CHAPTER V
JAIL REFORMS
CHAPTER - XIV

REFORMATORY ACTIVITIES

In the past jail administration was punitive rather than reformatory. No attempt was made for the reformation and rehabilitation of prisoners. It was, however, realised that criminals constituted a social problem. In Western countries, attempts have been made for the prevention of crime by reforming criminals. At present, in India also, many steps are being taken for the reformation of prisoners. But prisoners cannot be reformed without a trained and qualified staff.

Though the Prison Reform Committee, 1836, considered the question of prison reform, its recommendations had no effect on the reformation of prisoners. In 1864, the Government of India appointed the Prison Enquiry Committee which came to the conclusion that prisoners were without guidance; that the condition of prisoners' life was miserable in all respects and that prison officials were corrupt and they had no sympathy for prisoners. In many jails women were separated from men merely by iron railing. The condition of jail hospital was also deplorable.

From the Reports of the Prison Committees of 1836 and 1864, we come to the conclusion that no attempt was made for the reformation and rehabilitation of prisoners. They were confined in prisons for punishment only. This state of affairs continued till the end of 1890.

It was the Indian Jails Commission, 1889, that took up the matter for the first time in the history of

1. Indian Jails Committee, 1919-20, p. 31.
The Commission made far-reaching recommendation for the reformation and rehabilitation of prisoners. Many of its recommendations were accepted by the Government of Assam and they were incorporated in the Assam Jail Manual, 1899, which brought about some changes in the treatment of prisoners.

The Indian Jails Committee Report, 1919-20, recommended that prisoners should be under the superintendence and control of persons who were well-versed in penology; that they must be taught to work hard and make out an honest living after release and that they should be taught some vocation. The Committee was against the use of fetters while prisoners were engaged in public works. It also recommended that moral and religious lessons should be imparted to prisoners. Some of the recommendations were implemented by the Government of Assam.

**Moral and religious instructions:** Provision was made for imparting moral and religious lessons to prisoners. Religious teachers belonging to different religious sects were appointed. In the beginning, the experiment was successful and a large number of prisoners attended the religious lectures and were benefitted by them.

Religious teachers were directed not to discuss anything with the prisoners excepting religious matters. They were also asked not to disturb the religious faiths of others. It was their principal duty to impart moral education to prisoners and reform their character. It is interesting to note that of all religious teachers who came voluntarily to the jails for delivering lectures on religious matters, the Christian teachers

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were very much efficient. They visited prisons where Christian prisoners were confined and gave moral lessons. Perhaps missions must have sent efficient teachers well-versed in ethics. This is not the case with regard to other religions. They were irregular and inefficient, because, payment made for delivering the lectures was not attractive. Apart from this fact, the persons appointed as religious teachers discussed not only religious matters but also others. For all these reasons the appointment of religious teachers was discontinued. But we suggest that the scheme should be revived. Efficient teachers should be appointed for the purpose. Payment made for the purpose should be attractive. For, we believe that moral instruction is absolutely necessary for the reformation of criminals. Further, a religious teacher may bring some consolation to a large number of convicts.

It must be said that even now some religious teachers go to the jails voluntarily to impart religious education to prisoners. Most of them are Christian teachers. Voluntary religious institutions may take up the matter and render services for the reformation of prisoners. A reformed prisoner would not be a problem for the society. But voluntary associations have not taken up the task of reforming prisoners.

Education: - It has been noted that before 1947 about 90 per cent of the prisoners were illiterate. This implies that illiteracy and ignorance were also partly responsible for crime. Most of the criminals were no doubt aware of the fact that crime was bad but they did not know the consequences of
of committing a crime. Since they were ignorant, they could not control themselves. Education is one of the means by which the criminals may be released from the chains of ignorance and thereby reformed.

Upto 1899, the convicts who were literate were employed to educate illiterate convicts. This experiment was a failure though it was successful in some jails. They are several reasons for its failure. First, the jail authorities did not realise the importance of the education of the prisoners. Second, the number of literate prisoners was very small in some jails. Third, it was not possible on the part of the government to appoint full-time teachers and establish schools in jails for financial reasons.

