CHAPTER II

PRISON ADMINISTRATION IN INDIA
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Prison as we study, is a place where both undertrial and convict inmates are kept today. In ancient time, these prisons were only places of detention of offenders during their trial and to these places offenders did not come as a punishment.

Ancient India

The ancient Indian society exhibited all the characteristics of ascriptive social structure. The Central principles of organisations were formulated in the famous texts like Manu, Yajnavalakya, Chanakya's Arthasastra and others.¹ The crimes and punishments were regulated in accordance with the Smriti. Many crimes and wrongs were sins and entailed secular punishments and also religious sanction.² It will be seen from the early sutras like that of Gautam and from Manu Smriti that the ancient criminal law in India was very severe and drastic, but that from the time of Yajnavalakya, Narada and Brhaspati, the rigour of punishment was lessened and softened and fines came to be the ordinary punishments for many crimes.³

² Ibid.
³ P.V. Kane, History of Dharmasastra, Poona, 1946, p.388.
The ancient period speaks of four methods of punishments (*Danda*) namely by gentle admonition, by severe reproof, by fine and by corporal punishment and declare that these punishments may be inflicted separately or together according to the nature of the offence.\(^4\)

Gautam, Vaisistha, Manu, Yajnavalakya, Brhaspati and Kautilya lay down that the award of punishment must be regulated by a consideration of the motive and nature of the offence, the time and place, the strength, age, conduct (or duties), learning and monetary position of the offender and by the fact whether the offence is repeated. This provision means that the *Dharma Sastras* did not hold that the same punishment must be meted out for the same offence irrespective of the antecedent, characteristics, or physical and mental condition of the offender. They always took extenuating circumstances into account.\(^5\)

Among various types of corporal punishments branding, hanging, mutilation and death, the imprisonment was the most mild kind of penalty known prominently in ancient Indian penology. Imprisonment occupied an ordinary place among the penal treatment and this type of corporal punishment was suggested in the Hindu scriptures. The evil-doer was put into prison to segregate him from the society. The main aim of

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imprisonment was to keep away the wrong-doer, so that they might not defile the social order.⁶

The notable factor in *Dharma Shastra* in prescribing punishment was 'Caste Preference' or *Varna* system. The *Varna* of a person (*Brahmins, Kshatriyas, Vaishyas and Sudras*) was given much importance while prescribing and awarding punishments, *Brahmins* were given the highest advantage and the *Sudras* the lowest advantage. Examples of these caste preference are mentioned in the history of *Dharma Sastra* by P.V. Kane and Kautilya's *Arthasastra* by R. Shamasastri.⁷

Also R. Shamasastri in *Kautilya's Arthasastra* has mentioned that the institution of police administration was not to be found during the ancient period and that spies were used for the functions of the modern police. It is learnt from the books, *The History of Dharma Sastra* by P.V. Kane and *Kautilya's Arthasastra* by Shamasastri that as regards punishments, death, mutilation, banishment, branding, fine in lieu of mutilation and fines were the principal forms of punishment. So most punishments during the period were meted out, outside prison which made it impossible for the development of an well-organised prison system.

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Imprisonment occupied an ordinary place among the treatment and this type of corporal punishment was suggested in the Hindu scriptures. The evil-doer was put into prison to segregate him from the society. Though jail or prison in the modern sense of the term was not in vogue in ancient time, yet the very name Bandhanagara as mentioned in ancient literature suggested the existence of prison in some form even in those days.

In the ancient period, as is found from Kautilya’s writing, jails were to be constructed in the capital with separate accommodation for men and women prisoners. So it suggests about the system of classification of prisoners even in those days. Again there was provision for the release of prisoners on various occasions, and in such days as the days of the festival of the birth constellation of the king and full moon day (of every month) such persons as are young, very old, suffering from disease and helpless or those who are charitably disposed may pay fines or others bind themselves by an agreement to pay in cash the fines for the offences for which the persons are jailed may be set free on their working everyday or once in five days or by undergoing corporal punishment, paying fines in cash.8 Also on important occasions like the conquest of a new land, on the coronation of the crown prince or on the birth of a son to the king, the prisoners were released. Provisions for such release was there in order to give a second chance to the law-breaker or wrong-

doer to start afresh a new civil and peaceful life. In the modern system of today also we find the system of state remission of prisoners.

