CHAPTER – IV

REFORMATION AND REHABILITATION OF WOMEN PRISONERS.

4.1 PRISON REFORMS IN INDIA:

HISTORY

The Prison administration in India is a bequest of the British rule. It is based on the notion that, the best criminal code can be of a very little use to a community unless there is good machinery for the infliction of punishments. The prison Reforms in India was initiated in 1836 on the recommendations of Lord Macaulay. A Prison. Discipline Committee, was appointed, which submitted its report on 1838. The committee recommended for the award of rigorous punishment while rejecting all humanitarian needs and reforms for the prisoners. In 1864 the second Commission of Inquiry into Jail Management and Discipline was appointed. While recommending in the same liner with the 1836 Committee, the Commission made some specific suggestions regarding accommodation for Prisoners, improvement diets, clothing, bedding and medical care. In 1877 a conference of experts met to inquire into prison administration. The conference proposed the enactment-of a prison law and a draft bill was prepared. But no attempt was made at legislating the proposed draft bill. In 1888, the Fourth Jail Commission was appointed. On the basis of recommendation of the Jail Commission of 1888, a consolidated prison bill was prepared. Provisions regarding the Jail offences and punishment were specially examined by a conference of experts on Jail Management. In 1894
the draft bill becomes law by obtaining the assent of Governor General of India. It is the Prisons Act, 1894, on the basis of which the present Jail Management and administration is operating in India. Even after 100 years of its inception, and the archaic Prison Act 1894 has hardly undergone any substantial change. In the Indian Jail Committee Report 1919-20, for the first time in the history of prisons the 'reformation and rehabilitation' of offenders were identified as the objectives of prison administration. The Government of India Act-1935 effected the transfer of the subject jails from Centre List to the control of provincial government and hence further reduced the possibility of uniform implementation of a prison policy at the national level. In 1951, the government of India took a landmark initiative to invite Dr. Walter.C. Reckless the United Nations expert on correctional work, to undertake a study on prison administration and to suggest policy reforms. Dr. Reckless prepared a report namely, 'Jail Administration in India' Report. His report made a plea for transforming jails into reformation centers. Accordingly Government of India appointed the All India Jail Manual Committee in 1957 to prepare a model prison manual. The committee submitted its report in 1960. The committee prepared the Model Prison Manual (MPM) and presented it to the Govt. of India in 1960 for implementation. In 1980, the Government of India set-up a Committee on Jail Reform under the chairmanship of Justice A. N. Mulla. Basic objective of the Committee was to review the laws, rules and regulations keeping in view the overall objective of protecting the society and rehabilitation of the offenders. The Mulla Committee submitted the report in 1983. The Committee had suggested to remove the di-archy of prison administration at Union and State level
should be removed. The Committee specially recommended a total ban on the heinous practice of clubbing together juvenile offenders with the hardened criminals in prisons. Consequently, *a comprehensive legislation has been enacted for the security and protection care of delinquent juveniles*. The Committee also suggested segregation of mentally disturbed prisoners to mental asylums. Again in 1987, the Government of India appointed, Justice Krishna lyer Committee to undertake a study on the situation of women prisoners in India. It has recommended induction of more women in the police force in view of their special role in tackling women and child offenders. Lastly, in 2000. The Ministry of Home Affairs, Government of India appointed a Committee for the Formulation of a Model Prison Manual which would be a pragmatic prison manual, in order to improve the Indian prison management and administration according to the International Standard.

4.2 The Modern Prison Reform System in India

Humanization of Criminal Justice

In a number of judgments on various aspects of prison administration, the Supreme Court of India has evolved three broad principles:

1. A person in prison does not become a non-person.
2. A person in prison is entitled to all basic rights within the limitations of imprisonment. There is no justification in aggravating the suffering already inherent in the process of incarceration.
3. Prisoners are sent to prison, not for punishment, but as punishment.
The existing judicial and administrative trend in India on prison reform is based on the fundamental principles of the Indian Constitution and Judicial decisions by Supreme Court of India and different High Courts. Though, the Constitution does not provide any specific provisions regulating right of prisoners or prison reform but certain Fundamental Rights generally applicable and even recognized by the Court of Law for protecting prisoners right. These are like: Article, 14-Right to Equality, Article, 19-Right to Freedom of Speech, Article, 21 - Right to Life and Personal Liberty and Article, 22- Protection against Arrest and Detention. In a series of landmark judgments the apex courts have, while laying down the constitutional dimensions and rights available to prisoners and the approach to be adopted in dealing with various aspects of custodial justice and administration, invoked Article 21 to protect and shield prisoners from prison vices.

