OBJECTIVES OF JAIL ADMINISTRATION

(AFTER INDEPENDENCE)

(POLICY LEVEL)

Our achievement of Independence in 1947 was a long drawn affair after the great Freedom Movement that was spread over several decades. In 1885, the first sitting of the Indian National Congress assembled in Bombay, and 'the whole of India felt the throbblings of a new life.' For the first time, political unity was sponsored not by a central, indigenous or foreign government, but by a group of patriotic, stout-hearted, forward-looking sons of the motherland, hailing from all parts of the country. They took counsel together and conceived of a plan of India's future, in which they threw a bold challenge to the powers that be, and gave a warning to the rulers that India was no longer willing to leave her fate exclusively in the hands of the aliens, and that she was determined to shape her destiny herself. The Indian National Congress provided the lead and the country accepted its guidance because the Congress was the expression and aspirations of its people.

In the political history of India, the birth of the Indian National Congress was an unprecedented phenomenon that proclaimed the advent of an entirely new era. The Congress became the central organ of the new society which was evolving as a result of the cataclysmic economic, social,
cultural and political changes that engulfed the country during the hundred years since Plassey. "In the early years the Congress presidential address recounted the benefits of British rule, contained assurances of India's loyalty to the Crown and reiterated India's desire to remain within British empire."¹ "The aftermath of World War I brought such widespread disillusionment to India that Congress abandoned its policy of cooperation with the British Raj to follow Gandhi's revolutionary call for non-violent non-cooperation."² Mahatma Gandhi launched his first nationwide Satyagraha campaign on August 1, 1920. "During the first half of 1920 alone, there were some two hundred strikes in India, affecting over a million workers."³ "The non-cooperation movement gathered momentum throughout 1921. Government repression came swift and fierce and by the year's end some twenty thousand Indians were jailed ⁴ which added fuel to the fire of Freedom Struggle, and that was handled by the authorities in power with severity and brutality resulting in the repeated imprisonment of congress-men, some of whom for several years. Thus, the leaders and men in the Congress, were only too familiar with the ills and odds of jail life.

² Wolpert, Stanley: A New History of India; Oxford University Press, New York, 1977, p. 301
³ Ibid; p. 304
⁴ Ibid; p. 305
The Government of India Act of 1935 granted Provincial Autonomy and on April 1, 1937, the first Congress Government took over in U.P., as in several other sister provinces. The first Chief Minister (then called Prime Minister) of U.P. was Pandit Govind Ballabh Pant, a veteran leader of the Congress. Pandit Pant had sustained severe injuries in the lathi-charges and was sentenced to rigorous imprisonment several times. He had been an important member of the All India Congress Committee and during the Freedom Struggle had agitated vehemently for removing the tyranny of inhuman laws and regulations and procedures followed in the jail. He had suggested improvements in the administration of law and justice, especially recommending the separation of the judicial and executive functions, amongst several others. The foreign rulers and their iron-set bureaucracy paid only half-hearted attention to those demands. Leaders and members of the Congress had voiced trenchant criticism of the jail administration but felt miserable in their helplessness to mend matters. In this background, Pandit Govind Ballabh Pant presenting the first Budget of the Congress Government in U.P. in 1937, laid bare the new objectives of Jail Administration, for the approval of the House. He categorically stated that:

"We propose to examine the question of overhauling the entire Jail Administration."  

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We have already discussed the first Budget speech of Pandit Govind Ballabh Pant in the preceding chapter. A careful analysis of that and subsequent Budget presentations of the Congress Government clearly lay down the new objectives of Jail Administration and the programmes through which they planned to achieve the new targets. A Committee was appointed by the U.P. Government in 1937 to consider and report what reforms were possible in the jails of U.P. The suggestions given by that Committee and accepted by the Government were presented to the House in Pandit Govind Ballabh Pant's Budget Speech for the year 1938-39. Pandit Pant also declared:

"The need for humanising jail administration is now universally recognised."

