

Annexure XXV-A

STATEMENT SHOWING EXPENDITURE INCURRED BY VARIOUS STATES AND UNION TERRITORIES ON PRISONS DURING THE YEAR 1979-80

States	No. of prisoners	Expenditure (in Rs.)
1. Andhra Pradesh	7949	2,79,78,100
2. Assam	4874	*
3. Bihar	24989	*
4. Gujarat	3383	1,53,69,451
5. Haryana	2350	1,08,44,280
6. Himachal Pradesh	288	21,60,430
7. Jammu & Kashmir	727	*
8. Karnataka	4265	1,72,32,353
9. Kerala	2727	1,59,24,038
10. Madhya Pradesh	16251	3,71,50,000
11. Manipur	374	12,26,000
12. Maharashtra	13465	4,76,22,000
13. Meghalaya	346	13,16,686
14. Nagaland	446	*
15. Orissa	6139	1,96,76,000
16. Punjab	7391	2,13,96,181
17. Rajasthan	4819	2,11,33,000
18. Sikkim	32	*
19. Tamil Nadu	19282	4,20,38,000
20. Tripura	382	23,28,889
21. Uttar Pradesh	26760	7,40,81,000
22. West Bengal	10618	*

Union Territories

Union Territories	No. of prisoners	Expenditure (in Rs.)
1. A & N Islands	82	3,96,869
2. Arunachal Pradesh	Nil	Nil
3. Chandigarh	143	10,27,000
4. Dadra & Nagar Haveli	4	8,967
5. Delhi	1997	77,02,771
6. Goa, Daman & Diu	207	10,36,071
7. Lakshadweep	Nil	Nil
8. Mizoram	339	24,10,360
9. Pondicherry	63	5,23,900
TOTAL	159692	37,05,82,358
Projected expenditure in respect of six States from where figures have not been received		13,29,36,654
Grand Total :		50,35,19,006

*Figures of expenditure have not been received from these States. However, the expenditure for these States has been projected on the basis of average expenditure per prisoner incurred by other States and has been included in the grand total.

ILLUSTRATIVE LIST OF SUBJECTS FOR RESEARCH AND STUDY

- (1) Problems of undertrials.
- (2) Alternatives to short-term imprisonment.
- (3) Problems of prisoners sentenced to life imprisonment.
- (4) Women offenders. (Care, Treatment & Rehabilitation).
- (5) Young Offenders (Care, Treatment & Rehabilitation).
- (6) Evaluation of prison programmes (such as education, vocational training, recreational and cultural activities, etc.).
- (7) Evaluation of the system of remission, leave and special leave.
- (8) Study of open institution.
- (9) Evaluation of the facilities and amenities extended to prisoners of various categories.
- (10) Treatment of habitual offenders (Study of individual cases).
- (11) Training of prison personnel (problems, procedures and practices).
- (12) Evaluation of after-care programmes.
- (13) Evaluation of industries and agriculture.
- (14) Reaction of society to prison reforms.
- (15) Study of inmate-personnel relationship.
- (16) Evaluation of the system of prison discipline.
- (17) Typology in crime in the Indian context.

STATEMENT SHOWING PLAN OUTLAYS AND EXPENDITURE FOR THE DEVELOPMENT OF PRISON/JAIL BUILDINGS DURING THE SIXTH FIVE YEAR PLAN 1980-85 AND ANNUAL PLAN 1982-83 IN RESPECT OF STATES AND UNION TERRITORIES.

(Rs. in lakhs)

S.No.	State/U.T.	1980-85	1980-81	1981-82		1982-83
		Plan/ Agreed outlay	Actuals	Approved outlay	Anti- cipated Expendi- ture	Proposed outlay
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<i>States</i>						
1.	Andhra Pradesh	..	..	..	..	..
2.	Assam	24.00	..	4.16	4.16	6.04
3.	Bihar	..	..	..	..	..
4.	Gujarat	50.00	7.72	10.00	10.00	10.00
5.	Haryana	150.00	10.00	32.00	32.00	35.00
6.	Himachal Pradesh	..	..	..	..	..
7.	Jammu & Kashmir	959.00*	19.90	15.00	31.25	46.00
8.	Karnataka	500.00	56.00	88.00	88.00	107.00
9.	Kerala	..	..	..	..	..
10.	Madhya Pradesh	46.82A	2.09	6.91	6.01	7.95
11.	Maharashtra	450.00	50.00**	50.00	50.00	55.00
12.	Manipur	46.00	2.00	4.34	4.34	24.50
13.	Meghalaya	..	..	..	..	..
14.	Nagaland	..	..	..	..	..
15.	Orissa	70.00	12.50	12.50	12.50	25.00
16.	Punjab	360.00	53.33	75.00	75.00	75.00
17.	Rajasthan	150.00	57.76	60.56	60.56	25.00
18.	Sikkim	..	..	..	..	..
19.	Tamil Nadu	..	..	..	..	..

(1)	(2)	(3)	(4)	(5)	(6)	(7)
20.	Tripura					
21.	Uttar Pradesh	175.00***	54.45***	35.00***	35.00***	75.00***
22.	West Bengal	3165.00	353.06	644.00	644.00	718.36
<i>Union Territories</i>						
1.	A & N. Islands	160.00@	19.43@	20.00@	20.00@	4.00
2.	Arunachal Pradesh					
3.	Chandigarh	17.00	44.71@	4.00	65.06@	8.00
4.	Dadra & Nagar Haveli					
5.	Delhi	250.00	N.A.	N.A.	N.A.	N.A.
6.	Goa, Daman & Diu	9.00	1.83	2.25	0.99	2.41
7.	Lakshadweep					
8.	Mizoram					
9.	Pondicherry					

* Plan outlays for Police Housing is also included.

** Expenditure for buildings of Motor Vehicles Deptt. (H.D.) also included.

*** Outlays and expenditure in respect of scheme of judicial Deptt., Excise Deptt., Finance (Taxation) Deptt. are also included.

@ Outlays and expenditure on construction of Police Housing are also included.

A The scheme of welfare of prisoners is indicated under housing sector.

Source : Planning Commission, Housing, Urban Development & Water Supply Division : Annual Plans 1982-83: Comments of.

CHAPTER XXVI

NATIONAL COMMISSION ON PRISONS*

26.1 Questions relating to upholding of human rights, treatment of human beings deprived lawfully of their liberty and restoration of deviants to the mainstream of society have aroused national and international concern. The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1955) adopted a resolution and laid down "Standard Minimum Rules for the Treatment of Prisoners" which were approved by the Economic and Social Council of the United Nations on July 31, 1957. On December 20, 1971 the General Assembly of the United Nations, in its resolution 2858 (XXVI), invited the attention of Member States to the Standard Minimum Rules for the Treatment of Prisoners, recommended their effective implementation in the administration of penal and correctional institutions and requested that favourable consideration be given to their incorporation in national legislation. India, being a member-nation of the United Nations is committed to apply the United Nations Standard Minimum Rules for the Treatment of Prisoners to all the institutions meant for the care and custody of offenders.

26.2 On the national scene, the press, the Parliament and the judiciary have, on several occasions, emphasised the need for a review of the entire system of prisons in the country in the light of the rights of prisoners and their treatment compatible with human dignity.

26.3 It is, however, unfortunate that inspite of such national and international interest in the treatment of offenders and management of prisons, the subject in India has been left entirely to the decision-making authority of the States and Union Territories. The Centre has played only an advisory role in the field, occasionally setting up a recommendatory body to go into the question of prison reforms, issuing guidelines on specific matters for the treatment of prisoners and collecting or transmitting statistical information on the subject. The States and Union Territories have always treated prison department as non-productive, non-developmental and regulatory department and have given it a very low priority in their development plans. On the plea of financial stringencies, the department has been made to stagnate and even deteriorate for decades in several States and Union Territories. Even the basic tenets of human dignity have been ignored in a number of States and Union Territories.