4.3 Reformative measures for Women Prisoners in Karnataka.

ACCOMMODATION:

Karnataka state has a total number of 102 prisons of various classification with an authorized capacity of 13100. Out of which 12088 for male prisoners and 1012 for female prisoners. There were 14 children below the age of 6 years along with their mother prisoners in the state. Proper accommodation with proper ventilation is provided to the inmates, sufficient space and with good lighting system. The barracks are of the capacity of 20 inmates with 3.71 sq. metres of ground area for each inmate, whereas in some of the prisons where the strength is more in the Bangalore, Mysore and Belgaum prisons the space provided is 2.25 sq
metres in an average. The barracks are 16 ft in height with big windows so that there is sufficient air, light and proper ventilation and also two meters width varanda is provided. As there is water problem everywhere, this problem was also noticed in all the prisons. Therefore the inmates were advised to take bath, wash their clothes, utensils etc when tap water was available within the specified time. Sufficient artificial light and fan facilities are also provided to all the inmates.

CLOTHING AND BEDDING:

Every prisoner is provided with proper clothing and bedding, utensils according to prescribed scale. They are also provided with soap, oil every week. It is very important to note that the women prisoners are also provided with the sanitary napkins whenever necessary. To keep their clothes and other necessary belongings, they are provided with the boxex instead of shelves.

EDUCATION AND LIBRARY:

According to Tappan, P. (1951) “The objective of prison education in its broadest sense should be the socialization of the inmates through varied impressional and expressional activities with emphasis on individual inmate’s needs. The objective of this programme shall be the return of these inmates to society with a desire to conduct themselves as good citizens and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labour”.
In order to achieve the above objective the prison education in prisons of Karnataka is framed to acquire

- Fundamental academic education designed to provide intellectual tools and training.
- Vocational education is designed to give training for an occupation.
- Health education designed to create awareness regarding personal and community hygiene.
- Cultural education for intellectual and aesthetic satisfaction.
- Social education for reformation, rehabilitation and resocialisation of the prisoner to adjust with the society after the release.

In different prisons of Karnataka it is observed that no restriction is imposed on prisoner for reading the books. The prisoners are allowed to use materials available for their recreation or for improvement of their skills and development of personality. They are permitted to pursue their studies through open universities. The classes are conducted inside the prisons to educate the illiterate prisoners. Prisoners have enrolled for various courses through IGNOU (Indira Gandhi National Open University) and get through in the respective courses. Fifty nine prisoners have enrolled for different higher education courses like B.A, M.A, Diploma in Journalism, Post Graduate Diploma in Business Administration. Bangalore University has started a novel programme to impart formal education to prisoners in distance mode. The Directorate of Distance Education and
correspondence courses of Bangalore University in association with prisons department has taken the responsibility of extending benefits of its different courses to 500 prisoners free of cost. The university started this scheme in October 2006. This scheme is implemented in Bangalore, Belgaum, Gulbarga, Bellary and Bijapur. According this programme prisoners are permitted to pursue their studies and enroll to different Graduation and Post Graduation Courses. They are provided with the daily newspapers, periodicals, magazines in all the regional languages along with TV/Radio and World Space Radio for their recreation and as well as to link their mind with outside society. Suvarna Akshara Andolana and Akshara Kalika Sibhira in coordination with District Literacy Committee 18 day’s literacy camps Adult Education Programme, English Teaching Camp, are all organized for the benefit of inmates at central prison.

The distribution of offenders by their educational background highlighted the fact that an overwhelming majority of women offenders were illiterate (57 percent) only a statistically insignificant fraction of the women offenders were educated above high school level. Suvarna Akshara Andolana: Akshara Kalika Sibhira: In coordination with District Literacy Committee 18 day’s literacy camps were organized at Central Prison, Bangalore, Gulbarga, and other prisons. Adult Education Programme. Adult Education Programme was organized at Central Prison, Mysore under Social Responsibility Scheme and free slates, Chalks and Books were distributed. Apart from this Spoken English classes have been organized for the benefit of inmates at Central Prison, Bangalore and Mysore and it is very interesting to note that 71 inmates have been trained in the first phase of
this course. In other central prisons i.e Belgaum, Dharwad, Bellary, Bijapur and Gulburga elementary education is provided to all the ill-literates. They have been made to understand the importance of basic education so that there is no resistance by the inmates for the same. Provision of books and news papers is made in all the central prisons.

**Diet:**

Nutritious food is served as per prescribed scale depending upon food habits of the prisoner. Varieties of breakfast items are given for breakfast everyday. The quantity of breakfast earlier was 180 grams now it is increased to 250 grams. Every inmate is provided with a stainless steel plate and a glass. The inmates would have their breakfast, lunch and dinner in the open space or in their barracks. The details of breakfast issued daily is as follows:-

- **Monday**- Uppittu
- **Tuesday**- Avalakki (Beaten Rice)
- **Wednesday**- Chitranna (Lemon Rice)
- **Thursday**- Vegetable Palav
- **Friday**- Uppittu
- **Saturday**- Avalakki
- **Sunday**- Puliyogare (Tamarind Rice)

