

booklet should be explained to illiterate prisoners orally within the stipulated period of 24 hours.

8.34.26 Facilities available to prisoners to file appeal revision/review or make other applications in regard to their criminal cases should be improved. In this connection reference to Chapter XXVII on 'Appeals and Petition of the Model Prison Manual may be made. Prisoners may also be provided free legal aid in such matters.

8.34.27 In order that genuine complaints and grievances of inmates may be promptly looked into, the following measures should be adopted:

- (i) Letters addressed by prisoners to the Government, judiciary, Inspector General of prisons or other high functionaries should be forwarded to them immediately without being censored and dated receipt therefor should be given to the prisoner. The receiving authority should acknowledge letters immediately and look promptly into them.
- (ii) The District Judge should visit each prison in his jurisdiction once a month and give opportunity to all the prisoners to put up their grievances or requests, if they so desire, in the absence of prison officers. This should be statutory function of the District Judge.
- (iii) Each prison should have a complaint box fixed at a prominent place within the reach of inmates. The key to the lock of this box should remain with the District Judge who should open it at the time of his monthly visit to the jail. He should take necessary action on complaint found in the box. The directives issued by the higher judiciary in this regard should be kept in view by the prison administration.
- (iv) Representatives of well-established voluntary welfare organisations and professions like education, medicine, law and journalism should be appointed as non-official visitors to prisons. It should be open to a non-official visitor to meet any prisoner alone, if he so desires.
- (v) The system of taking weekly rounds of inspection of prisons is either generally not followed by the superintendents or is followed only in a perfunctory manner. This function of the superintendent should be made statutory by including it in the Prisons Act. If a prisoner is not satisfied by the action taken by the superintendent on his complaint, he should be allowed to approach higher authorities for redressal of his grievance.
- (vi) The Board of Visitors should be activated. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

8.34.28 The Committee during the visits noticed that the apathy of prison staff had, at some places, led to development of ugly situation which ultimately culminated in the use of force including fire-arms. We strongly recommend that the prison administration should exercise constant vigilance and alertness to locate areas of discontent among prisoners which may lead to mass indiscipline, and take quick remedial measures.

8.34.29 Prisoners' Panchayats should be involved in matters pertaining to inmates' self-management of self-improvement in day to day life.

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

CHAPTER IX

SYSTEM OF CLASSIFICATION

(Diversification of Institutions, Classification of Prisoners and Typology of Crime)

Diversification of institutions :

9.1 Segregation of offenders on the basis of sex, age, criminal record, social background and sequence of criminal behaviour is an essential feature of modern prison system. But during our visits to various States and Union Territories we observed that undertrial prisoners, prisoners sentenced to short, medium and long terms of imprisonment, prisoners sentenced to simple imprisonment, habitual offenders, lifers, hardened and dangerous prisoners, children, young offenders, women offenders, civil prisoners, prisoners sentenced by court martial, criminal and non-criminal lunatics, detenus under the National Security Act, persons detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, smugglers, etc., were all kept in the same institutions and the arrangements for their segregation even in different wards were not effective. It was also observed that factors like overcrowding and periodic large turnover of prisoners override all principles and requirements of segregation. In reality segregation has become a provision only on paper.

9.2 One of the main reasons of the lowering down of efficiency of the prison system has been the mixing up of inmates arrested during socio-political economic agitations with undertrial and convicted prisoners in the existing prisons. It has adversely affected the discipline in prisons and morals of prison personnel. Such situations have often led to serious complications and mass agitations in prisons. If prisons have to function as centres of regeneration and correctional treatment, overcrowding and sudden influx of agitators in regular prisons will have to be effectively checked. We would like here to record our concern that if the present malaise and neglect with regard to proper segregation of different categories of inmates continue, the problem of administration and management of prisons will assume such enormous dimensions that a time may come when the entire prison system might have to face a situation of total collapse.

9.3 The All India Jail Manual Committee 1957—59 had recommended that the capacity of a central prison should be 750 and that of a district prison should be 400 so that prisons can be manageable units. Capacity of many existing central and district prisons exceeds these norms. We are given to understand that in some States, during recent years, accommodation has been further increased in some of these prisons. This means that the already unmanageable and unwieldy institutions have been made more unmanageable and unwieldy. Even the new prison buildings, that are being constructed in some of the States, are being planned for an inmate capacity much beyond the norms set forth by the All India Jail Manual Committee. This only shows how the basic principle of making prisons manageable units and also the principle of their diversification are being thrown to the winds by the persons responsible for formulating prison policies and by the planners and designers of prison buildings. This is obviously done because the primary objective of rehabilitating an erring citizen is put in the background and some other considerations are given greater importance,

9.4 During our discussions with prison personnel we were told that apart from overcrowding and periodic influx of agitators, there were other factors such as ill-planned buildings, large number of short termers, insufficient staff and paucity of funds, which made segregation of different categories of prisoners either impossible or meaningless.

9.5 Segregation of certain types of hardened, aggressive and troublesome criminals in a separate institution is also necessary not only from the point of view of maintaining discipline, but also for creating that atmosphere in jails which would help the process of regeneration. Every prison has some difficult and incorrigible prisoners who through their sophistication, and capacity for intrigues, vitiate the atmosphere of the institutions and develop vested interests. More often than not, prison administrators adopt a line of least resistance and policy of appeasing such prisoners which eventually encourage them to become more troublesome and to establish a negative leadership in the prisons. Once such goons establish themselves as leaders of prisoners, they hold prison administration to ransom. These goons and other mischievous and troublesome prisoners have to be very firmly dealt with. One of the effective methods of dealing with them is to segregate them from the rest of the prison population. Such prisoners must realise that prison administration cannot be threatened, bamboozled or held to ransom through their goonda techniques. It is our considered opinion that in the interest of cleansing the prison system in India 'pucca bandobast' for such prisoners has to be made not only on a high priority basis but also on a firm and unflinching basis. This will be possible only when some special institutions are earmarked for the effective segregation of this small percentage of prison population. It was revealed to us by some prisoners and even by some prison personnel that such goons and sophisticated prisoners have access to the corridors of power and influence. We strongly feel that this must stop forthwith, for if such goondas and white collar criminals continue to get patronage from high quarters, the Indian prison system will either collapse or will be corrupted beyond redemption.

9.6 During our discussions with senior prison administrators and prison personnel working in the field we tried to know if any policy regarding diversification of institutions for the purpose of segregation and treatment of different categories of prisoners had been or was being evolved. We gathered that only in a very few States some broad policy in this regard had been established, but in other States clear guidelines for diversification of institutions had not been laid down. In fact, in most of the States this important aspect of prison administration is neither understood nor appreciated. The recommendations of the Indian Jails Committee 1919-20 and the All India Jail Manual Committee 1957-59 in this regard have remained unimplemented in almost all the States and prisoners are lodged in prisons on an ad-hoc basis without any scientific criteria. The Committee thinks that if the present severe and chronic maladies of the prison administration have to be solved on a practical and pragmatic basis the principles and procedures of diversification of institutions must be introduced in our system of prisons without any further delay.

9.7 The All India Jail Manual Committee 1957-59 has defined diversification of institutions as follows:

"By diversification of institutions we mean a network of institutions where inmates can be segregated on the basis of sex, age, criminal record, the legal reason for their detention, length of their sentence, recidivism, physical or mental health, requirements of security, needs of training and treatment, etc. Through diversifications of institutions, inmates of various categories will not only be segregated but properly designed programmes and suitable resources can be made available for carefully selected homogeneous groups of inmates. In such diversified institutions the re-education and re-processing of the offenders will receive major emphasis."

Diversification of institutions and scientific classification of prisoners are closely inter-linked. Unless a prison system establishes a clear policy regarding diversification of prisons for homogeneous groups of prisoners, scientific classification of prisoners will not be an effective proposition. We endorse the line of thinking of the All India Jail Manual Committee as quoted above. Our recommendations regarding diversification of institutions in the present context are as follows:

9.7.1 Diversification of institutions which, in fact, means classification of prisons should be evolved for basic segregation and treatment of homogeneous groups of prisoners. This can be achieved through gradation in security measures (special, maximum, medium, minimum), progressive stage system as recommended by us in Chapter VIII on 'Security and Discipline', treatment emphasis and the scope and variety of content of training and treatment programmes in different institutions. The principles and procedures of classification of prisons should be accepted and implemented by all States and Union Territories. The proposed National Commission on prisons should formulate guidelines in this respect to avoid any possible confusion.

9.7.2 Each State/Union Territory should evolve a system of classification of prisons according to its requirements. For this purpose it should make a detailed survey and analysis of inmate population, available accommodation in each prison, possibilities of gradation in security measures (special, maximum, medium and minimum), architectural design of prison buildings, existing personnel resources, requirements of personnel for development of correctional training and treatment programmes, etc.

9.7.3 Homogeneous groups of inmates selected through the procedure of scientific classification should be kept in appropriate classified institutions so that diversified institutional programmes can be organised in accordance with the requirements of each such group.

