

REPORT
of the
ALL INDIA COMMITTEE
ON
JAIL REFORMS
1980—1983
VOLUME—II

MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

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21.17.11 An important and potential field where a lot of work can be done by voluntary organizations and individuals is the sphere of probation services. A large number of voluntary workers can be appointed as Voluntary Probation Officers to supervise inmates let out on leave or special leave or on premature release. The Indian probation system is seriously handicapped for want of adequate number of departmentally paid probation officers and this deficiency can be effectively remedied by utilising the services of voluntary workers.

21.18 The foregoing list is only illustrative of the services which voluntary organizations or individuals can render in the field of crime prevention and corrections. Many more areas can be identified if officers of the Department of Prison and Correctional Services confer with local voluntary agencies and explore possible utilization of public resources for correctional work.

21.19 All caution should be observed to see that undesirable persons do not get entry into prisons and other allied institution in the guise of voluntary workers. The Inspector General of Prisons and Director Correctional Services should also be empowered to de-recognize and delist any voluntary organization or individual and discontinue its involvement in correctional programmes, wherever grounds for such action exist.

References :

1. Summary of the White Paper on Crime, 1978; Government of Japan; page 21.
2. Corrections: Report of the National Advisory Commission on Criminal Justice Standards and Goals, USA : 1973 : Part II, Chapter 7— Corrections and the Community; page 226.
3. The Bhagvadgita : Dr. S. Radhakrishnan, Verse 21, Chapter III; page 140.
4. Corrections : Report of the National Advisory Commission on Criminal Justice Standards and Goals, USA: 1973: Part II, Chapter 7— Corrections and the Community; page 222.
5. Summary of the While Paper on Crime, 1978; Government of Japan; page 21.
6. Report of the Fourth United Nations Congress on the Prevention of Crime and Treatment of Offenders (United Nations Publication, Sales No. E.71 IV.8) New York, 1971.
7. Public Participation in Social Defence: Dr. S.P. Srivastava, 1981: B.R. Publishing Corporation, 461 Vivekanand Marg, Delhi-110052.

CHAPTER XXII

AFTER-CARE, REHABILITATION AND FOLLOW-UP

22.1 One of the most critical periods in the life of one who has been a prisoner is that which immediately follows his release from prison. The longer is his period of confinement the greater are his woes in the prospects of rehabilitation. The monotonous routines of a restricted living disorient him completely for the social life in a free community. His family is in disarray and his friends desert him. He has no money and no one to fall back upon. His land has also perhaps been grabbed. People bear an antipathy towards him for he has been in the prison. His ill-reputation as a criminal and the stigma of imprisonment follow him at all points of life. He wanders for a job but is received with suspicion. He decides to enter a service and fills up a form but stumbles at the column : 'Have you ever been arrested or convicted?' No one is prepared to believe that he has recovered from the set back of crime and its consequences, and that now he can possibly lead an honest and hard-working life. He has no courage to tell people that he has come out of a degrading past and is making fresh and honest effort for living the life of a normal citizen. The humiliation of prison life often denudes a person of self-respect and self-reliance. His wits begin to fail him ; he wavers in his thoughts and oscillates between decisions. Life for him is tense and trying. He is like a handicapped person convalescing from the crippling accident of crime and trying to learn to walk on his own strength. He needs help ; he needs after-care and rehabilitation .

22.2 After-care includes programmes intended to bridge gaps between the life in prison and life in community. We have envisaged in our Report a prison system which shall not be just another link in a chain of persecution of an offender but will attempt at reforming and reconstructing him into a self-respecting, self-reliant individual through a purposeful approach of training and treatment. But however enlightened our criminal justice system may be, a man will never emerge out of it the same person, as he had been when he entered the process of law through the police to pleaders, prosecution, courts and finally the prison. He might come out with any determination to lead an honest life but he will be vulnerable to suspicion, opposition, rejection, hostility and evil temptations. It is at this critical time that he needs sympathetic, well-meaning and concrete assistance to help him in settling down as an honest citizen.

22.3 Our legal and social framework, as it is constituted today, has little to help the ex-offender to regain his self-confidence to lead a normal and settled life. It has little to offer him as a support to sail out of the tempestuous alternatives of complete frustration or reversion to the life of crime.

22.4 An Advisory Committee on After-care Programmes was appointed by the Central Social Welfare Board in the year 1954 under the Chairmanship of Shri M.S. Gore to study, among other things, the nature and size of the problem of those adults and juveniles who were discharged from correctional institutions. The committee was also asked to indicate the manner in which pre-discharge policies and practices of institutions could be modified to make after-care programmes effective. Referring to the then existing state of affair

in this regard the Committee stated that :

“with the exception of a few after-care organizations to meet the needs of persons discharged from custodial institutions there was hardly any work which had been done in this field. Even these after-care organisations for ex-convicts and juvenile delinquents had developed only in some of the districts of a few states”¹

22.5 The report of Gore Committee emphasises that in relation to juvenile and adult offenders, after-care programmes are essentially an extension of the institutional care and treatment given to them during the periods of their custody. The chief aim of after-care services is to provide the discharged inmate proper opportunities to benefit from the training he received during custodial care, for settling down as a normal person after his release. But the Committee was disenchanted with the institutional training and treatment given in prisons :

“Our study of the institutional programmes inside the jails has made it abundantly clear that the jails are still dominated by the ideas of deterrence and retribution. The entire programme of forced labour that is so common in the jail routines is directed to punish prisoners rather than to train them up and to elevate their morale. Even the programmes of education are not given sufficient attention inside the jails. These difficulties are likely to come in the way of making the organization of After-care services effective.

“If After-care Services are to be effective, it is necessary that we discard our old ideas about the treatment of the prisoners and accept the reformation and rehabilitation of prisoners as a legitimate aim of our penal policy. This could imply that the treatment in jails has to be suited to the needs of the prisoners and not be related merely to the gravity of their crime. This would further imply a series of reforms in the penal system and prison administration based on the results of an intensive study of criminal behaviour in the Indian setting”².

22.6 As a consequence of Gore Committee's report a comprehensive after-care programme was started during the Second and Third Five year plans at the instance of the Central Social Welfare Board and a few after-care homes and shelters were set up in some States. However, in due course of time due to paucity of funds, lack of interest on the part of State Governments and mismanagement by local staff, many of these institutions were closed down as defunct and some others were converted into other kinds of institutions under the Social Welfare Department. Only a few States are left with some very weak institutions which are unable to cope up with the real dimensions of the after-care and follow-up work.

22.7 After-care programmes need to be revived and re-strengthened. We realize that a perfect system of prisons where all categories of prisoners can be transformed into socially acceptable and useful citizens cannot be evolved. However, even those prisoners who have responded well to the treatment and training programmes in prisons and exhibit potentialities of re-settling in life as useful citizens would need help and guidance on release from prisons. A feeling of insecurity and indecisiveness is common to all ex-prisoners and to expect such men to adapt themselves to society, without planned and conscious effort to re-assimilate them, will be wholly unreasonable and unrealistic. Care will have to be taken so that they do not revert to crime due to frustration, merely for lack of adequate counselling, guidance, financial assistance or material help after their release from the prison.

22.8 The process of rehabilitation of an offender begins right when individualized treatment is planned for him in the prison. The very idea of ‘suiting punishment to the criminal and not to crime’ has the seeds of ultimate restitution of the offender to the social milieu. We have already spelt out in Chapter IX on ‘System of Classification’ how diversification

of institutions, classification of prisoners and assessment of the personality of offenders will be helpful in planning the most suitable educational, vocational and other training programmes which could lead to their ultimate rehabilitation in society. We have also described in Chapter XX on 'System of Remission, Leave and Pre-mature Release' of this Report as to how through remissions and review of their sentences, the appropriate time for their release from the institution can be determined. We will now discuss some of the pre-release programmes and the post-release after-care, rehabilitative and follow-up measures without which the corrective processes of prisons will be rendered meaningless and incomplete.

22.9 The first thing we envisage in this regard is that the process of after-care and rehabilitation of the offender should be an integral part of the process of his institutional care and treatment. Delinking the two will lead us nowhere. The other thing, which is only a consequence of the first, is that if after-care has to be an extension of the institutional treatment programme, the administrative machinery for carrying out the follow-up action will have to be effectively integrated with the Department of Prisons and Correctional Services.

22.10 We would like to make it amply clear that in the Indian social setting, after-care and follow-up services will not be required by each and every inmate leaving the prison. Even in case of those needing it, the requirements of after-care and follow-up will vary from prisoner to prisoner. A large number of prisoners coming from the rural agrarian community are generally accepted back into the family and are re-assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counselling to bridge the gap between their life in the closed prison and the free society. Then there are always a few others who would resist all follow-up action, for they would take it as a kind of surveillance on them. Such habitual hardened criminals might detest the idea of after-care not only for themselves but also for other border-line cases, particularly persons whom they look upon as their future companions in crime. But there will always be a third category of inmates who would be urgently in need of after-care and follow-up measures to settle into life after release and to get themselves rehabilitated beyond the possibility of reverting to crime.

