There are certain rules and regulations for the admission, removal and discharge of prisoners. The rules must be followed for the maintenance of strict discipline in jails and safe custody of prisoners. The prisoners must be released at the correct time.

To regulate these matters, the Prisons Act of 1870 provides that prisoners must be searched before admission. The criminal prisoners are examined by the Medical Officer. All belongings of the prisoners are placed in the custody of the Jailer. These rules had been in operation during the period 1870 to 1894.

The Prisons Act, 1894, laid down certain rules for the admission, removal and release of prisoners. This Act repealed the Act of 1870. It is stated in the Prisons Act, 1894, that a prisoner, at the time of his admission, must be searched properly. All weapons and prohibited articles must also be taken away from him. The Act of 1894 also lays down that every criminal prisoner must be examined by the Medical Officer on admission. The Medical Officer should record the state of health of the prisoner. He may also make any other remark regarding the prisoner. In the case of a female prisoner, the search and medical examination must be carried on by a matron under the order of the Medical Officer.

1. Prisons Act, 1870, Sections 27.
3. Ibid, Section 24(3).
Rules regarding the admission of prisoners are laid down in the Assam Jail Manuals of 1899 and 1934. The Superintendent or Jailer keeps a prisoner in his custody when he is duly committed by a competent court. In case of an irregular warrant, it is sent back to the court for correction.

At the time of admission of a prisoner, the Jailer ascertains his name and other particulars as entered in the warrant. Convicted prisoners are admitted at any moment. But under-trial prisoners are not admitted after the jail has been locked up without the written order of a Magistrate. When prisoners are received in a jail after it has been locked up, they are kept in separate cells or under-trial ward or kept in separate cells or under-trial ward or at the main gate for the night. Barracks are not opened at night to keep these prisoners.

On admission to jail, all prisoners must wash their persons and clothings thoroughly. When a prisoner hails from an epidemic area all steps must be taken to disinfect him.

When prisoners have washed themselves, they are carefully searched by a jail official. Female prisoners wash themselves in the Female Yard and the search is conducted in that yard. 'A' and 'B' division prisoners are searched in their own ward. Search should be conducted with due regard to decency and with reasonable privacy.

6. Ibid., Rule 229.
At the time of search all articles are removed from the prisoners sentenced to rigorous imprisonment. They are given necessary clothing and bedding by the jail authorities. From the prisoners under simple imprisonment, the personal clothing is not taken away. The under-trial prisoners must hand over money in their possession to the jail authorities. From the civil prisoners, only dangerous weapons, articles to facilitate escape and other prohibited articles are taken away. The caste threads of the Brahmins and others and conch-shell or iron wristlet of married women must not be removed. The articles removed from a prisoner are kept in charge of the Jailer.

All newly admitted prisoners are subjected to such periods of quarantine as determined by the Superintendent with the advice of the Medical Officer. During quarantine period, prisoners are kept separately.

A prisoner is examined by the Medical Officer in the presence of the Jailer at the main gate when there is an injury in his body and it is noted down carefully in the medical register. The clothing of the prisoners must be examined and if suspicious stains are found, the District Magistrate should be informed immediately. This report is sent to the District Magistrate to prevent police torture of prisoners. The Medical Officer also prescribes the kind of labour that may be assigned to a prisoner.

After the admission of a prisoner, he is asked whether he elects to appeal against the sentence. In case

8. Ibid, p.83.
of an appeal, he is assisted by the jail authorities in the preparation and submission of his appeal.

A convicted prisoner is provided with a history ticket on admission. Details of a prisoner's sentence, name, address, task for which he is put and his belongings are clearly noted down in the ticket. The history tickets are maintained in the jail office. The Jailor is responsible for the correctness and safe custody of the history tickets.9

The names of prisoners admitted after conviction are entered in the Convict Register serially. The names of different classes of prisoners are entered in different registers. The 'C' division prisoners must wear tickets provided they are sentenced to rigorous imprisonment and provided they are not convict officers. This ticket is a piece of zink sheet or wooden level worn by a prisoner on the left breast. The ticket contains the registered number, class, term of sentence, date of conviction and the date of release of the prisoner. Earlier, every prisoner had a wooden ticket suspended round his neck by a wire collar.10 But now-a-days, the practice of wearing wooden ticket has been done away with.

