

IMPLEMENTATION OF THE RECOMMENDATIONS OF
ALL-INDIA COMMITTEE
ON
JAIL REFORM
(1980-83)

VOLUME I

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FOREWORD

IT WAS ONLY LATE IN 1995 that the ***Correctional Administration Division*** was created in the Bureau of Police Research & Development, Ministry of Home Affairs. Its mandate was large and challenging: information dissemination, research, training and orientation of correctional staff, development of professionalism among them, and coordination with national and international agencies. All this called for considerable initiative and application.

I am happy to mention that during this brief intervening period the Correctional Administration Division has been able to make its presence felt. It has facilitated and sponsored a large number of research projects. It has regularly been bringing out ***Directory of Prison Officials*** incorporating relevant information on middle-and senior-level prison functionaries throughout the country. Besides, it has been generating information material which has been widely welcomed.

The Division has generally contributed to ongoing training programmes of prison functionaries in the states and UTs. Towards the modernisation and updation of training programmes, it has actively collaborated with Regional Institute of Correctional Administration, Chandigarh and Vellore and Sampurnanand Prison Training Institute, Lucknow. Furthermore, year after year, it has organised Vertical Interaction Courses and training programmes on Human Rights in Prisons.

With a view to facilitating inter-change of ideas and instilling professionalism at the policy and programme planning levels, the Division has regularly been organising Regional Meetings of Heads of Prison Department. It has also spawned All India Prison Duty Meet (the first meet is held at Chennai).

In order to ensure uniformity and progressive orientation in prison management, the Division has initiated action with active collaboration of prison authorities from a large number of states and UTs, for developing a **Model Prison Manual**. In this connection, a large number of meetings of **All India Model Prison Manual Committee** and **Working Groups** have been held and issues of prison management have been deliberated upon *thead-bare*, and it is expected that the work on Model Prison Manual will be completed very soon.

I might add that the multifarious activities of the Correctional Administration Division are overseen by the **Advisory Committee on Prison Reforms**, comprising of experts and specialists in Criminology, Law and Correctional Administration.

The work of looking into the implementation of the recommendations of **All India Committee on Jail Reforms** (also known as Justice Mulla Committee) assigned by the Ministry of Home Affairs to the Correctional Administration Division, thus, fitted very well into its range of activities. As is well known, the Committee (1980-83) examines the situation of prisons in the states and UTs. The Committee appraised their situation and made momentous recommendations.

Correctional Administration Division commenced the work in June 2001. The Division has been able to wrap up the work within a short period of twelve months, snags and bottlenecks notwithstanding. The report in hand reflects the position of implementation of the Committee's recommendations.

I must add that the professionals involved in the endeavour have worked hard and long. In this regard the names of Professor M. Z. Khan, Consultant; Shri A. K. Sinha, Director, BPR&D; Dr. B. V. Trivedi, Assistant Director, BPR&D; Dr. Rita Tiwari, Statistical Assistant, Dr. Deepak Gupta, Research Assistant, Shri Nand Kishor S. Bhagat, Research Assistant and Ms. Deepa Popli, Shri

Dinesh Chand and Shri Raman Kumar Singh Stenographer-cum-Computer Operators deserve to be mentioned.

It is hoped that this document would be useful to correctional policy planners and serve as a ready reference for prison modernisation, in general, and improvement of living conditions of women prisoners, in particular.

(L. C. Amarnathan)
Director General

PREFACE

Indeed, prisons in India make for a massive social organisation. Part and parcel of the larger criminal justice system, they make an invaluable contribution to upholding up the rule of law and, thereby, to the maintenance of law and order, peace and tranquility, in society. On the other hand, objectives behind imprisonment have moved some large distance: incarceration, deterrence, penance, correction and reformation and rehabilitation. As of now, prisons are expected to undertake human engineering, influencing and modifying perceptions, attitudes and behaviour of those who come into their charge.

Since these correctional services take place and are rendered within the four walls of prisons, common man is rarely in the know of these services. This may, in part, explain the low political and budgetary priority which prisons have received during the preceding century. However, prison study groups, committees and commissions, instituted from time to time, have rendered a yeoman's service in drawing public and legislative attention towards the situation, issues and problems confronting prisons in the country. This is abundantly exemplified by the deliberations of the All India Committee on Jail Reforms. That prisons administration and living conditions of prisoners need to be paid a pointed attention, systematically, is justified by several reasons. The Committee has made a large number of recommendations. The present exercise to look into the status of the implementation of the recommendations of the Committee has been as exciting as it has been daunting.

It goes without saying that all the recommendations of the Committee are of paramount importance. However, these could be classified into two broad groups: goal-oriented recommendations and 'actionable' recommendations.

The present report focuses on actionable recommendations. Initially, these recommendations were further sub-divided into two — those concerning Government of India and those concerning states and UTs. It follows that the number of recommendations concerning states and UTs is far larger than those concerning Government of India. The latter were consolidated and were forwarded to the Ministry of Home Affairs for comments which have been incorporated under Section One of this report.

Relating to actionable recommendations concerning states and UTs, a detailed questionnaire, with mostly close-ended items, was developed and mailed to all the 35 states and UTs on September 19, 2001, with the request that the completed questionnaire be returned by October 20, 2001. However, it has taken much more time than was expected. In most cases the questionnaire were received in January and in the case of one state and one UT, as late as on April 17, 2002. Furthermore, three states, namely, Jharkhand, Kerala and Uttranchal have not to-date supplied the needed information, despite our all possible and constant efforts.

The information on the questionnaire has been computer-tabulated and interpreted. Incorporating all this material a report has been documented which has twenty-nine sections. While recommendations of the Committee and interpretive material have been presented side by side, in Volume I, data tables have been placed in Volume II, so as to facilitate communication.

It is hoped that the report would be found useful and usable.

(Dr. B. V. Trivedi)
Assistant Director

Section One
RECOMMENDATIONS
CONCERNING CENTRAL GOVERNMENT

The All India Jail Reforms Committee (1980-83) has made several recommendations which concern Government of India. These mostly relate to legal framework and coordination between states and UTs. Further these have been examined by the Ministry of Home Affairs and current position of implementation of these recommendations has been indicated.

Para 4.34.1: Directive on National Policy *on Prisons* should be formulated and embodied in Part IV of the Constitution.

Government of India has not accepted.

Para 4.34.2: The subject of prisons and allied institutions should be included in the Concurrent List of the Seventh Schedule of the Constitution of India.

Government of India has not accepted.

Para 15.8.1: The subject of treatment of young offenders should be included in the Concurrent List of the Seventh Schedule of the Constitution.

Government of India has not accepted.

Para 15.8.3: In case the subject of treatment of young offenders is not brought under the Concurrent List, the Government of India should prepare a model Bill on the lines recommended in Chapter IV on ‘Legislation’ for being adopted by all the States and Union Territories.

The Ministry of Home Affairs has already prepared a draft Bill on prison Management including provisions for treatment of young offenders. The draft has been circulated to all States.

Para 15.8.2: A new uniform legislation for young offenders should be enacted on the lines of the Chapter Scheme given in Annexure IV-C attached to Chapter IV on 'Legislation' .

Prison is a State subject according to item 4 in the State List (List-II) of the Seventh Schedule. According to article 246(3), the Legislature of any State has the exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the List II in the Seventh Schedule of the Constitution. However, article 252 of the Constitution provides that two or more States may by resolution in their respective State Legislatures authorize Parliament to enact a Central Legislation on a State subject. The Union of India can thus consider enactment of law relating to 'Prisons' only on receipt of requests from two or more States. The Central Government in the Ministry of Home Affairs requested the State Governments to pass resolutions under article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the requisite response from the State Governments, it circulated in September 1999 a draft Model Prisons Management Bill among the State Governments. (The draft Bill on Prisons Management includes provisions for the treatment of young offenders).

Para 4.34.14: In the preamble of the Indian Penal Code specific mention should be made about protection of society through the reformation and rehabilitation of offenders as objectives of punishment .

The Law Commission of India which comprehensively reviewed the Indian Penal Code and recommended changes to the Indian Penal 1860 its 156th Report has not recommended any change to the preamble to the Indian Penal Code as suggested by Mulla Committee.

Para 4.34.15: The Indian Penal Code (IPC) should be suitably amended in the light of the contemporary ideology of reformation and rehabilitation of offenders, e.g., it may provide alternatives to prison sentences and eliminate distinction between simple and rigorous imprisonment.

The lapsed Indian Penal Code (Amendment Bill, 1979 vide clause 18 of the Bill had a proposal to provide alternative punishments to prison sentence such as community service, disqualification from holding office, order of payment of compensation and public censure. However, the Law Commission of India which considered the Bill while reviewing the Indian Penal Code did not agree to the addition of those new forms of punishments except public censure. The Law Commission also did not consider it necessary to suggest elimination of distinction between simple and rigorous imprisonment.

Para 4.34.16: Section 302 of the IPC should be suitably amended so that (i) it is only in cases of murder with aggravating circumstances that death is prescribed as one of the punishments; and (ii) in other cases of murder, courts are given discretion to impose imprisonment for life or imprisonment for a lesser term.

The Supreme Court in its judgement on Bachan Singh Vs. State of Punjab observed that for persons convicted for murder, life imprisonment is the rule and death sentence an exception. A real and abiding concern for the dignity of human life postulates resistance to taking a life through laws instrumentality. That ought not to be done except in the rarest of rare cases when the alternative option is unquestionably foreclosed. It is necessary that the maximum sentence prescribed by law should be reserved for the 'rarest of rare' cases which are of an exceptional case. Thus this judgement of the Supreme Court takes care of the recommendations of Mulla Committee.

Para 4.34.16: Imprisonment for life should be imprisonment for a fixed term extending over a reasonable period of time which may be determined by the legislature and incorporated in the IPC.

Section 57 I.P.C. provides that in calculating fractions of terms of punishments, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years. Section 433A Cr.P.C. was incorporated through the Code of Criminal Procedure (Amendment) Act, 1978 to provide that a person who has been sentenced to death and whose death sentence has been commuted into that of life imprisonment and persons who have been sentenced to life imprisonment for a Capital offence should undergo actual imprisonment of 14 years in jail. The Law Commission, which reviewed Cr.P.C. & I.P.C., did not recommend any change with regard to period of life imprisonment.

Para 14.11.24: Government of India should prepare a comprehensive Model Bill for children embodying various aspects of child welfare services.

Juvenile Justice (Care and Protection of Children) Act, 2000 provide for a comprehensive scheme for the welfare of children coming within the purview of law.

Para 4.34.17: Section 303 of the IPC should be deleted and its provision brought suitably under the proposed Section 302 of the IPC.

The lapsed Indian Penal Code (Amendment) Bill, 1978 vide clause 126 had a proposal to omit section 303 IPC. The Law Commission has also agreed to delete this section. The Report of the Law Commission has been referred to State Government for their views/comments.

Para 13.11.4: Instructions of the Ministry of Home Affairs for the guidance of the police on the subject of handling women offenders should be followed.

Actions are to be taken by the States who control the enforcement agencies.

Para 17.7.1: Section 30 of the Prisons Act, 1894, should be replaced by a fresh legislation providing for a more humane and dignified treatment to prisoners under sentence of death.

Prison is a State subject according to item 4 in the State List (List-II) of the Seventh Schedule. According to article 246(3), the Legislature of any State has the exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the List II in the Seventh Schedule of the Constitution. However, article 252 of the Constitution provides that two or more States may by resolution in their respective State Legislatures authorize Parliament to enact a Central Legislation on a State subject. The Union of India can thus consider enactment of law relating to 'Prisons' only on receipt of requests from two or more States. The Central Government in the Ministry of Home Affairs requested the State Governments to pass resolutions under article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the requisite response from the State Governments, it circulated in September 1999 a draft Model Prisons Management Bill among the State Governments.

Para 4.34.4: In case the subject of prisons and allied institutions is not brought under the Concurrent List, the Government of India should prepare a model Bill for being adopted by all the states and union territories.

Prison is a State subject according to item 4 in the State List (List-II) of the Seventh Schedule. According to article 246(3), the Legislature of any State has

the exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the List II in the Seventh Schedule of the Constitution. However, article 252 of the Constitution provides that two or more States may by resolution in their respective State Legislatures authorize Parliament to enact a Central Legislation on a State subject. The Union of India can thus consider enactment of law relating to 'Prisons' only on receipt of requests from two or more States. The Central Government in the Ministry of Home Affairs requested the State Governments to pass resolutions under article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the requisite response from the State Governments, it circulated in September 1999 a draft Model Prisons Management Bill among the State Governments.

Para 25.8.1: The new legislation (revised and updated Model Prisons Bill, see Para 4.7) should clearly define the general objectives of correctional system in the country.

Prison is a State subject according to item 4 in the State List (List-II) of the Seventh Schedule. According to article 246(3), the Legislature of any State has the exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the List II in the Seventh Schedule of the Constitution. However, article 252 of the Constitution provides that two or more States may by resolution in their respective State Legislatures authorize Parliament to enact a Central Legislation on a State subject. The Union of India can thus consider enactment of law relating to 'Prisons' only on receipt of requests from two or more States. The Central Government in the Ministry of Home Affairs requested the State Governments to pass resolutions under article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the requisite response from the State Governments, it circulated in September 1999 a draft Model Prisons Management Bill among the State Governments.

Para 4.34.3: All the laws pertaining to prison administration should be consolidated and a new uniform and comprehensive legislation enacted by the Parliament for the entire country.

As already explained, it is not possible to pass a Central Law pertaining to prisons. However, as mentioned a Model prisons Bill has been circulated to the States/UTs.

Para 4.34.26: Children Act should be enacted and implemented in every district of the states / UTs.

Juvenile Justice Act is extant throughout the country; however, states/UTs have to provide juvenile services in every district.

Para 4.34.28: Habitual Offenders Acts should be amended in the light of the provision of Chapter XLIII of the Model Prison Manual.

No Central Act called the Habitual Offenders Act exists in the Statute Book.

Para 4.34.18: Undertrial prisoners continue to be detained in prisons for long periods of time. A review on an all-India basis should be undertaken to find out whether the provisions of the Code of Criminal Procedure (Cr.P.C.) in this regard are being fully implemented.

NHRC, SHRC, Board of Visitors etc. deal with these situations regularly.

Para 4.34.19 and 12.17.21: Cr.P.C. should be so amended as to provide that as soon as an undertrial prisoner completes period of detention equal to half of the maximum sentence awardable to him on conviction, he is released immediately and unconditionally.

Clause 41 of the Code of Criminal Procedure (Amendment) Bill, 1994 pending in Rajya Sabha seeks to give effect to this recommendation. Clause 41 of the Bill

proposes to insert a new section 436A in the Code of Criminal Procedure, 1973 that where an undertrial prisoner other than the one accused of an offence in which death has been prescribed as one of the punishments has been under detention for a period extending to one half of the maximum period of imprisonment provided for the alleged offence, he should be released on his personal bond, with or without sureties. It is also proposed to provide that no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the offence.

Para 4.34.20: Section 433 A of the Cr.P.C. should be suitably amended so that those undergoing life imprisonment and offering good prognosis for reformation and rehabilitation are generally released after 8 to 10 years of actual imprisonment.

The Supreme Court in its judgement dated 15th February, 2002 in the case titled Laxman Naskar etc. versus Union of India and others has held that it is a settled position of law that life sentence is nothing less than lifelong imprisonment and by earning remissions a life convict does not acquire a right to be released prematurely; but if the Government has framed any rule or made a scheme for early release of such convicts then those rules or schemes will have to be treated as guidelines for exercising its power under Article 1621 of the Constitution and if according to the Government policy/ instructions in force at the relevant time the life convict has already undergone the sentence for the period mentioned in the policy/instructions, then the only right which a life convict can be said to have acquired in time before the authorities concerned for considering exercise of power under Article 161 of the Constitution. When an authority is called upon to exercise its powers under Article 161 of the Constitution that will have to be done consistently with the legal position and the Government policy/instructions prevalent at that time.

Para 16.11.1, 20.17.7, 4.34.20 and 16.9.1: Section 433A of the Cr.P.C. should be amended.

The Supreme Court in its judgement dated 15th February, 2002 in the case titled Laxman Naskar etc. versus Union of India and others has held that it is a settled position of law that life sentence is nothing less than lifelong imprisonment and by earning remissions a life convict does not acquire a right to be released prematurely; but if the Government has framed any rule or made a scheme for early release of such convicts then those rules or schemes will have to be treated as guidelines for exercising its power under Article 1621 of the Constitution and if according to the Government policy/ instructions in force at the relevant time the life convict has already undergone the sentence for the period mentioned in the policy/instructions, then the only right which a life convict can be said to have acquired in time before the authorities concerned for considering exercise of power under Article 161 of the Constitution. When an authority is called upon to exercise its powers under Article 161 of the Constitution that will have to be done consistently with the legal position and the Government policy/instructions prevalent at that time.

Para 4.34.22: Section 428 of the Cr.P.C. should be suitably amended so that the period spent by an undertrial in detention during investigation, inquiry or trial could be computed as sentence served in case he is sentenced to life imprisonment.

The provision of Section 433A adversely affects the reformation of lifer whose case in spite of good conduct in jail cannot be referred to the Advisory Board for recommending his premature release to the State Government, unless he has completed 14 years of actual imprisonment. Proposed amendment to Section 428 vide clause 39 of the Code of Criminal Procedure (Amendment) Bill, 1994 is intended to provide that the period for which the life convict remained in detention during investigation, inquiry or trial shall be set off against the period of 14 years of actual imprisonment prescribed in Section 433-A.

Para 4.34.21: Preventive sections of the Cr.P.C., esp. Section 109 should be reviewed and amended suitably to restrict their use only in very genuine cases.

The Law Commission in its various Reports did not touch preventive Section of the Code of Criminal Procedure, 1973 including Section 109 Cr.P.C.

Para 12.17.24: Preventive sections of the Cr.P.C., specially Section 109, should be reviewed and amended suitably to restrict their use only in very genuine cases.

The Law Commission in its various Reports did not touch preventive Section of the Code of Criminal Procedure, 1973 including Section 109 Cr.P.C.

Para 4.34.25: Non-criminal lunatics should not be detained in prisons. The Mental Health Bill should be passed expeditiously.

The Mental Health Bill, 1987 has been enacted as the Mental Health Act, 1987. The Mental Health Act, 1987 which replaced the Lunacy Act, 1912 has provisions for the custody and treatment of mentally ill prisoners.

Para 27.1, 27.2, 27.2.1 to 27.2.31: Government of India should finalize the National Policy on Prisons on the lines suggested, and notify it.

Government of India has not accepted.

Paras 14.11.10, 14.11.11, and 14.11.12: Ministry of Home Affairs and the Ministry of Social Welfare should take necessary action for ensuring removal of children from prisons in various states and UTs.

As per the Juvenile Justice Act, children are kept in Juvenile Institutions and not in jails.

Para 21.17.1: Public participation in prevention of crime and treatment of offenders must be made a part of our National Policy on Prisons.

Government of India has not accepted.

Para 9.12.1: The principles of classification included in the report of the All India Jail Manual Committee 1957-59 should be adopted on an all India basis.

This issue has been taken into consideration by the All India Model Prison Manual Committee while drafting the Model Prison Manual.

Para 23.15.1: At the Centre, the set-up dealing with prisons in the Ministry of Home Affairs should also be upgraded to the status of a Department. Senior officers having experience of Correctional Administration should be posted in the secretariat.

The Government of India has created a Cell in BPR&D to deal matters exclusively relating to Prisons and Prisoners.

Para 24.44.9: An all India service to be called the Indian Prisons and Correctional Service should be constituted.

Government of India has not accepted.

Para 24.44.19: The Government of India should institute medals for rewarding prison personnel. State / UT administration should suitably recognise special services rendered by prison personnel.

The Correctional Service Medals have been instituted vide President's Secretariat Notification dated 5th April, 1999. These medals are awarded to prison service

personnel for their acts of gallantry and distinguished service on the occasion of Independence Day and Republic Day.

Para 9.7.9: Panels of experts should be appointed by Government of India on a regional basis to assist the states and UTs in the region to prepare a basic plan for setting up a system of classified institution.

It is not considered necessary. Needs vary in different areas under the same region.

Para 5.8.7 to 5.8.10 ,5.8.11, 5.8.12,5.8.24,5.8.26: A special cell with necessary staff and expertise from Prison departments should be established at the National Buildings Organization to design model plans of buildings for different categories of prisons.

It is not considered as the State Governments construct jails according to their requirements.

Para 5.8.6 and 26.13.5: The National Commission on Prisons, the National Buildings Organization and the National Institute of Social Defence should coordinate to evolve standards and norms for buildings of different categories of prisons. The National Commission on Prisons should monitor the observance of these standards and norms.

As the recommendation relating to the setting up of the National Commission on Prisons was not accepted, no follow up action was made.

Para 25.12.2: Funds for renovation of old buildings and construction of new buildings should be made available to the state governments by the Central Government under Five Year Plans.

Under the scheme of Modernization of Prisons Administration as well as the awards of various Finance Commissions, Central Government has been

providing funds to the states for repair and renovation of old jail buildings. For new buildings assistance was provided to the state.

Para 25.12.5: Central financial assistance in the form of matching grants or long-term loans should be extended to the state governments for the modernization or the mechanization of prison industry and agriculture.

Under the scheme of Modernization of Prisons Administration, Central Government has been providing funds to the states on contribution basis for development of prison industries and agriculture.

Para 5.8.5: The estimated financial outlay on new buildings would be about Rs. 376 crores. This amount should be made available by the Government of India.

The funds had been provided by the 7th Finance Commission.

Para 25.12.3: Sufficient outlays should be earmarked under plans by Central Government for initiating certain centrally sponsored schemes for the welfare of prisoners.

Funds are provided under the MPA scheme..

Para 20.7.8: The Government of India should lay down uniform guidelines to be followed by state governments / UT Administrations for grant of remission in sentence.

The Central Government have circulated the Model Prison Bill among States. The manual has a separate chapter on remission of sentences.

Para 25.12.1: Programmes for reformation and rehabilitation of offenders should find a place in our national plans.

Action are taken from time to time.

Para 26.13.1: The National Commission on Prisons.

Government of India has not accepted.

Para 26.13.1, 26.13.4, 26.13.20, 26.13.3 and 26.13.5: Government of India in the Ministry of Home Affairs should set up a permanent National Commission on Prisons with specific objectives, composition, technical staff and functions.

Government of India has not accepted.

Para 25.8.4: The National Commission on Prisons should be functionally linked with State correctional organisation to review the achievement of goals & objectives, etc., and to plan their future organisational, personnel and functional structure in consultation with them.

As the Government of India has not accepted the recommendation for setting up a permanent National Commission on Prisons under para 26.13.5, there is no action on the part of the Government of India.

Para 21.17.3: At the national level, the National Commission on Prisons should locate and enroll individuals and community groups volunteering to serve in the correctional field.

As the Government of India has not accepted the recommendation for setting up a permanent National Commission on Prisons under para 26.13.5, there is no action on the part of the Government of India.

Paras 25.8.8 and 25.12.6: The National Commission on Prisons should work out and finance some pilot projects to serve as demonstration projects for the development of prison administration.

As the Government of India has not accepted the recommendation for setting up a permanent National Commission on Prisons under para 26.13.5, there is no action on the part of the Government of India.

Para 25.8.10 & Para 25.8.11: There should be a systematic collection of statistical data on uniform pattern through out the country. The National Commission on Prisons should publish an annual statistical report on corrections.

National Crime Records Bureau has started publishing annual publication 'Prisons Statistics' from 1996.

Section Two

PRISON HEADQUARTERS

Prison organisation is, at one at the same time, old and new. It was there during the reign of Emperor Chandragupta Maurya and it is there in modern times. At present, it is a massive organisation, encompassing the length and breath of the country. As a modern organisation in the public sector, the jail system has several distinctive attributes: Firstly, it has a formal and legal basis. The Prison Act was brought on the statute book as far back as in 1894. This kind of formalism implies policies and procedures that are codified, providing stable direction, from very general to very specific organisational decisions and interactions. Secondly, since the beginning rationality has been a notable feature of the jail organisation. This is abundantly evident from the general goal and sub-goals of the organisation. As spelt out from time to time, even discretionary powers of jail authorities at different levels are required to be rational and consistent. Thirdly, over a period of time, specialisation in functions has emerged — rather in a big way. This could be described from two broad perspectives. There are in the country different types of jails subserving specific functions; and within a jail there are functional wings (custodial, secretarial, correctional etc.) having specialised responsibilities and functions.

Nonetheless, prison organisation is a shade different from other social organisations: (1) Organisational goals (e.g. reformation and rehabilitation of jail-inmates) one not always clear to public in general and sometimes even to the jail staff at the cutting edge. (2) Jail and its staff deal with those who have come in conflict with law or, at least, who are socially and psychologically mal-adjusted. All of them may not be exactly willing to participate in the programmes offered to them for their own betterment. They are to be persuaded, motivated and often cajoled and sometimes pressurised. (3) Like others, jail functionaries have to have background, aptitude and training to undertake 'human

engineering'. They are often called upon to deal barbed persons with sympathy and empathy and to deal inhuman situations with a humane approach.

It may be reiterated that prison organisation in India is relatively large, comprising 96 Central Jails, 267 District Jails, 676 Sub-Jails and 77 other institutions. To what extent is the organisation able to perform and achieve its intrinsic and extrinsic purposes heavily depends on its organisation. In this context, it is important to consider several over-lapping issues, main among them are: (i)

The quality of organisational leadership. (ii) Integrated approach for the reformation and rehabilitation of all those who infringe upon socio-legal norms. (iii) Infrastructure to deal with specific categories of the deviants or offenders (youth, women, etc.). (iv) Manpower resources at the headquarters to deal with such specialised functions as hygiene and health, engineering and construction, vocational training and productive work, etc. (v) Adequacy of range and district level organisations responsible for supervisory work or delivery of services. (vi) Human resource issues (salary, uniform, promotion, etc.). (vii) Job-satisfaction, a pre-condition for job performance, among jail officials. (viii) Issues of weekly off, leave, housing and welfare of the employees. The committee raises these and similar issues.

Para 23.15.1: At the Centre, the set-up dealing with prisons in the Ministry of Home Affairs should also be upgraded to the status of a Department. Senior officers having experience of Correctional Administration should be posted in the secretariat.

Organisational structure has a bearing on functional efficiency and effectiveness. With regard to the linkage between the Prison Department and government, it is seen that there are ten states / UTs which are directly overseen by a Principal

Secretary / Secretary in the Secretariat. In other states, the Prison Department is handled along with other department (Table 2.01).

Para 23.15.13: All posts in the Department of Prisons and Correctional Services, except where specialized services are required, should be manned by persons belonging to the department.

Para 23.15.3: The Department of Prisons and Correctional Services in all state / UT should invariably be headed by an officer from this department.

Departmental leadership is likewise important. Table 2.02 shows that seven states have indicated head of the Prison Department from services other than prison services. While one state, Uttar Pradesh, has an IAS officer as Director General of Prison, the other six have IPS officers in this position. It is likely that in these states / UTs, the incumbent is having concurrent charge of the Prison Department. And all of them are males (Table 2.02).

It follows that these seven states have only one officer of the rank of DG (Table 2.03). And all of them are males (Table 2.04).

What is the organisational background of Additional Director General (Prisons)? Table 2.05 brings out that in five states we have on this post officers belonging to IPS Cadre and, in one case, an officer belonging to state service or Pradeshik Civil Service.

All these states have only one officer each in this rank (Table 2.06). It goes without saying that all these officers are male (Table 2.07).

Attention may be diverted to the third rung, namely, the position of Inspector General (Prisons). Sixteen states / UTs have this post. In three of them it is an IAS officer working on this post, in seven IPS; in five APCS officers and in only one state, Nagaland an officer from the jail service (Table 2.08).

Table 2.09 would show that all these state / UTs have one officer each of the rank of Inspector General (Prisons). And in all these states / UTs it is male officers, (Table 2.10) except in the case of Goa wherein a lady officer is functioning as IG (Prisons).

Do we have the positions of Additional IG (Prisons)? It would be seen that there are six states in which we have this position (Table 2.11). In four states, the officers are from jail services. While one state, West Bengal, has two positions of Additional IG (Prison) others are having only one position (Table 2.12). All these officers are male (Table 2.13).

As is known, a prison department is formally headed by Inspector General (Prisons). However, in recent years, the situation has undergone a change, mainly on account of officers coming from other cadres. In some states Prison Department is headed by Director General or Addl. Director General. What is the situation in states and UTs? Table 2.14 brings out that seven states have DG (Prisons). All of them are IPS officers, except in Uttar Pradesh. And all of them are males. Six states have Addl. DG heading prison departments. All of them are IPS officers and males. When it comes to IG (Prison) and others, the situation appears to be a mixed one. In 18 states and UTs officers of the rank of IG are heading prison departments. Among them there are five states and UTs which have IAS officers; six states which have IPS officers; four states and UTs which have PCS officers; and another three states which have officers from the jail or other services but officers lower than the rank of IG. It is notable that among these only two officers are women.

How about DIG Prisons? Table 2.15 shows that 13 states have this position in the jail hierarchy. In three states / UTs PCS Officers are occupying the post and in the remaining jail service officers. Eight states have only one DIG Prison (Table 2.16), but there are three states (Maharashtra, Tamil Nadu and West

Bengal) which have as many as five DIG (Prisons) each. Somehow all these positions of DIG (Prisons) are being occupied by only male officers (Table 2.17).

There are seven states that have the position of Chief Probation Officer. In one state, Sikkim, the post is held by a PCS officer (Table 2.18). Table 2.19 shows that all these states have only one position of CPO. All these officers are male (Table 2.20).

In addition to this, there is the position of Chief Welfare Officer. There are four states which have this position (Table 2.21). In Sikkim, the post is held by a PCS officer. While all the states have (Table 2.22) one officer each, Tamil Nadu has eight officers of this rank. It is only in Tamil Nadu that we have a lady Chief Welfare Officer (Table 2.23).

Para 23.15.2: The prison department in each state / UT should be responsible for institutional training and treatment, probation and aftercare of both the adult and the young offenders. This integrated department should be called the Department of Prisons and Correctional Services, and the head of this Department should be designated as the Inspector General of Prisons and Director of Correctional Services.

That aftercare / rehabilitation, probation and juvenile services are provided by one department or different departments, has both merits and demerits. Table 2.24 brings out that in six states these services are being provided by one departments, but in the remaining these services are provided by different departments e.g. Juvenile Welfare Department in Andhra Pradesh; Social Security Department in Nagaland; Social Defence Department in Tamil Nadu; Social Welfare Department in Arunachal Pradesh, Assam, Chandigarh, Goa, Haryana, Maharashtra, Mizoram, Punjab, West Bengal; and Social Education Department in Uttar Pradesh.

Para 15.8.4: A wing at the headquarters of the Department of Prisons and Correctional Services under a senior officer of the rank of Additional/Joint Director of Correctional Services should be created for dealing with the problems of young offenders.

Data show that, in prison headquarters in the state / UTs the post of Additional or Joint Director (Young Offenders) is yet to materialise.

Para 7.13.8: A senior officer of the rank of Joint/Deputy Director in the Medical Department should be deputed at the headquarters of the Department of Prisons and Correctional Services.

However, one state, West Bengal, and one Union Territory, Chandigarh, have either Joint Director or Deputy Director, attached with the prison headquarters (Table 2.25).

Para 5.8.18: A special cell headed by a Superintending Engineer should be set up at the prison headquarters of each state.

As Table 2.26 would show one state, Uttar Pradesh, and one Union Territory, Chandigarh has an officer of the rank of Superintending Engineer or above to oversee works in prisons.

Para 13.11.14: A senior lady officer, if available at the prison headquarters, should be entrusted with the job of looking after the problems of women prisoners.

To provide proper custody and treatment to women prisoners, we do need senior officers at prison headquarters level. Table 2.27 shows that only Jammu & Kashmir has an officer of the rank of Assistant IG. Ironically enough, this happens to be a male officer (Table 2.28).

Of late, prisoners population has moved up markedly. In order to upgrade supervision, zones or ranges have been created, especially in large states. Table 2.29 brings out that such zones or ranges are in place in the states of Andhra Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal.

Para 23.15.8: Each district should have a district prison with a whole-time Superintendent.

Prison services are important for district administration. Does each district have a district or central jail? Not exactly. As many as nineteen states / UTs report that all districts do not have this service. Perhaps most of them are make-doing with sub-jails (Table 2.30).

Para 18.9.1: A sub-jail should be located at each place where a criminal court functions.

Paras 18.9.2 and 18.9.3: A daily average number of 10 inmates/ undertrial prisoners detained during the past one year should justify the construction of a new sub-jail at an administrative unit where a criminal court functions.

This is what comes out when we go through Table 2.31. It is found that there are seven states and UTs, which do not have a jail in towns and cities having criminal courts. This is rather disquieting.

Para 24.44.2: Conditions of recruitment and promotion should be so fixed so as to ensure that the persons with requisite qualifications, experience and professional competence are available in the prison service at all levels.

Para 24.44.4: Physical and mental fitness should be essential pre-requisites for direct recruitment.

As is well known, literacy and education rates are going up in the country. What is that position of jail staff in this regard? Table 2.32 shows minimum qualifications for the recruitment of Warder in different states vary from 5th standard to 12th standard while Haryana and Orissa prescribe 12th standard, Chattisgarh and Maharashtra are make-doing with 5th standard.

Similar variations are noticed in regard of minimum qualifications of Assistant Jailors. Most states require graduation for the post of Assistant Jailor and Pondicherry requires post-graduates. But there are states / UTs like Daman & Diu , Goa, Karnataka and Sikkim which prescribe only 10th standard (Table 2.33).

In the jail hierarchy, Deputy Superintendent and above are gazetted officers. What are the minimum qualifications for the recruitment of Deputy Superintendents? Table 2.34 brings out that in most states it is graduation. At the same time, in Chattisgarh, Jammu & Kashmir and Maharashtra it is post-graduation.

Para 13.11.13: The staff posted at institutions for women should be properly trained and their service conditions should be on par with those of the male staff.

It goes without saying that, in the preceding decades, there has been much emphasis on womens' involvement in administration. Does the Jail Department has any reservation for women while recruiting jail personnel? Table 2.35 shows that it has been done in many states but not in all the states.

The proportion of reserved posts for women varies from state to state. In Orrisa it is 5%, in Maharashtra 16% and in others it is 30% (Table 2.36).

Para 24.44.10: Prison staff should be paid salaries and allowances at par with those of equivalent ranks in the police department.

Table 2.37 presents the information on the comparative emoluments of jail and police officials. It is seen that only in Himachal Pradesh, Sikkim, Andaman & Nicobar and Daman & Diu salary and allowances paid to jail officials are at par with those of police. On the other hand, in a large number of states and UTs these are lower.

Para 24.44.11: Uniform including badges should be prescribed for all security and executive staff in the prison department.

What is the position of uniform and allowance to maintain uniform? It is observed (Table 2.38) that in 15 states and UTs jail officials get uniform and uniform allowance equivalent to those paid in police. In other states and UTs it is lower.

Para 24.44.3: Every direct recruit in the service should have opportunities of at least three promotions during the span of his career.

How many promotions do directly recruited Warders get during the course of their service? Table 2.39 sheds light on this dimension. It is seen that in Manipur a directly recruited Warder could get as many as five promotions. In Tamil Nadu and Tripura they are likely to get four promotions. Likewise, in Bihar, Haryana, Jammu & Kashmir and Rajasthan, they get three promotions. However, in a large number of states and UTs they have to be satisfied with only one or two promotions.

Attention may be diverted to the next entry level: Assistant Jailor. Table 2.40 presents relevant data. In Tamil Nadu and Tripura a directly recruited Assistant Jailor may get as many as four promotions. Similarly, in Haryana, Jammu & Kashmir, Maharashtra, Orissa and Rajasthan he may get three promotions. However, in a large number of states and UTs such promotions are only two.

How about Superintendent of jail? On going through Table 2.41 it would be seen that promotion is relatively faster in the states of Chattisgarh, Madhya Pradesh, Meghalaya & West Bengal.

Para 8.34.22: Actions and omissions identified in Chapter XXXI on 'Discipline' of the Model Prison Manual should constitute prison offences.

Attention may be paid to duty hours of jail officials. It is found (Table 2.42) that, in as many as 15 states and UTs, jail officers perform more than eight hours of duty. So is, however, not the case in 13 other states and UTs. Perhaps these have a shift system.

Para 24.44.13: Every member of the staff should be allowed a day off once a week.

Do jail officials get weekly off? It is seen that this is the case in respect of 15 states and UTs. However, the position in the remaining states and UTs is rather unclear (Table 2.43).

It is seen that in most states / UTs jail staff is able to avail casual and earned leave whenever they need. In as many as 30% of the states / UTs they are always able to do so. The only exception in this regard is Haryana (Table 2.44).

Para 24.44.14: Adequate leave reserve staff should be provided.

The position of 'leave reserve' is not however very satisfactory. Only 16% of the states / UTs have this administrative facility (Table 2.45). Even those who have some administrative provision of leave reserve, it is mostly for Warder, Head Warder, etc. (Table 2.46). A few of them have also staff earmarked for this purpose for Assistant Jailors, Deputy Jailors, Jailors, etc. (Table 2.47). However,

only one state, Orissa, have leave reserve for Deputy Superintendent and Superintendent (Table 2.48).

