Chapter -III

Prison Reforms in Karnataka: An Empirical Analysis

A jail manual is the Bible of every jail. The disciples are (mis) led by a 'jailor priest'. And there is darkness all around. Is how Kumkum chadha describes the life in prisons.\textsuperscript{1} to him the due, and cumbersome process of law delivers the prisoner into the jaws of the "monster", that is the Indian prison system. Chewed, digested and dissolved, the prisoner is regurgitated after some years as a supposedly 'reformed' being.\textsuperscript{2} Many in prison feel that the years they have spent in prison are their lost years: forgotten by society; shunned by most and brutalized by the grind of prison existence. They feel that their existence is in fact, written off as a socially viable entity. "Correction", "rehabilitation", "reform", to them mean mere words. Hiding it shattered souls and broken bodies of the ones found guilty by law their return in to the society is a myth they felt. The house of correction is in reality a dark temple of retribution, living by its own codes governed by its own pagan scripture. If these are the words that can be summed up descriptively, the

\begin{thebibliography}{9}
\bibitem{1} Kunkum Chadha.
\bibitem{2} Ibid.,
\end{thebibliography}
discussions the need for prison reforms only seem redundant. However keeping in view of the interest of the society at large an attempt in made here discuss prison reform on insiders view.

A jail manual is a ‘digest’ of the rules and regulations governing prisons and prisoners. Nearly every state has a jail manual of its own. Every jail is governed by it, every prisoner is bound by it.

Yet it seem as if it is a rare document since only a chosen few have access to it: Home Ministry, big wigs, police top brass, semi literate politicians; and a handful of jail superintendents. The prisoner has no access to it. The first and foremost reform therefore needs to begin at this juncture.

Many jails in the country it is said continue to function without a jail manual. Some are not aware of its existence; others, not of its contents. The prisoner, meanwhile, is subject to various forms of torture in the name of rules. Not surprisingly, as discussed earlier, many of the Jail superintendents were only

aware of the are shockingly antiquated Jail manuals. The Prison Act of 1894 still governs prisons in India. Though, the concepts of prison have changed, and the theory of punishment has been replaced by one of reformation, Prison administrators do not seem to believe the word reform and instead use new vocabulary Viz., treatment programmes, correctional services, rehabilitation and so on. The jail manuals, meanwhile, still provide for whipping as a form of punishment. But for a few amendments and corrections here and there, the manuals have remained unchanged. The new vocabulary of prison administrators and the archaic concepts of an 83 year old Act creates a cornucopia of prison mal-administration. Which needs an immediate solution.

Prisons in India are not governed uniformly as every State applies a different set of rules and regulations that suits their social background. In 1959 a Model Prison Manual was prepared for the purpose of updating and revising the State manuals. It was also meant to lend uniformity to rules and regulations as also to procedure and punishment. Twenty years later, an inter state conference admitted that the Model Prison Manual had yet to be implemented in most of the States. Even today, the situation
remains unchanged. The Committees on Jail Reforms has also stressed the need for revision of jail manuals in every State.

Revision of jail manuals of the States and Union Territories undoubtedly should be given top priority felt many of the respondents.\textsuperscript{4} It is the Model Prison Manual that is a blueprint for revision of manuals. The guidelines contained in the Model Prison Manual imply a thorough re-organization of Prison administration keeping in view the modern objectives of individualized correctional treatment and rehabilitation of offenders. Also it contains the basic operations and norms for a progressive and modern system of prison administration. However, what is needed is the ‘will’ at political level to take steps to translate these guidelines into actual practice through revision of jail manuals of the States and Union Territories.

The Committee has further recommended a basic uniformity in the revision of jail manuals, specially in facilities to prisoners, remissions, leave and special leave, hygiene, medical care and treatment, diet, transfers, release of prisoners, review or execution ---------------

\textsuperscript{4} Respondents: here covers all the three stratified groups that include, officers, middle level officers and under trails.
of sentence, aftercare and rehabilitation. The Committee has stressed the need for detailed instructions regarding implementation of the provisions of the Prison Act and the statutory rules as also procedures to be followed for efficient management and administration of prisons.

Except in the States of Karnataka, Andhara Pradesh and Maharashtra, the jail manuals have remained archival documents. The state wise position regarding revision of prison manuals, as made available by the Committee, reads thus:

**Andhra Pradesh:** The provisions contained in the Model Prison Manual have been taken into account while preparing the Andhra Pradesh Prison Rules, 1977.

**Assam:** Jail Reforms Commission constituted by the State Government has submitted its report and the work of amending the existing Assam jail manual in the light of the guidelines in the Model Prison Manual is under consideration.

**Bihar:** The State Government has set up a Committee to suggest amendments in the existing jail manual.
**Gujarat:** The State Government has set up a Jail Reforms Committee which is also considering the revision of the jail manual.

**Haryana:** The Jail Reforms Commission set up by the State Government has made suggestions in its report for amendments in the existing jail manual and these are under consideration.

**Himachal Pradesh:** The Punjab Jail Manual is followed in the State. The State Government of Himachal Pradesh has undertaken drafting of its own jail manual.

**Jammu and Kashmir:** Amendment of the jail manual in the light of guidelines contained in the Model Prison Manual is under process.

**Karnataka:** The State jail manual has been revised in the light of the provisions contained in the Model Prison Manual. The new manual has come into force in the State with effect from July 15, 1978,

**Kerala:** The Kerala Prison Rules, 1958, provide for amenities and facilities in line with the recommendations contained in the Model Prison Manual.

**Madhya Pradesh:** A new jail manual was introduced in 1968. The work of amending this manual further in the light of the recommendations made by the Madhya Pradesh Jail Reforms
Commission and the guidelines contained in the Model Prison Manual is under process.

**Maharashtra:** The State jail manual has been revised in the light of guidelines contained in the Model Prison Manual.

**Manipur:** The State is following rules and procedures as laid down in the Assam Jail Manual.

**Meghalaya:** The State follows the Assam Jail Manual. An advisory Board has been constituted by the State Government to advise on the framing of a jail manual on the lines of the Model Prison Manual.