22.11 We are of the view that the work of after-care, rehabilitation and follow-up action regarding offenders cannot be accomplished without effective community participation. Since the ex-offender has to be rehabilitated in the society, the society will have to come half-way to accept him. If by some compelling socio-economic circumstances a person had plunged into crime, he must be rescued by social agencies and should be helped in his social re-assimilation and rehabilitation. There are some voluntary organizations in certain parts of the country, such as Naya Jeevan Mandals in Maharashtra, which take up the work of aid to ex-prisoners with philanthropic zeal, but their number is so small and the finances with them so meagre that they cannot organise any substantial programme of after-care and rehabilitation.

22.12 We are sure that with proper dissemination of knowledge about the importance of community participation in the rehabilitation of ex-offenders, some well-established voluntary organizations will come forward to take up as their responsibility the discharged prisoners' aid programmes. They can set up permanent wings, with voluntary and paid workers, to promote the welfare of ex-prisoners. Their members can visit prisoners before their discharge from prisons and help in planning and organizing after-care and rehabilitation programmes for them. The voluntary organisations can help individuals willing to keep away from the life of crime by offering opportunities of employment, financial assistance for self-employment and facilities for furthering their education. Timely and sympathetic assistance from a non-governmental organization is bound to awaken in them a respect for society and an awareness for an orderly living. A well integrated government machinery, with an effective liaison with voluntary organisations, can go a long way in extending the system of corrective care in the institutions to the post-release period of offenders needing assistance for their ultimate rehabilitation in society.

22.13 In the following recommendations with regard to pre-release preparations, after-care, rehabilitation and follow-up measures for offenders, we have laid down the principles underlying this important element of corrective process. Its details will have to be worked out at the field level by the functionaries with due consideration to local conditions.

22.13.1 After-care of prisoners discharged from prisons and allied institutions should be the statutory function of the Department of Prisons and Correctional Services.

22.13.2 (a) There should be a properly staffed After-care and Follow-up Unit in the headquarters organization of the Department of Prisons and Correctional Services in each State/Union Territory under the Joint/Deputy Director of Probation and After-care Services. This Unit should get necessary feed back from the field agencies. It should also conduct a survey to determine the extent and form of help generally required by discharged prisoners.

(b) In the districts, probation officers should be incharge of after-care and follow-up work. In large states, Regional Probation Officers should be appointed to supervise and coordinate the work of probation officers in the districts.

(c) At the institutional level this work should be done by officers incharge of prisoners' welfare in close liaison with the Classification Committee.

22.13.3 The After-care and Follow-up Unit at the headquarters should evolve an objective method of assessing post-release needs of inmates so as to identify those who would require after-care and follow-up services. For this purpose, forms may be so devised as would enable an assessment of the after-care needs of each prisoner based on his pre-sentence socio-economic background, accomplishments during imprisonment and prospects of post-release settlement.

22.13.4 Efforts should be made to set up at least one voluntary organization in each district to which the work of extending help to released prisoners could be entrusted. Till such voluntary organizations come forward, after-care work should be done by officers looking after welfare of inmates in prisons, probation officers in the field and the headquarters organization of the Department of Prisons and Correctional services as indicated in para 22.13.2 above.

22.13.5 At the institutional level the Classification Committee should formulate pre-release plans and should provide the After-care and Follow-up Unit at the headquarters with all necessary data projecting the post-release needs of inmates.

22.13.6 Those entrusted with the work of after-care at various levels should keep close liaison with prospective employers (government, public sector and private) for the employment of released prisoners. As already recommended in Chapter XI on 'Work Programmes and Vocational Training', the work-programmes in prisons should be employment oriented and should be organized with a view to providing skills suited to local industries. Job placement will be rendered easy if certificates about proficiency acquired by prisoners in crafts and vocations are awarded by the Technical Education Department of the state/Union Territory.

22.13.7 The After-care and Follow-up Unit should, in consultation with the industries section in the headquarters organisation of the Department of Prisons and Correctional Services and under guidance from the Inspector General of Prisons, evolve self-employment work programmes for prisoners, which they can independently pursue after their release.

To provide prisoners with necessary kit of tools or equipment, arrangements may be made for adequate finance through the following sources:

- (a) Prisoner's own savings from wages earned in the prison;
- (b) Innovative schemes of various banks extending loans at low rate of interest;
- (c) Government funds, placed at the disposal of the Department of Prisons and Correctional Services for this purpose; and
- (d) Financial assistance offered by voluntary organizations.

The above arrangements will have to be finalized during the period preceding release so that there is no delay in the process after the prisoner is actually out of the prison. Officials will have to bear it in mind that once a prisoner loses his link with them, it is difficult to resume contacts with him.

22.13.8 As a pre-release preparation Officer in-charge of welfare of prisoners should make intensive contacts with the needy inmate, his family, prospective employers, after-care institutions, voluntary agencies and the After-care and Follow-up Unit at the headquarters and chalk out, in definite terms, the rehabilitative programme that the inmate has to follow on release.

22.13.9 After-care services should include all kinds of help which could result in proper readjustment of the released prisoners in the society. They should be well equipped for all types of assistance including:

- (a) guidance and counselling to prisoners to overcome their psychological and social problems;
- (b) educating prisoners about their role in the society as law abiding citizens;
- (c) legal assistance to those whose land has been grabbed;
- (d) securing cooperation of prisoners, families in accepting them back after release;
- (e) material assistance in the form of food, clothing and journey expenses enabling them to reach a safe place in the society after their release from the prison; and
- (f) distribution of printed literature to inmates detailing after-care facilities and programmes open for them both from government agencies and from voluntary organizations.

22.13.10 Often ex-prisoners do not find any place to lodge and board after their release. After-care Homes for such inmates should be established, if not in each district, at least at convenient places in the State so that the released prisoners can spend some time there. Rules should be framed for charging maintenance cost from inmates earning out of their own employment; others may be provided remunerative employment by starting production centres and be paid wages after deducting maintenance cost. Ex-prisoners should be motivated to find a permanent settlement in the free society as early as possible and any tendency on their part to linger on in these homes should be discouraged.

22.13.11 State Governments should consider desirability of taking suitable steps to ensure that ex-prisoners do not suffer any disability in finding employment in government service or in public sector undertakings on merits after release from the jail. Most of the States, we are given to understand, still bar appointment of discharged prisoners in government service. How can we expect the private employer to provide job to an-ex-offender on the basis of his merit, if the government itself lays down restrictions on such employment? We recommend that such restriction should be removed by suitable amendment of rules.

22.13.12 Small Scale Industries Departments of State Governments/Union Territory Administrations should formulate schemes of small production units which could be run by ex-prisoners on cooperative basis. Cooperatives could be organized in the field of carpet weaving, carpentry, iron pipe furniture, steel furniture etc., which are jobs commonly organized in Indian Prisons. These units can be financed by State Finance Corporations, Cooperative and other Banks under their innovative banking schemes. Government departments should give preference to these units in purchasing goods manufactured by them. The After-care and Follow-up Units will have to play a vital and continued role in the establishment and efficient functioning of such cooperatives.

22.13.13 State Tenancy Acts should be suitably amended to provide for the appointment of a receiver of agricultural land of a person convicted and sent to jail, if he applies for it, and provided he has title to the land. The Committee feels that if a receiver is so appointed, the interests of the prisoners will be well protected and he will find easy social and economic rehabilitation after his release. The Tenancy Acts may also provide for the protection of other tenancy rights in agricultural land of convicts during the period of their imprisonment.

22.13.14 Marriage is one of the most important modes of rehabilitation for women. Our recommendation in this regard is contained in Chapter XIII on 'Women Prisoners' of this Report.

22.13.15 The Department of Prisons and Correctional Services in collaboration with the State Department of Information and Publicity should make proper use of mass media to educate public about the need for rehabilitation of ex-prisoners in society. Publicity of correctional and after-care programmes through T. V., radio and the newspapers would go a long way in removing many misgivings about released prisoners.

22.13.16 It should be the policy of government to encourage formation of voluntary organizations for taking up programmes for the help of released prisoners. Such voluntary organizations should be given financial and other help to make it easier for them to carry out this work. Voluntary workers devoting considerable part of their leisure time to such work should be socially recognized. Outstanding services in the field of rehabilitation of offenders should be recognized by the State/Union Territory on National Days.

References:

1. Report of Advisory Committee on After-care Programmes—1955, page 1.
2. Ibid ; page 213.

CHAPTER XXIII

ORGANISATIONAL STRUCTURE

23.1 The organisational structure of any department is an important mechanism, the principal vehicle, which helps in carrying out the policies of the department and materialising its goals and objectives. Hence it is imperative that the organisational structure is not only carefully planned but is also constantly reviewed to identify the existing deficiencies so that they may be removed and do not impair the working of the organisation in any way. This is equally true for the organisational structure of the prison department.

