

Prison Administration of Tripura: A Study of Human Rights Questions

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The terms "Jail" and "Prison" are sometimes used interchangeably, but in the dictionary of law, a jail is used by local jurisdiction such as counties and cities to confine people for short periods of time. A prison is used to house convicted criminals for period of much longer duration. Both are part of a larger penal system which included other aspects of criminal justice.

Prison as a subject of legislation is placed under State list of the seventh Schedule of the Constitution of India. Hence, prisons in different states vary in their organization, rules and models. There are four legislations that govern the administration of prisons in India with necessary amendments varying from State to State. In addition to it, there are various miscellaneous legislations such as Identification of Prisoners Act(1920), Civil Jails Act (1874), Borstal Schools Act and Habitual Offenders Act. The day-to-day administration of prisoners in all the States and Union territories of India are governed by the respective Jail Manuals as a policy objective which will hopefully be achieved sometime in the distant future.

The history of Jail Administration in Tripura owes its origin during the time of Bir Chandra Manikya. There was no written code before 1870. There were some Sanads and rules of the Maharaja issued or framed to meet individual cases for temporary period. After his coronation in 1870, the rules of civil and criminal procedures came into operation in 1874. The pioneers in this respect were three experts who helped the Maharaja in framing those rules and laws. They were Ishan Chandra Gupta, a distinguished member of the Comilla Bar, who worked as Dewan of the Chakla Roshnabad under the Maharaja, Babu Nilmoni Das, Sub-Registrar of Comilla, appointed as Dewan of Tripura and Roy Bahadur Mohini Bardhan, appointed as Minister.(1)

Nilmoni Das introduced the system of examination of the pleaders of Tripura.

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In 1876, following the British Penal Code, a murderer was hanged in Tripura by the insistence of Babu Nilmoni Das. That was the first case of capital punishment by hanging in the history of judiciary in Tripura. (2)

From the Account of W. W. Hunter, we get the reference that the State of Tripura contained one jail situated at Agartala, and two lock-ups in the Subdivisions of Kailashar and Udaipur. In 1874-75, the total number of prisoners in the jail was 66, the average daily number, 5 and $\frac{1}{2}$; the number released, 53. One prisoner died in jail during the year and the number of admission to the hospital was 15 (3). The condition of the jail of Tripura is reflected in a Administrative Report of Tripura, written by Captain E.G. Lillingston, Officiating Political Agent, Hill Tipperah to the Secretary to the Government of Bengal, Political Department.

"There are two jails at Agurtollah: one for confinement of hillmen only, the other for all other classes. The jail intended for the Bengali's &c, is a wretched place; a collection of mat huts, crowded together, surrounded by a mud bank with sloping sides. This bank will, I suspect, disappear altogether in the rains; already part of it has fallen down. In constructing it, earth was dug out all round the jail, leaving a moat, but having no outlet to drain it. It is now full of stagnant water, and I fear, will make the jail itself and the neighbourhood unhealthy. There is no discipline in the jail, no guard on the gate, no sentries. The prisoners wander about much as they like, and the fact of their not running off altogether speaks well for the treatment they receive while in confinement. I once heard of a jailor being reprovved by an inspecting officer for allowing the prisoners under his charge too much liberty, and his reply was, "What should I do? If did not treat them well they would not stay with me" Yet that was said regarding a jail with high bamboo fencing round it, a police guard at the gate and sentries at the four corners. I hope in time it may be possible to report more favourably in the jail arrangement."(4)

During the time of Radha Kishore manikya, the condition of jail was marked improved. From the Administration Report of the Tripura State for th year 1312 T. E. (1902-1903), it was reported that the general health of the prisoners was good. Altogether 236 patients were admitted into the jail hospitals during the year, suffering mostly from fever and dysentery, of whom 230 were cured and 6 remained under treatment at the close of the year. A hostital was built within the jail premises and a native doctor was placed in charge of it. The prisoners were employed principally in doing earth-work, cultivating vegetables in the jail garden, making cane-baskets. They were allowed to be employed by the public as day labourer of four annas per man per day. The total income obtained from their labour and the produce of the jails amounted to Rs. 1,317, while the total cost incurred for the manitenance of the jails was Rs. 3,763. (5)