**Nagaland:** The State has adopted the Assam Jail Manual. A draft of the Nagaland Jail Manual is being prepared.

**Orissa:** The revision of the State jail manual in the light of the Model Prison Manual is under process.

**Punjab:** The work relating to revision of the existing jail manual is in the final stage.

**Rajasthan:** Skeleton rules have been prepared for the final drafting of a prison manual and further work is in progress.

**Sikkim:** The Bengal Jail Manual has been adopted in the State. The question of framing a new jail manual on the lines of the Model Prison Manual is under examination.

**Tamil Nadu:** The work of drafting the Tamil Nadu and Reformatory Manual on the basis of the Model Prison Manual has
been completed. The revised draft rules are being processed further.

Uttar Pradesh: Certain provisions of the Model prison Manual were incorporated in the State jail manual while revising the same in 1967.

West Bengal: Jail Code Revision Committee set up by the State Government on August 10, 1978, has submitted its report and it is under consideration.

Andaman and Nicobar Islands: The Union Territory follows the Bombay Jail Manual pending finalisation of a separate manual. The matter is under process.

Arunachal Pradesh: The Union Territory has no jail.

Chandigarh: The Union Territory has adopted the Punjab Jail Manual which is in the final stage of revision by the State Government of Punjab. The revised Punjab Jail Manual will be adopted by the Union Territory.

Dadra and Nagar Haveli: The Union Territory follows the sub jail manual of Maharashtra.

Delhi: A Jail Manual Committee has been constituted by the Administration to suggest changes in the jail manual on the lines of the Model Prison Manual. The Committee has submitted its report and the matter is under consideration of the Administration.
Goa, Daman and Diu: The State has no jail manual of its own. The proposal to formulate a jail manual in the light of the guidelines contained in the Model Prison Manual is under consideration.

Mizoram: A jail manual for the State is being drafted.

Pondicherry: Pondicherry prison rules have been framed on the basis of the recommendations of the Model Prison Manual.

The Model Prison Manual was drafted in 1959. The States are still processing considering or examining the proposals. More than forty years have passed. Many more will.

Strangely enough, Union Territories do not have a jail manual of their own. They follow the outdated and unrevised prison manuals of the adjoining states.

The classification of Prisoners in the Manual however seems to be quite irrational. Prisoners are classified into three classes viz. A, B, and C class. A comprises those who are non habitual prisoners, who by social status, education and habit of life have been accustomed to a superior mode of living. Class B will comprise prisoners who by special status, education or habit of life have been accustomed to a superior mode of living. Habitual
prisoners may be included in this category. This classification of prisoners on the basis of their economic status or habit of life, as it were, rather than the nature of their crime has been often attacked on grounds of being unscientific, illogical and irrational. It has also been seen as a departure from the norms of a modern prison system.

There seems a confusion of priorities in the existing system of classification. An educated, well fed man can have little justification for committing a crime in comparison to the poor, jobless criminal who has a dozen mouths to feed back home. To him even a few hundred rupees seems like enormous wealth they would probably save his dying child. It is widely recognized that society is menaced by the more educated and well to do, calculating criminal who, more often than not, cold bloodedly plans a crime, hires professionals and has it committed. Be it the murder of a wife or a bank van robbery, it is this species which cannot be spared since conviction is not enough; a gruelling jail life ought to accompany the sentence. On the contrary, these convicts are classified into 'B' class or 'A' class the deluxe class in the prison system, sans labour, hardship or work. Ironically, they are entitled to helpers (from 'C' class), better food and other facilities which are denied to 'C' class prisoners.
In fact, the Model Prison Manual recommends classification on the basis of age, physical and mental health, length of sentence, degree of criminality and character. In addition, factors like sequence of offender’s criminal behaviour, his social processing, his sophistication in crime, possibilities of his functioning as a contamination risk, requirements of gradations in custody, educational and vocational training needs, urban rural backgrounds, possibilities of social adjustments, prospects after release and his rehabilitation needs should be taken into consideration.

Here economic classification finds no place. The Manual could well do with another omission. Urban and rural backgrounds, a clause which is irrelevant in the context of classification, or of corrective punishment.

The discretionary powers of the Superintendent of a jail, according to the Prison Manual, are vast. Consequently it widens the scope for harassment, favoritism and even corruption. This is specially true in the case of jail offences and remissions. There are over 60 prison offences classified in the Jail Manual which are
determined and punishable by the jail Superintendent. Only four of these are referable to the Magistrate. This leaves wide scope for corrupt jail officials to harass the convicts or charge a price. Offences like use of insulting or threatening language refusing to work 'negligence of work', 'feigning illness', 'talking when at file', 'quarrelling with any other prisoners', 'using any language calculated to wound or offend the feelings, and prejudices of a fellow prisoners, loitering about the yards or refusing to eat food are some of the prison offences which cannot be proved. The worst situation would be the Superintendent’s word against the prisoner's word for the prisoner.

Decisive action on this vast range of jail offences should not be left to the discretion of any one person, Each should be referred to an appellate court, the Superintendent’s duty is limited to only recording the offence for reference to the Magistrate. The basic provision that no prisoner can be charged or punished for committing a jail offence unless an enquiry has been conducted by the Magistrate and the prisoner in question been found guilty, be comes as valid and correct as the dictates of fair play in a system already so heavily loaded against the prisoner.
Punishment for jail offences also leaves wide scope for the Superintendent's discretion. A corrupt Superintendent can make the most of his discretionary powers and charge a price from any offending prisoner for leniency or even a blind eye. Failure to meet this financial demand would label an innocent prisoner as having committed a jail offence and thus liable for punishment which can vary from cutting of remissions to transfer from the particular jail.

