CHAPTER: 4

PRISON ADMINISTRATION: IT’S EXPERIMENT WITH THE RIGHTS OF PRISONERS IN ASSAM

Prison constitutes an important part of any civilised society. It is such an institution where all the law-breakers are imprisoned to reform so that they can be brought back in the society again as law-abiding citizens. Reformation is not possible in a strict environment; instead a congenial environment is required where the individual get enough scope to develop their inner goodness inherent within himself. Human rights can only facilitate such environment to the persons behind the bars, subject to certain restrictions as per law. In this context, reference can be given to the judgement of S. N. Phukan vs. State of Assam (1986) Case in which the Court stated that, “Prisoners who are locked up in jail incarcerated and shut up against their will have certain basic rights which they can assert under the Constitution and the law, ruled their Lordships of the Supreme Court in Sunil Batra v., Sobhraj, Hussainara Khatun Cluster of Cases, 2 Nimeon Sangma v. Home Secretary, Government of Meghalaya, and other decisions. The State Government are bound to obey the rule of law and uphold the tryst with the Constitution by making appropriate laws transforming the archaic and primitive regulations and substantially comply with the Constitutional mandates. It is unfortunate that the message nay, the Commands of the Supreme Court are yet to be obeyed by the States and Union Territories within the jurisdiction of this Court have not taken the message or the command of the Supreme Court nor they have implemented the dos and donts prescribed by their Lordships in respect of the rights of the prisoners under the Constitution and the Law\(^1\). At the backdrop of this situation, the
researcher has conducted a study to gather knowledge on the Rights of the Prisoners and the role played by the Jail Administration to implement and protect these rights in special context of the Central Jails of Assam. But before that the researcher has tried to give an overview of the Criminal Justice Administration in Assam.

### 4.1 CRIMINAL JUSTICE ADMINISTRATION IN ASSAM: AN OVERVIEW

The concern for jail administration in Assam can be traced back to the passing of the Treaty of Yandabo in 1826, through which the Britishers entered the territory. The management of the newly acquired territory of Assam was entrusted to David Scott as the new Commissioner. Scott made an effort to make justice accessible to all people without wholly upsetting the old institutions. Accordingly, in Upper Assam criminal cases were usually disposed off by the Junior Commissioner but in certain cases they were referred to the Barphukan who was empowered to pass sentence of 30 lashes, imprisonment for six months or a fine up to 50 rupees. In Lower Assam, the Senior Commissioner occupied the position held by the Viceroy of Gauhati and tried civil cases without any limit, and criminal cases not involving death sentences. A tribunal was set up under Colonel Richards to try more serious offences. But due to inadequate infrastructure the tribunal could not be set up, as a result of which a large number of criminals had to be confined in the Gauhati Jail.

David Scott encouraged the prisoners to develop interest in agricultural pursuits and was taught certain crafts so as to prepare them for meaningful employment. In pursuance of Scott’s policy of associating local people in the administration,
Haliram Dhekial Phukan, a respected noble was appointed as the Assistant Magistrate at Gauhati to deal with minor criminal cases. Edward Gait in his book “A History of Assam” discussed elaborately on the CJS of Assam during the colonial period. He argued that the general system of CJS was based on the Retributive principle of ‘eye for an eye and a tooth for a tooth’. The form of punishment for revolting against the authority included starvation, flaying alive, impaling and hanging. Death Penalty was often inflicted, not only on the rebel himself, but extended to the leading members of his/her family. No record was kept in major criminal trials, but in civil cases a summary of the proceedings was drawn up and given to the successful party.

Gradually protest against the British government began to take place. The first uprising started in 1828 under the leadership of Dhanjoy with the objective to install Gomdhar Konwar as the ruler of Assam. But the rebellion was crushed with the leaders being caught. Gomdhar was tried by the Bar Panchayat at Jorhat, found guilty and was sentenced to death. Later Captain Neufville commuted the sentence to an imprisonment without labour for seven years considering his age and the fact that he was just a mere tool in the hands of rebels. Dhanjoy was also awarded capital punishment but he managed to escape to the Naga Hills and prepared for the next rebellion against the colonial rulers. In 1829 Dhanjoy along with the supporter rebelled against the British again. This time also the British crushed the rebellion by arresting its leaders. Dhanjoy managed to escape again. Rupchand Konwar, Jeuram Dulia Barua, Peali Phukan and Boom Singpho were tried by the Bar Panchayat at Jorhat, found guilty of treason and sentenced to death. Scott
confirmed the verdict on Peali Phukan and Jeuram since he viewed that such a punishment would act as a deterrent against further insurrections. For the others, capital punishment was commuted to banishment to Bengal and confinement in the Dacca Jail for 14 years and confiscated all their property. In 1834, Mr. Robertson was succeeded as the Commissioner and after him General Jenkins. At this period, the valley was divided into four categories—Goalpara, Kamrup, Darrang (including Biswanath) and Nowgong. The legal position of these four districts were defined by the Act II of 1835, which placed all functionaries under the control and superintendence of the Sadar Court in civil and criminal areas. In 1837, a set of rules, known as the ‘Assam Code’ was framed for regulating the procedure in civil and criminal cases. But in 1860, the general Codes of Civil and Criminal Procedure were extended to the Brahmaputra Valley and with the enforcement of the Indian Penal Code (IPC) in 1862, the Assam Code lost into oblivion.

John M’Cosh in his book “Topography of Assam (1837) (printed by Order of the Government) wrote about various aspect of prison administration of Assam. For instance on account of prison discipline in Assam, he stated that when a culprit was accused of any crime, he was confined in jail apart from the convicts till his cause was brought forward. The prisoners were put in irons heavier or lighter according to the crime, and lodged with the great body of convicts in the criminal jail. Perhaps as per the instructions of the Government, M’Cosh wrote that the prisoners took as much pains to burnish their irons as they were a bracelet, and would not choose to escape though they had an opportunity. Till the middle of Sepoy Mutiny of 1857, the situation of Assam was peaceful. But with the passing of death
sentence to Maniram Dewan and Peali Barua for conspiracy against the colonial government and with the Freedom Movement gaining momentum in all over the country, the British had to rethink of the policies of domination over the territory. Initially the Colonial Government in Assam did not take any repressive measures. But the boycott of Prince Wales was humiliating for the government and repressive measures in the form of imprisonment of number of leaders took place. With a large number of men behind bars, women came out in thousands defying the orders of the government. Those arrested under the Criminal Law Amendment Act were subjected to inhuman torture and hundreds of people languished in jail\(^8\).

