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96. On admission each prisoner should be asked to give a list of persons with whom he wants to correspond.		6.18.5
97. There should be no limit on incoming letters for prisoners.		6.18.6
98. There should be no restriction on the number of letters prisoners may send at their own cost. However, at government cost an undertrial should be allowed to write two letters per week whereas a convict should be allowed to write one letter per week.		6.18.7
99. Illiterate or semi-literate prisoners should be provided help in writing letters.		6.18.8
100. Guidelines for censorship of letters should be formulated so that censorship of letters is done on the basis of human considerations.		6.18.9
<i>Interviews</i>		
101. The scale of interviews for convicted and undertrial prisoners should be liberalized.		6.19.1 12.17.16
102. Facilities for interviews of prisoners should be humanized and conditions/procedure governing grant of interviews rationalized.		6.19.2 to 6.19.8
103. A senior officer in charge of interviews should be responsible for grant of interviews as per rules.		6.19.9
<i>Canteens</i>		
104. Canteens should be organized in all the central and district prisons.		6.20.1 6.20.3
105. Canteen facilities should be extended to all prisoners.		6.20.2
106. Canteens should be run on the basis of marginal profit.		6.20.4
107. Each prisoner should have a canteen card in which the canteen credits and debits should be recorded.		6.20.5
108. Prisoners should be allowed to spend not more than half of the wages earned in prisons on purchases from canteens. In addition, prisoners should be allowed to spend upto Rs. 30 per month from their private cash for purchasing articles from the canteen.		6.20.6
109. Canteen accounts should be got audited every month.		6.20.7
110. Prisoners, panchyats should be associated with the management of canteens.		6.20.8
<i>Other facilities</i>		
111. Certain other basic facilities should be provided to prisoners.		6.21
<i>Prison visitors</i>		
112. There should be a Board of Visitors in each State/Union Territory.		6.22.1
113. Correspondents of prisons should be appointed in each State Union Territory.		6.22.2

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114.	A Board of Visitors should be constituted for each central prison, district prison and sub-jail.	6.22.3 6.22.4
115.	The functions of the Board of Visitors should be clearly laid down.	6.22.5
116.	The Board of Visitors for an institution should visit such institution at least once in a month.	6.22.6
117.	A copy of remarks entered in the Visitors Book by the Chairman or by any member of the Board should be forwarded by the Superintendent to the Inspector General of Prisons along with his comments for necessary action.	6.22.7
118.	It should be the duty of the Deputy Inspector General of Prisons and the Inspector General of Prisons to meet the Board of Visitors whenever they visit the prison.	6.22.8
119.	It should be obligatory on the part of both official and non-official visitors to pay visits to prison as per the schedule fixed by the Chairman of the Board.	6.22.9
120.	Classification of prisoners into A, B, C, or I, II, III classes on the basis of their social, economic and educational backgrounds should be abolished.	6.23

CHAPTER VII

MEDICAL AND PSYCHIATRIC SERVICES

121.	(a) Medical officers should be deputed from the State Medical Service to prisons.	7.13.1
	(b) The term of deputation of medical officers to prisons should be 3 to 5 years.	7.13.2
122.	Immediately before or soon after joining at the prison, the medical officer should be required to undergo a short-term orientation course.	7.13.3
123.	Every central and district prison should have two or more medical officers. A central prison with an inmate population of more than one thousand prisoners should have three medical officers.	7.13.4
124.	At every prison where there is a sufficiently large number of woman prisoners (say, 25 or above), a whole-time lady medical officer should be appointed. At other prisons arrangement should be made for part time lady medical officers.	7.13.5
125.	Every central and district prison should have the services of a qualified psychiatrist who should be assisted by a psychologist and a psychiatric social worker.	7.13.6
126.	The prison hospitals should have full contingent of staff according to their requirements.	7.13.7
127.	A senior officer of the rank of Joint/Deputy Director in the Medical Department should be deputed at the headquarters of the Department of Prisons and Correctional Services.	7.13.8
128.	Medical officers posted at a prison will function under the control of the Inspector General of Prisons and immediately under the superintendent of the prison. For professional work they will consult senior medical officers.	7.13.9
129.	The Inspector General of Prisons and superintendents of prisons should make the work of medical officers stimulating by encouraging and involving them in research in collaboration with the Medical and Public health departments.	7.13.10
130.	Adequate incentives should be provided to medical officers, psychiatrists and para-medical personnel deputed to prisons.	7.13.11 7.13.12

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| 131. Medical officers associated with prisons on part-time basis should be paid proper honorarium or fee. | | 7·13·13
7·13·14 |
| 132. Duties of medical officers, Psychiatrists and psychiatric social workers connected with prisons should be clearly defined. | | 17·13·15 |
| 133. All central and district prisons should provide hospital accommodation for 5% of the daily average inmate population. | | 7·13·16 |
| 134. Buildings, equipment and other facilities for prison hospitals should conform to certain norms. | | 7·13·17
to
7·13·23 |
| 135. Visiting specialists from local hospitals should be arranged for treatment of ailments requiring specialised services. | | 7·13·24 |
| 136. Each State should have a fully equipped prison hospital manned by specialists for the treatment of prisoners requiring specialised treatment from all over the State. | | 7·13·25 |
| 137. Non-criminal lunatics should not be kept in or sent to prisons. | | 7·13·26 |
| 138. Criminal lunatics should be sent to the nearest prison having the services of a psychiatrist. | | 7·13·27 |
| 139. All criminal lunatics under observation of a psychiatrist should be kept in one barrack. | | 7·13·28 |
| 140. If a criminal lunatic undergoes trial and is declared "guilty but insane" he should be sent to the nearest mental hospital for further management. | | 7·13·29 |
| 141. If a criminal lunatic, after standing trial following recovery from his mental illness, is declared guilty of the crime he should undergo his term in the prison but should be under the care and treatment of the psychiatrist. | | 7·13·30 |
| 142. If an undervial criminal lunatic fails to recover from his mental illness even after he has completed half of the maximum term awardable on conviction, his case should be submitted to the State Government for considering the withdrawal of the criminal case against him. | | 7·13·31 |
| 143. If a convict while undergoing his imprisonment becomes mentally ill, he should be shifted to the psychiatric wing of the prison hospital and placed under the observation of the prison psychiatrist. | | 7·13·32 |
| 144. There should be at least one separate prison hospital with a capacity for 100 inmates fully equipped for the care and confinement of criminal lunatics in each big State. | | 7·13·33 |
| 145. Sick women prisoners should be treated in a separate enclosure attached either to the hospital section or to women section of the prison. | | 7·13·34 |
| 145. Proper medical facilities should be provided in sub-jails. | | 7·13·35 |
| 147. Proper arrangements should be made for the care and treatment of old, infirm and debilitated prisoners in a separate ward. | | 7·13·36 |
| 148. Requirement of drugs for three months should be stocked in the prison hospital. | | 7·17·37 |
| 149. The medical officer in charge of prison hospital should, in accordance with prison rules and in consultation with the superintendent, work out criteria for the prescription of special medical diet to prisoners and these criteria and the special medical diets prescribed under them should be reviewed from time to time. | | 7·13·38 |
| 150. The medical officer will assist the superintendent in an emergent situation. | | 7·13·39 |

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CHAPTER VIII

SECURITY AND DISCIPLINE

151. From the point of view of security and discipline, prisons should be classified into special security prisons, maximum security prisons, medium security prisons and minimum security prison—(semi-open prisons, open prisons and Sangaree type open camps). 8.34.1
152. Every prison should be provided with adequate custodial staff to ensure that no one is required to work for more than 8 hours a day, besides a day's rest every week. 8.34.2
153. A time-bound plan for the improvement of old prison buildings with a view to ensuring proper security should be drawn and implemented. 8.34.3
5.8.3
154. Each jail should be provided with basic requirements of security. 8.34.4
155. An officer of the rank of deputy superintendent should be appointed at each special security and maximum security prison for discharging the duties of a whole time security officer. 8.34.5
156. Adequate staff should be posted at jail gates for conducting searches. 8.34.6
157. A statutory provision should be made to make it obligatory on the part of police to inform the superintendent of the prison about the antecedents of every dangerous convict or undertrial admitted to the prison. 8.34.7
158. Prison staff should be trained in the use of devices for dispersing mobs in order to minimise use of force. 8.34.8
159. Jails should be inspected at odd hours by range Deputy Inspectors General of Prisons to ensure proper observance of security measures. 8.34.9
160. The institution of convict officers discharging supervisory and disciplinary duties at present should be abolished in a phased manner. 8.34.10
161. All well-behaved convicted prisoners in good health who have completed one month's confinement and who know counting should, by rotation, be employed in two-hour shifts for counting of prisoners inside barracks at night. 8.34.11
162. Preventive measures for ensuring security through segregation and imposition of fetters should be very discreetly used. Prisoners should have the right to appeal to the Inspector General of Prisons against the restrictions imposed on them. 8.34.12
163. The superintendent should have the power to use preventive measures to the extent prescribed for ensuring security and control. 8.34.13
164. Any use of preventive measures beyond the prescribed limits should be subject to approval of the District Judge or the Chief Judicial Magistrate having visitatorial powers over the prison. 8.34.14
165. Fetters and handcuffs should not be imposed on undertrial prisoners except when they have a credible tendency to violence or escape. 8.34.15
166. Provisions regarding segregation and imposition of fetters as measures for ensuring security contained in the prisons Act, 1894 should be suitably revised. 8.34.16
167. Contingents of special security guards should be posted at each jail for escorting prisoners to and from hospitals for specialized treatment. 8.34.17

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168.	<u>Each district hospital should have a separate prisoners' ward with a room for the guards so that sick prisoners are not made to stay with other patients in the general ward.</u>	8.34.18
169.	<u>Provisions with regard to security and custody of prisoners contained in Chapter XVI of the Model Prison Manual and those for meeting emergent situations in prisons contained in Chapter LIII of that Manual should be implemented.</u>	8.34.19
170.	<u>Disciplinary problems in prisons should be tackled with fairness, politeness and firmness.</u>	8.34.20
171.	<u>Progressive stage system should be introduced in the Jails.</u>	8.34.21
172.	<u>Acts and omissions identified in Chapter XXXI on 'Discipline' of the Model Prison Manual should constitute prison offences.</u>	8.34.22
173.	<u>Some of the existing prison punishments should be abolished and some new ones introduced.</u>	8.34.23
174.	<u>The procedure for dealing with complaints against prisoners should be rationalised.</u>	8.34.24
✓ 175.	<u>Newly admitted prisoners should be given a booklet printed in local language containing information regarding regulations governing various aspects of prison life.</u>	8.34.25
✓ 176.	<u>Facilities available to prisoners to file appeal/revision /review or to make other applications in regard their criminal cases should be improved. Prisoners may also be provided free legal aid in such matters.</u>	8.34.26
177.	<u>The procedure for dealing with genuine complaints and grievances of inmates should be rationalised.</u>	8.34.27
✓ 178.	<u>Prison administration should exercise constant vigilance and alertness to locate areas of discontent among prisoners which may lead to mass indiscipline and take quick remedial measures.</u>	8.34.28
✓ 179.	<u>Prisoners panchyats should be involved in matters pertaining to inmates' self-management and self-improvement in day to day life.</u>	8.34.29
180.	<u>The intelligence branch of the local police should be actively involved in the detection and prevention of smuggling of contraband articles in the prisons. The vigilance cell in the headquarters organisation of the Department of Prisons should also pay proper attention to this aspect of prison security and discipline.</u>	8.34.30

CHAPTER IX

SYSTEM OF CLASSIFICATION

Diversification of institutions

181.	<u>Diversification of institutions should be evolved for basic segregation and treatment of homogeneous groups of prisoners.</u>	9-7.1
✓ 182.	<u>Each State/Union Territory should evolve a system of classification of prisons according to its requirements.</u>	9-7.2
183.	<u>Homogeneous groups of inmates should be kept in appropriate classified institutions.</u>	9-7.3
184.	<u>In large States classification of prisons should be done on a regional basis.</u>	9-7.4

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| 185. | Small States and Union Territories where diversification of institutions is not feasible because of a very small number of prisoners and institutions should utilise this facility in neighbouring States or apply principles of diversification in separate yards/enclosures/wings of each institution. | 9-7.5 |
| 186. | Diversified institutions should be set up by each State/Union Territory according to its requirements. | 9-7.6 |
| 187. | With the construction of new prison buildings and establishment of semi-open and open prisons the pressure on existing prisons will be reduced to a great extent. These institutions can be converted into medium, maximum and special security institutions for adult offenders and into Reception Centres and Kishore/Yuva Sadans for young offenders. | 9-7.7 |
| 188. | In every central and district prison a reception centre should be established for initial classification of convicted prisoners. | 9-7.8 |
| 189. | Panels of experts should be appointed by Government of India on a regional basis to assist the States and Union Territories in the region to prepare a basic plan for setting up a system of classified institutions. | 9-7.9 |

Classification of Prisoners

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| 190. | The principles of classification included in the report of the All India Jail Manual Committee 1957-59 should be adopted on an all India basis. | 9-12.1 |
| 191. | The aims and objectives of classification as laid down in Chapter XIX of the Model Prison Manual should be kept in view while undertaking classification of prisoners. | 9-12.2 |
| 192. | A reception centre should be set up in every central and district prison where prisoners sentenced to more than one year should be initially classified by a classification committee consisting of professional staff. | 9-12.3 |
| 193. | The principles of keeping a prisoners as near his home town as possible should be broadly kept in view at the time of classification of inmates. | 9-12.4 |
| 194. | Provisions of the Model Prison Manual regarding procedure for initial classification, stage of classification and reclassification procedures decisions of the classification committee, progress reports review of progress re-classification contents of the inmates case file should be adopted by each State and Union Territory. | 9-12 |
| 195. | Proper forms of history sheet, initial classification sheet and progress report should be adopted. | 9-12.6 |

Typology of crime?

