CHAPTER V

CLASSIFICATION AND SEPARATION
OF PRISONERS IN ORISSA
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The term classification in European writing implies primary grouping of various classes of offenders in specialised institutions on the basis of age, sex, recidivism, mental status, etc. and the subsequent sub-grouping of different classes of offenders within each of such institution.¹

The Indian Scenario

Before discussing the classification of prisoners in the State of Orissa, it is essential to know about it in India. The Indian Jails Committee of 1864 recommended classification of prisoners founded on the nature of offences.² The four classes recommended were:

a) crimes against persons;

b) crimes against state;

c) crimes against religion, marriages, and

d) crimes against property.


The earlier notion of classification of prisoners according to caste-wise crimes was thus replaced by classification according to the nature of offences irrespective of caste and religion.³

The object of classification, as recommended by the Committee of 1864 was "To prevent the contamination by depraved prisoners of prisoners not so depraved, and to attempt to ensure that a prisoner shall go out of prison, if unreformed at least not worse than he went in."⁴

In India, the question of classification of prisoners was first prominently brought forward by the Jail Conference of 1877. The Conference did not agree as to the definition of 'habitual' but was unanimously in favour of separating from other prisoners the worst class of offenders. The Government of India took up the subject in January 1884. When reviewing the prison statistics for the year 1882, it issued orders defining a habitual offender and determining the authority by which habituals were to be classified.⁵ According to the definition, a man might be classed as habitual either because he was previously convicted of an offence under chapter XII or XVII of the Indian Penal Code or because "he is believed to depend on crime as a means of livelihood or to have attained such eminence in crime as to warrant his being classed as habitual."⁶

3. Ibid.
4. Ibid., pp.177-178.
6. Ibid., pp.74-76.
However, the said definition was revised in the year 1910 by the Indian Government which made a previous conviction under the said chapters as essential condition for being classed as habitual. In the year 1920, some improvement was made over the definition and "The Committee considered the larger question whether in classifying a prisoner as a habitual, a previous convictions should be essential ingredients or whether such classification may be based on the general character of the accused as disclosed at the trial." The Committee thus revised the definition to mean that habitual criminals need not be necessarily professional criminals. But it must be proved by previous conviction taken in conjunction with the latest offence, to be given to the habitual commission of crime.

No action was taken on the recommendation of this Committee and so the classification continued to be made on the basis of the definition revised in 1910, i.e., whether it is a first or a second subsequent offence or offences.

A casual prisoner is "one who is first offender and who lapses into crime not because he has a criminal mentality but on account of his surroundings, physical disability or mental deficiency."

8. Ibid., p.68.
Those 'casual prisoners' whose previous character was good, whose antecedents are not criminals and whose crime does not indicate grave cruelty, gross moral turpitude or depravity of mind are classified into 'star' sub-category. The remaining casual prisoners are placed in the 'General' sub-category.¹⁰

In India, the system of classifying prisoners is very old and unscientific. However, prisoners here are broadly classified on the basis of:

a) Sex: into men and women;

b) Age: into children young offenders, adults and old;

c) The law under which confined into civil prisoners, criminal prisoners, detenus prisoners under court martial, non-criminal lunatics, inmates under protective custody and inmates confined under preventive sections of the code of criminal procedure; (Section 107, 109 and 110);

d) State of investigation and trial: into remand prisoners and undertrial prisoners;

e) Nature of sentence: into prisoners sentenced to simple imprisonments, prisoners sentenced to rigorous imprisonment, prisoners sentenced to short, medium or long term of imprisonment, prisoners sentenced to life imprisonment and prisoners sentenced to death;

f) Criminal antecedents: into casual and habitual prisoners;

¹⁰. Vidya Bhusan, op.cit., p.68.
g) Disease or infirmity: into criminal lunatics, lepers, TB patients and the like;

h) Socio-economic status: into A, B, C or I, II, III, Classes.\textsuperscript{11}

**Orissan Scenario**

The prison is like a government managed hotel. Everyone living inside it is given equal treatment irrespective of caste, religion, colour of body and status. For administrative convenience these jail inmates may be classified on the following manner in accordance with Orissa Jail Manual.