26.4 Dr. W.C. Reckless, the U.N. expert invited by the Government of India in 1951-52, for the first time pointed out this deficiency of the Indian prison system and made a strong recommendation for the establishment of an Advisory Bureau of Correctional Administration at the Centre. Later, the All India Jail Manual Committee set up in 1957 by the Government of India, to make a detailed scrutiny of prison problems, reiterated, among other things, the need for the establishment of a Central Bureau of Correctional

*Wherever the word 'prison' occurs in relation to the National Commission on Prisons, it includes prisons for adult offenders, institutions for young offenders and probation services for both adult and young offenders.

Services at the union level. Such Bureau was set up by the Ministry of Home Affairs in 1961.

26.5 The Bureau functioned under the Ministry of Home Affairs until 1964, when it was transferred to the newly created Department of Social Security, now known as the Ministry of Social Welfare. The Bureau, however, continued to function in connection with matters relating to prison administration; its Director being later designated as ex-officio Prison Adviser to the Ministry of Home Affairs.

26.6 In October, 1971, during the National Correctional Conference on Probation and Allied Measures the Inspectors General of Prisons met to discuss various problems faced by the prison administration in the country. Having spelt out the financial and administrative difficulties faced by the prison administration in the States, they "advocated the involvement of the Government of India in a big way to accelerate the development of the prisons along modern lines"¹.

26.7 In 1975 the Central Bureau of Correctional Services was reconstituted as the National Institute of Social Defence, and its functions were enlarged to include preventive, correctional and rehabilitative aspects of social defence, viz., welfare of prisoners, prison reforms/administration, juvenile vagrancy, delinquency and crime, probation, beggary, social and moral hygiene, alcoholism, gambling, suicide and drug addiction. The Institute, however, continued to work under the Ministry of Social Welfare.

26.8 The National Institute of Social Defence has been playing a useful role in its enlarged field of social defence. However, we feel that there is need for a high status body at the national level which will function as an effective instrument of the Ministry of Home Affairs for laying down policies on prison reforms and ensuring their uniform implementation by the States and Union Territories.

26.9 In the past, several Prison Reforms Committees/Commissions set up at the state and national level had made wide ranging recommendations for the improvement of prison administration. The recommendations have, by and large, remained unimplemented and have not made any significant impact on prison administration. During our visits to prison institutions in various States and Union Territories we not only found wide diversity in the prison system in the country in most of its aspects—diversity of approach towards the treatment of offenders, diversity in organisational set-up and personnel development in different States and Union Territories—but also a steep deterioration in the administration of prisons in several parts of the country.

26.10 We have also noticed that there is no effective organisation or agency at the national level which can find out the true state of affairs in prisons in the country and apprise the Government of India from time to time about it. As a result, major deficiencies, sometimes leading to explosive situations in prison system, have, in the recent past, been brought to the notice of the Central Government either through the press or by judicial pronouncements. On all such occasions the Government of India have generally been caught unawares on important issues relating to prison management. The lapses in prison management have travelled easily to the public through the media or to the courts of law through public interest litigation before being brought to the notice of the Central Government. When these lapses came to the notice of the Government (thorough agencies other than its own), the guidelines issued by the Central Government were not taken as seriously as they ought to have been. There is no machinery at the Central level to pursue effective implementation of such guidelines. The Central Government, therefore, has not been able to make any significant impact on the administration of prisons in the States and Union Territories despite its concern and best intentions.

26.11 In our Report we have been repeatedly stressing that an essential pre-requisite for the redemption of prison system in India from the existing predicaments is to make the Centre play a more effective role in its administration. With that end in view, we have recommended in Chapter IV on 'Legislation' that the subject of prisons should, if possible, be brought in the Concurrent List by a suitable amendment of the Constitution of India. We have also recommended in Chapter XXIV on 'Development of Prison Personnel' that an all India service should be created to give prison administration a sound national basis. In Chapter XXIII on 'Organisational Structure' we have recommended that the set-up within the Ministry of Home Affairs dealing with prisons may be suitably strengthened and upgraded. We, however, think that even if all the above recommendations are implemented, things will not improve unless a high status national body on prisons is set up at the Centre. We are, therefore, of the firm view that as an immediate step such a national body should be established on the basis of the following principles:

- (i) that it must function as an organ of the Ministry of Home Affairs so that it is in the proper line of flow of authority;
- (ii) that it should be constituted under orders of the Ministry of Home Affairs;
- (iii) that it should be given a sufficiently high status to be effective;
- (iv) that it must exclusively work in the field of prisons and allied services;
- (v) that it should be vested with powers of allocation of funds to the States and Union Territories in the form of central financial aid for the development of the Departments of Prisons and Correctional Services;
- (vi) that it should be vested with competence to find out the true state of affairs in prisons in the country and to advise State Governments and Union Territory Administrations directly or through the Ministry of Home Affairs on all matters connected with prisons and treatment of offenders;
- (vii) that it should, through an annual report, place before the Parliament the progress of the implementation of the National Policy on Prisons and the state of prisons and allied services in the country;
- (viii) that it should be responsible for ensuring that the management of prisons conforms to the accepted national standards and norms regarding the treatment of prisoners.

26.12 An arrangement on the above mentioned principles, we feel, will enable the Central Government to give necessary thrust and impetus to improvement of prisons in the States and Union Territories even while the subject continues to be on the State List. If, however, our recommendation with regard to transfer of the subject of prisons from the State List to the Concurrent List is accepted, the national body on prisons, as proposed above, should be given the status of a statutory body.

26.13 In the light of the foregoing discussions, we make the following recommendations:

26.13.1 Government of India should take immediate steps to create a permanent national body to deal with prisons at the national level. This body should be constituted by the Government of India under the Ministry of Home Affairs and named as the "National Commission on Prisons".

26.13.2 The Commission should have a whole-time Chairman and 6 members :

- (i) The Chairman of the Commission should be an eminent person of the status of a judge of the Supreme Court or of a High Court enjoying national stature.

- (ii) The members of the Commission should be selected from amongst eminent persons of national stature interested in or expert in the administration of prisons and treatment of offenders.
- (iii) A senior officer in the Ministry of Home Affairs, not below the rank of a Joint Secretary, dealing with prisons should be an *ex-officio* member of the Commission.
- (iv) The term of appointment of Chairman and members other than *ex-officio* members should be three years. This term could be extended by the government for a further period of three years.
- (v) At least one of the members should be a lady.

26.13.3 The Secretariat of the Commission should be headed by a senior officer appointed as the Member-Secretary of the Commission. The Member-Secretary should be a person having field experience of not less than 10 years and should not be below the rank of Inspector General of Prisons and Director of Correctional Services. He should be posted for a tenure of 3 years which, in suitable cases, may be extended upto 5 years. He should have under him the following wings headed by officers drawn from related fields and supported by appropriate technical staff :

- (i) Administrative Wing;
- (ii) Correctional Wing;
- (iii) Training and Personnel Development Wing;
- (iv) Finance Wing; and
- (v) Research and Statistics Wing.

26.13.4 The objectives of the Commission should be :

- (i) to bring about basic uniformity in various States and Union Territories with regard to the management of prisons, treatment of offenders and development of prison personnel;
- (ii) to provide a forum for collective and coordinated thinking on a continuous basis on important issues connected with treatment of offenders and management of prisons;
- (iii) to provide Government of India with basic framework for planning and development of treatment and other programmes;
- (iv) to provide the country with a National Policy on Prisons and to review it from time to time according to the changing social needs;
- (v) to ensure implementation of prison reforms and development of prison and allied services in the light of (iii) and (iv) above through visits and, wherever necessary, through allocation of funds;
- (vi) to ensure uniform application of national standards for the care and treatment of offenders.

