5th National Conference of Heads of Prisons of States & UTs on Prison Reforms

29-30 September 2016
Convention Centre, NDCC, New Delhi

Compendium

Bureau Of Police Research And Development

Note: The Compendium and its contents are for the delegates and internal circulation only.
Message

Prison is a state subject under the constitution. Reforms in prison administration have been slow, ad hoc and lacking in institutional character. They have been mainly based on interventions by the courts. The Union Government has also made efforts by funding the modernization of prisons, preparing Model Prison Manual and issuing advisories to states from time to time.

It is a matter of great pride that BPR&D is organizing the 5th National Conference of Heads of Prisons of States and UTs on Prison reforms. This conference would provide a platform to the correctional administrators in states/UTs to exchange ideas and learn from each other’s experience. It would also provide them an opportunity to showcase their best practices and innovations. I am sure that these deliberations among the leading Prison Administrators will present some policy imperatives and suggest measures in improving the quality of correctional services.

The presence of NGOs and academicians working in the field of prison reforms will further enrich the deliberations. Their participation will bring in fresh perspective to understand the requirements of the present prison population and their families in terms of humane prison services, reformation and rehabilitation measures and adherence to human rights.

I am happy that some of the best practices in prison management in various states and UTs have been documented in this compendium. Their sharing and recognition will help to motivate the correctional administrators of all ranks. Some of the seminal orders and judgments of the Hon’ble Supreme Court and research studies sponsored by BPR&D have also been compiled to provide a road map for improving the correctional services.

I hope that this conference will go a long way in achieving excellence in correctional services and prison reforms. I congratulate Shri Parvez Hayat, ADG, Shri Anurag, IG and Conference Secretary, Dr. N K Azad, IG, Shri Pramod Verma, DIG, Shri G S Chaudhary, DIG and their team for shouldering the responsibility of organizing the conference.

I wish the conference great success.

(Dr. M. C. Borwankar IPS)
Director General
BPR&D - An Introduction

Bureau of Police Research & Development (BPR&D), under the Ministry of Home Affairs, is the apex body at the national level to promote excellence and best values in policing. The objective is to equip the Indian Police to meet the challenges of the increasing diversity of crimes on the one hand and the rising public expectations on the other. This is sought to be achieved through training, research, and modernization of the Police Forces and Correctional Services.

The Government of India created the Bureau of Police Research & Development on 28.08.1970 with the primary objective of modernization of India Police force. The initial mandate of BPR&D was

(a) To take direct and active interest in policing issues
(b) To promote speedy and systematic study of police problems
(c) To apply science and technology in the methods and techniques used by police

The resolution also mandated an advisory role for the BPR&D.

The BPR&D was initially started with two divisions of Research and Development. In 1973, the Training Division was established in BPR&D on the recommendations of the Gore Committee on Police Training. In 1995, the Correctional Administration Division was started to study problems related to prisons and to implement prison reforms. In 2008, the National Police Mission was established in BPR&D to transform the police forces in the country.

Over the years the Bureau has transformed, through several additions of responsibilities, into its present structure. Now, the BPR&D promotes excellence in the functioning of police and correctional administration, undertakes research and development, identifies appropriate technologies for effective police and prisons functioning and above all, helps improve the human resources by upgrading the training methods, curricula, reading material and facilities. The BPR&D has contributed significantly in the functioning of the above and endeavors to do so in future.

In the field of correctional services, BPR&D has also organized 5 All India Prison Duty Meets so far. In the last ten years, BPR&D has sponsored several seminars and conferences and organized 184 courses to train prison officers of various ranks.
Conference Introduction

BPR&D’s charter of functions includes the study of problems affecting prison administration and promotion of research and training in this field. BPR&D and MHA have been organizing All India Conferences of Heads of Prison Departments of States and UTs to discuss relevant issues concerning prison reforms in the changing scenario and to identify problems being faced by the correctional administrators in different parts of the country.

Four such national conferences have been organized in 2004, 2008, 2010 and 2013 with these objectives. Some of the issues discussed in these conferences were - Augmentation of prison training, Prison modernization, Over-crowding in prisons and reducing the number of under trial prisoners, Professional development and well-being of prison staff, Public - Private partnerships in prisons, Research and development in prison management, Use of appropriate technologies in prisons etc.

The themes of the present conference are -

1. Rehabilitation / Re-integration of prisoners
2. Technology for Prisons
3. Security in Prisons
4. Best practices in prisons with special reference to agriculture and industry

The conference will be attended by the senior officers heading the Prison departments of State/UTs, NGOs and academicians working in this field. For the first time, the Superintendents of Jails from Central Jails and District Jails have also been invited to share their views and experiences of day-to-day management of prisons. Leading practitioners, subject experts, academicians, representatives from NGOs will address the delegates on the above issues.

The conference would provide a platform to the correctional administrators in states/UTs to exchange ideas and learn from each other’s experience about the operational issues of prison management. The deliberations among the leading Prison Administrators of the country are expected to suggest measures to achieve over all improvements in the quality of correctional services.
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Promoting Good Practices and Standards

5th National Conference of Heads of Prisons of States and UTs on Prison Reforms
PART 1

RESEARCH STUDIES

Promoting Good Practices and Standards
1. Aftercare and rehabilitation of released prisoners: An Indian perspective

Dr. MR Ahmed
Director, APCA, Vellore

Introduction

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

According to Schwartz (1982) “the word rehabilitation means the purposeful reduction or elimination of an offender’s subsequent criminal behaviour through a programme of planned intervention.” This definition contains three elements, all of which are parts of the core concept of rehabilitation. They are: the purpose of rehabilitation is to reduce subsequent criminal behaviour; its programmes are planned for intervention to do so; and its effect is the actual reduction or elimination of criminality in the offender’s behaviour.

If these three elements are separately looked into, we find that rehabilitation has to be purposefully planned, rehabilitative programmes have to be undertaken
and as a result some criminals stop committing crime. The major question emerges as to whether these three elements are found together in the policies which we have formulated in our country and have applied to reduce the criminality of offenders in future? The policies which we have in India, particularly point to custody of the offenders and to provide obsolete vocational training with no programme of rehabilitation in the community. (Singh 1993).

The Aim of Rehabilitation

The primary object of rehabilitation of a prisoner is “to make the transition from the prison community to the free community as smooth and painless as possible by giving the prisoner financial and material assistance and psychological instruction, counseling and guidance and by offering or imposing some degree of continuing supervision where this is desirable. Help may be needed in obtaining employment, in obtaining accommodation, in reestablishing his position in the family, in settling various debts incurred while he was in custody or prior thereto, and in countless other directions”. (Williams 1979). Equally significant is the comment made in the Model Prison Manual (Bureau of Police Research & Development 2002) thus: “Aftercare is the released person’s convalescence. It is the bridge which can carry him from the artificial and restricted environment of institutional custody, from doubts and difficulties, hesitations and handicaps, to satisfactory citizenship, resettlement and to ultimate rehabilitation of the free community” (ibid. 2002).

Impediments in the implementation of aftercare and rehabilitation programmes in India

One of the significant hurdles which come in the way is lack of meaningful communication between the institutional programme and the Governmental and community services in the field of aftercare, employment, vocational counseling and training and rehabilitation. The existing communication channel between released offenders and after-care institutions is really inadequate to bridge the gap between what the institutions can offer and what a released offender can really avail himself of those services. Another impediment is the lack of proper coordination between the Governmental and voluntary efforts in matter of organizing after-care services. Voluntary organizations are found to work in isolation without getting adequate support and incentives neither from Government nor from the public.
The stigma attached to persons for their being in the correctional institutions, in combination with the general public apathy and the lack of co-operation of the family members of the ex-convicts poses a serious problem for the proper rehabilitation of offenders. The lack of active Governmental support, insufficient infrastructural facilities, inadequate financial back up and want of trained personnel and training equipment have also been identified as major handicaps in the fruitful utilization of aftercare services for the socio-economic rehabilitation of institutionalized offenders.

**Role of Police**

The basic functions of police being prevention and control of crime, the police cannot afford to ignore after-care services of offenders so long they help directly in matter of preventing and controlling crimes by way of rehabilitating criminals in the society. The police who remain mostly busy with their multifarious duties relating to management of law and order situation, V I P. Security, enforcement of major laws etc., tend to believe that prevention of crimes through correctional treatment and rehabilitation of offenders is the sole responsibility of correctional officers and social workers only and they have got nothing to do in this sphere. But it is not true. In view of the fact that the police is the first and foremost agency which comes into contact with the criminals, the society has got enormous dependence on them relating to the protection of society against antisocial. The police cannot afford to ignore this responsibility, rather it becomes imperative for them to share this task in close collaboration with correctional officers and social workers to yield the best result.

**Role of Correctional Officers**

The period immediately after the discharge from correctional institutions is very difficult one for the offenders and all the efforts of correctional officers would be nullified if adequate after-care is not made available. Therefore in order to ensure the success of all the programmes carried out in the correctional institutions, it is a noble task of the correctional administrators to see that out side agencies are properly communicated for providing necessary after-care for the discharged offender. In many countries, there are schemes whereby volunteers from the community are introduced by the correctional officers, close upon discharge so that
they may provide them the necessary help and guidance after discharge. It is also the responsibility of the correctional officers to educate the society regarding the relevance and usefulness of social rehabilitation of offenders. If society continues to reject the offender and not give him a chance to make good, he may very soon revert to a life of crime. If that happens, all the money and all the effort spent on the correctional programmes would go in vain.

Despite lot of thinking and ideas which have been generated during the last century regarding the development of after-care services for the released offenders in this country, the present status of the existing after-care services gives a gloomy picture. The services in this respect have been remained restricted to giving temporary shelter and financial assistance some times to a very limited number of discharged prisoners. Some discharged prisoners aid societies are operative in the country of course but excepting a few, all are suffering from acute financial crisis and lack of public sympathy and governmental support.

What needs to be done?

In India, there is a compelling need to reform the system to prepare convicts for law-abiding lives. As suggested by Petersililia (2003), first we must reinvest in prison work and education. We simply cannot reduce the problems of released prisoners and recidivism without funding programmes that open up opportunities for ex-convicts to create alternatives to a criminal life style. It simply cannot be done. Ironically, just as evidence was building that certain rehabilitation programmes do reduce recidivism, state prison administration and correction department had to dismantle those very programs due to budget constraints. The result is that relatively few inmates leaving prison today have received any education or vocational training to address these deficiencies, almost guaranteeing their failure at release.

Second, we must front-load post prison services during the first six months after release. Recidivism statistics in USA show that two-thirds of people released from prison will eventually be rearrested and the return to crime happens very quickly in most of the cases in the first six months of their release. On the other hand, the risk of recidivism declines dramatically after three years (Petersililia 2003). All this suggests that the first six months after release are extremely critical to eventual success and we should concentrate our limited resources on that time period. In this period
agencies relating to after-care should work to coordinate surveillance, job training and placement, health services, family services and transitional housing.

Thirdly, we must establish procedures by which some convicts can put entirely their criminal offending in the past. A criminal conviction – no matter how trivial or how long ago it occurred – scars one for life. The stigma associated with a criminal past significantly affects one’s chances of finding and keeping a job, personal relationships and housing – and these difficulties ultimately also affect public safety. Hence jobs, housing and financial stability are necessary for convicts to refrain from crime and to establish the informal networks critical for long term survival.

Indeed, the conditions under which many inmates are handled are detrimental to successful reintegration, and many of the restrictions we place on returning prisoners prove deeply counter productive. Clearly we need policies that reflect the state’s legitimate interests in public protection but do not at the same time, in and of themselves, diminish an individual’s motivation and ability to change, which produces more crime in the long run.

The nation faces enormous challenges in managing the reintegration of increasing numbers of individuals who are leaving state prisons. It is time to do the hard work of developing more effective responses to these challenges. We should do this not only because it will be good for prisoners returning home, but because, it will ultimately be good for their children, their neighbours and the community at large.

Ultimately, however, whether we choose to chart a new course on who goes to the prison and how inmates are returned to communities will depend not on economics but on whether we embrace the noble idea that we have a responsibility to help offenders make new lives for themselves. It is mostly our changed value system that has led to more punitive crime policies, not changes in crime rates.

If prison is judged necessary, then maximum effort should be made to encourage ties with the family and community throughout the prisoner’s stay, and prerelease programmes should focus on actively connecting the prisoner to the host community. Every known study that has been able to directly examine the relationship between a prisoner’s legitimate community ties and recidivism has found that feelings of being welcome at home and the strength of
interpersonal ties outside prison help predict post prison adjustment (Petersilia 2003).

Reentry services of the future must focus on linking offenders with community institutions. This means that we have to reach outside the criminal justice system to other units of government and the community: religious organisations, ex-prisoner self help groups, families, and non-government organizations. We have to share the responsibility for transitioning offenders to the community with the community. Community partnerships not only help the offender connect with the community, but just as important, help the community connect with the offender. If an inmate does not have a naturally occurring family support system, then reentry courts, reentry partnerships, and reintegration ceremonies can help serve this vital role.

In Indian context, it is urgently necessary that an officially recognized system should be evolved to pursue and ensure that the follow up action for the rehabilitation of offenders must start from the day a prisoner enters into the prison and end with his proper rehabilitation in the society. This job may not be very difficult in India because majority of prisoners hail from the agricultural community and they may be easily absorbed in their original system with little bit of counseling and social assistance. These services will be necessary only for those who have lost their socio-economic roots in the process of incarceration.

In order to give a fillip to rehabilitation of released offenders, the government has to play a dominant role. Some organization like Rehabilitation Bureau which functions under the direct control of Ministry of Justice, Govt. of Japan, needs to be created in the country for continuous review and monitoring of the rehabilitation work, since the day they enter into the prison, till they are settled in the normal life. There is an urgent need of involving community in the treatment programmes in correctional institutions in a big way. It is a well established fact that rehabilitation of a prisoner becomes easy if the community support is enlisted in the greatest proportion (Bedi 1983). Since the ex-offender has to be rehabilitated in the society only, the society has to come half the way in this regard. For bringing the community closer, a three pronged approach needs to be adopted.

Firstly, maximum possible efforts should be initiated to associate people from different walks of life in different treatment programmes of the inmates in the institution itself. Secondly, mass media has to be brought closer to the prison programmes, so that people at large can be enlightened what good work is
being carried out in prisons for the reformation of prisoners. Thirdly, voluntary organizations should be encouraged and strengthened to work in partnership with the government agencies to facilitate rehabilitation of released prisoners. Community based treatment programmes have great potentiality in enhancing rehabilitation of released prisoners. Among different community based treatment programmes, probation services have immense potentiality which has not so far fully harnessed in the country. Probation as a method of treatment not only, helps in decongesting prison population but also creates an opportunity for the offender to correct himself in the community itself (Harris 1993). Although, there is Central Act on Probation, enacted in 1958, unfortunately, the probation services so far, have not been able to make any significant dent in the correctional field in the country. The main reason of the state of affairs may be attributed to common ignorance among public and general apathy of the law enforcement agencies. There is an urgent need to make the probation services more popular among public as well as to criminal justice system. This will definitely provide a boost to the rehabilitation of released offenders.

**Aftercare and Rehabilitation: The way ahead**

At present, there is no legal support by which a released prisoner can automatically be benefited by government or from other sources. Some law like the ‘Law for Offenders Rehabilitation Services (1995)’ of Japan or some similar acts as prevalent in other advanced countries may go a long way in the augmentation of rehabilitation programmes. The All India Committee on Jail Reforms 1983 also strongly recommended that after-care of prisoners discharged from prisons and allied institutions should be the statutory function of the Department of Prisons and Correctional Services. Prison officers should be trained as to how, they can help the prisoners for their rehabilitation from the initial days of their imprisonment. They should be equipped with guidance and counseling skill to facilitate legal assistance to indigenous prisoners, help them to keep contacts with their families, pursue communities to accept them back and maintain liaison with voluntary organizations who will, in turn, help the prisoners for their rehabilitation. Police officers, particularly at the grass root level, should also be trained as to how they should deal with released prisoners to facilitate their resettlement in social life. A team of well trained officers should be installed in the headquarters of every state which will evaluate, monitor and coordinate rehabilitative activities. They
will maintain continuous liaison with voluntary organizations working in the field of after-care and rehabilitation of prisoners released from the correctional institutions. Planning for after-care should begin soon after the inmate enters the institution (Srivastava 1989). At the same time, the number of after-care institutions and organizations should also be raised to meet the rehabilitative requirements of all the released prisoners from the correctional institutions in the country. Both voluntary and governmental organizations for after-care and follow up work should be adequately equipped both infrastructurally and technically to make them discharge their duties. Voluntary workers engaged in after-care should be provided with necessary training, encouragement, help, guidance and incentives, so that they can perform their job properly and can sustain their interest.

The prison’s struggle to achieve reform ideals would always prove fruitless, as long as prisons continue to be governed by ill-trained, ill-equipped, low-paid non-professional personnel many of whom are frustrated on account of their arduous job conditions, seem to appear plagued with low-morale and simple wish to do their time in prison setting as ritualistic conformists to the prison rules and regulations. Prison guards, at least majority of them, are lowlier than the low. Some of them are sadistic, brutal, filthy and corrupt in their relationship with the prisoners. It is these guards who brazenly abuse the keeper’s authority and continue to exploit the system and its guinea pigs to the maximum disadvantages of both. It is, therefore, clear that prisons cannot be reformed as long as the prison keepers, as a group, remain unreformed. To reform prison keepers, it is essential to launch a massive personnel development programme in prisons and endorse a philosophy of recruitment that aims at selecting people to run prisons, who are humane in their outlook, incorruptible in behaviour and dignified in their approach to prisoners. Such men are difficult to find, no doubt, but it can be hoped that such men can be available if the remunerative scales of the different kinds of prison-keeping jobs are sufficiently attractive, in accordance with the technical or professional qualifications they possess. Like prisoners, our prison officers too have their woeful tales to publicize. It is, therefore, essential that all efforts of prison reform should not only aim at reforming the prison system from the viewpoint of prisoners alone. Prison reform efforts should also try to listen to what ails the ‘keepers’ and try to recommend a substantial ‘reform dose’ for improving the lot of these frustrated captors.
The solution to the problem of reformation and rehabilitation does not lie with the prison administrators only. It, in fact, lies with the penal policy-makers, and the judges who somehow still believe that their job is better done if the criminals they apprehend and prove guilty are sent to prison. The prison in their conception is the warehouse of human waste material that society wants to remove both out of sight and out of mind. This approach in the prevention of crime and treatment of offenders is now rightly criticized and viable alternatives to imprisonment are being gradually sought for. The burden of prisons can be reduced only when majority of short-termers and petty criminals are either released on probation and or acquitted after paying the fines. A liberal policy of release on parole would also result in reducing the prison population substantially. The recent clamour for ‘community corrections’ is a right direction, that would solve many of the ills of the present criminal justice system in India.

**Inclusion of Prisons in Development Plans**

As prison administration has a direct bearing on the improvement of the quality of life among those who deviate from the accepted social norms, the development of prisons shall be pursued as an integral part of the National Development Plans (BPR&D 2002). Investment on prisons not only leads to the reformation and rehabilitation of offenders as law-abiding citizens but also to safeguard the life of those adversely affected by them. Therefore each State shall take steps to formulate schemes for the development of prisons in their entirety in the central and state plans. Such schemes should not only relate to the correctional content of prison programmes but also to the relief and rehabilitation of the released prisoners and to the quality of prison staff.

**Conclusion**

Despite lot of thinking and ideas which have been generated during the last century regarding the development of after-care and rehabilitative services for the released offenders in this country, the present status of the existing after-care services needs lots of improvement. The services in this respect have remained restricted mainly to giving temporary shelter and financial assistance to a very limited number of discharged prisoners. Although, a good number of after-care organizations are operative in the country, excepting a few, most of
them are suffering from acute financial crisis and lack of public co-operation and governmental support. The Model Prison Manual and the Mulla Committee on Prison Reforms have strongly recommended for evolving a structured network of after-care services for different categories of offenders on the basis of their rehabilitational needs. In spite of all these, neither adequate infrastructural facilities for the after-care services in the States have been properly developed nor stabilized organizational mechanisms have evolved. Not only the basic objective of correctional administration is constrained but also the entire efforts involving massive manpower and huge expenditure towards the correctional endeavor are not being properly utilized. It is, therefore, felt to be necessary to take up this issue with real seriousness and to translate the recommendations into realities. A systematic approach needs to be adopted to sensitize the community as well as the government regarding the importance of after-care services in the field of prevention and control of crime.

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2. **Prison Administration and Connected Aspects (2001)**

   Regarding Vocational Training for Wage Earnings

   **K N Kapoor IPS (Retd.)**

**Objectives**

1. To examine and review management of prisons with bias towards vocational training for wage earning.
2. To suggest measures for improvement in working of prison industries.

**Findings**

1. No proper planning for work programme and vocational training for prisoners.
2. Work opportunity for prisoners has not been fully utilized.
3. Requirements of manpower in prison industries, agriculture and horticulture have not been worked out.
4. Large number of inmates are unemployed on account of non-supply of raw materials.
5. Agriculture farms in prison are still run by out-dated machinery.
6. Prison industries are managed by executive and prison staff and not by technical staff.
7. Lack of funds for development of prison industries.
8. Prison industries are suffering due to lack of time, budget, physical facilities, raw materials, equipment and stores, etc.
9. Poor maintenance of workshops, agriculture farms, etc.

**Suggestions**

1. The possibilities of association of private sector need to be explored and, utilized for better prospect of prison industries and outlets for its products.
2. Need to setup work camp centre in prisons.
3. Prison industries to be linked with cottage and small scale industries for new products in prison industries.
4. There is a need for co-ordination between the headquarters and field units.

5. Need to lay down yardstick for production units through system analysis, and incentive for wages.

6. Need to be paid wages as per judgement of Hon’ble Supreme Court of India, at par with wages for skilled, semiskilled and unskilled worker.

7. Vocational training must be recognized as an input of correctional programme, so that those prisoners are trained in terms of their skills and occupation for resettlement in society.

8. Under trial prisoners, who volunteer to work, be given fair wages along with others.

9. Released prisoners to be employed or self-employed, according to their skills and performance.

10. Trade work such as woodwork, leatherwork, foundering, printing press, soap and phenyl making, carpet making, etc. should be introduced in prisons.

11. In order to develop prison industries for vocational training and wage earning, a board with chairman as Inspector General of Prisons and Director of Correctional Services for work programmes and vocational training needs to be set up at Headquarters of Departments/States.

**Recommendations**

1. High powered board should be vested with financial and administrative powers to provide funds, plan programme of work and vocational training with modern technique and co-ordinate the work relating to production on commercial basis.

2. Prisoners, who perform their work satisfactorily, should be brought on wage system. Newly admitted prisoner in production unit should be given token wages.

3. Prison industries may establish retail outlets outside the prison site for sale of prison products.

4. A survey of employment opportunities in trade and industries to be conducted to assess the labour requirements and for self-employment.

5. On completion of training, inmates should be examined by the department of technical education, and on passing of examination be awarded a certificate for resettlement in society after release from the prisons.
6. In order to encourage prison farm industries, the project director suggested to give higher priority for developing horticulture, dairy products, poultry, fishery, mushroom cultivation, fruit canning besides agro-based industries like gobar gas plant, solar heater, etc.

7. Proper wages will encourage the prisoners to increase prison farm production.

8. Introduction of modern methods in prison industries including cottage industries, handicrafts for employment potential outside on release of inmates.

9. There is need for enforcement of instructions for purchase by Government and semi Government Departments from the prison industries department for the development of prisons.

10. Prison industries to be included as a development department and in the Five Year Plan with regular survey to assess opportunities for self-employment in trade.

11. Need to prepare perspective planning for five to twenty years to serve as a base at the state level, for central government financial assistance for modernization schemes for proper utilization of grants well in time.

3. **Punishment before Verdict (2003)**

Prison Conditions of Undertrial Prisoners in Tamil Nadu

R Thilagaraj

Professor of Criminology, Madras University, Chennai

**Objectives**

1. To understand the problems faced by undertrials in matters related to bail, legal aid and engaging a defence lawyer.

2. To assess the problems faced by undertrials in meeting their family members.

3. To highlight the living conditions of the undertrials in prisons.

4. To evaluate the treatment programmes for undertrials in prisons.
**Recommendations**

1. Regular joint reviews should be held at national and local level with relevant criminal justice agencies to consider performance and to coordinate improvements.

2. Accurate means of identifying the costs of keeping undertrials in prison should be found and these costs should be published annually; more up-to-date means should be found to identify the costs of alternatives to custodial remand; and a study should be undertaken to compare the alternatives.

3. Levels of care provided to undertrial prisoners by social work agencies should be at least equal to those in the community.

4. Undertrial prisoners should have increased opportunities for access to the range of support services that would be available to them if they were on bail.

5. Arrangements for prisoners to meet with their legal agents should be accorded the greatest priority.

6. Every remand establishment should have a supply of legal books to which undertrial prisoners should have full access, facilitated by the designated and trained Legal Officer.

7. A set of Operating Standards, specifically related to the regime for undertrial prisoners should be brought about.

8. Consideration should be given to amending the rules to introduce rules specifically aimed at young undertrial prisoners.


10. Visiting Committees should be asked to consider the appointment of one member to oversee all contacts with undertrial prisoners.

11. All staff working in undertrial areas of prisons should receive training in the distinctive characteristics and needs of undertrial prisoners, starting with a clear understanding of how the principles of natural justice should be applied for undertrial prisoners.

12. Every undertrial establishment should have a common, accredited induction programme.

13. Undertrial prisoners should be offered a continuance of prescribed medication and should have equitable access to detoxification facilities.
14. Undertrial prisoners should have the opportunity to be held in drug-free areas.

15. A system should be introduced that would enable undertrial prisoners to have a radio and television in their cell as well as having access to daily newspapers and regular visits to the establishment’s library.

16. There should be a doubling of the current level of visit entitlement for undertrial prisoners to at least 60 minutes per day and visits for such prisoners should be available every day.


Dr. Upneet Lalli
Deputy Director, ICA, Chandigarh

Objectives
1. To examine and study prison as an organization.
2. To find out the role perception of the prison staff about their role.
3. To find out the charter of duties to be developed for the prison staff.
4. To explore the perception of prison inmates about their role expectations from the prison staff.
5. To identify and develop key performance indicators for the prison organization.

Recommendations

Organizational Interventions
1. Developing administrative capability through management information system to provide data quickly to appropriate organizational units for their consideration and possible utilization in developing action plans for the organization.
2. Establishing clear and articulate organizational and individual goals through a process of continuous interaction between various levels of management.
3. Ongoing process of evaluation of the organization and individual goals through a proper and continuous feedback. Positive feedback and evaluation may result in resetting of such goals.

4. Developing organizational culture that is highly conducive to employee motivation and self-actualization towards organizational goal accomplishment. Participative management is a desirable attribute for developing such a work climate.

5. A proper functioning system for appraising the organization and individual programmes towards goal attainment is needed. The correctional organization should begin to define its mission (a general statement of purpose), goals (which specifies desired results), a vision statement and objectives of prison (that can be measured to show success and achievements). These are useful in the development of planning statements through which objectives and goals would be achieved leading to fulfillment of the mission of the correctional organization. Periodic progress reviews to ensure that adequate progress is being made towards the goals and objectives of the organization.

**Personnel Development**

6. Developing role clarity in the personnel.

7. Proper training programmes; both basic and orientation training along with regular refresher courses. The training programme should aim at developing technical skills initially and a continuous process of upgrading human relations and organizations skills. Gender sensitive training is also essential.

8. Develop a code of ethics for prison personnel.

9. Improving service condition to satisfy the basic needs of the staff in order to decrease the job dissatisfaction.

10. Information dissemination about latest judicial decisions, legal developments and management practices to help the personnel contribute to organizational development.

11. Proper performance appraisal which should be done on regular basis and feedback about success and failure should be given in order to develop prison personnel.

**Prison Inmates Welfare**

13. A proper grievance redressal mechanism should be in place in the prison.
14. More interaction with the inmates through regular meetings and sabhas.
15. Increasing the participation of the inmates in the prison administration.
16. Suitable training/work programmes for all male and female inmates

5 Compensation to the Victims of Crime (2005)

BPR&D In-house study

Objectives
(i) To ascertain the status of victims in the administration of criminal justice.
(ii) To examine the constitutional and legal framework available in different statutory books for awarding the compensation to the victims of crime in India.
(iii) To identify the shortcomings in the existing legal framework in this matter.
(iv) To evaluate the special scheme of compensation to the victims of crime under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and to the victims of violence by left wing extremists and communal violence.
(v) To ascertain the nature and extent of the compensation available to the victims of crime in 29 different countries.
(vi) To suggest the introduction of new scheme for the compensation to the victims of crime in India

Important Findings

The foreign countries were divided in four categories. The first category belongs to the countries where the compensation to the victims of crime is being given by the State. The second category belongs to the countries where the compensation is being given by the offender. The third category belongs to the countries where the compensation is being given both by the State and offender. And the fourth category belongs to the countries where the specific information is not available as to by whom the compensation is being paid to the victims of crime. The salient features of these schemes prevailing in foreign countries are given below:
i) In most of the crime victims compensation programme of different countries cover the victims of violent crimes, personal crime, who suffer serious physical/mental injuries for their compensation. In addition to it, compensation programme of some countries like Italy and Colombia provide compensation to the victims of terrorist and guerrilla attacks, combat or massacre.

ii) The claimants under crime victim compensation programme of different countries are not only the victims of crime but also their dependents relatives. Foreign citizen could also become the claimants for compensation.

iii) The compensation is provided for medical expenses, mental health counseling, loss of wages, funeral, travel expenses, loss of enjoyment of life, rehabilitation for disabled victims and loss of support for dependents of deceased victims.

iv) The limit of compensation to the victims of crime varies from country to country, depending upon the nature of crimes and extent of victimization under different types of crimes.

v) In most of the countries, funds for compensation to the victims of crime are provided by the state. In Poland, the funding is being provided for compensation to the victims by donations from individuals and Institutions. While in Austria and Belgium, the compensation is being realized from the fine imposed on convicted offenders and other sources.

vi) In most of the countries, the time limits for filling petition for compensation is one year. While in Denmark, Hong Kong, Japan, Poland, Sweden, U.K., Spain and Switzerland, the time limit is two years.

vii) Most of the countries also provide emergency compensation to victims of crime except Italy, Denmark, Finland, United Arab Emirates (UAE), Austria, Belgium and Republic of Ireland. Crime-victim compensation programme shows that out of about 200 countries in the world there are 29 countries in which the victim compensation schemes are prevalent, as culled out from the details posted on the websites of different countries. The amount of compensation varies from a very modest sum to unlimited amount depending upon the injuries sustained by the victim. All these countries, where the victim compensation scheme are prevalent are not the most populous countries of the world like, China, USSR, Pakistan, Bangladesh, Egypt, etc.

**Recommendations**

The evolution of the scheme for the compensation to the victims of the crime in India will be a concrete measure for the translation into reality of the essential
obligation of the Indian state to provide safety and security for the life and property of the citizen. To begin with, this scheme can be considered in the light of total population; number of citizens who suffer injuries due to crime against their body and property.