**On the basis of age:**

a) Child Prisoners

Since Children Act of Orissa, 1982, is not yet implemented strictly, so it is not possible to admit them in the institution outside the jail. These child prisoners are kept away from other inmates in special cells of the sub-jail or jails in Orissa. Boys below 16 years and girls below 18 years are coming within the purview of law. If, they are punished with more than one month of imprisonment and if their release time is not near, then they are transferred to the juvenile jail, Angul.\textsuperscript{12}


b) Juvenile Prisoners

The jail inmates ranging between 18 to 21 years of age are known as juvenile prisoners. Under Section 27 of Act-IX of 1864, male prisoners under the age of 18 years shall be kept altogether separate from other prisoners. Those who have not arrived at puberty shall be kept separate. This applies both to the convicted prisoners and prisoners under trial. So far as female juveniles are concerned, they are to be kept in female wards.

In Orissa, there is a juvenile jail at Angul. Also, short timers are kept in other jails of Orissa.

According to the Jail Reforms Committee under the Chairmanship of Lal Mohan Patnaik, the trial of juvenile should take place in a Childrens' Court presided over by a Magistrate with special training in social science and child psychology. "The Prosecuting Officer should place before the court a report dealing with the antecedents that led to the commission of offence. The Committee also recommended that legal provision should be made in the lines of Bombay Children Act to deal with juveniles and vagrants. Juvenile offenders on conviction should never be sent to a prison but to be admitted to an institution which should be more of the pattern of a residential school than a prison for training. The institution should have separate enclosure for the children of the following age-

groups; (a) 7 to 12, (b) 12 to 18, (c) 18 to 21. Their training programme should be chalked out in consultation with the psychiatrist.\textsuperscript{14}

The Juvenile Justice Act was passed on 01.12.1986 and it was implemented on 02.10.1987 all over India except Jammu & Kashmir. The object of the Act is to provide extraordinary procedure for enquiring offences alleged to be committed by child/juvenile and punishment thereof.

The All India Committee on Jail Reforms has recommended that juvenile probation is virtually non-existent in India. Releasing children on probation and treating them in the community under supervision through the probation organisation will be the practical solution to many problems of children welfare. Another practical alternative would be to give benefit or non-institutional services to children. In every district there should be a separate wing in the police organisation to be named as Juvenile Aid Bureau. There should be a statutory ban on convicting children below the age of 16/18 years to prisons either as undertrial or convicted persons.\textsuperscript{15}

A Committee, consisting of the following should be set up at each district headquarters.

a) District Judge - Chairman;

b) District Magistrate;

\textsuperscript{14} Orissa Jail Reform Committee Report (Chairman - Lai Mohan Patnaik), 1955, p.47.

\textsuperscript{15} Report of All India Committee on Jail Reforms, 1983, (Chairman- A.N. Mulla), Vol.3, Government of India Press, Minto Road, New Delhi, pp.198-201.
c) Superintendent of Police;
d) District Probationer Officer;
e) District Prosecutor;
f) Superintendent of the prison in the district;
g) District Child-Welfare Officer - Member/Secretary.\textsuperscript{16}

It further suggested for the creation of a system of diversified Kishore-Yuva Sadans by converting the present Borstal Schools and Juvenile Jails.

On the basis of sex, prisoners may be either male or female.

Women Prisoners:

Considering the premise that society's authentic social and moral content is reflected in its treatment of the distressed, the condition of women prisoners in India is a fairly accurate index to the position of women in Indian society. Relegated in general to the status of second-class citizens in freedom, women inevitably bear the brunt of the harshness of society, that is, authority, when detained or convicted.\textsuperscript{17}

From the above saying it may be said that female-prisoners are not treated in a better way. However, they are kept away from male prisoners and undertrial female prisoners are segregated from female convicts.

