

**REPORT**  
**OF THE**  
**KERALA JAIL REFORMS COMMITTEE**  
**(1991-1993)**

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## PREFACE

1. Jails and the unfortunate people who have been thrown into them have ever been of deep concern of many sensitive souls. The "Les Miserables" is one of the classics which deals with the fate of the misérables; how people are drawn into crime and how society treats them can be seen vividly in it. To the understanding mind it is not hatred and anger but a broad sympathy and deep concern that is felt towards these unfortunates. As Upaguptha says in Kumaranasan's "Karuna" those who in the life long journey have not, sometime or other swerved from the path of righteousness and tread on sin will not be many. Of course, there are some who have been outrageous; some who have been unfortunate. Even among the worst there is hope of redemption. 'Angulimala' who after murdering a thousand, to gather their fingers to make a garland for the goddess Kali approached Lord Budha for his fingers. He was transformed into an "Aarhatha" by the Lord by his immense "Karuna"—deep sympathy and understanding. There may be a divine spark of love even in the hardest criminal. From retribution, retaliation and punishment, there has been changes in the attitude. The elements of sympathy and understanding and redemption, rehabilitation and reintegration in the society have been gradually gaining momentum in many parts of the world. The United Nations Charter of human rights embraces even the individuals who have swerved into criminality.

2. Crime and punishment, the 'dont-s' set up by society on pains of disapproval or punishment have been with the society from time immemorial in all parts of the world. The smallest unit of the society, the family, had set its norms of behaviours. The 'Patria-Potesta', the head of the family had even powers of life and death on its members. As the society evolved and the all powerful



State grew and extended its right, the patriarch of the family lost his all powerful position to the State. For a long time the Chiefs of the clans, the tribal chief, enjoyed right over the life and liberty of their people. Even now exists such tribes. There are many religious communities which could excommunicate and otherwise punish the members for infractions of their behaviour.

3. The Mosaic law of "an eye for an eye, a tooth for a tooth" was an improvement on the more harsh way of retribution that existed among the people. Even now in certain countries very harsh and very cruel punishments exist. Chopping away the hands and legs, beheading and stoning to death are punishments which prevail in some countries. People are thrown into dungeons. Whipping is a form of punishment. Some countries are reported to have even roasted people alive.

4. In Kautilya's "Arthasasthra", we find generous imposition of fines as well as corporal punishment. Driving the spear through is found to be one form of punishment. It is said that one time in the history of our country, Jains and buddhist in their hundreds were fixed on spears. In Kautilya we find chopping limbs, burning alive, forced to drowning, cutting off the genitals, nose, etc. Even blinding using a potion is also seen as a form of punishment. Cutting off the tongue and pouring molten lead into the ears were there as punishment. Of course, in the harshness of punishment "Varna" (Caste) of the victim had a role. Fine was very liberally used. Whipping also was not spared.

5. The torture inflicted on the victims at the hands of the Chieftains/Kings were even harsher. Elephants were made to knock off the head of the victim buried shoulder deep; elephants were used to split the victim into two by pulling the legs apart. Guilt was fixed by dripping hand in boiling ghee. There were special contrivances to torture the victims to death. Even nailing on trees was resorted to by certain Dalawas. Throwing the suspect into the crocodile infested tank was a punishment under Zamorin.



6. Crucellar were the forms of punishments that prevailed in the West. Crucifixion was not uncommon. Putting on the pillory was not the ultimate in torment. Flaying alive and burning at stake and roasting in slow fire were made horrendous. Whether in the East or West, cruelty of those in authority to their subjects had no limit. But in course of time, the horrendous nature of punishment got softened in most part of the world. Putting on the pillory, burning at stake, flying alive and throwing to the wild beasts, crucifixion and flogging are now unheard in any of the civilized countries. Even death penalty has been abolished in many countries. While in India it is in the rarest of rare cases that such punishments are imposed.

7. "Dharma" was considered to be the sheet anchor of Indian legal administration. Too harsh punishments will alienate people from the Ruler; if too soft the writ of the Ruler will not run effectively. So, the middle course was the one that was commended. But it varied from Ruler to Ruler and the quality and calibre of the advisers. In the West the King was above Law and what he willed was the Law. 'Magna Carta' in England and the peoples revolution elsewhere made law as the reflection of the will of the people. Thus crime and punishment ceased to be the arbitrary expression of the rulers Parliament and Legislature became the fountain head of Law of crime and punishment. The administration of law and peace came into the hands of the police in course of time. An unprincipled, corrupt and overzealous police can torture even innocent people into confessions of crime and thus conviction and sentence can become a mockery. They can manipulate evidence, can send innocent men to gallows. Thus we find an element of suspicion running through the law of evidence on confessions made to the police. Many find themselves behind the bars because they have no proper defence counsels, one is inclined to presume. The courts too should be conscious about the helplessness of the hope-victim and must be alert in the case of those defended by crown defence or counsel appointed by courts.



8. The next and final part in the crime and punishment is the Jail. The Jails originally conceived were ones which would instill terror in the minds of the convict as well as the society. Reclamation was not in the agenda. Hard labour was extracted to break the spirit of the convict. They were not trained for any productive work. Work was meant to be backbreaking, monotonous and demoralising. From all these, we have travelled a long way and we have to go much further in the line. Jails must be for reformation and re-integration of those who have by chance swerved from the right path. They must be trained as useful citizens. Even the prisons must become centres of intense and useful activities. They must have self respect and respect for others instilled in them. For this, we must take our inspiration from Mahatma Gandhi and Pandit Nehru. They wrote from personal experiences steps to be taken to improve the Jails and the criminal justice administration in Country.

“.....revision of classifications, according to my suggestion, means a revolutions in the whole system. It undoubtedly means more expense and different type of men to work the new system. But additional expense will mean economy in the long run. The greatest advantage of the proposed revolution would no doubt be reduction in the crimes and reformation of the prisoners. The Jails would then be reformatories, representing to society sinners as its reformed and respectable members. This may be far off event.”

(My Jail Experiences—Mahatma Gandhi)

“I feel that 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 grownups."*

(*"India and the World"*—Pandit Nehru)

"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 Newyork. He trained himself by undergoing a term of voluntary imprisonment, and, as a result of this, he introduced later on many remarkable improvement in the Social rehabilitation and education of the prisoners."

(*"India and the World"*—Pandit Nehru)

"So the question of prison reforms leads us inevitably to a reform of our criminal procedure, and even more so 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 reforms. That of course leads, as everything else does, to a change of the whole system of Government."

(*"Prison Land"*—Pandit Nehru)

9. The freedom movement which swept this sub continent based on non-violence, non-co-operation and civil disobedience filled the jails. From the humblest villager to the highest in the Society were behind the bars. They mingled and associated with the so-called



criminals. They got opportunity of attaining deep understanding and close perception and intimate contact with the World of Crimes and Criminals. Gandhiji, Panditji and others found that those who were depicted as criminals were not men and women to be despised and neglected as incorrigibles but valuable human beings to be handled with sympathy and understanding; to be redeemed, reclaimed and re-integrated into society. They had to be trained to do useful and productive work which will make them valuable citizens. Even Jails can be transformed into productive workshops. I would quote Pandit Nehru again from his article "Prison Land" included in the Book "India and the World".

".....It must be thought that these changes will involve much extra expenditure. If properly seen 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 the changes except one—the *absolute necessity of having a competent, humane staff fully understanding and appreciating the new angle of vision and eager to work it.*"

10. So with a view to having a thorough knowledge about the prevailing conditions and the conditions that should be there to humanize the prisons in our State to keep up with the changes that are taking place in the sphere all over the world, we have examined the Jail set up. The set up of the chain that deal with crime and punishment. For this, we have to consider the various segments in the Jail administration. For that we made study tours within the limitation of time and availability of funds. Within the limitations, the Committee made as thorough a study as possible. The Government on their part, inspite of the tight financial track had been helpful and co-operative.

11. I take this opportunity to extend my sincerest thanks to Sri K. Karunakaran—the Chief Minister of Kerala at whose initiative this Jail Reforms Committee



came into existence under my Chairmanship. I must also express my sincere thanks to Sri Oommen Chandy—the Finance Minister for his helpful attitude. I cannot but express my gratitude to Sri C. P. Nair, I.A.S.—the Home Secretary and his staff in the Secretariat who have extended their valuable help and assistance in the smooth functioning of this Committee all along.

12. My sincerest thanks are due to the members of the Committee viz. S/s P. P. Ummerkoya, K. Karunakara Panicker, P. A. Oommen, Mrs. Leela Damodara Menon, C. Subramaniam (Retd. D.G.P.), Dr. K. A. Kumar who have co-operated and guided me in the preparation of this Report. I would also like to place on record my appreciation of the invaluable assistance extended by the successive Inspector General/Additional Director General of Prisons who were ex-officio Member-Secretaries of the Committee viz. Sri C. Subramaniam I.P.S., (who after relinquishing charge as Director General of Police continued as Member of the Committee), Sri I. Thangaraj, I.P.S., Sri R. Jayaram Padikkal I.P.S., and Sri V. Krishna Moorthy I.P.S.

13. I also take this opportunity to thank the members of the public and the representatives of the Service Organisations whose views and suggestions immeasurably helped the Committee in formulating this report.

14. Lastly, I place on record my heart-felt appreciation of the valuable service rendered by Sri N. Sadanandan, Office Secretary of the Committee and his able assistance in the office in preparing this report.

15. On behalf of the Kerala Jail Reforms Committee, and on my own behalf, I present this Report to the Government of Kerala for consideration and necessary action.

Thiruvananthapuram,  
28th December 1993.

A. P. UDAYABHANU,  
*Chairman.*



## CHAPTER I INTRODUCTION

1.1 The conditions of the Jails in the country, and the inmates there, have been subjects of great concern and commissions had been constituted by the Government of India and Several State Governments for introducing Jail Reforms, ever since the Indian Jail Committee 1919-20. Under the Government of India Act of 1935 Prisons and Prison Administration are State subjects. Even after attainment of Independence the position continued to be the same. Most of the useful and valuable recommendations made by the various Committees/Commissions and Working Groups at National level since 1919-20 have not been taken up for implementation by the State Governments. The reasons may be both administrative and financial.

1.2 Adverse criticisms and comments have been there about the prevailing conditions of the prisons and other correctional institutions in the Legislature and the Press. The Supreme Court of India and the High Court of Kerala have also time and again commented on the conditions of Jails. Suggestions for the urgent need for improving them and to humanise the prisonisation in the correctional lines have been made. In view of these the Government of Kerala constituted the State Jail Reforms Committee in G. O. (Rt.) No. 5034/91/Home (B), dated 29th October 1991, to study the prisons and prison problems and to suggest solutions for them, under the Chairmanship of Sri A. P. Udayabhanu with the following as members:

1. Sri K. Karunakara Panicker,  
Vattiyoorkavu,  
Thiruvananthapuram.
2. Sri P. A. Oommen,  
Retd. District and Sessions Judge,  
Muttam, Haripad.
3. Sri P. P. Ummerkoya,  
Ex-Minister,  
Kozhikode.
4. Smt. Leela Damodara Menon, Ex-M.L.A.,  
Azad Road,  
Ernakulam.
5. Dr. K. A. Kumar,  
Director and Professor of Psychiatric Medicines,  
Medical College,  
Thiruvananthapuram.

[Nominated by G.O. (Rt.) No. 5361/91/Home (B),  
dated 23rd November 1991]



6. Shri C. Subramaniam, D.G.P. (Since retired)  
Jawahar Nagar,  
Thiruvananthapuram.

[Nominated by G. O. (Rt.) No. 359/92/Home (B),  
dated 18th January 1992]

7. The Inspector General of Prisons (Member—Secretary)

1.3 The terms of reference of the committee were the following:

(1) To review the organisational structure of Kerala Jail Administration to find out its strength and weakness and to make appropriate recommendations to enable it to respond to the challenges of modern times.

(2) To examine the living conditions of prisoners in Kerala and propose improvements in consonance with the requirements of leading a life of human dignity.

(3) To explore the possibilities of engaging the convicts in productive employment on a more extensive scale than at present and also to impart them vocational training.

(4) To review the working of the open prison.

(5) To review any case of life convicts who have actually spent not less than 8 years in the prisons of the State to the extent to which it is required to suggest new system or modification to the present practice for pre-mature release. [Added vide G. O. (Rt.) No. 1396/92/Home (B), dated 20th March 1992.]

(6) May study and report on the working of the Borstal Schools in the State with special reference to the calibre and quality of the staff. [Added vide G. O. (Rt.) No. 2158/92/Home (B), dated 7th May 1992.]

1.4 The staff of the committee consisted an Office Secretary, a Confidential Assistant Grade II, a Lower Division Clerk, a Driver, a Peon and a Part-time Sweeper. The Office of the Committee was accommodated in the ground floor of the residential building of the Chairman of the Committee. The personal telephone of the Chairman with S.T.D. facilities was ordered to be used as the official telephone of the Office of the Committee. One dieselised jeep was also provided to the Committee by re-deployment from the Prisons Department.

1.5 Sri A. P. Udayabhanu assumed charge as Chairman of the Committee on 2nd November 1991 and the Committee commenced functioning. The Committee was originally constituted for a period of six months from the date of assumption of charge of the Chairman.



The term of the Committee was periodically extended from time to time by the Government in their orders in (Rt.) Nos. 2300/92/Home(B), dated 8th May 1992, 261/93/Home (B), dated 14th January 1993 and 1714/93/Home (B), dated 24th June 1993 upto 31st December 1993.

1.6 At the sittings of the first meeting held on 25th November 1991 and 26th November 1991 the Committee formulated its plans of functioning. The importance and the need for Prison Reforms in the State in the context of the growing aspirations of the people in general for a better and meaningful life in pace with the time to time changes that are taking place were subjected to discussion in detail. The Committee went into the details of the Prisons Administration in its various aspects to prepare a comprehensive report. The recommendations on reforms are to make the Prisons Administrations in the State a dynamic and a vibrant part of the Government Administration. The Committee arrived at the conclusion as it noticed that the Prisons Administration in the State (as well as in the Nation as a whole) was receiving a very low priority. The Committee felt that it is time to review working of the prisons of the State in depth and to suggest measures to improve its efficiency in the administrative set up. The ultimate aim of the correctional system of Criminal Justice Administration is to allow those under incarceration to have a life of human dignity to achieve the object of their social re-education and social reclamation as useful and law-abiding citizens. Accordingly, the Committee took the decision to elicit public opinion of a large segment of the society as much possible on the nature of reforms required in the administration of the prisons and the treatment of prisoners.

1.7 With this end in view, the Committee prepared questionnaire/opinionnaire both in English and in Malayalam and circulated printed copies among the members of the public, political parties, M.L.As. and M.Ps., members of staff, service organisations and the inmates of the prisons and other correctional institutions. The response was slack except from the prisoners which was enthusiastic. (Questionnaire/opinionnaire so circulated may be seen in Annexure I)

1.8 Reference were issued and requests made to the I. G. of Prisons in other States for gathering material information with regard to the prevailing administrative set up of the Department in general and about the treatment of prisoners and the living conditions, in particular. Replies were received from the Prison Administrators of Assam, Punjab, Andhra Pradesh and Tamil Nadu. (Copy of the reference so issued may be seen in Annexure II.)

1.9 Letter was also issued to the I. G. of Prisons of the State requesting him to arrange to furnish statistical information on the prisons, prisoners and statement on expenditure and income including production and yields. (Copy of the letter so issued may be seen in Annexure III)



1.10 The Committee conducted tours and paid visits to a number of institutions both within the State and outside Kerala. The Committee held sittings in those institutions and conducted spot-study and heard the prisoners as well as the officials there. (List of institutions visited may be seen in Annexure IV)

1.11 We held discussions with many eminent personalities, took evidences and gathered views and suggestions from many in position as well as those retired from service and connected with prisons and Criminal Justice Administration. (The names of such persons may be seen in Annexure V)

The Committee records its acknowledgements to their valuable suggestions.

1.12 As regards introduction of productive employment in prisons and providing opportunities for vocational training in useful avocations to the inmates of the correctional institutions, the Committee took evidences from a number of officials and professionals both in the Industrial and Agricultural fields and Social Welfare Agencies. The committee is indebted to them for furnishing valuable suggestions which facilitated us in the preparation of this report. (Annexure VI-Contains the list of such officials and professionals)

1.13 Representatives of various Services Organisations had also given evidence before the Committee, on request:—

The valuable suggestions that they had given have also helped us much in the preparation of this Report. The Committee acknowledges with thanks the co-operation that they had extended. (Annexure VII shows the names of the Service Organisation and members of the Service so appeared before the Committee.)

1.14 The Committee have also had the privilege of examining the representatives of a few Charitable Agencies and Welfare Organisations rendering welfare services to those in distress. The committee record its deep gratitude to all those rendered assistance to by giving evidence and offering suggestions. (Annexure VIII contains the list of such organisations.)

1.15 In all, the Committee met on 27 occasions and held 68 sittings to collect evidence, hear the witnesses and later to discuss the outlines and draft report before its finalisation. Besides the Committee held 11 special sittings on two occasions to review the cases of life convicts for premature release of those who had completed 8 years of actual imprisonment and 10 years of imprisonment including remission of sentence as on 31st December 1992 and 31st October 1993. At the special sittings held on 7 days in January 1993 and February 1993 the Committee reviewed altogether 355 cases of life convicts who



completed 8 years of actual imprisonment as on 31st December 1992 and recommended the premature release of 234 convicts including 9 cases of other State convictions. The Government had ordered the premature release of all the 225 life convicts (State convictions) excepting the 9 cases (other State convictions) invoking the special powers of the Governor of the State under Article 161 of the Constitution of India. At the special sittings for 4 days from 15th November 1993 to 18th November 1993 the Committee had reviewed the cases of a total of 256 life convicts and recommended the premature release of 123 convicts for orders under Article 161 of the Constitution of India.



## CHAPTER II

### PRISONS AND PRISON REFORMS—AN HISTORICAL SURVEY

2.1 How does one define 'Crime'? The answer depends on how different groups in any Society at any given point of time view that are called "deviations". To cite just one example, polyandry and polygamy are accepted customs in some tribal societies even now whereas they are looked down upon as 'Crimes' in the many other societies.

2.2 Hence it is not easy to define 'Crime'. But, for the sake of convenience we may define it as a deviation from the accepted norms of society. So viewed, a person who commits a crime invites a punishment laid down for that crime either by the society's elders or by the Law of the Land. That is to say, a 'Crime' is punishable because it is considered detrimental to society, and offends the sense of propriety of the majority of the people in that society. The punishment is imposed to set the culprits right, deter others from committing the same crime in future and bring about uniformity in the behaviour of the individuals to the extent possible and to ensure that the society at large lives peacefully. Of late, the concept of crime and punishment has been changing.

2.3 With the advent of industrialisation, for example, the society faced new problems and new forms of crimes which began to affect all sections of the society. In the Sixteenth Century the increase in the number of professional criminals and the equally large increase in the number of offences led to the imposition of death sentence on a large scale.

2.4 The first prison as we know it today were set up in Italy in 1704 in the place of the dungeons into which the criminals used to be thrown. It was after 1704 that what may be called 'structured prisons' came to be established in other parts of the world. By this time, a change came about in the thinking on the issue of crime and punishment and criminologists began to advocate that the punishment meted out to a guilty person should commensurate with the gravity of the offence and should also be meant to reform the criminal rather than condemn him for life. That is to say, the object of punishment changed from the 'Peno-correctional' to the 'Correctional' aspect viz. correction; reclamation and reassimilation of the criminal into the society. But this transition was not an easy one nor was it achieved overnight. For example, in 1764, in his work 'An Essay in Crimes and Punishments' Cesare Beccaria criticised the criminal law and the system of punishment then existing and stated, it is better to prevent crimes than to punish them. The most certain method of preventing crimes according to him was to perfect the system of education.



2.5 As for India, it was Lord Macaulay who, in December 1835, drew attention to the horrible conditions that prevailed in the India Prisons then. He argued for the establishment of a machinery for inflicting punishments and pleaded for framing regulations that would instil some fear in the minds of wrong-doers and at the same time ensure that the system was humane. Based on his suggestions, a Prison Discipline Committee was sent up in 1836. This Committee advocated more rigorous treatment of prisoners and better and proper prison buildings, better health care and facilities for employment within the four walls of the prisons. The Committee disfavoured all reforming influences on the wrong-doers. Yet another Committee was set up in 1888 to examine the functioning of the Prison Administration in India and its recommendations led to the enactment of the Prisons Act in 1894. This was indeed a precursor to a large number of statutes adopted later to streamline prison administration in the country.

2.6 It was left to the Indian Jail Committee (1919-20) to introduce reforms in the real sense of the term, in the administration of prisons in India. In a comprehensive report, the Committee recommended that reform and rehabilitation of the offenders should be the main objectives of prison administration. It stressed the need for a properly selected and trained and well-paid body of officials to run the prisons, separation of the executive from the clerical duties, appointment of technical staff, establishment of separate jails for different categories of prisoners, provision of at least 75 square yards of floor area per inmate within the four walls of the prison, avoidance of overcrowding in the jails, creation of children's courts for dealing with cases of juvenile delinquents and housing them in Remand Homes, introduction of system of probation of offenders with the help of voluntary agencies and replacement of short term imprisonment by a provision for fine or warning.

2.7 In 1951-52, the Government of India engaged Dr. Walter C. Reckless, a U. N. expert on Correctional Work to study the conditions of jails in India and make suitable recommendations. After an exhaustive study, Dr. Reckless recommended as follows:—

- (a) "Jails be transformed into reformation centres and new jails established.
- (b) Juvenile delinquents be removed from adult jails, courts and police lock-ups.
- (c) Development of whole time probation and aftercare services.
- (d) Prison Service be made a career service and that a cadre of properly trained workers was essential to man prison services.



(e) Review Boards be constituted for selection of prisoners for premature release.

(f) The Jail Manuals be revised.

(g) Training programmes be organised for the Warders and superior staff in the prisons.

(h) Introduction of legal substitution for short term sentences.

(i) Reduction of the number of under-trial prisoners and their period of remand in jails.

(j) The constitution of a Central Bureau of Correctional Services.

(k) The establishment of an integrated Department of Correctional Administration including Jails, Borstals, Probation and Aftercare Services, an improvement should be brought about in development of professions, conference among the superior staff members concerned with the care and treatment of juvenile and adult offenders."

2.8 As a follow up of these wide ranging recommendations and in line with the International Covenant of the Standard Minimum Rules for the Treatment of Prisoners, which was adopted by the United Nations Congress on Prevention of Crime and Treatment of Offenders held at Geneva in 1955, the Government of India set up the All India Jail Manual Committee in 1957. Based on the report of this committee submitted in 1959, the Model Prison Manual was prepared and published in 1960.

2.9 Under the Government of India Act, 1935, the subject 'Prisons' came under the domain of the State Governments. Yet the Government of India, convinced of the importance of creating a society free from crimes and criminals, paid considerable attention to the subject and helped the State Governments financially for the establishment of Borstal Schools, Certified Schools, Remand Homes, Aftercare Homes/Shelters and Hostels and for the expansion of probation and the introduction of Welfare Services in the Prisons. These projects were implemented under the head 'Social Defence' in the successive Five Year Plans.

2.10 But despite the sincere efforts of and the impetus provided by the Government of India, most of the recommendations and suggestions contained in the Model Prison Manual have not been fully implemented in our State even now. Only the provisions relating to grant of leave, interviews and communication with families, provision of canteen and recreation facilities and payment of wages have been adopted and incorporated in the Kerala Prisons Rules, 1958.



2.11 As recommended by Dr. Reckless and the All India Jail Manual Committee (1957-1959) the Government of India set up in 1961 the Central Bureau of Correctional Services entrusted with the following tasks:

(i) to formulate a uniform policy and to advise the State Governments on the latest methods relating to Jail Administration, Probation, Aftercare, Juvenile and Remand Homes, Certified and Reformatory Schools, Borstals and Protective Homes, Suppression of Immoral Traffic etc;

(ii) to standardise the statistical forms and collect, collate and interpret statistical data relating to prevention of crime and treatment of offenders on an All India basis;

(iii) to exchange information between the Government of India and the foreign Governments and with the United Nations;

(iv) to promote, research and staff training, including the establishment and control of Central Institutions, afford guidance to such institutions as may undertake studies, surveys and any other required research and experimentation in the field;

(v) to disseminate information and stimulate interest by publication of bulletins, promotion of conferences, etc. for the above purpose with a view to securing the necessary appreciation of progressive correctional methods and public co-operation for the rehabilitation of offenders and prevention of crime.

2.12 The Bureau of Correctional Services, renamed in 1975 as the National Institute of Social Defence, (N.I.S.D.) has rendered yeoman service in creating an awareness among the different wings of criminal justice administration viz. the Police, the Judiciary and the Correctional Administration about the need for a proper treatment of the criminals in order to prevent crimes. It studied, for example, the several factors that led to criminal behaviour viz., the social, cultural and economic background of an individual and recommended adoption of legislative measures for remedying the situation. It was at the instance of the N.I.S.D. that the Government of India appointed the Working Group on Prison in 1972. In its Report presented a year later, this group stressed the need for formulating a national policy on prisons and suggested effective alternatives to imprisonment. It emphasised that development of prisons and correctional administration were an integral part of the process of national development itself. In order to achieve this objective the Working Group made the following recommendations:—

(a) "A suitable system should be established for co-ordination among the judiciary, the police and the prison and correctional administration for the effective prevention of crime and treatment of offenders.



(b) The objectives of punishment are diverse. In recent times, the principle of retribution has been mostly discarded and the theory of deterrence and incapacitation applies to certain types of offenders only. The supreme aim of punishment has now to be the protection of society through the rehabilitation of offenders. This re-assimilation of the offender in society and the prevention of crimes should be the principal goals for the criminal justice system. Accordingly, the goals of the prison administration will be the employment of all resources, human and material, to provide scientific treatment to every offender according to his peculiar needs and circumstances.

(c) The concept of deprivation of liberty and segregation from society should be limited to the habitual, the incorrigible and the dangerous criminals. Short-term imprisonment does not serve any useful purpose. The fullest possible use should be made for the various alternatives to imprisonment, as well as of Open Prison. Non-institutional or semi-institutional forms of treatment should be resorted to as far as possible.

(d) Simple imprisonment should be abolished as a form of punishment.

(e) Scientific classification of prisoners and diversification of institutions are essential for treatment programmes in prisons.

(f) Juvenile and young adults should be kept away from adult institutions. Institutions for them should be provided with special facilities for treatment and rehabilitation.

(g) Prison administration should be treated as an integral part of the Social Defence component of the national planning process and so it is necessary that there should be close co-ordination between the prison and the probation and other correctional services.

(h) 'Free legal aid' should be provided to all indigent prisoners.

(i) The prison should have facilities for work programme aimed at equipping the offenders for a return to society with skills to help in their socio-economic rehabilitation.

(j) The treatment services in prisons should include proper medical and health services, diversified education, vocational training, correctional work, counselling and self discipline and cultural activities in consonance with the social and criminal history, the physical and mental capacities and the length of the sentence of individual prisoners.

(k) The interests of prisoners and of vocational training should not be subordinated to considerations of financial gain from agriculture and industry.

(l) Prisoners should be provided with minimum facilities for a simple living with proper clothing and accommodation; segregation, personal hygiene, sanitary facilities, a balanced healthy diet, open area



for exercise and recreation on accepted minimum standard and opportunities of communication with the outside world through a liberal system of interviews and correspondence.

(m) The prison administration should encourage inmates participation in institutional management in suitable areas such as sanitation, canteen, food and cultural activities and the cultivation in the prisoners of a sense of responsibility and participation.

(n) There should be systematic and periodic review to determine which offenders can be safely released prematurely, subject to specified conditions or otherwise. This may be coupled with a system of parole supervision.

(o) Under-trial prisoners should be lodged in separate institutions as far as possible and facilities should be provided to them for work on a voluntary basis.

(p) The prison administration should develop cadres of prison officers with basic academic qualifications and specialised training in the theories and practices of correctional work and institutional management;

(q) Suitable pay scales, prospects of promotion, opportunities for professional growth and job satisfaction should be provided to the prison staff so that they may develop the image of an important social service.

(r) A humane, efficient and well-organised system of aftercare and rehabilitation of offenders should be continuous part of the prison programmes.

(s) The Union and State Government should declare unequivocally that there will be no bar or restriction on the employment of ex-convicts of specified categories in public services after a due scrutiny of the prison reports certifying to their abilities and qualities.

(t) The prison administration should systematically enlighten individual citizens, associations, societies and other community agencies in the treatment, aftercare and rehabilitation of offenders".

2.13 We may now turn our attention to what has been done in Kerala in the field of Prison Administration and Prison Reforms. As far back as in 1953 itself the then Government of Travancore-Cochin constituted a Jail Reforms Committee headed by Shri. R. Sankaranarayana Iyer, a Retired Judge of the High Court of Travancore-Cochin. One of its major recommendation accepted by the Government was the substitution of the police station lock-ups by establishing Sub Jails. This step marked the first ever attempt on the part of the State Government to effect reforms in the Jail Administration.



2.14 But unfortunately nothing more appears to have been done by the State Government in the direction of prison reforms and development of correctional services. Despite the recommendations of the Working Group on Prisons (1972-73) on bringing services like probation, aftercare and rehabilitation under a unified programme of Social Defence the Government of Kerala in September 1975 separated these services from the Department of Prisons and brought them under the newly-formed Department of Social Welfare. This step was an ill-advised one, for probation and aftercare are inextricably intertwined with prisons and hence the prison department would be better equipped to monitor the post-release conduct and behaviour of the prisoners. Further no visible improvement appears to have been effected in the quality of these services after they were brought under the control of the Social Welfare Department. Many other recommendations of the Working Group still remain to be implemented.

2.15 To this extent, achieving the declared goal of better correctional administration still remains a distant dream. The Conference of State Chief Secretaries held in 1979 reviewed the position and laid down certain guidelines for the administration of prisons in the country. As a follow-up measure, the Government of India appointed an All India Committee on Jail Reforms in 1980, headed by Shri A. N. Mulla, Retired Judge of the Allahabad High Court, to make a comprehensive review of the Prison Administration in the country and to suggest measures for effecting reforms in the Criminal Justice Administration. In its report submitted in 1983, the Committee had recommended a number of measures to achieve the stated objectives. But unfortunately most of these recommendations are still to be fully implemented in Kerala. This is discussed in detail in the following chapters.



## CHAPTER III ORGANISATION AND STRUCTURE

### Background

3.1 The correctional theory of criminal jurisprudence postulates the programmes for 'Prevention of Crime and Treatment of Offenders'. The objectives are correction, reformation and ultimate social reclamation of offenders, by preventing them from further crimes. The Indian Jail Committee (1919-20) had defined the aim of Prison Administration thus:—

"..... Crime is an anti-social act and it is the task of the prison administrator so to deal with the offenders that he and others, may be deterred from the commission of such acts in the future. It is also generally admitted by modern authorities that the aim of prison administration should further be to effect such a reformation in the character of the Criminal as will fit him again to take his place in the society, and to become a useful citizen. Whatever differences exist as to the methods to be employed, we take it that most penologists agree as to the objects in view viz., the prevention of further crime, and the restoration of the criminal to society as a reformed character."

3.2 Gandhiji said in 1947: "Criminals should be treated as patients in hospitals and jails should be hospitals admitting such patients for treatment and cure. The outlook of the jail staff should be that of physicians in hospitals. The prisoners should feel that the officials are their friends. The popular Government has to issue the necessary orders but meanwhile the Jail staff could do not a little to humanise the administration. No one commits a crime for the fun of it. It is the sign of a diseased mind. The causes of a particular disease should be investigated and removed". This means that the Jail officials must have such aptitude, skill, knowledge, experience and humaneness to deal with the offenders as doctors, nurses and attendants have towards patients.

3.3 While dealing with the organisational structure of the Prisons Department, we would like to quote Dr. Walter C. Reckless the U. N. Expert in Criminology from his chapter on "Jail Administration in India" thus:—

"..... Jail Department is not organised at present for a career service..... 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 in due course. If it came to



pass that an Inspector General could not be selected from the Superintendents of Central Jails because two or three hands are too close in qualifications, then we should go outside the State to get a well-qualified Inspector General, but not a Magistrate, a hospital administrator, a Deputy Collector. Their skills and competence lie in other directions. There are parallel services from which Supdnts., Deputy Superintendents and other superior jail officers could be recruited such as Probation and Aftercare 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 Tom, Dick and Harry cannot bring off successfully....."

3.4 The U. N. Standar Minimum Rules for the Treatment of Prisoners and Related Recommendations adopted in August 1955 at the First United Nations Congress on the Prevention of Crime and the Treatment of offenders had laid down thus:—

"The staff performing specialised functions, including administrative functions, should possess the professional or technical qualifications required for each of the various functions in question. The recruitment of specialised staff should therefore be based on the professional training diploma or university degree evidencing their special training. It is recommended that preference should be given to candidates who, in addition to such professional qualification, have a second degree or qualification, or specialised experience in prison work."

3.5 The Model Prison Manual has laid down the following guiding principles:—

"Prevention, control and treatment of delinquency and crime are components of a unified programme of social defence. There has to be a fundamental continuity and unity in all these operations."

3.6 While outlining the Model Prison Manual, the All India Jail Manual Committee (1957-1959) had made the following recommendations:

"There has to be fundamental continuity in the programmes of prevention and control of delinquency and crime and in all other correctional fields. It is therefore, essential that prevention, control and treatment of delinquency and crime and the aftercare service should be treated as components of a unified programme of social defence. The juvenile delinquency probation and aftercare services should therefore, be co-ordinated. The correctional services should be under the control of the Home Department, which deals with Law and Order. In filling the post of Inspector General, special care



should be taken that only persons with sufficient knowledge and suitable experience shall be considered. If a suitable departmental officer is available, he should be given preference."

3-7 The All India Jail Manual Committee (1957-1959) suggested in Chapters I and II of the Model Prison Manual, that the Inspector General of Prisons should be designated as the Inspector General of Prisons and Director of Correctional Services and that all allied services like probation, juvenile delinquency, prison administration and aftercare services should be co-ordinated and brought under one umbrella.

3-8 The Working Group on Prisons (1972-73) made the following recommendations:—

"The correctional services for the young, adult and adult offenders, probation and aftercare should be co-ordinated in one department and the Inspector General of Prisons should be designated as the Director of Correctional Services also."

3-9 The All India Committee on Jail Reforms (1980-1983) has also made the following recommendation:—

"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 aftercare of these categories of offenders to make correctional treatment a continuous and complete process. The 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."

"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."

3-10 This has also made the following recommendation. We strongly recommend that there should be a separate Department of Prisons and Correctional Administration in the Secretariat of the State in order that they may have the requisite expertise in the field of Prisons Administration to help the Government in taking appropriate policy decisions, as in the present set up there is no arrangement for the Prison Departments to receive the required and the deserving attention and importance at Government level.



"Throughout the history of Prison Administration in the Country the Prison Department was headed either by an Officer from civil services or a medical person. For more than a century, from 1836 to 1961, no police officer was made the Chief of the Prisons Department. This was so perhaps because it was thought 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."

### **A brief history of the Jails in Kerala**

3.11 The State of Kerala was formed on 1st November 1956. Till then the border of the erstwhile Travancore-Cochin State extended upto and included Kanyakumari and Shencottai. When the States were reorganised the area South of Kaliyikavila and Shencottai became part of Tamil Nadu and the Malabar District and Kasargod Taluk which were till then part of the Provincial Government of Madras were added to the newly formed Kerala State.

3.12 We see that the jail institutions in Kerala are modelled on the British pattern.

The British structural prison was patterned the "Papal Prison" in Italy established in 1704.

3.13 The oldest of the Jails in Kerala is the District Jail, Kozhikode which was till April 1969 the Special Sub Jail, Kozhikode, established in the year 1861. Then comes the Central Prison, Kannur established in the year 1869. The Thiruvananthapuram Central Prison in the former State of Travancore came into existence in 1873, accommodated in the barracks of the Nair Brigade inside the Fort by converting the Principal Jail, Thiruvananthapuram established in 1861. This Central Prison was later shifted to its present location at Poojappura in September 1886. In the princely State of Travancore, there were two Divisional Jails also attached to the District Criminal Courts at Kollam and Alappuzha, besides the Police Station lockups in other places for keeping the remand and under trial prisoners. In the former Cochin State the Central Prison presently at Viyyur, Trichur District originally established in the year 1890 at Ernakulam was later shifted to Viyyur in 1914. Seven ordinary Sub Jails also functioned there in the Cochin area since 1929-30.

3.14 The Travancore-Cochin Jail Reforms Committee (1953-54) headed by Justice Shri R. Sankaranarayana Iyer retired Judge of the Travancore High Court made a strong recommendation for the establishment of sub jails in the State for keeping the prisoners under remand and during trial and to discontinue the practice of



keeping them in Police Station lockups. Till 1953, the Superintendent, Central Prison, Thiruvananthapuram was the ex officio I.G. of Prisons under the provisions of the Travancore-Cochin Prisons Act, 1950 and the Rules made thereunder, for the purpose of the Act. On 1st January 1953 a separate post of I.G. of Prisons was created at the instance of the Government of India based on the recommendations of Dr. Walter C. Reckless.

Shri A. V. John the senior of the two Central Prison Superintendents was appointed the first I.G. of Prisons of the State. (He was also member of the All India Jail Manual Committee 1957-1959). He followed up the recommendation of the Travancore-Cochin Jail Reforms Committee on establishment of Sub Jails. Accordingly, by the time the State of Kerala was formed in November 1956, there were 10 'A' Class Sub Jails and 29 'B' Class Sub Jails in the erstwhile T. C. State, besides the Central Prison at Thiruvananthapuram and Trichur. The 'B' Class Sub Jails were under the dual control of the I.G. of Prisons and the District Collectors concerned and the others under the direct control of the I. G. of Prisons. Of the above, one 'A' Class Sub Jail at Nagercoil and one 'B' Class Sub Jail at Kottar were transferred to the Madras State (since named as Tamil Nadu). The Central Prison, Kannur, the Special Sub Jail, Kozhikode and 20 ordinary Sub Jails (equivalent to the 'B' Class Sub Jails) which were in existence in the Malabar area also came under the control of the Kerala Jails Department. The Civil Ward attached to the Central Prison, Kannur was set apart as the Female Block for accommodating the Malayalee Female Prisoners transferred from the Madras State and the Quarantine Block of that Central Prison declared as a Borstal School, for keeping the Malayalee inmates of the Borstal School, Palayamcottai, transferred to Kerala.

3.15 With the formation of the State of Kerala, the organisational structure of the Jails Department was follows:

1. Office of the I.G. of Prisons (Headquarters)
2. Central Prisons—3 (Thiruvananthapuram, Viyyur and Kannur)
3. Special Sub Jail, Kozhikode—1
4. 'A' Class Sub Jails—9
5. 'B' Class/Ordinary Sub Jails—48
6. Borstal School—1 (Attached to the C. P., Kannur)

3.16 After the formation of Kerala State more Sub Jails were established. The "Social and Moral Hygiene and Aftercare Programmes" of the Second Five Year Plan which included the following schemes were entrusted with the I. G. of Prisons for implementation:—

- |   |      |
|---|------|
| 1. Aftercare Homes for adult men discharges | .. 1 |
| 2. Aftercare Home for adolescent males      | .. 1 |



3. Rescue Home	.. 1
4. Rescue Shelters	.. 8
5. Aftercare Shelter (Males)	.. 3
6. Shelter for Waifs and Strays	.. 1
7. Care Homes for disabled children	.. 2
8. Borstal School	.. 1
9. Probation and follow up Services	
10. Remand Homes with seats for Juvenile Courts.	

3.17 All the above schemes were taken up and implemented. Fifteen 'A' Class Sub Jails were established in the State and ten 'B' Class/ordinary sub jails abolished. A Special Sub Jail was established in 1957 at Viyyur and Central Jail there declared as the State Jail for habitual offenders. The administrative control of the Certified Schools under the Children Act which was till then under the State Education Department was transferred to the Jails Department in 1958. The Trivandrum Certified School and the Private Certified School under the Poor Homes Society, Kozhikode also came under the administrative control of the I.G. of Prisons in the same year. Payment of grants-in-aid to the Orphanages and Charitable Homes which was being made till then by the State Health Services Department was also transferred to the administrative control of the I.G. of Prisons, early in 1959.

3.18 The Kerala Prisons Rules framed under the Indian Prisons Act, 1894 and the Travancore-Cochin Prisons Act, 1950 were brought into force with effect from 26th July 1958. The Kerala Borstal Schools Act, 1961 and the Kerala Borstal School Rules, 1963 came into effect with effect from 26th August 1963. The Kerala Probation of Offenders Rules, 1960 were also brought into force and Probation Officers appointed in all the Revenue Districts then in existence with effect from 1st October 1960, under the immediate control of a Chief Probation Superintendent who had been appointed on 1st June 1960. The following was the structure of the Department by the end of 1960:—

(1) Office of the I.G. of Prisons	.. 1
(2) Central Prisons	.. 3
(3) Special Sub Jails	.. 2
(4) 'A' Class Sub Jails	.. 24
(5) 'B' Class/Ordinary Sub Jails	.. 14
(6) Borstal School	.. 1
(7) Certified School	.. 1
(8) Private Certified School (Aided)	.. 1
(9) Rescue Home	.. 1
(10) Rescue Shelters	.. 8
(11) Aftercare Homes	.. 2



(12)	Aftercare Shelters	..	3
(13)	Shelter for Waifs and Strays	..	1
(14)	Care Homes for Disabled Children	..	2
(15)	Probation Officers	..	9
(16)	Hony. Probation Officers	..	3
(17)	Chief Probation Superintendent	..	1

3.19 The "Social Welfare Programmes" under the Third Five Year Plan were taken up and implemented by the Jails Department. This included establishment of Certified Schools at Kottayam and Trichur, Abalamandirs (Destitute Homes) in all the Districts, Homes for Physically Handicapped, Home for Mentally Deficient Children and appointment of Additional Probation Officers and Welfare Officers in Prisons. The Open Prison, Nettukaltheri was established in August 1962, in an area of about 202.5 hectares of cleared forest land of the Paruthippally Reserve in Thiruvananthapuram District. In December 1968, orders were issued to upgrade the Special Sub Jail at Kozhikode as District Jail and 8 of the 'B' Class/Ordinary Sub Jails as Taluk Sub Jails and to abolish the remaining six. While this order was implemented immediately in respect of the others excepting the upgradation of the District Jails which was effected only in April 1969. In July 1968, the private Certified School run by the Poor Homes Society, Kozhikode was taken over by Government to run it as a Government institution. The Taluk Sub Jails were later upgraded as 'A' Class Sub Jails. In September 1975, when a separate Social Welfare Department was formed in the State, all the Social Welfare institutions established and run by the Jails Department since March 1967 were transferred to the administrative control of that Department. Although, the Model Prison Manual and the Working Group on Prisons had all emphasised that Probation, Aftercare etc. were integral components of a unified programme of Social Defence, the Probation and follow up Services and the Aftercare Programmes were also bifurcated from the Jails Department and added to the control of the Social Welfare Department with all persons and perquisites.

3.20 In 1981, an initial start of a regional set up was made with the appointment of Assistant I G. of Prisons, one each in Kozhikode and Trichur, leaving the Southern region under the additional charge of the Deputy Inspector General of Prisons at the Headquarters. Later when the Juvenile Justice Act, 1986 (Central Act) replacing all the children Acts in force in the State till then was implemented in the State, all the institutions established under the Children Act viz. the Children's Homes and Special School which were originally termed as Certified Schools and subsequently renamed as Balamandirs along with the Remand Homes and the Juvenile Courts were also transferred to the administrative control of the Social Welfare Department on 1st February 1988.



3.21 Now, the Jails Department has under its control only the following establishments:—

(1)	Office of the I.G. of Prisons (Headquarters)	
(2)	Central Prisons	.. 3
(3)	Open Prison	.. 1
(4)	A.I.G.'s Office (Regional Office)	.. 2
(5)	State Institute of Correctional Administration	.. 1
(6)	Women's Prison	.. 1
(7)	District Jail	.. 1
(8)	Special Sub Jail	.. 1
(9)	Sub Jails	.. 32
(10)	Borstal Schools	.. 2

(The one in Kozhikode is not functioning for want of inmates.)

