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CONTROL OF CRIME IN INDIA

CHARLES RICHMOND HENDERSON¹

This article is based on observations made in visits to prisons in Ceylon, India, Burmah, Singapore and Hongkong in the year 1912-1913; on interviews with the superintendents of these prisons, as courteous and intelligent a set of men as one can meet anywhere; and on readings of important works of travelers and officials and government reports. The sources are indicated in the bibliographical note which makes no pretensions to completeness.

I. CRIMINALS.

Number.—There are said to be about 2,000,000 persons, out of a population of 315,000,000, who are annually arraigned for trial before criminal tribunals (W. S. Lilly, *India and its Problems*, p. 180, 1902).

In India, as in other countries, there is a variety of crimes and criminals. H. L. Adam (*Oriental Crime*) gives curious descriptions and stories of prisoners, forgers, confidence tricksters, robbers (dacoits), instigators of riots, keepers and habitués of opium dens, fomenters of sedition, persons guilty of infanticide. It is a general belief of the European officers that the prisoners do not differ in type from the ordinary natives of their class and status. Possibly this may be because a minute anthropological investigation has not yet been made. Of the insane prisoners separate mention will be made.

One interesting generalization of the prison superintendents, several times repeated, may be set down here: that convicts do not suffer shame or loss of social respect by the fact of having been in jail. When they return to their villages they retain the respect formerly shown them. Here also there is room for further investigation and, in case the generalization is correct, for a study of the causes. Why is it that an ex-convict will even recommend himself to an employer by saying that he had learned his trade in prison? Is it because there is a general feeling that it is no shame to violate laws made by foreigners and enforced by alien authority? Or is there something in the Indian modes of

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thought and speculation which blurs the ethical vision of right and wrong? Is crime thought of as a fatal and unavoidable result of sins committed in a previous state of existence? These problems of interpretation might well be studied in the field of direct observation.

"Dacoity" is a term which comes down from times when organized robbery was a part of the ordinary social system. Dacoity is gang robbery, in which at least five persons conspire. Each member of the gang is a "dacoit." The word has changed its meaning with the more effective administration of justice, but is retained to describe a common form of crime.

*Criminal tribes.*¹

There are several tribes whose real calling is robbery, "cattle-lifting," burglary with violence, dacoity, and other serious offenses. When these practices are connected with the sacred rules of a caste, they are not regarded as criminal and do not injure the reputation of the offender. The extension of the railways has facilitated the operation of these tribes and spread it over a wider territory. In some districts the younger members of such tribes have been induced to take interest in agriculture and industry and have been turned away from living by depredation. On the principle of setting a thief to catch a thief, some of these men have been made useful as night watchmen and they are said to be faithful to their salt and become skilful detectives. The Salvation Army, aided by subsidies from the government, has undertaken work for these undesirable citizens, and has received grants of land in the United Provinces and in the Punjab.

II. POLICE.

Numbers.—In 1901 there were about 145,000 regular policemen, usually armed only with a truncheon; and local village watchmen numbered about 700,000.

Character.—The higher officials, both English and Indian, are men of integrity. Subordinate officials are often corrupt. (W. S. Lilly, o. c., p. 181.) The village headmen are not generally very reliable aids to the police; but some witnesses declare that often they are very useful in detecting offenders and in bringing them to justice.

Origin.—In the ancient village community, which was industrially complete in itself, with all the primitive trades represented, the legislative and judicial functions met in the headmen and councils of elders, while a watchman served for surveillance. The village policemen have been

¹Sir E. C. Cox: *Police and Crime in India*, p. 229, ff. "Indian Empire," Vol. IV, p. 393. Dnyanodya, Bombay, 6 June, 1912.

recognized and paid in some provinces by the British Government (H. S. Maine, *Village Communities*, p. 125). Sir E. C. Cox (o. c. p. 37) says that the police are of two kinds: the regular police, paid by the imperial government, and the village watchmen, subsidiary to the regular force and paid by the villages.

To Sir Charles Napier—who was familiar with Sir Robert Peel's "bobbies"—is due one of the most important measures for organizing the modern police force of India. In 1843 he conquered Sind, along the Indus, and formed a corps of natives to destroy bands of robbers and maintain order. The separation of the police from the army was a factor in the new plan. It was Napier who turned to account the Indian sentiment of communal responsibility in his endeavor to prevent men from murdering their wives. When he found it impossible to secure evidence, he preached the people a sermon on the wickedness of wife murder and then threatened to impose a heavy fine on the whole village when a woman was found murdered.

H. L. Adam (*Oriental Crime*, p. 56), gives the salaries of the police officials (about 1903) as follows:

Assistant Superintendent, 250 to 500 rupees per month.

District Superintendent, 600 to 1,000 rupees per month.

