

to look after the harvest, etc. In the case of a women prisoner who has a baby, she can either keep the baby in the prison creche, where the baby will be properly looked after, or leave the baby at home. In the latter event the mother is allowed to go home several times a day to feed it.

There were flowers, pictures and photographs in the cells. Prisoners were regularly examined by psychiatrists to find out if their mental condition was satisfactory. Whenever necessary, prisoners were removed to mental hospitals, for treatment. Solitary confinement was very rare.

Hardly credible. And yet there it is and the results of this humane treatment have been surprisingly good. The Russians hope to reduce crime substantially and to shut up most of their prisons. So the good treatment does not eventually fill up the gaols but empties them, provided the economic background is suitable and work is to be had.

A short while ago there was a meeting in the House of Commons to consider the protection of animals in India. A very laudable object. But it is worth remembering that the two-legged animal, homo sapiens, in India is also worthy of care and protection - especially those who undergo the long physical and mental torture of prison life and come out with an impaired capacity for normal life.

Every prison cell in Norway has an inscription on its walls. It is a quotation from a speech of a famous Norwegian prisoner, Lars Olsen Skerfsund, who served a long sentence for theft when drunk, came out to India afterwards and founded the Scandinavian Santal* Mission. He became a great linguist knowing seventeen languages, ancient and modern, and among them of course was the Santal language. The passage in his speech which is exhibited in the prison cells runs as follows :

"Nobody can imagine what a prisoner feels but one who has at some time felt what it is to be a prisoner. Some idea of it may be formed, but this cannot express the feelings of the man who sits sad and forsaken in his cell."

It is well that those whom fate or fortune keep out of the prison cell give thought sometimes to that sad and forsaken figure.

Reference :

INDIA AND THE WORLD : Jawaharlal Nehru; pp. 108-129.

*The Santals are a pre-Aryan people who live in Bengal and adjoining districts.

THE MIND OF A JUDGE*

THE days when I practised at the Bar as a lawyer seem distant and far-off, and I find it a little difficult now to recapture the thoughts and moods that must have possessed me then. And yet it was only sixteen years ago that I walked out of the web of the law in more ways than one. Sometimes I look back on these days, for in prison one grows retrospective and, as the present is dull and monotonous and full of unhappiness, the past stands out, vivid and inviting. There was little that was inviting in that legal past of mine, and at no time have I felt the urge to revert to it. But still my mind played with the ifs and possibilities of that past a foolish but an entertaining pastime when inaction is thrust on one--and I wondered how life would have treated me if I had stuck to my original profession. That was not an unlikely contingency, though it seems odd enough now; a slight twist in the thread of life might have changed my whole future. I suppose I would have done tolerably well at the Bar, and I would have had a much more peaceful, a duller, and physically a more comfortable existence than I have so far had. Perhaps I might even have developed into a highly respectable and solemn-looking judge with wig and gown, as quite a number of my old friends and colleagues have done.

How would I have felt as a judge, I have wondered? How does a judge feel or think? This second question used to occupy my mind to some extent even when I was in practice conducting or watching criminal cases, lost in wonder at the speed and apparent unconcern with which the judge sent men to the scaffold or long terms of imprisonment. That question, in a more personal form, has always faced me when I have stood in the prisoners dock and awaited sentence, or attended a friend's trial for political offences. That question is almost always with me in prison, surrounded as I am with hundreds or thousands of persons whom judges have sent there. (I am not concerned for the moment with political offenders; I am only referring to the ordinary prisoners.) The judge had considered the evil deed that was done, and he had meted out justice and punishment as he had been told to do by the penal code. Sometimes he had added a sermon of his own, probably to justify a particularly heavy sentence. He had not given a thought to the upbringing, environment, education (or want of it) of the prisoner before him. He had paid no heed to the psychological background that led to the deed, or to the mental conflict that had raged within that dumb, frightened creature who stands in the dock. He had no notion that perhaps society, of which he considers himself a pillar and an ornament, might be partly responsible for the crime that he is judging.

He is, let us presume, a conscientious judge, and he weighs the evidence carefully before pronouncing sentence. He may even give the benefit of the doubt to the accused, though our judges are not given to doubting very much. But, almost invariably, the prisoner and he belong to different worlds with very little in common between them and incapable of understanding each other. There may sometimes be an intellectual appreciation of the other's outlook and background, though that is rare enough, but there is no emotional awareness of it, and without the latter there can never be true understanding of another person.

Sentence follows, and these sentences are remarkable. As the realisation comes that crime is not decreasing, and may even be increasing, the sentences become more savage in the hope that this may frighten the evil-doer. The judge and the power behind the judge have not grasped the fact that crime may be due to special reasons, which might be investigated, and that some of these may be capable of control; and, further, that in any event a harsh penal code does not improve the social morals of a group, or a harsh sentence those of an individual who has lapsed from grace. The only remedy they know, both for political and non-political offences, is punishment and an attempt to terrorise the offender by what are called deterrent sentences. The usual political sentence now for a speech or a song or a poem which offends the Government is two years' rigorous imprisonment (in the Frontier Province it is three years), and a lavish use of this is being made from day to day; but even this seems trivial when compared with the cases of large numbers of those people who are kept confined for four or five years or more, indefinitely, without conviction or sentence.

Political cases, however, depend greatly on the moods of Government and a changing situation, and do not help us in considering the ordinary administration of the criminal law. To some extent the two overlap and affect each other; for instance many agrarian and labour cases in courts are often definitely political in origin. It is also well known that many people, who are considered politically undesirable by the police, are proceeded against under the bad livelihood or similar section of the Code and clapped in prison as bad characters with no special offence being brought up against them. Ignoring such cases and considering

*Written in prison, September 1935. First published in the Modern Review, Calcutta.

what might be called the unadulterated crimes, two facts stand out ; both the numbers of convictions and increasing number of prisoners and the necessity of additional provincial prison reports complaint of the civil disobedience movement sent its scores of thousands to prison, become the normal years even without this special influx of political. Occasionally the difficulty is overcome by discharging a few thousand short-termers before their time, but the strain continues.

The Central Prisons are full of "lifers," prisoners sentenced for life, and others sentenced to long terms. Most of these "lifers" come in huge bunches in dacoity cases, and probably a fair proportion are guilty, though I am inclined to think that many innocent persons are involved also, as the evidence is entirely one of identification. It is obvious that the growing number of dacoities is due to the increasing unemployment and poverty of the masses as well as the lower middle classes. Most of the other criminal offences involving property are also due to this terrible prospect of want and starvation that faces the vast majority of our people.

Do our judges ever realize this, or give thought to the despair that the sight of a starving wife or children might produce even in a normal human being ? Is a man to sit helplessly by and see his dear ones sicken and die for want of the simplest human necessities ? He slips and offends against the law, and the law and the judge then see to it that he can never again become a normal person with a socially beneficial job of work. They help to produce the criminal type, so-called, and then are surprised to find that such types exist and multiply.

The major offences lead to a life sentence, or ten years or so. But the petty offences and the way they are treated by judges are even more instructive. The vast majority of these are buried in court files and get no publicity ; only rarely do the papers mention such a case. Three such cases, taken almost at random from recent issues of newspapers, are given below :

Rahman was an old offender with twelve previous convictions, the first of which dated back to 1913. The present offence was one of theft of clothes valued at a few rupees. Rahman pleaded guilty, and requested the court to send him to a reformatory or some such place from where he could emerge thoroughly reformed. The judge, who was the judicial Commissioner in Sind, refused this request, and sentenced him to seven years, adding : "If this seven-year sentence of hard labour does not reform you, God alone must come to your aid." (Karachi : May 23, 1935)

Badri, who had four previous convictions, was sentenced to two years' rigorous imprisonment under sections 411/75 Indian Penal Code for having dishonestly received a stolen chadder (cloth sheet). (Lucknow: July 3, 1935)

Ghulam Mohammad, an old offender, was sentenced to three years' rigorous imprisonment for stealing one rupee by picking the pocket of a man. (Sialkot : July 15, 1935)

These and similar sentences may be perfectly correct from the point of view of the Indian Penal Code, but it does seem to me astonishing that any judge should imagine that by inflicting such sentences he is reforming the offender. Evidently the Judicial Commissioner in Sind had himself some doubts about the efficacy of his treatment, for he hinted that God might be given a chance on the next occasion.

