PART II
JAILS
CHAPTER II

CLASSIFICATION OF JAILS

What is a prison or jail? The Prisons Act, 1870 defines prison to mean "any goal or penitentiary, and includes the airy grounds or other grounds or buildings occupied for the use of the prison." 1 H.J. Klare says, "The most common concept of prison is of a place of punishment where criminals are herded together and held in custody." 2 Under the Prisons Act, 1894, "Prison means any jail or place used permanently or temporarily under the general or special orders of a Local Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto." 3 But it does not include:

a) any place where prisoners are kept in the custody of the police exclusively;

b) any place appointed by the Local Governments under Section 541 of the Code of Criminal Procedure of 1882; or

c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail.

The definition of prison given in the Prisons Act, 1894 is very clear. It does not include subsidiary jails and lock-ups under the category of jails.

Classification of jails is necessary for their effective administration. Jails are classified on the basis of average jail population and classes of prisoners kept therein. When different classes of prisoners are confined

1. Prisons Act, 1870, Section 3.
3. Prisons Act, 1894, Section 3(i).
in the same jail, one cannot expect their reformation. Moreover, when there is over-population in a particular jail, individual attention cannot be paid to the prisoners. So, for the reformation of prisoners, the classification of jails is of vital importance.

It was stated in the Report of the Jail Commission of 1669 that the jails in India were classified on the basis of average number of prisoners confined in a particular jail during a year. Sometimes they were classified on the basis of the capacity of a jail. The Commission says, "These classifications have no meaning in themselves, beyond being a rough method of appraising the allowances to be granted to the establishment attached to each class of jails." 4 The jails in Assam were also classified on the basis of annual average population in a particular jail.

The Jail Commission of 1889 observed that Central jails should be constructed in all provinces and convicts sentenced for eighteen months and more should be kept in them. The Commission did not find any meaning in the classification of jails sometimes on annual average and sometimes on total capacity of prisoners in a particular jail. It recommended that prisoners of all classes sentenced to imprisonment for less than one year should be confined in district jails. It was the view of the Commission that the subsidiary jails should be meant for under-trials and for convicts sentenced for less than fifteen days. The Commission recommended that there should not be multiplicity of jails. Hajots and lock-ups should also be brought within the district jails.

The recommendations of the Commission could not be implemented by the Government of Assam as the above mentioned classes of jails did not exist in the Province excepting some jails and lock-ups.

The Prisons Act, 1894, allowed the Local Governments to make rules for the classification of jails subject to the approval of the Governor General-in-Council. But the Act did not lay down the principles to be observed in the classification of jails. The Local Governments, therefore, exercised their discretion in classifying jails.

In 1874, there were some jails and lock-ups in Assam when she was constituted into a Chief Commissioner’s Province. But lock-ups were not jails in the real sense of the term as they were exclusively under the control of the Police Department. Thus, during the period, 1874 to 1899, prisons were classified into as jails and lock-ups. The prisons at the headquarters of districts were classified as jails and those at the headquarters of sub-divisions and of the two Hill Districts, the Naga Hills and the Garo Hills, as lock-ups. In 1882, jails were classified into jails, subsidiary jails and lock-ups. But it was given up in the same year and the old practice of classification of jails was followed. For administrative conveniences the jails were further classified into first, second, third and fourth class jails from 1874 to 1898. Besides these jails, many Public Works Jails existed in Assam which were established temporarily for the purpose of construction works during the period, 1874 to 1898.

5. Prisons Act, 1894, Section 50(a).
In 1894, the Government of Assam directed in its resolution on jail administration, that the jails in the Province should be classified as district and subsidiary jails as it was done in other provinces. But the resolution was not implemented till 1899.

The Jail Manual of 1899 classified jails. All jails in the district headquarters were classified as district jails and jails in subdivisional headquarters and in the two Hill Districts, The Naga and the Garo Hills as subsidiary jails. This classification of jails was based neither on jail population nor upon the classes of prisoners confined therein.

The jails were further classified for administrative conveniences into first, second, third and fourth class jails. Remunerations of the officers of these prisons depended upon the classification. The classification of jails, as made by the Jail Manual of 1899, is shown below. The classification was made on the basis of the daily average of prisoners in a jail.

