CHAPTER IV

ORISSA PRISONS: STRUCTURE, FUNCTION & PROCESS
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In this Chapter our task is to make a thorough study of the administrative structure of jails functioning in the cities and towns of the State as also the power entrusted to the jail authorities of various categories in these jails. It is also important for us to know about the decision making process in the central, district, special and sub-jails in Orissa.

In order to understand a complex system like the jail, we are to study its administrative structure in the state in three major functionaries like: The Secretariat level, The Directorate level and the Field level.

A) The Secretariat Level:

In the secretariat level, the Home Department deals with important matters which includes among other things, the maintenance of law and order in the state, police and jail. This department also is responsible for the protection of individual liberty in the state. In the present ministry in Orissa, the Jail Department is functioning under the control of the Chief Minister.
Minister

The minister is to play a very important role since this is a key department in the secretariat level.

The Chief Minister, as the head of the department is the political head and is assisted by a number of civil servants. Being at the top of the administrative hierarchy, he is responsible for the efficient functioning of the jail department.

In his capacity, the minister initiates policies concerning his department and takes decisions on important policy matters. He is having a general control on the administrative, financial and executive matters of his department and is answerable to the representatives of the people in the floor of the Legislative Assembly.

Secondly, appointment of all the Gazetted Officers of the Jail Department and sanction of the creation of new posts in the department are made by him.

Thirdly, he is to refer all matters involving financial commitment to Finance Department and with its approval, the minister is to sanction expenditure concerning jail administration in Orissa.

The structure given below shows the administrative hierarchy of the Department in Chart I.
Next to the minister in charge of the jail department, the home secretary is the administrative head. He is to supervise the functioning of the jails in the state and is to furnish information to the political head, regarding the day to day affairs of the department. He must be vigilant and should keep an eye over the jail matters for efficient administration. Being at the top of the departmental hierarchy and is much acquainted with departmental matters, he is to advise his minister on policy matters and administrative activities.

The Home Department is a very busy department as matters like police, law and order, fire service, vigilance etc. come under its jurisdiction. Due to these multifarious functions, the secretary always does not get sufficient
time to give proper attention to all these matters. Hence there is a deputy secretary under him to discharge the sole duty of jail department who knows all facts and problems concerning jail administration in the state.

The Deputy Secretary thus, is really the working authority of the department. To assist him in his daily routine work, officers like the Under Secretary, assistant Secretary, Section Officer and Senior and Junior Assistants are appointed. The main functions of the Deputy Secretary are related to matters of establishment, amendments, releasing prisoners, budget, planning and all other matters concerning jail administration in the state.

B) Directorate Level

Here we are to discuss about the organisation pattern of Directorate hierarchy. The Inspector General of Prisons heads this Directorate. Below him a number of officers and staff work under his direct control. The organisation pattern of Directorate level can be learnt from Chart II.

**Chart - II**

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Inspector General of Prisons

Deputy Inspector General of Prisons

Assistant Inspector General of Prisons

Assistant Accounts Officer

Special Establishment Officer

Establishment Officer

Establishment Officer (Technical)
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Inspector General of Prisons

The Inspector General of Prisons is the head of the directorate. He is to carry out the policy framed by the Home Minister.

He works under the Secretary of the Home Department. Thus he is responsible to the State Home Ministry (so far as the jails are concerned), through the Home Secretary. The system of one man rule does not exist in the English Prison system, or in USA. Prison system.1

The post of Inspector general of Prisons was first created by the recommendation of the Indian Jails Committee (Lord Macaulay Committee) which submitted its report in 1838. It was in the North-Western province (present U.P), the first Inspector General or Prisons was appointed in 1844.

Due to the lack of confidence in the native people, European officers were appointed to this post during British period. During the Second World War, when there was shortage of European Officers, the Indian Officers from the Indian Medical Service were given a chance to function as Inspector General of Prisons.2

The State of Orissa was created on April 1st in the year 1936 by bringing all Oriya speaking people together. After that "The Director of Health was continuing as the ex-officio-Inspector General of Prisons, Dr

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Edward Galway, the U.N. Criminologist, who visited this State in 1952 opined that the 'State should have a separate prison department and should include different correctional activities. On the basis of his recommendation, the post of Inspector General of Prisons was separated from the Directorate of Health with effect from 1st July, 1954.\textsuperscript{3}

In the State of Maharashtra, however it is found that the general practice is to appoint Inspector General of Prisons from I.A.S. cadre. At times, the post of Inspector General of Prisons is also filled in by promotion from among the superintendents of central prisons.

In Orissa, the office of the Inspector General, Prisons was manned mainly by the officers of Medical Department from 1954 till 1983. But change was made in the year 1983 in the appointment of Inspector General, Prisons, when this office had gone to the persons from Indian Police Service.

The powers and functions entrusted to the Inspector General of Prisons in Orissa may be learnt from the Orissa Jail Manual which reads, "The general control of superintendence of Jails in the State are vested in the Inspector General and all magistrates and jail officers shall obey the orders issued by him in all matters relating to the internal economy, discipline and management of jails. Any infringement on the part of the magistrates or superintendents of jails of the rules or orders of the Inspector General shall be brought to the notice of the government by him".\textsuperscript{4}

Relating to his fiscal power, it further mentions that, "he shall exercise full control over all expenditures in jails, submitting annually to government through the controller, a budget of the accounts of funds necessary for their maintenance in such manner and at such time as may be required."

