CHAPTER XXV
SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

I. PRESENT CONDITIONS OF JAILS IN THE COUNTRY

1. Indian jails have, always presented a dismal picture and were accorded low priority by Government. Little action has been taken on recommendations of various Committees/Groups appointed by the Central and State Governments on prison reforms. (Para 1.1)

2. The basic pre-requisites for improvements in the jails are:
   
   (a) making the reformatory/rehabilitative approach a reality;
   
   (b) scientific and human approach in handling and treatment of offenders;
   
   (c) de-congestion of over-crowded prisons and their division into manageable units;
   
   (d) improvements in basic facilities and living conditions compatible with human dignity;
   
   (e) proper training of personal staff and removal of dis-satisfaction to create a devoted cadre;
   
   (f) all-round tightening of security arrangements;
   
   (g) tightening of discipline, among inmates and staff;
   
   (h) identify the areas of corruption/malpractices with stringent measures for uprooting them;
   
   (i) adoption of principles of modern management. (Para 1.3)

3. Security and discipline are essential not only for efficiency but also for correctional programmes. In view of its considerable deterioration, there is a dire need to review all aspects of security and discipline for various categories of jails. (Para 1.4)
II. CATEGORIES OF PRISONS AND PRISON BUILDINGS

4. Several central and district prisons and sub-jails are overcrowded, having inadequate accommodation, absence of segregation facilities and insufficient staff. Buildings of most jails are in deplorable state and lack adequate basic facilities like lighting, water supply, toilets etc. (Para 2.2)

5. Segregation of inmates into small groups is essential for proper security and discipline. (Para 2.5)

6. As the long term objective of separate institutions for young offenders, lunatics, women and undertrial prisoners etc. may take time due to financial constraints, the following action should be taken in order of priority:

(i) repair/renovation of existing buildings with provision of adequate toilets, drinking water and lighting facilities;

(ii) additional accommodation in existing jails to remove congestion;

(iii) creation of quarantining/observation units for classification and treatment programmes;

(iv) segregation of inmates in smaller groups by partitioning existing barracks;

(v) separate arrangements for women offenders and young offenders;

(vi) creation of special security wings in prisons;

(vii) construction of new buildings to replace those beyond repairs;

(viii) creation of training institutions at the state and regional levels;

(ix) construction of family quarters for 75% staff of each prison in 5 years;
(x) establish camps for non-violent political/economic agitators;

(xi) separate arrangements should be made for mentally sick prisoners;

(xii) earmarking some jails exclusively for convicts and the rest for the undertrials in each State. (Para 2.8)

III. PRISON ARCHITECTURE AND BUILDING REQUIREMENTS.

7. There is a close relationship between the architecture and the design of a prison building and management philosophy. With the new approach in correctional philosophy it is necessary that the design of the new building should combine secure confinement with opportunities for effective rehabilitation, through job training, education, health, social programmes, etc. (Para 3.1)

8. The Ministry of Home Affairs should appoint a committee of architects/engineers and a few IG Prisons to prescribe minimum standards and prepare model type designs for different categories of prisons to be adopted by the States with variations as be locally required. This committee should also render expert opinion on prison building plans designed by State Government. (Para 3.2)

9. Services of this committee should also be made available to the States for consultation and obtaining expert opinion in regard to building plant/designs made by them independently for construction of some of their prisons. (Para 3.2)

10. Each state should have a departmental committee under IG Prisons for pre-design planning of new prison to spell out detailed requirements, duly considering its capacity of inmates, strength of staff, classification, types of correctional/training programmes proposed, category of prisoners,
requirements of security/discipline, etc. (Para 3.4) (i)  

11. We recommend that note be taken of the following while planning new prison buildings;  

(i) The design should combine security needs with functional utility in an atmosphere conducive to efficiency and harmony for both the inmates and staff.  

(ii) While locations should not be in close proximity to seashore, international border, airfields, busy roads in congested or low lying areas, they should also be not too far from the main towns.  

(iii) Central and district jails should not have capacity exceeding 750 and 500 respectively.  

(iv) There should be scope for individual occupancy as far as possible. We should plan for 'rooms'-and not 'cells'-as they meet goals of decency and humaneness and provide more flexibility and better security. However, some cells for segregation of inmates and for purposes of security & punishment would be needed.  

(v) Multiple occupancy should be in the form of rooms or dormitories for a maximum of 12 inmates. Segregation in smaller groups is better not only for preventing contamina-

ation but also for security and correctional programmes.  

(vi) Both rooms and dormitories should have attached toilet/bathing facilities, at the rate of one flush latrine for six inmates. Tiled walls with smooth stone floors in toilets are more hygienic. Extra cost would be off-set by savings on maintenance.
(vii) There should be provision for quarters for the staff in a separate colony near the prison.

(viii) Provision should be made for special security wings.

(ix) There should be provision for reception, admission, classification and treatment and other programmes for prisoners.

(x) Provision for workshops, vocational, educational and recreational facilities, gymnasium, hospitals, interview rooms, rest rooms for the staff etc.

(xi) Building technologies should be so devised as to cater to security needs, as far as possible, through unobtrusive physical controls. Also provision for secure perimeter walls, search rooms, control rooms, gaps between walls of the wards and the outer perimeter wall with a sterile area outside it. Special security prisons to have watch towers along the perimeter wall, while all closed prisons to have central watch towers along the perimeter wall, while all closed prisons to have central watch towers.

(xii) A road for patrolling outside the perimeter wall should be built.

(xiii) Instead of old radial/circular model, a rectangular model can meet the requirements of security, custody and treatment equally well. In a rectangular model the inside appears less formidable and provides scope for landscaping and outdoor programmes.

(xiv) Open spaces outside and inside a prison, should be preferably landscaped to apparently soften the harsh prison environment.
(xv) Roofs should not provide concealment spaces and tiled roofs should be avoided. Steel and wooden frames for supporting roofs should not be used.

(xvi) Provision of a room for censoring mail.

(xvii) Secure admission rooms with view windows should be in the administrative block near the main gate for all activity connected with new inmates like identification, searches, photographing etc. (Para 3.6)

12. In addition to the above, we also agree with the recommendations of the Mulla Committee in Chapter V of its report (Para 3.5)

IV. SECURITY ARRANGEMENTS

PERIMETER SECURITY

13. Strong perimeter security in prisons is vital. While permitting greater movement and freedom of association, among prisoners, it also imparts a sense of security to staff enabling them to devote greater attention to their duties including those of treatment programmes. (Para 4.2)

14. The following are our recommendations for improving perimeter security:

(i) All closed prisons, including sub-jails should have secure perimeter walls, of not less than 18 feet height while those of special high security prisons between 18 and 21 feet.

(ii) There should be an ‘out of bounds’ area all around outside perimeter wall with barbed wire fencing with an outer gate at some distance in front of the main gate.

(iii) The ‘out of bounds’ area should have a road for patrolling on foot or vehicles when required.

(iv) The entire area inside and outside the perimeter wall should be adequately lighted but with no fixtures near or on the wall.
(v) Guarding of the perimeter wall inside should be by warder staff and not convict officers; staff strength if necessary, should be increased.

(vi) Ladders for repairs should be placed only outside the wall, under orders of the superintendent, while those using ladders, ropes, wires etc. for repairs should throughout be supervised by the jail staff.

(vii) No structures should be erected within 15 feet of the perimeter wall on either side and existing ones be demolished. (Para 4.5)

WATCH TOWERS

15. Strategically located watch towers along the perimeter wall, manned throughout by alert and efficient staff, adhering to rules, and provided with basic equipment, are best for security. (Para 4.6)

16. The following are our recommendations on watch towers for effective security:

(i) Watch towers should be built along the perimeter only when staff is available for manning them round the clock. Unmanned towers may create security problems.

(ii) They should be manned only by young, intelligent and alert staff having good practice in handling of fire-arms issued to them.

(iii) In each shift, two armed man should man the watch tower.

(iv) The door of the tower should be locked from inside and the key kept by the man on tower duty. Entry thereto, including by staff, to be permitted on identity being established and for valid reasons.

(v) Walkie-talkie communication between towerman and the control room and the main gate should be provided.
(vi) On change in shift, the towerman should be notified by his superior of the identity of his reliever.

(vii) The towerman should be alert and remain observant, maintaining constant watch in all directions. Any unusual activity on either side of the perimeter wall should be promptly reported to the control room.

(viii) All watch towers should be alerted about any attempt to escape.

(ix) Description, including registration number of vehicles passing close to any tower, should be reported immediately to the control room.

(x) Each tower should be equipped with binoculars, torches, search lights and a Very Light Pistol. The latter two to be used only when absolutely necessary.

(xi) During darkness anybody approaching the tower from either side of the wall should be challenged by flashing torch on him. The staff should answer by returning the flash. Such challenge if not properly answered, should be reported to the control room.

(xii) Special care should be observed for arms to prevent their dropping or knocking down.

(xiii) Tower men should carry their food/drinking water requirements for the entire shift.

(xiv) Reading, listening to radio, unofficial writing etc. and any activity likely to distract attention of the towerman should be prohibited, with disciplinary action being taken for neglect.

(xv) Relief on sickness or the like should be sought from the officer of the control room and the tower should not be left without being duly relieved.
The design of watch tower should permit optimal all round view and be covered for protection from rain/strong winds. (Para 4.7)

CENTRAL CONTROL TOWER OR OBSERVATION TOWER

17. While most recommendations for the perimeter watch tower apply to the central observation tower, we further make the following recommendations for them.

(i) Powerful revolving flood-lights be fixed so as to illuminate the entire jail area.

(ii) Effective communication between the tower, control room and main gate, through walkie talkie as well as intercom, should be provided apart from communication links with various wards, hospital, workshops etc.

(iii) Central observation towers should be built in all central, district and special/maximum security prisons.

(iv) Trees in the compound should be pruned to allow unrestricted view from the central observation tower. (Para 4.8)

MAIN GATE

18. The Main Gate is the most important and sensitive part of a jail. Many escapes took place because of non-adherence to rules and security instructions, due to over-work, negligence or connivance of staff at the main gate. (Para 4.9)

19. The following are our recommendations for the security of the main gate:

(i) All provisions of jail manuals should be strictly adhered to.

(ii) Both the outer and inner gates should be fully covered by steel sheets to obstruct view from outside. Both gates should have peep windows and wicket gates.
(iii) Minimum possible activity shall be permitted in the main gate area (i.e. between the two gates). Separate rooms should be provided for searches of prisoners, staff and articles.

(iv) No crowding should be permitted in the main gate area. Prisoners to be taken to courts or elsewhere should not be made to wait there. For them a separate shed/room inside and near the gate, with security staff should be provided.

(v) Convict officers should not be allowed for any work in the main gate area.

(vi) The main gate area should be well lighted and equipped with emergency lights.

(vii) In absence of a control room, alarm switch should be in the main gate area and should be checked morning and evening for being in working order.

(viii) Gate keepers of district or central jails should be at least of the rank of Head Warders. The main gate area should be under the supervision of a Deputy Jailor or Assistant Jailor who should be on duty in eight-hourly shifts. In Special Security Prisons, the supervisory officer should be of the rank of Deputy Superintendent.

(ix) Outside men like mechanics, plumbers, etc. should be permitted to enter only on superintendent's orders and accompanied by a jail official. All tools/articles be tested on entry and checked on exit.

(x) No one wearing masks/sun-glasses should be permitted entry except on being fully satisfied about one's identity.
(xi) No person under the influence of liquor should be allowed to pass through the main gate.

(xii) No reading material, radio, T.V., or anything which may distract attention of the staff should be permitted in the main gate area.

(xiii) Minimum strength of warder staff in the main gate at a time should be three. In Special Security Prisons more staff will be needed.

(xiv) The strength of the armed guard outside the main gate should be augmented and the armed sentry should be properly located so as to prevent attacks or storming of the gates. In Special Security Prisons there should be an armed guard of a para military force or police armed battalion at the main gate.

(xv) Prisons should have a single-entry/exit point i.e. the main gate and all other entry points, if any, should be permanently closed.

(xvi) In Special Security prisons, and central and district jails, metal detectors and other sophisticated gadgets for searches should be provided in the main gate area.

(xvii) There should be an enquiry office outside the jail near the main gate with separate warder staff. (Para 4.10)

**LIGHTING ARRANGEMENTS**

20. Proper and adequate lighting of all parts of the jail is very important from the point of view of security. The following recommendations are made to improve the lighting arrangements:
(i) Light points in barracks, wards/cells should be increased and bulbs of higher power fixed in them.

(ii) Open spaces and areas on either sides of perimeter wall should be flood lit.

(iii) Special Security, central and district prisons should have separate power feeders.

(iv) There should be a stand-by generator in each prison.

(v) For security reasons there should not be any restriction on jail superintendent for purchase of bulbs/other electrical items for minor repairs/replacements.

(vi) There should be a qualified electrician in each jail.

(vii) Emergency lighting equipment should be provided to all the jails.

(viii) Jail staff on night duty should be provided with torches.

(Paras 4.11 & 4.12)

SECURITY OF WARDS

21. A ward usually comprises the following:

(i) A building block of one or more barracks/dormitories, each with a capacity of 50 to 100 prisoners. Some wards also contain the cells.

(ii) A block of lavatories/bathrooms slightly away from accommodation barracks.

(iii) Some open space, usually known as the yard, around the building block.

(iv) A segregation wall, about 8 feet high, surrounding the entire yard, normally with a steel grating gate.

(Para 4.13)
22. The following are our recommendations for security of wards:

(i) For better security and control the prisoners should be segregated into smaller groups. Existing barracks should be partitioned into smaller rooms to accommodate upto 12 prisoners, with attached flush toilets and baths. Searches will be more thorough and effective if prisoners are segregated into small groups.

(ii) For wards upto 100 prisoners, at least two warders should be on duty, in each shift. An extra hand per shift should be provided, for every additional 50 prisoners.

(iii) The warders should be briefed to endeavour to know as thoroughly as possible each prisoner. This will help in assessing security requirements for him and also in devising correctional programmes.

(iv) A list of prisoners should be maintained for each ward. Daily roll call should be taken with proper identity and physical presence being checked.

(v) Grills, grating, doors etc, should be daily checked by warders. Special team, under an Assistant Jailor should also be detailed for checking these every day.

(vi) Staff should remain alert and watchful about signs of any unusual activity, changes in individual or group behaviour of prisoners.

(vii) Even minor incident of indiscipline, though sorted out, should be noted and reported.

(viii) Staff behaviour towards prisoners should be humane, sympathetic, but firm, with violation of rules being strictly dealt with.
(ix) While convict officers may assist the warders under no circumstances should they perform any duties independently much less those duties connected with safety, security and supervision.

(x) A ward diary should be kept by the warder in-charge to record roll calls, verification, handing/taking over and other significant incidents. (Para 4.10)

ARMS AND AMMUNITION

23. Most jails have .410 muskets and some a few revolvers also. In few terrorist affected States,.303 rifles have also been issued. The .410 ammunition is of very old vintage with no fresh supplies since a long time. Jail officials want replacement of the obsolete .410 muskets by .303 rifles. Majority of the warder staff, have not done any firing even with the .410 muskets. (Para 4.17)

24. The following are our recommendations:

(i) Jail staff should ensure proper maintenance of fire-arms.

(ii) Best possible use of .410 muskets should be made till replaced by a better weapon.

(iii) Regular firing practice should be done by jail staff with available firearms.

(iv) The Government of India should arrange adequate supply of .410 ammunition.

(v) An appropriate fire-arm, not lethal but capable of immobilising and having a good range, should be identified for jails.

(vi) Till a suitable weapon is found for jails .410 muskets should be replaced by 7.62 mm S.L.Rs. for use in towers and outside the jails in normal times. Riot guns, with plastic pellets, and stun grenades, should be issued for use.
inside prisons. In Special Security Prisons, carbines (9mm 1A) may be issued to one or two members of the armed guard posted at the jail.

(vii) Revolvers may be issued for personal security of jail officials who receive threats only for use outside jails. Adequate training in handling of revolvers and their security by the concerned jail officials should be ensured.

(viii) Quarter guard and armed sentry should be located in close proximity to the main gate and the armoury.

(ix) Standing orders for the security and maintenance of arms and ammunition, as for police, should be issued. Necessary racks, chains, locks, etc, should also be provided.

(x) If in any situation arms and ammunition are to be taken inside the jail they should be carried separately by different persons moving adequately apart to prevent possibility of their simultaneous seizure. (Para 4.22)

SEARCHES

25. Searches are extremely crucial for prison security. Their purpose is to prevent contraband, such as weapons, messages, drugs, money etc, entering the prison; to detect manufacture/possession of some contraband articles within the prison; to check petty thefts, and to ensure prison security. Searches of prisoners and the visitors are absolutely essential. Searches, even of jail staff would be desirable, because of the increasing malpractices. (Para 4.23)

26. The following are our recommendations for effective conduct of searches:

(i) Jail officials should have knowledge of articles prisoners are permitted to keep.
(ii) Jail staff should have perception of possible concealed places in barracks, lavatories, workshops etc.

(iii) Before search prisoners should be made to stand outside the cell/barrack and bodily searched. It should be ensured that nothing is passed on from one prisoner to another during search of barrack/cell.

(iv) Even the most obvious things/places should not be overlooked. Articles like clothes, bed sheets and even pages of books may be used for concealment.

(v) Searchers should proceed in systematic manner. Each article should be examined and searched thoroughly at a time without upsetting everything. Personal articles of prisoners should be handled with care.

(vi) While searching an individual the searcher should not be in vulnerable position vis-a-vis the person searched.

(vii) When a group of prisoners is to be searched they should be lined up and asked to present themselves one at a time arms extended and with back towards the searcher. After search a prisoner must be made to move away from those yet to be searched. On completion of search the area should be checked for concealed contraband dropped or thrown away.

(viii) While searching boxes/articles both the container and contents need to be examined.

(ix) Vehicles, including their under-side and the engine compartments should be thoroughly and systematically searched from one end to the other.

(x) In living quarters (cells & dormitories) cracks in walls, lighting fixtures, ventilating shafts, night toilets, clothes, pillows, books, magazines all need through check.
Medicine bottles, window bars, frames and ventilators should be thoroughly examined.

(xvi) Frequent, random and surprise searches are essential. The staff for searching a set of prisoners or buildings should be rotated.