Table 1

<table>
<thead>
<tr>
<th>Class of Jail</th>
<th>Daily Average of Prisoners</th>
<th>Remuneration</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>500 or more</td>
<td>Rs. 150/-</td>
</tr>
<tr>
<td>Second</td>
<td>300 and less than 500</td>
<td>100/-</td>
</tr>
<tr>
<td>Third</td>
<td>150 and less than 300</td>
<td>75/-</td>
</tr>
<tr>
<td>Fourth</td>
<td>50 and less than 150</td>
<td>50/-</td>
</tr>
</tbody>
</table>

Lock-up was established where there was no necessity of jail, for the detention of under-trial prisoners. Sometimes short-term prisoners were also confined in the lock-ups.

10. A.J.M. 1899, Section 1 Rule 2.
The Indian Jails Committee, 1919-20, did not discuss elaborately the principles to be observed in the classification of jails. It recommended that prisoners belonging to different categories should be confined in separate jails. Long-term prisoners should be confined in better equipped institutions. Large number of prisoners should be concentrated in Central jails. The Committee further recommended that in all Provinces the possibility of closing as many district jails as possible and of concentrating prisoners at Central jails should be carefully considered.\(^\text{12}\)

The Committee of 1919-20 further recommended that the maximum number of prisoners in a Central jail should never exceed 1,500, and if possible, it should be fixed at 1000, so that the Superintendent can have an immediate knowledge of all prisoners in his custody.\(^\text{13}\)

The recommendations of the Indian Jails Committee of 1919-20, in regard to the classification of jails, was not applicable to Assam, because, there was not a single Central jail in this Province. Of course, long-term prisoners were confined in district jails and in some selected jails like Sylhet and Gauhati.

The Assam Jails Enquiry Committee, 1929, did not deal with the classification of jails. It simply recommended that a separate jail should be provided for first and second division prisoners. As this would involve a large housing programme, such prisoners should be confined in a selected jail. If accommodation was insufficient, then two jails, one in each valley, should be selected for the concentration of these two classes.\(^\text{14}\)


\(^{13}\) Ibid.

and second division prisoners was never established in Assam.

However, in 1930, all jails were classified as district jails. The distinction between district and subsidiary jails was removed. 15

The Jail Manual, 1934, dealt with the classification of jails elaborately. It also placed all the jails under the category of district jails, whether they were located in subdivisional or district headquarters.

The district jails in Assam are again divided into five classes on the basis of the daily average of prisoners confined in a jail. This classification has been made for the payment of allowances for the combined or separate administrative and medical charges of jails. When the Deputy Commissioner or the Sub-divisional Officer not being a member of the Assam Civil Service, is in administrative charge of a jail, no allowance is given to him for such a charge as he is supposed to take up additional responsibilities whenever necessary.

The classification of jails is determined by the Inspector General of Prisons every year in April on the basis of the daily average number of prisoners confined in a jail in the preceding calendar year. 16 But the Local Government for special reasons may place a jail in a class other than that in which it would have been placed. The classification is made as follows:

17. A.J.M., 1934, p. 27.
Table 2

<table>
<thead>
<tr>
<th>Class</th>
<th>Daily average of prisoners</th>
<th>Combined charge</th>
<th>Separate charges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Administrative</td>
</tr>
<tr>
<td>First</td>
<td>500 or more</td>
<td>Rs. 150/-</td>
<td>Rs. 100/-</td>
</tr>
<tr>
<td>Second</td>
<td>300 to 499</td>
<td>” 100/-</td>
<td>” 60/-</td>
</tr>
<tr>
<td>Third</td>
<td>150 to 299</td>
<td>” 75/-</td>
<td>” 45/-</td>
</tr>
<tr>
<td>Fourth</td>
<td>50 to 149</td>
<td>” 50/-</td>
<td>” 30/-</td>
</tr>
<tr>
<td>Fifth</td>
<td>1 to 49</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

From the above it is clear that jails were never classified in Assam for the confinement of different classes of prisoners in separate jails. The classification was made to suit the administration of jails. Moreover, it is interesting to note that the Government of Assam can place a jail in a particular class for special reasons. But those special circumstances are not stated anywhere. The principles to be observed for classification provided in the Jail Manual, 1934, have been followed in the classification of jails till now.

