The role of prisons has radically changed over the years and now they are no longer regarded as mere custodial institutions. The emphasis has thus shifted from custody to training and re-education of prisoners. In this chapter the Research Scholar wants to emphasize some of the matters related with the prison system in India. This chapter will contain three sub-heads –

(1) Organization and control of prisoners

(2) Classification of prison and prisoners

(3) Prisons and Institutions like open prisons, parole system and After-Care of released prisoners

1. Organization and Control of Prisoners

In India, all institutions for the confinement of prisoners, convicted, unconvicted, civil and security are owned by the State Governments and controlled by the Minister for jails. prior to the Govt. of India, Act, 1919, the jail department was a part of the central govt. Under the said Act, it was transferred to provincial
control as a reserved subject. The Govt. of India Act, 1935 abolished diarchy in the provinces and transferred the department to the minister’s control of the provinces. The minister is assisted by secretaries taken from the senior cadre of the Indian Administrative Service. The Inspector-General of prisons is the executive head of the jail department and is entrusted with the duty of carrying out the policy framed by the minister. The first appointment to the post was made in North-Western Province (Present Uttar Pradesh) on an experimental basis in the year 1844 in pursuance of the recommendations of Macaulay Committee. In 1850, the Govt. of India made it a permanent appointment. The investigator observed that duties of the IGP are very exacting. He is expected to visit personally all jails and other institutions under jail department in the course of a year. The IGP has the duty to arrange for the posting of the superior jail staff, apportion the amounts allotted for jail buildings, examine and pass the plans, and check the amounts spent. The IGP has to carry on considerable correspondence with the govt., which includes the duty of supplying information for answers to questions put in the legislature. The IGP is the head of such a department which deals with the present and future lives of thousands of his fellow
prisoners. He has many jails and several thousand prisoners in his charge, and has to control the work of the superintendents, jailors, warders as well as the Medical Staff. He has to carry out modern reforms in his department and to attain this object he has to keep himself abreast of modern thought on the subject. The research scholar has observed that the IGP should be a man of high caliber, sound understanding, cool judgment and wide experience with special study of the subject. On him to a large extent will depend the success or failure of the prison administration in the State. The success of the prison system depends less on the governing rules than on the manner and spirit in which those rules are interpreted and applied by the staff in prisons. A staff suited to the needs of the establishment becomes, therefore, the foremost task of a prison administration. For the purpose of establishment the penal institutions in the states are mainly divided into two main classes Central prisons and district jails/subsidiary jails. The establishment of a central prison ordinarily consists of one Superintendent, one Deputy Superintendent, two or three jailers, five to seven Deputy Jailers, five to seven Assistant jailers, one Matron, Reserve Warders and Intramural Warders according to sanctioned strength, one Female Warder, two Assistant Medical Officers and one
Compounder. The establishment of the district jails or subsidiary jails ordinarily consists of one Superintendent, one jailer, one to two Deputy Jailers, one to three Assistant jailers, reserve and intramural warders according to the strength, one Female Warder, one Assistant Medical officer and one compounder. The general duties of the Superintendent are defined in Sec. 11 of the Prison Act, 1894. The Superintendent is the head of the institution and subject to the orders of the Inspector General of Prison manages the prison in all matters relating to discipline, labour, expenditure, punishment and control. The superintendent is assisted by a Deputy Superintendent in the central prison and a jailer in the district jail/subsidiary jail. The deputy superintendent is of the rank of jailor and there is no distinction between their duties except in designation. They are the chief executive officers of the prison and control the whole establishment under the orders of the Superintendent. Under the Deputy-Superintendent in the central prison is the jailer who performs the duties of a circle officer, and the jailer who supervises and controls the work of the clerical establishment and is known as the “office-jailer”. All jailers are