Recognising that correctional work with the prisoners confined in the jails was a specialised technicality, which could be entrusted only to duly qualified and trained prison personnel, Pant Ji demanded:

"Provision is also to be made to establish a training school for the subordinate jail staff."

Pandit Pant elaborated that "the principle on which these reforms are based have been accepted by various enquiry committees which were entrusted with this task."
The above narration presents a very haphazard and
distracted picture of the proposed jail reforms and the shape
of new things that the Congress Government was harbouring;
and is totally far removed from the factual position. Reforms
in a democratic set up of government move at the proverbial
snail's speed, because ground has to be prepared to obtain
the vote of the members of the legislature. The Treasury
Bench has to apply itself assiduously to prepare the plan
outlay fully supported by facts, figures and logic to be
convincing to the members of the legislature, particularly
the members of the opposition, from whom the final sanction
to fund the implementation of the scheme is to be obtained.
Therefore, there is a very comprehensive and concrete picture
of the mind of the National Government, about their envisaged
new shape of things to be introduced in the Jail
Administration, which after the few initial years of being in
the government, they finally spelt out to the United
Provinces Jail Reforms Committee, 1946, for their
consideration and drawing out the necessary plan. The 1946
U.P. Jail Reforms Committee consisted of the following
members:

Chairman

(1) Shri Govind Sahai, Parliamentary Secretary to Hon'ble
Home Minister.

Members

(2) Shri Gopi Nath Srivastava, Lucknow.

(3) Shri Damodar Swarup Seth, M.L.A. (Central), Lucknow.

(4) Shri Kamlapati Tripathi, M.L.A. (Banaras)
Mr. Muhammad Shokat Ali Khan, M.L.A. (Bulandshahr);


**Member-Secretary**


It was a powerful committee which was chaired by the Parliamentary Secretary to the Home Minister, who could, thus, both convey to the committee the thinking of the Government, and later on, when the recommendations of the committee were considered at the acceptance and implementation levels he could still exercise his beneficial influence. Five of the seven members of the committee were well known leaders of the Congress, who had been very active participants in the Freedom Movement. The remaining two official members were the senior most members of the I.M.S. officers in jail service, with a very wide experience, as they had been in charge of the Central Prisons.

The terms of reference of the United Provinces Jail Reforms Committee, 1946, were:

1. to review the Jail administration with a view to increasing general efficiency and effecting all possible economies consistent with the general welfare of the prisoners and the staff;

2. to consider ways and means to improve the inner and external discipline in the life of prisoners.
(3) to consider the advisability of discontinuing the system of convict overseers and warders;

(4) to consider whether the existing superior and subordinate staff is adequate and to make recommendations for its reorganisation where necessary;

(5) to consider the present system of classification of prisoners with a view to introducing such improvement as may be necessary;

(6) to consider the advisability of establishing a model prison, where Star class prisoners may be confined, as an experimental measure, on a system of wages;

(7) to consider the treatment of prisoners generally and to make recommendations with regard to the improvement of their diet, clothing, education and other amenities;

(8) to consider the existing medical and sanitary arrangements and to suggest improvements where necessary;

(9) to consider improvements in jail industries including the introduction of power-driven machinery with a view to enabling them to compete with similar products produced by free labour;

(10) to consider ways and means to improve reformative influences in jails with a view to making prisoners good citizens;

(11) to consider the establishment of a Borstal Institute and the treatment and care of juvenile and adolescent prisoners;
(12) to consider the working of the Probation system and its extension to other districts in the Province;

(13) to consider the advisability of introducing a system whereby prisoners may be encouraged to come out of prison on parole for being engaged in agricultural operations or other work of public importance.