Ragi balls or Jowar or Wheat chapattis and rice with sambar are given for the prisoners for mid-day and evening meals. In addition to the above items, buttermilk is also given for supper. Food is prepared by the prisoners in the prison.
kitchen under supervision. For the first time in the country, prisoner’s food is being outsourced. Prison Department partially entrusted the work of providing food through the Akshaya Patra Foundation- ISKCON Bangalore (Saviyoota). This is the outcome of MOU between Prisons Department and the Akshaya Patra Foundation, Bangalore. As per the MOU the foundation supplies the required quantity of Rice, Sambar and Butter milk for lunch and Rice and Sambar for evening meals to all prisoners at Central Prison, Bangalore as per the Scale mentioned in the Karnataka Prison Manual 1978. The Department feels that the launch of ‘Saviyoota’- literally meaning “tasty food” in Kannada will usher in an era of tastier, cleaner and mere nutritious food to prisoners. The prison authorities said that this facility will be extended to other remaining Central Prisons of Karnataka. Mutton without bones is given once in a week and for those who are vegetarian, basin laddu sweet is given. On medical advise special diet such as Milk, Eggs, Fruits and Bread etc. are also given. On festivals days special items at the rate of Rs.3/- per prisoner are also provided. Canteen Facilities are also available to the inmates in Central jails to buy articles like Postages, stationery materials, sweets, tooth pastes, fried gram dhal, puffed rice, etc.. Eatables are also made available along with tea and coffee. They are permitted to spend from their wages or private cash lodged with prison authorities. Every illiterate prisoner is being advised to undergo literacy through adult education programmes and literate prisoners are allowed to pursue higher studies. Details of living condition is given in Table 4.1
Table 4.1 Living conditions in the jail

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Facility</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Separate women ward</td>
<td>165</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Over crowded</td>
<td>138</td>
<td>27</td>
</tr>
<tr>
<td>3</td>
<td>Adequate Clothing facility</td>
<td>121</td>
<td>44</td>
</tr>
<tr>
<td>4</td>
<td>Adequate Light facility</td>
<td>142</td>
<td>23</td>
</tr>
<tr>
<td>5</td>
<td>Adequate Food</td>
<td>147</td>
<td>18</td>
</tr>
</tbody>
</table>

*Figures in the bracket indicate the percentage.

Table 4.1 gives the picture of the facilities provided to the respondents inside the prison. It clearly indicates there is a separate women's ward. 84% of the respondents accepted that it was overcrowded, 72% were of the opinion that they were receiving clothing facility, 86% and 89% respectively depicted that they received required light and sufficient food.

**MEDICAL CARE:**

Every prisoner on admission is subjected to detailed medical examination and is classified according to prevailing rules. Every prisoner is entitled to free healthcare special treatment, dental / eye care and sick prisoners are being treated regularly. The female prisoners have been provided with adequate and sufficient medical facilities and treatment with suitable medical diet to be served to the sick prisoners on the recommendation of the medical officer. The sick prisoners needing higher investigation, treatment and surgery are referred to higher medical centers for specialized treatment. Minilabs, Urinary Analysis kits, Ophthalmic Scopes, X-ray and ECG machines are set up for better medical treatment of sick
female prisoners. Ambulance vans are also being provided to the major jails to the take serious sick prisoners to the out side hospitals round the clock. Non Governmental organizations are doing yeoman service in augmenting the health services in prisons in recent years. Every prisoner is entitled to free healthcare special treatment, dental / eye care and sick prisoners are being treated regularly

**TRAINING:**

Training in Knitting, Tailoring, Embroidery, Basket making, Dress designing, Fabric Painting, Candle Making, Agarbatti manufacturing, bag making, bakery products making, leaf cup making, Midwife and Home Nursing Training etc., are given by the jail authorities in association with Non Governmental organizations. Sewing machines have been issued to jails under modernization of prison administration schemes. The women prisoners are usually trained in Agarbatti making which is very easy ,so that all the prisoners get a chance to earn wages.Apart from this the women are also trained in skilled work like tailoring, embroiery,soft toy making,imitation jewellery,candle making ,bouquet making from artificial frowers etc. Vocational training in different trades is one of the important reformative measures to rehabilitate the prisoners for their post prison life. They are allowed to participate in recreational activities, Yoga classes and indoor and outdoor sports. The Wage-earning scheme will facilitate prisoners to accumulate the sizable amount in their account during their stay in the prisons. This will help for their rehabilitation after their discharge from the prison.
LEGAL ASSISTANCE:

In coordination with the District Legal Service Authorities, Free Legal Aid Camps have been organized regularly in all the jails to create legal awareness among the prison inmates and also to assist them to defend their cases in the respective Courts. With a view to provide Legal Service to the prison inmates, a Legal Service Center has been started at Central Prison, Bangalore in association with Karnataka State Legal Service Authority, District Legal Service Authority, Bangalore Rural, Bangalore Advocates Association. Majority of the inmates were unaware of the free legal aid facility available to them. Many of the inmates are also unaware of their legal proceedings and are totally dependent on the prison staff for their future action. Prisoners are entitled to free legal assistance, appeal and petition, to the concerned courts and are allowed to delegate powers of attorney to settle property, land, civil suits, business etc., and execute their will.

