Bengal and appears to the Government of India a reasonable one; but in this matter, as well as in regard to rates of pay, Local Governments and Administrations are the best judges of local requirements.

(6) That there should be three grades of head warders in central jails and two grades in district jails on salaries as noted on the margin, and that the reserve head warder should be an ex-soldier.

	Rs.	Rs.
For Central Jails.		
1st-grade (Chief) Head Warder ...	20	to 25
2nd-grade Head Warder ...	15	to 20
3rd-grade Head Warder ...	12	to 15
Reserve Head Warder	15	to 20
For District Jails.		
1st-grade Head Warder ...	15	to 20
2nd-grade Head Warder	12	to 15
Reserve Head Warder	12	to 15

This matter also the Governor-General in Council leaves to the determination of Local Governments and Administrations.

(7) and (8). The Government of India agree with the Committee in their seventh recommendation that jail warders should on no account be employed on escort duty, which is properly the work of the police, and accept the principle of their eighth recommendation that all warders should be accommodated within the jail premises, their families being also provided for in the same way where possible.

(9) and (10). The Governor-General in Council commends to the consideration of Local Governments and Administrations the suggestion of the Committee that the practice of employing prisoners to perform menial work for jail subordinates should everywhere be brought under strict regulation. It seems desirable that rules should be laid down in each Province prohibiting or regulating such employment. The proposals that jail subordinates, when compelled to reside on the jail premises, should be allowed the privilege of getting vegetables from the jail garden, and also that in disadvantageous or unhealthy localities the Government should supply warders with articles of food at cost price without charging for the jail labour employed in preparing them, are also left for the decision of local authorities.

The recommendations of the Committee in paragraphs 68 to 82 of this chapter regarding the duties of the subordinate staff in jails have the approval of the Government of India and should receive the consideration of Local Governments and Administrations. The Governor-General in Council also approves the suggestions of the Committee regarding the maintenance of discipline among the warder staff contained in paragraph 83.

18. In paragraph 13 of the Resolution in the Home Department, No. 23—1609—1619, dated the 7th October 1887, the Government of India, after a full consideration of the question, decided that the system under which prisoners are eligible for employment as warders must be maintained both on administrative and financial grounds. The Committee have recorded a strong opinion that only persons convicted for the first time, who have not been classed by the convicting court as habituals, should be selected for employment as convict officers. The Madras Government would not debar habitual convicts from such employment when they are considered particularly fitted for it, arguing that as such convicts have already been exceptionally treated by the courts, it would be adding to their sentences to refuse them the benefits attaching to good behaviour. The Government of Bombay dispute the conclusion of the Committee on the ground that, "while a severe sentence for a first offence implies abnormal turpitude in the offender, repeated convictions for some offences may indicate only a particular moral defect in one direction which is compatible with generally good qualities." "Such men," it is added, "are not specially depraved and having no opportunity in jail for the indulgence of their besetting propensity may possibly be employed with benefit as convict warders." The Inspector-General of Jails in Burma is also strongly in favour of not excluding ordinary "habituals" from employment as convict warders, and the late Chief Commissioner was disposed to follow his advice. The Governor-General in Council has given careful consideration to these views, but remains of opinion, in agreement with the Committee, that "habituals" ought not to be employed as convict officers and that there should everywhere be a rule absolutely excluding them from such employment. The objection to their appointment to posts of authority is that, by reverting to crime after experience of jail life, they have given proof that its discipline has no terrors for them and that

their imprisonment has thus failed of its purpose. If appointed convict officers, they will enjoy privileges which will render their punishment still less deterrent whereas it requires to be made more and not less severe. As old habitués of the jail, they readily fall in with prison rules and find no difficulty in completing tasks which inexperienced prisoners cannot perform. If allowed to be appointed warders, they will easily satisfy the requirements of the jail officials and there will be a constant tendency to put them forward for convict offices. In deference, however, to the views of the Madras and Bombay Governments, the Governor-General in Council will not object, should the Governors in Council desire it, to the rule being so framed in those Presidencies as to admit of such appointments being made in very special cases by written orders given by the Inspector-General himself. The Government of India trust that this exception will be so worked as to reduce the cases in which habitual offenders are appointed to be convict officers to a minimum.

The Committee recommended that there should be three grades of convict officers, namely —

(*a*) the "watchman," who, while he is an ordinary class A prisoner by day and gives his full labour-task, is appointed to do one watch of two or three hours inside the ward at night;

(*b*) the "overseer," who is appointed to help the warder in charge of gangs of prisoners in workshops, wards, cook-houses, &c.;

(*c*) the "warder," who takes all the duties and responsibilities of a paid warder by day as well as by night, but has his work limited to the area within the main enclosing wall of the jail.

In the case of convict warders, the Committee further proposed (1) that there should be one such officer to eight or nine paid warders according to the healthiness or otherwise of the locality; (2) that they should be supplied with the ordinary warder's baton; (3) that they should be allowed to cook and eat their food outside the jail apart from the other prisoners, and that to admit of their doing this they should receive uncooked the ordinary full rations of the jail; (4) that they should have four extra marks daily in addition to the two marks allowed to ordinary convicts and should receive a gratuity of four or eight annas a month which they might expend outside the jail on any reasonable indulgence; (5) that they should be allowed to mix with the paid warders in their barracks and cook-rooms; and (6) that they might be allowed to smoke tobacco outside the jail walls at fixed hours in the cooking places set apart for them. These suggestions are made by officers of long and successful experience in jail management, and as such the Government of India remit them for the consideration of Local Governments and Administrations to adopt or not as they may think best.

The rules for guarding jails proposed by the Committee in paragraphs 91—102 of this chapter are also left to Local Governments and Administrations with the remark that they approve themselves to the Governor-General in Council.

19. His Excellency in Council has already expressed to Local Governments and Administrations his approval of the proposals made in Chapter VII and has recommended them for general adoption.

Chapter VII—Medical officer and hospital work.

The matters dealt with in it should be provided for in the Jail Code in each Province.

20. Chapter VIII relates to the treatment of female prisoners.

Chapter VIII—Female prisoners.

The recommendations of the Committee were—

(1) that female prisoners, whether convicted or under-trial, should invariably be confined in a ward or wards so separated from the space occupied by the male prisoners as to permit no communication between them and so situated as not to be overlooked by any part of the male prison;

(2) that the female division of the prison should invariably have a female warder in charge of it, who should receive not less than Rs. 8, nor more than Rs. 12 rising to 15 a month;

(3) that the keys of the female division should be kept by the female warder during the day and should be made over to the Jailor at night;

(4) that no male official of the prison should be permitted on any pretext to enter the female prison alone;

(5) that in every female prison there should be a block of two to six cells for use as punishment cells as well as to afford separate accommodation for any female under-trial prisoner or judgment-debtor who may wish to live apart from the female convicts;

(6) that the hair of female convicts should not be cut as a punishment, and that handcuffs should be imposed only as a measure of restraint when there is a likelihood of a woman but for their imposition seriously injuring herself or others, and then for not more than 72 hours at a time;

(7) that fetters should never be imposed upon female prisoners;

(8) that up to the limit of accommodation all female convicts of whatever terms, except those sentenced to transportation or long term habitual criminals, should be retained in the jail of the district to which they belong; and

(9) that the Superintendent of a Jail in which a female prisoner belonging to another part of the country is confined should, one month before her release, communicate with the Magistrate of the district in which her home is situated, requesting him to intimate to her relative the date of her release and to urge them to come and receive her at the jail gate. In the event of no relative appearing on the day of her release, the woman, if young or likely to be led astray, should be sent to her home in charge of the female warder of the jail. If this escort is not considered necessary, the prisoner should be given a railway ticket and full and liberal means of subsistence to enable her to reach her home.

The Government of India have already, when consulting Local Governments and Administrations as to the recommendations of the Committee, stated their opinion that proposals (1), (2), (3), (4), (5) and (8) should be adopted as far as possible, at all events, in all central and large district jails. There is some difference of opinion among Local Governments as to the proposal to have a female warder in each female division of a jail on the salary recommended by the Committee. The Governor-General in Council is aware of the difficulty of obtaining respectable females for the post of matron, but considers that wherever it is found possible to secure them, they ought to be appointed. When the families of male warders are accommodated in the jail premises, they will probably afford a source from which female warders may be obtained. Where, however, such women cannot be found, female convicts must be employed as matrons. The amount of salary to be paid to female warders will vary with the conditions of employment in different Provinces and must be left to Local Governments and Administrations.

The cropping of the hair of female convicts and the use of handcuffs (except as a means of restraint) with women are prohibited in Madras. The Government of Bombay would retain these punishments for use in extreme necessity. In Bengal Sir Steuart Bayley was in favour of retaining the power to crop the hair and the use of handcuffs as a punishment for persistent short work. In the North-Western Provinces and Oudh orders have been issued abolishing the punishment of hair-cutting and restricting the use of handcuffs as proposed by the Jail Committee. In the Punjab neither of these punishments is in use, but Sir James Lyall thought that the Superintendent of a Jail should have power to employ them under the same restrictions as apply to the whipping of male convicts. The Chief Commissioners of the Central Provinces and Burma expressed opinions in favour of retaining the punishment of cutting hair; the Inspector-General of Jails in Assam would abolish it. In Berar the practice has never been recognized. The Conference which recently met in Calcutta recorded the opinion with one dissentient vote that the cutting of the hair and shaving of the head of female prisoners should not be included among jail punishments. The members considered that it would be objectionable to disfigure a woman in this manner shortly before release, and that the punishment would therefore be inapplicable to short term female prisoners, who are often the most violent and difficult to control. The Government of India accept this view. The Governor-General in Council is further

pleased to direct that the use of handcuffs in the case of females shall be restricted in the manner proposed by the Jail Committee, and that the use of fetters shall be discontinued in the Bombay Presidency, the only part of India in which it has hitherto been permitted. With reference to the suggestion of the Jail Committee that females should be kept to serve out their sentences in the jails of the districts to which they belong, the Madras Government consider that there is no necessity to make any change in the present system under which female prisoners are freely transferred to jails outside their native districts, but have issued instructions for the incorporation in the revised Jail Code of the substance of paras. 8 and 9 of Chapter VIII of the Committee's Report which embody the ninth recommendation stated above. The Committee's suggestion is approved by the Governments of Bombay and Bengal and the Chief Commissioners of the Central Provinces and Burma. In the Punjab, on the other hand, both the Local Committee and Sir James Lyall expressed opinions in favour of concentrating females in special jails on disciplinary grounds. In Assam they are concentrated at Tezpur and Sylhet. The Government of India consider that the Jail Committee's recommendation should be followed where there are no special reasons to the contrary, but will not bind the discretion of Local Governments and Administrations by laying down a rule on the point.

Chapter IX.—Juvenile Prisoners.

21. Chapter IX deals with juvenile prisoners. The Committee recommended—

(1) that juvenile prisoners should be divided, as in the North-Western Provinces, into two classes, viz., those who have arrived at the age of puberty, and those who have not;

(2) that the two classes should be accommodated apart from one another and from adult prisoners, the elder boys being kept at suitable labour in a separate enclosure during the day and locked up each in a separate cubicle at night, and that consequently all juveniles with sentences over one month should be sent only to jails where such accommodation is provided, and

(3) that all juveniles should be educated.

These suggestions were left by the Government of India to the consideration of Local Governments and Administrations. They have been accepted by the Governments of Madras and Bengal, the Chief Commissioners of the Central Provinces and Burma, the Provincial Committees in Bombay and the Punjab, and the Inspector-General of Jails in Assam. It is, however, pointed out by the Punjab Committee that the accommodation afforded in some of the jails in that province does not permit of the segregation of adolescents by day or night. The Governor-General in Council approves generally of the suggestions made, and considers it essential that arrangements should be made without delay in the Punjab for separating adolescents in a sufficient number of the jails of the province.

Chapter X.—Under-trial Prisoners.

22. The proposals in Chapter X, relating to the treatment of under-trial prisoners, were also commended to the consideration of Local Governments and Administrations, but it was observed that the rule proposed in order to prevent such prisoners being kept at the courts after dark, viz., that they should not be received into a jail after lock-up hour without a special order of the chief civil officer at head-quarters for the time being, might in some cases be found difficult to work, and it was suggested that magistrates of districts should be requested by executive orders to lessen the extent of the evil referred to by the Committee. The remaining suggestions of the Committee were—

(1) that under-trail prisoners should be allowed their own clothes and permitted to supplement their diet-scale by purchases, but that all such prisoners imperfectly clothed should be immediately supplied with all clothes necessary for their health and comfort;

(2) that money allowances for diet should not be given, but that the same scale of diet should be supplied to under-trial as to convicted prisoners, subject to the reservations—

(*a*) that healthy under-trial prisoners in healthy localities should receive non-laboring diet for the first month, and

(*b*) that all under-trial prisoners after the first month, all weakly under-trial prisoners, and under-trial prisoners in unhealthy localities, should always receive full diet;

(3) that where hawálats or lock-ups are retained, the chief civil officer's responsibility for visiting and inspecting them should be enforced;

(4) that special arrangements should be made for watching under-trial prisoners by night, short-term convict-watchmen being appointed for the purpose;

(5) that under-trial prisoners on transfer should receive before starting the articles of diet requisite for the journey; and

(6) that female under-trial prisoners should be given the option of occupying cells in the female jail instead of being separately confined in a distinct enclosure.

Local Governments and Administrations have generally reported in favour of these suggestions. The late Chief Commissioner of the Central Provinces objected to money allowances being changed to rations, but the Jail Committee have quoted instances in which the system of granting a money allowance in the North-Western Provinces and Oudh and the Punjab has worked hardship, and the Government of India would prefer that rations should be given. The Provincial Committee appointed by the Government of Bombay are not in favour of giving more than a diet of 1lb. 4oz. to under-trial prisoners; nor do the Committee approve of giving them before starting on transfer to another place of confinement the articles of diet necessary for the journey, on the ground that they are sometimes halted on the way at an intermediate jail, where arrangements for retaining them are made, and that the police guard is as likely to be dishonest with regard to the articles of diet in its charge as with regard to the disbursement of the diet money. They think that the question whether a female under-trial prisoner should go into a cell in the female jail or not should be decided by the Superintendent and not by the woman herself, and have also objected to convict officers being allowed for the needful guarding at night of prisoners under trial. The Governor-General in Council does not think that these objections should prevail against the adoption of the suggestions of the Jail Committee, to all of which he gives his general approval. It may, however, be left to the Superintendent to say, with reference to the accommodation available, whether or not a female under trial shall have any option about going to a cell.

Chapter XI.—Civil Prisoners.

23. Chapter XI relates to the treatment of civil prisoners, and was remitted to the consideration of Local Governments and Administrations. The Government of India pointed out that the rule in Bengal, referred to in paragraph 5 of this Chapter, which permits a civil prisoner, who is reported by the medical officer to be likely to succumb from a disease and to have a fair chance of recovery if released, to be set at liberty without reference to the Court or the judgment-creditor, was inconsistent with the terms of section 8 of Act VI of 1888, which leaves the order in such cases to the committing Court. The Local Government has now altered the rule so as to bring it into accord with the provisions of the law.

Chapter XII.—Condemned Criminals.

24. Chapter XII deals with condemned criminals. The Jail Committee recommended that the system in force in the North-Western Provinces and Oudh for executions, under which a separate enclosure is attached to the jail capable of holding from 50 to 300 spectators (respectable adult males), should be generally adopted, and submitted a rough draft of rules for the treatment of condemned criminals and the conduct of executions which they considered should govern the treatment of persons condemned to death throughout India.

The question of the imposition of fetters on prisoners under death sentence has since been disposed of by the Government of India. The Secretary of State, in his despatch dated the 6th March 1890, requested that arrangements might be made in every jail in which prisoners lying under sentence of death were confined, to avoid the necessity of imposing fetters on them, except when danger to their guards or to themselves was to be reasonably apprehended from their violence. Local Governments and Administrations, who were consulted in the matter, agreed generally in thinking the use of fetters on condemned criminals unnecessary, save in exceptional circumstances. The Governments of Bombay and the Punjab, which, while concurring in the general opinion, considered the use of fetters unavoidable so long as the condemned cells were insecure, were requested to improve the arrangements for the safe custody of such prisoners. The late Chief Commissioner of the Central Provinces, who was alone in his opinion that leg-irons are a necessary precaution against attempt at escape or assault upon the guards, and that fetters serve to call the attention of the guards to the prisoner's movements in the cell and so prevent suicide, was desired to follow the practice adopted elsewhere, and impose fetters only in exceptional circumstances.

The only other points relating to the execution of condemned criminals calling for remark are—

(1) that as regards some jails in Bengal, Burma and Assam separate enclosures for executions outside the prison are not available.

In such cases the executions may be carried out in enclosures within the jail, and the Governor-General in Council does not consider it necessary to incur fresh expenditure to provide enclosures attached to the jails, but outside them, for this purpose.

(2) In Madras and the Central Provinces the presence of a magistrate is not considered necessary at an execution.

In the opinion of the Government of India it is very desirable that some official besides the jail authorities should be present, and, outside the Presidency towns, the proper official to attend on such occasions is a magistrate.

(3) The Government of Madras are in favour of continuing the existing practice of burying the bodies of executed criminals in the jail burial-ground in all cases, and not giving them up to relatives even if asked for.

The Governor-General in Council considers that bodies should ordinarily be given up if claimed by relatives or friends, unless there are special reasons to the contrary in any particular case.

25. With regard to the education of convicts, the Committee recommended in Chapter XIII:—

Chapter XIII.—Education of Convicts.

(1) that all attempts at education should be limited to the two classes of juveniles (boys and youths), and that these should be taught systematically by paid teachers when the class is large, and by specially selected prisoners when the class is small. The Committee considered that the education of native convicts would be of little value unless they could be taught to read and write, so as to improve their chances of earning an honest living when released from jail.

(2) that statement VII of the annual administration series, which contains the record of the state of education in jails, might be abolished as being of no practical value.