The above terms of reference given to the U.P. Jail Reforms Committee 1946 were very comprehensive and progressive covering the entire gamut of jail administration. They indicate the new policy of the National Government in the most clear and unambiguous words to give it a positive direction of prisoners reformation for rehabilitation as useful members of the society, after their release from the jail. This immediately puts the National Government on an entirely new platform, drastically different from that of their predecessors, the alien rulers, who had never admitted that the treatment of prisoners in the Indian Jails was shameful for any government that professed to be progressive and reformatory. These terms of reference could be considered in the following three broad categories:

A- REMEDIAL MEASURES to rectify the existing ills of the jail life and administration;

B- ADDITIONAL PROGRAMMES to raise the efficacy and utility of the ongoing programmes and measures;
INTRODUCTION OF NEW POLICY through special programmes with clearly specified objectives.

The above approach of the U.P. Jail Reforms Committee, 1946, looks to be a substantial progressive packet, with effective ameliorative and reformatory steps, surcharged with the new objective of overhauling the entire prison administration. From the critical and unbiased angle of a research study, a pronouncement is a pronouncement. To determine what credit in terms of 'originality of approach and ideals', could be accorded to the pronouncement, we shall have to take a recourse to the historical perspective of jail reforms in India, to be able to know how similar, and if different how different, are the pronouncements now made and those made earlier in the past. Let us have a look at this picture.

On 28th April, 1919, the then Government of India in the Home Department (Jails), appointed the Indian Jails Committee 1919, directing that "The Committee's inquiries will have particular reference to the following subjects, namely:--

"(i) the efficacy and appropriateness of the existing systems of prison administration and restraint on liberty in India including the Andamans and any settlements constituted under the Criminal Tribes Act 1911;
(ii) the possibility of strengthening the reformatory influence of prison administration and discriminating in regard to the treatment of criminals of different classes and ages; and

(iii) the best means of assisting prisoners after release to regain a position in society."

The 1919 Committee was given only the three above terms of reference. It would be seen that these are more or less similar to the three broad categories in which the terms of reference of the 1946 Committee fall. In other words, what was said in very precise and terse words in 1919 was elaborated in verbose language in 1946.

The chronological placement of the two pronouncements reveals another similarity of import between the two Committees. The 1919 Indian Jails Committee met after 30 years of its predecessor 1888-89 Committee and it gave its review of the then prevailing conditions in the Indian jails. In a similar time frame the 1946 U.P. Jail Reforms Committee met approximately 30 years (to be exact 27 years) after its predecessor, the 1919 Committee. Both these committees reviewed the jail conditions in the preceding three decades, in the following words in which paints the two pictures but in similar hues.
"Present position of Indian jail administration.

14. It is, of course, not to be expected that methods of jail administration which have not been overhauled for thirty years should now be found quite up-to-date. The system as it now exists ought to be compared not with present day standards but with those of 1888 or earlier. The Indian prisons have made notable advances as we have said, in the material aspects of administration, health, food, labour and the like. But they have not made equivalent progress in other directions. Possibly the influence of the Report of 1838 has to this day not been quite exhausted. Whether this be so or not it is certain that Indian prison administration has some what lagged behind on the reformatory side of prison work. It has failed so far to regard the prisoner as an individual and has conceived of him rather as a unit in the jail administrative machinery. It has a little lost sight of the effect which humanising and civilizing influences might have on the mind of the individual prisoner and has focussed its attention on his material well-being, his diet, health and labour. Little attention has been paid to the possibility of moral or intellectual improvement. In consequence, while the results of the Indian prison treatment are admitted generally to be deterrent, they are not generally regarded as reformatory. Witness after witness from almost every
Province in India with singular unanimity, declared that Indian jails do not exercise a good or healthy influence on their inmates, that they tend to harden if not degrade and that most men come out of prison worse than they went in. We do not all endorse this view but in so far as there is truth in it, it is a result, we are convinced, not of the men but of the system. The whole point of view needs to be altered, not merely isolated details; and we would add that the primary duty of keeping people out of prison, if it can possibly be done, needs to be more clearly recognised by all authorities and, not least, by the courts."