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| 196. | Research should be undertaken to develop a typology of crime in the context of the current patterns of crime in India. | 9-19.1 |
| 197. | Newly admitted prisoners should be broadly categorised into socially conditioned criminals and individualised criminals. | 9-19.2 |

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| ✓ 198. | In each State and Union Territory study groups should be set up for the purpose of undertaking studies of various patterns of crime. The reports of these study groups should be utilised for evolving classification of prisoners on scientific basis. | 9.19.3 |
| ✓ 199. | The existing legal provisions in regard to the classification of habitual offenders should be suitably amended. | 9.19.4 |
| ✓ 200. | Every prison officer should be given thorough training in behavioural sciences and techniques of social work. | 9.19.5 |

CHAPTER X

TREATMENT PROGRAMMES

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| 201. | Treatment programmes should be properly planned and developed. They should be regarded as an integral part of prison programmes. | 10.28.1 |
| 202. | The atmosphere of prisons should be surcharged with positive values and the inmates should be exposed to wholesome environment with opportunities to reform themselves. | 10.28.2 |
| 203. | Inmate-personnel relationship in prisons should be based on mutual trust and confidence. | 10.28.3 |
| 204. | Discipline in prisons should be firm and positive so that treatment programmes may be carried out uninterruptedly and effectively. | 10.28.4 |
| 205. | Treatment programmes should be individualised. | 10.28.5 |
| 206. | Prison staff should promptly attend to the immediate needs of newly admitted inmates. | 10.28.6 |
| 207. | Treatment of offenders through diversified work programmes and vocational training should be the focal point of prison activities. | 10.28.7 |
| 208. | Each State/Union Territory should reformulate its prison educational policy and programmes. | 10.28.8 |
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| | | and |
| | | 10.28.26 |
| | | to |
| | | 10.28.28 |
| ✓ 209. | Educational programmes in prisons and in Kishore/Yuva Sadans should be integrated with the educational system in the States/Union Territories. | 10.28.18 |
| 210. | Diversified educational programmes should be organised for different groups of inmates. | 10.28.19 |
| 211. | Inmates who have reached a certain stage of education should be allowed to continue their education either as regular students of schools/colleges or through correspondence courses. | 10.28.20 |
| 212. | Special attention should be paid to the development of suitable educational programmes for women prisoners. | 10.28.21 |
| ✓ 213. | The Inspector General of Prisons and Director of Correctional Services should formulate a detailed educational programme for each institution in consultation with the State education department. | 10.28.22 |
| ✓ 214. | It should be one of the primary responsibilities of the prison superintendent and other prison personnel that programme of education is implemented in its proper spirit. | 10.28.23 |

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215. Programmes of adult education, social education and moral education should also be organised in sub-jails.		10.28.24
✓ 216. Literate inmates whose conduct is good should be given training in imparting education to other inmates and they should assist the educational personnel of the institution.		10.28.25
217. The strength of educational personnel at each institution should be fixed in accordance with its requirements.		10.28.29
218. Social, moral and health education lectures should be organised.		10.28.30
219. Each State and Union Territory should accept and adopt the basic essential elements of recreational and cultural activities.		10.28.31
220. The Inspector General of Prisons of each State/Union Territory should formulate a plan for recreational and cultural activities for each institution.		10.28.32
✓ 221. Recreation should be properly designed and planned. It should also be adequately guided and supervised.		10.28.33
222. Recreation should be treated as incentive for good behaviour and self-discipline.		10.28.34
223. Appropriate recreational and cultural activities should be provided in prisons.		10.28.35
224. Each central and district prison and Kshore/Yuva Sadan should have a 16 mm film projector.		10.28.36
225. Library of good films should be developed at the headquarters organisation.		10.28.37
226. Every prison and allied institution should have a proper library with sufficient number of newspapers, periodicals and books.		10.28.38
227. Every prison and allied institution should have annual sports meet. Inter-institution and inter-state sports meets of inmates should also be organised.		10.28.39
228. Every prison and allied institution should have a committee for recreational and cultural activities comprising carefully selected inmates.		10.28.40
229. The Department of Prisons and Correctional Services should maintain close liaison with the Department of Sports and committees for recreational and cultural activities at the district and state level.		10.28.41
✓ 230. Continuity of contacts of prisoners with their family members and the community should be maintained.		10.28.42
231. Various incentives of the prison system should be judiciously used to promote self-discipline and modification of behaviour of inmates.		10.28.43
232. Techniques of case work, group work, individual and group guidance, and counselling should be applied in prisons as measures of treatment of offenders.		10.28.44
233. Anti-social value schemes of offenders should be replaced by proper habits and attitudes through individual guidance.		10.28.45
✓ 234. Psychotherapy which has been recognised as an effective measure for treatment of prisoners suffering from mental disorders should be used in prisons.		10.28.46
235. Supportive therapy should be used as technique of treatment of inmates.		10.28.47
236. Prison personnel should present such models of behaviour in their conduct before the inmates as would be useful for the offenders to imitate.		10.28.48

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237.	The impact of treatment programmes should be regularly reviewed through independent agencies. It should also be reviewed through in-built mechanisms in the prison system (such as periodical review of progress of inmates, re-classification of inmates, review of sentences, after-care, follow-up, etc.)	10.28.49
238.	Community participation in treatment programmes should be encouraged.	10.28.50
239.	A prisoners' Welfare Fund should be set up in each State/Union Territory.	10.28.51
240.	Daily routine in prisons and allied institutions should be regulated to provide for diversified treatment programmes. The locking-up time may be shifted by two to three hours after sunset.	10.28.52

CHAPTER XI

WORK PROGRAMMES AND VOCATIONAL TRAINING

241.	Prison work programmes and vocational training should be integrated with national economic policies and development plans.	11.33.1
242.	Certain specified objectives should form basic foundation for the development of work programmes and vocational training in correctional institutions.	11.33.2
243.	Undertrial prisoners who volunteer to work should be encouraged to take up work programmes and receive vocational training.	11.33.3
244.	Vocational training programmes in self-employed trades and occupations should be organised in every central and district prison.	11.33.4
245.	Prison industries should be organised on business-cum-commercial basis.	11.33.5
246.	While designing employment and production policies in prisons the composition of inmates coming from rural and urban areas should be taken into consideration and a variety of opportunities of work and vocational training should be created to cater for the heterogeneous inmate population.	11.33.6
247.	Production units should be semi-mechanised and, where possible, fully mechanised.	11.33.7
248.	Inmates should be given work experience in every section of a trade/industry.	11.33.8
249.	In the plan of re-organisation of work programmes modernisation and diversification of existing prison industries should receive due priority.	11.33.9
250.	The possibility of introducing products according to market trends should be explored so that prison products may be able to reasonably satisfy customers' expectations.	11.33.10
251.	Various products of prison industries should be standardised in terms of specifications, patterns, designs, etc.	11.33.11 11.33.13 11.33.14
252.	Tools and equipment should be such as would facilitate production of articles of good quality and should be standardized.	11.33.12 11.33.15 11.33.16
253.	In every institution there should be a separate and properly organised maintenance workshop.	11.33.17
254.	Adequate funds should be provided for annual replacement of equipment, accessories, spare parts, etc.	11.33.18

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255.	Technical supervision should be improved and a system of quality control should be introduced at every stage of production.	11.33.19
256.	A policy for purchase of raw material, consumable articles, stores, tools and equipment, etc., should be laid down.	11.33.20
257.	The accounts and stores organisation should be modernised on business-cum-commercial principles.	11.33.21
258.	Costing of prison products should be done on a rational basis taking into account the various limitations and handicaps of prison management.	11.33.22
259.	Comprehensive and detailed statistics for each service unit and production unit should be maintained on systematic basis.	11.33.23
260.	An autonomous board for work programmes and vocational training vested with full fiscal and administrative powers, should be set up at the headquarters organisation of the Department of Prisons and Correctional Services.	11.33.24
261.	At the prison level there should be a committee to implement the policies and programmes as chalked out by the board.	11.33.25
262.	Qualified technical personnel should be appointed in adequate numbers in every production unit and for every programme of vocational training.	11.33.26
263.	The executive and supervisory personnel should be given training in modern methods of management.	11.33.27
264.	Accounts branches should be constituted at the institutional, regional and headquarters level.	11.33.28
265.	Accounts of production units should be properly audited.	11.33.29
266.	Work programmes in an institution should be planned taking into consideration various relevant factors.	11.33.30
267.	Based on plans of each institution a master plan should be prepared for the whole department.	11.33.31
268.	The requirements of government departments, semi-government agencies, etc., in respect of prison products should be consolidated in the office of the board.	11.33.32
269.	The targets of production for each unit for the ensuing year should be fixed in advance.	11.33.33
270.	Plans for employment and production in each institution should be prepared for each quarter on the basis of relevant factors.	11.33.34
271.	The chain of command, lines of authority and spans of staff control should be clearly defined at the institutional, regional and board level.	11.33.35

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272.	Staff meetings and joint staff consultations for evaluating manufacturing processes, personnel effectiveness, production targets, time schedule, etc., should be held regularly.	
273.	The performance of technical, executive and supervisory personnel functioning in the fields of work programmes and vocational training at every level should be evaluated on the basis of the performance of individual staff member.	11-33-37
274.	Every State and Union Territory should have a clear policy for the employment of inmates and for production programmes.	11-33-38 11-33-39
275.	Tasks for each operation and sub-operation should be standardised and specified with reference to time schedule and the requirements of manpower.	11-33-40 11-33-44
276.	Correct work-sheet for each prisoner should be maintained by the technical personnel.	11-33-41
277.	(a) There should be a complete ban on the use of inmate labour in the offices or at the residential quarters of prison personnel. (b) The system of half task and two-third task should be discontinued except in specified cases.	11-33-42
278.	Every prisoner who starts giving prescribed task should be brought on the wage system. Newly admitted prisoners should be given some token remuneration till they start performing the prescribed task.	11-33-43
279.	Rationalised wage system should be introduced in prisons and allied institutions of every State/Union Territory.	11-33-45 to 11-33-51
280.	Hours of work for each group of prisoners should be prescribed in accordance with the programme content of each institution.	11-33-52
281.	The daily routine, time schedule, etc., should be worked out for each institution on the basis of the principles laid down in Chapter XXI of the Model Prison Manual.	11-33-53
282.	Prisoners should not be made to work in the production units after lock-up of the prisons.	11-33-54
283.	Certain basic minimum facilities should be provided in work-sheds and other places where prisoners work.	11-33-55
284.	Conditions of work in every factory, work-shed, etc., in every institution should be regularly inspected.	11-33-56 11-33-57
285.	The traditional conservative policy of minimum investment in prison work programmes should be discarded and new realistic financial policy in all these matters should be adopted by each State/Union Territory.	11-33-58
286.	The performance and economic aspects of each unit of work programmes should be got evaluated periodically by a committee consisting of experts.	11-33-59
287.	Flow process charts should be introduced in every prison industry.	11-33-60
288.	Department of Prisons and Correctional Services should concentrate on the production of articles and supply of services which are readily marketable.	11-33-61
289.	Sales should be promoted through establishment of show-rooms and participation in exhibitions.	11-33-62
290.	Training programmes should be designed and planned to suit the needs of prisoners sentenced to short, medium and long terms of imprisonment. They may consist of apprenticeship training, on-the-job training and vocational training.	11-33-63 11-33-64
291.	Details of the duration of each training course, syllabus and time-schedule should be worked out by the board.	11-33-65