Deputy Inspector General, 1,200 to 1,400 rupees per month.

Commissioner, 1,500 rupees per month.

Inspector General, 2,500 rupees per month.

He declares that the superior officers (Europeans) are well paid and fine men; that the lower police are natives, illiterate, poorly paid, do dangerous work, have no hope of promotion and are constantly under pressure to accept or extort bribes (p. 126, Adam describes a detective or "tracker").

Identification.—There is a strong belief in India that a "man who is once a thief is always a thief," and recidivism is expected. It is necessary to have a system of distinguishing the members of a class whom the police are set to watch and control. The finger-print system is not entirely modern in India, but an elaborate method was first suggested by an Indian magistrate, Sir W. Herschell, and worked out by Sir Edward R. Henry, K.C.V.O., when he was Inspector-General of Police in Bengal. Each province has a central identification bureau.

Preventive action.—A register of known habitual offenders is kept at each police station, as well as of suspected characters and released convicts, and their movements are watched by the village guardians of the peace. Prisoners who are out on "good time" are closely watched.

The parole system is not developed, and this espionage is no part of an organized system of reformation. An important and experienced prison official of Ceylon said that the ticket-of-leave men there were hounded by the police and reform was made extremely difficult. Only by providing an alert but friendly control by parole officers can society be protected and the offender have a chance to reform. So long as a man is aware that he is hounded by detectives he will lose hope and courage.

The Central Criminal Intelligence office, under the Home Department, collects and communicates information regarding organized crime planned by criminal tribes, wandering gangs, forgers, coiners and others who pass from province to province. This central office cooperates with the police authorities of various districts and of the native states.

Eliciting testimony by torture or threats.—The “third degree” is said to be familiar in India. “Wherever I went in India I heard the same complaint of the unscrupulousness and corruption of the police” (Nevinson, p. 120). The wages of the native policemen are very low, only 8 to 10 shillings a month, and the temptation to extortion and bribery is very great.

It is difficult to secure the aid of the people of a village in arresting a person charged with an offense, and to elicit evidence for conviction. Confessions may be made before a magistrate, but the law requires them to be voluntary. Sir E. C. Cox says: “In my opinion, it would be advisable to make all confessions made previous to trial once for all irrelevant. One effect of this would be to put the police upon their mettle to obtain extraneous evidence, and not rest satisfied with this miserable confession which is more likely than not to be withdrawn, and leave them stranded, at the last moment” (o. c., p. 113).

III. LAW.

The study of law is popular with the educated Indians. “The Judge reads English law-books; the young native lawyers read them, for the law is a study into which the educated youth of the country are throwing themselves, and for which they may even be said to display something very like genius” (Sir H. S. Maine, *Village Communities in the East and West*, p. 75, 1890). Of the Penal Code itself, Sir H. S. Maine says (o. c., p. 115): “which was not the least achievement of Lord Macauley’s genius, and which is undoubtedly destined to serve some day as a model for the criminal law of England.”

In 1834 Lord Macauley became law member of the Supreme Council of India at a salary of £10,000 a year. “The aims of Macauley were

thus stated by himself: "This code should not be a mere digest of existing usages and regulations, but should comprise all the reforms which the Commission should think desirable. It should be framed on two great principles—the principle of suppressing crime with the smallest possible amount of suffering, and the principle of ascertaining truth at the smallest possible cost of time and money." When this great man wrote the principle of reformation was dimly seen in the background.

The Penal Code was left in draft by Macauley in 1838; after discussion it was enacted in 1860 and went into operation in 1862. Macauley speaks with satisfaction of having got rid of capital punishment except for treason and wilful murder, and, indirectly of slavery.

Mr. Fitz James Stephen, Macauley's successor, said of this code: "The result of the draft and revision has been to reproduce in a concise, and even beautiful form, the spirit of the law of England—the most technical, the most clumsy, and the most bewildering of all systems of criminal law; though, I think if its principles are fully understood, it is the most rational."

The various chapters of the Penal Code cover: general explanations, punishments, abatement, offenses against the State, offenses relating to the Army and Navy, offenses against public tranquillity, public servants, contempt of lawful authority, false evidence, offenses relating to coins, weights and measures, public health, safety, convenience, decency, morals, religion, the human body, property, trade marks, contracts, marriage, defamation, intimidation.

It is said that after a half century of practical application, not a section has been erased, hardly any has been even verbally altered, and perhaps a dozen at most have been added.

The penalties authorized are death, transportation, penal servitude, imprisonment (rigorous and simple), forfeiture of property, and fine; in certain cases whipping is legal.

