Chapter -2

REVIEW OF LITERATURE

The commissions report\(^1\) says that the American citizenry is willing to accept the prison as a place for restraints and punishment of the offender. Furthermore prisons must also deal with offenders who are not responsive to programs design to help them. The treatment adds in calculable dimensions to an offender's situation, both while confined and following release, which greatly complicate the task of helping him. By giving the opportunity to work to the convicts as a normal person by utilizing his/her skills and educational qualification, the motive of rehabilitation can also be simultaneously served. Correctional institutions can be classified as work oriented and rehabilitation oriented institutions. Work oriented institutions are characterized by greater emphasis on work by offender than on education, vocational training and other rehabilitative services. These work oriented institutions have a fairly extensive prison industry, farm or forestry operations which help to defray the cost of maintaining the institution as well as provide employment oriented training to convicts. The purpose of manpower planning must be to establish within the guidelines imposed by the society and to make the confinement experience constructive and relevant to the ultimate goal of reintegrating the offender into the community and of preventing recidivism. A high order goal for manpower planning might be to assure the economic competence of offenders and the means for achieving economic competence are vocational training, educational training etc. Manpower planning stresses the need to assist offenders to acquire and maintain a positive orientation to the world of work and to develop the requisite skills for assuming economic roles in society. It places a premium on educational services, including guidance, remedial education, advanced and technical education, vocational training, realistic work experience and exposure to a variety of constructive activities. It aims at identifying and promoting education. Training and work opportunities for offenders and ex-offenders and to bring the skills and talents of convicts in line with the demands of their jobs. Manpower planning has to be consistent with the increasingly emphasized purpose of social restoration for the offender, which can hardly be expected to take place without the willing and cooperative effort of the offender himself. It is essential to create and maintain "Environment of hope" that will encourage the offender to make persistent efforts to help himself. Inmates are concerned, with primary emphasis on preserving and developing both work skills and

skills in finding work and in holding a job and getting ahead in it.

Towards a manpower policy deals with the optimum use of labour force. The manpower policy should be related to socio-economic dimensions. The chief values of manpower efforts far lies in their long term effects and in the background and experience in formulating and implementing future manpower policy. There is a relative impact of employment policies and manpower programmes. The methods of successful diagnosis of individual needs with employment opportunities has to be used. Vocational rehabilitation programmes with emphasis on proper education can be used for manpower planning of convicts also. Embodied technical progress in labour is a function of education and job training. Changes in these variables could influence the productivity of labour.

The quest for a federal manpower partnership reviews the growth and development of federal manpower and role of different organizations in shaping and implementing the system. Establishing the magnitude of needs for manpower efforts involves the methodology of arbitrary setting of the standards. It is more difficult to search for the institutional and individual roots of social problems and the design of alternative strategies for dealing with the problems. There may be serious lapses in manpower planning of convicts, since the work experience of them is limited, unstable employment and little opportunity for advancement. A primary aim of planning is the identification and development of linkages among agencies and institutions involved in manpower efforts.

The entry occupational codes developed by the employment service make it easy to classify broad categories of occupational possibilities for new entrants into the labour market on the basis of education, interest, tested aptitudes and work experience. To carry out this proposal would require a much more precise scheme of classification of occupational specialties than is presently used to match job content and skill patterns. It must observe that inadequate recognition of elements, which produce good job motivation, is a common cause of ineffective utilization. Without the involvement of the first line supervisors and middle

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management officials, as well as the top management officials, significant success is not likely to be achieved. Government and manpower says that government touches indirectly every aspects of society's life and touches the individual directly, affecting his work and leisure, his income and expenditure, his security and safety and many more aspects. Government should access the substantial proportion of its talented, educated, trained and creative men and women of prison also. The administration and the policy makers endeavour to direct the penal policies to correctional aspects rather than nearly punishment. Tremendous change can easily be seen within a few years and it is widely socially accepted phenomenon that persons who are under detention, are also human and they also deserve some rights and they are a part of the society. A policy for skilled manpower (1955) says that future progress and strength depends upon a conscious and deliberate concern with manpower resources.

The development of the manpower should be without regard to their race, creed, colour, religion, origin and sex. Skilled manpower plays a critical role in every area may be food, clothing, public utilities etc. Even skilled manpower needed to build, install, control, maintain and repair the machines and to produce, services and repair automobiles, telephone, television, refrigerators, vacuum cleaners, washing machines etc. Distinctive abilities, competence in work and special training are the qualities of the skilled worker. Some skilled occupations like shoe making, glass making, carpentry, machinist, draftsman, typesetter, baker, barber, electronic technician, X-ray technician, electrician etc. Informal training of these occupations, which is a part of work experience can be given to convicts also. His attitudes, background, the amount and quality of his schooling, access to opportunities, time require to prepare the individual for skilled job and length of training depends on the nature of the particular occupation. Education seeks to prepare manpower assuming the privileges and responsibilities and for leading the worth and meaningful life. The difficult task of convict manpower utilization (CMU) is directly or indirectly effected by family background, intellectual ability, motivation and educational need. The classification of workers in skilled, semi-skilled, unskilled or in terms of kind of work, level of skill depends upon which criteria are used. 'Blue collar' "works mainly tend to industrial works and can be


fit for the convict manpower (CM). Career management in the organization\textsuperscript{6} 1984 highlights the "possible career dynamics" of manpower. The objective of career development can be achieved by self development. For the reformation process of convicts the self development motivates the inmates to follow the normal life. The planning of manpower of convicts should be in a way, that the self development of the convict could be seen while imprisonment and after release. The study deals with the quantitative analysis of career structures for improving policies, systems and practices. The approach adopted in the study is case study approach. The most important aspects for convicts is career planning (for future employment after release), management, development, policies and practices.

The analysis presented in the book\textsuperscript{7} is constructive in replacing rhetoric to realism. Some rhetoric like manpower programmes have provided adequate test to their alternative approaches replaced by the reality that many factors affect programme performance, and these limits the conclusions which can be drawn from success or failure. One rhetoric says that the performance of the manpower programmes can be measured and evaluated but the reality is, because of inadequate data and limitations in the evaluative techniques it is difficult to compare the effectiveness of the programme and approaches. The purpose of reviewing past, present and likely future developments is not to revel the emperor in his nakedness, but rather to find out ways of increasing the contribution of social scientists to the manpower programmes. highlighting the license we have learned so that mistakes will not be repeated, and critically examining claims which have been unquestioned. What works?\textsuperscript{8} defines that in the field of comparative outcome research there are two main kinds of research review. The first, traditional format is known as a `narrative review' in which reading of all research reports and attempt to provide a summary includes. A number of reviews have been undertaken using the statistical tool of "meta analysis". The principles of the effective prevention and the change in anti-social attitudes also highlighted. For manpower planning of


\textsuperscript{7} Hirsey Wendy (1994) "Career Management in the Organization", IMS report no.96. Institute of Manpower Studies, Brighton.

\textsuperscript{8} Justice Anand Mulla Committee (1980-83) "Report of the All India Committee on Jail Reforms: Vol I&II", Ministry of Home Affairs, Government of India.
convicts the social circumstances of offender, health and mental order, educational skill and ability, self efficacy, self-control and offending behaviour should be considered. It is also suggested that the evaluation of manpower programmes are very important. The book\(^9\) deals with the personality disorders, psychosis, psychiatric disorders of women. The data was collected from prison discipline records, interviews, the women's criminal record sheet, informal interviews with prison staff and history of previous treatment. The discipline record contain the information like date of birth, last known address, nature of offence, expected date of release, occupation, date and place of sentence, length of sentence, disciplinary offences during sentence, loss of remission, warning of management problems due to violent behaviour, escape potential etc. The chi square method will be adopted to compare population sample and prison sample. The date according to their conditions like very superior, superior, average, below average, intellectually defective, according to the offence, period of sentence (short<18 months, medium 18-36 months, long >36 months and life), origin, number of previous custodial sentences to be collected. The housing situation of the ex-prisoners is an important issue for offenders, who are released from prison and society as a whole. A study\(^{10}\) reveals that the 66% of homeless ex-prisoners reoffend within 12 months of the release. The method of semi structured interviews and follow up samples was adopted. In England the provision of financial assistance to the prisoner on release is in existence. The aim of manpower planning of convicts is to make them self sufficient so that they can meet out their basic needs of housing, cloth, food and employment.

Rational manpower planning should be concerned with the many facets of change that occur in the process of economic development. It has been realised in the book\(^{11}\) that the short terms plans can, at times be more realistic and effective than detailed long terms plans. Some basic problems in manpower planning are for not more than three years in the future, benefit from the experience of others with similar problems, lack of adequate government support, separation of plan formulation from implementation, over ambitious plan and targets, little attention to specific projects. The OECD has stimulated a new concept in manpower planning.

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development- "The active manpower policy". This can be described as an effort to use a variety of tools and resources to meet maximize manpower utilization. Manpower is concerned, as a factor of production, and element of the purposeful activities of society.

Economic development is the goal of manpower planning. There are three main areas in which close coordination is required between economic development programmes and manpower planning i.e. changes in techniques and technology, structural changes and distribution of skills and social changes. There are three major trends of correctional programmes in prisons i.e. specialization, diversifications and experimentations. The correctional programmes of education, cultural activities, vocational activities and moral education etc. are necessary. All these activities shows that even some correctional steps have been taken earlier but the planning of the convict prison manpower (CPM) is quite neglected area.

Manpower planning is also true in the case of convict prison manpower. Before manpower planning can become reliable as a basis for action, the "grass roots' processes (including behaviour and intention behind the behaviour) must be uncovered and examined for the direction for change. There are three main factors which should be considered i.e. predict market, technology, internal changes. These factors involves expansion plans, changes in demand for product, changes in methods, productivity change, induction crisis, work and tasks, alternative roles, alternative jobs, career opportunities, changes in training practices and attractiveness of the job.

The principle of training is based on the assumption that an offender is sent to prison for reformation. The purpose of the prison is to protect society against crime, and this purpose is not served if the offender return to society unfitted rather than fitted to lead to a normal life and earn an honest living. Classification according to sex is already in practice, but the classification according to their criminal record and assessment of their character is not taken

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12 "Manpower and Employment Policies for Developing Countries", Prepared in U.S. Department of Labour, Manpower Administration, International Manpower Institute.
into account. For women convicts the situation is difficult, since the occupations are very limited such as needle work, dress making, knitting and laundry work etc. The other condition which limits the development of prison industries is that the scope for manufacture for sale on the open market is extremely limited.

An individual outline career plan should be drawn up for each prisoner at the start of his sentence. It would suggest the likely shape of his sentence including when he might expect to be reclassified, the sort of establishment he should be transferred to at different stages of his sentence and for how long, and the kinds of vocational training education and other programmes from which he might benefit. Each prisoner would instead have a career plan which related the different stages of his sentence in a meaningful way, it would incorporate goals which he himself perceived as desirable because they would be tailored to his particular needs and hopes: and the achievements of these goals would be explicitly related to his behaviour.

The question of prison labour was first recommended for inclusion in the United Nations programme of work by the first group of experts in August 1949. The project was then defined as "the role of prison labour in the training of the prisoner and in the economy of the institution as well as in its relationship to the national economy". The manpower planning aspects of the convicts are closely related with the prison labour programmes.

It is also felt in the Mulla committee report that lack of manpower planning for the prison departments has created serious anomalies. The various aspects which have to be taken into account of objectives of work programmes and vocational training, priorities of employment and production, policy regarding the optimum employment of manpower available in prisons, economic aspects of the production units, diversifications of prisons, classification of prisoners, policy regarding employment of convict prisoners, prisoners sentenced to short, medium and term of imprisonment, availability of funds etc.

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The word 'Prison' and 'Gaol' derive from the Latin words meaning respectively 'to seize' and 'a cage'. The Oxford English Dictionary defines prison as, "A place properly arranged and equipped for the reception of persons who by legal process are committed to it for safe custody while awaiting trial or for punishment."\(^{18}\)

The change in emphasis from custody and punishment to custody and rehabilitative treatment as the principle functions of a prison has raised a very important question for both penologists and administrators:

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“Can the attitudes and behavior of those who have committed anti social acts be changed in desired directions through compulsory confinement in an artificial community composed of other criminals?”\(^{19}\)
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To effectively answer this question, the prison community must be viewed as a dynamic social system complete with all the processes, checks and balances, and symbiotic relationships that other social systems have. This is precisely why research into prison discipline is so important.

Our prison take men and women who have committed a crime and mold them into criminals……………….I know several men who were in jail for years, only to be found innocent of the crime which sent them away. But upon their release they were more inmate than straight. The prison environment had done its work…..\(^{20}\)

**Historical Development of Prison Policies in India**

The first All-India Committee appointed to review prison administration in 1836-38, condemned this system and it seems that by 1864, when the second jail Committee was appointed to report on prison administration, such road gangs had disappeared. The Prison Conference of 1877, reopened the question of employing prisoners on large public works such as canals. According to t is Conference such employment of prisoners was not only very

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18 Datir R.N. (1978) Prison as a Social System, pp 1
valuable, but also a necessary adjunct to jail administration. It appears that prisoners were again employed - on public works as a result of the recommendations of the Prison Conference of 1877. The last Indian Jails Committee of 1919-20, however, found that this system of employing convicts on repair of public roads and cleaning public drains, was no longer followed in any part of India except in Assam, where too, it was in vogue because there was no other alternative for employment of prison labour. The Committee opposed the employment of prisoners on public roads and drains and municipal works on the ground that classification of prisoners could not be carried out, discipline was difficult, tasks could not be enforced and there was danger of introduction of epidemic diseases.