9.7.4 In large States where the number of prisoners and prisons is large, classification of prisons should be done on a regional basis so that prisoners can be kept as near their home towns as possible.

9.7.5 Small States and Union Territories, where diversification is not feasible because of a very small number of prisoners and institution, should utilise this facility in neighbouring States, or apply principles of diversification in separate yards/enclosures/wings of each institution.

9.7.6 The following broad categories of diversified institutions should be set up by each State/Union Territory according to its requirements:

- (i) Separate prisons or separate annexes for undertrial prisoners.
- (ii) Separate prisons/annexes for women prisoners.

Each central prison, district prison and sub-jail should have a separate annexe for women prisoners. In States/Union Territories where the number of women prisoners is substantial separate institutions for convicted women prisoners should be established. In large States separate prisons for convicted women offenders should be set up on regional basis so that such prisoners could be as near their home towns as possible. In this context we recommend the pattern of the Nari Bandi Niketan, as annexe of the Model Prison at Lucknow or that of women's prison near the Hyderabad Central prison or of the jail for women at Yervada, Pune.

(iii) Separate camps for prisoners courting arrests during non-violent socio-political economic agitations for declared public cause. Such camps should be set up by each

State/Union Territory according to the prevailing situation in the respective State/Union Territory.

(iv) Separate institutions for young offenders. Reception Centres and Kishore/Yuva Sadans of the semi-open, open and medium security type should be set up as per recommendations contained in Chapter XV on 'Young Offenders' of this Report. As far as possible young offenders should not be kept in prisons. If, however, this becomes unavoidable they should be effectively segregated from adult offenders.

(v) Separate prisons/yards/enclosures for non-habitual adult offenders.

(vi) Maximum security prisons for habitual criminals, professional criminals, organised criminals, sophisticated criminals and criminals careerists. In order to minimise chances of contamination of casual offenders by this category of inmates, some prisons should be earmarked as maximum security prisons by each State and Union Territory on a high priority basis. A separate set of statutory rules should be formulated for effectively dealing with this group of prisoners.

(vii) Special security prisons for difficult discipline cases, escape risks, and dangerous/violent prisoners. The number of such prisons may be one or two in each State/Union Territory depending on the number of inmates falling in this category. A regime based on firm and strict discipline should be provided in these institutions. However, these offenders should be exposed to opportunities for improvement in their behaviour and should be shifted to prisons with lesser security on exhibiting sustained good behaviour.

Note : Items (vi) and (vii) above have reference to our recommendations made in Chapter VIII on 'Security and Discipline'.

(viii) Separate yards/annexes or prison hospitals for inmates suffering from diseases like tuberculosis, leprosy, S.T.D. etc. Wherever possible T.B./leprosy units should be located in the T.B. hospital/leprosy asylum.

(ix) A separate ward for geriatric prisoners in each central/district prison. It must be properly maintained to meet the needs of old and infirm inmates.

(x) Separate wards for mentally sick patients in the hospitals of central/district prisons.

(xi) Separate hospital/annexe according to the requirements of each State for the treatment of patients suffering from serious mental illness. This unit should be headed by a psychiatrist but the security arrangements should rest with prison security personnel.

(xii) Open camps, mobile and permanent, for non-habitual convicted prisoners sentenced to less than one year of imprisonment to be located where activities like afforestation, agriculture, community services, etc., can be organised.

(xiii) Semi-open and open prisons. These institutions should be set up for non-habitual offenders sentenced to imprisonment of one year or more.

(xiv) Open camps (Sanganer Type). Prisoners may be allowed to stay in these camps with their families.

Note: Items (xii), (xiii) and (xiv) above have reference to our recommendations made in Chapter XIX on 'Open Institutions'.

9.7.7 In Chapter V on 'Prison Buildings' we have recommended construction of prison buildings for certain specific categories of prisoners, and establishment of semi-open and open prisons for long termers and open camps for short termers. If this approach is

adopted, the pressure on the existing central and district will be reduced to a great extent and with proper planning these institutions can be converted into medium, maximum and special security institutions for adult offenders; some of the existing district prisons can also be used as Reception Centres and Kishore/Yuva Sadans for young offender.

9.7.3 In every central and district prison, a reception centre should be established where initial classification of convicted prisoners should be made to facilitate their transfer to a suitable classified institution. These reception centres should function as diagnostic centres.

9.7.9 Panels of experts should be appointed by Government of India on a regional basis to assist the States and Union Territories in the region to prepare a basic plan for setting up a system of classified institutions.

Classification of Prisoners:

9.8. The existing system of classification of prisoners in India is old and archaic, and is not based on any scientific principles. It does not aim at homogeneous grouping of offenders on the basis of their prognosis for treatment. Prisoners in the country are broadly classified on the basis of :

- (a) sex: into men and women;
- (b) age: into children, young offenders, adults and old ;
- (c) the law under which confined, into civil prisoners, criminal prisoners, detenus, prisoners under court martial, non-criminal lunatics, inmates under protective custody and inmates confined under preventive sections of the Code of Criminal Procedure (sections 107, 109 and 110) ;
- (d) stage of investigation and trial : into remand prisoners and undertrial prisoners;
- (e) nature of sentence: into prisoners sentenced to simple imprisonment, prisoners sentenced to rigorous imprisonment, prisoners sentenced to short, medium or long terms of imprisonment, prisoners sentenced to life imprisonment and prisoners sentenced to death;
- (f) criminal antecedents : into casual and habitual prisoners ;
- (g) disease or infirmity: into criminal lunatics, lepers, T.B. patients and the like;
- (h) socio-economic status: into A, B, C, or I, II, III classes.

In some of the old prison manuals, classification of casual prisoners into 'starred casuals' and 'un-starred casuals' is also found but in actual practice this classification is no longer in vogue. We observed during our visits to various States and Union Territories that procedures of classification even on these basic norms varied from State to State and the arrangements for segregation of different categories of inmates were not effective.

9.9 The contemporary approach to the treatment of offenders in Indian prisons is a mass approach. Individualised approach is totally absent because of the lack of a system of scientific classification of prisoners. As a result, prisons are doing only holding operations. It was as early as in 1924, that Mahatma Gandhi, emphasising the need for basing the classification of offenders on scientific principle, wrote in one of his articles titled "My Jail

Experiences" published in the issue dated 8th May, 1924 of "Young India", a Weekly Journal :—

"The classification being as I have shown inevitable and in existence, there is no reason why it should not be scientific and human. I know that revision of classification according to my suggestion means a revolution in the whole system. It undoubtedly means more expense and a different type of men to work the new system. But additional expense will mean economy in the long run. The greatest advantage of the proposed revolution would no doubt be a reduction in the crimes and reformation of the prisoners. The Jails would then be reformatories representing to society sinners as its reformed and respectable members. This may be a far-off event. If we were not under the spell of a long-lived custom we should not find it difficult task to turn our prisons into reformatories."

However, even 35 years after attaining independence practically no attention has been paid to this basic approach for treatment of prisoners. It is only in the prison manual of Maharashtra that there is a chapter on 'Scientific Classification of prisoners'. The rules and procedures governing management of prisons in other States do not make any reference to such classification.

9.10 "One of the paradoxes in the development of modern penology has been that attempts at treatment and training programmes, meagre though they were, came before diagnosis." This remark was made by Loveland about the American system of classification of prisoners nearly 30 years ago; but we think that this statement is applicable to Indian prisons even in the year 1982. We have been using the jargon of training and treatment, but in fact diagnostic procedures and classification of offenders for scientific training and treatment have nowhere been adopted on a systematic basis.

9.11 The All India Jail Manual Committee 1957-59 had strongly recommended that individualised approach towards training and treatment of offenders must be adopted through the procedures of scientific classification of prisoners. It is obvious that diagnosis must precede treatment. Initial prognosis can be made at the diagnostic stage but real prognosis evolves out of a continuous study of the prisoner's response to treatment.

9.12 It is a fact that every person who is sent to prison does not necessarily stand in need of correctional therapy; most of the prisoners have to be protected from the bad effect of exposure to life in prisons. We would, however, like to make it clear that unless every person is screened through scientific measures, prison administrators will not be able to know and decide as to which prisoners need to be protected, which prisoners need correctional therapy and treatment, and which are the difficult cases in terms of correction and rehabilitation. Our recommendations with regard to classification of prisoners are as follows:

9.12.1 The principles of classification included in the report of the All India Jail Manual Committee 1957-59, which are reproduced in Annexure to this Chapter, should be adopted on an all India basis.

9.12.2 The aims and objectives of classification as laid down in Chapter XIX of the Model Prison Manual are at Annexure B to this Chapter. We agree with them and recommend that they should be kept in view while undertaking classification of prisoners.

