

No.17014/3/2009-PR
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi dated the 17th of July 2009.

To

The Principal Secretary (Prison) / Secretary (Home) (In-charge of Prisons) - All State Governments / UTs

DGs/ IGs incharge of prisons- All State Governments / UTs.

Subject: Prison Administration- regarding

Sir,

As you are aware 'Prisons' is a State subject under Entry-4 (Prison Reformatories, Borstal Institutions and other institutions of like nature) in the State List (List-II) of the Seventh Schedule to the Constitution of India. Therefore, the management and administration of Prisons falls in the domain of the State Governments. The Prisons are governed by, inter alia, The Prisons Act, 1894 and the Prison Manuals/ Rules/ Regulations framed by the respective State Governments from time to time.

2. The Indian prison system has been under the close scrutiny of judiciary / District Magistrates who have been given a responsibility to closely monitor the administration and management of prisons under their jurisdiction and to inspect the same periodically. The Central Government has, from time to time, been interacting with the State Governments through advisories, conferences and meetings etc on various aspects of prison administration including appropriate security measures in prisons.

3. As you are aware, various Committees, Commissions and Working Groups had been constituted in the past by the Government of India to study and make suggestions for improving the prison conditions and administration, inter alia, with a view to making them more conducive to the reformation and rehabilitation of prisoners. Some of the important committees are as under:

- All India Jail Manual Committee (1957),
- Working Group on Prisons (1972),
- All India Prison Reforms Committee (1980-83) known as Mulla Committee,
- All India Group on Prison Administration, Security and Discipline known as R.K. Kapoor Committee (1986) and
- National Expert Committee on Women Prisoners known as Justice Krishna Iyer Committee (1987) etc.

These committees made a number of recommendations to improve the conditions of prisons, prisoners and prison personnel. Some of the important recommendations are annexed as Annexure-I. Since most of the recommendations of these committees pertained to the State Governments/UT Administrations, these were forwarded to the State Governments by the Ministry of Home Affairs for taking appropriate action. In 2001, the Ministry of Home Affairs through BPR&D also circulated a detailed questionnaire relating to actionable recommendations of these committees.

Model Prison Manual

4. Keeping in view the directions given by the Hon'ble Supreme Court in the case of Ramamurthy vs State of Karnataka (1996) and also taking into account the recommendations of various committees regarding the need for bringing uniformity in laws relating to prisons, Government of India constituted All India Model Prison Manual Committee headed by Director General of BPR&D to prepare a Model Prison Manual for the Superintendence and Management of Prisons in India. The "**Model Prison Manual**" so prepared was circulated to all the State Governments/ UT Administrations in December 2003 for adoption for effective and efficient superintendence and management of prisons. This manual is an exhaustive document and has been prepared after wide consultations with the State Governments. It is, however, learnt that only a few States have so far adopted the model prison manual in its true spirit. The Parliamentary sub-committee on modernization of prisons has recently visited many states and has shown their disappointment on the poor adoption of the Model Prison Manual by the State Governments. They have asked the Government of India to take initiative for ensuring that the State Governments adopt the Model Prison Manual. You are accordingly once again advised to go through the Model Prison Manual and consider its adoption as per the requirements and suitability to the State.

Court Judgments

5. From time to time various High Courts and Supreme Court have given wide ranging judgments on conditions of prisoners, prisons and the rights of prisoners. Some of these path-breaking judgments/ rulings are important for the rank and file of prison officials/ State Governments. A compilation of such judgments was brought out by the BPR&D in 2000 in which an attempt was made to identify and document some latest rulings/ judgments of the Supreme Court/ High Courts relating to the area of prison administration. The same was thereafter revised and updated in 2007. This compilation is also available at the BPR&D website (**www.bprd.gov.in**). The same was also circulated to all the State Governments /UT Administrations to make this document more user friendly, important operational points of these rulings/ judgments were culled out and compiled. Some of the important judgments are annexed as Annexure-II.

6. In order to comply with and give effect to the important directions of the Hon'ble Supreme Court/High Courts, the Government of India has

- i) Introduced section 436A in Cr.PC to liberalize the bail conditions;
- ii) Introduced section 265A in Cr.PC for plea bargaining;
- iii) Initiated the Scheme for Prison Modernization in 2002 in order to reduce overcrowding, improve hygiene conditions as also provide better facilities to prisoners and prison personnel.