The 1919-20 Committee, therefore, recommended that prisoners on large public works should be employed only when the location and climatic conditions of the site of work were satisfactory and good arrangements for water supply existed. They thought canal digging and railway construction were not suitable works as they required frequent shifting of gangs with consequent unhealthy living conditions in a camp of a temporary nature. As regards security, the Committee was opposed to the use of belchains at night as a measure of security. It was recommended that barracks with walls and grated doors and windows should be sufficient. The Committee further recommended separation of casual convicts from habitual in such gangs and thought that prisoners sentenced up to one year would be most suitable for such works. Except in matter of diet which should be liberal, the Committee considered that ordinary discipline of a permanent jail should be adhered to. According to the Committee "the open-air life and the employment in the form of labour not dissimilar to that in which large number of prisoners engage in freedom, were not antagonistic to reformatory influences". Construction of jail buildings was considered as a suitable form of such work for prisoners.

The Indian Jails Committee of 1919-20 also considered the employment of prisoners on agriculture which according to them was the most natural and appropriate jail industry in view of the fact that 72 per cent of the population in India was directly engaged in agriculture. The Committee was of the opinion that there were certain difficulties in such employment such as the possibility of getting suitable land for an agricultural jail and the peculiar condition of this form of labour which involved distribution of labour over a very wide area making guarding and supervision difficult. The Committee did not consider that this could ever play a very important part in the round of jail industries.
During the period of 1920-47, no attention was paid in any province to this form of extra mural employment due to the preoccupation of the provincial governments in controlling the periodical political movements for the freedom of the country. Although several provincial governments during this period appointed committees to review prison administration and they recommended changes of a far reaching nature, the question of prison employment did not go beyond the improvement and expansion of cottage industries in jails.

India attained Independence in 1947. The new government which had at the helm of its affairs leaders who had personal experience of jail life, having passed long periods in prisons as political prisoners, gave immediate attention to the improvement of the regime inside the jails. Several changes were introduced which humanized living conditions in prisons. This gave rise to a certain amount of confusion between amenities and treatment. There are many who still think that introduction of certain amenities in prisons by themselves constitute measures of treatment of offenders. It will take time to remove this impression, but there are growing signs to show that the real purpose of treatment in prisons is now being appreciated by the public. The post-independence period is also marked by the study of criminology and penology by the junior wing of prison administration. Which it is hoped will in due course provide professional leadership, so much lacking at present.

The various International Conferences held in recent years in which India had an opportunity to participate, and the introduction of literature issued by the Social Defence Section of the United Nations and other countries have helped a lot in creating interest among professional men in the adoption of new ideas and experiments in other countries. There is now a growing demand for payment of wages to prisoners and for providing training facilities in certain vocations and trades. For want of sufficient funds much progress could not yet be made in these matters, but it schemes for payment of wages in some form or the other have been introduced in many States, while in others they are under consideration. Experiments made in certain States, particularly in Uttar Pradesh in recent years, have clearly demonstrated that prisoners respond very well when employed under conditions as similar to outside world as possible. Consequently, there is a tendency now in certain States to integrate prison labour with national needs which offers a vast field for work in open conditions. While in certain

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States this form of employment is being extended, in others, schemes for such employment are under active consideration.

References of Jails were discussed in Mahabharata also and the birth of Lord Krishna in Jail in Matura was the proof of it. The prison systems were known as silent systems.

From Prison Administration to Correctional Administration

The ancient Indian society exhibit all the characteristics of ascriptive social structure. The central principles of organizations were formulated in the famous texts like Manu, Yajnavalkya, Chanakya’s Arthashastra and others. The crimes and punishments were regulated in accordance with the Smrtri. Many crimes and wrongs were sins and entitled secular punishments and also religious sanctions. The ancient Smrtri writers were quite aware of the several purposes served by punishments for crimes. The individual, however, could not, in civilized societies, take the law into his own hands and therefore the state saw it that the emotion for retaliation or revenge was to some degree satisfied by the adequate punishment of wrong doer. This aspect of the Smrtri writers has resemblance with the present judicial system in India, that no person is allowed to take law in his hands, but the state take cognizance of the wrong doer. In all ancient societies, the laxtalionis (The law of retaliation) prevailed. The philosophy of punishment for rehabilitation was not in existence then.

Kautilya prescribes that a jail should be constructed in the capital provided with separate accommodation for men and women kept apart, (thus the principle of classification of men and women was in existence in the jails during ancient period), and well guarded at the entrances (Since there is no mention about jails in other parts it is evident that very few persons were sent to jail to undergo punishment). He further provides that among the duties of nagarka is to let out of the jail on the day of the festival of the birth constellation of the king and on the 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 the fines or other bind themselves by an agreement to pay in cash the fines for the offences for which the prisoners are jailed may be set free on their working every day or once in five days or by undergoing corporal punishment, paying fines in cash. This system has some similarity with the state remission in the present system.
There was no regular prison system in ancient India, as most of the punishments were meted out outside prison. 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, as their relation with the outside world.

**The Mughal Period**

The legal system in Mughal India resembled that of ancient India and attempted to temper with day to day administration of justice. According to Muslim law, there are two categories of crime. The first includes crimes of human and private nature and are subject to the law of talion and ransom. In the second category are the crimes of theft, brigandage, extra-marital sexual relations, apotacy and wine drinking.

The object of reformation was also taken into account while awarding punishments during Muslim period, may be in few cases. The literal meaning of Tazir means “ to censure or repel:”. This punishment, intended to reform the culprit (litashhir) was not known to the Quran’s and found its way into Muslim Law at a comparatively later date. The main object of this punishment being reformation the degree of punishment varied with the social status of the accused. More than 80% of the population being excluded (being in villages), the state responsibility for administering justice was limited to larger units of Government, Parganas, Sarkars (Districts) and Baldat (provincial headquarters). In the villages criminal as well as the civil cases were decided by the village panchayats and also the revenue cases. Sir Henry Eliot has given an apt description of the panch and panchayat courts. There was belief that “ there is God in Panchas”.

In short the forms of punishments , as described below, continued even during Mughal Period

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22 Datir R.N (1978) "Historical", Prison as a Social System, pp 40-52
As regard the procedure in proving the charges, we find that witnesses were essential to give evidence. This system has resemblance with the present system, that is, witnesses are essential to give evidence in support of the charged leveled against the accused.

During Muslim period also, the principle of “Let 100 accused be set at liberty, but one innocent person should not be punished” was not in existence. The Quazi should hold the court in an open place and preferably in a mosque, so that the poor have free access to him, but there is no harm if he holds the court at his house, provided people are freely admitted. (Thus the principle that justice must be seen by others was followed, as is done in the present system). The parties appearing in the court have equal status in the eye of the law, hence the quazi should make them set together as the same place and make no distinction in the arrangement, even if the king be a party in case before him (thus the principle that before law everybody is common, was maintained).

The principle forms of punishment during Mughal period were (1) Capital Punishment (2) Mutilation (3) Flogging (4) banishment (5) Tashir (6) Fines (7) Imprisonment. Although imprisonment was a very useful form of punishment in Mughal India, there were no specific rules fixed for it. Even though there were no jails, in the modern sense, during mughal period the practice of releasing prisoners on bail from jail was in existence. The application may be in exceptional cases.

The Maratha Period

During maratha period also imprisonment as a form of punishment was not very common. Death, Mutilation, fine were common forms of punishments. Since imprisonment was not the principle form of punishment, during maratha period also, the development of modern prison
system was not possible. There is no evidence about the prison management during the pre
peshawar period. During the peshwa period some information is on the record on prisons.

Some rooms in forts popularly known as the bandi khanas or adabkhanas were reserved for
prisoners, and the culprits who had committed serious crimes, were sent to such forts from
different places. The quantity and also the quality of rations varied according to the rank of
the prisoner. (In the present system also the class I and the class II prisoners are given
different diet and thus discrimination in social status is maintained in prison also. But the
principles underlying the difference are different) The allowance of food is regulated both by
weight and not by price. (In the present system, the allowance of food is regulated both by
weight and price.) They were sometimes given leave for going home, to perform religious
ceremonies like the “Shraddha” (funeral rites) of dead parents, marriages of grown up
daughters and the thread ceremony of sons, which the peshwa 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. (These practice of giving leave for emergency resembles the system of release
on parole in the present system) Due consideration was given to the prisoner’s health and if
required, they were released. (In the present system also, prisoners are released from the
prison; if required certificate is issued by the authorized medical officer) Sometimes their
relatives were allowed to attend them. (In the present system, there is no such provision.) If
the climate did not suit their health they are transferred to some other places and were often
supplied with necessary clothing.

To summarize the main features of prison system as they prevailed in pre-British period, 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 the relation of
prisoners with the outside world
(5) Courts were not the feeding centers for prisons
(6) Imprisonment was not the normal feature of punishment and most of the punishments
were meted out outside the prison
Some forts were used for keeping certain types of prisoners.
In such “Fort-prisons”, there were no rules for the prisoners and staff.

The Modern Prison System

With the advent of the British, the administrative structure in India began to assume a new form. At first very little alteration was made in the existing legal system. It was probably impossible for the English at once to assume the duty of administering criminal justice, but they could not help it long. In 1773, was passed the Regulating Act 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 law and English superintendence of law and justice.

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. In 1833 the attention of the British parliament was drawn to the “anomalous and sometimes conflicting judicatures by which laws were hitherto being administered”. An Indian law commission was appointed to prepare a uniform code of legal rules. First the civil procedure code, then the Indian penal code and almost immediately afterwards the Criminal Procedure Code, all of which had long been in preparation, were enacted. A uniform system of legal justice was initiated in India. The Indian Penal Code defined each and every offence and prescribed punishment for it. Imprisonment became the most conspicuous and most commonly used instrument of penal treatment.

Indian Commissions and Committees

The emergence and changes in the modern prison system are the result of different commissions appointed time to time. In 1835, Lord Macaulay arrived in India, as a member of Indian Law Commission. In his minute dated 14th Dec 1835, he states “Imprisonment is a punishment to which we must chiefly trust. It will probably be resorted to in 99 cases out of every hundred. Thus the deterrent philosophy for the management of prisons in India was recommended. The suggestion of Lord T.B. Macaulay to appoint committee for the purpose of collecting information as to the state of the Indian Prisons, and of preparing an improved plan of prison discipline was readily received by Sir C. Metcalfe, then acting Governor-
General and a committee was appointed to report upon the subject. The report was presented in the early part of 1838. The committee handled the aspects of housing of prisoners, discipline, health, diet, remunerative theory, rewards and punishments, education, labour and recommended a series of suggestions. The committee in its recommendations deliberately rejected all reforming influences. The difficulties in implementing the suggestions of the committee were summed up in the following extract from Lord Auckland’s resolution upon the committee’s report:

“To change the common herding of prisoners of all descriptions for careful classification, to substitute a strict and useful industry for idleness or for a light and ill directed labour, to provide that the life which is irksome shall not also be unhealthy, and that the congregation of the vicious shall not be a school of vice, are all objects for the first approach to which buildings must be erected, machinery formed and establishments and checks upon establishments contrived, and in the perfect attainment and maintenance of which great disappointment has after every effort and expense in many countries ensured. In no country it is likely that greater difficulty will be experienced than in this. For the mere locality of the prison, that which is healthy in one season may become a pest house by a blast of fever or of cholera in another.

Second Prison Commission

Sir John Lawrence, the Governor of India reviewed the position in 1864 and appointed the second prison commission to minimize the high death rates in prison, and for considering other aspects of jail management. The committee of 1864 found that during the preceding ten years no less than 46,309 deaths had occurred within walls of the Indian Prisons. The committee came to the conclusion that the sickness and mortality may be considered as mainly attributable to (1) Overcrowding (2) Bad ventilation (3) Bad drainage (5) Insufficient clothing (6) Sleeping on the ground (7) deficiency of personal cleanliness (8) Bad water (9) Extraction of labour from unfit persons and (10) Insufficient medical inspection. The committee also considered the aspects of (10) Juvenile delinquency (2) Female Prisoners (3) Dietary (4) Jail discipline (Superintendence, labour, rewards, punishments, education) (5) Classification of Convicted prisoners (6) Habitual Prisoners and recommended a series of
suggestions in the prison system. Due to implementations of the recommendations of the committee, the death rate in prisons was considerably reduced.

**Third Prison Commission**

In 1876 Lord Lytton appointed a third commission to make a general review of the subject, and in particular to suggest means for introducing more uniform regulations and for making short sentences more deterrent. The committee reviewed the jail management generally and mostly concerned itself more with the matters of detail prison work than with the general aims and principles of administration. The plan adopted, as remarked by the Indian Jail Committee 1919-20, was “of embodying in the report a long account of discussions, the arguments pro and con and the opinion even of the individual member, with the result that actual conclusions arrived at were buried under the mass of previous deliberations of the Indian Jail Committee.”

In the time of Lord Dufferin, in 1888, attention was again directed to the diversity of practice, and two officers of experience were appointed to visit the jails of different provinces, and to investigate on the spot questions regarding health, discipline and general administration. They made an exhaustive inquiry, and submitted their report in 1889, which dealt with prison discipline and management in all its aspects. The report was a “business-like Report”, covering nearly the whole field of internal management of jails and laying down rules for prison management. The committee recommended the separation of under trial prisoners and the classification of prisoners into casuals and habituals. Most of the recommendations were incorporated in the Jail manuals of various provinces.

**All India Committee**

The work of the committee was supplemented by the All India Committee 1892. It re-examined the whole prison administration in India and drew up proposals on the subject of prison offences and punishment. The report of the committee was accepted by the Government of India which passed the Prisons Act 1894. The Act fixed nine hours labour a day for a criminal prisoner sentenced to labour or employed on labour at his own desire. It further redefines what constitutes prison offences and laid down punishments for the same.
This Act was largely based on deterrent principles and reflected the contemporary English public opinion on the subject. The legislatures took little pains to look into the other side of the problem. Surprisingly the same Prison Act of 1894, even today, is in existence in the management of prisons.