COUNSELING:

Counseling is done by NGOs both individually and in groups, allowing prisoners to bring out their feeling of anger and hatred, enable them to accept the realities of their present situation in life, giving them hope and courage to face the challenges of future.

YOGA AND MEDIATAION

In order to transform the lives of Prisoners Yoga and Meditation classes are conducted regularly by some NGO's in all the Prisons.( Art of Living Yoga
Meditation, Bangalore, Vikthivikar Kendra India Jeeva Nagar, Bangalore are some of the NGO’s engaged in this task.

**RECREATION:**

Periodical meditation courses, cultural programmes, recreation through TV/Radio, etc., are some of the important reformative measures adopted by the Prison Department for improving the living conditions of prisoners. Every prisoner is allowed to observe the tenets of their religion, and attend religious functions and prayers. Prisoners are also trained in theatre art and also encouraged to stage dramas. World Space Radios have also been installed at Central Prison, Bangalore, Mysore, etc and it is proposed to extend the facilities to all the remaining jails. Karnataka is one of the pioneers to introduce production of UTPs through the Video Conferencing System presently installed at 7 Central prisons i.e. Central Prison Bangalore, Belgaum, Bellary, Bijapur, Mysore Gulbarga and Dharwad and respective Courts with the objective to dispense with the need of physically producing the under-trials in Courts for adjournments and/or extension of their judicial remand. This system speeds up the trials, avoids problems of non-production of undertrials, prevents escapes, and reduces the expenditures and overcrowding of undertrials in prisons. From the date of inception of the Video Conferencing facilities at the Central jails from April 2003 up to December 2008, 1,51,317 undertrial prisoners were produced before the Courts thus effecting savings of about Rs. 3,35,64,915.00 to the exchequer. Every prisoner is allowed to communicate with outside world through letters and periodical interviews with their legal advisors, family members and friends.
**Prison Panchayat system:** It is a system that offers principles of democracy in the prison among the prisoners. The Parole and Furlough are the incentives provided to the prisoners to meet kin and kith, and to rebuild conducive atmosphere for their post prison life.

Remission system rules made under Section 63(2) (e) of the Karnataka Prisons Act, 1963 to regularize the Shortening of sentence by the grant of remission.

As per the Government order No: HD 298 PRA 2008 dated 18.03.2011 wage rates of prisoners have been enhanced which are mentioned below:

- **Unskilled Prisoners** - Rs 70
- **Skilled Prisoner** - Rs 80
- **Highly skilled prisoner** - Rs 90

4.4 Rehabilitative Measures of Women Prisoners.

According to the All India Committee on Jail Reforms 1980-83 “The women offenders in India face peculiar problems of rehabilitation during their post release period. Indian social customs make women ex-offenders more vulnerable.

**Robert Green Ingersoll opines that.**

‘The prisons are full; the courts are crowded, the officers of the law are busy, and there seems to be no material decrease in crime. It is impossible to make the penalty horrible enough to lessen crime…The same faces appear again and
again at the bar. Let us remember that criminals are produced by conditions, and let us do what we can to change the conditions…’

It is over a hundred years since these words were spoken by the American political reformer, and the message is as relevant today as then.

The 3 ‘R’ Theory for Rehabilitation of Prisoners

**Release, Renewal and Rehabilitation** are the three main ingredients that equip a prisoner to lead a normal life.

**Release:** It is setting free physically and emotionally, It is an ongoing process, which includes creation of the following qualities in a prisoner.

- Hope in life – through listening to.
- Forgiveness – towards those responsible for their sad plight.
- Strong will power – to restore lost vigour.
- Self transformation – giving up wrong ways.

**Renewal:** It is to restore in/her to their original vigour in body, mind and soul through:

- Mental resetting – by motivating him/her to cultivate positive attitudes towards life using new articulations.
- Letter writing – to express forgiveness to enemies and seeking forgiveness of near and dear.
Visualizing good in others and self – through optimism and expression of good qualities.

Work therapy - to counteract destructive tendencies and build creativity.

Work therapy - to counteract destructive tendencies and build creativity.

Prayer to experience God’s caring love.

Living in the present – To face challenges and reality of life one should learn in living in the present.

Confidence in oneself – to begin life anew.

Message of nature – to mitigate strains and stresses of life.

Family conciling volunteers to stimulate forgiveness and acceptance of the prisoners by family members.

**Rehabilitation:** It’s re-training the prisoners for normal life, it includes-

- Improving job skill and finding employments.
- Re-integration into one’s family and building family ties.
- Contact with local police so as not to allow suspicion to further crime, harassment or re-booking.
- Follow-up in order to sustain the ex-convict in normal life

**4.5 Rehabilitative Schemes.**

Community participation in correctional activities can be divided into two forms:

(i) Community based treatment programmes for the inmates; and
(ii) Involvement of the community with institutional correctional work, after-
care and rehabilitation of inmates.