26.13.5 With the above objectives in view, the National Commission on Prisons should perform following functions:

- (i) It should help the Government of India in formulating a National Policy on Prisons and in reviewing it from time to time;
- (ii) It should act as the specialized body on prisons for the Ministry of Home Affairs. It should assist the Ministry of Home Affairs and advise the State Govern-

ments/Union Territory Administrations in matters connected with the implementation of the National Policy;

- (iii) It should review the existing legislation on prisons and should suggest suitable amendments;
- (iv) The members of the Commission should visit prisons in various States/Union Territories to find out the actual state of affairs in the prisons and to identify the needs for their development. The Commission may also appoint, on regional basis, experts in the field of correctional administration as consultants/advisors who may visit prisons in their areas and submit reports to the Commission;
- (v) Government of India should earmark sufficient funds under the plan in the Central sector for development of prisons. These funds should be kept at the disposal of the Commission. This Commission should be given necessary authority and guidelines for allocating these funds to State Governments/Union Territory Administrations for specific schemes connected with development of prisons. It should also ensure that these funds are properly and timely utilised for the purpose for which they are allocated;
- (vi) (a) The Commission should ensure speedy implementation of the recommendations of this Committee. It should help the States/ Union Territories in preparing coordinated long term and short term plans for the development and improvement of prisons and prison management, and should monitor the progress of their implementation so as to have an all India perspective of the development of prisons in the context of the accepted goals and objectives;
- (b) It should, in consultation with the National Buildings Organisation and the prison departments of States and Union Territories, evolve standards and norms for the architecture and design of buildings of different categories of prisons taking into account their functional needs, and keep itself informed through regular monitoring that these standards and norms are observed by the States and Union Territories while renovating old prisons buildings or constructing new ones;
- (c) It should help in development of prison personnel by promoting, sponsoring and, if necessary, undertaking training and orientation of prison personnel;
- (d) It should, prepare, maintain and review from time to time a list of experts and voluntary organisations in various fields of prison and correctional work to utilise their services whenever necessary;
- (vii) The Commission should locate and identify lapses and deficiencies in prison management which sometimes lead to explosive situations and recommend measures so that such lapses do not recur and the deficiencies are removed;
- (viii) The Commission should ensure that the guidelines for the management of prisons and treatment of prisoners contained in various judgements of the Supreme Court and the guidelines issued by the Government of India from time to time in this regard are properly and expeditiously implemented by the States/Union Territories;
- (ix) The Commission should prepare an annual report on the progress of implementation of the National Policy on Prisons and the state of prisons in the country. This report should be placed by the Ministry of Home Affairs before the Parliament for discussion;
- (x) The Commission should provide a forum at the national level to discuss matters connected with prison administration in the country, and to serve as a clearing house of information in this field. For this purpose, it may organise conferences, seminars and workshops at the national level;

- (xi) The Commission should seek and ensure proper coordination of other branches of the criminal justice system, viz., the police, the prosecution and the judiciary, with the prisons in so far as they affect the functioning of the prisons;
- (xii) The Commission should undertake pilot projects for the development of prisons. These projects should be monitored and evaluated with the help of experts in field. They may later be transferred to the States for adoption. The Commission may also undertake some centrally-sponsored schemes for the development of prisons. The cost of such pilot projects and centrally-sponsored schemes should be borne by the Commission.
- (xiii) The Commission should sponsor or undertake basic and empirical research in the field of prison administration. This may be done in collaboration with University Departments, Schools/Institutes of Social Work/Social Sciences, National Institute of Social Defence, Regional Institutes of Correctional Administration, Department of Prisons and Correctional Services in the States/Union Territories and other organisations pursuing social and management research.
- (xiv) The Commission should standardise and prescribe uniform proforma for the collection of statistics concerning prisons all over the country. It should collect, compile, process, analyse and publish such national statistics.
- (xv) The Commission should foster participation of voluntary organisations and individuals in the treatment and rehabilitation of offenders and create public awareness about the role that the community can play in this field.
- (xvi) The Commission should ensure that the management of prisons conforms to the accepted national standards and norms regarding treatment of offenders.
- (xvii) The Commission should assist Government of India in the exchange of information on prisons with other countries and with the United Nations and its specialised agencies.

26.13.6 During the discussions we had with eminent persons, it transpired that the National Police Commission had recommended the establishment of Criminal Justice Commission at the national level. We would like to emphasise here that the setting up of the Criminal Justice Commission should, in no way, affect the establishment of the National Commission on prisons because the functions of these two commissions will be mutually exclusive. While the functions of the National Criminal Justice Commission may be to coordinate the working of different disciplines of the criminal justice system, namely, the police, the prosecution, the judiciary, the probation and the correctional services at the level of policy formulation, the functions of the National Commission of Prisons will encompass all aspects of the field of prisons and treatment of offenders. Therefore, we strongly recommend that a separate National Commission on Prisons should be established and in case, a National Criminal Justice Commission is constituted the Chairman or a member of the National Commission on Prisons should be a member of the National Criminal Justice Commission.

26.14 We estimate that the expenditure on the National Commission on Prisons would be about Rs. 10 lakhs per annum. This expenditure would be negligible looking to the valuable service the Commission is envisaged to render. The establishment of this Commission will provide the Central Government with a permanent specialised body which would continuously review the functioning of prisons in the country and apprise it from time to time about their condition. The Commission will be able also to play a positive and sustained role not only in continued review and assessment of the prison system but also

in the uniform improvement of prison programmes and development of prison personnel in the country. It is our firm conviction that unless a National Commission on Prisons, as recommended above, is set up, there would be little hope of improvement of prisons in the country. We would like to emphasise that the Government of India should treat this as the most important recommendation made by us and implement it on a high priority basis.

References :

1. Report of the Working Group on Prisons, 1972-73: Chapter I, page 9.

NATIONAL POLICY ON PRISONS

27.1 In the preceding Chapters we have identified the main areas of prison administration needing improvement and have made wide-ranging recommendations with the hope that they will be implemented to bring the Departments of Prisons and Correctional Services in States and Union Territories to the desired level of performance. In the past also a number of recommendatory bodies had made several valuable suggestions for the improvement of prison administration. But during our study of the prison system in the country we noticed that most of them have not been implemented. The Economic and Social Council of the United Nations had approved the Standard Minimum Rules for the Treatment of Prisoners and had invited the Governments in 1957 to give favourable consideration to the adoption and application of these rules. But the fact remains that even after a lapse of 25 years these minimum standards are not being generally observed in several States and Union Territories in India. The conditions in prisons have been deteriorating and have reached a point of crisis. In our view, one of the main reasons for this general deterioration is the lack of national commitment arising out of a national consensus on the goals and objectives of prison administration and modalities of achieving them. Such national consensus and national commitment can be secured by the adoption of a National Policy on Prisons. We have accordingly formulated the draft of a National Policy on Prisons for the consideration of the Government of India. We suggest that the Government of India may give it a final shape after consulting the State Governments and Union Territory Administrations. The National Policy so finalised may then be adopted and notified by the Government of India.

27.2 The draft of the proposed National Policy on Prisons is as follows:

GOALS AND OBJECTIVES

27.2.1 Prisons in the country shall protect society and shall endeavour to reform and re-assimilate offenders in the social milieu by giving them appropriate correctional treatment.

MODALITIES

27.2.2 The State shall endeavour to bring about basic uniformity in the minimum standards of management of prisons and the treatment of offenders in the country through:

- (i) incorporation of the principles of management of prisons and treatment of offenders in the Directive Principles of the State Policy embodied in Part IV of the Constitution of India;
- (ii) inclusion of the subject of prisons and allied institutions in the Concurrent List of the Seventh Schedule to the Constitution of India; and
- (iii) enactment of uniform and comprehensive legislation embodying modern principles and procedures regarding reformation and rehabilitation of offenders.

27.2.3 There shall be in each State and Union Territory a Department of Prisons and Correctional Services dealing with adult and young offenders—their institutional care, treatment, aftercare, probation and other non-institutional services.