9.12.3 A reception centre should be set up in every central and district prison, where prisoners sentenced to more than one year should be initially admitted. The professional staff at reception centres should consist of psychiatrists, psychologists, trained social workers, etc., as recommended in Chapter XXIII on 'Organisational Structure'. A classification

committee consisting of the prison superintendent (Chairman), psychiatrist, psychologist, medical officer, the officers in charge of industries, education and vocational training, and the additional superintendent/deputy superintendent (Member-Secretary), should be set up at the reception centre. This Committee should do the basic initial classification of all convicted prisoners sentenced to more than one year. After initial classification, prisoners should be transferred to the classified prisons according to the requirements of training and treatment of each individual inmate.

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

9.12.5 Provisions of the Model Prison Manual regarding procedure for initial classification stage of classification and reclassification procedures, decision of the classification committee, progress reports, review of progress-reclassification, contents of the inmate's case file should be adopted by each State and Union territory. Relevant extracts from the Model Prison Manual on these aspects are enclosed at Annexure C to this chapter.

9.12.6 Specimen forms of history sheet, initial classification sheet and progress report as given at Annexures D, E and F respectively should be adopted with suitable changes and modifications as per local conditions.

Typology of crime :

9.13 Criminologists have recognized that criminal behaviour is heterogeneous in character. Classification of criminal behaviour under legal categories such as murder, dacoity, robbery, forgery, etc., does not give a clear picture about the genesis and ramifications of criminal behaviour. Criminologists hold that there is no single cause of crime; it is the outcome of multiple factors. In order to understand the problems of an offenders, the sequence of his criminal behaviour has to be studied and understood. Unfortunately, in India, in-depth studies of different patterns of criminal behaviour have not been undertaken and a typology of crime in the Indian context is yet to be developed. We are of the view that for giving a sound foundation to the prison system in our country, so that it can play the role of a corrective and rehabilitative system, it is very necessary to undertake extensive and deep studies of criminal behaviour patterns in India. Such studies will provide the basic material on which the foundations of Indian criminology can be built.

9.14 It would be relevant here to reproduce an extract from 'The Crime Problem' by Walter C. Reckless on the pattern of criminal behaviour in general :

"They (Lindsmith and Dunham) contend that criminal behaviour ranges between two poles of criminal types. The type of offender at one pole is the social criminal and the type of offender at the other is the individualized offender, criminal activity or behaviour tends to go towards one or the other pole. The social criminal is the one whose activities are prescribed by the culture of his milieu and who is acting in accordance with the dictates of his traditions, associates and criminal under-world connections. The behaviour of the individualized criminal is not prescribed by the culture or associates of his milieu. The professional criminal is clearly at the pole of the social criminal type and the insane criminal is definitely at the pole of the individualized criminal type. At some positions moving towards the later pole would be persons behaving in criminal ways under the influence of alcohol, criminals of passions and persons committing crime under stress and crisis. Also gathering at the pole of the individualized criminal in this typology would be the neurotic offender who acts compulsively and the psychopathic offender who acts from lack of insight and control. The criminal behaviour of individualized criminals is supposed to be accidental behaviour; individualized criminals do not form group

of criminal associates. Falling somewhere near the professional crime at the other pole, we would find the white collar criminal (according to Sutherland's formulation) as well as the organized criminal. At this pole also we would find the very much more infrequent political criminals who belong to underground terrorist criminal bands."⁴

9.15 During the last few decades the pattern of crime in India has been showing significant changes. Some of the newly emerging trends can be identified as professional crime, career crime, organized crime, crimes committed due to political conflicts, crimes committed due to religious, caste and communal conflicts, crimes committed because of a nexus between criminals of the underworld and anti-social elements having money power on the one hand and anti-social persons holding levers of influence, the police, and other public servants on the other; economic offences; smuggling; criminal behaviour as defined in the COFEPOSA; corporate and syndicate crime; crimes committed due to industrial conflicts; bank robberies; mass violent behaviour; and atrocities on women. This, however, is only an indicative list; other patterns of crime emerging in the country might be identified if systematic studies on the subject are undertaken by experts. These newly emerging patterns of crime are a sufficient indication that crime in the country is taking a serious and diabolical turn. The law enforcement agencies have become less effective for many reasons. Social controls have also become weak. The process of social disorganisation is rapidly gaining ground. Alliance of anti-social muscle power of criminal of the under-world, money power of some anti-social persons and the power wielded by greedy persons holding key and important positions of influence create vicious circles which lead to serious crimes. This is a very grave situation of which government should take immediate note and take effective measures to curb this disturbing trend. Unless very strong and unflinching action is taken against socially conditioned criminals such as persons operating in the underworld, musclemen of slums, goondas of urban areas, slumlords, anti-social persons using money power for criminal activities, persons using their positions of influence for protecting or encouraging criminal activities, public servants functioning as vassals of the criminal under-world and of persons holding money power and levers of influence, the problem of crime cannot be effectively controlled. The vicious circles taking roots in the social structure and the resultant criminal activities of serious type will keep on damaging the fabric of our social life and the common man will continue to suffer from a sense of acute insecurity.

9.16 It is a matter of concern that while the concept of 'habitual offender' has changed, the State laws have remained archaic and have hampered serious handling of the problem. The definition of habitual offender given by the State laws is so narrow that only offenders like petty thieves continue to be the concern of the police while people connected with big business and industries go unnoticed even when they offend the law habitually in continued violation of Foreign Exchange Regulations, Customs Laws and other legal measures aimed at checking hoarding, profiteering and corruption. Such offenders have the potential to do much more harm to the society than the traditional habitual offenders listed in the State laws and they have infinitely more resources including protection from those who are called law officers to shield themselves against the use of criminal processes. The state laws do not take into consideration the new trends and tendencies of several classes of persons who, while committing an offence, also acquire status and power to meddle with the State machinery in their favour. These persons have a vested interest in the commission of crime not for their economic needs, but for pure economic greed. Such hardcore elements are known to the community as socio-economic offenders. The State Legislatures should identify them as habitual offenders and strike at these real culprits whose repeated crimes need more surveillance.

9.17 Crime has ever provided material for sensational news. During recent times, sensational reports about crime and treatment of criminals in prisons have been appearing in the press. The highest court in the country has also taken a serious note of the alleged ill-treatment of inmates in prisons, the presence of children in prisons and so on. Mass massacre of persons belonging to weaker sections, cruel depredations of bands of dacoits, atrocities against women, dowry-deaths and many other similar patterns of crime are given wide and bold publicity through the press. This is increasing the sense of insecurity among people. We have earlier discussed in Chapter III on 'Realities in Indian Prisons', the necessity of

developing a culture favourable for the rehabilitation of the offender. It is our firm belief that such a favourable culture of rehabilitation will not grow in the society as long as the common man suffers from a sense of insecurity. Therefore, to reassure the common man the regime in the prison system must be so tuned that social groups outside the prison feel that while the individualized criminals are being protected from the demoralising effects of imprisonment, the socially conditioned criminals are being firmly dealt with within the frame-work of rules.

9.18 During our visits to various prisons in the States and Union Territories, we observed that some socially conditioned criminals and sophisticated prisoners have got an upper-hand in various aspects of prison management. This, in our opinion, has been one of the principal causes of deterioration in the tone of discipline and morale in prisons. This situation has been created because prisoners have not been properly classified and offenders having potential for damaging and undermining prison discipline have not been effectively segregated from the remaining groups. Prison officers have lost their morale and confidence to deal with such prisoner in a firm manner. The reasons for this are many. Suffice it to state that the morale of prison officers in this regard is at a very low ebb. We are of the view that if the small percentage of socially conditioned criminals who have the potential to undermine prison discipline are firmly dealt with as per rules and if they are effectively segregated, many prison disturbances would be avoided and the tone of discipline in the prisons can be improved to a considerable extent.

9.19 Against the backdrop of the above discussions, our recommendations are as follows :

9.19.1 A typology of crime should be developed in the context of the current patterns of crime in India. One of the objectives of research to be made by the Department of Prisons and Correctional Services as suggested in Chapter XXV on 'Planning, Research and Development' should be the development of such typology in order to facilitate proper classification of prisoners and their appropriate treatment. A scientific typology of crime will emerge through in-depth studies of patterns of crime, social investigation, life histories of prisoners, case recording, etc.

9.19.2 Newly admitted prisoners should be broadly categorised into socially conditioned criminals and individualised criminals. This would facilitate grouping of prisoners on certain broad homogeneous basis. The following types of criminals should be categorised as socially conditioned criminals :

- (i) criminal careerists;
- (ii) professional criminals;
- (iii) organized criminals;
- (iv) criminals who operate in the underworld of vice, prostitution, gambling and bootlegging; smugglers; dealers in stolen property; and persons engaged in similar other activities;
- (v) dacoits, bank robbers, and similar other organised criminals;
- (vi) persons who commit crimes for religious or caste or political reasons ;
- (vii) organized gangs of criminals who rob trains; hijackers, etc.;
- (viii) white-collar criminals;
- (ix) habitual criminals;
- (x) kidnappers;
- (xi) professional thieves and robbers and pick-pockets;

- (xii) persons trafficking in narcotic drugs;
- (xiii) persons who adulterate food articles; and
- (xiv) persons who manufacture spurious drugs, etc.