\textsuperscript{16} Ibid.
\textsuperscript{17} Kum Kum Chadha, \textit{The Indian Jail}, Vikas, Delhi, p.73.
Women prisoners in Orissa, during their undertrial stage remain in different district and sub-jail and after their conviction, they are sent to Berhampur Central Jail. They are also classified as juvenile, adolescents and adults. They are ordinarily employed in spinning yarn (charkha) or in the preparation of articles of food, such as panding, husking or shifting grains or the like. They are also provided instructions in needle work and other domestic duties or handicrafts as may be useful to them after their release.\(^{18}\)

Reckless remarks that "although women prisoners in Indian Jails are segregated from men prisoners, a man's jail is no place for women offenders."\(^{19}\)

Reckless asks if there can be quick handling of women cases by police and courts by amending the Central Act. He further asks if a truly women's institution run by women for women offenders, separate from the men's Central Jail, can be developed in a few states and the long term cases, such as murdering the husband, infanticide, habitual theft be sent there by transfer as a per diem arrangement as between states as prisoner's Act now allows. India should by all means do better for its women offenders. Moreover, he asks, why cannot the Central government assist four or so large states of India to build and staff women reformatories or industrial homes?\(^{20}\)

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However, Kum Kum Chadha has commented that women in Indian jails live under pathetic conditions. Most of them are uneducated; they are not aware of their legal or 'prison rights'. They are there at the mercy of the staff who 'lead' or mislead them at their will. They do not know what legal aid is all about. They continue to be in jail for periods longer than they are supposed to be. They are unaware of the rules of remission, parole or premature release. Their existence is punctuated by "atrocities by sadistic staff", denial of their "rightful maintenance" and "physical punishment" if they complain to senior officers in the jail administration.21

The Mulla Committee on Jail Reforms in India submitting its report in the year 1983 recommended for the establishment of 'separate institutions/annexes for women prisoners having double lock system - one lock inside another lock outside. The keys of outside lock will remain with a woman guard inside.22

The above Committee also suggested for the appointment of only women personnel in women prisons and for segregating various categories of women prisoners such as convicts, undertrials, habituals, prostitutes, etc. It is good that in Orissa, a prison meant only for women is built at Sambalpur. But it was learnt from Mr R. Mohanty (ex-Inspector General, Prisons, Orissa) that women prisoners from various parts of Orissa were

reluctant to go there due to distance which would cause difficulty for their relatives to meet them. However, according to the next Inspector General, Prisons, Dr Vanipada Saha, "for the entire state of Orissa, the women prisoners home is built where training in sewing and handicraft is provided to them."23

On the basis of their crime, jail inmates may be classified on the following manner:

a) Criminal prisoners
b) Civil prisoners
c) Security prisoners
d) Political prisoners
e) Military prisoners

Criminal Prisoners

All the convicted criminal prisoners are classified broadly as 'A' class such as casuals and 'B' class such as habituals. In every jail, there is provision for separating the two categories of prisoners.

The casual prisoners who are first offenders, who are capable of hard labour and who have maintained their contact with outside world are classified as "star class" for their good behaviour in the prison, after a thorough observation by the experts in different fields of knowledge for

23. Vanipada Saha, Karabandi O' Hitasadhana, The Samaja (Oriya daily), 11.10.95, p.4.
the purpose. The concept of the star class developed in England as early as 1879. The Gladstone Committee recommended complete separation of first offenders from the habitual criminals.24

The Indian Jail Committee of 1920 also did suggest for the adoption of "star class" system in the Indian Jails and for the establishment of a separate jail for them.