By notification, dated the 16\(^{th}\) April, 1874, the Government of India delegated to the Chief Commissioner all powers which were vested in the Lieutenant Governor of Bengal. As per the Report of 1885-1886, prison discipline was less satisfactory—1,502 offences for breaches of jail rules, against 32 and 772 respectively in 1886. A sparing resort to the infliction of reduced diet as punishment increased to 94 during the year from 17 in 1886. Whipping was less frequent, and the prohibition against ordering fewer than 15 stripes would further restrict the use of corporal punishment to the most serious offences\(^9\). In Assam jail offences were classified into two categories—Serious and Minor. The forms of punishment included corporal punishment, solitary confinement, shot drill for a fixed period, loss of marks for a period, handcuffs behind and to march up and down for a stated period, fetters for remainder of sentence, penal labour, solitary with loss of marks, wearing gunny clothes, Sunday labour and work on treadmill\(^10\).

As per the Report of 1885-1886, there was a gratifying improvement in the vital and health statistics for the jail population during the year. The number of deaths
were fewer and the rate of mortality smaller than in the past ten years. Deaths fell from 86 to 46. In regard to the sanitary measures Brahmaputra water was linked up into the Gauhati Jail, the provision of the plank beds were provided at Sylhet, and protection mechanisms adopted against wind and rain in all jails. A quarterly analysis of the water-supply was made at Gauhati and Sylhet. Decision was taken to abandon the use of the public tank outside the Sylhet Jail, and to enlarge a smaller tank in the jail precincts, which it hoped would afford a purer water supply. Attention was given to the necessity of maintaining a careful scrutiny into the quality of jail rations, and of avoiding overcrowding. An unduly large proportion of the jail population consists of persons more or less educated. 63.5 per mille are said to read and write a little, and 14.3 per mille to read and write well, the total of the two classes being 77.8 per mille. According to Government’s own admission, Assam Jails were very mush inferior to the jails of other provinces.

Prisons in the 19th century India were a ‘House of Industry’ rather than ‘House of Correction’. The prisoners were made to work nine hours as full day’s work as it was said that labour in Assam was scarce and expensive. Labour were categorised as –Penal, Hard and Light. Penal labour included oil mills, wheat-grinding, stone-breaking, wood splitting. Hard labour included earth work, road work, hoeing, garden work, husking paddy, brick-making, sawing, carpentry and weaving. Light work included bamboo, cane work and weeding. In the 1930s the chief jail industries in the jails of Assam were weaving, oil pressing, bamboo and cane work, carpentry and smithy. Most of the prisoners were employed extramurally in making and repairing the station roads, gathering and breaking stones and in repairing jail buildings. The employment of the prisoners also helps them to earn Marks as Mark
System existed in the jails in order to discipline the prisoners in a strict manner. Under the Mark System convicts were awarded marks based on their behaviour, working ability and self-presentation. The mark system entitled required mark earner early release from his sentence period but only a person whose sentence or aggregate unexpired term of sentence passed simultaneously upon him amounted to two years or more was eligible for remission of sentence under the Mark System.\textsuperscript{13}

Later, the Prison Act of 1894—the landmark Act became the main basis of the prison administration even after independence. After ‘Prisons’ was made the State subject under the recommendations of the Government of India Act, 1935, most of the developmental activities greatly depended on the initiative of the State Government. The Assam Jail Manual was first published in 1934 and later in 1987. With the increasing importance of human rights there have been a drastic change in the field of Criminal Justice Administration as well in Jail Administration, yet the Assam jails are still being run on the basis of the Jail Manual of 1987\textsuperscript{14}. Although the Prisons Act was passed in 2013, the provisions are still not implemented. As informed by the office of the IGP, Assam, a Model Jail Manual of 2016 is said to have received but till date the issue has not been discussed.

4.2 PRISONERS’ RIGHTS AND JAIL ADMINISTRATION OF ASSAM: AN ANALYSIS

The researcher, out of the total 6 Central Jails, selected two Central Jails of historical importance—Jorhat and Tezpur. A total of 200 prisoners from both the Central jails selected randomly by categorising them into four categories—Lifer,
Short-Termers, Under-Trial Prisoners (UTPs.). These prisoners are again stratified on the basis of gender—male and female. Accordingly, the researcher interviewed 60 lifers, 60 short-termers, 60 under-trials and 20 women prisoners in both the Central Jails of Assam. The findings are discussed below:

**AGE DISTRIBUTION OF PRISONERS**

In Jorhat Central Jail, women prisoners from the age group of 18-25 consists of 30%, from 26-45 is 50%, and from 46-60 and above is 20%. Again in Tezpur Central Jail, 10% belonged to the age group of 18-25, 60% from 26-45, and 30% from 46-60 and above. In case of men inmates of Jorhat Central Jail, 23.3% consisted from the age group 18-25, 53.3% from 26-45, and 23.4% from the age group of 46-60 years and above. In Tezpur Central Jail, 20% consisted from the first group, 60% from the second age group, and 20% from 46-60 and above. The above data reveals that majority of the prisoners (male as well as female) are from the age group of 26-45. Age is an important factor in the process of re-socialisation. This age group of people is young enough and therefore it is necessary to sublimate their energy in creative works.

Figure 1.1: Age distribution of Female prisoners of the Jorhat and Tezpur Central Jails

<table>
<thead>
<tr>
<th>Names of the Central Jails</th>
<th>18-25 years</th>
<th>26-45 years</th>
<th>46-60 years and above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorhat</td>
<td>30%</td>
<td>50%</td>
<td>20%</td>
</tr>
<tr>
<td>Tezpur</td>
<td>10%</td>
<td>60%</td>
<td>30%</td>
</tr>
</tbody>
</table>
Figure 1.2: Age Distribution of Male Prisoners of the Jorhat and Tezpur Central Jail

<table>
<thead>
<tr>
<th>Names of the Central Jails</th>
<th>18-25 years</th>
<th>26-45 years</th>
<th>46-60 years and above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorhat</td>
<td>23.3%</td>
<td>53.3%</td>
<td>23.4%</td>
</tr>
<tr>
<td>Tezpur</td>
<td>20%</td>
<td>60%</td>
<td>20%</td>
</tr>
</tbody>
</table>

**SEX DISTRIBUTION OF PRISONERS**

As per the statistical report of 2007 published in “Prison Statistics India”, published by the National Crime Records Bureau (NCRB), the total number of jail inmates as on 31-12-2007 is 3,76,396, out of which 3,60,995 (95.9%) are male, and 15,401 (4.1%) are female. As per the Fortnightly Report on the Prison Population as on 31-07-2015, there were 455 males and 20 women prisoners in the Jorhat Central Jail. Similarly the Report as on 14-03-2016 in the Tezpur Central Jail, 426 males and 28 women prisoners were registered. It is found that in both the Central Jails, the number of male inmates are more in number than the female.