3.22 The committee examined the infrastructure and organisational set up with a view to study its efficiency to cope with the changing situation. The success and achievement of the aim of an organisation is depend on its infrastructure. While its efficiency is reflected in its organisational structure. The committee notices that there has been no proper planning in the set up of the Organisation. It appears that initially only a skeleton or a framework was there and added other establishments; made to make things move. There was lack of planning and programming of the mechanism to achieve the goal of correctional administration. Posts and establishments were created just to satisfy the custodial functions and execution of sentences. The requirements in correctional administration were not taken proper care of. There is no uniformity in the pattern of staff in similar type of institutions. The three Central Prisons have for example different pattern of staff. All the jails are understaffed. It has no relation to the strength of prisoners nor with the hours of duty per day. The staff pattern in the sub jails remains the same level as in the sixtees. The result is that the staffing pattern of the jails is not in consonance with the correctional requirements. Arrangements for attending to the treatment programmes of the inmates are inadequate. The upper subordinate staff in the Jails who are expected to serve as the correctional officers are posted to work only in the office rooms attending to desk work, maintenance of registers, keeping of accounts, drafting letters and the like. Even from among the custodial staff persons who are able to read and write are posted in offices to assist the officers. Consequently they are denied the opportunity to come in contact with the study of their cases, and counsel and guide them. Even the Welfare Officers appointed in the Jails, are not allowed to attend to the welfare of prisoners, facilitating their social reclamation,



The existing staff patterns of the jail institutions are hereunder:

<i>Sl. No.</i>	<i>Designation</i>	<i>Scale of pay (Rs.)</i>	<i>No. of posts</i>
(1)	(2)	(3)	(4)
<b>Central Prison, Thiruvananthapuram</b>			
1.	Superintendent	3000-5000	1
2.	Jailors	2500-4000	2
3.	Medical Officer	2500-4000	1
4.	Welfare Officer Grade I	2500-4000	2
5.	Welfare Officer Grade II	2000-3200	1
6.	Deputy Jailors	2000-3200	2
7.	Assistant Jailor Grade I	1400-2600	6
8.	Assistant Jailor Grade II	1350-2200	8
9.	Chief Warder	1125-1720+ Spl. pay Rs. 40	1
10.	Gate Keeper	1125-1720+ Spl. pay Rs. 40	1
11.	Head Warder	1125-1720	21
12.	Warder	950-1500	197
13.	Female Warder	950-1500	6
14.	Matron Grade I	1400-2600	2
15.	Matron Grade II	1350-2200	4
16.	Typist	950-1500	1
17.	Teacher	975-1540	1
18.	Pharmacist	1125-1720	1
19.	Driver	950-1500	1
20.	Weaving Instructor	1350-2200	1
21.	Carpentry Instructor	1350-2200	2
22.	Boot Foreman	975-1540	2
23.	Weaving Assistant	1350-2200	1
24.	Weaver	800-1200	2
25.	Shoe Maistry	825-1250	2
26.	Skilled Worker	800-1200	2
27.	Peon	775-1065	1
28.	Blacksmithy Instructor	975-1540	1
29.	Tailoring Instructor	975-1540	1
30.	Clerk (U.D.)	1200-2040	1
31.	Motor Transport Officer	1600-2660	1
32.	Mechanic	1200-2040	2



<i>Sl. No.</i>	<i>Designation</i>	<i>Scale of pay (Rs.)</i>	<i>No. of posts</i>
(1)	(2)	(3)	(4)

**Central Prison, Kannur**

1.	Superintendent	.. 3000-5000	1
2.	Jailor	.. 2500-4000	2
3.	Assistant Surgeon (M.O.)	.. 2500-4000	1
4.	Welfare Officer Grade I	.. 2500-4000	1
5.	Welfare Officer Grade II	.. 2000-3200	2
6.	Deputy Jailor	.. 2000-3200	1
7.	Assistant Jailor Grade I	.. 1400-2600	7
8.	Assistant Jailor Grade II	.. 1350-2200	8
9.	Chief Warder	.. 1125-1720+	1
		Spl. pay Rs. 40	
10.	Gate Keeper	.. 1125-1720+	1
		Spl. pay Rs. 40	
11.	Head Warder	.. 1125-1720	18
12.	Warder	.. 950-1500	120
13.	L. D. Typist	.. 950-1500	1
14.	Clerical Attender	.. 825-1250	1
15.	Wireman	.. 825-1250	1
16.	Teacher	.. 975-1540	1
17.	Pharmacist	.. 1125-1720	1
18.	Carpentry Foreman	.. 1350-2200	1
19.	Carpentry Instructor	.. 975-1540	1
20.	Weaving Instructor	.. 975-1540	1
21.	Weaving Foreman	.. 1350-2200	1
22.	Tailoring Instructor	.. 975-1540	1
23.	Packer Clerk	.. 825-1250	1
24.	Van Driver	.. 950-1500	1
25.	Teacher	.. 975-1540	2
26.	Nursing Assistant	.. 800-1200	2

**Central Prison, Viyyur**

1.	Superintendent	.. 3000-5000	1
2.	Jailor	.. 2500-4000	2
3.	Medical Officer	.. 2500-4000	1
4.	Deputy Jailor	.. 2000-3200	1
5.	Welfare Officer Grade II	.. 2000-3200	1
6.	Assistant Jailor Grade I	.. 1400-2600	5
7.	Assistant Jailor Grade II	.. 1350-2200	3
8.	U. D. Typist	.. 1200-2040	1
9.	Pharmacist	.. 1125-1720	1
10.	Agricultural Demonstrator	.. 1350-2200	1



<i>Sl. No.</i>	<i>Designation</i>	<i>Scale of Pay (Rs.)</i>	<i>No. of posts</i>
(1)	(2)	(3)	(4)
11.	Chief Warder ..	1125-1720 + Spl. pay Rs. 40	1
12.	Gate Keeper ..	1125-1720 + Spl. pay Rs. 40	1
13.	Head Warder ..	1125-1720	13
14.	Warder ..	950-1500	92
15.	P. D. Teacher ..	975-1540	1
16.	Assistant Industrial Instructor ..	975-1540	1
17.	Industrial Instructor ..	1200-2040	1

### District Jail, Kozhikode

1.	Superintendent (Jailor Grade) ..	2500-4000	1
2.	Deputy Jailor ..	2060-3200	1
3.	Assistant Jailor Grade I ..	1400-2600	1
4.	Assistant Jailor Grade II ..	1350-2200	2
5.	Pharmacist ..	1125-1720	1
6.	U. D. Typist ..	1200-2040	1
7.	Head Warder ..	1125-1720	8
8.	Warder and Contingent Female Warder on Daily Wage ..	950-1500	35

### Open Prison, Nettukaltheri

1.	Superintendent ..	3000-5000	1
2.	Dy. Superintendent (Jailor Gr.) ..	2500-4000	1
3.	Agricultural Officer ..	2060-3200	1
4.	Supervisor (Asst. Jailor Grade I) ..	1400-2600	1
5.	Assistant Jailor Grade I ..	1400-2600	1
6.	Welfare Officer Grade I ..	2500-4000	1
7.	Junior Superintendent (Accounts) ..	1520-2660	1
8.	Pharmacist ..	1125-1720	1
9.	L. D. Clerk ..	950-1500	1
10.	L. D. Typist ..	950-1500	1
11.	Chief Warder ..	1125-1720 + Spl. pay Rs. 40	1
12.	Head Warder ..	1125-1720	5
13.	Warder ..	950-1500	18
14.	Driver ..	950-1500	1
15.	Part-time Medical Officer at Rs. 250 per month ..	(Consolidated pay)	1



<i>Sl. No.</i>	<i>Designation</i>	<i>Scale of pay (Rs.)</i>	<i>No. of posts</i>
(1)	(2)	(3)	(4)

**Special Sub Jail, Viyyur**

1.	Jailor (Deputy Jailor Gr.)	2000-3200	1
2.	Assistant Jailor Gr. II	1350-2200	1
3.	Ministerial Head Warder	1125-1720	1
4.	Head Warder	1125-1720	1
5.	Warder	950-1500	10

**Sub Jail, Thiruvananthapuram**

1.	Superintendent (Assistant Jailor Gr. I)	1400-2600	1
2.	Ministerial Head Warder	1125-1720	1
3.	Head Warder	1125-1720	3
4.	Warder	950-1500	12
5.	Driver	950-1500	1

**Sub Jails (In General) (Existing pattern)**

1.	Superintendent (Assistant Jailor Gr. I)	1400-2600	1
2.	Ministerial Head Warder	1125-1720	1
3.	Head Warder	1125-1720	2
4.	Warders	950-1500	6 or 8

3.23 There is a glaring inadequacy of staff custodial and others for arranging functionary distribution of work in keeping with the correctional requirements. The functions and responsibilities at various levels remain to be defined. Even when among the existing staff strength a number of vacancies of Warders are filled up with provisional hands engaged through Employment Exchanges due to the non receipt of advice of approved candidates from the Public Service Commission. Engaging of provisional hands, who are devoid of any kind of training and orientation as Warders in Jails for custodial duty will adversely affect the security in the prisons administration. There is no ratio between the staff and inmates. No leave reserve strength nor training reserve strength of Warders is provided. The result is that the available staff is overburdened. There is no efficiency bar in the selection of personnel for promotion. The other factors include non-availability of personnel with adequate academic and professional qualifications, knowledge, skill and aptitude, proficiency, lack of training and proper orientation. All these contribute to the inability of the organisation. These matters are discussed in detail in Chapter IV—"Selection, Recruitment and Training of Personnel".



3.24 At the Headquarters, the I. G. of Prisons is assisted by one Dy. I. G. of Prisons who is also the Vigilance Officer of the Department with a supporting office staff. The I. G. of Prisons was a departmental hand till 17th April 1986. The Committee learnt that the departmental post of the I. G. of Prisons created on 1st January 1953 was kept in abeyance and an Ex-cadre post created in order to post an I.P.S. Officer from the Police Department. The headquarters organisation requires re-organisation on the basis of the changes in the organisation proposed hereinafter.

**Headquarters organisation (existing staff pattern)**  
(Post parity scale)

<i>Sl. No.</i>	<i>Designation</i>	<i>Scale of pay (Rs.)</i>	<i>No. of posts</i>
(1)	(2)	(3)	(4)
1.	I. G. of Prisons (Presently the post is held by an I.P.S. Officer)	.. 4500-5700 (Non I.P.S.)	1
2.	D.I.G. of Prisons	.. 3900-5075+ (Spl. pay Rs. 100)	1
3.	Administrative Officer (Deputation)	.. 3000-5000	1
4.	Chief Audit Officer	.. 2500-4000	1
5.	P.A. to I.G. of Prisons	.. 2200-3500	1
6.	Accounts Officer	.. 2060-3200	1
7.	Senior Superintendent	.. 2000-3200	1
8.	Junior Superintendent	.. 1520-2660	4
9.	Chief Accountant	.. 1400-2300	1
10.	Statistical Officer	.. 1400-2300	1
11.	Stock Verifier	.. 1400-2300	1
12.	U. D. Clerks	.. 1200-2040	13
13.	L. D. Clerks	.. 950-1500	13
14.	Fair Copy Superintendent	.. 1520-2660	1
15.	Confidential Assistant Senior Grade	.. 1640-2900	1
16.	Senior Grade Typist	.. 1400-2300	1
17.	U. D. Typist	.. 1200-2040	4
18.	L. D. Typist	.. 950-1500	3
19.	Attenders	.. 825-1250	2
20.	Peon	.. 800-1200	1
21.	Peons	.. 775-1065	7
22.	Confidential Asst. Gr. II	.. 1125-1720	1



3.25 The Prison Department is mainly a statutory Department. The administration of the Department is governed by the provisions of the Prisons Act and Borstal Schools Act and the Rules thereunder as well as the Prisoners' Act and the Prisoners' (Attendance Before Courts) Act etc. The I. G. of Prisons is expected to inspect all the Jails within his jurisdiction once in every six months. He will have to attend the functions of formulating correctional policies from time to time in line with the changes that are taking place in that sphere every now and then. As constitutional Head of the Department of Prisons he will have to attend to the functions attached to the post as per provisions in the Financial Code, Treasury Code, Account Codes and the Budget Manual, besides attending to the general administrative and disciplinary functions as per provisions in the Service Manuals. In the absence of adequate and able office assistance he cannot act effectively and efficiently.

3.26 As the Model Prison Manual 1960, the Working Group on Prisons (1972-73) and the All India Committee on Jail Reforms (1980-1983) have all emphasised that there has to be a fundamental continuity in the programmes of prevention, control and treatment of delinquency and crime and aftercare services, the Committee recommends the following structure:—

(i) All the programmes falling under Correctional Services of the Social Defence Programme, viz., prevention, control and treatment of adult offenders, young offenders and juvenile delinquents, probation and aftercare services should be co-ordinated and integrated and a compact Department of Prisons and Correctional Services formed.

(ii) The head of the Department of Prisons and Correctional Services be designated as the I. G. of Prisons and Director of Correctional Services.

(iii) The I. G. of Prisons and Director of Correctional Services shall have the following staff in the Headquarters Organisation:—

(1) Additional I. G. of Prisons and Additional Director of Correctional Services (Administration, Vigilance and Rules making) (New post).

(2) Dy. I. G. of Prisons (Existing).

(3) Joint Director of Correctional Services (New post for Probation and follow up services which will be added by shifting the existing post from the Social Welfare Department).

(4) Dy. Director of Correctional Services (For Adolescent offenders and juvenile delinquents by shifting the existing post of Regional Inspector from the Social Welfare Department).

(5) Chief Welfare Officer of Prisons (New post) (Planning and Programming).



(6) Assistant Director (Probation and Follow up Services) (by shifting the existing post in the Social Welfare Department).

(7) Chief Stores Officer (New post in the grade of the C.A.O.)

(8) Chief Audit Officer (Internal Audit) (Existing post).

(9) Accounts Officer (Accts. and Budgetary—Existing post).

(i) Research and Statistics play a very important role in formulating and adopting correctional policies and programmes. So the existing Research and Statistical Unit in the Headquarters needs expansion and strengthening.

(ii) The Department deals with a great deal of stores and stock account of civil stores, manufactory stores tools, implements and machinery, besides arms and ammunition, etc. Presently there is a post of stock-verifier of the rank of only a Head Clerk. This is inadequate to meet the requirements of the statutes. This requires upgradation atleast to the level of an Accounts Officer Gr. II redesignating it as Stock Verification Officer, enabling the Officer to exercise authority in the discharge of functions.

(iii) There shall be a Chief Store at the Headquarters under a Chief Stores Officer for the procurement and distribution of raw-materials, finished goods, uniform articles and the jail products and also of the clothing and bedding and medicines for use in the various institutions. One Store keeper and one Assistant Store keeper may also be posted there, by promoting the technical hands working in the institutions. The watch and ward for the proposed store may be by re-deployment from among the custodial staff in the Central Prison, Thiruvananthapuram.

**Headquarters organisation of the department of  
prisons and correctional services  
(Proposed staff pattern)**

<i>Sl. No.</i>	<i>Designation of post</i>	<i>Scale of pay (Post parity) (Rs.)</i>	<i>No. of posts</i>
(1)	(2)	(3)	(4)
1.	I. G. of Prisons and Director of Correctional Services ..	4500-5700 (Non-IPS)	1
2.	Additional I. G. of Prisons and Additional Director of Correctional Services (New post) ..	4200-5300	1
3.	Dy. Inspector General of prisons (Existing) ..	3900-5075+ Spl. pay Rs. 100	1



Sl. No.	Designation of post	Scale of pay (Post parity) (Rs.)	No. of posts
(1)	(2)	(3)	(4)
4.	Joint Director of Correctional Services (Probation and follow up) shifting and up-grading	3000-5000	1
5.	Dy. Director of Correctional Services (Young offenders and delinquents) (Shifting and upgrading)	3000-5000	1
6.	Assistant Director (Probation and follow up services) (Shifting and upgrading)	2500-4000	1
7.	Chief Stores Officer (New post)	2500-4000	1
8.	Chief Audit Officer	2500-4000	1
9.	P. A. to I. G. of Prisons and Director of Correctional Services	2200-3500	1
10.	Accounts Officer	2060-3200	1
11.	Senior Superintendent	2000-3200	1
12.	Statistical Officer (Upgradation)	2000-3200	1
13.	Stock Verification Officer (Upgradation)	2000-3200	1
14.	Junior Superintendent	1520-2660	4
15.	Chief Accountant	1400-2300	1
16.	U. D. Clerks (One Addl. post)	1200-2040	14
17.	L. D. Clerks (do. )	950-1500	14
18.	Fair Copy Superintendent	1520-2660	1
19.	C. A. Senior Grade	1640-2900	1
20.	C. A. Grade II (One Additional Post)	1125-1720	2
21.	Senior Grade Typist	1400-2300	1
22.	U. D. Typist	1200-2040	4
23.	L.D. Typist (One Addl. Post)	950-1500	4
24.	Attenders	825-1250	2
25.	Peon (Higher Grade)	800-1200	1
26.	Peons	775-1065	7

### Regional set up

3.27 The beginnings made in the year 1981 for a regional organisation remains dormant and has not served its purpose. One Asst. I. G. of Prisons of the rank of a Superintendent of a Central Prison with a nuclear staff one each of the northern and central



regions respectively at Kozhikode and Thrissur, was appointed, leaving the southern region under the additional charge of the D.I.G. of Prisons at the Headquarters. The A.I.G. of Prisons are expected to be the immediate inspecting and controlling officers of the sub-jails in the respective regions. Their duties and functions remain to be defined. They have not been given adequate powers either financial or administrative. They are not statutorily recognised. Though there are Central Prisons, in the regions the A.I.G. of Prisons cannot exercise jurisdiction over them, as they are only officers equal in rank with the Head of Officers of those institutions. After examining the position with reference to the expansion, development and re-organisation of the other Government Departments since the formation of the State of Kerala, the Committee feels that the Jails Department, stands neglected in its organisation to cope with the growing requirements of correctional administration. Hence the Committee is of the view that the regional set up in the organisation has to be strengthened. Accordingly the following recommendations are made:

(i) There shall be three regions in the State and each region be put under the charge of one officer of the rank of a A.I.G. of Prisons, with the requisite supporting staff to carry out the functions of that office. The powers of the A.I.G. of Prisons shall be well defined, enabling them to exercise control over all the institutions excepting the Central Prisons and Open Prison in the respective regions.

(ii) A Unit of the Inspection Wing headed by one Junior Superintendent and two Clerks to serve as auditors to be attached to the Regional Offices for conducting inspection of Accounts and Registers and internal audit in the institutions in the respective regions. The schedule of inspection and internal audit of the regions will be prepared by the Chief Audit Officer and communicated well in advance with the approval of the I. G. of Prisons and Director of Correctional Services. The Chief Audit Officer and the unit of Inspection Wing at the Headquarters will be responsible for the internal audit and inspection in the entire integrated department of Prisons and Correctional Services with added functions as recommended elsewhere.

The set up of the regional organisation shall be as under:

<i>Sl. No.</i>	<i>Designation of post</i>	<i>No. of posts</i>
(1)	(2)	(3)
1.	A.I.G. of Prisons	1
2.	Junior Superintendent	1 (Office Manager)
3.	Junior Superintendent	1 (Inspection Cell)



<i>Sl. No.</i>	<i>Designation of post</i>	<i>No. of posts</i>
(1)	(2)	(3)
4.	Clerks (U.D. and L.D. in the ratio 1:1)	7
5.	(2 Posts by re-deployment from Headquarters) Peons	5

(N.B. The regional organisation as above will be over and above the offices of the Regional Probation Officers when the Probation and Follow up Services are integrated to the Department of Prisons and Correctional Services.)

### Central Prisons

3.28 The three central prisons at Thiruvananthapuram, Viyyur and Kannur have different staff patterns. The central prisons at Thiruvananthapuram and Kannur are more or less of the same size and have similar capacity. Hence a uniform staff pattern may be adopted. The Central Prison, Viyyur is the State Prison for habitual offenders, where security problems is high. Although the authorised accommodation is below 500, in order to compensate with the security risk involved in handling the habitual offenders there is necessity of allowing an increase in the strength of the custodial staff. There is no ratio and relation between the Warders and Head Warders with that of prisoners strength. The strength of the Warder staff is not to commensurate with the prisoners. The Committee feels that it is necessary to adopt some ratio between the staff and the prisoners in determining the cadre strength. This will require a detailed survey and deep study. On the basis of the Indian average in the matter we may adopt the prisoner staff ratio as 10:3. While the ratio between Head Warders and Warders shall be 1:3.

3.29. There is another factor that the Committee notices with concern that the recommendation made by the several Committee since the Indian Jail Committee (1919-20) upto the Report of the Group of Officers on Prison Administration, 1987 that the correctional officers be relieved of their desk work and the executive and ministerial functions be separated and that separate ministerial staff should be appointed in jails, still remains unimplemented. Even the Kerala Prison Manual Chapter XVIII Vol. I makes clear provision for the appointment of Accounts Officers and Clerks in the Central Prisons, Open Prisons and District Jail. This also remains unimplemented. The result is that practically no correctional work is carried out in the Jails. Not only the services of the officers are wholly utilised in the Prisons for office work but also the services of even the custodial staff are also utilised for assisting the officers in desk work. This practice adversely tells upon the efficiency of the correctional



services in the jails. All the emphasis on correctional treatment for the reformation and social reclamation of the offenders remains only on paper. This cannot be allowed to continue. The Committee feels that a beginning should be made in separating the executive and ministerial functions in jails viz. in the Central Prisons and Open Prisons and District Jails in order to enable the Jail Officers to do full justice to their defined functions and responsibilities for achieving the goal of correctional administration. Accordingly, it is recommended that separate ministerial staff should be appointed in the Central Prisons, Open Prisons and District Jails only, for keeping the accounts and registers relating to the work programmes, dietary and establishment and for attending to the work relating to the office correspondence and, that the executive personnel be relieved of this work that they spent whole-time on correctional services only.

3.30 At present no officer is posted in the blocks and the result is disastrous consequences.

3.31 Officers should be posted as House Masters of blocks both during day and night. There shall be house masters inside the Prisons during night time also, besides the custodial staff. The Chief Warders and Gatekeepers who are presently allowed only the time scale by the Head Warders should be allowed a separate time scale of Rs. 1200-2040. The Welfare Officers in the Prisons shall be entrusted with the functions as defined in Chapter LV of the K.P.Rs. Accordingly, the staff pattern in each category of institutions to be adopted is recommended as below:

**Central Prisons, Thiruvananthapuram and Kannur**

(Recommended staff pattern)

(Where the average population of prisoners is above 750)

<i>Designation</i> (1)	<i>Number of posts</i> (2)
Superintendent ..	1
Jailors ..	2
(One for Administration and the other for Security and Discipline)	
Medical Officers ..	3
Deputy Jailors ..	2
Assistant Jailor Grade I ..	8
Assistant Jailor Grade II ..	6
Lady Deputy Superintendent (Jailor Grade) ..	1
	(To serve as house masters)
	(To be incharge of women Annex)
Welfare Officers Grade I and II in the ratio 1:1 ..	4



<i>Designation</i> (1)	<i>Number of posts</i> (2)	
Women Welfare Officer	1	(for Women Prisoner)
Chief Warders	3	
Gate Keepers	3	
Head Warders and Warders in the ratio 1:3	300	(Inclusive of leave reserve)
Female Warders/Matrons	12	
Senior Superintendent (Accounts)	1	
Junior Superintendents	2	
Clerks (U.D. and L.D. in the ratio of 1:1)	12	
Typists (U.D. and L.D. in the ratio of 1:1)	2	
Pharmacists or Compounders	3	
Laboratory Technician	1	
Industrial Officer	1	
Agricultural Demonstrator	1	
Carpentry Foreman	1	
Carpentry Instructor	1	
Tailoring Instructor	2	
Boot Foreman	1	
Shoes Maistry	2	
Craft Instructor	2	
Literacy Teacher	3	
Motor Transport Officer	1	
Motor Mechanic	2	
Smithy Instructor	1	
Warder Driver	3	

### Central Prison, Viyyur

(Average strength of prisoners is below 400)

Superintendent	1	
Jailor	2	
Medical Officer	2	
Deputy Jailor	1	
Assistant Jailor Grade I	6	(To serve as House masters)
Assistant Jailor Grade II	4	
Women Deputy Superintendent (Assistant Jailor Grade I)	1	
Chief Warden	2	
Gate Keeper	2	
Gate Keeper (Reserve)	1	



<i>Designation</i> (1)	<i>Number of posts</i> (2)
Head Warder and Warder (Including leave reserve in the ratio of 1:3)	180
Women Warden (Matron)	8
Pharmacist or Compounder	2
Warder Driver	1
Senior Superintendent (Accounts)	1
Junior Superintendent	1
Clerks (U.D. and L.D. in the ratio of 1:1)	8
Typist	2
Welfare Officer (Grade I and II ratio 1:1)	2
Laboratory Technician	1
Agricultural Demonstrator	1
Weaving Foreman	1
Weaving Instructor	1
Carpentry Foreman	1
Carpentry Instructor	1
Motor Transport Officer	1
Motor Mechanic	1
Industries Officer	1

### **Open Prison, Nettukaltheri**

3-32. The authorised accommodation in the open Prison at Nettukaltheri is two hundred. The area of land is about 302.5 hectares. Rubber plantation has already raised is at 55 acres of land. Another plantation has already been raised in Thevancode area of about 65 hectares. Hence additional manpower requirement is required to look after the plantation. The present strength of prisoners is nearly 400. So additional accommodation facilities have to be provided. The sanctioned staff strength too is inadequate to meet the requirements of this minimum security prison. The cultivation programmes there have to be further improved and developed in order to make it more productive and income fetching. More productive employment opportunities may have to be provided for which recommendations are made elsewhere in this report. (Please see the Chapter No. IX. Expansion of Industries and Agriculture.) Accordingly the following pattern of staff is recommended for the Open Prison.



### Staff pattern for the Open Prison

<i>Designation</i> (1)	<i>Number of posts</i> (2)
Superintendent ..	1
Deputy Superintendent ..	1
(Jailor Grade)	
Assistant Superintendent Grade I ..	1 (Deputy Jailor Grade)
Assistant Superintendent Grade II ..	3
(Equal in rank with Assistant Jailor Grade I)	
Supervisors ..	6 (Equal in rank with Assistant Jailor Grade II)
Chief Warder ..	2
Head Warder and Warder ..	90
(in the ratio of 1:3)	
Welfare Officers (Grade I and II ..	2
in the ratio of 1:1)	
Accounts Officer ..	1
(for Pro forma Accounts—Senior Superintendent Grade)	
Chief Accountant ..	1
Head Clerk ..	1
Clerks ..	3
Plantation Officer ..	1
Junior Agricultural Officer ..	1
Medical Officer ..	1
Pharmacist or Compounder ..	2
Typist ..	2
Industries Officer ..	1
Warder Drivers ..	2
Livestock Supervisor ..	1

3-33 We recommend establishment of two more Open Prison in the State sufficient area of land may be available for carrying out plantation operations and the like as in the case of the Open Prison at Nettukaltheri.

### Women's Prison

3-34 The Committee notices that the State Women's Prison is located inconveniently at Neyyattinkara in the extreme southern part of the State. The present location of the Women's Prison is quite inaccessible. This was constructed under the 8th Finance Commission Award. The average number of long term women



prisoners all over the State is itself below 40. So there is no scope for a single Women's Prison. Hence the Committee makes the following recommendations:

(i) The Women's Prison at Neyyattinkara be abolished. Women Prison Annexes be opened in the existing three Central Prison and District Jails.

(ii) The buildings of this prison may be utilised to establish a new Sub Jail at Neyyattinkara in order to provide for the remand and under trial prisoners committed by the courts in and around that place and to avert the over crowding regularly felt in the Sub Jail, Thiruvananthapuram.

### District Jails

3.35 The Committee feels that there is urgent need to upgrade some of the Sub Jails in the Headquarters of the Districts, in order to reduce the over crowding and congestions both in the Sub Jails and Central Prisons. At present there is only one District Jail located at Kozhikode. In the Sub Jails only remand and under trial prisoners and convicted prisoners whose sentence is below one month are confined. All convicted prisoners whose period of sentence is above one month are kept only in the Central Prisons. The District Jail can keep those convicted prisoners whose period of sentence is up to six months. Therefore, if there are more District Jails, the congestion in the Central Prisons can be minimised and classified institutionalisation made easy. We recommend that the Sub Jails at the District Headquarters of Thiruvananthapuram, Kollam, Ernakulam and Palakkad be upgraded into District Jails by providing more of accommodation facilities. The Sub Jail, Ernakulam on upgradation can be shifted and accommodated in the buildings for a Borstal School constructed at Kakkanad under the 8th Finance Commission Award, leaving the present space of the Sub Jail for housing the Borstal School with suitable modification and alterations. This matter is discussed in detail in the Chapter V 'Prisons Buildings and Diversification of Institutions'. In the District Jail convicted prisoners whose sentence is up to one year shall be accommodated by suitably amending the Prisons Rules. The following shall be the staff pattern of a District Jail:—

#### District Jails (5)

(Average 250 prisoners)

<i>Designation</i>	<i>Number of posts</i>
(1)	(2)
Superintendent (Jailor Grade)	1
Deputy Superintendent (Deputy Jailor Grade)	1
Assistant Jailor Grade I	3



<i>Designation</i> (1)	<i>Number of posts</i> (2)
Assistant Jailor Grade II	3
Chief Warders (inclusive of leave reserve)	2
Gate Keepers	2
Gate Keeper (Reserve)	1
Head Warders and Warders (in the ratio of 1:3)	60
Female Warder	6
Typist	2
Clerks	3
Welfare Officer	1
Medical Officer	1
Pharmacist	1
Warder Driver	1
Craft Instructor	2

### Sub Jails

3-36 After the upgradation of the four Sub Jail, at Thiruvananthapuram, Kollam, Ernakulam and Palakkad as District Jails there will remain 29 Sub Jails including the one to be started at Neyyattinkara. These Sub Jails may be re-classified as Special Sub Jails and Sub Jails (A Class) on the basis of the average strength of prisoners. The Sub Jails at Mavelikkara, Alappuzha, Kottayam, Muvattupuzha, Alwaye, Thalassery, Manjeri and Kasargode generally have an average lock up of above 50 prisoners each. They may be declared as Special Sub Jails and the others as A Class Sub Jails. In the Special Sub Jails convicted prisoners whose sentence is upto six months shall be accommodated by suitably amending the Rules.

One new Sub Jail may be established at Kulamavu for giving room for the prisoners from the courts in Painavu.

The following shall be the revised pattern of staff: —

### Special Sub Jails (9)

(Daily average 150 prisoners)

<i>Designation</i> (1)	<i>Number of posts</i> (2)
Superintendent (Deputy Jailor Grade)	1
Assistant Superintendent (Assistant Jailor Grade II)	2
Head Warders and Warders (in the ratio of 1:3)	24
Ministerial Head Warder	1
Woman Warders (Regular)	3 (New post)



**Sub Jails—A Class (23)**  
(Daily average 60 prisoners)

<i>Designation</i> (1)	<i>Number of posts</i> (2)	
Superintendent (Assistant Jailor Grade I)	1	
Assistant Superintendent (Assistant Jailor Grade II)	1	
Head Warders and Warders (in the ratio of 1:3)	18	
Ministerial Head Warder	1	
Women Warders (Regular)	2	(New posts in the place of Contingent Female Warders on daily wages)

**Borstal Schools**

[Discussed in Chapter XIV—Treatment of Young and Adolescent Offenders (Borstal Schools).]

**State Institute of Correctional Administration (S.I.C.A.)**

(Discussed in Chapter IV "Recruitment Selection and Training of Personnel".)

To sum up our recommendations are as follows:

1. Treatment of offenders preventing further crime both institutional and non-institutional irrespective of the age group of the offenders/criminals/delinquents, probation and aftercare services should be co-ordinated and integrated and the Department of Prisons and Correctional Services formed.

2. The Head of the Department of Prisons and Correctional Service should be designated as the I.G. of Prisons and Director of Correctional Services.

3. The Headquarters Organisation should be reorganised as proposed under para 3-26. A post of Additional I.G. of Prisons and Additional Director of Correctional Services should be newly created.

4. One A.I.G. of Prisons should be appointed to the Southern region and Regional set up strengthened well defining the functions as proposed under para 3-27.



5. Separate staff patterns as recommended under para 3-31 should be adopted for the Central Prisons.

6. The Assistant Jailors and the other executive officers should be posted as Housemasters in Blocks. Ministerial functions should be delinked from executive functions.

7. The staff pattern as proposed in para 3-32 should be adopted in the Open Prisons.

8. Two more Open Prisons should be established in the State.

9. The Women's Prison, Neyyattinkara should be abolished and instead Women Prison Annexes established in Central Prisons and District Jails.

10. The buildings constructed for the Women Prison at Neyyattinkara may be utilised for opening a Sub Jail there.

11. The Sub Jail at Thiruvananthapuram, Kollam, Ernakulam and Palakkad should be upgraded as District Jails and prisoners sentenced for periods upto one year be accommodated there.

12. Pattern of staff as proposed under para 3-35 should be adopted for the District Jails.

13. The Sub Jails at Mavelikkara, Alappuzha, Kottayam, Muvattupuzha, Aluva, Thalasserry, Manjeri and Kasargode should be upgraded as Special Sub Jails.

14. The staff pattern proposed under para 3-36 should be adopted for the Special Sub Jails.

15. Persons convicted for sentences up to six months should be kept in the Special Sub Jails.

16. One 'A' Class Sub Jail may be newly established at Kulamavu in order to provide accommodation for the prisoners from the Courts in Painavu, facilitating the easy production before the courts and to relieve the congestion in Sub Jail, Muvattupuzha.

17. For the A Class Sub Jails, the staff pattern proposed under para "3.36 Sub Jails" should be adopted.



## CHAPTER IV

### RECRUITMENT, SELECTION AND TRAINING OF PERSONNEL

4-1 As an introduction to this Chapter, the Committee desires to quote the relevant suggestions and recommendations of the previous Committees/Commissions and eminent personalities in the matter.

(a) The Indian Jail Committee (1919-20) made the following recommendation:

"... It is highly desirable that the whole prison staff should be so 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, by the Financial Departments of all Governments. We would, therefore, lay down as the second general conclusion at which we have arrived, that *the prison staff should be recruited with care properly trained and paid a salary sufficient to secure and retain faithful Service*".

(Emphasis is ours)

(b) Dr. Walter C. Reckless observed four decades ago (in 1952) that "Jail Department is not organised at present for a career service ..... 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 sent for special training to be promoted to higher grades, to have opportunity for refresher training after so many years of service."

(c) The report of the Travancore-Cochin Jail Reforms Committee (1953-54) emphasised the following:—"The Prison should be a correctional institution. Hence it is highly necessary, that such an institution should be manned by persons of high calibre, endowed with resourcefulness, humaneness, conscience and patience, to handle the prisoners even of irritable or dangerous character. Expert training in the modern methods of prison administration, such as training in criminology, social science, psychology and practical



training are the most important and indispensable factors, that count towards the successful superintendence of a correctional institution or prison."

(d) The U. N. Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations 1955 (Full Text may be seen in Appendix I) has laid down the following on the Subject:— "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. . . . The personnel shall possess an adequate standard of education and intelligence. . . . 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. . . . (and) . . . . After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of inservice training to be organised at suitable intervals."

(e) The All India Jail Manual Committee (1957-1959) too observed that Correctional Work is now recognised as a specialisation work and that the policy of the correctional staff being social re-education of the prisoners "the success of correctional administration mainly depends on the faith, philosophy and efficiency of the correctional staff. It is therefore exceedingly necessary that the correctional personnel are selected with the utmost care." The Committee wanted that the Pre-entry training programme for the staff could be drawn up in consultation with the University departments and institutions specialising in criminology and correctional work. The Model Prison Manual also reiterated this view and stated that it is on the integrity and capacity of the prison staff that the proper administration of the Prison depends.

(f) The All India Committee on Jail Reforms (1980-1983) also expressed similar views when it observed that:

"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."

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 also be 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."

4.2 Keeping in mind the above observations and after examining the nature and content of the training now given to the department staff, both within and outside Kerala, the committee notices that there is a severe shortage of well qualified and well-trained professionals in the Kerala Prisons Department.

4.3 Many persons who have now reached the level of Assistant Jailors Gr. II or Gr. I were for example, recruited as Warders some twenty years ago as they possessed the minimum required qualification viz. S.S.L.C. They never had any idea of the requirements of correctional administration nor was such knowledge imparted to them during their tenure of service in the form of refresher training course. The result has predictably been disastrous for the department as the declared aims of education, reformation and rehabilitation of the prisoners could not be achieved at all. It is, therefore, imperative that the entire scheme of things is changed drastically and a proper reorientation is given to the process of recruitment and training (Pre-entry, inservice and refresher) of the staff.

4.4 It is here that the role of the State Institute of Correctional Administration (S.I.C.A.) comes in for critical examination. The committee regretfully notes that the State Institute of Correctional Administration has failed to fulfil the tasks it was expected to perform largely because of the lack of trained and motivated teaching staff who by virtue of their experience and knowledge could in turn



motivate the trainees. But unfortunately the S.I.C.A. has now on its rolls staff who are posted there not for their teaching skills but because they were available to be posted there. To this extent the quality of the training they impart to the trainees is of doubtful value. This has had a disastrous effect on prisons administration itself as it is this ill-trained staff who man the prisoner and handle the prisoners, without any basic knowledge of the latest trends in prison administration.

### **Warders and Female Warders**

4.5 Warders constitute the most important link in the chain of prison administration as it is they who are in constant touch with the prisoners and are responsible for their custody, behaviour and well-being. The Committee recommends that only persons with a minimum qualification of a pass in the S.S.L.C. or equivalent be recruited as Warders. All the vacancies in the posts shall be filled up only from the open market. The Kerala Public Service Commission has been entrusted with the task of recruitment of Warders but the Committee learns that for the last many years the P.S.C. has not been able to finalise the selection process. The Committee understands that vacancies of Warders in the Department were being filled up now by persons selected from the Employment Exchanges or even posted on daily wage basis. This is not a healthy practice, as such persons whose tenure of office is necessarily short cannot be expected to have the same level of discipline, commitment and devotion to duty as the regular hands. It is therefore essential that the vacancies of Warders should be filled up immediately or within a reasonable time after they arise.

4.6 The Committee is aware that the Kerala Public Service Commission is burdened with the heavy responsibility of handling applications for a very large number of posts under Government and may not therefore be able to act speedily upon the request of the Prisons Department for recruiting warders. The Committee would therefore like to recommend that the recruitment of warders be taken away from the purview of the Public Service Commission and entrusted to the Head of the Prisons Department.

But it may be advisable that a State level Board for recruiting personnel for all uniformed services be constituted for filling up the vacancies in the Police, Prisons, Fire Force, the Excise and the Forest Departments.

4.7 *Head Warders.*—All the vacancies in the posts of Head Warders shall be filled up by promotion of suitable hands from the post of Warders. A minimum service of seven years shall be insisted upon before a Warder is considered fit for promotion to the post of Head Warder. The Committee recommends that the ratio between the number of Warders and Head Warders be fixed at 3:1.



4.8 *Assistant Jailors Gr. II.*—The vacancies in the posts of Assistant Jailors shall be filled up by promotion of the Head Warders who have completed five years of services as Head Warders, and who are found suitable and qualified for such promotion, following the principle of seniority-cum-merit.

4.9 *Assistant Jailor Gr. I/Sub Jail Superintendent—Qualifications.*—  
(i) A Degree of a Recognised University.

(ii) A Degree or Diploma in Social Science, Sociology, Psychology or Criminology.

*Method of Recruitment.*—(i) Direct Recruitment—60 per cent of the vacancies.

(ii) Promotion.—25 per cent of vacancies from Assistant Jailor Grade II subject to passing the promotion test conducted by the Departmental Promotion Board to be constituted.

(iii) Transfer of service.—15 per cent vacancies, subject to satisfying the prescribed physical standards and qualifications selection being made by the Departmental Promotion Board after acquiring pass in the promotion test.

4.10 *District Probation Officer Gr. II/Welfare Officer Gr. II (To be made equated categories)—Qualifications.*—(i) A Degree of a recognised University.

(ii) A Degree or Diploma in Sociology, Psychology or Criminology.

*Method of Recruitment.*—(i) Direct—65 per cent of the vacancies.

(ii) Promotion—35 per cent of the vacancies from Assistant Jailor Gr. I subject to selection by the Departmental Promotion Board after acquiring a pass in the promotion test.

4.11 *Dy. Jailor, Central Prison, Jailor Special Sub Jail—Qualifications.*—As for the former categories.

*Method of Recruitment.*—(i) Promotion—From Asst. Jailor Gr. I/Sub Jail Superintendent against 60 per cent of the vacancies subject to acquiring pass in the promotion Test and selection by the Departmental Promotion Board.

(ii) Promotion—From District Probation Officer Gr. II, Welfare Officer Grade II subject to satisfying the prescribed physical standards and acquiring pass in the promotion test and selection by the Departmental Promotion Board.

4.12 *Jailor, Central Prison; Dy. Supdnt., Open Prison; Superintendent, District Jail/Welfare Officer Grade I/D.P.O. Gr. I/Asst. Director/Regional Probation Officer/Regional Inspector.*—Qualifications.—(As for the former categories)



*Method of Recruitment.*—(i) Promotion from Dy. Jailers, etc.

(ii) 70 per cent of the vacancies by selection by the D.P.C.

*Note:*—The posts of D. P. O. Gr. I, Asst. Director and Regional Probation Officers and Regional Inspector shall be treated as equated categories of posts with that of Jailers etc., of the Central Prisons for bringing in parity in the matter of pay structure and promotion prospects etc.

4.13 *Superintendent, Central Prison/Open Prison/A.I.G. of Prisons.*—The posts of Joint Director of Correctional Services, (Probation and Aftercare Services) and Dy. Director of Correctional Services (Young Offenders and Juvenile delinquents) should be treated as equated categories with this for the purpose of protection of service prospects. Gender discrimination has to be observed in the matter of posting. Recruitment by promotion subject to selection by the D.P.C.

4.14 *Dy. I. G. of Prisons/Director of S. I. C. A.*—Qualifications as for the previous categories.

*Method of Recruitment.*—By promotion from the immediate lower category, subject to selection by the Departmental Promotion Committee.

4.15 *Addl. I. G. of Prisons and Addl. Director of Correctional Services.*—By promotion from the immediate lower category subject to selection by the D.P.C.

4.16 *I. G. of Prisons and Director of Correctional Services.*—Qualifications.—As for the previous categories in the case of departmental personnel.

*Recruitment.*—By Government.

### **Training**

4.17 *Warders.*—Persons selected to the posts of Warders should undergo a course of training for nine months in the S.I.C.A. before being posted to the field. The syllabus for the training course shall comprise, apart from outdoor subjects like physical training and drill with and without arms, also subjects like criminology and criminal administration, psychology, theories of reformation and correctional administration, etc. This will enable the Warders to appreciate the fact that besides being custodians of the criminals they have to assume the role of reformers too.

4.18 *Head Warders.*—No separate course of training is proposed for the Head Warders but they may be trained for two weeks in the S.I.C.A. in the administration of Jails, maintenance of records and the duties and responsibilities of Head Warders as they have to perform



supervisory functions in the institutions they are posted in. This training may be given immediately after the promotion of warders as Head Warders and before they assume charge in the higher rank.

4.19 *Asst. Jailors Gr. II.*—Officers in the rank of Asst. Jailors Gr. II are to play a supervisory role. The Committee therefore recommends that they should undergo a course of training in the State Institute of Correctional Administration for a period of 45 days, either immediately after the promotion of Head Warders as Asst. Jailors Gr. II or, if this is not possible for any reason, at least within three months of the persons assuming office as Asst. Jailors Gr. II. This training will be in the nature of a refresher course in which the officer will be taught all aspects of prison administration, including the Rules and Regulations governing the Department.

4.20 *Asst. Jailors Gr. I.*—The persons directly recruited to the posts of Asst. Jailors Gr. I should undergo the one year training course now being offered at the Regional Institute of Correctional Administration, Vellore before they are posted to the field. The Committee recommends that the Asst. Jailors Gr. II promoted to the rank of Asst. Jailors Gr. I need not undergo this training, but they may be deputed for the six months course offered by the R.I.C.A. preferably within eighteen months of their promotion as Asst. Jailor Gr. II.

The promotion of the personnel of all ranks will be subjected to the following conditions:

(a) They should have passed all the obligatory departmental tests conducted by the State Public Service Commission and also the obligatory promotion tests to be conducted by the State Institute of Correctional Administration;

(b) Standing Departmental Promotion Boards shall be constituted in the Department to screen and recommend persons for promotion of the staff from one lower category to the next higher category. The following shall be the pattern to be adopted for the purpose.

(i) *Promotion of Warders as Head Warders and of Head Warders as Asst. Jailors Gr. II.*—The Standing Board shall comprise the Dy. Inspector General of Prisons as the Chairman and the Principal, S.I.C.A. and the Administrative Officer in the Prison Headquarters as members.

(ii) *Promotion of Asst. Jailors Gr. II to Asst. Jailors Gr. I and of Asst. Jailors Gr. I to Dy. Jailors and equivalent ranks and also appointment by transfer of service.*—The Standing Board shall be headed by the Additional Inspector General of Prisons with the Dy. Inspector General of Prisons and the Administrative Officer as members.



(iii) Promotion to the posts of and above the rank of Jailors is being decided by the Departmental Promotion Committee constituted by the Government. Hence no Promotion Committee need be constituted in the Department for such promotions.

4.21 It is emphasised that persons shall be promoted from one rank to the next only on their passing the obligatory Departmental tests/Promotion tests. There shall be no question of exemption from such tests to any person on any ground whatever.

