Political Prisoners of Assam with Special Reference to Civil Disobedience Movement

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ABSTRACT: Prison is a place used for the detention of the prisoners. Until the late Eighteenth century, prisons were used mainly for the confinement of debtors who could not meet their obligations, of accused persons waiting to be tried, and of convicts who were waiting for their sentences either death or banishment to be put into effect. But imprisonment gradually came to be accepted not only as a device for holding these persons but also as a means of punishing convicted criminals. The prisons during the Civil Disobedience Movement were not merely a site of colonial domination but were transformed into arenas of nationalist resistance. The prison administration is an essential part of the totality of the criminal justice in any country. Therefore in this paper different aspects of prison administration during the period of Civil Disobedience Movement will be analyzed. The ramifications of the Government’s policy of classification of prisoners and the response of political prisoners towards it will be analyzed.

Keywords: Civil Disobedience Movement, Deterrence, Deportation, Incarceration, Political Prisoner, Prison, Prison Labour.

I. Introduction:

Prisons in the Nineteenth century India were a house of industry rather than house of correction. In the Colonial Prison the body of the prisoner was disciplined but this was less in the service of moral reform than in the cause of remunerative labour. Prison was the final destination for the convicted criminal, if not sentenced to execution in Colonial Assam. The year 1930 saw a massive rise in the number of prisoners. Prisons during this period transformed into arenas of nationalist resistance. The Government had hitherto responded to the nationalist challenge by invoking repressive measures (incarceration, deportation and transportation). Underlying the various penal strategies was the principle of differential treatment of nationalist prisoners and their segregation from the ordinary inmates.

II. Objectives of the Study:

This work will analyze different aspects of prison administration during Civil Disobedience Movement in Assam. It will also examine whether or not the colonial government pursued a policy of differential treatment towards the political prisoners.
III. Methodology:

Historical Research Methodology has been followed for study. The work is based on both primary sources such as archival documents and secondary sources like books and articles that are published in journals and magazines etc.

IV. Result and Discussion:

ORIGIN OF PRISONS IN INDIA

Prison is a place used for the detention of the prisoners. A prison is run by the criminal justice system on behalf of the state. Prisoners all over the country are being administered according to the Prison Act of 1894 which is more than hundred years old. The Act of 1894 provides for the institution of ‘convict officers’ implying thereby that such prisoners shall be deemed to be public servants within the meaning of the Indian Penal Code. This enables the creation of a power structure in the Prison. The History of Prison and Prison administration goes back ever prior to the enactment of the Prison Act and Prison Manuals. Prison Act of 1894 and Prisoners Act of 1900 were enacted at a time when prison was intended to be a torture house with a dehumanizing environment.

The existence of prisons can be traced back to the ancient period. Initially there was a belief that rigorous isolation and custodial measures would reform the offenders. In due course it is being substituted by the modern concept of social defense. The notion of prison discipline was to make imprisonment deterrent. Gradually the objective of imprisonment changed from mere deterrence to deterrence and reformation. This led to the abandonment of some of the barbaric punishments and introduction of the system of awards for good work and conduct in the form of remission, review of sentences, wages for prison labour, treatment in open conditions, parole and canteen facilities.

The modern prison in India originated with the minute by T.B Macaulay in 1835. Lord Macaulay drew attention to the horrible conditions in Indian prisons and emphasized the need for making imprisonment a deterrent to the prisoners so that acts of violence and indiscipline in prisons could be avoided. A committee was appointed in 1836 to review prison administration. This marks the beginning of prison reforms in India. In its report of 1838, the committee recommended construction of central prisons and the appointment of an Inspector General of Prisons for each province.

Condition of political prisoners in Assam with special reference to Civil Disobedience Movement

The phase of Civil Disobedience Movement saw a massive rise in the number of prisoners. The movement started almost simultaneously with the introduction of the new scheme of classification in Prisons. The reaction of Civil Disobedience Movement prisoners towards the new classification ranged from suspicion to concurrence with it underlying
principles[1]. Earlier prisoners were classified into three divisions i.e A, B and C according to their social status or standard of living but in 1930 new orders were issued regarding the classification of prisoners according to which prisoners were to be classified according to the nature of their offence and not on standard of living [2].

Theoretically, classification is a scientific process for determining the background, aptitudes, individual and social needs as well as rehabilitation requirements of those for whom correctional treatment has been ordered by the Court and for assigning them therapeutic and work programmes according to their needs and the society’s obligation in the context of the existing resources [3]. In Assam classification was done according to the social status and standard of living and hence accordingly they were divided into A, B and C categories. This system continued till the end of the British rule.

