

SUMMARY OF RECOMMENDATIONS

REALITIES IN INDIAN PRISONS

1. For making the present prison system conducive to the achievement of desired objectives, certain basic pre-requisites should be ensured which would constitute the foundations on which the Indian prison system can be restructured.

LEGISLATION

2. Directive Principle on National Policy on Prisons should be formulated and embodied in Part IV of the Constitution.

3. The Subject of prisons and allied institutions should be included in the Concurrent List of the Seventh Schedule of the Constitution of India.

4. All the Acts pertaining to prison administration should be consolidated in a uniform and comprehensive legislation enacted by the Parliament for the entire country.

5. In case the subject of prisons and allied institutions is not brought under the Concurrent List, the Government of India should prepare a model Bill for being adopted by all the States and Union Territories.

6. Immediate steps should be taken by the State Government /Union Territory Administrations to frame rules under the prison statute.

7. Revisions of jail manuals of the States and Union Territories should be given top priority.

8. Standing executive instructions issued for meeting certain situations on for efficient running of prison administration should be separately bound as reference material for the prison personnel.

9. Operations manuals on various subjects of prison management should be prepared and made available to the staff for guidance.

10. A separate legislation for young offenders should be passed to replace the present Borstal School Acts.

11. Civil prisoners should not be detained in jails meant for convicted and criminal prisoners.

12. The Union and State Governments should conduct a qualitative and quantitative analysis of legislation, etc., to examine possibilities of delegating

certain areas of human and social behaviour and take necessary action in this regard.

13. Serious thought should be given to policies of decriminalisation, deperalisation and deinstitutionalisation at the legislative level.

14. In the preamble of the Indian Penal Code specific mention should be made about protection of society through the reformation and rehabilitation of offenders as objective of punishment.

15. The Indian Penal Code should be suitably in the light of the contemporary ideology of reformation and rehabilitation of offenders, e.g., it may provide alternatives to prison sentences and eliminate distinction between simple and rigorous imprisonment.

16. (a) Section 302 of the Indian Penal Code should be suitably amended so that (i) it is only in cases of murder with aggravating circumstances that death is prescribed as one of the punishment; and (ii) in other cases of murder, courts are given discretion to impose imprisonment for life or imprisonment for a lesser term.

(b) Imprisonment for life should be imprisonment for a fixed term extending over a reasonable period of time which may be determined by the legislature and incorporated in the Indian Penal Code.

17. Section 302 of the Indian Penal Code should be deleted and its provision brought suitably under the proposed section 302 of the Indian Penal Code.

18. Undertrial prisoners continue to be detained in prisons for long periods. A review on an all India basis should be undertaken to find out whether the provisions of the Code of Criminal Procedure in this regard have been fully implemented.

19. The Code of Criminal Procedure should be so amended as to provide that as soon as an under trial prisoner completes period of detention equal to half of the maximum sentence award able to him on conviction, he is released immediately and unconditionally.

20. Section 433 A of the Code of Criminal Procedure should be suitably amended so that such lifers as offer good prognosis for reformation and rehabilitation can generally be released after 8 to 10 years of actual imprisonment.

21. Preventive sections of the Code of Criminal Procedure, specially section 109, should be reviewed and amended suitably to restrict their use only in very genuine cases.

22. Section 423 of the Code of Criminal Procedure should be suitably amended so that the period spent by an undertrial in detention during investigation, inquiry or trial could be as sentence served in case he is sentenced to life imprisonment.

23. The Code of Criminal Procedure should be amended so as to provide for investigation in case of all offenders liable to be sentenced to life imprisonment.

24. The probation of Offenders Act, 1958 should be fully implemented in every district of each State and Union Territory.

25. Non-criminal inmates should not be detained in prisons. The mental Health Bill should be passed expeditiously.

26. Children Act should be enacted and implemented in every district and State/ Union Territory.

27. Disposal of mercy petitions should be expeditiously done and in no case should it take more than six months.

28. Habitual Offenders Act should be amended in the light of the provisions of Chapter XLIII of the Model Prison Manual.

PRISON BUILDINGS

29. The State Governments and Union Territory Administrations should undertake an in depth survey, to be completed within a year of prison buildings with regard to minimum need essential to maintain standard comfort.

30. The work plan which may be prepared as a result of the survey should be executed within 2 years.

31. Old prison buildings which have outlived their utility should be demolished. Each State Union Territory should prepare a comprehensive plan for re-modeling and repairing other existing prison buildings so as to make them functional. Funds for the projects should be made available by the Central Governments.