Kautilya has further described the duties of the jailor who always keeps eyes on the movement of the prisoners, and the proper functioning of the prison authorities. If a prisoner by chance moves out of his cell, he is fined twenty four rupees and the warder who is in league with the prisoner is fined the double amount. In case the warder disturbs the prison life, the higher authority imposes a fine of five hundred rupees. Sometimes the prisoner is put to death by the warders. So the penalty in this case is the highest, i.e., one thousand rupees. Kautilya has gone deep to jail life and opines that the prisoner escaping after breaking the prison walls must be put to death. This shows that the jail authority called Bandhanagaradhyaksa was always vigilant and alert and no evil-action could escape his eyes.9

During Ashoka's reign jail administration may be discussed under two heads, the first during his early career and the second phase of his reign when he became Dharma-Ashoka, being influenced by Buddhism. "If we are to believe, Yuan Chwang, Ashoka in his early career was most cruel and had constructed a jail that was called Hell-Prison of Ashoka.10 In the early years of Ashoka, there was an unreformed prison in which most of the traditional fiendish tortures were inflicted and from which no prisoner came out alive.11

11. A.L, Basham, The Wonder that was India, Fontana, Calcutta, 1975, p.119.
However, as history tells us, Ashoka was greatly influenced by Buddhism just after the Kalinga War and as such brought various reforms in his administration and became a kind and liberal ruler. In Delhi Topra Pillar Edict No.IV\textsuperscript{12}, Emperor Ashoka promulgates that he gives three days respite to prisoners on whom judgement has been passed and who have been condemned to death and in V Pillar Edict of Delhi Topra\textsuperscript{13}, he says that he let off prisoners 25 times in 26 years.

Again in the first separate Edict at Dhauli we find Ashoka addressing the officials of justice in the capital (\textit{Nagara Vyavahariksh}) that they should so act that even a single person should not unnecessarily suffer the imprisonment or pain.

From \textit{Harsha Charita} it appears that the condition of the prisoners was far from satisfactory. The life of Hiuen Tsang records that prisoners generally received harsh treatment. They were not allowed to shave. They had hairy faces and matted beards. There were, however, occasions when prisoners were released.\textsuperscript{14}

The officers of the jail were known as \textit{Bandhanagaradyaksa} and \textit{Karka}. The former was the Superintendent of Jail and latter was one of his assistants. The jail department was under the charge of \textit{Sannidhata}, who was to select sites for their location and build necessary buildings.\textsuperscript{15}

\begin{flushright}
\textsuperscript{13} Ibid.
\textsuperscript{15} Indra J. Singh, \textit{Indian Prison: A Sociological Enquiry}, Concept, Delhi, 1979, p.20.
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It is well established that in ancient India there was no regular prison system in the modern sense of the term and imprisonment was never a regular means of punishment.

When compared with the modern prison system in India, we find that; (1) there were no prisons in the modern sense, (2) there is no description about the internal administration of prison, (3) there was no separation of prison service from the civil service, (4) there is no description about the types of prisoners sent to prison, and their relation with the outside world.16

Medieval India

Prison system in the medieval India, may be discussed under the two heads of (1) Mughal period, and (2) Maratha period. During this period, no much change was done in the penal system of India in comparison to the ancient time.

The Mughal Period

During the Mughal period, sources of law and its character essentially remained Quranic. The crudeness and insufficiency of the judicial system were aggravated by the fact that the only law recognised by the emperor and his judges was the Quranic law, which originated and had grown to maturity outside India. It was supposed to have been defined once for

16. R.N. Datir, op.cit., p.44.
all within the page of the Quran.\textsuperscript{17} The system divided crime into three groups, namely; (a) offence against God, (b) offence against the State, and (c) offence against private persons. The punishments for these offences were of four classes:

i) Hadd

ii) Tazir

iii) Quisas, and

iv) Tashir

Hadd is the punishment which is supposed to be the right of God and cannot be altered by any human judge. Tazir is punishment entitled to reform the culprit. Quisas constitute the retaliatory measures while Tashir is public degradation.\textsuperscript{18}

During Muslim period the object of reformation was also taken into consideration to some extent in a few cases.