There they sit, these judges, in their courts and a procession of unfortunates passes before them—some go to the scaffold, some to be whipped, some to imprisonment, to which may be added solitary confinement. They are doing their duty according to their abstract ideas of justice and punishment; they must consider themselves as the protectors of society from anti-social criminal elements. Do their thoughts ever go beyond these set ideas and take human shape, considering the miserable offenders as a human being with parents, wife, children, friends ? They punish the individual but at the same time they punish a group also, for the ripples of suffering spread out and go far. Those who have to die at least die swiftly, the agony is brief. But the agony is long for those who enter prison.

Behind the door, within the wall
locked, they sit the numbered ones . . .

Two years, three years, seven years stolen from life's brief span—each year of twelve months, each month of thirty days, each day of twenty-four hours—how terribly long it all seems to the prisoner, who warily time passes.

All this is very sad and deplorable, no doubt, but what is the poor judge to do. Is he to wallow in a sea of sentimentality and give up sentencing offenders against the laws ? If he is so soft and sensitive he is not much good as a judge, and will have to give place to another. No, no one expects the judge to embrace every offenders and invite him to dinner, but a human element in trial and sentence would certainly improve matters. The judges are too impersonal, distant, and too little aware of the consequences of the

sentences they award. If their awareness could be increased, as well as a sense of fellow-feeling with the prisoner, it would be a great gain. This can only come when the two belong to more or less the same class. A financier who has embezzled vast sums of public money will have every sympathy from the judge, not so the poor wretch who has picked up a rupee or stolen a sheet to satisfy an urgent need. For the judge and the average offender to belong to the same class means a fundamental change in the social structure, as indeed every great reform does. But even apart from, and in anticipation of, that, some thing could certainly be done.

It was Bernard Shaw, I think, who suggested that every judge and magistrate, as well as every prison official, should spend a period in prison, living like ordinary prisoners. Only then would they be justified in sentencing people to imprisonment, or to governing them there. The suggestion is an excellent one, although it may be difficult to give effect to it. I ventured to suggest it once to the Home Member and the Inspector-General of prisons of the United Provinces Government for their personal adoption, but they did not seem to favour it. At least one well-known prison official, however, has adopted it. This was Thomas Mott Osborne, of the famous Sing Sing prison in New York. He trained himself by undergoing a term of voluntary imprisonment, and, as a result of this, he introduced later on many remarkable improvements in the social rehabilitation and education of the prisoners.

Such a term of voluntary imprisonment will do a world of good to the bodies and souls of our judges, magistrates, and prison officials. It will also give them a greater insight into prison life. But obviously no such voluntary effort can ever approach the real thing. The sting of imprisonment will be absent as well as the peculiarly helpless and broken feeling before the armed and walled power of the State, which a prisoner experiences. Nor will the voluntary prisoner ever have to face bad treatment from the staff. The essence of prison is a psychological background of having been cast off from society like a diseased limb. That will necessarily be absent. But with all these drawbacks the experience will be worthwhile, and will help in making the administration of the criminal law more human and beneficial. The great invasions of our prisons by middle-class people during the non-cooperation and civil disobedience movements had indirectly a marked effect. As the prisoners did not become judges or prison officials the direct effect was little. But a knowledge of prison conditions and a sympathy for the prisoner's lot became widespread, and public opinion and the crusading efforts of some Congressmen bore substantial results.

I do not know whether I am over-soft, but I do not think I err on the mushy and sentimental side. Other people, and even many of my close colleagues, have considered me rather hard. Mr. C.R. Das once referred to me at a meeting of the All India Congress Committee as being "cold-blooded." Perhaps it all depends on the standard of comparison as well as on the fact that some display their emotions more than others. However, that may be, I do hate the idea of punishment, and especially "deterrent" punishment and all the suffering, deliberately caused, that it involves. Perhaps it cannot be done away with completely in this present-day world of ours, but it can certainly be minimized, toned down, and almost humanized.

At one time I was strongly opposed to the death penalty, and, in theory, my opposition still continues. But I have come to realize that there are many things far worse than death, and if the choice had to be made, and I was given it, I would probably accept a death sentence rather than one of imprisonment for life. But I would not like to be hung; I would prefer being shot or guillotined, or even electrocuted; most of all others methods I would like to be given, as a Socrates was of old, the cup of poison which would send me to sleep from which there was no awaking. This last method seems to me to be far the most civilized and humane. But in India we favour hangings, and last year the official mind showed us the texture of which it was made by organizing public hangings, in Karachi, or somewhere else in Sind. This was meant to terrify would-be evil-doers. It turned out to be a huge mela, where thousands gathered to witness the ghastly spectacle. I suppose the mentality behind such public exhibitions bears a family resemblance to that which prompted the *autos da fe* of the Spanish Inquisition.

A friend of mine who became a High Court Judge had a "crisis of conscience" when he had first to sentence a man to death. The idea seemed hateful to him. He overcame his repugnance, however, (he had to, or else he would not have long continued in his job), and I suppose he soon got used to sending people to the scaffold without turning a hair. He was an exception, and I doubt if many others in his position have ever had such scruples. It is probably easier to sentence a man to death than to see the sentence carried out. And yet even sensitive people get used to this painful sight. A young English member of the Indian Civil Service had to attend hangings in the local gaol. At his first hanging, he told me, he was thoroughly sick and felt bad all day. But very soon the sight had no unusual effect on him whatever, and he used to go straight from the execution to his breakfast table and have a hearty meal.

I have never seen a death sentence being carried out. In most of the gaols where I have lived as a prisoner executions did not take place, but on three or four occasions there were hangings in my gaol. These took place in a special enclosure, cut off from the rest of the prison, but the whole gaol population knew of it, perhaps because the unlocking of the various barracks and cells took place at a later hour on those mornings. I experienced a peculiar feeling on those days, an ominous stillness, and a tendency for people to talk in low voices. It is possible that all this was the product of my own imagination.

And yet with all my repugnance for executions, I feel that some method of eliminating utterly undesirable human beings will have to be adopted and used with discretion. The real objection to the infliction of capital punishment as well as other punishments is of course not so much the resultant suffering of the person punished, as the brutalization of the community that authorizes such punishment, and more particularly of the individuals who carry it out. This is especially noticeable in the case of whipping, which is widely prevalent in India. The official defence for the punishment of whipping is that it is meant for horrible crimes, like rape with violence. In practice it has a much wider range, and in 1932 (as was stated in the British House of Commons) five hundred civil disobedience prisoners were whipped. This was the official figure, unofficial gaol beatings not being included. These political prisoners were whipped either for purely political offences or for breaches of gaol discipline. No violence or crime was involved. It has now been laid down officially that in serious cases of hunger-strike in gaol whipping may be resorted to. We thus have it that in the opinion of the British Government in India a hunger strike or breaches of gaol discipline stand on the same level as rape with violence.

Whipping is usually administered in prisons by some low caste prisoner. No prisoner likes the job, but he has little choice in the matter. The higher caste prisoners would in any event refuse to whip, and even the warders are reluctant to do so. A case came to my notice once when a warder was asked to whip. He refused absolutely, and was punished for this contumacy. It is interesting to compare the sensitiveness to whipping of the prisoners and warders with that of our judges and prison officials who order it, and our Government which authorizes and defends it.

I was reading the other day about the film censorship in Britain. It was stated that one of the grounds for censorship was the avoidance of cruelty scenes. In animal films no kill was to be shown. Films "showing pain or suffering on the part of an animal, whether such pain is caused by accident or intention" are not allowed as these are supposed to have a bad effect on spectators, especially children, and "undermine moral character."

We also in India have our film censorships and an active Society for the prevention of Cruelty to Animals. Unfortunately human beings are not included in the category of animals, and so they cannot benefit by the activities of the Society. And our film censorship justifies itself by banning films dealing with "Quetta Earthquake Topical", or "National Congress Scenes", or "Departure of Mahatma Gandhi for the Round Table Conference" and similar dangerous topics.

