Introduction:

India is a land of diversified culture with inequal socio-economic profile. Since its independence from the British its struggle has been to ensure equal distribution of its wealth among its citizens. It is in this process that India has faced gigantic struggles, social upheavals, caste conflicts and class struggle. In order to find a solution to these problems India in her struggle concentrated much more on establishing an equalitarian society through constitutional democracy. In her attempts to do so India failed to give a second look at the laws rules and regulations that were established under British rule. Thus, avoiding going to the finalities of law making. As a result the structure that we inherited in several cases were left as inherited which became either outmoded or ill equipped and most often unsuited for the indigenous needs of an independent India. As a result, after 50 years, there seems to be a second generation which is attempting to reinterpret India as inherited by them, thus clearly differentiating between imperialist frames of reference as against the post imperial needs. In order to achieve this they are recognising a number of socio-political institutions, laws, rules, regulations as being "imperialistic" in content and structure. It is also true that from the contents of
People's Representative Act to the laws made under Regional Transport Office Rules much of its content seems to be as old as two centuries or so. As a result deconstructing the matrix of these laws for the developing society which has new demands and requisites becomes a necessity. Prison Reform is no exception to this since originally the so-called modern prisons came into existence during the British (imperial) rule in India as the tail end of criminal justice system.

Prison represents the Corrective process of the Criminal Justice System. In other words, prisons symbolise the system of punishment and also a system of support as an institution to house under trials and suspects during the period of court trials. The former role being more critical and paramount the notion of prison has acquired a different connotation with the newer theories of punishment prevalent in civilized societies of the world. As no society howsoever developed, can be absolutely immune from crime and criminals, prison becomes and develops in to an integral part of that society. Moreover, these criminals come to prison environment from certain Socio-economic context.

which by its own merit could be either exploitative, egalitarian provocative and violent situations as such, it society although provides opportunity to create criminals the prison will only be a temporary place to reform them where from the prisoner ultimately go back to society for rehabilitation. Naturally their stay in jails during the prison term gives rise to several problems of correction, rehabilitation and reform that constitute the vital aspects of prison administration today. ²

Pre-Colonial Prisons:

The pre-British period of Indian prison administration has little relevance or significance in understanding jail conditions and jail management in modern India. ³ This is so because, the objective of punishment from the past is quite deferent from that present days. There were punishment system in Hindu and Mughal periods of Indian history and criminals were put in jails by courts with Rulers and

---------------------
² Clemer Donald, the prison community, Hold Rinehant and winston, Newyork 1958 pp 313-14
³ Shah Jyofsna H., "studies in criminology and profession services in India", N.M.Tripati, Bombay 1973. P-16
Emperors as Final Courts of appeal. Although, the English rulers inherited a system of criminal justice from Mughals, who practiced very cruel and primitive methods of medieval punishment, the jails then were undoubtedly places of terror and torture and the prison management was expected to be hard and rigorous in implementing the sentences.

Prison administration during the British rule:

The British administration immediately after the mutiny of 1857 got penological books enacted and this had its logical consequences in the area of prison reorganisation and expansion of jails in the country. The criminal procedure code of India and the Indian Penal Code defined the various offences and prescribed the jail terms for respective violations. The civil agency of the government in the District i.e. collector and the District Magistrate were made incharge of District level prisons and the officials of police and law courts were asked to conform to certain procedures conducive to prison up keep and management. 4

4. Battachary B.K., Prisons sankar and sons, culcuta, 1958-P 21
As per provisions of the Acts the jails were organized at various levels and jail manuals were prepared to govern the internal administration of the prisons in the districts and the states. The Powers and functions of jail officials were detailed and the prison administration was detailed and coordinated in the overall frame of criminal justice system envisaged for the entire country under the colonial power of the British. Unfortunately, 19th century England had a very poor and problematic system of jails back home and the prison philosophy of pre-Mutiny era gets duly reflected in all the rules and regulations drafted for prison management during this period.\(^5\) As this philosophy was largely in congruence with the medieval philosophy of Mughal period, there was little difficulty in reorganizing prison system of 19th century India.

This rudimentary structure of Indian prisons has its initial jolt when the freedom movement under extremists and later on under revolutionaries who took to violence, which necessitated well guarded and special kind of prisons to house the revolutionaries, seditionist and escapist undertrials. The attempts to kill jail administrators and

\(^5\) Ibid, pp 21-25
activities of subversion from inside the prison walls alarmed the British government and all sorts of prison reform measures were undertaken to make the jail management effective and security oriented. The jail manuals were reauthored and arrangements to execute capital punishment were provided for. Independent India and the prisons.

