Chapter-III

PRISON ADMINISTRATION IN ORISSA:
A HISTORICAL ACCOUNT
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A historical account In 1803, the Bhonsalas of Nagpur ceded Orissa to the East India Company. Added to the Company's Bengal Presidency, the Orissa territory has designated the district of Cuttack, Balasore and Puri. An official who combined in him the functions of a Collector, Judge and Magistrate administered it. In 1803, Cuttack, Balasore and Puri areas were brought under the 'regulations', or administrative laws enacted by the Governor-General-in-Council at Calcutta. The remaining territories in Orissa were the non-regulation areas. Tributary chiefs administered these areas. (Rath : 1977)

After conquering Orissa, the Britishers confined the political prisoners in Fort Barabati at Cuttack. This fort was under the charge of military authorities. Ordinary civil and criminal prisoners were kept in the huts at Lal bagh – the old liens of the European regiments, which took part in the conquest of the province. They were also kept in other similar buildings near magistrates' cutchery, being utilized for the purpose as occasion required. The accommodation was generally insufficient and defective. The rules in force for keeping different classes of criminals separate from one another could not be strictly adhered to. (Toymbee : 1961)

The Cuttack jail became ready for occupation in February 1811. The Balasore jail was not built until 1816. It was of mud and thatch. The prisoners did not have the
present allowances of food. Instead they had a diet allowance paid to them in money. They purchased whatever they liked from the jail mundi. The scale for each prisoner was from 2 to 3 paise a day, according to the fluctuations of the grain market, up to 1810. In that year it was fixed at 3 paise. Prisoners were supplied clothing and bedding. The total annual charge for the clothing and bedding of each prisoner was limited to Rs. 3 and total annual cost of the maintenance of a prisoner varied from Rs. 15 to Rs. 25 between 1803 and 1828 (ibid).

The internal administration and management of the jail was in the hands of the District Magistrate. Both the Magistrate and the Civil Surgeon were bound to visit the jail at least once a week. The Jail Code consisted of eleven pages. In the matter of prison labor profit was made subordinate of punishment. Prisoners were sentenced to public labor. They wore fetters (at the discretion of the magistrate) and worked in gangs on the public roads. At night they were fastened like a drove of pack-bullocks, by a chain passing through the rings of their fetters. The prisoners sentenced only to private labor remained inside the jail. They pounded surki, made baskets, gunny, mats, etc. One forth of the proceeds of their private labor wage given to the prisoners as a reward for their industry. The avowed object of public labor was to warn and deter, of private labor to reform. The court specified in their sentences the nature of labor to be performed. This distinction dates from 1820 (ibid). On Sundays the prisoners were exempted from labour. The public labour performed by the prisoners during this period was chiefly in the town of Cuttack. Tanks were dug and cleared,
marshes drained, roads and lanes laid outland repaired. Private labour was a failure. Jail discipline, management and sanitation did not claim, in these early times, the attention they have since received (ibid). Thus, during the early days of British rule in Orissa, no regular prisons were there.

In 1853, Henery Ricketts, member Board of Revenue wrote about Cuttack Jail that the ward for female prisoners was in the middle of the jail with wards for male prisoners on the both sides. The Civil Jail was a room of 70 feet long and 34 feet wide, capable of containing nearly a hundred people. Since for some years past the average number of civil prisoners had been eight only. Mr. Ricketts recommended for dividing the existing ward for civil prisoners by erecting a wall and by providing a separate cook-room for confining the female prisoners (Ricketts’ 1853). He also suggested that women prisoners were to be employed inside the jail unlike the male prisoners. He also observed the doors of the jail and some of the coverings of the walls were much out of order, and apparently quite worn-out. (Grey : 1858).

