

Public Works (1897) Department.

G.O., No. 1983 W

DATED 22 July 1897

[Despatch Abstract.]

Jails: Pro: Judicial Dept reviewing the
report on the administration of - in the
Madras Presidency during 1896. Received.

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From the Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 24th March 1897, No. A.

ABSTRACT.—Submitting report on the administration of Jails of the Madras Presidency during 1896.

ORDER—No. 906, Judicial, dated 28th June 1897.

Mr. A. G. Cardew, I. C. S., continued to be in charge of the Jail Department during the greater part of the year 1896. His report is clear and exhaustive, and has, as usual, been submitted with commendable punctuality.

2. The District Jail at Parvatipuram, the temporary abolition of which was ordered in 1895, was closed early in 1896. Two sub-jails were closed and one was opened during the year. A scheme for the abolition of the smaller scattered sub-jails, and the concentration of prisoners under sentence of less than one month at selected sub-jails in convenient centres is now under the consideration of Government.

3. *Jail population.*—The steady decline in the total population of the jails which has been noticeable since 1893 continued during the greater part of 1896, but as a result of the unfavourable state of the season and the consequent rise in prices there was a sharp increase at the close of the year in the number of under-trial prisoners admitted, and now that the scarcity has deepened this will in all probability be the forerunner of a very noticeable advance in the jail population in the current year.

4. The District Magistrates of South Arcot and Godavari will be requested to report whether any explanation is apparent for the increase in the transfers of under-trial prisoners which is referred to in para. 6 of the Inspector-General's report. It is possible that it may be only due to changes in the methods of maintaining the statistics of this subject.

5. The steady fall in the number of juveniles admitted to jails is satisfactory, but it is clear that the time has not yet arrived when the superior magistracy can afford to relax their supervision over the sentences passed by their subordinates upon this class of prisoners. The figures given by the Inspector-General show that the proportion of juveniles imprisoned in Madras is almost twice as high as it is in the whole of India taken together, and in 1896 over 100 boys who might have been sentenced to whipping were instead confined in jails.

6. The attention of all District Magistrates will be invited to the provisions of section 31 (1) (b) of the new Reformatory Schools Act VII of 1897 under which in the more petty classes of offences the parent or guardian of a juvenile offender can be bound over to be responsible for his good behaviour.

7. The other portions of the Act do not provide for the cases of girl juvenile offenders, but this section is expressly declared to include them and its use in their cases would probably be found to be desirable in many of the less important trials which come before the courts.

8. The question of the desirability of amending Act VI of 1864 in order to render offences under special and local laws punishable with whipping will be separately considered.

9. The statement in paragraph 16 of the report showing the length of sentences passed on juveniles may be discontinued. The Inspector General will be requested to obtain and submit to Government copies of the judgments in the cases of the two prisoners shown in it to have been sentenced in 1896 to terms of more than two and more than five years respectively, and to state the nature of the offences committed by the 17 boys shown in column 6 of statement No. IV, Judicial, who were confined in the Penitentiary after previous convictions. He should at the same time report if any, and if so, how many of the juveniles above referred to have been sent to the Reformatory School.

10. With reference to paragraph 18 of the Inspector General's report District Magistrates will be requested to again impress upon officers in charge of sub-jails the necessity of describing convicts admitted into them by some less vague term than "coolly." "Cooly" simply means "day-labourer." It should not be difficult to ascertain what sort of day-labourer. After a continuous improvement in this respect for the last four years the figures for 1896 show a relapse.