The objectives in both these forms of public participation are the same i.e.
to motivate and help the offender to re-habilitate himself in the society as a law
abiding citizen. The first kind of public participation, the community based
correctional programmes, have grown manifold with an emphasis on correctional
philosophy by transforming revenge and retribution to reformation and
rehabilitation.

It is encouraging to note that the rate of relapse in crime is very low in India
as compared to some developed countries. The extent of recidivism in India is not
more than 10%. Absence of recidivism shows that the nature of Impact of
treatment programmes running in prisons for the reformation and rehabilitation of
prisoners. A number of follow-up studies have also been conducted to ascertain the
state of rehabilitation of prisoners after their release. These indicate very
encouraging results. It has come out that prisoners are using the skills, they have
learnt during imprisonment, to earn their livelihood after their release from
prisons. It would not be out of place to mention here that the Prison Departments
are helping the released prisoners in terms of finances and technical know-how for
setting up their business. The prisons also follow-up the progress made by them in
this regard. The process of after-care and rehabilitation of offenders is an integral
part of institutional care and treatment. These two should never be de-linked. The
after-care of a prisoner is an extension of the institutional treatment programme;
and the administrative machinery for carrying out these programmes is effectively integrated with the department of prisons.

4.6 Leave and Special Leave System:

Leave and special leave to inmates are progressive measures in the correctional services. Release of a prisoner on leave not only saves from the evils of incarceration but also enables her to maintain social relations with family and the community. It also helps to maintain and develop a sense of self-confidence. Continued contacts with family and the community gives a hope for life. The provisions for grant of leave needs to be liberalized to help a prisoner maintain harmonious relationship with his family. The privilege of leave is normally allowed to the selected prisoners on the basis of well-defined norms of eligibility and those who show good conduct.

The objectives of releasing a prisoner on leave are:

i. To enable the inmate to maintain continuity with her family life and deal with family matters,

ii. To save her from the evil effects of continuous prison life,

iii. To enable her to maintain and develop his self-confidence,

iv. To enable her to develop constructive hope and active interest in life.

Leave is not a right but a concession which may be granted to convicts. This concession is subject to cancellation. The State Government/Inspector General
reserves the right to debar/withdraw any prisoner, or category of prisoners, from the concession of leave.

Table: 4.2 Details of premature release of women prisoners during the past three years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Prisoners released</th>
<th>Occasion</th>
<th>Date of Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>4</td>
<td>Republic day Celebration on 26-1-2004</td>
<td>26-1-2004</td>
</tr>
<tr>
<td>2005</td>
<td>6</td>
<td>Republic day Celebration</td>
<td>26.01.2005</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Independence Day Celebration</td>
<td>15.08.2005</td>
</tr>
<tr>
<td>2006</td>
<td>4</td>
<td>Republic day Celebration</td>
<td>26.01.2006</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>Independence Day Celebration</td>
<td>15-08-2006</td>
</tr>
<tr>
<td>TOTAL</td>
<td>30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3 female prisoners who have been released prematurely have got appointment as Anganwadi Workers and Assistants.

4.7 Role of Community / Public Sector Agencies and Families in Successful Rehabilitation of Women Prisoners.

Community service is an order of the court whereby the offender is offered the opportunity of compensating society for the wrong she has done by performing work for the benefit of the community, as an alternative to imprisonment especially to those who are involved in petty offences. The community service order scheme provides a method of dealing with offenders who would otherwise be sentenced to imprisonment. The order is punitive in that it imposes restrictions on freedom, but the principal objective is that of rehabilitation. Firstly, by
providing the offender an opportunity to make reparation to the community against which he has committed a crime, by working for its benefit secondly, it is hoped that working for the community and in particular with those members who need the assistance most such as old –aged people, handicapped etc., will have a positive effect on the future attitudes and conduct of the offenders.

4.8 ROLE OF NGOs

Voluntary organisations have special role to play for rehabilitation of released prisoners. The services of these agencies are being utilized in prisons for organizing literacy programmes, medical camps, programmes for moral and spiritual education, cultural and recreational activities, and vocational training etc.

Participation of N.G.Os in the rehabilitation programmes is extensively encouraged. Voluntary organisations, which wish to help the government in rehabilitation projects, are being given necessary financial and other help. The public is educated about the need for rehabilitation of ex-prisoners through print and audio-visual media. Continuous liaison is maintained with the agencies/individuals which are willing to give employment to the released prisoners. A number of after care programmes are being run by the government with the help of non-governmental organisations (NGOs) which are acting as a bridge between the prisoners and the community. These services are offered to the prisoners on their release. The Prison Departments are also providing tool kits of trades to released prisoners to achieve self-employment. Prison Welfare Officers
also help released prisoners in availing grant or loan under various development schemes.

The following measures are taken for rehabilitation of prisoners:

- Explaining to the police the background and problems of the individual and getting help and cooperation from the police in the process of resettlement.