32. The State Governments and Union Territory Administrations should draw within one year a Master Plan for the construction of prison buildings on the principles laid down.

33. The estimated financial outlay on new buildings would be about Rs. 376 crores. This amount should be made available by the Central Government.

34. The National Commission on Prisons, the National Buildings Organisation and the national Institute of Social Defence should coordinate to evolve

standards and norms for buildings of different categories of prisons. The National Commission on Prisons should monitor the observance of these standards and norms.

35. A special cell with necessary staff and expertise from Prison Department should be established at the National Buildings Organisation to design model plans of buildings of different categories of prisons.

36. There should be four types of living accommodation.

(a) Barracks with accommodation for twenty inmates;

(b) Dormitory accommodation, each dormitory providing accommodation for four to six prisoners;

(c) Single seated rooms for the prisoners needing privacy for pursuing studies, etc.;

(d) Cells for segregation inmates from the point of view of security and punishment.

37. Cells should be fitted with latrines and existing cells should not be used until this facility is provided in them.

38. There should be a separate kitchen for 200 inmates.

39. Each prison should have independent arrangement for water supply for the inmates in the form of tube-wells or handpumps.

40. Annual repairs/renovation of prison buildings should be done by the prison department for which adequate funds should be placed at its disposal.

41. New works costing up to Rs. 2 lakhs should be executed by the prison department.

42. A special cell under a Superintending Engineer should be set up at the prison head quarters of each state.

43. All constructions in prison department should adhere to ISI standards.

44. New prison buildings should be constructed close to cities but away from crowded areas.

45. No building other than prison building should be constructed within 100 meters of the prison campus.

46. Old prison buildings surrounded by crowded localities should be remodeled to house undertrial prisoners.

47. All additional institutions to accommodate any future increase in convict population should be of open or semi-open type.

48. Housing for prison staff should be developed on modern lines with adequate community facilities.

LIVING CONDITIONS IN PRISONS

Diet

49. The system of purchasing food articles through contract system should be discontinued. Food articles should be purchased from Government distribution agencies or cooperative societies. Fuel should be purchased from the forest department.

50. Food articles should be of good medium quality. The system of purchasing cereals pulses of the cheapest rate wherever in vogue should be discontinued.

51. There should be two types of diet, one for the labouring and the other for non-labouring prisoners.

52. Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners.

53. Norms of prison diet should be laid down in terms of calorific and nutritional value, quality and quantity. Adequate checks should be provided to ensure that prisoner get diet as per rules.

54. Cooking and serving utensils should be made of appropriate metals.

55. Management of kitchens or cooking of food on caste or religious basis should be totally banned in prisons.

56. Prisoners should get special diet on religious festivals and national days as may be specified in rules.

57. Each kitchen should for not more than 200 prisoners.

58. There should be two shifts of workers in the kitchen. Paid cooks should be employed wherever needed.

59. Prison kitchens should be modernised in terms of substitutes of fuel.

60. To break the monotony of prison diet menus should be prepared in advance under the guidance of nutrition experts.

61. Prisoners Panchayats, under proper supervision of prison staff should be associated with preparation and distribution of food, etc.

62. Some prison officials should be given special training in dietary and management of kitchens and uh officials should be put in charge of supervising kitchens.

63. Prison officers should supervise every aspect of the prison diet system.

64. Medical officer should ensure that food is cooked under hygienic conditions and is nutritious.

65. Prisoners should be given such food as is normally eaten by people in the region.

66. Clean drinking water should be supplied to prisoners and it should be tested periodically.

67. Prisoners should be served food in clean, hygienic and covered places.

68. Normally the time for serving evening meals should be 7.30P.M. For this purpose the time of lock-up should be shifted further by 2 to 3 hours.

69. Bartering of food articles should be totally banned.

70. Prisoners should not be allowed to have their own mini kitchens inside the prison barrack.

Sanitation and hygienic

71. Open spaces and roads inside the main wall of the prison should be asphalted leaving enough space for flower beds.

72. Open gutters and sewers should be covered. Wherever possible prisons should be connected to the public drainage and sewer systems.

73. The ratio of latrine to prisoners should be 1:6

74. The system of open basket-type latrine should be discontinued. The system of carrying night soil as headloads should be stopped forthwith.