11. *Identification of old offenders.*—The proportion of convicts in Central and District jails who were identified as, or confessed themselves to be, old offenders fell from 16.5 in 1895 to 16.3 in 1896; the latter percentage is certainly higher than that recorded in any of the preceding three years except 1895, but the Government is disappointed to find that even a small fall has occurred. With the attention which has been recently drawn to the matter an improvement might reasonably have been expected. The percentage of identification before conviction rose from 11.4 in 1895 to 12.1, but was still small, and the very varying degrees of success obtained in the different districts which was noticed in the last year's review continued. Thus in Malabar only 5.4 per cent. of the convicts admitted were recognised as old offenders before conviction, and in Bellary only 8.2 per cent. On the other hand, in the districts of Vizagapatam and Trichinopoly about 20 per cent. were so identified. The matter is, however, one in which the Police Department is now mainly responsible, and the figures in Judicial statement No. IV attached to the present report are obscured by the inclusion in them of previous convictions under special and local laws. In his last administration report the Inspector General of Police moreover stated that the subject was receiving his special attention, and it may therefore be more appropriately considered when reviewing the work of that Department. The total number of previously convicted persons who were sentenced to terms of one month or less again decreased, but the number with only one conviction against them was slightly larger than in 1896. It is evident that it is necessary that District Magistrates should continue to use care to ensure that habitual offenders are adequately dealt with.

12. *Escapes.*—Escapes from Central and District Jails, which in the two preceding years were rare, were more frequent in 1896, numbering eighteen. The Inspector General appears to have dealt adequately with the subordinates responsible. The guarding of sub-jails by the Police showed a further improvement, the number of escapes from them being 29 against an average for the last ten years of 53.

13. *Discipline.*—The ratio of the punishments inflicted by Superintendents of District Jails to the total jail population again showed a marked rise, but the increase occurred mainly in minor punishments awarded for offences relating to work in Central jails, and may be taken as an indication of improved discipline rather than of any falling off in the behaviour of the convicts. The strictness

which was found necessary in the Rajahmundry Central Jail in 1895 appears to have had a good effect, as the total number of punishments decreased. In Nellore, in which discipline in the preceding year was lax, there appears to have been an improvement. The Inspector General's suggestion regarding the modification of the rule laid down in Home Department Resolution No. 12, Jails, 500—510, dated 31st August 1896, that any combination of minor punishments should be classified as a major punishment, should form the subject of a separate communication. Meanwhile the effect of the rule renders it unsafe to institute any comparison between the major punishments inflicted in the year under review and in its predecessor. The question whether the penal element in imprisonment is sufficiently kept in view under the present system of jail administration is now under the consideration of Government.

14. Releases under remission rules were less numerous than in the previous two years, the decline being partly due to the smaller convict population and partly to an increase in the prisoners who failed to earn any remission, but there is no apparent indication that the system is ceasing to operate for good. With reference to para. 24 of Home Department Resolution No. 14, Jails, 545—556, dated 25th September 1896, in which Local Governments were requested, when reviewing the jail reports for 1896, to examine with special care the question whether the mark system had failed to justify the expectations which were formed of it, His Excellency in Council agrees generally with the Inspector General's remarks in paragraphs 36 to 38 of the report, and in his conclusion that the system is doing excellent work where convicts are sufficiently intelligent to appreciate it.

15. There is doubtless some want of uniformity in the manner in which it is applied in the different jails, but the need of uniformity in such a matter is in the opinion of Government perhaps hardly sufficient to justify the elaborate instructions and supervision which would be necessary to secure it even in the different jails of the same Presidency, much less throughout India. The original sentences passed upon convicts must always depend upon the idiosyncracies of the various courts which inflict them and cannot be expected to be uniform in severity, and as for this reason it is impossible to secure that in each case the punishment shall be exactly commensurate with the crime for which it is inflicted, it appears to be of little moment for practical purposes whether the Superintendent of one jail is or is not somewhat more generous in the grant of remission marks than the Superintendent of another. The Inspector General will, however, bear the matter in mind and notice it in greater detail in his next report. Somewhat similar considerations apply to the question of uniformity in the different Presidencies in awarding punishments for jail offences.

16. The proportion of convict officers to the jail population again fell slightly. The percentage of these punished for various delinquencies was again somewhat larger, but the advance in this figure during the past two years has perhaps been due to the strictness with which the Superintendent at Rajahmundry has treated this class of officer in that jail.

