Chapter IV

*Channel blocks and Gatekeepers in prison reforms*

4.1 INTRODUCTION
The beginning of prison system can be traced back to the rise of the state as a form of social organization. This also coincides with the early legal code, Code of Hammurabi, written in Babylon around 1750 BC. The penalties for violations of the laws in Hammurabi’s Code were almost exclusively centered on the concept of the law of retaliation where people were punished as a form of vengeance. This punishment is often inflicted by the victims themselves. This notion of punishment as vengeance or retaliation can also be found in many other legal codes including the ancient Sumerian codes, the Indian Manama Dharma Astra, the Hermes Trismegistus of Egypt, and the Mosaic Code. A common punishment in Early Modern Europe was to be make one agalley slave.

Generally, imprisonment as a penalty was used initially for those who could not afford to pay their fines. Many of the impoverished Athenians were unable to pay fines and it led to long term imprisonment, which at many times resulted in indefinite periods of imprisonment. Later the state was forced to regulate time limit for imprisonment and the prison system came to be organized\(^1\).

The Greeks considered prisons as places of detention. People were kept in prisons until they paid the stipulated fines. With the Romans prisons were identified as places of punishment. In the Roman state, a variety of existing structures were used to house prisoners, such as metal cages, basements of public buildings, and quarries. One of the most notable Roman prisons was the Mamertine Prison, established around 640 B.C. by Ancus Marcius\(^2\). Forced labor on public works projects was also a common form of punishment.

The first public prison in Europe was Le Stinche in Florence, constructed in 1297, and it was copied in several other cities. The more
modern use grew from the prison workhouse (known as the Rasphuis) from 1600 in Holland. The house was normally managed by a married couple, the 'father' and 'mother', usually with a work master and discipline master. From the later 17th century private institutions for the insane, called the beterhuis, developed to meet this need.

In Hamburg a different pattern occurred with the spinhaus in 1669, to which only infamous criminals were admitted. This was paid by the public treasury and the pattern spread in eighteenth century Germany. In France, the use of galley servitude was most common until galleys were abolished in 1748. After this the condemned were put to work in naval arsenals doing heavy work.

The use of capital punishment and judicial torture declined during the eighteenth century and imprisonment came to dominate the system, although reform movements started almost immediately. Many countries were committed to the goal as a financially self-sustaining institution and the organization was often subcontracted to entrepreneurs, though this created its own tensions and abuse. By the mid nineteenth century several countries initiated experiments in allowing the prisoners to choose the trades in which they were to be apprenticed. The growing amount of recidivism in the latter half of the nineteenth century led a number of criminologists to argue that "imprisonment did not, and could not fulfill its original ideal of treatment aimed at reintegrating the offender into the community". Belgium led the way in introducing the suspended sentence for first-time offenders in 1888, followed by France in 1891 and most other countries in the next few years. Parole had been introduced on an experimental basis in France in the 1830s, with laws for juveniles introduced in 1850, and Portugal began to use it for adult criminals from 1861. The parole system introduced in France in 1885
made use of a strong private patronage network. Parole was approved throughout Europe at the International Prison Congress of 1910. As a result of these reforms the prison populations of many European countries halved in the first half of the twentieth century.

Exceptions to this trend included France and Italy between the world wars, when there was a huge increase in the use of imprisonment. The National Socialist state in Germany used it as an important tool to rid itself of its enemies as crime rates rocketed as a consequence of new categories of criminal behavior. Russia, which had only started to reform its penal and judicial system in 1860 by abolishing corporal punishment, continued the use of exile with hard labor as a punishment and this was increased to a new level of brutality under Joseph Stalin, despite early reforms by the Bolsheviks. After the Second World War the United Nations Organization was created and a Universal declaration of Human Rights was issued. This document was accepted as a magna carta of human rights and the post war prison reforms operated on the basis of the human right arguments enshrined in the UDHR. This was also followed by many treaties and guidelines provided by UN and other international agencies.

4.2 EVOLUTION AND DEVELOPMENTS OF PRISON AND PRISON PREFORM PROGRAMMES

4.2.1 Development of Prisons in the Medieval Period

The concept of the modern prison largely remained unknown until the early 19th-century. Punishment usually consisted of physical forms of punishment, including capital punishment, mutilation, and whipping, branding, and non-physical punishments, such as public shaming rituals like the stocks. From the middle Ages up to the 16th and 17th centuries in Europe, imprisonment was rarely used as a punishment in its own right, and
prisons were mainly to hold those awaiting trial and convicts awaiting punishment.

During the middle Ages in Europe, castles, fortresses, and the basements of public buildings were often used as makeshift prisons. The possession of the right and the capability to imprison citizens, however, granted an air of legitimacy to officials at all levels of government, from kings to regional courts to city councils; and the ability to have someone imprisoned or killed served as a signifier of who in society possessed power or authority over others. Another common punishment was sentencing people to galley slavery where they were chained together in the bottoms of ships and forced to row on naval or merchant vessels.

During the Eighteenth century, English justice used a wide variety of measures to punish crime, including fines, the pillory and whipping. Extreme cruel penalties like Hanging, drawing and quartering were also employed by the rulers.\(^4\) Transportation to America was often offered, until 1776, as an alternative to the death penalty, which could be imposed for many offenses including pilfering. When they ran out of prisons in 1776 they used old sailing vessels which came to be called hulks as places of temporary confinement.

Jails contained both felons and debtors - the latter were allowed to bring in wives and children. The jailer made his money by charging the inmates for food and drink and legal services and the whole system was corrupt.

During this period the Bridewell House of Corrections was established in London. This was the beginning of correction houses. These houses held mostly petty offenders, vagrants, and the disorderly local poor.\(^5\) In these facilities, inmates were given jobs, and through prison labor
they were taught how to work for a living. By the end of the 17th century, houses of correction were absorbed into local prison systems under the control of the local justice of the peace.

During the 18th century, popular resistance to public execution and torture became widespread both in Europe and in the United States. The death penalty for petty crimes such as theft was proving increasingly unpopular with the public, and many jurors were refusing to convict defendants of petty crimes when they knew they would be sentenced to death. Rulers began looking for means to punish and control their subjects in a way that did not cause people to associate them with spectacles of tyrannical and sadistic violence. They developed systems of mass incarceration, often with hard labor, as a solution. The prison reform movement that arose at this time was heavily influenced by two philosophies. The first was based in Enlightenment ideas of utilitarianism and rationalism. It suggested that prisons should simply be used as a more effective substitute for public corporal punishments such as whipping, hanging, etc. This theory, often referred to as deterrence theory, claims that the primary purpose of prisons is to be so harsh and terrifying that they deter people from committing crime out of fear of going to prison.

The second theory, identified prisons as a form of rehabilitation or moral reform. It was mainly based on religious ideas that equated crime with sin, and saw prisons as a place to instruct prisoners in Christian morality, obedience and proper behavior. These later reformers believed that prisons could be constructed as humane institutions of moral instruction, and that prisoners' behavior could be "corrected" so that when they were released, they would be model members of society.
The growing public dissent over death penalty for petty crimes led to the penal transportation of convicted criminals to penal colonies in the British Empire— in the Americas between the 1610s and 1770s and in Australia between 1788 and 1810. France also sent criminals to tropical penal colonies including Louisiana in the early 18th century. As the practice of penal transportation was steadily curtailed in England at the end of the 18th century, a popular alternative emerged. Old sailing vessels, which came to be called hulks, were used as places of temporary confinement. Although conditions on these ships were often appalling, their use set a precedent and persuaded many people that mass incarceration and labour was a viable method of crime prevention and punishment. The turn of the 19th century would see the first organised prison reform movement, and by the 1810s the first state prisons and correction facilities were established, thereby inaugurating the modern prison system.

4.2.2 Jeremy Bentham and The Penal Reforms

The development of modern prison system was inaugurated with the English thinker Jeremy Bentham. Jeremy Bentham identified prisons as reform centres and argued that prisons should convert the convicts into socially useful human resources. Bentham's pleasure-pain principle supported classification of prisoners and productive labor in the prisons, as well as to a shared concern for the maintenance of healthful prison conditions (Cooper, 1981: 675). Jeremy Bentham's "panopticon" prison introduced many of the principles of surveillance and social control that underpin the design of the modern prison. In the panopticon model, prisoners were housed in one-person cells arranged in a circular pattern, all facing towards a central observation tower in such a way that the guards could see into all of the cells.
from the observation tower, while the prisoners were unable to see the guards.

![Figure 4.1. Panopticon Model of Jeremy Bentham](image)

**Figure 4.1. Panopticon Model of Jeremy Bentham**

Bentham held clear ideas on prison labor. He rejected hard labor for productive labor. The obvious advantage of productive labor was that it would produce a profit which could be used to compensate the injured party as well as to relieve the financial burden involved in operating the prison. Moreover, Bentham believed that less irksome labor was a better agent of reform since it taught the idle to love work rather than to avoid it, and idleness was the root of criminal behavior. He was convinced that it would not be necessary to coerce the prisoners to work, since the alternative would be sheer boredom.