The year 1897 marks a landmark in the history of prison changes in India. In that year was passed the Reformatory Schools Act. The Act modified the prior legislation on the subject, which had remained more or less a dead letter, and directed the courts to send a “youthful Offender” to a reformatory school instead of a prison. Possibly all the Indian Jails Committees upto 1888-89, were influenced by the report of the Indian Jail Committee 1838 which again influenced by the contemporary ideas in England where deterrent side of punishment appealed to the parliamentarians of the day. To overcome these shortcomings in the prison system in India, the fifth committee was appointed in 1919. The Indian Jail Committee of 1919, gave expression to the new ideas. The committee made an extensive tour of England, USA, Scotland, Japan, Philippines, Hong-Kong and Andamans (where Indian political prisoners were detained) studied prison systems there, and submitted a comprehensive report suggesting far-reaching changes in the various aspects of prison system. The report of the committee is a huge piece of work. The committee made 584 recommendations (some of which have not been implemented even today in most of the Indian Jails)

The publication of the report gave an immediate and great impetus of prison reforms throughout India. The Government of India took its strictures and recommendations seriously to heart and issued instructions to all local government to study the report and implement the suggestions mentioned therein. Not only were the prison departments affected but penal reform also received a great fillip. The enactment of the Brostal Act, the children’s and probation act were undoubtedly the direct or indirect result of the general interest aroused by the report. The report, it may be remarked, “ laid the foundation stone of modern prison system in India.”

Unfortunately the changes in the prison system in India received a sudden set-back due to the constitutional changes brought about by the Government of India act, 1919. The enforcement of this act effected the transfer of the jail department from the control of the government of
India to that of the provincial government. Prisons were placed in the reserved list under the dyarchical set-up of the province and changes in the prison system received a set-back.

**Recommendations of the Punjab Jails Inquiry Committee, 1925**

**Interviews and letters.**

Many representations have been made to them by prisoners, as well as by outsiders, that the relatives of prisoners should be allowed to interview them more often than at present and that a more frequent interchange of letters between the convicts and their friends should be permissible. It is suggested that the recently fixed interval of three months should be further reduced to one month. From one point of view this would be desirable. As the Indian Jails Committee rightly observed, "the maintenance of the prisoner's home-ties is an important matter. Nothing produces a worse effect on a prisoner than to feel that his friends and relations have cast him off". Communication between a convict and his relatives has or ought to have a reforming influence, the value of which cannot be under-rated but, every interview and every letter means so much more work for an establishment interview already fully burdened seeing that an official has to be present at every interview while letters passing between a convict and his friends must be carefully censored. In view of these difficulties, the Jails Committee contented them selves with recommending the interval of three months as the ordinary rule to be relaxed in special cases at the discretion of the Superintendent, and we do not deem it necessary to suggest more frequent communication\(^\text{23}\).

In some Jails the arrangements as to the place are far from satisfactory, and we express the hope that early steps will be taken to carry out the suggestion of the Indian Jails Committee to provide "a properly constructed interview room at or near the main gate" in every Jail. It might be added that in certain of the large Jails more than one such room will be required to enable the daily average of such interviews to be conveniently overtaken. Many have complained that owing to the pressure the time allowed for interviews is very short. Relatives travel long distances and incur considerable expense so that a hurried dismissal naturally causes serious disappointment while so far as the prisoner is concerned the very shortness of the interview tends to defeat the object for which it has been allowed. We consider that 20 minutes, the time proposed by the Indian Jails Committee, is reasonable and should generally be allowed. Under the rules, the Superintendent, until better accommodation is available it may be

\(^{23}\)Recommendations of the Punjab Jails Inquiry Committee, 1925, pp 22
found necessary in the larger jails to begin interviews earlier in the day. We recognise that this may involve some slight disarrangement of labour and throw a little extra work on the staff. Proper arrangements will minimise the former difficulty and the importance of an adequate interview outweighs the latter.

It is common knowledge that interviews are often abused. The arrival of a relative for this purpose has come to be regarded as an opportunity for passing money, to which the inmates as well as the jail subordinates look with equal eagerness. The higher Jail officials must keep a keenly vigilant eye on this practice and do all in their power to check it. An institution, which is meant as a reforming influence, cannot be allowed to degenerate into an occasion for smuggling and bribery. In the cases of letters, we have been told that a large number of them contain instructions to relatives to send money through certain jail officials or even to the care of outsiders for payment to jail officials. If that be true, there could hardly be a stronger indictment of the kind of censorship exercised by the jail officials on this correspondence.

While advocating full facilities for interviews and postal correspondence, we consider it necessary to draw pointed attention to these two abuses of the privilege. As regards the general conditions governing interviews and letters, we need merely say that we are in entire agreement with the model rules given an annexure to Chapter XI of Volume I of the Report of the Indian Jails Committee.

**Education in Jails –**

There is some difference of opinion as to the practicability or otherwise of a system of elementary education in Jails. Many non-official witnesses, as well as literate prisoners, have told us that arrangements for education are badly needed in our prisons and if introduced are likely to have a good effect on the character of the prisoners. On the other hand some of the officials consider it unlikely that the adult rustics of this Province who constitute the bulk of the population in our Jails, will take kindly to any system of education. We think, however, that there is a good deal to be said in favor of education in Jails having regard to its possibilities as a reforming influence. It would, of course, be of an elementary character and in our opinion the experiment should, for the present, be confined to persons who are not above the age of thirty. The youths detained in the Borstal Jail can remain there up to the age of 21, and in certain cases up to 23, and in that institution elementary education is rightly regarded as a part of the prison routine. There appears to be no reason why persons between the ages of 20 and 30 confined in ordinary jails should not profit by a similar, though less elaborate, system. An hour or two devoted every day to teaching the three R's to such
prisoners would, in our opinion, be well spent, and this can be arranged without detriment to the hours of labor. Under present circumstances, there is too much spare time and the hours of idleness lend themselves to many abuses. It is probable that in many jails educated prisoners would willingly come forward to assist in such work though a nucleus of trained teachers would be required. We think too that as an adjunct to this, occasional lectures of an interesting and instructive type might be delivered. Agriculture craftsmanship and travels are instances of subjects which would be suitable.

**Religious Instruction and Religious Observances.** –

Arrangements should be made, if possible, for religious instruction for all classes of prisoners, literate as well as illiterate. It should not be difficult to secure the services of reliable preachers who could be prepared to address the prisoners on sundays at times prescribed by the Superintendent and under the supervision of some jail official, on non-controversial religious and moral topics. The Indian Jails Committee attach considerable importance to this subject in their Report. They observe:-

(Page 53, Volume I) - "A practice has, however, grown, up of late years in several Provinces of allowing voluntary workers be longing to non-Christian communities to give addresses on moral and religious subjects. In Burma, the jails are more or less regularly visited by pongyis who preach on Sundays to attentive audiences. In Madras, Christian and non-Christian lecturers have been attached to various jails to give moral instruction. A similar step has been taken in the central Provinces and Bombay and elsewhere in the case of juvenile jails. The degree of success attained has necessarily varied with the interest or enthusiasm shown by these voluntary workers, but we nowhere heard that their admission to jail had any untoward results or has been followed by any developments unfavorable to discipline or to the regularity of the jail administration."

In another paragraph, while recognising the difficulties in the way of carrying out this idea, owing to the great diversity of religious in this country, they proceed as follows:-

(Page 154, Volume I) – "Our opinion closely coincides with that of the majority of the witness who came before us. It is undoubtedly true that the existence in India of various, more or less, antagonistic sects and religions, makes it less easy to provide instruction in than

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24 Recommendations of the Punjab Jails Inquiry Committee, 1925, pp 23
25 Recommendations of the Punjab Jails Inquiry Committee, 1925, pp 23-24
it is in countries such as Burma, where practically all prisoners belong to one faith. This also renders it specially necessary that the selection of the teachers to be admitted to jail should be made with great care, so that only persons of thoroughly sound character and discretion shall be chosen. But we certainly think that endeavors should be made to provide religious and moral instruction for all prisoners in jail. The existing differentiation in favor of Christian prisoners can hardly continue and we think that no prisoner ought to be cut off from communication with the ministers of the religious to which he belongs. Experience seems to indicate that the difficulties arising out of sectarian differences will not prove so great or so serious as some observers have expected."

We agree with the above remarks and hope that an earnest Endeavour will be made to secure persuasive religious preachers, with the following caution (which we feel is important and which was very properly emphasized by the Indian Jails Committee) against any efforts at proselytizing:-

(Page 155, Volume I) – "No minister should be allowed to have access to any prisoner who does not belong to his own denomination unless the prisoner voluntarily and spontaneously expresses a wish to see such a minister, in which case the matter should be reported to the Inspector-General for orders. It would obviously be improper to allow jails to be used for purpose of proselytizing, and the existing rules which are quite clear on this point should be strictly maintained."

We wish also to associate ourselves with what the Committee recommended as to the provision of reasonable facilities to members of every community for the observance of their religious practices, with due regard to the maintenance of Jail discipline, and would add that on the occasion of the death of any inmate his funeral rites should be performed in accordance with the rites prescribed by the religion to which he belonged. This point has been strongly pressed on our attention by prisoners in different jails and we think this request is not unreasonable on their part. It seems proper that this should be allowed not only of respect due to the dead but also to encourage humane and religious sentiments among the prisoners. There is, we fear, some ground for the current Punjabi saying:-

"A prisoner dead is a dog dead,"

"A prisoner escaped is a lion escaped."
Libraries-

Almost all literate prisoners, who have come before us, have expressed a desire for books. They urge that there should be a library in every jail, in which books on religious and moral subjects, historical works and possibly some harmless fiction. Should be available for the use of prisoners. The Jail officials, whom we have questioned on this point, raise no objection to the provision of such libraries and admit their usefulness. We have noticed a small beginning made in this direction in the Central Jail. Labore, and we think that a general extension would be a healthy and helpful addition to the potential influences for good.

Apart from the small initial expense which would be greatly minimised if members of the Public would pass on to the jail authorities suitable books which they no longer require, the main difficulty in the introduction of the system is the question of lighting. Under present conditions reading is practically out of the question in the winter evenings. The illumination of the barracks is confined to one dim lamp. Where there are only a few educated prisoners in a jail, it might be possible to accommodate them during an hour or two in the evenings under proper supervision in one selected barrack for which adequate lighting arrangements would be provided. We are impressed with the desirability of keeping prisoners usefully occupied between lock-up and bed time and we consider that in this connection the following observations of the Indian Jails committee deserve careful consideration:-

(Page 152, Vol., I) "The hours between lock up and 8-30 or 9.30 p.m. are those in which time must hang most heavily on the prisoner's hands and in which illicit practices and harmful conversation are most likely to occur. It is very desirable that some method of providing occupation for these hours should be found, and with this object we suggest that, wherere possible a portion of each sleeping barrack should be cut off and turned into a recreation room, "where prisoners would be allowed to read, either to them sleves, or aloud, to play quiet in door games, or to receive education. A paid officer should be present to keep order and to prevent abuses such as betting, singing, bad conduct or conversation. The room should be properly lighted and supplied with any necessary adjuncts. It should be separated from the sleeping ward by a batten door. The privilege of using the recreation room should be conditional on good behaviour and should be liable to be withdrawn as a punishment."
All our remarks regarding the introduction of elementary education and of religious teaching and the provision of libraries would be equally applicable to female convicts, where ever there is a separate jail for them and suitable arrangements can be made. The female central jail in Lahore contains accommodation for over 300 prisoners and at the time of our visit there were 226 inmates. We are informed that these women very seldom give any trouble and that jail punishments are almost unknown. This jail would therefore, appear to offer a promising filed for experiments on the lines suggested.

Certificates and Prisoners Aid Societies –

In conclusion, we would commend to the consideration of government a suggestion made by one of the prisoner witnesses to the effect the exemplary conduct during the period of jail life should secure a certificate from the superintendent at the time of release. The witness pointed out that as matters stand the public have no means of knowing whether a released convict has by his behavior in jail shown a desire to stone for his offence or not and that consequently all are equally suspect when they Endeavour to secure honest employment. We examined the history sheet of this witness and found that it was uniformly good over the whole long period of incarceration. A soldier on discharge is given a certificate of conduct and though the cases are naturally not quite analogous we are inclined to think that the possibility of gaining such a certificate would in many cases be a strong incentive to good behavior, while its possession might prove a useful aid to the obtaining of work on release.

There is another subject closely connected with life after release which in our opinion is of great importance. Many of the Chief witnesses that appeared before us rightly declared that the principal aim of jail discipline should be the reform of the criminal yet, apart from the Europeans not one of the communities has made any effort to further that reform by establishing prisoner's aid societies. However if no helping hand is stretched out at the time of release. Such societies are are in existence in practically all countries which take any thought for the criminal and the advantages they confer are unquestioned. We have been much impressed by the apparent anxiety for the betterment of the criminals displayed by not a few of the principle witnesses and we feel sure that this serious omission to any effective scheme of reform has only to be mentioned to elicit an immediate response from the public spirited men of all communities. To those who are disposed to assist in the good work, we would
recommend a perusal of chapter XIV of the Indian Jail Committee report 1919-20 where much useful information regarding organization will be found.\footnote{Recommendations of the Punjab Jails Inquiry Committee, 1925, pp 26}

**Post – Independence Development**

Government considered that the reformation of the prisoner is of paramount importance in jail administration and is of opinion that the existing provisions of laws and rules in respect of prisoner should be revised so as to achieve this object in the best manner. Crime is an anti-social act and that it is the task of prison administration so to deal with the criminal that he and others may be deterred from the commission of such acts, in future the commission of further crime............” Even though we aim at reformation we are still under the shadow of deterrent therapy. Another noteworthy factor is the committees did not accept the most modern theory in the science of criminology. We must discard all our notions about the criminal being considered a criminal at all. An offender must be considered a victim of social circumstances, a person requiring treatment rather than punishment. The 1948 committee opined with importance of criminology but not accepted as far they should be. Once the principle “a criminal is a victim of social circumstances” is accepted by the committee, the responsibility of such social circumstances will naturally be required to be shouldered by the ruling group, and as the member of the committee and thereby the ruling group, were not prepared to accept this responsibility, the modern theory in criminology was possibly not accepted by the committee.