The proposal to abandon the education of adults in jails is approved by all the Governments in whose jails adults are now educated, except that in the North-Western Provinces and Oudh it is proposed that classes for adults who may desire instruction and have been allowed by the Superintendent to attend should be maintained in central jails. The Governments of Madras, Bengal and the Punjab, and the Chief Commissioner of Assam would omit statement VII of the annual report; and the remaining Governments, except the Chief Commissioner of Burma, who does not refer to the question, would

retain the statement modified so as only to show results as to juveniles under education.

The Governor-General in Council accepts the conclusion that the attempt to educate adult convicts has been unsuccessful and should be abandoned. His Excellency in Council is not in favour of encouraging the instruction of adults in the manner recommended by the Government of the North-Western Provinces and Oudh lest such an arrangement might induce convicts to seek to come under nominal instruction in order to escape labour. The instruction of juveniles who are under sentences of less than a year is not likely to be productive of much advantage, and it is hoped that in time most of the prisoners of this class under long sentences will be sent to reformatories. For the present the rule regarding the education of juveniles should be that all under the age of 18, who are in central or district jails under sentences of a year or more, should be brought under instruction, not only in reading and writing, but also, if possible, in some simple handicraft. In order to make their instruction really effective, it would be desirable to arrange by transfers to concentrate such prisoners in jails where facilities exist for instructing them. His Excellency in Council is of opinion that it will be unnecessary to retain statement VII in order to show the progress in education of juveniles, and accordingly directs its abolition, an addition * being made to statement II (Judicial) to give details regarding the education of convicts when admitted into jail. Information regarding the education of juveniles should, however, be given in the body of the report.

26. Chapter XIV relates to the use of fetters. The Committee observed that the great diversity of practice in different provinces as to the imposition of fetters on prisoners for safe custody rendered judicial sentences most unequal in severity. They recommended that the rules in force in Madras should be adopted generally, and that a statement (in a form which they proposed) should be given in the body of each annual report to show the cases in which fetters had been used either as a punishment or for safe custody. The Madras rules are as follows:—

Chapter XIV.—Fetters.

(1) Fetters shall ordinarily be worn for the first three months by convicts under sentences of transportation, but the Superintendent shall be empowered to dispense with them at once.

(2) The fetters on a convict referred to in rule (1) shall be removed at the end of three months, unless the Superintendent considers their retention necessary for the safety of the prisoner himself or that of others.

(3) Fetters shall not be used in the case of prisoners under sentence of rigorous or simple imprisonment unless such prisoners are violent, or there is reason to believe that escape is contemplated.

The Government of India recommended other Local Governments and Administrations to adopt the Madras rules. They are accepted by Local Governments generally with slight modifications. The Punjab Provincial Committee considered that they could not be adopted in the present insecure state of the Punjab jails, and this opinion is concurred in by the Punjab Government. The late Chief Commissioner of Burma urged that the circumstances of that province

* After column 4 (age) add column 5 "Education," subdivided thus—

A.		B.		C.	
Able to read and write.		Able to read only.		Illiterate.	
M.	F.	M.	F.	M.	F.

and renumber the following columns accordingly.

are peculiar, and that fetters are required as a preventive of the sudden outbreaks which are apt to occur among Burmese prisoners.

After considering the replies of Local Governments, the Governor-General in Council has determined that the Madras rules shall be generally adopted with the following reservations :—

(*a*) Local Governments may, if they think fit, exempt transportation prisoners from liability to wear fetters for the first three months.

(*b*) Discretion may be given to the Inspector-General of Jails to order light fetters for any extramural gang for which he thinks them necessary.

(*c*) The bel-chain may be used at the discretion of the Superintendent when taking prisoners into camp.

(*d*) These rules need not for the present be adopted in the Punjab or Burma.

The Government of India trust that it will soon be possible to introduce these rules into the Punjab also, where they are at present held in abeyance only on account of the insecurity of the jails. In prescribing them for general adoption, however, His Excellency in Council recognizes that the circumstances of all provinces are not alike, and he therefore authorizes Local Governments and Administrations to allow local officers a discretion to permit the use of fetters in cases where prisoners cannot otherwise be kept in security. This discretion should be carefully exercised, and the Inspector-General should be held responsible that the practice of habitually fettering prisoners without clear necessity is not allowed to prevail.

Chapter XV.—Clothing, Bedding, &c.
Chapter XVI.—Wooden tickets.

27. Chapter XV relates to clothing and bedding, plates and cups, and Chapter XVI to wooden tickets. The several points noticed in these chapters were left to the consideration of Local Governments and Administrations, and nothing in them calls for orders from the Government of India.

Chapter XVII.—Jail offences.
Chapter XVIII.—Jail punishments.

28. As noticed in the first paragraph of this Resolution, the subject of jail discipline and the registration of punishments, with regard to which wide differences were presented by different provinces, was one of the most important questions committed to Drs. Walker and Lethbridge for inquiry. After considering their recommendations, as stated in Chapters XVII and XVIII of their report, and the observations thereon of Local Governments and Administrations, the Governor-General in Council came to the conclusion that it was desirable that a Conference of Jail experts should be convened to further consider these matters. Accordingly, in Home Department Resolution No. 760–68, dated the 7th December 1891, the Governments of all Provinces were invited to depute the heads of their Jail Departments to Calcutta and certain principles were laid down for the guidance of the Conference in drawing up lists of offences and punishments which might be awarded. It was observed that the law on the subject was at present contained in four different enactments, Madras, Bombay and Bengal having local Acts, while in other provinces the general Prisons Act, XXVI of 1870, applied; these laws differ as to the offences specified, the punishments which may be inflicted, and the authorities competent to inflict them. Having regard to the fact that the Penal law under which offenders may be sentenced to imprisonment is uniform for all India, and that a sentence for the same offence should everywhere carry the same description of punishment, the Government of India came to the conclusion that that uniformity of discipline which prevails outside of the jails should also be established within them, and that local variations should cease to distinguish one province from another. They desired, therefore, that the Conference should draw up lists, applicable to all provinces, of jail offences, classified as far as possible into serious and minor, which could be entered in a general Prisons Act or prescribed by rules to be made under its provisions by the Government of India. They also asked the Conference to draw out a list of suitable punishments which could be similarly laid down in the Act or rules, specifying as far as possible the nature of the punishments appropriate to each class of offences. The Conference

were requested to consider what powers of punishment ought to be vested in the Superintendents of central, district, and other jails, and what should be reserved for exercise by the Magistrate; and the Government of India affirmed the principle that all punishments, however trivial, should find a record in the statistics of jail administration, and invited the Conference to suggest a suitable form (in lieu of the present statement VI) in which offences and their punishment could be exhibited.

The Conference submitted their report, which is circulated with this resolution, in February last, and the Governor-General in Council desires to express his acknowledgments for the clear and able manner in which they have dealt with the subject. He finds himself able to accept generally all the recommendations included in paragraphs 3 to 21 of the report; and the necessary steps will now be taken, in accordance with this decision, to introduce a Bill dealing with the subject in the Legislative Council of the Governor-General. As the measure will come under discussion before that body and will be further dealt with by the Select Committee, it is not necessary to describe it more particularly here. The Bill will not only deal with the subjects of jail offences and punishments, but will also include a re-enactment and an extension to the whole of India, in lieu of the local laws at present in force, of the provisions of the Prisons Act of 1870, with such amendments as may seem necessary in view of the conclusions arrived at elsewhere in this resolution.

Pending the passing into law of this measure, the Government of India desire that the form of statement VI prepared by the Conference be adopted in future in all annual reports on jails.

Chapter IXX.—Escapes and Outbreaks.

29. Chapter XIX of the report deals with escapes and outbreaks. The Committee recommended —

(1) that there should be a scale of rewards for the apprehension of escaped prisoners varying in ordinary cases according to the original sentence of the person escaping, the Inspector-General having power to give special rewards up to a maximum of Rs. 300 in exceptional cases;

(2) that prisoners on re-capture should ordinarily be placed in irons for safe custody, subject to report to the Inspector-General;

(3) that a re-captured prisoner should, if belonging to the A class, be transferred to class B and wear a red cap;

(4) that jail officials through whose negligence or connivance an escape takes place should be prosecuted under sections 222 and 223 of the Indian Penal Code;

(5) that there should be in each province full and carefully drawn instructions for the guidance of jail officials in the case of outbreaks, and that alarm parades, on the lines laid down in paragraph 3 of this chapter, should be organized and practised at intervals; and

(6) that definite rules should be issued explaining when a jail official would be justified in opening fire on prisoners or in using his bayonet.

The rules suggested by the Committee on this point were —

(i) Sentries should not fire on a prisoner attempting to escape by stealth, nor unless violence, actual or threatened, renders the use of fire-arms absolutely necessary, or unless ordered by a superior officer to fire in the case of an outbreak.

(ii) The sentry at the outer gate should be empowered to fire, on his own responsibility, if no superior officer is present, upon any prisoner attacking the gate-keeper between the gates or attempting to force the outer gate, provided that (*a*) he shall not fire on any prisoner not actually using violence to the gate-keeper or attempting to force the outer gate; and (*b*) he shall not fire until he has given at least one warning.

(iii) Any warder, when no superior officer is present, should be empowered to fire on his own responsibility on prisoners to save the life of a jail official to whom they are actually using violence.

(iv) In quelling outbreaks generally warning should always be given before fire-arms are used.

The Government of Madras approve of these proposals, and the special officer appointed by the local Government has drawn up rules regarding escapes, outbreaks, and firing upon prisoners which are generally in accordance with the Committee's recommendations. The Bombay Provincial Committee would add to the rules proposed a provision authorizing a sentry to fire on a prisoner attempting to escape after a direction to stand fast has been disregarded. In Bengal the rules suggested by the Jail Committee have been in force for several years. No comments have been made by the Governments of the North-Western Provinces and Oudh and the Punjab, the Chief Commissioner of Coorg or the Resident at Hyderabad. The Committee appointed locally by the Punjab Government observe that the proposal to authorize a sentry to fire on any person attempting to force the main gate is not warranted by the existing law, and they do not recommend its adoption. Most of the proposals made are said to be already in force in the Central Provinces, except that the maximum reward for the apprehension of an escaped prisoner is Rs. 100. In Burma also Rs. 100 is usually the maximum reward, but a larger sum may be awarded in special cases; the regulations proposed for preventing and suppressing outbreaks have been observed in that province for several years. They are accepted by the Chief Commissioner of Assam.

The Government of India approve generally of the recommendations of the Committee with regard to escapes and the organization and practice at intervals of alarm parades. The rules as to firing on prisoners proposed by them, however, require legislation in order to give them legal validity. The Government of India consider that they should be legalised, and steps will be taken to do so in the amendment of the Prisons Act which is under consideration. When this amendment of the law has been carried into effect, it will remain with Local Governments and Administrations either to incorporate the rules suggested by the Committee in their Jail Codes or to insert others drawn up on similar lines.

Chapter XX.—Diet.

30. Chapter XX deals with the exceedingly important subject of jail dietary, and the observations contained in it were commended to the careful consideration of Local Governments. The following are the chief recommendations of the Committee:—

(1) That the ingredients forming the diet-scales should be chosen with reference to the ordinary food of the labouring classes of the population in the districts where the jails are situated (in some provinces a want of economy in this respect was noticed);

(2) that, after a diet-scale has been prescribed on the advice of the best experts procurable, no alteration should be permitted in it without full consideration and under the direct orders of Government;

(3) that the minimum of fatty matter in a diet should be $\frac{1}{2}$ an ounce daily, or $3\frac{1}{3}$ ounces weekly;

(4) that a uniform minimum standard of half an ounce of salt daily should be everywhere adopted;

(5) that the condiments allowed should ordinarily be such as can be grown in the jail gardens by prison labour;

(6) that particular attention should be given to the portion of the dietary consisting of vegetables, of which not less than 6 ounces should be given daily, in the cold weather vegetables of real anti-scorbutic value being selected, while in the hot weather and rains (from 1st April to 1st November) special anti-scorbutics should be freely used;

(7) that no reduction should be made (as they found had been done in every province visited by them) in the scale for labouring prisoners with reference to the length of the prisoner's term;

(8) that, in provinces where at present only two meals are given in the course of the day, or at all events in jails which receive prisoners from unhealthy tracts, an early morning meal, to be deducted from the full sanctioned daily scale, should be introduced; and

(9) that careful rules should be laid down for applying the weight test.

These principles have met with general acceptance, and in most provinces where deficiencies were noticed by the Committee reforms have already been introduced. The Government of India will therefore content themselves with recording here their approval of the recommendations contained in the report, and in particular their entire concurrence in the condemnation pronounced by the Committee upon the system prescribing a reduced diet-scale for short-term prisoners. Such a scale can hardly fail to result, especially in times of scarcity when numerous prisoners are admitted on charges of petty theft and the like, in their discharge with diminished capacity for earning their livelihood. The Governor-General in Council, therefore, directs that the practice, if it still survives in any province, shall be abandoned.

Chapter XXI.—Cooking.

31. Chapter XXI treats of the cooking of diet, and contains a number of practical suggestions which it is unnecessary to notice here. The Government of India believe that the importance of securing the proper preparation and cooking of food is generally recognized, both with reference to its effect upon the health of the prisoners and with regard to the economical working of the jails. The matter should be carefully provided for in the Jail Manual of each province.

Chapter XXII.—Gardens.

32. Chapter XXII relates to jail gardens. The Committee considered that more attention should generally be paid to the provision of a good supply of vegetables; that lime orchards should be planted and other anti-scorbutics and condiments cultivated; and that cereals and wood for fuel should be grown on available jail land not used for the garden. They also urged the adoption of the principle that the produce of the garden and other land attached to the jail should be applied to reducing the cost of maintenance and not be shown as nominal receipts from jail factories. These recommendations were referred to Local Governments and Administrations for careful consideration and have been generally accepted; they have already produced considerable results, and they have the entire approval of the Government of India.

Chapter XXIII.—Jail Economy.

33. Chapter XXIII treats of the subject of jail economy. The principal recommendations of the Committee were—

(1) that the purchase of grain and food-stores should be completed transactions when the stores enter the jail, and that the jailor and his subordinate should be responsible for the quantities of these articles which are received in the jail, careful stock accounts being maintained;

(2) that grain should be purchased and stored at harvest time;

(3) that economy should be studied in the matter of fuel consumption;

(4) that surplus jail land should be farmed and jail tanks stocked with fish;

(5) that article should not be purchased in the bazaar when they can be made at the jail;

(6) that jail dairies should be encouraged;

(7) that where rice is the main staple of diet, the paddy should be husked in the jail, dal being similarly prepared; and

(8) that estimates of profits on work done for the Jail Department itself should never be included in the record of the cash transactions of the jail factories.

The Governor-General in Council generally approves of all these suggestions and considers that they should be adopted as far as the circumstances of particular jails will admit. He notices that the Madras Government are not convinced of the advantage of purchasing grain in the ear; that the Bombay Provincial Committee, though prepared to give it a trial, doubt whether the system of storing grain will work better than the provision contract system at present in force in that presidency; and that although the storage system has proved very successful in Bengal, the North-Western Provinces and Oudh, and the Central Provinces, the Punjab Committee think its success doubtful in the Punjab. His Excellency in

Council is, however, satisfied that the system is one which should receive a trial at the hands of every Local Government and Administration. The following observations, taken from a letter from the Chief Commissioner of the Central Provinces, may be serviceable as showing how storage can be effected in those provinces where pits are not suitable:—

"The purchase and storage of grain for prison consumption has been specially attended to. The general system at present in force is to make advances during the sowing season and to lay in a full year's supply of both grain and oilseed during the harvest. For the storage of grain bins are found to answer better than pits in these provinces. There is neither difficulty nor loss in storing grain above ground in bins built of sun-burnt brick and clay, provided the grain is in good condition when stored, is mixed with a sufficient quantity of dried *nim* leaves, and is surrounded on all sides with an envelope or wall of *bhusa*. The possibility of constructing grain pits which shall preserve grain sound for a year depends on two conditions, which can seldom be obtained in these provinces: 1st, the spring level must not be within 20 feet of the surface; 2nd, the soil must be hard stiff clay. Even when a good site for pits has been found, there is always some fear of damage from damp; and if a pit is once opened, it must be emptied. These objections do not exist in the case of bins above ground, and with ordinary care there need be no fear of weevils. This year grain has been kept perfectly sound in bins in several Central Provinces jails, and can, the Chief Commissioner believes, be so kept in all."

Chapter XXIV.—Employment of Prisoners.

34. The question of jail industries, dealt with in Chapter XXIV, has on previous occasions formed the subject of much correspondence between Local Governments, the Government of India, and the Secretary of State. The main principles to be observed in the choice of employments for prisoners were finally laid down, under the orders of the Secretary of State, in Home Department Resolution No. 10/605—618, dated the 7th May 1886. These orders are still in force, and are too well known to need repetition here. No further remarks are therefore called for in regard to the Committee's observations on the subject of extra-mural labour, which are governed by paragraphs 3—5 of the resolution. Their criticisms, in paragraphs 31 to 33 of this chapter, of the unsound system which they found to prevail in several provinces of crediting the estimated value of labour done by prisoners for the Jail Department to the cash earnings of manufactures have already been fully endorsed by the Government of India in the circular of 16th September 1889, and the practice definitely prohibited. The following is a summary of their next recommendations:—

(1) that employments should be classified for each province into "hard," "medium," and "light;"

(2) that nine hours should be fixed as the limit of a full day's task work in every department;

(3) that a midday rest of two hours should be generally prescribed during the hot weather, and that for weakly and infirm prisoners a midday rest of two or three hours should be prescribed at all seasons of the year; and

(4) that a very careful standard of task work, ascertained by experiment with each individual prisoner, should be fixed for each description of labour, and that, when so fixed, it should be adhered to and failure to complete the allotted task punished.