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292.	Adequate number of instructors should be appointed for organising vocational training programmes.	11.33.66
293.	Vocational training programmes should be developed in liaison with the Department of Technical Education, etc., and the inmates successfully undergoing training programmes should be awarded regular certificates by that Department.	11.33.67
294.	Adequate provision of finances should be made in the annual budget for vocational training projects.	11.33.68
295.	The perspective master plan for the development of work programmes and vocational training should be prepared by each State/Union Territory.	11.33.69
296.	Diversification of programmes of work and vocational training should be done in such a way that opportunities of work and training are available to different groups of inmates at the institutional, regional or State/Union Territory level.	11.33.70 11.33.73
297.	Production units should be classified into (i) principal and (ii) ancillary and cottage industries. Agricultural farms should be classified as large, medium and small size farms.	11.33.71
298.	Agricultural work programmes on agricultural farms should be diversified.	11.33.72
299.	Diversification of prisons and classification of prisoners should be planned and executed simultaneously with diversification of programmes of work and vocational training.	11.33.74
300.	Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills.	11.33.75
301.	Background of inmates should be taken into consideration while planning their employment on work programmes.	11.33.76 11.33.78
302.	Work camps and work centres should be developed in areas of community services.	11.33.77
303.	Each State/Union Territory should appoint a committee of experts for the re-organisation and development of programmes of work and vocational training.	11.33.79

Agriculture

304.	Agriculture, other allied activities and agro-based industries should be given high priority in the planned development of work programmes and vocational training in <u>correctional institutions</u> .	11.39.1
305.	A systematic survey of the agricultural land available with various prison institutions should be undertaken to plan for its maximum utilization.	11.39.2
306.	All farm lands should be examined in terms of soil analysis, irrigability, fertility, requirements of drainage, etc.	11.39.3
307.	Each new prison building should have farm land.	11.39.4
308.	Farms should be divided into suitable plots according to the cropping schemes to be prepared well in advance.	11.39.5 11.39.6
309.	Project of land development should be undertaken on priority basis.	11.39.7
310.	All uncultivated government land in the vicinity of a prison institution should be attached to the institution for agricultural purposes.	11.39.8
311.	Land belonging to the prison development should not be surrendered for the use either of other government departments or of private agencies.	11.39.9

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		11.39.10
312.	Institutional land should be properly fenced.	
313.	A regular plan for maximum utilization of the existing irrigation facilities and for providing additional facilities should be prepared and implemented for each farm.	11.39.11 to 11.39.15
314.	Necessary buildings should be constructed on each farm.	11.39.16
315.	All necessary equipment and spare parts should be made available at each farm.	11.39.17
316.	Pucca approach roads and pucca internal roads should be provided for all farms.	11.39.18
317.	A maintenance shop should be set up at each large farm.	11.39.19
318.	Transport facilities should be provided according to the actual requirements of each farm.	11.39.20
319.	Petrol/diesel depots should be provided at large farms.	11.39.21
320.	Requirements of labour at each farm should be met.	11.39.22
321.	The practice of putting prisoners working on farms in ankle ring and fetters should be discontinued forthwith.	11.39.23
322.	Inmates for open agricultural farms should be properly selected.	11.39.24
323.	Before the prisoners are transferred to open institutions, they should be allowed to work for some time in semi-open institutions.	11.39.25
324.	Prisoners working on farms should be given adequate and proper wages.	11.39.26
325.	Adequate funds should be provided for the development of agriculture and allied activities.	11.39.27
326.	Accounts of agriculture and allied activities should be separately maintained.	11.39.28
327.	Requisite personnel should be provided at each agricultural unit and their duties and responsibilities should be clearly laid down.	11.39.29 11.39.30
328.	Costing of agricultural and other produce should be done on business-cum-commercial lines.	11.39.31
329.	The efficiency of each unit should be evaluated in terms of targets fixed.	11.39.32
330.	The inmate population of an agricultural farm should not exceed 200.	11.39.33
331.	Sites for open agricultural prisons should have all infrastructural facilities.	11.39.34
332.	Dairies should be developed on open prison farms on commercial lines under proper technical guidance.	11.39.36 to 11.39.41
333.	Dairies in closed prisons should be discontinued.	11.39.42
334.	Wherever possible poultries should be organised on open farms. They should be run on commercial lines under proper technical supervision.	11.39.43 to 11.39.46
335.	In Jail Training Schools and Regional Training Institutes, prison personnel should be imparted training in various aspects of agriculture and other allied activities.	11.39.47
336.	Bio-gas plants, windmills, solar-cooking ranges etc, should be introduced in open institutions.	11.39.48

(1)	(2)	(3)
337.	Vocational training in agriculture and other allied activities should be organised on agricultural farms.	11-39-49
338.	The benefit of extension services for agriculture and allied activities should be availed of by the Department of Prisons and Correctional Services.	11-39-50

CHAPTER XII

UNDERTRIAL AND OTHER UNCONVICTED PRISONERS

339.	A review of all the police lock-ups should be taken up in each State/Union Territory and the living conditions in them should be improved.	12.17.1
340.	A Board of Visitors should be appointed in each district to visit regularly all police lock-ups.	12.17.2
341.	Undertrial prisoners should be lodged in separate institutions away from the convicted prisoners.	12.17.3
342.	Institutions meant for lodging undertrial prisoners should be as close to the courts as possible and there should be proper arrangement for the transportation of undertrial prisoners.	12.7.4
343.	The recommendation of the Law Commission with regard to speedy trials and simplification of bail procedures made in its 77th and 78th Reports should be accepted and implemented. In addition, bail should be granted to the accused as a matter of right unless proved by the prosecution that his being at large might endanger the security of the society.	12.17.5
344.	The feasibility of launching bail hostels on the lines of those sponsored and financed by Xenia Field Foundation (U.K.) should be examined under Indian conditions.	12.17.6
345.	Release of accused persons on personal recognizance should be encouraged.	12.17.7
346.	The provisions of section 167 of the Code of Criminal Procedure with regard to the time limit for the police investigation in case of accused undertrial prisoners should be strictly followed both by the police and the courts.	12.17.8
347.	The classification of undertrial prisoners into class I, II and III or A, B, and C on the basis of their socio-economic status should be abolished.	12.17.9
348.	The time spent by inmates in Jails, awaiting investigation and trial, should be put to use for the benefit of both the prisoners and the community.	12.17.10
349.	Rights of undertrial prisoners including facilities of access to legal material, legal counsel and legal aid should be protected.	12.17.11
350.	All undertrial prisoners should be effectively produced before the presiding magistrates on the dates of hearing.	12.17.12
351.	Undertrial prisoners should be allowed to obtain cooked food from their families.	12.17.13
352.	Those undertrial prisoners who do not have sufficient clothes should be supplied clothes at government cost.	12.17.14
353.	There should be no restriction on the number of letters undertrial prisoners may send at their own cost. However, at government cost they should be allowed to write two letters per week.	12.17.15
354.	There should be no restriction on the number of interviews sought by undertrial prisoners for the sake of legal assistance. Interview with family members and friends should, however, be restricted to two per week.	12.17.16

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355. Undertrial prisoners should be allowed the facility of canteen available to other prisoners in the prison. 12.17.17
356. The daily routine of undertrial prisoners should include programmes of diversified education and recreational activities. 12.17.18
357. Habitual undertrial prisoners should be segregated from other undertrial prisoners. 12.17.19
358. The management and discipline of undertrial prisoners should be the responsibility of only the paid staff. 12.17.20
359. (a) An effective mechanism of review of the cases of undertrial prisoners regularly both at the district level and the State level should be evolved. 12.17.21
- (b) The Code of Criminal procedure should be suitably amended to provide that as soon as an undertrial prisoner completes the period of detention equal to half of the maximum sentence awardable to him on conviction, he should be released immediately and unconditionally.
360. Broad guidelines about the arrest of persons, specially those involved in minor violations of law, should be laid down. 12.17.22
361. Non-criminal lunatics, persons needing protective custody and children should not be sent to prisons at all. 12.17.23
362. Preventive sections of the Code of Criminal Procedure, specially section 109, should be reviewed and amended suitably to restrict their use only in very genuine cases. 12.17.24
363. Persons detained under executive orders made under provisions of special legislations should be kept away from convicted and undertrial prisoners. 12.17.25

CHAPTER XIII

WOMEN PRISONERS

364. All police investigations involving women must, as far as possible, be carried out in the presence of a relative of the accused or her lawyer and of a lady staff member. Women should not be called to the police station for investigation. 13.11.1
365. Police personnel should treat women with due courtesy and dignity during investigation and while they are in police custody. 13.11.2
366. Women in police custody should invariably be under the charge of women police officials. 13.11.3
367. Instructions of the Ministry of Home Affairs for the guidance of the police on the subject of handling women offenders should be followed. 13.11.4
368. A separate place with proper toilet facilities should be provided on court premises for women prisoners awaiting production before presiding magistrates. 13.11.5
369. Bail should be liberally granted to women undertrial prisoners, and those not able to furnish surety may be released on personal recognizance. 13.11.6
370. The Probation of Offenders Act should be extensively used for the benefit of women offenders. 13.11.7
371. Women prisoners should be lodged in separate institutions/annexes meant exclusively for them. 13.11.8

(1)	(2)	(3)
372.	Enclosures for women in common prisons should be so renovated as to ensure that women prisoners do not come in view of male prisoners. Their enclosures should have a proper 'double lock system'.	13.11.9
373.	All prisons/annexes for women must be staffed by women personnel only.	13.11.10
374.	All general duties with regard to women offenders should be performed by women staff only.	13.11.11
375.	Women guards should be arranged to look after women prisoners in sub-jails.	13.11.12
376.	The staff posted at institutions for women should be properly trained and their service conditions should be on par with those of the male staff.	13.11.13
377.	A senior lady officer, if available at the headquarters organisation, should be entrusted with the job of looking after the problems of women prisoners.	13.11.14
378.	Newly admitted women prisoners should be medically examined for pregnancy. Pregnant women prisoners should be transferred to local maternity hospital for purposes of delivery.	13.11.15
379.	While registering the birth of a child to a women prisoner, the place of birth should not be mentioned as 'prison', if such a birth takes place there; instead the name of locality should be mentioned.	13.11.16
380.	Pregnant and nursing women prisoners should be prescribed special diet and exempted from unsuitable types of work.	13.11.17
381.	There should be proper arrangement for the segregation of various categories of women prisoners.	13.11.18
382.	Women needing protective custody should not be confined in prisons.	13.11.19
383.	There should be a separate ward for women in prison hospitals.	13.11.20
384.	Women prisoners should be permitted to retain their 'mangal sutra', glass or plastic bangles, etc.	13.11.22
385.	Women prisoners should be given adequate and proper clothing and facilities for personal hygiene and personal maintenance according to their custom.	13.11.23
386.	Adequate and proper work and treatment programmes should be organized for women in prisons.	13.11.24 13.11.25 13.11.26 13.11.28
387.	Some self-contained units for groups of 8 to 10 women prisoners should be constructed to provide them a kind of family/group living.	13.11.27
388.	Women prisoners should be given the facility of maintaining contacts with their families through letters, visits from relatives and leave.	13.11.29
389.	Children (up to the age of 5 years) accompanying women prisoners may be allowed to be kept with them in specially organized creches outside the main prison building.	13.11.30
390.	Prisons and annexes for women offenders in common prisons should be open for frequent visits by lady visitors.	13.11.31
391.	Special consideration should be given to women prisoners in the matter of premature release.	13.11.32

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392. Proper pre-release preparations in respect of women convicts should be made. Avenues for the settlement of marriage after their release may be explored. On release, women prisoners should, as far as possible, be escorted by women guards in plain clothes. 13.11.33
393. State Governments should encourage and support voluntary women organizations in looking after women offenders. 13.11.34
394. There should be a women's non-official organisation at the national level to look after the interests of women prisoners. Such an organisation should be given financial assistance by the Central Government. 13.11.35