The jail administration during the time of Birendra Kishore Manikya marked with the opening of new jail at Sabrum. In the Central jail, a chaff cutter and a crushed food machine gave good and profitable employment to many of the prisoners. As per the Report of General Administration of the Tripura State for the year 1319 T. E. (1909-1910 A. D.), there were altogether two deaths during that year-both in the Central jail at Agartala. One occurred among the convicts and was due to heart complication brought on affection of the lungs. The other case was that of an undertrial prisoner who succumbed to the effects of chronic heart disease. The general health in the jails was however exceptionally good. Two under trial prisoners escaped during that year- one from Bilonia and the other from Dharmanagar. Both were arrested and convicted on trial under the charge.(6)

According to Administration Report of the Tripura State for 1350-52 T. E. (1940-43), the State maintained 8 Jails including the Central Jail at the Capital. The Chief Medical Officer, Dr. M. M. Majumdar and after him Capt. J. M. Ghosh, remained as Superintendent. The total jail population was 803 with 321 convicts, 473 under-trials. 1 civil prisoner, 4 lunatics and 4 detenus in 1350 T. E. On the occasion of the auspicious birthday ceremony of His Highness the Maharaja Manikya Bahadur, 11 convicts were released in 1350 T. E. One Jamadar was fined and one warder was discharged from the service in the year 1349 T.E. This reflects the function of punishment system in the jail, even for the protector of laws. Lt. Col. C.P. Hancock, Resident for the Eastern States with His highness the Maharaja Manikya Bahadur visited the Central Jail, Agartala on the 25th january, 1942. (7)

At present, there is one Central Jail at Agartala. With one separate Female jail which was established in 1994 at Agartala. There are two District Jails at Udaipur and Kailasahar and 7 Sub jails at Dharmanagar, kamalpur, Khowai, Sonamura, Amarpur, Sabroom and Belonia. The Central Jail is manned by the Superintendent with one Chief Welfare Officer, one Deputy Superintendent, two jailors, one discipline officer, one Deputy Jailor, three Sub-Jailors, two Chief Head Warders and other staff.. The Female Jail is supervised by the Superintendent, Central Jail with one Female Sub-Jailor, five Female Head Warders and other female staff. The prisons Directorate controls all the jails headed by the Inspector General of Prisons as Head of the Department.(8)

Prison Discipline : The system has been oriented to modern lines by taking

the prisoners in confidence through a body of Panchayat elected by the prisoners. The Panchayat helps the authorities in maintaining discipline and in the matter of disposal of cases of infringement of prison discipline, besides performance of other allotted tasks, sanitation, drawal of ration, preparation and distribution of food, helping in general education, games and exercises, use of curious language and proper use of government property etc.(9)

The following table shows the number of sickness and mortality among prisoners during the year 1960-1965 in all the jails.(10)

Table I

Years	Total Nos. admitted	Total daily average	Total death
	into hospital	no of sick	
1960	1006	2.34	1
1961	373	4.93	1
1962	290	36.94	1
1963	62	3.73	No death
1964	178	3.78	-do-
1965	29	1.77	4

As per the personal visit of the scholar on 13.12.2007 in the Central Jail, Agartala, the following facts regarding prisoners were observed.

Female prisoners have been allowed sanitary napkin and pati Coat (Chaya) as a part of their `essential` personal need. There is a 10-bed Hospital with Pathological facilities in Central Jail, Agartala. A Medical Officer is posted central Jail and a female doctor is posted at Female jail. Besides there is a Homeopathic doctor for charge of homeopathic treatment of the prisoners. In case treatment required beyond prison, they are referred to State Hospital as per the advice of the State medical Bond.

Educational Facilities : The prisoners are given education from Primary stage to Graduate stage and they are allowed to sit for the Madhyamik, XII(10+2) & Degree Course (BA, B.Sc., B. Com) Exams from inside the jail as private students. There is one mini library with sufficient number of books of novels and stories and fictions.