Para 24.44.16: Residential quarters should be provided to all members of the staff.

Para 5.8.25: Housing for prison staff should be developed on modern lines with adequate community facilities.

Looking to the nature of their duties, housing facility is important for the jail staff. Focussing on Central Jails, it is found that only Punjab has cent percent accommodation; and nearly a half of the states / UTs have less than 50% of it (Table 2.49). Similar is the situation of District Jails (Table 2.50).

Para 18.9.16: Sub-jails should have suitable residential accommodation for all the staff members posted there with an independent guardroom attached to the sub jail building.

The matter with sub-jails is even more unsatisfactory (Table 2.51).

Para 24.44.17: Prison staff which is entitled to rent-free accommodation but is not provided with such accommodation should be paid 10 percent extra house-rent allowance in addition to the house-rent allowance allowed to government employee in general.

Should official accommodation be not available, the jail staff are entitled to house rent allowance (HRA). This provision exists in all the states and UTs, except in Dadra & Nagar Haveli. Usually they are paid 15% of the basic pay as HRA.

Para 24.44.23: Welfare fund for prison and correctional personnel should be established in each state / UT.

As employees' welfare measure, welfare fund has been set up to provide for exigencies outside statutory provisions. While 30% of the states do have welfare fund for jail officials, 16 states and UTs are not having this facility. This is rather disquieting (Table 1.52). In Uttar Pradesh, it was set up in 1956 and in Karnataka 2000 (Table 2.53). The corpus of the welfare fund widely varies with state to state. In Andhra Pradesh it is over Rs. 36 lakhs and in Orissa only Rs. 60,000 (Table 2.54).

Para 24.44.21: Prison personnel meeting with serious injuries, accidents, etc., while on duty, should given financial assistance.

Do jail officials receive any financial assistance or compensation while they sustain injury on duty? Less than 16% of the states / UTs report in the affirmative in this regard (Table 2.55).

Para 24.44.22: In case of death of a prison personnel in lawful discharge of his duties, a lumpsum of Rs. 20,000 should be paid to the survivors in his family.

Similarly, in the event of death of a jail official during the course of duty, compensation is paid to the next of kin. However, regular procedures exist only in six states / UTs. And the rest make do with general government policy (see Table 2.56). Here, too, wide variations are noticed. While Delhi and Tamil Nadu offered compensation of the order of Rs. two lakhs to the next of kin. Gujarat offers Rs. 2,500.

Para 24.44.24: Proper forum should be provided at the institutional and state-level for prison personnel to ventilate grievances.

Prompt and mutually satisfactory grievance redressal is ever healthy for all organisations, particularly in correctional institutions. Table 2.57 shows that only a third of the states and UTs have regular grievance redressal procedures for jail

officials. Even some forward-looking states / UTs have not paid the required attention to the matter.

Section Three

STAFF TRAINING

Given that persons with requisite educational qualification, aptitude and commitment are recruited for different levels of jail services (Warder, Assistant Jailor, Deputy Superintendent, etc.), they would still need training, orientation and updation. Planned and scientific training of the personnel at various levels of an administrative organisation is a critical requirement for the efficient handling of material and manpower resources. A goal-oriented and scientifically designed training policy and programme pays rich dividends all along the line on a continual basis.

Needless to mention, training begins where education ends. It is a preparation for specified job which subsequently helps functionaries to maximise their job-performance. It is a process whereby an individual learns the skills, attitudes and orientation, congruent to a particular position in an organisation. It aims to improve the capabilities of functionaries to meet organisational needs in terms of knowledge, skills, attitudes and values. More often, it goes much beyond all this: It changes, in varying degrees, their thinking and behaviour and, sometimes, their entire personality.

In modern times, training is often thought of as the principal means in an organisation by which continuing high standards of performance are ensured. Apart from equipping the trainees to handle job-routines, efficiently and competently, a forward-looking training programme attempts to create in them problem-solving and innovation capacities.

The need for training in corrections specifically in jail services, is even more so pressing. In general public, notions about the crime, criminal and correction are often distorted and unfounded. Furthermore, prison process and prisoners make heavy demands on the understanding, insight and capabilities of the functionaries. While these job-requirements are applicable to all the ranks in jail services, these assume a criticality for those who make for the cutting-edge, namely, Warder, Head Warder, Assistant Jailor, Jailor, etc.

Given the above, staff training in jail services is extremely important. In this regard, several issues need to be considered seriously: (i) Foundation or basic training of new entrants to jail service at different levels. (ii) Short-term orientation training to deputationists (physician, teacher, agriculture extension workers, etc.). (iii) Underlying purposes behind jail services: punishment, custody, reformation and rehabilitation. (iv) Training content: physical fitness, handling of weapons, mob-control and the like. (v) Relevance and applicability of modern management techniques. (vi) Familiarisation with the basic concepts of Social Work, Psychology and other Behavioural Sciences. (vii) Organisation and management of agriculture and vocational trades. (viii) Training infrastructural facilities: availability of training institutes within the state. (ix) Participation in training programmes organised by regional correctional institutes. (x) Earmarking of training reserves for different levels of jail officials. (xi) Recruitment or engagement of instructors (education, agriculture, vocational trades etc.) with requisite qualification, experience and commitment. (xii) Availability and supply of sufficient and updated training material. These and similar issues have been averred to by the Committee.

It is gratifying to note that nearly all the major states in the country have training facilities for the jail staff. It is mostly small states and all the UTs which do not have this facility, and are perhaps dependent on make-shift arrangements (Table 3.01).

Jail staff training institutes

1. Andhra Pradesh: Located at Hyderabad, it provides training to Warders, Assistant Jailors and Deputy Superintendents.
2. Gujarat: Located at Ahemdabad. It provides training facility for Warder & Assistant Jailors.
3. Haryana: Located at Hissar, Jail Training School has facility for training Warders, Assistant Jailors and Deputy Superintendent.
4. Himachal Pradesh: Training facility exists at Kana and Shimla for the training of Warders.
5. Jammu & Kashmir: Prison Training Academy located at Udhampur provides training facilities for Warder, Assistant Jailor and Deputy Superintendent.
6. Karnataka: Located at Mysore, it provides training facilities for Wards, other are sent for training at RICA, Vellore (Tamil Nadu).
7. Madhya Pradesh: Located at Sagar, it provides training facilities for Warders, others are sent for training to S.JTA, Lucknow.
8. Maharashtra: Loacated at Pune, it offers training programmes to Warders, Assistant Jailors, Deputy Superintendents and Superintendents.
9. Orissa: Orissa Jail Training School is located at Berhampur and it provides training facilities for Warders, Assistant Jailors, Deputy Superintendents and Superintendents.
10. Punjab: Gazetted officers (Deputy Superintendent and Superintendents) are given training at RICA, Chandigarh.
11. Rajasthan: Located at Ajmer, it provides training to Warders, Assistant Jailors, Deputy Superintendents and Superintendents.
12. Tamil Nadu: Warder Training Centre is located at Vellore. For others the training facility is Regional Institute of Correctional Administration (RICA), which handles training of Assistant Jailors. Deputy Superintendents and Superintendents are sent to Anna Institute of Management, Chennai, for training.

13. Uttar Pradesh: Sampurnanand Jail Training School is oldest training facility. It offers training programmes to Warders, Assistant Jailors, Deputy Superintendents and others.
14. West Bengal: Located at Dumdum, Calcutta, it offers training facilities for Warders.

Review of the syllabi of jail training institutes is essentially to keep it relevant and effective. Four states report that these are revised every two or three years (Table 3.02).

Para 24.44.26: All new recruits should be given basic initial in-service training. Officers and staff on deputation should be given a short orientation-course.

Nonetheless, it can hardly be asserted that all the newly recruited jail functionaries are provided pre-induction training. As Table 3.03 would show, as many as 17 states report that often newly-appointed jail staff is put on duty, and sent on training later.

The paucity of training facilities appears to be more acute for Warders. This hardly augurs well as it is those who make for the cutting-edge at the jail level.

Para 24.44.30: Directors of Regional Training Institutions should be from the Prisons and Correctional Services and should be of the rank of IG (Prisons). Principal of state level training schools should be of the rank of Superintendent of a Central Prison.

Should we take a close look at jail staff training institutes in the country, several interesting features attract attention Table 3.04 brings out that in Haryana it is headed by a official of the rank of District Superintendent jail. In Uttar Pradesh, it is headed by a officer of the rank of Additional Director -General (Prisons). But, in eleven states it is headed by Central Jails Superintendent. Needless to add

jail training institutes would do with senior ranking officials in order to have improved liaison with the jail headquarters and secretariat.

These training institutes are not always headed by functionaries having substantial experience of jail working. As many as eight of these heads are from other services (Table 3.05).

The manner of engagement of instructors in jail training institutes is also a little complex. Most of them are directly recruited by the Jail Department, some are appointed by State Public Service Commissions, and others are taken on deputation from sister departments. The latter method is relatively more common (Table 3.06).

Para 24.44.29: Qualified persons with aptitude for training and teaching should be posted at these institutions.

Are instructors in jail training institutes qualified and experienced? Twenty-four states / UTs have supplied information. It is encouraging to note that two thirds of them report instructors having acceptable qualifications and experience. However, the situation of the other one third is rather worrisome (Table 3.07).

Para 24.44.26: All new recruits should be given basic initial in-service training. Officers and staff on deputation should be given a short orientation-course.

It goes without saying that instructors in jail training institutes belong to different specialties. Nonetheless, they need to be oriented into the organisational objectives and requirements. Table 3.08 shows that in only ten states / UTs such orientation is imparted. Assuredly, this is hardly a happy situation.

Para 24.44.33: Proper literature should be prepared for meeting the training needs of various categories of prison personnel.

Preparation and availability of training material is an integral part of the functioning of training organisations. Do jail training institutes pay attention to this? It is seen that only eleven states respond in the affirmative in this regard. On the other hand, twelve of them report that no such compilation of training or reading material is done by them (Table 3.09).

Para 25.12.4: Training of personnel should find place under the plan sector.

Among other things, financial resources are important for the functioning and growth of training organisations. As is known, funds for training institutions come from two main sources: current outlay (state governments), and plan allocations (from GOI, perhaps on matching basis) a perusal of Table 3.10 would show that only one state, Andhra Pradesh, report of plan allocation. In comparison, there are fourteen states and UTs which report current outlay in the context of jail training institutes. Clearly, training of jail staff has not been a part of development process.

Paras 24.44.5, 24.44.6 & 24.44.7: Officers and staff for specialized services in prison department should be taken on the deputation from respective departments of the state governments. They should be given proper incentives.

In jails as also in the jail headquarters, there are specialised officials (doctors, teachers, etc.). What is the mode of their encouragement? Table 3.11 shows that in most states and UTs they are taken on deputation from specialist departments, in some states they are recruited directly by the Jail Department, and in a few states both the modes are prevalent.

Para 24.44.31: Permanent academic staff of the training institutions and experts invited to them should be properly informed of the training requirements.

Para 24.44.26: All new recruits should be given basic initial in-service training. Officers and staff on deputation should be given a short orientation-course.

Whatever the mode of engagement of these specialised officials, they need to be given short-term training course on jail organisation and functioning. Is it done?

Para 24.44.34: Basic initial training, in-service training, refresher courses and special training courses should be organised by the training institutions for various categories of prison staff.

For the functionaries in any organisation, foundation training is merely the beginning. They have to continuously update their knowledge and skills through refresher courses. Table 3.12 brings out encouraging information. A large number of states / UTs have the system of providing refresher courses to jail staff. Nonetheless, eight of these have no such system.

Sixteen states / UTs report that Warders and Head Warders undergo refresher training courses. Twelve states / UTs report that their Assistant Jailors, Jailors and officers of equivalent rank undergo refresher training. Eight states report that their Deputy Superintendent and Superintendent undergo refresher training courses. At least four states and UTs report that higher-ranking officers (Deputy Inspector General, Inspector General and higher rank officers undergo refresher training.

However, it is not specified as to how many refresher courses a jail functionary could undergo during a given period. Table 3.13 shows that in most cases it is just not certain. Perhaps it depends upon the inclination of the functionary and administrative convenience of the department.

Para 9.19.5: Every prison officer should be given thorough training in behavioral sciences and techniques of social work.

Considering the current thrust of reformation and rehabilitation in correctional institutions, an orientation in behavioural sciences and social work in foundation training assumes a pointed relevance. Table 3.14 brings out that in the foundation training of Warders and Head Warders these themes however do not figure. Nine states and UTs report that even in the foundation training of Assistant Jailors and Jailors these themes are not taken up (Table 3.15). Similar is the situation of the foundation training of Deputy Superintendent and Superintendent (Table 3.16).

These themes do not figure in the refresher training programme involving such senior functionaries as Deputy Inspector-General and Inspector-General (Prisons). The gap is showing. And this hardly bids fair for the modern correctional objectives behind institutionisation (Table 3.17).

Para 11.33.27: The executive and supervisory personnel should be given training in modern methods of management.

Likewise, in modern times organisational functioning has been much influenced by management philosophy and practice. Are foundation training courses providing inputs on modern management? Table 3.18 reflects that in fourteen states / UTs these inputs are provided to Assistant Jailors and Deputy Superintendents. The sooner other states take an initiative in this direction the better.

In respect of foundation training to DIGs & IGs the position is even more so discouraging, only four states respond in the affirmative. Perhaps in most states / UTs officers in this rank are deputationists from other departments (Table 3.19).

Para 8.34.8: Prison staff should be trained in the use of devices for dispersing mobs in order to minimise use of force.

Prison roits are not unheard of. Are jail officials provided training in handling of devices to disperse mob? A perusal of Table 3.20 shows that in twelve states and UTs this kind of training is imparted to Warders and Head Warders as part of their foundation training. So is, however, not the case with others. This could be a major handicap in the event of disturbance in jail compounds.

About the same is the situation with the foundation training of Assistant Jailor, Jailor etc. (Table 3.21). It is surprising to note that mob dispersal training to Deputy Superintendents and Superintendent is provided only in eight states (Table 3.22). And, to DIG, IG etc., only in two states (Table 3.23).

Para 11.39.47: In Jail Training Schools and Regional Training Institutes, prison personnel should be imparted training in various aspects of agriculture and allied activities.

Most District and Central Jails have inmates from agricultural background. Further, most of them have agricultural land attached. To provide a thrust to vocational training, we require proper training orientation. Are jail officials oriented in modern agricultural techniques in their foundation training? Table 3.24 shows that this is done only in four states as far as the foundation training of Warder and Head Warder is concerned. Similar is the situation with Assistant Jailor and Jailor (Table 3.25). And so is the case with Deputy Superintendent and Superintendent (Table 3.26). Modern agricultural techniques do not figure in the foundation training of DIGs and IGs, for obvious reasons.

To achieve its intrinsic objectives vocational training in market-relevant trades is important. Are jail officials provided an orientation on this in their foundation training courses? Table 3.27 shows that in only one UT, Delhi, this kind of orientation is provided to Warders and Head Warders. The situation with the foundation training of Assistant Jailor / Jailor is a shade better. Three states offer

such training programmes (Table 3.28). The same is the situation with the foundation training of Deputy Superintendent and Superintendent (Table 3.29). However, this kind of input is simply not there in respect of high ranking officers like DIG and IG.

Para 24.44.27: Adequate training reserve should be provided in each cadre of the service.

As pointed out earlier, in a number of states / UTs, lower rung functionaries are, at times, given posting without training – for want of training facilities and also because of the shortage of staff. This underlines the necessity for maintaining training reserve. Table 3.30 bring out that in seven states training reserves for Warders and Head Warders are there. This facility in regard of Assistant Jailor and Jailor is there only in six states and UTs (Table 3.31). It further dwindles in respect of Deputy Superintendent, Superintendent DIG etc. (Table 3.32). This hardly speaks well for the priority given to training in the Jail Department.

Para 24.44.35: The Inspector General of Prisons and Director of Correctional Services should prepare a panel of officers for attending conferences and special training courses in the country and abroad.

Next, attention has been diverted to the panel of jail officers who are to be trained in any general or a specialised branch of jail functioning. Table 3.33 brings out that only in seven states such a panel exists or is maintained.

Para 24.44.28: Training of staff should be taken at three different levels: State level, Regional level and National level.

Are jail officers sent on training to any regional or national institute for general or specialised training? Table 3.34 brings out that this is being done in as many as 23 states and UTs. Table 2.35 shows that Andhra Pradesh, followed by Madhya

Pradesh and Tamil Nadu have been greatly responsive in this regard (Table 3.35).

Section Four

POLICY & POLICY PLANNING

In the context of large organisations, a well-thought out and deftly designed policy is of critical importance. It embodies 'organisational intent' and provides for a durable framework for individual and collective action. It goes without saying that policy endows organisational decisions and activities, a modicum of coherence, predictability and consistency.

As is well known prison policy has been with time constantly changing. Should we take a generalized view, policy thrust has been:

Incarceration	→	Penance	→	Imprisonment with avoidance
of morbidity and mortality				Safe custody
Reformation and		rehabilitation.		Corrections →

In most forward-looking countries, imprisonment is awarded to criminals, wrongdoers not *for* punishment but *as* punishment. While the deprivation of liberty is inherent in the process of imprisonment, concerted and coordinated programmes are given to those imprisoned for their social, psychological and economic reformation and rehabilitation.

Do we have a formal prison policy in India? Not exactly. But, there are several other policy documents and sources. A mention may be made of Prisons Act and Prisoners Act. Besides, at the state level, there are jail manuals and 'Standing Orders' issued by competent authorities.

This apart, since the year 1836, there have been constituted a large number of study groups, jail committees and enquiry commissions which have made

valuable policy recommendations. Recent examples are of Jail Reforms Committee (1980-83) and National Experts Committee on Women Prisoners (1986-87).

In this regard, a mention also needs to be made of thinking and deliberations in international fora. This is exemplified by United Nations Standard Minimum Rules (1955).

Policy thrusts and directions come out, loud and clear, when a closer look is taken at the organisation and working of jail headquarters in States and Union Territories. Indeed, prison policy and policy planning are Headquarter functions. Given this several issues attract attention. (i) Organisational infrastructure at jail headquarters for policy planning and formulation. (ii) The process of progressive budget-formulation. (iii) Judicious allocation of monetary and non-monetary resources among different bureaus and sub-organisations. (iv) Data-based and continual planning for jail buildings and other physical facilities. (v) Educational policy and networking for jail inmates. (vi) Long-term policy or master plan for the Vocational Training and productive work of jail inmates. (vii) Wages or parity wages to jail inmates involved in productive work. (viii) Policy governing the land attached to prisons and training to jail inmates in various agricultural activities. (ix) Establishment of Welfare Fund for released prisoners. The Committee has looked into these issues.

Para 25.8.5: There should be appropriately manned unit for planning and research at the head quarters of the Department of Prisons & Correctional Services of each state / UT.

Policy and policy planning are the distinctive features of macro-organisations. Given this, prison headquarters do require the facility of a Planning & Research Unit (Table 4.01). However, Table 4.01 shows that only six states do have such a unit. It is seen that in three states, Andhra Pradesh, Karnataka and Nagaland,

it is headed by an Additional IG; in Madhya Pradesh and Rajasthan it is headed by a DIG, and in U.P. by a Deputy Director (Table 4.02).

Needless to state, financial management is almost a back-bone for organisational effectiveness. As in most government departments, Jail Department prepares budget having two main components plan expenditure and non-plan expenditure. Twenty-three states / UTs have provided information on plan expenditure. As would be expected, it varies from state to state. Karnataka has the largest plan budget for 1999-2000 followed by Tamil Nadu and Mizoram (Table 4.03). Similar is the size of non-plan component of the budget (1999). Table 4.04 shows that largest non-plan allocation is in West Bengal, followed by Tamil Nadu and Andhra Pradesh.

Para 25.12.8: Under the pretext of economy, cuts should not be effected in the non-plan budget of the prison departments.

As is known Government of India offers assistance to states and UTs under the scheme of Modernization of Prison Admission as also for putting up 'high security enclosures'. Table 4.05 brings out that a large number of states and UTs have received such assistance.

A perusal of Table 4.06 shows that the largest central amount of assistance has gone during 1999-2000 to Uttar Pradesh, followed by Maharashtra.

During preceding years, both Central and State Governments have been trying to reduce revenue deficit and, from time to time, have introduced such measures as cut in non-plan expenditure. Like police, jail is an essential service. Hence budgetary cuts should ordinarily not apply to Jail Department. However, Table 4.07 shows that as many as eight states have faced such budgetary cuts. Usually this cut has been between 10 to 15% (Table 4.08).

In view of the emphasis currently laid on vocational training and work programmes, the issue of budgetary support to these in jail budget becomes important. Are prison industries given earmarked allocation? Table 4.09 shows that this has been done during 1999-2000 in fifteen states and UTs. However, there are quite a few states and several UTs which are not doing so.

The point has been pursued further, and the size of allocation has been ascertained (Table 4.10). It is observed that during the year largest allocation for prison industries was made by Madhya Pradesh, followed by Karnataka and Rajasthan.

Paras 25.8.6 & 25.8.7: Each state / UT should develop an integrated process of long-term and short-term planning and prepare plans for administrative and operational functioning. The National Commission on Prisons should co-ordinate these plans and monitor their progress so as to have an all India perspective of the development of prisons.

For a forward-looking organization, perspective or strategic planning is a top priority. Have Jail Departments prepared any plan for next 10 or 20 years? Table 4.11 shows that nine states and one UT have done this kind of long-term planning.

Para 24.44.1: There should be an in-built mechanism in the prison department for continuous and systematic study of the man-power needs; and direct entry into various wings of the prison service should be at appropriate levels.

Paras 23.15.6, 23.15.7, 23.15.9, 23.15.10 & 23.15.11: Each prison and allied institution should have adequate staff in accordance with its requirements and the specified norms.

In the same continuation, an assessment of future manpower requirement is imperative. Table 4.12 shows that at least six states and three UTs have done manpower planning.

Paras 10.28.8 to 10.28.17, 10.28.26 to 10.28.28: Each state and UT should reformulate its prison educational policy and programmes.

As a guideline for future course of sectoral action, educational policy for jail inmates is important. On going through Table 4.13, it is seen that while thirteen states and UTs have an educational policy for jail inmates, there are sixteen others who are yet to pay attention in this direction.

Para 10.28.18: Educational programmes in prisons and in Kishore / Yuva Sadans should be integrated with the educational system in the state and UT.

Closely linked is the issue of integration of educational programmes for jail inmates with main educational stream. It is found (Table 4.14) that there are twelve states and one UT which have developed linkages with the main educational stream. However, most of them are yet to do so.

Para 10.28.22: The Inspector General of Prisons and Director of Correctional Services should formulate a detailed educational programme for each institution in consultation with the state Education Department.

Towards this, it is important that the officials from concerned Directorate of Education are actively involved with the planning and implementation of educational programmes for jail inmates. Table 4.15 brings out that only seven states and one UT has done the needful, and others are lagging behind.

Para 11.33.38 & 11.33.39: Every state and UT should have a clear policy for the employment of inmates and for production programmes.

While on this, attention may be paid to policy on production units in jails. Table 4.16 reveals that only four states and two UTs have evolved a long-term policy on the employment of prisoners in production units in jails. This is hardly encouraging.

Para 11.33.69: The perspective master plan for the development of work programmes and vocational training should be prepared by each state and UT.

Para 11.33.31: Based on plans of each institution a master plan should be prepared for the whole department.

Alternatively, the master plan on vocational training and work programmes needs to be put in place by the Jail Department. This kind of document has been prepared by barely two states and two UTs. Perhaps vocational training and work programmes are yet to receive the priority recommended by the enquiry body (Table 4.17).

Para 11.33.79: Each state and UT should appoint a committee of experts for the re-organisation and development of programmes of work and vocational training.

This indifference is further highlighted when the issues of evaluation or impact assessment is examined. Have vocational training and work programmes been evaluated by a Committee of Experts? Table 4.18 brings out that only in one state and in one UT this kind of exercise has been undertaken during last ten years.

Para 16.11.8: The planning and research unit at the headquarters of the Department of Prisons Correctional Services should undertake studies of the pattern murders committed by individual offender and by socially conditioned criminals.

Apparently evaluation, study and assessment for developing correctional programmes have received low priority. The enquiry body recommends a systematic study on murder committed by one-time offenders and by professional offenders. However, none of the states or UTs have conducted such a study.

Para 11.33.45 to 11.33.51: Rationalised wage system should be introduced in prisons and allied institutions of every state and UT.

In the larger scheme of work programmes and production units in jails, payment of wages to labouring jail inmates is important. The Supreme Court of India has also given directions in this regard. It is gratifying to note that (see Table 4.19) a large number of states and UTs have introduced wage scheme to jail inmates, exception being Meghalaya and Orissa.

As is known, jail-inmates engage either in service and maintenance work, or in prison industry. The work-force in prison industry could also be sub-divided into three broad groups: unskilled; semi-skilled and skilled. Do payment of wages to jail inmates vary according to the nature of work handled by them? Table 4.20 shows that only in seven states inmates of Central Jails are paid wages ranging from Rs. 8 to Rs. 51 for their work in service and maintenance.

The scenario undergoes a marked change when the issue of wages to those in prison industry is looked into. Table 4.21 shows that in twenty states and UTs unskilled inmate-labourers are paid wages ranging from Rs. 6 to Rs. 51.

What about the semi-skilled inmate-labourer? Table 4.22 shows that sixteen states and UTs are paying wages to the semi-skilled workers ranging from Rs. 8 to Rs. 56.

The situation is a little more encouraging when the issue of payment of wages for skilled workers is examined. Table 4.23 shows that as many as twenty-one states and UTs are making payment amounting between Rs. 7 and Rs. 63 per day. Interesting is the situation obtaining in Tripura. The state pays no wages to those inmates engaged in service and maintenance work, Rs. 6 to unskilled workers (and perhaps to semi-skilled workers) and Rs. 7 to skilled workers.

On the other hand, engagement of inmates in work programmes and jail industry in District Jails is minimal because of several logistic and organisational reasons. The wage-pattern is also likely to be different. This is what comes out when we examine Table 4.24. Indeed, only in seven states and UTs jail inmates are paid wages for their work in service and maintenance unit.

In this regard, the situation is somewhat better for those engaged in unskilled work. They are paid wages. In seventeen states and UTs ranging from Rs. 8 per day to Rs. 51 (Table 4.25). For semi-skilled work, they are paid wages from Rs. 8 per day to Rs. 56 in twelve states and UTs (Table 4.26).

The wage-rate is a little higher for skilled workers. It ranges from Rs. 8 per day to Rs. 63 (Table 4.27). May it be noted that in the states of Gujarat and Madhya Pradesh, daily wages given to jail inmates are uniform for unskilled, semi-skilled and skilled workers, that is Rs. 14 to Rs. 8 per day respectively. To what extent this subserves the objective of maximising correctional impact is an open question.

As is known open-air jails are work-based, and jail inmates are supposed to receive parity wages or, at least minimum wages. This is however, not the ground reality. Table 4.28 shows that six states have supplied information with

regard to those inmates engaged in service and maintenance. It is observed that wage rate varies from Rs. 8 per day (in Madhya Pradesh) to Rs. 51 (in Himachal Pradesh). In ten states they are paid from Rs. 8 per day to Rs. 51 for their unskilled work (Table 4.29). For semi skilled work they are paid, in eight states, from Rs. 8 to Rs. 56 (Table 4.30).

The wage-pattern in respect of skilled work by jail inmates is somewhat better. While Madhya Pradesh pays only Rs. 8 per day, it is noticeably higher in other states (Table 4.31). It is Rs. 63 per day in Himachal Pradesh, followed by Rs. 60 in Tamil Nadu, and Rs. 26 in Maharashtra. Clearly work programmes in open-air jails in the country would do with some streamlining.

Para 22.13.11: Restriction on employment of ex-prisoners in government service or public sector undertakings should be removed by suitable amendment of the rules.

For their involvement in anti-legal behaviour, jail inmates have undergone imprisonment. In the post-release period, they are generally taken to be reformed citizens; and hence they should be eligible for employment in semi government departments. Is this the case? Table 4.32 brings out that in only eight states and UTs they are eligible for employment in government, PSUs, municipality, zila panchayat, etc. perhaps others are yet to get out of the conventional groove. A few states have indicated procedural problems in the way of encouragement of released jail inmates. For example, Andhra Pradesh reports 'stigma of conviction', Assam 'imprisonment is a disqualification', Goa 'past criminal record', Gujarat ' they are disqualified' and Himachal Pradesh 'problems of character verification' (Table 4.32).

Para 10.28.51: A prisoners' Welfare Fund should be set up in each state and UT.

For post-released prisoners, aftercare and rehabilitation services are important. Quite a few of them have inclination for self-employment which requires financial support. In order to facilitate this, have the states and UTs established Welfare Fund for prisoners. A perusal of Table 4.33 indicates that this infrastructure exists only in three states (Madhya Pradesh, Maharashtra and Rajasthan) and in one UT (Delhi). Sooner the suit is followed by others the better (Table 4.33).

Para 24.44.37: Study teams of senior officers should be deputed to visit correctional institutions in various states in the country as also those in other countries.

Correctional programmes, particularly those in developed countries, have evolved considerably. This underlines the need for jail officers to visit other countries and study prison functioning. Going by the information supplied by the states and UTs, none of their senior officers have paid such a visit during last 20 years.

Para 5.8.1: The state Governments and UT administrations should undertake an immediate survey, to be completed within a year, of prison building with regard to minimum needs essential to maintain standards of comfort and cleanliness in consonance with human dignity.

Para 5.8.2: State and UTs should undertake a survey on the physical condition in jails (supply of drinking water, flush latrines, drainage and sewage system, living accommodation, electrification, etc.), evolve a work plan and execute it within 2 years.

Development of prison services is an evolving process, which is greatly facilitated by systematic study and evaluation. Has the Jail Department undertaken such a study during last 20 years? Table 4.34 shows that five states and two UTs have had such studies or evaluations. Others are apparently relying on conventional wisdom.

Para 11.39.2: A systematic survey of the agricultural land available with various prison institutions should be undertaken to plan for its maximum utilisation.

As is common knowledge, several District and Central Jails have attached agricultural land. Has it been utilised properly? Table 4.35 brings out that only in two states (Jammu & Kashmir and Uttar Pradesh) and one UT (Andaman & Nicobar Islands) a survey has been conducted on the utilisation of agricultural land attached with jails. This hardly speaks well of agricultural vocation training and work in jails.

Para 22.13.13: State Tenancy Acts should be suitably amended to protect the rights of prisoners on agricultural land.

In most states and UTs, land tenancy goes to the 'tiller'. This puts long-term jail inmates to a handicap, perhaps requiring amendment to Tenancy Act. According to the information supplied by states and UTs, no amendment to the effect has been made in these land laws.

Para 22.13.15: The Department of Prisons and Correctional Services in collaboration with the state Dept. of Information and Publicity should make proper use of mass media to educate public about the need for rehabilitation of ex-prisoners in society.

To a great extent, correctional institutions and their programmes are surrounded by some kind of mystique, as far as common outsider is concerned. On the other hand, most correctional institutions are subserving definite and substantial social-legal purpose. This requires publicity. Has this been done? Table 4.36 shows that only in two states and two UTs Jail Departments have inserted advertisements in print or electronic media.

Para 24.44.20: All good work done by prison personnel should be given proper publicity.

Para 21.17.2: An intensive public education drive should be taken up to make the society aware of the role it can play in the prevention of the crime and treatment of offenders.

Para 22.13.15: The Department of Prisons and Correctional Services in collaboration with the state Dept. of Information and Publicity should make proper use of mass media to educate public about the need for rehabilitation of ex-prisoners in society.

And still fewer have tried (Table 4.37) to reach out to general public and NGO to work for the treatment and rehabilitation of jail-inmates.

Section five

NON-GOVERNMENTAL ORGANISATIONS

As is well known, non-governmental organisations (NGOs) render valuable services in many areas of social welfare and social development. Usually manned by well-meaning citizens, NGOs function in the locations from which they arise. They are familiar with persons, their problems and possible programmes of amelioration. The prime motivation with NGOs and NGO workers is usually the sense of social responsibility. Outside the purview of hide-bound financial rules and procedures, NGOs are flexible in their approach and functioning. They are able to provide the kind of service the clientele wants.

In early fifties, Central Social Welfare Board (CSWB) was created to nurse and nurture NGO movement in the country. CSWB was expected to provide not only grants and aid but also technical advise and field counselling. Over the decades, CSWB has initiated a large number of programmes and assisted a large number of NGOs. However, it is not clear that CSWB has also provided support to NGOs active in the field of corrections.

In many towns and cities, college and university students reportedly interact with inmates. They pay a visit on festive occasions (Janmashtami, Deepawali, Republic Day, etc.). They play friendly volleyball or badminton match in the yard of the jail. Of course, such practices need to be further encouraged.

In a few towns of Uttar Pradesh, we come across such NGOs as Released Prisoners Aid Society. In Maharashtra, particularly in Mumbai, Children Aid Society has been quite active. Among others, it has initiated programmes for street children and runs such institutional facilities as *observation homes* and *certified schools* for pre-relenquent children. On the whole, the NGO movement needs to be encouraged to enable it provide much-need coverage and services.

In this regard, several issues are of critical importance: (i) The nature and coverage of NGOs in the field of institutional corrections. (ii) NGO services for women prisoners, their children and youngsters. (iii) Empanelment of NGOs by jail-headquarters for collaborative activities in Central and District Jails. (iv) Institutional arrangement at the jail-headquarters to coordinate correctional programmes with NGOs. (v) Official and technical support to NGOs. (vi) Financial support to NGOs and other volunteers. (vii) Orientation training of volunteers and NGOs workers into jail functioning. The Committee deals with these and related issues.

Para 22.13.4: There should be at least one voluntary organization in each district to which the work of extending help to released prisoners could be entrusted.

Para 24.44.38: The Central Government, the state governments and the UT administrations should encourage setting up of a professional non-official registered body at the national level with its branches in all the state / UT and should provide necessary financial and other assistance to them for their proper function.

It is generally felt that reformation and rehabilitation of prisoners who come in conflict with law would be greatly facilitated with the involvement of well-meaning citizens and NGOs. On the other hand, not very many NGOs are active in this area. This is what comes out when we look into the information reflected by Table 5.01. It is found that only thirteen states and two UTs have NGOs which are concerned with corrections. NGOs are participating in the reformation and rehabilitation of jail inmates in 16 districts of Manipur followed by 10 districts in Rajasthan and 9 districts in Tamil Nadu. In other states and UTs voluntary action is lagging behind. Nor have Jail Departments in the country encouraged them or extended any financial support.

Para 13.11.35: There should be a women's non-official organisation at the national level to look after the interests of women prisoners. Such an organisation should be given financial assistance by the Central Government .

Para 13.11.34: State governments should encourage and support voluntary women organizations in looking after women offenders.

Of late, women issues have been in the central-stage. Have NGOs in the state and UTs been active in the reformation and rehabilitation of women prisoners. Table 5.02 shows that only in ten states and three UTs this has been the case. In the NCT of Delhi, sixteen NGOs have participated in the reformation and rehabilitation of women offenders. Have they been encouraged by the state government or Jail Department? Information furnished goes to show that no financial assistance has been extended to NGOs for the reformation and rehabilitation of women offenders.

Para 14.11.7: Voluntary organisations should be encouraged and given financial aid to set up children institutions for such children as can not be released on probation or on licence.

Para 21.17.9: Special voluntary social service institutions should be helped to come up for the protection and welfare of children of youth.

Next involvement of NGOs in the reformation and rehabilitation of juvenile delinquents, and young offenders has been examined. Table 5.03 brings out that only in three states (Karnataka, Maharashtra and Rajasthan) and in one UT (Delhi) such NGOs exist.

These NGOs number seven in Karnataka, five in Rajasthan, one in Maharashtra and seven in Delhi. Available information indicates that none of them have been extended financial assistance either from the Jail Department or from any other department of the state government (Table 5.04).

Para 21.17.5: Selection of volunteers should be done very carefully and cautiously.

Apart from financial assistance, NGOs would be encouraged through other modalities such as their empanelment by the Jail Department for the work of reformation and rehabilitation of jail inmates. It is seen that all over the country no such system exists.

Paras 21.17.7 & 21.17.8: Voluntary workers should be properly trained and given statutory authorization for working in the correctional field. They should be given all possible help and advice at all levels.

Paras 14.11.5 & 14.11.8: Voluntary probation officers and voluntary organisation should be paid honorarium/maintenance allowance for taking care of children.

Whatever the background of volunteers and NGOs, they need to be oriented into correctional objectives and jail functioning. This requires organisation-oriented

training programmes. Information at hand reveals that none of the states or UTs has done this, except the NCT Delhi (Table 5.05). Given this, the issue of honorarium to volunteers or NGOs does not arise. The practice does not exist in any state or UT.

Para 14.11.6: Government should exercise effective supervision on voluntary organisations and individuals.

In the larger scheme of things, NGO work has to be dovetailed with that of the jail officials. This requires lateral and vertical coordination. Table 5.06 shows that in five states and one UT a senior officer has had the responsibility for coordinating the work of NGOs towards the reformation and rehabilitation of offenders.

Para 21.17.4: A committee should be constituted in each state government / UT to identify and enroll voluntary workers and agencies at the state, district and sub-divisional levels.

Para 21.19: The Inspector General of Prisons and Director of Correctional Services should be empowered to derecognise and delist voluntary organisations or individuals and discontinue their involvement in correctional programmes, wherever grounds for such action exist.