Indra J. Singh said, "the Star Class" is applied to convicts, who have never committed serious crime and whose previous life has not been habitually criminal or their habits depraved. A prisoner after having been classified as "star class" is not treated with any leniency in regard to diet, labour, remission, gratuity, etc. He is simply separted from other prisoners who are habitual criminals or the like.25 Night guarding in barracks in which "star class" prisoners are confined shall be carried out by night watchmen of that class only.26

So far as habituals are concerned the Orissa Jail Manual has suggested that the prisoners whose previous convictions taken in conjunction with the facts of his present case show that he is by habit a robber, house breaker, dacait, thief, dealer in slaves or receiver of stolen property, member of a criminal tribe involved in committing extortion, cheating, counterfeiting coin, currency notes or stamps or

24. L.W. Fox, op.cit., p.58.
forgery.\textsuperscript{27} Again the habitual prisoners are subdivided into non-professional and professional habituals. As pointed out by Vidya Bhusan, non-professional habituals are those prisoners who lapse into crime owing to their surroundings or some physical or mental defect and who are not first offenders. In the other sub-category are included all other habitual prisoners, for instance, those who are men with an object, sound in mind and mostly sound in body, often highly skilled, who deliberately and with their eyes open prefer a life of crime and know the tricks and manoeuvres necessary for that life.\textsuperscript{28}

**Civil Prisoners**

Those criminals who are not connected with any criminal case or those who are convicted by the Civil Court are known as civil prisoners. In Orissa, these inmates are of the following categories according to Section 185 of the Jail Manual.

1. Prisoners who are convicted by the Civil Court according to the Civil Law of the land.

2. Prisoners who have gone to the Civil Jails after arrest before the judgement is pronounced.

3. Those who are kept in the jail due to non-payment of dues by the order of the Civil Court.

\textsuperscript{27} Ibid., p.220.
\textsuperscript{28} Vidya Bhusan, \textit{op.cit.}, p.69.
4. Those who are in jail due to disobedience of bail rule when on bail.

5. Any other person who has got the order of staying inside the civil jail by the authority of the law.\textsuperscript{29}

Under section 31 of the Prison Act, 1894, a civil prisoner is permitted to obtain food, clothing, bedding or other necessaries from private sources. He receives special clothes, special bedding and special vessels as fixed under section 57 of the Code of Civil Procedure 1908. The decree holder has to provide these. They may wear their own clothes, cook their own food and may use books from the jail library, obtain from outside at their own expense books, periodicals and newspapers as may be approved by the superintendent. They may engage themselves in such outdoor games or other occupations as the superintendent consider unobjectionable. They may, with the superintendent's permission do any work or follow any trade or profession.\textsuperscript{30}

It was proposed by the Indian Jails Committee 1919 that Civil Prisoners should be removed from the criminal jails and should be confined in a separate institution under the control of the Senior Civil Judge and managed by him through his office establishment.\textsuperscript{31}

In the criminal prisons where these prisoners are now detained, it is not possible to cut their contamination with criminal prisoners. At

\textsuperscript{29} A.K. Dalua, \textit{op.cit.}, pp.101-102.

\textsuperscript{30} A. Mohanty & N. Hazary, \textit{op.cit.}, p.84.

\textsuperscript{31} Vidya Bhusan, \textit{op.cit.}, p.78.
night their barracks are guarded by convict officer which is a flagrant violation of 'section 27(4) of the Prison Act, 1894, which stipulates for separation of civil prisoners from criminal prisoners. Apart from the legal objection it is undesirable that civil prisoners should be brought into contact with criminals.

The obvious and the best remedy therefore, would be to provide separate buildings in the charge of civil judge and absolve the prison administration of the responsibility of guarding the civil prisoners.\(^{32}\)

Security Prisoners:

The prisoners against whom it is difficult to prove a case in the court and also is time taking, but for social benefit they should be kept away, are kept temporarily in the jail under the order either of the district magistrate or the state government. These type of prisoners are known as security prisoners.\(^{33}\)

The term security prisoners denote a prisoner confined under Regulation III of 1818 or corresponding rules under the Preventive Detention Act. In addition, what are known as "political prisoners" are also included in this class. By the term "political prisoners" are meant the prisoners convicted of an offence under chapter VI of Indian Penal Code, under section 153(A), Indian Penal Code and also those who are

\(^{32}\) Ibid., p.78.

convicted of disobeying on conscientious or political grounds, any order promulgated by lawful authority. These prisoners are detained separately from all other prisoners and are granted such facilities as books, writing materials, betel nut and the like are not subjected to more restraint than is necessary for their safe custody.\textsuperscript{34}