<table>
<thead>
<tr>
<th>Ticket to be worn</th>
<th>1932</th>
<th>H2</th>
</tr>
</thead>
<tbody>
<tr>
<td>by a 'C' division</td>
<td>1932</td>
<td>H2</td>
</tr>
<tr>
<td>convict sentenced</td>
<td>45F</td>
<td>6m.</td>
</tr>
<tr>
<td>to rigorous imprisonment.11</td>
<td>3y.</td>
<td>6m.</td>
</tr>
<tr>
<td></td>
<td>24-1-20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>23-7-23</td>
<td></td>
</tr>
</tbody>
</table>

In the admission register the marks, state of education, details of previous convictions and complete particulars of the term and nature of the present sentence of a prisoner are entered.

When prisoners are received in jails, the rules relating to their conduct and treatment are read over to them in their own language. A copy of these rules is hung up in each ward.  

Removal of Prisoners:—The Prisoners' Act, 1900, empowered the Local Governments and the I.G. of Prisons to transfer prisoners from one jail to another within the Province. A prisoner is transferred only after a medical examination. It must be certified by the Medical Officer that the prisoner is fit for transfer.

The Governor General-in-Council made rules to regulate the transfer for release of convicts confined in one Province and resident in another under the Prisoners' Act, 1900. The members of the criminal tribes and police-registered criminals not being natives of the Province could be removed by an order of the I.G.P. of the Province in which he was undergoing his sentence at a time not exceeding two months prior to his release either to the prison of the district to which he belongs or to the prison nearest to his native place. The I.G.P. of the Province to which a prisoner was removed had to be informed accordingly. When it was inexpedient to keep a prisoner in a particular Province,

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13A. A.J.M., 1934, Rule 565(1) - A police-registered convict is a convict with a police history-sheet for whom a P.R. slip is prepared and forwarded by the Superintendent of Police to the Superintendent of the Jail in which such convict is confined for attachment to his warrant.
he could be removed to another Province with the previous consent of the I.G. P. of the Province to which it was proposed to remove him.

The Governor General-in-Council fixed the jails at Gauhati and Sylhet as the receiving depots for the prisoners removed from other Provinces. The Gauhati Jail was meant for the prisoners belonging to the Districts of Goalpara, Kamrup, Barrang, Nowgong, Sibsagar, Lakhimpur, and Naga, Khasi and Jaintia and Garo Hills, and the Sylhet Jail for the prisoners of the Districts of Sylhet, Cachar, Lushai Hills and the Manipur State. 14

European, Ex-Military and Military convicts undergoing a sentence imposed by a Civil Court were transferred to a prison in the town from which he should embark. Such transfer should take place three months before the date of his release. 15

The Jail Superintendent has the power to transfer prisoners required to give evidence or to undergo trial for an offence in another Province with the permission of the Local Government. In the case of police-registered prisoners, the sanction of the I.G.P. is necessary.

The Jail Manual of 1934 enumerates the jails which can transfer and receive prisoners of different classes as follows: 16

Transferring and receiving jails of prisoners

Table 5

<table>
<thead>
<tr>
<th>Transferring Jails</th>
<th>Receiving Jails</th>
<th>Classes of prisoners to be selected for transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Silchar,</td>
<td>Sylhet</td>
<td>All habituals and casuals with sentences of one year and above.</td>
</tr>
<tr>
<td>2. Aijal.</td>
<td>Sylhet</td>
<td>Habituals and casuals with sentences of over three months at the discretion of the Superintendent, Lushai Hills.</td>
</tr>
<tr>
<td>3. Habiganj,</td>
<td>Sylhet</td>
<td>All habituals and casuals with sentences of over three months.</td>
</tr>
<tr>
<td>South Sylhet,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Karimganj &amp;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sunamganj.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Nowgong, Dhubri, Jorhat, Tezpur, and Dibrugarh</td>
<td>Gauhati</td>
<td>All casuals with sentences of one year and above.</td>
</tr>
<tr>
<td>5. Shillong,</td>
<td></td>
<td>Habituals and casuals with sentences of over three months at the discretion of the Deputy Commissioner.</td>
</tr>
<tr>
<td>Kohima and Tura.</td>
<td>Gauhati</td>
<td></td>
</tr>
<tr>
<td>6. Nowgong, Dhubri, Jorhat, Dibrugarh, and Gauhati</td>
<td>Tezpur</td>
<td>All habituals with sentences of one year and above.</td>
</tr>
<tr>
<td>7. Mangaldoi,</td>
<td>Tezpur</td>
<td>All habituals and casuals with sentences of over three months.</td>
</tr>
<tr>
<td>8. Sibsagar,</td>
<td>Jorhat</td>
<td>All habituals and casuals with sentences of over three months.</td>
</tr>
<tr>
<td>Golaghat and North Lakhimpur.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The sanction of the I.G.P. is not necessary to transfer prisoners to give evidence or to undergo trial on another charge or to send juvenile prisoners to a reformatory school or when a warrant for detention in a reformatory school is received or to transfer police-registered
prisoners when their districts are situated within the
Province of Assam. In all other cases the previous sanction
of the I.G.P. is necessary.  