Para 22.13.16: Government should encourage formation of voluntary organizations for taking up programmes for the help of released prisoners and should give them necessary financial and other help. Services of voluntary workers in the field should be appropriately recognized.

In correctional system, non-governmental organisations (NGOs) play a critical role, both inside and outside the institution. From an organisational perspective, there is, however, the problem of identifying and encouraging well-managed and effective NGOs. It would be seen from Table 5.07 that such a proactive procedure exists only in Sikkim, Tamil Nadu, Tripura, West Bengal and Delhi.

Available data indicate that it is only the NCT of Delhi which also recommends good NGOs for financial support.

Section Six

PRISON FUNCTIONING

As pointed out, earlier jail system has covered a large distance. It has moved, hopefully, from incarceration to reformation and rehabilitation.

In India, corrections and hence jails are a *state subject*. In all the major states, we have several Central Jails and a large number of District Jails and Sub-Jails. To enable them to achieve, what they are expected to achieve, we need to have institutional arrangements — both at the jail headquarters and in jails.

Similarly, due attention needs to be paid to jail functionaries particularly those who make for the cutting-edge (viz., Warden, Head Warden, Assistant Jailor, etc.), their morale, commitment, job identification, approach and handling of jail situations and inmates which would have a direct impact on the organisational functioning.

Jails function for the benefit and betterment of jail inmates. Nonetheless, they are a mal-adjusted lot. Given this, their doubts, dilemmas and misapprehensions need to be dispelled, before they are to be on the path of psychosocial reformation and rehabilitation. This calls for concerted efforts to motivate and involve them in the programmes designed for their own betterment. Prison functioning needs to encompass these domains.

Main issues that come up in the context of jail functioning are: (i) Over-arching organisational goals. (ii) Diversification and classification of jails. (iii) Location of sub-jails in taluka and sub-divisional towns. (iv) Safety and security arrangements in jails. (v) Regular periodical inspection by superior jail authorities. (vi) Prisoners' Review Board. (vii) Board of Visitors. (viii) Board for Vocational Training and Work Programmes. (ix) Revision and updation of jail manuals. (x) Convict Officer system, its utility and relevance. (xi) Prisoners' Panchayat, its

roles and responsibilities. (xii) Planning for cultural and recreational activities. (xiii) Equipment for screening films, VCR, DVD etc. (xiv) Liaison with Sports and Cultural Department at the district level. (xv) Rules governing discipline among jail inmates. (xvi) Rules and procedures governing prisoners complaints. The Committee dwells on these and similar issues.

Para 25.8.2: Each state / UT administration should lay down specific objectives and goals not only for the department but also for individual institutions.

It is not enough that organisational goals are understood by those occupying different echelons of the organisation. These need to be laid down both in conceptual and operational terms. Table 6.01 brings out information which is far from being encouraging. Only three states (Andhra Pradesh, Maharashtra and Tamil Nadu) and one UT (Delhi) have done this.

Para 9.7.1: Diversification of institutions should be evolved for basic segregation and treatment of homogenous groups of prisoners.

Para 9.7.3: Homogenous groups of inmates should be kept in appropriate classified institutions.

Para 9.7.4: In large states classification of prisons should be done on a regional basis.

Para 9.7.5: Small states and UTs where diversification of institution is not feasible because of a very small number of prisoners and institutions should utilise this facility in neighbouring states or apply principles of diversification in separate yards / enclosures / wings of each institution.

Para 9.7.6: Diversified institution should be set up by each state and UT according to its requirements.

Para 11.33.74: Diversification of prisons and classification of prisoners should be planned and executed simultaneously with diversification of programmes of work and vocational training.

As social conditions constantly change, correctional institutions also need to change and diversify to cater to the psychosocial needs of the jail inmates. Have the jails been categorised and diversified for the purpose? Table 6.02 indicates that this has been done only in two states (Maharashtra and Tamil Nadu) and two UTs (Andaman & Nicobar Islands and Delhi).

Para 10.28.3: Inmate-staff relationship in prisons should be based on mutual trust and confidence.

It follows that the nature and direction of inmate-staff relationship is also undergoing brisk change. What is the existing situation? Table 6.03 shows that 17 states and UTs report the nature of inmate-staff relationship as 'trust', six as 'indifference' and four as 'suspicion'. The last two categories of responses certainly arouse for concern.

Para 10.28.48: Prison staff should present such models of behaviour in their conduct before the inmates as would be useful for the offenders to imitate.

Reformation and rehabilitation process is akin to human engineering which, among others, requires concerned functionaries to put up behaviour which jail inmates would emulate. It is gratifying to note that a large number of states and UTs report as having such jail-level officials. However, there are six states and one UT which report otherwise (Table 6.04). Perhaps a systematic staff evaluation is called for to remedy the situation.

Para 8.34.1: From the point of view of security and discipline, prisons should be classified into special security prisons, maximum security

prisons, medium security prisons and minimum security prison – (semi-open prison, open prisons and Sanganer-type open camps).

In order to strike a balance between custody and reformation, jails need to be classified in terms of maximum- medium-and minimum-security prisons. It is observed (Table 6.05) that this is being done in several states and UTs. But, there are 17 states and UTs which do not have such a system, maybe on account of over-crowding or because of sluggish infrastructural growth.

Para 4.34.5: Immediate steps should be taken by the state governments / UT administrations to frame rules under the prison statute.

There does exist a legal framework on prison administration, yet we require 'rules' in accordance with the local conditions. Have such rules been formulated? Table 6.06 shows that it has been done in a large number of states and UTs. However, there are five states and two UTs which are yet to initiate action in this regard.

Insofar as jail functioning is concerned, 'jail manual' is extremely important. It is seen (Table 6.07) that eleven states and five UTs have their own jail manuals to work upon. Another twelve states and UTs have adopted jail manuals of other states. Nonetheless, the need to have a modicum of uniformity in this basic document is imperative.

Paras 4.34.6 & 4.34.7: Revision of jail manuals of the states and UTs should be given top priority.

Having a jail manual is hardly enough. It requires updating from time to time. Has this been done? Table 6.08 shows that only 6 states and 3 UTs have done this. Interestingly enough, in several of these states the revision of jail manual has been done a long time ago (Table 6.09). To amplify, in West Bengal it was

done 34 years ago, in Andhra Pradesh 22 years and in Madhya Pradesh 19 years. That the matter is addressed seriously is open to question.

Para 10.28.31: Each state and UT should accept and adopt the basic essential elements of recreational and cultural activities.

Para 10.28.32: The Inspector General of Prisons of each state and UT should formulate a plan for recreational and cultural activities for each institution.

As pointed out, recreation and cultural activities are inseparable part of correctional programme, requiring forethinking and planning. Table 6.10 shows that in only six states and three UTs this has been done.

Para 10.28.37: Library of good films should be developed at the prison-headquarters.

In recent years, entertainment, particularly electronic devices, have witnessed some kind of a revolution. Most of the Jail Department would be generally expected to stock cinematography films, video cassettes, CDs, etc. for circulation in jails. Table 6.11 shows that only two states and one UT has a library of these devices at the jail-headquarters. Needless to emphasize, others need to initiate action in this regard at the earliest. What is the stock-holding with the jail-headquarters? Table 6.12 shows that the jail headquarters, Madhya Pradesh has a stock of 25 cinematographic films. And 7 compact disks (Table 6.13).

Para 10.28.41: The Department of Prisons and Correctional Services should maintain close liaison with the Department of Sports and committees for recreational and cultural activities at the district and state level.

Given that sports and cultural activities have an important place in the reformation and rehabilitation of offenders, Jail Department needs to maintain liaison with sister state departments. Is it being done? Table 6.14 shows that eight states have this kind of networking.

Para 8.34.19: Provision with regard to security and custody of prisoners contained in Chapter XVI of the Model Prison Manual and those for meeting emergent situations in prison contained in Chapter LIII of that Manual should be implemented.

Emphasis on reformation and rehabilitation of offenders does not dilute the importance of prison security which includes several concurrent measures. Jails are supposed to have clear demarcation of out of bound area, to the extent of 125 meters around the jail building. Is it followed by the ground situation? Table 6.15 indicates that only seven states have this demarcation in most jails, 7 in some jails and 10 in no jails. That demarcation of out of bound area has not been possible is perhaps on account of rapid growth of civilian population.

Proper lighting arrangement inside and around the jails goes a long way in improving security. What is the ground situation? It is gratifying to note (Table 6.16) that in 60% of the states and UTs proper lighting arrangements are in place in most jails.

Jail inmates are a mixed lot having among them both 'goodies' and 'baddies'. Given this, surprise searches of barracks and equipment is essential. Table 6.17 shows that this is done in 19 states and 5 UTs.

Likewise, many jail inmates are unscrupulous enough to arrange for contraband articles. This calls for a foolproof control system. Table 6.18 shows that in 24 states and UTs such control system exists. In this connection, control and inspection of such security equipment as lock, handcuffs, etc. is important – and it is being done in a large number of states and UTs (Table 6.19).

Somehow, so is not the case with weapons. Control and inspection of guard-room, fire arms, magazine, etc. is done in most jails only in 5 states and 2 UTs (Table 6.20).

However, jail administration appears to be quite diligent in the matter of censoring inmate mail and control of 'interviews'. It is being done in as many as 26 states and UTs. Taken together, jail security has its strong points and weak points. The latter need to be plugged as soon as possible (Table 6.21).

Forethinking and planning are important for handling emergency situations in jails. Have the Jail Departments compiled a manual or guidelines for tackling escape, riot, suicide attempt, food poisoning, etc. in jails? Table 6.22 shows that eight states and two UTs have done this; but a vast majority is yet to initiate action in this regard. A similar issue arises in respect of nature-made emergencies (flood, earthquake, cyclone, etc.) in jails. It is observed (Table 6.23) that only one state (Jammu & Kashmir) and one UT (Delhi) has done this. Needless to say, other states and UTs need to proceed into the matter; or alternatively they may consider adopting such manuals compiled by Jammu & Kashmir or Delhi.

Para 18.9.31: Provisions in State jail manuals permitting handcuffing or fettering of inmates lodged in sub-jails should be re-examined.

While discussing prison security the issue of putting jail inmates into handcuffs and fetters comes up. It requires permission of the court. Within this framework, 8 states and UTs report that existing provisions permit handcuffing and fettering of inmates of sub-jails (Table 6.24).

Paras 8.34.12 & 8.34.16: Preventive measures for ensuring security through segregation and imposition of fetters should be very discreetly

used. Prisoners should have the right to appeal to the Inspector General of Prisons against the restrictions imposed on them.

Is this done actually? Table 6.25 shows that the practice is prevalent in 5 states and 2 UTs. Available information shows that in Assam handcuffs and fetters are used to prevent escape of disturbing inmates and also as punishment. In Himachal Pradesh, the use of handcuffs and fetters is subject to court permission. In Mizoram, it is mostly used on indisciplined prisoners. So is about the case with Nagaland. In Pondicherry, these are used to restrain hard-core 'criminals'. In Tripura, apart from mentally sick detenus, these are used with those having assault or desertion record.

Para 8.34.23: Some of the existing prison punishments should be abolished and some new ones introduced.

Reverting to punishment to disturbing jail inmates, attention may be paid to prevalent forms of punishment. Are such inmates assigned to tiresome and irritating work? Table 6.26 shows that only in Tripura this practice exist. Are they put into punishment clothes of gunny or coarse fabric? Again only 6 northern-eastern state responded in the affirmative (Table 6.27). Are they put into handcuffs and fetters? This is done (Table 6.28) in eight states and one UT.

Are disturbing jail inmates segregated? Table 6.29 brings out that in 17 states and UTs such jail inmates are given solitary confinement. Earlier, 'punishment diet' to such inmates used to be common. Table 6.30 shows that this practice is on the wane. Nonetheless, in Tripura, Delhi and Pondicherry the practice is resorted to even to this way. Likewise, corporal punishment used to be common. Of now the practice been discarded, but not entirely. Table 6.31 shows that in Tripura reports that disturbing jail inmates are beaten with stick, etc. For such jail inmates, denial or curtailment of privileges (interview, letters, TV viewing, etc.) appears to be more purposive. Table 6.32 brings out that the practice is extant in 17 states and 3 UTs.

Remission is granted to jail inmates which shortens their term of imprisonment. But it is not their right. It could be withheld or forfeited, should they indulge in disturbing behaviour. This is what is done (Table 6.33) in 21 states and 4 UTs.

Earlier on, jail inmates were given fatiguing and often meaningless work. The practice has been abandoned. However, disturbing jail inmates may be required to undergo fatiguing drill or undertake tiresome work. Table 6.34 brings out that in 5 states and 2 UTs these modalities are also resorted to.

Yet another measure used with disturbing jail inmates is their transfer to jails having stiffer security arrangements. Table 6.35 shows that this is done in 17 states and 3 UTs.

Para 8.34.24: The procedure for dealing with complaints against prisoners should be rationalised.

Generally, superior officers have greater understanding and exercise greater restraint in their decisions. Given this, the matter as to the rank of the officer dealing with complaints about the conduct of an inmate becomes important. Table 6.36 shows that it is always the jail Superintendent who deals with these, except in the case of Orissa.

Para 8.34.22: Actions and omissions identified in Chapter XXXI on 'Discipline' of the Model Prison Manual should constitute prison offences.

Decision on complaints of misconduct of jail inmates needs to follow predictable direction. This would be possible if there were any manual or guidelines on the subject. It is observed that only 15 states and 3 UTs have formulated a manual or guidelines in this regard. Others need to initiate action as soon as convenient (Table 6.37).

Para 8.34.30: The intelligence branch of the local police should be actively involved in the detection and prevention of smuggling of contraband articles into the prisons. The vigilance cell in the headquarters of Prisons Department should also pay proper attention to this aspect of prison security and discipline.

The issue of availability of contrabands in jails is serious and can hardly be tackled by jail officials alone. It requires cooperation and coordination with local police. Is this done? Available data show (Table 6.38) that only 5 states and one UT have moved into the matter and have a system of involving local police in curbing smuggling of contrabands into prisons. In Assam police is called as and when situation so demands. In Chandigarh there is a regular system of police personnel frisking the 'visitors'. In Himachal Pradesh police personnel do visit prisons whenever an incidence takes place. In Nagaland police armed guards join hands in custodial duties. Tamil Nadu, too, has the arrangement of police conducting search of visitors.

Para 6.8.21: Bartering of food articles should be totally banned.

Yet another striking feature in jail culture is bartering of food articles among the jail inmates. As this gives rise to several problems, it is usually discouraged. Data presented in Table 6.39 show that this practice has been banned in a large number of states and UTs. It is, however, surprising that quite a few states and UTs are yet to initiate action in this regard.

Para 20.17.6: Each state government / UT should formulate a set of guidelines to be uniformly applied to govern the working of Review Boards.

Doubtless, Review Boards to appraise the background, work and conduct of jail inmates are important. But, guidelines for their work and decisions are equally

important. Have such guidelines been developed? Table 6.40 shows that this has been done only in 5 states and 3 UTs.

Para 20.17.4: Review Boards should be constituted in each state government / UT for consideration of pre-mature release.

Similarly, at the Jail Headquarters, too, we require a Review Board to evaluate, consider and approve pre-mature release of jail inmates. Do we have such Review Boards in place? Available information shows (Table 6.41) that a large number of states and UTs have constituted these boards. However, 10 states and UTs are yet to move into the matter.

Para 6.22.1: There should be a Board of Visitors in each state and union territory.

We require a high-powered state-level Advisory Board so as to keep correctional administration in the state/ UT responsive and effective. Table 6.42 shows that only in 3 states (Andhra Pradesh, Jammu & Kashmir and Madhya Pradesh) and in 3 UTs (Andaman & Nicobar Islands, Delhi and Pondicherry) such Advisory Boards have been constituted. At the state level, we require Board of Visitors. Table 6.43 brings out that a few states do have such boards but a large number of states and UTs are yet to initiate action in this regard.

Para 11.33.24: An autonomous board for work programmes and vocational training vested with full fiscal and administrative powers should be set up at the headquarters organisation of the Department of Prisons and Correctional Services.

Of late, much emphasis has been laid on vocational training and work programmes for jail inmates. Towards this, we require a Board for Vocational Training and Work Programmes at Jail Headquarters to endow these programmes a direction and goal-orientation. It is gratifying to note (Table 6.44)

that most states have constituted boards for vocational training and work programmes.

Para 11.33.32: Requirements of government departments, semi-government agencies, etc., in respect of prison products, should be consolidated in the office of the board.

Para 11.33.33: The targets of production for each unit for the ensuing year should be fixed in advance.

Work programmes and prison industries involve modern management techniques. Among others, it requires demand-generation and demand-consolidation (mainly Jail Headquarter functions). Are the requirements for prison products received from different government departments and other organisations consolidated for fixing production targets? Table 6.45 shows that, except for 3 states / UTs, this has done in others.

Para 24.44.15: The system of convict officers discharging supervisory and disciplinary duties should be abolished in a phased manner.

Para 8.34.10: The institution of convict officers discharging supervisory and disciplinary duties, as at present, should be abolished in a phased manner.

The system of Convict Officers (Convict Night Watchman, Convict Overseer and Convict Warder) has been a butt of criticism for several decades. Has the system been abolished? Table 6.46 shows that, except for the NCT of Delhi, the CO-system continue. Much of this could be traced to financial and manpower resource constraint with the Jail Department.

Para 8.34.29: Prisoner's Panchayats should be involved in matters pertaining to inmates / self-management and self-improvement in day to day life.

An alternative system is Prisoners' Panchayat. Have these Prisoners' Panchayats received attention? Table 6.47 brings out a mixed picture. Some states have constituted these representative bodies. Bihar and Maharashtra have elected prisoners' panchayats in Central Jails. But more than a half of the states and UTs are yet to adopt this innovation. Almost similar is the situation of District Jails. (Table 6.48).

Owing to their limited population of jail-inmates, Prisoners' Panchayats are there in some sub-jails but in very few states (numbering 3, Jammu & Kashmir, Madhya Pradesh and Orissa) (Table 6.49).

There are many functional areas in which Prisoners' Panchayats could make a substantial contribution. Food preparation and distribution is one of them. Table 6.50 shows that in a third of states and UTs Prisoners' Panchayat shoulder this responsibility. In a little less than one fourth of the states and UTs members of Prisoners' Panchayat participate in jail educational programme (Table 6.51). Similar is the position of their involvement in recreational and cultural activities in jails (Table 6.52). The same goes for sport activities (Table 6.53). Members of these representative bodies could play a meaningful role in helping and facilitating sick fellow inmates. In five states and one UT this kind of responsibility (Table 6.54) is handled by the members of these bodies. In a few states, members of the Prisoners' Panchayat shoulder (Table 6.55) responsibilities in the work of safety, security and custody in jails. In a few states (Table 6.56), they also involve in vocational training and production work.

It goes without saying that members of these representative bodies have greater rapport with fellow inmates and, hence, they have the facility of listening to their

problems and solving their difficulties. Available data show (Table 6.57) that in nine states and one UT they are doing so.

Para 8.34.9: Jails should be inspected at odd hours by range Deputy Inspectors General of Prisons to ensure proper observance of security measures.

Apart from planned visits and inspections, surprise visits have their own significance. On going through Table 6.58, it is found that in 21 states and UTs such surprise visits have been paid to jails by DG or IG (Prison).

Para 8.34.21: Progressive stage system should be introduced in jails.

As mentioned earlier, jail inmates enjoy certain privileges and facilities (interview, remission, work, etc.). The main purpose behind them is to improve their behaviour and conduct. Are these facilities so designed and linked up? It is so in 21 states and 6 UTs (Table 6.59).

Para 4.34.8: Standing executive instructions issued (by state / UT authorities) for meeting certain situations or for efficient running of prison administration should be separately bound as reference material for the prison personnel.

In governmental organisations and in their functioning, standing or general orders have an important place. Do Central and District Jails and other institutions compile and maintain these general orders and other reference material? To ensure this, we require standing orders in this regard. Has this been done? Table 6.60 shows that in 15 states and 4 UTs such standing orders have been issued.

Para 18.9.11: All sub-jails should immediately be brought under the administrative control of the respective Inspector General of Prisons and

only an officer of the Prison Department should be appointed as officer-in-charge of the sub-jail.

Para 18.9.6: Sub-jails housed in improvised insecure buildings should be abolished.

As is known Sub-Jails are usually located at sub-division, tehsil or taluka towns. Further, these are set up and maintained by a government department other than Jail Department. As a result they remain more of a detention house than being a correctional institution. Are there Sub-Jails which are not under the administrative control of DG/IG (Prisons)? This is the case (see Table 6.61) at least in two states and one UT. Given this, it is possible that, in some of these small towns, sub-jails be housed in a make-shift or rented building. However, available data show that such a situation does not exist in any state or UT.

Paras 18.9.4 & 18.9.5: Sub-jails should not be linked up with police or excise lock-ups.

Paras 18.9.12 & 18.9.13: Sub-jails should be adequately and properly staffed.

Para 18.9.14: Guarding of sub-jails should be done exclusively by prison staff.

The possibility exists that some of these institutions may be looked after and guarded by personnel other than jail staff. Table 6.62 shows that this is what is happening in as many as five states and one UT.

Para 18.9.9: There should be two types of sub-jails: (i) Class II sub-jails for an average daily population upto 50 inmates, and (ii) Class I sub-jails for an average daily population exceeding 50 but upto 100 inmates.

Usually Sub-Jails have relatively small inmate population. Are they classified as Class II Sub-Jails (upto 50 inmates) and Class I Sub-Jails (upto 100 inmates)? This is done (Table 6.63) only in one state, Orissa, and one UT Pondicherry.

Para 7.13.25: Each state should have a fully equipped prison hospital manned by specialists for the treatment of prisoners from all over the state, requiring specialized treatment.

Complicated or chronic diseases are not uncommon among jail inmates. This requires the facility of a specialty hospital. Do states / UTs have a specialty hospital exclusively meant for the treatment of inmates from the correctional institutions in the state? Available data show that only in 4 states and 2 UTs such a facility exists. It follows that others would be sharing this kind of facility in public or private sector in the state (Table 6.64).

Para 7.13.33: There should be at least one separate prison hospital, in each major state, with a capacity for 100 inmates, fully equipped for the care and confinement of criminal lunatics.

The need for a properly equipped prison hospital for mentally sick persons perhaps located in the capital city of the state is obvious. Do we have this facility? A perusal of Table 6.65 shows that it is limited to only two states (Madhya Pradesh and West Bengal) and one UT (Delhi).

In this regard, some more information is available relating to Delhi: the allied mental hospital has 150 beds (Table 6.66).

Section Seven

BOARD OF VISITORS

For long, the system of Board of Visitors in prison administration has been in place. In a way, the system indicates corrections being a concern of one in all; and correctional institutions do not have to be insular. These need to have a measure of interaction with other sectors of criminal justice system and a substantive linkage with community. The modality of Board of Visitors subserves these and similar purposes. Should the Board function effectively, it will greatly help jail inmates in redressing their grievances and in putting them on the path of reformation and rehabilitation.

Usually all the District and Central Jails have a Board of Visitors attached to themselves. While District Collector or Deputy Commissioner is the Chairman of the Board, it has both official (District and Session Judge, Superintendent of Police, PWD Engineer, etc.) and non-official (Social Workers, Member of

Legislative Assembly, Members of Parliament, etc.). The functions of the Board of Visitors are as under:

(i) To visit the correctional institution periodically; (ii) To listen to the requests of jail inmates pertaining to their care and welfare; and (iii) to help the jail administration in correctional matters.

The importance of Board of Visitors attached to jails, of late, has gone up manifold: Most jails are having inmate population much more than their authorised capacity. Undertrial population is twice as much of the convict population. Often times, undertrials remain in judicial remand more than a half of the term of imprisonment for the criminal charges for which they have been remanded to jails. Members of the Board of Visitors play a role in expediting their cases or in getting them bailed out.

Given these considerations most jail study groups, enquiry committees and reforms commissions, constituted either by state or central government, have recommended the streamlining of Board of Visitors.

In this regard, several issues need to be focalised. (i) Basis of nomination of non-officials to the Board of Visitors. (ii) Inclusion of lady visitors in the Board. (iii) Frequency of visit to jail by the official and non-official members. (iv) Optional or obligatory position of visit by members. (v) Visit of the Members of Board of Visitors in tandem with the inspection by jail authorities. (vi) Competence of the members of the Board of Visitors to take note of lapses on the part of jail officials. The Committee has deliberated on these issues.

Para 6.22.5: A Board of Visitors should be constituted for each central prison, district prison and sub-jail (Para 6.22.3 & Para 6.22.4), with specific functions.

Para 18.9.27: A Visiting Committee should be constituted by the District Magistrate for each sub-jail under his jurisdiction.

Towards improving the functioning of correctional institutions, Board of Visitors plays a major role. Table 7.01 shows that 16 states and UTs report as having Board of Visitors in all the Central Jails. On the other hand, two states report this for most of their Central Jails. What is noticeable in 4 states none of the Central Jails have a Board of Visitor.

The situation is a little more discouraging with regard to District Jails. Only in 12 states and UTs all the District Jails have Board of Visitor. But, there are 5 states in which District Jails have none (Table 7.02). Similar is the situation with Sub-Jails (Table 7.03).

This apart, the composition of Board of Visitors is equally important. What is the criterion for the appointment of non-official members to Visitors Board? Table 7.04 presents the information supplied by states and UTs. In most of them membership of Assembly or Parliament, past or present, is important. This is followed by social service record and interest in prison or correctional work.

Para 6.22.9: It should be obligatory on the part of both official and non-official visitors to pay visits to prison as per the schedule fixed by the Chairman of the Board.

Does the Chairman of Board of Visitors along with members pay a visit to jail regularly? It is seen (Table 7.05) that only in less than a half of the states and UTs this is done. What is the frequency of such visits? Only eight states and UTs have supplied information in this area. Such visits range from once in two months to once in 12 months. Assuredly, this would do with some improvement (Table 7.06).

Apart from the Chairman of Board of Visitors, other members also have at least shared responsibility. Do they find an obligation? Table 7.07 shows that, only in 14 states and UTs, it is obligatory on the part of all the members of Board of Visitors to make themselves available for such visits.

Para 6.22.6: The Board of Visitors for an institution should visit such institution at least once in a month.

Further visits of members of Board of Visitors need to be frequent. What is the situation at the jail level? Table 7.08 shows that such visits range from once a week to once a year; and in 13 states / UTs such visits have usually been once in a quarter.

Para 6.22.7: A copy of remarks entered in the Visitors Book by the Chairman or by any member of the Board should be forwarded by the Superintendent to the Inspector General of Prisons along with his comments for necessary action.

Both convention and rules lay down that visiting members of a Board of Visitors record their observations on the Visitors Book. Is it being done? in nearly two-thirds of the states and UTs this is being done (Table 7.09). In this regard, processing of such observations is important. Table 7.10 shows that the concerned jail Superintendent in 17 states and UTs does forward them to DG / IG (Prisons).

Para 6.22.8: It should be the duty of the Deputy Inspector General of Prisons and the Inspector General of Prisons to meet the Board of Visitors whenever they visit the prison.

One of the modalities to invigorate the involvement of non-official members of the Board of Visitors would be their presence during the inspection visits of senior jail officers like DG or IG. It is done? Table 7.11 goes to show that this is always done in one UT; most of the time' in 2 states (Karnataka and West Bengal); and sometimes' in 11 states and UTs. It is surprising that it is never done in 11 states and UTs.

Para 8.34.14: Any use of preventive measures beyond the prescribed limits should be subject to approval of the District Judge or the Chief Judicial Magistrate having visitorial powers over the prison.

Have official members of Board of Visitors (Chief Judicial Magistrate, etc.) the authority of extending or terminating of detention of jail-inmates? Table 7.12 shows that they have such authority only in 4 states.

Looking to the special problems of women prisoners, lady Visitors on the Board could be of great help. Do we have this arrangement? It is observed that (Table 7.13) this kind of gender sensitivity is not there in all the states and UTs. While in 16 states and UTs some of the Board of Visitors do have a lady Visitor, but in 2 states they have none.

Para 13.11.31: Prisons and annexes for women offenders in common prisons should be open for frequent visits by lady visitors.

Do lady Visitors on the Board find time and pay visit to jails to look into the problems of women prisoners. Table 7.14 brings out that weekly or monthly visits are rare. In most states and UTs, it is quarterly or longer. Perhaps representation of women on the Board of Visitors as well as the role of lady Visitors need to be enlarged.

Section Eight

PRISONERS' ADMISSION

In a way, correctional programme commences as soon as the prisoner is admitted to a correctional institution. What transpires with the prisoner in early days lays the foundation for his effective reformation and rehabilitation.

From an organisational prospective, procedures governing admission need to be clearly laid down for jail officials, particularly for those at the ground level. Scrutiny of court orders, search and safe-deposit of personal belongings of a prisoner, his transfer to reception centre, medical check-up, diagnostic studies by welfare, educational and psychological professionals are extremely important. Furthermore, proper maintenance of such records as Admission Register and History Ticket is essential. Nonetheless to emphasize, established and well coordinated admission procedures send all around a message that the correctional institution is serious and means business.

Given this, several issues are important to consider: (i) Maintenance of Admission Register and History Ticket. (ii) Maintenance of classification records and registers. (iii) Following the admission, search of the prisoner and deposit of his belongings in the *malkhana*. (iv) Help and legal-aid, if needed, in filing revision petition. (v) Information to relatives and friends on his whereabouts. (vi) Printed material to the prisoner on prison routine and facilities. (vii) Classification procedures including medical check-up, interaction with social worker, teacher and Vocational Training instructor, etc. The Committee brings these and similar issues under the focus.

Para 9.12.6: Proper formats for compiling history sheet, initial classification sheet and progress report should be adopted.

Coinciding with admission of prisoners into jail is their History Ticket. Its preparation, maintenance and verification are again extremely important (Table 8.01). With the exception of Goa, these procedures are gone into by all the states and UTs. Subsequent to this is the preparation of a file on the prisoner, incorporating details of his initial classification and, later on, of his conduct and work. Is such a file properly maintained? On going through the information reflected by Table 8.01, it is found that more than a half of the states are alive to the procedure. Nonetheless, there are 11 states and UTs which are not very particular in this regard.

Para 8.34.7: A statutory provision should be made to make it obligatory on the part of police to inform the Superintendent of the prison about the antecedents of every dangerous convict or undertrial admitted to the prison.

It would greatly facilitate jail authorities, should local police inform them about the antecedents of a convict being committed to jail. This kind of coordination exists in less than a third of the states and UTs. Doubtless, greater cooperation from local police needs to be lined up (Table 8.02).

Para 25.8.12: A scientific method of keeping and weeding of record in prison department should be evolved.

From a long-term prospective, prisoners' record needs certainly to be maintained, but it also needs, to be weeded out to avoid cramming up of the recording system. Is it being done? Available data show that such a system of weeding prisoner record does not exist in 7 states (Table 8.03).

Para 8.34.6: Adequate staff should be posted at jail gates for conducting searches.

Para 9.7.7: With the construction of new prison buildings and establishment of semi-open and open prisons, the pressure on existing prisons is likely to get reduced. All these prisons should be converted into medium, maximum and special security institutions for adult offenders and into Reception Centres and Kishore / Yuva Sadans for young offenders.

Sufficiency of custodial staff at the prison-gate is important to conduct search of an entrant, preparation of inventory of his personal belongings, deposition of the personal belongings in the *malkhana*. Do we have sufficient number of custodial officials at the prison-gate? Table 8.04 shows that this is the situation in most states and UTs. However, Chattisgarh and Mizoram are not well placed in this regard (Table 8.04).

Para 8.34.26: Facilities available to prisoners to file appeal / revision/review or to make other applications in regard their criminal cases should be improved. Prisoners may also be provided free legal aid in such matters.

Newly admitted prisoners require, among others, legal advice, perhaps to file review or revision petition in courts. Do jail officials provide such help? It is seen (Table 8.05) that it is done in most states and UTs, with the exception of Manipur and Meghalaya. Similarly, quite a few of them may require free legal-aid. Table 8.06 shows that this is made available in 26 states and UTs. However, Assam and Nagaland are not able to do so (Table 8.06).

Paras 6.18.2 & 6.18.3: On initial admission or on admission on transfer from another prison, a printed card should be sent to the family of the prisoners containing detailed information on prisoner's identification, rules of interview, mail facility, etc.

For several reasons, relatives of a newly admitted prisoner need to be informed on this by the jail authorities. Is this procedure regularly followed? Table 8.07 shows that 15 states and one UT do not follow any such procedure.

This point has been pursued further (Table 8.08). While 7 states and UTs do write to relatives of a newly admitted prisoners in 'all the cases', others do it in three-fourths or half of the cases.

Para 8.34.25: Newly admitted prisoners should be given a booklet printed in local language containing information regarding regulations governing various aspects of prison life.

Generally speaking, a newly admitted prisoner finds himself in unfamiliar surroundings, having a set of duties and a set of rights. Is he given on these aspects any written material (jail manual, booklet, etc.)? This is done (Table 8.09) only in 11 states and UTs, others do not have this procedure. In the case of one state (Goa) and one UT (Andaman & Nicobar Islands) such material is usually in English and in 8 states and UTs, it is in local language. Needless to add, the material being given to newly admitted prisoners need to be in local language (Table 8.10).

In jails, many prisoners are illiterate. Are the main provisions of law and jail rules read out to them? Table 8.11 brings out that in nine states and UTs this is done. However, other states and UTs are not alive to this need.

Para 9.7.8: In every Central and District Jail, a *reception centre* should be established for initial classification of convicted prisoners.

On admission, prisoners need to spend some time in Reception Centres to facilitate initial classification. Is it done? Table 8.12 brings out interesting details. A large number of states and UTs do not have the facility of Reception Centre. Only four of them mention that all of them are initially housed in Reception

Centres. Others mention either 'most of them' or 'some of them'. The situation hardly speaks well for corrections.

Para 9.12.3: Reception Centre should be set up in every Central and District Jail, where prisoners sentenced to more than one year imprisonment, should be classified by a *classification committee* consisting of professional staff.

Do jails have a Classification Committee for the newly admitted prisoners? Nearly five states and UTs report (Table 8.13) that all of their jails have Reception Centres. As against this, there are 15 states or UTs who report as having no Reception Centre.

Para 9.12.2: The aims and objectives of classification as laid down in Chapter XIX of the Model Prison Manual should be kept in view while undertaking classification of prisoners.

Para 9.7.2: Each state or UT should evolve a system of classification of prisons according to its requirements.

Para 9.19.2: Newly admitted prisoners should be broadly categorised into socially conditioned criminals and individualised criminals.

Is the purpose behind classification understood by jail officials? Table 8.14 shows that eight states and UTs mention social and economic study of inmates, and another three 'developing treatment plan'. Apparently, since most of them are unclear to the purpose behind classification, the procedure is not given due priority (Table 8.14).

Does the classification procedure pay due attention to security? Do they assign a newly prisoners to a particular barrack or ward? Table 8.15 shows that nearly 60% of the jails are not able to do so, perhaps because of overcrowding.

Para 4.34.11: Civil prisoners should not be detained in jails meant for convicted prisoners.

Para 12.17.25: Persons detained under executive orders made under provisions of special legislations should be kept away from convicted and undertrial prisoners.

Are civil and political prisoners also detained in Central, District and Sub – Jails? That it is being done in a large number of states is brought out by Table 8.16. What would be the number of such prisoners? six states and UTs have supplied information on this (Table 8.17). The number of civil and political detenues ranges from 6 to 250.

Para 9.12.2: The aims and objectives of classification as laid down in Chapter XIX of the Model Prison Manual should be kept in view while undertaking classification of prisoners.

Para 9.12.5: Provisions of the Model Prison Manual regarding procedure for initial classifications, stage of classification and reclassification procedures decisions of the classification committee, progress reports review of progress re-classification contents of the inmates case file should be adopted by each state and UT.

Para 10.28.49: The impact of treatment programmes should be reviewed through a mechanism built into the prison system (such as periodical review of progress of inmates, re-classification of inmates, review of sentences, after-care, follow-up etc.); and it should also be regularly reviewed through independent agencies.

The work of Classification Committee is not over with that at the time of admission of a prisoner. It needs to periodically evaluate his progress leading to the re-adjustment of custodial and correctional programmes. Is it done? Table 8.18 shows that only in a few states this kind of work is done by the Classification Committee.

Para 6.23: Classification of prisoners into A,B,C or I,II,III classes on the basis their social, economic and educational backgrounds should be abolished.

Jail-inmates are often classified as class A, B & C, mostly on the basis of their social and economic background. The enquiry body recommends discarding of the practice. However, Table 8.19 shows that in as many as seven states and UTs the practice has persisted.

Para 9.19.4: The existing legal provisions in regard to the classification of habitual offenders should be suitably amended.

Yet another way of classification is 'ordinarily offenders' and 'habitual offenders'. Is it done by Central and District jails? It is found (Table 8.20) that in 12 states and UTs it is done. There is a pressing need that others may also follow the suit.

Para 9.12.4: The principles of keeping a prisoner as near as his hometown as possible should be broadly kept in view at the time of classification of inmates.

While undergoing classification procedure, an attempt also needs to be made to transfer a prisoner to a jail closer to his native place. Is it being done? going by the available information, in 21 states and UTs, Classification Committee does no such thing (Table 8.21).