With the advent of Mahatma Gandhi on the political horizon of India the Nationalist struggle took a non-violent turn, but mass arrests and massive operations of civil disobedience and satyagrah brought a lot of pressure on jail management. Not only the jails were expanded but better facilities were provided to house Nationalist leaders who were non-violent and were just to be detained as respectable citizens. Moreover, the jail system being inadequate to bear the strain of millions of inmates, it virtually got split into two kinds of administration inside the prison all over the country. The first category of criminal which were few in number got into background and nothing could be done to improve their conditions. On the contrary the prison budgets being limited, a lion share of this money was spent in dealing with the political prisoners. Again the political prisoner population was categorised into A, B and C so that the leaders and followers in national movement could be
taken care of by the jail authorities, who had a real challenging job of managing prisons in India from 1920 to 1947. This dimension of national movement brought the Indian prisons into social limelight. The top administrators being British due to security considerations did a good job in classifying prisoners and dealing with them differently within the four walls of the Indian law. The violent and non-violent political prisoners were handled under different regulations and similarly different kinds of provisions were evolved for non-violent leaders instigating law violations and non-violent law breakers, doing so on behest of their leaders. Interestingly enough the non-violent groups who broke law on a massive scale contributed a good deal to the growth and expansion of prison system in India, which has relatively better jails than their counterparts in most of the developing countries and even in many so-called developed countries of the world.

The prison population of freedom fighter has several characteristics such as occasional terrorists and escapists for whom jail regulations were very elaborate and rigorous. However, Summary trials were also conducted in jail precincts and delinquent officials of prisons were punished very strongly for their lapses of duty. An elaborate system of records was developed and prisons were frequently inspected by senior civil officials of the government. Detailed rules about inmates, food, medical care, recreation, family visitors, parole, jail law violations etc. were drafted and revised from time to time. Under the Acts of 1919 and 1935 the jails were kept as a provincial subject. Gradually a three tier system of prison evolved with baseline lock ups in police stations, middle level District Jails and the Central Provincial Jails in major British Indian provinces in the country. To deal with all India leaders of national eminence some special Prison houses like Yarvada Jail or Agha Khan Palace were chosen and used as prisons during emergencies. This special phenomenon put such an extra strain on traditional jail budgets that the conventional system was literally ignored for decades. The Budgets were

8. Please See Reports of on the Administration of criminal justice system in states of Indian Union (1970-80)
9. Ibid,
spent on political prisoners. The old rules for the first category never got amended. Physical conditions in the conventional part of the prisons got worsened. The jail authorities being too busy paid little attention to their regular duties of attending to non-political criminals. This dichotomy of prison administration in the midst of nationalist resurgence, though serious, had to be lived with, it.

The Constitution and The States:

The constitution of Republican India puts jails along with police the law and order into the state list of the Seventh Schedule. The Union government has literally no responsibility of modernizing prisons and their administration. Even five year plans, prepared by the planning commission and approved by the National Parliaments offered a very low priority to the criminal justice area in general and prison administration in particular. The development exercise in the states has made the regulatory

--------------------

10. Please See any constitutional commentary for this.
administration starve and worse still, make the latter suffer
some of the newly generated tensions of violence and law
violations. The Federal and state funding for prison
development being very inadequate most of the states
continue to live with the status quo. They are pretty well
aware of the mounting burdens and deteriorating conditions
in state and district prisons, but being pressed by other
kinds of higher priorities, most of them have not even cared
to examine the problems, the jail administrations have been
confronted with since independence. Once a while states like
Uttar Pradesh or Andhra Pradesh appointed some study
groups but their prerogative reports did not get the attention
they deserved. The social contempt for prison life and
consequently the government neglect of prison
administration keep all sections of society uniformed about
what goes on in the dark rooms of the opaque houses. The
press very seldom highlights the empirical realities and even
the intelligent public opinion seems little concerned about

11. Current Stathy of these prisons is no different Author, who
works in the prison itself has first hand knowledge of this.
12. Most of those officers whom the author met shaved
modernizing the prisons. The jail manuals continue to remain unamended except in few cases, since the British days and even when state jail budgets are escalating the figures do not indicate a proportional increase commensurate to the population of the inmates. Some states have recently tried to initiate some reforms, but a massive effort, is required to organize this to be made effective. But that does not seem to be on the anvil. The assembly debates of state legislatures in the area are characterized with cruelty and lack of enthusiasm. The educational curriculum at high school and college levels talks little about criminal rehabilitation. Even the universities have made no special research effort to probe the area. There are very few books written and available that can give meaningful insights into the problems of the prisoners, their administrators and prison policy planners in the country. The people, their elected representatives, the police officers, the courts, and the opinion leaders have all neglected this major institution of criminal justice system, which can help as well as harm the society in more than one way. Under such conditions and the support from either the state or the society prisons are expected to

13. Ibid.,

14. Except the discipline of criminology of late, probably with newer areas of public Administration following this parts this work seems to be the maiden attempt as I am aware both as a standout and the anther this and hence the limitations if any.
give a better deal to its inmates, who are already condemned because of social taboo and the social apathy. Having said that it becomes pertinent to understand the various other stages of growth of prison administration in India which is as follows.

