CHAPTER X

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

Consequently, in 1846 the first Central Prison was set up in Agra. The erstwhile United Provinces, Punjab, Madras, Bombay and Bengal followed it. In 1844, the first Inspector-General of Prisons was then appointed in the North-Western Province. By 1952 other provincial governments also started appointing Inspector-General of Prisons in their respective provinces. The appointment of Civil Surgeons as superintendents of District Jails was initiated in 1862 in the then North-Western Province.

A Second Committee on Jail Reforms was appointed. Following its recommendations, in 1864 it was directed that all provinces should have Civil Surgeons as Superintendents of District Jails.
The Third Jail Committee was appointed in 1877. It reviewed "Jail administration generally" the Fourth Jail Committee, appointed in 1888, suggested changes in rules of prison administration and classification and segregation of prisoners. A Prison Conference was held in 1892 which "surveyed jail administration in the whole of India". The last pre-independence Jail Committee was set up in 1919-20. It was this last Committee which for the first time suggested the two conceptual pivots - "prevention" and "reformation" - for a more effective base for prison administration in India.

The Government of India then inducted Dr. W.C. Rackless, a U.N. expert, in 1951. He spoke about a career service for jail administrators rather than their being picked up from other services and planted in jail to handle prisoners. In 1955, the United Nations declared the Standard Minimum Rules for Treatment of Prisoners. In 1957-59 the All India Jail Manual Committee was set up. In 1972-73 the Working Group on prisons came into being.

The "Current" Committee on Jail Reforms has also discovered that the prison departments are "organisationally ill-planned and ill-equipped".

The Committee on Jail Reforms has recommended that the secretariats of every state should have a separate Department of prison and Correctional Administration in order to supplement their lack of expertise in respect of prison administration. In the Centre, the set-up dealing with
prisons in the Ministry of Home Affairs should be upgraded to a Department. In addition, the prison department in each state should be responsible for the institutional training and treatment of adult and young offenders. The Committee has suggested that this "integrated department" should be called the Department of Prisons and Correctional Services. The Head of this Department should be designated as the Inspector General of Prisons and the Director of Correctional Services.

The organisational structure of prisons, both in the field and prison headquarters is one of the weakest links in the system. This may be due to neglect of the department by the Govt. poor pay-scales, lack of incentives to staff, inadequate training facilities, etc. The net outcome has been absence of dedicated and motivated staff at lower and functional levels. The service cadres have therefore become insular and unresponsive. The All India Committee on Jail Reforms noticed that in most of the states prison institutions were not properly manned. The staff was inadequate, ill-equipped and untrained and could not fulfil the objectives of the prison department. It was also noticed that the machinery at the policy formulation level was weak and needed to be strengthened. The secretariat do not have the requisite expertise in the field of prison administration to help the Govt. in taking appropriate policy decision. The Committee recommended that integrated Department of Prisons and Correctional Services should be formed which should be responsible for the institutional training and treatment,
work of probation and aftercare in order to make correctional treatment a continuous and complete process. The Committee also worked out staff requirement at jail headquarters and advocated regional set-up.

The Indian prisons are afflicted of over-population. The over-crowding in prisons may be due to unequal distribution of population amidst the existing jails and increased number of undertrial prisoners year after a year. A large number of undertrial prisoners in Indian Jails may be due to:

(i) Inadequate number of courts (ii) delay in police investigation (iii) non-furnishing of bail by economically weak prisoners (iv) non-appearance of witnesses in courts on the dates of hearing (v) non-availability of escort (police) guards (vi) inherent flaw in the judicial system whereby courts are inclined to favour defence counsels in fixing dates of hearing. It is heartening to note that the Govt. is taking care for increasing the available accommodation by constructing new jails, additional barracks at existing jails - for males, females and young offenders.

One of the main problems of the Jail Management is how to utilize the spare time of the prisoners to the optimum. Due to security reasons and strict compliance of provisions of Jail Manual, life in prison can be monotonous and listless. A newcomer specially the first time offender is simply overawed of the prison subculture which consists of indifferent attitude of convict overseers and unhealthy practices in vogue among the old inmates. The daily routine
of the prisoners, therefore, should be so chalked out by prison authorities that the course of life of the prisoner tends to flow towards the ultimate aim of rehabilitation.

