GOVERNMENT OF MADHYA PRADESH

REPORT

OF THE

Jail Reforms Commission
Madhya Pradesh

1977
Note by Chairman

Modern penology is primarily a science of facts past and present and it is only from a careful study of facts and of hard realities that it ventures to make any suggestions for the future.

In addition to the problem of defining the very meaning of crime and the very functions of punishment, Penal reform has to face the undeniable fact that its whole field is permeated by fundamental inconsistencies a fact which makes it so difficult to pursue a consistent policy. It is a common-place to say that the treatment of the law-breaker is a matter of greatest concern not only to the penologist, in the strictest sense of the word, but also to the student of social science and sociology, to the lawyers and the politician, to the moral philosopher and educationalist, to the psychologist and psychiatrist. All of them are equally indispensable and it is only through their harmonious co-operation that penal reform can be achieved.

It is, however, also a common place that we can hardly expect all members of such a mixed team to have identical views about the aims of penal reform and the best ways and means of achieving them. Frank discussions of the existing divergencies would seem to offer the most promising prospects for the gradual shaping of a uniform policy, and for an effective attempt to mould public opinion, which is still the strength of all factors in penal reform.

The prison administration is a subject little known to most of us. Our newspapers keep us informed and interested in all sorts of doings of a criminal up to the time of his arrest and conviction but what happens to him after that is not a matter of common knowledge. Once the prisoner is disposed of by the court, what we do to him there after, does not seem to be of importance to the public. Probably this attitude of the public would have been justifiable had the prisoner been disposed of once for all when he went to the prison. But usually the prisoner comes out of prison after a time and re-enters society. Not very seldom, upon release he becomes a greater menace to property and person than before. It is therefore of infinite concern to society what is done to the criminal in prison, how he is treated and what the effects of this treatment are upon his mental processes.

Traditionally prisons have been considered as some what isolated, mysterious and frightful institutions where the offenders are confined for having committed an offence. Our prison system is co-eval with the Indian Penal Code which though excellent when drawn up, can not be said to have kept pace with the general progress of sociological thought.

During the last few years it has been realised by the administrators and social reformers alike that prisons are not isolated institutions but are a part of our social system which should not only be understood by the community properly but should also arouse public interest and support.
Now the prisoners are provided certain material comforts and some reformatory influences also have been introduced in order to remove the old repressive tendencies of the prisons. The notion that material comforts in prisons shall encourage crime, deserves to be repudiated as no person would like to substitute this freedom for such comforts. However the quality of human input in prison is very important to obtain certain gainful results.

We should so organise the vast expenditure of money, labour, time and efforts as to produce better results in terms of reduction of crime, protection of society and rehabilitation of individuals involved.

India is not so much a welfare state as a society or a state which is endeavouring to become one. Therefore there is need of a new criminal jurisprudence.

Hitherto, the emphasis of the criminal law of our land has been on traditional crime, on offences against person and offences against property such as theft, embezzlement etc. Little or no attention has been paid to economic crime in regard to property, while the design and aim of criminal law both penal and procedural, has been to protect property, there has been no discernible pattern, to protect society against property, that is, against the depredations and anti-social behaviour of owners of property.

There appears to be an assumption that in a welfare state the traditional causes of crime would be very much reduced because rigours of poverty would be absent and the environment would be improved.

However many studies show that even in a welfare state the nature of crime may vary and the causes of crime may be different but the extent of crime does not seem to be very significantly less. If we mean by crime a violation of law, or an evasion of rights and responsibilities imposed by Government, there are greater chances for crime in a welfare state where the functions of the Government increase, the activities of bureaucracy expand and the citizens have greater temptation to evade law with a view to secure more benefits from Government funds. This may happen in the case of non-payment of taxes or it may happen in the case of traffic regulations etc.

In a welfare state there may be lesser tendency to commit offences against property and life but this may manifest more in white collar offences or offences like the ones enumerated above. Therefore one cannot say that a welfare state would be free from crime or there would be diminution in crime rate. Efforts at prevention of crime in a welfare state may be supported by a detailed knowledge of the changing pattern of crime in the new societies.

Prevention of crime in a welfare state is not as easy as it appears on surface. Crime is more complex, subtle and probably more wide-spread. Therefore there is need for investment on research for identification of the nature and extent of crime and its prevention in all welfare states and a welfare bound state like India.
While traditional methods have their good points, emerging conditions call for innovation and experimentation. These are required at different levels of Government and society. There is a greater evidence of new thinking at the central Government level rather than at the state and local Government levels. There is not much awareness in society of the ramifications of crime in a welfare state. Unfortunately, however, the state and local Government, and the local communities in rural and urban areas have to deal with crimes and criminals much more directly than the central Government. For this reason there is need for knowledge and competence to flow to the state and local authorities and to the local residents in both urban and rural areas.

A word of caution is perhaps necessary to prevent our being carried away beyond the limits of informed safety and rational prudence, by the tide of enthusiasm and exuberance in the field of penal reform. For instance, we should guard ourselves against being too hasty in welcoming a change for itself or in the pious hope that it may lead to some unpredictable betterment, or because a different system, method or policy has worked well in some alien, remote country or society with which we may have very little in common. Nor can we afford to ignore the lessons of experience or the results of scientific study and research formulated by western scholars in their application to the nature and motives of human behaviour when they relate to those fundamental human characteristics common to all human beings.

In the recent years a great volume of literature has come into existence regarding crime and criminals, the methods of treatment, institutional and other-wise, to reform and rehabilitate the delinquents so as to enable him to return to society with his anti-social mentality, replaced by a resolution to work and live as a useful member, useful to himself and useful to society in which life is cast.

We have, as time and circumstances permitted, endeavoured to acquaint ourselves with the results and conclusions reached by several scientific workers who have made a study of the problem which we in this Commission have been asked to deal with.

We desire unhesitatingly to acknowledge our indebtedness to these authors, for the light and guidance we have derived from their works. But if we have found ourselves unable to accept, in toto, the results of their research or the recommendations they have made, it is only because, we were not satisfied in the existing circumstances, of this country and our knowledge of the society as we find it in this State, that these results and recommendations are capable of being applied with advantage.

I am thankful to the Government of Madhya pradesh who entrusted me with the task of heading the Commission.

The personnel of the Commission consisted of stalwarts in the field of criminology and penal reform.

I am immensely grateful to my colleagues for their tolerance and forbearance and for their adoptability and adjustments which enabled me to produce a unanimous report.
It may be of interest to note that financially the net effect of the recommendations shall be negligible increase (figures could not be worked out).

We are grateful to the state Government of Punjab, Haryana, Delhi, Maharashtra, Rajasthan, Kashmir, for extending full cooperation and making the visits to their States very useful.

The Commission thanks all those who kindly sent their considered replies to its questionnaire and also those who appeared and gave evidence before it.

The Commission desires to express thanks to all the members for their help particularly Shri. K. B. L. Guru and Shri L. S. Naidu who worked with sense of dedication in finalising the report. Their suggestions and experiences made the heavy task of Commission easy and interesting.

The Commission also acknowledges the work of Shri. T. C. Purohit, Secretary, for his careful and continuous hard labour in collecting material and preparing the report for the benefit of the department inspite of several handicaps.

The Commission regret to place on record that it did not get the cooperation from Inspector General of prisons, Madhya Pradesh, Shri S. R. Hasan but inspite of it, it has been able to produce a report within scheduled period.

I, on behalf of the Commission, am specially thankful to Hon'ble the Jail minister Shri. Krishnapal Singh, for his continuous interest and guidance to the commission.

Under the able guidance of the present Chief Minister and Jail Minister, Jails in Madhya Pradesh, have a great future, and we earnestly hope that the report of the commission shall help in building that future. May be that this report shall serve no only in Madhya Pradesh but also other States as a useful reference book for long time to come.

VEDRAM
Chairman
Jail Reforms Commission
Madhya Pradesh
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CHAPTER I
INTRODUCTORY

The state of Madhya Pradesh was formed on 1st November 1956 and it comprises of four integrating units of Mahakoshal, Vindhya Pradesh, Madhya Bharat and Bhopal.

Since 1956 different integrating units had their different jail Manuals and Unified Jail Manual was introduced in 1968 but it did not contain all the progressive measures introduced in other states in the country nor it incorporated important recommendations of experts.

It was, therefore, in the fitness of things that Jail Reforms Commission was constituted in Madhya Pardesh.

The Government of Madhya Pradesh vide their order No. 148/71/3/Jail dated 24.1.1975 constituted a Jail Reforms Commission. It consists of the following members:

1. Shri Vedram, Chairman, Ex. Jail Minister.
2. Chandulal Chandrakar, Member of Parliament
3. K.B.L. Guru, M.L.A.
4. Shakirali Khan, M.L.A.
5. Ram Prasad Singh, Ex-Parliamentary Secretary, Government of M.P.
6. Virendra Tiwari, Secretary, Congress Legislative Party.
7. Subbarao, Secretary, Gandhi Peace Foundation, New Delhi
9. Gangaram Tiwari, Ex-Minister, P. W. D.
10. L. S. Naidu, Retired Inspector General of prisons, Madhya Pradesh
11. Special Secretary, Home Department, Ex-officio Member.
13. Director of Industries.
14. Director of Health Services.
15. Director of Social Welfare.
16. Shri. T. C. Purohit, Superintendent Central Jail, Secretary.

The terms of reference of the Commission are as under:

1. To examine the existing rules and regulations of the Jail administration in the state specially dealing (treatment) with the prisoners to improve their conditions.
2. To examine and make recommendations in respect of diet, clothing, education and other amenities to the prisoners, keeping in view the financial implications.
(3) To revise rules regarding prisoners to enable their rehabilitation.
(4) To examine the jail industries and suggest improvement for increase in production and its utilisation.
(5) To examine and recommend modifications in the rules pertaining to parole and probation.
(6) To recommend measures for classification of political prisoners, and their treatment.
(7) To consider establishment of new jails at the places where Sessions Courts exist but where there are no jails *eg* Satna, Sidhi and Shajapur.
(8) To examine the question of issue of uniform to warder staff of jail department.
(9) To suggest for revision of jail rules for giving the benefit of premature release to life convicts.
(10) To consider establishment of jail music band of prisoners at Bhopal and Indore central jails.

The Commission held its first Meeting on 7.2.1975 and after discussion on general matters decided to visit the Jails in the State and also in the adjoining States.

Accordingly the Commission visited several institutions in Madhya Pradesh and in the adjoining States of Delhi, Punjab, Haryana, Rajasthan, and Maharashtra. The list of the institutions visited is contained in Appendix 3.

The Commission also decided to draw up the questionnaire, a copy of which is enclosed in Appendix 1. It was finalised and then issued to the public, Government officials, legislators and several institutions. The list of which is contained in Appendix 3.

Although about 1000 copies of questionnaire were distributed, the Commission regrets to state that although considerable enthusiasm was shown when the announcement of the Commission was made by the Government, the response to the questionnaire was not in proportion to the same.

The Commission also invited a few Witnesses to record their evidence or hold discussions from among the M.L.A.s, experts and departmental personnel. The list of which is contained in Appendix 4.

These days it is the general opinion of the exploited and stricken that since times past legislation has been protecting the wealth and property of the capitalists and treating them as respectable men and great citizens; it has legalised their vested interests and exploitation and has denied civic rights to the poor. Similarly their aspiration for getting equal status have been spurned and poverty has been taken to be their ultimate fate. Further, just as this has been the situation in the legal field similarly the grant of ordinary and humanitarian amenities and conveniences, to ordinary convicts in the jails, has been ignored.
It is also imperative that we should so deal with them that in future, they should spend the rest of their lives as respectable Citizens and that instead of their being mere instruments for mal-treatment, our Jails should be centres of reformation of human beings.

A glance at the aforesaid terms of reference would show that Government of Madhya Pradesh has sufficiently widened the scope of Jail Reforms Commission and has included all topics regarding Jails. This reflects the keen desire of the Government to bring about large scale improvement and radical changes in jail administration.

Under the present conditions in the country, the Commission did not have the benefit of Criminological research work; it had not had any feedback from research material and has proceeded largely on random theoretical concepts, some collection of evidence and impressionism but still we hope that the Commission has acquitted itself competently of its onerous responsibility.

To re-orient the existing prison administration and to have trained personnel to implement the reforms recommended by the Commission, additional expenditure is unavoidable. The Commission has all along kept in view the finances of the State and it has suggested the desired improvements without imposing any serious burden on the tax-payer. Some re-adjustments of present pattern have also been suggested which will result in considerable economy both recurring and non-recurring.
CHAPTER II
HISTORICAL RESUME

As places of detention, prisons are old institutions as places of punishment, they are, however comparatively modern. The instances of the former use may be found as early as twentieth century B.C. This use of prisons as places of detention is continued upto this day. But towards the middle of 16th century a period of experimentation with imprisonment as a form of punishment for certain types of offenders mostly for Juveniles, sturdy begars, vagabonds and prostitutes was initiated.

This period of experimentation lasted upto 18th century when imprisonment was universally adopted as a substitute for most of the corporal or capital punishment. In ancient India prisons were only places of detention where an offender was detained until trial and judgement and execution of the latter.

The legal system in medieval India resembled that of ancient India and contemporary muslim sovereign seldom attempted to tamper with the day-to-day administration of justice.

The imprisonment was not resorted to in the form of punishment in the cases of ordinary criminals. It was used mostly as a means of detention only. There were fortresses situated in different parts of the Country in which criminals were detained pending trial and judgement. But imprisonment as a method of punishment, not being the normal feature of the legal system, these fortified prisons did not present any problem for the administration.

With the advent of the British, the administrative structure in the country began to assume a new form.

The Indian Law Commission was appointed to prepare a uniform code of legal rules in 1858 the Royal proclamation was issued by which direct responsibility was assumed by the British Government. In the next 3 years, the first Civil procedure Code, then the Indian penal Code, and almost immediately afterwards, the Criminal Procedure code were enacted. Thus the uniform system of legal justice was initiated in India

The imprisonment became the Most conspicuous and the most commonly used instrument of treatment to the criminals. Here we have the beginning of modern prison system in India, onwards follows the movement of prison reforms, and there runs a close parallel issue between the movements of English and Indian Prison Reforms.

The history of Prison Reforms in England dates back to the year 1557 and most of the credit for prison reforms in England goes to john Howards.
In India, the first experiment in Prison Reforms began in the year 1835. Prison institutions were run by District Magistrates who were known for their indifference and reluctance to this aspect of administration and hence conditions there in were extremely bad. There was inadequate food, ill clothing and improper medical attention for the prisoners. The Directors of the East India Company were reluctant to spend money on jails and improve the State of affairs therein. Macaulay drew attention of the Government of India to the terrible conditions in Indian Jails and on his suggestion a committee was appointed on 2nd of January, 1836 to look into the conditions and report therein.

This was the first committee on jails in India. It submitted its report in 1838 criticizing severely the corruption of the subordinate establishment, the laxity of discipline and the system of employing the prisoners in extra-mural labour on public roads. The committee in its recommendations deliberately rejected “all reforming influences such as moral and religious teaching, education or any system of rewards for good conduct and suggested the building of Central Prison where the convicts might be engaged not on manufactures which it condemned but in some dull monotonous, worrisome and un-interesting work in which there shall be wanting even the enjoyment of knowing that a quicker release can be got by working harder for a time”. The committee was influenced by contemporary ideas in England where deterrent side of punishment appealed to the Parliamentarians of the day. In pursuance of the recommendations of the Committee, a Central Prison was constructed at Agra in 1846. This was the first Central Prison in India and was followed by some more Central prisons.

In 1844 the first Inspector General of prisons was appointed in the north-western province (present Uttar Pradesh). This was later followed by some more appointment of the Inspector General of prisons.

The Government of India moved partly by high death rate in Prisons and partly by other allied considerations appointed a second committee in 1864 to consider the question of jail management.

The Committee formed in 1864 recommended for improvement in diet, clothing and bedding and insisted upon regular medical inspections of prisoners. They also recommended that every central prison should have cellular accommodation for 15% of its population and that juvenile be kept separate from other prisoners and that they should be given education.

In 1870 the Government of India passed the Prison Act to amend the Law relating to the prisons in the country. It laid-down that there should be a Superintendent, Medical officer, a Jailer and subordinate officer as the local Government thinks necessary.
The Act which came into force on the first day of December 1870 together with Prisons Act 1894, forms the legal basis of the existing prison system in India.

The third all India Jail Committee was appointed in 1877. The Committee was composed entirely of officials actually engaged in prison work. It reviewed the Jail Management generally and mostly concerned itself more with the matters of detail in prison work than with the general aims and principles of administration.

In 1889 was appointed the fourth committee. On this occasion, the purview of the enquiry was expressly directed towards the routine working of the jails. The report was, therefore, a business like report covering nearly the whole field of internal management of jails and linked down elaborate rules for prison management. The committee recommended the separation of undertrial prisoners and classification of prisoners into casual and habituals.

The work of the committee was supplemented by the next all India committee of 1892. It surveyed the whole prison administration in India & drew up a proposal on the subject of prison offences and punishment.

The report of the committee was accepted by the Government of India which passed the prison acts of 1894. This Act provided that the convicted criminal prisoners may be confined either in association or individually in cells or partly in one way or partly in the other. The act fixed 9 hours labour a day for criminal prisoners sentenced to labour or employed on labour at his own desire. It further defined what constituted prison offences. This act was largely based on deterrent principles and reflected contemporary English public opinion on the subject.

The year 1897 marks a land mark in the history of prison reform movement in India. In that year was passed the Reformative Schools Act which directed the courts to send a youthful offender to a Reformatory school instead of a prison.

The Act was given effect to in Uttarpradesh by establishing a Reformatory School at Chunar. However the School was placed under the control of Education Department and it remained so till 1942 when it was transferred to the Jail Department. England was ushering into a new path in prison reforms and a similar spirit could be seen in India also.

The century was drawing to its close and the old ideas about prison administration were being discarded under the influence of new ones.

The Indian jails committee 1919 gave expression to these ideas. The committee made an extensive tour of England, Scotland, U. S. A. Japan, Philippines, Hongkong. Studied the prison system there and submitted a comprehensive report suggesting far reaching changes in various aspects of prison administration.
According to its observation "The Indian prison administration has lagged behind on the reformation side of the prison work. It has failed so far to regard the prisoner as an individual and has conceived of him rather as a unit in the jail administrative machinery. It has lost sight of the effect which humanising and civilising influences might have on the mind of the individual prisoner. The whole point of view needs to be altered, and the primary duty of keeping people out of prison needs to be more clearly recognised by all authorities and not the least by courts. The aim of all prison administration is the prevention of further crime and restoration of the criminal to society as reformed character."

The report contained a large number of recommendations dealing among others with such subjects as prison staff, separation and classification of prisoners, prison labour and manufactures, discipline and punishment, reformatory influences in prisons, prison hygiene, medical administration, aid to prisoners on release, probation and borstal treatment.

Regarding the prison staff, the Committee recommended that every central prison and all Districts Jails with an average population of 300 and upwards should be incharge of a whole time Superintendent and the existing system of recruiting Superintendents of central prison from the Medical Services and of giving them combined charge of Medical and executive, should be continued.

The prison establishment should be divided into two branches to be separately recruited i.e. executive and clerical.

The Committee recommended a reasonable period of training and probation for all officers newly appointed in the department.

The committee held that convict officers should not be employed in excessive numbers and that in future there should be only two grades of convict officers viz, convict night watch-men and convict-oversers.

A separate Jail medical service was not considered desirable by the Committee, but at least one whole time medical subordinate was suggested for appointment for each central and district jail.

As regards classification of prisoners the Committee formulated a revised definition of the term habitual so as to make the existence of one or more previous convictions or of an order to find security under section 110 and 118 Cr. P. C. an essential condition. For all non-habituals it recommended a further sub-classification into two classes (1) Star and (2) Ordinary. Three members were in favour of the principle of association in barracks at night, 2 members were in favour of principle of a separation at night for habituals and short term non-habituals and association for others.

In the selection of prison labour, the committee suggested the main object should
be to reform the criminal and produce goods similar in quality to those obtainable in the open market.

The use of power driven machinery in jails was considered by the committee essential, jail manufactures, the committee reported, should be carefully chosen so as to do the least possible injury to private enterprise. For this purpose they avoided competition with weak and unorganised trades or budding industry.

Arrangements for education up to the elementary stage and restricted to prisoners not over the age of 25, were recommended in all Central and District Jails.

The Committee also made certain suggestions regarding variation in diet, better cooking, better clothing, electric light installations, up-to-date equipment in hospitals, a special institution for mental defectives and better prison hygiene and medical care.

To aid discharge prisoners, a central association in the central city of each province and a local society for each central and district jails outside the capital society was recommended to be set-up. The committee was of the opinion that if Homes, work-shops or labour yards were started to assist ex-prisoners, the relief or employment thus provided should be strictly temporary.

The Committee also laid-down measures to prevent commission to prison of certain classes of offenders. The commitment, stated the committee, to prison of children and young prisoners whether after conviction or while on remand was contrary to public policy.

Remand homes and children courts should be provided for such children and the procedure in these courts should be as informal and as elastic as possible. probation officers should be appointed to aid the courts.

Adolescent offenders should not be sent to ordinary jails but to special institutions which should be reformative in character.

The publication of the report gave an immediate impetus to prison reforms throughout India. Not only the prison department were effected but the penal reforms also received a great fillip. The enactment of the Borstal Act, Childern and Probation Acts were the direct or indirect result of the general interest aroused by the report. The report it might be remarked “laid-down the foundation stone of modern prison system in India.”

Unfortunately the prison reforms movement received a certain set-back due to the constitutional changes brought about by the Government of India Act 1919. The enforcement of this act effected the transfer of the jail department from the control of the Government of India to that of the provincial Government, and prison reform movement was there upon thrown back for a decade.
Thus it will be seen that the first stage of prison reforms was marked by the acceptance of the doctrine of deterrence and retribution.

The second stage was marked with the acceptance of the principles that the prison treatment should have its primary and concurrent objects deterrence and reformation.

With the opening of the 20th century in the third stage, the doctrine of reformation was accepted. The purpose of prison system was accepted to be predominantly reformation, the main importance of punishment being to educate delinquents and prepare them for re-entry into social life.

In 1923 section 562 of Cr. P. C. was amended to facilitate the suspension of sentence in selected cases. Presidencies of the Bombay, Calcutta and Madras enacted Children Acts in early twenties. With the promulgation of the Government of India Act 1935, the prisons became the transferred subject under the autonomous provinces. Bombay, Madras, United provinces and C. P. and Berar passed probation of offenders act during 1936 to 1938. The United Provinces Jail Enquiry Committee 1928-29, the committee of prison Reforms in Mysore 1940-42, the Uttar Pradesh Jail Reforms Committee, 1946 the Bombay Jail Reforms Committee 1947-48 were set-up to devise measures to improve the prison administration.


The Government of India invited technical assistance from the United Nation and Dr. W. C. Reckless spent some time in India in 1951-52 to suggest ways and means for prison reforms.

A conference of Inspectors General of prisons was convened in 1952.

The important resolutions of the Inspector General of prisons were as follows—

1. Jail service should be made a career service.
2. Director of Jail Industries should be appointed.
3. The policy regarding jail manufactures should be revised and made more elastic to give more discretion to the Inspector General of prisons and Superintendents of Jails.
(4) There should be only two class of prisoners—one and two.
(5) Classification of prisoners should be removed from the purview of the courts and entrusted to Superintendents of Jails.
(6) After-care service should be established in each State.
(7) Welfare officers should be appointed.
(8) Each State should appoint at least one psychiatrist.
(9) Short-term sentences should be abolished.
(10) There should be a Central Bureau of Correctional Services to co-ordinate different methods of rehabilitations, after-care and treatment of prisoners and to collect different statistics. Dr. Reckless in his report recommended, interalia

(1) Getting out of the delinquents from the jails, courts and police lock-ups.
(2) Development of whole-time Probation and after-care service.
(3) The establishment of Revising Boards for selection of prisoners for premature release.
(4) The establishment of new jails to perform specialised functions.
(5) The revision of the jail Manuals.
(6) Training programme for the warders and superior staff of the prisons.
(7) The introduction of the legal substitutes for short sentences.
(8) Expedition in police and court action to reduce the number of undertrial prisoners and their period on remand to jails.
(9) The establishment of Advisory Bureau for correctional administration at the centre.
(10) The establishment of integrated departments of correctional administration including Borstal, probation and After-care. In the meanwhile the United Nations had led the first United Nations Congress on the prevention of crime and treatment of offenders at Geneva in 1955. The congress approved United Nations standard minimum rules for the treatment of offenders laid down in 1951. These rules are as follows:

These rules are not intended to describe in detail a model system of penal institution. They seek only to set out the element of what is generally accepted as being good principle and practice in treatment of prisoners and management of institutions.

GENERAL PRINCIPLES

1. The purpose of prison in carrying out punishment should be to ensure that its intention is over fulfilled by the return of the offender to society not only willing but able to lead a normal life as good member of society.

2. The regime of the institution should seek to minimise any difference between life inside its walls and normal life outside.

3. The treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it.

4. The medical service should seek to remove any physical or mental defects which may hamper prisoners rehabilitation.
5. (a) Since fulfillment of these principles require individualisation of treatment & flexible system of classified prisoners in groups for this purpose, it is desirable that such groups be distributed in separate institutions suitable for treatment of each group.

(b) For this purpose it is desirable to provide varying degrees of security according to the needs of the different groups.

(c) It is desirable that number of prisoners should not be so large that the individualisation treatment is hindered. It is considered that the population should not exceed 500. In open institution the population should be as small as possible.

(d) It is equally un-desirable to maintain the prisons which are so small that proper facilities could not be provided.

6. It is desirable that youth persons should not be sentenced to imprisonment. If this is not possible, separate institutions should be maintained for them, accommodating not more then 200 inmates.

7. A human--efficient and well organised system of after-care is essentiae.

In 1957 the Government of India set up all India Jail Manual Committee which made a very detailed scrutiny of prison problems and drafted along with the report, a Model Prison Manual for the guidance of the state Governments in 1959.

Among the various recommendations of the committee, the following are important ones :-

1. The Correctional Services i. e. The Prisons, Probation, After-care and institutional services for children should be integrated under a Director or a Commissioner of Correctional administration and be under the control of the Home Department.

2. Deputy Inspector General of Prisons should be incharge of the various divisions, and there should be a separate Deputy Inspector General of Prisons for the Health Services in Prisons.

3. The probation system should be used on a more extensive scale than at present in order to reduce the pressure on prisons.

4. There should be well arranged network of diversified institutions.

5. A Central Bureau of Correctional Services should be organised at union level.

6. A Central Advisory Board should be set up by the Government of India and there should be a research and planning unit in each State.

7. All India Correctional Services should be set-up.
8. There should be a separation of executive and clerical functions and of executive and accounts functions.

9. There should be a state after-care organisation in each State.

10. The Jail Manuals should be revised periodically.

Regarding classification of prisoners, the Committee remarked:

"The classification is a method by which the treatment programme is adjusted to the inmate's changing needs. The classification procedure does not end with initial studies and planning of programmes. It has to be dynamic process, operated right from the admission of the inmates till his release. It is to pervade entire institutional activity.

Ministry of Home Affairs circulated the report of the Committee to State to seek there comments. They also circulated the Government of India's acceptance of some of the recommendations.

Accordingly State Prison Manual has been revised in Maharashtra. In other States and Union territories, the revision of the Jail Manual is in different stages of drafting or examination.

In pursuance of the recommendations of the Jail Manual Committee, the Government of India, Ministry of Home Affairs, set up a Central Bureau of Correctional Services in 1961 with the following functions.

(1) To standardise the collection, on an information basis, all statistics relating to crime, jails, probation and other correctional work in different States in India.

(2) To co-ordinate the work and develop a uniform policy of prevention of crime and treatment of offenders.

(3) To exchange information in regard to crime prevention and correctional service between the States and providing technical knowledge and assistance and other information.

(4) To exchange information where necessary between India and foreign Governments and with United Nations.

(5) To promote research and staff training and to undertake studies, surveys and any required research and experimentation in the field.

(6) To disseminate information and stimulate interest of the public, publication of bulletins on the subject etc.

The Bureau was transferred to the Ministry of Social Security, now department of Social Welfare in 1964–65, while the subject of prisons remained with the Minis—
try of Home Affairs.

In 1969, all India Seminar in Correctional Services was convened by the Bureau when the Inspector General of Prisons and Correctional Administrators met together after 17 years. The seminar concluded that the progress in prison reforms was very halting and that State Government and the Union Government should initiate action in all earnest to follow up the pending recommendations.

In 1969, The Department of Social Welfare, Government of India constituted a Central Advisory Board on Correctional Services bringing together the Union Ministries concerned with Crime, Law, Police, Corrections as well as State representatives in the field of prisons and social Welfare and some academic agencies, with following objectives:

1. To advise the Central and State Governments on matters of policy in providing the correctional services.

2. To help the Central and State Governments effectively develop the programme of correctional services throughout the country and to fill up gaps that exist at present in different areas of service.

3. Other objectives:
   (a) To advise on matters relating to the social aspects of prevention, control and treatment of delinquency and crime.
   (b) To suggest measures for improving levels of co-ordination between administration of justice, police administration and correctional administration.
   (c) To suggest ways and means of creating social consciousness for the rehabilitation of the offenders.

In October 1971 during the National Correctional Conference on probation and allied measures, the Inspector General of prisons met again and pointed out the defects encountered in the implementation of the prison reforms programmes and there was a revision of the State prison manuals etc. They deplored the lack of priority and inadequacy of the funds being made available by the authorities to the prison administration. The meeting advocated involvement of Government of India in a big way to accelerate the development of the prisons, on the modern lines.

The Government of India constituted a working group in 1972 to examine measures for stream-lining and improving the jail administration and conditions of living in prisons.

The terms of reference are as follows:

(1) To examine the physical and administrative conditions of the Jails and to suggest ways and means for improving them.

(2) To lay down standards in respect of the different service and facilities in the Jails.
(3) To examine the position in respect of the existing prison accommodation and lay-down guide lines for construction of new prison buildings.

(4) To analyse the factors hampering growth of prison development, formulating training programmes for the prison staff.

(5) To lay down an order of priorities for prison development schmemes.

(6) To suggest ways and means for incorporating the principles of reformation and re-settlement of the criminals in the system of administration of jails and treatment of criminals.

(7) To consider allied matters concerning prisons and prisoners.

The working group submitted an interim report on 5th February 1972 high-lightina areas which require immediate attention.

The working group has also drawn up a set of recommendations which are expected not only to streamline but also improve the prison administration and also transform the prison from purely custodial institutions into centres of reform and rehabilitation.

The recommendations are under the active consideration of the central and State Governments.

Some innovations have been recently introduced in the treatment of offenders in the various States of the Indian Union. The children Act is now enforced in all the States except few. Approved Homes, Certified Schools have been set-up in various parts of the country to look after delinquents. A number of States are having Borstal Schools for offenders. Some States have also provided separate institutions for women prisoners. A number of States have open prisons while others are anxious to establish such institutions. The wage system or earning scheme has been introduced for selected prisoners working on some industries. The agricultural farms have been attached to some jails where the prisoners work in open.

In the light of the historical background of the prison reform movement in India as described above, it may be remarked that while some fragmentary improvements have been made in piecemeal fashion, our penal policy still remains unchanged to a large extent.
CHAPTER III

DILEMMA OF PENAL REFORMS

The theory of penal reform has been questioned by some prominent persons of the old times in view of the fact that the facilities extended to the prisoners outweigh the facilities available to honest free poor citizens.

In his book “Crime of Imprisonment” Bernard Shaw has said that the State by imprisoning a person and thus depriving him of liberty is committing a crime itself and therefore, it has no right to even think of reforming a prisoner in the prison.

Shri K. M. Munshi in his presidential address to the first Indian penal Reform conference said “The Jail is an integral part of the machinery which maintains order in society and it should be allowed to retain it as a dreaded deterrent to anti-social activities”.

Dr. K. N. Katju then Home Minister Government of India in 1954 circulated a note to all the States for eliciting opinion in which he had opined that prisons today have been made very comfortable and deprecated the idea of putting premium on crime.

From the prisoners point of view, even the prisoners of today are far from satisfactory to reform them.

In the book “Truth about Dartmoor” (Dartmoor is a prison for habituals in U. K.)

The author, an ex-convict says:-

“That every prison that men built,
Is built with bricks of shame and bound with bars,
Lost Christ should see,
How men their brothers main?”

Another author says:-

“Vilest deeds like poison weeds,
Bloom well in the prison air,
It is only what is good in a man,
That wastes and withers there”

The persons who oppose the idea of reform in the prisons advocate the theory of deterrence, which has been repudiated long back.

In this country the opponents of penal reform should not have much of an objection in view of the fact that the Government of the day has introduced several measures for the weaker sections of the society by way of giving them land, advancing
bank loans, abolishing rural indebtedness, free legal aid, free education, preferential jobs placements, abolition of bonded labour etc.

The basic principle of modern penology is that punishment in order to be effective has chiefly to aim at reformation and that this can only be achieved by individual treatment of the law breaker. This does not mean that elimination of law breaker and deterrence can be entirely excluded. For certain types of offenders and offences, they will probably remain indispensable. But for the great majority of them reformation is certainly an aim that should be pursued. Whether we interpret the term reformation “mainly in a moral sense” or more in the sense of “training for citizenship”, in any case it can only mean that every possible attempt should be made to strengthen the faculty of the offender and his power of resistance against the danger of release.

The opponents of the theory of reformation still believe in the “principle of less eligibility” which means that the condition of the prisoner should be less eligible than that of the lowest grade of independent labour.

When deterrence as the chief aim of punishment became increasingly supplemented by the idea of reformation, public opinion, in harmony with many penal reformers insisted that the new idea of reformation had some how to be made innocuous and as the utmost limit of indulgence, this principle of less eligibility was sometimes exchanged for the principle of “non-superiority” i.e. the requirement, that the condition of the criminal in the prison should be at least not superior to that of the lowest class of the free citizen.

This is the formulation used by certain enlightened penal reformer as Jeremy Bentham. According to Bentham every penal system should observe three fundamental rules; Lenity economy and Severity, which later meant that “Saving the regard due to life, health and bodily ease, the ordinary condition of a convict doomed to punishment which few or none but individuals of the poorest class are apt to incur, ought not to be made more eligible than that of the poorest class of subjects in a State of innocence and liberty.”

Surely this was an important step forward. Whilst the principle of less eligibility still remained an element of deterrence for every body since its standard is below every body’s standard, acceptance of the principle of non-superiority, on the surface of it seems to eliminate the function of deterrence from the penal system at least for the lowest strata of society.

There were important Enquiry Committees to find out whether liberal treatment to the prisoners encouraged crime and the report submitted in U. K. about 100 years back was a most enlightened document. Among others it contained the following truly remarkable sentences which deserves to be remembered in all future times in completely repudiating the whole principle of less eligibility and even that of non-superiority. The remarks are:-
“It is extremely difficult to ascertain what the ordinary food for free labourers is. Even if the enquiry was limited to that class of free labourers which is known to be worst fed viz, agricultural labourers, the true facts of the case would not readily be obtained and even if it were to appear that as a class, their food was badly chosen, badly cooked and insufficient in quality, it would not be incumbent upon us in framing dietaries for prisoners to imitate their bad examples or to confirm ourselves to their exceptional circumstances. The duties which the authorities have to discharge in respect of the diet of the prisoners, seems to as to be strictly analogous to that which they already performed in regard to other matters which involve their health and strength and just as it would not be right to subject our prisoners to the dirt, overcrowding and defective ventilation to which the majority of them had been exposed when they were free, so ought it to be with their food. The quality and amount of it ought to be determined not by the standard of any class of labourers, but by the actual necessity arising out of prisoners altered circumstances.