1 Sec. 12 of the Prisons Act, 1894
selected by promotion from Deputy Jailers. Sec. 16 of the Prisons Act provides that the jailer shall
reside in the Prison, unless the Superintendent permits him in writing to reside elsewhere. The jailer shall not without the sanction of IGP in writing be concerned in any other employment. The investigator observed that the jailer shall be responsible for the safe custody of the records to be kept under sec. 12, for the commitment warrants and all other documents confined in his care, and for the money and other articles taken from prisoners.\(^2\) To relieve the jailer of many of his clerical duties such as the writing up of books and registers and preparing statements Deputy-Jailers and Asstt. Jailers have been appointed. They work under the control of the superintendent and perform such executive duties as the latter may be an order entered in his order book prescribed.\(^3\)

**The Clerical Branch:** The clerical branch usually consists of assistant jailers who are usually given charge of stores, accounts, manufactures and raw materials. The duties of assistant jailers are generally of clerical nature, but they may also perform executive duties. Infact, in the prisons of India, there does not exist any hard

\(^2\) Sec. 18 of the Prisons Act, 1894
\(^3\) Sec. 20 of the Prisons Act, 1894
and fast distinction between a clerk and an executive officer, for every executive officer performs some clerical duties and every clerical officer performs in addition certain executive duties. The Indian jails committee, 1919 was of opinion that members of the clerical staff should not ordinarily be eligible for promotion on the executive side, but should be regarded eligible for transfer to the office of the Inspector-General of prison. The investigator also observes that there was also post of Warders in the prison system. Warders are divided into the Reserve Warder Guard whose duties are of a semi-military nature and who are armed and intramural Warder Guard whose duties are watch and ward, and to some extent supervision of labour. The Superintendent of each central prison subject to the general control of the IGP. Appointments to the post of Head Warder are made from amongst the Warders on the basis of seniority.

The duties of the chief Head Warder are to post the Warders under the orders of the jailer to assist him at the unlocking, the mid-day count and the locking up and in the distribution of labour in the morning and at mid-day visit and count at uncertain hours, visit the main wall, cause all gratings, doors or other openings of enclosures
and barracks secured etc. The duties of Head Warder and Warder are to maintain cleanliness, order and discipline among the prisoners in his charge; count the prisoners from time to time and satisfy that all such prisoners are present, search the prisoners as well as factories, cells and barracks in which they are confined at the time of receiving and making over charge, etc. Sec. 13 of the Act explains the duties of the Medical officer. The medical care of the prison is in the hands of a Medical officer and an Assistant Medical officer. Subject to the control of the Superintendent the Medical officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the State Govt. under Sec. 59,\(^4\) whenever the Medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical officer shall report the case in writing to the Superintendent, together with such observations as he may think proper. This report, with the orders of the Superintendent thereon, shall forthwith be sent to the IGP for information.\(^5\)

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\(^4\) Sec. 13 of the Prisons Act, 1894  
\(^5\) Sec. 14 of the Prisons Act, 1894
On the death of any Prisoner, the Medical officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely-

(1) the day on which the deceased first complained of illness or was observed to be ill,

(2) the labour, if any, on which he was engaged on that day,

(3) the scale of his diet on that day,

(4) the day on which he was admitted to hospital,

(5) the day on which the Medical officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical officer or Medical Subordinate,

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearances after death together with any special remarks
that appear to the Medical officer to be required. The researcher observed that however high the ideals of an administration, however admirable its rules, it is on their application by the man in daily contact with the prisoners that the success of the institution must depend. The treatment of prisoners is a specialized task and great effort must be put forth to train prison officials in the technique and theory of reformatory work. Special training, as well as high qualities of head and heart, is required to make a good reformatory officer. Then only will the administration of public punishment become scientific, uniform and successful when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits”.