In his report on Puri Jail, Mr. Ricketts remarked that the outside walls of the jail were made up of mud and the doors of the wards were the common doors used in dwelling house. It was so unsafe that any child might brake out of the existing jail. There was no separate ward for female under-trail prisoners. The civil prisoners were confined in one of the wards of the criminal jail. The hospital facilities were far from satisfactory (Rickett : 1853). About Khoordah Jail, Mr. Ricketts said that it was merely one large ward, built of mud and surrounded by mud wall. This jail was
entirely unfit for the reception of women prisoners. Under the orders of Government, dated 12th February 1850, all prisoners from Tributary Mahals sentenced to less than one year's imprisonment, were sent to Khoordah Jail. Because of the high mortality, which occasionally took place amongst Hill people in the Cuttack Jail, some prisoners should be transferred to Khoordah Jail and for such purpose he recommended the construction of one good ward of masonry capable of containing fifty prisoners. (ibid)

In the district Balasore, the Balasore jail was not pained for years. The women's ward was inside the walls of the jail. The civil jail and the jail hospital were functioning inside the criminal ward. Inconvenience was experienced for the want of a hospital for the sick Paika corps, stationed at Balasore Jail. (ibid) J. Mouat, the Inspector General of Jails, Lower Provinces inspected the Cuttack Jail on 22nd January 1859. In his inspection report he had given a detailed description of the administration of Cuttack Jail. According to him, the ventilation in the jail was imperfect, it was badly placed, too much surrounded by buildings, and the arrangements of its wards rendered classification impossible. There were 334 prisoners in Cuttack Jail. They were being classified as labouring, non-labouring, hazat, State prisoners and lunatics. The labouring prisoners were employed such as cleaning jail, sweepers (mehturs), washermen, barbers, making paper, weaving cloth, spinning thread, on road and work in hospitals (1859), Caste-wise statistics of prisoners was maintained. The Inspector General of Prisons was greatly dissatisfied with the existing night privies and wanted them to be replaced on Agra plan. He
wanted the lifers to be removed to Alipoor Jail. The existing practice of employing prisoners outside the jail did not impress him. He wrote, "I am afraid that too many prisoners are employed on the roads, and too few inside. If other manufactures are not sufficiently profitable, the weaving of cloth for the whole jail and for Pooree (Puri) and Balasore prisoners will certainly afford suitable and remunerative employment" (ibid).

The absence of a jail-garden made the Inspector General of Prisons to write "it is much to be regretted that the position of the jail prevents the function of a garden, as some out-door labour of that sort is much required for the sickly convicts from Sambalpur. Like all other junglees they did rapidly in confinement and are usually too solid to be employed in manufactures. Road labour, however, is not a healthy employment, in addition to its other disadvantages. The garden alone would, however, have dissipated the difficulty" (ibid).

The History of Orissa, written by Hunter described that, Cuttack was the most civilized of the three districts and furnished the highest proportion of criminals. The average jail population, of the Central Prison at Cuttack and the Sub-divisional lock-ups (Jaipur, Kendrapara and Jagatsinghpur) were 415 in the year 1868. Of these only 16 were women, or one woman to every 80,818 of the population. In Balasore, the proportion of persons in Jail was one to every 121,278 of the population. Puri district, however, the seat of the so called abominations of Jagannath, would blush to own
such an overwhelming criminal population, including both the Central and Sub-
Divisional jails at Puri and Khurda (Hunter: 19)

The average number of prisoners in Balasore Jail and Bhadrak Sub-jail were
144 in 1868. Out of them, only four were females: or about one person always in jail
to every 3,375. There was one female to every 121,728 of the population. The entire
number of prisoners admitted in 1868 numbered to 549 males and 36 females, making
a total of 585. The constant rate of sickness was 2.27 percent of the jail population,
and the death was 2.77 percent. The great majority of prisoners belonged to the
labouring and lowest agricultural classes. Balasore had much larger number of
Muhamadan prisoners in comparison to Puri and Cuttack district. (ibid)

On 30th July 1870, about forty-five prisoners at a time suffered from Chlera in
Cuttack Jail. The death of two people every night had created problem to the jail
administration. Three days after again 13 to 14 people were affected and four
prisoners died. Because of lack of space for segregation and to avoid contamination
these patients were shifted to Chauliaganj and they lived under temporary tents. It was
a regrettable fact that during this time there was no doctor in the jail to attend upon
the ailing prisoners. (Utkal Dipika, an Oriya Daily: 1870)