It is suggested that there should be a tension free atmosphere conducive to diversified treatment programmes for various categories of offenders requiring treatment and reformation. The process of treatment should begin right from the time of admission by proper classification of the entrants taking into consideration the nature of offence committed, previous profession and skill, educational background, physique, study of psychological problems if any etc. Work programmes consisting of vocational training and diversified education need to be chalked out. These should be supplemented by group activities, individual counselling, adequate medical care, liberal grant of interviews, release on parole (short leave) etc. Celebration of religious festivals, folk dances and providing of recreational facilities and get-together is another way of making the prison life more livable. Individual talent in the field of art, drama, music, painting, poetry etc. should be encouraged by providing opportunity for such outlets even at the cost of relaxation of rules, that is change in lock-up time (prisoners at present are shoved into the barracks at sunset), frequent visits of social workers and research scholars to the prison, as a part of community participation in treatment programmes, etc. A Welfare Fund for prisoners and Prison Band need to be raised as a measure of economic aid to the prisoners.
For making treatment programmes effective it would be necessary to develop good relations between prison personnel and inmates.

It is the custom of Indian prisons that all categories of prisoners are kept in one compact unit, that is, the prison proper. It is noticed that in sub-jails and some of the district jails, there is no arrangement for segregating of undertrials, convicts and young offenders, although some improvised arrangement is made for lodging female prisoners separately. Such female prisoners are required to live in separate enclosure within the fourwalls of the prison. However, the Central Jails and Class I District Jails have separate barracks for convicts, undertrials and young offenders. There are separate enclosures in these prisons for female prisoners also.

The Model Prison Manual 1960 suggests general pattern of diversification of institutions as under:

(i) Institutions for delinquent children - Delinquent children will be kept in Remand Home and Certified Schools in accordance with the provisions of the Children Act. Delinquent children below the age of 16 years shall not be admitted in institutions meant for adolescent and adult offenders;

(ii) Institutions for adolescent offenders;

(iii) Institutions for non-habitual adult offenders;

(iv) Institutions for habitual, professional and organized criminals;
(v) Special institution for difficult discipline cases;
(vi) Annexes/institutions for women offenders;
(vii) Units for inmates suffering from mental disorders;
(viii) Units for old and infirm inmates;
(ix) Leprosy Units;
(x) T.B. Units;
(xi) Annexes/institutions for undertrial prisoners;
(xii) Sub-jails;
(xiii) Open institutions.

In majority of prisoners in Indian Jails are unconvicted offenders who are on judicial remand awaiting conclusion of police investigation or they are facing court trials. The Jail Manual does not prescribe any specific work for such unconvicted offenders and there are no well-defined work programmes chalked out for them. They thus remain idle and are a discontented lot. They are unaccustomed to prison life including non-appetising food, poor sanitary conditions, regimentation, separation from families etc. The heterogeneous prison population adds up to their discomfort. Since the undertrial prisoners constitute a floating population in prison, their frequent admission, release, transit to and from court present a lot of administrative problems for the prison personnel. Such prisoners are, at times, the carriers of contraband articles inside the prisons and many of them suffer from contagious diseases. The All India Committee on Jail Reforms (1980-83), inter alia, has recommended following measures:
(1) Undertrial prisoners should be lodged in separate institutions away from convicted prisoners. Such institutions should be closed to the courts.

(2) Bail should be granted as a matter of right unless proved by prosecution that the prisoner's being at-large might endanger security of society. The feasibility of launching bail-hostels should be examined.

(3) Code of criminal procedure be amended to provide that as soon as undertrial prisoner completes the period of detention equal to half of maximum sentence awardable to him on conviction, he should be released immediately and unconditionally.

(4) Undertrial prisoners volunteering to work may be employed on prison work programme with proper and sufficient incentives.

(5) Undertrial prisoners who offer to work in prison maintenance services should be paid wages for such work.