Para 9.19.3: In each state and UT study groups should be set up for the purpose of undertaking studies of various patterns of crime. The reports of these study groups should be utilised for evolving classification of prisoners on scientific basis.

It is important for the members of the Classification Committee to be informed and knowledgeable. Do they look into research with a view to improving classification procedures? Table 8.22 shows that it is done only in 4 states. The need for interface between research and classification procedures is loud and clear.

Section Nine

BUILDING & PHYSICAL ENVIRONMENT

It is generally accepted that physical environment has a direct and substantial influence on ones thinking, attitude and behaviour. Given this, jail buildings and other physical facilities need to be functional, adequate and conducive to correctional objectives. Due attention needs to be paid to the location of jails. These should have space for Reception Centre, sleeping barracks, cells, latrines, bathrooms, washing-sites, kitchen, hospital, classroom and worksheds.

Human Rights, Fundamental Rights and UN Standard Minimum Rules – all of these emphasize, directly or indirectly, on the adequacy and sufficiency of jail buildings and related physical facilities. These include living quarters, conveniences, cooking and dining space, etc. It follows that few correctional programmes would be able to make any significant headway, were necessary physical facilities unavailable. To illustrate, a proper and balanced educational programme requires space for classrooms and library, furniture, books, etc.

On the other hand, the situation obtaining in the country is, to say the least, a mixed one. About 40% of the jail buildings were constructed in the nineteenth century. While prison population has gone up, augmentation of space and physical facilities has lagged behind. In this regard, there is no dearth of innovative ideas or architectural and engineering talents, the major constraint has been political and social will. In a few states, innovative approaches have been adopted with great advantage: Functional jails have been put up on new sites, and necessary funds have been mobilised by disposing of land thus vacated.

Keeping the above in view several critical issues emerge: (i) Periodicity of maintenance of jail building. (ii) Cleaning drainage and sewerage system in the jail. (iii) Supply of water, electric power, cooking gas, etc. (iv) Remodeling of existing jail buildings and construction of new jails. (v) Location of association barracks (in relation to the main gate) and other physical facilities (canteen, worksheds, cultural centre, etc.). (vi) Provision of public address system, close-circuit television, telephone, automatic alarm, etc. (vii) Jail hospital including inspection room, medical ward, etc. These and similar issues have been focalised by the Committee.

Para 5.8.16: Annual repairs / renovation of prison buildings should be done by the prison department for which adequate funds should be placed at its disposal.

Provision of conducive physical conditions including functional jail building is important. Equally important is their maintenance and renovation. Are these undertaken regularly? It is seen (Table 9.01) that two states (Meghalaya and Uttar Pradesh) have not supplied any information. Besides there are as many as eight states which report that jails do not carry out repair and maintenance of buildings. This is rather amazing.

The point has been pursued further with regard to the states and UTs regularly carrying out repair and maintenance of jail building. Only D & N Haveli reports that the work is undertaken every six months. Most states and UTs do it on a yearly basis. But there are quite a few states which follow a routine of more than 24 months in this regard (Table 9.02).

Repair and maintenance of jail buildings by the Jail Department itself is expeditious but fraught with several procedural problems. Usually, this is done through PWD. This is what comes out on going through the information reflected by Table 9.03. As many as 24 states and UTs rely on PWD for this.

The issue of maintenance of jail building assumes great importance in view of their getting into close proximity of the civilian population. Table 9.04 shows that 12 states and UTs have 75% of the jails in the immediate neighbourhood of civilian population. Only six states and UTs are able to maintain a safe distance.

Para 5.8.22: Old prison buildings surrounded by crowded localities should be remodeled to house undertrial prisoners.

It is a good idea that the jails, which come in close proximity with civilian population, are converted into institutions for undertrials. Has this been done? It has been done (Table 9.05) but only in a few states and UTs.

Para 5.8.3: Old prison buildings, which have outlived their utility, should be demolished. Each state government and UT administration should prepare a comprehensive plan for re-modeling and renovation of other existing prison buildings so as to make them functional. Funds for the purpose should be made available by the Central Government.

In some states, old jail buildings have been demolished and the land has been used for commercial purposes. Funds so obtained have been used for putting up modern jail buildings, away from civilian population. How many states have done this? Data presented in Table 9.06 show that this has been done only in eight states. Further, in Maharashtra this kind of conversion has been done in respect of four jails and in Haryana in respect of three jails.

Next, the issue of renovation or remodelling of old jail buildings has been examined. In six states and one UT, old jail buildings have been remodelled in order to make them functional or capable of meeting contemporary reformation and rehabilitation needs of jails-inmates. It is seen that such reformation or remodelling has been done extensively in Uttar Pradesh, Rajasthan and Madhya Pradesh (Table 9.07).

Para 6.12.2: Open gutters and sewers should be covered. Wherever possible prisons should be connected to the public drainage and sewer systems.

In civil works, open drains and gutters are currently discouraged. Do we have jails with open drains and gutters? While 12 states report that 75% of their jails have open drains and gutters, 11 states and UTs report that they have no such jail. May it be added that the sooner all the jails in the country accomplish this sanitary arrangement the better (Table 9.08).

Para 5.8.22: Old prison buildings surrounded by crowded localities should be remodeled to house undertrial prisoners.

Drainage of domestic waste water and storm water is important. This requires a connection with the civic sewerage lines. There are 14 states and UTs which have 75% to 25% of their jails with this kind of facility, there are another 13 states and UTs which have none of it. Is this lag for want of resources or administrative initiative (Table 9.09)?

Para 18.9.7: All new sub-jail buildings should have living barracks and dormitories at a reasonable distance from the main wall.

Prison architecture requires that association barracks or dormitories for the jail-inmates are located at a safe distance away from the main gate and outer walls of the jail. What is the ground situation? It is seen that this is the situation in almost all the states and UTs.

Para 5.8.10: There should be four types of living accommodation: (a) Barracks with accommodation for twenty inmates, (b) Dormitories to accommodate four to six prisoners, (c) Single-seated rooms for prisoners

needing privacy for pursuing studies, etc., and (d) Cells for segregation of inmates for purposes of security and punishment.

For high security or disturbing jail-inmates, solitary cells are required. Do jails have arrangements accordingly? Tabel 9.10 shows that nine states and UTs have arrangement of solitary cells, in all their Central and District Jails. In contrast, there are 17 states and UTs which have this only in some of their jails.

Para 8.34.4: Each jail should be provided with basic requirements of security, that is, lighting, automatic alarm, telephone, intercom, CC TV, public address system, tele-communication, etc.

In modern times, communication has become extremely important. Do jails have the telephone facility? Nineteen states and three UTs report that all their jails have telephone facility. Nonetheless, it is notable that in Haryana, Tamil Nadu and Andaman & Nicobar Islands only a fourth of their jails have the telephone facility (Table 9.11).

In recent years, telecommunications have taken a quantum jump. For example, intercom system has found a place in large organisations enhancing their efficiency and effectiveness. Table 9.12 brings out that all the jails in six states and UTs have the intercom facility. Nonetheless , there are 13 others which have this in very few jails.

Likewise, security-lighting have been a welcome addition. It is seen (Table 9.13) that as many as 17 states and UTs have such lighting arrangement in all their jails. At the same time, there are eight states which appear to be lagging behind in this. Of late, optical (convex, concave mirrors, etc.) security system has been growing in popularity. However, Table 9.14 shows that only one UT (Delhi) has used the system extensively. In Jammu & Kashmir, some headway has been made, in this direction. On the other hand, there are 14 states and UTs which have introduced these only in a fourth of their jails. In the same direction close

circuit television system, in barracks and dormitories, has been found to be very useful. Has it found a place in the jails in the country? Table 9.15 brings out that all the jails in Tripura and Delhi have this system, but there are as many as 18 states and UTs which have introduced this in some of their jails.

Automatic alarm system on the doors and windows of barracks and jail offices is also a useful device. Have this been installed? It is found (Table 9.16) that Sikkim and Daman & Diu have this system in place. But there are many others who have this only in a few jails.

Public Address System, as a means of communication with jail staff on duty and inmates in different parts of the jail, is quite useful. Table 9.17 shows that all the jails in Punjab, Uttar Pradesh and Tamil Nadu have the PA System. However, as many as 18 states and UTs have done it only partially.

Para 6.8.19: Prisoners should be served food in clean, hygienic and covered places.

Next attention may be diverted to built up accommodation for serving meals to jail-inmates. While six states and UTs have this kind of accommodation in a half of their jails, there are 13 states which have no such arrangement. Apparently, dining room or space in jails is one of the most neglected areas (Table 9.18).

Paras 7.13.17 to 7.13.23: Buildings, equipment and other facilities for prison hospitals should conform to certain norms, that is, ground floor, patient ward, dressing-cum-injection room, toilet, minor surgery OT, isolation room, etc.

Attention may be diverted to hospital equipment. Table 9.19 shows that in four states and UTs all their jails have properly equipped and staffed hospitals. In comparison, there are 11 states and UTs in which such facilities are available only in a fourth of jails.

Do jail hospitals have the facility of hospitalisation? Table 9.20 shows that only four states and UTs have jail hospitals having patient ward with four or more beds each. On the other hand, there are eight states and UTs which have this facility only in one out of every four jails.

Are jail hospitals having an operation theatre for minor surgery? It is seen (Table 9.21) that only in Uttar Pradesh and Delhi all the jails are having this facility, remaining states and UTs have this only in a few jails.

Jail hospitals need to have such basic facilities as washbasin, flush latrine etc. Are these available? Table 9.22 shows that there are 10 states and UTs which have these amenities in hospitals in all the jails. Other states and UTs have this only in some jails.

Literacy and education are an integral part of the correctional programmes. Do jails have the facility of classroom and library? Table 9.23 brings out that 11 states and UTs have this facility in all of their jails. However, others are having only make-shift arrangement.

Para 13.11.27: Some self-contained units for groups of 8 to 10 women prisoners should be constructed to provide them a kind of family/group living.

To cater to the needs of women prisoners, jails need to have a separate womens' ward. It is found (Table 9.24) that as many as 21 states and UTs have womens' ward in all their jails.

Para 5.8.20: New prison buildings should be constructed close to cities but away from crowded areas.

With the rise in population and crime rate, the need for setting up new prisons is undisputed. Have new Central, District or Sub-Jails been constructed during last 20 years? Table 9.25 brings out that 23 states and UTs have set up new jails, Madhya Pradesh has set up as many as 43 jails, followed by Rajasthan (22) and Uttar Pradesh (7).

Para 5.8.21: No building other than prison building should be constructed within 100 meters of the prison campus.

How many of these new jails have come into the close proximity of civilian population? Table 9.26 shows that this has happened in at least 10 states and UTs. In Chattisgarh 15 of their newly constructed jails have civilian population less than 100 metre away. This is doubtless a disturbing situation.

Para 18.9.10: A time-bound programme for the construction of new sub-jail buildings should be drawn up and implemented by each state government / UT administration.

Are there plans to construct new jails? Table 9.27 shows that 24 states and UTs have such proposals in the manual. Nine states and two UTs plan to set up new Central Jails. Haryana and Delhi intend to set up three Central Jails each (Table 9.28). Thirteen states and UTs are planning to construct new District Jails. Largest number of District Jails are proposed to be set up in Uttar Pradesh (numbering, 18), followed by Andhra Pradesh and Maharashtra (Table 9.29). A few states and UTs are also planning to have three new Sub-Jails (Table 9.30) largest number of Sub-Jails are proposed to be built up in Orissa followed by Rajasthan.

Para 25.12.7: Other programmes for the development of prisons and reformation of prisoners should be included in the state plan.

Para 5.8.4: The state governments and UT administrations should draw within one year a Master Plan for the construction of prison buildings on the principles laid down.

As is known, construction of new jails could be part of Plan Expenditure. Is this the situation? Table 9.31 brings out that construction of new jails is a part of Plan Expenditure in 12 states and UTs. But, there are 15 other states and UTs which have to depend on 'current outlay'. In Andhra Pradesh, consideration of new jail buildings is carried out with grants from the state government. Jails 'are excluded', from the purview of Plan Expenditure, in Assam. Gurjarat does not have the system of taking jails a part of the plan. Similar is the case with Himachal Pradesh, Nagaland and Orissa.

Para 5.8.19: All constructions in prison department should adhere to ISI standards.

Modernisation or at least standardisation in the constructions of jail buildings is highly important. Has any endeavour been made in this direction? Table 9.32 brings out that ISI norms are followed in 10 states and UTs. On the other hand, there are 14 states and UTs which do not encumber themselves with such norms.

Para 5.8.16: Annual repairs / renovation of prison buildings should be done by the prison department for which adequate funds should be placed at its disposal.

We may revert to repair and maintenance of jail buildings. Towards this, are necessary funds placed with the Superintendent of District Jails? This is done only in the states of Jammu & Kashmir, Maharashtra and Tripura. Others are perhaps required to approach PWD via jail Headquarters (Table 9.33). The same is about the case in District Jails (Table 9.34). Only in Tripura and Dadra &

Nagar Haveli, Superintendent of Sub-Jails has some funds for the upkeep of jail buildings (Table 9.35).

Para 5.8.17: New works costing up to Rs.2 lakhs should be executed by the prison department.

In this regard, the issue of finance management comes in. Does the Jail Department have the authority to execute civil and electrical works? This type of financial authority vests in the Jail Department only in six states. Again, others have to find their way through PWD (Table 9.36). What are the financial limits? Table 9.37 shows that in Uttar Pradesh, it is Rs. 40 lakhs, followed by Assam, Rs. 5 lakhs, and, Mizoram, Rs. 2 lakhs.

Section Ten

KITCHEN & DIET

Granted that prisoners have been put in the jail as punishment and not *for* punishment, they have to be provided basic necessities of life. Among these the most important happens to be food. It has to be of acceptable quality and adequate in quantity. Furthermore, quality and quantity of food provided to the prisoners need not to be compared with what they had had before entering into the jail. It may well be kept in view that perhaps a want of food and other necessities compels many a person to take the anti-social or anti-legal way of life.

Earlier on, in many European jails even convicts would receive food from outside (affluent among them would enjoy sumptuous meals). Even at present, in many states, undertrials are allowed food from outside. This notwithstanding all jails, Central Jail or Sub-Jail, are required to have arrangements to feed jail inmates.

It may be pointed out that food for prisoners was rather a contentious issue in the nineteenth century. Many enquiry committees and commissions deliberated on the subject and made recommendations. As a result, for quite some time, scale of foodstuff (flour, rice, cooking medium, sugar, etc.) has been laid down. Moreover, in many states and UTs, prisoners' *panchayat* or committees oversee the issue of ration and cooking and distribution of food.

As is well known, jails have community kitchens (mini kitchens are not allowed). Central Jails having large inmate population are supposed to have more than one kitchen. While many jails have whole-time cooks, most of the kitchen work is

handled by inmates themselves. In most instances, they work in morning and evening shifts. Though hardly justified, upper caste inmates are preferred for kitchen work.

Of late, jails in many states and UTs are undergoing noticeable change. LPG replacing fuel wood, pressure cookers gaining entry and kneading of flour and rolling of *chapatis* getting mechanised. A few Central Jails have also come to have bakery, producing bread, biscuit, *namkeen*, etc.

In the light of the above, several issues raise their head: (i) Large Central Jails having one or more community kitchens. (ii) Existence of open or clandestine mini kitchens. (iii) Foodstuff or raw material being supplied by private contractors. (iv) Sub-jails having small inmate population receiving food from *dhaba* or restaurant. (v) In kitchens, main fuel being wood, kerosene, LPG or electric power. (vi) Scale of raw material allowed to inmates in Central, District and Sub-jails. (vii) Labouring or pregnant inmates being provided extra diet. (viii) Special meals on festive occasions. (ix) Nature of inmate participation in kitchen work. (x) Prisoners' panchayats or committees supervising kitchen and food distribution. (xi) Timings for the distribution of food among inmates. (xii) Supervision or inspection of food preparation and distribution by medical officer and other jail authorities. The Committee looks into these and similar issues.

Paras 6.8.9 & 5.8.14: Each kitchen should cater for not more than 200 prisoners.

Para 6.8.22: Prisoners should not be allowed to have their own mini kitchens inside the prison/barrack.

As is well known, jail-inmates partake food cooked in the prison community kitchen which needs not to be very large. Given this, large jails need to have

more than one kitchen. Is it the situation at the jail-level? Table 10.01 brings out that only five states and UTs have more than one kitchen, perhaps in Central Jails.

What would be the optimum number of jail-inmates to a jail kitchen? Only one state (Punjab) has supplied information: 100 jail-inmates (Table 10.02). It has often been reported that 'influential' prisoners run a mini kitchen in their barrack or jail-yard. Nagaland and Delhi report the existence of such mini kitchens. This hardly augurs well (Table 10.03).

Para 6.8.6: Cooking and serving utensils should be made of appropriate metals.

In the Indian social context the base material of kitchen-and table-ware indicate the status of the users. For obvious reasons, metal wares are preferred in jail setting. Twenty-seven states and UTs have supplied information (Table 10.04). It is observed that in two states (Karnataka & Meghalaya) iron utensils are in use; in another 15 states and UTs, steel wares; and in 10 others, aluminum.

Para 6.8.1: The system of purchasing food articles through contract system should be discontinued. Food articles should be purchased from government distribution agencies or co-operative societies. Fuel should be purchased from the forest department.

Para 6.8.2: Food articles should be of good medium quality. The system of purchasing cereals/pulses of the cheapest rate wherever in vogue should be discontinued.

Attention may be diverted to the supply of food articles. It is observed that (Table 10.05) in 15 states and UTs contractors arrange kitchen supplies. In 10 states, it is cooperative societies. Manipur and Punjab have the system of direct purchase.

Para 18.9.22: The system of supplying cooked food to prisoners in sub-jails on contract basis should be discontinued and proper cooking facilities should be provided to the prisoners as per scales prescribed in the jail manuals.

Food to jail-inmates in Sub-Jails poses a few problems: the population is small and highly varying. Do Sub-Jails have their own kitchen? Twenty-two states and UTs report in the affirmative. In Haryana and Daman & Diu it is arranged through contractors; and in Andaman & Nicobar Islands hotel's supply cooked food (Table 10.06).

Para 6.8.11: Prison kitchens should be modernised in terms of substitutes of fuel.

In relation to cooking of food the matter of fuel is of some importance. The data presented in Table 10.07 reveal that there are 19 states and UTs which use wood as kitchen fuel. Another seven states and UTs report to be using LPG.

Para 6.8.1: The system of purchasing food articles through contract system should be discontinued. Food articles should be purchased from government distribution agencies or co-operative societies. Fuel should be purchased from the forest department.

In the states and UTs using wood as fuel in jail kitchens, what is the supply source? On going through Table 10.08, it is observed that in most cases it is contractors and only in 4 states it is done by the State Forest Corporation.

Para 18.9.23: The scale of diet for inmates of sub-jails should be the same as that for inmates of district or central prisons.

Does the scale of diet for jail-inmates differ across Central, District and Sub-Jails? In most states and UTs the scale of diet remains the same. However, in Tamil Nadu, Uttar Pradesh and Pondicherry it differs (Table 10.09).

Paras 6.8.3, 6.8.4 & 6.8.5: There should be two types of diet in terms of caloric value, one for the laboring prisoners and expectant and nursing mothers, and the other for non-laboring prisoners.

Is the scale of diet higher for labouring jail-inmates and pregnant women inmates? It is good to note that in 16 states and UTs the scale of diet is not same, perhaps it is higher for labouring inmates and pregnant women inmates. But it is discouraging to note that as many as 13 states do not differentiate and have same scale of diet (Table 10.10).

Para 6.8.12: To break the monotony of prison diet menus should be prepared in advance, under the guidance of nutrition experts.

It is not only the scale of diet but also the 'menu' which matters. Do jails prepare in advance a menu for jail-inmates? Table 10.11 shows that 16 states and UTs have a procedure of this. However, there are 13 states and UTs which do not find the need for preparing a menu in advance as important or relevant.

In relation to menu-preparation, the periodicity of change of menu becomes important. It is observed (Table 10.12) that a large number of states and UTs do this on weekly basis and only one state (namely, Tamil Nadu) which does it on daily basis.

Para 6.8.17: Prisoners should be given such food as is generally preferred in the region.

While preparing menu or effecting change in the menu is inmate-preference taken into consideration? In 8 states and UTs, inmate-preference is given due weightage (Table 10.13).

Para 6.8.8: Prisoners should get special diet on religious festivals and national days as may be specified in rules.

To celebrate festivals or national days, jail-inmates are provided special meals. How many states or UTs do this? It is found (Table 10.14) that 24 states and UTs have this practice. However, Manipur, Nagaland and Sikkim do not provide any special meal on such occasions.

Para 6.8.10: There should be two shifts of workers in the kitchen. Paid cooks should be employed wherever necessary.

Inmates working in the jail kitchen is an established practice. Over a period, this becomes monotonous and militates with correctional objectives. Among others, it underlines the need for a shift system for kitchen workers. Do jails have this kind of arrangement? Table 10.15 shows that some 11 states and UTs have shifts for kitchen workers; but 16 states and UTs do not seemingly worry about the correctional impact and have no shift system. The point has been followed through Delhi, Hayana and Maharashtra have two shifts for the inmates working in jail kitchens.

Inmate workers in jail kitchen alright, but we need to have whole-time cooks. What is the situation at the jail-level? There are 18 states and UTs (Table 10.16) which do not have whole-time cooks in jails. In Gujarat, Meghalaya and Pondicherry, a half of the jails have whole-time cooks; and Maharashtra, Sikkim and Tamil Nadu have three-fourths of the jails which have whole-time cooks.

Para 6.8.7: Management of kitchens or cooking of food on caste or religious basis should be totally banned in prisons.

While selecting kitchen workers from among jail-inmates is their caste background taken into consideration? Table 10.17 shows that it is not the case, with the exception of Karnataka.

Para 6.8.13: Prisoners' Panchayats, under proper supervision of prison staff, should be associated with preparation and distribution of food, etc.

Table 10.18 brings out that in the distribution of food to jail-inmates 'Prisoners Panchayat' has a definitive role in 12 states and UTs. However, there are 15 states which do not have such a system. This is rather discomfoting.

Para 6.8.20: Normally the time for serving evening meals should be 7.30 pm. For this purpose the time of lock-up should be shifted further by 2 to 3 hours.

Do jails have fixed timings for serving different meals? Table 10.19 shows that as many as 14 states and UTs have fixed timings. On the other hand, there are 13 states and UTs which go by season in this regard.

Any way, what are the timings for different meals? During summers (Table 10.20) breakfast is served as early as 5:30 AM in Nagaland and in Andaman & Nicobar Islands. In most states and UTs it is usually around 7:00 AM. During winters, breakfast is served to jail-inmates at 5:30 AM in Andaman & Nicobar Islands and 6:00 AM in Nagaland (Table 10.21). During summers, in Mizoram jail-inmates are served lunch at 9:00 AM and in Goa at 12:30 PM (Table 10.22). During winters lunch time is advanced to 9:30 AM in Mizoram, but it is served in Jammu & Kashmir at 1:00 PM (Table 10.23). Are there any timings for afternoon tea? Table 10.24 indicates that in some states it is served at 4:30 PM, in others it may be as early as 2:00 PM. During winters it is a little early (Table 10.25).

In many North-eastern states, dinner to inmates is served during summers at 4:00 PM. But in no state or UT it is served later than 7:00 PM (Table 10.26). During winters dinners is usually served early. In Manipur and Meghalaya it is 3:00 PM and in Nagaland and Orissa at 5:30 PM. That meal timings would be restricting the participation of jail-inmates in correctional programmes is obvious (Table 10.27).

Para 6.8.16: Medical officer should ensure that food is cooked under hygienic conditions and is nutritious.

All said and done, jail kitchens do require supervision. Does jail Medical Officer pay a visit to jail kitchen to inspect and advise on sanitation and to ensure hygiene and quality of food under preparation? Table 10.28 shows that this has done in most states and UTs. However in Goa, Mizoram and Daman & Diu this is not the case (perhaps whole-time jail doctor is not around).

If medical supervision of jail kitchens is there, what is its periodicity? Table 10.29 brings out that in 12 states and UTs Medical Officer visits jail kitchen almost daily; in another 11 of them it is weekly. In Goa and Nagaland, it is once in a month or more. Interestingly, in Chattisgarh it depends upon the jail Medical Officer to pay a visit to jail kitchen.

Paras 6.8.14 & 6.8.15: Some prison officials should be given special training in dietary and management of kitchens and such officials should be put in-charge of supervising kitchens. Prison officers should supervise every aspect of the prison diet system.

As at present, diet and kitchen management have become highly specialised. Are middle rung jail officials provided any exposure to this? Table 10.30 shows that, during last 10 years, only in Chandigarh an officer of the rank of Assistant Jailor or above has participated in such a training programme.

Section Eleven
CLOTHING / BEDDING / FOOTWEAR

Indeed, clothing is one of the basic necessities. In closed institutions like jails, it assumes a special significance. Jail inmates need to be provided clothing in keeping with human dignity as well as in accordance with security requirements.

In most countries, India included, jail inmates are provided clothing as can distinguish them from free citizens. Likewise, different categories of convict officers are provided clothing, which marks them off from other inmates. Undertrials are allowed to use their own clothing and to receive replacements from outside.

Needless to mention, scale of clothing for men prisoners differs from women prisoners. Usually, two sets of apparels, two sets of under-garments and two towels are issued to them. Women prisoners are, additionally, issued sterilised sanitary pads. Similarly, for bedding, prisoners are issued one *durri*, one *chudder* and, during winters, woolen blankets. Though most prisoners are not supplied footwear, they are free to purchase chappals or shoes from jail canteen.

Most Central and District Jails are reported to have regular repair, washing and sterilisation arrangements for clothes and bedding issued to prisoners.

A number of issues arise from the foregoing: (i) Scale of clothing and bedding in Central, District and Sub-Jails in different states and UTs. (ii) Maintenance of reserve stock of apparels and bedding for new entrants and for replacement. (iii) Functioning of repair and washing units in jails. (iv) Quality and price of footwear

available in jail canteen. (v) Inspection of clothing and bedding as well as of repair and washing units by jail authorities. These and related issues have been underlined by the Committee.

Next among physical facilities to jail-inmates are clothing, bedding and footwear. Between Central, District and Sub-Jails, is the scale for clothing and bedding to inmates same or different? It is same but for two states. Inmates of Sub-Jails Tamil Nadu and Uttar Pradesh perhaps have a lower scale of clothing and bedding (Table 11.01).

Paras 18.9.18, 18.9.19 & 18.9.20: Stand-by reserve stock of clothing, bedding and serving utensils should be kept in sub-jails.

Jail population varies and often widely so. Do Central Jails maintain reserve stock of clothing and bedding? Table 11.02 brings out that most Central Jails maintain reserve or inventory, with the exception of Mizoram and Nagaland. Similar is the matter with District Jails (Table 11.03). Table 11.04 shows that Andhra Pradesh, Mizoram, Nagaland, Tamil Nadu and Pondicherry do not maintain reserve or inventory of clothing and bedding in their Sub-Jails. That it would be causing hardship to jail-inmates, is anybody's guess.

Paras 6.17.1 to 6.17.6, 6.17.8, 6.17.9, 6.17.11 & 6.17.13: Clothing supplied to prisoners should be proper and adequate.

Are jail-inmates provided adequate and proper clothing according to climate. Table 11.05 shows that most states and UTs are positive in this regard, the exception is Pondicherry (the UT has fewer climatic variations).

Para 6.17.12: Every prison should maintain a *repair unit* where prisoners' clothing could be repaired.

While discussing clothes of jail-inmates, the issue of their maintenance turns important. Do Central Jails maintain a repair unit for mending clothes of the

inmates? A half of the states and UTs do have such a unit in place, yet there are states like Andhra Pradesh, Himachal Pradesh, Karnataka, Mizoram, Nagaland and Sikkim which do not have such a facility (Table 11.06). How do they manage?

The situation of District Jails is unsatisfactory (Table 11.07). There are as many as 11 states and UTs which do not have the facility of this unit. The situation of Sub-Jails is still more unsatisfactory (Table 11.08). There are as many as 15 states and UTs whose Sub-Jails do not have a repair unit for mending clothes of the prisoners.

Paras 6.17.14 & 6.17.17: Prisoners' clothing, bedding and other articles should be washed, sterilized, disinfected or fumigated regularly.

The matter of maintenance of bedding to jail-inmates is still more important. The bedding needs to be washed, sterilised, disinfected or fumigated regularly. Twenty states and UTs report that it is done in Central Jails (Table 11.09). This is inexplicable that states of Andhra Pradesh, Karnataka, Mizoram and Nagaland do not pay attention to this. Similar is about the situation of District Jails (Table 11.10). Same goes for Sub-Jails. With growing laundry market this would not be much problematic if beddings of jail-inmates are laundered once in a while in the market (Table 11.11).

Para 6.17.16: Prisoners should be allowed to purchase footwear at their own cost from prison canteens.

As is known, jails do not ordinarily supply footwear. However, several Central and District Jails have started canteen services. Are Central Jails, in the country, allowing jail-inmates to purchase footwear from the jail canteen. On going through Table 11.12 it is seen that 13 states and UTs have this system. On the other hand, 10 states do not allow inmates to purchase footwear (Table 11.12). About the same is the case with District Jails (Table 11.13). The number of Sub-

Jails in the states and UTs goes up in this regard. Perhaps in very many of them do not have canteen facility (Table 11.14).

Para 6.17.19: All articles of prisoners' bedding, clothing and other equipment should be inspected by the superintendent at least once a week to ensure that proper standards are maintained.

Provision of clothing and bedding to jail-inmates is one and their proper upkeep is another story. In this, supervision is extremely important. Do jail Superintendents inspect, from time to time, these clothing and bedding? Nearly all the states and UTs respond in the affirmative in this regard.

Given this, what is the periodicity? Table 11.15 brings out interesting details. NCT of Delhi reports daily inspection by the Jail Superintendent. Fourteen states and UTs report that it is 'weekly'; and another 10 of them report 'monthly or more'.

Section Twelve

PRISON MEDICAL SERVICES

Whether undertrial or convict, both are the responsibility of government and, hence, of correctional institutions. In this regard, the health of jail inmates figures prominently. In the second half of the nineteenth century, mortality in prisons had turned inordinately high. The then government of British India instituted a succession of enquiries to look into the living conditions in the prisons of the country as well as the reasons for the high mortality rate. Subsequently, several measures were initiated. Civil Surgeon of the district was given concurrent charge of the District or Central Jail. Likewise, medical professionals were given top positions in the state-level jail headquarters. In fact, this system was in vogue in many states till recently.

Health of the jail inmates is important from yet another perspective. They have to be re-socialised and re-educated, needing substantive changes in their perceptions, attitude and behaviour. All this pre-supposes their good health, not only the absence of disease but also the presence of a feeling of well-being and happiness.

In most Central and District Jails medical facilities are, reportedly, in place. Further, complicated cases are referred to district or specialty hospitals. However, most sub-jails, located in *tehsil* and *taluka* towns have often makeshift arrangements.

Overlapping with medical services is the issue of supply of medicine and other medical supplies. Jail hospitals need to have sufficient and timely medical supplies both in quality and quantity. Moreover, they

need to have arrangements of proper medical diets for sick jail inmates for obvious reasons. Medical treatment subsumes acceptable medical diet.

Arising from the above, there are several pertinent issues: (i) Facilities for medical treatment of jail inmates in Central, District and Sub-Jails. (ii) Availability of medical officers and lady medical officers. (iii) Availability of the services of specialists including of psychiatrist. (iv) Nature of engagement of medics and para medics in jail hospitals – departmental, deputationists or part-time. (v) Administrative control of medics and para-medics, serving with jail hospitals. (vi) They being oriented into corrections and jail administration prior to entering into jail service. (vii) Medics and para-medics having a job description dealing with their role and responsibilities in jails. (viii) Quality and quantity of medicines and other medical supplies in jail hospitals. (ix) Provision for medical diet to sick prisoners. (x) Referral to district and specialty hospitals of complicated cases. (xi) In the event of serious illness, information to spouse and other relatives of the sick jail inmate. (xii) Periodical inspection of jail hospitals by Chief Medical Officer of the district.

Para 7.13.4: Every central and district prison should have two or more medical officers. A central prison with an inmate population of more than one thousand prisoners should have three medical officers.

As pointed out, medical services are critically important in prisons. Do Central Jails have whole time Medical Officers? On going through Table 12.01 it Would be seen that in most states and UTs Central Jails have only one Medical Officer in the jail hospital. But, there are nine states having some in Central Jails with two MOs. So is the case with nine other states which have in some Central Jails with as many as three MOs. At the same time, a few smaller states and several UTs have no whole-time MO, perhaps they are make-doing with the services provided by sister departments.

Next attention has been paid to the availability of Medical Officers in District Jails (Table 12.02). It is observed that 23 states and UTs have in their District Jails one Medical Officer. Assam reports that in one of their District Jails there are functioning two MOs. Similarly, Maharashtra reports that two of their District Jails have two MOs each.

Para 7.13.5: At every prison where there is a sufficiently large number of woman prisoners (say, 25 or above), a whole-time lady medical officer should be appointed. At other prisons arrangement should be made for part time lady medical officers.

The need for adequate and specialised medical attention to lady prisoners has been underscored earlier. Are lady MOs at hand? Table 12.03 shows that only in six states and UTs (Andhra Pradesh, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal and Delhi) whole-time lady MOs are available in jail hospitals.

The point has been pursued further. Most of these hospitals in Central Jails have the services of one lady Medical Officer. It is only Andhra Pradesh and Tamil Nadu which have two lady MOs. However, in no state or UT a District Jail reportedly has the services of a lady MO (Table 12.04).

Para 7.13.1 & 7.13.2: Medical officers should be deputed from the State Medical Service to prisons. The term of deputation of medical officers to prisons should be 3 to 5 years.

While on this, attention has been focused on the manner of engagement of Medical Officers in jail hospitals. Table 12.05 shows that in 25 states and UTs MOs are taken on deputation. Exception in this regard are Goa and Nagaland which perhaps go for direct recruitment.

Para 7.13.3: Before or soon after joining the prison, the medical officer should be required to undergo a short-term orientation course.

Whether on deputation or regular employee, MOs working in jail hospitals need to be oriented into jail organisation, its functioning and problems. Are they given any orientation-training? Table 12.06 shows that this is not done in any state or UT, except for Goa.

Para 6.12.11: Medical officers of the prison must look after all aspects of prison sanitation and hygiene.

Next, attempt has been made to assess the span of responsibility of jail Medical Officers. Table 12.07 shows that a few states mention 'prison sanitation' and 'attention to sick prisoners'. However, there are 16 states and UTs which mention sanitation, hygiene, kitchen and treatment of sick prisoners—all put together.

Para 7.13.15: Duties of medical officers, psychiatrists and psychiatric social workers connected with prisons should be clearly defined.

This apart, the issue of 'job description' of the Medical Officers working in jails turns important. Table 12.08 shows that in 18 states and UTs such a job description is there. It is however surprising to note that in nine states and UTs MOs job description is non-existence.

Para 7.13.39: The medical officer will assist the Superintendent in an emergent situations such as influx of detenus during riots, epidemic in prison, agitation in prison itself, etc.

Do MOs in jail hospital assist the Superintendent during emergency situations? It is heartening to note that 23 states and UTs report in the affirmative (Table 12.09). On the other hand, there are five states and UTs (Goa, Mizoram, Sikkim, Dadra & Nagar Haveli and Pondicherry) who report otherwise. Administratively this is not a happy situation, whatever the reasons.

Para 7.13.9: Medical officer posted at a prison will function under the control of the Inspector General of Prisons and under the administrative control of the Superintendent of the prison. For professional work, they will consult senior medical officers.

For achieving better cooperation and coordination, the span of administrative control is important. Table 12.10 shows that in a large number of states and UTs Medical Officers are under the administrative control of Jail Superintendent, implying that the former is expected to report to the latter. However, there are seven states and UTs in which the administrative control of Medical Officers is in the hands of others, may be parent department.

Paras 7.13.11 & 7.13.12: Adequate incentives should be provided to medical officers, psychiatrists and para-medical personnel deputed to prisons.

Do Medical Officers and para-medics on deputation to Jail get any extra allowance? Table 12.11 shows that deputation or any other allowance is not admissible to these functionaries, except in three states Nagaland, Orissa and Sikkim.

Paras 7.13.13 & 7.13.14: Medical officers associated with prisons on part-time basis be paid proper honorarium or fee.

In District and Sub-Jails, part-time Medical Officers do receive some honorarium. Table 12.12 shows that this practice is there in 13 states. However, there are seen wide variations. Only nine states have furnished information in this regard. The monthly honorarium ranges between Rs. 75 and Rs. 4000. It is Rs. 75 in Himachal Pradesh and Madhya Pradesh; Rs. 100 in Rajasthan and Tripura; Rs. 200 in Orissa; Rs. 350 in Andhra Pradesh; Rs. 500 in Jammu & Kashmir and Sikkim and Rs. 4000 in West Bengal. The situation in Nagaland is rather

peculiar: part-time Medical Officers receive Rs. 500 per month in Sub-Jails, Rs. 750 in District Jails and Rs. 1000 in Central Jails (Table 12.13).

Para 7.13.24: Visit of specialists from local hospitals should be arranged for complicated ailments.