75. Flush septic latrines should be provided in every barrack and cell.

76. Adequate number of separate urinals should be provided.
77. Every prison should have arrangements for storing enough water for at least a week.
78. Every prison should provide cubicles for bathing at the rate of 1 for 10 prisoners, with proper arrangements to ensure privacy.
79. Separate platforms for washing clothes should be constructed.
80. Properly equipped laundries for washing, disinfection and fumigation of clothing and bedding should be set up at each central and district prison.
81. Medical officer of the prison must look after all aspects of prison sanitation and hygienic.
82. Every prison should be got thoroughly inspected by the local public health officer periodically.

Clothing, bedding and equipment

83. Clothing supplied to prisoners should be proper and adequate.
84. Children allowed to stay with woman prisoners should be given suitable clothing similar to that normally used by children in the free community.
85. The period of life each articles of clothing should be fixed in accordance with the type of cloth used and the wear and tear involved.
86. Every prison should maintain a repair unit where prisoners clothing can be repaired.
87. Prisoner clothing, bedding and other equipment should be washed, sterilized disinfected or fumigated regularly.
88. Bedding and other articles issued to prisoners should be adequate.
89. Prisoners should be allowed to purchase footwear at their own cost from prison canteens.
90. Each housing unit should have certain minimum facilities.
91. All articles of prisoners bedding, clothing and other equipment should be inspected by the superintendent at least once in a week to ensure that proper standards are maintained.

Letters

92. Each prison should have a section under the control and supervision of an experienced assistant superintendent to deal with all matters pertaining to the mail of inmates.

93. On initial admission or on admission on transfer from another prison a printed card should be sent to the family of the prisoners containing detailed information about him.

94. Whenever a prisoner is transferred from a prison, intimation of such transfer should be sent to the family of the prisoners.

95. Spouse/family members or close relative of a prisoner should be telegraphically informed about prisoners serious illness and removal to a hospital for medical treatment or for treatment of mental illness.

96. On admission each prisoner should be asked to give a list of persons with whom he wants to correspond.

97. There should be no limit on incoming letters for prisoners.

98. There should be no restriction on the number of letters prisoners may send at their own cost. However, at government cost an undertrial should be allowed to write two letters per week whereas a convict should be allowed to write one letter per week.

98. Illiterate or semi-literate prisoners should be provided help in writing letters.

99. Guidelines for censorship of letters should be formulated so that censorship of letters is done on the basis of human considerations.

100. The scale of interview for convicted and undertrial prisoners should be liberalized.

101. Facilities for interviews of prisoners should be humanized and conditions procedure governing grant of interviews rationalized.

102. A senior officer in charge of interviews should be responsible for grant of interviews as per rules.

103. Canteens should be organized in all the central and district prisons.

104. Canteen facilities should be extended to all prisoners.

105. Canteens should be run on the basis of marginal profit.

106. Each prisoner should have a canteen card in which the canteen credits and debits should be recorded.

107. Prisoners should be allowed to spend not more than half of the wages earned in prisons on purchases from canteens. In addition, prisoners should be allowed to spend upto Rs. 30 per month from their private cash for purchasing articles from the canteen.

108. Canteen accounts should be got audited every month.

109. Prisoners, panchayats should be associated with management of canteens.

Facilities

110. Certain other basis facilities should be provided to prisoners.

111. there should be a Board of visitors in each State and Union territory...

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114. A Board of visitors should be constituted for each central prison, district prison and sub-jail.

115. The functions of the Board of Visitors should be clearly laid down.

116. The Board of Visitors for an institution should visit such institution at least once in a month.

117. A copy of remarks entered in the Visitors Book by the Chairman or by any member of the Board should be forwarded by the Superintendent to the Inspector General of Prisons along with his comments for necessary action.

118. It should be the duty of the Deputy Inspector General of Prisons and the Inspector General of Prisons to meet the Board of Visitors whenever they visit the prison.

119. It should be obligatory on the part of both official and non-official visitors to pay visits to prison as per the schedule fixed by the Chairman of the Board.

120. Classification of prisoners A,B,C, or I, II, III classes on the basis of their social, eco-nomic and educational backgrounds should be abolished.

CHAPTER VII

MEDICAL AND PSYCHIATRIC SERVICES

121. (a) Medical officers should be deputed from the State Medical Service to prisons.

(b) The term of deputation of medical officers to prisons should be 3 to 5 years.

