CHAPTER IV

DISCIPLINE

It is the principal duty of the jail officials to maintain strict discipline in the prison. Without strict discipline, jail administration will suffer. All the Prison Acts laid stress on the maintenance of discipline in jails.

Prisoners are placed under the custody of jail officers. All prisoners must observe jail rules. The barracks are unlocked at dawn and locked up in the evening on all days. Prisoners are counted when the barracks are opened and closed. It is stated in the Assam Jail Manual of 1934 that work under the daily routine of the jail must be carried out systematically. The Prisoners are marched by word of command. Strict silence is maintained among prisoners and on no account they are allowed to move about the yards unattended. They are arranged in gangs to perform their assigned duties and each gang is kept under the control of a warder.

Prisoners are bound to remain with their respective gangs. They are not allowed to hold any communication with outside. They must report the jail authority any plot or conspiracy to undermine the authority of the State. The Jail Manual of 1899 states:

a) Prisoners should keep their persons clean.
b) They should perform their allotted tasks.
c) They should keep their clothing in proper order.
d) Prisoners should not commit any nuisance.
e) They must wear the clothing of their own class.

The Jail Manual of 1934 also incorporated these rules. The jail officials must see that prisoners do not disobey any prison-rule and thereby create trouble. The standard of discipline in a particular jail depends to a large extent upon the efficiency, honesty and integrity of jail officials.

It has been noticed that strict discipline is not maintained now-a-days in many jails. Prisoners, for most of the time, indulge in loose talks as they have got nothing to do. Moreover, there is so much overcrowding in jails that rules cannot be enforced properly. As long as there was no overcrowding in jails, discipline was maintained strictly. But with overcrowding, jail discipline has been harmed.

Prison offences — The Prisons Act, 1870, dealt with prison offences. It empowered the Jail Superintendent to punish the offenders of prison rules. The Prisons Act, 1894 enumerates prison offences. They are:

1. Wilful disobedience to any regulation of the prison.
2. Any assault or use of criminal force against an officer.
3. Use of insulting and threatening language.
4. Immoral, indecent or disorderly behaviour.
5. Wilfully disabling himself from labour.
6. Filing, cutting, altering or removing handcuffs, fetters or bars without due authority.
7. Refusing to work.
8. Wilful idleness or negligence at work by a prisoner sentenced to rigorous imprisonment.
9. Wilful mismanagement of work.
10. Wilful damage to prison property.

5. Prisons Act, 1870, Section 48.
6. Prisons Act, 1894, Section 45.
11. Tampering with or defacing history tickets, records or documents.

12. Receiving; possessing or transferring any prohibited article.

13. Feigning illness.

14. Wilfully bringing a false accusation against any prisoner or prison officer.

15. Omitting or refusing to report the occurrence of any fire, plot, conspiracy, escape and attack upon a prisoner or jail officer.

16. Conspiring to escape or to assist in escaping or to commit any other offences aforesaid.

The Prisons Act, 1894 enumerates punishments which may be awarded by the Superintendent.

They are:

1. A formal warning.

2. Change of labour.

3. Imposition of hard labour for a period not exceeding seven days.

4. Loss of privilege admissible under the remission system.

5. Substitution of gunny or other coarse fabric for clothing of another material.

6. Imposition of handcuff.

7. Imposition of fetters.

8. Confinement in a cell for a period not exceeding 3 months.


10. Cellular confinement for a period not exceeding 14 days.

11. Penal diet with cellular confinement.

12. Whipping - the number of stripes should not exceed thirty.

7. Prisons Act, 1894, Section 46.
A female or civil prisoner is not liable
to the imposition of any form of handcuffs or fetters or
to whipping.

Section 47 of the Prisons Act, 1894, provides
plurality of punishments with the following exceptions:

1. Formal warning must not be followed by any other
   punishment except loss of privileges under remission
   system.
2. There must not be change of labour along with
   penal diet.
3. There must not be the combination of cellular and
   separate confinement.
4. Whipping must not be combined with any other form
   of punishment except cellular or separate confinement
   or loss of privilege under remission system.
5. No punishment should be combined with any other puni-
   shment in contravention of the rules made by the
   Governor General-in-Council.

