

Public Works (1899) Department.

G.O., No.

1602 *W*

DATED

17 June 1899.

[Despatch Abstract.]

*Encls: Pres. Judicial Dept reviewing the
report of the administration of Encls in the
memor Presy for the year 1898, received.*

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FURTHER PAPERS.

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G.O., &c., Nos. 817, 818, 23rd May 1899.

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Jails.

Reviewing the report on the Administration of Jails in the Madras Presidency for the year 1898. Copy to the Government of India.

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From the Inspector-General of Prisons, dated 22nd March 1899.

ABSTRACT.—Forwarding report on the administration of Jails, in the Madras Presidency for the year 1898.

ORDER—No. 817, Judicial, dated 23rd May 1899.

The foregoing report on the administration of the Jail department is full and clear, and has, as usual, been submitted with commendable punctuality. Mr. A. G. Cardew, I.C.S., continued to be in charge of the department throughout the year.

2. No change occurred during the year in the number of Central Jails maintained. Owing, however, to the prevalence of sickness, the Rajahmundry Central Jail was almost evacuated for a time, and committals to that institution were directed to other Jails. The Guntūr District Jail was re-opened as a temporary measure to avoid the congestion of population in the neighbouring jails. The number of subsidiary jails also remained unaltered, but such of the sub-jails in the districts of North Arcot and South Arcot as are on or near the line of railway were, as an experimental measure, converted into lock-ups for the confinement of undertrial, remand and *en-seven* days, other convicts being committed direct to the nearest Central or District Jail.

3. *Jail Population*.—The year under review was characterized by a further advance in the total number of admissions. Discharges were, however, also more numerous, and the jail population on the 31st December 1898 was much the same as at the close of the previous year. The increase noticeable in the jail population occurred both among convicts and undertrial prisoners admitted into jails and among those received by transfer. There was, on the other hand, a slight diminution in the number of civil prisoners committed to jail. The rise in the number of admissions is ascribed by the Inspector-General to the prevalence of distress during the earlier part of the year, due to the abnormally high prices of food grains. The Government is not convinced that this cause can be regarded as fully explaining the increase which occurred. The statistics for the past ten years show that the daily average number of convicts confined in jails has risen during that period from 7,921.55 to 10,936, or by more than 38 per cent. This increase is out of all proportion to the increase in the population of the Presidency, and it suggests the desirability of a more searching enquiry into its causes than has hitherto been made. The Inspector-General will be requested to enquire into, and report upon the matter; in doing so he should devote special attention to the question how far the existing jail system is successful in effecting what must be regarded as its main object, namely, in exercising a deterrent effect upon criminals.

4. In view of the alteration made by section 4 of the Reformatory Schools Act, 1897, the term "juvenile" has from the 1st January 1898 been taken to include all persons under fifteen years of age, instead of all persons under sixteen years as formerly. This change in classification might have been expected to result in a

reduction of the number of "juveniles" committed to prison. The report, however, shows that, in spite of the reduction in the age limit, the number of juveniles committed to jail rose from 458 in 1897 to 522 during the year under review.

Paragraph 16 of the report shows that the population of juveniles committed to prison is much higher than the corresponding figure for the whole of India. These facts seem to indicate that criminal courts in this Presidency do not make sufficient use of the provisions of section 31 of the Reformatory Schools Act, 1897, and section 562 of the Code of Criminal Procedure, 1898, or of the Whipping Act, in dealing with juvenile offenders. The advantages of these provisions of the law, which enable courts to punish juveniles without exposing them to the evil influences of prison life, have on several occasions been pointed out to the subordinate magistracy, and District Magistrates will now be requested to give personal attention to the matter. The Inspector-General of Prisons might also, with advantage, bring to the notice of the District Magistrate concerned cases in which sentences of imprisonment have been passed on youthful offenders, when the alternative methods prescribed by law might usefully have been resorted to instead.

5. The figures in paragraph 19 of the Inspector-General's report show the nature of the sentences passed upon persons confined in jail during the year. It is observed that there has been a marked increase in the number of persons sentenced to imprisonment for less than one month. The matter is not one which can appropriately be discussed in connection with jail administration; an explanation of the increase will doubtless be afforded when the report on criminal justice for the year comes before Government.

6. *Identification of habitual offenders*.—The proportion of reconvicted prisoners admitted into the jails of this Presidency fell from 13.03 in 1897 to 12.64 in 1898. In consequence, however, of the change in the compilation of the statistics, referred to in paragraph 21 of the report, no comparison can be instituted between the results obtained in the several jails in regard to the recognition of habitual criminals in 1898 and those of the previous years. It is observed that the Inspector-General is taking steps to introduce into the Jail Department the system of identification by finger impressions. This system has for some time past been successfully applied in the Police Department for the recognition of old offenders, and the details of its application can, if necessary, be ascertained from the Inspector-General of Police.

7. *Escapes*.—There was an improvement in the guarding of the several classes of jails, the number of escapes being lower than that of 1897, and the average of the last eleven years. This circumstance is a satisfactory feature of the year's administration, seeing that the influx of jail population in 1898 was larger than in any year during the past decade.