(xii) During searches, it is not necessary to 'tear up' an area. Personal articles of a prisoner should not be thrown about by the searching staff, as it causes resentment.

(xiii) Searches should be so conducted that the prisoners realise that only those with contraband etc. would come to grief.

(xiv) The importance of searches in prison security should be continuously and periodically impressed upon all ranks of staff who should be thoroughly briefed and trained in their techniques.

(xv) Electronic gadgets to aid in searches, like metal detectors and explosive detectors should be provided to the prisons. (Para 4.27.)

**SECURITY AND CONTROL OF TOOLS**

27. Various tools and implements are used by prisoners in workshops, gardens, kitchen etc. Even those in common use can pose a serious threat to security of the prison. The following action is recommended:

(i) A central inventory of all the tools and implements should be made and supervised by a Deputy Superintendent.

(ii) Officers in-charge of each unit should keep a separate inventory with description, numbers, size/type etc. of the tools under his charge.
(iii) Apart from an annual review of the central tool inventory, there should be physical verification at least twice every month. For Special Security Prisons, a bi-weekly verification report should be sent by in-charge of each work unit to his superior.

(iv) Although every tool given to work assignment unit (factory/workshop) should be controlled and accounted for, some tools like welding torches, hack-saws, pipe-cutters, bolt-cutters, etc., are more dangerous and require maximum watch.

(v) Precautions should be taken even against broken tools, like broken piece of saw blade, which could be used to cut steel bars.

(vi) All tools should have an indelible code mark of the work unit on them.

(vii) Issue and return of tools should be under acknowledgement. (Para 4.25)

**CUSTODY OF LADDERS**

28. While small ladders under five feet should remain security chained to posts, longer ladders should not be kept at any place enclosed by the perimeter wall of the prison, but in locked store rooms in administrative block. Ladders when required for work should be under constant watch of a jail official. (Para 4.26)

**FACTORIES AND WORKSHOPS**

29. The following are our recommendations:

(i) Discipline and all security precautions are essential in the factory/work places where prisoners should be constantly kept under watch both by warden staff and also the technical hands.
(iii) Scrutiny and accounting of tools and implements in the workshops is essential. A separate locked cubicle should be kept for tools and an accurate daily record maintained of tools issued and returned by prisoners.

(iv) The tool room should have a 'shadow board' or a section of the wall on which the outline of the tools is painted in the position in a contrasting colour. The 'shadow board', though no substitute for staff alertness enables detection of missing tools at a glance.

(v) At no time rods, wires or ropes should be left under the charge or accessible to prisoners.

(vi) Inflammable articles used in prison factories should never be given to prisoners except under direct supervision of jail staff.

(vii) For searches of workshops/factories/work units etc. the same procedure as that for living quarters should be followed.

(viii) Lockers, tool chests, pipes, furniture etc. and in short, any place where tools or contraband can be hidden should be thoroughly searched.

(ix) Prisoners should be searched very thoroughly upon entering and leaving the factory/workshop or other work units.

Since constant and thorough supervision and watch over prisoners is required when they are put on some assignment in a factory/workshop or some other place, the warder staff detailed should be constantly on duty with each gang of prisoners detailed for an assignment. Convict officers should never be used for control, supervision and watch in factories/workshops.
The industrial/workshop blocks should be located sufficiently away from the residential blocks so as there is no possibility of clandestine transfer of tools from the former to the latter. (Para 4.28)

**MOVEMENT INSIDE THE PRISON**

29. Adequate security precautions are generally not taken for movement of prisoners to various parts within the jail. For this there is often over-dependence on convict officers, who are given independent control over gangs of prisoners. (Para 4.29)

30. The following security arrangements should be made during movements of prisoners inside jail:
   (i) No prisoner should be allowed to move from his ward/cell to other parts of the prison unescorted by a prison official.
   (ii) Convict officers may assist the jail staff but should never be given independent charge of any prisoner(s).
   (iii) Prisoners in groups in jail should be moved in a single/double line formation with the escorting jail official being a little behind the centre of the line to one side.
   (iv) While moving in a line talking or smoking should be prohibited.
   (v) While escorting an individual prisoner, the official should be at an arm's length behind and to one side. (Para 4.30)
HOSPITALS

31. The medical officer mostly unfamiliar with security needs is responsible for order and discipline in prison hospital. There is usually lack of coordination between him and the executive officers of the jail. In smaller jails, including sub-jails, where no hospitals/dispensaries exist, the prisoners are escorted to the government hospital by the warders. No vehicles or police escort are usually available. In the outside hospitals adequate security arrangements are not always possible in existing conditions. (Para 4.31)

32. The following are our recommendations:

(i) Doctors and medical staff should work under the administrative control of the jail superintendent who should write their confidential reports.

(ii) The medical officer and his staff should undergo a short-term orientation course organized by the I.G. Prisons, before or on joining the prison. They should be specially briefed on requirements of safe custody, security and discipline.

(iii) Prison hospitals should preferably be situated near the main gate of the prison.

(iv) Wherever possible, a medical officer with a compounding and medicines in a trolley should take rounds of the wards and cells and prescribe medicines for common ailments. Only those needing hospitalisation should normally be sent to the jail hospital.

(v) A room outside the main gate should be earmarked for consultations with the medical officer by the families of the prison staff and those not on duty.
(vi) Visiting specialists should be appointed for treatment in jails. Facilities for pathological tests should be provided in all the jail hospitals. Only in exceptional and surgical cases treatment in outside hospitals should be recommended. The jail superintendent may ask for a second medical opinion before sending a prisoner to any outside hospital.

(vii) Outside hospitals should have separate wards/rooms for prisoners duly fortified from security angle. Generally, doctors should visit the jail patients in their wards. Prisoners lodged in outside hospitals should be under the charge of the jail staff and governed by provisions of jail manuals. In case of dangerous prisoners police help should be taken.

(viii) All central and district jail hospitals should be provided with an ambulance to be used only for medical purposes.

(ix) Adequate custodial staff should be deputed in the jail hospital. In the special/maximum security prisons a Deputy Jailor should be in-charge of the custodial staff in the hospital ward.

(x) The convict officers detailed for duty in the jail hospital should be frequently rotated. Intimacy between convict officers and the prisoners in the hospital needs special watch.

(xi) Convict officers working as male nurses should never prescribe medication, perform any operation etc.

(xii) No prisoner or jail official should be permitted to enter the hospital without proper authority.
(xiii) Medical Officer should ensure an accurate account of all instruments.

(xiv) Frequent searches should be conducted of all areas in the jail hospitals by special staff.

(xv) Prisoners in hospitals should not be permitted to loiter or congregate.

(xvi) Warder staff should undertake detailed checks of all windows, doors and gratings of hospital wards. (Para 4.37)

WOMEN'S WARD

33. Most prisons have a separate ward for women which should be under the charge of women warders. In most jails their strength is inadequate. In some jails there is no regular women warder staff, at all, and they are engaged on daily wages, from outside which is a serious security risk. A regular cadre of women warders should be developed for district/central and exclusive women's prisons with the same pay and allowances as those of male warders. They should also undergo regular training, if necessary, in the institutions meant for women police constables. At least two women warders should be on duty in the women's ward, in each shift. There should, thus, be at least six women warders for each jail with a women's ward, for three women warders there should be one woman head warder. In sub-jails where the average population of female inmates does not justify the employment of female staff on permanent basis, such staff may be arranged on daily wage basis, only from a panel of suitable women volunteers after their security vetting and training in prison rules and security precautions, on the pattern of civil defence or home guards. (Para 4.38)
JAIL KITCHEN

34. Cooking in jails is done by the prisoners in two shifts. Those selected for it are usually housed in barracks adjoining the kitchen. These duties are strenuous and hard with working conditions in summers being particularly unbearable. Constant vigilance from the security point of view in the kitchen block is necessary. Jail staff tend to excessively rely on cook prisoners, who are often kept on this assignment for long periods. Some of them, after gaining confidence of the staff, conspire and manage to escape. (Para 4.39)

35. The following are our recommendations for security in kitchens:

(i) Same prisoners should preferably not be on kitchen duty for long.

(ii) At least two warders should be on duty in the kitchen ward in each shift who should remain alert. Supervisory officials should visit the kitchen frequently.

(iii) Food should be properly cooked. There should be no shortage of food and each prisoner should get his full share.

(iv) Knives, tools or other articles capable of use as weapons or for escape should be kept under lock and key. These should be issued for use to convict cooks when under watch by warder staff.

(v) All prisoners leaving and entering the kitchen should be thoroughly searched.

(vi) When a group of prisoners is passing the kitchen where knives and other implements are in use, its doors should be kept locked.
(vii) Even in jails which have mainly under-trials some convicts are being kept for maintenance services, including cooking, as undertrials cannot be forced and rarely volunteer to work. Whole time cooks should be engaged for such jails.

(Para 4.40)

ARMED GUARD

36. The position of the armed sentry, outside the main gate, is usually quite vulnerable. Instances of overpowering the sentries and attacks on prisons have occurred. If the guard room is at a distance from the main gate, other guards cannot come for timely aid to the sentry. Most guarding staff is not even trained in firing .410 muskets.

37. The following are our recommendations on armed guards at the jails:

(i) Strength of the armed guard should be at least two head warders and 8 warders for every 8 hours shift. There should be two armed sentries on duty at a time, with one posted in front of the main gate and the other at a point slightly away from the first sentry, preferably near the building of the guard room (also called quarter guard). The second sentry should provide cover to the sentry on duty at the main gate and will also be responsible for the security of the armoury. Other 6 members of the guard who are not in sentry duty should remain in readiness in the guard room throughout the eight hour shift.

(ii) The armed sentry on duty near the main gate should instead of standing on the ground have his post either at a watch tower close to the main gate or on the first floor, right above the main gate, from where he can have a good view
of the area in front of the main gate and outside it. If a watch tower is provided near the main gate all the security precautions in regard to it as explained earlier should be observed.

(iii) The jail armoury should not be located too far from the main gate. It should be adequately guarded round the clock.

(iv) Armed guard should comprise of only those men who have had training in handling and firing with fire arms issued to them. In special/maximum security prisons or where very dangerous/maximum security prisoners are lodged, the armed guard should be armed with 7.62 mm SLRs.

(v) The sentry and the other members of the armed guard should be exclusively for guard duties and should not be required to do miscellaneous duties like opening the gate, conveying messages etc. Separate jail officials should be deputed for such works. (Para 4.43)

CANTEENS

30. While canteens are desirable, the need for proper checking of items, and control of inmates in the canteen should not be overlooked. Our recommendations are:—

(i) All district level and bigger jails, should have canteens.
(ii) Access to the canteen should be restricted to fixed hours.
(iii) All canteen stores should be thoroughly searched.
Special precautions should be taken in high security prisons.
(iv) Guards should be located in the canteens during the period these are kept open to keep a watch over the activities of inmates. (Paras 4.44 and 4.45)

COMMUNICATIONS AND TRANSPORT

39. Communications between different sections of the jails and between jails and offices of the District Magistrates, Superintendents of police and local police stations/lines in almost all the States are inadequate and undependable. The communication arrangements between the peripheral towers and central observation towers and different parts of jails are also largely obsolete. Whistles, gong soundings or shouting still constitute the mainstay of the system. These cannot be considered appropriate or adequate.

40. The following are our recommendations:

(i) Telephones should be installed in all the prisons.

(ii) Intercom should be installed in all Special Security, central and district prisons.

(iii) Walkie-talkie sets should be provided to special security prisons and to prisons where high security prisoners are lodged.

(iv) Electric alarm system should be installed in all important jails.

(v) An electronic system for checking patrolling by warders may be introduced in all important prisons on the pattern of Bangalore Central Jail.

(vi) Proper communication system between the peripheral towers, the central tower and jail office and also with important district offices should be provided. There should be wireless communication link with the police.
(vii) Prison officers designated as security officers should be provided with telephones at their residences.

(viii) For coordination and liaison with other agencies/officers and to meet emergency situations each Special/Maximum Security Prison and district prison should be provided with a vehicle. (Para 4.47)

VISITS OF OUTSIDE CONSTRUCTION EMPLOYEES

41. Outside workers engaged by the PWD and others for various services in jails, should be searched at the main gate on entry and exit. Their activities inside the jails also be supervised by warders.

Our recommendations are:

(i) Thorough searches should be carried out at the main gate on entry and exit of such entrants.

(ii) A system of identification through badges carrying photographs should be introduced and these identity cards should be displayed by all such contract employees.

(iii) They should not be allowed freedom for movement inside the jail or access to inmates. Sufficient guards be deployed at the places where they work to prevent any interaction.

(iv) As far as possible, the same precautions as for construction employees should be followed for all persons who are required to visit the jail for maintenance and repair work. (Para 4.48)
PLACE OF WORSHIP

42. The location of places of worship in the jails should be sufficiently away from the perimeter walls. Visits to such places should be properly regulated under escort and in small batches so that all activities/movements can be closely monitored. (Para 4.49)

EMERGENCIES

43. The Model Prison Manual mentions various types of emergencies in a prison and measures to deal such situations. We agree with the recommendations therein. For each jail a scheme for dealing with every conceivable type of major emergency should be formulated and periodically rehearsed. An analytical report on each such exercise should be sent to I.G. Prisons. (Para 4.50)

SOME GENERAL MEASURES FOR SECURITY

44. The following are our recommendations in regard to certain points affecting the overall security of the prisons:

(i) There should be a whole-time security officer for each jail. The security officers should work in 8 hourly shifts.

(ii) An officer of rank higher than a Head Warden should be present in jail throughout night. In special/maximum security prisons this officer should be at least of the rank of Deputy Superintendent and in minimum security prisons and sub-jails he should be of the rank of Deputy Jailer.

(iii) The jail gate is opened frequently during the night for ingress and egress of night shift members of the staff. All jail officials on duty inside the...
Prison during night should remain there till the time of opening of the jail. They can change their shift after every three hours but they should stay in rest rooms to be provided inside the prisons. In the event of some emergency these personnel would be available quickly for dealing with the situation.

(iv) All members of the staff of each and every rank working in a prison should be issued photo identity cards and they should display them on the left side of their chests all the time when they are on duty in a prison.

(v) For each jail a booklet containing various rules, regulations and instructions relating to security and discipline, both of general nature and those which are specific for a jail should be prepared for the guidance of the staff. A copy of this booklet should be provided to each member of the staff when he newly joins the jail.

(vi) The prison staff should never lull itself into the belief that "it cannot happen here". There should be never a let-up in vigilance and alertness on the part of any member of the staff.

(vii) The prison staff should never make the same mistake twice. This can be ensured only by strict compliance of all rules, regulations and orders and strict supervisions. (Para 4.51)
V. SOME OTHER MEASURES FOR SECURITY

INTELLIGENCE:

45. Maintenance of good security and discipline in the jails entails advance and reliable information about the mood, temperament and feelings of prisoners. (Para 5.1)

46. The utility and reliability of convict officers in this respect is limited. (Para 5.1 and 5.2)

47. Intelligence about the prisoners can be best obtained through constant and alert observation by members of the staff, particularly those in close proximity of prisoners. It is necessary to observe and note the behaviour and conduct of every prisoner and look for abnormalities in this connection. Short courses on intelligence for the jail officials should be organised. (Para 5.2)

48. Assistance of State police and State Intelligence Branch may be taken to maintain watch on the activities of prisoners when they go out on parole or furlough and to check the antecedents of the visitors who come to see the prisoners when they go out on parole or furlough and to check the antecedents of the visitors who come to see the prisoners. (Para 5.2)

CENSORSHIP

49. Censorship of mail of all prisoners, both in-coming and out-going, is necessary. Each and every letter should be examined. The censoring staff should be fully trained in modern techniques of examining letters. Adequate equipment for censoring should be provided. There should be a secure 'mail room' for censorship. (Para 5.3)
PHOTOGRAPHING AND FINGER PRINTING

50. Every prisoner brought to a special/high security jail, whether under trial or convict, should be photographed (unless required to undergo formal identification) and his fingerprints recorded on admission. Necessary equipment for this should be available in the jails. If the jail officials are not permitted under the law to take photographs and fingerprints of prisoners statutory provisions should be made for this. (Para 5.4)

COMPUTERISATION

51. Since a large number of records are being maintained in the various prisons, their computerisation would be advisable. A committee should examine the whole system of prison records and suggest changes to bring about uniformity and rationalisation. (Para 5.5)

PRISON DOGS

52. Dogs have been found useful for perimeter security, patrol work, interception, trails and searches. To begin with, dog sections may be introduced in special security prisons and in such jails where very high security prisoners are lodged. (Para 5.6)

PERIMETER FENCE SYSTEM

53. In Indian conditions it may not be advisable to introduce fence system instead of perimeter walls. In a special security prison fence system may be installed outside the perimeter wall near the periphery of 'out of bounds' area as a second line of defence. (Para 5.8)
CONTROL ROOM

54. A control room should be established near the main gate area in each special/maximum and medium security prison. It should function as the nerve centre for the entire prison. (Para 5.8)

DECENTRALISED MANAGEMENT AT PRISON LEVEL:

55. Decentralised management increases contact between the staff and the inmates, fosters better inter-personal relationship and leads to a more knowledgeable decision making as a direct result of staff dealing with a smaller and more permanent group of inmates. In our country, the experiment of decentralised management should be tried in some medium security prisons. (Para 5.10)

ELECTRONIC DEVICES:

56. The following electronic gadgets may be installed for security in our prisons as they are produced indigenously and have been successfully tried:

i) Close Circuit TV (CCTV)

ii) Electronic alarm system.

iii) Walkie-talkie sets.

iv) Door frame and hand-held metal detectors.

v) Intercom telecommunication system.

vi) X-Ray checking equipment.

vii) Explosive detectors. (Para 5.16)

57. The following electronic devices which are being used for security and safety in prisons of western countries can also be tried in our country after observing them in actual operational conditions and considering availability of maintenance facilities.

i) Central automatic control system.

ii) Paging system.

iii) Body alarms for staff. (Para 5.12)

58. It should be noted that electronic systems can only be and must never be substitutes for staff. Electronic systems require regular maintenance and cannot be expected to be always trouble free. (Paras 5.15 and 5.16)
59. Since the number of security risk prisoners has been increasing, each jail should have a whole-time security officer. In central/district jail, the security officer should be of the rank of Deputy Superintendent/Jailor and in special security prison he should be of a higher rank. (Paras 5.17 to 5.20)

VI PRISON STAFF

60. The calibre, character, personal integrity and the quality of the training of the staff personnel are extremely important in the context of prison security and discipline as well as treatment, reformation and rehabilitation of the inmates. (Para 6.1)

61. In most of the jails there is an all-round atmosphere of inefficiency, slackness, disinterest, poor discipline, lack of motivation. There is also acute frustration and demoralisation among the members of the prison staff of all ranks because of poor pay scales, lack of promotional avenues, stagnation, etc. (Para 6.2)

62. The duties of the members of the prison service have now acquired a specialised and sensitive complexion and unmistakably the jail department cannot be led or managed by anyone or everyone. (Paras 6.2, 6.3, 5.4)

63. A good leadership and development of prison service into a professional career service are essential requirements for achieving a high degree of efficiency. Officers of prison service having wide and varied experience of prison work and requisite calibre should take over as the head of the Jail.
Deptt. and designated as IG Prisons. In States where no such officers are yet ready to head the organisation, officers from other services should be appointed only if they are not nearing retirement. The tenure of appointment of such an officer should be 3 years for acquiring adequate knowledge and understanding of prison problems and bringing about significant improvement.

