P. Ambika Devi “Impact of imprisonment on marital and familial relationships”
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CHAPTER 4
PRISONS IN KERALA

In Kerala there are three central prisons, one each in Thiruvananthapuram, Thrissur, and Kannur. In addition to these central prisons, there is a district jail at Kozhikode and an open prison at Nettukaltheri near Neyyatinkara. Besides, these prisons we have a prison exclusively for female offenders at Neyyatinkara. There are no walls or armed guards surrounding the open prison. This prison is a place of detention for those who have shown themselves as well behaved and trust worthy. In this free environment, the inmates have very good opportunity for self-improvement and rehabilitation.

The categories of offenders housed in the central prisons of Thiruvananthapuram, Thrissur, and Kannur are given below

Thiruvananthapuram

1. All prisoners sentenced for imprisonment for whatever terms by the several criminal courts in the district of Thiruvananthapuram and all non bail prisoners sentenced to more than one month by the criminal courts in the districts of Kollam, Kottayam, and Alappuzha.
2. Civil prisoners committed to the prison by the civil courts in the districts of Thiruvananthapuram, Kottayam, Kollam, Alappuzha and Pathanamthitta.

3. Prisoners committed by the criminal courts in the district of Thiruvananthapuram, Kottayam, Kollam, and Alappuzha for detention in a civil prison.

4. All females under trials and remand prisoners in the district of Thiruvananthapuram.

**Kollam**

1. All non-habitual prisoners sentenced to imprisonment for periods of more than 3 months by the criminal courts in the districts of Thrissur, Palakkad, Malappuram, Kozhikode, and Kannur.

2. All prisoners sentenced for whatever terms by the criminal courts in the district of Kannur.

3. All civil prisoners committed to jail by the criminal courts in the district of Kannur.

**Thrissur**

1. Civil Prisoners committed to civil jail by the criminal court in Thrissur District
2. All habitual prisoners sentenced to imprisonment for more than one month by the several criminal courts in the state of Kerala.

3. All non-habitual prisoners sentenced to imprisonment for whatever term by the criminal courts in the towns of Thrissur and Wadakkancheri.

4. Civil prisoners committed to that jail by the civil courts in Thrissur District.

5. Prisoners committed by the criminal courts in Thrissur District for detention in a civil prison.

The central prisons also house:

1. Prisoners sent by transfer or under order of the Inspector general of prisons.

2. Prisoners convicted by a court martial and transferred by a competent authority.

3. Prisoners transferred under section 3 of the Transfer of Prisoners Act 1950


5. Such other prisoners by the general or special order of the government.

6. Criminal lunatics detained for observation.
The District Jail, Kozhikode confines

1. All prisoners convicted and sentenced to imprisonment for period ranging from one to six months by criminal courts in the district of Kozhikode.

2. All male habitual prisoners sentenced to more than one month and not exceeding six months by the criminal courts in the districts of Palakkad, Thrissur and Malappuram.

Prisoners are admitted to open prison on fulfillment of the following conditions:

1. Well behaved C class male prisoners sentenced to imprisonment for 3 years and above (preference being given to those sentenced for longer periods)
2. They might have undergone one year of the actual sentence.
3. The Inspector General of Prisons should be satisfied with the qualities of the prisoner.

No prisoner convicted and sentenced to imprisonment for any of the following offences will be selected for confinement in the open prison

1. Against the state.
2. Relating to the armed force.
3. Relating to counterfeiting of currency notes, coins, etc.
4. Against public tranquility.

5. Relating to rape.

6. Relating to unnatural offence.

7. Relating to burglary, dacoity, cheating, house breaking, etc

Inmates of Kerala Prisons: Sociological Characteristics

The aim of imprisonment is correction and rehabilitation. All Jail officers have to treat prisoners with good temper and strict impartiality. It is also the duty of the officers to maintain strict discipline and enforce rules and regulations. It is important that every complaint made by the prisoner should be heard with attention inorder that grievances may be redressed and that no cause for discontent may be allowed to remain.