8. *Discipline*.—With a large increase in jail population, it is natural that there should be a corresponding advance in the number of offences against jail regulations, and in that of punishments inflicted by Superintendents under the authority of the Prisons Act. It is noteworthy, however, that the proportion of major punishments to the daily average population varied but little, while that of minor punishments increased to an appreciable extent. Among the several forms of major punishments, cases of solitary confinement, with or without penal diet, and of whipping declined in number, while combinations of minor punishments and the imposition of fetters in its severer forms were more frequently resorted to. Under minor punishments, penal diet was more sparingly applied, while fetters were more extensively employed, and warnings administered in a larger number of instances. On the whole, there appear to be good reasons for concluding that the increase in the number of offences, accompanied by a diminution in the severer forms of punishment, is an indication of a satisfactory improvement in the manner of enforcing stricter discipline.

9. Conditions vary from jail to jail, especially as regards the forms of labour and the composition of the jail population, and uniformity in the practice of inflicting punishments is not therefore practicable. But such disproportion in the methods of imposing punishments, as have been noticed by the Inspector-General in paragraph 30 of his report in regard to the Russellkonda and Nellore District Jails, betokens rather a want of discrimination on the part of jail authorities in selecting appropriate forms

of punishment than increased contumacy on the part of prisoners. The state of discipline in each jail cannot, however, be gauged by statistics alone, and the Government must therefore rely on the Inspector-General to see that neither unnecessary severity nor undue leniency is allowed to exist in any of the jails in the Presidency. Resort to punishments is inevitable in many cases, but it is to the mark system that His Excellency the Governor in Council would prefer mainly to look for the maintenance of discipline and good conduct among convicts.

10. In G.O., No. 1431, dated 2nd October 1897, with a view to render the conditions of prison life more deterrent, the Government issued orders constituting a penal stage for convicts sentenced to rigorous imprisonment. Under this system every prisoner awarded rigorous imprisonment is, during the first three months of his sentence, put to specially hard forms of labour, compelled to wear gunny clothing and required to sleep by himself in a cell or cubicle if such accommodation is available. If he is certified by the Medical Officer to be unfit for hard labour, he is confined in a cell throughout the penal stage by day as well as by the night and is given suitable labour. The introduction of the system has not as yet had time to produce any marked effect, but it is hoped that it will exercise a beneficial influence on the conduct of the criminal population.

11. The number of convicts liberated under the remission system rose from 1,614 in 1897 to 1,728 in 1898, the increase being mainly due to concessions granted on the occasion of Her Majesty's Jubilee. There can be little doubt that the mark system offers a powerful incentive to good behaviour and that its advantages are generally appreciated by the prisoners. The remarks of the Superintendent of a Central Jail in regard to the working of the mark system, quoted in paragraph 34 of the report, have been noted. A discussion of matters of this kind is out of place in an annual review, but it may be pointed out that first offences committed by prisoners from ignorance should usually be dealt with by a formal warning, and that severer forms of punishment should be resorted to only in cases of contumacious disobedience of orders or resistance to authority.

12. *Finance.*—The financial results of the year's administration, which are summarised in Statements IX to XIII and Statement G, have been fully dealt with by the Inspector-General in the body of the report. Excluding from the calculation the outlay incurred on jail buildings by the Public Works Department, the gross expenditure of the department and the average cost per prisoner rose from Rupees 11,59,298 and Rs. 69-2-10 in 1897 to Rs. 11,99,730 and Rs. 69-15-2 in 1898, respectively. The increase, which occurred mainly under the head of dietary charges, is the natural result of dearness of provisions and a larger jail population. The total and the average cost of jail management 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.		
	1896.	1897.	1898.	1896.	1897.	1898.
	RS.	RS.	RS.	RS. A. P.	RS. A. P.	RS. A. P.
Establishment	2,50,561	2,45,887	2,50,577	26 2 2	23 12 11	22 14 7
Dietary charges	2,30,185	3,26,346	3,67,607	24 6 5	32 1 10	34 2 6
Hospital charges	24,910	31,248	26,370	2 9 7	3 0 5	2 6 7
Clothing and bedding	23,472	18,927	29,984	2 7 10	1 13 10	2 12 7
Other charges	57,776	92,023	90,433	6 0 5	8 5 10	8 4 4
Total	5,86,904	7,14,431	7,64,971	61 3 6	69 2 10	69 15 2

	1896.	1897.	1898.
	RS. A. P.	RS. A. P.	RS. A. P.
Cash earnings per head of population	16 5 0	4 0 0	17 2 0
Net cost per head of population	44 14 0	65 3 0	52 13 0

The causes of variations in the expenditure incurred in the several jails have been explained by the Inspector-General. The highest cost per head was shown in the Rajahmundry Central Jail, but the abnormal conditions which prevailed in this

institution during the year hampered its administration, and no comparison between it and other jails can fairly be drawn. The financial administration of the Berhampur jail has been adversely commented upon by the Inspector-General in several places in his report, and the Government would be glad to see any explanations which may have been called for as to the apparently unsatisfactory results recorded.