1. Keeping in view of the crime scenario in India, we can consider introducing a scheme for payment of ex-gratia relief or compensation to the victims of crime falling in the category of violent crime, crime against women, abduction/kidnapping, robbery, dacoity and arson.

2. The scale of compensation can also be adopted as the one made applicable to the victims of crime falling under the Scheduled Castes and Scheduled Tribes category. It shows that if we start with scheme involving victim of crime subjected to aforesaid types of crime, roughly a minimum Rs. 17,25,29,65,000/- amount will be required to be paid every year.

3. The aforesaid calculation is made presuming that there is only one victim for each crime. Modalities will have to be worked out as to the contribution which may be made by the State Governments and the Central Government to finance the scheme.

4. Alternatively, penal provisions relating to the aforesaid provisions can be so amended as to provide for compensation as per the scale mentioned above by the trial courts itself. This will, however, leave out a large number of victims whose cases do not result in filing of the charge sheet or if chargesheeted, does not lead to conviction. The scheme shall have to provide for, at least those cases in which the acquittal is based on benefit of doubts or inadequacy of evidence to establish the guilt of the accused person or in cases where the offences remains untraced.

5. Another alternative for funding the scheme could be through introduction of Group Personal Accident Insurance Scheme to provide monetary relief to the victims of crime on the basis of nature and extent of their losses suffered by the victim. The detailed modalities of such scheme can be got worked out from any of the Insurance Corporation dealing with similar risks against assurance.

6. The introduction of Victim of Crime Compensation Scheme shall need consultation with the States, before drawing up the final contours regarding the various modalities as indeed the desirability/feasibility of the scheme itself. This will include criteria for eligibility, extent and scale of compensation to be paid, compensation determination and paying machinery, funding of the
scheme through the consolidated funding from States and Union or Group Insurance Schemes and related matters. A public debate can also be initiated through the States to elicit views of informed members of the public and various organizations, including NGOs of national repute with regard to the different elements of the scheme.

7. The proposed scheme shall have important implication for the criminal justice system. Therefore, views of Ministry of Law & Justice and other ministries of the Government of India will also be taken into account.

6 Modalities to Reduce Undertrial Prisoners in Prisons (2006)

Dr. Upneet Lalli
Deputy Director, ICA, Chandigarh

Objectives
1. To study the relationship between the categories of offences of the undertrial prisoners and the period of detention.
2. To study socio-economic and educational background of undertrial prisoners.
3. To identify the legal and other factors for grant of bail to undertrial prisoners.
4. To study alternatives to imprisonment for petty offences.
5. To study the efficacy of Lok Adalat system in prisons

Important Findings

Suggestions for Judiciary
1. Distribution of workload.
2. Developing of a Court Calendar.
4. Summary Trial.
5. Examination of Witnesses.
7. Improvement of infrastructure.
8. Lok Adalat.
9. Legal Aid.
10. Regular Visits.

**Suggestions for Advocates**

11. More responsible Bar.

**Suggestions for Prosecution**

14. Suggestions for Police
15. Special Investigating Police.
16. Role as a Prosecution Witness.

**Suggestions for Procedural Changes and Legal Reforms**

18. Compounding Cases at the Stage of Investigation.
19. Production of Documents.
21. Scope of Section 320 Cr.P.C. to be Enlarged.
22. Curtailing Arrests.
23. Decriminalization of Certain Offences.

**Suggestions for Prison System**

25. Filing of Monthly Reports.
26. Computerized Database.
27. Programmes.
28. Counselling.
29. Legal Awareness.

**Suggestions for Coordination in Criminal Justice System**

30. Coordination in Criminal Justice System.
31. Video Conferencing.
Other suggestions having a bearing on the speedy trial

32. Use of Information Technology in Courts.
33. Bail Hostels.
34. Plea Bargaining.
35. Alternative Dispute Resolution.
37. Training of Functionaries of Criminal Justice System.
38. Training Programmes:
   (a) Training of Judges.
   (b) Training of Prison Officers.

Recommendations

1. Release of such undertrials on personal sureties.
2. Holding of Lok Adalats inside prison.
3. Provision of bail hostels in the city.
4. Database of undertrials should be developed and maintained by each prison.
5. Proactive approach by prison staff and judiciary is needed.
6. Training of judiciary and prison officers in the area of alternatives to imprisonment is essential.
7. Greater use of probation system.
8. Synergetic interface is needed between community, judiciary, prisons, police and NGOs to bring about penal reforms and make any change in the penal system.
9. Sensitization of judiciary to problems of undertrial prisoners is essential. Training programmes for judges, prosecution, police and prison officers should be held.
10. A forum for proper coordination of Criminal Justice System Agencies should be evolved.
7 Psychological Impact of Vipasana (2006)

Students of B.A. (Hons) III Year Applied Psychology, Vivekananda College, University of Delhi, Vivek Vihar, Delhi.

Objectives
To understand the role of Vipasana on the experiences of prison inmates.

Important Findings
There was positive contribution of Vipasana to the life experiences of inmates. The Vipasana group had better self-esteem, good social relationships, had more positive emotional experiences and less negative ones, and were comparatively better in terms of expansion of self as compared to the non-Vipasana group.

Recommendations
1. Vipasana would reform even the hardened criminals and reduce the incidence of reoffending.
2. Vipasana would provide peace of mind to prisoners and help in their self recovery.

8 Premature Release of Prisoners (2007)

Streamlining the System of Prisons in Uttar Pradesh

Dr. S P Srivastava
Professor, Lucknow University, Lucknow

Objectives
• To collect, compile and review all such informations concerning the system of premature release of prisoners, as revealed in various articles in the academic journals and also contained in various prison reform commissions and committees in India, regarding the problems in the operation of the system and issues concerning the exercise of streamlining.
• To obtain views of the Director Generals of Prisons in different States on procedural and administrative matters pertaining to the subject, along with problems perceived and reform perspectives in mind.

• To conduct in depth enquiry into the subject based on the records of the cases of premature release of prisoners in U.P. during the last five years and to conduct interviews of the jailors, revising board members and prisoners petitioning for release under the system, in order to know about their views on the working of the system, including of course their suggestions of streamlining the system;

• Finally, to prepare a roadmap for reform and restructuring of the system, with specific goal of streamlining it.

Important Findings

1. Although the power of premature release is to be exercised by the State Government under the provisions of Section 432 of the Code of Criminal Procedure, 1973, the procedure and practice followed by the State Governments to exercise the said power is not uniform throughout the country.

2. Some of the States like Madhya Pradesh, Punjab and U.P. have incorporated the procedure in their special laws, while the others have incorporated the same in their rules or jails manuals, and thus the system provided for, differed from State to State.

3. The procedure and practices in regard to review of sentences for premature release vary from State to State. Conditions of eligibility, constitution of recommendatory revising boards, processing of papers and procedures for obtaining bonds differ from one State to another. Further, the guidelines governing the question of premature release were not being followed meticulously so much so that the Sentence Reviewing Boards had not been meeting regularly.

4. Since the system of premature release of prisoners varies from State to State, there is, therefore, no procedural or operational uniformity. There is also a widespread feeling that the system of premature release of prisoners is generally operated upon in an arbitrary manner with little regard to the merits of the case. There have been complaints by the prisoners about the manner and mode of granting premature releases. It is alleged that the grant of
premature release is guided by the whims and fancies of the persons involved in granting it, and as such, crafty prisoners manouevre the system to their advantage.

5. Preferential treatment in some cases compared to other similarly placed convicts, creates a perception in the mind of a prisoner that he is being discriminated against. This breeds anger and hostility against the whole system.

6. The police inquiries in most cases are said to be made not through senior police officials but through middle or lower ranking police functionaries. Further, the police reports are mechanically done, and routinely oppose the premature release of prisoners, most often on untenable and hypothetical grounds/apprehensions.

7. The Actual operation of the system of premature release of prisoners is plagued by bureaucratic indifference, administrative and procedural delays, and the system is allegedly highly prone to corruption and favouritism.

8. The prisoners’ perception is that the system is unfair and insensitive, and thus makes him develop disregard for the proclaimed objective of correctional treatment in prison. This renders the prospects of the prisoners’ reform much more difficult.

9. Reportedly there had been delays and indefinite postponements of the cases of eligible prisoners under section 433-A. There are many such cases of convicts who had undergone 14 years of mandatory imprisonment, and whose applications are not being processed for different reasons.

10. There are widespread disparities and differing standards applied by various states for considering the cases of prisoners under section 433-A.

**Recommendations**

1. There is a need to bring in a basic uniformity in the operation of the relevant laws, rules, regulations, procedures and policies governing the system of premature release of prisoners all over the country. For this purpose, we suggest that the State Governments and Union Territory Administration (under whose jurisdictions the prisons are administered) may be advised by the Bureau of Police Research and Development (BPR&D), Ministry of Home Affairs, Govt. of India (which looks after the subject of prison reform in the country) to make appropriate modification in the rules and regulations as per the guidelines of the National Human Rights Commission, as also the guidelines contained
in the Model Prison Manual for the Superintendence and Management of Prisons in India. It should be impressed upon the concerned officials looking after prison matters at the State and Union Territories level that a greater uniformity of standards needs to be established and achieved.

2. There is a need to make the system of premature release of prisoners more objective, rational and liberal in conformity with the correctional objectives of imprisonment. Further, the issue of streamlining the system should specifically aim at making it more flexible, simplified and largely free from unnecessary delays, administrative bottlenecks, allegations of corruption and favouritism.

3. A uniform procedure and terminology for premature release needs to be adopted in the country. It is being recommended in view of the fact that rules and procedures for premature release in different States show a great deal of variation (despite certain amount of commonality) and create a lot of confusion through the use of different key terms. Therefore, we recommend that the term ‘parole’, as used in the international sense, should substitute the term ‘premature release’. Further, the term parole be defined as a procedure whereby a person undergoing a sentence of imprisonment, who is considered suitable, may be released under specified conditions, at a time deemed appropriate by the State Government. This should be done before the expiry of his sentence so that he may secure for himself a timely rehabilitation and reassimilation in society.

4. The eligibility criteria for premature release as suggested in the Model Prison Manual and in the NHRC Guidelines may be accepted by all the State Government and Union Territory Administrations and accordingly incorporated in their Jail Manuals.

5. The sentence of every long-term prisoner, who should be brought under revision as soon as he has served half of the period awarded by the court in the case of non-habitual criminals and two-thirds of that period in the case of habitual convicts, provided in both cases that remission earned, not granted in celebration of public events, should be included in calculating the period undergone, and provided also that no sentence could come up for revision until a period of two and a half years, including the remission, has been served.

6. In determining whether or not a prisoner should be prematurely released, the Board should take into consideration:
(a) the likelihood of the prisoner reoffending
(b) the protection of the public, including the risk to the victims, or by persons related to victims including the prosecution witnesses
(c) the rehabilitation of the prisoner
(d) any special remarks made by the court in passing sentence
(e) the likelihood of the prisoner complying with the conditions
(f) the nature, circumstances and gravity of the offences, for which the prisoner was sentenced to imprisonment, including his prior criminal history
(g) the behaviour of the prisoner while in prison
(h) any reports tendered to the Board on the social background of the prisoner, the medical, psychological or psychiatric condition of the prisoner or any other matter relating to the prisoner
(i) the probable circumstances of the prisoner after release from prison
(j) any other matter that the Board thinks are relevant

9  Open - Air Jails in India (2007)

Dr. M Z Khan
Retd. Professor, Jamia Milia Islamia, New Delhi

Objectives
1. To look into the laws, rules and formal procedures governing the organization, location and functioning of open-air jails in the country.
2. To examine the criteria and procedures adopted by the jail authorities for the selection and transfer of inmates from District or Central Jails to open-air jails.
3. To critically analyze the functioning of open air jails, in terms of goal orientation as well as reformation and rehabilitation of the inmates.
4. To evaluate educational, vocational training and other correctional programmes in open air jails for their relevance, effectiveness and acceptance among staff and inmates.
5. To look into the work programmes the inmates engage in, their logistics, relevance and viability.

6. To assess the impact of open-air jails as also their correctional programmes on the perception of the inmates as well as on the prospects of their socio-economic rehabilitation.

**Important Findings**

1. Apparently, there is an insufficient appreciation at different levels of the correctional apparatus of the role and importance of open-air jails as a penal innovation. This would, in part, explain that about 16 States and 7 Union Territories in the country do not have any open-air camps or jail. It is inexplicable that some major states had set up an open-air institution but the correctional facility faced closure after a while without any plausible reason.

2. Some of the States having open-air institutions have laws governing their organization and functioning; others are doing only with insertions in their jail manuals. This kind of disparity in the legal framework leads to incoherent official procedures and practices, particularly with regard to the selection and transfer of inmates from Central or District Jails to open-air jails.

3. Nearly all the open-air jails, since their very inception, have been set up in rural areas, around agriculture, although the original concept of open-air jails was not so inclusive. In fact, in many Western countries, open-air camps have been set up in urban areas, based on small scale but market relevant industries.

4. Emphasis on ‘work’ by the inmates of open-air jails has overshadowed such pertinent concerns as literacy or educational and vocational training. This kind of distorted perspective sharply stands out against the prevailing national concerns and priorities for education or skill development.

5. Even in ‘agricultural work’, prison authorities have paid scarce attention to the induction of modern agricultural technology.

6. Except for the wages, as directed by the apex court in the country, the inmates of open-air institutions do not receive any other monetary or non-monetary incentives. This may not be a small drag on the fuller exploitation of the productive potential of the inmates.

7. Despite recommendations of several commissions and committees, few facilities or incentives are offered to the officials posted to the open-air
institutions. Since nearly all the institutions are located in remote rural areas with fewer civic amenities and facilities, more often than not, jail officials are reluctant to serve these institutions.

**Recommendations**

1. Although the system of open-air jails has been in existence in India for more than half a century, a uniform legal framework is yet to emerge. It is imperative that laws relating to Prison and Jail Manuals are suitable amended to provide for the setting up of open institutions.

2. All the States and Union Territories having a sizeable convict population (for example, between 1,000 to 2,000 convicts) should set up one or more open prisons, in addition to existing jails.

3. This kind of policy approach of having a larger number of open-air jails is likely to address the problem of over-crowding in Central Jails (occupancy, about 134 per cent) and District Jails (occupancy, about 160 per cent directly).

4. The existing practice of having open-air jails in rural areas based on agriculture may well continue. But such open institutions may have a regular arrangement for the induction of modern agricultural technology, perhaps through a collaborative arrangement with the Directorate of Agriculture, or an Agriculture College.

5. In conformity with the recommendations of the Hague Conference (1952), service and manufacturing based open-air camps should be set up in towns and cities. Among others, such open-air camps would circumvent the problem of reluctance or unwillingness of the jails staff to serve open-air jails, located in remote rural areas.

6. Open-air camps planned and set up in urban areas should select service and trades keeping in view their market relevance, as indicated by demand, supply of raw material, marketability of produce, etc.

7. Apart from basic facilities, including shelter, food, clothing, medicare, etc., all the inmates of open-air jails should be given literacy and educational programmes. Apart from infrastructure for literacy and education, the inmates should be allowed ordinary remission, however small or token, for their participation in literacy or educational programmes.

8. For promoting literacy and education, collaborative arrangements may be worked out with competent authorities involved in adult education, continuing education and such literacy campaigns as Sarva Shiksha Abhiyan.
9. Vocational training programmes should be organized in the trades going on in the open air jails, so as to help the inmates to learn to work. Towards this, help and co-operation of such organizations as Industrial Training Institutes and Polytechniques may also be enlisted.

10. The educated inmates of open institutions, may be given orientation or training in entrepreneurship, so as to encourage and promote self-reliance and self-employment, after their release from open-air jails.

11. Whether agriculture, service or manufacturing, work programmes in open-air jails should be organized or re-organized with due regard to modern management practices.

12. In order to improve adjutive efficiency and personality development of the inmates of open-air jails, they should be given such services as social case work, counseling and guidance on a regular basis.

13. While liberal family and community contact services are available in nearly all open-air jails, these need to be standardized and upgraded – in physical and service terms. It should be possible to find additional resources for this from development grants of Government of India, or from the revenue generated by the ongoing works in the openair jails.

14. As at present scale of (a) ordinary remission and (b) special remission admissible to the inmates of open-air jails is highly heterogeneous. The inmates of open-air jails should be eligible for additional remission, both ordinary and special, and, as far as possible, it should be uniform in all the States of Union Territories.

15. As recommended by All India Jail Reforms Committee, officials in open-air jails should be especially selected and trained in correctional philosophy, and national and international practice of open-air camps.

16. Open-air jail officials should have residential accommodation on a cent-per-cent basis. This should not pose much difficulty, in view of the financial provisions made by the Ministry of Home Affairs, Government of India.

17. Jail officials may be offered special facilities or incentives, including additional casual leave, special (posting) allowance, etc.

18. In the functioning of open-air jails, non-government organizations, including university departments of social work, law and psychology, should be involved much more than has been hitherto possible. This is likely to augment manpower resources of open institutions, and bring about quantitative as well as qualitative changes in correctional services.
10. Comparative rate of imprisonment in different countries

BPR&D In - house study

Objectives

The main objective/aim of the project is to ascertain the nature and extent of rate of imprisonment in our country with reference to other countries.

Prognosis

Analysis of data on rate of imprisonment in 213 countries during the year 2005 revealed that as many as 205 countries all over the world having higher rate of imprisonment per one lakh of population than the one prevailing in India i.e. 30 prisoners per one lakh of population.

Methodology

This study is based on the secondary data collected and compiled by International Centre for Prison Studies, Kings College, London and the data published by the National Crime Records Bureau, New Delhi. In addition to it, the extensive literature survey was also made in order to analyse this concept.

Important Findings

1. The imprisonment rate in India is the lowest one, having the world ranking of 206.
2. USA and Russian Federation rank first and second respectively.
3. Distribution of warrants into bailable and non-bailable categories, impact of Human Rights initiatives in prison management, delay in disposal of cases in courts, and time consuming process of investigation are the main causative factors attributed to low rate of imprisonment.
4. India is just neither equipped at present with the required infrastructure and logistics to cater for higher rate of imprisonment comparable to some other major countries in the world nor it is likely to be so well equipped for sustaining higher rate of imprisonment in the foreseeable future.
5. The increase in the rate of imprisonment will need massive investment in infrastructure to accommodate the increasing number of prisoners as a consequence of increasing higher rate of imprisonment.

6. The low rate of imprisonment in India is closely associated with the poor rate of conviction (40%).

7. Countries with comparatively significant higher rate of imprisonment have also higher human development index. Even though any direct correlation between the two is yet to be established through some empirical study.

**Recommendations**

1. The States in any case should increase the expenditure on prison infrastructure to meet the challenge of overcrowding.

2. There is a need to evolve a mechanism in our criminal justice system to establish credibility with our citizens especially under-privileged and the weaker sections as to its potency to take cognizance promptly and then to put into action the process of law which will bring the offenders to the book not only with certainty but within certain period as well.

3. The alternatives to imprisonment initiated by the Government in no way militate against having such a higher rate of imprisonment in India as is commensurate with the quantum of crime in order to promote respect for rule of law and to provide effectively protection to the weaker sections for enjoyment of their lawful rights in our democratic society.

4. We should, therefore, be not scared of having a higher rate of imprisonment in our country. This should, however, be accompanied by a robust system of correction, reformation and reintegration programmes for the offences. It will not only lend credibility to our criminal justice system with all the citizens but shall also act as a powerful booster for promoting healthy respect for the law of the land and assurance of protection to all the citizen in general and the weaker sections in particular for enjoyment of their rights within the Indian Constitution free from the fear of high and mighty.
11. **Prisons and Law in India (2007)**

*BPR&D In-house study*

**Objectives**

- To document the legal framework of prisons in India.
- To summarize the ruling of various High Courts and honorable Supreme Court of India on prison related issues for ready reference to the prison officers.

**Recommendations / Rulings**

- The trial court has authority to grant it to allow the press to interview an undertrial in a prison subject to the restrictions mentioned in the State Jail Manual after hearing from the concerned jail authorities. (State, through Supt. Central Jail, Delhi Vs Charulatha Joshi 1999 Cr LJ. 2273SC)

- Classification and placement of prisoners in different prisons is a relevant policy decision. The discretion and power to interfere by the court in such matters should be used very sparingly. (State of Maharastra Vs Sayyed Noor Hasan Gulam Hussain 1995 Cr. L.J. 765 SC)

- The prisoners should be provided with all basic minimum facilities to the level of satisfaction of State Government for maintaining their human dignity during incarceration. (T.N. Mathur Vs State of U.P. 1993 Supp. SCC 722)

- Prisoners have their all constitutional rights during incarceration including the protection of their life. Loss of life of any prisoner in jail through killing entitles legal heirs for compensation irrespective of the provision laid down in the Jail Manual concerned. (Kewal Pati (Smt.) Vs State of U.P. (1995 SCC 660)

- The duty of producing UTP’s on remand dates should be entrusted to the prison staff. Needed steps should be taken to enact the New Prison Act. Model New All India Jail Manual, proper medical facility, streamlining of jail visit and liberalization of communication facilities. (Rama Murthy Vs State of Karnataka 1997 2SCC 642).

- Prisoner sentenced to rigorous imprisonment should be paid wages in view of nature of sentence and it should not be less than minimum wages, if less than the minimum wages it shall be equivalent to forced labour. (Gurudev Singh and others Vs State of Himachal Pradesh 1992 Cr. L.J. 2542)
• It is lawful to employ prisoners sentenced to rigorous imprisonment to do hard labour. Jail officials can permit the prisoners to do any work but the wages should be paid accordingly and it will be fixed by wage fixation body or the concerned Government, and a part of it shall be paid as compensation to victims of crime. (State of Gujarat Vs Honourable High Court of Gujarat 1998 7SCC 392)

• The breaches of the conditions for parole or furlough or suspension of sentence are prison offences, and the Superintendent needs to follow "principles of natural justice" and the punishment imposed upon prisoner for overstay is neither illegal nor violative of Art.14. (Bhagwan Anna Arbune Vs State of Maharashtra 1994 Cr. L.J.1477)

• The Supreme Court held that if the rights of a prisoner are violated, the writ power should run to his rescue. Pushing the prisoner to solitary cell, transfer to a distant prison is an infringement of liberty and has to be justified. Prisoners indulged in grave jail offences are not entitled to the benefit of ratio of judgment as much as their transfer is concerned. (S. Balamuragan Vs IG Prisons, Madras 1996 Cr. J 1779)

• The Hon'ble Supreme Court has laid down the correct interpretation regarding the prison visiting system and the Jail Superintendent has to exercise power in this regard. The permission to interview an "extremist prisoner was refused as per the circulars received by Inspector General of Prison and was considered invalid because he has no statutory power to lay down directions. (Rule 54 (1) & Rule (530 A) of Tamil Nadu Prison Manual) (Dr. M.Karunanidhi Vs State of Tamil Nadu 1994, Cr. L.J. 2599)

• The court has to strike a just balance between the right of the prisoner and preservation of internal order/discipline and maintenance of institutional security w.r.t. prison visiting system and interviewing facility. (Rule 54 (1) & Rule (530 A) of Tamil Nadu Prison Manual) (Dr. M.Karunanidhi Vs State of Tamil Nadu 1994, Cr. L.J. 2599)

• The remission schemes introduced by the Government are introduced to ensure prison discipline and good behavior. (Sec. 432, S. 433 of Cr.P.C. 1973) (State of Punjab Vs Joginder Singh 1990 2 SCC 661)

• The power to grant the remission lay with the state as per the Supreme Court rulings. The M.P. High Court directed the benefit of special remission to the petitioners as well because it held that it was a case of discrimination with the grant of benefit of special remission to prisoners belonging to Scheduled Castes and Scheduled Tribes and female prisoners. (State of M.P. Vs Mohan Singh 1995 6SCC 321)
The provision for release of those convicts who have actually spent 10 years or more in jail was granted by Govt of Andhra Pradesh in Peesa Jyalakhmi Vs Secy. Home Deptt. Govt of A.P., Hyderabad 1997 Cr. L.J. 2025)

An unauthorized absence from the period of parole is a prison offence. Punishment inflicted to the defaulting prisoner after 11 years by way of depriving him of remission for two years, without seeking an explanation would result in violation of the principles of natural justice. (Sarjerao Pole Vs State of Maharastra 1999 Cr. L.J. 1433)

It is at the discretion of the Government to release prisoners and they are not entitled to release as a matter of right. (U/S 433 Cr. P.C. 1973) (P.V.Bhakta Vatehalam Vs State of Tamil Nadu 1991 Cr. L.J. 1870)

It amounts to double punishment if the trial court punished the convicted prisoner for offence committed in prison, and also punished by Jail Superintendent under the relevant provisions of Jail Manual. (State of Haryana Vs Ghaseeta Ram 1997 3SCC 766)

An advisory board has been constituted by the Government of Rajasthan to examine cases of convicted prisoners and all cases of premature release should go to the state Government through Advisory Board. (Karni Dan Vs State of Rajasthan, 1996 Cr. L.J. 1200)

Once the convict prisoner has satisfied the criterion for his release including the remission, he is entitled to premature release. (Punjab Jail Manual) (Balwinder Singh Vs State of Punjab 1997 Cr. L.J. 2808)

The appropriate Government has the power to prematurely release a prisoner sentenced to life on a clemency order and no prisoner sentenced to life imprisonment has a right to claim pre-mature release on grounds that he has suffered minimum actual imprisonment. (State of Haryana Vs Ram Diya 1990 Cr. L.J. 1327)

The age of the detenue should be mentioned by every magistrate or trial judge authorized to issue warrants and jail authority can refer the warrant if the age is found omitted in the warrant. (Sanjay Suri Vs Delhi Administration, Delhi AIR 1988 SG 414)

Transfer of a prisoner from one jail to another jail has been justifiably refused in view of the security angle and visits to the prisoner are allowed when requested by High Commission, New Delhi (Darid Patrick Ward and Another Vs Union of India 1990 3SCC 119)
• The handcuffing of an arrested accused attracting personal compensation from the Police Inspector cannot be sustained as it was committed during discharge of lawful duty, payment should be done by state and state may hold an enquiry whether any further action is warranted against the police Inspector. (State of Maharastra Vs Ravikant S. Patil 1991 2SCC 373)

• A detenue has a right to make a representation against his detention order and his failure to submit required number of copies to be forwarded to central Government is hyper technical and unreasonable. The detenue has constitutional right to make representation against his preventive detention under the Act. (COFEPOSA Act) (Amir Shad Khan Vs. L. Hmingtiana 1991 4SCC 39)

• Handcuffing or use of fetters should be done on the specific orders obtained from the magistrate on submission of concrete proof. (Citizens for Democracy Vs State of Assam 1995 3SCC 743)

• A person detained under preventive detention order is allowed to file a representation against the order of detention in the detaining authority. (Kamlesh Kumar Ishwardas Patel. Vs Union of India 1995 4 SCC 51)

• The Kerala High Court issued directions w.r.t. Prisoner's right to basic human needs. (Convict Prisoner in Central Prison, Tiruvananthapuram Vs State of Kerala, 1993 Cr. L.J. 3242)

• The release of an accused on bail or without any conditions is not possible if the jail or police authorities default in producing him before magistrate is not a valid reason. Prisoners in jail who have been for long periods should be released on personal bonds, even in the case of under trials who have been in jail for longer than maximum term. (State of A.P. Vs Challa Ramakrishna Reddy, AIR, 2000 S.G. 2083)

• The body of a person hanged to death, as a punishment should not remain suspended after declared dead by the medical officer and every man has the right to dignity and fair treatment even after death. (Nallapreddy Prasanna K. Reddy Vs State of A.P. 1994 Cr. L.J. Journal 2016)

• Grant of furlough is a matter of right and the period spent in jail as under trial has to be set off against the term of imprisonment. (Paramanand Katara Vs Union of India [1995 3SCC 248])

• The mentally impaired persons should be accommodated in Mental hospitals for care and treatment and the violation of these instructions is unlawful and
entails payment of compensation. (P.D. Gajbhiye Vs State of Maharashtra, 1994 Cr. L.J. 2055)

• Any torture in custody flouts the basic rights of citizens is an insult to human dignity and the courts must deal with such cases in a realistic manner, which they deserve. (R.D. Upadhyay Vs State of Andhra Pradesh & Ors 1999 4 SCC 262)

• Protection of fundamental rights of citizens is the public duty of great importance to the State. The principle of sovereign immunity is not available to the state in cases of infringement of fundamental rights. The Supreme Court and High Court not only grant relief, but also repair the damage done by its officers to citizens. (State of M.P. Vs Shyam Sundar Trivedi 1995 4 SCC 262)

• It’s a bounden duty of the jail authority to protect life of an under trial prisoner in case of failure of the State to ensure safety and security of the prisoner warrants, repair of damage caused to the victim. (Nilabati Behera Vs State of Orissa 1993 2 SCC 746)

• The Sessions Judge is required to apply mind to facts and circumstances and pass a speaking order and is obliged to arrive at a decision to approve a punishment or not after hearing the prisoner and relevant records, without this it does not amount to judicial appraisal. (Murti Devi Vs State of Delhi 1998 9 SCC 604)

• The sessions judge is required to apply his mind to the facts and circumstances of the case and pass a speaking order regarding the punishment awarded to a prisoner. (Keemat Singh Vs Inspector General Prisons, Chandigarh, 1994 Cr L J 1884, Punjab and Haryana)

• There is provision for benefit of probation to offences not punishable by death or life imprisonment (S.4 Probation of Offender Act, 1958). A juvenile accused convicted is adulated to an Approved School till he attains the age of 18 years. (U.P. Children Act) (State of U.P. Vs Surjeet Singh, 2005 Allahabad High Court) Cr. L.J. 2778)

• The age of the juvenile is determined as on the date of an offence and not when produced before the court/competent authority and the Juvenile Justice (Care and Protection of Children) Act, 2000 would be applicable in a pending proceeding in any court initiated under 1986 Act and pending when 2000 Act came into force. (Pratap Singh Vs State of Jharkhand and Anr 2005 Cr L J 3091 S.C. Constitutional Bench)
• The right of visitation of a prisoner is not absolute (Bihar State Jail Manual) and
the right of a prisoner to be lodged in a jail and prohibition against transfer
to a distantly located jail is also not absolute; video conferencing can be
conducted keeping in view the grossly indiscipline and unlawful conduct of
prisoner. (Kalyan Chandra Sarkar, Petitioner Vs Rajesh Ranjan alias Pappu
Yadav and Ors, 2004 Criminal Appeal No. 1129, SCC)

• A juvenile in conflict with law cannot be sent to jail as per the provisions in
Juvenile Justice (Care and Protection of Children) Act, 2000 (Master Salim
Ikramuddin Ansari and another, Petitioner Vs officer-in-charge. Borivalli
Police Station Mumbai and others, respondents 2005 Cr. L.J 799 (Bombay
High Court). The rulings also said that failure of the jail authorities to
respect the juvenility and lodging him in prison would attract reparation and
compensation.