In a bid to strengthen jail discipline and to make prison life more deterrent the Government of India decided to transfer the dangerous prisoners from one province to another. Hence political prisoners (dangerous prisoners) were removed from one province to another because of their tendency or capability to provide assistance in organizing resistance to government. The political prisoners were exchanged in the provinces because of their capability as a leader or because of their criminal pro activities. The Government of Assam considered the Government of India’s proposal of setting up separate wards or cells for political prisoners but was unwilling to exchange the dangerous prisoners from one province to another. A total of twenty two political prisoners were thus selected for the transfer policy of the Government. Many important political leaders viz Puspalata Das, Gopinath Bordoloi, Amiya Kumar Das, Bishnuram Medhi etc were included in the transfer list of the Government[4].

For most of the Nineteenth century little provision was made for the separate accommodation of women and they were often relegated to the worst parts of the jail, but for political prisoners there were separate cells. In a matter of fact there were special instructions for the treatment of political prisoners in the jails in Assam. Political prisoners were kept in cells or association wards and were allowed to communicate freely with each other but were kept as far possible from the other prisoners. On transfer they were required to take their feeding utensils and bedding with them to the receiving jail. The prisoners received jail diet as laid down for ‘B’ division prisoners in rule 369 of Assam Jail Manual Vol I. Loose papers were also supplied to them but only for writing personal letters to their family. The Political prisoners were hospitalized in the case of serious illness and only under the written orders of the Superintendent[5].

Work is the best alternative to channelize the energies of prisoners in a rightful way and for useful purpose. The purposes of Prison labour are i) to make the prisoners disciplined and to help them to have self-discipline ii) to prepare the prisoners for return to society as
individuals having specialized training for livelihood and finally to give punitive value for punishment[6]. In the Colonial prison body of the prisoner was disciplined but no attempts were made to reform his soul. Prisons in the Nineteenth century India were a house of industry rather than house of correction.

In a way of mobilizing scarce labour power political prisoners were employed in gangs beyond the jail precincts under the Public work department and under municipalities in Colonial Assam. The prisons were made to work nine hours as full day’s work as it was said that labour in Assam was scarce and expensive. Bengal terms were adopted to define labour namely penal, hard and light. Oil mills, wheat-grinding, stone-breaking, wood splitting were included under the penal head. Earth work, road work, hoeing, garden work, husking paddy, brick-making, sawing, carpentry and weaving under the hard labour. Similarly bamboo, cane work and weeding were included under the light labour[7].

In the 1930’s the chief jail industries of the province 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 the 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 behavior, 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[8].

For most of the Nineteenth century little provision was made for the separate accommodation and supervision of juvenile prisoners as they were very few in number but during the Civil Disobedience Movement juvenile prisoners contributed for the largest in Kamrup jail. The Government of India was fully aware of the unscrupulous manner in which children had been employed for the purposes of the Civil Disobedience Movement and was conscious of the difficulties in the way of giving continued immunity to juveniles who persistently break the law. In 1930 government of Assam declared certain associations as unlawful associations working in the province under Section 16 Indian Criminal Law Amendment Act 1908 as these associations according to the Government were using school boys and youths as their agents for picketing work against the Government. In Gauhati Jail alone there were more than hundred youths and boys convicted of picketing while most of the elders who instigated them were successful in their escaping attempt. At a much later phase due to overcrowding in the Kamrup Jail the Deputy Commissioner, Kamrup was authorized to cancel the unexpired portion of the sentences passed under any of the ordinances of the youthful offenders who had been misled or intimidated into taking part in nefarious activities. The juvenile prisoners were released after providing a written undertaking by them that they
would remain abstain from Civil Disobedience Agitation or any other subversive movement against the Government[9]. As regards the punishment the juvenile prisoners were given the same punishment like the other prisoners in the jail. Whipping was the most common practice in the jails during the Civil Disobedience Movement in Assam and in order to restrain the juvenile prisoners from future misconduct they were often sentenced to whipping.

In the Colonial India there exist episodes of resistance which suggests that prisoners were far from being the ‘docile bodies’. The exploration of the history of prison in Colonial India indicates more frequent episodes of resistance. Hunger strikes in the jails were considered as such episodes of resistance[10]. The prisoners’ perception of themselves as political frequently provoked them to resist prison labour, perceived by a majority as demeaning to their status. This was manifested in acts of resistance by political prisoners, particularly in its extreme form- the hunger strikes whereby prisoners attempted to assert complete control over their bodies. In the Colonial Assam there were certain rules regarding the treatment of hunger-strike in jails which were more or less similar with the rest of India. During the Civil Disobedience Movement the prisoners who conducted hunger-strikes were immediately isolated from other prisoners and also to the extent possible from one another. There were two main principles which the government themselves regarded as cardinal. First of these was that no concession could be given to prisoners on hunger-strikes to induce them to give up the strike. The second principle was the duty of the jail authorities to do what they could to keep prisoners in their charge in health and to save them from death. Further the prisoners were given strict warning that hunger-strike was a major jail offence and it amounts to mutiny. The prisoners were also made aware during the Civil Disobedience Movement in Assam that by going on hunger-strike they could be liable to prosecution under Section 52 of the Prison Act and in the case of conviction could be sentenced upto one year imprisonment or to be whipping[11].

