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RESEARCH ARTICLE

JAIL ADMINISTRATION IN CUTTACK-A HISTORIOGRAPHICAL STUDY

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ABSTRACT

Cuttack was the capital of Orissa from the later medieval period up to the 1956 A.D. Therefore much attention was given for the development of this town as well as the jail. The modern system of prison was non-existent before the arrival of Britishers in India. Cuttack jail was established as a modern jail in 1811. By the "Regulating Act" of 1773 the Supreme Court of India was established at Calcutta. The total 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. Present paper gives a vivid account of the Jail Administration of Cuttack alongwith the system of hanging, gallows, death punishment etc.

Key words: Britishers, Administration of Cuttack.

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INTRODUCTION

Out of the seven limbs of the state,ⁱ administration of jail was regarded as the most important one for maintaining internal peace and discipline and wording of culprits. The rulers have laid great stress on punishments it ranked from confiscation of property, branding and permanent painting of the body or the face in order to mark the culprit out to imprisonment and even death. The officials who turned traitors were even put on gallows (suli). They were also sent to be impaled alive on a wooden stake thrust upon the belly.ⁱⁱ In order to inflict all these punishments one has to remain uncustody or prison. The "Prison" defines the new Encyclopaedia Britannica, "is an institution for the confinement of a person convicted of major crimes or felonies". The prison is an institution which is established with the purposes of custodial, coercive and correctional. The modern system of prison administration was non-existent before the arrival of Britishers in India. In 1784, the British Parliament empowered the East India Company to rule India and before that "The Regulating Act" was passed in 1773 which established the Supreme Court at Calcutta to exercise "all civil, criminal, admiralty and ecclesiastical jurisdiction and indicated the intention of the British Government to introduce English Rules of Laws and English Superintendence of Law and justice."ⁱⁱⁱ About 1790, the punishment of mutilation was forbidden by law in Bengal and the criminal courts were directed to inflict imprisonment with hard labour in its stead.^{iv}

With the passages of time the conquest of Orissa became a geographical necessity for the British as it lay between the British provinces of Madras and Bengal. Colonel Harcourt started his campaign from Ganjam on 8th September, 1803 and entered Cuttack on 10th October encouraging sporadic but vigorous opposition from the Marathas. Meanwhile, a detachment of Bengal troops marching through Jallasore captured Balasore on 4th October and proceeded to join Colonel Harcourt at Cuttack. The fort of Barabati surrendered on 4th October, 1803 on which the Raja of Berar ceded Orissa to the East India Company under the treaty of Deogaon signed on 17th December, 1803.^v Prison administration in Orissa under the British rule dates back to the year 1803 so to say. So far as history of Orissa prison system is concerned, it is not systematic but piecemeal. Before 1936, the various regions of Orissa were with the other neighbouring states. The southern part of present Orissa was with the previous great state of Madras. The native states called Gadjats were autonomous writs or British administered provinces. The districts of Mughalbandi were with the Bengal Presidency. Likewise the western parts were with the previous central province. In 1912, Bengal became as independent state and the major portion of Orissa went into the province of Bihar. During that period, due to the absence of a separate jail manual, the Bengal jail code of 1864 was in force for the new province up till the year 1928. In this year the jail manual for Bihar-Orissa province was drafted. However, Orissa became an independent province in 1936 and in 1942, its own jail manual was adopted.^{vi} After occupation of Orissa in 1803, the Britishers confined the political prisoners in Barabati Fort at Cuttack. This fort was under the charge of the military authorities. Ordinary civil and criminal prisoners were kept in the huts at Lalbagh, the old lines of the

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European regiments which took part in the conquest of the province. They were also kept in other similar buildings near magistrates' cutchery, being utilised 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.^{vii} In the view of historian G. Toynbee, the Cuttack jail became ready for operation in 1811. Prisoners in the jail were not provided any food and instead they were given a diet allowance in terms of money. They purchased whatever they liked from the jail *mundi*. The scale for each prisoner was from 2 to 3 pice a day, according to fluctuations of the grain market up to the year 1810. In that year it was fixed at 3 pice. Prisoners were supplied clothing and bedding. The total 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.^{viii}