7. Government of India has prepared a Draft Policy Paper on Prisons with the approval of the Home Minister in order to broadly address the agreed upon objectives in incarceration and the measures to be implemented by the various State/UT Governments. The policy objectives as well as the measures required to be taken by the State /UT Governments are annexed as Annexure-III.

8. The Sub Committee of the Department Related Parliamentary Standing Committee of the Ministry of Home Affairs presented to the Rajya Sabha on 26.02.2009 in their report of Modernization of Prison Scheme has also made certain observations, on which action needs to be taken. The report has already been circulated to all States for their comments and necessary action. Some of the important observations are annexed as Annexure-IV.

9. The National Human Rights Commission has also been issuing suitable instructions from time to time to all the States/ UTs against the violation of human rights in prisons and take suitable steps in this regard.

10. For the strengthening of security arrangements in jails, the Government of India has also been advising the State Governments vide advisories dated 21.9.1998 and 17.8.2006 for taking adequate and effective measures for tightening security and to ensure that prisoners are not in possession of prohibited items like mobile phones, weapons etc. The State Governments are requested to take appropriate measures in the light of the aforesaid advisories.

11. Recently in the case of Jaswant Singh v/s State (Criminal Appeal No. 257/2004), the Hon'ble Delhi High Court vide its order dated 30.9.2008 has directed to issue instructions for devising a foolproof system to avoid any lapse while transferring convicts/ accused persons from one jail to another. In the instant case, the prisoner had been released pre-maturely by the jail officials on being transferred from one jail to another.

12. As for the human resources who are actually going to man these prisons , it is recommended that the State shall consider:

- Establishing well equipped training infrastructure in the state, with adequate skilled and well qualified instructional staff, to cater to the normal needs of basic and in-service training for the prison staff in different discipline.
- Availing slots for in-service training being offered in ICA, Chandigarh, NICFS, New Delhi, RICA, Vellore and other institutes sponsored by BPR&D/MHA.

- Deputing prison officials for training in specialized institutes in India and abroad in consultation with BPR&D and MHA.
 - Creating adequate posts for prison staff as per norms in different categories commensurate with operational needs of safe custody, reformation, rehabilitation, health care, legal assistance etc.
 - Filling up all the vacancies, presently running up to 17.58% (2006) within time bound frame and ensure proper cadre management through timely trainings, promotions recruitments etc.
 - Acknowledging the role of good work done by prison officers/ officials individually or in a team by way of a suitable reward schemes.
 - Rewarding those prison staff during whose tenure the prison shows remarkable improvement in term of elimination of or significant reduction, in the incidence of unnatural deaths, indiscipline by prisoners; number of prisoners pursuing educational and vocational programmes, implementation of Section 436-A and 265-A to 265-L CrPC, 1973 etc.
 - Nominating deserving prison officers for the award of Correctional Service Medals on the occasion of Independence/Republic Day and presenting the recipients such medals in ceremonial functions like State Day, Independence Day/Republic Day etc.
13. All the State Governments/ UT administrations are requested to take effective measures in the light of the recommendations made by the various committees/ court judgments, the Model Prison Manual and advisories issued by the Government of India from time to time for the effective and smooth functioning of the prisons.
14. The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

(Nirmaljeet Singh Kalsi)

Joint Secretary (CS)

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ANNEXURE-I

All India Committee on Jail Reforms [Mulla Committee - 1980-1983]

The Committee under the Chairmanship of Justice Anand Narain Mulla submitted its Report in 1983 in which it had made 658 recommendations, majority (90%) of which pertained to the State Governments. The Committee examined all aspects of prison administration and made wide-ranging recommendations, touching upon legislative, operational, security aspects besides matters like classification of prisoners, living conditions in prisons, medical and psychiatric services, treatment programmes, vocational training for prison inmates, problems relating to undertrials/unconvicted prisoners, problems of women prisoners etc. The report laid emphasis on the management of prisons to be entrusted to a cadre of professionals.

Kapoor Group's Report

In July, 1986, the Government of India set up a Special Group with Shri R. K. Kapoor, as Chairman to examine and review various aspects of administration and management of prisons, especially in the context of security and discipline in prisons and suggest measures for their improvement. The Group recommended better communication systems, watch towers, wire fencing, raising of height of perimeter walls, metal detectors, dog squads etc. Close Circuit Televisions (CCTVs) were also recommended for monitoring activities along the perimeter wall, roof tops and main gate area etc.