According to the Assam Jail Manual 17 ‘refusing to eat the food prescribed by the prison diet scale was considered to be jail offence’. During the Civil Disobedience Movement forcible feeding was often considered as the major weapon to conserve the strength of the hunger strikers. In the jails rules were also made regarding the clothing of the political prisoners. They were allowed to wear their own clothing but this concession did not cover the wearing of any political emblem of any kind. The wearing of khaddar clothing and Gandhi caps were not allowed in the prisons in Assam during the 1930s[12].

The importance of prison as a site of medical observation and intervention stood inverse proportion to colonial access to the rest of the Indian society. At a time when most of India lay beyond any kind of medical and statistical purview, prisoners could readily be classified and counted. As early as the 1830s and 1840s statistical tables were compiled to show the number of admissions to prisons hospitals and the extent and causes of sickness and death among prisoners[13]. Prisons were one of the main sources of information about cholera, malaria, kala-azar and dysentery which periodically devastated the jails in Colonial Assam. The prison officers responded by evacuating prisoners to temporary camps or sought to mitigate the
ravages of disease by ordering improvements in ventilation and drainage. In 1930 Malaria was most prevalent in Assam and government decided to carry out ordinary anti-malarial measures.

During the Civil Disobedience Movement the highest incidents of death occurred at Gauhati jail. Tezpur jail was affected by pneumonia and there were twenty eight deaths in the year of 1930. The Government took action against an infected barrack in the jail and instructed the jail authorities to improve the sanitary and hygienic conditions. No prisoner was released on medical grounds during that period[14].

The growing condemnation of brutal modes of punishment in the west found a singular resonance among the British in India. In the early years of its imperium in Bengal, the East India Company administered various forms of punishment inherited from previous regimes, including mutilation, branding and whipping[15]. Prison, the most complex form of punishment affects the body of the prisoner’s as she or he is under the control of others and very little freedom exists. In Assam jail offences were classified into two categories namely serious and minor offences. The forms of punishments which were imposed in the jails were 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, degradation from convict overseership, removal from mark register, fetters for a fixed period, fetters for remainder of sentence, penal labour, solitary with loss of marks, wearing gunny clothes, Sunday labour and work on tread mill[16].

Debeswar Sarma who was imprisoned in the Jorhat Jail during the Civil Disobedience Movement shared his experience in the Jail. According to him the jail was overcrowded due to massive number of arrests. There were several political convicts in the jail and the convicts were provided with two large iron utensils. Everything in the jail was done in order to punish the convicts. The convicts had to work hard and were given inferior and minimum quantity of food. No beds were provided for them and they had to sleep on the race of land made of mud with two blankets. The Jail Superintendent inspected the convicts every day except Sunday and the convicts were required to salute him on his arrival uttering the words ‘Sarkar Salam’. The political prisoners refused to perform this despite of oppressive attitude towards them. The convicts were divided into three categories i.e A, B and C. The general convicts were kept in the C category and they were given minimum privileges compared to A and B category Convicts. Generally political prisoners were kept in A and B category. The convicts were further punished according to the nature of their offences. Debeswar Sarma described an incident where the guards entered the cells of the convicts one night and started beating them rigorously without any reason and proper explanation. Many convicts were seriously injured. Such episodes of punishment illustrate the harshness of the jail authorities in exercising effective disciplinary control over the prisoners[17].
V. Conclusion:

Though prisons were created as an institution to ameliorate the condition of prisoners using discourse on reform and lessen the coercive attitudes towards the prisoners, in reality it was far from true. The prison system that emerged during the Civil Disobedience movement grew out of British policy to make prison life more deterrent by implementing brutal corporal punishments. Foucault points out that the actual functioning of prison lies “beneath its apparent dysfunction”. It is not merely an institution to correct the individuals through penalty – the penalty then belongs to a “history of relations between political power and bodies”[18]. Prison is not only a place of confinement and deterrence but also an abode of rehabilitation and refinement but the memoirs of prisoners suggest that little provisions were made for proper accommodation and treatment of the prisoners. Prisoners were institutions designed to achieve only the retributive and deterrent aspects of punishment.

The prison administration during Civil Disobedience Movement was in a depressive state. Most of the prisons were heavily overcrowded. Convicts and under trials were lodged in the same institution throughout the period. Adults, juveniles, women were generally confined in the common institution. There was a serious lack of separate institutions for these various categories of prisoners. Most of the prison buildings were ill-equipped, ill furnished, without proper ventilation or sanitation and with insufficient water supply. It was obvious that the entire system calls for a thorough overhaul and many reforms were needed but nothing was done in this regard. In fact everything in the jails during the period of Civil Disobedience Movement was done in order to punish the prisoners. The study of political prisoners shows that the prison was inextricably linked with the colonial framework of disciplining and strategies of power and designed also to serve the important function of demonstrating the superiority and inviolability of imperial power. Deterrence remained at the core of colonial policy towards political opponents.

References:


