

The Police Band :

In 1933, a fund was placed at the disposal of the Commandant to organise a band for the military **detachment**.⁷⁹ The services of this band were made available to the public during festivals and ceremonies such as funeral, marriage, etc. Those availing the services of the band had to arrange for thier conveyance, lodging and boarding, besides paying daily allowance during the period of engagement. The police band used to play at the band stand raised within the garden campus near the **Place** on Thursdays and Sundays by way of public entertainment. ⁸⁰ After merger, however, the strength of the band got depleted with the erosion of the Cipahi Company. It was decided in 1974 to reorganise the police band with a Band master and nineteen instrument players consisting of four head constables and 15 police constables. The band service is made available to the public as well.

III. Jails and lock-ups

Introductory :

The growth and development of penitentiary institutions in the Territory is one of the subjects which has not received the attention of scholars. We have little reliable information about the prisons. The scattered references about prisons and prisoners do not shed much light either on the organisational set-up of prisons or on the condition of life in prisons. Those responsible for the maintenance of law and order seem to have been also responsible for the maintenance of prisons as well as the custody of prisoners. In Pondicherry the *nayinar* who was responsible for the maintenance of law and order also held the prisoners under his custody. It is not known as to how long this arrangement continued. But from the beginning of the nineteenth century we find that a clearer picture emerges.

A glimpse of the state of affairs of prisons in the Territory in 1827 is available from one of the speeches of Desbassyns de Richemont. He tells that the rules and regulations governing these establishments were changed. Prisons in Pondicherry were renovated, enlarged and provided with better sanitary facilities. Arrangements existed for undertrials and convicts to be confined separately. He further assured that very soon a prison would be provided for Europeans and another for galley-slaves. The system of extracting work from

prisoners of low castes was abolished. Instead work was made obligatory for all prisoners. The construction work of the prison in Karaikal was completed and that of Yanam was taken up. ⁸¹ The **arrêté** of 16 October 1852 provided a prison for Europeans, their descendants and '**gens à chapeau**'. ⁸²

In 1867, the Administration decided to reorganise the prisons and to tone-up their internal administration with a view to enforcing effectively the penal measures and subject the prisoners to better discipline. Accordingly the **arrêté** of 1 March 1867 placed the penitentiary institutions in Pondicherry under two categories viz., '**prison des blancs**' and '**prison générale**' each of which was placed under the control of a '**regisseur**' who looked after the administration of the prison placed under his care. ⁸³

The **prison des blancs** was meant for the detention of Europeans, their descendants and '**topas**' sentenced to undergo solitary confinement as well as correctional or simple imprisonment. Besides, it was also meant to lodge under-trials among military personnel and sailors who were as far as possible confined separately.

The **prison générale** was meant for all categories of native prisoners sentenced to solitary confinement or to correctional imprisonment or those punished by '**simple police**' as well as the individuals sentenced to work in the **atelier de discipline**. Those sentenced to 'hard labour' were confined separately. There was no prison meant exclusively for female prisoners who were confined either in the '**prison des blancs**' or in the '**prison générale**' as the case may be. The female prisoners were allowed to keep with them their children below three years in case they were remanded after confinement or if confinement took place in the prison.

The **régisseurs** were responsible for the maintenance of an inventory of all belongings of the prison, the classification of prisoners, their discipline and the maintenance of accounts, etc. The **regisseur** of **prison générale** was assisted by a **commis greffier comptable** (a clerk), a **chef gardien** (chief warder), a **chef surveillant des travaux** (a chief supervisor) and six **gardiens**. The **regisseur** of **prison des blancs** was assisted by one or two **gardiens**.

The **régisseurs** were appointed by the Governor on the recommendation of the **Ordonnateur Directeur de l'Intérieur** and the other staff was appointed by the **Ordonnateur Directeur de l'Intérieur** in consultation with the **regisseur**.

The daily routine of prisoners started at 05.00 a.m. when the prisoners woke up and ended at 18.00 hours as detailed below :

05.00 — 06.00 cleaning and sweeping

07.00 — 11.00 work in the workshops

11.00 — 11.30 breakfast

11.30 — 12.30 rest

12.30 — 17.00 work

17.00 — 17.30 meal

17.30 — 18.00 rest

The prisoners were locked up at 6.00 p.m. after which they were confined in the dark. The prison diet of natives, Europeans and **topas** was also different, as shown below :

Daily ration for natives :

6/8 measures of *kambu* or other grains on five days a week

6/8 measure of rice on two days a week

Four *caches* for fire-wood and cooking ingredients.