According to Bentham, education is an important agent of prison reform. He urged that great benefit would be derived from stamping out
illiteracy. Education was not, however, to be of a purely secular variety. There should also be religious instructions to convert the convict. With regard to the health conditions of prisoners, Bentham suggested many advanced measures to improve their life. Regular bathing of the prisoners and their clothing was to be enforced. Simple but adequate clothing was to be included. Food was to be of the simplest kind, of which the prisoner could eat as much as he wished. Bentham put forward a novel approach towards the maintenance of discipline in prison. He rejected the use of irons as unnecessary and too often a source of abuse. Instead he argued that the punishment should directly relate to the offence. However, Bentham's proposal was subjected to vehement criticism as he suggested that the management of prison system can be entrusted with a private contractor. The contractor would absorb either the profits or losses resulting from the venture. In such a manner, the public would save much money and the contractor would be forced to take good care of the prisoners.\(^8\)

Architecturally, the Panopticon was an ingenious structure. The major problem in eighteenth-century prison construction, aside from limitations of size, was that of creating a single central point for inspection. Bentham, was completely successful in solving the problem. The Panopticon proved to be the ultimate design for the maintenance of central inspection. Moreover, Bentham's emphasis on profitable labor struck a responsive chord with an English public under the financial burden of expensive prison construction and maintenance. It made good sense to allow prisoners to earn their own keep while adding to the productivity of the economy. In fact, he was even criticized for not carrying out this plan to its logical conclusion. Bentham's panopticon introduced the principle of observation and control that underpins the design of the modern prison. The notion of prisoners being incarcerated as part of their punishment and not simply as a holding state until trial or
hanging, was at the time revolutionary. His views influenced the establishment of the first prisons used as criminal rehabilitation centers. At a time when the implementation of capital punishment for a variety of relatively trivial offences was on the decline, the notion of incarceration as a form of punishment and correction held great appeal to reform-minded thinkers and politicians.

4.2.3 Development of Modern Prison System

Prisons and prison reforms became a dominant theme after the period of Jeremy Bentham. Bentham was followed by John Howard who occupied the position of High Sheriff of Bedfordshire. After visiting many prisons across England and Europe, he published ‘The State of the Prisons’ in 1777. He was particularly appalled to discover prisoners who had been acquitted but were still confined because they couldn't pay the gaoler's fees. He proposed wide ranging reforms to the system, including that each prisoner should be in a separate cell, that staff should be professional and paid by the government, that outside inspection of prisons should be imposed, and that prisoners should be provided with a healthy diet and reasonable living conditions. Following Howard's argument, in England the Penitentiary Act was passed in 1779\(^9\). This Act introduced solitary confinement, religious instruction and a labor regime and proposed two state penitentiaries, one for men and one for women\(^10\). The Penitentiary Act introduced state prisons for the first time. The Act was drafted by John Howard and William Blackstone and recommended imprisonment as an alternative sentence to death or transportation\(^11\).

Eighty years after his death, the Howard Association was formed in London, with the aim of "promotion of the most efficient means of penal treatment and crime prevention" and to promote a reformatory and radically
preventive treatment of offenders. The Association merged with the Penal Reform League in 1921 to become the Howard League for Penal Reform. Howard League is presently Britain's biggest penal reform organisation.

Elizabeth Fry was another prominent figure in campaigning and publicizing the dire state of the prisons in England. Elizabeth Fry documented the conditions that prevailed at Newgate prison, where the ladies' section was overcrowded with women and children, some of whom had not even received a trial. They did their own cooking and washing in the small cells in which they slept on straw. In 1816 she was founded a prison school for the children who were imprisoned with their parents. She began a system of supervision and required the women to sew and to read the Bible. In 1817 she helped found the Association for the Reform of the Female Prisoners in Newgate. The Association for the Reform of the Female Prisoners in Newgate was established by Fry. This led to the eventual creation of the British Ladies' Society for Promoting the Reform of Female Prisoners. Fry was a major driving force behind new legislation to make the treatment of prisoners more humane, and she was supported in her efforts by the reigning monarch.

In 1894-95 Herbert Gladstone's Committee on Prisons showed that criminal propensity peaked from the mid-teens to the mid-twenties. He took the view that central government should break the cycle of offending and imprisonment by establishing a new type of reformatory, called Borstal. Some aspects of Borstal found their way into the main prison system, including open prisons and housemasters, renamed assistant governors and many Borstal-trained prison officers used their experience in the wider service. But in general the prison system in the twentieth century remained in Victorian buildings which steadily became more and more overcrowded.
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The use of prisons in Continental Europe was never as popular as it became in the English-speaking world, although state prison systems were largely in place by the end of the 19th century in most European countries. After the unification of Italy in 1861, the government reformed the repressive and arbitrary prison system they inherited, and modernized and secularized criminal punishment by emphasizing discipline and deterrence. Italy developed an advanced penology under the leadership of Cesare Lombroso (1835–1909). Another prominent prison reformer who made important contributions was Alexander Paterson who advocated for the necessity of humanising and socialising methods within the prison system in Great Britain and America. Paterson served in the East Surrey Regiment as Commissioner of Prisons. He used Wakefield Prison as a testing ground for his reforms, such as establishing a farm within the prison in which inmates could learn agricultural skills. Prisoners were also allowed to earn small sums working, attend training courses and participate in games. In his view, the security of a prison’s system was very important but it should not be dehumanizing. Among his initiatives to improve the prison system, he pointed out the problem of isolating prisoners, imposing the use of prison uniforms, and not monitoring prisoners after their release. In his views, the prison system should not dehumanize. It should further provide such humanising and socialising influences as may be introduced from the normal world outside, and so far as is compatible with discipline and control, allow each man to develop along the lines of his own personality.

4.2.4 Prison Reforms in United States

In colonial America, punishments were severe. The Massachusetts assembly in 1736 ordered that a thief, on first conviction, be fined or whipped. The second time he was to pay treble damages, sit for an hour upon the
gallows platform with a noose around his neck and then be carted to the whipping post for thirty stripes. For the third offense he was to be hanged. The local jails mainly held men awaiting trial or punishment and those in debt.

In the aftermath of independence most states amended their criminal punishment statutes. Pennsylvania eliminated the death penalty for robbery and burglary in 1786, and in 1794 retained it only for first degree murder. Other states followed and in all cases the answer to what alternative penalties should be imposed was incarceration. Pennsylvania turned its old jail at Walnut Street into a state prison. New York built Newgate state prison in Greenwich Village and other states followed.

By 1820 faith in the efficacy of legal reform had declined as statutory changes had no discernible effect on the level of crime and the prisons, where prisoners shared large rooms and booty including alcohol, had become riotous and prone to escapes. In response, New York developed the Auburn system in which prisoners were confined in separate cells and prohibited from talking when eating and working together. Women inmates were held in the windowless attic atop of the high security prison. They shared a single room and worked in the same area where they slept. The aim of this system was rehabilitative: the reformers talked about the penitentiary serving as a model for the family and the school and almost all the states adopted the plan. The Auburn system established several characteristics that were unique to the world of disciplinary conditions. Silence was the biggest factor in the line of rules the prisoners had to follow. The second characteristic of the Auburn system that was important to prison life was the community activities. During regimented times during the day, the prisoners would have different tasks to perform every day. During the 1840s, the prison began to make production in the silk business by bringing in silk worms and trees.
The Auburn correctional facility was the first prison to gain money as a profit for the labor of the prisoners.

The American Civil War had profoundly altered America's system and rationale for imprisonment. Millions of slaves had been let loose, chattel slavery was ended, and penal servitude expanded. Thousands of inmates had perished in deadly prison camps. Many Americans increasingly recognized that the previous reformers' expectations for model prisons, based on isolation, hard labor, and severe punishments, had not been achieved. The institutions were severely overcrowded and deteriorating, their administration was often corrupt and abusive, and their fixed sentencing schemes proved unwieldy and excessive. Convicts had no incentive to reform. The old enthusiasm for the existing system was gone.

In 1867 two prominent penal reformers, Enoch C. Wines and Theodore Dwight, submitted a report to the New York State legislature. Based on their review they concluded there was no prison system in the country that was not seriously deficient. To remedy this sad state of affairs, Wines and Dwight recommended that reform of the offender should be the primary aim of imprisonment. This approach mirrored the nation's developing posture toward the South. Wines helped to organize the National Congress on Penitentiary and Reform Discipline in Cincinnati in 1870. This gathering adopted a detailed "Declaration of Principles," which called for sweeping prison reforms, including the acceptance of reform; sanitary improvements; an end to political appointments of prison administrators; greater participation of women in prison management; the progressive classification of prisoners based on character; rewards for good conduct and industry; expanded prison education; the end of physical punishments; and other radical changes. To facilitate improvement of the offender, the
reformers advocated long indeterminate sentences that could be adjusted depending on an individual's progress\textsuperscript{16}.

The efforts of Enoch and Dwight met some success with the establishment of Elmira Reformatory in New York. The Elmira system included a combination of military training and education with a system of indeterminate sentencing. It held sway for more than twenty years. The facility was founded in 1876. It differed from many prisons of the day as it focused on reforming the convict using psychological methods rather than physical. Inmates were classified by three "grades", with newly arriving prisoners being placed at second grade for their first six months. Those who became the most responsive and cooperative prisoners earned a first grade, with the opportunity to earn additional privileges or "marks", including earning a reduction of their sentences or being granted parole (although inmates could be demoted if failing in their duties). Those inmates who were less responsive to rehabilitation or had behavioral problems were placed at third grade. Two central ideas emerged from the Elmira system: differentiating between juvenile and adult offenders, and acknowledging the possibility of prisoner rehabilitation.

But by the 1890s, Elmira had twice as many inmates as it was designed for and they were not only the first offenders between 16 and 31 for which the program was intended. Although it had a number of imitators in different states, it did little to halt the deterioration of the country's prisons which carried on a dreary life of their own. By the 1920s drug use in prisons was also becoming a problem.

