PART VIII

CONCLUSIONS
We have so far studied in some detail the administration of jails in Assam during the period, 1874 to 1964. What are our broad conclusions? First, there was no constructive approach for the reformation of criminals. In most of the Western countries, the reformation and rehabilitation of prisoners have become the cornerstone of jail administration. So jail administration in these countries is positive and not merely negative. But in Assam, it is by and large negative - safe custody of the prisoners. This may be attributed to the poor financial condition of the State.

Again for a long time the belief was that prisoners could be reformed only by subjecting them to inhuman treatment. As a consequence, they were tortured. Later on it was realised that prisoners have their rights which ought not to be violated by the jail authorities. It was also realised that punishment is not the proper means for reforming prisoners. On the other hand, it makes them hardened criminals. Therefore, inhuman treatment of criminals has come to an end.

As regards punishment, the main intention is the effective rehabilitation of offenders and thereby protect the society from further crime. Prisons should be treated as moral hospitals where vice is destroyed. The Indian Jails Committee, 1919 - 20, said, "The aim of prison administration should be to effect such a reformation in the character of the criminal as will fit him again to become a good citizen. Whatever differences exist as to the methods to be employed, we take it that
most penalogists agree as to the objects in view, namely, the prevention of further crime and the restoration of the criminal to society as a reformed character." This laudable object has not been achieved so far.

As regards the prison population it has increased enormously. In 1874, the number of prisoners was 8064. In 1964, it was 37,461. From this it is evident that crime has increased. This may be attributed to the increase of population and increase of vice.

Regarding the number of jails, in 1874, there were 9 district jails and 8 lock ups in Assam for the detention of prisoners. In 1964, there were 17 district jails, 3 lock ups and one Open Air Agricultural-cum-Industrial Colony. Although the number of jails has increased, the increase is not proportionate to the increase in the number of prisoners.

Again, jails were classified not on the basis of different classes of prisoners confined therein but on the basis of their population. Classification was intended to determine the allowance to be given to the officers. Therefore, the classification of jails was not scientific. Classification of jails on the basis of the class of prisoners they confine is scientific as well as corrective in nature. In other States of India, like Madras and Bombay, there are special jails for different classes of prisoners. But in Assam, there are no special jails except the Nowgong Special Jail which was established for the detention of security prisoners. There is not a single female prison or a prison for long-term habitual prisoners in the State. If for any reason separate jails cannot be established for the confinement of different classes
classes of prisoners there may be separate and independent wards for them. There is also not a single model prison in the State.

As regards the classification of prisoners for corrective treatment, it is defective in Assam. The classifying authority is the trying court. Classification of criminals into habituals and non-habituals should have been made by experts and not by laymen. But in Assam prisoners are not classified by psychologists and correctional administrators. Therefore, the classification of prisoners may not always be scientific. An individual may be convicted thrice, but he may not be a habitual criminal. Circumstances might have compelled him to repeat the crime. On the other hand, an individual may be convicted for the first time but he might have led a criminal life not known to anybody or he might be a criminal by nature. Thus, proper treatment of prisoners will not be possible without their classification with the help of experts.

Regarding segregation of prisoners, since there was no effective classification, there was no segregation or separation of prisoners. Separation and segregation of prisoners have become the accepted means for the reformation and rehabilitation of prisoners. Without separation and segregation individual treatment is not possible. In Assam, prisoners belonging to different classes mixed up with one another.

As regards jail buildings, they are outdated and outmoded. Separation and individual treatment of prisoners are not possible in them. In most of the jails, there are temporary
sheds, some of which are even dangerous for life. Because of structural defects of the jails, reformatory measures cannot be undertaken. Thus, the construction of jails on modern line is an urgent necessity in Assam. Further, temporary buildings should be replaced by permanent ones.

Regarding quarters, while most of the officers are provided with residential quarters within the jail compound, the Jail Superintendent has not been provided with one. Formerly, the Jail Superintendents were part-time officers and they had their own official residences elsewhere. Now, it is a full-time job and the Superintendent should be provided with a suitable quarter within the jail compound so that he can devote his time and attention for the efficient administration of the jail. The Superintendent is the controlling authority of the subordinate officials and his presence within the jail-compound beyond office hours is most essential. As regards the quarters of warders, it may be noted that most of them are in a dilapidated condition and the accommodation provided is inadequate even for a single person. Therefore, the life of a warder, it is no exaggeration to say, is similar to that of a prisoner with only one difference, the warder has the freedom to move about.