Sentences of death and whipping impress us and pain us, but, after all, they affect only a very small number of the scores of thousands who are sentenced by our courts. The vast majority of these go to prison mostly for long periods over which these punishment is spread out. It is a continuing torture, a never-ceasing pain, till mind itself grows dull and the body is blunted to sensation. The criminal type develops, the ugly fruit of our gaols and our criminal law, and there is no fitting him in then with the social machine outside. He is the square peg everywhere, with no roots, no home, suspicious of everybody, being suspected everywhere, till at last he comes back to his only true resting-place, the prison, and takes up again the tin or iron bowl which is his faithful companion there. Do our judges ever trouble to think of cause and effect, or the inevitable consequences of an act or decision? Do they realize that their courts and the prisons are the principal factories for the production and stamping of the criminal type?

In prison one comes to realize more than anywhere else the basic nature of the state; it is the force, the compulsion, the violence of the governing group. "Government", George Washington is reported to have said, "is not reason, it is not eloquence—it is force. Like fire, it is a dangerous servant and a fearful master." It is true that civilization has been built up on cooperation and forbearance and mutual collaboration in a thousand ways. But when a crisis comes and the State is afraid of some danger then the super-structure goes, or, at any rate, is subordinated to the primary function of the State—self-protection by force and violence. The army, the police, the prison come into greater prominence then, and of the three the prison is perhaps the nakedest form of a State in miniature.

Must the State always be based on force and violence, or will the day come when this element of compulsion is reduced to a minimum and almost fades away? That day, if it ever comes, is still far off. Meanwhile the violence of the governing group produces the violence of other groups that seek to oust it. It is a vicious circle, violence breeding violence, and on ethical grounds there is little to choose between the two violences. It always seems curious to me how the governing group in a State, basing itself on an extreme of violence, objects on moral or ethical grounds to the force or violence of others. On practical grounds of self-protection they have reason to object, but why drag in morality and ethics? State violence is preferable to private violence in many ways, for one major violence is far better than numerous petty private violences. State violence is also likely to be a more or less ordered violence, and thus preferable to the disorderly violence of private groups and individuals, for even in violence order is better than disorder, except that this makes the State more efficient in its violence and powers of compulsion. But when a State goes off the rails completely and begins to indulge in disorderly violence, then indeed it is a terrible thing and no private or individual effort can compete with it in horror and brutality.

"You must live in a chaos if you would give birth to a dancing star," says Nietzsche. Must it be so? Is there no other way? The old difficulty of the humanist is ever cropping up, his disgust at force and violence and cruelty, and yet his inability to overcome these by merely standing by and looking on. That is the recurring theme of Ernst Toller's plays :

'The sword, as ever, is a shift of fools
To hide their folly.

By force, the smoky torch of violence,
We shall not find the way.

Yet force and violence reign triumphant today everywhere. Only in our country has a noble effort been made to combat them by means other than those of force. The inspiration of that effort, and of the leader who lifted us out of our petty selves by his matchless purity of outlook, still remains, though the ultimate outcome be shrouded in darkness.

But these are big questions beyond the power even of judges. We may not perhaps be able to find an answer to them in our time; or, finding an answer, to unable to impress it on wayward humanity. Meanwhile, the smaller questions and problems pursue us and we cannot ignore them, we come back to the job of the judge and the prison governor, and we can say this, at least, with certainty: that the deliberate infliction of punishment of torture of the mind or body is not the way to reform anyone, that though this may break or twist the victim it will not mend him, that it is much more likely to brutalize and deform him who inflicts. For the inevitable effect of cruelty and torture is to degrade both the sufferer and the person who causes the sufferings.

Reference:

INDIA AND THE WORLD : Jawaharlal Nehru: pp. 130-145.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI, the 25th July, 1980

RESOLUTION

No. VI 14016/3/80-GPA IV :— The question of effecting improvement in prison administration has been engaging the attention of the Government of India. Government of India have accordingly resolved to set up a Committee to enquire into the matter and to make necessary recommendations.

The Committee shall consist of:

- | | |
|--|------------------|
| 1. Justice A.N. Mulla (Retd.) | Chairman |
| 2. Shri Yogendra Sharma, M.P. | Member |
| 3. Miss Saroj Khaparde, M.P. | Member |
| 4. Dr. (Mrs.) M. Sarada Menon, former Director, Mental Hospital, Madras. | Member |
| 5. Shri C.S. Mallaiah, I.G. (Prisons), Karnataka. | Member |
| 6. Joint Secretary in the Ministry of Home Affairs. | Member-Secretary |

2. The following will be the terms of reference of the Committee:

- (i) to review the laws, rules and regulations governing the management of prisons and the treatment of prisoners and to make recommendations keeping in view the overall objective of protecting the society and rehabilitating the offenders;
- (ii) to examine the living conditions of prisoners with specific reference to their basic needs and provision of facilities compatible with the dignity of human life and to suggest improvements as considered necessary ;
- (iii) to reappraise the policies governing the recruitment, training and development of prison personnel in relation to the objective of custody and correction and to find ways of ensuring that persons with requisite talent, aptitude and ability man the prison service ;
- (iv) to look into the procedure regarding the internal management of prisons with a view to raising the present level of prison security and institutional discipline and to suggest appropriate change;
- (v) to review the programmes of institutional treatment, education, vocational training, industry, agriculture and such other occupational activities and to suggest measures with a view to develop prisons as correctional centres ;
- (vi) to suggest measures for the specialised treatment of women, adolescents, children and mentally sick persons ;
- (vii) to review the working of open-air prisons and to suggest measures for improvement ;
- (viii) to scrutinise the system of remission of prison sentence, parole and probation and to lay down guidelines for bringing about uniformity and standardisation in approach;
- (ix) any other matter relating to prison administration that the Committee may like to consider.

3. The Committee will have power to co-opt members as and when necessary.

4. The Committee will submit its report within a period of six months and submit interim reports on specific subjects as and when these are ready. It shall make its recommendations with regard to Tihar Jail within a month.

5. The Headquarters of the Committee will be at Delhi.

6. The Committee will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Committee. The Government of India trusts that the State Governments and Union Territory Administrations and other concerned will extend their fullest co-operation and assistance to the Committee.

ORDER

Ordered that a copy of the Resolution be communicated to :

- (i) Chairman and Members of the Committee.
- (ii) Department of Parliamentary Affairs.
- (iii) All Ministries and Department of the Government of India.
- (iv) All State Governments and Union Territory Administrations.

Ordered that the Resolution be published in the Gazette of India for general information

Sd/-

S.V. Sharan
Joint Secretary.

COMMITTEE ON JAIL REFORMS

(Ministry of Home Affairs)

GOVERNMENT OF INDIA

O P I N I O N N A I R E

Towards a balanced social growth the development of the criminal justice system including that of jails is essential. This apart, in recent times, jails in the country have been a subject of much public debate. The Committee wishes to focalise this. Towards this, you are being approached. The opinionnaire you have in your hands is designed to elicit your valued opinion on certain vital issues concerning the jail organisation and functioning. Most of the items are pre-coded, all you have to do is to put a tick (—) mark which represents your opinion best. This is anonymous—you do not have to sign or write your name anywhere. It may be added that your free and frank responses would greatly help the Committee in formulating its recommendations.

Laws, Rules And Regulations :

India has a set of jail laws, taken together they determine the approach behind imprisonment and provide a framework for action. This is what is intended to be re-examined.

1.01 In your opinion, the imprisonment of an offender is desirable mainly because (please tick those that appeal to you)—

1. It segregates anti-social elements from the society.
2. It satisfies the injured feelings of the victims of the offence.
3. It provides an occasion to the offender to repent on his past conduct.
4. It provides a chance to the offender to change his attitude and behaviour.
5. It serves as a lesson to potential offenders.
6. Any other reason.

1.02 Do you think that the above mentioned objectives are being achieved by jails in the country ?

1. Yes.
2. No.
3. Can't say.

1.03 As at present, most jails house convicts, undertrials, detenus, lunatics etc. Some people think that this arrangement is administratively convenient. Do you agree with this policy ?

1. Yes.
2. No.
3. No opinion.

If no, in respect of which of the above stated categories of the inmates, would you recommend separate arrangements ?

1. Undertrials.
2. Detenus.
3. Lunatics.
4. Others.

What are the main considerations behind your suggestion ?

1.04 As at present, short-termers (sentenced to one year and below) are also sent to jail. They could also be dealt with in other ways including admonition, fine, probation, etc. In your opinion, the ends of justice would be served if the short-termers —

1. Are sent to prison.
2. Are dealt with in other ways.
3. No opinion.

In case, you are suggesting other ways, please give reasons.

