

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

MINISTRY OF HOME AFFAIRS  
GOVERNMENT OF INDIA

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1999.

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

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

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

#### References :

1. Summary of the White Paper on Crime, 1978; Government of Japan; page. 21.
2. Corrections: Report of the National Advisory Commission on Criminal Justice Standards and Goals, USA : 1973 : Part II, Chapter 7— Corrections and the Community; page 226.
3. The Bhagvadgita : Dr. S. Radhakrishnan, Verse 21, Chapter III; page 140.
4. Corrections : Report of the National Advisory Commission on Criminal Justice Standards and Goals, USA: 1973: Part II, Chapter 7— Corrections and the Community; page 222.
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6. Report of the Fourth United Nations Congress on the Prevention of Crime and Treatment of Offenders (United Nations Publication, Sales No. E.71 IV.8) New York, 1971.
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## CHAPTER XXII

### AFTER-CARE, REHABILITATION AND FOLLOW-UP

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

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

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

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



in this regard the Committee stated that :

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

#### References:

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



## CHAPTER XXIII

### ORGANISATIONAL STRUCTURE

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

23.2 A short retrospect on the development of prison organisation in India will enable us to appreciate its present staff and organisational structure in the right perspective. The institution of prisons in its organised form and the system of prison administration in India are of British origin and were introduced in the country as part of British administration. Prisons during the earlier days of British rule were run by District Magistrates who were indifferent to the human aspect of prison administration and were reluctant to accept welfare as an objective of prisons. Conditions in prisons were extremely bad till 1835.<sup>1</sup>

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

#### References:

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



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

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



## STAFFING PATTERN FOR A CENTRAL PRISON WITH A POPULATION OF 750

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

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



## Annexure XXIII-C

## STAFFING PATTERN FOR A DISTRICT PRISON WITH A POPULATION OF 400

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



## CHAPTER XXIV

### DEVELOPMENT OF PRISON PERSONNEL

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



24.44.33 Proper literature should be prepared for meeting the training needs of various categories of personnel of the Department of Prisons and Correctional Services.

24.44.34 Basic initial training, in-service training, refresher courses and special training courses should be organised by the training institutions for various categories of personnel.

24.44.35 The Inspector General of Prisons and Director of Correctional Services should prepare a panel of officers for attending conferences and special training courses in the country and abroad.

24.44.36 The proposed National Commission on Prisons should organise conferences of Inspectors General of Prisons and other senior officers of the Department of Prisons and Correctional Services at regular intervals at the national level.

24.44.37 Study teams of senior officers should be deputed to visit other States in the country. Such teams may also visit countries where innovative correctional programmes and practices have been successfully introduced. Officers with outstanding performance in the department should be given preference for such visits.

24.44.38 The Central Government, the State Governments and the Union Territory Administrations should encourage setting up of a professional non-official registered body at the national level with its branches in all the States and Union Territories and should provide necessary financial and other assistance to them for their proper functioning.

#### References:

1. Report of the Indian Jails Committee 1919-20; page 33, paragraph 16.
2. Ibid; pages 33-34, paragraph 17.
3. Report of the All India Jail Manual Committee 1957-59 ; page 28, paragraph 48.
4. Ibid; page 29, paragraph 50.
5. Report of the Working Group on Prisons 1972-73.
6. Report of the Indian Jails Committee 1919-20.
7. Report of the Working Group on Prisons 1972-73.
8. Report of the All India Jail Manual Committee 1957-59; pages 30-31.



LIKELY STRENGTH OF THE CADRE OF THE INDIAN PRISONS  
AND CORRECTIONAL SERVICE FOR ANDHRA PRADESH

Designation of post

Number  
of posts

## I Super time scale posts :

1. Inspector General of Prisons and Director of Correctional Services	. . . . .	1
2. Additional/Joint Secretary to the State Government	. . . . .	1
3. Additional Inspector General of Prisons	. . . . .	1
4. Additional Director of Correctional Services (Young Offenders)	. . . . .	1
5. Director of Women and Children Services	. . . . .	1
6. Deputy Inspector General of Prisons :		
(i) Headquarters		
(a) Administration	. . . . .	1
(b) Correctional Services	. . . . .	1
(ii) Joint Director, Probation and Aftercare Services	. . . . .	1
(iii) Deputy Inspector General of Prisons (Range)	. . . . .	1
(iv) Joint Director Women and Children Services	. . . . .	1
7. Deputy Secretary to the State Government.	. . . . .	1
		<u>11</u>

## II Senior scale/Selection scale posts :

1. Superintendent of Central Prison, Assistant Inspector General of Prisons and other equivalent posts in the Department of Prisons and Correctional Services:		
(i) Superintendent, Central Prison	. . . . .	6
(ii) Superintendent, Open Prison	. . . . .	3
(iii) Principal, Kishore/Yuva Sadan	. . . . .	2
(iv) Principal, Warder Training School	. . . . .	1
(v) Assistant Inspector General of Prisons	. . . . .	2
(vi) Deputy Director Probation and Aftercare/Regional Probation Officer	. . . . .	4
2. Deputy Director (Women Institutions)	. . . . .	1
3. Deputy Director (Children Institutions)	. . . . .	1
4. Regional Probation Officer (Children)	. . . . .	6

Total

26



## Designation of Post

Number  
of posts

III Junior posts* :		12
(i) Superintendent, District Prison/Deputy Superintendent, Central Prison		
(ii) Superintendents of Children institutions (Certified Schools/Approved Schools/Child Guidance Bureau/Remand Homes)		
(iii) Superintendents of Women institutions		
(iv) Vice Principals of institutions for Young Offenders		
(v) District Probation Officers		
(vi) Superintendent of Aftercare Homes		
IV Leave Reserve		5
V Training Reserve		6
Grand Total		60

\*Note : It is estimated that the total number of posts in categories mentioned under this item in the State would be about 150. Out of these, 12 posts may be held by junior scale officers of the proposed all India service.



## PROPOSED HIERARCHICAL SET UP OF THE DEPARTMENT OF PRISONS AND CORRECTIONAL SERVICES

Inspector General of Prisons and Director of Correctional Services.

Additional Inspector General of Prisons/Additional Director of Correctional Services (Young Offenders).

Deputy Inspector General of Prisons/Joint Director, Probation and Aftercare Services/ Joint Director, Correctional Services (Young Offenders).

Regional Probation Officer/Deputy Director of Probation and Aftercare Services

Superintendent, Central Prison/A.I.G. Prisons/Principal, Training School, Principal, Kishore (Yuva) Sadan.

Chief Psychologist (Headquarters)

Additional Superintendent, Central Prison/Senior-Vice-Principal, Kishore (Yuva) Sadan.

Senior Psychologist (Central Prison)

District Probation Officer

Superintendent, District Prison/Deputy Superintendent, Central Prison/Vice-Principal, Kishore (Yuva) Sadan.

Psychologist (District Prison)

Probation Officer Gr. I

Assistant Superintendent Gr. I/House Master Grade I\*

Psychiatric Social Worker/Case Worker.

Probation Officer Gr. II

Assistant Superintendent Gr. II/House Master Grade II\*

Chief Head Warder/Chief Supervisor\*

LEGEND :

—Channel of Promotion.

—Equivalent posts

\*Posts in Kishore (Yuva) Sadan.

Head Warder/Senior Supervisor\*

Warder/Supervisor\*



SCHEDULES FOR DIRECT RECRUITMENT AND PROMOTIONS TO VARIOUS CATEGORIES  
OF POSTS IN THE DEPARTMENT OF PRISONS AND CORRECTIONAL SERVICES.

SCHEDULE I

Post	Warder	Head Warder	Chief Head Warder
Minimum educational qualifications	Matriculation/Secondary/SSLC/ 10th standard in the 10+2 system.	..	..
Physical standard	As prescribed for police constable in the State/UT	..	..
Preferential qualification	Graduate/Ex-serviceman	..	..
Higher start	4 advance increments for graduates.	..	..
Agency for recruitment or promotion	Departmental Board consisting of a DIG Prisons and two Superintendents of Central Prisons	Departmental Committee consisting of a DIG Prisons and two Superintendents of Central Prisons.	Departmental Promotion Committee consisting of DIG Prisons (Admn) and two other DIGs of Prisons.
Percentage of direct recruitment	100%	..	..
Percentage of promotion quota	..	100%	100%
Basic initial training	9 months training in the Training School	..	..
Refresher course	Once in every three years	Once in every three years	Once in every three years



## SCHEDULE-I (Contd.)

Departmental examination	At the end of the training	Pre-promotional qualifying examination	
		(i)	(ii)
Period of probation	2 years	Examination at the end of the training after promotion.	Examination at the end of the training after promotion.
Experience	..	Three years (two years, if graduate) experience on the post of warder for appearing at the pre-promotional qualifying examination.	Three years (two years, if graduate) experience on the post of Head Warder for appearing at the pre-promotional qualifying examination.



1. Post	Assistant Superintendent Grade II	Assistant Superintendent Gr. I	Deputy Superintendent, Central Prison/Superintendent, District Prison	Additional Superintendent
Minimum educational qualifications	Graduate	..	Post-Graduate in Behavioural Sciences/Social Work/Criminology/Correctional Administration	..
Physical standard	As prescribed for Sub-Inspector of Police in the State/UT	..	As prescribed for the post of Dy. Superintendent of Police in the State/UT	..
Preferential qualifications	Post-Graduate in Behavioural Sciences/Social Work	..	Graduate in Law	..
Higher start	4 advance increments to those possessing preferential qualifications	..	..	..
Agency for recruitment or promotion	(i) Direct Recruitment : State Public Service Commission (ii) Promotion : Departmental Promotion Committee consisting of : (a) I.G. Prisons (b) One Addl. IG Prisons if the post exists	Departmental Promotion Committee consisting of : (a) IG Prisons (b) One Addl. IG Prisons if the post exists otherwise DIG Prisons (Admn)	(i) Direct Recruitment : State Public Service Commission (ii) Promotion : Departmental Promotion Committee as in case of other equivalent posts in the State/UT.	Departmental Promotion Committee as in case of other equivalent posts in the State/UT.
Percentage of direct recruitment	8.9%	..	50%	..
Percentage of promotion quota	20%	100%	50%	100%



1	2	3	4	5	6
9. Basic initial training	One year training at the Regional Training Institute followed by field experience for six months for direct recruits.	..	..	One year training at the Regional Training Institute followed by field experience for six months for direct recruits.	
10. Refresher course	Once in every three years.	Once in every three years.	Once in every three years.	Once in every three years.	Once in every three years.
11. Departmental examination	(i) Direct Recruitment: At the end of the training at the Institute	(i) Pre-promotional qualifying examination	(i) Direct Recruitment: At the end of the training at the Institute.	(i) Direct Recruitment: At the end of the training at the Institute.	
	(ii) Promotion:	(ii) Examination at the end of the training after promotion.	(ii) Promotion:	(ii) Promotion:	
	(a) Pre-promotional qualifying examination		(a) Pre-promotional qualifying examination	(a) Pre-promotional qualifying examination	
	(b) Examination at the end of the training after promotion.		(b) Examination at the end of the training after promotion.	(b) Examination at the end of the training after promotion.	
12. Period of probation	(i) Direct Recruitment: 2 years	..	(i) Direct Recruitment: 2 years	(i) Direct Recruitment: 2 years	
	(ii) Promotion: Nil	..	(ii) Promotion: Nil	(ii) Promotion: Nil	
13. Experience	3 years as Chief Head Warder for appearing at the pre-promotional qualifying examination in case of candidates coming through promotional channel.	3 years on the post of Assistant Superintendent Grade II for appearing at the pre-promotional qualifying examination.	3 years as Assistant Superintendent, Grade I/Psychiatric Social Worker/Case Worker for appearing at the pre-promotional examination in case of candidates coming through promotional channel.	4 years as Deputy Superintendent, Central Prison/Superintendent, District Prison.	



1	2	3	4	5	6
Post	Superintendent Central Prison/ Assistant Inspector General Prisons/Principal Training school	Deputy Inspector General Prisons/Joint Director Pro- bation and Aftercare/Joint Director Correctional Servi- ces (Young Offenders)	Additional Inspector General Prisons/Additional Director of Correctional Services (Young Offenders)	Inspector General Prisons and Director Correctional Services.	
2. Minimum educational qualifications	..	..	..	..	
3. Physical standard	..	..	..	..	
4. Preferential qualifica- tions	..	..	..	..	
5. Higher start	..	..	..	..	
6. Agency for recruitment or promotion	Departmental promotion Co- mmittee as in case of other equivalent posts in the State/ UT.	Departmental Promotion Co- mmittee as in case of other equivalent posts in the State/ UT.	Departmental Promotion Co- mmittee as in case of other equivalent posts in the State/ UT.	Departmental Promotion Co- mmittee as in case of other equivalent posts in the State/ UT.	
7. Percentage of direct re- cruitment	..	..	..	..	
8. Percentage of promotion quota.	100%	100%	100%	100%	
9. Basic initial training	..	..	..	..	
10. Refresher course	Once in every three years	Once in every three years	Once in every three years	Once in every three years	
11. Departmental exami- nation	..	..	..	..	



## SCHEDULE-I (Contd.)

1	2	3	4	5	6
12. Period of probation					
13. Experience	One year as Additional Superintendent	2 years experience as Superintendent Central Prison/Assistant Inspector General Prisons/Principal, Training School/Regional Probation Officer/Deputy Director of probation and Aftercare Services.	One year experience as Deputy Inspector General Prisons.	One year experience as Additional Inspector General Prisons/Deputy Inspector General Prisons.	
Note: (i) After the Indian Prisons and Correctional Service, as recommended by us, is constituted, recruitment, training, promotion, etc., for members of this service should be governed by rules similar to those for other all India services.					
(ii) The designation of Posts in Kishore/Yuva Sadan has not been included in this Schedule. However, equivalence of posts in Kishore/Yuva Sadan with posts in the prisons has been given in Annexure B. The corresponding posts would be interchangeable. Posts in Kishore/Yuva Sadan and prisons would constitute a common cadre. Recruitment and promotion to the posts for Kishore/Yuva Sadan would, therefore, be made jointly with those for posts in prisons.					



## SCHEDULE-II

1	2	3	4	5	6
1. Post	Probation Officer Grade II	Probation Officer Grade I	District Production Officer	Regional Probation Officer/Deputy Director of Probation and Aftercare Services	
2. Minimum educational qualifications	Graduate	..	Post-Graduate in Behavioural Sciences/Social Work/Criminology and Correctional Administration.	..	
3. Physical standard	As prescribed for Assistant Superintendent Grade II.	..	As prescribed for the post of Deputy Superintendent, Central Prison/Superintendent District Prison.	..	
4. Preferential qualifications	Post-Graduate in Behavioural Sciences/Social Work.	..	Graduate in Law	..	
5. Higher start	4 advance increments to those possessing preferential qualifications.	..	..	..	
6. Agency for recruitment of promotion	State Public Service Commission.	(i) Departmental Promotion Committee consisting of Inspector General of Prisons. (ii) Additional Inspector General of Prisons, if the post exists; otherwise Deputy Inspector General Prisons (Admn.) (iii) Joint Director/Deputy Director of Probation and Aftercare Services.	(i) Direct Recruitment: State Public Service Commission (ii) Promotion: Departmental Promotion Committee as in case of Deputy Superintendent Central Prison/Superintendent, District Prison.	Departmental Promotion Committee as in case of other equivalent posts in the State /UT.	
7. Percentage of direct recruitment	100%	..	50%	..	
8. Percentage of promotion quota	..	100%	50%	100%	



1	2	3	4	5	6
9.	Basic initial training	One year training at the Regional Training Institute followed by field experience for six months.	..	One year training at the Regional Training Institute followed by field experience for six months for direct recruits.	
10.	Refresher course	Once in every three years.	Once in every three years.	Once in every three years.	Once in every three years.
11.	Departmental examination	At the end of the training at the Institute.	(i) Pre-promotional qualifying examination (ii) Examination at the end of the training after promotion.	(i) Direct recruitment : At the end of the training at the Institute. (ii) Promotion : (a) Pre-promotional qualifying examination (b) Examination at the end of the training after promotion.	
12.	Period of probation	Two years	..	Direct recruitment : 2 years Promotion : Nil	
13.	Experience	..	Three years as Probation Officer Grade II for appearing at the pre-promotional qualifying examination.	Three years as Probation Officer Grade I for appearing at the pre-promotional qualifying examination for those coming through promotional channel.	5 years experience as District Probation Officer.

Note : Equivalence of posts given in this schedule with the corresponding posts in prisons has been given in Annexure B. These posts would, however, constitute a separate cadre. The officers working as Regional Probation Officers/Deputy Directors of Probation and Aftercare Services would be eligible for promotion to the post of Deputy Inspector General of Prisons and at that level the two cadres will merge into one.



# SCHEDULE-IV

1	2	3	4	5
1. Post	Psychologist	Senior Psychologist	Chief Psychologist	
2. Minimum educational qualifications	Post-graduate in psychology with diploma in medical psychology.	—	—	
3. Physical standard	—	—	—	
4. Preferential qualifications	—	—	—	
5. Higher start	—	—	—	
6. Agency for recruitment or promotion	State Public Service Commission.	Departmental Promotion Committee as in case of other equivalent posts in the State/U.T.	Departmental Promotion Committee as in case of other equivalent posts in the State/U.T.	
7. Percentage of direct recruitment	100%	—	—	
8. Percentage of promotion quota	—	100%	100%	
9. Basic initial training	—	—	—	
10. Refresher course	Professional refresher course once in every three years	Professional refresher course once in every three years.	Professional refresher course once in every three years.	
11. Departmental examination	—	—	—	
12. Period of probation	Two years	—	—	
13. Experience	—	Three years as Psychologist	Three years as Senior Psychologist.	

Note : The equivalence of these posts with other posts in the department is given at Annexure B. These posts would constitute a separate cadre.



1	2	3	4
1.	Post	Psychiatric Social Worker	Case Worker
2.	Minimum educational qualifications.	Post-graduate in Social Work with specialisation in medical and psychiatric social work.	Post-graduate in Social Work with specialisation in Correctional work.
3.	Physical standard	As prescribed for the post of Assistant Superintendent Grade II.	As prescribed for the post of Assistant Superintendent Grade II.
4.	Preferential qualifications.	—	—
5.	Higher start	—	—
6.	Agency for recruitment or promotion.	State Public Service Commission.	State Public Service Commission.
7.	Percentage of direct recruitment.	100%	100%
8.	Percentage of promotion quota.	—	—
9.	Basic initial training	One year	One year
10.	Refresher course	Once in every three years	Once in every three years
11.	Departmental examination.	—	—
12.	Period of probation	Two years	Two years
13.	Experience	—	—

Note : Posts included in this Schedule would be equivalent to the post of Assistant Superintendent Grade I (*see* Annexure B). The persons working on these posts would be eligible for promotion to the post of Superintendent, District Prison/Deputy Superintendent, Central Prison.



## BROAD OUTLINE OF A STATE LEVEL TRAINING SCHOOL

State level training schools should cater to all the training needs of Warders, Head Warders, Chief Head Warders, corresponding staff of Kishore/Yuva Sadans, ministerials staff, etc. of the Department of Prisons and Correctional Services. The requirements of such schools will be as follows :—

### Land :

Sufficient land for buildings, play-grounds, field for physical training, etc.

### Buildings :

The school buildings should have the following facilities :

- (i) Administrative block consisting of—
  - (a) office rooms for the Principal, Vice-Principal, Administrative Officer and Accounts Officer ;
  - (b) a hall for the office staff ;
  - (c) common staff rooms for teachers and instructors;
  - (d) a library with a reading room ;
  - (e) class-rooms;
  - (f) a dispensary ;
  - (g) a record-room ;
  - (h) a magazine-room ;
  - (i) a store room ;
- (ii) Barrack accommodation for trainees with separate facility of cupboard for each trainee and with common bath-rooms and lavatories.
- (iii) A recreation room for trainees.
- (iv) A kitchen with a suitable dining hall.
- (v) Residential accommodation for staff.

### Financial arrangements :

The entire capital cost of buildings, furniture, equipment, etc., should be borne by the Government of India. However, the recurring expenditure on the school should be borne by the State concerned.

### Staff :

The training school may have the following staff :

- (i) Principal
- (ii) Vice-Principal
- (iii) Administrative Officer

I  
I  
I



(iv) Accounts Officer	1
(v) Lecturers	4
(vi) Visiting Lecturers	As required
(vii) Instructors for parade, musketry and unarmed combat	3
(viii) Office Superintendent	1
(ix) Assistants	2
(x) Junior Assistant-cum-Typist	1
(xi) Peons	4
(xii) Pharmacist	1
(xiii) Part-time Medical Officer	1
(xiv) Electrician	1
(xv) Driver	1
(xvi) Office Orderlies	3
(xvii) Chowkidars	3
(xviii) Gardeners	2
(xix) Sweepers	2
(xx) Cooks	2

- Notes : (1) The posts in the school should be filled by departmental personnel on transfer.
- (2) The staff posted to the school should be paid a special compensatory allowance amounting to 10 per cent of the pay.
- (3) Visiting lecturers may be invited, wherever necessary, for teaching special subjects. They should be paid suitable honorarium/travelling allowance as per rules.
- (4) The Principal of the school should be an officer of the rank of Superintendent, Central Prison, whereas the Vice-Principal should be of the rank of Superintendent, District Prison.
- (5) The lecturers should be of the rank of Assistant Superintendent Grade I and the instructors not lower in rank than that of Assistant Superintendent Grade II.