These principles are approved by the Government of India and should be generally enforced. The Governor-General in Council is assured that, in view of what is said in paragraphs 14—16 of this chapter, the heads of the Jail Department in the different provinces will spare no pains in determining what should ordinarily, with reference to the physique generally prevailing in any particular district or other tract of country, be the limits of an able-bodied prisoner's task, and in impressing upon their subordinates the necessity of accommodating the general estimate to the powers of each labouring convict with a careful regard to his physical capacity. As regards the classification of kinds of labour recommended under head (1) above, the Government of India referred the question to the Jail Conference which sat in January last; and in their report (Appendix IV) they have proposed a list of employments, arranged under each category, which the Governor-General in Council, subject to the remarks contained in paragraph 23 of the report, accepts as suitable.

The remainder of the chapter deals with the most economical selection of industries to be pursued. The Committee recommend—

(5) that, in view to carrying out the orders of the resolution of the 7th May 1886 regarding the supply of the great consuming departments of the State, large industries should be established in selected central jails and multifarious employments discouraged; and

(6) that in district jails, which are in future to be reserved for short-term prisoners, and where, therefore, labour requiring skill and training cannot be applied, special endeavours should be made to render the employments deterrent in their character.

The Committee recommend various species of industry for each class of jail, all of which seem to the Government of India to be appropriate. The use of machinery in large central jails is limited by the orders of the Secretary of State embodied in the resolution of May 1886; it must not "be incompatible with the penal character of convict labour," and there must not be "strong reason to believe that it enables the jails to compete injuriously with private capitalists in the neighbourhood." The latter qualification is subject to the principle stated later on in the same resolution that "Local Governments and Administrations should in future adapt their intra-mural industries as much as possible to the requirements of the public consuming departments." Where the introduction of machinery satisfies the first condition of consistency with the penal character of the labour, there is no objection to the use of machinery for the supply of articles required departmentally; and the Government of India trust that other Local Governments will follow the example of the Government of Bengal and organize their central jails with the view of supplying the needs of the public service upon that system which, as shown by the Committee, is at the same time most remunerative and most efficient as a deterrent form of labour.

Chapter XXV.—Lunatics.

35. Chapter XXV deals with the question of the treatment of criminal lunatics. The rules proposed by the Committee in Appendix C of their report are those which are in force in Bengal, and were brought to the notice of other Local Governments and Administrations in Home Department Circular No. 15/1609—17, dated the 15th October 1888. They are now in force in most provinces, and the only one from which any objection has been received is the Punjab. The criticisms of the Punjab Committee are, however, chiefly directed against minor details of the rules, in regard to which they think that the precautions prescribed are insufficient. As to this the Governor-General in Council observes that the rules appear to leave ample discretion to meet each individual case, and that it will be open to the Local Government to adopt them with such modifications as it deems expedient. He trusts, therefore, that the Lieutenant-Governor will frame rules on this subject generally on the lines of those contained in Appendix C of the report.

Chapter XXVI.—Mark System.

36. In Chapter XXVI the Jail Committee discussed the question of marks for industry and good conduct, and proposed a revised set of rules for the award of marks. These were referred for the consideration of Local Governments and Administrations, and on receipt of their criticisms the Government of India laid the papers before the Jail Conference of January last for discussion. The Conference in their report submitted a revised draft (Appendix V) of rules which they proposed should be adopted, and have stated the reasons for the changes recommended by them in paragraphs 24—30 of their report. After giving the subject his best consideration, the Governor-General in Council has decided to adopt the draft prepared by the Conference with certain slight modifications, as shown in the copy appended to this resolution. The mark rules as now prescribed will work together with the new rules regarding offences and punishments, and all those provisions of the old rules which relate to the forfeiture of marks and remissions for misconduct have been removed to the punishment rules. The new rules cannot be brought completely into force until

the legislation referred to in paragraph 28 of this resolution has been carried out; but meantime those points in which the new rules modify present practice in regard to the earning and award of marks should be noted by Local Governments and Administrations, and the necessary changes of practice introduced with effect from the 1st January next.

In connection with this subject the Government of India desire to draw the attention of Local Governments and Administrations to the suggestion made in paragraph 31 of the report of the Jail Conference that the grant of prison privileges and of promotion to any grade of convict officer should be made to depend on the number of marks earned, and should thus be definitely connected with the mark system. The members of the Conference understood that in some provinces this is not now the case. The Governor-General in Council hopes that where this connection is not at present recognised it may in future be brought into operation. He admits that race, physical strength, solidity of character, and other qualifications not measurable by marks must be regarded in selecting a convict for a position of authority in a jail; but the element of good conduct as shown by marks ought, in the opinion of the Government of India, to have great weight in determining the choice in cases of competing claims.

37. Chapter XXVII of the report refers to parades and discipline, the details concerning which were left to Local Governments to adopt as far as they considered them feasible and desirable.

Chapter XXVII.—Parades and Discipline.

The Government of India do not desire to bind Local Governments and Administrations in the matters of detail to which these suggestions refer; but they are of opinion that some rules, which might suitably follow those suggested in this chapter, should be laid down in all provinces in which none are at present in force.

38. Chapter XXVIII deals with transportation prisoners and the treatment of Burmese prisoners serving their sentences in jails in India. The Government of India have already passed * orders on the questions relating to transportation, the deportation to Port Blair of female term-convicts, and cognate subjects discussed in this chapter. The suggestions contained in paragraphs 4 and 5 regarding the treatment of Burmese convicts in Indian jails appear to the Government of India to be judicious and are commended for general adoption. The proposals for a system of tickets-of-leave for Burman convicts have been considered by the Governor-General in Council and negatived in Home Department Circular Nos. 669—68, dated the 6th September 1889. The Jail Committee noticed that there were Burmans on ticket-of-leave in Bombay, but it appears that none have been so released since the year 1882, and the Bombay Government do not desire to resume the practice of granting tickets-of-leave.

Chapter XXVIII.—Transportation Prisoners and Burmans.

* *Vide* Home Department Resolution No. 10 P.B./850—64-A, dated the 15th August 1891.

39. Chapter XXIX relates to appeals and petitions. The Government of India have no objection to the rules proposed by the Committee except in two particulars. The first is the proposal that a prisoner should only be allowed to appeal once through the jail authorities, and then only to the Appellate Court to which the appeal lies; the second is that which would prohibit petitions for mercy to Government, from prisoners other than condemned prisoners, from being forwarded unless an official visitor considers it advisable. It is manifestly impossible to limit the right of appeal given by the law, and the Governor-General in Council cannot approve of the suggestion that the right to petition for mercy should be limited in the manner proposed. It may, however, reasonably be provided that when once a petition for mercy has been rejected by Government, a second petition need not be forwarded unless an official visitor thinks it advisable.

Chapter XXIX.—Appeals and Petitions.

40. Chapter XXX treats of official and non-official visitors. The Jail Committee found evidence that some official visitors had not always properly fulfilled the duties of inspection, and they therefore suggested that Inspectors-General of Jails should report on this matter in their annual reports, giving a tabular statement to show how different officers had carried out these duties. They also recommended that non-official visitors should, as a rule, be appointed, and that copies of visitors' reports should be sent to the Inspector-General.

Chapter XXX.—Official and non-official visitors.

The only objection to the proposals as to official visitors comes from the Punjab Committee, who think that visitors would prefer to make their remarks verbally to sending copies to the Inspector-General. The Government of India are, however, of opinion that unless inspection remarks are recorded they generally result in little good, and that they should therefore always be in writing.

The opinions of Local Governments and Administrations are generally in favour of appointing non-official visitors where they can be obtained. The system will be tried in the Madras Presidency. The Bombay Committee thinks that non-official visitors can be obtained only at a few stations. Non-officials have been appointed at Delhi and Lahore, and will be nominated at other large stations in the Punjab. The system will be tried in the Central Provinces, and where possible in Assam. In Burma there are non-official visitors at the Paungdé Reformatory.

The Government of India agree with the remarks of the Committee in this chapter, and trust that Local Governments and Administrations will adopt the system of appointing non-officials as jail visitors wherever it is possible to do so.

41. Chapter XXXI relates to jail registers and returns. The subject-matter of this chapter was referred for consideration to the Conference which recently met in Calcutta. Much has been done to secure uniformity since the Committee's report was presented, and the Members of the Conference were of opinion that, as the sudden introduction in any Province of an entirely fresh set of books and returns would produce confusion and mistakes, it would be sufficient if the question of adopting the suggestions of the Jail Committee as to registers and returns were again commended to Local Governments and Administrations, without absolute uniformity being insisted on. This view is accepted by the Governor-General in Council.

Chapter XXXI.—Registers and Returns.

42. Chapter XXXII of the Report contains some miscellaneous suggestions relating to jail management which the Government of India observed, in the Circular of the 16th September 1889, could best be dealt with by Local Governments and Administrations. Two points, however, call for observations here, namely,—

Chapter XXXII.—Miscellaneous.

(1) the proposal to place a portion (5 per cent.) of the net profits of manufactures at the disposal of the Inspector-General to reward industrious prisoners; and

(2) the suggestions as to the date of release contained in paragraph 3 of this chapter.

There is considerable difference of opinion among Local Governments as to the first proposal. The Government of India are inclined to think that what is needed is not so much a system for rewarding industrious and well-conducted prisoners, who by earning marks can secure a substantial reduction of their sentences, as one for giving to indigent prisoners when released subsistence allowance sufficient to enable them to reach their homes. The matter is one which the Government of India leave to Local Governments and Administrations.

The Committee made two suggestions regarding the date of release:—

(1) That it should be in accordance with the calendar month, *e.g.*, a prisoner sentenced on the 1st January to one month's imprisonment should be released on the 31st January and not on the 1st February; and

(2) that when the date of release falls on Sunday, Christmas Day or Good Friday the prisoner should be released on the previous day.

The first suggestion was accepted by all Local Governments and Administrations except the late Chief Commissioner of the Central Provinces, who preferred the existing system under which, in the instance given, the prisoner would be released on February 1st. The Government of India are of opinion that the system recommended by the Committee is correct, and it should therefore be adopted generally.

With regard to the second suggestion, the Inspector-General of Jails, Assam, remarks that prisoners eligible for release on Sundays are released in that Province on the day before, but he does not think that the system should be extended to releases falling on Christmas Day or Good Friday. The Government of India concur in this opinion, and think that the release of prisoners on the day previous to that on which their sentences expire should be restricted to cases in which the date of expiry falls on a Sunday.

43. The Governor-General in Council will now take steps to amend the Prisons Act in accordance with the decisions arrived at in the previous paragraphs, and it will then be the duty of each Local Government and Administration to revise its Jail Manual so as to bring it into accordance with the amended Act and with the general orders of the Government of India on the subject of jail management contained in this Resolution.

44. The Government of India cannot conclude this review of the labours of the Jail Committee without expressing their sense of the admirable manner in which the Commissioners discharged the duties entrusted to them. Both were officers of exceptionally long and successful experience in the management of Jails, and they carried to all Provinces which they visited a keen power of observation, fortified by intimate knowledge of the subjects with which they had to deal. Their exhaustive report is replete with valuable suggestions both of general and local application, and the Governor-General in Council is assured that it has already been of the greatest benefit to prison administration in India.

Order.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations for information and guidance, and to Deputy Surgeon-General W. Walker and Brigade-Surgeon-Lieutenant-Colonel A. S. Lethbridge, C.S.I., for information.

(True Extract.)

(Signed) C. J. LYALL,
Secy. to the Government of India.

To the Government of Madras.

APPENDIX—(*See paragraph* 36).

MARK RULES.

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

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

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

III.—All other prisoners.

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

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

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

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

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

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

if under life-sentence, the period of remission shall shorten *pro tanto* the term of 25 years which must otherwise elapse before he becomes eligible for a self-supporter's ticket at the Andamans;

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

Explanation.—A prisoner included in class I and under sentence for life shall, at the expiry of 25 years, less remission earned, if he so desires and is capable of earning his livelihood, be transferred to the Andamans, irrespective of his age.

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

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

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

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

(*a*) One mark daily for thoroughly good conduct and scrupulous attention to all jail regulations.

(*b*) One mark daily for industry and the due performance of the daily task imposed upon him.

(*c*) One mark daily for any day on which special diligence in work is shown.

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

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

9. A prisoner in hospital shall receive marks for conduct only, provided that he did not, by any improper action of his own after admission to jail, induce or aggravate the disease on account of which he was admitted into hospital.

10. A convict sent to a Court under Act XV of 1869 shall be credited during his absence with marks in the same way as a convict in hospital, provided that his presence before the Court has not been required in consequence of any offence committed by him and for which he is to be tried.

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

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

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

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

14. The award of ordinary marks shall be made either by the Superintendent himself or, subject to his control and supervision, by the Deputy Superintendent, Jailor, Deputy Jailor, or any other officer specially empowered in that behalf by the Inspector-General. The award of special marks shall be made only by the Superintendent or Inspector-General.

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

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

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

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

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

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

Order—dated 18th January 1893, No. 110, Judicial.

The Resolution of the Government of India will be communicated to the Inspector-General of Jails. The Government considers it advisable that the revised Jail Code should be issued at once; the Code can be further revised and a new edition issued when the legislation referred to in paragraphs 28 and 43 of the Resolution has been carried out. Mr. Cardew will accordingly make such amendments in the revised Code as may be necessary in consequence of the orders passed by the Government of India in this Resolution and of the orders passed from time to time by this Government since the preparation of the revised Code.

2. The Inspector-General will observe from paragraph 3 of the Resolution that the Government of India is of opinion that only under-trial prisoners and those sentenced to 15 days' imprisonment and under should ordinarily be kept in subsidiary jails; local Governments are, however, authorized to make exceptions to this rule in certain cases. To apply the rule to all subsidiary jails would be productive of much inconvenience and expense, and the Government considers that it should be observed in the case of subsidiary jails at Deputy Tahsildars' headquarters only, and that the subsidiary jails at Taluk head-quarters should contain prisoners under sentence of not more than 30 days as at present.

3. Copies of the Resolution will also be communicated to the Surgeon-General, the Public Department and the Accountant-General, and to all District Magistrates with reference to paragraphs 11 and 24.

(True Extract.)

Ag. Chief Secretary.

To the Inspector-General of Jails.
" the Surgeon-General.
" the Public Department.
" the Accountant-General.
" all District Magistrates.

Exd. J. Moses.

Govt. of [1893] Madras.

JUDICIAL.

Issued

Read. *Encl.*

G.O., 18th January 1893, No. 110.

JANUARY.

Jail Administration.

Communicating to the Inspector-General of Jails, &c., Resolution of the Government of India on the proposals contained in the report of the committee appointed to inquire into certain matters connected with —, and considering, with remarks, that the revised Jail Code should be issued at once.

No. 10 Jails 1893

Extract from the Proceedings of the Government of India, in the Home Department (Jails),—under date Simla, the 9th November 1892.

READ again—

Home Department Resolution No. 458, dated the 9th October 1888, appointing a Committee to enquire into certain matters connected with Jail Administration in India.

The Report of the Committee.

Letters to Local Governments and Administrations, Nos. 659—663, dated the 16th September 1889.

Read also—

The following replies of Local Governments and Administrations to the above letters:—

Letter from the Government of Madras, No. 1805, dated the 18th November 1890.

Letter from the Government of Bombay, No. 833, dated the 7th February 1891.

Letter from the Government of Bengal, No. 247-P., dated the 20th January 1890.

Letter from the Government of the North-Western Provinces and Oudh, No. 3799, dated the 24th November 1890.

Letter from the Government of the Punjab, No. 415, dated the 20th November 1890.

Letter from the Chief Commissioner of the Central Provinces, No. [illegible], dated the 20th March 1890.

Letter from the Chief Commissioner of Burma, No. 3-191 J., dated the 2nd July 1890.

Letter from the Chief Commissioner of Assam, No. 5477, dated the 23rd August 1890.

Letter from the Chief Commissioner of Coorg, No. 64 dated the 10th January 1890,

Letter from the Resident at Hyderabad, No. 29, dated the 20th January 1891.

Letter from the Resident at Hyderabad, No. 104, dated the 10th April 1891.

Home Department Resolution No. [illegible], dated 7th December 1891, ordering a Conference to meet at Calcutta to further consider the recommendations made in Chapters XVII and XVIII of the Jail Committee's Report and other matters connected with the Report.

The Report of the Conference, dated 1st February 1892.

RESOLUTION.

By the Home Department Resolution of the 9th October 1888, Dr. W. Walker, Officiating Surgeon-General and Sanitary Commissioner with the Government of India, and Surgeon-Major A. S. Lethbridge, Inspector-General of Jails in Bengal, were deputed by the Governor General in Council to inspect selected jails in the Madras and Bombay Presidencies, Bengal, the North-Western Provinces and Oudh, and the Punjab, and to report on certain matters connected with Jail administration in India. The jails in the Central Provinces had recently been inspected by Dr. Lethbridge, and the Government of India were of opinion that enquiry into jail management in Burma, Assam, and the other minor Administrations would probably not be necessary, and might at all events be postponed till after the report on the jails in the larger Provinces had been presented. Drs. Walker and Lethbridge were instructed to direct their enquiries with the view of eliciting full information on the following matters, namely :—

(1) jail discipline and the registration of punishments, with particular reference to the point whether the execution of sentences had grown less rigorous and deterrent than it was in former years;

(2) economy of management, including the system of purchasing rations and the dieting of prisoners with reference to the ordinary food which persons of their class usually consume;

(3) sanitation and water-supply; and

(4) the financial aspects of the employment of convicts in jails, jail labour, and the allotment of task-work.

2. The Committee submitted their report to the Government of India on the 17th July 1889. After the suggestions contained in it had been considered by the Governor General in Council, they were remitted to Local Governments and Administrations with an enquiry whether they were suitable to the circumstances of each Province, and, if not, to what extent they appeared unsuitable. After the replies were received, His Excellency in Council thought it expedient that certain questions raised in the Report should be further considered by a Conference of jail experts, which was accordingly assembled in Calcutta in January 1892. Having now fully considered the whole correspondence, the Government of India are in a position to pass orders on the different proposals contained in the report of the Committee.