In the executive field 'Every superintendent, assistant jailor and sub-assistant jailor, compounder, clerk, and the subordinate staff employed in the manufacturing department of a jail are employed by the Inspector General and cannot be dismissed by any officer subordinate to him. Also he has the power to order for transfer of prisoners from any jail in Orissa to another jail within this State. He can remove prisoners to temporary quarters during the time of epidemic.'

In accordance with the Manual, he has the power of inspection of jails for jail discipline and shall write in visitor's minute book his opinion after inspection. If it is unsatisfactory the copy can be sent to the District Magistrates. Also the Inspector General is required to visit in every 6 months the persons confined under the Indian Lunacy Act. The Inspector General is very much responsible for jail manufactures and jail industries. He is to act as the medium of communication between the government and every officer of the department. Every communication from any other officer should go through him. He is also to supply information to the government for answering questions put to them in the Legislature.
Reckless, the U.N. expert, referring to the Inspector General of Prisons said, "The Inspector General of Prison's Office should have a positive orientation of leadership, help, service rather than a negative one of inspection, checking up and maintaining status quo. A Director of Prison Administration would be a lot better for Indian than as Inspector."

Vidya Bhusan further supplements, "The Inspector General is the head of the Department which deals with the present and future lives of thousands of his fellow citizens. He has many jails and several thousand prisoners in his charge and has to control the work of the superintendents, jailors, warders as well as the medical staff. He is to carry out modern reforms in his department and to attain this object he has to keep himself abreast of modern thought on the subject. It is necessary therefore, that he should be a man of high calibre, sound understanding, cool judgement and wide experience with special study of the subject. On him to a large extent will depend the success or failure of the prison administration in the State. It would be a wise policy, if to carry out these duties a person with at least 10 years service experience in the jail department and with original research work to his credit were appointed to the post."

In Orissa, the government appointed a Jail Reform Committee in the year 1952 under the chairmanship of Lal Mohan Patnaik. The Committee submitted its report in 1955 and it suggested among other things that the

Head of the Jail Department should be called the "Director General of Correctional Service" instead of the designation, Inspector General of Prisons. However, the designation has been changed since 27th November 1992 and is known as Inspector General of Prisons and Additional Director General of Correctional Services, Orissa.

The United States System

In the United States of America there is no separate authority corresponding to the Inspector General of Prisons or Prison Commissioners. In the State of America, the warden (Superintendent) is responsible directly to the Institutional Board of Trustees or State Prison Commission or Board of Control, or State Department, Ex-Officio Board of Administrative Board according to the form of organisation existing in the particular State. The members of these boards combine in themselves the functions of Minister for Jails and Inspector General of Prisons in India, and Home Secretary and Prison Commission in England. The members are appointed by the Governor. They determine the policies, appoint officials and manage institutional affairs.10

The System in England

The Prison Service in England is administered by the prison commission which is responsible to the Secretary of State for the Home Department and

is housed in the Home Office. It consists of Chairman and four Commissioners of Prisons who are also Directors of Convict Prisons, one of whom has for some years past been a medical man who has served in the prison as a medical officer. They visit the convict prisons frequently and the local prisons occasionally. Formerly, all the Commissioners had prison experience. But for sometimes now, it has been the practice to appoint first division clerks from the Home Office to two of these posts, leaving one to an Inspector of Prisons, and one to the Medical Officer.11

Deputy Inspector General of Prisons

To assist and help the Inspector General of Prisons, the posts of Deputy Inspector General of Prisons is/are created. The United Provinces Jail Enquiry Committee 1929, had recommended the appointment of Deputy Inspector General of Prisons to relieve the Inspector General of the duties of inspection of all second, third, fourth and fifth class district jails and to assist him in his work at headquarters.12

Previously in Orissa, only a single post of Deputy Inspector General of Prisons was there. But with the increase of work and duties, now two Deputy Inspector Generals are appointed to function under the Inspector General, Orissa.

Out of the two posts of Deputy Inspector General of Prisons, one post has been upgraded to the rank of Joint Inspector General of Prisons, Orissa in the year 1992-93. So far these senior supervising posts are being filled up by deputing officers belonging to Class-I cadre of Orissa Administrative Service.\textsuperscript{13}

Assistant Inspector General of Prisons

The post of Assistant Inspector General was created first as an Assistant Secretary to help in the work of Justice Harihar Mohapatra Committee appointed for bringing reform in the jail administration. He was to come from the Junior Class-I cadre of Orissa Administrative Service. Gradually, realising the requirement of such a post for the prison department, the government sanctioned the post in the year 1981.\textsuperscript{14}

He is to work just below the Deputy Inspector General of Prisons in the official hierarchy. He has the following functions to discharge, viz., to supervise the work of construction of building under the directorate if any, to look after the judicial matters and statistics, industries and training organisation of the directorate.