- Communicating to the Panchayat/Community Development authorities about the background, problems and needs of the released person. Getting the cooperation and help of the Panchayat, Community Development Officer, National Extension Service Worker, and Gram Sevak, in the resettlement of a prisoner.

- Reference to a Social Service Organisation in the neighbouring area where the prisoner is likely to settle after release.

- Assistance in continuation of education and vocational training.

- Creating interest in education, motivating them in improvement of skills, healthy recreation, and constructive use of leisure.

- Encouraging in building good habits.

- Help in planning and balancing his budget.

- Encouraging economy and savings. Making them leave costly habits.
- Medical treatment on long-term basis for tuberculosis, venereal diseases, leprosy and cancer, in and outside the hospital.

- Posting the released person under the care of a person or family interested in his welfare and resettlement.

- Protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbours, co-residents or co-workers.

There is considerable scope for NGOs and voluntary agencies to work in the field of treatment, after care and rehabilitation of offenders. If the services of well organized NGOs could be obtained on regular basis, it would be desirable to assign a role for them as visualized by the Mulla Committee with regard to the following:

- Services of experts in education, medicine, psychiatry, law, social work, the media etc. could be utilized in the formulation of correctional policy by associating them with advisory committees at the national and state levels.

- Appointments of eminent citizens interested in correctional work as visitors to prisons. They could also be appointed as non-official members on sentence reviewing boards for district and central prisons.

- In conducting adult education and free legal aid programs.

- Running health camps
➢ Organizing recreational and cultural activities.
➢ Individual coaching to inmates pursuing higher studies.
➢ The NGOs should play a greater role in creating the right kind of awareness about the prison administration and the core problems of correctional sub-systems with a view to eliciting public co-operation.

There is increasing public awareness about to human rights and the need to adhere to humanitarian laws. Issues like custodial violence and deaths, unduly long detention of persons under special laws like TADA, COFEPOSA etc have drawn wide spread public attention as well as judicial notice.

Recently by NHRC cases of persons under detention under TADA have been reviewed by the various state Governments and their number bought down drastically. In specific cases courts of laws have given relief. The Supreme Court has upheld the validity of TADA but has given strict guidelines for the enforcement agencies to follow. Continued efforts to create public awareness particularly by social workers and NGOs would help immensely in ensuring that the law enforcement officials strictly follow the procedural aspects laid down by law and that they are accountable for the same.

It is nearly 20 years since the submission of the Report of the All India Committee on Jail Reforms (1980-1983) headed by Justice A.N.Mulla. Prison administration is a state subject and this often cited as the main reason for the Central government not being able to implement the recommendations of the Mulla Committee. This will also help in ensuring uniformity all over the country.
besides making it possible and feasible to have a single all India cadre of jail administration.

Jeevodaya is a centre in Bangalore started in 1997 concentrates on reformation and rehabilitation of the released women prisoners. The other NGO’s working for the welfare of the Women Prisoners in Karnataka are CSR J.K. Tyres (Mysore), Janodaya, Meed Academy and Reform of Oppressed Forum, MAROOF, Prison Ministry India, Sneha Jyothi (Sneha Jyothi Rehabilitation Centre), Society Care for Indigent (Socare-Ind).

4.9 Provisions relating to Reformation and Rehabilitation.

The Prisons Act – 1894

The Prisons Act, 1894, streamlines a general and uniform footing of prison administration throughout the country. It has provided for separation of prisoners on the basis of age, gender, stage of proceeding, nature of crime and punishment. The Inspector General (Prison) has made the supreme authority for the general administration, supervision and coordination of prisons in a state. Each prison generally headed by a Superintendent assisted by other subordinate staff. The medical officer has made responsible for overall health condition and care of prisoners. According to the provision the sick prisoners can report to Deputy Superintendent of Prison if there is a genuine problem of health service. The powers of prison executive staff to inflict punishment for prison offences are restricted to maintain discipline. Only the officers equal to the rank of Superintendent and above are empowered for prison punishment. While the Prison
Act, 1894 is based on the principles of deterrent theory of punishment but female and civil prisoners are excluded from punishment of handcuff, bar fetters or whipping. If an inmate commits willful disobedience, assault, use of criminal force, insult, treating immoral and indecent behavior, refuses to work, causes willful damage, tempering, false accusation and conspiring to escape than in order to control them the Act provides for punishments like: warning, labour (7 days), handcuff, fitter, confinement, penal diet, etc., subject to the examination and issue of certificate of fit by the medical officer in order to sustain the punishment. In case a prisoner committed a heinous crime, the Act provides for initiation of process by the District Magistrate upon the recommendation of the Prison Superintendent. Besides the above, the Act enumerates comprehensive plans on the issues like, prison administration, health care, clothing, bedding, sanitation, pre-release and employment of prisoners under different chapters. With the aforesaid mandates the Prisons Act since the date of inception i.e., 1st day of July - 1894 has been providing a comprehensive legal frame work for the management of Prisons in India.