As regards accommodation, from the beginning of the twentieth century overcrowding in the jails in Assam has become a very acute problem. Most of the jails contain a large number of prisoners beyond their registered capacity. As a result of that, prisoners are kept here and there within the jail-buildings without observing the principles of separation. Overcrowding in jails undermines prison discipline and reformations. Since the strength of jails has an optimum point, it is desirable to establish new jails on modern lines.
Again, there is no arrangement for the treatment of juvenile prisoners in Assam. Young offenders can be reformed by some training in some vocation. Till 1964, there was not a single juvenile institution in Assam. We, therefore, suggest the establishment of special institutions for this purpose.

Undertrial prisoners are a problem in the administration of jails in Assam. Persons who cannot be released on bail and who have none to give security for them are kept in the custody of the jail authority. These prisoners constitute a large number in all jails and they are detained for a long period of time. Courts take a long time for the disposal of cases. A few decades ago undertrial prisoners were not a problem. Today, it is a problem. Undertrial prisoners should be released on bail or their cases should be settled as early as possible so that they may not be an unnecessary burden upon jail administration. A prisoner under trial may or may not be guilty, so it is harmful to keep him in ordinary jails along with other prisoners for long periods. Detention during trial almost becomes punishment for these people.

With regard to the training of officers of a prison, they should be trained before their employment. After their employment they should undergo a refresher course in some institution of social sciences. Without adequate knowledge of criminalogy and other allied subjects they would not be able to function effectively. A corrective programme in prisons cannot be executed without properly educated and trained personnel. No emphasis was laid upon the training of the jail
jail officials in the past. Even now, many of the jails are having untrained Jailers and Superintendents. Subordinate jail officials are also not given any corrective training.

The Inspector General of Prisons was a part-time officer since 1877. As a result, he could not do justice to the administration of jails. The interest of jail administration suffered a lot. He had no time for supervising jail activities thoroughly and for looking into individual problems of prisoners. As the Jail Department was not the parent department of the Inspector General of Prison, it was very difficult to get his whole-time and whole-hearted attention for prison administration. Even now, the Inspector General of Prisons is also the Director of Social Welfare. But, there is the Joint Inspector General of Prisons who is a whole-time officer to carry out the routine works of the Jail Department.

Furthermore, the Superintendents of Jails in Assam were also part-time officers for a long time. They were either administrative officers or Medical Officers belonging to the Health Services. They had no time to look after the administration of jails. Most of them were not much interested in jail affairs. The jails in Assam were thus administered till the other day. Now, what service can we expect from these part-time Superintendents for the reformation of prisoners and prison administration? The jails were practically administered by the Jailers who in the early period, had neither proper education nor correctional training. They were the custodians of prisoners. This is one of the reasons for the slow progress of prison reformation in Assam.
Regarding promotion, every public servant must have some scope for his promotion so that he might be interested in his work. This is necessary, because, every one wants to shine in life and go higher up the ladder. During the period of this study we find that subordinate officials had no scope for promotion to higher posts other than the posts of Jailers. For an Assistant Jailer, it required 15 to 20 years of service to become a Jailer. Of course, recently, the posts of Jail Superintendents have been made open to the subordinate jail officers. Warders can go high up to the posts of Head Warders and Chief Head Warders. If they are sufficiently qualified and efficient a few higher posts of promotion should also be kept for them so that in the later life of their service some of them may retire as Assistant Jailers. There is similar scope for promotion in the Assam Police Service.

Jail officials, specially the Warders, are overburdened with work. But in large jails, of course, this is not so. In small jails, because of small number of warders they are to do a lot of works. That is why, some relief is necessary for them. Regarding jail offices, it may be noted that there is no clerical staff in most of the jails. Clerical activities are done by the Assistant Jailers. But in small jails the Jailer, and the Assistant Jailer, if there is one, are very busy with official work and they cannot spend much time for the prisoners. The burden of clerical work can be reduced by appointing suitable number of clerks in jails and the services of Jailers and Assistant Jailers can be utilised for the reformation of prisoners. Now jail officials spend most of their time in file work.
Again, there is a general feeling among jail officials that their services are not recognised by the society. As a consequence, they suffer from a complex and do not mix up with others freely. Some of them do not even come out of the jail compound. This is a complex problem, the solution of which lies in free mixing of jail officials with the people at large.

Regarding corruption in jail administration, jails are known as for their corrupt practices. Although rules are very clear regarding the treatment of prisoners and their privileges, it has become a tradition to deny some privileges to some and give special privileges to others who are in good terms with the jail officials. These things are admitted by all. Unless and until strict measures are taken to root out all these evils, the lot of the convicts cannot be improved. These things can be checked by constant supervision of jail activities by the Superintendent and the District Magistrate. By taking lawful measures against the officials who indulge in corrupt practices, jail administration can be reformed to a great extent.