The Jail Commission, 1889, came to the conclusion that though arrangements were made for the education of prisoners, both adults and juveniles, nowhere in India, jail authorities made sincere attempt to educate prisoners. So, the Committee suggested that at least the juveniles should be taught as they were amenable to reformation. The Government of Assam accepted the


regarding the education of criminals Osborne says, "As criminals can neither be coerced nor bribed into a change of purpose, there is but one way left: they must be educated. We must provide a training which will make them, not good prisoners, but good citizens; a training which will fit them for the free life to which, sooner or later, they are to return ....... They should be educated not for the life inside, but for the life outside. Not until we think of our prisons as educational institutions shall we come within sight of a successful system; and by a successful system, I mean, one that not only ensures a quiet, well-behaved prison, but has genuine life in it as well, one that restores to society the largest number of intelligent, forceful honest citizens."

(Osborne, T.M., Prisons and common sense, 1924)

recommendation and established night classes in many jails. But the night classes were also a failure, because, prisoners were not interested in them and efficient teachers could not be found.

The Indian Jails Committee, 1919-20, considered this question again. It recommended that for the present the education of prisoners might be restricted to prisoners below 25 years of age; that education provided should not go beyond the elementary stage and that assistance might be given to those who want to study further. The Committee also recommended that there should be a library in every jail so that prisoners may use it.

The Government of Assam implemented these recommendations. In 1931, educational classes for adolescent and juvenile prisoners were started in several jails. A library was also established in every jail.

Now, the major jails in Assam have schools and paid teachers. In small jails, the jail authorities make use of literate prisoners for educating the illiterate. Prisoners, at present, can receive education upto the age of 30 years.

The jail libraries contain religious books and books of social importance. Prisoners are allowed to borrow books and read them in their barrack. They can also read other books with the permission of the Superintendent. But the number of books available in the libraries is very few and all prisoners cannot make use of them. Recently, arrangements have been made by the Government to allow convicts to appear in public examinations.

The Assam Jail Reform Enquiry Committee, 1956, recommended the introduction of compulsory primary education for all illiterate convicts. It further recommended that there should be paid teachers and their work should be supervised by the Deputy Inspector of Schools; that there should be an annual examination and prizes should be distributed to the successful candidates; that there should be a library in each jail and that selected newspapers should be supplied.

All these recommendations have been accepted by the Government. Schools and libraries have been established wherever it was possible.

The All India Jail Manual Committee, 1957-59, laid more stress on liberal education in jails. The Committee recommended that deserving convicts should be given all facilities to educate themselves. It also recommended that a school should be established in every jail and full-time teachers should be employed for imparting education to prisoners effectively. These arrangements have already been made in the jails located in district headquarters.

The Jail Manual Committee further recommended that the educational programme should be compulsory for all prisoners; that it should be compulsory for all prisoners, that it should consist of physical and health education, academic education, social education, vocational and cultural education and that it should aim at correctional activities to be done by prisoners which would be of greater use in their day-to-day life after release.

8. Assam Jail Enquiry Committee Report, 1956, p.3.
10. All India Jail Manual Committee Report, 1957-59, paras. 81-84.
These recommendations have not been implemented till now. Had they been implemented, they would have far-reaching effects upon the reformation and rehabilitation of the prisoners.

Regarding the teaching of prisoners in jails, we may arrive at the conclusion that it is not effective, because there is no suitable atmosphere in jails to impart education. The jail officials are also not enthusiastic in this regard. Moreover, schools in jails are not well-equipped. It may also be noted that education which is imparted to prisoners aims at literacy only. But without corrective measures, prisoners cannot be reformed.

**Industrial Training**: The Indian Jails Committee, 1919-20, laid stress on the training of prisoners in selected trades. This is desirable for several reasons. First, it is economic on the part of the jail administration as many jail requirements can be supplied by prison labour at a cheaper price. Second, it has a great educative value, because, if the prisoners go out of jail learning some vocations they may be able to earn their livelihood. Third, prisoners are engaged and they cannot idle away their time in loose talks. Finally, some kind of work is absolutely necessary to maintain oneself in good health.