\textsuperscript{13} Review of Prison Administration in Orissa, Time-bound Programme for Improvement (Office of the Inspector General, Prisons, Orissa), 28th July 1993, pp.6-7.

\textsuperscript{14} A.K. Dalua, \textit{Kara Pradarshika} (Oriya), Magnum, Bhubaneswar, 1986, p.48.
Accounts Officer

In order to deal with the financial matters of the directorate, one accounts officer is employed. He is to come from the Class-II cadre of Orissa Finance Service. He is to finalise the annual budget and is in charge of the purchase and audit of the Directorate.

Special Officer

In the year 1972, a post of Administrative Officer was created under the planned reformatory activities and the post was to be filled up by a Class-II Officer of the Orissa Administrative Service. In accordance with the modified principle of the government, a correctional officer was appointed in this post from the year 1985 known as the Special Officer.15

Establishment Officer

In our state the personal assistant post (of the I.G., Prisons) has been redesignated as Establishment Officer from the year 1988.

Thus two establishment officers are appointed to help the Inspector General in his work. One from the two officers, is a technical and the other is a non-technical person. These officers are to function as liaison officers between the Headquarters and the field organisation. The technical officer of this group is to be a promotee from the post of the Stenographer whereas the non-technical officer is a ministerial promotee officer.

15. Ibid.
Audit Superintendent

From among the auditors, one Audit Superintendent is selected for the directorate.

Other official staff like section officers, senior and junior assistants, stenographers, typists, diarists, peons, drivers and watchmen are also employed under the directorate for its smooth functioning.

(C) Field Level

(i) Custodial

The field level organisation of the jail department begins with the superintendent at the top. Below him we find the Jailor and Assistant Jailor. The Sub-Assistant Jailors come next to the Assistant Jailor who are superior in authority to the chief Head Warder. Below the chief Head Warder the Head Warder works and is assisted by warders (male and female) in turn.

The hierarchical organisation of the field level personnel is exhibited in the chart III.
From the above diagram it is seen that the superintendent stands at the apex of the field level organisation and is responsible for the smooth functioning of jail administration. There is no central jail in Orissa and the Choudwar Jail is now functioning as the Central Jail. The superintendent of the circle as well as the district jails are the heads of the respective jails. Previously, except a few circle and district jails, most jails were under the supervision of the medical officer at the district level and the sub-divisional
level. Reckless commenting on this practice observes, "Untrained in modern method of penology and criminology, overworked in medical duties and elaborate form filling job, both in the Civil Hospital and in the Jail, distracted by inspection of distant dispensaries and private calls, post mortem examination and court attendance as a witness, this hard worked official had neither time nor the energy to improve the atmosphere in jail administration. In such a system, fair play, personal touch and constant supervision become impossible."16

The Superintendent must be free from details to take long view of the real problems instead of being hampered by routine work. The subordinate staff generally behave according to the nature of superintendent. The superintendent must see that his subordinate staff are not discontented or restless. One of the major duties of the superintendent is to develop the efficiency and loyalty of the staff.17

Duties of Superintendent

Section-II of the Government of India Prison Act-1984 has defined the general duties of the superintendent of jail. He is the head of the institution and subject to the orders of the Inspector General, manages the prison in all matters relating to discipline, labour, expenditure, punishment and control. The detailed rules regarding the carrying out of these duties are laid down

in the Orissa Jail Manual. The powers exercised by him may be discussed under the following heads; (a) Executive (b) Administrative (c) Financial, and (d) Miscellaneous.

Executive Powers

The superintendent as the head of the institution must be well acquainted with the rules, regulations and acts concerning jail administration. It is for him to see that all rules, regulations and acts are being obeyed. He is to see the perfect execution of sentence of the prisoners. The plans and programmes sent to him by the Inspector General of Prisons from time to time are to be executed by him.

Under this heading comes his power of appointment. With the approval of the Inspector General, Prisons, he is to appoint and promote various employees who are not appointed by the government. All officers and employees working under him are responsible for their work to him, and for any act of omission and commission on their part, the superintendent can initiate disciplinary action against them. He too, can impose punishments in accordance with the Orissa Jail Manual.

Administrative Powers

The Superintendent exercises full control over jail administration and is in charge of all matters of the jail such as its internal economy, discipline, labour, expenditure and punishment, etc.
The superintendent is to do his routine work in the jail everyday and maintains record of the daily events. If he feels anything to be important, may transmit it to the Inspector General of Prisons. In order to know about the difficulties and grievances of the prisoners he also visits the prisoners of his jail once in a week. After listening to the prisoners of their grievances, he tries to redress these. It is for him to ascertain whether the inmates of the jail are classified in accordance with the rules of the jail manual.

Today, emphasis is given on the correctional side of jail administration. So the superintendent makes the prisoners understand about remission rules, so that they can take the benefit of being released before the completion of their term in jails, if they will be well behaved.

As the head of the jail, he is to supervise the day to day work of his subordinate officials and "he apprises the Inspector General of Prisons of various developments such as outbreak of epidemic, disease, escapes, breach of jail discipline, attempts to escape, suicides and deaths."\(^\text{18}\) On the overall administration of jail, he gives an annual report to the Inspector General of Prisons.