Daily ration for Europeans :

500 gr. bread of second quality

2 *maganis* of rice

200 gr. mutton on four days a week

150 gr. of dry vegetables or 200 gr. salt fish or 250 gr. fish on three days a week.

Butter for six *caches*

Vegetables for five *caches*

Pepper and salt for two *cachés*

Fire-wood for six *cachés*

Miscellaneous 15 *cachés*

Daily ration for topas

Half a loaf of bread

Five *maganis* of rice

200 gr. of mutton on three days a week

120 gr. of dry vegetables or 200 gr. dry fish or 250 gr. fish on four days a week.

Butter for six *cachés*

Vegetables for five *cachés*

Pepper and salt for two *cachés*

The ration money was paid to the **régisseur** of **prison des blancs** who was responsible for the preparation of food. Food was prepared under his supervision in a common kitchen by prisoners who were paid wages at the rate of eight *cachés* per day. Half the quantity of food was served at 11.00 a.m. and the remaining half reserved for the evening meal. While pregnant women were eligible for additional ration, those admitted in the dispensary were allowed the diet prescribed by the doctor.

Clothing : The natives sentenced to undergo imprisonment for more than one year were entitled to a **chomin** (dhoti) at the end of the twelfth month and the Europeans were given one shirt, one pant and a short jacket if they so desired. The cost of clothing was, as far as possible, met from the savings of the prisoners.

Bedding : In the **prison des blancs**, the prisoners were provided with a wooden or an iron cot, a mattress, a pillow and a blanket while in the **prison général**, only a mat and a pillow were supplied.

Work : It was obligatory for all convicts to work. Undertrials were provided work only on request. The aged and the infirm among prisoners considered unfit for work were exempted. The work was carried out either within or outside the prison premises. The prisoners were engaged in the manufacture of ropes, caps, *thatties* (curtains), besides other handicrafts as determined by the Administration. The **arrêté** of 1867 stipulated that the condition of work outside the prison should be in accordance with the provisions of the **règlement** of 13 December 1865. The convicts were eligible for only one third of the wages paid to civil workers and were permitted to utilise only half of the wages earned by them to meet their own expenses or remit to their family. The remaining half was credited to their savings account and handed over to them at the time of their release.

Health : The prisoners were provided with medical facilities. There was a dispensary in the prison under the overall supervision of the **régisseur**. A student of medicine attached to the hospital attended to the prisoners, assisted by a **homme de peine** performing the duties of a nurse. On the recommendation of the **régisseur**, the prisoners of good conduct were allowed to perform the duties of a nursing orderly whenever the situation warranted. All prisoners were usually attended to in the dispensary itself, but were admitted to hospital on the recommendation of the doctor whenever afflicted by serious illness. As an exception, civil debtors were allowed to have treatment at their own expense.

Visit : Prisoners were allowed to receive visitors only on Sundays between 10.00 a.m. and 4.00 p.m. and such visits could last only for two hours at the maximum. Except the authorised officers, the members of the **Commission de Surveillance** and the prison staff, no one else was allowed to visit the prisoners without the prior permission in writing from a competent officer of the judiciary in the case of ordinary prisoners and from the administrative authority in the case of convicts. Those sentenced to rigorous imprisonment and solitary confinement and galley-slaves were allowed to see only their nearest relatives and that too only rarely, upon an authorisation issued in consideration of their good conduct and efficiency in work.

Discipline : While prisoners of good conduct were rewarded, all breaches of discipline were dealt with severely. Well behaved prisoners were encouraged by offers of position of trust, remission of sentence, slackening of chains in the case of convicts, permission to use tobacco and betel, etc. They were permitted to wear a badge on the sleeves of their right arm as token of good conduct. Prisoners found guilty of indiscipline were subjected to various types of punishments such as cut in ration, solitary confinement, etc.