National Expert Committee on Women Prisoners

The National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was constituted in 1986. The Committee appraised the situation of women in jails and made various recommendations. Some of the important recommendations include:

- a) Women prisoners should be informed of their rights under the law.
- b) Only the women constables should conduct searches on women prisoners.
- c) Medical check ups of women prisoners or undertrials, should be done by women doctors as soon as they are admitted to a prison.
- d) Women prisoners should be allowed to contact their families and communicate with their lawyers, women social workers, and voluntary organisations.
- e) Women prisoners should be allowed to keep their children with them.
- f) Voluntary organisations of women should be encouraged to be associated with women prisoners.

- g) Separate jails should be provided for women. prisoners
- h) Special prosecution officers should be available to present the case of women prisoners.

SOME OF THE IMPORTANT DIRECTIONS OF COURTS REGARDING PRISONS AND PRISONERS

1. The Hon'ble Supreme Court has formulated guidelines for providing various facilities to the children living with their mothers in the prisons. The Supreme Court has directed the State Governments to follow these guidelines which include providing the children with a healthy and clean environment, nutritious diet, good medical care, adequate clothing, educational and recreational facilities. Children below three years are required to be kept in a crèche and those between 3-6 years in a nursery. The State Legal Service authorities are also required to periodically inspect prisons to monitor that the directions given by the Supreme Court are followed in letter and spirit. An advisory was also issued by the Government of India on 15.5.2006 to all the States/ UTs to take urgent action for implementing the orders of the Supreme Court. A compilation, namely, Prisons and Law in India was also prepared by BPR&D in 2007 and circulated to all State/UTs to apprise them of the legal position in this regard. (***R.D. Upadhyaya vs State of Andhra Pradesh (1994)***)
2. The Hon'ble Supreme Court has ruled on many issues such as (a) removing overcrowding in jails (b) streamlining the remission system and premature release (c) framing of a Model All India Jail Manual (d) providing proper medical facilities and maintaining appropriate hygienic conditions (e) introduction of open air prisons (f) need of complaint box in jails, etc. (***Rama Murthy vs State of Karnataka (1997)***)
3. **Classification** of the prisoners and their placement in different prisons by the prison administration is a relevant **policy** decision. The discretion and power to interfere by the courts in such matters does exist yet it should be used very **sparingly**. (***State of Maharashtra Vs Sayyed Noor Hasan Gulam Hussain (1995 Cr. L. J. 765) SC***)
4. A prisoner continues to have his **constitutional rights** during his incarceration period except to the extent he has been **deprived** of it in accordance with law. The **loss of life** of a prisoner in the jail through killing by a co-prisoner entitles his legal heirs to **compensation** even if the U.P. Jail Manual has no provision to this effect. (***Kewal Pati (Smt.) Vs State of U.P. (1995 3SCC 660)***)
5. **Safety and Security of the Prisoner**

- i.* It is the **bounden duty** of the jail authorities to protect the life of an under trial prisoner lodged in the jail.
- ii.* **Failure** of the state to ensure safety and security of the prisoner indisputably warrants **repair of damage** caused to the victim or to the heir of the victim by the acts of omission or commission of its officers by the state. (*Nilabati Behera Vs State of Orissa (1993 2SCC 746)*)
- iii.* The principle of **sovereign immunity** is not available to the state in cases of contravention of fundamental rights of the citizens by its officers. (*State of M.P. Vs Shyam Sundar Trivedi (1995 4SCC 262)*).