**Political Prisoners:**

Political prisoners present an unique problem in prison administration. They claim immunity from several of the jail rules and demand special privileges. It is sometimes suggested that a separate class of political prisoners should be recognised who should receive special treatment in jails.\textsuperscript{35}

Since a political prisoner, it is said, is not really a criminal, he needs no treatment. "He is imprisoned simply for his convictions and the purpose of sending him to jail is merely to restrict his liberties and check him from giving vent to his views or committing acts which may be considered subversive by the government in power.\textsuperscript{36}

The Indian Jails Committee, 1920 did not agree to the above suggestions. The Committee felt such a step would be tantamount to an encouragement of crime of their description. Secondly, it would be

\textsuperscript{34} Vidya Bhusan, \textit{op.cit.}, p.79.
\textsuperscript{35} Ibid.
\textsuperscript{36} Report of the Indian Jail Committee 1919, p.27, quoted in Vidya Bhusan, \textit{op.cit.}, p.79.
dangerous to furnish a criminal with a readymade excuse that he committed his offence from a political motive. Lastly, crime remains crime whatever the motive of the criminal.\textsuperscript{37}

In the context of Orissa, the first Jail Reform Committee in Orissa under the Chairmanship of Lal Mohan Patnaik has recommended for a separate jail for detention of political prisoners. Till now there is no such jail in Orissa, specially meant for detaining political prisoners.\textsuperscript{38}

Military Prisoners

This class of prisoners, in reality are not like ordinary offenders. They are to remain inside jails only for their military offence, for which they are ordered to be imprisoned.\textsuperscript{39}

Diseased and Insane Prisoners

On the other hand, for the better healthcare of the jail inmates, prisoners suffering from diseases like leprosy, tuberculosis or insanity are kept separately from the remaining prisoners.

In Orissa, at Bhanjanagar, there is a special sub-jail, where only the prisoners suffering from leprosy are allowed to stay and prisoners who are cured of the disease thereafter sometimes are sent to Cuttack (now

\textsuperscript{37} Indian Jails Committee Report 1920, \textit{op.cit.}, p.91.
\textsuperscript{38} A. Mohanty & N. Hazary, \textit{op.cit.}, p.85.
\textsuperscript{39} A.K. Dalua, \textit{op.cit.}, p.102.
at Choudwar jail. Also the prisoners suffering from T.B. are transferred to the present Choudwar jail and when cured are sent to Berhampur Circle Jail.

Insane criminals are divided into five classes. Such as,

a) Persons who have not committed a crime and are placed under medical observation under the provision of Act IV of Lunacy Act of 1912 as amended by Act XII of 1916.

b) Persons who are accused of a crime and supposed to be of unsound mind placed under the observation of civil surgeon or medical officer of the jail under section 464 of the criminal procedure code.

c) Persons accused of crime and found by a Magistrate or Court incapable of making their defence owing to unsoundness of mind and detained under section 466 of the criminal procedure code, pending the order of the Government.

d) Persons who have committed a crime and have been acquitted on the ground of having been insane when the crime was committed. They are detained under section 471 of the criminal procedure code, pending the orders of the government.

e) Prisoners who have become insane after their conviction and admission into jail.
Among the above five categories of insane criminals, only persons of first category are non-criminal lunatics. All others are denominated criminal lunatics.\(^{40}\)

Criminal lunatics of class 2, 3 & 4 are ordinarily detained in jail under the order of the magistrate or court unless and until an order is made by the state government for their removal to a mental hospital.\(^{41}\)

The first prison reform committee in Orissa had recommended for the appointment of a whole time psychiatrist to be permanently attached to the jail department with his headquarters at the Central Jail.\(^{42}\) But there is no such provision for lunatics to be treated in the mental hospital in Orissa.

On the basis of trial of cases under the courts, the jail inmates may be classified as (a) undertrial or (b) convicts.