23.2 A short retrospect on the development of prison organisation in India will enable us to appreciate its present staff and organisational structure in the right perspective. The institution of prisons in its organised form and the system of prison administration in India are of British origin and were introduced in the country as part of British administration. Prisons during the earlier days of British rule were run by District Magistrates who were indifferent to the human aspect of prison administration and were reluctant to accept welfare as an objective of prisons. Conditions in prisons were extremely bad till 1835.¹

23.3 The history of prison reforms in India began with the appointment of the famous Prison Discipline Committee of 1836-38. This Committee criticised severely the corruption of the subordinate establishment and the laxity of discipline. Some of the important recommendations of this Committee regarding the organisational structure of the prison set-up were that central jails should be built to accommodate not more than 1000 prisoners with sentences of over one year and that an Inspector General of prisons should be appointed in each province.

23.4 In pursuance of the recommendations of the Committee of 1836-38, the first central prison was constructed at Agra in 1846. This was followed by the construction of central prisons at different places in the United Provinces and in the provinces of Punjab, Madras, Bombay and Bengal. The first Inspector General of prisons in India was appointed in the then North Western province in 1844. This appointment was made on an experimental basis for two years and was extended for another four years. In 1850, the Government of India made it a permanent post and suggested that each province should appoint an Inspector General of prisons. From 1852 onwards, other provincial governments also started appointing Inspector General of prisons in their respective provinces.²

23.5 In the year 1862, the then North Western province initiated employment of Civil Surgeons as superintendents of district jails. Later in 1864, the Government of India issued orders that all provinces should employ Civil Surgeons as superintendents of district jails.³

23.6 Some more attempts were made at all India level to enquire into problems of management and discipline of prisons as discussed in Chapter II on 'Review of Prison Reforms' of this Report ; but the question of organisational structure of the prison department did not receive as much focus by any of them as by the Indian Jails Committee of 1919-1920. This Committee for the first time in the history of prison administration in India agreed that the objectives of prison administration should be prevention of further

crime and restoration of the criminal to society as a reformed person. It recommended that prison service should be developed on the lines of a career service and should be headed by efficient and competent men, well trained for their jobs and having sufficient experience of handling prison problems. The Committee also recommended that for every central jail a whole time superintendent should be appointed. The prevailing practice at that time was that central prisons were headed by civil surgeons. Due to his multifarious duties, the civil surgeon of the district could hardly devote an hour each day to the jail administration and hence the jail administration was practically carried out by the jailor. The Committee was of the view that each district jail with an average population of 300 or more should have a whole time superintendent, and that the post of district jail superintendent should be filled in from among jailors by selection and the candidates must be qualified not only by length of service and character but also general education. The Committee also recommended that the post of Inspector General of Prisons be filled by selection from the rank of superintendents of central prisons. The recommendations of this Committee, however, remained un-implemented.

23.7 The period from 1937 to 1947 and the period of about a decade thereafter saw general awareness for prison reforms in some progressive States, where efforts of some of the eminent freedom fighters who had known conditions in prisons during the freedom struggle succeeded in focussing attention in this direction. However, these reforms were mainly restricted to improving the living conditions of prisoners; they did not usher in any new policy with regard to the strengthening or rationalising organisational structure of the prison department in most of the States.

23.8 Dr. W.C. Reckless, U.N. Expert (1951-52), dealing with the organisational structure of the prison departments in the country, observed in his report as below :

“Jail department is not organised at present for a career service. The Inspector General of prisons may be taken from the doctors in the army or the head of hospitals. He may be a former Deputy Collector or Magistrate. Superintendents are frequently recruited from outside the department. This may have been all right when jails were just holding operations but if they are going to be rehabilitation centres, it is far from right. We must have men at the top who have the experience, the knowledge, and the skill. The ideal system would be for each newly recruited or appointed assistant jailor to be selected properly, to be sent for special training, to be promoted to higher grades, to have opportunity for refresher training after so many years of service. If it came to pass that an Inspector General could not be selected from the superintendents of central jails because two or three were too close in qualifications, then we should go outside the State and get a well qualified Inspector General of Superintendent—but not a magistrate, a hospital administrator, a deputy collector. Their skills and competence lie in other directions. There are parallel services from which superintendents, deputy superintendents and other superior jail officers could be recruited, such as probation and after-care officers, remand homes and certified school officers. But when we get beyond these, we are recruiting people who do not have the feel for the job to be done with prisoners. All over the world jail service is a make-shift, misfit service. It is now high time that it becomes a career service and a specialised profession which any Pom, Dick or Harry cannot bring off successfully.”⁴

Thus, the principle that the prison service should be a career service and that officers of this service should man all posts including the top posts in the prison department was clearly brought out by Dr. Reckless. However, this important recommendation has not yet been implemented by most of the States.

23.9 In 1955 the U.N. Standard Minimum Rules for the Treatment of Prisoners, while dealing with the aspect of selection and training of personnel for penal and correctional institutions, also laid down that "staff should be specially recruited and not seconded from the armed forces or police or other public services". This important principle embodied in these Rules has also generally remained on paper.

23.10 The scope of functions of the prison department was discussed by the All India Jail Manual Committee 1957-59 and the Working Group on Prisons 1972-73. In this context it would be relevant to mention here that initially services under the Probation Act and the Children Acts evolved as a corollary to prison reforms. But as Social Welfare Departments were created in various States, these services were transferred to those departments. In Gujarat, the probation and juvenile corrections were reorganised under a separate Department of Social Defence and in Karnataka, under the Director of Women and Child Welfare. Similarly, in Tamil Nadu, Children Act institutions are administered by the Home Department. However, the subject of probation has continued with the prison departments in Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Maharashtra, Punjab, Tamil Nadu and West Bengal. This only highlights the diversity in the scope of the role of the prison departments and their structure in various states. The all India Jail Manual Committee 1957-59, in Chapter I and II of the Model Prison Manual, suggested that the Inspector General of Prisons should be designated as Inspector General of Prisons and Correctional Services and that all allied services like Probation, Juvenile Delinquency Service, Prison Administration and After-care Service should be brought under one umbrella. This suggestion was, however, not implemented except in the States of Andhra Pradesh and Maharashtra. Even there, only the Inspector General of Prisons was designated as Director of Correctional Services without much improvement in the infrastructure for effective supervision and control of various services brought under him. The recommendation of the Working Group on Prisons 1972-73 that "the correctional services for the young-adult and adult offenders, probation and after-care should be co-ordinated in one department and the Inspector General of Prisons should be designated as the Director of Correctional Services also" has also not been implemented.

23.11 Organisational structure of the prison department has to be planned and equipped to achieve the goals and objectives of the department. In Chapter IV on 'Legislation' of this Report, we have made a strong plea for the incorporation of the objectives of prisons—reformation and rehabilitation of offenders—in the new legislation. We have envisaged a new and significantly different role for the prison personnel in place of the role and image of a traditional jailor. This in itself is sufficient to make it necessary to restructure the staff organisation of prison department to make it suitable for correctional work. We have visualized that in each State/Union Territory the prison department will not only manage institutions for adult and young offenders but will also handle the work of probation and after-care of these categories of offenders. This will facilitate an integrated approach to the treatment of offenders and will necessitate a well-integrated organisational structure not only to look after the security and maintenance aspects of prisoners but also to the more important aspects of need assessment, treatment programmes, inmate counselling, pre-release planning and post-release after-care and follow-up services. For the materialization of these objectives prison personnel right from the level of the headquarters organisation down to the institutional level will have to be assigned specific roles.

23.12 During its visits to and from the information gathered from various States and Union Territories, the Committee found that the prison departments are organisationally ill-planned and ill-equipped to fulfil the new role which the Committee visualises for them. The scope of functions and the organisational structure of the prison departments differ from State to State. Whereas in some States prisoners' welfare work,

which is an essential function of the prison department, is looked after by the Social Welfare Department, in some other States even the protective custody of children is the responsibility of the prison department. In some States, like Orissa, the entire prison administration including that at the headquarters and at the level of central and district prisons is managed by officers of the Medical Department. In several States a number of districts are not covered by the district prisons and the small sub-jails that are there, are under the charge of the sub-divisional magistrates or functionaries of other departments. The Committee noticed that in most of the States, prison institutions were not properly manned. The staff was inadequate, ill-qualified and untrained. It was totally ill-equipped to fulfil the objectives of the prison department.

23.13 In large States the Inspectors General of Prisons are so bogged down in day-to-day work that they hardly find any time to inspect prisons. In such States delegation of authority to officers at regional level is an immediate need. In most States, supervision, control and direction emanating from the State headquarters were also weak. Persons heading the departments generally do not have enough experience and expertise to play the expected role. In some States, Inspectors General of prisons belong to the IAS or the Medical Department. In some other States even officers belonging to the IPS head the prison departments. Throughout the history of the prison administration in the country the prison department was headed either by an officer from the civil service or a medical person. For more than a century, from 1836 to 1961 no police officer was made the chief of the prison department. This was so perhaps because it was thought that an officer belonging to the organisation responsible for the investigation of crime, and for the arrest and prosecution of offenders would not be the right person to head the organisation of prisons which is concerned not only with security but also treatment and rehabilitation of offenders under judicial custody. In some States although suitably senior, trained and experienced officers of the prison department are available to shoulder the responsibilities as Inspector General of Prisons, they have not been appointed to this post.