3. Chapter I is introductory, and Chapter II deals with the classification of jails. The recommendations of the Committee on this subject were:—

Chapter II.—Classification of Jails.

(1) that as a uniform standard to be worked up to by all Administrations, all prisoners sentenced to transportation or to rigorous imprisonment for periods of one year and upwards should be confined in central jails, and that, subject to the orders and authority of the Inspector-General, prisoners sentenced to rigorous imprisonment for any period less than twelve months might be confined in such jails;

(2) that district jails should ordinarily contain all prisoners sentenced to imprisonment for periods less than one year, all civil prisoners, and all under-trial prisoners at the head-quarters of the district;

(3) that subsidiary jails, where they are considered to be absolutely necessary for the convenience of the civil administration, should contain under-trial prisoners and, at the head-quarters of subdivisions of districts, all persons sentenced to imprisonment for not more than fifteen days. The Committee recommended that such jails should be under the management of the Jail Department, the Superintendent being in direct communication with the Inspector-General, and that all head warders and warders employed in them should be members of the District Jail establishment and liable to frequent transfers to head-quarters; and

(4) that hájats, hawálats or lock-ups, intended for the confinement of prisoners pending trial or enquiry before a Magistrate, should (at the head quarters of districts or sub-divisions of districts) be located inside the district jails, and that where the distance between the jail and the court is unusually great, a prison-van should be employed to convey the prisoners to court.

The Governor General in Council affirms the principles enunciated by the Committee that prisoners sentenced to one year and over should be confined in central jails where there is accommodation for them, and that only under-trial prisoners and those sentenced to fifteen days' imprisonment should ordinarily be kept in subsidiary jails. An exception to the former rule must be permitted in the case of long-term prisoners employed as jail servants in district or subsidiary jails; and Local Governments and Administrations are authorized to make exceptions to the latter rule where, owing to the isolation of the locality or for other sufficient reasons, it is considered necessary to keep in subsidiary jails prisoners who are sentenced to longer terms of imprisonment. His Excellency in Council is also of opinion that hájats, hawálats, and lock-ups should not, except for good reasons, which should in every case come under the consideration of the Local Government, be maintained separately from the under-trial wards of district and subsidiary jails.

In connection with the remarks on Chapter II, the Madras Government have suggested that the definition of "habitual criminal" given in Home Department

Resolution No. 27–1804 to 814, dated the 14th December 1886, is too complicated, and might with advantage be rendered simpler. The definition was fully considered both by Local Governments and by the Government of India before it was framed, and, in the opinion of the Governor General in Council, it is capable of little, if any, improvement. It appears to His Excellency in Council that the Circular which Mr. Cardew, the officer placed on duty in Madras in connection with the consideration of the Jail Committee's Report, has prepared will remove the possibility of any misunderstanding of the rule or divergence of practice in that Province. In these circumstances His Excellency in Council does not propose to amend the definition unless some improvement of it is devised in the course of the discussions on the Bill for controlling habitual offenders now under the consideration of the Government of India.

4. Chapter III contains detailed recommendations by the Committee as to jail construction, and Chapters IV and V deal with jail site-areas and jail hygiene. The recommendations of the Committee on these matters appeared to the Government of India to be judicious. They were commended to the attention of Local Governments and Administrations in the Home Department letter of the 16th September 1889, and call for no further orders from the Governor General in Council. The suggestion contained in the final sentence of Chapter IV, regarding the alteration of Statement A of the annual returns, should be adopted in order to remove the possibility of the recurrence of the errors which have occurred in the statement appended to annual reports to show the jail area available per prisoner.

Chapters III, IV and V: Jail construction. Jail site areas. Jail hygiene.

5. The question of Jail establishments was considered by the Committee to be the most important matter connected with the administration of every system of penal discipline, and was dealt with by them under the following heads:—

Chapter VI.—Jail establishments.

(1) Superintendents.
(2) Medical Staff.
(3) Deputy Superintendents.
(4) Executive subordinates generally.
(5) Jailors.
(6) Deputy Jailors.
(7) Assistant Jailors.
(8) Guards (paid and convict).

6. The views which the Committee recorded regarding the appointment of Superintendents were—

(1) that the Superintendents of Central Jails should be commissioned medical officers;

(2) that as a general rule the appointment of Inspector-General of Jails should be reserved for Superintendents of Central Jails who have specially qualified themselves for the post;

(3) that when a Local Government has no suitable officer under its orders, it should obtain through the Government of India a jail officer from another Province as Inspector-General;

(4) that the sphere of selection for the office of Inspector-General might possibly include officers of the Sanitary Department, qualified by having had charge of a central jail for at least two years;

(5) that commissioned medical officers, who remain in charge of central jails after 18 years' service, should receive pay rising by yearly increments from Rs. 950 to Rs. 1,200;

(6) that a medical officer should be selected for the charge of a central jail as soon as possible after he has completed his preliminary military service of two years and has acquired a good knowledge of the vernacular; and

(7) that a knowledge of the provincial vernacular, shown by having passed the higher standard being most important, it might be possible, should Jail service be found to be popular, to insist on this

qualification as a preliminary to confirmation in the Jail Service; that all appointments should be probationary for two years, and that only officers whose qualifications had been established should be confirmed.

7. Central jails exist in every Province except Assam, Coorg, and Berar. In the last-mentioned Province what are called central jails are in reality district jails held as collateral charges by the Civil Surgeons of districts. No objection is made in any Province, except Madras and Bombay, to the reservation of Superintendentships of central jails for commissioned medical officers, and the rule is already in full force in the North-Western Provinces and Oudh, the Punjab, Burma, and the Central Provinces. In Bengal there is a trained service of Jail officers who are not medical men, and it is impossible to introduce the rule (which Sir Stuart Bayley fully accepted) until these officers retire or are otherwise provided for. The Government of India consider it most important that the rule should be maintained where it is accepted, and introduced as soon as possible where it does not yet obtain. It is not only desirable to provide posts which can be held by commissioned medical officers in time of peace, so as to enable a larger reserve of these officers to be furnished in time of war; the Governor General in Council is also convinced that the commissioned medical service affords the best material out of which a service of trained Jail officers, possessing the requisite scientific knowledge and acquaintance with the laws of health, can be provided. Such a service, composed of officers who will give their attention to subjects connected with their duties and make them a special study, is the great desideratum for an efficient Jail administration in India. The Department has too often suffered, with results which need not be further referred to here, from the want of practical experience in Superintendents of central jails and the provincial head of the Department himself. It is essentially a branch of administration which cannot safely be entrusted to amateurs, and in which it is necessary to require at the outset a good general acquaintance with sanitary laws, upon which experience will gradually gather itself in the course of years. The proposals of the Jail Committee, aimed at this desirable object by taking commissioned medical officers at the commencement of their service and keeping them, after a necessary period of probation, in charge of central jails for the rest of their career. The Government of India have no doubt that either this system must be adopted, or a specially trained non-medical service must be organized for the charge of central jails; and, after a full consideration of the question, they prefer the former to the latter alternative. The objection that medical Superintendents of central jails could not be spared from their duties in time of war, and would not thus act as a reserve, is based on a misapprehension. On such an emergency arising it would be possible to place the commissioned medical officer superintending the central jail in charge of the district headquarters as well, thus setting free the Civil Surgeon for military duty. In the case of Madras and Bombay the Governor General in Council is willing, out of deference to the views of the Governments of those Presidencies, that for the present only one-half of the appointments in each Presidency shall be filled by commissioned medical officers. In Madras a number of central jails are now in charge of non-medical Superintendents, and until the requisite moiety of the appointments, *viz.* four (the total number of such appointments being eight, including the post of Inspector-General), are filled by commissioned medical officers, the first and every alternate succeeding vacancy should be given to a member of the Indian Medical Service. The Madras Government are requested to report how soon these arrangements can be introduced in order that the requisite number of appointments may be added to the cadre of the Medical Service, for which recruitment is made by the Secretary of State. In Bombay there is at present only one central jail, and that is in charge of a commissioned medical officer; but two others are under construction, and, unless in the meantime the post of Inspector-General ceases to be held by a non-medical man, the first appointment to a newly-created central jail should be given to a commissioned medical officer. The Governor General in Council is confident that after the system of employing commissioned medical officers in these appointments has received a fair trial, they will be generally

selected for the superintendence of all central jails, and not merely for those which will be reserved to them under these orders.

His Excellency in Council is not able to accept in its entirety the recommendation of the Committee that the post of Inspector-General of Jails should be absolutely reserved for commissioned medical officers, a medical officer being imported from another Province when there is not on the spot a commissioned Superintendent of a Central Jail with the requisite qualifications. It must not be forgotten that the post of Inspector-General demands administrative capacity, which may be wanting in an officer who has proved himself to be an admirable Superintendent of a Jail. In Bombay, the Central Provinces, Assam, and Berar, the office of Inspector-General is combined with other duties, the nature of which renders it impossible to reserve the appointment for commissioned medical officers. In Burma, on the other hand, it is combined with the office of administrative medical officer, and could not be held by any one but a medical officer. In Madras, Bengal, the North-Western Provinces and Oudh, and the Punjab, the office is a separate one, and while for the reason just stated the Governor General in Council thinks it undesirable to fetter absolutely the discretion of Local Governments in the selection of an Inspector-General, he is of opinion that it is expedient, in view of the intention of organizing a Jail Service in which commissioned medical officers may be expected to serve continuously, to hold out to that service the prospect of succeeding as a general rule to the Inspector-Generalship. The rule in the four Provinces last named should for this reason be that, *ceteris paribus*, the Local Government should give the preference, in making an appointment to the office of Inspector-General of Prisons, to commissioned medical officers who have been employed under its orders in charge of jails. But if, on the occurrence of a vacancy, the Local Government has no suitable officer in its Jail Department, either medical or non-medical, the rule suggested by the Committee will hold good, and the Government of India should be asked to supply a Jail officer from another province as Inspector-General.

8. Under the orders in force when the Report of the Jail Committee was presented, the pay of commissioned medical officers in administrative charge of central jails was, except in the case of some jails held as collateral charges in Burma, regulated as follows:—

(*a*) For first class jails, which can accommodate 1,000 or more convicts, Rs. 700—50—950.

(*b*) For second class jails, with capacity for less than 1,000 convicts, Rs. 550—50—700.

When a medical officer is in medical charge and a non-medical officer in administrative charge, the allowance to the medical officer is ordinarily Rs. 100, or in special cases Rs. 150. The separate allowances for administrative and medical charge must not, when combined, exceed the amount allowed for a medical officer in sole charge.

The proposal of the Committee to improve the scale of pay of senior medical Superintendents in charge of first class central jails was accepted by the great majority of Local Governments as desirable, and the Secretary of State has sanctioned the recommendation of the Government of India that such officers should after eighteen years' service in the Jail Department receive pay at the rate of Rs. 1,200 a month, and that the cases of deserving medical officers who have been appointed to the charge of central jails at an advanced age should be specially considered.

The proposal to take medical officers at the commencement of their service into the Jail Department on a salary of Rs. 550 rising to Rs. 700, and after a necessary period of probation to place them in charge of central jails for the rest of their career with the prospect of promotion to a maximum salary of Rs. 1,200 a month, will, the Government of India trust, have the effect of making the service more popular than it is now represented to be. The prizes of the Department are not perhaps on an equality with those in other branches of the Medical Service; but it is to be remembered that an officer in charge of a central jail is seldom transferred, and is thus saved expense, while he is ordinarily

accommodated in an official residence free of rent. Hitherto he has generally been debarred from private practice, and this has formed the chief difference between his position and that of District Medical officers. But the Governor General in Council sees no reason why Superintendents of central jails should not be permitted to take private practice whenever the Local Government considers that this can be allowed without detriment to the proper performance of the duties in their Jails. Besides these advantages, the officers of the Department will in future, as indicated in the preceding paragraph, have a substantial claim to the post of Inspector-General of Jails.

The Governor General in Council notices that of the jails in the Madras Presidency only one, namely that at Coimbatore, is of sufficient capacity to justify under existing orders the salary of Rs. 700 rising to Rs. 950 a month to a commissioned medical officer as Superintendent. The pay of the Superintendents of the six remaining central jails would not exceed Rs. 550 rising to Rs. 700 a month. With six appointments on the lower salary and with only one appointment on the higher there would, the Government of India apprehend, be risk of discontent; and it would seem to be a reasonable inference from these figures that the central jails in Madras are in excess of requirements. The Jail Committee had indeed recommended the abolition of the central jail at Cannanore and the conversion of the Salem central into a district jail; but Mr. Cardew has suggested, in place of the former proposal, that the Calicut district jail should be closed and its inmates transferred to Cannanore, and that, instead of reducing the Salem jail, it should be retained as a central jail, the district jails at Nellore and Kurnool being abolished. Both these suggestions have been approved by the Madras Government; and the Government of India, while drawing attention to the possibility that the number of second class central jails in the Madras Presidency may deter competent medical officers from joining the Jail Department, will not interfere with their decision.

9. The question how the supervision of the central jails in Burma should be arranged for has had to be specially considered by the Government of India. The Jail Committee did not visit Burma, and under the arrangements now in force in that Province all the central jails, except that at Rangoon, which is the largest in the whole of India in point of capacity, are held as collateral charges. The population of the jail at Rangoon has been materially reduced by the recent opening of the large central jail at Insein, which will be held as a separate charge. Sir Charles Crosthwaite, when Chief Commissioner, recommended that the central jails in the Province should be divided into four classes, namely—

First class jails with an average population over 2,000,
Second class jails with an average population over 1,500 and under 2,000,
Third class jails with an average population over 1,000 and under 1,500,
Fourth class jails with an average population over 700 and under 1,000,

and that the first and second class central jails only should be reserved for commissioned medical officers as a sole charge. He considered that the experience gained in Upper Burma had shown that jails of the third and fourth classes, corresponding with jails of the first and second classes recommended by the Committee, could, like district jails, be efficiently held as collateral charges by the Civil Surgeons of the districts in which the jails are situated. The Governor General in Council is not disposed, so long as the Chief Commissioner is satisfied with the present arrangements, to insist on his incurring additional expenditure by giving to jails of the third and fourth classes separate Superintendents. At the same time His Excellency in Council is not unaware that objections can be urged to the regulation of the emoluments of Superintendents according to the average number of prisoners who occupied the jails in the previous years, and not according to the capacity of the jails. Such a system imports uncertainty into an officer's emoluments; it gives an officer who succeeds another, during whose incumbency the number of prisoners has reached a high figure, the benefit of the labours of his predecessor, though in his own time the number may have fallen back. His Excellency in Council does not consider that these objections should, in view of the circumstance that the jail population of the Province is at the present time very much higher than it may be expected to

be in the future, outweigh the recommendation of the Chief Commissioner which he accordingly approves, subject to reconsideration hereafter should the number of prisoners fall (as appears not improbable) to any material extent.

10. The Committee recommended that district jails should be divided into three classes, the first to consist of those containing not less than 300 prisoners, for which the allowance should be Rs. 100 a month; the second of those containing less than 300 prisoners, for which the allowance should be Rs. 75 a month; and the third, or intermediate jails, containing not more than 100 prisoners, for which they recommended an allowance of Rs. 50 a month. This division of district jails and the scale of allowances recommended are already in force in Bengal and at the few jails in Assam which are in charge of medical officers, while in the other Provinces the classification and allowances are regulated by the Home Department Resolution of the 28th August 1889 in the following manner:—

	Rs.
First class jails containing 500 or more prisoners as the daily average ...	150
Second class jails containing over 300 and less than 500 prisoners ...	100
Third class jails containing over 150 and less than 300 prisoners ...	75
Fourth class jails containing over 50 and less than 150 prisoners ...	50

The recommendations of the Committee have not been received favourably by Local Governments and Administrations, and the Governor General in Council has therefore determined that the orders of the 28th August 1889 shall be maintained in the Provinces where they are now in force. The enforcement of the principle laid down in paragraph 3 of this Resolution, that all long-term prisoners should, as far as possible, be concentrated in central jails, will, when additional central jails have been provided in Provinces where the number is now insufficient, render it hardly ever necessary for 500 prisoners to be located in a district jail.

11. In connection with the subject of the charge of district jails, the Committee noticed that in the Madras and Bombay Presidencies the post of Superintendent had been amalgamated with that of the Jailor in a few jails, and the combined pay given to one officer. They found themselves unable to recommend the system for general adoption. Their main ground of objection was on the score of expense, but they also expressed the opinion that, unless the work of the official visitors is very carefully and systematically done, there is considerable risk in placing supreme authority in the hands of an uncontrolled officer of the Jailor-Superintendent grade. The object of making these appointments was to secure some prospect of promotion to good jail subordinates.

The suggestion of the Committee that the Superintendents of District Jails should always be medical officers is objected to both by the Madras and by the Bombay Government. The arguments used by the Madras Government against the suggestion are—

(1) that Civil Surgeons hardly ever have time to perform satisfactorily the work involved in the charge of a district jail, as they are unable to spend as much of each day in the jail as Superintendents of central jails; and

(2) that it is difficult to arrange for the charge of the jails during the absence of Civil Surgeons on tour.