In any effort at ensuring that law and justice continue to be valid even within prison confines, an efficient prison system necessitates the education of every prisoner in the rules and regulation by which he is governed. For that it is imperative that every prisoner should have easy access to the respective jail manuals.

But jail manuals are scarce. Ironically, many jails also do not possess one. They function without it. Under the circumstances, to talk of an effective prison administration may not sound very relevant.
In fact, in one of the Supreme Court judgements (Sunil Batra vs. Delhi Administration 1980) this aspect has been amply dealt with. In para 39, the Supreme Court has given directions regarding preparation of a handbook in regional languages. Draw the attention of the State to the need to get ready a Prisoners Handbook in the regional language and make them freely available to the inmates. To know the law is the first step to be free from fear of unlaw.

In para 43 of the same judgement, the Supreme Court has given directions for putting up a large Notice Board displaying the rights and responsibilities of prisoners. This would enable the prisoner to be aware of what his rights and duties are while he is serving a sentence rather than be a helpless, ignorant victim in the hands of the jail officials.

The specific reference to prison manuals is made by the Supreme Court in para 45 of the aforesaid judgement.

"We think it right to hold that copies of the Prison Manual shall be kept within ready reach of the prisoners. Darkness never does anyone good and light never any harm".
Prison Reforms in India: A brief historical Survey:

The first attempt at prison reforms in India was made in 1836-38 the last (during the pre Independence period) in 1919-20. The "first famous Committee" on prison reforms was set up in 1836; the first Committee had Lord Macaulay as its member and criticized the "corruption of the subordinate establishment and the laxity of discipline." This Committee also recommended that Central jails should be build to accommodate "not more than 1000 prisoners of over one years sentence" and that in every province Inspectors General of Prisoners should be appointed.

Consequently, in 1846 the first Central Prison was set up in Agra. The erstwhile United Provinces, Punjab, Madras, Bombay and Bengal followed suit. In 1844, the first Inspector General of Prisons was appointed in the then North Western Province. By 1952 other provincial governments also started appointing Inspector General of Prisons in their respective provinces. The appointment of Civil Surgeons as Superintendents of District jails was initiated in 1862 in the then North Western Province.
A second Committee on Jail Reforms was appointed. Following its recommendations, in 1864 it was directed that all provinces should have Civil Surgeons as Superintendents of District jails.

The their Jail Committee was appointed in 1877. It reviewed "jail administration generally", the fourth Jail Committee, appointed in 1888, suggested changes in rules of prison administration and classification and segregation of prisoners. A Prison Conference was held in 1892 which surveyed jail administration in the whole of India. The last pre independence Jail Committee was set up in 1919-20. It was this last Committee which for the first time suggested the two conceptual pivots prevention and reformation for a more effective base for prison administration in India.

The Government of India then inducted Dr. W.C. Reckless, a U.N. expert, in 1951. He spoke about a career service for jail administrators rather than their being picked up from other services and planted in jails to handle prisoners. In 1955, the United Nations declared the Standard Minimum Rules for Treatment of Prisoners. In 1957-59 the All India Jail Manual Committee was set up. In 1972-73 the Working Group on Prisons came into being.
Yet, recommendations have remained merely recommendations. The current Committee on Jail Reforms has also discovered that the Prison departments are organizationally ill planned and ill equipped.

The prisons department run a total of 1,211 institutions throughout India. Of these 822-68 per cent are sub jails housing a daily average population of 19,896 inmates. Ironically, it is these sub jails which become an easy target of mismanagement, diversity of administration pattern as also shockingly low level of supervision. It is these sub jails which are overcrowded. And it is these sub jails which are manned by officials belonging to assorted services. In Tamil Nadu, for example, sub jails are manned by officers belonging to three different services viz. Revenue, Prisons and police. Of the 199 sub jails in the states, only 10 are under the direct control of the Prison Department while the remaining 109 limp along under the control of the Revenue Department. In Punjab the supervisory charge of sub jails is mostly with Sub Divisional Magistrates. In Andhra Pradesh, many sub jails are under the control of the Judicial Department.
**Staffing pattern:**

The staffing pattern of every Central Prison having a population of 750 should be Superintendent 1 Additional Superintendent 1; Deputy Superintendent: 2; Accounts Officer: 1; Officer incharge of industries: 1; Medical officers: 3; Psychiatrist: 1; Senior Psychologist: 1; Psychiatric social worker: 1; Case workers: 3; Agricultural officers: 1; Law Officer: 1; Assistant Superintendents: 15; Chief Head Warders, Warders and Head Warders and teachers as per requirement.

However, at the District Prisons irrespective of the number of inmates there, every district prison should have a full time Superintendent. In addition to adequate staff, each district should have two categories of Probation Officers, viz., Probation Officers Grade I to be attached to the courts of Chief Judicial Magistrates and District and Session courts and Probation Officers Grade II to be attached to courts of Magistrates.

The provision of additional staff with proper training and improved service conditions would require additional funds. According to estimates, the expenditure on additional staff and the
entire restructuring of the Department of Prisons and Correctional Services is likely to be Rs. 50 crores, as worked out by the Committees on Jail Reforms.

**Prison Capacity:**

The other problem of Jail Reform in Karnataka as elsewhere in the problem of over-crowding at District Prisons. A sample survey of four states is revealing:

<table>
<thead>
<tr>
<th>State</th>
<th>No. of Sub Jails</th>
<th>Sanctioned Capacity</th>
<th>Daily Average Population</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIHAR</td>
<td>28</td>
<td>2506</td>
<td>3562</td>
<td>+1056</td>
</tr>
<tr>
<td>WEST BENGAL</td>
<td>31</td>
<td>1572</td>
<td>2645</td>
<td>+1073</td>
</tr>
<tr>
<td>NAGALAND</td>
<td>5</td>
<td>120</td>
<td>150</td>
<td>+30</td>
</tr>
<tr>
<td>TAMIL NADU</td>
<td>119</td>
<td>3662</td>
<td>3754</td>
<td>+92</td>
</tr>
</tbody>
</table>

The dichotomy of "overcrowding in jails" is further emphasized by the fact that open jails inhabited mostly by self-confessed dacoits and murderers have surplus accommodation. Yet, paradoxically the punitive closed prisons are milling with various kinds of prisoners, including a substantial number of those who are innocent till provide guilty (under trials) while open prisons have comparatively more space; one surmises that the laudable concepts of reformation and correction have become prisoners too of the open jails.
Ideally the situation calls for a gradual reduction for the number of cell prisons and an increase in the number of reformative open air prisons. Even within the given constraints, a start should be made by using open prisons as detention centres for under trials and juveniles so that reformation and correction have a credible start without any environmental pollution specially with first time petty criminals.