4.22 In all cases of promotion, the principle of seniority-cum-merit shall be adopted. In addition to the mandatory training course in the R.I.C.A./S.I.C.A. officers of and above the rank of Asst. Jailors Gr. I should also be deputed for the six months training course being conducted in the R.I.C.A., Vellore. This should be done without exception as such a training enlarges the horizon and outlook of the officers considerably and helps them to discharge their duties.

4.23 The Committee finds that at present the ministerial staff in the Prisons Department are required to pass the Departmental tests only in subjects like the Manual of Office Procedure, the Kerala Service Rules, etc. The Committee recommends that on the lines of the practice obtaining in the Revenue Department, the ministerial staff in the Prisons Department, be made to pass a test in the Kerala Prisons Rules also as the knowledge of such Rules will enable the staff to discharge their duties better.

### **Training Programme**

4.24 There is no gainsaying the fact that training plays a very important role in shaping and sharpening the mental and physical capabilities of the staff in any organisation. This is all the more so in the Prisons Department where the staff are exposed to criminals, both hardened ones and first timers and, who therefore have to act not only as their custodians but also as their friends and guides and help them in their rehabilitation and resocialisation. This pre-supposes a knowledge on the part of the prison officials of the various theories of crime and criminology, the psychology of the criminals and the several correctional methods now available for reforming the criminals. The Committee found to its dismay that a majority of the staff in the Prisons Department in the State do not have such a knowledge. This is due mainly to the lack of proper training and a lack of exposure to modern ideas of correctional administration.

4.25 Even as far back as in 1920, the Indian Jail Committee had observed that the care of the criminals should be entrusted to those who have received a proper training in penological methods. At its First Congress on Prevention of Crimes and Treatment of Offenders held in Geneva in 1955, the U.N. General Assembly had



emphasised the fact that before entering on their duty, the prison staff should be imparted a course of training in the duties they are expected to perform particularly with regard to the social problems that lead to criminality. The All India Jail Manual Committee (1957-1959) was also of the view that the effectiveness of correctional administration, institutional discipline and impact of treatment depend principally on the quality of the correctional staff. The Committee felt that untrained and uninstructed personnel were not only ineffective but quite often became a hindrance to the proper implementation of correctional policies. The Working Group on Prisons (1972-73) and the All India Jail Reforms Committee (1980-1983) have also emphasised the paramount importance of the need for properly training the prison personnel.

4.26 Influenced by the above recommendations and with a view to bringing out better qualified personnel, the four Southern States of Kerala, Karnataka, Tamil Nadu and Andhra Pradesh jointly set up the Regional Institute of Correctional Administration (R.I.C.A.) at Vellore in Tamil Nadu in September 1979. The cost of running this Institute is equally shared by these four States. The Institute organises several training courses for the benefit of the prison officials of these States. The importance and popularity of these courses can be judged by the fact that prison officials from other States too have been attending these courses in large numbers.

4.27 The Kerala Prisons Department runs the State Institute of Correctional Administration (S.I.C.A.) located at Thiruvananthapuram. This Institute is expected to organise periodical training courses for the Department custodial staff like Warders and Head Warders. Unfortunately however, the quality of such training courses is not high, because the training staff in the Institute have not acquired any special training in teaching methods nor have they themselves been exposed to modern correctional theories. They were appointed to the Institute perhaps because they were available to be posted there and not because they had any special achievements to their credits. The Committee firmly believes that any training course should aim at inculcating a sense of discipline and devotion to duty in the department staff and motivating them to perform their jobs effectively with a full sense of responsibility and accountability in order to improve the overall performance of the Department. It is therefore very essential that the entire structure of the S.I.C.A. is modified and strengthened with the members of the teaching faculty doing some real good work. If the Department staff now in the Institute are found inadequate to handle the subjects allotted to them, they should themselves be made to undergo a short duration training course in the subject concerned in any other specialist institution, including the R.I.C.A., Vellore. The Department should also invite



experts in the related subjects from the Universities and other Institutions to give lectures to the trainees on the subjects of their specialisation.

4.28 The Committee after careful detailed examination decided to lay down the following proposal for the improvement of the training programme offered at the State Institute of Correctional Administration.

The following training courses shall be arranged:

- |  |   |               |
|--|---|---------------|
| 1. Inception (Pre-entry)               |   |               |
| Training for the custodial staff       | } | For 9 months  |
| viz. Warders Guards                    |   |               |
| 2. Refresher Training for the          | } | For one month |
| custodial staff                        |   |               |
| 3. Refresher Training for Correctional | } | For one month |
| Officers/Jail Officers                 |   |               |

The following shall be the syllabus:

1. Inception Training (Pre-entry Training) for custodial staff—for 9 months—the topics now dealt with.

- (a) Care and treatment of prisoners.
- (b) Criminology.
- (c) Psychology.
- (d) Legal aspects.
- (e) Hygiene and sanitation.
- (f) First Aid.

In the above topics more relevant and up-to-date information should be incorporated. Topics dealing with correctional approaches, mentally unsound offenders, milieu therapy in prisons, counselling techniques and the like should also be added. Child development, childhood conduct, management of children with behavioural disorders, crimes against women, victimology, etc., should also be taught in simple terms. Didactic lectures should also be taught in simple terms. Didactic lectures should not take more than 50 per cent of the course. Preparation of custodial care plans under supervision should be given as a practical assignment. Group discussions and group exercises should also be given in order to increase the sense of participation and involvement of the trainees in the custodial care of prisoners.

2. *Refresher Training Course of Custodial Staff (Warders, etc.).*—Must include the same topic as for the inception training as a course of revision. Must also encourage to express the actual problems and difficulties that they faced in the work situation. How such problems



and difficulties can be tackled through the application of the imparted information shall be the essence of the refresher training. This shall be once in every five years.

3. *Refresher Training for Jail Officers*—a course of one month duration.—The principle is the same as in the case of those for the non-judicial staff. Discussions of the actual problems faced at work situation and the manner of tackling them. The principles of managerial and behavioural sciences should be more effectively emphasised. There should be some orientation to conduct statistical analysis and institution based simple research on prisoners care, welfare, prison administration and development. The refresher course shall be once in every five years.

*Faculty*.—For the maintenance of the core of faculty as such more experts in possession of both academic and professional qualifications, skill, knowledge, resourcefulness and teaching experience should be made available by engaging guest lecturers to manage and handle the training course. Proper care should be taken in the selection and posting. The library of the Institute should be well equipped with advanced and latest books of references and publications on criminology, correctional jurisprudence, health psychology, sociology, social work, etc., Audio-video Cassettes and the like T.V., V.C.R., V.C.P., Slide Projector, Over Head Projector and 16 mm. Cine Projector, etc., must also be made available in the library for arranging visual orientation programmes in adopting the correctional policies of administration elsewhere.

Tests and examinations shall be conducted during the training course. Pass in the training course shall be made compulsory. Selective tests for promotions shall also be conducted periodically for preparing select lists of approved candidates for each category where promotion is made a method of recruitment. Promotions should be made only from the ranked lists of 'approved candidates'.

4.29 As recommended earlier promotion tests should be conducted by the S.I.C.A. for individuals on the verge of promotion to the next higher ranks.

4.30 In a nutshell, the State Institute of Correctional Administration must be so organised as to become a centre of excellence as far as jail administration is concerned. The officers of allied Departments also can be induced to attend courses of short term duration here.

4.31 The existing post of Principal, State Institute of Correctional Administration should be upgraded and equated with the D.I.G. of Prisons at the Headquarters and redesignated as Director—S.I.C.A.



4.32 In order to encourage experienced staff of the Department to join this Institute as lecturers Government may consider payment of an extra allowance to them as an incentive.

On the whole the recommendations are thus:—

(1) The recruitment of Warders should be taken away from the purview of the Kerala Public Service Commission, because of the inordinate delay in getting approved candidates for appointment advised by the Commission.

(2) The system of engaging untrained Employment Exchange candidates should be discontinued.

(3) A Recruitment/Promotion Board for the Recruitment and selection of candidates to the different categories of posts consisting of the I.G. of Prisons and Director of Correctional Services, Addl. I.G. of Prisoners and Additional Director of Correctional Services and Director, S.I.C.A. should be constituted. It is advisable to have a State Level Recruitment Board for the common selection of Warders, Police Constables, Fireman, Excise Guard and Forest Guard.

(4) Training courses as recommended should be arranged.

(5) Promotion Tests should be conducted for all categories of staff from A. J. Grade I and above excepting those, whose selection is made by the Departmental Promotion Committee.

(6) The post of Principal, S.I.C.A., should be equated with that of the D.I.G. of Prisons and redesignated as the Director, S.I.C.A.

(7) The teaching faculty of the S.I.C.A. should be well qualified and motivated and they may be given some extra allowance as an incentive to be there.

(8) The qualifications prescribed and the methods of recruitment to the different categories of posts in para 4.5 to 4.22 should be approved and adopted.

(9) The members of Ministerial staff in the Department should be required to pass the Kerala Jail Officers' Test, excepting the practical test of it also in addition to the other obligatory Departmental Test for completion of Probation.



## CHAPTER V

CLASSIFICATION/CATEGORISATION OF PRISONERS AND  
DIVERSIFIED INSTITUTIONALISATION

5-1 It is very often said that a person convicted and sentenced to a prison term for a minor offence returns from the prison fully trained in the commission of more serious crimes. This is the result of lodging all types of prisoners in the same cells or blocks, without any segregation. How can this problem be solved?

5-2 The Indian Jails Committee (1919-20) is of the view that a satisfactory solution to this problem will be to segregate the habituals from the first timers by opening a separate jail for the former category. But what criteria should be adopted for generally classifying prisoners?

5-3 The Model Prison Manual indicates the purpose of classification and the procedure for adopting such classification:

**Purpose of Classification:**

(i) to study the offender as an individual; to understand the sequence of his criminal behaviours and the problems presented by him;

(ii) to segregate the inmates into homogenous groups for the purpose of treatment;

(iii) to organise an overall balanced, integrated and individualised training and treatment programme;

(iv) to review the inmate's response to the institutional regime and treatment and to adjust the programme to suit his needs;

(v) to co-ordinate and integrate all institutional activities and to develop a system of constructive institutional discipline to maintain an informed continuity in the various phases of institutional management;

(vi) to ensure maximum utilisation of resources and treatment facilities available in the institution "as well as in the community".

General procedure to be adopted at the time of initial classification, as laid down in the Model Prison Manual is thus:

(i) "As far as practicable, advance rotation of the case file amongst committee members:

[i.e. There shall be a Classification Committee consisting of the Superintendent (as Chairman) the Deputy Superintendent or Jailors (as Vice-Chairman) and officer-in-charge of production and vocational training Medical Officer, Welfare Officer and Teacher or Education Officer (as members) and the Dy. Jailer or other Officer-in-charge of admissions (as Member/Secretary)].



(ii) A brief oral summary of each case by the Dy. Superintendent or Jailor in charge of classification; discussion of the case; understanding the sequence of the inmate's criminal behaviour and the problems presented by him;

(iii) Chalking out the institutional training and treatment programme;

(iv) Informing the inmate about the programme chalked out for him modifying the programme if found necessary;

(v) Recording of decisions taken and communicating the same to the concerned staff members".

The basis of classification shall be thus:

"Prisoners should be classified on the basis of age, physical and mental health, length of sentence, degree of criminality and character. Besides, factors like sequence of offender's criminal behaviour, his social processing, his sophistication in crime, possibilities of his functioning as a contamination risk, requirements of gradations in custody, educational and vocational training needs, urban rural backgrounds, possibilities of his social adjustment, his prospects after release and his rehabilitation needs should be taken into consideration."

In order to assess and evaluate matters on the above basis, it is incumbent that the prison staff should be adequately qualified both academically and professionally and skilled and well-informed and resourceful to understand human nature and behavioural patterns. Our recommendations in this regard are contained in "Chapter IV—Recruitment, Selection and Training of Personnel."

5.4 Mahatma Gandhi has emphasised the need for basing the classification of offenders on scientific principle in his article "My Jail Experience" published in the weekly journal dated 8th May 1924.

"The classification being as I have shown inevitable and in existence, there is no reason why it should not be scientific and human. I know that revision of classification according to my suggestion means a revolution in the whole system. It undoubtedly means more expense and a different type of men to work the new system. But additional expenses will mean economy in the long run. The greatest advantage of the proposed revolution would no doubt be a reduction in the crimes and reformation of the prisoners. The jails would then be reformatories representing to society sinners as its reformed and respectable members. This may be a far off event. If we are not under the spell of a long lived custom we should not find it difficult task to turn our prisons into reformatories."



5.5 Nearer home the Travancore-Cochin Jail Reforms Committee (1953-1955) had recommended the opening a separate jail for habituals in an area which would also facilitate large scale agricultural operation. On the basis of this recommendation the Central Prison at Viyyur was declared in 1958 as the State Jail for habitual offenders. This committee had also laid down the definition of a 'habitual offender' as one convicted of an offence punishable under Chapter XII, XVI, XVII and XVIII of the Indian Penal Code who has to his credit at least two previous convictions for offences punishable under these chapters and whose previous convictions taken in conjunction with the facts of the case now under consideration, would show that he is by habit a robber, dacoit, house-breaker, thief or receiver of stolen property or that he habitually commits the offences of extortion, cheating, counterfeiting of coins or currency notes and stamps or forgery or that he habitually commits offences against persons. The Committee had also recommended that any person confined to imprisonment in default of payment of security under section 123 read with section 110 Cr.P.C. (old Crl.P.C.) could also be brought under the purview of this definition even though no previous conviction has been proved but when it appears from the facts of the case that the person is by habit a member of a gang, a dacoit or thief or dealer of stolen property or is concerned in traffic in women.

5.6 Though the Kerala Prisons Rules, 1958, have incorporated provisions giving effect to the above recommendations, such strict segregation has not unfortunately been possible in the prisons in the State in view of the enormous increase in prison population and the absence of a proportionate increase in accommodation.

5.7 This has led to a situation in which the inmates irrespective of their age or the nature of offences they had committed are lodged together in the same cells or blocks or barracks. This was more so in respect of property offenders. That is to say, both under trials and convicts lodged in prisons for the first time were seen living with the hardened and 'experienced' criminals. The result, it is needless to say, would be disastrous as such close proximity between the new convicts and the 'experienced' ones would provide a very good opportunity for the freshers to learn the trick of the trade from their 'seniors' in the profession.

5.8 Such close proximity of the prisoners is also likely to lead to the commission of unnatural offences within the four walls of the prisons. Committee recommends as follows:

(1) Better and more modern prison buildings should be constructed either in addition to or in the place of the existing ones, conforming to the standards laid down for such buildings.



(2) The hardened criminals should be scrupulously kept away from the first timers and lodged either in different cells in the same institution or, better still in different institutions. Persons dealt with under the Juvenile Justice Act, 1986 and those coming under the purview of the Kerala Borstal Schools Act, 1961 should be lodged in separate buildings away from the harmful influence of the hardened criminals.

(3) The present arrangement of reserving the Central Prison at Viyyur exclusively for habitual, professional and organised criminals should be continued and the practice of keeping the non-habituals in this prison even if it be for administrative reasons should be discouraged, if not given up altogether. All other categories of adult non-habitual offenders may be lodged only in the Central Prisons at Thiruvananthapuram and Kannur.

(4) In order to reduce overcrowding in the Central Prisons the Committee has suggested upgradating the Sub Jails at Thiruvananthapuram, Kollam, Ernakulam and Palakkad into District Jails in order to house the short-term non-habitual prisoners i.e., those convicted for periods ranging from one month to twelve months. This recommendation is made in view of the fact that while the recommended strength of the inmate population in any Central Prison is 750, the actual population now average 1200. If implemented this will go a long way in relieving the congestion now experienced in the District Jail, Kozhikode and the three Central Prisons.

(5) In addition, the Sub Jails in Mavelikara, Alappuzha, Kottayam, Muvattupuzha, Aluva, Thalassery, Manjeri and Kasargode should be upgraded into Special Sub Jails for lodging prisoners sentenced upto six months. This will further reduce the pressure on accommodation in the Central Prisons.

(6) The Committee is of the opinion that the sole Women's Prison at Neyyattinkara does not serve the intended purpose. For one thing, the number of prisoners lodged there has not exceeded thirty at any time. Secondly, its location in the southernmost corner of the State makes it difficult for the relatives of the inmates belonging to the Central and Northern parts of the State to visit them frequently. It is therefore recommended that the Women's Prison be closed down and instead, women's annexes be constructed in the Central Prisons, the District Jails and also in the Sub Jails. The Committee is also of the opinion that even in these annexes women convicted for what may be called 'Social offences' like prostitution, soliciting, etc. should be kept in separate blocks so that there is no occasion for contamination.



(7) Nowadays new classes of prisoners indulging in white collar crimes and in drugs and drug-related offences are also being lodged in the prisons in large numbers. Each of these categories should be scrupulously kept away from the others for obvious reasons.

(8) Recommendation for the treatment of mentally sick prisoners separately is contained elsewhere in this report.

(9) After upgrading some of the Sub Jails as District Jails as recommended earlier, those remaining shall receive, as they do now, prisoners convicted for periods up to one month besides remand prisoners and under trials.



## CHAPTER VI

### LIVING CONDITIONS IN PRISONS

6.1 During their visits to the different prisons in the State the Committee noticed that a majority of the prisons buildings were old, dilapidated and outmoded. The condition of the barracks and the cells where the inmates were housed was far from satisfactory. Annual maintenance work had not been carried out in most of the buildings, reportedly due to want of funds, by the Public Works Department who are responsible for the maintenance of these buildings.

6.2 The Committee feels that there is an urgent need for renovating the existing buildings, modifying the structure wherever necessary and undertaking all the major and minor repairs to the cells, barracks and the kitchens. During its visits to the institutions, the Committee could notice leaking roofs, the walls dripping with water due to seepage, broken water taps, clogged water pipes, etc. In almost all the jails the condition of the kitchen was highly deplorable. The insides of these kitchen had become black with smoke and soot and the tiled roofs were in danger of falling down any moment.

6.3 The electrical installations including wiring in the prison building were found very old and damaged in a number of places. Due to this, bulbs or tubes provided either inside the cells or in the verandah were not burning. The Committee also noticed that in a few Sub Jails, the septic tanks and sewer pipes were blocked and overflowing thus polluting the very atmosphere in the Sub Jail premises and posing a danger to the health of the inmates. The drains had not been repaired for long so much so dirty water was found stagnating within the prison premises, posing another health hazard.

6.4 The situation brooks no delay. It is therefore highly essential that steps should be taken on a war footing to get the jail buildings repaired. The P.W.D. should prepare estimates for such repairs dividing the estimates into two or three parts allotting priority to each part depending upon the urgency of the work and carrying out either all the items of work or, if funds are limited, carrying out at least the most important ones, based on their priority.

6.5 Closely connected with this problem is that of overcrowding in the prisons. This is due to a variety of reasons the most important being lack of sufficient accommodation to house all those sent to these jails. While the Central Prisons are over 100 years old, most of the



other buildings are at least 40 to 50 years old. As stated in Chapter III "Organisation and Set up", the Central Jails were built to house on an average 750 inmates each whereas nowadays the average population is as much as 1200. Similarly the Sub Jails are meant to house on an average 50 to 60 inmates while in most cases the actual population is at least double this number.

6.6 Such overcrowding has many undesirable consequences. One is the lack of sufficient living and breathing space for the inmates affecting not only their health but the hygiene in the prison premises as well. Secondly, such overcrowding adversely affects also the mental health of the inmates leading to quarrels and mutual assaults as a result of living together for long periods.

6.7 The solution, in the opinion of the Committee, lies in putting up new prison buildings, conforming to the specifications laid down for such buildings in order to reduce congestion and ensure proper segregation of prisoners. The committee came to know that the Government of India have been disbursing funds to the State Governments for modernisation of prison buildings, including in some cases, construction of new buildings. In some cases such funds are allotted on 100 per cent grant basis where the full expenditure for such modernisation programmes is met by the Government of India and in other cases on a 50 per cent grant basis under which the Central and the State Governments share the expenditure equally. Unfortunately, however, the Committee was informed that on a few occasions the State Government could not make available its share of funds for such modernisation programmes, so much so the Government of India have now threatened to discontinue their contribution also. This will adversely affect whatever plans the Prisons Department has drawn up for renovation and construction of jail buildings.

6.8 Here again the problem is said to be one of finance. But the Committee would like to emphasize the fact that if the prison buildings continue to be in the same condition as they are now, no improvement can be expected in the mental or physical health of the prisoners. Therefore Government should give top priority to the provision of funds for such purposes. At the same time Government should also press for increased allotment of funds under the Awards of the successive Finance Commissions. The Prisons Department had been able to put up the buildidgs for the Women's Prison at Neyyattinkara and the Borstal School at Kakkanadu near Ernakulam and a few number of staff quarters in the premises of the Central Prisons with the Finance Commission Awards.

In this connection the Committee would recommend the adoption of the following measures, which have been recommended by a number of Committees in the past.



(1) Each prisoner is entitled to and should therefore be allowed 3.72 sq. metres of sleeping space and 17 cubic metres of breathing space in the wards and cells where they are accommodated flush out latrines and urinals should be provided inside the wards for use by the prisoners at night.

(2) Each cell should have a dimension of 3.66 m.  $\times$  2.44 m.  $\times$  3.92 m. with proper ventilation and windows in the front and rear walls of the cells. In the case of dormitories also where a larger number of persons are accommodated, facilities for proper ventilation and lighting shall be made.

(3) An adequate number of toilets should be constructed outside the cells for use by the inmates during day time.

(4) The drains, gutters and sewers should be properly covered and arrangements made for easy drainage of dirty water through the gutters and for periodical cleaning of the septic tanks.

(5) Provision should be made for drinking water in each cell or block, by laying water pipes to the interiors of such cells/blocks. Similarly adequate water should be made available in the open to enable the prisoners to bathe and wash their clothing.

(6) Subject to availability of space, bathing cubicles should be provided alongwith an adequate number of washing platforms.

(7) Steps should be taken first in the Central Prisons and the District Jails and later in the Sub Jails to set up laundries with facility to sterilise and fumigate the clothing and bedding of the inmates at regular intervals. Even if these facilities cannot be made available fully on account of constraints of space or funds the Department should provide at least certain minimum conveniences in proportion to the number of inmates. For example, there can be one residential unit for say every 15 inmates and one toilet for every six inmates.

(8) The responsibility of the Superintendent and his Officers as also the Medical Officer in the Prison for ensuring proper hygiene in the Prison buildings and the health of the inmates need no reiteration. These officers should constantly monitor the facilities existing in the prisons, locate the lacunae and rectify them without any delay. The Medical Officers should pay attention not only to the health of the prisoners but also to the cleanliness of the prison premises. A weekly sanitary round should also be conducted by the Superintendent accompanied by the Jailor and the Medical Officer.

6.9 The Committee realises that the recommendations made above do call for expenditure of large amounts of funds which the State Government may not be able to find immediately. However, the Committee would like to impress on the gravity of the situation. The Government should take adequate action on a war footing to ameliorate the conditions of the inmates. The P.W.D. is burdened



with a large number of works all over the State and may not be able to pay attention to a comparatively 'minor' department like the Prisons. And this may lead to delays in the preparation of the estimates and execution of the works. The Committee therefore recommends the setting up of a civil works wing in the Prisons Department charged with the task of preparing of estimates, calling for tenders and executing the works. Officers from the P.W.D. may be taken on deputation to this civil wing.

6.10 The Committee further realises that all the works cannot be carried out overnight. Hence its suggestion earlier that the works should be carried out over a period of say five to seven years fixing their priorities.

6.11 *Clothing and bedding.*—(i) The inmates shall be provided with dresses stitched to suit their physical measurements;

(ii) The 'mundus' now issued to the prisoners are found rather short in length and width. These mundos should be at least two meters long and 132 cms. broad.

(iii) The women prisoners should be supplied with light blue cotton sarees instead of mundus and blouses, brassiers in the place of 'Roukeys' or bodices and petticoats as undergarments according to their body measurements. They shall also be supplied with sanitary napkins as and when required. The women prisoners may be issued three sets of clothes at the time of their admission; and one set afresh once in every six months.

(iv) Children admitted to stay with the women prisoners shall be given suitable clothing similar to that usually worn by children of the same age.

### Diet

6.12 The existing scale of dietary articles supplied to the prisoners is generally found to be adequate. However, the Committee recommends a marginal increase in the quantity of some items like firewood, chilli and turmeric powder. The quantity of the dietary articles to be given to the inmates is indicated below.

6.13 The existing diet scale of 'C' class prisoners shall continue with the following changes:—

(1) Firewood—100 grams more per head per day.



(2) An enhancement in the issue of curry powder under item (4) of item "III Ingredients" of Rule 340 of KPRs. is recommended as the present quantity of curry powder viz. 11 gms. is found to be inadequate to meet the requirements. The revised rate of issue shall be as follows:

Chillies	.. 9 gms.
Coriander	.. 4 gms.
Turmeric	.. 2 gms.

(3) The prisoners in the Open Prison may be issued an extra quantity of 100 gms. of rice per head per diem in consideration of the hard physical labour involved.

(4) The vessels used for preparing the food items and the plates and tumblers used by the prisoners shall be of stainless steel instead of iron or copper or aluminium or hindalium. The initial expenses in this regard will of course be high but in the long run it will prove economical in view of their durability.

(5) The prison kitchens should be modernised by introducing cooking gas in place of firewood.

(6) May consider to adopt grinders and mixies in the kitchens in due course.

(7) The Prison Medical Officers should ensure that nutritious diet as per the diet scale is prepared under hygienic conditions and served to the prisoners.

(8) The Officers in charge of dietary items shall be adequately trained in the management of kitchens.

(9) The higher officials in the Prisons shall be responsible for the proper management of kitchens and for the effective supervision of the procurement of items of good quality and in proper quantity according to the schedule and for the timely distribution of food to the prisoners.

(10) Bartering of food materials among the prisoners should be strictly prohibited and any violation of this restriction should be dealt with very severely.

6.14 *Interviews and communications*.—The prisoner should be given all facilities to communicate with the members of his family and also have interviews with them subject only to the reasonable restrictions imposed by the Kerala Prisons Rules. It is true that interviews are allowed now but they are held either at the prison gate or in the congested office room of a prison official. Spacious interview halls should be constructed in all the Central Prisons and the Dist. Jails where the prisoner and his relatives can talk to each other in reasonable privacy.



Similarly waiting sheds should also be put up in these institutions to enable the visitors to await their turn for the interview.

The existing practice of allowing interviews shall continue. The Department should ensure that there is no misuse or discrimination in granting interviews.

The present system of permitting the prisoners to write and receive letters is found adequate and hence no change is proposed in it.

6.15 *Other facilities.*—At present, canteens are functioning in the Central Prisons and the Open Prison but the amount which each prisoner can spend on purchases from these canteens is limited to Rs. 60 per mensem. We recommend that considering the rise in the prices of articles of daily use, this amount may be increased to Rs. 100 p.m. per prisoner. The prisoner should be permitted to utilise the wages he earns in the Jails and his own private cash for such expenditure.

Our recommendations on revising the wages of the prisoners are contained in Chapter IX.

6.16 *Education.*—Kerala State has been declared a literate State. There are persons who have not gone beyond the elementary School. Therefore as part of the literacy programme, education should be made compulsory in the prisons at least for the long-term prisoners and lifers. Those who show promise and who are interested in prosecuting higher studies should be given all encouragement to do so. The provisions in rule 280 A of the Kerala Prisons Rules on grant of study leave should be used liberally. The period of leave so granted shall be termed as parole and should be treated as sentence at large.

6.17 *Recreation.*—The facilities for recreation and playing games are available in the major prisons but they are found to be insufficient. In most places carrom boards have been provided and in a few places facilities are available for playing outdoor games also. In the Open Prison, Nettukaltheri the prisoners are also allowed to sit outside the office building and watch the television programmes in the night. The Committee feels that it would be better if spacious recreation halls are put up in each major institution and facilities provided therein for playing games, watching the T.V. or listening to the radio. Other audio-visual programmes may also be organised by the Prison Officials as often as possible.

Similarly the histrionic talents of the prisoners should be encouraged by organising cultural programmes periodically in the Jails so that the prisoners do not feel frustrated by remaining behind the bars through a major part of their lives.



The facilities now available for religious ministrations and moral preaching may be continued. In order to arrange to carry out all these the daily routine of prisoners may be revised and refixed as 6.00 a.m. to 8.00 p.m. and the lock up time should also be changed accordingly.

6.18 The committee notices with regret that the appointment of non-official visitors in the Jails has not been done since many years and the visitors Boards are not functioning properly. Even the official members are not paying regular visits. It goes to the duty and responsibility of the Jail Superintendents to bring the relevant provisions in the Rules to the Official Members, M.Ps. and M.L.As. concerned. This should be arranged to be done and the proper functioning of the visitors' Boards in the Jails should be ensured.



## CHAPTER VII

### TREATMENT PROGRAMMES

7.1 Dr. W. C. Reckless said that the prisoner should be treated as the ward of the State and not a slave. Miss Frances Banks wrote that every effort should be made to teach him to live decent life both within and outside the prisons. This underlines the need for organising and properly implementing what are called Treatment Programmes. Such programmes should be planned well in advance and implemented effectively and successfully. They should begin from the time of the prisoners' admission into the prisons, their classification and segregation. It should be realised that the criminals are sent to the Jails to undergo a sentence 'as' a punishment and not 'for' a punishment for the purpose of undergoing the punishment. This subtle difference between the two concepts (i.e. incarceration itself is the punishment and the period of incarceration is not for punishment) is unfortunately not realised by many including the prison officials themselves.

7.2 The period of incarceration should be devoted to the education and reformation of the prisoners and therefore the programmes for the treatment of the prisoners should be re-organised as to achieve these purposefully. Facilities should be provided in the Jails to humanise the prisoners and make them repent for the offences they have committed and realise their consequences. Such a concept propounded even in the late fifties was criticised then as being impractical and too soft on the prisoners. But the All India Jail Manual Committee (1957-1959) has termed this line of argument as a superficial and negative approach to prison reforms. According to this Committee, deprivation of the liberty of an individual is itself the main ingredient of the punishment, both psychologically and physiologically. When the Prison term was held to be punitive, repressive and afflictive and when the normal needs of a prisoner are denied, demoralisation sets in. It may lead to undesirable consequences, including sadistic and brutal actions. These in turn result in increased feelings of hatred and revenge towards the society itself. In such a situation reformation of the prisoner becomes impossible. It is in this context that the need for prison reforms and treatment of prisoners should be viewed.

7.3 The Mulla Committee which has discussed this subject in great detail, expressed the view that the entire atmosphere of prisons including the behaviour of the prison officials should be surcharged with positive values and that the inmates should be exposed to a wholesome environment in which they retrospect and reform themselves. Such a congenial atmosphere, the Committee felt, was



an essential pre-requisite for any reformatory treatment. The Committee regretted the absence of a healthy atmosphere in the prisons for executing such reformatory programmes and also the absence of clarity about the components of any correctional treatment. The Committee bemoaned the fact that the prison administration was least bothered about this important aspect of its work.

7.4 The Mulla Committee emphasised the urgent need for a proper segregation of the first offenders, and the implementation of reformatory programmes. In its view, every Prison has developed its own sub-culture which accumulates over a period of time and gets transmitted from one prisoner to another and which is reflected in the various undesirable activities that are reported from the Prisons nowadays.

7.5 The said Committee has accordingly made the following recommendations which we feel can be accepted and acted upon in our State also with necessary modifications:—

(1) A relaxed, positive and constructive atmosphere should be created in the institutions.

(2) Good Personnel and inmate relationship based on mutual trust and confidence in friendly terms—but not too familiar to infringe the security and discipline shall be maintained.

(3) A formal study of individual inmates and their initial classification and segregation shall be arranged.

(4) Care and welfare of the inmates should be attended to.

(5) Steps should be taken to ensure maintenance of firm and positive discipline.

(6) Adequate measures should be taken to attend to the urgent needs and problems of inmates.

(7) Planned and scientifically organised vocational training and treatment programmes that are in agreement with the needs and requirements of the inmates for education and recreation should be organised.

(8) Measures should be taken for strengthening the families of the inmates and for maintaining their links with the community/society without however affecting security and discipline.

(9) Incentive should be given to the prisoners in the form of reasonable wages for the work done, remission of sentence, liberal grant of leave, parole or furlough, transfer to native stations or to open institutions and a review of their cases for premature release.

(10) Case study counselling and guidance should be done as Welfare Services.

(11) Facilities shall be developed for psychotherapy and supportive therapy.



(12) Measures should be taken for planning the release/pre-release preparation and after-care and follow up, on scientific lines.

7.6 The detailed study we have made on this subject and the evidence we have gathered during our discussions with the officials and non-officials all point to the fact that despite such forceful assertions by various Committees, the need for evolving well thought-out treatment programmes and implementing them with sincerity has not yet been felt by the Prison Administrators in Kerala. The State Prison Manual and the Kerala Prisons Rules do provide for the adoption of such programmes and yet precious little has been done in this regard. The main reason for this state of affairs, the Committee feels is the lack of resourcefulness and interest on the part of the prison administration in implementing such programmes. They appear to follow the traditional and age-old practices regarding custody and treatment of prisoners. As observed earlier, they have not been given a proper training in the development of modern ideas of prison administration nor have they been motivated to change their attitude. Perhaps, the pre-occupation of the officers with desk work may be a factor which prevents the acquisition of such knowledge. But this cannot be the sole reason. The entire outlook of the prison staff has to change and they should even repute through a course of training in criminal psychology and related matters so that they are enabled to discharge their duties better.

7.7 The All India Jail Manual Committee has implored the need for appointing qualified psychiatrists to render necessary counselling and treatment to the inmates who suffer from some kind of mental problem or the other. But during its visits to the Central Jails and the other major institutions in the State the Committee learnt that though there was provision in the Rules for the appointment of part-time psychiatrists, this was not done. The Committee therefore recommends that in each of the Central Prisons and in the Open Prison, Psychiatrists should be appointed for rendering assistance and treatment to those inmates who suffer from some type or the other of mental problems owing to prolonged incarceration and the tension that naturally arises when the same group of people live together for a long period of time.

7.8 The need for organising educational programmes in the jails cannot be over emphasised. In fact the time has come when we must think of organising such programmes on a large scale and with a different set up in order to improve the physical and mental health of the inmates. The Model Prison Manual, 1960 has rightly observed that education is a preparation for social life and a help to the inmates to acquire knowledge and skills which would enable them in their later rehabilitation. The Manual goes on to say that education is a



process by which the knowledge, character and behaviour of the inmates can be moderated to facilitate their resettlement in society, by inculcating in them good habits and a healthy attitude. The Mulla Committee has gone a step further and argued that such educational programmes should provide to the inmates vital channels for the development of the attitude and outlook which would help them in their reassimilation in the society.

7.9 Keeping in mind the above observations, the Committee would like to recommend the following step with regard to the adoption and implementation of treatment programmes. Some of these recommendations have been made in the earlier Chapters also but it is necessary to repeat them here in view of the different context in which they are made.

(1) Congestion and overcrowding should be avoided in the prisons by putting up more buildings or blocks to enable the inmates to move about freely.

(2) The prison officials should move with the inmates freely, treating them as their friends who have unfortunately fallen on bad days, rather than treating them as enemies.

(3) Except where it is extremely necessary due to the violent behavior of the inmates, there should be no occasion whatever for physical or mental torture of the inmates.

(4) Libraries should be established in all the institutions under the Department. They should contain a proper mix of books of light reading (novels, short stories, etc.) and also those which would help the inmates acquire basic knowledge in some technical jobs like T.V. repair, automobile repair, etc. Books on religion and moral science should also be stocked. The idea is that the inmates should not be compelled by default to waste their time in the prison buildings for want of anything else to do to improve their lot. As the Department suffers from financial constraints, it is recommended that voluntary bodies may be approached for donating books to the institutions.

(5) The educational programmes in the prison should additionally aim at making the illiterate prisoners, if any, to attain literacy, and also enable those with minimum literacy to improve their knowledge. Those who wish to prosecute their studies and attain higher qualifications should be encouraged by providing them all facilities. Competent teachers may be appointed in the prisons for a reasonably good standard of teaching.

The provisions in rule 280 A of the K.P.Rs. should be liberally used in such cases.



(6) Imprisonment should not be considered a bar on employment in Government or private service. Provision should be made in the rules to offer employment to the released prisoners who during the period of their incarceration had behaved well and have shown an aptitude in some trade or the other, on the basis of the certificate of proficiency and good behaviour issued by the Superintendent of the institution concerned.

(7) Recreational and cultural programmes are now found to be either non-existent or are not carried out properly. It should be the endeavour of the prison officials to provide facilities to the inmates to participate in indoor and outdoor games. They should also encourage programmes by the inmates which would help bring out their artistic and histrionic talents. Facilities shall be made available to the prisoners to develop their talents in painting, designing, embroidery, etc.



## CHAPTER VIII

### VOCATIONAL TRAINING OF INMATES

8.1 The U.N. Standard Minimum Rules for the Treatment of Prisoners and Related Measures have laid down the following principles for organising vocational training programmes for rehabilitating the prisoners:—

- (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 conditions as determined by the medical officer.
- (3) Sufficient work of a useful nature shall be provided to keep prisoners employed for a normal working day.
- (4) So far as possible the work provided shall be such as will maintain or increase the prisoners 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 offenders.
- (6) Within the limits compatible with the 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.
- (7) 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.
- (8) The interests of the prisoners and their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.
- (9) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.
- (10) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on not less favourable than those extended by law to free workmen.
- (11) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institution.
- (12) The maximum daily and weekly 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.
- (13) 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 prisoners.



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

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

(16) 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."

8.2 Some of the above principles have been adopted in Kerala as can be seen from the Prisons Rules and the Prison Manual. But the rehabilitation programmes are seen drawn up and implemented without reference to the aptitude of the inmates and without examining whether such programmes will be of any help to the prisoners after they leave the prison. All along, the Department has been following only programmes relating to some traditional occupations like agriculture and weaving. But even here the Committee found the machinery used were quite old and outmoded. Programmes have to be drawn up either for updating the techniques or for using modern machinery or for diversification of industries.

8.3 The work programmes now arranged in the Prisons include Weaving, Carpentry, Smithy, Tailoring, Printing and Binding and Leather Works. But facilities available to carry out the programmes are still in a primitive stage. The funds made available by the Government of India during 1977-79 had of course been utilised for purchasing some powerlooms and other implements but a lot remains to be done in this regard. A number of proposals for organising new programmes could not be carried out due to the absence of well-prepared project reports. This was due to the lack of experience on the part of the Prison Officials in the preparation of such reports. In cases where they were prepared by experts the cost of the project was found to be prohibitively high for which the State Government was unable to provide funds.

8.4 The All India Jail Manual Committee (1957-59) has also reiterated that work is to be conceived not as an additional punishment but as a means of furthering the rehabilitation of the prisoners. Their training inculcating better work habits and preventing idleness and disorders and help rehabilitation. That committee has however warned that such work programmes should not become a drudgery or a meaningless activity. On the other hand they should be treated as avenues for imparting useful avenues to their social adjustment and ultimate rehabilitation. Further, such activities should not be meant only to add to the profits of the Prisons. But they should be constructive from the point of view of the prisoner and the welfare of the society.



8.5 The land available in the several jail institutions has not been fully utilised. For example out of the 202.5 hectares in the Open Prison, only 55 hectares have been brought under rubber, coconut, tapioca, paddy etc. while a large area still remains unutilised. Similarly large tracts of land in the Central Prison at Thiruvananthapuram and Viyyur were transferred to other Departments on the ground that they were lying unutilised. Over 70 acres of land at Ramavarmapuram (Trichur) transferred from the Police Department to the Jail Department in 1961 for extensive cultivations had to be given back due to the non-utilisation of the land by the Prison Department for many years.

8.6 To sum up, the absence of foresight, the lack of experience in preparing Project Reports, the failure to choose projects which would be of use to the Department and the inmates, the failure or the inability of the Department to modernise the existing industries have all combined to create a situation where the Department is unable to get out of the groove in which it had fallen long ago. Selection of industries like Carpentry and Weaving may have been justified when the prisons were started as such trades were still in a nascent state then and people with a minimum knowledge of such trades could hope for gainful employment outside after release. But this is no longer the position now. The world has advanced from manual and mechanical operated machinery to fully automated or electronic equipments. The Prison Department also should reorient its training and vocational programmes accordingly. The Department should consider giving training to the inmates in activities like repair and assembling of T.V. sets automobile mechanism, electrical and electronic equipments, audio and video film making and cassetts making and other related avocations, because in the opinion of the Committee these trades alone have a future.

8.7 The committee therefore urge the Government to recast their vocational training programmes in the prisons in the track, keeping in mind the mental and physical capabilities of the inmates, the length of their sentence, the skills and talents which they have already acquired before coming to the Prisons, their aptitude and taste for a particular type of activity, etc.

8.8 Our recommendation on work programmes and vocational training are the following:

(1) The inmates should be given work programmes and vocational training to suit their tastes and temperaments and aptitude.

(2) The trades and industries on which they are given opportunities should be such that which they can rely upon to earn a livelihood after release to lead an honest life as a useful law-abiding citizen.



(3) They should be provided with such facilities for acquiring vocational training in industries and crafts on the most modern and advanced lines in the respective kind of industry and craft.

(4) Vocational training programmes in self employing trades and occupations should be introduced.

(5) Prison industries should be organised on business-cum-commercial basis.

(6) While designing employment and production policies in prisons the composition of inmates coming from rural and urban areas should be taken into consideration and so a variety of opportunities for work and vocational training should be arranged in order to cater to the needs and requirements of the different types of inmates population.

(7) Production units in the institutions should be mechanised either partially or wholly.

(8) Inmates should be given work experience in every section of a trade or industry which they can rely on.

(9) Modernisation, expansion and diversifications of the existing industries in the institutions should be planned scientifically.

(10) The previous experience if any of the inmate should be considered while providing them with work programmes.

(11) The following factors should be taken into consideration while engaging the inmate, on work programmes and vocational training.

(i) The mental and physical health condition of individual inmate.

(ii) The requirements for the maintenance of security and discipline.

(iii) Age and physical ability.

(iv) Length of sentence.

(v) Tastes, talents, temperaments, skills and abilities as well as the potential for acquiring the skills in any particular trade or industries.

(vi) Native environments such as rural or urban backgrounds for utilisation of the skills attained.

The work programmes and vocational training are matters having inter-links with Prison industries and agriculture. Hence further recommendations co-related to this are contained in "Chapter IX Expansion of Industries and Agriculture (Making viable, productive and income fetching)".



## CHAPTER IX

### EXPANSION OF INDUSTRIES AND AGRICULTURE IN THE PRISONS

(Making viable, productive and income fetching)

9.1 At present the following industries are organised in the Prisons of the State.

#### **The Central Prison, Thiruvananthapuram**

1. Weaving (Powerlooms and handlooms)
2. Carpentry
3. Smithy
4. Shoe-making
5. Tailoring
6. Printing (A wing of the Government press is located within the Central Prison compound but it is under the administrative control of the Department of Printing and Stationery)
7. Motor vehicles repair unit.

#### **The Central Prison, Viyyur**

Weaving.

#### **The Central Prison, Kannur**

1. Weaving
2. Carpentry
3. Tailoring
4. Book binding.

The following agricultural programmes are also organised in the different institutions.

#### **Open Prison, Nettukaltheri**

Besides the cultivation of vegetables, plantain, tapioca, etc., a rubber plantation has also been raised here.

9.2 In the Central Prison, Thiruvananthapuram, cultivation of vegetables, paddy and tapioca besides growing of coconut palms, jack trees, mango trees, cashews and tamarind trees. The Central Prisons, Viyyur and Kannur and the District Jail, Kozhikode also have similar agricultural programmes depending upon the area



available in each. In the Sub Jails the cultivation of vegetables is carried out on a very small scale as the area of land available for the purpose is very limited. The details of the income generated from these various industrial and agricultural operations are given below:

<i>Year</i>	<i>Income from industries</i>	<i>Income from agriculture</i>	<i>Income from rubber plantation</i>
	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
1988-89	21,95,809	7,87,016	14,48,830
1989-90	6,13,209	3,14,092	11,35,880
1990-91	25,55,948	8,50,935	14,52,250

9.3 While it is true that the inmates are usefully employed in one or the other of the above occupation, the Committee feels that there is room for further improvement, for example the absence of proper planning and failure to modernise the prison industries and the gross under utilisation of the available manpower and also the land area has resulted in the industries not developing in the way they were expected to. The other factors which affected the growth of the industries included lack of funds and failure to purchase of raw materials at the proper time, the high cost of raw materials, the absence of any trained supervisory staff who could give the necessary technical and other assistance to the prisoners, the absence of a proper evaluation programme which could have helped in making mid-course corrections when necessary, the continued use of out dated and outmoded machinery which break down too often and for which spare parts are not available.