(6) The daily routine of undertrial prisoners should whenever possible, include programme for diversified education such as adult education, social education etc. and recreational activities to enable them to utilize their time in constructive pursuits.
The number of female prisoners form a microscopic minority of total number of prisoners in the Indian jails but their lot is unenviable. They lead desultory life without any means of communicating their needs to high officers for lack of woman officer at the jail. The All India Committee on Jail Reforms has suggested that woman prisoners should be lodged in separate institutions/annexes which should be staffed by women personnel only. Full medical care and clothing be provided to them. Convicted women must have adequate work programme in jails including mother craft, child care, first-aid, nutrition and health care. Cretches be organised for children (upto the age of 5 years) accompanying women prisoners, outside the main prison building. Special consideration shold be given to women prisoners in the matter of their premature release. Report of National Expert Committee on Women Prisoners(May 1987) headed by Mr. Justice Krishna Iyer, Retd. Judge, Supreme Court of India has gone into details into every aspect of female prisoners and has given recommendations on Policy Making and Monitoring, Enforcement, National Policy for Custodial Justice to Women, Draft Rules for the Superintendence and Management of Female Prisoners and children with them in jail.

Young offenders ranging from the age of 16 to 23 years form a sizeable percentage of Indian Prison population. Their lot is the worst among the prisoners. Detention of young offenders in prisons alongwith adult prisoners is harmful as they are of impressionable age who perforce come in contact with hardened and habitual criminals. This
virtually defeats the main objective of punishment namely reformation on and rehabilitation of offenders. All India Committee on Jail Reforms have in its report opined that Borstal School Acts have become outdated and are far behind the requirement of the contemporary times. The development of suitable correctional programmes of young offenders, in their opinion, has been further complicated by over-crowding of prisons, absence of scientific classification, ineffective education programme, absence of trained staff etc. The Committee recommended that a separate uniform Act for young offenders (to cover boys in the age group of 18-23 years) should be passed to replace the existing Borstal School Acts. It also recommended that subject of treatment of offenders should be included in the concurrent list of Seventh Schedule of the Constitution. It further recommended creation of a senior post at the headquarters of the Department of Prisons and Correctional Services, setting up of courts for young offenders, Borstal Schools to be converted into Reception Centres and Kishore/Yuva Sadans, Constitution of Review Board etc. It is gratifying to note that with the promulgation of Juvenile Justice Act 1986, juveniles (boy who has not attained the age of sixteen and a girl who has not attained the age of 18 years) were sent to Remand Homes and not to the jail.

In modern competitive age, corruption is a worldwide phenomena and has become a relative concept. No
country is free from it, whether it is professing democratic or autocratic or socialistic set-up. The scope, magnitude and operation of the act of corruption and resort to corrupt practices for personal or collective gain in any form has undergone sea of change. The poorly paid, ill-trained and insular jail staff is not free from it. There are ways and ways of obtaining some petty pecuniary gain in the matter of granting interviews, _maneuver in_ of favourable reports for premature release, under-feeding of prisoners, drug trafficking (in some Jails only), misappropriation of provisions & stores (this can at time assume abnormal proportions) etc. The abhorrent part of this business is the exploitation of the already condemned section of society who have no immediate remedial measures. Let us wait for better times.

All India Committee on Jail Reforms has suggested that all the Acts pertaining to Jail Administration management should be consolidated and a new uniform and comprehensive legislation should be enacted by the parliament for the entire country. It also suggested revision of Jail Manuals. The other recommendations on criminal law pertain to (i) fixed term of life imprisonment over a reasonable period of time which may be determined by legislature, (ii) section 433-A of Cr. P.C. should be suitably amended so that such _lepers_ who offer good prognosis for reformation
and rehabilitation can generally be released after 8 to 10 years of actual imprisonment, and (iii) non-criminal lunatics should be detained in prisons.

The none too satisfactory conditions prevailing in Indian Jails have attracted the attention of higher judicial courts, national press, legislators, criminologists, and social workers. The Central Govt. is also aware of its responsibility towards the prisoners and some positive steps in the form of substantial financial aid to state Govts. and progressive legislation have already taken definite shape. It is hoped in future/things would improve and only a pessimist can think of further deterioration.