**Objectives of Open Prison:**

Further, one can observe that there is neither any uniform policy for open institutions nor any set objectives. Even the pattern of wages differ from state to state. In Uttar Pradesh, for instance, open institutions were established for rehabilitation of offenders by employing them on public utility jobs. Even the Model Prison Lucknow, was established with the same objective. The open prisons in Andhra Pradesh, Karnataka and Punjab, however, were set up to impart extensive training in modern methods of agriculture. In Rajasthan, the purpose of setting up open institutions was mainly social adjustment of prisoners.
On the issue of Prison Buildings it must be mentioned here with regard to buildings and ensuring the provisions of minimum needs viz., regular supply of water by way of overhead tanks, tubewells, water pipelines etc; flush or septic type latrines; proper drainage and sewer system; renovation for protection of existing living barracks, cells and work sheds; constructional devices to check flies, mosquitoes, pests and rodents; electrification of prison buildings; general repairs to floors and sleeping berths; covered verandahs or sheds as dining places; any other work related to provision and maintenance of minimum standards of comfort and cleanliness.

There here also recommendations there should be model plans for building prisons. In this context, the National Buildings Organization should be associated for designing these for different categories of prisons. For this, a special cell with adequate staff with expertise should be created. Also, a creation of a technical cell at the prison headquarters of each state is called for in order to monitor and supervise construction and maintenance of prison buildings.
The aforesaid Master Plan would include separate jails for under trial prisoners camps for those courting arrest during non violent socio political economic agitation's; separate institutions for women offenders and young offenders respectively arrangements for mentally sick persons; open camps for prisoners sentenced to less than one years imprisonment; semi open and open prisons for prisoners sentenced to more than one year buildings for training of prison staff both at the state and regional level and staff quarters.

There was on stress the need for "purposeful thing" on facilities like prison hospitals, kitchens, association barracks, community hassles, factory sheds, classification centres and quarantine wards as also an "inbuilt system of hygiene and sanitation to suit the type of restrictive mass living which the prisons are constrained to provide. In addition properly designed administrative blocks are needed which should have office rooms conference rooms, record rooms and control rooms along with equipment like wireless, metal detectors, close circuit television and electric alarms.
The average prison complex, it has been suggested, should have four types of living accommodation, ranging from medium close security association barracks for accommodating inmates; row of dormitories, each providing accommodation for four six persons single rooms for prisoners wanting privacy to pursue studies etc; and cells for segregation of inmates for reasons of security and punishment.

Some of the other recommendations include a separate fly proof well ventilated kitchen for every 200 inmates; new buildings to be constructed away from the city maddening crowd a prerequisite being that no building would be constructed within a range of 100 meters of any prison campus.

On Living Conditions in Prisons

Three important recommendations have been made viz., improvement of living conditions with special reference to diet, sanitation, clothing, bedding and equipment, medical facilities, interviews, communication and canteen among others; abolition of classification of prisoners as A, B or C on the basis of education or socio economic background; and constitution of State advisory Boards. These recommendations have been further spelt out as follows:
**Diet:** Abolition of purchase of food items through contractors has been sought, as this breeds corruption at various levels of prison administration. Food items need to be purchased either through the Civil Supplies Department or marketing Cooperative Federation at the State district or regional level. Fuel could be canalized through the Forest Department.

Two types of diet for laboring and non-labouring prisoners, respectively have been suggested, as also a nutrition's diet to nursing women and their children. Regarding utensils, brass or aluminum utensils for cooking and bread containers made of zinc have been recommended. Iron utensils used at present should be discontinued. It has also been laid down that in one kitchen, food for more than 200 prisoners should not be cooked.

An important recommendation in this area is the introduction of prison panchayats which should be entrusted with the management of prison kitchens and receipts of daily rations, preparation of menus and distribution of food to prisoners. Monotony in prison diet should be broken and non-vegetarian prisoners should be given non-vegetarian food once a week and vegetarians served dessert once a week.
Sanitation and hygiene: Some of the important recommendations in this area are properly equipped laundries for washing, disinfecting and fumigating clothes and beddings; ratio of latrines should be 1:7 prisoners; cubicles for bathing at the rate of 1:10 prisoners; covering of open gutters in prisons; inspection of very prison by the local Public Health Officer periodically.

Equipment: Prisoners serving a sentence of six months or less should be issued three sets of clothes and undergarments and two towels each. Those sentenced to more than six months should be issued an additional set of working clothes. Women prisoners should be provided three colored saris, three sets of colored clothes, two towels and three sets of undergarments. Prisoners clothing's should not have either horizontal or vertical lines. They should, however, have a uniform weave. Clothes should be sterilized at government cost once in two months for each housing unit it is stated that there should be a cupboard, fixed mirrors, adequate lighting facility for reading, electric fans, water pots with taps and mugs for drinking water.
On Sub Jails

In view of the present day imperative of fair, just and humane environment for all categories of prisoners, the Committee on Jail Reforms has considered in detail the question of Sub jails, and the prospects of "diffused logistics" vis-a-vis prison population in India. It has therefore recommended the establishment of a sub jail at each place where a criminal court is located, a task to be completed within 10 years, abolition of sub jails housed in insecure buildings necessitating imposition of "mechanical/iron devices of human restraint on inmates", bringing all sub jails under the administrative control of the Inspector General of Prisons all these to be completed within two years. Manning of all posts at sub jails by personnel from the Prison Department has been placed in the specified 5 year completion period.