Prison as understood in the modern era:

Prison has been defined 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". As places of detention, prisons are old institutions, as places of punishment they are, however, comparatively modern. The instances of the former use may be found as early as twentieth century B.C. Death by hanging, by hurling over the Tarpeian Rock, crucifixion, beheading and drowning in the sack, exile, beating with rods and forced labour were the older forms of punishment. Imprisonment at that time was not the common form of the

15. The Oxford English Dictionary, Vol. VIII P. 1385

16. In the Egyptian Empire we find the patriarch Joseph thrown into prison on a charge without trial and ultimately released by the command of pharaoh. While there he meets two officials awaiting trial; one is found guilty and hanged, the other is discharged Hinde, RSE., The British Penal System, P.1. (Quoted from Vidya Bhushan 1970)

17. Ibid., P. 77
punishment. In their origin prisons are certainly to be considered only as places of detention. This use of the prisons as places of detention has continued up to this date, but towards the middle of sixteenth century, a period of experiment with imprisonment as a form of punishment for certain types of offenders mostly for juveniles, beggars, vagabonds and prostitutes was initiated. The London 'Bridewell', the Amsterdam Rasphiuis and Spinhuis founded respectively in 1557, 1595 and 1587, Francis' Florentine Hospice established about 1677 the Reformatories for boys and women in St. Michael's Hospice in Rome founded in 1704 and in 1735 were the most important institutions of this period. This period of experimentation lasted up to the close of the eighteenth century when imprisonment was universally adopted as a substitute for most of the corporal or capital penalties.

In India too, the early prisons were only places of detention where an offender was detained until trial and judgment and the execution of the latter. The structure of

18. Encyclopaedia of Social Sciences, P. 57
19. Ibid.
society in ancient India was founded on the principles enunciated by Manu and explained by Yajnavalkya, Kautilya and others. In Arthashastra one finds a long list of offences and the penalties therefor. The crimes which offended against person, property, the institution of marriage, and administration of justice, were regarded very heinous. The punishment for these crimes as found in there feats were usually inflicted were mutilation, death and penance. Trials by ordeal were frequently resorted to. In some cases the accused was made to take a caustic drink and it was believed that if he spoke the truth, the drink would do no harm. Expiation was recognized as a form of punishment, but imprisonment was not so recognised. The legal system in medieval India resembled that of ancient India and the contemporary Muslim sovereigns seldom attempted to tamper with the day to day administration of justice. Imprisonment was not resorted to as a form of punishment in the case of ordinary criminals. It was mostly used as a means of detention. There were fortresses situated in different parts of the country in which the criminals were detained.

21. Ibid., P. 95
22. Jayaswal, K.P. Hindu Polity, PP. 134-139
Imprisonment as a method of punishment not being the normal feature of the legal system these fortified prisons did not present any problem for the administrators. With the advent of the British the administrative structure in the country began to assume a new form. At first 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". This indicated the intention of the British Government to introduce English rules of law and English superintendence of law and justice. In 1983 the attention of the British parliament was drawn to the "anomalous and sometimes conflicting judicatures by which laws were hitherto being administered". Accordingly an Act was passed which effected many changes in the constitutional set up of the country. An Indian Law Commission was appointed to prepare an uniform code of legal rules. In 1858 was issued

23. Sec. 13, Regulating Act, 1973
24. Cowell, Herbert, "History and Constitution of the courts and Legislative Authorities in India", P. 74
the Royal Proclamation whence forth direct responsibility was assumed by the British crown. In the next three years, 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. An uniform system of legal justice was initiated in India. The Indian Penal Code defined each and every offence and prescribed punishment for it.\(^25\) Imprisonment became the most conspicuous and the most commonly used instrument of penal treatment. Here we have the beginning of modern prison system in India.

**Prison reform early attempts:**

In India first experiment in prison reforms began in the year 1835. In this year the were 43 civil, 75 criminal and 68 mixed jails.\(^26\) These institutions were run by District Magistrates who were known for their indifference and reluctance to this aspect of administration, and hence conditions therein were extremely bad. There was

\[^{25}\text{bid., P 225}\]
\[^{26}\text{Report of the Indian Jails Committee, 1919. P. 29}\]
inadequate food, ill clothing and improper medical attention for the prisoners. The directors of the East India Company were reluctant to spend money on jails and improve the state of affairs therein. Macaulay drew attention of the Government of India to the terrible conditions in the Indian Jails and on his suggestion a committee was appointed on 2nd of January, 1836, to look into the conditions and report thereon. This was the first committee on jails in India. It submitted its report in 1838 criticizing severely "the corruption of the subordinate establishment, the laxity of discipline and the system of employing the prisoners in extra mural labour on public roads". The committee in its recommendations deliberately rejected all reforming influences such as moral and religious teaching, education or any system of rewards for good conduct and suggested the building of central prisons where the convicts might be engaged not on manufactures which it condemned but in some dull, monotonous, wearisome and uninteresting work in which there shall be wanting even the enjoyment of knowing that a quicker release can be got by working harder for a time". The Committee was influenced, by the contemporary ideas in England where deterrent side of punishment appealed to the parliamentarians of the day.27