The Jail Superintendent is the authority to inflict
these punishments. No officer subordinate to the Superinten-
dent can award any punishment. The Medical Officer must
certify the fitness of a prisoner to receive the punishment
of whipping and penal diet. When a punishment is inflicted
upon any prisoner, it is recorded in the punishment book.
When a prisoner commits a heinous crime, his case must be
referred to the District Magistrate for trial. Regarding the
infliction of whipping as punishment, it cannot be done in the
absence of the Superintendent and the Medical officer or
the Medical Subordinate.

The Assam Jail Manual of 1899 incorporated the provisions regarding offences and punishments as laid down in the Prisons Act, 1894. Prisoners who committed offences were punished under these rules. According to the Jail Manual of 1899, every infringement of jail rules must be brought to the notice of the Jail Superintendent.9

Section 42 of the Prisons Act, 1894 provides for the punishment of any person who introduces prohibited articles into jails and illegally communicates with any prisoner. The Jail Manual of 1934 makes a list of prohibited articles.10 They are:

1. Alcohol or spirituous liquor.
2. Smoking materials.
3. Ganja, opium or poisonous article.
4. Money or ornaments.
5. Poisonous materials.
7. Knives, arms and ropes,
8. Any article, which has not been issued for the use of prisoners from the jail stores.

A list of prohibited articles is hung in the notice-board outside the jail. All prison offences mentioned under Section 45 of the Prisons Act, 1894, have also been incorporated in the Jail Manual, 1934.

Certain acts are forbidden and when a prisoner wilfully commits any one of them he shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence. He shall be punished accordingly. The following rules made by the Government of India defining the acts which constitute wilful disobedience

to any regulation of the prison have been incorporated
in the Assam Jail Manual of 1934.¹¹

These are:

1. Talking at file or at different parades.
2. Quarrelling with other prisoners.
3. Secreting any article.
4. Showing disrespect to any jail officer or visitor.
5. Making groundless complaints.
6. Answering untruthfully any question.
7. Holding an unapproved communication.
8. Abetting the commission of any prison offence.
9. Omitting to assist in the maintenance of prison discipline.
10. Any act or doing offending the feelings of other prisoners.
11. Creation of unnecessary alarms in the minds of prisoners.
12. Leaving the gang without permission.
13. Leaving one's allotted place without permission.
14. Loitering about the yard.
15. Refusing or omitting to march in file.
16. Visiting the latrines and bathrooms at unauthorised hours.
17. Refusing to eat prescribed food.
18. Eating food not assigned to him.
19. Removing food from cook-room without permission.
20. Destroying food without order.
22. Failure in wearing jail-clothing.
23. Removing marks.
24. Cleanliness of clothing.

¹¹ A.J.M., 1934, Rule 300.
25. Cleanliness of person.
26. Tampering prison locks.
27. Stealing prison clothing.
28. Committing nuisance.
29. Spitting or soiling floor.
30. Befouling wells and tanks.
31. Damaging trees and vegetables.
32. Failure in taking due care of prison property.
33. Failure in taking care of materials and instruments.
34. Omitting to report the damage of prison property.
35. Manufacturing unauthorised article.
36. Performing other's task.
37. Appropriating other's task.
38. Mixing foreign substance in manufacture.
39. Wilful illness.
40. Omitting to resist violence.
41. Taking part in attack.
42. Omitting to help prison officers in preventing escape.
43. Disobeying any lawful order of an officer.

A minor offence is one which is dealt with by a minor punishment and an offence is serious when it is dealt with by a major punishment. When any one of the following offences is committed by a prisoner, his case is referred to the District Magistrate by the Jail Superintendent.¹²

1. Rioting, rioting armed with a deadly weapon, assaulting or obstructing or using criminal force against a public servant when suppressing riot.

2. Escape of prisoners.

3. Causing death by a rash or negligent act attempting to commit suicide and voluntarily causing grievous hurt.

4. Any offence triable exclusively by the Court of Sessions.

The Jail Superintendent has discretion to punish offenders in other cases.

The Jail Manual, 1934, classified punishments into two classes - minor and major punishments.\(^\text{13}\)

**Minor Punishments** :- The minor punishments are formal warning, forfeiture of remission earned not exceeding 4 days, forfeiture of class, grade or privileges, temporary reduction of class, penal diet, cellular confinement not more than 14 days, imposition of handcuffs, imposition of link fetters and substitution of coarse fabric for other clothing.