Some of the other recommendations include two types of sub jails in each state, viz. Sub Jails Class I for an average daily population fluctuating between 50 and 100 inmates, and sub jails class II for an average daily population of less than 50 inmates. Each sub jail is required to have a separate annexe for women
under trial prisoners and sub jails in general should be located away from police stations and lock ups, ensuring that those in police custody are not put in sub jails. Prisoners should be transported from sub jails to courts in vehicles and not on foot, and proper cooking facilities for prisoners should replace the contract system of supplying cooked food. Finally, state prison rules should also be extended to cover sub jails. Accounts of sub jails should be audited annually as also release of convict prisoners.

Thus, the Prison reforms in Karnataka as can be evidenced is not an issue to be seen in isolation but must be understood in the light of larger attempts made at reform even on all India basis.

RESTRUCTURING THE INDIAN PRISON ADMINISTRATION: THREE PERSPECTIVES

There are three principal perspectives for determining the reorganization scheme for any prison system. These are: (1) humanitarianism, (ii) social rehabilitation, and (iii) the actual financial capacity of the government which limits feasibility of the scheme. The principles of humanitarianism and social rehabilitation are now being applied in many countries as far as possible. But, the feasibility of the scheme, that is, how much of
humanitarianism and how much social rehabilitation can be accepted as governing principles of jail administration, depends much on the financial capacity of the government, which is the most practical consideration. Financial perspective is a restraining element, whereas the other two are idealistic, though progressive forces. Thus, while formulating the policy for jail administration, the policy maker, whether as a person or as a body, must have a balanced as well as an integrated view of which the importance of each of the above three perspectives are given due weightage. This essentially calls for involvement of allied agencies and departments in the decision making process of the prison department.

After having formed a clear idea of the relative importance of the three principal perspectives that should govern any scheme of prison reorganization, we may now proceed to our analysis and assessment of the elements that constitute the structural core of this study.

Considering organization as an important step in prison reform it can be said that in Karnataka in the present organizational structure there is lack of co-ordination between the activities of prison services and allied correctional services such as services under the Probation Act and the Juvenile Justice Act.
With the creation of Social Welfare Departments the probation and women and juvenile corrections have been transferred to separate departments in some States. In Gujarat and Karnataka, for instance, these services are now dealt with by the Department of Social Defence and the Director of Women and Child Welfare respectively. Likewise, in Tamil Nadu the juvenile correctional institutions are administered by the Home Department. On the contrary, in a number of States, Viz., Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Maharashtra, Punjab, Tamil Nadu and West Bengal, the work of probation which is a non-institutional technique for treatment of offenders continues to have been handled by the prison departments which are primarily concerned with institutional treatment of offenders. Consequently, barring the transfer of case loads from one department to the other, there has been, in fact, no coordination between prison and probation services. The development of the probation system is also retarded under this organizational structure since for almost every matter concerning probation, the probation authority is to take instructions from the prison department which is already overburdened with its heavy load of work pertaining to prison services and has practically little or no time to deal with other correctional services which as probation.
In her recent visit to Karnataka prisons, Smt. Girija Vyas, the Chairman of National Women Commission has stated that apart from prison reforms in Karnataka the State should consider establishing separate prisons for women. (visit of Smt. Girija Vyas to State of Karnataka on the 5th September 2005. As had From NDTV news report. )

The Survey

In the light of the above discussion concerning the reforms, a question was asked commonly to all the respondents at the three levels as per the samples chosen with regard to the. The response as can be evidenced is shown in the table No.1 Out of the total 75 respondents, nearly 62.10% of them in the middle level officers group and 60% in the under trial group and 50% in the officers cadre agreed to the fact that they were aware of the conditions in their Jails.

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State of Karnataka on the 5th September 2005. As had From NDTV news report
About 50% of the officers took the question in a negative sense and tried to argue that they were well aware of the conditions in the jails while 37.3% middle level officers and about 40% of the under trails agreed that they did not have a clear idea about the conditions in the Jail (See Table-I diagram-I)

Such reply indicates that a question like to which attempts to probe in to the awareness factor seem to be perceived negatively also by those who work with in an organization, when questioned by an outsider and a researcher in particular.

What one can observe as a researcher is that this question is in reality a neutral one However, for a question connected to the same, regarding the detailing of the conditions of the jails, the responses were three fold.

The cadre of officers, explained to the researcher the details of what he had done during his tenure and spoke about activities which he felt were significant. This included growing lawns to establishing carom rooms or recreational halls and serving quality food etc.,
Q. 1 Are you aware of the current conditions of your jail? Yes/No

TABLE - I

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category of Respondent</th>
<th>Total No. of Respondent</th>
<th>Yes</th>
<th>%</th>
<th>No</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A</td>
<td>6</td>
<td>3</td>
<td>50</td>
<td>3</td>
<td>50</td>
</tr>
<tr>
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<td>B</td>
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<td>3</td>
<td>C</td>
<td>15</td>
<td>9</td>
<td>60</td>
<td>6</td>
<td>40</td>
</tr>
<tr>
<td>4</td>
<td>Total</td>
<td>75</td>
<td>46</td>
<td>62</td>
<td>29</td>
<td>37.3</td>
</tr>
</tbody>
</table>

DIAGRAM - I
For a third question on the felt necessity for reforms the answers are as shown in the table 2 diagram 2.

Nearly 83.3% of officers felt the need as also 87.03% of middle level officers and 80% of under trails. While only 16.7% among officers felt that there was no need, 12.96% middle officers felt the same way as also 20% of under trails.

Since this was only a cognitive question we probed further to find out the responses of these by asking them to mention the details of what kind of reforms they would anticipate.