Commission de Surveillance : With a view to assisting the Government in the administration of the prisons, a three-member body called **Commission de Surveillance** consisting of a representative each of the **Ordonnateur Directeur de l'Intérieur**, the **Procureur Général** and the **Maire (Suppléant de la justice de paix)**, was constituted. This Commission inspected the prisons from time to time and maintained a close watch over prison hygiene, diet, discipline, maintenance of registers, distribution and execution of work, relationship between staff members and prisoners, etc. The Commission had no power to arrive at any decision on prison administration. It could only forward its recommendations to the Administration proposing modifications which it considered desirable for the welfare of the prisoners. While the Commission was required to meet at least once a month, its members had to visit the institution at least once a week. Besides members of the Commission, an **Inspecteur de Police** also visited the prisons every day. Observations, if any, were recorded by the President of the **Commission**, its members or the **Inspecteur de Police** in the **registre special** kept in [the office. The Commission had to submit a report to the Administrator every year in the month of December.

Events leading to the reforms of 1899

It appears that penal institutions in the various establishments were governed by different rules and regulations. In fact the **arrêté** of 1 March 1867 did not cover the penitentiary institutions in the outlying establishments. An inspection team which visited Pondicherry from France in 1876 is known to have submitted a report to the **Ministère de la Marine et des Colonies**. Based on the findings of this team, the Ministry advised the Governor to take appropriate measures for the reorganisation of prisons in all the establishments.⁸⁴

The **arrêté** of 4 February 1889 sought to strengthen the staff of **prison générale** as per the advice of the **Commission de Surveillance des prisons** in order to subject the prisoners to better discipline and enforce the penal provisions more effectively. ⁸⁵ Another order issued on the same date required the Medical Officer to visit the prison every morning and to stay there from 8.00 a.m. to 9.00 a.m. and to record daily his observations on sanitary conditions in the prison and the condition of sick prisoners in the dispensary. ⁸⁶

In March 1899, a five-member committee was constituted to work out a **regimen** of work for prisoners. The committee studied the nature of work to be assigned to prisoners both inside and outside prison either for the benefit of the Government, the Municipalities or other third parties as well as the quantum of work, items of articles to be manufactured, etc. ⁸⁷

The **arrêté** of 1 March 1867 which continued to govern the penitentiary institutions in Pondicherry were no more found to be in harmony with legislation in France which had undergone many important changes. This placed the administration in an embarrassing situation. Added to this, the **Commission de Surveillance des prisons** had also stressed the need to revise the rules and regulations so as to bring them on line with the new concepts of prison administration.

This resulted in the **arrêté** of 30 May 1899 which placed the prisons under the administrative control of the **Secrétaire Général** and under the direct control of an officer of the Secretariat General.⁸⁸ In the other establishments, they were placed under the direct control of the respective Administrators.

The **régisseur** was responsible for the enforcement of all **décrets**, **arrêtés** and **règlements** governing prisons. He was assisted by a **gardien-chef** who was responsible especially for the maintenance of discipline among prisoners and for carrying on the internal administration of the prison. As per the **arrêté**, the **prison generale** came to have three wings known as '**maison d'arrêt**', **maison de justice** and '**maison de correction**' for the detention of all kinds of prisoners and undertrials. The **arrêté** also provided for separate enclosures for men and women in all the three wings. Work was declared compulsory for prisoners sentenced to death and banishment. It was optional for all other prisoners. They had to work for ten hours a day. The order further specified the punishments for disobedience, misbehaviour towards warders, drunkenness, unwillingness

to work, etc. At the same time, the prisoners were provided with better clothings. Europeans sentenced to undergo imprisonment for more than one year were entitled to two long trousers, two stuff-jackets, two short trousers, a pair of shoes and a straw hat in the case of male prisoners and two gowns, two chemises, a pair of stockings, a pair of shoes and a straw hat in the case of female prisoners. Natives were supplied with two stuff jackets, two trousers and a cap in the case of male prisoners and two sarees in the case of female prisoners. The dispensary attached to the prison was expanded and placed under the control of a doctor nominated by the Governor. The dispensary was provided with a consultation-cum-operation chamber, a pharmacy, a kitchen and wards for the sick.