The Reports make it plain that the conditions under which prisoners exist can in no way be compared with those enjoyed by the free population, the less of liberty entailing necessarily an external and internal organisation of living conditions widely different from those allowed by freedom.

Unlike the free man he has no possibility of finding compensation for the moral depression resulting from unemployment by means of external impressions and by contacts with the outside world. In the same way, the manner of living in prison is deeply influenced by the sole fact of a considerable number of human beings, being gathered under one roof. It is therefore, essential that a counterpoise should be found.

The old materialistic idea that prison conditions can be considered one by one and that each calorie of food, each cubic foot of air enjoyed by the prisoner should be compared and contrasted with conditions outside such method of dealing with the question has proved fundamentally wrong.

No comparison is possible between social conditions that have no common factor. The whole existence of great masses of population receives its vital stimulus mainly from that small margin of personal freedom that still remains to them after their daily work is done. When as in prison, this is taken away some substitute must be supplied to prevent wholesale deterioration”.

The Law Journal made the following pertinent remark in 1938: “the exact object of imprisonment may be matter of argument, but fundamentally that should no mean more than deprivation of liberty, leaving the prisoner free to maintain his interest in mental and physical activities, so as, on release, to enable him to regain a position as a useful member to society.”

In fact, however imprisonment necessarily means much more than this.
It is not only the prisoner's liberty, it is usually his and his family's whole existence, their livelihood and their reputation that are affected or even destroyed. As a consequence, it becomes the legal duty of the State to compensate the prisoner for this excess of evil, that the execution of the penalty has inflicted upon him.

However, some principles have to be laid down for treating the prisoners in a reformatory manner. But these are matters which do not need any theoretical consideration since they adjust themselves by the simple application of common sense and the amount of money available. The only real problem to be solved was and is whether this common sense relationship should be replaced by rigid enforcement of an artificially contrived principle of less eligibility or non-superiority.

It may well be further objected that placing the ex-prisoner in a privileged position as to employment etc. Would mean a definite incitement to crime. Those who cannot get rid of this fear would bear in mind that no amount of privileged treatment by the State and employers that can reasonably be expected in actual practice will ever succeed in completely restoring the social complaints in favour of the offender. All that can be hoped for is, to use Mr. John Watson's words, "not to promote them to the front of queue but to see that they take their return with the rest".

It should, however be noted that to expect from penal system that it should by itself create law-abiding citizens can only be regarded as grotesque over estimation of its power. Such a spirit of law-abidingness can not be established by force. It can only be secured by improving the standards of living and of education and by setting of a good example.

In view of a plethora of legislation in our country, there is hardly any border line between delinquents and non-delinquents. There fore in view of the social and economic conditions as they obtain in the country today, we have to tackle the problem of delinquency not in isolation, but as a continued process in the social evolution and therefore a realistic approach to the crime problems lies in the understanding of the process of defluxity and crime in relation to the current social transactions economic upheavals and resultant sociological changes.
Chapter IV
Modern trend in crime & measures to contain it.

India is right in the midst of social and economical transitions. We are facing new socioeconomic challenges. Especially since the advent of freedom, many dormant forces have been liberated. Our social institutions are undergoing considerable changes. Some of the entrenched social evils have been generating peculiar conflicts. Other socioeconomic and class tensions are also developing. A new concept of socialistic economy is prevailing throughout the country. Great strides are being made in the field of industrial development. Our cities and towns are growing and the urban pattern is expanding. The structure of rural life is changing very fast. Pattern of life, value schemes and tempo of living, in general, are undergoing basic changes. These are, no doubt, signs of progress, development and growth. During the periods of socio-economic and psychological changes, human behaviour is likely to become somewhat abnormal and sometimes even anti-social. The problems of delinquency and crime in India have to be viewed against this background.

The general pattern of crimes in India is showing significant changes. There are indications that professional, organised and habitual criminality is becoming more serious than before. Crimes like manipulations and fraudulent practices in trade and commerce, breach of trust, fraud, swindling, corruption, hoarding, black-marketing, tax-evasion, are coming to the fore. The reporting of all these violations is not quite extensive as it really ought to be and that is why perhaps, these violations are not fully recorded in police, courts and prison statistics. The wide spread presence of these violations is, however, undeniable. The financial loss involved in such criminal activities is enormous. But the damage to social morals and social institutions by such practices is even more serious. These anti-social acts generate feelings of distrust; they lower morale and produce social disorganisation on a wide scale.

Solutions to the problems of crime and delinquency do not lie only in prisons, they lie in other socio-economic fields as well.

The realistic approach to the crime problem lies in the application of scientific methods and in understanding the whole process of crime in relation to the current social transitions.

Accordingly a practical solution in terms of adequate prevention, control and treatment of delinquency and crime may be found in the confluence of the humanistic and scientific approaches.

Crime rates in many countries are rising rapidly as a result of rapid social and technological changes.

The key issues dealt with were—

1. Business crimes, such as crimes by multi-national corporations, organised crime, white collar crime and corruption.
2. Commercial crimenality involving trafficking in cultural property.
3. Criminality associated with drug.
4. Violence both interpersonal and transnational including terrorism.
5. Other miscellaneous issues like motor-traffic offences, crimes related to refugees and female criminality.

The final report has included suggestions in regard to legislation for curbing abuses of economic power in the exercise of commercial activity, taking effective to curb smuggling and foreign exchange racketeering providing for international steps co-operation in the matter of stopping illicit traffic in cultural property or trafficking in drugs.

There was a general consensus that the increase in violent behaviour should be analysed in the broader context of social economic and political problems facing countries in many parts of the world and that every effort should be made to prevent social conditions conducive to violence.

As regards refugees, it was suggested to involve the U. N. more actively in such situations as the influx of larger numbers of refugees created sizeable criminal problems including espionage and smuggling.

It might be worthwhile to have some idea of the crime problems in some important countries.

Soviet Russia.

In Russia serious crimes have considerably increased although overall crime rate has decreased.

The Soviet Union has extended the death penalty to cover the crime of bribery-taking, rape and attacks on law officers.

A decree of bribe-taking prescribed death by shooting, for second offenders or 8 to 15 years imprisonment, to be followed by a period of exile of 2 to 5 years.

Those convicted of bribe taking as a first offence, are to receive jail sentences of 3 to 10 years. Bribe-givers will also receive jail sentences but no provision has been made for the death penalty.
There seems to be great public awareness particularly of the problem of bribery. Whether bribery exists on any scale in the law courts or in a distribution of new flats, the problem is there.

A second decree prescribes death penalty for rape and 8 to 10 years imprisonment, besides 2 to 5 years exile, at the discretion of courts.

Under the third decree, attempts on the lives of police men, or voluntary law enforcement officers were made punishable by death.

It also increased the penalties for failing to obey police men’s order, insulting an officer and resisting arrest. Sentences ranging form 15 days to 5 years were prescribed for the offences.

United States of America

Lawlessness in U. S. is largely motivated by political factors such as racial discontentment and students unrest. Over and above this, there is a standard crime in the streets ranging from purse snatching, and streets corner mugging to bank hold-up and rape.

Washington post recently published a crime diary of a single day in this city and it showed that there were major crime, arson, murder, attempt of holding up a bank or a store or rape for every single hour of 24 hours span.

This situation is by no means peculiar to “Washington. The residents of Newyork are distressed even more over the rising crime rate in the city. A Newyork times study suggested that apprehensive of the criminals and feeling themselves besieged by army of muggers and thieves, people are changing their habits and styles of life. Refusing to go out after dark, peeping anxiously through peep-holes before opening their doors, side-stepping strangers on the streets, riding elevators only in company of trusted neighbours, and spending enormous sums to secure their homes with locks, bolts, alarms and bells.

It may seem ludicrous but the city Judge recently appeared on the television programme and suggested in all eagerness that a woman driving alone at night should carry with her an inflated rubber dummy of a male sitting beside her to discourage intending criminals.

Women are also becoming more involved in crime and violence in a increasing numbers. Female arrests for major crimes rose to 100. 6 percent compared to increase of 72. 7 percent for men in 1970. The female conflict with the law covers the whole range of crime and they represent the whole system spectrum, black and white, poor and middle class and urban and sub-urban.
The changing attitude of Women has been paralleled by a change in what sociologists call “response agents to crime” Police, Judges and correctional officers.

In the old days all of them gave preferential treatment to the women. To-day tendency to seems to be to let the punishment fit the crime, not the gender of the criminal.

United Kingdowm

Far reaching changes in British Penal system, intended to reform administration of justice and make crime prevention and punishment more effective are introduced by the Criminal Justice Bill.

The main changes concern the conception of the punishment for crime. Here after those sentenced to 6 months and less for minor offences not involving violence will generally be given suspended sentences, fines are encouraged and courts will have power to attach wages or other income, realise the fines and there will be no prison sentences for debtors or drunkenness. While this is expected to reduce the prison population extended prison sentences are provided for the big criminals from whom the public has to be protected. But here too selected criminals can be released on licence after serving a third of their sentence.

Japan

There is a great increase in petty crimes and violence in Japan. But what is causing special concern is a pathy of people who may be witness to crimes yet give no aid to victims.

Typical are the attacks made on public vehicles. A man is robbed at night at knife point while those nearby turn away or bury away their heads in the news papers.

Pick pockets are observed but are seldom reported. Women are molested, their clothing cut or burned. No one helps. Should any body interfere, the trouble may become his own.

Japan has long been tolerant of people’s action when they are under the influence of alcohol. A man intoxicated is forgiven for a multitude of sins.

But changes are coming. New drunk is more often seen for what he actually is, a potential menace to society.

He is not as amusing as used to be and he may find himself in jail instead of being delivered laughingly, to his home.

Also the laws pertaining to offenders are being tightened up. Formerly a general warning and token fine were the only penalties for Acts classified legally as violence, intimidation, rowdyism and extortion of a minor nature. Now larger fines
and longer Jail sentences are becoming the rule rather than exception.

India

In our country new legislation is contemplated to be introduced to give quick justice and also to contain crime.

The new Cr. P. C. has come into force with effect from 1-4-1974.

There is an important provision in section 235 (2) of the new criminal procedure code, under which an accused must be given an opportunity of hearing, after he is convicted by a court, against the sentence proposed to be finally awarded to him by the court.

The hearing contemplated by the above section is not confined merely to hearing oral submissions, but is intended to give an opportunity to the prosecution and the accused to place before the court facts and material relating to various factors which have a bearing on the sentence.

In this context the supreme court has ruled that modern penology regards crime and criminal as equally material when the right sentence has to be picked out. It turns the focus not only on the crime, but also on the criminal and seeks to personalise the punishment so that the reformist component is as much operative as the deterrent element. Another provision has been made for setting up the period of detention undergone by the accused against the sentence of imprisonment. Section 428 of the Cr. P. C. reads:

"Period of detention undergone by the accused to be set off against the sentence of imprisonment" where an accused has on conviction been sentenced to imprisonment for a term, the period of detention, if any undergone by him during investigation, enquiry or trial of the same case and before the date of such conviction, should be set off, against the term of imprisonment imposed on him on such conviction and liability of such person to undergo imprisonment on such conviction shall be restricted to the remainder if any of the term of imprisonment imposed on him."

Some of the other important provisions of the new Cr. P. C. are:

1. "Preliminary enquiry which preceded the trial by the court of session earlier known as committal proceedings, has been abolished", as it did not serve any useful purpose and was often cause of considerable delay in the trial of offences.

2. The scope of summary trials has been widened by including offences punishable with imprisonment up to one year instead of 6 months.

3. In petty cases the accused has been enabled to confess his guilt by post & remit the fine specified in summons.
4. If a court of appeal of revision discovers that any error or omission or irregularity in respect of charge, has occasioned failure of justice it need not necessarily order retrial.

5. The provision for compulsory stoppage of proceedings by subordinate courts on the mere intimation from the party of his intention to move a higher court for the transfer of the case, has been omitted and a further provision has been made to the effect that the court hearing, the transfer application was not to stay proceedings unless it is necessary to do so in the interest of Justice.

6. Some of the significant changes intended to provide relief to the poor sections of the community are—

(a) A provision has been made for giving legal aid to an indigent accused in cases triable by court of sessions which may be extended to the other categories of cases by State Governments.
(b) The court has been empowered to order payment of compensation by the accused to the victims of crime, to a larger extent than was permissible earlier.

The proposals for the amendments to the Indian Penal Code have been submitted by the Parliamentary Committee.

A new strategy of meeting the challenge of socio-economic offenders has been adopted.

The Law Commission in their 47th Report defined social offences as those affecting the health and material welfare of the community and economic offences as those affecting the country’s economy and not merely the wealth of individual victim. The commission’s approach to the problem is that these offences represent harm of a greater magnitude than the traditional crimes and of a nature different from them. “Unlike the traditional crimes they are not in the shape of positive aggressions or invasions. They may not result in direct or immediate injury; nevertheless, they create a danger which, or the probability of which, the Law must seek to minimise”.

The Law Commission while accepting the gravity of socio-economic offences and recognising the need for greater degree of control, have suggested certain changes in the concepts of criminal law and have observed that “if legislation applicable to such offences as a matter of policy departs from legislation, applicable to ordinary crimes in respect of the traditional requirements as to mens–rea and other substantive matters as well as some points of procedure, the departure would, we think be justifiable”.

The departures from accepted principles of criminal law suggested by the Law Commission briefly relate to:—

(1) Shifting of the burden of proof to the accused.
(2) Increasing the maximum punishments to give an adequate expression to the
social disapproval of such crimes;

(3) Imposing certain minimum punishments through more rigid restrictions on the discretion of the court.

(4) Institution of special courts,

(5) Use of preventive detention.

The proposed changes in the Indian Penal Code are based on the following considerations:

(1) Crimes involving the well being of the society or affecting large number of persons should be visited with more severe punishment than those against the interests of individuals.

(2) Anti-social or white collar criminals should be dealt with more drastically than ordinary criminals.

(3) The scope of imposing short term imprisonment should be reduced as such imprisonment serves no useful purpose.

The Parliamentary committee has recommended that courts should be free to award death penalty even to minors for committing murder. It has expressed the view that absence of death penalty to minors might lead to undesirable results by encouraging persons to use minors for committing murder. If the circumstances of the case so demanded and law provided for such punishments, the court should have power to award death sentence even in the case of minors.

The Bill seeks to provide that imprisonment for life should be reckoned as equivalent to rigorous imprisonment for 20 years. Sometimes due to grant of remission even murderers sentenced or committed to life imprisonment were released at the end of 5-6 years. The Committee feels that such a convict should not be released unless he has served at least 14 years of imprisonment.

The Committee considers that in a democratic set-up any peaceful or non-violent means adopted by persons for the redress of his grievances without resorting to violence, should not be recorded as an offence.

It feels that it would not be desirable to treat to go on fast into death for achieving some objective or performing mock funeral of living persons as an offence.

Regarding offences of rape, the committee is of the opinion that sexual intercourse by a man with his own wife, what ever might have been his age, should not be regarded as rape. It has reduced from 7 to 3 years punishment in case of rape by a man with his wife, living separately from him under a decree of judicial separation or by mutual agreement.
Punishment for rape in other cases should be for the imprisonment for life or 10 years depending upon the gravity of the offence and not life-imprisonment in all cases.

The punishment for seducing any female inmate of a women’s or children institutions by any office bearer should be 2 years with fine. Hostels and Boarding Houses attached or controlled or recognised by such institutions should also be brought under purview of this provision.

The committee is of the opinion that the offence of making preparations for committing a dacoity does not stand on the same footing as that of making preparations for robbery and that two should not be clubbed together for purpose of awarding punishment. A part from fine the maximum punishment for preparation for committing dacoity should be restricted to 7 years. While in the case of making preparations to commit robbery, that period should not exceed 5 years.

To provide for the concept of the constructive liability, the committee has provided that where the offence is committed in the furtherance of the affairs of the company by employee at the request, command etc. by Board of Directors, Director, Manager of controlling persons the company shall also be deemed to have committed that offence and to be liable for punishment.

The attention of the committee was drawn to the problems of cheating of Government on a large scale by dishonest contractors in connivance with corrupt public servant in the construction of building or execution of other works. In such cases not only fraudulent contractors but also those public servants who assist in cheating will also be punished.

The committee has also proposed punishment to prescribe the printing and distribution of scurrilous material intended for black-mail and circulated through the medium of the press, handbills etc.

The bill says that in view of the changing concepts regarding private property, the importance now given to crimes involving private property, should be reduced and shifted to crimes against society or those involving the liberty of the individual. In respect of offences against property, the bill provides for distinguishing between private and public properties by prescribing a heavier punishment in the cases of offences relating to the latter.

Any mischief causing damage to public property or machinery or Rs. 100/- and more, would entail a jail term extending to 3 years or fine or with both. Similar punishment has been proposed for mischief caused to public roads, bridges, rivers, channels, making traffic dangerous.
Another high-light of the bill is the stiffer punishment provided for statements calculated to incite caste, religious, racial, linguistic or regional hatred. The punishment proposed is imprisonment extended to 2 years or fine or with both.

To eliminate exploitation of human misery as far as possible, the bill says down anyone found guilty of theft of property affected by an accident in public buildings of or of a fire, flood, riot, earthquake or similar calamities in any area would be punishable with a jail term which might extend to 7 years and shall also be liable to fine.

Similarly punishment for thefts in building vehicle or temple or Government property or agencies controlled by the Government are proposed to be made stringent. The term here might extend to 7 years.

The enhancement of punishment has been proposed for offences under section 429 cheating and dishonestly inducing delivery of property. Imprisonment for a term extending to 7 years has been envisaged for these crimes.

The Bill envisages a new section 420 A to deal with the offences regarding cheating of public authorities in performance of certain contracts. The punishment sought to be imposed extends to 10 years.

Whoever by threats, bribes or other corrupt means dissuades or pretends to dissuade any person from giving evidence is proposed to be jailed for a period extending to 6 months.

Any one who failed to appear in court after his release on bail might be jailed for 6 months.

Deliberate issue or signing false medical certificates would now be punishable with a jail sentence of 1 year or fine or with both.

The Bill also makes provision to raise the quantum of fine which was fixed several decade age, leaving it to the courts to regulate the limits.

Three sections which are included in the bill, relate to externment compensation by the offender and public censor.

In certain circumstances, the court could order a person to remove himself from a specific area for a specified period.

This would be a desirable alternative to avail of in cases of persons found guilty of offences relating to public peace because the person convicted and his family would be free.

This punishment intermediate between fine and imprisonment would also avoid the contamination of a casual un-sophisticated offender by hardened criminals in jails.
The direction for compensation, restitution, or liberation in addition or in lieu of any sentence would be beneficial to the poorer sections of people.

In yet another clause introduced, any one found guilty of assisting India’s enemy in any manner while at war or the armed forces of any country against whom Indian forces were engaged in hostilities even though a State of war was not existing, is proposed to be punished with rigorous imprisonment for a term extending 10 years in addition to a fine.

The entire chapter of the code in regard to offences relating to the Armed Forces has been replaced.

Under the new chapter abetment, in mutiny by an officer or members of any of the Armed forces would attract death penalty of imprisonment for a term which might extend to 10 years along with fine.

For drivers of vehicles, who run away from scene of accident after causing death of a person or grievous hurt by rash and negligent driving a punishment to 7 years and fine is proposed.

The Lok Sabha has already passed import and export amendment bill to deal with economic offenders more harshly.

Those who misrepresented the facts for obtaining import licences and those who abetted them would be dealt with sternly. The penalty would be raised not exceeding 5 times value of goods in question or Rs. 1000/-, which ever is more.

Where the offence involved, was less than Rs. 10 lacs, the punishment has been enhanced from 2 years to 3 years and in cases where the offence exceeded Rs. 10 lacs, the punishment was up to 7 years.

Under the prevention of food adulteration bill passed by the parliament, the term adulterated has been clearly defined.

The bill has made it easy to hape the culprits on the basis of cash-emmosaf adulterated food sold. There was also a provision for summary trial in certain cases. There is also a provision of life imprisonment in serious cases.

Thus it will be evident, that vigorous action is contemplated against offenders at the same time providing for a quicker disposal of the cases by the law chouts and the correctional institutions in immediate future will also have to up discipline, and treatment programmes for sophisticated white collar, socio-economic offenders.
CHAPTER V
Prison Policy

After independence several seminars and committees and expert bodies were formulated to examine the prison conditions in the country. The report of the working group on prisons in India is the latest and incorporates all the important recommendations of the previous expert bodies.

1. To be able to appreciate the recommendations of the working group regarding National policy, it would be in the fitness of things that the major incapacities and inadequacies are pointed out which are available in Madhya Pradesh.

1. Overcrowding in prisons if all categories is very serious and widespread problem which is aggravated by increasing undertrial population.

2. The prison buildings are very very old. Ill-equipped and ill-furnished and without proper ventilation or sanitation or kitchen or water supply arrangements. Most prisons are geared to the necessity of custodial nature. To cite a few instances, Central Jail Indore is most ill-equipped. Similarly sub Jails like Sardarpur and Raisen have policethanas attached to them and prison population in nearly all the institutions is doubled.

3. The housing of prison staff has not received any attention and there is great dearth of residential accommodation. For instance, at Sub-Jail Dewas, the warden staff has to live in an old jail building and at Raisen the entire staff has to live in city on rent. At District Jail, Seoni, the jail staff lives in Dharmsala and the entire staff which has not been provided with residential accommodation gets a nominal house rent of Rs.7/- per month.

4. The industries and agriculture in prisons are based on machines and equipment which are awfully out of tune with the present day conditions, obtaining in rural and urban set-up. Most of the industries are also handicapped for paucity of funds and agriculture does not have the needed technical staff to improve it.

5. The staff structure is out-modeled, collectively poor and ill-paid with the result that they do not seem to apply head and heart to the job.

6. The arrangement for training of the prison personnel are inadequate. There is very large scope for improvement of the Training School, Jabalpur for in-service, pre-service and specialised-training courses. The question of having the co-ordination of Police Training School, Sagar and Criminology Department of Sagar and Jabalpur university could also usefully be considered.

7. The Probation service has developed in the State under different departments. The release of first offenders on Probation is operated by the Law Department and it also appoints Probation Officers.
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7. The Probation service has developed in the State under different departments. The release of first offenders on Probation is operated by the Law Department and it also appoints Probation Officers.
Now the job of appointing Probation Officers has been entrusted to the social Welfare Department and there is a provision to appoint stipendiary Probation Officers. Some Probation Officers are working under the Prison Department to help, review cases of convicts under going imprisonment and there is no co-ordination between these two services.

8. The Children Institutions are run by the Social Welfare Department for children between the age group of 7 to 16 years, but in certain districts where children act has not been applied delinquent children, are supposed to be detained in Reformatory School, Seoni and that Reformatory School is under the Education Department. Children above 16 years, are lodged in Borstal Institute, Narsimhapur, which is under the Jail Department.

It is also seen that the adolescents from the Borstal Institute are later on transferred to adult jails after crossing 21 years of age which nullifies the entire effect of segregation of adolescents initially.

9. Large tract of the State is inhabited by tribals. Places like Alirajpur and Baster are suitable for opening Open prisons for tribals with special treatment to improve them from their criminal sub-culture. The crime incidence of murder in particular, is very high in these two belts. Both these tracts have different type of human material which would require slightly different treatment from each other.

10. After care institutions for ex-inmates of the Jails and other correctional institutions are very negligible. With the result that there is no follow-up and the entire aim of Government to rehabilitate ex-inmates becomes infructuous.

11. Classification of prisoners is not available in the percent institutions and scientific vocational training does not exist. The Bank lone scheme which has been introduced at Ujjain and some other jails, is to be reviewed and principles laid-down for costing policy of the articles manufactured by the prisoners because it is found at Ujjain that the industries run by the jail is gradually losing impetus in comparison to the industries run by the Bank aid. In this context wage policy can work as an incentive which could as well as considered with advantage.

II. Basically there are two main reasons for the present stage of affairs:

(1) Although Social Defence has been included in the Five Year Plan, no national policy has emerged in this regard. Moreover, the jail administration is excluded from the concept of Social Defence envisaged in the plans.

(2) The subject of prisons and the other institutions of the like nature are included in the State list of the 7th schedule of the Constitution of India. Being a non-plan subject, the prison administration has suffered from the inadequacy of the resources in the State and it has been accorded a very low priority.
III. The working group has suggested adoption of a national policy and in context of what the commission has stated above about the conditions of the prisons and allied services in Madhya Pradesh, the Commission is of the view that irrespective of certain legal and constitutional reforms, which the acceptance of the draft policy resolution may call for, the basic tenets incorporated there in, are consistent with the modern approach to jail Reforms and should be accepted.

The recommendations are as follows:

1. **Co-ordination among the Judiciary, Police, Prison and Correctional Administration.**

The working group envisages a full co-ordination between different social defence agencies so that a person from the date of arrest, conviction and release is followed up by law enforcing agencies. To cite an instance, Judiciary at present is not able to make full use of Release on Probation of first offender because it does not always have in its possession the reports from the Probation Officers nor full case history from the Police Officers with the result that the benefit of release to such persons is not available. Co-ordination among these bodies is very essential which would help reduce prison population.

2. **The objectives of punishment is protection of society through rehabilitation of the offender.**

The theory of deterrence and retribution have long lost the authority and there is unanimity among the experts that measures should be introduced to salvage the offender.

3. **Concept of deprivation of liberty should be limited and short-term imprisonment to be abolished.**

The working group envisages formation of several non-institutional or semi-institutional forms of treatment in a medium, minimum security institutions. It also contemplates creation of Attendance Centres, work camps, etc. Outside the prison where prisoners could be sent for treatment.

Short term imprisonment serve no purpose and it would be fruitful if necessary legislation is introduced doing away with short term imprisonment. The opening of such institutions should not mean any substantial financial burden because it contemplates that the prison institutions could cater to the needs of habituals, incorrigible and dangerous criminals only and that well behaved prisoners will gradually be housed in semi-security institutions.

4. **Simple imprisonment abolition.**

The present classification of imprisonment as simple and rigorous should be abolished. As it is desirable to develop work habit in prisoners the sentence should only say “imprisonment” which by implication would always mean sentence to labour.
5. Scientific classification.

The pattern of delinquency and crime in the State is definitely changing. Techniques of organised and professional criminality are already showing some marked and significant changes. It is therefore, necessary to deal with this problem on a scientific basis.

The purpose of classification is to study an offender, to understand the sequence of criminal behaviour and by re-classification procedures, the offender is frequently examined so that fuller understanding of his problems becomes possible. This can be developed with the help of qualified personnel.

6. Institutions for juvenile and young adults.

The children act has been introduced in certain districts of the State. It would be advisable to extend its operation to the entire State. At present the Juvenile institutions and Juvenile courts are very few and far in between, with the result that the children are lodged very far away from their home towns, besides juvenile courts are unable to function expeditiously in the absence of enough number of Probation Officers and Institutions.

Borstal Institute Narsimhapur has enough accommodation and it can continue for adolescent offenders. Reformatory School, Seoni is under the Education Department and courts are not sending enough boys for treatment form the district where the Reformatory School Act is in operation. With the result that Reformatory School is not being made best use of. It could also be considered whether Reformatory School, should continue under the Education Department because later on with the implementation of the Children Act to the entire State of Madhya Pradesh, it shall have to be brought under the Social Welfare Department.


Needs no comments. Please see para 1 above. This would, however, involve over all Organisational set-up of the Headquarter of the department of the Prisons and Correctional Services with the Inspector General of Prisons as head of the department and Director of Probation, Juvenile Delinquency and aftercare services under him. It would be advisable to obtain opinion of the Social Welfare Department on this point.

This recommendation may at present be shelved.

8. Free legal Aid.

It has been experienced in the case of Adivasi persons who are entitled to obtain free legal aid that enquiry about their economic conditions takes very long time to enable the persons to avail of this aid. This was pointed out at Atrajpur by the members of the Bar Association.
Therefore, for free legal aid to the prisoners and to eliminate the factor of delay, it should be provided to all the prisoners who want it, against affidavit, by lawyers appointed by Government for that purpose. This system could be successful only if experienced, devoted and persons of professional integrity are made available to them as their legal counsels who could obtain prisoners’ confidence.


The work programmes in the institutions should be so oriented that the interests of the prisoners and vocational training are not subordinated to the purpose of making a financial profit from an industry in the Institution. Production and vocational training should be properly balanced. Present work and training programme should be integrated with states economic policy.

Please also refer para 11 part I above.

10. Treatment service.

Treatment service in prisons should be comprehensive. Education, Vocational Training, counselling, cultural activities, should form part of the daily activities.

11. Vocational Training

Please see reply No. 9.

12. Minimum facilities.

Prisoners should be provided for simple living with proper accommodation, electrification of buildings, water supply arrangement, flush latrines, underground drainage, recreation facilities, library and education facilities etc. please refer para 2 of I above.

13. Inmate participation.

Discipline is the basic function of correctional work. Discipline should not be retributive, un-necessarily harsh or repressive. The main emphasis should be on the re-education of the offender in terms of his interests, attitudes, habits and motivations.

The Panchayat system in the prisons is a healing method of democratic participation of prisoners in the matters of his self improvement and disciplines. However, working of Panchayats should be limited to the matters of self improvement and purposeful, community living and they should not be allowed to infringe upon the enforcement of prison rules and regulations.


The working group contemplates that there should be a definite system of screening so that prisoners are brought under different grades for being eligible to move from custodial to open Institutions.
Further, there should be a definite policy for releasing prisoners after they have undergone particular sentence so that they should be released under supervision.

At present, there are number of long term prisoners and convicts whose future is uncertain because they are not sure when they are likely to be released. Therefore, in this regard Government should set-up definite policy for pre-mature release.

15. Undertrial Prisoners.

Although the working group has recommended separate institutions, as far as possible for undertrials, this does not seem to be feasible proposition for the State.

Besides, the period of detention of undertrials is always uncertain, it would not be desirable to give them work on payment basis. They may be permitted to work voluntarily.


At present prison personnel is not properly trained nor suitable persons are available at the recruitment level, possibly because the department is not attractive enough. Once better qualified persons are available and trained and if they impress the prisoners about their integrity, the prison administration can develop satisfactorily.

Suitable recruitment should be made at warder level, Assistant Jailor level and Superintendent District Jail level from amongst persons who confirm to the minimum standards.

17. Pay scale and promotions of the prison official's.

The conditions of the service should be such as would attract the best suited persons. Service and other employment benefits should not be arbitrarily fixed but should be related to the work performance in modern correctional system which is complex and arduous and is in the nature of important social service.

Accordingly, the pay scales of non-gazetted and gazetted officers in the correctional service should be brought into line mutatis-mutandis with their counterparts in the police service. Director of Correctional Services in the State should be recognised as Head of the Major department, as they are dealing with huge number of human material entrusted to them by all prosecuting agencies with a hope of reformation and rehabilitation. As a guide line it is recommended that the Director be paid the salary of at least Deputy Inspector General of Police, Dy. Director approximately that of a selection grade of the Superintendent of police and this analogy should be followed for for the Junior staff as well.

It is further desirable that members of the specialised professional service like Probation Welfare be given a separate status commensurate with their training and responsibility. It will be advisable that the structure of the entire service is so framed as to provide adequate prospects for promotion for all ranks.
This might entail financial burden on the State but if correctional work has to be done, this revision would be necessary.

18. **After care system.**

As already discussed, after-care service in the State is negligible. It is to be evolved at the village, district and State level and even voluntary organisations should be encouraged to participate.

19. **Employment of ex-convicts.**

Steps should be taken to remove disabilities in the matter of employment for discharged prisoners. The Probation of Offenders Act, 1958 provides for the removal of disqualification attaching to the conviction. The Children Act of the State has also similar provision. Similarly Borstal School Act also has such provision.

The Government of India, Ministry of Home Affairs has also issued a letter to all ministers of Government of India, wherein it is suggested that while normally a person convicted of an offence involving moral turpitude should be regarded as ineligible for Government service, in cases where the appointing authority feels that there are redeeming features and reasons to believe that such a person has cured himself of the weakness, specified approval of the Government should be obtained to his employment.

Action on similar lines should also be taken by the States.

20. **Public participation**

Solution to the problem of crime and delinquency did not lie only in prisons. They lie in other socio-economic fields as well. For this purpose the public has also to be enlightened. Therefore, ways and means on educating masses on crime prevention and control in order to have enlightened attitude to ensure greater public participation in general is essential. Voluntary organisations may be geared for improvement of after-care and rehabilitation work.

Industrial and production concerns should also be involved in the after care and rehabilitation programme.

Mass media should be used for creating and enlightened public awareness.

IV. **Laying down priorities**

The National policy enunciated above should be acted upon only on the firm basis of financial and technical preparedness of the State since public declaration of the policy resolution will have to be followed up by matching performance in implementing the objectives.

Therefore, it would be in the fitness of things if priorities are laid down for prison development scheme.
Until the subject of prison is included in the Five Year plan and in the concurrent list of constitution of India, it might, be difficult for the State to furnish finances but even at the State level schemes of development could be taken up as follows:

(1) Old jail buildings which require abolition could fetch good price from the sale of land to enable the State to construct, expand or renovate other jail buildings e.g. Central Jail, Indore could be shifted to the District Jail, Indore after slight extension and the sale of land belonging to Central Jail, Indore would fetch handsome amount to enable the State to improve some other jails.

(2) From among the existing jails some could be earmarked for different categories of inmates and also could be converted into open or semi-open institutions.

(3) The schemes of classification of prisoners could be introduced with trained and qualified jail personnel for training of whom Jabalpur jail training institute, Jabalpur University and Sagar University could work in co-ordination. Even the Administrative Reforms Commission Madhya Pradesh recommended a specialised staff for the department.

(4) Residential accommodation for jail staff could be provided as follows:

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<td>5.</td>
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<td>6.</td>
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"D" Type Superintendent, Central Jail.
"E" Medical Officer 1st Class District Jail.
"F" Selected Jailors.
"G" Assistant Medical Officer, Matrons, Senior Instructors.
"H" Chief Head Warder, Head Warder.
"I" Warders.

(5) Decongesting the prisoners should not be difficult if the the probation service is fully utilised so that large number of prisoners would not be sent to prisons specially first offenders.

The rules regarding premature release and review of prisoners could also be liberalised to decrease the number of prisoners population.
The establishment of camps work centres, abolition of short sentences and simple imprisonment etc. could later on follow when the necessary legislation is introduced so that several institutions could come up as alternation to the imprisonment which would ultimately result in substantial reduction of the total number of prison population in the State.

There should be widespread publicity in the State regarding National Policy in Prisons so that a general awareness of the problems in the field of prison administration is created. In this regard the proposal of the Central Bureau to give wide publicity by issuing press notes, writing to the important authorities, members of Parliament, members of legislative assembly etc. is quite appreciable and the jail Reforms Commission, Madhya Pradesh fully agrees with it.
Chapter VI

Prisons in Madhya Pradesh.

There are 65 Jails in Madhya Pradesh including 2 open-jails meant for surrendered dacoits—

(1) Central Jails (including 2 open jails)— 8
(2) District Jails 1st and 2nd class— 24
(3) Sub-Jails— 33
Total 65

The geographically area of the State of Madhya Pradesh is 438156 Sq. Kms.

The total population was 416.5 lacs out of which rural population was 348.6 and urban population 67.9 lacs in 1971, the ratio of rural and urban being 80.53 to 19.47.

There is an increase of urban population from 46.3 lacs in 1961 to 67.9 lacs in 1971.

Similarly the rural population has increased from 277.4 lacs in 1961 to 348.6 lacs in 1971.

Thus there is a definite trend that rural population is shifting from rural to urban area with the consequent change in socio economic pattern of life.

The migration of the people from the country side to the cities due to industrial and other employment opportunities in urban areas is bound to create new problems of crime and criminals in the State.

Extensive studies have shown that criminal traits are more developed in urban offenders and greater the intensity of urbanisation, the greater was the incidence of crime.