**Undertrial Prisoners**

The inmates against whom cases are under the consideration of the Court and who have not gone on bail are known as undertrial prisoners. In jail language, they are known as custody inmates.\(^{43}\)

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42. Orissa Jail Reform Committee, 1955, *op.cit.*, p.44.
Convicts

So far as the convicts are concerned they may again be classified on the basis of their period of stay inside the jail, viz., (a) short term convicts or short termer, (b) long term convicts or long termer, (c) life convicts, (d) condemned prisoners.

The courts are to mention in their judgement as to which convicts are to work inside jail and which convicts are not. On this basis, prisoners also may be classified as (a) Rigorous imprisonment convicts, and (b) simple imprisonment convict.44

The undertrial prisoners are, as such those against whom cases are pending in courts. It is a well known fact that unless these jail inmates are proved guilty by the court, they are regarded as innocent by the law of the land. Nevertheless, they are given the same treatment as the convicted prisoners and are detained under the same harsh condition which an average prison today manifests. Under Section-27 of the Prisons Act, 1894, unconvicted criminal prisoners are to be kept apart from convicted criminal prisoners.45

According to Orissa Jail Manual, the undertrial should be strictly segregated from convicts, that undertrial with previous conviction should be kept separate from the undertrial for the first time and that juvenile

44. Ibid.
45. Vidya Bhusan, op.cit., p.76.
undertrial prisoners should be separated from the adult undertrial prisoners.46

But in day-to-day practice of jail administration, the rule of separation is not obeyed. Undertrial prisoners who are the first offenders are kept with undertrial prisoners with previous convictions, juvenile undertrials are kept with juvenile convicts. So also in the female wards, both female undertrials and convicts are kept together. Another deviation to the rule is that the undertrial ward is placed in charge of the convicts officers.

The different committees set up from time to time, emphasised on the issue of separating undertrials from convicts. The Indian Jails Committee remarks, "Contamination begins in the undertrial ward."47

It is suggested that the undertrial prisoners should be broadly classified according to the offences with which they are charged. A person standing trial under Section-377, Indian Penal Code should never be allowed to mix with youths of seventeen or eighteen. Persons accused of the heinous crimes should be separated from those accused of minor ones.48

The Mullah Committee has suggested that undertrial prisoners should be lodged in separate institution away from the convicted prisoners.

47. Indian Jails Committee Report, 1920, op.cit., p.245.
48. Vidya Bhusan, op.cit., p.76.
Institutions meant for lodging undertrial prisoners should be as close to the courts as possible. Again Justice Mullah in his report also suggested that "bail should be granted to the accused as a matter of right unless proved by the prosecution that his being at large might endanger the security of the society".49

Classification of Prisoners on Status basis

The Orissa Jail Manual has stated that all the jail inmates may be classified into three divisions such as Division I, Division II, and Division III on the basis of their status.50

i) Division-I consists of non-habitual prisoners of good character.

ii) Prisoners who by social status, education and habit of life have been accustomed to a superior mode of life.

iii) Prisoners who have not committed the crime due to cruelty, moral degeneration or greed.

iv) Prisoners who have not committed the crime by having an intention to do it and in sound mind.

v) Who have not committed the crime to earn property.

vi) Who have not committed any crime relating to explosive materials or fire arms.51

51. Ibid., pp.104-105.
Division-II consists of both non-habitual and habitual prisoners who by social status, education and habit of life have been accustomed to a superior mode of living. The MLAs and MPs also come under Division-I, if order is not issued otherwise.

Division-III consists of all prisoners who are not classified under either in Division-I or II.52

In England after the Criminal Justice Act 1948, every prisoner is sentenced to labour. Even prior to the act, every prisoner, sentenced to imprisonment without hard labour had to work at something. It is, therefore, desirable that in our country also, simple imprisonment convicts should be obliged to do labour.53

The Indian Jail Committee 1919 submitting its report in 1920, was opposed to special treatment being given in the prison to person of good social status. It regarded education and good position as aggravating the seriousness of the crime rather than an excuse for extra facilities in jail. The members observed "so long as the discomfort of imprisonment does not affect the health of the prisoner, it must not be regarded as the penalty which is due to those who in spite of their advantages of station fall in to crime.54

52. Ibid., p.105.
53. Vidya Bhusan, op.cit., p.83.
It is learnt that in countries like England there is no distinction in jails between a member of poor class and a member of better class and it is thus unfair to make a distinction between a poor and a rich criminal.