27 See for details Vidya Bhushan (1970)
In pursuance of the recommendations of the committee a central prison was constructed at Agra in 1846. This was the first central prison in India and was followed by construction of central prisons at Bareilly and Allahabad in 1848, at Lahore in 1852, at Madras in 1857, at Bombay in 1864, at Alipore in 1864, at Banaras and Fatehgarh in 1864, and at Lucknow in 1867. In 1844 the first Inspector General of Prisons was appointed in the North Western Province, present Uttar Pradesh. His appointment was made on an experimental basis for two years and was extended for another four years. In 1850 the Government of India made it a permanent post and suggested that each province should appoint an Inspector-General of Prisons. Punjab appointed the Inspector-General in 1852, Bengal in 1854, Bombay in 1854, Madras in 1854, and Central Provinces in 1862. In 1862 the North Western Province employed Civil Surgeons as superintendents of district jails. The experiment proved so successful that the Government of India issued orders in 1864 that all provinces should employ Civil Surgeons as Superintendents of district jails.28

---

28. Op cit See, Foot Note. 26, PP 212-226
The subject of prison reform was thus placed on a higher plane than might otherwise have been attained and the credit for it belongs to the Macaulay Committee. Great improvements, however, could not have been expected at once. The Government of India moved partly by high death rate in prisons and partly by other allied considerations appointed a second committee in 1864 to consider questions of jail management.

The committee of 1864 fixed a minimum space for each prisoner in jail, i.e., 54 superficial feet and 640 cubic feet per prisoner, recommended for improvements in diet, clothing and bedding and insisted upon regular medical inspection of prisoners. They also recommended that every central prison should have cellular accommodation for fifteen per cent of its population and that juveniles be kept separate from other prisoners and that they should be given education.

In 1864 there was, it appears, a great controversy whether jails should have cellular accommodation or association barracks. In United States both the Pennsylvania and Auburn systems were based on solitary confinement. In England the Lords Committee of 1863 had

29. Sec. 7, Prisons Act, 1870
recommended the separate system to which the Prison Act of 1865 gave approval. In other countries too the cellular system found favour with the prison reformers of the day. In India also cellular accommodation was considered most suitable for prison life, but this could not be adopted on account of huge cost involved.

In 1870 the Government of India passed the Prisons Act to amend the law relating to prisons in the country. It laid down that there should be a superintendent, a medical officer, a jailer and such subordinate officers as the local government thinks necessary. The superintendent was authorised to appoint with the approval of the Inspector General of Prisons the jailer and the Deputy Jailer. The Act enumerated the duties of the superintendent including among others the management of the prison in all matters relating to discipline, labour, expenditure, punishment and control and correspondence on all matters connected with the prison with and through the Inspector General. The Act made provision for the separation of prisoners of males from females, of children from adults, of criminal from civil. Civil

30. for details see Report of the Indian Jails Committee 1919
prisoners were allowed to follow their respective trades and professions with the superintendent’s permission. Prisoners sentenced to simple imprisonment also were allowed to work and no prisoner not sentenced to rigorous imprisonment was to be punished for neglect of work. The Act defined the list of prison offences and empowered the superintendent to punish such offences by solitary confinement for any time not exceeding seven days, by close confinement for any time not exceeding three days, by a diet reduced to such extent as the local government may prescribe, by corporal punishment and by hard labour for anytime not exceeding seven days. The Act came into force on the first day of December, 1870, and, together with the Prisons Act of 1894, forms the legal basis of the existing prison system in India. The Act tried to give effect to the recommendations of the committee of 1864 and put the question of prison administration in the forefront. In North Western Province the Inspector General of Prisons was already functioning and a movement was in progress to improve the matters.

The third All India Jail Committee was appointed in 1877. The committee was composed entirely of officials actually engaged in prison work. It reviewed the jail management generally and mostly concerned itself more with the matters of detail in prison work than with the general aims and principles of administration. The plan adopted, as remarked by the Indian Jails Committee, 1919, 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 the actual conclusions arrived at were buried under the mass of previous deliberation".

In 1989 the fourth committee to review the prison administration was appreciated. On this occasion the purview of the enquiry was expressly directed toward the routine working of the jails covering nearly the whole field of internal management of jails and laying down elaborate rules for prison management. The committee recommended the

32. Ibid., P. 25
33. See details Report of the Indian Jails Committee,
separation of undertrial prisoners and the classification of prisoners into casuals and habituals. Most of the recommendations of the committee were incorporated in the Jail Manuals of various provinces. The work of the committee was supplemented by the next All India Committee of 1892. It resurveyed 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 of 1894. This Act provided that the convicted criminal prisoners may be confined either in association or individually in cells or partly in one way or partly in the other. 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 defined what constitute prison offences and laid down punishments varying from a formal warning to separate confinement for any period not exceeding six months. Any two of the punishments could be awarded for any offence subject to certain exceptions. This Act was largely based on deterrent principles and reflected

34. Ibid,
the contemporary English public opinion on the subject. The legislators took little pains to look into the other side of the problem. They were concerned more with prison working than with prison treatment and gave more consideration to prison offences and punishments than to its effects. The year 1897 marks a landmark in the history of prison reform movement in India. In that year was passed the Reformatory Schools Act. The Act was modified the prior legislation on the subject.35

The Indian Jails Committee, 1919, which came later gave expression to some of the new work of thinking. The committee made an extensive tour of many Asian and western countries and studied the prison system and submitted a comprehensive report. It observed that "The Indian prison administration had lagged being on the reformatory side of prison work. It also observed that the Indian jails had lost sight of the effect the jails may have in humanizing and civilizing prisoners.