The Madras Government are also strongly opposed to the transfer, suggested by the Jail Committee, of the management of the cellular jails of Tanjore and Palamcottah from the special Superintendents to the District Medical officers. The Government of India are unable to agree with the Madras Government that Civil Surgeons should not, as an ordinary rule, be appointed to be Superintendents of district jails. It is to be expected that Superintendents of central jails, who have a much larger and more important charge, should spend more time each day in the jail than Superintendents of district jails. The difficulty in arranging for the charge of a jail while the Civil Surgeon is on tour might easily be met by placing (as is done in other Provinces) an Assistant to the District Magistrate in temporary charge during the Civil Surgeon's

absence from head-quarters. The Governor General in Council will not, however, press for any change in the existing arrangements for the charge of the jails at Tanjore and Palamcottah, which are the only jails in the Madras Presidency under non-medical Superintendents, nor in the case of those jails in the Bombay Presidency to which non-medical Superintendents are at present appointed; but His Excellency in Council considers that in all other cases, on the ground of economy, district jails should continue to be held by Civil Surgeons as collateral charges. He notices, moreover, that the object with which the class of Jailor-Superintendents was created, namely, to reward men who have done thoroughly good and meritorious service in the grade of Jailor for a long series of years, has not always been kept in view either in Madras or Bombay in making appointments to this grade, and it must be a condition of the maintenance of the system that this object is not lost sight of in future.

12. In all central and district jails, except a few in the Madras and Bombay Presidencies and (for the present) the central jails in Bengal, the responsibility for the medical management of prisoners will rest with the commissioned medical officer who is also in executive charge. The Committee made the following recommendations regarding medical subordinates:—

(1) that they should be specially selected from the grade of Civil Hospital Assistant;

(2) that for large central jails, containing over 1,400 prisoners, there should be two Hospital Assistants and one compounder; for all other central jails, one Hospital Assistant and one compounder; and for all district jails, one Hospital Assistant, except in localities where the Jail and Police Hospitals can be placed under one subordinate;

(3) that the pay of Hospital Assistants serving in jails, who have hitherto been entitled to nothing beyond their grade pay, should be improved by the grant of a local allowance at the end of the year by the Inspector-General for thoroughly good work on the following scale:—

For ordinary healthy district jails, Rs. 10 a month; for unhealthy district jails, where the work is hard and harassing, Rs. 15; for central jails having less than 1,200 prisoners, Rs. 20; and for central jails which have more than 1,200 prisoners, Rs. 25. In those central jails which have two Hospital Assistants, the amount to be divided between them either in equal proportions, or in the proportion of Rs. 15 to the senior officer and Rs. 10 to the junior;

(4) that a manual should be drawn up for the guidance of medical subordinates attached to jails; and

(5) that the pay of compounders in central jail hospitals should be Rs. 10 rising to Rs. 16 by yearly increments of 8 annas, the increments to be given for really good work.

The Governor General in Council approves generally of the scale of medical subordinates recommended by the Committee, but discretion must be left to Local Governments and Administrations to vary it as local circumstances may require. His Excellency in Council also concurs in the views of the Committee regarding the necessity for improving the prospects of Hospital Assistants in charge, and authorizes Local Governments and Administrations to grant them such special allowances, within the limits fixed in paragraph 5 of the Home Department Resolution of the 9th January 1878, which regulates the grant of allowances to Hospital Assistants for independent or other charges of more than ordinary importance, as may be deemed necessary. The rate of pay proposed for compounders is such as may, in the opinion of the Government of India, be unconditionally adopted by Local Governments. Medical subordinates attached to district and central jails are, it is understood, as a rule prohibited from taking private practice. The Governor General in Council is of opinion that this prohibition should be strictly enforced in all Provinces, the special allowances being regarded as covering any loss of income from this source.

The question of a manual for the guidance of medical subordinates has been separately dealt with, and Local Governments and Administrations have been addressed on the subject.

13. The Committee recommended that for all central jails in which one special industry is carried on there should be a skilled manufacturer, qualified to superintend the factory department in all its branches, to be styled Deputy Superintendent and to hold the position of a gazetted officer. The Governor General in Council concurs in this recommendation, but does not consider it necessary to make the Deputy Superintendent a gazetted officer. At present four such appointments exist in Bengal, where the special industry system has been fully developed, and His Excellency in Council hopes that this recommendation will be borne in mind in other Provinces as it becomes possible to concentrate the labour in central jails on individual industries.

14. The recommendations of the Committee respecting executive subordinates in jails were:—

(1) that all executive and clerical officers filling posts in the subordinate Jail Service should be classed under the three grades of Jailor, Deputy Jailor, and Assistant Jailor;

(2) that from the grade of Assistant Jailor should be selected Deputy Jailors of central jails, and from Deputy Jailors of central jails should be chosen the Jailors of the Department;

(3) that these officers should be provided with free quarters on the jail premises;

(4) that all members of the subordinate Jail Service should receive some military training, and should wear uniform of some description resembling a military uniform;

(5) that members of the subordinate Jail Service should not be employed in their native districts;

(6) that the Jailors and the higher subordinates should be frequently transferred from one jail to another—an arrangement which can be easily effected with a graded service;

(7) that the rates of pay should be improved;

(8) that every Jailor, Deputy and Assistant Jailor, and member of the warder guard should be allowed one month's privilege leave on full pay every year, or, if he desires it, to accumulate two or even three months after two or three years' service; and

(9) that every jail official, from the Jailor down to the lowest grade warder, should be required to furnish security, the amount to be fixed in the case of Jailors at a year's pay, and in the case of all other subordinates at half a year's pay, to be deducted from their salary in monthly sums to be fixed by the Inspector-General.

Regarding the selection of men for the post of Assistant Jailor and their subsequent promotion, the Committee made the following suggestions:—

(1) that they should be recruited from among young men not over 25 years of age who have passed the Entrance or F. A. Examination of an Indian University, and are of sound physique;

(2) that they should serve for ten years as Assistant Jailors in both central and district jails;

(3) that they should then be promoted to be Deputy Jailors of central jails, and, if successful in this grade, receive further advancement as Jailors of district jails, which latter position they would reach after about fifteen years; and

(4) that natives should ordinarily be selected as Assistant Jailors, the appointment of Jailor in central jails, for which a European is required, being given to men who have served as non-commissioned officers in the British Army.

The rates of pay and the grading proposed by the Committee for a service consisting of 40 Jailors were—

Grade.	Pay	No.
1st	Rs. 275—15—350	1
2nd	„ 225—10—275	2
3rd	„ 175—10—225	4
4th	„ 125—10—175	8
5th	„ 100— 5—125	12
6th	„ 75— 5—100	13

and they recommended that the grant of commission to Jailors should be altogether discontinued.

Two other suggestions made by the Committee for improving the position of Jailors were (1) that their names should be shown in the Civil Lists; and (2) that one or two appointments should be annually given in the Revenue and Judicial Departments to the best qualified men of long service.

The Committee recommended that the pay of Deputy Jailors should be Rs. 50—3—60, and that promotion to this grade should be restricted to Assistant Jailors likely to qualify as Jailors, any Deputy Jailor reported unfit for promotion being reduced again to Assistant Jailor. The pay which they proposed for Assistant Jailors was Rs. 40—1—50, and they advised that original appointments should be made by the Inspector-General on probation for one year. Where store-keepers, supervisors, or accountants for a factory are required, the Committee recommended that they should be selected from among Assistant Jailors.

15. The suggestions of the Committee, which are based on the organization in force in Bengal, cannot be generally applied in the smaller Provinces, such as Assam, Berar, and Coorg, and the great majority of them deal with matters of detail in regard to which the final decision must be left to Local Governments and Administrations. The Governor General in Council is satisfied that, where this is feasible, it would be an advantage to amalgamate the executive and clerical appointments in the service; but, as it is not clear that the same identity between the classes who do the executive and the clerical work that exists in Bengal is found in other Provinces, His Excellency in Council would prefer to leave the amalgamation of the appointments in question to the discretion of Local Governments and Administrations. The designations of the executive service recommended by the Committee, and their proposal that all the officers of this service should be provided with free quarters on the jail premises, are approved. Their recommendations that the executive service should receive some military training and wear a uniform; that the Jailors and higher subordinates should be frequently transferred from one jail to another; that men should not be employed within their native districts; and that they should be required to furnish security, commend themselves to the Governor General in Council, who trusts that Local Governments and Administrations will carry them out as far as possible. His Excellency in Council also agrees with the Committee that the rules regarding the grant of privilege leave should be worked as liberally as circumstances will admit.

The Government of India do not consider it desirable to lay down scales of pay for Jailors, Deputy Jailors, and Assistant Jailors which shall be applicable to all Provinces. The scale of pay must vary in different parts of India, and what may be suitable for Bengal will probably be found to be too low for Burma, and too high for some other parts of India. It should, however, be a fixed principle that jail officials may receive no emoluments beyond their pay, and where it is still the custom to pay them commission on jail profits, the practice should be abandoned. It will be for each Local Government and Administration to fix the standard of education which must be satisfied by a candidate for employment in the jail service. The Governor General in Council sees no objection to the inclusion of the names of certain grades of Jailors in the Civil List, but Local Governments and Administrations must be left to decide whether this suggestion shall be adopted, and, if so, where the line should be drawn. His Excellency in Council cannot approve of the proposal to appoint jail officials to the subordinate executive and judicial services. The Jail service should, in the opinion of His Excellency in Council, be self-contained, and training and

experience as a Jailor are not calculated to qualify a man to become either a good magistrate or a good civil judge.

16. The next subject discussed by the Committee is the establishments for guarding jails. They point out that there are two systems in force in Indian jails—(1) that under which the whole work of watch and ward, as well as the duty of the reserve armed guard, is undertaken by trained warders belonging to the Jail Department; and (2) that under which the maintenance of discipline, supervision at work, and guarding by night and by day are entrusted to the jail warder guard, while the duty of protecting the jail from attack and putting down outbreaks is committed to a separate body of police or a military guard. The former system has been in force in the Bengal jails for some years past, and has recently been introduced into Madras and the Central Provinces. The advantages claimed for it are thus enumerated by the Committee—

(*a*) The whole work of watch and ward in all the jails and sub-jails of the Province is done by warders belonging to the Jail Department;

(*b*) there is no division of authority and no loss of power, as is the case when the duty is performed partly by jail officials and partly by military or police guards;

(*c*) there has been a remarkable improvement in the security and discipline of the jails in which this system has been adopted;

(*d*) the warder guard are thoroughly trained in military exercises and to the use of arms, and in the larger jails are armed with breech-loaders;

(*e*) it renders it possible by a reduction of numbers to raise the pay of the lower grades and to make the Jail service more popular and less corrupt;

(*f*) it enables the duty of the warder guard to be reduced to six hours' work by day and two or at most three hours' watch at night, thereby increasing materially their efficiency while on duty and adding to the popularity of the service;

(*g*) it provides for the grant of a month's privilege leave on full pay to every warder in the service once a year, and allows him to accumulate this leave up to three months after 33 months' service; this privilege has made it possible to recruit warders at considerable distances from their homes;

(*h*) it requires the residence on the jail premises of all warders, and, if necessary, provides accommodation for their families; the jail is by this arrangement fully manned at all hours of the night or day, and the guard is ready for any emergency;

(*i*) warders are brought under the pension rules, and those whose salaries exceed Rs. 10 draw pensions on the superior scale—a provision which is a great security for good behaviour;

(*j*) as young men are recruited for the lowest grade, they rise by merit and length of service to the higher and more responsible posts of head warder; the selection for these important posts can now be made from a larger number of men than was possible when more than half the guard were policemen or soldiers;

(*k*) as a result the service in Bengal is now so popular and the appointments so highly prized that warders of a superior stamp adopt it as a permanent employment—a result which is not attained elsewhere.

17. The recommendations of the Committee on this subject are—

(1) That the system of guarding jails by trained warders should be generally prescribed, the mixed system being abandoned.

The Madras Government are in favour of this proposal. The Bombay Government oppose the change on the ground that it would not introduce any improvement in security, and that the external guarding of a prison is a duty quite distinct from its internal regulation. In the North-Western Provinces and Oudh

the experiment is being tried in the Lucknow Central Prison and in the district jails in the Rohilkhand Division. The reform is approved by the Punjab Government; it is in force in Burma, and is about to be introduced into Berar. In Assam the Inspector-General prefers to maintain the system at present in force, because, if the warder system were introduced, the Province could not, it is stated, afford to have reserves, and vacancies would have to be filled up with untaught men. In Coorg, where there is only one jail, it is proposed to maintain the present system.

The Government of India are, for the reasons stated by the Inspector-General, not disposed to press the reform in Assam, but the objections raised by the Bombay Government have not satisfied the Governor General in Council that the system advocated by the Committee should not be adopted there, and he would be glad if the Governor in Council would introduce it in selected jails as a commencement. It has been preferred by all experts on jail questions, and has given satisfaction and proved economical wherever it has been tried. The Government of India approve of the proposal of the Committee that persons employed on the duty of guarding jails should be known by the title of warders only.

(2) That the men should be specially recruited—

(*a*) from districts at some distance from the place where they will be employed;

(*b*) from races which supply the police and army;

(*c*) with some proportion of ex-soldiers or army reserve men (the reserve head warder being a soldier).

The Governor General in Council leaves the question of the place of recruitment to the discretion of Local Governments and Administrations, merely observing that the Committee's recommendation is based upon experience and not upon theory. His Excellency in Council approves of the suggestion that jail warders should be recruited from races which supply the army and the police, and that old soldiers should be utilized, provided that such men are enlisted only in accordance with the orders contained in the Military Department Circular, dated the 9th September 1890, regarding the employment of pensioners in civil offices. He cannot, however, accept the suggestion of the Committee that the military training in a jail, including a test of marksmanship by military officers, should be accepted as the equivalent of the annual training of a reservist, and that men of the reserve forces should be entertained as warders. In the event of mobilization jail guards could not possibly be withdrawn from their duties for military service.

(3) That all the warders of a Province should wear uniform of one pattern, selected as most suitable for a force which has undergone military training.

(4) That the warder-guard should be armed with breech-loading rifles or shot-guns instead of muzzle-loading muskets, and that ball-cartridge should be provided for training at the butts and buckshot for use in case of an outbreak.

These suggestions are approved by the Government of India, and should be adopted generally. The weapon for jail warders should be the smooth-bore smoothbore, to carry ball and buckshot, which is now being supplied to the police reserves.

(5) That there should be three grades of warders on Rs. 8, 9 and 10 in the proportion of $\frac{1}{2}$, $\frac{1}{3}$rd, and $\frac{1}{4}$th respectively, with extra allowances should the Local Government think them necessary, in places which are unhealthy or where provisions are dear.

The proposed grading is based on experience acquired in Bengal, and appears to the Government of India a reasonable one; but in this matter, as well as in regard to rates of pay, Local Governments and Administrations are the best judges of local requirements.

(6) That there should be three grades of head warders in central jails and two grades in district jails on salaries as noted on the margin, and that the reserve head warder should be an ex-soldier.

For Central Jails.	Rs. Rs.
1st grade (Chief) Head Warder	20 to 25
2nd grade Head Warder	15 to 20
3rd grade Head Warder	12 to 15
Reserve Head Warder	15 to 20
For District Jails.	
1st grade Head Warder	15 to 20
2nd grade Head Warder	12 to 15
Reserve Head Warder	12 to 15

This matter also the Governor General in Council leaves to the determination of Local Governments and Administrations.

(7) and (8). The Government of India agree with the Committee in their seventh recommendation, that jail warders should on no account be employed on escort duty, which is properly the work of the police, and accept the principle of their eighth recommendation, that all warders should be accommodated within the jail premises, their families being also provided for in the same way where possible.

(9) and (10). The Governor General in Council commends to the consideration of Local Governments and Administrations the suggestion of the Committee that the practice of employing prisoners to perform menial work for jail subordinates should everywhere be brought under strict regulation. It seems desirable that rules should be laid down in each Province prohibiting or regulating such employment. The proposals that jail subordinates, when compelled to reside on the jail premises, should be allowed the privilege of getting vegetables from the jail garden, and also that in disadvantageous or unhealthy localities the Government should supply warders with articles of food at cost price without charging for the jail labour employed in preparing them, are also left for the decision of local authorities.

The recommendations of the Committee in paragraphs 68 to 82 of this Chapter regarding the duties of the subordinate staff in jails have the approval of the Government of India, and should receive the consideration of Local Governments and Administrations. The Governor General in Council also approves the suggestions of the Committee regarding the maintenance of discipline among the warder staff, contained in paragraph 83.

18. In paragraph 13 of the Resolution in the Home Department, No. [illegible], dated the 7th October 1882, the Government of India, after a full consideration of the question, decided that the system under which prisoners are eligible for employment as warders must be maintained both on administrative and financial grounds. The Committee have recorded a strong opinion that only persons convicted for the first time, who have not been classed by the convicting court as habituals, should be selected for employment as convict officers. The Madras Government would not debar habitual convicts from such employment when they are considered particularly fitted for it, arguing that as such convicts have already been exceptionally treated by the courts, it would be adding to their sentences to refuse them the benefits attaching to good behaviour. The Government of Bombay dispute the conclusion of the Committee on the ground that, "while a severe sentence for a first offence implies abnormal turpitude in the offender, repeated convictions for some offences may indicate only a particular moral defect in one direction, which is compatible with generally good qualities." "Such men," it is added, "are not specially depraved and having no opportunity in jail for the indulgence of their besetting propensity may possibly be employed with benefit as convict warders." The Inspector-General of Jails in Burma is also strongly in favour of not excluding ordinary "habituals" from employment as convict warders, and the late Chief Commissioner was disposed to follow his advice. The Governor General in Council has given careful consideration to these views, but remains of opinion, in agreement with the Committee, that "habituals" ought not to be employed as convict officers, and that there should everywhere be a rule absolutely excluding them from such employment. The objection to their appointment to posts of authority is that, by reverting to ordinary experience of jail life, they have given proof that its discipline

has no terrors for them, and that their imprisonment has thus failed of its purpose. If appointed convict officers, they will enjoy privileges which will render their punishment still less deterrent, whereas it requires to be made more and not less severe. As old habitués of the jail, they readily fall in with prison rules, and find no difficulty in completing tasks which inexperienced prisoners cannot perform. If allowed to be appointed warders, they will easily satisfy the requirements of the jail officials, and there will be a constant tendency to put them forward for convict offices. In deference, however, to the views of the Madras and Bombay Governments, the Governor General in Council will not object, should the Governors in Council desire it, to the rule being so framed in those Presidencies as to admit of such appointments being made in very special cases by written orders given by the Inspector-General himself. The Government of India trust that this exception will be so worked as to reduce the cases in which habitual offenders are appointed to be convict officers to a minimum.