1946 U.P. JAIL REFORMS COMMITTEE 7

"27 In the end, we cannot help confessing that the basis of jail administration during all these years has been mass treatment of prisoners. Ideologically, it was deterrence that guided the units of administration, and not reformation. Hence the entire edifice of jail administration has been built on the basis of keeping rigorous discipline and regimentation of prisoner's lives. Naturally no attention to the individual prisoner could be paid for want of adequate staff, trained cadres and a proper scientific perspective. All these Committees hitherto appointed

7. U.P. Jail Reforms Committee, 1946 : Report; p. 5
by the Central and Provincial Governments made various recommendations for reform, but they did not suggest any radical change in the system of administration and did not devote sufficient time to the reformation of the individual prisoner. Our Committee with all its limitations and failings made a genuine and sincere effort in this direction. We have felt all along our discussion that a prisoner is a diseased limb of the society to be resorted to it, and hence, our approach to crime and its treatment has been rational and scientific."

Thus we find that observations about the jail conditions, in the preceding three decades, were very similar, in respect of the above two Committees, which possibly explains how the terms of reference given to these two Committees, one under the alien rulers and the other under the National Government, were so identical. This also shows that in the opinion of the members of the U.P. Jail Reforms Committee, 1946 no prison reform, worth the name, had been effected in the moral and material conditions of prisoner's life in the Indian Jails, despite the recommendations of the Indian Jails Committee 1919-20. Actually this was the period which witnessed the main events of the Freedom Struggle at its peak, when thousands and thousands of Congress leaders and men were imprisoned in jails, over and over again. It represented a period of Indian history when the alien rulers exhibited their most ferocious
face by perpetrating atrocities on non-violent non-cooperators, in and out of jail.

Pandit Jawaharlal Nehru describes the situation: "World War - I ended at least, and the peace, instead of bringing relief and progress, brought us repressive legislation and material law in Punjab. A bitter sense of humiliation and a passionate anger filled our people......8 And then Gandhi came. he was like a powerful current of fresh air that made us stretch ourselves and take deep breaths: like a beam of light that pierced the darkness and removed the scales from our eyes; like a whirlwind that upset many things, but most of all the working of people's minds9...... But the dominant impulse in India under British rule was that of fear - pervasive, oppressing, strangling fear; fear of the army, the police, the wide-spread secret service; fear of the official class; fear of laws meant to suppress and of prison; ...... It was against this all-pervading fear that Gandhi's quiet and determined voice was raised: Be not afraid.10...... So, suddenly, as it were, that black pall of fear was lifted from the people's shoulders not wholly of course, but to an amazing degree 11...... It was a psychological change, almost

8- Nehru, Jawaharlal: The Discovery of India, Signet Press, Calcutta 20, p. 378
9- Ibid; p. 379
10- Ibid; p. 380
11- Ibid; p. 380
as if some expert in psycho-analytical methods had probed deep into the patient's past, found out the origins of his complexes, exposed them to his view, and thus rid him of that burden. There was that psychological reaction also, a feeling of shame at our long submission to an alien rule that had degraded and humiliated us and a desire to submit no longer whatever the consequences might be. Pandit Nehru concluded "Thus in 1920 the National Congress, and to a large extent the country, took to this new and unexplored path and came into conflict repeatedly with the British power.... Civil disobedience struggles came one after the other, involving enormous suffering, but that suffering was self invited and therefore strength giving, not the kind which overshelves the unwilling, leading to despair and defeatism. The unwilling also suffered, caught in the wide net of fierce governmental repression.... At no time even when its fortunes were low, did Congress surrender to superior might or submit to foreign authority."  