Sexual problem is very much predominant in most of the jails. It is also admitted by the officials that sex is a great need of the prisoners. Inspite of strict measures taken against these practices, the convicts indulge in homosexual activities. In Bombay, provisions have already been made to meet this great need of the prisoners by granting them 'leave' to meet their dear and near ones. Leave rules have been made in Assam also, but they are for a different purpose. Thus,
timely satisfaction of the sexual urge of the married convicts is very essential. It will give them mental and physical peace in return.

Regarding subsidiary jails, they existed in Assam for a long time. They were not jails in the real sense of the term. The system of keeping prisoners in such places which are not under the control of jail officials and where prison rules cannot be applied fully is undesirable. Now, there are three lock-ups in Assam where prisoners are kept temporarily under police custody. To keep prisoners under police custody is always harmful. And hence it is better if these lock-ups are replaced by jails.

Regarding jail industries, it may be observed that in most of the jails in Assam there are only a few industries and all of them do not function throughout the year. So, these industries serve practically no purpose for the training of prisoners. In comparison with the number of prisoners, the jail industries are very small and they can accommodate only a few prisoners. Reorganisation of jail industries is of great importance for reforming the prisoners. Jail products can be made popular by organising 'exhibitions'. People will also realise the fact that if guided in the right direction prisoners will be of great help for the society.

With regard to contributions made by organisations, in almost all the States in this Country, private organisations have taken up the task of helping prisoners after their release. In Assam, only very recently a 'Discharged Prisoners' Home' at Silchar has been established to help the destitute people.
people released from jails. But this organisation alone cannot serve the purpose of reformation and rehabilitation of prisoners. For permanent social peace, there is great need for these institutions to help the released persons in their resettlement in society.

As regards the education of prisoners, we find that attempts are being made by the jail administration to impart primary education to illiterate prisoners. But the scheme, a few decades back, was half-hearted. Even now, illiterate prisoners are taught up to the primary standard. This is also not possible in some jails because there are no paid teachers and good atmosphere of learning. Most of the crimes are committed by illiterate masses. By educating such prisoners in jails they can be reformed and made good members of the society. Thus, more and more educational facilities should be provided to all prisoners to realise the value of life. Emphasis must also be laid on the moral education of prisoners.

In recent years, certain reforms have been introduced. One of them is the panchayat system. The other is the wage system. If the panchayats function properly, the convicts will be in a position to get their due in jails and lead a disciplined life. Under the wage system prisoners working in industries are given wages which they can spend after release. It is of much help for them in their resettlement in the society.

As regards food and clothing, prisoners suffer from their insufficiency. Their living conditions are also deplorable. Except 'A' and 'B' division prisoners, others lead a subhuman
standard of life. Therefore, efforts should be made to improve the standard of their life by improving their living conditions. Prisoners in jails must be given equal treatment as far as practicable. It must be remembered that crimes cannot be prevented and prisoners reformed simply by giving them more opportunities and relaxing some rules and regulations of jail administration. It would rather be suicidal for the society. Prisons shall become the shelters for the unemployed and other bad characters. Thus, more amenities to prisoners must also be followed by certain reformatory activities. Prisoners must realise that prisons are not the guest houses for the criminals, but their reformatory centres which would help them in their re-settlement in the society and in reforming their character.

Regarding the role of the Board of Visitors, it is not effective. Because, the recommendations of the members of the Board are not implemented. It may be suggested that people who are interested in jail administration should be appointed as the members of the Board of Visitors and their recommendation should be implemented. Then the Board of Visitors will be jail effective and serve the cause of jail administration.

The Open Air Agricultural-cum-Industrial Colony is a clear example of the success of the reformation of prisoners. By establishing such institutions prisoners should be made industrious and self-dependent in every respect.

As regards hospitals in jails they exist in name only. Most of them have no adequate supply of medicines. Almost in all jails serious patients are kept in jail-hospitals where there is
no arrangement for their treatment. In course of time they have no other alternative but to face deaths. If jail-hospitals are not well-equipped, better treatment cannot be given to patients.

It must, however, be admitted that reformation of criminals is also a social responsibility. The people of any society must be ready to forget the crime and forgive the prisoners. When they come back to society every facility must be provided for their rehabilitation. The released prisoners should not feel that they are social outcasts. If people co-operate with the Government, there is no doubt about the success of corrective jail administration. Social co-operation in this matter is not there. That is why, Assam is lagging far behind in the field of corrective jail administration in comparison with the other progressive States in India. Crimes are very often the results of social injustices in its various forms. When the society is made free from these evils, the number of criminals will also decrease.

These are some of the conclusions at which the present writer arrived after a detailed study of the jail administration in Assam extending over a period of ninety years.