CHAPTER XIV

CHILDREN IN PRISONS

395. Children Act should be expeditiously enacted/enforced in every district of each State/Union Territory. 14.11.1
396. Necessary infra-structure required under the Children Act should be immediately set up in every district. 14.11.2
397. Cases of children kept in prisons should be brought before the Children's Courts. Children not involved in delinquent acts or those who have committed delinquent acts of a minor nature should be placed under the care of voluntary probation officers, etc. 14.11.3
398. Persons actually working in the field of social work or who voluntarily offer to work in the field should be recognised as voluntary probation officers, fit persons and approved persons for the purposes of Children Acts. Good educational institutions having hostel facilities should be recognised as approved institutions. 14.11.4
399. Voluntary probation officers and voluntary organisations should be paid honorarium/maintenance allowance for taking care of children. 14.11.5
14.11.8
400. Government should exercise effective supervision on voluntary organisations and individuals. 14.11.6
401. Voluntary organisations should be encouraged and given financial aid to set up children institutions for such children as cannot be released on probation or on licence. 14.11.7
402. The head of the department of child welfare should be the Chief Authority under the Children Act. 14.11.8
403. Prison superintendent should take a monthly review of children confined in prison and send a report to the appropriate authorities for necessary action. 14.11.9
404. Ministry of Home Affairs and the Ministry of Social Welfare should take necessary action for ensuring removal of children from prisons in various States and Union Territories. 14.11.10
14.11.11
14.11.12
405. Juvenile probation and non-institutional services for children should be effectively organised. 14.11.13
406. A child should be sent to children's institution only as a last resort. As far as possible, he should be allowed to stay with the family. 14.11.14
407. There should be a statutory ban on keeping boys below the age of 16 years and girls below the age of 18 years in police custody or in a police lock-up. 14.11.15
408. In every district there should be a separate wing in the police organisation to be named as Juvenile Aid Bureau. 14.11.16

(1)	(2)	(3)
409.	There should be a statutory ban on committing children below the age of 16/18 years to prisons either as undertrials or as convicted persons.	14.11.1
410.	The high courts should issue standing orders to all subordinate courts that under no circumstances a child below 16/18 years should be committed to police custody or to judicial custody in prisons.	14.11.11
411.	If any court commits a child to the prison, the prison superintendent should be authorised to refuse his admission to the prison.	14.11.19
412.	If any court insists on committing a child to a prison, the prison superintendent should immediately take all necessary steps for the removal of the child from the prison.	14.11.20
413.	Each State and Union Territory should prepare a master plan for setting up a network of non-institutional and institutional services for children.	14.11.21
414.	Each State/Union Territory should formulate a policy containing guidelines regarding handling of various problems relating to children in need or children in conflict with law.	14.11.22
415.	It should be made a statutory responsibility of local bodies to set up child welfare services in their areas.	14.11.23
416.	Government of India should prepare a comprehensive Model Bill for children embodying various aspects of child welfare services.	14.11.24
417.	The extent and quality of services in children's institutions should be improved.	14.11.25
418.	Necessary financial provision should be made for developing child welfare services.	14.11.26 14.11.27
419.	The National Children Fund should be utilised on a high priority basis for developing services for the socially and economically handicapped children, specially in such parts of the country where these services have not yet been developed.	14.11.28
420.	A separate department of child welfare should be established in every State/Union Territory.	14.11.29
421.	Children who have difficult behaviour pattern and who attain the age of 16/18 years, while in children institutions should, if necessary, be sent to a Kishore/Yuva Sadan. Under no circumstances should they be sent to a prison.	14.11.30
422.	Children, dependent on prisoners, should preferably be kept with the relatives or friends of such prisoners.	14.11.31
423.	A common platform of all organisations involved in the work of child welfare could be set up so that child welfare services could be co-ordinated and developed in all parts of India.	14.11.33
424.	A committee should be set up at each district headquarters to oversee all matters relating to child welfare.	14.11.34
425.	A State level committee should be constituted to advise the Government on all matters pertaining to child welfare.	14.11.35

CHAPTER XV

YOUNG OFFENDERS

426.	The subject of treatment of young offenders should be included in the Concurrent List of the Seventh Schedule of the Constitution.	15.8.1
427.	A new uniform legislation for young offenders should be enacted on the lines of the Chapter Scheme given in Annexure IV-C attached to Chapter IV on 'Legislation'.	15.8.2

(1)	(2)	(3)
428.	In case the subject of treatment of young offenders is not brought under the Concurrent List, the Government of India should prepare a model Bill on the lines recommended in Chapter IV on 'Legislation' for being adopted by all the States and Union Territories.	15.8.3
429.	A wing at the headquarters of the Department of Prisons and Correctional Services under a senior officer of the rank of Additional/Joint Director of Correctional Services should be created for dealing with the problems of young offenders.	15.8.4
430.	Separate courts for young offenders should be established. Pre-sentence investigation reports of the probation officers should be a statutory requirement for deciding the cases of young offenders.	15.8.5
431.	Pre-sentence investigation report should include all relevant antecedents of the young offender and should also attempt a prognosis for his resettlement in a socially useful way of life.	15.8.6
432.	Young offenders involved in minor violations should, instead of being kept in police custody, be kept with their families/guardians/approved voluntary agencies on the undertaking that they will be produced before the police as and when required for investigation.	15.8.7
433.	Young offenders, involved in serious offences, while in police custody should be kept separate from adult criminals and the police custody should be only for a minimum period required for investigation.	15.8.8
434.	The investigation of cases of young offenders must be expeditiously done.	15.8.9
435.	Bail should be liberally granted in case of young offenders.	15.8.10
436.	When it is not possible to release a young offender on bail, he should be kept in a Reception Centre/Kishore/Yuva Sadan during the pendency of his trial.	15.8.11
437.	In case it becomes necessary to keep young offenders in a sub-jail during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.	15.8.12
438.	Young offenders should be sent to institutions only as a last resort. When a young offender is found guilty and is likely to be punished with imprisonment not exceeding one year, the court should take recourse to non-institutional measures. Suitable cases of young offenders likely to be sentenced to periods above one year should also, as far as possible, be processed through the non-institutional approach.	15.8.13
439.	The existing Borstal schools and juvenile jails should be converted into a system of diversified Kishore/Yuva Sadans and Reception Centres. Besides this, additional institutions (Kishore/Yuva Sadans) as worked out in Chapter V on 'Prison Buildings' may be set up. These Kishore/Yuva Sadans should be developed as centres of scientific study and correctional treatment for young offenders.	15.8.14
440.	There should be separate institutions for young offenders to be called Reception Centres and Kishore/Yuva Sadans.	15.8.15
441.	There should be separate institutions for girl young offenders.	15.8.16
442.	Reception Centres should be organised at district or regional level as per the requirements of each State/Union Territory. The period of detention in a Reception Centre should not normally exceed eight weeks.	15.8.17
443.	Kishore/Yuva Sadans should be properly diversified.	15.8.18
444.	In Kishore/Yuva Sadans all basic operation for treatment and rehabilitation of young offenders should be adopted.	15.8.19

(1)	(2)	(3)
445.	Initially all hopeful cases of young offenders offering good prognosis may be kept in institutions recognised as approved Kishore/Yuva Sadans or in semi-open Kishore/Yuva Sadans. Later on, on the basis of their response to training and treatment, suitable young offenders should be transferred to open Kishore/Yuva Sadans. Difficult, discipline and problem cases and escape risks should be sent to special Kishore/Yuva Sadans. In due course after observing their response to institutional programmes, these young offenders may be transferred to semi-open Kishore/Yuva Sadans and later to open Kishore/Yuva Sadans.	15.8.20
446.	Decisions about placement of young offenders in the diversified Kishore/Yuva Sadans should be taken by the classification committee.	15.8.21 9.12.3
447.	Gradation in custody and contents of correctional programmes should be the criteria for diversification of institutions into open, semi-open and special Kishore/Yuva Sadans.	15.8.22
448.	Placement of young offenders under non-institutional treatment will result in considerable economy. The savings so effected should be fruitfully diverted for the development of non-institutional programmes and other services for young offenders.	15.8.23
449.	Scientific classification should be adopted for young offenders. This will help in their individualised treatment and training.	15.8.24
450.	At each institution there should be a Review Board.	15.8.25
451.	At the end of every six months the Review Board should examine the case of every young offender and determine his suitability for release on licence.	15.8.26
452.	Young offenders offering good prognosis may be kept in Kishore/Yuva Sadan till they attain the age of 25 years.	15.8.27
453.	Young offenders requiring institutionalisation for more than 5 years should be continued in a Kishore/Yuva Sadan through the review procedure. Of these, deserving young offenders should be released on licence on certain conditions. Only such young offenders as are intractable, violent, criminal psychopaths, hardened or dangerous, should be transferred to prisons.	15.8.28
454.	Specially selected and adequately trained personnel should be made available for implementing various programmes for young offenders.	15.8.29
455.	Suitable and adequate staff should be provided at institution for young offenders. In this connection reference to Chapter XXIV on 'Development of Prison Personnel' may be made.	15.8.30
456.	Adequate funds for all programmes connected with young offenders should be provided.	15.8.31

CHAPTER XVI

PRISONERS SENTENCED TO LIFE IMPRISONMENT

457.	Section 433A of the Code of Criminal Procedure should be amended.	16.11.1
458.	The Code of Criminal Procedure should be amended to provide for a pre-sentence study of offenders liable to be sentenced to imprisonment for life. The judge concerned should make use of this material while passing the sentence.	16.11.2

(1)	(2)	(3)
459.	On admission of a life convict in a prison a comprehensive, social and psychological study should be made for the purpose of designing a suitable diversified programme of training and treatment for him.	16.11.3
460.	A life convict should be allotted work taking into account his aptitude and potentialities and should be imparted multiple skills.	16.11.4
461.	Life convicts coming from rural areas should be given training in trades suited to their needs.	16.11.5
462.	Special attention should be paid to diversified educational programmes for life convicts	16.11.6
463.	A classification committee of the prison should review the case of every life convict every three months.	16.11.7
464.	The planning and research unit at the headquarters of the Department of Prisons and Correctional Services should undertake studies of the pattern of murders committed by individual offenders and by socially conditioned criminals.	16.11.8
465.	Broad guidelines for the Review Board/Advisory Board/Review Committee should be laid down.	16.11.9 16.11.10
466.	The facilities of interviews, letters, and release on leave and special leave should be liberalised in case of life convicts to enable them to maintain contacts with their families and the community.	16.11.11
467.	Life convicts who offer good prognosis should be transferred to semi-open and open prisons.	16.11.12
468.	The scale of remission for life convicts in semi-open prisons should be liberalised and they should be given the facility of staying with their family members in huts to be constructed on the premises of such institutions.	16.11.13 16.11.14 19.33.18 19.33.22
469.	Provisions of Chapter XLII of the Model Prison Manual regarding life convicts should be adopted by all the States/Union Territories.	16.11.15
470.	Techniques of supportive therapy should be used to maintain interest in life of a life convict who has to spend a long period in the Prison.	16.11.16
471.	Pre-release preparation, and planning for after-care and follow-up should be paid special attention in case of life convicts.	16.11.17
472.	The Advisory Committee should hold a separate meeting for reviewing the cases of life convicts only and the final orders in such cases should be passed expeditiously.	16.11.18

CHAPTER XVII

PRISONERS SENTENCED TO DEATH

473.	Section 30 of the Prisons Act, 1894 should be replaced by a fresh legislation providing for a more humane and dignified treatment to prisoners under sentence of death.	17.7.1
474.	Immediately after admission, or soon after conviction of an undertrial as the case may be, the superintendent should explain to the prisoner sentenced to death the rules regarding appeal and mercy petitions. Those who require legal assistance should be extended facilities available for free legal aid.	17.7.2