**The Prisoner's Act 1900**

The Prisoner's Act 1900 consolidates the law relating to prisoners confined by the order of court. It authorizes the officer in-charge (OIC) of a prison to receive and detain a persons duly committed to his custody. After execution the OIC have to return the writ, order, or warrant etc., to the issuing authority Part. Ill of the act specifically deals with prisoners in presidency towns. For the implementation of this provision, a Superintendent of Police to be appointed by the
State Government. If any writ, warrant etc. issued by the High Court under criminal jurisdiction, it shall be executed by a police officer not below the rank of Superintendent of Police appointed for this purpose according and under the Act.

The Prisoners Act 1900 applicable to the detention of young offenders in the reformatory school. It gives authority to the OIC for execution of sentence, order and warrant of subordinate courts and tribunals. In case of doubt, the OIC shall refer the matter to State Government after detaining the convict or accused for the time being. Special provision has been made for lunatic prisoners, those to be kept in Lunatic asylum and could be discharged by the order of State Government.

The State Government and Inspector General (IG) of Police has power's to order for removal and discharge of prisoners those granted free pardon according to the recommendation of the High Court.

**The Prisoner's (Attendance in Courts Act, 1955)**

The Act provides rules and procedures for the attendance of prisoners in Courts for obtaining their evidence or for answering criminal charges. The Civil and Criminal Courts has power under the Act to require the appearance of prisoners to give evidence or answer any question. Such judicial orders shall be forwarded to the OIC of the prison by Judicial Officer not below the rank of District Judge as Judicial Magistrates - This jurisdiction is however limited within a State only. The OIC of prison shall take the concerned person to the court and cause him to be detained in custody near the court until the completion of court process. If a prisoner could not be brought before the court, the Magistrate has power to issue Commission for examination of prisoners inside the jail. On the
other hand, the State Government has power to exempt certain person from personal appearance before court after detention and to make rule in this regard.

**The Transfer of Prisoner's Act. 1950**

This Act provides mechanism for the inter-state transfer of prisoners. The government of the State with the consent of the other State, by order, can issue a process for the removal of prisoners from the prison of one State to another. The prison officers have to abide by the policy decisions of both governments.

**The Indian Prison Bill- 1996**

The proposed Indian Prisons Bill - 1996 is based on an outline prepared by the National Human Right Commission (NHRC) which has been circulated among State governments and Union Territories for their comments, suggestions and observations. The bill has emphasized an urgent need for bring the existing Indian prison system up to the tune of the modern criminology and penological thinking and to effectively cater to the changed and changing demands for the society in transition. According to the recommendation of the Mulla Committee a separate chapter about rights and duties of Prisoners has included in the proposed bill. These are namely; right to human dignity, right to access of law and speedy trial, duty to obey lawful orders and instructions, to abide by prison rules and regulation, to respect human dignity of fellow prisoners and staff, to refrain from making false and exaggerated allegation, to use government property with due care, to assist prison authorities in performance of their etc. The bill clearly specified that the
administration should deal with prisoners in conditions compatible with human dignity.

It called upon the State Governments to workout definite norms for accommodation of prisoners. For this purpose, it has suggested a comprehensive plan regarding residence, sanitation, health care and food. While recognizing every other aspects of prison management, the Bill specifically highlighted the need for an effective and adequate aftercare strategy and staff development mechanism in order to maintain a pragmatic prison management policy. The Bill also suggested for the establishment of an Advisory Board for the development of prisons and correctional services under the Chief Secretary of the State to advise the Government on relevant issues.

The Prison Administration and Treatment of Prisoners Bill 1998"

The basic objective of the bill is to introduce a progressive legislation on prison, in order to reform the prison administration in the country and to lay greater emphasis on the care and treatment of prisoners on the line with the current correctional humanism permitting penal sanctions. The Bill while recognizing the fact, that the Parliament has no power to make law for the states with respect to prisons and prisoners, it explained the utility of Article -249 and 252 of the Constitution in order to legislature Model Prison Laws at the national level and its applicability at the State level. The Bill has given a larger emphasis on the development of prison infrastructure with necessary amenities and to afford the inmates with minimum recruitment and rights of man and the establishment and
administration of prisons. The Bill recognized some new category of prisoners like: security risk prisoners, persons suffering from infectious diseases, mentally ill persons, drug addicted person, person involved in sociopolitical agitation, preventive detenue and person who had courted arrest on any political cause. On the issue of prison discipline and punishment, the proposed Bill strongly recommended the application of rule of natural justice, as a pre-condition at the time of punishing the inmates. The Bill gives due attention to issues like, after care, rehabilitation of prisoners, open institutions, prison facilities, visitors etc. Most importantly it suggested some amendments in Indian Penal Code and Criminal Procedure Code in connection to punishment and imprisonment under various Sections.