17. *Finance.*—The financial results of the year's administration have been dealt with fully by the Inspector General, both generally and under each item of expenditure, and but few remarks on the part of Government are necessary. Excluding the sum of Rs. 54,239 expended by the Public Works Department on buildings, the gross cost of the department amounted to Rs. 9,97,395 as against Rs. 10,34,700 in 1895, showing a reduction of Rs. 37,305. The greater part of this saving was effected in the cost of rations in which, notwithstanding the higher prices of grain, there was a decrease of Rs. 1-11-8 per head as compared with the figure for 1895, which was itself considerably the lowest then on record. This is again very creditable to the Inspector General and his officers. It is presumed that Mr. Cardew has issued such orders as will prevent a recurrence of the failure on the part of the Berhampur Jail authorities referred to in paragraph 53 of the

report. Under paragraph 2 of Resolution of the Government of India, Home Department, 1, Jails 10—19, dated 7th January 1895, certain of the charges incurred by Magistrates on account of prisoners in subsidiary jails under their control do not appear to be debitable to the Jail Department. The Controller General would seem from paragraph 43 of the Inspector General's report to have taken a different view of the matter and the Inspector General will accordingly be requested to place the case separately before Government in order that it may be ascertained whether it is desirable to move the Government of India on the point. The total and the average cost per head of the jail population under the main heads of expenditure is compared below for a period of three years:—

			TOTAL COST			COST PER HEAD OF DAILY AVERAGE JAIL POPULATION.										
			1894.	1895.	1896.	1894.			1895.			1896.			All India in 1895.	
Establishment	...	2,53,252	2,44,130	2,50,561	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Dietary charges	...	2,83,470	2,52,020	2,30,185	25	4	2	24	15	0	26	2	2	21	14	7
Hospital charges	...	17,962	25,617	24,910	1	12	8	2	9	10	2	9	7	2	13	5
Clothing and bedding	...	19,267	19,484	23,472	2	2	8	2	0	4	2	7	10	2	15	4
Other charges	...	62,631	57,857	57,776	6	4	0	5	14	7	6	0	5	5	9	10
Total...		6,36,582	5,99,108	5,86,904	63	8	0	61	3	1	61	3	6	57	2	2

			1894.	1895.	1896.	All India in 1895.		
Cash earnings per head of population	...	Rs. 11 7 0	Rs. 8 13 0	Rs. 16 5 0	Rs. 14	a. p. 1 9		
Net cost per head of population	...	Rs. 52 1 0	Rs. 52 6 0	Rs. 44 14 0	Rs. 43	a. p. 0 5		

18. The cost of extra food supplied to prisoners on invalid gangs rose from Rs. 4,390 in 1895 to Rs. 5,765 or from an average of Rs. 0-7-2 to Rs. 0-9-7 per head of the daily average population. This increase was not due to any unusual prevalence of sickness, for in the year under review the health of the jail population was better than in its predecessor, and yet it was divided among no less than 12 out of the 18 Central and District Jails. The largest expenditure was incurred in the Rajahmundry Central Jail, and the Inspector General's letter reporting the circumstances in which this took place and the manner in which the invalid gang in that Jail was constituted is now under the consideration of the Government. It is evident from the communication referred to and from the figures just quoted that more care is generally speaking required on the part of medical officers of jails when considering whether convicts shall be placed in the invalid gangs or not. When orders on the case of the Rajahmundry Jail are passed the question whether it is not possible to lay down some system of procedure in this matter which may be impressed by the Surgeon-General on all officers in medical charge of prisons will be considered.