27.2.4 The State shall endeavour to evolve proper mechanism to ensure that no undertrial prisoner is unnecessarily detained. This shall be achieved by speeding up trials, simplification of bail procedures and periodic review of cases of undertrial prisoners. Undertrial prisoners shall, as far as possible, be confined in separate institutions.

27.2.5 Since it is recognised that imprisonment is not always the best way to meet the objectives of punishment the government shall endeavour to provide in law new alternatives to imprisonment such as community service, forfeiture of property, payment of compensation to victims, public censure, etc., in addition to the ones already existing, and shall specially ensure that the Probation of Offenders Act, 1958 is effectively implemented throughout the country.

27.2.6 Living conditions in every prison and allied institution meant for the custody, care, treatment and rehabilitation of offenders shall be compatible with human dignity in all aspects such as accommodation, hygiene, sanitation, food, clothing, medical facilities, etc. All factors responsible for vitiating the atmosphere of these institutions shall be identified and dealt with effectively.

27.2.7 In consonance with goals and objectives of prisons, the State shall provide appropriate facilities and professional personnel for the classification of prisoners on a scientific basis. Diversified institutions shall be provided for the segregation of different categories of inmates for proper treatment.

27.2.8 The State shall endeavour to develop the fields of criminology and penology and promote research on the typology of crime in the context of emerging patterns of crime in the country. This will help in proper classification of offenders and in devising appropriate treatment for them.

27.2.9 A system of graded custody ranging from special security institutions to open institutions shall be provided to offer proper opportunities for the reformation of offenders according to the progress made by them.

27.2.10 Programmes for the treatment of offenders shall be individualised and shall aim at providing them with opportunities for diversified education, development of work habits and skills, change in attitude, modification of behaviour and implantation of social and moral values.

27.2.11 The State shall endeavour to develop vocational training and work programmes in prisons for all inmates eligible to work. The aim of such training and work programmes shall be to equip inmates with better skills and work habits for their rehabilitation.

27.2.12 Payment of fair wages and other incentives shall be associated with work programmes to encourage inmate participation in such programmes. The incentives of leave, remission and premature release to convicts shall also be utilised for improvement of their behaviour, strengthening, of family ties and their early return to society.

27.2.13 Custody being the basic function of prisons, appropriate security arrangements shall be made in accordance with the need for graded custody in different types of institutions. The management of prisons shall be characterised by firm and positive discipline, with due regard, however, to the maintenance of human rights of prisoners. The State

recognises that a prisoner loses his right to liberty but maintains his residuary rights. It shall be the endeavour of the State to protect these residuary rights of the prisoners.

27.2.14 The State shall provide free legal aid to all needy prisoners.

27.2.15 Prisons are not the places for confinement of children. Children (boys under 16 years of age and girls under 18 years of age) shall in no case be sent to prisons. All children confined in prisons at present shall be transferred forthwith to appropriate institutions, meant exclusively for children with facilities for their care, education, training and rehabilitation. Benefit of non-institutional facilities shall, whenever possible, be extended to such children.

27.2.16 Young offenders (between 16 to 23 years in the case of boys and 18 to 23 in the case of girls) shall not be confined in prisons meant for adult offenders. There shall be separate institutions for them where, in view of their young and impressionable age, they shall be given treatment and training suited to their special needs of rehabilitation.

27.2.17 Women offenders shall, as far as possible, be confined in separate institutions specially meant for them. Wherever such arrangements are not possible they shall be kept in separate annexes of prisons with proper arrangements. The staff for these institutions and annexes shall comprise women employees only. Women prisoners shall be protected against all exploitation. Work and treatment programmes shall be devised for them in consonance with their special needs.

27.2.18 No non-criminal lunatic shall be confined in prisons. The law shall be suitably amended for the purpose. Proper arrangements shall be made for the care and treatment of criminal lunatics.

27.2.19 Persons courting arrest during non-violent socio-political economic agitations for declared public cause shall not be confined in prisons along with other prisoners. Separate prison camps with proper and adequate facilities shall be provided for such non-violent agitators.

27.2.20 Most of the persons sentenced to life imprisonment at present have to undergo at least 14 years of actual imprisonment. Prolonged incarceration has a degenerating effect on such persons and is not necessary either from the point of view of individual's reformation or from that of the protection of society. The term of sentence for life in such cases shall be made flexible in terms of actual confinement so that such a person may not have necessarily to spend 14 years in prison and may be released when his incarceration is no longer necessary.

27.2.21 Prison service shall be developed as a professional career service. The State shall endeavour to develop a well-organised prison cadre based on appropriate job requirements, sound training and proper promotional avenues. The efficient functioning of prisons depends undoubtedly upon the personal qualities, educational qualifications, professional competence and character of prison personnel. The status, emoluments and other service conditions of prison personnel should be commensurate with their job requirements and responsibilities. An all India service namely the Indian Prisons and Correctional Service shall be constituted to induct better qualified and talented persons at higher echelons. Proper training facilities for prison personnel shall be developed at the national, regional and State levels.

27.2.22 The State shall endeavour to secure and encourage voluntary participation of the community in prison programmes and in non-institutional treatment of offenders on an extensive and systematic basis. Such participation is necessary in view of the objective

of ultimate rehabilitation of the offenders in the community. The government shall open avenues for such participation and shall extend financial and other assistance to voluntary organisations and individuals willing to extend help to prisoners and ex-prisoners.

27.2.23 Prisons are hitherto a closed world. It is necessary to open them to some kind of positive and constructive public discernment. Selected eminent public-men shall be authorised to visit prisons and give independent report on them to appropriate authorities.

27.2.24 In order to provide a forum in the community for continuous thinking on problems of prisons, for promoting professional knowledge and for generating public interest in the reformation of offenders, it is necessary that a professional non-official registered body is established at the national level. It may have its branches in the States and Union Territories. The Government of India, the State Governments and the Union Territory Administrations shall encourage setting up of such a body and its branches, and shall provide necessary financial and other assistance for their proper functioning.

✓ 27.2.25 Probation, aftercare, rehabilitation and follow-up of offenders shall form an integral part of the functions of the Department of Prisons and Correctional Services.

27.2.26 The development of prisons shall be planned in a systematic manner keeping in view the objectives and goals to be achieved. The progress of the implementation of such plans shall be continuously monitored and periodically evaluated.

27.2.27 The governments at the Centre and in the States/Union territories shall endeavour to provide adequate resources for the development of prisons and other allied services.

27.2.28 Government recognizes that the process of reformation and rehabilitation of offenders is an integral part of the total process of social reconstruction, and, therefore, the development of prisons shall find a place in the national development plans.

27.2.29 In view of the importance of uniform development of prisons in the country the Government of India has to play an effective role in this field. For this purpose the Central Government shall set up a high status National Commission on Prisons on a permanent basis. This shall be a specialised body to advise the Government of India, the State Governments and the Union Territory Administrations on all matters relating to prisons and allied services. Adequate funds shall be placed at the disposal of this Commission for enabling it to play an effective role in the development of prisons and other programmes. The Commission shall prepare an annual national report on the administration of prisons and allied services, which shall be placed before the Parliament for discussion.

27.2.30 As prisons form part of the criminal justice system and the functioning of other branches of the system—the police, the prosecution and the judiciary have a bearing on the working of prisons, it is necessary to effect proper coordination among these branches. The government shall ensure such coordination at various levels.

27.2.31 The State shall promote research in the correctional field to make prison programmes more effective.

CHAPTER XXVIII

ACTION PLAN

28.1 We have endeavoured to make, in this Report, comprehensive recommendations for an all-round improvement of prison administration. With a view, however, to focussing attention on some important recommendations and to facilitate their implementation by the Governments in the States/Union Territories and at the Centre we have attempted in this chapter a plan of action for the implementation of these recommendations. We have also tried to identify some important areas of prison development and worked out approximate financial outlays for implementing recommendations pertaining to them. We would, however, like to state that other recommendations and areas should not be lost sight of as they also have a bearing on prison administration.