A few jail inmates would also require the attention of medical specialists. Do they visit prisons? Table 12.14 presents relevant information. While 11 states report medical specialists visiting jails, there are another 17 who report in the negative. Quite a few in the latter group are well off states.

Para 7.13.35 & 18.9.24: Proper medical facilities should be provided in sub-jails.

Providing medical facilities in Sub-Jails has its own quota of problems. Table 12.15 reveals that only in 14 states and UTs Sub-Jails have proper medical facilities. As against this, there are 12 states who report in the negative.

Para 7.13.37: Requirement of drugs for three months should be stocked in the prison hospital.

In patient-care, the importance of supply of medicine and other medical paraphernalia is highly important. Table 12.16 shows that this is alright in most of the states and UTs. Only in Haryana and Nagaland this arrangement is not very satisfactory.

The point has been pressed further. Do jail hospitals maintain an inventory of drug and medicine requirements? Table 12.17 shows that most of them are certainly doing this, but there are eight others in which it is not done.

In the states maintaining inventory of medicines, what is the size of inventory? Table 12.18 brings out that a few of the states maintain an inventory of one-

month, some of three months and a large number of the states six months or more.

Para 6.18.4: Spouse / family members / close relative of a prisoner should be telegraphically informed about a prisoner's serious illness, serious injury, and removal to a hospital for treatment.

While talking of illness among jail-inmates, attention goes to their serious illness. Do jail authorities inform spouse and other relatives when a jail-inmate is seriously or critically ill? Table 12.19 shows that this is almost a regular practice, except in the case of the state of Haryana.

Para 7.13.16: All central and district prisons should provide hospital accommodation for 5% of the daily average inmate population.

In the case of serious illness, jail-inmates would be better off if they are removed from barracks to a ward in the jail hospital. Is it done? Table 12.20 shows that this facility exists in 14 states and UTs. However, 10 states and two UTs are yet to organise such a facility.

In relation to states and UTs having the facility of wards in jail hospitals, the matter has been pursued further and the number of beds in jail hospital has been ascertained. Twelve states and UTs have furnished information in this regard (Table 12.21). It is observed that, in Central Jails, Chandigarh has only two beds in the jail hospital and Delhi has 150 beds, followed by Rajasthan (102).

This information is available in relation to District Jails, also (Table 12.22). It is observed that in Madhya Pradesh two beds are available in the hospital of District Jails. This number is 30 in Uttar Pradesh.

Para 13.11.20: There should be a separate ward for women in prison hospitals.

Para 7.13.34: Sick women prisoners should be treated in a separate enclosure attached either to the hospital section or to women section of the prison.

Do hospitals in Central Jails have a separate female ward? Table 12.23 shows that in five states this kind of facility is available. However, it is discouraging to note that in as many as 19 states and UTs this facility for female patient prisoners is un-available.

Para 7.13.7: The prison hospitals should have full contingent of staff according to the functional requirements.

Apart from Medical Officers, jail hospitals need to have para-medics and MLTs. Table 12.24 brings out that a half of the states and UTs have these services. It is difficult to make out that as to how the states and UTs not having these services are able to provide medicare to patient-inmate.

Para 7.13.38: The medical officer in-charge of prison hospital should, in accordance with prison rules and in consultation with the Superintendent, work out criteria for the prescription of special medical diet to sick prisoners, and these criteria and the special medical diets, should be reviewed from time to time.

During illness, jail inmates also need special diet including fruits and milk, maybe on the recommendation of the Medical Officer. A perusal of Table 12.25 shows that such arrangements exist in almost all the jails, except in the case of Goa.

Para 7.13.36: Proper arrangement should be made for the care and treatment of old, infirm and debilitated prisoners in a separate ward.

Elderly patient inmates require special or geriatric arrangements for their care and treatment. Are jail hospitals able to make special arrangements for them?

Table 12.26 reveals that in 16 states and UTs such arrangement exists. That 13 states and UTs have not catered to these special needs of the elderly jail-inmates is rather disquieting.

Para 6.12.12: Every prison should be got thoroughly inspected by the local public health officer periodically.

As is known, medical services in a district are headed by a Chief Medical Officer (CMO). Does CMO visit and inspect dispensaries and hospitals in the jails in his jurisdiction? Available data show that it is done but only in 10 states and UTs; and a large number of states and UTs remain unsupervised (Table 12.27).

In relation to states reporting CMO's inspection, the point has been probed a little deeper (Table 12.28). It is seen that in most cases it is a half-yearly inspection.

Para 8.34.18: Each district hospital should have a separate prisoners' ward with a room for the guards so that sick prisoners are not made to stay with other patients in the general ward.

Given this scenario, district and regional hospitals need to have a separate prisoners' ward for providing treatment of serious and chronic illness. Is this facility available? Table 12.29 shows that this facility is there in 15 states and UTs.

Para 8.34.17: Contingents of special security guards should be posted at each jail for escorting prisoners to and from hospitals for specialized treatment.

Reference of patient-inmates to outside the hospitals is often contingent upon 'escort'. Do we have corpus of escorts to take and guard sick patients visiting referral and specialty hospitals? Table 12.30 shows that very few states and UTs have this arrangement and 21 states and UTs have none of it.

Para 7.13.6: Every central and district prison should have the services of a qualified psychiatrist who should be assisted by a psychologist and a psychiatrist social worker.

Mental illness is not uncommon among jail-inmates, requiring the services of psychiatric social worker, clinical psychologist or psychiatrist. Do Central Jails have the facility of a psychiatrist? Table 12.31 shows that in 15 states and UTs it is just not there; in 15 states it is on part-time basis; and only in three states and one UT we have a whole time psychiatrist.

How about District Jails? Only in Orissa a part- time psychiatrist looks after mental health problems of the jail-inmates. Perhaps mental health services would do with some improvement.

Many mental health problems would be taken care of through interaction and counselling. This requires the services of a trained psychiatrist social worker. Do we have a psychiatrist social worker in Central Jails? Table 12.32 shows that, in Tamil Nadu, Central Jails have a full-time psychiatrist social worker. And in no state we have this professional in any District Jail.

Para 10.28.46: Psychotherapy, which has been recognised as an effective measure for treatment of prisoners suffering from mental disorders, should be used in prisons.

Do jails have arrangements for psychotherapy to mentally disturbed prisoners? Table 12.33 shows that this kind of facility exists in Central Jails only in seven states and UTs. In District Jails, this facility is in still fewer states and UTs. Only do Gujarat, Madhya Pradesh, Manipur and Pondicherry have some arrangement (Table 12.34).

Para 7.13.26: Non-criminal lunatics should not be sent or kept in prisons.

Para 12.17.23: Non-criminal lunatics, persons needing protective custody and children should not be sent to prisons at all.

Earlier on, mentally sick persons were also lodged in jails. However, with the Mental Health Act coming into force the practice has been discouraged. However, Bihar, Jammu & Kashmir appear to be an exception to this (Table 12.35). In these states non-criminal lunatics continue to be kept in jails.

Para 7.13.30: If a criminal lunatic, after standing trial following recovery from his mental illness, is adjudged guilty, he should undergo his term of imprisonment but should be under the regular care and treatment of a psychiatrist.

In the institution itself, are inmates with mental disorders put under the supervision of a psychiatrist? Table 12.36 shows that it is being done in a large number of states and UTs. However, there are six of them which do not have this facility.

Para 7.13.31: If an undertrial criminal lunatic fails to recover from his mental illness even after he has completed half of the maximum term awardable on conviction, his case should be submitted to the concerned government for considering the withdrawal of the criminal case against him.

Criminal liability stands diluted should the accused be suffering from disorders. Given this, jail authorities are competent to petition the court for the withdrawal of criminal charge. Is this being done? It is seen (Table 12.37) that such a practice exists only in five states and two UTs.

Para 7.13.28: All criminal lunatics under observation of a psychiatrist should be kept in one barrack.

Para 7.13.32: If a convict while undergoing his imprisonment becomes mentally ill, he should be shifted to the psychiatric wing of the prison hospital and placed under the observation of the prison psychiatrist.

Are mentally disturbed undertrials and convicts lodged in a separate wing or barrack? Table 12.38 brings out that nearly a half of the states and UTs have this arrangement in their Central Jails. This arrangement is available in the District Jails of still fewer states and UTs (Table 12.39).

Section Thirteen

FACILITIES TO PRISON INMATES

It can hardly be gainsaid that the foremost function of correctional institutions is security: security of the society and security of the jail inmate. Society has to be protected from the activities of maladjusted and disturbing persons. Likewise, the wrong-doer or the jail inmate has to be shielded from the vendetta or revenge of the aggrieved.

This apart, living conditions in correctional institutions have to follow the norms laid down by the national or international organisations. Given the situation that prisoners in the jails in the country are provided lodging in association or sleeping barracks, they have to have basic facilities such as cupboard, mirrors, reading lamp, etc. Steady and assured supply of water for drinking, bathing and washing purposes is essential. Earlier on, most jails in the country had dry open pan-type latrines which were hardly satisfactory or hygienic. Now, in most prisons, these have been converted into flush-type latrines. However, their adequacy and proper maintenance needs to be ensured. In this regard, the matter of clothing and personal grooming of the jail inmates is equally important.

From a human and social perspective, it is important that inmates are allowed to remain in touch with family members and friends through the modality of interview. A well-oiled and duly supervised procedure for interview is likely to go a long way in motivating a jail inmate to improve himself.

Quite a few Central and District Jails in the country have set up the facility of canteen. With the money they receive as wages, jail inmates procure toiletries, chappals, shoes and other items of daily needs at a competitive price. In fact,

through the profits generated by the canteen, some jails have established 'prisoners welfare fund'.

As is well known, most jails have hospitals and, moreover, complicated cases are referred to district and specialty hospitals. While under treatment they are also provided the diet prescribed by the attending physician.

Nonetheless, the possibility of inmate-grievance, justifiable or unjustifiable, cannot be ruled out. What is important, in this regard, are procedures for grievance-redressal.

The foregoing gives rise to several issues: (i) Security arrangements in custodial institutions. (ii) Amenities allowed to prisoners in sleeping barracks. (iii) Nature of water supply for drinking, bathing and washing purposes. (iv) Facilities of urinals and latrines. (v) Facilities to inmates for putting on own clothes. (vi) Facilities for periodical haircut. (vii) Provision and supervision of interview procedures. (viii) Canteen facilities to jail inmates. (ix) Procedure for the redressal of grievance of the jail inmates. The Committee looks into these following issues.

Para 6.17.18: Each unit housing prisoners should have certain minimum facilities, that is, shelf for keeping personal belongings, fixed mirrors, reading lamp, electric fan, water pots and mugs, etc.

Granted that prisons have association barracks or dormitories for the jail inmates. But they would still require certain amenities that are likely to make their life a little more easy, if not acceptable. Do they have, in the barrack, shelf for keeping their personal belongings? As Table 13.01 shows that this amenity is available only in seven states and two UTs. How about a looking glass in the barrack? It is seen (Table 13.02) that in eight states and four UTs this facility is available.

After lock-up some inmates may like to take to reading. Is the facility of reading lamp available in barracks? It is found (Table 13.03) that this kind of facility is there only in nine states and two UTs. During lock-up period, jail inmates may require drinking water, for which barracks need to have water pots and mugs. Table 13.04 brings out that this facility is made available in all the states and UTs except in Mizoram.

Para 6.12.4: The systems of open pan-type latrines should be discontinued. The system of carrying night soil as headloads should be stopped forthwith.

Para 6.12.5: Flush/ septic latrines should be provided in every barrack and cell.

From the standpoint of hygiene and sanitation, proper lavatory arrangements are extremely important. Towards this, water-based flush type latrines need to be there in correctional institutions. Table 13.05 brings out that it is there in the Central Jails in most states and UTs. It is notable that in Haryana and Uttar Pradesh only 50% of the Central Jails have this arrangement. Similar is the situation in respect of District Jails (Table 13.06). The situation of Sub-Jails is likewise agreeable. However, in Haryana 75%, in Uttar Pradesh 50% and in Tamil Nadu 10% of the Sub-Jails continue to have open-pan latrines. In these states, the situation calls for priority action (Table 13.07).

In the jails having open-pan latrines, the issue of the removal of night-soil becomes important. Who handles this work? Only three states have supplied information in this regard (Table 13.08). In Haryana and Meghalaya the work is reportedly handled by paid staff; but in Tamil Nadu it is done by jail-inmates themselves.

Para 5.8.13: Cells should be fitted with flush latrines, and existing cells should not be used till this facility has been provided.

What is the position of solitary cells? Table 13.09 brings out that in 21 states and UTs solitary cells have the facility of flush latrines. But in Assam, Haryana, Himachal Pradesh, Jammu & Kashmir, Meghalaya, Daman & Diu and Pondicherry do not have this. Perhaps, they are make-doing with open pan latrines.

Para 6.12.3: The ratio of latrines to prisoners should be 1:6.

While on this, attention needs to be paid to adequacy of toilet facilities in jails. Towards this, the number of jail-inmates to a seat in toilet has been ascertained (Table 13.10). It is found that, over the states and UTs, there are wide variations. Insofar as the Central Jails are concerned, in Andhra Pradesh, Gujarat and Assam there is one toilet seat for six prisoners, which appears to be somewhat reasonable. However, in Chattisgarh and Haryana there are as many as 50 inmates to a seat. The situation of District Jails is a shade better. In Punjab, there is one toilet for four inmates, in Andaman & Nicobar Islands five inmates to a seat and in Andhra Pradesh six inmates to a seat. The situation obtaining in Sub-Jails is almost similar. In Nagaland, there are five inmates to a seat and in Andhra Pradesh and Himachal Pradesh six inmates to a seat. This apart, states of Haryana and Chattisgarh would perhaps do with some sanitation improvement.

Para 6.8.18: Clean drinking water should be supplied to prisoners and it should be tested periodically.

In this context, the matter of potable drinking water is important. Do jails have the supply of potable or safe drinking water? Almost all the states and UTs have this basic facility in their Central Jails. However, the states of Haryana, Madhya Pradesh, Nagaland and Sikkim are somewhat lagging behind. Regarding District Jails, there are 17 states and UTs having cent percent supply of safe drinking water. Again states of Haryana, Madhya Pradesh and Nagaland are found

trailing behind. About the same is the case with Sub-Jails in the country (Table 13.11).

Para 6.12.7: Every prison should have arrangement for storing enough water for at least a week.

It is important that jails have adequate water storage facility. Do jails in the country have this arrangement? Table 13.12 sheds light on this dimension. Seventeen states and UTs have developed facilities in this regard. But it varies widely — from one day to seven days. Likewise, in the District Jails, in 18 states and UTs this facility exists. Similar is the case with Sub-Jails.

Para 5.8.15: Each prison should have an independent stand-by arrangement for water supply in the form of tube-wells or hand-pumps.

To jail authorities, the responsibility of prisoners is enormous. Among others they need to have in jails standby arrangement for water supply, maybe in the form of a tubewell. A look at Table 13.13 shows that in 20 states and UTs such standby arrangement exists; and out of these 12 have this in all their Central Jails. So is not however the case with other institutions. For example, 16 states and UTs have such standby arrangement; and only seven have in all their District Jails. Similar is the position of Sub-Jails.

Para 6.12.8: Every prison should provide cubicles for bathing at the rate of 1 for 10 prisoners with proper arrangements to ensure privacy.

Further, jail-inmates are to be provided proper bathing facilities. Is it available to them? Table 13.14 shows that in 21 states and UTs jail-inmates have to themselves bathroom or cubicles for the purpose.

The point has been pursued further and the ratio between bathroom / cubicles and number of inmates has been ascertained (Table 13.15). It is observed that, across the states and UTs, there are wide variations. In Gujarat, there is one bathroom or cubicle for every four inmates, followed by five in Manipur and six in Andhra Pradesh. On the other hand, in Mizoram, there is one bathroom or cubicle for every 25 inmates followed by Sikkim and Daman & Diu for 20 inmates.

Para 6.12.9: Separate platforms for washing clothes should be constructed.

Cleaning and washing one's own clothes is yet another necessity. Do jail-inmates have facility for this? Table 13.16 shows that they are provided a separate platform for washing their uniform in a large number of states and UTs. But, there are five states and one UT in which this arrangement does not exist.

Interview or *mulakat* with relatives, friends and legal counsel is an accepted procedure throughout the country. Do jail-inmates have a proper or allocated place for this purpose? Table 13.17 shows that a properly appointed place for interview is available in Central Jails almost in all the states and UTs, exception being Madhya Pradesh and Uttar Pradesh. Similar is the situation with District Jails. However, in Madhya Pradesh, Meghalaya and Uttar Pradesh, only in some District Jails this facility is available (Table 13.18). The situation of Sub-Jails is not very encouraging. In Haryana, none of the Sub-Jails have a properly allocated place for interview. In Andhra Pradesh, Jammu & Kashmir, Madhya Pradesh, Rajasthan, Uttar Pradesh and Chandigarh this facility is available only in some of them (Table 13.19).

Paras 6.19.1 & 12.17.16: The scale of interviews for convicted and undertrial prisoners should be liberalized.

Paras 6.19.2 to 6.19.8: Facilities for interviews of prisoners should be humanized and conditions / procedure governing grant of interviews rationalized.

At any rate, how many interviews could a jail-inmate avail in a week? Table 13.20 reflects the relevant information. It is seen that 23 states and UTs have furnished information on the subject. Admissible number of interviews in a week markedly differs. In Manipur, an inmate could have as many as four interviews during a week, followed by three in Mizoram and Tamil Nadu. But, in most states, they are allowed one or two interviews a week. Similar is the situation in District Jails and Sub-Jails.

Para 6.19.9: A senior officer in-charge of interview should be responsible for grant of interviews as per rules.

As far as jail-inmates are concerned, interviews are tremendously important. The process needs to be supervised by a competent jail officer. It would be relevant to find out the rank of the officer who entertains the request of the relatives and friends of a jail-inmate for interview. Table 13.21 brings out that there are wide variations. In six states and UTs it is Assistant Jailor, in ten it is Jailor or Senior Jailor, in two it is Deputy Superintendent and in eleven it is Superintendent of Jail. It would be interesting to evaluate as to whose supervision — by Assistant Jailor or Superintendent — is more efficient and effective.

Paras 6.20.1 to 6.20.5: Canteens should be organized in all the central and district prisons. Canteens should be run on the basis of marginal profit. Canteen facilities should be extended to all prisoners. Each prisoner should have a canteen card in which the canteen credits and debits should be recorded.

References have been made time and again to the facility of canteen within jails. Is it a universal facility? On going through Table 13.22 it would be found that all

the Central Jails in 14 states and UTs have this facility. Madhya Pradesh and Sikkim have this facility in some of their Central Jails. However, there are eight states and UTs in which no Central Jail has this facility.

Attention may be diverted to District Jails. Canteen facility is available only in eight states and UTs. In contrast, there are ten states and UTs in which no District Jail has this facility (Table 13.23).

The facility is further truncated when we examine the situation obtaining in Sub-Jails. There are only three states whose all Sub-Jails have canteen facilities (Table 13.24).

Para 6.20.6: Prisoners should be allowed to spend not more than half of the wages earned in prisons on purchases from canteens. In addition, prisoners should be allowed to spend upto Rs.30 a month from their private cash on canteen purchases.

It goes without saying that one has to pay for the goods purchased from a jail canteen. Where does the money come from? One of the sources happens to be the 'wage' earned by an inmate by working in worksheds or jail industries. Are they allowed to spend the earned wages on items in jail canteen? In most states and UTs, they are allowed to do so. However, in Chattisgarh, Himachal Pradesh, Meghalaya, Orissa, Sikkim and Dadra & Nagar Haveli, they are not permitted to do so (Table 13.25). What are the reasons?

The point has been pursued further (Table 13.26). What proportion of earned wages a jail inmate is allowed to spend on purchases from jail canteen. There are five states and UTs in which they are permitted to spend whole of the earned wages on canteen items. In an equal number of states and UTs they could spend only a quarter of the wages. Nonetheless, in most states, they are allowed to spend only a half of their wages.

Para 12.17.17: Undertrial prisoners should be allowed the facility of canteen available to other prisoners in the prison.

Is this facility extended to remand prisoners and undertrials? Table 13.27 shows that in as many as 20 states and UTs this facility is extended to them. However, there are six states and UTs in which undertrial are not so fortunate.

Para 6.20.7: Canteen accounts should be audited every month.

Running a jail canteen makes heavy demands on book keeping and accounting. Are canteen accounts checked by a qualified accountant or auditor? It is seen (Table 13.28) that it is done in nearly a half of the states and UTs. What is the periodicity of auditing of canteen accounts? Only eleven states have furnished information. In six states and UTs, this important exercise is undertaken half yearly (Table 13.29).

Para 8.34.27: The procedure for dealing with genuine complaints and grievances of inmates should be rationalised.

Next, attention may be turned to grievances or complaints by jail inmates. For several reasons, it is important that they be allowed to air their grievances. Are they? In almost all the states and UTs they are free to do so. It could be an oral complaint or in writing. Table 13.30 shows that in 11 states and UTs inmate grievance is mostly in oral form. On the other hand, there are 13 states and UTs in which it could be both in oral form or in writing. If in oral form, what are the modalities? In seven states and UTs such oral complaints are made in the room of senior jail officers. But, in most states and UTs, this is done during weekly or monthly parade of the jail inmates (Table 13.31).

What are the modes of submitting written complaints? Table 13.32 shows that in eight states and UTs such complaints are submitted to senior jail officers, in another 11 these are dropped in the complaint box. And in another three both

the modalities are in vogue. Officer of what rank deals with written complaints? Table 13.33 brings out that in most cases it would be a gazetted jail officer, either the Dy. Superintendent or the Superintendent of Jail.

Section Fourteen
TREATMENT SERVICES FOR PRISON INMATES

As mentioned earlier, modern correctional institutions espouse and uphold the objectives of reformation and rehabilitation. Towards this, they are given a range of correctional or treatment programmes. In order to achieve their intrinsic and extrinsic purposes, treatment programmes require considerable planning, at the state jail headquarters as well as at the prison level.

It may well be kept in view that facilities and privileges made available to jail inmates are not a concession, these are critical modalities to motivate them to be responsive to treatment programmes. These are important for producing desired change in their perception and behaviour. On the other hand, correctional institutions have to have procedures which would facilitate and contribute to treatment programmes. This thrust is likely to be further reinforced through such psychosocial services as casework and counselling.

In this regard, several issues attract attention: (i) Importance attached to treatment programmes in prisons. (ii) Planning of correctional programmes at different organisational levels. (iii) Facilities and privileges to jail inmates offered or reduced depending upon the improvement in their conduct and behaviour. (iv) Lock-up and lock-opening timings facilitating participation of jail inmates in correctional activities. (v) Social casework, social group work and counselling services made available to jail inmates. These and similar issues have been focalised by the Committee.

Para 10.28.1 & 10.28.5: Treatment programmes should be properly planned and developed, in order to individualise the correctional impact. They should be regarded as an integral part of prison programmes.

Para 10.28.2: The atmosphere of prisons should be surcharged with positive values and the inmates should be exposed to wholesome environment with opportunities to reform themselves.

Modifying one's thinking and behaviour is a subtle and complex task. In the correctional setting, jail functionaries are called upon to plan and work out details for the treatment of jail inmates. Is it done? Table 14.01 shows that it is being done in 15 states and UTs. However, there are many of them who have not attached to this task sufficient importance.

Para 10.28.43: Various incentives of the prison system (e.g remission, leave, transfer to semi- and open-institutions, pre-mature release, etc.) should be judiciously used to promote self-discipline and modification of behaviour of inmates.

Likewise, these privileges and facilities need to be used to promote discipline and proper attitudes among the inmates. Is it being done? Table 14.02 brings out that it is being done almost in all the states and UTs, except in Haryana (Table xxx).

Para 10.28.52: Daily routine in prisons and allied institutions should be regulated to provide for diversified treatment programmes. The locking-up time may be shifted by two to three hours after sunset.

Para 11.33.53: The daily routine, time schedule, etc., should be worked out for each institution on the basis of the principles laid down in Chapter XXI of the Model Prison Manual.

With the current emphasis on treatment programmes prison time-schedule (lock-up, etc.) would do with a second look. Has it been done to facilitate jail-inmates' participation in treatment programmes? Table 14.03 shows that it has been done in very few states and UTs. In contrast, a large number of states and UTs are continuing with the 'old' routine.

The point has been followed through. It is seen that in Nagaland and Delhi locking and unlocking timings have been changed to have one extra hour for treatment programmes. Similarly, in Orissa and Punjab this has been done by two hours (Table 14.04).

Para 10.28.44: Techniques of casework, group work, individual and group guidance, and counseling should be applied in prisons as measures of treatment of offenders.

Para 10.28.45: Anti-social value perceptions of offenders should be replaced by proper habits and attitudes through individual and group guidance.

In order to make and enlarge correctional impact on the jail-inmates, it is important that social case work, social group work and counselling services are made available to them. Is it being done? a perusal of Table 14.05 would show that such services are made available to jail-inmates in the Central Jails of only six states and two UTs. These services are available in the District Jails in fewer states and UTs (Table 14.06). And still fewer in Sub-Jails (Table 14.07).

Section Fifteen

EDUCATIONAL SERVICES

Education is the fountain from which all changes flow. It prepares an individual for different demands and situations in life. It has a critical role in modifying an individual's attitude and behaviour. This is what underlines the importance of education in the range of correctional programmes offered to jail inmates.

Most Central and District Jails in the country have a regular educational programme. Jail inmates attend literacy / educational classes organised within the jail premises. In some cases, educated inmates also lend a helping hand to this programme. Further, educated inmates in some jails are allowed to enroll in community school or appear in different board-level examinations. In some jails they also enjoy the facility of radio and television.

Nonetheless, jail educational programme is not altogether free from bottlenecks. Very few jails have proper or built-up accommodation for classrooms. Inmate participation in literacy or educational activities is seldom linked with privileges or remission. In most jails, teachers / instructors are deputationists whose commitment or motivation to their work is often indifferent. Not all jails have proper library facilities including subscription to newspapers, magazines and stocking of books, educational film cassettes and CDs.

In the light of the above, several issues come into focus: (i) Educational programmes having the ability to cater to the educational needs of the jail inmates. (ii) Institutional or regular arrangements for allowing enrollment of inmates in community schools. (iii) Linkage between educational activities and privileges /

remission admissible to them. (iv) Teachers / instructors being departmental employees or deputationists. (v) Commitment and qualifications of teachers / instructors. (vi) Involvement of inmates in instructional work. (vii) Facility for religious or moral education in jails. (viii) Looking to the inmate age-composition, facility for adult education and non-formal education. (ix) Facility of library having books, newspapers, magazines, etc. (x) Provision of radio, television, etc. in jail or jail barracks. These and related issues have been a cause of concern of the Committee.

Para 10.28.19: Diversified educational programmes should be organized for different groups of inmates.

As pointed out, the importance of educational services in the broader scheme of corrections is incomparable. At the same time, educational programmes in institutional correction needs to be evolved to meet the needs of differing inmate background. Is it being done? Table 15.01 shows that in a large number of states and UTs this is being done. To illustrate, Andhra Pradesh has introduced adult education programmes in prisons; Sikkim has preferred distance education programmes; and, Tripura has taken to correspondence courses offered by certain educational institutions.

Para 10.28.20: Inmates who have reached a certain stage of education should be allowed to pursue their education career either as regular students of schools / colleges or through correspondence courses.

Not all the jail-inmates are literate or semi-literate. Many among them have already done some schooling or even college education. Are they allowed to continue their education? It is observed (Table 15.02) that a large number of states and UTs offer this facility to them. But, there are nine states and five UTs which are yet to evolve a system.

Are jail-inmates allowed to attend classes in schools located in the community? Table 15.03 shows that it is possible only in the states of Gujarat, Himachal Pradesh and Pondicherry.

Besides jails in the country are expected to have regular arrangement for instruction and school. Table 15.04 shows that Central Jails in ten states and one UT have this arrangement. In contrast, there are 13 other states and UTs in which Central Jails do not have a regular school. This is somewhat inexplicable. What is the position in District Jails? It is rather discouraging. Only in seven states and one UT have District Jails regular schools inside the jail for the inmates (Table 15.05). As would be expected, the situation of Sub-Jails is still more disappointing. Only Chattisgarh and Tripura report as having regular school in their Sub-Jails. It goes without saying that arrangements for education and schooling within the jails leaves much to be desired (Table 15.06).

Para 10.28.23: It should be one of the primary responsibilities of the prison Superintendent and other staff that the programme of education is implemented in proper spirit.

To be worthwhile and substantive, performance or achievement in literacy or schooling needs to be linked with the privileges, say, remission, offered to jail inmates. Is it being done? On going through Table 15.07 it would be seen that only in seven states and one UT this is done. That a large number of states and UTs do not link privileges and facilities given to jail-inmates with their educational progress is hardly purposive.

Para 10.28.29: The strength of educational personnel at each institution should be fixed in accordance with its requirements.

To have a regular school inside the jail requires the services of qualified teachers. Table 15.08 brings out interesting information. There are Central jails in 16 states and UTs which do have the services of qualified teachers for jail

schools. Apparently, all these Central Jails are not having regular school programme.

How about District Jails? It is found (Table 15.09) that there are six states and one UT having District Jails with qualified teachers in jail schools.

As would be expected, qualified teachers are available in fewer Sub-Jails. Table 15.10 brings out that only in three states this resource is available in Sub-Jails.

As mentioned, trained teachers in jails are broadly of two types: those who are recruited directly by jail authorities; and those who are taken in the Jail Department on deputation (from the Directorate of Education). This is what is observed on going through Table 15.11. There are 14 states and UTs which have directly appointed trained teachers. On the other hand, quite a few states take recourse to 'deputation'.

Para 10.28.25: Literate inmates, whose conduct is satisfactory, should be given training and involved in imparting educational instructions to other inmates.

Educational programmes in jail stands to gain by involving educated inmates to conduct literacy or school classes. Is it done? Table 15.12 shows that it is done in a large number of states and UTs. However, there are five states which have not exploited this potential.

Para 10.28.30: Social, moral and health education lectures should be organised.

While on this, attention has been focused on moral lectures. Table 15.13 brings out that, in 18 states and UTs, jail authorities have organised in different jails special moral lectures by religious scholars. Are inmates allowed to observe

religious right according to their faith? Available data show that they have their freedom almost in all the states and UTs.

Para 10.28.24: Programmes of adult education, social education and moral education should also be organised in sub-jails.

Para 18.9.26: Arrangements should be made for imparting adult education / non-formal education on a regular basis to inmates of sub-jails.

In relation to educational programmes in correctional institutions, remand prisoners, undertrials and short-termers pose a peculiar problem: Their stay with the institution is uncertain and invariably short. Most of the Sub-Jails have these as their inmates it is but difficult to involve them in any educational programme spread over a period of time. Nonetheless programmes like adult education and non-formal education have the ability to circumvent this problem. Do Sub-Jails have such programmes? It is found (Table 15.14) that these programmes have had a limited place in jails. Only seven states and one UT have introduced adult education and non-formal education classes for the benefit of the inmates in Sub-Jails.

The point has been pursued further in the context of those of Sub-Jails which have introduced adult education and non-formal education programmes. Table 15.15 brings out that in Rajasthan, Tripura, Uttar Pradesh and Pondicherry this has been done in all their Sub-Jails. In Goa, Karnataka and Madhya Pradesh it has been done only in a fourth of Sub-Jails.

Section Sixteen

VOCATIONAL TRAINING

Often Vocational Training and work programmes are taken to be an indispensable modality to bring about change in the thinking, attitude and behaviour of jail inmates. It is psychologically satisfying and socially meaningful. In fact, all jail inmates, whatever their background, stand to profit by participating in these. Those who are already educated or professionally qualified could participate in Vocational Training by way of acquiring a useful hobby. For those who have indifferent educational background or are unskilled, Vocational Training holds much promise as an important means for social and economic rehabilitation, after they are released from the correctional institutions. It may be incidental, but Vocational Training also promotes teamwork and discipline.

In the preceding century, most jails had a substantial Vocational Training programmes. In several District and Central Jails, inmates were given training in carpentry, black-smithy, phenyl -making, soap-making, durri-carpet weaving, etc. In recent decades, a few jails have started offering programmes in computer furniture-making, confectionery work, vegetable growing, etc.

While importance of Vocational Training is undisputed, it has quite a few problems to contend with: Among jail inmates, there are undertrials and short-termers. Many among them are undergoing 'simple imprisonment', for whom participation in Vocational Training or work programme is not binding. Furthermore, most jail inmates come from rural / agricultural background; and for whom industry-oriented Vocational Training has unclear relevance. Often, in jail setting, prisoners *work* to learn rather than *learn* to work. Availability, background and motivation of Vocational Training instructors are equally important. Although, in a few states inter-linkages have been established with such organisations like Industrial

Training Institutes (ITI), for curriculum development, instructional programmes and certification, it has yet to become an accepted practice in all the states and UTs.

In view of the above several issues attract attention: (i) Clarity of objectives behind Vocational Training programmes. (ii) At jail level, 'Vocational Training committee' to take stock and to plan Vocational Training programmes. (iii) Participation in Vocational Training of undertrials and of inmates undergoing 'simple imprisonment'. (iv) Determination of the inmate aptitude for different types of Vocational Training. (v) Opportunity to the jail inmates to choose from a range of Vocational Training programmes. (vi) Availability of Vocational Training programme in agriculture and related pursuits. (vii) Schedule (timing, shift, weekly-off, etc.) for Vocational Training in jails. (viii) Availability of qualified experienced and motivated instructors. (ix) Assessment or evaluation of the performance of instructors. (x) Streamlined funding or fiscal procedures in jail headquarters and at jail-level. The Committee looks into these issues.

Para 11.33.25: At the prison-level, there should be a committee to implement the policies and programmes as chalked out by the board.

The importance of vocational training in correctional institution can hardly be over-emphasised. However, this needs to be translated into decisions and actions. Do we have at the jail-level a Committee to implement policies and programmes on vocational training? Table 16.01 shows that a concrete initiative has been taken only in six states and UTs. Perhaps, in other states, this important correctional dimension is implemented on day-to-day basis.

Para 11.33.2: Certain specified objectives should form basic foundation for the development of work programmes and vocational training in correctional institutions.

Para 10.28.7: Treatment of offenders through diversified work programmes and vocational training should be the focal point of prison activities.

Para 18.9.25: Proper employment on work programmes and recreational facilities should be provided to prisoners at sub-jails.

Do our jails have vocational training programmes for jail-inmates? Table 16.02 brings out information pertaining to Central Jails. Jail-inmates are given vocational training, in Central Jails, in almost all the states and UTs. That Manipur is an exception to this is rather surprising, as this north-eastern state has a sprawling cottage and small scale industry base.

Attention may be diverted to District Jails. In fifteen states and one UT vocational training is imparted to inmates of District Jails. However, District Jails in Andhra Pradesh, Karnataka, Maharashtra, Manipur, Meghalaya and Pondicherry are yet to do so (Table 16.03). For understandable reasons, the position of Sub-Jails in this regard is rather indifferent (Table 16.04). Only in the states of Goa, Jammu & Kashmir, Tripura and Uttar Pradesh the inmates are given vocational training.

Para 11.33.4: Vocational training programmes in self-employing trades and occupations should be organised in every central and district prison.

This apart, the issue is important as to how many jails have properly organised vocational training and work programmes for jail-inmates. Table 16.05 presents information in respect of Central Jails. There are 18 states and UTs which report that all their Central Jails have vocational training and work programmes in place. Haryana, Orissa, Sikkim and Uttar Pradesh report that only 50 per cent of their Central Jails have these. It is notable that Manipur and Nagaland report that these programmes are not there even in their Central Jails.

How about District Jails? The picture that emerges (Table 16.06) is a rather mixed one. Only six states and UTs report that their District Jails have these programmes; and another eight mention a half of them. As would be expected, the position of Sub-Jails in this regard is more so indifferent (Table 16.07).

Paras 11.33.76 & 11.33.78: Background of inmates should be taken into consideration while planning their employment on work programmes.

Indeed, prison population is highly heterogeneous in terms of literacy and skill development. In order to realise their full potential, vocational training and work programmes need to match the background of the inmates. Is this done while assigning them to different vocational training and work programmes? Table 16.08 presents relevant information. It is done in most states and UTs. However, Haryana, Manipur, Nagaland and Pondicherry are not able to do so.

Paras 11.33.63 & 11.33.64: Training programmes should be designed and planned to suit the needs of prisoners sentenced to short, medium and long terms of imprisonment. They may consist of apprenticeship training, on-the-job training and vocational training.

So is the case with their rural-urban background. As argued, the inmates coming from villages are likely to be good candidates for agricultural vocational training and work programmes. Is it done? Table 16.09 brings out that this dimension of rural-urban background of jail-inmates is taken into consideration in as many as 19 states and UTs; but there are quite a few states and UTs which are unmindful in this regard.

Paras 11.33.6 & 11.33.8: While designing training and production policies in prisons, the composition of inmates coming from rural and urban areas should be taken into consideration, and a range of opportunities for vocational training and work should be created to cater to the needs of heterogeneous inmate population.

Perhaps, these variations in inmate background need to be kept in view while designing vocational training and work programmes at the jail-level. Is this done? Table 16.10 shows that there are 19 states and UTs which do take into consideration these inmate differences while designing vocational training and work programmes.