The following is a broad categorization of individualized criminals :—

- (i) persons who commit crime because of neurological and psychiatric disorders (epileptics, neurotics, psychotics, psychopaths and mentally retarded);
- (ii) persons committing crime under the influence of alcohol, drug, etc.;
- (iii) persons who commit crime in anger, passion, and under stress and crisis;
- (iv) persons whose criminal behaviour is extemporaneous i.e. behaviour of the moment;
- (v) persons whose behaviour is eruptive; and
- (iv) persons who commit crime because of poverty and socio-economic circumstances; a large percentage of prison population in Indian prisons falls under this category.

The above is only an indicative and not an exhaustive list. These and other types of socially conditioned and individualized criminals, as are identified through research, should be effectively segregated and a firm prison regime should be organised for socially conditioned criminals.

9.19.3 In each State and Union Territory study groups should be set up for the purpose of undertaking studies of various patterns of crime. These study groups should consist of social scientists, senior trained officers of the Department of Prisons and Correctional Services, senior officers of the Police Department, and experts and persons having wide experience in correctional field. The studies should be completed within two years and the basic material received through the reports of these study groups should be utilised for evolving classification of prisoners on scientific basis.

9.19.4 The existing legal provisions in regard to the classification of habitual offenders should be so amended as to plug the loopholes in the process of classification of such offenders. Habitual offenders should be dealt with in accordance with the provisions of the Model Prison Manual.

9.19.5 Every prison officer should be given thorough training in behavioural sciences and techniques of social work. These subjects should be included in the training curricula for prison officers. Persons incharge of classification of prisoners should be given special training in this field.

References :

1. Report of the All India Jail Manual Committee : 1957-59; page 15.
2. M.K. Gandhi: My Jail Experiences: Young India, A Weekly Journal : 8-5-1924.
3. Paul W. Tappan, Contemporary Correction: Chapter VII. Classification in the Prison System by Frank Loveland; page 91.
4. Walter C. Reckless: The Crime Problem; pages 21-22.

EXTRACTS FROM THE REPORT OF THE ALL INDIA JAIL MANUAL COMMITTEE PARAGRAPHS 71-73

The term 'classification' of prisoners is used with different connotations. Sometimes, it is used to mean classification at the court level; sometimes it means only administrative classification; and sometimes it means division of the inmates into various groups and categories. It would, therefore, be worthwhile to indicate the scope and basis of classification as a dynamic technique of Correctional Administration. Classification is a method by which study of the offender, understanding of his problems, treatment planning, execution of treatment programmes and adjusting and changing the treatment according to requirements are co-ordinated in an individual case. It is a method by which the treatment programme is adjusted to the inmate's changing needs. Classification procedure does not end with initial study and planning of programmes. It has to be a dynamic process, operating right from the admission of the inmate till his release. It has to pervade the entire institutional activity.

Classification of prisoners should be made on the basis of age, physical and mental health, length of sentence, degree of criminality and character. So also factors like sequence of an offender's criminal behaviour, his social processing, his sophistication in crime, possibilities of contamination, requirements of gradation in custody, educational and vocational training needs, urban and rural backgrounds, possibilities of social adjustment and rehabilitation needs, etc., should be taken into consideration. Our view is that classification of prisoners should become a dynamic operation from admission till release. It is only through the development of such classification procedure that the reformation and rehabilitation of the inmates can be attempted in correctional institutions.

The period immediately following the admission of an inmate is of great significance for the programme of classification and treatment. It is during this period that the study of the offender has to be initiated and initial decisions about the inmate have to be taken. The admission period is thus of fundamental importance.

EXTRACTS FROM THE MODEL PRISON MANUAL CHAPTER XIX— CLASSIFICATION

The purpose of classification programme should be :

- (i) to study the offender as an individual ; to understand the sequence of his criminal behaviour and the problems presented by him ;
- (ii) to segregate inmates into homogeneous groups for the purpose of treatment ;
- (iii) to organise an overall, balanced, integrated and individualized training and treatment programme ;
- (iv) to review inmate's response to institutional regime and treatment and to adjust the programme to suit his needs ;
- (v) to co-ordinate and integrate all institutional activities and to develop a system of constructive institutional discipline ; to maintain an informed continuity in the various phases of institutional management ;
- (vi) to ensure maximum utilization of resources and treatment facilities available in the institution as well as in the community.

Classification has to remain a dynamic operation. This can be achieved through review of inmate's progress. Initial classification and review of progress that is reclassification procedures together afford opportunities for the scientific handling of offenders.

The reclassification procedure aims at continuous study of the offender and his response to training and treatment. It maintains an informed continuity in the institutional handling of the offender. Through review and reclassification procedure :

- (i) New information about the offender gets examined and fuller understanding of his problems becomes possible ;
- (ii) Subsequent knowledge about the abilities, skills, potentialities and deficiencies of the inmate is used for modification of the treatment programme ;
- (iii) The inmate's response to treatment gets periodically evaluated and the programme is adjusted to the needs of the inmate ;
- (iv) The Administration remains informed about offenders having contamination, discipline and escape risks ;
- (v) The Administration knows about shortcomings in institutional management, programmes and about staff effectiveness ;
- (vi) An informed continuity, co-ordination and integration in all the phases of institutional work becomes possible.

EXTRACTS FROM THE MODEL PRISON MANUAL CHAPTER XIX— CLASSIFICATION

Procedure for initial classification :

The following procedure should be generally adopted at the time of initial classification of inmates :

- (i) As far as practicable, advance rotation of the case file amongst committee members ;
- (ii) A brief oral summary of each case by the Deputy Superintendent in-charge of classification ; discussion of the case ; understanding the sequence of the inmate's criminal behaviour and the problems presented by him ;
- (iii) Chalking out the institutional training and treatment programme as indicated in rule 7 ;
- (iv) Informing the inmate about the programme chalked out for him, modifying the programme, if found necessary ;
- (v) Recording of decisions taken and communicating the same to the concerned staff members.

Stages of classification and reclassification procedures :

Classification and reclassification work should be phased as indicated below :—

- (i) Admission-quarantine-orientation ;
- (ii) Study of the offender through, (a) interview, (b) collection of social information, (c) tests and examinations, (d) observation ;
- (iii) Analysis of the collected material, compilation of various reports, preparation of the case file, central indexing ;
- (iv) Planning of training and treatment, implementation of the same and observation of response to treatment programme ;
- (v) Review of progress and reclassification ; adjusting institutional programme to the needs of the inmates ;
- (vi) Planning post-release rehabilitation programme in collaboration with the aftercare service ;
- (vii) Pre-release preparation ;
- (viii) Release procedure.

Decisions of the Classification Committee :

(i) The Classification Committee should take decisions on the following points in accordance with the needs of each individual inmate :—

- (a) Recommendations about transfer.—Inter-State, or to another institution, if found necessary ;

- (b) Gradation in custody.—Maximum or medium or minimum; housing, place of work, area of movement and activity, degree of supervision and type of restriction required, etc.;
- (c) Medical matters.—As per the recommendations of the Medical Officer, referral to a Psychiatrist or any other expert ;
- (d) Individual problems of the inmate.—Family welfare, family contacts and adjustments, economic problems, land, litigation, legal help, institutional adjustment, etc.;
- (e) Work, employment, vocational training;
- (f) Education.—Health education, social education, academic education, vocational education, moral education ;
- (g) Social adjustment.—Recreation, group work activities, guidance and counselling;
- (h) Special instructions, if any, to personnel about.—collection of more information, special precautions to be taken if any, etc.;
- (i) Date of reclassification.
- (ii) While taking the above decisions the Committee should indicate the type of training and treatment most needed by the offender so as to help him to solve his problems. The initial decisions taken by the Committee should be recorded in the appropriate columns of the initial classification sheet ;

Note : The treatment programme should be practical. Sometimes it should prove useful to indicate alternative work or employment or an interim programme for the inmate. Through such indications the programme that will be chalked out for him will tend to become more realistic and practical.

(iii) After initial classification is over, the prisoner will be removed from the quarantine area and sent to various sections of the institution.

Progress Report :

The officers in charge of various sections and programmes will maintain progress reports of the inmates. These reports should be written at least once in a quarter or more often if necessary. At the end of each quarter the progress reports should be sent to the Deputy Superintendent in charge of classification work.

Note : The progress reports should contain information about : the inmate's adjustment to institutional life; his discipline; the interest taken by him in various programmes; his attainments in educational, vocational and other fields; any marked change in his habits, attitudes and behaviour; his family and social adjustment; changes in his health and personality set-up, etc. The progress reports should contain all relevant information about the inmate's response to institutional programme. The review of the inmate's progress has mainly to be conducted on the basis of this information; hence it is essential to establish a system through which all significant information about the offender is properly collected.