19. Some improvement is noticeable in the expenditure on rations in sub-jails, the cost per head of average strength in the Presidency falling from Rs. 35-1-8 to Rs. 33-15-10. The charges were heaviest in Anantapur, Ganjam, Kistna, Salem and Vizagapatam. The first two and the last of these were singled out for unfavourable comment in this matter in last year's review, but in Ganjam and Anantapur so far from an improvement having been effected, the cost has still further advanced. In Anantapur, the increase was as much as Rs. 4-3-11 per head. Seeing that the cost of dieting was lower in Cuddapah than in any other

district in the Presidency, the Government cannot consider that the present scarcity offers a satisfactory explanation of these high rates and the Magistrates of the districts abovenamed will be requested to look carefully into the matter. The District Magistrate of Anantapur will submit a full report upon it to Government through the Inspector General of Prisons, who should call for explanation on the subject of contingencies from the District Magistrates of Godavari and Kistna.

20. *Manufactures.*—Owing partly to the fact that some 270 convicts on an average were daily employed in the construction of the new jail at Cuddalore, the percentage of prisoners employed on manufactures proper fell from 39·66 in 1895 to 38·27 in the year under report. The total profits from manufactures (including the value of machinery, bills outstanding and stock and material in hand) nevertheless increased from Rs. 1,33,499 to Rs. 1,40,162 and were once more the highest on record. In addition to this profit, a sum of Rs. 33,573 was saved to Government during the year in the construction of the Cuddalore jail by convict labour instead of through the medium of the Public Works Department and supplies to the value of Rs. 29,781 were furnished for the use of the jails themselves. The Penitentiary again heads the list in the profits from its manufactures and the Government agrees with the Inspector General in considering that the Superintendent and his subordinates deserve much credit for this result. The Coimbatore jail worked itself into the second place, and the results in Salem and Trichinopoly were also good. The Government trusts that the Rajahmundry jail will do better in the current year. Its manufactures have been unsatisfactory for some time past, and appear to require the stimulus of the personal attention of the Inspector General.

Of the District jails, Palamcottah, owing to the efforts of its Superintendent and Jailor, stood first, while in Nellore and Mangalore the results were disappointing.

21. In the case of the last named, this is probably partly attributable to the want of continuity in the administration which occurred, there having been no less than five changes in the office of Superintendent and Medical Officer of the jail during the course of the year. These were perhaps unavoidable in this particular instance, but they none the less must have affected the administration of the jail in every direction. The attention of the Surgeon-General will be invited to the matter.

22. As usual, the earnings of the prisoners in sub-jails were small (Rs. 723). Proposals to improve manufactures and to render more possible the enforcement of hard labour and penal discipline in these jails are now under the consideration of Government. Difficulties undoubtedly exist in the way of organising manufactures in them as they are now constituted, but the Government agrees with the Inspector General in thinking that the results in Vizagapatam were unusually poor. The attention of the District Magistrate will be invited to the subject.

23. The average net cost per head of prisoners confined in all classes of jails amounted to Rs. 44-14-0, which is the lowest figure on record, the average for the whole of India in 1895 being Rs. 43-0-5, but this result is to a considerable extent delusive, as it is largely due to the realization during the year of considerable sums earned in former years which has operated to enhance the average cash earnings per head, and so to reduce the average net cost per convict.

24. The Government notes with pleasure the progress made and the economy effected in the construction by departmental agency of the new jail at Cuddalore and the testimony borne by Mr. Cardew to the good work done in connection therewith by Mr. Cloney and Sub-Engineer Kothandapani Mudaliar. The experiment seems likely to be a marked success.

25. *Health.*—The statistics of the health of the jail population have, as usual, been discussed in detail by the Inspector General and need but few remarks. The year was comparatively healthy, the Cuddalore and the Parvatipuram jails were closed on account of the persistently high rate of sickness in them, and, mainly in consequence perhaps of these facts, admissions to hospital were fewer than in the preceding year. The rate of mortality was slightly higher than in 1895, but with this exception was the lowest since 1886. The proportion of convicts who had lost weight on discharge increased to an appreciable extent.

