Chapter IV

Conclusion

The first attempt at prison reforms in India was made in 1836-38. Since then, prison reform have been a much desired goal of any study in this direction.

The institutional set up of prisons of various types ranging from central prisons to district/sub jails. The district jails are further divided into various classes on the basis of the size of the district and the strength of inmate population. Each of these different types of prisons is headed by a superintendent. There are ordinarily three grades of superintendents of central prisons, whole time superintendents of bigger districts jails, part time superintendents of smaller district jails and or sub jails in the tehsils taluks/sub divisions of districts. Several official committees including the Indian Jails Committee of 1919-20 time and again objected to the appointment of medical officers as part time superintendents. Yet, in smaller districts in many States, Civil Surgeons still continue to be employed as part time superintendents. This system suffers from several handicaps since the superintendent holds a key position in the internal
administration of jails and thereby assumes onerous administrative responsibilities which the Civil Surgeons are unable to accomplish in addition to their medical duties. As the Working Group of 1972-73 pertinently it is observed: Many of the Committees have best, payed hasty visits, leaving the administration entirely in the hands of the jailers. They have found it physically impossible to exercise regular supervision and control over the various prison operations, nor are they adequately equipped to deal with the intricate problems of the prison administration. Many of such Group have, therefore, recommended that all district jails with an average population of 300 prisoners or more should be headed by whole time superintendent specially trained and equipped to perform their duties and that deputy superintendents may be appointed in central prisons and in district jails which have an inmate strength less than that.

The sub jails are, at present, placed in several states, under the control of part time superintendents from the Medical, Revenue or Judicial Departments and are guarded by policemen. If the general conditions in central or district jails are bad, those of the sub jails are even worse. Apart from the inability of superintendents to devote adequate time and attention to the supervision of sub jails, the present state of affairs is also due to
lack of provision for higher level inspection and control by officers of the Prison Department. As the Working Group of 1972-73 observed: "An offender, whether guilty of a criminal offence or involved in a political or other agitation, is first lodged in a sub jail in all places (tehsils/taluks/sub divisions of district) other than the district headquarters. It is desirable, therefore, that his first experience of jails custody should not be such as to bring discredit to the entire penal system of the country. It follows that a planned and systematic improvement of the sub jails all over the country should be an item of high priority in jail. We consider it necessary, therefore, that all sub jails should be provided with a full time superintendent of the jail cadre of appropriate rank and an adequate number of warder staff for custodial duty. Such an arrangement will bring the sub jails under the inspection and control of the district and regional officers of the Prison Departments.

The medical administration of the jails also needs to be reorganized. In a number of States such as West Bengal the medical officers are drawn in on loan or deputation from the Health Departments and consequently, the Prison Departments often do not get the quality of service they deserve from these officers. It is, therefore, necessary to create completely separate
and independent cadre of Medical Services under the Prison Departments instead of manning the services by officers from the Health Departments.

Under the present set up of institutional organization, the welfare activities in jails are ordinarily not separated from the general administration for which the Welfare Officers do not hold adequate powers to discharge their duties and responsibilities independently. It is, therefore, essential in order to enable these officers to perform their duties properly that welfare services in jails are separated from the general administration and that the detailed nature and scope of their duties, responsibilities and powers are codified. These officers should also be provided with adequate promotional opportunities, and this can be done if the posts of Director and Deputy Director, Social Welfare are created and filled in from amongst them on the basis of seniority and professional ability.

It must, however, be borne in mind that no real improvement in the present set up of prison organization in India is possible without reorganizing the jail department for a career service. Way back in 1951-52, the U.N. expert, Dr. Walter C. Reckless, observed in his report on Jail Administration in India
that if jails were going to be rehabilitation centres, we had to have men at the top who had the experience, the knowledge and the skill. He, therefore, recommended that the jail service should be a career service and that officers of this service should man all posts including the top posts in the prison department. Subsequently, several official committees including the latest Justice Mulla Committee poignantly observes: “The very fact that out of 22 States and 9 Union Territories only 3 States have departmentally promoted Inspectors General of Prisons while the rest have Inspectors General appointed from other services, points to the poor attention paid to the development of prison service as a career service in the country. Senior posts of Additional Inspector General, Deputy Inspector General and even Superintendents of central prisons in several states are reported to have been lying vacant as departmental candidates eligible or fit for promotion to these posts are either not available or, if available, are not being promoted for one reason or the other.” It is now high time that jail service becomes a career service and a “Specialized profession” having adequate promotional avenues.

The successful implementation of correctional programmes for the prisoners mainly depends on the quality of the prison staff
at various levels. Staff matters, in general, include three important elements: recruitment, salary, and promotion.