1.05 At the time of agitations, the influx of inmates suddenly increases within the prison. Do you think that this should not be allowed to mix with other population inside and separate arrangements for their confinement should be made outside the prison gates by arranging special camps with minimum security and other facilities ?

1. Yes.
2. No.
3. Can't say.

1.06 Among convicts there are those who are undergoing simple imprisonment and those undergoing rigorous imprisonment—the main difference being the former may not partake in work. Do you feel this differentiation is meaningful ?

1. Yes.
2. No.
3. No opinion.

Please give reasons.

1.07 Prisons are governed and managed under the Prisons Act, 1894. Since the passing of the Act in 1894, ideas about crime and punishment have considerably changed. Do you think that the Act needs to be replaced by a more progressive legislation ?

1. Yes.
2. No.
3. Can't say.

1.08 At present there is a multiplicity of laws governing prison administration and treatment of prisoners, such as Prisons Act, 1894, Prisoners Act, 1900, Prisoners (Attendance in Court) Act, 1955, Transfer of Prisoners Act, 1950 etc. Do you think that objectives of imprisonment will better be achieved if there is one comprehensive law on prison administration ?

1. Yes.
2. No.
3. Can't say.

1.09 Do you think that for uniform development of prison programmes there is a need for evolving a national policy on prisons ?

1. Yes.
2. No.
3. Can't say.

1.10 The subject of management of prisons and treatment of prisoners is presently included in the State List. There has been a wide variation in prison procedures. Do you think that there should be a basic uniformity in prison procedures ?

1. Yes.
2. No.
3. Can't say.

1.11 Should the subject of prison administration be brought on the Concurrent List so as to evolve uniform development ?

1. Yes.
2. No.
3. Can't say.

1.12 Prison administration as such is at present not included in the national development plan. There is a feeling that prison administration is a developmental process and should be included in the Five Year Plan

1. Do you agree.
2. Don't agree.
3. No opinion.

1.13 Do you consider the necessity of amendments to the Code of Criminal Procedure and Indian Penal Code with reference to the modern concepts of prevention of crime and treatment of offenders (for example; impact of 433(A) Cr. P.C., enhancement of sentence to hardened criminals, alternatives to short term sentence etc.)?

1. Yes.
2. No.
3. No opinion.
4. If yes, give specific suggestions.

1.14 Prison Manuals incorporate rules for prison management. Each state has its own manual. Do you think that the State Prison Manuals need to be revised ?

1. Yes.
2. No.
3. No opinion.

1.15 It is generally felt that adolescents need a different approach and a specialised treatment. Should there be a separate legislation to provide for care, treatment, training and rehabilitation of young adult offenders ?

1. Yes.
2. No.
3. Can't say.

Living conditions in jail

It is widely stressed that prisoners should be dealt with on a humanistic basis. In keeping with this the emphasis has been on the provision of proper food, lodging, hygienic conditions, etc., to the prisoners. It is this area which may now be explored.

2.01 Prisoners are classified as A, B and C or Special Class and Ordinary Class based on social status, education and habit of life. Facilities offered to the inmates thus differ according to the class awarded to them. Do you agree with this system. ?

1. Yes.
2. No.
3. No opinion

2.02 Ordinarily, inmates live in groups in association dormitory. What should be the desirable capacity of a dormitory ?

1. 20 inmates.
2. 20 to 30 inmates.
3. 30 to 40 inmates.
4. 40 to 50 inmates.
5. No opinion.

- 2.03 Should living barrack in jails be provided with fans?
1. Yes.
 2. No.
 3. No opinion.
- 2.04 In most jails, the inmates sleep on raised masonry platforms. Is this arrangement satisfactory?
1. Satisfactory.
 2. Unsatisfactory.
 3. If unsatisfactory, give suggestions.
- 2.05 Is clothing given to prisoners satisfactory?
1. Satisfactory.
 2. Unsatisfactory.
 3. If unsatisfactory, give suggestions.
- 2.06 What is your opinion about the bedding given to prisoners?
1. Satisfactory.
 2. Unsatisfactory.
 3. If unsatisfactory, give your suggestions.
- 2.07 Do you think that the quantity of food which is provided to the prisoners is satisfactory?
1. Satisfactory.
 2. Unsatisfactory.
 3. If unsatisfactory, give your suggestions.
- 2.08 Are arrangements for bathing, washing and personal hygiene of prisoners satisfactory?
1. Satisfactory?
 2. Unsatisfactory.
 3. If unsatisfactory, give suggestions.
- 2.09 Canteens have been provided in some jails for the benefit of the prisoners. Do you think that this system should be introduced in all jails?
1. Yes.
 2. No.
 3. No opinion.

Prison Personnel.

Staff plays an important role in institutional management and it is more so in a goal oriented organisation like jail. We would like to have your opinion in this regard.

- 3.01 At what levels there should be direct entry to prison service?
- 3.02 Keeping in view the requirements of jails, what educational qualifications would you suggest for direct recruits at various levels?
- 3.03 What should be the ratio between direct recruits and promotees at various levels?
- 3.04 What in your opinion should be the role of University Departments, Schools of Social Work, Institutes of Social Sciences in the training and development of prison personnel?

3.05 Do you think that training arrangements for various levels of jail officials are adequate ?

1. Adequate.
2. Inadequate.
3. No opinion.

3.06 Do you agree that training of prison personnel be organised at pre-service, initial in-service and periodic in-service stages ?

1. Yes.
2. No.
3. No opinion.

Please give your suggestions, if any.

3.07 Should there be a correctional service at the All India level to raise the quality of prison administration in various States ?

1. Yes.
2. No.
3. No opinion.

3.08 Do you agree that performance at training at various stages be considered as an important element for promotion to positions of higher responsibilities ?

1. Agree.
2. Disagree.
3. No opinion.

3.09 Would you agree that prison personnel be selected on the basis of performance in competitive written qualifying examination and assessment of their aptitude and personality so as to fit in with the requirements of correctional service ?

1. Agree.
2. Disagree.
3. No opinion.
4. Give suggestions, if any.

3.10 Are promotion chances for jail officials adequate ?

1. Adequate.
2. Inadequate.
3. No opinion.

3.11 In your opinion, what should be the main criteria for promotion in jail services ? (Please tick the most important).

1. Seniority.
2. Educational Qualifications.
3. Training.
4. Service Record.
5. Others.

If possible, suggest the basis of promotion.

3.12 Would the performance of jail officials improve if commendation certificates and medals are awarded for meritorious services ?

1. Would improve greatly.
2. Would improve somewhat.
3. Would remain same.

3.13 Services of a Welfare Officer are not uniformly available in jails. Do you think that it would be desirable to appoint Welfare Officer in each jail ?

1. Yes.
2. No.
3. Can't say.

3.14 What should be the ratio of Welfare Officer to prison population of various categories ?

3.15 In some States Welfare Officers are deputed to prisons from the Directorate of Social Welfare. Is this arrangement satisfactory ?

1. Yes.
2. No.
3. No opinion.

3.16 There are many offenders who need some degree of supportive therapy and supervision at various stages of a sentence specially a long sentence. Do you think that appointment of Psychologist and Psychiatrist on the staff of the prison would be useful ?

1. Yes.
2. No.
3. No opinion.

3.17 In some countries the ratio between custodial/administrative staff (Warder, Jailer, Clerk, etc. and treatment staff (Welfare Officer, Training Officer, Psychologist, etc.) is 3:1, i.e. in every four jail officials, three are custodial officials and one is a treatment official. In your opinion what ratio between custodial administrative staff and treatment staff would be appropriate for the jails in India ?

1. Four : One
2. Five : One
3. Six : One
4. Seven : One
5. Eight : One
6. Still less.

3.18 In some States, functionaries from services other than prisons are deputed to head the prison department. Do you agree with this system ?

1. Yes.
2. No.
3. No opinion.

Jail Management

4.01 Institutional discipline is the cumulative responsibility of all institutional staff members. The tone of staff discipline and morale will get reflected in the handling of inmate discipline. Discipline can be accomplished by the programme as a whole. Good morale should be the sound basis for discipline.