As per figures collected by the Central Bureau of Correctional Services for Prisons in India in 1969, a few comparable States with Madhya Pradesh had the following figures:

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<td>10402</td>
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<td>2. Maharashtra</td>
<td>4</td>
<td>34</td>
<td>1</td>
<td>178</td>
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<td>00</td>
<td>14853</td>
<td>14499</td>
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<td>3. Rajasthan</td>
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<td>5</td>
<td>2</td>
<td>75</td>
<td>3</td>
<td>1</td>
<td>N. A.</td>
<td>12254</td>
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The prison population in Madhya Pradesh is on the increase every year and the total number of prisoners in 1974 was 16760 Which included 6529 undertrials and 10214 convicts. Out of these figures there were 247 female convicts.

Most of the prisons in the State were constructed about 75 to 100 years ago. In some places old fort buildings and houses have been converted into prisons. Some old and dilapidated buildings are still being used as prisons. Owing to urban exploitation. Some prisons which were formerly on the outskirts, are now right in the midst of the cities. Because of all these factors, it becomes very difficult to maintain minimum standards for sanitary services, housing, work-shop area, exercise and recreation areas etc. So also the implementation of various educational exercise training activities, gets handicapped. The recurring expenditure on old buildings being extensive, these buildings are not often properly serviced and maintained. The old dilapidated building sthus not only work as drags on efficiency and requirement of minimum standards but are uneconomic from the long range point of view.

The major incapacities and inadequacies about the prison administration are as follows :-

(1) Overcrowding in most prisons of all categories is very serious and wide spread, the problem is aggravated by increasing undertrial population.

(2) Most of the prison buildings are very old, ill-equipped, ill furnished and without proper ventilation, sanitation kitchen and water supply arrangements. Most prisons are geared to the necessity of custodial nature.

To cite a few instances, central jail, Indore is most ill-equipped. Similarly sub-jail Dewas is name sake of a jail building. Sub – Jails like Sardarpur, Raisen and Sabalgarh have police thanis attached to them.

(3) Housing of the prison staff has not received any attention, and there is great dearth of residential accommodation. For instance at Sub-Jail, Dewas, the staff has to live in an old jail building and at Raisen, the entire staff has to live in city on rent. At District Jail, Seoni, the jail staff lives in Dhramashalla and the entire staff which has not been provided with residential accommodation, gets nominal house rent of Rs. 7/- P.M.

(4) Industries and agriculture in prisons are based on machines and equipment which are awfully out of tune with the present day conditions. Most of the industries are also handicapped for paucity of funds and agriculture does not have required land, irrigation facilities and the needed technical staff to improve to.

Recently Director of Agriculture M.P. has issued instructions to his subordinates to extend all help to the Jail department regarding technical guidance about latest farming techniques and technical knowledge to improve the jail agricultural farms.
(5) The staff structure is outmoded, collectively poor and low paid, with the result that the staff does not seem to apply head and heart to the job, looking to the change of outlook towards the prisons.

The arrangements for training of the prison personnel are inadequate and it requires a lot of improvement to raise the standard of efficiency.

The incidence of crime in the State is on the increase and from the total cognizable crime in India in 1972 which was 984773, the M.P. had 95556 crimes to its credit, which meant about 9.7 percent of the total cognizable crime in the country.

Similarly juvenile delinquency is also on the increase and as per figures of juvenile delinquency collected by the Ministry of Home Affairs, Government of India, the M.P. Shared 17.5 percent of juvenile crimes.

A comparative idea of what a man behind the bars, caused the tax-payer, could be had from the following figures, collected by the department of Social Welfare in 1965:

<table>
<thead>
<tr>
<th>State</th>
<th>State expenditure (in lakhs of Rupees)</th>
<th>Annual cost per head</th>
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<tbody>
<tr>
<td>Gujarat</td>
<td>21.63</td>
<td>581</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>61.91</td>
<td>626</td>
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<tr>
<td>Madras</td>
<td>112.39</td>
<td>741</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>95.72</td>
<td>562</td>
</tr>
<tr>
<td>Punjab</td>
<td>58.22</td>
<td>711</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>169.75</td>
<td>417</td>
</tr>
</tbody>
</table>

The following figures regarding average population and average cost per prisoner will give an idea about the present position of prisoners in Madhya Pradesh.

<table>
<thead>
<tr>
<th>Year ending</th>
<th>Total No. of prisoners</th>
<th>Convicts</th>
<th>Undertrials</th>
<th>Average expenditure per prisoner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>13591</td>
<td>8352</td>
<td>5227</td>
<td>Rs. 828 P. 49</td>
</tr>
<tr>
<td></td>
<td>(211 Females)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1972</td>
<td>14469</td>
<td>8905</td>
<td>5555</td>
<td>Rs. 879 P. 49</td>
</tr>
<tr>
<td></td>
<td>(235 Females)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1973</td>
<td>14991</td>
<td>9199</td>
<td>5780</td>
<td>Rs. 976 P. 29</td>
</tr>
<tr>
<td></td>
<td>(241 Females)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1974</td>
<td>16760</td>
<td>10214</td>
<td>6528</td>
<td>Rs. 1306 P. 60</td>
</tr>
<tr>
<td></td>
<td>(247 Females)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following are figures of admission of prison population sentence-wise in 1973-74. Number according to length of sentence:
<table>
<thead>
<tr>
<th>Total Admission</th>
<th>Total remaining on March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>A. Not exceeding 1 month.</td>
<td>11370</td>
</tr>
<tr>
<td>B. Above one month, and not exceeding 3 months.</td>
<td>3831</td>
</tr>
<tr>
<td>C. Above 3 months and not exceeding six months.</td>
<td>3261</td>
</tr>
<tr>
<td>D. Above 6 months and not exceeding one year.</td>
<td>1872</td>
</tr>
<tr>
<td>E. Above one year and not exceeding two years.</td>
<td>1330</td>
</tr>
<tr>
<td>F. Above 2 years &amp; not exceeding 5 years.</td>
<td>1328</td>
</tr>
<tr>
<td>G. Above 5 years &amp; not exceeding 10 years.</td>
<td>583</td>
</tr>
<tr>
<td>H. Exceeding 10 years.</td>
<td>809</td>
</tr>
<tr>
<td>I. Sentenced to transportation For life</td>
<td>233</td>
</tr>
<tr>
<td>J. Sentenced to death.</td>
<td>17</td>
</tr>
</tbody>
</table>

State of Madhya Pradesh which incurred an expenditure of Rs.61.91 lacs in 1965 has increased. Expenditure for the last 6 years from 1970-to 1976 as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure (administration)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970-71</td>
<td>1,37,04,018</td>
</tr>
<tr>
<td>1971-72</td>
<td>1,47,85,342</td>
</tr>
<tr>
<td>1972-73</td>
<td>1,70,83,048</td>
</tr>
<tr>
<td>1973-74</td>
<td>2,40,80,196</td>
</tr>
<tr>
<td>1974-75</td>
<td>2,98,78,018</td>
</tr>
<tr>
<td>1975-76</td>
<td>3,81,60,500</td>
</tr>
</tbody>
</table>

The Prisons are under the administrative control of the Inspector General of Prisons, who is assisted by the Dy. Inspector General of Prisons and Chief Probation Officer at the headquarter at Bhopal.

The Central Jails and District Jails Class I have full time superintendents where as, the District Jails Class II and sub-jails are managed by the medical officers who are ex-officio superintendents.

The Government of Madhya Pradesh is contemplating to construct one new Central Jail at Indore on about 192 acres of land near Aerodrome.

For Central Jail Bhopal, a site has been selected near Singhpur village on 200 acres of land. District Jail Bhopal and Rewa have been upgraded to Central Jails.

A new site has been selected for the construction of Sub-Jail Dewas and for the towns of Shajapur and Sidhi. Land for Jails have to be selected for the construction of new jails because although they are district headquarters, at present the Jails do not exist there.
Nagod Jail has been opened to relieve pressure on Central Jail, Rewa.

An open Jail for tribals is also contemplated to be opened, in a village Kurundi, 15 Kms. away from the town of Jagdalpur on 1000 acres of forest land.

A new District Jail is under construction in Durg, near Bhilai Steel Plant and is expected to be completed shortly which shall relieve pressure on Central Jail, Raipur.

With the changed pattern of population in urban areas and with big townships coming up, like Bhilai, Satna, Bhopal, Dewas, Belladilla, korla etc. and more mobility among the rural population, the planning and construction of present and new jails shall be required to be taken up by the State Government to cope with the modern trends in penal reforms.
CHAPTER VII
Classification of Jails.

In the State of Madhya Pradesh there are three kinds of jails viz.

(1) Central Jails, intended for the confinement of all classes of prisoners.

(2) District Jails at the headquarters of the District intended for the confinement of the criminal and civil prisoners. District Jails are of two classes viz. first and 2nd as follows:-

First class District Jail:— 300-700. Average number confined
2nd class District Jails:— 100-300. Average number confined

(3) Special District Jails declared or established as such from time to time by The Narsimhapur District Jail is also declared to be a special jail for adolescents in addition to these 3 classes of jails mentioned above. There are also subsidiary jails

Besides there are two open jails of the cadre of Central jails, which is meant for surrendered dacoits.

Adult male convicted criminal prisoners are ordinarily detained for the purpose of undergoing their sentences in the jails subject to the limitations set-out below:—

A. No habitual prisoner with sentence of over 6 months is confined in District jail Class II. They are transferred to Central Jails of the Division.

B. All habitual prisoners from the jails located in Gwalior Division with sentences exceeding 6 months but not exceeding 10 years are transferred to Central Jail, Gwalior.

C. All habitual prisoners form the jails located in Rewa Division with sentences exceeding six months, but not exceeding ten years are transferred to central Jail Rewa.

D. All habitual prisoners form the jails located in Bhopal and Indore Divisions with sentences exceeding 6 months, but not exceeding ten years are transferred to Central Jail, Bhopal.

E. All habitual prisoners form the jails located in Jabalpur, Bilaspur and Raipur Divisions with sentences exceeding 6 months but not exceeding ten years are transferred to Central Jail, Jabalpur.

F. All habitual prisoners form the jails in Madhya Pradesh with sentences exceeding ten years are transferred to central Jail, Jabalpur.
2. Casual prisoners with sentences of 1 year and above but not exceeding 3 years are transferred to District Jail class I concerned.

3. Casual prisoners with sentences exceeding 3 years but not exceeding 10 years are transferred to District Jails class I concerned.

4. Casual prisoners with sentences exceeding 10 years are transferred to the Central jails concerned.

5. Any adult prisoners, habitual or casual, is confined in Borstal Institute Narsimhapur.

6. All adult casual prisoners from Narsimhapur are transferred to the nearest District Jail class I or Central Jail as the case be.

7. No casual prisoners with sentences exceeding 1 year is confined in subsidiary jails. All such prisoners are transferred to the nearest District or Central Jail concerned as the case may be. The jails for administrative purposes comprise of 5 circles and the Superintendent Central Jail manages the jails in respect of transfers of warders within his circle.

The jails in Madhya pradesh circle-wise are as follows:

**Jabalpur Circle**

<table>
<thead>
<tr>
<th>Central Jail</th>
<th>Dist. Jail Class I</th>
<th>Dist. Jail Class II</th>
<th>Sub-Jails</th>
</tr>
</thead>
</table>

**Rewa Circle**

<table>
<thead>
<tr>
<th>Central Jail</th>
<th>Dist. Jail Class I</th>
<th>Dist. Jail Class II</th>
<th>Sub-Jails</th>
</tr>
</thead>
</table>

**Raipur Circle**

<table>
<thead>
<tr>
<th>Central Jail</th>
<th>Dist. Jail Class I</th>
<th>Dist. Jail Class II</th>
<th>Sub-Jails</th>
</tr>
</thead>
</table>
Gwalior Circle

Central Jail  Dist. Jail Class I  Dist. Jail Class II  Sub-Jails
    Shivir, Mungaoli  3. Sabalgarh

Indore Circle

Central Jail  Dist. Jail Class I  Dist. Jail Class II  Sub-Jails
1. Indore  1. Ujjain  1. Alirajpur  1. Dewas
2.  2. Jhabua  2. Kannod
3.  3. Dhar  3. Mandleshwar
4.  4. khandwa  4. Mandasaur
5.  5. Ratlam  5. Garoth
6.  6. Indore  6. Jaora
7.  7. Barwani  7. Jobat

Bhopal Circle

Central Jail  Dist. Jail Class I  Dist. Jail Class II  Sub-Jails
2.  2. Rajgerh  2. Raisen
3.  3. Sehore
4.  4. Begamganj
5.  5. Bareli
6.  6. Narsingarh

The General instructions regarding confinement criminal prisoners in jails of M.P. are as follows:

1. The adult male convict prisoners is ordinarily detained in the jails to which they are in first instance committed, subject to the limitations set out below:

1. All female convicts sentenced to 1 year and below are confined and transferred to the nearest Central jail.

2. The female convicts sentenced to 1 year above are confined and transferred to Central Jail, Jabalpur.

Old and infirm prisoners of the jails located in the Divisions of Indore, Gwalior are transferred to District Jail Class II Dhar and those of the rest of the Divisions viz. Jabalpur, Raipur, Bilaspur, Bhopal and Rewa to District Jail Class II Betul.
Prisoners suffering from T.B. of the Jails located in the divisions of Indore, Gwalior and Bhopal are transferred to District Jail Class II. Indore and those of the rest of the Divisions, viz. Jabalpur, Raipur, Bilaspur and Rewa to District Jail Class II Chhindwara.

All prisoners suffering from leprosy from the jails in Madhya Pradesh are confined and transferred to the District Jail Class I Ujjain.

All prisoners suffering mental illness from the jails in Madhya Pradesh are confined and transferred to the Central Jail, Gwalior.

All prisoners sentenced to death from the Jails located in the Divisions of Indore, Bhopal and Gwalior are confined and transferred to Central Jail, Indore and prisoners from the divisions of Jabalpur and Rewa to the Central Jail, Jabalpur and those from the divisions of Raipur and Bilaspur to Central Jail, Raipur.

All adolescents detained under the Borstal Act, 1928 and convicted adolescents from the Madhya Pradesh Jails are detained and transferred to the Borstal Institute Narsinhapur.

The above set-up of the Jails requires a change because there is not much of diversification into maximum, medium and minimum security institutions.

Besides, because a large number of rural offenders are lodged in prisons, different institutions have to be provided for their treatment whereas the urban offenders need a technical and vocational education, the rural offenders need agricultural bias in the Jail system.

No proper treatment or cure of delinquents or criminals is possible if heterogeneous groups are put together in Jails without proper classification.

The Commission expects that in view of the modern legislation to be introduced shortly in the country, the Probation system will be used on a more extensive scale than at present. Short term sentences will be awarded on a much more restricted basis, most of the non-habitual offenders sentenced to imprisonment for less than one year may—probably be transferred to semi-open institutions for utilising the man power.

It is, therefore, safe to guess that the present pressure on the central or district prisons will be sufficiently reduced. Keeping these trends in view, the diversification of institutions should not present insurmountable difficulties.

Diversification of institutions will not necessarily entail building of new institutions. It should be possible to rearrange our present institutions in to such diversified institutions to suit local conditions. Maximum security institutions like central prisons can be used for habituals, professional and organised criminals and for such other offenders as are dangerous to the society.
District prisons class II can be used for those types of offenders who did not necessarily be kept under maximum security conditions but who at the same time can not be immediately kept under semi-open or open conditions.

There is a great paucity of institutions in the State of Madhya Pradesh of women offenders, political prisoners, and juvenile delinquents. Annexes should be provided at Central Jails and District Jails Class I for political prisoners.

In the opinion of the Commission to begin with, the set-up of the Madhya Pradesh Jails should be changed as and when funds are available as follows:–

1. Convicted habitual prisoners should be lodged only in Central Jails.

2. At every district headquarters, there should normally be a district Jail class II and women prisoners should be lodged in District Jails. They could attend court from the Jail of the district headquarters because there are no proper arrangements for keeping female prisoners at sub-jails.

3. Adolescent prisoners on becoming adults should continue to remain in an annexe attached to the Borstal Institute Narsinghpur.

4. It would be desirable that female convicts should be detained in the nearest central Jails, because to concentrate all the female prisoners to one place, like Jabalpur is a great hardship to them and to their relations.

Besides the present classification and specialisation of certain class of offenders the following type of institutions should also be started in Madhya Pradesh:–

1. Agricultural Jail.
2. Tribal Jail.
3. Annex for political prisoners.
4. Open and semi-open institutions.
5. Annex for women offenders.
6. Special jail for difficult disinterested cases.

As regards the opening of Agricultural Jail, the report of the Indian Jila Committee 1919–21 did not favour the idea of view of the practical difficulties. The report mentioned:–

In a country such as India where a large percentage of population lives in villages and directly engaged in agriculture, the adoption of agriculture as the chief Jail Industry would seem natural and appropriate. The practical difficulties in the way of such a scheme are, however, great. Density of population in India, 693 to the cultivated acre, has in many provinces little suitable land available for utilisation by an agricultural Jail. More over farm work involves the distribution of labour over a very wide area with special difficulties in the way of supervision and guarding. Such a method may succeed under favourable conditions for limited numbers of comparatively short term prisoners of prisoners who have completed a large portion of their sentences and who can be trusted to behave well. But it can never play very important part in the round of the Jail Industries.
In order to make an agricultural prison a success, it is necessary in the first place, that it should be in a healthy climate. It must next be in the centre of a sufficient acreage of fairly good land on which prisoners can be employed.

Irrigation is not essential but the area must be one possessing a reliable and generally adequate rainfall. Nor must the necessity be forgotten of providing in or near the Jail some means of employment alternative to the agriculture.

The report of the Working Group on Prisons in the country 1973 has made the following observation regarding agriculture in prisons; –

As agriculture is the mainstay of villagers and as more than 80% of the inmates of our prisoners hail from the rural areas, agriculture should be treated as an important industry offering good employment opportunities for prisons of this category.

Every State should have few prisons where emphasis should be laid on agriculture. Some of the prisons can be semi-open or open prisons.

Dairies should be developed on prison farms wherever they can be run on profitable basis. However, prison dairies will have to be treated as items of mixed farming.

Agro-industries could also be developed in prisons, where-ever the facilities required are available.

The State of Madhya Pradesh has already taken a decision, on the starting of an open agriculture jail for prisoners in Jagdalpur. Even other States have experimented with agriculture prisons like Nabha-Open Jail in Punjab and Sitargang Open Jail in Uttar Pradesh, Maharashtra and Rajasthan.

In view of the allotment of land for agricultural purposes to the landless, the allotment of land to meet the requirement of the Jails can be started with benefit in Madhya Pradesh.

As regards Jails for tribals, it may be slightly different from the agricultural jail and tribals might be required to learn some industries prevalent and useful in their region.

Madhya Pradesh geographically the largest State in the country also has the largest tribal population. Over one-fifth of the total tribal population inhabits this State.

According to the 1961 census the scheduled tribe population in the State was 66.78 lacs. As Against the total population of 323.77 lacs. Thus 20.6% population in the State belonged to these groups, According to 1971, census, the total population of the State was 416.54.119 and the tribal population was 83.87.403 i.e. 20.13%.
Different tribal groups of the State are at different levels of economic development. On the one hand are Raj Gonds, Bhilales and Barellas who are fairly acculturated and progressive farmers having adopted improved practices of agriculture, while on the other hand are Pathadi, Korwas, Baigas, Abhei, Marias and Saharias etc. who are still in an extremely under-developed stage.

Some tribals believe in magic and witchcraft, addicted to consuming today or sulti and commit crime under its influence.

They also resort to cattle lifting and petty thefts. They are primitive, are not law conscious but are generally upright and confess their guilts.

In prisons they do not pose much of a discipline problem and are generally well behaved except that some of them are escape-prone or have suicidal tendency.

Tribals in M.P. prisons constitute a sizeable population.

The commission is of the view that Jails for tribals should be opened with special treatment programmes to improve them from their criminal sub-culture.

In Madhya Pradesh two tribal belts of Bastar and Jhabua are very large. Bastar has a population of 16 lacs, where as Jhabua has a population of 7 lacs. The percentage of tribal population in Jhabua is 85 while in Bastar it is 68.

The crime incidence of murder is very high in these two belts. Both these tracts have different type of human material which would require slightly different treatment from other prisoners.

The Government of India has earmarked over Rs. 200 crores for tribal development in the country and the State of Madhya Pradesh should open two Tribal-Jails, one in Bastar and one in Jhabua Districts, and Tribal Department M.P. should be able to help the Jail department for this purpose.

Besides, Open, Semi-open jails for well-behaved prisoners can also be started in the towns where Central Jails or District Jails are located.

The details of such institutions will be discussed in subsequent chapters.

Summary of recommendations:

1. Habitual convicts should be lodged only in Central Jails and there should be a special Jail for difficult discipline cases.
2. At every district headquarters, there should normally be a district jail class II.
3. Women prisoners should not be lodged in sub-jails.
4. Adolescent prisoners after coming adults should not be transferred to adult jails, as other wise it nullifies the impact of Borstal training.
5. Short term prisoners should not be lodged in Central Jails after extension of District Jails is effected.
6. Agricultural jails and jails for tribals should be started on an experimental basis
7. Annexes for political, women prisoners should be constructed.
8. Semi-open and open Jails should also be started for short termers and long termers, well behaved convicted prisoners.
CHAPTER VIII
Classification of Prisoners

The prisoners are at present classified on the basis of age, i.e. whether one is a juvenile, adolescent prisoner; sex, i.e. whether one is a male or a female prisoner, mental health, i.e. whether one is insane or a normal prisoner, nature of offence, i.e. whether one is a criminal civil or security prisoner; number of times, i.e. whether one is a casual or habitual prisoner. Habitual prisoners are sub-classified into non-professional and professional.

Casual prisoner is one who is first offender and who lapses into crime not because he has criminal mentality but on account of his surroundings, physical disability or mental deficiency.

Non-professional habituals are those prisoners who lapse into crime owing to their surroundings or some physical or mental defect who are not first offenders.

Professional habituals are those who are persons, sound in mind and mostly sound in body and often highly skilled, who deliberately and with their eyes open, prefer a life of crime and take to trick manoeuvres necessity for that life.

The classification is made by the court concerned. In the absence of an order by the convicting court, regarding the class of prisoner, the Superintendent makes a reference to the court and classifies the prisoner himself pending receipt of such reference.

The term classification of prisoners is used with different connotations. Sometimes it is used to mean classification at the court level; sometimes it means only administrative classification and sometimes it means division of inmates into various groups and categories.

It would, therefore, be worthwhile to indicate the scope and basis of classification, which is a dynamic technique of correctional system.

Classification is a method by which the study of the offender, understanding of his problems, treatment planning, execution of treatment programme, and adjusting and changing the treatment according to the requirements of co-ordinating it is done in an individual case. It is a method by which the treatment programme is adjusted to the inmate's changing needs. The classification procedure does not end with initial study and planning. It has to be a continuous process, operating right from the admission of the inmate till his release. It has to pervade the entire institutional activity.

In England, the classification is done by men who may fairly be called experts. Exhaustive enquiries are made of the convicts family history, his past and his mental condition and the individual case is considered in every aspect before the final classification. It is carried out there with a view not only to minimising the danger of contamination but also to facilitate the training.
The State of New York has set up with in the institutions a service unit which acts as a clearing-cum classification agency and co-ordinating the institutional facilities in relation to the inmates problems.

In India in most of the States, we do not have a classification committee in our prisons. In Madhya Pradesh prisoners confined in the jails are classified as under:-
1. (I) A convicted prisoner.
   (II) A non-convicted or undertrial prisoner.
   (III) A prisoner detained without trial under any law relating to the detention of such prisoner.
   (IV) A civil prisoner which includes:
        (a) A judgement debtor.
        (b) A revenue defaulter.
        (c) Generally any other prisoner other than a criminal prisoner.

2. Undertrial prisoners are divided in to 2 classes:-
   (a) Special class. (b) Ordinary class.

3. Convicted criminal prisoners are divided in to 3 classes.
   A, B, and C.

There is no classification so-called political prisoners as such.

Political prisoners present a unique problem in prison administration. They claim immunity from several of the Jail Rules and demand special privileges. It is sometimes suggested that a separate class of political prisoners should be recognised who should receive a special treatment in jails. The political prisoner, it is said, is not really a criminal and requires no treatment.

"He is imprisoned simply for his conviction and the purpose of sending him to jail is merely to restrict his liberties and check him from giving vent to his views for committing acts, which may be considered subversive, by the Government in power.

The Indian Jails Committee 1919 did not agree to the above suggestion. Their objections were based on many grounds, firstly they thought it inexpedient to lay down, be legislative or executive enactments that a political motive should always differentiate a crime and mark it out for lenient treatment. Such a step would be tantamount to encourage all crimes of that description.

Secondly it would be dangerous to furnish a criminal a ready-made excuse that he committed his offence from political motive and lastly crime remains crime whatever the motive of the criminal.

However, at present the conditions in that country have considerably changed and the prisoners belonging to political parties, very frequently are sent to the jails and to facilitate the jail administration, it would be is in the fitness of things that a classification or political prisoners is also made.
The Commission is of the view that the procedure for classification of convicted prisoners as laid-down in Model Prison Manual should be adopted on experimental basis in some of the institutions in our State.

Prisoners sentenced to periods of imprisonment of 1 year and above shall be eligible for being classified as here in after laid down.

Each Central and District prison class I and such other institutions as may be specified by the Inspector General of Prisons will have a classification committee consisting of a Superintendent, Jailor, Technical personnel, Incharge vocational training, Medical Officer, Probation Officer and Welfare Officer.

The meeting of the Committee should be held on such intervals, which would enable the load of new admissions to be cleared with in 10 days time.

Prisoners should be classified on the basis of age, physical and mental health, length of sentence, degree of criminality and character. Besides the factors like sequence to offenders, criminal behavior, his social processing, possibilities of his functioning as a contamination, risk, requirements of gradation and custody, educational and vocational training needs, urban and rural backgrounds, possibilities of his social adjustments, his prospects after release and his rehabilitation needs should be taken into consideration.

The officers incharge of various sections and programmes, will maintain progress reports of the inmates.

The classification Committee will review the progress of the inmates and their response to the institutional regime and programmes.

The conditions of the prisons in M.P. are far from satisfactory as it is a common practice, to keep in a Central or District Prison, all kinds of prisoners including adult offenders, women offenders, habitual criminals, undertrial prisoners, civil prisoners, military prisoners, leper prisoners etc.

Although there are separate enclosures or circles or yards for different classes of prisoners, it is virtually impossible to completely segregate, the various groups of the prisoners when they are confined in the same institution. Another important factor in this context is the size of the present Central Prison. A Central Prison has normally a population of 1500-2000. This is to some extent, responsible for the huddling of inmates of various categories in one institution. The consequences of such mixing of inmates of various types are indeed undesirable.

Scientific classification pre-supposes several institutions of different types for different types of offenders and as there is already a problem of overcrowding of prisoners in M.P. only in some suitable jail the system of classification could be started on experimental basis.
As regards the classification of prisoners into A, B and C for convicts and superior and ordinary for undertrial prisoners on the basis of social status to provide more amenities in the prisons, the Commission is of the view that there should be only one (ordinary) class for convicted prisoners and system to providing non-vegetarian diet of prisoners should be done away with.

The all India Jail Manual Committee 1957-59 only recommended 2 classes of prisoners in the Jails viz. Division A and Division B and the Committee made the following remarks:-

"We have carefully considered the question of division of prisoners. We hope that eventually there would be no such division. However, so long as different classes and different modes of living prevail in society, we consider that with a view to avoiding undue hardship and misery, it would be desirable to classify prisoners into 2 divisions viz. division A and division B. As the social stratification gets merged and the fusion of social classes becomes more extensive, this division may gradually be done away with".

It may also be relevant to quote extract from Shri Heble, Administrative Reorganisation Committee, Maharashtra 1974 which observed:-

"It may not be out of place to refer the system of classification of prisoners. Classification is done on the basis of status of the prisoner outside the prison and as a result racketeers, black-marketeers, smugglers, worst type of organised criminals who cause untold harm to the society and whose victims can be numbered in thousands, come to be treated much better in prison than a petty thief or a person committed for assault, whose depredations have been on much smaller scale and who has probably been guilty, only of a momentary aberrations, and whose victims can be counted on fingers of one's hand. It is rather surprising that this citadel of privilege has not yet come under attack from the big guns, all those working for an egalitarian society. This is probably because it is well hidden from public eye by the high walls of the prison.

In any case, whether imprisonment is regarded as a punishment or an attempt at reform, it is obvious that there can be no justification for this type of classification. Classification within the prison should only depend on the type of the criminal and the treatment needed for his reform rather than on the economic and social status which the criminal has acquired often as a result of his criminal career. It is often this type of affluent criminal who is least susceptible to reform and who is likely to utilise his privileged status to corrupt the subordinate staff and to recruit members for his organisation from the other criminals. It is his case that the confinement in the prison needs to be forbidding enough to be at least a partial deterrent. I therefore, recommend that the present system of classification and differential treatment be done away with and replaced by a system based on the effect sought to be achieved by imprisonment within the four walls rather than on the wealth flaunted by the prisoner outside these walls. All convicted prisoners within the prison need to be treated alike, regard being had only to age, physical condition, type of crime committed and the treatment needed. Special privileges like cots, special diet etc. may be reserved only for those who may need them on medical grounds."
The Government of Maharashtra has accepted the above recommendations, abolished classification of convicted prisoners and also abolished issue of non-vegetarian diet to prisoners.

The Commission is also of the view that this system should be also adopted for M. P. prisons.

**SUMMARY OF RECOMMENDATIONS**

(1) There should be no classification for convicted prisoners and they should be treated alike.

System of issue of non-vegetarian diet should be abolished for all prisoners.

(2) Prisoners should also be classified into political and non-political.

(3) Scientific process of classification should be introduced.
CHAPTER IX

Buildings and Accommodation.

In the State of Madhya Pradesh, most of the prisons are over-crowded.

The idea of this over-crowding can be had from the few instances mentioned below:

<table>
<thead>
<tr>
<th>Name of Jail</th>
<th>Capacity</th>
<th>Lock-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Jail, Indore</td>
<td>700</td>
<td>1708</td>
</tr>
<tr>
<td>Sub-Jail, Vidisha</td>
<td>44</td>
<td>150</td>
</tr>
<tr>
<td>Distict Jail Class II Hoshangabad</td>
<td>190</td>
<td>315</td>
</tr>
<tr>
<td>Distict Jail Class II, Betul</td>
<td>167</td>
<td>285</td>
</tr>
</tbody>
</table>

There are few Jails like District Jail Datia and Borstal Institute Narsimhapur, which are not overcrowded.

Owing to a continuous state of overcrowding, minimum standards for housing and equipment, sanitary services, water supply, segregating inmates of various categories, etc. can not be properly maintained, un-employment and idleness is increasing in prisons; discipline becomes a complicated problem; attention to the care, welfare and training, of inmates becomes a difficult preposition. Over all efficiency of an institution thus gets lowered.

All India Jail Manual Committee 1957 made certain recommendations in this regard which are follows:-

1. Each State should make a minimum survey of accommodation in all the institutions. Such a survey would show the difference between the original authorised accommodation and the actual available accommodation. It would be helpful in refixing the capacity of each institution.

2. Open-work camp, semi-open and open institutions should be set-up. This would considerably relieve the problem of over-crowding in closed prisons.

3. The accommodation capacity of sleeping berths, cells etc. should be regulated.

4. It is desirable that a sleeping dormitory should accommodate 20 prisoners.

5. The cells meant for confinement of prisoners for reasons of punishment and the cells for confinement of prisoners sentenced to death should have attached conveniences like W.C., bath and exercise area, as far as possible. These cells should be self-contained units.
(6) Areas where inmates work, should have at least 350 cubical feet per prisoner in already existing buildings and 599 cubical feet per prisoner in structures that may be newly constructed as workshops or factory buildings.

(7) Adequate segregation and other facilities should be provided so that prisoners of various categories can be effectively segregated.

(8) The area enclosed with in the prison walls should not be less than 100 Sq. yards per head of the total capacity except that where land is particularly valuable, the minimum may be 75 square yards per prisoner.

(9) Each dormitory barrack used for sleeping, should have attached W. Cs.; urinals, and wash-basins at the rate of one unit for 20 prisoners. W. Cs. for day time use should be provided at the rate of one unit for 6 prisoners.

(10) Provisions should be made for the following :

(a) Verandah for taking meals.
(b) Interview rooms without wire-mesh for well behaved prisoners.
(c) Bathing places.
(d) Flush system of latrines.
(e) Cement floorings.

On the basis of these recommendations, some standard pattern has been laid down in the Model Prison Manual of 1970.

It is laid down that while selecting site for new institutions, factors like transport facilities, water supply, drainage and sewage, communication facilities, such as post and telegraph, telephone etc. climatic conditions, market facilities, education facilities, hospital facilities, should be taken into consideration.

New institutions should not be constructed near earthquake belts, easily flooded areas, strategically important points, frontiers, Air-ports, Railway yards, congested urban localities, places of religious worships, and remote spots.

The plan of an Institution should be based upon a careful analysis of factors like type of inmate population, age group, type of custody, requirements of diversified institutional set-up in the State.

Correctional Institutions should broadly be classified as a maximum security type, medium security type, minimum security type. Architecture of the correctional institution should be such as would facilitate gradation in custody according to the needs of each inmate group.

Maximum security institutions should have sufficient cellular accommodation. These institutions should be compactly designed and provided with secure detention and supervision in each of its separate elements.
Medium security institutions should have cellular and dormitory type of accommodation.

Minimum security institutions should have cottage type of architecture. The out of bound area beyond which inmates should not go and with in which outsiders should not come, may be specifically demarcated.

The details regarding maximum, medium and minimum of architecture should be worked out separately by each state in accordance with the local conditions.

The Central Advisory Board of Correctional Services has recommended in its proceedings of March, 1969 that it is advisable to lodge long, medium and short term prisoners in Central, district and sub-jails. Maximum accommodation of a Central Jail should be 750 and of a District Jail 500 prisoners.

In view of the local conditions in Madhya Pradesh, the Commission thinks that the central Jails and District Jails should be of the following capacity.

<table>
<thead>
<tr>
<th>Type of Jail</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Jail</td>
<td>Above 1000</td>
</tr>
<tr>
<td>District Jail Class I</td>
<td>350 1000</td>
</tr>
<tr>
<td>District Jail class II</td>
<td>150 350</td>
</tr>
<tr>
<td>Sub-Jails / District Jail Class III</td>
<td>up to 150</td>
</tr>
</tbody>
</table>

This will meet the future requirement of accommodation of prisoners in the State.

The requirements of administration and supervision should also be taken into account while planning buildings.

Adequate ventilation of barracks, wards etc. should be ensured by the provision of large barbed doors, windows fixed on opposite walls.

Arrangements for the following facilities should be made in the main-gate:

1. Wicket gate.
2. Adequate space in between gates to facilitate gate operations.
3. Office room.
4. Search room.
5. Room for temporary segregation of prisoners suffering from contagious diseases.
6. Rest room for staff members.
7. Structure of the main-gate should be such as to facilitate easy-entrance to big vehicles like fire fighting machines.
(8) Interview-shed and waiting room. The Institutions may have the following:

1. Barracks.
2. Cells.
3. Cottages.

All barracks should be provided, if possible, with verandah, not less than 6 ft. in width and system of berths should continue from hygienic point of view although done away with as in Maharashtra.

The general kitchen should ordinarily be located at a central place inside a prison so that the distribution of food to the prisoners may be finished quickly. The kitchen should not be built, close to the sleeping barracks. It should be well ventilated and lighted. Each kitchen should be provided with adequate supply pure water. Water should be collected from the taps inside the kitchen. It is desirable that no single kitchen should cook and cater for more than 300 to 500 prisoners. There should be provision for covered feeding sheds in prisons so that prisoners may take their meals under a roof and on a platform.