35. Report of the All India Jail Manual Committee, P. 19
Regarding the prison staff the Committee recommended that every central prison and all district jails with an average population of 300 and upwards should be in charge of a whole time superintendent, and the existing system of recruiting superintendents of central prisons from the Indian Medical charge should be continued. The prison establishment should be divided into two branches, to be separately recruited executive, consisting of jailers and deputy jailors and, clerical consisting of clerks, accountants and storekeepers. The Committee recommended a reasonable period of training and probation for all officers newly employed in the department. A separate jail medical service was not considered by the committee desirable, but at least one whole time medical subordinate was suggested for appointment for each central and district jail. The committee further held that convict officers had been employed in excessive numbers and that in the future there should be only two grades of convict officers, viz., the convict night watchmen and convict overseer.

36. Ibid., P. 42.
As regards classification of prisoners the committee formulated a revised definition of the term 'habitual' so as to make the existence of one or more previous convictions, or of an order to find security under sections 110 and 118 Criminal Procedure Code, an essential condition. For all nonhabituals it recommended a further sub classification into two classes: (a) star and (b) ordinary. Three members were in favour of the principle of association at night; two members were in favour of the principle of separation at night and one members favoured separation at night for habituals and short term non habituals and association for others. The award of corporal punishment for prison offences, the Committee recommended, should be restricted to mutiny or incitement to mutiny and to serious assaults on public servants or visitors, and prison incentives such as extended remission, facilities to write two or more letters and get visits from relatives or friends, should be used to secure better discipline.

In the selection of prison labour, the Committee suggested, the main object should be to reform the criminal and to produce goods similar in quality of those obtainable in the open market. The use of power driven machinery in jails was considered by the Committee essential. Jail manufactures, the Committee reported, should be carefully
chosen so as to do the least possible injury to private enterprise. For this purpose they should avoid competition with weak and unorganized trades or budding industries.

The Committee also made certain suggestion regarding variation in diet, better cooking, better clothing, electric light installations, up to date equipment in hospitals, a special institution for mental defectives and better prison hygiene and medical care. To aid discharged prisoners a central association in the central city of each province and a local society for each central and district jail outside the capital society was recommended to be set up. The Committee was of the opinion that if homes, workshops or labour yards were started to assist the ex prisoner, the relief or employment thus provided should be strictly temporary.

The Committee also laid down measures to prevent commission to prison of certain classes of offenders. The commitment, stated the committee, to prison of children and young prisons whether after conviction or while on remand, was contrary to public policy. Remand Homes and children's courts should be provided for such children and the procedure in these courts should be as informal and as elastic as possible. Probation officers should be appointed to
aid the courts in obtaining information about children and to supervise them after release. Adolescent offenders should not be sent to ordinary jails but to special institutions, which should be reformatory in character.

The publication of the Report gave an immediate impetus to prisons reforms throughout India. The Government of India took its structures and recommendations seriously 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.

However, the prison reform movement received a setback 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. In addition to reiterating some of the recommendations made by the Indian Jails Committee, 1919, regarding whole time superintendents, convict officers, classification of prisoners, adolescent offenders, prison hygiene and medical administration, prison education, and aid on discharge, the committee made certain new proposals. The committee recommended the appointment of a deputy
Inspector General not only to assist the Inspector General in his inspections, but also for the performance of certain duties. Two training schools, one for the training of assistant jailors, and the other for the training of warders, were recommended to be set up. The formation of a special jail medical service was considered desirable.

As regards separation of prisoners the Committee was unanimous in recommending cellular accommodation by night combined with association by day. Association of prisoners by night was considered highly undesirable. Regarding prison labour the Committee was of the opinion that power driven machinery should be introduced only to a "modified degree" and that there should be opened small farms in certain selected prisons. Vocational training should remain an important portion of the training of convicts.

Further, the Committee observed that political prisons and Europeans should not be treated on a different basis, but, should be given treatment suited to educated middle class prisoners and those of higher social status used to a mode of better living. Some of there are very remarkable observations of this Committee. This, the Report of the Committee is said to be a forward step in prison reform movement.
In 1935 was passed the Government of India Act. Dyarchy was abolished in the provinces and the reserved subjects were transferred to the ministers control. The Congress contested the elections and assumed power in seven out of eleven provinces. The penal reform movement again received an impetus and attention was focussed on the higher to neglected prison reforms. During the brief stay of two and a quarter years in the office the Congress ministry appointed three committees in succession to look into the prison conditions and put three Acts on the Statute Book. The first was an expert committee, the second consisted of some of the members of the provincial legislature and the third and the most important of all was the Departmental Jail Committee of 1939.