The conditions of the jails under the princely States in Orissa after the British
annexation were also not satisfactory. W.W. Hunter, the British historian who visited
Dhenkanal Jail in 1868 wrote that the prisoners were allowed to work on road. The
jail consisted of a Court-yard, with low thatched sheds running round three sides and the guardhouse on the fourth. The shed roof came so low that a child might have jumped on to them and thus got over the wall. Inside there were sixty-nine prisoners. The prisoners' gang was divided into two sections, each of which had a shed to itself on the opposite sides of the Court. There was a shed on the third side used for cooking. Of the first two sheds ten men, whose light complexion declared them to belong to the trading class, monopolized the first. They looked at great ease in good clothes in their prison house. In the other shed the crowded fifty-nine remained. They were packed as closely as sardines and with no other clothing except a narrow strip round their waist. Being asked about this distinction regarding the treatment of the prisoners, the Maharaja replied that those ten men were the plagues of the State. They consisted of notorious lead characters, who organized robberies. The other fifty-nine remained. They were packed as closely as sardines and with no other clothing except a narrow strip round their waist. Being asked about this distinction regarding the treatment of the prisoners, the Maharaja replied that those ten men were the plagues of the State. They consisted of fraudulent shopkeepers, who received stolen goods, and notorious lead characters, who organized robberies. The other fifty-nine were poor pans and other jungle people, imprisoned for petty theft, or as the tools of the ten prisoners on the opposite side. But then, the ten were respectable men, and of good caste, while the other fifty-nine were mere woodmen. It was proper to maintain God's distinction of caste.
All the prisoners were in irons except one, a lameman, whose fetters had been struck off on the report of the native doctor. They looked very fat and comfortable. Those sixtynine prisoners had an allowance of a hundred pounds of rice per day, with mutton once a fortnight, fish twice a month. Besides, they had the little allowance of split peas and spices to season their food. It did not seem to have occurred to them to feel that they were in jail (Hunter). The old jail of Ranapur State was nasty, dangerous and unhealthy. During the year 1885-86 it contained 114 prisoners out of whom 113 were males and one was woman. The prisoners were engaged in preparing some roads and constructing a new jail building. They manufactured clothes for their own use. They also harvested paddy and grew vegetables for their own consumption.

In 1912, Bihar and Orissa were separated from Bengal Presidency and a new province of Bihar and Orissa was created.(Rath:p177) The jail administration in Orissa was not satisfactory. The prisoners lived in unsanitary conditions without the ordinary amenities. Most of the political prisoners of Orissa received rough treatment at the hands of the Government during their stay in jails. The treatment meted out to the Oriyas by the Government left unhappy memories. The Government overlooked their welfare whereas for the people of Bihar it remained beautiful. Though there were four Central Jails in the Province under the whole-time Superintendents of Indian Medical Service, eleven District Jails, fifty-one Subsidiary Jails and only one Juvenile jail, the Orissa division was provided with subsidiary jails and District Jails but the
only one Juvenile Jail for youthful offenders was located at Monghyr in Bihar
Division. Orissa did not get the facility of a Juvenile Jail (Panda : 1984).

The Government expenditure on the maintenance and welfare of the prisoners
was niggardly. The amount spent annually by the Government for jail population did
not achieve any tangible result for the minimum amenities of daily life were not
provided to them. A large number of prisoners were suffering every year from
tuberculosis, cholera, dysentery and various epidemics. The steps taken by the jail
administration to segregate the ailing prisoners and treatment was not satisfactory. As
a result the death rate of the prisoners increased. Even lavatories and bath-rooms were
not available for them. The diet supplied to them was of poor standard.

The jail authorities more often then not, violated the rules and deprived the
political prisoners from their entitlement and ill-treated them. The demand of the
Oriya members in the legislative council for proper treatment of the political prisoners
in equal terms with the prisoners in England and grant of similar facilities as
European prisoners in India fell into the deaf ears of the Government (ibid).