(Para 6.3)

64. The recommendations of the Mulla Committee in Chapter XXIV of its report regarding manpower planning, policy of recruitment and selection of personnel, development of prison service as career service, adequate promotional avenues, improvement of service conditions and provision of appropriate training facilities should be implemented without any further delay.

(Para 6.5)

65. The demand of the prison personnel for parity in salaries and allowances with those of police personnel should be accepted. There should be adequate equivalence between ranks of prison service and that of the police.

(Para 6.6)

66. The standard of discipline among the jail staff and the procedures and powers for disciplinary action and control should be at par with those of police and other para-military forces. No trade unionism should be permitted among the jail staff.

(Para 6.7)

67. The recommendations of the Mulla Committee for institution of medals for awarding to prison personnel and for other welfare measures for them and their families should be implemented.

(Para 6.8)
58. The IG Prisons should have powers to sanction financial assistance upto Rs. 5,000 to the prison personnel meeting with serious injuries, accidents, etc., while on duty. In case of death of a prison personnel in lawful discharge of his duties, the lumpsum amount and other relief given to the survivors of his family should be same as in the case of officers of equivalent rank in the police.

(Para 6.8)

69. The badges of rank and the colour of uniform of the jail personnel should be different from those of the corresponding ranks in the police. The Government of India should appoint a committee to go into this.

(Para 6.9)

70. The initial and in-service training of the prison personnel should be of a high standard.

(Para 6.9)

71. It would be desirable to create an All India Prison service.

(Para 6.10)

72. The Government of India should appoint a committee to examine the question of bringing about uniformity in the nomenclature, staff pattern, uniform, badges of ranks and requirements of educational qualifications and physical standards for the personnel of the prison service in different States, in consultation with the State Governments.

(Para 6.11)

73. In jails where influential and dangerous prisoners are housed and the members of the prison staff receive threats the latter may be issued revolvers for their safety during their movements outside the prisons provided they are adequately trained in handling the revolvers.

(Para 6.12)
74. A whole-time law officer should be posted in each central and district jail to attend to matters connected with complaints and writ petitions filed in courts so as to free the senior executive staff of the jails for other work.

(Para 6.13)

75. Prisons cannot be operated and run as cheaply as before and by making use of large number of convict officers. One of the high priorities for improving the security and safety in the prisons should be to analyse and work out the requirements of additional staff at various levels to replace system of convict officers.

(Para 6.14)

76. An assessment of the needs of the ministerial staff for various prisons should be done early and necessary staff provided soon to enable the executive hands to attend to their duties connected with safety, security and control.

(Para 6.15)

77. The State Governments should take stock of the deleterious effect of increasing political interference in various aspects of prison administration and take measures to stop it.

(Para 6.16)

78. There should be a streamlined system of periodical medical/physical check-up of each member of the prison service so as to ensure that he remains physically fit throughout his service. Statutory rules should be framed for this purpose.

(Para 6.17)

VII STAFF DISCIPLINE

79. The most vital factor in the efficient operation of a prison is discipline of staff. In most of the jails, the standard of discipline is poor and slack. The main factors
responsible for this state of affairs are poor training or no training at all, poor supervision, increasing trade unionism, weak and ineffective disciplinary rules, political interference and long postings in the same institution. (Para 7.2)

80. Thorough training in a strict and rigorous atmosphere for each and every jail official, especially the new entrants, right in the beginning, should be organised to inculcate self-confidence and discipline among them. (Para 7.2)

81. A system of effective supervision and surprise checks and inspections by officers of different levels should be devised for each prison. (Para 7.3)

82. Trade union activity and formation of associations among the jail personnel, who constitute a type of security service, should be completely banned. A law should be passed by Parliament on the lines of Police Forces (Restriction of Rights) Act, 1966. (Para 7.4)

83. Genuine problems of jail personnel should be given due attention and there should be a proper forum for purpose of ventilating their grievances. Staff welfare committees with due representation from all sections of the staff of the jail should be formed. (Para 7.4)

84. Disciplinary powers and rules as applicable to jail officials should be made more stringent and speedy. Instead of CCA Rules there should be separate enactment like those for the Central Police organisations or the Central Industrial Security Force (CRPF Act or CISF Act) for the jail personnel. (Para 7.5)

85. The State Governments should take steps to put a stop...
to all political interference and patronage in the jails. At the same time, healthy norms should be evolved for inter-action between the political leadership and the Government and the jail administration for improving the prison system and for educating the people about its problems.

(Para 7.6)

86. Officials of all ranks should be transferred every three years to locations/institutions which are not close to the places from where they are moved.

(Para 7.7)

VIII. TRAINING OF STAFF

87. Training of jail staff is of utmost importance to ensure efficiency and creating confidence and self-respect among the staff. In most of the States, training has not been given due attention and priority.

(Para 8.1, 8.2)

88. The training of staff should be of two types, viz., initial basic training of newly recruited personnel and subsequent in-service training.

(Para 8.4)

89. No newly recruited jail personnel of any rank should be assigned any job or posted to any prison unless he has undergone the foundation course of basic training.

(Para 8.5)

90. For training, the jail staff should be divided into three categories, viz., guarding staff, middle level officers and higher level executive officers.

(Para 8.5)

91. Each State should have a separate training school for the guarding staff (i.e., warders and head warders).

(Para 8.5)
92. For middle level officers and higher level executive officers there should be regional training institutes at Vellore, Pune, Lucknow, Hazaribagh and Shillong to cater to the training needs of these officers from the States. (Para 8.5)

93. The syllabus of outdoor training for members of all the three categories referred to above should be almost similar to that for the officers of corresponding ranks in the police. The outdoor training should be highly rigorous and organised under strict and rigid discipline. (Para 8.6)

94. The syllabus for indoor training programme of the jail personnel should be on the lines as suggested in Appendix I of the Model Prison Manual and in Annexures XXIV-D and XXIV-E of Chapter XXIV of the Mulla Committee and should be periodically revised. It should, in addition, include lectures on control and discipline of inmates; identification of difficult prisoners; importance of proper interaction between the staff and the prisoners; correlation between security and discipline on the one side and treatment programmes for reformation and rehabilitation on the other. (Para 8.7)

95. Till the States are in a position to establish regional and State training institutes and mobilise resources for improving the existing jail training schools, arrangements for training of jail personnel of different ranks should be made in the training institutions meant for the police officials of corresponding ranks. For outdoor training the syllabus for jail personnel and policemen would almost be the same. For indoor classes for jail personnel a few officers of jail department, who are efficient and have a flair for imparting training, should be posted in the concerned police training institute. (Para 8.8)
96. The trainers in training institutions should be given adequate incentives and free living accommodation in the campus of the training institutions. (Para 8.9)

97. Besides the basic training course there should be refresher training after 5 years of service; pre-promotion training for promotion to higher ranks; orientation and security training of those who do not belong to prison service but are assigned duties and responsibilities in prisons, like the doctors, psychiatrists, probation officers, welfare officers etc; training of trainers in the regional training institutes or in the national training institute, if established, and special courses on security and discipline. (Para 8.10)

98. For newly posted officials briefing courses should be organised in each prison periodically. Discussion sessions should also be held. (Para 8.11)

99. The personnel nominated for training courses should be sent for them without fail unless there are very strong reasons for not doing so. Strict disciplinary action should be taken against those members of the staff who avoid attending the training courses. Adequate training reserve should be provided for each jail and other prison institution. (Para 8.12)

100. Participation in training should be linked with service benefits as grants of increments, promotions, crossing of efficiency bar, etc. (Para 8.12)

101. There should be a highly disciplined atmosphere in the training institute and close interaction between the staff
and the trainees.

IX CORRUPTION AND MAL-PRACTICES

102. Indian jails have earned the notoriety of being centres of corruption and mal-practices. A corrupt jail official is likely to be slack and negligent in his duties and enforcement of prison rules and regulations which are so vital for security and discipline.

(Paras 9.1 & 9.2)

103. The basic responsibility for checking corruption and undesirable practices is of the supervisory levels in the service. A system of surprise checks and inspections and effective supervision by honest and well motivated officers at different levels is essential.

(Para 9.3)

104. To check the prevailing corruption and mal-practices an effective punishment mechanism through disciplinary action in the prison service should be evolved. Disciplinary rules different from those applicable to other civil services, but akin to those of police or para military forces, should be prescribed.

(Para 9.4)

105. Adequate system of rewards and recognition for those who display high standard of integrity and performance should be introduced.

(Para 9.4)

106. Trade Union activity in the prison service, whose duties are of highly sensitive nature, should be statutorily banned.

(Para 9.5)
107. The entire prison system should be completely insulated from political interference. (Para 9.6)

108. In case of officials who acquire reputation of corruption by their continued dishonest practices over a long time, but escape punishment for want of satisfactory evidence, provisions for compulsory retirement after completion of 20 years of service should be resorted to without hesitation. (Para 9.7)

109. In extreme cases of officers with corrupt reputation, where the stipulated minimum number of years of service has not been crossed, action for weeding out each officer should be taken under Article 311 (2) (c) of the Constitution. (Para 9.8)

110. There should be constant liaison, interaction and exchange of information between IG Prisons and head of the state anti-corruption bureau to identify jail officers of doubtful integrity, to plan joint action and to collect intelligence about their corrupt activities. (Para 9.9)

111. Highest standards of integrity and straightforward dealings should be followed at the time of recruitment and training of jail personnel for which adequate procedures should be evolved by IG Prisons in consultation with State Governments and they should be strictly followed. (Para 9.10)

112. The other steps to control corruption and mal-practices in the prisons should include:—

(i) proper training and motivation of prison staff;

(ii) improving the service conditions of the jail staff including the pay scales and promotion prospects;
(iii) provision of staff quarters in the jail campus for the entire custodial staff to eliminate contact with the public or criminals outside prison;

(iv) an effective system for hearing and expeditious disposal of complaints of the prisoners; complaint boxes should be installed at prominent places inside and outside the prison;

(v) posting of welfare officers in the prisons to look after welfare of the prisoners;

(vi) recording reasons for disallowing interviews;

(vii) transfer of staff members from one jail to another after every 3 years; removal of custodial and security staff from a duty point to another after every 2 months;

(viii) posting of a whole-time security officer of the rank of a Jailer or Dy. Jailer, assisted by assistant security officers at the jail gate, round the clock, to maintain vigilance and conduct thorough searches of guarding staff and the prisoners going out or entering the jail;

(ix) a well equipped jail hospital and visits by the chief medical officer of the district to every jail hospital at least once a month to see for himself the adequacy or otherwise of medical attention to prisoners;

(x) centralisation of purchase from public undertakings;

(xi) a uniform policy and clear-cut instructions about the use of fetters;

(xii) allotment of work and barracks by a senior officer of the rank of at least a jailor;

(xiii) evolving of a streamlined and fair procedure regarding award of punishments to the prisoners and maintenance of proper and complete records about punishments awarded and good work done by the prisoners which would be the basis for awarding remissions or pre-mature releases;
(xiv) Community participation of prisoners in some aspects of prison management such as hygiene, sanitation, food preparation and distribution;
(xv) Informing the prisoner about the reasons for non-release when the release is due and also displaying the same on the notice board outside the jail for the information of his relations or friends who may come to receive him;
(xvi) Stopping the practice or appointing convict officers in due course;
(xvii) Shifting of moneyed or influential prisoners having local links to other jails or jails of other States, if necessary.

(Para 9.11)

X. CONVICT OFFICERS

113. The system of convict officers was, perhaps, started as a measure of economy, as an incentive to encourage exemplary conduct among prisoners. It envisages compensation and status within the hierarchy of prisoners based on demonstrably good conduct and other conditions. The convict officers are now even doing work not originally intended for them, e.g. administrative, supervisory and disciplinary responsibilities, vis-a-vis other inmates. Their position, thus, assumes authority which is often misused and also encourages several mal-practices.

(Paras 10.1, 10.3)

114. The reasons advanced in favour of the system of convict officers are that they provide additional manpower in the present situation of acute shortage of staff, in times of crisis like riots they are more dependable even than the regular staff and they act as useful informers. The system also encourages and acts as an incentive for exemplary conduct. On the whole, the system has more disadvantages and undesirable features.

(Paras 10.4, 10.5)
115. It is recommended that:

(i) The system of convict officers should be abolished with immediate effect in special security prisons and in jails in major metropolitan cities where influential/COFEPOSA detainees are lodged. Additional staff should be provided in place of convict officers.

(ii) In other prisons, the system of convict officers should be abolished in a phased manner in the next 5 years and corresponding increase in the staff should be made.

(iii) Pending abolition of this system, no independent administrative, supervisory or disciplinary function should be entrusted to the convict officers except to assist the regular staff as auxiliaries and also certain duties of non-supervisory and non-administrative nature including keeping watch over other inmates in barracks/dormitories after lock-up.

(iv) Incentive for exemplary conduct to the prisoners may be continued to be given in other forms like better diet, more freedom and pecuniary benefits but not in the form of sharing administrative authority. (Para 10.7)

XI. RECEPTION AND CLASSIFICATION OF PRISONERS

116. The officers working in the prisons are generally vague in their minds about the term 'Classification' of prisoners. They are also confused as to how classification is to be brought about in view of lack of resources, staff and accommodation in their institutions. (Para 11.1)

117. Classification is a process of placing things into groups or classes according to some idea or plan. Classification of prisoners divides them into specific classes to facilitate
their safe custody and treatment with a view to their ultimate social rehabilitation.  

(Para 11.2)  

118. The prisoners in our jails are being broadly classified, at present, on the basis of sex, age, the law under which confined, stage of investigation/trial, nature of sentence, criminal antecedents, disease or infirmity. Segregation on the basis of such classification in our jails is far from complete.  

(Paras 11.3, 4 & 11.4)  

119. Classification should not be confined only to the convicts but to all inmates, whether undertrials or convicts or detenues, should be covered.  

(Para 11.4)  

120. Each special security, central or district prison should have a reception ward with separate barracks for undertrials and convicts where every new prisoner should be kept for examination by the Classification Committee.  

(Para 11.5)  

121. An in-depth study of the total personality of the prisoners, his economic and social background, the nature of his problems, etc. should be conducted, on the basis of all the documents received from the police and the courts and the information obtained during the course of his interview.  

(Paras 11.5, 11.6)  

122. The Classification Committee should consist of experienced jail officials and experts like psychiatrists and psychologists, trained social workers, medical officers, and the officers in charge of industry, education and vocational training in the jail. In sub-jail, where specialists would not be available, the Classification Committee should consist of the jail superintendent and the local medical officer.  

(Paras 11.5 & 11.6)  

123. The recommendations of the Classification Committee should fall under two heads (i) security and control, and (ii) correction,
reformation and rehabilitation, and should specifically deal with matters such as:

(a) placement of the prisoner in the cell or ward, work aptitude and assignment, health requirements, individual problems, associate inmates, nature of supervision/guidance, drug addiction types of counselling, date of re-classification etc.

(b) whether a prisoner is a high security or escape risk, habitual offender, first offender, hardened and dangerous prisoner, difficult and incorrigible type, aggressive or bully type, intriguing etc.

(Paras 11.7 & 11.8)

124. The initial assessment by the Classification Committee should be followed up by constant watch and observation by the prison staff in the light of several features which may come to light later.

(Paras 11.8 & 11.11)

125. After the Classification Committee has given its recommendations about each prisoner action should be taken to do proper segregation.

(Paras 11.9 & 11.11)

126. As recommended by the Mulla Committee in Chapter IX of its report 'social conditioned' and 'individualised' criminals should be identified and segregated in the jails.

(Para 11.12)

127. From the long range point of view diversification of institutions as recommended by the Mulla Committee in Chapter IX of its report should be done.

128. Adequate resources and facilities for organising individualised treatment programmes for each prisoner should be provided to the various institutions.

(Para 11.11)
129. Specific forms for the history sheet, initial classification, sheet and progress report of a prisoner, as recommended in Annexures 'D', 'E' and 'F' to Chapter IX of the report of the Nulla Committee should be adopted.

XII. DISCIPLINE OF INMATES

130. Discipline is essential for the desired safety and security of the prisoners and for the smooth and efficient operation of the institution. Discipline in itself is an element of reform. (Para 12.1.)

131. The number of inmates who are difficult or violent or have potential of creating disruptive influence is usually small. (Para 12.2.)

132. For proper control and discipline among the prisoners the prison officials should continuously endeavour—

(i) to know the mood, temper and the feelings of the inmates,

(ii) to know the degree of tension and alienation;

(iii) to locate the causes which create serious dissatisfaction and alienation among the inmates and take quick action to remove genuine grievances of prisoners and to give suitable opportunity to them to explain their cases in regard to allegations made against jail personnel;

(iv) to avoid revengeful attitude, retributive action and brutality;

(v) to be humane, sympathetic, fair but firm in dealing with indiscipline, disorder and misconduct;

(vi) to avoid favouritism and appeasement of inmates;

(vii) to identify and segregate inmates who are potentially subversive, violent, aggressive or bully type;

(viii) to offer a range of constructive activities for keeping the inmates busy according to individual needs and abilities;
(viii) to encourage prison discipline through rewards and positive incentives in a fair manner; develop a progressive 'Stage System' as recommended by the Mulla Committee vide para 8.23 of Chapter VIII of its report.