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| 475. | Every State should have one or more specified jails where prisoners under sentence of death should be confined. These jails should have proper arrangements for the confinement of such prisoners and for their execution. | 17-7-3 |
| 476. | Security arrangements in the enclosure where prisoners under sentence of death are kept should be on twenty four hour basis. | 17-7-4 |
| 477. | Prisoners under sentence of death should be provided with the same diet, clothing and beddings, feeding utensils, etc., as are given to other prisoners. | 17-7-5 |
| 478. | Prisoners under sentence of death should be encouraged to employ themselves on some useful work, and should be provided with suitable work, if they so desire, in their own enclosures. | 17-7-6 |
| 479. | Those who have some healthy hobby should be given facilities to pursue it subject to rules. | 17-7-7 |
| 480. | They should be allowed to avail of recreational facilities available in the jail. | 17-7-8 |
| 481. | Those who are interested in education may be extended necessary facilities. Books, newspapers and magazines should also be provided to them. | 17-7-9 |
| 482. | They should be allowed to follow their own religion and belief subject to rules and requirements of discipline, and to retain religious and other books. | 17-7-10 |
| 483. | They should be given liberal facilities for interviews with and letters to and from relatives and legal counsels. | 17-7-11 |
| 484. | Canteen facilities, as available to other prisoners, should also be provided to prisoners under sentence of death. | 17-7-12 |
| 485. | Special attention should be paid to their personal and domestic problems. | 17-7-13 |
| 486. | When the death sentence becomes finally executable the prisoner should immediately be transferred to a separate enclosure where arrangements should be made to keep him in a cell under constant watch. During the day he may be allowed to associate with other such prisoners. | 17-7-14 |
| 487. | Before execution arrangements should be made for the prisoner to meet his near and dear ones even at State cost, if necessary. | 17-7-15 |
| 488. | Provisions of paragraphs 10 to 20 of Chapter XLVI of the Model Prison Manual should be incorporated in the State Jail Manuals. | 17-7-16 |

CHAPTER XVIII

SUB-JAILS

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|------|---|--------|
| 489. | A sub-jail should be located at each place where a criminal court functions. | 18-9-1 |
| 490. | A daily average number of 10 inmates/undertrial prisoners detained during the past one year should justify the construction of a new sub-jail at an administrative unit where a criminal court functions. | 18-9-2 |
| 491. | The necessity of construction of new sub-jails should not be brushed aside only for financial consideration. | 18-9-3 |
| 492. | Sub-jails should not be linked up with police or excise lock-ups. | 18-9-4 |
| 493. | Persons in police custody should not be kept in sub-jails. | 18-9-5 |

(1)	(2)	(3)
494.	Sub-jails housed in improvised insecure buildings should be abolished.	18.9.6
495.	All new-sub-jail buildings should have living barracks and dormitories at a reasonable distance from the main wall.	18.9.7
496.	Each sub-jail building should have a separate annexe for women prisoners.	18.9.8
497.	There should be two types of sub-jails : (i) Class-II sub-jails for an average daily population upto 50 inmates and (ii) Class-I sub-jails for an average daily population exceeding 50 but upto 100 inmates.	18.9.9
498.	A time-bound programme for the construction of new sub-jail buildings should be drawn up and implemented by each State Government/Union Territory Administration.	18-9-10
499.	All sub-jails should immediately be brought under the administrative control of the respective Inspector General of Prisons and only an officer of the Prison Department should be appointed as officer-in-charge of the sub-jail.	18.9.11
500.	Sub-jails should be adequately and properly staffed.	18.9.12 18.9.13
501.	Guarding of sub-jails should be done exclusively by prison staff.	18.9.14
502.	Whenever women prisoners are admitted in a sub-jail, arrangements for appointing women guards on purely temporary basis should be made.	18.9.15
503.	Sub-jails should have suitable residential accommodation for all the staff members posted there with an independent guard room attached to the sub-jail building.	18.9.16
504.	Living conditions in sub-jails should be compatible with human dignity and should be in accordance with the recommendations made in Chapter VI on 'Living Conditions in Prisons'.	18.9.17
505.	Stand-by reserve stock of beddings and serving utensils should be kept in sub-jails.	18.9.18
506.	An effective system of regular/periodic disposal of unserviceable articles should be evolved and strictly followed.	18.9.19
507.	A regular stock of clothings should be kept both for men and women for issuing them to needy inmates.	18.9.20
508.	Vehicles should be provided/arranged for transportation of prisoners confined in sub-jails.	18.9.21
509.	The system of supplying cooked food to prisoners in sub-jails on contract basis should be discontinued and proper cooking facilities should be provided to the prisoners as per scales prescribed in the jail manuals.	18.9.22
510.	The scale of diet for inmates of sub-jails should be the same as that for inmates of district or central prisons.	18.9.23
511.	Proper medical facilities should be provided at each sub-jail.	18-9-24
512.	Proper employment on work programmes and recreational facilities should be provided to prisoners at sub-jails.	18.9.25
513.	Arrangements should be made for imparting adult education/non-formal education on a regular basis to inmates of sub-jails.	18.9.26

(1)	(2)	(3)
514.	A Visiting Committee should be constituted by the District Magistrate for each sub-jail under his jurisdiction.	18.9.27
515.	The District Magistrate should constitute a committee to review the position of undertrial prisoners in each sub-jail under his jurisdiction. The Inspector General of Prisons should review the situation of undertrials in sub-jails with State Home Secretary once in every three months.	18.9.28
516.	State prison rules should be made applicable to sub-jails in all respects.	18.9.29
517.	Habitual offenders should not be lodged in sub-jails.	18.9.30
518.	Provisions in State jail manuals permitting handcuffing or fettering of inmates lodged in sub-jails should be re-examined.	18.9.31
519.	Sub-Jails should be regularly inspected by the Inspector General of Prisons and the Deputy Inspectors General of Prisons.	18.9.32
520.	Accounts and the record of release of inmates should be annually audited.	18.9.33

CHAPTER XIX

OPEN INSTITUTIONS

521.	Open camp movement should be developed as a positive measrue of correctional treatment.	19.33.1
522.	The scope and purpose of open institutions should be clearly defined in the statute.	19.33.2
523.	There should be 3 types of open institutions namely, semi-open, open and Sanganer type open institutions.	19.33.3
524.	Conditions of eligiblity of prisoners for admission to open institutions should be liberalised.	19.33.4
525.	The inmate capacity of existing open institutions should be fully utilized.	19.33.5
526.	Open instituions in any State should be able to accommodate at least 20 per cent of prisoners sentenced to one year and above.	19.33.6
527.	All additional institutions for accommodating any future increase in convict population should be open type.	19.33.7
528.	Open camps (Sanganer type) should be developed in each State/Union Territory as the final stage in the open camp movement.	19.33.8
529.	Land attached to closed prisons should be converted into semi-open or open instituions.	19.33.9
530.	Open camps, mobile and permanent, should be set up at public projects to provide employment to prisoners sentenced to less than one year. Ticketless traveller should be employed on railway projects in camps to be financed by the Railways.	19.33.10
531.	Diversified work programmes including those relating to agriculture and industry should be provided at open institutions.	19.33.11
532.	'Day release system' should be introduced as a measure of semi-open facility for suitable inmates confined in prisons.	19.33.12
533.	The system of wages in open institutions should be rationalised.	19.33.13
534.	All work programmes including agriculture in open institutions should be carried out by prisoners themselves under the supervision and mangement of the prison department.	19.33.14
535.	The inmates in open institutions should be granted liberal facilities for functional literacy, recreation, cultural activities, community participation, visit to neighbouring towns for marketing and recreational purposes, continued contacts with family, remission of sentences, leave and premature release.	19.33.15 to 19.33.21

(1)	(2)	(3)
536.	Family reunion of short durations should be allowed to inmates of open institutions by allowing them to stay with their families in huts to be constructed on the premises of such institutions.	19.33.22
537.	Before being transferred to an open institution prisoners should be oriented about the requirements and responsibilities of living in such an institution.	19.33.23
538.	Prison offences and punishments for inmates in open institutions should be separately defined. Inmates not abiding by the rules of the open institution should be sent back to closed prisons.	19.33.24
539.	The maximum inmate capacity of an open institution should be 200.	19.33.25
540.	The staff posted at open institutions should be carefully selected, trained and oriented to correctional philosophy.	19.33.26
541.	The working conditions of the staff at open institutions should be improved.	19.33.27
542.	Model rules laying down minimum standards for open institutions should be framed.	19.33.28

CHAPTER XX

SYSTEM OF REMISSION, LEAVE AND PREMATURE RELEASE

Remission system

543.	The rules of eligibility in respect of various categories of convicted prisoners for earning ordinary and special remission should be reviewed and rationalised.	20.7.1 to 20.7.7
544.	The Government of India should lay down uniform guidelines to be followed by State Governments/Union Territory Administrations for grant of State remission.	20.7.8
545.	The practice of granting remission on occasions or for reasons not justifiable should be immediately stopped.	20.7.9
546.	At the institutional level, a committee should be formed to consider grant of remission. It should also recommend grant of special remission by the Inspector General of Prisons.	20.7.10
547.	Grant of remission should be properly recorded and authenticated.	20.7.11
548.	Prisoners with substantive sentences of 2 months and above but upto 5 years should be sanctioned remission each month while those sentenced to over 5 years (including life convicts) should be granted remission once in a quarter.	20.7.12
549.	Ordinary remission should be calculated for full calendar months. It should not be granted for fraction of a calendar month.	20.7.13
550.	For purposes of special remission any fraction of a year should be counted as one complete year.	20.7.14
551.	Maximum limit of remission which a prisoner can earn should be half of the substantive sentence awarded to him.	20.7.15
552.	Grant of remission to prisoners sentenced by Court Martial should be on the same principles as those applicable to other prisoners.	20.7.16

Leave

553.	To bring about uniformity in terminology for prisoners' temporary release from prisons, there should be two types of leave :	20.12.1
	(i) leave, and	
	(ii) special leave.	

(2)

(1)	(3)
554. Rules for eligibility of convicted prisoners for being released on leave and special leave should be reviewed, rationalised and liberalised.	20.12.2 to 20.12.5
555. Inspector General of Prisons should be the authority competent for grant of release on leave or special leave. However, special leave may be granted by the superintendent of the prison concerned in the event of an emergent situation.	20.12.6
556. The period spent on leave should count as sentence served while that spent on special leave should be treated as sentence suspended.	20.12.7
557. Rules regarding surety for release on leave or special leave should be liberalised.	20.12.8
558. The procedure for grant of leave and special leave should be reviewed and liberalised.	20.12.9
559. Record of release of prisoners on leave and special leave should be properly kept.	20.12.10
<i>Premature release</i>	
560. Rules for eligibility of convicted prisoners for consideration of premature release should be reviewed and rationalised.	20.17.1 20.17.2
561. The case of each prisoner eligible for review and premature release should initially be examined by the institutional classification committee before being forwarded to the Review Board.	20.17.3
562. Review Boards should be constituted in each State/Union Territory for consideration of premature release.	20.17.4
563. The case of every prisoner which is ripe for review should be decided within a maximum period of six months from the date of eligibility.	20.17.5
564. Each State/Union Territory should formulate a set of guidelines to be uniformly applied to govern the working of Review Boards.	20.17.6
565. Section 433 A of the Code of Criminal Procedure should be suitably amended.	20.17.7 4.34.20 16.9.1
566. The management of record relating to review of sentences and premature release should be streamlined.	20.17.8

CHAPTER XXI

COMMUNITY INVOLVEMENT IN CORRECTIONS

567. Public participation in prevention of crime and treatment of offenders must be made a part of our National Policy on Prisons.	21.17.1
568. An intensive public education drive should be taken up to make the society aware of the role it can play in the prevention of crime and treatment of offenders.	21.17.2
569. At the national level, the National Commission on Prisons should locate and enrol individuals and community groups volunteering to serve in the correctional field.	21.17.3
570. A committee should be constituted in each State/Union Territory to identify and enrol voluntary workers and agencies at the state, district and sub-divisional levels.	21.17.4
571. Selection of volunteers should be done very carefully and cautiously.	21.17.5
572. The government should give due patronage, financial assistance and recognition to voluntary agencies and individuals working in correctional field.	21.17.6

(1)	(2)	(3)
573.	Voluntary workers should be properly trained and given statutory authorisation for working in the correctional field. They should be given all possible help and advice at all levels.	21.17.7 21. 7.8
574.	Special voluntary social service institutions should be helped to come up for the protection and welfare of children and youth.	21.17.9
575.	Voluntary services in the treatment, after care and rehabilitation of offenders should be organised on a systematic basis. Modalities for the utilisation of voluntary services should be specified ; they should be further developed through interaction of voluntary workers with the Department of prisons and Correctional Services.	21.17.10 21.17.11 21.18
576.	The Inspector General of Prisons and Director of Correctional Services should be empowered to derecognise and delist voluntary organisations or individuals and discontinue their involvement in correctional programmes, wherever grounds for such action exist.	21.19