Prison Administration in Kerala

The Director General of Prisons controls the jail administration. The prison staff consists of the Superintendent, Jailer, Deputy Jailer, Assistant Jailer, Chief Warder, Head Warder, Warder and Female warder. Female prisoners are under the control of female warders. The Jailer is chief executive officer of the jail and is immediately subordinate to the Superintendent of the prison. The Jailer is responsible for the observance of all prescribed rules and orders and for the supervision of the subordinate staff. It is the duty of the Jailer to maintain discipline among the prisoners and subordinates. The Jailer must also keep a Report Book in
which he has to record the details of the prisoners and any matter on which he may require order.

Organizational Chart of Prison Administration

- Additional Director General of Prisons
  - Inspector General of Prisons
    - Deputy Inspector General of Prisons
      - Jail Superintendent
        - Jailer
          - Deputy Jailer
            - Chief Warder
              - Head Warder
                - Female Warder
                  - Female Warder

- After an examination by the medical officer at the prison, the prisoner is assigned labour, which may be hard, medium or light, according to
his/her fitness for it, unless he/she is sentenced to simple imprisonment. A
prisoner sentenced to simple imprisonment can take up work in the prison for
which wages will be given

**Classification of Prisoners**

Convicted prisoners are divided into A class, B class, C Class
and Special class.

A prisoner who is an M.P or M.L.A is eligible for class A
treatments if he has not been convicted of any of the offences such as -

1. Offences involving elements of cruelty, moral degradation or personal
greed.

2. Serious violence.

3. Serious offences against women and children.

4. Serious offences against property.

5. Offences relating to the possession of explosives.

B class prisoners, who by social status, education or habit of
living have been accustomed to a superior mode of living will be eligible for
class B treatments
C class prisoners will consist of prisoners who are not classified in classes A and B.

Convict Special class – the government may under special circumstances and for practical reasons classify convicted prisoner as special class prisoner.

The High Court Judges, Sessions Judges, First Class Magistrate through the District Magistrate should make the initial recommendations for classification in class A or B to the Government. Prisoners recommended by courts for classification in class A or B shall be treated as belonging to the classes recommended till the orders of Government confirming or regretting the recommendations are received. A class prisoners are kept separated from B class and C class. Political detenues cannot be made to do any work; they are merely detained as under Defence regulations, not having been sentenced to any punishment by any court of law. Under trial prisoners also cannot be made to do any work.

**Welfare Facilities of Prisons**

Every Central Prison has a Welfare Officer. Lady welfare officers may be appointed for women prisoners. A Welfare Officer must serve as a
counsellor to prisoners for enabling them to adjust with prison environment and personal and family problems. Welfare Officer has to maintain case records of prisoners consisting of social history as well as information gathered from other sources including courts and Probation Departments. Welfare Officer has the key responsibility for facilitating the classification of prisoners, organising orientation and pre-release programmes and integrating the various aspects of jail services (educational and vocational) with a view to enable the individual to gain maximum benefit from his period of imprisonment. The Welfare Officer has special responsibility for organising recreational programmes also.

**Prison Labour**

Prison labour is of productive and useful type. Spinning, weaving, bookbinding, sewing, etc are done in prisons. Knitting, sewing, cleaning of grains are mainly assigned to women prisoners. It is the duty of the Jailer to assign work for the prisoner and to see that the prescribed tasks are performed as well.