It is also recognised that the components of prison discipline are discipline of health, discipline of work, discipline of behaviour, discipline of education and discipline of interests,

Please opine whether you

1. Agree.
2. Disagree.
3. Suggest any modifications.

4.02 At present convicts are used for prison service and guarding of prisoners. Would you recommend the abolition of the system of Convict Officers ?

1. Yes.
2. No.
3. Can't say.

4.03 In many jails prisoners' panchayats have been set up to serve as a link between jail authorities and the inmates. In some jails the members of the Panchayat may be nominated by the authorities and in others, they may be elected by the inmates. From among these, which system would you recommend?

1. Nominated Panchayat.
2. Elected Panchayat.
3. No opinion.

4.04 What specific measures would you suggest to control corruption and malpractices in jails and mal-treatment of prisoners?

4.05 Generally locking up of inmate barracks in jails is done around sun-set. This helps security but limits available time for prison programmes. Do you think that locking up should continue to be done by sun-set?

1. Yes.
2. No.
3. If so, suggest specific time.

4.06 Which of the present punishments for prison indiscipline would you recommend to continue?

4.07 Do you think that for an effective discipline and security in prisons separate confinement and bar fetters should continue to be used?

1. Yes.
2. No.
3. No opinion.

4.08 Do you think that the power to award punishment available with the Superintendent is adequate?

1. Adequate.
2. Needs to be invested with more powers.
3. No opinion.

4.09 As at present, the responsibility of escorting prisoners to and from prisons, courts and in case of transfer rests with the police. Should this practice continue or the responsibility may be entrusted to prison personnel?

1. Should continue.
2. May be transferred to prison personnel.
3. No opinion.

Treatment Programmes :

It has long been accepted that the ultimate object of imprisonment is reformation and rehabilitation of offenders. For this purpose a variety of treatment programmes are being initiated in Jails. These programmes however need to be regularly reviewed so as to keep them in tune with the changing conditions and requirements of correction. We would like to have your opinion in this regard.

5.01 Diversification of institutions means a net-work of institutions where inmate can be segregated on the basis of sex, age, criminal record legal reasons for detention, length of sentence, recidivism, physical or mental health, requirements of security, needs of training and treatment, etc.

Do you :

1. Agree.
2. Disagree
3. Suggest any modifications.

5.02 Diversification of correctional institutions has been accepted as one of the essential requisites of scientific prison administration. Diversification of institutions would facilitate homogeneous grouping of prisoners for the purpose of treatment and training. A pattern of diversified institutions is indicated below:

1. Training institutions for young adult offenders.
2. Institutions for non-habitual offenders.
3. Institutions for habitual, professional and organised criminals.
4. Special institutions for difficult discipline cases and for dangerous prisoners.
5. Annexes/Institutions for women offenders.
6. Units for inmates suffering from mental disorder.
7. Units for old and infirm inmates.
8. Units for persons suffering from Leprosy.
9. Units for persons suffering from T.B. and other communicable diseases.
10. Annexes/Institutions for undertrial prisoners.
11. Semi-open and open institutions.

Please opine whether you :

1. Agree.
2. Disagree.
3. Suggest any modifications.

5.03. It is recognised that homogeneous grouping of inmates is essential for facilitating training and treatment processes.

Do you :

1. Agree.
2. Disagree.
3. Suggest any modifications.

5.04 It is recognised that classifications of prisoners should be made on the basis of age, physical and mental health, length of sentences degree of criminality and character. So also factors like sequence of an offender's criminal behaviour his social processing, his sophistication in crime, possibilities for contamination, requirements of gradations of custody, education and vocational training needs, urban and rural backgrounds possibilities of social adjustment and rehabilitation needs, etc., should be taken into consideration.

Do you :

1. Agree.
2. Disagree.
3. Suggest any modifications.

5.05 Classification is a method by which study of the offenders, diagnosis, treatment planning, executions of treatment programme and adjusting and changing the treatment according to requirements are coordinated in the individual case. It is also a method by which the treatment programme is kept adjusted to the inmates changing needs. Classification procedure should not end with initial diagnosis and planning of programmes. It has to be a dynamic process functioning from the time of admission of the prisoner till his release.

Please opine whether you :

1. Agree.
2. Disagree.
3. Suggest any modifications.

5.06 In most Jails educational programmes are optional for the inmates. Do you think that education for prisoners should be optional or compulsory ?

1. Optional.
2. Compulsory.
3. No opinion.

5.07. It is recognised that educational programmes in prison should consist of physical and health education, academic education, social education, vocational and cultural and moral education.

Please opine whether you :

1. Agree.
2. Disagree.

5.08. As at present educational programmes in jails are generally held after the daily routine is over and do not form part of the daily routine. Do you think education like work programme should form part of daily routine and specific hours earmarked for the purpose?

1. Yes.
2. No.
3. No opinion.

5.09. At present the services of a teacher are not uniformly available in jails. Should these be made available in all jails?

1. Yes.
2. No.
3. No opinion.

5.10. What should be the ratio of teachers to prison population?

5.11. Should work by inmates be restricted to only those sentenced to rigorous imprisonment, or should it also be extended to cover those undergoing simple imprisonment and those under-trial?

1. Only those undergoing rigorous imprisonment
2. Those undergoing rigorous imprisonment or simple imprisonment
3. All inmates including under-trials
4. No opinion.

5.12. It is recognised that in prisons work and training programme should be integrated with State and National economic policies and development plans in terms of :

- (a) Increased industrial and agricultural production.
- (b) Vocational training of inmates in accordance with the national needs of trained craftsmen and conditions of labour market in the free community.
- (c) Improved attitudes of inmates towards the social purpose and utility of work.

Please opine whether you :

- (1) Agree.
- (2) Disagree.

5.13. Vocational training has been recognised as one of the important components of correctional treatment. The ultimate aim of all institutional training is the inmate's final resettlement in society. Vocational adjustment is, therefore, an important aspect of the rehabilitative process.

Please opine whether you :

1. Agree.
2. Disagree.

5.14. Most industries in jails are tradition oriented and are limited in range. Do you think that industries in jails should be mechanised ?

1. Yes.
2. No.
3. Can't say.

What new industry or trade would you suggest ?

5.15 Should the jail industries be primarily directed to the production of articles required for the use of jails and other Government offices or to the general public?

1. For exclusive use of jails and Government Departments.
2. For general public use.
3. No opinion.

5.16 Should it be obligatory for Government Departments to meet their requirements from the jail factories?

1. Yes.
2. No.
3. Can't say.

5.17 Do you think that collaboration between the prison industries and public undertakings would help in equipping prisoners with better skills in their economic rehabilitation?

1. Yes.
2. No.
3. No opinion.

5.18 Do you think that setting up of Agro-Industrial Corporation in Prison Department would be useful in improving the performance and efficiency of prison industries?

1. Yes.
2. No.
3. No opinion.

5.19 Many women offenders have to pass their time idly in prisons. What crafts would you recommend for gainful employment and training of women?

5.20 What should be the criteria for giving wages to prisoners?

5.21 Do you agree that films can play an important role in the education-cum-recreation of prisoners?

1. Yes.
2. No.
3. No opinion.

Correctional services for women, adolescent offenders, children and mentally sick prisoners :

It is universally recognised that separate correctional programmes for women, adolescent offenders, delinquent children and mentally sick prisoners are necessary. Their number as compared with the total inmates population being rather small, such groups need to be given a focussed attention lest their problems are ignored in the general framework of prison administration. We solicit your opinion on the following points:

6.01 Most prisons have separate wards/enclosures for female offenders. Do you feel that this arrangement is satisfactory?

1. Yes.
2. No.
3. No opinion.

6.02 Do you recommend annexes for female offenders attached to the existing jail or separate jails for women?

1. Annexe.
2. Separate Jail.
3. No opinion.

6.03 Do you have any specific suggestion to improve living conditions of women prisoners? Please specify:

6.04 At present, dependent children of women offenders are also lodged with them in jails. Would you recommend setting up of day-care center/creche for such children outside the prison wall ?

1. Yes.
2. No.
3. No opinion.

6.05 What in your opinion would be the appropriate age of the child at which he should be separated from the mother and lodged separately ?

6.06 Do you think that all youthful offenders should be housed in separate institutions ?

1. Yes.
2. No.
3. No opinion.

6.07 Apart from Borstals and juvenile jails many countries are trying attendance—centres where adolescents report and spend time with correctional officers daily during the period of punishment. Some countries have organised week-end (two days) institutions where these adolescents participate in instructional or work programme. A few countries have organised community-centres where these adolescents are studied by specialists and given carefully selected correctional programmes.