Toynbee wrote that the internal administration and management of the jail was in the hands of District Magistrate. Both the Magistrate and civil surgeon were required to visit the jail at least once a week. In the matter prison labour profit was made subordinate to punishment. Prisoners were sentenced to public labour. At the discretion of the Magistrate they were fettered and worked in gangs in 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 labour remained inside the jail. They pounded surki, made baskets, ganny mats, etc. one fourth proceeds of their private labour were given to the prisoners as a reward for their industry. The avowed object of public labour was to warn and deter, of private labour to reform. The court specified in their sentences the nature of labour to be performed. This distinction dated from 1820. 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. The work of the prisoners included the digging of tanks, draining of marshes, laying and repairing of roads and lanes. Private labour was a failure. Jail discipline, management and sanitation were not properly maintained in those early times. Thus, there were no regular prisons during the early days of British rule in Orissa.^{ix}

As reported by Blunt, the Commissioner of Cuttack, the jail at Cuttack was kept in the best possible order. Every attention was given to the health and comfort of the prisoners. The jail was well raised, airy and spacious; and constructed throughout masonry. The several descriptions of prisoners were kept separate, as required by the circular orders of the Nizam Adalat and the rules established for the management of the jails. Although the jail building was supposed to be capable of containing only 400 prisoners, there were more than that number in 1821 and it appeared well capable of containing 500 prisoners without being in the least degree crowded. The working convicts were not numerous and were mostly employed in digging tanks, repairing the roads or other works of public utility about the station.^x In the year 1820, considerable sickness and mortality had prevailed amongst the prisoners in the criminal jail. The complaint had been chiefly dysentery, but as it prevailed to an equal extent in the town of Cuttack, therefore the high degree of mortality could not be ascribed to any circumstance connected with the diet or accommodation of the prisoners. In consequence of the enhanced price of grain, Blunt suggested to increase the daily diet allowance of the prisoners, but it would be returned to the

usual rate when abundance of rice took place.^{xi} The civil jail at Cuttack was a hired building and there were only 25 persons in custody.^{xii} In 1828, the criminal jail at Cuttack and the hospital belonged to it were in the highest possible order. The health of the prisoners were excellent.

In 1853, Henry Ricketts, member of the Board of Revenue, had given an account of some of the jails of Orissa in the annual report of the year. About Cuttack jail he reported 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. 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. He also suggested that women prisoners were to be employed inside the jail unlike the male prisoners. He also observed that the doors of the jail and some of the coverings of the walls were much out of order and apparently quite worn out. The jail and the jail hospital were well-ventilated and healthful. Tobacco was never allowed and opium was used only when declared to be necessary by the medical officer. The expense of a labouring convict was Rupees 1-1-1/2 per mensem and of a non-labouring convict rupees 0-15-11.^{xiii} In 1856, J. Mout was appointed as the Inspector General of prisons, lower provinces, who had inspected the Cuttack jail on 22 January, 1859. His report revealed that Cuttack jail was the most economical jail in the province. According to him, the ventilation in the jail was imperfect, badly placed, too much surrounded by buildings and the arrangements of its wards rendered classification impossible. There were 334 prisoners in the Cuttack jail.^{xiv}

According to report of the I.G., on January 17, 1868, there were 336 prisoners in custody in Cuttack jail and out of which 352 males and 14 females. They were being classified as labouring, non-labouring, *hajats*, state prisoners and lunatics. The labouring prisoners were employed such as cleaning jail, *mehturs*, washermen, barbers, making paper, weaving cloth, spinning thread, on road and work in hospitals. Caste wise statistics of prisoners was maintained. The Inspector General of jails was greatly dissatisfied with the existing night privies and watched them to be replaced in Agra plan. He wanted the *lifers* to be removed to Alipur jail. The existing practice of employing prisoners outside the jail did not impress him. He remarked, "I am afraid that too many prisoners were 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 Puri and Balasore prisoners will certainly afford suitable and remunerative employment".^{xv}