Islamic law applied to Muslims in all civil cases. Criminal law was the same both for the Hindus and Muslims (possibly in the capitals and big cities only). Similarly, the Muslim law of Evidence and Contract applied to Hindus as well. The scope of Islamic law further limited by leaving the ancient village organization with all its Hindu institutions in

\textsuperscript{17} Jadunath Sarkar, \textit{Mughal Administration}, M.C. Sarkar & Sons Ltd., Calcutta, 1935, p.114.

\textsuperscript{18} J.N. Sarkar, \textit{op.cit.}, pp.116-124.
tact. Hence, no effort was made by Mughals to disturb the corporate life of the villages or encroach upon their ancient institutions.¹⁹

Although imprisonment was a very usual form of punishment in Mughal India, there were no specific rules for it. That must have gone hard for the majority of the prisoners. The chief feature of this punishment was that no period was fixed for it. The Quazi and Magistrate had a right to send anyone to prison for the offence or crime for which the punishment could be awarded and the accused had to show signs of repentance to secure his freedom.²⁰

Three noble prisons or castles were found in places like Gwalior, Ranthambore and Rohtas during Mughal rule in India. Criminals condemned to death penalty were usually sent to the fort of Ranthambore where they met their death after two months of their arrival there.

The Gwallior Fort was reserved for 'nobles that offend'. To Rohtas were sent those nobles who were condemned to perpetual imprisonment, from where 'very few return home' Princes of royal blood were often sent to this place.²¹

Sometimes prisoners were transferred from one place to another place and on special occasion like the birth of a crowned prince, recovery of the king or his sons from long illness, they were released.

¹⁹. R.N. Datir, op.cit., p.44.
²¹. Ibid.
When the prisoners were taken to prison, they were usually loaded with iron fetters on their feet and shackles in their necks. However, there were no jails in the modern sense then but there was provision for temporary confinement of culprits in the police lock-ups in the cities known as Chobutra-i-Kotwal. There are frequent reference in the newsletters of Aurangzeb about the confinement of thieves, robbers and even guilty officers in these lock-ups.  

The Maratha Period

In the Maratha period too, imprisonment as a form of punishment was not very common. The previous form of punishment as found during ancient period and Mughal period was also followed by the Maratha rulers. Various types of Dandas (punishments) such as, (i) Diwan-Danda or Raj-Danda, (ii) Deva-Danda or Brahma-Danda, (iii) Jati-Danda (caste punishment) were prevailing in this period.

Coming to the prison system, in this period it is found, 'some rooms in forts popularly known as the Bandi Khanas or Adab Khanas were reserved for prisoners and the culprits who had committed serious crimes, were sent to such forts from different places. It seems that the prisoners were under the supervision of the Subedar of the division and were disposed of by them according to the orders from the Peswa, issued from time to time.  

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The prisoners were treated according to the nature of the crime they committed as also their station in life. The lower caste offenders and adulterous women both of higher and lower castes were compelled to do hard labour on building fortresses. (In the present system, the prisoner's past history, or his religion is not taken into account while allotting work in prison). They were sometimes given leave for going home, to perform religious ceremonies like the Shraddha (funeral rites) of dead parents, marriage of grown up daughters and the thread ceremony of sons, which the Peswa, as the religious head of the State could not permit to be neglected and were often given money to perform the "obsequial rites" in jail.

Not only this type of arrangements were made during the Peswa period but also there was provision for relaxing offenders on health ground. An offender was to be transferred to another place if the climate of his present place did not suit his health. Today too we find some such privileges for the prisoners.