The Government of India has taken some interest in the matter of changes in the prison system. In 1951 it requested the Technical Assistance Administration of the United Nations to send an expert for imparting a training course to the selected jail officers and to suggest progressive programmes for the scientific care and treatment of offenders. Dr W.C. Reckless was sent as an UN expert who went round the country and submitted a report on prison administration in India and conducted a six months training programme for jail officials. Dr. 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 in his report “Jail administration in India”

**Continuation of Old Policy**
The Government of India appointed an All India Jail Manual Committee in 1957 to prepare an All India Skeleton Jail Manual, to examine the Prisons Act and other Laws and make proposals for changes to be adopted uniformly throughout the state. The committee submitted its report in 1959. In pursuance of the recommendations of the jail manual committee, the Government of India set up a Central Bureau of Correctional Services in 1961. The main functions of the bureau was to coordinate and develop a uniform policy to standardize the collection of statistics on a national basis, to exchange information with foreign governments and the UN agencies and to promote research, training and studies and surveys in the field of prevention of crime and treatment of offences.

Unfortunately the spirit and enthusiasm with which the subject of prison reforms was taken up by various governments did not last long. The prisoners could now avail of furlough and parole. They were granted wages, even though nominal, for the work done by them. The introduction of panchayat system led to improvement in the living conditions of prisoners. One of the major prison reform introduced and which, we feel, is still an important modality of treatment of prisoners, was the development of open prisons serving as a half way house for long term prisoners for their transition from prison to open society. A jail officers training school was set up in at pune in 1955.

The changing circumstances on the socio-economic scene of the country after independence did not allow much to be done on a subject like prisons. The policy of the British Raj of running prisons in as cheap a manner as possible continued as a hangover even after the advent of freedom. The prisons always received the lowest priority in the state budgets. On each spell of financial stringency, the prisons were the first casualty. In their efforts to bring about an economic transformation in the country. It somehow crept into the minds of the planners and administrators that prisons were a non productive department. People entrusted with the task of planning for socio-economic change could never visualize that prevention of crime and treatment of offenders was an integral part of the bigger problem of social development and that, therefore, it deserves proper governmental attention, both administrative and financial. It sometimes began to appear that the appointment of prison reform committees was being used as a palliative for agitated public opinion for a temporary period and when reports and recommendations were received, they were shelved in the name of financial stringency.

Oxford dictionary definition: “Corrections in common parlance refers to all the efforts that are taken by the criminal justice personnel to effect some kind of correctional change in the
offender in an effort to set right the deviant behaviour”. Bartollas (1985) clarifies that the term correction in itself indicates that the major aim in dealing with offenders is to bring them to a recognition of their behaviour so that it becomes more beneficial to the society and perhaps to their own goals. The evolution of this concept of correction was marked by increase in growth of imprisonment and its modifications as well as substitutes such as remission, parole and probation, short term sentences and fine. Prisons came to be called as “Correctional Systems” or “Correctional Institutions”

**Philosophy**

Society reacts to criminal behaviour in a number of ways, one of which is the practice of incarcerating the offender, to serve the purpose of “Corrections”. Corrections is reforming offenders by imparting various treatment programmes besides confining the offender.

Though in recent times reformation has been in focus of corrections prior to the emergence of incarceration numerous forms of punishments were utilized as measures of social control (Reid, 1981) to serve the purpose of criminal sanctions. Retribution, expiation and deterrence were the justifications of punishments. As the popular conception of the punishment in the yesteryears amounted to inflicting some sort of pain in the offender for his violence of law (Allen et al, 1975). The impact of political, economic and social changes in the 18th century brought out the beginning of a era of changes in the trend of punishment. In the 20th century the concept of justification of punishment shifted to deterrence followed by reformation, rehabilitation and reintegration of the offender into the main stream of the society (Reckless, 1971). In other words, the trend has been towards humanizing punishment and reduction of brutalities which ultimately gave rise to a new concept called “Corrections”. While humanizing the punishment, special attention was focused on convicts in correctional institutions.

**Lopsided Progress**

The problem of Social rehabilitation and treatment of prisoners is, with the passing of years, assuming larger dimensions in almost India. This is so because the moral consciousness of human being is more actively manifest in the anxiousness of society to secure the redemption, treatment and rehabilitation of those who by committing less serious offences
have stayed away from the time being from the normal walks of social life. The Social intervention of convicts ideally includes treatment in the forms of supervision, guidance and assistance. Despite the social interventions taking place in the prisons, certain precautions need to be taken in advance so that the convicts will not return to crime after release. Despite the usefulness of aftercare service, there has been very little progress in the area of treatment and rehabilitation in correctional organizations of India.

In the developed countries of the west, voluntary social and religious organizations have been doing a lot of extremely useful and humanitarian work pertaining to the treatment and rehabilitation of prisoners. In the Indian context, a need to involve social work practice in prisons is required and employment oriented rehabilitation programmes to be introduced in the prisons. Social work intervention is to be developed for establishing and maintaining contacts with employers and the selected convicts. Social rehabilitation of convicts is now a matter of serious concern. It is felt that in the view of the failure of our existing prison system to reform criminals there is a need for increasing application of non-punitive and rehabilitation based treatment of convicts. The social interventions maintains cohesion among inmates, creates self confidence in inmates, develops mutual support, nature of adjustment in prison community and develops loyalty between convicts and society. Effective social work services to be introduced to reform the convicts.

**Structural Determinants**

There is a complex two way process in which goals, ideas and beliefs influence and are influence by the social structure. Applying this to prisons it might be said that prisons relations are patterned by structural determinants. Meanings and motives of prisoners are socially generate and sustained in ways of which prisoners themselves may be unaware. As such, along with structural changes, interpersonal relations in prisons should be so permitted to develop that prisoners own motives and meaning may get importance in their behaviour. There are a variety of ways to deal with the stress created by prison life. Some inmates feel they must be actively constantly in order to survive the prison experience. Their activities may include some learning process that can help for the adjustment of convicts in the society after release. Social intervention can help a lot in the reformation, treatment and rehabilitation of convicts.
The correctional institutions are less willing to underwrite the cost of providing decent conditions and rehabilitative programmes. The financial support and other assistance needed by the correctional institutions are denied. The prison was expected to be self financing, even profit making through the exploitation of inmate labour. The long run trend however towards more humane and rational practices in corrections. Prisons are free to operate in less punitive and restricted ways. They might secure the financial support necessary to obviate the need to exploit inmate labour. Commitment to prison would become a beneficial act for the offender only at helping him to a better future life. The “Sick Model” of the management of offenders has never been tested in correctional fields. Thus there is a little hard evidence either for or against its usefulness in rehabilitating offenders.

There may be some regional differences among correctional systems which are traceable to historical and geographical factors, while other distinctions between systems seem more related to differences in population and economy. The classification of the offenders should be on the basis of characteristics of the offenders. The needs for the rehabilitation process depends on the correctional institution’s initiatives, creativity and capacity of risk taking.

There is a need for evolving a common philosophy, full sharing of information, flexible arrangements for accomplishing overlapping of contemporary task, pooling of scarce resources and close collaboration in such vital ventures such as planning, public education etc.

**Correction & Training**

Correctional institutions should concentrate more on giving treatment and training to their inmates and that should employment generating. The men/women convicts can not be put into the same categories because their requirements of training and treatment are not same. Historically the prisons were using the inmate labour for their own development without considering the inmate’s requirements. The prison population was their labour force and that is why prison industry came into operations. Consequently whatever provisions are to be made for specialized services and differential care for offenders should come from within the institution, using whatever resources are available.

Offenders may also be encouraged to perform community service or make reparations to victims for damages. Some schemes may involve what is called “reintegrative shaming”.
This is different from stigmatization (which tends to exclude and insolate individuals) instead involves a sequential process of first shaming the offender and then accepting him or her back into the community through gestures of forgiveness. Reintegrative shaming is based on the belief that conscience is a more powerful weapon to control misbehaviour than punishment.

The rehabilitative goal requires treatment through various kinds of programmes which are aimed at resocialization, reassimilation and reintegration of the offender into the main stream of social life after release. While the custodial goal is achieved by confining the offender in prisons, the rehabilitative goal is achieved by means of various treatment modalities.

**The Correctional Model**

Any measure taken to change the offender’s character, habits or behaviour pattern so as to dismiss his (or her) criminal propensities is referred to as correctional treatment and various methods adopted in bringing about such a change is referred to as a “Correctional Model”. This implies that instead of looking at the prisoners as an economic burden, we should look upon them as a resource for generating prosperity. It is regularly observed that there is a greater need for self development. And this can be achieved through motivating an offender present behind the walls of prison towards self development. Rabindranath Tagore once observed that *it was only a lighted candle that could light another.* In broader sense development is synonymous with the process of learning. This process may be structured. Two such models incorporating treatment ideologies are the medical model and the rehabilitative model.

**The medical model** implies that-

1. Incarcerated individuals have problems, problems which are a direct cause of their behaviour.
2. Correctional programme personnel can diagnose these problems accurately and have appropriate treatments available for the individuals.
3. These treatments will be properly applied ; and
4. The problems will be ‘solved’ ( or at least mitigated as a result of these treatments)
5. In addition the individual’s criminal behaviour will begin to diminish as a result of mitigating the problems (Maltz,1984)
The Medical Model

Offenders Problem ---------- Crime----------Arrest----------Trial----------Diagnosis----------
Treatment----------Problems Mitigated----------Return to Acceptable Behaviour

By Goffman, 1961

This sequence of implications forms a logical construct and is referred to as medical model of corrections (Goffman, 1961). This model forms the basis for the “Rehabilitative Model”.

*The rehabilitative model* implies that-
1. Offender’s problem begins in the society and must be solved where it began.
2. Society fulfills its responsibilities by helping law violators to reintegrate themselves back into the social order by means of correctional treatment.
3. Offenders learn how to utilize these opportunities so as to mitigate the problem.
4. Meaningful community contacts are provided to achieve the objectives of rehabilitation, resocialization and reintegration.
5. Offenders are provided to assume their usual normal roles as citizens and family members (O’Leary et al., 1971)

The rehabilitative model encompasses various approaches to the treatment of offenders. The psychological approach that employs intensive counseling via personality management and behaviour modification to treat offenders (Himselson, 1976); the educational – socialization approach that provides inmates with educational opportunities thereby fostering access to success goals through legitimate means (Merton, 1957) Cloward and Ohlin, 1960) the cultural-reorientation approach –a combination of the above two approaches that identifies the crux of the problem viz. that the offenders beliefs and values in conflict with the conventional culture and attempts to apply the remedy in a context that is conducive to mitigate the problem

THE FIRST UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Antecedents of the Congress

In 1950, after some protracted negotiations, the subjects of penitentiary were transferred to the United Nations by General Assembly. The transfer was the logical consequence of a historical trend in which the following elements deserve to be mentioned: (a) the expanding, as a result of political changes all over the world, of the meaning and extent of the term "international co-operation", changes which made it difficult to consider as internationally
representative what was rather representative of a regional co-operation; (b) the growth of the United Nations activities in the social field; (c) the social character assigned to programmes, character which was considered as more appropriate than the legal approach still prevailing in the existing international organizations dealing with these matters.

After World War II, a new conception of international community and organization emerged, and therefore new forms of international co-operation were considered as necessary in which the historical leadership exercised by certain countries became less exclusive. Consequently the close relationship between forms of international community and those of international co-operation raised the question as to which, if any, of the existing organizations would be flexible enough to adapt its structure and scope to the new international situation. Whether or not this process of adaptation was ever attempted is at present an academic question. What cannot be denied is that none of the already existing organizations took over, and therefore something new, more in accordance with the existing circumstances, was needed. For the United Nations the situation was far more favourable. Since 1946, it had adopted a programme of social defence in which, as opposed to past international activities in the matter, the social character of policies directed towards the prevention of crime and the treatment of offenders was particularly stressed. Since its inception, this programme was considered as forming part of the broader one dealing with the social policy of the United Nations and as a result of this relationship it was also felt that specialists and professionals other than jurists and administrators should participate in the preparation and application of policies dealing with crime, delinquency and prisoners. Briefly, the universal character of the United Nations made possible not only an international policy of social defence on a world-wide basis, but also the enlargement of the field of the prevention of crime and treatment of offenders, until then mostly envisaged from a juridical point of view. This universality and enlargement gave to these activities a new impetus. This explains why in 1948, by Resolution 155 C (VH) the Economic and Social Council stated that the United Nations should assume leadership in the study of the prevention of crime and the treatment of offenders, having regard to international and national organizations which have interest and competence in this field, and making the fullest use of their knowledge and experience. Accordingly, a group

\[27\] The term "social defence" is somewhat misleading and cannot be considered as particularly fortunate and should not be taken as referring to any school of penal or criminological thought. Administratively, it embraces in the United Nations: (a) the prevention of crime; (b) the treatment of offenders; (c) juvenile delinquency; (d) prostitution and related matters, and (e) permanent administrative action in connection with these activities.
constituted by principal international non-governmental organizations was created. Therefore, in order, to understand the character and purpose of the Geneva Congress, it is convenient to remember that before the transfer of functions of the I. P. P. C., the United Nations had an extensive programme of its own in social defence matters, and that this transfer was considered from the beginning as an integration of these functions into those of the United Nations on the same matter. Consequently, the transfer governed by General Assembly Resolution 415 (V) did not create within the United Nations programme of social defence a separate group of functions or a special programme. This explains why, although historically a continuation of previous I. P. P. C. Congresses, that organized by the United Nations at Geneva in 1955 differed in more than one respect from those organized by its predecessor. The similarity between both kinds of Congress required by paragraph (d) was maintained especially concerning some working methods and the participation of governments and individuals. On the other hand, the more universal character of the United Nations, its structure, policies and programmes, and the existence of non—governmental organizations imposed from the beginning marked characteristics on the Geneva Congress.

The field of social defence is characterized by the following:

(a) establishment of an international criminal policy with a social purpose and a work programme on a real world—wide basis;
(b) leadership in coordination of the activities called for by that policy;
(c) provision of technical assistance in order to make the criminal policy more effective;
(d) dissemination of information on social defence matters;
(e) establishment and operation within the Secretariat of a technical administrative organization.