The All India Jail Manual Committee observed, “Correctional work is now recognized as a special work. The principal job of the correctional personnel is social re-education of the prisoners. Untrained and uninstructed personnel are not only ineffective, but quite often becomes a hindrance to the proper implementation of correctional policies. The training of correctional programme is,

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6 Sec. 15 of the Prisons Act, 1894
7 Stutsman, J.O. –The prison staff in the Annals of American Academy of political and social science, 1931, P.68
therefore, of vital importance.” 8 Closely connected with the problems of recruitment and training of personnel is the problem of promotion. The system of promotion is significant from two standpoints: the securing of employees most competent to fill the several positions and the provision of that continuing incentive to good work on the part of the personnel without which no system can be efficient. 9 The research scholar observes that there are a lot of defects in the system. Names for promotion are recommended by the IGP and confirmed by the public service commission. The approval by the commission is merely formal. The Govt. usually accepts the recommendation of the IGP. Thus, the promotion, in practice, is left entirely in the hands of the IGP. This has created a feeling among employees that personal considerations determine promotion and that neither merit nor seniority is given due consideration. Prejudice, favouritism, coercive pressure from outside are said to influence the promotion in the department. A serious defect in the organization of jail department is the absence of any staff agencies. The prime function of the minister for jails is to frame policies and that of the IGP to decide the manner in which such policies shall be given effect to. Neither of them has the

8 Report of the All India Jail Manual Committee, 1919 P. 31
9 Supra 4, P. 270
technical advice of the officers having special competence in respect to matters dealt with. Both solely rely upon the subordinate officers having the direct charge of the work.

There is the need of a special unit of organization, whose sole function will be to keep in touch with the organization, methods, needs and problems of the service as a whole, to collect information upon which fundamental decisions regarding the policies and procedure must be based and to act as the technical advisor of the administrative and executive head of the department so that they would not be misled by the subordinates. The Research Scholar from study, found a special feature of prison administration in India. It is the system of utilizing convict prisoners as prison officers and employing them to supplement the paid officials. The system originated in the prisons of Malay Peninsula early in the 19th century, owing to short supply of paid Warders. It was subsequently introduced in Bengal and later on it spread to the rest of India. The salutary effects of inmate participation in prison affairs have long been recognized. The responsible duties entrusted to the prisoners develop their initiative and resourcefulness, restore their sense of self-respect and prepare them better for social
readjustment than any other prison programme can do. The system now be regarded as a valuable means of developing social attitudes among the unsocial persons and the convict officers should work as leaders of fellow prisoners. Only those who have the qualities of leadership should be selected for convict officers who should be properly trained in the technique of treating criminals. The selected prisoners may be sent to a Jail Training School for this training. What is, therefore, needed is not the abolition of the system, but its proper appreciation and effective organization. So convict officers should be properly selected and trained in a right way. It will create healthy circumstances in the prison management and which will help the convict prisoner officers in preparing a better social life outside.

2. Classification of prison and prisoners:

Classification of prisoners

In India, the question of prisoners first prominently brought forward by the Prison Conference of 1877. The conference did not agree as to the
definition of “habitual”, but were unanimously in favour of separating from other prisoners the worst class of offenders. Sec. 75 of the IPC provides punishments for certain offences under chapter (xii) or chapter (xviii) after previous conviction. Under the definition a man may be classed as habitual either because he was previously convicted of an offence under chapter (XII) or (XVII) of the IPC, or because “he is believed to depend on crime as means of livelihood or to have attained such an eminence in crime as to warrant his being classed as habitual. The Indian Jails Committee, 1919, considered the larger question whether, in classifying a prisoner as a habitual, a previous conviction or convictions should be an essential ingredient or whether such classification may be based on the general character of the accused as disclosed at the trial. The committee defined a habitual as “any person convicted of an offence punishable under chapter (XII), (XVII) or (XVIII), IPC, whose previous conviction or convictions taken in conjunction with facts of the present case, show that he is by habit a robber, house-breaker, dacoit, thief or receiver of stolen property, or that he habitually commits extortion, cheating, counterfeiting coins, currency notes or stamps or forgery; any person