The Committee recommended that there should be three grades of convict officers, namely,—

(*a*) the "watchman," who, while he is an ordinary class A prisoner by day and gives his full labour-task, is appointed to do one watch of two or three hours inside the ward at night;

(*b*) the "overseer," who is appointed to help the warder in charge of gangs of prisoners in workshops, wards, cook-houses, &c.;

(*c*) the "warder," who takes all the duties and responsibilities of a paid warder by day as well as by night, but has his work limited to the area within the main enclosing wall of the jail.

In the case of convict warders, the Committee further proposed (1) that there should be one such officer to eight or nine paid warders according to the healthiness or otherwise of the locality; (2) that they should be supplied with the ordinary warder's baton; (3) that they should be allowed to cook and eat their food outside the jail apart from the other prisoners, and that to admit of their doing this they should receive uncooked the ordinary full rations of the jail; (4) that they should have four extra marks daily in addition to the two marks allowed to ordinary convicts, and should receive a gratuity of four or eight annas a month which they might expend outside the jail on any reasonable indulgence; (5) that they should be allowed to mix with the paid warders in their barracks and cook-rooms; and (6) that they might be allowed to smoke tobacco outside the jail walls at fixed hours in the cooking places set apart for them. These suggestions are made by officers of long and successful experience in jail management, and as such the Government of India remit them for the consideration of Local Governments and Administrations to adopt or not as they may think best.

The rules for guarding jails proposed by the Committee in paragraphs 91—102 of this Chapter are also left to Local Governments and Administrations, with the remark that they approve themselves to the Governor General in Council.

Chapter VII—Convict officers and convict wards.

99. His Excellency in Council has already expressed to Local Governments and Administrations his approval of the proposals made in Chapter VII, and has recommended them for general adoption. The matters dealt with in it should be provided for in the Jail Code in each Province.

Chapter VIII—Female prisoners.

100. Chapter VIII relates to the treatment of female prisoners.

The recommendations of the Committee were—

(1) that female prisoners, whether convicted or under-trial, should invariably be confined in a ward or wards so separated from the space occupied by the male prisoners as to permit no communication between them and so situated as not to be overlooked by any part of the male prison;

(2) that the female division of the prison should invariably have a female warder in charge of it, who should receive not less than Rs. 8 nor more than Rs. 12 rising to 15 a month;

(3) that the keys of the female division should be kept by the female warder during the day, and should be made over to the Jailor at night;

(4) that no male official of the prison should be permitted on any pretext to enter the female prison alone;

(5) that in every female prison there should be a block of two to six cells for use as punishment cells, as well as to afford separate accommodation for any female under-trial prisoner or judgment-debtor who may wish to live apart from the female convicts;

(6) that the hair of female convicts should not be cut as a punishment, and that handcuffs should be imposed only as a measure of restraint when there is a likelihood of a woman, but for their imposition, seriously injuring herself or others, and then for not more than 72 hours at a time;

(7) that fetters should never be imposed upon female prisoners;

(8) that up to the limit of accommodation all female convicts of whatever terms, except those sentenced to transportation or long term habitual criminals, should be retained in the jail of the district to which they belong; and

(9) that the Superintendent of a jail in which a female prisoner belonging to another part of the country is confined should, one month before her release, communicate with the Magistrate of the district in which her home is situated, requesting him to intimate to her relatives the date of her release, and to urge them to come and receive her at the jail gate. In the event of no relative appearing on the day of her release, the woman, if young or likely to be led astray, should be sent to her home in charge of the female warder of the jail. If this escort is not considered necessary, the prisoner should be given a railway ticket and full and liberal means of subsistence to enable her to reach her home.

The Government for India have already, when consulting Local Governments and Administrations as to the recommendations of the Committee, stated their opinion that proposals (1), (2), (3), (4), (5) and (8) should be adopted as far as possible, at all events in all central and large district jails. There is some difference of opinion among Local Governments as to the proposal to have a female warder in each female division of a jail on the salary recommended by the Committee. The Governor General in Council is aware of the difficulty of obtaining respectable females for the post of matron, but considers that, wherever it is found possible to secure them, they ought to be appointed. When the families of male warders are accommodated in the jail premises, they will probably afford a source from which female warders may be obtained. Where, however, such women cannot be found, female convicts must be employed as matrons. The amount of salary to be paid to female warders will vary with the conditions of employment in different Provinces, and must be left to Local Governments and Administrations.

The cropping of the hair of female convicts and the use of handcuffs (except as a means of restraint) with women are prohibited in Madras. The Government of Bombay would retain these punishments for use in extreme necessity. In Bengal Sir Steuart Bayley was in favour of retaining the power to crop the hair and the use of handcuffs as a punishment for persistent short work. In the North-Western Provinces and Oudh orders have been issued abolishing the punishment of hair-cutting and restricting the use of handcuffs as proposed by the Jail Committee. In the Punjab neither of these punishments is in use, but Sir James Lyall thought that the Superintendent of a jail should have power to employ them under the same restrictions as apply to the whipping of male convicts. The Chief Commissioners of the Central Provinces and Burma expressed opinions in favour of retaining the punishment of cutting hair; the Inspector-General of Jails in Assam would abolish it. In Berar the practice has never been recognized. The Conference which recently met in Calcutta recorded the opinion with one dissentient vote that the cutting of the hair and shaving of the head

of female prisoners should not be included among jail punishments. The members considered that it would be objectionable to disfigure a woman in this manner shortly before release, and that the punishment would therefore be inapplicable to short term female prisoners, who are often the most violent and difficult to control. The Government of India accept this view. The Governor General in Council is further pleased to direct that the use of handcuffs in the case of females shall be restricted in the manner proposed by the Jail Committee, and that the use of fetters shall be discontinued in the Bombay Presidency, the only part of India in which it has hitherto been permitted. With reference to the suggestion of the Jail Committee that females should be kept to serve out their sentences in the jails of the districts to which they belong, the Madras Government consider that there is no necessity to make any change in the present system under which female prisoners are freely transferred to jails outside their native districts, but have issued instructions for the incorporation in the revised Jail Code of the substance of paragraphs 8 and 9 of Chapter VIII of the Committee's Report, which embody the ninth recommendation stated above. The Committee's suggestion is approved by the Governments of Bombay and Bengal and the Chief Commissioners of the Central Provinces and Burma. In the Punjab, on the other hand, both the Local Committee and Sir James Lyall expressed opinions in favour of concentrating females in special jails on disciplinary grounds. In Assam they are concentrated at Tezpur and Sylhet. The Government of India consider that the Jail Committee's recommendation should be followed where there are no special reasons to the contrary, but will not bind the discretion of Local Governments and Administrations by laying down a rule on the point.

Chapter IX.—Juvenile Prisoners.

21. Chapter IX deals with juvenile prisoners. The Committee recommended—

(1) that juvenile prisoners should be divided, as in the North-Western Provinces, into two classes, *viz.*, those who have arrived at the age of puberty, and those who have not;

(2) that the two classes should be accommodated apart from one another and from adult prisoners, the elder boys being kept at suitable labour in a separate enclosure during the day and locked up each in a separate cubicle at night, and that consequently all juveniles with sentences over one month should be sent only to jails where such accommodation is provided; and

(3) that all juveniles should be educated.

These suggestions were left by the Government of India to the consideration of Local Governments and Administrations. They have been accepted by the Governments of Madras and Bengal, the Chief Commissioners of the Central Provinces and Burma, the Provincial Committees in Bombay and the Punjab, and the Inspector-General of Jails in Assam. It is, however, pointed out by the Punjab Committee that the accommodation afforded in some of the jails in that Province does not permit of the segregation of adolescents by day or night. The Governor General in Council approves generally of the suggestions made, and considers it essential that arrangements should be made without delay in the Punjab for separating adolescents in a sufficient number of the jails of the Province.

Chapter X.—Under-trial Prisoners.

22. The proposals in Chapter X, relating to the treatment of under-trial prisoners, were also commended to the consideration of Local Governments and Administrations, but it was observed that the rule proposed in order to prevent such prisoners being kept at the Courts after dark, *viz.*, that they should not be received into a jail after 10 p.m. without a special order of the chief civil officer at head-quarters for the time being, might in some cases be found difficult to work, and it was suggested that Magistrates of Districts should be requested by executive orders to lessen the extent of the evil returned to by the Committee. The remaining suggestions of the Committee were—

(1) that under-trial prisoners should be allowed their own clothes and permitted to supplement their diet-scale by purchases, but that all such prisoners imperfectly clothed should be immediately supplied with all clothes necessary for their health and comfort;

(2) that money allowances for diet should not be given, but that the same scale of diet should be supplied to under-trial as to convicted prisoners, subject to the reservations—

(*a*) that healthy under-trial prisoners in healthy localities should receive non-labouring diet for the first month, and

(*b*) that all under-trial prisoners after the first month, all weakly under-trial prisoners, and under-trial prisoners in unhealthy localities, should always receive full diet;

(3) that where hawálats or lock-ups are retained, the chief civil officer's responsibility for visiting and inspecting them should be enforced;

(4) that special arrangements should be made for watching under-trial prisoners by night, short-term convict-watchmen being appointed for the purpose;

(5) that under-trial prisoners on transfer should receive before starting the articles of diet requisite for the journey; and

(6) that female under-trial prisoners should be given the option of occupying cells in the female jail instead of being separately confined in a distinct enclosure.

Local Governments and Administrations have generally reported in favour of these suggestions. The late Chief Commissioner of the Central Provinces objected to money allowances being changed to rations, but the Jail Committee have quoted instances in which the system of granting a money allowance in the North-Western Provinces and Oudh and the Punjab has worked hardship, and the Government of India would prefer that rations should be given. The Provincial Committee appointed by the Government of Bombay are not in favour of giving more than a diet of 1lb. 4oz. to under-trial prisoners; nor do the Committee approve of giving them before starting on transfer to another place of confinement the articles of diet necessary for the journey, on the ground that they are sometimes halted on the way at an intermediate jail, where arrangements for retaining them are made, and that the police guard is as likely to be dishonest with regard to the articles of diet in its charge as with regard to the disbursement of the diet money. They think that the question whether a female under-trial prisoner should go into a cell in the female jail or not should be decided by the Superintendent and not by the woman herself, and have also objected to convict officers being allowed for the needful guarding at night of prisoners under trial. The Governor General in Council does not think that these objections should prevail against the adoption of the suggestions of the Jail Committee, to all of which he gives his general approval. It may, however, be left to the Superintendent to say, with reference to the accommodation available, whether or not a female under trial shall have any option about going to a cell.

Chapter XI.—Civil Prisoners.

23. Chapter XI relates to the treatment of civil prisoners, and was remitted to the consideration of Local Governments and Administrations. The Government of India pointed out that the rule in Bengal, referred to in paragraph 5 of this Chapter, which permits a civil prisoner, who is reported by the medical officer to be likely to succumb from a disease and to have a fair chance of recovery if released, to be set at liberty without reference to the Court or the judgment creditor, was inconsistent with the terms of section 8 of Act VI of 1888, which leaves the order in such cases to the committing Court. The Local Government has now altered the rule so as to bring it into accord with the provisions of the law.

Chapter XII.—Condemned Criminals.

24. Chapter XII deals with condemned criminals. The Jail Committee recommended that the system in force in the North-Western Provinces and Oudh for executions, under which a separate enclosure is attached to the jail capable of holding from 50 to 300 spectators (respectable adult males), should be generally adopted, and submitted a rough draft of rules for the treatment of condemned criminals and the conduct of executions which they considered should govern the treatment of persons condemned to death throughout India.

The question of the imposition of fetters on prisoners under death sentence has since been disposed of by the Government of India. The Secretary of State, in his despatch dated the 6th March 1895, requested that arrangements might be made in every jail in which prisoners lying under sentence of death were confined, to avoid the necessity of imposing fetters on them, except when danger to their guards or to themselves was to be reasonably apprehended from their violence. Local Governments and Administrations, who were consulted in the matter, agreed generally in thinking the use of fetters on condemned criminals unnecessary, save in exceptional circumstances. The Governments of Bombay and the Punjab, which, while concurring in the general opinion, considered the use of fetters unavoidable so long as the condemned cells were insecure, were requested to improve the arrangements for the safe custody of such prisoners. The late Chief Commissioner of the Central Provinces, who was alone in his opinion that leg-irons are a necessary precaution against attempt at escape or assault upon the guards, and that fetters serve to call the attention of the guards to the prisoner's movements in the cell and so prevent suicide, was desired to follow the practice adopted elsewhere, and impose fetters only in exceptional circumstances.

The only other points relating to the execution of condemned criminals calling for remark are—

(1) that as regards some jails in Bengal, Burma, and Assam separate enclosures for executions outside the prison are not available. In such cases the executions may be carried out in enclosures within the jail, and the Governor General in Council does not consider it necessary to incur fresh expenditure to provide enclosures attached to the jails, but outside them, for this purpose.

(2) In Madras and the Central Provinces the presence of a Magistrate is not considered necessary at an execution. In the opinion of the Government of India it is very desirable that some official besides the jail authorities should be present, and, outside the Presidency towns, the proper official to attend on such occasions is a Magistrate.

(3) The Government of Madras are in favour of continuing the existing practice of burying the bodies of executed criminals in the jail burial-ground in all cases, and not giving them up to relatives even if asked for. The Governor General in Council considers that bodies should ordinarily be given up if claimed by relatives or friends, unless there are special reasons to the contrary in any particular case.

25. With regard to the education of convicts the Committee recommended in Chapter XIII :—

Chapter XIII.—Education of Convicts.

(1) that all attempts at education should be limited to the two classes of juveniles (boys and youths), and that these should be taught systematically by paid teachers when the class is large, and by specially selected prisoners when the class is small. The Committee considered that the education of native convicts would be of little value unless they could be taught to read and write so as to improve their chances of earning an honest living when released from jail.

(2) that Statement VII of the annual Administration series, which contains the record of the state of education in jails, might be abolished as being of no practical value.

The proposal to abandon the education of adults in jails is approved by all the Governments in whose jails adults are now educated, except that in the North-Western Provinces and Oudh it is proposed that classes for adults who may desire instruction and have been allowed by the Superintendent to attend should be maintained in central jails. The Governments of Madras, Bengal, and the Punjab, and the Chief Commissioner of Assam would omit Statement VII of the Annual Report; and the remaining Governments, except the Chief Commissioner of Burma who does not refer to the question, would

retain the statement modified so as only to show results as to juveniles under education.

The Governor General in Council accepts the conclusion that the attempt to educate adult convicts has been unsuccessful, and should be abandoned. His Excellency in Council is not in favour of encouraging the instruction of adults in the manner recommended by the Government of the North-Western Provinces and Oudh, lest such an arrangement might induce convicts to seek to come under nominal instruction in order to escape labour. The instruction of juveniles who are under sentences of less than a year is not likely to be productive of much advantage, and it is hoped that in time most of the prisoners of this class under long sentences will be sent to reformatories. For the present the rule regarding the education of juveniles should be that all under the age of 18, who are in central or district jails under sentences of a year or more, should be brought under instruction, not only in reading and writing, but also, if possible, in some simple handicraft. In order to make their instruction really effective, it would be desirable to arrange by transfers to concentrate such prisoners in jails where facilities exist for instructing them. His Excellency in Council is of opinion that it will be unnecessary to retain Statement VII in order to show the progress in education of juveniles, and accordingly directs its abolition, an addition* being made to Statement II (Judicial) to give details regarding the education of convicts when admitted into jail. Information regarding the education of juveniles should, however, be given in the body of the Report.

26. Chapter XIV relates to the use of fetters. The Committee observed that the great diversity of practice in different Provinces as to the imposition of fetters on prisoners for safe custody rendered judicial sentences most unequal in severity. They recommended that the rules in force in Madras should be adopted generally, and that a statement (in a form which they proposed) should be given in the body of each Annual Report to show the cases in which fetters had been used either as a punishment or for safe custody. The Madras rules are as follows:—

Chapter XIV.—Fetters.

(1) Fetters shall ordinarily be worn for the first three months by convicts under sentences of transportation, but the Superintendent shall be empowered to dispense with them at once.

(2) The fetters on a convict referred to in rule (1) shall be removed at the end of three months, unless the Superintendent considers their retention necessary for the safety of the prisoner himself or that of others.

(3) Fetters shall not be used in the case of prisoners under sentence of rigorous or simple imprisonment unless such prisoners are violent, or there is reason to believe that escape is contemplated.

The Government of India recommended other Local Governments and Administrations to adopt the Madras rules. They are accepted by Local Governments generally with slight modifications. The Punjab Provincial Committee considered that they could not be adopted in the present insecure state of the Punjab jails, and this opinion is concurred in by the Punjab Government. The late Chief Commissioner of Burma urged that the circumstances of that Province

* After column 4 (Age) add Column 5 "Education," sub-divided thus—

A.		B.		C.	
Able to read and write.		Able to read only.		Illiterate.	
M.	F.	M.	F.	M.	F.

and renumber the following Columns accordingly.

are peculiar, and that fetters are required as a preventive of the sudden outbreaks which are apt to occur among Burmese prisoners.

After considering the replies of Local Governments, the Governor General in Council has determined that the Madras rules shall be generally adopted with the following reservations:—

(*a*) Local Governments may, if they think fit, exempt transportation prisoners from liability to wear fetters for the first three months.

(*b*) Discretion may be given to the Inspector-General of Jails to order light fetters for any extramural gang for which he thinks them necessary.

(*c*) The bel-chain may be used at the discretion of the Superintendent when taking prisoners into camp.

(*d*) These rules need not for the present be adopted in the Punjab or Burma.