(Para 12.3)

133. The classification committee should also assess each inmate from the point of view of control and discipline.

(Para 12.5)

134. Too much dependence on convict officers is not desirable to monitor the mood and temper of inmates. This should be the responsibility of the prison staff.

(Para 12.5)

135. The prison administration should try to impose discipline, among inmates through humane, decent and fair treatment and by attending to their genuine grievances as promptly as possible. The prisoners should be ensured of the rights and privileges admissible to them under the law and the jail manuals. There should be constant endeavour to secure their cooperation.

(Para 12.7)

136. The Superintendent of jails should have full and unhindered authority and powers to award punishments to the prisoners in accordance with the law and the provisions of jail manuals in all cases of prison offences and indiscipline.

(Para 12.7)

137. It is being felt in some states that the Supreme Court directives in the case of Sunil Batra-II versus Delhi Administration, vide writ petition No. 1009 of 1979, have, diluted the effectiveness of the jail superintendent in maintaining discipline and control which are most vital for any prison. Each prison has some difficult, incorrigible,
mischievous and troublesome prisoners and all acts of
indiscipline and violation of prison rules by them should
be dealt with firmly and expeditiously. (Para 12.9)

138. The number of false complaints against the prison
officials is also increasing. The original authority of
the officers of the jail department to award punishments to
the inmates who violate the prison discipline or indulge in
offences under the Indian Prisons Act should be restored.
(Para 12.9)

139. Those jail officials who indulge in corrupt and
undesirable practices or assault or torture of inmates, should
be identified and given stringent punishment. (Para 12.9)

140. The recommendations made by Mulla Committee in paras 8.26
and 8.27 of Chapter VIII of its report to abolish certain types
of punishments prescribed under the Prisons Act, 1894 and
to introduce some forms of 'minor' and 'major' punishments
should be implemented. (Para 12.10)

141. While the requirement of judicial appraisal by the
sessions judges of the punishment awarded by the Jail
Superintendent to an inmate should be removed, a streamlined
procedure for giving full opportunity to the
inmate to explain his case before he is awarded the punishment
and for appeals to the senior officers of the prisons department
against major punishments awarded by the jail superintendent
should be prescribed. A time bound programme for disposal of
appeals by appellate authorities should be made mandatory.
(Para 12.11)

142. Monthly visits to the jails by senior officers of the
districts, including district magistrates and sessions judges
or on their behalf by additional district magistrates or additional sessions judges should be made mandatory. These visits should be in addition to the visits by the committee of official visitors appointed by the State Government.

(Para 12.12)

143. The non-official visitors should be appointed on the basis of merit and suitability and, as far as possible, from amongst dedicated social workers.

(Para 12.13)

144. While the members of the legal aid societies should be provided all facilities to meet the prisoners and to advise and help them in regard to their legal problems, they should not be allowed to visit the various parts inside the jails.

(Para 12.14)

145. Each prisoner should be provided with a booklet in the local/regional language or in English explaining the disciplinary requirements, his rights, obligations, privileges and regulations governing his treatment. In case of an illiterate prisoner, the contents of the booklet should be explained to him orally.

(Para 12.15)

146. The task of direct handling of the prisoners and of contact and interaction with them should not be left entirely to the level of warder and head warders and middle level officers should also be assigned this duty.

(Para 12.16)

147. Correctional-cum-orientation courses in technique of handling prisoners should be organised for the benefit of all sections of the staff. The strength of the warder staff and the supervisory officials in the jails should be increased. Surprise inspections at odd hours by middle level and
148. Separate camp jails should be established for political prisoners and agitationists.

149. Each special security and maximum security prison should have an emergency squad and reserve force. The members of the emergency squad should be trained, inter-alia, in the use of firearms, tear gas equipment, fire-fighting etc.

150. The State Government should take stock of the increasing political interference in the jail administration and grant of special privileges or concessions to the law breakers lodged in the prisons which create serious problems of discipline and cause considerable demoralisation among the staff, and take corrective measures.

151. As recommended by the Mulla Committee in para 8.54.13 of Chapter VIII of its report the superintendent of jail should have the power to take some preventive measures to ensure security and control and these should not be considered as punishments.

152. Action should be taken to implement other recommendations made by the Mulla Committee in Chapter VIII of its report. Steps should be taken to adopt the provisions of Chapter XXXI on discipline in Model Prison Manual, especially those which deal with preventive measures, rules regarding inquiry into cases of violation of prison discipline, orderly room procedures etc.
153. Section 302 IPC should be amended on the lines proposed in the Indian Penal Code (Amendment) Bill, 1978 to divide the offence of murder in two categories so that the effect of Section 433-A Cr. P.C. is confined only to such category of murders where death would be one of the punishments.

(Para 12.22)

154. One of the causes of indiscipline among prisoners is rampant idleness among them. Measures should be taken to keep the prisoners engaged in purposeful activity viz. education, industrial work and vocational training to remove idleness.

(Para 12.23)

155. A review of the existing jail industries most of which were established in pre-partition period should be done to ensure establishment of such industries for whose products there is market available and also to train a larger number of prisoners.

(Para 12.24)

156. Prisoners who are engaged in maintenance services i.e. cooks, water carriers, sweepers etc. should be rotated.

(Para 12.24)

157. All prisoners whether working in industries or maintenance services should be paid such wages as to provide good incentives to them. The rates of wages should be revised after every three years.

(Para 12.26)

158. Undertakings should be persuaded to work and those who volunteer should be paid wages.
159. Facilities for recreational and physical activities like games, P.T. exercises and yoga etc., should be provided in the jails to keep the prisoners engaged and reducing the chances of indiscipline and disorder. Libraries should be established.

(Para 12.28)

160. Welfare officers should be appointed in all closed prisons for acting as links between prisoners and their families and for organizing welfare activities for prisoners in the jails.

(Para 12.30)

161. A detailed record of each and every prisoner regarding his general conduct and behaviour, including acts of indiscipline or good conduct, should be maintained. Instances of attempted incitement of other prisoners, aggressiveness etc., even though detected and controlled in time, should be recorded.

(Para 12.31)

XIII. INTERVIEWS

162. Interviews in jails are very important from the point of view of the morale of the prisoners and when permitted under congenial and relaxed conditions help in maintaining prison discipline. In most of the States the arrangements for interview are very unsatisfactory and the jail administration has taken no interest in improving them. It does not seem to have appreciation of the importance of interviews and these are treated by the prison officers as acts of extreme obligation and concession to the inmates as well as to the persons who come to meet them. Interviews are a common source of making money by the jail officials.

(Para 13.1)
163. Following are our recommendations for improving arrangements for interviews in jails:

(i) There should be a waiting room for the visitors near but not too close to the main gate with a sign board in the local language displaying rules and regulations governing the interviews and an adjoining room for searching the visitors before being taken to the interview room. Women visitors should be searched only by women staff.

(ii) Each jail should have a proper interview room having a secure barrier with trellis, bars and wire mesh and divided into cubicles so as to permit privacy during interview.

(iii) The staff detailed for supervising the interviews should be frequently changed. It should be courteous but watchful. It should ensure that all rules/regulations/instructions governing interviews are strictly followed both by the visitors and the inmates and no violation takes place. Visitors under the influence of liquor or those refusing to be searched, should not be permitted to interview the inmates. Loitering in interview room and shouting should not be allowed.

(iv) Interviews should be permitted only with the persons named in the list submitted by the prisoners at the time of their admissions and with others after obtaining prior consent of the prisoners.

(v) Duration of interview and the number of visitors should be exceeded only with the permission of the Jail Superintendent who will record reasons for doing so in a register.

(vi) All the visitors and inmates should be thoroughly searched before and after the interview. The interview room
and the waiting room should also be inspected to see that no contraband has been left behind by any of the visitors.

(vii) Interview by ex-convicts should be closely monitored.

(viii) An officer of the rank of at least jailor should be in-charge of the interviews in a jail and an Assistant Jailor or Deputy Jailor should be present in the interview room at the time of interview.

(ix) Visitors should not be taken inside the jails for interviews unless there are some special circumstances.

(x) Articles brought by the visitors for the inmates and permitted under the rules should be deposited with the jail staff. These should be handed over to the inmates after thorough search and check.

(xi) Not more than three adult visitors should be permitted to be present at the interview.

(xii) A complaint book with serially numbered pages and with prison seal on each page should be kept in the waiting room and available to the visitors on demand. The book should be placed before the superintendent of jail, every day, after the interview hours.

(xiii) In prisons earmarked for long term convicts, a separate and small interview room without any barriers (to be called interview room B) should be provided for such convicts as have constantly shown good conduct for at least five years of their sentence. The prisoner and the visitors should sit on the sides of a table in this room. The prisoner may be allowed to touch the hands of his close relations if he so desires. This interview room may also be used
for meeting between all categories of prisoners with their legal advisors. The entire interview should be closely supervised. An interview of a prisoner with his legal adviser should take place within the sight but out of hearing of a prison official.

(xiv) Use of convict officers for supervising the interviews should be stopped. Adequate warder staff with supervisory officers should be provided for this duty.

(xv) Cooked food and clothing if permitted should be thoroughly checked before they are handed over to the inmates.

(xvi) The visitors should not be made to wait too long for the interviews. Delay in arranging interviews increases chances of malpractices on the part of jail staff.

(xvii) There should be some communication system, like the intercom, between the main gate and the various wards, including the workshop ward, for alerting the supervisory staff posted there to keep ready the inmates who would be required for interview.

XIV. CLASSIFICATION OF PRISONS ON THE BASIS OF SECURITY

164. On considerations of security and discipline, prisons should be classified on the lines recommended by the Mulla Committee viz. Special security prisons, Maximum security prisons, Medium security prisons and Minimum security prisons for various categories of prisoners. (Para 14.1)

165. At present, special security prisons should be created in states like Punjab, Manipur and Tripura which have a considerable number of prisoners who are high security risks violent or dangerous to the public or police or to the security of the States. The other States need not have exclusive
special security prisons but they may convert some portions
of a few selected prisons into special security wings.

(Para 14.2)

166. The security categorisation of prisoners as
recommended by Lord Mountbatten and prevalent in the U.K.
should be adopted in our country after combing it with
that suggested by the Mulla Committee for special security
prisons, maximum security prisons, medium security prisons
and minimum security prisons.

(Para 14.3)

167. The existing closed prisons in the States which fall
in the category of central jails, district jails and sub-
jails should be developed into maximum security prisons and
medium security prisons.

(Para 14.7)

168. Special equipment should be provided to a special
security prison for its communication system, fire
fighting arrangements, lighting system, alarms and
control system, searches, transport, etc.

(Para 14.8)

169. Apart from the rules and regulation and arrangements
for security, custody and other aspects of jail administration,
as prescribed in the jail manuals, additional security
measures listed in sub-para (i) to (iii) of para 14.9
of this report should also be taken in special security
prisons. The same arrangements with necessary modifications
should also be made in prisons in which special security
wings have been created.

(Para 14.9, 14.11)

170. Besides taking measures for tightening of
physical security efforts should be made to identify
and segregate determined or likely escapees and those prisoners who are troublesome and indisciplined. Efforts should also be made to remove the conditions which may impel some of the prisoners to escape.

XV. UNDETERMINED, POLITICAL AGITATORS & OTHER UNCONVICTED PRISONERS.

172. Our prison system has been evolved mainly from the point of view of custody, management, treatment, etc. of the convicts. The undertrials who were considered as temporary and transient inmates found limited emphasis in the overall prison scheme. The prison administration should now pay greater attention to the management and control of undertrials.

173. The problems of security, discipline and control among the undertrials arise because of excessive overcrowding, lack of basic facilities, non-production in courts, non-availability of copies of documents from courts, denial of consultation and interview, idleness, lack of knowledge about prison rules and regulations, incapability to engage counsels or secure bail.

174. The following are our recommendations:

(i) Undertrial prisoners should be given a booklet in the local language, explaining the rules and regulations of the prisons, the daily programme which they are to follow and their obligations and privileges. Briefing sessions for those who are illiterates should also be held.

(ii) Separate jails should be established for undertrials near the courts. Till this is done, extra barracks/dormitories should be built in the existing prisons to reduce overcrowding in the accommodation earmarked for undertrials.
(iii) The police should attach a note with the remand warrant giving a brief history, background of the prisoner and also other particulars such as whether he is an ex-convict, escape risk, habitual offender or a dangerous convict. Similar information should be supplied by the prison authorities to the escort party taking the prisoner out of jail.

(iv) Classification and segregation of undertrials is as important as that of convicts.

(v) The prison staff should treat the undertrials (even those involved in serious crimes) humanely, politely, decently, sympathetically but firmly.

(vi) All privileges and facilities in regard to interviews, correspondence, meetings with lawyers, etc., as are permitted under the rules, should be extended to undertrials but without showing favouritism to anyone.

(vii) As the wards accommodating the undertrials are usually overcrowded and the prisoners are inclined to be more rowdy and indisciplined the ward staff detailed for duty in each such ward should be in adequate strength and strict supervision should be exercised over it.

(viii) All efforts should be made to reduce idleness among the undertrials. Reasonable wages and constructive vocational training for even short periods, which may be useful to an undertrial prisoner after his release, may be good incentives to make him volunteer to work.

(ix) Adequate recreational facilities, including those for some indoor and outdoor games, should be provided but participation in these by the prisoners should be adequately supervised.
(x) The prison authorities should liaise with the free
legal aid societies to arrange for legal aid for poor and
indigent, old and infirm undertrials.
(xi) Undertrials should be provided food from the jail
kitchen and not allowed to get cooked food from outside or to
cook their own food in the jail.
(xii) The working group on Prisons (1972-73) had recommended
that a one-time review of the cases of undertrial prisoners
should be done throughout the country simultaneously.
This review was to be aimed at releasing straightway or on bail,
with or without sureties, those prisoners(i) who had committed
offences only of a minor nature; or (ii) who were not habituals;
or (iii) who had already undergone undertrial detention for
periods longer than what they might be sentenced to; or (iv)
whose cases had been pending for investigation with the police
without filling the chargesheets for more than six months; or
(v) investigation/trials of whose cases where held up because
of one or more inscrutable problems like difficulty in the conduct
of indentification proceedings of person or property, non-
availability of witnesses, etc. As the number of undertrials in
the jails has been increasing constantly such exercise should
be done in the month of January every year.
(xiii) A review committee consisting of District Magistrate,
District Judge, Superintendent of Police, Superintendent of
Prisons and Senior Prosecuting Officer should meet every month
to discuss the cases of undertrials to ensure their expeditious
disposal or possible release on bail.
(xiv) Section 426 of the Cr. P.C. should be suitably amended
so that the benefit under it is given only to those undertrials
whose conduct has been found to be thoroughly satisfactory during
their confinement as undertrials in the jail. The State Government should lay down rules and prescribe a proforma for maintenance by the jail superintendent of the record of the conduct, disciplinary behaviour and punishments for each undertrial prisoner for the scrutiny by the court, if necessary.

(Para 15.5)

175. Separate camps or additional temporary structures including tents should be established to accommodate large and sudden influx of prisoners arrested in connection with political agitations, large scale strikes, major law and order situations etc. The police and the intelligence agencies should pass on information regarding such large admissions to the prison authorities well in advance. Authorities of every prison should prepare a contingency plan to meet such emergent situations. The Inspector General of Prisons should be delegated powers to sanction additional staff.

(Para 15.6)

176. The following measures are recommended for keeping the prisoners detained under COPEPOSA, NSA and several other statutes which provide for detention of persons:

(i) Detainees should be kept separate from other inmates and extremists and violent detainees should be segregated from other detainees and lodged in special security prison or in completely segregated high security zones in prisons.

(ii) Convict officers should never be posted on duty with detainees. Specially selected staff should be put on duty.

(iii) The facilities regarding diet, medical treatment, interviews and communications in respect of detainees should be the same as those for undertrials. The provisions of separate diet for them should be abolished and their food cooked in the
main kitchen only.

(iv) Senior officers should themselves search the accommodation where the detenus are housed to ensure that no unauthorised articles are kept there.

(v) Lapses in regard to the security of detenus should be viewed very seriously. (Para 15.7)

XVI. PRISON PANCAYATS.

177. The prison panchayats are meant to inculcate a sense of responsibility and self-reliance, and foster cooperation and discipline among the inmates. The system has now, however, been much of a success and the panchayats have generally become a source of nuisance and indiscipline and try to ventilate grievances of prisoners on trade union lines. (Para 16.1 - 16.3)

178. For ensuring functioning of the prison panchayats in a disciplined manner the prison administration should take the following action:

(i) There should be no election for a prison panchayat. Its members should be nominated by the jail superintendent.

(ii) Undertrials as well as convicts should be represented on the prison panchayat.

(iii) A member of the panchayat who is awarded punishment (other than warning) for any jail offence, should be immediately removed from it by the jail superintendent.

(iv) A prison panchayat creating discipline or security problems should be dissolved under the orders of the DIG/IG prisons.

(v) The panchayat members who do good work and help in inculcating healthy traditions in the prison should be rewarded as per jail rules. F0
(vi) The working of the panchayats should be limited to matters of self-improvement and purposeful community living and they should not be allowed to infringe upon enforcement of prison rules and regulations. (Para 16.4)

XVII. CELLULAR ACCOMMODATION IN INDIAN PRISONS

179. Single cells/rooms with attached toilet facilities and equipped with some basic needs for prisoner’s conveniences offer privacy and dignity and contribute more to normal residential character and reduce management and security problems. In the western countries, accommodation for the inmates in the prisons has been mostly in the form of single cells. (Para 17.1)

180. The following are our recommendations:

(i) The living accommodation for the prisoners should be given a humane and normal residential character without sacrificing the requirements of security. The practice of making dormitories/barracks and cells in the form of cage-like structures should be stopped. More sophisticated methods for making these buildings safe and secure should be devised.

(ii) Basic minimum conveniences in the form of attached flush toilets and furniture should be provided in these barracks and cells. For the accommodation meant for keeping an individual prisoner the nomenclature of 'Cell' should be given up and it may be called a room. The requirement of secure confinement can be devised in the living quarters of the prisoners without too much, over display of steel.