Details of prisoners 'profile in regard to educational qualification (as on 31.12.2006) (11)

Table II

SLN.	Particulars	UTP(M)	UTP(F)	Convict(M)	Convict(F)	Total(M)	Total(F)
1	Illiterate	135	06	93	02	228	08
2	Below class-X	364	09	515	16	879	25
3	ClassX- undergraduate	59	-	-147	-	206	-
4	Graduate	05	-	12	-	17	-
5	post Graduate	02	-	02	-	04	-
6	Diploma BE	01	-	02	-	03	-
	Total	566	15	771	18	1337	33

Vocational programmes : The Central Jail of Tripura is providing following training in various vocational programmes, e.g. printing cane and Bamboo unit; Computer Unit; Weaving Unit; book Binding Unit; Tailoring Unit; Poultry Unit; Duckery Unit; Piggery Unit; Mushroom Cultivation Unit; Agriculture & Gardening Unit; Floriculture, Fishery, Laundry Unit; Rabbit Unit; Barber Unit.

Recreational Facilities in jails : Mini library, TV, indoor games, news papers reading facility; celebration of Saraswati Puja, Kali Puja, Laxmi Puja etc.,; Meditation course (Yoga/Asana); musical instrument for cultural programmes and audio-visual facilities.

Wage for the prisoners: Prisoners are entitled to get wages for their work as under:

- ** Un-skilled prisoners- Rs. 13.00 per day per head
- ** Semi-skilled prisoners- Rs. 15.00 per day per head
- ** Skilled prisoners- Rs. 18.00 per day per head.

Enactment of New Rules : "The Tripura Canteen(prison) Rules, 2003" has been enacted for the prisoners of all Jails. "The Tripura Victim Compensation Fund Rules-2007" has been enacted for creating common fund through deduction of 20% of wages from the prisoners employed in any work in a prison and any

other contribution/grants received from Central Government or any other organization or from any individual for the victims effected by the criminal act of the prisoners/prisoner by loss of property.

Table III**Prison Population as on 31.12.2006**

Name of Jail	Intake capacity		Intake Total	Convict		Convict Total	Under	UT		Total	Total
	Male	Female		Male	Female			Fe.	T		
Central	355	-	355	556	-	556	137	-	137	693	
Jail Female	30	30	-	17	17	-	05	05	-	22	
jail Udaipur	154	02	156	88	-	25	01	26	113	01	
Jail Kailashar	98	04	102	27	-	27	60	02	62	87	02
Jail Dharm-anagr	55	02	57	22	-	22	115	01	116	137	01
Jail Kamalpur	50	02	52	04	-	04	58	03	61	62	03
jail Khowai	69	02	71	06	-	06	74	-	74	80	-
Jail Sonamura	54	02	56	36	01	37	34	02	36	70	03
jail Belonia	78	02	80	23	-	23	38	01	39	61	01
Jail Amarpur	50	02	52	02	-	02	08	-	08	10	-
Jail Sabroom	52	02	54	07	-	07	17	-	17	24	-
Jail Total	1115	50	1165	771	18	566	15	581	1337	33	

Table IV
Terms of Punishment of Convict as on 31.12.2006

SI. No	Terms of Punishment	No. of Convict(M)	No. of Convict(F)	Total
1	14 years above	397	04	410
2	10-13 years	60	02	62
3	07-09 years	65	03	68
4	05-06 years	55	03	58
5	02-04 years	50	-	50
6	1 year less than 2 years	40	-	40
7	6 months to 1 years	22	01	23
8	3 months to 6 months	34	01	35
9	Less than 3 months	48	04	52
	Total	771	18	789

Table V

Dietary Articles

According to the entitlement, a prisoner is getting following articles each month.

SI. No.	Name of Items	Monthly Quantity
1	Rice	21,000 gms
2	Mustard Oil	600 gms
3	Dal	3,750 gms
4	Salt	750 gms
5	Onion	300 gms
6	Spice	300 gms
7	Gur	450 gms
8	Tamarind	30 gms
9	Vegetables	12,300 gms
10	Fish	260 gms
11	Meat	320 gms
12	Egg	04 Nos
13	Dry Fish	20 gms

Children of the female prisoners are being provided children diet as approved scale of Health Department, Government of Tripura.

Table VI**Clothing, Bedding and other Articles (Month wise)**

SI. No.	Name of Items	Quantity
1	Soap	1 No.
2	Coconut oil	150 gms
3	Washing soap	120 gms
4	Blankets	3 Nos
5	Pillow	1 No.
6	Thala	1 No.
7	Mug	1 No.
8	Bati	1 No.

