Prisoners are confined within closed walls which are sufficiently high so that they may not escape. The jail buildings are constructed within these walls for the lock up of prisoners during the night.

The Prisons Act, 1870, authorised the Local Governments to provide accommodation and temporary shelters for prisoners in jails. The Prisons Act, 1894, also directed the Local Governments to provide accommodation for prisoners. The Local Governments have been authorised by the Act to make necessary rules for the construction and maintenance of jails, wards, cells and other places of detention. Thus, the Local Government is the authority for the construction, maintenance and improvement of jails.

The Prisons Act, 1894, also authorised the Inspector General of Prisons to provide temporary accommodation in jails whenever the number of prisoners in any prison is greater than its capacity.

The jails are maintained partly by the Public Works Department and partly by the Jail Department. Generally, petty construction works and repairs are done by the Jail Department itself with the help of convict-labour whenever available.

The Public Works Department is responsible for the construction of the following works in the jails.

1. Prisons Act, 1870, Section 4.
2. Prisons Act, 1894, Sections 4 and 60(a).
3. Prisons Act, 1894, Section 7.
5. Ibid., Rule 942.
1. Original works of permanent character.
2. Original works of temporary or petty nature.
3. Special repairs to be undertaken by the Public Works Department when it is proposed by the Jail Department.
4. Annual, periodical, special or petty repairs to jail buildings.
5. Annual, periodical, special or petty repairs to jail buildings or works not on the books of that Department.

Whenever an addition to or alteration of an existing jail building is necessary, the officer in charge of the Public Works Division in which the jail is situated is consulted. When an existing building is to be dismantled and replaced by a new building, the proposal is certified by professional opinion. A declaration must also be made that no other building is available. A jail building on the book of the P.W.D. cannot be dismantled without the approval of the Government. Huts of inflammable materials cannot be built within a radius of 50 feet of a permanent building without the approval of the P.W.D. 6

All building operations in the jails are done under the supervision of the officer in charge of the Public Works Division. The jail officers cannot interfere in these activities.

As regards the location of jails, in many places, they are in the heart of the town. In a few cases, the jails were established outside the town area. Within the jail walls, there are separate barracks for under-trial, juvenile and convicted prisoners, bathing places, latrines, kitchens, dining places and open space for sunning the clothes of prisoners.

6. AJM, 1934, Rule 947.
In some jails there are T.B. Wards. In every jail some cells are maintained for confining lunatic and dangerous prisoners. There is also a separate ward for 'A' and 'B' division prisoners. The Jail Hospital and the Workshop are housed within the jail walls. For female prisoners, a separate ward with separate enclosure is provided within the main jail.

In front of a jail there is a jail gate. The main entrance of the jail has got two gates - inner and outer gates. Within inner and outer gates there is a passage. On one side of the passage, the Jail Office is located and on the other there is the Office of the Jail Superintendent. In the inner gate, there is a small passage for the in-coming and outgoing of prisoners and jail officials. Generally, the inner gate as a whole is not opened very often. In some jails, there is a separate show-room for jail products outside the jail enclosure. The official residences of Jailers, Assistant Jailers, Medical staff and Warders are constructed within the jail compound. The jail office is located outside the jail walls. In some jails.

There are open spaces for jail gardens within and outside the jail enclosure for growing vegetables for jail consumption.

Almost all permanent buildings of the jails were constructed during and after the first decade of the present century. Earlier, the jails had temporary buildings surrounded by bamboo palisades. Even now, there are many jails which are surrounded by bamboo palisades. These jails are not safe for the custody of the prisoners and they are also expensive as they require a large amount of money for annual repairing, replacements and new constructions. All jails in Assam are old-fashioned.
and some of them are in a dilapidated condition.

The Government of Assam could not reconstruct the jails on modern line for financial reasons. In 1928, the Finance Member of the Executive Council of the Government of Assam remarked, "Kutcha quarters are to be removed by pucca ones when finance permits". Of course, in the case of staff quarters, this has been done to a great extent, but the financial problem of the Government of Assam exists till now.

The following jails and lock-ups were used for the confinement of prisoners at different times. There is also no major change in their total number.


1874 Lock-ups - Dhubri, Barpeta, Mangaldai, Jorhat, Golaghat, North Lakhimpur, Hailakandi, and Jowai.

1899 - District Jails - Gauhati, Tezpur, Sylhet, Dhubri, Nowgong, Sibsagar, Dibrugarh, Silchar and Shillong.


Jail is located outside the jail walls.