An Order-in-Council of March 3, 1936, called the Government of India
(Constitution of Orissa) Order 1936, created a separate province of Orissa under a
Governor within the federal scheme of the Government of India Act, 1935. As
Constituted in 1936, the new province consisted of six districts: Balasore, Cuitack,
Puri, Ganjam, Koraput and Sambalpur. The Garhjats, the 26 princely States in the
Eastern Ghats, the northern plateau and the Western erosional plains, pre-dominantly inhabited by Oriya-speaking people, were excluded from the new province. These feudatory States, were completely excluded from the administrative control of the provincial government and placed under the political department of the Government of India. (Ratha : 1977) In these Princely States, since the year 1908, the old fashioned jails consisting of a new-thatched huts surrounded with a mud-wall were of the past. All the States possessed fair to moderate jails and the management was usually fair. The jails were in charge of a Jail Superintendent and a Jailor. (Rath : 1977)

On the inauguration of the new province, the administration of jails was placed under the charge of Director Health and Inspector General of Prisons. There was no Central Jail in the province. The Cuttack jail had been functioning since April 1936 as a Central Jail for confinement of life or long term prisoners. The province started with four permanent district jails at Cuttack, Puri, Berhampur and Sambalpur. In order to relieve congestion, the jails at Balasore and Angul were treated as district jails. At the outset there were twenty seven subsidiary jails including two special sub-jails at the headquarters of the Koraput district and Russelkonda in the district of Ganjam. The sub-jails at G. Udayagiri in Ganjam and at Padwa in Koraput were abolished and a new sub-jail was opened at Nawpara for the main part of the area transferred from the Central Provinces. The total number of sub-jails remained at twenty six in 1937 and 1938 (Mahapatra : 1941).
The province was short of several essential institutions. For instance, there was no special provision for juvenile offenders. The question of a Juvenile Jail at Angul was examined and in the meantime juvenile prisoners were kept separate in ordinary jails. Offenders under the age of 15 were sent to Reformatory School at Hazanbag and others to the juvenile jail at Monghyr. There was also no separate jail for habitual offenders like Buxar Jail in Bihar. In South Orissa certain non-habitual prisoners described as ‘Star’ class were kept aloof from the other prisoners to avoid contamination. In North Orissa the introduction of this system was under consideration but had not yet been found possible (ibid).

With a view to bring about uniformity in the administration of the jails the compilation of a Jail Manual for the province had been taken in hand since 1938. (ibid) The Government of Orissa prepared a separate Jail Manual in 1942, incorporating therein, the relevant provisions of the Madras and Bihar-Orissa Jail Manual. This existing manual was based on the old concept on crime and punishment and detention in prison (Orissa Jail Reform Committee report : 1981).

After the creation of the province, the Congress Ministry in Orissa rightly devoted its energy to produce a change in the outlook of jail authority and to diminish the rigor of rules that governed and controlled the life of the prisoners. It endeavored hard to convert jails into centers of cottage industry, vocational educational and moral reforms. Old rules were revised and the distinction maintained among the three classes of prisoners was abolished. Even the ordinary criminals received better
treatment and were provided with larger facilities. The iniquitous system of "Ghani" was done away with and prisoners were no longer forced to stand in the place of bullocks to turn it round to squeeze out oil. This was a piece of human labor, endemic in all jails. The humiliating and provoking custom of "Sarkar Salam" was discontinued. It required a special kind of salute to every Jail official or official visitor. Its breach was followed by punishment. Better food, better medical attendance and better dress and utensils proceeded from the new reforms. These changes were brought about to make prison life less intolerable and more humane (Patnaik : 1941)

Dr. Edward Galway, the U.N. Criminologist who visited Orissa in December 1952, in his report to the Inspector General of Prisons, dated 11th December 1952, opined that this State should have a separate Prison Department and would include different correctional activities. So long the Prison Department was tagged on to the Medical Department with the result that the Director of Health, who was the Inspector General of Prisons, could spare very little time to look to the interest of the Prison Department. There had not been any substantial development in the administration of the Department since the creation of the Province, The Prisons functioned merely as custodial institutions mainly concerned with the security and safety of prisoners. Very little attention had been paid to the reformation of the individual while under custody (ibid). Following the report of Dr. Galway, the post of Inspector General of Prisons was separated in Orissa from 1st July 1954.
The Government of Orissa felt that the present system of Jail Administration in the State left considerable scope for reforms and improvements in the light of the research and advances made in other countries. They, therefore, constituted the Jail Reforms Committee in 1952 under the Chairmanship of Lai Mohan Patnaik. (Home Department order No. 14296, Dated 8th Dec. 1952) The objectives of forming this Committee was to consider ways and means for the improvement of Jail Administration, treatment of prisoners in the Jail, classification of prisoners, as well as introduction of reforms for making the prisoners useful members of the society, possibility of establishing a prisoners' aid society, introduction of probation and establishment of Prison Panchayats.