6. Transfer, Video Conferencing, visitation etc.

- i.* **Transfer to a distant prison**, where visits of Society of Friends or relations may be snapped etc, may be punitive in effect and every such affliction or abridgement is an infraction of liberty or life in its wider sense and cannot be sustained unless requirement of **Article 21** of our Constitution are satisfied. (*S. Balamuragan Vs LG Prisons, Madras (1996 Cr LJ. 1779)*)
- ii.* **Right of visitation** of a prisoner is **not absolute**. It is subject to restrictions laid down in Bihar State Jail Manual. The Right of a prisoner under **Article 21** of the Constitution to be lodged in a jail and general prohibition against his **transfer to a distantly located jail** in the state or out of the state is **not absolute**. It is also subject to the amenability of the prisoner to the maintenance of **jail discipline**. (*Kalyan Chandra Sarkar, Petitioner Vs Rajesh Ranjan alias Pappu Yadav and another, Respondents 2005 CrL. L.J. 944 SCC*)
- iii.* However, under certain circumstances **transfer** of a prisoner to a **distant prison** may be justified in the larger interest of maintaining **discipline** in the prisons. (*S. Balamuragan Vs LG Prisons, Madras (1996 Cr LJ. 1779)*)
- iv.* Keeping in view the grossly indisciplined and unlawful conduct of the prisoner even his physical presence in a criminal trial can be dispensed with by directing use of **video conferencing facility** to the extent felt justified by the trial court. (*Kalyan Chandra Sarkar, Petitioner Vs Rajesh Ranjan alias Pappu Yadav and another, Respondents 2005 CrL. L.J. 944 SCC*)

- 7. The term **“evidence to be taken in the presence of accused---**“used in Sec.273 of the CrPC, 1973, includes not only the actual physical presence of the witness but also his **constructive presence** before the accused. Recreation of evidence through **video conferencing** facility is covered under the scope of

constructive presence. (*State of Maharashtra, Vs. Dr. Praful B. Desai, Criminal Appeal No. 476 of 2003 with Crl. Appeal No. 477 of 2003 AIR 2003, SC, 2053*).

8. (i) Remission schemes introduced by the Government under Sections 432 and 433 of CrPC, 1973, are primarily introduced to ensure prison discipline and good behaviour by the prisoners and are not meant to upset the sentences. (*State of Punjab Vs Joginder Singh (1990 2SCC 661)*).

(ii) Prisoners are not entitled to release u/s 433 CrPC, 1973, as a matter of right. It is entirely the discretion of the Government to release the prisoners prematurely. (*P.V. Bhaktavatchalam Vs State of Tamil Nadu (1991 Cr. L.J. 1870)*)

9. **Labour and Wages etc.**

- i. It is **lawful** to employ the prisoners sentenced to rigorous imprisonment to do **hard labour** whether he consents to do it or not.
- ii. It is imperative that the prisoners should be paid **equitable wages** for the work done by them.
- iii. **In** order to determine the quantum of equitable wages payable to prisoners, the State concerned shall constitute a **wage-fixation body** for making recommendations.
- iv. We direct each State to do so as early as possible.
- v. Until the State Government takes any decision on such recommendations, every prisoner must be paid wages for the work done by him at such rates or revised rates as the Government concerned fixes in the light of the observations made above.
- vi. For this purpose, we direct all the State Governments to fix the rate of such **interim wages** within six weeks from today and report to this Court of compliance of this direction.
- vii.** We recommend to the State concerned to make law for setting apart a portion of the wages earned by the prisoners to be paid as compensation to deserving victims of the offence, the commission of which entailed the sentence of imprisonment to the prisoner, either directly or through a common fund to be created for this purpose or in any other feasible mode. (*State of Gujarat Vs Hon'ble High Court of Gujarat (1998, 7 SCC 392)*)

10. Following time bound directions issued for compliance within a period of **four months** from the date of issue with further directions to file compliance report as to the steps taken by the individual states etc.
- (i) A **child** shall not be treated as an **under trial/convict** while in the prison with his/her mother.
 - (ii) A **pregnant woman**, if required to be lodged in a jail, shall be accommodated in a jail which has minimum **facilities for child delivery** as well as for providing prenatal and post natal care for both, the mother and the child.
 - (a) As far as possible and provided she (pregnant woman) has a suitable option, arrangement for **temporary release/parole** (or suspended sentence in case of minor and casual offender) should be made to enable **delivery outside the jail**.
 - (b) **Births in prison**, while being registered in the local birth registration office, shall mention the address as the locality and **prison shall not be mentioned** and recorded in the **certificate of birth** that is issued.
 - (iv) A female prisoner to be allowed to keep her **child** with her till the age of **six years**. Thereafter, the child to be handed over to a suitable **surrogate** as per the wishes of female prisoner or shall be sent to a suitable institution run by the Social Welfare Department.
 - (v) (a) Children in jail shall be provided with **adequate clothing** suiting the local climatic requirement.
 - (b) **Dietary** scale laid down and **separate food** shall be provided to the children keeping in view their growth needs.
 - (c) Separate utensils, clean drinking water, vaccination, **medicare**, clean and hygienic sleeping facilities etc shall be provided for children and their prisoner mother.
 - (vi) Proper educational and recreational opportunities, **crèche** and **nursery** shall be provided in the jail.
 - (vii) **Jail Manuals** of the states shall be suitably amended to conform to the aforesaid directions.
 - (viii) **State Legal Service Authorities** to inspect jails in order to monitor compliance with these directions.