Keeping in view the conditions in our country which of the following programmes would you suggest to be initiated for the adolescents ?

1. Borstals/Juvenile Jails.
2. Attendance Centres.
3. Week-end Centres.
4. Community Centres.
5. Others.
6. No opinion.

6.08 As at present criminal and non-criminal lunatics are housed in jails, which do not have adequate arrangements for their care and treatment. Do you agree that such prisoners should not be kept in jails but transferred to Mental Hospitals ?

1. Yes.
2. No.
3. No opinion.

6.09 Do you have any specific suggestion to make for the aftercare and rehabilitation of women prisoners? If so, please indicate.

6.10 In a Welfare State, the welfare of children and youth has to be attended to on a priority basis and financial hardships should be set aside in establishing special institutions like Observation Homes, Children Homes, Special Schools, etc. Do you agree with this ?

1. Yes.
2. No.
3. Can't say.

Open jails :

The four walls of a jail and its regimented routine may obstruct sufficient change in the conduct and behaviour of many inmates. To overcome these difficulties, in the early 1950's, open jails were started in the country. As is known about 25 such institutions are functioning at present, housing deserving inmates drawn from District and Central Jails. They enjoy near-community facilities and are engaged in productive work such as agriculture, dairying, stone-quarrying, etc.

7.01 As at present only those inmates are transferred to open jails who have served at least one-third of their term satisfactorily. Do you think that this eligibility condition may be further liberalised ?

1. Yes.
2. No.
3. No opinion.

7.02 As at present only those prisoners are transferred to open jails who have been sentenced to long term imprisonment or life imprisonment. Do you think it will be desirable to set up open camps even for those sentenced for short periods ?

1. Yes.
2. No.
3. No opinion.

7.03 Most open jails are agriculture based. Would it be advisable to diversify new programmes in open camps ?

1. Yes.
2. No.
3. No opinion.

If yes, indicate the nature of work programmes.

7.04 While some open jails give wages to the inmates for their work at par with those offered in the community, some give only token wages. What is your opinion in this regard ?

1. They should be given on wages.
2. They should be given only token wages.
3. They should be given full wages.
4. No opinion.

7.05 In some States open colonies have been set up for prisoners where their families are also allowed to live with them. Do you think such scheme of open colonies be further extended ?

1. Yes.
2. No.
3. Can't say.

7.06 Should conjugal visits be allowed to prisoners residing in open camps ?

1. Yes.
2. No.
3. No opinion.

7.07 Do you advocate any special pay to be paid to the staff of open jails to act as an incentive ?

1. Yes.
2. No.
3. No opinion.

Incentives:

In keeping with modern penal objectives, jails should offer a variety of facilities to an inmate to motivate him for change in his thinking and attitude. Your opinions are invited in this regard :

8.01 As at present, most jails offer every inmate two post-cards a month to write to relatives and friends. Do you think that this is:—

1. Adequate.
2. Inadequate.
3. No opinion.

8.02 Inmates are also allowed to meet relatives and friends once or twice a month. Do you think that this facility is adequate?

1. Adequate.
2. Inadequate.
3. No opinion.

8.03. Usually, Jails have no meeting/visitor's room. The inmate and his visitor stand by a window or use an open verandah. Is this arrangement satisfactory?

1. Yes.
2. No.
3. No opinion.

8.04. For security reasons warder or a convict officer remains present all the time the inmate is talking with his visitor. Do you approve of the practice?

1. Yes, it is necessary.
2. No, it should be discarded.
3. No opinion.

8.05. In certain countries, conjugal visits are permitted, the inmate meets the spouse in privacy. Do you think that this practice of conjugal visits would be proper in the Indian setting?

1. Proper.
2. Improper.
3. No opinion.

8.06. Inmates are often allowed to visit their home/community for short periods, mostly on such occasions like marriage, death, sowing and harvesting. Do you feel that this practice helps in strengthening their family ties?

1. Yes.
2. No.
3. No opinion.

8.07. Often the police of the concerned District is consulted before an inmate is allowed this kind of home leave. This makes the process safe but slow. Do you approve of the practice of consulting the police in this matter?

1. Yes.
2. No.
3. No opinion.

8.08. At present a well behaved labouring inmate is usually allowed a remission of 4 to 7 days a month. Do you feel that this remission rate is satisfactory?

1. Yes.
2. No.
3. Can't say.

8.09. Do you think the system of remission should be extended to those sentenced to simple imprisonment also?

1. Yes.
2. No.
3. No opinion.

8.10. At present the maximum remission which a prisoner could earn is limited to $\frac{1}{3}$ of the period of sentence. Do you think this limit be raised to $\frac{1}{2}$ in case of female convicts?

1. Yes.
2. No.
3. No opinion.

8.11. In some countries, in the case of premature release, the inmates/offenders are placed under the supervision of a correctional officer for the remaining period of the term of their sentence. Do you consider such supervision of the premature release cases necessary?

1. Yes.
2. No.
3. No opinion.

8.12. It is felt that each State should have a State Board of Visitors to visit Jails at regular periodicity and to report on conditions prevailing in the jails for the consideration of the State Government. Do you agree with this?

1. Yes.
2. No.
3. No opinion.

8.13. It has been suggested that there should be a National Board of Visitors which could visit any jail in any State and recommend improvement. Do you agree with this?

1. Yes.
2. No.
3. No opinion.

8.14. What measures would you suggest for effective aftercare and follow-up of released prisoners?

Now a little about you:

9.01. Which State do you belong to?

9.02. What is your occupation?

1. Agriculture.
2. Business (Small).
3. Business (Large).
4. Professional (Doctor, Pleader, etc.).
5. Service (Private).
6. Service (Government other than Jail service).
7. Service (Jail Service).
8. Others.

9.03. Average monthly income :—

1. Less than Rs. 1000
2. Rs. 1000—1500
3. Rs. 1501—2000
4. Rs. 2001—3000
5. Rs. 3001 and above

COMMITTEE ON JAIL REFORMS

(Ministry of Home Affairs)

STATISTICAL RETURN ON PRISONS

Name of the State/ Union Territory.....

1. INSTITUTIONS

| | Number | Sanctioned Capacity | Daily Average Population in 1980 |
|---------------------|--------|---------------------|----------------------------------|
| (a) Central Jails | | | |
| (b) District Jails | | | |
| (c) Sub-jails | | | |
| (d) Juvenile Jails | | | |
| (e) Borstal Schools | | | |
| (f) Women Prisons | | | |
| (g) Special Jails | | | |
| (h) Open Jails | | | |

2. Is there any District Sub-Division in the State where there is no jail ?

3. Is there any creche/nursery for the children of women prisoners ? If so, please give the number and places where they are located. If not, what are the existing arrangements and is there a need for such institutions ?

4. Age of buildings :

Number

Constructed during

1850—1900

1901—1920

1921—1940

1941—1950

1951—1960

1961—1970

1971—1975

1976—

5. How many jails in the State are electrified ?

Central Jails

District Jails

Sub-Jails

Other Institutions

6. How many jails have flush or septic tank latrines for the inmates ?

Number

Central Jails

District Jails

Sub-Jails

Other Institutions

7. How may jails have water supply through municipal supply, through direct pumps or bore wells ?

Municipal
Supply

Direct pumps or
bore wells

Other
arrangement

Central Jails

District Jails

Sub-Jails

Other Institutions

8. Agriculture :

Agricultural land available with jails (in hectares)

9. Land actually cultivated during the year 1979-80 (in hectares)

10. Daily average number of prisoners employed on agriculture during the year 1979-80

11. Please indicate the production from agriculture during last 5 financial years :
(in Rupees)

Open Prisons

Farm attached to
prisons

Gross Net
Production Profit

Gross Net
Production Profit

1975-76

1976-77

1977-78

1978-79

1979-80

12. Please give total number of instructors/supervisors.

17. The break-up of prisoners in your State :

Convicts

Undertrials

Total

- (i) Below 16 years
- (ii) 15 to 21 years
- (iii) 21 to 30 years
- (iv) 31 to 40 years
- (v) 41 to 50 years
- (vi) 51 to 60 years
- (vii) 61 and above.