CHAPTER XXII

AFTER-CARE, REHABILITATION AND FOLLOW-UP

577.	After-care of prisoners discharged from prisons and allied institutions should be the statutory function of the Department of Prisons and Correctional Services.	22.13.1
578.	(a) There should be a properly staffed After-care and Follow-up Unit in the headquarters organisation of the Department of Prisons and Correctional Services in each State/ Union Territory.	22.13.2
	(b) In the districts, probation officers should be in charge 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 in charge of prisoners' welfare in close liaison with the classification committee.	
579.	The After-care and Follow-up Unit should evolve an objective method of assessing Post-release needs of inmates.	22.13.3
580.	There should be at least one voluntary organization in each district to which the work of extending help to released prisoners could be entrusted.	22.13.4
581.	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.	22.13.5
582.	Close liaison with prospective employers should be established for the employment of released prisoners.	22.13.6
583.	Self-employment work programmes should be devised for prisoners which they can independently pursue after their release. Necessary arrangements for adequate Finances from various sources should be made before the prisoner is actually released.	22.13.7
584.	Officer in charge of welfare of prisoners should, as a pre-release preparation, chalk out, in definite terms, the rehabilitative programme that the inmate has to follow on release.	22.13.8
585.	After-care services should include all kinds of help which could result in proper readjustment of the released prisoners in the society.	22.13.9
586.	After-care Homes should be established to meet the immediate needs of released prisoners.	22.13.10
587.	Restriction on employment of ex-prisoners in government service or public sector undertakings should be removed by suitable amendment of the rules.	22.13.11

(1)	(2)	(3)
588.	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. These units could be financed by State Finance Corporation, Cooperative and other Bank under their innovative banking schemes.	22.13.12
589.	State Tenancy Acts should be suitably amended to protect the rights of prisoners in agricultural land.	22.13.13
590.	Women prisoners willing to get married after their release should be rendered all necessary help in settling them in matrimony.	22.13.14 13.11.33
591.	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.	22.13.15
592.	Government should encourage formation of voluntary organizations for taking up programmes for the help of released prisoners and should give them necessary financial and other help. Services of voluntary workers in the field should be appropriately recognised.	22.13.16

CHAPTER XXIII

ORGANIZATIONAL STRUCTURE

593.	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. Senior officers having experience of correctional administration should be posted in the secretariats.	23.15.1
594.	The prison department in each State/Union Territory should be responsible for institutional training and treatment, probation and after-care of both the adult and the young offenders. This integrated department should be called the Department of Prisons and Correctional Services, and the head of this department should be designated as the Inspector General of Prisons and Director of Correctional Services.	23.15.2
595.	The Department of Prisons and Correctional Services in all States/Union Territories should invariably be headed by an officer from this department.	23.15.3
596.	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.	23.15.4
597.	A regional set-up should be established in each large State.	23.15.5
598.	Each prison and allied institution should have adequate personnel in accordance with its requirements and the specified norms.	23.15.6 23.15.7 23.15.9 23.15.10 23.15.11
599.	Each district should have a district prison with a whole-time superintendent.	23.15.8
600.	Adequate number of probation officers of various categories should be appointed to look after probation and after-care work in the field.	23.15.12
601.	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.	23.15.13

CHAPTER XXIV

DEVELOPMENT OF PRISON PERSONNEL

602.	(a) There should be an in-built mechanism in the prison department for continuous and systematic study of the man-power needs.	24.44.1
	(b) Direct entry into various wings of the prison service should be at appropriate levels.	

(1)	(2)	(3)
603.	Conditions of recruitment and promotion should be so fixed as to ensure that persons with requisite qualifications, experience and professional competence are available in the prison service at all levels.	24.44.2
604.	Every direct recruit in the service should have opportunities of at least three promotions during the span of his career.	24.44.3
605.	Physical fitness and psychological tests should be essential pre-requisites for direct recruitment.	24.44.4
606.	Officers and staff for specialised services in the prison department should be taken on deputation from respective departments of the State Governments. They should be given proper incentives.	24.44.5 24.44.6 24.44.7
607.	Ministerial staff should be borne on the strength of the prison department. The executive staff should in no case be put on ministerial work.	24.44.8
608.	An all India service to be called the Indian Prisons and Corretional Service should be constituted.	24.44.9
609.	Prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.	24.44.10
610.	Uniform including badges should be prescribed for all security and executive staff in the prison department.	24.44.11
611.	Three-shift system of duties should be introduced in prisons.	24.44.12
612.	Every member of the staff should be allowed a day off once a week.	24.44.13
613.	Adequate leave reserve staff should be provided.	24.44.14
614.	The system of convict officers discharging supervisory and disciplinary duties should be abolished in a phased manner.	24.44.15
615.	Residential quarters should be provided to all members of the staff.	24.44.16
616.	Prison staff which is entitled to rent-free accomodation 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.	24.44.17
617.	Certain facilities as provided in Chapter XI of the Model Prison Manual should be extended to prison personnel.	24.44.18
618.	The Government of India should institute medals for rewarding prison personnel. State Governments/ Union Territory Administrations should suitably recognise special services rendered by prison personnel.	24.44.19
619.	All good work done by prison personnel should be given proper publicity.	24.44.20
620.	Prison personnel meeting with serious injuries, accidents, etc., while on duty, should given financial assistance.	24.44.21
621.	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.	24.44.22
622.	A welfare fund for prison and correctional personnel should be established in each State/ Union Territory.	24.44.23
623.	Proper forum should be provided at the institutional and State levels for prison personnel to ventilate grievances.	24.44.24
624.	Staff meetings and conferences should be regularly held.	24.44.25

(1)	(2)	(3)
625.	All new recruits should be given basic initial in-service training. Officers and staff on deputation should be given a short orientation course.	24-44-26
626.	Adequate training reserve should be provided in each cadre of the service.	24-44-27
627.	Training of staff should be taken at three different levels : state level, regional level and national level.	24-44-28
628.	Qualified persons with aptitude for training and teaching should be posted at these institutions.	24-44-29
629.	Directors of Regional Training Institutions should be from the Prisons and Correctional Service and should be of the rank of Inspector General of Prisons. Principals of State level trainings schools should be of the rank of superintendents of Central prisons.	24-44-30
630.	Permanent academic staff of the training institutions and experts invited to them should be properly informed of the training requirements.	24-44-31
631.	Details of syllabi, etc. should be properly evolved and reviewed once every three years.	24-44-32
632.	Proper literature should be prepared for meeting the training needs of various categories of prison personnel.	24-44-33
633.	Basic initial training, in-service training, refresher courses and special training courses should be organised by the training institutions for various categories of personnel.	24-44-34
634.	The Inspector General of Prisons and Director of Correctional Services should prepare a panel of officers for attending conferences and special training courses in the country and abroad.	24-44-35
635.	Study teams of senior officers should be deputed to visit prison institutions in various States in the country as also those in other countries.	24-44-37
636.	The Central Government, the State Governments and the Union Territory Administrations should encourage setting up of a professional non-official registered body at the national level with its branches in all the States and Union Territories and should provide necessary financial and other assistance to them for their proper functioning.	24-44-38

CHAPTER XXV

PLANNING, RESEARCH AND DEVELOPMENT

637.	The new legislation should clearly define the general objectives of correctional system in the country.	25.8.1
638.	Each State Government/Union Territory Administration should lay down specific objectives and goals not only for the department but also for individual institutions.	25.8.2
639.	Organisational and institutional goals should be reviewed at least once a year.	25.8.3
640.	The National Commission on Prisons should be functionally linked with State correctional organisations to review the achievement of goals and objectives, etc., and to plan their future organisational, personnel and functional structure in consultation with them.	25.8.4
641.	There should be an appropriately manned unit for planning and research at the headquarters of the Department of Prisons and Correctional Services of each State and Union Territory.	25.8.5

(1)	(2)	(3)
642.	Each State/Union Territory should develop an integrated process of long-term and short-term planning and prepare plans for administrative and operational functioning. The National Commission on Prisons should coordinate these plans and monitor their progress so as to have an all India perspective of the development of prisons.	25.8.6 25.8.7
643.	The National Commission on Prisons should work out and finance some pilot projects to serve as demonstration projects for the development of prison administration.	25.8.8 25.12.6
644.	Research in the correctional field should be problem oriented and practical. Cooperation of outside agencies should also be sought in this work.	25.8.9
645.	There should be a systematic collection of statistical data on uniform pattern throughout the country. The National Commission on Prisons should publish an annual statistical report on corrections.	25.8.10 25.8.11
646.	A scientific method of keeping and weeding of record in prison department should be evolved.	25.8.12

Prisons and national plans

647.	Programmes for reformation and rehabilitation of offenders should find a place in our national plans.	15.12.1
648.	Funds for renovation of old buildings and construction of new buildings should be made available to the State Governments by the Central Government under plan.	25.12.2
649.	Sufficient outlays should be earmarked under plan by the Central Government for initiating certain centrally sponsored schemes for the welfare of prisoners.	25.12.3
650.	Training of personnel should find place under the plan sector.	25.12.4
651.	Central financial assistance in the form of matching grants or long-term loans should be extended to the State Governments for modernization or the mechanization of prison industry and agriculture.	25.12.5
652.	Other programmes for the development of prisons and reformation of prisoners should be included in the State Plan.	25.12.7
653.	Under the pretext of economy, cuts should not be effected in the non-plan budget of the prison departments.	25.12.8

CHAPTER XXVI

NATIONAL COMMISSION ON PRISONS

654.	Government of India should immediately set up a National Commission on Prisons.	26.13.1 26.13.2 26.13.3
655.	The objectives and functions of the National Commission on Prisons should be clearly laid down.	26.13.4

CHAPTER XXVII

NATIONAL POLICY ON PRISONS

656.	Government of India should finalize the National Policy on Prisons on the lines suggested, and notify it.	27.1 27.2 27.2.1 to 27.2.31
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(2)

(1)

CHAPTER XXVIII**ACTION PLAN**

657.	Implementation of important recommendations should be phased into immediate, short term and long term action plan.	28.2 28.3
658.	Estimated financial outlays for improvement in certain important areas of prison management have been worked out taking into account broad principles and need for a chieiving basic minimum standards.	28.5 to 28.16

(YOGENDRA SHARMA)
Member

(PROF. RASHEEDUDDIN KHAN)
Co-opted Member

(SAROJ KHAPARDE)
Member

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(DR. JYOTSNA H. SHAH)
Co-opted Member

(K. S. RASTOGI)
Member-Secretary

(A. N. MULLA)
Chairman

NOTE OF DISSENT

It is a great pleasure for me to record that the recommendations of the Committee have, in general, been arrived at by general consensus and unanimity of opinion of all the members of the Committee.

2. I, however, regret that I was not able to convince my learned colleagues on two issues, recommendations with regard to which are enlisted at paragraphs 4.34.1 and 4.34.2 of the Report. I am, therefore, constrained to give this note of dissent on both these issues, which I propose may be appended to the Report.

3. I am convinced that recommendation No. 4.34.1 with regard to inclusion of the Directive Principles on National Policy on Prisons in Part IV of the Constitution of India is both unnecessary and superfluous. It might be seen that the scope of Article 38 of the Constitution of India is very wide and enables the legislature to enact appropriate legislation on prisons embodying humanitarian aspect of reformation and rehabilitation through corrective treatment. Nothing is lacking in the Directive Principles of State Policy which might warrant our recommendation for any amendment of the Constitution. The problem is not with the provisions of the Constitution or with the Directive Principles of State Policy; the fact is that these provisions have not been appropriately made use of while legislating for prisons and allied institutions. It is, therefore, not necessary, in my opinion, to make recommendation number 4.34.1.

4. The same is true, also, of recommendation number 4.34.2 with regard to the transfer of the subject of prisons from State List to Concurrent List of the Seventh Schedule of the Constitution of India. I am convinced that in the wake of growing demand in some States for greater autonomy it would not only be difficult to get the recommendation implemented but would also create avoidable problems. I believe that the recommendations of the Committee with regard to (a) preparation of a Model Bill on Prisons for being adopted by all the States and Union Territories, as contained in para 4.34.4 and (b) the constitution of a National Commission on Prisons as suggested in Chapter XXVI of the Report, are sufficient to forge necessary uniformity in the administration of prisons in the entire country which, I think, is the purpose behind the recommendation in question. Since that is so, I would emphasise that the National Commission on Prisons, with its status and functions as envisaged in the Report, should be created expeditiously rather than making an attempt on changing legislative competence of States in the matter of prisons and allied institutions. The Commission, I suggest, should be set up on priority basis and it should be equipped with sufficient administrative and fiscal authority to ensure implementation of the National Policy on Prisons in the country as a whole.