During the period 1870-1930 a Prison Reform Movement in US altered the nature of women prisons in the country\textsuperscript{17}. The movement challenged nearly every assumption of traditional prison practice. It
produced an entirely new model of prison for adults, the women's reformatory, which eventually was adopted by states throughout the country.

The origins of the prison reform movement can be traced to early and mid-nineteenth-century attempts, led by free women in Pennsylvania and New York, to separate female and male prisoners, hire matrons, and provide remedial training. These earlier efforts proved difficult to sustain, mainly because female prisoners and their matrons remained under the control of predominantly male institutions that insisted on male authority and precedence. They did, however, establish the important principle that female prisoners should be held separately and be supervised by other women. The first phase of the prison reform movement, 1870 to 1900, began in the Midwest. Michigan led the way by establishing a prototype of the women's reformatory in the late 1860s. A few years later a Quaker group in Indiana opened the first entirely independent, female-staffed women's prison. Owing to the mid-western developments, the idea that women deserved separate, specialized penal treatment under the direction of other women was both legitimated and put into practice.

Shortly after 1870, the thrust of the movement shifted to the Northeast, where, over the remainder of the century, Massachusetts and New York established three more independent prisons for women. Through increasingly bold experimentation, these institutions arrived at what reformers came, by 1900, to regard as the ideal reformatory plan. Fully articulated by 1900, the reformatory plan was widely and rapidly adopted during the movement's second phase: between 1900 and 1930, 17 women's prisons were founded across the country.

At the beginning of the twentieth century, psychiatric interpretations of social deviance were gaining a central role in criminology and policy
making. By 1926, 67 prisons employed psychiatrists and 45 had psychologists. The language of medicine was applied in an attempt to "cure" offenders of their criminality. In fact, little was known about the causes of their behaviour and prescriptions were not much different from the earlier reform methods. A system of probation was introduced, but often used simply as an alternative to suspended sentences, and the probation officers appointed had little training, and their caseloads numbered several hundred making assistance or surveillance practically impossible. At the same time they could revoke the probation status without going through another trial or other proper process.

In 1913, Thomas Mott Osborne became chairman of a commission for the reform of the New York prison system and introduced a Mutual Welfare League at Auburn with a committee of 49 prisoners. He also removed the striped dress uniform and introduced recreation and movies. Progressive reform resulted in the "Big House" by the late twenties - prisons averaging 2,500 men with professional management designed to eliminate the abusive forms of corporal punishment and prison labor prevailing at the time.

The American prison system was shaken by a series of riots in the early 1950s triggered by deficiencies of prison facilities, lack of hygiene or medical care, poor food quality, and guard brutality. In the next decade all these demands were recognized as rights by the courts. In 1954, the American Prison Association changed its name to the American Correctional Association and the rehabilitative emphasis was formalized in the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners.

Since the 1960s the prison population in the US has risen steadily, even during periods where the crime rate has fallen. This is partly due to profound changes in sentencing practices due to a denunciation of lenient
policies in the late sixties and early seventies and assertions that rehabilitative purposes don't work. As a consequence sentencing commissions started to establish minimum as well as maximum sentencing guidelines, which have reduced the discretion of parole authorities and also reduced parole supervision of released prisoners. By 2010, the United States had more prisoners than any other country and a greater percentage of its population was in prison than in any other country in the world.

The growing number of prisoners made serious social and economic problem in the state. Each prisoners costs an average of about $25,000 per year to the exchequer. Recidivism remained high, and useful programs were often cut during the recession of 2009-2010. In 2011, the U.S. Supreme Court in Brown v. Plata upheld the release of thousands of California prisoners due to California's inability to provide constitutionally mandated levels of healthcare.

### Table 4.1. Prison Population in US (As on Saturday, 26 September 2015)

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Category</th>
<th>Numbers</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Male</td>
<td>191,754</td>
<td>93.3%</td>
</tr>
<tr>
<td>2</td>
<td>Female</td>
<td>13,754</td>
<td>6.7%</td>
</tr>
<tr>
<td>3</td>
<td>Total</td>
<td>205,508</td>
<td>100%</td>
</tr>
</tbody>
</table>


The table shows that there are 205,508 inmates in the US prisons. Among them 93.3% are male and the remaining are females.

### 4.3 PRIVATIZATION OF PRISON

As governments faced the problems created by burgeoning prison populations in the late 20th century-including overcrowding, poor sanitation, and riots—a few sought a solution in turning over prison management to the private sector. Privately run prisons were in operation in Australia, the
United Kingdom, and the United States by the late 1990s. In the following
decade a number of countries, including Brazil, France, and South Africa,
hi... operations.

The term prison privatization can be applied to a variety of arrangements
involving nongovernmental contractors. One privatization model, which
originated in France and later spread to a number of countries, arranges
responsibilities such that state employees control any functions that relate to
deprivation of liberty while other services are contracted out to
nongovernmental companies. Services in the latter group may include
maintenance of buildings and other infrastructure, transportation,
accommodation, food service, health services, work programs, and vocational
training.

In a further model of privatization, the entire operation of a prison is
contracted to a commercial business or a not-for-profit organization. In this
model the state builds and retains ownership of the prison buildings, but it
enters into a contract with a company that operates and manages the prison.
A more extensive model of privatization occurs in cases where a commercial
company (often a consortium of companies) takes a prison from drawing
board to final operation. In this model the state enters into a contract with the
business or consortium. The latter agrees to provide a set number of prison
places to a contractual standard; the state in turn agrees to pay for the set
number of places over a contractually agreed-upon period of time.

A fundamental change accompanying the introduction of privatization
is the concept of the market model of prisons. As a consequence of this
model, many of the costs of increased imprisonment are hidden in the short
term. In fiscal terms, high capital expenditure is converted into long-term
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revenue expenditure, which reduces current (short-term) financial costs while increasing future (long-term) costs to the public. Although the private sector has had a long history of involvement in corrections, private prisons make up less than 5 percent of the current market.

The United States of America is successfully operating the privatization of state prisons. The Corrections Corporation of America (CCA) is managing many prisons in the country. CCA houses approximately 90,000 offenders and detainees in its more than 60 facilities.

4.4 PRISON REFORMS IN POST-WORLD WAR PERIOD

Postwar reforms stressed the need for the state to tailor punishment to the individual convicted criminal. In 1965, Sweden enacted a new criminal code emphasizing non-institutional alternatives to punishment including conditional sentences, probation for first-time offenders and the more extensive use of fines. The use of probation caused a dramatic decline in the number women serving long-term sentences. Probation spread to most European countries though the level of surveillance varies. In the Netherlands, religious and philanthropic groups are responsible for much of the probationary care. The Dutch government invests heavily in correctional personnel. However, despite these reforms, numbers in prison started to grow again after the 1960s even in countries committed to non-custodial policies.

4.5 PRISON REFORMS IN INDIA

A well organised system of prisons is known to have existed in India from the earliest time. It is on record that Brahaspati laid great stress on imprisonment of convicts in closed prisons. However, Manu was against this system. It was a common practice to keep the prisoners in solitary confinement so as to afford them an opportunity of self-introspection. The object of punishment during Hindu and Mughal period in India was to deter
offenders from repeating crime. The recognised modes of punishment were death sentence, hanging, whipping, flogging, branding or starving to death. The prisoners were ill-treated, tortured and subjected to most inhuman treatment. They were kept under strict control and supervision. Thus prisons were places of terror and torture and prison authorities were expected to be tough and rigorous in implementing sentences.

The British colonial rule in India marked the beginning of penal reforms in this country. The British prison authorities made strenuous efforts to improve the condition of Indian prisons and prisoners. They introduced radical changes in the then existing prison system keeping in view the sentiments of the indigenous people.

The modern prison in India originated with the Minute by TB Macaulay in 1835. A committee namely Prison Discipline Committee, was appointed, which submitted its report on 1838. The committee recommended increased rigorousness of treatment while rejecting all humanitarian needs and reforms for the prisoners. Following the recommendations of the Macaulay Committee between the 1836 - 1838 Central Prisons were constructed.

In the year 1836 the Government of India appointed a Prison Enquiry Committee. The committee recommended for the abolition of the practice of prisoners working on roads. Adequate steps were also taken to eradicate corruption among the prisons staff. An official called Inspector General of Prisoners was appointed for the first time in 1855, who was the Chief Administrator of prison in India. His main function was to maintain discipline among the prisoners and the prison authorities. Conditions of prisoners were harsher than animals in India and prisoners were treated with hatred.
In the year 1862 the second Jail Enquiry Committee was appointed and the committee expressed concern for the insanitary conditions of Indian Prisoners which resulted into death of several prisoners due to illness and disease. It emphasised the need for proper food and clothing for the prison inmates and medical treatment of ailing prisoners. Consequently Prisoners Act was enacted to bring uniformity in the working of the prisoners in India. The Act provided for classification of prisoners and the sentences of whipping was abolished. The medical facilities which were already available to prisoners in 1866 were further improved and better amenities were provided to women inmates to protect them against contagious disease. Commission made some specific suggestions regarding accommodation for prisoners, improvement in diet, bedding clothing, and medical care.

In 1877, a Conference of Experts met to inquire into prison administration. The conference proposed the enactment of a prison law and a draft bill was prepared. In 1888, the Fourth Jail Commission was appointed. On the basis of its recommendation, a consolidated prison bill was formulated. Provisions regarding the jail offences and punishment were specially examined by a conference of experts on Jail Management. In 1894, the draft bill became law with the assent of the Governor General of India. This Prisons Act of 1894 is the basis of the current jail management system in India.