The transfers are also made for the following
reasons with the sanction of the I.G.P. :-

a) Long term prisoners sentenced to more than
one year are generally confined in prescribed
district jails.

b) 'A' and 'B' division prisoners are transferred
to selected district jails.

c) Juvenile, female and leper prisoners are sent
to jails set apart for them.

d) To relieve overcrowding.

e) Educated prisoners to jails where their services
are required.

f) Prisoners who have influence in the district
in which they are imprisoned or who are of violent
or dangerous character.

g) Prisoners to serve as convict warders or servants
or to teach any special trade.

h) Prisoners convicted for opium smugglings to jail
of their districts.

i) For the benefit of prisoners' health.

j) Native prisoners to their native districts for
release.

k) Police-registered prisoners for their release.

l) Prisoners sentenced to death.

m) Incorrigible prisoners of the political class
other than police-registered prisoners with
sentences of not less than one month.

But transfers under clauses (b), (m), (d), (e), (i)
and (k) can be made by the Superintendent in anticipation
of the I.G.P.'s sanction.  

While transferring a prisoner the Superintendent must note that prisoners convicted in the same case are confined in different jails. The descriptive roll of a prisoner must be sent to the I.G.P. while submitting an application for transfer. Earlier, while punishment of prisoners by whipping was in force, they could not be transferred before the infliction of the punishment. Prisoners, sentenced to simple imprisonment, are not generally transferred. Casual prisoners are also not transferred before the expiry of the date of their appeal. When required, jails at district head-quarters are to supply convict overseers, skilled convicts and sweepers to other jails. Prisoners cannot be transferred during the outbreak of epidemic diseases. Prisoners of the Hill-jails are also not transferred to the Plain-jails if their sentence of imprisonment is not of more than three months.

Female prisoners, who have been imprisoned for one month or more are transferred from Nowgong and Dhubri to Gauhati Jail, those from Sibsagar, Dibrugarh and North Lakhimpur to Jorhat Jail and those from Mangaldaι to Tezpur Jail. Female prisoners of other jails in the Sylhet District were transferred to Sylhet Jail before Partition. Women prisoners of the Hill Tribes are confined in any jail of the Hill Districts.

Military Police sentenced to a term of imprisonment exceeding one month are confined in the following jails:

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Confinement of Military Police

Table 6

<table>
<thead>
<tr>
<th>Name of the Battalion</th>
<th>Name of the Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. First Battalion Assam Rifles</td>
<td>... Silchar</td>
</tr>
<tr>
<td>2. Second</td>
<td>... Dibrugarh</td>
</tr>
<tr>
<td>3. Third</td>
<td>... Jorhat</td>
</tr>
<tr>
<td>4. Fourth</td>
<td>... Jorhat</td>
</tr>
<tr>
<td>5. Fifth</td>
<td>... Tezpur</td>
</tr>
<tr>
<td>6. Tura Detachment</td>
<td>... Dhubri</td>
</tr>
<tr>
<td>7. Happy Valley Detachment</td>
<td>... Gauhati</td>
</tr>
</tbody>
</table>

'A' and 'B' division prisoners were transferred to the following jails before partition -

1. 'A' Division to Tezpur and Sylhet Jails.
2. 'B' Division to Tezpur, Sylhet, Nowgong and Silchar Jails.

At present, these prisoners are accommodated in the jails located in the district headquarters.

The duty of escorting prisoners is entrusted to the police. The Jail Superintendent concerned applies to the Superintendent of Police for escorts. Intimation of transfer is also given to the receiving jail. When a gang consisting of 30 convicts is transferred, it is accompanied by a jail official. It is the duty of the accompanying jail officer to handover the convicts to the receiving jail.

Before a prisoner is transferred, he is produced before the Jail Superintendent who verifies the
entries regarding his transfer. The property of the prisoner is also sent with him. The following documents are sent with the prisoner:

a) Descriptive roll.
b) Nominal roll.
c) Duplicate and triplicate lists of all private properties of the prisoner.
d) List of clothing, bedding and other government property sent with the prisoner.
e) A sealed packet containing the warrant, history ticket, remission card and slips of the prisoner.
f) A copy of the judgment in the case of prisoners sentenced to transportation.

