BOOK FOUR

SUGGESTIONS AND RECOMMENDATIONS
The system of open peno correctional institutions has now been in operation for the last about three decades. During this period it has been clearly established that it is not only far cheaper to control and run open institutions than the closed prisons but that the system of open institutions has also a definite rehabilitative value, it restores dignity of the individual and gives him self-reliance and self-confidence besides instilling in him a sense of social responsibility, which is necessary for an effective and useful community-living. In this perspective it is disheartening to note that the prison authorities are reluctant to transfer prisoners to open institutions and are not putting to full use even the existing capacity of open institutions. Greater attention therefore, needs to be paid to the transfer of prisoners to open institutions so that more and more convicted prisoners may avail of the benefits of these progressive institutions. This will require not only liberalization of the conditions of eligibility for admission to open institutions but also better control and supervision from the head quarters of the prison department.

Open peno correctional movement has tremendous potentiality. In Planning and Administering Camps consideration should be given to the following principles:
(i) WORK PROJECTS

The Mulla Committee was of the view that agriculture and similar other operations in open institutions should be carried out by the prisoners themselves under the management and care of the prison department. The farms run in open institutions of Andhra Pradesh, Karnataka, Kerala and Punjab are giving good results and there is no reason why similar results cannot be obtained elsewhere if the farms are efficiently managed.

Only work projects which are useful and in wider public interest should be undertaken. At no time should prisoners be permitted to perform services for the benefits or profit of private individuals or corporations.

Work programme may not only be production-oriented but should also provide for adequate training in gainful vocations. The rehabilitative content of the open camps depends on the therapeutic nature of work programme, otherwise, there is a real danger of an open camp being reduced to a labour camp.

(ii) RESPONSIBILITY FOR CUSTODY, SECURITY AND TREATMENT OF PRISONERS

The custody, discipline, health, education, recreation and welfare of Prisoners should remain at all
times the responsibility of the prison or correctional authorities even though their work is directed and supervised by officials of another government agency.

(iii) **CUSTODIAL CONSIDERATIONS**

Only prisoners who are considered safe custody-risks without the use of gun-guards, chains or other such undesirable forms of restraints should be assigned to such work or continued in such an activity.

Close prisons which have agricultural land attached to them should convert these open areas into semi-open institutions annexed to such prisons.

(iv) **METHOD OF INMATE-SELECTION**

Section 433 A of Criminal Procedure Code, 1973 has created a serious implication in the selection of inmates for open prisons. The provisions of extra remission has been the main incentive for an inmate of a closed prison to opt for the open prison. Now this section debars certain categories of lifers for release until they undergo a period of 14 years of actual imprisonment. Prisoners are therefore, not readily available for open institutions.

Similarly, undertrial-period reckoned towards sentence undergone gives the prisoner an opportunity of
early release. The inmates are not available for open camps under this new procedure.

The inmate capacity of existing open institutions should be fully utilized.

More open institutions should be setup to give at least 20 per cent of the convicted prisoners, sentenced to a term of imprisonment of one year or above, a chance to improve themselves for better resocialisation through this community based correctional programme.

All additional institutions for accommodating any future increase in convict population should be of open type.

Open Camps (Sanganer type) should be developed in each State/Union Territory as the final stage in the open camp movement.

Inmates should be selected through adequate classification procedures and should be permitted to refuse camp assignment. Mulla Committee suggested that when a prisoner is selected for being transferred to an open institution, he should be oriented about the requirements and responsibility of living in such an institution. Furthermore, on admission to the institution he should be kept in the reception ward for a period of two weeks for observation.
(v) **MEDICAL SERVICES**

Prisoners should have medical examination immediately prior to assignment of facilities away from the prison to make sure that frequent trips back to the institution or elsewhere for treatment will not be necessary.

(vi) **WAGES AND OTHER INCENTIVES FOR INMATES**

Inmates should be paid wages, if possible, under existing laws and budgetary provisions. Only the number necessary to do the work required should be assigned to the camp and malingerers should be returned promptly to the institutions.