Although related to the splendid past Congresses of the old I. P. C., the Geneva Congress had its own special characteristics which reflected the social character of the United Nations

II. Organization and Agenda of the Congress

28 These organizations have been granted consultative status by the Economic and Social Council.
29 The Geneva Congress was organized in accordance with paragraph (d) of the resolution which reads as follows:
“The United Nations shall convene every five years an international congress similar to those previously organized by the I.P.P.C. Resolutions adopted at such international congresses shall be communicated to the Secretary General and, if necessary, to the policy—making bodies.”
The Congress grouped three categories of participants namely, members officially appointed by their governments, observers of specialized agencies and of non-governmental organizations, and individual observers. Fifty-one governmental delegations were present; W. H. O., I. L. O., U. N. E. S. C. O., the Council of Europe and the Arab League were represented. Forty—three non-governmental and two hundred thirty—five individual participants attended the Congress. In other words, sixty-one countries and territories were represented and five hundred and twenty-one persons were present. No congress in the past has had such a variety of countries represented or such a high number of participants.

Reports covering the three first questions of the agenda were prepared by the Secretariat and were adopted as the basic documents for the discussions of the Congress. These reports contained a synthesis of the discussions on the subject which had already taken place at the various regional conferences organized by the United Nations as well as some of the conclusions adopted by these conferences. With respect to the standard minimum rules the Secretariat, after a comparative and analytical study of these regional conclusions, submitted in its report a project of rules which, with some modifications, was adopted by the Congress. Similar reports on the selection and training of personnel and open institutions were prepared by the Secretariat and adopted with some changes by the Congress. These questions were dealt with additionally by a series of national reports describing the situation in various countries in different regions and prepared at the request of the Secretariat. With respect to open institutions two special reports on certain aspects were prepared by two consultants appointed by the United Nations31. The question of prison labour, one of the most important in modern penology, was discussed on the basis of a report prepared in collaboration with the International Labour Organization by a consultant engaged for a this purpose by the United Nations32. The report examines legal and administrative bases of prison labour, systems of organizing prison labour, the organization of prison labour for public works, the question of competition, remuneration, prisoner’s occupational background, and prison labour and measures of social protection. To a meat extent, the information contained in this report was based upon replies to a vast international labour inquiry sent to individual correspondents of the United Nations in the field of the prevention of crime and the treatment of offenders, and

31 The reports are "The Place of the Open Institution in the Penal System and the Community" and "Selection of Offenders Suitable for Treatment in Open Institutions" prepared respectively by Sir Lionel Fox, Chairman of the Prison Commission for England and Wales, and Jose A. Mendez, Director, Institute for the Training of Prison Personnel, Venezuela.

to correspondents of the International Labour Organization. Other supplementary sources of information were used.

With respect to the prevention of juvenile delinquency, a general report was prepared by the Secretariat. In addition, and as consultant especially engaged by the Secretariat, the Institute for the Study and Treatment of Delinquency, London, prepared a survey on "The Prevention of juvenile Delinquency in Selected European Countries".

Special papers on certain aspects of the problem were prepared by I. L. O., W. H. O., U. N. E. S. C. O. and some non-governmental organizations. Briefly, the documentation submitted to the Congress amounted to 120 reports, studies and papers.

**Resolutions and Recommendations**

Time and space allow only a brief consideration of the resolutions and recommendations concerning the different items on the agenda.

(a) **Standard Minimum Rules for the Treatment of Prisoners**

The Congress adopted the Standard Minimum Rules for the Treatment of Prisoners originally drawn up by the old I. P. P. C. in 1929 and taken over by the United Nations for review in 1949. The revised text was discussed by the different regional groups on social defence matters organized by the United Nations.

Although the Congress did not substantially modify the project of the Secretariat, it introduced changes which were the result of interesting discussions. A second and larger group of amendments was constituted by those intended to give to national prison administrations greater latitude in the application of certain rules. Finally, a small third group of amendments aimed at stressing the social character of the rehabilitation of prisoners.

The application of the Rules to Trust and Non-Self-Governing Territories by the metropolitan governments raised a rather vivid discussion which led to the modification of rule 3.

The opposition to this rule was raised by two different groups of delegations, one constituted by the delegations of metropolitan powers for which the reference to any specific

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34 Those prepared by the three specialized agencies have been published in "International Reviews of Criminal Policy", United Nations Publication. Sales no. 1956. IV l, no. 9.

35 The recommendations and resolutions of the Congress have already been published by the Secretariat as document A/CONF. 6/ L. 17, which is available in English, French and Spanish. The report of the Congress will be published in printed form, in these three languages as soon as possible.
obligation was unnecessary, and the second by delegations representing newly independent countries for which any recognition, even indirect, of two kinds of countries, was considered as no less unnecessary. Although the Secretariat, supported by several delegations, endeavoured to maintain some reference to the implementation of the rules in non— independent territories, rule 3 was eventually approved without mentioning any administrative responsibility as resulting from article 73 of the Charter.

Another question which led to interesting and opposing interventions was the role of religion in the treatment of offenders. On the basis of constitutional provisions several representatives opposed the amendments by which the Prison Administration would assume certain responsibilities as far as religion or religious services were concerned. Others, on the basis of the existing variety of religions within the same country, raised the question of the practicality of imposing upon the Administration or the State obligations which would be almost impossible to fulfil. Eventually, a compromise was reached by which the different points of view were met.

The rules, altogether 94, devote special attention to classification and individualization; education and recreation; social relations and aftercare; insane and mentally abnormal prisoners; prisoners awaiting trial and civil prisoners.

The importance of the rules is considerable and their faithful application would constitute not only a penological progress but also a social one. This raises the question as to whether all the rules represent a minimum or, as has been advanced, some of them aim at a maximum in the treatment of prisoners. The answer to this question will depend on the development of the prison system concerned. More often than expected, prison systems, otherwise progressive, are lacking in sanitary or hygienic facilities or an adequate organization of prison labour. Actually, even among the most progressive existing prison system there is still room for the application of the minimum rules. With respect to less developed countries the gap is usually greater but there again it should be noted that in some of these countries certain prison problems, still waiting for a solution in more highly developed countries, have already been solved—among them, the question of remuneration of prison labour, and marital visits. Briefly, in prison matters, it is more difficult than in other fields to maintain a rigid distinction between more and less-developed countries or even to pretend that the former have little in common with the latter. In this respect, the Geneva

36 "L "Ensemble des regles pour le traitement des detenus" by Manuel Lopez-Rey, in "Revue internationale de criminologie et de police technique", Vo. 9, 3, 1955, Geneva.
Congress clearly showed that this historical attitude is obsolete. Finally, it should be remembered that the term "maximum" has a relative value and that today's maximum may be tomorrow's minimum. Therefore, the rules, although having before them a long life, represent, as rule 1 states, a contemporary thought.

(b) Selection and Training of Personnel

The recommendations on the Selection and Training of Personnel for Penal and Correctional Institutions deal with the conception of prison service; the status of staff and conditions of service; the recruitment of staff and professional training.

Prison service is considered as a social service demanding ability, appropriate training and good team work on the part of every member (Recommendation 1). Consequently, the staff should also be constituted of specialists such as doctors, psychiatrists, psychologists, social workers, teachers and technical instructors. This healthy tendency should be favourably considered by governments even though additional expenses would be involved (II).

In order to avoid the inconvenience of excessive specialization in the services it is stated that unnecessary specialization may, however, hamper an integrated approach to the treatment of prisoners, and present problems in the co-ordination of the work. Consequently, it would be necessary to ensure that all the specialists concerned work together as a team and to ensure, by the appointment of a co-coordinating committee or otherwise, that all the specialized services follow a uniform approach (III).

When the question of the status of staff was discussed, only two countries raised the advisability of considering military people as apt for prison service. The overwhelming majority of the Congress was against such an obsolete conception of prison service. Therefore, it was recommended that prison staff should be organized on civilian lines with a division into ranks or grades as this type of administration requires. Staff should be especially recruited and not seconded from the armed forces or police or other public services (VII). This recommendation, however, does not prevent that as an individual, a military or police man, be appointed as director or to another post provided that he is adequately qualified for these functions by reason of his character, administrative ability, training and experience. Briefly, the simple fact of being a member of the armed or police forces does not automatically enable, from a professional point of view, any person to become director or to fulfil any other executive functions. Where persons from the outside with no previous experience of the work but with proved experience in similar fields are recruited as directors or assistant directors they should, before taking up their duties, receive theoretical training.
and gain practical experience of prison work for reasonable period of time, it being understood that a diploma granted by a specialized vocational school or a university degree in a relevant subject may be considered as sufficient theoretical training (XVIII).

Political appointment of staff was considered as inadvisable. Full-time prison staff should have the status of civil servants and be governed by civil service rules, recruited according to these rules and have security of tenure subject only to good-conduct, efficiency and physical fitness. They should have a permanent status and the conditions of institutional staff should be sufficient to attract and retain the best qualified persons (IV, VI).

With respect of professional training, the content and purpose of this training vary according to the categories of staff: custodial, executive and specialists. Regional training institutes were recommended as well as in-service training, discussion groups, seminars for senior personnel and joint consultation and meeting for all grades of staff (XVI to XXIV).

(c) Open Penal and Correctional Institutions

The question of open institutions already considered by The Hague Congress of 1950 was discussed at the United Nations regional groups of Geneva, Rio de Janeiro, Cairo, and Rangoon. On the basis of the recommendations of these groups, the Secretariat prepared a Project which was used as the basic document on the matter.

Against the standard walled prison of the Penology of the nineteenth century, modern Penology is firmly based on the open institution. Actually, standard minimum rules, selection and training of personnel and open institutions constitute the three basic elements of any modern prison system. Among other things, the open institution is based on the already recognized fact that not all offenders need to be sent to prisons. The maximum security prison has at present a limited purpose. Experience has shown that against all expectations, it neither facilitates the rehabilitation of offenders nor protects Society adequately. Although still needed, custody, control and security are not any more the three main determining factors in the treatment of offenders. Modern Penology has given to these elements a content and purpose which differs in many respects from those reflecting a physical conception of them.

From the discussions and recommendations of the Congress on the matter, the success of the open institution requires careful selection of prisoners, adequate staff and co-operation from the community. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institutions some of which are run on the same, principles without, however, realizing them to the full (Recommendation I). This last remark is of particular importance because in some countries what are not more than prison or labour camps are erroneously
considered as modern open institutions. In this respect the open precinct in which sometimes thousands of prisoners temporarily live, and from which they are daily taken to work in the construction of public works, can hardly be considered as having the characteristics assigned to open institutions by the Congress.

Prisoners may be sent to open institutions either at the beginning of their sentence or after they have served part of it in an institution of a different type (III). The criterion governing the selection of prisoners for admission to an open institution should be, not the particular penal or correctional category to which the prisoner belongs, not the length of his sentence, but his suitability for admission to an open institution and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-psychological examination and a social investigation (IV). The number of inmates should remain within such bounds as to enable the director and senior officers of the staff to become thoroughly acquainted with each prisoner. Also, it is considered as necessary to obtain the effective co-operation of the public in general and of the surrounding community in particular for the operation of these institutions (VI). While in the open institution the risk of escapes seems to be greater than in the closed one, experience shows that in those countries where these institutions have been properly organized and carried on, such a risk is rather minimal. In fact, in some cases, the number of escapes is less than that from closed institutions.

The advantages of the open institution were summarized by the Congress as follows:

The Congress-
(i) considers that the open institution marks an important step in the development of modern prison system.
(ii) believes that the system of open institutions could contribute to decreasing the disadvantages of short-term sentences of imprisonment;
(iii) consequently recommends the extension of the open system to the largest possible number of prisoners, subject to the fulfilment of the conditions set forth in the foregoing recommendations;
(iv) recommends the compilation of statistics supplemented by follow-up studies conducted, in so far as possible, with the help of independent scientific authorities, which will make it possible to assess, from the point of view of recidivism and social rehabilitation, the results of treatment in open institutions.
(d) Prison Labour

The question of prison labour was also considered as of exceptional importance. Mr. Cornil, delegate of Belgium, lamented that although prison labour had been the subject of examination and recommendation for many years, the prison labour situation in the world today is poor indeed. He stressed unemployment in the prisons, underemployment and excessive assignments to tasks of maintenance and -house keeping” which could be done efficiently by a much smaller number than was actually assigned to this task and declared that prison labour in general is based on outmoded technical methods and that good technical training was an exception in the prison to-day. He referred to the inadequacy of remuneration schemes and pointed out that unfortunately social security schemes, with few exceptions, did not apply to prisoners. Further, Mr. Cornil proposed a declaration by which the working conditions of prisoners should be equal to those provided on the outside with respect to working hours, working methods, remuneration and social security. Mr. Cornil's point of view was supported by a considerable number of delegates. Others, although associating them-selves with his statement, pointed out the great gap between principle and practice.

When the recommendation concerning the methods of organizing working methods was under consideration by the plenary meeting, an amendment giving preference to the state-use system was introduced. The amendment gave rise to several interventions, some of them opposing it and others pointing out that inasmuch as the integration of prison labour with national economy was being postponed and recommended as an item for further study, the Congress might find it premature to make, at the present time, a definite assertion that the state use system should be preferred to any other systems. After further discussions on the matter, the amendment was adopted by votes in favour, 14 against, with one abstention. Several delegates refrained from participating in the voting.

With respect to the distinction between prison labour and forced labour, the Congress recommended that in any revision of the Convention concerning forced labour it would be desirable to exclude from the definition of forced labour the employment of selected prisoners by private employers or public enterprises outside the prison in such ways as are likely to assist their rehabilitation, subject always to such safeguards in respect of wages and

37 Secretariat's summary notes of the meetings. Prison Labour First Session.

38 The preference recommended by this amendment had been considered as unadvisable during the discussions on Prison Labour in Section II.
conditions of work as, are necessary to prevent exploitation, inasmuch as this is a vital element of progressive penal policy.