- (ix) Courts shall give **priority** to the cases of women prisoners accompanied by children to ensure expeditions disposal of cases pending against them.

(R.D. Upadhyay Vs State of Andhra Pradesh & Ors. (Writ Petition Civil 559 of 1994)

- 11.** Where the under trial has been in jail for **longer** period than the **maximum term** he would have been sentenced to, if convicted, his detention in jail is violation of **Article 21** and, therefore, he has to be released forthwith. ***(State of AP Vs Challa Ramkrishna Reddy (A./:R, 2000 S.G. 2083).***
- 12.** Government should examine the question of framing of a **model new All India Jail Manual**. ***(Rama Murthy Vs State of Karnataka (1997 2SCC 642).***
- 13. Disposal of cases of Undertrials-** the SC directed the quashing of all proceedings against persons accused of offences under the Motor Vehicles Act where the proceedings were initiated more than one year ago and are still pending; unconditional release of accused wherever maximum sentence under the law is maximum of six months; unconditional release wherever the accused is in prison for more than 3 years and the maximum punishment is not more than 7 years ***(common cause vs. Union Of India (AIR1996 SC 1620))***

PAPER ON PRISON POLICY

OBJECTIVES BEHIND INCARCERATION-

- (a) Nobody is born as a criminal; it is the circumstances, societal constraints, inherited environment and at times accidents, which makes him a criminal. So, it is a societal concern and there needs to be total overhaul in our strategy in dealing with the prisoners. The mantra of the day should be “Reclaiming of these offenders rather than Punishment”.
- (b) Prisons shall endeavor to reform, reclaim, re-assimilate and rehabilitate the offender in the social milieu by providing appropriate correctional treatment.
- (c) The resources’ constraints with the state governments limit the scope of expansion in prison capacity beyond some reasonably manageable level. This logically brings us to the subject of thinking of ‘alternatives to imprisonment’ in our sentencing policy.
- (d) The atmosphere of prisons should be surcharged with positive values and the inmates should be exposed to a wholesome environment with appropriate opportunities to reform themselves.
- (e) The State recognizes that a prisoner loses his right to liberty but still maintains his right to be treated as a human being and as person. His human dignity shall be maintained and all basic amenities should be made available to him. Whereas his movement is restricted, he has freedom of life and all other fundamental rights as laid down in the Constitution of India.
- (f) The endeavor shall be to hit the root cause of the crime, i.e. poverty, unemployment, lack of education and employability skills rather than imparting of punishment only. Therefore, the focus shall be on correctional administration and imparting of values, education, vocational skills & training to help them live with honour by having gainful employment and rehabilitation on release.
- (g) The young children, especially of the women convicts, shall be treated with dignity and all the facilities for their proper upbringing & education shall be made available to them by the State.
- (h) Effort should be to reform the criminal minds rather than punishing them alone. This could be achieved by involving the criminal minds and keeping them busy in education, work, physical exercises and instilling good values through counseling, meditation, yoga etc.

- (i) The number of under trials and convicts shall be kept at minimum by recourse to a number of legal measures such as fast track courts, Lok adalats and even through appropriate judicial interventions.
- (j) The prisons shall be modernized and technologically upgraded so as to make them safer, more secure, efficient, livable and transparent in their functioning.
- (k) impetus needs to be given to the concept of OPEN prisons which supposedly provide a much more humane treatment to the inmates for their transformation and correction