The Government of India trust that it will soon be possible to introduce these rules into the Punjab also, where they are at present held in abeyance only on account of the insecurity of the jails. In prescribing them for general adoption, however, His Excellency in Council recognizes that the circumstances of all Provinces are not alike, and he therefore authorizes Local Governments and Administrations to allow local officers a discretion to permit the use of fetters in cases where prisoners cannot otherwise be kept in security. This discretion should be carefully exercised, and the Inspector-General should be held responsible that the practice of habitually fettering prisoners without clear necessity is not allowed to prevail.

27. Chapter XV relates to clothing and bedding, plates and cups; and Chapter XVI to wooden tickets. The several points noticed in these chapters were left to the consideration of Local Governments and Administrations, and nothing in them calls for orders from the Government of India.

Chapter XV.—Clothing, Bedding, &c.
Chapter XVI.—Wooden tickets.

28. As noticed in the first paragraph of this Resolution, the subject of jail discipline and the registration of punishments, with regard to which wide differences were presented by different Provinces, was one of the most important questions committed to Drs. Walker and Lethbridge for enquiry. After considering their recommendations, as stated in Chapters XVII and XVIII of their Report, and the observations thereon of Local Governments and Administrations, the Governor General in Council came to the conclusion that it was desirable that a Conference of Jail experts should be convened to further consider these matters. Accordingly, in Home Department Resolution No. 760-68, dated the 7th December 1891, the Governments of all Provinces were invited to depute the heads of their Jail Departments to Calcutta and certain principles were laid down for the guidance of the Conference in drawing up lists of offences and punishments which might be awarded. It was observed that the law on the subject was at present contained in four different enactments, Madras, Bombay and Bengal having local Acts, while in other Provinces the general Prisons Act, XXVI of 1870, applied; these laws differ as to the offences specified, the punishments which may be inflicted, and the authorities competent to inflict them. Having regard to the fact that the Penal law under which offenders may be sentenced to imprisonment is uniform for all India, and that a sentence for the same offence should everywhere carry the same description of punishment, the Government of India came to the conclusion that that uniformity of discipline which prevails outside of the jails should also be established within them, and that local variations should cease to distinguish one province from another. They desired, therefore, that the Conference should draw up lists, applicable to all Provinces, of jail offences, classified as far as possible into serious and minor, which could be entered in a general Prisons Act or prescribed by rules to be made under its provisions by the Government of India. They also asked the Conference to draw out a list of suitable punishments which could be similarly laid down in the Act or rules specifying as far as possible the nature of the punishments appropriate to each class of offences. The Conference were

Chapter XVII.—Jail offences.
Chapter XVIII.—Jail punishments.

requested to consider what powers of punishment ought to be vested in the Superintendents of Central, District, and other Jails, and what should be reserved for exercise by the Magistrate; and the Government of India affirmed the principle that all punishments, however trivial, should find a record in the statistics of jail administration, and invited the Conference to suggest a suitable form (in lieu of the present statement VI) in which offences and their punishment could be exhibited.

The Conference submitted their report, which is circulated with this Resolution, in February last, and the Governor General in Council desires to express his acknowledgments for the clear and able manner in which they have dealt with the subject. He finds himself able to accept generally all the recommendations included in paragraphs 3 to 21 of the Report; and the necessary steps will now be taken, in accordance with this decision, to introduce a Bill dealing with the subject in the Legislative Council of the Governor General. As the measure will come under discussion before that body, and will be further dealt with by the Select Committee, it is not necessary to describe it more particularly here. The Bill will not only deal with the subjects of jail offences and punishments, but will also include a re-enactment, and an extension to the whole of India in lieu of the local laws at present in force, of the provisions of the Prisons Act of 1870, with such amendments as may seem necessary in view of the conclusions arrived at elsewhere in this Resolution.

Pending the passing into law of this measure, the Government of India desire that the form of statement VI prepared by the Conference be adopted in future in all annual reports on jails.

29. Chapter XIX of the Report deals with escapes and outbreaks. The Committee recommended:—

Chapter XIX.—Escapes and Outbreaks.

(1) that there should be a scale of rewards for the apprehension of escaped prisoners varying in ordinary cases according to the original sentence of the person escaping, the Inspector-General having power to give special rewards up to a maximum of Rs. 300 in exceptional cases;

(2) that prisoners on re-capture should ordinarily be placed in irons for safe custody, subject to report to the Inspector-General;

(3) that a re-captured prisoner should, if belonging to the A class, be transferred to class B and wear a red cap;

(4) that jail officials through whose negligence or connivance an escape takes place should be prosecuted under sections 222 and 223 of the Indian Penal Code;

(5) that there should be in each province full and carefully drawn instructions for the guidance of jail officials in the case of outbreaks, and that alarm parades, on the lines laid down in paragraph 3 of this Chapter, should be organized and practised at intervals; and

(6) that definite rules should be issued explaining when a jail official would be justified in opening fire on prisoners or in using his bayonet.

The rules suggested by the Committee on this point were—

(i) Sentries should not fire on a prisoner attempting to escape by stealth, nor unless violence, actual or threatened, renders the use of fire-arms absolutely necessary, or unless ordered by a superior officer to fire in the case of an outbreak.

(ii) The sentry at the outer gate should be empowered to fire, on his own responsibility if no superior officer is present, upon any prisoner attacking the gate-keeper between the gates or attempting to force the outer gate, provided that (*a*) he shall not fire on any prisoner not actually using violence to the gate-keeper or attempting to force the outer gate; and (*b*) he shall not fire until he has given at least one warning.

(iii) Any warder, when no superior officer is present, should be empowered to fire on his own responsibility on prisoners to save

the life of a jail official to whom they are actually using violence.

(iv) In quelling outbreaks generally warning should always be given before fire-arms are used.

The Government of Madras approve of these proposals, and the special officer appointed by the Local Government has drawn up rules regarding escapes, outbreaks, and firing upon prisoners which are generally in accordance with the Committee's recommendations. The Bombay Provincial Committee would add to the rules proposed a provision authorizing a sentry to fire on a prisoner attempting to escape after a direction to stand fast has been disregarded. In Bengal the rules suggested by the Jail Committee have been in force for several years. No comments have been made by the Governments of the North-Western Provinces and Oudh and the Punjab, the Chief Commissioner of Coorg or the Resident at Hyderabad. The Committee appointed locally by the Punjab Government observe that the proposal to authorize a sentry to fire on any person attempting to force the main gate is not warranted by the existing law, and they do not recommend its adoption. Most of the proposals made are said to be already in force in the Central Provinces, except that the maximum reward for the apprehension of an escaped prisoner is Rs. 100. In Burma also Rs. 100 is usually the maximum reward, but a larger sum may be awarded in special cases; the regulations proposed for preventing and suppressing outbreaks have been observed in that Province for several years. They are accepted by the Chief Commissioner of Assam.

The Government of India approve generally of the recommendations of the Committee with regard to escapes and the organization and practice at intervals of alarm parades. The rules as to firing on prisoners proposed by them, however, require legislation in order to give them legal validity. The Government of India consider that they should be legalised, and steps will be taken to do so in the amendment of the Prisons Act which is under consideration. When this amendment of the law has been carried into effect, it will remain with Local Governments and Administrations either to incorporate the rules suggested by the Committee in their Jail Codes or to insert others drawn up on similar lines.

Chapter XX.—Diet.

30. Chapter XX deals with the exceedingly important subject of jail dietary, and the observations contained in it were commended to the careful consideration of Local Governments. The following are the chief recommendations of the Committee:—

(1) That the ingredients forming the diet-scales should be chosen with reference to the ordinary food of the labouring classes of the population in the districts where the jails are situated (in some Provinces a want of economy in this respect was noticed);

(2) that, after a diet-scale has been prescribed on the advice of the best experts procurable, no alteration should be permitted in it without full consideration and under the direct orders of Government;

(3) that the minimum of fatty matter in a diet should be $\frac{1}{2}$ an ounce, daily or $3\frac{1}{2}$ ounces weekly;

(4) that a uniform minimum standard of half an ounce of salt daily should be everywhere adopted;

(5) that the condiments allowed should ordinarily be such as can be grown in the jail gardens by prison labour;

(6) that particular attention should be given to the portion of the dietary consisting of vegetables, of which not less than 6 ounces should be given daily, in the cold weather vegetables of real anti-scorbutic value being selected, while in the hot weather and rains (from 1st April to 1st November) special anti-scorbutics should be freely used;

(7) that no reduction should be made (as they found had been done in every Province visited by them) in the scale for labouring prisoners with reference to the length of the prisoner's term;

(8) that, in Provinces where at present only two meals are given in the course of the day, or at all events in jails which receive prisoners from unhealthy tracts, an early morning meal, to be deducted from the full sanctioned daily scale, should be introduced; and

(9) that careful rules should be laid down for applying the weight test.

These principles have met with general acceptance, and in most Provinces where deficiencies were noticed by the Committee reforms have already been introduced. The Government of India will therefore content themselves with recording here their approval of the recommendations contained in the Report, and in particular their entire concurrence in the condemnation pronounced by the Committee upon the system of prescribing a reduced diet-scale for short-term prisoners. Such a scale can hardly fail to result, especially in times of scarcity when numerous prisoners are admitted on charges of petty theft and the like, in their discharge with diminished capacity for earning their livelihood. The Governor General in Council therefore directs that the practice, if it still survives in any Province, shall be abandoned.

Chapter XXI.—Cooking.

31. Chapter XXI treats of the cooking of diet, and contains a number of practical suggestions which it is unnecessary to notice here. The Government of India believe that the importance of securing the proper preparation and cooking of food is generally recognized, both with reference to its effect upon the health of the prisoners and with regard to the economical working of the Jails. The matter should be carefully provided for in the Jail Manual of each Province.

Chapter XXII.—Gardens.

32. Chapter XXII relates to jail gardens. The Committee considered that more attention should generally be paid to the provision of a good supply of vegetables; that lime orchards should be planted and other anti-scorbutics and condiments cultivated; and that cereals and wood for fuel should be grown on available jail land not used for the garden. They also urged the adoption of the principle that the produce of the garden and other land attached to the jail should be applied to reducing the cost of maintenance and not be shown as nominal receipts from jail factories. These recommendations were referred to Local Governments and Administrations for careful consideration, and have been generally accepted; they have already produced considerable results, and they have the entire approval of the Government of India.

Chapter XXIII.—Jail Economy.

33. Chapter XXIII treats of the subject of jail economy. The principal recommendations of the Committee were—

(1) that the purchase of grain and food-stores should be completed transactions when the stores enter the jail, and that the jailor and his subordinates should be responsible for the quantities of these articles which are received in the jail, careful stock accounts being maintained;

(2) that grain should be purchased and stored at harvest time;

(3) that economy should be studied in the matter of fuel consumption;

(4) that surplus jail land should be farmed and jail tanks stocked with fish;

(5) that articles should not be purchased in the bazaar when they can be made at the jail;

(6) that jail dairies should be encouraged;

(7) that where rice is the main staple of diet, the paddy should be husked in the jail, dal being similarly prepared; and

(8) that estimates of profits on work done for the Jail Department itself should never be included in the record of the cash transactions of the jail factories.

The Governor General in Council generally approves of all these suggestions, and considers that they should be adopted as far as the circumstances of particular jails will admit. He notices that the Madras Government are not convinced of the advantage of purchasing grain in the ear; that the Bombay

Provincial Committee, though prepared to give it a trial, doubt whether the system of storing grain will work better than the provision contract system at present in force in that Presidency; and that although the storage system has proved very successful in Bengal, the North-Western Provinces and Oudh and the Central Provinces, the Punjab Committee think its success doubtful in the Punjab. His Excellency in Council is, however, satisfied that the system is one which should receive a trial at the hands of every Local Government and Administration. The following observations, taken from a letter from the Chief Commissioner of the Central Provinces, may be serviceable as showing how storage can be effected in those Provinces where pits are not suitable:—

"The purchase and storage of grain for prison consumption has been specially attended to. The general system at present in force is to make advances during the sowing season and to lay in a full year's supply of both grain and oilseed during the harvest. For the storage of grain bins are found to answer better than pits in these Provinces. There is neither difficulty nor loss in storing grain above ground in bins built of sun-burnt brick and clay, provided the grain is in good condition when stored, is mixed with a sufficient quantity of dried *nim* leaves, and is surrounded on all sides with an envelope or wall of *bhusa*. The possibility of constructing grain pits which shall preserve grain sound for a year depends on two conditions, which can seldom be obtained in these Provinces:- 1st, the spring level must not be within 20 feet of the surface; 2nd, the soil must be hard stiff clay. Even when a good site for pits has been found, there is always some fear of damage from damp; and if a pit is once opened, it must be emptied. These objections do not exist in the case of bins above ground, and with ordinary care there need be no fear of weevils. This year grain has been kept perfectly sound in bins in several Central Provinces Jails, and can, the Chief Commissioner believes, be so kept in all."

Chapter XXIV.—Employment of prisoners.

34. The question of jail industries, dealt with in Chapter XXIV, has on previous occasions formed the subject of much correspondence between Local Governments, the Government of India, and the Secretary of State. The main principles to be observed in the choice of employments for prisoners were finally laid down, under the orders of the Secretary of State, in Home Department Resolution No. $\frac{15}{603-613}$, dated the 7th May 1886. These orders are still in force, and are too well known to need repetition here. No further remarks are therefore called for in regard to the Committee's observations on the subject of extra-mural labour, which are governed by paragraphs 3—5 of the Resolution. Their criticisms, in paragraphs 31 to 33 of this chapter, of the unsound system which they found to prevail in several Provinces of crediting the estimated value of labour done by prisoners for the Jail Department to the cash earnings of manufactures have already been fully endorsed by the Government of India in the Circular of 16th September 1889, and the practice definitely prohibited. The following is a summary of their next recommendations:—

(1) That employments should be classified for each Province into "hard," "medium," and "light";

(2) that nine hours should be fixed as the limit of a full day's task work in every department;

(3) that a midday rest of two hours should be generally prescribed during the hot weather, and that for weakly and infirm prisoners a midday rest of two or three hours should be prescribed at all seasons of the year; and

(4) that a very careful standard of task work, ascertained by experiment with each individual prisoner, should be fixed for each description of labour, and that when so fixed it should be adhered to, and failure to complete the allotted task punished.

These principles are approved by the Government of India and should be generally enforced. The Governor General in Council is assured that, in view of what is said in paragraphs 14—16 of this chapter, the heads of the Jail Department in the different Provinces will spare no pains in determining what should ordinarily, with reference to the physique generally prevailing in any particular district or other tract of country, be the limits of an able-bodied prisoner's task, and in impressing upon their subordinates the necessity of accommodating the general estimate to the powers of each labouring convict with careful regard

to his physical capacity. As regards the classification of kinds of labour recommended under head (1) above, the Government of India referred the question to the Jail Conference which sat in January last; and in their Report (Appendix IV) they have proposed a list of employments, arranged under each category, which the Governor General in Council, subject to the remarks contained in paragraph 23 of the Report, accepts as suitable.

The remainder of the Chapter deals with the most economical selection of industries to be pursued. The Committee recommend—

(5) that, in view to carrying out the orders of the Resolution of the 7th May 1886 regarding the supply of the great consuming departments of the State, large industries should be established in selected central jails, and multifarious employments discouraged; and

(6) that in district jails, which are in future to be reserved for short-term prisoners, and where, therefore, labour requiring skill and training cannot be applied, special endeavours should be made to render the employments deterrent in their character.

The Committee recommend various species of industry for each class of jail, all of which seem to the Government of India to be appropriate. The use of machinery in large central jails is limited by the orders of the Secretary of State embodied in the Resolution of May 1886; it must not "be incompatible with the penal character of convict labour," and there must not be "strong reason to believe that it enables the jails to compete injuriously with private capitalists in the neighbourhood." The latter qualification is subject to the principle stated later on in the same Resolution that "Local Governments and Administrations should in future adapt their intra-mural industries as much as possible to the requirements of the public consuming departments." Where the introduction of machinery satisfies the first condition of consistency with the penal character of the labour, there is no objection to the use of machinery for the supply of articles required departmentally; and the Government of India trust that other Local Governments will follow the example of the Government of Bengal, and organize their central jails with the view of supplying the needs of the public service upon that system which, as shown by the Committee, is at the same time most remunerative and most efficient as a deterrent form of labour.

Chapter XXV.—Lunatics.

35. Chapter XXV deals with the question of the treatment of criminal lunatics. The rules proposed by the Committee in Appendix C of their Report are those which are in force in Bengal, and were brought to the notice of other Local Governments and Administrations in Home Department Circular No. $\frac{21}{603-607}$, dated the 15th October 1888. They are now in force in most Provinces, and the only one from which any objection has been received is the Punjab. The criticisms of the Punjab Committee are, however, chiefly directed against minor details of the rules, in regard to which they think that the precautions prescribed are insufficient. As to this the Governor General in Council observes that the rules appear to leave ample discretion to meet each individual case, and that it will be open to the Local Government to adopt them with such modifications as it deems expedient. He trusts, therefore, that the Lieutenant-Governor will frame rules on this subject generally on the lines of those contained in Appendix C of the Report.

Chapter XXVI.—Mark system.

36. In Chapter XXVI the Jail Committee discussed the question of marks for industry and good conduct, and proposed a revised set of rules for the award of marks. These were referred for the consideration of Local Governments and Administrations, and on receipt of their criticisms the Government of India laid the papers before the Jail Conference of January last for discussion. The Conference in their report submitted a revised draft (Appendix V) of Rules which they proposed should be adopted, and have stated the reasons for the changes recommended by them in paragraphs 24—30 of their Report. After giving the subject his best consideration, the Governor General in Council has decided to adopt the draft prepared by the Conference with certain slight modifications, as shewn in the copy appended to this Resolution. The mark rules as now prescribed will work together with the new rules regarding offences and punishments, and all those provisions of the old

rules which relate to the forfeiture of marks and remissions for misconduct have been removed to the punishment rules. The new rules cannot be brought completely into force until the legislation referred to in paragraph 28 of this Resolution has been carried out; but meantime those points in which the new rules modify present practice in regard to the earning and award of marks should be noted by Local Governments and Administrations, and the necessary changes of practice introduced with effect from the 1st January next.