**The Prison management Bill-1998**

The Prison Management Bill 1998 aims at consolidating and amending the Indian laws in relation to prison. The proposed Bill while recognizing the right and duties of prisoners as of the Indian Prisons Bill-1996 also enumerates the duties of the prison staff. Accordingly, every officers of a prison shall all avoid all contact calculated to unduly irritate or among any prisoners, treat every prisoners with tact, good temper, humanity and strict impartiality, with all necessary kindness, and consideration to every prisoner, by maintaining strict discipline and enforce all laws, rules and regulations in order to discharge all the duties assigned to him. Specific guidelines are suggested to maintain integrity in the public office holders in the prison. The proposed bill has given special attention for the protection of under-trial prisoners. The State Government shall provide to every unconvicted
prisoners transport facility to carry them conveniently to the court of law and adequate strength of police force shall be deputed as to sufficient for his protection during the period when he is taken out of the prison for such purposes. It empowers the State Government to establish open institutions and to prescribe rules for the proper management of the same. Section-71, identifies the grounds constitute prison offences and section-72 prescribes the punishment provisions for the same. The Bill also suggested regulations for welfare of the women, adolescent and life convicted prisoners. An analysis of the three aforesaid forthcoming prison laws shows that, they could be very effective legal instruments in order to make our archaic prison laws up-to date as well as according to the; expectations of the international human right standard but, unfortunately even after years of drafting, the Bills never even introduced in Parliament for legislation. Therefore, it is the high time that the Central Government should immediately take action towards this direction without any further delay.

The Model Prison Manual - 1960:

Drafted by a Committee appointed in 1957 upon the recommendation of Dr. Reckless, W. which came into existence on 1960. This draft model prison manual becomes a model for different States and Union Territories of India for adopting their new prison manual. The administration of prisons is a State subject and hence, the MPM is not of mandatory in nature. However, most of the Indian States have fallen in the line with recommendations. The Model Prison Manual recognized the importance of the reasonable diversification of prison institution like, separate institution for delinquent children, adolescent offenders, habitual,
professional and organized criminals, women offenders, Leprosy unit, TB unit, under trial prisoners, Sub-jail and open institutions. It has suggested measures like education, work, technical and vocational training, cultural activities, leave and emergency release, sanitation and hygiene, diet, aftercare and rehabilitation. The MPM provides for physical, health, academic, social, vocational, moral and cultural education of an inmate and suggested a detail course curriculum for the same. In the other hand, it has strongly recommended that the prison work and training programme should be fundamentally integrated with safe and national economic policies and suggested for payment of appropriate wages to prison workers. Under chapter XXVI the Manual has highlighted that the cultural and recreational opportunities should be extended to inmates in accordance with their institutional behavior and response to institutional regimes. After care and rehabilitation under the MPM is aimed to help a released person to overcome his mental, social and economic difficulties. Part IV - A of the MPM classified the inmates on the basis of gender, age. Punishment, stage of criminal proceeding and nature of crime etc. It helps for a better prison administration and management.

**The UN Standard Minimum Rules - 1955.**

The UN standard Minimum Rules for the Treatment of Prisoners was adopted on 30th August 1955. It consists of five parts and ninety-five rules. Part one provides rules of general applications. It declares that there shall be no 'discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. At the same time there is a strong need of respecting the-religious belief and moral precepts of
the group to which ‘a prisoner belongs. The standard rules give due consideration
to the separation of the different categories of Prisoners. It says that the men and
women shall be detained in separate institutions. The under-trial prisoners shall be
kept in-separate from convicted prisoners. Furthermore, there must be complete
separation between the prisoners detained under civil law and criminal offences.
The UN standard Minimum Rule also made it mandatory to provide separate
residence for young and child prisoners than form the adult prisoners in the
Prisons. On the issue of prison offences and punishment, the standard minimum
rule provides clear rules. It states that, no prisoner shall be punished unless he or
she has been informed of the offences alleged against him and given a proper
opportunity of presenting his defence. . It has recommended that, the corporal
punishment, by placing in a dark cell and all cruel, in-human or degrading
punishment shall be completely prohibited as a mode punishment as disciplinary
action in the Jail. All such punishment including reduction in diet shall never be
inflicted unless the medical officer has examined the, prisoners and ’certified in
writing that the prisoner is fit to sustain it. The, UN Rule has given special
attention to under trial prisoners and rules have been provided for their special
treatment. It has recognized that un-convicted prisoners shall be presumed to be
innocent and shall be treated as such. A number of rights like: right to separate
detention, right to have own food and own clothing, right to have opportunity for
work, right to procure books, news papers and writing materials and other means
of occupation at his own expenses and right to get free legal aid, are recognized by
the UN Rules.
The basic principles and the purpose of punishment is not to torture a person but to reform him and ultimately making him a good citizen. To achieve this objective, Rule, 79-81 of the Standard Minimum Rule provides for social relations and after care provisions. It says that, from the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish relations with person outside the institution as may promote the belt interacts of his family and his own social rehabilitation.