9.4 In this connection, the Committee would like to comment on the system of procurement of raw materials by the Department. One important raw materials viz. timber is purchased by the Prisons Department from the Forest Department. But unfortunately the Forest Department levies a very high price for the timber. The Forest Department auctions different varieties of timber to private individuals but does not sell it to the Prison Department at the same auction price. Instead it charges a separate price called the 'Scheduled Rates' and what is more, adds a centage of 20 per cent to this sale price. Naturally therefore the cost of the finished products like wooden chairs, tables, etc., becomes much higher than that of similar products in the open market and therefore uneconomical. This requires the immediate attention of the Government to order the sale of timbers to the Prisons Department by the Forest Department at least at the price at which it is auctioned to private individuals if not at a concessional rate. No additional amount would be charged by way of centage. The Committee would even recommend exemption from sales tax so as to encourage the prison industry to grow.



9.5 The Leather Unit in the Thiruvananthapuram Central Prison uses primitive machinery for making the footwear items and the end product is therefore of very poor quality. Also as the required raw material viz. finished leather is not available in Kerala itself, it is purchased from outside sources thus increasing the production cost.

9.6 The position in respect of the weaving unit is equally unsatisfactory. The entire machinery in the Prisons (both handlooms and powerlooms) are atleast fifty years old and naturally break down quite often. Unfortunately no spare parts are available in the market and hence once any machine completely breaks down, it has necessarily to be scrapped. The later model machinery are naturally costly and beyond the purchasing capacity of the Department which always faces a financial crunch. This is a vicious circle in which the department is caught.

9.7 More than anything else, this results in the under utilisations of the vast manpower potential available in the Prisons. Unless this vicious circle is broken there is no prospect of the prison industries contributing much to the finances of the Department.

9.8 It was also noted that application of fertilisers to the rubber trees and rubber seedlings in the Open Prison was not carried out at all during the year 1992-93 on the ground that funds for the purchase of fertilisers were not available due to the ban on drawal of money from the Treasuries.

9.9 This is a sorry state of affairs indeed as the rubber trees cannot wait for application of fertilisers till the funds position improves. Government may consider granting exemption to the Prison Department from the restrictions on encashment of bills for the purchase of raw materials, manure, pesticides etc., in due consideration of the necessity of improving the prison industry and agriculture.

9.10 The Prison Department has been selling its furniture to other Government Departments on payments of the cost in advance. But still it is reported that huge amount is due from several departments of the Government on account of the sale of items made to them without insisting in advance payments. A suggestion was made before this Committee that the Government departments be permitted to purchase the items on credit. But the Committee feels this is not a feasible proposition as, once the items are received the Departments do not care to make payments promptly. The Government should therefore insist on compliance of the instructions in G.O. (Ms.) 220/86/Home (B), dated 14th October 1986 on advance payment whenever they place orders for furniture items.



9.11 The work programmes should be so arranged that it provides the inmates with a working knowledge of different skills and at the same time enable the Department to earn some income. This means that the concept of treating the prison industries only as a training ground should be changed. On the other hand the work programme should be treated as a job oriented scheme. But one major drawback the Department experiences now is that the money earned by the department by the sale of its produces goes back to the general revenues of the Government and is therefore not available to the Prison Department for further use or for ploughing it back in the industries. The Department has to depend upon the Budget allotments from the Government in the next financial year to continue its activities. In view of this, the Committee recommends the following:

9.12 In order to reduce the dependence of the Department on the Government for funds and to wake the work programmes really worthwhile, the Committee recommends the constitution of a Prison Welfare Board for Industries and Agriculture. This suggestion has been made by the Mulla Committee also, which had recommend the institution of a separate Board in the Prisons Department with the I.G. of Prisons as the Chairman and Mananing Director and comprising representatives of certain Government Departments as its members to organise the industries on a commercial basis. The following terms have been suggested for the Board.

Functions of the Board shall be well defined. Such as planning and implementation of programmes, policy for procurement of stores and raw materials, policy of production, commercialisation and marketing, economic aspects, control of funds, collection and distribution of products and produces, guide, supervise, direct and control all matters relating to the work programmes and vocational training and all other matters relating to production and management of prison industries and agriculture.

This point has been reiterated in a Judgment by the Hon'ble High Court of Kerala CRL. M.C. 179 of 1989 dated 31st May 1993 in which it has been suggested that a society be founded in the prison to control, co-ordinate and operate the industries in the prisons. It is in line with these suggestions that this committee recommends that a Board be formed in the Department to be named the Kerala Prison Welfare Board for industries and agriculture. It will have as its members the following officials:

1. I.G. of Prisons and Director .. Chairman and Managing  
of Correctional Services Director
2. Additional I. G. of Prisons and .. Member-Secretary  
Additional Director of  
Correctional Services



- |                                     |           |
|-------------------------------------|-----------|
| 3. Director of Technical Education  | .. Member |
| 4. Joint Director of Industries     | .. Member |
| 5. Joint Director of Agriculture    | .. Member |
| 6. An Officer from the Rubber Board | .. Member |

9.13 The Board will continue to operate the industries now being run in the different prisons in the State modernise them by purchasing new machinery, adopting modern methods of production, etc., and also organise the industries and agriculture. The items manufactured in the prisons will be sold to the public through the show rooms-cum-sales counters to be opened in the premises of the Central Prisons.

We notice that on the basis of our recommendation one show room-cum-sales counter has already been opened in the premises of the Central Prison, Thiruvananthapuram.

9.14 The important question that may come up in this connection is that of funds. At present the State Government allots funds to the Prison Department in the annual budgets for running the industries. But unfortunately the return if any earned from the sale of the finished products is credited to the general revenues of the State Government and the Department therefore does not have any funds readily at its disposal for further action or expansion or modernisation of the industries. The committee therefore recommends that as soon as the Board starts functioning, the budgetary amount allotted to the Prison Department for operating the industries be transferred to the Board and treated as its capital fund. The money allotted in the budgets for the next five years may also be similarly transferred to the Board treating it as its capital. The Board can then organise its programmes with the help of these funds, which would be deposited in Nationalised Banks to facilitate easy withdrawals as and when required.

9.15 Another major advantage in forming such a Board is that being an autonomous body it will be able to plan its purchases of raw-materials, production process and arrange the sale of its products. It can also approach the financial institutions for funds for its activities. This is not now possible when the Government controls the industrial and agricultural activities.

9.16 The Board can draw on the expertise of the members in its Managing Committee and also seek help from other voluntary organisations to carry out its programmes. The Small Industries Development Corporation (SIDCO) in the State presently arranges the manufacture of wooden items like desks, black boards, tables, chairs, almirah, etc., required for use in the Education Department. The Prisons Department can undertake the manufacture of such items diverting order from the SIDCO. Similarly, the manufacture and supply of woods



for the vehicles manufactured in the Kerala Automobiles near Thiruvananthapuram can be made by this department. The manufacture of agricultural implements such as spades, sickles, etc. can be undertaken for use in the several development programmes of the State like the I.R.D.P., D.R.D.A., etc. Empty cartridges can be purchased from the Police Department and melted and converted into metallic sheets. The Department can also undertake the manufacture of soaps, file boards, tags, etc., on behalf of the Khadi and Village Industries Board.

9.17 The motor vehicle repair unit now started in the Central Prison, Thiruvananthapuram can be expanded once the personnel gain sufficient experience in the field. The prison can also undertake the manufacture of bandage cloth, bed sheets, etc. required by the hospital in the State. This will call for the replacement of weaving machinery in the prisons as they are over 50 years old and no spare parts are available in the market. Improvement and mechanisation of the carpentry units in Thiruvananthapuram, Kannur Central Prisons to manufacture the furniture required for the schools, colleges, etc. is another possibility. The leather unit, the smithy etc. should also all be modernised to cater to changing needs and fashions. The book binding unit in the Kannur Prison should be expanded by procuring orders from the larger institutions, schools and colleges and for using superior quality materials like the calico cloth, card boards etc. Manufacture of note books may also be undertaken. Tailoring units may be established in the Women Prison Annexes and training given to the inmates in the manufacture of readymade, garments, school uniforms, etc.

9.18 The committee was happy to receive a large number of suggestions from different service organisations including the Kerala Jail Subordinate Officers Association, the Kerala N.G.O. Union, etc., who had all suggested a number of measures for improving the industrial operations in the prisons. This suggestion included manufacture of new items of leather goods including hand bags, belts, etc. Phenyle and washing soap, readymade garments, workshops for repair of automobiles assembling and repair of television and radio sets and introduction of planned vocational training programmes in the institutions to enable proper social rehabilitation of the inmates.

9.19 All these call for a dynamic approach towards reorganisation of the prison industries and a proper and continuous liaison with the other departments to get orders and sell the products.

### **Agricultural Activities**

9.20 In addition to modernising and improving the production processes, the committee feels that it is equally essential to improve and diversify the agricultural operations also in the department. An



Officer of the Department of Agriculture who had studied the work carried out in the Open Prison at Nettukaltheri was of the opinion that the standing rubber trees which are over thirty years old should be cut down as their yield has come down considerably and in their place oil palm be planted. The officer further suggested training and engaging the prisoners in managing the plantation and extracting palm oil and thereby generate income for the department. He has estimated that the project would earn a net profit of Rs. 7.86 lakhs per year from the fifth year onwards, from the palms planted in an area of 150 hectares. The committee suggests that this proposal may be tried in the land available in Nettukaltheri and if found feasible adopted in the other prisons as well.

9.21 The agricultural operations can be developed further by planting improved varieties of other yielding trees. The committee would however like to caution that such programmes can succeed only if the officers attend the plants carefully by manuring and weeding at the proper time, preventing pilferage, etc. This would require not only a dedicated group of people but also technical knowledge on their part guided and assisted by officers from the Agricultural Department.

9.22 Similar attempts at diversity of agricultural operations should include plenty of improved varieties of coconut and the seedlings production of seedlings for sales outside and of envelopes for such seeds and seedlings.

As recommended earlier Government should supply raw materials from other departments at a much lower price to make the prices of the finished products of the department competitive.

9.23 Regular water supply or irrigating the fields and for watering the plants can be assured by the installation of bore wells or water pumps and construction of overhead tanks wherever necessary. Sericulture now adopted in the Central Prison, Kannur appears to be quite profitable and the Prison Department should try to expand this activity in Kannur itself besides introducing it in the other Prisons, availing, of the financial and technical help given by the Sericulture Wing of the Khadi and Village Industries Board.

9.24 Sri. R. Hali, Retired Director of Agriculture, Government of Kerala had suggested that the Department could launch a project for the production of vegetable seeds to meet the growing demand for the same. Selected personnel from the prisons can be given training in this activity at the training centres of the Department of Agriculture which would also be able to allot funds for such projects.

9.25 The Kerala State Veterinary Doctors Association suggested organising a Cattle Farm in an area of five acres in the Open Prison, Nettukaltheri. The initial investment will be in the form of purchase



of a few number of buffaloes or cows which do not require much looking after as grass and other fodder are in plenty in the prison itself. Steps may also be taken to organise Chicken farms as the chicken would be ready for sale within eight weeks of hatching. Similar will be the case if goat farming which can also be introduced.

The committee welcomes the above suggestions and recommends that these may be tried with the active support and help of specialists from the Animal Husbandry Department.

9.26 What is required is the availability of a set of officials who are technically competent to handle such projects, who are dedicated to this kind of work and will willingly undertake the responsibility of implementing such projects. Allotment of funds may be difficult initially but when the Prison Welfare Board for Industries and Agriculture is formed for organising and running the Prison Industries as recommended earlier, the problem of liquidity may not arise.

9.27 *Compensation to Victims of Crime.*—At present the victims of the crime are not compensated by the State. They have to approach the courts for such compensation, spending a lot of money and time in the process. Instead of this, the Committee would recommend the constitution of a separate Fund for paying compensation to the victims without the parties approaching the courts for this purpose. A portion of the wages payable to an inmate may be deposited in this funds together with suitable contribution by the State.

9.28 The Committee considered the question of wages payable to the prisoners for the labours undertaken by them. At present they are paid wages ranging from Re. 1 to Rs. 4 per day per person depending upon the nature of work performed by them. Needless to say these wages are very low compared to what obtains in the open market. The Committee however realise that it would not be possible for the Government to pay the inmates the same quantum of wages paid in the open market or even 50 per cent of such wages as suggested by the Honourable High Court of Kerala, while disposing of CrI. M. C. No. 179/89, dated, 31st May 1993. The Committee would however like to emphasis the fact that the Prisoners should be paid a better wage than now for the work they put in. The Committee would therefore recommend that the Government may consider paying the prisoners the wages prescribed under the Payment of Minimum Wages Act, deducting there from the expenditure incurred on the maintenance, i.e. the expenditure towards their food and medical treatment, the cost of clothing and other accessories supplied to them for the duration of their stay in the institutions. At the same time the Government should also consider setting apart a part of the wages to compensate in some measure the victims of the crimes committed by the prisoners. The amount may not be large but it



will be a good gesture if the inmate is made to feel responsible for the plight of the dependents of the victims. The court should make the criminal pay for the crime by way of compensation. The Government may constitute a standing Committee to decide upon the quantum of compensation payable to the victim, the class of persons who might be eligible for such compensation and other related matters. Government may act on the advice of this Committee. It is not enough if the prisoners are merely taught a trade while in prison. They must be enabled to get a job when they go out, or helped set up their own industry with the financial help from the Government/Banks and other leading institutions.

A certificate may be issued to the prisoner on his release showing the trade or profession in which he has acquired proficiency. The Government may even reserve a small percentage of jobs for such released prisoners, subject to their production of a good conduct certificate from the Superintendent of institution where he was lodged. The Banks should also be encouraged to lend funds to such prisoners on the basis of the Certificate they produce to the extent possible the rules requiring bonds, security etc.

9-29. To sum up we recommend the following:—

(A) The prison industries and vocational training programmes should be reorganised, expanded, developed and machanised.—

(1) The Weaving Units in the prison should be expanded and mechanised for the production of quality based textiles, besides prison, clothing and bedding, beds, bed sheets, mattresses covers, pillows, pillow covers, bandage clothes, dungre clothes, towels of different sizes and fancy items and the like required in the Health Services Department. Manufacture of terrycotton khaki clothing required for use in the Prisons, Police, Fire Force and Excise Departments should also be arranged to be carried out developing the units into a textile industry.

(2) The Carpentry units in the Central Prison, Thiruvananthapuram and Kannur should be mechanised and developed on a commercial basis for the production of benches, desks, tables, chairs, almirahs, lockers, shelves, racks, trays, household items of furniture and fancy items, toys, dolls and the like.

(3) A similar carpentry unit, should be newly established for engaging the prisoners in the Central Prison, Viyyur.

(4) The leather unit in the Central Prison, Thiruvananthapuram should be expanded, developed and mechanised to increase production of quality goods and fancy leather goods. Baby shoes, shoes for school uniforms, leather bags of different sizes and patterns, leather belts and caps, money bags and purses and other marketable items of leather goods should also be arranged to be manufactured



besides undertaking the manufacture and assembling of Ammunition boots for use in the Police and other Departments.

(5) A similar leather unit should also be established in the Central Prison, Kannur where the inmates of the Borstal School, Kannur shall also be given work and training facilities.

(6) Binding units should be well equipped in the Central Prisons at Thiruvananthapuram and Kannur for the production of Bound Books, School note books of different sizes, work books and the like.

(7) Phenyl making, Tag making, Soap making, Candle making, Envelope making, Rubber soles making should also be arranged as work and vocational training programmes in the district Jails, special Sub Jails and Sub Jails.

(8) Motor Vehicles repair units with facilities to carryout painting, servicing, upholstery work, tyre retreading, etc., should be organised in all the major prisons.

(9) The smithy unit in the Central Prison, Thiruvananthapuram should be expanded and developed enabling the large scale production of agricultural implements and household iron utensils and knives of different sizes. Similar units should be established in the Central Prison at Kannur and Viyyur also.

(10) A new unit for the production of metallic furniture should be started in the Central Prison, Kannur, with facilities for vocational training.

(11) The tailoring units in the Prisons should be expanded to undertake stitching of readymade garments, uniforms, suits and fancy items of dresses according to the changing fashions and patterns.

(B) The Agricultural operations and cultivation programmes in the prisons should be expanded and modernised.

(1) Rubber Plantation Programmes in the Open Prison area at Nettukaltheri should be strengthened further. All the senile and unproductive rubber trees in the existing plantation shall be removed and recultivation tried in an area of about 100 acres. Similar rubber plantation operations shall be started in the new open prisons also.

(2) For the proper production of superior quality rubber sheets, modern smoke houses should be put up avoiding delay.

(3) The proposed chappal making unit should be started to function immediately.

(4) An oil palm farm should be raised in the Open Prison land in an area of about 35 acres with facilities for oil extraction.



(5) Coconut palms should be newly planted in all the available land in the prison compounds and inter crop cultivation of vegetables arranged.

(6) Cultivation of large vegetables and leafy vegetables should be arranged in all the vacant land.

(7) A Project for the production of vegetable seeds and seedlings should be launched and implemented. Under the Project, different kinds and varieties of vegetables as well as bananas and plantains shall be cultivated and plantain fibre production unit introduced.

(8) Industrial units for the production of seed covers and seedling covers shall be established in the Women Prison Annexes.

(9) Goat farming and Broiler Chicken farming should also be tried in the Open Prisons and the Central Prisons.

(10) Dairy Farms of cow breeding and buffalo breeding in an area of five acres of fenced land with temporary shelter houses should also be carried out in the Open Prison areas.

(11) Care, Supervision, Collection and accounting of the usufructs, products and produces and their distribution and marketing should be done under proper and vigilant management.

(12) The use of inmates' labour at the residential quarters of the prison staff should be completely banned and prohibited.

(13) The purchase of raw-materials, machinery and equipment tools and implements, manures, pesticides should be arranged by the Director of Correctional Services and the I.G. of Prisons as planned and programmed by the Autonomous Board for the work programmes and Vocational Training.

(14) There should be adequate funds for meeting the requirements of the work programmes and vocational training as working capital.

(15) There should be a chief store at the headquarters for storing and distributing all the products and produces.

(16) The accounts of the production units should be subjected to regular and proper annual audit by the internal audit wing (Inspection Wing).

(17) The requirements of the Government Departments and semi-Government agencies and private and public undertakings as per their indents and requisitions should be compiled and consolidated and arrangements for their production and supply should be properly planned and made by the Board in time.



(C) The wages system should be rationalised and standardised.

(1) The wage rates for those engaged in the production units shall be equal to the local minimum wage available for similar outside labour deducting the average per capita maintenance cost of inmates.

(2) Utilisation of the wages should be determined thus:—

One-fourth to be set apart for utilisation for canteen purposes inside the prison, one forth to be sent to their families, one-fourth to be paid to the victim's families and the remaining one-fourth to be kept in P. D. Account to be payable at the time of release of the prisoner concerned.

(3) Those under vocational training shall also be paid at one-third, the rate applicable to those working in the production units for similar kind of work in the form of a stipend and the utilisation of which should be regulated in the like manner as specified in item (2) supra.

(4) Extra wages should be paid for extra work done as an encouragement for the fullest utilisation of the available human resources.

(5) The object of the work and vocational training programmes shall be to equip the inmates for their proper rehabilitation and at the same time the optimum utilisation of all the available human resources and the natural resources for useful purposes of mutual benefit to the inmates and the society.

(6) The inmates on release shall be given certificates of proficiency and experience in the kind of work in which they have acquired training, skill and proficiency and tool kits to each, which may fall helpful to them for self-employment or to acquire an employment.

(7) The debarment orders for getting employment in public services or elsewhere to those undergone a term of imprisonment have to be cancelled and instead specific and clearcut standing orders issued by Government enabling them to get employment in Government service or public undertakings on the strength of the proficiency and experience certificates issued by the prison authorities.



## CHAPTER X

### SYSTEM OF LEAVE, PAROLE AND FURLOUGH

10.1 The Kerala Prisons Rules formulated in 1958 provide for grant of ordinary leave and emergency leave to the prisoners on certain specified grounds. The inmates in the open prison are additionally eligible for home leave for 15 days once in twelve months, on the strength of a report from the probation officer concerned. Under rule 461 the period of leave shall be taken as period of sentence undergone by the prisoner provided that the conditions of leave are not violated. Till recently the State Government under rule 452 BB enjoyed the power of granting leave to any prisoner "in deserving cases" exempting him from one or all the provisions governing the grant of leave in the K. P. Rs. This clause introduced by an amendment issued in G. O. (Rt.) No. 1528/74, dated 4th September 1974, has been struck down by the Hon'ble High Court of Kerala in March 1993. It has since been brought to the notice of the committee that the Government have re-introduced rule 452 BB in another form by notification in G. O. (Ms) No. 121/93/Home (B), dated 7th September 1993. We came to know that there had been a lot of allegations about the liberal use of the said special powers as abuse of authority.

10.2 A question is often asked whether the prisoner should be granted any leave at all considering the nature of the crime he had committed. There can be no better answer to this than to quote the All India Jail Manual Committee (1957-1959) which has observed that leave should be granted.

(i) "to enable the inmate to maintain continuity with his family life and economic matters;

(ii) to save the inmate from getting institutionlised;

(iii) to enable the inmate to maintain and develop his sense of self confidence and to maintain constructive hope and active interests in life;

(iv) to facilitate the inmate's presence in his family during periods of grave emergencies like death or serious sickness of father/mother/brother /sister/spouse/children;

(v) to facilitate specialised treatment in diseases like tuberculosis, cancer, etc.

(vi) to facilitate the appearance of carefully [selected] prisoners at school/collage/technical examinations".

"Leave and emergency release to inmates are undoubtedly progressive measures which must continue in our prison system. The release of a prisoner on leave not only saves him from the evils of



prisonisation but also enables him to maintain social relations with his family and the community. This also helps him maintain and develop a sense of self confidence. Continued contacts with the family and the community sustain in him a hope in life. . . . . The privilege of leave should, of course, be allowed to selected prisoners on the basis of set norms of eligibility and propriety. . . . . It is a step forwarded in the direction of his adjustment in the society and his final rehabilitation".

10.3 How do the terms 'parole' 'leave' and 'furlough' differ from each other? The term 'parole' means a promise to return and should therefore be considered a conditional release. That is to say it is a conditional suspension of the term of imprisonment for a specified period. In that case the period spent outside the prison has to be treated as 'sentence at large' that is to say the term of imprisonment should be extended to that extent. The release of a prisoner for purposes of study under rule 280 A of the K. P. Rs. can be treated as parole and such a release will be governed by section 432 of the Cr. P. C. During the period of the parole the prisoner will be under the constant supervision of the Probation Officers and the Police authorities concerned, who will keep track of the activities of the prisoner while on parole and take further action in case he violates any condition of the parole.

The term 'furlough' denotes a short leave of absence; to this extent the leave now being granted under the K. P. Rs. can be treated as 'furlough', though this term is not used nowadays.

10.4 The committee notices that for certain types of prisoners the K. P. Rs. demand production of solvent sureties and security before they are released on leave. This provision is a hurdle in the way of the financially poor prisoners getting leave. Therefore the committee recommends that Government should permit release of the prisoners on personal bond without insisting on any outside sureties or security amount. If need be, the wages earned by the prisoner till the time of his going on leave and to be earned by him till date of his release can be treated as security.

10.5 Already as many as 47 prisoners granted leave under rule 452 BB by the Government have not returned to the jails so far. If this Rule is retained in any form there may occur instances of similar overstaying of leave. An inference would be drawn that such leave was not granted for genuine reasons and this would give room for allegations. We feel that the power of granting leave to prisoners should vest only with the Head of the Prisons Department in the normal course.



10.6 After a detailed study of the provisions for the grant of leave, the committee makes the following recommendations:—

(1) The authority to sanction leave of any kind to the prisoners shall normally vest with head of the Prisons Department. Such leave shall alone be taken as sentence undergone. Government may impose such conditions as it deems fit for the grant of such leave.

(2) Government may of course retain special powers for the grant of parole and the parole so granted should only be treated as sentence at large.

(3) Reports may be obtained from the Probation Officers concerned only when the leave has to be sanctioned for the first time after the prisoner is lodged in the prison. Thereafter for subsequent releases on leave no such reports need be insisted. However the Probation Officer will be required to send regular reports to the I. G. of Prisons and Director of Correctional Services on how the prisoner behaved himself while on leave and whether anything adverse came to his notice which would disqualify the prisoner from enjoining leave at later date.

(4) Prisoners who are unable to produce sureties or deposit security amount may be granted leave on self bond keeping the wages earned by them till then and to be earned in future as the security amount.

(5) In case the prisoner violates any or all conditions of leave, the unexpired portions of the leave should be cancelled, the prisoner apprehended treating it as escape from lawful custody and brought back to the prison and the entire period of leave granted during that spell should be treated as sentence at large or as bail. The intention behind this recommendation is that the prisoners should not think that leave is a matter of right but that it is a concession extended by the Government to enable them to keep in touch with their families, thus paving the way for a smooth acceptance by the society after their release.

(6) Government may consider granting parole to prisoners who wish to pursue their studies or acquire higher academic or professional qualifications under rule 280 A of the K. P. Rs. This leave may be granted after the prisoner undergoes at least one third of the portion of the sentence and his behaviour in the prison during this period has been satisfactory. Such leave shall be treated as bail or sentence at large.



10.7 The above recommendations are made for general application. The Committee however is of the view that leave or parole of any kind should not be granted to the following types of prisoners:—

- (i) Those classified as habituals.
- (ii) Those convicted for offences against the State or offences relating to the Armed Forces or those convicted by a Court Martial.
- (iii) Those convicted for offences like dacoity, robbery, cheating, counterfeiting or forgery or rape or dowry related offences.
- (iv) Those convicted under the Explosive Substances Act/or the Arms Act.
- (v) Those whose behaviour while on parole earlier was found unsatisfactory.
- (vi) Those who have been convicted for participation in caste or communal riots.
- (vii) Those whose release is likely to have serious repercussions on the complainants in the case or cases in which the prisoners were convicted.



## CHAPTER XI

### PREMATURE RELEASE OF PRISONERS

11.1 Chapter XXXII of the Kerala Prison Rules, 1958 provides for the Constitution of Prison Advisory Boards to consider and report on the sentences of the prisoners and recommend their premature release. The conditions governing such consideration are the following:—

(a) In the case of lifers and those sentenced to three years and above, they must have served two thirds of their sentences including remission and must have served actually not less than two and a half years including remission.

(b) In the case of short-termers, that is those sentenced to less than three years, the prisoners should have been sentenced to a minimum period of two years and they must have served two-thirds of the sentence excluding remission. Subject to these conditions the Advisory Board can review and recommend the premature release of prisoners by remitting the unexpired portion of their sentence. Until the introduction of section 433 (A) in the Cr. P. C., the benefit of such review was available to all prisoners including lifers, if they have completed about 8 to 10 years of actual imprisonment. But this benefit ceased to exist from 18th December 1978, when section 433 A was introduced in the Cr. P. C. This section lays down that a person sentenced to life where the alternate sentence is death should necessarily have served a term of fourteen years in the prison, when alone he becomes eligible to be considered for premature release.

11.2 If the policy of criminal administration is to achieve the goal of correction and ultimate rehabilitation of the prisoners the Committee feels that such a long-term of imprisonment of fourteen years will not serve the purpose. As rightly observed by the Mulla Committee "...the addition of section 433 A (in the Cr. P. C.) has cast a bleak shadow on the lives of prisoners sentenced to life imprisonment after December 1978. This would mean that the remission system which was expected to function as an incentive for good behaviour, self-discipline and reformation has no meaning to this group of prisoners. The lifers feel that they are virtually entombed for fourteen long years and this has dampened their hopes and initiative. Benefit of all hopes for future life, they are simmering with discontent. They harbour antifeelings towards everything around them and it will be foolish to expect the lifers hereafter to be interested in their self improvement and social re-education. Most regrettably this section has put the wheels of the prison reforms in the reverse gear at least by a century". The Committee warned that such a discontent apart from adversely affecting prison discipline and morale is also bound to explode into violent prison riots.



11.3 The Tamil Nadu Prison Reforms Commission (1978-79) echoed similar sentiments when it observed that ".....the recent amendment to the Cr. P. C. has had the effect of nullifying the whole system of remission and premature release of life sentence prisoners in our prison, which under careful nurturing was slowly establishing itself conceptionally and procedurally as a sound way of resocialising and reintegrating the lifer back into his own community. The practice so far was that lifers (ninety per cent of whom are the best behaved inmates of the central prisons) were considered for premature release, after completion of about ten years in Tamil Nadu and even eight years in Kerala and Karnataka, taking into account also the remissions of all kind that they have earned in order to make up the national total of 14 years".

11.4 Calling this retrograde steps both from the angle of criminological concepts and practical correctional administration, the Committee goes on to say that "the lifers in a Central Prison, more than two-thirds of the population of long-termers of that institution had till recently a meaningful incentive in the remission system to behave well and work productively and so to reduce the length of their stay in prison through their own efforts..... All this will now become a farce landing prison administration in an embarrassing quandary. Administratively, therefore the new steps will constitute a definite disincentive to good behaviour and productive work as well as the maintenance of effective discipline in prison not to speak of any reformation, rehabilitation and resocialisation".

11.5 We fully endorse the views expressed above. We are of the firm view that incarceration of any individual for fourteen long years, even if legally justified, would never achieve the declared objective of correction and reformation. It would only result in further dehumanisation of the prisoner as strongly argued by the Mulla Committee. As far back as 1975 itself it was pointed out in the U.N. Congress on Treatment of Prisoners that imprisonment for long periods would be harmful and would seriously impair his ability to lead a law abiding existence after release. Experts are of the view that the ill-effects of a prisoner's wrong doing would gradually diminish in about five years' time and he would thereafter be eligible for being considered for rehabilitation. The maximum period of imprisonment has been fixed between eight years and ten years only keeping this point in mind.

11.6 During its visits to the Central Prisons and the Open Prison, the Committee was informed that the lifers who had no hopes of even being considered for premature release had lost all interest in attending to their work and the officers were finding it difficult to enthuse them into working. The inmates whom the Committee met also complained that they were being discriminated against, that they



no longer had any motivation to behave well and earn remission in the hope of premature release. To this extent the entire scheme of reformation and social rehabilitation can be said to have received a severe set-back.

11.7 It was in view of this apparent despondency on the part of the prisoners that the Committee recommended to the Government of Kerala that it be empowered to review cases of convicts who have already served eight years of actual imprisonment but for the operation of section 433 (A) of the Cr. P. C. Accordingly the Government introduced as an additional term of reference the clause "the Committee may review any case of life convicts who have actually spend not less than eight years in the Prisons of the State to the extent to which it is required to suggest a new system or modification to the present practice for premature release".

11.8 Government however clarified later that the Committee might only recommend a new system or modification of the existing practice for premature release and not make any recommendation for release of an individual prisoner. Accordingly, the committee studied the matter in detail and suggested a new system for considering the cases of prisoners and recommending their premature release by remitting the unexpired portion of their sentence, which would be ordered by the State Governor in exercise of his powers under Article 161 of the Constitution of India. Accordingly the Constitution of a State Prison Advisory Committee was suggested with a sitting/ retired Justice of the High Court of Kerala (to be nominated by the Chief Justice) as the Chairman and the Advocate General, High Court of Kerala, The Home Secretary to the Government of Kerala, the Director General of Police, Kerala State, the Inspector General of Prisons, Kerala State as members, the last mentioned functionary being also designated the Member-Secretary of the Committee. In the alternative the composition of the Review Committee may be limited to the following:—

- (1) One Retired District and Sessions Judge.
- (2) One outstanding personality preferably with social service background.
- (3) The I.G. of Prisons and Director of Correctional Services as Member-Secretary.

The essence of this recommendation was that subject to certain conditions the Advisory Committee could consider cases of life convicts who have completed eight years of actual imprisonment and ten years of imprisonment including remission as on a particular date and recommend their cases for premature release taking into account several factors including the nature of the offence committed by the prisoner, his conduct in the Prison, etc.



11.9 Government again clarified that this Committee had the power to recommend cases of individual prisoners also for premature release in most deserving cases. Accordingly the Committee set for itself the following criteria in order to review such cases.

1. Only the cases of life convicts who have completed eight years of actual imprisonment and ten years with remission as on a specific date would be considered. While computing the period of eight years of actual imprisonment, the period spent by the prisoner in custody after conviction, in custody while under investigation and trial ordered to be set off by the convicting Magistrate, the period of leave granted under 452 B of the K.P.Rs. and the remission granted in connection with the Dr. Ambedkar Centenary Celebrations specifically ordered to be reckoned as actual imprisonment will also be taken into consideration. The Committee also decided that the leave granted under Rule 452 BB by the Government should be treated as sentence at large.

11.10 The Committee further decided that only the cases of prisoners not coming under the following categories of life convicts would be taken into consideration for recommending premature release:

- (i) Professional or hired murderers;
- (ii) Crimes committed after detailed planning;
- (iii) Persons who committed murders for religious, communal or caste reasons and those sentenced to life for offences against the security of the State;
- (iv) Persons who committed murder while involved in smuggling operations, or Prison staff, Prison visitors and Government functionaries on duty;
- (v) Those who have intentionally violated the conditions of leave.
- (vi) Those who were involved in murder of women and children.

In all other cases, the Committee would only consider cases of those convicts whose conduct and behaviour in the Prisons was certified to be satisfactory and in whose cases the Committee felt that premature release would help in their social reformation and rehabilitation.

11.11 Following the above criteria the Committee considered the cases of 355 life convicts lodged in the three Central Prisons, the Open Prison and the Women's Prison, and recommend 234, who had completed eight years of actual imprisonment as on 31st December 1992 and recommended their premature release under Article 161 of the Constitution of India. A similar exercise for considering the cases of prisoners as on 31st October 1993 has also been undertaken by the



Committee. The Committee recommends that such an exercise should be carried out regularly every six months until a satisfactory alternative system is evolved to release the prisoners ahead of their normal release date.

11.12 We understand that the Government of Karnataka has already effected a local amendment to Section 433 A of the Cr. P. C. enabling them to release life prisoners convicted after 18th December 1978, if they have served imprisonment for ten years. This amendment is subject to the approval of the Government of India. We strongly urge the Government of Kerala also to follow suit and bring about a local amendment to the Cr. P. C. to this effect.

11.13 To sum up, the Committee's recommendations on the subject are as follows:—

(1) There shall be a statutory provision for reviewing the cases of lifers who have completed eight years of actual imprisonment and ten years with remission for premature release, notwithstanding the provision in section 433 (A) Cr.P.C.

(2) Section 433 A itself should be amended providing for the above review.

(3) Such a review should be conducted every six months and recommendations for premature release made only in deserving cases after a detailed study of the facts of the case, the circumstances of the Commission of the offence, the behaviour of the prisoner while in jail and the possibility of his reformation and his acceptability by the society after release.

(4) For this purpose, a State Prison Review Committee should be set up and its recommendations forward to the Governor for orders under Article 161 of the Constitution of India.



## CHAPTER XII

### IMPRISONMENT—NEED FOR REVIEW

#### (SIMPLE IMPRISONMENT AND SHORT TERM IMPRISONMENT)

12.1 The Prisoners in India can be sentenced under the Indian Penal Code to a term of imprisonment of either description viz. simple or rigorous. Those sentenced to rigorous imprisonment, if able bodied should be compelled to do some hard labour while those undergoing simple imprisonment may be given work only if they choose to. By definition and practice simple imprisonment is for short periods but even then medical experts are of the view that no persons should be permitted to remain idle for long periods as he might become physically and mentally unfit. From the Administrative point of view too it is desirable that those undergoing simple imprisonment should do some work. The Government spends the same amount of money on them as they do on the others. But since the term of imprisonment is comparatively short, there is no point in subjecting them to correctional programmes. The impact of such programmes will not be felt before the prisoners are released.

12.2 The following table gives the number of persons convicted to simple imprisonment during the three year period 1988-89 to 1990-91:—

Year	Total No. of convicted prisoners			Of those in Central Prisons sentenced to Simple Imprisonment			Percentage total for all inmates
	Male	Female	Total	Male	Female	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1988-89	10,637	1,737	12,374	6,770	1,364	8,141	65.73
1989-90	12,653	1,756	14,409	7,991	1,130	9,121	63.30
1990-91	13,500	1,499	14,999	8,527	855	9,382	62.55

12.3 As stated earlier, purpose of sentencing a person to simple imprisonment does not serve any purpose as no effective correctional programme could be carried out in his case and, if he refused to do any work, the Department could not compel him to do so. The figures collected by this Committee show for example that the number of prisoners sentenced to simple imprisonment admitted in the Central Prison, Thiruvananthapuram for the three-year period mentioned above was 2,913, 2,773 and 2,802. The term of such imprisonment varied from two weeks to two years. That is to say no useful reformation or rehabilitation programme could be tried on such prisoners. The Committee therefore suggests that instead of such short term



imprisonments, the Courts could release the prisoners on probation either under the Probation of Offenders Act or after due admonition or after directing him to appear before the Court at regular intervals for the duration of the sentence that would have been otherwise imposed on them. This would reduce the congestion in the prisons and the expenditure incurred on them.

12.4 All these observations are applicable with equal force to short-term imprisonments also. The definition of "Short-term imprisonment" varies. The K.P.Rs. define it as imprisonment upto three years. There is unanimity of opinion that short-term imprisonments for periods upto three months do not serve any purpose either from the point of view of correctional administration or social rehabilitation. On the other hand, they only tend to corrupt the prisoner further as he comes in contact with hardened criminals kept in the same cell or block or prison. The Indian Jail Committee (1919-20) did not also favour such short-term sentences as they would only familiarise the offender with prison and prison life, destroying his self-respect and making him indifferent to further disgrace.

12.5 All India Jail Manual Committee (1957-1959) also recommended that there should be no sentence under three months as such sentences are bad from all points of view. The Committee suggested the alternatives of admonition, probation with or without supervision, compulsory attendance at courts or work centres and fine. The Committee however suggested that if the convicting court feels that none of these alternatives would be suitable or adequate, they could sentence the accused to imprisonment for longer than three months.

12.6 Sir Evelyn Ruggles Brize who chaired the Prison Commission for England and Wales observed equally vehemently that a succession of short sentences, often for trivial offences, has a tendency to accentuate rather than arrest the habit of crime and also that they are costly to the State and prejudicial to the individual. The U.N. Congress on Prevention of Crime (1955) also passed a resolution recommending that the number of short-term prison sentences be limited either by prohibiting imprisonment for certain offences or by requiring judges to give reasons to justify the sentences.

12.7 The well known U.N. expert on Criminology Dr. Walter C. Reckless also concerns with the above views on short term sentences.

12.8 Mr. B. K. Bhattacharya, Retired Judge, High Court, Calcutta in his famous Work on "Prisons" had observed thus:—"Short-term sentence, beyond having a nuisance value, accomplish very little. The offender is degraded and humiliated and nothing more. Extra pressure is unnecessarily put on jail population and consequently on the jail officers".



12.9 The statistics made available to us show that short-term sentences formed as high as 86 per cent of the total sentences, during the three year period 1988-89 to 1990-91.

Year	Total No. of convicted cases	Of those short-term sentences		Percentage
		Male	Female	
(1)	(2)	(3)	(4)	(5)
1988-89	12,374	7,818	1,586	75.99
1989-90	14,409	10,690	1,740	86.26
1990-91	14,999	10,731	1,462	81.29

12.10 What are the alternatives to short-term imprisonment? These could be release on probation, release on admonition or release after collecting a specified amount of fine. The committee urges that the provision for releasing a person on probation under the Probation of Offenders' Act should be liberally utilised but that at the same time there should be effective supervision of the activities of the released prisoner by the Probation Officers. Sections 360 and 361 of the Cr. P.C. provide for such release for reasons to be recorded by the convicting Judge. It may be necessary for the High Court of Kerala to issue suitable directions to the subordinate judiciary on such a procedure. If the courts really feel that a term of sentence has to be imposed, the period of such a sentence should be at least six months.

Our recommendations in the matter are the following:

(1) Simple imprisonment and short-term imprisonment should be limited to the minimum.

(2) We should not go in for absolute abolition of short-term imprisonment from the point of view of the punitive aspect involved in the criminal justice administration.

(3) We recommend that the courts should be appraised of the proper implication of sections 360 and 361 of the Code of Criminal Procedure for their fullest operation in the spirit of it.

(4) We recommend that sentences of imprisonment for periods less than six months should be curtailed to the minimum.

(5) Steps should be taken for the liberal use of release on probation, supervision, release on admonition and imposition of fine payments in instalments, if necessary, as alternatives to short-term imprisonment.

(6) Prisoners sentenced to short-term imprisonment of either description should be made to do some kind of work and job training, by way of persuasion giving wages as incentive.



## CHAPTER XIII

### WOMEN PRISONERS

13.1 The Indian Jail Committee had recommended as far back as in 1920 the establishment of separate jails for women prisoners or at least separate enclosures in the Central Jails. The committee further emphasised the need and the desirability of separating the convicted from the remand women prisoners and also the adolescents from the older ones, the habituals from the non-habituals and women of questionable character from those who have hitherto been leading a decent life, in order to avoid possible moral contamination that might result from the huddling together of the heterogenous classes of women prisoners.

13.2 Unfortunately the position remains the same even now with no visible improvement in the situation. Dr. W.C. Reckless in fact exclaims "could not a truly women's institution run by women for women offenders separate from the men's Central Jail, be developed in a few states and long-term cases such as murdering the husband, infanticide, theft etc. be sent there by transfer on a per diem arrangement as between State as the Prisoners Act now allow? India should by all means do better by its women prisoners". The Mulla Committee regretted that in most states the recommendation of the Indian Jail Committee had been either neglected or ignored with the result that only a small section of the men's jails are set apart for lodging women prisoners of all categories.

13.3 In Kerala, on the basis of the recommendations of the various committees, and in terms of the Award of the Eighth Finance Commission, a separate Women's Prison was established in Neyyattinkara in Thiruvananthapuram District with facilities to accommodate 65 inmates. Long-term prisoners hailing from all over the State and short-termers and undertrial women prisoners hailing from Neyyattinkara and Nedumangadu Taluks, were to be kept here. But as against the provision for 65 inmates, the average number of prisoners on any one day is only 22. This is because many long-term women prisoners including lifers hailing from the northern and central parts of the State do not wish to be transferred to this jail because of the inconvenience it would cause to their relatives wishing to visit them.

13.4 While this prison is managed exclusively by women personnel, in other places where separate women's blocks are available, there is no permanent staff for looking after the inmates. While the custodial staff (women) are hired on a daily wage basis, all other functions in the jail are managed by the male staff. The Committee further noticed that despite the recommendation to segregate the prisoners according to their age or offence, etc. the women's prison



houses women convicted for all kinds of offences including homicide, infanticide, habituals besides prostitutes and casual offenders together. Such constant and close association of different classes of bad elements is not at all desirable and should be avoided at all costs as this will only breed further criminality among the inmates.

13.5 It is further noticed that the number of women prisoners both undertrials and convicted ones is also comparatively small as revealed by the following table.

Year	Daily average of convicted prisoners (Both males and females)	Daily average of women		Percentage of women	
		Convict	U.T.	Convict	U.T.
(1)	(2)	(3)	(4)	(5)	(6)
1988-89	4,426	119	130	2.68	2.93
1989-90	4,608	116	122	2.51	2.64
1990-91	4,454	127	71	2.85	1.59

13.6 These figures have convinced us that there is no need for establishing and maintaining a separate building exclusively to house women prisoners. It would be enough if well-organised women's annexes are developed in the Central Prisons and the District Jails and separate wards are put up in the Sub Jails. This will save a lot of expenditure both for the department and for the relatives of the inmates. This will also lead to better supervision by the staff as a larger number of permanent women staff can be employed to manage the prisoners, replacing the services of the daily wage contingent staff who will not have any interest in the custodial functions they are expected to perform.

13.7 The Committee is of the view that even within the existing limitations a lot more could be done to improve the conditions of the women prisoners. For example, the inmates in the Women's Prison at Neyyattinkara are wasting their time because of the absence of facilities to learn useful trades. In view of its inaccessible location, even well-intentioned volunteers do not come forward to visit this Institution to teach any trade or be of service to the inmates. This accentuates the feeling of isolation and neglect of the inmates.

13.8 The Government of Kerala have organised Rescue Homes and Shelters for lodging women convicted under the Suppression of Immoral Traffic in Women and Girls Act, 1956, [since replaced by Immoral Traffic (Prevention) Act, 1987]. These Institutions meant to function as protective homes, under the care and supervision of the Social Welfare Department, are found to be run in an unscientific manner without adequate security or vocational training programmes



which would help in the reformation and resocialisation of the inmates. A better treatment orientation and training is called for in order to rehabilitate the victims of immoral traffic. The same is the condition of the Juvenile Home for girls in Kozhikode as it lacks facilities for education, vocational training and other treatment programmes.

13.9 The basic question however remains; should women prisoners be given the same type of treatment as men irrespective of the nature of crimes they are convicted for and the circumstances under which the crimes were committed? It is true that men and women should be treated equally as far as punishment for an offence is concerned. But considering the extreme vulnerability of women to social, psychological and other pressures to which they are subjected from many directions it is very important that they should be treated on a separate footing. The National Expert Committee on Women Prisoners which had made a comprehensive study of the issue in 1986-87 has recommended formulation of a national policy on custodial justice for women to be evolved and implemented without fail.