There is no uniform policy regarding payment of wages to the inmates of open institutions. While at some open institutions, where prisoners were employed by some other department, wages were paid at market rates, at others either nominal or no wages were paid. Where wages were paid at market rate, maintenance charges were recovered from prisoners but it was found that the rate of recovery was arbitrary and generally very low which was not proper. There should be a system of payment of fair and equitable remuneration for the work done by the prisoners. This will restore their self-esteem and will also give them a sense of dignity of labour.
Wages earning schemes should be devised scientifically: wage ought to be uniform, adequate and reasonably comparable to the outside conditions in the community. This is the one thing that goes a long way to improve the prisoners' confidence and develop his self-reliance.

(vii) **RESTRICTING UNSUPERVISED CONTACTS WITH THE PUBLIC**

Camp should be in area where the prisoners are isolated to as great a degree as possible from contacts with public. Increased involvement of the family and the community in the rehabilitation-process needs to be strengthened.

(viii) **ACCOUNTING PROCEDURE**

Camp operations be self-supporting and the accounting procedure should reflect this. Other governmental agencies should pay a fair price for work done for them and proper credits should be entered on the books for food and other products of value supplied to the prison or state.

(ix) **PERSONNEL**

To achieve reformation in the real sense of the term humanization is needed most for which camp staff-quality should be improved. Staff should be specially
trained in modern methods of diagnosing, motivating and redirecting human behaviour.

Proper care should be taken to improve the working conditions of the camp-staff. The staff should be provided facilities and amenities to live a peaceful life.

The staff posted at open institutions should be carefully selected trained and oriented to correctional philosophy.

The working conditions of the staff at open institutions needs to be improved. This may be done on the following lines:

(i) All members of the staff should be provided with family accommodation at the camp site.

(ii) Transport facilities should be provided to school going children of the staff. Such facilities should also be extended to the staff for visiting neighbouring towns for marketing and recreational purposes.

(iii) The staff should be paid 20 per cent of pay as special allowance.

Only experienced personnel with special advanced training should be assigned to such a programme and
continuous inservice trainings should be conducted for the employees of not only the correctional agency but also those of other governmental agency whose duties include supervision of prisoners.

An adequate number of welfare staff should be appointed to prepare case histories and pave way for individualized attention.

(x) PUBLIC RELATIONS

Local officials and the public in area should be informed in advance of plans to establish a camp. This is necessary, if good public relations are to be maintained and needed cooperation from local officials is to be available.

(xi) EMERGENCIES

An occasional escape or other unfortunate incident is inevitable but these occurrences should be kept to a minimum through good prison-selection, careful management. When such emergencies do occur they must be dealt with promptly, energetically and with all the resources available if public good is to be retained.
The rate of remission of sentence should be appropriately be rationalized to avoid writ petitions in the courts. Deserving inmates should be given passes to visit neighbouring towns for marketing and recreational purposes etc. The rules for remission should be liberalised and procedure streamlined to avoid unnecessary delay and harassment.

The scale of remission for inmates of open institution varies widely from State to State. This is not desirable. There should be a uniform scale of remission in open institutions in all States and Union Territories. It would be reasonable if remission is granted to an inmate at the rate of one day for each day's stay in the open prison, subject to a maximum of half of the substantive sentence awarded to him.

In open institutions social readjustment of prisoners is quicker and as such their long detention is not only unnecessary but may also be counter-productive. As such in the case of inmates of open institutions a liberal policy should be adopted in the matter of their premature release. Section 433 A of the Code of Criminal
Procedure, 1973 which debars the release of certain categories of life convicts unless they have undergone 14 years of actual imprisonment, has a damaging effect on the morals of inmates in the open institutions. 'Legislation' to amend this section has a special relevance to the open camp movement.

The Mulla Committee was shocked to learn at one of the open institutions that cases of prisoners for premature release were pending for over two years. This was rightly a source of great dissatisfaction and frustration among a large number of prisoners. This situation was being exploited by some lawyers who extracted large sums of money from prisoners giving them hope of early release. There is thus, an urgent need for streamlining procedure for disposing of cases of premature release to avoid unnecessary delay and harassment.