Financial

He is responsible for the proper maintenance of the jail accounts and details concerning the expenditure incurred. Without his permission, no article for jail use can be purchased. If due to the negligence of the jail

\(^{18}\) Orissa Jail Manual, \textit{op.cit.}, p.25.
official, any article is lost or damaged, then he will refer the matter to the Inspector General, Prisons, and takes necessary action against any such official with the advice of the Inspector General.

Miscellaneous Functions

The Superintendent has to submit to the Inspector General, such periodical and other returns, statements, bills, vouchers as are required by the latter. He accompanies the Inspector General during his inspection of the jail and also official visitors if necessary.\textsuperscript{19}

Thus, Jail Superintendent is a responsible person who is to perform many types of duties.

Jailor

The Jailor is the working head of the jail, so to say. He is having a special place in the administrative affairs.

Next to the superintendent, the jailor is to control the whole subordinate jail staff under the order of the superintendent. He assists the superintendent in his work.

He is responsible for the strict carrying out of all the rules of the jail manual relating to the management of jail and prisoners. All the officers subordinate to the jailor are under his control and should obey his order.\textsuperscript{20}

\textsuperscript{19} A. Mohanty & N. Hazary, \textit{Indian Prison System}, Ashis, New Delhi, 1990, p.64.\textsuperscript{20} Orissa Jail Manual, \textit{op.cit.}, p.69.
The jailor has the authority to relieve his subordinates of their work for a maximum period of 6 hours, without waiting for the superintendent's approval, but will remain responsible for the work and responsibility of these staff for this period.

The jailor is to accompany the superintendent and other visitors to the jail and will show them different parts of the jail. Also, by opening a report book, he will note down all the happenings in the jail for the knowledge of the superintendent.21

Posting of warders, guards, distribution of labour to convicts, check of convicts during the hours of work, care of arms and ammunitions, prevention of escapes, and safe custody of prisoners, visits to gangs working outside, supervision of buildings, care and maintenance of gardens, checking of entries regarding admission and release, safe custody of jail records, warrant, scrutiny of indents for provisions and materials required for consumption in the jail, are some of the responsibilities enjoined by the jail manual on the jailor.22

The Office Jailor supervises the purchase of materials for the factory and the building departments, verifies all stores quarterly, checks remission, revision sheets, registers, accounts and records of the prison. As head accountant and treasurer, he has custody of the cash, prisoners' jewellery and valuables, maintains the cash book and prepares abstract bills. As head

22. Vidya Bhusan, op.cit., p.47.
store keeper, he weighs all provisions purchased and examines and weighs all goods sent from the factory to the store. In a district jail, the jailor combines the duties of the Deputy Superintendent and an Office Jailor of a central prison.\(^\text{23}\)

In Orissa, the number of jailors including jail superintendent of special sub-jails and sub-jails is 66 as mentioned in the Annual Administration Report for the year 1993.\(^\text{24}\)

The provision for their appointment is made mainly through promotion from the post of Assistant Jailors. It is to be noted that the post of the jailors are specially declared gazetted posts under the Government of Orissa. This is in accordance with the recommendation of the Indian Jails Committee, 1920. The Committee said, "It is difficult to exaggerate the responsibility attached to the post of jailor. As the Chief Executive Officer under the superintendent it has with him to supervise the working of all branches of jail. The safe-keeping, comfort, health and reformation of the prisoners in the jail largely depend upon the character and influence of the jailor. We would feel it necessary to recommend higher pay for jailors and we also recommend that in future all jailors should be gazetted officials."\(^\text{25}\)

\(^\text{23. Ibid.}\)
Assistant Jailor

The Assistant Jailor is the jailor's immediate subordinate. His duty is to take the former's place whenever he is absent. He shall perform the duties allotted to him under the general supervision of the jailor.26

The Government of Orissa has decided that 75 percent of the post of assistant jailor should be filled up by promotion from amongst the sub-assistant jailors. The minimum educational qualification for direct recruitment shall be Bachelor's Degree or its equivalent.27

Following are the duties of the Assistant Jailor:

a) The admission and search of newly received prisoners.
b) The custody of prisoner's private property.
c) The custody of the cloth store, the issue of jail clothing, bedding and maintenance of clothing report.
d) The examination, weighing and storing of all jail grains, rations of godown.
e) Supervision of husking and cleaning of grains.
f) The examination of cooked food and its distribution.
g) Maintenance of ration and store accounts.
h) Supervision, drilling of the warder guards, warders' uniform.
i) Keeping statistical registers, service books, security deposits accounts, pay list and acquittance.

27. A. Mohanty & N. Hazary, op.cit., p.66.
The newly recruited assistant jailors are to undergo a training at a jail training school. In Orissa, a training school has started since 1984 at Berhampur where the training facilities are provided for Assistant and Sub-Assistant Jailors.28

Sub-Assistant Jailor

Till 1st April 1967, there was no such post as Sub-Assistant Jailor in Orissa. Therefore, there is no mention about these employees in the Orissa Jail Manual. The Inspector General, Prisons, in his letter No.9 dated 25.07.83 mentioned the type of duties to be discharged both by the assistant and sub-assistant jailors.