13.10 Studies conducted indicate that most of the women committed offences due to reasons beyond their control or when they were subjected to an extreme situation which was not of their own making. Mothers killing their children and trying to commit suicide on grounds of extreme poverty or neglect by the husband or physical torture by the husband are a case in point. While the woman is technically guilty of the offences of murder and attempted suicide, the circumstances would show that she cannot be morally held responsible for the same, as these are qualitatively different from intentional murders and the women attempted suicide as they apprehend as to what the future hold for them. It is further seen that the number of crimes against women has been showing an increasing trend. A study conducted at National level has revealed that a crime is committed against a woman every seven minutes, a rape every 52 minutes, a molestation every 26 minutes, and a kidnapping every 43 minutes while a dowry death takes place every 102 minutes. Transformed into bare statistics, the figures of assault and harassment of women at the national level are as follows:—

	1989	1990	1991
Kidnapping	11,673	11,699	12,300
Molestation	20,497	20,194	20,611
Rape	9,150	9,518	9,773
Dowry death	4,215	4,836	5,757

13.11 In the above circumstances, it is only natural that gender justice should be rendered to women prisoners. These kinds of gender inequality and discrimination which have been practised on women for



years, has been the sole reason for the crimes committed by the women. The nature of treatment should therefore be different from those accorded to the men prisoners. The committee would therefore suggest that the criminal courts hearing such cases should also look into the background of the cases and deal with the accused women accordingly. The Committee also feels that the arrest, charge-sheeting and keeping in custody of women under the Immoral Traffic (Prevention) Act and or the Kerala Police Act, is meaningless because it is the men more than women who should be held responsible for the commission of such offences. But unfortunately the above Acts can be described as a revolving door which allow the man who is the prime mover in the crime, to escape the consequences of his action. This is repeated with impunity. When the physical dignity of woman is violated, not only that woman but the man who persuaded her into committing the offence should also be punished.

13.12 The Committee further feels that the term of sentences for women convicted for offences like public nuisance do not really serve the purpose of either reformation or rehabilitation. Therefore the Committee strongly recommends that such women, even if found guilty, can be let off after due admonition or, if at all found necessary, be sent to a home where they can be kept under observation and also taught some useful trade before they are readmitted into the society. If such a course is adopted more than 60 per cent of the women prisoners would be benefitted in the State.

13.13 The Women's Prison in Neyyattinkara is located in a very inconvenient and inaccessible place. This adds to the isolation of the women prisoners. The Committee therefore feels that this women's prison be closed down and the prisoners accommodated in women's annexes to be constructed in the Central Prison and the District Jails. Similarly, the under-trial women could be accommodated in separate women's blocks in the Sub Jails or District Jails or Central Prisons as is done now. Such women's wards should be managed and guarded exclusively by women officials, recruited and posted on a regular basis.

13.14 During its visit to the Women's Prison the Committee found that facilities for vocational training of women were virtually non-existent. This was due to many reasons; location being the most important of them. Even volunteers willing to help the women prisoners find it difficult to reach the Women's Prison in Neyyattinkara. This only reinforce our recommendation to relocate the women inmates and close down the Women's Prison.

13.15 The Rescue Homes and Shelters which were started to house the women convicted under the suppression of Immoral Traffic in Women and Girls Act, 1956 have since been the I.T.P.A. which declared as protective homes under the provisions of the Act is under



the administrative control of the Social Welfare Department, since September 1975. But unfortunately these Homes lack adequate security or facilities for treatment and vocational training. This is particularly regrettable as the inmates lodged in these homes are victims of immoral traffic and hence are in greater need of protection and rehabilitation. A discussion with the inmates showed that they would not like to be accommodated in such homes. The Committee therefore recommends that these homes are restructured in such a way that they really afford some protection to the inmates and impart really useful training to them. We are also of the view that it would only be appropriate if the activities of the protective homes and other such institutions are also brought under the Department of Prisons and Correctional Services so that there could be enough supervision over them and the rehabilitation activities could be co-ordinated more effectively as under the Correctional Services.

13.16 In a few cases, the children of the convicted prisoners are compelled to stay with their mothers until they complete five years of age, due to the absence of any other person willing to assume responsibility for their upbringing. In such cases the Government should also arrange for undertaking the responsibility of looking after such children also and provide them with food and clothing at State expense. If no relative or private voluntary agency comes forward to accept these children, they should be sent to the various Government aided Orphanages and Charitable Homes to be looked after there. Other facilities like periodical medical examination and proper treatment of women found suffering from sexually transmitted diseases should also be made available in the institutions as a matter of routine.

Needless to say segregation of women prisoners according to the offences for which they are convicted is highly essential to prevent contamination.

To sum up the recommendations are thus:—

- (1) The Women's Prison, Neyyattinkara should be abolished, as the location of it is unsuited.
- (2) Women Annexes or separate enclosures be established in the Central Prisons and District Jails and separate wards or blocks in the Sub Jails for keeping the women prisoners.
- (3) The care and custody of the women prisoners should be entrusted with women personnel.
- (4) Regular Female Warders should be appointed instead of the contingent Female Warders on daily wages.
- (5) Different categories of women prisoners should be segregated, according to the nature of the offence.



(6) There should be provision made in the Immoral Traffic Prevention Act, 1987 for dealing with the persons responsible for the sexual offences.

(6a) The practice of arrest, custody, charge-sheeting of women found under "suspicious circumstances" under the Kerala Police Act should be dispensed with and instead such persons be sent to short stay homes for arranging their reassimilation in the society.

(7) The services and establishments under the Immoral Traffic Prevention Act should also be brought under the umbrella of Correctional Services in the Department of Prisons and Correctional Services in order to exercise proper control and supervision for arranging the social rehabilitation of all the Social Offenders or wrong doers.

(8) Children admitted to prisons along with the mothers should be arranged to be sent to Government aided orphanages, charitable homes for being maintained there for such period till parents or relatives come forward to receive them.

(9) Facilities for the proper medical examination and treatment of women found suffering from sexually transmitted diseases should be well provided.



## CHAPTER XIV

# TREATMENT OF YOUNG AND ADOLESCENT OFFENDERS

### Borstal Schools

14.1 The Kerala Borstal Schools Act, 1961 was enacted on the basis of the recommendations of the All India Jail Manual Committee (1957-1959) and deals with the cases of young offenders in the age group of 16 to 21. Psychologists are of the view that adolescence is a stage when a child passes to the stage of manhood and during which period rapid behavioural changes take place. Adolescence is a stage when the individual is sensitive, pliable, flexible and above all vulnerable to external influences and hence likely to deviate more easily from the accepted social norms. Their social behaviour is bound to be greatly influenced by the socio-economic and environmental factors. The lack of intellectual maturity, the failure to understand and differentiate between the right and the wrong and their inability to follow the accepted social norms and behavioural pattern will land such adolescents in trouble. It is, therefore, highly essential that such adolescents should be kept apart from other prisoners and given a different kind of treatment and a more purposeful education and training.

14.2 Historically, the first ever Borstal Institution in the world was started as an experimental measure in a village called Borstal in Kent in England in 1902 by the then Chairman of the Prison Commission for England and Wales, Sir Evelyn Ruggles Brize. Calling the young offenders 'inmates' (and not prisoners), Sir Evelyn gave them a special type of training different from that imparted to the other prisoners. The training included hard physical work, plenty of education and technical instructions, creation of a moral atmosphere, adoption of a system of care with increasing privileges and release of the inmates on 'licence' and provisions of adequate aftercare facilities. The idea behind the whole system was to teach the wayward lads to be self-contained and to train them to be fit for freedom.

14.3 In Kerala, the first Borstal Schools was started in March 1957, in a block of the Central Prison, Kannur in order to accommodate the inmates belonging to Kerala who were till then lodged in the Palayamkottai Borstal School the State of Madras which was later named as Tamil Nadu. Later, separate buildings were put up in the premises of the Kannur Central Prison and the Borstal School began to function as a separate institution. The Kerala Borstal Schools Act, 1961 and the Kerala Borstal Schools Rules, 1963 came into force. The authorised accommodation in the Kannur Borstal School is for 200 inmates but at present the number is on an average mere 20.



14.4 A similar Borstal School started for Girls in Kozhikode in 1986 had to be closed down later for want of inmates. The funds allotted by the Government of India under the Award of the Eighth Finance Commission were utilised for putting up a building at Kakkanad, Ernakulam to house a Borstal School (an institution for young offenders) but this is lying idle.

14.5 As stated earlier the concept of a Borstal Institution is care, welfare and rehabilitation of the adolescent offenders, away from the contaminating atmosphere in the Prisons, it follows that such institution cannot and should not be treated either as miniature jails or as substitutes for it. In fact the inmates are only 'detained' there and not "imprisoned" as the purpose is reformatory and training oriented. However, the success of any Borstal School would depend upon several factors. These include the attitude and training of the staff manning the Institution, the nature of training and treatment programmes followed there and the provision for aftercare. While sending an adolescent to the Borstal School, the Court should impress on him the fact he is being detained there in order to correct his behaviour. A more intensive training should be given to the staff on the psychology of children and adolescents, their behavioural pattern and ways to tackle them without resorting to force or coercion. The staff should in fact adopt the role of loving parents towards the wards under their care in order to take them on the right path and mould their character and personality.

14.6 The Borstal School in Kannur unfortunately does not fulfil these ideas completely. The staff appointed are part of the regular Prison Administration and are transferrable and interchangeable from one place to the other. They have had no special training in handling adolescent offenders and therefore their behaviour towards the inmates is more or less the same as that towards a hardened criminal. The teachers appointed there do not perform their jobs satisfactorily nor are there facilities for learning a trade adequate. All these tell upon the psychology and behaviour of the inmates considerably.

14.7 Another disquieting aspect noticed by the Committee was the fact that many of the adolescents below 21 years of age who should have been lawfully kept in the Borstal Schools only, had been committed to regular Jails by the Magistrates on the basis of the false age declared by the offenders themselves. No facilities apparently exist to ascertain the true age of the offenders before their sentences nor do the magistracy or Police appear to have been keen in ascertaining this. The result predictably is the increasing criminality among the adolescents also. It is seen that there is no provision in the Kerala Borstal School Act, 1961 making the committal of young offenders to Borstal Schools compulsorily. Though prisoners could



be transferred to Borstal Schools under the orders of the Government, this does not serve any purpose because by the time he leaves the prison the youngster would have absorbed many of the undesirable qualities of the elders.

14.8 In view of what has been mentioned above, the Committee strongly urge that the following steps be taken, to rectify the situation before it gets out of hand. Whenever a youngster is apprehended for any offence and brought before the court, both the Police and the Magistrate should ascertain the real age of the offender by independent means without only relying upon the version of the offender and he should then be dealt with either under the Borstal Schools Act or the I.P.C.

14.9 At present juveniles as defined by Juvenile Justice Act are tried by a court comprising a Judicial Officer and two Non-judicial Members. The Committee recommends that the adolescents also be tried by a similar court comprising the Chief Judicial Magistrate and two non-official non-judicial members so that the rigors of law do not visit on such adolescents.

14.10 After the adolescent serves his term and before he is let off, he should be examined by a Psychiatrist/Psychologist to ensure that he has attained sufficient social maturity and could be released without any harm either to himself or to the society.

14.11 At present work is extracted from the inmates free of cost. The Committee recommends, Government may pay wages to them also depending upon the nature of work done by them so that this will act as an incentive to them to learn some useful trade and do some good work before they are released.

Our recommendations in the matter are as follows:—

(1) Care and treatment of adolescent and young offenders should be carried out in the Department of Prisons and Correctional Services.

(2) The administrative control of the Borstal Schools shall be vested in the Home Department, which deals with Law and Order and Judiciary.

(3) Borstal Schools should never be treated as miniature jails.

(4) The staff appointed there should be specially recruited and trained and retained there itself continuously at least for a period of three years or till attainment of eligibility for promotion to a higher level whichever is earlier.



(5) The custodial and supervisory staff should be given sufficient orientation about the type and object of the institution with special reference to the manner of handling the adolescents and young offenders, especially about their psychology in relation to the age group of transition to adulthood.

(6) Educational and recreation facilities should be well arranged.

(7) Treatment programmes should be suitable to the age group.

(8) Training facilities in useful avocation should be well arranged.

(9) The staff should set an example to the inmates understand that they are their well-wishers and guides and that the inmates should feel that they are detained there for attending to their care, welfare and social rehabilitation.

(10) The inmates should be paid wages at some reasonable rate for the work done by them as an incentive to do good work in some useful trade.



## CHAPTER XV

### JUVENILE DELINQUENTS, CHILD OFFENDERS AND JUVENILE HOMES

15.1 "Unadjusted children become the recruiting ground for all adult misfits for, what goes in, at the beginning of life goes into all life" says Bently, the psychologist. The subject juvenile delinquency and uncontrollable children was dealt with by the State Education Department under the provisions of the Children Act in force till 1958. Thereafter it came under the administrative control of the Prisons Department and remained so up to February 1988. These institutions were originally termed as 'Certified Schools' and later renamed as 'Balamandirs'. Much later they were renamed as 'Children's Homes' and Special Schools under the Kerala Children Act, 1972, which came into force from July 1978. After the Juvenile Justice Act was passed by the Government of India in 1986, replacing all the Children Acts in force in the country, these institutions were again renamed as 'Special Homes' and 'Juvenile Homes'. The responsibility for implementing the Juvenile Justice Act and administering the Institutions under the Act now vests with the Social Welfare Department.

15.2 Broadly, the Juvenile Justice Act deals with all cases of neglect, exploitation and delinquency in children. The Act defines a child as a boy under 16 years of age and a girl under 18 years of age. The period up to seven years of age is broadly treated as babyhood, the period from 12 to 18 years of age as childhood and that from 18 years to 21 years of age as adolescence. Anyone above 23 years of age is treated as an adult. The I.P.C. has clear provisions to decide whether an act committed by a person is an offence or not. Under section 82, nothing is an offence done by a child under seven years of age, while under section 83, nothing is an offence which is done by a child between the ages of 7 and 12 who has not attained sufficient maturity to understand or judge the nature and consequence of his action at the relevant time.

15.3 Penologists use different terminologies to describe social deviance committed by persons in different age groups. For example, any offence committed by a juvenile is termed a 'delinquency' that by an adolescent an 'offence' and that by an adult a 'crime'. The causes of Juvenile Delinquency are many and varied. According to criminologists 'crime' or criminal behaviour can be assigned to no single universal source. It springs usually from a multiplicity of influences. The nature of these influences, their drift combinations and their impact vary from one individual to another. Juvenile offenders therefore cannot all be grouped into one homogeneous class. The



causes of juvenile delinquency can be attributed to environment broken homes, parental neglect, association with bad elements outside the homes, etc., the media exhibiting may even glorifying violence or romance, heredity, physical and mental deficiencies, either congenital or acquired. The contributory factors include intellectual immaturity and inability to separate the right from the wrong.

15.4 In view of the above, it is very important to adopt an effective method of treating such symptoms and dealing with such children. Only persons who are conversant with child psychology and those who can understand the problems of childhood can save such juveniles from the clutches of evil and guide them on the correct path of reformation. Being tender, flexible and of an impressionable age, these juveniles are in need of gentle treatment. It is therefore very essential that the Institutions meant to house such delinquents have a homely atmosphere and not to resemble a prison. The public too should be aware of the aims and objectives of the programmes adopted to counter juvenile delinquency. The investigation and trial of cases involving juveniles should be so conducted as to make them understand the reasons for their deviance and the need to reform themselves. No amount of treat or torture will be of any use in such case. Therefore it goes without saying that all the functionaries who are appointed to these homes must be well-trained to perform the duties efficiently and with a sense of devotion and love towards the maladjusted children and function not merely as their custodial staff but as friends, guides and well-wishers. This presupposes a proper training of such staff in child psychology and related matters.

15.5 We may now turn our attention to the situation in Kerala. A Special Home called the Reformatory School was started first to deal with the deviant children. This was renamed in 1945 as the Trivandrum Certified School. Now with the adoption of the Juvenile Justice Act, 1986 this Home has been further renamed as a Special Home meant to detain juvenile delinquent boys upto the age of 16. The building authorised to accommodate 80 inmates used to have on an average about 200 juvenile delinquents and neglected children. But nowadays the average strength is reported to be just about 20. A Reception Home also functions in the premises of the Special Home in which juvenile delinquents are housed during the period of the investigation of cases by the Police and their trial by the Juvenile Court. It is reported that the depleted number of inmates is due, among other things, to the inadequate implementation of the provisions of the Juvenile Justice Act.

15.6 The Committee had an occasion to visit the Special Home at Thiruvananthapuram and found that the living conditions there were unsatisfactory. Being nearly 100 years old and due to the absence



of any maintenance work worth-mentioning, the building is found to be unsuitable for human habitation and certainly not for the detention of the impressionable juveniles. The members of the staff also appeared to be a disgruntled lot with no training in the handling of juveniles and with no motivation or interest in doing their work. All in all, the picture the Committee got of the Special Home was quite depressing.

15.7 In view of this, the Committee recommends that all efforts should be made to improve the situation by appointing well-trained staff who have an interest in and the knack of handling delinquent juveniles provision should be made for organising useful trades in this Home and well-trained teachers should be appointed to impart training in such trades. The inmates should also be permitted to attend schools outside. Facilities for imparting moral education and recreation should be provided. Constant medical attention is necessary along with supply of balanced nutritious food. In one word the Special School should have a homely atmosphere and the staff should assume the role of loving parents. The inmates should not feel that they are in a jail punished for certain horrible crimes.

15.8 Since juvenile delinquency has a bearing on the success or otherwise of correctional services and also on the prevention of crime and treatment of the offenders, the Committee feels that this subject should rightly be handled only by the Department of Prisons and Correctional Services and not in the Social Welfare Department as is done now. Since such correctional programmes are being carried out for all types of inmates in the Prisons Department, it will be easy for this Department to extend similar treatment programmes to the juveniles as well. We do not wish to cause any aspersion on the efficiency of the Social Welfare Department in this field. Our recommendation is based on the fact the Social Welfare Department is now burdened with a large number of welfare schemes of different descriptions and is unable to pay due attention to the problems of the juveniles.

15.9 The Committee would like to make the following other recommendations in the matter of handling of juveniles and juvenile delinquency.

(1) A separate cell may be constituted in each revenue district with specially selected police personnel to deal exclusively with the delinquent juveniles under the Juvenile Justice Act.

(2) A separate Unit should be set up in the Prisons Headquarters to attend to the administrative and other aspects of juveniles.



(3) The personnel manning the Special Homes should be trained in child psychology and management of Juvenile Homes.

(4) Job-oriented training schemes should be introduced and properly implemented in order to enable the inmates to find a job after leaving the Home.

(5) They may be also given a small amount of pocket money as an incentive.



## CHAPTER XVI TREATMENT OF MENTALLY SICK PRISONERS

16.1 Studies in criminology and criminal behaviour have shown that social deviance is the outcome mainly of psychic disorders. Environmental factors may also contribute to such deviant behaviour. According to one school of thought, such psychic disorders could be due to the influence of the environment in which a person lives, the physical and mental defects and deficiencies he suffers from, the unpalatable and horrible experiences he may have undergone in young age, etc. This theory which is of comparatively recent origin thus emphasises the need for giving the criminals a psychiatric treatment and conducting psycho-analysis to cure them.

16.2 There are a number of statutory provisions dealing with mentally imbalanced criminals. These are Chapter LI of the Kerala Prisons Rules and Chapter LXII of the Kerala Prisons Manual, section 37 of the Indian Prisons Act, 1894 and sections 37 and 40 of the Travancore-Cochin Prisons Act, 1950. These sections and Rules provide for the care and treatment of criminal lunatics and mentally sick prisoners. They also enable the Superintendent of the Prison to refer the prisoners requiring special treatment to the Mental Hospital or any other Institution for such treatment. Criminal Lunatics are classified into four categories as under:

(a) Persons supposed to be lunatics detained for observation under section 10 of the Indian Lunacy Act, 1912. (Since replaced by the Mental Health Act, 1987.)

(b) Prisoners who became insane after their admission to the prisons.

(c) Prisoners incapable of defending themselves owing to unsoundness of mind and detained in custody under section 335 of the Cr. P. C. pending their transfer to the mental hospitals. Such a transfer should be effected within 30 days of being taken into custody, and

(d) Recovered criminal lunatics.

16.3 Rules 61 to 63 of the K. P. Rs. and Rules 103 to 115 of the Kerala Prisons Manual Vol. I contain provisions for engaging the services of Psychiatrists in the Central Prisons. But these provide only for availing of their services on a part-time basis, limited to one or two visits per month. The Committee feels this is a highly inadequate arrangement and recommends that the services of full-time Psychiatrists should be made available in at least the Central Prisons.



But in order to economise expenditure, all the mentally sick prisoners may be collected together and detained in one Central Prison, where they can be taken care of by a full time Psychiatrist.

16.4 According to experts the following are generally the types of mental abnormalities noticeable in the inmates in the prisons in the State:

- (a) Mental sickness such as schizophrenia, manic depressive psychosis, etc.
- (b) Psychopaths,
- (c) Abnormal cases,
- (d) Severely abnormal cases.

16.5 At present no provision for therapeutics treatment is available in the Central Prison, and therefore Psychiatrists from the nearby Mental Hospitals visit the institutions occasionally. Alternatively the prisoners who are found mentally sick are referred to the nearest Mental Hospital on the recommendations of the Prison Medical Officer for expert treatment. As stated earlier such a practice is highly unsatisfactory, and should be changed immediately.

16.6 The U. N. Expert on Criminology Dr. Reckless has recommended that modern jail administrators must assume that the majority of the prisoners are capable of improvement before they are released. It must also be assumed that for a minority of prisoners who are dangerous and different from the rest, the jail sentence is primarily a custodial experience. Modern Jail Administration must provide for better amenities like psychiatric and psychological treatment and education programmes which would bring about pronounced effect on the prisoners.

16.7 As in other cases, in respect of such mentally sick prisoners also, the custodial staff in the prisons should have received some special training on mental disorders, psychology, psychiatry and the ways of handling the prisoners with such mental disorders, instead of branding them as lunatics.

16.8 Accordingly the Committee makes the following proposals for establishing a unit for psychiatric care in one of the Central Prisons in the State. The suggestion also contains some general observations on criminal psychology.

16.9 The relationship of criminal behaviour and mental disease is very frequent, manifold and varied. Crimes are committed by some individuals under the influence of mental illness. Many others, during their stay in the prison develop behaviour problems and mental disorders. The present practice is the transfer of such mentally disordered prisoners to Mental Hospital for treatment. At present even after



recovery from the acute phase they are made to stay in the Mental Hospitals. This is because facilities for a proper maintenance treatment and follow up of such treated patients is not available in the prisons. In fact, in all the three Mental Hospitals in the State there are large number of recovered/improved patients. In the Mental Hospitals these patients remain isolated patients, for security reasons. The rehabilitation and resocialisation activities that are available for other inmates of the Mental Hospital are not extended to them. It would be better if such patients are sent back to the Prison where they can take maintenance, treatment and engage in work and other activities inside the prison campus. In mental illness often long term treatment is necessary under moderate supervision. The prisoner patients in the Mental Hospital are the most under privileged inmates since they cannot be merged in the common programmes of the patients in the Mental Hospital. A solution to this problem would be to set up a Psychiatric Care Unit/Mental Health Care Unit in one of the Central Prisons.

The advantages of it are:

- (1) Continuity of psychiatric care for prisoner patients can be ensured;
- (2) After recovery from the acute phases they can be engaged in the prison activities;
- (3) Signs of the mental disorders can be detected in the early stage and preventive measures taken before the condition gets serious;
- (4) The prison authorities would be saved from the burden of periodic transport of patients with behaviour disorders to the public mental hospitals. Admission to the mental hospitals can be restricted to only very disturbed cases, which need intense inpatient treatment in Mental Hospitals;
- (5) Many cases of alcohol and drug addicts gets prison. Many persons get admitted under N.D.P.S. Act also. These cases can be cared by the centre.

The centre can be named Psychiatric Care Unit or Mental Health Care Unit.

The Psychiatric Care Unit/Mental Health Care Unit may be set up in the Central Prison, Thiruvananthapuram. An inpatient ward with twenty beds may be set for treatment of acute cases. An outpatient clinic may be conducted daily in which patients are followed up and treatment is reviewed. Cases with early disorders of behaviour also can be referred to this outpatient clinic. The O.P. clinic can be run alongwith the Jail Hospital.

For accommodating the Unit one of the wards blocks may be identified and modified.



Two post of Medical Officers (Psychiatrists) may be created. However at the beginning only one post of psychiatrist will do. Two Nurses with training in psychiatry may be appointed there. (If such trained nurses are not available, the necessary training can be provided from the Medical College Hospital in the Department of Psychiatry). Two Nursing Assistants may also be appointed, custodial staff according to necessity by redeployment from the existing prison strength. Apart from the cots, mattresses and other utility equipments, hospital equipments, needed for the Unit and Clinic have to be procured.

Prisoners who are in need of long term psychiatric treatment from all the Prisons of the State may be shifted to the Central Prison, Thiruvananthapuram. During the acute stage, they would be treated in the ward and after recovery, they would be made to attend the O.P. services for review and rehabilitation counselling. Prisoners who are addicted to alcohol, ganja, heroin and such addicting substances also can be helped in this psychiatric clinic. The Psychiatrists Nurses and the Nursing Assistants may be obtained on deputation from the Health Services/Medical Colleges.

The Prison Medical Officers should work in collaboration with the Psychiatrists so that he will also acquire basic psychiatric skills in dealing with such patients.

Accordingly, we make the following recommendations:

(1) Psychiatrist's services in the major jails should be made full time.

(2) The Prison personnel including the custodial staff should be given training and orientation on the elements of psychology and psychiatry on inception and at regular periodical intervals.

(3) A separate ward or block in separate enclosures should be identified for the establishment of a Psychiatric Care Unit or Mental Health Care Unit in the Central Prison, Thiruvananthapuram for attending the cases of all the mentally sick prisoners of the State together, without transferring them to the Mental Hospitals where adequate facilities for the maintenance of their security and discipline are not available.



## CHAPTER XVII REMAND AND UNDERTRIAL PRISONERS

17.1 A study made by Committee showed that the total number of remand and undertrial prisoners far exceeds that of the convicted ones. The following tabular statement would prove this point.

<i>Year</i>	<i>Total No. of prisoners admitted (inclusive of women)</i>	<i>Total No. of remand and undertrial prisoners (inclusive of women)</i>	<i>Percentage of remand and undertrial prisoners to the total number of admissions</i>
1988-89	39,658	27,137	68.42
1989-90	38,657	23,975	62.01
1990-91	40,174	24,996	62.21

(Source.—Annual Administration Reports of the Prison Department).

17.2 The committee could notice that the remand of a large number of accused persons was being extended from time to time without the charge sheet being laid. Even in cases where the charge sheets had been laid, the cases had not been taken up for trial in the Courts. In a large number of cases, the accused persons were not being released on bail due to the insistence on solvent sureties and security. But it should be remembered that a good number of such persons hail from economically backward sections of the society who cannot offered either to produce the solvent sureties or promise security of any amount. Therefore, for them the question of getting bail is a distant dream. An analysis of the sections of offence under which these persons were arrested and kept in custody shows that a majority of them were arrested for loitering about under 'suspicious circumstances' and hence taken into custody under the Kerala Police Act. A few were arrested for travelling in trains without tickets or for being found in the premises of the Railway Stations without platform tickets. In such cases the final sentence that could be imposed on them would range from two weeks to a maximum of three months only. In such circumstances, keeping such persons as R.P.S. and U.T.S. is itself a punishment to them amounting to denial of their rights to free movement. This is a sad reflection on the criminal justice system itself.

17.3 In this connection, we recall the observations of the Supreme Court of India as quoted by the Mulla Committee which considered the question of protracted detention pending investigation and completion of trials.



"It is a crying shame on the judicial system which permit incarceration of men and women for such long periods of time without trial. We are shouting from housetops about the protection and enforcement of human rights. We are talking passionately and eloquently about the maintenance and preservation of basic freedoms. But, we are now denying human rights to these nameless persons who are languishing in jails for years for offences which perhaps they might ultimately be found not to have committed. Are we not withholding basic freedoms from these neglected and helpless human beings who have been condemned to a life of imprisonment and degradation for years on end? Are expeditious trials and freedom from detention not part of human rights and basic freedom?"

"It is high time that public conscience is awakened and the Government as well as the judiciary begin to realise that in the dark cells of our prisons there are a large number of men and women who are waiting patiently, impatiently, perhaps but in vain for justice—a commodity which is tragically beyond their reach and grasp. Law has become for them an instrument of injustice and they are helpless and despairing victims of the callousness of the legal and judicial systems."

17.4 In yet another case, the Supreme Court considered the question of the economically poor remand prisoners not being released on bail for failure to comply with the regulations had observed thus:—

".....What faith can these lost souls have in the judicial system which denies them a bare trial for many years and keeps them behind bars, not because they are guilty, but because they are too poor to afford bail and the courts have no time to try them. It is travesty of justice that many poor accused, 'Little Indians' are forced into long cellular servitude for little offences because the bail procedure is beyond their meagre means and trials don't commence and even if they do, they never conclude... A procedure which keeps such large number of people behind bars without trials for so long cannot possibly be regarded as 'reasonable', 'just or fair' as to be in conformity with the requirement of (Article 21 of the Constitution of India). One reason why our legal and judicial systems continually deny justice to the poor by keeping them for long years in pre-trial detention is our highly unsatisfactory bail system—being unable to obtain release, they have to remain in jails until such time as the court is able to take up their case for trial leading to grave consequences; viz—

(1) though presumed innocent, they are subjected to psychological and physical deprivation;

(2) they are prevented from contributing to the preparation of their defence and



(3) they lose their job, if they have one, and are deprived of an opportunity to work to support themselves and their family members, with the result that the burden of their detention almost invariably falls heavily on the innocent members of the family”.

17.5 The above observations only strengthen our conviction that a drastic change is required in the law relating to grant of bail to accused persons. As stated earlier most of the remand prisoners had been arrested under the security section of the law or for being found moving about under suspicious circumstances or for comparatively minor offences punishable with a short sentence only. But the evil consequences of prolonged detention of such persons in the prisons would only expose them to the bad influences of the hardened criminals already lodged there for other more serious offences and thus a new breed of criminals might even be created adding to the problems of the law enforcement agencies. This applies equally to the women prisoners arrested for soliciting and actual prostitution. Many of the remand prisoners and U. Ts. were persons in the prime of their youth and we are certain that even if they were guilty of only minor offences earlier, their future will be spoiled by association with the hardened ones in the Jails.

17.6 This situation can change if the Courts grant bail to the R. Ps./U. Ts. on self-bonds without insisting on any solvent sureties or security amount. Alternatively, the Probation Officer of the locality could be asked to report on the family background and other particulars of the individuals concerned, whereafter the Courts can decide on giving bail to them. It is equally necessary that the Police personnel, particularly those at the lower levels, should also be instructed to be more judicious in arresting persons and avoid to the extent possible the indiscriminate use of the security sections of the law. The superior Police Officers should be asked to exercise a better and stricter control over the registration of such cases.

17.7 Considering the importance of the topic under discussion the Committee suggests an amendment of the relevant provisions of the Cr. P. C. enabling the Courts to grant bail on self bonds in deserving cases.

17.8 Once the suggestion is accepted there will be a considerable reduction in the number of inhabitants in the prisons, thus avoiding also contamination of the prisoners by the spread of contagious diseases, a sizeable reduction in the expenditure on maintaining such prisoners, giving them medical treatment, etc. The Department would also benefit by the reduction in the burden of maintaining the different kind of registers and records for such persons and ease the work load of the custodial staff.



17.9 Above all, the inmates will be spared the trauma and indignity of having been in the Jails. It is further suggested that whenever the judicial officers visit the Jails, they should also note down the cases of persons detained for long without bail and without the cases coming up for trial and take remedial action in the co-ordination Committee meetings with the District Police Officials. This will also convince the prisoners that their cases are being considered sympathetically by all arms of the Government.

17.10 The Committee would also like to comment upon one disquieting feature about which many inmates complained to the members. This is that whenever they are released from the prison after undergoing the prescribed term of sentence, the policemen arrest them again immediately after such release and again register cases against them under the preventive sections of the law. Thus the same person who was initially arrested for no reason or for trivial reasons becomes, against his will, a hardened criminal, as after some time he is compelled to act as he pleases since in any case he is going to be arrested by the police. If this complaint is true, it is a matter of grave concern and the Police Department should take immediate remedial steps to stop this practice.

17.11 The Committee further recommends that the Police officials should complete investigation in all cases expeditiously and lay the charge sheets without delay. If reports are to be received from any expert (medico-legal/fingerprint, hand-writing/experts) and from institutions like the Chemical Examiner's Laboratory, the investigating officers should ensure that these reports are received without delay so that the charge sheets can be laid.

17.12 One other reason for the prolongation of the trials is the non-production of the U. Ts. before the courts on the due dates. This is a serious problem as the cases get adjourned by over a month or so due to the absence of the accused and there is no guarantee that the witnesses would appear before the courts on the next hearing date. The Committee finds that in some cases the non-production of the accused is due to the non-availability of Policemen to escort the prisoners to court. This in turn is due to the pre-occupation of the Policemen with law and order duties in their respective areas and the consequent non-availability of personnel for such escort duties. This can be resolved only if the Superintendent of Police of the District concerned insist on prompt allocation of manpower from the District Armed Reserves or from the local police stations for such escort duties. Another alternative can be the lodging of the U. Ts. in Sub Jails near the courts in which they are tried. This will obviate the need for transporting the prisoners in buses which very often may not run in cases of large scale district-wide or State-wide agitations.



Our recommendations in the matter are as follows:-

- (1) Liberal use of release on bail on personal recognisance bond or bail on personal sureties or bail on the surety of Probation Officers should be done rather than ordering remand under Judicial custody.
- (2) Investigation should be completed within the time limit specified in the relevant sections of the Criminal Procedure Code.
- (3) Report of apprehensions be made to the courts within twenty four hours.
- (4) Police excesses and the use of third degree methods in police station lockups during investigation should be put a stop to.
- (5) Production before courts should be arranged on due dates.
- (6) Escort of prisoners should be entrusted with the Warder staff, by increasing the staff strength, because of the difficulty experienced in getting timely police escort.
- (7) District level review committees should meet at regular intervals and review the long pending cases with a view to reducing the number of remand and undertrial prisoners in the Jails.
- (8) In the Jails, the remand and undertrial prisoners should be accommodated separately away from the convicted prisoners.
- (9) The arrest of women and girls under 'suspicious circumstances' and remanding them to Jails which are only of nuisance value to spoil their future by branding them as sex offenders, should be discouraged, by issuing strict instructions to the police. This should not in any way hinder the implementation of the provisions of the Immoral Traffic Prevention Act, as such of those caught under the Act will be remanded to custody only in the "Protective Homes" and not in the Jails.
- (10) Persons remanded as involved in Ganja and other Narcotic Substances cases should not be allowed to mingle with other remand and undertrial prisoners.
- (11) Habitual remand prisoners and persons remanded to custody in theft, dacoity and robbery cases should not be allowed to mingle with the ordinary type of remand and undertrial prisoners.



## CHAPTER XVIII

### OPEN PRISONS

18.1 Life convicts and long-term convicts confined in the closed prisons should be provided facilities to hope for better life. They have to be given opportunities to avoid the risk of being confined throughout the period of their sentence within the high four-walls of the prisons. Their desire to lead a peaceful and quite life afterwards should be awakened and encouraged through a balanced system of incentives, within the limitations of correctional treatment. For this, from among the long-term prisoners who got the maximum benefit by the institutional programmes in the closed prisons should be given an opportunity to spend the rest of the period in an atmosphere as close as possible to the community life outside, without the barricades and the external high security measures. This line of thought among the modern criminologists and the advocates of correctional principles of treatment of offenders had lead to the idea of treatment of prisoners in open institutions and open air camps.

18.2 In India, the open prisons have their base from the open air camps or Sampooranand Camps in Uttar Pradesh tried in the year 1953, as an experimental measure on the advice given by Dr. W. C. Reckless. In these open air camps, prisoners were taken out of the closed prisons to be engaged on public works for the construction of roads, bridges and dams. The intention was the employment of prison labour in open conditions under minimum security for useful purposes, in the place of the original practice of extracting hard physical labour within the four walls of the prisons under humiliating and dehumanising conditions. The said experiment was found to be fruitful in inculcating a sense of law-abiding nature, self discipline and self respect in the convicted prisoners as that they were treated not as 'unwanted elements' but as useful members contributing their labour for the welfare of the society. A sense of self-reliance, self respect and law-abiding nature in man will help improve themselves and to be in the mainstream. So this experimented scheme was found to help the prisoners in their further reformation and rehabilitation. Moreover, Criminologists all over the world have suggested that treatment of prisoners in open conditions under minimum security measures will serve as a transition period to enable the released prisoners to be resocialised in the society.

18.3 In Kerala, the Open Prison at Nettukaltheri was started to function on 20th August 1962, under a scheme outside the plan launched in the year 1958. The location of it is in a vast and wide extend of cleared forest land of the Paruthipalli Reserve Forest near



Neyyar Dam in Thiruvananthapuram, covering an area of 202.5 hectares. The original authorised accommodation facilities were for 200 well-behaved long-term prisoners who had spend a certain period of their sentences of imprisonment satisfactorily in the closed prisons. The work programmes arranged are agricultural operations and rubber plantation. Though started in 1962, the area brought under cultivation and raising rubber till recently was about 55 hectares out of the total of 202.5 hectares. We found that attempt has already been made to raise another unit of rubber plantation in an area of about 65 hectares of land also, by increasing the strength of prisoners in temporary accommodation. The present strength of prisoners is above 360.

18.4 This open prison is a wall less prison. There is no fencing even. The prisoners are not locked up in the barracks even during night. They themselves bolt the doors from inside. Only a vigilant guard of their movements is there. The prisoners have absolute freedom to move about in the vast and extensive area of land, where they work. Now, because of the addition of prisoners for raising the 2nd unit of rubber plantation, there is congestion in the barracks. We noticed that the sleeping facilities provided to them are inadequate. No box nor kit-box is provided to keep the individual belongings. But they have the additional facilities of home leave for 15 days presently once in every twelve months and an excess issue of tapioca of 150 gms. per head, to compensate the manual labour to which they are put to. The prisoners have the complaints of not getting leave liberally for longer periods as in the recent past. They are also aggrieved at not getting the benefit of premature release under the Advisory Board Scheme which was available to them, under section 432 of the Crl. P.C. prior to the introduction of section 433 A of the Crl. Procedure Code. As section 433 A insists on fourteen years of actual imprisonment for getting eligibility for a release, remission of sentence granted to them in lieu of wages and good work has become meaningless. Hence the inmates of the open prison who showed extraordinary earnestness at work are not at all interested to do work at present. They said that they could do better work provided opportunities are opened to them for getting an early release by reckoning the remission of sentence earned by them also. For this, we have to find a way out either a local amendment to section 433 A of Crl. P.C. or a system of review of cases for premature release by invoking the gubernatorial powers to remit the unexpired portion of sentence under Article 161 of the Constitution of India.

18.5 We had the privilege of visiting the Open Air Prison at Singanallur in Coimbatore. It is more or less an annex of the Central Prison, Coimbatore where prisoners are engaged in agricultural farming. This Open Air Agricultural Prison provides accommodation



facilities for one hundred prisoners who have some agricultural background in order to be dealt with there to pave way for their redumption by reducing the psychic disturbances and feeling of helplessness inherent in the prolonged incarceration in closed prisons.

18.6 The private enclaves in the open prison area to be acquired. This we learn is a matter pending since long. Action should be expedited to see that the private enclaves in the area are acquired avoiding further delay.

18.7 Criminologist almost all over the world have emphasised the need for a transition treatment in open conditions for prisoners who have undergone a pretty long period of incarceration in order to resocialise them as preparatory to their final release. We do endorse this view point.

18.8 The existing open prison is located in the extreme south east part of the State. This causes hardship and inconvenience to the kith and kin of the inmates to have frequent contacts and interviews, for strengthening the family ties. So it is advisable to have two more open prison in the State with facilities to accommodate about 200 well-behaved and able-bodied prisoners in each. The said open prisons shall be located one in the Central part of the State and the other in the northern region where vast and wide cultivable areas of land are available. Our recommendations with regard to this are contained in "Chapter III—Organisation and Structure of the Department." This involves additional expenditure initially. When the recommendations for instituting productive employment opportunities in the prisons contained in "Chapter IX—Expansion of Industries and Agriculture" are implemented there will be substantial increase in income and profit.

18.9 Accordingly, we make the following recommendations:

(1) Two more open prisons of the type of the existing one in the State, being located in the central and northern regions of the State where wide and extensive cultivable areas of land are available should be established, in due consideration of the fact that open air prisons are the most appealing programme of institutional correction aimed at the resocialisation of criminals.

(2) In the open prisons, agricultural operations, on a large and extensive scale as well as rubber and other plantation operations, got farming, oil palm cultivation and oil extraction, pig farming, broiler chicken farming, etc, should be instituted as productive employment as recommended in Chapter IX of this report.

(3) Medical aid should be adequately provided with the appointment of a full-time Medical Officer in each.



(4) The inmates of the open prisons should be supplied with cots and pillows in the dormitories to avoid the threats from scorpions, reptiles, etc.

(5) The inmates should also be provided with a kit box each for keeping their personal belongings.

(6) The staff of the open prisons should be given free residential accommodation facilities in the premises of the prisons in separate enclosures.

(7) Transport and communication facilities should be well provided in due consideration of their locations in far off and out of the way places.

(8) Enhanced rates of wages for extra labour be made available to the inmates of the open prison.

(9) The inmates of the open prison should be granted an additional issue of 100 gms. of rice per head per diem considering the arduous nature of labour to which they are put to, as recommended in Chapter VI—"Living Conditions of Prisoners".



## CHAPTER XIX

### PROBATION, AFTERCARE AND REHABILITATION OF OFFENDERS

19.1 Probation is the most advanced form of treatment of offenders under criminal justice administration. It has developed as an alternative to imprisonment, in cases where the guilt is established in the court, and the court after having convinced by other considerations, issues an order of personal supervision with an officer so designated, by conditionally suspending the term of imprisonment which might have been imposed on them under the penal law. Such an order of probation supervision of offenders will be made only when it is found feasible to the Magistrate that there is a reasonable basis for expecting that the released offender will not resume a criminal career. Probation system does not contemplate its indiscriminate use. It is expected to be used by way of selection very carefully after close examination of the character and antecedents, home conditions and environmental factors and social backgrounds of the offenders.

The intention is to give such carefully selected offenders, treatment facilitating their social reassimilation, devoid of the stigma and trauma of imprisonment. It has its origin on the realisation of the ineffectiveness and harmfulness of short-term imprisonment, from the point of view of the correctional reclamation theory. It is generally conditional suspension of imprisonment after careful selection by the court as a matter of clemency (which is invariably and usually within the powers of the executive Government) should necessarily follow an order of placing under personal supervision with a Probation Officer for individual guidance or treatment.

19.2 Thus, it means that probation is a method of dealing with offenders. It is applied only on a selective basis. It is an embodiment of one of the fundamental principles of progressive criminal policy viz. the principle of the individualisation of extramural treatment. The individualised treatment requires the study of the offender, not only of his offence but also that the punishment should fit the offender, rather than the punishment should fit the offence. Probation involves the conditional suspension of punishment. But it does not mean that probation is a 'let off'. The original offence will remain punishable throughout the period of probation. And it is only a promise for good behaviour and laws abidance. In cases of violation of conditions during the supervision period, the order of suspension of the punishment is liable for cancellation and the offender will have to undergo the term of imprisonment that he would have been liable to, but for the probation order. So it has to be construed as an attempt to prevent further crime by the improvement of social conditions and



development of social services. It has its origin from gradual methodical changes in criminal justice administration of dealing with offenders under police surveillance, granting of bail on personal sureties, entrusting with fit persons on promises of good behaviour. The Probation system had its origin and development in the United Kingdoms and the United States of America and Japan.