The location of hospital should be as far away from the barracks, as possible. There should be arrangements for continuous supply of water in hospitals. The hospital ward should have sufficient light and air.

The local authorities should have regard to the following principles so that the jail area is properly cut off from the rural or urban population:

1. The Government land with in 200 meters the main wall should not be disposed of except on temporary agricultural lease and in the case of private lease of occupied lands similarly situated, permission to build should not be granted when the Inspector General of prisons thinks it inadvisable.
2. In cases in which Permission to build is granted, minimum restrictions necessary for the security of the Jail administration should be imposed in consultation with the Inspector General of Prisons.
3. No public buildings, dye works, sewage drains, other public nuisance should be allowed near the prisons.

In the state of Madhya Pradesh because of paucity of funds, the new buildings for the purpose of jails, may not be immediately possible. But it would be advisable to sell off the present old dilapidated and out moded institutions, which involve very heavy maintenance expenditure.

So also staff quarters which are below the minimum standards should be replaced.
In the opinion of the Commission about 2 crores of rupees can be realised from sale of land of present Central Jail, Indore. And similarly the jail building of Bhopal, Dewas would fetch good price. By the sale proceeds of these lands, new jails could be constructed and certain jails could be modified or extended to suit the requirements of medium and minimum security institutions.

The district Jail Class II Durg which is still under construction may be taken as a standard pattern for district jails. Even in this jail all facilities have not been provided and the sector for women prisoners is very much inside the main-wall, which is undesirable. Apart from such defects, which could be improved, this Jail could be a pattern for other new-District Jails, to be constructed in the State.

There are several jails in Madhya Pradesh like Gwalior, Ujjain and Bilaspur which are double storeyed. From the economy in space and building cost point of view, there should be no objection for double storey buildings.

The Jails, as they exist in Madhya Pradesh require at least a minimum viz, fool-proof separate enclosure for habitual prisoners, separate enclosure for undertrials, separate enclosure for political prisoners and a separate annexe for women prisoners. Construction of separate jails for undertrials and political prisoners shall not be economical.

In the opinion of the Commission the above expansion will not cost to the Government extra money and the expenses can be met from the sale of old jail buildings, because their location being right in the town, will fetch good price.

Summary of recommendations.

1. Pattern of Durg Jail, with slight modification may be adopted for District Jails.

2. Separate enclosure for habituals, undertrials, short-term prisoners, political prisoners should be constructed and a separate annexe for women prisoners should also be constructed at Central Jails and District Jails.

3. To exercise economy in space and saving building cost, double storeyed buildings may be constructed.

4. Sale proceeds of the old jail building should be able to meet the cost for constructing new Jails and extension of existing Jails.
CHAPTER X

Over Crowding

Any programme of correction in the prison can not be effectively implemented unless the number of the prisoners in the institutions is within the reasonable limit according to the scientific accommodation provided for the institutions.

Therefore, over-crowding as found in the different jails in Madhya Pradesh, has become a big problem and it deserves immediate consideration of the State Government.

The following figures for the years 1971-74 in Madhya Pradesh Jails would give an idea of the alarming rate of over-crowding in prisons:

<table>
<thead>
<tr>
<th>Total capacity in M. P. Jails 127,78</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>1970-71</td>
</tr>
<tr>
<td>1971-72</td>
</tr>
<tr>
<td>1972-73</td>
</tr>
<tr>
<td>1973-74</td>
</tr>
</tbody>
</table>

**Undertrians**

**Convicts.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Received at the Beginning of the year</th>
<th>Imprisoned during year</th>
<th>Remaining at the end of the year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>M.</strong></td>
<td><strong>F.</strong></td>
<td><strong>M.</strong></td>
</tr>
<tr>
<td>1970-71</td>
<td>7963</td>
<td>131</td>
<td>22262</td>
</tr>
<tr>
<td>1971-72</td>
<td>8218</td>
<td>134</td>
<td>17221</td>
</tr>
<tr>
<td>1972-73</td>
<td>8774</td>
<td>131</td>
<td>21093</td>
</tr>
<tr>
<td>1973-74</td>
<td>9054</td>
<td>145</td>
<td>24604</td>
</tr>
</tbody>
</table>

The question of over-crowding in prisons was considered as far as back as 1920 by the Indian Jails Committee.

The Committee remarked as follows:

"We doubt whether the serious effect which over-crowding exercises on every aspect of jail Administration is always sufficiently recognised. There is hardly any branch of the administration which does not suffer, when over-crowding is allowed
to continue and to become chronic. The Superintendent, Medical officer, and the other higher officers are over tasked and, therefore, unable to give sufficient time and attention to all details of their duties. The work of the warder staff becomes slack and efficiency deteriorated. The correct carrying out of the rules regarding classification of the prisoners, such as separation of habitu als from non-habitu als, becomes difficult or impracticable. Workshop accommodation becomes inadequate, labour can not be properly enforced and men have to be employed in verandahs and out houses In all directions, over-crowding produces bad results, up-sets discipline, breaks-down classification and generally makes the rule of jail code impossible of observance.”

The question of accommodation was also considered by the jail Reforms Committee of Madras 1950-51. It also agreed fully with the report of the Indian Jails Committee 1919-20.

From the figures furnished above regarding admission of prisoners in the jails of Madhya Pradesh, it shall be evident that the undetrial prisoners in particular, pose a great problem of over-crowding, because of their admission number being very large.

When the number of over-crowding is reviewed institution-wise, it is noticed that some Central Jails like Indore, are most over-crowded, among District Jails, the position appears to be alarming e.g. at District Jail, Alirajpur; the position of over-crowding in most of the sub-jails is also disquieting and immediate steps should be taken by the State Government to relieve the congestion.

The Commission has no hesitation in putting on record that on account of the serious over-crowding, the prisoners are suffering undue hardship and as a result of over-crowding almost every aspect of prison administration has suffered a serious set back and the standards prescribed in the Jail Manual for the care of prisoners are difficult to maintain at most of the institutions. In most places, the prisoners have inadequate space for sleeping; it is not possible to segregate the young and juvenile from adults, the habitu als from the casuals, undertrials from the convicts and those with contagious diseases from the healthy ones. There is an acute shortage of latrines at most of the institutions. The existing latrines at places are service latrines most of an old pattern, which remain generally in an un-hygienic condition most of the time, on account of gross over-crowding and inadequacy of conservancy staff. In some institutions the water supply was found to be inadequate. In most of the sub-jails, and even District Jails, the work-sheds have been converted into dormitories for locking of the prisoners. The production activities have also suffered lot.

The problem of over-crowding may apparently be solved through construction of more accommodation and provision of funds for making available the required accommodation for the staff. The Commission, however, feels that it is necessary to consider the trends in prison population as well as the causes and nature of the increase in the prison population so that the solution may prove to be of lasting value. Such an examination of the situation is considered specially necessary, in view of the fact that it
may not be possible to find sufficient funds for building for-midable prisons on a large scale and a very substantial increase in the annual prison expenditure may also not be possible at the moment. Further the Commission feels that if the factors responsible for the increase are not checked or kept under control, any extension of building and of the services may become inadequate in no time with a further increase in the prison population.

From the examination of the criminal cases in which the prisoners are lodged in the prisons, the following factors come out prominently.

In the past criminal action was generally involved only in serious cases and for the preservation of law and order. With the extension of administrative machinery and means of communication to remote areas and enactment of laws declaring new offences of various kinds, the scope of criminal action has expanded widely and vast numbers of persons who have never known criminal proceedings get entangled in the same. Progressive countries, including our own, use the criminal laws as an instrument of social reconstruction and improvement of men. In circumstances, bulk of these apprehended, deserve understanding and assistance to secure better adjustment with the society. The way in which such vast number remain rotting behind bars for one reason or other under investigation or undertrial for months or years in total neglect of legal provisions, does not reflect a universal appreciation of the new needs for the situation in the field of criminal justice. Besides in our State, the Commission had an occasion to see even fallen women and juveniles lodged in jails instead of protective Home and Juvenils being detained u/s 109 Cr. P. C. These facts, in fact, indicate the reason that the social legislation for their purposes are as yet not well known to the Law enforcing agency and the time honoured attitudes of old days prevail in most matters relating to the process of criminal justice.

It may, reasonable, be hoped that with minimum steps towards discharging those detained without charge-sheet and energetic drive for completing investigations, the Undertrial population may be brought down substantially. But there shall still be need for keeping a large number of Undertrial prisoners. Obviously it is not necessary to provide for the same standard of security for all types of prisoners. Some of them are not likely to escape or cause much loss or damage to society even if they do so.

Besides there is a sizable population of short-term convicts sentenced under Railway Act specially or tickless travellers.

These prisoners could be dealt with by Railway authorities by keeping them in camps, making them work in Railway yards, maintain them from their earnings and issue a Railway warrant on release. The jails do not issue Railway warrants at the time of release which creates a vicious circle for such prisoners.

This shall be economical, prevent contamination of such offenders and relieve over-crowding.
The Commission is of the view that Railway Board could be persuaded to introduce this system instead of sending them to jail. Further in the opinion of the Commission non-escape-risk prisoners can be accommodated in minimum security conditions i.e. even in thatched huts and hired buildings with wire or dwarf wall fencing. Even one such minimum security prison with a capacity for 300 prisoners or so, could be set up as an annexe of District jails or Central Jails under the same Superintendent, situated, if necessary at a reasonable distance from the jail. This will eliminate factor of contamination of small offenders and shall be economical from the maintenance point of view. It may however, be mentioned that this proposal for setting up minimum security institutions is not as substitute for any proposal for a new jail of the standard pattern or extension of custody institutions which might persistently be under consideration of Government. Such proposals for building, put forward by the Jail Department should be proceeded with and completed as quickly as possible.

At several district where the sessions courts are located and the jails do not exist, the prisoners have to be transported from other jails to attend the courts. For example, Satna courts send their prisoners to Rewa from where they come for court-peshi.

In Katni there is no jail. The prisoners have to be brought from central jail, Jabalpur. Opening of jails at such places is very essential which do not only relieve over-crowding but also facilitate timely production of prisoners in the courts and also help the prisoners to meet their local counsels and relatives without inconvenience.

Accordingly in view of location of courts, area of the district, incidence of crime, distance from existing jails and utility of the existing institutions, the Commission thinks that the following jails should be up-graded, newly constructed, re-opened or abolished.

Up-grading should be done only after additional accommodation is provided.

Raipur circle of jails should be split into Raipur and Bilaspur Circles on the basis of revenue divisions.

I. Raipur circle.

New Jails:– Kanker District Jail Class III.
(2) Mahasamund Dist. Jail Class III.

II. Bilaspur Circle.

Up-grading (1) Bilaspur to Central Jail.
(2) Baikunthpur to District Jail Class II.
   for Keeping long-termers at the last stage of release.
(3) Jashpurnagar to Dist. Jail Class II.

New Jails:– (1) Korba or near Korba Dist. Jail Class III.
Re-Open:– Dharamjaigarh District Jail Class III.
III. Jabalpur Circle

Up-grading: Mandla to District Jail Class II.
New Jails: Katni District Jail Class III.

IV. Rewa Circle.

Up-grading: Panna to District Jail Class II.
New Jails: (1) Satna District Jail Class II.
(2) Sidhi District Jail Class II.

V. Bhopal Circle.

Up-grading: (1) Vidisha to District Jail Class II.
New Jails: Shajapur Dist. Jail Class II.

VI. Indore Circle.

Up-grading: (1) Alirajpur to Dist. Jail Class I.
(2) Mandsaur to Dist. Jail Class II.
(3) Khargone to Dist. Jail Class II.
Abolish: Sub-Jails Mahidpur and Tarana II.

VII. Gwalior Circle.

Up-grading: (1) Bhind to District Jail Class II.
(2) Morena to Dist. Jail Class II.
(3) Shivpuri to Dist. Jail Class II.
(4) Guna to Dist. Jail Class II.
(5) Sabalgarh to Dist. Jail Class II.

Bihar Jail Committee 1972 also examined the question of over crowding at length and has made very useful recommendations on the subject. Some of the important recommendations are as follows:

For expeditious disposal of the cases of undertrials and for immediate solution of the problem of over-crowding the following points should be considered.

1. There should be one sufficiently senior Magistrate to deal with the cases which come up for cognizance and order of remand or of bail at every sub-division.

2. No body should be detained u/s 167 Cr. P. C. beyond a fort-night.

3. There is immediate need for increasing the number of trying courts.

4. The High Court may be requested to instruct its subordinates to give priority to the cases of those detained in jails in the matter of trial.
5. No enough attention is given to section 479 Cr. P. C. and bail refused to women and children even in deserving cases. Similar provision in the Jail Manual regarding releasing of undertrial prisoners on bail when seriously ill are also not receiving adequate attention from the courts. The High court may be requested to advise all judges and magistrates in the matter suitably.

6. The State Government should give technical and financial assistance to voluntary organisations set up and organised to give assistance to prisoners in the matter of bail, family welfare and rehabilitation.

7. The provision of the jail Manual relating to fortnightly and 6 monthly reports regarding pending cases of undertrials and of the monthly scrutiny of the long detained cases by the S.D.O. and D.M. should be strictly adhered to by all concerned.

8. High priority should be given to the enforcement of children Act throughout the State immediately.

9. Special drive may be instituted to examine pending cases relating to minor offences with a view to withdrawal of cases.

The working group on prisons in India also recommended such a drive and review of cases of all undertrial prisoners.

10. A system of detaining persons for preventing crime has developed in this State U/s. 109 cr.p.c. Such an approach is not adequate for the purpose. Proper legislation in the matter as well as adequate training of police and other law enforcing officers is necessary.

The Commission fully agrees with the recommendations of the Bihar Jail Committee and its recommendations are acted upon in our State, overcrowding in the prisons will be greatly reduced and it will give an impetus for introducing effectively correctional programmes for convicted prisoners.

**SUMMARY OF RECOMMENDATIONS**

1. The problem of over-crowding in the State is very acute and deserves **IMMEDIATE** attention.

2. The number of admissions of undertrials during a year is vary large and if action is taken, as recommended above to release them, much of the over-crowding problem will be solved.

3. Even among the undertrial and short term convict prisoners for non-escape risk, minimum security institutions should be provided in thatched huts or hired buildings so that only dangerous prisoners will be kept in jails.

4. Places like Katni & Satna where the jails do not exist, construction of the jails is very essential to facilitate attendance of the prisoners. Besides some jails need upgrading.

5. At all the places where sessions courts are located, there should be a jail.

6. The system of sending convicts to jails sentenced under Railway Act, should be discontinued and the Railway authorities should deal with them.
CHAPTER XI

Medical care hygiene and Sanitation

The object of medical administration is mainly to restore and maintain the physical and mental health of prisoners and to keep up the general sanitation and hygiene of the institution to the satisfactory standard.

There shall be:
(1) Medical staff specially selected for and well trained in prison work. Arrangements should, therefore, be made for imparting the training to the medical personnel who will be employed for this purpose.
(2) Adequately equipped hospitals both for men and women prisoners, with provisions for the necessary medical, surgical and dental services.
(3) Adequate arrangements for taking prophylactic measures against infectious diseases and epidemics.

In the prisons at present, the medical treatment and sanitary arrangements are not very satisfactory.

The subject of lighting has been a constant item of criticism. In many jails in M. P., there is no electric lighting arrangements which is a necessity from the modern standards.

Water supply in the jails is very poor, with the result that the prisoners have to live without a bath for many days in a week, specially in summer. This need has to be met immediately. Bath facilities in most of the jails are poor. There are open bathing platforms and there is no privacy for changing their clothes.

Arrangements for latrines and conservancy also require lot of improvements. At many jails there is no enough privacy for a person using the latrines. Even the number of latrines available is very much short of requirements. At least one latrine for 6 prisoners should be the standard according to which latrines should be constructed. Drainage system requires lot of improvement.

It some of the jails which are in the town even the trenching system of night soil has become a problem with the result that sanitation can not be maintained properly.

It has been suggested that at all the Jails, the latrines should be of a flush type, which does not seem to be a practical proposition in the State in view of the acute shortage of water to flush latrines in these Jails.
Many of the Jail hospitals are dark, and dreary. In many cases, the hospital occupies ill-situated barrack in the institution. In smaller Jails, when a prisoner falls sick, he is segregated in a cell. Most of the prisons are without operating rooms and have no administrative block where prisoners may be properly examined. They are seen usually in verandahs. The dispensaries and store rooms in most of District Jails have been formed by walling in the ends of the hospital verandah. Some are poorly lighted, some are badly ventilated and mostly are too small. These defects should be removed and a well lighted, well ventilated dispensary, a satisfactory store room and an administrative block should be provided. Even for the jail staff, no suitable place is available where the members of the family, specially ladies, could be examined by the Medical officer.

Kitchen arrangement is also far from satisfactory. They are not properly lighted or ventilated and kitchens which were designed for a small number of prisoners cannot adequately provide for the cooking of over-crowded prison in consequence the food has to be prepared hastily with bad results.

In Madhya Pradesh there are special medical units for the inmates, the inmates who are old and infirm, inmates suffering from mental disorder, T. B. Units and leprosy units.

The old and infirm inmates in District Jail Dhar and Betul are attended by Medical Officers and these jails have been selected from the climatic and administrative point of view.

Similarly T.B. units are located in the jails at District Jail Chhindwara and Indore.

Mental cases are treated in Central Jail Gwalior and leprosy cases in District Jail, Ujjain.

It has been suggested that electric fans should be provided in the jails. The Commission feels that they should be provided where it is very warm, no cross-ventilation and over-crowding.

From the hygienic point of view, toilet-soap hair oil and tooth powder should be provided to the prisoners at Government cost.

In the Madhya Pradesh jails at present persons who are supposed or known to be of unsound mind are detained in the jails and are divided into 5 classes:-

1) Prisoners who have not committed a crime and are supposed to be lunatics, placed under the observation of the medical officer under the provisions of Indian Lunacy Act, 1912.

2) Persons accused of a crime and supposed to be of unsound mind, placed under the observation of the Civil Surgeon under section 464 of the Code of Criminal Procedure 1895.
(3) Persons accused of a crime and found incapable of making their defence owing to unsoundness of mind and detained under section 466 of the CODE OF CRIMINAL procedure 1898.

(4) Persons acquitted after trial on the grounds of insanity who have been found to have committed an act which would, but for the incapacity found, have constituted an offence under section 471 of the Code of Criminal Procedure.

(5) Persons who have become insane after their conviction and admission into jail persons of Class I are, denominated ‘non-criminal lunatics’ of class 2 to 4, criminal lunatics and persons of class 5 lunatic prisoners.

In the jails there is a large number of non-criminal lunatics and in view of the over-crowding in jails and better chances of specialised treatment in the Mental Hospitals, the non-criminal lunatics should not be kept in the jails.

Some members of Indian Jails Committee 1919 were of the view that all persons who are in any way mentally abnormal should be brought within the scope of special action or legislation.

The members of Indian Jail Committee 1919 advocated:

(1) That all units of adults and children who committed crime, should as far as possible, be mentally examined by an expert in order to ascertain whether they are mentally abnormal or not.

(2) That all persons should be similarly examined before they are released on probation.

(3) That all prisoners should be similarly examined before they are released on parole.

(4) That all mentally defective and mentally abnormal prisoners should be sent to a special prison.

(5) That where a lunatic asylum is near a prison, the Superintendent of the asylum should be appointed as a consultative of the prison.

This envisages an elaborate scheme of mental examination for the prisoners.

In Central Jail, Gwalior a specialist from the lunatic asylum visits the prison. But at present the regular detailed examination of most of the prisoners from the psychiatric point of view seems not necessary because most of the prisoners are simple socio-economic cases.

A psychiatrist for the jail department may be, however, employed who may visit different prisons to examine the prisoners.
A suggestion has been mooted that from economic point of view, Ayurvedic and Homeopathic treatment should be introduced in the Jails.

The Commission is of the view that the prisoners being the responsibility of the State, care of his health in the custody, has to be taken properly and because Allopathy is quite advanced specially on the surgical side, it would be proper to continue Allopathic dispensary in the Jails.

In the case of T. B. and leprosy prisoners, arrangements in the Jails need lot of improvements and complete segregation of these prisoners from the other prisoners should be effective.

The report of the Indian Jail Committee 1919-20 made the following recommendations regarding general sanitary arrangements, hospital care and nursing of sick prisoners

1. Wherever a municipal water supply has been introduced, the jails should be connected with it.

2. Where possible over-head bathing arrangements should be introduced.

3. In every Jail, there should be sufficient latrine accommodation to provide one seat for every 6 men and the partition which divide the seats should be high enough to provide a reasonable degree of privacy.

4. Every general latrine should have footrests.

5. Water for conservancy after resort to latrine should be provided at or close to it.

6. It is necessary to continue the trenching system of disposing of night-soil but it should be done scientifically.

7. Lighting arrangements in jails are generally inadequate; the question of their improvement should be examined and electric light installation should be provided.

8. Every Jail hospital ought to be brought thoroughly up-to-date in respect of buildings and equipments.

Medical Staff.

In our State Jail service is unpopular with Medical subordinates, because during that service private practice is prohibited without any adequate compensation and because of the confinement and monotony of a Jail work; in consequences of this unpopularity, transfer to employment in a Jail has sometimes been used-as a punishment for refractory and unsatisfactory medical subordinates. Although much weight not be attached to this suggestion, there is some ground as to the manner in which
Medical subordinates are supplied to the Jails, transferred and withdrawn. The Inspector General of Prisons is not being consulted either as to their selection or removal. He is inclined to resent changes which may really be due to unavoidable exigencies of the service.

In old days the Inspector General of prisons and the Director of Health Services was one and the same person, and the control on the working of the Medical subordinates was quite proper but with the Inspector General of prisons being a separate person from the Director of Health Services, action against the medical subordinates becomes very difficult with the result that sometimes the medical staff and the executive staff work out of tune creating administrative problems. This difficulty might be removed if a jail subordinate medical service is constituted but in that case too, as most of the medical persons would be not inclined to serve in the jail department, the scheme might not be successful.

Under the present circumstances, the commission thinks that the arrangement of deputing of Medical persons by the Medical department may continue but the Inspector General of Prisons should have some say in the matter of postings, transfers, and award of punishment against the medical staff.

The question of giving special pay to the medical staff who work part-time at the district jails class II and sub-jails requires revision.

Wherever the Civil Surgeon is the Ex-officio Superintendent, he gets Rs. 75/- P.M. as a special pay and where the Assistant Surgeon is the Ex-officio Superintendent, he gets Rs. 50/- P.M. as special pay.

Assistant Surgeons who work part-time at the jails, get Rs. 30/- P.M. as a special pay and the compounders who work as part-time get Rs. 10/- p.m. as a special pay.

This requires substantial revision, to be in consonance with the revised Pay scales in the State of M.P.

The Commission is of the view that Civil Surgeons, Assistant Surgeons, working as Ex-officio Superintendents, of district jail class II sub jails should get Rs.120 and Rs.100-P.M. as special pay respectively.

Civil Surgeon working as Medical officers of District Jails Class I should get Rs. 150-P.M. and whole-time Medical officers of Central Jails should get not less than Rs. 150-P.M. as non-practice allowance.

Part-time Assistant Surgeons and part-time compounders should get Rs. 50/- and Rs. 30/- P.M. as special pay respectively.

System of nursing orderlies from among the warder staff as in Maharashtra may be introduced and paid allowance of Rs. 15/- P.M.

Prisoners maid also be trained as nursing orderlies and maid be remunerated made us wages system,
SUMMARY OF RECOMMENDATIONS

(1) Non criminal lunatics should not be kept in jails.

(2) Adequate water supply arrangements should be made in the jails. Flush latrines should be constructed where supply of water is adequate.

(3) Number of latrines for day should be one for 6 prisoners; Drainage system should be improved.

(4) Electric light installations should be arranged in all the jails.

(5) There should be provision for toilet soap, hair oil and tooth powder to all the prisoners.

(6) The present arrangement of the allotment of Medical officers for the jails may continue but the Inspector General of Prisons, should have effective say about the Medical staff.

(7) The medical allowance for the staff working at the jails requires substantial revision.

(8) Jail Hospitals should be brought thoroughly up-to-date in respect of buildings and equipment.

(9) Present arrangement in regard to kitchen, bathing platforms, requires much improvements.
CHAPTER XII
Diet Clothing and Utensils

The question of giving diet to the prisoners was considered as far back as 1919 by the Indian Jails Committee and its main recommendations are as follows:

1. The ration of rice should be reduced to 20 ounces per day. This was recommended by Maj. M.C. Cay after researches. Maj. M.C. Cay experimented researches in to jail dietary and has proved that diet which includes more than 20 ounces of rice is in excess of physiological requirements. He said that in Madras Presidency the grain ration of male labouring convict in recent years had been reduced from 24 ounces to 20 ounces and the reduction had been followed by the improvement in health.

2. The question whether the grain ration in and province should exceed 20 ounces should also be considered.

3. Dal (ration) should not exceed 5 ounces and in certain exceptions should not exceed 4 ounces.

The ration of dal (split pea) for a laboring male convict is in some provinces 6 ounces per diem, in others 5 ounces and in others 4 ounces except in the case of dietaries, in which the grain ration consists solely of rice.

4. The vegetable ration should be raised to 8 ounces per diem.

The vegetable ration in most provinces has been fixed at a minimum of 6 ounces per day out. In Bombay it is 8 ounces and in view of the improvements of the vegetable ration in the maintenance of sound health in a jail, it is recommended that it should be raised to 8 ounces every-where.

The question of diet for prisoners was again examined by the All India Jail Manual Committee 1957-59. The various Jail Reforms Committee of the State Governments as well as the 8th Conference of the Inspectors General of prisons 1952 had recommended the introduction of balanced diet in Prisons. The conference of Inspectors General of Prisons also recommended that the diet of labouring prisoners should not be less than an equivalent of 3000 calories and that for non-labouring prisoner not less than 2400 calories, and that the diet should have variety. They considered that diet scales in the prisons in different States in India and also the recommendations of nutrition experts in West Bengal, U.P., Connore (Kerala) and the Director General of Health Services for compiling a standard diet scale for prisoners, which can be adopted throughout the country with some modifications to suit local conditions. The scales were finalised in consultation with the Nutrition Experts of West Bengal.

The following factors were kept in view for preparing the diet scales.

1. It is the responsibility of the Government to ensure that all prisoners are fed adequately so that their health and weights are maintained.
(2) The food should contain an adequate quantity of each type of nutrients viz. protein, fat, carbohydrate, water, salt and vitamins and adequate caloric value for maintaining the basal metabolism.

(3) The degree of physical activity is the most important of the factors which determine the caloric value of food required. An average man having a bodily weight of 55 K. Grams, not engaged in hard manual labour, will require about 2000 to 2400 calories, a person doing heavy work would require not less than 2800 calories, and average woman having a body weight of 45 K. Grams would require 2400 calories, a pregnant women or a nursing mother should have additional calories.

In simple imprisonment prisoner or undertrial prisoner, who elected to labour will be eligible for the scale of diet for labouring prisoners. It is not desirable to give more cereals to an undertrial prisoner. The Government can only give reasonably satisfactory diet to the undertrial prisoner to maintain his health. It would also not be reasonable for an undertrial prisoner to expect a bigger ration inside the prison than is likely to get outside merely on the ground that a labouring convict is getting more than a non-labouring convict.

In order to allow for indifferences in individual tastes, the undertrial prisoners are permitted to get their own food from outside; if they so desire. The committee here-fore did not recommend a bigger scale of cereals for undertrial prisoners.

Shri B. C. Katoche, Inspector General of prisons Punjab gave a note of dissent against scale of diet recommended for under trial prisoners as follows:-

At present adult male unconvicted criminal prisoners are given the same scale of diet as given to labouring adult and adolescent male convicts in most of the States in India viz. Delhi, Punjab, Jammu and Kashmir etc.

He gave the following reasons for keeping this diet scale of undertrials equal to labouring convicts:-

(1) It is the responsibility of the Government to provide an undertrial with such food to which he is ordinarily accustomed as a free man to maintain his health and strength during the course of his trial while confined in a Jail.

(2) The average period of detention of undertrial prisoners in the States of Indian Union generally ranges from 20 to 30 days. During this period, the food requirements of a prisoners for the needs of the tissue calss of the body for the growth and repair and for providing it potential source of energy to perform muscular and other functions remain the same.

(3) Reduction in the scale of diet-prescribed by the expert dieticians, which is being issued since several decades to male adult undertrial prisoner, will create discontent and result in deterioration of his health.
The Model Jail Manual incorporates the diet scale on the principles enunciated by the Jail Manual Committee and has differentiated between the scales for labouring and non-labouring prisoners.

It has laid down the following scales which would be slightly changed to suit the local conditions by different State Governments.

They have provided only two divisions of diet division A and division B instead of A, B and C.

A. Diet No. 1 for labouring male convicts of division B and the age of 16 Yrs

B. Diet No. 2 for division B convicts except those in A above viz. those under the age of 16, women non-labouring adults and for division B, Undertrial prisoners, both male and female.

<table>
<thead>
<tr>
<th>Items of diet</th>
<th>Diet No. 1</th>
<th>Diet No. 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cereals (including Millet.)</td>
<td>20 ozs.</td>
<td>18 ozs.</td>
</tr>
<tr>
<td>Pulses</td>
<td>4 ozs.</td>
<td>4 ozs.</td>
</tr>
<tr>
<td>Vegetables</td>
<td>8-10 ozs.</td>
<td>8-10 ozs.</td>
</tr>
<tr>
<td>(a) Green leafy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Roots &amp; tubers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish or meat</td>
<td>1 oz.</td>
<td>1 oz.</td>
</tr>
<tr>
<td>or Milk and Ground nut (roasted)</td>
<td>2 ozs.</td>
<td>2 ozs.</td>
</tr>
<tr>
<td>or Milk and Gram (Roasted)</td>
<td>1 ozs.</td>
<td>1 ozs.</td>
</tr>
<tr>
<td>Jaggery</td>
<td>1 oz.</td>
<td>1 oz.</td>
</tr>
<tr>
<td>Salt</td>
<td>1 oz.</td>
<td>1 oz.</td>
</tr>
<tr>
<td>oil</td>
<td>1/2 oz.</td>
<td>1/2 oz.</td>
</tr>
<tr>
<td>Tamarind</td>
<td>1/4 oz.</td>
<td>1/4 oz.</td>
</tr>
<tr>
<td>Jeera or Tejoata</td>
<td>1/64 oz.</td>
<td>1/64 oz.</td>
</tr>
<tr>
<td>Turmeric</td>
<td>1/32 oz.</td>
<td>1/32 oz.</td>
</tr>
<tr>
<td>Corriander</td>
<td>1/64 oz.</td>
<td>1/64 oz.</td>
</tr>
<tr>
<td>Chillies</td>
<td>1/64 oz.</td>
<td>1/64 oz.</td>
</tr>
</tbody>
</table>

Total calories: 2911
Protien (gms): 75.1
Fat (gms): 36.1
Carbohydrate (gms): 581.8

Total calories: 2715
Protien (gms): 71.5
Fat (gms): 35.9
Carbohydrate (gms): 536.8
Note:— If a division B male undertrial prisoner or a convict of division B with simple imprisonment, volunteers for employment, he shall be given diet No. 1
Diet No. 3. For prisoners of Division A who are accustomed to a superior mode of living:

Item of diet. Quantity.
1. Cereals (including suji.) 18 ozs.
2. Pulses. 2 ozs.
3. Vegetables:
   (a) Green leafy. 8-10 ozs.
   (b) Roots & Tubers. 2 ozs.
   (c) others 3 ozs.
4. Fish or meet. 2 ozs.
   or
   Eggs. 8 ozs.
   or
   Milk 1 oz.
5. Tea or coffee. 2 ozs.
7. Butter or Ghee 1/8 ozs.
8. Milk. 1 oz.
9. Condiments. 4 ozs.
10. Tamarind or lime. 1 oz.
11. Salt. 1 oz.
12. Oil. 2 ozs.
13. Curd. (Jam or jelly or fruits of equivalent value) 2796 calories.

Total calories: 77.4
Protien (gms.) 498.4
Fat
Carbohydrate.

Diet No. 4: Special diet for pregnant and nursing women prisoners. Add the following to Diet No. 2

Items or diet. Quantity.
1. Milk. 8 ozs.
2. Sugar. 2 ozs.
3. Vegetables. 4 ozs.
4. Fish or meat.
   or
   Curd. 1 oz.

Total calories: 3195
Protien (gms) 88.9
Carbohydrate (gms) 621.4
Diet No. 5 for children between 3.6 years.

**Items of diet.**

**Quantity.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cereals</td>
<td>10 ozs.</td>
</tr>
<tr>
<td>Pulses</td>
<td>2 ozs.</td>
</tr>
<tr>
<td>Vegetables:</td>
<td></td>
</tr>
<tr>
<td>Leafy</td>
<td>4 ozs.</td>
</tr>
<tr>
<td>Roots and tubers</td>
<td>1 oz.</td>
</tr>
<tr>
<td>others</td>
<td></td>
</tr>
<tr>
<td>Fish or Meat or Curds</td>
<td>2 ozs.</td>
</tr>
<tr>
<td>Salt</td>
<td>1 oz.</td>
</tr>
<tr>
<td>Jaggery</td>
<td>1 1/4 oz.</td>
</tr>
<tr>
<td>Tamarind</td>
<td></td>
</tr>
<tr>
<td>Condiments to taste</td>
<td></td>
</tr>
<tr>
<td>Total calories</td>
<td>1729</td>
</tr>
</tbody>
</table>

**proteins (gms)**

44.4 gms

**Fat (gms)**

37.1 gms

**Carbohydrate (gms)**

3.10 gms

**Scale of fuel per prisoner (for diet Nos. 1, 2, 4 & 5)**

- **Coal**
  - When total No. of prisoners is more than 150: 10 ozs.
  - When total No. of prisoners is below 150: 12 ozs.

- **Firewood**
  - 20 ozs
  - 24 ozs

**Scale of fuel per prisoner (for diet No. 3)**

- **Coal**: 32 ozs
- **Firewood**: 4 ozs

In Madhya Pradesh the diet scale for prisoners is as follows:

**Diet scale of prisoners**

1. **Early morning meal (Break fast)**

   - Rice 115 gms
   - or
   - Wheat 90 gms
   - Atta
   - Malasses 30 gms
   - or Salt 5 gms

   Rice 90 gms,
   or 1 chapati
   Flour with sufficient salt.
(2) Mid-day and evening meals. Rice 640 gms. Rice 525 gms.

or
Flour 585 ,,  or  Flour 465 ,,  
Wheat or  Wheat or

or
Flour 640 ,,  or  Flour 525 ,,  
Juari or  Jurari.

Vegetables 235 ,,  Vegetables 235 ,,  
Dals. 175 ,,  Dals 115 ,,  
Oil 30 ,,  Oil 30 ,,  
Salt 20 ,,  Salt 15 ,,  
Condiments.10 ,,  Condiments. 10 ,,  

Note:-(i) In a special diet the quantity of atta and Dals will not exceed the weight of 760 grams. Atta and 60 grams dal can be issued.
(2) There is a separate arrangement for A and B Class prisoners.
(3) All classes of prisoners including undertrials, civil detenus are given special diet of Halwa on the following festivals:-

(1.) Holi
(2.) Idulfitre
(3.) Independence day.
(4.) Dussera
(5.) Republic day.

Scale of Halwa is as follows:-

| Wheat flour | 60 grams |
| Sugar | 60 „ |
| Ghhee | 30 „ |
| Fire wood | 235 „ |

Diet scale of A and B Class prisoners

| Morning | Tea 10 grams | or Milk 235 gram |
| Break fast | Milk 115 ,, | or Bread loaf 115 grams |
| Sugar 15 „ | wheat Flour 90 ,, | Butter 15 grams |
| Ghhee 15 „ |

Mid-day and evening meals.