#### Transport :

The school may be provided with a bus for the use of the trainees.

#### Training Programmes :

The school should organise the following training courses :

- (i) Basic initial training of a duration of 9 months for newly recruited and untrained Warders/Supervisors ;
- (ii) Suitable training courses for newly promoted Head Warders, Chief Head Warders, Senior Supervisors and Chief Supervisors ;



(iii) Suitable training courses for ministerial staff ;

(iv) Refresher courses for various categories of staff.

Note : A candidate, completing the nine-month training course successfully, should be awarded a Certificate in Correctional Administration.

#### Syllabus :

A broad outline of the syllabus for the initial training of prison guards is given below, which may be reviewed once every three years.

#### Physical Training :

Selected exercises from tables 1 to 4 from the book 'Recruits Basic Physical Training Courses'. Free standing exercises; Ground gymnastics; Horse work; Athletics and obstacle course; Games.

#### Drill :

Drill without arms; Drill with arms; Platoon and company Drill.

#### Weapon Training :

Maintenance and care of arms;  
Aiming, loading and unloading ;  
Musketry practices; Standing; sitting and /or kneeling, lying down; bayonet fighting.

#### Unarmed Combat :

Lathi (cane) exercises, Defence against a knife thrust, Wrist holds and breaking of wrist holds, Karate.

#### Staff management and discipline :

Staff organisation; Service conduct rules; Service record; Staff discipline; Departmental inquiry; Disciplinary action; Prosecution.  
National flag; U.N. flag; National anthem.  
Uniform and equipment; Guard and sentry duties; Saluting; Reporting; Ceremonial parade.  
Compliments to be paid by prison guards to prison staff members; Government Officers; prison visitors and dignitaries.  
Quarter guard; Arms & ammunition; Kit inspection; Staff lines.  
Concessions and rewards; Staff welfare.

#### Law:

Constitution of India (Very brief summary of concerned chapters only);  
Indian Penal Code; Classification of crimes; (Important sections);  
Code of Criminal Procedure (relevant sections);  
Prisons Act;  
Prisoners Act;  
Transfer of Prisoners Act;  
Prisoners Attendance in Courts Act;  
Habitual Offenders Act;  
Probation of Offenders Act;  
Children Act (relevant sections).



### Police Administration:

Police organisation; Functions of the police; Investigation methods; working of a police station; working of a police lock-up; Finger Print Bureau; Modus Operandi Bureau.

### Administration of Justice:

Courts; working of a court; special points regarding court work with which prison administration is concerned.

### Prison Management:

Classification of prisons; categories of prisoners. Prison premises-care; maintenance and precautions; security and custody measures.

Prison gate; quarantine procedures; admission procedure; classification of prisoners; daily routine; rights of prisoners; facilities to prisoners; management of yards/enclosures; discipline in prisons; work and employment of prisoners; management of prison kitchen; prison dietary; management of prison canteen; management of workshop; duties in prison hospital; prison stores; management of various services in prisons.

Undertrial prisoners; convicted prisoners; young adult prisoners/adolescent offenders; women offenders; life convicts; prisoners sentenced to simple imprisonment; civil prisoners; military prisoners; criminals and non-criminal lunatics; habitual offenders; prisoners sentenced to death; persons detained in prisons during agitations; orderly room procedure; punishments that can be awarded to prisoners as per prison manual; management of the yard/cells where prisoners undergoing punishment for prison offences are kept; Convict officers (Convict overseers and night watch-men).

Review of sentence; cases of prisoners sentenced for infanticide; review on medical grounds; 14 years report of prisoners sentenced to life imprisonment; Advisory Board; Prison visitors and moral instructors.

Transfer of prisoners; extramural work; management of prison farms; dairy; poultry; etc.

Procedures regarding the release of prisoners on leave, special leave and final release. Emergencies in prisons and other emergencies; death of a prisoner.

Prison registers and record.

Objectives of punishment; protecting prisoners from the ill-effects of imprisonment; the correctional approach; reformation & rehabilitation of offenders; duties of guarding personnel in the proper implementation of the correctional procedures.

After-care and rehabilitation of prisoners.

First-aid.



## BROAD OUTLINE FOR A REGIONAL INSTITUTE OF CORRECTIONAL ADMINISTRATION

### Constitution:

The Regional Institute should be an autonomous body duly registered and having a constitution, bye-laws, rules and regulations of its own. For this purpose, the constitution of the Regional Medical College in Manipur and the rules and bye-laws of the Police Training College, Barapani may serve as models.

### Board of Management:

The management of the Regional Institute should vest in a Board of Management consisting of the Inspectors General of Prisons of participating States/Union Territories, representative (s) of the Government of India and such other members as may be nominated by the participating State Government/Union Territory Administrations. The Director of the Institute should be the Member-Secretary of the Board of Management.

### Location:

One such Institute is already functioning at Vellore. We have recommended that four more institutes should be located one each at Calcutta, Chandigarh, Lucknow and Pune.

### Land:

Adequate land for the Institute should be provided by the State/Union Territory where the Institute would be located.

### Building:

The building of the Institute should have the following facilities:

- (i) Administrative block consisting of:
  - (a) office rooms for the Director, Deputy Director, Administrative Officer and Accounts Officer;
  - (b) common staff rooms for lecturers and instructors;
  - (c) a room for the Director's personal staff;
  - (d) a hall for the office staff;
  - (e) a lounge for visitors;
  - (f) a library with a reading room;
  - (g) class rooms;
  - (h) an assembly-hall with public address system;
  - (i) a record room;
  - (j) a store room;



- (k) a magazine room;
- (l) a garage.
- (ii) Hostel accommodation with single-bed rooms having attached bathrooms for senior trainee officers and double-bed rooms for others having common bath-rooms and lavatories.
- (iii) A recreation hall for trainees.
- (iv) A kitchen with a suitable dining hall.
- (v) A dispensary.
- (vi) A Guest House for guest faculty and important visitors.
- (vii) Residential accommodation for staff.

#### Equipment:

The Institute should be provided with the following furniture and other equipment :—

- (i) Office furniture, almirahs, type-writing machines, record room racks, furniture for dispensary, chairs and reading tables for the library, etc.
- (ii) Assembly hall furniture.
- (iii) Class room furniture.
- (iv) Teaching aids and audio-visual equipment, etc.
- (v) Furniture like cots, mattresses, pillows, chairs, tables, etc., for the hostel.
- (vi) Dining tables and chairs for the mess.
- (vii) Cooking and serving utensils.

#### Finance:

The capital cost (buildings, equipment and furniture) of setting up Regional Institutes should be borne entirely by the Government of India. 50 per cent of the recurring expenditure of the Institutes should be borne by the Government of India and the remaining 50 per cent shared by the participating States/Union Territories.

#### Staff :

The Institute may have the following staff :

1. Director	
2. Deputy Directors	1
3. Administrative Officer	2
4. Accounts Officer	1
5. Part-time Medical Officer	1
6. Lecturers	1
7. Visiting lecturers and guest lecturers	6
8. Instructor for physical training and unarmed combat	As required
9. Musketry Instructor	1



10. Librarian	1
11. Office Superintendent	1
12. Stenographers	2
13. Assistants	2
14. Junior Accountant	1
15. Junior Assistants	2
16. Junior Assistant-cum-Typists	2
17. Pharmacist	1
18. Electrician	1
19. Drivers	3
20. Office Orderlies	2
21. Peons	4
22. Chowkidars	3
23. Gardeners	3
24. Cooks	2
25. Hostel Servants	2
26. Sweepers	4

Note : (1) One of the lecturers may look after the hostel wardenship and mess supervision and be paid honorarium of Rs. 150/- per month for this additional work.

(2) Visiting lecturers and guest lecturers may be paid TA/DA and honorarium as below:

(i) Non-officials may be paid first class fare by train for the journeys performed by them. However, eminent non-officials may be paid air fare after approval by the Board of Management.

(ii) Officials (serving and retired) may be paid TA according to Central Government rules.

(iii) Daily allowance may be paid at Central Government rates.

(iv) The lecturers may be paid an honorarium of Rs. 50/- per lecture or such sum as might be determined from time to time by the Board of Management keeping in view the honorarium paid by other institutes like the National Police Academy, etc.

(3) Officers of the following categories may be taken on deputation in the Institute:

(i) Director

(ii) Deputy Director

(iii) Administrative Officer

(iv) Accounts Officer

As regards lecturers, qualified and experienced officers of the rank of Superintendent of a District Prison should be taken on deputation for teaching subjects having a direct bearing on the practical working of the various correctional services; lecturers for teaching academic subjects should be recruited



from the open market on permanent basis. The rest of the staff should also be recruited on a permanent basis. The staff taken on deputation should be paid 20 per cent of the pay as special compensatory allowance.

- (4) The Director of the Institute should be an officer of the rank of Inspector General of Prisons, and the Deputy Directors of the rank of Deputy Inspectors General of Prisons. The Administrative Officer may be an officer of the rank of Superintendent or Additional Superintendent of a Central Prison
- (5) Of the two Deputy Directors in an institute, one may look after administration and the other after research and training. The Deputy Director (Admn.) should be a departmental officer taken on deputation and the Deputy Director (Research and Training) should be an academican taken on deputation from University Departments/Institute of Social Sciences/School of Social Work

#### Transport :

The Institute should be provided with a car, a van and a bus.

#### Examination System:

Performance of candidates at the Institute should be adjudged in the following manner :

- (i) Objective type examination;
- (ii) Examination with reference to books in subjects having direct application in the field;
- (iii) Examination without reference to books in subjects dealing with theoretical aspects;
- (iv) Assessment of performance in:
  - (a) Field work;
  - (b) Assignments;
  - (c) Physical Training, Drill, Unarmed combat and Musketry;
  - (d) Syndicate studies; project reports; and Case history of prisoners;
  - (e) Seminars, group discussions and Workshops;
- (v) Viva-voce.

#### Programme of Training:

The Regional Institute should cater to all the training needs of officers from the rank of Assistant Superintendent Grade II to the rank of Superintendent, District Prison/Deputy Superintendent, Central Prison and the corresponding cadres of other branches of the correctional services. The Institute may organise the following training programmes:-

- (i) Basic initial training of one year for all direct recruits. After the successful completion of this training, the candidates should be posted for a duration of six months for field experience in their respective States/Union Territories.



During this period the candidates should be put under the supervision of a senior and trained correctional officer, who at the end of this period will send his assessment report about the performance of the candidate to the appropriate authority in the State/Union Territory. Thereafter, the candidate should be given independent charge of the post for which he has been recruited for a period of six months. On the basis of his performance at the Regional Institute, field experience and performance in an independent position suitable orders may be passed about the completion or otherwise of the period of probation by the candidate.

- (ii) One year training for serving officers who have not undergone basic initial training at the time of recruitment, on the same lines as that for newly recruited officers. For such officers placement for field experience and holding of independent charge of a post will not be necessary.
- (iii) A suitable training course for officers newly promoted to the ranks mentioned above.
- (iv) Specialised and refresher courses. Candidates completing the prescribed one-year training course successfully may be awarded a Diploma in Correctional Administration; others may be given a Certificate for having attended a particular course.

Board of Studies :

The Regional Institute should have a Board of Studies.

Syllabus :

A broad outline of the syllabus for the one year training course at the Institute is given below. For other courses the Board of Studies would evolve suitable syllabi keeping in view the contents of this syllabus.

Law :

Constitution of India

Criminal jurisprudence, Criminal Law and Criminology

The Indian Penal Code

The Code of Criminal Procedure

Indian Evidence Act (Principles)

The Prisons Act

The Prisoners Act

The Transfer of Prisoners Act

The Attendance of Prisoners in Courts Act

Indian Lunacy Act

The Civil Jails Act

Borstal Schools Act and rules

Probation of Offenders Act and rules

Habitual Offenders Act

Children Act and rules



Suppression of Immoral Traffic in Women and Girls Act  
 Police Act  
 Social legislation in India  
 Administration of Justice in India

Sociology :

Nature and scope of sociology and its relation to other social sciences :

- (i) The basic pattern
- (ii) Man
- (iii) Environment
- (iv) Culture
- (v) Sociology and psychology
- (vi) Sociology and anthropology.

Some fundamental sociological concepts and sociology of groups :

Society, community, association, custom folkways and mores ;

Distinction between customs and morals;

Distinction between customs and law;

Structure and the functions of group;

The Primary groups, the secondary groups, the reference groups ;

The gang and its relation to the social system;

The sub-culture of the gang;

Socialization, culture and social stratification;

Indian social organization and its major social institutions such as family, marriage, religion, property, etc.;

Social change and disorganization with special reference to India;

The Monistic theories ;

The Evolution;

The Sociological theory ;

The Society as a moving equilibrium,

Social cycle, social stagnation, process of social disorganization, factors leading to social disorganization, social disorganization and its relation to delinquency and crime process of social organization.

Urbanization and its impact on social institutions;

Migration to urban areas, over population, unemployment, poverty, illiteracy, etc.;

Social conformity, social deviation and social control.

Psychology :

(General psychology, Social psychology, criminal psychology and abnormal psychology) ;

Field and scope of psychology ;



Structure of human personality ;  
 Heredity and environment ;  
 Biological and social motives of human behaviour ;  
 Human interaction and its products.

#### Social Processes :

Beliefs, attitudes and prejudices ;  
 Development and change in beliefs and attitudes ;  
 The measurement of beliefs and attitudes.

#### Group structure and norms :

Individual in social context ;  
 Experience and behaviour in social situation ;  
 The structure and function of social groups ;  
 Group moral, leadership and co-operation ;  
 Formation of social norms ;  
 Intergroup relations ;  
 Collective behaviour ;  
 Normal and abnormal behaviour ;  
 Motivation and adjustment, physiological drives ;  
 Psychological motives and adjustment process ;  
 Frustration, conflict psycho-dynamics of mental mechanism and symptoms ;  
 General causes of abnormal behaviour and forms of abnormality, psycho neurosis, psychosis, mental deficiency, anti-social personalities and crime ;  
 Psychological factors in criminal behaviour ;  
 Psychology of particular types of criminal behaviour ;  
 Offences against human life and physical integrity ;  
 Offences against property ;  
 Arson, Swindler ;  
 Political criminal ;  
 Sex-offenders ;  
 Offenders and undertrials ;  
 Psychological services in institutional treatment ;  
 Role of psychology in penology ;  
 Readjustment of social attitudes ;  
 Readjustment of inter-personal difficulties ;  
 Role of psychiatry in criminal law and correctional work.



### Criminology :

- Crime a social problem in India ;
- How behaviour becomes criminal ;
- Etiology of criminal behaviour ;
- Factors in the physical, external environment ;
- Biological factors ;
- Heridity and crime ;
- Criminal twin method, geneological tree method ;
- The constitutional school, physical defects and abnormalities, the new-Lombrosian school ;
- Sociological factors ;
- Social transmission of patterns of behaviour ;
- Factors of association and companionship ;
- Agencies of moral risk, contacts in custody, agencies of mass-impression, economic factors, mental and emotional factors ;
- Categoric risks in crime, social class, sex, age, area variations.

### Typology of crime :

- Social criminals and individualized criminals ;
- Professional and career crime ;
- Organized crime ;
- White collar crime ;
- Crime as deviant behaviour ;
- Crime and personality disorganization ;
- Crime and social disorganization ;
- Crime and society ;
- Delinquency and crime ;
- Delinquency and crime in India ;
- Review of theories of criminology and their practical application in the field of prison administration ;
- How understanding of the process of criminal behaviour has to be used in the field of prison management ;
- How knowledge of criminology has to be utilized in a practical way in the present set-up of prison administration.

### Penology and correctional administration :

- Definition and scope of penology ;
- Evaluation of concept of punishment and forms of punishment ;
- Origin and growth of prison system ;



- Modern correctional principles and practices ;
- Correctional institutions, prison architecture and buildings ;
- Classification of prisons; classification of prisoners; segregation of prisoners; inmate personnel relationship ; care and welfare of prisoners; basic needs of prisoners ; living conditions in prisons compatible with human dignity ;
- Classification of prisoners on scientific basis ;
- Classification of prisons for grouping of inmates on homogeneous basis;
- Procedures from admission to release ;
- Protection of inmates from criminal culture ;
- Treatment programmes in prisons ;
- Prison discipline ;
- Prison diet and medical care ;
- Work programmes for prisoners ;
- Modernization of prison industries, prison agriculture and vocational training ;
- Contacts with family and community—interview leave, special leave etc.;
- Review of sentence ; conditional or unconditional premature release ;
- Aftercare, follow-up and rehabilitation of released prisoners ;
- Problems of women offenders, young offenders, lifers, prisoners sentenced to death, children in prisons, etc. ;
- Co-ordination between law enforcement agencies and correctional administration;
- Pre-requisites for correctional system.
- Note : The model Prison Manual should be referred to for teaching these subjects as text book.

#### Social case work :

- Definition of social case work, its postulates, principles, organization and structure ;
- Types of interviews ; rapport in interviewing ;
- Interviews ; questionnaire and how to prepare it ;
- Interviewer-client relationship ;
- How to conduct an interview ;
- Recording of interview ;
- Analysis of case record ;
- Discussion of case material ;
- Diagnosis of the inmate's behaviour problems, plan of treatment, client worker relationship in treatment process ;
- Possibilities of social case work approach in the institutional set up.



### Social Group work :

- Principles of social group work ;
- Group dynamics ;
- Group processes ;
- Group work methods ;
- How the group situations in institutions can be used for re-educating the offenders ;
- Possibilities of adopting the group work approach in institutions ;
- Group work and organized recreation.

### Probation :

- Probation of Offenders Act, 1958 and the rules framed thereunder ;
- Historical review of probation ; philosophy of probation ;
- Organisation of probation service ;
- Role of volunteers in probation ;
- Juvenile probation—adult probation.

### Juvenile Delinquency :

- Causes of Juvenile delinquency ;
- Historical survey of legislation relating to the treatment of juvenile delinquents ;
- Children Act ;
- Reformatory Schools Act ;
- Juvenile Court procedure ;
- Existing provisions for and the methods of treatment of juvenile delinquents ;
- Content of treatment programmes of juvenile delinquents ;
- Observation homes/Remand homes ;
- Certified schools/special schools ;
- Release procedures and aftercare ;
- Measures for the prevention of juvenile delinquency ;
- Points to which prison personnel should devote special attention regarding juvenile delinquents.

### Public Administration :

- Public administration as an aspect of social science ;
- Principles of public administration ; authority ; duty ; responsibility ; coordination.  
supervision, direction ; control ; hierarchy ; equity ;
- Policy making and planning ;
- Coordination ; integration ;
- Centralization , delegation—supervision ;



Personnel management ; recruitment, merit system, principles of promotion, probation, training, service-conditions,

#### Training :

Formal and informal training ; pre-service training, basic initial training, refresher courses, workshops, seminars and conferences ;

Conduct and discipline, code of integrity and ethics ;

Personnel forums and associations.

#### Departmental Organisation :

Organisation of department of prisons and correctional services ;

Staff discipline rules, administrative and financial procedures and powers, office procedures, Accounts, internal audit and outside audit ;

Preparation of budget, passing of the budget by the legislature, implimentation of budget, treasury procedures, accounts and audit.

#### Administrative powers :

Delegated legislation : statutory and non-statutory rules ; Inspection of institutions ;  
Investigation and departmental enquiries.

#### Responsibilities :

To the legislature ; to the judiciary and to the department.

#### Public relation :

Nature and scope of public relations ;

Understanding public aspirations ;

Development of public relations, information for the public, use of media and publicity ;

Public administration in democracy.

#### Police administration :

Police organisation, Police Act, methods of investigation and detection of crime, finger print bureau, *modus operandi* bureau, stages in the process of law enforcement.

#### Manuals and Regulations :

Prison Manual, Model Prison Manual, Accounts Manual, Sub-jail Manual, Statutory and non-statutory rules, standing executive orders, Civil Service Rules, conduct, discipline and appeal rules.

Manual of departmental enquiries, general provident fund rules, contingent expenditure rules .

Budget manual ;



Rules of office procedure.

Field work :

- Prison gate ;
- Admission and release branch ;
- Prison dietary ;
- Management of prison industries ;
- Management of prison canteens ;
- Management of prison kitchen ;
- Management of prison hospitals ;
- Management of circles, barracks, yards, etc. ;
- Management of punishment yard ;
- Management of the area where prisoners sentenced to death are kept ;
- Giving orientation talks to prisoners ;
- Preparing case histories of prisoners ;
- Organizing recreational and cultural activities, etc ;
- Demonstrations regarding various operations in institutional management ;
- Field work in other correctional institutions ;
- Remand homes/observations homes ;
- Certified schools/special schools ;
- After-care agencies ;
- Institutions under the Suppression of Immoral Traffic in Women and Girls Act, etc.

Emergencies :

- Escape, hunger-strike, accidents, assaults death, fire, suicide, work-strike, epidemic, food-poisoning, control of violent prisoners, failure of electricity, water-supply, etc., alarm procedure, first aid.