The political prisoners were generally well treated though strictly watched and their communication with outside world and even with their own relatives was prohibited. They were supplied with all sorts of comforts and were given first class food.24

To conclude, it may be said that neither in ancient time nor in the medieval period, prison existed in the modern sense of the term. In the

pre-British period only 'fort-prisons' were found without any systematic internal administration. No classification of prisoners were made then and courts also were not the feeding centres for prison. Imprisonment, not being recognised as the normal feature of punishment, punishments were mostly meted out, outside the prison. In the pre-modern prisons, there was no rule either for the maintenance of prison, recruitment of prison staff or for the treatment of prisoners.

British India

The modern prison system was non-existent before the arrival of Britshers in India. In the year 1784, the British Parliament empowered the East India Company to rule India and before that "The Regulating Act" was passed in 1773 which established the Supreme Court at Calcutta to exercise "all civil, criminal, admiralty and ecclesiastical jurisdiction and indicated the intention of the British Government to introduce English Rules of Laws and English Superintendence of Law and Justice.25 About 1790, the punishment of mutilation was forbidden by Law in Bengal and the Criminal Courts were directed to inflict imprisonment with hard labour in its stead.26

When the East India Company was to hand over the administration, there were 143 civil jails, 75 criminal jails, and 68 mixed jails in India

which were nothing but an extension of the Mughal Rule. The difference is that these jails were managed by the personnel of the East India Company.

In the year 1833, the attention of the British Parliament was drawn to the anomalous and sometimes conflicting judicatures by which laws were hitherto being administered.27

In India, the first famous 'committee' on prison reforms was set up in 1836, this committee had Lord Macaulay as its member. It submitted its report in 1838 and "criticised the corruption of sub-ordinate establishment and the laxity of discipline."28

Also, the committee in its report condemned the unsanitary condition of the prison and ill-health of the prisoners. As contagious diseases were rampant among the inmates, death rate inside the prison was very high and in 1860, the death rate of inmates was recorded as 141 per thousand. So the committee recommended "for the provision of good food, clothing and the attention to sick."29

The committee too, recommended for the classification of prisoners on the basis of crimes which led to the introduction of the classification

for imprisonment as simple and rigorous. However, no means was adopted for classifying juveniles from adults and casuals from habituals.

On the other hand, the committee deliberately rejected "all reforming influences such as moral and religious teaching, education or any system of rewards for good conduct and suggested the building of central prisons where the convicts might be engaged not on manufactures which it condemned but in some dull monotonous wearisome and uninteresting work."

With the recommendation of the committee in 1848, the first central prison was set up in Agra, followed by Bareilly Central Jail (also constructed in 1848) and in 1854 in Banaras, Meerut and Jabalpur, Central Jails were constructed. Naini Central Jail came into existence later followed by Lucknow Central Jail (now model prison) and the last one the Fategarh Central Jail. Previously, the jails were under the control of the district Collector and no Superintendent was there. Gradually, the whole time Superintendents were appointed. An Indian Civil Service Officer Dr Woodcock was the first whole time Superintendent in Agra Jail. So also the first Inspector General of Prisons was appointed in 1844 in the then North-Western Province and by 1852, governments in other provinces also started appointing Inspector General of Prisons in their provinces. Similarly, in the year 1862, in the district jails, the

30. A.P. Howell, Under Secretary to Government of India - 1867-68, Note on Jails and Jail Discipline in India, 1867, p.44.
appointment of Civil Surgeons as Superintendent was introduced in the North-Western Province.

Sir John Lawrence, the Governor of India reviewed the position in 1864 and appointed the second prison commission to minimise the high death rates in prison and for considering aspects of jail management.31

The committee found that in the preceding ten years no less than 46,309 deaths occurred inside the prisons. It came to the conclusion that the sickness and mortality might be mainly due to; (a) over crowding, (b) bad ventilation, (c) bad conservancy, (d) bad drainage, (e) insufficient clothing, (f) sleeping on the floor, (g) deficiency of personal cleanliness, (h) bad water, (i) extraction of labour from unfit prisoners, (j) insufficient medical inspection.32