The list included in one word the overall up gradation of the Jails itself in to a 21st century reform cell. The replies however varied at two levels. In level (a) only the overcrowding of jails were mentioned while in the second (b) level, changes requited at the level of under trails etc., were explained.

At the jail level, they wanted humane services like, opening the windows of the world to those behind prisons

(Hence jail refers to an organization as a whole)
Q. 2. Have you felt the necessity for reform in the present conditions in your jail?

Yes/ No

TABLE - II

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category of Respondent</th>
<th>Number of Respondent</th>
<th>Yes</th>
<th>%</th>
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<td>20</td>
</tr>
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<td>Total</td>
<td>75</td>
<td>64</td>
<td>250.3</td>
<td>11</td>
<td>49.66</td>
</tr>
</tbody>
</table>

DIAGRAM - II
with TV, library, organizing programmes NGO interactions AID;s legal and other educational campaigns. Teaching about First aid to agriculture to animal husbandry, certificate and diploma courses in professional subjects, so that they too are treated as citizens with in the four walls.

So far as the under trails and convicted persons were concerned, preference was given to each them skills like new weaving methods capacity building activities, Technological skills, training in computers, etc. were preferred

Similarly for a question on the organizational aspects of Jail administration the table 3 and diagram 3 are self explanatory. The opinion here seem to suggest that the respondents were rather disappointed rather than disgruntled about the organizational part Except for the middle level officers who are about 40% who said that the organizational aspect was ok which was as observed were apparently due to fear of the hierarchical structure, the officers were divided on the opinion white under trails were cleanly in favour of 'No' to the question.
Q. 3. Are you satisfied with the organizational aspects of jail administration?

Yes/No

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Category of Respondent</th>
<th>Number of Respondent</th>
<th>Yes</th>
<th>%</th>
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<td>Total</td>
<td>75</td>
<td>46</td>
<td>144.7</td>
<td>29</td>
<td>155.9</td>
</tr>
</tbody>
</table>

DIAGRAM – III

...
The hitch however, is the way each of these levels, perceived the question. If the officers felt that they had little or no promotional opportunities because top posts would go to the police officers and KAS promotes, the middle level felt that there was no scope for horizontal movement. So once you join prison administration “you are a prisoner”, till you retire was the phrase they used. While on the other side, the under trails were unhappy with the overall organization of Jail administration. Differential treatment, No proper health care, corruption, delay in administrative matters etc., according to them were reasons for their denial.

For such demands of under trails the difficulties as pointed out by officers seem to stem from the budgetary provisions allocated to them. Respondents reply to a question regarding the same can be seen in table 4 diagram-4.

Since this question pertains mainly to officers at top and middle level only their responses are shown below in the table 4.
Q. 4. Are you satisfied with budgetary provisions for jail administration?

Satisfactory/ Not satisfactory

**TABLE - IV**

<table>
<thead>
<tr>
<th>SL No.</th>
<th>Category of Respondent</th>
<th>Number of Respondent</th>
<th>Yes</th>
<th>%</th>
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<th>%</th>
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<td>42</td>
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<td>18</td>
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</tbody>
</table>

**DIAGRAM - IV**
It is true that a cursory look at the budget allocated to their "jail" administration vis-a-vis the rush in them actually falls short of their desired expectations many committee as discussed earlier have also spelt it out but without much result. On an average, nearly 10 to 20 lakh deficit is seen per Jail within the State.

However, No effort seem to have been made by any authority or ministry or those who have worked on these committees in strengthening this financial constraints. It is therefore apparent that the Jails continue to suffer, despite several statements and media hype. So long as this budgetary provision is not made nothing in this reform attempt will ever be successful was the opinion of these respondents.

Apart from the finances the respondents were asked to identify other areas of Jail reforms giving them the following options (see question 5)

There was an excellent response to this question the officers put the whole set of reform needed under the following important headings;
a) Education, Recreation and recruitment are he said important components, they said.

b) Treat Jails as Human Resource centers was the other.

c) Work, Marketing and enhancing skills was the other suggestions.

d) Greater space, more areas for the under trails and convicts, opportunity to reform must be provided said one of the officers.

Thus, the variation of these answers range from, religious rights to prisoners rights as the basis. This perfectly shows, the concern of the officers working in the jails towards the inmates who fall with in their jurisdiction.

Thus, summing up of these reforms indicate that there were nearly 30% of the respondents whose preference was for reforming prisoners. 32% for Jail reforms, 27% for reforming the structural aspects in jails and about 13% for reforming the organizational structures.

In order to understand their know how about attempts made at reforms, since there was so much desire among them for reform, question no 6 was asked. The Table and diagram 6 are self explanatory in this regard.
Q. 6 Have you heard of any committees in connection with jail reform? Yes/No

**TABLE VI**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category of Respondent</th>
<th>Number of Respondent</th>
<th>Yes</th>
<th>%</th>
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<tr>
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<td>Total</td>
<td>75</td>
<td>47</td>
<td>209.7</td>
<td>28</td>
<td>90.36</td>
</tr>
</tbody>
</table>

**DIAGRAM VI**
What really seem to be the problem of these respondents was the frustration expressed by the Jail officers and the middle level officers about reforms attempts and recommendations of the committees. An officer pointed it very bluntly when he said, "only during August 15, will our ministers remember Jails to exhibit before media that they are releasing some prisoners", the rest of the time we are a buried institution.

The frustration of these people are understandable. Especially, during the investigation, the statistical figure which these officers gave, of which only one or two could be explained here indicates the plight of Jails. The Total No Prisons were 572, 545 of them are males, 27 Females. There are about 621 under trails. Of this total 410 are males 211 females. Civil men under trail is only one. Goonda Nil, Death occurred in prison 08. All put together, there were about 1,202 prisoners, 6 kids with their mothers. Of this total 1164 are males and 48 Females, this is in one Jail at Belgaum jail. But there is no STD facility for the

This data is a on June July 2005.
Jailors, No modern equipment, No reform in health and medical care etc. This they said makes the situation of officers themselves pathetic much before talking about prison reforms.