"Recruitment", to quote Professor Bhambri, "means the efforts to find out and induce suitable candidates to compete for appointment to the public service. A bad policy of recruitment can wreck the entire personnel programme. Any country which wants to have efficient personnel for public services must have a sound and scientific policy of recruitment.

Proper manpower planning is sine qua non for a sound and scientific policy of recruitment. While the work load and the strength of various grades in the prison service may differ from State to State according to their size and crime situation, manpower planning for the future organization of prison department in each State/Union Territory has to be done keeping in view the multi-dimensional role of this department in respect of institutional treatment, probation and after care of adult and youth offenders. There should also be properly constituted Recruitment and Selection Boards in State/Union Territory Public Service Commission for selection and recruitment of efficient and suitable personnel for these services. The Boards should consist of experienced prison administrators, social
workers, criminologists and psychologists. To quote the report of Working Group of 1972-73. “The selectors of personnel in this area of public administration, as in the other uniformed services, have to look for physical fitness and courage, leadership and non-management qualities as well as the dependability which is guaranteed by a balanced personality. In addition they will have to look for endurance qualities, a broad interest in social welfare and a flair for human relationship.”.

The availability of efficient and suitably qualified personnel depends much on salaries and other employment benefits. “Salaries and other employment benefits”, as suggested by the Model Prison Manual (1960) should not be arbitrarily fixed but should be related to the work to be performed in a modern correctional system, which is complex and arduous and is in the nature of an important social service. The correctional staff should be paid salary sufficient to secure and retain faithful service. Conditions of service should afford necessary safeguards against risks and handicaps involved in the service.

Unfortunately till now the prison and correctional personnel in most of the States and Union Territories are not paid adequate salary commensurate with the responsibilities attached to their
work. With the result that "prison service holds very little prospect to ambitious young men of good education and dependable integrity. These deficiencies of prison service have been clearly brought out by Dr. Reckless in his following observation contained in his report to the Government of India.

"The expert has the distinct feeling that the jail department of India, as is true elsewhere, is a disadvantaged department. No Secretary is really interested in jails. The policy get the lion's share of Government consideration, because of Internal security. Government and public many times look upon jail administration as corrupt and brutal. The department is likely to get bottom consideration in the priority list. The jail officials feel that they are definitely disadvantaged in conditions of service as against the police, especially in pay scale. The Conference of Inspectors General of Prisons asked for equalization of related pay scale and cadres of service. Even though the expert is naturally biased toward to development of a fine jail department there is much truth in the assertion that jail department should have higher status in Government than police department, because jails can do, if given the opportunity, a constructive job of rehabilitation."
Thus, in order to "facilitate recruitment of really dependable men to administer the prisons along right lines," equalization of related pay scales and cadres of both the police and the prison services is of utmost importance. Necessary employment benefits given to the police personnel in some States should also be extended to the personnel of personnel of prison and correctional services. "Expenditure on staff welfare and amenities," as the Report of the West Bengal Jail Code Revision of 1972-73 has very pertinently observed, "should be considered as well spent. The conventional idea of running the prisons in as cheap a manner as possible should be dismissed though economy in expenditure in all possible ways should be enforced without affecting the efficiency of administration in any way."

Further, the existing condition of prison service in respect of work load and duty hours of the personnel should necessarily be improved. The prison executives and their assistants and other guarding staff are now to spend the better part of their duty hours not in "intensive personal work with the prisoner" for whose welfare they are recruited and paid from the public exchequer, but in "just administrative and clerical work on the one hand and policing work in the yards of the Prison on the other." To quote Dr. Reckless. "It would be just as if the sisters or nurses of a hospital
and the doctors had no time for patients but merely kept books and saw it that they stayed in bed."

Another important element of staff matters is promotion. Promotion actually means "rise to a higher grade, a new salary scale, with change in responsibilities and duties." It is a continuous incentive to efficient working on the part of the employee, provided it is based on a "well developed" policy. The advantages of a well developed promotion policy are:

i) It keeps the personnel efficient. ii) It ensures rewards for efficient service. iii) It helps to attract qualified people towards the service as they know that opportunities exist for progress. iv) It enables the employer to fill the higher and responsible posts from the experienced and capable persons who are already in the service.