(xiv) LEAVE

Rules for grant of leave to prisoners of open institutions also vary from State to State. In some States the procedure was very cumbersome as leave was granted by the Government. This generally frustrated the object of granting leave. The scale for grant of leave
and the procedure for such grant should be liberalised in case of inmates of open institutions.

(xv) LETTERS

There should be no restriction on the number of letters prisoners in the open institutions can send or receive. Similarly, the visits need not be restricted in view of the trust placed in the prisoners selected for open institutions, it is not necessary to censor incoming and outgoing letters. Interviews, too, need not be supervised and should be allowed to be held in a relaxed atmosphere.

(xvi) PUNISHMENT

In an open prison reliance should be placed not on punishment but on persuasion and personal example of staff in ensuring a quick and willing response to authority and observation of rules. An atmosphere of freedom and responsibility will infuse in the inmates a sense of self-discipline. Prison offences and their punishment in open prisons should not be the same as those in closed prisons and they, therefore, need to be separately defined.
(xvii) SIZE OF OPEN PENO CORRECTIONAL INSTITUTION

An individual unit of open institution should not have more than 200 prisoners. If the number is large, it will not be possible to give individualised attention to prisoners. As such wherever an open prison has more than 200 inmates, it should be divided into smaller units of not more than 200 prisoners each. Each such unit should be an independent open prison with a separate full-time superintendent. A Deputy Superintendent, two Assistant Superintendents with adequate supporting staff should also be provided at each open prison. The strength of custodial staff should not generally be more than 10 per cent of the capacity of the open institution subject to a minimum of 10. Special care should be taken in selecting staff for open prisoners on the basis of their good work, proper attitude, trustworthiness and known dedication to duty. They should be trained and should have the ability to develop healthy and constructive relationship with prisoners. They should be able to exercise correctional influence by their personal example and leadership qualities. From time to time, staff meetings should be held where the principles and policies of open prison system should be frankly and freely discussed. Whenever
possible inspecting officers should also participate in such discussions.

(xviii) **STAFF APPROACH**

The staff at the closed prisons is generally custody-oriented and when it is posted to open institutions it values security and discipline more than welfare, rehabilitation and informal relationship with the inmates.

(xix) **EDUCATIONAL PROGRAMME**

Social education and functional literacy programmes, library and reading room facilities with books, newspapers and magazines and well planned and regular recreational and cultural activities should be organised in open institutions to enrich the correctional content of the open camp movement.

(xx) **COMMUNITY CONTACT**

(i) Free community should be liberally involved in all correctional programmes of open institutions.

(ii) Deserving inmates of open institutions should be given passes to visit neighbouring towns for marketing and recreational purposes etc.
(xxi) **MODEL PRISON MANUAL 1970**

Guiding principles of Model Prison Manual, 1970 regarding open peno correctional institutions should be adopted by all States and Union Territories to bring uniformity, certainty and specificity in the working of such institutions. These principles are contained in Appendix I.

(xxii) **INTER STATE STUDY TEAM REPORT**

Report of the Second Inter-State Study Team (1971-72) on Indian Open Prisons highlighted certain specific areas for improvement which should be adhered to. These areas are contained in Appendix II.

(xxiii) **CLEARCUT SCOPE, PURPOSE AND OBJECTIVE**

It has been the intention of this study to present an overall view of the structure, function and suggest guidelines for operating open peno correctional institutions. Quite obviously, there will exist differences in both the purpose and operating methodology among various states. Currently running such open peno correctional institutions.

The scope, purpose and objectives of open institutions should be clearly defined in the statute.
An open institution should be characterised by the absence of material or physical precautions against escape (such as walls, locks, bars, armed or other special security guards) and by a system based on self-discipline and the inmate's sense of responsibility towards the group in which he lives.

There should be three types of open facilities available to convicted prisoners:

1. Semi open prisons
2. Open prisons
3. Open camps (Sanganer type)

(XXIV) USE OF CAMP DEVICE

There are many closed prisons which have agricultural land outside the prison wall, wherever such land is available it should be converted in semi open or open institution or an annexe of the closed prison. Prisoners eligible for transfer to open institutions may be allowed to work on such land. Suitable huts and cottages may be constructed outside the jail wall to provide living accommodation for such prisoners.