MEASURES TO BE IMPLEMENTED BY THE STATE GOVERNMENTS/UT ADMINISTRATIONS FOR ACHIEVING THE OBJECTIVES LAID OUT

1. Infrastructure & Physical Conditions of Prisons

- 1.1. Remove overcrowding in prisons by creating additional capacity taking into account the existing overcrowding as well as future requirements. A fifty years vision must be kept in mind while constructing new prisons.
- 1.2. Provide infrastructure as per normative standards for human living in consonance with human dignity. All prisons to be constructed and maintained on the basis of certain well defined universally accepted norms & standards. the states to build new prisons on the concept of **model prisons**, be it the Central Prison, District Prison or even Sub-Prisons where some basic international norms and standards are to be followed
- 1.3. All accommodation provided for the use of prisoners and, in particular, all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
- 1.4. Proper water and sanitation system should be in place in every prison. A norm should be adopted to construct flush latrines and bathrooms for the prison inmates which shall enable them to comply with the calls of nature in due privacy when necessary and in a clean and decent manner.
- 1.5. Every prisoner shall be provided at the usual hours with food of nutritional value, adequate for health and strength, of wholesome quality and well prepared and served
- 1.6. Prisons will ensure separation of different categories of prisoners like Women, Young Offenders, first time offenders, Under-Trials, Convicts, Civil Prisoners, detenus, High security prisoners etc. Such a segregation of prisoners shall be done in a rational and scientific manner. This shall facilitate their appropriate treatment with a view to their social rehabilitation

as also control unnecessary & undesirable influences. Young offenders and the mentally sick shall not be detained in prisons as far as possible.

2. Legal Policy Framework

- 2.1 Inadequacies of the legal provisions in the context of modern day prison management philosophy need to be removed. Decriminalization of petty offences is the need of the hour to decongest the overcrowded prisons and apply the limited resources of Criminal Justice System to more serious offences and offenders.
- 2.2 An immediate review of legal provisions to expand the list of compoundable offences. Parole, remission and other options of pre-mature release also need to be expanded.

3. Custodial Management

- 3.1 The primary responsibility of the prison is to ensure safe and secure custody of the inmates. The custody shall be, depending on the offence of the prisoner, in an open prison, normal prison or even a high security prison. The Government shall encourage a system of graded custody of prisoners to ensure smooth rehabilitation.
- 3.2 Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well ordered community life, with due regard to the maintenance of the rights of prisoners.
- 3.3 The overall objective of reforms and rehabilitation has to be pursued within the framework of custody.

4. Rights and duties of Prisoners

- 4.1 Prisons will ensure that prisoners retain all their rights as human beings within the limitations of confinement/ imprisonment. Right to non-deprivation of fundamental rights guaranteed by the Constitution of India will be ensured except in accordance with law prescribing conditions of confinement.
- 4.2 Right to integrity of the body; immunity from use of repression and personal abuse, whether by custodial staff or by fellow prisoners.
- 4.3 Right to integrity of the mind; immunity from aggression by staff or by fellow prisoners.
- 4.4 Right to fulfillment of basic human needs such as adequate diet, medical care & treatment, access to adequate clean drinking water, access to clean and hygienic conditions of living, accommodation, sanitation and personal hygiene, adequate clothing, bedding and other equipment.

- 4.5 It shall also correspondingly be the duty of every prisoner to obey lawful orders, rules & regulations and instructions issued by the competent prison authorities and to respect the dignity and the right to life of every inmate, prison staff and functionary and to abstain from hurting the religious feelings, beliefs and faiths of other persons.

5. Contact with Outside world

- 5.1 Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his/ her family members, relatives, friends and legal advisers for family affairs/ legal help with adequate safe guards including reasonable facilitation for foreign nationals to communicate with their diplomatic and consular representative.

6. Women Prisoners

- 6.1 Separate prisons for women offenders wherever feasible. At other places the women prisoners shall be kept in a strictly secluded female enclosures/ wards.
- 6.2 There shall be special accommodation for all necessary pre-natal and post natal care and treatment. Expectant Women or Women with Infants should have a system of parole to deliver the baby outside the prison and thereafter to bring up their infant in normal society upto certain age.
- 6.3 All women prisoners, and their children living with them in prison, should be provided the basic facilities to keeping in view the guidelines framed by the Supreme Court in case of R.D. Upadhyaya vs State of Andhra Pradesh & others.
- 6.4 Educational and crèche facilities should be provided to the children living with their mothers in prison
- 6.5 There should be better visiting area for women inmates to meet their children. No meeting behind bars for women and their Children.

7. Medical Facilities in Prisons

- 7.1 At every institution (Prison), there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The doctors shall be regularly trained with regard to the specific requirements of prisons like, HIV issues, homo sexuality issues, drug addiction etc..
- 7.2 The Central prison should have a proper hospital/ dispensary with a well equipped Laboratory with testing facilities and adequate availability of medicines depending on prison population. There should be a proper

medical examination and a subsequent yearly medically examination of the inmates and their proper medical record maintained.