1. Wheat flour 495 grams
   or
   Clean rice 585 ,,
2. Wheat flour 410 ,, and meat 465 grams
   or
   Bread (double roti) 585 ,, Fish 465 ,,  
   or
   Rice 410 ,, Eggs 4 Nos
3. Root vegetables 235 grams
   Other vegetables 235 
   Dal 175 
   Ghee or Butter 30 
   Sweet oil 30 
   Salt 2 
   Sugar or Gur 15 
   Milk 115 

4. Condiments:
   Tamarind 10 
   Or dry Mango pulp. 
   Tur Meric 5 
   Chillies 5 
   Onion and Garlic 16 

The authorised scale according to which fire wood may be consumed is 585gms per prisoner when the population is above 100 prisoners, 700 grams per prisoner when the population is 100 and below but above 50 and 815 grams per prisoner when the population is 50 and below.

The diet scale for class II prisoners (ordinary prisoners) in Maharashtra is as follows.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of article</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Conjee</td>
<td>30 grams</td>
</tr>
<tr>
<td>2.</td>
<td>Wheat/Jawar/Bajree/Milo</td>
<td>540 &quot; Hard and medium light</td>
</tr>
<tr>
<td>3.</td>
<td>Pulses &amp; Dals</td>
<td>115 &quot; Except on sunday</td>
</tr>
<tr>
<td>4.</td>
<td>Vegetables</td>
<td>260 &quot;</td>
</tr>
<tr>
<td>5.</td>
<td>Gur</td>
<td>85 &quot; On sunday only</td>
</tr>
<tr>
<td>6.</td>
<td>Vegetableghhee</td>
<td>30 &quot; On sunday only</td>
</tr>
<tr>
<td>7.</td>
<td>Gram flour</td>
<td>55 &quot; Three times a week.</td>
</tr>
<tr>
<td>8.</td>
<td>Onions</td>
<td>15 &quot;</td>
</tr>
<tr>
<td>9.</td>
<td>Sweet Oil</td>
<td>5 &quot;</td>
</tr>
<tr>
<td>10.</td>
<td>Salt</td>
<td>20 &quot;</td>
</tr>
<tr>
<td>11.</td>
<td>Tamarind</td>
<td>5 &quot;</td>
</tr>
<tr>
<td>12.</td>
<td>Chillies</td>
<td>2½ &quot;</td>
</tr>
<tr>
<td>13.</td>
<td>Masala</td>
<td>3/4 &quot;</td>
</tr>
<tr>
<td>14.</td>
<td>Garlic</td>
<td>3/4 &quot;</td>
</tr>
<tr>
<td>15.</td>
<td>Rai</td>
<td>565 &quot;</td>
</tr>
</tbody>
</table>

Distribution of dals

Monday  
Tuesday  
Wednesday  
Thursday  
Friday  
Saturday  
Sunday  

Masoor dal  
Cram dal.  
Moong whole  
Toor dal.  
Math  
Moong whole  
Gram Besan
According to availability of grains as per rules.

9 meals First cheapest
4 , , Second cheapest
1 , , Rice
14 Meals

Recently Maharashtra Government has retained only one class of diet i.e. ordinary class I I for all convicted prisoners.

In Punjab and Haryana the prisoners are given 580 grams of wheat flour, 230 of vegetables, 70 grams of pulses and 350 grams fuel wood and there is no difference in diet scale of labouring and non-labouring convicts. In Kashmir the cost of diet an ordinary undertrial is more than of an ordinary convict, i.e. Rs. 2.50 and Rs. 1.90 per head.

In Kerala, the diet scale in respect of cereals i.e. rice and wheat has been reduced. The present scale is 220 grams rice and 290 grams of wheat.

On examination of these different scales of diet in different states, the following points arise

(1) Whether diet scale for labouring & non-labouring should be the same?

(2) Whether the scale of flour of Jawar, wheat and bajra should be the same?

(3) Whether diet scale can be reduced i.e. view of the scale of Dal and fuel-wood consumed in other States?

(4) Whether special diet on festival days should be issued in more variety and on more days?

(5) Whether there should be classification on the basis of social status?

(6) Whether there should be any different diet scale for political prisoners?

From the standards laid down by the experts, the Commission is of the view that the scale of labouring and non-labouring diet should continue because it serves also as an incentive for a labouring convict if he gets more food.

The scales of different quality of flour should be different and not the same.

There should be no classification on basis of social status among convicts and all should be treated alike.

Only undertrial prisoners should be classified into superior and ordinary.

System of non-vegetarian scale of diet should be done away with as in Maharashtra.
The quantity of dal should be reduced from 195 grams to 115 grams for labouring convicts.

It is found that quantity of oil is more than sufficient and sometimes prisoners by saving this from their daily consumption, want to utilise it on festival days to prepare something extra besides Sweet Halwa which is prescribed under the rules. Quantity of oil could be reduced from 30 grams to 20 grams.

In the case of breakfast, Punjab has started giving tea and half quantity of breakfast, 58 grams of gram. Maharashtra issues morning meal and not tea, which can be supplemented from canteen.

In view of the fact that undertrial prisoners have complained to the Commission for remaining hungry because their morning meal is provided from the diet for both the meals and not extra as is provided for the labouring convicts, tea could be issued as morning meal to all the prisoners including undertrials and discontinue the issue of morning meal. This will satisfy all the prisoners and effect economy in the expenditure. Because the diet scale at present in the labouring convicts is more than sufficient compared to other states, there should be no complaint for issuing tea instead of morning meal.

Consumption of fire-wood is quite heavy in our State in view of the scales laid down in other States. One of the basic reasons being that the kitchens are not made scientifically. Therefore, the scale of firewood may be increased to 1 K.G. per prisoner when the population is less than 100 and 750 grams per prisoner when the population is above 100.

The Maharashtra Government has experimented successfully with the introduction of night soil gas plant and this could be introduced in the Jails of Madhya Pradesh with advantage which will also effect a lot of saving to the Government.

Prisoners generally request for a change of diet on festival days and often manipulate a change with some savings from the articles of their daily ration.

Special diet at present is issued on Holi, Idulfitre, Republic-day, Dussera, independence-day.

It will be desirable to issue special diet also on Gurunanak Jayanti, Prophet’s day, Cristmas-day, Mahavir Jayanti, Diwali and Rakshabandhan.

In Kerala a prisoner is given Rs. 1. 10 per capita for special diet. If this system could be introduced without any difficulty, it is desirable or in the alternative besides Halwa, some other sweets and saltish preparation within the present cost of Halwa should be permitted.
Muslim prisoners who observe Ramzan should be served hot meals where possible in the morning before unlocking of the prisoners.

In view of the frequent admissions of political prisoners in the Jails and no separate diet scale prescribed for them, they create lot of problems for the Jail Management and the Commission is of the view that they should be given some extra items of diet besides what are given to “C” class (ordinary) prisoners.

The Commission is of the view that they should be issued tea for both times and 15 grams of pure ghee or butter and 1 K.G. of fire wood to meet their requirements of kitchen including hot water and they should be permitted to supplement their diet from outside.

To exercise greater economy on the issue of diet, the Government of Maharashtra has issued guide lines that out of 14 meals in a week, 9 meals should be the first cheapest, 4 meals should be the second cheapest and one meal of rice.

Similarly they have fixed days for the distribution of dals.

It will be worthwhile to lay down such standards for the Jails of Madhya Pradesh, so that cheap quality of vegetables and dals etc. are utilised in the reasonable quantity, which will save a lot of money to the Government.

The Commission is of the view that items of diet, which it has suggested to be reduced or increased will in ultimate analysis, give lot of savings to the Government.

Statement showing expenditure on diet in M.P. Jails

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Prisoners</th>
<th>Dietary Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total Cost</td>
</tr>
<tr>
<td>1969-70</td>
<td>13038.96</td>
<td>5606231.24</td>
</tr>
<tr>
<td>1970-71</td>
<td>13803.38</td>
<td>5819447.43</td>
</tr>
<tr>
<td>1971-72</td>
<td>14662.54</td>
<td>6355066.10</td>
</tr>
<tr>
<td>1972-73</td>
<td>14585.41</td>
<td>7758754.04</td>
</tr>
<tr>
<td>1973-74</td>
<td>14317.26</td>
<td>11972961.82</td>
</tr>
</tbody>
</table>

Clothing:

The prisoners should be given full sleeves cotton kurta and payjama during winter. Besides the Jail made cotton chaddar and pillow should also be given to them in addition to the blankets that are issued to them.

Political prisoners should be permitted to wear their own clothings and where it is not possible for individual to get his own clothing he should be supplied with jail made clothing or khadi clothing.
The rest of the provisions for prison clothing are satisfactory.

**Utensils:**

At present, prisoners are given Brass utensils thali, katori, (Tasla) and a glass. There are several complaints that the utensils are mis-used, sold out or smuggled out of the prison.

In Maharashtra and Punjab, Aluminium utensils are issued to the prisoners. In Rajasthan, Tamchini utensils are issued to the prisoners which do not impress as decent.

Aluminium utensils are quite cheap and the cost per head for each prisoner will be less because they are lighter in weight also. There will be little chance for their being stolen or mis-used. Besides, scrap will bring good price when sold.

The Commission, therefore, recommends that Brass utensils should be replaced by Aluminium utensils to the prisoners, in the jails of Madhya Pradesh. Each prisoner should be provided with Aluminium thali, katori, glass and mugs for to eat purpose.

**SUMMARY OF RECOMMENDATIONS**

1. The system of classification on basis of social status should be done away with for convicted prisoners and issue of non-vegetarian diet should also be dis-continued for all prisoners.
2. The scale of diet for ordinary prisoners should be reduced for Dal and oil and quantity of fire-wood should be increased.
3. Number of days of festivals for issue of special diet should be increased and variety should be provided.
4. Tea should be provided as a morning meal to all prisoners in lieu of morning meals.
5. Night soil gas plant should be introduced to exercise economy in consumption of fire-wood.
6. Guide lines should be issued by the Government to the jails, instructing to use cheaper quality of vegetables and cereals for the prisoners by rotation.
7. Two cotton chuddar and a pillow to each convicted prisoner should be provided besides blankets.
8. Full sleeves cotton kurta and pajama should be issued to convicted prisoners during winter.
9. Aluminium utensils, instead of Brass utensils should be issued to the prisoners.
10. Political prisoners should be provided besides C class prisoners diet. Pure ghee or butter, tea both times and one kilo fire-wood.
CHAPTER XIII

Prison Education

Education is a harmonious and all-round growth and development of human faculties—mental and physical. It is a process by which the knowledge, character and behaviour of the inmates can be moulded. Education is a preparation for social life.

Correctional education has some how or other got mixed up with mere adult literacy and that is why sporadic efforts for developing adult education projects have been made in some prisons.

All India Jail Manual Committee was of the view that most of the correctional activities should be woven round diversified educational programmes. They thought that there was a great scope for developing diversified educational activities in our prisons.

A diversified educational programme should aim at:

1. Providing opportunities to illiterate inmates to achieve at least a minimum level of education.
2. Extending facilities to literate inmates to advance their educational standards.
3. Developing a better understanding of the duties, obligations of a citizen, improving the attitude of inmates towards society and fostering a desire to live as good citizens.

Accordingly the educational programme should consist of:

1. Physical and health education.
2. Academic education.
4. Vocational education.
5. Cultural education.

The essential factors, on which depend the effectiveness of educational system in modern correction are:

- Setting of the Institution,
- Concept of education,
- Scope of the programme, social education,
- Education personnel standards,
- Buildings and equipments.

It is not to be assumed that each and every prisoner is to be given all that this programme implies. Education must be individualistic and mass treatment process eliminated. Various factors, for instance, occupational history, previous education, emotional make-up, interests, physical conditions, plan for future, part of the country from which the prisoner comes, and to which he is going on release, the specific point in which he is weak or strong, the amount of time at his disposal and so on, enter in to decision as to what a prisoner needs and can most profitably suit.
Academic education.

The specific importance of academic education are:-

(1) To provide every prisoner with a minimum set of necessary intellectual tools, i.e. ability to read, ability to write and ability to perform mathematical-process needed in ordinary life.

(2) To prepare the prisoner for a better understanding and more co-operative life and for this purpose to impart to him, the knowledge of the fundamentals of history, Government geography and civic ideals of the country.

(3) To give introductory courses in such fields as science, literature, history of mankind economy and sociology, designed not to impart comprehensive knowledge of advanced type but to introduce the prisoners to new fields.

Very little, in fact, is being done to achieve the impotance of academic education. In no prisons of the country the adult prisoners are imparted knowledge of the fundamentals of history, Government geography and civic ideals of the country, nor are they given introductory courses in science, literature history of mankind economy and sociology. Even in the fields of 3 R's arrangements are not quite satisfactory.

Classes in Jails are usually conducted in what are known as Ghumties or some barracks. The equipment provided is utterly inadequate, teachers are insufficient and poorly paid.

Convict teachers seldom take classes and in general lack experience and training. The general atmosphere is that of a prison and not that of a school.

At present no supervisory staff is provided for to determine the individual needs of the prisoners and consequently the prison schools adhere to the curriculum of the ordinary schools. The prison administrators have failed to realise that prisoners did not need all that the ordinary school teachers and that they need much that it does not teach.

Two-three teachers for a Central Jail and one teacher for District Jail Class I and II are insufficient and must be increased. If trained teachers can not be had or if for economic reasons it is not possible to have them, reliance must be placed on the help of intelligent and educated prisoners but before they can render the type of a service which they now give without knowing how, they will need firm grounding in the subjects which they are to teach and training in the-technique of teaching.

Of the large number of prisoners who need instructions in the fundamentals of academic education, illiterate group consisting of those who can not read and write stands most prominent. About 70 percent of our prisoners are rated as virtually illiterate and the difficulty of education illiterate prisoners is obvious.
At times this group shows signs of various degrees of distaste ranging from indifferences and unwillingness to positive anger.

The prison teacher has to face the problem of creating interest among the prisoners so that distaste may pass into satisfaction, indifference may give way to zeal and good reading may become more and more a source of pleasure. To create this interest the prison teacher should adopt very careful methods. Standard publicity methods for instance films, slides, posters and other visual material may be used to stimulate interest.

After interest has been created, it is necessary to continue that interest through suitable methods of teaching. The teacher should not blindly follow, the methods of teaching in ordinary classes. The teacher must be convinced at every stage that the work is worth doing. Juvenile text books should not be used with adults. Suitable text books having reading material drawn from familiar source should be found out and if these are not available, the present teacher may prepare his own lesson devised to teaching prisoners, to read and write the words which the use in their daily conversation and their letters. Through such prepared materials, prisoners can also be given introductory courses in other subjects such as history, geography, literature, science and civic ideals. It is not necessary that separate courses should be offered in separate subjects. The elementary knowledge can be given through a combined course.

Proper facilities for conducting classes and adequate equipment should be provided. The present arrangements are thoroughly inadequate.

Every prison should have properly designed school containing at least 5 to 7 spacious well furnished class rooms with blackboards, maps and charts etc.

Recently in the State of Uttar Pradesh a new system called Naya Savaera Scheme prepared by the Diteracy House Lucknow for adults has been introduced for the prisoners. The system has been divided into two parts-(1) Primer and (2) A number graded readers.

The primer imparts the basic skills, reading and writing. The graded readers fix the skills, learn and develop them further. The primer has adult concepts and has been constructed around adult interests. The lessons have been prepared on themes vital for the development of the individual.

Under this system, every illiterate prisoner or semi-illiterate, under the age of 50 years sentenced to 6 months imprisonment or more is given instructions. Convicts with less than 6 months imprisonment and undertrials are provided education on a voluntary basis. Prisoners are examined at the end of 4 months and those successful are awarded 15 days remission.
The Naya Sayera Scheme is, no doubt, an improvement over the former system of academic education. But to be effective, it must be accompanied by adequate arrangements and proper facilities which are lacking in most prisons.

Health Education

It is intended to acquaint prisoners who come from insanitary surroundings and un-hygienic habits, with the fundamentals of personal and community hygiene and develop proper health habits. It can be given in two ways.
1. Indirectly in the routine of the prison.
2. Directly by instructions.

There are many opportunities in the routine of institutions for health education. The Jail Manuals provide for fortnightly weighments of prisoners and weekly parades for general physical examinations. The medical officer may discover any physical defects and tell the prisoners; the precautions he should take; some may need corrective exercises or special diets etc., others may need regular administration prescribed medicine. The Medical Officers can help such prisoners.

The direct instruction in health may take the form of short courses in prison and community health. Instructions for proper diet should similarly be specific and practical. The course in health should also be given advice against treatment by quack-doctors, and on the necessity of securing medical certificates when one is really ill, the value of early treatment for T. B. and cancer, what the easily recognisable major symptoms of the chief diseases are and so on.

Little is being done to give direct instructions in health to prisoners, probably no prison medical officer ever gives a lecture or takes a class nor does an outsider gives a series of brief talks on health to the inmates. Much can be done in this direction through illustration, by administration and health exhibits, use of health films and slides, discipline by posters and health circulars.

Cultural Education

It aims towards intellectual and aesthetic satisfaction of self. Its claims to a place in the educational programme of the penal institution is well presented by MacCormic. He observes:

"Penal authorities should promote well rounded programme by literary education, honestly materialistic in its aim, as can be developed. But to stop, there is a denial of the need of preparing prisoners for the satisfactory and whole some use of leisure, giving their minds as well as their hands something to do and training their senses to the enjoyment of finer things of life."
Cultural and recreational opportunities should be extended to the inmates in accordance with their institutional behaviour and their response to the institutional regime. The grant of wider recreational facilities should work as incentives for good behaviour, self-discipline and attainment of progress.

The facility of Yegic (Asans) and physical exercises be provided for stimulating activities designed to produce good physical conditions and wholesome healthy mental attitude and spirit in order to receive proper response from the prisoners. This has been provided at Central Jail, Thana-Maharashtra. Dhyan yoga was successfully practised in Central Jail Jaipur. This has spiritual value and should be introduced in M. P. Jails.

Cultural and recreational facilities out lined below should be suitably extended to each inmate or group of inmates with available facilities, local conditions and requirements of security and discipline.

Games:-
1. Indoor.
2. out-door.
3. Gymnastic.
4. Films- Dealing with social or films having educational value should be shown. Special precautions should be taken to see that thrillers, erotic, suspense, stunt, and crime films are not shown in correctional institutions.

Music.
Music has universal appeal. It has unique power over emotions. It can relieve boredom and promote an increased interest in life. It can stimulate healthy activity. Properly utilised music can have important values in abnormal atmosphere of a prison, like community and folk dances, drama, art and craft.

Social and Moral education
prisoners are non social rather than anti-social. The number or prisoners who are definitely anti-social in their attitude, is smaller than is generally supposed by the lay-man.

Mostly prisoners come from the uneducated and under privileged classes and ordinarily have to wage a difficult struggle for existence.

They seldom think themselves as social individuals with definite responsibilities to their fellowmen except those that are imposed by law and enforced by Government authority. The object of social education, as of other agencies of treatment in correctional institutions, is the socialization of the offender. Social education aims to bring the inmate to adopt goals and attitudes which are in accordance with those of society and to show the inmate the desirability of furthering the interests and standards of social groups.

Social education should include civic, gram-panchyat, co-operation, Five Year plan, Community Development, Social legislation, Small Saving Schemes, improved methods of agriculture, shramdan, and cottage industries etc.
The importance of libraries in correctional institutions has long been recognised. In prisons libraries to-day are ill-assorted collections of books purchased according to the whims of the department. No standard method of classification and cataloguing is used by prisoners. The paid teacher otherwise a literate convict or any subordinate jail officers is incharge of the libraries.

The library is usually housed in the barrack used for school purposes. A reading room is not provided. Since 78 percent of prisoners population is illiterate and the rest only partially literate, books for jail libraries should be purchased on the basis of scientific study of the needs of various groups of prisoners.

In view of the political prisoners lodged in the jails, demand for raising the standards of library books is enormous and standard books from that point of view should also be purchased.

City libraries could be of great help in this regard as in Tihar Jail, Delhi.

Our library and educational system must be well integrated if inmates are to profit from incarceration. It remains an inescapable fact that prisoners do not get the education they need, nor do the libraries supplement the work of prison school. The prison should consider prisoners not only as criminals in need of reform, but also as persons in need of education.

Moral education instruction should avoid strictly theological questions and emphasise the basic truths recognised by all religions alike. The aim of reformatory and moral instructions is to stimulate the mind of the men to obtain for themselves a true conception of moral order of the society of which they are members and reform true convictions as to their relations to it.

Moral education includes meditation, group prayers, devotional prayers and songs, selected reading individual or in groups of literature dealing with ethics etc.

The Jail Rules provide award of special remission regarding education as follows:

1. For passing the 1st Primary 10 days
2. For passing the 2nd Primary 10 days
3. For passing the 3rd Primary 10 days
4. For passing the 4th Primary 20 days
5. For special proficiency in imparting literacy and teaching other prisoners.

This indicates that the Jail Administration contemplates only imparting knowledge of academic education to the prisoners up to primary standards only.

As scope of education in Jail deserves to be enlarged and as suitable number of prisoners are admitted into the jails who are already literate, there should be some provision for higher education in the jails. The primary classes are taken by the paid school teachers or literate convicts and there is no supervision of this work.
by the education department. It would be desirable to improve the standard of education and for this the jail schools should be run under the supervision of the education department and in deserving cases, the classes should be held upto Higher Secondary School Stage.

The prisoners who need still higher education and are already qualified from outside, should get all the benefits of university education and books and teaching arrangements should be made for them at Government cost.

There should be provision for award of remission to prisoners imparting education and for prisoners taking up higher examination.

There should be special syllabus for white collar criminals which should be prepared and introduced on expert advice.

Suitable arrangements for teaching in night should also be made in a suitable barrack duly equipped with electric installation and writing materials.

It is found that prisoners permitted to take higher education are required to take their examinations at the centres outside the jail. In such cases the police report is requisitioned about the antecedents of the prisoner which is unnecessary and should be discontinued because the prisoner attends the centre under the custody of the police. Alternative arrangements should be so made by the Universities that such prisoners could have examination centre in the jail itself.

In Prison Manual there is no chapter on education at all. There should be a specific mention of education and elaborate rules should be laid down for it, including the award of special remission for higher studies etc.

**Vocational Training**

Vocational education is to assist an individual to earn his living. It is presumed that the majority of the prisoners get into difficulty by reason of economic handicaps.

The Annual reports on police administration indicate that a very high percentage of offences are committed against property and have an economic motive. Therefore, if the prisoner, while in confinement is trained to a vocation to which he is best adapted, his chances of getting steady employment and becoming law-abiding, would be increased.

**Vocational training is different from simple form of work with which it is often confused. Among the prison population not all the prisoner need vocational training, it is difficult to provide vocational training even in the form of so-called “intensive” courses for prisoners serving short sentences and the vocational training of prisoners serving long terms can not continue indefinitely.**

Our prisons have not much of the programme of vocational training of adult-prisoners. They get such training only incidentally in industries on prison farm or-
in the various prison services, to which they are assigned by the jail Management.

Vocational training classes have been organised in various prisons in Maharashtra in carpentry, textile, sheet metal and other trades. Vocational training classes are conducted twice a week and they are closely dovetailed with institutional work programmes.

A programme of vocational education within prison must be influenced by conditions as they exist in the occupational world in which the prisoner on release must eventually find employment.

The Indian economy is still in the process of development. The educated professional class are faced with unemployment. While there has been considerable development in the country accompanied by urbanism and expansion of commerce, there has been hardly any significant improvement in terms of employment in rural areas. According to annual reports on prisons about 60 percent of prisoners come from agricultural class and rural areas. It is but desirable that prisoners who after release, will turn to their villages, should be given training in agricultural and allied pursuits.

Education for agricultural work is particularly well suited to the penal institutions in this country. Agricultural education has direct practical significance. Its method, subject matter and results appeal to prisoners much more than mere theoretical, abstract and formal education. Sound principles of agriculture can be taught to the prisoners, when they work on prison farm. They could be given simple courses in soil analysis, crop production, manure, preparation, seed sowing, harvesting and storage. Certain special devices such as project methods, exhibits and demonstration will serve to clarify theoretical instructions and stimulate interest. For this purpose, it would be desirable to follow a more liberal policy in selecting prisoners for extra mural work.

Advanced training in Agriculture and cattle raising is given by Udaipur University staff to prisoners of Udaipur and Bhilwara.

Prisoners may also be trained in industries which they may profitably carry on after release. Such industries can mostly be cottage industries and small scale industries. For example vocational classes of tailoring work and typing work were conducted for prisoners in Gujarat State.

In India the jail industries run are such that many of the processes can best be learnt by the pick up method on the job itself. These industries however, can have vocational value only when we equip them with adequate machinery, appoint well trained instructors, and manufacture goods at as near usual standard of quality and cost as possible. A prisoner should learn each process of particular industry and should qualify in it before he is taken to the next process.
SUMMARY OF RECOMMENDATIONS

(1) There should be co-ordinated programme of academic, social, moral, health cultural, recreational and vocational education.

(2) Jail library is poorly equipped. It requires a lot of improvements.

(3) Facilities should be provided to the prisoners for higher studies. There should be special syllabus for white collar criminals.

(4) Jail Schools should be supervised by the Education Department.

(5) Entire programme of education should be in-ordination with the education, Jail, social welfare, agriculture and industries departments.

(6) In rule 711 of Jail Manual no special remission has been provided for persons imparting education and for prisoners taking higher examinations. Special remission should be awarded in such cases.

Prisoners should also be issued proficiency certificates after they successfully learn a vocation, so that it might help them in securing a job after release through the medium of employment agencies.
CHAPTER XIV
Prison labour and Industries

principles of prison labour.

The prison labour has been regarded by some countries as a duty upon the prisoner to work and by others as his right. A third view is to the effect that it is part of the prisoner treatment. More recently and owing to the acceptance of the notion that the organisation of prison labour should so far as possible resemble that of the free labour, the idea, that the prison labour should be regarded as a normal activity of prisoner, like all work performed by persons not under constraint has begun to emerge at the latest international meetings.

The integration of prison labour with national economy and remuneration of the prisoners, particularly in relation to the principle that prisoners should be paid for their work on the basis of normal wages, as in the free labour market, were recommended by the Geneva Congress. To some extent, these questions were considered by the United Nations, Seminars for Asia and Far East and for the Arab Countries on the prevention of crime and treatment of offenders. They were given closer study by the European consultative group at its Geneva Session. Certain views were expressed which were based on the following principles:

(a) The principle of equal pay for equal work established by the universal declaration of human rights.

(b) The protection of the society against crime has the justification for a sentence of imprisonment. which can only be achieved if, apart from his return to society the offender is able to lead a law-abiding and self supporting life.

(c) The regime of institutions should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or respect due to their dignity as human beings. The treatment of prisoners should emphasise, not their exclusion from the community but their continuing part in it.

(d) The prison labour must not be of an afflictive nature, but should be regarded as a means of furthering the rehabilitation of the prisoner, his training for work and reforming of better work habits, and of preventing idleness and disorder.

(e) The interests of prisoners must not be subordinated to the purpose of making a final profit from industry in the institution.

(f) The organisation of prison labour, including measures for the prisoners physical safety and social welfare, should be as much as possible, like that of free labour, so as to enable the prisoners to adopt themselves to conditions of normal life.

(g) The prisoner should receive an equitable remuneration for his work, so as to stimulate his interest and industrialness, it should be sufficient to enable him to acquire articles for his personal use or needs, to help his family and indemnify the victims of the offence, as well as to constitute a savings fund for the delivery to him.
In respect of the above recommendations, the position of the prison labour in most of the countries of the world is unsatisfactory.

In United States of America, the prisoners employed in industrial work, receive an average remuneration of 30 Dollars per month and those employed in non-industrial occupations receive remuneration about 3 Dollars per month.

In England, the average remuneration in most cases is 2 shillings 7 pence per week.

In Netherlands, the prisoners receive modest remuneration. Only those employed in certain open institutions by private industry, receive the regular wage of the free worker.

In Asian countries like Burma and Pakistan, no system of payment exists, though it seems that the introduction of gratuity scheme is being considered.

In China a system of gratuities has been enforced since 1946, they must not be less than 20% of free wages paid for similar work.

In Russia the work done by the prisoners is collective and they are paid wages according to the work done by them. Generally they get 20-50 percent of the wages earned by free labour.

A system of remuneration operates in certain parts of India.

There have been certain basic objections to the scheme of integration of prison labour with the national economy and in regard to remuneration but the following recommendations are worth consideration for introducing them in the prisons in due course:

**Integration.**

(a) Integration of prison labour with labour as a whole, rather than its economic integration is recommended. Integration of the first named type and not that achieved by transforming penal institution into centres of production for the benefit of the State and of private individuals, is what is required and justified by the United Nations rules and recommendations in the matter.

(b) This type of integration entails the extension to the prison labour of the productive security and economic advantages available to free labour.

(c) For the attainment of such integration, prison labour should be organised on basis of variety of systems and with direct co-operation of employers and workers' organisations. Co-operation by these organisations does not mean that prison labour, prisoners and prison administration are to be subject to their jurisdiction. What ever system of organisation is adopted, the prison administration will always fulfil its essential function as custodian and guardian of the prisoner. In no case should the prisoner be subject to the authority, or jurisdiction of private individuals or of other public or private institutions.

(d) The type of organisation of prison should be based on local, regional and national needs and the planning of free labour for the purposes of these needs should allow for the possible contribution of prison labour. This planning and integration, will avoid the problem of competition as at present raised because of the tendency to
regard prison labour something separate. Consequently and with in limits imposed by
his legal status, work done by the prisoner should be considered as part of the labour
in general. This dose not imply that the prisoners should come within the jurisdiction
of workers organisation.

c) The integration of prison labour with free labour, does not mean that the former
will necessarily be of an industrial type. It may be used in agriculture, in the smaller
industries, or in handicrafts depending on local regional or national needs.

d) Integration will considerably be assisted by the following measures:–

(1) A suitable preliminary classification of prisoners.

(2) The increasing use of open and semi-open institutions and reduction of the
number of closed prison to the strictly essential minimum.

(3) The integration in these institutions of industrial and non-industrial work of a
private nature.

(4) The granting of necessary facilities for the organisation of workers, co-opera-
tives for prisoners.

(5) An increase in the number of prisoners allowed to work outside the institution
on their own account for private industry for the State.

(g) Vocational training should be provided for the prisoner only when necessary
and should not be used as substitute for the prison labour. It should among other
things help the prisoners to return to the surroundings in which such training can be
put to practical use.

(h) Domestic, repair and maintenance work as well as work in offices and for the
various auxiliary services, should be reduced to minimum, required. Only the prisoners
strictly needed to carry out such work should be assigned to it. These tasks, can, if
necessary, be performed in rotation by all prisoners.

(i) The integration of prison labour with free labour will be suitably, assisted by
the reduction or if possible the abolition of all penalties involving short periods of
loss of liberty.

(j) It will also be helped by the adequate organisation of after-care, particularly in
connection with the finding of employment for prisoners after their release.

(2) Remuneration.

Remuneration on the principle of equal pay for equal work is the logical social
and economic consequence of the integration of prison labour with free labour. On the
other hand, this principal like that of integration could not be applied fully and immedi-
ately in every country. In the less developed countries it may be implemented more
swiftly than in the economically, more advanced countries. As an intermediate
stage for both types of countries, it is suggested that before the principle of equal
remuneration is applied, the principle of equitable remuneration should be fully
implemented. This suggestion is not practical one so long as it is regarded as a step
to words the equal remuneration and there is a measure of agreement on what
constitutes equitable remuneration. It seems reasonable to conclude that except in few cases, existing remuneration cannot be considered equitable what ever quality and quantitative of prison labour output, it would seem difficult to hold that the remuneration, which is generally less than a tenth of outside remuneration, can be an incentive or reflect the principle of equity.

In view of the foregoing and related consideration, the following recommendations
(a) Remuneration on the principle of equal pay for equal work is required and justified by the integration of prison labour, and is in accordance with the directives and principles of United Nations rules and recommendations in the matter. Government should, therefore, take necessary steps to put that principle into practice. For this purpose, and to start with, it would be desirable to apply the principle to selected group of prisoners.
(b) Pending general application of the principle of equal pay for equal work, levels of remuneration should be established, which are really equitable, represent a genuine improvement upon present levels and will facilitate prisoners rehabilitation. It is difficult to define what should be understood by equitable remuneration. Various formulae can be recommended. The simplest and most practical might consist in the prescription of a minimum, and in a suggestion that any remuneration lower than 30% of the remuneration for equal work outside could not be regarded as equitable.
(c) Such a minimum should be applied to all types of prison labour, including domestic maintenance and repair work as well as work in offices and other auxiliary services in a penal institution.
(d) For such remuneration only two deductions appear advisable, first for the benefit of the prisoner and a second:
   equivalent one as assistance towards the maintenance of his family, if there should be no family, second named amount will go to the benefit of the prisoner.
In the latter case, the accumulation of savings for the prisoners use upon release would be obligatory. So long as the remuneration is nearly equitable, other deduction do not appear to be justified. If remuneration is based on the principle of equality, consideration can be given to the possibility in certain cases of deducting part of the earnings for payment as any indemnity to the victims of the crime.

The recommendations outlined above imply a gradual process of integrating prison labour with free labour and of employing to the principle of equal remuneration. They should be implemented by degrees, though as speedily as possible for all prisoners except those permanently or temporarily incapacitated from working. They should be applicable to all penal institutions including local jails and every type of prison labour what ever its length or character.

However, the penal administration of every country has its own problems for which it must find its own indigenous solutions taking into consideration its peculiar needs and resources. A rigid application of any theory of prison labour will not solve the labour problem in prisons of all countries. Almost all Indian prisoners today are maximum security prisoners. So long as the institution one set-up remains as it is, it
as part of free labour. Although prison labour conditions have improved, this improvement can in no case remove barrier between the free and prison labour. No prison industry in the present set up is competent to provide work for all prisoners and to pay all of them an equitable remuneration.

The Central Advisory Board of Correctional Services in its meeting held from 11th to 13th March, 1969 has recommended the following:

(1) The prison industries should be re-organised to include latest technology, develop new and useful schemes and secure post release employment.

(2) Every prisoner sentenced to more than 3 months should be paid wages commensurate to the task performed and corresponding to the market rates after deducting the cost of upkeep.

(3) Training in modern methods of scientific agricultural and agro based industries should be given in open air prisons.

(4) The working group on Prisons has recommended that:

The prisons should have facilities for work programmes aimed at equipping the offenders for return to society with skills to help in their socio-economic rehabilitation, and the interests of the prisoners in a vocational training should not be subordinated to considerations of financial gains from prison agriculture and industry.

The present pattern of Jail Industries.

The Indian Jail Committee of 1919 for the first time set out in clear words, the specific aims of prison labour. Analysing all the possible aims of prison labour, the Committee concluded that:

"Mere exaction of profit can not be true object to be kept in view in the selection of prison labour. The object must rather be the prevention of further crime by the reformation of the criminal."

The recommendations were accepted by the then Government but the practice inside the jails did not conform to the theory. The political struggle at that time added all the more to the difficulty of putting the scheme of reformation in to effect. The prison industries continued to be organised on the basis of administrative expediency. Finally with the dawn of independence a new chapter in the history of prison labour opened. The entire tone of prison administration under went a change and the prison labour policy began to show new trends in the organisation of prison industries with a view to achieving its main purpose-the social rehabilitation of the prisoners. In Uttar Pradesh a Jail Industries Enquiry Committee was appointed in 1955 to review the working of the existing jail industries and make suggestions for their improvement and to suggest any new practical schemes which can be introduced in the Jails.
At present reason why the prisons in the country involve high cost lies in two facts.
First the prison system of labour organisation has failed to arouse the enthusiasm and
develop the initiative of the inmate and second the Jail factory does not ordinarily have
thirdly the investment, skilled management, space, adoptability to the changing needs and suitable labour which the successful factory outside prison needs and secures.