ACTION PLAN

28.2 We have phased the plan of implementation of the important recommendations identified by us into three categories : immediate, short term and long term. This categorisation indicates only the period of time over which the execution of or action on various recommendations may be spread over. It has no significance to the time of initiation of action on these recommendations. Necessary preliminary action on each of these recommendations has to start immediately; however, in view of various constraints we have suggested that their implementation may be completed within two years, five years or ten years in accordance with their categorisation under different heads, viz., immediate, short term or long term, respectively. Serial numbers in the Action Plan do not indicate inter se priority of implementation of the recommendations.

28.3 The Action Plan proposed by us is as follows :

S.No.	Immediate (within 2 years)	Short term (within 5 years)	Long term (with 10 years)
(1)	(2)	(3)	(4)

CHAPTER IV : LEGISLATION

1. Inclusion of the principles of management of prisons and treatment of offenders in the Directive Principles of State Policy in Part IV of the Constitution of India.

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2. Inclusion of the subject of prisons and allied institutions in the Concurrent List of the Seventh Schedule of the Constitution of India and enactment of a uniform and comprehensive legislation on prisons.
3. In case (2) above is not accepted, preparation of a comprehensive Model Prisons Bill by the Central Government and its adoption by States and Union Territories.
4. Enactment of new legislation for young offenders.
5. (a) Amendment to the Indian Penal Code to provide for new alternatives to short term imprisonment.
(b) Amendment of section 302 and 303 of the Indian Penal Code.
6. Amendment of sections 428 and 433A of the Code of Criminal Procedure.
7. Passing of the Mental Health Bill.
8. Application of the Probation of Offenders Act, 1958, to all parts of the country. Creation of infrastructure for effective implementation of the Probation of Offenders Act.
9. Enactment of Children Act by States which do not have such Act. Application of Children Act to all parts of the country.
10. Revision/amendment of Jail Manuals.
11. Preparation of operations manuals on subjects like classification of prisoners, treatment programmes, etc. Action to be completed.

CHAPTER V : PRISON BUILDINGS

12. Survey of existing prison buildings with regard to minimum needs, preparation of plan for meeting these needs and implementation thereof.
13. Preparation of a comprehensive plan for re-modelling and renovation of existing prison buildings. Implementation of the plan.
14. Preparation of a master plan for the construction of new buildings. Implementation of the Plan.
 Action to be completed.

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15. Devising model plans of buildings for prisons — creation of a special cell at the National Buildings Organisation.
16. Creation of a technical cell at the headquarters of the Department of Prisons and Correctional Services for construction and maintenance of buildings.

CHAPTER VI : LIVING CONDITIONS IN PRISONS

17. Improvement of living conditions with special reference to diet, sanitation and hygiene, clothing, bedding, equipment, medical facilities, interviews, communication and canteen.
18. Abolition of classification of prisoners as Class I, II, III or Class A, B, or C, on the basis of education, social and economic background.
19. Constitution and effective functioning of :
 - (a) State Advisory Boards (Reference Chapter III on 'Realities in Indian Prison's also) ;
 - (b) Boards of Visitors.

CHAPTER VII : MEDICAL AND PSYCHIATRIC SERVICES

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| <ol style="list-style-type: none"> 20. Posting of adequate medical staff (medical officers, lady medical officers, and other medical and paramedical staff) . | <p>Appointment/posting of adequate professional staff such as psychologists, psychiatrists, psychiatric social workers, case workers.</p> |
| <ol style="list-style-type: none"> 21. Provision of professional and other incentives to medical officers and staff on deputation. | |
| <ol style="list-style-type: none"> 22. Provision of facilities for medical and psychiatric care of inmates. | <p>Provision of facilities involving large capital investment.</p> |
| <ol style="list-style-type: none"> 23. Shifting of all non-criminal lunatics at present in prisons to the nearest psychiatric/medical centres; and ensuring that no non-criminal lunatic is lodged in prisons in future. | |
| <ol style="list-style-type: none"> 24. Proper arrangements and facilities for the care and treatment of criminal lunatics in prison. | <p>Arrangements and facilities involving large capital investment.</p> |
| <ol style="list-style-type: none"> 25. Provision of proper medical facilities for the staff and their family members. | |

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CHAPTER VIII : SECURITY AND DISCIPLINE

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| 26. Classification of prisons into special security prisons, maximum security prisons, medium security prison and minimum security prisons—semi-open, open and Sanganer type open camps, according to security requirements. | |
| 27. Installation of equipment and appliances to meet security requirements of different categories of institutions. | Provision of equipment and appliances needing large capital investment. |
| 28. Replacement of the institution of convict officers discharging supervisory and disciplinary duties by paid staff under a phased programme. | Action to be completed. |
| 29. Introduction of progressive stage system as an incentive for improvement in the conduct and behaviour of prisoners. | |
| 30. Introduction of proper procedure for dealing with prison offences. | |
| 31. Preparation of booklet on rights and obligations of inmates and their distribution to them at the time of admission. | |
| 32. Introduction of proper mechanism for dealing with complaints and grievances of inmates. | |
| 33. Establishment of Prisoners' Panchayats for self-management and self-improvement. | |

CHAPTER IX : SYSTEM OF CLASSIFICATION

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| 34. Preparation of plan for a system of diversified institutions—appointment of panels of experts. | |
| 35. Diversification of institutions according to the security, training and treatment needs of inmates (existing buildings). | Diversification of institutions entailing construction of new buildings. |
| 36. Adoption of uniform principles of classification of prisoners. | Action as in column 3 to be completed. |
| 37. Establishment of classification committees comprising existing staff at each central/district prison. | Appointment of professional staff for classification of prisoners. |
| 38. Establishment of reception centres at central/district prisons for initial classification. | |

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CHAPTER X : TREATMENT PROGRAMMES

- 39- Introduction of treatment programmes such as diversified education, vocational training and work programmes, guidance, counselling and case work, recreational and cultural activities, sports, psycho-therapy and supportive therapy etc.
- 40- Evaluation of treatment programmes as to their effectiveness by independent agencies such as Schools of Social Work and University Departments of Social Sciences.

Treatment programmes involving large financial investment and appointment of professional technical personnel.

CHAPTER XI: WORK PROGRAMMES AND VOCATIONAL TRAINING

- 41- Provision of adequate and proper work programmes and vocational training for convicts and undertrial prisoners.
- 42- Products of prison industry to be given price, quality and finish preferences by State Governments and Union Territory Administrations.
- 43- Mechanisation of prison industry.
- 44- Modernisation of existing prison industry.
- 45- Standardisation of various products of prison industry.
- 46- Establishment of properly organised maintenance workshops at each central/district prison where industries function.
- 47- Provision of adequate funds for replacement of plant, machinery, etc.
- 48- Laying down a policy for purchase of raw materials and stores.
- 49- Reorganisation of prison industry on business-commercial principles.
- 50- Rationalisation of costing process of prison products.
- 51- Constitution of an autonomous board for work programmes and vocational training in each State/Union Territory.
- 52- Setting up of a Committee at institutional level for work programmes and vocational training.
- 53- Preparation of a master plan for work programmes and vocational training for each institution and for each State/Union Territory as a whole.

Action to be continued. Action to be completed.

Action to be continued. Action to be completed.

Action to be completed.

This is to be a continuous process.

Action to be continued. Action to be completed.