The Jail Reform Enquiry Committee, 1956, made the following recommendations for the classification of jails in Assam:

1. A jail having accommodation for more than 400 prisoners should be treated as first class jail and a whole-time Superintendent should be placed in charge of it. The two jails at Nowgong should...
be combined into one.

2. Jails having accommodation for 100 to 399 prisoners should be treated as second class jails. They should be in charge of Jailers. The administrative charge of the jail should also be in his hand.

3. A jail which has accommodation for less than 100 prisoners should be a third class jail. An Assistant Jailor should be in charge of it. But the administrative charge should be held by the Medical officer.

4. There should be a regular jail for the Mikir and North Cachar Hills District.

5. The Jowai Lock-up should be classified as a third class jail and a Medical Officer should be its Superintendent.

6. The Committee also recommended that a central jail should be established in Assam.

7. All the jails at the district headquarters should be called 'District Jails' and all the jails at subdivisional headquarters as 'Subdivisional Jails' irrespective of their strength.

The Government of Assam has not implemented the recommendations of the Assam Jail Reform Enquiry Committee, 1956, regarding classification.

The All India Jail Manual Committee, 1957-59, dealt with classification thoroughly. It laid stress on separate prisons for the different classes of prisoners. The following are the recommendations of the Committee for the classification of jails.19

19. All India Jail Manual Committee Report, 1957-59, paras. 29-34.
1. Institutions should be diversified on the basis of sex, age, criminal record, length of sentence, security conditions and needs of training and treatment of prisoners.

2. Remand homes and certified schools should be established.

3. Separate institutions for women, adolescent offenders, habitual criminals, under-trial prisoners, T.B., Leprosy and mental cases should be established.

4. Where separate institutions are not possible there should be separate units, annexes and wings.

5. For the treatment of prisoners the total strength of jails should not exceed 750 in a central jail and 400 in a district jail.

6. Each state should undertake a survey for the gradation and classification of the jails.

These recommendations of the Jail Manual Committee, 1957-59, have not been given effect to. They are still under the consideration of the Government of Assam. Of course, there are separate wings and annexes for the confinement of different classes of prisoners in some of the jails in Assam.

The Model Prison Manual, 1960, provided that central prisons should be established for the confinement of non-habitual adult prisoners who have been imprisoned for more than two years. There should be separate jails for habitual criminals. The district jails should be used for non-habitual adult offenders who have been sentenced for imprisonment up to two years. The Government of Assam has not implemented these provisions.

The Open Air Agricultural-cum-Industrial Colony at Jorhat does not fall under the category of jail. It is given a separate status. It is an open air institution for the reformation of long-term non-habitual prisoners. There is a Special Jail at Nowgong. This has been established for the confinement of security prisoners.

For the treatment and confinement of criminal and non-criminal lunatics there is a Mental Hospital at Tezpur. Convicted criminal lunatics are sent there for treatment. But that hospital is not under the administrative jurisdiction of the Jail Department of the Government of Assam.

In conclusion, it may be observed that throughout the history of jail administration in Assam, jails were classified only on one basis, the daily average of prisoners detained in any jail. There is no provision for the confinement of different classes of prisoners in separate jails. The classification of jails on the basis of daily average population is meaningless, because, the principle of segregation of prisoners cannot be applied where there is no provision for diversified institutions. Even, there is no central jail in Assam, although many committees and commissions suggested its establishment.

The modern practice is to have different prisons for different classes of prisoners. In India also, attempts are being made in many States for the establishment of diversified institutions for the confinement of different classes of prisoners. It is the view of the correctional administration today that classification of jails is very important for the reformation of prisoners.

23. Assam Jail Committee Report, 1878, para 2.
Assam has not made any progress in this regard. By establishing diversified institutions prisoners of various categories can be kept in different prisons. Individual treatment of prisoners is possible in diversified institutions. Thus, the classification of jails on the modern line is an urgent necessity. Without it the effective reformation of prisoners will not be possible.