This is the political version of the situation, which is also the experience of those millions of people who actually underwent those rigors of suppression, oppression, aggression and imprisonment, such as the legislator members of the 1946 Committee. On the other hand, criminologists in general and prison administrators, have hailed the

12- Ibid; p. 380
13- Ibid; p. 386
recommendations of the 1919-20 Indian Jails Committee as highly progressive, well-intentioned and reformatory. Since this study is concerned with the post-Independence era, we shall give a deeper look to the terms of reference under each of the three categories, pertaining to the U.P. Jail Reforms Committee 1946, which are:

A. REMEDIAL MEASURES to rectify the existing ills of jail life and administration, such as, (i) review of the jail administration with a view to increasing general efficiency and effecting all possible economies consistent with the general welfare of the prisoners and the staff, (ii) to consider the adequacy of the superior and subordinate staff, (iii) to consider the system of classification of prisoners, (iv) to consider treatment of prisoners generally and to improve upon their diet, clothing, education and other amenities, and (v) improvement of medical and sanitary arrangements at the jail.

B. ADDITIONAL PROGRAMMES to raise the efficacy and utility of the ongoing programmes and measures, such as (i) improvement and introduction of power-driven machinery, (ii) establishment of a Borstal Institute and attention on the treatment of juvenile and adolescent prisoners, and (iii) examination of the working of the Probation system and its extension.

C. INTRODUCTION OF NEW POLICY through special programmes with clearly specified objectives, such as, (i) to
consider the ways and means to improve the inner and external discipline in the life of prisoners, (ii) establishing a model prison, (iii) to consider ways and means to improve reformatory influence in jails with a view to making prisoners good citizens, and (iv) introducing a system whereby prisoners may be encouraged to come out of prison on parole for being engaged in agricultural operations or other works of public importance.

The focus of attention, in this chapter in particular, is on the 'Objectives of Jail Administration after Independence'. Therefore, it would be worthwhile examining the four topics, categorised above as NEW POLICY'. Such an examination would also be helpful, later on, in assessing the level of achievement of the new objectives held out by the National Government.

C- (i) INNER DISCIPLINE in the life of prisoners:

Kudos to the National Congress leaders. Those front-line Congress leaders whose ideas and ideals found expression in the terms of reference to the U.P. Jail Reforms Committee, 1946, deserve the highest praise for introducing the concept of 'INNER DISCIPLINE' in the life of prisoners, for the first time in the history of criminology. The great importance that they attached to the concept of inner discipline is betrayed by the fact that after formally directing the Committee to give a general review of the existing jail administration, the very first positive
indication of their mind they gave was:

"(2) - to consider ways and means to improve the inner and external discipline in the life of prisoners."

which was something other than what they referred to in the tenth term of reference as:

"(10) - to consider ways and means to improve reformative influences in jails with a view to making prisoners good citizens."

Criminology, as taught in the West, does not differentiate discipline as the inner and external discipline in the life of a prisoner. The concept or the term 'Inner Discipline' in the life of prisoners is not mentioned in the few books on Prison Administration published in India, in the last two or three decades.

Let us have brief look at the term 'Discipline' as it has been handled by the Criminologists. The text-books on Criminology, in general, have not allotted a separate chapter under the title 'Discipline'. These authors have used the word discipline as a verb and not as a concept or any special technical term. Max Grunhut is one of the rare Criminologist of repute and standing, who in his book 'Penal Reform' devotes a full chapter on 'Discipline'. He has cared to dwell into the meaning of the term and has also made his stand clear, in the following words:-
"The word and conception of discipline suffer from an ambiguity. John Howard made immortal the 'admirable sentence' inscribed at the boy's prison of San Michele: 'Parum est coercere improbos poena nisi probos efficiens disciplina. (It is of little advantage to restrain the bad by punishment, unless you render them good by discipline.) Thus, for him, discipline meant constructive as opposed to punitive treatment. This is the original meaning of the word: instruction imparted to disciples and scholars. A chronicler of 1548 reports that Edward IV founded 'the solemn school at Eton' for 'his own young scholars to attain a discipline.' In 1813, however, Wellington complained that 'if discipline means obedience to orders as well as military instructions, we have put little of it in the army'. Here the meaning is shifting from the instruction to its result, viz. the pupils' or soldiers' conduct or, in a narrower sense, the order observed by people under control. Likewise, prison discipline in a wider sense is 'a way of living' contrived for the purpose of punishment and reformation, and is thus far identical with the whole subject of penal science. It also refers, however, to the formal order among prisoners, their obedience
to orders and rules, and even the means by which this order is enforced. This chapter discusses discipline in the second sense. But the history of the word shows that the conception of discipline does not necessarily imply chastisement.  