23.14 Prison departments have, in the light of their new goals and objectives, to play a multi-dimensional role. As such they cannot function in isolation. They have to interact with other departments and have to seek assistance and help of experts, professionals and technical personnel from other departments of State Governments/Union Territory Administrations. The Committee found that this aspect was generally absent both at the institutional level as also at the level of direction, supervision and control. The Committee also noticed that the machinery at the policy formulation level was weak and needed to be strengthened.

23.15 In the light of the above discussion, our recommendations about organisational structure are as follows :

23.15.1 In States and Union Territories, prison departments are not receiving the attention and importance they deserve at the secretariat level. The secretariats do not have the requisite expertise in the field of prison administration to help the Governments in taking appropriate policy decision. At the Central level also the machinery dealing with prisons in the Home Ministry needs to be strengthened both from the point of view of policy formulation and monitoring of prison development programmes. We strongly recommend that there should be a separate Department of Prisons and Correctional Administration in the secretariats of the States. At the Centre, the set-up dealing with prisons in the Ministry of Home Affairs should also be upgraded to the status of a Department. To begin with, senior officers having experience of correctional administration and the requisite expertise may be posted in these departments both in the States and at the Centre at an appropriate level so that in due course of time they may be in a position even to head these departments.

23.15.2 The prison department in each State/Union Territory should be responsible for the institutional training and treatment of both the adult and the young offenders. It should also encompass within its fold the work of probation and after-care of these categories of offenders to make correctional treatment a continuous and complete process. This integrated department should be called the Department of Prisons and Correctional Services, and the head of this department should be designated as the Inspector General of Prisons and Director of Correctional Services.

23.15.3 The Department of Prisons and Correctional Services in all States/Union Territories should invariably be headed by an officer from this department. If in any State or Union Territory suitable officer to head the department is not available, such officer may be taken on deputation temporarily from any other State on the basis of selection.

23.15.4 In view of his multi-directional role, the Inspector General of prisons and Director of Correctional Services should, at his headquarters, be assisted by senior officers in various aspects of prison administration. The organisational set-up indicating the requirements of senior officers at the headquarters is appended as Annexure A to this chapter. The functions of these officers as also the source from where they should be drawn are given hereunder :

- (i) Whereas in small States and Union Territories it would not be necessary to have a post of Additional Inspector General of prisons, in a large State one or two such posts will have to be created depending on the volume of work.
- (ii) The Additional/Joint Director of Correctional Services should deal exclusively with the problems of young offenders. So far as the work of treatment and training of young offenders is concerned, he should work independently but for purposes of coordination and integration with other wings of the department he should be under the control of the Inspector General of Prisons and Director of Correctional Services. (This has reference to our recommendation at para 15.8.4 of Chapter XV on 'Young Offenders'.)
- (iii) If there is a senior lady officer in any wing of the headquarters organisation of the Department of Prisons and Correctional Services, she should be entrusted with the job of looking after the problems of women prisoners in addition to her own duties. If such a lady officer is not available, the Additional/Joint Director of Correctional Services (Young Offenders) may be entrusted with this job.
- (iv) There should be functional distribution of work between the two Deputy Inspectors General of Prisons at the headquarters. One Deputy Inspector General of Prisons should be incharge of administration, training and staff welfare while the other should look after correctional programmes and prisoners' welfare.
- (v) In order that professional services necessary for correctional treatment may be suitably planned and integrated with prison programmes, the headquarters organisation should have whole-time service of :
 - (a) Joint/Deputy Director, Medical and psychiatric Services;
 - (b) Joint/Deputy Director, Probation and After-care Services;
 - (c) Joint/Deputy Director, Vocational Training and Prison Industries;
 - (d) Joint/Deputy Director, Agriculture;
 - (e) Deputy Director, Education ; and
 - (f) Chief Psychologist;

All these officers except the Joint/Deputy Director, Probation and After-care Services and the Chief Psychologist should be taken on deputation from the concerned department of the State Government.

- (vi) The Inspector General of prisons and Director of Correctional Services should also have the specialised services of the following officers taken on deputation from the relevant departments of the State Government :
 - (a) Superintending Engineer, Prison Buildings ;
 - (b) Deputy Director, Planning, Statistics, Research and Development;
 - (c) Deputy Director, Legal Affairs;
 - (d) Public Relations Officer ; and
 - (e) Chief Audit and Account Officer.
- (vii) An Assistant Inspector General of Prison in the rank of the Superintendent, central prison should be posted at the headquarters organisation for the disposal of all routine matters.
- (viii) To deal with cases of corruption and other complaints in the department, it is necessary that a Vigilance Cell is created in the headquarters organisation. This cell should work directly under the Inspector General of Prisons and Director of Correctional Services.

23.15.5 The existing system of centralised administration of prisons and other services suffers from remoteness of control and supervision. A regional set-up on the following lines should, therefore, be established :

- (i) Each large State should be divided into convenient ranges and all correctional institutions and programmes for adult and young offenders in the range should be placed under the charge of a Deputy Inspector General of prisons. This officer will be able to exercise better control in view of proximity of supervision, more frequent inspections, timely guidance and appropriate direction to institutions under his jurisdiction.
- (ii) The range Deputy Inspector General of Prisons should be vested with sufficient powers of direction, control, inspection, supervision, and guidance through substantial delegation of financial and decision making powers.
- (iii) The range Deputy Inspector General of Prisons should be assisted by the following officers and staff :
 - (a) Regional Probation and After-care officer;
 - (b) Assistant Engineer, Buildings;
 - (c) Audit and Accounts Officer;
 - (d) An officer of the rank of superintendent, district prison; and
 - (e) Ministerial, accounts and other staff.

23.15.6 The Committee agrees with the following principles laid down in Chapter VIII on 'Institutional Personnel and Organisation' of the Model Prison Manual for determining the strength of personnel at each institution :

"Each institution will have personnel in accordance with the requirements of security, discipline and programme emphasis. The personnel strength at each institution will be determined according to the duty posts taking hours of duty per day as the basis for each category of staff. The institutional organisational set-up will be fixed in accordance with the size of the institution, the inmate population, work-load and distribution of functions".

23.15.7 The staffing pattern for a central prison with an inmate population of 750 is given in Annexure B attached to this chapter. The complement of officers and staff as indicated in the Annexure is necessary in view of the objectives to be achieved by the central prisons and the diversification of functions of the prison personnel. In addition to traditional prison staff, services of medical officers, psychiatrists, psychologists, psychiatric social workers, case workers, law officers, accounts officers, agriculture officers and agriculture assistants, technical personnel for industries and vocational training, trade-instructors and teachers would also be necessary. Assistant Superintendents Grade II are contemplated to look after the discipline, care and welfare of prisoners. There should, therefore, be one such officer for every 100 prisoners. Some additional posts of Assistant Superintendents Grade II would be required for other executive work. This has been kept in view while recommending the number of posts of officers of this category in Annexure B to this chapter.

23.15.8 Each district should have a district prison irrespective of the number of inmates, and each such prison should have a whole-time superintendent.

23.15.9 The staffing pattern for a district prison with an inmate population of 400 should be as suggested at Annexure C appended to this chapter.

23.15.10 The staffing pattern of sub-jails has been separately indicated in Chapter XVIII on 'Sub-jails' of this Report.

23.15.11 The staff structure for a Kishore/Yuva Sadan has been indicated in Chapter XV on 'Young Offenders' of this Report. The inmate population of a Kishore/Yuva Sadan should not exceed 250.

23.15.12 In each district adequate number of probation officers should be appointed keeping in view the number of courts functioning in that district. There should be two categories of probation officers : Grade II and Grade I. Probation Officers Grade II should be attached to courts of Magistrates and Probation Officers Grade I to the courts of Chief Judicial Magistrates and District and Sessions Judges. These probation officers will work under the control and supervision of the District Probation Officer in close liaison with district and central prisons. The probation officers at different levels will also look after after-care services in the district. Regional Probation and After-care Officer working under the range Deputy Inspector General of prison would exercise control and supervision over the probation and after-care work in the districts under his charge.

23.15.13 All posts in the Department of Prisons and Correctional Services except where specialised services are required should be manned by persons belonging to the department. Where this is not possible at present, the concerned State Government and Union Territory Administration should take immediate steps to build up infrastructure so that this recommendation is implemented. In the interim period suitable persons may be taken on deputation temporarily from other States/Union Territories on selection basis.

References:

1. Prison Administration in India : Vidya Bhusan : 1970; page 17.
2. Ibid; page 18.
3. Ibid; page 18.
4. Jail Administration in India ; Dr. W.C. Reckless.