Capital punishment is retained in legislation and practice. The method is hanging. In capital cases there is a right of appeal to the Governor-General in Council, or to His Majesty the King-Emperor. Execution is in the presence of about thirty invited persons, who represent the public. Executioners are long-term prisoners who have been trained for the task. In Ceylon some renegade Buddhists, whose religion is merciful, have been found willing to surrender social respect for the enticing wages of the executioner. They are apparently detested more than those they put to death by order of court.

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IV. PROCEDURE AND COURTS:

Testimony.—Many observers agree that it is difficult to secure reliable testimony in criminal trials. Oral testimony has little value. Rudyard Kipling, as quoted by Lilly, said: "You can buy a murder charge, including the corpse, all complete, for 50 rupees. * * * When a native begins perjury, he perjures himself thoroughly; he does not boggle over details."

The Code of Criminal Procedure determines with regard to each offense, whether the police may arrest without warrant or not, whether a warrant or a summons shall ordinarily issue in the first instance, whether the offense is bailable or not, whether it is compoundable or not, and by what court it is triable.

Justice is administered under a well organized system. All India is divided into districts which resemble the English counties, and in each district the chief executive officer is the Collector or Magistrate, sometimes Deputy Commissioner. The Collector is responsible for the revenue, education, public works and police. The executive head of the police is the District Superintendent of Police. The Sessions Judge in each district is not subordinate to the Collector-Magistrate, but is an independent authority in important judicial matters. Each district has subdivisions over which is a native civil officer ("mamlatdar" in Bombay Presidency, elsewhere "tahsildar").

The courts are High Courts (one in each presidency or province), Courts of Session, Presidency Magistrates, and Magistrates of three classes; with a hierarchy of pay and of powers.

The natives regard the jury as the bulwark of their liberty; but Indian gentlemen dislike to serve on it as ours do; and they are quite ingenious in the discovery or invention of excuses.

The law and the penalties are alike for all, and every person accused has a right to be defended by a lawyer. But the position of Europeans in India has led the British rulers to afford them the special protection of a particular form of trial. Only a magistrate of the first class and himself a European British subject may try a charge against a European British subject. In trials of European British subjects before a High Court or Court of Sessions, the trial is by a jury of which not less than one-half must be Europeans or Americans. While the British regard this special protection to be necessary, and while criticism of injustice is rare, the distinction is naturally galling and offensive to Indians.

The union of judicial and executive functions in the "Collector-

Magistrate" is frequently cited as an instance of British oppression and arbitrariness. As a matter of fact, India has long been accustomed to this ancient union of judicial and administrative authority in the same person, and the Collector is a representative of an indigenous institution. At the same time the present tendency is gradually to specialize functions in government, and the cause of complaint will probably disappear.

Favoritism for Englishmen.—"Killing is no murder, outrage no crime, when Indians are concerned and Englishmen the culprits," is declared to be the maxim of many Englishmen. (H. W. Nevins, *The New Spirit in India*, p. 118, 1908). "A magistrate with power to inflict a two years' sentence on an Indian, may inflict only six months on a European. No Indian may try a criminal case against a European, and in criminal cases a European may claim a jury, with a majority of Europeans on it" (Nevins, *o. c.*, 1. 119). In spite of this severe indictment, made by an Englishman, the reputable Indians rarely accuse the British judges of want of fairness and impartiality in ordinary cases. It is even said by some independent observers that British judges are too meticulously scrupulous about requiring legal evidence for conviction, and that fewer rascals would escape punishment if the foreign judges were content to convict on the weight of evidence something short of European standards.²

V. PRISONS.

All the prisons of India are there called "jails." There are hundreds of them; district, subsidiary and central jails. The local lock-up is often a mere double iron cage. The large central jails are for convicts sentenced to more than one year's imprisonment; there is a jail at the headquarters of each district; and there are subsidiary jails in the interior of districts for prisoners awaiting trial and convicts under short sentences. In 1903 British India had 40 central jails, 192 district jails and 498 smaller local jails and lock-ups.

The following observations are set down from notes:

Bogumbra Jail, Ceylon, at Kandy. The residence of the capable Superintendent, Mr. Walker, is a cozy English home and Mrs. Walker is a gracious hostess. The home life of the official is an essential ele-

²It is not necessary here to reproduce the admirable and intelligent description of procedure in Indian courts made by the competent French student, Joseph Chailley, in his *L'Inde Britannique*, p. 371 ff. He appreciates the difficulties of the situation and the fine qualities of those who preside in the courts. One telling phrase must be quoted: "It (the trial before an English judge) is a conscientious and patient search for the truth, conducted not with majesty but with good humor."



Prisoners and Guard, Nya Jail, Calcutta.

ment in his efficiency. The prison is surrounded by the usual high wall. The cells are large and lofty. The bars, roofs and windows would not be secure in America, but the outside wall watched by guardians is sufficient when there are no professional criminals. There are many murderers, men who kill from spite or jealousy, often incited by the woman in the case. The hospital is a large, well ventilated ward protected from sun and rain by projecting eaves. Stone-breaking for road material is the principal industry, and a quarry is part of the equipment. All new buildings are erected by prisoners. Some were pounding cocoanut fibre and others were weaving coarse mats. Flogging is rarely used. Some of the more dangerous convicts are sent to the Andaman islands.