However, their awareness about the reform attempts by various committees that went about to recommend leaping changes were all apparent.

Infact many of these respondents had in the tip of their tongue the reforms suggested by many of these reform committee which was really shocking for the researcher himself.

To a twisted question, about Jail reform in order to learn, as to who really needed these reforms, The response was overwhelmingly favorable by all groups (See Table-8). Nearly cent percent of prisoners and officials, preferred the reforms. But, the ailing factor of the response was their preference a statement like to. “It does not alter in any way the Jail life”, was actually a negative attitude which they carried in the light of the failure to bring about reforms despite the hype. Even if it these committees carried damped from above we will welcome it said a middle level officers, but he was too skeptical about it.
For a question on, do you agree with the view that jail reform in other works contributes to (see question-9) reforming prisoners, change administration reform society as a whole, the preference was much more prison centric. In other words they only felt that it would reform prisoners and change administration. Once again they were skeptical about reforming the society.

For a question on the jail reform as the need of the hour, the respondents response was a categorical “yes”. (see table -10 and diagram-10)

Thus, a quick survey through an unstructured questionnaire administered to the respondents have clearly supported our hypotheses the present prison administration is due for revamping. And that it would lead to better prison management and that in turn would lead to effectiveness of prison as a corrective administration.

That last hypotheses however, it is felt is not very strongly supported in our empirical analysis as can be evidenced, but never the less, it is suggestive in its tone to the effect that reform might lead to corrective administration.
Q. 10. Jail reforms in Karnataka is the need of the hour? Yes/No

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Category of Respondent</th>
<th>Number of Respondent</th>
<th>Yes</th>
<th>%</th>
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<tr>
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<td>Total</td>
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<td>50</td>
<td>205.2</td>
<td>25</td>
<td>92.88</td>
</tr>
</tbody>
</table>

DIAGRAM - X
Thus, the situation of insufficient accommodation, indiscriminate huddling of offenders, unhygienic conditions, sub standard food, insufficient water supply, use of drugs and narcotics by inmates, atrocities on children and women, maltreatment of prisoners and corruption have all added to this half-baked attempts at prison reforms. Statistics reveal that the largest number of convicts have been charged with murder, followed by those sentenced for burglary, theft, dacoity and culpable homicide. Those convicted for rape, kidnapping, criminal breach of trust and counterfeiting form a comparatively smaller number.

An affirmation of the close link between poverty and crime is the fact. Most of those convicted or awaiting trial in jails belong to the underprivileged or economically backward sections of society. Most of them are from the rural areas. A large number among them are first offenders involved in minor violations of the law or petty crime. It is interesting to note that despite several provisions in law as bail, First offenders Act and probation, hundreds of such people continue to be sent to jail indiscriminately.
Under trails constitute more than 60 per cent of the total prison population in India. This is the main reason for overcrowding in prisons a problem which has, of late, become unmanageable by the prison administration.

The Committee on Jail Reforms appointed by the Government of India on July 25, 1980, during its several visits to prisons in India, observed:

"In some of the States prison barracks are so overcrowded that inmates have to sleep in shifts. Under such conditions, custody and security of the inmates becomes the primary and probably the only consideration of the staff and even their care and welfare is neglected."

The Committee further condemned the "mass approach" towards prisoners and their problems as also the lack of proper classification of the inmate population. In this context it observed:

"It is our opinion that this confusion is a major hurdle in the development of proper correctional treatment in the prisons in this country" and in Karnataka too, although the situation seems to be better here, one can not Clair that everything is fair and
healthy. Scams in Jail like the one in case of Telagi are always counter productive and work against reforms. Despite that attempts at Segregation, however, has not been possible in Indian prisons owing to several reasons like overcrowding, sudden influx of prisoners, insufficient buildings, insufficient facilities for segregation and homogeneous grouping, shortage of personnel and funds. In fact most of the states are not even clear about this aspect of prison administration. Some are ignorant; others confused.

Diversification of institutions is closely linked with scientific classification of prisoners. The All India Jail Manual Committee (1957-59) in its report has defined diversification thus, a net work of institutions where inmates can be segregated on the basis of sex, age, criminal record, the legal reason for their detention, length of their sentence, physical or mental health, requirements of security, needs of training and treatment etc are clearly specified. Thus, there are many dimensions to prison administration and reform.

Another problem added to this is, the old and dilapidated structures. Inspite of casual repairs and white wash to make them somewhat presentable to important prison visitors the cracks and
crevice, the crustiness and dinginess, betray the chronic neglect to which they have been subjected. No one seems to care for the filth and stink, dirt and darkness and the crouching crowdedness of living dormitories where inhuman conditions have become a part of living accommodation for prisoners, thus passing on the ill health to inmate

Interestingly enough, many prison buildings have crossed the 100 years mark. One of the basic reasons furnished for the existing state of affairs is the usual "lack of funds". Added to this is the inadequate arrangement with the Public Works Department. It was found that the P.W.D. generally neglected the day to day maintenance chores and the annual repairs in prisons.

Some of the aspects which require immediate attention with regard to prison buildings are the regular supply of water, installation of flush latrines, proper drainage and sewerage system, general repairs of floors and sleeping berths in barracks and cells and electrification of prison buildings. In this context, the Jail Reforms Committees have also stressed the need to draw up a Master Plan for construction of new buildings with special emphasis on separate jails for under trials, separate institutions for women and young offenders respectively, separate
arrangements for mentally sick persons, open camps for prisoners sentenced to less than one year imprisonment and semi open prisons and open prisons for those sentenced to more than one year RI. But the question is who has to do this?