• Imprisonment for life is a rigorous imprisonment, it is for an indefinite
period and the appropriate Government have powers to grant remission etc.
(Mohammad Munna, Petitioner Vs Union of India and Anr, Writ Petition

• The evidence not only includes physical presence of witness but also his
constructive presence before the accused. The Supreme Court judgment was
that the court must endeavour to find out the truth and do justice to both
the accused and victims (Srikrishna Gobe Vs State of Maharashtra). Video
conferencing cannot be equated to virtual reality and the evidence is recorded
by video conferencing in the presence of accused. (State of Maharashtra,
Appellant Vs. Dr. Praful.B. Desai, Respondent and P.C. Singh, Appellant Vs
Dr. Praful B. Desai, Respondent Criminal Appeal No. 476 of 2003 with Crl.
Appeal No. 477 of 2003 AIR 2003, SC, 2053)

• The provisions under Probation of Offenders Act, 1958 is likely to frustrate
if the benefit of probation is not extended to the punishment of fine imposed
in the same order of sentencing which included imprisonment for 6 months,
and the imposition of fine along with the order for release on probation is
inconsistent with the very spirit of the Act. (Balbir Singh Petitioner Vs the State
of Punjab, Respondent Criminal Revision No. 1683 of 2003 dated 25.9.2003,
2004 Cr..L.J. 1864) (Punjab and Haryana and High Court)).

• Before releasing a prisoner on parole leave a competent authority should make
an enquiry to consider it fit not limited to taking opinion from police along
but verify the geniuses of the grounds by considering the record of conduct
of the applicant in jail (Bombay Prison Rules) (Kath Adabhai, Petitioner Vs the

- The prisoner can be released on furlough leave for 15 days on cash security and also ensure his return after the expiry of furlough leave for eg. visit of police station at prescribed intervals (Bombay Furlough and Parole Rules, 1959) (Dipak Hari Kir Kalwar, Petitioner Vs the State of Maharashtra and others, Respondent Crl. Writ Petition No. 377 of 2002 dated 09.01.2003, 2002 Cr. L.J. 2241) (Bombay High Court)

- The detention of petitioner prisoner of juvenile age in prison after the orders of additional session judge is against the law and entitles him to compensation. (Master Rajeev Shankarlal Parmar and another, Petitioner Vs of Officer-in-charge of Police Station, Malad, respondent Crl. Writ Petition No. 823 of 2003 with Crl. Appln No. 2634 of 2003 dated 6.8.2003, 2003 Crl. L.N. 4522 (Bombay High Court)

- The order of the Appellate Court removing the effect of disqualification in service matters flowing from conviction in a criminal case was beyond the scope of this power. The probation of offenders act emphasis on reformation and rehabilitation of offenders and court has to pass appropriate order as to whether the facts and circumstances are fit to allow him benefit of probation. (Commandant 20Bn ITBP, appellant Vs Sanjay Binjoa, respondent Crl. Appeal No. 591 of 2001 (Arising out of SLP (Crl.) No. 3146 of 2000 dated 2.5.2001,2001 Crl. L.J.2349 (Supreme Court, Allahabad)

- Any provision under the Jail Manual cannot be withdrawn by simply issuing the executive instructions to amend the manual. (Satish Kumar Vs State of Haryana 1995 Supp (3) SCC 661)

- A person under judicial custody will be taken to court and then back to the prison by escort party under the judicial orders, and in circumstances of binding the prisoners in fetters, the escort party should record reasons for doing so in writing the State Government can take action in this regard. (Sunil Gupta & others Vs State of M.P. (1990) 3SCC 119)

- The issues relating to upholding the rights of women prisoners and their accompanying children during incarceration, time bound directions were issued for agreement within a period of 4 months from the date of issue as to the steps taken by the individual states etc. (R.D. Upadhyay Vs State of Andhra Pradesh and others (Writ Petition [Civil 559 of 1994])

BPR&D, In-house study

Objectives

- To review the present status of legal position and suggest amendments on prison related laws.
- To review the recommendations made by various Committees and cull out tangible recommendations, which are required to be implemented.
- To review the status of implementation of the recommendations with respect to:
  a) Physical conditions of prisons
  b) Condition of prisoners
  c) Correctional administration
  d) Prison personnel
  e) Issues related to modernization of prisons and correctional administration.
- To suggest alternatives to imprisonment.

Recommendations

To improve the conditions of prisons, the national policy may include:

- Incorporation of the principles of prison management and treatment of offenders in the Directive Principles of State Policy.
- Inclusion of the subject of prisons in the Concurrent List of the 7th Schedule to the Constitution of India.
- Enactment of uniform and comprehensive legislations based on modern principles and procedures for rehabilitation and reformation of offenders.
- A Department of Prisons and Correctional Services should be set up in each State and Union Territory.
- State shall ensure that no undertrial is unnecessarily detained.
- New alternatives to punishment like community services, forfeiture of property etc., effective implementation of Probation of Offenders Act, 1958.
• State shall provide for the classification of prisoners on a scientific aggregation of different categories of inmates for proper treatment.

• Development in the field of criminology Penology and to promote research on the typology of crime which helps in devising appropriate treatment for offenders.

• Individualization of the treatment programmes for offenders, development of vocational training programmes, and provision of free legal aid to all needy prisoners.

• Encouraging inmates to participate in work programmes by payment of fair wages, utilization of incentives of leave, remission, and premature release to convicts.

• The state should protect the residuary rights of the prisoner; development of a well organised prison cadre based on appropriate job requirements, sound training and proper, promotional avenues, encourage voluntary participation of community in prison programmes.

• Children of young offenders and mentally ill prisoners shall not be confined to prisons, but will be transferred to appropriate institutions; women prison shall be confined in separate institution and staff will comprise of women employer only.

• Selected eminent public men shall be authorized to visit prisons and give report, setting up of a professional non-official registered body to provide assistance for proper functioning Probation parole, rehabilitation shall form an integral part of prison functioning.

• Provision for adequate resources for development of prisons, the Central Government shall set up high status National Commission on Prisons on permanent basis, which shall prepare report on the administration and shall be placed, before the Parliament for discussion.

• Government shall ensure co-ordination in police, prosecution and the judiciary. State shall promote research in correctional field to make prison programmes more effective.

• State shall make necessary arrangements for security of prisons, prisoners and prison staff by using modern systems and technical gadgets.
13 Streamlining of Visiting System in Prison (2008)
S.P. Singh Pundhir, IPS (Retd.)

Objectives

• To ascertain the promptness of existing visiting system in prisons.
• To assess the significance of visiting system in prisons.
• To evaluate the effectiveness of the prison visiting system as a mechanism to monitor prison conditions and to ensure accountability.
• To find out causational factors working behind poor visiting system in the prisons.
• To suggest measures to streamline the functioning of the system and to make it a stable institution for bringing about prison reform.

Findings

• Out of 300 prisoners, majority of them belonged to the age group between 21-31 years; three women were above the age of 60 years
• The present study composed of minimum number of female respondents, 37.6% of the respondents had secondary school education and 8% of them illiterate.
• Majority of respondents were married and belonged to nuclear family.
• Visit system affects recidivism.
• Maximum number of inmates has long detention in Chattisgarh followed by Assam.
• Majority of respondents dislike staff behaviour and at the time of visit only 100 respondents replied positively, most of them did not like the place of meeting.
• Most prisoners felt highly secure after visiting, but in majority of cases the family members of confined inmates have not filed any complaint against poor visiting, average of 66 respondents filed complaint.
• Study could not find any connection of visiting system with rehabilitation for released prisoners in sampled states.
• Prison officers were not skilled upto the desired extent.
• The existing visiting system did not match with the coping behaviour mechanism which an offender had to face after his/her release.

Conclusions and Recommendations

• Opening prisons to civil society as a means of alleviating numerous problems faced by prisoners.
• Evaluate public and private alternatives for inmate phone systems that will reduce rates charged to families, while still covering state costs.
• All correctional officers working in the visitation area undertake four hours of annual visitation training.
• Rewrite visiting regulations supplied to visitors.

14 Custodial Deaths in India: An Analysis (2008)

BPR&D In - house study

Objectives

• To ascertain nature and extent of deaths in custody in the light of important judicial pronouncements.
• To analyse the trend of deaths in police as well as judicial custody.
• To identify the causational factors for deaths in custody.
• To suggest measures to check deaths in both police as well as judicial custody.

Recommendations and Conclusions

• Death in custody is a universal phenomenon having varied affects from one country to another.
• The rate of custodial deaths in India is much less than the rate of death in general public.
• The concept of arrest and imprisonment, the root cause of death in custody cannot be banished from the Criminal Justice System.
• Indian Constitution and host of other national and provincial statutes have adequate inbuilt safeguards against custodial violence including deaths in custody.
• The legislature at both the Union and State level have been alive to its duty to strengthen the safeguards against deaths in custody.
• Use of technology and gadgetry in management of lock-ups and prisons, medical facilities in prisons and improvement of field police units.
• Enforcement of laws, rules and directions to protect persons against torture, degrading and inhuman treatment to develop zero tolerance, to custodial violence.
• Fast-track inquiry and trial mechanism, separation of investigation from law and order coupled with liberal use of forensic aids.
• The personnel policy should reflect substantial disincentives for officials coming to adverse notice for custodial violence, incentives to be instituted to acknowledge notable conduct of the enforcement officials.
• Sensitization of custodial staff and the enforcement officials to remain ever alive and vigilant towards their statutory obligations against custodial violence.

15 **Identification of Best Prison Practices (2009)**

**Dr. Upneet Lalli**  
Deputy Director, ICA, Chandigarh

**Objectives**

• Identify the best practices in different prisons of the country.
• Establish a benchmark for the good practices.
• Study the perceptions of stakeholders towards the best practices.
• Study the organizational culture of prisons with best practices.

**Recommendations**

**Sharing of information**

It was seen that the prisons in the different States are unaware of these good practices that are in the outside States. During interactions and discussions with the prison staff, it was found that quite a few were also unaware of the developments in their own State. Hence, there is an important need to exchange information about good practices in prisons. This can take various forms like newsletters, small
write-ups, films and discussion forums, and seminars on the theme of the best practices in prisons.

**Using Information Technology**

The internet is another powerful tool to spread and share information on the best practices. The websites of the State Prison Departments should also contain information on the good practices initiated in the prisons. A discussion forum on best practices in prisons can be developed at the National level and prison officers can put their views on this forum. This will facilitate brainstorming and may also lead to competing on good practices, and taking initiatives.

**Training Programmes**

Staff training is a key component in the process of transforming the prison’s culture. Prison officers will need training on prison management and performance management. Learning and transfer is an interactive, on-going and dynamic process that cannot rest on a static body of knowledge. Employees are improvising and learning something new everyday. A training programme on ‘Best Prison Practices’ should be held for senior and middle management.

**Prison Management**

The Prison Department has faced neglect since long and the sense of pride in its work is almost non-existent in most States. Participative management is suggested as a model for the prison organization. The prisons will have to develop as learning organizations in order to learn and grow relevant to the time and need of society.

**Transforming prisons culture - Leadership development**

Change must occur from within and must start from where people are. Staff must be empowered to enable them to begin the transition and change. Senior management development programmes for Head of the Department and Superintendent rank officers should be developed to build upon the capabilities at the most senior level of management.

**Establishing Benchmarks**

Benchmarks can be established for office procedures (for prison management system) and mulaquat system and for environment management and occupational health and safety management (e.g. for prison factory, prison hospital, etc.). This
will lead to continuous improvement and Benchmarks can help in the rating of the prisons. This will also lead to an element of competition among the prisoners to surpass each other in terms of quality.

**Awards and Incentives**

There is a need to recognize the good work being done in prisons. Awards at the National, State and District level will go a long way in motivating the officers to do good work. It is seen that simple measures like putting up the name of “employee of the week” on a notice board is a very good motivator as it recognizes the individual’s work and worth. This practice can be started in each prison as well.

A system of positive incentive will definitely boost the morale of prison staff. The Department should evaluate and recognize officers who have shown good performance by honoring them with monetary incentives, medals, certificate, promotion and other benefits.

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**16 Development of Performance Indices for Prison Staff 2011**

**V K Kulshrestha, Dr. M Z Khan**

IIDM, Bhopal, MP & Retd. Professor, JMI, New Delhi

1. To define key-performance indicators of prison personnel of different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff used for performance appraisal and subsequent performance feedback for continuous improvement of both prison personnel and its system in objective terms.

2. To identify certain quantitative as well as qualitative key performance indices for prison personnel of different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff in terms of technical skills (security, awareness and legal knowledge); human relation skills (prisoners care, correctional orientation, integrity and dealing with change) and organizational skills (problem solving initiatives, communication and team building)

3. To develop and validate the role clarity in prison personnel of different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff by focusing on certain
critical areas of performance to undertake training need analysis of prison personnel.

4. Identification of legal obligations of prison administration and its personnel of different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff.

5. Expectations of prisoners from the prison personnel of different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff which may not be necessarily limited to those covered under their legal obligations.

6. Efficiency of prison organization in their performance within the given resources.

7. To identify the manpower requirement at different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff at different capacity in different types of prisons viz. Central Prison, District Prison, Sub-Prison, Women Prison, Special Prison, Borstal School and Open Prison in order to improve work performance of the prison organization to bring prison reforms in objective terms

8. Systemic expectations/constraints

9. Models to be proposed for performance indices of prison personnel and Human Resources Development requirement of different types of prisons.

10. Recommendations including training interventions required to get the performance from the prison personnel of different ranks and disciplines like custodial, correctional (vocational, welfare, educational, agricultural), medical, technical and secretarial staff as per indices.

Conclusions

1. Performance Appraisal system is not uniform. Job specific indicators are not there in the performance appraisal forms of most of the states. General forms, used by other departments, are being used for the performance appraisals of prison departments. This would not help in proper performance appraisal of prison personnel.

2. In some of the states the performance appraisal of warder cadre is not done.

3. There is no Training Institute reported to be functioning in North-east Region. The newly recruited warders and other staff are generally posted on duty without any training.
4. Prison personnel in most of the states are not very clear about their roles.
5. Prison personnel are not regularly sponsored for refresher training.
6. In general the promotion prospects are very bleak among warders and head warders.
7. Training opportunities are meager for prison personnel other than custodial staff.
8. Non-recruitment of Law Officers in most of the states.

**Recommendations:**

1. **Identification of Key Performance Indicators:**

   For identification of key performance indicators, in a unique way the views of prison personnel of different cadres and disciplines were captured in order of priority. Taking these indicators as base and after analyzing the performance appraisal forms being used by prison departments of different sampled states as well as other departments and taking into consideration the specific job descriptions of different cadres and disciplines, the important indicators have been classified into following major groups.

   (a) Discipline and work habits
   (b) Knowledge of Rules and Duties
   (c) Job competency
   (d) Administrative Ability
   (e) Interpersonal Relationship
   (f) Job performance

2. **Performance Appraisal System:**

   After having studied present system of appraisal in different states, weightage given by the prison personnel and study of performance appraisal systems in many other departments, research team came out with a new performance appraisal system named as “SWE”.

   The SWE System of Performance appraisal:

   This system is a combination of:

   a) “Self-Appraisal”,
   b) “Weight-age Check list”
   c) “Essay Evaluation”. Or ‘Pen Picture’
Combining different techniques suggests a system wherein, the officer reported upon (other than warders cadre and other class III staff) will give his own assessment about his duties & responsibilities, achievements made, disappointing incidences, most liked features of the job, least interesting features of the job as well as most demanding part of the job. In addition he would also need to state, apart from routine duties, what three important things he would like to do for the organization.

The reporting officer will first give his remarks on the assessment given by the officer reported upon. Thereafter, the reporting officer has to rank the officer numerically as indicated in the form on the indicators relating to ability, conduct and performance defined for the cadre. This technique of providing weightage will differentiate among different indicators for different cadres and also reduce the probability of a biased and subjective appraisal. In the last the reporting officer will also write about the strengths and weaknesses of the officer in narrative form to be known as ‘Pen Picture’. The Reporting Officer would also give grading to the officer reported upon as per instructions given in the CR forms. This system of performance appraisal is recommended while keeping in view the time limitations with the reporting officers and the undue delay on the part of the reporting officers/ reviewing officers. This system will also support the objective assessment of performance. In the last, the reviewing officer will give his remarks on the appraisal done by the reporting officer and his agreement on the appraisal. Thereafter, Accepting Officer will give his remarks.

**Performance Appraisal Forms**

The following performance appraisal Forms have been designed:

(i) Form 1. This form is for Gazetted A & B class officers which may include Superintendent, Additional Superintendents and Senior jailors etc. The form has 4 parts.

- Part I: is for personal data to be filled by the office.
- Part II: is for officer reported upon. He would be asked to give objectives of the position and the task performed. Further, he has to furnish his own views on the following:
  a) Three most important achievements during the reporting period
  b) Three most disappointing incidences during the reporting period
c) Three most liked features of the present job  
d) Three least interesting features of the present job  
e) Apart from routine duties what three important things he would like to do for the organization  
f) Awards or censures received during the year.

- Part III: is for the reporting officer. The reporting officer will rank the performance of the officer reported upon numerically as per the points fixed for each indicator. In a narrative form the reporting officer would also give the qualities and weaknesses of the officer and give grading.  
- Part IV: is for reviewing officer. He will give his remarks on the appraisal done by the reporting officer.  
- Part V: is for Accepting Officer

(ii) Form 2. Is for senior Non-Gazetted (Class II) Officers like Jailor, Deputy Jailor, Assistant Jailor etc. This form has four similar parts as in Form 1.

(iii) Form 3. For Warders, Head Warders and Chief Head Warders. The form has only three parts:  
- Part I for Personal Data  
- Part II for reporting officer. The Reporting Officer will rank the performance of the officer reported upon numerically as per the points fixed for each indicator.  
- Part III is for reviewing officer. He will give his remarks on the appraisal done by the reporting officer.  
- Part IV: is for Accepting Officer

(iv) Form 4. For correctional staff, para-medical staff, technical staff and secretarial staff. This form also has three parts:  
- Part I for Personal Data  
- Part II for reporting officer. Part II of the form has two sections, Section 1 is common for all the cadres and Section 2 are separate for each cadre like 2A, 2B, 2C, 2D, 2E for para-medical staff, correctional staff, welfare officer, secretarial staff etc. Reporting Officer will rank the performance of the officer reported upon numerically as per the points fixed for each indicator.
• Part III: is for Reviewing Officer
• Part IV: is for Accepting Officer

(v) Form 5. For Medical Officers. This form will have 5 parts like Form 1.

Grading system: Grading System has also been indicated in the form for guidance.

3. Promotions at Warder Level:

During field study the most vital problem which the field investigators had observed was that of stagnation at warder level. The Prison Department of Tamil Nadu has considered the problem in a positive way and in order to give promotional opportunities to Grade II warders, 300 Grade II warder posts were upgraded as Warder Grade I during the year 2007. In West Bengal it was reported that Assured Career Promotion Scheme has been implemented and warders after 8 years 15 years get higher scale even if promotion is not given. Prison departments of other states facing the same problem may think on these lines. Every employee should get at least three promotions during the whole service period of nearly 30 years.

4. Departmental Examination:

Some high level officers in some of the states during the study had suggested that periodic departmental examinations should be held for keeping the enthusiasm and awareness among the prison personnel and those having essential qualification and valid experience with better performance appraisal records should also be considered for promotion even out of turn.

5. Training Programmes:

For the problem of role clarity, awareness about legal obligation, improved performance and efficiency of the prison organization training should be made essential for newly recruited prison personnel. (Although most of the states are following it and have made training compulsory before their posting). Further, periodic refresher training or re-orientation programmes should also be organized. Training needs should be assessed by the prison headquarters in each state. Many of the states have realized the importance of training and have already started working in this direction. Training programmes should not only be organized for custodial staff, but for correctional staff as well on issues such as:

(i) Anger Management
(ii) Social Skill Training
(iii) Counselling Against drugs abuses
(iv) Training for medical staff for learning new developments in their field should also be organized.
(v) Yoga and meditation programmes are being organized for prisoners. But these are equally needed for prison personnel for their stress management.
(vi) For organizing training programmes for prison personnel and other concerned staff the following subjects may also be considered:
  • Correctional philosophy
  • Prison management issues
  • Correctional administration and leadership
  • Capacity building for prisoners’ welfare
  • Counselling techniques for correction, promotion and career management
  • Education on human rights
  • Computer/use of Internet/video conferencing.
  • Pre-promotion Training: It is also recommended that every prison personnel should be sent for pre-promotion training as he has to resume new responsibilities.
  • Recruitment of Law Officers: More number of Law Officers needs to be recruited in most of the states.
  • Training Institute in Northeast Region: As there is no training institute in North East region, the newly recruited staff is not imparted any formal training. This leads to ignorance and inefficiency of the prison personnel and in turn affects the efficiency of the prison organization. It is recommended to have at least one regional training institute either with the assistance of government of India or as a joint venture by states in North East region. Of late it has been learnt that one Regional Institute of Correctional Administration (RICO) has been set up at Kolkata for prison personnel of North East Region.
  • Policy for Recruitment of Correctional Staff: There is general thinking, that prisoners’ custody and security is most important and therefore, east priority is given to the recruitment of correctional staff. With the changed scenario and objectivity of prisons, the correctional staff has also gained importance. Therefore, in the policy frame work the emphasis should not only be on the increase of custodial staff
only but the correctional staff as well. The contribution made by the correctional staff is equally or more important to the society. On the basis of findings of the study that Law Officers were not available in the jails of most of the states, it is recommended that state prison departments should make efforts to appoint adequate number of Law Officers.

Dr. Sankar Sarolia, IPS (Retd.) & S P Singh Pundhir, IPS (Retd.)

Objectives:
1. to study the problem of overcrowding in Indian prisons.
2. to identify the reasons which are responsible for this overcrowding.
3. to work out measures, modes and methods for tackling the problem of overcrowding of prisons in India;
4. to examine the role played by probation, parole, leave etc. in reducing prisons’ congestion;
5. to identify the mismatch between the spirit existing in the concepts of probation, parole and leave meant to reduce congestion, and the practical dimensions and overtones of their implementing methods, which do not allow the original spirit of the above concepts to get translated into reality;
6. to analyze the gaps which exist in various States in the theoretical and practical aspects of probation, parole and leave etc.;
7. to take stock of the impact created by the sincere implementation of the provisions of probation, parole and leave etc. in alleviating the state of overcrowding in Indian prisons;
8. to identify the shortcomings, weaknesses, deficiencies and misuse of the existing systems of probation, parole and leave etc. which inhibit ideal implementation of the above concepts obstructing the way of lessening congestion of Indian prison;
9. to formulate mechanisms, modes and methods for bringing about uniformity in the implementation of various provisions of probation, parole and leave
etc. which may ultimately lead to alleviating the problem of overcrowding in Indian prisons;

10. to evolve short-term Vs long-term and permanent and temporary methods of reducing prisons congestion;

11. to analyze and identify the role played by various categories of prisoners in overcrowding prisons;

12. to assess, examine, review and evaluate the existing state of affairs with regard to overcrowding of prisons vis-à-vis the role played by the instruments like bail, bond, probation, parole, remission, leave, premature release and reducing sentence etc.;

13. to undertake gap-analysis of the efforts and work out the reasons which cause gap between the ideal and actual conditions of alleviation of overcrowding of prisons;

14. to formulate a time bound Action Plan for the implementation of various recommendations of the present research Project;

15. to workout the financial implications and phase out year wise implementation of the formulated Action Plan;

16. to evolve an effective monitoring mechanism to implement the Action Plan so formulated;

17. Any other matter connected therewith or related to the subject matter and theme of the Project. Various activities, actions and the steps were concentrated and directed toward fulfilling the above objectives of the projects.

**Findings and Recommendations**

1. The mechanisms like probation, parole, leave and other related matters have great impact and bearing on decongestion of prisons.

2. In-spite of the honorable status of the above mechanisms and their respect and recognition at all level, the anomalous situation is that these mechanisms are not used and utilized optimally in an effective and efficient manner.

3. This is primarily so because of the bottlenecks created by the procedural aspects of their implementation, un-satisfactory co-ordination among the various units and components responsible for their implementation.

4. Improper attitudes, inappropriate approach and low level of awareness about these mechanisms among most of the stake holders and various components of the system are also responsible for their poor implementation.
Part 2

Best Practices

Promoting Good Practices and Standards
Andaman and Nicobar Islands

1. Accountability Mechanism, Visitors
   As per provisions contained in Prison Manual of A&N Islands-2004 the Lt. Governor (Administrator), A&N Islands has constituted a Board of visitors for the Prisons of the Union Territory.

2. Legislative Action
   The A&N Island Administration has prepared New Prison Manual on the basis of Modern Prison Manual circulated by BPR&D, Ministry of Home Affairs, New Delhi. All the latest rules and regulations, conforming to Human Rights norms are incorporated. It is amended time to time based on specific requirements.

3. Overcrowding
   The A&N Administration has allotted sufficient land adjacent to existing Prison to construct a New Prison for redressing overcrowding in the prison. The construction is under progress. As on date there is no imate inside the Prison under the perview of section 436A of Cr. Pc.

4. Prison Administration
   1. Digitization of prison department has been introduced.
   2. Website of prison department has been launched.

5. Activities for prisoners
   The Prison Department is taking part in Monsoon Festival, Food Festival etc. organized by IP&T Department, which helps inmates to interact and communicate with outside world.

   Various cultural, musical and spiritual programs in alliance with NGOs/private institutes are also conducted inside the prison for entertainment of the inmates. Indoor games like Carom Board, chess, volley ball, ludo, and badminton are being provided to the inmates.

   Yoga and Meditation classes are also been conducted inside the Prison by voluntary organizations once in a week for up keep of mental and physical health of inmates.
6. Women Prisoners:

There is separate enclosure for female inmates in the prison which are being administered by female staff. Creche and play school facilities are available within Prison complex.

7. Skill Development and capacity Building of prisoners

IGNOU has opened a study centre inside the prison.

Educational programmes are being conducted in the prison with the help of NGOs providing study material.

Various types of vocational trainings like making of handicraft have been started.

8. Health Care of Prisoners

A 10 bedded hospital is functioning inside the prison for taking care of serious patients. Inmates are referred to district hospital for further specialized treatment. For providing better treatment to the inmates, a full time doctor, 02 staff nurses, pharmacist and 01 ward attendant are posted for performing duties related with health care of inmates. A pathology laboratory has also been established in district jail hospital.

Regular health check, eye check up etc. in collaboration with Health Department, voluntary NGOs are also being conducted inside the prison.

AIDS Control Society is regularly organizing workshops on prevention and control of HIV/AIDS. A barrack has also been earmarked for keeping the patients suffering from contagious diseases.

9. Sanitation and Drinking Water

The department is providing treated water through Government agencies and also installed water filters in all the barracks.

10. Environment issues

The Solar treatment plant for boiling of water has been installed in the Cook House to cut down the expenses on cooking and for better use of rain water.
Rainwater harvesting system has also been functioning in all barracks to store the rain water. Action has been initiated for installation of biogas plant in district prison for recycling of human waste into fuel.

11. Reformation

Department is conducting special programmes for correction and reformation of inmates. Regular classes for yoga and meditation are conducted for the welfare of the inmates. Prison department is also conducting various types of cultural, sports and recreational activities with the help of NGOs.

12. Rehabilitation

Department is conducting programmes such as satsang, yoga, meditation, adult education classes etc. by inviting eminent personalities. Social workers and NGOs visit jails for strengthening the efforts for reformation and rehabilitation of the inmates. Annikkum Karangal Trust NGO is working with the prison department for last 10 years and conducts various reformation programmes which includes providing of educational materials, sports items, health/eye check-ups, cultural programmes etc. Prajapita Bramha Kumari Ishwariya Vishwa Vidyalaya and International Society for Krishna Consciousness are conducting shanthi yoga and meditation classes for inmates once in the week on regular basis.

13. Other best practices

1. System of direct mulakats.
2. Separate kitchen for women
3. Dry and wet welfare canteen
4. Free Legal Aid to prisoners
5. Panchayat system
6. Prisoners welfare fund
7. Moral classes
8. Festival celebrations
9. Lok Adalat.
1. **Welfare Measures**

- **Installation of RO Plants**: The SUJALA SRABATHI Programme initiated by the Govt. of Andhra Pradesh is implemented in Prisons Department by providing protected drinking water to all the prisoners by installing RO Plants at all the prisons of Andhra Pradesh.

- As a part of providing *wholesome food* to the prisoners, chapatis, wheat upma are introduced as breakfast. All Central Prisons and PAC Ananthapur are provided with automatic Chapathi Making Machines.

- **Computer Training to prisoners**: For imparting training to the prisoners, computers were provided in Central Prisons and Special Prison for Women, Rajahmundry.

- **Cheyutha Nidhi**: Many Poor Prisoners are undergoing sentence in Jails even after completion of the period of their imprisonment due to non-payment of fine amounts owing to poverty. Cheyutha Nidhi has been created with the contribution of philanthropists and voluntary contribution of prison staff from their salaries to pay fine amounts.

- As a welfare measure, all the life convicts of Prisons Department are being enrolled in *“Pradhana Mantri Suraksha Beema Yojana”*. The premium amount is being sanctioned from Prisons Development Board Fund.

- **Establishment of SICA** at old Central Prison complex at Nellore was completed and it is functioning successfully to cater to the training needs of the department personnel.

- With a view to provide hot water to the old aged and sick prisoners in winter season, all the Central Prisons, Prisoners’ Agricultural Colony and District jails (except District jail Ongole) are provided with *solar water heaters*.

- In order to provide *wholesome food* to the prisoners confined in prisons, Government issued modification orders on diet scale for non-vegetarian and vegetarian prisoners of A.P Prisons.

- To maintain hygienic conditions in prison hospitals, **Washing Machines** are provided to wash part-worn clothing of prisoners, in all Central Prisons, Special Prison for Women, Prisoners’ Agricultural Colony and District Prisons.
● As a part of security surveillance, Walkie-Talkie sets are provided to the executive staff in Central Prisons.

● Old TV sets are replaced with new LED TVs with centralized control system in all Central Prisons, PAC, Spl. Prison for Women.

● With a view to provide warm food to the prisoners in winter season, S.S. Casseroles are procured with the funds from Prison Development Board and distributed to all the Central Prisons, District Prisons and Prisoners’ Agricultural Colony, Ananthapur.

2. Industrial Activities


● Bakery Units established at Central Prisons, Kadapa, Visakhapatnam and District Prison, Ongole.

● Cement Bricks Manufacturing Unit established at Central Prison Kadapa.

● Established Dairy Farms at all Central Prisons and Prisoners’ Agricultural Colony, Anantapur.

● Installation of Oil Extraction Mill and equipment at District Prison, Ananthapur.

● New Modernized Weaving Machines (Power Looms) and related equipment at Central Prison, Rajahmundry and Visakhapatnam.