(1)	(2)	(3)	(4)
54.	Introduction of modern methods of management.		
55.	Formulation of a clear policy for the employment of inmates and for priorities of production.		
56.	Rationalization of employment of prisoners in prison maintenance services; complete ban on the use of prisoners in the offices or residential quarters of prison officials.		
57.	Standardisation of tasks for each job or for each production unit.		
58.	Introduction of a rationalised wage system in each State/Union Territory.		
59.	Fixing hours of work for each group of prisoners in accordance with the programme content of each institution.		
60.	Provision of necessary amenities in workshops and other places where prisoners work.	Action to be continued.	Action to be completed.
61.	Issue of instructions for purchase of articles manufactured by prison industry by Government/Semi-Government departments, Cooperatives and Public Undertakings.		
62.	Vocational training programmes to be devised in consultation with the Department of Technical Education, Directorate of Industries, and Vocational Institutes run by voluntary organisations. Certificates, on completion of vocational training course in prisons, to be awarded by the Department of Technical Education of State/Union Territory.	This is to be a continuous process.	
63.	Diversification of Work programmes and vocational training.	This is to be a continuous process.	
64.	Work centres and workcamps to be established for prisoners sentenced to less than one year.		
65.	Appointment of a committee of experts in each State/Union Territory to make recommendations about the reorganisation and development of work programmes and vocational training.		
66.	Formulation of master plan by each State/Union Territory for the development of agriculture, horticulture, dairy, poultry, agro-based industries and other allied activities.		

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67. A survey of agricultural land available at all closed and open institutions and its reclamation with a view to its maximum utilisation. Action to be completed.
68. Formulation of a detailed plan for the utilisation of agricultural land at each institution keeping in view the requirements of personnel and labour, possibilities of reclamation of land, introduction of appropriate cropping patterns, use of modern methods of agriculture and of improved agricultural implements, need for buildings, and transport facilities, etc., in consultation with Agriculture Department.
69. All uncultivated government land adjoining prisons or open institutions to be handed over to the prison department.
70. Provision of pucca approach roads and internal Roads for each farm. Action to be completed.
71. Establishment of properly organised maintenance shops at large farms.
72. Payment of fair and equitable wages to inmates working on agricultural farms.
73. Establishment of bio-gas plants at open institutions.
74. Introduction of vocational training in agriculture, dairy, poultry, agro-based industries, etc. Action to be completed.
75. Provision of adequate funds for prison industries, agriculture and vocational training. This is to be a continuous process.

CHAPTER XII : UNDERTRIAL AND OTHER UNCONVICTED PRISONERS

76. Improvement of conditions in police lock-ups.
77. Appointment of Board of Visitors for Police lock-ups in each district.
78. Simplification of bail procedures and speeding up trials.
79. Amendment of law to provide for grant of bail 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. Action to be completed.

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| 80. | Preparation of plans for bail hostels on the lines of the Field Wing bail hostels in U.K. | Establishment of bail hostels on experimental basis. | |
| 81. | Introduction of suitable work programmes for undertrial prisoners opting to work— payment of appropriate wages. | | |
| 82. | Appointment of a Review Committee for each jail for regularly visiting the jail and reviewing cases of undertrial prisoners. | | |
| 83. | Constitution of a state level Review Committee for undertrial prisoners. | | |

CHAPTER XIII : WOMEN PRISONERS

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| 84. | Provision of separate place with proper toilet facilities at court premises for women prisoners awaiting production before the magistrate/judge. | | |
| 85. | Shifting of women (needing protective custody) from prisons to institutions under SIT Act specially meant for such women and ensuring that such women are not lodged in prisons in future. | | |
| 86. | Provision of separate institutions/annexes for women prisoners in a phased manner. | Action to be continued. | Action to be completed. |
| 87. | Provision of women staff to manage institutions for women. | | |
| 88. | Establishment of creches for children allowed to live with women prisoners. | | |

Note : Recommendations regarding women prisoners about their custody, living conditions, training, treatment, after-care and rehabilitation, should be implemented keeping in view their special requirements.

CHAPTER XIV : CHILDREN IN PRISONS

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| 89. | Removal of all children at present in prisons to the nearest children's institutions or to non-institutional care ; and ensuring that no child is lodged in prisons in future. | | |
| 90. | Setting up of a juvenile court in each district and a Juvenile Aid Bureau as part of the police organisation in the district. | | |
| 91. | Preparation of a master plan for creation of institutional and non-institutional services for children and initiation of action on this plan. | Full implementation of the master plan. | |

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| 92. | Creation of a separate Department of Child Welfare in each State/Union Territory. | Action to be completed. | |
| 93. | Setting up of committees at district level and state level to oversee the proper implementation of Children Act and effective functioning of services for children. | | |
| 94. | Developing a well-organised voluntary probation service and encouraging voluntary participation in the care, treatment and rehabilitation of children. | Action to be completed. | |

CHAPTER XV : YOUNG OFFENDERS

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| 95. | Conversion of existing Borstal schools and juvenile jails into Kishore/Yuva Sadans with proper infrastructure under the Department of prisons and Correctional Services. | Action to be completed. | |
| 96. | Setting up of new Kishore/Yuva Sadans with proper buildings and other infrastructure. | Action to be completed. | Action to be completed. |
| 97. | Setting up of separate institutions for young girl offenders to be manned by female staff. | Action to be completed. | |
| 98. | Creation of proper infrastructure for non-institutional treatment of young offenders. | Action to be completed. | |
| 99. | Setting up of separate courts for trial of young offenders. | Action to be completed. | |
| 100. | Setting up of a wing in the headquarters organisation of the Department of Prisons and Correctional Services in each State to be headed by an Additional Director of Correctional Services to deal with all matters pertaining to young offenders. | | |

Note : Infrastructure for institutional and non-institutional care and treatment of young offenders should be provided keeping in view their special needs.

CHAPTER XVI : PRISONERS SENTENCED TO LIFE IMPRISONMENT

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| 101. | Amendment of the Code of Criminal Procedure to provide for comprehensive social and psychological study (during the period of trial) of offenders liable to be sentenced to life imprisonment on conviction. | | |
| 102. | Laying down of broad guidelines for considering cases of various types of life convicts for premature release. | | |

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CHAPTER XVIII : SUB-JAILS

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| 103. Establishment of a sub-jail at each place where a criminal court is located. | Action to be continued. Action to be completed. |
| 104. Abolition of sub-jails housed in improvised insecure buildings requiring imposition of mechanical/iron devices of human restraint on inmates. | |
| 105. Bringing all sub-jails under the administrative control of the Inspector General of Prisons. | |
| 106. Manning of all posts, including that of officer-in-charge, at sub-jails by personnel from prison department. | Action to be completed. |

CHAPTER XIX : OPEN INSTITUTIONS

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| 107. Acceptance of the principle that open institutions (semi-open, open and open institutions of Sanganer type) are a progressive and positive measure for the resocialisation of convicted offenders. | |
| 108. Liberalisation of conditions of eligibility of prisoners for admission to open institutions. | |
| 109. Full utilisation of the total capacity of the existing open institutions. | |
| 110. Conversion of land attached to closed prisons into small semi-open or open institutions annexed to such prisons. | |
| 111. Establishment of new open institutions to cover at least 20 per cent of the convicts sentenced to a term of imprisonment of one year or more. | Action to be completed. |
| 112. Employment to short-term prisoners sentenced to less than one year in semi-open or open work camps. | Action to be completed. |
| 113. Introduction of day release system for convicts confined in prisons as a measure of semi-open facility. | |
| 114. Provision of special facilities and incentives to staff posted at open institutions. | |
| 115. Preparation of model rules for the management of open institutions for the guidance of States and Union Territories. | |

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116. Introduction of the facility of allowing prisoners of open prisons (other than those of Sangarer type institutions where families are allowed to be kept) to stay for short periods with their families in separate huts constructed for the purpose near or on the premises of such prisons.

Action to be completed.

CHAPTER XX : SYSTEM OF REMISSION, LEAVE AND PREMATURE RELEASE

117. Bringing about uniformity in and liberalisation of provisions regarding remission, leave and premature release throughout the country.
118. Preparation of guide-lines by the Government of India with regard to the award of State remission.
119. Constitution of committees at the institutional level to consider cases of inmates for grant of remission.