In the year 1877, a third enquiry committee was appointed to enquire about the prison administration in general. It was composed of jail officers which held its conference at Calcutta. The fourth jail committee was appointed in 1888 in the time of Lord Dufferin. Two experienced officers were appointed to enquire on the health of inmates, discipline and general administration who submitted their report in 1889. The committee recommended for separating the undertrial prisoners and also for classifying prisoners into casuals and habituals. The jail manuals of

31. Ibid., p.3.
various provinces incorporated most of the recommendations made by this committee.

The work of the committee was supplemented by All India Committee, 1892. It resurveyed the whole jail administration and laid down further detailed rules. The Prison Act of 1894 was mainly the outcome of the efforts of this committee. The Act restricted and regulated the use of whipping, cellular confinement and penal diet. It provided for the classification of different offenders and tried to secure uniformity of treatment of all offenders in jail.\textsuperscript{33}

In 1897, the Reformatory School Act was passed modifying the prior legislation on the subject and directing the courts to send a "Youthful Offender" to a reformatory school instead of a prison, the youthful offender being a person under the age of fifteen as defined by it.

Even though different commissions were appointed, the Indian prison system lagged behind on the reformative side of the prison work. It failed to regard the prisoner as an individual and conceived of him rather as an unit in jail administrative machinery. It lost sight of the effect which humanising and civilising influences had on the mind of the individual prisoner and failed to focus attention on his mental wellbeing and problems of diet and health and labour.\textsuperscript{34}


However, the first concrete step taken by the Government of India in the pre-independent era for bringing reforms in the prison administration was by the appointment of Alexandar G. Cadrew Commission in the year 1919. The commission submitted its report in the year 1920. This committee went into the question in depth and examined the prevailing conditions in the prisons not only in India but also in countries like U.K., U.S.A., Japan, Philippines and Hongkong. "The Committee for the first time suggested two conceptual pivots - 'prevention' and 'reformation' for a more effective base for prison administration in India."35

The commission recommended the establishment of separate institutions like Borstal School for Juvenile Delinquents. Also it required the separation of undertrial prisoners from the convicts, and the classification of adult convicts into habituals and casuals. The committee did not approve of the bad system of transportation of convicts to Andaman Islands and recommended for its discontinuation and also the abolition of the system of solitary confinement. "Thus the report contained a number of recommendations dealing among others with such subjects as prison staff, separation and classification of prisoners, prison labour and manufactures, discipline and punishment, reformatory influences in prison hygiene, medical administration, aid to prisoners on release,

probation and borstal treatment."\textsuperscript{36} So this report may be regarded as an important step towards establishing the modern prison system in India.

However, with the passage of the Government of India Act, 1919, the changes to be brought about could not be materialised as expected. It was so, since with the introduction of Montegue Chelmsford Reforms, jail department was transferred from the control of the Government of India to that of the Provincial Governments. Yet the provincial governments appointed committees in their separate states for improvement of jail administration. The "Committee thus appointed in different states were Punjab Jail Reforms Committee (1919 and 1948), Uttar Pradesh Jail Committee (1929, 1938, 1946), Bombay (1939, 1946), Mysore (1941), Bihar (1948), Madras (1950), Orissa (1952) and Travancore Cochin (now Kerala) 1953."\textsuperscript{37}

\textbf{Modern India}

India became an independent nation in 1947 and the Constitution of India came into being in the year 1950. The Government of independent India then took interest in the matters of prison-reforms.

In 1951 it requested the Technical Assistance Administration of the U.N. to send an expert for imparting a training course to the selected jail officers and to suggest progressive programmes for the scientific care and

\textsuperscript{36} Vidya Bhusan, \textit{Prison Administration in India}, S. Chand, Delhi, 1970, p.22.