● Establishment of new industries viz. Detergent Soap & Toilet Soap Unit and Black Phenyl Unit at Central Prison, Kadapa.
  1) Tooth Paste Packing Unit
  2) Shampoo Manufacturing Unit
  3) Scented Phenyl Manufacturing Unit
  4) Coconut Oil Packing Unit
  5) Sheep Rearing Unit

● All the Central Prisons, District Prisons and the Prisoners’ Agricultural Colony are provided with TATA ACE High Deck BS-III Vehicles for the purpose of food distribution in prisons.
To improve the working of prisons modern equipments consisting of Tractors, JCB, Vehicles were provided.

Hawaii Chappal Making Unit was established at Central Prison, Nellore.

Stitching Machinery Equipments are provided to Special Prison for Women, Rajahmundry not only to provide work to female prisoners, but also to provide opportunity to the released female prisoners to earn their livelihood.

Cultivation of medicinal herbs like kalmegh and Drumsticks at Central Prison Visakhapatnam under PPP with M/S Himalaya Drug Company, Bangalore.

Petrol Outlets are established at Central Prisons Kadapa, Rajahmundry, Prisoners Agricultural Colony, Anantapur for income generation.

Assam

1. Accountability Mechanism, Board of Visitors
   Board of Visitors consisting of officials and non-officials exist in 31 jails in Assam. The Board visits the jails and attends to grievances of the inmates. They also look after the matters related to food, medication, hygienic etc.

2. Prisoners of Foreign Nationality
   Foreign Nationality Prisoners are shifted to the Detention Centre on completion of their awarded sentence by informing the concerned authority of their due date of release from jail which helps reduce overcrowding.

Chandigarh

1. Spiritual / Cultural and Awareness programmes
   Regular yoga classes/ spiritual classes are being conducted in the jail for the welfare of inmates. AIDS Awareness Camp is also conducted in the jail from time to time.

2. Welfare of Inmates
   The inmates are allowed two calls of five minutes duration each per week. First call is provided free of cost and Rs. 1.00 per minute is charged for second call of the week. Nutritious food is provided to the inmates.
3. **Prisons Management System**  
E-Prison software has been implemented in Model Jail, Chandigarh.

4. **Modern Female ward**  
New Female Ward of International Standard in Model Jail, Chandigarh.

5. **Jail Security Initiatives**  
59 CCTV cameras have been installed. New X-ray baggage machine has been purchased. Riot Control Equipment like Helmet, Poly shield, Body Protector, Poly Sticks and Pepper Spray have been purchased to strengthen the security.

6. **Educational & Vocational Activities**  
Adult education programmes for illiterates jail inmates, open schooling facility for secondary and senior secondary education and IGNOU Study Centre for higher education are available in the jail. The male inmates are taught the skills of two wheeler repair, AC and Refrigerator repair. Female inmates are taught skills of Baking and Food Processing, Paper Bag Making, Beauty Culture, Soft toy making etc.

7. **Sports**  
The inmates are provided with the facility of indoor games like Table Tennis, Carom Board, Chess and outdoor games like Volley ball, Kabaddi, Badminton and Shot-put. Annual Sports Meet is organized every year and best sports persons in each discipline are awarded with trophy and cash prize.

8. **Recreational Activities**  
State of Art Music room with Western instruments and Indian Classical instruments is available for inmates. Professional music teachers are hired for the training of inmates. Annual cultural programmes are also organized in the jail and the inmates take part in various activities such as singing, folk dance and drama etc. Drawing and painting competitions are also organized from time to time.

9. **Plantation & Beautification of Jail Campus**  
The Model Jail, Chandigarh has been beautified by planting fruit trees, ornamental trees and various categories of flowers.
10. Health care of prisoners

The Jail Department has purchased new AC Ambulance fitted with lifesaving equipments to shift the seriously ill inmates to hospitals. Specialist doctors of various faculties from the government hospitals visit the jail regularly. A Dental chair has also been installed in the jail.

11. Bee Keeping

Bee boxes have been kept in the jail farm and the inmates are being provided training in bee keeping.

Delhi

There are 09 Central Jails at Tihar Complex and one District Jail in Rohini with a combined sanctioned capacity to lodge 6,250 prisoners. As on 04.08.2016 there were 14296 prisoners lodged in Delhi Jails. A number of corrective measures have been taken for reformation and rehabilitation of prisoners, some of which are as under:

1. Swachh Bharat Abhiyan- Clean & Green Tihar

Cleanliness drives are being conducted on a daily basis in the prison. Some important steps which have been taken towards a “Swachh Tihar” are as follows:

- Removal of malba and building material
- Cleaning and chlorination of water storage tanks, syntax tanks in the premises
- Clearing of all roofs of various wards and offices of the complex
- Removal of garbage from the premises
- Regular cutting of grass in parks
- Pruning of trees and removal of brushes
- Plantation of trees in the complex
- Regular cleaning and repairing of barrack/ cell/ common toilets in the complex
- Regular washing of clothes and bedding material
- Providing sufficient supplies for shaving, cutting of hair and nails by the deputed barbers so as to maintain physical hygiene of the prisoners
- White-washing/ painting buildings after repair work
- Removal of damaged furniture, and having the same repaired/ condemned as per existing rules, and weeding out the old records
- Stock taking of all stores
- Providing soap, toiletries, toothpaste, toothbrush etc. to all prisoners

2. **Jan Dhan Yojna for Prison Inmates**

Under the Jan Dhan Yojna, bank accounts for all the convicts are being opened with the Tihar branch of Indian Bank. This will make it easier for the prisoner and his family to manage money and will bring more transparency in transactions.

3. **Aadhar Cards for Inmates**

All the prisoners, who do not already have Aadhar cards, are being provided with the same to ensure that the benefits and rights of the inmates and their families are not denied and also to accelerate their reintegration in the society. It would also help the authorities in tracking down people who have a history of offences.

4. **Scheme for the Welfare of Children of Incarcerated Parents**

A new scheme titled “Scheme for Financial Sustenance, Education and Welfare of children of Incarcerated Parents, 2014,” which is applicable to the child/ children, whose surviving parent/ both parents is/ are in jail, is now being implemented. The scheme provides financial assistance in the form of monthly payment and free education, uniforms and stationery to children enrolled in the EWS category. The provisions under this scheme include the passing of an order to send a child to an institution to provide medical treatment and the provision of legal aid to enable the child to interact with the incarcerated parent/ parents. However, the parents of the child must be ordinarily living in Delhi for 5 years and the period of incarceration should not be less than 30 days.

5. **Semi Open / Open Jail at Tihar**

Semi Open Prison is functional at Tihar in which 51 convicts are presently lodged. It is extended only to convict prisoners with good Prison conduct and
who are physically and mentally fit and are willing to do hard work as prescribed for them. Convict should have been sentenced to term of imprisonment for more than five years but less than twelve years and their remaining sentence is less than two years and also the life convicts who have under gone twelve years of actual imprisonment without remission. The Govt. has also approved the guidelines for starting Open Jail at Tihar Complex under which a prisoner can go outside the jail complex for earning the livelihood and will have to come back in the evening to the Open Prison complex.

6. **Music Rooms in Jails**

Prison Administration has established a Music Room in every jail in which musical instruments like Tabla, Harmonium, Guitar, keyboard, flute etc. are available for learning and use by prisoners. This experiment has given positive results and the programme is being expanded further. Music teachers visit all jails and give training to inmates in music. A band under the name of ‘Flying Souls’ has been formed by inmates to entertain fellow inmates.

It may be mentioned here that Inter-jail competitions in music and cultural events are organized every year christened as “Ethnic Tihar” which is very popular with prison inmates. Now each jail is creating its own band for the entertainment of prisoners.

7. **Tihar Inmates Phone Call System**

The Tihar Inmates Phone Call System introduced in all the jails to facilitate prisoners communication with their family/ friends was earlier available to prisoners once in a week which has been extended to all the week days (7 times a week). The foreign prisoners are allowed to talk to their family members/relative twice a month.

8. **Smart Cards for jail inmates**

A Smart Cash Card System has been introduced to assist prisoners in their various monetary transactions with jail canteen, thus replacing the old coupon system. Every inmate is being given a smart card in which his transactions are credited. This has brought transparency in the accounts of prisoners. Money of inmates is now credited in their accounts by name for use via smart card. The Prison administration is in the process of using Smart Card for Prisoner Property Account also. A prisoner is allowed to accept cash worth Rs.1500/- per week during the interview.
9. “Padho aur Padhao” at Tihar

Educational activities are an integral part of the daily routine of the prisons in Delhi. They are organized at different levels for different categories of prisoners like illiterates, neo-literates, semi-literates, literates and for those desirous of getting higher education. A comprehensive educational program in association with National Literacy Mission, Ministry of HRD, Govt. of India called “Padho Aur Padhao” has been launched. This programme is ICT (Information and Communication Technology) enabled literacy programme. This programme is being vigorously followed in all the jails as a result of which illiteracy rate had declined from earlier 40% to around 5%. Having acquired functional literacy after undergoing this programme, an inmate can pursue his further studies as Tihar has tie-ups with National Institute of Open Schooling and Indra Gandhi National Open University who have opened their sub centre in the jails.

10. Installation of Solar Water Heaters and Bio-fuel Plant

In an Eco-friendly initiative to generate electricity and bio-fuel, Tihar administration has joined hands with DSIDC Energy Ltd., GNCT of Delhi and Bhabha Atomic Research Centre, Bombay. The commissioning of the projects in all the jails will bring a big saving in electricity/fuel bills besides utilizing the waste generated in the jails.

Solar Water Heaters have been installed in all jails. Prisoners can use hot water for bathing and baking purposes. This environment friendly step has reduced the dependency on conventional sources of energy.

11. Opening of Art & Craft Gallery

An Art & Craft Gallery has been opened in Central Jail No. 2 & 3, in which paintings by the prisoners and craft work have been exhibited. The purpose behind establishing the Art & Craft Gallery is to encourage such activity amongst the prisoners.

12. Computer Centers in Jail

Computer centers have been established in jails to give computer training to the prisoners. Further, computers are being used in adult education for imparting computer literacy to the prisoners. These are also being used in the Legal Aid Cells of the jails for preparing the petitions of prisoners.
13. **Sanitation and Hygiene**

Attention is being given to high level of sanitation and maintenance of hygiene in each jail. Zero level of garbage is being maintained in all the jails by daily lifting of garbage. Four sewage treatment plants have been set up to recycle the sewage waste and the resultant water is being used for horticulture and toilets purposes.

14. **Establishment of Cricket Academy at Tihar**

A cricket academy has been established at Tihar to give training to those inmates who are interested in learning and playing cricket. Talented inmates are being coached to enable them to play matches with visiting teams from outside. This is encouraging community participation in the reformative activities. Prison administration organizes inter jail sports tournaments every year which are popularly known as Tihar Olympics to motivate prisoners in sports activities.

15. **Commissioning of Model Wards in the Jails.**

The wards in old prisons are being renovated and model wards are being created in all the Jails which are provided with various facilities for carrying out reformation/cultural activities and comprise both cells and barracks for lodging newly admitted casual prisoners. They are well ventilated with provision of exhaust fans. There is provision of recreation room equipped with facilities of indoor games, library and a TV for entertainment of inmates. In addition, there is sufficient space for holding classes for adult education, different reformation activities like yoga and meditation etc. Washing and bathing facilities have been provided in the wards. Toilets are fitted with efficient flush system. Sufficient water has been provided for drinking and bathing purposes.

16. **Provision of quality drinking water for the prisoners**

Reverse Osmosis Systems (RO Systems) have been installed in Jails to provide quality potable drinking water to the prisoners. Sufficient quantity of raw water is also ensured in the jails to maintain appropriate level of cleanliness and hygiene.

17. **Launch of Music Album**

Inter Jail music contests under the banner of ‘Tihar Idol’ are organized amongst five categories Singing, Dancing, Playing an instrument, Acting and Writing lyrics. These contests organised with the help of NGO Music One Record were organized in all the jails to search hidden talent of jail inmates. The performance of inmates
was judged by the expert panel comprising well-known personalities from the field of singing, music, dancing, writing and acting. An audio album comprising song written, sung and composed by inmates ‘Jee le jara’ has also been launched. Music One Records an NGO is helping in grooming the inmates of Tihar The idea is to rehabilitate these music loving inmates in the field of music itself.

18. Recreational Activities

Recreational activities are carried out routinely in all the jails to channelize the energy of prisoners in a positive direction. There is a television set provided in each barrack which is fitted with cable network. The facility of newspapers, magazines, library etc. is provided. There is provision for sports and cultural activities and inter-jail tournaments are organised. Prominent personalities grace the occasion and distribute the prizes.

19. TJ F.M. Radio

F.M. Radios have been provided in jails so that prisoners may engage themselves in recreational activities and could be trained by RJs. The prisoners who want to hear their favorite song may tell in advance to the RJ’s so that these may be aired. The establishment of F.M. Radios has met twin objective of entertainment and training of prisoners as RJ.

20. Creative Literary Activities

The Prison inmates are being encouraged to participate in creative literary activities like poetry and essay writing, journalism etc. for creating self confidence in them. A book on their poem ‘Tinka Tinka Tihar’ has been published and widely appreciated. The Jail Superintendents are also bringing out their jails newsletter with the help of prisoners.

21. Jute Products

The Prison administration has started manufacturing Jute fancy and designer bags in collaboration with National Jute Board. Also Jute jewellery and ornament training programme have been started.

22. Hospital and Medical Facilities

Inmates (both under trial and convicted) are provided round the clock medical attention in Delhi Jails for which there is a 150 bedded hospital, known as Primary Care Unit in Central Jail No.3 and dispensaries equipped
with MI Rooms in all other jails. For women prisoners there is a separate dispensary and a MI Room, all managed by female staff. Ayurvedic, Unani, Homoeopathic and Naturopathy treatments are also available to prisoners in addition to allopathic system. The main features of health facilities in Delhi prisons are as follows:

- 120 bedded hospital with medical, surgical, tuberculosis and psychiatric wards.
- 80 bedded de-addiction centre functioning in Central Jail Hospital.
- De-addiction Centre (CJH) is ISO 9001-2008 certified.
- One integrated Counseling and Testing Centre for HIV, functioning in Central Jail Hospital.
- Special diet for HIV/AIDS, TB patients and other deserving inmates.
- Cases of seriously sick inmates are taken up with the concerned court for their bail/early disposal of case.
- DOTS centre for T.B.
- Complete Dental Unit in Central Jail Hospital, CJ-4, CJ-6 and Distt. Jail, Rohini.
- Dental Camp held for inmate prisoner patients requiring partial/complete denture with the help of NGOs.
- Pulse Polio immunization programmes are carried out regularly as per Pulse Polio schedule of Delhi Government, in CJ-6.
- The prisoners suffering from various contagious diseases are kept separately.
- Prisoners are referred to various specialty and super specialty hospitals for providing medical care.
- Various NGOs also working with Tihar Prisons and contributing towards medical services.
- 110 sanctioned posts of doctors and 189 of paramedical staff.
- 57 Doctors and 94 paramedical staff presently posted for prison health care.
- Round the clock casualty services in Central Jail Hospital.
- A minor O.T. in Central Jail Hospital.
- Investigation facility for Biochemistry, Pathology, X-Ray, ECG available.
- Round the clock dispensaries in all the Jails including Distt. Jail Rohini.
• Biomedical waste management is done as per rules of DPCC.
• Various specialists/ Senior Residents in the fields of Medicine, Orthopedics, Skin, Psychiatry etc. are available.
• HIV + Prevention and Management of drug abusers.
• There are ten ambulances in working condition out of which one is ALS and nine are basic. Five more ambulances are at the registration stage.

23. HIV + Prevention and Management of Drug Abusers

(a) Drug Abuse Monitoring System

All inmates, who are reported to be drug addicts, are identified on the very first day of their admission and directly sent to De-Addiction Centre where they are initially treated for withdrawal symptoms and after de-toxification process is over, they are sent to specially earmarked Rehabilitation ward, being run in collaboration with NGOs for further counselling and rehabilitation.

(b) Opening of ICTC Centre

Prison administration has set up an Integrated Counseling and Testing Centre (ICTC) in Central Jail Hospital for detecting HIV positive inmates and their treatment is started immediately.

All prison inmates, who are suspected to be suffering from HIV infection, are tested in ICTC Centre as per NACO (National AIDS Control Organization) guidelines, which includes pre and post test counselling. An ICTC is a place where a person is counselled and tested for HIV, of his own free will or as advised by a medical provider. The main functions of an ICTC are:

(i) Conducting HIV diagnostic tests.
(ii) Providing basic information on the modes of HIV transmission, and promoting behavioural change to reduce vulnerability.
(iii) Link people with other HIV prevention, care and treatment services.

24. Vocational Activities

There are various vocations taught in Delhi Jails to engage the prisoners in positive activities. Some of the vocations like blanket unit, soap unit, artificial flower unit, dhoop agarbatti making, fashion designing etc. have been started so that prisoner may be engaged inside the prison in purposeful manner and also earn
There are other vocational courses which are taught in Delhi Prisons and the details thereof are as under:

- Computer, Art & Craft, personality development and life skills, painting, shoes making, English, Weaving Section, Cutting and Tailoring, Crèche and Balwari training, Beauty Parlour, Plumber, Electrical, Adult Education, Music, Jute, Puppet Making, Papad and Pickle, Bag manufacturing, Namkeen Unit, Dance, Jeans stitching etc.

### 25. Yoga, Meditation & Spiritual Courses

Yoga, meditation and spiritual activities are an important component of reformation and rehabilitation policy of Delhi Prisons which bring qualitative change in the life of prisoners. A number of Non-Governmental organizations are helping the Jail administration in carrying out various activities and augment religious preaching to inmates. Some of these are Vipasana, Art of Living, Raj Yog, Sahaj Yoga and satsang. Thousands of prisoners have participated in the meditational programmes conducted and a marked change has been observed in the behaviour of such prisoners. Further, during morning hours the prisoners do yoga and physical exercises.

Daily Yoga classes are being conducted in Delhi Prisons under Panchwati Yoga Ashram Care Centre (NGO).

### 26. World Yoga Day

A record strength of 11000 (Approx.) inmates participated simultaneously in all the Jails on 21 June 2016 to celebrate this occasion. This is a record in the history of prisons of world for maximum number of participation for Yoga in a single session. Yoga practice in all the jails are continuing and the NGO is also helping in preparing some of the inmates as professional yoga trainers which will help them to get a suitable employment after their release form the Jail.

### 27. Female prisoners and welfare of their children

In Delhi there is one Central Jail for exclusive use by lodging of female prisoners. Female prisoners are allowed to keep their children with them in the jail upto six years of age as per law. There are on an average 50 children lodged with their mothers in the female jail. Such children are provided with clothes, diet, bed, medical care and education by the Prison Department with the help of NGOs.
A Creche and a Nursery school are being run in association with NGOs. There are trained workers and nursery education is provided to them in the crèche. When the child attains the age of six he/she is admitted in a boarding school with the consent of the mother.

28. Welfare and recreational activities

The Prison Welfare Services from Department of Social Welfare is providing Financial and Social support to the convicts and their family members. They further help the convict in the following matters:


29. Facilities for visitors of inmates

A visitor can book his interview through tele-booking 10 days in advance. This system saves the time of visitor as he is informed about the day and time of his meeting in advance. Model interview halls have been constructed in jails where meetings between prisoners and their visitors are held with better visibility, audibility and privacy.

30. Video Conferencing

Video Conferencing facilities have been provided in the jails for the extension of Judicial Remand of prisoners, thus saving the prisoner from the hardship of visiting the courts for the purpose of remand extension. Further, legal aid facilities through Delhi High Court Legal Services Committee are also being provided to the prisoners through the medium of video conferencing.

31. Legal Aid Facilities

A Legal Aid and Counseling Centre is functioning from the Jail Complex. Delhi High Court Legal Service Committee has drawn up a panel of lawyers to argue the appeals of poor convicts who have not engaged their private counsels before Hon’ble High Court of Delhi. The following are the features of Legal Aid Activities in the Jails.

- A Free Legal Aid Cell in each jail in which stationery items, typing material, books etc. are provided by the Jail department.
• Delhi State Legal Services Authority has deployed 29 advocates who are visiting the Legal Aid Cells and giving legal aid.
• Regular drafting of application/petitions/appeals of prisoners by advocates and Para Legal Aid is done.
• The matters of seriously sick/terminally ill inmates are taken up with Courts.
• Special Courts organized on monthly basis at Tihar Court Complex for the minor offenders languishing in jail.

32. Parole and Furlough guidelines

The guidelines have been prepared in consultation with Delhi Legal Services Authority and under the guidance of Hon’ble High Court of Delhi. Under the new guidelines the disposal of parole/furlough application is to be done in a time-bound manner so that there is no delay in disposal of the application. The power for grant of furlough has been delegated to the Director General (Prisons) and for parole lies with Hon’ble Lt. Governor, Delhi.

33. E-Libraries

The e-libraries are being established in Delhi Jails for the benefit of prisoners.

34. Senior Citizen Ward

This ward has been created in Central Jail No.3 hospital where senior citizens above the age of 60+ are kept. They have been given bed and their dietary requirement are given due consideration.

35. Revision in Wages of Prisoners

The Govt. of NCT of Delhi has revised the wages paid to the prisoners as follow:

<table>
<thead>
<tr>
<th></th>
<th>Skilled</th>
<th>Semi-Skilled</th>
<th>Unskilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Wages structure</td>
<td>171/-</td>
<td>138/-</td>
<td>107/-</td>
</tr>
<tr>
<td>75% of wages payable to prisoners</td>
<td>128/-</td>
<td>103/-</td>
<td>80/-</td>
</tr>
<tr>
<td>Deduction of 25% for Victim Welfare Fund</td>
<td>43/-</td>
<td>35/-</td>
<td>27/-</td>
</tr>
<tr>
<td>Earlier wages structure</td>
<td>99/-</td>
<td>81/-</td>
<td>70/-</td>
</tr>
</tbody>
</table>
All the new entrants are classified as unskilled worker and their cases for transfer to semi-skilled category are taken up after three months experience and recommendation from the Supervisor that he has attained some skill.

Similarly, a semi-skilled worker could be classified as skilled worker after three months. It means that new entrant should be required to have more than 6 months experience to be eligible for classification as skilled worker after following above procedure.

This criterion will however not apply in cases where prisoners have attained skilled or semi-skilled status because of his outside working experience. The above wages structure further stipulates that working hours of prisoners should not exceed 8 hours per day and there should be routine medical check-up of labouring convicts.

36. **Scheme for Financial Sustenance**

A new scheme titled “Scheme for Financial Sustenance, Education and Welfare of Children of Incarcerated Parents, 2014” being implemented. It was formulated by the GNCT of Delhi to ensure the protection and welfare of the children of incarcerated parents. This scheme applies to the child/children whose only surviving parent or both parents are in jail.

The types of assistance shall be:

a) Monthly financial assistance for each child.

b) Provision for free education, uniform, books, copies etc. in government aided/private schools (if enrolled as EWS) by treating them as a child from the Economically Weaker Section.

c) Provision for protective environment and welfare measures for the child including passing of an order for sending a child to a fit institution and also, an order for providing medical aid and provision for free legal aid or interaction with incarcerated parents.

37. **Construction of New Jail: New Central Jail at Mandoli**

The foundation of a new prison complex was laid down at Mandoli in 2008, in order to decongest the overcrowding Central Jail at Tihar and flaying a capacity of 3776 inmates including 6 central jails, one each for women (280 inmates), adolescent (700 inmates) and high security prisoners (248 inmates) and rest for the other convicted and undertrial prisoners.
38. Board of Visitors

Home Department, Govt. of NCT of Delhi has appointed 9 Official Visitors and 21 Non-officials visitors to jail in NCT of Delhi to act as such and discharge the functions of the visitors assigned to them. Meetings are also convened time and again with the visitors on the multiple issues related to the prison reforms.

39. English Speaking Course

A five days workshop on Spoken English Hackathon was organized by Sh. Kamlesh Vyas and his team members from Ernst and Young from 18th to 22th July 2016 in Central Jail No.7. This workshop is innovative and acclaimed internationally because of its unique concept in imparting training to non-English Speaking person. A person is able to speak in English on culmination of the 5 days workshop. The workshop in spoken English is very useful for the prisoners in getting jobs after their release. 280 young offenders of Central Jail No.7 were benefited from this workshop.

Goa

1. Accountability Mechanism, Board of Visitors

The Principal District & Sessions Judge conducts surprise inspection on quarterly basis to hear the grievances of prisoners. Nominated High Court lawyers are conducting surprise inspection to hear the grievances of prisoners. Additional Sessions Judges visit on monthly basis to verify the status of newly admitted convicts. Besides, the Additional Sessions Judges along with Deputy Collectors and nominated Lawyers visit Jail to check the hygiene and other facilities for prisoners. Boards of Visitors meetings are quarterly held under the Chairmanship of Principal District & Sessions Judges. The Members of the Board of visitors are conducting inspections in Jail and submit their reports.

2. Over Crowding

Legal Aid Cells conduct quarterly meetings for under-trial prisoners. There are no cases under Section 436A of the Cr.PC. in the State of Goa. Deserving cases are granted parole / furlough from time to time. Applications for parole / furlough are decided within 6 weeks time for prisoners within the State of Goa and in the case of prisoners outside the State of Goa within 8 weeks. Under-
trial prisoners are produced before their respective Courts regularly to facilitate expeditious trials.

3. **Prison Administration**

The Jail Manual prescribes the rights and duties of prisoners. For grievance redressal, complaint boxes wherein complaints can be made to the Sessions Court & I.G. Prisons are maintained. Electronic surveillance system has been installed at New Modern Central Jail at Colvale as well as at Sub Jail, Sada, Vasco. The PRISMS software which has been installed and provides real time information about the details of all prisoners, their history ticket, nominal roll etc. The I.G. Prisons has website (www.goapris.nic.in) linking it to both Central Jail as well as Sub Jail, Sada, Vasco. Sufficient budgetary allocation has been made and New Modern Central Jail at Colvale has been commissioned from 1/6/2015 with capacity of 650 prisoners. The Prison Panchayat is also held regularly.

4. **Activities for Prisoners**

Regular spiritual program, yoga practices, work shops, skill trainings are conducted through NGOs. Prisoners are allowed to participate/conduct spiritual programs. Training is imparted to the inmates in Yoga by Patanjali Group and Shivkrupanand Swami Group. Also regular Mass are conducted by the Prison Ministry.

5. **Women Prisoners**

Separate enclosure for women prisoners has been maintained at Sub Jail, Sada, Vasco. Female Doctor conducts OPD at Sada Jail once in week. Prison Ministry is conducting counseling sessions for women prisoners. NGOs are allowed to regularly interact with women prisoners. The I. G. Prisons also pays visits to listen to grievances.

6. **Skill Development and Capacity Building**

Training is imparted in computer/Bakery/Gardening/Tailoring/Carpentary/Art & Craft. The prisoners are enrolled for distance education through IGNOU & NIOS.

7. **Health Care of Prisoners**

Regular full time Doctor has been posted and in house 15 bedded hospital has been set up with Dental unit at New Central Jail at Colvale. Prisoners suffering
from mental illness are referred to I.P.H.B. for treatment and for de-addiction courses. New prisoners are admitted to Jails after thorough screening in prescribed proforma of National Human Rights Commission. Sputum is regularly checked by the Health Centre and if TB cases are detected DOTS course is given.

8. Sanitation Water and Drinking

Adequate number of water filters has been installed for drinking water and sufficient numbers of toilets are also constructed for the prisoners at New Central Jail at Colvale and Sub Jail, Sada, Vasco.

9. Reformation

Reformation and rehabilitation of prisoners is done in collaboration with Prison Ministry of Goa Unit by group called Caritas, Goa and few prisoners have been given employment after their release.

Gujarat

1. Skill Development

Gujarat Prisons Department initiated skill development based modular education scheme under VTP.

- Certificates awarded to the prisoners did not carry any mention of prison or the fact that the earner of the certificate is a prisoner.
- This very innovative measure has taken away the stigma, a major obstacle for rehabilitation after release.
- This step has restored a sense of dignity of self esteem in the prisoner, which is a major input for rehabilitation after release.

2. Institute of National Institute of Open Schooling Vocational Educational Courses in Gujarat Prisons:

Gujarat Prisons have undertaken an innovative measure to provide skill development based educational subjects with regular academic courses to earn a certificate.
3. Details of Sakshar Bharat / Saraswati Yatra:

In an unique initiative to achieve 100% literacy rate of prisoners, under the programme of Sakshar Bharat - an institutional permanent curriculum based literacy initiative undertaken as partnership of Central - State Government / National Open School. State Resource Centre, Ahmedabad - Mahila Samakhya - Sakshar Vibhag of Gujarat Government took prisoners having educational qualification of matriculation and above as trainers for both male and female who underwent one day Master Trainer programme in all four Central Prisons in the State.

4. Continuous Literacy Mission to Achieve 100% Literacy Rate IT/Computer literacy drive

Information technology is a must for fulfilling the aspiration of Young and Youthful Young India. Gujarat Prisons, for the first time in history has initiated a programme of public / department partnership in imparting computer literacy/educational programmes to prisoners from the year 2010.

5. Library - Vanche Gujarat

Gujarat prisons have undertaken a giant leap in enriching the libraries under “Vanche Gujrat”.

6. Legal Aid Clinics

- Legal aid clinics are being now run at all prisons by state legal services authority
- Legal aid clinics run by law universities and law colleges in Gujarat have been established at every jail to create awareness about legal rights of the prisoners by state legal services authority.

7. Others:

- Prisoners are being paid wages for unskilled, semi-skilled and skilled work respectively.
- Indian Institute of Management, Ahmedabad has tied-up with Gujarat Prison Department for Branding and Marketing the Jail Products. This will set a professional land mark in collaboration with Indian Institute of Management.
- A logo “Uday” has been designed by NID, as trademark of Jail products.
- A Certificate Course in Motor Cycle Repair & Service has been started by IGNOU under collaboration with Hero Moto Cop at Ahmedabad Central Prison. Such Certificate course has been also started Ahmedabad, Lajpor & Rajkot Central Prison.
- Solar System has been installed for Cooking food at New Undertrial Jail, Ahmadabad Central Prison.

**Haryana**

1. **Charter of Rights and Duties of Prisoners**
   
   The prison Department Haryana has prepared a booklet named “Charter of Rights and Duties of prisoners” which is circulated to every prisoner entering the Jail. This booklet is also uploaded on the website of the department.

2. **Effective Grievance Redressal mechanism**
   
   Grievance / complaint boxes are put up in every jail of Haryana which are opened by the District and Sessions Judge during monthly visits. The prisoners also have the opportunity of airing their grievances before him at that time. Similar opportunities also arise during the weekly parade of the Superintendent Jail and the visit or inspection by senior officers.

3. **Electronic Surveillance and alert systems**
   
   CCTV cameras have been installed at the entrance for electronic surveillance. To root out the menace of illegal mobile usage by the prisoners, the department is in the process of installing Jammers.

4. **E-governance of prisons and digitalization of prison records**
   
   The Prison Administration in Haryana has developed its own software and computerized all the data of prisoners including data regarding inmates, custody of jail records, Jail hospital records, canteen records etc. The PHOENIX software is in place for better and more effective management of prisons in Haryana, which was developed by an ex-prisoner form Gurgaon Jail.
5. **Websites**

There is a website for the entire Jail Department of Haryana.