The U.P. Jail Manual carries a chapter 'Discipline and Night Watch', in which it is ordained:

"741. - Every prisoner shall obey every lawful order issued to him by an officer of the jail or convict Officer."

This, it is clear, that discipline in the jail refers to the external discipline and has no reference to 'inner discipline' in the life of prisoners.

Thus, it would be necessary to examine the concept of 'INNER DISCIPLINE' and how it is so important in the life of a prisoner. In a 1983 publication, Dr. Devakar presents the case for 'inner discipline' in an elaborate fashion in the following words:-

"The never ending bombardment of a prisoner by thwarting and frustrating bullets from the jail milieu cause innumerable dents, knots, kinks and warpings in his personality, which lie

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14- Grunhut, Max : Penal Reform, Clerendon Press, Oxford - 1948, p. 263
underneath the depth and intensity of the large number of problems reported in all the various aspects of their health, physical, mental and social. Life is dear to a prisoner, as much as to anyone else. Under the pressure of constant fire belched out by the jail atmosphere in sheer desperation to preserve his life, the prisoners’ personality pattern regresses down to the infantile stage of development. He becomes extremely selfish and nothing but the sense of 'self-preservation' guides his behaviour, on the fundamental 'pleasure-principle' of Freud. He feels very insecure, threatened, unloved and rejected in the jail surroundings. He develops fear, hostility, hatred and rebellion against the prison authorities whose language is only one of command and order, attacked the very root of barbarity in our handling of offenders when he said, "Today, our laws are committed religiously to the doctrine of deterrence through torture of the flesh - a sublimated version of quasi-mafia culture, operated ceremonially with mace and robes and the rituals of trials and hallowed by Hegel and Stephen. Brutality cannot be subjugated by brutality and only good can exercise evil out of man."15

15- Devakar, Dr. : Yoga for Correction And Criminal Justice, Madhur Publication, B-958, Sector-A, Mahanagar, Lucknow-1983, p.65
Dr. Devakar defines correction as "the philosophy and technology and works to dig out the deep buried good in the prison of a prisoner, so that he is able to lead a cooperative, constructive and social life, which is useful at the same time to him and the society at large. The goal set for judicial system, prison policy, probation and parole processes is that of correctional handling of the offender to rehabilitate him again as a usefully contributing member of society."16 This is exactly what the U.P. Jail Reforms Committee 1946 has been saying and emphasising, over and over again, in various references in their discussions, but the Committee has not been able to link it so categorically and specifically to 'inner discipline'. Dr. Devakar and the members of the Jail Reforms Committee are one in their goal, which is that of the reformation and rehabilitation of prisoners. It would be valid to see, how far, if at all, the two prescribe a similar approach and jail programme to achieve those common goals of correction.

Dr. Devakar advocates the adoption of Hindu Philosophy to guide our judicial and jail policy. He heavily refers to the teachings of Hindu Psychology and observes that "Under the great turns and twists of Indian history, the great misfortune had been that Yoga philosophy, culture and practices, that formed part and parcel of one's daily routine

16- Ibid; p. 61
and behaviour were gradually forgotten and given up by the masses." He pertinently quotes Dr. Sampurnanand, a senior member in the first National Congress Ministry in U.P., and who was well known for his erudition and philosophical thinking, discussing solution to this malady opined, "Even in the present time, man needs Yoga as much as even before. Really, the truth is that the need has augmented."