According to the Annual Report of the Jail Department for the year 1993, there are 74 assistant jailors and 97 sub-assistant jailors in Orissa.29

The Sub-Assistant jailor is usually given the charge of stores, accounts, manufactures and raw materials. The duties of sub-assistant jailor are generally of clerical nature but they may also perform executive duties. In fact in the prisons of this country, there does not exist any hard and fast distinction between a clerk and an executive officer, for every executive officer performs certain clerical duties and every clerical officer performs in addition to his clerical duties, certain executive duties.30

28. Ibid.
Warder

For the purpose of appointment and control of warders, jails in Orissa are divided into four circles with a circle jail in each circle. The Superintendent of Circle Jail alone (subject to control of Inspector General) exercises the power to appoint, promote, degrade or dismiss any Head Warder of his circle and transfer them from his own jail to any other district jail of the circle.31

Warders are divided into the Reserve Warder Guards and Intramural Warder Guards. The duties of the Reserve Warder guards is of semi military nature. They are armed and they act as outside guards of the jail campus.

The intramural warder guards are assigned with the duties of watch and ward and to some extent supervision of labour.

Appointment to the post of head warder is made from amongst the warders on the basis of seniority. Appointment to the post of Chief Head Warder is made by the superintendent of the Central Prison concerned from among the head warders attached to the jails in his circle.32

The minimum qualification required for this post is matriculation. The Chief/Head Warder is subject to the general control of the jailor, entrusted with the supervision of all details of the internal administration of the jail.

32. Vidya Bhusan, op.cit., p.49.
The duties of the Chief Head Warder are to post the warders under the orders of the jailor to assist him at the unlocking, the mid-day count and the locking up and in the distribution of labour in the morning and at mid-day visits and count at uncertain hours all gangs working inside the jail, visit the main wall, cause all gratings, doors or other opening of enclosures and barracks secured and pay surprise visits to all out gangs.\textsuperscript{33}

According to the Orissa Jail Manual some of the important duties of the Head Warder are:

a) Superintend the warders subordinate to him in the discharge of their duties,

b) be responsible for the appearance and discipline of his warders,

c) exact strict compliance on the part of both warders and prisoners with all rules of the department and report every breach of them that comes within the knowledge of the superintendent and the jailor.

d) Assist the jailor in all routine duties,

e) open in the presence of the jailor the wards, cells, and other compartments and count the prisoners, \textsuperscript{225837}\textsuperscript{?}

f) distribute the prisoners who are liable to labour each morning to their respective work gang;

g) issue all necessary tools, important raw materials and other articles required for the day cook and to make a record for all articles so issued,

\textsuperscript{33} Ibid., p.50.
h) collection of all articles of the prisoners and of his prison labour after the prescribed period for work is completed,

i) measure a check the tasks performed by each prisoner and note the same in the task record,

j) superintend the latrine, bathing and feeding parades, and

k) to see that no dirt lies and the drains remain clean, etc.

In short, the duties of the Head Warder are to maintain cleanliness, order and discipline among the prisoners in his charge, count the prisoners from time to time and satisfy that all prisoners are present, search the prisoners, give information of any plot made by prisoners to escape or of any outbreak and to see that all bamboos, scantlings, poles, ladders, ropes, etc. likely to be used for escape are secure. A literate Head Warder is constantly on duty as the gate-keeper at the main gate of every jail day and night. The gate keepers maintain a gate book for recording the name and description of all persons passing into or out of jails, the time at which any money is sent out of the jail to the treasury, with description of the chalan, the time at which the bell is rung for the unlocking and locking up or for alarm.34

In Orissa, 15 Chief Head Warders, 191 Head Warders and 1081 Warders (male), 24 female Warders are working in various jails.35 The 1081 male

34. A. Mohanty & N. Hazary, *op. cit.*, p.68.
warders also include Leave Reserve Warders. The reserve warders guards do not take part in the daily routine of the jail.

They are entirely segregated from the prisoners inside the jail except when employed to escort the superintendent or a visitor on his rounds through the jail. The guard is in charge of a Chief Head Warder in Central Prisons and of a reserve head warder in district jails. Their main duty is to furnish all sentries at main gate and the walls day and night.\(^{36}\)

Medical Officer

Health care of the prisoners is one of the most important requirement in jail administration. So a medical officer is appointed in each jail for the sanitary administration of the jail.

His duty shall embrace every matter affecting the health of the prisoners and the general hygiene of the jail. The medical officer shall be under the general control of the Inspector General of Prisons.\(^{37}\)

Thus it is required that in each jail and subjail either a full time or a part time doctor is to be posted. At present, 17 Assistant Surgeons and 4 Psychiatrists are working in different jails and correctional institutions of Orissa.\(^{38}\)

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\(^{36}\) Vidya Bhusan, *op. cit.*, p.50.


Here it is to be mentioned that the previous system of posting medical officers as superintendents of district, subjail and special jail is now no more in vogue. From the year 1978, superintendents of the district jails are to come from the jail service and from the year 1986, superintendents of subjails and special jails are posted from the personnel of jail service.

In Orissa, in Bhanjanagar special subjail there is also hospital facility as this jail is exclusively meant for prisoners suffering from leprosy. In other subjails and taluk jails, the sub-divisional medical officer continues as medical officer.