P.T. Drill & Weapon training :

- Physical training exercises ;
- Squad drill ;
- Company drill ;
- Weapon training ;
- Ceremonial parade ;
- Unarmed combat/karate ;
- Baton and cane drill ;
- Obstacles course ;



Inspection of guards and sentry duty ;  
 Saluting ;  
 Reporting ;  
 Kit-inspection ;  
 Outdoor games.

#### Visits to Institutions :

Police stations ; Police lock-up ;  
 Finger print bureau ;  
 Modus operandi bureau ;  
 Courts ;  
 Remand - homes/Observation homes ;  
 Certified schools/special schools ;  
 Institutions for Women offenders ;  
 Prison ; mental hospitals ; Civil hospital ;  
 After-care institutions ;  
 Industrial training centres and technical schools ;  
 Agricultural farms ;  
 Fire brigade ;  
 Physical training school ;  
 Institutions for the handicapped.

#### Assignments :

Committee Projects ;  
 Seminars ;  
 All India Study Tour and camp for outdoor training, etc.



## EXTRACT FROM CHAPTER XI OF THE MODEL PRISON MANUAL ON SERVICE CONDITIONS

### Facilities while on duty :

12. The following facilities should be extended to the personnel while they are on duty :

- (i) Rest-rooms for the use of staff members, who are required to wait in the institution in between their duty periods. These rooms can be used as smoke rooms by staff members;
- (ii) Staff canteen;
- (iii) Bath-rooms, lavatories and W.Cs.;
- (iv) Lockers;
- (v) First aid boxes including necessary equipment for snake bites at remote duty points/prison farms/out-posts, etc.;
- (vi) Torches and boots for night duty personnel;
- (vii) Charpoys for those who will be resting in between night duty periods;
- (viii) Raincoats, umbrellas, overcoats, gumboots, etc.

### Holidays :

13. (i) Holidays will be observed in accordance with local customs in each State as specified by the Government;

(ii) Those who work on holidays should be allowed additional off days.

### Medical facilities :

15. The following medical facilities should be extended to the staff and their families :
- (i) Properly equipped staff hospital ward and maternity ward outside the institution;
  - (ii) Free medical attendance and treatment at the institutional hospital at the civil hospital and at special institutions like Tuberculosis Sanatoria, Infirmarys, etc. ;
  - (iii) Supply of medicines, injections, etc., other than those usually available at the institutional hospital;
  - (iv) Special facilities to Government servants suffering from tuberculosis;
  - (v) Facilities during convalescence period such as leave, housing, medical aid, concession in hours of work, etc. ;
  - (vi) Anti-rabic treatment;
  - (vii) Ambulance facilities.



### Educational facilities :

16. The following educational facilities should be extended:

- (i) School facilities near institutional premises;
- (ii) A school for children of the staff at institutions situated at a long distance from the city;
- (iii) Transport at Government cost for educational needs of children of the staff or in the alternative, suitable Transport Allowance for school/college going children of the staff;
- (iv) Hostel accommodation for children of transferred and other staff members on institutional premises.

**Note:** Hostels for children of the staff should be established in centres where educational facilities are available, where independent hostels cannot be immediately set up, seats in other hostels should be secured for children of the staff.

### Miscellaneous facilities :

- (i) In case an institution is located at a distance from the city or town, the administration shall make necessary arrangements for the housing of staff members as well as for the educational facilities for children of the staff. In such cases, arrangements for the transport of staff members to and from the nearest city should be made at Government cost. Special facilities should be provided in cases of medical emergencies, sickness, etc. ;
- (ii) The following miscellaneous facilities may be extended to staff members:
  - (a) Mess for unmarried staff members;
  - (b) Use of institutional transport at the time of transfer on payment on mileage basis;
  - (c) Free travel warrants to non-gazetted personnel to their home town or village once in two years;
  - (d) Sports facilities, annual sports meets, travelling allowance incidental to the above;
  - (e) Accommodation in Government quarters in hill stations and holiday resort in States where such facilities are made available to Government servants;
  - (f) Co-operative housing facilities;
  - (g) Facilities for joining co-operative farms or co-operative industries for retired personnel.



## EXTRACT FROM CHAPTER XI OF THE MODEL PRISON MANUAL ON SERVICE CONDITIONS

### Staff meetings :

23 (i) The Superintendent will convene a monthly meeting of the institutional staff members. The objects of this meeting are :

- (a) To bring co-ordination in institutional activities;
- (b) To improve methods of work;
- (c) To interpret Governmental policies to staff members;
- (d) To explain new procedures, rules and regulations, policies regarding inmate discipline, treatment of prisoners, institutional management, etc.;
- (e) To explain policies relating to personnel management, staff discipline and morale in the staff lines, etc.;
- (f) To explain the welfare programme as chalked out by the staff Welfare Committee;
- (g) To give opportunities to staff members to discuss their common problems;
- (h) To communicate appreciation of good work as and when necessary;
- (i) To present rewards to staff members as and when necessary.

NOTE: 1. The staff meetings should be conducted in a proper spirit. Only common problems and suggestions for common welfare should be discussed. The monthly staff meetings should be conducted in such a manner as would help to develop a cooperative feeling and esprit-de-corps among the institutional personnel.

NOTE: 2. Staff meetings should be held in the Headquarters Office also.

(ii) Minutes of the conference should be recorded and a copy thereof should be forwarded to the Inspector General with the remarks of the Superintendent.

### Conferences :

24 (i) Conferences of departmental personnel should be held annually. The objective of such conferences should be:

- (a) To take stock of things achieved;
- (b) To evaluate current procedures, practices, methods and organization;
- (c) To plan for future development of the department;
- (d) To understand staff problems and staff aspirations.

(ii) Minutes of the conferences should be recorded and the Inspector General will forward the same to Government along with his proposals. Action taken on these proposals will be communicated to institutional personnel by the Head Quarters office.

NOTE: Papers on topics connected with Correctional Administration may be presented at such conferences. Sectional meetings, work-shop groups, etc., may also be arranged.



## PLANNING, RESEARCH AND DEVELOPMENT

25.1 The development of prisons in India, when viewed in relation to the requirements of the reformation and rehabilitation of offenders, is demonstrative of an unplanned and unsystematic approach to the problem of crime and the criminals. In spite of the fact that the goals and objectives of correctional system have been repeatedly stressed by various national committees there has been a conspicuous lack of planning for the development of prisons to achieve them.

25.2 India annually spends a little over 50 crores of rupees on prisons for the up-keep of approximately 1.59 lakh prisoners as shown in Annexure A to this Chapter. This is in addition to the huge cost involved in investigation of crime, prosecution of offenders and administration of justice through law courts. Our prison system is further taxing the society in terms of moral depreciation of inmates and non-utilisation of manpower. It is merely continuing to send the criminals back into society without any constructive modification in their behaviour. This, more or less, is the picture of our prison system. It is groping into a blind alley, not quite knowing how to achieve its desired objectives.

25.3 The system has run totally out of tune with modern needs because "it has lacked an in-built mechanism to keep pace with and absorb scientific and technological advancements in the field of behaviour modification and correctional management. Many of the problems faced by the correctional system of our country are related directly to its failure to adjust itself to the current needs of the society. While the free community is trying to break the barriers of time and space, our prisons are obstinately holding to century-old obsolete traditions both in management of prisons and in work programmes for prisoners. Effectiveness of the correctional system in relation to its pronounced objectives has never been evaluated and the lack of comprehensive research and planning has left the country lagging behind the times and in a desperate situation. The people manning and managing prisons do not know what they should do now to face a situation that might occur ten years hence in view of the rate of change in social environment, nor do they know what impact the work they have been doing for the past ten years has left on the society in terms of tangible results.

25.4 An unfortunate feature of the correctional system in the country is that the goals and objectives of prisons have not yet been incorporated in the prison legislation. The Prisons Act 1894 (applicable to the country even today without any substantial change for the past almost one century) defines prisons merely as places of detention. The real objectives of prisons, the reformation and rehabilitation of the offender, are thus devoid of the force and sanctity of law. These objectives have been completely ignored and it has never been thought necessary to subject even the work of mere 'detention' of offenders to any kind of research and planning. The system has, therefore, tended to function in a rut, and innovations have been discouraged. Prison personnel, in general, have developed an attitude of acquiescence in whatever is happening as a routine, with a sense of resignation towards any effort for improvement. The development of our correctional system has been stunted in the absence of an appropriate legal framework. The prison administration has also not made any sustained effort for the growth of the system in keeping with the changing needs of the time.



25.5 Planning for prison development on the basis of a national policy becomes all the more important and imperative when the basic assumptions and objectives of a system are either absent or are critically questioned. The citizens of a welfare State like ours have a legitimate right to question why so much is being spent from the public exchequer to maintain the criminal and the delinquent, year after year, if nothing good is demonstrably produced for the society.

"They would insist on the correctional institution rendering a proper account of itself in terms of concrete results of rehabilitation and reformation of offenders. They would demand that if society had to pay the cost of maintaining them, the cost should pay dividends in definitive social defence measures truly capable of serving as a defence against the depredations of the antisocial elements, and of allowing the law-abiding to pursue their respective occupations and interests without late or hindrance."<sup>1</sup>

25.6 It is in this that lies the main justification for proper planning, evaluation of action plans and continuous research for the development of correctional organisation. Reformation of the deviant in a given society can, and should, be a continuous process sprouting through well-based anticipations of changes in social environment which function as determinants of the correctional process. The effectiveness and development of correctional organisation depends on its functional capability to sense, absorb and adapt itself to the changing social forces under which it must operate. No organisation dealing with human material can afford to maintain a status quo, for as long as our correctional system has done, without running the risk of stagnation and eventual ineffectiveness.

25.7 It is high time, therefore, for us to properly plan for the future of our correctional system and to evolve a mechanism (within the system itself) which could give it necessary feed-back through systematic monitoring, study, analysis and research and help it in keeping abreast of the scientific advancements in the field of both behavioural sciences and organizational management in order to ensure its sustained development.

25.8 Our recommendations in this regard are as follows :

25.8.1 A new legislation, as suggested in Chapter IV on 'Legislation' of this Report, should clearly define the general objectives of correctional system in the country.

25.8.2 The State Government and Union Territory Administrations, keeping in view with the general objectives, should lay down specific objectives and goals not only for their respective departmental organizations but also for individual institutional organizations. Such goals could be in terms of functional renovation/reconstruction of prison buildings, diversification of correctional institutions, classification of prisoners, rehabilitative reorientation of prison industries, correctional contents of prison programmes, recruitment and training of prison personnel, modalities of coordination with other branches of the criminal justice system and quantitative targets for the correctional system such as: crime reduced; number of criminals rehabilitated; ex-offenders employed; prisoners educated; productivity of prisons increased; sale proceeds of prison manufacture augmented; amount of loan extended to inmates/ex-inmates under innovative banking schemes and from other sources; the amount recovered through the sale proceeds of their manufactures; and the like. These goals should be subject to change or modification according to local conditions and other factors impinging upon the department or the individual institution.

25.8.3 There should be an established procedure for reviewing the organizational and institutional goals by the department at least once a year.

25.8.4 The proposed National Commission on Prisons (Chapter XXVI of this Report) should be functionally linked with State correctional organisations to review the achievements of goals and objectives; to conduct basic and utility research correctional field;



to identify key social, economic and functional influences effecting corrections, and to predict the possible future impact of such influences for the benefit of field organisations. The Commission should also plan in consultation with State correctional departments their future organizational, personnel and functional structure.

25.8.5 There should be an appropriately manned unit for planning and research at the headquarters of the Department of Prisons and Correctional Services of each State and Union Territory. This unit should be responsible for reviewing, assessing and evaluating the progress of institutional work in relation to specified institutional goals.

25.8.6 Each State/Union Territory should develop an integrated process of long-term and short-term planning for administrative and operational functioning, and should prepare plans in close liaison with the National Commission on Prisons. Some of the areas for such planning have been indicated in para 25.8.2 above.

25.8.7 The proposed National Commission on Prisons should coordinate the plans prepared by various States and Union Territories and should monitor their progress so as to have an all India perspective of the development of prisons in the context of accepted goals and objectives.

25.8.8 The proposed National Commission on Prisons should work out some pilot projects, e.g., in the fields of diversification of institutions, classification of prisoners, educational and vocational training, prisons programmes, after-care services, and training of prison personnel, etc., to serve as demonstration projects for the development of prison administration. These projects should be monitored, tested and evaluated with the help of expertise in the field, to be later transferred to the States/Union Territories for adoption and continuation. The Commission should also make cost allocations for such specific action plans.

25.8.9 Research in the correctional field should be problem oriented and practical, so that solution to the immediate and long-term problems could be found on the basis of scientific and analytical study. For this purpose the proposed National Commission on Prisons and the Planning and Research Unit of the Department of Prisons and Correctional Services should seek coordination with and cooperation of university departments of sociology, schools of social work, National Institute of Social defence and such other organizations as are pursuing social and management research. They can also seek cooperation of individual social scientists and management experts. To make this academic pursuit valuable for the use of the department, specific subjects on which scientific research is desirable from correctional point of view should be identified by the field workers, while research projects on them should be taken up by the planning and Research Unit of the department in collaboration with educational institutions. (An illustrative list of such subjects is enclosed as Annexure B attached to this chapter).

25.8.10 A continuous flow of meaningful data is of utmost importance if research has to make any significant contribution to organisational efficiency and achievement of goals. This requires systematic collection of statistical data on a uniform pattern throughout the country. In this connection we agree with the recommendations made by the All India Jail Manual Committee to the following extent :

- (i) Correctional statistics should be linked up with census, health and criminal statistics;
- (ii) There should be close coordination of the statistics collected by the Police Administration, Administration of Justice and Correctional Administration;
- (iii) There should be a statistical section in the Planning and Research Unit at the headquarters of the Department of Prisons and Correctional Services manned by properly trained personnel;



- (iv) Each central and district prison should have a statistical unit which should handle all matters pertaining to statistics; and
- (v) Statistical forms and compilations should be standardized on an all India basis.

We regret to note that despite specific recommendations not much headway has been made in this direction. The offices of Inspector General of Prisons in most of the States still do not have a separate statistical unit. It is worth mentioning in this connection that it took the Committee almost one year to get basic data on prison administration from the States and Union Territories.

25.8.11 The proposed National Commission on Prisons should standardize and prescribe uniform performance for the collection of statistics all over the country. It should also collect correctional statistics on a national basis and publish an annual statistical report on corrections on the lines brought out by the Bureau of Police Research and Development.

25.8.12 A scientific method of keeping and weeding of record in prison department should be evolved in consultation with the Department of Archives and be strictly followed by institutional organizations. This will greatly help the ready availability of statistics for analysis and research.

## PRISONS AND NATIONAL PLANS

25.9 Efforts appear to have been made to muster financial resources for the development of prisons. The question of including prisons in the national developmental plans has, we understand, been considered in the past. The planning Commission were of the view that reforms in the administrative measures for better functioning of jails could not be considered as part of developmental programme as they were a normal administrative responsibility of the State Governments. Only the scheme of the appointment of welfare officers in prisons and the establishment of creches for children accompanying women prisoners, initiated under the social welfare sector were included in the Second Five Year Plan. It appears that at some stage the Planning Commission did realise that jails needed improvement, as they were of the view that programmes which have a bearing on rehabilitation of prisoners after their release, could be considered for being included in the plan on merits of each proposal. Accordingly, the Ministry of Home Affairs had suggested for inclusion in the Fourth Plan the following schemes which had a direct bearing on the rehabilitation of the prisoners and their welfare :

- (i) Classification and diagnosis of prisoners.
- (ii) Legal aid for prisoners.
- (iii) Development of after-care and parole.
- (iv) Assistance to discharged prisoners, their families and children.
- (v) Recreational facilities, library, cultural programmes, etc.

The above were, however, not approved by the Planning Commission for reasons best known to them. At the time when the Fifth Five Year Plan was being formulated, yet another effort was made to get the modernisation of prisons included in that Plan but without any success.

25.10 The exercise of getting adequate funds for the development of prisons was repeated year after year. But this did not bring in any additional funds from the plans. Consequently, the Ministry of Home Affairs within their own budget made a token provision of Rs. 2 crores in the year 1977-78 and Rs. 4 crores in the year 1978-79. These



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## 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

	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
<b>TOTAL</b>	<b>159692</b>	<b>37,05,82,331</b>
Projected expenditure in respect of six States from where figures have not been received		13,29,36,654
<b>Grand Total :</b>		<b>50,35,19,006</b>

\*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.



## Annexure XXV-C

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	6.94
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

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\*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"<sup>1</sup>.

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 reassimilate 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.



(1)

(2)

(3)

(4)

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.



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

20. Posting of adequate medical staff (medical officers, lady medical officers, and other medical and paramedical staff) .

Appointment/posting of adequate professional staff such as psychologists, psychiatrists, psychiatric social workers, case workers.

21. Provision of professional and other incentives to medical officers and staff on deputation.

22. Provision of facilities for medical and psychiatric care of inmates.

Provision of facilities involving large capital investment.

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.

24. Proper arrangements and facilities for the care and treatment of criminal lunatics in prison.

Arrangements and facilities involving large capital investment.

25. Provision of proper medical facilities for the staff and their family members.



(1)

(2)

(3)

(4)

## CHAPTER VIII : SECURITY AND DISCIPLINE

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.
28. Replacement of the institution of convict officers discharging supervisory and disciplinary duties by paid staff under a phased programme.
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.

Provision of equipment and appliances needing large capital investment.

Action to be completed.

## CHAPTER IX : SYSTEM OF CLASSIFICATION

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).
36. Adoption of uniform principles of classification of prisoners.
37. Establishment of classification committees comprising existing staff at each central/district prison.
38. Establishment of reception centres at central/district prisons for initial classification.

Diversification of institutions entailing construction of new buildings.

Action as in column 3 to be completed.

Appointment of professional staff for classification of prisoners.



## 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-cum-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)

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|---|---|
| <p>54. Introduction of modern methods of management.</p> <p>55. Formulation of a clear policy for the employment of inmates and for priorities of production.</p> <p>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.</p> <p>57. Standardisation of tasks for each job or for each production unit.</p> <p>58. Introduction of a rationalised wage system in each State/Union Territory.</p> <p>59. Fixing hours of work for each group of prisoners in accordance with the programme content of each institution.</p> <p>60. Provision of necessary amenities in workshops and other places where prisoners work.</p> <p>61. Issue of instructions for purchase of articles manufactured by prison industry by Government/Semi-Government departments, Cooperatives and Public Undertakings.</p> <p>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.</p> <p>63. Diversification of Work programmes and vocational training.</p> <p>64. Work centres and workcamps to be established for prisoners sentenced to less than one year.</p> <p>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.</p> <p>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.</p> | <p>Action to be continued.      Action to be completed.</p> <p>This is to be a continuous process.</p> <p>This is to be a continuous process.</p> |
|---|---|



- (1)
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.



- |     |     |     |     |
|-----|-----|-----|-----|
| (1) | (2) | (3) | (4) |
|-----|-----|-----|-----|
80. Preparation of plans for bail hostels on the lines of the Field Wing bail hostels in U.K.
  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.

Establishment of bail hostels on experimental basis.

### CHAPTER XIII : WOMEN PRISONERS

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.
87. Provision of women staff to manage institutions for women.
88. Establishment of creches for children allowed to live with women prisoners.

Action to be continued. Action to be completed.

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

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.



(1)	(2)	(3)	(4)
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92. Creation of a separate Department of Child Welfare in each State/Union Territory.

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

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

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.



(1)	(2)	(3)	(4)
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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

- |   |                         |
|---|-------------------------|
| 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.   |                         |



(1)	(2)	(3)	(4)
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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.



(1)	(2)	(3)	(4)
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

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)
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- 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:	<ul style="list-style-type: none"> <li>(i) to visit other States in the country;</li> <li>(ii) to visit countries where innovative correctional programmes and practices have been successfully introduced; and</li> <li>(iii) to attend conferences, training programmes, in the country and abroad.</li> </ul>	This is to be a continuous process.	
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.			