**Diet of Prisoner**

Rice, vegetables, wheat and meat are allowed in the diet. Special diet is allowed for sick prisoners. Special meals are provided to A class and B class prisoners. The superintendent and the medical officer shall exercise
utmost vigilance in the supervision of food supplied and all items supplied for consumption are to be inspected daily. It is also the duty of the inspecting officer to see that the full ration is given. Quality is to be ensured and any defect in the quality is brought to the notice of the Superintendent. If the food is not of the quality and quantity a prisoner can complain the matter to the Head Warder. He receives the complaint and the matter will be reported to the Superintendent with his observation. Final decision comes from the Superintendent. The Deputy Jailor or Assistant Jailor weighs all items of food supplied for consumption daily. He/she shall be responsible for ensuring proper quantity of the food. The diet of individual prisoner may be modified on the recommendations of the medical officer. The morning meal will be given immediately after unlocking and mid-day meal will be given at 12:15 PM. Evening meal will be given on the completion of the days work. The prisoner will also be provided every morning a cup of black coffee or black tea (bed coffee). The prisoner will be given feasts on the following festival days every year: Vishu, Onam, Ramzan, Bakrid, Christmas, and Easter. Every prisoner will be provided with a plate and a glass for taking food.

Jail Routines

The jail wards are opened at the daybreak. The Jailer or Deputy Jailer shall be present at the opening of wards and cells every morning and shall
personally supervise the unlocking. As soon as the wards and the cells are unlocked, each prisoner has to take their bedding outside and dust off it well. The Superintendent and the Medical officer will occasionally examine the bedding to see if it is properly maintained. The wards and cells are thoroughly ventilated during the day and kept locked to prevent prisoners from re-entering into them. The prisoners are allowed their wash. After washing and latrine parade are completed the morning meal is served. Prisoners sentenced to rigorous imprisonment have to labour daily at some reasonably hard and useful work. For the food and clothing in prison, the government can retain four-fifth of his/her wages and the remaining one fifth is paid to the prisoner concerned in cash.

Prisoners are permitted to send a portion of their wages to their families. When the day’s work is completed and a bath taken the evening meal will be supplied and opportunity is given to visit the toilet. The prisoners shall then be locked up by 6 to 6:30 PM. Light for reading shall be allowed till 9:30 PM to the prisoners at the direction of the Superintendent.

A class prisoners are kept separate from class B and class C and are allowed to wear their own clothing and use their own bedding. But B and C
class prisoners are not permitted to wear their clothing and use their bedding. B class and C class prisoners are supposed to wear the jail uniforms.

Prisoners are allowed to read books or periodicals in the jail Library. Suitable books, magazines, and newspaper may be supplied. Newspapers and magazines may be censored by the Superintendent before they are delivered to prisoners. A class and B class prisoners are allowed to use mosquito nets at their cost.

**Letter and Visitors**

Prisoners will be allowed to write and receive two letters a fortnight, but on urgent occasions, the rules may be relaxed at the discretion of the Superintendent. Welfare officers will censor all letters. The family members can come and visit them once in a week. Prisoners can meet and talk to them only in the presence of welfare officers or jail staff. The duration of visit will last for a maximum of 30 minutes.

**Maintenance of Discipline**

It is the duty of the jailors to maintain discipline among prisoners and subordinates. For this purpose he/she must be always present at the jail. The jailer and deputy jailer are not supposed to be absent from the jail at the
same time during the day. Even the lunch break of these officers is to be so arranged that either the jailer or deputy jailer is present at the jail. It is also the duty of the jailor to execute all orders regarding the labour of prisoners and see that the prescribed tasks are performed. All the prisoners are to follow the code of conduct.

**Sending Prisoners on Parole**

Prisoners undergoing long-term sentence are sent on parole at the discretion of the Inspector General of Prisons to visit their families. Release on parole is a great consolation for many of the offenders. Under the Amendment Act of 1953 (original Act 1884) prisoners can pay periodic visit to their families, for seeing a sick relative or in the event of death of a close relative.

The release on parole is not only depends on the prisoner's good conduct, but also on the opinion of the police department. The relatives of the prisoners are required to give surety to government for good conduct of the prisoners while on parole. Many times prisoners could not avail of the concession of parole only because he/she is unable to arrange for the surety.
Rules Regulating Parole

1. A prisoner who is sentenced to imprisonment for a period exceeding one year, but not exceeding five years may be released on parole for a period of two weeks at a time for every two years of actual imprisonment undergone.