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10 The IPC does not provide any definition of “habitual”
11 These chapters deal with offences relating to coins, Govt. Stamps and with offences against property respectively.
convicted of an offence punishable under chapter (XVI), IPC, whose previous conviction or convictions taken in conjunction with the facts of the present case show that he habitually commits offences against the person, “any person confined in default of security Under Section 123 read with sec. 110, Cr.PC.”\textsuperscript{13} The object of the definition was to emphasize the general conception of the class of criminals to be classified as habitual, and segregated from all other prisoners, namely those who have formed a fresh habit of crime. Under this definition habitual criminals need not be necessarily professional criminals, but must be proved by previous conviction taken in conjunction with the latest offence, to be given to the habitual commission of crime.\textsuperscript{14} In addition to making improvement over the definition of habitual, the committee also recommended the introduction of ‘Star-class’, and ‘Ordinary-class’ for non-habituals.\textsuperscript{15} In India, the prisoners are now classified on the basis of age; i.e., whether one is a juvenile, adolescent or adult prisoner; sex, i.e., whether one is a male or female prisoner; mental health; i.e. whether one is an insane or normal prisoner; nature of offence; i.e. whether one is a criminal, civil or security prisoner;

\textsuperscript{13} Under sec. 110 Cr.PC, a habitual offender may be required to execute a bond for his good behavior
\textsuperscript{14} Ibid, p-82
\textsuperscript{15} Ibid, p-83
number of times offence committed, i.e., whether one is a habitual or casual prisoner. Casual prisoners are sub-classified into –

(1)Star and

(2)General

And habitual into –

(1)Non-professional and

(2)Professional

A casual prisoner is “one who is first offender and who lapses into crime not because he has a criminal mentality but on account of his surroundings, physical disability or mental deficiency”. Those casual prisoners whose previous character was good, whose antecedents are not criminal and whose crimes does not indicate grave cruelty, gross moral turpitude or depravity of mind, are classified into the “Star” sub-category. The remaining Casual prisoners are placed in the ‘General’ sub-category. Non-professional habitual are those prisoners who lapse into crime owing to their surroundings, or some physical or mental defect, and who are not first offenders. In the other sub-category are included all other habitual prisoners, for instance, those who are men with an object, sound in mind and mostly sound in body, often highly
skilled, who deliberately and with their eyes open prefer a life of crime, and know the tricks and man oeuvres necessary for that life. The classification is made by the court concerned. In the absence of an order by the convicting court regarding the class of a prisoner the Superintendent makes a reference to the court and classified the prisoner himself pending the result of such reference. The manner in which classification is carried out in the court is objectionable, because the classification slip is filled-up by a clerk of the court. It is passed by the judge often as a matter of routine. The presiding officer of courts do not devote personal attention to the preparation of classification slips and seldom attach due importance to it. The investigator finds that in India, we do not have a classification committee in our prisons. Classification is done by the convicting court. That each state must have in each of its penal institutions, a classification committee needs no emphasis. The committee should be composed of the Superintendent, the medical officer, the psychologist, the psychiatrist, the social worker and any other individual whose duty is to bring him in direct contact with the prisoners routine life. The general functions of the committee will be to gather appropriate information about each prisoner and on the basis of this information to recommend to which of the available institutions the prisoner shall be sent and what treatment
shall be given to the man within the institution. The penal institutions in India receive some special types of prisoners including undertrial prisoners, civil prisoners, security or political prisoners, prisoners suffering from leprosy and lunatic prisoners, prisoner’s sentence to simple imprisonment, superior class prisoners, condemned prisoners and female prisoners. Undertrial prisoners are generally confined in undertrial wards in District or Central jails Under Sec. 27 of the Prison Act, 1894, unconvicted criminal prisoners are to be kept apart from convicted criminal prisoners. There are some prisoners though in small number in the prisoners who are in custody under the orders of civil courts in execution of decrees on account of not having paid the amounts due from them. These prisoners are known as “civil prisoners” and kept separate from other prisoners. The term ‘security prisoner’ denotes a prisoner confined under Regulation (III) of 1818 or corresponding rules under the Preventive Detention Acts. In addition what are known as “political prisoners” are also included in this class. “Political prisoners” are meant the prisoners convicted of an offence under chapter (VI) of the IPC, under Sec. 153A, IPC and also those who are convicted of disobeying, on conscientious and political grounds, any order promulgated by lawful authority. An effort has been made to separate the convicts suffering from a physical disease
like leprosy, tuberculosis or insanity prisoners confined in the states may be sentenced to either rigorous imprisonment or simple imprisonment. Superior class prisoners are those who in the opinion of the District Magistrate, have by social status, education or habit of life, been accustomed to a superior mode of living. A superior class convict is allotted task with careful regard to his capacity, character, previous style of life etc. A prisoner under sentence of death is confined in a special cell in jails reserved for condemned convicts. The condemned prisoner is kept strictly apart from all other prisoners at all times under a separate watch and ward.