19.3 In the Report of the All India Jail Manual Committee (1957-59), Probation is defined thus:—"Probation is a method of dealing with specially selected offenders and consists of the conditional suspension of punishment while the offender is placed under personal supervision and is given individual guidance or 'treatment'. The verbatim-sense of "Probation" is testing or proof or a preliminary time or condition appointed to allow fitness or unfitness to appear or suspension of sentence, allowing liberty under supervision on condition of good behaviour (especially to young or first offenders). The usefulness of probation treatment has been well acclaimed of as an alternative measure to short term imprisonment which is ineffective and meaningless under the correctional principles. Tamil Nadu is the only State in Indian Union which has a well organised Probation Services, and done better than any other States. Even though the Report of the Travancore-Cochin Jail Reforms Committee 1953-54 contained a Chapter on "Probation" with recommendations, Probation Services had not been organised in the erstwhile State of Travancore-Cochin. But in the provincial State of Madras, Probation Services were organised as early as in 1936 after the enactment of the Madras Probation of Offenders' Act, 1936, presumably adopting the Recommendations wherefor made by the Indian Jail Committee 1919-20 which read thus:—

"To give discretion to courts to consider the entire circumstances of a case, to decide whether a case is suitable for release on probation" and "Appointment of Probation Officers and recognising private individuals as Probation Officers" and "Prohibition of the employment of Police as Probation Officers" and "the Probation Officers being required to make enquiries and report to the court regarding an offender's previous history, home life etc., before a probation order is made "and" to direct Probation Officers to assist the courts in selecting cases suitable for "probation" etc. After the formation of the State of Kerala on 1st November 1956, the probation services, extended in the Malabar part of the old composite State of Madras which formed part of the newly formed State of Kerala, were also transferred to the State Prisons Department. The Central Probation of Offenders Act, 1958 came into force subsequently. And Probation Officers were appointed in all the Revenue Districts of the State in 1960 and the State Probation Services organised under a Chief Probation Superintendent under the over all administrative control of the Prisons Department as was the practice elsewhere, as it is an essential



component of the unified programme of correctional services aimed at Prevention of Crime and Treatment of Offenders. The Working Group on Prisons 1972-73 emphasised in unequivocal terms that the Probation Services were essentially a component of the unified programme of correctional service and therefore should be integrated and administered under the control of the State Home Department which deals with Law and Order. But we see now that it is dealt with in the Social Welfare Department since September 1975. We find it as an irony of administrative business transaction. Our reasons are thus:—

(1) Probation is a method of dealing with specially selected offenders where the sentences of imprisonment are conditionally suspended and the offenders are placed under the personal supervision of Probation Officers and given individual guidance or treatment with a view to their personal and social rehabilitation.

(2) It is universally recognised that if probation is effectively enforced it will considerably reduce the number of remand and undertrial prisoners in jails, the number of short-term prisoners, and the number of convicts who are recidivists.

(3) The work of probation has its range in the different stages of criminal justice administration viz. (1) preventive stage, (2) Preliminary enquiries in pre-trial stage, pre-sentence stage and the stages on pre-release enquiries on leave, parole and premature release and then in the stages of aftercare and rehabilitation of offenders i.e. in all the stages of Social Defence Correctional Services.

(4) Thus probation is essentially a social defence programme statutorily aimed at the broad spectrum of Social Security and Welfare and not one coming within the ambit of the General Social Welfare Programmes.

19.4 We consider it worthwhile to discuss the functions of the Probation System also in this context.

(1) The Probation Officers are expected to conduct preliminary enquiries including home surroundings, character and antecedents, etc. of the offenders and furnish reports to the courts enabling the courts to use discretion with regard to the operation of the provisions for release under the Probation of Offenders' Act.

(2) They shall undertake supervision of the offenders and deal with them as a friend, guide and benefactor for resocialising them as useful members of the Society.

(3) They shall conduct pre-release enquiries in connection with the premature release of prisoners, grant of leave and parole to the prisoners.



(4) They shall supervise the prisoners prematurely released and those discharged on license from the other correctional institutions, during the period of their probation.

(5) They shall function in liaison with the judiciary, police and the Prisons Department in the matter of Criminal Justice Administration.

(6) They shall look into the aftercare and rehabilitation of offenders under all age-groups.

(7) In the discharge of their functions they shall be in constant touch with, and work in collaboration with all the Correctional Officers and the Welfare Officers in Prisons ensuring the proper rehabilitation of offenders.

(8) In short, they are the field officers of non-institutional correction and rehabilitation of offenders.

19.5 In Tamil Nadu, there is a Department of Correctional Services having separated from the Prisons Department. There are Probation Officers appointed in both Departments. The Tamil Nadu Prisons Reforms Commission 1978-79 had recommended for re-organisation of a separate Department of Probation by amalgamating the Probation Officers of both the Departments of Correctional Services and Prisons under a Director of Probation. There the total strength of Probation Officers exceeds two hundred and ten.

19.6 In Kerala, at present there are altogether 35 Probation Officers, all of whom under the control of the Social Welfare Department since 1975. From our study, we could learn that, the Probation Services have now become a neglected programme with the Social Welfare Department, as that Department has other multifarious/ social welfare activities especially relating to the women and children and the socially, physically, mentally and economically handicapped persons. Now it is seen nobody is serious about the efficient functioning of the Probation Services in the State. The Officers of the Social Welfare Department now at the administrative level, who are originally Probation Officers, who gave evidence before the Committee expressed their opinion that for efficiency, probation be made a separate department and the Probation Officers be provided with conveyance facilities for the smooth discharge of their functions.

19.7 Kerala being a small State requiring the services of only limited number of Probation Officers there is no scope for a separate independent department. According to the guidelines issued by the Government of India immediately after celebrating the Probation year 1971 at National level, there should be one Probation Officer for every two criminal courts. If this is taken up for implementation the



total number of probation officers required in the State would be about sixty nine. Hence there is no scope for reorganisation of it as a separate department.

• 19.8 The All India Jail Manual Committee 1957-59 in its report made the following recommendation:—

“There has to be a fundamental continuity in programmes of prevention and control of delinquency and crime and in all other correctional fields. It is, therefore, essential that prevention, control and treatment of delinquency and crime and the aftercare services should be treated as components of a unified programme of social defence. The juvenile delinquency, probation and aftercare services should, therefore, be co-ordinated”.

“The correctional services should be under the control of the home department which deals with law and order”.

“Probation shall be part of an integrated system of penal and correctional administration and shall be subject to the general supervision of the Inspector General of Prisons and Correctional Administration”.

The All India Committee on Jail Reforms 1980-83 has made the following recommendation in its report:—

“The Prison Department in each State and 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 aftercare 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”.

19.9 We have examined the matter in all its aspects. We could not find any reason for making a departure from the above recommendations. To ensure efficiency and effectiveness of all the essential components of the unified programme of Correctional Services, we find it apt and appropriate to adhere to the recommendations made by all the above committees and working groups in the matter. And it was accordingly that we arrived at the same conclusion and made our recommendation in “Chapter III—Organisation and Structure” of the Department. We reiterate it here also, that Probation and Follow up and Aftercare Services should be integrated to the Department of Prisons and Correctional Services and the Head of this Department should be assisted by a Joint Director of Probation and Aftercare Services to function as the Chief Probation Superintendent for the purpose of the Probation of Offenders’ Act,



1958 and supported by an Asst. Director at the Headquarters and Regional Probation Officers and District Probation Officers at one each for every two criminal courts.

Our further recommendations in the matter are as follows:

(1) The Probation Officers being the keystone of the probation system, they shall be suitable and fit persons in possession of adequate academic and professional qualifications.

(2) They must have minimum general educational qualification of graduation with a degree or diploma in sociology, or criminology or psychology or social service administration, or a minimum practical experience of two years in social service or correctional administration.

(3) They should be given pre-entry training as per programme prescribed by the Chief Probation Superintendent (Joint Director of Correctional Services) at least for a period of three months before the commencement of the period of probation for 2 years on duty within a continuous period of three years to attain full membership in service. They should be given the pay structure as that of the Welfare Officers in Prisons.

(4) As they have to undertake journeys very frequently, for the smooth discharge of their functions, as laid down in the Kerala Probation of Offenders' Rules, 1960, they should be provided with conveyance facilities.

(5) They shall be provided with identity cards, as they are not expected to wear any uniform or badge.

(6) They should closely associate and participate with the recognised clubs and organisations rendering social services and welfare work in order to secure their assistance for providing the probationers with employment opportunities.

(7) No recommendations are made with regard to the assignment of duties and responsibilities of the Probation Officers, as the Kerala Probation of Offenders' Rules, 1960 have made adequate stipulations in such matters.



## CHAPTER XX

### CLASSIFICATION OF PRISONERS ACCORDING TO SOCIAL STATUS AND EDUCATION

20.1 Chapter XLV (Rules 756 to 762) of the Kerala Prisons Rules, 1958 and Chapter LVI (Rules 993 to 1000) of the Kerala Prison Manual Vol. I (1981) contain classification and treatment of convicted prisoners into 'A' Class, 'B' Class, Convict Special Class and 'C' Class. The basis of such classification is as laid down thus:—

#### (i) Class A

Prisoners should be eligible for Class 'A' if:—

- (1) They are non-habitual prisoners of good character.
- (2) They by social status, education and habit of life have been accustomed to a superior mode of living, and
- (3) They have not been convicted of—
  - (a) Offences involving elements of cruelty, moral degradation or personal greed;
  - (b) Serious or premeditated violence;
  - (c) Serious offences against women and children;
  - (d) Serious offences against property;
  - (e) Offences relating to the possession of explosive fire arm and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;
  - (f) Abetment or incitement of offences falling under these sub-clauses.

#### (ii) Class B

Prisoners will be eligible for Class 'B' who by social status, education or habit of life, have been accustomed to a superior mode of living. Habitual prisoners may at the discretion of the classifying authority be included under this class on grounds of character and antecedents.

#### (iii) Class C

Class 'C' will consists of prisoners who are not classified in Class 'A' and 'B'.



“(2) Notwithstanding anything contained in sub-rule (i) any person convicted of an offence involving gross indecency or exhibiting gross depravity of character may not be placed in either Class ‘A’ or ‘B’.”

“Notwithstanding anything contained in (i) and (ii) of the above rule Government may under special circumstances and for political reasons classify any convicted prisoner as ‘A’ Class, ‘B’ class or Convict Special Class prisoner.”

20.2 The treatment given to such different classes also is different. The convicted prisoners in Class ‘A’, ‘B’ and Special Class are provided with special and additional facilities even in the matter of diet, clothing, bedding, reading and writing and interviews. There is also provision made in the Rules for giving them cots, tables, chairs, commodes with pans and chamber pots at one each. Such discriminatory treatment among convicted prisoners is not found to be suited to this age. We feel that special class treatment to convicted prisoners on the basis of social status, education and habit of life accustomed to a superior mode of living is of feudalistic nature. In a democracy, where the Constitution enshrines equality of treatment and human rights in all respects such discriminatory treatment has to be construed as condemned and outdated. Criminality is mostly attributed to socio-economic maladjustments and circumstantial influences. Social status, education and habit of life accustomed to superior mode of living are factors erasing criminal tendencies in man. In our view persons hailing from such backgrounds commit crime and turn criminals and get convicted, they deserve not any special treatment. In our opinion sympathy, compassion and special considerations should go with the poor, neglected, unattached, detached and ignorant people who happened to become criminals. Furthermore, the usages “Social Status” and “accustomed to a superior mode of living” are very loose that could be conveniently interpreted in favour of the so-called “influential persons” for the abuse of authority and power leading to corruptions at the levels. Again, rule 757 A of the Kerala Prisons Rules which is seen to have introduced by notification in G.O. (Ms.) 172/69/Home, dated 31st May 1969, empowering the Government for the classification of convicted prisoners, as ‘A’-Class, ‘B’ Class or Convicted Special Class prisoners notwithstanding anything contained in rules 756 and 757 of the said Rules is another stepping stone enabling misuse of it for ‘own people’ or favourites. Hence, we are of the opinion that there shall not be any special treatment for any convicted prisoner in the prisons and there should be similar treatment meted out equally to one and all of the convicts alike. The relevant provisions in the Kerala Prisons Rules and the Kerala Prisons Manual should be expunged ensuring treatment alike in the Prisons of the State. But we are in favour of making enabling



provisions in the Prisons Rules and Prisons Manual for extending the required special treatment to the "detenus" (i.e. those who are not convicted) who are detained in lawful custody under security measures, for theirs is only a 'precaution' against some intending offence of a Law in force and not a 'punishment' for an offence already committed. They shall of course be treated as 'Special Class Prisoners', entitled to special privileges and treatment as provided for in the rules and regulations applicable to their detention in custody.

Accordingly we make the following recommendations:—

(1) There should not be any discrimination and differential treatment among convicted prisoners, on the basis of social status, education and being accustomed to a superior mode of living.

(2) All the convicted prisoners should be treated alike to enjoy similar privileges and treatment.

(3) The Rules relating to the higher classification of convicted prisoners into Class 'A', 'B', 'C' and Convicted Special Class Prisoners both in the Kerala Prisons Rules and the Kerala Prison Manual should be expunged.

(4) The special powers conferred on the Government by Rule 757 A of the Kerala Prisons Rules and Rule 994 of the Kerala Prisons Manual Vol. I should also be expunged, as they are against the constitutional right of equality.

(5) Only persons detained in custody under the different laws in force as a matter of 'precaution' and not as punishment shall of course be given special treatment in the prisons declaring them as special class prisoners as they are not convicted prisoners.



## CHAPTER XXI

### THE STATUTORY PROVISIONS AND THEIR IMPLEMENTATION

21.1 The Prisons Department which is proposed to be reorganised and integrated is to be named as the Department of Prisons and Correctional Services. This Department is essentially a statutory Department in its functions and purposes. The following are the legislations and the Rules governing the administration of the Department besides the Public Services Act and the Service Manuals, Kerala Service Rules, Kerala Financial Code, Treasury Code, The Account Codes and the Audit Code, etc., governing the general administration and the service administration.

1. The Indian Penal Code
2. The Criminal Procedure Code
3. The Indian Prisons Act, 1894
4. The Travancore-Cochin Prisons Act, 1950
5. The Prisoners' Act, 1900
6. The Travancore-Cochin Prisoners' Act, 1950
7. The Identification of Prisoners' Act, 1950
8. The Exchange of Prisoners Act, 1948
9. The Transfer of Prisoners Act, 1950
10. The Indian Lunacy Act, 1912 replaced by the Mental Health Act, 1987
11. The Prisoners' (Attendance in Courts) Act, 1955
12. The Probation of Offenders' Act, 1958
13. The Kerala Borstal Schools Act, 1961
14. The Juvenile Justice Act, 1986 (replacing all the Children Acts)
15. COFEPOSA
16. NDPS Act
17. The Kerala Prisons Rules, 1958
18. The Kerala Sub Jail Rules, 1961
19. The Kerala Probation of Offenders' Rules, 1960
20. The Kerala Borstal Schools Rules, 1963
21. The Kerala Rules under the Juvenile Justice Act, 1989.

21.2. Even though the State of Kerala was formed as early as in November 1956, unified Prisons Act and Prisoners' Act remain to be brought into force. It is a matter of regret that no



effective step is seen to have been made so far for the enactment of a unified legislation codifying the contents and purport of the Acts governing the prison services of the State replacing those legislations serialised 3 to 9 and 11 above which were of British origin, even after the lapse of over 4½ decades since Independence. Several changes have taken place in the prison and the prison conditions at the instance of the recommendations made by the All India Jail Manual Committee, the working Group on Prisons, the All India Committee on Jail Reforms and the time to time Chief Secretaries Conferences held on the subject at the national level. But no corresponding amendments or deletions and modifications have taken place in the statutes imbibing and encompassing all those. So, we are of the opinion that it is high time that the State consider passing a codified legislation covering all aspects of the prisons, prisoners and the prisons administration of the State, so that there should not be any set-back in keeping pace with the progression made in the Criminal Justice Administration of the times aimed at the reformation and resocialisation of the wrong doers. The legislation so enacted newly should encompass all the changes, modifications, additions and deletions that have taken place and introduced from time to time and cover ever aspect that are visualised under the correctional principles of the penal law. The Kerala Prisons Bill now under consideration requires recasting.

21.3 We feel that the Kerala Prisons Rules, 1958 as on 6th July 1977 reprinted in 1989 requires a thorough recasting as there are several mistakes, repetitions and omissions. The Prisons Rules, Kerala Sub Jail Rules and the Kerala Borstal School Rules, etc., should be corrected up-to-date incorporating all the amendments. The instances that we notice are the following:

(1) The post of D.I.G. of Prisons which was created in April 1957 does not find a place in the Rules and the duties and functions remain to be defined.

(2) Similar is the case with the posts of A.I.G. of Prisons created in the year 1981.

(3) Separate rules regulating the establishment of Open Prisons remain to be framed and incorporated, even though an Open Prison was started in August 1962.

(4) The same is the case with the District Jail, Kozhikode which began functioning as such in April 1969.

(5) There is no mention about the functions of the State Institute of Correctional Administration and also about the duties and responsibilities and training programmes and the staff there.

(6) The rules issued by notification under rule 280 A on release of prisoners for the purpose of study are not seen incorporated.



(7) The rates of payment of wages to the prisoners for the work done by them have undergone revision and enhancement on several occasions but corresponding amendments are not seen incorporated in Chapter XXII of the K.P.Rs.

(8) There are now two Jailors and two Deputy Jailors in the Central Prisons. The duties and responsibilities of these Jailors and Deputy Jailors require bifurcation and re-distribution by well defining the duties and functions of each officer.

21.4 There are other instances of omissions and repetitions also. We are not going into the details of it. The Borstal Schools Act and the Rules thereunder also require amendments enabling there proper implementation. Hence we recommend that a Rules Revision Cell should be formed at the Headquarters of the Department under the Addl. I.G. of Prisons and Addl. Director of Correctional Services, an officer borne on the Department with able ministerial assistance of one senior Superintendent and two or three Clerks. The said Cell should continue as and when the recommendations of this Committee are taken up and implemented as they will invite a thorough recasting of the above said Rules further.

21.5 As already recommended elsewhere a local amendment to section 433 A of the Criminal Procedure Code should be effected with the assent of the President of India ensuring premature release of life convicts who have completed eight years of actual imprisonment and ten years of total imprisonment including remissions. The High Court may be requested to direct the Chief Judicial Magistrates to issue instructions to the Sub Magistrates within their jurisdiction to exercise their powers for the liberal use of the provisions of the Probation of Offenders' Act in order to curtail short term sentences to the maximum extent possible.

The following are our recommendations in the matter:—

(1) A unified legislation covering all aspects of the prisons, prisoners and the prisons administration in the State replacing all the outdated Act be made.

(2) A Rules Revision Cell should be formed at the Headquarters of the Department under the immediate charge of the Addl. I.G. of prisons and Addl. Director General of Correctional Services with supporting staff consisting of one Senior Superintendent and two or three Clerks to make all the Rules updated incorporating all the amendments so far issued and to make them up-to-date incorporating all those not included so far and defined so far.

(3) The Rules Revision Cell so created should continue to take further resultant actions in pursuance of implementation of the recommendations contained in this report.

(4) The High Court of Kerala may be requested to issue directions to the Chief Judicial Magistrates to ensure liberal use of the probation system.



## CHAPTER XXII

### CORRUPTIONS AND MALPRACTICES IN PRISONS

22.1 There is general impression that corruption and malpractices are there in one form or other in the prisons of the State. It is said that there is some truth in it. We do not have factual evidences in the matter.

22.2 Report of the group of officers on prison administration contains a chapter dealing with this matter. Report of the Tamil Nadu Prison Commission 1977-1979 also contains a Chapter on this.

22.3 Mr. B.K. Bhattacharya, former Judge of the High Court, Calcutta in his famous book "Prisons" had written thus:—

"....Success depends much more on the personality and unremitting care of the staff than any Inspector General of Prisons or any outside agency. Prison reform must come from within. Officers break up in a corrupt or inefficient regime. The staff should be qualified educationally. They should have good health, a fund of common sense, ideas of discipline, obedience and loyalty, good manners, sympathy, imagination and a sense of fair play. Above all they should have a living faith in their avocation...." He adds, "The poorly paid warders become not unoften the centre of smuggling, racketeering and bullying in the jail ... Many Superintendents of jails with whom the present writer came in touch referred to the problem of smuggling which is impossible to check unless the warder staff is improved. Some of them manage to bring money and other valuables from outside to prisoners. They contact friends and relations in their homes even. Naturally they undertake this risk for high profit, and possibly not more than half of what friends and relatives surreptitiously hand over to them ever reach the prisoners.... It would be interesting to have some detailed index about the trafficking that goes on between officials and inmates.... powerful outside influences, specially in case of gangsters in jail, make it a paying proposition for the prison staff. Not unoften undue prominence and importance is given to those who have influential criminal contacts with the outside world".

22.4 Justice Mulla has too touched this point in the report of the All India Committee on Jail Reforms. Even if we do not have tangible evidence about the corruptions and malpractices in prisons, we infer that the following features provide scope for these:—

(1) In the matter of granting interview facilities with the prisoners by their friends and relatives and in regulating the duration of such interviews even unnoticed or without the knowledge of the higher authorities.



(2) When new admissions of prisoners involved in murder cases, mostly in remand cases, the quantum of payments will be big if the accused hails from a wealthy family in order to get some undue privileges and advantages inside the prison.

(3) In the matter of assignment or allotting work in the hospital, press and kitchens.

(4) For helping in unauthorised communications with friends and relatives.

(5) For getting better food, etc., from outside.

(6) When persons involved in customs cases and smuggling activities are brought and kept in the jails.

(7) Even at the stage of execution of bonds for release on leave, parole, etc.

(8) Prisoners from financially well off are confined in prisons the relatives pay illegal gratifications to the staff in order to provide them unfair privileges and facilities.

(9) For the sneaking in of contraband and prohibited articles including food materials and drinks in the prisons.

(10) Under-issue of food articles and the supply of poor quality foodstuff by the staff in collusion with the members of the Welfare Committee and the contractors.

(11) Non-issue of food for later admissions and early releases, but the Diet Roll will show entries of supply of diet to such persons also.

(12) There is flow of underground money and materials in the jails through the jail officials. This is done on a high profit basis, only a lower percentage will reach the prisoner.

(13) It is also said that the valuable personal properties taken to custody at the time of admissions are not paid at the time of release, but only their acknowledgements are obtained in the concerned registers.

(14) Rules provide for paying batta to prisoners at the time of release to reach home at the cheapest mode of conveyance. Very often this is not paid, only but their signatures are obtained in token of having received such sums.

(15) Pilferages of the produces and other usufructs from the jail gardens.

22.5 We do not attribute that the aforementioned corrupt practices in the prisons are common to all the jail officials. The number of such officials may be limited. In an era of receiving gratifications and commissions in thousands, lakhs and crores, the quantum of such bribes said to be received by the limited few of our



prison staff may be too meagre and insignificant. It is not the quantity that matters, but the practice that we weigh much, for the Prisons Department is the Department of Correctional Services where the wrongdoers are expected to be corrected, reformed and reclaimed. So in the prisons, the prison personnel both in the higher and in the lower levels should set an example by their exemplary behaviour to the prisoners in their care. If the correctional officers themselves happened to be tainted themselves in corrupt practices they cannot correct those in their care? Hence we strongly feel that it is a must to curb all tendencies of corruption among the prison staff from the bottom to the top for the purpose of introducing the desired effect in carrying out prison reforms. Accordingly, we endorse the views expressed by Mr. B. K. Bhattacharya in his book "Prisons" that 'Prison reforms must come from within'.

22.6 Our recommendations in the matter are as follows:—

(1) A Vigilance Squad should be formed at the Headquarters of the Department under the Departmental Vigilance Officer viz. the Addl. I.G. of Prisons and Addl. Director of Correctional Services with the assistance of the Chief Audit Officer and the Stock Verification Officer for surprise check and inspections, besides the periodical exercises.

(2) The staff selection, training and orientation should be such as to prevent and arrest the corrupt practices and tendencies.

(3) The prisons staff should be given better emoluments, services, prospects and living facilities and create an awareness in them about their dignity i.e. being above board.

(4) And, stringent disciplinary action should be initiated against those found guilty.



## CHAPTER XXIII

### RESEARCH AND STATISTICS

23.1 We have stated elsewhere in this report that the development of the prisons administration in the State is lagging behind and cannot cope with the changing needs of the time because of the lack of proper and scientific planning. Scientific planning will require correct statistical data, their review, evaluation and assessment in proper perspective. The prison personnel and the prison administration still keep the administration, adhering to the time-old, outdated and obsolete modes of management, both in the administration of the prisons and the work programmes of prisoners. They seem not to be bothered about the work that they have done and that they are doing in the prisons for achieving the goal of the correctional administration. No evaluation nor assessment of the work so far done seems to have been made since the switching over of the system of Criminal Justice Administration in the State from punitive to correction.

23.2 We came to know that a mini Statistical and Research Unit was organised in the Headquarters of the Department, sometime in 1979 with a Statistical Officer in the grade of a Head Clerk and Clerk and Attender. The said unit had not been able to collect and compile the required statistics in the desired manner enabling to conduct an evaluation of the crimes and criminality in the State in order to plan for the reduction or prevention of crime and the social rehabilitation of the offenders. Considering the importance of collection of statistics and their research in planning the correctional administration of the State, we make the following recommendations on the lines suggested by the various Committees and Commissions at the National level:-

23.3 (1) The Research and Statistical Unit at the Headquarters of the Department should be strengthened by upgrading the post of Statistical Officer atleast to the level of a lowest Gazetted Officer to serve the purpose specified hereunder:-

(a) To collect and maintain adequate statistics and records pertaining to the inmates (i.e. nature of crime, sentence, age group, sex, socio-economic conditions, home conditions and antecedents, previous criminal records, if any, etc.) institutional activities and programmes, industrial and agricultural production, expenditure and income item-wise, details of staff structure, land in possession and the improvements therein and all such other matters relevant and pertinent with special references to the juveniles and young offenders.

(b) To conduct evaluation and assessment of the statistical data in order to plan and implement programmes concerning improvements to the system of administration.



(c) To prepare reports on the operations of the Department including information on the programmes and activities and to tabulate other significant data.

(d) To study the type of data collected, the forms prepared and the registers maintained in order to simplify the manner of collection, analysis and their interpretation.

(e) The statistical data collected should be subjected to constant study in order to make out the nature and gravity of criminal behaviour and its control.

(f) To conduct researches on the basis of the statistical data compiled for planning the administrative programmes for achieving the goal of correctional treatment.

(2) The statistics on inmates and criminality collected from within the Department relating to a particular year/period should be compiled and included in the Annual Administration Report.

(3) The correctional statistics should be linked up with the population, and the health and criminal statistics.

(4) On the whole, the Research and Statistical Unit should be made meaningful and purposeful in planning and programming the administrative techniques for achieving the goal of correctional administration viz. prevention of crime and treatment of offenders ensuring the correction, reformation and resocialisation of the offenders.



## CHAPTER XXIV

### ACTION PLAN

24.1 Our report in the foregoing Chapters contain comprehensive recommendations on prison reforms that have to be introduced in the State, to enable to respond to the challenges of the modern times. The recommendations also include improvements in the living conditions of prisoners in consonance with the requirements of leading a life of human dignity. Construction, reconstruction and renovation of the prison buildings are meant to provide adequate accommodation facilities. There must be the classified institutionalisation of the offenders. It is aiming at the extensive improvements and modernisation of the industries and agriculture with a view to making them productive and to impart training in useful avocations ensuring the social rehabilitation of the inmates. Recommendations are also there for the appropriate strengthening of the prison administration, which stands neglected in the past suiting the needs of the correctional administration.

24.2 Every prison reform will involve financial commitment. But while formulating recommendations for the improvements which involve additional expenditure we have proposed the introduction of new industries and trades and also the extensive cultivation of all the available vacant land. These will be income generating. By the proper and planned utilisation of all the resources, the Department can generate enormous income. Initially, of course, the State will have to bear the expenditure in connection with the implementation of the recommendations on a priority basis. We hope that financial considerations may not stand in the way of our recommendations.

24.3 We would advise the Government to see that an Action Plan be drawn up appraising and approbating the schematic financial implications in the implementation of our recommendations. The Government of India may be approached for their acceptance and inclusion in the 'Financial Commission Awards' or they may be sought to be included in the programmes extending financial assistance to the State Governments under 'Modernisation of Prison Administration'. The implementation of these may be on a priority basis, as a phased programme to be fulfilled at least by 2000 A.D.

24.4 Strengthening of prison administration, renovation and reconstruction of jail buildings to provide adequate accommodation facilities, introduction of productive employment and adequate training facilities in useful avocations and enhancement of wages to prisoners etc. should be given immediate priority. Adequate funds should be made available to the Department for procuring the required machinery and equipments for introducing the new industries as well



as for improving the agricultural operations in the jail lands. The Autonomous Board i. e. the Prison Welfare Board for Industries and Agriculture, with full fiscal and administrative powers as recommended should also be constituted with immediate effect providing adequate working capital in the initial stage. Improvements in the subsequent years could be met by the Board from the income and profit which will be under its regulations.

24.5 Our suggestions for the Action Plan for implementation of the recommendations are intended to achieve the goal of making the Department of Prisons and Correctional Services self-sufficient as a service department rather than its continuance as a spending department. Even though, in the early stages it is incumbent for the State to bear additional expenditure, such expenditure will be profit making in the future. We have made several workable recommendations for the fullest utilisation of all the available human resources in the prisons as well as for the extensive cultivation in every inch of vacant land in the jails.

Our recommendations in the matter are thus:—

(1) An Action Plan should be drawn up for the implementation of the recommendation on priority basis as a phased programme to be completed at least by 2000 A.D.

(2) Funds required for the purpose should be made available by way of Finance Commission Awards and Central Assistance for the Programme of Modernisation of Prison Administration.

(3) Adequate funds according to the requirements should be provided in the Annual Budget Estimates of the Department for accelerating the process of implementation of the recommendations, in phases.



## CHAPTER XXV

### VICTIMOLOGY

25.1 While our thinking in terms of Criminal Justice Administration under correctional principles aimed at prevention of crime and treatment of offenders we do not find it just to pass over only with our recommendation in relation to crime, criminality and criminal and the reforms thereof. Prevention of crime and treatment of offenders has the object of social defence ensuring the broad sphere of social security and welfare. When a crime is detected and the criminal is arrested, charge sheeted, tried and punished there begins the application of correctional principles for the treatment of the offender to reform, redeem and resocialise him, preventing further crimes. The State and the society extend, facilities for the security, case and welfare of the criminals/offenders. But we see nothing in reserve having provided for the care and welfare of the victims of the crime. Who are the victims of the crime? Those who suffer injuries by the offences committed by others, i.e. those who suffer as a result of the crimes. A study relating to the victims of the crime is the subject of concern in this context as victimology. Statistics relating to this aspect should also be collected and subjected to scrutiny and study.

25.2 The rules governing the administration of the institutions where offenders are kept in custody provide for looking into the welfare of the offenders and their families. The social welfare agencies and organisations and all the public men of importance and recognition speak about only of the members of the families of those under incarceration. Nobody is seen to be bothered about the families of the victims of the crime. They are seen to be ignored once the criminal is punished and sent to prison. All the sympathy and compassion then go with the criminal and his family. When we think in terms of the welfare of the society as a whole, it will be a lapse on our part if we turn a deaf ear to the pains and agonies of the victims of the crimes. They do deserve help. There is no provision for it now. But we must see that it is provided for. The Penal Code and Criminal Procedure Code require amendments requiring the offenders liable to pay compensation for the victims of their crimes at some reasonable rate as an alternative to imprisonment. This can be prescribed for minor offences. Monetary compensation to victims alone should not be a substitute for the serious crimes. There should be provision made in the rules for the payment a portion of the wages earned by the prisoners as compensation payable to the victims family.



25.3 Our recommendations for setting apart a portion of the wages earned by prisoners are elsewhere in this report. We reiterate it.

25.4 *Victims Compensation.*—Taking into account the welfare aspect of the sufferers of the crimes, victims compensation be realised from the criminals by Court orders, with a Government contribution as determined considering the quantum of sufference or loss sustained in individual cases shall constitute the Victims Compensation Fund. This can be given to the victim or his dependents and one-fourth portion of the wages earned by the criminal concerned during the period of his incarceration can also be set apart for victims and or dependents.



## CHAPTER XXVI

### PUBLIC CO-OPERATION AND THE ROLE OF VOLUNTARY AGENCIES

26.1 The Criminal Justice administration now aims at protection of the society with treatment of prisoners mainly for their correction, reformation and resocialisation, prevent further crimes. Unless the society is made awareness of the courses of treatment and reforms introduced in the prisons it will not be possible to achieve the object underlying them. So the public must be given proper education in the all pervasive implications of crime as a social and economic problem. The orientation of the public should be such that they could appreciate that the goal of correctional theory of criminal administration is the rehabilitation and reassimilation of the offenders as useful members of the society, in the larger interest of the society. In the absence of public appreciation, public participation and public co-operation, whatever be the legislations and however the administrative machinery discharges the functions, the objectives of such exercises, especially in the field of social defence and welfare programmes where social rehabilitation of the wrongdoers are the agenda cannot be achieved.

26.2 Hence we consider it essential to enlist public co-operation for the successful implementation of the prison programmes. Prison administrators must realise the imperative need of it. They must give up the traditional belief that the prisons and the prison management are matters to be kept aloof from the public as a secretly confined arena merely as a security area where outsiders cannot trespass. Prisons of course should be administered keeping up the required security and discipline. But there should be proper avenues opened to the public philanthropists, social workers and members of the social welfare agencies and charitable societies, enabling them to cultivate a positive culture. They can awaken in the fellow beings under incarceration a sense of law abidance and self reliance through discourses, preachings and ministrations about the social, moral, cultural and ethical values paving the way for their social rehabilitation.

26.3 Social workers, members of welfare organisations and charitable societies as well as other philanthropists from all walks of life should be given opportunities to visit the prisons and to talk with the prisoners in general. Particular attention be given to those who are about to be released, in order to arrange for their social rehabilitation. Probation Officers have a duty to visit them and arrange rehabilitation. The State Aftercare Association now under the



control of the Social Welfare Department is learnt to be not functioning satisfactorily. The Aftercare Association should be well organised in the State. Aftercare work should begin well in advance, preferably some six months prior to the dates of release. It should be borne in mind that aftercare work cannot succeed without public support. So the prison authorities, Probation Officers and the Aftercare Associations should work in collaboration with the public social workers, social welfare organisations and charitable societies for effectively rehabilitating the prisoners in the best way possible. The public and social workers should be given facilities by the Jail Authorities for meeting the prisoners and to talk with them freely along with the Welfare Officers in prisons in order to instill self confidence in the prisoners to face the society outside without the stigma of imprisonment. The Chief Welfare Officer at the Headquarters of the Department in collaboration with the State Aftercare Association should plan and programme the enlistment of public co-operation and participation of the social workers and welfare agencies for this purpose. The probation services should extend adequate support in making the aftercare programmes a success. The prison administrators must give up their complex that public participation and the voluntary welfare services extended by the various organisations for the welfare of prisoners are attempts of outside agencies to intrude their domain.

The Committee recommends as follows:—

(1) Public awareness should be created by way of orientation through the available public audio-visual media about the programmes of prison management, the treatment given to the prisoners and its aims and objectives.

(2) Aftercare Services should be well-organised to encourage public and the social welfare agencies and ensure their co-operation and participation in the prison programmes.

(3) The Public, Philanthropists, Social Workers and Members of Voluntary Welfare Agencies should be provided with opportunities to visit the prisons and to render their services through discourses, preachings and ministrations about social, moral, cultural and ethical values of life in order to redeem and resocialise those under incarceration.

(4) The Prison Administrators, Prison Welfare Officers, the Probation Officers and the members of the Aftercare Association should work in close collaboration with the public social workers, welfare agencies and charitable institutions for arranging the rehabilitation of prisoners.

(5) The Chief Welfare Officer at the Prison Headquarters should be entrusted with the task of planning and implementing such programmes.



CHAPTER XXVII  
SUMMARY OF RECOMMENDATIONS

Sl. No.	<i>Summary of recommendations</i>
(1)	(2)

CHAPTER 1  
INTRODUCTION (X)

CHAPTER 2  
PRISONS AND PRISON REFORMS—  
A HISTORICAL SURVEY (X)

CHAPTER 3  
ORGANISATION AND STRUCTURE

1. Treatment of offenders for preventing further crime, both institutional and non-institutional, irrespective of the age group of the offenders/criminals/delinquents, probation and aftercare services leading to their social rehabilitation should be co-ordinated and integrated and the Department of Prisons and Correctional Services formed.
2. The Head of the Department of Prisons and Correctional Services should be designated as the I. G. of Prisons and Director of Correctional Services.
3. The Headquarters Organisations should be reorganised as proposed under para 3.22. A post of Additional I. G. of Prisons and Additional Director of Correctional Services should be newly created.
4. One A. I. G. of Prisons should be appointed to the Southern Region and the Regional set up strengthened well-defining the functions as proposed under para 3.27.
5. Separate staff patterns as recommend under para 3.30 should be adopted for the Central Prisons.
6. The Assistant Jailors and the other executive officers should be posted as House masters in Blocks and Ministerial functions should be delinked from executive functions.
7. The staff pattern as proposed in para 3.32 should be adopted in the Open Prisons.
8. Two more Open Prisons should be established in the State.
9. The Women's Prison, Neyyattinkara should be abolished and instead Women Prison Annexes established in Central Prisons and District Jails.



*Sl. No.*                      *Summary of recommendations*

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10. The buildings constructed for the Women's Prison at Neyyattinkara may be utilised for opening a Sub Jail there.
11. The Sub Jails at Thiruvananthapuram, Kollam, Ernakulam and Palakkad, should be upgraded as District Jails and prisoners sentenced for periods upto one year be accommodated there.
12. Pattern of staff as proposed under para 3.35 should be adopted for the District Jails.
13. The Sub Jails at Mavelikkara, Pathanamthitta, Attingal, Kottayam, Muvattupuzha, Aluva, Thalassery, Manjeri and Kasargode should be upgraded as Special Sub Jails.
14. The staff pattern proposed under para 3.36 should be adopted for the Special Sub Jails.  
Persons convicted for sentences upto six months should be kept in the Special Sub Jails.
15. One 'A' Class Sub Jails may be newly established at Kulamavu in order to provide accommodation for the prisoners from the courts in Painavu.
16. For the 'A' Class Sub Jails, the staff pattern proposed under para "3.36—Sub Jails" should be adopted.

#### CHAPTER 4

### RECRUITMENT, SELECTION AND TRAINING OF PERSONNEL

17. The recruitment of Warders should be taken away from the purview of the Kerala Public Service Commission, because of the inordinate delay in getting approved candidates for appointment advised by the Commission.
18. The system of engaging untrained Employment Exchange candidates as Warders should be discontinued.
19. A Recruitment/Promotion Board for the recruitment and selection of candidates to the different categories of posts consisting of the I.G. of Prisons and Director of Correctional Services, Additional I. G. of Prisons and Director of Correctional Services and the Director, S.I.C.A. should be constituted. It is advisable to have a State level recruitment board for the common selection of Warders, Police Constables, Fireman, Excise Guard and Forest Guard.



*Sl. No.**Summary of recommendations*

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20. Training courses as recommended should be arranged.
21. Promotion Tests should be conducted for all categories of staff from A.J. Gr. I. and above excepting those, whose selection is made by the Departmental Promotion Committee.
22. The post of Principal, S.I.C.A., should be equated with that of the D.I.G. of Prisons at the Headquarters and redesignated as the Director, S.I.C.A.
23. The teaching faculty of the S.I.C.A. should be well qualified and motivated and they may be given some extra allowance as an incentive to be there.
24. The qualifications prescribed and the methods of recruitment to the different categories of posts in paras 4.5 to 4.25 should be approved and adopted.
25. The members of Ministerial staff in the Department should be required to pass the Kerala Jail Officer's Test, excepting the practical test of it also in addition to the other obligatory Departmental Tests for completion of probation/promotion.

## CHAPTER 5

CLASSIFICATION/CATEGORISATION OF PRISONERS  
AND DIVERSIFIED INSTITUTION

26. Better and more modern prison buildings should be constructed either in addition to or in the place of the existing ones, conforming to the standards laid down for such buildings.
27. The hardened criminals should be scrupulously kept away from the first timers and lodged either in different cells in the same institution or, better still, in different institutions. Persons dealt with under the Juvenile Justice Act, 1986 and those coming under the purview of the Kerala Borstal Schools Act, 1961 should be lodged in separate buildings away from the harmful influence of the hardened criminals.



<i>Sl. No.</i>	<i>Summary of recommendations</i>
(1)	(2)

28. The present arrangement of reserving the [Central Prison at Viyyur exclusively for habitual, professional and organised criminals should be continued and the practice of keeping the non-habituals in this prison even if it be for administrative reasons should be discouraged, if not given up altogether. All other categories of adult non-habitual offenders should be lodged only in the Central Prisons at Thiruvananthapuram and Kannur.
29. In order to reduce over-crowding in the Central Prisons, the Committee has suggested upgradating the Sub Jails at Thiruvananthapuram, Kollam, Ernakulam and Palakkad, into District Jails in order to house the short-term non-habitual prisoners i.e., those convicted for periods ranging from one month to twelve months.
30. The Sub Jails Mavelikkara, Alappuzha, Kottayam, Muvattupuzha, Aluva, Thalassery, Manjeri and Kasargode should be upgraded into Special Sub Jails for lodging prisoners sentenced up to six months.
31. The Women's Prison, Neyyattinkara be closed down and instead, women's annexes be constructed in the Central Prisons, the District Jails and also in the Sub Jails. Women convicted for what may be called 'social offences' like prostitution, soliciting etc. should be kept in separate blocks/wards/cells.
32. Prisoners indulging in white collar crimes and in drugs and drug related offences should be scrupulously kept away from the others for obvious reasons.
33. In the Sub Jails as they do now, prisoners convicted for periods upto one month besides remand prisoners and undertrials should be kept.

#### CHAPTER 6

#### LIVING CONDITIONS IN PRISONS

34. Each prisoner should be allowed 3.72 sq. meters of sleeping space and 17 cubic meters of breathing space in the wards and cells where they are accommodated. Flush out latrines and urinals should be provided inside the wards for the use of the prisoners during night.



*Sl. No.**Summary of recommendations*

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35. Each cell should have a dimension 3.66m. × 2.44m. × 3.92m. with proper ventilation and windows in the front and rear walls of the cells. In the case of dormitories also where a larger number of persons are accommodated, facilities for proper ventilation and lighting shall be made.
36. Adequate number of toilets should be constructed outside the cells for use by the inmates during day time.
37. The drains, gutters and sewers should be properly covered and arrangements made for easy drainage and for periodical cleaning of the septic tanks.
38. Provision should be made for drinking water in each cell or block. Adequate water should be made available outside the blocks to enable the prisoners to bath and wash their clothing.
39. Subject to availability of space, bathing cubicles should be provided along with an adequate number of washing platforms.
40. Steps should be taken first in the Central Prisons and the District Jails and later in the Sub Jails to set up laundries with facility to sterilise and fumigate the clothing and bedding of the inmates at regular intervals.
41. The Superintendent and his officers should constantly monitor the facilities existing in the prisons, locate the lacunae and rectify them without any loss of time. The Medical Officers should pay attention not only to the health of the prisoners but also to the cleanliness of the prison premises. A weekly sanitary round should also be conducted by the Superintendent accompanied by the Jailor and the Medical Officer.
42. A civil works wing in the Prisons Department charged with the task of preparing of estimates, calling for tenders and executing the works should be set up. Officers from the P.W.D. may be taken on deputation to this civil wing.
43. The inmates shall be provided with dresses stitched to suit their physical measurements.
44. The mundooos now issued to the prisoners are found rather short in length and width. These mundooos should be at least two meters long and 132 cm. broad.



## Sl. No.

## Summary of recommendations

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45. The women prisoners should be supplied with light blue cotton sarees instead of 'mundoo's and blouses, brassiers in the place of 'Roukeys' or bodices and petticoats as under garments according to their body measurements. They shall also be supplied with sanitary napkins as and when required. The women prisoners may be issued three sets of clothes at the time of their admission and fresh supply once in six months.
46. Children admitted to stay with the women prisoners shall be given suitable clothing similar to that usually worn by children of the same age living outside.
47. The existing diet scale of 'C' class prisoners shall continue with the following changes.
- (i) Fire wood—100 gms. more per head per day.
  - (ii) An enhancement in the issue of curry powder under item (4) of item "III Ingredients" of rule 340 of K. P. Rs. is recommended as the present quantity of curry powder viz. 11 gms. is found to be inadequate to meet the requirements. The revised rate of issue shall be as follows:—
- |           |   |        |
|-----------|---|--------|
| Chillies  | — | 9 gms. |
| Coriander | — | 4 gms. |
| Turmeric  | — | 2 gms. |
48. The prisoners shall be given feasts on Gandhi Jayanthi Day also.
49. The vessels used for preparing the food items and the plates and tumblers used by the prisoners shall be of stainless steel instead of iron or copper or aluminium or hindalium.
50. May consider to adopt grinders and mixies in the kitchens in due course.
51. The prison kitchens should be modernised by introducing cooking gas in place of firewood as quickly as possible.
52. The Prisons Medical Officers should ensure that nutritious diet as per the diet scale is prepared under hygienic conditions and served to the prisoners.
53. The Officers in charge of dietary items shall be adequately trained in the management of kitchens.