Figure 1.3: Sex Distribution in the Jorhat and Tezpur Central Jail

<table>
<thead>
<tr>
<th>Name of the Central Jails</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorhat</td>
<td>455</td>
<td>20</td>
</tr>
<tr>
<td>Tezpur</td>
<td>426</td>
<td>28</td>
</tr>
</tbody>
</table>
DISTRIBUTION OF PRISONERS BY RURAL / URBAN BACKGROUND

In both the Central Jails of Assam—Jorhat and Tezpur, 80% of the prisoners are from rural areas, and remaining 20% are from urban background. The researcher found that lack of means of livelihood and education, superstitious belief and complicated relationship status were some of the reasons of being a criminal in both urban and rural areas.

EDUCATIONAL QUALIFICATIONS

One of the reasons behind the violation of prisoners’ rights is poor educational background. The researcher found that 30% of the women prisoners of the Jorhat Central Jail are Illiterate, 40% are Under-Matric, 20% are Under-Graduate, and 10% were Graduate. Again in the Tezpur Central Jail 20% is Illiterate, 30% are Under-Matric, and 50% are Under-Graduate. In case of men inmates of Jorhat Central Jail, 13.3% are Illiterate, 40% are Under-Matric, 32.2% are Under-Graduate, 13.3% are Graduate, and 1.1% is Post-Graduate. In Tezpur Central Jail, 32.2% is Illiterate, 51.1% are Under-Matric, 14.4% are Matric pass, and 2.2% are Graduate. It is found that majority of the criminals are illiterate and from poor educational background. A few never went to school and a few are drop-outs.
Figure 1.4: Educational Qualifications of the Female Prisoners in the Jorhat and Tezpur Central Jail

<table>
<thead>
<tr>
<th>Name of the Central Jails</th>
<th>Illiterate</th>
<th>Under-Matric</th>
<th>Matric</th>
<th>Under-Graduate</th>
<th>Graduate</th>
<th>Post-Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorhat</td>
<td>30%</td>
<td>40%</td>
<td>_</td>
<td>20%</td>
<td>10%</td>
<td>_</td>
</tr>
<tr>
<td>Tezpur</td>
<td>20%</td>
<td>50%</td>
<td>_</td>
<td>30%</td>
<td>_</td>
<td>_</td>
</tr>
</tbody>
</table>

Figure 1.5: Educational Qualifications of the Male Prisoners in the Jorhat and Tezpur Central Jail

<table>
<thead>
<tr>
<th>Name of the Central Jails</th>
<th>Illiterate</th>
<th>Under-Matric</th>
<th>Matric</th>
<th>Under-Graduate</th>
<th>Graduate</th>
<th>Post-Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorhat</td>
<td>13.3%</td>
<td>40%</td>
<td>_</td>
<td>32.2%</td>
<td>13.3%</td>
<td>1.1</td>
</tr>
<tr>
<td>Tezpur</td>
<td>32.2%</td>
<td>51.1%</td>
<td>14.4%</td>
<td>_</td>
<td>2.2%</td>
<td>_</td>
</tr>
</tbody>
</table>

**OPINION ABOUT PRISON: CORRECTIONAL / PENAL**

The question when asked directly to the prisoner to know their opinion about the institution of prison as Penal or Correctional, then they preferred to say as Correctional. But when the researcher spent time and made the inmates comfortable, the opinion about prison came out to be different. From Lifers to UTPs—everybody wanted to come out of the jail. A Swedish Minister of Justice once made an observation relating to the prison—"A cage is still a cage even if gold plated"\(^{15}\). Winston Churchill\(^{16}\) said that no matter how comfortable one made a prison it would still be a prison in intent, for the “convict stands deprived of everything that a free man calls life”. It is to be noted here that the irony of the term
“free” persons such as the deprived, dispossessed, weak, and suppressed sections of every society continue to be deprived of certain amenities for a host of reasons, but the ultimate incapacitation (prison) was still seem as a unique category of deprivation.

During the interview, Short-Term in Jorhat Central Jail said,

“Madam, you will find the faces of all the prisoners damp and unhappy. It is because jail is such a place even if we are provided with diamonds and gold, no one would have peace of mind”.

A Lifer said that jail cannot be correctional as he believed that a majority of prisoners sent by the court are innocent. He defined jail as a “village with boundaries where no one enjoys liberty”. Again, another prisoner said that “There is no difficulty in prison life. Everything can be managed by money. For habituals, jail is their “sasurbari” (house of father-in-law), they would pollute the environment and can never be reformed, instead has the capacity to make other inmates like them.

The researcher found that prisoners get adjusted with the jail environment by obeying the authority and maintaining the prison hierarchy, as there is no other way, but to wait eagerly for their release.
AWARENESS OF PRISONERS’ RIGHTS

The researcher found that none of the prisoners of both the Central Jails are aware of their rights. They only know that certain facilities are available for the prisoners such as legal aid, wage system, remission, furlough, etc., which can be denied if they go against the authority. A few prisoners said “what rights behind bars” and “what’s the use of knowing these rights because to claim for human rights would mean inviting problems and no one is ready to make his life more miserable by going against the authority.” A female Lifer said that said that “slavery” exist in jails. To remain in the good book of the authority, she has worked in the officers’ house whenever they wanted.

PRISONERS’ HANDBOOK / JAIL MANUAL

The researcher found that along with poor educational background, non-availability of the Prisoner’s Handbook/Jail Manual in the prison library constitutes another ground for the violation of the prisoners’ rights. Also, they are not provided with the Prisoner’s Handbook or Jail Manual and the jail officials are least bothered. A Jail Manual is a ‘digest’ of the rules and regulations governing prisons and prisoners. Two Assistant Jailors of one of the Central Jail while trying to explain stated clearly, “Prisoners have nothing to do with the Manual. The Manual is solely for the administrative purpose and therefore should be in Office and not in the jail library”. However, the Supreme Court in Sunil Batra (II) v. Delhi Administration Case (1980) 3 SCC 488, gave directions regarding preparation of a handbook in regional languages and circulates copies to bring legal awareness of
the inmates. In Para 43 of the same judgement, the Supreme Court has given directions for putting up a large Notice Board displaying the rights and responsibilities of prisoners. This would enable the prisoner to be aware of what his rights and duties are while he is serving a sentence rather than be a helpless, ignorant victim in the hands of the jail officials. The specific reference to Prison Manuals is made by the Supreme Court in Para 45 of the aforesaid judgement:

“..........we think it right to hold that copies of the Prison Manual shall be kept within ready reach of the prisoners. Darkness never does anyone good and light never any harm........”

Besides, the Assam Jail Manual was last published in the year 1987. The said Manual is a half a decade old and is out of print for more than two decades. Over the years the concept of jail has changed a lot and rights of prisoners have been an issue of discussion. But unfortunately the prisons in the state are governed without adequate knowledge of the relevant laws.