Unconvicted female prisoners are separated from convicts, juveniles and adolescents from adults, habitual from non-habitual and prostitutes from respectable women. Under Sec. 27 of the Prisons Act, 1894, female prisoners are rigidly excluded from male prisoners.

**Classification of prisons**

The classification of prisoners cannot be practically effective if all types of prisoners are huddled together in the same institution or institutions of the same type. The different types of criminals are led to
crime by different forces and need individual treatment which they cannot receive in one type of institutions. In India, the States have classified their prisons differently. But classification of prisons on the basis of numbers to be accommodated is the common feature in all the States. Thus, there are larger prisons called Central jails and smaller prisons called District jails. In addition to these two types there are also special jails meant for young offenders or women prisoners. The Macaulay Committee, the first committee on jails in India in 1838, recommended to the Govt. of India that Central jails should be built to accommodate prisoners sentenced to one year and should not accommodate more than 1,000 prisoners each. In pursuance of the recommendations of this committee a central prison was constructed at Agra in 1846, which was the first central prison in India. The Tihar jail was opened in the year 1958. It is located at Tihar village approximately 7 km. from Chanakyapuri, to the west of New Delhi, India. The prison is maintained as a correctional institution. Its main objectives are to convert its inmates into normal members of the society by providing them with useful skills, education and rules. It is meant to improve the inmate’s self-esteem and strengthen their desire to improve. Items manufactured by the inmates bear the brand ‘Tihar’.
As of Nov. 2006, Tihar jail has almost 12,000 inmates against the sanctioned capacity of 5,200.

While Kiran Bedi was the IGP and had the Tihar prisons under her jurisdiction, she instituted a numbers of prison reforms, including changing the name to Tihar Ashram. She also instituted a Vipassana Meditation Programme for both staff and inmates.\textsuperscript{16} District jails are used as places of detention for persons accused of crime who cannot, or who are not permitted by law or by judicial determination to furnish bail for appearance at trial, as places of detention for those who are ordered to pay a debt or fine but also cannot or will not do so, as places of punishment for criminals with sentences below 5 years, and as places of security for those detained for security reasons. Penology and criminology are unanimous in insisting that we must “save the youth of today from becoming the criminal of tomorrow.”\textsuperscript{17} In India, an effort has been made to separate the child offenders from the adult prisoners. The Govt. of India passed the Children Act, 1960 providing for separate trial of the child offenders by a juvenile Magistrate, their confinement in a separate institution during trial period and their treatment in a certified school.