A major reform initiative from the British government came with the report of the Indian Jail Committee 1919-20. This report identified ‘reform and rehabilitation’ of offenders as the objectives of the prison administrator. It visited many prisons and came to the conclusion that prisons should have not only deterring influence but they should have a reforming effect on inmates. As a measure of prison reform, the Jail Committee further
recommended that the maximum intake capacity of each jail should be fixed, depending on its shape and size. Several committees and commissions appointed by both central and state governments after Independence have emphasised humanisation of the conditions in the prisons. The need for completely overhauling and consolidating the laws relating to prison has been constantly highlighted.

The Government of India Act 1935, transferred the subject of jails from the central list to the control of provincial governments. This has reduced the possibility of uniform implementation of a prison policy at the national level. State governments thus have their own rules for the day to day administration of prisons, upkeep and maintenance of prisoners, and prescribing procedures.

However, the period from 1937 to 1947 was important in the history of Indian prisons because it aroused public consciousness and general awareness for prison reforms. Efforts of some of the eminent freedom fighters who had known firsthand the conditions in prisons succeeded in persuading the governments of many States to appoint committees to further enquire into prison conditions and suggest improvements in consonance with their local conditions. Some of the Committees appointed during the period were:

- The Mysore Committee on Prison Reforms, 1940-41;
- The U.P. Jail Reforms Committee, 1946; and

This period also witnessed the enactment of many progressive legislation for prison reforms. These reforms include:

- The Bombay Probation of Offenders Act, 1936;
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- The *C.P. and Berar Conditional Release of Prisoners Act, 1936*; and
- The *U.P. First Offenders Probation Act, 1938*,

Another significant development in the history of prison reforms in this period was the appointment of Jail Enquiry Committee by the U.P. Government. In pursuance of the committee recommendations, the first Jail Training School in India was established at Lucknow in 1940 for the training of jail officers and warders.

4.6 PRISON REFORMS AFTER INDEPENDENCE

Prisons is a State subject under List-II of the Seventh Schedule to the Constitution of India. The management and administration of Prisons falls exclusively in the domain of the State Governments, and is governed by the Prisons Act, 1894 and the Prison Manuals of the respective State Governments. Thus, States have the primary role to change the current prison laws, rules and regulations. The existing statutes which have a bearing on regulation and management of prisons in the country are:

(i) The *Indian Penal Code, 1860*.
(ii) The *Prisons Act, 1894*.
(iii) The *Prisoners Act, 1900*.
(iv) The *Identification of Prisoners Act, 1920*.
(v) Constitution of India, 1950
(vi) The *Transfer of Prisoners Act, 1950*.
(vii) The *Representation of Peoples Act, 1951*.
(ix) The *Probation of Offenders Act, 1958*. 

However, after independence of India, there were many attempts from the part of the central government to better the situation in Indian prisons. It was accepted that prisoners are also human beings and have rights. So in 1956 the punishment of transportation (Kala-pani) was substituted by the imprisonment for life.

A Jail Reform Committee, was constituted in the year 1946. This committee gave the suggestions as:

- The child offenders should be treated differently
- Modern jails should be constructed
- The classification of offenders should be scientific such as; Women offenders Habitual offenders, Handicapped offenders.

In 1949 Pakawasha Committee gave the permission to use the prisoners in the construction of roads, and for that, wages could be paid. The treatment of prisoners on psychological and psychiatric basis received some attention as a measure of prison reform during 1950s. During this period, a number of Jail Reforms Committees were appointed by the State Governments, to achieve a certain measure of humanization of prison conditions and to put the treatment of offenders on a scientific footing.21.
In 1951, the Government of India invited the United Nations expert on correctional work, Dr. W.C. Reckless, to undertake a study on prison administration and to suggest policy reform. His report titled 'Jail Administration in India' made a plea for transforming jails into reform centers. He also recommended the revision of outdated jail manuals. Some of the salient recommendations made by Dr. W. C. Reckless are:

- Juvenile delinquents should not be handed over by the courts to the prisons which are meant for adult offenders.
- A cadre of properly trained personnel was essential to man prison services.
- Specialized training of correctional personnel should be introduced.
- Outdated Prison Manuals be revised suitably and legal substitutes be introduced for short sentences.
- Full time Probation and Revising Boards be set up for the after-care services and also the establishment of such boards for selection of prisoners for premature release.
- An integrated Department of Correctional Administration be set up in each State comprising of Prisons, Borstals, Children institutions, probation services and after-care services.
- An Advisory Board for Correctional Administration be set up at the Central Government level to help the State Governments in development of correctional programmes.
- A national forum be created for exchange of professional expertise and experience in the field of correctional administration.
A conference of senior staff of correctional departments be held periodically at regular intervals.

In 1952, the Eighth Conference of the Inspector Generals of Prisons also supported the recommendations of Dr. Reckless regarding prison reform. Accordingly, the Government of India appointed the All India Jail Manual Committee in 1957 to prepare a model prison manual. The committee submitted its report in 1960. The report made forceful pleas for formulating a uniform policy and latest methods relating to jail administration, probation, after-care, juvenile and remand homes, certified and reformatory school, borstals and protective homes, suppression of immoral traffic etc. The report also suggested amendments in the Prison Act 1894 to provide a legal base for correctional work. The Committee prepared the Model Prison Manual and presented it to the Government of India in 1960 for implementation. The MPM 1960 is the guiding principle on the basis of which the present Indian prison management is governed. On the lines of the Model Prison Manual, the Ministry of Home Affairs, Government of India, in 1972, appointed a working group on prisons. It brought out in its report the need for a national policy on prisons. It also made an important recommendation with regard to the classification and treatment of offenders and laid down principles. The report also suggested that the development of prisons and the correctional administration should no longer remain divorced from the national development process and the prison administration should be treated as an integral part of the social defense components of national planning process.

The Seventh Finance Commission in its Report of 1978, recognized that prisons had been neglected for far too long and that there had been practically no improvement in their physical environments or in the method
of handling inmates. Although the Commission did not regard itself competent to lay down the requirements of modernization of prisons and correctional services, it did identify certain basic areas needing urgent attention. Consequently the Commission recommended an allocation of ` 48.31 crores for the States which were found lagging behind in providing facilities to the prison inmates.

4.7 MULLA COMMITTEE

All India Committee on Jail Reforms 1980-83 was constituted by the government of India under the chairmanship of Justice Anand Narain Mulla. The committee suggested setting up of a National Prison Commission to bring about modernisation of prisons in India. The basic objective of the Committee was to review the laws, rules and regulations keeping in view the overall objective of protecting society and rehabilitating offenders. It recommended a total ban on the heinous practice of clubbing together juvenile offenders with hardened criminals in prisons. It also proposed to constitute an All India Service called the Indian Prisons and Correctional Service for the recruitment of Prison Officials. After-care, rehabilitation and probation should constitute an integral part of prison service. The Mulla Committee submitted its report in 1983. Some other recommendations of Mulla Jail Committee were:

i. The conditions of prisons should be improved by making adequate arrangements for food, clothing, sanitation and ventilation etc.

ii. The prison staff should be properly trained and organised into different cadres.

iii. The media and public men should be allowed to visit prison so that they may have firsthand information about the conditions inside
prison and be willing to co-operate with prison officials in rehabilitation work.

iv. Lodging of under trial in jails should be reduced to bare minimum and they should be kept separate from the convicted prisoners.

v. The Government should make an endeavour to provide adequate resources and funds for prison reforms.

In the year 1986, a Juvenile Justice Act was enacted by the Government of India. By this act, observation homes, special homes, and juvenile homes were constituted, where the neglected children and juvenile delinquent can be admitted.

In 1987, the Government of India appointed the Justice Krishna Iyer Committee to undertake a study on the situation of women prisoners in India. It has recommended induction of more women in the police force in view of their special role in tackling women and child offenders.

Kerala jail committee 1991-1993 focuses on condition of jail in the country and the inmates have a great concern by state government and also the union government. Supreme Court of India and Hon’ble High court of Kerala commented on the condition of the jails in Kerala. Govt. of Kerala in 1991 constituted a jail reform committee headed by Shri A.P.UdyaBhanu, a well-known freedom fighter in Kerala. The committee act the following objectives:

i. To review the organization structure of Kerala Jails

ii. To explore the possibility of employing Convicts

iii. To review the working of open prison

iv. To examine the living condition of prisons

v. To review the life convicts cases and suggestions of their pre-release.
vi. The probation and after care service to be coordinated

vii. The jails categories to be upgraded wherever possible

viii. Training program to be arranged to the staff

ix. The appointment of non-official visitors to be made. The inmates should be given work programmes, vocational training, provision for medical treatment, regular PSC Warders to be appointed, medical examination of the prisoners etc.

In the year 1996 the Supreme Court of India in *Ramamurthy vs State of Karnataka* asked the government to bring about uniformity of prison laws across the nation. The Government of India accordingly set up a committee in the Bureau of Police Research and Development (BPR&D). The jail manual drafted by the committee was accepted by the Central government and circulated to State, governments. However, the draft was not much discussed by the states. In 1999, The Prison Administration and Treatment of Prisoners Bill-1998 was circulated to replace the Prison Act 1894 by the Government of India to the respective states but this bill also received no positive response from the part of the states. The All India Committee on Jail Reforms (1980-1983), the Supreme Court of India and the Committee of Empowerment of Women (2001-2002) have all highlighted the need for a comprehensive revision of the prison laws, but the pace of change has been disappointing.