5. In view of these discussions I would like to put on record my disagreement with recommendations number 4.34.1 and 4.34.2 of the Report.

(Yogendra Sharma, M.P.)

Member

Committee on Jail Reforms

A WRECK in a recent issue of an English journal... I do not know... I am vain enough to believe that I possess... suffer the strain of active Congress politics and papers...

But my health or ill-health is a small matter which need not... But my health or ill-health is a small matter which need not... suffer the strain of active Congress politics and papers...

It is natural that we should feel the... APPENDICES

APPENDICES

The differentiation into various classes has often been criticized... I do not, of course, mean to imply that those who get special facilities...

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*First published in All-India, 1936. **One of the chief Congress leaders in Bengal... when only in the early 1930s.

PRISON-LAND*

A WRITER in a recent issue of an English periodical stated that the stress and strain of politics and prison life had broken me up. I do not know what his sources of information were, but I can say from a fairly intimate knowledge of my body and mind, that both of them are tough and sound and not in any danger of a break-up or collapse in the near future. Fortunately for myself, I have always attached importance to bodily health, and physical fitness, and though I have often enough ill-treated my body, I have seldom permitted it to fall ill. Mental health is a more invisible commodity, but I have taken sufficient care of that also and I am vain enough to imagine that I possess more of it than many a person who has not had to suffer the strain of active Congress politics and passive goal life.

But my health or ill-health is a small matter which need not worry anyone, although friends and newspapers have given it undue prominence. What is far more important from the national and social point of view, is the state of prisons and the bodily and mental conditions of the vast population that they house in India. It is a notorious fact that strong and brave men have suffered greatly and even collapsed bodily under the terrible strain of prolonged goal life and detention. I have seen my nearest and dearest suffer in prison and the list of my personal friends who have done so is a long and painful one. Only recently a dear and valued colleague, a friend whom I first met in Cambridge more than a quarter of a century ago, and who was among the bravest of the brave in this unhappy country of ours, J.M. Sen-Gupta* met his death while under detention.

It is natural that we should feel the sufferings of our colleagues, and those whom we have known, more than the misery of the thousands who are unknown to us. And yet it is not about them that I am writing these few lines. We, who have willingly sought to pass the forbidding iron gates of prison, have no wish to squeal or to complain of the treatment given. If any of our countrymen are interested and wish to raise the question it is for them to do so. Such questions are frequently raised, but as a rule they relate to well-known individuals, and special treatment for them is sought on the ground of their social position. To meet the clamour, a small handful are given what is called "A" and "B" class treatment; the great majority, probably over 95 per cent, face the full rigours of goal life.

This differentiation into various classes has often been criticised and rightly criticised. To a slight extent it might be justified on medical grounds, for it is highly probable that some people used to a different diet may develop the most violent disorders, as indeed many do, if they have to subsist on goal diet. It is also obvious that some persons are physically incapable of the extreme forms of manual labour. But, apart from this it is a little difficult to imagine the justification for depriving "C" class prisoners of the so called privileges given to others. A higher class is supposed to be given because of higher "social status" or a higher standard of life. One of the tests laid down, I believe, is the amount of land revenue a person pays. Does it follow from a higher revenue that the person is more attached to his family and is therefore entitled to more interviews or letters? Or that greater facilities should be given for reading and writing? Those who pay large sums as land revenue are not usually noted for their intellectual attainments.

I do not, of course, mean to imply that those who get special facilities for interviews or letters or reading and writing should be deprived of these. These so-called privileges are poor enough as they stand, and it is well to realize that in most other countries the worst and lowest type of prisoner gets far more "privileges" of this kind than even the "A" class prisoner in India. And yet these "A" and "B" class privileges are given to such an insignificant number that they might well be ignored in considering the Indian prison system. Fundamentally, "A" and "B" classes are meant as something to show off and soothe public opinion. Most people who do not know the real facts are misled by them.

*First published in Allahabad, 1934.

**One of the chief Congress leaders in Bengal. He died largely as a result of imprisonment in 1934, when only in the early forties.

Some of the "A" class prisoners, as also especially some of the detenus or State prisoners, have often to undergo one experience which is peculiarly distressing. They are kept alone without a companion for many months at a time, and, as every doctor knows, this loneliness is very bad for the average person. Only those who have strictly trained and disciplined their minds and can turn inwards can escape ill effects. It is true that the prisoner or detenu is given the advantage of a few minutes' conversation daily with a member of the prison staff, but this is an advantage which is not seized with cheering and acclamation. This policy of more or less solitary confinement is apparently quite deliberate on the part of Government. I remember that about the time I was arrested in December 1931, Khan Abdul Ghaffar Khan* was also arrested in Peshawar or Charsadda. Four arrests were made at the same time: Khan Abdul Ghaffar Khan, his brother Dr. Khan Sahib, Dr. Khan Sahib's young son, and a colleague of theirs. They were all brought down by special train and distributed in four separate prisons in four different cities. It was easy enough to keep all of them, or father and son, or brothers together. But this was deliberately avoided and each one was, I believe, kept alone by himself without any companion. At any rate I know that Dr. Khan Sahib was kept in Naini prison. For over a month I was also in Naini then, but we were kept apart and not allowed to meet. It was tantalizing for me, for Dr. Khan Sahib was a dear friend of my student days in England and I had not met him for many years.

It is not a question of favoured treatment for political prisoners. I know perfectly well that the treatment of political will grow progressively worse, as it has done in the course of the last dozen years. The only possible check is that of public opinion, but even that does not count in the last resort unless it is so strong as to ensure victory.

Thus it is obvious that political prisoners must expect progressively bad treatment. In 1930-31 the treatment was worse than in 1921-22, in 1932 it was worse than in 1930-31. To-day an ordinary political prisoner is certainly worse off in a gaol than a non-political convict. Every effort is often made to harass him into apologizing or at least to make him thoroughly frightened of prison.

It has been stated on behalf of Sir Samuel Hoare in the House of Commons that "over 500 persons in India were whipped during 1932 for offences in connection with the civil disobedience movement." The existence or otherwise of whipping is often considered a test of the degree of civilization in a State. Many advanced States have done away with it altogether, and even where it has been retained it has been kept for what are considered the most degrading and brutal crimes, such as violent rape on immature girls. Some months ago, I believe, there was discussion in the Assembly on the question of retaining the punishment of whipping for certain (non-political) crimes. It was pointed out by Government spokesmen that this was necessary for some brutal crimes. Probably every psychologist and psychiatrist is of a contrary opinion and holds that a brutal punishment is the most foolish of methods for dealing with brutal crimes. But, however that may be, in India we see that it is quite a common occurrence now for flogging to be administered for purely political and technical offences, admittedly involving no moral turpitude, or for petty offences against prison discipline.

Yet another advance has been recorded in the treatment of women political prisoners. Many hundreds of women were sentenced and an extraordinarily small number of them were put in "A" or "B" classes. As it happens, the lot of women in prison—political or non-political—is far worse than that of men. Men do move about within the goal in going to and fro in connection with their work; they have change and movement and this is helpful in refreshing their minds to some extent. Women, though given lighter work are closely confined in a small place and lead a terribly monotonous existence. Women convicts are also as a rule far worse as companions than the average male convicts. Among men there is a large proportion of thoroughly non-criminal types, decent village folk who had a brawl over a land dispute and managed to get long sentences as a result. The criminal element is proportionately much higher among the women. The great majority of women political prisoners, most of them bright young girls, had to endure this suffocating atmosphere. It seems to me that hardly anything that has taken place in our prisons or outside is quite so bad as the treatment of our women folk.

I would not have any women, whether she belongs to the middle classes or the peasantry or the working classes, subjected to the treatment that has been accorded to them in our prisons. As it happens, the great majority of women political prisoners have been from the bourgeois or middle classes. The peasant may go to prison for a political purpose but his wife goes very seldom. Considered from the standpoint of Government, the social standards of the women political were relatively high.

In the course of a speech in the United Provinces Legislative Council last year, the then Home Member made the flesh of members creep by suggesting that if conditions in gaols were improved for

*The leader of the Puritan Revolution, the "Khudai Khidmatgars" or Servants of God, among the men of the North-West Frontier.

politicals, all the dacoits would forthwith come to gaol as political prisoners. I believe he advanced some similar argument against improving the conditions of women prisoners. No doubt, these arguments were up to the intellectual standards of the majority of his audience and they served their purpose. For those of us who live in the outer darkness, it is interesting to plumb the depths of knowledge and understanding which the Home Member's statement revealed—understanding of the nature of dacoits and the like, knowledge of criminology, psychology, and human nature. The arguments lead us to certain conclusions which perhaps did not occur to the Home Member. If a dacoit is prepared to leave his profession and go to gaol, if gaol is not too harsh, it follows that he will be much more prepared to quit dacoity and crime if a minimum of security and life's necessities come to him outside gaol. That is, the urge to dacoity is the economic urge of hunger and distress remove this urge and dacoity goes. The cure for dacoity and crime is thus not heavy punishment but removal of the basic cause. But I have no desire to make last year's Home Member responsible for such far-reaching and revolutionary notions, although they may logically follow from what he said. From another and a higher office he has been letting us have occasional glimpses of his deep knowledge of the laws of economics and no doubt he would repudiate such heresy.

Reference is often made to political prisoners and Government has refused to classify them separately. I think, under the circumstances, Government has been right. For who are the politicals? It is easy enough to separate the civil disobedience prisoners, but there are many other ways of catching an inconvenient political agitator than under the so-called political sections of various laws and ordinances. It is a common occurrence in rural areas for present leaders and workers to be run in under the preventive sections of the Criminal Procedure Code or even for more serious offences. Such persons are as much political prisoners as any others and there are large numbers of them. This procedure is not usual in the larger towns because of the publicity involved.

✓ High walls and iron gates cut off the little world of prison from the wise world outside. Here in this prison world everything is different; there are no colours, no changes, no movement, no hope, no joy for the long term prisoner, the "lifer". Life runs its dull round with a terrible monotony; it is all flat desert land with no high points and no oases to quench one's thirst or shelter one from the burning heat. Days run into weeks, and weeks into months and years till the sands of life run out.

All the might of the State is against him and none of the ordinary checks are available. Even the voice of pain is hushed, the cry of agony cannot be heard beyond the high walls. In theory there are some checks and visitors and officials from outside go to inspect. But it is rare for a prisoner to dare to complain to them, and those who dare have to suffer for their daring. The visitor goes, the petty gaol officials remain and it is with them that he has to pass his days. It is not surprising that he prefers to put up with his troubles rather than risk an addition to them.

The coming of political prisoners in large numbers threw some light into the dark corners of prison land. A breath of fresh air came in bringing with it some hope to the long-term prisoner. Public opinion was stirred a little and some improvements followed. But they were few and essentially the system remains as it was. Sometimes one hears of "riots" in gaols. What exactly does this signify? Perhaps the prisoners were to blame. And yet it is a mad thing for unarmed, helpless prisoners, surrounded by high walls, to challenge the armed might of the gaol staff. There can only be one outcome of it, and inevitably one is led to think that only extreme provocation could induce the prisoners to this act of folly and despair.

There are inquiries, either departmental or perhaps by the District Magistrate. What chance has the prisoner? On the one side a fully prepared case supported by the staff and the numerous prisoners who must do their bidding; on the other, a frightened shivering outcast of humanity, manacled and fettered, who has no one's sympathy and whom no one believes. The Judicial Secretary to the United Provinces Government stated in the local Council last November that those who had been confined in gaol being interested parties, must be considered as unreliable. So the poor prisoner being very much an interested party when he is himself beaten and ill-treated cannot obviously be believed. It would be interesting to find out from the United Provinces Government what evidence short of the testimony of the invisible and supernatural powers, a prisoner could produce under the circumstances.