7.3 Diet menu should be drawn by Dietician keeping in view the demographic composition of prison population.

8. Management & Administration of Prison

- 8.1 There is a need to make effective use of the technological advancements including Information & Communication Technology in the management of Prisons for effective and transparent administration. Modern electronic security gadgets be promoted in every prison
- 8.2 Video conferencing should be introduced in every central prison and district prison which can be used for extension of remand and even for trial purposes.
- 8.3 There shall be an active Grievance redressal system in every prison which will provide every inmate the legitimate opportunity to voice his grievances.

9. Correctional Administration

- 9.1 Correctional work shall aim at bridging the gulf between the offender and the mainstream society.
- 9.2 The aim of various correctional programs in prisons should be to channelise prisoner's energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them an awareness of futility of leading a criminal life and uplifting them morally, mentally and socially.
- 9.3 Meditational therapies and practices like Yoga, Vipasana and Art of Living etc. shall be promoted to erase the memory of past bad experiences among prisoners.
- 9.4 We should use the physical strength of these inmates for developmental work, games and other physical activities as much as possible;
- 9.5 Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and the physical health of the prisoners
- 9.6 After care institutions shall be established within the framework of the Government or by co-opting private bodies/NGOs with a view to secure rehabilitation of released prisoners

10. Education, Vocational Training and Work Programmes

- 10.1 The range of reformative and rehabilitative programmes should aim at raising the educational and vocational skill levels; The skills imparted should improve the employability of the prisoner to prepare them for employment or self-employment after release;
- 10.2 The welfare schemes being run by the various developmental and welfare departments of the state could pick up beneficiaries from the prisons inmates as well.
- 10.3 A Government supported prison industry policy is required to ensure effective learning, channelizing the physical & mental energies of inmates and thus making them good & responsible citizens.
- 10.4 A system of payment of appropriate wages for the work done shall be established which shall be reviewed periodically.
- 10.5 While organizing work programmes and production policy for planned employment of inmates, the factors like mental and physical health, requirements of security, custody and discipline, age, length of sentence, inmate's skills and abilities and also potential for acquiring new skills, urban /rural background etc. should be taken into consideration
- 10.6 The vocational training and work programmes may be out sourced to the credible training institutions of repute and help from NGOs may also be sought for the same with adequate safe guards.
- 10.7 Encourage inmates to join correspondence courses from National Open Universities/ Institutes.
- 10.8 The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from any industry in the prisons.

11. Welfare of Prisoners

- 11.1 The starting point of all welfare programmes shall be the initial classification of the prisoner and the study of individual inmates.
- 11.2 The welfare programme shall include periodical review of progress and re-classification of prisoners, review of sentence and pre-mature release, planning for release, pre-release preparation and after care.
- 11.3 Different national events & festivals like Independence day, Republic day etc. as also sports day and cultural festivals shall be organized in the prisons so as to inculcate the feelings of brotherhood and patriotism amongst the prisoners.

11.4 Active public participation in treatment of offenders shall be encouraged

12. Prison Staff

- 12.1 The functioning of prisons up to expected level of operational efficiency and efficacy depends upon the quality of prison staff available. Service conditions of prison personnel shall be such as to secure and retain the best suited and qualified persons both for custodial as well as correctional administration.
- 12.2 Prison campus should cater to the housing needs of the staff as well as community centre to cater to the needs of staff and their children in order to ensure their stay within the prison premises. Recreational facilities to staff be provided within prison campus
- 12.3 After entering on duty and during their career, the personnel shall improve their knowledge and professional capacity through regular in-service training, both at the national and international level with focus on physical training, correctional & custodial administration, Gender sensitization etc.
- 12.4 The State Government should provide basic training to the prison officials at the entry level itself and thereafter they should be encouraged to attend refresher courses meant for them and are conducted by various training academy of the State Governments.
- 12.5 At the national level under the Ministry of Home Affairs following institutes contribute in a significant way to provide advanced specialized in-service training for the prison personnel at the regular level:-
- (i) Bureau of Police Research & Development, New Delhi
 - (ii) LNJN National Institute of Criminology and Forensic Science, New Delhi
 - (iii) Institute of Correctional Administration, Chandigarh.
 - (iv) Regional Institute of Correctional Administration, Vellore.