The **Commission de Surveillance** was replaced by the **Commission Supérieure des Prisons**. Its function was to inspect the prison and to offer its views on their functioning. The Commission which met as often as necessary, or at least once a month had to submit a report to the Governor once in six months about the general condition of the prisons. Similarly, in each of the outlying establishments, a **Commission de Surveillance** was set up under the Presidentship of the respective Administrator, whose function was to keep the **Commission Supérieure des Prisons** informed of all matters relating to hygiene, food, discipline, maintenance of registers, etc. in the prison.

The arrêté of 20 February 1942 :

The penitentiary establishments which underwent some changes by the **arrêtés** of 27 July 1906, 2 February 1914 and 31 December 1930 were for the last time reorganised before merger by the **arrêté** of 20 February 1942.⁸⁹ This **arrêté** placed the prisons under the authority of the Chief of the Colony (Governor). The **Chef du Bureau des Finances** as the representative of the Governor was responsible for the overall functioning of the prisons. The **Chef du Bureau Militaire** had to inspect the prisons to ensure that discipline was maintained and that the supervisory staff were properly carrying out their duties. In the other establishments, the respective Administrators represented the Governor. The order further reconstituted the **Commission Supérieure des Prisons** in Pondicherry and the **Commission de Surveillance** in the outlying regions as shown below :

Commission Supérieure des Prisons

1. Le Chef du Service Judiciaire—Président
2. Le Président du Tribunal Supérieur d' Appel

3. Le Chef du Service de Santé
4. Le Maire or le President de la Commission municipale
5. Le Commandant de la section de Gendarmerie Auxiliaire Indigène.
6. Two 'Conseillers Généraux' nominated by the Conseil Général
7. A fonctionnaire du Bureau des Finances—Secretary

Commission de Surveillance

1. Juge de paix à compétence étendue—Président
2. Le Medecin de l'ambulance
3. Le Commissaire de Police
4. One 'Conseiller Général' nominated by the Conseil Général.
5. A local officer—Secretary

Juvenile delinquents :

As there was no prison exclusively meant for juvenile delinquents, they were lodged in the **prison générale**. This placed them in contact with other criminals rendering them susceptible to their bad influence. Hence in 1866 the administration seems to have decided to detain juvenile delinquents away from ordinary prisoners. The **arrêté** of 26 October 1866 declared **Parc Colonial** (the present Botanical Garden) as an agricultural settlement, where young prisoners from Pondicherry and other establishments were placed under strict discipline and put to agricultural work. They were entitled to clothing, wages, medical facilities, etc. The doctor attached to the **prison générale** attended to those young prisoners also.⁹⁰ This penitentiary establishment which was originally under the direction of the **aide-botaniste** was transferred in 1906 to the care of the **gardien-chef** who administered it as per the orders of the **regisseur of prison générale**.⁹¹ This arrangement seems to have been discontinued after 1942. Since then juvenile delinquents were housed in **prison générale** itself. Following the extension of the Children's Act, 1961 in the year 1968, a Special School and Observation Home was established at Ariyankuppam. As provided under this Act, young offenders, i.e. males upto the age of 16 and females upto the age of 18 are detained in the Observation Home.

After merger :

Even after merger prison administration continued to be governed by the **arrêté** of 20 February 1942. However prisons were placed under the direct control of the Inspectorate General of Police under the overall administrative control of the Home Department. In Pondicherry and Karaikal, the respective Superintendents of Police exercised the functions of the Controller of Prisons in addition to their normal duties. In Mahe and Yanam, the Inspectors of Police held additional charge of the posts of Controller of Prison and performed the duties of **Gardien chef** in their respective regions. Following the introduction of the Indian Penal Code and the Criminal Procedure Code in October 1963, the penitentiary establishments could not continue under the control of the Inspectorate General of Police. In June 1965, the Government declared the Controller of Weights and Measures as Controller of Prison for Pondicherry region. The Administrators of Karaikal and Mahe were declared as Controllers of Prison for Karaikal and Mahe regions. In Yanam, the duties fell on the Chief Medical Officer. With the appointment of a Superintendent of Jails in January 1967, he took over as Controller of Prison for Pondicherry region. On May 1968 the following Central acts were extended to this Territory :

- (i) The Prisons Act, 1894
- (ii) The Prisoners' Act, 1900
- (iii) The Identification of Prisoners Act, 1920
- (iv) The Transfer of Prisoners Act, 1950
- (v) The Prisoners (Attendance in Courts) Act, 1955.