\textsuperscript{16} http://tiharprisons.nic.in
\textsuperscript{17} Quoted in Barnes and Teeters, “New Horizons in Criminology”, P.897.
3. Prisons and Institutions like open prison, parole system and After-Care of released prisoners

Prisons are basically deprived of certain goods and services, liberty of heterosexual relationship and security. Therefore, a special social structure and dynamics operate in prison where a set of inmate code develops which gives them some status of their own and other deprived concerns to a certain extent. From the study it reveals that in the prison structure only two relationships prevails which control the behaviour of the inmates. They are inmate – inmate relationship and staff-inmate relationship, the first is more positive than the second. So, there are creations of some device of rehabilitating offenders to normal life in society through an intensive after-care programme such as open-prison, parole, reformatories etc.

(a) Open-prison

Criminologists have expressed different views about the definition of open prison some scholars have preferred to call these institutions as open air camps, open jail or parole camps. The United Nations Congress on prevention of crime and Treatment of offenders held in Geneva in 1955, however, made an attempt to define an open prison
thus\textsuperscript{18} –“An open institution is characterized by the absence of material and physical precautions against escape such as walls, locks, bars and armed guards etc. and by a system based on self discipline and inmate sense of responsibilities towards the group in which he lives.” In India, there are open-air prisons which look to the reformation and rehabilitation of their inmates. “Trust begets trust” should be the guiding principle and if properly managed, these places can win over persons who might have been anti-social once and ensure freedom from recidivism.

\textbf{Characterization}

The main features of an open prison institution may be summarized as follows\textsuperscript{19}

\begin{itemize}
  \item[a.] Informal and institutional living in small groups with minimum measure of custody.
  \item[b.] Efforts to promote consciousness among inmates about their social responsibilities.
\end{itemize}

\textsuperscript{18} Quoted in criminology and penology by N.V. Paranjape, 2000, P. 280
\textsuperscript{19} Ibid. P. 287
c. Adequate facilities for training inmates in agricultural and other related occupations.

d. Greater opportunities for inmates to meet their relatives and friends, so that they can solve their domestic problems by mutual discussion.

e. Liberal remissions to the extent of 15 days in a month.

f. Proper attention towards the health and recreational facilities for inmates.

g. Managements of open jail institutions by especially qualified well trained personnel.

h. Improved diet with arrangements for weak and sick inmates.

i. Payment of wages in part to the inmates and sending part of it to his family.

j. Financial assistances to inmates through liberal bank loans.

k. Free and inmate contact between staff and the inmates and among the inmates themselves.
l. Regular and paid work for inmates under expert supervision as a method of reformation, and

m. Avoidance of undue long detention.

**Advantages of open prisons**

The advantages of open prisons are as compared with the conventional prisons may be stated as follows – ²⁰

a. They help in reducing over-crowding in jails.

b. Construction cost is fairly reduced.

c. Operation cost of open prisons is far less than the enclosed prisons.

d. Engaging inmates of open air camps in productive work reduces idleness and thus keeps them physically and mentally fit.

e. Open prisons offer opportunities for self-improvement and resocialization to the inmates.

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²⁰ Ibid p-287-288
f. Removal of prisoners from general prison to an open prison helps in conservation of natural resources and widens the scope of rehabilitative process.

In the open camps, the adjustment level of the prisoners is supposed to be better because of the facilities provided to develop a healthy interpersonal relationship and the free environment. There may be also some therapeutic approach in the open camps to rectify the maladjusted behaviour of the inmates. The work programmes in a rather free atmosphere according to their tastes, educational and recreational facilities and the attempt of re-orientation help the prisoners to develop a higher adjustment level. The main aim and object of open air prison is to allow the inmates to know the culture of rehabilitation and to resocialize themselves with lessor amount of restrictions.

b. Reformatory

In India an effort was made to separate the child offenders in separate barracks.