The presence of several problems all together, within the premises of an institution already riddled with adverse factors, the vital aspect of prison security too is affected jails in India like others in all parts of the world are not rid of this. The security staff available is inadequate and thus overworked. The general complaint of the security staff at almost all the jails is that they have to keep long hours of work without the due weekly off. Some have to work more than 14 hours a day. Even at the jail gates, the staff in charge of prisoners body search is not only inadequate but there is no senior officer to supervise the search. This supervision is usually left to either a warder or a junior policemen. At present, jails have no means of ascertaining the antecedents of prisoners admitted in jails. Consequently, a dangerous convict and a pickpocket are huddled together under the same security.

If the tangible aspects of Indian jails require immediate attention, the intangibles are no less pressing, although these require long term solutions. Very few prisoners in India are aware
of their rights. Nor do the prison administrators think it necessary
to educate them in this regard. The Jail Reforms Committee in its
chapter on "Legislation" has clearly spelt out the rights and duties
of every prisoner. It has also strongly recommended that each
prisoner on reaching the jail should be informed of his rights and
duties during his stay.

The Committee has stressed the Right of Human Dignity,
Basic Minimum Needs, Communication, Access to Law, Appeal
against arbitrary prison punishment, Right to meaningful and
gainful employment and Right to get released on the due date.

The Right of Human Dignity, as pointed out by the
Committee, would include the right to be treated as a human
being and as a person. Right to integrity of the body and mind
and immunity from aggression and use of repression and personal
abuse, and right to non deprivation of fundamental rights granted
by the Constitution of India except in accordance with law
prescribing conditions of confinement.

The Right to Basic Minimum Needs would include adequate
diet, health care and treatment, access to clean drinking water
and hygienic conditions of living accommodation, sanitation and
personal hygiene, adequate clothing, bedding and other equipment.

In the Right to Communication, the Committee emphasized the right to communication with the outside world, the right to periodic interviews and right to receive information about the outside world through communication media.

The Right to Access to law includes the right of effective access to information and all legal provisions regulating conditions of detention, right to consult or be defended by a lawyer of his choice, right to access to legal services, right to be informed of admonition about legal rights to appeal or revision of sentence, right to receive all court documents necessary for preferring an appeal or revision or review of sentence or conviction right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities and right to communication with the prison administration, government and judicial authorities for redressed of violation of any or all of prisoners rights or grievances.

In the Right against Arbitrary prison punishment the Committee has included the right to entitlement in case of
disciplinary violation to have precise information as to the nature of violation of prisons Act and Rules, to be heard in defence, to communication of the decision of disciplinary proceedings and to appeal to the I.G. Prisons as provided in the rules under the Act.

Under the right to meaningful and gainful employment, the Committee has laid down that no prisoner shall be required to perform 'beggar' or other forms of forced labour which are prohibited as a fundamental right against exploitation under Article 23 of the Constitution. Further, under trials volunteering to do work may be given suitable work and paid wages as per rules.

Under the Right to get wages for work done in prison, the Committee has clearly spelt out that no prisoner shall be put to domestic work with an official in the prison administration. Such work will not be considered meaningful or gainful even if monetary compensation is offered. It also emphasized that prisoners shall, in no case, be put to work which is under the management of any private entrepreneur working for profit of his organization. This will however, not apply to open prisons and camps.

The right to be released on the due date is another of the basic rights stressed by the Committee. The duties of prisoners,
as in the Committee report, require all prisoners to obey lawful orders and instructions issued by prison authorities, to abide by all prison rules; to maintain prescribed standards of cleanliness and hygiene; to respect the dignity and right to live of every inmate, to abstain from hurting religious feelings, beliefs and faith of others, to use Government property with care and not damage or destroy the same; to help prison official in the performance of their duties; maintain discipline and order and to preserve congenial, correctional environment in the prison.

The possibility of being released before the completion of sentence works wonders with most prisoners. Thus, one of the greatest incentives that prison administration offers to prisoners is the system of remissions, leave and premature release. It also paves the way for good behaviour, good conduct and discipline amongst prisoners. The power to grant remission if properly exercised can go a long way in improving the entire complexion of prison administration. More often than not, it is misused.

At present there are four types of remissions of sentence ordinary remission; annual good conduct remission; special remissions and state remissions. According to the model prison manual, eligibility in the case of ordinary remission would arise
for non habitual prisoners having a substantive sentence of three months or more, who in addition to the three month sentence are unable to participate in institutional activities because of factors beyond their control or who are admitted into hospital as indoor patients. Prisoners working on conservancy jobs, irrespective of their length of sentence, would be eligible for ordinary remissions. Prisoners sentenced to simple imprisonment of three months and who do voluntary work of their own should also be eligible for ordinary remission.

The model prison Manual also specifies those prisoners who are not eligible for ordinary remissions. They include prisoners who have a substantive sentence of imprisonment of less than three months; in respect of any sentence passed in default of payment of fine which is not annexed to a term of substantive sentence for which the prisoner is otherwise eligible for remission; if a prisoner's sentence is reduced on appeal to less than three months; prisoners transferred to special prisons on disciplinary grounds, prisoners in whose case the State Government or I.G. has ordered that remissions not be granted; prisoners who have been in hospital owing to self inflicted injuries; and prisoners who have resorted to hunger strike or struck work.
Despite the regulations laid down in the Model Prison Manual, the system of grant of remission lacks uniformity. It varies from state to state. In Uttar Pradesh and Karnataka, for example, good conduct remission is six days in a month, while in Rajasthan and Pondicherry two days remission is granted for good work and two days for good behavior. Yet in other states good conduct and work remission is four days in a month.

More important than the lack of uniformity is the arbitrary manner in which remission is granted. Merits of the case, very often, do not govern the grant of remission.

Useful suggestions and recommendations have been put forth by several Committees from time to time regarding prison work programmes.

Many prisons do not have work programmes at all. The convicts are unemployed there. In prisons with some industrial activity there is periodic unemployment due to non availability of raw material.
In most of the prison work programmes, outdated and outmoded tools and equipment are still in use. In fact, prison industry and agriculture in most jails is run on the basis of procedures which were adopted "five to six decades back."

Hence, this chapter on prison reforms an empirical analysis should expected to be an eye opener for the future.