13. The average cost of dieting prisoners in sub-jails increased from Rs. 38-11-0 per head in 1897 to Rs. 39-14-1 in 1898. The advance was due to the general rise in the prices of food-grains. The increase in cost of diets is doubtless mainly due to causes beyond the control of the officers responsible for the administration of sub-jails, but the steady rise in the average cost of maintaining a prisoner in a sub-jail which has occurred during the last three years * shows the necessity for the most careful supervision of the expenditure in these institutions.

14. *Manufactures.*—Perhaps the most satisfactory feature of the year's administration is the marked improvement noticeable in the operations of the manufacturing department. Owing, presumably, to a larger labouring population, convicts employed on manufactures were more numerous, and the total profits advanced from Rupees 1,17,339 in 1897 to Rs. 1,29,367 in the year under review, thereby reducing the net cost per head of prisoners from Rs. 65-3-0 to Rs. 52-13-0. In addition to this profit, supplies to the value of Rs. 38,125, as compared with Rs. 24,933 in the previous year, were issued to jails. The largest profit among Central Jails was realised in the Penitentiary. Coimbatore Jail, the accounts of which closed with an apparent deficit in 1897, nearly recovered its former position as the leading jail in regard to manufactures and yielded a net profit of Rs. 24,659. The short receipt in Vellore Central Jail was no doubt due to the diversion of the attention of the Superintendent to building operations in the jail, which resulted in a saving of Rs. 10,000 to the department. As usual, Tanjore and Palamcottah show the largest profits among District Jails. An explanation should be called for from the Superintendent for the poor outturn in Mangalore. The manufacturing receipts from sub-jails were not large, but an improvement appears to have taken place during the last year, the cash earnings in these institutions having risen from Rs. 278 in 1897 to Rs. 744 in the year under review.

15. *Vital Statistics.*—The subject of Vital Statistics has been fully discussed by the Inspector-General both generally and under each principal class of disease, and but few remarks on the part of Government are needed. On the whole the general health of the prisoners improved, the rates of sickness and mortality being lower than of 1897. Cholera was rare, and was responsible only for nine deaths. The proportion of convicts who had gained weight on release increased appreciably, while there was only an inconsiderable advance (.3 per cent.) in the proportion of those who had lost weight.

16. As in the preceding two years mortality remained heavy in the Rajahmundry Central Jail, and admissions to hospital were also numerous. The condition of the jail was during the year a source of great anxiety to the administration, but it is hoped that the sanitary measures which have recently been adopted will prevent a re-occurrence of the disease which attacked the jail, and will have a beneficial effect on the health of the prisoners. The Government notes with pleasure the testimony borne by the Acting Inspector-General to the energy and zeal displayed by Captain Fearnside and his subordinates during the last epidemic.

17. There was no appreciable overcrowding in any jail except in that at Vizagapatam; special arrangements were made for the accommodation of the surplus prisoners there. Considerable progress has been made in the provision of cellular accommodation in Central and District Jails, the number of cells and cubicles available in 1898 being 2,328 as against 1,421 in 1894.

18. *General.*—The work of inspection was, on the whole, satisfactorily performed by all classes of officers. The visits of non-official visitors, particularly those of M.R.Ry. T. Narasinga Rao Avargal and Mr. D'Vas, were even more frequent than in the previous year.

19. The principal features of the year's administration have been summarised in paragraph 110 of the report. The increased strain put upon the department by the rise in the jail population appears to have been well met. The financial results, which appear at first sight to be the only unsatisfactory feature of the report, show on examination that every attention was paid to economy. The increase in the cost of maintenance was entirely due to the rise in the cost of dieting, which has been shown to be due to causes beyond the control of the officers concerned. The Government regards the year as one of progress in the administration of the Jail department, and is pleased to express its satisfaction with the results obtained, and to endorse the commendations bestowed by the Inspector-General on the officers named in paragraph 111 of his report.

His Excellency the Governor in Council desires also to place on record his high appreciation of the eminent ability and untiring energy which Mr. Cardew has displayed in the performance of his duties as Inspector-General of Prisons. The period of eight years, during which Mr. Cardew has been connected with the Jail department in this Presidency, has been marked by steady and material progress, and in his thorough revision of the Jail Code Mr. Cardew has placed on record the valuable results of his experience and of his careful study of all questions affecting Jail administration.

(True Extract.)

A. H. Johnston
for Chief Secretary.

To the Inspector-General of Prisons.
" the Inspector-General of Police.
" the Commissioner of Police.
" all District Magistrates.
" all Sessions Judges.
" the Director of Public Instruction.
" the Surgeon-General.
" the Sanitary Commissioner.
" the Public Works Department. ✓
" the Public Department.
" the Accountant-General.
" Honourable the Chief Justice (with C.L.).
" A. G. Cardew, Esq., I.C.S.
Editors' Table.

ENDORSEMENT—No. 818, Judicial, dated 23rd May 1899.

Copy forwarded to the Government of India, Home Department.

G. STOKES,
Chief Secretary.