(1)	(2)	(3)	(4)
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

- |      |   |                                     |
|------|---|-------------------------------------|
| 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

167. Establishment and of a permanent National Commission on Prisons.

#### CHAPTER XXVII : NATIONAL POLICY ON PRISONS

168. Formulation and adoption of a National Policy on Prisons.

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 foundations on which the Indian prison system can be restructured. | 3-45-1 to<br>3-45-15 |
|--|----------------------|

### CHAPTER IV

#### LEGISLATION

- |  |                  |
|--|------------------|
| 2. Directive Principle on National Policy on Prisons should be formulated and embodied 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<br>4-34-7 |
| 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.              | 4-34-8           |
| 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          |



(1)	(2)	(3)
96. On admission each prisoner should be asked to give a list of persons with whom he wants to correspond.		6.18.5
97. There should be no limit on incoming letters for prisoners.		6.18.6
98. There should be no restriction on the number of letters prisoners may send at their own cost. However, at government cost an undertrial should be allowed to write two letters per week whereas a convict should be allowed to write one letter per week.		6.18.7
99. Illiterate or semi-literate prisoners should be provided help in writing letters.		6.18.8
100. Guidelines for censorship of letters should be formulated so that censorship of letters is done on the basis of human considerations.		6.18.9
<i>Interviews</i>		
101. The scale of interviews for convicted and undertrial prisoners should be liberalized.		6.19.1 12.17.16
102. Facilities for interviews of prisoners should be humanized and conditions/procedure governing grant of interviews rationalized.		6.19.2 to 6.19.8
103. A senior officer in charge of interviews should be responsible for grant of interviews as per rules.		6.19.9
<i>Canteens</i>		
104. Canteens should be organized in all the central and district prisons.		6.20.1 6.20.3
105. Canteen facilities should be extended to all prisoners.		6.20.2
106. Canteens should be run on the basis of marginal profit.		6.20.4
107. Each prisoner should have a canteen card in which the canteen credits and debits should be recorded.		6.20.5
108. Prisoners should be allowed to spend not more than half of the wages earned in prisons on purchases from canteens. In addition, prisoners should be allowed to spend upto Rs. 30 per month from their private cash for purchasing articles from the canteen.		6.20.6
109. Canteen accounts should be got audited every month.		6.20.7
110. Prisoners, panchyats should be associated with the management of canteens.		6.20.8
<i>Other facilities</i>		
111. Certain other basic facilities should be provided to prisoners.		6.21
<i>Prison visitors</i>		
112. There should be a Board of Visitors in each State/Union Territory.		6.22.1
113. Correspondents of prisons should be appointed in each State Union Territory.		6.22.2



(1)	(2)	(3)
114.	A Board of Visitors should be constituted for each central prison, district and sub-jail.	6.22.3 6.22.4
115.	The functions of the Board of Visitors should be clearly laid down.	6.22.5
116.	The Board of Visitors for an institution should visit such institution at least once in a month.	6.22.6
117.	A copy of remarks entered in the Visitors Book by the Chairman or by any member of the Board should be forwarded by the Superintendent to the Inspector General of Prisons along with his comments for necessary action.	6.22.7
118.	It should be the duty of the Deputy Inspector General of Prisons and the Inspector General of Prisons to meet the Board of Visitors whenever they visit the prison.	6.22.8
119.	It should be obligatory on the part of both official and non-official visitors to pay visits to prison as per the schedule fixed by the Chairman of the Board.	6.22.9
120.	Classification of prisoners into A, B, C, or I, II, III classes on the basis of their social, economic and educational backgrounds should be abolished.	6.23

## CHAPTER VII

### MEDICAL AND PSYCHIATRIC SERVICES

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



(2)

(1)		
131.	Medical officers associated with prisons on part-time basis should be paid proper honorarium or fee.	7·13·13 7·13·14
132.	Duties of medical officers, Psychiatrists and psychiatric social workers connected with prisons should be clearly defined.	17·13·15
133.	All central and district prisons should provide hospital accommodation for 5% of the daily average inmate population.	7·13·16
134.	Buildings, equipment and other facilities for prison hospitals should conform to certain norms.	7·13·17 to 7·13·23
135.	Visiting specialists from local hospitals should be arranged for treatment of ailments requiring specialised services.	7·13·24
136.	Each State should have a fully equipped prison hospital manned by specialists for the treatment of prisoners requiring specialised treatment from all over the State.	7·13·25
137.	Non-criminal lunatics should not be kept in or sent to prisons.	7·13·26
138.	Criminal lunatics should be sent to the nearest prison having the services of a psychiatrist.	7·13·27
139.	All criminal lunatics under observation of a psychiatrist should be kept in one barrack.	7·13·28
140.	If a criminal lunatic undergoes trial and is declared "guilty but insane" he should be sent to the nearest mental hospital for further management.	7·13·29
141.	If a criminal lunatic, after standing trial following recovery from his mental illness, is declared guilty of the crime he should undergo his term in the prison but should be under the care and treatment of the psychiatrist.	7·13·30
142.	If an undetrial criminal lunatic fails to recover from his mental illness even after he has completed half of the maximum term awardable on conviction, his case should be submitted to the State Government for considering the withdrawal of the criminal case against him.	7·13·31
143.	If a convict while undergoing his imprisonment becomes mentally ill, he should be shifted to the psychiatric wing of the prison hospital and placed under the observation of the prison psychiatrist.	7·13·32
144.	There should be at least one separate prison hospital with a capacity for 100 inmates fully equipped for the care and confinement of criminal lunatics in each big State.	7·13·33
145.	Sick women prisoners should be treated in a separate enclosure attached either to the hospital section or to women section of the prison.	7·13·34
146.	Proper medical facilities should be provided in sub-jails.	7·13·35
147.	Proper arrangements should be made for the care and treatment of old, infirm and debilitated prisoners in a separate ward.	7·13·36
148.	Requirement of drugs for three months should be stocked in the prison hospital.	7·13·37
149.	The medical officer in charge of prison hospital should, in accordance with prison rules and in consultation with the superintendent, work out criteria for the prescription of special medical diet to prisoners and these criteria and the special medical diets prescribed under them should be reviewed from time to time.	7·13·38
150.	The medical officer will assist the superintendent in an emergent situation.	7·13·39



(1)

(2)

(3)

## CHAPTER VIII

## SECURITY AND DISCIPLINE

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



(1)	(2)	(3)
168.	<u>Each district hospital should have a separate prisoners' ward with a room for the guards so that sick prisoners are not made to stay with other patients in the general ward.</u>	8.34.18
169.	<u>Provisions with regard to security and custody of prisoners contained in Chapter XVI of the Model Prison Manual and those for meeting emergent situations in prisons contained in Chapter LIII of that Manual should be implemented.</u>	8.34.19
170.	<u>Disciplinary problems in prisons should be tackled with fairness, politeness and firmness.</u>	8.34.20
171.	<u>Progressive stage system should be introduced in the Jails.</u>	8.34.21
172.	<u>Acts and omissions identified in Chapter XXXI on 'Discipline' of the Model Prison Manual should constitute prison offences.</u>	8.34.22
173.	<u>Some of the existing prison punishments should be abolished and some new ones introduced.</u>	8.34.23
174.	<u>The procedure for dealing with complaints against prisoners should be rationalised.</u>	8.34.24
✓ 175.	<u>Newly admitted prisoners should be given a booklet printed in local language containing information regarding regulations governing various aspects of prison life.</u>	8.34.25
✓ 176.	<u>Facilities available to prisoners to file appeal/revision /review or to make other applications in regard their criminal cases should be improved. Prisoners may also be provided free legal aid in such matters.</u>	8.34.26
177.	<u>The procedure for dealing with genuine complaints and grievances of inmates should be rationalised.</u>	8.34.27
✓ 178.	<u>Prison administration should exercise constant vigilance and alertness to locate areas of discontent among prisoners which may lead to mass indiscipline and take quick remedial measures.</u>	8.34.28
✓ 179.	<u>Prisoners panchyats should be involved in matters pertaining to inmates/self-management and self-improvement in day to day life.</u>	8.34.29
180.	<u>The intelligence branch of the local police should be actively involved in the detection and prevention of smuggling of contraband articles in the prisons. The vigilance cell in the headquarters organisation of the Department of Prisons should also pay proper attention to this aspect of prison security and discipline.</u>	8.34.30

## CHAPTER IX

### SYSTEM OF CLASSIFICATION

#### ✓ Diversification of institutions

181.	<u>Diversification of institutions should be evolved for basic segregation and treatment of homogeneous groups of prisoners.</u>	9.7.1
✓ 182.	<u>Each State/Union Territory should evolve a system of classification of prisons according to its requirements.</u>	9.7.2
183.	<u>Homogeneous groups of inmates should be kept in appropriate classified institutions.</u>	9.7.3
184.	<u>In large States classification of prisons should be done on a regional basis.</u>	9.7.4



- | (1)   | (2) | (3)   |
|---|-----|-------|
| 185. Small States and Union Territories where diversification of institutions is not feasible because of a very small number of prisoners and institutions should utilise this facility in neighbouring States or apply principles of diversification in separate yards/enclosures/wings of each institution.   |     | 9-7-5 |
| 186. Diversified institutions should be set up by each State/Union Territory according to its requirements.   |     | 9-7-6 |
| 187. With the construction of new prison buildings and establishment of semi-open and open prisons the pressure on existing prisons will be reduced to a great extent. These institutions can be converted into medium, maximum and special security institutions for adult offenders and into Reception Centres and Kishore/Yuva Sadans for young offenders. |     | 9-7-7 |
| ✓ 188. In every central and district prison a reception centre should be established for initial classification of convicted prisoners.   |     | 9-7-8 |
| 189. Panels of experts should be appointed by Government of India on a regional basis to assist the States and Union Territories in the region to prepare a basic plan for setting up a system of classified institutions.  |     | 9-7-9 |

#### *Classification of Prisoners*

- |  |        |
|--|--------|
| 190. The principles of classification included in the report of the All India Jail Manual Committee 1957-59 should be adopted on an all India basis.   | 9-12-1 |
| 191. The aims and objectives of classification as laid down in Chapter XIX of the Model Prison Manual should be kept in view while undertaking classification of prisoners.  | 9-12-2 |
| 192. A reception centre should be set up in every central and district prison where prisoners sentenced to more than one year should be initially classified by a classification committee consisting of professional staff.   | 9-12-3 |
| 193. The principles of keeping a prisoners as near his home town as possible should be broadly kept in view at the time of classification of inmates.  | 9-12-4 |
| 194. Provisions of the Model Prison Manual regarding procedure for initial classification, stage of classification and reclassification procedures decisions of the classification committee, progress reports review of progress re-classification contents of the inmates case file should be adopted by each State and Union Territory. | 9-12   |
| 195. Proper forms of history sheet, initial classification sheet and progress report should be adopted.  | 9-12-6 |

#### *Typology of crime*

- |   |        |
|---|--------|
| 196. Research should be undertaken to develop a typology of crime in the context of the current patterns of crime in India.   | 9-19-1 |
| 197. Newly admitted prisoners should be broadly categorised into socially conditioned criminals and individualised criminals. | 9-19-2 |



(2)

(3)

(1)

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

## CHAPTER X

### TREATMENT PROGRAMMES

201. Treatment programmes should be properly planned and developed. They should be regarded as an integral part of prison programmes. 10.28.1
202. The atmosphere of prisons should be surcharged with positive values and the inmates should be exposed to wholesome environment with opportunities to reform themselves. 10.28.2
203. Inmate-personnel relationship in prisons should be based on mutual trust and confidence. 10.28.3
204. Discipline in prisons should be firm and positive so that treatment programmes may be carried out uninterrupted and effectively. 10.28.4
205. Treatment programmes should be individualised. 10.28.5
206. Prison staff should promptly attend to the immediate needs of newly admitted inmates. 10.28.6
207. Treatment of offenders through diversified work programmes and vocational training should be the focal point of prison activities. 10.28.7
208. Each State/Union Territory should reformulate its prison educational policy and programmes. 10.28.8  
to  
10.28.17  
and  
10.28.26  
to  
10.28.28
- ✓ 209. Educational programmes in prisons and in Kishore/Yuva Sadans should be integrated with the educational system in the States/Union Territories. 10.28.18
210. Diversified educational programmes should be organised for different groups of inmates. 10.28.19
211. Inmates who have reached a certain stage of education should be allowed to continue their education either as regular students of schools/colleges or through correspondence courses. 10.28.20
212. Special attention should be paid to the development of suitable educational programmes for women prisoners. 10.28.21
- ✓ 213. The Inspector General of Prisons and Director of Correctional Services should formulate a detailed educational programme for each institution in consultation with the State education department. 10.28.22
- ✓ 214. It should be one of the primary responsibilities of the prison superintendent and other prison personnel that programme of education is implemented in its proper spirit. 10.28.23



(1)	(2)	(3)
215.	Programmes of adult education, social education and moral education should also be organised in sub-jails.	10.28.24
216.	Literate inmates whose conduct is good should be given training in imparting education to other inmates and they should assist the educational personnel of the institution.	10.28.25
217.	The strength of educational personnel at each institution should be fixed in accordance with its requirements.	10.28.29
218.	Social, moral and health education lectures should be organised.	10.28.30
219.	Each State and Union Territory should accept and adopt the basic essential elements of recreational and cultural activities.	10.28.31
220.	The Inspector General of Prisons of each State/Union Territory should formulate a plan for recreational and cultural activities for each institution.	10.28.32
221.	Recreation should be properly designed and planned. It should also be adequately guided and supervised.	10.28.33
222.	Recreation should be treated as incentive for good behaviour and self-discipline.	10.28.34
223.	Appropriate recreational and cultural activities should be provided in prisons.	10.28.35
224.	Each central and district prison and Kshore/Yuva Sadan should have a 16 mm film projector.	10.28.36
225.	Library of good films should be developed at the headquarters organisation.	10.28.37
226.	Every prison and allied institution should have a proper library with sufficient number of newspapers, periodicals and books.	10.28.38
227.	Every prison and allied institution should have annual sports meet. Inter-institution and inter-state sports meets of inmates should also be organised.	10.28.39
228.	Every prison and allied institution should have a committee for recreational and cultural activities comprising carefully selected inmates.	10.28.40
229.	The Department of Prisons and Correctional Services should maintain close liaison with the Department of Sports and committees for recreational and cultural activities at the district and state level.	10.28.41
230.	Continuity of contacts of prisoners with their family members and the community should be maintained.	10.28.42
231.	Various incentives of the prison system should be judiciously used to promote self-discipline and modification of behaviour of inmates.	10.28.43
232.	Techniques of case work, group work, individual and group guidance, and counselling should be applied in prisons as measures of treatment of offenders.	10.28.44
233.	Anti-social value schemes of offenders should be replaced by proper habits and attitudes through individual guidance.	10.28.45
234.	Psychotherapy which has been recognised as an effective measure for treatment of prisoners suffering from mental disorders should be used in prisons.	10.28.46
235.	Supportive therapy should be used as technique of treatment of inmates.	10.28.47
236.	Prison personnel should present such models of behaviour in their conduct before the inmates as would be useful for the offenders to imitate.	10.28.48



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

## CHAPTER XI

### WORK PROGRAMMES AND VOCATIONAL TRAINING

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



(1)	(2)	(3)
255.	Technical supervision should be improved and a system of quality control should be introduced at every stage of production.	11.33.19
256.	A policy for purchase of raw material, consumable articles, stores, tools and equipment, etc., should be laid down.	11.33.20
257.	The accounts and stores organisation should be modernised on business-cum-commercial principles.	11.33.21
258.	Costing of prison products should be done on a rational basis taking into account the various limitations and handicaps of prison management.	11.33.22
259.	Comprehensive and detailed statistics for each service unit and production unit should be maintained on systematic basis.	11.33.23
260.	An autonomous board for work programmes and vocational training vested with full fiscal and administrative powers, should be set up at the headquarters organisation of the Department of Prisons and Correctional Services.	11.33.24
261.	At the prison level there should be a committee to implement the policies and programmes as chalked out by the board.	11.33.25
262.	Qualified technical personnel should be appointed in adequate numbers in every production unit and for every programme of vocational training.	11.33.26
263.	The executive and supervisory personnel should be given training in modern methods of management.	11.33.27
264.	Accounts branches should be constituted at the institutional, regional and headquarters level.	11.33.28
265.	Accounts of production units should be properly audited.	11.33.29
266.	Work programmes in an institution should be planned taking into consideration various relevant factors.	11.33.30
267.	Based on plans of each institution a master plan should be prepared for the whole department.	11.33.31
268.	The requirements of government departments, semi-government agencies, etc., in respect of prison products should be consolidated in the office of the board.	11.33.32
269.	The targets of production for each unit for the ensuing year should be fixed in advance.	11.33.33
270.	Plans for employment and production in each institution should be prepared for each quarter on the basis of relevant factors.	11.33.34
271.	The chain of command, lines of authority and spans of staff control should be clearly defined at the institutional, regional and board level.	11.33.35



(i)		
		11-33-36
272.	Staff meetings and joint staff consultations for evaluating manufacturing processes, personnel effectiveness, production targets, time schedule, etc., should be held regularly.	
273.	The performance of technical, executive and supervisory personnel functioning in the fields of work programmes and vocational training at every level should be evaluated on the basis of the performance of individual staff member.	11-33-37
274.	Every State and Union Territory should have a clear policy for the employment of inmates and for production programmes.	11-33-38 11-33-39
275.	Tasks for each operation and sub-operation should be standardised and specified with reference to time schedule and the requirements of manpower.	11-33-40 11-33-44
276.	Correct work-sheet for each prisoner should be maintained by the technical personnel.	11-33-41
277.	(a) There should be a complete ban on the use of inmate labour in the offices or at the residential quarters of prison personnel. (b) The system of half task and two-third task should be discontinued except in specified cases.	11-33-42
278.	Every prisoner who starts giving prescribed task should be brought on the wage system. Newly admitted prisoners should be given some token remuneration till they start performing the prescribed task.	11-33-43
279.	Rationalised wage system should be introduced in prisons and allied institutions of every State/Union Territory.	11-33-45 to 11-33-51
280.	Hours of work for each group of prisoners should be prescribed in accordance with the programme content of each institution.	11-33-52
281.	The daily routine, time schedule, etc., should be worked out for each institution on the basis of the principles laid down in Chapter XXI of the Model Prison Manual.	11-33-53
282.	Prisoners should not be made to work in the production units after lock-up of the prisons.	11-33-54
283.	Certain basic minimum facilities should be provided in work-sheds and other places where prisoners work.	11-33-55
284.	Conditions of work in every factory, work-shed, etc., in every institution should be regularly inspected.	11-33-56 11-33-57
285.	The traditional conservative policy of minimum investment in prison work programmes should be discarded and new realistic financial policy in all these matters should be adopted by each State/Union Territory.	11-33-58
286.	The performance and economic aspects of each unit of work programmes should be got evaluated periodically by a committee consisting of experts.	11-33-59
287.	Flow process charts should be introduced in every prison industry.	11-33-60
288.	Department of Prisons and Correctional Services should concentrate on the production of articles and supply of services which are readily marketable.	11-33-61
289.	Sales should be promoted through establishment of show-rooms and participation in exhibitions.	11-33-62
290.	Training programmes should be designed and planned to suit the needs of prisoners sentenced to short, medium and long terms of imprisonment. They may consist of apprenticeship training, on-the-job training and vocational training.	11-33-63 11-33-64
291.	Details of the duration of each training course, syllabus and time-schedule should be worked out by the board.	11-33-65



(1)	(2)	(3)
292.	Adequate number of instructors should be appointed for organising vocational training programmes.	11.33.66
293.	Vocational training programmes should be developed in liaison with the Department of Technical Education, etc., and the inmates successfully undergoing training programmes should be awarded regular certificates by that Department.	11.33.67
294.	Adequate provision of finances should be made in the annual budget for vocational training projects.	11.33.68
295.	The perspective master plan for the development of work programmes and vocational training should be prepared by each State/Union Territory.	11.33.69
296.	Diversification of programmes of work and vocational training should be done in such a way that opportunities of work and training are available to different groups of inmates at the institutional, regional or State/Union Territory level.	11.33.70 to 11.33.73
297.	Production units should be classified into (i) principal and (ii) ancillary and cottage industries. Agricultural farms should be classified as large, medium and small size farms.	11.33.71
298.	Agricultural work programmes on agricultural farms should be diversified.	11.33.72
299.	Diversification of prisons and classification of prisoners should be planned and executed simultaneously with diversification of programmes of work and vocational training.	11.33.74
300.	Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills.	11.33.75
301.	Background of inmates should be taken into consideration while planning their employment on work programmes.	11.33.76 11.33.78
302.	Work camps and work centres should be developed in areas of community services.	11.33.77
303.	Each State/Union Territory should appoint a committee of experts for the re-organisation and development of programmes of work and vocational training.	11.33.79

### *Agriculture*

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



(2)

(1)

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



(1)	(2)	(3)
337.	Vocational training in agriculture and other allied activities should be organised on agricultural farms.	11.39.49
338.	The benefit of extension services for agriculture and allied activities should be availed of by the Department of Prisons and Correctional Services.	11.39.50

## CHAPTER XII

### UNDERTRIAL AND OTHER UNCONVICTED PRISONERS

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



(2)

- (1)
355. Undertrial prisoners should be allowed the facility of canteen available to other prisoners in the prison. 12.17.17
356. The daily routine of undertrial prisoners should include programmes of diversified education and recreational activities. 12.17.18
357. Habitual undertrial prisoners should be segregated from other undertrial prisoners. 12.17.19
358. The management and discipline of undertrial prisoners should be the responsibility of only the paid staff. 12.17.20
359. (a) An effective mechanism of review of the cases of undertrial prisoners regularly both at the district level and the State level should be evolved. 12.17.21
- (b) The Code of Criminal procedure should be suitably amended to provide that as soon as an undertrial prisoner completes the period of detention equal to half of the maximum sentence awardable to him on conviction, he should be released immediately and unconditionally.
360. Broad guidelines about the arrest of persons, specially those involved in minor violations of law, should be laid down. 12.17.22
361. Non-criminal lunatics, persons needing protective custody and children should not be sent to prisons at all. 12.17.23
362. Preventive sections of the Code of Criminal Procedure, specially section 109, should be reviewed and amended suitably to restrict their use only in very genuine cases. 12.17.24
363. Persons detained under executive orders made under provisions of special legislations should be kept away from convicted and undertrial prisoners. 12.17.25