Special establishments were sanctioned for the district jails of Orissa. The jail establishment included a superintendent on Rs.100 per mensem in case of Cuttack jail, one jailor according to grade, one assistant jailor on Rs.40 per mensem and one hospital assistant according to grade. The warder establishments included one chief head Warder on Rs.15, one second grade head warder on Rs.10, 2 first grade warders on Rs.8 each, 10 third grade warders on Rs.7 each. The reserve guard of the district jail included one head warder on Rs.12 per mensem, 1 warder on Rs.9, 2 warders at Rs.8 each and 3 warders at Rs.7 each per mensem.^{xvi} As per the guideline, the Magistrate of the district was appointed official visitor of the jails and the executive charge of the district jail was given to

medical officer, who possessed little experience in jail administration.^{xvii} The civil surgeon was placed in subordination to the Inspector General of jails, so far as the medical supervision of the jail was concerned.^{xviii} Under section 3 of the jail code, Commissioner of Cuttack Division, Sessions Judges and Magistrates were to act as ex-officio visitors of the jails in their respective jurisdictions. In the Cuttack district jail in 1903 accommodation was provided for 340 prisoners, there were 4 cells, the hospital hold 31 patients and there were barracks for 21 under trial prisoners, 6 civil prisoners, 6 juvenile prisoners, 21 female convicts and 251 female convicts. The average daily number of prisoners confined in Cuttack jail in 1903 was 312 males and 7 females and the mortality from all causes was 28 per mile of the average strength. This ratio was higher than that for the province as a whole 20 per mile and was largely due to diarrhoea, dysentery and pneumonia.^{xix} In Cuttack district there were 2 subdivisional jails at Jajpur and Kendrapara with accommodation for 12 prisoners each. In 1904, the daily average number of prisoners was only 6 at Jajpur and 4 at Kendrapara.^{xx}

As described by Hunter, Cuttack was the most civilised of the three districts and furnished the highest proportion of criminals. The average jail population of the central prisons at Cuttack and the sub-divisional lockups like Jajpur, Kendrapara and Jagatsinghpur were 415 in the year 1868. About one person was always in jail to every 3116 of the population. Of these only 16 were women or one woman to every 80818 of the population.^{xxi} It was also remarked that on 30th July, 1870, about 55 prisoners at a time suffered from Cholera in Cuttack jail. On the very night two prisoners died. 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.^{xxii} In 1872, the average daily number of prisoners employed in manufacture in Cuttack district amounted to 138.50.

Regarding diet, 3 meals a day was provided for active labouring convicts and 2 meals a day for non-labouring and under trial prisoners was provided. However, all sick prisoners in hospital was to receive 4 meals a day and the kind and quantity of food for each meal was to be regulated by the medical officer. In 1916, in the district of Cuttack, three numbers of civil prisoners were received and in the same year all of them were released from the jail. The number of civil prisoners in 1927 was 5, in 1930 was only one and in 1931 was seven and they all were discharged in the concerned year.^{xxiii}

In 1927, in the district jail of Cuttack there were 329 under-trial prisoners out of which 16 were females. At the end of the year 323 prisoners were discharged from the jail. In the subsiding jails of Jajpur, Kendrapara and Banki in 1927, the under-trial prisoners including females from Jajpur, 78 from Kendrapara and 28 from Banki subsidiary jails were released. In 1930, at the time of Civil-Disobedience Movement, in the district jail at Cuttack, 411 under-trial prisoners including female were received by the Cuttack district jail and 36 number of prisoners remained in the jail at the commencement of the year 1930.