In exercise of the powers conferred by the various provisions of the above acts, the Administration framed two sets of rules viz., the Pondicherry Prisons Rules, 1969 and the Pondicherry Sub-Jails Rules, 1969 to govern the administration of prisons in the Territory. The rules were brought into force with effect from 1 March 1969 setting the administration of penal institutions in the Territory on the pattern in vogue in Tamil Nadu. With the extension of the Central prison enactments in 1968 and the enforcement of the Pondicherry Prison Rules, 1969 and the Pondicherry Sub-Jails Rules, 1969 with effect from 1 March 1969, the **prison générale** situated in the heart of Pondicherry town was designated as Central Prison and the prison in Karaikal was classified as a 'Special Sub-Jail' and those at Mahe and Yanam as 'Sub-Jails'.

Although under the new set-up, jails continued to be under the administrative control of the Home Department, the Secretary in-charge of the Home Department was declared as the Inspector General of Prisons with the Chief Superintendent of Jails exercising control over all the prisons in the Territory. The Chief Superintendent of Jails is responsible for the due enforcement of all rules and statutory provisions in the Territory. He is also responsible for the execution of all sentences of prisoners committed to his charge. He is assisted by one Deputy Superintendent, two Assistant Superintendents and two Sub-Assistant Superintendents. The Warder establishment in the Central Prison consists of one Chief Warder, four Head Warders, 25 Warders (Gr. II), three Female Warders and one Male Nurse.

All undertrials, convicts, both male and female, including lifers, all undertrials from Karaikal, Mahe and Yanam regions whose cases stand committed to the Sessions Court, all classes of prisoners convicted and sentenced to imprisonment for more than one month by the Courts in Mahe and Yanam and all classes of prisoners convicted and sentenced to imprisonment for more than one month by the Courts in Mahe and Yanam and all classes of prisoners convicted and sentenced to imprisonment for three months and above by the court in Karaikal are lodged in the Central Prison.

Since the sub-jails are meant for lodging only short-term prisoners, arrangements were made with the Government of Tamil Nadu in 1969 and with those of Kerala and Andhra Pradesh in 1968 for the transfer of long-term prisoners from the jails in Karaikal, Mahe and Yanam, to the jails in Tamil Nadu, Kerala and Andhra Pradesh respectively. Similarly, arrangements were made in 1969 for the transfer of habituals and long-term prisoners sentenced to more than five years from Pondicherry to the jails in Tamil Nadu since the Central Prison in Pondicherry did not have facilities to lodge such prisoners. While the maintenance charges of those prisoners are borne by this Administration, the prisoners are to be treated according to rules and regulations in force in the State to which the prisoners are transferred. All those held under the Maintenance of Internal Security Act, 1971 are detained in the local jails. Their detention is governed by the Pondicherry Detenus Rules, 1971. 92

The Special Sub-Jail, Karaikal : The Special Sub-Jail in Karaikal functions in accordance with the Pondicherry Sub-Jails Rules, 1969. The Deputy Superintendent of Jail in Karaikal, performing the duties of a jailor for purposes of the Act, is in-charge of the institution. He is assisted by three Head Warders and twelve Warders (Gr. II).

Sub-Jails, Mahe and Yanam : The Sub-Jails in Mahe and Yanam are placed under the control of a Sub-Assistant Superintendent each, who performs the functions of a jailor for purposes of the Act under the control of the Chief Medical Officers of the respective regions. The daily average prison population in these prisons is only one. Only short term prisoners sentenced to imprisonment for one month and below are lodged in the jails of Mahe and Yanam and those sentenced for more than a month are transferred to the jails in Cannanore and Rajahmundry respectively.

Open-Air Jail : A proposal to have an Open Air Jail in the Territory was under the consideration of the Government. Necessary land acquisition proceedings to acquire land in Kurumbettai village near Usteri were also initiated.