### CHAPTER XIII

#### WOMEN PRISONERS

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



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



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

## CHAPTER XIV

### CHILDREN IN PRISONS

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



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

## CHAPTER XV

### YOUNG OFFENDERS

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



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



(2)

(1)

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

## CHAPTER XVI

### PRISONERS SENTENCED TO LIFE IMPRISONMENT

457. Section 43A of the Code of Criminal Procedure should be amended. 16.11.1
458. The Code of Criminal Procedure should be amended to provide for a pre-sentence study of offenders liable to be sentenced to imprisonment for life. The judge concerned should make use of this material while passing the sentence. 16.11.2



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

## CHAPTER XVII

### PRISONERS SENTENCED TO DEATH

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



(1)	(2)	(3)
475.	Every State should have one or more specified jails where prisoners under sentence of death should be confined. These jails should have proper arrangements for the confinement of such prisoners and for their execution.	17-7.3
476.	Security arrangements in the enclosure where prisoners under sentence of death are kept should be on twenty four hour basis.	17-7.4
477.	Prisoners under sentence of death should be provided with the same diet, clothing and beddings, feeding utensils, etc., as are given to other prisoners.	17-7.5
478.	Prisoners under sentence of death should be encouraged to employ themselves on some useful work, and should be provided with suitable work, if they so desire, in their own enclosures.	17-7.6
479.	Those who have some healthy hobby should be given facilities to pursue it subject to rules.	17-7.7
480.	They should be allowed to avail of recreational facilities available in the jail.	17-7.8
481.	Those who are interested in education may be extended necessary facilities. Books, newspapers and magazines should also be provided to them.	17-7.9
482.	They should be allowed to follow their own religion and belief subject to rules and requirements of discipline, and to retain religious and other books.	17-7.10
483.	They should be given liberal facilities for interviews with and letters to and from relatives and legal counsels.	17-7.11
484.	Canteen facilities, as available to other prisoners, should also be provided to prisoners under sentence of death.	17-7.12
485.	Special attention should be paid to their personal and domestic problems.	17-7.13
486.	When the death sentence becomes fully executable the prisoner should immediately be transferred to a separate enclosure where arrangements should be made to keep him in a cell under constant watch. During the day he may be allowed to associate with other such prisoners.	17-7.14
487.	Before execution arrangements should be made for the prisoner to meet his near and dear ones even at State cost, if necessary.	17-7.15
488.	Provisions of paragraphs 10 to 20 of Chapter XLVI of the Model Prison Manual should be incorporated in the State Jail Manuals.	17-7.16

## CHAPTER XVIII

### SUB-JAILS

489.	A sub-jail should be located at each place where a criminal court functions.	18-9.1
490.	A daily average number of 10 inmates/undertrial prisoners detained during the past year should justify the construction of a new sub-jail at an administrative unit where a criminal court functions.	18-9.2
491.	The necessity of construction of new sub-jails should not be brushed aside only for financial consideration.	18-9.3
492.	Sub-jails should not be linked up with police or excise lock-ups.	18-9.4
493.	Persons in police custody should not be kept in sub-jails.	18-9.5



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



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

## CHAPTER XIX

### OPEN INSTITUTIONS

521.	Open camp movement should be developed as a positive measure of correctional treatment.	19.33.1
522.	The scope and purpose of open institutions should be clearly defined in the statute.	19.33.2
523.	There should be 3 types of open institutions namely, semi-open, open and Sanganer type open institutions.	19.33.3
524.	Conditions of eligibility of prisoners for admission to open institutions should be liberalised.	19.33.4
525.	The inmate capacity of existing open institutions should be fully utilized.	19.33.5
526.	Open institutions in any State should be able to accommodate at least 20 per cent of prisoners sentenced to one year and above.	19.33.6
527.	All additional institutions for accommodating any future increase in convict population should be open type.	19.33.7
528.	Open camps (Sanganer type) should be developed in each State/Union Territory as the final stage in the open camp movement.	19.33.8
529.	Land attached to closed prisons should be converted into semi-open or open institutions.	19.33.9
530.	Open camps, mobile and permanent, should be set up at public projects to provide employment to prisoners sentenced to less than one year. Ticketless traveller should be employed on railway projects in camps to be financed by the Railways.	19.33.10
531.	Diversified work programmes including those relating to agriculture and industry should be provided at open institutions.	19.33.11
532.	'Day release system' should be introduced as a measure of semi-open facility for suitable inmates confined in prisons.	19.33.12
533.	The system of wages in open institutions should be rationalised.	19.13.13
534.	All work programmes including agriculture in open institutions should be carried out by prisoners themselves under the supervision and management of the prison department.	19.33.14
535.	The inmates in open institutions should be granted liberal facilities for functional literacy, recreation, cultural activities, community participation, visit to neighbouring towns for marketing and recreational purposes, continued contacts with family, remission of sentences, leave and premature release.	19.33.15 to 19.33.21



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

## CHAPTER XX

### SYSTEM OF REMISSION, LEAVE AND PREMATURE RELEASE

#### *Remission system*

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

#### *Leave*

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



(2)

(1)	(2)	(3)
554.	Rules for eligibility of convicted prisoners for being released on leave and special leave should be reviewed, rationalised and liberalised.	20.12.2 to 20.12.5
555.	Inspector General of Prisons should be the authority competent for grant of release on leave or special leave. However, special leave may be granted by the superintendent of the prison concerned in the event of an emergent situation.	20.12.6
556.	The period spent on leave should count as sentence served while that spent on special leave should be treated as sentence suspended.	20.12.7
557.	Rules regarding surety for release on leave or special leave should be liberalised.	20.12.8
558.	The procedure for grant of leave and special leave should be reviewed and liberalised.	20.12.9
559.	Record of release of prisoners on leave and special leave should be properly kept.	20.12.10
<i>Premature release</i>		
560.	Rules for eligibility of convicted prisoners for consideration of premature release should be reviewed and rationalised.	20.17.1 to 20.17.2
561.	The case of each prisoner eligible for review and premature release should initially be examined by the institutional classification committee before being forwarded to the Review Board.	20.17.3
562.	Review Boards should be constituted in each State/Union Territory for consideration of premature release.	20.17.4
563.	The case of every prisoner which is ripe for review should be decided within a maximum period of six months from the date of eligibility.	20.17.5
564.	Each State/Union Territory should formulate a set of guidelines to be uniformly applied to govern the working of Review Boards.	20.17.6
565.	Section 433 A of the Code of Criminal Procedure should be suitably amended.	20.17.7 to 4.34.20 to 16.9.1
566.	The management of record relating to review of sentences and premature release should be streamlined.	20.17.8

## CHAPTER XXI

### COMMUNITY INVOLVEMENT IN CORRECTIONS

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



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

## CHAPTER XXII

### AFTER-CARE, REHABILITATION AND FOLLOW-UP

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



- | (1)  | (2)  | (3)                  |
|------|--|----------------------|
| 588. | Small Scale Industries Departments of State Governments/Union Territory Administrations should formulate schemes of small production units which could be run by ex-prisoners on cooperative basis. These units could be financed by State Finance Corporation, Cooperative and other Bank under their innovative banking schemes. | 22.13.12             |
| 589. | State Tenancy Acts should be suitably amended to protect the rights of prisoners in agricultural land.   | 22.13.13             |
| 590. | Women prisoners willing to get married after their release should be rendered all necessary help in settling them in matrimony.  | 22.13.14<br>13.11.33 |
| 591. | The Department of Prisons and Correctional Services in collaboration with the State Department of Information and Publicity should make proper use of mass media to educate public about the need for rehabilitation of ex-prisoners in society.   | 22.13.15             |
| 592. | Government should encourage formation of voluntary organizations for taking up programmes for the help of released prisoners and should give them necessary financial and other help. Services of voluntary workers in the field should be appropriately recognised.   | 22.13.16             |

### CHAPTER XXIII

#### ORGANIZATIONAL STRUCTURE

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|------|--|---|
| 593. | There should be a separate Department of Prisons and Correctional Administration in the secretariats of the States. At the Centre, the set-up dealing with prisons in the Ministry of Home Affairs should also be upgraded to the status of a Department. Senior officers having experience of correctional administration should be posted in the secretariats.   | 23.15.1   |
| 594. | The prison department in each State/Union Territory should be responsible for institutional training and treatment, probation and after-care of both the adult and the young offenders. This integrated department should be called the Department of Prisons and Correctional Services, and the head of this department should be designated as the Inspector General of Prisons and Director of Correctional Services. | 23.15.2   |
| 595. | The Department of Prisons and Correctional Services in all States/Union Territories should invariably be headed by an officer from this department.  | 23.15.3   |
| 596. | The Inspector General of Prisons and Director of Correctional Services should, at his headquarters, be assisted by senior officers in various aspects of prison administration.  | 23.15.4   |
| 597. | A regional set-up should be established in each large State.   | 23.15.5   |
| 598. | Each prison and allied institution should have adequate personnel in accordance with its requirements and the specified norms.   | 23.15.6<br>23.15.7<br>23.15.9<br>23.15.10<br>23.15.11 |
| 599. | Each district should have a district prison with a whole-time superintendent.  | 23.15.8   |
| 600. | Adequate number of probation officers of various categories should be appointed to look after probation and after-care work in the field.  | 23.15.12  |
| 601. | All posts in the Department of Prisons and Correctional Services except where specialised services are required should be manned by persons belonging to the department.   | 23.15.13  |

### CHAPTER XXIV

#### DEVELOPMENT OF PRISON PERSONNEL

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



(1)	(2)	(3)
603.	Conditions of recruitment and promotion should be so fixed as to ensure that persons with requisite qualifications, experience and professional competence are available in the prison service at all levels.	24.44.2
604.	Every direct recruit in the service should have opportunities of at least three promotions during the span of his career.	24.44.3
605.	Physical fitness and psychological tests should be essential pre-requisites for direct recruitment.	24.44.4
606.	Officers and staff for specialised services in the prison department should be taken on deputation from respective departments of the State Governments. They should be given proper incentives.	24.44.5 24.44.6 24.44.7
607.	Ministerial staff should be borne on the strength of the prison department. The executive staff should in no case be put on ministerial work.	24.44.8
608.	An all India service to be called the Indian Prisons and Corretional Service should be constituted.	24.44.9
609.	Prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.	24.44.10
610.	Uniform including badges should be prescribed for all security and executive staff in the prison department.	24.44.11
611.	Three-shift system of duties should be introduced in prisons.	24.44.12
612.	Every member of the staff should be allowed a day off once a week.	24.44.13
613.	Adequate leave reserve staff should be provided.	24.44.14
614.	The system of convict officers discharging supervisory and disciplinary duties should be abolished in a phased manner.	24.44.15
615.	Residential quarters should be provided to all members of the staff.	24.44.16
616.	Prison staff which is entitled to rent-free accomodation but is not provided with such accommodation should be paid 10 per cent extra house-rent allowance in addition to the house rent allowance allowed to government employees in general.	24.44.17
617.	Certain facilities as provided in Chapter XI of the Model Prison Manual should be extended to prison personnel.	24.44.18
618.	The Government of India should institute medals for rewarding prison personnel. State Governments/ Union Territory Administrations should suitably recognise special services rendered by prison personnel.	24.44.19
619.	All good work done by prison personnel should be given proper publicity.	24.44.20
620.	Prison personnel meeting with serious injuries, accidents, etc., while on duty, should given financial assistance.	24.44.21
621.	In case of death of a prison personnel in lawful discharge of his duties, a lumpsum of Rs. 20,000 should be paid to the survivors in his family.	24.44.22
622.	A welfare fund for prison and correctional personnel should be established in each State/ Union Territory.	24.44.23
623.	Proper forum should be provided at the institutional and State levels for prison personnel to ventilate grievances.	24.44.24
624.	Staff meetings and conferences should be regularly held.	24.44.25



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

## CHAPTER XXV

### PLANNING, RESEARCH AND DEVELOPMENT

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



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

#### *Prisons and national plans*

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

### CHAPTER XXVI

#### NATIONAL COMMISSION ON PRISONS

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

### CHAPTER XXVII

#### NATIONAL POLICY ON PRISONS

656.	Government of India should finalize the National Policy on Prisons on the lines suggested, and notify it.	27.1 27.2 27.2.1 to 27.2.31
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**CHAPTER XXVIII****ACTION PLAN**

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

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

(K. S. RASTOGI)  
Member-Secretary

(A. N. MULLA)  
Chairman



## NOTE OF DISSENT

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

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

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

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

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

(Yogendra Sharma, M.P.)

*Member*

*Committee on Jail Reforms*



## APPENDICES

## APPENDICES

for them to do so. Such questions are frequently asked, but as a rule they relate to well-known, available, and special treatment for them is not given the answers of these people's problem. To find the real

For all  $\epsilon > 0$ , there are  $N_1$  and  $N_2$  such that if  $n \geq N_1$  and  $m \geq N_2$



## PRISON-LAND\*

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

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

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

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

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

\*First published in Allahabad, 1934.

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

\*A local official; the peons are his servants.



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

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

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

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

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

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

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

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

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



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.

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\*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

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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 accommodation. The peak years, when the civil disobedience movement sent its scores of thousands to prison, become the normal years even without this special influx of politicals. 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, of 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,<br>former Director, Mental Hospital,<br>Madras. | Member           |
| 5. Shri C.S. Mallaiah, I.G. (Prisons),<br>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, Jailor, 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 varandah. 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 many 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.



- 12A. Are prisoners employed on agriculture paid wages ?  
If so, the rate per day and the total wages paid during  
the last 5 financial years.

	Rate per day per prisoner	Total Wages paid
		(in Rupees)
1975-76		
1976-77		
1977-78		
1978-79		
1979-80		

13. Do you have any agro-based industries like Dairy Farming, Poultry Farming, Pisciculture, etc., in your State ? If so, what is the revenue earned during the last five years ?

	Dairy Farming	Poultry Farming	Pisci- culture	Others (Specify)
				(in Rupees)
1975-76				
1976-77				
1977-78				
1978-79				
1979-80				

14. Is there any co-ordination/arrangement between your (prison) Department and the Agriculture Department to improve agriculture in jails ?

15. What measures do you think are necessary to improve agriculture in jails ?

16. Total number of prisoners in all prisons in the State as on 31.12.1980.

	Convicts	
	Male	Female
	Undertrials	
	Male	Female
	Detenus	
	Male	Female
	Lunatics	
	Criminal	
	Male	Female
	Non Criminal	
	Male	Female
	Civil Prisoners	
	Male	Female
	Others	
	Male	Female



## 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 :

## Male

## Female

- (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.

## 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.				
	<hr/>			
	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 give 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 Warder  
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.



# LIST OF PRISONS AND OTHER INSTITUTIONS VISITED BY THE COMMITTEE ON JAIL REFORMS

## States

### 1. Andhra Pradesh :

1. Central Prison, Hyderabad.
2. Prisoners Agricultural Colony, Moulali.
3. Female Prison, Hyderabad.

### 2. Bihar :

4. Central Jail, Patna.
5. Central Jail, Bhagalpur.
6. Special Jail, Bhagalpur.
7. Female Jail, Bhagalpur.
8. District Jail, Samastipur.
9. Central Jail, Hazaribagh.

### 3. Jammu & Kashmir:

10. Central prison, Srinagar.
11. Jammu & Kashmir Markez-I-Behaboodi (Home for destitute Women), Srinagar.
12. District Jail, Baramula (Under construction).
13. District Jail, Anantnag (Site for).

### 4. Karnataka :

14. Central Prison, Bangalore.
15. Senior Certified School for Boys, Bangalore.
16. Open Air Jail, Koramangala,
17. Sub-Jail, Tiptur.
18. District Sub-Jail, Hassan.
19. District prison, Mysore.
20. Prison Training Institute, Mysore.

### 5. Maharashtra :

21. Bombay Central Prison, Arthur Road, Bombay.
22. David Sasson Industrial School, Mahim, Bombay.
23. Tata Institute of Social Sciences, Bombay.
24. Yervada Central Prison, Pune.
25. Open Air Jail Annexe, Pune.
26. Women Jail Annexe, Pune.
27. Jail Officers Training School, Pune.



28. Balagran S. O. S. Children's Village, Pune.
29. Open Prison, Paithan.
30. District Jail, Paithan.
31. Central Prison, Aurangabad.
32. State Government Home for Women, Aurangabad.
33. Reception Home for Children, Aurangabad.
34. Shaskiya Vargita Kendra, Aurangabad.
35. Shishu Bhawan, Aurangabad.

3. Punjab :

36. Central Jail, Patiala.
37. Sudhar Ghar (District Jail), Nabha.
38. Open Air Jail, Nabha.
39. Central Jail, Ludhiana.
40. Women Jail Annexe, Ludhiana.
41. Central Jail, Ludhiana (under construction).

7. Rajasthan :

42. Central Jail, Jaipur.
43. Women Reformatory, Jaipur.
44. Central Jail, Udaipur.
45. Kishore Sadan (Juvenile Reformatory), Udaipur.
46. Shri Sampurnanand Khula Bandi Shivir Open Camp), Sanganer (Jaipur).

8. Tamil Nadu :

47. Central Prison, Madras.
48. Sub-Jail, Chingleput.

9. Uttar Pradesh :

49. Model Prison, Lucknow.
50. Nari Bandi Niketan, Lucknow.
51. Jail Training School, Lucknow.
52. Central Prison, Bareilly.
53. District Jail, Sitapur.
54. Kishore Sadan (Juvenile Jail), Bareilly.
55. Sampurnanand Industrial-cum-Agricultural Camp, Sitarganj.

10. West Bengal :

56. Alipore Central Prison, Calcutta.
57. Dum Dum Central Prison, Calcutta.
58. Presidency Jail, Calcutta.
59. Institute for Correctional Services, Barasat, Calcutta.



## Union Territories

## 11. Andaman and Nicobar Islands :

60. Cellular Jail (National Memorial), Port Blair.

61. District Jail, Port Blair.

## 12. Chandigarh :

62. District Jail, Chandigarh.

## 13. Delhi :

63. Central Jail, Tihar.

## 14. Goa :

64. Central prison, Aguada, Goa.

## 15. Pondicherry :

65. Central Prison, Pondicherry.



LIST OF IMPORTANT PERSONS WHOM THE COMMITTEE MET DURING  
THE COURSE OF ITS VISITS TO STATES AND UNION  
TERRITORIES

## 1. Andhra Pradesh :

- |   |  |
|---|--|
| 1. Shri C. Jagannath Rao . . . . .      | Home Minister,<br>Andhra Pradesh.                            |
| 2. Shri Mahamood Bin Mohammad . . . . . | Additional Secretary,<br>Home Department,<br>Andhra Pradesh. |
| 3. Shri S.N. Shukla . . . . .           | Inspector General of Prisons,<br>Andhra Pradesh.             |
| 4. Shri M. Vinay Kumar . . . . .        | Chief Probation Superintendent,<br>Andhra Pradesh.           |

## 2. Bihar :

- |                                     |  |
|-------------------------------------|--|
| 5. Smt. Prabha Devi Gupta . . . . . | Minister of Jails,<br>Bihar.             |
| 6. Shri Arun Pathak . . . . .       | Commissioner for Home Affairs,<br>Bihar. |
| 7. Shri N. N. Sinha . . . . .       | Inspector General of Prisons,<br>Bihar.  |
| 8. Shri Mahadevan . . . . .         | Deputy Commissioner,<br>Hazaribagh.      |
| 9. Shri S. N. Sahi . . . . .        | Superintendent of Police,<br>Hazaribagh. |

## 3. Haryana :

- |                                 |   |
|---------------------------------|---|
| 10. Shri M. Issa Dass . . . . . | Joint Secretary,<br>Home Department,<br>Haryana.        |
| 11. Shri Dharam Singh . . . . . | Inspector General of Prisons,<br>Haryana.               |
| 12. Shri S.K. Puri . . . . .    | Additional Inspector<br>General of Prisons,<br>Haryana. |

## 4. Jammu &amp; Kashmir:

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|---|--------------------------------------|
| 13. Shri Sheikh Mohammad Abdullah . . . . . | Chief Minister,<br>Jammu & Kashmir   |
| 14. Begum Sheikh Abdullah . . . . .         |                                      |
| 15. Shri M.B. Farooqi . . . . .             | Chief Justice,<br>Jammu & Kashmir.   |
| 16. Shri Noor Mohammad . . . . .            | Chief Secertary,<br>Jammu & Kashmir. |



17. Shri Ghulam Shah . . . . . Home Secretary,  
Jammu & Kashmir.
18. Shri R. Rechan . . . . . Contoller of Prisons,  
Jammu & Kashmir.
5. Karnataka:
19. Shri K. Venkatappa . . . . . Minister of State for  
Horticulture & Prisons,  
Karnataka.
20. Shri D. Chandrasekhar . . . . . Chief Justice,  
Karnataka.
21. Shri A.R. Mosses . . . . . Home Secretary,  
Karnataka.
22. Shri Nizamuddin . . . . . Commissioner of Police,  
Bangalore.
6. Maharashtra:
23. Shri A. R. Antulay . . . . . Chief Miniser,  
Maharashtra.
24. Shri Babu Rao Kale . . . . . Minister for Jails &  
Rural Development,  
Maharashtra.
25. Shri Pramanand . . . . . State Miniser of Jails,  
Maharashtra.
26. Shri A.N. Batabyal . . . . . Home Secertary,  
Maharashtra.
27. Shri R.H. Belawadi . . . . . Inspector General of Prisons,  
Maharashtra.
28. Shri V.K. Toraskar . . . . . Inspector General of Prisons.  
(Retired).
29. Shri L.T. Blake . . . . . Inspector General of Prisons  
(Retired).
7. Punjab:
30. Shri Sukhbir Singh Bedi . . . . . Home Secretary,  
Punjab.
31. Shri S.S. Gill . . . . . Inspector General of Prisons,  
Punjab
8. Rajasthan:
32. Shri Shiv Charan Mathur. . . . . Chief Minister,  
Rajasthan.
33. Shri Brij Sunder Sharma . . . . . Law Minister,  
Rajasthan.
34. Shri Dinesh Rai Dangi . . . . . Minister In-charge of Prisons,  
Rajasthan.
35. Shri R.K. Shastri . . . . . Home Secretary,  
Rajasthan



36. Shri Ramanuj Sharma . . . . . Inspector General of Prisons,  
Rajasthan.
37. Shri Gopal Krishna . . . . . Chief Probation Officer,  
Rajasthan.
9. Tamil Nadu:
38. Shri M.G. Ramachandran . . . . . Chief Minister,  
Tamil Nadu.
39. Shri Ponnain . . . . . Law Minister,  
Tamil Nadu.
40. Shri K. Chockalingam . . . . . Home Secretary,  
Tamil Nadu.
41. Shri R.L. Handa . . . . . Inspector General of Prisons,  
Tamil Nadu.
42. Shri S.M. Diaz . . . . . Inspector General of Prisons  
(Retired).
10. Uttar Pradesh :
43. Shri Ram Singh Khanna . . . . . Minister of Jails,  
Uttar Pradesh.
44. Shri R. G. Takru . . . . . Home Secretary,  
Uttar Pradesh.
45. Shri Saran Prasad . . . . . Special Secretary &  
In-charge of Prisons,  
Uttar Pradesh.
46. Shri M.V.S. Dhesi . . . . . Inspector General of  
Prisons, Uttar Pradesh.
47. Shri B.C. Joshi . . . . . Additional Inspector  
General of Prisons,  
Uttar Pradesh.
11. West Bengal :
48. Shri Debabrata Bandopadhyay . . . . . Minister of Jails & Panchayats and  
Community Development.
49. Shri Tarapada Laheri . . . . . Chairman,  
Jail Code Revision Committee,  
West Bengal.
50. Shri R.N. Sengupta . . . . . Home Secretary,  
West Bengal.
51. Shri D.M. Kanwar . . . . . Inspector General of Prisons,  
West Bengal.
12. Andaman and Nicobar Islands :
52. Shri S.E. Sharma . . . . . Chief Commissioner,  
Andaman and Nicobar Islands.
53. Shri B.K. Singh . . . . . Chief Secretary,  
Andaman & Nicobar Islands.