Review of progress—reclassification :

(i) The Classification Committee will review the progress of inmates and their response to institutional regime. This work will continue from the inmate's initial classification till their release. The functions of the Committee in this respect will be as follows :

- (a) Studying the inmate's response to institutional training and treatment,

- (b) Modifications and changes in training and treatment programme;
- (c) Recommendations about transfer to other institution having a different line of training and treatment;
- (d) Examining whether the inmate has reached peak points of institutional impacts and whether he is getting stagnated in a particular institutional activity;
- (e) Examming whether the inmate is fit for being transferred to a semi-open or open institution;
- (f) Planning for post-release rehabilitation programme in collaboration with the aftercare service;
- (g) Instructions about pre-release preparation and release planning;

(ii) The case of every inmate shall be placed before the Committee at least once in six months for review of progress and reclassification. It may be examined more often if found necessary. The case may be brought before the Committee on the date as fixed by the Classification Committee or on report from the officer in charge or on request by the inmate;

(iii) When cases of inmates are being reviewed by the Classification Committee, the Assistant Superintendents, technical and educational personnel and senior members of the guarding staff from the respective areas should as far as is practicable attend the meetings of the committee.

Note : Such association of the field staff would enable the committee to review the cases on the basis of first hand information and to change and adjust the treatment programme on practical and realistic lines.

Contents of the inmate's case file :

The inmate's case file should contain the following items of information:—

- (i) Record of court documents and copy of findings;
- (ii) Police reports;
- (iii) Previous criminal record, if any ;
- (iv) Probation reports, if any ;
- (v) Information from previous institutions, if any ;
- (vi) Initial interview material; information from family members, relatives, friends, and co-accused, miscellaneous informations;
- (vii) Sources of further information;
- (viii) Observation reports from staff members in charge of admission programme;
- (ix) Reports from various sections such as medical examination, I.Q. tests, vocational aptitude tests, educational tests, etc.;
- (x) Social histroy ;
- (xi) Summary and analysis by the Correctional Social Worker/Officer in charge of the Reception Unit ;
- (xii) Initial classification sheet ;
- (xiii) Instructions regarding training and treatment programme and about special precautions to be taken, if any ;
- (xiv) Remission sheet ;

- (xv) Leave and emergency release sheet ;
- (xvi) Prison violations and punishments, special achievements ;
- (xvii) Quarterly progress reports from various sections ;
- (xviii) Reclassification sheet ;
- (xix) Pre-release programme ;
- (xx) Final progress report ;
- (xxi) Release plan ;
- (xxii) Details of release ;
- (xxiii) Follow-up reports ;
- (xxiv) Closing remarks ;
- (xxv) Central Index reference.

SPECIMEN OF HISTORY SHEET

1. Name of the prisoner _____
 2. Number of the prisoner _____
 3. Age _____
 4. Sentence _____
 5. Section _____
 6. Social History :
 - (a) Childhood _____
 - (b) Family history _____
 - (c) Health history _____
 - (d) Neighbourhood _____
 - (e) Educational background _____
 - (f) Adolescence _____
 - (g) Economic background _____
 - (h) Employment history _____
 - (i) Associations, companionship, etc. _____
 - (j) Habits, attitudes, etc. _____
 7. Personality (general impressions only) _____
 8. Habitual or Casual _____
 9. Criminal history and statement of the prisoner regarding present and previous crimes, if any _____
 10. Clues regarding sequences of criminal behaviour _____
 11. Is he a socially conditioned or individualised criminal ? _____
 Is he an ordinary criminal or careerist or professional criminal or organised criminal ? _____
 Is his criminal act a behaviour of the moment or eruptive behaviour ? _____
 12. Is his mal-adjustment at the surface level or at the deep emotional level ? _____
 13. His defects and weaknesses _____
 14. His assets _____
 15. Which are the favourable and unfavourable points for his rehabilitation _____
 16. Suggestions about reference experts like psychologist, psychiatrist, etc. _____
 17. Indications about other sources from where information about the inmate's social background can be available. Suggestions about additional materials to be collected _____
- Date on which the case history was prepared _____

SPECIMEN OF INITIAL CLASSIFICATION SHEET

1. Prison _____
2. Name of the prisoner _____
3. Number and age of the prisoner _____
4. Sentence and Section _____
5. Recommendations about transfer, if any _____
6. Gradation in custody (special, maximum, medium, minimum) accommodation in barrack or cell; place of work; area of movement and activity; degree of supervision; type of restrictions, etc. _____
7. Health and medical matters _____
8. Individual problems of the inmates, (Family welfare, appeal, family adjustments, economic problems, land, litigation, legal help, institutional adjustments, etc.) _____
9. Work
(Apprenticeship training, allocation to production unit, etc.) _____
10. Education
(Health, academic, social, vocational, moral and cultural education) _____
11. Social adjustment (Recreation, group work activities, guidance and counselling, etc.) _____
12. Special instructions to the institutional personnel, if any
(Collection of more information, special precautions to be taken if any, etc.) _____
13. Date of review _____

Date of initial
classification.

Chairman of the
Classification Committee.

SPECIMEN OF PROGRESS REPORT

1. Name of the prisoner _____
2. Number of the prisoner _____
3. Sentence _____
4. Date of initial classification _____
5. Physical and Mental Health _____
6. Work (task, proficiency, quality, etc.) _____
7. Attainments in Education _____
8. Interest taken in institutional activities (P.T., prayers, recreational and cultural activities). _____
9. Discipline _____
10. Changes in habits, attitudes and behaviour _____
11. Attitude towards staff _____
12. Attitude towards inmates _____
13. Prison offences and punishments _____
14. Individual problems, if any, about family, land, litigation, business, etc. _____
15. General assessment about progress _____

Date :

Officer
Circle/yard

Recommendation of the Classification Committee.

Orders of the Superintendent.

Date :

Superintendent,
Prison.

CHAPTER X

TREATMENT PROGRAMMES

10.1 The philosophy of reformation and rehabilitation of offenders casts upon prisons the responsibility of utilising the period of imprisonment of offenders for their treatment with a view to modifying their behaviour to resocialise them. As a matter of fact the contents of the daily routine of prisons have to be planned in such a way that the course of life of inmates tends to flow towards the ultimate aim of their rehabilitation in the society. The entire atmosphere of prisons, including the behaviour of prison personnel, should be surcharged with positive values and the inmates should be exposed to a wholesome environment in which they can retrospect and reform themselves. Such congenial atmosphere is an essential pre-requisite for the execution of any reformatory treatment. Apart from this, the inmates have to be given specific treatment programmes in accordance with their different needs and personality characteristics.

10.2 It is indeed a sad revelation that in our prisons today there is neither a healthy atmosphere for executing any sustained programme of behaviour modification nor any planning for specific treatment programmes. There is even no clarity about the components of correctional treatment among prison administrators anywhere in India. Prison administrators are least bothered about this important aspect of prison work. It seems that no heed has been paid either to the report of the All India Jail Manual Committee 1957—59 in which the question of correctional treatment and training has been elaborately discussed or to the Model Prison Manual in which some of the basic concepts and procedures of treatment programmes have been incorporated. We are of the view that these aspects need to be highlighted in order to put Indian prison system on sound foundation.

10.3 Criminologists have recognised that every prison has its own sub-culture which gets concentrated over a number of years. This accumulated sub-culture is transmitted from prisoner to prisoner and even to prison personnel. This sub-culture is reflected in many ways such as prison grapevine, prison code language, under-world in the prison, undesirable activities such as gambling, homosexuality, auto-erotic practices, domination of goonda prisoners, favouritism, corruption, etc. A large majority of prison inmates consisting of first offenders have basically to be protected from getting contaminated by such prison sub-culture. It is the prime responsibility of the prison system to save the simple, impressionable first offenders from the damaging and dehumanising impact of the concentrated sub-culture of the prison. In addition to this protective aspect, there is also the reformatory aspect which requires prison administrators to properly plan the daily routine of prisoners and to develop balanced, wholesome and diversified treatment programmes for various categories to offenders requiring treatment and reformation.

10.4 Treatment of offenders in prison should be looked at from three angles : (i) the essential pre-requisites for carrying out appropriate treatment programmes conducive to rehabilitation of offenders ; (ii) variety and contents of treatment programmes ; and (iii) evaluation of the effectiveness of treatment programmes. Looked from these angles the elements and components of treatment programmes in prisons can be identified as follows :—

- (i) A relaxed, positive and constructive atmosphere in the institution ;

- (ii) Good personnel-inmate relationship based on mutual trust and confidence ;
- (iii) Study of the individual inmate ; initial classification.
- (iv) Care and welfare of inmates ;
- (v) Firm and positive discipline ;
- (vi) Attending to the immediate and urgent needs and problems of inmates ;
- (vii) Attending to long term needs, planning a balanced and diversified training and treatment programme consisting of diversified education, work, vocational training, recreational and cultural activities, etc. ;
- (viii) Helping the inmate to maintain continuity of his contacts with his family and community and the outside world ;
- (ix) A good system of incentives for self-discipline such as remission, leave, transfer to semi-open and open institutions, and premature release ;
- (x) Individual guidance, counselling and case work ;
- (xi) Group activities, group guidance, group work ;
- (xii) Social implantation of proper habits, attitudes and approaches ; preparation for social living ;
- (xiii) Psychotherapy ;
- (xiv) Supportive therapy ;
- (xv) Personal positive influence of institutional personnel ;
- (xvi) Periodical review of progress, reclassification ;
- (xvii) Review of sentence and premature release ;
- (xviii) Planning for release ; pre-release preparation ;
- (xix) After-care and follow-up ; and
- (xx) Community participation.