**PRISON LABOUR / VOCATIONAL TRAINING**

The changing concept of prison labour finds a new expression in the form of vocational training, and is being considered as an important avenue of imparting useful values to inmates for their vocational and social adjustment and also for their ultimate rehabilitation in a free community. Keeping this objective, a number of vocational trainings are imparted in the penal institutions. The vocational training or prison labour as per the Assam Jail Manual is given in Appendix 1.4. Some of
the vocational trades in the Jorhat Central Jail and Tezpur Central Jail are cited below—

- Agriculture
- Carpentry
- Weaving
- Bamboo and Cane work
- Soap Making
- Plastic utensils (example-Drum, Bucket, Mug, etc)

The prison labour system in India, primarily operates as ‘State use System’ and secondly as ‘State Account System’ just like the English labour system. Here, the prison labour is organized on the principle that jails should manufacture goods first for use in the prison department itself, second for the use of government departments\(^\text{18}\). The Assam Jail Manual in Chapter XXIII clearly states that the main object of prison labour should be the reformation of the prisoner. Hence purposeless and non-productive forms of labour should be avoided. Every effort should be made to provide the best available instruction in up-to-date methods of labour, especially in Jail industries- so as to enable the prisoner to command a living wage on release. Rule 406 provides that the Superintendent shall provide labour for convicts of every class sentenced to rigorous imprisonment. Rule408 provides that no convict shall be required to perform any labour, other than such as
is indispensable to enable the necessary Jail services to be carried on, on Sundays or on the following days which shall be designated as Jail holidays viz., Christmas Day, Republic Day, Gandhi Jayanti, Muharram, Idd festivals, etc. Rule 409 provides that no convict shall be made to labour for more than nine hours on any day, except on an emergency and with the sanction in writing of the Superintendent.

In Assam jails the different vocational trades are known as ‘Saali’ and the prisoners are allotted works in different saali, such as murhasaali, kathsaali, sweeper saali, water saali, etc. and in each saali there is an in-charge called as ‘Mate’. There is also an in-charge of each cell. Generally Lifers get the chance of becoming in-charge. Earlier the wage amount was Rs55 per month for general labour and Rs 75 for the skilled labour per month. Recently it has increased to Rs 100 (skilled) and Rs 80 (Unskilled). Their wage amount gets deposited in their respective account. For this the Government directed the authority to create accounts in the State Bank of India for all the prisoners who get wage. The wage system has given relieved to the prisoner himself/herself, and their family and the fear of losing it makes them more serious in doing their respective task and never says against the authorities of the jail authority. It is to be noted that UTPs do not get the facility of wage as long as they live in the jail from making their condition worse.

**EDUCATION**

The prison educational service is the offshoot of the modern correctional philosophy. Education helps to suppress the animal instinct through reason and
provides opportunities to develop the inner self of an individual. It also creates a sense of responsibility and self-confidence in him. Gandhi stated that the aim of education should be to bring out the inherent capacities of every individual. The Prison Department of Assam, accordingly, has undertaken several measures to educate the prisoners. In the Central Jails of Jorhat and Tezpur the Prison Department has made necessary arrangements with State Examination Boards and Universities to allow the eligible prisoners to appear in Board / University examination at State’s expense. Full time teachers are allotted up to the primary level of the prisoners. A special study centre of Indira Gandhi National Open University (IGNOU), and recently the Krishna Kanta Handique State Open University (KKHSOU) has also been set up to facilitate the prisoners to pursue distant education on different subjects. Along with the vocational training, emphasis was also on formal education.

The researcher found that instead of such facilities, 90% of the prisoners are not at all interested in pursuing educational courses. Enrolment number in the registers and the actual numbers of inmates in classroom differ greatly. As informed by a prisoner only six to eight students attended in both the Central Jails of Assam. A prisoner said that they enrol themselves just to be able to write his/her name or signature in any office form. After the visit of the women ward, it is seen that a room is allotted for class, but no one is interested and the teacher very often remains absent. A few days ago the centre of KKHSOU was inaugurated in the Tezpur Central Jail. Lack of interest and ignorance of the value of education on the part of the prisoners have actually paved the way for the authority to convert the rights into privileges.
RECREATION

Recreational activities give relaxation and happiness to prisoners, especially under-trials. They mingle each other while doing these activities. In both the Central Jails, prisoners get the scope of passing time by playing indoor and outdoor games. Indoor games included mainly Ludo, Chess, Cards and Carrom. Outdoor included mainly Kabadi and Volley Ball. Some of the prisoners sit in the prison Naamghar or Mandir, read books or newspapers in jail library and watches television. An aged UTP said, “We have no right to have the remote of the television set in front of the convicted prisoner. We have to watch according to their wishes. In my cell majority are habitual. We cannot watch with them as they utter slang words and always turns on vulgar scenes. A women prisoner said, “There is a television set in our women ward, but it is out of service. We complained number of times, but no one paid any importance. So, we don’t complain for anything and pass our time by chatting and discussing problems among ourselves”. An UTP said, “All the prisoners have to obey the instructions of ‘Mate’—the convict officer. Even the channels of T.V. could not be changed without his wish. He is the boss of the cell”.

The researcher observed that all the prisoners of both the jails of all the categories were excited when they were asked whether the authority celebrate some important festivals and occasions or not. They said that Independence Day, Republic Day, Bihu, etc are celebrated with great enthusiasm and everyone remains in festive mood. Both the jail officers and prisoners get involved during those occasions. In the Jorhat Central Jail, there is a stage with the name “Chitralekha” in the male
ward where prisoners use to perform. On a few occasions like Bihu, women prisoners are allowed to come to the male ward and perform in the stage. Similar scenario is found in the Tezpur Central Jail, but the researcher found that the prisoners as well as the authority are very much active and enthusiastic in the Jorhat Central Jail.

RELIGION

The Assam Jail Manual has prohibited any interference with the religion or caste prejudices of prisoners and is allowed to pursue their respective religions and related practices as are required by their religion. Perhaps, the right to religion is the only right that are being enjoyed by all the prisoners as ‘right’ of both the Central Jails of Assam without any fear or favour. The prisoners stated that they can perform religious activities freely inside the prison walls. Many prisoners after coming from their work sit in Naamghar. They said that going to Naamghar gives them happiness that is inexplicable.

PRISON VISITING

In Sunil Batra (II) v. Delhi Administration (1980) SCC 488 Case, the Supreme Court dealt with the right of a prisoner to be visited by family and friends and gave constitutional status to the said right. The Court held that:

“…………We see no reason why the right to be visited under reasonable restrictions should not claim current constitutional status. We hold subject to
consideration of security and discipline, that liberal visits by family members, close friends and legitimate callers, are part of the prisoner’s kit of rights and shall be respected.”