54. Shri Jagdish Sagar . . . . . Secretary (Planning),  
A & N Islands.
55. Shri R. Padmanabhan . . . . . Development Commissioner,  
Andaman and Nicobar Islands.
56. Shri D.N. Sen . . . . . Judicial Secretary,  
Andaman & Nicobar Islands.
57. Shri F.L.R. Siama . . . . . Inspector General of Police,  
Andaman & Nicobar Islands.
58. Shri P.V. Sinari . . . . . Superintendent of Police,  
Andaman & Nicobar Islands.
59. Shri Satjeevan Prasad . . . . . Superintendent, District Jail,  
Andaman & Nicobar Islands.
13. Chandigarh:
60. Shri B.S. Sarao . . . . . Chief Commissioner,  
Union Territory of Chandigarh.
61. Shri R.S. Mann . . . . . Home Secretary,  
Union Territory of Chandigarh.
62. Shri Raghubir Singh . . . . . Deputy Commissioner and Inspector  
General of Prisons,  
Union Territory of Chandigarh.
14. Delhi:
63. Shri G.C. Jain . . . . . District & Sessions Judge,  
Delhi.
64. Shri R.K. Ahooja . . . . . Inspector General of Prisons,  
Delhi.
15. Goa:
65. Shri Pratap Singh Rane . . . . . Chief Minister,  
Goa.
66. Dr. J.C. Almedia . . . . . Chief Secretary,  
Goa.
67. Smt. Suman Swarup . . . . . Inspector General of Prisons,  
Goa.
16. Pondicherry:
68. Shri S. Savarirajan . . . . . Home Minister,  
Pondicherry.
69. Shri P.V. Jaikrishnan . . . . . Chief Secretary,  
Pondicherry.
70. Shri L. Nicholas . . . . . Chief Superintendent of Prisons,  
Pondicherry.



# LIST OF EMINENT PERSONS INTERVIEWED BY THE COMMITTEE

1. Dr. V.N. Pillai,  
Former Director,  
United Nations Asia and Far East  
Institute for the Prevention of Crime  
and the Treatment of Offenders, Tokyo.
2. Shri Sadashiv Bagaitkar,  
Member of Parliament.
3. Smt. Roda Mistry,  
Member of Parliament.
4. Shri N.K. Shejwalkar,  
Member of Parliament,  
and Senior Advocate, 1  
Supreme Court of India.
5. Dr. H.K. Mallick,  
Member of Parliament.
6. Smt. Raksha Saran,  
Social Worker,  
New Delhi.
7. Shri Iqbal Singh Grewal,  
Social Worker,  
Ludhiana.
8. Shri Justice V.V. Tatachari,  
Retired Chief Justice,  
Delhi High Court, and  
Senior Advocate,  
Supreme Court of India.
9. Shri Justice S. Rangarajan (Retired),  
Senior Advocate,  
Supreme Court of India.
10. Shri K.F. Rustamji, IP (Retired),  
Former Member,  
National Police Commission.
11. Smt. K. Hingorani,  
Senior Advocate,  
Supreme Court of India.
12. Shri Y.S. Chitale,  
Senior Advocate,  
Supreme Court of India.



- ✓ 13. Shri R.K. Garg,  
Senior Advocate,  
Supreme Court of India.
14. Shri N.S. Saxena,  
IPS (Retired), Member,  
Union Public Service Commission.
15. Dr. D. Mohan,  
Associate Professor, Department of Psychiatry,  
All India Institute of Medical Sciences,  
New Delhi.



## COMPOSITION OF STUDY GROUPS

Subject	Study Group I	Convenor	Resource Person
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.	<ol style="list-style-type: none"> <li>1. Dr. Upendra Baxi, Professor, Faculty of Law, Delhi University.</li> <li>2. Representative of Ministry of Law.</li> <li>3. Shri D. J. Jadhav (Member of the Committee)</li> <li>4. Shri L. R. Girotra, Research Officer Committee on Jail Reforms.</li> </ol>		
	Study Group II	Convenor	Resource Person
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.	<ol style="list-style-type: none"> <li>1. Shri Yogendra Sharma, Member of Parliament, (Member of the Committee)</li> <li>2. Representative of National Buildings Organisation.</li> <li>3. Shri D. J. Jadhav (Member of the Committee)</li> <li>4. Shri J. S. Goel Research Officer, Committee on Jail Reforms.</li> </ol>		
	Study Group III	Convenor	Resource Person
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.	<ol style="list-style-type: none"> <li>1. Prof. Rasheeduddin Khan, Member of Parliament, (Member of the Committee)</li> <li>2. Prof. J. J. Panakal, Head of the Department of Criminology and Correctional Administration, Tata Institute of Social Sciences, Bombay.</li> <li>3. Shri K. L. N. Reddy, (Member of the Committee).</li> <li>4. Dr. Devakar, Head of Division (Training) National Institute of Social Defence, New Delhi.</li> </ol>		
	Study Group IV	Convenor	Resource Person
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.	<ol style="list-style-type: none"> <li>1. Shri S. K. Puri, Additional Inspector General of Prisons, Government of Haryana, Chandigarh.</li> <li>2. Dr. (Smt.) Jyotsna H. Shah, Director, Social Defence, Government of Gujarat, Ahmedabad.</li> <li>3. Shri H. C. Saksena, (Member of the Committee)</li> <li>4. Shri L. R. Girotra, Research Officer, Committee on Jail Reforms.</li> </ol>		



## Study Group 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.

1. Bibi Amtus Salam, (Permanent Invitee of the Committee).
2. Shri D. N. Ray, Former Director, Probation Services, Bihar.
3. Shri K. L. N. Reddy, (Member of the Committee) Co-Convenor
4. Shri J. S. Goel, Research Officer, Committee on Jail Reforms. Resource Person

## Study Group VI

To suggest measures for the specialised treatment of women, adolescents, children and mentally sick prisoners.

1. Dr. (Mrs.) Jyotsna H. Shah, Director, Social Defence, Government of Gujarat, Ahmedabad.
2. Representative of the Ministry of Health.
3. Dr. (Mrs.) M. Sarada Menon, (Member of the Committee) Convenor
4. Dr. (Mrs.) Sunita Sodhi, Lecturer, National Institute of Social Defence, New Delhi. Resource Person

## Study Group VII

To review the working of Open-Air Prisons and to suggest measures for improvement.

1. Shri Prakash Mehrotra, Member of Parliament, (Member of the Committee).
2. Shri K. C. Shenmar, Retired Inspector General of Prisons, Punjab.
3. Shri H. C. Saksena, (Member of the Committee) Co-Convenor
4. Dr. B. N. Chattaraj, Deputy Director, National Institute of Social Defence, New Delhi. Resource Person

## Study Group 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.

1. Miss Saroj Khaparde, Member of Parliament, (Member of the Committee).
2. Representative of Ministry of Social Welfare.
3. Shri C. S. Mallaiah, (Member of the Committee) Co-Convenor
4. Shri S. K. Bhattacharyya, Deputy Director, (Research) National Institute of Social Defence, New Delhi. Resource Person



## EXTRACTS FROM THE MODEL PRISON MANUAL

(Pages 1 to 3)

## GUIDING PRINCIPLES

Objectives of punishment are diverse. Retribution is mostly discarded. Deterrence and incapacitation have limited application for some types of offenders. Social reconstruction and rehabilitation as objectives of punishment attain paramount importance in a Welfare State. The supreme aim of punishment shall be the protection of society, through the rehabilitation of the offender.

The purpose and justification of a sentence of imprisonment is to protect society against crime. The punishment inherent in imprisonment primarily consists in deprivation of liberty involving compulsory confinement and consequent segregation from normal society. In carrying out that punishment the Prison Administration should aim at ensuring the return of an offender to society not only willing but also able to lead a well-adjusted and self-supporting life.

Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking away from him the right of self-determination. Therefore the prison system should not, except incidental to justifiable segregation or maintenance of discipline, aggravate the suffering inherent in such a situation.

XXX

The primary aim of institutional treatment shall be the social re-education of the offender for the purpose of realigning and re-organizing his life for smooth re-settlement in society. For the reformation of the offender it is necessary to re-cast his habits and re-direct his approaches and value schemes in order that he may become adjusted in society as a useful social unit. To achieve this, correctional institutions shall have (1) proper and requisite personnel; (2) a system of efficient and disciplined administration; and (3) diversified resources and facilities for training and treatment programmes.

XXX

The treatment of offenders shall, so far as the length of the sentence permits, aim at installing in them the will to lead law-abiding and self-supporting lives after their release and helping them to do so. The treatment should foster their self-respect, self-discipline and sense of responsibility. For this purpose, appropriate means shall be used in accordance with the needs of each offender. These are: diversified education, vocational training, correctional social work, guidance, counselling, strengthening of moral character etc. In planning a programme of treatment, the offender's social and criminal history, his physical and mental capacities and aptitudes, his personality, length of his sentence, and his prospects after release should be taken into account.

XXX

Through a system of diversification of institutions, inmates should be grouped on the basis of sex, age, criminal record, the legal reason for their detention, length of sentence, recidivism physical and mental health, requirements of security, training and treatment, etc. By means of such diversification, suitable training facilities and resources can be made available to carefully selected homogeneous groups of inmates. So also the dangerous prisoners can be kept under proper security and discipline measures.

XXX



# U.N. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS AND RELATED RECOMMENDATION

## A. Standard Minimum Rules for the Treatment of Prisoners

Resolution adopted on 30 August 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Having adopted the Standard Minimum Rules for the Treatment of Prisoners annexed to the present Resolution,

1. Requests the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415 (V) of the General Assembly of the United Nations, to submit these rules to the Social Commission of the Economic and Social Council for approval;

2. Expresses the hope that these rules be approved by the Economic and Social Council and, if deemed appropriate by the Council, by the General Assembly, and that they be transmitted to governments with the recommendation (a) that favourable consideration be given to their adoption and application in the administration of penal institutions, and (b) that the Secretary-General be informed every three years of the progress made with regard to their application;

3. Expresses the wish that, in order to allow governments to keep themselves informed of the progress in this respect, the Secretary-General be requested to publish in the International Review of Criminal Policy the information sent by governments in pursuance of paragraph 2, and that he be authorised to ask for supplementary information if necessary;

4. Expresses also the wish that the Secretary-General be requested to arrange that the widest possible publicity be given to these rules.

### Annex

## STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

### Preliminary Observations

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorise departures from the rules in this spirit.



4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

4. (2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions.

(2) The categories of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

## PART I—RULES OF GENERAL APPLICATION

### Basic Principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

### Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) Information concerning his identity;
- (b) The reasons for his commitment and the authority therefor
- (c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

### Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
- (b) Untried prisoners shall be kept separate from convicted prisoners;
- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d) Young prisoners shall be kept separate from adults.

### Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.



10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

✓ 12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

### Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness. ✓

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

### Clothing and bedding

17.(1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Under-clothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorised purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

### Food

20.(1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value, adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

### Exercise and sport

21.(1) Every prisoner who is not employed in out-door work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment shall be provided.



## Medical services

22.(1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23.(1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25.(1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26.(1) The medical officer shall regularly inspect and advise the director upon :

- (a) the quantity, quality, preparation and service of food;
- (b) the hygiene and cleanliness of the institution and the prisoners;
- (c) the sanitation, heating, lighting and ventilation of the institution;
- (d) the suitability and cleanliness of the prisoners, clothing and bedding;
- (e) the observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25(2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

## Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28.(1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.



29. The following shall always be determined by the law or by the regulation of competent administrative authority :

- (a) Conduct constituting a disciplinary offence ;
- (b) The types and duration of punishment which may be inflicted ;
- (c) The authority competent to impose such punishment.

30.(1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32.(1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

### **Instruments of restraint**

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraint. Other instruments of restraint shall not be used except in the following circumstances :

- (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority ;
- (b) On medical grounds by direction of the medical officer ;
- (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property ; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

### **Information to and complaints by prisoners**

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorised to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.



(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

### **Contact with the outside world**

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representatives of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items or news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorised or controlled by the administration.

### **Books**

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

### **Religion**

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

### **Retention of prisoners' property**

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall, on his admission to the institution, be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorised to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

### **Notification of death, illness, transfer, etc.**

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.



(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorised, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

### Removal of prisoners

45. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

### Institutional personnel

46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exciting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.



52.(1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53.(1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible women officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a women officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54.(1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

### Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

## PART II—RULES APPLICABLE TO SPECIAL CATEGORIES

### A. PRISONERS UNDER SENTENCE

#### Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60.(1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release



organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connexion with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interest, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illness or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services should be provided to that end.

63.(1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudices against him and towards his social rehabilitation.

### Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66 (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal treatment, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up-to-date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

### Classification and individualization

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.



68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

### Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required] to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.



## Education and recreation

77.(1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the Administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

## Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81.(1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralised or co-ordinated as far as possible in order to secure the best use of their efforts.

## B. INSANE AND MENTALLY ABNORMAL PRISONERS

82.(1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialised institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

## C. PRISONERS UNDER ARREST OR AWAITING TRIAL

84.(1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85.(1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.



86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expenses from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institutional official.

#### D. CIVIL PRISONERS

94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

#### E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under Part I and Part II, section C. Relevant provisions of Part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

#### B. Selection and training of personnel for penal and correctional institutions

##### Resolution adopted on 1 September 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted recommendations, annexed to the present resolution, on the question of the selection and training of personnel for penal and correctional institutions,

1. Requests the Secretary General, in accordance with paragraph (d) of the annex to resolution 415 (v) of the General Assembly of the United Nations, to submit these recommendations to the Social Commission of the Economic and Social Council for approval;

2. Expresses the hope that the Economic and Social Council will endorse these recommendations and draw them to the attention of governments recommending that governments take them as fully as possible into account in their practice and when considering legislative and administrative reforms;

3. Expresses also the wish that the Economic and Social Council request the Secretary-General to give the widest publicity to these recommendations and authorize him to collect periodically information on the matter from the various countries, and to publish such information.



## Annexe

## RECOMMENDATIONS ON THE SELECTION AND TRAINING OF PERSONNEL FOR PENAL AND CORRECTIONAL INSTITUTIONS

## A. MODERN CONCEPTION OF PRISON SERVICE

## I. Prison service in the nature of a social service

(1) Attention is drawn to the change in the nature of prison staffs which results from the development in the conception of their duty from that of guards to that of members of an important social service demanding ability, appropriate training and good team work on the part of every member.

(2) An effort should be made to arouse and keep alive in the minds both of the public and of the staff an understanding of the nature of modern prison service. For this purpose all appropriate means of informing the public should be used.

## II. Specialisation of functions

(1) This new conception is reflected in the tendency to add to the staff an increasing number of specialists, such as doctors, psychiatrists, psychologists, social workers, teachers, technical instructors.

(2) This is a healthy tendency and it is recommended that it should be favourably considered by governments even though additional expense would be involved.

## III. Co-ordination

(1) The increasing specialization may, however, hamper an integrated approach to the treatment of prisoners and present problems in the co-ordination of the work of the various types of specialized staff.

(2) Consequently, in the treatment of prisoners, it is necessary to ensure that all the specialists concerned work together as a team.

(3) It is also considered necessary to ensure, by the appointment of a coordinating committee or otherwise, that all the specialized services follow a uniform approach. In this way the members of the staff will also have the advantage of gaining a clearer insight into the various aspects to the problems involved.

## B. STATUS OF STAFF AND CONDITIONS OF SERVICE

## IV. Civil service status

Full-time prison staff should have the status of civil servants, that is, they should :

- (a) be employed by the government of the country or State and hence be governed by civil service rules;
- (b) be recruited according to certain rules of selection such as competitive examination;
- (c) have security of tenure subject only to good conduct, efficiency and physical fitness;
- (d) have permanent status and be entitled to the advantages of a civil service career in such matters as promotion, social security, allowances, and retirement or pension benefits.

## V. Full-time employment

(1) Prison staff, with the exception of certain professional and technical grades, should devote their entire time to their duties and therefore be appointed on a full time basis.

(2) In particular, the post of director of an institution must not be a part-time appointment.

(3) The services of social workers, teachers and trade instructors should be secured on a permanent basis, without thereby excluding part-time workers.

## VI. Conditions of service in general

(1) The conditions of service of institutional staff should be sufficient to attract and retain the best qualified persons.



(2) Salaries and other employment benefits should not be arbitrarily tied to those of other public servants but should be related to the work to be performed in a modern prison system, which is complex and arduous and is in the nature of an important social service.

(3) Sufficient and suitable living quarters should be provided for the prison staff in the vicinity of the institution.

### **VII. Nonmilitary organisation of the staff**

(1) Prison staff should be organised on civilian lines with a division into ranks or grades as this type of administration requires.

(2) Custodial staff should be organised in accordance with the disciplinary rules of the penal institution in order to maintain the necessary grade distinctions and order.

(3) Staff should be specially recruited and not seconded from the armed forces or police or other public services.

### **VIII. Carrying of arms**

(1) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed.

(2) Staff should in no circumstances be provided with arms unless they have been trained in their use.

(3) It is desirable that prison staff should be responsible for guarding the enclosure of the institution.

### **C. RECRUITMENT OF STAFF**

### **IX. Competent authority and general administrative methods**

(1) As far as possible recruitment should be centralised, in conformity with the structure of each State, and be under the direction of the superior or central prison administration.

(2) Where other state bodies such as a civil service commission are responsible for recruitment, the administration should not be required to accept a candidate whom they do not regard as suitable.

(3) Provision should be made to exclude political influence in appointment to the staff of the prison service.

### **X. General condition of recruitment**

(1) The prison administration should be particularly careful in the recruitment of staff, selecting only persons having the requisite qualities of integrity, humanitarian approach, competence and physical fitness.

(2) Members of the staff should be able to speak the language of the greatest number of prisoners or a language understood by the greatest number of them.

### **XI. Custodial staff**

(1) The educational standards and intelligence of this staff should be sufficient to enable them to carry out their duties effectively and to profit by whatever in-service training courses are provided.

(2) Suitable intelligence vocational and physical tests for the scientific evaluation of the candidates' capacities are recommended in addition to the relevant competitive examinations.

(3) Candidates who have been admitted should serve a probationary period to allow the competent authorities to form an opinion of their personality, character and ability.