The practice in vogue is that the medical officers to be posted in different jails are drawn from department of medical and health services and they only serve for a specific period.\textsuperscript{39}

They are of assistant surgeon rank. During the period of deputation they are directly under the Inspector General of Prisons, and as such the Inspector General, Prisons is to exercise direct control in respect of discipline, leave, transfer, etc. of the medical officers. However, the Inspector General of Prisons does not possess any punitive power in the nature of supervision, removal and dismissal over them. The only thing he can do to punish an indisciplined medical officer in any of the jail is to report this to the Director, Health who then may replace him by posting another medical officer and shall take necessary action against him. Yet the salary of the medical

\textsuperscript{39} P. Pramila, "Jail Administration in Andhra Pradesh", (unpublished Ph.D. Thesis), Kakatiya University, 1984, p.75.
officers of the jails are to be paid by the jail department. From among the jail staff compounders and male nursing orderlies are to be appointed to help the medical officer.

The medical officer is to perform many duties. "It is the duty of the medical officer to examine the prisoners within 24 hours of their entry into the jail and to certify whether they could be put with other prisoners or put separately on account of their health condition. This becomes necessary especially when the prisoners suffer from contagious disease like tuberculosis, leprosy and other such diseases."

According to Orissa Jail Manual the medical officer is to carry out the following important duties.

The full time medical officer is to examine all the diseased prisoners under treatment daily in the morning and will discuss about their health and treatment. The part time doctors are to visit the prisoners at least once in the week to know about their health problem and will take necessary steps for their treatment, if required. On the other hand, if any prisoner makes false show without any disease also the medical officer will bring it to the notice of the superintendent.

If in his opinion any prisoner needs a special treatment or examination by a specialist, he refers such cases to the city hospital nearby and instances

40. Ibid., p.76.
are not lacking of admitting a few prisoners in the civil hospitals for giving them a better treatment available to other people.\textsuperscript{41}

He shall inspect the kitchen, feeding parades, check the rations before and after cooking. He shall exercise general supervision over the supplies and the preparation of food and shall reject any article that he considers unfit for consumption.\textsuperscript{42}

He shall order for post mortem examination of the body of any prisoner, who would die an unnatural death. He shall record mortality in a jail and if it increases at least by 1 percent, he reports it to the Inspector General. He is to examine prisoners such as those who stay inside cells, lunatic inmates and prisoners convicted of death sentence everyday, and will report immediately to the superintendent, if anything wrong will be noticed by him.\textsuperscript{43}

If any type of infectious disease breaks out inside the jail, he will bring it to the notice of the Chief Medical Officer for early treatment of patients.

The Orissa Jail Reform Committee 1955 mentioned "In order that jails may function as correctional institutions, it is necessary that medical officers and medical subordinates attached to jail department should have special training in correctional methods. This can be done by deputing medical officers in batches to Tata Institute of Social Science for short course training

\textsuperscript{41} Ibid., p.76.
\textsuperscript{42} Orissa Jail Manual, pp.29-30.
\textsuperscript{43} A.K. Dalua, \textit{op.cit.}, p.93.
in correctional methods and such medical officers should be permanently retained in the jail department. According to the said committee, it is necessary to create a cadre of medical officer under the administrative control of Inspector General of Prisons, such as:

a) Medical Officer Grade I, and
b) Medical Officer Grade II.

Grade I medical officers will be in charge of medical works in first class district jails and Grade II medical officers will be in charge of medical works in second class district jails.44

This Committee also recommended for the appointment of a whole time psychiatrist to the jail department with his headquarters in the central jail, who will have to visit other jails and special institutions set apart for juvenile offenders when required. Accordingly now, in Orissa, appointment of psychiatrists are made in four major jails at Berhampur, Sambalpur, Choudwar and Baripada who are to look after the alleged lunatics in jails.

Convict Officer

According to Orissa Jail Manual, "There shall be two grades of convict officers, i.e., convict watchmen and convict overseer. Prisoners appointed as convict officers are public servants within the meaning of the Indian

44. Orissa Jail Reform Committee Report 1955 (Chairman, Lal Mohan Patnaik), Government of Orissa, p.53.
penal code. The maximum number of convict officers in a jail should in no way be increased beyond 10 percent of the daily average population of the jail. The convict officers are chosen from the rank of simple imprisonment prisoners.45

Again it is required that no convict officers shall on any pretext strike a prisoner except in self-defence or in defence of a jail-officer or in the repression of a disturbance.46

The system originated in the prison of Malay peninsula early in the nineteenth century, owing to short supply of paid warders. It was subsequently introduced in Bengal whence it spread to the rest of India.47

The Orissa Jail Manual prescribes certain qualifications for appointment to the post of convict officers in jails. The qualifications are as follows:

a) That he is not sentenced to less than six months if at a district jail.

b) He has completed one-fourth of his sentence exclusive of remission.

c) He has not been convicted for thugee, drugging or unnatural offence.

d) He is physically fit to perform the duties of the office.

e) He must be well-behaved.

f) If on remission system, he has earned or maintained three-fourths of the possible remission.