Many cottage industries like cane and bamboo works, tailoring, smithy and carpentry have been established in some of the jails, specially in the bigger ones. Able-bodied prisoners, under proper instruction, are most likely to pick up the job successfully. Industrial section of the Jorhat District Jail is very well-organised and a large number of prisoners learn different trades and make use of their skill after they are released.
The Jail Reform Enquiry Committee, 1956, recommended that the existing cottage industries in Gauhati, Tezpur and Jorhat jails should be continued and long-term prisoners should be engaged in them. The Committee criticised the working of the Printing Press in the Gauhati Jail which was under the Stationery and Printing Department of the Government of Assam. The Jail Department had no control over it. In this press prisoners were not given any chance to learn the various aspects of printing and most of them were employed in menial duties. So, the Committee felt the uselessness of the Gauhati Prison Press and suggested its removal from that jail if prisoners were not allowed to learn printing.

It must, however, be said that the cottage industries in several jails did not work satisfactorily. They had no qualified instructors. Moreover, for the release of prisoners who were experts in different vocations and for the irregular supply of raw-materials, the training of prisoners suffered very much. As a consequence, prisoners, specially long-termers, spent their time in idleness. Thus, practically no attempt was made in most of the jails to train the prisoners in some trade. Even those jails where industrial training was given to prisoners, could not accommodate all prisoners because of the small size of the industries.

Reformation of Juvenile and adolescent prisoners :- It is rather strange that till now no concrete step has been taken for the proper treatment of juvenile prisoners. According to criminal experts, young and adolescent prisoners are immensely amenable

to reformation and their detention in prisons is undesirable. For, their simple mind may be polluted permanently by the atmosphere of jail-life. The I.G.P. always urged upon the Government for preventing the imprisonment of a large number of juveniles.

Very few prisoners were sent to the Hazaribagh Reformatory School.

At present, the number of juveniles has increased tremendously. In 1874, 13 girls and 39 boys under 16 years of age were admitted into different jails. In 1964, the number of juvenile and adolescent prisoners up to the age of 21 years was 1039. Of this, 200 prisoners were under the age of 16. The I.G.P. in his report suggested to the Government to establish a separate Juvenile Institute in Assam.

There were no separate centres in the State for the detention of juveniles. A Juvenile Institution has been constructed only recently. It has not started functioning till now. Therefore, juvenile prisoners are kept in the jails. Police lock-ups and separate wards in all jails are used for short detention of offenders belonging to the age group of 7 to 21 years. If police lock-ups are not available they are kept in Magisterial lock-ups. Detention of juveniles in Police lock-ups is condemned by one and all. There is also no Juvenile Court in Assam to deal with child offenders. Moreover, children's aid societies do not exist in the State for saving juveniles from undesirable parents, friends or bad company and also to prevent the imprisonment of them.

14. R.J.A. 1962, p. 3
15. R.J.A., 1874, p. 6
The Indian Jails Committee, 1919-20, pointed out that a child offender was mainly a product of unfavourable environment. He was entitled to new opportunities to grow and live under more congenial conditions. It was the view of the Committee that juveniles could be reformed by re-education and proper treatment. It recommended that Borstal Institutions should be established for the reformation of juveniles. Different Provinces in India responded to this call of the Committee and established Borstal Institutions in the English pattern. Many children Acts were passed.

The Government of Assam made no attempt at any time for the establishment of Borstal Institutions for the treatment of juvenile offenders. No attempt was made to reform them. There was no one to find out their individual problems and difficulties and solve them accordingly. In some jails, juveniles were mixed up with others. The result was homosexual intercourses.

The All India Jail Manual Committee, 1957-59, recommended that the State should provide all services for the reformation of juvenile offenders; that Government and voluntary agencies should make a concerted effort to check juvenile and adolescent crimes; that preventive measures in the family, school and community should be stressed; that juvenile courts and certified schools should be established; that children should never be kept in police lock-ups, as it has dangerous effects; that there should be legislation for the adolescent offenders and that if possible, semi-open or open institutions should be established for the juvenile offenders.