**Major Punishments** :- The major punishments are hard labour for non-labouring prisoners, forfeiture of class, grade or prison privileges for a period exceeding three months, exclusion from remission system for a period of more than three months, permanent reduction from a higher to a lower class, cellular confinement for more than seven days, separate confinement for more than fourteen days, link fetters imposed for more than twenty days, bar fetters, cross-bar fetters, hand-cuffing behind or to a staple, penal diet combined with cellular confinement for more than forty eight hours, whipping and any combination of minor punishments. Not more than two punishments can be combined for one offence.

Most of the above punishments were inflicted till 1947. After Independence, the objectives of jail administra-

\(^\text{13}\)A.J.M. 1934, Rule 304.
administration have changed to a great extent and most of these punishments are obsolete although many of them still exist in the Jail Manual, 1934.

Whipping as punishment either by Courts of law or by jail authorities was very unpopular in India ever since its introduction. The Government of Assam tried always to impress upon the Government of India for the abolition of this punishment. Earlier, the Jail Superintendents could punish prisoners with whipping according to their discretion. But after the publication of the Jails Committee Report of 1919-20, rules were made for the infliction of whipping. The matter was also to be reported to the I.G.P. But still, the power to punish offenders by whipping was misused. The Prisons Amendment Act of 1956 has abolished whipping of prisoners for committing jail offences.

The Jail Commission of 1889 laid stress on the judicious use of the powers of punishment. Punishment should not be vindictive or retributive. They should be reformatory at all times. The prisoner as an individual has certain rights. The administration should not violate these rights. The existing rules relating to offences and punishments are based upon the recommendations of a Commission headed by Sir Alfred Lethbridge. The Commission submitted its report in January, 1892. The recommendations of that Commission were subsequently embodied partly in chapter XI of the Prisons Act, 1894 and partly in rules made by the Governor General-in-Council or by the Local Governments. The Jails Committee of 1919-20 laid stress on the modification of certain punishments enumerated in the Prisons Act, 1894.

The Jail Manual Committee of 1957-59 laid more stress on the reformation of prisoners. Prisoners must be corrected and reformed for minor faults. By individual attention the number of prison offences can be decreased to a great extent. Only those prisoners should be dealt with severely who are dangerous for the safety of the prison. Punishment should be regarded as a necessary evil and a measure of last resort. 16

**Escape of prisoners** - Both the Jail Manuals of 1899 and 1934 made rules to deal with prisoners who escape from jails. Though attempts are made to prevent escapes, prisoners manage to get out of jails.

When it is noticed that a prisoner has escaped, an alarm is given. The matter is immediately brought to the notice of the Jailer and the Superintendent. 17 The Superintendent immediately informs the police about the escape of the prisoner. Information is also sent to the nearest Magistrate, the District Magistrate and the I.G.P. Notice of the escape of prisoners mentioning the rewards offered for their recapture is circulated. The Jail Superintendent and the I.G.P. have power to sanction rewards upto Rs. 1000/- and Rs. 250/- respectively for each prisoner, whether a convict or not. No reward is given by the Jail Department when a prisoner escapes from police custody. Every prisoner who escapes or attempts to escape is punished judicially. 18 A recaptured prisoner is received back in jail in his original warrant. When a prisoner is recaptured, intimation is given to all concerned who were addressed earlier in this connection.

18. Ibid., Rule 627.
Utmost care is taken to prevent the escape of prisoners. But some prisoners manage to escape every year. This is because of the defective construction of jails and negligence of warders on duty. The number of escapes in kutcha jails is larger than in the permanent ones. It is also easy for the prisoners to escape from extramural gangs when they work near forests.

In 1894, 60 prisoners escaped from the jails. This is the largest number of escapes during the period 1874 to 1894. 40 of the escapes were from prisoners employed extramurally. A large number of prisoners escaped from Gauhati and Tezpur jails. At the time of the Chinese aggression in 1962, a large number of convicted and under trial prisoners escaped from the Tezpur District Jail, when the main gate of the Jail was opened. Some of them were recaptured afterwards.

Outbreaks of violence in jails: - The Jail Manuals deal with outbreak of violence in jail. In the case of an outbreak alarm is given. All guards and officers who are available fall in armed and begin to quell the disturbances. Prisoners, after alarm signal, must get back immediately to their barracks where they are locked up. The disturbance is quelled as directed by the officer in command. Attempts are made to isolate prisoners from rioters. The main gate is defended properly. When a disturbance takes place within a ward at night, available force with arms must be used to bring the rioters under control.