Table VII**Daily Population of Central jail, Agartala Lock-up Position as on 13.12.2007**

Nature of Prisoners	Total (Male)	Total (Female)
Death Sentence	02	
Convicted, Rigorous Imprisonment	511	
Convicted Simple Imprisonment	28	
Under Trial Prisoners	123	
Others Civil	Nil	
Convicted Rigorous Imprisonment	18	
Under Trial Prisoners	06	
Baby prisoner (3 years)	01	
Total	664	25
Grand Total	664+25 = 689	

Major Achievements : For strengthening internal security of all jails, C.C.T.V were installed to get close watch over the movement of the prisoners. Door Frame Metal Detectors, Hand Held Metal Detector, Long Range Search Lights have been provided to all jails to prevent entry of any mischievous visitor. Explosive Detectors have also been provided to jails to detect explosive inside the jails. EPABX system was installed in all jails connecting security points for better management and administrative security. Formulation of "Tripura (Release on Parole) Rules, 1998" has been enacted regarding short term and long term release of eligible prisoners on parole. The Bengal Jail (Amendment) Code, 1999 was enacted introducing the system of wearing Uniform and Rank symbol by the watch and ward staff and officers under Prison administration.

Human Right Question :

Human rights are the rights of individuals which they expect to be quartered by the concerned authority where they are residing because these rights are essential to them being a human being. For example, right to life, equality, liberty and dignity to life. When these rights are violated, the values of education becomes imperative for its fuller realization.

In general terms, there are two categories of human rights : entitlement rights and personal rights. Entitlement rights are those rights which society must provide every human being so that they can exist in modern society, Personal rights are those rights which individuals control of their own person, e.g. right to a livelihood, right to education, right to health care. Economic, social and personal security are the entitlement rights which they claim from the society. On the other hand personal rights concern prohibitions against the violation of the individuals of their mind body, by society. Of these, the right to conscience is the most important, for, without the right to think and express opinions how can an individual be considered fully human? The right to a livelihood is a fundamental human right which has been formally recognized in the United Nations Universal Declaration of Human Rights. However, almost nowhere is this right recognized in practice.

The analysis of above table shows that at present the total number of prisoners are almost double than the original intake capacity of the prison. The prisoners are being stacked like sacks of potatoes which is more inhuman than the parameter of human right as defined under Universal Declaration of Human Rights. The condition

of women ward tells a pathetic tale regarding violation of basic sanitation hygiene which are direly needed for the up-keep of female ward.

The administration of the Central Jail of Tripura is carried out on the modalities of Bengal Jail Code which was designed and framed under the colonial need and necessity and post independence urgency requires ramifications in the acts of existing rules which pose threats to the basic questions of human right.

The Prisons Act of 1894 was drafted during the period of British rule. The All India Committee in Jail Reforms (1980-83) more popularly known as Mulla Committee, in fact, drafted a model prison on the lines of the standards recommended by the Standard Minimum Rules for the Treatment of Prisoners, 1955. Then the National Human Rights Commission of India proposed two modele prison bills for consideration by state government and re-enactment of the prison legislation in their states with the standards prescribed by the Commission. These were the Indian Prison bill of 1996 and The Prisons (Administration and Treatment of Prisoners) Bill of 1998 respectively. The Ministry of Home Affairs, which is responsible for administration of prisons, then circulated the draft bill of 1998 to all the State governments for consideration Presently, the prison Department of the Bureau of Police Research and Development (BPR&D) under the Ministry of Home affairs is engaged in drafting a Model Prison Manual relying on article 252 of the Constitution of India which provides the Parliament of India to legislate for two or more states by consent and adoption of such legislation by any other State. The said draft contains many things which have been criticized by many NGOs as it shifts from the basic rights of men.

International standards on the treatment of prisoners

The International Covenant on Civil and Political Rights (ICCPR) remains the core international treaty on the protection of the rights of prisoners. India ratified the Covenant in 1979 and is bound to incorporate its provisions into domestic law and state practice.