### **XII. Higher administration**

Special care should be taken in the appointment of persons who are to fill posts in the higher administration of the prison services only persons who are suitably trained and have sufficient knowledge and experience should be considered.

### **XIII. Directors or executive staff**

(1) The directors or assistant directors of institutions should be adequately qualified for their functions by reasons of their character, administrative ability, training and experience.



(2) They should have a good educational background and a vocation for the work. The administration should endeavour to attract persons with specialized training which offers adequate preparation for prison service.

#### **XIV. Specialized and administrative staff**

(1) The staff performing specialised functions, including administrative functions, should possess the professional or technical qualifications required for each of the various functions in question.

(2) The recruitment of specialized staff should therefore be based on the professional training diploma or university degrees evidencing their special training.

(3) It is recommended that preference should be given to candidates who, in addition to such professional qualification, have a second degree or qualification, or specialized experience in prison work.

#### **XV. Staff of women's institutions**

The staff of women's institutions should consist of women. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women. Female staff, whether lay or religious should as far as possible, possess the same qualifications as those required for appointment to institutions for men.

#### **D. PROFESSIONAL TRAINING**

#### **XVI. Training prior to final appointment**

Before entering on duty staff should be given a course of training in their general duties, with a view particularly to social problems and in their specific duties and be required to pass theoretical and practical examinations.

#### **XVII. Custodial staff**

(1) A programme of intensive professional training for custodial staff is recommended. The following might serve as an example for the organisation or such training in three stages;

(2) The first stage should take place in penal institution, its aim being to familiarize the candidate with the special problems of the profession and at the same time to ascertain whether he possesses the necessary qualities. During this initial phase, the candidate should not be given any responsibility, and this work should be constantly supervised by a member of the regular staff. The director should arrange an elementary course in practical subject for the candidates.

(3) During the second stage the candidate should attend a school or course organized by the superior or central prison administration, which should be responsible for the theoretical and practical training of officers in professional subjects. Special attention should be paid to the technique of relations with the prisoners, on based the elementary principles of psychology and criminology. The training courses should moreover comprise lessons on the elements of penology, prison administration, penal law and related matters.

(4) It is desirable that during the first two stages candidates should be admitted and trained in groups, so as to obviate the possibility of their being prematurely employed in the service and to facilitate the organisation of courses of training.

(5) The third stage intended for candidates who have satisfactorily completed the first two and shown the greatest interest and a vocation for the service, should consist of actual service during which they will be expected to show that they possess all the requisite qualifications. They should also be offered an opportunity to attend more advanced training courses in psychology, criminology, penal law, penology and related subjects.

#### **XVIII. Directors or executive staff**

(1) As methods vary greatly from country to country at the present time, the necessity for adequate training, which directors and assistant directors should have received prior to their appointment in conformity with paragraph XIII above, should be recognised as a general rule.

(2) Where persons form the outside with no previous experience of the work but with proved experience in similar field are recruited as directors or assistant directors, they should, before taking up their duties, receive theoretical training and gain practical experience of prison work for a reasonable period, it being understood that a diploma granted by a specialized vocational school or a university degree in a relevant subject may be considered as sufficient theoretical training.



### **XIX. Specialised staff**

The initial training to be required from specialised staff is determined by the conditions of recruitment, as described in paragraph XIV above.

### **XX. Regional training institutes for prison personnel**

The establishment of regional institutes for the training of the staff of penal and correctional institutions should be encouraged.

### **XXI. Physical training and instruction in the use of arms**

(1) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations.

(2) Officers who are provided with arms shall be trained in their use and instructed in the regulations governing their use.

### **XXII. In-service training**

(1) After taking up their duties and during their career, staff should maintain and improve their knowledge and professional capacity by attending advanced courses of in-service training which are to be organised periodically.

(2) The in-service training of custodial staff should be concerned with questions of principle and technique rather than solely with rules and regulations.

(3) Whenever any type of special training is required it should be at the expense of the State and those undergoing training should receive the pay and allowances of their grade. Supplementary training to fit the officer for promotion may be at the expense of the officer and in his own time.

### **XXII. Discussion groups visits to institutions, seminars for senior personnel**

(1) For senior staff, group discussions are recommended on matters of practical interest rather than on academic subjects combined with visits to different types of institutions, including those outside the penal system. It would be desirable to invite specialists from other countries to participate in such meetings.

(2) It is also recommended that exchanges be organised between various countries in order to allow senior personnel to obtain practical experience in institutions of other countries.

### **XXIV. Joint consultation, visit and meeting for all grades of staff**

(1) Methods of joint consultation should be established to enable all grades of prison personnel to express their opinion on the methods used in the treatment of prisoners. Moreover, lectures, visit to other institutions and, if possible, regular seminars should be organised for all categories of staff.

(2) It is also recommended that meetings should be arranged at which the staff may exchange information and discuss questions of professional interest.

### **C. Open penal and correctional institutions (Resolution adopted on 29 August 1955)**

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Having adopted recommendations annexed to the present resolution on the question of open penal and correctional institutions,

1. Requests the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415(v) of the General Assembly of the United Nations to submit these recommendations to the Social Commission of the Economic and Social Council for approval ;

2. Expresses the hope that the Economic and Social Council will endorse these recommendations and draw them to the attention of governments, recommending that governments take them as fully as possible into account in their practice and when considering legislative and administrative reforms;



3. Expresses also the wish that the Economic and Social Council request the Secretary-General to give the widest publicity to these recommendations and authorize him to collect periodically information on the matters from the various countries, and to publish such information.

## Annex

### RECOMMENDATIONS ON OPEN PENAL AND CORRECTIONAL INSTITUTIONS

I. An open institution is characterized by the absence of material or physical precautions against escape (such as walls, locks, bars, armed or other special security guards), and by system based on self-discipline and the inmates sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institutions some of which are run on the same principles without, however, realizing them to the full.

II. The open institution ought, in principle, to be an independent establishment; it may, however, where necessary, form a separate annex to an institution of another type.

III. In accordance with each country's prison system, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in an institution of a different type.

IV. The criterion governing the selection of prisoners for admission to an open institution should be, not the particular penal or correctional category to which the offender belongs, not the length of his sentence, but his suitability for admission to an open institution, and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-psychological examination and a social investigation.

V. Any inmate found incapable of adapting himself to treatment in an open institution or whose conduct is seriously detrimental to the proper control of the institution or has an unfortunate effect on the behaviour of other inmates should be transferred to an institution of a different type.

VI. The success of an open institution depends on the fulfilment of the following conditions in particular

(a) If the institution is situated in the country, it should not be so isolated as to obstruct the purpose of the institution or to cause excessive inconvenience to the staff.

(b) With a view to their social rehabilitation, prisoners should be employed in work which will prepare them for useful and remunerative employment after release. While the provision of agricultural work is an advantage, it is desirable also to provide workshops in which the prisoners can receive vocational and industrial training.

(c) If the process of social readjustment is to take place in an atmosphere of trust, it is essential that the members of the staff should be acquainted with and understand the character and special needs of each prisoner and that they should be capable of exerting a wholesome moral influence. The selection of the staff should be governed by these considerations.

(d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to become thoroughly acquainted with each prisoner.

(e) It is necessary to obtain the effective cooperation of the public in general and of the surrounding community in particular for the operation of open institutions. For this purpose it is, therefore, among other things, necessary to inform the public of the aims and methods of each open institution, and also of the fact that the system applied in it requires a considerable moral effect on the part of the prisoner. In this connection, local and national media of information may play a valuable part.

VII. In applying the system of open institutions each country, with due regard for its particular social, economic and cultural conditions, should be guided by the following observations:

(a) Countries which are experimenting with the open system for the first time should refrain from laying down rigid and detailed regulations in advance for the operation of open institutions;

(b) During the experimental stage they should be guided by the methods of organisation and the procedure already found to be effective in countries which are more advanced in this respect.

VIII. While in the open institution the risk of escape and the danger that the inmate may make improper use of his contacts with the outside world are admittedly greater than in other types of penal institutions, these disadvantages are amply outweighed by the following advantages, which make the open institution superior to the other types of institution;

(a) The open institution is more favourable to the social readjustment of the prisoners and at the same time more conducive to their physical and mental health.



(b) The flexibility inherent in the open system is expressed in a liberalization of the regulations; the tensions of prison life are relieved and discipline consequently improves. Moreover, the absence of material and physical constraint and the relations of greater confidence between prisoners and staff tend to create in the prisoners a genuine desire for social readjustment.

(c) The conditions of life in open institutions resemble more closely those of normal life. Consequently desirable contacts can more easily be arranged with the outside world and the inmate can thus be brought to realize that he has not severed all links with society; in this connexion it might perhaps be possible to arrange, for instance, group walks, sporting competitions with outside teams, and even individual leave of absence, particularly for the purpose of preserving family ties.

(d) The same measure is less costly if applied in an open institution than in an institution of another type, in particular because of lower building costs and, in the case of an agricultural institution, the higher income obtained from cultivation, if cultivation is organized in a rational manner.

IX. In conclusion, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders:

(a) Considers that the open institution marks an important step in the development of modern prison systems and represents one of the most successful applications of the principle of the individualization of penalties with a view to social readjustment;

(b) Believes that the system of open institutions could contribute to decreasing the disadvantages of short term sentences of imprisonment;

(c) Consequently recommends the extension of the open system to the largest possible number of prisoners, subject to the fulfilment of the conditions set forth in the foregoing recommendations;

(d) Recommends the compilation of statistics supplemented by follow-up studies conducted, in so far as possible, with the help of independent scientific authorities, which will make it possible to assess, from the point of view of recidivism and social rehabilitation, the results of treatment in open institutions.



## INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## THE STATES PARTIES TO THE PRESENT COVENANT

Considering that, in accordance with the principles, proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognised in the present Covenant,

Agree upon the following articles:

## PART I

## Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

## Article 2

## PART II

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, Political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognised in the present Covenant to non-nationals.

## Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

## Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.



*Article 5*

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognised or existing in any country in virtue of law, conventions, regulations or customs shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognises them to a lesser extent.

## PART III

*Article 6*

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental, political and economic freedoms to the individual.

*Article 7*

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular :

- (a) Remuneration which provides all workers, as a minimum, with :
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work no inferior to those enjoyed by men, with equal pay for equal work ;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant ;
- (b) Safe and healthy working conditions ;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence ;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

*Article 8*

1. The States Parties to the present Covenant undertake to ensure :

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others ;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organisations ;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interest of national security or public order or for the protection of the rights and freedoms of others ;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.



3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

#### Article 9

The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance.

#### Article 10

The States Parties to the present Covenant recognise that :

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morale or health or dangerous to life or likely to hamper their development should be punishable by law. State should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### Article 11

1. The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed :

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

#### Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standards of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include these necessary for :

(a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child ;

(b) The improvement of all aspects of environmental and industrial hygiene ;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases ;



- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

### Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the Present Covenant recognize that, with a view to achieving the full realization of this right :

- (a) Primary education shall be compulsory and available free to all ;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education ;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education ;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have received or completed the whole period of their primary education ;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

### Article 15

1. The States Parties to the Present Covenant recognize the right of everyone :

- (a) To take part in cultural life ;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international co-operation in the scientific and cultural fields.



## PART IV

*Article 16*

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognised herein.
2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.
- (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts thereof, from States Parties to the present Covenant which are also members of these specialised agencies in so far as these reports, or parts thereof, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

*Article 17*

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

*Article 18*

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

*Article 19*

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and these concerning human rights submitted by the specialized agencies in accordance with article 18.

*Article 20*

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

*Article 21*

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

*Article 22*

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.



*Article 23*

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Government concerned.

*Article 24*

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialised agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

*Article 25*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilise fully and freely their natural wealth and resources.

## PART V

*Article 26*

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

*Article 27*

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 28*

The provisions of the present Covenant shall extend to all parts of federal State without any limitations or exceptions.

*Article 29*

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendment to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.



3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

*Article 30*

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars :

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

*Article 31*

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.



# INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

## THE STATES PARTIES TO THE PRESENT COVENANT

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles :

### PART I

#### Article 1

1. All people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All people may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

### PART II

#### Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognised in the present Covenant.
3. Each State Party to the present Covenant undertakes :
  - (a) To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity ;



- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy ;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

### *Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### *Article 4*

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

### *Article 5*

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognised herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognised or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognise such rights or that it recognises them to a lesser extent.

## **PART III**

### *Article 6*

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorise any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.



*Article 7*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

*Article 8*

1. No one shall be held in slavery ; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour.  
 (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court ;  
 (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include ;  
 (i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention ;  
 (ii) Any service of a military character and, in countries where conscientious objection is recognised, any national service required by law of conscientious objectors ;  
 (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community ;  
 (iv) Any work or service which forms part of normal civil obligations.

*Article 9*

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

*Article 10*

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons ;  
 (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.



*Article 11*

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

*Article 12*

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to and restrictions except those which are provided by law, are necessary to protect national security, public order (order public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

*Article 13*

An alien lawfully in the territory of a state party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before the competent authority or a person or persons especially designated by the competent authority.

*Article 14*

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, every-one shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality
  - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
  - (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
  - (c) To be tried without undue delay;
  - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
  - (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
  - (g) Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.



6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

#### *Article 15*

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

#### *Article 16*

Everyone shall have the right to recognition everywhere as a person before the law.

#### *Article 17*

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

#### *Article 18*

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

#### *Article 19*

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.



*Article 20*

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

*Article 21*

The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

*Article 22*

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Rights to organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

*Article 23*

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognised.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

*Article 24*

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

*Article 25*

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions :

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives ;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors ;
- (c) To have access, on general terms of equality, to public service in his country.



*Article 26*

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

*Article 27*

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture to profess and practise their own religion, or to use their own language.

**PART IV***Article 28*

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognised competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

*Article 29*

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

*Article 30*

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two-thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

*Article 31*

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

*Article 32*

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election, if renominated. However, the terms of nine of the members elected at the first election shall



expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

#### *Article 33*

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

#### *Article 34*

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A Member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provision of that article.

#### *Article 35*

The members of the Committee shall, with the approval of the General Assembly of the United Nations receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

#### *Article 36*

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

#### *Article 37*

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules procedure.

3. The Committee shall normally meet at the headquarters of the United Nations or at the United Nations Office at Geneva.

#### *Article 38*

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

#### *Article 39*

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present,



*Article 40*

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation the present Covenant.
3. The Secretary-General of the United Nations, may, after consultation with the Committee, transmit to the specialised agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

*Article 41*

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  - (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.
  - (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.
  - (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognised principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
  - (d) The Committee shall hold closed meetings when examining communications under this article.
  - (e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.
  - (f) If any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraphs (b), to supply any relevant information.
  - (g) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.
  - (h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:
    - (i) If a solution within the terms of sub-paragraph (c) is reached, the Committee shall confine its report to a brief statement of the facts of the solution reached;



- (ii) If a solution within the terms of sub-paragraph(c) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submission and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2: The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned had made a new declaration.

#### Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;
- (b) The Commission shall consist of five persons acceptable to the States parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.
2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States parties concerned.
5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the states Parties concerned to supply any other relevant information.
7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned :
  - (a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter ;
  - (b) If an amicable solution to the matter on the basis of respect for human rights as recognised in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached ;
  - (c) If a solution within the terms of sub-paragraph(b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned ;
  - (d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission,



8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

#### *Article 43*

The members of the committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### *Article 44*

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

#### *Article 45*

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

### PART V

#### *Article 46*

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

#### *Article 47*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

### PART VI

#### *Article 48*

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.



*Article 49*

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 50*

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

*Article 51*

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

*Article 52*

Irrespective of the notifications made under article 48 paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of present Covenant under article 49 and the date of the entry into force any amendments under article 51.

*Article 53*

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.



EXTRACTS FROM THE MODEL PRISON MANUAL  
CHAPTER XVIII—ADMISSION : QUARANTINE

ESSENTIAL ELEMENTS

The period immediately following the admission of an inmate is of fundamental importance since it is at this time that the prisoner receives his first impressions of institutional life. He has his first experience with the personnel and begins to learn of the institutional facilities available for his training and treatment. It is during this period that the diagnostic procedures essential to the planning of the treatment programme have to be put in operation. It is during this stage that attitudes may get formed which will determine his future adjustment to the institution and his acceptance of the rehabilitative programme.

The admission programme will have the following objectives :—

- (a) to segregate newly admitted prisoners from the institutional population for a sufficiently long period to ascertain whether they are suffering from any communicable diseases;
- (b) to prepare the inmate for institutional adjustments;
- (c) to initiate an overall study of the offender through collection of social history, tests, examinations and observation in activity;
- (d) to understand the problems of the inmates and plan suitable institutional programmes for their rehabilitation.



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## Appendix XV

See Annexure IV-B

### ORIENTATION

Orientation is a process of education. Its objectives are:

- (a) to interpret to newly admitted prisoners the institutional routine, rules, standards of behaviour, discipline, etc.;
- (b) to lessen their load of anxieties, fears, tensions and resentment;
- (c) to explain that the amenities and facilities extended will depend upon the manner in which they accept their responsibilities and abide by the requirements of the institutional discipline;
- (d) to inform inmates of the opportunities for self-improvement that the institution will offer;
- (e) to put the inmates in a frame of mind to accept training and treatment;
- (f) to promote the development of healthy attitudes, good morale and understanding;
- (g) to explain that correctional administration is based on an approach of care, welfare, protection, help, support, guidance and firm discipline.



EXTRACTS FROM THE MODEL PRISON MANUAL  
CHAPTER XVIII—ADMISSION : QUARANTINE

QUARANTINE

2. The procedure mentioned below should be followed after the prisoners are admitted in the quarantine area—

- (i) counting and searching of prisoners in the receiving building;
- (ii) haircut and shave, issue of soap and disinfecting lotion ;
- (iii) disinfection and storing of prisoners' personal clothes and other personal effects;
- (iv) bath;
- (v) issue of disinfected prison clothing, bedding, pots, plates, other outfit and equipment;
- (vi) issue of authorised personal belongings like religious books etc.;
- (vii) housing as per principles of basic segregation ;
- (viii) medical examination and treatment, where necessary;
- (ix) attending to immediate and urgent needs of prisoners, like letters, interviews, family welfare, immediate personal problems, etc. ;
- (x) Verification by the Deputy Superintendent in charge of admission work of commitment papers, identification marks, entries in registers, prisoners' cash, property, appeal and other legal matters, etc.;
- (xi) finger printing and photographing as per rules.

NOTE. —Items (i) to (ix) should be attended to immediately on admission. Items (x) and (xi) should be completed in about three days time after admission.



EXTRACTS FROM THE MODEL PRISON MANUAL  
CHAPTER XVIII—ADMISSION : QUARANTINE

RECEPTION UNIT

1. (i) Each institution should have a Reception Unit where new arrivals will be admitted. A trained and experienced officer should be in charge of this unit;
- (ii) Prisoners suspected to be suffering from contagious diseases like tuberculosis, leprosy, etc., shall be immediately segregated in specially earmarked areas. So also prisoners suspected to be suffering from mental disorders shall be segregated;
- (iii) Newly admitted prisoners shall be kept in the Reception Unit for ten days. Where necessary the Superintendent may suitably extend this period to facilitate detailed study of the inmates.



## VOCATIONAL TRAINING COURSES\*

## TRAINING COURSE IN COTTON WEAVING (TEXTILES)

1. Duration of the course: Two years at the rate of two hours of theoretical training a day. Practical training in the textile workshops.
2. Initial education: Preferably upto 4th standard.
3. Strength of class: Twelve prisoners.
4. Aim: Weaving is done on a wide scale in Maharashtra State. This industry is one of the principal cottage industries of the State. Many weavers' societies are also established which afford good facilities for employment. If prisoners are trained in the use of improved implements, tools and looms, they will have better chances for employment.
5. Accommodation: A workshop measuring 60' x 35' x 14' will be necessary. Looms of each type should be installed in this shed in order that necessary practical demonstration could be arranged. A class room of 25' x 20' x 14' is also necessary.
6. Instructors: One Technical Supervisor. Age: Below 30 years on the date of appointment. Qualifications: Must possess S.S.C. or its equivalent. He should hold a diploma in textile manufacture or a certificate in textile weaving of a recognized institution.
7. Equipment, tools and furniture: As per requirement.

## TRAINING COURSE IN CARPENTRY AND PATTERN MARKING

1. Duration of course: Two years at the rate of two hours of theoretical training per day in the preparation of joints, surfacing, polishing, etc.
2. Initial education: Preferably upto 4th standard.
3. Aim: Prisoners usually coming from the trade have the necessary advantage of doing any carpentry job with ease, but they lack in the proper knowledge of the technique involved in the trade with special reference to joinery, modern designs, french and other polishing methods, upholstery, etc; They should also be initiated to handle various modern equipment used in the trade.
4. Accommodation: A workshop measuring 80' x 35' x 14' will be required for installing carpentry tools, machines and work benches. Additional space of 25' x 20' will be necessary for conducting instructional classes.
5. Strength of the class: Twelve prisoners.
6. Instructor: One Technical Supervisor (Carpentry) Age: Below 30 years on the date of appointment. Qualifications: Must possess S.S.C. or equivalent. Must hold a certificate in carpentry of a recognized institution. Should have three years practical and/ or teaching experience.
7. Equipment: Wood turning lathes, drilling machine, grinding machine, saw, planes, carpentry tools, carpentry benches and furniture as per requirement.