2. A prisoner who is sentenced to imprisonment for a period exceeding five years may be released on parole for a period of two weeks at a time for every two years of actual imprisonment undergone.

3. A prisoner sentenced to imprisonment for more than five years but not to imprisonment for life may be released on parole every year instead of every two years during the last five years to his unexpired period of sentence.

4. A prisoner sentenced to life imprisonment may be released on parole every year instead of every two years after he completes seven years of actual imprisonment.

5. Parole is not allowed to habitual offenders, convicts in rape case and convicts under Narcotics Drug Prevention Act.
The Release Of The Convict

When the sentence passed on the prisoner has been executed according to law he/she shall be released from custody at the jail gate in the case of men and at their residence in the case of women.

On the day of release the convict’s state of health and weight are recorded by the medical officer in the Convict Register. The convict shall then be produced before the superintendent, together with the warrant of release, the convict register, his history ticket, the release register, release diary, and his/her private clothing and other private properties, if any. It is the duty of the superintendent to compare the entries in the warrant with those in the register. He shall then sign the endorsement for release on the Warrant, certifying to the execution of the sentence and date of release, and shall affix his signature with date in the proper column of the convict register. The gratuity, batta subsistence allowance to which the prisoner is entitled will be paid to him/her in the presence of the superintendent. Before executing the actual release the medical officer has to certify the state of health. If the health condition is not satisfactory, he has to issue a certificate to that effect to the superintendent of the jail. Every prisoner will be given usual food before release. Ordinarily prisoners shall be released after the mid-day meals. Every C class prisoner will be provided with bus fare or railway ticket of the lowest class. A and B class
prisoners are provided with second class fair in railway and by road they may be permitted to travel in express buses. On the release of a convict the Warrant under which he was confined will be returned to the court from which it is issued.

Prisoners Sentenced to Death

When a prisoner is sentenced to death, every article of private belonging will be taken away from him/her, and he/she will be supplied with a suit of convict's clothing. Then the prisoner is removed to the condemned cell. It is the duty of the jailor to inspect the cell before the prisoner is put in it. When the prisoner is put in the condemned cell, a special guard of three warders will be deputed to watch him continuously both day and night. It is the duty of the guard to check others from communicating with the prisoner. The key of the cell door will be kept by a Head Warder. Every morning and evening it is the duty of the jailer to examine the prisoner carefully. Condemned prisoner will be provided with books at the expense of the Government. On the receipt of copy of the High Court judgment confirming the punishment, it should be communicated without any delay. The jail superintendent will inform the convict concerned that if he/she wishes to appeal to the Supreme Court he/she is free to do so. If he/she desire to submit a petition for mercy, it should be submitted within seven days. If no reply is
received within fifteen days, the superintendent will telegraph to the Secretary
to the Government drawing attention to the fact. It shall at once be forwarded to
the Government.

No prisoner will be allowed to attend or witness an execution. The gallow will be carefully examined before the execution. Every detail in connection with an execution will receive the personal attention of the superintendent and medical officer. When the sentence has been executed, the superintendent returns the Warrant to the court with an endorsement – certifying the manner in which the sentence has been carried out. The body remains hanging for one hour and then is examined by the medical officer. Medical Officer needs to certify the death of the executed prisoner. If the relatives or friends of the deceased are ready to receive the body, it will be handed over to them.

Prison Advisory Board:

There shall be a standing Advisory Board to investigate and report to the Government, the sentences of prisoners confirmed in each central prison and the open prison.

The Advisory Board consists of:

1. Inspector General of Prisons (Chairman)
2. The District Collector of the District in which the prison is situated.

3. The Local District and Sessions Judge

4. Three non-official members appointed by the Government, and

5. The Local District Superintendent of Police

The superintendent of the concerned prison will be secretary of the Board. The term of office of the non-official members will be fixed at 2 years. The board shall sit at least once in six months.

The statistics relating to the strength of prisoners confined in the various prisons in Kerala in 1998 are given in Appendix I to give an idea about the criminal behaviour of Kerala society.