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*Summary of recommendations*

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54. The higher officials in the prisons shall be responsible for the proper management of kitchen and for the effective supervision of the procurement of items of good quality and in proper quantity according to the schedule and for the timely distribution of food to the prisoners.
55. Bartering of food materials among the prisoners should be strictly prohibited and any violation should be dealt with very severely.
56. The prisoner should be given all facilities to communicate with the members of his family and also have interviews with them subject only to the reasonable restrictions imposed by the Kerala Prisons Rules.
57. Spacious interview halls should be constructed in all the Central Prisons and the District Jails where the prisoner and his relatives can talk to each other in reasonable privacy.
58. Waiting sheds should also be put up in these institutions to enable the visitors to await their turn for the interview.
59. The limit for purchase of articles from the canteen may be raised to Rs. 100 p. m. per prisoner.
- 59(a) The provisions in Rule 280 A of the Kerala Prison's Rules relating to grant of study leave should be used liberally.
60. T.V. or listening to the radio, other audio-visual programmes may also be organised by the prison officials as often as possible.
61. The histrionic talents of the prisoners should be encouraged by organising cultural programmes periodically in the jails.
62. The facilities now available for religious ministration and moral preaching may be continued.
63. The proper functioning of the visitors boards in the jails should be ensured.



Sl. No.

*Summary of recommendations*

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## CHAPTER 7

## TREATMENT PROGRAMMES

64. A relaxed, positive and constructive atmosphere should be created in the institutions.
65. Good personnel and inmate relationship based on mutual trust and confidence on friendly terms but not too familiar to infringe the security and discipline shall be maintained.
66. A formal study of individual inmates and their initial classification and segregation shall be arranged.
67. Care and welfare of the inmates should be attended to.
68. Steps should be taken to ensure maintenance of firm and positive discipline.
69. Adequate measures should be taken to attend to the urgent needs and problems of inmates.
70. Planned and scientifically organised vocational training and treatment programmes that are in agreement with the needs and requirements of the inmates for education and recreation should be organised.
71. Measures should be taken for strengthening the family ties of the inmates without affecting the security and discipline.
72. Incentive should be given to the prisoners in the form of reasonable wages for the work done, remission of sentence, liberal grant of leave parole or furlough, transfer to native stations or to open institutions and a review of their cases for premature release.
73. Case study, counselling and guidance should be carried out as welfare services.
74. Facilities should be given for psychotherapy and supportive therapy.
75. Measures should be taken for planning the release/pre-release preparation and aftercare and follow up on scientific lines.
76. Congestion and overcrowding should be avoided in the prisons by putting up more buildings or blocks to enable the inmates to move about freely.



Sl. No.

*Summary of recommendations*

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77. The prison officials should move with the inmates freely, treating them as their friends who have unfortunately fallen on bad ways.
78. Except where it is extremely necessary due to the violent behaviour of the inmates, there should be no occasion whatsoever for physical or mental torture of the inmates.
79. Libraries should be established in all the institutions. Voluntary bodies may be approached for donating books to the institutions.
80. Well qualified teachers may be appointed in the prisons.
81. Imprisonment should not be considered a bar on employment in Government or private service. Provision should be made in the rules to offer employment to the released prisoners who during the period of their incarceration had behaved well and have shown an aptitude in some trade or the other on the basis of the certificate of proficiency and good behaviour issued by the Superintendent of the institutions concerned.
82. Recreational and cultural programmes are now found to be either non-existent or are not carried out properly. It should be the endeavour of the prison officials to provide facilities to the inmates to participate in indoor and outdoor games.

## CHAPTER 8

## VOCATIONAL TRAINING OF INMATES

83. The inmates should be given work programmes and vocational training to suit their tastes, temperaments and aptitude.
84. The trades and industries on which they are given opportunities should be such that which they can rely upon to earn a livelihood after release.
85. They should be provided with such facilities for acquiring vocational training in industries and crafts.



*Sl. No.**Summary of recommendations*

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86. Vocational training programmes in self employing trades and occupations should be introduced.
87. Prison industries should be organised on business-cum-commercial basis.
88. While designing employment and production policies in prisons the composition of inmates coming from rural and urban areas should be taken into consideration and so a variety of opportunities for work and vocational training should be arranged in order to cater the needs and requirements of the different types of inmates population.
89. Production units in the institutions should be mechanised either partially or wholly.
90. Inmates should be given work experience in every sections of a trade or industry which they can rely on.
91. Modernisation, expansion and diversifications of the existing industries in the institutions should be planned scientifically.
92. The previous experience if any, of the inmates should be considered while providing them with work programmes.
93. The following factors should be taken into consideration while engaging the inmates, on work programmes and vocational training.
  - (i) The mental and physical health condition of individual inmates.
  - (ii) The requirements for the maintenance of security and discipline.
  - (iii) Age and physical ability.
  - (iv) Length of sentence.
  - (v) Tastes, talents, temperaments, skills and abilities as well as the potential for acquiring the skills in any particular trade or industry.
  - (vi) Native environments such as rural or urban backgrounds for utilisation of the skills attained.



Sl. No.

Summary of recommendations

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## CHAPTER 9

EXPANSION OF INDUSTRIES AND AGRICULTURE  
IN THE PRISONS

94. The prison industries and vocational training programmes should be reorganised, expanded and mechanised.
95. The weaving units in the prisons should be expanded and mechanised for the production of textiles, besides prison clothing and bedding beds, bed sheets, mattresses, covers, pillows, pillow covers, bandage clothes, dungre clothes, towels of different sizes and fancy items and the like required in the Health Services Department. Manufacture of terrycotton khaki clothing required for use in the Prisons, Police, Fire Force and Excise Departments should also be arranged to be carried out developing the units into a textile industry.
96. The carpentry units in the Central Prison, Thiruvananthapuram and Kannur should be mechanised and developed on a commercial basis for the production of benches, desks, tables, chairs, almirahs, lockers, shelves, racks, trays, household items of furniture and fancy items, toys, dolls and like.
97. A carpentry unit, should be newly established for engaging the prisoners in the Central Prison, Viiyur.
98. The leather unit in the Central Prison, Thiruvananthapuram should be expanded and mechanised to increase production of quality goods and fancy leather goods, baby shoes, shoes for school uniforms, leather bags of different sizes and patterns, leather belts and caps, money bags and purses and other marketable items of leather goods should also be arranged to be manufactured besides undertaking the manufacture and assembling of ammunition boots for use in the police and other departments.
99. A leather unit should be newly established in the Central Prison, Kannur where the inmates of the Borstal School, Kannur shall also be given work and training facilities.
100. Binding units should be well equipped in the Central Prisons at Thiruvananthapuram and Kannur for the production of bound books, school note books of different sizes, work books and the like.



## Sl. No.

## Summary of recommendations

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101. Phenyle making, tag making, soap making, candle making, envelop making, rubber shoe making should also be arranged as work and vocational training programmes in the District Jails, Special Sub Jails and Sub Jails.
102. Motor vehicles repair units with facilities to carry out painting, servicing, upholstery work, tyre retreading, etc., should be organised in all the major prisons.
103. The smithy unit in the Central Prison, Thiruvananthapuram should be expanded and developed enabling the large scale production of agricultural implements and household iron utensils and knives of different sizes. Similar units should be established in the Central Prisons at Kannur and Viyyur also.
104. A new unit for the production of metallic furniture should be started in the Central Prison, Kannur, with facilities for vocational training.
105. The tailoring units in the prisons should be expanded to undertake stitching of readymade garments, uniforms, suits and fancy items of dresses according to the changing fashions and patterns.
106. The agricultural operations and cultivation programmes in the prisons should be expanded and modernised.
107. Rubber plantation programmes in the Open Prison area at Nettukaltheri should be strengthened further. All the unproductive rubber trees in the existing plantation shall be removed and recultivation tried in an area of about 100 acres. Similar rubber plantation operations shall be started in the new open prisons also.
108. For the proper production of superior quality rubber sheets, modern smoke houses should be put up avoiding delay.
109. The proposed chappal making unit should be started to function immediately.
110. An oil palm farm should be raised in the open prison land in an area of about 35 acres with facilities for oil extraction.
111. Coconut palms should be newly planted in all the available land in the prison compounds and inter crop cultivation of vegetables arranged.



*Sl. No.**Summary of recommendations*

(1)

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112. Cultivation of large vegetables and leafy vegetables should be arranged in all the vacant land.
113. A project for the production of vegetable seeds and seedlings should be launched and implemented. Under the project, different kinds and varieties of vegetables as well as bananas and plantains shall be cultivated and plantain fiber production unit introduced.
114. Industrial units for the production of seed covers and seedlings covers shall be established in the women prison annexes.
115. Goat farming and broiler chicken farmings should also be tried in the open prisons and the central prisons.
116. Dairy farms of cow breeding and buffalow breeding in an area of five acres of fenced land with temporary shelter houses should also be carried out in the open prison areas.
117. Care, supervision, collection and accounting of the usufructs, products and produces and their distribution and marketing should be done under proper and vigilant management.
118. The inmates labour at the residential quarters of the prison staff should be completely banned and prohibited.
119. An autonomous board be formed in the Department in the name the "Kerala Prison Welfare Board for Industries and Agriculture" with full fiscal and administrative powers.
- 119(a) The purchases of raw materials, machinery and equipments, tools and implements, manures, pesticides should be arranged by the I. G. of Prisons and the Director of Correctional Services as planned and programmed by the autonomous board for the programmes and vocational training.
- 119(b) Show-rooms-cum-sales counters should be opened in the premises of the Central Prison on the way side for the sale of the products and produces.
120. There should be adequate funds for meeting the requirements of the work programmes and vocational training as working capital.
121. There should be a chief store at the headquarters for storing and distributing all the products and produces.



*Sl. No.*                      *Summary of recommendations*  
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122. The accounts of the production units should be subjected to regular and proper annual audit by the internal audit wing (Inspection Wing).
123. The requirements of the Government Department and semi Government agencies and private and public undertakings as per their indents and requisitions should be compiled and consolidated and arrangements for their production and supply should be properly planned and made by the board in time.
124. The wages system should be rationalised.
125. The wage rates for those engaged in the production units shall be equal to the local minimum wage available for similar outside labour deducting the average percapita maintenance cost of inmates.
126. Utilisation of the wages should be determined thus: One-fourth to be set apart for utilisation for canteen purposes inside the prison, one-fourth to be sent to their families, one-fourth to be paid to the victim's families and the remaining one-fourth to be kept in P.D. Account payable at the time of release of the prisoner concerned.
127. Those under vocational training shall also be paid at one-third the rate applicable to those working in the production units for similar kind of work in the form of a stipend and the utilisation of which should be regulated in the like manner as specified in item supra.
128. Extra wages should be paid for extra work done as an encouragement for the fullest utilisation of the available human resources.
129. The object of the work and vocational training programmes shall be to equip the inmates for their proper rehabilitation and at the same time the optimum utilisation of all the available human resources and the natural resources for useful purposes of mutual benefit to the inmates and the society.
130. The inmates on release shall be given certificates of proficiency and experience in the kind of work in which they have acquired training, skill and proficiency and tools kits to each, which may fall helpful to them for self-employment or to acquire an employment.



*Sl. No.**Summary of recommendations*

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131. The debarment orders for getting employment in public services or elsewhere to those undergone a term of imprisonment have to be cancelled and instead specific and clearcut standing orders issued by Government enabling them to get employment in Government service or public undertakings on the strength of the proficiency and experience certificates issued by the prison authorities.

## CHAPTER 10

## SYSTEM OF LEAVE, PAROLE AND FURLOUGH

132. The authority to sanction 'leave' of any kind to the prisoners shall normally vest with head of the Prisons Department. Such 'leave' alone should be taken as sentence undergone.
133. Government may ofcourse retain special powers for the grant of 'parole' and the parole so granted should only be treated as sentence at large.
134. Reports may be obtained from the Probation Officers concerned only when the leave has to be sanctioned for the first time after the prisoner is lodged in the prison. Thereafter for subsequent releases on leave no such reports need be insisted. However the Probation Officer will be required to send regular reports to the I. G. of Prisons on how the prisoner behaved himself while on leave and whether anything adverse came to his notice which would disqualify the prisoner from enjoying leave at a later date.
135. Prisoners who are unable to produce sureties or deposit security amount may be granted leave on self bond keeping the wages earned by them till then and to be earned in future as the security amount.
136. In case the prisoner violates any or all conditions of leave, the unexpired portion of the leave should be cancelled, the prisoner apprehended treating it as escape from lawful custody and brought back to the prison and the entire period of leave granted during that spell should be treated as sentence at large or as bail.



Sl. No.

*Summary of recommendations*

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(2)

137. Government may consider granting 'parole' to prisoners who wish to pursue their studies or acquire higher academic or professional qualifications under rule 280 A of the KPRs. The parole so granted shall be treated as bail or sentence at large.

## CHAPTER 11

## PREMATURE RELEASE OF PRISONERS

138. There shall be a statutory provision for reviewing the cases of lifers who have completed eight years of actual imprisonment and ten years with remission for premature release, notwithstanding the provision in section 433 (A) Cr. P.C.
139. Section 433 A itself should be amended providing for the above review. A local amendment with the assent of the President of India be made.
140. Such a review should be conducted every six months and recommendations for premature release made only in deserving cases after a detailed study of the facts of the case, the circumstances of the Commission of the offence, the behaviour of the prisoner while in jail and the possibility of his reformation and his acceptability by the society after release.
141. For this purpose, a State Prison Advisory Committee should be set up and its recommendations forwarded to the Governor for orders under Article 161.

## CHAPTER 12

IMPRISONMENT—NEED FOR REVIEW  
(SIMPLE IMPRISONMENT AND SHORT-TERM  
IMPRISONMENT)

142. Simple imprisonment and short term imprisonment should be limited to the minimum.
143. We should not go in for absolute abolition of short term imprisonment from the point of view of the punitive aspect involved in the criminal justice administration.



<i>Sl. No.</i>	<i>Summary of recommendations</i>
(1)	(2)
144.	We recommend that the courts should be appraised of the proper implication of sections 360 and 361 of the Code of Criminal Procedure for the fullest operation in their spirit.
145.	We recommend that sentence of imprisonment for periods less than six months should be curtailed to the minimum.
146.	Steps should be taken for the liberal use of release on probation supervision, release on admonition and imposition of fine payments in instalments, if necessary, as alternatives to short term imprisonment.
147.	Prisoner sentenced to short term imprisonment of either description should be made to do some kind of work and job training, by way of pursuation giving wages as incentive.

## CHAPTER 13

## WOMEN PRISONERS

148. The Women's Prison, Neyyattinkara should be abolished as there is no scope for a separate Women's Prison for the whole State at any one place.
149. Women annexes in separate enclosures be established in the Central Prisons and District Jails and separate wards or blocks in the Sub Jails for keeping the women prisoners.
150. The care and custody of the women prisoners should be entrusted with women personnel.
151. Regular Female Warders should be appointed instead of the Contingent Female Warders in daily wages.
152. Different categories of women prisoners should be segregated, preventing contamination.
153. There should be provisions made in the Immoral Traffic Prevention Act, 1987 for dealing with the persons responsible for the sexual offences.
154. The practice of arrest, custody and charge-sheeting of women "found under suspicious circumstances" under the Kerala Police Act should be dispensed with and instead such persons be sent to Short Stay Homes for arranging their re-assimilation in the society.



<i>Sl. No.</i>	<i>Summary of recommendations</i>
(1)	(2)

155. The services and establishments under the Immoral Traffic Prevention Act should also be brought under the umbrella of Correctional Services in order to exercise proper control and supervision for arranging the social rehabilitation of all the social offenders or wrong doers together.
156. Children admitted to prisons along with the mothers should be arranged to be sent to Government aided orphanages or charitable homes in order to be maintained there for such period till parents or relations come forward to receive them.
157. Facilities for the proper medical examination and treatment of women found suffering from sexually transmitted diseases should be provided.

#### CHAPTER 14

### TREATMENT OF YOUNG AND ADOLESCENT OFFENDERS

158. Care and treatment of adolescent and young offenders should be carried out in the Department of Prisons and Correctional Services.
159. The administrative control of the Borstal Schools shall be vested in the Home Department which deals with law and order and judiciary.
160. Borstal Schools should never be treated as miniature jails.
161. The staff appointed there should be specially recruited and trained and retained there itself continuously atleast for a period of three years or till attainment of eligibility for promotion to a higher level whichever is earlier.
162. The custodial and supervisory staff should be given sufficient orientation about the type and object of the institution with special reference to the manner of handling the adolescent and young offenders, especially about there psychology in relation to the age-group of transition to adulthood.
163. Educational and recreational facilities should be well arranged.
164. Treatment programmes should be suited to the age-group.



<i>Sl. No.</i>	<i>Summary of recommendations</i>
(1)	(2)
165.	Training facilities in useful avocation should be well arranged.
166.	The staff should set an example to make the inmates understand that they are their well-wishers, guides and that they are detained there only for attending to their care, welfare and social rehabilitation.
167.	The inmates should be paid wages at some reasonable rates for the work done by them as an incentive to do good work in some useful trades.

## CHAPTER 15

JUVENILE DELINQUENTS, CHILD OFFENDERS AND  
JUVENILE HOMES

168. Since juvenile delinquency has a bearing on the success or otherwise of the Correctional Services and also on the prevention of crime and treatment of the offenders it should rightly be handled only by the Department of Prisons and Correctional Services.
169. A separate cell may be constituted in each revenue district with specially selected police to deal exclusively with the delinquent juveniles under the Juvenile Justice Act.
170. A separate unit should be set up in the prisons headquarters to attend to the administrative and other aspects of juveniles.
171. The personnel manning the special homes should be trained in child psychology and management of juvenile homes.
172. Job-oriented training schemes should be introduced and properly implemented in order to enable the inmates to find a job after leaving the home.
173. They may be also given a small amount of pocket money as an incentive.



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Summary of recommendations

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## CHAPTER 16

## TREATMENT OF MENTALLY SICK PRISONERS

174. Psychiatrist's services in the major jails should be made full-time.
175. The prison personnel including the custodial staff should be given training and orientation on the elements of psychology and psychiatry on inception and at regular periodical intervals.
176. A separate ward or block in separate enclosures should be identified for the establishment of a Psychiatric Care Unit or Mental Health Care Unit in the Central Prison, Thiruvananthapuram, for attending the cases of all the mentally sick prisoners of the State together without transferring them to the Mental Hospitals where adequate facilities for the maintenance of their security and discipline are not available.

## CHAPTER 17

## REMAND AND UNDERTRIAL PRISONERS

177. Liberal use of release on bail on personal recognisance bond or release on bail on personal sureties or release on bail in the surety of Probation Officers should be made rather than ordering remand under judicial custody.
178. Investigation should be completed within the time limit specified in the relevant sections of the Crl. Procedure Code.
179. Report of apprehension be made to the courts within twenty four hours, without fail or lapse.
180. The use of police excesses and 'third degree methods' in police station lock-ups during investigation should be put a stop to.
181. Production before courts should be arranged on due dates.
182. Escort of prisoners should be entrusted with the warder staff, by increasing the staff strength, because of the difficulty experienced in getting timely police escort for such purposes.



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*Summary of recommendations*

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183. District-level review committees should meet at regular intervals and review the long pending cases with a view to reducing the number of remand and undertrial prisoners in the Jails.
184. In the Jails the remand and undertrial prisoners should be accommodated separately away from the convicted prisoners.
185. The arrest of women and girls under 'suspicious circumstances' and remanding them to jails are only of nuisance value to spoil their future by branding them as sex offenders should be discouraged, by issuing strict instructions to the police. This should not in any way hinder the implementation of the provisions of the Prevention of Immoral Traffic Act, as such of those caught under the Act will be remanded to custody only in the "Protective Homes" and not in the jails.
186. Persons remanded as involved in Gunja and other Narcotic Substances cases should not be allowed to mingle with other remand and undertrial prisoners.
187. Habitual remand prisoners and persons remanded to custody in theft, dacoity and robbery cases should not be allowed to mingle with the ordinary type of remand and undertrial prisoners.

## CHAPTER 18

## OPEN PRISONS

188. Two more open prisons of the type of the existing one in the State, being located in the central and northern regions of the State where vide and extensive cultivable areas of land are available should be established, in due consideration of the fact that open air prisons are the most appealing programme of institutional correction aimed at the resocialisation of criminals.
189. In the open prisons, agricultural operations, on a large and extensive scale as well as rubber and other plantation operations, goat farming, oil palm cultivation and oil extraction, pig farming, broiler chicken farming, etc. should be instituted as productive employment as recommended in Chapter IX of this report.



<i>Sl. No.</i>	<i>Summary of recommendations</i>
(1)	(2)
190.	Medical aid should be adequately provided with the appointment of a full time medical officer in each.
191.	The inmates of the open prisons should be supplied with cots and pillows in the dormitories to avoid the threats from scorpions, reptiles, etc.
192.	The inmates should also be provided with a kit box each for keeping their personal belongings.
193.	The staff of the open-prisons should be given free residential accommodation facilities in the premises of the prisons in separate enclosures.
194.	Transport and communication facilities should be well provided in due consideration of their locations in far off and out of the way places.
195.	Enhanced rates of wages for extra labour be made available to the inmates of the open prison.

## CHAPTER 19

PROBATION, AFTERCARE AND REHABILITATION  
OF OFFENDERS

196. Probation and follow up and aftercare services should be integrated to the department of prisons and correctional services and the Head of this Department should be assisted by a Joint Director of Probation and Aftercare Services, supported by an Assistant Director at the Headquarters and Regional Probation Officers and District Probation Officers at one each for every two criminal courts.
197. The Probation Officers being the keystone of the probation system, they shall be suitable and fit persons in possession of adequate academic and professional qualifications.
198. They must have minimum general educational qualification of graduation with a degree or diploma in sociology, or criminology or psychology or social service administration, or a minimum practical experience of two years in social service or correctional administration.



*Sl. No.**Summary of recommendations*

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199. They should be given pre-entry training as per programme prescribed by the Chief Probation Superintendent (Joint Director of Correctional Services) at least for a period of three months before the commencement of the period of probation for 2 years on duty within a continuous period of three years to attain full membership in service. They should be given the pay structure as that of the Welfare Officers in Prisons.
200. As they have to undertake journeys very frequently, for the efficient discharge of their functions, as laid down in the Kerala Probation of Offender's Rules, 1960, they should be provided with conveyance facilities.
201. They shall be provided with identity cards, as they are not expected to wear any uniform or badge.
202. They should closely associate and participate with the recognised clubs and organisations rendering social services and welfare work in order to secure their assistance for providing the probationers with employment opportunities.
203. No recommendations are made with regard to the assignment of duties and responsibilities of the Probation Officers, as the Kerala Probation of Offenders' Rules, 1960 have made adequate stipulations in such matters.

## CHAPTER 20

CLASSIFICATION OF PRISONERS ACCORDING TO  
SOCIAL STATUS AND EDUCATION

204. There should not be any discrimination and differential treatment among convicted prisoners, on the basis of social status, education and being accustomed to a superior mode of living.
205. All the convicted prisoners should be treated alike to enjoy similar privileges and treatment.
206. The rule relating to the higher classifications of convicted prisoners into Class 'A' 'B' 'C' and convicted special class prisoners both in the Kerala Prisons Rules and the Kerala Prison Manual should be expunged.



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*Summary of recommendations*

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207. The special powers conferred on the Government by rule 757 A of the Kerala Prisons Rules and rule 994 of the Kerala Prisons Manual Volume I should also be expunged as they are against the Constitutional right of equality.

208. Only persons detained in custody under the different laws in force as a matter of 'precaution' and not as punishment shall of course be given special treatment in the Prisons declaring them as special class prisoners as they are not convicted prisoners.

## CHAPTER 21

## THE STATUTORY PROVISIONS AND THEIR IMPLEMENTATION

209. A unified legislation covering all aspects of the prisons, prisoners and the Prisons Administration in the State replacing all the outdated Acts on the subject should be brought into force.

210. A Rules Revision Cell should be formed at the Headquarters of the Department under the immediate charge of the Addl. I. G. of Prisons and Addl. Director General of Correctional Services with supporting staff consisting of one Senior Superintendent and two or three Clerks to make all the Rules updated, incorporating all the amendments so far issued and to make them upto date incorporating all those not included so far and defined so far.

211. The Rules Revision Cell so created should continue to take further resultant actions in pursuance of implementation of the recommendations contained in this report.

212. The High Court of Kerala may be requested to issue directions to the Chief Judicial Magistrates to ensure liberal use of the Probation System.



Sl. No.

*Summary of recommendations*

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## CHAPTER 22

## CORRUPTIONS AND MALPRACTICES IN PRISONS

213. A Vigilance Squad should be formed at the Headquarters of the Department under the Departmental Vigilance Officer viz. the Addl. I.G. of Prisons and Addl. Director of Correctional Services with the assistance of the Chief Audit Officer and the Stock Verification Officer for surprise check and inspections, besides the periodical exercises.
214. The staff selection, training and orientation should be such as to prevent and arrest the corrupt practices and tendencies.
215. The prison staff should be given better service prospects and living facilities and create an awareness in them about their dignity i.e., being above board.
216. And, stringent disciplinary action should be initiated ensuring termination of services of persons who are found to be corrupt.

## CHAPTER 23

## RESEARCH AND STATISTICS (x)

## CHAPTER 24

## ACTION PLAN

217. An action plan should be drawn up for the implementation of the recommendations on priority basis as a phased programme to be completed at least by 2000 A.D.
218. Funds required for the purpose must be available by way of Finance Commission Awards and Central Assistance for the Programme of Modernisation of Prison Administration.
219. Adequate funds according to the requirements should be provided in the Annual Budget Estimates of the Department for accelerating the process of implementation of the recommendations in phases.



## CHAPTER 25

## VICTIMOLOGY

220. Suitable amendments would be made in the Indian Penal Code and Criminal Procedure Code requiring the offenders liable to pay compensation for the victims of their crimes at some reasonable rates as an alternative to imprisonment to a certain extent.
221. There should be provision made in the Prisons Rules for the payment of a portion of the wages earned by the prisoners as compensation payable to the victim's family as recommended in Chapter IX of this Report.
222. A Victims Compensation Fund should be constituted as recommended in para 25.4.

## CHAPTER 26

PUBLIC CO-OPERATION AND THE ROLE OF  
VOLUNTARY AGENCIES

223. Public awareness should be created by way of orientation through the available public audio-visual media about the programmes of prison management, the treatment given to the prisoners and its aims and objectives.
224. Aftercare services should be well-organised to encourage public and the social welfare agencies and to ensure their co-operation and participation in the prison programmes.
225. The public philanthropists, social workers and members of voluntary welfare agencies should be provided with opportunities to visit the prisons and to render their services through discourses, preachings and ministrations about social, moral, cultural and ethical values of life in order to redeem and resocialise those under incarceration.
226. The Prison Administration, Prison Welfare Officers and the Probation Officers and the members of the Aftercare Association should work in close collaboration with the public social workers, welfare agencies and charitable institutions for arranging the rehabilitation of prisoners.
227. The Chief Welfare Officer at the Prison Headquarters should be entrusted with the task of planning and implementing such programmes.



## CHAPTER XXVIII

### CONCLUSION

28.1 The committee has great pleasure to observe that it could complete its task with satisfaction, despite the fact that it was hard and arduous. The terms of reference were wide and all embracing.

28.2 At the first sitting itself, the committee prepared a comprehensive questionnaire relevant to the terms of reference and decided to circulate it amongst distinguished individuals, Associations and Organisations, for gathering their comments and suggestions. But it is regretted that the response from the individuals was meagre. The Associations and Organisations were courteous enough to depute their representatives to meet the committee at its sittings and give their views when invited. The committee took the initiative to meet selected individuals also to collect their suggestions.

28.3 To have a thorough knowledge of the set up, structure and functioning of the Prisons Department and its treatment towards the prisoners, as well as the living conditions and grievances of the prisoners themselves, the committee conducted extensive tours and intensive study in the State. The committee visited all the Central Prisons, Open Prison, District Jail, Special Sub Jail and almost all the Sub Jails in the State and a few jails in Tamil Nadu and also the Regional Institute of Correctional Administration at Vellore. The members of the committee took this opportunity to talk to the prisoners to elicit their grievances and problems. It is gratifying to note that the prisoners, by and large, had no serious complaints against the prison authorities and personnel for the treatment meted out to them. Similarly the prison personnel and authorities too were found to have had any serious problems with the prisoners in their behaviour and conducts in general.

28.4 Having completed its visit and study, the committee settled down to its job of formulation of the report. In total the committee held 68 sittings. After through discussions and deliberations, the committee took decisions encompassing the various recommendations aimed at the urgent need of modernising the Prisons Department in its style of functioning and treatment towards the prisoners with a view to reform and rehabilitate them in tune with the modern concept of human values. Taking into account the severe financial constraints of the Government, the committee took particular care to minimise its expenditure. The committee had also in its recommendations suggested various schemes and programmes, which as and when implemented would generate income and which in course of time, not only reduce the financial burdens on the part of the Government, but also make the Prison Department almost self sufficient.



28.5 The committee owes its gratitude to the Government, for having given the necessary help and encouragement to do justice to its job, and the Prison Department for their unstinted co-operation extended to the committee in the discharge of their duties and responsibilities. Particular mention has to be made about the cordial and sincere co-operation of Shri C. Subramaniam (Retd. D.G.P.), Shri Thangaraj (Retd. Addl. D.G.P.), Shri Jayaram Padikkal (D.G.P.) and Shri V. Krishnamoorthy (Addl. D.G.P. and the present ex-officio Member-Secretary of the committee) who had all functioned as ex-officio Member-Secretary of the committee in their capacity as Head of the Prisons Department. The committee also acknowledges the help rendered by Shri K. Selvaraj, the D.I.G. of Prisons. The committee expresses its gratitude to the distinguished gentlemen who have been good enough to favour the committee with their valuable suggestions. The committee does extend their sincere thanks to the various Organisations and Associations for their ready response to the committee's appeal to them to favour it with their views and suggestions. The committee will be failing in its duty if it does not make special mention of its Office Secretary Shri N. Sadanandan and the staff under him and place on record its appreciation of the services rendered by them. Finally the committee extends its sincere thanks to one and all who have been of assistance to the committee in one way or other.

K. KARUNAKARA PANICKER,  
*Member*

P. A. OOMMEN,  
*Member*

P.P. UMMEKCOYA,  
*Member*

Smt. LEELA DAMODARA MENON,  
*Member*

Dr. K. A. KUMAR,  
*Member*

C. SUBRAMANIAM,  
*Member*

V. KRISHNAMOORTHY, I. P. S.  
*Member-Secretary*  
(Addl. D. G. P. and I. G. of Prisons)

A. P. UDAYABHANU,  
*Chairman*



## APPENDIX I

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 30th 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.

5 (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.

6 (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.

7 (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.



9 (2) Where dormitories are used, they shall be occupied by prisoners carefully selected as bring 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.



17 (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.

17 (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.

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

### **Exercise and sports**

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

21 (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.

22 (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.



22 (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 postnatal 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.

23 (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.

25 (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 up on:

- (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.

26 (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-

28 (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.

30 (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.

30 (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, in human 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.

32 (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.



32 (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.

35 (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.

36 (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.



36 (3) Every prisoner shall be allowed to make 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.

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

### **Conduct 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.

38 (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.

41 (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.



41 (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 prisoner's 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.

43 (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.

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

43 (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 designed by the prisoner.

44 (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.

44 (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.

45 (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.

45 (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.

46 (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.

46 (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 exiting nature of the work.

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

47 (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.

47 (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 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.



49 (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.

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

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

50 (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.

51 (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.

52 (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.

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

53 (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.

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

54 (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 I 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.

60 (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.

63 (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.

63 (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.



63 (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 measures 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 case work, 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.

66 (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 conditions of the prisoner.

66 (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 co-operation 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 aftercare**

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 be 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 aftercare.



## 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 materials. 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 debtor 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 1st 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 authorise him to collect periodically information on the matter from the various countries, and to publish such information.



## **ANNEX**

### **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 expenses 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 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 co-ordinating 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. Non-military 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 experiences 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. Specialised 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 degree 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 candidates 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 organised 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 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 from 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 specialised 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.

## **XXIII. 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 29th 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, realising 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 selections 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 institutions 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 co-operation 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 brought to realize that he has not severed all links with society; in this connection 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 organised 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 forgoing 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.



## APPENDIX II

### 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 gaol life.

But my health or ill-health is a small matter which need not worry anyone, although friends and newspaperers 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 gaol 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 gaol life.

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\* First published in Allahabad, 1934.

† One of the Chief Congress Leaders in Bengal.



This differentiation into various classess 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 gaol 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 those "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 mean as something to show off and soothe public opinion. Most people who do not know the real facts are misled by them.

Some of the "A" class prisoners, as also especially some of the detenues or State prisoners, have often to undergo or 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 detenus 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

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



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. Today 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 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 with in the gaol 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 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 criminals 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 get 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 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 years 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 hearsay.



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 basis 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 in to 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 wall, 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 chances 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 outcaste 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 illtreated 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 the 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.

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 immoral 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

\* 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.



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 unmannerly 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 straight forward 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 12 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 falshood. Many years ago I pointed out some of the abuses to a Superintendent of my Prison (he became Inspector-General afterwards). 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 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 on 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 22nd, 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 bearing. Ramaswamy 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. Any where 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 landlords. 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 Tahsildar\*

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



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 reforms of our criminal procedure and even more so, a reform in the mentalities of our Judge who still think in the terms of a hundred years ago and are blissfully ignorant of mode in 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 intollerable 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 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 part 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 known 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—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 cannot 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 the 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 belongs 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 organisation which has been the pioneer of prison reform in England for more than six 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 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 hour 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 prison, 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 later 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 goals 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

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



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



### APPENDIX III

## 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 foolish but an entertaining pastime when inaction is thrust on one-and I wondered how life would have treated me if I had struck 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 punishments 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

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



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 weights 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 what might be called the unadulterated crimes, two facts stand out; both the numbers of convictions and the length of sentences are growing. Every year the various provincial prison reports complaint of the 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 Mohammed, 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 antisocial 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, something 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-co-operation 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 sympathy for the prisoners lot became wide spread, 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 for 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 official 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, never ceasing pain till mind itself goes 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 every body, 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 dangerous servant and a fearful master". It is true that civilization has been built up on co-operation and forbearance and mutual collaboration in a thousand ways. But when a crisis comes and the State is afraid of some danger then the superstructure 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 extremity 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 over 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 or 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.



ANNEXURE I (A)  
GOVERNMENT OF KERALA  
JAIL REFORMS COMMITTEE

**Questionnaire/Opinionnaire**

Punitive system of Prison Administration has been changed since decades to the correctional theory of Prevention of Crime and Treatment of Offenders based on the resolutions adopted at the International Conventions held since 1949. The Correctional theory in Prisons Administration is still remaining an experimental measure. Why is it so? Where is the flaw? What are the troubles? Various measures have been suggested by the different Committees, Commissions and working Groups, etc. But still it remains so. So this Committee is in its way to conduct a deep study into the problems, hurdles and bottlenecks by eliciting the valuable suggestions and opinions from all those who are academically fascinated in order to make out solutions and resolutions to raise recommendations for implementation, in phases, subject to finance and resources. This Questionnaire/Opinionnaire is intended on that inclination, to receive your valued opinions and suggestions.



## I. ORGANISATIONAL STRUCTURE

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1. Is the organisational structure of the Kerala Jail Administration is presently strong enough to meet the correctional needs?
2. If not, point out the weaknesses.

### Headquarters

3. What is the staff structure of the Headquarters organisation?
4. Is it in line with the recommendations so far made by the All India Committees?
5. If not, what are the weakness and deficiencies?
6. What are your suggestions to make up deficiencies if any?
7. If the staff structure at the Headquarters level is in excess of the requirement, suggest measures for deployment as to how the excess can be utilised usefully?
8. If inadequate, suggest measures to bring in adequacy?
9. What is the staffing pattern of a Central Prison?
10. Is the staff structure is in any ratio or relation with the strength of accommodation?
11. If no, such ratio is adopted, do you feel it necessary?



12. If you feel it a necessity, what is the basis of your feeling?
13. Do you feel that the present staff structure is sound enough to meet the correctional requirements?
14. If not, what are your suggestions for strengthening?
15. Do you feel that there should be some fixed ratio for the appointment of Prison Officials with the custodial staff?

#### **District Jail**

16. What is the staff pattern of the District Jail?
17. Is the present staff structure in strong enough to meet the requirements of correctional administration?
18. If not, suggest measures for improvement?
19. Do you think that there is scope for more District Jails in the State?

#### **Sub Jails**

20. Number of the Sub Jails in the State?
  21. What is the staff pattern of a Sub Jail?
  22. Is it adequate?
  23. If inadequate, what are your suggestions for addition?
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### General

24. What are the recruitment methods for the different categories of posts?
25. Can the Prison Service be managed efficiently with promotions from the lower categories on the basis of strict seniority?
26. Is it not necessary to adopt some fixed criterion for the selection of personnel to the higher posts on the basis of merit, aptitude and fitness, besides having the desired academic, professional and departmental test qualifications, as Prison Service requires certain amount of professional calibre and suitability to mingle with and adjust with criminals of different types for achieving the goal of correctional administration?
27. Is it not necessary to resort to direct recruitments at different levels at some fixed ratio?
28. In view of the correctional methods of treatment of offenders, is it not necessary to have prison personnel with educational qualifications and professional skill appointed at different levels?
29. Is it not necessary that the prison personnel at different levels be given adequate training pre-entry, on the job and in service for strengthening the service?



30. Do you agree that performance at training at different stages be considered an element for promotion to positions of higher responsibilities?
  31. What is your opinion, should be the main criteria for promotion in jail service to bring in efficiency?
  32. Are there adequate number of Welfare Officers appointed to the various jails?
  33. What are the objects of appointing Welfare Officers in jail?
  34. Is it just to treat the posts of Welfare Officers in Jails as a convenient step of posting and promotions for the jail personnel?
  35. It is not necessary that regular Welfare Officers in Jails who are generally in possession of better educational and professional qualifications be given opportunities to rise to the higher levels in jail services?
  36. Is it said that Prison Personnel at Officers level are not able to attend the cases of prisoners as they are confined to Office/Desk work. The duty of the prison personnel bring treatment of offenders for their correction, reformation and rehabilitation, is it not necessary to relieve them of their Desk/Office work as recommended by the various—All India Committees on Prison Reforms?
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37. Do you agree that a cadre of properly trained personnel is essential to man prison services?
  38. Thorough training in behavioural science and techniques of social work should be there in the training curricula of Prisons Officers. Whether there is provision for this in the State Institute of Correctional Administration?
  39. What is the staff pattern of the State Institute of Correctional Administration?
  40. What are the qualifications fixed for each post and what is the method of recruitment?
  41. What is the Training Curricula adopted there?
  42. Are there facilities arranged for the pre-entry, on the job and in service training of all categories of Prison Personnel?
  43. Are the staff engaged in the Training Institute sufficiently qualified and experienced in correctional theory and Prison Management on the modern lines?

## II. LIVING CONDITIONS OF PRISONERS

Prisoners are human beings. Punishment to the offenders should fit in the criminal rather than the crime. Hence prisoners should be dealt with in a humanistic basis. Here begins the stepping stone to prevention of crime and treatment of offenders, under correctional principles. That is, treat them as human beings and teach them to live.



1. Do you agree with the classification of prisoners into class A, B and C on the basis of social status and education or as on some special class which amounts to a sort of discriminatory treatment?
  2. If not, what should be your well considered suggestion in the matter of such a classification?
  3. Prisoners are often confined in dormitories allowing them to live in groups in association rather than in single cells except in the case of hardened types of criminals and higher security prisoners. What should be the desirable or admissible capacity of such dormitory or association block?
  4. What is the sleeping facility and space provided to individual prisoner?
  5. What are the items of clothing and bedding provided? Is the scale of issue prescribed for these items in the rules satisfactory and sufficient? If not, what are your suggestions for addition, alteration or improvement?
  6. Is the present diet scale satisfactory and sufficient and in agreement with the required calorie content and is the dietary of nutritional value required for a healthy average man?
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7. If not, what are your suggestions for improvement or revision?
  8. Are the facilities for bathing and washing and for the maintenance of personal hygiene provided satisfactory and sufficient? If not whatelse also shall be provided with reference to each and every prison?
  9. Prisoners are given facilities to avail of canteen facilities in some of the Jails. Are the prisoners making advantage of these?
  10. Do you feel that similar facilities should be arranged in the other jails also?
  11. Are the toilet facilities arranged in the jails satisfactory?
  12. Whether sufficient attention is paid in the proper maintenance of hygiene and sanitation?
  13. Whether reading facilities have been well-provided in all the jails?



14. What are the recreational facilities provided to the prisoners in the jails?
  15. Are the facilities arranged for interviews and communications, satisfactory and sufficient?
  16. Are there facilities arranged for sports and games and cultural activities? If so, what are they? Whether you have any suggestion for improvement?
  17. Are the water supply facilities in the jails satisfactory? If not make suggestions for improvements.
  18. What are the facilities for medical care and treatments available? Are they sufficient? Do you feel to propose any change?
  19. Under the correctional principles of treatment of offenders humanistic approach has the main focus. If so will it not badly affect the health conditions of prisoners. If they are cut of from having conjugal pleasures which is a biological necessity for long? What is your opinion in arranging such facilities that can practically and possibly be made available for those under incarceration? Explain.
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### III. TREATMENT OF PRISONERS—ENGAGING THEM ON PRODUCTIVE EMPLOYMENT AND PROVIDING OF USEFUL VOCATIONAL TRAINING

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1. What are the facilities now available in the jails for productive employment with provision for adequate vocational training which may help them to earn a living after release?
2. Do you agree that planned and affluent skills in useful avocations will alone help one to rely on for eking out a livelihood?
3. Will the present arrangements made in the jails towards this is sufficient and satisfactory to achieve this end?
4. Do you think that tradition oriented industries in the jails will help the prisoners in their social rehabilitation? Or do you think that the industries in the jails should be mechanised to meet with the increasing demands on production?
5. Are you in favour of mechanisation of the jail industries and to run them in collaboration with the Public undertakings like Agro Industries Development Corporation, etc.
6. What are your suggestions with regard to introducing productive industries in the jails?



7. Do you think that the wages for the work done now paid to the prisoners is sufficient?
8. Are you in favour of enhancing the wage rates of prisoners to the extent of somewhat an equitable and reasonable rate rather than making it to the standard of the minimum wages as that the entire maintenance cost on them is solely met from the Public exchequer?

#### IV. GRANT OF LEAVE TO PRISONERS

1. The term "Parole" is now extinct in the Kerala Prisons Rules. It is seen that the term now used is "Leave to Prisoners".
  2. Do you think that the provision for grant of leave to prisoners in the jails is sufficient and satisfactory?
  3. Have you felt that the special powers vested in Government by Rule 452 B.B. is tampering the spirit of imposing a term of imprisonment under the relevant provisions laid down in Penal Code and the Criminal Procedure Code?
  4. Are You in favour of treating the entire period spent on leave as period of sentence undergone?
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5. Do you think that treating the period spent on leave by a prisoner as the period of sentence undergone irrespective of the terms of such leave is in agreement with the principals of the criminal justice system?
  6. Are you in favour of operating the provision in Rule 452 B.B. very liberally or do you feel that there should be some limitation in the matter of grant of leave and its regulation in an year?
  7. Do you think that special leave granted to prisoners for longer periods should not be treated as part of the sentence undergone?
  8. Do you agree if it is treated as if on bail?
  9. Do you agree with the suggestion that the rules relating to the grant of leave to prisoners be revised in consonance with the leave Rules applicable in other States?
  10. What is your opinion about incorporating a provision for the grant of home leave also to the well behaved prisoners in the close prisons in addition to ordinary leave and emergency leave as in the case of the prisoners in the open prison?



## V. TREATMENT OF WOMEN AND CHILDREN AND MENTALLY SICK PRISONERS

1. Do you think that the arrangements presently available in the various jails of the State for keeping the women prisoners in custody is sufficient and satisfactory?
  2. Or, do you recommend that there should be separate annexes attached to each jail rather than having separate wards and cells for keeping the women prisoners?
  3. Do you feel that the keeping of children also in the wards and cells along with the mothers is a sound practice. Or do you propose the setting up of day care centres or creches for such purpose?
  4. Whether the living conditions provided to the women prisoners in the jails require improvement?
  5. If so what are your suggestions?
  6. What is the appropriate age for separating children admitted to prison alongwith the mothers?
  7. What are your suggestion for the aftercare, follow up and rehabilitation of women prisoners?
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8. What, in your opinion, are the suitable trades and industries that can be provided to the women prisoners for job orientation and training?
  9. Are the facilities now available in the jails for the treatment of the mentally sick prisoners satisfactory?
  10. If not what are your suggestions for improvement?

#### VI. OPEN PRISON (Review of working)

1. Do you feel that the rules for the selection of prisoners for admission to open prison require any change?
2. Is the working of the open prison at present satisfactory?
3. Whether you have any suggestion for further improvement?
4. What are they?
5. Whether the staff pattern requires any addition or alteration?
6. Do you have any suggestion with regard to providing training facilities in useful crafts and industries also in the open prison in addition to the plantation operations and cultivation programmes?



7. Do you think that the rate of payment of wages to the prisoners of the open prison, requires further enhancement to make it fairly reasonable and more equitable?
8. Can residential facilities be allowed to the staff of the open prison within the campus?
9. Will there not be any practical risk in allowing this?