Major A. W. de Wilton, Inspector General of Ceylon prisons, guided my observations of the Welikadi Jail at Colombo. This institution covers many acres, all surrounded by the high wall. One large cell house has three tiers of individual cells, English style. Some of the one-story cell sheds have individual cells, all large, high, well-ventilated and adapted to the hot climate. The food is rice with curry; bread, soup and fish, all cooked in a boiler with double jacket. The men seem to be well fed and the industries are varied. Several trades are taught but little machinery is used, as is fitting with people whose industries are primitive. Looms of the Salvation Army pattern have been introduced; simple and strong, but with an improvement in the auto-



Bangalore Prisoners (November).

matic shuttle for weavers of drilling. The weavers of cocoanut fibre mats use a stronger and ruder loom, with a shuttle thrown by hand, as in the villages. A printing shop of the Government employs about 200 men.

Washing for the prisons, hospitals and offices is done by machinery. Sewing machines, driven by foot power, are used for making clothing. Only a few prisoners can read and write, and there is no prison school. Discipline is easy, and only 23 convicts were flogged in the year of last report in the whole island, out of 3,000 prisoners. The semi-dark discipline cell is rarely used with those who do not respond to low diet penalties. Major de Wilton is confident that the ticket-of-leave system with police supervision is vicious. A prisoner goes out from the jail to find work; the detectives shadow and discourage him; he cannot keep employment, and in desperation he commits crime and returns to punishment. It is a costly and hopeless method. The authorities are talking of introducing the Borstal system, which is essentially our reformatory system with parole officers.

The latrines, by order of the physician, are covered with fine wire netting, to prevent carrying disease by insects. There is not much venereal disease among these men, as there is little prostitution, although both polygamy and polyandry are common and marital unions are often transient.

The Rev. J. S. Chandler, American missionary at Madura, in Southern India, was my guide to the jail of that city. He is a non-

official, local visitor, appointed by the authorities, according to English custom, to assure the public of open dealing. Here the weavers sit with their legs in a pit before the rude loom; the shuttle is driven by hand, usually rather slowly. The food is vegetables and grains. The cell houses are on the association principle with a few solitary cells for murderers awaiting execution or transportation. The dark room is used for discipline. Venereal diseases are rife in this jail, because, it is asserted, there are over 20,000 prostitutes in Madura and, it is claimed, the temple is no aid to purity of morals.

Mr. Phillips, District Superintendent of Police in the Madura District, tells of a tribe of thieves in his jurisdiction. These people are cattle-lifters, and there are about 94,000 males of this one tribe in Southern India. They are trained to theft as children, and the older men seldom reform; it is their trade. Many of the young people have turned into honest industries. When the price of food rises crimes increase. The headmen in the villages are generally useless to the police, with some exceptions of fine men.

The prison at Poona had 1,700 prisoners, of whom 100 were women. There also the outside wall is double. "Separate" cells are made "solitary" by the simple device of closing the solid front gate, inside of which is a small court about the size of the cell. The cells are high, open at the top for circulation of air under the roof. The industries are varied. Men were weaving a fine rug, the director chanting the indications of the pattern from a manuscript, while the weavers responded antiphonally and placed the threads, and so the figures grew to the rhythm of music. Many prisoners here, to the regret of the superintendent, were idle. The superintendent, Major Lowson, I.M.S., pointed out his colony of isolated lepers, about 20 in number. All the officials are inoculated to make them immune to the bubonic plague which will always be a menace while the popular superstitions protect rats as more precious than human lives, and ignorance permits small-pox patients to roam about in crowded streets, and prejudice will not permit vaccination and isolation.

At Madras the jail is a busy factory, with a fine Government printing establishment. The drains are open and the Superintendent affirms, as a physician, that in their situation this is best, since the heavy rains carry away all waste and the tropical sun destroys all germs.