The Working Group of 1972-73 observed that there was considerable diversity in the admission of direct recruits and the level and percentages of their entry, vis-a-vis promotes and transferees from State to State. Unfortunately, due to political and bureaucratic apathy to prison administration, such diversity still persists and there is a need for rationalizing the system of
recruitment and promotion on an acceptable and reasonably uniform basis throughout India. Direct entry into the prison service, as recommended by this Group, should be restricted to only three levels viz., Warder Grade II, Assistant Jailor and the lowest level of the Superintendent's Cadre by whatever name it is called. The direct recruitment quota in the last two categories should be fixed at 50% while the other 50% should be filled mainly through departmental promotion. The Group also suggested that all direct recruitment to the posts of Deputy Jailor, Jailor and the Superintendent of Higher rank should be reserved exclusively for promotion. There is also the need for developing an ideal system of promotion for prison personnel. Promotion to higher cadres should be based on seniority as well as the systematic and objective evaluation of the incumbent's merit, professional aptitude, integrity, devotion to the job and trustworthiness rather than on seniority alone.

The training of personnel is of paramount importance in a system of scientific prison administration since, "Modern prison administration is a highly specialized profession. The most important job in a correctional institution is the need to educate, retain and rebuild the personality of the prisoner. Only a prison personnel, especially trained for the job and genuinely devoted to
the cause of reclamation and rehabilitation of prisoners, can lead them to the cherished goal.

A properly trained staff will always be an asset in the effective implementation of correctional policies and programmes, tuning the attitudes and abilities of the personnel help will improve the situation. The expenditure incurred for staff training will ultimately result not only on departmental gains but also in social gains in terms of better effectiveness of this institutional impacts and ultimately rehabilitation of the offenders.

The ultimate object of staff training programmes should be to reflect the social realities surrounding the administration. According to Model Prison Manual, training programmes for correctional personnel should aim at:

(i) acquainting correctional personnel with scientific and progressive methods of correctional Administration;

(ii) making them conscious of their responsibilities and also of the role they have to play in a welfare state;

(iii) broadening of their cultural and professional interests; experience; refining their abilities and skills; improving their performance of administrative duties;
providing them with experience to meet future needs of the department in positions of higher responsibilities and

(iv) inculcating an esprit de corps amongst the correctional personnel.

Training programmes for personnel in most of the States in India have not yet developed in accordance with the objectives of modern correctional administration. It is disheartening to note that Karnataka is no exception. In view of continuous failure of our prison system in reformation of offenders, there is a growing need for redesigning the training programmes for prison personnel with the objects of preparing them for their specialized job which is not merely custodial but also correctional in nature.

Training programmes, must be organized effectively through compact Training School. The functions of compact training Institute, according to Model Prison Manual, should be: (i) training, (ii) research, (iii) methods and organization work, and (iv) publication of pamphlets, papers, handbooks, correctional journal, etc. Surprisingly, in India there are now only 3 training institutions (at Lucknow, Pune and Vellore) for the training of lower staff, when the number of prisons in the country is 1120
and that of prison personnel some where around 27,646. Even these few institutions are not properly equipped to cater to the training needs to prison personnel. Justice Mulla Committee has, therefore, emphasized the need for setting up proper training institutions at state, regional and the national level. While training to the security staff should be imparted at State level, training institutes for officers at the executive level should be established at the regional level catering to the needs of a group of States and Union Territories. The Committee have also suggested that the Central Government should establish at the regional level training institutes to cater to the needs of a group of States Union Territories. The Committee have also suggested that the Central Government should establish a training institute at the national level to meet the training needs of senior officers. Apart from imparting training in policy formulation, planning and various aspects of management, this institute is also expected to play a useful role in imparting an all India perspective of the development of prisons and other correctional services to these officers. Curriculum for these training programmes should be carefully drawn up keeping in view the broad objectives of modern correctional administration and the training needs of each particular group of participants. Since training is a continuous process, the preserve training imparted at the Correctional
Training School needs to be continued at the institutional level. It has, therefore, been rightly suggested by the Model Prison Manual that suitable training programmes should be organized at the institution so that the institutional personnel may constantly remain acquainted with current developments in the field of corrections. According to the Manual the following training facilities should be provided at the institutions:

(i) interpretation of policy by senior officers from Head quarters during visits;

(ii) library and reading room facilities for staff members;

(iii) lectures by Professors from the Universities or Schools or Social Work on subjects related with correctional work;

(iv) fortnightly talk on correctional methods by the superintendent or any other senior officer;

(v) reading of papers, case histories, etc by institutional personnel;