10.5 The atmosphere of a prison is artificial, highly tense and surcharged with distrust. According to modern penology, prisoners should be sent to a prison not 'for' punishment but 'as' punishment. But unfortunately in the Indian prison situation, as it exists at present, prisoners are treated as if they have been sent to a prison not only 'as' punishment but even 'for' punishment. The subtle difference in these two concepts has to be fully appreciated if the atmosphere in prisons is to be improved.

10.6 The atmosphere in a prison depends on many factors such as the faith and belief of persons at all levels responsible for prison administration in the improvability of offenders, operational philosophy and character of prison personnel, tone of discipline in the institution, importance attached to care and welfare of inmates and the opportunities created for the re-education of offenders. If these factors are positive they will help in creating a relaxed, positive and constructive atmosphere in which the inmates will feel that prison personnel are genuinely interested in their welfare and in their ultimate re-assimilation in society as useful citizens. By relaxed atmosphere we do not mean an atmosphere which is devoid of discipline and order. Our connotation of a relaxed, positive and constructive atmosphere is of an atmosphere which is conducive to and helpful in the process of implantation of useful attitudes, habits and values in inmates. We believe that such an atmosphere is a sine qua non for successful implementation of treatment programmes in prisons.

10.7 One of the direct outcomes of a relaxed atmosphere would be a healthy relationship between the personnel and inmates based on mutual trust and confidence. During our visits to prisons we observed almost a total lack of such mutual relationship. There were certain prisons which were virtually run by goonda prisoners and the prison staff was at their mercy. In some other prisons where the administration was inefficient, there was complete indiscipline both among the prisoners and the prison staff. In prisons which were still being run on old traditional methods the inmates were subdued and repressed. In any case, neither did inmates have confidence in prison personnel nor did the staff have faith in the improvability of inmates. We are of the view that for making treatment programmes effective it would be necessary to develop good relationship between the prison personnel and inmates. Prison personnel will have to develop friendly but not too familiar a relationship between themselves and the inmates, and for that the quality of prison personnel will have to be improved.

10.8 Study of the individual inmate, initial classification of prisoners, their care and welfare, and firm and positive discipline in prisons constitute essential pre-requisites for planning balanced treatment programmes. All these aspects have been discussed in our Report at appropriate places.

10.9 The process of treatment should begin right from the time of admission of an inmate in an institution. A newly admitted inmate faces a number of problems of adjustment with the new environment. The regimented routine of institutional life, the pattern and timings of prison food, and anxieties about health, family and domestic problems such as land, litigation, etc. keep bothering him. He attempts to seek adjustment with inmate groups and prison personnel and with the work allotted to him. If these urgent needs and problems are explored, identified and attended to by prison personnel sympathetically and with understanding the inmate will get a lot of relief. This will also enable prison personnel to establish a rapport with the inmate and secure his cooperation in the effective implementation of treatment programmes.

10.10 We found during our visits to various States and Union Territories that programmes of work and vocational training in prisons were stuck up in the quagmire of traditions embedded in the prison system for decades together. Prison industries have not been modernised and they are not in a position to train prisoners for the competitive labour market in the free community. There is a lot of unemployment and under employment in prisons. Programmes of work and vocational training in prisons have not been developed with a view to imparting requisite skills, habits of hard and concentrated work and fostering in inmates desirable attitude towards work. Prisoners consider prison work as the main ingredient of their punishment and a sort of enforced drudgery through which they have to go during the period of their incarceration. If a prison has to function as a centre of correctional treatment, the entire outlook towards prison work programmes must undergo a complete change. We are of the view that work which is purposeful and meaningful and which can impart new set of values and a positive attitude towards work has to be the central focal point round which all the institutional activities should be planned and developed. It is from this angle that the people responsible for the formulation of prison policies in States and Union Territories should look at work and vocational training in prisons. In view of the importance in these aspects, we have devoted an entire chapter (Chapter XI) to 'Work Programmes and Vocational Training' in this Report.

10.11 It is well recognised that diversified education is an important channel through which the outlook of a person can be developed and his total understanding and perspective of life can be changed. It is, however, unfortunate that education is not at all treated as an important item of prison programmes. In some prisons some perfunctory adult education programmes have been organised. In some other States prisoners are allowed to study during their spare time and are permitted to appear at regular examinations conducted by Boards and Universities. But only a few prisoners can avail of this opportunity. Education

is not a compulsory or essential activity in prisons. A certain period of the day has not been specifically earmarked for educational activities. Regular classes where prisoners of different educational backgrounds can devote a few hours to education have not been provided in prisons. In some States we were informed that prisoners were expected to undertake educational activities in the barracks only after lock-up. Lighting in the barracks is generally so dim and insufficient that it is impossible to undertake any serious educational activity inside the barracks after lock-up time. It is only in some prisons that teachers have been appointed but they are not regarded as having any importance in the staff organisation of a prison. Under the circumstances they cannot play any effective role in creating wholesome opportunities for prisoners for their educational development. Our impression is that in Indian prisons education is not regarded as a vital channel for the overall development of prisoners, or as an important process through which their outlook, habits and total perspective of life could be changed.

10.12 Education is an important component of correctional treatment. In the context of prison programmes education should be taken in its broader perspective. Educational activities in prisons should be diversified. The essential elements of educational programmes in prisons as contained in the Model prison Manual are given in Annexure A attached to this chapter. In agreeing with the thinking of the All India Jail Manual Committee we visualised that educational activities in prisons should provide to the inmates such vital channels for the development of attitudes and outlook as might help them in their re-assimilation in society.

10.13 Prison administrators generally argue that as prisoners have to complete their prescribed tasks, there is hardly any time left for education (or even for recreation) during a working day in a prison. They attach primary importance to production of goods in prison factories rather than to the education and training of inmates. Some senior prison administrators stated with pride as to how the production of their prison factories had gone up and how the prison department had made profit during a particular year. They never mentioned if some prisoners had attained a certain degree of academic standard or had acquired new skills which could be helpful to them in earning their bread by honest means after their release. This indicated how prison administrators look at prison factories as means of production only. We would like to emphasise that in prisons equal importance should be given to imparting useful skills and comprehensive education to inmates, which help in moulding the offenders into useful social units on their release.

10.14 Life in prisons is extremely monotonous, routinized and regimented. As discussed elsewhere in our Report, conditions of living in many prisons have become so degenerated that prisoners have to undergo a very depressing experience. Even otherwise, in the monotony of prison setting, recreational and cultural programmes assume a special significance. They offer opportunities to prisoners for relaxation and some joy. Recreational and cultural activities aim at providing opportunities to inmates for restoration of energies, cultural development, channelizing surplus energies in a useful manner and for establishing useful relationship in group situation.

10.15 Recreational and cultural activities have, however, not been fitted at present into a plan of treatment programme. In some prisons, such activities are only occasionally organised without aiming at any specific objective. They are supposed to be the pastime of a privileged few. They are not an essential part of the daily routine of prisons and no fixed time has been earmarked for them. Our impression is that adequate attention is not being paid to this aspect of institutional activity in prisons in India. We, however, consider that recreational and cultural activities should be treated as essential components of the total treatment programme in prisons.

10.16 Recreational and cultural activities, a few examples of which are given below, could be extended to each inmate or groups of inmates depending upon various factors in

the prison setting :

- (i) Outdoor games : Kabaddi, wrestling, volley ball, football, basketball and ring tennis.
- (ii) Gymnastics : Physical culture, single and double bar, roman rings, barbell and malkhamb.
- (iii) Indoor games : Chess, draughts and carrom.
- (iv) Films : Historical, mythological, biographical, scientific and educational films, travelogues, documentaries, newsreels, films dealing with social themes. Films depicting crime, sex, violence, suspense, etc., and films which will have a damaging impact on the life of inmates should not be shown to them.
- (v) Music : Music has a special significance in the abnormal and artificial atmosphere of a prison. It can bring relief to the lonely, the distressed and the unhappy inmate. It can relieve boredom and promote interest in institutional programmes. Music programmes could consist of radio music, recorded music, group singing, folk music, instrumental music, orchestra and musical band.
- (vi) Community and folk dances : Group dances could be performed on festival and social occasions. Folk dances can also be of great value in the prison set up.
- (vii) Drama : Useful social values and models of behaviour can be presented before the inmates through dramatic performances. Dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays, play reading, humorous skit, etc., could be performed for the benefit of inmates. Inmates themselves can be encouraged to take part and organise these activities.
- (viii) Arts and crafts : Arts and crafts can play an important role in imparting useful values to the inmates. Through these activities inmates can maintain their individuality. Such activities can also function as supportive therapeutic measures in the monotonous life of an institution. In this context prisoners can be provided with necessary facilities for pottery, basketary, wood carving, home carpentry, marquetry and veneers, wood turning, fret work, leather work, home decoration, lamp shade making, metal craft, plastics, toy making, artificial flower making, horn craft, clay modelling, lacquer work, drawing, painting, stencilling, papercrafts, papier mache, rug making, raffia work, felt work, spinning, knitting, embroidery, needle work, crochet, sewing, tatting, etc.
- (ix) Reading : Inmates can be encouraged to read books, newspapers and magazines. Group reading and guided reading can also be useful for them.