8. Budget speech of Finance Member, A.W. Botham, April 18, 1928, Assam Gazette, p. 30.
1934 - District Jails at district headquarters -
Sylhet, Silchar, Gauhati, Tezpur, Jorhat,
Dibrugarh, Nowgong, Shillong, Dhubri, Kohima,
Aijal and Tura.
District Jails at Subdivisional headquarters -
Habiganj, South Sylhet, Karimganj, Sunamganj,
Sibsagar, Golaghat, Mangaldoi and North Lakhimpur. 11

1964 - District Jails - Silchar, Shillong, Aijal, Dhubri
Gauhati, Tezpur, Nowgong District Jail, Nowgong
Special Jail, Jorhat, Dibrugarh, Karimganj, Mangaldoi
Sibsagar, Golaghat, North Lakhimpur, Tura and
Goalpara. 12

Besides these jails, there are some lock-ups for
the temporary confinement of offenders. The Agricultural Colony
can also accommodate 100 prisoners.

The question of accommodation is an important issue
in jail administration, because, where there is overcrowding,
effective steps cannot be taken for the segregation of prisoners. Further, jail discipline cannot be maintained effectively.
Above all, it hampers the reformation of criminals. Thus,
suitable accommodation for prisoners in a jail is a pre-condi-
tion for the successful administration of jails.

Before discussing the problem of accommodation in
jails, let us see the provisions for accommodation of prisoners
in different jails. The table given below shows clearly the
capacity and the daily average population of jails in 1874.

Accommodation and daily average population (1874)

Table 3

<table>
<thead>
<tr>
<th>Jails</th>
<th>Capacity at 36 superficial feet per prisoner</th>
<th>Daily average of prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goalpara</td>
<td>117</td>
<td>99.06</td>
</tr>
<tr>
<td>Guwahati</td>
<td>143</td>
<td>123.81</td>
</tr>
<tr>
<td>Tezpur</td>
<td>192</td>
<td>159.12</td>
</tr>
<tr>
<td>Nowgong</td>
<td>133</td>
<td>65.29</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>64</td>
<td>94.53</td>
</tr>
<tr>
<td>Dibrugarh</td>
<td>58</td>
<td>67.81</td>
</tr>
<tr>
<td>Sylhet</td>
<td>314</td>
<td>309.68</td>
</tr>
<tr>
<td>Silchar</td>
<td>101</td>
<td>91.52</td>
</tr>
<tr>
<td>Shillong</td>
<td>49</td>
<td>44.55</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1171</strong></td>
<td><strong>1055.35</strong></td>
</tr>
</tbody>
</table>

In 1874, jails in Assam had accommodation for 1171 prisoners. Each prisoner was given an area of 36 superficial feet. The total daily average of prisoners was 1055.35. The maximum number of prisoners in any one day was 1,180, just nine more than the prescribed number. So, from the above table it is clear that in 1874, accommodation was not a problem except in Sibsagar and Dibrugarh jails. The extra number of prisoners in these jails were accommodated without any difficulty in Hajots and Civil wards.

Upto 1920, there was no overcrowding in most of the jails. Whenever there was overcrowding, the prisoners were transferred to those jails which were underpopulated or temporary sheds were constructed.

Several factors led to overcrowding in different jails since 1920. First, there was an increase in the population of the Province. Secondly, the Non-co-operative Movement in 1920 and the Civil Disobedience Movement in 1930 started by Mahatma Gandhi were largely responsible for the increase of jail population. Thirdly, life became complex and the number of crimes increased to a great extent which ultimately led to the rise of prison population. Lastly, under-trial prisoners were detained in jails for a number of months. This was responsible for congestion in jails. The jail authorities appealed to the Government repeatedly for the quick disposal of cases by Courts and thereby remove overcrowding in jails.

After Independence also inspite of increase in accommodation in all jails, overcrowding continues. Public agitations, frequent disturbances, increase in lawless activities among the people, rapid growth of population and long detention of under-trial prisoners are responsible for congestion in jails now-a-days.

The resolution passed by the Government of Assam on the administration of jails in 1954 pointed out the shortage of accommodation in all jails during that period. A large amount of money was allotted for the construction of new buildings. Temporary barracks were constructed in different jails. But even this additional accommodation could not ease the congestion in jails.

Many committees and commissions discussed the problems of prison construction and accommodation therein. But their recommendations could not be implemented by the Government of

Assam because of financial difficulties. Let us now consider the recommendations of the commissions.

The Jail Commission of 1889 remarked that some Provinces in the Country did not observe any principle in the construction of jails. The Commission therefore made the following recommendations. 15

1. Jail buildings should have a non-objectionable surrounding.
2. The surface of the jail should be drained.
3. Jail buildings should be ventilated.
4. There should not be low sleeping berths.
5. There should be berths in every ward.
6. While constructing jails sub-soil water level should be seen.
7. Height of the compound wall should not be less than 15 feet.
8. Cells should be ventilated.
9. There should not be overcrowding in workshops.
10. There should be separate wards for different classes of prisoners.
11. Storey-rooms should be roomy and well-ventilated.

Most of these recommendations were adopted by the Government of Assam while constructing permanent jails. But separate wards for different classes of prisoners were not provided in many jails.