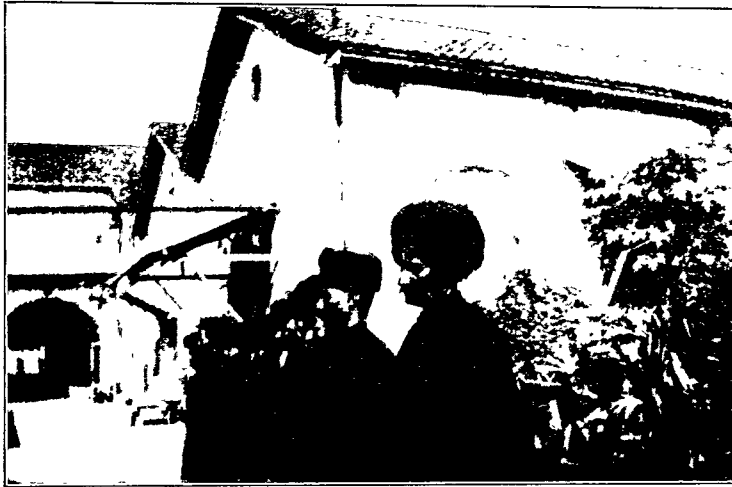
At Bangalore the Superintendent, Dr. T. Chokama, gave me attention. Inside the high outside wall is another enclosure of pickets, with



Sikh Police, Hongkong.

cell houses inside. The shop sheds are arranged in a great circle between the stockade and the outside wall. Boys were imprisoned here, some as young as eight years, separated from others at night. A reform school was in prospect. The department for women, under the same administration, was outside, with its own inclosing wall. There were 26 women under a European matron. A "holy man" was preaching, seated on a lofty chair, and telling stories with a moral from the popular legends of the country. The prisoners are encouraged by good marks to attend.

The district and subsidiary jails are large enclosures, with square walls, and within have long sheds, tile-roofed, in which the prisoners work, and wards for sleeping accommodations. There are special apartments for the guards and rooms for the discipline of refractory prisoners. The rooms are kept clean; sanitary regulations are carefully enforced under medical control; and nowhere do these open buildings, carefully protected from the fierce tropical sun, appear to be gloomy.



Bombay Factory Police.

The central jail is surrounded by a high wall, sometimes of sun-dried brick. The buildings are of burnt brick.

The plan of the Alipore Jail, at Calcutta, fairly and typically represents the prison systems of India, although there is a great variety of designs, and the small local prisons are sometimes quite simple and primitive.

The visitor observes the usual high inclosing wall; passes through the guarded entrance and moves directly down the wide street to the center of the grounds, where at one side of an ellipse is the watch tower and chapel. From this tower the watchman can survey the wards which cover a wide space, because the structures must be low and roomy, and provide for various groups and classes. The Hindus and Mohammedans have a cook room separate from that for Europeans. Solitary cells are built in a court. The bathing platforms conform to the national custom, being in the open air. The latrines are outside the wards. The B. Class prisoners are separated from those of Class A. The printing rooms are located in the corner at the right of the entrance. Prisoners under trial have separate wards. A large hospital building is inside the great wall. The quarters for officers are in another "compound."

The dormitories of the large jails are rectangular halls with oblong couches of earth built up to some height above the ground. Blankets and mattresses of rice straw are provided as needed, especially

in the cold season. There are no separate cells except a few for solitary confinement for discipline.

Prisoners are associated during the day at work and in sleeping wards at night. While the English method would naturally suggest a rapid extension of cellular treatment this method has not made much progress in India. The chief difficulty of building cellular prisons lies in the great cost of such structures; and the climate of India, especially in the plains, requires lofty ceilings and rapid ventilation; the architects and engineers have been compelled to give attention to these conditions. It is this situation which has produced a type of building which has much interest for the Southern States of the American Union, when they come to build, and their administrators would do well to study Indian prison architecture for this very reason. To pile cells upon cells, as is done in the North, would be cruel in a hot climate when for months together the interior of a building is like an oven. The British officers have found a way of securing shade and ventilation at moderate cost. Comparatively small sums are spent on steel work; vigilance in guards takes the place of expensive iron substitutes for integrity and alertness.

Personnel.—The chief officer is called a superintendent, not "governor," as in England. He is usually a medical man, of the I. M. S. ("Indian Medical Service"). His staff includes a jailer, deputy jailers, clerks, hospital assistants, compounder (chemist or drug clerk), head warden, assistant wardens, and female warden; and there are "convict wardens." In the small jails the superintendent is subject to the supervision of the district magistrate, collector, or deputy-commissioner. Above these is the Inspector-General of all jails in each province who inspects and decides on cases of corporal punishment. He is generally an officer of the Indian Medical Service with jail experience. The superintendent may remove a subordinate officer, after a hearing. A dismissed officer has the right of appeal to the Inspector-General.

*Convict officers.*³

It is part of the policy of the Indian system to save expense by employing selected convicts in the administration of the prison, and it is generally agreed that this policy works well in practice under the conditions. The marking system is the basis for the selection and promotion of convict wardens. Prisoners who have not been convicted of specially heinous crimes, who have good health, and who behave well, are eligible for this distinction during the later period

³H. L. Adam, *Oriental Crime*, Ch. xxii.

of their sentence. It is the duty of the convict watchmen to take turns in watching over the sleeping wards. They move about and count their charges occasionally to prevent escapes. They have a badge of blue cloth on the right sleeve, are exempted from having the head shaved or the beard clipped, and from wearing neck rings and tickets. During the day these watchmen do the work of ordinary prisoners.