The prison industry is inadequately financed. The implements in use in most of
the prisons are antiquated and out of date. The modern machinery is wanting, equipment is generally insufficient, the supply of raw material is limited. The prison does not have competent personnel for direction and instruction, suitable factory buildings are lacking, factory space is limited and capable supervision is missing. The Jail article, though produced by cheaper labour, is generally in the end costlier than the article produced outside by more costly labour.

However, the task of devising a prison labour system that would fit each prisoner into his place with the greatest benefit to him and to the prison is a difficult one. There is great variety of interest, skills, aptitude and possibilities and to devise the programme which would be flexible and broad enough to utilise all sorts of capacities is a Herculean task. But some rough approximations to the ends sought for, ought to be aimed at. The prison authorities should direct the attention of the prisoners on admission to the various opportunities and avenues open for him.

Accordingly the prison industries have to be properly organised and interest developed among the inmates to work.

It was proposed by Maharashtra Government to Uttar Pradesh Government to introduce vocational training on reciprocal basis but the Uttar Pradesh Government was of the view that it may not be ultimately very advantageous system and, therefore, the proposal was given up.

The Uttar Pradesh Jail Enquiries Committee were of the opinion that power driven machinery should not generally be introduced in to the Jails. Much can be done in adopting the existing factories by improving their plants, and using electrically driven machinery for certain purposes, for instance, carding and spinning of wool, grinding of corn, sawing of wood, weaving of cloth. Some new industries like metal industry, match industry, spinning and hosiery industries etc, were also suggested.

The Uttar Pradesh Jail Industries Committee was of the opinion that the existing industries provide a fairly wide range. There should, therefore, be no difficulty in the matter of rehabilitation of prisoners through most of the industries, if they are properly trained. It, however, suggested, the opening of some new industries like engineering.
trade. Repair of light machines, sewing machines, clay plaster, paper pulp modelling, umbrella assembling and repairing, glass bead making, bangle making, candle making, calico printing, wire net weaving, sand paper making, brush making, button making, soap making, pottery, sericulture, bee-keeping, rice husking etc. It also suggested some hobbies for recreation in the afternoon hours.

As a large percentage of prison population is engaged in agriculture prior to imprisonment, agriculture should be the main occupation inside the prison. But as it is not practicable to employ this percentage of prisoners on agriculture, such cottage industries and handicrafts should also be taken up as the inmates may follow after release either as subsidiary occupations or as primary occupations.

In no case the prison industries should be large scale because in that case, the needs of prison industries will take precedence over the individual needs of the prisoners. In fact the prison is not a proper place for installing big industries like cotton or woolen mills.

It may be safely concluded that prison industries in this country can only be ruraly operated on a small scale and worked under an atmosphere, the inmate will find on return to his village.

The Uttar Pradesh Jails has introduced certain industries on the basis of recommendations of the Uttar Pradesh Jails Industries Enquiry Committee reports.

In other States in India also, the jail industries are being reorganised and the Gujrat State has introduced the following industries:

Making of file boards, case boards, envelopes, paintings, chemical industries— making of soap, detergent powder, sealing wax, fountain pen ink, poultry farm, toys, statues of plaster of paris. Besides vocational classes of tailoring work and typing work were conducted for prisoners.

Main industries of Maharashtra Jails.

2. Power-loom textiles.
3. Cot-tape and Narrow tape
4. Punja and pile carpets
5. Loom carpets
6. Book-binding
7. Dying of cotton yarn
8. Carpentry
9. Wood turning
10. Wood toys and prints.
11. Manufacture of leather articles
(12) Tailoring  
(13) Laundry  
(14) Bakery  
(15) Smithy  
(16) Handmade paper card and straw boards.  
(17) Sheet metal (Mechanised)  
(18) Washing soap and carbonic soda  
(19) Phenyle  
(20) Bamboo work  
(21) Bidi making  
(22) Brick making  
(23) Braille work  
(24) Printing (prison labour is supplied at Central prisons Yervada and Nagpur)  
(25) Acetylene gas welding  
(26) Lorry body building.

State of Andhra has also introduced some new industries and also contemplates to introduce jail industries Corporation to be managed by the prisoners.

The Uttar Pradesh Government also proposes to set-up two corporations to promote industrial and agriculture development in Jails.

The Agricultural development Corporation will cover the Jail areas not entrusted to the agriculture universities. The main area to be covered is 1200 acres of seed farms in Lucknow Model Jail and the Central Jails of Naini, Varanasi, Fatehgarh and Bareilly. These farms will be run on pattern of open-air jail farm where prisoners are assured of daily wages at par with wages of the Pantnagar University employees. Only the meal charges of Rs. 2.50 per day are to be deducted. The new scheme will be initially introduced in jails having farms of about 100 acres and later extended to Jails having farms over 50 acres.

The Industrial Development Corporation will help in ancillary units in Jails in the vicinity of the Indian Telephone Industry and the Cement Corporation. These industries are also to be organised on co-operative basis and the prisoners will be made members of the societies.

The State Bank of India has formulated a scheme for giving aid to the prisoners to start work in which he is experienced.

wage scheme operates in one form or the other in several States in India.
Nominal wages are paid to all the prisoners working in the open prisons in India. Punjab has introduced nominal wage scheme at the rate of 50 paisa, 60 paisa and Rs.1/- a day for unskilled, semi skilled and skilled labour. Similarly State of Maharashtra has also introduced a nominal remuneration scheme for performance of full task, remuneration ranging from 15 paisa to 1.50 paisa per day and also introduced system of remuneration on the piece work basis.

The Jail Departments of Gujrat, Andhra Pradesh and Bihar have also introduced wages scheme in one form or the other in their penal institutions.

It may, however, be mentioned that the wage scheme is not of universal application. It has been introduced only in some of the States and in some States also it does not benefit all the prisoners.

In Jails of Madhy Pradesh the system of remuneration has not been introduced and the subject along with the subject of re-organisation of jail industries will be dealt with in subsequent paragraphs.

**Planning of Jail Industries in M. P. Jails.**

**Work programmes:**

A discussion on work programmes in correctional institutions, both from the theoretical and operational angles appears to be justifiable for two specific reasons:

(1) Despite provisions to the contrary, there are strong indications suggesting the continuation, how-so-ever attenuated in form and content, of antiquated notions governing concepts of crime and punishment.

(2) Towards sustaining their effectiveness, work programmes need to be invested with an element of dynamism through periodical reviews and adjustments.

The policy statements of National Prison Association of United States of America, A Canadian Correctional Association, The All India Jail Manual Committee and host of others coming out from all the forward looking countries, unanimously discard work in correctional institutions meant as punitive, repressive measure and accept it as a means to reclaim and rehabilitate offenders. From the acceptance of these altered penal objectives stems the problem of continuous up-dating of work-programs.

However well-conceived and progressive a programme may be, the field level piles up a plethora of operational problems, which from time to time, need to be identified and resolved. Besides, there is the issue of aligning work problems with the societal conditions. To keep them purposeful and meaningful, there has to be some kind of a moving alignment which would keep on adjusting and moving itself in the light of technological, economic and social developments.
One way of assessing impact of work programmes in correctional institutions is to trace the post-release occupational career of the inmates. Gluecks have found that about two-third of ex-inmates do not use the trades they have been taught and from the remaining, who did use them, had been plying them before their entry in the institution.

Although we do not have reliable data, the position obtaining in India in this regard may be equally dismal.

All the same, this strongly suggests the presence of severe bottle necks in the work programmes, which can be grouped as follows:-

(1) Structural problems such as staff inmate, inter-action, limitations on the part of inmates and inadequacies in classification procedure and

(2) Functional problems such as in sufficiency of man power, constraints in production facilities, lack lustre marketing techniques and indifferent administrative policy.

For this purpose the State policy in respect of work programmes should be clear, balanced and effective.

A re-appraisal of policy issue appears to be over-due. When it comes through, it is hoped that work programmes would receive the importance due to them. The altered priorities would then, reflect themselves on enhanced financial out-lays for strengthening of new ones, expansion in staff facility, procurement of equipment and so forth.

It may be observed that the potential and the promise of work programmes in the reformation, reclamation and rehabilitation of offenders is enormous. All that is needed are an outward bound policy, planning in perspective and implementation with understanding, to enable work programme herald a new era in corrections.

In view of what has been stated above, it would be advisable to have a broad idea of the condition of jail industries in M.P. with reference to the prison population.

Taking the year 1973-74 as a sample year for the figures of the prison administration it would be seen that in that year 24, 604 males and 276 females convicts were admitted into the jails of Madhya Pradesh.

From the age group point of view, the persons between the age of 22 to 40 constituted about 17,000 prisoners.

From the length of sentence point of view, the prisoners sentenced to less than 6 months numbered more than 18,000 and prisoners sentenced more than 6 months numbered up to 2 years constituted about 3,200 prisoners. Thus more than 60 percent of the prisoners were among the age group, who could be usefully employed and
about 60 percent of the prisoners were sentenced to such a small period that they could not be usefully employed. Thus a small percentage of prisoners were whom could be given some useful agricultural or industrial training.

Out of the total admissions about 50 percent were engaged in agriculture prior to conviction and about 10% in mechanised arts, manufactures, engineering operations etc.

The industries as they are managed to day in jail only about 7 percent are engaged on manufactures.

The total cost of maintenance is over 2 crores of rupees and the average cost of maintenance per head works-out to be about Rs. 1300.00 per annum.

The condition of the jail industries is sordid, except at Central Jails and District Jail Class I, there are no industries running worth the name. With the result that the prisoners in District Jails Class II and sub-jails do not have useful occupation. Even at Central Jails and District Jails Class I, the production is much below par qualitatively and quantitatively.

The major reason for this State of affairs, is lack of accommodation, lack of trained personnel, lack of prisoners interests and lack of diversified industries.

Inspite of large population of prison being from the agriculture class or rural areas, the jail in the entire State on which vegetable gardening is done, is only 3.696 acres and the land on which agriculture is supposed to be done is only 86.94 acres.

In the context of the above situation obtaining in the State of Madhya Pradesh lot of improvement has to be done in the field of industry and agriculture, and agricultural land has to be secured for the purpose, for new and existing jail.

The problem, therefore, is one of increasing the production and making the labour more, remunerative, organising the prison workshops, in order to bring them more or less into line with outside factories and providing men with work, which may be useful to them after release.

In the solution of the problem, we will have to classify the prison population into groups on the basis of previous occupations and length of sentence.

That done, we must give the prisoners, as far as possible, the work suited to their capacities. This will necessitate reorganised programme of industries. Some new industries may have to be opened and old ones equipped with improved implements. Technical assistance from the department of agriculture and industries will have to be sought for.
Maharashtra is concentrating on training prisoners sentenced to more than one year only such prisoners are kept in Central Jail District Jail Class I.

The prison agriculture should be looked upon as a part of the agricultural plan and prison industries should get all the technical and financial assistance from the industries department. Then to make the prisoners work well, incentives should be offered. This approach, it is hoped, will satisfy the needs of the prisoners, lessen the financial burden of the State and project the legitimate interests of society as a whole.

Keeping the above considerations in view a survey was made by the Superintendent of jail Industries in Madhya Pradesh Jails in 1958 and his main recommendations were as follows:

1. Much of the already existing equipment in each Central Jail is lying idle. It is preferable to organise already existing industries in these jails than to introduce new ones.

2. From the point of view of rehabilitation of prisoners in craft and cottage industries such as hand-loom, carpentry, smithy, carpet weaving, net-weaving etc. are the best suitable industries.

3. The jails should be self-sufficient in their requirements. As such in the case of cloth required for prisoners, blankets and utensils there should be mechanised production. In the case of these three products, small machines such as power looms, finishing plant, buffing machines etc. should be introduced.

4. The following latest type of equipment should be introduced.
   A. Prison old looms should be replaced by frame looms with take up motion.
   B. Semi-automatic looms should be introduced.
   C. Self leasing working machines.
   D. Milling machines.
   E. Balibearing charkhas.
   F. Warping drums.
   G. Bend show machines.
   H. Drilling machines.
   I. Arrangements of jackguards dobbies.
   J. Planing and fret machines etc.
   K. Power-looms coil industries wardha Bhanes.
   T. Tents and work shop.
   M. Hand places and buffing machines etc.
   N. 5. Spinning in Ambar Charkha, Mat weaving and such other industries as paper machines etc. should be introduced in District Jails.
In the opinion of the Commission, in the State of Madhya Pradesh, the following industries should be concentrated and improved:

1. Blanket making.
2. Utensil making.
3. Prisoners clothing manufacture.
5. Boot making.
6. Tent making.
8. Tailoring.
10. Tat patti making from Jute yarn.
12. Lace making.
13. Carpentry and steel furniture.
14. Certain other industries on the pattern of industry in Jails of GuJarat, Maharaashtra and Utter pradesh States. (Refer page No. 98-99)

Besides the above mentioned industries which could be organised intramurally industries based on agriculture and catering to the needs of the agriculture population should also be introduced. The tribal population of the Jail requires lot of attention for engaging them in some useful occupation. Accordingly sericulture, agriculture, pisciculture, beasketmaking, toymaking, Gur making, bead neckleces making, dairy farming, animal husbandry, poultry farming etc. should be introduced,

The Uttar Pradesh Jail Industries Enquiry Committee 1956 has recommended that prisoners between age length of 21–40 years and those sentenced to 2 years could only be usefully employed and given training.

This will require opening of open and semi-open jails and classification of jails in terms of availability of training occupation to the prisoners in a particular area.

At present the Jail rules require that only the following categories could be employed of extramural labour irrespective of the period of sentence already undergone in the jail.

(a) All prisoners sentenced to imprisonment for a period not exceeding 6 months.
(b) All prisoners whose sentences of imprisonment are for a period exceeding 6 months but who have already undergone one third or more of the period of their sentences in the Jail and the remaining period is less than 2 years.
(c) All prisoners whose sentences of imprisonment run to a period in excess of 6 months and who have already undergone one third or more period of their sentence but the remaining period is more than 2 years.

In the case of A and B above, the Superintendent is competent to take final decision, while in the case of C, orders of the Inspector General of prisons have to be obtained.

The above rules for taking out prisoners for work should be liberalised to the following extent.

(1) Prisoners sentenced up to 6 months and below should not be sent to closed prisons and they should be kept in work camps and given work outside on public works, road making, famine relief works etc. For this purpose they could be shifting from place to place depending on the availability of work. The building should be semi-open for them, where they could be lodged under guarding arrangement.

(2) Prisoners who could not be transferred immediately outside in view of the antecedents of the prisoners in category one above should be sent to closed prison and employed on essential services, and also taught small industries like agarbatti and soap making.

(3) Prisoners who have sentence above 6 months and upto 2 years, should be employed on essential services in a closed prison and taken out immediately after a period of 4-6 months and placed on public works in semi-open institutions after demand of jail department is met for extramural labour.

(4) Prisoners sentenced to above 2 years should be placed in the closed prisons for 1/3 of the sentence (and after having that for 6 months in Jails, should be employed on industries intra-murally.) After they have done 1/3 of the sentence they should be taken out on open prisons where they can be permitted to work independently or with local labour. Among these prisoners, those who belong to agricultural Class, could be employed on the agricultural industries and also attached to the agricultural colleges for labour where they exist. These type of prisoners may also be employed on farms like those in Nabha (Punjab), Open Prison and Sitarganj Open Prison in Uttar Pradesh.

(5) Those who are not suitable for extra mural work shall work in the closed prisons like habitual, long term dangerous prisoners etc.

(6) In the 6 large tribal districts of Jhabua, Dhar, Mandla, Shahdol, Surguja, and Bastar, the Jails should also have besides Agricultrue industries, certain other industries to meet the needs of tribal people.

(7) The different jails which are suitable for particular industries, looking to the local population, could be classified by the I. G. of Prisons in consultation with the agricultur and industries, and tribal department,
It is presumed that recommendations of Law Commission regarding abolition of short sentences of below 3 months shall be accepted by the Government.

Concept of open prisons is explained in subsequent chapter.

Wages scheme.

History of Jail Reforms in India reveals that initially in olden days prisoners were not required to work. Later on they were required to work on productive labour. But as the Jail population did not show any substantial increase, system of remission for good work was introduced. The intention being that those who really did full task within the prescribed time, should be awarded ordinary remission, which is 3 days in a month. But the Jail administration out of expediency and to avoid difficult task of measuring the prisoners work individually or collectively, started awarding remission to all the prisoners irrespective of the fact whether he did the full task or not.

With this background, if remuneration to all the prisoners for performing the full task, is introduced, it is likely to meet the same fate as that of the remission system in the sense that all the prisoners will get the benefit of nominal wages, which mean quite a heavy burden on the public exchequer. Therefore, looking to the practical aspect, it will be in the fitness of things that nominal wage as remuneration is given to only those prisoners who do more work than allotted to them. Initially on admission a prisoner shall be required to do maintenance work.

It has been found that in some States like Maharashtra and Punjab where award of wages for full task or half task etc. has been introduced, several difficulties have arisen in measuring the work and in making payments.

Superintendent of industries who was deputed by the Madhya Pradesh Government to examine the wage system of Maharashtra and Uttar Pradesh has reported as follows:-

Difficulties have arisen with regard to,

(a) Payment of wages for half tasks and full rate for work above full task.
(b) Day to day measurement of work done.
(c) Accurate fixation of units of full task.

In the case of Ist A above, the difficulty is due to mal-practice adopted by the prisoners. This is explained by taking an example.

The quota of full task in a particular variety of cloth say is 30 yards per day. If prisoner weaves 30 yards, he will get 1/5 of the labour earned but if he weaves 15 yards, he will get 1/10 according to the rules. The prisoner will show nil production when he weaves 15 yards.
Next day he will do the full work and weave 30 yards. To this he will add his previous day 15 yards, as if done one the next day these 15 yards being above, the full task, he will get full rate of labour earned instead of 1/10. Thus he will earn much in excess for which he is not entitled.

With regard to B, the difficulty of day to day measurement is specially felt in certain crafts such as weaving and carpentry. For taking measurements at the end of the day if the cloth is unwound from the loom beam, it suffers in quality. Besides such a task is a labourious one. Similarly in team work for carpentry, it is difficult to take measurements in cubic feet of wood, sawn plained etc.

With regard to C fixation of units of full tasks for all trades, it is stated, that no hard and fast and standard measures can be fixed. Unit of full task will differ from person to person and equipment to equipment. With change in variety produced, it will change. It is stated that even a skilled worker, working on a particular loom for some months, will not be able to give the same production, if he is asked to work on other loom, although of the same type. The man by practice adjusts to the working of the particular machine.

In view of the points mentioned above, it would be advisable that in the State of Madhya Pradesh, nominal wages as an incentive for giving more than the full task, in industrial sector may be introduced in some suitable jail on an experimental basis. This jail may be called “Model Jail” and casual, well behaved long term prisoners may be employed on industries and the results may be watched. In this jail, canteen may also be introduced to help the prisoners to purchase some edible articles.

Concept of Model Jail is explained in subsequent chapter.

Bank Loan Scheme

The Bank loan scheme was introduced for the benefit of long term casual, well behaved prisoners in Ujjain Jail and certain industries like soap making, Agarbatties and Napkins were started with the help of Bank officials who provided the loan. The scheme has been extended to certain prisoners in Indore and Raipur Central Jails.

The scheme has been extended to open jail Mungaoli and Laxmipur (panna) where surrendered dacoits have been lodged.

The scheme has also been introduced in Jabalpur Central Jail for women prisoners.

Government has permitted that ordinary prisoner who has served 7 year sentence including remission and female prisoners who has served 5 years including remission may be brought under the Bank loan scheme.

This scheme is quite useful and has benefitted the long term prisoners and their dependents, and should be introduced with advantage to other big jails.
Only flaw that was found in the working of the scheme is that prisoners who are earning at the cost of Bank are not required to pay for even their maintenance nor do they work extra for the jail. The Commission is of the opinion that either such prisoners should work for jail industries and then work for the bank loan scheme or they should work for the Bank Scheme and pay their maintenance to the jail.

Another flaw that was found is that the articles produced from the Bank loan scheme, their manufactured formula differs from jail to jail with the result that for the same type of work the earning of prisoners differ from jail to jail e.g. formula for soap-making differs in Raipur and Ujjain Jails.

It would be desirable that the Inspector General of Prisons fix the costing formula for such work so that uniformity is obtained.

The costing formula which is in vogue is as follows:-

<table>
<thead>
<tr>
<th>Name of item description</th>
<th>For jail Department,</th>
<th>For M. Ps. other department</th>
<th>For public sale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Raw Material</td>
<td>Full cost will be added.</td>
<td>do</td>
<td>do</td>
</tr>
<tr>
<td>2. Wastage</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>3. Supervision charges.</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>4. Labour</td>
<td>Nil</td>
<td>1. 25 paise per day per prisoner</td>
<td>Rs. 1. 25 per day per prisoner</td>
</tr>
<tr>
<td>5. Wear &amp; tear charges.</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>6. Profit</td>
<td>Nil</td>
<td>10%</td>
<td>15%</td>
</tr>
</tbody>
</table>

This formula may be examined for application to the industries run on the bank loan scheme.

It should be ensured that the estimates calculated on the basis of approved formula should favourably compare with the market rates so that steady turn-over of finished products is maintained.

The Commission is of the view that as the jail industries are training-cum production centres, the factory Act should not be made applicable to them.

Summary of Recommendations.

1. State policy in respect of work programme should be clear, balanced and effective
2. Jail Industries should serve the purpose of training cum-production centre and jail factories should not be governed by Factory Act.
3. As most of the prison population belongs to rural areas agriculture industry and allied industries should be introduced and required agricultural lands should be attached to new and existing jails.
4. Short-term prisoners should be straight way sent to open work institutions where they could labour in some public works.

5. Long term prisoners, after a certain stage should be given the advantage of working in the open.

6. Jails in Tribal areas in particular should cater to the needs of the tribal people.

7. Prison industries should be re-organised on the pattern of certain other States, like Uttar Pradesh, Maharashtra and Gujrat.

8. Vocational training should also be arranged in jails.

9. The system of equitable remuneration in the form of incentive should be introduced only for those who work more than the allotted task, in industrial sector.

10. For the purpose of training and production, a model jail may be opened at a suitable place.

11. The scheme of bank loan should be extended to other jails with slight improvement.

12. The jails should be so modified and shaped as to incorporate the principles of prison labour mentioned above.
CHAPTER XV.

Open-Prison.

The employment of prisoners in open-conditions under minimum watch and ward was started in India on an experimental basis in the early fifties of this century. At first the prisoners were employed on public projects such as construction of dams, roads and bridges and digging of canals. No rigid and detailed rules defining the nature and scope of such prisoners were laid-down in advance for their operation.

The success of such experiments, which was reflected by fewer escapes and breaches of discipline than were anticipated, encouraged the extension of such experiments. The first United Nations Congress on the prevention of crime and treatment of offenders held in Geneva in 1955 remarked that the Open Institutions marked an important step in the development of modern prison system and recommended the extension of open prison system to the largest possible number of prisoners.

The report of all India Jail Manual Committee 1957–59 has recommended the extension of open institutions. The Committee was of the opinion that Correctional Administration should devote due attention to the possibility of developing open work camps, semi-open and open training institutions and open colonies.

Some of the advantages of such institutions are:

(1) Heavy expenditure for constructing massive prison buildings would not be necessary. The cost of construction of prison buildings will be substantially reduced.

(2) The bulk of prison population constitutes of inmates sentenced for periods below 1 year. Owing to the factors—insufficient employment—potential of our prisoners, unplanned growth of work programmes, short term sentences etc. the employment of such prisoners becomes a very difficult proposition. More over in prisons, as they are constituted at present, it is indeed very difficult to usefully employ inmates sentenced to short term of imprisonments. With the diversification of short termers to open work camps, the present over-crowding will substantially be reduced and the pressure on Central and District Prisons will be less ultimately. This would be helpful in making the Central and District prisons handy units where homogenous group of inmates can be kept. This will improve efficiency of Central and district prisons.

(3) Living under semi open or open conditions can be approximated to conditions of living in a free community, maintaining at the same time the requirements of discipline. We are of the opinion that punishment can be humanised in some semi-open institutions. First offenders and adult offenders can be protected from getting exposed to the criminal sub-cultures of a closed prison and impressionable human material can thus be saved from custodial experience in closed institutions.
(4) From the long range point of view, the semi-open and open institutions should prove to be more economical than closed prisons.

(5) Employment of first offenders, short termers etc. in agricultural projects and nation building activities would not only solve the question of unemployment and the result and idleness in prisons but will also help the inmates to get constructively associated with the work of national development. Through such a project the inmates and personnel of the Correctional administration will derive legitimate satisfaction and pride of active participation in building up our nation. Against this background certain provisions have been made in the draft Model Prison Manual for open Institutions.

The main provisions in this regard are as follows;- 

(a) Every open–camp, semi–open, open training institutions and open colonies shall have a properly demarcated area beyond which inmates shall not be allowed to go. Emphasis should be laid on the development of a sense of responsibility and self discipline.

(b) Inmates should be encouraged to maintain their family contacts.

(c) While an inmate is living in a semi–open or open training institution, he should be allowed to stay with his family members for one week once every 6 months. Arrangements for such stay should be made in the family hutments which should be erected in a suitable place outside the Jail Institution.

(d) Only personnel who have the capacity in handling the inmates and having requisite calibre and literacy for imparting training and treatment should be posted at these institutions.

(e) The personnel should not be required to remain at these institutions for more than 1 year at one time. Staff members should be given all necessary facilities for the welfare of their families and should also be given additional allowance.

Nature of Industries:-

Open Work Camps.

(1) Open work camps should be started in places were national building activities like digging canals, water channels construction of bunds, dams, roads, Government building. Prison buildings etc, the projects of land reclamation land development, and bringing uncultivated land under cultivation, soil conservation, afforestation etc. can be organised.

(2) Non–habituals, adult offenders who have been sentenced upto 1 year and are not dangerous to society may be considered for being transferred to open work camps.
(3) The population of these camps should not normally exceed 500. Temporary buildings should be provided. Security arrangements should be adequate.

(4) In addition to the nation building work, the programme should consist of literacy projects, social education, recreational, and cultural activities etc.

(5) Prisoners working in these camps should be given wages.

**Semi Open Training Institutions.**

(1) Non-habitual adult offenders sentenced to imprisonment exceeding 1 year and who are not dangerous to society should be considered as eligible for being transferred to some open institutions.

(2) The population at the semi-open institutions should not exceed 30. Pucca buildings should be provided. Security arrangements should be adequate.

(3) The programme should consider work industrial, agricultural, vocational training, diversified education, recreational and activities.

**Open Training Institutions.**

(1) Non-habitual adult offenders sentenced to imprisonment exceeding 1 year and who are not dangerous to society, and have been recommended by the classification committee of a semi-open training institution should be considered for being transferred to open training institution.

(2) The population of an open training institution shall not exceed 300. Pucca buildings should be provided. Security arrangements should be adequate.

(3) Prisoners should mainly be employed in agriculture and allied works. Suitable cottage industries may also be started at these institutions. Emphasis shall be laid on programmes like literacy projects, social education, cultural and recreational activities.

**Open Colonies.**

(1) Non-habitual adult offenders sentenced to 3 years and above who have still to undergo 1 years imprisonment and who have been recommended by the classification committee for the open training institution, may be considered as eligible for being transferred to open colonies.

(2) An open colony should consist of huts built on family unit basis. It shall have adequate land and other facilities for agricultural and allied activities. Pucca buildings should be provided. Security arrangements should be adequate.

(3) Inmates should be allowed to bring their family members to the open colony. Inmates and their family members should be given opportunities for work in agriculture or allied fields or such cottage industries as can be conveniently organised. Work programme in colonies should be organised on a co-operative basis. Inmates and their family members who will be working in the colony should be paid wages. These wages should be on par with outside wages. The inmates should maintain themselves and their families with the wages earned by them in the colony.
Main emphasis should be given on work, literacy, projects, social education training in agriculture, and allied fields and cultural activities.

During the last 20 years, the question of starting open institutions has been under the consideration of most of the States and some have actually established open prisons from time to time. Although no evaluative research has been made to determine the advantages and disadvantages of open institutions but all the States except West Bengal have accepted the need for establishment of such institutions, where they do not exist and for extension in the State where they have already been functioning. There is also unanimity of opinion for such institutions as they have proved successful and do not pose any substantial risk to the safe custody of prisoners. It can, therefore, be safely assumed that open prisons are now regarded as necessary adjunct to any programme of reforms in prisons and they have now more or less come to stay.

According to the information available, there are at present 18 open prisons of varying sizes in States viz. Andhra Pradesh, Assam, Gujarat, Kerala, Maharashtra, Mysore, Rajasthan, Tamil-Nadu, Uttar Pradesh, Punjab and Himachal Pradesh.

Two open prisons for surrendered dacoits have also been started in Madhya Pradesh.

Open Prisons in the States of India.

<table>
<thead>
<tr>
<th>State</th>
<th>Name of open prison</th>
<th>Year of establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>1. Maula Ali Colony, Hyderabad</td>
<td>1954</td>
</tr>
<tr>
<td></td>
<td>2. Prisoners Agricultural colony, Anantpur</td>
<td>1965</td>
</tr>
<tr>
<td>Assam</td>
<td>1. Open Air Agricultural Cum. Industrial Camp</td>
<td>1965</td>
</tr>
<tr>
<td>Gujarat</td>
<td>1. Open Prison, Amreli</td>
<td>1962</td>
</tr>
<tr>
<td>Kerala</td>
<td>1. Open Prison, Nettvkeltheri.</td>
<td>1962</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>1. Open Prison, Yervada</td>
<td>1955</td>
</tr>
<tr>
<td></td>
<td>2. Open Prison, Paithan</td>
<td>1968</td>
</tr>
<tr>
<td>Mysore</td>
<td>1. Open Air Jail, Soundatti</td>
<td></td>
</tr>
<tr>
<td>Rajasthan</td>
<td>1. Prisoners Open Air Camp at Agriculture Research Farm, Durgapura</td>
<td>1955</td>
</tr>
<tr>
<td></td>
<td>2. Shri Sampurnanand Bandishivir-Sanganer, Jaipur</td>
<td>1963</td>
</tr>
<tr>
<td></td>
<td>3. Prisoners Open Air Camp Central Mechanised Farm, Suratgarh</td>
<td>1964</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>1. Sampurnanand Agricultural Cum-Insutrial Camp</td>
<td>1960</td>
</tr>
<tr>
<td></td>
<td>2. Sampurnanand Camp, Ghurma–Markundi, District Mirzapur</td>
<td>1956</td>
</tr>
<tr>
<td></td>
<td>3. Open Prison attached to Model Prison Lucknow</td>
<td>1949</td>
</tr>
</tbody>
</table>
Himachal Pradesh. 1. Open Air Jail Bilaspur. 1960
Tamil-Nadu. 1. Open Air Prison, Singanallur. 1956
         2. Open Air Prison attached to Central prison, Salem. 1966
Punjab 1. Open Air Agricultural Prison, Nabha. 1970

The daily average population in 1967 of Open prison and closed prisons in various States is given below:

<table>
<thead>
<tr>
<th>Name of State.</th>
<th>Closed prisons.</th>
<th>Open Prisons.</th>
<th>Total</th>
<th>Percentage of prisoners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rajasthan</td>
<td>4398</td>
<td>70</td>
<td>4468</td>
<td>1.6</td>
</tr>
<tr>
<td>2. Mysore</td>
<td>7100</td>
<td>200</td>
<td>7300</td>
<td>2.3</td>
</tr>
<tr>
<td>3. U.P.</td>
<td>23243</td>
<td>2583</td>
<td>25826</td>
<td>10.0</td>
</tr>
<tr>
<td>4. Tamil Nadu</td>
<td>14429</td>
<td>42</td>
<td>14471</td>
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</tr>
<tr>
<td>5. Gujarat</td>
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<td>20</td>
<td>4320</td>
<td>0.46</td>
</tr>
<tr>
<td>6. Himachal Pradesh</td>
<td>313</td>
<td>19</td>
<td>332</td>
<td>5.1</td>
</tr>
<tr>
<td>7. Andhra pradesh</td>
<td>13000</td>
<td>707</td>
<td>13707</td>
<td>5.4</td>
</tr>
<tr>
<td>8. Maharashtra</td>
<td>14000</td>
<td>197</td>
<td>14197</td>
<td>1.4</td>
</tr>
</tbody>
</table>

The maximum daily average population in open prisons was of Uttar pradesh being 10% of the entire population of convicts in the State.

Crime-wise Break-up.

The crime-wise break-up of prisoners in the open prisons is given in the following statements:

<table>
<thead>
<tr>
<th>State</th>
<th>Offences against persons except riots &amp; injuries</th>
<th>Riots or injuries</th>
<th>Offences Dacoity</th>
<th>Sex</th>
<th>Vag</th>
<th>Misc.</th>
<th>Total property excluding dacoity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rajasthan</td>
<td>57</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>58</td>
<td>1</td>
<td>43</td>
</tr>
<tr>
<td>Assam</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>45</td>
</tr>
<tr>
<td>Mysore</td>
<td>145</td>
<td>45</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>200</td>
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<tr>
<td>Uttar pradesh</td>
<td>1424</td>
<td>524</td>
<td>518</td>
<td>69</td>
<td>25</td>
<td>120</td>
<td>3374</td>
<td>1</td>
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<tr>
<td>Gujarat</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>Himachal pradesh</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23</td>
</tr>
<tr>
<td>Andhra pradesh</td>
<td>260</td>
<td>12</td>
<td>6</td>
<td>10</td>
<td></td>
<td>294</td>
<td></td>
<td>220</td>
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<tr>
<td>Maharashtra</td>
<td>220</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

The above statement clearly shows that almost every state considered prisoners committed of offences against person as the best risk for open prisons. In Uttar pradesh about 36% prisoners were convicted for offences against property which included more than half for dacoity.
The Commission visited the Open Institution (1) Punjab (2) Rajasthan and (3) Maharashtra. The salient features of some institutions are as follows:-

**Open Air Agricultural prison Nabha (Punjab)**

Nabha Open Prison is 4½ miles from Nabha. 1000 Acres of forest land has been given to the Jail department of Punjab and an area of about 600 acres of land has been reclaimed and is under cultivation. The Jail was started in the year 1970 but actual work was started in Jan 1970 with 20 prisoners.

At present there are about 150 prisoners. Out of which 70 live in the fields and rest return to the district Jail, Nabha for want of proper accommodation in the camp. This Jail is under the charge of a Dy Superintendent who is also an Agriculture Graduate and, therefore, the help of agriculture experts is not taken. Prisoners live in Ka-tcha hutments. The prisoners are trained in modern method of agriculture. They get practical training of farm itself. For technical know-how, they are sent to gram-sewak training centre for a week, in batches of 50 prisoners. A course of training in modern methods of agriculture was held by the Punjab Agricultural University at the farm. Pisciculture is also developed in this farm on a tank in the jail area. Prisoners are paid wages at the rate of 50 paise per day. The facility of special remission of one day for 3 days work has been withdrawn. The staff of the jail is not given any special pay.

The prisoners who satisfy the following conditions are eligible for employment:

1. Age should be between 21-50 years.
2. Should be fit for hard work.
3. Conduct in the Jail uniformly good.
4. Is casual and not an escapee.
5. Is resident of and convicted in Punjab State.
6. Is sentenced to R.I. for 1 year and above. Except those convicted of offences mentioned in chapter 5 and 6 of I.P.C. & sections 228, 364 to 402, 409, 413, 460, 469 A of I.P.C subject to the conditions:

   a. That in the case of prisoners sentenced to 7 years who have undergone 1/4 of the substantive sentence.
   b. That in the case of prisoners sentenced to more than 7 years including life prisoners who have undergone 1/3 of substantive sentence.