The recommendations refer also to the working conditions of prison labour, vocational training, labour programmes and management and organization of prison labour. As proposals for further study, the Congress recommended: integration of prison labour with the national economy; methods of remuneration; appropriate prison labour programmes for special categories of offenders; problems encountered with respect to labour programmes for untried prisoners; and measures to be taken so that the sentence of a prisoner is, not an insurmountable obstacle to his finding work after release.

(e) Prevention of Juvenile Delinquency

In many countries, juvenile delinquency is considered, at present, as one of the most serious problems. This may explain why more than half of the participants and the majority of the non-governmental organizations preferred to attend the discussions of Section III of the Congress, exclusively devoted to the prevention of juvenile delinquency.

The Secretariat submitted a report in which, among others, the following aspects of the problem were examined: criteria used in defining juvenile delinquency; difficulties in measuring the extent of juvenile delinquency; resume of approaches to the study of causation; the place of, and approaches to prevention; role of the State, community, family, school, police, social services and juvenile courts; and review of the existing situation. The report raised several question's as a basis for the discussions.

Thus, it pointed out that the term "juvenile delinquency" suffers from overgeneralization and that this term is not interchangeable with the no less overgeneralized terms "maladjustment or anti-social behaviour"; that in preventing juvenile delinquency not only the Minor but Society as well should be protected; that preventive policies should aim at enabling the minor to behave in accordance with arm accepted system of values; that terms such "potential delinquent" or "pre-delinquent" are open to some criticism and that any standard prediction method aiming at establishing these situations raises, also some reservations; that effective co-ordination and a realistic approach are essential in the formulation of preventive policies.39

Although the complexity of the subject and the variety of opinions expressed and suggestions made, did not make easy, at the beginning, the consideration of the problem, the ensuing discussions and eventually the recommendations and conclusions adopted by the Congress fully justified the discussion of the problem on a world-wide basis. With respect to the role of the community, the Congress reached specific conclusions one of which, deserving special mention, was that policies and programmes of general social welfare are not sufficient by themselves alone to dispense with the need for more specific policies that focus attention on juvenile delinquency and its prevention. Concerning the Family and School, the Congress adopted a series of recommendations among which parental guidance, and auxiliary psychological and social services were considered of exceptional importance.

With respect to social services including health services the Congress referred, inter alia, to the effectiveness of these services which should lead, it is believed, to the diminution of juvenile delinquency. Better results can be achieved if the action of such services is exercised in complete agreement and close collaboration with traditional social institutions. However, it should be observed that some caution is desirable in the method and extent to providing such services; the individual should be encouraged to retain a sense of personal responsibility to avoid passive dependence. He should be aided to cope with his frustrations and other difficulties rather than led to expect their removal. The Congress recommended further research relating to the definition of the term "juvenile" to delinquency causation, prediction and prevention in this respect, it was stated that comparative, co-ordinated and interdisciplinary research should be carried out in order to determine the relative effects of programmes on different countries. The last part of the report of the Congress states: "The United Nations is urged to continue its support of significant research in these fields.

**Final Remarks**

The fact that the Congress was part of the programme and machinery of the United Nations explains why it cannot be considered, as apparently some expected, as a gathering in which matters would be discussed from an exclusively scientific point of view. Without entirely lacking such a character, the Congress as an element of that machinery, examined a
substantial part of the programme for social defence of the United Nations, studied the
conclusions reached at several regional groups and other international gatherings and made
some recommendations thereon.

If the latter, and eventually the Economic and Social Council endorse the decisions and texts
of the Congress, this would imply, as far as the standard minimum rules, the selection and
training of personnel and open institutions are concerned, that Governments will receive the
respective texts. Finally, it is expected that the Secretary-General will publish periodically the
information sent by governments on the above-mentioned implementation.

With respect of Prison Labour, the situation is somewhat different. The project has not as yet
been discussed by all regional groups and secondly the Congress itself recommended that
some aspects should be the object of further study. Consequently, the Congress expressed the
hope that the Social Commission and the Economic and Social Council will endorse the
general principles adopted on the matter and recommend to governments that they take them
as fully as possible into account in their practice and when considering legislative and
administrative reforms. Furthermore, the Congress called the attention of the Social
Commission on the advisability of including several studies (already mentioned under IV) in
the future work programme of the regional groups.

With respect to the prevention of juvenile delinquency the action recommended by the
Congress was that the following be taken into consideration by the Social Commission in the
formulation of its social defence work programme:

(a) Studies— (i) A study of the methods used for the prevention of juvenile
delinquency, the first stage of this study to pay particular attention to the possibility of
organizing a social and health care or guidance system, co-operating closely with the
diagnostic services, and assistance to parents, particularly in the task of guidance; the second
stage to make an assessment of the practical value of certain direct and indirect measures for
the prevention of juvenile delinquency. This task might be undertaken by means of a small
number of projects carried out in various regions, both developed and under-developed, with
the assistance of governments and organizations which are prepared to collaborate; and (ii) an
evaluative study of the methods and techniques used by special police services dealing with
juveniles. Certain countries have already introduced such services, but the results deserve
careful study before positive conclusions can be drawn from them;
(b) that the help of the non-governmental organizations with special knowledge in this field be sought in this connection in accordance with resolution 155 C (VII) of the Economic and Social Council;

(c) that the United Nations Regional Consultative Groups and seminars continue to devote attention to the various aspects of juvenile delinquency; and

(d) that, when organizing forthcoming congresses, conferences or seminars, the organizations concerned, taking into account the problems facing different legions of the world, select clearly defined topics allowing for a thorough study and a useful comparison of the experience acquired in the various countries.

Finally, by another resolution, the Congress expressed the hope that in order to facilitate the implementation of its recommendations, the United Nations will provide technical assistance to governments either by sending experts or by helping in the establishment of institutions for the training of personnel; by the organization of seminars or the publication of guides or handbooks to facilitate the application of the standard minimum rules and the training of personnel\(^40\).

**Present State of Extra-Mural Employment of Prisoners**

In Assam, the old practice of employment of convict labour by local boards for sanitary and anti-malarial purposes still exists. Convict labour is also supplied to local bodies and Public Works Department for other purposes during specified periods of the year. Convicts are, however, not permitted to work in association with free labourers except skilled workmen who may be engaged as foremen or instructors. In the State of Orissa, although there is no regular scheme for the employment of prisoners on works of public utility.

**Technical Employer**

In agricultural farms run exclusively by the Jail Department, the technical employer is the Department itself, but technical help is either obtained from the Agricultural Department of the State or the Jail Department appoints its own advisers in agriculture. In State agriculture farms, the employer is the State Agriculture Department which also arranges for technical help.

\(^{40}\) The United Nations Technical Assistance Administration has not only provided experts in social defence matters to several countries but also granted, between 1948 and April 1956, 194 social defence fellowships and scholarships to 54 countries and territories.
advice and supervision. In irrigation and Public Work projects or municipal works, the departments concerned are the employers and they provide technical guidance. It has been noticed that in such projects, occasions do arise, when there is a conflict between the prison administration and the employing department as the former has a tendency to assume the role of a trade union while the latter tries to extract the most, and pay the least in wages. Such conflicts could be avoided if the employing department is able to appreciate the rehabilitation value of the employment of prison labour on such projects. Experience has shown that a sympathetic understanding of the points of view of each by the other is most helpful in avoiding such difficulties. While the prison administration should keep in view the interest of the project, the employing department should not forget that they are playing a very important role in the rehabilitation of the employees. Frequent conferences between the officers of the two departments would not only reduce conflict, but will also help in developing a sympathetic understanding of the point of view of each Staff.

In the two agriculture colonies in the State of Bombay no guards are employed. In one colony the prisoners work under the supervision of the manager. In the other a Welfare Officer keeps records of prisoners including progress and acts as their guide and leader. In Rajasthan no custodial staff is employed. Only one warder lives on the premises to act as guide. The farm manager and the field men employed by the Agriculture Department train them in agriculture. The Superintendent and Jailor of the Jaipur Central Prison visit the prisoners three or four times a month to give instructions. The staff is specially trained for correctional work. No special allowances are paid to the staff. In the Agricultural colony, in Hyderabad, one deputy jailor and a dozen guards are posted. While selecting the staff for the colony preference is given to those who know agricultural operations. The deputy jailor in-charge is also specially trained in agricultural methods.

For camps in Uttar Pradesh the staff is specially selected to form a harmonious working team. Staff of all categories is trained at the Jail Training School in correctional methods. As far as possible only trained personnel is posted to the camps. The strength of custodial staff is less than their strength in a jail of the same capacity. The superior staff consists of some deputy jailors, known as welfare officers, at the rate of one such officer for about 150 prisoners. The strength of deputy jailors in the Camp is certainly more than the strength of deputy jailors in a closed jail of the same capacity. In camps every deputy jailor who is known as welfare officer has to take charge of a gang of 150 men or so with whom he has to
maintain as close a contact as possible. He acts as their friend, guide and philosopher. He keeps a record of each prisoner in his charge and his opinion about the progress of each individual counts. The staff is given special allowances as facilities for keeping their families in the camp are not available and the type of work and duties are arduous. The staff has to be changed frequently, say after a year or two, as it is not considered desirable to keep them aloof from their families for a long time. It has been observed that the staff in the camps is able to develop a good intra-personal relationship - with the prisoners which is very helpful in correcting their attitudes.

**Selection of Prisoners**

For the agricultural farms in the State of Bombay, selection of prisoners is confined to those belonging to the agricultural class. Most of the prisoners selected were convicted for murder. In Madras short-term prisoners are generally selected for agricultural work while those selected for working in the Transport Department Workshop are expected to have an aptitude for work on machines. In Hyderabad, prisoners eligible for employment in out-gangs just outside the jail are taken to the agricultural colony - preference being given to those who have had anything to do with and agriculture. In Assam, only short-term prisoners are employed in Sanitary and Public Works.

In Uttar Pradesh, prisoners who are eligible for employment in out-gangs near the jails are employed in agricultural farms. The eligibility depends on the conduct in jail, nature of crime, length of sentence and the period undergone. At the Model Prison Agricultural Farm, long-term star class prisoners who are recommended for such employment by the prisoners who are already enjoying the privilege, are selected if they are considered reliable, irrespective of the nature of crime or sentence after proper screening by the Superintendent. For the camps where prisoners are engaged on works of public utility such as construction of dams, canals and quarrying stone, it is necessary that prisoners selected are sufficiently healthy for this type of work. Their past conduct and occupation are also taken into consideration. They should also pass in closed prisons some period of their sentence before their selection for such camps. Prisoners convicted of heinous offences such as dacoity are selected with care. As far as possible, prisoners sentenced to below one year are not selected as it is considered that due to their short stay in camps they will not be able to earn enough for their rehabilitation. It is also ensured that prisoners selected are willing to go to the camp
and have family ties. Prisoners selected are finally screened in a reception centre before they are taken to camp. They are given talks by the jail officers in the reception jail with a view to prepare them for the camp life.

As regards juveniles, only such of them are selected for outside employment as have no previous history of frequent lying, stealing or truancy or emotional out-bursts. Mentally deficient and those who have either a shut in or inadequate personality are excluded. Interest in games and team spirit combined with habit of work are essential qualifications for eligibility for outside employment or training.

**Nature of Accommodation**

Previously prisoners employed on works of public utility, such as construction of dams, canals, reservoirs in Uttar Pradesh and Madras, live in tents or temporary tin sheds. In agricultural farms in these and other States they are accommodated in cheap hutments. In Bombay there are semi-pukka rooms or barracks. Prisoners employed on municipal works or public works or in workshops in Assam and Madras States live in walled jails close to the place of their work. In Uttar Pradesh a semi-permanent camp with asbestos sheet roofs, tin hutments with cheap stone walls has been set up for the prisoners working on the quarry of the Government Cement Factory. Before setting up a camp, its site is carefully selected keeping in view nearness from the work site, good water supply arrangements, satisfactory communications and healthy conditions.

**Special Privileges**

In one of the agricultural colonies in the Bombay State, prisoners are allowed to bring their families to stay with them. Family members working in the colony are paid current market wages. Prisoners are allowed one-third remission of the total sentence and their cases for premature release on completion of fourteen years or half the sentence are considered at the proper time as in the case of ordinary prisoners. The Inspector General of Prisons can grant leave on parole subject to a maximum of seven days after a prisoner has spent a period of six months in the colony. On release if one wishes to settle down in the colony, he is allowed to do so and a piece of land and a loan for purchase of livestock an implements is also granted to him. In one colony prisoners put on their own clothes and cook food according to their
own choice. In Hyderabad prisoners get extra remission for hard work and are allowed to smoke. They are also allowed indoor games and newspapers in the evenings. Prisoners are allowed interviews and letters at the same scale as other prisoners.

In Uttar Pradesh in the camps for works of public utility, prisoners are given one day's remission for each day's work, subject to a maximum of half the total sentence. They are also eligible for home leave up to 30 days. Interviews and letters are allowed to them very liberally at double the rate admissible to prisoners in closed prisons. Suitable indoor and outdoor games are also allowed to prisoners. As regards premature release, ordinary rules are applicable, but the policy of release in the case of camp prisoners is generally liberal. An Education Officer assisted by a few teachers plans recreational and educational programmes. Dramatic performances, cinema shows, radio programmes, musical concerts, sports and games are usual recreation. Besides literacy campaign, classes on social education are also held. There is a fairly good library and prisoners are allowed newspapers and magazines, both at their cost as well as at State cost. There is also a canteen from which prisoners can purchase out of their pocket money, ordinary amenities of life, such as extra food, books, writing materials and smoking and chewing tobacco. Prisoners are allowed some extras in food in view of the hard nature of work at the camp. They are also allowed variety in their diet. As regards clothings, they are given plain instead of striped clothings.