The Committee visited 26 jails in the State and selected jails in the State of West Bengal, Andhra Pradesh, Madras, Mysore, Hyderabad, Madhya Pradesh and Bombay. It sent questionnaires to 419 persons in the States and received replies from 69 persons. 118 persons appeared before the Committee whose evidence were recorded. It submitted its report on prison reforms in Orissa in 1955. In the report the Committee made 94 valuable recommendations. The highlights of these recommendations are discussed below. In the opinion of the Committee segregation and correction are to be considered as main purpose of imprisonment and therefore, the Prisons Act 1894 and Prisoners Act 1900 were to be amended. The Committee recommended for the appointment of a whole time Psychiatrist for the Jail Department attached to Central Jail.
There should be a separate cadre of medical officers with training in correctional methods. Every district jail should be provided with a mental ward having provisions for alleged lunatics. Besides, there should be a female hospital in the Central Jail. Special attention should be given for separation of T-B. and Leper patients. The committee expressed its utter dissatisfaction due to overcrowding in jails because of the inflow of under-trial prisoners and suggested that the cases of under-trial prisoners should be disposed of quicker and the period, which they spent in Jail, may be considered while awarding imprisonment. It recommended for the classification of prisoners and the provision for separate enclosures for each class of prisoners. It further suggested that Children’s-Aid-Society should function. Moreover it opined for the construction of Camp Jails in the forest areas of Orissa where prisoners with good behavior would be allowed to stay. They would be able to utilize the forest resources for the benefit of the society.

The committee also recommended for a Model prison and chose Keonjhar jail to be suitable for it. There should be vocational training for prisoners including the establishment of a Jail-Press. The first and second-class jails should have whole-time superintendents. The Committee emphasized on the facilities for training for the jail staff. It suggested that the qualification of an Assistant Jailor should be graduation and that of Warder should be minimum up to M.E. standard. Besides, there should also be the provision of compulsory elementary education in every jail. It also suggested for separate jails for political prisoners and women prisoners respectively.
A Children's court for the trial of Juvenile prisoners should function. The Committee also opined that there should be a Review Board, which would advise the Government for carrying forward the recommendations of All India Jail Reforms Committee of 1920. It suggested that a Lady Welfare Officer should be appointed in every jail for looking after the personal family problems of the prisoner till he was released. The committee also recommended for the introduction of probation and parole system. It further recommended in favour of Prisoner’s Aid-Society for distressed prisoners. The Committee also recommended for Prison Panchayat to function in all district jail (ibid).

Thus this report, being the first Prison reforms committee report in the State, covered all the aspects of prison Administration and Welfare and is no doubt a milestone in the history of Orissa prison reforms in the post-independence era. According to G.C. Patnaik, former Inspector General of Prisons, Orissa by the end of the year 1958, on the recommendations of Lal Mohan Patnaik Committee Report, various reforms were introduced in the jails with a view to reduce the rigours of prison life and create an atmosphere conducive to reformation. Prisoners of each of the 12 district jails were given the privilege of electing their representatives to Prisoner Panchayat which looks after the supervision of club, distribution of food, sanitation and planning of recreational activities. The introduction of Panchayat System has helped to reduce jail punishments very considerably. As provided under Orissa Parole rules, prisoners are now permitted to go out on parole to see their ailing
relatives and to attend to their private affairs. There have been facilities of indoor games for female prisoners and outdoor games for male prisoners. Besides the daily radio listening programme, prisoners are allowed occasionally to stage dramas and arrange folk dances and group music. Prison Welfare Service has been organized in four circle jails of Orissa, at Cuttack, Sambalpur, Berhampur and Baripada. The Welfare Officer concerned, looks to the day to day welfare of the prisoners of his jail and serves as a liaison officer between the prisoner and the members of his family and property. There has been the provision for training of Jailors and Assistant Jailors.