The Assam Jail Manual in Chapter XXV specifies the rules that offer reasonable facilities to the convicted prisoners for the interview with friend and family. Rule 458 states that the exercise of this privilege shall be contingent on good conduct and subject to the discretion of the Superintendent. Rule 459 allows the Superintendent to grant this privilege even at shorter intervals at his discretion. Rule 471 specifies the conditions under which the prisoners may be excluded from enjoying these privileges. It states that any prisoner who abuses any privilege relating to the holding of an interview shall liable to be excluded from such privileges for such time and may be subject to such further restrictions as the Superintendent may direct. Again Rule 463 states that interview with a convicted prisoner should take place only in the presence of a jail officer and any interview may be terminated at any moment if the officer present considers that sufficient cause exist for such termination. Even, the researcher found it difficult to collect information as the prisoner becomes hesitant in front of the jail officials. Rule 465 of the Jail Manual states that duration of an interview should not exceed 20 minutes unless extended by the Superintendent at his discretion.

The above mentioned Rules makes it clear that the decision of the Superintendent in granting interview facility is final, who can withhold the same at his own discretion. The duration of meeting the visitors is less and the presence of the jail officials at the time of interview violates privacy which makes the whole situation
worse as the prisoner become hesitant. This affects the Resocialisation process of
the prisoners. Every prisoner eagerly waits to meet their near and dear ones, and
never wants to lose the opportunity at any cost. This makes the concrete ground
where the rights of the prisoners are easily converted into privileges. The jail
personnel misuse their power to the extent of violating the rights of the prisoners
according to their own way. In an interview a prisoner said that visiting time
matters with money. If the prisoner family can bribe then he/she will get more time
to talk. Also, the amount of money given by the prisoner family for the inmate is
not reached in totality. For instance if the family gives Rs100, then Rs 80 will be
deposited in the canteen in the name of the prisoner and Rs 20 will go in the pocket
of police in the gate.

**FREQUENCY OF VISIT**

The Supreme Court in Phul Singh v State of Haryana\(^1\) emphasized that one major
method in securing the goal of rehabilitation is to keep alive the family ties of the
person in the prison so that he may not deteriorate into non-person. The frequent
prison visit narrows down the gap between the prisoner and his family members. In
this regard the researcher found that the corrupt practices of the jail authority have
discouraged the frequency of prison visitor. The researcher herself experienced
such an incident of corruption when a police asked money for meeting the prisoner
in the Central Jail, Guwahati, for academic purpose. A prisoner said that the
frequency and length of visits permitted are usually related to the status of the
prisoner inside the four walls. As most of the inmates come from a poor
background they refrain from coming to jail.
ACCESS TO FURLOUGH

Every prisoner wants to avail the facility of home visit. The Assam Prison (Leave and Emergency Release) Rules 1968 [Assam Gazette, Part II-A, dated 28-8-2008, pp 2460-75] determines the conditions of granting leave to the prisoners, thereby, allowing them to visit home. Leave under this rule means a concession of temporary release, which may be granted to a prisoner. The rule of granting leave is given in Appendix 1.5. The Superintendent of jail examines the case of such prisoner who is eligible for leave to find out whether he is fit to be released or not. The Superintendent is authorized to consider the case of a prisoner on the ground of his conduct, work, progress achieved in various spheres, his attitudes towards family and community, etc. [Rule 7 of Assam Prisons (Leave and Emergency Release) Rule, 1968]. Also the Superintendent may debar a prisoner from enjoying leave if his conduct is found to be unsatisfactory or if he is punished for prison offences. So, the Superintendent is all-in-all in regard to granting leave to the prisoners, another concrete area of violation of prisoner’s rights. The prisoners eagerly wait for home visit, and in order to have the privilege of this furlough almost every prisoner always want to be in the good book of the jail officials, and from here the conversion of rights of prisoners into privileges starts.

The researcher found that after prison visit, the most precious facility for a prisoner is access to furlough. None of the prisoner dares to go against the authority for the fear of losing the privilege furlough. Majority of the prisoner knows about furlough as a privilege and not as a right, through their fellow prisoners or their seniors—the
procedure, documents to be collected, whom to approach and how to approach. They eagerly wait for furlough as they can meet their family members and other people of the society. Their faces get brightened to talk about furlough, they had the craze to go back to the society to live a civilized life after the completion of the term. A right, thus, can change an individual’s mind and soul and uplift to a higher level.

CLOTHING, BEDDING AND ACCOMODATION

At the time of admission to the jails, the prisoner is given the jail clothing and accommodated in one of the cells. The cells are long sized with rough pucca floor. In female yard of the Jorhat Jail, there is the provision of eight to nine beds made of pucca. As per the hierarchy, the convicted have the right to sleep on those beds. The under-trials could not think of sleeping on those beds. The prisoners, both male and female, are provided with blankets and bedsheets as per the Rules of the Jail Manual, but in case of clothing they wear casual dresses which are being received from home. The provision of clothing and bedding as per the Assam Jail Manual is given in Appendix 1.6. But the prisoners who are poor and have no visits from home or relatives had to bear the problem of clothing. They had to wear the same clothes for many days or borrow from fellow prisoners. In case of women prisoners, it is very pathetic. A women prisoner in Jorhat Central Jail said, “Madam, as I was taken by the police suddenly and then the court sent to the judicial custody as Under-trial, I did not get time to bring clothes. There is no one in the house to bring clothes for me. Out of sympathy one of my fellow prisoners...
gave me her clothes to wear. But one day for some reason we both had a fight. The fellow women snatched my cloth and I was standing naked”.

She cried while describing the incident. When the researcher asked about the sanitary cloth, which actually needed to be provided as per the Assam Jail Manual, all the women prisoners gave a blank look. They did not know about such provisions and was never provided such napkins. One of them said that they use old clothes or borrow clothes from fellow prisoners. A Senior Prisons Official said, “It is due to the indifferent attitude of the government that prisoners in various jails in Assam still wear civil dress, which is a clear violation of the executive instruction of the Assam Jail Manual. We have not been able to meet the requirements of clothing, bedding of the jail inmates (convicts), but nobody seems to be worried”.

**DIET**

Rule 381 of the Assam Jail Manual directs the jail authority to affix a copy, in vernacular, of the existing scale of diet in some conspicuous place in the jail (the front of the cook shed for preference) so that every prisoner shall able to know the quantity of the food he is supposed to obtain. Rule 378 states that dietary should be varied as much as possible by the issue of different kinds of pulses, vegetables and anti-scorbutics. Rule 380 directs the Superintendent and the Medical Officer to exercise the utmost vigilance in the supervision of the food supplies, and especially see that the full ration of vegetables of good quality is issued and that any defect in quality is brought to the notice of the Superintendent. Rule 381 states that the
Superintendent and the Medical Officer should see whether the food is properly prepared and that the full quantity has reached the prisoners. It is to be noted that Rule 383 of the Assam Jail Manual states that if any complaint is made by a prisoner regarding the quantity, quality, or cooking of the food, it shall be at once inquired into by the Jailor, and if the complaint relates to the quantity of food received, the ration shall be at once weighed in the presence of the prisoner. The diet scale for the prisoners as per the Assam Jail Manual is given in Appendix 1.7.