The Committee was of the opinion that a few industries run by power could be started to meet the requirements of the jail and other government departments. Knowledge should be imparted of improved agricultural methods to the prisoners during the period of their confinement and the system of paying wages should be introduced. Compulsory adult education for all prisoners below fifty years of age was recommended by the committee. To strengthen reformatory influences inside the prison the Committee suggested the introduction of 'panchayat' system, abolition
of solitary confinement, extension of remission system, installation of radio sets, and provisions of social, moral and religious instruction. The implementation of the Committee's recommendations materially added to the penal administration of the province.

In September 1939 war broke out on the continent of Europe and the conflagration soon enveloped the entire world. The popular government went out of office on the issue of war thus bringing an era of active penal reforms to an abrupt close. During the war no major legal changes were introduced in the prison system. The rulers were wholly preoccupied with war problems and had no time to devote to prison affairs. In 1942 they were faced with the bitterest Satyagraha movement launched by the Congress. Thousands of Congressmen were locked in jails which were filled beyond their capacity. Due to overcrowding proper treatment could not be given to these satyagrahis and the lot of the ordinary prisoners was even worse. This extraordinary situation continued till the popular Government upon resumption of power set itself upon the task left unfinished by it in 1939, which was later return up by some states and which others left them their states quo situation.
During the last few years the Government of India has taken some interest in the matter of prison reforms. 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 programs for the scientific care and treatment of offenders. Dr. W. C. Reckless was sent as a U.N. Expert who went round the country and submitted a Report on Prison Administration in India and conducted a six month training program 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 Service at Delhi and revising the Jail Manual.

An All India Conference of Inspectors General of Prisons was held in Bombay in 1952 which also recommended the setting up of a Committee to draft a skeleton Model Jail Manual. In pursuance of the recommendations of Dr. W. C. Reckless and All India Conference of Inspectors-General 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 reforms to be adopted uniformly throughout the State. The Committee submitted its Report in 1959.
Among the various recommendations of the Committee, the following are the important ones:

(i) The Correctional Services, i.e., the prisons, probation, after-care and institutional services for children should be integrated under a Director or commissioner of correctional administration and be under the control of the Home Department.

(ii) An O. & M. Division should be established to devote exclusive attention to the orderly growth and dynamic development of the organization.

(iii) The Deputy Inspectors-General should be in charge of various divisions and there should be a separate Deputy Inspector General for Health Services in Prisons.

(iv) The Probation system should be used on a more extensive scale than at present in order to reduce the pressure on persons.
(v) There should be a well arranged network of diversified institutions. The Committee remarked, "If the institution has to be a place of corrective treatment, or if it has to function at least as a place where the offender will be saved from getting further demoralized or disintegrated, there is no other solution than to lay the foundation of scientific correctional work through a properly planned system of classified institution"

(vi) A Central Bureau of Correctional Services should be organized at the Union level.

(vii) A Central Advisory Board should be set up by the Government of India and there should be Research and Planning Unit in each State.

(viii) All All India Correctional Services should be set up.

(ix) There should be a separation of executive and clerical functions and of executive and accounts functions.

(x) There should be a State After Care Organization in each State

(xi) The Jail Manual should be revised periodically.

(xii) Solitary confinement as a form of punishment should be abolished.
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 are to coordinate and develop a uniform policy, to standardise the collection of statistics on a national basis, to exchange information with foreign Governments and the U.N. agencies and to promote research, training and studies and surveys in the field of prevention of crime and treatment of offences. The Bureau convened an All India Seminar on Correctional Services at New Delhi on March 11, 12 and 13, 1969. The Seminar reported that excepting in very few States the recommendations of the All India Jail Manual Committee have not been implemented. Karnataka took clue from this and made attempts to create a new manual.

After a prolonged lapse of the period. Some innovations have been recently introduced in the treatment of offenders in the various states of the Indian Union. The Children's Act is now in force in all the States except a few. Approved Homes/certified schools have been set up in various parts of the country to look after the juvenile delinquents. Nine out of the seventeen states are having Borstal schools for adolescent offenders. Some states have
also provided separate institutions for women prisoners. Eleven States have open prisons, while others are anxious to establish such institutions. The 'wage scheme' or 'earnings scheme' has been introduced for selected prisoners working on specified industries. The agricultural farms have been attached to some jails where the prisoners work in the open.

In the light of the historical background of the prison reform movement in India as described above it may be remarked that while some fragmentary improvements have been made in piecemeal fashion, our penal policy still remains unchanged to a large extent. Even in the states where Children's Act is in operation, juveniles are tried by the ordinary courts and there are no remand homes for them in most of the districts. The number of Approved Homes/certified schools is inadequate to house all the juvenile prisoners. The Borstal Act still remains inoperative in most of the states. Even where it is in operation, it is not being fully utilized. Within the prisons the atmosphere is not fully oriented to achieve rehabilitation. Education of prisoners remains largely neglected and the reformatory influences are much too weak. Prison industries are run in a crude manner. The classification of prisoners leaves much to be desired. In any prison the huddling together of all types
of criminals obviously leads to the contamination of the causal and the young among the offenders. The attitude of the jail staff is still rooted in the old objective of deterrence and retribution. The penal system in our country lags far behind that of the advanced countries like England and the United States. If this lag is to be removed the recommendations of the committees appointed in the past be implemented and the public opinion must be educated regarding penal matters. The following is the essential content of the problem to be investigated vis a vis. The prison administration and reform in Karnataka.