The general tone of treatment of course should be improved but difference in treatment should be based on good conduct and exemplary behaviour inside the prison rather than on social status.56

From our discussion on the classification rule, it is found to be obsolete, unsystematic and unscientific. Any given prisoner may come under more than one class. Banning a little difference in dress, there is hardly any difference between first class and second class prisoners. Therefore, discussion is on to find a scientific classification of prisoners.56

Due to the absence of scientific classification of prisoners, it is felt that there is increasing crime in the society. It was as early as in 1924, Mahatma Gandhi did emphasise on the issue of classifying jail inmates on scientific ground. His suggestion was found in "Young India", which reads - "The classification being as I have shown inevitable and in existence, there is no reason why it should not be scientific and human. I know that revision of classification according to my suggestion means a revolution in the whole system. It undoubtedly means more expense and a different type of men to work the new system. But additional expense will mean economy in the long run. The greatest advantages

of the proposed revolution would no doubt be a reduction in crime and reformation of the prisoners. The jails could then be reformatories representing to society sinners as its reformed and respectable members. This may be a far off event. If we are not under the spell of a longlived custom we should not find it difficult to turn our prisons into reformatories.\textsuperscript{57}

Before discussing about our system of classification in India, let us have a look into the problems concerning classification in other countries of the world.

In England, classification is done by men who may fairly be called experts. Exhaustive enquiries are made of the convict's family history, his past and his mental condition and the individual case is considered in every aspect before final classification. It is carried out there with a view not only to minimise the danger of contamination but also to facilitate the training.\textsuperscript{58}

In the United States, the term classification is meant to portray the entire process of reformation through individualised treatment. This system consists of four separate but co-ordinated procedure. First the prisoner's case history is taken and personality is studied by a staff of professionally trained workers, viz., phychologists, social workers,


\textsuperscript{58} Vidya Bhusan, \textit{op.cit.}, p.69.
sociologists and psychiatrists, each of whom can make their own contribution. Secondly, the information regarding the prisoner is presented to a classification committee which again decides upon a programme of individualised treatment and training based upon the diagnosis. The classification committee may consists of either professionally trained staff or ordinarily the warder or superintendent, the deputy warden or wardens, the superintendent of industry, the educational director and the chaplin.

The third step is application of treatment policies. The classification committee has the responsibility of seeing that its recommendation are carried out. The diagnostic analysis of the inmate and his background is utilised not only as a basis for a decision as to how he should be trained but also as a basis for his actual treatment.

Finally, the treatment programme is kept current with the inmate's changing needs and with new analysis, based on any information not available at the time of the initial classification committee meeting of the inmate's case. This procedure is known as "re-classification" and it is carried out by the classification committee.

The re-classification procedure continues from time to time of the first classification until the inmate is released. Consequently the diagnostic report, generally called as "admission summary", the initial classification
report and the re-classification report presumably compromise a complete pre-institutional and institutional history of the individual.\textsuperscript{59}

In our country, the classification is made by the court concerned. In the absence of an order by the convicting court regarding the class of a prisoner, the superintendent makes a reference to the court and classifies the prisoner himself pending the result of such reference. The manner in which classification is carried out in the court is objectionable. In practice, the classification slip is filled up by a clerk of the court, who hurries through it. It is passed by judge, often as a matter of routine. The presiding officers of the court do not devote personal attention to the preparation of classification slips and seldom attach due importance to it. Truly speaking, classification of convicts is not a court function.\textsuperscript{60}

Thus, we in India do not have a classification committee in prisons for the task of classifying jail inmates and it is done by the convicting courts. The Mulla Committee in jail reforms has commented "One of the paradoxes in the development of modern penology has been that attempts at treatment and training programmes meagre though they were, came before diagnosis". This remark was made by Loveland about the American system of classification of prisoners nearly thirty years ago but the committee thinks that this statement is applicable to Indian prison even in the year 1982. We have been using the jargon of training and treatment