In connection with this subject the Government of India desire to draw the attention of Local Governments and Administrations to the suggestion, made in paragraph 31 of the Report of the Jail Conference, that the grant of prison privileges and of promotion to any grade of convict officer should be made to depend on the number of marks earned, and should thus be definitely connected with the mark system. The members of the Conference understood that in some Provinces this is not now the case. The Governor General in Council hopes that where this connection is not at present recognized it may in future be brought into operation. He admits that race, physical strength, solidity of character, and other qualifications not measurable by marks must be regarded in selecting a convict for a position of authority in a jail; but the element of good conduct as shewn by marks ought in the opinion of the Government of India to have great weight in determining the choice in cases of competing claims.

Chapter XXVII.—Parades and discipline.

37. Chapter XXVII of the Report refers to parades and discipline, the details concerning which were left to Local Governments to adopt as far as they considered them feasible and desirable.

The Government of India do not desire to bind Local Governments and Administrations in the matters of detail to which these suggestions refer; but they are of opinion that some rules, which might suitably follow those suggested in this chapter, should be laid down in all Provinces in which none are at present in force.

Chapter XXVIII.—Transportation prisoners and Burmans.

38. Chapter XXVIII deals with transportation prisoners, and the treatment of Burmese prisoners serving their sentences in Jails in India. The Government of India have already passed* orders on the questions relating to transportation, the deportation to Port Blair of female term-convicts, and cognate subjects discussed in this chapter. The suggestions contained in paragraphs 4 and 5 regarding the treatment of Burmese convicts in Indian Jails appear to the Government of India to be judicious and are commended for general adoption. The proposals for a system of tickets-of-leave for Burman convicts have been considered by the Governor General in Council and negatived in Home Department Circular Nos. 659—68, dated the 6th September 1889. The Jail Committee noticed that there were Burmans on ticket-of-leave in Bombay, but it appears that none have been so released since the year 1882, and the Bombay Government do not desire to resume the practice of granting tickets-of-leave.

* *Vide* Home Department Resolution No. 1676 F., dated the 15th August 1891.

Chapter XXIX.—Appeals and petitions.

39. Chapter XXIX relates to appeals and petitions. The Government of India have no objection to the rules proposed by the Committee, except in two particulars. The first is the proposal that a prisoner should only be allowed to appeal once through the jail authorities, and then only to the Appellate Court to which the appeal lies; the second is that which would prohibit petitions for mercy to Government, from prisoners other than condemned prisoners, from being forwarded unless an official visitor considers it advisable. It is manifestly impossible to limit the right of appeal given by the law, and the Governor General in Council cannot approve of the suggestion that the right to petition for mercy should be limited in the manner proposed. It may, however, reasonably be provided that when once a petition for mercy has been rejected by Government, a second petition need not be forwarded unless an official visitor thinks it advisable.

Chapter XXX.—Official and non-official Visitors.

40. Chapter XXX treats of official and non-official visitors. The Jail Committee found evidence that some official visitors had not always properly fulfilled the duties of inspection, and they therefore suggested that Inspectors-General of Jails should report

on this matter in their annual reports, giving a tabular statement to show how different officers had carried out these duties. They also recommended that non-official visitors should, as a rule, be appointed, and that copies of visitors' reports should be sent to the Inspector-General.

The only objection to the proposals as to official visitors comes from the Punjab Committee, who think that visitors would prefer to make their remarks verbally to sending copies to the Inspector-General. The Government of India are, however, of opinion that unless inspection remarks are recorded they generally result in little good, and that they should therefore always be in writing.

The opinions of Local Governments and Administrations are generally in favour of appointing non-official visitors where they can be obtained. The system will be tried in the Madras Presidency. The Bombay Committee thinks that non-official visitors can be obtained only at a few stations. Non-officials have been appointed at Delhi and Lahore, and will be nominated at other large stations in the Punjab. The system will be tried in the Central Provinces, and where possible in Assam. In Burma there are non-official visitors at the Paungdé Reformatory.

The Government of India agree with the remarks of the Committee in this chapter, and trust that Local Governments and Administrations will adopt the system of appointing non-officials as jail visitors wherever it is possible to do so.

Chapter XXXI.—Registers and Returns.

41. Chapter XXXI relates to jail registers and returns. The subject-matter of this chapter was referred for consideration to the Conference which recently met in Calcutta. Much has been done to secure uniformity since the Committee's report was presented, and the Members of the Conference were of opinion that, as the sudden introduction in any Province of an entirely fresh set of books and returns would produce confusion and mistakes, it would be sufficient if the question of adopting the suggestions of the Jail Committee as to registers and returns were again commended to Local Governments and Administrations, without absolute uniformity being insisted on. This view is accepted by the Governor General in Council.

Chapter XXXII.—Miscellaneous.

42. Chapter XXXII of the Report contains some miscellaneous suggestions relating to jail management which the Government of India observed, in the Circular of the 16th September 1889, could best be dealt with by Local Governments and Administrations. Two points, however, call for observations here, namely,—

(1) the proposal to place a portion (5 per cent.) of the net profits of manufactures at the disposal of the Inspector-General to reward industrious prisoners; and

(2) the suggestions as to the date of release contained in paragraph 3 of this chapter.

There is considerable difference of opinion among Local Governments as to the first proposal. The Government of India are inclined to think that what is needed is not so much a system for rewarding industrious and well-conducted prisoners, who by earning marks can secure a substantial reduction of their sentences, as one for giving to indigent prisoners when released subsistence allowance sufficient to enable them to reach their homes. The matter is one which the Government of India leave to Local Governments and Administrations.

The Committee made two suggestions regarding the date of release:—

(1) That it should be in accordance with the calendar month, *e.g.*, a prisoner sentenced on the 1st January to one month's imprisonment should be released on the 31st January and not on the 1st February; and

(2) that when the date of release falls on Sunday, Christmas Day or Good Friday the prisoner should be released on the previous day.

The first suggestion was accepted by all Local Governments and Administrations except the late Chief Commissioner of the Central Provinces, who preferred the existing system under which, in the instance given, the prisoner would be

released on February 1st. The Government of India are of opinion that the system recommended by the Committee is correct, and it should therefore be adopted generally.

With regard to the second suggestion, the Inspector-General of Jails, Assam, remarks that prisoners eligible for release on Sundays are released in that Province on the day before, but he does not think that the system should be extended to releases falling on Christmas Day or Good Friday. The Government of India concur in this opinion, and think that the release of prisoners on the day previous to that on which their sentences expire should be restricted to cases in which the date of expiry falls on a Sunday.

43. The Governor General in Council will now take steps to amend the Prisons Act in accordance with the decisions arrived at in the previous paragraphs, and it will then be the duty of each Local Government and Administration to revise its Jail Manual so as to bring it into accordance with the amended Act and with the general orders of the Government of India on the subject of jail management contained in this Resolution.

44. The Government of India cannot conclude this review of the labours of the Jail Committee without expressing their sense of the admirable manner in which the Commissioners discharged the duties entrusted to them. Both were officers of exceptionally long and successful experience in the management of Jails, and they carried to all Provinces which they visited a keen power of observation, fortified by intimate knowledge of the subjects with which they had to deal. Their exhaustive report is replete with valuable suggestions both of general and local application, and the Governor General in Council is assured that it has already been of the greatest benefit to prison administration in India.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations for information and guidance, and to Deputy Surgeon-General W. Walker and Brigade-Surgeon-Lieutenant-Colonel A. S. Lethbridge, C.S.I., for information.

(True Extract.)

C.J. Galt

Secretary to the Government of India.

To The Govt. of Madras.

APPENDIX—*(See paragraph 36).*

MARK RULES.

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

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

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

III.—All other prisoners.

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

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

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

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

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

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

if under life-sentence, the period of remission shall shorten *pro tanto* the term of 25 years which must otherwise elapse before he becomes eligible for a self-supporter's ticket at the Andamans ;

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

Explanation.—A prisoner included in class I and under sentence for life shall, at the expiry of 25 years, less remission earned, if he so desires and is capable of earning his livelihood, be transferred to the Andamans, irrespective of his age.

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

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

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

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

(*a*) One mark daily for thoroughly good conduct and scrupulous attention to all jail regulations.

(*b*) One mark daily for industry and the due performance of the daily task imposed upon him.

(*c*) One mark daily for any day on which special diligence in work is shown.

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

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

9. A prisoner in hospital shall receive marks for conduct only, provided that he did not, by any improper action of his own after admission to jail, induce or aggravate the disease on account of which he was admitted into hospital.

10. A convict sent to a Court under Act XV of 1869 shall be credited during his absence with marks in the same way as a convict in hospital, provided that his presence before the Court has not been required in consequence of any offence committed by him and for which he is to be tried.

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

(1) Assisting in detecting or preventing breaches of jail discipline or regulations.

(2) Success in teaching handicrafts.

(3) Special excellence of work.

(4) Protecting jail officers from attack.

(5) Assisting jail officers in case of outbreak, fire, etc.

(6) Economy in the wearing of clothing.

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

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

14. The award of ordinary marks shall be made either by the Superintendent himself or, subject to his control and supervision, by the Deputy Superintendent, Jailor, Deputy Jailor, or any other officer specially empowered in that behalf by the Inspector-General. The award of special marks shall be made only by the Superintendent or Inspector-General.

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

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

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

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

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

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

G. C. Press, Simla.—No. 12 H. D.—9-11-92.—362.

Jails DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 8 Nov 1890, No. 1804-5 Jud.
Again G.O., dated 6 Nov 1891, No. 2256 Jud.
Current No. of 18 , dated from

Current No. 4048 of 1892, dated 9 Nov. from G. of I.

Order

The Resolution of the G. of I. will be comm.d to the J.G. of Jails who will submit a draft of the amendments in the revised Jail Code which are rendered necessary by the orders of the Govt. of India upon those points which have been finally disposed of in this Resolution. The J.G. will note that the final revision of the Jail Code cannot be carried out until the Legislation referred to in paras 2 & 3 of the Resolution has been effected. The J.G. will also observe that only under-trial prisoners & those sentenced to imprisonment for periods not exceeding 15 days are in future to the Rajah ordinarily to Subsidiary Jails but that the Local Govt is authorized to except the Subsidiary Jails in certain localities from this rule; a list of the localities where the [illegible] application of the rule will be inconvenient should be forwarded to Govt.

2. Copies of the Resolution will

I think that we should bring out the new Jail Code at once, and issue a Revised Edition when the Prisons Act is finally passed which will probably be for twelve or eighteen months.

W
24 Dec. JAF

This will cause great inconvenience & cause the keeping prisoners, & would specially the 15 days rule as most prisoners in Dt. Jails, & certain the 30 days rule for all Jails as Jubbl. Dt. Then Govt. of India does not make the rule absolute.

Mep
15 Dec.
JAF

W
24 Dec.

1/1/93

ale-be com.ᵈ & the Surg: Genl.
the Public Dept. & the Acct. Genl. &
all Dr. Surg.ˢ with reference to [illegible]
".

13th Dec.

14 Dec.

to the Lg. operators -
- Surg. Genl.
- Public Dept.
- Acct. Genl
all Dr. Surgs.

22/0 110—102—153

C115/12 | C.20/12

[9]

Judicial Department.

2217 87 23. 12. 88
934 87 19. 5. 92 S.C.
468 87 9. 3. 92
291 87 15. 2. 92
23 87 7. 1. 92
2 87 4. 1. 92
2499 87 8. 12. 91 S.C.
2452 87 1. 12. 91 S.C.
2391 87 21. 11. 91 S.C.
1995 87 25. 9. 91
1316-7 87 4. 7. 91 S.C.
716 87 14. 4. 91 S.C.
575-6 87 26. 3. 91 S.C.
53 87 10. 1. 91 S.C.
1804-5 87 18. 11. 90 S.C.
1619 87 19. 9. 87 ord.
465 87 15. 3. 87 ord.
2559 87 12. 12. 87
2217 87 26. 10. 88 S.C.
208407 1. 10. 88 S.C.
2447 87 22. 11. 87 ord.
2217 87 26. 10. 87 ord.
77 87 19. 1. 87
1493 87 7. 6. 86 ord.
2286 87 6. 11. 91 Volcanic
Dft W + Ls Report

From

The Govt of Madras

Home Dept

A

No. 10 Jails
610 – 623

Dated 9th January 92

Received 15th January 92

Enclosures one book + 7 A.C.

SUBJECT.

Registering Jail administration in India.

10
18 : 18

[G. / 34]
100—2-1-92.

Department.

List showing the distribution of the Proceedings of Government
dated No.

	Revenue Department	
	Public Works Department	
	Marine Department	
	Local and Municipal Department	
Judicial.	Honorable the Chief Justice with C.L.	
	Inspector-General of Police	
	Do. of Prisons	
	Do. of Registration	
	Chief Presidency Magistrate	
	Commissioner of Police	
	Judges of the Madras Court of Small Causes	
	Advocate-General	
	Government Solicitor	
	Administrator-General	
	Sheriff of Madras	
	Government Pleader	
	Registrar of Joint Stock Companies	
Public.	Surgeon-General	
	Meteorological Reporter	
	President, Board of Examiners	
	Private Secretary to the Right Honorable the Governor	
	Government Astronomer	
	~~Chemical Examiner~~	
	Protector of Emigrants	
	Superintendent, Government Press	
	Tamil Translator to Government	
	Telugu do. to do.	
	Malayalum do. to do.	
	Canarese do. to do.	
	Hindustani do. to do.	
	British Consular Agent, Pondicherry	
	Superintendent, Archæological Survey	
	Government Epigraphist	
Political.	Resident in Travancore and Cochin	
	Paymaster, Carnatic Stipends	
	Political Agent, Pudukota	
	Do. Sandur	
	Do. Banganapalli	
	Government Agent, Tanjore	
	Special Agent, South Arcot	
Ecclesiastical.	The Right Reverend the Bishop of Madras	
	Venerable Archdeacon of Madras	
	Senior Chaplain of the Church of Scotland	
Financial.	Accountant-General	
	Commissioner of Paper Currency	
	Superintendent of Stationery	

EDUCATIONAL.

- Director of Public Instruction
- Commissioner for Government Examinations
- Superintendent, Government Central Museum

THE DISTRICT MAGISTRATE OF

- Anantapur
- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput (Saidapet)
- Coimbatore
- Cuddapah
- Ganjam (Chatrapur)
- Godávari (Cocanada)
- Kistna (Masulipatam)
- Kurnool
- Madura
- Malabar (Calicut)
- Nilgiris (Ootacamund)
- Nellore
- Salem
- Tanjore
- Tinnevelly
- Trichinopoly
- Vizagapatam

DISTRICT AND SESSIONS JUDGE OF

- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput
- Coimbatore
- Cuddapah
- Ganjam (Berhampore)
- Godávari (Rajahmundry)
- Kistna (Masulipatam)
- Kurnool
- Madura
- North Malabar (Tellicherry)
- South Malabar (Calicut)
- Nellore
- Nilgiris (Ootacamund)
- Salem
- Tanjore (Tanjore)
- Tinnevelly (Palamcottah)
- Trichinopoly
- Vizagapatam

Jud. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 18 Nov 1890, No. 1882-S-Jud.

Again G.O., dated 6 Nov 1891, No. 2286 Jud.

Current No. of 18 , dated from

Current No. 2045 of 1892, dated 7 Nov from S. of S. f.

Order 18 January 93 No 110

The Resolution of the G. of I. will be com.d to the Govt. of Fort. The Govt. considers it advisable that the revised Civil Code should be issued at once; the Code can be further revised in a later edition issued when the legislature returned to in para. 2 of the Resolution has been carried out. The Govt. will accordingly make such amendments in the revised Code as may be necessary in consequence of the orders passed by the G. of I. in this Resolution or of the orders passed from time to time by the Govt. since the publication of the revised Code.

The Govt. will observe from para. 3 of the Resolution that the G. of I. is of opinion that only certain principal sections mentioned in Appendix A should ordinarily be read in Subsidiary Courts; Local Govts are however empowered to transfer the operation of other sections in certain cases. It is left by the Code to the discretion of Subsidiary Courts what the jurisdiction of Munsifs and

16/1/93

Expenses & Expenses of the Govt.
considers that it should be
observed in the case of Subsidiary
Jails at the Collectors' Head-
Quarters only & that ~~of Jails~~
Head Quarter Prisoners sentenced
to not more than 90 days'
imprisonment should be
confined in Subsidiary Jails at
~~Establishment~~. the Subsidiary
Jails at Taluk Headquarters
should contain Prisoners under
sentence of not more than 30
Days as at present.

3. Copies of the Resolution will also
be communicated to the Govt:
Genl: the Public Depts & the
Accts: Genl: & to all the Mayo
Civil Officers in Govt: Service.

Secretary

to the Govt of Madras
Judl: Dept:
Genl: Judl:
Rev: Dept:
Genl: Judl:
all the Govt:

Govt Court
Cash 3/2/93
Govt
Depts 3/2/93
1793

Madras

This order is directed from Bombay
by Letter of the 28th ultimo, the Govt
Letters with thanks its receipt &
its concurrence in the proposal.

By Command

C. 10/1
R. 17/11

3522 pgs
Nos 5339/95 (Gen. Dept. re-
transmitting also to
Jail Warders Board
1825

ORDINANCE PRINTED.

Judicial Department,
G.O., dated 18-1-93.
No. 110

Hard copy sent to Press.

Returned for alterations.

Despatched in print.

[illegible]

[illegible]

10-8-03

28/2/05

21.3.05

5.6.08

19.1.09

15-1-10

28-4-10

28-12-10

28-9-11

31-1-12

12-7-12

11-9-12

23-5-13.

7-5-14

24-3-19

21-9-23

9-4-24

6-8-26

4-9-26

28-6-28