In the same year, 402 under-trial prisoners including female were discharged and 45 prisoners remained in the jail at the end of the year. Comparatively in 1931, the ratio of the under-

trial prisoners was less. In 1931 in Cuttack jail, the number of under-trial prisoners were 300 and 12 were females out of them. In the subsidiary jails of Jajpur, Kendrapara and Banki in 1930, there were 71, 54 and 21 under-trial prisoners including females respectively. But due to the continuing Civil Disobedience Movement their number in the Banki jail increased by 1931.^{xxiv} In 1927, the district jail at Cuttack, the receipt of convicted prisoners were 763 including 24 females and the number of discharged were 746 in the same year. This number was obviously less than the figures of 1920 due to the political unrest. In 1920, the convicted prisoners were 1131 including 22 females and the number of detention of convicted prisoners was 155 prior to this. In the same year, 1059 prisoners were discharged and at the end of the year there were 227 prisoners. The daily average number of each class was 302.9. In this district 923 convicted prisoners were received including 20 females, 786 were discharged in the year 1931.

In 1927, in the subsidiary jails at Jajpur, Kendrapara and Banki, there were 61, 87 and 27 fresh convicted prisoners and in the same year they all were discharged. In 1930, it was comparatively reduced from 1927. The receipt figure of the convicted prisoners in Jajpur was 38, in Kendrapara 39 and Banki was 21. But the next year, the number was increased due to political factor. Altogether receipt of the prisoners in Jajpur, Kendrapara and Banki was 48, 47 and 16 respectively during the said period.^{xxv}

For the Kanika Raja's defamation suit, Gopabandhu was kept in the Cuttack District jail till 23rd January, 1923 and on 24th January, 1923, he was sent to the central jail at Hazaribagh in Bihar. Mahatab, during his stay at Cuttack District jail observed the jail condition and described in his autobiography the health of the prisoners most of them suffering from T.B., influenza, leprosy, malaria, diarrhoea, etc. In the district jail of Cuttack, a large number of prisoners suffering from chronic dysentery were admitted to hospital. This was responsible for the increase in death rate from 14.6 to 50.2 in 1920. As reported by the Superintendent, a number of opium eaters were also admitted. In the same year the death occurred in the jail of which 6 were due to dysentery, two in tuberculosis, one in cholera and one in pneumonia. In 1925, the health condition of the prisoners in jail was unsatisfactory and it was responsible for the highest incidents of sickness. The ratio per mile of admission to hospital and the daily sick rate per mile were 1989.5 and 73.5, respectively. During this year, 19 convicts were admitted in hospital suffering from dysentery, 44 for malaria fever, 9 for pneumonia and 24 for diarrhoea. Besides, 4 prisoners died due to bad health.^{xxvi} In the district jail of Cuttack, prisoners sentenced to labour, were employed on oil-pressing, rope-making, preparation of coir fibre and weaving of carpets and mats. The net profit from jail manufacture in 1931 was Rs.1,750-8-0 which worked out at 6-13-6 per head of the prisoners sentenced to labour.^{xxvii} With the creation of the province of Orissa in 1936, the jail administration was placed under the charge of a Director, Health and the Inspector general of prisons. The Cuttack jail had been functioning as a central jail since April 1936 as there was no central jail in the province. In 1942, the Government of Orissa prepared a separate jail manual, incorporating there in, the relevant provisions of the Madras and Bihar Orissa jail manual. Soon after the creation of the province, the Congress Ministry in Orissa rightly devoted to bring about a change in the outlook of the jail officials and to diminish the rigour of rules that governed and controlled the life of the prisoner. It endeavoured hard to convert jails into centres of industry, vocational

education and moral reforms. Old rules were revised and the distinction maintained among the prisoners was abolished. Even the ordinary criminals received better treatment and were provided with larger facilities.^{xxviii} 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 for days coming ahead.^{xxix}

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