The Jail Committee, 1919-20, recommended that Local Governments should prevent overcrowding in jails. In this connection the working capacity of a jail should be taken into consideration. The Committee recommended that every prisoner should be given a raised berth of $6\frac{2}{3}$ by $2\frac{1}{3}$ ft., 20 to 24 inches

in height in a lower story and 6 inches in height in an upper storey. It further recommended that a prisoner should be given a space of 45 square feet.

For the construction of new jails the Committee recommended that:

1. The minimum area to be provided within the enclosing wall of a jail should be at the rate of 75 square yards per prisoner.

2. An equal area should be outside the jail enclosure for gardens and additional land should be reserved for staff quarters.

3. New jails should be built on the outskirts of towns.

4. Hospital and under-trial yards should be near quarantine yard.

5. Store-rooms should be near the main gate.

6. No yard should contain more than 40 prisoners.

7. There should be an isolation block in each jail.

8. Latrines should have foot-rests and be provided with partitions high enough for reasonable privacy.

The Government of Assam could not implement the above recommendations in the construction of jails as most of the permanent jails in the Province were constructed before the appointment of the Committee of 1919-20.

The All-India Jail Manual Committee, 1957-59, suggested the following principles in the construction of model prisons in India. 18

1. Every state should survey the accommodation in jails.

2. The area within a jail enclosure should be 100 square yards per prisoner.

3. Space in workshops per prisoner should be 350 cubic feet in old prisons and 500 cubic feet in new prisons.

17. Ibid, paras. 524 to 532.
4. There should be a dormitory for 20 prisoners.
5. Cells should be properly built.
6. There should be places for meals, interview rooms, bathing places and sleeping berths.

As no new jail has been built in Assam after 1957, the question of implementation of the above principles does not arise. But when new jails are built then these recommendations should be taken into consideration.

Let us now see the accommodation in jails in 1964. In this year, there was accommodation for 3,935 prisoners, whereas the daily average number of prisoners was 5,395.13. As a consequence there was congestion in most of the jails in the State.

From the table given below we can judge the problem of overcrowding in the different jails in Assam. Without the construction of some new jails it would be difficult to solve this problem.

Jail population of Assam as on 31.5.1968.

<table>
<thead>
<tr>
<th>Names of Jails</th>
<th>Registered strength</th>
<th>Actual strength</th>
<th>Jail or Lock up</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tezpur</td>
<td>745</td>
<td>782</td>
<td>Jail</td>
</tr>
<tr>
<td>2. Jorhat</td>
<td>700</td>
<td>836</td>
<td>&quot;</td>
</tr>
<tr>
<td>3. Gauhati</td>
<td>640</td>
<td>1064</td>
<td>&quot;</td>
</tr>
<tr>
<td>4. Dibrugarh</td>
<td>628</td>
<td>1117</td>
<td>&quot;</td>
</tr>
<tr>
<td>5. Nowgong District Jail</td>
<td>303</td>
<td>489</td>
<td>&quot;</td>
</tr>
<tr>
<td>6. Silchar</td>
<td>299</td>
<td>604</td>
<td>&quot;</td>
</tr>
<tr>
<td>7. Nowgong Special Jail</td>
<td>266</td>
<td>395</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

19. AJM, 1964 (Typescript) p. 11.
20. Register on jail population, I.G. of Prison's office, Shillong,
Names of Jails | Registered strength | Actual strength | Jail or Lock up
--- | --- | --- | ---
8. Goalpara | 250 | 417 | Jail
9. Shillong | 230 | 282 | "
10. Dhubri | 221 | 207 | "
11. Karimganj | 114 | 129 | "
12. Mangaldoi | 112 | 276 | "
13. Sibsagar | 102 | 218 | "
14. Tura | 101 | 198 | "
15. Golaghat | 94 | 130 | "
16. North Lakhimpur | 67 | 161 | "
17. Aijal | 36 | 261 | "
18. Hailakandi | 30 | 39 | Lock-up
19. Kokrajhar | 75 | 72 | "
20. Barpeta | 18 | 60 | "

Total - 5033 7734

On 31st May, 1968, the total accommodation in the jails and lock-ups was 5033, whereas the jail population on that day was 7734. This clearly shows that there was overcrowding in almost all jails in the State. In some places it was acute, particularly in Gauhati, Dibrugarh, Silchar, Mangaldoi, Sibsagar, Tura, North Lakhimpur, Aijal and Barpeta. In some places the actual number of prisoners was hundred percent more than the accommodation provided. It seems as if they were slums. Since most of the jails are located in the heart of the town, there is no scope for expansion. For instance, the jails in Dibrugarh and Gauhati are classical examples. The surroundings of these jails are highly insanitary. It is, therefore, suggested that jails should be located in a far off place where there is plenty of
fresh air and water. Confinement of prisoners in ill-ventilated barracks is inhuman. Long-term measures should be formulated for the construction of jails as the number of prisoners is increasing annually.