Prison population : Those convicted for thefts, cheating and smuggling form the majority of prisoners in the jails. Prior to 1970, smugglers formed the majority among the daily average of prisoners. This was so because the neighbouring state of Tamil Nadu was a dry area and Pondicherry attracted a good number of criminals from outside. Moreover, the smuggling of liquor beyond the limits of the Territory flourished as a lucrative venture. With the lifting of prohibition in Tamil Nadu there was a perceptible decrease in the number of such prisoners in the Territory. With the reintroduction of prohibition in Tamil Nadu in September 1974 the trend was expected to get reversed.

Details of daily average of prisoners for the entire Territory from 1957 to 1971-72 are furnished in the following statement :

Year	Male	Female	Total	Total daily average	
				Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
1957 ..	1,449	107	1,556	238	14
1958 ..	1,282	95	1,377	284	17
1959 ..	1,298	105	1,403	303	23
1960 ..	1,399	135	1,534	315	22
1961 ..	1,168	96	1,264	316	22

(1)		(2)	(3)	(4)	(5)	(6)
1962	..	1,149	86	1,235	309	17
1963	..	911	49	960	255	13
1964-65	..	1,473	66	1,539	229	4
1965-66	..	1,202	63	1,265	346	6
1966-67	..	1,529	149	1,678	237	9
1967-68	..	1,331	82	1,413	207	3
1968-69	..	1,340	176	1,516	193	4
1969-70	..	1,240	268	1,508	169	9
1970-71	..	1,712	297	2,009	181	7
1971-72	..	1,160	118	1,278	115	8

It will be noticed that there is a sharp decline in the total daily average of prisoners since 1964. It may be recalled that a large number of Indian laws stood extended to this Territory with effect from 1 October 1963. The sharp decline in the daily average of prisoners is said to be the direct result of the extension of Indian enactments, which are said to be more liberal in granting bail petitions. During the French days, there were more restrictions on the filing of bail applications and seldom were such bail applications granted.

Classification of prisoners : The convicted prisoners are placed under three classes viz., 'A', 'B' and 'C' taking into consideration their social status, education, mode of life, etc. 'A' and 'B' class prisoners are entitled to some privileges. They are allowed to supplement their food with biscuits, non-alcoholic beverages, fruits, etc. and to wear their own clothings. They are supplied with furniture such as table, chair, cot, etc. They are also allowed to use soap, hair-oil, tooth paste at their own cost and to write four letters a month, two at Government cost and two at their own cost. Ordinary prisoners are entitled to write only two letters a month, one at Government expense and the other at their own cost.

Prison discipline : Prison discipline as well as the daily routine of prisoners are governed by the provisions of the Pondicherry Prison Rules, 1969. The prisoners are eligible for remission of sentence which is granted on the basis of their good behaviour, work and general response to various institutional activities. They are entitled for ordinary remission, special as well as government remission. The prisoners are also released on emergency or ordinary parole leave to enable them to [maintain contacts with their family on important occasions.

The Advisory Board : The Pondicherry Prison Rules, 1969 provided for the constitution of a nine-member Advisory Board under the Chairmanship of the District Magistrate (Independent).

The District and Sessions Judge, the Inspector General of Police, the Director of Social Welfare and the Director of Health and Family Planning Services are the official members of the Board. The three non-official members including one Member of the Legislative Assembly whose term of office is three years, are appointed by the Government. The Superintendent of Jail, Pondicherry, functions as the Member-Secretary of the Board. The Board, required to meet at least once in six months, is empowered to review the cases of prisoners and recommend their release either conditionally or unconditionally or on compassionate grounds and to extend to them necessary help at the time of their release.

The Board of Visitors : The Prison Act provides for the creation of a Board of Visitors consisting of official as well as non-official members to keep a close watch on all aspects of jail management, including health, diet, training, rehabilitation, recreation, etc. of prisoners. The Board headed by the District Magistrate (Independent) consists of, besides officials, a member of the Legislative Assembly, a member of Parliament, a medical practitioner, a lawyer and two female social workers. They ensure the proper application of rules and regulations governing the management of prisons and prisoners.

The members of the Board are not only free to visit the jail on any working day according to the roster prepared by the Chairman, but also record their findings for necessary remedial action by jail authorities. They may also hear complaints and petitions from prisoners, inspect their food and its quality and verify the punishment register.