(iii) Persons living in the rooms should be provided as much opportunity as possible during fixed hours and in accordance with the prison routine and rules of discipline for association with other inmates to participate in work programmes.
and recreation and cultural activities.

(iv) When all 'single cells' have been converted into 'single rooms' by removing their visible formidable locks and providing in them minimum basic facilities for the prisoners then the punishment of 'cellular confinement' should be deleted from the Prisons Act, 1894.

(v) For disciplinary, preventive or security reasons it may be necessary to separate some prisoners from the main prison population for short periods. Some prisoners may also have to be kept separated from others under court orders such as those awarding punishment of solitary confinement. Segregation accommodation should be provided for this purpose.

XVIII. ESCORT OF PRISONERS OUTSIDE JAILS

180. Escorting prisoners outside jails is a police function. Though vital in the overall security system, it is accorded low priority and inadequate attention. Escapes in transit, even of high security prisoners, are being frequently reported.

181. The following are our recommendations:-

(i) The yardstick for the strength of the escort parties by various modes of transport should be revised. The Central Government may appoint a committee to examine this and make recommendations, pending which an ad hoc increase in strength of the police force may be sanctioned.

(ii) High risk—escape prone prisoners with such antecedents and those dangerous for society or for State security should be handcuffed in transit. Where prior permission of courts cannot be obtained it may be done ex-post-facto. Some apparently well behaved prisoners by their external actions
(iii) The escort personnel should be imparted specialised training.

(iv) Strength of escort should be adequate for long journeys to enable rest by rotation. For dangerous prisoners it should be augmented with a supervisory officer not below the rank of an Inspector.

(v) Handcuffs, chains etc. should be checked. For long journeys torches and very light pistols should be provided.

(vi) Invariably prison vans should be used for escorts. Their number should be increased. For dangerous criminals, two vehicles, one with wireless set, should be provided for long journeys and another additional vehicle for armed guard should be given. Long journeys should invariably be completed before dusk and in good visibility conditions.

(vii) On admission into jail, the police should intimate the jail authorities full antecedents of the prisoner especially terrorist/extremist types. Prison staff should inform the police regarding back-ground details of prisoners to be escorted including:

(a) previous escapes and past attempts;

(b) undesirable or dangerous conduct in jail;

(c) members of gang;

(d) aggressive and indisciplined prisoners; and,

(e) those with suicidal tendencies.

Above information can be furnished only if the activities of all prisoners are monitored and record is kept thereof.

(ix) Information regarding the number and type of prisoners is essential to determine the strength, composition etc. of escort party.
(x) Colour coding, i.e., forms of different colours, should be used for high security and escape risk prisoners by police and jail authorities.

(xi) While escort party for high security risk prisoners be armed with automatic weapons, the guard in immediate proximity of the prisoner should preferably be unarmed to avoid snatching of his weapon.

(xii) Before departure and on return to prison thorough search of prisoners for unauthorised articles, including offensive/escape risk articles, should be done by adequately trained staff.

(xiii) Train travel should preferably be only in separate/reserved compartments.

(xiv) For long journeys escort personnel should be provided with suitable advance for diet/contingencies to obviate their seeking hospitality of others.

(xv) Preferably space in courts should be earmarked for escorts to exercise vigil over prisoners.

(xvi) Escorts should be cautioned against permitting unauthorised contact or acceptance of articles including food, drink or any other form of hospitality.

(xvii) Persons permitted by courts to meet prisoners should also be thoroughly searched. Hand-held metal detectors should be provided.

(xviii) Trials of dangerous criminals should be expeditious and with minimum possible adjournments. Courts should be requested to grant minimum interviews and no preferential treatment.

(xix) For exceptionally high risk prisoners, trial in
prison itself may be considered.

(xx) Jail hospitals should be equipped for most ailments. Wherever possible specialists should visit as required. Outside treatment should be permitted in very exceptional cases. In general hospitals separate accommodation be earmarked as prison ward.

(xxii) Escorts should be advised to avoid halts in congested areas.

(xxii) During long journeys, halts en route should preferably be at police lock-ups or prisons. If inevitable at other places prisoners should always be in close proximity and under direct vision at all times including while on calls of nature. Securing to long chain be done if necessary.

(xxiii) Meals should be completed before journeys. Halts en route should not be in congested areas. Outside food before serving be tested.

(xxiv) As courts and hospitals are soft areas from security point of view additional armed force should be detailed during trials of high risk prisoners.

(Para 16.5)

182. Exclusively separate wing for escort should be formed in State police force, duly equipped with vehicles etc. and its units posted in various districts. District police officials should be debarred from using it for any other purpose.

(Para 16.10)

185. In the long run, after the prison staff is augmented and properly trained, a separate force for escort with necessary equipment and resources should be created under the prison department. If necessary, it may be delegated the requisite police powers.

(Para 16.11)
184. Periodic coordination meetings of police and jail officials should be held at district level and at locations of sub-jails to resolve all issues connected with escort, including their adequate and timely deployment. IGs/DIGs Police officials should bestow greater attention on increasing problems in escort duties. District police officials should accord it high priority and issue detailed instructions on prior survey of routes, special problems of areas etc. and periodically review these arrangements. (Para 18.12)

185. Escort of prisoners should be included as an agenda item in the DGs/IGs Police Conference. National level discussions and pooling of experience of various States would throw up constructive suggestions for improving the system. (Para 18.14)

XIX. COURT DIRECTIVES AND RULINGS

186. In recent years the Supreme Court has given a number of rulings and directives meant to improve the treatment of prisoners by the prison officials and ensuring that the prisoners are not denied the rights and privileges to which they are entitled. Some of the rulings/directives have, however, resulted in diluting the powers of prison officials to impose punishments and restrictions on the prisoners, delegated under the Prisons Act and the prison regulations, thereby creating problems of security and discipline in the prisons. The increasing number of writ petitions and other complaints filed in courts by the prisoners against the jail administration on false grounds has resulted in considerable demoralisation among the staff. (Paras 19.1 to 19.6)
187. The Supreme Court directive in Sunil Batra case II (UP 1009 of 79) about judicial appraisal of punishments awarded by the prison authorities is being interpreted differently by the States. Judicial review does not imply judicial takeover of the executive function of imposing departmental punishment. The requirement of the Supreme Court directive would be met if the jail superintendent informs the sessions judge within two days of awarding punishment to a prisoner. At the same time, to ensure fair and just treatment to the prisoner, a streamlined, statutory and time-bound procedure for appeal to senior officials of the prison department against punishments awarded by the jail superintendent should be prescribed and strictly followed.

188. The terms 'judicial appraisal', 'surrogates', and 'remedial action' in Sunil Batra Case II, above, have been left unclarified. Under Sec. 11 of the Prisons Act, the district magistrate has statutory powers to give directions to the superintendent of a prison in regard to the jail administration. By virtue of the observations of the Supreme Court, the authority of superintendent of the prisons, as delegated to the district magistrate under the Prisons Act, has been extended to the district judicial officers or their surrogates without making them responsible for the running of the institution. The majority judgement in this case decided by a bench of three judges requires to be further clarified to delineate the intended roles and responsibilities of the judiciary, and the executive in regard to the management of the prisons.

(Para 19.8)

189. Proper check is required to ensure that advocates doubted by the free legal aid boards do not encourage frivolous litigation.

(Para 19.6)
190. Where cases are filed against prison staff on false grounds the Inspector General of Prisons should be authorised to grant permission to file civil as well as criminal cases at government cost against those who are responsible for such allegations.

(Para 19.6)

191. In the present system of housing for prisoners in the Indian jails having only barracks/dormitories and generally no cells for "plurality of inmates" it is not possible to comply with the Supreme Court directive that prisoners sentenced to death should be kept in the 'same cell' with other inmates, but separate and not too close to them and under a guard.

(Para 19.6)

192. The observations of the Supreme Court in Prem Shankar Shukla case regarding handcuffing are too liberal and need to be re-examined in the context of present atmosphere where violence has considerably increased and escapes from custody of escorting parties have been taking place frequently. The handcuffing of a prisoner should not be connected with the nature of his crime and it should not be done as a routine measure. At the same time, the officer-in-charge of the escort party should have the discretion, after recording valid reasons, to handcuff a prisoner who is known to be dangerous, escape risk, aggressive or desperate type. Necessary legal provisions should be made for this and the State Governments should issue proper guidelines.

(Para 19.6)

XX. Sub-Jails

193. Sub-jails constitute 62% of the total number of institutions meant for keeping prisoners in all the States and Union Territories. Their management and administrative control
staffing pattern, buildings and types of inmates kept in them vary from State to State. Generally, undertrials are kept in sub-jails and in some places convicts with short term imprisonment are also lodged there.

(Para 20.1)

194. The officer-in-charge of a sub-jail is usually of low status and rank and he often finds himself helpless to deal with problems of his institution.

(Para 20.2)

195. The buildings of sub-jails are generally in bad state and living conditions in some of them are almost sub-human. Most of the sub-jails suffer from acute over-crowding and lack of basic facilities.

(Para 20.3)

196. The security arrangements in the sub-jails are generally very weak and unsatisfactory. The security staff in most of them is very inadequate and since it has to manage and control a large number of inmates, some of whom are quite aggressive, rowdy and dangerous, it generally adopts a hard and suppressive attitude. The sub-jails do not usually have any ministerial staff.

(Paras 20.5, & 20.7)

197. While courts have been established in almost all the tehsils or taluka/sub-division headquarters in a district, sub-jails have not been created at each of these places. Some of them have to send prisoners to courts located even as far 60-70 miles away. Arrangements for escort of prisoners in most of the places are very inadequate.

(Para 20.9)
198. The total idleness among the inmates often causes problems of discipline and control among the prisoners, who remain huddled together in over-crowded cells/dormitories. (Para 20.10)

199. The following are our recommendations:
(i) The control over all sub-jails should vest in the prison department. The entire staff for the sub-jails should also belong to that department.
(ii) New sub-jails should be built at all places where courts function so as to avoid the need of transporting prisoners to long distances. The buildings of the existing sub-jails should be improved and basic facilities provided so as to reduce resentment among the prisoners on this account.
(iii) Perimeter walls should be constructed around the sub-jails to ensure better security as well as to provide some open spaces for movement and association of prisoners.
(iv) The maximum capacity of the dormitories in sub-jails should not be more than 10-12 prisoners and attached toilet facilities should be provided for each such living room.
(v) Double gate system should be provided at the entrance of the sub-jail. There should be a guard with an armed sentry posted outside the gate of the sub-jail. All rules and regulations with regard to operating of bigger prisons should be followed for the sub-jails, too.
(vi) The officer in-charge of the sub-jail of a capacity of 50 prisoners or less should be a deputy jailor, of 50 to 100 prisoners a jailor, who should be equivalent in status and rank to an inspector of police. The sub-jails which have more than 100 inmates should be managed by a Deputy Supdt. Prisons, whose rank should be equivalent to that of a Dy. Supdt. of Police.
(vii) There should be a separate room earmarked for interviews
in the sub-jails. These rooms should have security arrangements, as recommended in Chapter XIII.

(ix) An officer of the rank of Addl. Supdt. Central Prisons should be overall in-charge of all the sub-jails located in a district. This officer should be different from the Supdt. of district jail, if any such jail is also located in the district.

(x) Proper lighting arrangements should be made in each sub-jail.

(xi) Prisoners should not be transported from sub-jails to courts/hospitals and back on foot and vehicles should be provided for escort purposes according to a phased plan.

(xii) Proper cooking facilities should be provided in the sub-jails and the system of supply of cooked foods through contractors should be discontinued.

(xiii) Inmates should be made to work on voluntary basis. Trades which suit the local conditions and do not involve much investment may be arranged.

(xiv) Only remand and undertrial prisoners should be kept in the sub-jails. No prisoner convicted for more than one month should be lodged there and separate dormitories should be provided for them. Convicts with longer sentences should be transferred to district/central prisons.

(xv) No escape, desperate extremist or dangerous prisoner should be kept in a sub-jail. Such prisoners should be lodged in district or central prisons.

(xvi) The scale of food for the inmates of the sub-jails should be the same as for the inmates of the central prisons. The food should be cooked by departmental cooks inside the premises of the sub-jails and proper kitchens should be provided. If undertrial prisoners volunteer to cook
they should be paid wages. — 423 —

(xvii) The doctor should be attached to each sub-jail on a part-time basis and he should visit the sub-jail everyday. He should be paid adequate allowance.

(xviii) There should be separate cells or dormitories with a segregated compound for female inmates of the sub-jails. This portion should be manned exclusively by female staff. The only entry to this portion should be through a closed gate locked from inside by the female staff. Where the average daily intake of female inmates does not justify the employment of female staff on permanent basis, such staff may be arranged on daily-wage basis.

(xix) Facilities like newspapers, radio, games (both indoor and outdoor) etc. should be provided for the undertrial prisoners in the sub-jails. P.T. and yoga classes should be organised.

(xx) Arrangements should be made for imparting adult education to prisoners in sub-jails on regular basis.

(xxi) A coordination committee consisting of local officials of the judiciary, prosecution, district administration, police and the PUD should be formed by the district magistrate for each sub-jail. This committee should visit the sub-jail once a month to review the position of undertrial prisoners and to inspect the conditions of accommodation, basic facilities etc.

(xxii) Surprise visits by senior officers should be paid to sub-jails as often as possible.

(xxiii) All the staff of sub-jails should be rotated every three years.
Adequate number of family quarters should be built for the jail staff posted at the sub-jail. (xxv) The police should send to the officer in-charge of the sub-jail detailed information about the nature of offence and background of a prisoner when he is admitted to the sub-jail. In addition to this, the officer in-charge of the sub-jail should interview the prisoner in a thorough and patient manner to elicit from him maximum information about his life history and various activities. All this information will help the officer in-charge of the sub-jail to identify and segregate prisoners who are aggressive, dangerous bullies/goondas, drug addicts, etc. A personal file on each prisoner should also be maintained. (Para 20.12)

XXI. TIHAR JAIL

200. Tihar Jail has, of late, gained prominence and it has been target of criticism by the press and the courts. Tihar Jail has the largest average daily population consisting of a variety of prisoners including dangerous terrorists, wealthy smugglers, influential and highly connected offenders, etc. The Mulla Committee Report on Tihar Jail indicated that it suffered from all possible ills, including excessive overcrowding, lack of segregation, poor and inadequate toilet facilities, corruption among staff, lack of homogenous staff cadre, poor pay scales, inadequate promotional avenues especially at the lower levels, long hours of duty and demoralisation among the staff. (Para 21.1 - 22.3)

201. Immediate steps should be taken for decongestion, especially of undertrials and provide basic facilities. (Para 21.6)
202. Suitable arrangements for interviews should be made with proper supervision to curb malpractices.

(Para 21.6)

203. Attempts should be made to root out corruption and indiscipline in the staff. Proper leadership, positive staff-superior relations should be established and adequate training arranged.

(Para 21.11 & 21.12)

204. Cumbersome disciplinary proceedings under CCA Rules should be simplified to deal with inefficiency and corruption.

(Para 21.13)

205. While parity with police pay scales should be granted, staff discipline should also be as good, if not better, within the police.

(Para 21.16)

206. A new enactment on the lines of CRPF and CISF Act providing stringent disciplinary powers, should be passed. Trade union activities among the staff should be statutorily banned.

(Para 21.16)

207. For a long range solution of the problem of perpetual posting in Delhi, the executive/custodial staff of Tihar Jail should be merged with similar staff of the prison service of either U.P. or Madhya Pradesh to form a joint cadre. Till such an arrangement is worked out, the management of Tihar Jail should be handed over to the Central Industrial Security Force (CISF).

(Para 21.6)
208. For effective leadership, the IG Prisons, Delhi should be a senior IAS or IPS officer in the rank of Joint Secretary, senior or IG Police with experience of prison administration.

(Paras 21.17)

209. Management-wise the optimal prison capacity should be 750. A number of prisons of such capacity should be built at such a distance from each other to prevent contact between prisoners and staff in their campus. Delhi Administration's plan to construct a jail of 5000 capacity in Shahdara area should be abandoned. Proposal for creating additional capacity of 1400 in the existing Tihar Jail complex, already having 4 jails, is also inadvisable.

(Paras 21.19 & 21.20)

210. Other measures to strengthen security and discipline in Tihar Jail should include:

(i) Construction of five separate district jails mainly for undetained prisoners.

(ii) Pending construction of district jails, construction of temporary barracks with partitioned dormitories for 15-12 prisoners each, in the enclosed campus of each of the three units to remove congestion.

(iii) Creation of separate institutions for women and adolescent offenders; shifting of lunatics to Shahdara Mental Hospital; and establishing temporary camp jails to accommodate short-term convicts who are not a security risk.

(iv) Constitution of a separate Classification Committee for each unit of Tihar Jail. The staff should maintain watch over the activities of each inmate and submit weekly reports. Based on these reports, the Classification Committee should periodically monitor and review the position to make changes in treatment programmes and custodial requirements.
(v) Appointment of a law officer in each unit and one or two
government counsels to look after cases relating to the jail.
(vi) There should be at least two warders, per shift, per ward,
of upto 100 prisoners and an additional warder for every additional
50 inmates. One head warder should supervise 3 warders per shift.
High security prisoners' wards would need still more staff.
(vii) A deputy Superintendent Grade II in Jail No. 1 and at least
an Asstt. Superintendent in each of other three jails should be on
duty in the main gate area, round the clock, in eight hours shifts.
(viii) Thorough regular and surprise searches of all prisoners,
barracks and cells should be done daily under direct supervision of
an officer not below an Asstt. Superintendent.
(ix) All members of the staff, except the Jail Superintendent.
Deputy Superintendent and Medical Officers, should be thoroughly
searched both on entry and exit from the jail main gate. No member
of the staff of any rank should be permitted to enter the jail
without his photo identity card on his person.
(x) The entire staff, including Superintendents, should put on
uniform. Uniform grant and maintenance charges on par with Delhi
Police should be paid.
(xi) Drug addicts among the prison staff should be identified and
their services terminated forthwith.
(xii) Counting of prisoners at the time of lock-up should be done
by an officer not below the rank of Asstt. Superintendent.
(xiii) Convict officers should never be given keys of the barrack/
cells, nor allowed in main gate area or in the office.
(xiv) Medical staff, including doctors, should be on deputation
and under the administrative control of the prison department.
Annual Confidential Rolls of hospital staff corresponding upto
the rank of Deputy Superintendent Grade I should be written by the

Scanned by CamScanner
Jail Superintendent, while those in higher ranks by D15/16 (Prisons).