In Rajasthan an Advisory Board considers the premature release of prisoners employed in agricultural farms. Educational and library facilities are provided and a class for instruction in agriculture is also run. Prisoners are encouraged to organize rural games and they are free to go to markets of the neighboring towns to make their own purchases. They cook their own meals and are allowed to cook whatever they like. They put on private clothing of their own choice. Letters and interviews are unrestricted while prisoners in jails can write only one letter and have one interview in two months.
# Wages

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The amount saved by prisoners from wages varies from place to place depending on the length of their employment on the schemes, discussed above. They are handed over the whole amount at their credit on the date of release. There is so far no official or non-official machinery to watch the proper utilization of the accumulated sums handed over to the prisoners on release. It has become necessary to devise some such machinery as in Uttar...
Pradesh some prisoners have taken as much as one thousand rupees on release.

**Expenditure**

The expenditure on the maintenance of prisoners 'employed on works of public utility or in agricultural farms is very much less than the expenditure on closed prisons. A camp inmate receives the same wages as a free labour. He meets a major portion of the cost of his upkeep out of it. Moreover, the overhead expenses are very much reduced. Not only from the correctional point of view, but also from the point of view of economy, the employment of prisoners on works of public utility has proved very beneficial.

**Employment of Prison Labour on Works of Public Utility**

As mentioned above the percentage of prisoners so employed in various States is still very low. In most of the States of the Indian Union, schemes are at present being worked out for employment of prison labour on works of national importance.

**Escapes and Breaches of Discipline**

The number of escapes from the various agricultural colonies and camps where prisoners are employed on works of public utility have been very few. Similarly breaches of discipline are also reported to be much less than those in closed prisons. This shows that discipline in an open institution is of positive value.

**Public Reaction**

The public was generally hostile when experiments of employing prisoners in agricultural colonies and on works of public utility were started. But the exemplary conduct shown by prisoners so employed has inspired confidence in the neighborhood of these camps and the fears of the public have been allayed. Before starting camps in Uttar Pradesh the press was taken into confidence and the public in the neighborhood was prepared fair experiments regarding employment of prisoners on works of national importance. The public was freely admitted to the functions held in connection with inauguration of camps. They were also frequently invited to participate in the celebrations of national days and festivals and also in cultural and recreational programmes organized by the inmates. This helped a lot in creating
a favourable public opinion which was very helpful in carrying out the activities successfully. Side by side, this has helped in developing public opinion favourable to the modern notions of treatment of offenders. There is so far, no opposition to the employment of prisoners on the manufacture of goods which are sold in the market. There is practically no competition with free trade as the number of prisoners employed in such trades is almost negligible as compared with the free population employed on similar works.

Machinery for Extramural Employment of Prisoners

There is no special machinery to determine how prisoners should be employed. So far, it is the effort of individuals which procure extra-mural employment of prisoners. But it seems necessary that there should be proper co-ordination between the jail Department and Planning or other departments concerned, so that better integration may be achieved and prisoners may be able to find a large measure of employment in the public sector as well. This can be achieved by setting up a small high-powered committee. Private industrialists should also be associated with such a committee which should meet occasionally and suggest projects and works on which prisoners could be gainfully employed so that their economic rehabilitation on release, may be assured.

Most of the countries in the East have attained independence recently. The objective everywhere is to develop a welfare State. These countries are engaged in social and economic development which remained at a primitive stage due to the policy of exploitation by foreigners. There is ignorance and poverty and efforts have to be made for economic emancipation. These under-developed countries have to advance so that the peace of the world may be ensured. For the social and economic development of countries with limited finances, it is essential that their natural resources should be exploited as best as possible. This is possible with proper planning both in the economic and social fields. Crime is often due to social disorganization which can be prevented or controlled by the adoption of measures which may ensure the social security of the individual. It is now generally believed that the protection of society is possible only through the rehabilitation of its criminals. It is necessary to take adequate measures for the rehabilitation of offenders which is not possible through the traditional method of their segregation from society. They can be reformed by restoring their self-respect which is made easy by their participation in the developmental activities of the country. Not only the development of the country will be assisted by such
participation but the offenders will also be provided with the psychological climate which will be conducive to their reformation. The experiments made in recent years have established that employment of prison labour on works of national importance is very useful for the moral, economic and social rehabilitation of offenders and it is heartening to notice that this method of rehabilitation is gaining popularity in almost all the States in the Indian Union which are now actively considering how best the integration of prison labour with national needs can be achieved.

**Community and Prison-An Integral Approach**

Traditionally, prisons signify isolation of offenders from the society. In early stages most of the countries considered it necessary to isolate prisoners from one another. The long controversy in America between the Pennsylvanian and Auburn systems was based on the belief that rigorous isolation of offenders from each other would enable them to repent and reform themselves. Briefly, these system required a prisoner to live and work in his cell, take exercise in a separate yard, occupy a separate box in the Chapel, and live in complete isolation. Even food was handed over through a trap in the door of the cell. The Governor and the Chaplain alone visited him occasionally. The results proved disastrous for the mental and physical health of the inmates. Man is a social being. Isolation made him a worse man and the returned to the community with reinforced hostility. This system of complete isolation was, therefore, abandoned. It is fortunate that India escaped the horrors of this system as the cost involved in providing cellular accommodation was prohibitive.

Originally a prison was a place for safe custody. Although intrigued by it, the common man took little interest in prison. Many people thought prisoners belonged to a race of criminals. Today we find in some quarters the view that prisons are luxurious establishments. While in others it is held that they are places in which terrible tortures are inflicted on the offenders by brutal prison officers. Public attitude towards prisons is dual and conflicting. All these very common misconceptions regarding the function of prisons and confusion about the aims of imprisonment emphasize the need of educating public opinion in these matters and other achieving an effective co-ordination between the correctional service and other community services. Without such education of the public and co-ordination of services, it will impossible to achieve the rehabilitation of offenders as prisons are not isolated institutions. They are a part of our social system.
The objectives of imprisonment have varied from time to time and place to place from mere retribution to deterrence and reformation. The most popular theory today is that imprisonment should combine both the deterrent and reformative aspects. The emphasis has now shifted from mere custody to the training and re-education of prisoners. It is a matter of fundamental importance to realize that rehabilitation of offenders, can be secured only through enlightened and expert handling of offenders by professionally qualified personnel in all phases of correctional work. The important phases of correctional work are probation, institutional treatment, and parole and after care. These services need to be closely coordinated, if they are to operate successfully. Education of the public and co-ordination of other community services depends largely on the efficiency of the correctional service.

Formerly the prisoner was not allowed to come in contact with his kith and kin. Now it is considered essential that the ties with the family and the outside world not only be maintained, but they have definitely to be made as strong as possible to ensure the rehabilitation of prisoners. Consequently, more frequent visits from friends and relations and exchange of letters are encouraged. On account of the disintegration of the joint family system, imprisonment often deprives the family of the only earning member. This is the most painful and disastrous consequence of imprisonment. If an offender is to be reformed, society and Government must make some provision for the care of the members of the family of the offender, otherwise they might also become criminals. Village panchayats, social welfare agencies, municipalities and the welfare departments of the Government should take up this work in all earnestness. Reformation of the offender will be easier if he knows that his family is being looked after during his absence. Keeping this objective in view, new penal reforms have led to the introduction of the system of payment of wages to prisoners. This removes their hostility and acts as an incentive to learn new occupations and earn money. Prisoners who earn wages are encouraged to give financial assistance to their dependents while they are still in confinement.

Once the principle is accepted that the aim of imprisonment is re-education of offenders, it becomes obvious that from the day a prisoner comes into the prison all the resources should be utilized for this purpose so that he may settle down as a normal citizen after release. The prison can effectively contribute to the ultimate rehabilitation of offenders by providing scientifically planned education, vocational training and recreational facilities for prisoners.
These programmes should be geared to the objective of equipping prisoners for life in the community. Effective case work facilities and facilities for psychological counselling and guidance should be provided at an expert level. The community can be expected to take a positive interest in the prisons only according to the measure of success we can achieve in equipping an offender for life in the community. Without this, no amount of liaison of or propaganda is likely to succeed in the work of rehabilitation. Progressive prison systems in advanced countries find it necessary to organize a separate liaison service with the community for educating the public regarding the function of prisons and for developing and encouraging constructive contacts between prisoners and the members of the community. Diversified institutions carefully observing the principles of classification have nothing to fear from greater community interest and inquisitiveness. All opportunities such as "meets" and community functions, should be fully utilized to allay popular misconceptions regarding the activity of modern prisons and to ensure greater acceptance of prisoners in the community.

More and more emphasis is being laid today on education of inmates. Education in its broadest sense means enrichment of personality. Prisoners are still in confinement. They also go to outside schools when facilities for their education are not available inside the prisons. Arrangements have been made for social education. In Uttar Pradesh a Pilot Project have been taken up in conjunction with Planning Research and Action Institute. Educative films are being shown to prisoners in most of the jails in this country. Films depicting activities of jails have been prepared and are also shown to the public occasionally. The impact of all such activities on the public mind has been favourable. Public men interested in imparting religions and moral training are invited to prisons to give talks and this has a healthy influence on the prisoners. There is, however, need for organizing useful and educative programmes in jails in the evenings which are at present dreary. Voluntary workers from among school teachers and social workers could be enrolled to give useful talks to prisoners on a variety of subjects. Attendance in such classes should be voluntary but efforts should be made to cover up subjects so that as large a number of prisoners as possible, may be able to take advantage of the evening classes. Other methods employed to educate and create favourable public opinion for correctional work are issue of pamphlets, reports, journals, seminars, publication of articles in newspapers, broadcasts of talks on correctional topics and participation by prisoners in exhibitions organized by outside agencies.
In certain institutions leave is now granted to prisoners to enable them to visit their families in times of stress or need. During sowing and harvesting, prisoners, satisfying certain conditions are allowed to join their families. This helps not only in keeping up family ties but also keeps the prisoner alive to this responsibility towards his family. This is one of the milestones in the penal reform movement as this system has brought about an integration between the prison, the prisoner, the family and the village community. Resources of the community are now being actively mobilized for the correction and rehabilitation of the offender. Efforts are made to bring the prisoners as near the society as possible by enabling public to witness dramatic performances. Ramlila, musical entertainments, sports, games, matches with outside teams and exhibitions held on the jail premises.

Recently in one of the open camps in Uttar Pradesh, villagers in the neighbourhood were invited to participate in a community dinner on the Independence Day. All the invitees brought some cooked food which was pooled. The community actively participates in these festivities on the jail premises which is one of the important devices to bring the prison and community together. A District Sports Association selected five prisoners for an Inter-District Tournament as they were unable to find good players outside. Their request was acceded to, to enable the district to participate in the tournament. Juvenile offenders are allowed to participate in Scout Rallies, along with boys of outside schools and their performances are always appreciated. They also staged dramas in public fairs and villages to familiarize the public with the village improvement schemes. This not only evokes the interest of public in the activities of the institutions, but also enables them to appreciate that among prisoners there is good human material which could, if trained properly, be re-fashioned as useful citizens.

Employment of prisoners in open conditions under minimum watch and ward on works of public utility is another feature recently introduced in the penal system of this country. This not only restores the self-respect of the offenders but also develops in them self-reliance and a sense of pride by being associated in public activities of national importance. They now work with free labourers of both sexes in public places. It is to their credit that no untoward incident has so far been reported.

Probation service is the first of the correctional services to come in contact with an offender. One of its primary functions is to make pre-sentence investigation. This investigation seeks to
gather all necessary information regarding an offender and to present to the court an assessment which will aid it in the final disposal of the case. Apart from the role of the supervision and guidance of an offender, probation work can help in interpreting the problems of the offender to his family and the community, and in enlisting their co-operation in his eventual rehabilitation. In case of convicted prisoners it can help him in maintaining his social and emotional moorings during his incarceration. Although Probation System has been in use in some of the States in India, the need for its extension application throughout the country is urgent. In order to come in line with the modern penological concept, the system as at present in vogue requires some changes. More probation officers should be appointed and, if need be, they could be assisted in their work by part-time voluntary workers from among teachers, lawyers and social workers. Proper orientation of such workers would be essential. The system has also to be made popular with the magistrates. This can be done by the appointment of District Care Committees consisting of magistrates and social workers for discussing periodically the progress made by probationers. A course of lectures on probation should also be given to magistrates when they are under training. Formation of a magistrates association will also assist the magistrates in the proper assessment of the relative merits of various correctional methods.

Although the number of non-official visitors to prisons has increased considerably, it is unfortunate that they do not take much interest in our prisons and prisoners. There is need for some orientation of visitors to make them useful in the rehabilitation of prisoners and helpful to the administration. The purpose of appointment of such visitors should be to give the prisoners regular contact with a sympathetic person with whom he can talk in a free and friendly manner about matters of personal and general interest. Prison discipline and administration should not be their concern. This will be a positive step in the re-education and ultimate rehabilitation of prisoners. Responsible and influential members of community could be thus brought into close contact with prison activities and through them important resources of the community could also be mobilized for the task of rehabilitation and expert treatment.

Parole can make an invaluable contribution in preparing a prisoner for release and in achieving close integration between the prison and the community. The function of parole officers is to contact a prisoner soon after his admission, to maintain this contact till he is adjudged to be ready for release on parole, and subsequently to supervise him for a certain length of time till he can be reasonably relied upon to stand on his own feet. With the co-
operation of probation and prison officials a parole officer seeks to form a clear picture of the personal and social needs of the prisoners, to enable the community and welfare agencies to provide means for the legitimate satisfaction of these needs. Employers for instance can be encouraged to sponsor prisoners individually and in groups on the basis of the recommendations of parole officers. Welfare agencies where necessary can be mobilized to participate in the job of straightening out family tangles, providing care and protection for families and interpreting prisoners to their community.

Parole officers play a vital role in making the prison programmes bear fruit. It is a common experience of advanced countries where systematic investigations have been undertaken that the largest percentage of relapses into crime occur within one to two years of release from prison. This is the period during which released prisoners need some supervision, guidance and control. Consequently it follows that efficient parole system is a necessary condition for the success of prison programmes. Without the social and psychological aids which the parole system can mobilize, the process of re-adjustment of a prisoner as a family man, a neighbour and a worker would be difficult. In Uttar Pradesh honorary parole magistrates have been appointed to look after released prisoners. Village Panchayats have been entrusted with the work of after-care of prisoners. Crime prevention societies also undertake the task of assisting released prisoners, but there is great need for revitalizing these bodies which can be of great help on organizing after care and follow up of the discharged prisoners.