Paras 11.33.70 to 11.33.73: Diversification of programmes of work and vocational training should be done in such a way that opportunities of work and training are available to different groups of inmates at the institutional, regional or state and UT level.

For the involvement of jail-inmates, in vocational training and work programmes, it is important that their preferences are accommodated. Table 16.11 shows that in 16 states and UTs jail-inmates have the opportunity to choose the programme of their liking.

Para 11.33.41: Correct work sheet for each prisoner should be maintained by the technical personnel.

To be systematic and goal oriented, it is highly desirable to maintain 'worksheets' of each prisoner engaged in vocational training or work programme. This comes in handy in monitoring their progress. Is this done? Table 16.12 shows that in 20 states and UTs this is a regular practice. However, Assam, Goa, Manipur, Mizoram, Sikkim and Pondicherry have taken a positive action on this. In Andhra Pradesh, a detailed 'register' is maintained in this regard. In Chandigarh, Delhi, Orissa and Tripura 'Task Ticket' is maintained.

Para 11.33.52: Hours of work for each group of prisoners should be prescribed in accordance with the programme content of each institution.

At the same time, there is an honorable difference between work and servitude. Among others, the difference is amply reflected by the working hours. Table 16.13 shows that in most states there are specified number of hours of work for jail-inmates. In Nagaland and Sikkim, it is only four hours (Table 16.14) but in most states and UTs it is between a maximum of six and eight hours.

Para 24.44.12: Three-shift system of duties should be introduced in prisons.

Should jails have production targets, the modality of 'work shifts' would be a probable solution. Table 16.15 shows that five states have introduced two or three shifts in the worksheds of Central Jails. However, a large number of states are yet to move in this direction. Similarly, states of Chattisgarh, Madhya Pradesh, Nagaland and Orissa and UT of Andaman & Nicobar Islands introduced shift system in their District Jails (Table 16.16).

11.33.26: Qualified technical personnel should be appointed in sufficient numbers in every branch of vocational training and production.

Para 11.33.66: Adequate number of instructors should be appointed for organising vocational training programmes.

By definition, vocational training in jails requires technically qualified and whole-time salaried staff which could work as instructor or supervisor. Table 16.17 brings out that almost all the states and UTs have such staff, in position, in their Central Jail. However, Haryana, Orissa and Pondicherry are yet to move into the matter.

The situation of District Jails, however, is a little different (Table 16.18). Only in four states and UTs all the District Jails have technically qualified instructors, another five have such staff in a half of their District Jails, and eight of them have these in some of their District Jails.

Para 11.33.37: The performance of every technical, executive and supervisory personnel functioning, in the fields of work programmes and vocational training, at every level, should be systematically evaluated.

Imparting skills requires commitment, knowledge and communication ability. Given this, the performance of instructors needs to be evaluated. Is it done? Table 16.19 brings out that in 17 states and UTs the performance of instructors is evaluated. Out of these, in 12 states and UTs it is done yearly. In others, it is done half yearly, quarterly, or, as in the case of Tamil Nadu, monthly (Table 16.20). In 15 states and UTs, evaluation reports on technical instructors are also sent to Jail Headquarters (Table 16.21).

Para 11.33.42: There should be a complete ban on the use of inmate labour in the offices or at the residential quarters of prison officials.

That jail-inmates work at the residence of senior jail officers is not unheard of. What is the factual position? Table 16.22 shows that the practice does not exist in the Central Jails in 20 states and UTs. It is, however, notable that in three states it does exist in varying degrees.

How about District Jails? Except for Assam and Haryana all other states and UTs report (Table 16.23) that in none of their District Jails the practice exists. Reportedly, the practice is not there in Sub-Jails, in none of the states and UT. May it be pointed out that in Central and District Jails many inmates have put in time and shown their predisposition; among from them some could be considered fit to provide services at the residence of senior officers. So is not the case with Sub-Jails.

Para 11.33.67: Vocational training programmes should be developed in liaison with the Department of Technical Education, etc., and the inmates successfully undergoing training programmes should be awarded regular certificates by that Department.

Both vocational training and work programmes are specialised pursuits, often calling for networking with specialised agencies. On the other hand, we have at the state level, Directorate of Technical Education and at the district level ITIs. Do jails collaborate with these for running vocational training programmes? Table 16.24 brings out the position in relation to Central Jails. It is observed that, in ten states and UTs, this kind of coordination between jails and technical education organisations is there. In contrast, there are a large number of states and UTs which are yet to proceed into the matter. The situation in District Jails is still more indifferent. Such coordination has been reported only by six states (Table 16.25).

Para 11.33.68: Adequate provision of finances should be made in the annual budget for vocational training projects.

Importance attached to organisational activity is often reflected by budgetary allocation. The situation of vocational training in jails has been examined from this perspective. Table 16.26 shows that only in 11 states and one UT, Jail Headquarters make adequate provision in their annual budget for vocational training. Thirteen states and one UT report of similar budgetary allocations in their Central Jails (Table 16.27). This fiscal device in District Jails is reported only by nine states and UTs (Table 16.28).

Section Seventeen
PRISON INDUSTRIES & WORK PROGRAMMES

Work programmes in jails are important for several social, psychological and economic reasons. This inculcates in jail inmates work habits and familiarity with ways and means of raising an honest living. As a result, their re-integration in the community on their release from jail tends to become relatively smooth and effective. Jail inmates need to be engaged in productive work as it brings income. In fact, all of them who work are now have to be paid wages, which becomes administratively and financially viable through work programmes. Further, these programmes augment resources and jail revenue which is very much in keeping with the on-going massive task of nation-building.

Needless to mention, for quite sometime, jail inmates have been taking to work programmes. While some of them are allowed day-release to work either with government departments or in the community. Some of them are also made over to private contractors. But most of them are engaged in productive work within the jail premises.

The situation of undertrials and those undergoing 'simple imprisonment' is somewhat peculiar: For them participation in work programmes is essentially optional. Although, these programmes are commercial in import these are rarely organised on business lines. Consequently, these face numerous problems: Product range, their market relevance, quality and price, diversification of jail industry, introduction of mechanisation in jail workshops and sheds, supply of quality and economical raw material, availability or tie-up with retail outlets, etc.

Given the above, a few issues need to be considered (i) Type of jails in which inmates engage in productive work. (ii) Mode of their engagement or employment. (iii) Role of private contractors. (iv) Putting jail inmates to factory work. (v) Use of modern business management techniques in jail work programmes. (vi) Market-relevance of the product range, quality and price. (vii) Diversification of jail industries in keeping with changing market demands. (viii) Introduction of mechanisation in jail workshops. (ix) Official policies and procedures for the purchase of raw material, its quality, price and delivery schedules. (x) Technical supervision in jail workshops and worksheds. (xi) Outlets, showrooms or emporia for jail products. (xii) Accounting and auditing procedures. (xiii) Re-deployment of profits accruing from work programmes. The Committee has dealt with these and related issues.

Para 19.33.12 : 'Day release system' should be introduced as a measure of semi-open facility for suitable inmates confined in prisons.

Many Western countries have the system of 'day release': jail-inmates are released from the jail in the morning; they work for wages during the day and report back to the jail in the evening. What is the position in the jails in the country? Table 17.01 shows that the practice exists only in Central Jails in Orissa, Sikkim and Uttar Pradesh. In the context of District Jails it is only the state of Orissa which reports the presence of this practice (Table 17.02).

Paras 11.33.6 & 11.33.8: While designing training and production policies in prisons, the composition of inmates coming from rural and urban areas should be taken into consideration, and a range of opportunities for vocational training and work should be created to cater to the needs of heterogeneous inmate population.

Needless to point out, work programmes and jail industry need to run on business and commercial lines. They need to strike a balance between capital, raw material, labour and production. Further, they need to pay attention to

promotion and pricing of the product, sales and profit margins. What is the position in the jails of the country? Only ten states and UTs respond in the affirmative in this regard. What is more notable, there are ten states and UTs which are categorically negative. This hardly bids fair for this programme (Table 17.03).

Paras 11.33.11, 11.33.13 & 11.33.14: Various products of prison industries should be standardised in terms of specifications, patterns, designs, etc.

To find a niche in the market, it is important for the products of jail industries to be of quality and standard. What is the position at the ground level? Table 17.04 shows that in 16 states and UTs due attention is paid to standard fixation pattern and design with respect to products of jail industries.

Para 11.33.10: The possibility of introducing products according to market trends should be explored so that prison products may be able to reasonably satisfy customers' expectations.

Likewise, jail industries pay due attention to market trends and customer preferences. Table 17.05 brings out that this is done in 14 states and UTs.

Para 11.33.7: Production units should be semi-mechanised and, wherever possible, fully mechanised.

Para 11.33.20: A policy for purchase of raw material, consumable articles, stores, tools and equipment, etc., should be laid down.

For being competitive in open market, it is important that jail industries have mechanisation and economies of scale. The information reflected by Table 17.06 however is not very encouraging. Only three states and two UTs have introduced mechanisation in jail industries.

Para 11.33.9: In the plan of re-organisation of work programmes modernisation and diversification of existing prison industries should receive due priority.

Similar is the situation with diversification and mechanisation in industrial enterprises. Has it been done in jail industries? Table 17.07 brings out that in 10 states and three UTs measures have been taken in this area. In the states of Andhra Pradesh and Gujarat jails have taken to steel furniture-making, more or less as a substitute of carpentry. In many jails in Rajasthan and Tamil Nadu power looms have been installed. Delhi and Gujarat have gone for bakery and confectionary. In some jails in Rajasthan production lines are turning out desert cooler bodies. However, there are a large number of states and UTs which are yet to take initiative.

Paras 11.33.12, 11.33.15 & 11.33.16: Tools and equipment should be such as would facilitate production of articles of good quality and should be standardized.

While talking of production demands on and customer expectations from the produce of jail industries, the issue of tools and equipments in workshops becomes important. Table 17.08 shows that in 11 states and UTs jail industries do have proper tools and equipments. On the other hand, there are a large number of states and UTs which perhaps face a relative paucity.

In the same continuation, timely, quality and adequate supply of raw material is equally important. Fourteen states and UTs report that jail industries have the supply of quality raw material to meet market demands (Table 17.09). Twelve states and UTs report that for the purchase of raw material for jail industries they have a standing policy to operate upon (Table 17.10).

Para 11.33.17: In every institution, there should be a separate and properly organised maintenance workshop.

It is important to have tools and equipments or mechnisation in jail industries, but equally important is their maintenance. The information supplied by the states and UTs is hardly encouraging (Table 17.11). Only three states and two UTs report to have maintenance workshops in jails to undertake preventive and corrective maintenance of equipment in production units. In contrast, there are 20 states and UTs which report in the negative. This hardly speaks well of jail industries.

Para 11.33.19: Technical supervision should be improved and a system of quality control should be introduced at every stage of production.

The importance of technical supervision in jail production units could hardly be over-stated. It is encouraging to note that 16 states and UTs mention of having proper technical supervision in jail production units. As mentioned, production units in jails have the services of technically qualified instructors. They exercise technical supervision, also. In Chandigarh, ITI instructors occasionally visit jails and offer suggestions on production. In Tripura, intermediate rung officers, from the Directorate of Technical Education, visit and spend time in jail worksheds (Table 17.12).

Reverting to standardization in jail products, one may look for generally accepted yardsticks, for example, ISI specifications. Table 17.13 shows that, in three states and one UT, ISI specifications are followed in select lines of production.

Paras 11.33.56 & 11.33.57: Conditions of work in every factory, work-shade, etc., in every institution should be regularly inspected.

In the context of jail production units, the matter of work conditions and workers' safety assumes importance. Table 17.14 shows that, in 11 states and UTs, a

system of inspection of jail production units is in place to ensure proper work conditions and safety measures. However, there are a large number of states and UTs which have not seemingly been very mindful about this.

In industries, industrial accidents can never be ruled out. Are jail-inmates provided compensation, should an industrial accident take place? Such a compensation scheme exists in only Andhra Pradesh, Tamil Nadu and Delhi. Further, NCT of Delhi reports that one industrial accident has taken place during last five years and in all probability compensation was given to the victim.

Para 11.33.54: Prisoners should not be made to work in the production units after lock-up of the prisons.

In industrial production, overtime is almost a routine to meet production targets. Are jail-inmates or some jail-inmates allowed to work in jail production units after the lock-up time? Table 17.15 presents information pertaining to Central Jails. This happens, reportedly, in Gujarat and Uttar Pradesh. Available information shows that this does not happen in District Jails.

Para 11.33.22: Costing of prison products should be done on a rational basis taking into account the various limitations and handicaps of prison management.

Attention may be diverted to competitiveness of items purchased by jail industries. Table 17.16 indicates that in 16 states and UTs items purchased in jail production units are priced rationally and are usually competitive in the market.

Para 11.33.62: Sales should be promoted through establishment of show rooms and participation in exhibitions.

Jail emporia and showrooms have been in existence for quite some time. However, this is not true for all the states and UTs. It will be seen from Table 17.17 that only in nine states and UTs we have jail emporia or showroom in select cities.

Para 11.33.18: Adequate funds should be provided for annual replacement of equipment, accessories, spare-parts, etc.

Are jails provided funds for the replacement of worn out or obsolete tools, equipment and machinery in production units. Fourteen states and UTs report in the affirmative (Table 17.18).

Para 11.33.21: The accounts and stores organisation should be modernized on business-cum-commercial principles.

Para 11.33.29: Accounts of production units should be periodically audited.

Proper accounting is important in any production unit, especially in jail production units. Table 17.19 brings out that in 19 states and UTs auditors from Jail Headquarters or AGs office periodically audit accounts of jail production units.

Para 11.33.23: Comprehensive and detailed statistics for each service unit and production unit should be maintained on systematic basis.

Compilation of information or statistics on jail production units (equipment, raw material, manpower, sales, profit, etc.) is important for reasons more than one. Table 17.20 brings out that such an exercise is done in 19 states and UTs.

Section Eighteen
AGRICULTURE IN PRISONS

India used to be known as an agricultural country. Even as of now, three fourths of the people live in rural areas and are directly or indirectly dependent on agriculture which accounts for more than a fourth of the Gross Domestic Product. Moreover, a substantial inmate population comes from rural areas having agricultural background. It is, therefore, important and logical that agriculture is given prominence in jail work programmes.

Most jails have paid attention to agriculture on the land attached with them. Vegetable and cereal crops have been raised. However, much more needs to be done in order to bring agriculture in jails on scientific lines.

During the preceding decades, the country has witnessed 'green revolution'. Scientific and technical inputs have been poured into agriculture. Apart from cereal production, production of vegetables, cut-flowers and cash crops (soyabean, menthol, indigo, etc.) have found a place in the crop-pattern. So is about the case with several agriculture related vocations like pigsty, sericulture and dairy farming. Have these branches found a place in jail agriculture?

In this regard, several critical issues come up: (i) District and Central Jails having land attached with them. (ii) Land utilisation through lease, tenancy or jail inmate work. (iii) Testing of soil for ascertaining the suitability for different crops. (iv) Cropping pattern on jail farms. (v) Irrigation facilities. (vi) Availability of implements tools and other agro equipments. (vii) Introduction of mechnisation in

agricultural work. (viii) Services of agriculture specialists for supervision. (ix) Inter-linkages with district agriculture authorities and other specialised institutions. (x) Wages to jail inmates working on jail agricultural farms. (xi) The manner in which jail inmates appropriate their income through agricultural work. (xii) Accounts and audit procedures for jail agricultural farms. These and similar issues have attracted the attention of the Committee.

Paras 11.39.4, 11.39.7, 11.39.8, 11.39.10 & 11.39.16: Each new and existing prison should have farmland.

As argued earlier, a sizeable portion of jail-inmates comes from villages. It would be, therefore, appropriate that they are oriented and involved in agriculture and allied work. Further, often jails have farm land attached with them. Table 18.01 brings out that all Central Jails in nine states and UTs have this resource, and another nine have this in some of their Central Jails. In the context of District Jails, farm lands attached with them is not very common. Only four states and UTs report that all their District Jails have this (Table 18.02).

Para 11.39.50: The benefit of extension services for agriculture and allied activities (as provided by district agricultural departments) should be availed of by the Department of Prisons and Correctional Services.

The issue of coordination with district agricultural authorities is significant here, also. Table 18.03 brings out that 14 states and UTs involve district agricultural authorities. While exploiting the farm land attached with jails.

Para 11.39.3: All farm lands should be examined in terms of soil analysis, irrigability, fertility, requirements of drainage, etc.

The contemporary scenario has it that agriculture has become hi-tech, requiring the use of modern agricultural techniques. Among others, testing of soil and assessment of soil composition are important. Table 18.04 brings out that four

states report that this sort of testing is done in all cases. In contrast, there are 12 states and UTs which report that this is done in a fourth of their jails.

Para 11.33.72: Agricultural work programmes on agricultural farms should be diversified.

Agriculture too has a large scope for diversification. Table 18.05 brings out that in nine states and one UT this exercise is carried out. However, it is not done in several states and UTs.

Para 11.39.9: Land belonging to the prison development should not be surrendered for the use either of other government departments or of private agencies.

Has the land attached with the jails been rented out to tenants? Table 18.06 brings out that it is done in Andhra Pradesh, Haryana, Rajasthan and West Bengal.

Paras 11.39.11 to 11.39.15: A regular plan for maximum utilization of the existing irrigation facilities and for providing additional facilities should be prepared and implemented for each prison farm.

How about irrigation facilities? Table 18.07 shows that 22 states and UTs have furnished information. Out of these, Jammu & Kashmir and Punjab report that irrigation facilities are available in all the jails wherever attached agricultural land is being worked upon. In contrast, there are 14 states and UTs where irrigational facilities are available in a fourth of such situations.

Attention may be turned to agro equipment and machinery (tractor, DG pump sets, etc.). It is seen from Table 18.08 that there are two states where such equipment is available in all the cases, and in four states in 75 per cent of the

cases. On the other hand, there are 12 states which report of having proper agricultural equipment only in 25 per cent of the cases.

Paras 11.39.17, 11.39.19, 11.39.20, 11.39.21, 11.39.22 & 11.39.23: All necessary equipment and spare parts should be made available at each prison farm. A maintenance shop should be set up at each large farm. Transport facilities should be provided according to the requirements of each firm. Petrol/diesel depots should be provided at large farms. Requirements of labour at each farm should be met. The practice of putting prisoners working on farms in ankle ring and fetters should be discontinued forthwith.

How about equipment maintenance? Table 18.9 brings out that it is satisfactorily done only in Chandigarh. In contrast, there are 19 states and UTs where the maintenance of agro equipment remains wanting.

Paras 11.39.29, 11.39.30 & 11.39.34: Adequate staff should be provided to such agricultural units and their duties and responsibilities should be clearly specified. Sites for open agricultural prisons should have all infrastructural facilities.

For several agro equipment, we require the services of qualified staff. Is this available? Table 18.10 brings out that in 15 states and UTs, qualified staff for agro equipment is available only in 25 per cent of the cases. To what extent agro equipment is fully utilized, thus, remains an open issue.

Paras 11.39.27 & 11.39.28: Adequate funds should be provided for the development of agriculture and allied activities in prisons. Accounts of agriculture and allied activities should be separately maintained.

In relation to jail agricultural farms and agricultural operations and upgradation, the issue of fiscal support becomes important. Is this available to jails? Table

18.11 brings out that only in four states earmarked funds are provided for agricultural operations. In comparison, there are 18 states and UTs which make do, perhaps, without any regular fiscal support.

Again accounting and auditing of transactions pertaining to jail agricultural farms is critically important. Is it done? Table 18.12 shows that in as many as 17 states auditing of accounts is done periodically by auditors from the Jail Headquarters or AGs office.

Para 11.39.33: The inmate population of an agricultural farm should not exceed 200.

Next, attention may be diverted to the work force on jail agricultural farms. It should not be too small or too large. It is highly desirable that in no case the work force be in excess of 200 jail-inmates. Table 18.13 brings out that a large number of states do not have jail agricultural farms on which more than 200 jail-inmates work, except for Orissa. In Orissa, there are four such large jail agricultural farms. It would be interesting to find out their crop pattern, revenue and profits (Table 18.14).

Paras 11.39.31 & 11.39.32: Costing of agricultural and other produce should be done on business-cum-commercial lines. The efficiency of each unit should be evaluated in terms of targets fixed.

Whether large or small, jail agricultural farms need to be evaluated in terms of inputs and outputs. Table 18.15 shows that it is done in nine states and UTs. However, a large number of states and UTs are yet to pay attention to this.

Para 11.39.26: Prisoners working on farms should be given adequate and proper wages.

Para 11.33.43: Every prisoner, who starts getting prescribed task, should be brought on the wage system. Newly admitted prisoners should be given token remuneration, till they start performing the prescribed task.

Are jail-inmates, who work on jail agricultural farms, paid wages? Table 18.16 shows that in 18 states it is done. However, in Goa, Manipur, Sikkim and Andaman & Nicobar Islands jail-inmates on agricultural farms do not get any wages.

The point has been followed through. The attempt has been made to find out as to what type of wages are paid to these jail-inmates. As Table 18.17 could show, six states report of paying token or nominal wages to such inmates, and another seven report of officially announced minimum wages.

Are there any deductions from the wages that jail-inmates earn? Table 18.18 reveals that in Jammu & Kashmir, Tamil Nadu and West Bengal deductions are made from their earnings towards their upkeep in the jail.

Section Nineteen
RECREATION & SPORTS

Towards the realisation of the objective of reformation of the jail inmates, they are offered a range of correctional programmes – recreation, games and sports are a part of this larger approach. Games and sports require more of physical involvement. So is not however the case with leisure and recreational activities. But, both call for mental involvement. Further, leisure-time and recreational activities do not follow any specific set of rules. This apart, these have substantial cathartic value and go a long way in mitigating frustration and pent-up hostilities. These generate among the jail inmates camaraderie and well-feelings. Taking together, these noticeably improve inmate conduct and behaviour.

Most jails have arrangements for outdoor and indoor games. Jail inmates participate in *bhajan mandali* etc. Often, national occasions like Independence Day and Republic Day, and festivals like *Janmashtami* are celebrated with gusto.

Reportedly, in quite a few cases, college and university students and representatives of NGOs also join hands in organising sports events or recreational activities. Nonetheless, these activities could be further intensified and streamlined.

With the above in view, several issues need to be focalised: (i) Objectives behind recreation and sports in jails, as understood by the jail-level officials. (ii) Recreation and Sports Committee at the jail and its composition. (iii) Regular arrangement for recreational and sports activities. (iv) Jail library stocking

newspapers, magazines and books available to jail inmates. (v) Provision of radio, television, etc. (vi) Annual Sports Meet for the jail inmates. The Committee deals with these issues.

The dictum of healthy body has healthy mind is also applicable to jail-inmates. Towards this, correctional institutions are required to have a regular programme of recreational, cultural and sports activities. What is this the situation at the jail level? Table 19.01 presents information in relation to Central Jails. It is there in all the states and UTs except in the case of Haryana and Sikkim. Identical is the situation in District Jails (Table 19.02). The situation of Sub-Jails in this respect is a little different. Only 12 states and UTs report as having regular programme of recreational, cultural and sports activities for inmates of Sub-Jails (Table 19.03).

Paras 10.28.34 and 10.28.35: Recreation should be treated as incentive for good behaviour and self-discipline.

Is the purpose behind such activities understood by concerned authorities? Information presented in Table 19.04 is rather revealing. Sixteen states and UTs mention entertainment (of jail-inmates), two mention keeping them engaged and only six mention encouragement of good behaviour.

Para 10.28.40: Every prison and allied institution should have a committee for recreational and cultural activities comprising carefully selected inmates.

At any rate, these activities require deliberations of a committee comprising, among others, jail-inmates. Do such committees exist? It is observed from Table 19.05 that only in six states and one UT a Committee on Recreation and Sports exists at the jail-level. In contrast, there are 20 states and UTs which are yet to move into the matter.

Para 10.28.33: Recreation should be properly planned and designed. It should be properly guided and supervised.

In order to realise their extrinsic and intrinsic objectives cultural and sports activities need to be planned. Is it done at the jail level? Table 19.06 presents the information pertaining to Central Jails. It is seen that only in ten states and UTs this kind of advance planning is done. This situation further slides down in relation to District Jails (Table 19.07). And still more so in relation to Sub-Jails (Table 19.08).

Para 10.28.38: Every prison and allied institution should have a proper library with sufficient number of newspapers, periodicals and books.

Books, magazines and newspapers in library also provide a source of recreation. Do we have these items available in jails? As seen earlier, most states report this in the affirmative (Table 19.09). So is the matter with District Jails (Table 19.10). The position of Sub-Jails is somewhat different (Table 19.11). While 12 states and UTs report that their Sub-Jails have books, magazines and newspapers in the library. Besides, there are ten others which respond in the negative.

Para 10.28.36: Each Central and District Jail and Kishore / Yuva Sadan should have 16-mm film projector.

While talking of recreation or cultural activities, a mention of TV and VCR is unavoidable. Table 19.12 brings out that these electronic gadgets are available in jails in a large number of states and UTs. Nonetheless, there are nine states and UTs which are yet to acquire them.

Para 10.28.39: Every prison and allied institution should have annual sports meet. Inter-institution and inter-state sports meets of inmates should also be organised.

Often sports activities get an impetus through sports competition. Do jails organize Annual Sports Meet for jail-inmates? Information relating to Central Jails is presented in Table 19.13. It is seen that many states organize such events. On the other hand, there are 16 states and UTs which are yet to take a start. The situation of District Jails is still more constricting: this is done only in five states (Table 19.14). Only Jammu & Kashmir reports to organizing annual sports meet in their Sub-Jails also (Table 19.15).

Para 10.28.32: The Inspector General of Prisons of each state and UT should formulate a plan for recreational and cultural activities for each institution.

While on this, a mention may be made on inter-institutions Annual Sports Meet for jail-inmates. Table 19.16 presents relevant information. It is observed that Jammu & Kashmir, Madhya Pradesh, Pondicherry, Rajasthan and Uttar Pradesh annually organize inter-jail sports competition. Rajasthan organizes inter-divisional Sports and Cultural Week. Indeed, these are geographically large states having several correctional institutions.

Section Twenty

LETTERS

Given that jail inmates come from community and, after completing their term, return to the community, they have to remain in touch with the community. Among different modalities made available to them for this purpose, correspondence or letters are extremely important. Perhaps these contain day-to-day frustration and provide a ray of hope for the days to come.

Several official documents specify that relatives of a jail inmate have to be kept informed on his arrival in the institution and serious illness. Besides, they are allowed to receive and send postal letters scale being different for undertrials and for convicts. Indeed, all incoming or outgoing inmate letters are, for security reasons, scrutinised (or censored).

It may well be kept in view that, in many jails, letters make for the bulk of grievance issues.

Several issues arise from the above: (i) Jails having a proper unit for handling incoming and outgoing inmate letters. (ii) Rank and sensitivity of the jail officer in-charge of correspondence unit. (iii) Guidelines on admissible postal stationery to different categories of inmates. (iv) Facilities of post card and helper to inmates. (v) Quantitative limit on receiving or sending post cards. (vi) Help to illiterate inmates in letter reading or writing. These and similar issues have attracted the attention of the Committee.

Para 6.18.1: Each prison should have a section under the control and supervision of an experienced Assistant Superintendent to deal with all matters pertaining to the mail of inmates.

Paras 6.18.1 & 6.18.5: Each prison should have a section under the control and supervision of an experienced Assistant Superintendent to deal with all matters pertaining to the mail of inmates. On admission each prisoner should be asked to give a list of persons with whom he wants to correspond.

The facility of writing and receiving letters is of distinctive psychosocial importance to jail-inmates. Towards this, jails are required to have a proper unit or section to regulate outgoing or incoming letters or post-cards. Are these units there: at the jail level? Table 20.01 shows that almost all the states and UTs has such units in their jails, with the exception of Sikkim and Uttar Pradesh. Apparently, the last two states are make-doing with some *ad hoc arrangements*.

Status of such a unit would be denoted by the rank of the officer heading it. Table 20.02 highlights wide variations in this regard. In Jammu & Kashmir and Pondicherry mail-unit is headed by Head Warder or Chief Warder. In Jharkhand, Orissa, Rajasthan, West Bengal, Chandigarh and Delhi, it is headed by Welfare Officer or Probation Officer. On the other hand, a large number of states and UTs, it is headed by Assistant Jailor, Deputy Jailor or Jailor.

Para 6.18.9: Guidelines for censorship of letters should be formulated so that censorship of letters is done on the basis of human considerations.

For several security reasons both outgoing and incoming mail has to be scrutinised or censored. This has to be done, however, in an objective manner which would require the application of laid down guidelines. Are such guidelines there? Table 20.03 shows that in a large number of states and UTs these

guidelines exist and operate. However, Haryana, Meghalaya, Orissa, Sikkim and Daman & Diu have none. Perhaps, they act on case-to-case basis.

Paras 6.18.1 & 6.18.5: Each prison should have a section under the control and supervision of an experienced Assistant Superintendent to deal with all matters pertaining to the mail of inmates. On admission each prisoner should be asked to give a list of persons with whom he wants to correspond.

It would facilitate matters if jail-inmates submit a list of their possible correspondents, right at the time of their admission. Table 20.04 brings out that such a list is required to be furnished in Central Jails in only six states. Similar is the situation in relation to District Jails (Table 20.05). And in relation to Sub-Jails (Table 20.06).

Paras 6.18.6 & 6.18.7: There should be no limit on incoming letters for prisoners. There should be no restriction on the number of letters prisoners may send at their own cost. However, at government cost an undertrial should be allowed to post two letters per week whereas a convict should be allowed to post one letter per week.

Para 6.18.8: Illiterate or semi-literate prisoners should be provided help in writing letters.

This aside the matter needs to be looked into as to how many post-cards (at the cost of the institution) a jail-inmate can write to his relatives and friends. Table 20.07 provides information in relation to three categories of jail-inmates: convicts, undertrials and detenus. It would not take long to see that there are wide variations. Only nineteen states and UTs have supplied information on this account. The number of post-cards supplied to jail-inmates differs widely, from one post-card to four post-cards. Assuredly, an amount of standardization is called for in this regard.

Does the situation undergo a change, should a jail-inmate purchase or acquire his own post-cards? Table 20.08 presents relevant information. As would be seen from Table 20.08 the practice obtaining in states and UTs is unclear. Only thirteen of them have furnished information on the subject. Again, there are wide variations. At his own cost a jail-inmate is permitted to write one to four letters, depending upon the state he is in. The need for standardization is underscored once again.

The reverse situation has also been ascertained. Are there any limits on jail-inmates receiving letters or post-cards from their relatives and friends? Available information shows that, in almost all the states and UTs, there are no limits on this.

Are illiterate inmates and semi-literate inmates helped in writing letters? As reported earlier, they are assisted by fellow inmates and sometimes even by officials.

Section Twenty-one

REMISSION, TEMPORARY RELEASE & SPECIAL LEAVE

As is well known, remission of sentence is an incentive for good conduct and satisfactory work of a jail inmate. When he satisfactorily completes a portion of sentence, some additional days are added to it, resulting in the shortening of his term of sentence.

Generally speaking, remission is a concession granted to jail inmates, but it essentially remains subject to withdrawal or forfeiture. It is not right. Given this, it is a potential tool to encourage desirable behaviour and optimum performance and to discourage undesirable behaviour and laziness.

Remission of sentence is often of three types: (a) Ordinary remission (b) Remission for national holidays, and (c) Special remission. While the first two are usually granted by the jail Superintendent, the last one is by the state government.

In most cases, remission record is maintained by custodial staff not by welfare or vocational staff.

The foregoing gives rise to several issues: (i) Understanding of the objectives behind remission by lower level jail staff. (ii) Existence and composition of Remission Committee at the jail level. (iii) Record maintenance of ordinary and special remission. (iv) Rounding of a fraction of a month of ordinary remission. (v) Rounding of a fraction of a year of special remission. (vi) Periodicity of

calculation and sanction of remission for short-term and long-term prisoners. (vii) Rank of the officer handling remission account.

The approach of civil society is to provide convicts humane treatment, empathy and correctional programmes. While in a correctional institution, a jail inmate continues to have bonds with his family and community. Further, he may have exigencies back home, requiring his presence or participation. To cope with this, modern correctional institutions have evolved the method of temporary release (sowing or harvesting of crop, house-repair, etc.) special leave (birth, death, etc.).

Stated differently, a jail inmate in exigent circumstances or emergency is granted temporary release and allowed to spend some time with his family and community, following which he returns to jail and its regime. Further, this period is presumed to be a part of the sentence completed in jail.

Hardly necessary to add, temporary release and special leave are a kind of risk-venture which correctional authorities have to take in view of human considerations and larger correctional approach. This also gives way to several procedural problems. While granting temporary release, views of concerned district authorities on possible security risks have to be obtained.

In the light of the above, several issues come to the surface: (i) Maximum admissible duration of temporary release and special leave. (ii) Sanctioning authority. (iii) Requirement of surety for the grant of special leave. (iv) Pre-condition of report from concerned district authorities. (v) Accounting of temporary release and special leave while calculating completed term of sentence. (vi) At the jail level, procedures for granting temporary release and special leave. (vii) Officer in-charge for compiling and maintaining of special leave and temporary release records. The Committee deals with these issues.

Para 10.28.43: Various incentives of the prison system (e.g remission, leave, transfer to semi- and open-institutions, pre-mature release, etc.)

should be judiciously used to promote self-discipline and modification of behaviour of inmates.

In contemporary correctional approach, remission and temporary release occupy an important place. Are jail functionaries sensitive to this? Table 21.01 provides information which is as interesting as it is revealing. It is seen that eight states and three UTs consider remission merely a facility to inmates. Seventeen states and UTs take it as a motivation for discipline. Twenty-two of them consider it as an incentive for work performance. And twenty-six consider that it is an incentive for good conduct. Taken together, the correctional value of remission in varying degrees is understood. The moot issue is: To what extent does it percolate to the ground-level?

Para 20.7.10: At the institutional level, a committee should be formed to consider grant of remission. It should also recommend grant of special remission by the Inspector General of Prisons.

At the jail-level, do we have a remission committee to grant remission to inmates and to recommend the grant of special remission to DG/IG of Prisons? Table 21.02 would show that such a committee does exist but only in nine states and UTs. In contrast, in 18 states and UTs such a committee is yet to be constituted.

Paras 20.7.1 to 20.7.7: The rules of eligibility in respect of various categories of convicted prisoners for earning ordinary and special remission should be reviewed and rationalised.

Attention may be diverted to rates of remission. Twenty-four states and UTs have furnished information (Table 21.03). It would be seen that the rates of remission greatly differ. In Andhra Pradesh, Manipur and Nagaland it is only at the rate of two days for a month of completed sentence. On the other hand, we have the states of Goa, Gujarat and Maharashtra where it is seven days for a month. However, in most states and UTs it is four days a month — two days for

good conduct and another two days for work performance. Besides data for the year 1980, these have also been collected pertaining to year 2000. On Comparison, it is observed that during the intervening 20 years, in no state or UT, any change has taken place in the rates of remission (Table 21.04).

Para 20.7.13: Ordinary remission should be calculated for full calendar months. It should not be granted for fraction of a calendar month.

While on the subject, attention has been paid to the method of calculation of remission, especially to the fraction of a month of completed sentence. It is observed (Table 21.05) that in the states of Himachal Pradesh and Karnataka no remission is allowed for a part of the month of completed sentence. In Rajasthan, Tamil Nadu and Andaman & Nicobar Islands remission corresponds to the fraction. However, in 19 states and UTs fraction of a month is rounded off to a month for the purposes of calculation of remission.

Para 20.7.14: For purposes of special remission any fraction of a year should be counted as one complete year.

Next, attention has been paid to the method of calculation of special remission, usually calculated annually. What do jail authorities do if an inmate has spent only a part of the year in jail? Table 21.06 shows that, in Himachal Pradesh, no special remission is allowed. In Mizoram, Rajasthan, Tamil Nadu, West Bengal and Chandigarh special remission is granted corresponding to the fraction. However, in 15 states and UTs fraction of a year spent in jail, is rounded off to a full year for the purposes of calculation of special remission.

Para 20.7.15: Maximum limit of remission which a prisoner can earn should be half of the substantive sentence awarded to him.

Is there any limit on remission an inmate can earn in the jail? Table 21.07 presents relevant information. It is seen that, in Maharashtra and Orissa, an

inmate can earn as much as 50 per cent of the sentence period as remission. In Assam, Uttar Pradesh and Andaman & Nicobar Islands it is a third of the term of sentence. However, in most states, a limit on earned remission is 25 per cent of the sentence period.

Para 20.7.16: Grant of remission to prisoners sentenced by Court Martial should be on the same principles as those applicable to other prisoners.

Often in correctional institutions, we have inmates who are undergoing a term of sentence awarded by 'court martial'. Are they eligible for remission allowed to other jail-inmates? In Jammu & Kashmir, Uttar Pradesh and Delhi, they are not. But in 21 states and UTs they have the benefit of remission in sentence (Table 21.08).

In their cases, what is the rate? In Punjab and Sikkim, it is less than the rate applicable to other jail-inmates. However, in 21 states and UTs rate of remission, in the term of imprisonment, for the court-maritaled inmates is same as admissible to other inmates (Table 21.09).

Para 20.7.12: Prisoners with substantive sentences of two months and above but up to five years should be sanctioned remission each month while those sentenced to over five years (including life convicts) should be granted remission once in a quarter.