Annexure XXIII-A**ORGANISATIONAL SET UP AT THE HEADQUARTERS OF THE DEPARTMENT OF PRISONS AND CORRECTIONAL SERVICES**

1. Inspector General of Prisons and Director of Correctional Services.
2. Additional Inspector General of Prisons.
3. Additional/Joint Director, Correctional Services (Young Offenders).
4. Deputy Inspector General of Prisons ;
 - (i) Deputy Inspector General of Prisons--Administration, Training and Staff Welfare. ✓
 - (ii) Deputy Inspector General of Prisons--Correctional Programmes and Prisoners' Welfare. ✓
5. Joint/Deputy Director of Medical and Psychiatric Services.
6. Joint/Deputy Director of Probation and After-care Services.
7. Joint/Deputy Director, Vocational Training and Prison Industries.
8. Joint/Deputy Director, Agriculture.
9. Superintending Engineer, Prison Buildings.
10. Deputy Director, Education.
11. Deputy Director, Planning, Statistics, Research and Development.
12. Deputy Director, Legal Affairs.
13. Chief Psychologist.
14. Public Relations Officer.
15. Chief Audit and Accounts Officer.
16. Assistant Inspector General of Prisons.
17. Vigilance Cell.
18. Ministerial, accounts and other staff as per requirement.

STAFFING PATTERN FOR A CENTRAL PRISON WITH A POPULATION OF 750

1. Superintendent	1
2. Additional Superintendent	1
3. Deputy Superintendents*	2
4. Accounts Officer	1
5. Officer-in-charge of industries with adequate number of trade instructors	1
6. Medical Officers	3
7. Psychiatrist	1
8. Senior Psychologist	1
9. Psychiatric Social Worker	1
10. Case Workers	3
11. Teachers for educational programmes	As per requirement.
12. Agriculture Officer/Assistant	1
13. Law Officer	1
14. Assistant Superintendents Grade I	3
15. Assistant Superintendents Grade II	12
16. Chief Head Warders	} Strength to be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, hours of duty per day, work load and distribution of functions.
17. Head Warders	
18. Warders	
19. Ministerial, accounts and other staff	As per requirement.

* An additional post of Deputy Superintendent may be provided at each special security prison/maximum security prison to look after the security arrangements and this officer should be designated as Deputy Superintendent (Security).

Annexure XXIII-C

STAFFING PATTERN FOR A DISTRICT PRISON WITH A POPULATION OF 400

1. Superintendent	1	
2. Assistant Superintendents Grade I	3	
3. Assistant Superintendents Grade II	6	
4. Chief Head Warders		} Strength to be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, hours of duty per day, work load and distribution of functions.
5. Head Warders		
6. Warders		
7. Psychologist	1	
8. Medical Officers	2	
9. Psychiatrist (Part-time/visiting)	1	
10. Assistant Accounts Officer/Accountant	1	
11. Law Officer	1	
12. Psychiatric Social Worker	1	
13. Case Workers	2	
14. Adequate technical staff and teachers for various work programmes and education.		Depending upon the nature and volume of work.
15. Ministerial, accounts and other staff.		As per requirement.

CHAPTER XXIV

DEVELOPMENT OF PRISON PERSONNEL

24.1 The development of professionally qualified and trained prison personnel is in a state of crisis in India. The very fact that out of 22 States and 9 Union Territories only 3 States have departmentally promoted Inspectors General of Prisons while the rest have Inspectors General appointed from other services, points to the poor attention paid to the development of prison service as a career service in the country. Senior posts of Additional Inspector General, Deputy Inspector General and even superintendents of central prisons in several States are reported to have been lying vacant as departmental candidates eligible or fit for promotion to these posts are either not available or, if available, are not being promoted for one reason or the other.

24.2 Lack of manpower planning for the prison departments has created serious anomalies in some States and Union Territories. We were shocked to find that even the lower cadres of prison service for which recruitment of qualified persons was relatively easier had not been built up. Various categories of posts in the prison departments were being manned on ad-hoc basis by officials borrowed from other departments such as revenue, sales-tax, excise, medical, and even the police. Evidently, these officials lack the required professional ability, experience and training to handle such a delicate subject as the care and treatment of offenders. The induction of these inexperienced 'outsiders' in the prison departments has also created severe discontent among lower ranks aspiring for promotion on the basis of their service and experience.

24.3 It is a blatant example of haphazard personnel planning that in one of the States persons directly recruited as central jail superintendents more than 15 years ago were still stagnating without even one promotion, while persons recruited as Deputy Jailors had, in the meanwhile, caught up with them. As opposed to this, in another State rules for mandatory minimum experience on lower posts had been liberally relaxed to facilitate promotions because there was complete dearth of officers qualified or experienced to man higher posts.

24.4 No State or Union Territory has undertaken a systematic study of its man-power needs with a view to planning regular intake of new recruits which would have ensured a continuous flow of qualified and trained personnel in the prison department. No thought seems to have been given in any State/Union Territory to make a study of its personnel requirements for prison service in terms of possible expansion of the department, job assignments, training reserves, retirement losses and other personnel defections. The result is that in some States there has been no direct recruitment for several years and the work is being carried on by unqualified and ineligible persons on ad-hoc basis. In some other States a number of direct recruits have been inducted in one year with the result that they would not only block the promotion of their immediate juniors for several years but would also clamour for promotion to higher posts in the hierarchy all together, and get frustrated when such promotions are given to them staggered over a number of years. These anomalies in recruitment and promotion, and ad-hoc arrangements of personnel, coupled with lack of training and requisite aptitude for correctional work, have created a situation in which attainment of the objectives of the prison department has been rendered almost impossible.

24.5 Prison personnel in the country suffer from lack of direction due mainly to the absence of clarity about their role and functions in relation to the objectives of the department. During our discussions with the officers and staff of the department in various States/Union Territories, we found that they parried all questions relating to their responsibilities, and instead, repeatedly complained of their poor service conditions. The humanistic approach in the treatment of offenders, being emphasised by the courts through their judgements, seems to have generated an unfounded apprehension of insecurity and personal risk among them. Untrained and unqualified staff has taken all such healthy directions in the wrong perspective and has interpreted them as leading to unbridled laxity in prison discipline.

24.6 We found that the staff morale was, at most places, at its lowest ebb. The disarray in the department was evident from the fact that even staff meetings and conferences were a rare happening and the problems commonly faced by prison personnel at various levels were hardly ever discussed at common forums. The accumulated discontent of prison staff had in several States erupted in the form of strikes and agitations.

24.7 A redemption from this critical situation is possible only if some constructive thought is applied to :

- (i) proper man-power planning;
- (ii) rationalization of the policy of recruitment and selection of personnel of various levels;
- (iii) development of prison services as a career service with adequate promotional avenues;
- (iv) improvement of service conditions to make them reasonably attractive for well qualified persons; and
- (v) provision of appropriate training facilities to build up quality and professionalism in the prison service.

24.8 So far as man-power planning is concerned, the need for various categories of personnel, their recruitment, training and orientation, and their promotion in the hierarchy can be determined only with reference to the scope and functions of the prison department. While the work-load and the strength of various cadres in the prison service may differ from State to State according to their size and crime situation, it must be accepted that the future organization of prison department in each State/Union Territory will encompass within its fold care and treatment of adult and young offenders as also the work of probation and after-care of these categories of offenders (Reference Chapter XXIII on 'Organisational Structure'). We are convinced that an important pre-requisite of a meaningful and effective prison service is the integration of all these functions into a continuous process. Man-power planning should be done keeping in view this scope of functions of the prison department.

24.9 The question of laying down principles for the recruitment, training and service conditions of prison personnel has been discussed several times at the national level. The Indian Jails Committee had remarked as long back as in 1920 that it is "essential that the care of criminals should be entrusted to men who have received an adequate training in penological methods. The day is past when it can be supposed that any one is fit to manage a prison, just as it is no longer imagined that any one can teach in a school—every prison should be under the superintendence of a trained expert, who should devote his whole time and attention to the subject. For similar reasons the number of prisoners who can properly be entrusted to the care of a single superintendent must not exceed a certain maximum, as, if that is exceeded the task of wise and careful management becomes increasingly difficult, if not impossible." 1

24.10 The Committee went on to say that "it is not merely necessary that prisons should be under expert and trained superintendents : it is highly desirable that the whole prison staff should be also selected and remunerated that they may exercise a salutary influence on the prisoners under their control. The importance of securing a high average of intelligence and honesty in the higher subordinate officers of prisons can hardly be exaggerated. The jail rules confer very large powers and impose very important responsibilities on the jailor and his assistant and it is in our opinion essential that all possible steps shall be taken to ensure that these Officials are men of good education and character. Hardly less important is the position of the lower officers of the prison—warders and head warders. These officers also possess great opportunities for good or evil in dealing with prisoners and the important role played by this staff in the work of prison administration has not been as clearly recognised as it should be. The prison staff, from the jailor down to the warder, should be recruited with care, properly trained and paid a salary sufficient to secure and retain faithful service." 2

24.11 The All India Jail Manual Committee 1957—59 had also stated in the context of recruitment and selection that, "the success of Correctional Administration mainly depends on the faith, philosophy and efficiency of the correctional personnel. It is, therefore, exceedingly necessary that the correctional personnel are selected with utmost care." 3 The same Committee further opined that "recruitment and selection of correctional personnel of every grade should be done carefully because it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends. The best rules and regulations and the most progressive measures of prison reform may be nullified by unsuitable personnel." 4

24.12 Dealing with the question of selection and training of prison personnel, the Working Group on Prisons 1972-73 observed that "the efficiency of an organization is determined by the calibre, training and motivation of the personnel manning it. This is particularly so in respect of organizations that deal with human beings instead of machines. It follows that very special care and attention have to be bestowed on the selection and training of the staff, who are to man the prison and correctional administration. The selectors of personnel in this area of public administration as in the other uniformed services have to look for physical fitness and courage, leadership and man-management qualities as well as the dependability which is guaranteed by a balanced personality. In addition, they will have to look for endurance qualities, a broad interest in social welfare and a flair for human relationship." 5

24.13 While we agree with the views expressed by these committees on the principles which should govern the recruitment, training and remuneration of personnel in the prison department, we would like to emphasise the need for development of prison personnel throughout the country by bringing about a uniformity in staffing pattern, nomenclature of posts, pay scales and allowances, requirements of educational qualifications and physical standards, and mechanism for direct recruitment and promotions.