122. Immediately before or soon after joining at the prison, the medical officer should be required to undergo a short-term orientation course.

123. Every central and district prison should have two or more medical officers. A central prison with an inmate population of more than one thousand prisoners should have three medical officers.

124. At every prison where there is a sufficiently large number of woman prisoners (say, 25 or above), a whole-time lady medical officer should be appointed. Another prison arrangement should be made for part time lady medical officers.

125. Every central and district prison should have the services of a qualified psychiatrist who should be assisted by a psychologist and a psychiatric social worker.

126. The prison hospitals should have full contingent of staff according to their requirements.

127. A senior officer of the rank of Joint Deputy Director in the Medical Department should be deputed at the headquarters of the Department of Prisons and Correctional Services.

128. Medical officers posted at a prison will function under the control of the Inspector General of Prisons and immediately under the superintendent of the prison. For professional work, they will consult senior medical officers.

129. The Inspector General of Prisons and superintendents of prisons should make the work of medical officers stimulating by encouraging and involving them in research in collaboration with the Medical and Public health departments.

130. Adequate incentives should be provided to medical officers, psychiatrists and para-medical personnel deputed to prisons.

131. Medical officers associated with prisons on part-time basis should be paid proper honorarium or fee.

132. Duties of medical officers, Psychiatrists and psychiatric social workers connected with prisons should be clearly defined.

133. All central and district prisons should provide hospital accommodation for 5% of the daily average inmate population.

134. Buildings, equipment and other facilities for prison hospitals should conform to certain norms.

135. Visiting specialists from local hospitals should be arranged for treatment of ailments requiring specialised services.

136. Each State should have a fully equipped prison hospital manned by specialists for the treatment of prisoners requiring specialised treatment from all over the State.

137. Non-criminal lunatics should not be kept in or sent to prisons.

138. Criminal lunatics should be sent to the nearest prison having the services of a psychiatrist.

139. All criminal lunatics under observation of a psychiatrist should be kept in one barrack.

140. If a criminal lunatic undergoes trial and is declared guilty but insane he should be sent to the nearest mental hospital for further management.

141. If a criminal lunatic, after standing trial following recovery from his mental illness, is declared guilty of the crime he should undergo his term in the prison but should be under the care and treatment of the psychiatrist.

142. If an undertrial criminal lunatic fails to recover from his mental illness even after he has completed half of the maximum term awardable on conviction, his case should be submitted to the State Government for considering the withdrawal of the criminal case against him.

143. If a convict while undergoing his imprisonment becomes mentally ill, he should be shifted to the psychiatric wing of the prison hospital and placed under the observation of the prison psychiatrist.

144. There should be at least one separate prison hospital with a capacity for 100 inmates fully equipped for the care and confinement of criminal lunatics in eaching State.

145. Sick women prisoners should be treated in a separate enclosure attached either to the hospital section or to women section of the prison.

146. Proper medical facilities should be provided in sub-jails.

147. Proper arrangements should be made for the care and treatment of old, infirm and debilitated prisoners in a separate ward.

148. Requirement of drugs for three months should be stocked in the prison hospital.

149. The medical officer in charge of prison hospital should in accordance with prison rules and in consultation with the superintendent, work out criteria for the prescription of special medical diet to prisoner and these criteria and the special medical diets prescribed under them should be reviewed from time to time.

150. The medical officer will assist the superintendent in an emergency situation.

CHAPTER VIII

SECURITY AND DISCIPLINE

151. From the point of view of security and discipline, prisons should be classified into special security prisons, maximum security prisons, medium security prisons and minimum security prison---(semi-open prisons, open prisons and Sanganer type camps).

152. Every prison should be provide with adequate custodial staff to ensure that no one is required to work for more than 8 hours a day, besides a days rest every week.

153. A time-bound plan for the improvement of old prison buildings with a view to ensuring proper security should be drawn and implemented.

154. Each jail should be provided with basic requirements of security.

155. An officer of the rank of deputy superintendent should be appointed at each special security and maximum security prison for discharging the duties of a whole time security officer.

156. Adequate staff should be posted at jail gates for conducting searches.

157. A statutory provision should be made to make it obligatory on the part of police to inform the superintendent of the prison about the antecedents of every dangerous convict undertrial admitted to the prison.

158. Prison staff should be trained in the use of devices for dispersing mobs in order to minimise use of force.

159. Jails should be inspected at odd hours by range Deputy Inspectors General of Prisons to ensure proper observance of security measures.