10.17 Every prisoner looks forward to go back to his family and community and to resettle there. Maintaining continuity of contacts with family and the community is very important from the point of view of a prisoner's ultimate resettlement in society. This can be achieved through letters, interviews, release on leave and special leave, premature release, etc. These facilities together with award of remission and transfer to semi-open institutions constitute a good system of incentives for self-discipline and behaviour modification of inmates. These aspects have been discussed at appropriate places in different chapters of this Report.

10.18 Techniques of case work and group work which aim at helping the prisoners at the individual level and in a group situation should be treated as important components of the total treatment programme. Prison officers of all ranks should be trained in these techniques so that they can help prisoners at the individual level through case work and

can utilise group situation in a prison for group work activities, ultimately aiming at helping a prisoner to appreciate his individual problems as well as problems of group adjustment. At present these established techniques of behaviour modification are not applied in prisons anywhere in India.

10.19 Social implantation is another important component of the treatment programme. Wrong attitudes and habits and anti-social approaches have to be removed from the thought processes and value schemes of the anti-social persons. Anti-social value schemes should be replaced by useful and proper habits, attitudes and approaches. This can be achieved through individual and group guidance, and through exposure of inmates to an atmosphere of wholesome opportunities which should predominate and permeate an institution. Prison personnel should be given specific training in these fields.

10.20 Psychotherapy is an effective approach for treatment of prisoners who suffer from some degree of mental disorders and mental defects. Dr. J.C. Marfatia has defined psychotherapy as a form of "psychological treatment which aims at altering the attitude of the patient to himself and to his environment, and attempts at re-educating the personality and strengthening the ego so as to enable him to face reality and to meet the demands of the outside world."¹ Discussing the need for considering the problem of crime from its psychological and of psychiatric aspects, Dr. Marfatia has said :

"Crime presents a problem not only to the public, the lawyer, and the judge, but also to the psychiatrist, the psychologist, the sociologist, the anthropologist the social worker and the criminal himself. It is the lack of understanding of the criminal himself that makes the problem of crime so complicated. In order to understand the offender, we ought to know the forces that drive him to criminal behaviour. Such an understanding is possible when the problem of crime is considered from its psychological and psychiatric aspects. This approach will make intelligent and effective management of the offender possible."²

10.21 In western countries psychiatrists function as technical aids to prison administrators in the fields of criminology, delinquency and penology. The All India Jail Manual Committee had recommended appointment of psychiatrists so that psychiatric services in prisons could be developed. But unfortunately this recommendation has not been implemented in any State or Union Territory. As a result, offenders suffering from mental disorders, anxiety states, neurosis, psychopathy, psychosis, drug addiction, sex perversion, etc., are not getting proper treatment. Scientific method of psychotherapy for the treatment of these categories of offenders should be adopted in Indian prisons without any further delay. Psychotherapy, however, must be applied in correctional work in our prisons against the background of the Indian culture.

10.22 In the prison world inmates have to face many anxieties about themselves and about their family members. During their stay in the prison a number of situations arise, resulting from their own interaction with fellow inmates and the staff or from some unfortunate happenings with the family, land or property, by which they get emotionally upset. Such situations do not so much require a scientific treatment as a sympathetic approach and support from persons in immediate contact. In times of crises and calamities prisoners need this support to face life situation with resilience. Prison personnel of all categories should be oriented and trained to extend such support whenever a situation of emotional depression arises in the life of an inmate. This approach, generally called supportive therapy, is primarily a human approach i.e., an approach of helping the human being in times of crises. Supportive therapeutic approach grows out of the faith and belief of prison personnel in higher human values and develops through a continuous process of training. This approach should percolate from the senior prison administrators to other personnel functioning at the field level in a prison setting.

10.23 Personal influence of prison personnel plays a very important role in the total treatment programme of prisoners. The sociological principle of suggestion and imitation operates effectively in prison situations. The models of behaviour presented by prison personnel are likely to influence the behaviour of prisoners. We are, therefore, of the view that prison personnel should present such models of behaviour as would be useful to offenders in their ultimate resettlement in society. Wrong models and patterns of behaviour presented by staff will have damaging effect on the prisoners. On the other hand, if prison personnel are consciously aware of the principle of suggestion and imitation and also about the positive operational philosophy of behaviour, they can operate at a useful level. The aspect of operational philosophy of behaviour has to be constantly instilled in prison personnel through continuous training. In the long run all these factors can prove helpful in moulding the attitudes of prisoners and in their ultimate re-assimilation in the society.

10.24 Treatment programmes in prisons should be assessed and evaluated continuously. Such evaluation can be done independently by scholars and researchers. But some in-built mechanisms in the prison system such as periodical review of progress of inmates and their re-classification, review of sentence and consideration of conditional or unconditional premature release, planning of release and pre-release preparation, aftercare and follow-up, which would continuously assess the effectiveness of treatment programmes, have been discussed at relevant places in different chapters of this Report. We have also discussed and recommended in Chapter XXI on 'Community Involvement in Corrections', how the resources in the community and the services of voluntary individuals and groups can be utilised for making treatment programmes more varied and effective.

10.25 Adequate provision should be made in the budget of the Department of Prisons and Correctional Services for undertaking diversified treatment programmes in various institutions under the department. There might, however, be certain aspects of welfare and treatment of prisoners which could not be covered by the budget of the department. We feel that in each State/Union Territory a Prisoners' Welfare Fund should be set up to meet such contingencies and proper rules should be framed for the operation of such fund.

10.26 Before concluding this discussion on treatment programmes it is necessary to add a word about locking-up time in prisons. At present, prisoners are locked up in their barracks at sunset. This arrangement does not leave adequate time for diversified treatment programmes of work, education and recreation. This also results in many disciplinary problems as after lock-up inmates have hardly anything purposeful to do. It is significant to note that no meaningful programmes of education, recreation or other activities can be organised in barracks after lock-up.

10.27 The idea of locking-up prisons at sunset has its origin in the need for adequate security against escapes and other mishaps. We are of the view that a large section of the prison population does not require such tight security measures. If the lock-up time is shifted further by two to three hours, sufficient time would be available for proper implementation of some of the important treatment programmes. This would also reduce disciplinary problems. For a properly planned daily routine a reference may be made to Chapter XXI on 'Routine and Programme' of the Model Prison Manual.

10.28 Our recommendations with regard to treatment programmes are as follows:—

10.28.1 Treatment programmes should be properly planned and developed. They should be regarded as an integral part of prison programmes. Diversified programmes of treatment of offenders should be devised and executed in such a manner as would inculcate in inmates useful habits and attitudes which may be helpful to them in proper assimilation in the society after their release.

10.28.2 The atmosphere of prisons, including behaviour of prison personnel, should be surcharged with positive values and the inmates should be exposed to wholesome environment with opportunities to reform themselves. Such an atmosphere is an essential pre-requisite for successful execution of treatment programmes.

10.28.3 Inmate-personnel relationship in prisons should be based on mutual trust and confidence. Prison personnel must have faith in the improvability of offenders while the inmates must feel that prison personnel are working for their welfare.

10.28.4 Discipline in prisons (as already elucidated in Chapter VIII on 'Security and Discipline') should be firm and positive so that treatment programmes in prisons may be carried out uninterruptedly and effectively.

10.28.5 On admission, initial classification of prisoners should be done on the basis of a proper study of their personality, antecedents and prognosis for treatment. This will help in the segregation and protection of a large majority of first offenders from getting contaminated by the prison sub-culture. This will also help in devising individualised treatment programmes for all categories of inmates.

10.28.6 Immediately on admission in prisons, inmates are faced with a number of problems of adjustments with the new environment. Prison staff should promptly attend to these problems of inmates. This will help in generating confidence of the inmates in prison personnel and secure their willing cooperation in treatment programmes.

10.28.7 Treatment of offenders through diversified work programmes and vocational training should be the focal point of prison activities.