A convict on transfer is searched before passing out the main gate in the presence of the officer in command of the escort. The escorting officer is responsible for the safe custody of the prisoner. The officer in charge of the escort signs receipt of the convict. During transfer female and juvenile prisoners are separated from adults. A female warder accompanies a female prisoner while on transfer to another jail. Special means of conveyance is given if recommended by the Medical officer. The receiving jail receives the prisoner and the documents connected with him and gives a receipt for the same. The receiving officer must see whether a prisoner has properly been dieted and cared after en route. When he is not satisfied, he must refer the matter to the I.C.P. or the Deputy Commissioner of the Sub-divisional Officer.

The Superintendent of Police pays the expenses of the escort. But all expenditure incurred in connection with the prisoner on transfer is borne by the Jail Department.24

**Release of Prisoners**: A prisoner cannot be released from a jail against his will, when he is suffering from any disease. But he may be released if the Medical Officer certifies that he might be discharged.25 The Superintendent and the Jailer are personally responsible for the correct release of prisoners. They must inform the Superintendent of Police about the release of police-registered prisoners and prisoners convicted for cognizable offences.26 After the release of a convict, the warrant is sent back to the convicting Court.

When the sentence of a prisoner expires after deducting the remission earned by him, the Jailer brings him to the Superintendent together with his warrant. They the prisoner is released at the main gate in the presence of the Superintendent. Before releasing a prisoner, the Jailer scrutinises the conditions of sentence given in a warrant and satisfies himself about the release. He also compares the marks of identification. The Superintendent also satisfies himself about the convict's identity.27

When the prisoner is released, his money and other property, if any, are delivered to him. The convict's thumb impression or signature is also taken in the warrant. The Jail Superintendent must see that property belonging to

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25. Prisons Act, 1894, Section 26(3).
27. Ibid.
the prisoner is delivered properly. A convict is suitably
clothed at the time of his release and the Medical officer
examines the convict and notes the condition of his health.
A released convict is given a certificate to the effect that
he has undergone his term of imprisonment. Ordinarily,
prisoners are released after the morning meal. When the
release order of a prisoner is received after sunset, he is
next released in the morning. A convict whose release falls on
Sunday must be released on Saturday. Release of a prisoner
is made on the basis of proper authority. A prisoner is released on telegraphic order only when it is sent by the
Registrar of the High Court or by a Secretary to the Govern-
ment.

Prisoners are paid gratuities under the Jail Manual of 1934. The following rules are applied in paying
gratuities to prisoners at the time of release -

1. Prisoners who come from other provinces earn gratuities from the time when they are admitted into jail in Assam.

2. Long term prisoners of 'C' division get gratuity at the rate of 2 annas per mensem for good conduct during their term of imprison-
ment.

3. Convicts of the same class who fail to get any bonus are given a bonus of Rs. 1/- per head at the time of release.

4. Sick or elderly prisoners get a bonus of Rs. 2.00 irrespective of their sentences.

Bonus is not given to prisoners falling under heads 3 and 4 mentioned above provided they already possess more than Rs. 2.00 in deposit as their personal cash.

5. 'A' and 'B' division prisoners do not get any bonus.
6. Convict night-watchmen, convict overseers and convict warders who perform their duties properly are given bonus at the rate of twelve paise, twenty five paise and fifty paise respectively, for each month of their employment.

Diet money is given to all classes of prisoners who have no money besides the gratuities or bonuses granted to them at the time of release. 30

When a prisoner has no money in his pocket at the time of release he is given necessary fare for the journey so that he may not fall in trouble in reaching home.

While releasing female and juvenile prisoners steps are taken so that they can reach home safely. If no escort comes to receive them, a female warder must accompany a female prisoner and a police man must accompany a juvenile to their respective homes.

A convict against whom an order is passed under Code of Criminal Procedure, 1898, is released on certain conditions. First, he must disclose the place of his residence. Second, he must live in that place for the stipulated period. 31

Release of sick prisoners: Prisoners, who are dangerously ill or are on points of death, may be recommended by the Superintendent for release provided that 32

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1. The disease is likely to prove fatal;
2. there is a reasonable chance of recovery when released;
3. the disease is not likely to be the result of wilful act of the prisoner;
4. the Medical Officer recommends his release;
5. there is no chance of recovery;
6. the District Magistrate has no objection for the release;
7. the convict has relations or friends to look after him.

When a prisoner becomes blind or decrepit having no capacity to commit further crimes may be released by the Local Government when recommended by the Jail Superintendent in consultation with the District Magistrate. 33

When a life-convict completes 14 years of imprisonment including remission earned, the Superintendent sends a report to the Local Government regarding his state of health and conduct in jail. The Superintendent must recommend whether the prisoner is fit for release.