## TRAINING COURSE IN SMITHY AND FOUNDRY

1. Duration of the course: Two years at the rate of two hours a day of instructional training in addition to the regular practice in actual jobs in the workshop.

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\*These illustrations (for which the source is Maharashtra Jail Industries Reorganisation Committee's Report, 1961) have been cited only by way of examples. These are by no means model vocational training courses. Each State and Union Territory should design its own courses as per local needs in accordance with the recommendations made in this Chapter.



2. Initial education : upto 4th standard.
3. Strength of the class: Sixteen prisoners.
4. Aim: Foundry work requires proper training in the preparation of oil moulds, water moulds, sand cores, cope, etc. The selection of sand and tempering is a special science. Moulding processes require a sound knowledge of sand treatment, venting, melting of metal with proper fluidity, etc. In smithy work the acquirement ofexterity is accomplished by active trial and error, as the smith has to depend on his hammer and anvil. A smith is his own teacher but he must be properly instructed in the methods of observation and imitations.
5. Equipment: A few anvils, forges and sledge hammers will be required. Ford foundry, a few boxes and patterns with a small sand led will be necessary. A small cupola for melting metals will also be necessary.
6. Accommodation : A shed of 60' × 20' × 14'.
7. Instructors : One Technical Supervisor for moulding and pattern making.  
 Age: Below 30 years on the date of appointment.  
 Qualifications: S.C.C. and diploma or certificate in the trade or a professional worker with at least five years of practical experience.  
 One Assistant Technical Supervisor.  
 Age : Below 30 years on the date of appointment.  
 Qualifications: Practical experience of five years.  
 One Hammerman  
 Age: Below 30 years on the date of appointment.  
 One Manual Assistant.  
 Age: Below 30 years on the date of appointment.

#### TRAINING COURSE IN SHEET AND PLATE METAL WORK

1. Duration of the course: One year at the rate of two hours a day or two years at the rate of one hour a day.
2. Initial education : Preferably upto 4th standard.
3. Strength of the class: Eight prisoners.
4. Aim: The course provides good training along with the carpentry course. It will also make a craftsman confident to start his independent vocation as a tin smith or a metal smith.
5. Accommodation: One shed 40' × 35' × 14'.
6. Instructors: One Assistant Technical Supervisor.  
 Age: Below 30 years on the date of appointment.  
 Qualifications: Must possess S.S.C. and a certificate in the trade of a recognized Institution. In addition, he must have practical experience in the trade for three years.
7. Equipment, tools and furniture: As per requirement.

#### TRAINING COURSE FOR FITTERS AND TURNERS

1. Duration of the course : Two years at the rate of two hours of training in chiselling and filing work turning operations and screw cutting. Practical work should be done on the actual job in the prison workshop.
2. Initial education : Preferably upto 4th standard.
3. Strength of the class: Twelve prisoners.



4. Aim : Training in fitting and turning introduces a prisoner not only to a greater variety of materials but also to a larger number of processes. Fitting includes such exercises as chipping, filing, drilling, tapping, screwing, rivetting, brazing and vise work. So also turning and screw cutting includes centring, turning between centres and in chucks, hand turning, sliding, surfacing, boring, taper turning and screw cutting. Workers trained in either fitting or turning with proper understanding of correct setting of tools, taper turning, lubricating method in different metals, etc., are in great demand. If prisoners are properly trained on the above lines, the question of their rehabilitation will become easier.
5. Accommodation : A workshed 40' X 35' X 14'
6. Instructors : One Technical Supervisor (Fitting and turning).  
Age : Below 30 years on the date of appointment.  
Qualification : He must possess a S.S.C. or its equivalent and should hold a certificate in fitting and screw cutting or a recognized institution. Should possess three years' practical and/or teaching experience.  
One Manual Assistant.  
Age : Below 30 years on the date of appointment. Practical experience in the trade will be additional qualification.
7. Equipment and tools : As required for screw cutting and turning lathes and fitters' vises, drilling machines etc.

#### TRAINING COURSE FOR WIREMEN (ELECTRICAL)

1. Duration of the course : Six months at the rate of two hours of training per day.
2. Initial education : Preferably upto 4th standrad.
3. Strength of the class : Ten prisoners.
4. Aim : These classes should be arranged with a view to train prisoners to take independent installation work anywhere. A worker possessing a sense of neat and tidy lay out of electrical installation is in great demand everywhere. The household installations demand simple wiring diagrams, which are to be taught in the classes. These prisoners after completion of their training of six months, should be sent for Government examination, conducted by the Department of Technical Education, every six months. After having a few more years of practical experience outside, these prisoners can also appear for the P.W.D. examination.
5. Accommodation : A workshed measurig about 60' X 35' X 14'
6. Instructors : One Technical Supervisor.  
Age : Below 30 years on the date of appointment.  
Qualifications : Must possess P.W.D. Supervisors and Electricians Certificate with three years of practical experience.
7. Equipment and tools : As per requirement.

#### TRAINING COURSE IN LEATHER WORK

1. Duration of the course : Two years at the rate of two hours of theoretical training in preparation of hides and skins, designing of various articles, making and cutting of uppers, soles, streps, leather polish and its preparation. The theoretical part of the training will have to be carried on regular jobs.
2. Initial education : Preferably upto 4th standrad.
3. Strength of the class : Twelve prisoners.
4. Aim : Old and primitive methods in the manufacture of leather articles are still followed. The required facilities for improved methods are not avaislable in villages and such places which are away from cities. Mostly hand pressing and hand stitching is resorted to. The designs are also old and common.

The main aim, therefore, of such training is to train the prisoners, who volunteer for this work, in the art of designing and using modern tools and appliances to effect better and saleable production.



5. Accommodation : A workshed measuring 60' X 35' X 14' is necessary, A class room of 25' X 20' should also be built alongside this shed.
6. Instructors : One Technical Supervisor.  
Age : Below 30 years on the date of appointment.  
Qualifications : Must possess S.S.C. or equivalent and should hold a diploma or certificate in the trade of a recognized institution, with three years' practical and/or teaching experience.
7. Equipment tools and furniture : Leather cutting machine, button holing machine, Leather sewing machines, revitting M/C, tools and appliances, etc.

#### TRAINING COURSE IN TAILORING AND CUTTING

1. Duration of the course : Two years at the rate of two hours a day of theoretical training in lay out, pattern cutting, cloth cutting, stitching, hemming, button holing etc. Practical training should be given on actual jobs in the prison tailoring shop.
2. Initial education : Preferably upto 4th standard.
3. Strength of the class : Twelve prisoners.
4. Aim : Tailoring is a common industry. If convicts are trained in this craft, they can start their own tailoring shop any where. Many tailors are handicapped for want of proper theoretical training in the art of laying out and cutting patterns and cloth. Prisoners who come from villages do not have such facilities and they, therefore, will be greatly benefitted, if they are given opportunities of learning this craft on proper basis in prisons. For women prisoners, there should be an additional subject in embroidery. They will be really benefitted by this training course as it will be a subsidiary occupation to them.
5. Accommodation : A workshed and a class room measuring 80' X 35' X 14' and 25' X 20' X 14' respectively will be required.
6. Instructors : One Technical Supervisor (Tailoring).  
Age : Below 30 years on the date of appointment.  
Qualifications : Must possess S.S.C. or equivalent and hold a diploma or certificate in tailoring and cutting of a recognized institution, with three years' practical and/or teaching experience.
7. Equipment, tools and furniture : Sewing machines, drafting tables and tools, appliances, etc.

#### TRAINING COURSE IN POTTERY

1. Duration of the course : One year at the rate of two hours a day.
2. Initial education : Reading and writing.
3. Strength of the class : Twelve prisoners.
4. Accommodation : A workshed of 30' X 42' X 14'. In addition to this, there should be some open space for drying manufactured clay pots in the sun.
5. Instructor : One Technical Supervisor.  
Age : Below 30 years.  
One Manual Assistant.  
Age : Below 30 years.
6. Equipment : As per requirement.

#### TRAINING COURSE IN HAND MADE PAPER

1. Duration of the course : One year at the rate of two hours a day. The practical side of the course should be done on the regular jobs in the paper factory.
2. Initial education : Preferably upto 4th standard.



3. Strength of the class: Twelve prisoners.
4. Aim: This industry requires proper selection of prisoners. They must be of more than average intelligence. The various chemical and preliminary processes demand better intelligence of the learners. The importance of bleaching of the pulp and the dexterity with which the pulp in the required thickness is lifted are the essential requirements of the trade and the learners are expected to work hard to achieve efficiency in these two important aspects of the subjects.
5. Accommodation: There should be one class room — measuring 25' × 20' × 14'.
6. Equipment: As per requirement.

#### TRAINING COURSE IN BOOK BINDING

1. Duration of the course : Six months at the rate of two hours of training per day.
2. Initial education: Preferably upto 4th standard.
3. Strength of the class: Six prisoners.
4. Accommodation: Shed of 30' × 35' × 14'.
5. Instructor: One Assistant Technical Supervisor. Age: Below 30 years.
6. Equipment: As per requirement.

#### TRAINING COURSE IN TYPOGRAPHY

1. Duration of the course: Two years at the rate of two hours of theoretical training per day. Practical training in regular press.
  2. Initial education: Preferably upto 4th standard.
  3. Strength of the class: Twelve prisoners
  4. Aim: The training should consist of the system of type setting, weight of type, methods of locking, compose in chassis, study of modern devices used in composing rooms to facilitate speedy and accurate work, proof reading, making use of stores electrox, wood cut and process blocks, etc., practical work in respect of ruling, stitching, embossing, printing, etc. After training, the prisoners should be examined and awarded certificates in order that they may be able to get jobs outside.
  5. Accommodation: A workshed of 30' × 35' × 14'.
  6. Instructors: One Technical Supervisor.  
Age: Below 30 years.
- Qualifications: Must possess a S.S.C. and a Typography Certificate. Three years of practical experience. One Manual Assistant.



EXTRACTS FROM THE MODEL PRISON MANUAL : CHAPTER XLVI : PRISONERS  
SENTENCED TO DEATH**Insanity**

10. (i) If any prisoner awaiting sentence of death shows signs of insanity which, in the opinion of the Medical Officer, are not feigned, or requires observation to determine whether they are feigned or not, the circumstances shall at once be reported to Government, under intimation to the Inspector-General for orders along with the following documents :—

- (a) the Nominal Roll of the prisoner ;
- (b) a copy of the warrant under which he is confined (in duplicate);
- (c) The Medical Officer's certificate in the prescribed form ;
- (d) the medical history sheet (in duplicate);

NOTE : A copy of the judgment should also be sent as soon as possible.

(ii) If Government orders the appointment of a Special Medical Board, for the purpose of examining the mental condition of a convict sentenced to death, the convict shall be kept under observation in the prison by the Mental Specialist in charge of the nearest Mental Hospital/Civil Surgeon for a period of ten days or longer if considered necessary prior to his examination by the Medical Board.

(iii) The Superintendent and the Medical Officer of the prison in which the convict may be confined shall give all facilities to the Mental Specialist / Civil Surgeon for a physical examination of the convict including serological tests and for the observation of the convict without his knowledge ;

(iv) As soon as possible after the Medical Board is appointed and the convict is placed under observation, the Superintendent of the prison shall collect information about the convict through the police or other sources and place it at the disposal of the Mental Specialist/Civil Surgeon;

(v) The history of the convict shall be obtained from institutions or individuals with whom he has had contacts. The Mental Specialist shall furnish the Superintendent of the prison with a questionnaire for collecting the information. Factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witnesses including the officer who arrested him. For the purpose of an estimation of the convict's state of mind just prior to, at the time of and soon after the commission of the offence, reports shall be obtained from eye witnesses including relatives of the convict ;

NOTE:—Evidence regarding the behaviour of the prisoner at the time of the trial and especially during examination in court will be available from the proceedings of the court including the evidence and the summing up and judgment. Reports on the convict shall be obtained from individuals who have been in contact with him during this remand and subsequent detention in the prison. While collecting this information, the most care shall be taken to see that the object with which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested and the information supplied by them shall be used with the greatest care.

(vi) As soon as the Mental Specialist / Civil Surgeon is ready with this report, he shall request the Surgeon-General/Director of Health Services to fix a date for the meeting of the Special Medical Board;

(vii) The Mental Specialist/Civil Surgeon shall place all the records before the Medical Board. The President of the Board shall forward the proceedings of the Medical Board to the Secretary, Home Department, through the Inspector General and the Surgeon-General.

**Pregnancy**

11. (i) If the Medical Officer considers a woman prisoner sentenced to death to be pregnant, the matter shall at once be brought to the notice of the Inspector-General for the orders of Government for commutation of the death sentence or for postponement of execution till delivery and the capital sentence shall not be carried out before the orders of Government are received ;



(ii) When a woman prisoner sentenced to death declares herself to be pregnant, and the Medical Officer is unable to certify the truth or otherwise of the statement he shall state the interval of time necessary to enable him to satisfy himself on the point. The Superintendent should report the case to the Government for further orders ;

(iii) When execution of a capital sentence on a woman prisoner has been suspended under either of the last two preceding sub-rules, the sentence shall not afterwards be executed without the express orders of Government for which the Superintendent shall apply.

### **Appeals-facilities for**

12. The Deputy Superintendent shall explain to the convict his right of appeal and the facilities available and shall record the statement of the prisoner whether he wishes to appeal and to have his appeal forwarded by the prison authorities. If he desires to do so, the Deputy Superintendent shall at once get the appeal prepared for him as far as possible, in his own words and shall forward it under registered cover to the Registrar of the High Court. The Deputy Superintendent shall explain to the prisoner the procedure relating to petition for special leave to appeal to Supreme Court and the facilities available. If the prisoner desires to appeal or apply for special leave to appeal, the intention shall be recorded and he should be helped to prepare the necessary petitions which should be immediately forwarded to the Registrar, Supreme Court, under intimation to the Government in the Home Department and to the Inspector-General.

Note :—For details of appeal procedure, refer Chapter XXVII.

### **stay of execution—petition for mercy**

13. (i) Execution of prisoner sentenced to death should be stayed in the following cases after the date of execution has been fixed by Government :

- (a) In the case a prisoner desiring to send an appeal to a higher court if he has not done so previously,
- (b) In the case of prisoner desiring to send mercy petition, if he has not done so,
- (c) In case of telephonic orders for execution received from competent authorities under confirmation thereof ;

(ii) On receipt of an intimation from the State Government that appeal or application to the Supreme Court has not been lodged within the period prescribed by the Supreme Court Rules, the execution of the sentence shall not thereafter be postponed, unless petition for mercy has been submitted by or on behalf of the convict ;

(iii) Immediately on receipt of intimation of the confirmation by the High Court of a sentence of death on a prisoner or of the dismissal by the Supreme Court of the prisoner's appeal or his application for special leave to appeal, the Superintendent shall personally inform the prisoner that if he desires to submit a petition for mercy, it should be submitted in writing within seven days ;

(iv) If the prisoner submits a petition within the period of seven days prescribed above, it should be addressed to the Governor of the State and to the President of India and despatched by registered post with acknowledgements due, to the Secretary to the Government together with a covering letter bearing in red ink, the words 'Death Sentence', 'Petition for Mercy' and 'Urgent' reporting the date fixed for the execution and certifying that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the despatch of the petition, the Superintendent shall send an express letter to the Secretary to the State Government drawing attention to the fact but he shall in no case carry out the execution before receipt of reply from the State Government ;

(v) If at any time before the execution of the sentence it comes to the knowledge of the Superintendent that exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he should report the circumstances by wireless to the State Government and ask for its order and shall defer execution of the prisoner till Government orders are received.

### **Communication—Rapid—Specil Marking**

14. (i) The words 'Death Sentence' should be inserted before the address in telegrams relating to capital sentences ;

(ii) In all cases receipts of orders communicating the rejection of petitions shall invariably be acknowledged by registered letter. The orders of Government postponing the execution shall immediately be acknowledged by telegram by repeating the orders ;



(iii) Telephonic orders regarding prisoners shall be got confirmed by dialing back to Government ;

(iv) A distinctive red envelope with the words 'Death Sentence' and 'Immediate' marked on the top left and right hand corners respectively, shall be used in death sentence cases. All Superintendents shall make special arrangements to ensure that communications received in these distinctive envelopes are received in the prison at any time of the day or night either by the Deputy Superintendent or in his absence by the Assistant Superintendent in charge who :—

(a) shall note the time and date of receipt in the receipt register,

(b) shall immediately place the communication before the Superintendent or in his absence the officer next below him, for orders ;

(v) The Superintendent shall see that prompt replies and acknowledgements are furnished where these are required and that in the case of orders staying execution acknowledgement are promptly sent to Government by special messenger or telegram and well in advance of the time fixed for execution of the sentence.

#### **Action on final confirmation of sentence**

15(i) The State Government will fix the date of execution if mercy petition is rejected ;

(ii) On receipt from the Government of final confirmation and date of execution of the prisoner sentenced to death:—

(a) the prisoner and his relatives will be informed about the date of execution by the Superintendent,

(b) the prisoner's will may be prepared in accordance with his wish,

(iii) No prisoner sentenced to death shall be executed on a public holiday.

#### **Arrangement for execution**

16.(i) On receipt of the final date of execution of the prisoner, the Superintendent shall be authorised to fix the time of execution sufficiently in advance. A report intimating the time of the execution shall be sent, to Government, the Inspectors-General and Sessions Judge ;

Note :—The execution shall take place early in the morning before it gets bright. The latest time of the day for different seasons will be in accordance with orders passed separately by the State Governments.

(ii) The Executive Engineer shall arrange the inspection of the gallows every quarter and before the date of hanging as would be intimated by the Superintendent;

(iii) The Medical Officer shall report in the medical report book about the drop to be given to the prisoner at least four days before the date on which the prisoner is to be executed ;

Note : 1.—The Medical Officer of the prison shall work out the details of the length of the drop to be given to a prisoner on principles as shown below :—

(i) If the prisoner weighs less than 100 lbs., he should be given a drop of 8 feet ;

(ii) If the prisoner weighs from 100 to 133 lbs., he should be given a drop of 7 feet 6 inches ;

(iii) if the prisoner weighs more than 133 lbs., but not more than 166 lbs., he should be given a drop of 7 feet ;

(iv) if weighing more than 166 lbs., but not more than 200 lbs., he should be given a drop of 6 feet 6 inches ;

(v) if weighing more than 200 lbs., he should be given a drop of 6 feet;

provided that so long as the extreme limits of 6 feet on the one hand and 8 feet on the other hand are adhered to. If owing to physical peculiarity of the prisoner, the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's opinion.

Note. 2.—The above calculations are based on the assumption that the execution rope will be made of cotton yarn/manila of 1 inch to 1 1/2 inches diameter.



(b) to strap the prisoner's legs tightly,

(c) to put the rope round the neck quite tightly, the knot or metal eye being just in front of and below the angle of the jaw, so as to run up behind the ear when the prisoner falls and receives the jerk. Care must be taken to adjust the rope so that the part to which the metal eye belongs shall pass in front of the throat. The noose should be kept tight, having adjusted by means of a stiff leather washer on the rope. The flap of the cap should hang in front free from the rope ;

(v) The Superintendent shall see that the rope round the neck of the prisoner is adjusted properly and the knot placed in the proper position ;

(vi) The operations mentioned in (iv), should be done simultaneously and as quickly as possible. On completion of all these operations the Superintendent shall give a signal on seeing which the executioner in charge shall push the lever to let down the trap-door.

(vii) The body shall remain suspended for half an hour and shall then be taken down after the Medical Officer has certified that the life is extinct.

Note.—For each execution, the executioner shall be paid requisite execution fees.

### **Disposal of body**

19.(i) The body of the executed prisoner shall be disposed of according to the religious requirements ;

(ii) If the executed prisoner's relatives make a written application for performing the last rites, the Superintendent may in his discretion allow such request, provided that the relatives give an undertaking in writing that they will not make a public demonstration for cremation/burial, etc. In cases where the Superintendent thinks that there is a likelihood of public demonstration, he has the authority to refuse such permission. In cases of disposal of the body of executed prisoner in whose case there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate and arrangements for the disposal of the body shall be made according to the requirements of the situation. In such event, the Superintendent shall act in accordance with the instructions of the District Magistrate ;

(iii) The body of the executed prisoner shall be taken out of the prison with all solemnity. A municipal hearse or ambulance shall be used for the transport of the body to the cremation/burial ground. The Superintendent is authorised to incur all reasonable expenditure required for the transport and the disposal of the dead body.

### **Subsequent action**

20.(i) The Superintendent shall return the warrant to the court which issued it with an endorsement in the following form which shall be countersigned by the Medical Officer and the Executive Magistrate :—

I hereby certify the sentence of death passed on.....  
by the court of Sessions and confirmed by the High Court, has been duly executed and the said.....  
.....was hanged by the neck until he was dead at.....  
on the.....

(Sd) Medical Officer.

(Sd) Executive Magistrate

(Sd) Superintendent

(ii) The Superintendent shall submit the execution report to the Inspector-General in the form.