In the Central Jail of Tripura, out of 689 prisoners as per the data available on 13.12.2007, during the author's the visit to jail, it was observed that most of the prisoners who have been put in this jail are related to dowry and punishment for rape cases. It has been observed by the scholar that misuse of some provisions of Indian Penal Code was made in the Central Jail of Tripura and that clearly manifests the violation of human rights question, which are basically carried out

sometimes by the police personnel under local pressure or their biased approach or their vested interest. Sometimes, the over zeal of women activists working under the banner of NGOs and some women organizations working under the guidelines of party in power, generally overlook the merit of the cases. Article 354 of IPC has given enough scope to women where men can be put in the jail if woman lodges a complaint about her assault of any kind (physical touch, forceful kiss, hugging), which may have taken place or may not have taken place. Article 354 and 498 A of IPC are such provisions, the application of which requires much care but in case of Tripura, it is violated like any thing. In case of dowry death, the husband and relatives of husband became the victims of human rights temporarily till the period of under-trial or declared convicted otherwise. Who can compensate, in true sense, the loss of social dignity and prestige which the relatives of husband suffer under the draconic laws of 304B and 498A of IPC when they are released from the jail in absence of any evidence proved against them? The prisoners of Tripura Jail can be seen largely in the context of above provisions.

The Bureau of Police Research and Development, Ministry of Home Affairs, Govt. of India, has formulated a "Model Prisons Manual for the superintendence and management of prisons of India". Because since independence, prison administration in the country has been a matter of intense debate and criticism at various public forum. In recent years, the Supreme Court has come down heavily on sub-human condition prevailing in prison. In many States, the problems of dilapidated prison structure, overcrowding and congestion, increasing proportion of under trial prisoners, inadequacy of prison staff, lack of proper care and treatment of prisoners, etc. have been engaging the attention of press and social activists. With a growing advocacy for the protection of human rights in the various walks of life, the plight of prisoners has emerged a critical issue of public policy. With the transfer of the work relating to prisons by the Ministry of Home affairs, the BPR & D has been seriously concerned about the modernization of prison system of India in the light of the directives issued by the Supreme Court in a number of judgments pronounced from time to time. More recently, the Apex Court in Ramamurthy Vs State of Kamataka 1996, brought to the fore an urgent need for bringing uniformity in laws relating the prisons and had directed the Central and State Governments to formulate a new model prison manual. Earlier, the All Indian Committee in jail reforms 1980 to 1983 has also emphasized the need for a consolidated law on prisons.

After comparing the Model Prison Manual and the Manual of Central Jail of Tripura, it was found that the local food habit of the indigenous community of Tripura has not been taken into account. The All India Committee on Jail Reforms 1980-83, had suggested right to prisoners and one such right was - "Right to Basic Minimum Need." - Access to clean hygienic conditions of living accommodation and sanitation- which is not available in the Central Jail of Tripura adequately and that poses a threat to human rights.

The Prison Act of 1894 and Bengal Jail Code which are promulgated and practiced in the Central Jail of Tripura, state that the prisoners, convicted and put under the category of "rigorous imprisonment" should be put separately from the prisoners under trial. But this condition is not practiced in the Central Jail of Tripura and this also infringes the basics of human rights of those under trial prisoners whose cases are yet to be decided.

Suggestions :

1. In addition to the steps taken by the Government, societal participation in the reformation of prison is the need of hour. More NGOs should come forward to look into the affairs of education, vocation, and counselling of prisoners. Prisoners should be trained on such various trades that they can get suitable jobs after release from their prison life.
2. In order to protect the question of human rights of the prisoners, the functioning of `Prisoner Grievance Cell` should be made more effective. Prisoners should be provided all access to ventilate their grievances before the senior officials against any custodial torture that is met in most of the prisons of India (E.g. Bhagalpur Jail event is well known to everyone where prisoners had to loose their eyes by the atrocities of prison authorities inside the premises of prison)
3. Creative Art Therapy, which is psycho-therapeutic in nature should be taken into immediate introduction in the prison because, the therapy serves as a reformatory process in several ways. It helps to express, channelise and ventilate him. By promoting creative art, the individual is able to release his pent emotions and realize his worth as `self having a positive desire of improving himself both consciously and unconsciously.
4. Special Courts/ Lok Adalats may be frequently held in different jails of india, particularly in the State of Tripura, to take up the cases of those under trials who are involved in petty offences and are keen to confess their guilt.

5. The Prisoners Act of 1894 and the respective state's jail manuals require immediate amendments so as to ensure the Jail Superintendent follow fair and just procedure while determining for a prison offence. Secondly, the provision for corporal punishment should be done away with to ensure that such law is in conformity with international standards on the treatment of prisoners.

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