CHAPTER XXI : COMMUNITY INVOLVEMENT IN CORRECTIONS

120. Creation of a Public Relations Cell in the headquarters organisation of the Department of Prisons and Correctional Services in each State/Union Territory for educating public about the role the community can play in the prevention of crime and treatment of offenders.

121. Encouragement of public participation in training, treatment, after-care and rehabilitation of offenders.

This is to be a continuous process.

122. Training and orientation of voluntary workers/agencies.

This is to be a continuous process.

CHAPTER : XXII AFTER-CARE, REHABILITATION AND FOLLOW-UP

123. Making after-care, rehabilitation and follow-up of discharged prisoners an integral part of the Department of Prisons and Correctional Services.

124. Setting up of a unit for after-care and follow-up at the headquarters organisation of the Department of Prisons and Correctional Services in each State/Union Territory.

125. Encouragement of voluntary participation in rehabilitation of offenders and creation of a voluntary organisation in each district for such work.

Action to be completed.

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| 126. | Establishment of after-care homes for discharged prisoners to look after their needs immediately on release. | Action to be completed. | |
| 127. | Issue of clear instructions with regard to the employment of ex-prisoners in Government service and in public sector undertakings. | | |
| 128. | Amendment of Tenancy Act to protect the interests of prisoners holding agricultural land. | | |

CHAPTER XXIII : ORGANISATIONAL STRUCTURE

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| 129. | Setting up of a separate administrative department for prisons in the secretariat of each State. | | |
| 130. | Strengthening of the set-up dealing with prisons in the Ministry of Home Affairs. | Action to be completed. | |
| 131. | Posting of senior officers having experience of prisons and correctional services in the secretariats of States and of the Central Government. | | |
| 132. | Reorganisation of the existing prison department in each State/Union Territory into a Department of Prisons and Correctional Services so as to make it responsible for institutional and non-institutional training and treatment of adult and young offenders. | | |
| 133. | Posting of an officer of the Department of Prisons and Correctional Services as Head of the Department to be designated as Inspector General of Prisons and Director of Correctional Services. | | |
| 134. | Provision of full complement of senior officers with necessary supporting staff at the headquarters of the Department of Prisons and Correctional Services. | Action to be completed. | |
| 135. | Creation of ranges in large States and appointment of D.I.G. of Prisons at such ranges. | Action to be completed. | |
| 136. | Provision of necessary officers and staff at the range level. | Action to be completed. | |
| 137. | Provision of adequate staff at various prison institutions and Kishore/Yuva Sadans. | Action to be continued. | Action to be completed. |
| 138. | Strengthening of probation and after-care services and appointment/posting of officers for the purpose in the field. | Action to be continued. | Action to be completed. |

(1)	(2)	(3)	(4)
139:	Manning of all posts in the Department of Prisons and Correctional Services, except where specialised services are required, by personnel belonging to the Department of Prisons and Correctional Services.	Action to be completed.	

Note : Implementation of items at 134 to 138 would involve creation of posts of various categories keeping in view :

- (i) inadequacy of existing traditional staff ;
- (ii) need for specialised and professional services to be manned by personnel such as psychologists, psychiatric social workers, case workers, etc., belonging to the Department of Prisons and Correctional Services ; and
- (iii) need for taking technical and professional personnel on deputation from other departments.

CHAPTER XXIV: DEVELOPMENT OF PRISON PERSONNEL

140. Creation of mechanism in the Department of Prisons and Correctional Services for manpower planning.
141. Development of proper hierarchical set-up with suitable opportunities for promotion and advancement to the personnel in the Department of Prisons and Correctional Services. Action to be completed.
142. Amendment of service rules to ensure that persons with requisite qualifications, training, experience and professional competence are available in the Department of Prisons and Correctional Services at all levels. Action to be completed.
143. Constitution of an all India service to be called the Indian Prisons and Correctional Services.
144. Provision of training facilities for basic initial training, in-service training, refresher courses and special training courses at the state, regional and national level for various categories of personnel of the Department of Prisons and Correctional Services. Action to be completed.
145. Holding of conferences of Inspectors General of Prisons and other senior officers at regular intervals at the national level. This is to be a continuous process.

(1)	(2)	(3)	(4)
146.	Deputation of senior officers of the Department of Prisons and Correctional Services:	This is to be a continuous process.	
	(i) to visit other States in the country;		
	(ii) to visit countries where innovative correctional programmes and practices have been successfully introduced; and		
	(iii) to attend conferences, training programmes, in the country and abroad.		
147.	Setting up of a professional non-official registered body at the national level with its branches in the States and Union Territories.		
148.	Revision of pay scales and allowances of prison personnel to bring them on par with those of equivalent ranks in the police.		
149.	Prescribing uniform for all security and executive staff.		
150.	Introduction of three-shift system of duties for guarding staff in the prison institutions.		
151.	Ensuring that every member of the prison staff gets a day off once a week.		
152.	Provision of training and leave reserve staff.	Action to be completed.	
153.	Residential quarters for all members of the prison staff.	Action to be continued.	Action to be completed.
154.	Payment of house rent allowances at enhanced rate to prison staff entitled to rent-free accommodation but not provided with such accommodation.		
155.	Institution of medals by the Government of India.		
156.	Recognition of special services rendered by prison personnel by the State Governments/Union Territory Administrations.		
157.	Payment of financial assistance to prison staff meeting with serious injuries, accidents, etc., in the discharges of their duties.		
158.	Payment of lump sum amount, in case of death of a prison personnel in the discharge of his duties, to the survivors of his family.		

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| 159. | Creation of a Staff Welfare Fund. | | |
| 160. | Provision of proper forum at the institutional and state level for enabling prison personnel to ventilate their grievances. | | |

CHAPTER XXV : PLANNING, RESEARCH AND DEVELOPMENT

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| 161. | Creation of a Planning and Research Unit in the headquarters organisation of the Department of Prisons and Correctional Services. | | |
| 162. | Drawing short term and long term plans for the development of prisons and allied services. | | |
| 163. | Undertaking research in subjects having direct bearing on problems connected with prisons and other allied services. | This is to be a continuous process. | |
| 164. | Standardisation of proforma for collection of statistical data on a uniform pattern throughout the country. | | |
| 165. | Inclusion of the development of prisons and allied services in the national plans. | | |
| 166. | Provision of adequate funds for the development of prisons and allied services. | This is to be a continuous process. | |

CHAPTER XXVI : NATIONAL COMMISSION ON PRISONS

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| 167. | Establishment and of a permanent National Commission on Prisons. | | |
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CHAPTER XXVII : NATIONAL POLICY ON PRISONS

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| 168. | Formulation and adoption of a National Policy on Prisons. | | |
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Note : Action on items 167 and 168 should be completed within six months.

Financial Implications

28.4 Some of the recommendations made by us can be implemented without incurring much expenditure; their implementation would require only an intelligent and judicious management of the existing human, material and financial resources. There are, however, certain recommendations which would require considerable financial outlay. There are still others which would not require large financial outlays but are otherwise important and have so far been neglected. Keeping all this in view we have selected certain important areas and worked out financial outlays for improvement in these areas. The task of working out financial implications has been a difficult one as there are wide diversities in the management of prisons, not only from State to State but also from institution to institution in the same State. While preparing estimates we have taken into account broad principles and the need for achieving basic minimum standards in the

management of prisons. Our estimates give only an approximate idea of the finances required. The areas identified by us and the approximate financial outlays required are as below:—

Prison Buildings

28.5 Construction of new buildings: In Chapter V on 'Prison Buildings' we have laid down principles for the construction of new buildings and have also estimated likely financial outlay on them. This comes to about Rs. 376 crores.