24.14 An important aspect connected with the uniform development of prison personnel in the country is that of the development of an all India service for prisons and other correctional services. The question of constituting such a service has been discussed by Dr. W.C. Reckless, a U.N. expert (1951-52), by the All India Jail Manual Committee 1957-59 and by the Working Group on prisons 1972-73. On each occasion strong recommendations emanated in favour of the creation of such an all India service as an essential step towards making correctional service a career service. Central Advisory Board on Correctional Services had also supported this proposal.

24.15 It is now more than evident that prison administration had deteriorated over the years for want of a well organised prison service. The prison department is not able to recruit and retain qualified and competent persons due to lack of proper administrative and social recognition of the service. It is an urgent need of the time that

an all India service for prisons and correctional administration is constituted in order to base prison services on a uniform and sound foundation in the country as whole.

24.16 We have tried to work out the viability of such a service. While identifying the posts for such a service we have taken into account the fact that the work relating to probation, treatment and after-care of adults and young offenders at higher levels would be similar to such work in relation to women and children. Therefore, at that level these services can be integrated and officers from one service can be posted to another without any detriment to their work. On the other hand, we feel, such an arrangement will make it possible to have a more comprehensive and coordinated approach to the problem of treatment and rehabilitation of offenders in all the fields of correctional administration. Officers belonging to such an integrated all India service will be given unified and uniform training in all aspects of correctional work so as to enable them to discharge their functions effectively at the level of supervision, control, direction and policy formulation in any of the fields.

24.17 Keeping in view the above principles and taking the State of Andhra Pradesh as an example we have tried to identify the posts which can be encadred in the all India service. Annexure A to this chapter gives the details of such posts including their number. Perusal of this annexure would show that if an all India service is constituted, Andhra Pradesh will have, to begin with, about 60 officers in its cadre. As we have pointed out elsewhere in our Report, various services to be manned by the all India service are still not properly developed. Laws relating to children, women and probation services have not yet been made applicable to several districts in the country. Even in areas, to which these laws apply, adequate infrastructure of institutions and staff has not been created to cope with the work-load. With the proper development of these services, more posts in the all India service will have to be created and the cadre will further grow.

24.18 In the country, there are 22 States and 9 Union Territories. For purposes of the proposed all India service, there could be one cadre for all Union Territories and thus there would be in all 23 cadres. For the State of Andhra Pradesh, as stated above, the all India service, to begin with, will have 60 posts. Since a number of States are smaller than the State of Andhra Pradesh, we may take the average strength in each cadre to be 50 and with that average the strength of the service for the entire country would be $(23 \times 50) = 1150$. Thus, we feel that a viable all India service can be developed for prisons and correctional administration. It may be mentioned here that while estimating the number of posts we have not taken into account the posts which would be held by officers of the all India service in the Regional Training Institutes, National Academy for Correctional Services and other posts at the level of the Central Government.

24.19 We feel that promotional prospects in the prison service should be such that newly recruited persons at various levels of entry may ordinarily be in a position to look forward to atleast three grade promotions in the total span of their service of about thirty years. The staff strength of the department at various levels should be determined keeping in view the prospects of such minimum promotions to the direct entrants into the service. A system of pre-promotional tests should be introduced. Candidates qualifying in such tests should be considered for promotion. Promotion should be made on the basis of seniority and merit. Those promoted should be required to successfully complete the prescribed course of training.

24.20 In Chapter XXIII on 'Organisational Structure', we have visualized three-tier staff structure in the prison department. The lowest tier of the custodial staff consists of warders, head warders and chief head warders. In Tamil Nadu and Bihar, a major central prison with a population of two thousand prisoners has a meagre guarding force of 100 to 150 with only three or four head warders and two chief head warders. In Uttar Pradesh (as mentioned in the report of the Working Group on Prisons 1972-73) for an approximate

total warder strength of 5,000 there were only 500 head warders and 6 chief head warders. The Committee feels that the strength of cadres at different levels of the prison service should be such as would ensure proper promotional opportunities and eliminate unnecessary stagnation at any level.

24.21 The prison department cannot function with the help of custodial staff alone. A significant number of supervisory and supporting staff of professional services such as education, medical, agriculture, industries, vocational training, maintenance of buildings and accounts have to be inducted in the department to run the multifarious activities essential for the care and treatment of offenders. In Chapter XXIII on 'Organisational Structure', we have recommended that the supervisory staff for all these services should be taken in the prison department on deputation from concerned departments of State/Union Territory. We are of the view that even the supporting staff in these services cannot be sustained by the prison department, if borne on its own cadre; the members of such staff will have little avenues of promotion and they will also stagnate in terms of quality of work if they are not in touch with the latest developments in their respective professions. Posting of personnel by rotation from concerned departments will ensure induction of persons with upto-date knowledge in their respective disciplines. All supporting staff relating to these professional services should, therefore, be taken on deputation from the respective departments for a reasonable period of time and should be oriented about the work of prison department before they join.

24.22 No department endeavouring to improve its personnel structure and trying to build up professionally efficient services can ignore the service conditions it offers to its employees. A natural pre-condition for attracting persons of requisite calibre and qualities would be to create appropriate service conditions in the prison department. Without proper and attractive service conditions people with appropriate qualifications, right attitude and requisite intelligence would not be attracted to a service which not only requires great humanism but is also exacting and sometimes even monotonous. During its visits to various States and Union Territories the Committee had to face a barrage of questions from prison personnel with regard to their appalling service conditions. The staff complained of inadequate salaries, irrational pay scales, poor housing facilities, overwork, little promotional avenues and complete lack of staff welfare schemes.

24.23 The Indian Jails Committee 1919-20 had observed that "it is beyond dispute that the conditions of service in the Jail Department are more rigorous and less attractive than those in most other departments and in particular than those of the police." The Working Group on Prisons 1972-73 had also recommended that "the pay scale and allowances of prison personnel should be determined with due regard to their own particular responsibilities, the expectations from them, the minimum necessary to attract the kind of persons required and the provisions that are made for the only other somewhat analogous service, i.e., the police."

24.24 It has been brought to the notice of the Committee that recently a few States like Andhra Pradesh, Karnataka and Punjab have brought the pay scales of the prison personnel somewhat at par with the corresponding grades of posts in the police. But the allowances granted to police personnel have not been extended to prison personnel. Prisons are an important part of the criminal justice system. Criminals are kept in prisons for terms ranging upto life imprisonment. Prison personnel have to deal with offenders for the longest period as compared to that done by any other branch of the criminal justice system. They perform not merely 'holding operations' but are expected to recycle the offender through corrective treatment into a useful citizen to be restored to the society. Amidst the congregation of all kinds of criminals in the prisons, the staff is not only engaged in hazardous and exacting tasks but is required to work under conditions of physical risk for prolonged hours. Night duties are performed as a matter of regular routine. Thus, the work performed by prison personnel is in no

way less arduous and risky than that by the police personnel and as such their pay scales and allowances should be on par with those of the corresponding categories of police personnel.

24.25 In order to ensure a constructive interaction between prison staff and the inmates it is necessary that the former are contented with their service conditions and are socially recognised for their services. This fact is very well recognised in other advanced countries of the world. To cite the example of Japan, where correctional services are supposed to be of a high order, officers of prison and other allied services, are paid higher salaries than those of their counterparts in other civil services of the country. This is done in recognition of the nature of their duties and the social handicaps under which they have to function.

24.26 Apart from rationalisation of the pay structure of prison personnel we emphasise that the hours of work of prison staff should also be regulated according to set norms. In many States/Union Territories prison personnel are expected to remain on duty in the prison for long hours. On an average, the guarding staff in the prisons has to work for 12 hours a day with night duty as a regular routine. During emergencies this period extends to even 14 to 16 hour a day. Leave reserve staff is inadequate with the result that long leave to prison personnel is a rarity. Even the weekly off is generally not possible. All this has seriously and adversely affected the morale of prison personnel.

24.27 Normally guarding personnel in the prison should not be made to work for more than 8 hours a day. Streamlining of the system of duties in prison management will necessarily demand three-shift system for the guarding staff with consequential increase in their strength. In emergent situations, when the volume of work increases abnormally, additional guarding staff will have to be provided on *ad hoc* basis.