From the most reliable "watchmen" are selected "convict overseers." These overseers help to maintain discipline, to keep out contraband articles, to report violation of rules, conspiracies, sickness, to care for the bedding, to see that prisoners bathe, and quell riots. Their dress and belt indicate their rank. They carry no weapon, not even a cane. They have special privileges. Non-official prison visitors are appointed to make periodical inspections and they are admitted at any time. European or American missionaries are sometimes selected for this service. They record their observations in a book and may report to the central administration and make suggestion for improvements.

Reception of the prisoner and grades of penalty.—Immediately upon conviction the criminal goes to jail. Distinctions are made in the law between "simple punishment," "hard labor," and "rigorous imprisonment." In practice these distinctions lose much of their value. All convicts go to the same jail, eat the same food, do the same work, and the sacred letter of the law is kept by slight devices which to the outsider seem almost trivial, but which may have some use. As the system of transportation is authorized the prisoners condemned to that penalty are held in rigorous punishment until a group is collected to be sent from the mainland. When admitted the day of release is fixed and recorded in a diary. Each prisoner is given a number; he is searched, and his clothing, money, jewelry, documents are taken and preserved in a special place. Women are searched by female officers. There is a jail uniform. The medical examination occurs at entrance. The caste of the prisoner is made the basis of classification. When the shaving of the head or clipping of the beard is felt to be degrading it is omitted.

Classification.—Separate divisions of a large jail are provided for the various categories of prisoners: persons awaiting trial, females, juveniles, civil prisoners, ordinary convicts, habitual offenders, and sick prisoners.

Health.—The health of the prisoners is carefully watched over, and the medical control is assurance of intelligent management of diet,



Bangalore. Prisoners and Guard.

light, ventilation, exercise, treatment and all matters of personal and house hygiene. The chances of life outside the institution are inferior to those within. The prisoners are weighed periodically and records kept. In some of the prisons visited the superintendent had trained assistants, even convicts, to take blood counts, to make microscopic examinations of blood and secretions and to paint the results of these observations in permanent records. In a country where intestinal parasites give so much trouble, these studies and records not only guide treatment but have a scientific value for the general population. Diseases can be traced to their origin, symptoms can be recorded, and the effects of remedies studied. Prisoners are as well fed as laborers outside. They have two meals a day, at 7:30 a. m. and 5 p. m., with rest and refreshment in the middle of the day. The hospital diet is better. Although prisoners are probably below the average in vitality, their health during incarceration compares favorably with that of the general population.

Reform schools.—The law permits magistrates, at their discretion, to send young offenders to reformatory schools instead of to the common jails. Only juvenile convicts are taught in classes. The experiments with literary instruction of adults have not been satisfactory.

Boy convicts have their own wards, and they are divided into children and adolescents. The latter sleep in cubicles, go to school and are trained in trades. The courts are urged not to send boys to jail when other means can be used; but the machinery for dealing judicially

with young offenders is yet imperfectly developed. The courts may send to a reformatory school for a period of three to seven years, but not beyond the age of eighteen years. A young person may be sent with an admonition to the care of his parents who must give bond and be responsible for the youth. Whipping, by way of school discipline, is permitted. In 1903 there were 1,168 boys in the eight schools of India.

The year 1899 was signalized by the removal of these reformatory establishments from the control of the department of jails to that of education. So long as they were under the prison officials, they were almost inevitably conducted on the principles of the criminal law and the educational aim was obscured. The schools are improving their industrial training and their directors are expected to help the boys upon discharge to secure employment and watch over their conduct. Up to 1903 girl offenders were kept in jails in cases where they could not be remanded to guardians. There were then 290 girls in jails. Special divisions of the prisons are assigned them; but this is regarded as a temporary and unsatisfactory makeshift.

Conduct and occupations of prisoners.—Generally the prisoners are said to be tractable, obedient, contented. They take an interest in their occupations and in some of the more artistic trades, as rug weaving, they acquire a high degree of skill and work with genuine zeal. It is one of the most touching spectacles of India to see the long rows of weavers, chanting antiphonally the instructions of the pattern and weaving to music the fabrics which are to grace the palaces of royal personages in Europe. These goods cannot be imported into the United States, because the federal law excludes prison made goods.