45. Orissa Jail Manual, op.cit., p.120.
46. Ibid., p.121.
47. R.N. Datir, op.cit., p.158.
These appointments are ordinarily reserved for prisoners who are under the remission system.\textsuperscript{48}

Some of the important duties of the convict watchman are the following.

1) To patrol the inside wards and maintain or assist in maintaining discipline and order at night.

2) To prevent prisoners leaving their berths except with permission and for necessary purpose.

3) To count the prisoners in his charge frequently.

4) To prevent as far as lies in his power any breach of jail rules by any prisoner.

5) To assist in quelling any disturbance and in case of necessity defend any official.

6) To report cases of sickness, and

7) To perform such duties as may be allotted to him during the day and render all proper assistance to the warder or convict overseer in charge of his gang.\textsuperscript{49}

A convict watchman may be promoted by the superintendent to be a convict overseer according to rules prescribed in the jail manual. Important duties allotted to a convict overseer are:

\textsuperscript{48} Orissa Jail Manual, \textit{op.cit.}, p.122.

\textsuperscript{49} \textit{Ibid.}, p.123.
1) To obey the superintendent, jailor or any jail official or officer of the public orders department under whom they may be placed.

2) To assist the warders of the gang.

3) To take charge of a gang or a part of it.

4) To keep the history ticket of the prisoners of their gang.

5) To count frequently the prisoners made over to them and to prevent them from possessing prohibitory articles.

6) To give notice of any breach of jail-rules, plots and conspiracies.

7) To defend any of the jail official in case of assault.\(^{50}\)

Relating to system of convict officer in jail, opinions vary from person to person. While some authors praise this system like anything, others condemn it.

Those who condemn the system consider it contrary to the accepted principles of penology to place one prisoner while still undergoing punishment, in a position of authority over his fellow prisoners. The convict officer however, apparently well-behaved, is a criminal whose actions have proved that he requires reformation. "Is it likely", they ask. "that such a man is going to exercise a good influence around him."\(^{51}\)

\(^{50}\) Ibid., p.123.

\(^{51}\) Indian Jail Committee Report 1920, *op.cit.*, p.68.
On the other hand, Vidya Bhusan opines, "the system we think, is a valuable one if it can be put to right use. Besides being an administrative necessity, from the view point of economy, it exercises a wholesome influence upon the inmates. In a prison, the number of convict officers is usually three times that of the paid warders. If those convict officers are replaced by paid class of warders, the state would have to incur an additional large expenditure."

The Indian Jail Committee 1920, did not arrive at any final conclusion in the matter as they were not in agreement as to which opinion between the two apposing views should prevail.

The Orissa Jail Reforms Committee 1955 in its report recommended that well-behaved prisoners may be appointed as convict warders for guarding inside the jail.

On the other hand, the All India Committee on Jail Reform (1980-83) under the chairmanship of A.N. Mullah, has recommended for the abolition of this system and should be substituted by paid warders in phased manner.

(II) Correctional

In a welfare state like India, it is the look out of the state to see the welfare of all individuals indiscriminably. Thus the role of correctional staff

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52. Vidya Bhusan, op.cit., p.64.
is very important in connection with the prisoners in jail as social defence scheme is very seriously been undertaken by the government. In Orissa, the social defence scheme consists of three types of services, viz., (1) probation service, (2) prison welfare service and (3) aftercare service.

The probation service is mainly concerned with the task of reformation of first hand offenders in particular and all offenders in general by way of good counsel and guidance.

The prison welfare officer, on the other hand looks to the comforts of the prisoners during his incarceration and tries to solve his problems by listening to his grievances and difficulties.

Another important task done by the correctional staff is the service rendered by the officers of the aftercare service which aims at both reformation and rehabilitation of released prisoners.

According to the Annual Administrative Report of the year 1993, there are 63 correctional officials in all in Orissa which are as follows:\footnote{Annual Administration Report for the year 1993, Inspector General of Prisons, Orissa, p.6.}

1. Regional Probation Officer 3
2. District Probation Officers 14
   (One attached to Jail Training School)
3. Officer in charge of Central Home for men 1
4. Probation Hostel Superintendent 1

\footnote{Annual Administration Report for the year 1993, Inspector General of Prisons, Orissa, p.6.}
Among the three varieties of correctional services, the welfare service is the only one which is connected with prison administration. So we are to discuss about the role played by the Welfare Officer.

Prison Welfare Officer

With the introduction of social defence scheme, the role of welfare officer in jail administration gained much significance in a welfare and developing country like India.