\textsuperscript{60} Vidya Bhusan, \textit{op.cit.}, p.69.
but in fact diagnostic procedures and classification of offenders for scientific training and treatment have no where been adopted on a systematic basis.\textsuperscript{61}

The Mulla Committee further suggested for setting up of a reception centre in every central and district jail, where persons sentenced to more than one year should be admitted first. This reception centre should have professional staff such as psychiatrist, psychologists, trained social worker and also a classification committee consisting of the jail superintendent as chairman, psychiatrists, psychologists, medical officer, social worker, the office bearer in charge of industry, educational and vocational training, the deputy superintendent and assistant superintendent to be set up at the reception centre. The initial classification of prisoners should be made by this committee which would transfer the prisoners to the classified prisons for individual training and treatment of each inmate.

The Committee has made two broad classification of newly admitted criminals, viz., (a) socially conditioned criminals, and (b) individual criminals.

The socially conditioned criminals are as follows:

a) Criminal carrerists;

b) Professional criminals;

\textsuperscript{61} Report of the All India Committee on Jail Reforms 1983, \textit{op.cit.}, p.113.
c) Organised criminals;

d) Criminals who operate in the underworld of vice, prostitution, gambling and bootlegging, smugglers, dealers in stolen property and persons engaged in similar other activities;

e) Dacoits, bank robbers, and similar other organised criminals;

f) Persons who commit crime for religious or caste or political reasons;

g) Organised gangs and criminals who rob trains;

h) White collar criminals;

i) Habitual criminals;

j) Kidnappers;

k) Professional thieves, robbers and pick-pocketers;

l) Persons trafficking in narcotic drugs;

m) Persons who adulterate food articles;

n) Persons who manufacture drugs, etc.

The following is a broad categorization of individualised criminals.

a) Persons who commit crime because of neurological and psychiatric disorders (epileptic neurotics, psychotics, psychopaths and mentally retarded).

b) Persons who commit crime under the influence of alcohol, drug, etc.
c) Persons who commit crime in anger, passion and under stress and crisis.

d) Persons whose criminal behaviour is extemperaneous, i.e., behaviour of the moment.

e) Persons whose behaviour is eruptive.

f) Persons who commit crime because of poverty and socio-economic circumstances. A large percentage of prison population in Indian prison falls under this category.62

In our country till today, we do not find the system of classification committee for the task of classifying jail inmates. Yet if this classification committee will be introduced some day, it is essential to remember the suggestion given by R.N. Datir for overcoming the practical difficulties in the implementation work in the right spirit which reads as follows:

1. The classification committee should be composed of trained professional personnel.

2. Appointment of sociologists, psychologists, psychiatrists, social case workers is very essential.

3. Only efficient jailors be given the work of classification.

4. Sufficient number of jailors be appointed for classification work, so

62. Ibid., p.117.
that the work will not be done mechanically.

5. Sufficient numbers of teachers are very necessary in the implementation of educational programmes.

6. The quarantine period will have to be increased from 10 days to 30 days.

7. No more than 500 prisoners be confined in any prison.

8. Superintendent be relieved of some of his administrative duties so that he can devote more time for classification work.

9. If the system of classification is to fulfil its function and lead to the devising of a scientific plan of treatment, it cannot afford to ignore the causes of crime as suggested by Elton Mayo.63

Mayo's classification rests on the basis of treatment. Under this classification, first the forces that bring about crimes of the prisoners concerned are studied and thereafter an adequate plan for treatment is devised. The distinction between the casuals and the habituals in this country does not give us any insight into the forces that lead to crime and therefore, does not help in the treatment of prisoners.64

64. Ibid., pp.226-227.
Thus from our discussion on classification of jail inmates, it is quite clear that a scientific technique should be adopted for classifying jail inmates so that it may certainly reduce crime rate in our society. Also, it will help the process of reformation and rehabilitation of the inmates after their release.