But for the tragedy behind them one might appreciate the humour of private governmental inquiries. Sir Samuel Hoare grows righteously indignant whenever any charge is made against the police or the gaol staff and is consistent in refusing all public or impartial inquiries. I seem to recollect that there was a departmental inquiry in Hijli* affair about two years ago, and shortly afterwards an official inquiry held that the official version of the occurrences had been entirely wrong.

*Hijli is a place in Bengal where there is an "internment camp" for detenus i.e. inhabitants of Bengal who have been either convicted or suspected of terrorism or of connections with it.

But then that was an unusual affair. Most departmental inquiries are not checked in this way. One feels like having recourse to the delightful plays of Sir William Gilbert for an analogy, or perhaps that classic of English childhood, the immortal Alice, is even more suitable:

Fury said to a mouse,
That he found in the house,
"Let us both go to law:
I will prosecute you.
We must have the trial;
For really this morning
I've nothing to do"
Said the mouse to the cur,
"Such a trial, dear Sir,
With no jury or judge,
Would be wasting your breath."
"I'll be judge, I'll be jury,"
Said cunning old Fury;
"I'll try the whole case
and condemn you to death."

I had a personal experience last year which has a certain wider significance. The jailor of the Allahabad District Jail insulted and hustled out my mother and wife when they were having an interview with my brother-in-law. I was angry when I heard this. And yet I did not attach much importance to the incident for all it signified was that an ill-trained and ill-mannered official had misbehaved. I expected some expression of regret from some higher official. Instead punishments were awarded by Government to my mother, wife, and brother in law, of course without the slightest reference to them. Indirectly I was punished by not being allowed to see my mother or wife for a period. An inquiry from me to the Inspector General brought a brief reply containing unnamely reference to my mother. It was only at this stage that Government found out the true facts from me and from statements made by my mother and wife.

It was obvious that they had erred egregiously. In spite of my asking them repeatedly they have not pointed out any error in our statements and I must therefore take it that they accept those versions, as indeed they must. If so, they had acted very foolishly in the first instance and the least they could do was to express regret. I am still waiting for that straightforward expression of regret.

If such treatment can be accorded to my mother and wife and can be followed by the strange behaviour and obstinacy of Government, it can well be imagined what the average less-known prisoner and his people have to put up with. Our whole system of government, superimposed as it is from above and without any roots in the people, can only hang together so long as one peg supports the other. That is its strength, and that fortunately is its weakness, for where the collapse of such a system comes, it is complete.

Last year I ventured to write to the Home Member from prison and I told him that after twelve years of a fairly extended experience of prison conditions in the United Provinces, I had come very regretfully to the conclusion that the gaols in this province were steeped in corruption and violence and falsehood. Many years ago I pointed out some of the abuses to a Superintendent of my prison (he became Inspector-General afterward). He admitted them and said that when he first joined the Prison Department he was full of enthusiasm for reform. Later he found that little could be done, so he allowed things to take their course.

Indeed little can be done by the best of individuals—and many of those in charge can hardly be considered shining examples. An Indian prison is after all a replica of the larger India. What counts is the objective—is it human welfare or just the working of a machine or the preservation of vested interests? Why are punishments given a society's or Government's revenge or with the object of reforming?

Do judges or prison officers ever think that the unhappy wretch before them should be made into a person capable of filling his place in society when he comes out of prison? It almost seems an impertinence to raise these questions, for how many people really care?

Our judges are, let us hope, large-hearted; they are certainly long-sentencing. Here is an Associated Press message from Peshawar dated December, 15, 1932: "For writing threatening letters to the Inspector-General of Police and other high officials of the Frontier soon after the Coldstream murder, accused named Jamnadas has been sentenced by the City Magistrate of Peshawar to eight years' imprisonment under Section 500-507 I.P.C." Jamnadas was apparently a young boy.

Here is another remarkable instance—also in Associated Press message, dated April 22, 1933, from Lahore: "For being in possession of knife with a blade seven inches long, a young Muslim named Saadat was sentenced by the City Magistrate under Section 19 of the Arms Act to eighteen months' rigorous imprisonment".

And a third instance from Madras, dated July 6, 1933. "A boy named Ramaswami threw a harmless cracker in the court of the Chief Presidency Magistrate as he was engaged in a conspiracy case hearing. Ramaswami was sentenced to four years, apparently in a Juvenile Prison".

These are three not unusual instances. They could easily be multiplied and there are worse cases. I suppose people are long-suffering in India and past all astonishment at such amazing sentences. Personally I find that no amount of practice can prevent my gasping when I read of them. Anywhere else, except in Nazi Germany, such sentences would create a tremendous outcry.

And justice is not entirely blind in India; it keeps one eye open. In every agrarian brawl or riot large numbers of peasants get life sentences. Usually these petty riots take place when an exasperated tenantry are goaded beyond endurance by the agents of the land-lords. A simple process of identifying all those who are supposed to have been present on the scene is enough to condemn them for life or to long terms of imprisonment. Hardly any attention is paid to the provocation and even the identification is usually of the feeblest kind. It is easy to drag in any individual who is in the bad books of the police. If the affair can be given a political tinge or connected with a no-rent campaign a conviction is all the easier and the sentences the heavier.

In a recent case a peasant who slapped a tax-collector was awarded a year's imprisonment. Another instance is somewhat different. It took place last July in Meerut. A Naib Tehsildar* went to realise irrigation dues from the residents of a village. One peasant was carried by the peons to where the Naib was seated and the peons complained that this man's wife and son had beaten them. A somewhat remarkable story. However, the Naib ordered the peasant should be vicariously punished for his wife's offence and the three of them, the Naib and the two peons beat the unhappy man with sticks. As a result of the beating the man died later. The Naib and the peons were subsequently tried and convicted for simple hurt but they were forthwith released on probation of good conduct for six months. The good conduct, I suppose, signified that they must not beat another man to death within the next six months. The comparison of these cases is instructive.

So the question of prison reforms leads us inevitably to a reform of our criminal procedure and even more so, a reform in the mentalities of our judges who still think in terms of a hundred years ago and are blissfully ignorant of modern ideas of punishment and reform. That of course leads, as everything else does, to a change of the whole system of government.

But to confine ourselves to the prisons, any reform must be based on the idea that a prisoner is not punished but reformed and made into a good citizen. (I am of course not considering politicals. Most of them are so much steeped in error that they may be considered past reform). If this objective is once accepted, it would result in a complete overhauling of the prison system. At present few prison officials have even heard of such a notion. I have a recollection that the old United Province Jail Manual had a paragraph pointing out that the prisoner's work was not meant to be productive or useful; its objective was punitive. This was almost an ideal statement of what a prison should not be. That paragraph has since gone but the spirit still remains—a spirit that is harsh and punitive and utterly lacking in humanity. The list of prison offences in the United Provinces Jail Manual is an amazing one. It contains all that the wit of man can devise to make life as intolerable as possible. Talking, singing, loud laughing, visiting latrines at other than stated hours, not eating the food given, etc., are among the offences. It is not surprising that all the energy of the gaol staff goes in suppressing the prisoner and preventing him from doing the hundred and one things forbidden him.

Ignorant people imagine that if the punishment is not severe enough crimes will increase. As a matter of fact, the exact reverse is the truth. A century ago in England petty thieves were hung. When it was proposed to abolish the death penalty for thieves, there was a tremendous outcry and noble lords stated in the House of Lords that this would result in thieves and robbers seizing everything and creating a reign of terror. As a matter of fact, the reform had the opposite effect and crime went down. Crime has steadily gone down in England and in other countries as the criminal law and prisons have been bettered. Many old prisons in England are not required as prisons now and are used for other purposes. In India, it is well known that the prison population goes on increasing (quite apart from political prisoners) and the executive and judiciary help in this process by encouraging long and barbarous sentences. The imprisonment of the young is universally considered to be a most demoralizing system and is avoided. Here in India gaols are full of young men and boys and frequently they are sentenced to whipping.

Another error which people indulge in is the fear that if gaol conditions are improved people will flock in. This shows a singular ignorance of human nature. No one wants to go to prison however good the prison might be. To be deprived of liberty and family life and friends and home surroundings is a terrible thing. It is well

*A local official; the peons are his servants.

know that the Indian peasant will prefer to stick to his ancestral soil and starve rather than go elsewhere to better his condition. To improve prison conditions does not mean that prison life should be made soft; it means that it should be made human and sensible. There should be hard work, but not the barbarous and wasteful labour of the oil pumps or water pumps or mills. The prison should produce goods either in large-scale modern factories where prisoners work, or in cottage industries. All work should be useful from the point of the prison as well as the future of the prisoner, and the work should be paid for at market rates, minus the cost of maintenance of the prisoner. After a hard eight-hour day's work the prisoners should be encouraged to co-operate together in various activities—games, sports, reading, recitals, lectures. They should above all be encouraged to laugh and develop human contacts with prison staff and other prisoners. Every prisoner's education must be attended to, not only in just the three R's but something more, wherever possible. The mind of the prisoner should be cultivated and the prison library, to which there must be free access, should have plenty of good books. Reading and writing should be encouraged in every way and that means that every prisoner should be allowed to have writing materials and books. Nothing is more harmful to the prisoner than to spend twelve to fourteen hours at a stretch every evening locked up in the cell or barrack with absolutely nothing to do. A Sunday or holiday means for him a much longer period of locking up.

Selected newspapers are essential to keep the prisoner in touch with the world, and interviews and letters should be made as frequent and informal as possible. Personally, I think that weekly interviews and letters should be permitted. The prisoner should be made to feel as far as possible that he or she is a human being and brutal degrading punishments must be avoided.

All this sounds fantastic when compared with present-day prison conditions in India. And yet I have only suggested what the prisons of most of the advanced countries already have. Indeed they have much more. Our present administration, and indeed our Government itself, cannot understand or appreciate this as they have successfully imprisoned their own minds in prisons of dull routine. But public opinion must begin to demand these changes so that, when the time comes, they might be introduced without difficulty.

It must not be thought that these changes will involve much extra expenditure. If properly run on modern industrial lines the prisons can not only be self-supporting but can actually make a profit after providing for all the additional amenities suggested. There is absolutely no difficulty in introducing these changes except one—the absolute necessity of having a competent, human staff fully understanding and appreciating the new angle of vision and eager to work it.

I wish some of our people would stay a while, where possible, personally inspect, prison conditions in foreign countries. They will find how our prisons lag far behind them. The new human element is imposing itself everywhere, as also a recognition of the fact that a criminal is largely created by social conditions and, instead of being punished, has to be treated as for a disease. Real criminals are infantile in mind and it is folly to treat them as grown-ups. A delightful book which stressed this point humorously long ago is Samuel Butler's *Erewhon*.

In the prisons of the little country of Latvia even, we are told that "everything is done to create a homely atmosphere in the rooms and cells with plants, flowers, books and such personal belongings of the prisoners as photographs, handicrafts, and wireless sets. Prisoners are paid for their work, half the earnings accumulating and the other half being spent by prisoners on extra food, tobacco, newspapers, etc.

Russia, that terrible land of the Soviets, has perhaps gone farthest ahead in the improvement of prison conditions. Recently a competent observer inspected the Soviet prisons and his report is interesting. This observer was an eminent English lawyer, D. N. Pritt, K. C., who is also the Chairman of the Howard League for Penal Reform—an organization which has been the pioneer of prison reform in England for more than sixty years. Pritt tells us that the punitive character of punishment has been entirely removed and it is considered purely reformatory now. The treatment of prisoners is humane and remarkably good.

There are two types of prisons: (1) Semi-open camps or fully open communes or colonies. These are really not prisons at all; prisoners live a village life subject to certain restrictions (2) Closed prisons. These are the hardest type of prisons and yet even here there is a surprising amount of freedom for the prisoners. There is a feeling of equality between warders and prisoners and unrestricted intercourse, except in working hours, with other prisoners or with guards. There is normal factory work for eight hours a day at normal wages. For the rest there are games, education, gymnastics, lectures, wireless, books and amateur dramatic performances by the prisoners. The prisoners also produce a wall newspaper and do not hesitate to criticize warders and other prison officials in it "for having forgotten that a prison is not for punishment, but for reformation."

The principle of self-government, which is encouraged in all institutions in Russia, is even practised to some extent in the prisons, the prisoners imposing penalties on themselves. Smoking is allowed except when at work. Frequent interviews are permitted and a virtually unrestricted and uncensored writing and reception of letters. And, most remarkable rule of all, almost always the prisoner is allowed a fortnight's summer holiday to go home