13. Legal Aid Facility

- 13.1 For the purpose of his defence, an under-trial prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence. Legal Aid Cell in each prison shall be maintained to help in processing the legal aid applications.
- 13.2 For this purpose even NGOs and Law students could be encouraged to contact the prisoners and their families on a regular basis to fulfill the requirements of approaching the court.

13.3 Lok Adalats/ special courts should be held in each prisons to expedite disposal of cases.

14. Encouraging Alternatives to Imprisonment

14.1 In order to de-congest prisons, the alternatives to imprisonment shall be explored by proper amendments in the various statutes. 'Probation' and 'Parole' system which provide alternatives to the imprisonment at conviction and post conviction stage do not seem to have been practiced to exploit their full potential which needs to be explored.

14.2 Community Service, forfeiture of property, payment of compensation to victims, public censure etc should be introduced as an alternative for offences under small cases such as Excise Act and minor theft cases and other minor offences.

ANNEXURE-IV

Important Observations made by the Sub Committee of the Department Related Parliamentary Standing Committee of the Ministry of Home Affairs

1. Necessary steps may be taken to reduce overcrowding in jail.
2. The State Governments should take the initiative to ensure that the provisions of the Model Prison Manual are complied with.
3. The young offenders/under trials need to be kept separately as when they are kept with other hardened criminals, they often commit more serious crimes after release from Jails.
4. The State Governments shall effectively invoke Sections 436A, 436(i) and 265 to 265 L of the Cr.PC, 1973 with the objective to reduce the overcrowding and languishing of undertrials in jails. All the concerned authorities may use these legal provisions which would help in reducing the burden on the prison infrastructure.
5. The Model Prison Manual shall be implemented by the State Governments so as to maintain uniformity in the prison administration throughout the country which will go a long way in effecting prison reforms.
6. The States should have atleast one prison exclusively for women depending upon the average number of women prisoners in the respective State.
7. The States should create infrastructural facilities like crèches for the accompanying children of women prisoners, hygienic living conditions and provision of separate kitchen for women prisoners.
8. The existing medical facilities in the prisons should be overhauled and one police escort party should always be provided to accompany a prisoner requiring emergency medical attention.
9. The old system of shaving should be dispensed with and each prisoner should be provided a separate disposable razor to check the spread of HIV/AIDS among the prisoners.
10. Steps should be taken to make the procedure of visits to jail inmates transparent in all the prisons of the country and there should be a mechanism to get the feedback from the relatives of the inmates. The modern visitors' chamber should be constructed in place of ramshackled ones in which there would be transparent glass façade and intercom facilities so that the prisoners' visitors can talk while looking at each other.
11. The telephone facility should be provided in some selected prisons of the country on a trial basis. The inmates could use this facility in the presence of a jail staff. The telephonic conversation could also be taped which would help in tracking the connections of the hardened criminals.

12. Prison workshops need to be urgently modernized and they should function like small modern industrial units with latest equipments.
13. The daily wages of the convicted prisoners working in the prison workshops need to be increased. Simultaneously, these prisoners should also be given the option of working extra hours to earn more money. The undertrials should be given an opportunity to work in the prison workshop, if they willingly agree to do so.
14. There should be an effort to achieve total literacy among prisoners across the country. There should be facility of correspondence courses in vocational disciplines in the prisons and degrees/diplomas should be awarded to the prisoners after successful completion of their course so that they could lead a normal life in the mainstream of society, after their release.
15. The Government may consider opening of ITI-like institutions within the jail premises to impart industrial training in various disciplines to the inmates, which would go a long way in rehabilitating them after their release. In this context, the State authorities can also consider converting existing prison workshops into ITIs.
16. Every State Government should introduce "Mobile Petition Box" for prisoners to give suggestions and complaints.
17. The existing vacancies of prison staff must be filled up expeditiously and new posts for which proposals have already been sent, be created at the earliest. Further, the State Governments should post young and dynamic officers as Jail Superintendents for effective and meaningful management of Jails.
18. Every State should have such open jails where the prisoners having good conduct and who have spent considerable years of their sentence, could be sent.
19. The power of giving character certificate be entrusted to the respective Jail Superintendents as they are the authorities who had been closely watching the activities of the inmates for a long time.
20. Necessary steps should be taken by each of the State Governments to prevent supply of drug in jail.
21. Our mindset towards prisoners should undergo a change so that a prison truly reflects the spirit of correction and reformation by treating the inmates as human beings.