If the prisoners attempt to break the main gate the sentry may fire upon them after first warning. Extramural gangs are at once collected and halted under the charge of

their escort in the case of an outbreak inside the jail. If the jail authority is not in a position to quell disturbances, it may take the assistance of the police. Jail officers may use a sword, bayonet, firearm or any other weapon in putting down such outbreaks. Every subordinate officer is guided by the superior officer present.

Under the Jail Manual, 1934, the Superintendent must report the facts of the outbreak or incident to the I.G.P. Later on he must send a full report. The Superintendent may request the District Magistrate to hold an enquiry into the causes of disturbance.

In the history of jail administration in Assam there is no case of a major outbreak. The annual administration reports on jails are silent about outbreaks. This is due to the character of the people. By and large, the Assamese are docile and mild.

Accidents and Suicides: Chapter XXII of the Jail Manual of 1899 provides that in the case of suicides committed by prisoners a proper enquiry must be made into the matter. An immediate report is sent to the District Magistrate or the Sub-divisional Officer. Then the prisoners who have such a tendency are carefully watched. Wells and ponds within the jail compound are covered up. Dangerous weapons are never allowed to lie about. All subordinate officials are alerted to see that no suicide is committed. In all cases of death from causes other than natural death, a post-mortem examination of the body is made by the Medical Officer and a full report on the matter is made to the I.G.P. immediately. All these rules regarding suicide cases have also been incorporated in the Assam Jail Manual of 1934. Suicide cases are very

rare in jails.

**Hunger Strikes** - Hunger strikes by prisoners to redress their grievances have become a common feature now-a-days. The freedom movements in India and the influx of political prisoners into jails were at the root of this new kind of trouble in jails. After Independence, hunger strikes have become more frequent.

The Jail Manual of 1934 did not provide detailed rules to deal with hunger strikes. The only rule which dealt with hunger strikes was Rule 660. It provided for the forcible feeding of prisoners on hunger strikes. But hunger strikes became so frequent that the Government of Assam had to incorporate Rule 324(A) in the Manual.22

Now, Rule 324(A) of the Manual enumerates the measures to deal with hunger strike. These are:

1. All cases of hunger strikes must be immediately reported to the I.G.P.
2. The D.C. or S.D.O. must also be informed.
3. The Superintendent should warn the strikers to discontinue the strike. There should not be any concession to induce them to abandon the strike.
4. When strike is abandoned, the Jail Superintendent should conclude his enquiry and report to the I.G.P.
5. It is the duty of the Medical officer to decide when artificial feeding must be administered.
6. After artificial feeding, daily report about the strikers should be made to the I.G.P.
7. When such a strike is abandoned, telegraphic message should be sent to the I.G.P.
8. Proper disciplinary action should be taken against the strikers.

22. Correction slip no. 180 to A.J.M., 1934 (Rule 324(A)).
In case an individual goes on hunger strike, what should be done? In such a case, the prisoner should be isolated from others. He should be warned that striking is a major offence. In the case of mass hunger strike by 3 or more prisoners the ring leaders must be isolated from others. They must be warned that mass striking amounts to mutiny. The Jail Superintendent may impose punishments excepting whipping upon such striking prisoners. If after warning, strikers do not discontinue strikes within 48 hours, the Jail Superintendent may take necessary action.

Thus, we find that the Jail Superintendent has enormous powers to deal with strikers in jails. If these powers are misused, the lot of prisoners taking recourse to hunger strikes will be very miserable. One such case happened to a hunger striking prisoner in the Nowgong Jail on October 15, 1937.23 The prisoner alleged that the Superintendent of that jail ill treated him. So, an Enquiry Committee was appointed under the Chairmanship of R.K.Choudhury to inquire into that matter. In its report, the Committee stated, "It is clear that many of the versions which have got unfair publicity are grossly exaggerated. The only circumstance to which objection can possibly be taken is the use of abusive language by the Superintendent in a moment of excitement and the threat to feed the prisoner with stool".24

At present, however, there is some laxity in the enforcement of prison rules. As a consequence, escape of prisoners from jails is frequent. Yet, it must be said that by and large there are no frequent outbreaks of violence in jails.

24. Ibid.