20. All India Jail Manual Committee Report, 1957-59, paras. 132 to 135.
These recommendations are under the consideration of the Government of Assam. For financial reasons, the Government is not in a position to implement them. Recently, provision has been made for the release of offenders below the age of 21 years on probation or after due admonition without confining them in jails.

Many juvenile offenders come to the jails every year and they are released when their sentence is over without making any attempt to reform them. The number of such convicts is increasing annually and ultimately they shall become the root of trouble in society, unless attempts are made for their proper treatment and rehabilitation. Delinquency is a mark of social malaise. It is essentially a social problem. And hence this type of offenders can be reformed by education, proper treatment and social sympathy.

Release of prisoners on probation: Probation is a method of dealing with specially selected offenders. It involves the conditional suspension of punishment. The offender is placed under personal supervision and is given individual guidance and treatment. The Probation Officer must give him social, psychological and economic assistance. The Good Conduct Prisoners' Probational Release Act, 1938, empowered the Government to release prisoners of good conduct before the completion of their sentence of imprisonment in jail. This Act provided means for the reformation of prisoners.

20 A. Sethna, M.J., Society and the Criminal, p. 338.

Sethana says, "The problem of juvenile delinquency is one that concerns society's interests the most, for the delinquent child of today may be the formidable criminal of tomorrow. Early education and treatment are necessary; but what is more, we should work for the prevention of crime. Cultural or psychological education is the most potent factor in that direction."
A prisoner of good behaviour is released on condition that he shall be placed under the supervision of a Government servant or a secular institution. The name of such person taking charge of the prisoner must be written in the license. He must give an undertaking in writing to conform to the terms of his license.

Such a license remains in force till the expiry of the term of imprisonment of the prisoner had he been in the jail. He may be called back to the prison at any moment. A prisoner whose license is revoked must undergo the remaining term of sentence.

Since the enforcement of the Good Conduct Prisoners' Probational Release Act, 1938, a large number of prisoners are being released annually by the Government conditionally or unconditionally. Almost all the prisoners who were released on probation behaved properly. Probation is a very convenient means for the jail authorities to enforce obedience on the part of the prisoners. It is very much helpful for the reformation of prisoners.

Emergency Release of Prisoners:—Emergency release means the temporary release of a prisoner for a short period of time in cases like death or serious illness of father, mother, father-in-law, mother-in-law, uncle, aunt, brother, sister, spouse, children or marriage of son, daughter, brother and sister.

A non-habitual prisoner of good conduct and whose release is not dangerous to public peace and tranquility may be

And the application of modern scientific methods would be a great blessing in the attainment of our goal, viz., cure and prevention."

21. Good Conduct Prisoners' Probational Release Act, 1938, Sec. 2
granted leave. The I.G.P. is authorized to issue an order for releasing such a prisoner on leave for fourteen days. When a prisoner on emergency release requires extension, he may apply for the same to the authority sanctioning the leave.

Since the operation of the Assam Prisons Rules (Leave and Emergency Release), 1968, prisoners are released temporarily. They come back to their respective jails in time. Release of prisoners for a temporary period enables them to keep contact with their families in emergencies and settle important matters.

**Probation of Offenders** - Probation of offenders without confining them in a jail is a recent development. The Probation of Offenders' Act, 1958, is a great landmark in the history of jail administration in India. Under the Act, first offenders can be kept under the custody of Probation Officers or released after due admonition instead of confining them in jails when it is ordered by the Court. Offenders can be reformed without giving them any idea of prison-life. Generally, offenders are put in probation under certain conditions. When they violate them, they can be confined in jails. The Probation of Offenders' Act, 1958, is also in operation in Assam. Probation officers have been appointed in every district to take care of and reform the offenders who are sent to their custody by the Court of law.

**Wage System** - A scheme has been drawn up to improve industries in the bigger jails by introducing Wage system. Under this scheme wages are paid to convicts for the work done by them at the rate varying from 3 annas to 8 annas.

Wage system was introduced in Tezpur, Gauhati, Nowgong and Silchar Jails in 1962. This system has given an incentive to prisoners to work in craft section properly. All long-term casual offenders of the age group of 25 to 45 years sentenced to imprisonment for 3 years or more are selected for employment in different industries.