Open camp movement should be given a fillip as a major step in the progressive stage system of corrections in India. It should be developed as a positive measure
for the resocialisation of convicted offenders as opposed to its regressive and repressive nature in the olden times.

(xxv) **USE OF INCENTIVE TECHNIQUES**

A scientific analysis should be made of the various incentive-devices which are being used among various states such as 'Remission System', Reviews of Sentences, Ticket of Leave Rules', graduated pay scales etc.

(xxvi) **SPECIAL SERVICES PROVIDED FOR INMATES**

Except in a few open institutions, educational, cultural and recreational facilities left much to be desired. This correctional content of open camp programmes needs to be given due importance. Special education and functional literacy should form an important ingredient of such an approach. Trained teachers should be posted in all open institutions for educational programmes. Library and reading room facilities with books, newspapers and magazines should also be provided. Sports and regular recreational and cultural activities should be organised as they will improve the physical and mental health of prisoners. Efforts should be made to discover talent and special interest of individual prisoners and to plan educational and recreational activities at least a month in advance.
Special education and functional literacy programmes, library and reading room facilities with books, newspapers and magazines and well planned and regular recreational and cultural activities should be organised in open institutions to enrich the correctional content of open camp movements.

(XXVII) **NEW CAMPS: MOBILE OR PERMANENT**

Open camps, mobile and permanent, should be set up at public projects to provide employment to prisoners sentenced to a term of imprisonment less than one year. Ticketless travellers should be employed on Railway Projects in camps to be financed by the Railways. Suitable arrangements should be made for the temporary stay of such convicts at mobile camps and for their shifting from one place to another according to need.

(XXVIII) **MODEL CAMP PLAN**

Some efforts should be made towards the development of a model camp plan. This of course, would involve the gathering of information for each state concerning the architectural lay out, construction cost, floor plans, building material etc. of existing open peno correctional institutions. That such a model camp plan would be of inestimable benefits to future growth and construction of camp programmes in manifest.
The open prison on account of its therapeutic value, should be used for short term prisoners received in jail for petty offences committed mostly under situational compulsions in the face of stark deprivations. This is being practised in England and Philippines. For many such prisoners open prison could offer a facility similar to that under consent scheme in other countries as an alternative to imprisonment.

The open prison, besides serving as a vital link of correctional cycle for long term prisoners, has a potential to open a camp based treatment avenue for a selective handling of offenders sentenced to imprisonment for short periods.

Special Rules for open prisons be framed which should be uniform for the entire country. Standard minimum Rules evolved by the Central Advisory Board on correctional services in 1970 and provisions of Chapter L 11 of the Model Prison Manual may be adopted in formulating such Rules.

COMMUNITY CONTACT

The people in the neighbourhood should be invited to witness sports and cultural events in the open institutions. Inmates should also be given passes to visit neighbouring towns for marketing, recreational purposes etc.
(xxx) **DIVERSIFIED WORK**

Work in open institutions should be diversified to suit prisoners of various socio-economic background. At present most of the open prisons provide only agricultural and allied work. Industries may also be set up at such institutions. Vocational training on systematic basis should be imparted to inmates of open institutions.

(www) **DAY RELEASE SYSTEM**

As a measure of semi-open facility to inmates confined in prisons day release system should be introduced to allow suitable prisoners to work in Government establishments and public undertakings during day time.

(xxxx) **WAGE RATIONALIZATION**

The system of wages in open institutions should be rationalized. Mulla Committee recommendations in this regard are contained in Chapter XI on Work Programmes and Vocational Training.

(www) **EXCLUSIVE WORK BY INMATES**

All work programme including agriculture in open institutions should be carried out by prisoners themselves under the supervision and management of the prison department.
(xxxiv) **FAMILY VISITS**

Inmates of open institutions should be allowed on selective basis, to stay with their family members for one week once in every six months. For this purpose, huts should be constructed near or on the premises of such institutions.

(yyyv) **DISCIPLINE**

Prison offences and punishments for inmates in open institutions should be separately defined. Inmates not abiding by the rules of the open institutions should be sent back to closed prisons.