The Government has reconstituted the State Prison Review Committee with the retired High Court Judge, M.R. Hariharan Nair, as chairman. The committee will have the DIG of Prisons as convener and the Home Secretary, Law Secretary, Additional Director General of Police (Prisons), IG (Administration), Director of Social Welfare, DIG (Prisons) and a criminologist nominated by the Police Department as members. The
committee will recommend premature release of life convicts who have completed eight years of imprisonment for crimes other than professional or hired murder, posing a threat to national security, smuggling operations or murder of women, children, prison staff or public servants and those under the Narcotic Drugs and Psychotropic Substance Act. The committee will meet at least once in three months and consider the cases of life convicts. The recommendations will be forwarded to the Government.

As per the prison new rules, Prison Welfare Committee must be constricted all Central Prison, Open Prison, Women Prison, District prison etc. in each District. Pattern of the committee are:

1. DGP - chairman
2. Session Judge - vice chairman
3. District collector
4. District Police superintendent
5. District Probation Officer
6. Superintendent
7. Three social workers (may be MLA, Political Leaders etc.)

This committee will recommend all types constructional and non-constructional (welfare) activities in each prison.

4.8 MODEL REFORMS IN TIHAR JAIL

Tihar Jail is situated in the capital city of Delhi. The total capacity of Tihar Jail is 4000, i.e. 3,600 male inmates and 400 women inmates. But in reality the prison has 12,793 males and 570 women, raising the number of total inmates to an astounding 13,363. About 90% of its inmates were
undertrials, who had been accused of non-bailable offences. Some of them had been waiting for years to get a trial in a badly clogged court system. The prison had a budget of Rs 15 crore, which was just enough to pay for basic expenditure, leaving little for welfare programmes. Tihar was notorious as a violent and unmanageable place. With a view to reforming the prisoners and enabling them to start a normal and financially rewarding life after release, the prison administration has started several reform and correctional measures. This notorious jail was converted into a model prison by the intervention of Kiran Bedi, an IPS officer deputed to the charge of the prison.

Bedi introduced several reforms. She arranged separate barracks for the hardened criminals, who had been using their time in prison to recruit gang members, sell contraband and extort money. These prisoners unsuccessfully challenged Bedi in court for unfairly segregating them. For other prisoners, Bedi arranged vocational training with certificates, so that they could find a job after their release. She introduced yoga and Vipassana meditation classes to change the prisoners' attitudes. She organized additional activities such as sports, prayer, and festival celebrations. She also established a de-addiction center, and pulled up or imprisoned the staff members involved in drug supply. A bank was also opened inside the prison.

A bakery and small manufacturing units, including carpentry and weaving units, were set up in the jail. The profits from the products sold were put into the prisoners’ welfare fund. She also established petition boxes so that prisoners could write to the IG about any issue. As a result of reforms, there was a drop in the fights and disturbances in the jail. Even the hardened criminals, who had been isolated in separate barracks, started
behaving well. Bedi then arranged for them to attend education and meditation courses.

4.8.1 Educational Facilities

The prison administration has provided facilities for education of inmates by getting affiliated with the Indira Gandhi National Open University and the National Open School. There are also computer-training centers for the inmates. The most important aspect of the education system in Tihar Jail is that educated prisoners voluntarily teach less educated prisoners. An illiterate prisoner can look forward to being literate if his stay is more than a week. Library facility has been provided with the support of non-governmental organizations. Vocational classes in English/ Hindi typing and Commercial Arts are conducted by Directorate of Training & Technical Education and certificates are issued to successful students.

4.8.2 Prisoners' Panchayats

Prisoners' bodies called “Panchayats” are constituted to help prison administration in the field of education, vocational education, legal counseling, kitchen, public works etc. In panchayat system prisoners who were respected for their age, education, or character represented other inmates and met every evening with senior officers to sort out problems. Prisoners are encouraged to participate in the management of their welfare activities. Sense of responsibility is inculcated in the prisoners to prepare them for social integration after release.

4.8.3 Vocational Training

Training on pen manufacturing, book binding, manure making, screen printing, envelope making, tailoring and cutting, shoe-making etc. are regularly provided to the inmates. These training programmes have not only
resulted in learning of different trades but also provided monetary gains to the prisoners. For the post-release rehabilitation of the prisoners, the Social Welfare Department of Delhi Govt. provides loans for setting up self-employed units.

4.8.4 Yoga and Meditation

The concept of introducing Yoga and meditation in the jail has created history and has received wide acceptance by various national and international human rights organization. For cleansing and disciplining mind, yoga and meditation classes are conducted in a big way with the help of various voluntary organizations. In the year 1994 Tihar Jail created a history by organizing a Vipassana Meditation camp for more than one thousand prisoners. Since then a permanent Vipassana center has been opened in Tihar Jail No.4, where two courses of ten days duration are organized regularly.

4.8.5 Legal Aid Cells

Legal Aid Cells with facilities for drafting, typing and dealing with bail applications, miscellanies. applications, appeals, revision etc. on behalf of the Jail inmates have been opened. Since majority of prisoners are economically poor and are not in a position to avail the services of expensive lawyers, legal aid cells are of great help in dealing with their cases.

4.8.6 Facility for Psychological Treatment

The prison authorities have started special psychological treatments for prisoners. Creative Art Therapy, which is psychotherapeutic in nature, is used in several settings. In respect to prison setting, the therapy serves as a reform process in several ways. Firstly and most importantly, it helps the inmates to express, channelize and ventilate their anger, grievances and feelings. One has to keep in mind that anyone convicted or otherwise exiled
from the rest of the world is initially bound to have tremendous anger, aggression, and a sense of helplessness, hopelessness and emotional problems. Therefore, by practicing Creative Art, the individual is able to release his pent up emotions and realise his worth.

4.8.7 Prisoners' Grievance Cell

A prisoner grievance cell is working effectively under the charge of Petition Officer and immediate remedial steps are taken on the complaints/grievances of the prisoners. Prisoners have been provided facilities to write complaints and send them to senior officers either through fixed complaint boxes located at convenient places or through the mobile petition box meant for petitions addressed to D.G. / Addl. I.G. (Prisons), which is taken to all the enclosures every day. Jail Superintendent, Deputy Superintendent and even senior officers have frequent meetings with the prisoners openly where prisoners' grievances are listened carefully and solutions provided.

4.8.8 Community Participation

As a part of community participation in reform and social integration of prisoners after release, a large number of respectable members of non-governmental organisations, retired Major Generals, Professors of I.I.T. Delhi, Eminent Psychiatrists, Psychologists, Principals and Teachers of various educational institutions have been conducting various activities in the jail. These programmes have very sobering and positive impact on the psyche of the prisoners, who have been shown the positive and constructive approach to life after interaction with them. NGOs' participation is mainly concentrated in the field of education, vocation and counseling. Apart from the formal education with the NGO support, the classes in various languages like Urdu, Punjabi, German, French etc. are also held. Some of the NGOs have trained selected prisoners on various trades and have been bringing job
for them against payment of remuneration. They also rehabilitate these prisoners after their release.

The reform initiatives taken up in Tihar Jail are examples for others. It shows that force is always not necessary to control and correct the prison inmates. The manner in which the Tihar administration has taken up the system of rehabilitation, it becomes important for other prisons of the nation to follow suit. The central as well as state governments must also take the initiatives so that this system of rehabilitation is encouraged, promoted and practiced.

4.9 PRISON REFORMS IN KERALA

The state of Kerala is having a well maintained prison system with 55 prisons including three central jails, open prisons, district jails and sub jails. The prisons system in the state is headed by Director General of Prisons and correctional services. Under him there is an Inspector General of Prisons and correctional services. The administration of the prison service is divided into three zones viz. North Zone, Central Zone and South Zone each under the jurisdiction of a DIG. The north zone consists of the districts of Kozhikkode, Palakkad, Malappuram, Wayanad, Kannur and kasargod. The districts of Thrissur, Ernakulam, Idukki and Kottayam come under the Central Zone. The South Zone consists of the districts of Trivandrum, Kollam, Allappuzha and Pathanamthitta.
At the apex of the prison system there are three central jails. These are the institutions meant for confining persons sentenced to undergo imprisonment above six months and to lodge the detunes, prisoners convicted by court martial and the civil prisoners. Remand / Under Trial prisoners are also accommodated in central prisons, if the nearby sub jails are overcrowded. In the state of Kerala, there are three Central Prisons, situated at Thiruvananthapuram, Viyyur and Kannur.

There are two Open Prisons in the state one at Nettukaltheri, Thiruvananthapuram and the other at Cheemeni, Kasargod. Open Prisons are the prisons without walls having minimum security with reliance on the prisoner’s sense of self-discipline and social responsibility. There is also a Women Prison at Poojappura, Thiruvananthapuram. This is the institution meant for confining women offenders sentenced to undergo imprisonment.
4.10 MAJOR PRISONS IN KERALA

The oldest existing Prison in Kerala is the Portuguese Prison at Fort Koch. It was established around 500 years back. At present, Fort Kochi prison is under the custody of the Archeological Survey of India.

4.10.1 Central Prison, Thiruvananthapuram

Thiruvananthapuram Prison is one of the oldest prisons in Kerala. It is having a history of 300 years. The Trivandrum Central Prison in the former State of Travancore came into existence in 1873 accommodated in the Barracks of Nair Brigade inside the Fort by converting the Principal Jail, Trivandrum established in 1861. The Central Prison later shifted to its present location at Poojappura in September 1886\textsuperscript{23}. The Jail was raised as a Central Prison in 1886 as follows. Many freedom fighters and political leaders were detained here during the freedom struggle and after. The communist and Naxalites in large groups were imprisoned post independently. Besides them the literary figures like VaikomMuhammedBasheer, PonkunnamVarkyetc were the inmates of this prison.