Given all the services mentioned above, we can reasonably expect to be able to educate the public and publicize the activities of prison to some purpose. Common people can be expected to accept prisoners and ex-prisoners as members of a common society, to take active interest in the task of correction and thus to assist in the rehabilitation of offenders. At the same time they can be expected to give proper attention to the task of removing factors in the life of the community which lead to the development of criminality.

**The Road Ahead in Corrections**

The policies on Correctional Manpower and Training owes its origin to a general concern, on the part of those in the correctional field, with the problems of personnel needs. What kinds of people will be needed to carry on this work more successfully, particularly in view of expanding programs? How many of the various kinds of personnel will be required? How can
they be recruited? Of what should their present training consist? What kind of on-the-job training must be provided? Where will they be trained? How and where will they be used? These and many similar questions have been raised by men and women now at work in corrections, as well as by many citizens concerned with solving one of the pressing problems of our times--how to transform offenders into law-abiding members of our society. There are a number of things which various interested people would do.

From all the other work we have done and are doing, we are finally making up a general picture of what corrections looks like right now. It is not necessarily a pretty picture. It is a picture of a sensitive subject. It is a subject too long ignored. And it has not grown prettier with age. There are objections in some quarters to drawing such pictures. This activity, it is asserted, hurts the image of corrections; it implies that over the years there has been no progress in correctional activity. No such implication is intended. Everyone with any knowledge of history knows that one can draw up an impressive list of accomplishments-one in which we can well take pride.

But there is also a list of deficiencies, of failure, of efforts falling short of goals, of needs for improvement. President Parker L. Hancock, in his excellent address, referred to many of these41.

We all want to make our work more effective, and to do that we must arrive at a consensus about our lacks and errors. There must be an adequate diagnosis before efforts at improvement can be made. So, like many modern movies, this picture has not been made to please. It mirrors what actually exists. It exists as a challenge to us all. So now let us see just what are the challenges.

Corrections is disorganized. Its jurisdictions overlap, they duplicate each other, and some are set up in such a way to waste manpower rather than conserve it. Probation and parole services almost defy study because there are so many differing patterns of authority, administrative responsibility, and organizational structures. They are doing it, but the task is exhausting, for no similar pattern of correctional services can be found from state to state.

41 see Warden Parker's address, starting on page 16
Lack of Coordination and Communication

There are many examples from many others where we can see one agency diametrically opposed to the policy of another or where actual practice sharply disagrees with stated procedure. There are four different goals of correctional institutions which are also correlated:

1. Punishment of the offender;
2. Rehabilitation of the offender;
3. Protection of society from crime and criminals
4. Reintegration of prisoners through attitudinal changes in society

Now, among other things, this could show just a plain and simple lack of communication. A "We don't know anything about it but sounds bad" attitude. This seemed to be the case when we asked about the various community volunteer programs. Those who were actually working with volunteers were for them. But those who did not know that much about them, or who were not working with them, were dead set against them. It seems that unfamiliarity breeds contempt. In some cases, it could have been that a previous volunteer program had not worked and consequently left a bad taste.

So we must get more organized and better coordinated. I said before that we found no general disillusionment among correctional personnel. And there is no. Most are satisfied with their jobs and plan careers in corrections. But, there is one specific area of disillusionment. A growing unrest exists among those people whom corrections can probably least afford to lose, among the young, well-educated specialists; the teachers, the psychologists, social workers and sociologists, and parole and probation officers. The better educated they are, the greater is the likelihood that they will be cynical and negative. In every question we asked, and in every attitude that we solicited, it was these specialists who expressed the most discontent. We are not going to keep them unless we act. We must be sure that our goals are clear and that our personnel share them, from top to bottom.

Now you can say, "That's all well and good. But how are we supposed to do it?"

Developing a Correctional Career

First, we must establish and develop a correctional career. We must tell the colleges what we want as educational requirements for various positions. Right now, the colleges are
floundering. And it is not really their fault. They do not know what to teach people who want to have a career in corrections. The result? A majority of every occupational category in every work setting said work experience, not education, was what was most helpful to job performance. Then what good is their education? If we want trained personnel, and educated personnel, we have to tell the teachers what needs to be taught. So we must get together and thrash this out among ourselves. Once we strengthen the undergraduate preparation in sociology, psychology, education, and social services, the discouraging and often unrealistic requirements can be adjusted. We need to get more correctional content into those departments. We need field work in corrections. We must improve the criminology offerings in the universities. Our greatest potential manpower resources are young people who are completing work for the bachelor's degree or the associate of arts degree. We neglect them by failing to recruit them as they finish their college work.

Most people enter corrections after their 30th birthday. In effect, they choose a career in corrections after job experience in another field. But remember, recruiting alone is not enough. We must spell things out-create career ladders and more realistic requirements. We must examine age, sex, physical, and residence requirements and be prepared to discard those which are not in keeping with today's personnel policies. It is no good at all to recruit someone who will only get discouraged and leave.

Staff Development

Just as important as getting newly trained manpower is increased staff participation in development programs. A person cannot be expected to be up to date after several years out of college or high school. All that he will have are the fundamentals that were taught several years ago. We are living in an era of rapid change. To do our jobs, we must keep pace with change. Theories change; new ones are advanced; developments with tremendous potential are being ignored.

So we need to give them more training, the time off to get that training, and, if need be, the money to get it. And the managers of corrections need more training. They have said so themselves. They need training in law, in community relations, and most of all in management itself. In fact, about everyone in corrections could use some up-to-date training, some further education for the general betterment of corrections as well as for self-
improvement. After all, if you cannot advance your position, or if you are just not equipped to do your job, there is no incentive to continue. So let your voices be heard. Tell the legislators, tell private industry, tell the public. We need help, we need hard cash, if we are going to be able to do our jobs well. We need travel funds, training centers, staff exchange programs, scholarships, grants-in-aid, tuition reimbursement. We need staff development, and we need it now.

**Removing Job Dissatisfactions**

First and foremost, there is overwork. To attempt it can only lead to dissatisfaction and a frustrating sense of failure. To overcome this, we must begin to redefine our goals. Let non-professionals do the work which they are perfectly capable of doing but which now is being done by the professionals alone or not done at all. We must study the ways in which services are delivered and alter them to fit one every basic principle; the law of supply and demand.

Another big problem area is underpayment and there are promotion problems. Those are the three major areas of dissatisfaction: too much work, too little pay, poor basis for promotions. There are many others. And we must act quickly to remove them before they grow into an onerous burden that will retard the progress of corrections even more.

**Goals of Corrections**

We must narrow the gap between what is and what should be. Not about job dissatisfaction in this case, but between what corrections is doing now and what it should be doing. What should be the primary and secondary goals of corrections? The biggest problem that the offender faces after he is released is lack of community acceptance. Remember, people enter the correctional field because they want to help others. But how can they not feel frustrated when they seen the offenders going out into the community, receiving little if any help from corrections, and then winding up back in trouble? So now is the time to go out and topple the old myths and prejudices and stereotypes. We must tell the people of our many successes and at the same time tell them why some men just cannot make it when the community is against them. We must convince our fellow citizens that we need their help for support of work release, vocational rehabilitation, experimental training programs, halfway houses, and other community action programs. These are the programs which correctional people themselves
feel are the most helpful, but some of them do not succeed now partly because of community hostility. We must let the people know that a man cannot succeed when the community degrades him, insults him, and locks him up in invisible bars of hatred. The community must be made to realize that often it is driving the offender back down the road to crime. They will help when they are told that their cooperation will help reduce crime by half, and maybe more. But if they do not know the facts, how can we expect them to help-to change? They have no reason to do so.

**Responsibility for Promoting Change**

Develop management training for those people who are going to become managers. People who are managers right now, when they were asked, said that if they could get into some sort of an inservice training program, it would in public administration and human management. Let us get some young people who are trained managers. A man should not be made a manager simply because he has been in the institution for "x" many years. So open up the doors; encourage young people with a good education in public administration to come in and start managing.

The leaders must support more training for employees, identifying the goals of programs and imparting the knowledge and skills necessary to achieve these goals. But we must enlist others besides those already active in corrections. Ask other sectors of society to help develop training programs. Ask labor, industry, lay groups, educational and professional organizations and associations. Support research; provide program evaluation; and establish centralized data collection systems.

And most important of all-act as a spokesman in educating the public. Develop liaison with the community to line up their support for new community-oriented programs. Speak out as an advocate for the offender in the community. Help overcome the resistance to him. Help defeat the vicious circles and self-defeating philosophies that abound. It may not be a popular time to do this, but it is a crucial one. In the same light, get the community to act. Encourage volunteers to step forward. They will not do it on their own. Help establish volunteer programs and advisory councils. Help the community help themselves.

"There's an awful lot to do. But it can be done. And it must start now."
Daily Routine of the Prisoners in the Jail

The functioning of the prisoner governed by according to the standards prescribed in the Jail Manual. The daily routine has been a lot changed after independence. A comparison is given below:

<table>
<thead>
<tr>
<th>Daily Routine of Prisoners British Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ordinary daily routine except on Sundays, Good Friday, Christmas, King Emperor’s Birthday shall be:</td>
</tr>
<tr>
<td>Day Break : Open wards and Cells and Count Prisoners</td>
</tr>
<tr>
<td>Latrine Parade</td>
</tr>
<tr>
<td>Washing Parade</td>
</tr>
<tr>
<td>Early Morning Meal</td>
</tr>
<tr>
<td>Labour</td>
</tr>
<tr>
<td>9:00 a.m. Bathing parade</td>
</tr>
<tr>
<td>Morning Meal</td>
</tr>
<tr>
<td>Latrine Parade</td>
</tr>
<tr>
<td>Labour</td>
</tr>
<tr>
<td>4:00 P.M. Cease work</td>
</tr>
<tr>
<td>Evening Meal</td>
</tr>
<tr>
<td>Latrine Parade</td>
</tr>
<tr>
<td>6:00 P.M. Lockup</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Daily Routine of Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity</td>
</tr>
<tr>
<td>Opening of Jail</td>
</tr>
<tr>
<td>Daily Routine</td>
</tr>
<tr>
<td>Yoga/Meditation/Worship etc.</td>
</tr>
<tr>
<td>Prisoners who did not work in Agriculture/Industry</td>
</tr>
<tr>
<td>Prisoners who work in Agriculture/Industry</td>
</tr>
<tr>
<td>Physical Training/ Exercise</td>
</tr>
<tr>
<td>Distribution of Teams</td>
</tr>
<tr>
<td>Breakfast</td>
</tr>
<tr>
<td>Labour (Breakfast at the place of work)</td>
</tr>
<tr>
<td>Reading/ School programme/ Horticultural activities/ Vocational Training/ Painting etc</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Lunch</td>
</tr>
<tr>
<td>Reading/ School programme/ Horticultural activities/ Vocational Training/ Painting etc</td>
</tr>
<tr>
<td>Meditation &amp; Worship etc.</td>
</tr>
<tr>
<td>Dinner</td>
</tr>
<tr>
<td>Closing of Jail</td>
</tr>
<tr>
<td>Night Rest</td>
</tr>
</tbody>
</table>

### Changes in the Prison System

<table>
<thead>
<tr>
<th>S.No</th>
<th>Pre Independence Situation</th>
<th>Post Independence Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Focus was on more conviction and more imprisonment</td>
<td>More focus on Alternatives to prison</td>
</tr>
<tr>
<td>2.</td>
<td>Prison labour aspect was exploitative</td>
<td>Prison labour aspect is welfare oriented</td>
</tr>
<tr>
<td>3.</td>
<td>No question of Human Rights</td>
<td>Prisoners have certain rights</td>
</tr>
<tr>
<td>4.</td>
<td>No reformation and rehabilitation</td>
<td>Reformation process started but rehabilitation and after care process is still questionable</td>
</tr>
<tr>
<td>5.</td>
<td>More budget for infrastructural development</td>
<td>Budget allocation is for new prisons not for the proper maintenance</td>
</tr>
<tr>
<td>6.</td>
<td>Prison services were at par with police or other force service</td>
<td>Become second class services</td>
</tr>
<tr>
<td>7.</td>
<td>There was coordination among criminal justice agencies</td>
<td>No proper coordination/ Blame game</td>
</tr>
<tr>
<td>8.</td>
<td>Motive and goal of the prison system was to suppress the struggle movement and to use manpower for their own benefit</td>
<td>Welfare approach</td>
</tr>
<tr>
<td>9.</td>
<td>Retribution was primary concern</td>
<td>Reformation is primary concern</td>
</tr>
<tr>
<td>10.</td>
<td>Record keeping/ systems were well</td>
<td>Only the procedure laid down earlier</td>
</tr>
</tbody>
</table>
11. There was a deterrent effect of the prison environment  
   No deterrent effect. In fact a qualification for becoming big mafia or a big politician

12. Labeling was present in society  
   Labeling still persist

13. NGO’s and Civil Society concept was not there  
   Now NGO’s and Civil societies are sharing the responsibilities of the prison administration in some areas

In a nutshell the challenges before the whole prison system are following:

- Overcrowding
- Economic problems
- Proper implementation of vocational training
- Working hours of the prison officials (leave etc.)
- Housing within the campus wall
- Record keeping
- Attitude and work pressure
- Political interference and VIP duty for the bureaucrats
- Threatening from the Mafias and Political Prisoners
- Security of prison and prisoners (weapons of old age)
- Health and diet
- Prisons are burden on the state
- Coordination with other criminal justice agencies
- Rehabilitation and after care programmes
- Homosexuality in Prison
- HIV Problem among prisoners
- Legal aid for prisoners
- Prison Discipline
- Lack of Manpower
- Overburdened with work
- Lack of Political willingness for improvement of the situation
- Lack of training and technical support
- Improper programme planning and its implementation
• No proper maintenance of building
• Problem of engaging undertrials in some constructive work
• No separate correctional staff, social workers and psychologists
• Employee satisfaction level is going down