Not only has the remission to be calculated, but also it has to be sanctioned by the competent authority. What is the periodicity of the latter procedure? On going through Table 21.10 it would be seen that, in the case of short-term prisoners, the periodicity of sanction of remission widely differs. It is once in 15 days in Sikkim, one month in Mizoram and Tamil Nadu, two months in Orissa and Tripura, three months in Chattisgarh, Haryana, Himachal Pradesh, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi, and six months in Goa, Gujarat, Maharashtra and Nagaland.

In respect of long-term prisoners (term of imprisonment, more than five years) variations are there but fewer. Remission is sanctioned to inmates every month in Mizoram, Sikkim and Tamil Nadu (Table 21.11). In ten states it is quarterly or once in three months; but in four states it is half-yearly. Needless to say, this correctional procedure certainly needs streamlining and standardisation.

Para 20.7.11: Grant of remission should be properly recorded and authenticated.

Who undertakes the work of calculation and record keeping of remission to jail-inmates? Table 21.12 brings out relevant information. In Jammu & Kashmir, Nagaland, Pondicherry and Delhi the responsibility for this is of the Deputy Superintendent of jail. In other states and UTs it is of Assistant Jailor, Deputy Jailor or Jailor.

And who does the authentication of remission record? On going through Table 21.13 it would be seen that, in Nagaland, it is done by DIG prisons. In Punjab, Tamil Nadu and Uttar Pradesh, it is done by Superintendent (calculation by AJ, DJ or Jailor). However, in most states, it is the Superintendent of jail who is required to do the needed authentication (or counter signature).

Para 20.12.1: To bring about uniformity in terminology for prisoners temporarily release from prisons, there should be two types of leave: (i) leave, and (ii) special leave.

Next, attention may be focused on temporary release, home leave or furlough. What is the duration of this? Table 21.14 brings out relevant information. In Himachal Pradesh it is not fixed. In Mizoram, Nagaland and Sikkim it is up to seven days. In another 18 states and UTs, it is between 15 and 30 days.

Para 20.12.6: Inspector General of Prisons should be the authority competent for grant of release on leave or special leave, however, special leave may be granted by the Superintendent of the prison concerned in the event of an emergent situation.

Which is the sanctioning authority of temporary release? It would be seen from Table 21.15 that, in a few states, this authority vests in the Superintendent of jail DIG / Additional IG of Prison. However, in 18 states and UTs, temporary release is granted by IG or DG of Prisons.

Paras 20.12.2 to 20.12.5: Rules for eligibility of convicted prisoners for being released on leave & special leave should be reviewed, rationalized and liberalized.

For granting temporary release, concurrence of the police of the district the inmate hails from often takes time. Is it necessary? Table 21.16 brings out relevant data. In 17 states and UTs, it is deemed to be necessary, except in Mizoram. So is the case with temporary release up to 15 days (Table 21.17). About the same is the situation with temporary release upto 30 days. In Assam, Mizoram and Nagaland, however, this is not considered necessary and presumably jail authorities exercise their own discretion (Table 21.18).

Para 20.12.1: To bring about uniformity in terminology for prisoners temporarily release from prisons, there should be two types of leave: (i) leave, and (ii) special leave.

What is the position of special leave, and what is the duration? Special leave may be granted to inmates, three months or more, in Gujarat and Tripura. However, in 16 states and UTs it could be up to three months (Table 21.19).

And who is the sanctioning authority of special leave? It is observed that, in Chhattisgarh, Madhya Pradesh and Pondicherry, it is Superintendent of Jail who

is competent in this regard. However, in nine states, it is IG or DG of Prisons (Table 21.20).

Paras 20.12.2 to 20.12.5: Rules for eligibility of convicted prisoners for being released on leave & special leave should be reviewed, rationalized and liberalized.

How about security report from district administration or police if an inmate is to be granted special leave to visit his home. Table 21.21 brings out needed information. It is seen that, in Assam and Mizoram, such a report from police is not considered necessary. However, there are 17 states and UTs where such a report is virtually a pre-condition even in respect of leave up to three months.

Apparently, this is applied more vigorously in respect of those to be granted special leave of three months or more. It is seen (Table 21.22) that existing rules are more stringent in this regard. Only one state, namely, Karnataka, does not consider it to be necessary. However, in eight such a report is considered necessary.

Paras 20.12.8 and 20.12.9: Rules regarding surety for release on leave or special leave should be liberalised.

Does the grant of special leave require a 'surety'? Table 21.23 brings out relevant information. This requirement is insisted upon only in Assam.

Para 20.12.7: The period spent on leave should count as sentence served while that spent on special leave should be treated as suspended sentence.

What is the position of temporary release and special leave in the larger scenario of imprisonment? Table 21.24 would show that, in a large number of states,

temporary release is taken as sentence served. However, there are 11 states and UTs, in which this is not considered so.

And what is the position of special leave? Seventeen states and UTs have furnished information. In eight states special leave is taken as sentence served. In comparison there are ten states and UTs in which it is not considered so (Table 21.25).

Para 20.12.10: Record of release of prisoners on leave and special leave should be properly maintained.

What is the rank of jail officer who maintains records on temporary release and special leave? In a few states, Jail Welfare Officer or Probation Officer looks after this office responsibility. However, in 19 states and UTs, it is shouldered by Assistant Jailor, Deputy Jailor or Jailor (Table 21.26).

Section Twenty-two

PRE-MATURE RELEASE

Given that the main objective behind imprisonment of a crime-doer is his reformation jails are expected to undertake from time to time, an assessment of the impact of correctional programmes make on the inmate's thinking, attitude and behaviour. Should he show substantial improvement on these counts, he needs to become eligible, after completing a portion of his sentence, for 'pre-mature release'. Stated differently, pre-mature release amounts to giving a chance (which indeed has been earned) to prisoners to resume normal life in the community. In all likelihood, the prisoners who have satisfactorily, completed in correctional institutions, a portion of their sentence would get psychologically, socially and economically re-integrated into society. Among other things, pre-mature release also lessens burden on the public exchequer.

It might be added that, in most states, rules provide for the revocation of pre-mature release, should the release indulge in anti-legal conduct.

As of now, almost all the states and UTs have provision for pre-mature release for the convicts. However, those convicted for offences under NDPS Act are precluded from this correctional measure. Similar is the situation of those who are convicted for murder – they have to complete fourteen years in jail before they could be considered for pre-mature release. In most states and UTs, pre-mature release is granted to convicts under the supervision of Welfare / Probation Officer who undertakes counselling of the released convicts and does liaison work with community leaders and local authorities. Apparently, the

procedure of pre-mature release is a distinctive feature of modern corrections. What is the position of the implementation of after-care services in different parts of the country?

The foregoing brings into focus a number of issues: (i) In the jail hierarchy the authority which considers and approves pre-mature release. (ii) The category of offenders ineligible for pre-mature release. (iii) Differential treatment to women offenders in the grant of pre-mature release. (iv) Differential treatment to young offenders. (v) Officer in-charge for implementing pre-mature release programmes. These and similar issues have come in the scrutiny of the Committee.

Para 20.12.10: Record of release of prisoners on leave and special leave should be properly maintained.

In the re-socialisation of jail-inmates, pre-mature release plays an important role. Should their conduct and work be satisfactory? They become, after completion of a portion of their term of imprisonment, eligible for release prematurely. Most enquiry commissions / committees have recommended the setting up of a Review Board, at the Jail Headquarters, for reviewing the cases of prematurely release. What is the situation at the jail-level? Table 22.01 presents relevant information. In Gujarat and Nagaland, it is prison authorities which consider and approve pre-mature release. In five states, this authority vests in the state government. However, 19 states and UTs have Review Board in place at the Jail Headquarters.

Para 20.17.3: The case of each prisoner eligible for review and pre-mature release should initially be examined by the institutional classification committee before being forwarded to the Review Board.

It has been suggested that, at the jail-level, there should be a Classification Committee or Review Committee to identify and recommend cases for pre-

mature release to Prison Headquarters. Table 22.02 shows that in Himachal Pradesh these responsibilities are shouldered by the Deputy Superintendent of Jail. For this, in Manipur and Uttar Pradesh, we have a Classification Committee. On the other hand, in 24 states and UTs, this responsibility continues to be that of the Superintendent of Jail.

Paras 20.17.1 and 20.17.2: Rules for eligibility of convicted prisoners for consideration of pre-mature release should be reviewed and nationalised.

Para 13.11.32: Special consideration should be given to women prisoners in the matter of premature release.

Completion of a portion of term of imprisonment is an eligibility condition for pre-mature release. Not only does this criterion vary from offence to offence but also from state to state. This is what would be seen on going through Table 22.03. Involved in murder cases, an inmate has to complete a quarter of the sentence of imprisonment; in Mizoram, a half of the sentence; in Andhra Pradesh and Pondicherry, and in 11 states and UTs three-fourths of the sentence. On the other hand, there are eight states and UTs which go by the Supreme Court direction of a minimum of 14 years in jail.

What is the position with regard to those convicted under NDPS Act? Gujarat reports that such convicts have to complete a half of their sentence of imprisonment before they could be considered for pre-mature release. On the other hand, Karnataka, Orissa, Sikkim and Tripura report three-fourths of the sentence completion (Table 22.04).

In respect of rest of the offence, information is reflected by Table 22.05. Fourteen states have furnished information — and it differs from state to state. Taken on the whole, there is observed a great deal of unclarity and disparity in respect of

sentence completion before inmate is considered for pre-mature release or parole.

Do women inmates receive any deferential handling in matters of pre-mature release? Table 22.06 presents information in relation to women inmates convicted for murder. Punjab reports that they have to complete a quarter of the sentence of imprisonment before they become eligible for pre-mature release. Eight states and UTs report three-fourths of the sentence completion. An equal number of states and UTs mention 14 years of actual imprisonment as the eligibility condition.

How about those convicted under NDPS Act. Only four states have furnished information (Table 22.07). A half of them mention a quarter of the sentence of imprisonment. Others mention three fourths of the sentence.

Next, attention may be diverted to rest of the offences. Earlier response pattern continues (Table 22.08). Again, there is seen an unmistakable ambiguity and lack of uniformity in handling women inmates in the matter of pre-mature release.

In relation to pre-mature release, the situation of young offenders (age below 24 years) has also been ascertained. Table 22.09 brings out information on those young offenders who have been sentenced for murder. Eight states report the completion of three-fourths of the sentence of imprisonment as eligibility condition. Another seven mention 14 years of actual imprisonment in this regard.

Let us turn attention to NDPS cases. Only four states have supplied information on this count. While Sikkim reports the completion of a quarter of the sentence of imprisonment, Karnataka, Orissa and Tripura report three- fourths of the sentence as the eligibility condition for pre-mature release (Table 22.10).

Table 22.11 presents information about the rest of the cases. Only fourteen states and UTs have supplied the needed information. It ranges from a quarter

of the sentence to three fourths of the sentence. Ambiguity, lack of uniformity are in evidence in respect of pre-mature release of young offenders also.

Para 20.17.5: The case of every prisoner which is mature for review should be decided within a maximum period of 6 months from the date of eligibility.

This apart, the processing-time of pre-mature release is critically important. Table 22.12 presents information on the time it takes. It is seen that, in ten states and UTs, it takes about three months to be released prematurely from the date of maturity for pre-mature release. In six states, it takes about six months. And there are five states in which it takes as long as 12 months. The states and UTs taking more than three months, on this account, would decide to streamline their planning and decision-making procedures (Table 22.12).

Para 20.17.8: The management of record relating to review of sentences and pre-mature release should be streamlined.

It would be relevant to examine as to what rank of jail officer maintains record of pre-mature release cases? On scrutinizing Table 22.13 it would be observed that, in 15 states, non-gazette intermediate-rung jail officers handle this responsibility

Section Twenty-three

AFTER-CARE SERVICES

After-care services represent a helping process for discharged prisoners. These are a set of institutional and non-institutional services designed to bring about their psychological, social and economic rehabilitation. In other words, after-care services aim at removing released prisoners' social dependence, helping him to get over his social, mental or physical handicap and reduce the social stigma often attached to those spending time in a correctional institution. In a way, with reference to the correctional programmes in jails, these denote extended attention to them, or tapering off prison reformation programme to which they were exposed to earlier on.

Most jail manuals lay down provisions relating to bus or rail fare or travel warrant to enable released convicts reach their place of residence. In some states, they are also provided tool kit in a trade they might have been given training or they were working on. A few states have also set up Prisoners' Welfare Fund from which released convicts are provided a lump sum amount for setting up a kiosk or workshop. In a union territory, a few After-care Homes have also been set up (by the Directorate of Welfare) by way of 'transit facility'. Besides, Welfare / Probation Officer has a pivotal role in the process. He provides counseling services, shields his charge from any possible social stigma and acts as a bridge between the released offenders and prospective employers as well as / authorities. It is however, doubtful that after-care services are being planned and implemented throughout the country.

The foregoing gives rise to several issues: (i) District and Central Jails having proper After-care Units. (ii) Continual assessment and preparation of convicts for pre-mature release. (iii) Nature and range of services offered to them. (iv) Counselling and guidance to them for self employment. (v) programme for their placement in salaried jobs. (vi) Allotment to them of surplus or reclaimed land . (vii) Structure and functioning of After-care Homes. (viii) Mobilisation of community resources for their socio-economic rehabilitation. (ix) At the jail level, the rank of the officer in-charge of After-care Unit. (x) Responsibility of Jail Welfare Officer or Probation Officer for providing them general supervision. The Committee looks into these issues.

Para 22.13.1: Aftercare of prisoners discharged from prisons and allied institutions statutory function of the Department of Prison and Correctional Services.

Para 22.13.3: The aftercare and follow-up unit should evolve an objective method of assessing post release needs of inmates.

Aftercare services are extremely important, especially for long-term convicts. These services make for a bridge between a correctional institution and the community. Given this, a jail is expected to have a regular aftercare unit for the released jail-inmates. What is the position at the jail-level? Available data show that few states or UTs have a regular aftercare unit in their jails. Orissa, it is reported, has one or two District Jails where this unit has been set up (Table 23.01).

Para 22.13.5: At the institutional level the classification committee should formulate pre-release plans and should provide the aftercare and follow-up unit at the Head-quarters with all necessary data projecting the post-release needs of inmates.

It follows that pre-release planning is crucial. Table 23.02 brings out that this kind of planning is done in Manipur, Tamil Nadu and Andaman & Nicobar Islands only. Usually advance preparation for the release of inmates, on their completion of sentence, is done in these states by the Superintendent of Jail.

Para 22.13.8: Officer in charge of welfare of prisoners should, as a pre-release preparation, chalk out, in definite terms, the rehabilitated programmes that the inmates has to follow on release.

After spending a period of time in the regimented environment of a correctional institution, an inmate requires a helping hand, a rehabilitation programme, to get readjusted in the community and society. Table 23.03 shows that only in Chattisgarh, Madhya Pradesh, Orissa and Tamil Nadu a rehabilitation programme for the inmates, on the verge of release, is prepared.

Para 22.13.9: Aftercare services should include all kinds of help which could result in proper readjustment of the released prisoners in the society.

What are the services provided to release inmates by way of aftercare? Table 23.04 sheds light on educational guidance. It is seen that in Gujarat, Madhya Pradesh, Tamil Nadu and West Bengal, they are given educational guidance.

It is observed that in seven states they are helped to acquire vocational skills which is likely to facilitate their self-employment (Table 23.05). In three states, they are offered social case work and counselling services (Table 23.06). In an equal number of states, they are also given employment counselling (Table 23.07). Likewise, in six states moral instructions are imparted (Table 23.08).

Para 22.13.7: Self-employment work programmes should be devised for prisoners, which they can independently pursue after their release.

Necessary arrangements for adequate Finances from various sources should be made before the prisoner is actually released.

As compared with salaried jobs, self-employment is a better option for released prisoners. But they require technical guidance, marketing information and finance to embark upon self-employment. Is any attempt made by jail officials towards this? Table 23.09 shows that it is done in 12 states and UTs. However, in a large number of states and UTs, this has yet to come about.

Para 22.13.6: Close liaison with prospective employers should be established for the employment of released prisoners.

Nonetheless, many released prisoners have prospects to find a placement with private agencies. Is an effort made by jail officials in this direction? It would be seen from Table 23.10 that in eight states this is done. However, there are many more states and UTs which have not taken an initiative in this direction.

For reasons more than one, many inmates would require bus fare or railway warrant to reach their home town or native place. Table 23.11 shows that in 20 states and UTs this is done. In contrast, there are six states and UTs which are yet to evolve this service.

In order to help them to raise an honest income, release prisoner may be provided tool kit of the trade which they might have learnt while in jail. Are they provided this? Table 23.12 brings out that this practice exists only in Gujarat and Madhya Pradesh.

Are they provided assistance in securing a salaried job? Table 23.13 shows that it is done in Gujarat, Madhya Pradesh, Sikkim and Andaman & Nicobar Islands.

Are they given assistance in starting self-employment? Table 23.14 shows that this is what has been done in Gujarat, Madhya Pradesh, Orissa, Tamil Nadu and Andaman & Nicobar Islands.

As mentioned earlier, many jail-inmates hail from rural areas and have agricultural background. Are they assisted in the allotment of surplus or reclaimed land? Table 23.15 brings out that this is done only in Orissa.

Para 22.13.10: Aftercare Homes should be established to meet the immediate needs of released prisoners.

In many states, aftercare homes or half-way homes have been started for released prisoners. What is the nature of their availability? Table 23.16 shows that aftercare homes are there only in Orissa. When do inmates move on to half-way homes? In Orissa, they move in an aftercare home on the completion of their term of imprisonment.

Para 22.13.12: Small Scale Industries Departments of state government / UT administration should formulate schemes of small production units which could be done by ex-prisoners on co-operative basis. These units could be financed by State Finance Corporation, Co-operative and other Banks under their innovative banking schemes.

In many places, Directorate of Industries manage and operate small scale production units. They might have openings for released prisoners. Table 23.17 shows that, in Madhya Pradesh, an attempt is made (perhaps by jail officials) to place released prisoners into these.

Para 22.13.2: There should be a properly staffed Aftercare and Follow-up Unit in the headquarters organization of the Department of Prisons and Correctional Services in each state government / UT.

Para 22.13.2: In the districts, probation officers should be in charge of aftercare and follow-up work. In large States, Regional Probation Officers should be appointed to supervise and co-ordinate the work of probation officers in the districts.

Para 22.13.2: At the institutional level this work should be done by officers incharge of prisoners' welfare in close liaison with the classification committee.

It is important that a committed and motivated jail officer looks after the aftercare services. Table 23.18 brings out information relating to jail functionaries handling aftercare and rehabilitation services to jail-inmates. It is observed (Table 23.18) that, in states and UTs, it is Jail Welfare Officer or Probation Officer who looks after these services.

Even in post-release period, many jail-inmates require official support. A reference to District Probation Officer would perhaps be a step in right direction. Table 23.19 shows that it is being done only in Andhra Pradesh, Madhya Pradesh and Tamil Nadu.

Section Twenty-four

OPEN-AIR PRISONS

In 1952, the Hague Conference recommended the organisation of open-air camps. It stipulated that those prisoners, who have spent satisfactorily a certain portion of the term of their sentence, should be transferred to open-air camps and allowed to lead a near-community life. These work-based camps would have a small inmate population and have bare minimum security arrangements. Further, the inmates would work and earn parity wages. Following this, in many countries such camps were started. First open-air camp was organised, in 1952, in U.P. As of now, there are 28-30 open-air jails with different vocational thrusts: agriculture, dairy-farming, coir work, etc. Generally speaking, prisoners spend a portion of their sentence in Central or District Jails. When their conduct and work are found satisfactory (in some states they are declared 'star prisoners') they become eligible for transfer to open-air jails. Similarly, if their conduct and work while in open-air jail is found unsatisfactory, they are usually reverted to the prison form where they had come.

Open-air jails have no security walls. Some of them may not have even barbed wire fencing. In some states / UTs, nomenclatures are also changed: Chief Welfare Officer for Jail Superintendent and Mazdoor for convict.

As mentioned, inmates of open-air jails earn wages almost equal to those in the community. After deductions for up-keep, they may deposit the balance in the post-office or remit it to their family members. Further, the rate of remission in sentence is also higher in open-air jails.

Nonetheless, there are a few constraints to contend with. Usually, open-air jails are set up in rural areas which may raise problems of administration and problems for jail-staff (shopping, education, medical treatment, etc.). Jail authorities have also to contend with the pressure for selecting prisoners for transfer to open-air jails.

In this regard, several issues need careful consideration: (i) Formal legal provisions and rules dealing with open air jails. (ii) Old and new open-air jails set up in a state or UT. (iii) Utilisation of land attached with Central and District Jails. (iv) Nature of work or trades being pursued by open-air jails. (v) Criteria for the selection and transfer of prisoners to open-air jails. (vi) Rules specifying the proportion of completed term of sentence. (vii) Agricultural orientation of different open-air jails. (viii) Introduction of technology in open-air jails by way of installation of bio-gas plant, wind mill and solar electricity generators. (ix) Facilities to inmates in open-air jails. (x) Huts for family members visiting open-air jails' inmates. (xi) Facilities for the staff working in open-air jails. These and related matters have been dealt with by the Committee.

Para 19.33.2: The scope and purpose of open-institutions should be clearly defined in the statute.

Although open-air jails and camps have been in existence for nearly half a century, a legal framework on their establishment and function is yet to come about in all the states. This is what seen on going through Table 24.01. Only in 11 states and UTs, a legislation on open-jails has emerged. In contrast, there are 17 states and UTs which are yet to proceed into the matter.

Para 19.33.28: Model rules laying down minimum standards for open institutions should be framed.

The point has been pursued further and an attempt has been made to find out as to how many states have framed rules on open-jails. It would be seen (Table

24.02) that 13 states have taken action in this regard. Andhra Pradesh has introduced the subject of open-air jails / camps in Prison Rules in 1979; Assam has amended the Prisons Act; Himachal Pradesh has framed rules of selection of jail-inmates before they are transferred to open-air jail; Tamil Nadu has inserted provisions on this in its prison manual. It should be possible for other states and UTs to proceed on similar lines.

Para 19.33.1: Open-camp movement should be developed as a positive measure of correctional treatment.

Para 19.33.8: Open camps (Sanganer type) should be developed in each state government / UT as the final stage in the open camp movement.

How many open-jails are there? Table 24.03 brings out relevant information. Eleven states report as having open jails. While Rajasthan has seven open jails, six other have one jail each. How come that several major states have lagged behind in setting up open-jails?

Para 5.8.23 & 19.33.7: All additional institutions to accommodate any future increase in the convict population should be of open or semi-open type.

During last 20 years, many states have set up new open jails: Andhra Pradesh, Gujarat, Madhya Pradesh, Punjab, Rajasthan and West Bengal. Having started three new open jails, the state of Rajasthan is in the forefront in this regard (Table 24.04).

Para 19.33.9: Land attached to *closed* prisons should be converted into semi-open or open institutions.

As mentioned earlier many Central and District Jails have land attached to themselves. This is a very important resource for setting up agro-based open

jails. Has this been done? Table 24.05 brings out that Andhra Pradesh, Gujarat and Rajasthan have taken initiative in this matter.

Para 19.33.5: The inmate capacity of existing open-institutions should be fully utilized.

Attention may be paid to the sanctioned capacity of these open jails. It is seen from Table 24.06 that Himachal Pradesh has a capacity for only 80 jail inmates. In contrast, Maharashtra has 471 inmates.

It is interesting to note that capacity utilisation of open jails has been far from being optimum as could be seen from Table xxx. It has been only 10 per cent in Tamil Nadu, 15 per cent in Chattisgarh and 20 per cent in Punjab. It is hardly necessary to point out that jail administration in states and UTs has hardly been alive to the correctional potential of open jails.

Para 19.33.25: The maximum inmate capacity of an open-institution should be 200.

Apart from the under-utilisation of the capacity of open jails, there is yet another issue. Open jails need not be very large as it would contravene the approach and objectives behind them. What is the position in the states and UTs? Largest open jail in Andhra Pradesh is located at Anantapur having 149 inmates; in Assam at Jorhat, 33 inmates; in Chattisgarh at Masgoan, 33 inmates; in Gujarat at Ahmedabad, 60 inmates; in Himachal Pradesh at Bilaspur, 40 inmates; in Karnataka at Koramangala, 43 inmates; in Maharashtra at Paithan, 238 inmates; in Punjab at Nabha, 40 inmates; in Rajasthan at Sanganer, 150 inmates; in Tamil Nadu at Singanallur, 100 inmates and in West Bengal at Ialgola, 63 inmates. It would be readily seen that the open-air jail in Maharashtra, followed by Rajasthan and Andhra Pradesh are somewhat oversized — in other states these are, inmate-wise, small institutions.

Para 19.33.11: Diversified work programmes including those relating to agriculture and industry should be provided at open-institutions.

As mentioned, open-air jails are work-based institutions. Table 24.07 brings out relevant information concerning 11 states that have these institutions. It would be seen that, in most open-air jails, agriculture and agriculture-related work like poultry, dairy, fishery and sericulture are being undertaken. In Bilaspur, Himachal Pradesh the labour of inmates of the open-air jail is utilised by private contractors. Needless to add, there is considerable scope for introducing market relevant and newer trades.

Para 19.33.14: All work programmes including agriculture in open institutions should be carried out by prisoners themselves under the supervision and management of the prison department.

Are there any open-air jails in which contractors work? It is seen (Table 24.08) that it is only in Rajasthan where persons / contractors other than prisoners work.

Para 19.33.10: Open-camps, mobile and permanent, should be set up at public projects to provide employment to prisoners sentenced to less than one year. Ticketless traveller should be employed on railway projects in camps to be financed by the Indian Railways.

As is known, several big and small projects (dam construction, road building, quarrying of limestone, etc.) are going on in public sector. Have any open-air jails been set up at or nearby the site of such a project? Maharashtra reports (see Table 24.09) that it has set up such a prison at Paithan which has a dam site close by. Presumably inmates of this open-air jail are engaged in earth work and masonry work.

Para 19.33.4: Conditions of eligibility of prisoners for admission to open-institutions should be liberalized.

Paras 11.39.24 & 11.39.35: Inmates for open agricultural farms should be properly selected.

Para 11.39.25: Before the prisoners are transferred to open institutions, they should be allowed to work for some time in semi-open institutions.

Para 19.33.6: Open-institutions in any state should be able to accommodate at least 20 percent of prisoners sentenced to one year and above.

For several reasons, transfer to open-air jails is sought after by the inmates. Most states have evolved criteria for this. Table 24.10 sheds light on the main considerations in transferring prisoners from other jails to open-air jails. It would be seen that main consideration is good conduct and behaviour of the prisoner while in a District or Central Jail. This is followed by 'sentence completion'. Since most open-air jails are agro-based, experience of working on farms is preferred in eight states. In Tamil Nadu and Uttar Pradesh, a sort of panel is developed and prisoners, on the basis of their conduct and work, are included in this panel and are called 'star prisoners'. Transfer to open-air jails is from this panel.

The issue of sentence completion has been probed further. What part of sentence a prisoner should have completed before he is considered for transfer to open-air jails? Table 24.11 reflects needed information. It would be seen that, in Andhra Pradesh, Gujarat, Himachal Pradesh and Uttar Pradesh, the requirement is that the prisoner should have completed at least one-fourth of his sentence. In Assam, Maharashtra, Punjab and Rajasthan it is one-third. On the other hand, in Goa and Madhya Pradesh it is three-fourths of the sentence. The need for uniformity in these criteria is apparent.

In some states, term of imprisonment is also a criterion for transfer to open-air jails. These are Assam (five years), Himachal Pradesh (eight years), Rajasthan (five years), Tamil Nadu (twenty years) and West Bengal (seven years) (Table 24.12).

Para 19.33.23: Before being transferred to an open-institution prisoners should be oriented about the requirements & responsibilities of living in such an institution.

The regime of open-air jails is distinctively different from other institutions. It is, therefore, necessary that the inmates being transferred to open-air jails are oriented in to the rules and regulations of these open institutions. Table 24.13 shows that in 11 states this kind of orientation is given to them.

Paras 11.39.36 to 11.39.42: Dairies should be developed on open prison farms on commercial lines under proper technical guidance. Dairies in closed prisons should be discontinued.

Looking to the composition of prison population, dairy farming has a great relevance. How many open-air jails have dairy farms? Table 24.14 brings out that the states of Andhra Pradesh, Gujarat, Karnataka and Punjab have dairy farms in their open-air jails. In these dairy farms, are officers from Animal Husbandry Departments involved? Andhra Pradesh, Gujarat and Karnataka report that Animal Husbandry officers often visit and supervise the work of these dairy farms (Table 24.15).

Para 11.39.43 to 11.39.46: Wherever possible poultry farms should be organised on prison agricultural farms. They should be run on commercial lines under proper technical supervision.

Are there open-jails having poultry farms? Table 24.16 brings out that Andhra Pradesh has one such open-air jail at Cherlapur having a poultry farm. Animal

Husbandry officers, reports Andhra Pradesh, also visit this poultry farm and give directions. Further more, Andhra Pradesh reports that this dairy farm manages to make profit through supply and sales of poultry products.

Para 11.39.48: Biogas plants, windmills, solar-cooking ranges etc, should be introduced in open institutions.

Doubtless, most jails have a wide scope for non-conventional energy generation or for setting up of bio-gas plants. Most of them turn out huge amounts of organic waste. Besides all open-air jails have agriculture as their main work. It is then relevant to ask have they set up bio-gas plants? Table 24.17 brings out that this has been done only in two states, namely, in Andhra Pradesh and Gujarat. They have one bio-gas plant each.

In recent years, much emphasis has been laid on 'wind energy' as a source of non-conventional energy. Have open-air jails set up wind mills for this purpose? Available data go to show that an initiative is yet to be taken in this area.

While discussing non-conventional source of energy, attention goes to solar energy. Have open-air jails set up solar plants to generate energy? Available data show that none of the open-air jails have taken to this inexpensive and renewable source of energy.

Para 19.33.13: The system of wages in open-institutions should be rationalised.

As could be expected, inmates of open-air jails are provided wages (Table 24.18). The main issue is as to what type of wages are allowed to them? Information depicted by Table 24.19 is as interesting as it is revealing. In Himachal Pradesh and Tamil Nadu, inmates are provided market or parity wages. In Karnataka, Manipur and Rajasthan they are provided 'minimum wages'. Furthermore, in Chattisgarh and Rajasthan, they are merely offered

'token wages'. The need for uniformity in the wages offered to inmates of open-air jails is loud and clear.

Para 19.33.15: The inmates in open institution should be granted liberal facilities for functional literacy, recreation, cultural activities, community participation, visit to neighbouring towns for marketing and recreational purposes, continued contacts with family, remission of sentences, leave and premature release.

Attention may be turned to other facilities made available to inmates of open-air jails. Table 24.20 shows that, in eight states, they are provided the facility for functional literacy.

Nearly all open-air jails have the facility for recreation and other cultural activities (Table 24.21).

Are inmates of open-air jails allowed to receive and inter-mix with members of the local community? It is seen that this facility is available only in a few states (Gujarat, Himachal Pradesh, Punjab, Rajasthan and West Bengal) (Table 24.22). Are they allowed to visit local market? It is observed (Table 24.23) that, again this facility exists only in six states.

In many countries, inmates of open-air institutions have the facility of 'conjugal visits'. Table 24.24 brings out that in ten states they are permitted to maintain contact with family members.

As is known, inmates of open-air jails are usually allowed remission of sentence at a higher rate. What is the ground reality? Table 24.25 presents relevant data. That six states have higher rates of remission is hardly surprising. For example, in Andhra Pradesh, they are allowed remission of eight days for a month completed in open jail and, in Punjab, they are given a remission of ten days.

What is surprising is that Assam, Chattisgarh, Karnataka and Rajasthan do not offer any additional remission to these inmates.

And how about the facility of temporary release to these inmates? Table 24.26 shows that, in nine states, this facility is granted rather liberally. So is not, however, the case in Rajasthan and Tamil Nadu.

In this regard, the matter of pre-mature release also needs to be looked into. Is it liberal? It is so only in Andhra Pradesh, Chattisgarh and Punjab (Table 24.27).

Para 19.33.22: Family reunion of short durations should be allowed to inmates of open-institutions by allowing them to stay with their families in huts to be constructed on the premises of such institutions.

Paras 16.11.13, 16.11.14, 19.33.18 & 19.33.22: The scale of remission for life convicts in semi-open prisons should be liberlised and they should be given the facility of staying with their family members in huts to be constructed on the premises of such institution.

The matter of contact with family members has been focalised earlier. More information has been gathered on this issue. Do inmates put up huts to stay with their family members for short duration? Information gathered shows (Table 24.28) that this facility is available only in Assam, Punjab, Rajasthan and West Bengal.

Para 19.33.24: Prison offences and punishments for inmates in open-institutions should be separately defined. Inmates not abiding by the rules of the open-institution should be sent back to closed prisons.

In the case of open-air jails, the most common punishment meted out to disturbing inmates is to send them back to the Central or District Jails they have

come from. What is the position at the ground level? Available data show that rules provide for this kind of procedure in all the states having open-air jails.

Para 19.33.26: The staff posted at open-institutions should be carefully selected, trained and oriented to correctional philosophy.

It follows that open-air jail is a correctional institution making heavy demands on the commitment, skill and competence of functionaries. Given this, is carefully selected and trained staff posted in open jails? Table 24.29 brings out relevant data. It is seen that this is done in most of the states. However, in Himachal Pradesh and Maharashtra this has not been possible to do.

Para 19.33.27: The working conditions of the staff at open-institutions should be improved.

More often than not, open-air jails are located a distance away from civilian population, sometimes in remote areas. In view of this, the staff have to be provided proper facilities. Do they have cent-per-cent built-up family accommodation to themselves? Table xxx shows that this has been possible in Chattisgarh, Gujarat, Karnataka, Maharashtra and Punjab. On the other hand, Andhra Pradesh, Assam, Himachal Pradesh, Rajasthan, Tamil Nadu and West Bengal have not been able to provide cent-per-cent accommodation (Table 24.30).

How about transport facility for school-going children of the staff? The data supplied by the state go to show that this facility is non-existent. Jail officials working in open-air jails and their families are required to visit shopping centres often located at a distance. Do they have to themselves any official transport facility? Available information is in the negative. Looking to the exigencies inevitable in the working of open-air jails, is the staff provided any special allowance? Again, information indicates that in no state the staff is provided any special allowance (Table 24.31).

Section Twenty-five WOMEN PRISONERS

Involvement of women in crime both as crime-doer and crime-victim is low, mainly on account of their subdued participation in education, work and community affairs as well as social and official tolerance for their anti-social and anti-legal behaviour (though their share among those arrested by the police for various crimes is by the year slowly moving up). It follows that their proportion is also low. In 1999, it was only 0.004%. Nonetheless, corrections has to provide for and cater to their reformatory needs.

It goes without saying that women prisoners have special physical as also psycho-social needs. For reasons more than one, they have to be segregated. They have to be provided clothing in keeping with cultural norms. Women prisoners in family way require still more understanding and facilities, may it be medical attention, extra diet or maternity facilities. Likewise, women prisoners with children invariably require facilities of a crechæ.

For reasons more than one, women jails or women annexes in District and Central Jails have to have women jail staff. While most of these do have some women staff, the situation of sub-jails is hardly encouraging.

The small number of women prisoners poses several logistic problems in organising educational and vocational training programmes. However, jails have to go beyond incarceration and resolve these problems and organise these correctional programmes.

The above gives rise to several issues: (i) States and UTs having separate jails for women prisoners. (ii) District and Central Jails having properly segregated annexes for women prisoners. (iii) Non-criminal women being housed in jails. (iv) A cadre of female jail staff. (v) Medical examination of women prisoners on their admission to jails. (vi) They being allowed to wear glass or plastic bangles, *manglsutra*, etc. (vii) Jail uniform to women prisoners as per custom of the region. (viii) Educational and vocational training programmes for women prisoners. (ix) Extra or special diet to expected mothers. (x) Facilities for pre-natal, maternity and post-natal care. (xi) Provision of crechæ for the children of women prisoners. (xii) A system for encouraging marriage of women prisoners at the verge of release. (xiii) Post-release rehabilitation programme for women prisoners. The Committee deals with these issues.

Para 13.11.8: Women prisoners should be lodged in separate institutions / annexes meant exclusively for them.

For reasons more than one, women jail-inmates have to be provided services a little different from those to male prisoners. One modality is to have separate women prisons. Table 25.01 brings out that nine states and two UTs have women prisons.

How many women prisons are there in a state or UT? Table 25.02 bring out relevant information. It is observed that Uttar Pradesh has three women prisons and Andhra Pradesh and Tamil Nadu have two each.

Para 13.11.9: Enclosures for women in common prisons should be so renovated as to ensure that women prisoners do not come in view of male prisoners. Their enclosures should have a proper double lock system.

Para 18.9.8: Each sub-jail building should have a separate annexe for women prisoners.

The other modality is to have separate annexes or wards for women prisoners in the existing Central, District and Sub-Jails. Table 25.03 shows that this modality has been utilised by 28 states and UTs. It would be seen from the table that the largest number of such annexes or wards in Central Jails are there in Punjab (numbering, seven) followed by Karnataka and West Bengal. In respect of District Jails largest number of such annexes or wards are there in Uttar Pradesh (numbering, forty-six) followed by Assam and Madhya Pradesh. On the other hand, largest number of annexes or wards for women prisoners in Sub-Jails are in Madhya Pradesh (numbering, 69) followed by Rajasthan and Orissa. It may well be kept in view that annexes or wards are based at make-shift arrangement (Table 25.03).