17A. Total number of convicts in all prisons in the State as on 31.12.1980, offence-wise.

(a) I.P.C. Crimes :

Male

Female

- (i) Murder
- (ii) Culpable homicide not amounting to murder
- (iii) Rape
- (iv) Kidnapping and abduction
- (v) Dacoity
- (vi) Robbery
- (vii) Burglary
- (viii) Thefts
- (ix) Riots
- (x) Criminal breach of trust
- (xi) Cheating
- (xii) Counterfeiting
- (xiii) Others

Total

(b) Offences under local and special laws :

- (i) Arms Act
- (ii) Opium Act
- (iii) Gambling Act
- (iv) Excise Act
- (v) Prohibition Act
- (vi) Explosive and explosive Substances Act
- (vii) Suppression of Immoral Traffic Act
- (viii) Motor Vehicles Act
- (ix) Customs Act
- (x) Prevention of Corruption Act
- (xi) Indian Railways Act
- (xii) Other Offences under special and local laws declared to be cognizable but not included above.

Male

Female

Total

17B. Distribution of convicts by length of sentence.

| | Male | | Female | |
|--------------------------|-----------------------|---------------------|-----------------------|---------------------|
| | Rigorous imprisonment | Simple imprisonment | Rigorous imprisonment | Simple imprisonment |
| (a) Six months & below | | | | |
| (b) Six months to 1 year | | | | |
| (c) One year to 3 years | | | | |
| (d) 3 years to 5 years | | | | |
| (e) 5 years to 7 years | | | | |
| (f) 7 years to 10 years | | | | |
| (g) 10 years and above. | | | | |
| | ----- | | | |
| | Total | | | |

18. Number of undertrial prisoners detained on 31-12-1980, offence-wise and length-wise.

- (a) Upto 1 month
- (b) 1 to 3 months
- (c) 3 months to 6 months
- (d) 6 months to 1 year
- (e) One year to 2 years
- (f) 2 years and above

19. What are the measures adopted to ensure that undertrial prisoners are not detained for long?

20. Number of prisoners kept in fetters during the calendar year 1980.

For security reasons

As punishment for prison offences

- (a) Upto one month
- (b) 1 to 2 months
- (c) 2 to 3 months

21. Number of prisoners in handcuffs during the year 1980.

For security reasons

As punishment for prison offences

22. Number of prisoners in ankle rings during the year 1980.

For security reasons

As punishment for prison offences

23. Number of prisoners kept in cells during the calendar year 1980.

For security reasons

As punishment for prison offences

(a) Upto 1 month

(b) 1 to 2 months

(c) 2 to 3 months

Work programmes in jails :

24. Daily average number of prisoners employed in the State on the main trades in the jail industries during 1980.

25. Capacity of institutions for employment in different industries.

| Industry | Central Jails | District Jails | Open Institutions | Total |
|----------|---------------|----------------|-------------------|-------|
|----------|---------------|----------------|-------------------|-------|

1.

2.

3.

4.

5.

26. Daily average number of prisoners employed during 1980.

| Industry | Central Jails | District Jails | Open Prisons | Others Institutions |
|----------|---------------|----------------|--------------|---------------------|
|----------|---------------|----------------|--------------|---------------------|

1.

2.

3.

4.

5.

27. Which new manufacturing units, trades, crafts or vocations would you like to introduce in prisons? Give details institution-wise.

Type of Institution/Industry.

28. Please indicate the gross production of jail industries during the last 5 financial years :

| | Gross production | Net profit |
|---------|------------------|-------------|
| | | (in Rupees) |
| 1975-76 | | |
| 1976-77 | | |
| 1977-78 | | |
| 1978-79 | | |
| 1979-80 | | |

(a) Total investment on industries during :

| | Plan | Non-Plan |
|---------|------|-------------|
| | | (in Rupees) |
| 1975-76 | | |
| 1976-77 | | |
| 1977-78 | | |
| 1978-79 | | |
| 1979-80 | | |

(b) Capital investment on plant and machinery during :

| | Plan | Non-Plan |
|---------|------|-------------|
| | | (in Rupees) |
| 1975-76 | | |
| 1976-77 | | |
| 1977-78 | | |
| 1978-79 | | |
| 1979-80 | | |

29. Please given total number of Instructors/Supervisors Industry-wise.

30. Employment of undertrial prisoners in the prisons :

| Jail | Daily average number of undertrials. | Number of undertrials who voluntarily offer to work in jails. | Incentives provided for undertrials to opt for labour |
|------|--------------------------------------|---|---|
| 1 | 2 | 3 | 4 |
| | | | |

1. Central Jails
2. District Jails
3. Sub-Jails
4. Special Jails
5. Other Institutions

Education in prisons :

31. Please briefly give provisions in the State Prison Manual regarding the education of prisoners.

32. Number of jails which have education facilities for prisoners and to what level i.e. Primary, Secondary and Adult Literacy.

- (a) Central Jails
- (b) District Jails
- (c) Sub-Jails
- (d) Special Jails
- (e) Other Institutions

33. During 1980, average number of prisoners attending:

| | Central Jails | District Jails | Sub- Jails | Special Jails | Other Institutions |
|--|------------------|-------------------|---------------|------------------|-----------------------|
|--|------------------|-------------------|---------------|------------------|-----------------------|

- (a) Primary classes
- (b) Secondary classes
- (c) Adult literacy
- (d) Outside schooling

34. Number of prisoners who were encouraged to appear for Matriculation /SSC and above level examinations during the last five years :

| | 1975-76 | 1976-77 | 1977-78 | 1978-79 | 1979-80 |
|--|---------|---------|---------|---------|---------|
|--|---------|---------|---------|---------|---------|

Matric/Hr. Sec.

Appeared
Passed

P.U.C./Intermediate/SSC

Appeared
Passed

Degree

Appeared
Passed

Other (Specify)

Appeared
Passed

35. Number of jails in which library arrangements exist:

| Type of Institution | Number |
|---------------------|--------|
|---------------------|--------|

Central Jails

District Jails

Sub-Jails

Special Jails

Other Institutions

36. Are literate prisoners assisting educational personnel in organising educational activities ? If so, please indicate the number of such prisoners.

| Type of Institutions | Number |
|----------------------|--------|
|----------------------|--------|

Central Jails

District Jails

Sub-Jails

Special Jails

Other Institutions

37. How many jails have audio-visual equipment ?

| Type of Institution | Number |
|---------------------|--------|
|---------------------|--------|

(a) Central Jails

(b) District Jails

(c) Sub-Jails

(d) Special Jails

(e) Other Institutions

38. Number of educational personnel in jails.

| Type of Institution | Number |
|---------------------|--------|
|---------------------|--------|

(a) Central Jails

(b) District Jails

(c) Sub-Jails

(d) Special Jails

(e) Other Institutions

39. Is there any liaison with the Department of Education and other approved educational institutions to develop education in Jails ? If so, give details.
40. Indicate arrangements for moral, social and health education in jails.
41. What is the present scale of newspapers and periodicals supplied to the inmates?

42. What are the facilities for sports, games, cultural activities and recreation?

Type of Institution

- (a) Central Jails
- (b) District Jails
- (c) Sub-Jails
- (d) Special Jails
- (e) Other Institutions

Medical facilities in jails :

43. Number of institutions having hospitals/dispensary facilities within their premises:

Number of beds provided

- (a) Central Jails
- (b) District Jails
- (c) Sub-Jails
- (d) Special Jails
- (e) Other Institutions

44. Indicate the nature of medical facilities to prisoners in various institutions :

Hospital/
dispensary

Arrangement for
medical facilities

- (a) Central Jails
- (b) District Jails
- (c) Sub-Jails
- (d) Special Jails
- (e) Other Institutions

45. What is the arrangement for medical care where no jail hospital or dispensary exists ?

46. Number of ambulances available with the jail hospitals

47. Do you have a full time Medical Officer for each jail hospital/dispensary ?

48. Are the arrangements for segregating infectious cases from other prisoners adequate ?

49. What arrangements exist for treatment of diseases such as cancer, T.B., leprosy, etc.

50. What are the facilities for the treatment of mentally sick prisoners ?

51. What types of treatment are offered to prisoners with mental illness ?

52. What is the nature and mode of co-ordination with District Medical Authorities ?

53. Do you have diagnostic facilities (Clinical, Laboratory, X-Ray, etc.) available in Jail hospitals/dispensaries ?

54. Are all the drugs required for different types of ailments readily available in the jail hospital/dispensaries ?

Jail Personnel in the State :