60% prisoners knew about the diet list and 40% are either unaware or least interested. As per the information received from the prisoners through an interview, in the Jorhat Central Jail, in a week prisoners are given one roti and tea in morning 6 am, at 10 am the lunch (2 days fish, 1 day egg, other days vegetarian, and meat once in a month). There is no variation in the diet schedule. The food served to the prisoners contained the same seasonal vegetables and continues the same, especially brinjal, pumpkin and watery dal. The routine diet timing is same in the Tezpur Central Jail. Even when the season ends, the same vegetables would continue. In addition to this, the vegetables are not boiled properly. A women prisoner said,

“Madam, the same vegetables are served repeatedly. I shall not be wrong if I refer the food as goru daana (food of a cow). The utensil used to provide tea in the women ward has turned black. After release, I have to bathe with holy water to purify myself”.

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Discrimination exists among the prisoners. The UTPs cannot say anything about the quantity and quality of the food, whatever they get they are to take it. The women prisoners cannot lodge any complaint on diet as they are not aware of the scale of diet because the list is hanged in the male ward. Although Rule 420 of the Assam Jail Manual provides that female prisoners shall ordinarily be employed in cooking or in the preparation of articles of food. But the women prisoners in the Central Jails are not allowed to go to the kitchen situated in the male ward. To be precise, the women prisoners eat whatever food is transferred to them from the main kitchen through a small window. They have no choice. The UTPs and women prisoners stand in the extreme below of the hierarchy. Of course, these categories have some freedom of choice in such things: they can eat what is served, when it is served, or they can go hungry.

Sometimes, the male UTPs are given the task of cleaning food items like dal and rice, alternatively. The Short-Termers (a few who are in the good book of ‘mate’ of Kitchen ‘Saali’) and the Lifers are in a comfortable zone as they can make their own food separately, if they wish. They can buy from canteen or receive the amount of food items allotted in the diet list and accordingly cook separately. An under-trial said it is pathetic to see the way the convicted prisoners of the kitchen Saali misbehaved with an old fellow prisoner. A Short-Termer said, “It is not the fault of jail authorities. As the prisoners are increasing day-by-day, it is not possible to pacify hunger of everyone as per the diet schedule”. He tried to justify his point by citing the example of food item of ‘atta’ enlisted in the diet chart. The prisoner argued, “As per the diet chart for the non-labouring prisoners, the amount to be given is 90 gram and for the labouring class, it is 120 gram. How big a roti
would be with this amount. Also the prisoner entrusted with the responsibility of kitchen has to distribute food to all of the prisoners with amount of food articles supplied by the jail authority. At the same they are to maintain relationship with the fellow prisoner and those at the top of the hierarchy. So, the only way is to threaten the UTPs if they ask for extra food”.

According to sources, the Assam government is yet to release funds meant for ration and medicine requirement of the prisoners lodged in all the 31 jails in the state this financial year, something that could directly affect prison management. According to sources, the Home Department has already missed a couple of deadlines set for fund release this year and the jail authorities are still not clear about the situation that could affect the functioning directly. Moreover the paucity of funds due in the month of April itself has not only left the contractors (suppliers) worried, but forced the jail management to procure poor quality stuff. According to the source, “Maintaining the quality of food items in jails has always been a challenge for us. With no fund coming, there is danger that the suppliers may compromise on the quality”\textsuperscript{25}.

**MEDICAL SERVICE**

All of the prisoners stated that the Medical Officer has examined them at the time of the admission. The researcher then tried to know about the availability of medical services inside the prison. To this a female lifer complained of not getting her eye-treatment even after informing the authority a number of times. Majority of the prisoners stated that the condition of the hospital is woeful, the doctors are
often absent, and inavailability of medicines has made their life miserable. Due to lack of vehicles and utmost dependence on police for escort, the shifting of the serious prisoner to the hospital gets delayed. A prisoner said that the doctor just do his/her duty and checks the ill prisoners with the help of a prisoner compounding. But the doctor seldom touches the prisoner and if anyone complains, the doctor threatens to make transfer. A women prisoner said that the doctor never listens to their problem and threatens to make transfer to other jail far away from family if they do not stop their ‘drama’. She said that they have stopped saying about their problems as they do not want to stay away from family.

**PRISON OFFENCES AND PUNISHMENT**

The punishments in the jails of Assam are classified into two categories--Major and Minor. The minor as well as major punishments are given in Appendix 1.8. The prisoners of both the jails said that if any inmate or inmates are found to commit offence, then the Warder deals the issue by giving formal warning and if the issue is serious the Jailor gets involved into it. The guilty gets slapped or beaten up. They also admitted that generally nobody dares to break jail discipline for the fear of losing their privilege they are granted by officers, which are actually their rights. The researcher while sitting in the office of the Jailor witnessed such an incident. When the Jailor was informed about a prisoner to bring ganja (a kind of tobacco) inside the jail premises, he immediately slapped and beat with his stick. The Jailor said, “It is impossible to handle such a crowd by a few officers. Therefore one has to be strict, at times, to have control over the hundreds of prisoners of different categories and of different nature”.
BAIL

Bail is a generic term used to mean judicial release from custodialis\textsuperscript{26}. According to the Criminal Procedure Code (CrPC), 1973, a person released on bail is required to execute a personal bond and also to furnish the bond of surety for a certain sum of money fixed by the Court. Even in cases of bailable offences where the accused is entitled to secure bail as a matter of right, bail is not granted by the court unless the defendant is able to secure a surety. It is not possible for a poor man to furnish bail because of poverty, while a rich man otherwise, similarly situated can afford to buy freedom from arrest by furnishing bail. In other words, the accused with means can afford to buy his freedom, but the poor accused cannot pay the price. He stays in jail because he is poor and not able to purchase the heavy cost of freedom in jail. In HussainaraKhatoon’s case\textsuperscript{27}, the Supreme Court found that thousands of under trial prisoners charged of bailable and cognizable offences could not move the Court for their release because they were unaware of their rights to be released on bail, and being indigent they could not afford and engage a lawyer who could apprise them of their rights and secure their release from jail. The researcher during interaction found that the prisoners have the knowledge about the system of bail and also the jail official informs the prisoners, but due to monetary problem they could not take the benefit. While availing bail, they had to go through economic hardships. Many of them had to sell their immovable property like land, to pay the necessary fee for availing legal help. The researcher met a prisoner who had availed bail but could not go home as he could not pay the bond money as per the court directions. A Short-term in the Jorhat Central Jail said,
“The government has always neglected the poor, especially the under-trials for which their cases remains pending for years, and the rich never stay for long. Jail is for the poor, not for the rich. It is like paisa phekotamashadekho (throw money and enjoy the game). Again, for those below poverty level, jail is a ‘heavenly abode’ as they get food in time and never wants to go out of it”.