On the other hand, it is astonishing to find that the U.P. Jail Reforms Committee 1946, totally ignored the second term of reference pertaining to 'inner discipline in the life of a prisoner', though it equivocally declared:-

"27. - All these Committees hitherto appointed by the Central and the Provincial Governments made various recommendations for reform, but they did not suggest any radical change in the system of administration and did not devote sufficient time to the reformation of the individual prisoner. Our Committee with all its limitations and failings has made a genuine and sincere effort in this direction. We have felt all along our discussion that a prisoner is a diseased limb of the society to be restored to it, and hence our approach to crime and its treatment has been rational and scientific."^{18}

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17- Ibid; p. 69
18- U.P. Jail Reforms Committee-1946, p. 5
(ii) A MODEL PRISON

Could there be a model prison? Webster defines 'model' as "a person or thing considered as a standard of excellence to be imitated". A jail whatever else it may stand for, connotes an unpleasant, unwanted situation of forced confinement against one's wish. How can, then, jail be a standard of excellence to be imitated? The U.P. Jail Reforms Committee 1946 seemed to be quite conscious of the above dilemma. They made it abundantly clear that what they meant by a model jail. It was a jail that may be free from the multiple ills that prevail in the name of jail, under the unhindered authoritarian rule of tyranny and terror of the jail officers and men, of which they had abundant first hand knowledge. They envisaged a well chalked out, considerate and humane jail programme, to handle the best behaved prisoners, who had come to the jail for the first time. The Committee took pains to elaborately express their concept of the model conditions to be provided in the following words: 19

"148. - We have been specifically asked to consider the advisability of having a Model Prison where Star class prisoners may be confined. The Star class has existed in Britain for over half a century. But the Star class, as there constituted, is not strictly defined. The term is applied to convicts "who have not been previously convicted of serious crime and whose previous life has not been habitually
criminal or their habits depraved." A prisoner admitted to the Star class is not treated with any lenience in regard to diet, labour, remission, gratuity, etc. He is simply separated from other prisoners. His cell is so situated that he cannot come in contact with prisoners of other classes. The classification is based on enquiries made by the police and other respectable persons named by the convict. The Indian Jail Committee, 1919-20 had recommended the adoption of the Star class system in Indian jails. The system has actually been introduced in most of the provinces. All the three Jail Committees appointed by the last Congress Government were unanimous that it should be introduced in our jails.

"149. We have already recommended the creation of a Star class for the best behaved casual prisoners and their accomodation in a separate jail to be known as the Model Prison. In the following paragraphs we proceed to deal with matters relating to the jail and the prisoners to be detained there.

1. MODEL PRISON

The proposed Model Prison should be constructed more or less on the same plan as a central prison and should have circles on the same model. One of these circles to be called the reception centre, may be used for accomodating in the first instance all prisoners received by the Model Prison.
Here the prisoner's history, habits and character will be carefully studied by a psychiatrist. When this investigation leaves no doubt about the desirability of including the prisoner in the Star class, he will be transferred to other circles. We consider that circles in the Model Prison should not be called circles but houses and they should have suitable names like 'Ganga House', 'Saraswati House', etc. A special feature of the prison will be a large hall to be used for the purposes of recreation, lectures, etc. This hall should be spacious enough to accommodate the entire population."

2. TREATMENT

"151. We consider that the general arrangements in the Model Prison should be cheery and bright, more akin to free life outside than to life in prison. The jail including the barracks should be electrically fit so that the inmates may conveniently read at night. It should be equipped with sanitary bathing and washing places. On the analogy of the Star class in England, we recommend that no differential treatment should be accorded to the inmates of the Model Prison in the matter of diet and clothing."

"152. A cinema apparatus should be installed in the jail for showing pictures for recreational and instructional purposes and the prisoners should be allowed in batches to attend these shows. Any person receiving a jail punishment
may be debarred from this privilege for a period to be fixed at the discretion of the superintendent."

"153. We also recommend that a radio reception set should be installed with loud speakers in different houses so that the prisoners may hear news and music at specified hours."