160. The institution of convict officers discharging supervisory and disciplinary duties at present should be abolished in a phased manner.

161. All well-behaved convicted prisoners in good health who have completed one months confinement and who know counting should, by rotation, be employed in two hour shift, for counting of prisoners inside barracks at night.

162. Preventive measures for ensuring security through segregation and imposition of letters should be very discreetly used. Prisoners should have the right to appeal to the Inspector General of Prisons against the restrictions imposed on them.

163. The superintendent should have the power to use preventive measures to the extent prescribed for ensuring security and control.

164. Any use of preventive measures beyond the prescribed limits should be subject to approval of the District Judge or the Chief Judicial Magistrate having jurisdiction over the the prison.

165. Fetters and handcuffs should not be imposed undertrial prisoners except when they have a credible tendency to violence or escape.

166. Provisions regarding segregation and imposition of fetters as measures for ensuring security contained in the prisons Act, 1864 should be suitably revised.

167. Contingents of special security guards should be posted at each jail for .to and from hospitals for specialized treatment.

168. Each district hospital should have a separate prisoners ward with a room for the guards so that sick prisoners are not made to stay with other patients in the general ward.

169. Provisions with regard to security and custody of prisoners contained in Chapter XVI of the Model Prison Manual and these for meeting emergent situations in prison contained in Chapter LIII of that Manual should be implemented.

170. Disciplinary problems in prisons should be tackled with fairness, politeness and firmness.

171. Progressive stage system should be introduced in the jails.

172. Acts and omissions identified in Chapter XXXI on discipline of the Model Prison Manual should constitute prison offences.

173. Some of the existing prison punishments should be abolished and some new ones introduced.

174. The procedure for dealing with complaints against prisoners should be rationalised.

175. Newly admitted prisoners should be given a booklet printed in local language containing information regarding regulations governing various aspects of prison life.

176. Facilities available to prisoners to file appeal/revision review or to make other applications in regard their criminal cases should be improved. Prisoners may also be provided free legal aid in such matters.

177. The procedure for dealing with genuine complaints and grievances of inmates should be rationalised.

178. Prison administration should exercise constant vigilance and alertness to locate areas of discontent among prisoners, which may lead to mass indiscipline and take quick remedial measures.

179. Prisoners Panchayats should be involved in matters pertaining to inmates self management and self-improvement in day-to-day life.

180. The intelligence branch of the local police should be actively involved in the detection and prevention of smuggling of contraband articles in the prisons. The vigilance cell in the headquarters organization of the Department of Prisons should also pay proper attention to this aspect of prison security and discipline.

SYSTEM OF CLASSIFICATION

Diversification of institutions

181. Diversification of institutions should be evolved for basic segregation and treatment of homogeneous groups of prisoners.

182. Each State, Union Territory should evolve a system of classification of prisons according to its requirements.

183. Homogeneous groups of inmates should be kept in appropriate classified institutions.

184. In large States classification of prisons should be done on a regional basis.

185. Small States and Union Territory where diversification of institutions is not feasible because of a very small number of prisoners and institutions should utilise this facility in neighboring States or apply principles of diversification in separate yards/enclosures/wings of each institution.

186. Diversified institutions should be set up by each State/Union Territory according to its requirements.

187. With the construction of new prison buildings and establishment of semi-open and open prisons the pressure on existing prisons will be reduced to a great extent. These institutions can be converted into medium, maximum and special security institutions for adult offenders and into Reception Centres and Kishore/Yuva Sadans for young offenders.

188. In every central and district prison a reception Centre should be established for initial classification of convicted prisoners.

189. Panels of experts should be appointed by Government of India on a regional basis to assist the States and Union Territories in the region to prepares a basic plan for setting up a system of classified institutions.

Classification of Prisoners

190. The principles of classification included in the report of the All India Jail Manual Committee 1957-59 should be adopted on an all India basis.

191. The aims and objectives of classification as laid down in Chapter XIX of the Model Prison Manual should be kept in view while undertaking classification of prisoners.

192. A reception Centre should be set up in every central and district prison where prisoners sentenced to more than one year should be initially classified by a classification committee consisting of professional staff.

193. The principles of keeping prisoners as near his hometown as possible should be broadly kept in view at the time of classification of inmates.