The men do not seem to be cowed nor do they shrink in terror from their officers, nor are they morose and sullen. They share with Indians generally the serious look of earnestness and calm, even dignity. In one great prison visited there was angry discontent with a change of diet ordered by the administration, and one of the convicts made a scene, shrieking and gesticulating his protest when the warden and his guest came near. A few days later this discontent took the form of riot and strong measures were necessary to restore quiet. With the great variety of conventional prejudices of the people, rules of caste, fear of ceremonial uncleanness, and variety of religious beliefs, it is a wonder there is not more trouble. It is the British policy in all things to remain neutral and to respect the superstitious beliefs of the Indians, even in prison. Caste prejudices are respected; menial work is given to the lowest castes. As far as possible men are assigned

work at their ordinary trades. If a man has no trade he is taught one. Agriculture, gardening, weaving are common. The looms are primitive, such as are used in the native villages, for convicts could not use nor repair a modern machine run by steam power. Each man has his task and receives extra marks for overwork. Vegetables for the food are grown in extensive gardens on the premises. Fish are bred in tanks (ponds). Lime fruit is grown.

Escapes.—The Indian convict resembles his brothers in all lands in his love of freedom, and he will escape if he can without too much risk. The officials follow the runaway and arrest him if possible; and they are aided by the fact that a convict will usually return to his own village and family; away from his community he is in straits. Prisoners who have escaped or attempted to escape are placed in fetters, are degraded in class, wear a red cap, lose their good marks. Escape is prosecuted judicially as an ordinary crime. Fellow prisoners who aid runaways are punished; those who help to prevent escapes are rewarded. Keys, locks and fetters are examined every day. Armed guards may use buckshot to prevent outbreaks. (H. L. Adams, o. c.) "Arrangements for guarding convicts follow the principle that the prisoner, in his workshop, or sleeping ward, should be watched rather than the walls of the jail." Fetters are used only as punishment or to restrain violence.

Disciplinary measures.—In addition to denial of privileges the superintendent may employ fetters and flogging to secure obedience. The dress may be changed to coarse cloth. During the year 1903 there was an average of two disciplinary punishments to each prisoner. The parade system is a valuable means of control and order, taken in connection with a system of rules for the regulation of daily life down to minute details. Men of lawless habits need the drill and pressure of an ordered community life.

The rules and prohibitions relate chiefly to the order of the house, the possession of forbidden articles, care of property, assault, mutiny, and escapes. There are not many desperate characters and conduct is usually good. Failure to complete the task is the most frequent offense.

Rewards are given to encourage good conduct and promotion to a post as petty official and "good time" under the mark system of records. A certain number of marks earns a day's remission of sentence; a benefit which convicts appreciate.

Women prisoners.—Female prisoners are kept in a wing or sepa-

rate department of the jail, under the care of a matron. The matrons whom I saw impressed me as being earnest and competent persons and were praised by the superintendents. Lahore has a special jail for female convicts. Women prisoners are exempt by law from whipping. They are employed in spinning, making and repairing clothing and various other light industries, in addition to care of their quarters.

Labor.—Lord Macauley gave attention to the improvement of conditions in prisons. Road gangs were abolished, and with it disgraceful publicity of punishment. About 1834 a commission, in accordance with the prevailing notions of those days, thought it was wise to enforce labor in prisons with machines which produced nothing; the exertion was “dull, wearisome and disgustful.”

There are three classes of labor—hard, medium, and light; and the work of each prisoner is assigned after careful consideration of his physical ability. Most of the convicts are occupied inside, although some are engaged on public works.

The Indian officials struggle with the knotty problem which vexes their colleagues in Europe and America; they must give useful and productive work without competition with free labor outside. So far as possible the “state use” system is followed and the government demands for printing, tent-making and manufacture of clothing and uniforms are met. There are large and successful manufactories of carpets in the central jails in several provinces.

Insane.—Convicts suspected of insanity are conveyed to an asylum and there placed under observation. If, after a period of treatment, they seem to be fitted for life in an ordinary jail, they are sent to one.⁴

Prisoners for debt, if proved to be honest, are released; if they are swindlers, punishment is meted out.

Transportation. The Adaman Islands.

Transportation, while long since abandoned by the British people at home, is retained in India. A penal colony is established at and near Port Blair, in the Adaman Islands. It was begun in 1858. All life and long-sentence prisoners of India are transported to this settlement. Banishment is dreaded by the home-loving Indians; and yet many of the officials testified that the prisoners sent there did not regard it as a hardship. Probably generalizations are hazardous and unreliable.

The climate is hot, the scenery beautiful, the region not unhealthy. The islands are 300 miles from Burme, 400 miles from the Malay

⁴F. W. Ewens, I. M. S., *Insanity in India*, Calcutta, 1908.

Archipelago, 700 miles from India. The population of Port Blair colony consists of convicts, guards, descendants of officials, a small trading community, and the naked, homeless Negritos.