The Children Act, 1960 was passed providing separate trial of child offenders by a juvenile Magistrate, the confinement in a separate
institution during trial period and their treatment in a certified school. The Indian Jail Committee, 1919 remarked: “it is very undesirable that Reformatory Schools should be located in old jail building or placed near jails. Unless this is avoided the jail point of view and the jail methods are likely insensibly to introduce.” Endeavours, therefore, should be made to appropriate these institutions to ordinary school and such resemblances to jails as high enclosing walls and iron-based windows should be avoided. So, Govt. should establish Reformatories to save the children of today from becoming criminals tomorrow by establishing ideal Reformatories.

c. Borstal

The penologists suggested Borstal treatment for the adolescent delinquents. Borstal system was found in England from the village named Borstal in Kent. At the age of 16, the period of childhood comes to an end, and next is the stage of adolescence. According to the penologists it is the important age of transformation, changes come so fast to them that many cannot resist themselves. Out of confusion, obsession, curiosity etc. many individual indulge in crime. So, to keep such perverted youths under control Borstal system was introduced. There are some Borstal institutions in some states of India where
adolescent delinquents are kept to train them and treat them. But unfortunately these institutions are set in traditional pattern, so inadequate to deal with psychological and psychiatrical treatment of the delinquents. From the study the investigator finds that there is absence of vocational trainings. There is much have to be done to make Borstal treatment a strong and potential weapon to fight crime among the adolescents and to return them back to the mainstream of the society as responsible citizens.

d. Parole and After Care of Released Prisoners

The problem of social rehabilitation of prisoners is, with the passing of years, assuming larger dimensions in almost every country of the world. This is so because the moral consciousness of human being is more actively manifest in the anxiousness of society to secure the redemption and rehabilitation of those who by committing less serious offences, have strayed away for the time being from the normal walks of social life. The social rehabilitation of prisoners may be achieved by any of the following ways –

1. Parole; or

2. After care of released prisoners
1. Parole

Generally Parole means a term to designate conditional release granted in a penal institution. It is also known as a pre-mature release of offender after a strict scrutiny of long term prisoners, under the rules laid down by various Govt’s.

Principles of parole

The principles which emerged out from parole are as follows –

   a. Careful diagnosis of the prisoners;

   b. Selection for parole of only those inmates the study of whom shows that they will probably do well on release;

   c. Selection for parole of only those whose release will not outrage the sense of justice of the community from which they came;

   d. Proper employment should generally be secured before a convict is paroled;

   e. Placement on proper surroundings;

   f. The institution must prepare for parole;
g. Careful follow-up is absolutely necessary;

h. Co-operation with private and public social agents;

i. Populas states should have a full time paid Parole Board, or if an unpaid Board, a full time staff;

j. This Board should be composed not of political appointees but of men of intelligence and integrity having experience in such matters;

k. The responsibility of parole should rest upon this board;

l. Parole success is connected with the extension indeterminate sentence;

m. Parole officers must be numerous enough and sufficiently trained to give adequate supervision;

n. Discharge of paroles should be entirely in the hands of the Parole Board.

Parole is a form of conditional release granted after a prisoner has served in portion of his sentence in a correctional institution. It presupposes careful selection, adequate preparation for release, and some types of supervision in the community for a sustained period of
time. Parole is not a new technique. It has its counterpart is England, what was known as “ticket of leave” which originated in a plan worked out by captain Alexander Maconochie on Norfolk Island in 1840. After serving a part of the sentence under strict surveillance, the prisoner was granted a ticket of leave which he had earned through his good behaviour and work. This permitted him to enjoy a kind of conditional freedom under supervision Maconochie is indeed the “father of parole”.