(xv) Meetings between the prisoners and lawyers, including those of Free Legal Aid Group, should be in a room near the main gate area. Lawyers should normally not be allowed to enter the jail.

(xvi) Separate arrangements for industries/workshops and vocational training should be made in each jail of Tihar.

(xvii) Wages paid to prisoners for work should be increased.

(xviii) Thorough censoring of all letters in a separate room, with restricted entry, be done by specially trained and reliable jail officials.

(xix) Intelligence should be collected through alert observation of behaviour of prisoners and there should not too much dependence on nuns/inspectors.

(xx) Frequent opening of the main gate of the jail after 9.00 P.M., during nights, even for the entry/exit of the staff on duty, except for inspecting officers, is not advisable from security point of view. Staff on duty in shifts during night should stay inside the jail in a suitable rest room with toilet/canteen facilities.

(xxi) The number of the existing high security prisoners in Tihar should be reduced by their dispersal to in other states prisons, and their further intake should be curbed till the problems of overcrowding and staff are solved.

(xxii) The desirability of revealing objective and factual information about the jail to the media through briefings should be considered. The news about Tihar Jail in media is often based on insufficient or false information. (Para 21.18)

XXII. ROLE OF THE CENTRE

211. The jails form a state subject. They have always received low priority from the State Governments and their conditions continue to deteriorate. (Para 22.1)
212. The Government of India have been seriously concerned about the unsatisfactory conditions of the prisons and have shown considerable interest in their reforms. They have also been extending financial assistance for their improvement.

(Paras 22.2, 22.12 & 22.13)

213. Reports of the committees/groups appointed by the Government of India, from time to time, for improvements in our prison system were forwarded to the State Governments but little progress has been made in their implementation. Most of the States want help from the Centre in a big way for development of prisons.

(Para 22.14)

214. The Government of India should now play a more active role to lay down policies on prison reforms, ensure their uniform implementation and provide assistance to the States and Union Territories, as in the case of police, also a State subject.

(Para 22.14)

215. There should be an effective machinery under the Ministry of Home Affairs to deal with prisons. The Government of India should create an organisation called the National Institute of Correctional Administration, with two wings, one for Training and the other for Correctional Services.

(Para 22.14)

216. The training wing of the National Institute of Correctional Administration will meet the training needs of senior prison officers. Besides training in policy formulation, planning and various aspects of management, it would impart an all-India perspective on prison development including on correctional services. It will also render advice, and guidance in establishing training institutions at State and regional levels.

(Para 22.14)
217. The Correctional Services Wing of the Institute should:

(i) act as a specialized body for the Ministry of Home Affairs and advise the States and the Union Territories on all matters connected with the prisons;

(ii) try to bring about uniformity in prison management in States and Union Territories;

(iii) organise biennial conferences of Inspector Generals/ Directors General of Prisons and take follow-up action;

(iv) prescribe standards and norms for prison buildings and evolve architecture designs for different categories of prisons;

(v) make recommendations for uniformity in nomenclature, badges of rank etc. in prison service;

(vi) periodically undertake studies of cases of riots, escapes, indiscipline etc. and suggest remedial measures.

(vii) study court rulings which affect the prison management and suggest appropriate measures;

(viii) examine projects of prison buildings and other areas of prison work for which financial assistance is given by the Central Government;

(ix) monitor and report on the implementation of recommendations of various committees/groups appointed by the Government of India on prison reforms;

(x) make recommendations to standardise and prescribe pro forma for data collection on prisons;

(xi) collate, analyse and periodically publish prison statistics on all India basis;

(xii) study literature on foreign prisons and suggest relevant measures for improvement in India context;

(xiii) undertake research projects on matters like;

(a) documentation systems in prisons;
(b) use of technical devices in the prisons for security and documentation;
(c) management of different kinds of prisoners for control and discipline;
(d) perceptions of prisoners’ experiences in Jails to help in devising correctional/treatment programmes and handling of security/discipline problems;
(e) evaluation of education programmes in prisons,

218. The National Institute of Correctional Administration should be headed by an officer at least of the rank of Joint Secretary, Govt. of India. Each of its two wings should preferably be headed by officers who have worked as IG/DIG Prisons at least for two years. There should be a necessary complement of experts in different areas of prison work, research officers, statistical officers etc.

(Para 22.16)

219. The Institute should also perform most of the functions of the three organisations viz., National Academy of Correctional Administration, National Commission of Prisons and Department of Prison and Correctional Administration suggested by Mulla Committee.

(Para 22.16)

220. The existing set-up in the Ministry of Home Affairs to deal with the prisons should also be strengthened. There should be an officer with field experience at senior level in prison work, in the rank of Deputy Secretary/Director or Joint Secretary and a regular branch with requisite staff be created under him.

(Paras 22.14 & 22.17)

221. Since the operations of a prison are closely linked with those of the other wings of the Criminal Justice System it is essential that their functioning should be jointly examined and
studied. As recommended by the National Police Commission in 1979, the Centre should appoint a National Criminal Justice Commission in order to make a coordinated study of the working of the different disciplines like police, prisons executive, judiciary, probation etc. (Para 22.18)

222. The Centre should extend financial assistance, at least at the initial stages, on outright grant basis, to the States for
   i) establishment of regional training centres,
   ii) establishment of training centres for the warder staff and for in-service training courses of other officers in each State; and,
   iii) modernisation of security, communication and transport arrangements in the prisons. (Para 22.19)

223. The subject of prisons should be brought in the Concurrent List of the Constitution to enable central legislation for uniformity in correctional administration. (Para 22.20)

XXIII. SOME PUBLIC IMPRESSIONS ON INDIAN PRISONS

224. In certain quarters, the impression about the jails in our country is that the prisoners lodged there are subjected to torture and inhuman treatment. They are denied basic facilities and the behaviour of the jail staff towards them is cruel and degrading. (Para 23.1)

225. It would not be correct to say that the prisoners in our jails are generally victims of physical torture like beating and assault at the hands of the prison staff. (Para 23.1)
226. Complaints of physical assaults by individual jail officials on prisoners in situations of isolation like those living in cells are reported sometimes and in such cases strict and deterrent action should be taken against the defaulting jail officials.  
(Para 23.1)

227. While there is nothing to show that physical torture of inmates in our jails is a normal feature, they are constantly victims of what may be called mental and psychological torture. This is caused by deplorable living conditions, denial of basic facilities and unsympathetic behaviour of the jail officials.  
(Para 23.2)

228. The psychological tension and mental torture of the prisoner is aggravated by the omissions and commissions of other agencies. The prisoner’s anxiety and mental agony is increased due to often not being taken to court on the date of hearing of his case because of non-arrival of police escort; frequent adjournments of his case by the court; delay in verification of his parole application by district authorities and lack of attention by the medical staff in the hospitals.  
(Para 23.2)

229. The prison management may, thus, face hostile reaction from prisoners because of mental torture caused to them by action or inaction not only in its part, but also on that of the other wings of the Criminal Justice System, on which it has no control. Thus, at many places the jail officials also feel quite harassed, helpless, handicapped and demoralised.  
(Para 23.3)

230. There should be close coordination between the officials of all those departments which directly or indirectly affect the life of the prisoners. A committee should be set up in each
district consisting of representatives of judiciary, magistracy, police, the prison administration, the P.W.D. and the medical department and it should meet at least once a month. At sub-divisional/taluka headquarters, where sub-jails are located, similar coordination committees of local officials should be set up. At state level, a coordination committee of officials under the chairmanship of the Chief Secretary or Home Secretary should be appointed and it should meet at least once in three months. It should have its members I.G. Prisons, D.G/I.G Police, Chief Engineer, PWD and Director of Health. This Committee should be different from the State Advisory Board on Correctional Administration which should be set up under the chairmanship of Minister of Jails.

(Para 23.4)

231. The newly recruited officers of the police, judiciary and executive branch of the administration should, during their initial training and refresher courses, be made to acquaint themselves thoroughly with the working of the prison system in our country and its different problems. Similarly, the training syllabus of the jail officials should include lectures on the working of the police, judiciary and the executive and the area of their interaction with the prison administration.

(Para 23.4)

232. The image of the jail department in the eyes of the public and the media is poor. The general effect of this is that whenever the jail administration is subject of complaints usually an adverse presumption is drawn against it. Despite various limitations the jail administration should make concrete and determined efforts to improve its image through better performance and efficiency. The State Government should also pay greater attention and higher priority to the prison
233. The people in general and the media do not fully know about the prison system, the legal position as it affects the jail administration, the requirement of security and the problems of discipline and control of prisoners. The State Governments and the jail departments have generally followed a "closed" policy and not tried to educate the people and the media about the actual position. The press tends to rely on deficient information, rumours, speculations and distortions. The management of prison establishment should gradually adopt an approach of openness. The people and the members should know about our jails and the penal policy and they should be provided objective information.

(Para 23.7, 23.8)

XXIV. SECURITY VERSUS REFORMATION

234. In the past the prisons were considered as penal institutions and the prison staff, therefore, considered the safety and security of the prison and its inmates as its primary responsibility. The living conditions in the prisons continued to worsen and a very small staff was required to keep under control a large number of dissatisfied and disgruntled prisoners, a number of whom were violent and aggressive. The technique of the prison officials in handling them was, therefore, generally marked with harshness and lack of sympathy.

235. In recent years the conditions in the prisons have further deteriorated and the number of difficult, violent, aggressive and bully type prisoners has been increasing.
In this prevailing situation the objective of treating the jails as correctional centres for reformation and rehabilitation of prisoners is being emphasised. This has created considerable confusion and cynicism in the minds of the prison officials. They perceive that in the context of prevailing illness in the jails, many of which are beyond the capacity of prison department to remove, any softness in their behaviour and humaneness in their dealings with the prisoners, which are essential for gaining their faith and cooperation to undertake reformatory programmes, may be construed as signs of weakness of the staff and may create problems of security and discipline.

(Paras 24.2 & 24.3)

236. The jail officials should not be entirely blamed for such feelings. They may continue to look at the objectives of reformation and rehabilitation with disbelief till the factors which cause resentment and hostility among the prisoners are removed and arrangements are made for their scientific classification, segregation in small homogenous groups and for diverse treatment programmes involving education, vocational training, recreational activities, etc.

(Para 24.4)

237. More exhortation in training centres to prison officials to convert the jails into institutions for reformation and rehabilitation of prisoners is likely to have little effect towards orientation of their minds in the direction of new philosophy till the required apparatus, adequate staff and other resources are provided in the jails.

(Para 24.4)
238. It would, at the same time, be incorrect on the part of the jail officials to wait till ideal conditions are created and not to take even limited action, within the ambit of the existing resources, in the direction of treatment programmes for prisoners' rehabilitation and to educate and motivate the staff for the same. They should realise that there is no incompatibility or contradiction between security and reformation and both are complementary to each other.

(Para 24.4)

Sd/-
(R.K. KAPOOR)
Chairman

Sd/-
(R.L. HANDA)
Member

Sd/-
(V.R. DRAVID)
Member

Sd/-
(A.K. BASAK)
Member

Sd/-
(KALYAN RUDRA)
Member

Sd/-
(BRIHASPATI SHARMA)
Member

Sd/-
(A.K. SHARMA)
Secretary

29th July, 1987
ORDER

Security and discipline are closely related aspects of prison administration and the state of discipline largely determines the efficiency of security in jails. Recent events involving jail breaks and reports about criminals in jails indulging in criminal activities indicate the need to review the present state of administration of jails and also the entire prison security systems. With this purpose in view, Government of India have decided to constitute a group consisting of the following:-

1. Shri R.K. Kapoor, IPS(Rtd.) - Chairman
   Former Director, Intelligence Bureau and presently Advisor in the Home Ministry.
2. Shri S.C. Trivedi, Joint Secretary, 18
3. Shri A.K. Basak, Joint Secretary, Ministry of Home Affairs
4. Shri R.L. Rana, IPS - Member
   Director General of Police and Inspector General of Prisons, Tamil Nadu.
5. Shri V.R. Devid, IAS, - Member
   Inspector General of Prisons, Maharashtra.
6. Shri Brijeshwar Sharma, IAS, - Member
   Inspector General of Prisons, Uttar Pradesh.

3. The terms of reference of the group will be as follows:
   (a) to examine and review various aspects of administration and management of prisons especially in the context of security and discipline in prisons;
   (b) to suggest measures for their improvement.
4. The group will submit its report within six months.

Sd/-
(C.G. Somiah)
HOME SECRETARY
Copy forwarded to:

1. The Cabinet Secretary,
   Government of India,
   New Delhi.

2. The Chief Secretary,
   Government of Tamil Nadu,
   Madras.

3. The Chief Secretary,
   Government of Maharashtra,
   Bombay.

4. The Chief Secretary,
   Government of Uttar Pradesh,
   Lucknow.

5. Shri R.K. Kapur, IPS(Retd.),
   Advisor in the Ministry of
   Home Affairs.

6. Shri S.D. Trivedi,
   Joint Director,
   Intelligence Bureau.

7. Shri A.K. Basak,
   Joint Secretary,
   Ministry of Home Affairs.

8. Shri R.L. Handa, IPS,
   Director General of Police
   and Inspector General of Prisons,
   Tamil Nadu, Madras.

9. Shri V.R. Dravid,
   Inspector General of Prisons,
   Maharashtra, Bombay.

10. Shri Brijaspati Sharma, IAS,
    Inspector General of Prisons,
    Uttar Pradesh, Lucknow.

Sd/-

(K.L. Ardra)
DIRECTOR
IMMEDIATE

No. V-160/14/3/86-GPA-IV
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi, the 13th August, 1986.

ORDER

In continuation of this Ministry's Order of even
dated 29th July, 1986 it has been decided that Shri A.K. Sharma,
Director(P&CO), Ministry of Home Affairs will function as
Secretary to the Group.

Sd/-
(A.K. BASAK)
JOINT SECRETARY (CS)

No. V-160/14/3/86-GPA-IV
New Delhi, the 13th August, 1986.

Copy forwarded to :-
1. The Cabinet Secretary, Government of India, New Delhi.
2. The Home Secretary, Govt. of India, New Delhi.
3. Shri R.K. Kapoor, IPS(Rtd.), F-7, Vasant Vihar,
   New Delhi-110057, Adviser in the Ministry of Home Affairs
   New Delhi.
4. Shri A.K. Sharma, Director(P&CO), Ministry of Home Affairs.

Sd/-
(A.K. BASAK)
JOINT SECRETARY (CS)
APPENDIX III

No. 16014/3/86-GPA-IV
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

Nay Delhi, the 22nd August, 1986.

To

The Home Secretaries of
all the States and Union Territories.

SUB:- Setting up of a Group by the Government of India under the Chairmanship of Shri R.K. Kapoor to study the Security and Discipline aspects of Prison Administration in the country.

Sir,

I am directed to say that the Government of India has constituted a Group to go into administration and management of prisons, specially regarding security and discipline aspects of in jails vide order of even number dated 29.7.1986 (copy enclosed). The Members of the Group are as follows:

1. 1. Shri R.K. Kapoor, IPS(Rtd.)
for Director, IB and presently Advisor in MHA. Chairman
2. Shri S.O. Trivedi, Joint Director, IB
3. Shri A.K. Basak, Joint Secretary, Ministry of Home Affairs
4. Shri R.P. Manohar, IPS
   DGPF and IG Prisons, Tamil Nadu.
5. Shri V.R. Dravid, IAS
   IG Prisons, Maharashtra
6. Shri Bhupeshwar Sharma, IAS,
   IG Prisons, Uttar Pradesh.

2. It has further been decided that Shri A.K. Sharma, Director (Prisons & Civil Defence) Ministry of Home Affairs shall co-ordinate all matters pertaining to the Group in the Ministry of Home Affairs and shall also act as Secretary to the Group.

3. I am also to enclose a copy of the D.U. letter addressed by Shri I.P. Gupta, Additional Secretary, Ministry of Home Affairs to Chief Secretaries of all States and Union Territories in this connection. It is requested that necessary assistance and facilities may be extended to this Group and its Members/Secretary who may be visiting the various States and Union Territories in connection with the work of this Group so that they could finalise their recommendations within the stipulated time.

Yours faithfully,

Sd/-

(R.S. TANJAR)
UNDER SECY. TO THE GOVT. OF INDIA.
Endst. No. L-16014/3/86-GPA-I
Dated the 22nd August, 1986.

Copy to all Inspectors General of Prisons, States/UTs.

5d/-
(R.S. TANWAR)
UNDER SECY. TO THE GOVT. OF INDIA.

Copy to:-

1. PS to Adviser (alongwith copy of D.O. letter of AS(IS) dated 7/8/1986 and a copy of the Order nominating Shri A.K. Sharma to act as Secretary).

2. PS to JS(CS), MHA.

3. Director (PCCD), MHA.

5d/-
(R.S. TANWAR)
UNDER SECY. TO THE GOVT. OF INDIA.
Government of India have constituted a Group to examine and review various aspects of administration and management of prisons especially in the context of security and discipline in prisons and to suggest measures for their improvement. The Group is expected to submit its report within six months. A copy of the Order constituting the Group is enclosed.

2. It is requested that necessary facilities and assistance required by the Group to complete its task may kindly be provided.

Yours sincerely,

Sd/-

(I. P. GUPTA)

Chief Secretaries, All States and U.Ts.
APPENDIX-IV

No. V-16014/15/86-GPA.IV

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 4th Sept., 1986.

To

The Home Secretaries,
of all States & U.Ts.

SUB:- Setting up of a Group by the Govt. of India under the
Chairmanship of Shri R.K. Kapoor to study the security and
discipline aspects of prison administrations in the
country- issue of Questionnaire to the States/U.Ts.

Ref: 1) Order No. V-16014/3/86-GPA.IV dated 29.7.86 from
Ministry of Home Affairs.