24.28 We have, in Chapter VIII on 'Security and Discipline,' recommended abolition of the system of convict officers which has all along been condemned as having a negative effect on the prison administration. This system has continued to flourish throughout the history of prison administration and has become a breeding ground for corruption and malpractices in the jails. The abolition of this system would imply a substantial increase in the strength of guarding staff.

24.29 One of the reasons why the training of prison personnel has suffered is inadequacy of staff. Adequate training reserve in each category of the prison service should, therefore, be provided.

24.30 In the States of Kerala and Andhra Pradesh, members of the guarding force in jails are given one free meal in consideration of their long hours of duty extending from 10 to 16 hours every day. Long hours of duty, even with a free meal in between, will certainly tell upon the efficiency of the staff. Such an arrangement cannot be a substitute for a system in which a person does not have to work for more than 8 hours a day. The requirements of leisure time is essential for any person engaged on strenuous and monotonous work. We strongly feel that this practice should be discontinued by introducing three-shift system for the guarding force.

24.31 One of the major factors adversely affecting morale of prison staff is the lack of sufficient and properly maintained residential quarters. We have discussed this matter in detail in Chapter V on 'Prison Buildings'. We are of the view that all members of the staff should be provided with residential quarters on the prison premises. The presence of some members of the prison staff, such as executive, guarding, medical and ministerial staff dealing with admission and release of prisoners, is required on the prison premises all the 24 hours a day. Such members of the staff should be allowed the facility of rent free residential accommodation. At present, prison personnel entitled to rent-free accommodation are paid 10 percent as house rent allowance when such accommodation is not

provided to them. Recently some States have allowed house rent allowance to all government employees. In view of this, it would only be appropriate if such prison staff, as is entitled to rent-free accommodation but is not provided with such accommodation, is paid 10 per cent extra house rent allowance in addition to the house rent allowance allowed to government employees in general. House rent allowance at such higher rate is being paid in Andhra Pradesh to members of the police, the prisons and the fire services.

24.32 The services of the uniformed officers of the prison department are risky and arduous involving care and treatment of dangerous prisoners in addition to looking after their rehabilitation. The Working Group on Prisons 1972-73 had recommended the institution of medals by Government of India for rewarding prison personnel in recognition of bravery and meritorious service on the pattern of such awards in defence, police and fire services. We agree with this recommendation of the Working Group.

24.33 It would not be out of place to mention here that lapses in prison administration generally find wide coverage in the mass media whereas good work done is seldom reported. Treatment programmes conducted in prisons and other good work done by prison personnel should be given proper publicity and be highlighted through the media. This will help in boosting their morale.

24.34 Our attention has also been drawn to the near absence of welfare measures for prison personnel. Welfare facilities such as staff welfare fund, cooperatives, subsidised canteens, messing facilities, payment of compensation to the staff for injuries sustained in the discharge of their duties have not been provided for prison staff. We are convinced that constructive action for building up welfare programmes will go a long way not only in raising the morale of the prison personnel but also in strengthening the ties between them and the government.

24.35 Development of a professionally competent cadre of prison personnel will require recruitment of professionally qualified persons and their subsequent training. Professional correctional work requires that prison personnel at the executive and supervisory level should possess such academic qualifications as graduation and post-graduation in behavioural sciences (Sociology, Criminology, Social Work, Correctional Administration, Psychology, etc.). The facilities for such academic courses are available in only some universities in the country and in Schools/Institutes of Social Work/Social Sciences. It should be the endeavour of the Government to see that these subjects are introduced in a large number of universities so that graduates and post-graduates in these subjects could be available to man various posts in the Department of Prison and Correctional Services.

24.36 Lack of proper training facilities has throughout been a major drawback of the prison department. The need and importance of training to correctional staff has been pointed out at many places in this Report, but here we are inclined to quote the All India Jail Manual Committee 1957-59 on this subject: "The principal job of the correctional personnel is social re-education of the offenders. The effectiveness of correctional administration, institutional discipline and impact of treatment principally depends on the quality of correctional staff. Untrained and un instructed personnel is not only ineffective but quite often becomes a hindrance to the proper implementation of correctional policies. The training of correctional personnel is, therefore, of vital importance. . . . The training of correctional personnel will not only be helpful in creating a proper cultural atmosphere in the department, but it will also go a long way towards establishing good traditions and practices of institutional management and correctional process. A well-trained staff will be an asset in the proper implementation of prison reforms. With the impact of training, personnel attitudes and abilities will improve. In our opinion the expenditure incurred for staff training will ultimately result not only in departmental gains but also in definite social gains in terms of better institutional impacts and ultimate rehabilitation

of the offenders. We, therefore, strongly emphasise the urgency of training the correctional personnel of all grades."⁸

24.37 We endorse the concern shown by the All India Jail Manual Committee about the proper training of correctional personnel. We are, however, constrained to record that nothing much has been achieved in this field so far. There are only 3 training institutions in the country for the training of officers of the department and only 11 for the training of lower staff, when the number of prisons in the country is 1220 and that of prison personnel 27,646. Of the three training institutions for officers one, at Vellore, has been recently set up while the other two, at Lucknow and Pune, were set up in the years 1940 and 1955, respectively. The Regional Institute of Correctional Administration at Vellore is housed in improvised buildings and needs further development. The Jail Training School, Lucknow and the Jail Officers Training School, Pune, have been functioning for a long time but the Committee on its visits to these institutions found that they were not properly equipped to meet the training needs of prison personnel and needed to be strengthened. A large number of States and Union Territories have no training facility. Even where such facilities exist, training of prison personnel is not given the desired administrative attention. Training institutions are treated as places where unwilling workers may be relegated for a period of time either for receiving or for imparting training. Permanent staff in the institutions is scanty and part-time lecturers are not properly oriented to what they have to teach. There is acute dearth of proper literature for the training of prison personnel. Even the syllabi, the course content, the method of examination and the award of Certificate/Diploma on successful completion of training have not been uniformly standardised.

24.38 The establishment of proper training institutions at state, regional and the national level is urgently necessary. Training to the security staff should be imparted at State level, and for that purpose normally each State should have one training school. Small States and Union Territories may utilize the training facilities in neighbouring States. Keeping in view the limited number of officers at the executive level, training institutes for them should be established at the regional level catering to the needs of a group of States and Union Territories. One such Regional Institute of Correctional Administration is already functioning at Vellore. We are of the view that four more such institutes should be established in the country. The location of the institutes including that at Vellore together with the grouping of States/Union Territories for the purpose may be as follows:

Location of Institutes	States/Union Territories
Calcutta	Assam, Manipur, Meghalaya, Nagaland, Orissa, Sikkim, Tripura, West Bengal, Arunachal Pradesh and Mizoram.
Chandigarh	Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Chandigarh and Delhi.
Lucknow	Bihar, Rajasthan and Uttar Pradesh.
Pune	Gujarat, Madhya Pradesh, Maharashtra, Dadra and Nagar Haveli, Goa, Daman and Diu.
Vellore	Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Andaman and Nicobar Islands, Lakshadweep and Pondicherry.

24.39 The Central Government should establish a training institute at the national level, which may be called the National Academy of Correctional Administration, to meet the training needs of senior officers. Apart from imparting training in policy formulation, planning and various aspects of management, the Academy will be useful in

imparting an all India perspective of the development of prisons and other correctional services to these officers. This Academy should organise special courses and refresher courses in close collaboration with the National Institute of Social Defence.

24.40 We have earlier recommended that an all India service for prisons and other correctional services should be established. When such a service is constituted, the National Academy of Correctional Administration would meet the training needs of the members of that service.

24.41 Facilities for advanced specialised training in criminology and correctional work are available in some foreign countries such as in Japan at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. Full use of these facilities should be made by deputing senior officers of the Departments of Prisons and Correctional Services for such trainings.

24.42 It is well recognised that exchange of ideas and visits are an important mode of training for senior officers of any department. It is, therefore, necessary that conferences of Inspectors General of Prisons and other senior officers of the Departments of Prisons and Correctional Services should be held at regular intervals at the national level. This can be done by the proposed National Commission on Prisons. Study teams of senior officers may be deputed to visit other States in the country. They may also be deputed to foreign countries where innovative correctional programmes and practices have been successfully introduced.

24.43 We feel that it is necessary to provide a forum for the interaction of prison personnel with professional correctional workers in the community. This role can very well be played by a professional non-official registered body at the national level with its branches in States and Union Territories. The Government of India, the state Governments and the Union Territory Administrations should encourage setting up of such a body and its branches and should provide necessary financial and other assistance to them.

24.44 In the context of the foregoing discussion our recommendations are as follows:

24.44.1 (a) In the prison department, there should be an inbuilt mechanism for continuous and systematic study of the man-power needs so that there could be a regular in-take of new recruits in order to maintain a continuous flow of qualified and trained personnel in the department.

(b) Direct entry into prison service should be restricted to three levels, viz., (i) Warders/Supervisors (Kishore/Yuva Sadan), (ii) Assistant Superintendents Grade II/ House-Master Grade II (Kishore/Yuva Sadan) and (iii) Deputy Superintendent, Central Prison/Superintendent, District Prison/Vice-Principal (Kishore/Yuva Sadan).

(c) In the psychologists wing, direct recruitment should be made for the post of Psychologist, District Prison.