LEGAL AID

In HussainaraKhatoon case, the court through Bhagwati said that legal aid is an essential ingredient of reasonable, fair and just procedure to a prisoner who is to seek his liberation through the courts’ process that he would have legal service available to him$^{28}$. The researcher found that all the prisoners knew about the facility of Legal Aid, but not as their right. Also they came to know about this facility from officers as well as from their fellow inmates or seniors. For the poor inmates the government lawyer is their only hope to go out of jail. But they said that even the government lawyer asks for money, otherwise they delays the case intentionally. A women prisoner held responsible to her lawyer for her present situation. Ou of anger she said, “once I come out of the jail, I will not hesitate the her. I sold sold everything to pay her fees”.

GRIEVANCE REDRESSAL MECHANISM

70% of the prisoners were not aware of the existence of the complain box, and the remaining 30% who knew about such box said to be useless as none of the prisoners would complain against the authority. To complain would mean inviting lots of problems. Even the Chief Judicial Magistrate asks the inmates to say about
their problems, nobody says against the jail authority. A prisoner in Jorhat Central Jail said,

“The Superintendent of Police (SP) and Deputy Commissioner (DC) are least bothered about our problems. Once an application was sent to the DC for a microphone set to conduct functions in prison. No reply came from the Commissioner's Office. No doubt, we are in prison for committing some kind of offences, but are not we human? We have also emotions. We have not asked for money, but at least if the government responds to our problems, we feel happy. At last we decided to collect money from every prisoner and with the help of Jailor sir, we bought a microphone set worth Rs 45000. In fact, the prisoners once donated Rs 15,000-20,000 to the flood affected area”.

Therefore even if Chief Judicial Magistrate (CJM) visits the jail, the inmates, out of the fear of the officials, would present the half-truth or remains silent of the conditions prevailing in prison. A prisoner said that his fellow inmates said that if he complains then his jail term may be increased by the jail officers.In the landmark case of Sunil Batra (II), the Supreme Court provided that Grievance Deposit Boxes should be maintained by or under the orders of the District Magistrates and the Session Judge which should be opened as frequently as is deemed fit and suitable action taken on complaints made. Access to such boxes should be accorded to all prisoners.

OVERCROWDING

Jails were overcrowded in Assam. The Nagaon jail housed 250 inmates against its capacity for 125 candidates, while the Barpeta jail had 221 inmates against the
capacity of 134 inmates as of June, 2006. The researcher with the help of the Prison Population Record as on 31-01-2010 highlighted the problem of overcrowding in jails. Accordingly, as per the Fortnightly Report on Prison Population as on 31-07-2015 of the Jorhat Central Jail, 455 males and 20 women prisoners are kept against the total capacity of 670 (Male—646 and Female—24). Again the Report as on 14-03-2016, 426 male and 28 female prisoners are accommodated against the total registered capacity of 747 (Male—725 and Female—22 prisoners, and day by day the number is increasing. The researcher found overcrowding in the female ward in the Tezpur Jail. To this, the Assistant Jailor said that the reason behind such overcrowding is due to the detenues arrested under Deportation of Foreign Nationals (DFN) Act. However, there was no overcrowding in the Jorhat Jail.

PLIGHT OF UNDER-TRIAL PRISONERS (UTPS)

Right from the admission in jail, the under-trial prisoners had to bear the pain both from the jail authority and convicted prisoners already there in the jail for years. The authority neglects their issues in the name of rules and the convicted one expects every under-trial to accept their rule. But the rules made for them are broken by both the groups easily. For instance, as per the Rules of the Jail Manual, the under-trial prisoners should be kept separately from convicted prisoners. But in both the central jails, the under-trial prisoners are kept together with the short termers and lifers. In the prison hierarchy, these are the most vulnerable category who have no say over anything and have to abide by the orders of jail authority as well as the their senior prisoners. Only one thing common among all prisoners is
that they are deprived of their liberty. Also a few under-trial prisoners have to face the problem of homosexuality. While interviewing under-trial prisoners of the Tezpur Central Jail, the researcher found a case of homosexuality. The prisoner was sixty years old and was there in jail for three months. He cried and quietly stated that some prisoners at night disturbed him physically. He further said,

“You are like my daughter, how can I share my pain. In my cell, majority of the fellow inmates were thief and dacoits, who are well-accustomed to jail environment. These groups pollute other prisoners’ mind. They always used slang words. A few of them offered me to satisfy their sexual desire. They threatened me after my denial. I have sleepless nights for many days. At night I keep my aluminium rice plate on my body so that if they try to touch me, it makes sound and I become alert. I cannot even take bathe out of fear. I always think when I would be relieved from this hell”. He strictly said, “No one can be humane in this institution. Also, I request government to segregate the under-trial prisoners, especially the aged, from the convicted and especially, the habituals”.

Based on a letter addressed to the Gauhati High Court written by three Under-trial prisoners with the complain that they were languishing in the Golaghat Jail for about four and a half years for the negligence of authority led to the formation of Khagendra Nath Narzary Ors. Vs. State of Assam (1984) Case in the Gauhati High Court. At the request of the Court an enquiry was made about their appalling conditions of the prisoners in Goalpara Jail. It was reported that “these prisoners were arrested in February 1978 lodged in Goalpara Jail and since then the police forgot completely that the prisoners were locked in jail at their instance and it was
their obligation to submit report in final form/charge-sheet for over four and half years. The right to speedy trial is an integral part of Article 21 of the Constitution and prolonged detention is anti-thesis of the mandate contained therein”. The Report submitted by Mr. S. N. Medhi, learned Advocate of the High Court of Gauhati, spoke about the “man-made injustice” caused to a large number of prisoners 30.