The scheme has come into existence in the year 1972 in accordance with the recommendation made by the working group, \(^{56}\) obviously with a view to better the lot of the inmates in different jails. The prison welfare officer is a friend, philosopher and guide to the prisoners during their stay inside the prison. In Orissa, the circle, district and special jails are having 15 male and 5 female prison welfare officers in all.\(^{57}\)

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56. P. Pramila, "Jail Administration in Andhra Pradesh, \textit{op.cit.}, p.78.
The prison welfare officer is to discharge the following duties:

a) The most important thing the prison welfare officer is to meet any convict prisoner as soon as he enters the jail and will prepare his case history. By observation of the behaviour of the prisoner, he will take steps for his reformation.

b) If the convict prisoner wants to go out on bail or to appeal in the high court, the welfare officer will arrange for such things. Also he will forward letter of the prisoner to the Legal Aid Committee.

c) It is the duty of the prison welfare officer to arrange for the regular interaction of the prisoner with his relatives and family members through letters and visits by them, so that after release he can lead a healthy life adjusting himself with the outside world. Secondly, he shall try, as far as possible to settle any family or property problems of the prisoners.

d) He is the liaison officer between the administration and the prisoners. Peace and tranquillity in the jail depend to a great extent on his initiation, drive, tactics and the way in which he establishes rapport among all the prisoners.

e) He stands by the prisoners on all courts, specially in submission of appeals for premature release and in getting other concessions like

59. Ibid., pp.97-98.
60. P. Pramila, op.cit., p.81.
parole, furlough and appraising them of various remission available to
them for cutting short the period of imprisonment.\textsuperscript{61}

f) He may try for developing moral and religious mentality (attitude) in
the inmates and is to arrange for the recreation of the inmates such
things as games, sports, folk dance, drama, radio, TV and also at times
educative films through the Public Relations Department of the
Government.

g) The case of the undertrial prisoners who are to get the probation
facilities legally should be recommended by the welfare officer to the
probation officer.

h) Finally, the welfare officer is to undertake welfare activities at any time
for the inmates without hesitation. So if any problematic matters
comes to his knowledge, which the jail superintendent would not have
noticed he must bring it to his notice immediately.\textsuperscript{62}

The Process

After discussing about the organisation of prison in detail, we should
now look into the defects and problems of this organisation.

A serious defect in the organisation of jail department is the absence
of any staff agencies. The prime function of the minister for jails is to frame

\textsuperscript{61} A. Mohanty & N. Hazary, \textit{op.cit.}, p.74.

\textsuperscript{62} A.K. Dalua, \textit{op.cit.}, p.99.
policies and that of the Inspector General to decide the manner in which such policies shall be given effect to. Neither of them has the technical advice of officers having special competence in respect of matters dealt with.63

Another important problem, the jail department faces in Orissa is the inadequacy of staff both in custodial and correctional services. No increase of strength of custodial staff is done for many years. Thus big jails like (a) Choudwar (b) Berhampur (c) Baripada, and (d) Sambalpur etc. have only 1 superintendent and 1 jailor each. However, big jails like these in other states, have at least 3 jailors in comparison. Thus officials in jails in our state hardly get opportunity to look after individual prisoner properly.64

Also in the correctional wing of the prison administration, the same problem is found. It is necessary that for every 200 inmates in a prison, a welfare officer should be posted. But even in big jails like Choudwar or Berhampur in our State only 1 prison welfare officer is posted which requires the service of at least 3 prison welfare officers.65

Another problem is that at least 70 percent of the prison staff are untrained in Orissa. No basic training is imparted to them for prison service. Thus without proper training in this field which is essential both for physical fitness and modern outlook, they possess unprofessional outlook.

64. Interview with the former Inspector General; Prisons, Orissa on 1st July 1994.
Secondly, staff like warders have less training and that too, only after 14 years of service, they are sent for it when they neither have incentive nor interest for it.  

In the headquarters also no sufficient staff is given. Though the Jail Reform Committee 1981 headed by Harihar Mohapatra recommended for 2 Additional Inspector General and Assistant Inspector General posts to be created, no additional Inspector General post is created as yet, and there is no supervising officer. Thus in the Divisional level (Range Level), proper supervision and control could not be possible by the lone official in charge. The committee also proposed for 3 Deputy Inspector General posts, which has not yet been considered by the Government.  

In Orissa, a very important need is the establishment of a Prison Research Bureau for the task of research in this field by interested persons. 

The importance of research and the need of statistics, about the various problems of prison administration cannot be minimised in the task of social rehabilitation of prisoners. The data available at present is very scanty. The Bureau will fulfil this need and maintain up to date correct and full information about the working of prison and supply it to social workers interested in the task of social regeneration. The All India Jail Manual Committee has in its report recommended the setting up of State Advisory Board with a Research and Planning unit in each State.

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66. Ibid.  
67. Ibid.  
68. Vidya Bhusan, op.cit., p.61.
It is high time that in Orissa, prison or jail service should be developed as an independent cadre. The Inspector General, Prisons should be the senior most man of the cadre below whom the Deputy Inspector General and Assistant Inspector General are to work from the same cadre. Previously the Inspector General, Prisons belonged to the medical service and now to the Indian Police Service. The Deputy Inspector General are now recruited from the officials of the Orissa Administrative Service.

It is desirable that this state should have a department of prisons and correctional services dealing with adult and young offenders, their institutional care, treatment, after care and probation.69

There are certain requirements which must be fulfilled. In the medical aid front, specialists in circle and special jails should be appointed and male nursing assistants should be appointed in the jail hospitals.

Correctional service must be given priority over custodial service for the betterment of inmates.

Finally, an All India Service, namely the Indian Prison and Correctional Service should be constituted to induct better qualified people. The government both at the centre and the states should provide adequate funds for development of prisons.70