All the Blocks & Tower in the prison with the special type of architecture called Pan Optical type are scattered in about nine acres of land within the wall. Outside the wall there are about 60.41 acres of land which comprises of paddy field, the agricultural farm, residential quarters of the staff, workshop Press etc. The jail is having an administrative block annex where the office of the Deputy Jailor, Welfare Officer, Establishment section, medicine section and closed circuit television control room are functioning. The record room facility is also there in the administrative block.
4.10.2 Central Prison, Viiyyur

The original Trichur Prison existed in front of Sri Vadakkumnathan Temple around 300 years ago. At the time of SakthanThampuran when Thrissurpooram was organised, on the request of prisoners "Kudamattom" was conducted on the particular place for their enjoyment. On 1914, the temple authority requested to shift the Prison and consequently it was demolished and shifted to Viiyyur. Almost 1000 Acres of land were handed over to establish the new Prison at Viiyyur. As of now Viiyyur Central Prison has only 147 Acres of land in possession. As per the regulations of Kerala Prison Rules total 420 Male prisoners and 100 female prisoners can be housed at Central Prison, Viiyyur. But the average lock-up comes to around 630 Male prisoners and 30 female prisoners. It reveals that male block is are always over-crowded by around 50% of its authorized capacity.

4.10.3 Central Prison Kannur

The Kannur District has always had an important place in the administrative set-up of the Prisons Department. In the early part of the 19th century Tellicherry and Kannur towns had their own jails and work was found for the convicts on the roads. The Sanitary and medical arrangements in jails. However, left much to be desired. In middle of the century the mortality rate among the prisoners in these jails was high as a result of the outbreak of epidemics like Cholera and Small-pox. The jail at Tellicherry was abolished in 1885. The Central jail at Kannur was built in 1869 with an accommodation, capacity for 1062 prisoners. This was the only Central jail in the erstwhile Malabar District, and it also received long term convicts from the neighboring District of South Canara. Owing to the need for increased accommodation the Jail was considerably enlarged. The Jail area comprise of 124.45 acres inclusive of 35 acres within the four walls of the
main Jail. There is an accommodation for 1580 prisoners in the Jail. In addition to prisoners convicted by Criminal Courts, under-trial prisoners remanded to custody by Courts in Kannur District and civil debtors sent to this jail from the Civil Courts are also detained in this Jail. This Jail has now been classified as a Jail for casual offenders convicted and sentenced to imprisonment by the Criminal Courts in Trichur, Palghat, Kannur and Kozhikode Districts.

4.10.4 Open Prison, Nettukaltheri, Thiruvananthapuram

The first Open Prison in Kerala started in 1962 at Nettukaltheri. The Open Prison has been established by acquiring the land from the Department of Forest in Nettukaltheri and Thevancode hills in 1962. The total area of the prison extends to 474 acres. The Prisoners are engaged mainly in agriculture and allied activities. The main crop under cultivation is Rubber extending over an area of 350 acres followed by Coconut. In the valleys of hills, Banana, Vegetables and Tapioca are cultivated. Crops like ginger, turmeric, yams etc. are cultivated to a lesser extent. The main intention is to impart knowledge to the prisoners on scientific and sustainable agriculture techniques.

The various trainings in the open jail include

- Rubber cultivation, Tapping, Nursery and Processing of rubber products.
- Floriculture
- Pomology
- Goat rearing
- Cattle rearing
• Poultry rearing
• Rabbit rearing
• Pig rearing
• Apiculture
• Bee hives and honey processing
• Organic fertilizers production
• Organic Farming
• Cassava Cultivation
• Cultivation of Tubers and Yams
• Grass cultivation
• Cultivation of Spices etc.

Intensive Organic Vegetable Production Programme has been started in the prison and vegetables are cultivated. The excess vegetables after meeting the dietary requirements of the prisoners, are sold through the Sales Counter at Open Prison. A dairy unit is maintained with 23 cattle. The excess milk produced is sold to the Milk Society, Kallikad after meeting the dietary requirements of the prisoners. In addition to cows, buffaloes are also maintained.

A Goat Rearing Unit with 66 goats is also functioning successfully in the prison. Apiculture has been started with the installation of 25 bee hives in the Prison premises in 2008 and now functioning with 40 no’s of beehive. Banana and Tapioca are cultivated a larger extent which meet the dietary requirements of the prison fully. The excess quantity is provided to the Central Prison and District Sub Jail to meet the dietary requirement of their
prisoners. A Sales Counter has been started in 2008 at Open Prison, Nettukaltheri and is running fruitfully with a social commitment by providing vegetables and other consumables produced at Prison in lower rate to the local people. This will motivate the prisoners to have acquaintance with the entrepreneurship.

4.10.5 Open Prison, Cheemeni, Kasaragod

The first Open Prison in Kerala started in 2007 at Cheemeni. The Open Prison has been established by acquiring the land from Kerala plantation cooperation. The total area of the prison extends to 308 acres. The Prisoners are engaged mainly in agriculture and allied activities. Due to the red rock the main crop under cultivation is vegetables, cassava, cashew pineapple, and Banana. Crops like ginger, turmeric, yams etc. are cultivated to a lesser extent. The main intention is to impart knowledge to the prisoners on scientific and sustainable agriculture techniques.

The various trainings in the open jail include

- Goat rearing
- Cattle rearing
- Poultry rearing
- Rabbit rearing
- Pig rearing
- Apiculture
- Floriculture
- Pomology
- Bee hives and honey processing
• Organic fertilizers production
• Organic Farming
• Cassava Cultivation
• Cultivation of Tubers and Yams
• Grass cultivation
• Cultivation of Spices etc.
• Rubber cultivation, Tapping, Nursery and Processing of rubber products.
• Red rock excavating
• ThajaswaniChappathi making unit
• Bio gas plant bulk production
• Carpentry work

Intensive Organic Vegetable Production Programme has been started in the prison and vegetables are cultivated. The excess vegetables after meeting the dietary requirements of the prisoners, are sold through the Sales Counter at Open Prison. A dairy unit is maintained with 30 cattle. The excess milk produced is sold to the Milk Society, after meeting the dietary requirements of the prisoners. In addition to cows, buffaloes, are also maintained.

A Goat Rearing Unit with 70 goats is also functioning successfully in the prison. Apiculture has been started with the installation of 25 bee hives in the Prison premises. Banana and cassava are cultivated to a larger extent which meet the dietary requirements of the prison fully. The excess quantity
is provided to the Central Prison and District Sub Jail to meet the dietary requirement of the prisoners.

4.10.6 Women’s Prison Attakulagara, Thiruvananthapuram

Women's Prison, Neyyattinkara, is the first women's prison in Kerala. It is situated in Thozhukkal, near Neyyattinkara, established in the year 1990. This Jail was mainly to accommodate convicted prisoners above six months punishment. The Prison shifted into Attakulangarain 2011 due to transport and medical care facility. Remand prisoners from southern part of Kerala’s Court are also admitted here.

4.11 MAJOR PROBLEMS IN PRISON REFORMS

The state of Kerala has initiated a number of reforms in the prison system. Prisons had changed into reform centers. There are considerable changes in the nature and functioning of prisons in the state. However, the reform measures are not effectively implemented due to many reasons. One of the major problem in this respect is the overcrowding of prisons in Kerala.

Table 4.2. Prison Population in Kerala (as on 01-09-2015)

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Item</th>
<th>Male</th>
<th>Female</th>
<th>Total Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Available maximum Capacity</td>
<td>5840</td>
<td>377</td>
<td>6217</td>
</tr>
<tr>
<td>1</td>
<td>Convicts</td>
<td>2573</td>
<td>54</td>
<td>2627</td>
</tr>
<tr>
<td>2</td>
<td>Under trials</td>
<td>4434</td>
<td>152</td>
<td>4586</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>7007</td>
<td>206</td>
<td>7213</td>
</tr>
</tbody>
</table>

The prisons in the state of Kerala is having a maximum intake capacity of 6217 inmates. Against this capacity 7213 prisoners are admitted in various prisons in the state. Among the total convicts 4586 persons are
under trials. The overpopulation in prisons makes many innovations ineffective.

Staff shortage and absence of proper training is another concern in the way of reforming prison system in Kerala. Untrained wardens, hired through employment exchanges on daily wages, have been manning the jails in the state. This arrangement could not curb the flow of contraband into prisons and also maintain discipline. Out of the total 1,368 posts in the department, 204 have been vacant. It was also found that 962 out of the total 1,368 personnel were fresh recruits with under five years' service, while 228 wardens were untrained, affecting the jail discipline. This becomes a grave concern since the prison manual has stipulated one staffer for every six prisoners: the present ratio in most jails is 1:10 or 1:16^{25}.

4.11.1 Major Reform Tools in Kerala Prisons

- Individualized treatment of offenders - Both physical and mental.
- Social - Leave, interview facility, communication facility etc.
- Vocational Training - In Central Prisons/Open Prisons, training is imparted in Prison Manufactories. Viz. Carpentry, Smithy, Weaving, Tailoring, Masonary, Soap Making, sawing, Book binding, Printing, etc.
- Educational – Teachers are appointed to impart education to interested prisoners to the level they want. Library facilities, computer education, and continuing education in tie up with IGNOU and other various Universities are also available.
- Spiritual - Moral instructions related to all religions and yoga classes are provided to needy inmates without any compulsion. Prisoners can meet with spiritual leaders from their chosen religion for services, pastoral visits, religious instruction and private counselling. More
than religious institutions provide service in prison. They conduct various programme on occasionally.