"154. Frequent lectures on useful and educative subjects with the help of magic lanterns should be arranged. Lecturers should also be invited to talk to prisoners on such subjects as morality, citizenship, farming methods, etc. in simple language and the latter should be encouraged to discuss these subjects and ask questions relating to them."

"155. The Committee holds the view that a canteen should be established inside the proposed Model Prison and prisoners should be permitted to purchase ordinary articles out of the money to their credit. This privilege should also be liable to be withdrawn for misbehaviour."

3. PROGRESSIVE STAGE SYSTEM

"156. We consider that a progressive stage system should be introduced in the Model Prison. There should be three stages: a prisoner will thus have a pass through two stages before he can get to the first stage. Prisoners, as they cross one stage and are promoted to the next higher stage, should be granted some additional facilities and
concessions. These may take the form of permission to write extra letters, permission to obtain a larger number of books from the jail library and outside, award of extra remission.

4. STAFF

"157. We recommend that in addition to the staff that we have suggested for a central prison the staff of the Model Prison should consist of the following:

(1) Psychiatrist One
(2) Head Teacher One
(3) Teachers Four
(4) Physical Instructor One

It will be the duty of the psychiatrist, as already stated, to make a careful study of all prisoners on admission to the prison.

5. PAYMENT OF WAGES

"158. We recommend that, to start with, a scheme for the payment of wages should be brought into effect in the Model Prison. The Committee has noted that the scheme for paying wages to prisoners as recommended by the Departmental Jail Committee, 1939, and approved by Government had to be given up for administrative reasons. The Government may ask the Inspector General of Prisons to frame a detailed scheme and submit it to Government for approval."

A careful reading of the above recommendations shows that the members of the Committee were torn between two
conflicting directions - one, that of existing 'well established but brutal, physical and material conditions of life in jail, and, the other, a new humane, understanding, giving and reformatory approach to be developed. Their recommendations that depart from the existing conditions, are haltingly spelt out. Their words do not portray their deep conviction in the goodness of man in the prisoner, nor do they highlight their sincere conscious and unconscious urge to give a new happy jail climate to recover and reform the prisoners.

The 1946 Committee recommended the creation of a Star class of prisoners, "On the analogy of the Star class in England, we recommend that no differential treatment should be accorded to the inmates of the Model Prison in the matter of diet and clothing. "The first point is that in England the recommendation for the classification and treatment of offenders was made in 1895 in the Gladostone report, i.e. when the U.P. Jail Reforms Committee 1946 adopted it, it was a 50 year old recommendation, during which period prison reform in England had advanced far ahead. The second point is that the 'Star class categorisation was open to both the casual and habitual convicts in England. L.W. Fox quotes Rule 9 (3) as follows:

"9.(3) Prisoners of 21 years of age and over who have not previously been in prison on conviction shall be placed in the Star class unless the reception board considers that, in view of their record or character they are likely to have
a bad influence on others. The reception board may also place in the Star class a prisoner of 21 years of age and over who has previously been in prison on conviction if they are satisfied, having regard to the nature of the previous offence or to the length of time since it was committed or to the prisoner's general record and character, that he is not likely to have a bad influence on others." 20 It is the point here that the U.P. Jail Reforms Committee 1946 could and should have made boldly its recommendations to have a more humane and liberal treatment given to the Star class convicts. It was so called for the Committee had already excluded the habitual convicts from being considered for the Star class categorisation. There are some other contradictions which we will discuss later.

The above comments apart, the basic spirit behind the recommendations of the U.P. Jail Reforms Committee 1946 about Model Prison have been liberal, human, and reformatory in nature, which had not so far been introduced anywhere in the Indian jails. The Government had clearly indicated such a progressive policy in the tenth term of reference wherein they clearly directed "to consider ways and means to improve reformative influence in jails with a view to making prisoners good citizens."

We shall now scan the Budget Literature presented from year to year in the U.P. Legislature, after Independence, and a look at the field to find how the above reformatory policy was, from time to time, implemented.