# ANNEXURE I (B)

## കേരള സംസ്ഥാന ജയിൽ പരിഷ്കരണ സമിതി

### [പ്രശ്നാവലി/അഭിപ്രായശേഖരണം]

കുറ്റവാളികളെ നന്നാക്കി സമൂഹത്തിൽ പുനരധിവാസയോഗ്യരാക്കി തീർക്കുക എന്ന തത്വത്തിൽ അധിഷ്ഠിതമായിട്ടുള്ള ജയിൽ ഭരണസമ്പ്രദായം മെച്ചപ്പെടുത്തുന്നതിന് വേണ്ട ശുപാർശകൾ സമർപ്പിക്കുവാനായി നിയമിതമായിട്ടുള്ള ജയിൽ പരിഷ്കരണ സമിതി, ബഹുജനങ്ങളിൽനിന്നും പൊതുപ്രവർത്തന രംഗങ്ങളിൽ ഉള്ളവരിൽനിന്നും അഭിപ്രായ സമാഹരണം നടത്തുവാൻ ആഗ്രഹിക്കുന്നു. ആയതിലേക്കുള്ള പ്രശ്നാവലി ചുവടെ ചേർക്കുന്നു. അഭിപ്രായങ്ങളും, മാർഗ്ഗനിർദ്ദേശങ്ങളും, ഉപദേശങ്ങളും ഏവരിൽനിന്നും സമാഹരിക്കുകയാണ് ഇതുകൊണ്ട് ഉദ്ദേശിക്കുന്നത്. ഈ പ്രശ്നാവലിക്കുള്ള ഉത്തരങ്ങളും, അഭിപ്രായങ്ങളും രേഖപ്പെടുത്തി മൂന്നാഴ്ചക്കുള്ളിൽ അടിയിൽ പേര് കൊടുത്തിട്ടുള്ള ആഫീസിലേക്ക് അയച്ചുതരുവാൻ താൽപര്യപ്പെടുന്നു.

1. സംസ്ഥാന ജയിൽ ഭരണതലത്തിന്റെ നിലവിലുള്ള ഘടന കുറ്റവാളികൾക്ക് മനഃപരിവർത്തനം വരുത്തി നന്നാക്കുന്നതിന് അനുയോജ്യമായ രീതിയിലുള്ളതാണോ? ..
2. അല്ലെങ്കിൽ, കുറ്റങ്ങളും, കുറ്റവൃകളും എന്തൊക്കെയാണ്? അവ പരിഹരിക്കുന്നതിന് എന്തെല്ലാം നിർദ്ദേശങ്ങൾ ഉണ്ട്? ..
3. ജയിൽ വകുപ്പിന്റെ ആസ്ഥാനത്തുള്ള ഭരണതല ഘടന മോഡൽ പ്രിസൺ മാനുവലിലും, നാളിതുവരെയുള്ള ജയിൽ പരിഷ്കരണ സമിതികളുടെ റിപ്പോർട്ടുകളിൽ വിവക്ഷിച്ചിട്ടുള്ള രീതിയിലും ഉള്ളതാണോ? ..
4. അല്ലെങ്കിൽ, കുറ്റങ്ങളും, കുറ്റവൃകളും പരിഹരിക്കുന്നതിന് നിർദ്ദേശങ്ങൾ നൽകിയാലും. ..



5. സെൻട്രൽ ജയിലുകളിലെ സ്റ്റാഫ് ലേണു എന്താണ്? ..
6. പ്രസ്തുത സ്റ്റാഫ് ലേണയ്ക്ക് തടവുകാരുടെ സംഖ്യയുമായി എന്തെങ്കിലും അനുപാത ക്രമമുണ്ടോ? ..
7. ഇല്ലെങ്കിൽ അങ്ങനെയൊരു അനുപാതക്രമം ആവശ്യമുണ്ടോ? ഉണ്ടെങ്കിൽ ഏതെല്ലാം തസ്തികകൾക്കാണ്? ..
8. ഇപ്രകാരം ഒരു അനുപാതക്രമം ആവശ്യം ഉണ്ടെന്ന് തോന്നുന്നതിന് എന്താണ് അടിസ്ഥാനം? ..
9. നിലവിലുള്ള സ്റ്റാഫ് ലേണ, കുറ്റവാളികളുടെ മാനസിക പരിവർത്തനത്തിനും സാമൂഹിക പുനരധിവാസത്തിനും അനുയോജ്യമായ രീതിയിലുള്ളതാണോ? ..
10. അല്ലെങ്കിൽ ഏത് രീതിയിലുള്ള പുനഃസംഘടനയാണ് ഭരണം കാര്യക്ഷമമാക്കാൻ ആവശ്യമായിട്ടുള്ളത്? ..
11. തടവുകാരെ കാത്തുസൂക്ഷിക്കുന്ന ചുമതലയിലുള്ള ഉദ്യോഗസ്ഥ വിഭാഗവും അവരുടെ മേൽനോട്ടം വഹിച്ച് തടവുകാരെ നന്നാക്കുന്നതിനുള്ള പ്രവർത്തനങ്ങൾക്ക് ഉത്തരവാദിത്വമുള്ള മേലുദ്യോഗസ്ഥന്മാരും തമ്മിൽ ഏതെങ്കിലും നിശ്ചിത അനുപാതക്രമം ആവശ്യമുണ്ടെന്ന് അഭിപ്രായമുണ്ടോ? വിശദീകരിക്കുക. ..



12. ജയിൽ ഉദ്യോഗസ്ഥന്മാരുടെ തെരഞ്ഞെടുക്കലും നിയമനവും ഭേദഗതി ചെയ്യേണ്ടതുണ്ടെന്നും അഭിപ്രായമുണ്ടോ? ഉണ്ടെങ്കിൽ ഏത് വിധത്തിൽ? വിശദീകരിക്കുക. ..
13. ജയിൽ ഉദ്യോഗസ്ഥന്മാരുടെ ഉയർന്ന തലത്തിലുള്ള തസ്തികകളിലേക്ക് ഏതെങ്കിലും അനുപാതക്രമത്തിൽ നേരിട്ടുള്ള നിയമനം നടത്തുന്നത് കാര്യക്ഷമതയ്ക്ക് അനിവാര്യമാണെന്നും അഭിപ്രായമുണ്ടോ? വിശദമാക്കുക? ..
14. താഴെക്കിടയിൽനിന്ന് വെറും മുൻഗണനാക്രമത്തിൽ ഉയർന്ന തസ്തികകളിലേക്ക് ഉദ്യോഗക്കയറ്റം നൽകി നിയമനം നടത്തുന്ന സ്വന്തമായും തുടർന്നാൽ നവീന ജയിൽ ഭരണസ്വന്തമായിരിക്കാൻ കാര്യക്ഷമതയ്ക്ക് ഊന്നം തട്ടുകയില്ലേ? (വ്യക്തമായ അഭിപ്രായം നൽകുവാൻ ദയവുണ്ടാകണം) ..
15. മറ്റും സർക്കാർ ഉദ്യോഗസ്ഥന്മാരുടെ നിയമനത്തിൽനിന്നും ഭിന്നമായ രീതിയിലുള്ള ഒരു തെരഞ്ഞെടുപ്പ് സ്വന്തമായും ജയിൽ ഉദ്യോഗസ്ഥന്മാരുടെ കാര്യത്തിൽ ആവശ്യമുണ്ടെന്നും അഭിപ്രായമുണ്ടോ? ..
16. വിദ്യാഭ്യാസ യോഗ്യതയ്ക്ക് പുറമെ സാമർത്ഥ്യം, ഔദ്യോഗികം, അനുയോജ്യത, തൊഴിൽ സംബന്ധമായ അറിവ്, കായിക പരിശീലനത്തിനുള്ള ശേഷി, മനുഷ്യനിലുള്ള കുറ്റവാസനകളെ അപഗ്രഥിച്ച് പഠിച്ച്



അവരുമായി വർത്തിക്കുവാനുള്ള പ്രാപ്തി  
എന്നിവകൂടി ജയിൽ ഉദ്യോഗസ്ഥന്മാരെ  
തെരഞ്ഞെടുത്ത് നിയമിക്കുന്നതിനുള്ള മാന  
ണ്ഡങ്ങളിൽ ഉൾപ്പെടുത്തേണ്ടതാണെന്ന അഭി  
പ്രായത്തോട് വിരോധിപ്പുമുണ്ടോ? (സുവ്യ  
ക്തമായ മറുപടി പ്രതീക്ഷിക്കുന്നു) ..

17. ജയിൽ ഉദ്യോഗസ്ഥന്മാർക്ക് കാലാനുസൃതമായ  
രണ്ടു പരിശീലനം അനിവാര്യമാണെന്ന്  
അഭിപ്രായമുണ്ടോ? ..

18. പരിശീലന കാലാവധിയിലെ മെച്ചപ്പെട്ട  
പ്രവർത്തനം ഉദ്യോഗക്കയറ്റം നൽകുന്നതിന്  
പ്രത്യേക യോഗ്യതയായി നിശ്ചയിക്കുന്നതി  
നോടുള്ള അഭിപ്രായം എന്താണ്? ..

19. ജയിൽ ഭരണം മെച്ചപ്പെടുത്തുന്നതിനും, കാര്യ  
ക്ഷമമാക്കുന്നതിനും ജയിൽ ഉദ്യോഗസ്ഥന്മാർ  
മാരുടെ നിയമന കാര്യത്തിലും ഉദ്യോഗക്കയറ്റം  
നൽകുന്ന കാര്യത്തിലും ഏതെങ്കിലും തീരുമാനമുള്ള  
മാനണ്ഡങ്ങളാണ് താങ്കളുടെ അഭി  
പ്രായത്തിൽ അടിയന്തിരമായിട്ടുള്ളത്? ..

20. തദ്ദേശികാലങ്ങളിൽ അധികാരമുള്ള സംരക്ഷണ  
ത്തിന് കാവൽ ചുമതലയുള്ള ഉദ്യോഗസ്ഥന്മാർ  
മാർക്ക് പുറമെ ഉയർന്നതലത്തിലുള്ള ഉദ്യോഗ  
സ്ഥന്മാർക്കൊക്കെയും നിയോഗിക്കേണ്ടത്  
ആവശ്യമാണെന്ന് തോന്നുന്നില്ലേ? ..

(തടവുകാരെ ആശുപത്രികളിലെ രോഗികളെ  
പ്പോലെ പരിഗണിക്കേണ്ടതാണ് എന്ന്  
റാഷ്ട്രപിതാവ് പ്രസ്താവിച്ചിട്ടുള്ളത്  
സ്മരിക്കുക)



21. ജയിലുകളിലെ തൃയർന്ന ഉദ്യോഗസ്ഥന്മാർ മുഴുവൻ സമയവും ഓഫീസ് കൃത്യങ്ങൾ നിർവ്വഹിക്കുന്നതിന് വ്യാപൃതരാകുന്നതുമൂലം തടവുകാരെ നന്നാക്കുക എന്ന സുപ്രധാനമായ കർത്തവ്യം പാലിക്കപ്പെടാതെ പോകുന്നുണ്ട് എന്നുള്ള അഭിപ്രായഗതി കഴമ്പുള്ളതാണെന്ന് തോന്നുന്നുണ്ടോ?

22. സമീപകാലത്തുള്ള ഭരണ പരിഷ്കരണ സമിതി കളുടെ റിപ്പോർട്ടുകളിലും മോഡൽ പ്രിസൺ മാനുവലിലും ജയിലുകളിലെ എഴുത്തു കൃത്രികൾക്ക് പ്രത്യേക വിഭാഗം ഉദ്യോഗസ്ഥന്മാരെ നിയമിച്ചു ജയിൽ ഉദ്യോഗസ്ഥന്മാരുടെ മുഴുവൻസമയ പ്രവർത്തനവും കുറ്റവാളികളെ നന്നാക്കുന്നതിനുള്ള പ്രവർത്തനങ്ങൾക്ക് ഉപയോഗിക്കത്തക്കവിധം ലഭ്യമാക്കണമെന്ന ശുപാർശകൾ പ്രായോഗികമാക്കുന്നതിന് എന്തെങ്കിലും തടസ്സമുണ്ടോ? ഉണ്ടെങ്കിൽ തടസ്സങ്ങൾ എന്തൊക്കെയാണ്?

23. ജയിലുകളിൽ നിയമിതരായിട്ടുള്ള വെൽഫെയർ ഓഫീസർമാരുടെ സേവനം ഉദ്ദേശ്യ ലക്ഷ്യങ്ങൾ അനുസൃതമായ രീതിയിൽ പ്രയോജനപ്പെടുത്തുന്നില്ല എന്ന് പറഞ്ഞാൽ വിശദീകരിക്കുമോ?

24. ജയിലുകളിൽ അനുവദിച്ചിട്ടുള്ള വെൽഫെയർ ഓഫീസർ തസ്തികകൾ ഏറിയ പങ്കും ഇന്ന് ജയിൽ ഉദ്യോഗസ്ഥന്മാരുടെ പ്രമോഷന് ഉള്ള ചവിട്ടുപടിയായിട്ടാണ് ഉപയോഗിച്ചു വരുന്നത് എന്ന് പറഞ്ഞാൽ നിരക്ഷരരായവർക്കും?



25. ആപേക്ഷികമായി മികച്ച വിദ്യാഭ്യാസയോഗ്യത കളും തൊഴിൽപരമായ ബിരുദങ്ങളും നേടി ജയിലുകളിൽ വെൽഫെയർ ഓഫീസർമാരായി നിയമിതരാകുന്നവർക്ക് ഉദ്യോഗക്കയറ്റം ലഭിക്കുന്നതിന് വഴി തുറന്നിട്ടില്ല എന്ന പരാതി പരിഹരിക്കുന്നതിന് എന്തെല്ലാം നിർദ്ദേശങ്ങൾ വയ്ക്കുവാനുണ്ട്? ..
26. തടവുകാർക്ക് ജയിലുകളിൽ അനുവദിച്ചിട്ടുള്ള ജീവിത സൗകര്യങ്ങളിൽ പോരായ്മകളുണ്ടെന്ന് അഭിപ്രായമുണ്ടോ? ഉണ്ടെങ്കിൽ എന്തെങ്കിലും പരിഹാരമാർഗ്ഗങ്ങൾ നിർദ്ദേശിക്കുമോ? ..
27. തടവുകാർക്ക് അനുവദിച്ചിട്ടുള്ള കായിക-വിനോദ-കലാ സാംസ്കാരിക സൗകര്യങ്ങളും, ശ്രമപരമായ സൗകര്യങ്ങളും പര്യാപ്തമാണോ? അല്ലെങ്കിൽ മെച്ചപ്പെടുത്തുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ വയ്ക്കുമോ? ..
28. തടവുകാർക്ക് കൂടിക്കാഴ്ചയ്ക്ക്, ആശയവിനിമയം നടത്തുന്നതിന് നിലവിലുള്ള സൗകര്യങ്ങൾ പര്യാപ്തമാണോ? ..
29. കൂടുതൽ സൗകര്യങ്ങൾ ഇക്കാര്യത്തിൽ നൽകേണ്ടതുണ്ടെന്ന് അഭിപ്രായമുണ്ടോ? ഉണ്ടെങ്കിൽ നിർദ്ദേശങ്ങൾ വയ്ക്കുമോ? ..



30. തടവുകാർക്ക് ജയിൽ പട്ടണത്തെ സൂക്ഷ്മമായി നൽകിപ്പോരുന്ന അവധി ആസൂക്യപുത്തം വർഷം വരെ വരുത്തണമെന്ന് അഭിപ്രായമുണ്ടോ? (നിലവിലുള്ള പട്ടണസരിച്ച് സർവ്വതോമുഖമായ ഒരു തടവുകാരന് ആദ്യ മാസത്തിലൊരിക്കൽ ഒരു മൃഗം വരെ സൗകര്യം അവധി ലഭിക്കും. ഇതിനുപുറമെ അടിയന്തിര സ്വഭാവമുള്ള കാര്യങ്ങൾക്ക് ഏതർജ്ജന്സി ലഭ്യം ലഭിക്കും. തുറന്ന ജയിലിലെ തടവുകാർക്ക് ഇതിനും ഉപരി ആളൊന്നിന് പത്തു ദിവസം വരെ ഗാർഹിക വധിയും ലഭിക്കുന്നതാണ്. ഈ രീതിയിലുള്ള അവധിക്കാലമൊക്കെ അനുഭവിച്ച തടവുകാർക്ക് ശിക്ഷയായി കണക്കാക്കുകയും ചെയ്തു പോരുന്നു.) ..

31. കേരള ജയിൽ പട്ടണങ്ങളിലെ ചട്ടം 452 ബി. ബി. പ്രകാരം സർക്കാർ തലത്തിൽ വിശേഷാൽ അനുവദിച്ചുപോരുന്ന അവധിക്കാലം (ഇതിനു പരിധിയാർ പരിമിതിയോ ഇല്ല) അനുഭവിച്ച ശിക്ഷാകാലമായി പരിഗണിക്കുന്നത് ആശ്വാസകരമോ? ..

32. തടവുകാർക്ക് ലഭ്യമാക്കിയിരിക്കുന്ന തൊഴിൽ പരിശീലന സൗകര്യങ്ങൾ പുനരധിവാസത്തിന് സഹായകരമായിട്ടുള്ളതാണോ? ..

33. അല്ലെങ്കിൽ, മെച്ചപ്പെടുത്തുന്നതിനുള്ള നിർദ്ദേശങ്ങൾ വയ്ക്കുമോ? ..



34. പ്രയോജനപ്രദമായ തൊഴിൽരംഗങ്ങളിൽ ആസൂത്രീതവും ധാരാളവുമായ പരിശീലന സാമർത്ഥ്യം നേടിയെങ്കിൽ മാത്രമേ തടവു ശിക്ഷ കഴിഞ്ഞ് പുറത്തുവരുന്ന ആളിന് സ്വയം പര്യാപ്തമായ തൊഴിലുകളിൽ ഏർപ്പെടുവാൻ കഴിയുകയുള്ളൂ എന്ന പ്രസ്താവനയോട് താങ്കൾ യോജിക്കുന്നുണ്ടോ? ഉണ്ടെങ്കിൽ പ്രാദേശിക തലത്തിൽ പ്രയോജനപ്പെടാവുന്ന തൊഴിൽരംഗങ്ങൾ ഏതൊക്കെ യുണ്ടെന്ന് രേഖപ്പെടുത്തുമോ?
35. തടവുകാരുടെ സേവനം ഉൽപ്പാദന മേഖലകളിൽ പ്രയോജനപ്പെടുത്തി തൊഴിൽ പരിശീലനം അവർക്ക് നൽകുന്നതിനോട് എന്താണ് അഭിപ്രായം?
36. ചെയ്യുന്ന ജോലിക്ക് പ്രോത്സാഹനാർഹം എന്ന നിലയിൽ പ്രാബല്യത്തിൽ കൊണ്ടുവന്നിട്ടുള്ള തടവുകാരുടെ വേതന വ്യവസ്ഥയെ സംബന്ധിച്ച് എന്താണ് അഭിപ്രായം?
36. നിലവിലുള്ള വേതനഘടന പര്യാപ്തമായിട്ടുള്ളതാണോ? വർദ്ധനവ് വരുത്തണമെന്ന് അഭിപ്രായമുണ്ടോ? ഉണ്ടെങ്കിൽ ഏതു തരത്തിലുള്ള വർദ്ധനവ് ആണ് നടപ്പാക്കാവുന്നത്?
38. തടവുകാർക്ക് നൽകുന്ന വേതനം സമാനതൊഴിലുകളിൽ ഏർപ്പെട്ടിട്ടുള്ള പുറത്തുള്ള തൊഴിലാളികൾക്ക് നൽകിപ്പോരുന്ന കുറഞ്ഞ കുലിക്ക് സമം ആയിരിക്കണം എന്ന അഭിപ്രായഗതിയുണ്ടോ? ഇല്ലെങ്കിൽ തടവുകാർക്കും തൊഴിൽ ചെയ്യുന്നതിന് കാര്യമായ നിരക്കിൽ വേതനം നൽകുന്നതിന് എന്തോതാണ് സ്വീകരിക്കേണ്ടത് എന്ന് വിശദമാക്കുമോ?



39. ജയിൽ ഉൾപ്പാദനശാലയിലുള്ള വ്യവസായ ഘടകങ്ങൾ യന്ത്രവൽക്കരിക്കുന്നതിനോട് താല്പര്യമുള്ള അഭിപ്രായമെന്താണ്?
40. ജയിലുകളിൽ ഉൾപ്പാദനക്കെരുവുള്ള വ്യവസായ ഘടകങ്ങൾ രൂപീകരിക്കുന്നതിനോട് വിരോധിപ്പിക്കുമോ?
41. പൊതുവിൽ, ആധുനിക ജയിൽ രൂപരേഖകൾ ഉന്നത നൽകുന്നത് കുറ്റവാളികളെ മനഃപരിവർത്തനം വരുത്തി നല്ല പൗരൻമാരാക്കി സമൂഹത്തിൽ പുനരധിവസിപ്പിക്കുക എന്നതായതുകൊണ്ട് തടവുകാർക്ക് അനുഭവിക്കുന്ന കാലഘട്ടത്തിൽ ശാരീരിക ബന്ധവും സ്വയംഭരണ സഹസാസവും ഉത്തേജിപ്പിച്ചെടുക്കുന്നതിന് ഏതെല്ലാം മാർഗ്ഗങ്ങളും ഉപാധികളും അവലംബിക്കാം എന്നാണ് തുടർച്ചയുടെ അഭിപ്രായം?

ദുരുപദി അയയ്ക്കേണ്ട മേൽവിലാസം: ഓഫീസ് സെക്രട്ടറി, ജയിൽ പരിഷ്കരണ സമിതി ഓഫീസ്, കുമരപുരം, ബർമ്മാ റോഡ്, മൈസൂർ കോളേജ് പി. ഒ., തിരുവനന്തപുരം-11.



ANNEXURE II

No. J.R.C. 5/91

Office of the  
Jail Reforms Committee,  
Thiruvananthapuram—11,  
Dated 19th December 1991

From

The Office Secretary

To

The Director of Correctional  
Services and Inspector General  
of Prisons  
(Other States)

Sir,

*Sub.*—Jail Reforms Committee—Kerala—Functioning of information called for—Regarding.

I am directed to inform you that the Jail Reforms Committee headed by Shri A. P. Udayabhanu as Chairman, constituted by the Government of Kerala has started functioning with effect from 2nd November 1991. The terms of reference include review of the organisational structure of the Jail administration of the State, the living conditions of the prisoners, the possibilities of engaging the prisoners on productive employment on a more extensive scale, the system of parole, the treatment of women, children and mentally sick prisoners, the working of the Open Prison, etc., and to make appropriate recommendations for improvements to respond to the challenges of modern times.

Accordingly, the Committee desires to have information relating to the above points with reference to the prevailing state of affairs in your State. I, therefore, request you to be good enough to arrange to furnish information on the following, as early as possible; it will be nice if the information can be supplied within a month's time.

1. The staff structure of the Headquarters Organisation.
2. The number of Jail Institution in the State (Classification of Institutions may also be furnished).
3. The staff pattern of Central Prison, District Jail, Sub Jail, Open Prison, etc.



4. Whether the Organisation has any regional set up? If so, details.
  5. The diet scale of ordinary prisoners with its nutritional value; if determined.
  6. The facilities for cleaning, washing and bathing of prisoners arranged in the Jails.
  7. The facilities for education, reading, recreation and entertainment in the Jails.
  8. The facilities for interviews and communications provided to the prisoners.
  9. The facilities for job orientation, vocational training and work facilities provided to the prisoners.
  10. The wages system and the wage rates of prisoners.
  11. System of parole, leave, furlough to prisoners. Specify whether the period spent on parole, leave, furlough, etc., are treated as period of sentence undergone.
  12. Other facilities if any, provided to the prisoners in your Jails.
  13. Whether the prisoners in the Jails of the State are engaged on productive employment and if so, the nature and extent of it.
  14. The existing facilities in the Jails of your State for the treatment of women, children and mentally sick prisoners.
  15. The number of Open Prisons in your State and a write-up of their working.
  16. Whether there are Advisory Boards or so in the Jails of your State for considering the premature and conditional release of life prisoners and long-term prisoners.
  17. Are you facing any problem in granting the premature release of life prisoners in view of section 433 A of the Criminal Procedure Code. If so the manner and method of tackling the problem.
- Information/Materials on the above points may kindly be arranged to be supplied at the earliest to this office.

Yours faithfully,

(Sd.)

Office Secretary



## ANNEXURE III (A)

No. J.R.C. 5/91

Office of the  
Jail Reforms Committee,  
Thiruvananthapuram—11,  
Dated 13th December 1991

From

The Office Secretary

To

The Inspector General of Prisons,  
Thiruvananthapuram—12

Sir,

*Sub.*—Jails—Jail Reforms Committee—Statistical Data—Request  
for.

I request you kindly arrange to furnish the following statistical information on Prisons in the State, as quickly as possible, not in any way later than the 20th of January 1992. These statistical information is required for the use of the Prison Reforms Committee:—

1. Number of prisoners in the jails of the State as on 31st December 1991 (in the following form):

Particulars	Males	Females	Total
Convicts	..	..	..
Under trials	..	..	..
Detenus	..	..	..
Civil Debtors	..	..	..
Criminal Lunatics	..	..	..

2. The break-up of prisoners as on 31st December 1991 in the following form:

Particulars	Convicts	Under trials	Total
(i) Under 16 years of age	..	..	..
(ii) Between 16 and 21 years	..	..	..
(iii) 21 and 30 years	..	..	..
(iv) 31 and 40 years	..	..	..
(v) 41 and 60 years	..	..	..
(vi) Above 60 years	..	..	..



3. Nature of offence of convicted prisoners as on 31st December 1991.

	Male	Female
(a) I.P.C. Offences:		
(i) Murder	..	..
(ii) Culpable homicide not amounting to murder	..	..
(iii) Rape	..	..
(iv) Kidnapping and abduction	..	..
(v) Robbery	..	..
(iv) Theft	..	..
(vii) Dacoity	..	..
(viii) Riots	..	..
(ix) Counter feiting	..	..
(x) Cheating	..	..
(xi) Moral turpitude	..	..
(xii) Others	..	..
(b) Other offences under local laws and special laws	..	..
Grand total	..	..

4. Distribution of convicts according to length of sentence (as on 31st December 1991).

Particulars	Males		Females		Total
	RI	SI	RI	SI	
(i) Below 6 months	..	..	..	..	..
(ii) 6 months and above but below one year	..	..	..	..	..
(iii) 1 to 3 years	..	..	..	..	..
(iv) 3 to 5 years	..	..	..	..	..
(v) 5 to 7 years	..	..	..	..	..
(vi) 7 to 10 years	..	..	..	..	..
(vii) Above 10 years	..	..	..	..	..
(viii) Lifers	..	..	..	..	..
Grand total	..	..	..	..	..



5. Under trial prisoners as on 31st December 1991 and their break-up.

Particulars		Males	Females	Total
(i)	Below one month	..	..	..
(ii)	One month to 3 months	..	..	..
(iii)	3 to 6 months	..	..	..
(iv)	6 months to one year	..	..	..
(v)	1 to 2 years	..	..	..
(vi)	Above 2 years	..	..	..
Grand total		..	..	..

6. Daily average number of prisoners employed in industries (males and females separately, during the year 1991).

7. Daily average number of prisoners (males and females separately) engaged in agricultural operations during 1991.

8. Daily average number of prisoners employed in rubber plantation operations in the Open Prison during 1991.

9. Furnish details of production and profit during the last five years that is 1985-86 to 1989-90 both from industry and agriculture each separately as in the form hereunder:

Year	Open Prison		Central Prison		Total	
	Produ- ction	Profit	Produ- ction	Profit	Produ- ction	Profit
(i) 1985-86	..	..	..	..	..	..
(ii) 1986-87	..	..	..	..	..	..
(iii) 1987-88	..	..	..	..	..	..
(iv) 1988-89	..	..	..	..	..	..
(v) 1989-90	..	..	..	..	..	..
Grand total	..	..	..	..	..	..

The Superintendents of the Jails may be directed to furnish the above statistical information piece-meal or in full direct to the "Office Secretary, Jail Reforms Committee, Thiruvananthapuram-11" to be received here on or before 20th January 1992. They may be given instructions to adhere to the time schedule strictly.

Yours faithfully,

(Sd.)

Office Secretary



## ANNEXURE III (B)

No. J.R.C. 5/91

Office of the  
Jail Reforms Committee,  
Thiruvananthapuram-11,  
Dated 18th December 1991

From  
The Office Secretary

To  
The Inspector General of Prisons,  
Thiruvananthapuram-12.

Sir,

*Sub.*—Jail Reforms Committee—Collection of statistics health conditions of prisoners, etc.—Regarding.

I request you to arrange to furnish the following statistical information as quickly as possible, for the purpose of the Committee:—

1. Daily average strength of prisoners in all the jails of the State, for the last five years (1986-87 to 1990-91 males and females separately).
2. Daily average number of sick prisoners in the State for the last five years (1986-87 to 1990-91 males and females separately).
3. Number of death in the jails during the last five years (1986-87 to 1990-91 males and females separately).
4. Causes of death, in each case.
5. Percentage of death with reference to the daily average strength (each year separately)
6. Number of cases of suicides in the jails of the State for the last five years (1986-87 to 1990-91).
7. Number of the escapes of prisoners from the jails of the State during the last five years (1986-87 to 1990-91).
8. Whether the escapes of prisoners were due to any ill-treatment or torture met with in the jail?
9. Whether all the escapes have been recaptured?
10. Whether any precautionary measure has been adopted for the prevention of escapes from jails?

The above information may kindly be furnished before 20th January 1992.

Yours faithfully,

(Sd.)

Office Secretary



## ANNEXURE IV

## LIST OF INSTITUTIONS VISITED

1. Central Prison, Thiruvananthapuram
2. Open Prison, Nettukaltheri
3. Women's Prison, Neyyattinkara
4. Central Prison, Viyyur, Thrissur
5. Special Sub Jail, Viyyur, Thrissur
6. Central Prison, Kannur
7. District Jail, Kozhikode
8. Borstal School, Kannur
9. Sub Jail, Kannur
10. Sub Jail, Thalassery
11. Sub Jail, Vythiri
12. Sub Jail, Palakkad
13. Sub Jail, Chavakkad
14. Sub Jail, Ernakulam
15. Sub Jail, Aluva
16. Sub Jail, Muvattupuzha
17. Sub Jail, Alapuzha
18. Sub Jail, Mavelikara
19. Sub Jail, Pathanamthitta
20. Sub Jail, Perinthalmanna
21. Sub Jail, Ottappalam
22. Sub Jail, Peermade
23. Sub Jail, Ponkunnam
24. Sub Jail, Kollam
25. Sub Jail, Kottayam
26. Sub Jail, Thiruvananthapuram
27. Special Home, Thiruvananthapuram.

## Outside the State

28. Regional Institute of Correctional Administration,  
Vellore, Tamil Nadu
29. Central Prison, Vellore, Tamil Nadu
30. Special Prison for Women, Vellore, Tamil Nadu
31. Central Prison, Madras
32. Tihar Central Prison, New Delhi
33. Central Prison, Coimbatore
34. Open Air Jail, Singanallur, Coimbatore.



## ANNEXURE V

LIST OF IMPORTANT PERSONS AND PERSONALITIES  
WITH WHOM THE COMMITTEE HELD DISCUSSIONS

1. Shri S. M. Diaz,  
(Retd. I.P.S. and I.G. of Police, Madras and a Veteran  
Criminologist who was also member of the Tamil Nadu  
Prison Reforms Commission 1978-79)
2. Shri V. R. Krishna Iyer,  
Retd. Justice,  
Supreme Court.
3. Retd. Justice V. Khalid,  
Secretariat Colony,  
Anna Nagar,  
Madras-10.
4. Shri V. N. Rajan,  
(Retd. I.P.S. and I.G. of Police  
Kerala and Criminologist),  
Kongadu,  
Palakkad.
5. Shri B. P. Nailwal, I.P.S.,  
I.G. of Prisons,  
Tamil Nadu.
6. Shri P. Gopala Menon,  
(Retd. I.G. of Prisons, Kerala),  
Melepattambi,  
Pattambi.
7. Shri N. Subramanian,  
(Retd. I.G. of Prisons, Kerala),  
Thrissur.
8. Shri K. T. Velayudhan,  
(Retd. D.I.G. of Prisons, Kerala),  
Mannoothy,  
Thrissur



## ANNEXURE VI

LIST OF OFFICIALS AND PROFESSIONAL IN THE  
INDUSTRIAL AGRICULTURAL FIELDS WHO  
GAVE EVIDENCE TO THE COMMITTEE

1. Shri R. Hali,  
Retd. Director of Agriculture and  
Editorial Consultant for Agriculture,  
Malayala Manorama,  
Attingal.
2. Dr. K. Viswanathan,  
Director,  
Mithra Niketan,  
Velland.
3. Shri P. N. Panicker,  
General Secretary,  
KANFED,  
Thiruvananthapuram.
4. Shri Sankarankutty,  
Asst. Director,  
Kerala Khadi and Village Industries Board.
5. Shri P. Rajasekharan Nair,  
Manager,  
SIDCO.
6. Shri R. Unnikrishnan Nair,  
Assistant General Manager,  
SIDCO.
7. Sister Mythili,  
Madhavi Mandiram,  
Neyyatinkara.
8. Shri P. Thankappan,  
Principal Agricultural Officer,  
(Joint Director of Agriculture),  
Thiruvananthapuram.
9. Shri G. Rajasekharan Nair,  
Deputy Director of Agriculture,  
Thiruvananthapuram.
10. Shri K. Sivadas,  
Senior Technical Assistant,  
ANERT,  
Thiruvananthapuram.



11. Shri U. Janardhanan,  
Field Assistant,  
ANERT,  
Thiruvananthapuram.
12. Shri P. Jayakumar,  
Assistant Manager,  
Horticulture Development Corporation,  
Thiruvananthapuram.
13. S/S Dr. Unnikrishnan Valiyathan,  
Dr. D. Jayaras,  
Dr. S. Jayachandran and  
Dr. M. Ramesh Kumar—representing the Veterinary  
Doctor's Association

## ANNEXURE VII

LIST OF SERVICE ORGANISATIONS AND OFFICIALS  
APPEARED BEFORE THE COMMITTEE

1. Kerala N.G.O. Union
2. Joint Council of Service Organisation
3. Kerala N.G.O. Association
4. Kerala Jail Subordinate Officers' Association
5. Kerala Jail Executive Officers' Association
6. Representatives of the Technical Staff in Prisons
7. Welfare Officers in Prisons
8. Senior Prison Officers

## ANNEXURE VIII

LIST OF CHARITABLE AND WELFARE AGENCIES  
APPEARED BEFORE THE COMMITTEE

1. Jesus Fraternity,  
Palarivattom,  
Kochi  
(Rev. Fr. Francis Kodiyan, Fr. Joseph Mackolid and  
three others)
2. Indian Prison Ministry,  
Muttada,  
Thiruvananthapuram  
(Mrs. Benny)
3. The Corrections India,  
Kottayam  
(Shri Joseph Mathew)



ANNEXURE IX (a)  
GOVERNMENT OF KERALA

**Home (B) Department**

G.O. (Rt.) No. 5034/91/Home, dated, Thiruvananthapuram,  
29th October 1991

*Abstract.*—Jails—Constitution of Jail Reforms Committee under the Chairmanship of Shri A. P. Udayabhanu—Orders issued.

**ORDER**

Government are pleased to constitute a Jail Reforms Committee under the Chairmanship of Shri A. P. Udayabhanu with the following members:—

- |  |                     |
|--|---------------------|
| 1. Shri A. P. Udayabhanu,<br>‘Narayaneeyam’,<br>Kumarapuram,<br>Thiruvananthapuram.              | .. Chairman         |
| 2. Shri K. Karunakara Panicker,<br>‘Sheela’, Market Road,<br>Vattiyoorkavu.                      | } Members           |
| 3. Shri P. A. Oommen,<br>Retd. District and Sessions<br>Judge, Palamoottil,<br>Muttom, Harippad. |                     |
| 4. Shri P. P. Ummerkoya,<br>Ex-Minister, Kozhikode.  |                     |
| 5. Smt. Leela Damodara Menon,<br>Kalur, Ernakulam.   |                     |
| 6. Inspector General of Prisons  | .. Member-Secretary |

2. The term of the Committee will be for six months from the date of assumption of charge by the Chairman. The term of reference of the Committee will be as follows:—

1. to review the organisational structure of Kerala Jail Administration to find out its strength and weakness and to make appropriate recommendations to enable it to respond to the challenges of modern times.
2. to examine the living conditions of prisoners in Kerala and propose improvements in consonance with the requirements of leading a life of human dignity.



3. to explore the possibilities of engaging the convicts on productive employment on a more extensive scale than at present and also to impart them vocational training.
4. to review the system of parole and suggest improvements.
5. to suggest improvements in the treatment of women, children and mentally sick persons.
6. to review the working of Open Prison.

3. The other conditions regarding the status of the Committee, other perquisites to the Chairman and members, staff, office accommodation etc. for the functioning of the Committee will be as follows:—

(i) Shri A. P. Udayabhanu, the full time Chairman of the Committee will be paid a monthly honorarium of Rs. 4,000 (Rupees four thousand only) less monthly pension and a conveyance allowance of Rs. 1,000 (Rupees one thousand only) per month.

(ii) The members of the Committee will be eligible for T.A. as for Class I Officers of State Government in addition to Rs. 75 (Rupees seventy-five only) per day for each sitting.

(iii) The following temporary posts are sanctioned to the Office of the Jail Reforms Committee for a period of six months.

Sl. No.	Name of post	Scale of pay Rs.	No. of post
1.	Office Secretary	(Re-employment basis)	1
2.	Confidential Asst. Gr. II	865-1450	1
3.	L.D. Clerk	825-1290	1
4.	Driver Gr. II	805-1190	1
5.	Part-time Sweeper	(at the rate admissible as per existing norms)	1
6.	Peon	750-1025	1

(iv) As recommended by Shri A. P. Udayabhanu, Shri N. Sadanandan, retired Chief Audit Officer, Jails Department is appointed as Office Secretary on a remuneration to be fixed having regard to the scale of pay of the post held by him at the time of his retirement and his emoluments will be governed by the orders relating to re-employed persons.

(v) Other categories of posts will be filled up by redeployment from the Jails Department. The Inspector General of Prisons will take early action to make available the staff by redeployment.



(vi) The Office of the Committee will be housed in the ground floor of the residential building of the Chairman [Narayanecy, T.C. 1/1917 (New), Burma Road, Kumarapuram, Thiruvananthapuram-11] and the rest of the building will be got fixed by the Estate Officer, Public Works Department and will be reimbursed to him.

(vii) The present private residential telephone (No. 72355) of the Chairman will be converted into the official telephone with S.T.D. facility, during the tenure of the Committee.

(By Order of the Governor)

C. P. NAIR,

*Commissioner and Secretary to Government.*

To

Shri A. P. Udayabhanu, Chairman,  
Jail Reforms Committee, Narayanecy,  
T.C. 1/1917 (New), Burma Road, Kumarapuram,  
Thiruvananthapuram (with C. L.).

Shri K. Karunakara Panicker,  
'Sheela', Market Road,  
Vattiyoorkavu.

Shri P. A. Ummen,  
Retd. Dist. and Sessions Judge,  
Palamoottil, Muttom, Harippad.

Shri P. P. Ummerkoya,  
Ex-Minister, Kozhikode, etc.



## ANNEXURE IX (b)

## GOVERNMENT OF KERALA

## Home (B) Department

G.O. (Rt.) No. 5361/91/Home, dated, Thiruvananthapuram  
23rd November 1991

*Abstract.*—Jails—Constitution of Jail Reforms Committee—Nomination of Dr. K. A. Kumar, Director and Professor Psychiatric Medicine, Medical College as a Member, appointments to the sanctioned posts, providing of vehicle etc.—Orders issued.

*Read.*—1. G.O. (Rt.) No. 5034/91/Home, dated 29th October 1991.

2. Letter dated 2nd November 1991, 7th November 1991 and 19th November 1991 from Shri A. P. Udayabhenu, the Chairman of the Jail Reforms Committee.

3. Letter No. EI-24770/91, dated 1st November 1991 from the Inspector General of Prisons.

## ORDER

Government are pleased to nominate Dr. K. A. Kumar, Director and Professor of Psychiatric Medicine, Medical College, Thiruvananthapuram as a Member in the Jail Reforms Committee constituted as per the G.O. read above.

2. In partial modification of the G.O. read above, Government order that the appointments to the posts of Confidential Assistant Grade II, Lower Division Clerk, Driver Grade II, Peon and Part-time Sweeper attached to the Office of the Chairman, Jail Reforms Committee will be made by the Chairman of the Committee. The action of the Chairman in having appointed the following persons against the posts noted against each is ratified.

- |   |                              |
|---|------------------------------|
| 1. Shri P. Asokan,<br>Pullaykonath Veedu,<br>Anad P. O.,<br>Nedumangad.                   | .. Confidential Asst. Gr. II |
| 2. Smt. Mini, V. S.,<br>East Palachal House,<br>Kaikara P.O.,<br>Thiruvananthapuram Dist. | .. Lower Division Clerk      |



3. Shri K. Anilkumar, .. Driver Gr. II  
K. P. 6/37, Krishna Nivas,  
Pullottukonam, Kuttichal P.O.,  
Thiruvananthapuram.
4. Shri E. Selvaraj, .. Peon  
Selva Bhavanam,  
Kannachal Villa,  
Parasuvakkal P. O.,  
Thiruvananthapuram.
5. Smt. B. Indira, .. Part-time Sweeper  
T.C. 13/1433,  
Charuvilakathu Veedu,  
Burma Road,  
Medical College P.O.  
Thiruvananthapuram-11.

3. Their appointments will be coterminous with the term of the Committee.

4. The Inspector General of Prisons will make available a Departmental vehicle at the disposal of the Committee and arrange its fuelling by the Department.

5. The expenditure on this account will be met from the head of account "2056 Jails 800—Other expenditure 97—Prisons Reforms Commission" for the current year's Budget.

(By order of the Governor)

C. P. NAIR,

*Commissioner and Secretary.*

To

Dr. K. A. Kumar, Director and Professor of Psychiatric Medicine, Medical College, Thiruvananthapuram.

The Chairman, Jail Reforms Committee.

The Inspector General of Prisons, Thiruvananthapuram.

The Accountant General (A & E)/(Audit) Kerala (This issues with the concurrence of the Finance Department).

The Finance Department (vide U.O. No. 86764/Exp. A3/91/Fin., dated 20th November 1991)

Copy to: Disposal G.O. (Rt.) 5039/91/Home, dated 20th October 1991.



## ANNEXURE IX (c)

## GOVERNMENT OF KERALA

**Home (B) Department**

*G.O. (Rt.) No. 2158/92/Home, dated, Thiruvananthapuram,  
7th May 1992*

*Abstract.—Jail Reforms Committee—Terms of Reference—  
Further orders—Issued.*

*Read.—1. G.O. (Rt.) No. 5034/91/Home, dated 29th October  
1991.*

*2. G.O. (Rt.) No. 1396/92/Home, dated 20th March  
1992.*

## ORDER

Government are pleased to include the following terms of reference to the Jail Reforms Committee in addition to those referred to in the G.Os. read above.

“The Committee may study and report on the working of the Borstal Schools in the State, with special reference to the calibre and quality of the staff.”

(By order of the Governor)

C. P. NAIR,

*Commissioner and Secretary.*

To

Shri A. P. Udayabhanu, Chairman, Jail Reforms Committee  
Thiruvananthapuram—11.

The Inspector General of Prisons, Thiruvananthapuram 12.

The Office Secretary, Jail Reforms Committee.

Copy to: Disposal leading to G.O. (Rt.) No. 5034/91/Home.



## ANNEXURE IX (d)

## GOVERNMENT OF KERALA

**Home (B) Department**

*G. O. (Rt.) No. 1396/92/Home, Thiruvananthapuram, dated  
20th March 1992*

*Abstract.*—Jails Reforms Committee—Terms of reference—  
Further orders—Issued.

- Read.*—1. G.O. (Rt.) No. 5034/91/Home, dated 29th October 1991.
2. G.O. (Rt.) No. 5361/91/Home, dated 23rd November 1991.
3. G.O. (Rt.) No. 359/92/Home, dated 18th November 1992.
4. D.O. Letter No. J.R.C. 1/91, dated 3rd December 1991 from the Chairman, Jail Reforms Committee.

## ORDER

In the circumstances stated by the Chairman, Jail Reforms Committee in his letter read as 4th paper above, Government are pleased to include the following terms of reference also to the Jail Reforms Committee constituted in the G.O. read as first paper above.

The Committee may review any case of life convicts, who have actually spent not less than 8 years in the prisons of the State to the extent to which it is required to suggest new system or modification to the present practice for premature release.

(By order of the Governor)

C. P. NAIR,

*Commissioner and Secretary to Government.*

To

Shri A. P. Udayabhanu, Chairman, Jail Reforms Committee,  
Thiruvananthapuram-11 (with C. L.)

The Inspector General of Prisons, Thiruvananthapuram-12.

The Office Secretary, Jail Reforms Committee.

Copy to: Disposal leading to G.O. (Rt.) No. 5034/91/Home.



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