For this purpose, sentence of life is considered as 14 years. The unexpired portion of sentence of the prisoners should not be less than 6 months on the date of transfer from the Jail.
Prisoners who have aptitude for agriculture and are likely to resettle on land after release, are preferred.

Ordinary parole and furlough rules apply to the prisoners confined in the open jail.

A whole-time teacher is provided for imparting education. A canteen is provided for the prisoners. The same board of Non-official visitors who are appointed for District Jail, Nabha, are the visitors to the open prison Nabha.

Rajasthan:

The Commission visited Sampurunanand Bandi Shivir, Sangamer and Open Air Camp at Agriculture Research Farm Durgapur.

Shri Sampurunanand Bandi Shivir, Sangamer is about 2 furlongs from Sangamer and 9 miles north of Jaipur having 6 prisoners. It is most ideal pre-release camp where prisoners nearing their release are allowed to live in completely open conditions, earn and even keep their families with them. Plot of land measuring 1.5 acres is given to each prisoner with 10 days' ration and then is asked to earn his own livelihood. Agriculture is not the sole occupation round the year. Besides, there are many prisoners who do not have their own land and others who have aptitude for arts and crafts, for such prisoners and unemployed ex-prisoners, this open air prisoner's industrial-cum-production centre was started with cooperation of the Panchayat Samiti, Sangamer. This Shivir is the prisoners-operative under the Panchayat Samiti Sangamer. This was started with 11 convicts of Central Jail, Jaipur in the year 1963. The prisoners of this Shivir are imparted training in Durrie, Niwar, and cloth weaving and also in Agriculture. The Panchayat Samiti, Sangamer has played an important role in the development of this production centre. A sum of Rs. 300/- was advanced by the Samiti at the rate of 6½ percent interest to the prisoners for smooth running of centre and sum of Rs. 500/- has been provided by the Panchayat Samiti for the construction of a well and the prisoners have been allotted 40 Bighas for producing crops for their own use.

Khadi Pratishthans have played an important role in the smooth running of this Shivir. These Pratishthans provided raw materials to the prisoners for making Durrie, cloth and Niwar. The prisoners are paid wages according to the work done by them by the khadi pratishthans.

In addition to durrie, niwar and cloth production work, the prisoners are engaged in digging wells, repairs to barracks and also in cultivation work of land.

The prisoners of this Shivir tend cattle and earn their livelihood by selling milk and by doing work in near by fields as labourers.
The State Bank of Bikaner and Jaipur has advanced loans to run a dairy farm. The prisoners are allowed to keep their families.

Average monthly income of a prisoner is about Rs.120/- per month.

**Prisoners Open Air Camp.**

**Agricultural Research Farm Buregaon.**

The Open Air Camp was started in the year 1955 with the co-operation of the Agriculture Department on an experimental basis for imparting agriculture training to the prisoners. At this farm the prisoners numbering 16 are kept without watch and ward. Formerly the prisoners were given daily wages by the agriculture department. Now they are given Rs. 10 /-p.m. (Rs.60/-as pay and Rs. 40/-as D.A.). The prisoners are allowed to keep their savings with them and they are allowed to send such saving to their families. The prisoners are allowed to keep their families at the farm too. The rules for selection of prisoners are:-

(1) Prisoners whose age is below 30 years and above 40 years is not recommended.

(2) The prisoner who is not habitual and has good conduct is recommended.

(3) Prisoners without fixed abode in Rajasthan are not recommended.


(5) Prisoners convicted for heinous offences like heinous murder, and communal troubles, vagrancy etc. are not recommended.

(6) Prisoners with sentences between 1 to 20 years who have undergone 1/4 of the sentence excluding remission are considered, on recommendation.

The Rajasthan Jail Reforms Commission has stated, “As a matter of principle, nature of crime should be no bar for admission to open camps. However, in view of law and order requirements of the State exceptions could be made”.

It has further recommended that it would be better to have a separate camp for short termers. In open camp as a rule well behaved convicts who have served not less than 1/4 of their substantive term should be admitted.
It should be clearly understood that open camp is no special establishment as many think it to be. The establishment of an open institution is a step in the direction of modern penal practice in which sentences of internment whether open, semi-open, or closed have entirely lost their punitive significance. It is now held that closed jails are not to be treated as intermediaries for open camps. The prisoners may be sent directly to such an institution.

Open camps are not for extra-mural work. The party escorted to a site for work every morning and returning to the prison in the evening, a practice which is followed by the most of the closed jails in India is no open jail treatment. The basic character of open jail treatment consists of trust reposed in inmates and individualisation in approach.

Social re-education is the first requisite for rehabilititating the prisoners to achieve it, the convict should have every possible facility to establish contact with the free section of society."

**Maharashtra**

The Commission visited the Yervada Central Prison and Open Air Annexes. The Open Air Annex was started in 1955. There are two barracks divided into 4 dormitories with authorised accommodation of 120. The inmate population is 21 prisoners. The selection of prisoners is done on highly selective basis. Preference is given to those who have agricultural background.

There are 29 acres of land which are under cultivation. There are two wells for irrigation purposes. The prisoners are paid wages at the flat rate of 25 paise per day. Preference is given to the inmates of this institution for sending to open prison Paithan. During the last 15 years, there was not a single escape nor any untoward incident in this institution.

One tractor belonging to Yervada Central Prison is used by the inmates of this institution for the purpose of cultivation. There is also a Poultry farm in this institution. This institution is fenced by wires. The agriculture officer attached to the Central Jail looks after the agricultural work of this institution as well.

**Open prison Paithan.**

There are about 189 inmates in this institution. About 9 barracks have been constructed with an authorised accommodation of 50 inmates under each barracks. All buildings are constructed by the prisoners themselves. More over the bricks were also manufactured in the institution itself.

The prisoners are mostly employed on Godavari river project in digging of canals, drains, and Moorum quarry work etc. A few of them also work on prison Agriculture Farm. They are paid wages at the rate of 35 paise a day. The total capacity of the institution is 500 inmates.
The prisoners are selected on the following basis:

1. Well behaved convicts.
2. Sentenced to imprisonment of 1 year or more and have undergone 1/4 of their sentence excluding remission.
3. Prisoners sentenced to imprisonment for life or more than 14 years in aggregate and who have undergone 5 years of sentence excluding remission.

Facilities of remission are available in the open prisons. The prisoners are granted liberal remission with the condition that total remission will not exceed 1/2 of the sentence. Furlough is granted to prisoners at the rate of 14 days after completion of 1 year.

Parole is also granted for emergency purposes. Prisoners are allowed, on a selective basis, to participate in local fairs.

Remission is given at the following rates:
1. Prisoners sentenced to life and prisoners to more than 14 years-30 days in a Calendar month.
2. Prisoners sentenced to more than 5 years and up to 14 years - 20 days for a calendar month.
3. Other Prisoners - 15 days for a calendar month.

Canteen facilities are also available to the prisoners.

Punishment is given at the Open prison paitian by sending back to the prison after awarding the punishment of cutting of remission, warning, forfeiture of wages etc.

_Uttar pradesh._

_Sampurnand Shivr Shivir Sitarganj._

This institution was established in 1960. Its total area is 5730 acres. Prisoners live in open conditions in barracks which are not locked. The prisoners are mostly agriculturists, they are taught modern mechanised farming.

This farm is divided in 5 blocks for the purpose of administration. So far 4500 acres of land have been brought under cultivation. In each block 200-250 prisoners live and work. There is one Jailor or Dy. Jailor, who is known as Block Officer and is responsible for the entire work.

Prisoners between the age of 21 and 30 years who have good family ties, good health, and are willing to work in the camp Jail and are not convicted for offences relating to forgery, counterfeiting and habitual are selected. The prisoners earn remission at the rate of one day for one day’s stay.

The facility of parole and home leave is given liberally.
Prisoners are allowed to go on parole of 1 year to work in Pant Nagar farm which belongs to pant Nagar Agriculture University. If found good in work and behaviour, their cases for release are considered by the Government.

There is a factory in the camp where Sugar cane is crushed and Gur is prepared. Flouring and rice extraction is done. Repairing work of agricultural implements is done in the camp itself. There are facilities for black-smithy and carpentry as well. There are plans for development of this camp which includes better transport, improved communication system, adequate irrigation and construction of bridges.

**Madhya Pradesh.**

There are two open Jails for surrendered dacoits one in Mungaoli, District Guna and another at Laxmipur, District Panna. In open jail Mungaoli surrendered dacoits numbering 107 belonging to Bhind and Morena region have been lodged and in open jail, Laxmipur, surrendered dacoits numbering 36 belonging to Bundelkhand region i.e. Rewa, Chhatarpur and Sagar districts have been kept.

Average diet per day on the surrendered dacoits is above Rs. 8/-

They have been provided with agricultural land and assistance of an agricultural expert from the agriculture department has been obtained.

Under the Bank Loan scheme, the prisoners have been advanced loan for starting poultry and dairy farming etc.

The prisoners are allowed the facility of parole. They are given wages and are permitted recreational activities.

In District Jagdalpur (Bastar) a village Kurundi has been selected for opening one Open Jail for Tribal prisoners and it is expected to be opened shortly.

About 1000 acres of forest land has been acquired by the department where about 100 prisoners will work on agricultural farming. The prisoners will be transferred from Jagdalpur district jail class I from time to time.

As there is no irrigation facilities in this area, industrial training to the tribals will also be given to keep them engaged all the year round.

Commission is of the view that open jails for convicts could be started.

**Characteristic features of a good Open Prison as recommended by study group of Open Prisons in India.**

A-(1) The informal and intimate living in small groups in a minimum custodial centre.

(2) The experience of regular routine of work on payment of regular wages under supervision as a means of treatment.
(3) Payment of maintenance cost of prisoner from his wages.

(4) The free and intimate contacts between the staff and inmates and within the inmates themselves.

(5) The influence of moral and cultural activities in association with the neighbouring free community.

(6) Avoidance of unnecessary long detention entailing superfluous expenditure on the public exchequer and thwarting the personality of the prisoner.

B From the point of view of rehabilitation the best form of employment is agricultural and agro-industries viz. poultry, dairy, piggery, animal husbandry, sericulture, bee-keeping, food preservation, horticulture, oil and sugar cane extraction, maintenance and repair of agricultural machines, construction of buildings and roads etc. As a vast majority of the prisoners come from rural areas with agricultural bias.

Another useful form of employment could be on public works, such as construction of dams, canals, bridges, roads, buildings, afforestation, deforestation, reclamation of land, soil conservation etc. Only such works of this kind should be selected at a single place as would last at a stretch for at least 3 years so that the establishment for the purpose may not have to be shifted very frequently. A particular advantage of such prisons is that while even unskilled short term prisoner can be gainfully employed on such works, they will give them the habit of hard work and industry.

C The open prison should ideally have 200-500 prisoners. In any case they have to be kept in independent groups of not more than 200 each, so that they will be looked after independently and group work may be effective. In permanent open prisons either cottage or barrack type accommodation should be provided. The cottage should provide accommodation for 20 and the barracks for 40 prisoners.

D Only such prisoners who satisfy the following conditions should be given preference for open prisons:

(1) Casual or star class.

(2) Resident of the State.

(3) Between the age of 25 to 50 years.

(4) Good conduct and emotionally stable.

(5) Should not have ordinarily more than 5 years to serve or become eligible for premature release. Those who have availed furlough or home leave may be given preference.

(6) Should not be dangerous or convicted of offences showing depravity of mind.
E. The staff is generally averse to the postings in the open prisons because of many difficulties such as housing, education of children, maintenance of separate establishments, etc.

It is desirable to provide adequate incentive and therefore, special pay, in consideration of peculiar conditions in open prisons at the rate of 25% of the basic pay subject to minimum of Rs. 25/- per month should be given.

F. Wherever possible, the services of the nearest blocks of sanities should be available to open prisons for the purpose of training and assistance in development programmes.

The Uttar Pradesh Jail Industries Enquiry Committee has recommended the establishment of prison camps for ticketless travellers and has proposed that such prisoners should be given labour in the Railway projects and from their wages earned they should be fed and money also realised towards payment of fine.

Although no objective assessment has been made, the general view is that the open prison programmes have proved successful as there was notable improvement in the health, work habits and general conduct of the inmates. It is felt that prisoners were generally able to adjust themselves to their surroundings.

From the assessment made regarding escapes, cost of operation of open prisons and recidivism among the prisoners released from such prisons, it can safely be concluded that open prisons have been functioning very satisfactorily in India in spite of many handicaps such as unscientific methods of selection of prisoners, paucity of funds and trained personnel etc.

Summary of Recommendation.

1. The open prisons are more economical than closed prisons and, therefore open work camp, semi-open training institutions, open training institutions and open colonies, should be started in Madhya Pradesh.

2. As much of the area in the State is tribal and agricultural, it would be desirable to open agricultural-cum industrial prisons.

3. Long term prisoners should also get the benefit of agricultural training from agricultural universities, wherever possible.

4. Short term prisoners should be straight away sent to open work camps where public works and works of national importance are available.

5. The pattern of the institutions should be based on characteristics as recommended by the study group on open prisons in India.
Chapter XVI

Remission system and reduction of sentences.

In regard to prison discipline, it is better to prevent prison offences than to punish the offenders. Discipline should be maintained by constructive rather than by merely repressive measures, by encouraging the prisoners to maintain standard rather than by holding out physical punishments. Rewards and privileges, observers RuggleBrise, are simple devices for cultivating self respect in a field where that tender plant has never hitherto been sown. A principle should be inculcated that by working hard and behaving well, they will earn reward which brings comfort and facilities.

To a prisoner the most important thing is his restoration to liberty. Therefore, the most powerful incentive is to put the advancement of the day of release into his own hands. The remission system enables the prisoners, as a reward for good conduct and industry, to a shortening of his sentence.

In England, the earning or forfeiture of remission marks has long been regarded the root of convict discipline. The scheme was introduced in the convict prisons 1864 and extended to local prison by the prisons Act of 1896 on the recommendations of Gladston Committee 1896.

In United States, the State Legislatures have enacted the so called Good time Laws which enable the Prisoners who have behaved himself well, to get an early release.

In India the remission system has long been in operation. Each State has its own remission rules.

In Madhya Pradesh prisoners except those sentenced to rigorous imprisonment for less than 3 months can earn remission.

Remission to prisoners is granted as follows:-

A. Ordinary convicts 3 days per month for good conduct and 3 days per month for industry.

B. Convict warders 10 days per month

C. Convict overseers 8 -do-

D. Convict night watchmen 7 -do-

1. For good conduct 30 days per year.
2. Conservancy work 2 days per month.
3. Prison services. Cooks, water carrier. 1 day per month.
4. Special remission 30 days in a year by superintendent or 60 days a year by the Inspector General of prisons or State Government.
5. State remission is awarded by the State.
6. In respect of any sentence of simple imprisonment except for any continuous period not being less than one month during which the prisoner labours voluntarily, no ordinary remission is earned.

Besides the award of ordinary remission, special remission in Madhya Pradesh may be given to any prisoner whether entitled to ordinary remission or not for special services viz.

a. Assisting in detecting or preventing breaches of prison discipline or regulation.
b. Success in teaching handicrafts.
c. Special excellence in or greatly increased out turn of work of good quality.
d. Protecting an officer of the prison from attack.
e. Assisting an officer of prison in case of out break, fire or similar emergency.
f. Economy in wearing clothes.
g. Special proficiency in imparting literacy and teaching other prisoners.

The Model prison Manual has enumerated cases for eligibility for earning ordinary remission as follows : –

a. Non-habitual prisoners having a sentence of 3 months or more.
b. Prisoners sentenced to simple imprisonment of three months and more who volunteer to work.
c. Prisoners working on conservancy jobs irrespective of length of their sentences.
d. Habitual offenders when admitted to stage No. 1, should not be granted remission. (Please refer chapter on Habitual offenders)
e. At the end of 6 months, the case of each habitual offender with good conduct should be brought to stage No. 2, when he shall earn remission of 2 days per month.
f. At the end of 1 year, the case of that habitual offender should be brought under stage No. 3, when he will earn 3 days remission per month.

Ordinary remission shall not be granted in the following cases: –

1. In respect of substantive sentence of imprisonment of less than 3 months.
2. Prisoners transferred to special prison on disciplinary grounds for the periods of incarceation in a special prison.
3. Prisoners who have been removed from the remission system.
4. Prisoners who have taken a resort to hunger strike or work-strike.
5. Ordinary remission may be granted at the scale shown below : –
a) For good behaviour and participation in institutional activities — 3 days remission per month.
b) For performing allotted work at prescribed standard — 3 days remission per month.
c) For the conservancy jobs — 2 days per month in addition to the ordinary remission.

For award of special remission, a new clause has been inserted, which recommends award of special remission for outstanding contribution for performance in cultural and other activities.

The Commission is of the view that award of special remission as above and the system recommended for habitual offenders for the purpose of awarding remission may be introduced and simple imprisonment convicts who do not work for at least 3 months should not be given remission.

Opinion is sharply divided as to intrinsic value of the system of employment of convict officers. The Punjab Jails Enquiry Committee 1925 condemned convict officials unhesitatingly. They said:-

In short most of the unlawful doings inside the jails are attributed to them. If a prisoner is beaten, ill-treated or roughly handled, it is the convict officials who are deputed to execute the job. If any prohibited articles are to be smuggled in or thrown inside the Jails, it is this irresponsible class of subordinates that is found handy. If pilfering is to be done out of the food or the cloth meant for the prisoners, it is the resourceful convict placed in the position of a prison officer, who can manage business. He had few scruples, when he entered the Jail, his jail life instead of effecting any change for the better has made him daring still.

The Indian Jails Committee 1919 did not arrive at any final conclusion in the matter as they were not in agreement as to which opinion between the two opposing views should prevail. Sir Alexander Cardew, Chairman of the Committee, was against the system. The Uttar Pradesh Jails Enquiry Committee 1929 recommended that the convict warder class should be abolished and replaced by paid warders and convict overseers should be retained but should not be placed in a position of real authority. The Uttar Pradesh Jails Reforms Committee 1946 was of the view that the system of convict warders and convict overseers should be abolished.

Those who condemned the system, held it contrary to the accepted principles of justice to place one prisoner while still undergoing imprisonment in a position of authority over his fellow prisoners. The convict officer, apparently well behaved, is a criminal whose actions have proved that he requires reformation. Is it likely, they ask that, such man is going to exercise good influence on those around him.
The Commission thinks that the system is valuable one, if it can be put to right use. Besides being an administrative necessity from the view point of economy, it exercises a whole some influence upon the inmates.

In a prison, the number of convict officers is usually three times that of the paid warders. If these convict officers are replaced by paid class of warders, the States would have to incur additional large expenditure.

The greater value of the system lies in its wholesome influence upon the inmates. The salutary effects of inmates participation in prison affairs have long been recognised. The responsible duties entrusted to the prisoners, develop their sense of self respect and prepare them for social adjustments than any other prison programme can do. The system in our view should form hub of the entire machinery of prison administration. British administration probably could not have appreciated this point as their policy was, “the policy of divide and rule”. Through this system, prisoners were divided among themselves and the Superintendent was wise to select the undesirables for convict officers in order to control them and through them other prisoners by breaking their will. This old attitude of breaking the prisoners should now be replaced, by the new attitude of sympathy but firm treatment. The criminals, can be trained for cultivating this new attitude in a more effective way than the non-criminals, because as against the latter, a criminal has first hand knowledge of the problems of fellow criminals. Thomas Osborn lived in a prison in disguise because he felt that it was the only way of adequately understanding the problems of prisoners. The system has so far failed because the prison administrators, have not yet realised its full importance in order to effectively organise it. The system should now be regarded as valuable means of developing social attitudes among the unsocial persons and convict officers should work as leaders of fellow prisoners. Only those who have qualities of leadership, should be selected for convict officers, who should be properly trained in the technique of keeping criminals.

The selected prisoners may be sent to a Jail training school for this training. What is, therefore, needed is not the abolition of the system but its proper appreciation and the effective organisation. If convict officers, are properly selected and rightly trained it would not be difficult for the prison staff to develop initiative resourcefulness, sympathy and courage and to get the co-operation of the inmates in prison management and prepare them for living a better social life outside.

This service of convict officers can also prove a useful intelligence service for jail Administration.

Although Model Prison Manual does not provide for the system of convict officers, the Commission is of the view that system of convict officers should continue as it has some distinct advantages as discussed above.
Besides award of ordinary and special remission to prisoners, another incentive for the good conduct is revision of sentences. Advisory Boards have been constituted for this purpose.

The Advisory Boards are located at Jabalpur, Raipur, Gwalior and Indore.

The Board consists of 5 members viz—

1) Inspector General of Prisons, M. P. Chairman.
2) Dy. Inspector General of Police of the range.
3) District Magistrate of the District.
4) Sessions Judge.
5) One - non official member and

6) The Superintendent is ex-officio Secretary of the Board.

The term of non-official member is 3 years from the date of appointment.

The function of the Board is to make recommendations regarding the revision of the sentences of imprisonment passed by the criminal courts.

The sentences of every casual, long term prisoner, (sentenced to 3 years and more) who has served half the sentence and of every habitual long term prisoner without more than 3 previous convictions, who has served two thirds of his sentence, is reviewed. The remission earned by the prisoner for good conduct and diligence is included in the period of sentence undergone.

Besides the case of life convicts and all prisoners sentenced to more than 14 years imprisonment or imprisonment for life and imprisonment for terms exceeding in the aggregate 14 years, when the term of imprisonment undergone, together with remission earned under the rules, amounts to 14 years, are submitted for the orders of the State Government.

The remission and revision systems are, in fact, valuable aids to the prison administrators in the maintenance of prison discipline. But their application is very mechanical. It is the nature of crime and period of eligibility for release which secures one's release and not his conduct and work while he is under custody. The Advisory Board has no means of making its own assessment of accomplishment of the prisoner. It is essential that Advisory Board should consider all types of evidence thoroughly before arriving at a decision in a case. It should never allow sentiments to influence its judgement. No outside influence should be allowed to sway the judgement of the members. If the members of the Board are not carefully chosen, if the working is not done in conscientious manner and if undue influences are allowed to warp the judgement of the members the result would be disastrous. Deserving cases may not be released and dangerous criminals may be let loose on society to do incalculable harm and bring excellent system into disrepute. The Government of Madhya Pradesh have laid down certain guidelines for the jail department regarding release of long term prisoners vide its memo dated 31st October, 1973 as follows:

-
Prisoners who are dangerous (i.e. professional criminals, dacoits and prisoners who are sentenced for more than one offences.) should be submitted to Government for consideration of release after they have served 12 years of substantive sentence.

Cases where prisoners did not belong to above category should be released by the jail Superintendent, after the prisoner has completed 20 years of sentence including ordinary and special remission.

The all India Jail Manual Committee recommendations in regard to remission system and review of sentences as adopted by all India Seminar on Correctional Services of March 1969 are as follows:-

Remission system:-

(1) There should be three kinds of remission i.e. ordinary, special and State.

(2) Habitual offenders become a continuous source of nuisance and mischief to the society. It is, therefore, necessary that they should be kept out of circulation for a longer period than others as per provision of law. The concession of remission should therefore, be granted only to those habitual prisoners who have reached certain stage of imprisonment. Habitual offenders should not be totally debarred from the benefit of remission but their eligibility for remission should be thoroughly scrutinised on the basis of efforts for self improvement.

(3) The system of granting remission for blood donation involves many practical difficulties and complications. Grant of remission for blood donation should therefore be discontinued. Prisoners donating blood may be adequately paid in cash.

(4) Special remission should be granted on a selective basis.

(5) State remission should be granted only for the following cases:

(a) Rejoicing of national importance.
(b) Release on medical grounds.
(c) Deserving cases of life convicts and long term prisoners eligible for unconditional release.
(d) Emergencies.

Review of sentences:

The cases of prisoners should be reviewed on the following basis:

Prisoners convicted of the offences of rape, forgery, dacoity, terrorist crimes, corruptions and black marketing, which are also excluded from the scope of Probation under the Probation of Offenders Act, 1958, shall not be eligible for being reviewed by the Review Board. Accordingly offenders sentenced under 396 (except first part) 400, 402, 467, 471, 472, 474 (later part) 488 A, 489 B, and 489 D of Indian Penal Code shall be excluded from such review.
The following categories of prisoners should be considered eligible for being reviewed by the boards:

<table>
<thead>
<tr>
<th>Type of prisoners</th>
<th>Aggregate life sentence</th>
<th>When to be reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Women offenders</td>
<td>Imprisonment of any length, or granting like remission etc. committed under social pressure.</td>
<td>On admission</td>
</tr>
<tr>
<td>(b) Non-habitual women offenders other than those mentioned in (a)</td>
<td>Three years or more.</td>
<td>On undergoing half of their substantive sentence inclusive of remission.</td>
</tr>
<tr>
<td>(c) Non-habitual adolescent offenders</td>
<td>Three years or more.</td>
<td>-do-</td>
</tr>
<tr>
<td>(d) Non-habitual adult offenders</td>
<td>Five years or more.</td>
<td>On undergoing two thirds of their substantive sentence inclusive of remission.</td>
</tr>
<tr>
<td>(e) Habitual offenders</td>
<td>-do-</td>
<td>On undergoing 2/3 of their substantive sentences inclusive of remission.</td>
</tr>
<tr>
<td>(f) Life convict woman</td>
<td>Imprisonment for life.</td>
<td>On undergoing 10 years imprisonment including remission.</td>
</tr>
<tr>
<td>Non-habitual adolescents</td>
<td>Imprisonment for life.</td>
<td>On undergoing 10 years imprisonment including remission.</td>
</tr>
<tr>
<td>Adult (habitual and non habitual.)</td>
<td>-do-</td>
<td>On undergoing two thirds of life sentence including remission.</td>
</tr>
<tr>
<td>(g) Old and infirm offenders</td>
<td>Three years or more.</td>
<td>On undergoing half of substantive sentence inclusive of remission.</td>
</tr>
</tbody>
</table>

It is further recommended that the State Government should frame a general policy regarding review of sentences for the guidance of the Review Board. The policies and practices of the review procedure should be evaluated by the State Government once in five years so that the review procedure may remain realistic in practice. Post release supervision and adequate after care help should necessarily be closely integrated with review procedure. In the absence of adequate supervision and after care, the procedure of releasing on licence or conditional release will become ineffective. The after care work should be integral part of the correctional administration.
In the context of the recommendations of all India Jail Manual Committee, the Model prison Manual has incorporated its recommendations as follows:

Review Board

(1) The Review Board will consist of Chairman-the Inspector General of prisons and Correctional Services.

(2) Members: (a) Two social workers who are working in the field of correction
(b) a social scientist preferably from university departments or special institutions engaged in training and research in criminology and correctional work.
(c) District Magistrate,
(d) District Judge.

(c) Two correctional administrators. They should not be directly connected with institutional management. They may either be persons with long experience in correctional work in fields other than institutional management or retired correctional officers.

The review board may be constituted either for the Central prison or for a division or for the whole state in accordance with the number of cases to be reviewed.

In the absence of the Inspector General of prisons his nominee will be the member and the District Magistrate or District Judge will preside.

The State Government will appoint members of the Review Board. The tenure of appointment of members shall not be more than 5 years.

The function of the Review Board shall be:

(1) To review cases of inmates.
(2) To evaluate the inmates' response to imprisonment, training and treatment.
(3) To examine whether the inmate has reached the peak point in terms of institutional progress and, if so, to consider alternate measures for maintaining the achieved progress.

(4) To recommend to Government:-
(a) Conditional release.
(b) Unconditional release.
(c) Release on the grounds of clemency.
(d) Such help as should be extended to prisoners on their release by Government or on after-care agency.

The Commission is of the view that the Advisory Boards in the State of Madhya Pradesh should be constituted on the pattern, recommended in the Model Prison Manual except that instead of two social workers, there should be one and out of two correctional administrators, one should be a Government advocate.
The State Government should frame a general policy regarding review of sentences for the guidance of the Board. The Recommendations of the Board should be accepted by the Government so that the function of the Board may have definite importance and effective reformatory impact from the prisoners' point of view.

The recommendations should mostly be conditional so that the prisoners on release would be under the supervision of a Probation Officer or Gram Panchayat or some such other after-care agency.

The weaker section of prisoners viz. Scheduled caste, tribal, women, old and infirm should be given distinct advantage over other casual prisoners and for the purpose of revision of sentences, tribes and scheduled caste should be equated with women offenders and old and infirm offenders.

The review of sentences as recommended by the all India Jail Manual Committee should be incorporated in the Jail Manual of this State.

The practice of obtaining police opinion about premature release of prisoners has become very routine and the Superintendent of police just dittos what the Station Officer has to say about the prisoner and generally the District Magistrate also just dittos what the Superintendent of police has stated. This system should be improved and opinion given only after thorough examination of the case.

The opinion of the probation officers should also be invariably obtained for the purpose of review of sentences and conditional release should be recommended where probation Officer has given such recommendation.

Summary of recommendations:

1. The Advisory Boards (Review Boards) should be constituted as recommended in Model prison Manual with slight modifications, which provides for including social scientists and correctional administrators as members of the Board.

2. Opinion of the probation officer should also be obtained for the purpose of review of sentences.

3. It would be advisable to release prisoners on certain conditions so that their aftercare and follow-up could be effective.

4. The state government should frame a general policy regarding review of sentences for the guidance of the Board.

5. As far as possible, the recommendations of the Board should be accepted by the Government.

6. The remission system for habitual offenders should be on the pattern of stage system as recommended in the Model prison manual.

7. Weaker sections of prisoners should get the benefit of review of sentences more liberally.

8. The prison rule regarding simple imprisonment convicts if they volunteer to work for a month should be replaced by the rule that prisoners sentenced to simple imprisonment of 3 months and more and who volunteer to work for 3 months or more should be awarded ordinary remission.
CHAPTER XVII

Leave (Furlough or Temporary Release) and Emergency Release (Parole)

The objects of releasing a prisoner on leave are:

1. To enable the inmate to maintain continuity with family life and deal with family matters.
2. To save the inmate from the evil effects of continuous prison life.
3. To enable the inmate to maintain and develop self-confidence.
4. To enable the inmate to maintain constructive hope and active interest in life.

Leave is not a right but a concession, which may be granted to convicts.

Furlough (Temporary Release):

The rules regarding temporary release or furlough are different in different States.

In Andhra Pradesh the rules are as follows:

1. A prisoner who is sentenced to imprisonment of more than 1 year and up to 5 years, may be released on furlough after he has actually undergone 1 year imprisonment.
2. A prisoner who is sentenced to imprisonment of more than 5 years may be released on furlough after he has actually undergone 2 years imprisonment.
3. The period of furlough shall not exceed 2 weeks at a time.
4. The cost of journey both from and to the jail shall be borne by the prisoner provided, further that, in exceptional circumstances when the prisoner himself or any of the relatives is unable to meet his travelling expenses, the cost of the journey may be borne by the Government.
5. A prisoner may be released on furlough more than once during the term of his imprisonment. Such further furlough may be granted in the case of the prisoner sentenced to imprisonment for more than 1 year and up to 5 years after he has completed 1 year's from the date of return from the last furlough and in the case of those sentenced to imprisonment for more than 5 years, after he has completed 2 years imprisonment from the date of his return from the last furlough.
6. The concession of release on furlough shall not be admissible to habitual criminals, the prisoners convicted under sections 392 to 402 of the Indian Penal Code, convicts whose presence is considered highly dangerous, prejudicial to public peace and tranquillity by the District Magistrate in whose jurisdiction the prisoner wants to spend the period of furlough and to prisoners sentenced to imprisonment for 1 year or less.
7. The period of furlough may be sanctioned under the rules as ordinary remission.
8. The release on furlough may be sanctioned by the Inspector General of Prisons on such conditions as the State Government may prescribe.
In the State of Punjab a prisoner is eligible for furlough who is sentenced to 5 years and above and the prisoner must have served 3 years excluding remission.

The prisoners who are convicted for dacoity or robbery are not entitled to the benefit of furlough.

The period on furlough counts towards the sentence.

The period of furlough is three weeks for the first time and for subsequent release 2 weeks. The authority to release the prisoners on furlough is the Home Secretary of the Government of Punjab.

In the State of Maharashtra, furlough is granted to a prisoner sentenced to 2 years and above every year by the Regional Deputy Inspector General of Prisons. The authority of granting furlough was vested in the Inspector General of Prisons previously. Furlough is granted on the recommendations of the Superintendent of jails and Superintendent of Police concerned, through the District Magistrates. The prisoner has to furnish a surety of Rs. 100.00 and prepare to go at his own cost.

In the Model Prison Manual, the following rules have been framed for the prisoners release on furlough:

The following categories of prisoners shall not be eligible for being released on leave:

1. Offenders classed as habituals.
2. Prisoners sentenced under sections 392 to 402.
3. Prisoners who are considered dangerous.
4. Prisoners committed to prison in default of furnishing security to keep peace or be of good behaviour.
5. Prisoners suffering from unsoundness of mind or contagious diseases.

The eligibility for leave should be regulated as shown below:

<table>
<thead>
<tr>
<th>Sentence</th>
<th>When due for first release on leave</th>
<th>When due for second release</th>
<th>When due for subsequent release</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceeding 3 years but not exceeding 5 years.</td>
<td>On completion of one year of actual imprisonment to be counted from the date of admission to prison.</td>
<td>After completion of one year of actual imprisonment to be counted from the date of his last return from leave.</td>
<td>After completion of 1 year of actual imprisonment to be counted from the date of his last return from leave.</td>
</tr>
<tr>
<td>Years of Imprisonment</td>
<td>Time Counted From</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 5 years but not exceeding 14 years</td>
<td>On completion of 2 years of actual imprisonment to be counted from the date of admission to prison.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prisoners sentenced to life imprisonment and to periods of imprisonment exceeding fourteen years</td>
<td>On completion of 3 years of actual imprisonment to be counted from the date of admission to prison.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After completion of one year of actual imprisonment to be counted from the date of his last return from leave.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the State of Madhya Pradesh, the prisoners' temporary release is governed by rule 31-A of the Prisoners Act, 1900 which lays down the following:

1. The State Government or any authority to which State Government may delegate its power in this behalf may subject to such conditions, as may be prescribed by the rules, release for the period not exceeding 10 days in a year excluding the time required for journeys and the days of departure from and arrival at the prison, any prisoner who has been sentenced to imprisonment of not less than 3 years.

2. The provision of this rule shall not apply to the prisoner who has been classified as habitual criminal and who has more than three previous convictions.

   (1) No prisoner shall be released under section mentioned above unless:
   (a) He has at the time of release, served two-thirds of his sentence including remission or a period of not less than two years of his sentence including remission, whichever is less.
   (b) His conduct in prison has been good.
   (c) 12 months have elapsed from the date of expiry of his previous release, if any.

3. The period of release of a prisoner shall not count towards the period of sentence.

4. The District Magistrate is the releasing authority for this purpose.

It shall thus be seen that there are different rules for releasing of prisoners on furlough.

In the State of Madhya Pradesh all the prisoners irrespective of nature of offence, unless he is a habitual, get the benefit of temporary release where as in other States the prisoners sentenced for dacoity and robbery are excluded.

The period of release is not counted towards sentence.
In some States, the releasing authority is the Inspector General of Prisons where as it is the District Magistrate in Madhya Pradesh.

In some States the furlough is longer than what it is in Madhya Pradesh.
In some States the prisoner has to bear the cost of journey and diet where as in Madhya Pradesh, it is the State which bears the cost.