10.28.8 Each State and Union Territory should formulate its prison educational policy on the basis of the principles enunciated in Annexure A attached to this Chapter.

10.28.9 Educational programmes should consist of :

- (i) Physical and health education;
- (ii) Academic education;
- (iii) Social education;
- (iv) Vocational education;
- (v) Moral education;
- (vi) Cultural education.

Note: For details, references should be made to Chapter XXIII of the Model Prison Manual—Educational programme—(i) to (vi)—page 134-135.

10.28.10 Keeping in view the special needs of prisoners, literature for inculcating new set of values and attitudes in them should be prepared.

10.28.11 Every prisoner (including undertrial prisoners) should be offered a suitable educational programme during his stay in the prison.

10.28.12 Education should be a compulsory activity in prisons. At least one hour a day should be earmarked for this purpose.

10.28.13 Every central and district prison should have a regular school where prisoners can attend educational classes in shifts. For undertrial prisoners and for prisoners

sentenced to short terms of imprisonment educational classes should be organised in yards/enclosures where such prisoners are kept. This would facilitate the organisation of regular educational classes for prisoners who are required to undertake educational programmes on a short, medium or long range basis.

10.28.14 Every prison should organise adult educational programmes in collaboration with the education department of the State/Union Territory.

10.28.15 Educational activities in prisons should be organised at different levels, for example :

- (i) for the illiterates ;
- (ii) for the neo-literates ;
- (iii) for the semi-literates ;
- (iv) for the literates ; and
- (v) for those desirous of getting higher education.

10.28.16 The school in prison should be properly staffed with trained personnel. Facilities like proper class rooms, educational equipment, charts, maps, etc., should be provided.

10.28.17 Diversified education should be compulsory for young offenders. For this group academic and vocational education should be organised according to the educational level, aptitude, intelligence, interest and other factors. Every illiterate, neo-literate and semi-literate young offender should attend school for 4 periods a day. Adult education programme with greater stress on vocational and craft training should also be organised for them. Young offenders who have reached some grade in education should attend the school in the Kishore/Yuva Sadan on a regular basis. They should also undergo vocational and craft education and for them education above the primary stage should be vocationalized. Young offenders, who have good potential for education or other types of technical and other training and in whose case prognosis has been good, should be allowed to attend schools, colleges, industrial training institutes and other educational institutions in the community subject to rules as might be made in this regard.

10.28.18 Educational programmes in prisons and in Kishore/Yuva Sadans must be integrated with the educational system in the States/Union Territories. This would facilitate the continuation of education of inmates even after their release from the institution.

10.28.19 The classification committee and the educational personnel should decide as to how much time should be devoted for academic education, vocational education, work, etc., for each inmate. As there will be variations in the educational levels, intelligence and interests of inmates diverse educational programmes should be organised for different groups of inmates.

10.28.20 Inmates who have reached a certain stage of education should be allowed to continue their education. They should be allowed to join schools/colleges subject to rules made in this regard. They should be allowed to appear at Board/University examinations, language examination, etc., under correspondence course schemes.

10.28.21 Special attention should be paid to the development of suitable educational programme for women prisoners.

10.28.22 The Inspector General of Prisons and Director of Correctional Services should formulate a detailed educational programme for each institution taking into account the size of the institution, homogeneous groups of inmates in the institution, the number of inmates and other relevant factors. Such programmes should be drawn up in consultation with the State education department.

10.28.23 It should be one of the primary responsibilities of the prison superintendent and other prison personnel that this programme of education is implemented in its proper spirit. The success or failure and the extent of the educational activities in each institution should be one of the principal factors on which the performance of the prison superintendent and other prison personnel should be evaluated.

10.28.24 Programmes of adult education, social education and moral education should also be organised in sub-jails.

10.28.25 Literate inmates whose conduct is good should be given training in imparting education to other inmates. Such trained inmate teachers should assist the educational personnel of the institution in organising diversified programmes of education. However, habitual offenders, professional and sophisticated criminals should not be selected for working as inmate-teachers.

10.28.26 Curricula and syllabii should be drawn in accordance with the needs of different inmate groups. As far as possible the syllabii and curricula should be in line with those followed in the educational institutions in the community. Factors such as potential of inmates, length of sentence, etc., should be taken into account while drawing up the syllabii and curricula for prison educational programmes.

10.28.27 Prison schools must be properly equipped. Facilities such as text books, coaching for preparations for examinations, permission to appear for external examinations, facilities for self-study, correspondence courses, guided reading, financial assistance in deserving cases for continuation of education should be extended to inmates.

10.28.28 Tests and examinations should be conducted and certificates awarded by the education department of the State/Union Territory.

10.28.29 The strength of educational personnel at each institution should be fixed in accordance with the diversity and content of educational programmes in that institution.

10.28.30 Social, moral and health education lectures should be organised.

Note: For details regarding educational programmes, provisions of Chapter XXIII of the Model Prison Manual, p. 133-137 should be referred to.

10.28.31 Each State and Union Territory should accept and adopt the essential elements of recreational and cultural activities as are given in Annexure B to this chapter.

10.28.32 The Inspector General of prisons of each State/Union Territory should formulate a plan for recreational and cultural activities for each institution taking into account the requirements of homogeneous groups of prisoners. Facilities available at each institution should be fully utilised and additional facilities created so that recreational and cultural activities become a vital part of the treatment programme.

10.28.33 Recreation should be properly designed and planned. It should also be adequately guided and supervised. Necessary personnel for this purpose should be earmarked in each institution.

10.28.34 The facility of recreational and cultural activities should be extended to prisoners in accordance with their response to institutional regime. Recreation should be treated as incentive for good behaviour and self-discipline.

10.28.35 Recreational and cultural activities as specified in para 10.16 of this chapter should be provided in prisons depending upon various conditions such as availability of space, composition of inmates and arrangements of security.

10.28.36 Each central and district prison and Kishor/Yuva Sadan should have a 16mm film projector.

10.28.37 A library of good films should be developed at the headquarters of the Inspector General of Prisons and Director of Correctional Services and these films should be sent to various institutions. Close liaison should be established between the Department of Prisons and Correctional Services and the Films Division, Department of Information and Broadcasting, Film and T.V. Institutes, film societies and other organizations which can supply good films for being shown to inmates. Television will also have good educational and recreational value.

10.28.38 Every prison and allied institution should have a proper library with sufficient number of newspapers, periodicals and books. From the main library, reading material should be circulated to each yard/enclosure. Books from the local libraries should be borrowed and circulated to the inmates.

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. ✓

10.28.40 Every prison and allied institution should have a committee for recreational and cultural activities. This committee should consist of very carefully selected inmates who are of good conduct and who have the potential and ability to organise such activities. These committees should plan and execute daily recreational programmes and special celebrations on national holidays and festivals.

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. Such liaison will be useful in developing good public relations and in promoting healthy recreational and cultural activities in prisons.

10.28.42 Continuity of contacts of prisoners with their family members and the community should be maintained.

10.28.43 Incentives of remission, leave, transfer to semi-open and open institutions, pre-mature release, etc., should be judiciously used to promote self-discipline and modification of behaviour of inmates.

10.28.44 Techniques of case work, group work, individual and group guidance and counselling should be applied in prisons as measures of treatment of offenders. Prison personnel should be trained in these techniques.

10.28.45 Anti-social value schemes of offenders should be replaced by proper habits and attitudes through individual guidance and through exposure of inmates to an atmosphere of wholesome opportunities.

10.28.46 Psychotherapy which has been recognised as an effective measure for treatment of prisoners suffering from some degree of mental disorders and mental defects should be used in prisons.

10.28.47 Supportive therapy should be used as a technique of treatment of inmates. All categories of prison personnel should, during the course of their training, be oriented to supportive therapeutic approach towards inmates so that they may help inmates in times of crises.

10.28.48 Prison personnel should present such models of behaviour in their conduct before the inmates as would be useful for the offenders to imitate. Personal positive influence of prison staff can play an important role in the treatment of prisoners.

10.28.49 The impact of treatment programmes for offenders in prisons should be regularly reviewed both through independent agencies (such as, experts and social scientists of schools of Social Work and University Departments) and through inbuilt mechanisms in the prison system (such as, periodical review of progress of inmates, re-classification of inmates, review of sentences, after-care, follow-up, etc.) .

10.28.50 Community participation in treatment programmes should be encouraged.

10.28.51 A Prisoner's Welfare Fund should be set up in each State/Union Territory.

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.

10.28.53 In the end we would like to emphasise that the ingredients of treatment programmes, as outlined above, should be adopted by all the States/Union Territories and that the Government of India should provide an effective and forceful leadership in this field so that the Indian prisons are revitalised as effective centres of re-education of prisoners for their ultimate re-assimilation in society.

References :

- 1 . Dr. J.C. Marfatia : ' Memorandum on Psychiatric Services in Prisons ' attached to the report of the All India Jail Manual Committee 1957-59 as Annexure E ; page 150.
2. Ibid.