In India, prison reforms did not emerge out of the social movement but were necessarily an outcome of the worst conditions of treatment faced by the political sufferers in prisons during the period of their imprisonment. They repeatedly launched protests with the Prison Authorities and made all possible efforts to see that the rigours of prison life are mitigated and prisoners are humanly treated. In the mean time, the reformative trend which was gaining momentum in the field of penology all round the world also gave fillip to the cause of correctional method of treatment of offenders in India. It was realized that confining convicts in closed prison cells hardly serves any useful purpose. The overall effect of these changes brought about significant reforms in prison administration in India during the later half of the
20th century. But there has always been a lack of planned penal programme in this country. The Parole Board consists of parole administrators who are from among the respectable members of society. The members of Parole Board are assigned the function of discharging convicted prisoners or parole after careful scrutiny. Thus, the Parole Board takes administrative decision on paroling out prisoners and while acting as such, they are performing a quasi-judicial function. Another significant function assigned to the parole personnel is to prepare a case history of parolees and help and advise them in the process of their rehabilitation. The success or failure of parole generally depends on the following factors.

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a. It has generally been accepted that the offenders committed for crime against person are more suited for parole than those committing crime relating to property.

b. Family circumstances of the offender have much to do with the success or failure of parole.

c. Recent methodical researches on parole clearly demonstrate that recidivists often derogate from parole conditions and have to be brought back to prison sooner or later. The first

21 Quoted in Criminology and Penology by N. V. Paranjape, 2000, p. 281
offenders, on the other hand, are usually good parolees and readily adjust themselves to the conditions of normal society.

d. Social status of the offender also has a direct bearing on the parole success. It is generally observed that offenders who belong to higher socio-economic strata or those who have a better educational background, respond favourably to the system of parole.

e. At times, certain parolees prefer to waive off their clemency of being paroled out if their final discharge from prison or similar institution is not for off or if they feel that their release on parole under the supervision of parole staff is indirectly an expression of distrust for them.

In India, the Prison Act (IX of 1894) expressly provides that if any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough or release on parole was granted to him, he shall be deemed to have committed a prison offence under Sec. 48-A of the Act. Such parolees shall be proceeded against under the appropriate law for parole violation.
2. After-care of Released Prisoners

After-care of released prisoners as one of the most effective means to curb recidivism. An offender, immediately after release from prison, has to confront with a lot of social and personal problems, such as loss of family contacts, lack of suitable employment opportunities, social stigma of prison sentence and so on. It is for a solution of these serious problems that a discharged offender needs community’s sympathy, help and care, without which he will, in all probability, find no other alternative but to resort to crime. Absence of after care, therefore, gives rise to recidivism.\(^{22}\) “After-care”, to quote the Model Prison Manual “is the released persons” convalescence. It is the bridge which can carry him from the artificial and restricted environment of institutional custody, from doubts and difficulties, hesitations and handicaps to satisfactory. Citizenship, resettlement and to ultimate rehabilitation in the free community.\(^{23}\) The objects of after care service, as stated in Model Prison Manual are-

a. to extend help, guidance, counseling, support and protection to all released prisoners whenever necessary.

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\(^{22}\) Jaytilak Guha Roy : “The Role of Public in After-Care of Discharged offenders”, The journal of correctional work, No. (XXIII), 1977, P. 73

\(^{23}\) Govt. of India, Model Prison Manual, P. 264
b. to help a released person to overcome his mental, social and economical difficulties,

c. to help in the removal of any social stigma that may attach to the inmate or his family because of incarceration,

d. to impress upon the individual the need to adjust his habits, attitudes, approaches and value schemes on a national appreciation of social responsibilities and obligations and also of requirements of community living,

e. to help the individual to make smooth physical, mental, social and vocational adjustments with his post release environment including his family, neighbourhood, work group and community and,

f. to assist the individual in functioning as a self-dependent and self-restraint socially useful citizen and in the process of his ultimate social rehabilitation.24

Despite the usefulness of after-care service, there has been very little progress in this major area of correctional activities in India. Some

24 Ibid, P. 264
separate efforts to render a part of his service to the released offenders, have, however, been made in some of the states.

From the study the Research Scholar finds that the actual after care work that has been done so far in India “falls far too short of the requirements”.

Lack of funds, ignorance of the psychological and economic basis of crimes, and general apathy are the major factors standing in the way.