- Cultural - Organising cultural functions on important days to develop inter / intra personal relations among inmates.

- Motivational - Remission is being given to good conduct and good work. Premature release is being ordered to well behaved prisoners who complete a certain period of confinement, as may be fixed by Government from time to time.

- Community based correction - Keeping the offender in the community and help them to reintegrate into the community.

- Separate house for Juveniles and Females

The prison system ensures many measures to facilitate the reform of inmates. For this strict rules of classification is provided in the prisons act. These provisions include:

- Female prisoners are segregated and housed in separate areas wise, Female blocks.

- Convicted prisoners are separated from under trial prisoners.

- Young prisoners are separated from adult prisoners.

- Old aged prisoners are kept separately to get special attention.

- Detunes are also separated in separate enclosures, so as to avoid contamination

- Civil prisoners are separated from other prisoners.
• Prisoners affected by contagious diseases are segregated and housed in separate blocks earmarked for the purpose.

• Escapees and hardcore criminals are lodged in high security blocks.

4.11.2 Remission, Leave and Parole

Remission, leave, parole and probation are effective instruments to ensure reform and normalization of convicts. Remission system aims at the reform of a prisoner so as to ensure prison discipline and to encourage learning better work culture and early release from prison as an incentive. Remissions are classified as ordinary remission and special remissions. Prisoners having substantive sentence for 3 months and above are eligible for remission. Remission for two days each per month are allowed for good conduct and good work. Special remission not exceeding 60 days in a year may be given to any prisoners for special services such as saving life of a Govt. employee, prison visitor etc. A prisoner can earn up to 60 days in a year, as remission in lieu of wages.

4.11.3 Prisoners are also given leave facility. There are three types of leaves

4.11.3.1 Ordinary Leave—Well behaved prisoners sentenced to imprisonment for one year and above and who have served out actually 1/3 of the sentence or two years whichever is less are eligible for ordinary leave. A prisoner once released on ordinary leave will not be eligible for a subsequent release on ordinary leave until the completion of six months of actual imprisonment to be counted from the date of his last return from ordinary leave provided that this will not apply to the grant of leave to a prisoner in an emergency. Prisoners are released on ordinary leave based on the recommendation of the Superintendent of Police and Probation Officer.
Ordinary leave shall be granted by the Superintendent of Prisons upto a period of 10 days and by the Inspector General of Prisons upto a period of 30 days at a time.

4.11.3.2 Emergency Leave- Any well behaved convicted prisoner is eligible for emergency leave. The Superintendent of the Jail shall be competent to grant emergency leave upto a period of 7 days, the Inspector General of Prisons upto a period of 10 days and the Government upto a period of 15 days at a time. Any well behaved convicted prisoner other than a person convicted in respect of any offence relating to National Security is eligible for emergency leave under any of the very exceptional circumstances specified below, namely:-

- Death or terminal illness of father, mother, son, daughter, wife, husband, brother, sister, grandson, granddaughter, grandfather, grandmother, Father-in-law, Mother-in-law or mother's brother.
- Marriage of son, daughter, brother and sister, grandson, granddaughter, brother-in-law, sister-in-law, direct nephew, direct niece.
- Partial or complete loss of residential building.
- Any extraordinary reasons recommended by the Probation Officer as necessitating the grant of such leave.

4.11.3.3 Home Leave - Well behaved prisoners in the open prison who have undergone a term of actual sentence of one year in that prison shall be eligible for home leave on the strength of a report from the Probation officers concerned on the family environments of the prisoner. Home leave is granted after one year, on his return from last home leave
Parole is one of the most important devices for reducing pressure on prison institutions. Parole has a dual purpose, namely protecting society and at the same time bringing about the rehabilitation of the offenders. The parole system is an excellent way to allow prisoners to rehabilitate and get in touch with the outside world. Parole is a legal sanction that lets a prisoner leave the prison for a short duration, on the condition that she/he behaves appropriately after release and reports back to the prison on termination of the parole period. The conditional release from prison under parole may begin any time after the inmate has completed at least one-third of the total term of his sentence but before his final discharge. Release on parole is a part of the reformative process and is expected to provide opportunity for the prisoner to transform himself into useful citizen. Parole is thus a grant of partial liberty or lessening of restrictions to a convict prisoner, but release on parole does not, in any way, change the status of the prisoner.

4.11.4 The main object of the parole as stated in the Model Prison Manual are:

a) To enable the inmate to maintain continuity with his family life and deal with family matters
b) To save the inmate from the evil effects of continuous prison life.
c) To enable the inmate to retain self-confidence and active interest in life.

4.12 REFORM IN PRISON LABOUR SCHEME

A major reform in prison life is in the area of prison labour. The Indian Jail Reforms Committee of 1919-20 recommended that the main objective of prison labour should be the prevention of further crime by the reform of criminals, for which they were to be given instruction in up-to-date
methods of work enabling them to earn a living wage on release. The other objectives were to keep the offenders use fully engaged to prevent mental damage and to enable them to contribute to the cost of their maintenance. Work was allotted to prisoners on the basis of their health, length of sentence prior knowledge of a trade, and the trade which was most likely to provide a living wage on release. Initially, payment of wages to prisoners was opposed on the ground that they were already a burden on the State. Gradually, the need for providing some motivation to prisoners was realized and it was considered that some monetary reward would develop interest in work and provide the necessary incentive, more so if the prisoner was allowed to use the earnings on himself or his family. After independence, in some of the open prisons, prisoners are paid wages at market rates out of which they pay to State their cost of maintenance. There is now a growing realization that such liberal system of wages would provide greater incentive for higher and better production\textsuperscript{27}. Maharashtra was the first State to introduce in 1949 a very comprehensive system of wages.

The Prisons Department of Kerala pays fair wages to prison inmates who are engaged in prison industry. The major prison industries include carpentry, blacksmithy, tailoring, weaving, printing, binding, soap making, agricultural activities etc. The inmates of prisons are allotted work after taking into consideration their social background, educational qualification, physical ability and previous work experience, etc. The daily wages range from `21/- to `69/- for normal task for one day. Extra wages are being given for extra tasks at various rates. Imamates of open prison that performs extra task on agricultural work are being also given special rates of wages\textsuperscript{28}.

The inmates are making their own clothing and bedding in the manufactory units. The furniture’s are supplied to various Government
Departments on demand. Agricultural operations are also going on in Central Prisons as well as Open Prison. Inmates are giving stipendary training courses in masonry and carpentry under the guidance of Nirmithi Kendra. Computer Training programmes are also conducting in association with IGNOU and Akshya IT Mission.

### 4.12.1 Food Factory

Ready-to-eat food is another novel initiative by the Kerala prison’s department. The idea of food factory was initiated by Dr Alexander Jacob, former Director-General of Police (Prisons) to seriously consider the many advantages of preparing ‘cooked food’ from jails and distributing it to the public “A jail is a space for reform. We already train inmates as plumbers, electricians, masons, carpenters etc. But in recent times, we thought of the possibilities of bringing out our own label of cooked food, by using the manpower available with us, for the benefit of the common man,” observes Dr Jacob. Thus, jails in Kerala have chosen to cater to the Malayalee taste buds. The Viyyur central jail in Thrissur started off with the Freedom Chappatis, and its runway success became the inspiration for PoojapuraChappatis prepared by Poojapura central prison, Malabar Freedom by Kannur central jail and the Kozhikode district jail. Other jails including the Emakulam and Kollam sub-jails have evinced similar interest and are in the process of joining the bandwagon. The jails at present involved in the initiative have bought their own machinery, stoves etc worth crores and constantly re-invent their menu. Representatives of Central government NGOs have taught inmates cooking and they get a daily wage of `117.

To ensure safety standards and hygiene, the cooks are selected based on their interest, with personal hygiene being the most important factor. Apart from chappatis, the menu includes idlis, chilli chicken, fried rice and
even chicken biriyani. On an average, the jails prepare almost `1.25 lakh chappatis a day. Poojapura leads the pack with a daily production of 60,000 plus chappatis, 10,000 plus idlis and over 4,000 packets of chicken and vegetable curry. The jails have outlets at their entrance, and besides that Poojapura also has one counter at the Women’s prison at Attakulangara (where the idli production unit is set up), in addition to three mobile units which carry food to different parts of the city.

The ready-to-eat initiative is beyond pure business. The jails have found a means to become self-sufficient. But there is a moral aspect to it as well, and with the increasing demand from the public for the food items, even the process of cooking is going the green way to reduce future expenses. The jails across Kerala are in the process of being fitted with solar panels to meet all energy needs. The Poojapura jail is already fully powered by a solar energy system, and to meet its cooking needs, special solar stoves have been purchased which are currently in the test phase, while the other jails are in the process of setting up the same.

Secondly, the initiative has given a new meaning to the life to the inmates, who are equipped with an additional skill upon release. And by learning how to cook, the inmates are also receiving numerous ‘jail placement’ offers. And finally, there is the advantage of low cost food to the general public.

4.13 WELFARE ACTIVITIES AT KERALA PRISON

- Welfare Officers are appointed to co-ordinate the welfare activities for the inmates besides the Chief Welfare Officer at Headquarters to monitor state level co-ordination.