For the first six months the transported convicts are kept in a cellular prison, day and night, with brief exercise in open air and light work in the cell. After six months of cellular life, the prisoner is taken to the association jail where he does hard labor in a gang, sleeps in a cubicle, for one and one-half years. Then for three years he is a slave, sleeps in barracks and works hard all day, unpaid, under a taskmaster. After five years the life is less intense, employment is more varied, and a small allowance is paid. After ten years the convict may become self-supporting, with local ticket-of-leave. He may send for his wife and children, or marry a convict woman.

Women work inside under strict discipline for three years, then two years under lighter discipline, and later may support themselves or marry a convict.

In 1902-3 the daily average population was 12,182 men and 740 women.

Aside from house service, the convicts are put to work in tea plantations and in manufactures. Life prisoners may be released after 20 or 25 years; though thugs and professional prisoners are never released. Well behaved women may be released after fifteen years.

The settlement is administered by a superintendent, aided by a staff of European assistants and native subordinates.

VI. DISCHARGED PRISONERS.

After release the convict is given a subsistence allowance for his journey to his home.

Some beginnings have been made with the "Borstal" system, whose principles are akin to those of our American reformatories. Serious difficulties have thus far prevented the development of reformatory processes, as we know them. India is far from the current of European practices; the people are very different from those of the west and they are impenetrable to the European understanding: their beliefs, ethical standards and motives are their own; the British must remain neutral and external to the religious convictions of prisoners; there are no indigenous associations of reform; caste feelings frequently keep persons of the higher classes distant from the low caste or outcaste convicts; it is almost impossible, thus far, to induce Indians to befriend ex-convicts after discharge; the customs of the country do not encourage such altruistic activities.

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Under all circumstances a few superintendents have accepted the cooperation of the Salvation Army, which has developed its "prison gate" service under these chilling conditions. The members of this body accept responsibility to watch over the conduct of released men committed to their care. Already there are evidences that their work will bear fruit.

Stimulated by European and Christian examples there is now a serious movement of Hindus and Mohammedans to accept responsibility for social service in this field; and they are bringing out forgotten texts of their sacred writings to give ecclesiastical sanction to this enterprise. This movement is only at the beginning, but it is not without promise.



Dhoby. Washerman. Nya Jail, Calcutta.

VII. RESULTS.

The British administration may well claim the credit of several important achievements. It suppressed suttee ("sati"), the immolation of widows on the funeral pyres of their deceased husbands. It abolished Thuggee, a terrible form of assassination, consecrated and protected by religious beliefs. It has done much to diminish infanticide, especially of female infants.⁵

The Pax Britannica has not only protected defenseless and dis-

⁵For Lord Bentinck's reasons for abolishing suttee see E. C. Cox, *Police and Crime in India*, p. 25-27.

organized India from external invasion, it has also made life, property and travel safe in the entire extent of the continent.

The British found the most revolting and cruel punishments, the death penalty being frequently and arbitrarily employed; they have reduced capital punishment to a minimum necessary for social defense and done away with cruel and barbarous tortures.

The Mohammedan law, which prevailed in a large part of India before the British rule, punished adultery (of the woman) with death by stoning, highway robbery and murder with death by sword or crucifixion, simple highway robbery with loss of hands and feet, theft with amputation of the right hand, wine-drinking with flogging up to 80 stripes. It must be remembered that in the XVIII century English punishments also were still severe.

Security of life and property.—In spite of the fact that India has produced some of the most depraved and inhuman of all criminals, and that delinquents of this type are only too numerous, life and property are remarkably secure in India in ordinary times. When fanaticism and sedition are in ferment, the situation may be tense and dangerous; but this is exceptional. The vast majority of the people are industrious tillers of the soil, gentle in spirit, affectionate in their families and held firmly by the bonds of traditional sanctions of morality.

The general security of life and property, therefore, is due rather to custom, belief and sentiment than to law and prisons; but this is true in all other civilized lands.

And yet good government and its correctional institutions have their value and importance, and to the administration of justice in India large credit is due for its share in the protection of the community. That a very firm, alert and vigorous administration is necessary may be inferred from the statistics of the police, the courts, and the prisons.

Even the casual traveller can see the evidence for the truth of the statement of an experienced and able official: "Considering the density of the population, its poverty and its diversity, crime is under very close control. One is struck with the number of little children wearing silver necklaces or waistbands (and little else besides) that play about the road in towns and villages, with no one in charge, but in absolute confidence. Coolie women go from village to village with no fear for their silver bangles and necklaces. Houses are not closely shut up at night; their doors not infrequently stand wide open. A man can safely travel with a bag of rupees wherever his business takes him." (Fuller, *Studies*, o. c., p. 279-280.)

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The same publication (Band 19, Heft 1, 1912) gives many oriental laws, with convenient summaries and translations.
Joseph Chailley, *L'Inde Britannique*, p. 371 ff.
Codes: Penal Code and Code of Criminal Procedure.