6. **Prison Panchayat**

The Superintendent Jail holds periodic meetings. All the Jails also have committees for supervising the Canteen/ Kitchen/ Training / Yoga/ Sports/ Cultural activities.

7. **Effective training of prison Staff**

All the staff recruited in the Department undergo induction training. Regular refresher courses are also held at Institute of correctional Administration Chandigarh, Haryana Institute of Public Administration Gurgaon, NICFS and Jail Training School at Karnal.

8. **Educational Programs**

IGNOU (Indira Gandhi National Open University) Centers have been set up in the Central jail Sirsa, Karnal, Gurgaon and Faridabad to enable the prison inmates to study and acquire higher qualifications after 10+2 so as to provide them better employment opportunities after the release form the Jails. Further National Institute of Open Schooling (NIOS) centers have been opened at all jails except Panipat, Palwal and Rewari to enable the prison inmates to get education up to 10+2 level.

9. **Vocational Educational Programmes**

Vocational Training is being imparted to prison Inmates in jails with the help of Technical Education Department Haryana in trades like Plumbing, Electrical and Computer Data Operating. Approximately 2153 prisoners have already been enrolled under the scheme for vocational training.

10. **Prison Inmate Calling system (PICS)**

PICS have been installed in all the Jails in Haryana except the very small ones namely Panipat / Palwal and Rewari with the approval of State Government. Earlier the prisoners were allowed to speak to their family members twice a week. Now the calling time has been increased from 10 minutes to 35 minutes weekly.
It would also help the family members of prisoners residing at a long distance to economize on their travel expenses and time.

11. Wages

All wages to prison inmates, earned by them for the work done by them, are being disbursed through saving bank accounts opened in various nationalized banks. A proposal has also been sent to the Government for increase in the present wages of the convicts. (Rs. 40 to 100 for Skilled, Rs. 25 to 75 for Semi-skilled and Rs. 20 to 50 for Un-skilled)

12. Public Private Partnership (PPP)

The Prisons Department has started Public Private Partnership schemes with the approval of the State Government for the welfare of the Prisoners which will help them to create job opportunities as well as to start their own business. The Private enterprises will offer work to the prisoners without involving any expenditure from the Government. Under this scheme the permission has already been given to Superintendent Jail Karnal for manufacturing of Plastic Washers and Door Mat. Interlocking tiles making in District Jail, Yamunanagar and manufacturing of furniture at Central Jail, Ambala have also been started. Modern Offset Printing press has been installed in Central Jail Ambala.

13. India Vision Foundation

India Vision Foundation has organized the training program for all the prison officers in four phases at District Jail Gurgaon in which all Superintendent Jails, Dy Superintendent Jails, Assistant Superintendent Jails, and Sub Assistant Superintendent Jails have participated. The India Vision Foundation has started establishing centers in different jails to give training in Yoga and computer education to the male as well as female inmates.

14. Facility of cash less Canteen

The facility of existing coupon system in jail canteen has been converted into Cashless Canteen System and has been started in all jails in order to have more transparency as well as to provide better facilities to the inmates at reasonable prices. All goods are purchased through well-known wholesale dealers like Metro, Best Price, and Shops etc.
Himachal Pradesh

1. Over Crowding

To reduce overcrowding, the provision of section 436-A of the Cr.P.C. is being invoked in all the prisons of Himachal Pradesh. Undertrial Review Committees have been constituted for all the jails of Himachal Pradesh. Remissions are granted in all jails as per rules and on Independence Day and Republic Day the State Government remission is also granted. By availing these remissions, the prisoners are released early from the prisons. Liberal parole and furlough is granted in all the jails of Himachal Pradesh. These practices keep the overcrowding under control in all the prisons.

2. Prison Administration

Rights and duties of prisoners are displayed on the Notice-board inside all the prisons of the State. There exists Effective Grievances Redressal Mechanism in all the prisons. In each block of the prison, complaint-boxes have been installed. Besides, on every Monday, the Superintendent of the jail/ Deputy Superintendent/ Assistant Superintendent of the jail visits each barrack to solve the grievances of every prisoner. CCTV cameras have been installed in jails to keep the security proper. “e-prisons” system has been made functional in all the jails of the State and all the jail records are being maintained on day-to-day basis through “e-prisons” software.

The Prisons department website has been prepared at the Headquarters level. Effective training is being imparted to all the jail-staff and sufficient budgetary allocation is being provided to all the jails of the State.

3. Skills development and capacity building of prisoners

A number of organizations are involved in imparting skill training for prisoners like:- Rural Self Employment Training Institute (R.S.E.T.I), Skill Development through Polytechnics (SDTP) and Art of Living. RSETI has trained prisoners in cutting and tailoring, toys making, bag making, and beautician courses for female prisoners. SDTP has conducted welding and carpentry training courses whereas, the Art of Living had trained prisoners in Organic farming and floriculture. These organizations have been requested to conduct training programmes at Jail on masonry, hair cutting, dairy products, cattle rearing, making of shawls, mufflers, stalls etc. Handlooms have been installed
in Model Central Jail, Kanda (Shimla) and Nahan (Sirmour) to make blankets, shawls, carpets, prisoners’ uniforms etc. Decorative items and caps etc. are being made from pine needles in District and Open Air Jail Chamba. Specialized training programmes are organized at Jails to enhance prisoners’ skills and to make jail industries competitive. Regular training not only improved the quality of jail products but also provided opportunity to other prisoners to acquire some skills.

4. **Sanitation and Drinking Water**

Aquaguards have been installed in most of the prisons of H.P. in order to supply clean drinking water to the prisoners. Sewage Treatment Plant has been established in the Model Central Jail, Kanda (Shimla). Rs. 52 lakhs expenditure has been incurred on the Sewage Treatment plant at Kanda.

5. **Other best practices**

(i) **Jail Vaarta**

“Video Conferencing Facility” (Jail Varta) has been provided between the General Public and Jail Inmates through the Website “hpprisons.nic.in” of the department. The relatives and friends of the jail inmates can now interact with them by utilizing Video Conferencing facility. The prisoner’s relative can use this facility using any PC with web cam, microphone and speaker/ headphone connected to it through internet. Since this facility can be utilized from any part of the world, even foreigners can avail this facility from any part of the world. The Jail Varta Project of Himachal Pradesh Prisons Department was awarded “The Manthan-South Asia & Asia Pacific Award 2014” under c-Governance category.

(ii) **Mobile Canteens**

Mobile Canteens have been started in big jails like Model Central Jail, Kanda, Model Central Jail, Nahan, District Jail, Dharamshala and cooked food and vegetables etc. are sold to the public on reasonable rates. This is fetching good income to the prisons and the income generated through this is spent for the welfare of the prisoners like providing TVs, refrigerators, aquaguards, solar water heating systems for the use of prisoners. Ten convicts have been employed in mobile canteens and they are earning wages. This venture is not
only helping prisoners to earn wages but also providing an opportunity to serve their acquaintances with changed attitude. Rehabilitation could be addressed by employing prisoners in such venture.

(iii) **Dry-cleaning unit**

Dry-cleaning unit has been establishment in District Jail, Dharamshala where the clothes, bed sheets etc. collected from the hotels are dry cleaned which is fetching good income for the prison as well as prisoners employed in it. Three prisoners have been employed in this venture and are being paid 30% of the net profit earned by this unit. This is another opportunity for prisoners to develop expertise in laundry works and also earn wages.

(iv) **Car-washing Service Station**

Car washing Service Station was established in District jail, Dharamshala, which is generating a very good income for the prison. Four prisoners are employed in this venture and they are honing their skills to become experts in this work so that they can start their own venture after their release from Jail. 30% of the net profit of this venture is distributed among employed prisoners as remuneration.

(v) **Open Air Barracks**

Open Air Jail facility is available in seven jails of the State and its capacity was enhanced from 80 prisoners to 210 in Himachal Pradesh. The prisoners lodged in Open Air Jails go out for work in the morning and come back to the jails in evening before lock-up. During the daytime, they have been working in their own ventures as well as in other businesses such as hotels, restaurants, dhabas, vegetable/ fruit shop, petrol pumps and shops as helpers, carpenters, masons and electrician etc. Open Air Jail facility provides platform to earn wages to support their families.

(vi) **Setting up of bakeries in jails**

Bakery units have been set up in prisons like the Model Central Jail, Nahan, Model Central Jail, Kanda, District Jail, Dharamshala, Open Air Jail, Bilaspur, etc. Buns, biscuits etc. prepared in these bakeries are used by the prisoners of these jails. Now bun is provided to the prisoners in the breakfast. The buns, biscuits and pastries prepared in the jails are of best quality and these items are also sold to the public and are a good source of income to the prisons of Himachal
Pradesh as well as to prisoners who have been employed in these units. These units are also training the prisoners to learn skills to run bakery units during their period of imprisonment.

(vii) “e-Peshi” project

“e-Peshi” has been started in eleven out of twelve jails of the State. Now, most of the undertrial prisoners are being produced through “Video conferencing” from jails before the Courts. This facility is saving the Police a lot of manpower.

Jharkhand

1. Campus placement of Released convicts

In order to provide a source of income for the released life convicts, detailed profiling was made regarding age, qualification, training, technical knowledge etc. and suitable agencies were contacted for their rehabilitation/ employment.

The reformed & released prisoners were rehabilitated by appointments in the following organizations:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of organization</th>
<th>Release Convict’s Profile</th>
<th>Number of released Convicts offered employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>JHARCRAFT (Undertaking of Dept. of Industries)</td>
<td>Weaving &amp; Spinning</td>
<td>07</td>
</tr>
<tr>
<td>2.</td>
<td>Bhartiya Kishan Sangh (NGO)</td>
<td>Security Guards</td>
<td>37</td>
</tr>
<tr>
<td>3.</td>
<td>M/s Rhea Enterprises (Construction Company)</td>
<td>Electrician, Manson, Driver</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>55</td>
</tr>
</tbody>
</table>


- Jharkhand Victim Welfare Fund Rules 2014 has been framed in the light of the order passed by Hon’ble Supreme Court of India in State of Gujrat and others versus Hon’ble High Court of Gujrat.
Victim Welfare Fund has been created in all Prisons wherein 1/3rd amount of the wages earned by the prisoners are deposited and after identification of the prisoner-wise victims by District Level Committee, the said 1/3rd amount is paid to the victims or their heirs.

**Karnataka**

1. **Health Facilities**
   (i) Telemedicine system introduced in two central jails Bangalore and Belgaum with connectivity to major hospitals/specialized hospital.
   (ii) Appointed retired Government Medical Officers on contract basis to ease the problem of shortage of doctors in prisons with consolidated pay of Rs 40000/- per month per doctor.
   (iii) ICTC/VCTC Centre is functioning at Central Prison, Bangalore for testing of HIV/AIDS equipped with necessary infrastructure and technical and counseling personnel.

2. **Prison Call system**
   (i) Modern and advanced - biometric based prison call systems have been installed at all Central Prisons.
   (ii) Proposed to scale to other prisons also

3. **Security gadgets**
   (i) Hand Held Metal Detectors and Door Frame Metal detectors
   (ii) X-ray baggage machines in all central prisons and district prisons
   (iii) CCTV systems in all 8 central prisons and 10 district prisons to monitor the activities of inmates
   (iv) Proposed to install CCTV systems in 20 District Prisons during 2016-17
   (v) Mobile Jammers existing in all central jails and district prison Mangalore
   (vi) CCTV control Room at Prison Headquarters to monitor activities across 8 central jails
4. **Video conferencing System**
   (i) Video Conferencing system available in 28 prisons and concerned criminal district courts.
   (ii) Advanced equipments have been provided to 7 central prisons and prison head quarters.

5. **Steam cooking units**
   (i) Prison kitchens have been provided with latest Steam cooking units.
   (ii) Chapati kneading machines provided two central prisons - with a capacity making 1000 chapatis per hour.

6. **RO water units**
   Reverse osmosis units installed for providing potable water for inmates.

7. **Food / Diet**
   (i) Revised diet scale has been implemented from 2015 providing nutritious food and quantity has been improved.
   (ii) Varieties in breakfast
   (iii) Region based food
      (a) Egg once a week
      (b) Fish food for coastal region
      (c) Chicken for some districts
   (iv) Nutritious Diet scale fixed for children (of 0-6 months, 6 months 1 year, 2-3 years and 3-6 years of age as per supreme court guidelines)
   (v) Creches are functioning
   (vi) Separate Food/ Diet Scale is fixed for Pregnant and lactating women prisoners as per Supreme Court guidelines

8. **Free Ration**
   Free ration is being provided to lower executive staff (Warder, Head Warder, Chief Warder, Drivers) for last two years.

9. **One night Meal and two cups of coffee / tea for guarding staff working on night shift**

Karnataka Prison Manual 1978 has been revised and redrafted incorporating new provisions of Model Prison Manual circulated from BPR&D (Submitted for acceptance of Home Department, Karnataka).

11. **Parole**

Security deposit amount has been reduced from Rs. 6000/- to Rs.1000/-

12. **Inter Prison sports /Prisoners Sports Meet**

Inter prison prisoners sports meet is being organized every year (started in 2013)

13. **Sports equipment for both indoor and outdoor games have been provided**

14. **Theatre Art Therapy**

Inmates of all central prisons are being trained in theatre art; prisoners enacted various plays like - Macbeth, Jundi sheshanayaka, Rakthakshi, Jothegeiruvanu chandira, Gandhi, Maranayaka in various prestigious stages of Karnataka state and at Bhahurupi - Ranganaya, Mysore.

15. **Cultural & Spiritual Activities**

(i) Many reputed NGOs have been involved in organizing cultural activities

(ii) Spiritual and moral lectures are organized through various spiritual institutions

(iii) Yoga and Meditation class on regular basis

(iv) Prison Smart course - Tailor Made program for Inmates by Art of Living

(v) Youth Leadership programmes for inmates

16. **Canteen facilities to inmates in all central and district prisons**

17. **Library facilities in all central and district prisons**

18. **Television facilities in all prisons**

19. **Education**

(i) Adult education
(ii) Basic/ elementary education
(iii) Permission and grants to pursue higher education through KSOU, IGNOU
  ❖ Graduate
  ❖ Post graduate
  ❖ Diploma and
  ❖ Journalism course

20. Revised wages of Rs 90, 80, 70 for Highly skilled, skilled and semi or trainee prisoners respectively

21. De-addiction programmes for inmates

22. Health Camps and Health awareness programmes in coordination with government and reputed private medical colleges

23. Vocational Training
   (i) Bakery in all central prisons and some district prisons
   (ii) Bakery products sales units in prisons

24. PPP in prisons
   (i) Growing medicinal plants in prisons as per MoU with Himalaya Drug Co.
   (ii) Wheel chair refurbishing unit on MoU with Provision Asia
   (iii) Agarbatti packing MOU with Ranga Rao and sons

25. Comprehensive Health coverage scheme to prison officers and staff - Arogya Bhagya - Cashless health treatment

26. Staff Welfare Scheme Benevolent Fund has been created

27. Legal assistance and Legal awareness camps

28. Data on 436 A inmates readily available at Headquarters

29. Chief Minister Medals for Prison Personnel

30. Personality Development courses for prison officers and staff.
31. **Computerization**
   (i) Adopted e-prisons since 2014  
   (ii) Equipped with necessary infrastructure  
   (iii) Facilities to take inmate photo and finger print  
   (iv) Visitors details capturing system

32. Prohibition of Smoking in prisons (by end of 2016)

33. Solar lighting systems in prisons

34. STP (Sewage Treatment Plant) plant at Bangalore.

35. Information KIOSKS at Central Prisons for providing access to inmates to have information about trial, case status and appeal status in lower and High Court.

**Kerala**

The Kerala Prisons and Correctional Services (Management) Act 2010 came into existence with effect from 01.01.2011. Many drastic changes in diet system, leave system and welfare schemes are included in the new the Kerala Prisons and Correctional Services (Management) Rules 2014.

1. **Telephone Facility**

   Telephone facility has been provided for inmates in all jails.

2. **FM Radio**

   FM Radio System has been installed in all Jails in the state as part of the recreational & entertainment facilities. The inmates are allowed to listen to FM Radio programmes on holidays and in leisure time on all working days.

3. **Television Facilities**

   Television sets are provided to inmates in all jails for watching television programmes.

4. **Educational assistance**

   Children of prisoners are extended financial assistance for their education.
This scheme is implemented by the Social justice Department. Rs.6000/- is being given for children studying upto 10th standard in a year and Rs.12000/- to children studying above 10th standard.

5. Better wages

The rate of wages of prisoners has been revised in 2016. As per the revised wages, prisoners are getting Rs.110/- as basic wage. A skilled prisoner gets Rs.132/- Prisoners of Open Prisons get Rs.148/- as basic wage and Rs. 200/- is paid for doing extra task.

6. Yoga & Meditation

Yoga and Meditation classes are being conducted with the help of NGOs in all jails for the benefit of inmates.

7. Moral & Religious lectures

Services of NGOs are utilised for organizing moral and religious classes for the inmates of all religious denominations.

8. Premature release

As per Rule 462 of Kerala Prisons & Correctional Services (Management) Rules 2014, Advisory Boards are functioning in all major Jails. The Board convenes its meeting once in 6 months to make recommendations for premature release of reformed prisoners. The Board has powers also to recommend paroles to prisoners who are denied parole for want of favourable police report on more than one occasion.

9. Remission and leave

Convicted prisoners sentenced to three months and above are eligible for remission for good conduct and due performance of prison labour assigned to them. Well behaved prisoners who are sentenced for one year and above and who have completed one third of their sentence or two years whichever is less are eligible for ordinary leave for 60 days in a year. Convicted prisoners are eligible for Emergency Leave also on the ground of serious illness or death of their near relatives and partial or complete loss of residential building due to natural calamities. The Superintendent is competent to grant 10 days emergency leave. The head of the department can grant upto 15 days and the Government can
extend the leave upto 45 days. Prisoners who have completed one year in open prisons are eligible for home leave 15 days in a year.

10. **Canteen facility**
   Canteen facilities have been provided to prisoners in all jails in the state.

11. **Counseling**
   Counseling services are also extended to the prisoners using the voluntary services of NGOs.

12. **Video Conferencing**
   Video conference system has been installed in jails of 5 districts of the state. Action is in progress to install the facility in rest of the 9 districts.

13. **C.C.T.V surveillance system**
   C.C.T.V surveillance system has been installed in 8 major jails. An amount of Rs. 2.57 Crores has been deposited to install it in the remaining jails also.

14. **Health Camps**
   Health camps are being organised occasionally in all jails to get more specialized medical care and treatment to inmates.

15. **ICTC Centers**
   ICTC (Integrated Counseling and Testing Centers) are functioning in major jails of the state under the auspices of Kerala State AIDS Control Society. Lab technicians and Counselors are appointed in the ICTC Centers for identifying and treating of HIV Positive inmates.

16. **Fitness centre**
   A gymnasium and body building centre has been established for the benefit of inmates of central prison, Thiruvananthapuram in 2015.

17. **Cafeteria**
   A cafeteria cum take away counter for the sale of food items from the catering unit of Central Prison, Thiruvananthapuram has been opened recently. Wide acceptance has been received from the public for this new venture.
18. **Boutique for designer clothes**

A Boutique has been opened in the campus of Central Prison, Thiruvananthapuram for the sale of fashionable ready made dresses produced by the prisoners.

19. **Hair Cutting Saloon**

In Central Prison, Kannur, a Beauty Parlour cum Hair cutting Saloon has been started in the name ‘Freedom Expression’. Daily turnover of customers to this saloon proves this new venture a successful one.

20. **Indoor and Outdoor games**

Jail Inmates are given facility for indoor and outdoor games. Sports materials are being supplied every year.

21. **Library & Reading room**

Library facility has been provided in all jails. Library books are also being purchased every year using Govt. fund. NGOs occasionally donate books to the library.

22. **Free legal Aid clinic**

Legal Aid clinics are functioning in all jails under the auspices of State Legal Services Authority. Services of lawyers and para legal volunteers are extended for the benefit of inmates.

23. **Educational Facilities**

In order to improve the opportunity for education, IGNOU centers have been started in Central Prison and Open Prisons. Volunteers of Literacy mission organise literacy classes in all jails for the benefit of illiterate prisoners.

24. **Food Processing Unit and Sales Units**

Commercial production of various food products was started in major 10 jails in the state. All these units are running profitably. The food production units offer opportunity for prison labour to prisoners and it is beneficial to them for their rehabilitation after release.
25. Adhaar Enrolment for Prisoners

Prisoners have been given opportunity for adhaar registration in all jails. Action has been taken for adhaar enrolment for prisoners who are not holding adhaar card.

26. Bank Accounts for Prisoners

A scheme for opening Zero balance bank account for the convicted inmates was launched in major jails under Pradhan Manthri Jan Dhan Yojna (PMJDY). Similarly, two insurance schemes viz. Pradhan Manthri Jeevan Jyothi Bheema Yojna and Pradhan Manthri Suraksha Bheema Yojna have been launched for the welfare of convicted prisoners as a social security measure.

27. Pranic Healing & Yoga

Pranic Healing & Yoga classes were arranged for custodial staff who are undergoing basic training at State Institute of Correctional Administration using the service of NGOs. Pranic healing programmes are also organised in few jails for the benefit of inmates.

28. Tele-Medicine

The Telemedicine facility has been provided in 3 Central Prisons and one Open Prison in the state.

29. Share a meal

In District Jail Ernakulam an innovative scheme for distribution of free food to poor has been started namely “Share Meal”. A person purchasing articles from jail outlet can buy a Rs.25/- meal coupon and stick it on a board displayed outside the jails so that hungry people can use those coupons to buy food packet from the jail outlets.

30. Vocational training

These Training programmes were newly introduced in Central Prisons, Open Prisons and District Jails viz. Driving, Plumbing, sanitation, Electric wiring, Computer Hardware maintenance, Repair of Home Appliances, LED Bulb making, Aluminum Fabrication, Readymade dresses.
31. Freedom Park

A Public Park has been constructed on the premises of Central Prison, Viyyur using the man power of Prison Inmates. The park, namely “Freedom Park” was constructed on the side of main road and near the sales counter of jail products, especially the food products from jail catering Unit. Facilities for resting and for taking food are provided in the above attractively built freedom park. A large number of people visit this every day.

32. Horticulture

Cultivation of vegetable/fruits and animal husbandry are undertaken in Open Prisons & Central Prisons.

33. Rubber tapping and processing

In one of the Open Prison in this state, more than 250 acres of land is planted with high yielding rubber trees. Tapping and processing of rubber is being done in this jail using the man power of inmates who are imparted training in tapping and rubber processing.

34. Farming Activities

In Central Prisons and Open Prisons, sufficient land is available for undertaking different farming activities. Vegetables, plantains and other agricultural activities are successfully undertaken in these jails.

35. Mason work

Prisoners are imparted training in masonry work with the help of Nirmithi Kendra, a government agency in the field of construction works.

36. Solar Power

Solar Energy System has been implemented in 8 major jails in the state. The functioning of electric & electronic equipments and cooking in these jails is being carried using the solar energy.

37. Women Open Prison

A Women Open Prison has been established in Thiruvananthapuram in 2014. Long term convicted female prisoners who are eligible for admission to open prison are lodged in this jail.
38. **Feast on special occasions**

Prisoners are given feast on the following 10 special occasions in a year: Onam, Vishu, Ramzan, Bakrid, Easter, X’mas, Republic day, Independence day, Gandhi Jayanthi, State formation day.

39. **Jail Day Celebrations**

Prisoners Welfare Day is being celebrated every year in all jails. Government provides funds for conducting the celebrations. Arts, Sports and cultural competitions of prison inmates are organized on the occasion.

40. **State Level seminar on correctional Administration**

State Level seminar on Correctional Administration is being organized by the department every year for the Jail staff to make them aware of the contemporary developments in the field of correctional administration.

41. **Refresher Courses**

Refresher Courses are also being organized in State Institute of Correctional Administration every year for all categories of jail staff. Government provides sufficient funds under the Plan scheme to conduct refresher courses.

42. **Supply of purified drinking water**

In order to ensure supply of pure water for drinking purpose, all Jails are installed with water purifiers. In all major jails, in addition to water purifier, action is in progress to install reverse osmosis plants for supply of purified drinking water.

43. **Staff facilities**

- **Rest Rooms**

In order to provide a staff friendly atmosphere in Jails, Rest Rooms having adequate facilities were constructed in all Central Prisons and Open Prisons.

- **Fitness Centres & Recreation Club**

In Central Prison & Correctional Home, Thiruvananthapuram, a Fitness Centre has been started in 2015 for the benefit of prison staff. Similarly Staff
Recreation Clubs were also started as part of improving basic amenities of staff at work place.

- **Staff Quarters**
  
  Prison staffs are provided with well furnished quarters in jails where sufficient lands are available.

- **Staff Meeting**
  
  In all Jails, monthly staff meetings are convened to discuss the problems of the jails, actions to be taken for better management of the institutions, and to address the grievances of the staff.

## Madhya Pradesh

### 1. Security Measures

- For achieving greater enhancement of security of prisons, CCTV cameras were installed in 5 Central Jails and 3 District jails. Security measures were also enhanced through deployment of baggage scanners in 8 Central Jails and door frame metal detectors & hand held metal detectors in all jails.

- Traditional visiting system where prisoners used to meet their relatives at Jail gate has been stopped for security reasons and new separate visitor rooms have been constructed in 55 Jails. To make the visit of the family members to the prisoners more meaningful and satisfying an Advanced Visitor System has been introduced in all Central jails & some selected District Jail of the State. This system is free from noise disturbance and visitors can see and talk to their relatives clearly through the toughened glass. This system has separate counters for men & women. Here they can talk through intercom.

- Coordination with Police Headquarters to make available police guards promptly. Escort guards are now being provided from the jail strength or district police lines for major jails to escort the prisoners needing medical care in civil hospitals out of the prison premises.
2. Correctional Administration

Timely disposal of parole cases and appeals against Parole orders was ensured through continuous monitoring. Inter jail transfers of prisoners were affected on humanitarian grounds and with the aim of reducing over-crowding in the jails and facilitating regular & timely court hearing. 69 prisoners were provided industrial training in 3 trades in ITIs at District Jails at Betul & Dhar. Proposal for two new ITIs in Central Jail Bhopal (Female ITI) & Ujjain (Male ITI) has been sanctioned by State Government.

Skill development in 07 Central jails of the state was continued with the target of training 1000 inmates in various trades during the year. As a part of rehabilitatiory educational program of the prisoners in the state, increased participation of prisoners in various programs of IGNOU and National Open School, about 1971 prisoners are presently registered with IGNOU and 2010 prisoners are registered with National Open School. Regular medical check-up camps were organized to bring down the death rate of prisoners confined in jails of state. Modernization of kitchens including improvement of hygiene was also taken up by providing new gadgets/ implements. Coordinated with health department for streamlining treatment of TB/AIDS to ensure continuous medication/ follow-up. A scheme was sanctioned where 92 visiting doctors will cover various jails of state.

Ensuring better medical care and cover to all the inmates, 45 compounders, 11 male nurse and 1 lab technician were appointed. Regular meditation and yoga camps were organized for the benefit of all prisoners.

3. Administration

Timely promotion and sanction of Time-Scale to subordinate was ensured. In-service training courses were conducted for all ranks of jail staff at Jail Training Institute, Bhopal.

4. Welfare & Legal

Adhar Cards were made for more than 34000 convicts/prisoners as a result of concerted efforts across all the jails in the state - thereby covering almost all the inmates. Under Sec. 436A CrPc arrangements have been made for those
prisoners who have completed more than half of their maximum sentence for being regularly monitored by judiciary. At present there are no such pending cases with District legal Aid Committee.

5. Infrastructure development

Rs. 1.24 crore was spent for purchasing LED TVs for recreation purpose. New Power loom units were established after up-gradation of 3 District Jails to Central Jails. Video Conferencing for 23 more jails is underway.

Maharashtra

1. A New Initiative

Prison Intelligence Unit has been established

i. Aims of prison intelligence unit
   (a) Minimize barriers between head office and Prisons.
   (b) Collection of confidential information from Prisons.
   (c) To minimize complaints of staff and Prisoners.
   (d) To eradicate corruption.
   (e) To collect daily intelligence regarding normal and illegal activities and security lapses in Prison.

ii. Structure of prison intelligence unit
   (a) ADGP & IGP prison - Head
   (b) Vigilance officers - 6 Members
   (c) Two staff members of Each Central jail - 18 Members

iii. Working of prison intelligence unit
   (a) Meeting of all members at Addl. DG office once in every month.
   (b) Interaction between staff members and ADG & Vigilance officers.
   (c) Daily collection and sharing of information from members through Whatsapp and phone.
(d) Discussion over problems faced by staff and their suggestions
(e) Follow up of Information/ Suggestions discussed during interaction.

iv. Advantages of prisons intelligence unit
(a) To collect secret information from Lower Level.
(b) To reduce gap between higher authority and junior staff.
(c) Easy and quick sharing of information.
(d) Collection of information regarding illegal activities of inmates.
(e) Collection of information regarding corruption and malpractices done by jail authorities.
(f) Misuse of facilities by political and organized criminals.
(g) Collection of information for better and modernized administration in prisons.

2. Progress of Maharashtra Prison Agriculture

Prison agriculture works as a correctional institution. The main focus of prison agriculture is rehabilitation by training & engaging inmates in various agricultural activities. Huge employment is created in farming and also various agriculture allied businesses.

Maharashtra has 54 prisons which include Central, District, Open Jail, Open colony and Borstal School. Among these prisons agricultural land is available in 29 prisons. Out of these, only 15 prison farms have technical staff which includes 9 Agricultural Supervisors and 16 Agricultural Assistants deputed from Agriculture Dept. However, in the remaining 14 prisons, concerned Superintendents with the help of staff and convicts look after agriculture activities. Technical officer (Agri.) is deputed from Agriculture Department at Head Office, Pune for technical assistance and monitoring of agriculture activities in the state.

Total 819.58 hectares land is available in 29 prisons, out of which 327.23 hectares (39.92%) is agricultural land. Out of agriculture land, nearly 57% i.e. 186.52 hectares land is under irrigation, while remaining is rain fed. Trees like teak, bamboo, tamarind, mango, pimple, jamun, neem, etc. are planted in the available forest area. Under forest area, tree plantation is 180.77 hectares and 80.91 hectares is barren land.
The non-agricultural land measuring to 230.67 hectares is for prisons, staff quarters, internal roads, playgrounds etc.

### Prison Agriculture Production (Rs. in Crores)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Amount of Produce</th>
<th>Expenditure</th>
<th>Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11</td>
<td>1.72</td>
<td>0.91</td>
<td>0.81</td>
</tr>
<tr>
<td>2011-12</td>
<td>1.78</td>
<td>1.15</td>
<td>0.63</td>
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<td>2012-13</td>
<td>2.17</td>
<td>1.07</td>
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<td>3.34</td>
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<td>2015-16</td>
<td>3.64</td>
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</tbody>
</table>

**Note:** Wages rates were increased two times i.e. in September 2010 and August 2014

### 3. Activities undertaken for Enhancing Income of Prison Agriculture

(a) For optimum use of man power (convicts), 8 new Open Prisons at Visapur, Kolhapur, Nashik, Nagpur, Amravati, Gadchiroli, Akola and Thane were established. It helped in increasing productivity, thereby generating employment.