55. Staff as on December 31, 1980 :

| | Sanctioned strength | Actual strength | Scale of pay | Whether whole time/part time. |
|---|---------------------|-----------------|--------------|-------------------------------|
| | (1) | (2) | (3) | (4) |
| (A) Headquarters Organisation | | | | |
| (i) Inspection : | | | | |
| (a) Inspector General of Prisons/ Additional Inspector General/Joint Inspector General | | | | |
| (b) Deputy Inspector General | | | | |
| (c) Assistant Inspector General | | | | |
| (ii) Technical Staff : | | | | |
| (a) Industries | | | | |
| (b) Jail buildings | | | | |
| (c) Correctional programmes | | | | |
| (d) Medical | | | | |
| (e) Agriculture | | | | |
| (f) Education | | | | |
| (g) Audit | | | | |
| (h) Legal aid | | | | |
| (i) Research & Statistics | | | | |
| (j) Any other | | | | |
| (B) Institutional staff : | | | | |
| Superintendent Central Jails | | | | |
| Superintendent District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Superintendent Sub-Jails | | | | |
| Superintendent Other Institutions | | | | |
| Deputy Superintendent Central Jails | | | | |

| | (1) | (2) | (3) | (4) |
|--|-----|-----|-----|-----|
| Deputy Superintendent District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Deputy Superintendent Sub-Jails | | | | |
| Deputy Superintendent Other Institutions | | | | |
| Assistant Superintendent Central Jails | | | | |
| Assistant Superintendent District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Assistant Superintendent Sub-Jails | | | | |
| Assistant Superintendent Other Institutions | | | | |
| Jailors Central Jails | | | | |
| Jailors District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Jailors Sub-Jails | | | | |
| Jailors | | | | |
| Other Institutions | | | | |
| Deputy Jailors Central Jails | | | | |
| Deputy Jailors District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Deputy Jailors Sub-Jails | | | | |

(1)

(2)

(3)

(4)

Deputy Jailors
Other Institutions

Assistant Jailors
Central Jails

Assistant Jailors
District Jails

Class I
Class II
Class III

Assistant Jailors
Sub-Jails

Assistant Jailors
Other Institutions

Chief Warders
Central Jails

Chief Warders
District Jails

Class I
Class II
Class III

Chief Warders
Sub-Jails

Chief Warders
Other Institutions

Head Warders
Central Jails

Head Warders
District Jails

Class I
Class II
Class III

Head Warden
Sub-Jails

Head Warders
Other Institutions

Warders
Central Jail

Warders
District Jails

Class I
Class II
Class III

(1)

(2)

(3)

(4)

Warders
 Sub-Jail
 Warders
 Other Institutions
 Medical Officer
 Central Jails
 Medical Officer
 District Jails
 Class I
 Class II
 Class III
 Medical Officer
 Sub-Jails
 Medical Officer
 Other Institutions
 Assistant Medical Officer
 Central Jails
 Assistant Medical Officer
 District Jails
 Class I
 Class II
 Class III
 Assistant Medical Officer
 Sub-Jails
 Assistant Medical Officer
 Other Institutions
 Compounder/Nurse
 Central Jails
 Compounder/Nurse
 District Jails
 Class I
 Class II
 Class III
 Compounder/Nurse
 Sub-Jails
 Compounder/Nurse
 Other Institutions
 Liaison/Welfare Officer
 Central Jails
 Liaison/Welfare Officer
 District Jails
 Class I
 Class II
 Class III

| | (1) | (2) | (3) | (4) |
|-------------------------------|-----|-----|-----|-----|
| Liaison/Welfare Officer | | | | |
| Sub-Jails | | | | |
| Liaison/Welfare Officer | | | | |
| Other Institutions | | | | |
| Psychologist/ Psychiatrist | | | | |
| Central Jails | | | | |
| Psychologist/ Psychiatrist | | | | |
| District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Psychologist/ Psychiatrist | | | | |
| Sub-Jails | | | | |
| Psychologist/ Psychiatrist | | | | |
| Other institutions | | | | |
| Vocation Instructors | | | | |
| Central Jails | | | | |
| Vocation Instructors | | | | |
| District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Vocation Instructors | | | | |
| Sub-Jails | | | | |
| Vocation Instructors | | | | |
| Other Institutions | | | | |
| Education Teachers | | | | |
| Central Jails | | | | |
| Education Teachers | | | | |
| District Jails | | | | |
| Class I | | | | |
| Class II | | | | |
| Class III | | | | |
| Education Teachers | | | | |
| Sub-Jails | | | | |
| Education Teachers | | | | |
| Other Institutions | | | | |
| Legal Counsel/Law Officer | | | | |
| Central Jails | | | | |

(1)

(2)

(3)

(4)

- Class I
- Class II
- Class III

Legal Counsel/Law Officer
Sub-Jails

Legal Counsel/Law Officer
Other institutions

Administrative Staff
Central Jails

Administrative Staff

- Class II
- Class II
- Class III

Administrative Staff
Sub-Jails

Administrative Staff
Other institutions

Others
Central Jails

Others
District Jails

- Class I
- Class II
- Class III

Others
Sub-Jails

Others
Other institutions

56. What is the prevailing ratio between staff and prisoners in your State in respect of the following :

- (i) Custodial staff and prisoners.....
- (ii) Administrative Ministerial staff and prisoners
- (iii) Treatment/Correctional/Welfare staff and prisoners....

57. What ratio between staff and prisoners would you suggest in respect of the following :

- (i) Custodial staff and prisoners.....
- (ii) Administrative/Ministerial staff and prisoners.....
- (iii) Treatment/Correctional/Welfare staff and prisoners.....

58. Indicate the facilities available in your state for training of prison staff of various categories.

59. SUGGESTIONS FOR IMPROVEMENT IN THE PRISON SYSTEM

What suggestions would you like to make in the improvement of prisons in your State, especially with regard to the following areas :

- (1) Prison architecture and buildings including arrangements for their maintenance, repairs and constructions.
- (2) Diversification of institutions.
- (3) Classification of various categories of prisoners on scientific basis.
- (4) Segregation of prisoners in terms of age, sex, nature of crime and correctional requirements.
- (5) Staffing pattern at the headquarters, regional and institutional levels.
- (6) Working and service conditions of prison staff.
- (7) Policies governing recruitment, selection and training of prison personnel.
- (8) Change in the attitude of the prisons staff.
- (9) Basic needs of prisoners like food, clothing, medical care, sanitation, personal hygiene, etc.
- (10) Education of prisoners.
- (11) Work programmes and vocational training for prisoners.
- (12) Correctional and rehabilitation programmes in prisons.
- (13) The nature of institutional treatment being rendered to different categories of prisoners indicating the components that form such treatment and suggest improvements.
- (14) Prison discipline.
- (15) Prison offences and punishment.
- (16) The system of convict officers.
- (17) Remission system.
- (18) Furlough (leave) and parole (emergency leave).
- (19) Facilities for letters, interviews, appeals, petitions and redressal of grievances.
- (20) Review of sentences.
- (21) Planning for release, after-care and rehabilitation.
- (22) Problems of undertrial prisoners.
- (23) Work by undertrial prisoners.
- (24) Legal aid to prisoners.
- (25) Alternative to short-term imprisonment.
- (26) Problems of women prisoners.
- (27) Problems of youthful offenders.
- (28) Problems of mentally sick prisoners.
- (29) Problems of habitual offenders.
- (30) Problems of life convicts.
- (31) Problems of civil prisoners.

- (32) Problems of Prisoners with sentence of simple imprisonment.
- (33) Treatment of drug addicts in Jails.
- (34) Removal of corruption, mal-practices and mal-treatment of prisoners.
- (35) Functioning of jail visitors and other forms of community contacts.
- (36) Improvement of conditions in sub-jails.
- (37) Linkage of prisons programmes with welfare agencies in the community.
- (38) Co-ordination amongst police, courts and prisons.
- (39) Co-ordination amongst police, prosecution, courts and probation services and prisons.
- (40) Role of prisons in the prevention and control of crime and delinquency.