2) M.H.A.O.C. letter No. V-16014/3/86-GPA.IV dated
7.8.87 from Shri I.P. Gupta, Additional Secretary.


Sir,

I am directed to invite your attention to the reference
cited above and to enclose 2 copies of the Questionnaire on
Security and Discipline aspects of Prison Administration prepared
by the Group on Security and Discipline with the request that
reply to the questionnaire in triplicate may kindly be sent
to Shri A.K. Sharma, Director(P&CD), MHA Coordinator and Secretary
to the Group by 7.10.1986 positively.

2. A copy of the questionnaire is also being sent to the
I.G. (Prison) of your State/U.T so as to facilitate early action
thereon.

3. Apart from the issues raised in the questionnaire any
other suggestion/recommendation on Prison Administration would
also be welcomed.

4. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-
(R.S. TANWAR)
UNDER SECY. TO THE GOVT. OF INDIA.

Encl. As above.

Copy with enclosures to IG(Prison) of All States/UTs.

Sd/-
(R.S. TANWAR)
UNDER SECY. TO THE GOVT. OF INDIA.
MINISTRY OF HOME AFFAIRS  QUESTIONNAIRE (AUGUST, 1986)

(issued by the Group on Prison Administration with special reference to security and Discipline in Jails.

Basic (1) Number of jails in the State and their break-up in various categories, namely Central Jail, District Jails, Special Jails etc. Please attach list of jails of various categories and if security classification (vide para 4 below) of prisons has been done, then please indicate security classification of each prison in the list.

Open (2) Open prisons, if any. Give list with inmate capacity of each.

(3) (a) total inmate capacity of the jails in the State.
(b) what was the actual inmate population (give figures) for the last four years namely, 1983, 1984, 1985 and 1986 as on 31st March of each year.

Please also give figures of:-

(i) Convicts;
(ii) Under Trials & other non-convict prisoners
(iii) Female convict and under-trials

(c) Extent of over crowding and the problems which it creates.

Classification of prisons on basis (4) Is there any classification on prisons from point of view of security? What is the basis?

How does it work? Are you in favour of the following classification recommended by the All India Committee on Jail Reforms (1980-83):
(i) Special security prisons
(ii) Maximum security prisons
(iii) Medium security prisons
(iv) Minimum security prisons

Classification 5. Do arrangements for interviewing and classification of prisoners exist in various jails in your state? If so, what is the detailed programme? Is confinement of an inmate and his treatment programme decided on the basis of classification? Does classification help in detection of desperate and dangerous characters, confirmed or habitual criminals and violent/unreliable prisoners?

Security 6. (i) Perimeter security arrangements:

(a) What are the general arrangements for perimeter security in the various categories of jails? Please give details.

(b) Cut of bounds area: Has any area around the institution premises been marked out of bound area? If not, what are the problems in doing so?
(c) **Watch towers:** Have watch towers on perimeter and control towers within the premises of the jails been provided? Are you in favour of having such towers in those jails where they do not exist? What are the difficulties, if any, faced in making security arrangements through watch towers, wherever they exist?

(d) What is the basis for selection of personnel for tower duty? What fire arms are provided to them? What are the arrangements for communication with towers? What are the lighting arrangements? What drill for change of duties at the tower is followed? Have any written instructions been issued to towermen explaining the 'dos and donts'?

(e) Have you any recommendation regarding the design for a watch tower or control tower?

(ii) **Daily check of the buildings:** What are the arrangements to check the security of walls, houses, etc. of building head and other inmates, hospital area, doors, windows, etc? Is daily inspection done? If no, who does it and what is the drill? How thorough is this daily inspection? What records are being maintained in this connection? What problems are faced in undertaking this task?
(iii) Lighting: What are the lighting arrangements in jail buildings both inside and outside? What percentage of jail buildings are electrified? Are there plans for electrification of all the buildings and if so, what is the target period for full electrification? Have standby generators been provided for buildings which have been electrified? Have emergency lights been provided in sensitive parts of the institution premises?

What are the problems faced in connection with lighting of the buildings and what are your recommendations to solve them?

(iv) Searches:

(a) What system has been prescribed for searches of incoming and outgoing inmates, articles, vehicles, etc.?

(b) Is there any system for daily or periodical surprise search of all prisoners, different sections of prisons, equipment, etc.?

(c) What staff has been provided to do search duties? Is it adequate?

(d) What training in undertaking searches has been given to the staff?

(e) What problems and difficulties are being faced for undertaking various types of searches mentioned above and what are your recommendations?
(v) Control on movement of prisoners: What system is being followed to control the movement of inmates within the premises of prisons? Is there any system of control of such movements from a central point? What are your recommendations for ensuring such control in an effective manner?

(vi) Control of contraband articles: What system, if any, is being followed for detection and control of contraband articles? What are your recommendations for evolving an effective system for this?

(vii) Counting of prisoners: What method is being followed for counting of inmates so that there is accurate counting of whereabouts of all the inmates at any particular time. What are your recommendations in this connection?

(viii) Custody and control of locks, keys and security equipment: What system has been evolved for proper custody, control and inspection of locks, keys, handcuffs and other security equipment? What are the arrangements for maintenance and service of all security equipment? What problems are being faced and what are your recommendations?

(ix) Custody/control/inspection of tools and equipment, etc: What system is being followed for custody, control and inspection of tools and other equipment which are used by the inmates for various activities and tasks assigned to them? What difficulties are being faced and what are your recommendations?
(x) Security of firearms, quarter guard and magazine:

What system is being followed for control and security of firearms, quarter guard and magazine? Are the arrangements satisfactory? What are your recommendations, if any?

(xi) Type and use of firearms:

What type of firearms are being provided to the various institutions? Are they easy to handle and can be used in an emergency in an effective manner with least damage? How old is the ammunition usually available with the institutions? What are your recommendations for arms and ammunition to be given to jail staff?

(xii) Issue of firearms:

Which of the prison officials are issued firearms? Have they been doing regular firing practice? What are the arrangements for periodical testing of their efficiency in handling firearms? To what extent it is advisable to issue firearms to the jail officials? What are your recommendations in this connection particularly in regard to maximum security prisons? Are firearms ever allowed inside prisons?

(xiii) Censoring of inmate mail:

What arrangements for censoring of mails of inmates exist? Is complete censoring done? Has the jail staff been authorised to do this? How is confidentiality about censoring ensured? Has the censoring staff been properly trained in their work and is the number of personnel sufficient for the work? What is the position about adequacy of equipment for censoring? What are your recommendations about censoring if mails of inmates?

(xiv) Intelligence:

What are the arrangements to collect information about the thinking, feeling, mood and
temper of inmates? Are the jail officials in a position to acquire this information constantly and confidentially? Is there need for assistance from any outside agency? What are your recommendations for developing an adequate intelligence system inside the jails?

(xv) Escorting inmates within the premises of the institutions:
What precautions are being taken to escort inmates from one point to another within the institutions compound? What are the arrangements for escorting a single inmate or a group of inmates? Are the inmates made to move in lines to the place of work, place of taking their meals, etc., if any, are being faced by the prison staff in this connection and what are the recommendations?

(xvi) Emergency schemes: Have emergency schemes to deal with fires, riots, accidents, etc., been prepared and the equipment required is available? Is periodical practice of the emergency schemes done? What are your recommendations on this subject?

In Gate? (i) Has any out-of-bounds are been provided near the Main Gate?
(ii) Where are the vehicles of visitors parked? Are they parked at some distance away from the Main Gate?
(iii) Has any enquiry office been provided near the Main Gate of each institution?
(iv) Have waiting rooms for visitors been provided near enquiry office?
(v) What are the security arrangements, both external and internal, at the Main Gate?

(vi) Why is usually the rank of the Officer-in-charge of the Gate? Is he from the custodial staff? Is he burdened with duties other than the security of the Main Gate?

(vii) Is the sanctioned strength of the personnel meant for the security of the Main adequate?

(viii) What, in your view, should be the yardstick for sanction of personnel for such security duties?

(ix) Has an effective system of checking of the documents maintained in the office near the Main Gate been evolved? What problems, if any, are being faced in this connection and what are your recommendations?

(x) What method is being followed for correctly checking the identity of a prisoner from the documents which are brought with him?

What are the loopholes and what are your recommendations for improvement?
Are searches of the following being made at
the gate in an effective manner -
(a) all inmates coming and going out.
(b) all visitors coming and going out.
(c) staff members coming and going out.
(d) articles, headloads, vehicles etc.,
    coming and going out.

Has adequate staff been provided for undertaking
these searches and have they been properly trained
for this purpose?

Are any vehicles allowed inside the institution?

Normally no vehicles except the ambulance or fire
tenders should be allowed inside the prison. These
should also be allowed entry on the basis of a
gate pass. Is this practice being followed? Are
there any problems in this connection?

What is the system of checking articles which are
to be allowed to go inside or outside a prison?

Normally this should not be permitted unless
accompanied by a gate pass issued by competent
authority. Is this procedure being followed?
If not, do you have any recommendations?

Have any standing instructions been issued for the
personnel who are assigned duties at the Gate?
Are these standing instructions reviewed periodically?
Visitors 8. (a) What system for giving permission to persons who may visit their inmates is followed? Are the inmates at the time of admission in the institutions asked to give lists of relatives or friends from whom they may like to receive visits or mail? If so, how are these lists scrutinised and which category of persons mentioned in them approved by the jail officials?

(b) Is any verification of the persons approved for visits to any of the inmates done? If so, what is the procedure followed in this connection?

(c) How often in a month an inmate is allowed visits?

(d) What is the duration of each meeting?

(e) What are the visiting days and visiting hours?

(f) How many visitors to meet an inmate are allowed at one time?

(g) Are visitors required to register? If so, where and what details about them are recorded?

(h) Have waiting rooms for visitors been provided?

Have notice boards listing contraband articles and prohibited acts been permanently displayed near the waiting rooms?

(i) Is there any system of keeping in the waiting room printed informative material explaining...
Important rules for information and guidance of visitors?

(j) Do the waiting rooms have necessary conveniences like seating arrangements, drinking water, etc.

(k) Are visitors searched? Have search rooms for visitors been provided? If so, who undertakes these searches both of men and women visitors?

Has women staff been provided to do searches of women visitors? What category of visitors are exempted from searches and why?

(l) What system is being followed to bring the inmate to visitors room if a visitor has come to see him? How is it ensured that there is no unnecessary delay? For how long has a visitor usually to wait before he can see the inmate? There is scope for corruption in this regard and what measures are adopted to check it?

(m) What are the general arrangements in the visiting room about seating, partition/barrier between the inmate and the visitor?

Are the inmate and the visitor allowed to touch each other. Are there grill and also wire meshing screens?

(n) Are the visits allowed under the close supervision of prison officials? How many meetings a single prison official has to
watch and supervise at one time? Are the existing arrangements adequate? If not, what are your recommendations?

(o) What are the differences in the rules and procedure, if any, in regard to visitors for undertrials and convicts and special category detenus under COPEPSA etc.

(p) What is the nature of problems, mischief and undesirable activities which have come to notice from time to time during inmate visiting? How are they tackled by the jail officials?

(q) Are the relatives/friends visiting an inmate allowed to hand over some articles to him? If so, what type of articles are these? Are there arrangements to thoroughly examine and search these articles?

(r) What are your recommendations to bring about improvement in the existing arrangements for jail visiting?

Communication and other equipment.
telephones, VHF communication, walkie-talkie sets, etc.,
been provided? What are your recommendations for
proper and effective communication system in the Jails?

10. Has any X-ray equipment for detection of contraband
metallic articles and explosives detectors been
provided? If not, are there any plans to acquire them?

Temples

11. Are any temples, Gurduaras and mosques located in the
premises of the jails? If so, are inmates allowed to
visit them? How is their movement and collection at
these places of worship controlled and watched? Are
Sikh inmates allowed to keep kirpans inside the jails?

Dining

12. What are the normal arrangements for inmates to take
their meals? Have dining halls and sheds been
provided? Do all the inmates take their meals at the
same time and at the same place? What are the
arrangements for regulating their movement to
such places and for discipline and security?

Kitchens

13. What is usually the arrangement for cooking of food
in the institution? Is the food for all the inmates
cooked at the same place? If so, what is the
criterion for assignment of such cooks (from
inmates) to kitchens? For how many hours has an
inmate to work in the kitchen? What are the
arrangements for watching and supervision over such
cooks? What arrangements have been evolved for daily
check of knives, tools or anything that can be
used as a weapon? Are any inmates allowed to cook in
their cells? If so, what are the arrangements to
check when they indulge in any mischief?
Jail Industries

14. What are the arrangements for ensuring security and discipline in the premises of jail industries? What system is being followed to check tools, boxes, barrels, crates, etc., in which inmates may hide? How is daily checking of ropes, wires, ladders, inflammable articles, etc., done? What are the loopholes in the arrangements and what are your recommendations to make them more effective?

Mechanics

15. What is the type of equipment usually kept in such stores? Has a system for proper checking and accounting of articles which can be used as a weapon or for escape or destruction of property been made? Has a special system been made for checking of working tools, e.g., saws, wrenches, piles, paints, oils and inflammable articles been made?

Institution

16. Are any visitors taken through the institution for tours within the premises? If so, what are the rules and procedures that are taken to ensure the security and reliability of drivers?

Transport

17. Have prisons been provided any vehicles and drivers? If so, what is the transport used for? What are the arrangements to check the security and reliability of drivers?

Assignments

18. Are the inmates sent an assignment outside the institution like farms, construction sites, etc.? If so, what is the criterion for assignment of inmates for such work? How are security and discipline ensured?
Outside 19. construction employees:
What is the usual arrangement for check and watch on movement of outside contractors? Are inmates permitted to work for a contractor or his employees? If so, how watch is kept over them?

Hospitals: 20. What are the general arrangements for security and discipline in the jail hospitals? Are inmates assigned to hospital duties? If so, what is the nature of such duties? How is it ensured that these inmates do not have access to surgical equipment and risky/ poisonous drugs, etc.

Staff: 21. Is the staff meant for security and custodial responsibilities separate from other staff of the prison? In case it is separate, please give details about the following:

i) the staff structure i.e. various ranks and their responsibilities;

ii) adequacy of strength;

iii) method of recruitment;

iv) arrangement for training—initially and in-service; please enclose copy of present syllabus with recommendations for improvement, especially for training on security and discipline.

v) system for deployment of duties;

vi) supervision;

vii) morale;

viii) duty hours, compensatory leave etc.

ix) accommodation facility;

x) promotional avenues;
xi) welfare measures like welfare fund, cooperative canteen, mess facility, etc;

xii) state of discipline; are disciplinary powers adequate;

xiii) method of recognition of instances of good work; incentives, etc;

xiv) how is cooperation between the various sections of the staff in the jails ensured that they should have proper appreciation of the problems and responsibilities of each other; your recommendations;

xv) system of transfer to other prisons.

xvi) Are warder and head warders transferred to other prisons every 3 or 4 years?

Please give your details and recommendations to improve the present state of affairs regarding staff problems.

xvii) In case the security/custodial staff is not separate from other staff of the prison, are all members of the prison staff required to perform custodial duties? Are they all trained for this purpose?

xviii) Is the staff governed by the same disciplinary and conduct rules and as per civilian staff?

Are you in favour of special discipline, control and conduct rules for prison staff on the lines of police or other organisations like CRPF etc.

Women staff: 22. Is women staff available in jails in your State?

Is it adequate? What is the system for recruitment of women personnel and their training? What problems are being faced in regard to the women staff and what are your recommendations?
Convict 23. (i) Is the system of convict officers still continuing in the institutions in your states?

(ii) Are such convict officers employed for:

(a) custodial duties;
(b) non-custodial duties, and
(c) for both;
(d) what is the nature of responsibilities/duties assigned to the convict officers;

23(a) Are you in favour of the system; if so, for what duties; give your views regarding disassociating them with watch and ward and security duties by regular staff; recommendation, if any.
(iv) On what basis are convict officers selected?
(v) How is supervision and control exercised over them?

(vi) Is there any system of frequent review of performance of each convict officer? If so, please give details. Is any record maintained in this connection?

(vii) Are there any plans to abolish the system of convict officers in your state? If so, to what extent progress has been made in this connection?

(viii) What are your views and specific recommendations in regard to the system of convict officers?

Uniformed 24. Which section of jail staff puts on uniform? Won’t it be advisable that all members of the jail staff put on uniform? What is the position regarding supply, replacement of uniform? Is some uniform maintenance allowance given to the staff? Is it adequate?
Discipline 25. What is the nature of problems being encountered in respect of inmate discipline? How are they being tackled and what difficulties are being experienced? Are the disciplinary powers delegated to the jail officials to deal with inmate adequate? Is it correct that some of these powers are too punitive and not compatible with the present day prison objective of reformation and rehabilitation.

Please give detailed comments and indicate your recommendations.

Discipline 26. What is the state of affairs in regard to staff discipline in the prisons and allied institutions in your State. Are the disciplinary powers as delegated to the supervisory officers adequate?

Please give your detailed comments on the position of staff discipline and recommendations in this connection.

Court-ruling/orders:

27. The Supreme Court has ruled that preventive measures adopted in prisons are now open to examination by courts and the prison authorities could not plead immunity from such interference on grounds of maintenance of security and discipline. What is the nature of problems that have arisen about ensuring proper security and discipline in the jails in the light of these orders of the Supreme Court and other orders which are issued by the courts from time to time in regard to convicts/undertrials? Please specify some of the important court rulings/directions
which have created problems from the point of view of security and disciplines. What measures should in your view be adopted so that the required degree of security and discipline are maintained and at the same time court dissections are complied with?

Under-29. What facilities and privileges different from those to convicted inmates are enjoyed by undaerials and other unconvicted inmates? Do they enjoy any special facilities in regard to their interviews, meals, movements in the jail, etc.? What problems in regard to security and discipline are created by presence of large number of undaerials and unconvicted inmates? What are your recommendations in this connection?

The best solution to the problems created by the presence of large number of undaerials and unconvicted inmates would be creation of separate institutions for them. However, this may take a long time. What are your recommendations to deal with the situation as it prevails today?