PLIGHT OF WOMEN PRISONERS

As discussed earlier, women comprised of the least of jail population and confined in a separate ward. Compared to the male ward the women ward is small. They ate whatever they are served from the kitchen in the male ward. They have to use petticoats or other cloth during their menstruation period for those who could not buy sanitary cloth of her own. However, the Jail Manual provides for such cloth, none of the women prisoners in both the jails received it and in fact they were not aware of it. After extracting information from the women prisoners, problems they faced are summarized into the following points:

i) Mental depression

ii) No sanitary cloth

iii) No scope to complain

iv) Misbehaviour from authority

OPINION ABOUT OPEN AIR JAIL

The researcher found that 60% of the prisoners in Tezpur Central Jail are not aware of the Open Air Jail (OAJ). The remaining 40%, although heard about OAJ, but
they do not want to stay as it is far away from their hometown and the relatives could not meet them. Even after informing that their relatives could stay in this open jail, they replied that as they stayed for so long, only a few years are left for their release, also they have adjusted with the environment, so no more they want to shift to another jail. But all the lifers in the Jorhat jail showed interest to qualify for the OAJ. It is found that the concept of OAJ has not found prominence as well as popularity in Assam.

**PROBLEMS OF JAIL ADMINISTRATION**

While interviewing the Retired Justice of the High Court of Guwahati and a former Chairperson of the Assam Human Rights Commission (AHRC) and pointed out a number of issues of prison administration:

i) Overpopulation is the major problem of jail administration. With the increase of crime, there is an increase of criminals, but the numbers of jails are still the same for years. Just like in the society cars are increasing, but roads are still the same in a dilapidated condition.

ii) Under-trials had to bear the pain if loss of dignity. Jails are actually the place of detention for poor, the rich perceive it as a picnic spot. Absence of a lawyer and scarcity of money to be paid as a part of the bail bond, most of the under-trials had to stay the whole bail period in jail, which is pathetic to humanity.

iii) Jailor is like a king who posses all the good things that come from the government.

iv) In the name of lack of security, prisoners are locked up inside the cells at 4pm.

The cells with increasing number of inmates have to bear the pain.
v) Dinner time is too early, that is, at 4pm. The time is very unusual.

vi) Human rights, in case of jails are bogus. The term is good to be used in meetings and conferences. But in reality human rights violation mostly occur in jails as the inmates can never raise voice against the authority for fear of losing, not rights, but the privileges the prisoners get for being good to them.

vii) Prison visiting is the major area of human rights violation. A few officer intentionally delay the process of visiting of lady visitors, especially of the illiterates. At dusk the officer would offer to keep the lady in his house and starts black-mailing her.

viii) Parole is like getting a “lottery ticket”, ‘shifarish’ is used to get parole.

ix) Prisoner mafia have link with the administrators. Actually, the whole system is to be blamed.

A Jailor of a Central Jail of Assam, in an interview, said that though the conditions of the prisoners are improved compared to earlier, but a range of problems still exist, such as—

i) The prison authority finds it very difficult to deal with the psychiatric patients inside jail. They should be shifted to mental asylum.

ii) Next problem to deal with is the drug addict criminals.

iii) Many of the activities could not be continued because of the lack of finance. The office of the Inspector General of Prisons takes a lot of time to sanction funds. Administrative delay has become one of the features of prison administration.
iv) In jail, a prisoner becomes a thief in accompany with a thief (jailot suror logot sur hoi). It is a fact unless he or she wants to be good from his/her own.

v) Corruption is rampant in jail administration. It is true that many of the posts were taken through bribery.

vi) Hectic schedule of work makes us frustrated and at times had to shout on prisoners to deal with their problems.

vii) Some of the NGOs come with several welfare proposals, but they took no interest to complete the task. For instance once an NGO came to teach computers to the prisoners, but they just took the photos with the prisoners, and they never came to the jail premises again, once their purpose is served.

viii) The officer said that society seldom gives importance to those who does job in the jail department, are kept at the tail-end, compared to the officers of other departments of the government. It is because the government has kept prison at the tail-end of the Criminal Justice System (CJS)

An Assistant Jailor of a Central Jail of Assam pointed out the following problems which needs attention—

1. Dilapidated condition of the Staff quarters.

2. The infrastructure of the jails is very poor. Lack of almirahs, cupboards, etc makes it difficult to keep the record safely.
3. As per the job profile that demands 24 hours on duty, the remuneration is very low.

4. Visiting room should be kept separate from office. The visiting hour is very chaotic thereby making it difficult to continue the administrative works.

5. Since the crowd is huge behind the walls who are there for committing crime, so there is a risk of life. Therefore, the jail administration has to run in co-operation with the prisoners.

The Jailor of the Jorhat Central Jail cited an incident of a lifer prisoner. The inmate was permitted to clean the office room and the jailor went outside for some work. The officer forgot to lock the godrej where an amount of about lakh rupees was kept. When the Jailor came, the prisoner said that he was waiting for him and informed about the money he kept unlocked. The Jailor said that a few prisoners can be trusted. No doubt for some circumstances a crime was committed, but majority of them reforms in jail and promise themselves not to return again and want to live a civilized life by obeying law. It is the habitual offenders who creates problem not only in society but also inside jail premises.

The overall research clarifies that gross violation of the rights of the prisoners has become a key feature of the prison administration. Prisoners in order to avail their rights had to become slave of the authority for they very well understand that to raise voice would mean inviting more problems. However, the convict warders or ‘mate’ are the privileged section among all the prisoners as they maintain good
relation with the officers. Under-trials and the women prisoners who stand at the bottom of the hierarchy of the prisoners have to obey the rules of the prison administration as well as the prison community. Going against any of these rules would mean giving invitation to more problems. Lifers adjust themselves with the jail environment. The jail officials also have to keep good relations with them to run the jail smoothly. Once the jailor said that in order to avoid chaos they are compelled to keep good relations with the prisoners. Here lies the problem in implementing the rights of the prisoners by the jail administration. The jail administrators appoints their favourable inmate as convict warder and gives him privilege, which are actually rights. On the other hand the inmate with the hope of getting the privilege maintains a good contact with the authority. The message is spread to the whole inmates and every inmate right from his entrance tries to be in the good book of the jail authority. The authority is able to convert the inmates’ rights into privilege due to lack of education. Therefore, the mechanisms of human rights remain unknown to the prisoners. Even if a few who knows do not dare to raise voice because the system is as such that no one will come to recue behind the walls.

2 The Assam Jail Manual, pgvi


5 Goswami, Priyam, op. cit., pg 49-52.


8 Goswami, P., op. cit., pg255-256.

9 Assam Jail Administration Report 1885-86.


11 Assam Jail Administration Report 1885-86

12 PHA File No 327, 1940, “Miscellaneous Papers—(Regarding Politics)


16 Ibid


19 Lal, Basant Kumar (1973). *Contemporary Indian Philosophy*, Delhi:
Motilal Banarsidass Publishers Private Limited, pg152

20 The Assam Jail Manual, pg244

21 Ibid, pg 22-23.

22 The Assam Jail Manual, pp 305-307

23 AIR 1980, SC 249


25 Ibid.


27 1980 1 SCC 81


29 “Inmate—warder ratio on the rise in Asom Jails”, (June 26, 2006), The Sentinel.