By the end of the year 1958, one central home for women and seven District After-care shelters have been opened. After-care societies have been organized in different districts. As many as 179 released prisoners have been successfully rehabilitated during the year 1958 out of 222 persons admitted in two District After-care shelters (Patnaik: 1959).

The scheme "Probation Service" was introduced in Orissa during the 2nd Plan Period i.e., in the year 1962. The scheme was first introduced in the seven districts of the State such as (a) Cuttack, (b) Ganjam, (c) Puri, (d) Balasore, (e) Sambalpur, (f) Mayurbhanj and (g) Koraput. This was subsequently extended to the rest of the six districts of the State i.e., Sundargarh, Dhenkanal, Keonjhar, Phulbani, Kalahandi and Bolangir in the year 1966. The scheme was operated in accordance with provisions laid down in the Orissa Probation of Offenders Act, 1958 and Orissa Probation of Offenders Rules, 1962.
The purpose of this probation service was to segregate the first offenders from the hardened criminals. The probation officer was to make necessary preliminary enquiries under the direction of the Court and to supervise the probationers placed under their control and also to arrange for their adjustment in the society so that they might not return to crime again. The District Probation Officers were under the administrative control of the Inspector General of Prisons who acted as the Chief Probation Officer in the State. At the district headquarters they were responsible to the concerned District Magistrates. (Mohanty : 1971)

In the first year of the Third Five-Year Plan it was proposed to convert Angul Juvenile Jail into a certified school with a view to give proper treatment to the youthful offenders up to the age sixteen and to give them general education and training in different crafts and trades to facilitate their rehabilitation. It was proposed to establish one Probation Hostel at Angul during the year 1963-64, as mentioned in "Prison Reforms in the Plan Programme, 1962.

The Working Group Prison Administration, set up by the Government of India in 1972 had observed that the prison manual of different States should be amended to keep pace with the changing pattern of prison administration and the recent thinking on criminology and social reformation. On 7th February 1976 the Government of India sent a letter urging upon the States to bring into effect the recommendations of the Working Group of 1972. The Government of Orissa in the Home Department Resolution No. 10551/JLS-65-79/JLS dated the 2nd March 1979 constituted a
Committee with Justice Harihar Mohapatra as the Chairman for the revision of Orissa Jail Manual. By another resolution of the State Government No. 53003/JLS-R-85/79/JLS, 3rd October 1979 the committee was asked to recommend such necessary reforms relating to prison administration in Orissa.

The committee circulated a questionnaire to 850 persons out of which 163 replies were received. The committee also took into active consideration the recommendations of the All India Jail Manual Committee, Working Group on Prison Administration, Dr. W.C. Reckless's observations, the draft Model Prison Rules and the Report of the Previous Committee appointed by the State Government. They had also the advantage of visiting some of the prominent prison establishments at Vishakhapatnam, Hyderabad, Secunderabad and Delhi.

The Committee has not only revised the existing Jail Manual of 1942 but also has drafted some new legislations such as the Orissa Prisoner's Release on Probation Act, 1981 and others. It has also revised the provisions relating to Children's Act, 1960 for the establishment of Certified Schools for Boys and Girls. (ibid) The committee has recommended for the establishment of a Central Prison in Orissa. As the existing buildings of some of the sub-jails and taluk jails are inadequate and are in very dilapidated condition, the committee suggested that they should be reconstructed and remodeled. The existing jail staffs are inadequate for the smooth functioning of the jail duties. Therefore, the increase in the number of jail personnel is necessary according to the committee. The Committee too has recommended for the
equalization of the scales of pay of jail personnel with corresponding police cadre. Besides they have also suggested for the quarters provision inside jail campus for at least half of the officials so that they can be punctual in their duties.

The Government of Orissa has already become active to implement the recommendations of this Committee. In the year 1984 on 20th March, the Government opened the first Jail Training School inside the Campus of Berhampur Circle Jail, as reported in Prajatantra Prachara Samiti, 30th March, 1987. In various jails of Orissa, ‘daily wage scheme’ for labouring prisoners has been introduced since 1-4-1987. The Government is now seriously reviewing the reports of the Mulla Committee along with the report of Justice Mohapatra Committee for implementation. (Mohanty and Hazary : 1985).