28.6 Remodelling and renovation of old buildings : Most of the existing prison buildings need remodelling and renovation to make them not only functional but also habitable. Some categories of prisoners now lodged in these buildings would be lodged in new buildings when they are constructed. We estimate that even after such shifting the existing buildings, with necessary remodelling and renovation, will provide for a prison population of about one lakh. On the basis of an expenditure of Rs. 10,000 per prisoner, the total outlay on remodelling and renovation of the existing buildings would be about Rs. 100 crores.

Improvement of Living Conditions

28.7 We feel that the direct expenditure on a prisoner on his diet, clothing, bedding, medical care, hygiene and sanitation, etc., should be Rs. 8 per day. At present, on an average, the expenditure being incurred is about Rs. 4/- per day per prisoner. Therefore, provision will have to be made for an additional expenditure of Rs. 4/- per day per prisoner. This would be a recurring expenditure and would come to about Rs. 23 crores per annum.

Staff Development

28.8 In this Report we have made recommendations with a view to transforming the existing prison institutions into centres for treatment, training and correction of offenders so that the objective of imprisonment, viz., reformation and rehabilitation of offenders, is achieved. For this purpose we have suggested a new staff structure for the Department of Prisons and Correctional Services. The desired transformation of institutions would also largely depend on the availability of qualified and competent personnel in sufficient numbers. Additional staff will have to be provided. There would be need for its proper training. Service conditions of the staff will also have to be improved. Our recommendations in this regard are contained in Chapter XXIII on 'Organisational Structure' and in Chapter XXIV on 'Development of Prison Personnel'. Keeping all this in view we have tried to assess the additional staff of various categories that would be needed. While estimating the requirements of funds for this additional staff we have taken into account the pay structure of some of the progressive States in the country. According to our broad estimates the expenditure on additional staff is likely to be about Rs. 50 crores annually. This expenditure is to be incurred in a phased manner as indicated by us above.

Work Programmes and Vocational Training

28.9 The number of convicted inmates in prisons in the country was 64090 as on December 31, 1980. We have recommended that prisoners sentenced to less than one year of imprisonment should be employed in work camps. This category of prisoners would, therefore, not be available for employment on work programmes in the prison. Further a certain percentage of convicted prisoners are required for prison maintenance services. Generally prisoners in the age group of 16 to 60 years are employed in work programmes. However, prisoners who are sick, infirm or in segregation cannot be emp-

loyed on work programmes. Taking into account all these factors we estimate that the convicted prisoners employable on prison work programmes would be about 30,000. We have also recommended in our Report that suitable work opportunities should be created for undertrial prisoners as well. Undertrial inmates staying in prisons for less than six months would either not volunteer to work or, if they volunteer to work, they can be usefully utilised on prison maintenance services or may be provided employment on very simple work programmes which would not require significant investment. The number of undertrials who were staying in prisons for more than six months as on December 31, 1980, was about 15,000 and it is these undertrial prisoners who would perhaps be willing to work and can be usefully employed on mechanised or semi-mechanised work programmes in prisons. Thus, the total employable prison population would be about 45,000.

28.10 According to the statistics furnished to us by various State Governments/ Union Territory Administrations, the existing employment capacity of work programmes in prisons is about 26,000. However, only about 20,000 inmates are employed on work programmes. During our visits to various States and Union Territories we have noticed that, by and large the machinery and equipment in prison industries is out-dated and out-moded and needs replacement so that the prison work programmes may be modernised. The same is the position with agriculture and agro-based industries.

28.11 We estimate that modernisation of existing work programmes in prisons and provision of new work programmes for unemployed prison population would, on an average, need capital investment on machinery, equipment, etc., at the rate of about Rs. 2,500 per prisoner. Thus, the total capital non-recurring investment on this account to meet the needs of 45,000 prisoners would be Rs. 11.25 crores.

28.12 Semi-mechanised and mechanised work programmes, of the type we are suggesting for prisoners, would need substantial working capital of a recurring nature which may be about five times the capital non-recurring investment. About 20,000 inmates in prisons are already employed on existing work programmes in prisons and for them, we believe, necessary working capital is already provided in the budgets of the prison departments. However, this provision would not be sufficient after the existing work programmes are modernised and will have to be enhanced. In addition, working capital for new work programmes to be created for the inmate population of about 25,000, which at present is unemployed, will also be required. This additional provision on the basis of the norms pointed out by us above would be about Rs. 31 crores. Keeping in view the need of enhanced working capital for existing work programmes on their modernisation, we estimate that an additional provision of about Rs. 40 crores will have to be made in the budgets of the prison departments of various States and Union Territories. We may point out here that this working capital would be utilised mainly on purchase of raw materials, payment of wages, and other over-head expenses and would be recoverable from the sale proceeds of the goods produced by the prisons. As we have recommended in Chapter XI on 'Work Programmes and Vocational Training' the prison work programmes should be so organised as to yield a margin of profit on the investment and, therefore, there should be no hesitation on the part of the State Governments and Union Territory Administrations in making investments in them. The prison work programmes would not only pay some return on the investment but will also help in achieving the objectives of reformation and rehabilitation of the offenders.

28.13 We have elsewhere stressed that vocational training should be imparted to prison inmates on a systematic basis. However, those who undergo vocational training would also be employed on work programmes. Therefore, the provisions indicated above for work programmes would also take care of vocational training programmes.

Other Treatment Programmes

28.14 Treatment programmes would play an important role in improving the quality of life of the prisoners. They have been described in detail in Chapter X of this Report. We feel that for such programmes as education, sports, recreation and other leisure-time activities a provision of Rs. 100 per prisoner per year should be made. This would entail an expenditure of Rs. 1.60 crores per annum.

After-care, Rehabilitation and Follow-up

28.15 We have recommended in Chapter XXII that these services should form an integral part of the Department of Prisons and Correctional Services and that effective and extensive participation of the community should be secured in these fields. This aspect has generally been ignored so far. We are of the view that to begin with for the first year an amount of Rs. 10 crores may be earmarked for these services.

Research

28.16 Research is an area which is absolutely necessary for the improvement of prison management and effectiveness of prison programmes. This aspect has so far not received any significant attention. In Chapter XXV on 'Planning, Research and Development' we have identified important areas which might be taken for research projects. A provision of Rs. 1.00 crore should be made for the first year so that action may be initiated in this field.

CHAPTER XXIX

SUMMARY OF RECOMMENDATIONS

S. No.	Summary of Recommendations	Paragraph No.
(1)	(2)	(3)

CHAPTER III

REALITIES IN INDIAN PRISONS

1. For making the present prison system conducive to the achievement of desired objectives, certain basic pre-requisites should be ensured which would constitute the four pillars on which the Indian prison system can be restructured. 3-45-1 to 3-45-15

CHAPTER IV

LEGISLATION

2. Directive Principle on National Policy on Prisons should be formulated and embedded in Part IV of the Constitution. 4-34-1
3. The subject of prisons and allied institutions should be included in the Concurrent List of the Seventh Schedule of the Constitution of India. 4-34-2
4. All the Acts pertaining to prison administration should be consolidated and a new uniform and comprehensive legislation enacted by the Parliament for the entire country. 4-34-3
5. In case the subject of prisons and allied institutions is not brought under the Concurrent List, the Government of India should prepare a model Bill for being adopted by all the States and Union Territories. 4-34-4
6. Immediate steps should be taken by the State Governments/Union Territory Administrations to frame rules under the prison statute. 4-34-5
7. Revision of jail manuals of the States and Union Territories should be given top priority. 4-34-6
8. Standing executive instructions issued for meeting certain situations or for efficient running of prison administration should be separately bound as reference material for the prison personnel. 4-34-7
9. Operations manuals on various subjects of prison management should be prepared and made available to the staff for guidance. 4-34-9
10. A separate legislation for young offenders should be passed to replace the present Probation Schools Acts. 4-34-10
11. Civil prisoners should not be detained in jails meant for convicted and criminal prisoners. 4-34-11