Para 13.11.19: Women needing protective custody should not be confined in prisons.

Apart from those who come in conflict with law there are several others who require protective custody or who are rescued from adverse situations. Are they also admitted to prisons? Table 25.04 brings out relevant information. In ten states and UTs such women are taken in. however, there are 16 states and UTs which report in the negative.

Para 13.11.15: Newly admitted women prisoners should be medically examined for pregnancy. Pregnant women prisoners should be transferred to local maternity hospital at the time of child-birth.

At the time of admission, are women prisoners medically examined? On going through Table 25.05 it would be seen that this is done in all the states and UTs, except in Andhra Pradesh.

Para 13.11.22: Women prisoners should be permitted to retain their 'mangalsutra', glass or plastic bangles, etc.

Para 13.11.23: Women prisoners should be given adequate and proper clothing and facilities for personal hygiene and personal maintenance according to their custom.

At the time of admission, money, jewelry and other valuables, a prisoner has, are taken away and deposited in the *malkhana*. Are any exceptions made in this regard, while dealing with women prisoners? Are they allowed to retain their *mangalsutra* and glass or plastic bangles? Again, this appears to be (Table 25.06) a standard practice. In all the states and UTs they are allowed to retain these feminine items except in Orissa.

On admission, are women prisoners given adequate and proper clothings according to their customs, and facilities for personal hygiene? Available information shows that this is done almost in all the states and UTs.

Para 10.28.21: Special attention should be paid to the development of suitable educational programmes for women prisoners.

Attention may be diverted to correctional programmes for women prisoners. Is educational programme made available to them? On going through Table 25.07, it would be seen that in 17 states and UTs educational programmes are made available to them. However, there are ten others in which this has not been possible.

Paras 13.11.24, 13.11.25, 13.11.26 & 13.11.28: Adequate and proper work and treatment programmes should be organized for women in prisons.

How about vocational training? In nineteen states and UTs women prisoners are given vocational training; but there are nine others which are yet to have these (Table 25.08).

Para 13.11.17: Pregnant and nursing women prisoners should be prescribed special diet and exempted from unsuitable types of work.

A mention may be made of special dietary requirement of the women prisoners in family way. It is seen that, in most states, extra diet to pregnant women is a routine. The lone exception in this regard is Himachal Pradesh (Table 25.09).

Para 13.11.15: Newly admitted women prisoners should be medically examined for pregnancy. Pregnant women prisoners should be transferred to local maternity hospital at the time of child-birth.

How about maternity facilities? Are pregnant women prisoners offered facilities for safe child delivery? It would be seen from Table 25.10 that, in almost all the states and UTs, this facility is made available. However, Nagaland and Daman & Diu are yet to proceed into the matter.

Are maternity facilities made available within the jail? Table 25.11 shows that this service is made available within the jail settings in Goa, Jammu & Kashmir and Tamil Nadu. However, in a large number of states and UTs, women prisoners avail the facilities of maternity homes located in the community.

Para 13.11.16: While registering the birth of a child to a women prisoner, the place of birth should not be mentioned as 'prison', instead the name of locality should be mentioned.

In the present context, the matter of child birth needs to be handled sensitively. For instance, in official records the entry of 'place of birth' of the child is

important. Were it 'jail', it would be stigmatising for the child. What is the practice? Table 25.12 brings out that in 19 states and UTs the place of birth of child of a woman prisoner carries name of the concerned maternity hospital. However, in Haryana, Karnataka, Maharashtra, Manipur and Rajasthan the name of the jail is mentioned. Indeed, these states need to reconsider their position.

Para 13.11.30: Children (up to the age of 5 years) accompanying women prisoners may be allowed to be kept with them in specially organized crèches outside the main prison building.

Children accompanying women prisoners pose a special problem. Do jail authorities provide the facility of crèche? It is found (Table 25.13) that in 10 states and UTs the facility of crèche is provided to these children. In comparison, there are 18 states and UTs which are yet to organise this facility. Available data show that, in nearly all the cases, these crèches are located inside the jail itself.

Do crèches, meant for the children of women prisoners, have qualified nursery staff. It is so only in five states and UTs (Table 25.14). An equal number of states and UTs report to the contrary.

Paras 13.11.10 to 13.11.12: All prisons / annexes for women must be staffed by women personnel only.

We may return to the issue of women jail staff. Do Central Jails, having an annexe or ward for women prisoners, have women staff. It is so in 24 states and UTs (Table 25.15). What is the position of District Jails? Women enclosures and annexes in District Jails in 21 states and UTs have only women staff. Goa, however, reports that women enclosures are not that explosive. The situation of Sub-Jails is still more different. While 15 states and UTs report as having exclusive women staff. But Assam, Goa, Karnataka and Rajasthan are negative in this regard. As the population in Sub-Jail is highly variable it becomes sometimes problematic to have women staff only.

Para 18.9.15: Whenever women prisoners are admitted in a sub-jail, arrangements for appointing women guards on purely temporary basis should be made.

In many states, in Sub-Jails, women guards are appointed on temporary basis. Does it happen at the jail-level? Table 25.16 shows that in 11 states and UTs need does not arise to have temporary women wards but such a need does arise in another 14 states and UTs.

Paras 22.13.14 and 13.11.33: Women prisoners willing to get married after their release should be rendered all necessary help in settling them in matrimony.

In relation to women prisoners, their marriage, specially when they are close to release, is quite helpful. Are women inmates helped to get married and lead a settled life after their release from the jail. Table 25.17 brings out relevant information. This is done in Goa and Madhya Pradesh. On the other hand, there are 24 states and UTs where this is not in practice.

Somehow women need care and protection whether inside the prison or outside the prison. In many instances, they need to be escorted to their place of residence after being released from the jail. Is female staff of the jail entrusted with this responsibility. On examining the data in Table 25.18, it is seen that it is done in as many as 15 states and UTs. However, there are 12 states and UTs in which this practice does not exist.

Section Twenty-six

JUVENILE & YOUNG OFFENDERS

In modern times, it is generally agreed that objectionable behaviour of juvenile and young persons needs understanding and empathy. Circumstances and motivation behind their anti-social and anti-legal activities are markedly different from those of adults. They are, therefore, to be provided a differential handling.

Earlier on, we had Children Acts and Borstal School Acts to deal with those juveniles and youngsters who come into conflict with law. Now, we have Juvenile Justice Act, extant throughout the country. As is known, it is a welfare legislation which deals not only with delinquent behaviour but also non-relinquent (but disturbing) behaviour on the part of juveniles. Nonetheless, in several states, we have Juvenile Institutions as well as Borstal Schools.

As per law, those youngsters who are eighteen years or below in age and who have been found responsible for the violation of law are lodged in a Juvenile Home. When they cross this threshold and have attained the age of eighteen they are transferred to a Borstal School. On attaining twenty-one years of age they are transferred to jail. May it be noted that the states / UTs having no Borstals, these youngsters are usually transferred to jail.

Both Juvenile Homes and Borstals require a proper classification which should go in tailor-making correctional programmes.

Indeed, these youngsters require proper physical facilities like shelter, food, clothing and medicare. Those having psychological problems also require psychiatric care. Besides, institutionlised youngsters require elaborate

recreational and physical training programmes. Similarly, detailed educational and vocational training programmes have to be offered. At the same time, institutional Review Board needs to appraise, from time to time, their cases for their early return to the community.

In this regard, several pertinent issues come up: (i) Institutional care facilities at the district level. (ii) Reception Centres at the district-level for girl juvenile offenders. (iii) At the institutional level, Classification Committee findings of which linked with different physical and programmatic facilities. (iv) Arrangement for lodging young offenders in sub-jails. (v) Reformatory programmes available in these institutions. (vi) Rules on the transferability of youngsters from Juvenile Homes to Borstal Schools to Jails. (vii) Adequacy of correctional staff. (viii) Educational and training background of the staff. (ix) Psychiatric treatment of violent youngsters. (x) Institutional level Review Board for deciding the cases to return to community life. (xi) Adequacy of funds or budgetary support to these institutions. These and similar issues have been focalised by the Committee.

Para 4.34.2: A separate legislation for young offenders should be passed to replace the present Borstal Schools Acts.

Attention may be diverted to young offenders which, among others, requires the facility of Borstal Schools. Do states have a legal framework for this? Table 26.01 shows that 11 states and UTs have Borstal Schools Act in place. But there are 15 states and UTs which do not have such a legislation.

May it be noted that Borstal Schools Act is somewhat old and needs to be replaced by a more progressive legislation, say, Young Offenders Act. Have the states been able to do so? Table 26.02 shows that an updated and progressive Young Offenders Act has been brought on the statute book in four states — other states and UTs are, perhaps, making-doing with the old legal framework.

Para 15.8.11: When it is not possible to release a young offender on bail, he should be kept in a Reception Centre/Kishore/Yuva Sadan during the pendency of his trial.

Paras 15.8.18 & 15.8.19: Kishore/Yuva Sadans should be properly diversified.

Para 15.8.20: Initially all hopeful cases of young offenders offering good prognosis may be kept in institutions recognized as approved Kishore/Yuva Sadan or in semi-open Kishore/Yuva Sadan. Later on, on the basis of their response to training & treatment, suitable young offenders should be transferred to open Kishore/Yuva Sadans. Difficult, discipline and problem cases & escape risks should be sent to special Kishore/Yuva Sadans. In due course after observing their response to institutional programmes, these young offenders may be transferred to semi-open Kishore/Yuva Sadans and later to open Kishore/Yuva Sadans.

Para 15.8.22: Gradation in custody and contents of correctional programmes should be the criterion for diversification of institutions into open, semi-open and special Kishore/Yuva Sadans.

Para 15.8.14: The existing Borstal Schools and Juvenile Jails should be converted into a system of diversified Kishore/Yuva Sadans & Reception Centres. Besides this additional institutions (Kishore/Yuva Sadans) as detailed in Chapter V on “Prisons Buildings” may be set up. These Kishore/Yuva Sadans should be developed as Centres of scientific study & correctional treatment for young offenders.

What is the position of institutional services for young offenders? Table 26.03 shows the number of institutions (Observation Home, Juvenile Home, Juvenile Jail, Borstal School and Kishor Yuva Sadan) in states and UTs. it is observed

that 17 states and UTs have such services. Largest number of these institutions is in Andhra Pradesh (numbering, 16) and followed by Orissa (numbering, three).

Para 15.8.27: Young offenders offering good prognosis may be kept in Kishore/Yuva Sadan till they attain the age of 25 years.

As is known, a child or juvenile in conflict with law is committed to Juvenile Home; but when he grows older he is ordinarily transferred to an institution meant for young offenders. However, the cut-off age varies from state to state. Table 26.04 brings out the age of a juvenile offender when he is transferred from Juvenile Home to Borstal School. In Andhra Pradesh, Himachal Pradesh, Madhya Pradesh, Mizoram, Rajasthan, Sikkim and Chandigarh it is 16 years. On the other hand, in Haryana, Karnataka, Orissa and Tamil Nadu it is 18 years.

Similarly, the issue of transfer from Borstal School to prison may be examined. At what age one comes up for such a transfer. As would be seen from Table 26.05, the position varies from state to state. In Punjab, it is reportedly 15 years; in Chandigarh, it is 16 years; in Sikkim and Pondicherry, it is 18 years; and in Haryana, Himachal Pradesh, Madhya Pradesh, Orissa, Rajasthan and Tamil Nadu, it is 21 years. The need for uniformity in the age criteria from Juvenile Home to Borstal, and from Borstal to Jail is unmistakable.

Para 15.8.15 & 15.8.16: There should be separate institutions for young offenders to be called Reception Centres & Kishore/Yuva Sadans. Also, there should be separate institutions for girl young offenders.

Para 15.8.17: Reception Centres should be organised at district or regional level as per the requirements of each state and UT. The period of detention in a Reception Centre should not normally exceed eight weeks.

Looking to the nature and incidence of anti-social and anti-legal behaviour of youngsters, what is needed is to have a Reception Centre in every district town. What is the position at the ground level? Table 26.06 shows that only Sikkim has one Reception Centre for juvenile offenders, whether male or female. However, Sikkim has not specified the duration for which youngsters are kept at this centre.

Paras 15.8.21 and 9.12.3: Decisions about placement of young offenders in the diversified Kishore/Yuva Sadan should be taken by the classification committee.

Here, too, the issue of classification assumes importance. Do Juvenile Homes and Borstal Schools have a Classification Committee? A reference to Table 26.07 would show that only Maharashtra and Tamil Nadu have Classification Committee in their juvenile institutions.

Para 15.8.24: Scientific classification should be adopted for young offenders. This will help in their individualised treatment & training.

Attention may be diverted to procedures and diagnostic facilities in these. Table 26.08 shows that both in Maharashtra and Tamil Nadu scientific procedures are adopted for studying and diagnosing the problems of young offenders.

Para 15.8.12: In case, it becomes necessary to keep young offenders in a sub-jail during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.

Do young offenders also find way to Sub-Jails at least in some states and UTs? Table 26.09 brings out that in Sub-Jails of Chattisgarh, Karnataka, Madhya Pradesh, Tripura, Uttar Pradesh and Daman & Diu young offenders are also housed.

Are they segregated from adult offenders? A glance at Table 26.10 would show that this is done in Madhya Pradesh, Tamil Nadu, Tripura, Uttar Pradesh and Daman & Diu. However, for one reason or the other, this has not been possible, reportedly, in Nagaland and Sikkim.

Para 15.8.30: Suitable and adequate staff should be provided at institution for young offenders. In this connection reference to Chapter XXIV on “Development of Prison Personnel” may be made.

Are Juvenile Homes and Borstal Schools adequately staffed? Thirteen states and UTs report in the affirmative. Nonetheless, Manipur, Nagaland, Orissa and Rajasthan appear to be facing staffing problems (Table 26.11).

Para 15.8.29: Specially selected & adequately trained personnel should be made available for implementing various programmes for young offenders.

Are staff members of these institutions trained to handle youngsters? Information reflected by Table 26.12 indicates that, in eight states and UTs, they are. It is, however, disquieting to note that in ten states and UTs officials in Juvenile Institutions are having no specialised training.

Paras 15.8.25 & 15.8.26: At each institution there should be a Review Board which should examine every case, at the end of six months, to determine the suitability for release on licence.

These institutions require Review Board to look into the cases, perhaps, after every six months for release on license. It is seen from Table 26.13 that in five states and one UT such Review Boards exist. However, a large number of states and UTs are make-doing without this entity.

Para 15.8.28: Young offenders requiring institutionalization for more than 5 years should be continued in a Kishore/Yuva Sadans through the review procedure. Of these, deserving young offenders should be released on licence. Only such young offenders as are intractable, violent, criminal psychopaths, hardened or dangerous, should be transferred to prisons.

How about youngsters who have been released on license? Do they show improvement in their conduct and behaviour? Six states and UTs report in the affirmative (Table 26.14). Against this, there are 10 states and UTs which report to the contrary.

The probability is that among young offenders there would be a few having intractable, violent and psychopathic behaviour. Are they transferred to adult institutions. On going through Table 26.15 it would be seen that in Karnataka, Maharashtra and Uttar Pradesh this is an accepted procedure.

Para 14.11.9: Prison Superintendent should take a monthly review of children confined in prison and send a report to the appropriate authorities for necessary action.

The possibility cannot be ruled out that, for one reason or the other, young offenders could also be lodged in Central, District and Sub-Jails. Do Superintendents of these jails review every month these cases and send a report to authorities? It would be seen from Table 26.16 that in eight states and UTs this is done.

Para 15.8.31: Adequate funds for all programmes connected with young offenders should be provided.

How about fund allocation? Are Juvenile Homes and Borstal Schools provided adequate funds? Table 26.17 presents relevant information in this regard. The

position of eight states and UTs is relatively alright. On the other hand, ten states and UTs report paucity of funds.

Section Twenty-seven

UNDERTRIALS

It can hardly be gainsaid that, in institutional corrections, undertrials occupy a peculiar situation: They have been hauled up for suspected violation of law, yet they are innocent, till approved guilty. They, therefore, cannot be put on the same footing as convicts. Further, if they are allowed to mix up with hardened and habitual offenders, it would not be good for them and not good for society. Separate jails or barracks for undertrials are essential to contain 'criminal contagion'.

Undertrials lodged in jails need to have fuller access to legal material and counsel. Jail Superintendent often acts on their behalf. Sometimes, it is he who files a revision petition on their behalf.

In States and UTs, undertrials are classified as A, B or C prisoners. Physical and other facilities vary with these classes. There are many professionals and practitioners who consider this kind of classification as an anachronism.

Undertrials are entitled to receive food, clothing and sometimes medicine from outside the jail. Those not having such arrangement receive food, clothing, medicare, etc., from jail authorities at par with convicts.

In most cases, it is the legal counsel which is a priority need of undertrials. This aside, they have to be provided educational and vocational training programmes, howsoever abridged.

In the light of the above several issues attract attention: (i) Transport arrangement for taking undertrials to courts on the days of hearing. (ii) Separation of undertrials from convicts. (iii) Access of undertrials to legal material and counsel. (iv) Facilities of food, clothing, medicare, etc. to undertrials at par with convicts. (v) Permission for receiving food and clothing from outside. (vi) Facilities for official supply of post-cards for contact with relatives, friends and legal counsel. (vii) Interview facility with relatives, friends and legal counsel. (viii) Educational and vocational training programmes made available to undertrials. (ix) Undertrials under the regime of convict officers. (x) Police investigation of the cases of undertrials within the specified time. (xi) District level Review Committee to appraise undertrials cases and recommend their release on bail. The Committee deals with these issues.

Para 12.17.4: Institutions meant for lodging undertrial prisoners should be as close to the courts as possible and there should be proper arrangements for the transportation of undertrial prisoners.

Trends indicate that, in jails, the number of undertrials far exceeds that of convicts. Side by side, undertrials have their own typical problems. For example, court attendance. Do jails have adequate transport arrangement to take undertrials to courts? Information in Table 27.01 reveals that only 16 states and UTs report that all their jails have adequate transport arrangement for this purpose. On the other extreme, Himachal Pradesh, Maharashtra, Nagaland, Tamil Nadu and Daman & Diu report that only 25 per cent of their jails for this basic facility.

Para 18.9.30: Habitual offenders should not be lodged in sub-jails.

Sub-Jails are mainly meant for undertrials and not for convicts or habitual offenders. What is the position at the ground level? Table 27.02 brings out that in Assam, Himachal Pradesh, Rajasthan, Tripura and Daman & Diu convicts and habitual offenders are also lodged in Sub-Jails.

Para 12.17.19: Habitual undertrial prisoners should be segregated from other undertrial prisoners.

Habitual offenders, undergoing trial, are a peculiar lot. Are they lodged in separate barracks? Table 27.03 would show that it is done in the Central Jails of 17 states and UTs; in District Jails of 11 states and UTs and in Sub-Jails of five states and UTs.

Para 12.17.11: Rights of undertrial prisoners including access to legal material, legal counsel and legal aid should be protected.

This apart undertrial prisoners need to be facilitated and given access to legal material and legal counsel. Available information indicates that this is done in nearly all the states and UTs.

Para 8.34.15: Fetters and handcuffs should not be imposed undertrial prisoners except when they have a persistent tendency to violence or escape.

Pertaining to undertrials, the issue of handcuffs and fetters when they are taken out for court attendance has been an ongoing controversy. Table 27.04 shows that this is done in 19 states and UTs only in respect of violent and escapist prisoners. On the other hand, in Jammu & Kashmir, this is a standard practice.

Para 12.17.3: Undertrial prisoners should be lodged in separate institutions away from the convicted prisoners.

In fact, the situation and problems of undertrials are distinct and peculiar. Perhaps, separate jails for them could be set up. Has it been possible? Table 27.05 & 27.06 show that only Goa and Manipur have separate jails, one in each case, to lodge undertrials.

Para 12.17.9: The classification of undertrial prisoners in to class I, II and III or A, B, and C on the basis of their socio-economic status should be abolished.

Both undertrials and convicts are often classified as A, B & C or I, II and III class prisoners — class being determined by their social-economic background. Many commissions and committees have come down heavily on this practice. What is the ground reality? Table 27.07 brings out relevant data. It would be seen that in as many as 15 states and UTs this discriminatory practice is persisting.

Para 12.17.13: Undertrial prisoners should be allowed to obtain cooked food from their families.

Do they have the facility of receiving cooked food from their family, friends or market? Interestingly enough in 14 states and UTs (Table 27.08), they can. On the other hand, in an equal number of states and UTs they cannot procure cooked food from outside.

Para 12.17.14: Those undertrial prisoners who do not have sufficient clothes should be supplied clothes at government cost.

Besides, they would be eligible for prison uniform, if needed. How many states and UTs proffer clothes or uniform to undertrials prisoners? It would be observed from Table 27.09 that it is done in a large number of states and UTs. However, in Manipur, Nagaland, Sikkim and Dadra & Nagar Haveli, they are denied clothese / uniform from the jail.

Is the uniform for undertrial same, in material and design, as issued to convicted prisoners? It would be seen from Table 27.10 that in 14 states and UTs it is same. However, in 12 of them it is different. Perhaps, difference in uniform has something to be with discipline and security in jails, as well.

Para 12.17.15: There should be no restriction on the number of letters undertrial prisoners may send at their own cost. However, at government cost they should be allowed to write two letters per week.

As would be expected, undertrial inmates are keen to write letters to their relatives and friends as well as to their legal counsel. Do they have this facility at government cost? Table 27.11 shows that a large number of states and UTs offer this facility. The states which do not have this facility are Karnataka and Madhya Pradesh.

How many letters a week, at government cost, are they allowed to write? On going through Table 27.12 it will be found that Haryana, Jammu & Kashmir, Punjab and Delhi allowed two post-cards a week; and others allow only one.

What, if they use their own postal stationery? A large number of states and UTs allow them to write to their friends, relatives and counsel as many letters as they want, if they use their own postal stationery. However, Gujarat, Jammu & Kashmir do not permit this. This aside, even the states which permit the use of personal postal stationery also impose, side by side, a certain limit on the number of letters (Table 27.13).

As in the case with convicted inmates, do undertrial inmates have the facility of interview with their relative and friends? Table 27.14 shows that nearly all the states and UTs offer this facility except the state of Jammu & Kashmir.

Para 12.17.16: There should be no restriction on the number of interviews sought by undertrial prisoners for the sake of legal assistance. Interview with family members and friends should, however, be restricted to two per week.

How many interviews a week they are usually allowed? Relevant information is reflected by Table 27.15. It would be seen that, in Manipur, they are allowed four interviews per week; in Tamil Nadu, three interviews; and in Haryana, Himachal Pradesh, Jammu & Kashmir, Meghalaya, Punjab, Chandigarh and Delhi, two interviews. In most other states and UTs it is only one interview.

Contact and interview with legal counsel has to be dealt on a different footing. It would be seen from Table 27.16 that in almost all the states and UTs undertrial inmates are allowed interview with their legal counsel. This is not so in the state of Jammu & Kashmir, for understandable reasons.

How many interviews are permissible in a week? The information presented in Table 27.17 brings out wide variations. In Maharashtra, they are allowed as many as seven interviews a week. But, in Chandigarh, it is four interviews; in Punjab, three interviews; in Himachal Pradesh, Mizoram and Delhi, it is two interviews and in Assma, Madhya Pradesh, Orissa, Sikkim, Tripura and Dadra & Nagar Haveli, it is only one interview. The data underline the need for uniformity in this regard.

Para 12.17.18: The daily routine of undertrial prisoners should include programmes of diversified education and recreational activities.

Looking to the variable stay period of undertrials, their participation in correctional programmes poses a challenge. Are they offered literacy and educational programmes? Table 27.18 brings out relevant information. As would be expected, this is there more in Central Jails and less in District Jails and Sub-Jails. Besides, there are a few states which do not offer this programme to undertrial inmates in any of their jails.

Para 11.33.3: Undertrial prisoners who volunteer to work should be encouraged to take up work programmes and receive vocational training.

How about vocational training and work programmes? The pervious trend persist (Table 27.19). A little less than a half of the states and UTs offer these programmes to undertrial inmates in their Central Jails. This proportion slides down to one-third in District Jails and one-fourth in Sub-Jails.

Are the undertrial prisoners, who participate in vocational training and work programmes, offered wages? On going through Table 27.20 it would be seen that they are offered wages in a large number of states and UTs.

Para 12.17.20: The management and discipline of undertrial prisoners should be the responsibility of only the paid staff.

Do Convict Officers (Convict Night Watchman, Convict Overseer and Convict Warder) have a role in maintaining discipline among undertrial inmates? They do have a role. Concerning Central Jails, 14 states report in the affirmative. This number declines over District and Sub-Jails. May it be noted that CO-system in Sub-Jails exists but only loosely so (Table 27.21).

Para 12.17.12: All undertrial prisoners should be produced before the presiding magistrates on the dates of hearing.

While on this, attention may be paid to the promptitude with which undertrial prisoners are produced in the courts on the day of hearing. Table 27.22 presents relevant data. While a large number of states and UTs are able to do this. There are states like Andhra Pradesh, Chattisgarh, Karnataka, Madhya Pradesh and Orissa which are able to do this in only three-fourths of the cases. There is also the example of Maharashtra which is able to do this only in 50 per cent of the cases.

Para 12.17.8: The provisions of Section 167 of the CrPC with regard to the time limit for the police investigation in case of accused under trial prisoners should be strictly followed both by the police and the courts.

Code of Criminal Procedure stipulates a period of 90 days within which investigation in respect of undertrial inmates is to be completed. In how many cases, police investigation adheres to this norm? The report from states and UTs is highly variable — and disquieting. Eight states and UTs report that investigation gets completed within 90 days in all the cases. On the other extreme, there are states like Assam, Haryana, Mizoram, Orissa and Tamil Nadu which report that this is done only in a fourth of the cases. Indeed, adherence to time-frame in police investigation leaves much to be desired (Table 27.23).

Para 18.9.28: The District Magistrate should constitute a committee to review the position of undertrial prisoners in each sub-jail under his jurisdiction. The Inspector General of Prisons should review the situation of undertrials in sub-jails with state Home Secretary once in every three months.

Many learned persons and bodies have suggested the formation of a Coordination Committee, at the district level, to review the cases of undertrial inmates. Are such committees in position? Table 27.24 brings out relevant data. It is observed that nearly a half of the states and UTs do not have such a Committee, at the district level, its effectiveness notwithstanding.

Para 12.17.21: An effective mechanism of review of the cases of undertrial prisoners regularly both at the district level and the State level should be evolved.

How about the state level? Do IG and DG of Prisons and state Home Secretary periodically assess the situation of undertrial prisoners? On going through Table 27.25, it is seen that a large number of states and UTs report of having this practice. However, Haryana, Himachal Pradesh, Mizoram, West Bengal and Daman & Diu do not have such a procedure.

Section Twenty-eight

LIFE CONVICTS

Needless to mention, life convicts' or lifers as they are often called, are there in jail for committing a heinous offence. But, they remain human beings requiring understanding, empathy and programmes leading to their re-socialisation.

Since lifers are going to be there in jails for some time to come, jail authorities have scope for planning and a fuller implementation of correctional programmes. With the passage of time, not only do they grow accustomed to jail routine but also start contributing to it. Many of them are also assigned formal duties. In most states, we have the system of convicting officers.

Lifers participate in the educational programme and offered by the institution. Some of them also appear and pass board-level examinations. For their achievement they are also given special remission.

Similarly, lifers undergo vocational training, maybe according to their preference or requirement in different work sheds. Most of them substantially contribute to jail industries and production. While many of them come from rural areas, many of them have the opportunity to participate in vocational training or work programmes having agricultural orientation.

Their cases are reviewed, from time to time, by jail authorities or by the Classification Committee for pre-mature release or parole. Those having satisfactory conduct and work are recommended for this benefit. While a few conditions apply, many of them are released prematurely.

Preparations for release from jail is extremely important for lifers. They have been away for a length of time from the community and social mainstream. They are, therefore, likely to face enormous problems of social and economic readjustment. The jail Welfare / Probation Officer is supposed to handle this responsibility.

Likewise, after-care services offered by jail or welfare authorities are highly important. Aided by these, released lifers are able to find a niche for themselves in community and society.

The above gives rise to several germane issues: (i) Socio-economic study of life convicts to identify criminogenic factors. (ii) Need-based educational programmes for lifers. (iii) Vocational training programme according to their background and perhaps preference. (iv) Rural / agricultural orientation of vocational training programmes. (v) Transfer of lifers having satisfactory conduct and work to open-air jail. (vi) Review Board for appraising cases of lifers for premature release. (viii) After-care services offered by jail or welfare authorities. These and similar issues have attracted the attention of the Committee.

Para 16.11.3: On admission of a life convict in a prison a comprehensive, social and psychological study should be made for the purpose of designing a suitable diversified programme of training & treatment for him.

The situation and problems of life convicts are a little different. They are there with the correctional apparatus for a period of time, making heavy demands, among others, on treatment plans and programmes. This calls for a systematic study of their background and predisposition. Do states and UTs conduct a study on life convicts? The data presented in Table 28.01 are not very encouraging. Only a third of the states and UTs report to conduct a study on these dimensions.

Para 16.11.7: A classification committee of the prison should review the case of a life convict every three months.

Life convicts are also called for skills on the part of Classification Committee which has, from time to time, to ascertain changes in their conduct and behaviour. Is it done? Table 28.02 shows that it is done in a half of the states and UTs. It is further observed (Table 28.03) that mostly it is done on half yearly basis, and only in Jammu & Kashmir on quarterly basis.

Para 16.11.6: Special attention should be paid to diversify educational programmes for life convicts.

Are life convicts given an educational programme suited to their background? A large number of states and UTs report in the affirmative. However, there are as many as 12 states and UTs which report in the contrary. Apparently, educational programmes in jails need to be given a higher priority than has been hitherto possible (Table 28.04).

Para 16.11.4: A life convict should be allotted work taking into account his aptitude & potentialities & should be imparted multiple skills.

How about vocational training and work programmes? Table 28.05 brings out that a large number of states and UTs offer these programmes to life-termers. But there are several states and UTs which are not able to do so for one reason or the other.

Available information shows that such inmates participate in work programmes which are going on. For example, in Assam, they engage in cane and bamboo work along with weaving, tailoring, black smithy, etc.; in Himachal Pradesh, in weaving and carpentry and in Mizoram cane work, carpentry and weaving.

Para 16.11.5: Life convicts coming from rural areas should be given training in trades suited to their needs.

Due attention needs to be paid to the life convicts coming from rural areas. Are they offered vocational training and work programmes matching their background? Table 28.06 brings out that this is done in nearly two-thirds of the states. However, there are other states and UTs which are not able to do so.

Para 16.11.12: Life convicts who offer good prognosis should be transferred to semi-open & open prisons.

Are life convicts eligible for transfer to open prisons? As would be expected, rules and procedures in a large number of states and UTs allow this. On the other hand, there is still larger number of states and UTs where such provisions do not exist. Indeed, most of these have no open-air jails (Table 28.07).

Para 16.11.18: The Advisory Committee should hold a separate meeting for reviewing the cases of life convicts only and the final orders in such cases should be passed expeditiously.

Do Review Boards periodically assess the progress of life convicts? Only five states report in the affirmative. In the remaining states and UTs presumably decisions are taken on case-to-case basis (Table 28.08).

Paras 16.11.9 & 16.11.10: Broad guidelines for the Review Board/Advisory Board/Review Committee should be laid down.

For proper and predictable working of Review Boards, we require guidelines. Do states and UTs have this? Table 28.09 brings out that only Madhya Pradesh, Maharashtra and Mizoram have developed such guidelines.

Para 16.11.17: Pre-release preparation, and planning for aftercare and follow-up should be paid special attention in case of life convicts.

After spending several years in the regimented system, life convicts are to be prepared for release. Is this kind of preparatory work done? A reference to Table 28.10 would show that it is done only in Jammu & Kashmir, Madhya Pradesh, Orissa and Tamil Nadu.

Section Twenty-nine

CONDEMNED PRISONERS

Whether to retain capital punishment or to abolish has been a raging controversy for quite some time. This apart, condemned prisoners represent a challenge to the correctional authorities. For their heinous offence, they have been awarded death penalty, but correctional authorities have to have a humane and correctional touch.

Jail authorities have to be appreciative of the thinking, perception and emotions of the condemned prisoners, regardless of the fact whether or not they have committed the offence for which they have been convicted.

Jail authorities have to strike a balance between custodial compulsions and humane treatment to condemned prisoners. Till the death sentence becomes executable (following which they are shifted to solitary cell), they need to be treated at par with other prisoners. They are to be offered educational and vocational training programmes. They are to be encouraged to participate in recreational and cultural activities. Similarly, they are to be allowed facilities of interview with relatives, friends and legal counsel. Special care has to be exercised in providing facilities for prayers or performance of rituals, should they desire.

The above gives rise to several cogent issues: (i) Separation of condemned prisoners from others. (ii) Information, guidance and legal counsel on appeal in courts or in filing mercy petition. (iii) Provision of legal aid at the government expense, if needed. (iv) Participation of condemned prisoners in recreational and

cultural activities. (v) Facility for education and vocational training. (vi) Interview with relatives, friends and legal counsel. (vii) Facilities for offering prayers and undergoing rituals. (viii) Physical condition of secluded cells for condemned prisoners. The Committee has taken up these issues and made several recommendations.

Para 17.7.3: Every state should have one or more separate jails where prisoners under sentence of death should be confined. These jails have proper arrangements for the confinement of such prisoner and for their execution.

Likewise, the position and problems of condemned prisoners are distinctively different. Perhaps, they require separate jails. Are such institutions around? Seven states report (Table 29.01) in the affirmative.

Para 17.7.2: Immediately after admission, or soon after conviction of an undertrial as the case may be, the superintendent should explain to the prisoner sentenced to death, the rules regarding appeal and mercy petition. Those who require legal assistance should be extended facilities available for free legal aid.

Superintendent of Jail, admitting a prisoner under death sentence is required to inform them on the rules concerning appeal, mercy petition, etc. Is it done? Table 29.02 shows that it is done in a large number of states and UTs, exception to this are Mizoram, Andaman & Nicobar Islands and Dadra & Nagar Haveli.

How about legal aid? Table 29.03 shows that in nearly all the states and UTs legal aid at government cost is provided to condemned prisoners. Somehow Mizoram, Dadra & Nagar Haveli and Daman & Diu do not have this kind of facility.

Para 17.7.4: Security arrangements in the enclosure, where prisoner under death sentence are kept, should be on 24 hours basis.

In respect of condemned prisoners their security is a major concern. A large number of states and UTs report (Table 29.04) that they have 24 hours security arrangements for condemned prisoners. To this Orissa is a solitary exception.

Para 17.7.8: They should be allowed to avail of recreational facilities as available in the jail.

They may be carrying the award of death penalty, but they are entitled to normal human activities and pleasures. Are they allowed to participate in recreational and cultural activities? Table 29.05 presents relevant data. In nine states and UTs they participate in these activities along with other jail-inmates. What is, however, surprising is that in 15 states and UTs they are not encouraged in these activities.

Para 17.7.9: Those who are interested in education may be extended necessary facilities. Books, newspapers and magazines should also be provided to them.

Do they have access to educational activities and jail library? On going through Table 29.06 it is seen that in a large number of states and UTs they have this kind of access. However, in Haryana, Karnataka, Madhya Pradesh, Sikkim, Tamil Nadu, Uttar Pradesh and Pondicherry they are denied this access.

Paras 17.7.6 and 17.7.7: Prisoners under sentence of death should be encouraged to employ themselves on some useful work, and should be provided with suitable work, if they so desire, in their own enclosures.

How about vocational training and work programmes? As would be seen from Table 29.07, condemned prisoners are segregated, if not discriminated. Only Jammu & Kashmir and Delhi report that condemned prisoners in their Central

Jails participate in vocational training and work programmes; and only Andaman & Nicobar Islands reports that, in District Jail, they do this.

Para 17.7.10: They should be allowed to follow their own religion and belief subject to rules and requirements of discipline, and to retain religious and other books.

On their volition or on account of situational compulsions, inmates under death sentence are overly drawn to rituals and worships. Do jails facilitate this? Available data show that a large number of states allow and facilitate such prisoners to pray and worship, read and recite holy books of their faith. However, it is surprising to note that there are seven states and UTs which reportedly do not do this.

Para 17.7.14: When the death sentence become finally executable, the prisoner should immediately be transferred to a separate enclosure where arrangements should be made to keep him in a cell under constant watch. During the day he may be allowed to associate with other such prisoners.

Para 17.7.15: Before execution arrangements should be made for the prisoner to meet his near and dear ones, even at state cost, if necessary.

Are such prisoners shifted to a secluded cell when the death sentence becomes executable? On going through Table 29.08, it is seen that this is a standard practice in a overwhelming number of states. However, the position of Punjab, Sikkim and Dadra & Nagar Haveli is different: perhaps condemned prisoners continue to live along with other inmates, till the last moment.

While in secluded cell, are condemned prisoners allowed to meet their relatives and friends? Available information goes to indicate that this is permitted and facilitated in a large number of states and UTs.