(b) Earlier the rates for the production in prison farming were as follows: Leafy Vegetables Rs. 14/kg, Fruit vegetables Rs. 11/kg, Food grains Rs. 19/kg, Pulses Rs. 43/kg and Milk Rs. 28/Ltr. New pricing method was fixed by considering the rates from Agricultural Produce Marketing Committee (APMC) in the state. Hence the produce got proper rates and agricultural income increased.

(c) Infrastructural facilities such as tractor, farm implements and electric pumps were made available to various farms as per their capacities for the modernization of the prison farms under the State’s Modernization Schemes.

(d) In co-ordination with Agriculture University/ Department, NGO and progressive farmers, various schemes were undertaken e.g. Vermicompost, Mushroom/ Biogas production, Dairy, Goat farming, Fisheries and other farm based production like making of brooms, Ganesh idols, baskets etc.
(e) The ultimate cost of production is reduced by adopting organic farming technique in prison farms which includes use of Vermi-compost, Farm yard manure, Dashparni Ark, Jivamrut etc.

(f) The use of hybrid seeds and tissue cultured bananas increased production tremendously. With additional help by MAHABEEJ (Govt. of Maharashtra Undertaking Corporation), the seed production of Rice, Soybean, Tur, Jowar and Wheat was taken up and it helped to enhance the income.

(g) The free of cost Soil Health Cards were received from State Agriculture Department, which helped to use the fertilizers in correct quantity. Thus avoiding wastage and resulted in saving funds.

(h) In order to develop competitive spirit amongst prisons, the highest earning jails are selected and they are being awarded with the letter of appreciation and rewards.

(i) Wide publicity is made through print and electronic media such as Prison News Letter, News Papers, Magazines, Radio and Television which helps the staff and prisoners to build enthusiasm in farm work.

(j) Various training programs for Prison staff and convicts are regularly conducted.

(k) The samples of pesticides/ insecticides being tested for its quality/suitability by state laboratories are made available free of cost and utilized for crop protection, thus the cost of production is reduced.

**Manipur**

1. **Accountability Mechanism, Board of visitors**
   
   The Board of Visitors consisting of 6 members has been constituted.

2. **Overcrowding**
   
   There is no problem of overcrowding in the jails of Manipur. Parole is granted to the inmates in genuine cases. Provisions of Section 436-A of Cr.P.C. are strictly followed.
3. **Prisoners of Foreign Nationality**

Necessary proposals are sent to Government for deportation of foreigners who have completed their term of sentence. Setting up of detention centre is under process.

4. **Prison Administration**

Charters of rights and duties of prisoners and effective grievances redressal mechanism are in place. Electronic surveillance and alert systems, E-governance of prisons and digitization of prison records, websites at Central and District Jails, Prison Panchayat, effective training of Prison Staff are implemented.

5. **Activities for Prisoners**

For promotion of good will and good health among the inmates, spiritual counseling and Yoga through Art of Living are conducted regularly in collaboration with difference NGOs and Social Workers.

6. **Skill Development and Capacity Building of prisoners**

Most of the convicts lodged in the Jails of Manipur have studied below X standard. As such they are imparted simple skilled training like making of plastic morah, hand bags, mats etc. whereas the female prisoners are imparted training in tailoring, embroidery, making of dhoop, detergent powder and liquid etc. by the department.

7. **Health Care of Prisoners**

Regular visit of specialist doctors, tele-medicine system, de-addiction programs, comprehensive health checkup at the time of admission, special measures for HIV positive prisoners, prevention of TB, well equipped labs & equipment are in place.

Comprehensive health check ups are carried out at the time of admission of every prisoner. Special de-addiction programs for prisoners addicted to alcohol, drugs etc. are organised by medical staff with NGOs. Psychiatrists visit jails and examine the inmates who are suspected to be suffering from mental diseases. HIV positive and TB patients are referred to Government Hospitals.
8. **Sanitation and Drinking Water**

Water filters are provided in every room. One or two toilets are attached with the room in addition to outdoor common toilets. Construction of additional toilets is also under process. Rain-water harvesting is done.

9. **Environmental Issues**

At present about 20 solar lamps have been installed in and outside the Manipur Central Jail, Sajiwa. The Manipur Renewable Energy Development Authority is been consulted about the feasibility of solar powered kitchen.

10. **Reformation**

For correction & reformation of prisoners, various activities by Civil Society Institutions are being carried out for the prisoners such as meditation camp, yoga through Art of Living, Moral and Spiritual counseling and Legal Awareness Programmes.

11. **Rehabilitation**

For rehabilitation and reintegration in the society after their release, the inmates are given vocational training, spiritual counseling, teaching how to read and write by the educated inmates.

With the assistance of the NGOs / religious organizations / Social Workers, spiritual counseling yoga, legal awareness programe are regularly conducted.

12. **Security of High Risk prisoners**

The prisoners who are involved under Arms Act, extremists cases, NSA etc. are kept in separate enclosures and the following security measures are taken up as daily routine.

i) Prisoners wards, cells & surroundings are searched by Jail staff and IRB personnel as daily routine.

ii) Relatives & friends visiting inmates of Jail and bringing foods and articles are frisked properly.

iii) Prisoners are properly checked and frisked inside the outside the main gate while they are being produced before the courts & hospitals.
iv) In coming articles are checked properly at the main gate before supply to the prisoners.
v) Regular visits to every part of the Jail and every prisoner at least once in 24 hours by Jailor and once in a week by the Superintendent of Jail.

13. Young Offenders

Young offenders are segregated in separate rooms.

14. Other best practices

i) Providing of gym for the inmates;

ii) Interview for inmates whose family members/relatives have not visited for more than a month by sending message through Police Station concerned;

iii) Counseling of life convicts by senior officers of Jail to avoid any untoward incidents and reduce their depression etc.

iv) Teaching how to read and write by the educated inmates to those who are illiterate.

Mizoram

1. Educational and vocational programmes

There are not many illiterate prisoners admitted in Mizoram Jails. If and when there are illiterate prisoners, the educated and interested prisoners are selected and engaged under Adult Education programme for teaching them how to read and write the vernacular with elementary arithmetic.

2. Free legal aid for UTPs

The Mizoram State Legal Aid Authority regularly visits jails in Mizoram at least once a month.

3. Grievance redressal mechanism

Complaint boxes are placed in conspicuous place easily accessible for the prisoners, and the complaint boxes are taken to the Jail Superintendent who
is keeping the key in his custody for opening the box on the morning of every working day.

4. **In house medical facilities**

   The Staff Nurses posted in the Jails are examining the prisoners who may need medical attention for further checkup by the Doctor.

**Nagaland**

1. Conducting awareness camps on legal rights of prisoners through District Legal Service Authority, Lok Adalat, and Camp Court through Hon’ble Court of District & Session Judge.
2. Prisoners are engaged in Gardening, Games & Sports with annual sports week held every year.
3. Health care of prisoners is ensured through periodic visits by District Aids Control Society (DACS) and National Leprosy Eradication Programme (NLEP) and Revised National Tuberculosces control Programme (RNTCP).
4. Moral and spiritual counseling is provided as a reformation practice.
5. Activities such as Physical Training (PT), Yoga and meditation are being carried out every morning.
6. Rearing of livestocks like poultry and growing of seasonal vegetables.
7. Small bamboo handicrafts are being manufactured.
8. Basic music lessons on choral and guitar are imparted by music instructors.

**Odisha**

1. **Financial Assistance**

   Financial assistance is given to the released prisoners and to the BPL family members of the prisoners for self-employment at the rate of Rs.2 lakh each.
2. **Education facility**

Primary education to the prisoners is provided in Circle Jails / Dist. Jails/ Special Jails/ Special Sub-Jails through full time teachers appointed in Jails. Special attention was given to the interested prisoners to continue their studies under Board Secondary Education, Universities, IGNOU, National Institute of Open Schooling (NIOS) etc.

3. **Vocational Training**

Convicted prisoners are provided with vocational training on different trades like Tailoring, Carpentry, Smithy, Book Binding, Weaving, Phyenyl making, Candle making, Oil Processing, Knitting & Embroidery, Jute Mat, Woolen Carpet & Cotton Durry making, Agarbati, Moulded Khali leaf, Chalk, Dairy Farm, Sabaigrass furniture, Washing soap, Dal Processing etc. in jails for their self-employment after release.

4. **Open Air Jail**

An open air jail namely “Biju Patnaik Open Air Ashram” in the District of Khordha has been functioning since 2003. Besides two new Open Air Jail are under construction in state at Jujumura of Sambalpur District and Basta of Balasore District with 150 capacity each. In these Open Air Ashrams different activities like Agriculture, Horticulture, Textile and Handloom, Cultivation of Medical Plants, Fly Ash Brick and Dairy Firm etc. are under taken by the inmates.

5. **Convict Prisons**

Two Prisons exclusively for convict prisoners are also under construction at Bhoipalli and Athagarh in the district of Sundargarh and Cuttack with 500 capacity each in order to reduce over-crowding of convict prisoners.

6. **Female Prison**

One female prison namely “Naribandhi Niketan” is also functioning in the District at Sambalpur where exclusively female prisoners have been confined and the jail is manned only by the female staff.
Promoting Good Practices and Standards

5th National Conference of Heads of Prisons of States and UTs on Prison Reforms

Puducherry

1. **Basic Education System to the Illiterate prisoners**
   The Central Prison, Puducherry introduced basic education class to the illiterate prisoners. The prisoners are utilizing this to read and write.

2. **Bio-gradable and non Bio-gradable bin system**
   Constructed two cement dust bins inside the Jail campus for putting the Biogradable and Non-Biogradable garbage which makes easy to separate the compostable garbage easily.

3. **Computer training to the prisoners**
   The Central Prison, Puducherry has introduced computer training to the prisoners with the help of NGOs.

4. **Vocational training for Mason and Embroidering**
   The Central Prison, Puducherry has introduced vocational training in Embroidery and Mason work for the use of prisoners.

Sikkim

1. **Welfare schemes**
   (a) Regular supply of newspapers to the prisoners’ barracks and access to Prison library.
   (b) Installation of Colour TVs with fixed channels in all Prisoners barracks.
   (c) Extension of canteen facility to all prisoners.
   (d) Providing 24 hrs hot water in the Prisoners barrack from solar panel.

2. **Rehabilitation of prisoners in the state**
   (a) Timely appointment of Legal Aid Counsels and filing of appeals in High Court & Supreme Court.
   (b) Handling of prisoners’ affairs with a healing and humane touch.
3. **Prison administration and management**

(a) Allowing the prisoners to consume cooked food brought by the visitors.

(b) Providing Colour T.V. in every prisoner’s barracks with fixed channels and providing entertainment materials to prisoners.

(c) Arranging to remit the wages earned by the convicts to their family members by Money Order, Bank or through visitors.

(d) Ensuring speedy trial of the cases of prisoners, ensuring receipt of Charge sheet within the stipulated period of 60 or 90 days as the case may be. If not, ensure release of the prisoners on bail either with surety or without surety.

4. **Prisoners’ affairs**

(a) In the Central Prison of the state the strength of convicts has exceeded the UTPs.

(b) The Prison officers work diligently to ensure that the UTPs have speedy trial and that their trials are expedited. There is not a single UTP whose detention exceeds two years even in heinous crimes. The trial of cases under POCSO are completed within a year.

(c) The Prison authorities remain in constant touch with the courts in their trial, detention and other matters attracting the provisions of Sec. 436A of Cr.P.C. 1973.

(d) Regular blood testing is carried out. Prison is functioning and treated as the best rehabilitation centre for de-addiction and rehabilitation of persons with severe and chronic addiction to drugs.

(e) Yoga and spiritual programs are carried out by Patanjali Yoga Peeth and Art of Living foundation.

(f) National anthem is sung at the time of lock out in the morning and lock in in the evening.
1. **Corruption Free Department**

Department of Prisons and Correctional Services, Telangana State has declared itself a corruption free department. The Department of Prisons, Telangana has formulated four stage process to ensure corruption free state in the Prisons.

- **1st Stage**
  Motivating and encouraging the personnel to be fair, honest and impartial in their dealings. Taking pledge in public and promising to work with honest intentions is the first stage.

- **2nd Stage**
  A session by the psychologists, spiritual leaders and intellectuals on why one should be sincere and honest. There will be counseling of personnel with objectionable behaviour by Superintendents of Jails and senior most officers of the Prisons Department.

- **3rd Stage**
  Those twenty percent (20%) officers who will not be amenable to suggestion and counseling will be extended warning. They will be warned of severe action if they didn’t mend their ways.

- **4th Stage**
  Those five (5%) percent who will not mend their ways despite these three stages will be punished sometimes with exemplary punishments to check corruption in the Department.

2. **Well maintained campus**

Own resources were utilized to repair all the buildings in a short time. Uniform colour is given to all Jails in Telanganna.

3. **Vidyadanam**

Vidyadanam and ban on smoking has changed the environment in prisons. About 20,000 illiterates have been made literate in the last 9 months. Under Vidyadanam Scheme all Jails have been changed into schools and school timings are observed e.g. 9:00 P.M. to 11:00 P.M. and 1:00 P.M to 4:00 P.M. Prisoners are also made to do parade, PT and Yoga.
4. **Prisons industry and self-sufficiency**

During the year 2014 an amount of Rs 2.38 crores was earned as income from commercial and industrial activities. 6 more petrol pumps are being set up. Planting of one Lakh teak plants is underway. Industries were started in District Jails. 50 vehicles were purchased through own earnings and will be self sufficient in the next 15 years.

5. **Heritage Jail & Museum**

A Heritage Jail & a museum was opened in Sangareddy.

6. **Technological advancement**

- Computers available in all jails including Sub Jails.
- Video conferencing facilities available in all District Jails & Central Jails except Sangareddy.

7. **Prisoners Welfare**

Library and canteen facility available in all jails. Prisoners staying for more than 6 months are medically insured for Rs. 2 Lakhs. Education Loan is being provided to prisoners. Duration of talk time to prisoners extended from 5 minutes to 10 minutes.

8. **Discipline**

No allegation of any indiscipline received in the last one year despite confinement of high profile prisoners.

9. **People Friendly**

Comfortable Visitors’ Halls are provided at all District Prisons.

10. **Employee Friendly**

Vehicles are provided for school children of Prisons Staff. Prison officers in sub jails are provided with vehicles. Interest free loans are being sanctioned to prisons personnel. Regular maintenance of staff quarters is ensured. Staff transfers are done on merit through counseling.

11. **Training**

The 2 week mind change programme for staff is unique. To make training more attractive, a Spa-cum-Nature Cure is opened to give free facility to Trainees.
12. **Mahaparivarthan**

This programme was launched to reform and rehabilitate the prisoners through education on 15th August, 2015.

**Tripura**

There is Board of Visitors for every jail comprising Ex- officio member & non official Members in the state to examine treatment and welfare of inmates & overall management of jails/ Sansodhanagar.

The members of Board of Visitors visit the Jails/ Sansodhanagar individually and also collectively and send their recommendation/ observation. Apart from that District Judge also visit the jails as per recent guidelines of the Hon’ble Supreme Court of India in connection with Section 436A of Cr.P.C.

1. Jail Authorities take adequate care in the cases of parole, completion of bail documents, release of the inmates who have completed punishments and for filing of bail applications by the inmates. Legal aid clinics have been established in all jails/ sansodhanagar in the state involving prisoners for providing necessary assistance in this regard.

2. The prisoners, who are financially insolvent for filing appeal cases or to engage lawyer for conducting court cases, are provided all assistance through the sub-divisional / District / State legal services authorities. No cost is required to be borne by the concerned prisoner for such purpose.

3. Prisoners are provided required time to discuss with their lawyers relating to their court cases. Concerned officer of the Jail take initiatives for interview of prisoners with the concerned Lawyers.

4. Importance has been attached to all aspects of prison sanitation & hygiene under the supervision of Medical officer & other executive staff of prison & accordingly all facilities/ amenities in regards to sanitation & hygiene are made available in all prisons of Tripura, apart from keeping the Jail premises neat & clean.

5. Transparency and fairness is observed in handling the prisoners. Grievance boxes are provided inside the Jails/ Sansodhanagar in Tripura. Key of grievance box is kept with the District Judge and another is kept with District Magistrate & Collector for Central Jail / District Jail. One
key is kept with SDJM and another with the Sub Divisional Magistrate in respect of sub jails. They visit the Jails on regular intervals and open the grievance box. Complaints found in the grievance box if any, are dealt with as per observation / comments of the visitors and as per law.

6. Sports, cultural & recreational activities are being organized in all jails for maintaining mental, moral & physical health of prisoners. The activities include
   (i) Outdoor games like kabaddi, volley ball, badminton etc.
   (ii) Indoor games like chess, ludo & carom etc.
   (iii) Television programs like historical, patriotic biographical, scientific & educational films, travelogues & programs dealing with social themes
   (iv) Reading facilities in jail library etc.
   (v) T.V sets are provided in all wards of the jails

7. Adequate care is taken for Women prisoners. They are regularly checked by available lady doctor and medicines are supplied from the jail/Sansodhanagar.

8. Class room is available in the Central Jail, Bishalgahar and willing prisoners continue their studies for Board / University examinations.

9. Doctors are posted in Kendriya Sansodhanagar, Bishalgarh and for other District and Sub Jails; Doctors are visiting from District Hospital regularly. Medical facility is also available in the Jails. Besides, in serious cases they are shifted to State referral/ Medical College hospital, including one private Super Specialty hospital (ILS). Sometimes, when needed prisoners are also sent to outside state hospital for better treatment. No HIV positive prisoners are lodged in any of the Jails in Tripura. Special measures are taken for prevention of T.B.

10. Initiatives have been taken for installation of solar power system in Kendriya Sansodhanagar as per estimate placed by the Tripura Renewable Energy Development Agency (TREDA) & waiting sanctioned from Government of India.

11. Vocational training programmes are conducted for the prisoners to make them self dependent after their release from the Jails as well as to promote
good order of life. The prisoners are engaged in weaving, book binding, cane and bamboo artifacts, printing press, tailoring, Basketry, Handloom, Tailoring, computer training, electrical works, carpentry, poultry, Duckery, piggery, mushroom cultivation etc. Every prisoner are entitled to get wages for their work @ (i) un-skilled prisoners Rs. 24.00 per day (ii) semi-skilled prisoners Rs. 28.00 per day & (iii) Skilled prisoners Rs. 33.00 per day.

12. All prisoners are also imparted training in Yoga for better physical & mental health. Libraries are available in all the Jails and prisoners are provided books from the libraries for personal reading.

13. All Jails are covered by CCTV network for maintaining proper security and to keep watch on the activities of the inmates. Apart from that, door frame metal detectors, hand held metal detectors, long range search light system, dragon light etc. are also available.

14. Video conferencing facility has been installed in Kendriya Sansodhanagar, Tripura, Bishalgarh and two other District Jails namely Udaipur & Kailashahar.

15. Cost of Tiffin for prisoners attending various courts has been enhanced form Rs. 8.00 to Rs. 30.00 per head.

16. Telephone facilities for the inmates in jails have been introduced recently.

17. Recently the Prisoners (Tripura Amendment) Act, 1979 & The Prisoners (Release on Parole) Rules, 1998 have been amended to give short parole on emergency issues like attending to serious illness of any family members, marriage or major injury of any family members.

**West Bengal**

1. **Culture Therapy**

   The concept of culture therapy envisages giving training to the inmates in various fields of culture including music, theatre, dance, recitation, painting & sculpture, and sports through production-oriented workshops and public performances of cultural productions and exhibitions of other forms of talent so that society could be sensitized about the potential of prisoners in the correctional homes. The participant prisoners are taken out on short parole for such performances.
The public performances help the inmates imbibe a sense of dignity apart from sensitizing the community to prisons and prisoners. Sports are yet another field added to the programme. The inmates under the programme get an opportunity to have an interface with the outside world which imbues them with a sense of human dignity and a sense of self respect as a result of recognition of their potential by society. It also helps the inmates in casting off the social stigma that prisoners suffer from. So far, prisoners have participated in more than 275 public performances and sports events outside the correctional homes in different parts of West Bengal and India.

2. **West Bengal Prisoners’ Welfare Fund**

   West Bengal Prisoners’ Welfare Fund has been set up for welfare of the prisoners and their families. An attempt has been made to bring in a degree of transparency and public participation in the affairs of Prisoners’ Welfare Fund by nomination of prominent public personalities in the Central Executive Committee and Circle Executive Committees. The Prisoners’ Welfare Fund is being utilized for providing post-release support to the prisoners for rehabilitation, educational and vocational development of the prisoners during their imprisonment, scholarship to prisoners’ children back home, support to the families of the prisoners back home, for subsistence in case of abject poverty, for meeting expenses for treatment and for marriage of their daughters as also for organizing cultural, recreational activities and sports in the correctional homes and for publication of magazines, journals and books written by the prisoners. The establishment of the Fund is likely to give a fillip to cultural and recreational activities (in the correctional homes) and sports. The prisoners themselves are collecting funds through public performances of theatre, dance drama, folk band and sale of paintings & sculptures made by them through art exhibitions etc. An initiative has also been taken for online sale of prisoners’ paintings in association with professional Group in this field. An amount of almost Rs. 1 crore has been collected in the Fund through prisoners’ cultural programmes.

3. **Self help group of prisoners**

   The Self Help Groups of prisoners are running Canteens successfully inside the Central Correctional Homes. They were introduced in the central and district correctional homes where the prisoners could have tea, coffee, soft drinks, snacks and other fast food items on payment. The canteens provide them a change of taste occasionally apart from meeting the requirement of extra nourishment. It
was decided that these canteens would be run by the self-help groups comprising inmates. The profit earned from the canteens allows the inmates to support their families from within the four walls of the correctional home. Banks are coming forward to extend loan to convicts comprising the Self Help Group, breaking an age-old barrier against sanctioning of loans to convicts. The prisoners are encouraged to form such SHGs in the field of several other wage-earning vocations. Prisoners under SHGs are also contributing to Welfare Fund out of the profits from the canteens.

4. **Organizing Prison festival**

With the view of showcasing the prisoners’ talent in different fields of work and culture under the initiatives of West Bengal Correctional Services, Prison Festival is organized by the Directorate of Correctional Services in State capital. Several performances including theatre, dance drama, choreography, and music band are scheduled by the Festival Committee constituted for the purpose. Prisoners’ troupe from different Central Correctional Homes of the State takes part in 2-3 days programme. Prisoners’ handicrafts and art works are also displayed at the Handicraft Stall and Art Gallery for sale. But the major attraction of the festival is the Food Stall run by the prisoners’ Self Help Group.

5. **Educational & developmental support to prisoners’ children**

**ICDS Centres & Shishu Aloy in Correctional Home:** Children up to 6 years of age are allowed to be accompanied by their mothers in correctional homes. Special facilities have therefore, been provided so that they can lead normal life to the extent possible and can have healthy growth like others. Sincere steps are being taken to provide them with a life similar to that outside the prison walls. In a new venture, the Contextualized Curriculum of Early Childhood Care and Education (ECCE) - the “Shishu Aloy” were added to Anganwadi Centres of Correctional Homes to be run by the Directorate of ICDS, West Bengal.

**Admission of Prisoners’ Children under Cottage Scheme:** The prisoners, particularly the convicts are encouraged to put their children who have attained the age of 6 years in Correctional Homes or who are living back home, in residential schools run by the reputed NGOs under ‘Cottage Scheme’ of Women & Child Development Department and Social Welfare Department free of cost.
Educational Support by NGOs: Another major scheme is grant of annual financial aid to prisoners’ children living back home by NGO partners to help them pursue their studies. A large number of prisoners’ children are benefitted during every academic session.

Scholarship to Prisoners’ Children out of Prisoners’ Welfare Fund: Meritorious students (prisoners’ children living back home) of different categories are granted stipend in every academic session out of the West Bengal Prisoners’ Welfare Fund.

6. Skill Development

The period of incarceration is constructively utilized in providing various skill development trainings such as:

- Tailoring
- Carpenter
- Bakery
- Basic Computer
- Knitting
- Tin Smithy
- Oil Expelling
- Wellness Management
- Handicraft
- Aluminium Utensil
- Designer Candle
- Electric Motor Winding
- Jute Craft
- Iron Works
- Weaving
- Bio-Sand Water Filter
- Leather Craft
- Umbrella Making
- Organic Farming
- Phenyl & Detergent

7. State Level Correctional Services Medals

To boost the morale of the correctional services staff in general and to encourage the guarding and executive staff of the services who have been giving service to the department continuously ranging from 10-15 years, 15-25 years and above 25 years, medals with cash incentive and mementos-cum-certificate in three categories namely ‘Nistha Padak’, ‘Prashansa Padak’, and ‘Sewa Padak’ has been introduced by the Government. The officers and staff of West Bengal Correctional Services are being awarded with such medals by the Department every year.
PART 3

APEX COURT ORDERS AND JUDGEMENTS

Promoting Good Practices and Standards
1. **Charles Sobraj Vs The Superintendent, Central Jail, Tihar, Delhi [1978 AIR 1514, 1979 SCR (1) 512, 1978 SCC (4) 104]**

Act:

Powers of the Supreme Court to interfere to right the wrong and restore the rule of law—Constitution of India 1950, Art. 136. Fundamental Rights—Whether the prisoners can invoke their constitutional rights under Part III of the Constitution—Prison justice and Art. 21 of the Constitution—Prison justice is a sort of solemn covenant running with the power of the Court to sentence the accused—Judicial discretion vis-a-vis prison administration and prisoners rights, explained—Correctional confinement and Court’s jurisdiction.

Held:

- Prison justice implies Court’s continuing duty and authority to ensure that the judicial warrant which deprives a person of his life or liberty is not exceeded, subverted or stultified. It is a sort of solemn covenant running with the power to sentence. Where a prison practice or internal instruction places harsh restrictions on jail life, breaching guaranteed rights, the Court directly comes in. Every prison sentence is a conditioned deprivation of life and liberty, with civilized norms built in and unlimited trauma interdicted. In this sense judicial policy of prison practices is implied in the sentencing power. The judiciary have thus a duty to guardian their sentences and visit prisons when necessary. The penological goals which may be regarded as reasonable justification for restricting the right to move freely within the confines of a penitentiary are now well settled. And if prisoners have title to Articles 19, 21 and 14 rights, subject to the limitations, there must be some correlation between deprivation of comfort and legitimate function of a correctional system.

- Prisoners retain all rights enjoyed by free citizens except those lost necessarily as an incident of confinement. Rights enjoyed by prisoners under Arts 14, 19 and 21 though limited are not static and will rise to human heights when challenging situations arise.

- However, a prison system may make rational distinctions in making assignments to inmates of vocational, educational and work opportunities available but it is constitutionally impermissible to do so without a functional classification system. Courts cannot be critical of the administration if it
makes a classification between dangerous prisoners and ordinary prisoners. A distinction between the under trials and convicts is reasonable. In fact lazy relaxation on security is a professional risk inside a prison. The petitioner being a foreigner cannot claim rights under Art. 19.

Observation:

The Court must not rush in where the jailor fears to tread. While the country may not make the prison boss the sole sadistic arbiter of incarcerated human, the community may be in no mood to handover central prisons to be run by Courts. Each instrumentality must function within its province.

2. Sunil Batra Vs Delhi Administration & Ors [1978 AIR 1675 1979 SCR (1) 392 1978 SCC (4) 494]

Act:

Prisons Act 1894 - Section 30 - Scope of - Solitary confinement - Imposition of bar - fetters under. S. 56 on a prisoner - Whether violates Articles 14, 19, 21 of the Constitution 1950. Practice and Procedure-Necessity of social welfare organisation to intervene in the litigative process. Prisons Act 894 and Punjab Jail Manual-Need for revision to reflect the deeper meaning in the behavioural norms correctional attitudes and humane orientation for the prison staff and prisoners alike. Words & Phrases-Under sentence of Death and ‘apart from all other prisoners - Meaning of

Held: (per Chandrachud C.J. Fazal Ali, Shinghal and Desai, J.J.)

• Section 30(2) Prisons act does not empower the prison authority to impose solitary confinement upon a prisoner under sentence of death. Even jail discipline inhibits solitary confinement as a measure of jail punishment.

• Sections 73 and 74 of the Indian Penal Code leave no room for doubt that solitary confinement is by itself a substantive punishment which can be imposed by a court of law. It cannot be left to the whim and caprice of prison authorities. The limit of solitary confinement that can be imposed under Court’s order is strictly prescribed by the Penal Code.

• The explanation to s. 44(8) of the Prisons Act makes it clear that a person is not wholly segregated from other prisoners in that he is not removed from the sight of other prisoners and he is entitled to have his meals in association
with one or more other prisoners. Even such separate confinement cannot exceed three months. Para 847 of the Punjab Jail Manual, if literally enforced would keep a prisoner totally out of bounds, that is, beyond sight and sound. Neither separate confinement nor cellular confinement of a condemned prisoner would be as tortuous or horrendous as solitary confinement of a condemned prisoner. Section 30(2) merely provides for confinement of a prisoner under sentence of death in a cell apart from other prisoners. Such confinement can neither be cellular confinement nor separate confinement and in any event it cannot be solitary confinement.

- A "prisoner under sentence of death" in the context of s. 30(2) can only mean a prisoner whose sentence of death has become final, conclusive and indefeasible which cannot be annulled or avoided by any judicial or constitutional procedure. There is an inordinate time lag between the sentence of death passed by the Sessions Judge and the final disposal of appeal by the High Court or Supreme Court depending on the circumstances of each case or the rejection of an application for mercy by the President or the Governor. It cannot be said that under s. 30(2) such prisoner, from the time the death sentence is awarded by the Sessions Judge has to be confined to a cell apart from other prisoners.

- Jail custody is something different from custody of a convict suffering simple or rigorous imprisonment. The purpose behind enacting s. 366(2) of the Code of Criminal Procedure is to make the prisoner available when the sentence is required to be executed. Unless special circumstances exist, even in cases where a person is kept in a cell apart from other prisoners with day and night watch, he must be within the sight and sound of other prisoners and be able to take food in their company.

- Section 30(2) as interpreted is not violative of Art. 20. When a prisoner is committed under a warrant for jail custody under s. 366(2) Cr. P.C. and if he is detained in solitary confinement which is a punishment prescribed by s. 73 I.P.C. it will amount to imposing punishment for the same offence more than once, which would be violative of Art. 20(2). But as the prisoner is not to be kept in solitary confinement and the custody in which he is kept under s. 30(2) would prelude detention in solitary confinement, there is no chance of imposing a second punishment upon him and, therefore, s. 30(2) is not violative of Art. 20.
• Classification according to sentence for security purposes is valid and therefore s. 30(2) does not violate Art. 14. The restriction imposed by s. 30(2) is not unreasonable. It is imposed keeping in view the safety of the prisoner and the prison security and does not violate Art. 19.