\textsuperscript{37} A. Mohanty & N. Hazary in \textit{Indian Prison System}, Ashis, New Delhi, 1990, p.27.
treatment of offenders. Dr W.C. Reckless was sent as the U.N. expert who went round the country and submitted a Report on Prison Administration in India and conducted a six month training programme for jail officials. Reckless made a number of recommendations, the chief among which were regarding the setting up of a Central Bureau of Correctional Services at Delhi and revising the Jail Manual.38

Apart from these, "Dr Reckless specifically wanted the development of whole time probation and after care services, the establishment of new jails to perform specialised functions, legal substitutes for short sentences of imprisonment, reduction in the number of undertrial prisoners, separation of juvenile delinquents from the adults."39

In the year 1952, an All India Conference of Inspector General of Prisons was held in Bombay. This recommended the setting up of a committee for drafting a skeleton model Jail Manual. With this recommendation the Government of India appointed an All India Jail Manual Committee in the year 1957, which submitted its report in 1959. It is with the suggestion of this Jail Manual Committee that the Government of India set up the Central Bureau of Correctional Services in the year 1961. The main function to be discharged by it are to coordinate and develop a uniform policy, to standardise the collection of statistics on national basis to exchange information with foreign

governments and the U.N. agencies and to promote research training and studies and surveys in the field of prevention of crime and treatment of offences.\textsuperscript{40}

Also, "In 1955, the United Nations declared the Standard Minimum Rules for treatment of prisoners. In 1957-59, the All India Jail Manual Committee was set up. In 1972-73 the working group on prisons came into being.\textsuperscript{41} This Committee (Working Group on Prisons) made several recommendations which the Central Government accepted and asked the States to implement these recommendations in their respective States.

It recommended for the establishment of a Research Unit at the Headquarters of the Inspector-General of Prisons in each States. The setting up of a training institute in each state as well as of Regional Training Institute, diversification of the Institutions, accommodation and other connected matters, etc. formed the content of the report.\textsuperscript{42}

The working group felt that the prison system in India could be streamlined only if the governments both in the Centre and States made available more resource for the development of every aspect of the existing system. Therefore, it recommended for the inclusion of prisons in the Five Year Plan and a provision of Rs.100 crores.

\textsuperscript{40} R.N. Datir, \textit{op.cit.}, p.61.

\textsuperscript{41} Kum Kum Chadha, \textit{op.cit.}, 151.

\textsuperscript{42} C.S. Malliah, \textit{op.cit.}, p.40.
In the year 1975, the Central Bureau of Correctional Service was renamed as National Institute of Social Defence which became the first central agency to undertake research, training, documentation, etc. in social defence. Also, with the recommendation, the Ministry of Home Affairs granted Rs.2 crores in the budget for improvement and modernization of jail system in the year 1977-78 and Rs.4 crores in the budget of 1978-79.

In 1979, a conference of Chief Secretaries made a number of recommendations to reduce the overcrowding in jails. This included the establishment of an effective system of regular review of cases of undertrials, appointment of part time or whole time law officers in jails to enable the undertrials to contest their cases in courts, setting up of new courts and amendment of the law relating to the transfer of prisoners. The other recommendations made by this conference were: creation of separate facilities for the care, treatment and rehabilitation of women offenders, segregation of juveniles, improving the system of inspection and supervision in jails so as to avoid in discipline and malpractices, strengthening of training facilities for jail staff, work programmes for all able bodied persons, setting up of state and national boards of visitors and revision of State Jail Manuals on the line of the Model Prison Manual.43

43. A. Mohanty & N. Hazary, op.cit., p.28.
The Seventh Finance Commission made a budget allocation of Rs.48.31 crores for 11 States in the country for the improvement of prisons. "Priority has been accorded by the commission to ensure adequate direct expenditure on food, clothing and medicines for prisoners to improve basic amenities like water supply, sanitary facilities, electrification, etc. and to develop additional jail capacity in States."44

Again the Planning Commission in the Sixth Five Year Plan allotted some funds for construction of jail buildings and staff quarters as part on the "Housing Urban Development and Water Supply" sector of the Plan. During this period, some incidents like, escape of inmates from Tihar Jail, Delhi, prisoners' blinding case in Bhagalpur Jail and other jails in Bihar as well as news of the bad condition of prisoners in jails in Bihar and U.P made the Government of India appoint a Jail Reform Committee in 1980. Retired Justice A.N. Mulla was its Chairman. The Committee submitted its first report on Central Jail Tihar, Delhi in December 1980 and the final report in March 1983.