Because of lack of raw materials, wage system was not introduced in any section in the Dibrugarh Jail in 1965. The same was the case with Silchar Jail. This system was introduced in all sections in Tezpur and Gauhati Jails in 1965. The wage system helps prisoners to learn different trades and it helps to increase production in jails. The prisoners are allowed to spend one-third of their total earnings in jail for their requirements, if any. The rest is paid on the day of their release.

If this system works properly, it will be of great help for the prisoners to start a new life after release with little capital.

Discharged Prisoners' Aid Society: - Long-term prisoners after their release from jails face a new society and reluctantly step into it not knowing fully whether it would accept them, what would be their social position and how they would earn their living. Moreover, they remain cut off from their families for a long time not knowing fully the attitude of the members of their family to them. Some families break up altogether. Under these circumstances, prisoners require the sympathy of some institutions so that they may settle down in the society peacefully without any fear and face the odds of life.

The Indian Jails Committee, 1919-20, took up the matter for the first time and suggested certain after-care measures to be taken for the rehabilitation of prisoners. Discharged Prisoners' Society is one of them. The Committee was of the view that Discharged Prisoners' Aid Societies should be formed and they should be financed by the Government to a certain extent for helping destitute prisoners after their release from jails. The Committee recommended that it should be a voluntary organisation with honorary members having a spirit of public service. But there was no response from the public in Assam. The Government placed every year a small amount of money at the disposal of the I.G.P. to help the destitute prisoners after their release. But no Discharged Prisoners' Aid Society was established till September, 1934.

In 1934, a Discharged Prisoners' Aid Society was formed and formally inaugurated on September 21, by His Excellency, the Governor of Assam, at a public meeting held at the Government House, Shillong. The initiative was taken by Col. Cameron. A Central Committee was appointed to help the deserving prisoners on release and thereby reduce crime by reclaiming habitual offenders. District Committees were also formed for this purpose.

These societies worked for a few years successfully and assisted prisoners to a limited extent till 1944. But it may be said that the public was not interested in this matter and they became moribund institutions for a long time. In 1952, these societies were revived again and the Government of Assam


tried to form some District and Subdivisional Aid Societies. During the period, 1952 to 1957, almost no help was given to discharged prisoners. Thus, we find that the working of these societies in Assam is discouraging. No progress has been made in this direction.

The All India Jail Manual Committee, 1957-59, dealt with the problem of rehabilitation of prisoners. The Committee suggested the organisation of a fund which should consist of public donations and Central and State grants-in-aid. The Committee further recommended that after-care problems should be tackled with regard to the whole social situation of an individual; that planning should be done while the prisoner is under care and treatment; that assistance should be given at the time of release and that they should be helped afterwards.

These recommendations have been implemented by many States in India. So far as Assam is concerned, they are still under the consideration of the Government. Only very recently a Discharged Prisoners' Home has been established at Silchar by the Government to give shelter to destitute prisoners after release.

Conclusion: A detailed survey of the administration of the jails in Assam enables us to come to the conclusion that very little effort was made in the direction of reforming criminals. For a long time, the administration adopted a negative attitude towards the prisoners, namely, safe custody of prisoners.

It must, however, he admitted that some attempt was made in the present century. First, Advisory Boards were constituted

32. All India Jail Committee Report, 1957-59, paras. 118 to 121.
to revise the sentences of prisoners. Second, religious instruction was provided. Third, facilities for vocational training were improved. Fourth, physical atmosphere and layout of the prisons were improved by means of gardens. Fifth, wage system was introduced. Finally, provision was made for the release of prisoners on probation.

Some more reforms like the juvenile courts, juvenile institutions and provision for female education are the urgent need of the hour. Further, a concerted effort should be made for the rehabilitation of prisoners. In other parts of India, there are Prisoners' Aid Societies to look after the released prisoners. But in Assam, there are no such associations. Former prisoners are regarded as social outcastes and no sympathy is shown to them. As a consequence they are tempted to commit crime again.