- Yoga and Art of living classes are being arranged.
• Integrated Counseling and Testing Centres viz., “Jyothis” are functioning in Six Jails under Kerala State AIDS Control Society. These centers conduct testing for a number of diseases including HIV and render counseling to the prisoners.
• Television and FM Radio System have been installed in all the prisons in the state.
• CCTV has been installed in all the major jails.
• Well-equipped library facilities are available in all the jails in the state.
• Prisoner's Canteens are available in all the major jails.
• Jail Day Celebrations are being conducted every year for paving way to enhance the physical and cultural abilities of the prisoners in all jails.
• Facilities for indoor and outdoor games including volley ball, basketball, shuttle badminton, etc. are available in jails.

4.14 SPECIAL BLOCK FOR TRANSGENDER

The human right aspect of prisoners is taken seriously by the state prison department of Kerala. Thus the government has decided to set up a special jail block for transgender prisoners. The block exclusively to house transgenders is coming up in a high security prison in Thrissur in an effort to protect their privacy and human rights. The decision comes close on the heels of the Supreme Court recognising them as the third gender. With the completion of the block, jail inmates who declare themselves as TGs will be housed there. The step is expected to give confidence to more TGs to declare their gender identity. At present, TGs are housed either in the male or female
blocks in jails. According to official figures, around 20-30 transgender inmates are there out of around 8,000 prisoners housed in the jails in Kerala.²⁹

4.15 CONCLUSION

Modern prison system is far better than that in the past but still much remains to be done in the direction of prison reforms. The maintenance of prison establishment is an expensive affair. Therefore the offender should be confined to the prison for only a minimum period which is absolutely necessary for their custody. The women prisoners should be treated more generously and allowed to meet their children frequently. This will keep them mentally fit and respond favorably to the treatment methods. The prison legislation should make provision for remedy of compensation to prisoner who are wrongfully detained or suffer injuries to callous or negligent acts of the prison personnel. It is gratifying to note that in recent decades the Supreme Court has shown deep concern for prisoners right to justice and fair treatment and requires prison officials to initiate measures so that prisoners basic right are not violated and they are not subjected to harassment and inhuman conditions of living. There is dire need to bring about a change in the public attitude towards the prison institutions and their management. The existing Prison Act, 1894 which is more than a century old, needs to be thoroughly revised and even re-stated in view of the changed socioeconomic and political conditions of India over the years. Many of the provisions of this Act have become obsolete and redundant.
Endnote

1 The prison in Ancient Athens was known as the desmoterion ("place of chains").

2 This Prison was located within a sewer system beneath ancient Rome, and contained a large network of dungeons where prisoners were held in squalid conditions, contaminated with human waste.

3 The inmates, or journeymen, often spent their time on spinning, weaving and fabricating cloths and their output was measured and those who exceeded the minimum received a small sum of money with which they could buy extras from the indoor father.

4 To be hanged, drawn and quartered was a statutory penalty that existed in England since 1351. This punishment was awarded for men convicted of high treason. Convicts were fastened to a hurdle, or wooden panel, and drawn by horse to the place of execution, where they were hanged (almost to the point of death), emasculated, disemboweled, beheaded and quartered (chopped into four pieces). Their remains were often displayed in prominent places across the country, such as London Bridge. For reasons of public decency, women convicted of high treason were instead burned at the stake.

5 Bridewell was a house of correction for women and children. This was the only place where any medical services was provided.

6 In 1806 Samuel Romilly, a British legal reformer managed to repeal the death penalty for theft. In 1814 he succeeded in abolishing hanging, drawing and quartering.

7 Penal colonies in French Guiana operated until 1951, such as the infamous Île du Diable (Devil's Island). Katorga prisons were harsh work camps established in the 17th century in Russia in remote underpopulated areas of Siberia and the Russian Far East that had few towns or food sources. Siberia quickly gained its fearful connotation of punishment.
Panopticon was Bentham’s major interest in life. He spent a major portion of his personal income on propagandizing the plan. He had many influential supporters in parliament. In 1794 a bill was passed in parliament providing for the construction of a penitentiary house at Battersea. However, a parliamentary committee met in 1810-11 rejected the Panopticon plan.

Howard took the issue of prison reforms to parliament, and in 1774 Howard was called to give evidence on prison conditions to a House of Commons select committee. Members of that committee were so impressed that, unusually, Howard was called to the bar of the House of Commons and publicly thanked for his 'humanity and zeal'.

However, these legislations never materialized due to disagreements in the committee and pressures from wars with France. Gaols remained a local responsibility. But other measures passed in the next few years provided magistrates with the powers to implement many of these reforms and eventually in 1815 gaol fees were abolished in England.

The prison population in England and Wales had risen following the United States Declaration of Independence as the American Colonies had been used as the destination for transported criminals. The purpose of the Act had therefore been to create a network of state-operated prisons but, after passage through Parliament, the end result was that only two prisons in London were created.

In its first annual report in 1867, the Association stated that its efforts had been focused on "the promotion of reformatory and remunerative prison labour, and the abolition of capital punishment".

The service of Elizabeth fry was well appreciated by the government. Since 2001, Fry has been depicted on the reverse of £5 notes issued by the Bank of England. She is shown reading to prisoners at Newgate Prison. The design
also incorporates a key, representing the key to the prison which was awarded to Fry in recognition of her work.

14 Cesare Lombroso was an Italian criminologist and physician. He was the founder of the Italian School of Positivist Criminology. Lombroso rejected the established classical school, which held that crime was a characteristic trait of human nature. Lombroso's theory of anthropological criminology essentially stated that criminality was inherited, and that someone "born criminal" could be identified by physical (congenital) defects, which confirmed a criminal as savage or atavistic.

15 The Auburn system is a penal method of the 19th century in which persons worked during the day in groups and were kept in solitary confinement at night, with enforced silence at all times.

16 They set out an agenda for reform which was endorsed by a National Congress in 1870. These ideas were put into practice in the Elmira Reformatory in New York in 1876. At the core of the design was an educational program which included general subjects and vocational training for the less capable. Instead of fixed sentences, prisoners who did well could be released early.

17 Prison reform was part of the broader social feminist movement that, after the Civil War, carried middle-class women into public life, especially in policy areas involving women, children, and other disadvantaged groups.

18 This plan had three key elements. One was the living unit of the "cottage," the architectural embodiment of the theory that criminal women could be reformed through domestic training in a homelike environment headed by a motherly matron. Second was the theory that reformatories should concentrate their rehabilitative efforts not on felons (the traditional population of state prisons) but rather on misdemeanants and other minor offenders. As a result of this theory, the reformatory movement extended the power of state
pudishment to a group of female criminals who previously had been sent to local jails, if incarcerated at all, and who had no male counterparts in state prisons. Third, the reformatory plan called for indeterminate sentences that made it possible to hold prisoners, no matter how minor their offenses, for periods of years. Thus, the reformatory plan was based on the acceptance indeed, an enthusiastic embrace of differential standards for the imprisonment and rehabilitation of women and men.

19 Thomas Mott Osborne was an American prison administrator, prison reformer, industrialist and New York State political reformer. In 1913 he was appointed as chairman of a new State Commission on Prison Reform. On behalf of the commission that year he entered the Auburn Prison and was treated like any other convict. He recorded his experiences in Within Prison Walls. Its publication in 1914 made him the most prominent prison reform crusader of his day.

20 There was no uniform civil code to give punishment. The meaning of the punishment itself was to crush the prisoner. Jailors were cruel persons.

21 Some of the committees constructed by the states which made notable recommendations on these lines were:-

- The East Punjab Jail Reforms Committee, 1948-49;
- The Madras Jail Reforms Committee, 1950-51;
- The Jail Reforms Committee of Orissa, 1952-55;
- The Jail Reforms Committee of Travancore and Cochin, 1953-55;
- The U.P. Jail Industries Inquiry Committee, 1955-56; and

22 In pursuance to the recommendations made by Dr. W. C. Reckless and also by the All India Jail Manual Committee, the Central Bureau of Correctional
Services was set up under the Ministry of Home Affairs in 1961 to formulate a uniform policy and to advise the State Governments on the latest methods relating to jail administration. In 1964, the Central Bureau of Correctional Services was transferred from the Ministry of Home Affairs to the newly created Department of Social Security, now known as Department of Social Justice and Empowerment under the Ministry of Human Resource Development.

23 The Prison was located in Poojappura because of a special reason. After execution the Jail officers used to conduct their pooja for expiation of their sin in the Poojappura Pooja house. People who were executed used to have their Annual Shradham by the relatives in the Pooja house. During the Vavu Bali special poojas were done by the Poojappura Jail at Sanghumughom for all the dead people.

24 The land thus handed over, now has many state and national institutions like KSEB Power Station, Govt. Engineering College, All India Radio, Doordarsan, Ramavarmapuram, Vocational Higher Secondary School, Fire Force Academy, DIET, Hindi Prajara Sabha School, Armed Reserve Camp, KAP I Bn., Juvenile Home, IMA Blood Bank and Kerala Police Academy.

25 In sub-jails, where remand prisoners are housed, the situation is more pathetic. The number of prisoners often would be above 150, while the staff would be one head warden and two or three wardens.

26 It is to be noted that a parole is different from a “furlough”. While parole is granted to a prisoner detained for any offence irrespective of the duration of imprisonment, a furlough is only granted to prisoners facing long sentences, five years or more. Furlough is matter of right, but parole is not.

27 The Supreme Court in State of Gujarat &anotherv. Hon’ble High Court of Gujarat (AIR 1998SC 3164) observed, “Reformation and rehabilitation is basic policy of criminal law hence compulsory manual labour from the
prisoner is protected under Art. 23 of the Constitution. Minimum wages must be paid to prisoners for their labour after deducting the expenses incurred on them”.

28 See, G.O (MS) No 144/2007 Home dated 22-06-2007