(vi) monthly discussions on improvement in administrative procedures, methods and organization etc.
The successful implementation of any administrative programmes depends very much on the co-ordination of the activities of various parts of the organization. To quote J.C. Charles worth, "Coordination is the integration of the several parts into an orderly whole to achieve the purpose of the undertaking. Coordination, however, involves difficult and delicate exercise of administrative skills and "techniques. In India, the greatest hindrance in the way of co ordination, as Prof. Bhambri has aptly pointed out, "is lack of a sense of common purpose among the members of the organization. The head of the organization has to see to it that this positive spirit is created among the members. Many times emotional appeals are necessary to evoke individual loyalty." Further", as he says, "specialists in an organization overemphasize their role and breed fragmentation in an organization. This splintering tendency of the specialists has to be checked by effective machinery of coordination. In the same strain says Pfiffner Presthus: "Coordination, then, is a technique for drawing together a number of conflicting skills and interests and leading them towards a common end. It is the centripetal force in administration."
For jail administration, three types of coordination are required: (i) Intra departmental, (ii) Interdepartmental, and (iii) Inter State. Intra departmental coordination can be achieved through formal methods, i.e., through "the commands, orders, instructions and directions of the formal higher authority of the department. There is also the need for periodical meetings of the concerned officials of the department at various levels to discuss problems of common interest. Inter departmental coordination, on the other hand, is sought to be achieve through other devices, viz., work shops, conferences, inter departmental committees, periodical meetings of the higher authorities of related departments, etc.

Since prison and correctional services are an integral part of the entire criminal justice system, the development of these services can hardly be achieved without inter departmental coordination of the activities of related departments such as police and judiciary. The problem of overcrowding in prisons for instance, cannot be solved even with the best efforts of the prison department unless the police and the judiciary extend full cooperation in disposing off pending cases.

Finally, since prison administration is a state subject under the Constitution of India, there is a need for Inter state coordination too in order to ensure a unified and integrated
development of prison services in this country. Periodical meetings or conferences of Chief Secretaries, Home Ministers and Secretaries, the Inspectors General of Prisons of the different States and specialized coordinating agencies of the Central Government are some of the devices for achieving inter state coordination. Central agencies like the National Institute of Social Defence will also be "useful avenue for exchange of information in regard to correctional matters" at the inter state as well as the international levels provided necessary cooperation is extended to them by the Central and State Governments. Such agencies may also help "to co-ordinate the work and develop a uniform policy as far as possible in the different states with regard to prevention of crime and treatment of offenders.

Jail expenditures can be divided into two parts (i) expenditures that are absolutely necessary for social security, and (ii) expenditures which are meant to preserve culture and to promote humanitarianism among the prison population and the general public. Increasing the height of the prison wall, for instance, is an item of expenditure which is related to social security measures, while the expenditure for making gardens for prisoner's entertainment falls under the second category. Since the basic duties of a government are to ensure peace and security
for its citizens the first category of expenditure should always be given priority. This does not, however, mean that the expenditure towards the improvement of prison conditions are to be considered as wasteful or unnecessary expenditure.

Expenditure on prisoners diet needs also to be determined on the basis of specified standards and norms since a substantial part of the jail budget is spent for this purpose. The existing Jail Codes of a number of States and Union Territories provide for classified diets for different categories of prisoners. Determining the criteria for classified diets, however, involves a lot of problems. Such as (i) enormity of the crime committed, and (ii) the social class that the criminal comes from. It is very difficult to determine the enormity of the crime with any scientific precision. Under the circumstances it is difficult accept this classifications.

Therefore Preparation of budget estimates for the jail administration is not at all an easy task for the reasons that there are abrupt and frequent variations in prison population and also the contract rates for supply of prisoners food and other essential commodities. The problem will be even more acute where there is no provision for a reserve fund from which unexpected but necessary expenditures can be met the tide over temporary difficulties.
Thus, in conclusion, it can be said that prison reform undoubtedly is a need and that our hypotheses except for the third one it is inferred is in favour of our study and is supportive. The inferences drawn in this chapter thus, are the result of our empirical survey and not merely textual. A part of the survey in presented in Chapter III and the other part relating to reform and necessities have been dealt in this chapter. Thus, this chapter is rather presented in a slightly unconventional way merging inferences and suggestions together. On the whole, in this chapter we have disputed various important measures for restructuring of the jail system in Karnataka in particular. It is felt that if the prison or correctional service which has now become a highly specialized profession is to be organized as a career service, plan funds should be available for training and development of prison personnel. Other necessary programmes for prison reforms such as programmes for reformation and rehabilitation of offenders, functional renovation of old prison buildings, construction of new prison buildings and staff quarters, modernization/mechanization of prison industry and agriculture should also find place under the plan sector. It should, however, be pointed out that prison and correctional administration is only one of the major components of the entire criminal justice system
and hence, in the ultimate analysis, the enduring solution to the
growing problems of jail administration would hinge on the
political will and the administrative wisdom to bring about many
pronged reforms in all the sectors of criminal justice system
police, judiciary and correctional services. Nothing of this is
possible without the support of the people involved within it and
those working outside it. Hence the study.

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