• There is no warrant for an implicit belief that every prisoner under sentence of death is necessarily violent or dangerous requiring his segregation. The rationale underlying s. 30(2) is that the very nature of the position and predicament of a prisoner under sentence of death leads to a certain situation and present problems peculiar to such persons and warrant their separate classification and treatment as a measure of jail administration and prison discipline. It can hardly be questioned that prisoners under sentence of death form a separate class and their separate classification has to be recognised.

• Section 30(2) as interpreted does not mean that the prisoner is to be completely segregated except in extreme cases of necessity which must be specifically made out and that too after he become a prisoner under sentence of death.

• Section 56 is not violative of Arts. 14 and 21. The power under s. 56 can be exercised only for reasons and considerations which are germane to the objective of the statute, viz. safe custody of the prisoner, which takes in considerations regarding the character and propensities of the prisoner. These and similar considerations bear direct nexus with the safe custody of prisoners as they are aimed primarily at preventing their escape. The determination of the necessity to put a prisoner in bar fetters has to be made after application of mind to the peculiar and special characteristics of each individual prisoner. The nature and length of sentence or the magnitude of the crime committed by the prisoner are not relevant for the purpose of determining that question.

• There are sufficient guidelines in s. 56. It contains a number of safe guards against misuse of bar fetters by the Superintendent. Such circumscribed peripheral discretion with duty to give reasons which are revisable by the higher authority cannot be described as arbitrary so as to be violative of Art. 14. A Superintendent can put the prisoner in bar fetters only after taking into consideration the peculiar and special characteristics of each individual prisoner. No ordinary routine reasons can be sufficient.

• Duty to record reasons in the Superintendent`s journal as well as the prisoner`s history ticket will narrow the discretionary power conferred on him. The
reasons must be recorded in the language intelligible and understandable by the prisoner. A further obligation is that the fetters imposed for the security, shall be removed by the Superintendent as soon as he is of opinion that this can be done with safety. The Superintendent will have to review the case at regular and frequent intervals for ascertaining whether the fetters can be removed.

(Per Krishna Iyer J. concurring)

- The vires of section 30 and section 56 of the Prisons Act upheld. These and other provisions, being somewhat out of tune with current penological values, to be revised by fresh legislation. Prison Manuals are mostly callous colonial compilations and even their copies are mostly beyond the prisoner’s ken. Punishments in civilized societies, must not degrade human dignity or would flesh and spirit. The cardinal sentencing goal is occupational, changing the consciousness of the criminal to ensure social defence. Where prison treatment abandons the reformatory purpose and practises dehumanizing techniques it is wasteful, counter-productive and irrational hovering on the hostile brink of unreasonableness (Article 19).

- Solitary confinement, even if mollified and modified marginally, is not sanctioned by s. 30 for prisoners 'under sentence of death'. But it is legal under that section to separate such sentences from the rest of the prison community during hours when prisoners are generally locked in. The special watch, day and night of such sentences by guards upheld. Infraction of privacy may be inevitable, but guards must concede minimum human privacy in practice.

- Prisoners 'under sentence of death' shall not be denied any of the community amenities including games, newspapers, books, moving around and meeting prisoners and visitors, subject to reasonable regulation of prison management. Section 30 is no substitute for sentence of imprisonment and merely prescribes the manner of organizing safe jail custody authorised by s. 366, Cr. P. C.

- If the prisoner desires loneliness for reflection and remorse, for prayers and making peace with his maker, or opportunities for meeting family or friends, such facilities shall be liberally granted, having regard to the stressful spell of terrestrial farewell his soul may be passing through, the compassion society owes to him whose life it takes.
• Further restraint on such a condemned prisoner is not ruled out, if clear and present danger of violence or likely violation of custody is, for good reasons, made out, with due regard to the rules of fair play implied in natural justice. Minimal hearing shall be accorded to the affected prisoner if he is subjected to further severity.

• On the necessity for prison reform and revision of Jail Manuals held:-
  
  (a) Section 56 must be tamed and trimmed by the rule of law and shall not turn dangerous by making prison 'brass' an imperium in imperio. The superintendent's power shall be pruned and his discretion, bridled for the purpose.

  (b) Under-trials shall be deemed to be in custody, but not undergoing punitive imprisonment. So much so, they shall be accorded more relaxed conditions than convicts.

  (c) Fetters, especially bar fetters, shall be shunned as violative of human dignity, within and without prisons. The indiscriminate resort to handcuffs when accused persons are taken to and from court and the expedient of forcing irons on prison inmates are illegal and shall be stopped forthwith save in a small category of cases. Reckless handcuffing and chaining in public degrades, puts to shame finer sensibilities and is a slur on our culture.

  (d) Where an under trial has a credible tendency for violence and escape a humanely graduated degree of 'Iron' restraint is permissible if- only if-other disciplinary alternatives are unworkable. The burden of proof of the ground is on the custodian. And if he fails, he will be liable in law.

  (e) The 'iron' regimen shall in no case go beyond the intervals, conditions and maxima killed down for punitive 'irons'. They shall be for short spells, light and never applied if sores exist.

  (f) The discretion to impose 'irons' is subject to quasi-judicial oversight, even if purportedly imposed for reasons of security.

  (g) A previous hearing, minimal may be, shall be afforded to the victims. In exceptional cases, the hearing may be soon after.

  (h) The gourmands for 'fetters' shall be given to the victim, 2nd when the decision to fetter is made, the reasons shall be recorded in the journal and in the history ticket of the prisoner in the State language. If he is a stranger...
to that language it shall be communicated to him, as far as possible, in his language. This applies to cases as much of prison punishment as of 'safety fetters.'

(i) Absent provision for independent review of preventive and punitive action, for discipline or security, such action shall be invalid as arbitrary and unfair and unreasonable. The prison officials will then be liable civilly and criminally for hurt to the person of the prisoners. The State will urgently set up or strengthen the necessary infra structure and process in this behalf—it already exists in embryo in the Act.

(j) Legal aid shall be given to prisoners to seek justice from prison authorities, and, if need be, to challenge the decision in Court in cases where they are too poor to secure on their own. If lawyer's services are not given, the decisional process becomes unfair and unreasonable, especially because the rule of law perishes for a disabled prisoner if counsel is unapproachable and beyond purchase. By and large, prisoners are poor, lacking legal literacy, under the trembling control of the jailor, at his mercy as it were, and unable to meet relation or friends to take legal action. Where a remedy is all but dead the right lives only in print. Article 19 will be violated in such a case as the process will be unreasonable. Article 21 will be infringed since the procedure is unfair and is arbitrary.

(k) No 'fetters' shall continue beyond day time as nocturnal fetters on locked-in detenus are ordinarily uncalled for, viewed from considerations of safety.

(l) The prolonged continuance of 'irons', as a punitive or preventive step, shall be subject to previous approval by an external examiner like a Chief Judicial Magistrate or Sessions Judge who shall briefly hear the victim and record reasons. They are ex-officio visitors of most Central Prisons.

(m) The Inspector-General of Prisons shall, with quick dispatch consider revision petitions, by fettered prisoners and direct the continuance or discontinuance of the irons. In the absence of such prompt decision, the fetters shall be deemed to have been negatived and shall be removed.

- Part III of the Constitution does not part company with the prisoner at the gates, and judicial oversight protects the prisoner’s shrunken fundamental rights, if flouted upon or frozen by the prison authority.
• Many states like Tamil Nadu, Kerala etc. have abandoned the disciplinary barbarity of bar fetters. The infraction of the prisoners freedom by bar fetters is too serious to be viewed lightly and the basic features of reasonableness must be built into the administrative process for constitutional survival. Therefore, an outside agency, in the sense of an official higher than the Superintendent or external to the prison department, must be given the power to review the older of 'irons'.

• The roots of our Constitution lie deep in the finer spiritual sources of social justice, beyond the melting pot of bad politicking feudal crudities and sublimated sadism, sustaining itself by profound faith in Man and his latent divinity, and so it is that the Prisons Act provisions and the Jail Manual itself must be revised to reflect this deeper meaning in the behavioral norms, correctional attitudes and humane orientation for the prison staff and prisoners alike.

3. **Hussainara Khatoon & Ors Vs Home Secretary, Bihar [1979 AIR 1360, 1979 SCR (3) 169, 1980 SCC (1)81]**

Under trials - The petition discloses shocking state of affairs in the jails where people charged for minor offences were languishing in jail for 5-10 years without initiation of trial - These prisoners keep on languishing in jail as they were not in position to furnish bail - The Courts by ignoring the differential capacity of the rich and the poor to furnish bail and treating them equally produce inequality between the rich and the poor; the rich who is charged with the same offence in the same circumstances is able to secure his release while the poor is unable to do so on account of his poverty - Another infirmity in the judicial system is the gross denial of justice to the under trial prisoners - Speedy trial is of the essence of criminal justice and delay in trial by itself constitutes denial of justice - Court directed State Government to look into the matter and set up more Courts to speed up the trial, improve the conditions of service if they wanted to improve the system of administration of justice.

4. **Hussainara Khatoon & Ors Vs Home Secretary, Bihar [1979 AIR 1369, 1979 SCR (3) 532, 1980 SCC (1)98]**

Criminal - speedy trial - Articles 14, 21 and 39-A of Constitution of India, Section 167 (2) of Criminal Procedure Code, 1973 and Section 395 of Indian
Penal Code, 1860 - writ petition in pursuant of directions issued by Supreme Court regarding submission of list of under-trial prisoners came for hearing before it - Court disposed petition with observation that our legal and judicial system is very inefficient and callous as under-trial prisoners were in jail for periods longer than maximum term for which they could have been sentenced - this shows the injustice caused to them - Court further observed that State cannot avoid its constitutional obligation to provide speedy trial - directed State to take action for enforcement of fundamental right of speedy trial.

The procedure under which a person may be deprived of his life or liberty should be ‘reasonable fair and just.’ Free legal services to the poor and the needy is an essential element of any ‘reasonable fair and just’ procedure. A prisoner who is to seek his liberation through the court’s process should have legal services available to him.

5. Sunil Batra Vs Delhi Administration [1980 AIR 1579, 1980 SCR (2) 557]

Act:

Constitution of India 1950, Article 32-Torture inflicted on prisoner in jail-factum of torture brought to notice of court-power and responsibility of court to intervene and protect prisoner. Prisons Act 1894, Ss 27, 29 and 61 & Punjab Prison Manual, Paras 41, 47, 49 and 53-Solitary confinement, denial of privileges, amenities to prisoners-to be imposed with judicial appraisal of Sessions Judge-Prison Manual to be ready reach of prisoners-visits to jails by visitors, official and non-official-keeping of grievance boxes in prisons and remedial action on grievances by Sessions judges-Periodical reports to be forwarded to the High Court-reforms suggested in prison management and procedure. Legal Aid-provision of free legal aid to prisoners-necessity of.

Held: (Per Krishna Iyer and Chinnappa Reddy, JJ.)

- Protection of the prisoner within his rights is part of the office of Article 32.
- Affirmed in unmistakable terms that the court has jurisdiction under Art. 32 and so too under Art. 226, a clear power and, therefore, a public duty to give relief to sentence in prison setting.
- Whether inside prison or outside, a person shall not be deprived of his guaranteed freedom save by methods’ right, just and fair’.
• Implicit in the power to deprive the sentence of his personal liberty, the Court has to ensure that no more and no less than is warranted by the sentence happens.

• The court has power and responsibility to intervene and protect the prisoner against mayhem, crude or subtle, and may use habeas corpus for enforcing in-prison humanism and forbiddance of harsher restraints and heavier severities than the sentence carries.

• Law in the books and in the courts is of no help unless it reaches the prisoner in understandable language and available form. There is therefore need to get ready a Prisoners’ Handbook in the regional language and make them freely available to the inmates. To know the law is the first step to be free from fear of unlaw.

• Visit to prisoners by family and friends are a solace in insulation and only a dehumanised system can derive vicarious delight in depriving prison inmates of this humane amenity. Subject, of course, to search and discipline and other security criteria, the right to society of fellow-men, parents and other family members cannot be denied in the light of Art. 19 and its sweep.

• Prison power, absent judicial watch tower, may tend towards torture. The judges are guardians of prisoners’ rights because they have a duty to secure the execution of the sentences without excesses and to sustain the personal liberties of prisoners without violence on or violation of the inmates’ personality.

• When offences are alleged to have taken place within the prison, there should be no tinge or trace of departmental collusion or league between the police and the prison staff.

Directives:

• The State shall take early steps to prepare in Hindi, a Prisoner’s Handbook and circulate copies to bring legal awareness home to the inmates. Periodical jail bulletins stating how improvements and habilitative programmes are brought into the prison may create a fellowship which will ease tensions. A prisoners’ wall paper, which will freely ventilate grievances will also reduce stress. All these are implementary of s. 61 of the Prisons Act.

• The State shall take steps to keep up to the Standard Minimum Rules for Treatment of Prisoners recommended by the United Nations, especially those
relating to work and wages, treatment with dignity, community contact and correctional strategies.

- The Prisons Act needs rehabilitation and the Prison Manual total overhaul. A correctional-cum-orientation course is necessitous for the prison staff inculcating the constitutional values, therapeutic approaches and tension-free management.

- The prisoners’ rights shall be protected by the court by its writ jurisdiction plus contempt power. To make this jurisdiction viable, free legal services to the prisoner programmes shall be promoted by professional organisations recognised by the court such as for e.g. FreeLegal Aid (Supreme Court) Society.

(Per Pathak J. concurring)

- Pressing need for prison reform and provision for adequate facilities to prisoners, to enable them not only to be acquainted with their legal riots but also to record their complaints and grievances and to have confidential interviews periodically with lawyers nominated for the purpose by the District Magistrate or the court having jurisdiction.

- Imperative that District Magistrates and Sessions Judges should visit the prisons in their jurisdiction and afford effective opportunity to the prisoners for ventilating their grievances and where the matter lies within their powers, make expeditious enquiry and take suitable remedial action.

- Sessions Judge should be informed by the jail authorities of any punitive action taken against a prisoner within two days of such action.

- A statement by the Sessions Judge in regard to his visits, enquiries made and action then thereon shall be submitted periodically to the High Court to acquaint it with the conditions prevailing in the prisons within its jurisdiction.


grounds - escorting officer has to inform the reason for handcuffing to Judicial Officer before whom accused produced - escorting officer has to get approval from such Officer - handcuffing should not be made in case of non-approval of same by Judicial Officer - paras 26.21-A and 26.22 which discriminates prisoners for the purpose of handcuffing declared ultra vires.


Act:
Right of the detenu under Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, to have interview with a lawyer and the members of his family - Section 3(b)(i)& (ii) read with rule 559A and 550 of the Punjab Manual of the Superintendence and Management of Jails-Whether violates Articles 14 and 21 of the Constitution and hence invalid-Distinction between preventive detention with punitive detention-Constitution of India 1950 Article 21, scope of.

Held:
• The prisoner or detenu has all the fundamental rights and other legal rights available to a free person, save those which are incapable of enjoyment by reason of incarceration. A prisoner or detenu is not stripped of his fundamental or other legal rights, save those which are inconsistent with his incarceration, and if any of these rights are violated, the Court will immediately spring into action and run to his rescue.

• There is implicit in Article 21 the right to protection against torture or cruel, inhuman or degrading treatment which is enunciated in Article 5 of the Universal Declaration of Human Rights and guaranteed by Article 7 of the international Covenant on Civil and Political Rights. This right to live which is comprehended within the broad connotation of the right to life can concededly be abridged according to procedure established by law and therefore, when a person is lawfully imprisoned, this right to live is bound to suffer attenuation to the extent to which it is incapable of enjoyment by reason of incarceration. The prisoner or detenu obviously cannot move about freely by going outside the prison walls nor can be socialise at his free will with persons outside the jail. But, as part of the right to live with human dignity and therefore, as a necessary component of the right to life, he would be entitled to have interviews with the members of his family and
friends and no prison regulation or procedure laid down by prison regulation regulating the right to have interviews with the members of the family and friends can be upheld as constitutionally valid under Article 14 and 21, unless it is reasonable, fair and just.

• Considered from the point of view also of the right to personal liberty enshrined in Article 21, the right to have interviews with members of the family and friends is clearly part of personal liberty guaranteed under that Article. The expression "personal liberty" occurring in Article 21 is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of a man and it also includes rights which "have been raised to the status of distinct Fundamental Rights and given additional protection under Article 19". Therefore, personal liberty would include the right to socialise with members of the family and friends subject, of course, to any valid prison regulations and under Articles 14 and 21, such prison regulations must be reasonable and non-arbitrary. If any prison regulation or procedure laid down by it regulating the right to have interviews with members of the family and friends is arbitrary or unreasonable, it would be liable to be struck down as invalid as being violative of Articles 14 and 21.

• Sub-clause (ii) of clause 3(b) of the Conditions of Detention Order is violative of Articles 14 and 21 in so far as it permits only one interview in a month to a detenu. When an under-trial prisoner is granted the facility of interviews with relatives and friends twice in a week under Rule 559A and a convicted prisoner is permitted to have interviews with his relatives and friends, once in a week under Rule 550, sub-clause (ii) of clause 3(b) of the Conditions of Detention Order, which restricts the interview only to one in a month in case of a detenu, is unreasonable and arbitrary, particularly when a detenu stands on a highest pedestal than an under-trial prisoner or a convict.

• Sub-clause (i) of clause 3(b) of the Conditions of Detention Order regulating the right of a detenu to have interview with a legal adviser of his choice is violative of Article 14 and 21 and therefore unconstitutional and void, It would be quite reasonable if a detenu were to be entitled to have interview with his legal adviser at any reasonable hour during the day after taking appointment from the Superintendent of the Jail, which appointment should be given by the Superintendent without any avoidable delay. The interview need not necessarily take place in the presence of a nominated officer of Customs/ Central Excise/Enforcement but if the presence of such officer can
be conveniently secured at the time of the interview without involving any postponement of the interview, than such officer and if his presence cannot be so secured, then any other Jail official may, if thought necessary, watch the interview.

- The right of a detenu to consult a legal adviser of his choice for any purpose not necessarily limited to defence in a criminal proceeding but also for securing release from preventive detention or filling a writ petition or prosecuting any claim or proceeding, civil or criminal is obviously included in the right to live with human dignity and is also part of personal liberty and the detenu cannot be deprived of this right nor can this right of the detenu be interfered with except in accordance with reasonable, fair and just procedure established by a valid law.


Constitution - legal aid - Constitution of India - case concerning women prisoners and detainees in State of Maharashtra - Court reiterated right to legal aid to under trial and convicted persons - certain direction issued by Supreme Court for providing fast and efficient legal assistance to prisoners in jail and to provide protection to women prisoners in lock-ups.

The petitioner, a journalist, in her letter addressed to Apex Court stated that Five out of fifteen women prisoners interviewed by her in the Bombay Central Jail alleged that they had been assaulted by the police in the police lock up and two of them in particular alleged that they had been assaulted and tortured in the lock up. Treating the letter as a writ petition the Court issued notices to all concerned to show cause why the writ petition should not be allowed In the meanwhile the Director of the College of Social Work, Nirmala Niketan, Bombay was directed to interview the women prisoners without any one else being present and ascertain whether the allegations made to the petitioner were correct. The Director, in her report, stated among other things that there was no adequate arrangement for providing legal assistance to women prisoners and that two prisoners who were foreign nationals complained that a lawyer duped and defrauded them and misappropriated almost half of their belongings and jewellery on the plea that he was retaining them for payment of his fees.

Held:
Legal assistance to a poor or indigent accused, arrested and put in jeopardy of his life or personal liberty, is a constitutional imperative mandated not only by Art. 39A but also by Articles 14 and 21 of the Constitution. It is a Necessary sine qua non of justice and where it is not provided, injustice is likely to result and every act of injustice corrodes the foundations of democracy and rule of law. It is possible that a prisoner lodged in a jail does not know to whom he can turn for help to indicate his innocence or defend his constitutional or legal rights or to protect himself against torture and ill-treatment, oppression and harassment at the hands of his custodians. It is also possible that he or the members of his family may have other problems where legal assistance is required but by reason of his being incarcerate, it may be difficult if not impossible for him or the members of his family to obtain proper legal advice or aid. It is therefore essential that legal assistance must be made available to prisoners in jails whether they be under-trials or convicted prisoners.


Constitution - restricted interview - Articles 14, 19, 19 (1), 21 and 32 of Constitution of India and Section 161 (2) of Criminal Procedure Code, 1973 - withdrawal of permission granted to freelance journalist - bar on journalist to interview prisoners challenged - State liable to ensure right to life of prisoners - press duty bound to provide information to citizens about functioning of Government - held, journalists entitled to collect information from prisons complying regulations.

The term ‘life’ in Article 21 covers the living conditions of the prisoners, prevailing in the jails. The prisoners are also entitled to the benefit of the guarantees provided in the Article subject to reason able restrictions. It is necessary that public gaze should be permitted on the prisoners, and the pressmen as friends of the society and public spirited citizens should have access to information about, and interviews with the prisoners. But such access has to be controlled and regulated. The petitioner is not entitled to uncontrolled interviews. The factual information collected as a result of the interviews should usually be cross-checked with the authorities, so that a wrong picture of a situation may not be published. Disclosure of correct information is necessary, but there is to be no dissemination of wrong information. Persons, who get permission to interview have to abide by reasonable restrictions. As for tape-recording the interviews, there may be cases where such tape-recording is necessary, but tape-recording is to be subject to special permission of the appropriate authority. There may be some individuals or class of persons
in the prisons with whom interviews may not be permitted for reasons indicated by this Court in Prabha Dutt v. Union of India & ors., [1982] 1 S.C.R. 1184. The interviews cannot be forced upon anyone and willingness of the prisoners to be interviewed is always to be insisted upon. There may also be certain other cases, where, for good reasons, permission to interview the prisoners may be withheld, which situations can be considered as and when they arise.


Custodial death - Compensation - Entitlement thereto - Present petition filed to determine claim of compensation on account of death of Petitioner’s son in police custody - Whether Petitioner was entitled for compensation on account of her son’s custodial death - Held, present case was clear case for award of compensation to Petitioner for custodial death of her son - No reason to reject finding of District Judge that Petitioner’s son died in police custody as result of injuries inflicted to him - Remedy available under constitution could be denied if claim to compensation was factually controversial and, therefore, optional, not being distinct remedy available to Petitioner in addition to ordinary processes - Finding based on evidence recorded by District Judge was correct - Therefore, compensation was awarded to Petitioner on account of her son’s custodial death - Petition allowed.


Compensation - Superintendent confirmed that deceased was killed by co-accused but there was no provision in the U.P. Jail Manual for grant of compensation to the family of the deceased convict - Hence this Petition - Whether, deceased was liable for compensation under U.P. Jail Manual or not - Held, deceased was a convict and was serving his sentence yet the authorities were not absolved of their responsibility to ensure his life and safety in the jail - A prisoner does not cease to have his constitutional right except to the extent he has been deprived of it in accordance with law - Therefore, he was entitled to protection - Since killing took place when he was in jail, it resulted in deprivation of his life contrary to law - He was survived by his wife and three children - Since, death has taken place while he was serving his sentence due to failure of the authorities to protect him - Therefore, Petitioner was entitled for compensation - Petition allowed.

Conviction - Section 304/34 of Indian Penal Code, 1860 - Respondents were convicted for offences of culpable homicide and fine was directed to be paid to heirs of deceased by way of compensation - Hence, this Appeal - Whether, conviction of Respondent was justified - Held, claim of citizen was based on principle of strict liability to which defence of sovereign immunity was not available - Thus, citizen could receive amount of compensation from State, which had right to be indemnified by wrong doer - In assessment of compensation, emphasis had to be on compensatory and not on punitive element - However, monetary or pecuniary compensation was appropriate and indeed effective - Sometimes only suitable remedy for redressal of established infringement of fundamental right to life of citizen by public servants and State was vicariously liable for their acts - Thus, said amount of compensation could be adjusted against amount awarded to claimant by way of damages in civil suit- Appeal disposed of

13. **“Common Cause” Vs Union Of India And Ors [1996 AIR 1619, 1996 SCC (4) 33]**

1(a) Where the offences under I.P.C. or any other law for the time being in force for which the accused are charged before any criminal court are punishable with imprisonment not exceeding three year with or without fine and if trials for such offences are pending for one year or more and the concerned accused have not been released on bail but are in jail for a period of six months or more, the concerned criminal court shall release the accused on bail or on personal bond executed by the accused and subject to such conditions if any, as may be found necessary in the light of Section 437 of the Criminal Procedure Code.

1(b) Where the offences under I.P.C. or any other law for the time being in force for which the accused are charged before any criminal court are not exceeding five year, with or without fine, and if the trials for such offence are pending for two years or more and the concerned accused have not been released on bail but are in jail for a period of six months or more, the concerned criminal court shall release the accused on bail or on person bond to be executed by the accused and subject to the imposing of suitable conditions, if any, in the light of Section 437 Cr.P.C.

1(c) Where the offences under I.P.C. or any other law being in force for which the accused are charged before any criminal court are punishable with seven years
or less, with or without fine, and if the trials for such offences are pending for two years or more and the concerned accused have not been released on bail but are in jail for a period of one year or more, the concerned criminal court shall release the accused on bail or on personal bond to be executed by the accused and subject to imposing of suitable conditions, if any, in the light of Section 437 Cr.P.C.

2(a) Where criminal proceedings are pending regarding traffic offences in any criminal court for more than two years on account of non serving summons to the accused or for any other reason whatsoever, the court may discharge the accused and close the cases.

2(b) Where the cases pending in criminal courts for more than two years under I.P.C. or any other law for the time being in force are compoundable with permission of the court and if in such cases trial have still not commenced, the criminal court shall, after hearing the public prosecutor and other parties represented before it or their advocates, discharge or acquit the accused, as the case may be, and close such cases.

2(c) Where the cases pending in criminal courts under I.P.C. or any other law for the time being in force pertain to offences which are non-cognizable and bailable and if such pendency is for more than two years and if in such cases trials have still not commenced, the criminal court shall discharge or acquit the accused, as the case may be, and close such cases.

2(d) Where the cases pending in criminal courts under I.P.C. or any other law for the time being in force are pending in connection with offences which are punishable with fine only and are not of recurring nature, and if such pendency is for more than one year and if in such cases trial have still not commenced, the criminal court shall discharge or acquit the accused, as the case may be, and close such cases.

2(e) Where the cases pending in criminal courts under I.P.C. or any other law for the time being in force are punishable with imprisonment upto one year, with or without fine, and if such pendency is for more than one year and if in such cases trials have still not commenced, the criminal court shall discharge or acquit the accused, as the case may be, and close such cases.

2(f) Where the cases pending in criminal courts under I.P.C. or any other law for the time being in force are punishable with imprisonment upto three years,
with or without fine, and if such pendency is for more than two years and if in such cases trial have still not commenced, the criminal court shall discharge or acquit the accused, as the case may be, and close such cases.

3. For the purpose of directions contained in clauses (1) and (2) above, the period of pendency of criminal cases shall be calculated from the date the accused are summoned to appear in the court.

4. Directions (1) and (2) made hereinabove shall not apply to cases of offences involving (a) corruption, misappropriation of public funds, cheating, whether under the Indian Penal Code, Prevention of Corruption Act or any other statute, (b) smuggling, foreign exchange violation and offences under the Narcotics Drugs and Psychotropic Substances Act, (c) Essential Commodities Act, Food Adulteration Act, Acts dealing with Environment or any other economic offences, (d) offences under Arms Act, Explosive Substances Act, Terrorists and Disruptive Activities Act, (e) offences relating to the Army, Navy and Air Force, (f) offences against public tranquility; (g) offences relating to public servants, (h) offences relating to coins and Government stamp, (i) offences relating to elections, (j) offences relating to giving false evidence and offences against public justice (k) any other type of offences against the State (l) offences under the Taxing enactments and (m) offences of defamation as defined in Section 499 I.P.C.

5. The criminal courts shall try the offences mentioned in Para (4) above on a priority basis. The High Courts are requested to issue necessary directions in this behalf to all the criminal courts under their control and supervision.

6. The criminal courts and all courts trying criminal cases shall take appropriate action in accordance with the above directions. These directions are applicable not only to the cases pending on this day but also to cases which may be instituted hereafter. As and when, a particular case gets covered by one or the other direction mentioned in Directions (1) and (2) read with Direction (4) above, appropriate orders shall be passed by the concerned court without any delay.


Directions to various authorities:

(1) To take appropriate decision on the recommendations of the Law Commission of India made in its 78th Report on the subject of ‘Congestion of undertrial prisoners in jail’ as contained in Chapter 9, (Para 20A).

(2) To apply mind to the suggestions of the Mulla Committee as contained in Chapter 20 of Volume I of its Report relating to streamlining the remission system and premature release (parole), and then to do the needful. (Para 23).

(3) To consider the question of entrusting the duty of producing UTPs on remand dates to the prison staff. (Para P7).

(4) To deliberate about enacting of new Prison Act to replace century old Indian Prison Act, 1894. (Para 31).

(5) To examine the question of framing of a model new All India Jail Manual as indicated in para 31.

(6) To reflect on the recommendations of Mulla Committee made in Chapter 29 on the subject of giving proper medical facilities and maintaining appropriate hygienic conditions and to take needed steps. (Paras 35 and 36).

(7) To ponder about the need of complaint box in all the jails. (Para 37).

(8) To think about introduction of liberalisation of communication facilities. (Para 40).

(9) To take needful steps for streamlining of jail visits as indicated in para 42.

(10) To ruminate on the question of introduction of open air prisons at least in the District Headquarters of the country. (Para 48).


Constitution - wages - Article 23 of Constitution of India - whether prisoners required to do labour as part of their punishment should be paid wages for such work at rates prescribed under Minimum Wages Law - where person provides service to another for remuneration less than minimum wage labour and service would be “forced labour” under Article 23 - putting prisoner to hard labour while
he is undergoing rigorous imprisonment awarded to him by Court cannot be equated with ‘begar’ or ‘other forms of forced labour’ as contemplated in Article 23 - State may by appropriate legislation grant wages to prisoners - States directed to constitute wage fixation body to recommend quantum of equitable wages payable to prisoners.

(1) It is lawful to employ the prisoners sentenced to rigorous imprisonment to do hard labour whether he consents to do it or not.

(2) It is open to the jail officials to permit other prisoners also to do any work which they choose to do provided such prisoners make a request for that purpose.

(3) It is imperative that the prisoner should be paid equitable wages for the work done by them. In order to determine the quantum of equitable wages payable to prisoners the State concerned shall constitute a wage fixation body for making recommendations. We direct each State to do so as early as possible.

(4) Until the State Government takes any decision on such recommendations every prisoner must be paid wages for the work done by him at such rates or revised rates as the Government concerned fixes in the light of the observations made above. For this purpose we direct all the State Governments to fix the rate of such interim wages within six weeks from today and report to this Court of compliance of this direction.

(5) We recommend to the State concerned to make law for setting apart a portion of the wages earned by the prisoners to be paid as compensation to deserving victims of the offence the commission of which entailed the sentence of imprisonment to the prisoner, either directly or through a common fund to be created for this purpose or in any other feasible mode.