(d) In the probation wing, Direct recruitment should be made for the posts of Probation Officers Grade II and District Probation Officers.

(e) Psychiatric Social Workers/Case Workers should also be directly recruited.

NOTE: A chart showing the proposed hierarchical set up and the equation of posts of different wings in the department is enclosed as Annexure B to this chapter.

24.44.2 The minimum educational qualifications, physical standards, preferential qualifications, agency for recruitment or promotion, percentage of direct recruitment, promotion quota, basic requirements of initial training and departmental examination, and the period of probation for each category of service, are given in Schedules I to IV of Annexure C enclosed to this chapter.

- NOTE: (i) Recommendations with regard to direct recruitment and promotion quota have been made to ensure that persons with requisite qualifications, experience and professional competence are available in the service at all levels, and further that they do not stagnate at any level and have at least three promotions during the span of their service.
- (ii) Qualifications for various categories of posts have been prescribed keeping in view the job requirement for each post.
- (iii) Academic courses in behavioural sciences should be introduced in such universities as do not have such courses so that graduates and post-graduates in these subjects are available to man various posts in the Department of Prisons and Correctional Services. Courses in behavioural sciences in Schools/Institutes of Social Work/Social Sciences and in University Departments should be oriented to the needs of the Departments of Prisons and Correctional Services. Members of the staff who do not have graduate/post-graduate qualification in behavioural sciences should, as a matter of policy, be deputed to such Schools/Institutes/University Departments to acquire these qualifications.
- (iv) Basic initial training, in-service training and refresher courses have been prescribed with a view to keeping personnel in touch with contemporary development in the field of their work.
- (v) All promotions upto the level of Deputy Superintendents, Central Prisons/Superintendents, District Prisons should be made subject to a pre-promotional qualifying examination. All those who qualify in this examination should be eligible for promotion to the next higher post. On promotion, they should undergo the prescribed training successfully.

24.44.3 Every direct recruit in the service should have opportunities of at least three promotions during the span of his career. With this in view, we recommend the following ratio for determining cadre strength of various posts;

- (i) Warders, Head Warders and Chief Head Warders should be in the ratio of 25:5:1.
- (ii) Assistant Superintendents Grade II, and Assistant Superintendents Grade I should be in the ratio of 3:1.
- (iii) For Superintendents of District Prisons, Superintendents of Central Prisons and Deputy Inspectors General of Prisons the ratio should be 9:3:1.

24.44.4 Before being considered for appointment by direct recruitment, all candidates should be given physical fitness and psychological tests with a view to determining their suitability for correctional work.

24.44.5 The posts of medical officers, psychiatrists and other para-medical staff connected with the management of prison hospitals should be filled by deputation from the Medical Department as recommended in Chapter VII on 'Medical and Psychiatric Services' of this Report.

24.44.6 All officers and staff required for education, vocational training, industries, agriculture, maintenance of buildings and accounts should be inducted on deputation from the respective departments of the State Governments. The concerned department should send a panel of names for each post and out of this panel the prison department should select a suitable person. Officers and staff taken on deputation should be paid 10% of pay as special pay/allowance.

24.44.7 Law officers should be drawn on deputation from the Law Department or the Prosecution Department of the State Government concerned.

24.44.8 Ministerial staff should be borne on the strength of the prison department. The executive staff should in no case be put on ministerial work.

24.44.9 An all India service to be called the Indian Prisons and Correctional Service should be constituted and developed as an essential requisite for professional development of correctional services on a national basis.

24.44.10 Prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the Police Department. The following equivalence should be made for this purpose :

Warder	— Constable
Head Warder	— Head Constable
Chief Head Warder	— A.S.I. of Police
Assistant Superintendent Grade II	— Sub-Inspector of Police
Assistant Superintendent Grade I	— Inspector of Police
Deputy Superintendent, Central Prison/Superintendent, District Prison	— Deputy Superintendent of Police
Additional Superintendent, Central Prison	— Additional Superintendent of Police
Superintendent, Central Prison	— Superintendent of Police
D.I.G. of Prisons	— D.I.G. of Police
Additional I.G. of Prisons	— Additional I.G. of Police
I.G. of Prisons and Director of Correctional Services	— I.G. of Police

Uniformed officers in the prison department at all levels should get risk allowance, uniform allowance and allowance for up-keep of uniform, etc., on the same scale as prescribed for different levels of police personnel.

24.44.11 Uniform should be prescribed for all security and executive staff including Inspector General of Prisons. Badges of ranks for all uniformed cadres in the prison service should be similar to those of the corresponding cadres in the police service.

24.44.12 Three-shift system of duties should be introduced in prisons. No member of the prison guarding force should be made to work for more than 8 hours a day in normal conditions.

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

24.44.14 Adequate leave reserve staff should be provided so that the prison personnel may avail of the leave facilities permissible under rules.

24.44.15 The system of convict officers discharging supervisory and disciplinary duties should be abolished in a phased manner and replaced by paid guarding staff over a period of five years.

24.44.16 Residential quarters should be provided to all members of the staff as recommended in Chapter V on 'Prison Buildings' of this Report.

24.44.17 Prison staff which is entitled to rent-free accommodation but is not provided with such accommodation should be paid 10 per cent extra house-rent allowance in addition to the house rent allowance allowed to Government employees in general.

24.44.18 We agree with the provisions laid down in Chapter XI on 'Service Conditions' of the Model Prison Manual regarding (i) Facilities while on duty, (ii) Holidays, (iii) Medical facilities, (iv) Educational facilities and (v) Miscellaneous facilities (Annexure F to this Chapter) and recommend that they should be given effect to.

24.44.19 The Government of India should institute medals for rewarding prison personnel in recognition of bravery, meritorious service, etc. The State Governments and Union Territory Administrations should, at official functions organised to celebrate Independence Day/Republic Day, suitably recognise special services rendered by prison personnel.

24.44.20 All good work done by prison personnel should be given proper publicity and should be highlighted through the media.

24.44.21 Prison personnel meeting with serious injuries, accidents, etc., while on duty, should be given financial assistance. The Inspector General of Prisons should have powers to sanction such assistance upto Rs. 2,000/-. In deserving cases, where assistance beyond this limit is necessary, the Inspector General of Prisons should refer the matter to the State Government/Union Territory Administration.

24.44.22 In case of death of a prison personnel in lawful discharge of his duties, a lumpsum of Rs. 20,000 should be paid to the survivors in his family as is done in the police department in some States.

24.44.23 A welfare fund for prison and correctional personnel should be established in each State/Union Territory. While the staff should contribute to it regularly at rates fixed by the Welfare Committee of the department, the State Government should also make matching contribution to it every year. This fund should be utilised for granting financial assistance to members of staff and their families in case of death, accident, injury, serious illness or for education of children of members of subordinate staff.

24.44.24 Proper forum should be provided at the institutional and the state levels for prison personnel to ventilate grievances common to the entire service/cadre and to hold meaningful discussions for their redressal.

24.44.25 We agree with the provisions regarding 'Staff meetings' and 'Conferences' given in Chapter XI on 'Service Conditions' of the Model Prison Manual. They are at Annexure G attached to this chapter. We recommend that these provisions should be given effect to.

24.44.26 All new recruits to the prison department whether inducted as security staff, executive staff, treatment staff or supervisory staff should be imparted basic initial in-service training of sufficient duration appropriate to their job-requirements. All officers and staff taken on deputation from other departments should be given a short orientation course with regard to the functioning of the prison department.

24.44.27 Adequate training reserve should be provided in each cadre of the prison and correctional service. The number of such staff can be assessed in each State/ Union Territory as per local requirements.

24.44.28 Training of staff should be taken up at three different levels : state level, regional level and the national level.

- (i) For training of security and ministerial staff, a training school should be set up in each State by the concerned State Government. Smaller States and Union Territories can avail of such training facilities in the neighbouring States.
- (ii) For training of executive staff, Regional Institutes of Correctional Administration should be set up. One such institute is already functioning at Vellore. Four more such institutes should be set up at Calcutta, Chandigarh, Lucknow and Pune (Reference para 24.38).
- (iii) A national Academy of Correctional Administration should be established by the Government of India to cater to the training needs of supervisory staff and other senior officers concerned with planning and policy formulation. When the Indian Prisons and Correctional Service is constituted, this academy would meet the training needs of the members of that Service.

Note : Broad outlines of state level training schools and Regional Institutes of Correctional Administration are at Annexure D and E respectively, attached to this chapter.

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

24.44.30 Directors of Regional Training Institutes should be from the Prisons and Correctional Service and should be of the rank of Inspector General of Prisons. Principals of state level training schools should be of the rank of superintendents of central prisons.

24.44.31 Experts invited to deliver lectures at the training institutes should be provided with a set of guidelines about the content of training. Permanent academic staff of the training institutions should also be oriented to the training requirements of various aspects of correctional work.

24.44.32 Details of syllabi, course contents, methods of examination and the mode of awarding certificates/diplomas on successful completion of training should be evolved by the proposed National Commissions on Prisons in consultation with the training institutions at various levels. These matters should be reviewed once every three years.