26. The number of deaths was increased chiefly by the higher figures in Rajahmundry, Tanjore and Coimbatore,—especially the first of these, where the rate was 47 per mille. The case of Rajahmundry will be dealt with by Government in disposing of the Inspector General's recent report on the defects in the medical and executive administration of the jail. In Tanjore the mortality was due to affections of the bowels, the causes of which are under investigation, and in Coimbatore an epidemic of influenza caused six deaths from phthisis. Since the Inspector General's report was written cholera has broken out in this jail, and the Government awaits the reports of the Sanitary Commissioner and the Surgeon-General, who in consequence inspected it, on its sanitary condition. The improvement in the health of Cannanore Central jail does Surgeon-Captain Fearnside great credit. The Surgeon-General will be requested to obtain and forward to Government a copy of that officer's monograph on intestinal parasites on the West Coast.

27. The attention of the Surgeon-General will be invited to para. 96 of the Inspector General's report, and he will be requested to consider in communication with that officer whether it is not advisable to continue in a more systematic manner than heretofore the experiment of administering prophylactics to prisoners during the feverish months of the year. The results hitherto obtained are inconclusive, even if the figures can be accepted as reliable. The Surgeon-General's attention will also be invited to the extraordinary variations in diagnosis which are noticed in paragraph 99 of the report.

28. The increase in the percentage of prisoners who when discharged had lost weight is not easily accounted for. The Government hesitates to accept as conclusive the Inspector-General's suggestion that owing to the year being one of low prices convicts when first admitted were less likely than in times of scarcity to be in a condition to put on weight as a consequence of regular and good feeding in jail. At the same time the advance is certainly not attributable to the revised dietary introduced in some of the jails, or to the retention of the old scale in others, and it does not vary consistently with the general health of the various prisons. Cannanore, for instance, which shows a great reduction in sickness and the lowest death-rate for twenty-five years, also exhibits one of the most marked rises in the percentage of prisoners who had at the time of discharge lost weight. It is believed that the Inspector General has recently supplied several jails with new weighing machines, and it may be that the old ones were defective.

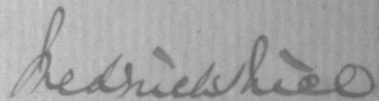
29. In only one jail (Cuddalore) was there any noticeable overcrowding, and that was unavoidable and but temporary. The Inspector General's remarks in para. 108 of the report regarding the insufficiency of the cellular accommodation in certain of the jails are noted, but no rapid progress in remedying this defect can be possible until the existing financial pressure is relieved.

30. The inspection work done by the Inspector General and official visitors taken all together showed an improvement, but with one or two very creditable exceptions, notably M.R.Ry. Narasinga Row Avergal (26), Mr. D'Vas (16) and Mr. J. Franklin (10), the visits of non-official visitors were much less frequent than in the

previous year, and were very few in Coimbatore, Bellary and Madura. The District and Sessions Judge of Madura again omitted to inspect the jail there during the year, and the visits of other judges to jails at their head quarters were not by any means as frequent as they should be.

31. The main features of the year's administration are summarized in paragraph 113 of the Inspector General's report. The year was one of continued advance in the administration of the Department, and His Excellency the Governor in Council has again the pleasure of recording his satisfaction with the good work done by Mr. Cardew and the officers named by him in paragraph 114 to obtain this result.

(True Extract.)



Chief Secretary.

To

The Inspector General of Prisons.

„ Inspector General of Police.

„ Commissioner of Police.

All District Magistrates

„ Sessions Judges

The Director of Public Instruction.

„ Surgeon-General.

„ Sanitary Commissioner.

„ Hon. the Chief Justice with C. L.

„ Public Works Department. ✓

„ Public Department.

Editors' Table.

ENDORSEMENT:—No. 907, dated 28th June 1897.

Copy forwarded to the Government of India, Home Department.

(Signed) J. F. PRICE,

Chief Secretary.