This report made by the Mulla Committee recommended as many as 659 valuable suggestions on various aspects of prison administration to be considered both by the Central and State Governments. The important recommendations are the following:


b) The subject of prison and allied institutions should be included in the Concurrent List of Seventh Schedule of the Constitution of India.

c) Provisions of an uniform framework for correctional administration by a consolidated, new and uniform comprehensive legislation to be enacted by the Parliament for the entire country.

d) Revision of Jail Manuals should be given top priority.

e) Suitable amendment of Indian Penal Code.45

After the report was published, both the Central and State Governments, through their home and other concerned ministries tried to initiate some changes in the Jail and Jail Department.

The next Committee on the Jail Reforms was appointed by the Central Government in May 1986. The Chairman of the Committee was the retired Justice of Supreme Court, V.K. Krishna Ayer. This Committee was appointed mainly for the upliftment of women prisoners. The Committee submitted its report in June 1987 which gave some suggestions for improvement of condition of women prisoners in India.

At the end of 1980, India had the following prison infrastructure.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Inmates' Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Central Prisons</td>
<td>79544</td>
</tr>
<tr>
<td>250 District Prisons</td>
<td>63654</td>
</tr>
<tr>
<td>822 Sub-Jails</td>
<td>26057</td>
</tr>
<tr>
<td>20 Special Jails</td>
<td>6640</td>
</tr>
<tr>
<td>27 Open Jails</td>
<td>4626</td>
</tr>
<tr>
<td>1195 Total</td>
<td>180521</td>
</tr>
</tbody>
</table>

As against the above, it had only 6 institutions for women prisoners (one each in Andhra Pradesh, Bihar, Maharastra, Rajasthan, Tamil Nadu and Uttar Pradesh) with a sanctioned inmate capacity of 1975. There were additionally 8 Juvenile Jails and 11 Borstal Schools with a sanctioned inmate capacity of 1827 and 2102 respectively. Assuring an annual female (year-end) prisoner population of around 4000 (4073 on December 1980) it is evident that separate imprisonization for women is only possible for one fourth of women and that the remaining continue to be housed in separate wings/wards/sections of male prisons.

The members of the Committee visited different jails in different parts of India and said "one broad perception is that separate prisons
primarily housing long-term female convicts project a more favourable institutional profile than those housing undertrials.46

Also the Committee was not satisfied with the building provision for women prisoners. It stated in its report, "The explicit requirement under the Prison Act, the model prison manual and the recommendation of JRC that women's enclosures in common prison be so made or renovated as to ensure that women prisoners do not come in view of male prisoners during their movement to and from these enclosures, is not being implemented in many places."47

On the "Basic amenities," it says, "Basic amenities assisting day to day care in a custody have invited the concern of practically all jail concerned reform deliberations." While recommending for better sleeping provisions the Committee also suggested for better quality of food and clothing for the women prisoners after visiting women prisons. On the medical facilities for women inside jails all "members are unanimous on the need for a female doctor on a full time/part time or visiting/consulting basis to be available to every prison and custodial institution."48

The Committee took serious notice of the sexually transmitted disease (STD) including the fatal type called 'AIDS'. After their observation tours, particularly in the southern States, it was felt that female inmates

47. Ibid., p.126.
48. Ibid., p.126.
suffering from STD must continue in custody beyond the duration of their sentence if necessary and be released only when found to be cured. This appears to be an one-sided view and after careful deliberation, the Committee feels that the detention, treatment and control of STD should be taken up as a systematic national health initiative equally applicable to men and women within and outside State custody."49

On the whole the Committee recommended; (a) Provision of a National Policy relating the women prisoners in India, (b) Formation of new rules and regulations relating to their punishments and conduct, (c) Maintenance of proper coordination among the police, law and prison for providing due justice to women prisoners, (d) Provision for legal-aid for them, (e) Construction of separate prisons for women prisoners, (f) Proper care of the baby born in jail to a woman prisoner and provision of nutritious diet for the mother and the child.50

49. Ibid., p.131.