**PROBLEM TO BE INVESTIGATED:**

Prison today represents the tale end of justice system as said earlier. If Criminal Justice System puts the suspect through the due process of law, until the process is completed the alleged insdiordual will be logged in the prison as an under trails, while the court tries their alleged criminality. However the paramount notion of prison in the developing civilized societies world over invariably are evolving to cater to the new theories of punishment that are emerging in the societies of today. Since no society can be absolutely immune to crime and criminals and that the criminals are
found in all age groups, sexes, strata of the society, rural or urban brings into focus the management of prisons both as a polemical issue of philosophical debate and a necessity of time. Since the criminals enter the prison from a certain provocative and violent situations in society and they are going to be temporarily housed in prisons, the idea of prison necessarily means reforming those who are its occupants to be ultimately sent back to society for rehabilitation. Prison will have to be an ideal place for their corrections, reforms and rehabilitation. Therefore, if one reads through the history of prisons they were in the medieval period retributive in their content, thus becoming primitive places of barbaric torture and agony. However this was not so in the later period where the prisons served as places of terror which also gave them time for contemplation. They were however deliberately provided poorer quality of life than the one they obtained in the society. Thus prison had become a fear rising institution with a social taboo attached to it, which discriminated prisoner in his own society. However, the modern societies with the growing "civil" societies human rights consciousness, increased activism of social and judicial institutions, rise in the plurality of power centres in the society, have all thus called for serious reform of the
prison administration itself to facilitate the reform of the prisoners. As a result in the 21st century the demands of the prisoners are also changing as identified by the leading sociologists and criminologists, including police personal like Kiran Bedi, Dr. Chandra and others. As a result the problem in focus today is not merely one of reforming the prisoners but of reforming the prison itself. Several administrative reports, committees concentrated on such a kind of reform and contemplated essentially on thus structure and the personnel of prisons. Mullah committee is one such landmark report in this direction. Therefore in the context of changing global scenario and in the context of rewriting a criminal justice system (Justice Malimath committee) the changing face of crime itself, it is a necessity today that one works towards reforming Prisons its administration. The prison administration which so far has not been attempted in toto in Karnataka hence which form the focus of the current study the problem to be investigated.

**Literature Survey:**

There are a number of books written by various scholars varying from criminologists to sociologists and police personnel retired and those in service. Most of the literature pertaining to prison administration clearly dwells upon the
“Prisoner reform” or in other words “reforming the Prisoners”. The literature invariably keeps prisoners in the centre and attempts to argue for the necessities of reform in the prison environment. Prison Interviews by Leonard J Berry is an interview conducted within the four walls of prison in the western Newyork prison. This carries the details about individual prisoners and their trials and tribulations.

“English Penal System in Transition”, by J.E. Tealletal is about the process of imprisonment under the English penal system and this gives the analysis of good and bad penal system and the changes that are contemplated. Joy. S.Eymon’s work on ‘Prison for women’, in Illinois, USA, gives us a western perspective of the problem of women in prison. This is an empirical study and gives us a insight into the positive and negative aspects of women prisoners in prison and the darker side of a prison life.

‘Police and Criminal Justice Administration’ in India by P.D. Sharma is a detailed book on prisons in the East and the West. The book begins with basic chapters on what is prison what is crime etc and takes us to the difficult life of policing and the paradoxes of criminal justice system visa a visa prison management.

People in prison by Hugh J. Clerk is a research work done on the prisoners inside the Jail and their ways and means of
living. It also emphasizes on the factors responsible for the psychological variations among the prisoners, which in turn leads to disturbances within the prison. Prison Administration in India by Vidyabusan is a very relevant research work done in the recent times on the Prison Administration in India. Although the research work is restricted to (the special reference) Uttar Pradesh, the historical approach taken by the author in dealing with the contents of this book gives a reader and a researcher clear understanding of how the Indian prison works and the changes that are essential in any prison. "Prisons in Perspective" and "Prisons in India", are short documents produced by the central Bureau of correctional services, departments of social welfare, Govt. of India. They give insight into a large amount of statistical details ranging from the number of girls and the adults, variety of crimes, marital status, their health status and so on. This is also an important primary document currently available for a researcher in this area. ‘Crime Review’ by Government of Karnataka is another latest document available on the crime records in the state as on April 2003. This also gives us an insight into the crime records, various types of crimes organized or otherwise within the state of Karnataka.
This is the latest document and the primers source available a for researcher so for as prisons and crimes are concerned within Karnataka. Aparna Srivastava’s Role of Police in the Changing Society’, invariably represents the plethora of literature documented or otherwise written on police administration in general and with one or two chapters on prisons in particular. Infact a large number of books also dwell upon prison or prison administration in the context of police administration only. The literature survey conducted in the parts of Mysore, Bangalore libraries connected to Police Training Institutions and Prison Training Institutions, clearly indicate, that despite the attempts made by subsequent governments to reform prisons in Karnataka, not much has been put into practice and hardly there is any literature concerning prison reforms in Karnataka in particular. It is thus clear, that while prison reforms press is an interesting topic quite widely researched despite several hindrances, there is not much literature available as evidenced so for reality to Karnataka in particular. Hence the justification for this research. It is fervently hoped that this research would help us fill in the gaps that might exist in the areas of prison administration in Karnataka, to enrich the quality of prisons which at times is hosting more than accepted number of prisoners in each of these prisons. Hence the problem for research prison reforms in Karnataka.
Objectives:

The objective of any empirical study of a social institution which in part represents the social pathologies, in variably aims at attempting certain amount of reform worth in the existing frame work, whereby hoping to contribute the betterment of a society at large. Since jails are seen as anti social institutions symbolising criminality and taboo attached, they are seen as institutions that host social out castes, such as criminals murders, habitual offenders, human trespassers and soon. The tag attached to it does not seem to envelop the prisons as part of reform institutions within a society. Despite the fact that the criminals, anti socials are found with in the society, born out of certain social compulsions and social evils. The police or the judicial system are the only institutions that take custody of these people away from the society that too only for a short period of time. Infact the Indian Penal Code and the Criminal Procedure Code, put 20 years as life imprisonment tenure, after which the individual inside the prison who served his sentence is expected to return to society "reformed". However contrary to this, many a times an innocent or a petty criminal who is lodged inside jail earns maturity as criminal activities after his release from the
prison. In which case the prison seems to be the training ground producing criminals of high order. It is in this paradox of things that one is expected to locate the objectives of the prison reforms as a research topic. It is in exactly such a context that the following objectives are drawn.

a) To understand and identify the prison administration and its problems in Karnataka

b) To effectively pool the experiences of various jails and Jail superintendents in the management of prisons in Karnataka.

c) To understand the importance of the structure, locations, designing of prisons and its utility as a reform institutions.

d) To suggest measures regarding the needed reforms if any in the personnel administration of the prisons in Karnataka in particular

Further, the study in the process of encompassing the above objectives would also like to contribute to the betterment of prisons keeping in view the issues involving gender, health, hygine, sexuality, work, corruption and the like which in a positive manner will contribute to the prison reforms in India. Although as a case reference the study of prisons in Karnataka might help this understanding. It has a greater objective to considerable to prison reform in India itself
Hypotheses:

Any empirical study of a specific institution like prison administration governed centrally by a “handbook of prisons” and a set of other rules/regulations with a clear hierarchically organized control system, can only be undertaken with utmost care by not distorting facts and figures and by sharing experiences and expertise of those insiders who have had a long stint of service and who have had varied experience in prison administration apart from making reference to the primary and secondary source material available. The current study therefore proposes to have the following hypotheses:

a) The present prison administration is due for revamping,
b) That the revamping of prison administration will lead to better "prison management",
c) That the better prison management would lead to effectiveness of prison as institution of corrective administration.

The above hypotheses are subjected to thorough examination and will also be testified at the end of the study.
Research Methods:

Research methods in the present study will be more or less broadly in favour of sociological studies. The prison by itself is no wonder, a laboratory where the inmates become the subject of research. Many scholars like Donald Cressey have clearly stated that the prison is a Microcosm of a larger society which has created it and which maintains it similarly. Hillery has said that if the communities are seen as having conformists and are generally composed of deviants then it is not surprising that we should have what we call as prisons. Since prisons represent an institutional mechanism to reform an individual who by his deeds and as per the norms of a society is considered to be an anti social element. Any research that is put into place in unearthing the capabilities of these institutions as reform centres therefore will have to embrace a Description methodology. The current study therefore is proposed to be undertaken employing the same methodological frame significantly supported by a number of research techniques and tools such as personal interviews, documents analysis, sharing, experiences analogies drawing etc. The study proposes to take into account the major prisons in the Karnataka state representing the content and contours of Karnataka keeping
in focus its classification and also some of the other historical and socio-political factors into account, thus covering about 7 to 8 prisons of varied kind and analyzing, their administrative and official capabilities or laanaeg in managing these jails. Hence, this will be a cost benefit analysis kind of study which will give us a clear picture about the trends of reform required to effectively manage prison kjaprosve if need be its administration.

**Research Design:**

Research design for a maiden area or the virgin area, like prison reforms were public Administration frame work in Karnataka where there is dearth of literature will invariably have to be both extensive and bibliographically strong and at the same time apt and concise. Therefore the proposed work will only have four chapters Chapter-1, with cover Introduction and the historical perspective of prison administration in India. This chapter will contain the details of methodology and the brief sketch of the perspectives of prison administration in India.
Chapter II, will cover the structure and the organization of prison administration in Karnataka. And Reform attempts, Covering the powers and functions and the other details in the manuals that govern the prison administration in Karnataka and the attempts made at reforming prisons in the past.

Chapter III, deals with prison reforms in Karnataka, an empirical analysis. This covers the analysis of the study carried out in the prisons chosen based on certain variables in order to present the strengthens for reform and the potential ways and means to reform prisons. This is the core chapter for this study.

Conclusion will be the Fourth chapter which will only have inferences drawn from the study made.