Thus it would be advisable to make some changes in the existing rules of temporary release in Madhya Pradesh as follows:

1. The temporary release should be granted to prisoners in view of the length of sentence and by Stages, as suggested in the Model Prison Manual.
2. The authority to release the prisoner should vest in the Inspector General of Prisons in consultation with local authorities and Probation Officers.
3. Period of temporary release shall count towards sentence with a proviso that in case of misbehaviour, it shall be liable for forfeiture.
4. After first release, the subsequent release could be of a longer period.
5. Prisoners who belong to weaker section like tribals, who are unable to furnish security should be helped by the Grampanchayats or registered Voluntary institutions recognised by Government or released even on their own security.
6. A prisoner who has availed of temporary release previously, should invariably be granted temporary release unless there are special reasons to refuse it.

Emergency Release on Parole:

The benefit of emergency release is granted to prisoners to meet their urgent requirement of the family. In Andhrapradesh, the prisoner is released on parole on the grounds of serious illness, death or marriage of any member of the family or near relation or for any other sufficient cause.

Habitual offenders and those convicted of offences involving grave moral turpitude are not eligible for emergency release except in very exceptional circumstances.

The Government in Home Department is the authority to release the prisoner for this purpose.

The period of release on parole should not exceed 2 weeks.

The period spent on parole does not count towards sentence.

The prisoner bears the expenses of the journey journeys form and to the jail.

The extension of the period of release on Parole is not granted.

Parole is not granted within the first 6 months from the date of admission in to the jail after conviction and 6 months at least should lapse from the date of his surrender back to the jail after availing the parole before his again releasing on parole except in very exceptional circumstances.
In the State of Punjab, the prisoner is released on parole if some member of his family has died or is seriously ill, for marriage of his son or daughter, or for cultivating a land or harvesting a crop provided there is no other member of his family to look after his land.

Family includes, husband, wife, son, daughter, father or mother, brother and sister. For serious illness, the prisoner can get 2 weeks, for the purpose of marriage 4 weeks and for the purpose of cultivation of land 6 weeks.

This period of release does not count towards the sentence.

The District Magistrate is consulted on the suitability of the release of the prisoner for parole.

The Home Secretary is the competent authority to release prisoner on parole.

Maharashtra.

Parole is granted to prisoners in the event of death of the nearest relatives, marriage or any other urgent necessity which warrants the presence of the prisoner in his house. Parole application is either made by the prisoner or his relatives. The Divisional Commissioner, on the recommendation of the Superintendent of Police concerned, grants parole on furnishing security bond duly executed. The parole was granted by the Government previously.

In Model prison Manual certain recommendations have been incorporated for emergency release and it is suggested that prisoners who are eligible for release on leave (furlough) should ordinarily be considered as eligible for emergency release.

In the state of Madhya Pradesh, there is no provision at present regarding release of prisoners for emergency purposes and in the opinion of the commission, it would be advisable to incorporate the provisions for emergency release on the grounds of persons illness, death or marriage of any member of the family.

Family should include husband, wife, son, daughter, father, mother, brother, sister, and grand parents.

The period of leave shall not exceed two weeks exclusive of journey period, shall not count towards sentence and could be permitted any time after admissions.

Prisoners who are eligible for temporary release should ordinarily be considered as eligible for emergency release.

The power to release should vest in the District Magistrates so that case could be disposed of expeditiously.
SUMMARY OF RECOMMENDATIONS

Temporary release.

1. The rules for releasing of prisoners on furlough or temporary release are quite liberal in Madhya Pradesh, but they should be made more liberal in the case of tribals and other weaker section of prisoners, who are not able to furnish security.

2. The authority to release the prisoners on furlough should vest in the Inspector General of Prisons instead of District Magistrate and the period should count towards sentence.

3. After first release, subsequent releases could be of a longer duration on the lines suggested in the Model Prison Manual.

Emergency Release

1. The authority to release prisoner for emergency leave should vest in the District Magistrate so that delay is avoided and case could be disposed of expeditiously.

2. Prisoners who are eligible for release on furlough should ordinarily be considered as eligible for emergency release.

3. Emergency release may be granted to prisoners in case of serious illness, death or marriage of any member of the family.
CHAPTER XVIII
PROBATION


The Probation of Offenders Act is intended to release an offender without sending him to a prison and the Prisoners Release on Probation Act is intended to release a prisoner from the jail under supervision, after he has served a certain period of sentence.

Probation is a method of non-institutional treatment of offenders. It implies the conditional suspension of imposition or execution of a sentence by court specially of young offenders who are not sent to prisons but are released on probation i.e. on agreeing to abide by certain conditions and in some cases to be placed under supervision.

Although the probation of offenders Act 1958 provides an elaborate machinery for dealing with probationers, it has not yielded maximum benefit owing to several reasons. Specially the judiciary has not been sufficiently alive to the utility of the probation system.

The apathy of the public has also in a way impeded the flowering of the probation system. The community has a vital role to play in the prevention of the crime and reformation of its delinquent members specially non-adults.

The adult intelligen[tia] can give a lead by forming voluntary associations for the purpose of helping offenders in offering bail, by offering surety for bonds to the courts, by working as voluntary probation officers.

Social defence where-ever possible through reformation of the delinquent is the keynote of modern penology. conventional punishment inflicts injury and no one is improved by injury. Therefore, different measure must be adopted to improve the offender, which is a major objective of modern criminal justice. The large residue of the guilty prisoners made of softer or reformable stuffs must receive domiciliary or other types of extra mural treatment and here is the relevance of probation as a rehabilitation regime. Probation embraces a wide varity of non-institutionalised discipline devices and stems from the realisation of the self defeating features of imprisonment long term and short term.

Therefore, probation must form part of main stream and not stagnate in the back waters of the local system and this is best achieved by becoming an integral part of the basic criminal code. It shall be economical, for rehabilitation and help relieve over-crowding in jails.
Under the probation Act, the probation orders must be flexible and the officer must study the offender vis-a-vis his offence and prescribe conditions in the order, which will heal the wound. This may be illustrated as follows:—

Supposing the delinquent is a young addict to intoxicants. He needs medical treatment to withdraw him from the vice and a mere judicial admonishing or whisperings and warnings of a Probation Officer will be ineffectual. Similarly the offender may be sex pervert and may require hormone treatment or psycho analytical sessions with a specialist. A rash driver may have to go through a fresh drill in correct driving in a driving school. a juvenile cast away from home, a motherless child beaten out of the house by the stepmother or a poor family forced to keep its head above water by occasionally diving into the underworld to help it self with others belongings, may need help of different type. A college girl to ape the expensive or erotic habits of fellow girls may end up as call girl. She needs a different sort of court directions and probation assistance.

A good Doctor in a fit of anger, may have stabbed another. He should be allowed to work as a Doctor but under a moral preceptor, such case calls for a specialised description. Courts must possess jurisdiction to issue directions to Government hospitals, private clinic and Colleges, employment exchanges, churches, Mosques, driving schools, social organisations and obligate the probationer to subject himself to a variety of activities including even playing games or going through a gentle surgical operation. The statutory power must be wide and flexible but should be exercisable in consultation with the specialists, social workers and others working in a particular field.

Further we do not have sufficient specialised institutions for care or after care, nor we have enough Probation Officers, who can do justice to the expanding duties to at the pre-trial and post-conviction stages.

In Madhya Pradesh under the Probation of Offenders Act, the State Government has issued directions vide dated 22.8.1973 to the Social Welfare Department to implement the Probation Service under the Act. Previously the probation service was implemented by the Law Department. Now Probation service is being re-organised. The Social Welfare Department further contemplates that the Probation service under the Jail Department should also be integrated with the Social Welfare Department. Further it also envisages formation of social organisation which will take care of the Probationers released under the Act.

In view of great overcrowding in prisons the effective implementation of Probation of Offenders Act, 1958 is a great necessity and the Commission hopes that with introduction of expanded probation service and social organisations under the Social Welfare Department. The present practice of sending many offenders to the prisons, who could be treated under the Act, otherwise, shall be discontinued at the court level.
This Act is important step towards rehabilitating the prisoners by giving them benefit of suspended sentence and releasing them on licence.

In most of the States in India, this Act is not applicable but Madhya Pradesh has adopted it.

Under this Act, the following class of prisoners do not get the benefit of release:

1. Those convicted of offences under Habitual Offenders Act, Chapter 5-A, 6 and 7 of Indian Penal Code and Sections 216-A, 224 and 225. (It is a case of escape from the Jail) 231, 232, 303, 311, 328, 361, 376, 382, 386 to 389, 392 to 402, 413, 460, 469 and 489-A.

2. Those whose applications for temporary release under Section 31-A of the Prisoners Act 1900, have been rejected.

Except prisoners mentioned above, any other prisoner who has served 1/3 of his sentence of imprisonment or a total period of 5 years with remission, whichever is less, may be released by the Government on licence.

The intention of the Act is to extend the benefit to long term convicts and as the Commission has recommended liberalisation and adoption of rules regarding Temporary Release and Emergency Release, it is now constrained to think that in rules regarding release on probation should be more rigid and the period of sentence served prescribed for eligibility of release should lay down minimum as five years excluding remission.

The eligibility of a prisoner whose cases for temporary release have been rejected, is also restricted under the rules.

The Commission is of the view that even though cases of temporary release have been rejected by the District Authorities, cases of release on licence under the Probation Act, should be considered in all aspects because it is found that cases for temporary release are dealt with in a very casual way at the District level. Besides once a case of a prisoner is rejected by the Probation Board, he should be permitted to apply again after two years.

The term guardian should be made more liberal to include Gram Panchayats so that prisoners from backward areas may get full benefit of the rules.

In Maharashtra the probation service has been bifurcated as adult probation and non-adult probation and the adult probation service is managed by the prison department and the Inspector General of Prisons Maharashtra is also designated as Director of adult probation system and probation officers working under the Jail Department are expected to furnish reports to the courts at the pre-trial level and also to the jail department at the post sentence stage.
In Madhya Pradesh, the Probation Service is contemplated to be integrated under the Social Welfare Department.

The question of integration of the probation service shall be dealt with in subsequent chapters.

SUMMARY OF RECOMMENDATIONS

A- 1. The Probation of Offenders Act 1958, should be more effectively used so that offenders are not sent to prisons after found guilty.

2. The courts should have wide and flexible powers for implementing the intention of the offenders Act. It shall be economical for rehabilitation and help relieve over-crowding in jails.

B- 1. Under ‘Prisoners Release on Probation Act, minimum period of at least five years excluding remission should be prescribed to make a prisoner eligible for release.

2. Cases of prisoners rejected for temporary release should also be considered for probation.

3. The term ‘guardian’ should also include Gram Panchayats.

4. Cases of Prisoners once rejected by the Probation Board could be re-considered after a laps of two years.
CHAPTER XIX

MODEL PRISON

The Commission, under the chapter of Labour and Industries, recommended the creation of a Model Jail in Madhya Pradesh where system of wages and other programmes could be introduced on an experimental basis.

The system of Model Jail prevails in some other States like Rajasthan and Uttar Pradesh.

Uttar Pradesh has stolen a march over other States in setting-up Model Prison Lucknow and employing prisoners in agricultural farms and allied pursuits in open conditions. The Model Prison has been developed on the Model of a self-sufficient colony with the enforcement and working conditions, approaching free colonies outside, as far as possible. The inmates themselves chalk out and carry out their programmes of work and measure their progress at each stage.

A detailed and personal study on good conduct prisoners, the sentence above 5 years is made at a Reception center; where prisoners case history, family relationships, social, economical and educational background, police report, details of offences and trial with reactions of the prisoners are collected and studied. His aptitude for industry, honesty and co-operation is judged by a team of qualified workers to make final selections for the Model Prison. A detailed medical examination, mental and emotional assessment and record of reaction and progress is maintained. Only such prisoners become eligible for the Model Prisons, as have shown from their past social history, prison conduct and work that they can be relied upon and have developed a keen desire to stand on their own legs.

The inmates are made to feel that the members of the staff are there to be friends and guide them. Those prisoners who have reformed are employed in work outside the institution without watch and ward or any restraint. They are often employed in a Government farm nearby. Several batches of trusted prisoners have been allowed to visit important places in the town, inmates in all cases have justified the trust made in them. The general outlay and functioning of the institution is set up on medium security lines. The inmates have shown a keen spirit to work on the scheme. The quality and quantity of factory products have improved and so also agricultural farming and vegetable cultivation.

The work in the factories, farm, kitchen etc. are in the hands of the committee, elected by the inmates from among themselves. All the labour is paid for at the same rate, as outside the jail. The wages are on a piece rate basis wherever possible and this naturally increases the wages of efficient and over time workers. With a greater earning more amenities can be had.
The inmates have the food, they choose from the attached restaurant type of canteen. This is supplemented by sweets, milk, butter, seasonal fruits from the attached canteen by those who can afford it with the higher wages they may earn. Amenities like soap, oil, writing material, beedies, tobacco indoor games etc. are also made available at the canteen in exchange of coupons or jail currency.

The main sources of income are cottage industries, like handloom, weaving, dairy, farming and vegetable cultivation. The plots are taken on rent basis by the inmates who grow their strips and sale the produce. There are various instructors to help them, organise and teach the work on model scientific lines adoptable to the village conditions from where the inmates come.

The State takes from the inmates, the cost of maintenance and organisation and the rest is all profit to the inmates.

The Model Prison population is divided into groups of 20 to 30 men with a group leader who reads, writes, plays with them and organises agricultural activities and off time pursuits. A healthy rivalry develops between groups and competitions are encouraged for factory production, farm cultivation, cleanliness, sports, hobbies etc. An assembly hall is provided for conducting lectures, debates, religious celebrations, musical and dramatic functions. Visual education through cinemas is a regular feature.

The concept of a Model Jail was developed originally in this country as a step towards providing prisoners a relaxed atmosphere. With the development of open camps Model Jails have lost much of their special usefulness in this direction; yet in the entire system of jails in the opinion of the Commission, there is need for having at least one institution in lieu of open jail where systematic treatment and training may be organised and imparted to all those considered to be in the need of the same. This is specially so when due to financial considerations, we are not in a position to extend the requisite facilities at all institutions as practicable as our institutions are expected to serve as maids of all work receiving all types of prisoners.

There is yet another purpose which an institution of this nature might serve. Treatment methods developed at this institution may be emulated by other institutions and prisoners trained at this institution may help the programme at other institutions. Therefore, the Commission is of the view that the Model Jail is necessary.

In the State of Madhya Pradesh some years ago, it was contemplated to start a Model Jail at District Jail Class II Indore. That institution has another distinct advantage of having separate annex for women prisoners. Therefore the Commission thinks that this institution could be converted into a Model Jail for male and female prisoners.
Another distinct advantage at Indore shall be that prisoners could be trained in advanced agriculture with the help of an agricultural Institute which is located near by the jail.

SUMMARY OF RECOMMENDATIONS

1. Although Model Jails have lost much of their usefulness because of development of open camps, still it shall be an useful institution for systematic training and treatment programme for prisoners so long as open institutions are not initiated.

2. Model Jail should be started on the pattern of model Jail, Lucknow.

3. District Jail Class II Indore would be a suitable institution for starting Model Jail for male and female prisoners:
CHAPTER XX

FACILITIES

During the last several years, the main emphasis of Prison Reforms in all the States was on the removal of the inhumanities, and repressive aspects of prison administration. Various concessions and facilities were granted to prisoners so that the required levels of humanisation could be established in prisons. The grant of concessions, such as canteen facilities, leave, parole, wages, recreational facilities etc., quite often became a target of criticism from various quarters. The main line of criticism in this respect has been that if prisons become comfortable places, more people would come to prisons and the incidence of crime would thus increase. This line of argument is superficial. This is a negative approach to prison reforms and has got some damage value in terms of creating confusion, perplexities and handicaps in the development of a proper correctional philosophy in the country. Confinement in a prison in itself is a great punishment not only psychologically, but also physiologically, humanisation of conditions of living in prisons does not take the edge of punishment.

It has been the experience of prison administration that when prison work was punitive, repressive and afflicting and when normal habit needs like smoke etc., were denied to the prisoners, the situation of individual and group demoralisation of the inmates were created. In such circumstances, various types of under-world and dis-organising activities were resorted to by the inmates. All these situations resulted in increased feelings of hatred and revenge. In such an atmosphere, the reformation of the offender not only becomes impossible but the prisoner also becomes more hateful towards the administration in particular and the society in general. All this is repugnant to scientific methods of handling the prisoners. In prison reforms, all the concessions or facilities that are granted to prisoners have to be viewed in this context.

The Commission believes that if there is a skillful and controlled planning and use of concessions, facilities and incentives, there is no possibility of prison life ever becoming so comfortable as to attract more people to prisons.

The Commission feels that certain basic facilities and concessions are necessary for humanising conditions of living in prisons. Sanitary and hygienic concessions which have a real significance in community life of prison, should be introduced. Similarly, letters and interviews at maintaining a continued contact between an inmate and his family, remission of sentence, remuneration in terms of wages, function as an incentive to self-improvement. Books, Newspapers, periodicals, recreational and cultural activities should become healthy substitutes for undesirable impacts of the sub-culture of a prison.

In the State of Madhya Pradesh, these facilities, and concessions should be introduced, keeping in view the local conditions, and the recommendations of the Model Prison Manual in this regard.
The recommendations incorporated in Model Prison Manual are as follows:-

1. Prisoners should be given legal facilities for appeal, petition and legal defence.

2. The following amenities should be given subject to good behaviour and discipline:
   - (a) Soap and washing soda.
   - (b) Toilet articles.
   - (c) Articles of dental hygiene.
   - (d) Oil.
   - (e) Barbering.

3. Canteen:– Prisoners should be allowed to purchase articles available in prison canteen out of the wages earned. Canteen should be introduced. Initially in Madhya Pradesh only at Model Jail, as discussed earlier in previous chapters, on an experimental basis the system of wages should be introduced.

4. Prisoners may be allowed to keep with them photographs of their family members and also relative’s photographs.

5. Facilities regarding religious performances should be extended. Propogation of religious and conversion should be prohibited during the period of inmates imprisonment, inclusive of period of release of leave and emergency release.

6. The facility of letters and interviews should be permitted liberally.

7. A fullfledged library should be maintained in the prisons and prisoners should be allowed to have library facilities. Besides, they should be allowed to keep their books, news papers, periodicals of their own, provided such books, news papers and periodicals do not have contaminating effects.
CHAPTER XXI

ADOLESCENT & JUVENILE OFFENDERS

The recommendations of the All India Jail Manual Committee as adopted at the All India Seminar on Correctional Service in March 1969 lays down the following principles for adolescent offenders:

1. Prisons are not the places where delinquent adolescent offenders should be kept. Wherever this is being done, adolescent should be taken out of the prisons. Very high priority should be given to this question. Where the number of adolescent offenders in a State exceeds 200, a separate institution for adolescent should be set up. Besides this Central and District Prisons should have annexes for adolescent offenders.

In States where the number of adolescent offenders is small, these offenders be kept in annexes of Central and District Prisons. Institutions for the adolescent offenders should be diversified.

Central Advisory Board of Correctional Services in its meeting in 1969 recommended that the Borstal Act should be amended to make it mandatory for adolescents to be committed in Borstal or Institutions for young persons and not be confined in ordinary jails.

On the basis of recommendations of the All India Jail Manual Committee, the Model Prison Manual has incorporated certain provisions regarding institutional management of adolescent offenders. Some of the salient features of which are as follows:

1. Adolescent offenders should not be kept in institutions meant for adult offenders or for habitual offenders.

2. Institutions for adolescent offenders should be so classified that diverse training programmes to suit each homogenous group of offenders, can be conveniently organised.

3. Each Central and District Jail should have annexes for adolescent offenders which should be located outside the perimeter wall. Adolescent offenders sentenced to periods of imprisonment up to 4 months may be kept in this annexes.

4. Adolescent offenders sentenced to more than 3 months should be kept in training institutions. The gradation of custody should be medium or minimum.

5. Adolescent offenders presenting discipline problems and habitual adolescent offenders be kept in a special institution.
6. There should be house system for institutions for adolescent offenders. Each house should be under the control and super vision of a House Master. Normally each house should comprise of not more than 40 inmates.

7. Each house should elect 3 inmates leaders every quarter.

8. Each house should have a House Committee consisting of house staff members. They should meet once a week. The functions of these House Committees are as follows:
   (a) To study each inmate individually and understand the various problems presented by him.
   (b) To assist and advise the Superintendent and the classification committee in all matters of the inmates.
   (c) To gauge inmates response to training and treatment.
   (d) To extend help and guidance to inmates at the individual level.
   (e) To look after the welfare and discipline of inmates.
   (f) To associate inmate leaders with house problems like sanitation, hygiene, welfare planning, of recreational and cultural activities etc.
   (g) The house committee should consist of House Master, Assistant House Master, Teachers, Craft Instructors, P. T. and Game Instructors.

The Commission visited the new building meant to keep the Borsal boys in Hisar. Although the building is quite modern with all the modern facilities, the appearance of the building is that of a jail because of perimeter wall. The building is still under construction.

Even the Borstal Institute at Narsimhapur presents the look of a jail institution and the Commission is of the view that the basic structural change in the institution should be such as it would give a look of a school compatible with the security arrangements because otherwise the programmes suggested by the experts for the educational, vocational and rehabilitation of the young boys could not be effectively implemented.

In Uttar Pradesh, there is no Borstal School, But there is a Juvenile Jail, now called Kishore Sadan at Bareli for the treatment and rehabilitation of adolescent offenders. It is a single wall cellular jail.

The day to day administration of institution is in the hands of qualified persons.

A special feature in the administrative machinery of the Juvenile Jail is the Committee of management which consists of the following members:
1. The District Magistrate of the Bareli.
2. Secretary of District Committee of U. P. Apradh Nirdhak Samitee.
3. Inspector of Schools, Bareli.
4. Superintendent of Juvenile Jail.
5. 6 non-official members appointed by the Committee, two of whom are members of legislature, one public man and the remaining 3 are appointed on the recommendations of the Commissioner.

The admission to the Institution is only by transfer. All first offenders sentenced to not less than 1 year, whose age is below 19 years at the time of conviction, are eligible for admission, irrespective of their term of sentence or offences committed.

The Panchayat system has been developed at the Juvenile Jail and it has for its objective socialisation process in the institutional programme. The aim is to give the inmates training for co-operative community life, allow them genuine freedom of action and create a sense of responsibilities and self reliance among them. The Panchayat is an elected body and all the inmates take part in the election. It consists of 5 Panchas who elect one of themselves as Sarpancha. The life of Panchayat is one year and selection is not possible. Each Bhawan is managed by Bhawan Panchayat. The inmates of the Bhawan elect 4 members from among themselves. The Bhawan Panchayat carry out the instructions of the Panchayat of the institution and look after the general discipline of the respective Bhawans. The Panchayat have the power to award punishment to prisoner which consists of simple warning, begging for-giveness or social boycott for a fixed period. If the boy is found incorrigible, the Panchayat may recommend to the Superintendent his transfer to the Central Prison so that he may not contaminate others.

In addition to the Judicial responsibilities, the Panchayat has also undertaken certain administrative functions, like, to look after kitchen, sanitation, recreation games etc.

Further in the process of socialisation, the Juvenile jail has organised scouting, band music, painting, dramas, games and co-operative canteens.

Industrial programme in Juvenile jail follows industrial school system. Training is imparted in tailoring, carpentry, shoe making, cloth, durrie and carpet weaving, agriculture, vegetable gardening, lacquered toy making, poultry farming, etc. Recently, training in pencil making has been introduced. Each trade is divided in 4 classes each of 6 months duration. At the end of each period a practical examination is held under the instructions of the Director of Jail Industries. On completion of 2 years course the boy is awarded a proficiency certificate and allowed to start private work for which he is advanced a small sum of money. The articles manufactured by him are sold and profit credited to his account.

Boys who sentenced below 1 years and those who cannot be trained in a jail factory are employed on the internal work of the institution and agriculture. Boys who have acquired proficiency in agriculture inside the Jail fields and who want to adopt it as a profession are allowed to do farming outside.
Besides, selected boys are sent to work in outside factories. No watch and ward is exercised either by the jail or by the factory authorities.

To foster a spirit of mutual help and co-operation and to assist inmates in their rehabilitation, a juvenile jail boys fund was created in 1944 from deductions from the wages of the inmates working in outside factories or doing their private work inside factories.

In the juvenile jail compound, there is a home for those released boys who have either secured employment but have no space to live in or are in search of a job.

The juvenile jail Bareli does not pay any wages to its inmates but the wages of those working outside factories is credited to their account. When these boys have earned Rs. 300/- they seize to be on the earning list, and do the state work inside the institution. The inmates who have passed 2 years course of vocational training and are doing private work are also allowed to receive the sale proceeds of the articles manufactured by them. No sum is deducted for maintenance from the earnings of these boys.

The Borstal Institute, Narsimhapur in Madhya Pradesh is governed by the Borstal Act 1928 and rules made there under.

The salient features of the Borstal Institute Narsimhapur are given below:

1. It has a capacity of about 300 boys, and is not over crowded. Most of the boys are convicted for rape, theft or murder.

2. When any male person not less than 16 years and not more than 21 years of age is convicted of an offence, he can be kept in this institution.

3. The order of detention is for a term which shall not be less than 2 years and shall not exceed 5 years.

4. Persons between the age of 16 to 21 years who have failed to furnish security for good behaviour are also kept in this Institution.

5. No person who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to jail being incorrigible, shall again be ordered to be detained.

6. Subject to the general or special directions of the State Government, the visiting committee with the sanction of the Inspector General of Prisons, may at any time after the expiration of one year of detention in the case of an inmate ordered to be detained not for more than 3 years and in any other case of 2 years of detention, if satisfied that the inmate is likely to abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from Borstal Institute on condition that he be placed under the supervision of a person or an Institution.
7. When an inmate is reported to be incorrigible or be exercising a bad influence on other inmates, he can be transferred to any jail in M.P. to serve remaining period of imprisonment.

8. There are 4 grades of inmates viz: (1) Ordinary (2) Star (3) Specil Star and (4) Penal grade.

9. Ordinary grade does domestic service and does not get badge money.

10. Star grade inmate is placed in a suitable grade and earns badge money of Rs.1/- a quarter.

11. Special star grade is permitted to work extra murally and he gets badge money of Rs.3/- per quarter.

12. Penal grade inmate is one who is believed to be exercising a bad influence or is guilty of misconduct. He is separated from other inmates and is placed on hard work.

13. Drill, music band, physical exercises, literary instructions, moral instructions, form part of the education of the inmates.

14. The Director of Industries and Director of Agriculture are supposed to deputize officers of the respective department to inspect the Borstal Institution from time to time.

15. Besides making brass utensils for prisoners of M.P. weaving, tailoring and carpentry works etc. are also taught.

For the purpose of encouraging diligence and good conduct, there is a system of awarding marks—1 Mark of conduct and school works & 1 mark for a trade every day.

The inmate is entitled to gratuity calculated at the following scale for every 13 marks gained by him during the week.

(a) Penal grade. 6 Paise.
(b) Ordinary grade. 9 "
(c) Star grade. 12 "
(d) Special Star grade. 16 "

For every inmate, discharged on licence from the institution, there is appointed a parole officer by the District Magistrate of the District in which the inmate so discharged would ordinarily reside.

The Commission is of the view that the following improvements could be introduced:

1. The environment of the institution should be like that of a school and not that of the jail.
2. Certain portion of the institution could be made minimum security institution for lodging those boys whose conduct is exemplary and work extramurally.

3. All adolescent sentenced to more than 4 months should be lodged in this institution irrespective of crime.

4. Boys when they attain the age of 21 years should not be transferred to adult jails. This defeats the very purpose of the institution and some alternative arrangement like an annexed attached to the main building should be made, where they could continue to live and work, although they have attained the adulthood.

5. (a) The badge money and amount of gratuity of the boys should be increased to make it Rs. 2/- a quarter for a special star grade.

(b) Similarly for good work, instead of Rs. 1/- a year it should be Rs. 2/- a year and instead of 12 paisa for every day and for additional task it should be 25 paisa but not more than Rs. 1/- in any one month.

(c) For night watch, instead of 19 paisa per month it should be 50 paisa per month.

6. The vocational training courses should be arranged in cooperation with industrial training institute and suitable boys should be sent there for training.

7. The boys should also be given facility of temporary release.

8. The probation Officers of the social welfare department or Jail Department should be entrusted with the duties of supervising the boys released on licence.

9. Even parents of the boys should be made guardians in deserving cases.

10. For after-care the employment exchanges should be useful for securing them jobs.

11. Bank loan scheme may be introduced for the boys.

12. Probation Hostels or homes should be constructed near the institution where boys could stay, until they secure employment.

**Summary of recommendations.**

1. Borstal School should run on the pattern of school and not of a jail.

2. Prisoners after attaining the age of 21 years should not be transferred to adult jails.


4. Juvenile Jail Bareli (U.P.) has extended many facilities to the inmates regarding vocational training, Panchayats, outside labour etc. This could be introduced in Borstal Institute, Narsimhapur.
5. Other facilities, as pointed out in the preceding paragraphs, may be introduced.

Juvenile Offenders

Penology and criminology are unanimous in insisting that we must save the youth of to-day from becoming the criminal of tomorrow. The Juvenile delinquent has for some time been regarded as being different from the adult offender, so far as legal procedure and meeting out penological treatment is concerned. Consequently in no direction have more important changes been effected in advanced countries than in the treatment of youthful offenders. It is now generally agreed that ordinary healthy child criminal is mainly product of unfavourable environment than youth because it is the time when prospects of reformation are the greatest.

In India an effort has been made to separate the child offenders from the adult prisoners. In the Jails, the child prisoners are accommodated in separate barracks. The Government of India passed a Children Act 1960 providing for separate trial of the child offenders by Juvenile Magistrates, their confinement in a separate institution during their trial and their treatment in a certified school.

The Act is distinct improvement on the Reformatory Schools Act which it seeks to repeal. It is divided into 2 parts. The first deals with the custody and protection of a child with a view to wean them from bad atmosphere of the outside society before they commit crime. The second deals with youthful offenders. The importance of cutting of the resources of crime and of removing children from a vicious environment before they actually commit crime and come within the purview of criminal law hardly needs any emphasis. The ultimate effect of such action in reducing offences and so relieving the burden of prison administration, has been proved by experience in other countries.

The Act defines a child as a person under 16 years of age and applies to both boys and girls. The machinery through which the Act is operated includes special juvenile courts for hearing and disposing of the cases. Remand Homes for the purposes of detention and certified schools for places of commitment. The investigations regarding the causes of criminality and other relevant problems is made by the Probation Officers. These children who can be reformed and rehabilitated in their own homes or foster parents, are supervised by Probation Officers, those who have no homes or bad homes are kept in certified schools where they could be given education and vocational training in some useful trade which they might take up after they finish the period of education. Certain offences have been defined as offences against children and children are protected from the nefarious activities of people to exploit and use them in occupations hazardous to the moral and social uplift of the child and to his health.

The department of Social Welfare holds the operational control of the Act.
The desirability of extending services to children in need whether destitute, delinquent or victimised, under the provisions of children Act has been emphasised in the past few years.

While some States had the necessary legislation, almost for 50 years on the Statute Book, others did not have such a piece of legislation till recently. In Orissa, there is still no legislation, while the States like Assam, Bihar and Jammu and Kashmir, although there is legislation, the Act has not yet been implemented. There is still a wide gap in the implementation of the Acts in most States. Even the States, which have enforced their respective Acts, for quite sometime have not yet covered all the districts, with the necessary machinery for implementation.

In the State of Madhya Pradesh Bal Adhiniyam was introduced in 1970. But it is operative only in 23 districts and within the limits of Municipal Corporation of 3 cities. The Application of the Act for the entire State has been proposed by the Social Welfare Department of the State but due to certain financial and other difficulties, it has not been adopted.

The Commission visited certain Children Institutions in Gwalior, Indore, Jabalpur, and it was found that there is a smell of prison atmosphere in these schools as they are guarded 24 hours and are under constant supervision.

Besides the number of institutions is too small to cope up with the problem of juvenile delinquency in the State.

Further the buildings of the Institutions are not suitable in most cases. The schools are working in rented buildings. There is hardly any scheme for occupational therapy.

The Central Advisory Bureau of Correctional Services, New Delhi, High Court of Madhya Pradesh and Police Department have suggested that there should be one full unit, comprising of juvenile court, remand home, certified school, and Probation Officers, in each district. The matter has been moved accordingly by Social Welfare Department that for every big district there should be one full unit and for two small districts each, there should be one full unit.

In the absence of the above arrangement, the children and their parents are experiencing great hardship because they are lodged in an institution which is far away from their home town. For instance boys of Bastar are kept in the Institutions of Indore. Therefore, the Commission is of the view that the Children Act should be made immediately operative for the entire State of Madhya Pradesh.

In the absence of the Institutions in different districts, the children from the Districts, which are not covered by the Act, are kept in the Jails and the following were figures of the jail population for the boys admitted in the jails under 15 years of age.
<table>
<thead>
<tr>
<th>Year</th>
<th>Under 15 years of age.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>1970--71</td>
<td>550</td>
</tr>
<tr>
<td>1971--72</td>
<td>341</td>
</tr>
<tr>
<td>1972--73</td>
<td>817</td>
</tr>
<tr>
<td>1973--74</td>
<td>358</td>
</tr>
</tbody>
</table>

The Commission visited the Reformatory school, Seoni managed by Education Department and found that there were only 9 inmates whereas the staff of about 150 persons. It was learnt that the boys who should have been admitted there from Districts where children Act is not operative, are not sent to this institution and instead they are being sent to prisons.

The Commission feels that boys from such districts must be sent to Reformatory school so long as children Act in those districts is not enforced and they should in no case be sent to prisons.

The Commission also found at Balaghat prison that children arrested for petty thefts were lodged in this jail under warrant of judicial court where as they should have been tried by Nyaya Panchayats. It was learnt that in some interior parts of Balaghat district, like Baihar, there are no judicial courts functioning full time even the Nyaya Panchayats are not functioning, with the result that the boys arrested for small offences were sent to prison. This State of affairs requires immediate attention of the authorities concerned.

Certain amendments to the Children Act 1960 have been also recommended in the proceedings of the 5th meeting of Central Advisory Board of Correctional Services in January, 1974.

It was stressed that child welfare should be looked at as a whole of which the Childern Act was part. The Children Act has very important place in the entire child welfare programme and as far as possible children should be kept away from the formal legal programme, through police, courts and institutions. The members were of the opinion that the present distinction made between the neglected and delinquent children was not necessary and the objective of the entire legislation is to help all the children, who are in need or in difficulties irrespective of the origin or cause of it. The classification of children as neglected or delinquent was needed for treatment purposes and not for legal purposes. The concept of the child welfare board developed
in Scandinavian countries was to treat all children below a certain age group to the child welfare board, only very difficult cases were sent to judicial courts. The Law Commission's recommendation in the Indian Penal Code Bill, raising the age of criminal liability up to 12 years was mentioned and it was suggested that all children below a certain age group might only be sent to the Child Welfare Board. The members by and large were of the opinion that punitive approach should be removed from the Act. Rules and procedures adopted in handling the children and in institutional management, stress should be laid on serving the family as a unit and not separating the child from his parents or his family. The only options available are to release the child to the care of his family or some fit person or to commit the child to an Institution. It was expressed that other alternatives such as helping the families to come out of the difficulties by social or economic assistance and thus helping the family to keep together should be possible.

This amendment to the Children Act is under the active consideration of the Government of India and it is hoped that with the adoption of the amendment, things will improve regarding child welfare.

As the Children Act is operated by the Social Welfare Department in the State, the detailed suggestions regarding institutional management are not given by the commission because it is for the concerned department and not for the Jail Department to suggest improvements.

**Summary of Recommendations.**

1. The Children Act should be extended to the entire State of Madhya Pradesh and there should be one full unit of Juvenile Court, Remand Home, Certified School and Probation Officer in each district.

2. In no case Children should be lodged in the prisons as it has very deleterious effect on them.

3. The Reformatory School, Seoni, which is under the Education Department, should be taken over by the Social Welfare Department in due course.