Constitution - permission - Articles 19 (1) and 21 of Constitution of India - appeal against Order granting permission to interview under-trial prisoner in jail - no provisions in jail manual prohibiting interviews of under-trial prisoners - freedom of press is not an absolute right - Court considered right of press under Article 19 (1) (a) and right of prisoners under Article 21 and reasonable restrictions which can be put on such interviews - no infirmity in impugned Order passed by
High Court.

As the outset we take up the issue regarding the authority of the learned Sessions Judge in granting permission. As it appears, the accused is an under-trial prisoner and the case is pending in the Court of the learned Additional Sessions Judge who had granted the order of permission. The trial of the accused being pending before the Additional Sessions Judge it cannot be said that he had no authority to issue permission to the Press to interview the under trial inside the jail. We, therefore, do not find any substance in the argument of the learned counsel for the appellant appearing in this Court.

Coming to the second limb of the objections raised by the learned counsel appearing for the appellant, there cannot be any dispute with the proposition that the order granting permission to the Press to interview an under-trial cannot be passed mechanically without application of mind. In as much as the Court granting permission will have to weigh the competing interest between the right of a Press and the right of the Authorities prohibiting such interview in the interest of administration of justice. The Court, therefore, before disposing of an application seeking permission to interview an under-trial in jail must notice the jail authorities and find out whether there can be any justifiable and weighty reasons denying such interviews. The Court also should try to find out whether any restrictions or prohibitions are contained in the Jail Manual. The so called permission granted by the Court would be subject to the relevant Rules and Regulations contained in the Jail Manual dealing with the rights and liabilities of the under-trial prisoners. In Smt. Prabha’s case (supra) this Court had observed that the Constitutional Right to Freedom of Speech and Expression conferred by Article 19(1)(a) of the Constitution which includes the Freedom of Press is not an absolute right and does not confer any right on the Press to have an unrestricted access to means of information. The Press is entitled to exercise its freedom of speech and expression by publishing a matter which does not invade the rights of other citizens and which does not violate the sovereignty and integrity of India, the security of the State, public order, decency and morality. The Court also in the aforesaid case expressed the opinion that the Press must first obtain the willingness of the person sought to be interviewed and no Court can pass any order if the person to be interviewed expresses his unwillingness. It was also indicated in the aforesaid judgment that the so-called right of the Press which it obtains on the basis of a permisison from the Court would be subject to the prohibitions of the Jail Manual.
In Sheela Barse Vs State of Maharashtra (1987) 4 Supreme Court Cases 373, this Court also considered the Right of Press under Article 19(1)(a), the Right of the Prisoners under Article 21 and reasonable restrictions which can be put on such interviews. It was also observed that the interviews of the prisoners become necessary as otherwise the correct information may not be collected but such access has to be controlled and regulated and the Pressmen are not entitled to uncontrolled interview. It was also stated that those who receive permission to have interviews will have to agree to abide by reasonable restrictions as contained in the Jail Manual, and therefore, permission granted by the Court would be subject to provisions contained in the Jail Manual itself.

Bearing in mind the ratio in the aforesaid two judgments of this Court if we examine the order of the learned Additional Sessions Judge it can be said without hesitation that the said learned Additional Sessions Judge disposed of the application seeking permission to interview by passing a blanket order without applying his mind and without even knowing the mind of the authorities and without bearing in mind the law laid down by this Court in the aforesaid two decisions. No Court would pass such a blanket order mechanically without applying its mind to the relevant factors, as the Press does not have an unfettered right to interview an under trial prisoner in jail. When we examine the impugned order of the High Court we find that the High Court did bear in mind the ratio of the aforesaid two decisions of this Court and, therefore, while granting permission to interview the under-trial prisoners it modified the blanket order passed by the learned Sessions Judge putting such restrictions and conditions as contained in the impugned order. No grievance, therefore, can be made to the impugned order of the High Court. But after hearing the learned counsel for the parties we may add a further condition that the interview which the Press would take will be regulated by the provisions contained in Jail Manuals and therefore, the Jail Authorities can modulate the same in accordance with the provisions contained in the Jail Manual.


Hon’ble Supreme Court issued the following guidelines:

1. A child shall not be treated as an undertrial/convict while in jail with his/her mother. Such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right.
2. Pregnancy:
   a. Before sending a woman who is pregnant to a jail, the concerned authorities must ensure that jail in question has the basic minimum facilities for child delivery as well as for providing pre-natal and post-natal care for both, the mother and the child.
   b. When a woman prisoner is found or suspected to be pregnant at the time of her admission or at any time thereafter, the lady Medical Officer shall report the fact to the superintendent. As soon as possible, arrangement shall be made to get such prisoner medically examined at the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy, probable date of delivery and so on. After ascertaining the necessary particulars, a report shall be sent to the Inspector General of Prisons, stating the date of admission, term of sentence, date of release, duration of pregnancy, possible date of delivery and so on.
   c. Gynaecological examination of female prisoners shall be performed in the District Government Hospital. Proper pre-natal and post-natal care shall be provided to the prisoner as per medical advice.

3. Child birth in prison:
   a. As far as possible and provided she has a suitable option, arrangements for temporary release/parole (or suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her delivery outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.
   b. Births in prison, when they occur, shall be registered in the local birth registration office. But the fact that the child has been born in the prison shall not be recorded in the certificate of birth that is issued. Only the address of the locality shall be mentioned.
   c. As far as circumstances permit, all facilities for the naming rites of children born in prison shall be extended.

4. Female prisoners and their children:
   a. Female prisoners shall be allowed to keep their children with them in jail till they attain the age of six years.
b. No female prisoner shall be allowed to keep a child who has completed the age of six years. Upon reaching the age of six years, the child shall be handed over to a suitable surrogate as per the wishes of the female prisoner or shall be sent to a suitable institution run by the Social Welfare Department. As far as possible, the child shall not be transferred to an institution outside the town or city where the prison is located in order to minimize undue hardships on both mother and child due to physical distance.

c. Such children shall be kept in protective custody until their mother is released or the child attains such age as to earn his/her own livelihood.

d. Children kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet the mother at least once a week. The Director, Social Welfare Department, shall ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent of Prisons.

e. When a female prisoner dies and leaves behind a child, the Superintendent shall inform the District Magistrate concerned and he shall arrange for the proper care of the child. Should the concerned relative(s) be unwilling to support the child, the District Magistrate shall either place the child in an approved institution/home run by the State Social Welfare Department or hand the child over to a responsible person for care and maintenance.

5. Food, clothing, medical care and shelter:

a. Children in jail shall be provided with adequate clothing suiting the local climatic requirement for which the State/U.T. Government shall lay down the scales.

b. State/U.T. Governments shall lay down dietary scales for children keeping in view the calorific requirements of growing children as per medical norms.

c. A permanent arrangement needs to be evolved in all jails, to provide separate food with ingredients to take care of the nutritional needs of children who reside in them on a regular basis.

d. Separate utensils of suitable size and material should also be provided to each mother prisoner for using to feed her child.
e. Clean drinking water must be provided to the children. This water must be periodically checked.

f. Children shall be regularly examined by the Lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records. Extra clothing, diet and so on may also be provided on the recommendation of the Medical Officer.

g. In the event of a woman prisoner falling ill, alternative arrangements for looking after any children falling under her care must be made by the jail staff.

h. Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic.

i. Children of prisoners shall have the right of visitation.

j. The Prison Superintendent shall be empowered in special cases and where circumstances warrant admitting children of women prisoners to prison without court orders provided such children are below 6 years of age.

6. Education and recreation for children of female prisoners:

   a. The child of female prisoners living in the jails shall be given proper education and recreational opportunities and while their mothers are at work in jail, the children shall be kept in crèche under the charge of a matron/female warder. This facility will also be extended to children of warders and other female prison staff.

   b. There shall be a crèche and a nursery attached to the prison for women where the children of women prisoners will be looked after. Children below three years of age shall be allowed in the crèche and those between three and six years shall be looked after in the nursery. The prison authorities shall preferably run the said crèche and nursery outside the prison premises.

7. In many states, small children are living in sub-jails that are not at all equipped to keep small children. Women prisoners with children should not be kept in such sub-jails, unless proper facilities can be ensured which would make for a
conducive environment there, for proper biological, psychological and social growth.

8. The stay of children in crowded barracks amidst women convicts, undertrials, offenders relating to all types of crimes including violent crimes is certainly harmful for the development of their personality. Therefore, children deserve to be separated from such environments on a priority basis.

9. Diet:

Dietary scale for institutionalized infants/children prepared by Dr. A.M. Dwarkadas Motiwala, MD (Paediatrics) and Fellowship in Neonatology (USA) has been submitted by Mr. Sanjay Parikh. The document submitted recommends exclusive breastfeeding on the demand of the baby day and night. If for some reason, the mother cannot feed the baby, undiluted fresh milk can be given to the baby. It is emphasized that “dilution is not recommended; especially for low socio-economic groups who are also illiterate, ignorant, their children are already malnourished and are prone to gastroenteritis and other infections due to poor living conditions and unhygienic food habits. Also, where the drinking water is not safe/reliable since source of drinking water is a question mark. Over-dilution will provide more water than milk to the child and hence will lead to malnutrition and infections. This in turn will lead to growth retardation and developmental delay both physically and mentally.” It is noted that since an average Indian mother produces approximately 600 - 800 ml. milk per day (depending on her own nutritional state), the child should be provided at least 600 ml. of undiluted fresh milk over 24 hours if the breast milk is not available. The report also refers to the “Dietary Guidelines for Indians-A Manual,” published in 1998 by the National Institute of Nutrition, Council of Medical Research, Hyderabad, for a balanced diet for infants and children ranging from 6 months to 6 years of age. It recommends the following portions for children from the ages of 6-12 months, 1-3 years and 4-6 years, respectively: Cereals and Millets- 45, 60-120 and 150-210 grams respectively; Pulses - 15, 30 and 45 grams respectively; Milk - 500 ml (unless breast fed, in which case 200 ml); Roots and Tubers - 50, 50 and 100 grams respectively; Green Leafy Vegetables - 25, 50 and 50 grams respectively; Other Vegetables - 25, 50 and 50 grams respectively; Fruits - 100 grams; Sugar - 25, 25 and 30 grams respectively; and Fats/Oils(Visible) - 10, 20 and 25 grams respectively. One portion of pulse may be exchanged with one portion (50 grams) of egg/meat/ chicken/fish. It is essential that the above food groups to be provided in the portions mentioned in order to ensure that both macronutrients and micronutrients are available to
the child in adequate quantities.

10. Jail Manual and/or other relevant Rules, Regulations, instructions etc. shall be suitably amended within three months so as to comply with the above directions. If in some jails, better facilities are being provided, same shall continue.

11. Schemes and laws relating to welfare and development of such children shall be implemented in letter and spirit. State Legislatures may consider passing of necessary legislations, wherever necessary, having regard to what is noticed in this judgment.

12. The State Legal Services Authorities shall take necessary measures to periodically inspect jails to monitor that the directions regarding children and mother are complied with in letter and spirit.

13. The Courts dealing with cases of women prisoners whose children are in prison with their mothers are directed to give priority to such cases and decide their cases expeditiously.


As there are large number of mentally ill under-trial prisoners in various psychiatric hospitals/nursing homes, we consider it just and proper to issue some general directions to avoid such mentally ill persons languishing in psychiatric hospitals for long periods:

(i) Whenever a person of unsound mind is ordered to be detained in any psychiatric hospital/nursing home under Section 330(2) of the Code, the reports contemplated under Section 39 shall be submitted to the concerned Court/Magistrate periodically. The Court/Magistrate shall also call for such reports if they are not received in time. When the reports are received, the Court/Magistrate shall consider the reports and pass appropriate orders wherever necessary. In regard to prisoners covered by sub-section (1) of Section 30 of the Prisoners Act, the procedure prescribed by sub-sections (2) and (3) of that Section read with Section 40 of the Mental Health Act, 1987 shall be followed.

(ii) Wherever any undertrial prisoner is in jail for more than the maximum period of imprisonment prescribed for the offence for which he is charged (other
than those charged for offences for which life imprisonment or death is the punishment), the Magistrate/Court shall treat the case as closed and report the matter to the medical officer in charge of the psychiatric hospital, so that the Medical Officer incharge of the hospital can consider his discharge as per Section 40 of the Act.

(iii) In cases where, the under trial prisoners (who are not being charged with offence for which the punishment is imprisonment for life or death penalty), their cases may be considered for release in accordance with sub-section (1) of Section 330 of the Code, if they have completed five or more years as inpatients.

(iv) As regards the undertrial prisoners who have been charged with grave offences for which life imprisonment or death penalty is the punishment, such persons shall be subjected to examination periodically as provided in sub-sections (1), (3) and (4) of Section 39 of the Act and the officers named therein (visitors, medical officer in charge of the hospital and the examining medical officer respectively) should send the reports to the court as to whether the under trial prisoner is fit enough to face the trial to defend the charge. The Sessions Courts where the cases are pending should also seek periodic reports from such hospitals and every such case shall be given a hearing at least once in three months. The Sessions Judge shall commence the trial of such cases as soon as it is found that such mentally ill person has been found fit to face trial.

19. Sangeet & Anr Vs State Of Haryana [2013(2)SCC 452,AIR 2013 SC 447]


Hon’ble Supreme Court concluded:

1. This Court has not endorsed the approach of aggravating and mitigating circumstances in Bachan Singh. However, this approach has been adopted in several decisions. This needs a fresh look. In any event, there is little or no uniformity in the application of this approach.

2. Aggravating circumstances relate to the crime while mitigating circumstances relate to the criminal. A balance sheet cannot be drawn up for comparing the
two. The considerations for both are distinct and unrelated. The use of the mantra of aggravating and mitigating circumstances needs a review.

3. In the sentencing process, both the crime and the criminal are equally important. We have, unfortunately, not taken the sentencing process as seriously as it should be with the result that in capital offences, it has become judge-centric sentencing rather than principled sentencing.

4. The Constitution Bench of this Court has not encouraged standardization and categorization of crimes and even otherwise it is not possible to standardize and categorize all crimes.

5. The grant of remissions is statutory. However, to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

6. Remission can be granted under Section 432 of the Cr.P.C. in the case of a definite term of sentence. The power under this Section is available only for granting “additional” remission, that is, for a period over and above the remission granted or awarded to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment), the power under Section 432 of the Cr.P.C. can certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

7. Before actually exercising the power of remission under Section 432 of the Cr.P.C. the appropriate Government must obtain the opinion (with reasons) of the presiding judge of the convicting or confirming Court. Remissions can, therefore, be given only on a case-by-case basis and not in a wholesale manner.

20. **Shatrughan Chauhan & Anr Vs Union Of India & Ors [(2014) 3 SCC 1]**

Guidelines:

In W.P (Crl) No 56 of 2013, Peoples’ Union for Democratic Rights have pleaded for guidelines for effective governing of the procedure of filing mercy petitions and for the cause of the death convicts. It is well settled law that executive action and the legal procedure adopted to deprive a person of his life or liberty must be fair, just and reasonable and the protection of Article 21 of the Constitution of India inheres in every person, even death-row prisoners, till the very last breath of their
lives. We have already seen the provisions of various State Prison Manuals and the actual procedure to be followed in dealing with mercy petitions and execution of convicts. In view of the disparities in implementing the already existing laws, we intend to frame the following guidelines for safeguarding the interest of the death row convicts:

1. **Solitary Confinement:** This Court, in Sunil Batra (supra), held that solitary or single cell confinement prior to rejection of the mercy petition by the President is unconstitutional. Almost all the prison Manuals of the States provide necessary rules governing the confinement of death convicts. The rules should not be interpreted to run counter to the above ruling and violate Article 21 of the Constitution.

2. **Legal Aid:** There is no provision in any of the Prison Manuals for providing legal aid, for preparing appeals or mercy petitions or for accessing judicial remedies after the mercy petition has been rejected. Various judgments of this Court have held that legal aid is a fundamental right under Article 21. Since this Court has also held that Article 21 rights inhere in a convict till his last breath, even after rejection of the mercy petition by the President, the convict can approach a writ court for commutation of the death sentence on the ground of supervening events, if available, and challenge the rejection of the mercy petition and legal aid should be provided to the convict at all stages. Accordingly, Superintendent of Jails are directed to intimate the rejection of mercy petitions to the nearest Legal Aid Centre apart from intimating the convicts.

3. **Procedure in placing the mercy petition before the President:** The Government of India has framed certain guidelines for disposal of mercy petitions filed by the death convicts after disposal of their appeal by the Supreme Court. As and when any such petition is received or communicated by the State Government after the rejection by the Governor, necessary materials such as police records, judgment of the trial court, the High Court and the Supreme Court and all other connected documents should be called at once fixing a time limit for the authorities for forwarding the same to the Ministry of Home Affairs. Even here, though there are instructions, we have come across that in certain cases the Department calls for those records in piece-meal or one by one and in the same way, the forwarding Departments are also not adhering to the procedure/instructions by sending all the required materials at one stroke. This should be strictly followed to minimize the delay. After getting all
the details, it is for the Ministry of Home Affairs to send the recommendation/ their views to the President within a reasonable and rational time. Even after sending the necessary particulars, if there is no response from the office of the President, it is the responsibility of the Ministry of Home Affairs to send periodical reminders and to provide required materials for early decision.

4. Communication of Rejection of Mercy Petition by the Governor: No prison manual has any provision for informing the prisoner or his family of the rejection of the mercy petition by the Governor. Since the convict has a constitutional right under Article 161 to make a mercy petition to the Governor, he is entitled to be informed in writing of the decision on that mercy petition. The rejection of the mercy petition by the Governor should forthwith be communicated to the convict and his family in writing or through some other mode of communication available.

5. Communication of Rejection of the Mercy Petition by the President: Many, but not all, prison manuals have provision for informing the convict and his family members of the rejection of mercy petition by the President. All States should inform the prisoner and their family members of the rejection of the mercy petition by the President. Furthermore, even where prison manuals provide for informing the prisoner of the rejection of the mercy petition, we have seen that this information is always communicated orally, and never in writing. Since the convict has a constitutional right under Article 72 to make a mercy petition to the President, he is entitled to be informed in writing of the decision on that mercy petition. The rejection of the mercy petition by the President should forthwith be communicated to the convict and his family in writing.

6. Death convicts are entitled as a right to receive a copy of the rejection of the mercy petition by the President and the Governor.

7. Minimum 14 days notice for execution: Some prison manuals do not provide for any minimum period between the rejection of the mercy petition being communicated to the prisoner and his family and the scheduled date of execution. Some prison manuals have a minimum period of 1 day, others have a minimum period of 14 days. It is necessary that a minimum period of 14 days be stipulated between the receipt of communication of the rejection of the mercy petition and the scheduled date of execution for the following reasons:-
a) It allows the prisoner to prepare himself mentally for execution, to make his peace with god, prepare his will and settle other earthly affairs.

b) It allows the prisoner to have a last and final meeting with his family members. It also allows the prisoners’ family members to make arrangements to travel to the prison which may be located at a distant place and meet the prisoner for the last time. Without sufficient notice of the scheduled date of execution, the prisoners’ right to avail of judicial remedies will be thwarted and they will be prevented from having a last and final meeting with their families.

It is the obligation of the Superintendent of Jail to see that the family members of the convict receive the message of communication of rejection of mercy petition in time.

8. Mental Health Evaluation: We have seen that in some cases, death-row prisoners lost their mental balance on account of prolonged anxiety and suffering experienced on death row. There should, therefore, be regular mental health evaluation of all death row convicts and appropriate medical care should be given to those in need.

9. Physical and Mental Health Reports: All prison manuals give the Prison Superintendent the discretion to stop an execution on account of the convict’s physical or mental ill health. It is, therefore, necessary that after the mercy petition is rejected and the execution warrant is issued, the Prison Superintendent should satisfy himself on the basis of medical reports by Government doctors and psychiatrists that the prisoner is in a fit physical and mental condition to be executed. If the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward the report of the same to the State Government for further action.

10. Furnishing documents to the convict: Most of the death row prisoners are extremely poor and do not have copies of their court papers, judgments, etc. These documents are must for preparation of appeals, mercy petitions and accessing post-mercy judicial remedies which are available to the prisoner under Article 21 of the Constitution. Since the availability of these documents is a necessary pre-requisite to the accessing of these rights, it is necessary that copies of relevant documents should be furnished to the prisoner within a week by the prison authorities to assist in making mercy petition and petitioning the courts.
11. Final Meeting between Prisoner and his Family: While some prison manuals provide for a final meeting between a condemned prisoner and his family immediately prior to execution, many manuals do not. Such a procedure is intrinsic to humanity and justice, and should be followed by all prison authorities. It is therefore, necessary for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to his execution.

12. Post Mortem Reports: Although, none of the Jail Manuals provide for compulsory post mortem to be conducted on death convicts after the execution, we think in the light of the repeated arguments by the petitioners herein asserting that there is dearth of experienced hangman in the country, the same must be made obligatory.

By making the performance of post mortem obligatory, the cause of the death of the convict can be found out, which will reveal whether the person died as a result of the dislocation of the cervical vertebrate or by strangulation which results on account of too long a drop. Our Constitution permits the execution of death sentence only through procedure established by law and this procedure must be just, fair and reasonable. In our considered view, making post mortem obligatory will ensure just, fair and reasonable procedure of execution of death sentence.

Conclusion:

Certainly, a series of Constitution Benches of this Court have upheld the Constitutional validity of the death sentence in India over the span of decades but these judgments in no way take away the duty to follow the due procedure established by law in the execution of sentence. Like the death sentence is passed lawfully, the execution of the sentence must also be in consonance with the Constitutional mandate and not in violation of the constitutional principles.

It is well established that exercising of power under Article 72/161 by the President or the Governor is a constitutional obligation and not a mere prerogative. Considering the high status of office, the Constitutional framers did not stipulate any outer time limit for disposing the mercy petitions under the said Articles, which means it should be decided within reasonable time. However, when the delay caused in disposing the mercy petitions is seen to be unreasonable, unexplained and exorbitant, it is the duty of this Court to step in and consider this aspect. Right to seek for mercy under Article 72/161 of the Constitution is a constitutional right
and not at the discretion or whims of the executive. Every Constitutional duty must be fulfilled with due care and diligence; otherwise judicial interference is the command of the Constitution for upholding its values.


Jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge shall hold one sitting in a week in each jail/prison for two months commencing from 1’ October, 2014 for the purposes of effective implementation of 436A of the Code of Criminal Procedure. In its sittings in jail, the above judicial officers shall identify the under-trial prisoners who have completed half period of the maximum period or maximum period of imprisonment provided for the said offence under the law and after complying with the procedure prescribed under Section 436A pass an appropriate order in jail itself for release of such under-trial prisoners who fulfill the requirement of Section 436A for their release immediately. Such jurisdictional Magistrate/Chief Judicial Magistrate/ Sessions Judge shall submit the report of each of such sitting to the Registrar General of the High Court and at the end of two months, the Registrar General of each High Court shall submit the report to the Secretary General of this Court without any delay.

To facilitate the compliance of the above order, we direct the Jail Superintendent of each jail/prison to provide all necessary facilities for holding the court sitting by the above judicial officers.

22. Dilip K. Basu Vs State Of West Bengal & Ors [(2015) 42 SCD 800]

1. The States of Delhi, Himachal Pradesh, Mizoram, Arunachal Pradesh, Meghalaya, Tripura and Nagaland shall within a period of six months from today set up State Human Rights Commissions for their respective territories with or without resort to provisions of Section 21(6) of the Protection of Human Rights Act, 1993.

2. All vacancies, for the post of Chairperson or the Member of SHRC wherever they exist at present shall be filled up by the State Governments concerned within a period of three months from today.

3. Vacancies occurring against the post of Chairperson or the Members of the SHRC in future shall be filled up as expeditiously as possible but not later than three months from the date such vacancy occurs.

4. The State Governments shall take appropriate action in terms of Section 30 of the Protection of Human Rights Act, 1993, in regard to setting up/specifying Human Rights Courts.
5. The State Governments shall take steps to install CCTV cameras in all the prisons in their respective States, within a period of one year from today but not later than two years.

6. The State Governments shall also consider installation of CCTV cameras in police stations in a phased manner depending upon the incidents of human rights violation reported in such stations.

7. The State Governments shall consider appointment of non-official visitors to prisons and police stations in terms of the relevant provisions of the Act wherever they exist in the Jail Manuals or the relevant Rules and Regulations.

8. The State Governments shall launch in all cases where an enquiry establishes culpability of the persons in whose custody the victim has suffered death or injury, an appropriate prosecution for the commission of offences disclosed by such enquiry report and/or investigation in accordance with law.

9. The State Governments shall consider deployment of at least two women constables in each police station wherever such deployment is considered necessary having regard to the number of women taken for custodial interrogation or interrogation for other purposes over the past two years.

23. Union Of India Vs V. Sriharan @ ,Murugan & Ors [2015 (13) SCALE 165, (2015) 43 SCD 153]

Questions Referred and Answers given by the Constitution Bench:

**Question No. 1:** Whether imprisonment for life in terms of Section 53 read with Section 45 of the Penal Code meant imprisonment for rest of the life of the prisoner or a convict undergoing life imprisonment has a right to claim remission and whether as per the principles enunciated in paras 91 to 93 of Swamy Shraddananda (2), a special category of sentence may be made for the very few cases where the death penalty might be substituted by the punishment of imprisonment for life or imprisonment for a term in excess of fourteen years and to put that category beyond application of remission?

**Ans.** Imprisonment for life in terms of Section 53 read with Section 45 of the Penal Code only means imprisonment for rest of life of the convict. The right to claim remission, commutation, reprieve etc. as provided under Article 72 or Article 161 of the Constitution will always be available being Constitutional Remedies untouchable by the Court. We hold that the ratio laid down in Swamy Shraddananda (supra) that a special category of sentence; instead of death can be substituted by the punishment of imprisonment for life or for a term exceeding 14 years and put that category beyond application of remission is well-founded and we answer the said question in the affirmative.
**Question No. 2:** Whether the “Appropriate Government” is permitted to exercise the power of remission under Sections 432/433 of the Code after the parallel power has been exercised by the President under Article 72 or the Governor under Article 161 or by this Court in its Constitutional power under Article 32 as in this case?

**Ans.** The exercise of power under Sections 432 and 433 of Code of Criminal Procedure will be available to the Appropriate Government even if such consideration was made earlier and exercised under Article 72 by the President or under Article 161 by the Governor. As far as the application of Article 32 of the Constitution by this Court is concerned, it is held that the powers under Sections 432 and 433 are to be exercised by the Appropriate Government statutorily and it is not for this Court to exercise the said power and it is always left to be decided by the Appropriate Government.

**Question No. 3:** Whether Section 432(7) of the Code clearly gives primacy to the Executive Power of the Union and excludes the Executive Power of the State where the power of the Union is coextensive?

**Question No. 4:** Whether the Union or the State has primacy over the subject-matter enlisted in List III of the Seventh Schedule to the Constitution of India for exercise of power of remission?

**Question No. 5:** Whether there can be two Appropriate Governments in a given case under Section 432(7) of the Code?

**Ans.** The status of Appropriate Government whether Union Government or the State Government will depend upon the order of sentence passed by the Criminal Court as has been stipulated in Section 432(6) and in the event of specific Executive Power conferred on the Centre under a law made by the Parliament or under the Constitution itself then in the event of the conviction and sentence covered by the said law of the Parliament or the provisions of the Constitution even if the Legislature of the State is also empowered to make a law on the same subject and coextensive, the Appropriate Government will be the Union Government having regard to the prescription contained in the proviso to Article 73(1)(a) of the Constitution. The principle stated in the decision in G.V. Ramaiah (supra) should be applied. In other words, cases which fall within the four corners of Section 432(7)(a) by virtue of specific Executive Power conferred on the Centre, the same will clothe the Union Government the primacy with the status of Appropriate Government. Barring cases falling under Section 432(7)(a), in all other cases where the offender is sentenced or the sentence order is passed
within the territorial jurisdiction of the concerned State, the State Government would be the Appropriate Government.

**Question No. 6:** Whether suo motu exercise of power of remission under Section 432(1) is permissible in the scheme of the section, if yes, whether the procedure prescribed in subsection (2) of the same section is mandatory or not?

**Ans.** No suo motu power of remission is exercisable under Section 432(1) of Code of Criminal Procedure. It can only be initiated based on an application of the person convicted as provided under Section 432 (2) and that ultimate order of suspension or remission should be guided by the opinion to be rendered by the Presiding Officer of the concerned Court.

**Question No.7:** Whether the term “Consultation” stipulated in Section 435(1) of the Code implies “Concurrence”?

**Ans.** Having regard to the principles culled out in paragraph 160 (a) to (n), it is imperative that it is always safe and appropriate to hold that in those situations covered by sub-clauses (a) to (c) of Section 435(1) falling within the jurisdiction of the Central Government it will assume primacy and consequently the process of “Consultation” in reality be held as the requirement of “Concurrence”.

**24. “Re-Inhuman Conditions In 1382 Prisons”—Order dated 05.02.2016 in WP (Civil) No.406/2013**

- The Under Trial Review Committee in every district should meet every quarter and the first such meeting should take place on or before 31st March, 2016. The Secretary of the District Legal Services Committee should attend each meeting of the Under Trial Review Committee and follow up the discussions with appropriate steps for the release of under trial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them. The Under Trial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 of the Cr.P.C. and Section 436A of the Cr.P.C. so that under trial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subjected to incarceration only for that reason. The Under Trial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to first time offenders so that they have a chance of being restored and rehabilitated in society. The Member Secretary of the State Legal Services Authority of every State will ensure, in coordination with the Secretary of the District Legal Services Committee in
every district, that an adequate number of competent lawyers are empanelled to assist under trial prisoners and convicts, particularly the poor and indigent, and that legal aid for the poor does not become poor legal aid.

- The Secretary of the District Legal Services Committee will also look into the issue of the release of under trial prisoners in compoundable offences, the effort being to effectively explore the possibility of compounding offences rather than requiring a trial to take place. The Director General of Police/Inspector General of Police in-charge of prisons should ensure that there is proper and effective utilization of available funds so that the living conditions of the prisoners is commensurate with human dignity. This also includes the issue of their health, hygiene, food, clothing, rehabilitation etc. The Ministry of Home Affairs will ensure that the Management Information System is in place at the earliest in all the Central and District Jails as well as jails for women so that there is better and effective management of the prison and prisoners. The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016 for which considerable efforts have been made not only by senior officers of the Ministry of Home Affairs but also persons from civil society. The Model Prison Manual 2016 should not be reduced to yet another document that might be reviewed only decades later, if at all. The annual review will also take into consideration the need, if any, of making changes therein. The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual.

- A word about the Model Prison Manual is necessary. It is a detailed document consisting of as many as 32 chapters that deal with a variety of issues including custodial management, medical care, education of prisoners, vocational training and skill development programmes, legal aid, welfare of prisoners, after care and rehabilitation, Board of Visitors, prison computerization and so on and so forth. It is a composite document that needs to be implemented with due seriousness and dispatch.

- Taking a cue from the efforts of the Ministry of Home Affairs in preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.