A prisoner may be released conditionally. Orders for the conditional release of a prisoner are sent by the Local Government. On receipt of such orders, the Superintendent reads out the conditions of release to the prisoner concerned. If the prisoner accepts the conditions, he is released with due intimation to the Government and to the Superintendent of Police. 34

34. A.J.M.1934, Rule 571(1).
The Superintendent cannot detain a convict who is not a life-convict after he has earned such remission which entitles him for release.

**Custody of prisoner's property** :- The Prisons Act, 1894, provides that all money and other property which are taken by a prisoner to jail for which the Court has no order and which cannot be entered into prisons, must be kept under the custody of the Jailer. A list of property of the prisoner must be kept duly signed by the Jail Superintendent. A prisoner's property must be dealt with as laid down below under the custody of the Jailer.

a) Prohibited articles such as tobacco, opium, ganja, chillum, intoxicating liquor, etc., must be destroyed.

b) Perishable articles must be sold and money realised thereof to be kept.

c) Under the recommendation of the Medical Officer the clothing of a prisoner of sanitary objection should be destroyed.

d) Worthless clothing must be destroyed.

e) When a prisoner is sentenced to imprisonment for three years or more, on confirmation of his sentence, his clothing should be destroyed. Non-perishable articles must be kept properly.

f) Valuable jewellery must be kept in a separate packet.

g) Money must be kept in a separate bag.

h) Such property should be kept, which can be conveniently stored.

The sale of prisoners' property is held at the Magistrate's Court by the Nazir and not at the jail gate.

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35. A.J.M., Rule 571(3).
36. Prisons Act, 1894, Section 25.
An entry about prisoner's property is made in the convict register. In addition, an entry is also made in the register of prisoner's property. The list of property is read over to the prisoner and he is to sign over it about its correctness. On his release, he is given back his property. The property of a prisoner may be handed over to his friends or relatives as authorised by him. But no property is made over to others which the prisoner needs on release. Civil prisoners are allowed to spend money from their private cash which is in the custody of the Jailer. The property of a deceased prisoner is handed over to the District Magistrate of his district for its delivery to his relatives. When unauthorised property is found with a prisoner subsequent to his search on admission, its sale-proceeds are credited to the Government.

It may be noted that the rules regarding admission, removal and discharge of prisoners and the custody of prisoners' property have not changed much during the period under review. All precautions are taken for the correct admission, removal and discharge of prisoners. Regarding prisoners' property also precautions have been taken to prevent their misuse.

The following table will show the number of prisoners admitted and discharged in different years during the period, 1874 to 1964.

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Table of admission and discharge of Prisoners of all classes.

Table 7

<table>
<thead>
<tr>
<th>Year</th>
<th>Admission during the year</th>
<th>Prisoners in the beginning of the year</th>
<th>Discharged</th>
<th>Remained at the end of the year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1873</td>
<td>6513</td>
<td>1114</td>
<td>6440</td>
<td>1187</td>
</tr>
<tr>
<td>1874</td>
<td>6877</td>
<td>1187</td>
<td>6876</td>
<td>1188</td>
</tr>
<tr>
<td>1883</td>
<td>7603</td>
<td>1574</td>
<td>7689</td>
<td>1488</td>
</tr>
<tr>
<td>1893</td>
<td>9210</td>
<td>1283</td>
<td>9080</td>
<td>1413</td>
</tr>
<tr>
<td>1903</td>
<td>7970</td>
<td>1503</td>
<td>8004</td>
<td>1469</td>
</tr>
<tr>
<td>1923</td>
<td>9747</td>
<td>2615</td>
<td>9938</td>
<td>2424</td>
</tr>
<tr>
<td>1933</td>
<td>15639</td>
<td>3587</td>
<td>15347</td>
<td>3879</td>
</tr>
<tr>
<td>1953</td>
<td>24270</td>
<td>4123</td>
<td>24317</td>
<td>4076</td>
</tr>
<tr>
<td>1964</td>
<td>32602</td>
<td>4859</td>
<td>32319</td>
<td>5142</td>
</tr>
</tbody>
</table>

What are our conclusions? First, the number of prisoners admitted increased enormously. It was 6877 in 1874 but it was 32602 in 1964. This may be attributed to the increase of population and the increase of crime.

Secondly, the number of prisoners released was 6876 in 1874 but it was 32319 in 1964. These figures indicate that a large number of prisoners had short sentences of imprisonment.

Finally, the number of prisoners that remained in jails at the end of the year was 1118 in 1874 but it was 5142 in 1964. These figures indicate that overcrowding became a problem afterwards. As a consequence discipline might have suffered.