Prisoners29. It is reported that prisoners coming from moneyed influential or sophisticated backgrounds manage to get an upper hand in the prison and succeed in undermining prison discipline and security rules. Also, in some of the institutions the prison officials are frequently subjected to threats by the inmates or their supporters living outside and they are not able to perform their duties properly. What are your recommendations for dealing with this problem?
Idleness 30. (i) One of the causes of indiscipline in prisons is the rampant idleness of inmates. What is the condition in the prisons in your state? What are your recommendations? Have meaningful programmes for work, vocational training and education been developed in your prisons?

(ii) Are any wages being paid to the inmates in your state for work in the jail industries or performing duties relating to maintenance service, etc? If so, are these wages reasonable as to sustain interest in work in the inmates? What are your recommendations?

(iii) Perhaps, the undertakings and other categories of unconvicted inmates cannot be compelled to work. What measures can be taken to keep them occupied?

Open 31. Do such prisons exist in your state? What are the arrangements for security in these prisons? What problems and difficulties are being faced in this regard? What are your recommendations?

Subjails: What are the general security arrangements in the sub-jails and what problems are being faced? What is the criterion for putting an inmate in a sub-jail? Are habitual offenders and desperate/dangerous criminals also lodged there? Have the sub-jails been brought under the control of I.O.(Prisons), as recommended by the Jails Reforms Committee (1980-83).

Convicts 32. Are the arrangements for security of convicts under death sentence to death satisfactory in your jails? What is the nature of problems faced in this connection?
Do you have any recommendations?

Prisoners: Have separate annexures for women prisoners been provided in the various jails including sub-jails? What are the arrangements for ensuring security and discipline among women inmates? What difficulties are being faced and what are your suggestions and recommendations?

Corruption: It is stated that corruption and malpractices are rampant in Indian jails. What are your views? What aspect of jail work provides scope for corruption and malpractices by the staff? Please identify clearly the different areas of prison administration in this connection. Please also indicate modus operandi adopted by the personnel and magnitude of the problem in each area of the jail administration in regard to their corrupt practices. To what extent is the staff meant to do any other than anti-corruption role for security involved? What measures should be taken in your views to check corruption and other malpractices?

Coordination: Please indicate whether adequate coordination between the jails, police, prosecution, judiciary and the executive exist at district level. What measures can be adopted to ensure better coordination?

Booklet: Is every inmate, at the time of admission in prison provided with a booklet explaining the disciplinary requirements, his rights and obligations and regulations governing his treatment? Are you in favour of giving such booklets to inmates? If yes, are any problems being faced in preparing booklets and issuing them to the inmates?
Trials 38. (i) What is the legal position? In what circumstances such trials can be held? What are the directions/orders, if any, of the Supreme Court in this regard?

(ii) Are such trials advisable? What are advantages and disadvantages?

(iii) What problems, if any, trials of accused in prisons create for the jail staff?

Facilities for prisoners in court premises, have security rooms or lock-ups been provided for them? Are there any facilities for toilet, drinking water, etc? To what extent the present conditions create problems from the security angle?

Use of police for jail security

Of late, police is being deployed along with the jail staff for security duties in some prisons. Are you in favour of deployment of police in jails? Does it create any problem of operational control or otherwise? What are your recommendations?

Staff 41. Unions/associations: Is the jail staff permitted to form unions/associations? Is yes, will it not be advisable to ban this as jail service should be treated at par with other security services?

Jail Manual:

Has revision of jail manual in your state as recommended by the All India Jail Manual Committee (1957-59), been done? If yes, in which year and have various recommendations made by this Committee in regard to security and discipline been accepted? If the revision
of jail manual has not been done, what is the progress in this connection?

The two main objectives of jail administration are security and reformation of convicts.

For security, strict discipline is necessary and this involves effective enforcement of rules, regulations and restrictions. For reformation and rehabilitation of convicts, a treatment programme based on personal, human and sympathetic (though firm) approach is to be followed. This may prison officials feel, results in erosion of discipline and dilution of security. What measures should be adopted to make security and reformation programme complimentary to each other.

Is there any system of keeping record of past history/antecedents of prisoners? Is there any coordination between the police and jail authorities? What are your suggestions/recommendations?

What are the arrangements for escort of prisoners of different categories to the courts or other institutions? Are they adequate? Has any appraisal been done? What are your suggestions/recommendations? Whether police or jail officials escort the prisoners to courts are advantageous/disastrous. Your recommendations.

Whether there was any serious riot in any of the prisons of your state in the last 30 years? If yes, please give brief details. Who were the
elements responsible for these riots? Were there any failures on the part of the staff?
How were the riots controlled? What in your view, is the best method of preventing riots in prisons and if such riots occur, how best they can be controlled?

Supervision of inmates in quarters: This usually involves taking counts, enforcing rules, issuing supplies, distributing mails, promoting good housekeeping and personal hygiene, preventing pilfering and thefts in cells, supervising inmates general welfare.

What problems are being faced in this connection?

Evaluation of an inmate's security status: Are adequate records maintained of the inmate's prior record and habits, present attitude and performance in the institution? Are records kept confidential? Are inmates subjected to timely review of their records?

Transport and escort of inmates: What are the arrangements for transportation and escort of prison inmates from jails to courts?
(ii) from jail of one district to another, and

(iii) from jails of one State to those in other States?

What is the drill for arranging the escort? Are the personnel detailed for security duties properly trained in this work? Are they told the do's and don'ts while performing escort duty? Is any training given to them about the precautions which should be followed by them constantly? Are the prison arrangements for escort and transportation satisfactory?

Has proper evaluation been done in view of the fact that number of escapes take place during transportation of prisoners from one place to another? What are your recommendations?

Present 50 conditions in jails:

The All India Committee on Jail Reforms (1980-83) had in chapter III of its report highlighted the highly unsatisfactory conditions prevailing in Indian prisons. This Committee had submitted its report in 1983, the recommendations of which have been referred to the State Governments for implementation. Has there been any improvement or deterioration in the situation since then? Please identify the areas in which there has been improvement and those where conditions have further deteriorated. Please specially give your detailed comments in respect of
those aspects of jail administration which have bearing on security and discipline.

**Buildings**

51. What is the general condition of various categories of prison buildings in your State?

It would be recalled that in chapter V of its report Mullah Committee had observed that conditions of the barracks, dormitories and cells in which inmates were generally housed were "deplorable". What is the position in regard to the living conditions for inmates in jails of various types including sub-jails? Are basic facilities for toilet, bathing, lighting, drinking water, cleanliness, etc., adequate? What are the problems and what are your recommendations? Give improvements affected during 1983-86 and after Centre's assistance under Eighth Finance Commission.

**Morals**

52. of the staff:

What is the general position about the morale of the present staff? It is reported that it is extremely low. If this is correct, what are the reasons for low morale? What are your recommendations to improve the prevailing conditions in regard to the staff morale?

**Parole**

53. system

How is the parole system functioning in your State? Are applications for parole in deserving cases scrutinised and processed promptly and
Parola is granted quickly. What are the difficulties and what are your recommendations regarding the whole system of parole?

**Inspections:**
What is the present system of inspections by the prison staff and the supervisory officers of the prison department? Please give details and your suggestions for improvement.

**Photographs:**
54(a) Will it be advisable to have arrangements for photographing and fingerprinting of inmates in the prisons? Copies of photographs and fingerprints can be kept in the files of various inmates. What is the legal position regarding photographing and fingerprinting of inmates? Will any changes in law be required if photographs and fingerprints are to be kept?

**Escapes:**
55. While information regarding escapes was requested separately please enclose statistics of escapes for the last 5 years along with copies of enquiry reports in respect of major incidents of escape riots and major cases of indiscipline.

**General:**
56. Any other suggestion/recommendation you would like to make to improve the efficiency, discipline and security in prison administration.

**Police Dogs:**
57. Will it be advisable to have police dogs to supplement the security arrangements in some categories of prisons? Please comment.
Admin- 58. At present, in most of the prisons administrative offices are located between the two gates of the main entrance to the prison. What are the advantages and disadvantages in this arrangement, especially from the point of view of security? Will it be advisable to have a separate administrative block outside the main prison building?

Records: 59. What is the position regarding maintenance of records relating to each individual inmate? Is detailed data of each inmate available? Do other agencies cooperate in giving information of their areas of responsibility? Are records made up to date from time to time? What are the problems and how improvement can be brought about?

N.B.: As far as possible information in respect of all major Institutions/Jails may be sent.
APPENDIX V

STATEMENT OF JAILS AND OTHER INSTITUTIONS VISITED BY MEMBERS OF THE GROUP

I. ANDHRA PRADESH
1. Central Jail, Hyderabad.
2. District Jail, Hyderabad.

II. ASSAM
1. District Jail, Guwahati.
2. District Jail, Tezpur.

III. BIHAR
1. Central Jail, Bankipur, Patna.
2. Central Jail, Phulwari Sharif, Patna
3. Central Jail, Bhagalpur.
4. Special Jail, Bhagalpur.
5. Central Jail, Hazaribagh.

IV. GUJARAT
2. Open Jail, Ahmedabad.

V. HARYANA
1. District Jail, Gurgaon.
2. District Jail, Rohtak.

VI. HIMACHAL PRADESH
1. Sub-Jail, Simla.

VII. JAMMU & KASHMIR
1. Central Jail, Srinagar.
2. District Jail, Baramulla.

VIII. KARNATAKA
1. Central Jail, Bangalore.
2. Sub-Jail, Chikkapallapur.
3. Open Air Jail, Koramangala.
IX. KERALA
1. Central Jail, Trivandrum.
2. Sub Jail, Trivandrum.
3. Sub Jail, Quilon.
4. Sub Jail, Attingal.
5. Open Prison, Nathakaltheri.

X. MADHYA PRADESH
1. Central Jail, Bhopal.
2. District Jail, Raisen.
3. District Jail, Vidhisha.

XI. MAHARASHTRA
1. Central Jail, Yervada, Pune.
2. Women's Prison, Pune.
3. Arthur Road Prison, Bombay.
4. District Jail, Kalyan.
5. Sub Jail, Bhivandi.

XII. MANIPUR
1. Central Jail, Imphal.
2. Camp Jail, Sajivia.

XII. MEGHALAYA
1. District Jail, Shillong.

XIV. ORISSA
1. Central Jail, Cuttack.
2. District Jail, Bhubaneswar.
3. District Jail, Puria.
4. Sub Jail, Khurda.

XV. PUNJAB
1. Central Jail, Patiala.

XVI. RAJASTHAN
1. Central Jail, Jaipur.
2. Central Jail, Jodhpur.
3. Open Jail, Durgapura (near Jaipur).
XVII. TRIPURA
1. Central Jail, Agartala.
2. District Jail, Udaipur.

XVIII. TAMIL NADU
1. Central Jail, Madras.
2. Central Jail, Vellore.
5. Warders' Training School, Vellore.
6. Regional Institute for Correctional Administration (RICA), Vellore.

XIX. UTTAR PRADESH
1. Model Jail, Lucknow.
2. District Jail, Lucknow.
3. Women's Jail, Lucknow.
4. District Jail, Barabanki.
5. Central Jail, Agra.
6. Central Jail, Meerut.
8. District Jail, Agra.
10. Sub Jail, Noorka.
11. District Jail, Bareilly.
12. Central Jail, Bareilly.

XX. WEST BENGAL
1. Presidency Jail, Calcutta (Central Jail).
2. Central Jail, Alipore.
3. District Jail, Howrah.
4. Sub Jail, Sarampore.
5. Warder's Training Institute, Dum Dum.

XXI. DELHI
1. Tihar Jail.

XXII. CHANDIGARH
1. District Jail, Burail, Chandigarh.
APPENDIX-VI
IMMEDIATE
No.V-16014/15/86-GPA.IV
Government of India
Ministry of Home Affairs

New Delhi-110001, the 29 Sept., 1986.

To

The Home Secretaries of
All States and Union Territories.

SUB:- Setting up of a Group by the Government of India
under the chairmanship of Shri R.K. Kapoor to
study the security and discipline aspects of
prison administration in the country. Issue of
supplementary Questionnaire to the States/U.T.s.

Ref. 1) Order No.V-16014/3/86-GPA.IV dated 29.7.1986
from the Ministry of Home Affairs.

2) MHA D.O. letter No.V-16014/3/86-GPA.IV date
7.8.1986 from Shri I.P. Gupta, Addl. Secretary
to Chief Secretaries, all States/U.T.s.

3) MHA letter No.V-16014/3/86-GPA.IV dated
22.8.86.

Sir,

One of the important points connected with the
security of prisoners relates to their escort from prison
to courts or from one prison to another both within and
even outside districts, States. A number of escapes in the past
have taken place during transportation of prisoners from
one place to another. The responsibility of escorting
prisoners to various places, when they are outside the premises
of jail is in most States/U.T.s that of the local police.
The Group which is studying the security and discipline
aspects of prison administration is also examining the problems
connected with the escort of the prisoners by the police.
A brief questionnaire (in duplicate) in this connection including
some related aspects connected with police is enclosed
herewith. It is requested that replies (in duplicate) to this
questionnaire and with any other suggestions and views, if any
may please be sent to Shri A.K. Sharma, Director (P&CD), Ministry
of Home Affairs, North Block, New Delhi-110001 who is the
Coordinator and Secretary to the Group, by 15th October, 1986
positively. Copies of this letter together with the enclosure
are being endorsed to Directorate General/Inspectors General of

Scanned by CamScanner
Police of your State to facilitate advance action. They may also be requested to send their replies (triplicate) to this questionnaire and their views and comments to Shri A.K. Sharma by 15.10.1986.

Yours faithfully,

Sd/-

( R.S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.


Copy with copies of questionnaire (in duplicate) to the Directors General/Inspectors General (Police) of all States/UTs with request that they may send their replies in triplicate by 15.10.1986.

Copy to all members of the Group.

Copy to BPRD with a similar request.

Sd/-

( R.S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.

........
Ministry of Home Affairs
Group on Prison Security
(Police related aspects)

QUESTIONNAIRE

Name of the State/U.T.

1. Is the responsibility for escorting prisoners from jails to various places like courts, other districts or from one State to another is that of the Police in your State?

2. In your opinion, should be the responsibility of escorting prisoners to (i) Courts; (ii) hospitals/asylums; (iii) other places. be with the local Police or with the Jail Administration-advantages and disadvantages of the recommended system.

3. Are arrangements for escort and transportation satisfactory?

4. Present system regarding providing armed Guard at Jail Premises.

5. (a) Any special norms for strength of escort party in respect of confirmed high security risk prisoners;

   (b) Any guidelines for carrying arms by such parties.

6. Is intimation about the escort party needed for escorting prisoners on any particular day or time received by the police authorities well in time or full details of the type and number of prisoners and other persons to be escorted intimated? What details, if any, are lacking?

7. What is the yardstick prescribed for deciding the strength of an escort party? Is it adequate or needs some changes? If changes are required, what steps, if any, you propose to initiate?

8. Has proper evaluation been done in view of the fact that a number of escapes take place during transportation of prisoners from one place to another?

9. Procedure when a prisoner is moved from one District to another and one State to another State. Whether escort party of other district/State is normally from starting station or comes from other district/State.
10. Is the required transport for carrying the escort party and the prisoners usually available?

11. Often members of an escort party, while escorting one or more prisoners, remain on duty continuously for many hours, sometimes even for more than a day (while escorting the prisoners from one district to another). It would normally not be possible for the escort personnel to remain alert and vigilant for such long periods. What are your suggestions and recommendations in this connection? Will it be advisable to follow some system of relieving an escort party by another at some intermediate station? If so, what should be the drill and another arrangement?

12. (a) It is alleged that police escort parties are usually quite negligent while performing escort duties and they even allow relations and friends of prisoners to contact them while they are being escorted or in the court compounds, etc. It is also alleged that temptations of various types are offered to escort parties and they often succumb to them. What are your comments and views? If these allegations are correct, then what measures you suggest to improve the situation?

(b) Is approach/contact with others to the prisoners when they are being escorted from one place to another or in the court compounds (when they are in the charge of police escort parties) possible?

13. What problems, if any, do the escort parties face in the courts?

14. Are personnel detailed for escort duty, well-trained in it. Do they know the ‘dos and don’ts’ which they should follow while performing escort duty?

15. What problems, if any, have been created by court rulings and orders from the point of security of prisoners being escorted by the police? Please give details and your suggestions.

16. Should the responsibility of guarding the external periphery of prisons against attempts of external attack/mass attempts for escape, etc. be with the prison administration or local Armed Police.
17. Are offences particularly of assault, affray etc. and riots etc., within jail premises presently investigated and prosecuted by the local police or are invariably dealt with by jail authorities under their own powers? Is with local police problems if any along with suggestions for improvement. Are modal numbers of political prisoners alike. Subjected to violence and torture.

18. System for keeping watch over notorious prisoners released on parole by local police in their native places.

19. Number of escapes/attempted escapes during the last five years from (i) police custody (ii) police lock-ups; (iii) in transit while transporting by police escort; brief note on modus operandi in important cases and suggestions.

20. Specific judicial judgements regarding very handcuffing, (single hand, both hands etc.) which dilute security.

21. Responsibility of custody while in hospitals and unitive asylums with police or medical staff.

22. With increasing number of economic offenders/COPEPOSA detains, terrorists in prisons etc. any system of collecting intelligence by screening visitors of hard-core criminals in jails.

23. Other problems which have not been covered by the above Questionnaire and your recommendations and suggestions?
PLAN FOR INTERVIEW ROOM FOR THE INMATES AND WAITING ROOM
OF THE VISITORS VIS-A-VIS THE MAIN GATE

APPEAIX - VII

ADMINISTRATIVE BLOCK

CONTROL ROOM

INTERVIEW ROOM-D

ADMISION ROOM

BARRIER

DETAZS OF PANEL

INTERVIEW ROOM INMATES

PANEL

SEARCH ROOM INMATES

SEARCH ROOM FOR SUPERVISORY STAFF

PASSAGE

SEARCH ROOM FOR VISITORS

WAITING ROOM VISITORS

TOILET FOR MEN VISITORS

ENTRY

INNER GATE

MAIN GATE

OUTER GATE

ADDITIONAL BLDG FOR ADMINISTRATIVE STAFF

MASCATE

ADMINISTRATIVE BLOCK

ADMINISTRATIVE BLOCK

Roof

OUTER F "WATER WALL" FLOOR

DANIEL
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Note: Figures as on 31st March, 1986.

*This includes present prisoners.*