194. Provisions of the Model Prison Manual regarding procedure for initial classification, stage of classification and reclassification procedures decisions of the classification committee, progress reports review of progress reclassification contents of the inmates case file should be adopted by each State and Union Territory.

195. Proper forms of history sheet, initial classification sheet and progress report should be adopted.

Typology of crime

196. Research should be undertaken to develop a typology of crime in the context of the current patterns of crime in India.

197. Newly admitted prisoners should be broadly categorized into socially conditioned criminals and individualized criminals.

198. In each State and Union Territory study groups should be set up for the purpose of undertaking studies of various patterns of crime. The reports of these study groups should be utilized for evolving classification of prison on scientific basis.

199. The existing legal provisions in regard to the classification of habitual offenders should be suitable amended.

200. Every prison officer should be given through training in behavioral science and techniques of social work.

CHAPTER X

TREATMENT PROGRAMMES

201. Treatment programmes should be properly planned and developed. They should be regarded as an integral part of prison programmes.

202. The atmosphere of prisons should be surcharged with positive values and the inmates should be exposed to wholesome environment with opportunities to reform themselves.

203. Inmate-personnel relationship prisons should be based on mutual trust and confidence.

204. Discipline in prisons should be firm and positive so that treatment programmes may be carried out uninterruptedly and effectively.

205. Treatment programmes should be individualized.

206. Prison staff should promptly attend to the immediate needs of newly admitted inmates.

207. Treatment of offenders through diversified work programmes and vocational training should be the focal point of prison activities.

208. Each State/ Union Territory should reformulate its prison educational policy and programmes.

209. Educational programmes in prisons and in Kishore/Yuva Sadans should be integrated with the educational system in the States/Union Territories.

210. Diversified educational programmes should be organized for different groups of inmates.

211. Inmates who have reached a certain stage of education should be allowed to continue their education either as regular students of schools/colleges or through correspondence courses.

212. Special attention should be paid to the development of suitable educational programmes for women prisoners.

213. The Inspector General of Prisons and Director of Correctional Services should formulate a detailed educational programme for each institution in consultation with the State education department.

214. It should be one of the primary responsibilities of the prison superintendent and other prison personnel that programme of education is implemented in its proper spirit.

215. Programmes of adult education, social education and moral education should also be organized in subjects.

216. Literate inmates whose conduct is good should be given training in imparting education to other inmates and they should assist the educational personnel of the institution.

217. The strength of educational personnel at each institution should be fixed in accordance with its requirements.

218. Social, moral and health education lectures should be organized.

219. Each State and Union Territory should accept and adopt the basis essential elements of recreational and cultural activities for each institution.

220. The inspector General of Prisons of each State/ Union Territory should formulate a plan for recreational and cultural activities for each institution.

221. Recreation should be properly designed and planned. It should also be adequately guided and supervised.

222. Recreation should be treated as incentive for good behaviour and self-discipline.

223. Appropriate recreational and cultural activities should be provided in prisons.

224. Each central and district prison and Kishore/Yuva Sadan should have a 16mm film projector.

225. Library of good films should be developed at the headquarters organization.

226. Every prison and allied institution should have a proper library with sufficient number of newspapers, periodicals and books.

227. Every prison and allied institution should have annual sports meet. Inter-institution and inter-state sports meets of inmates should also be organized.

228. Every prison and allied institution should have a committee for recreational and cultural activities comprising carefully selected inmates.

229. The Department of Prisons and Correctional Services should maintain close liaison with the Department of Sports and committees for recreational and cultural activities at the district and state level.

230. Continuity contacts of prisoners with their family members and the community should be maintained.

231. Various incentives of the prison system should be judiciously used to promote self-discipline and modification of behaviour of inmates.

232. Techniques of casework, group work, individual and group guidance, and counseling should be applied in prisons as measures of treatment of offenders.

233. Anti-social value schemes of offenders should be replaced by proper habits and attitudes through individual guidance.

234. Psychotherapy, which has been recognized as an effective measure for treatment of prisoners suffering from mental disorders, should be used in prisons.

235 Supportive therapy should be used as technique of treatment of inmates.

236. Prison personnel should present such models of behaviour in their conduct before the inmates as would be useful for the offenders to inmate.

237. The impact of treatment programmes should be regularly reviewed through independent agencies. It should also be reviewed through in-built mechanisms in the prison system (such as periodical review of progress of inmates, re-classification of inmates, review sentences, after-care, follow-up, etc.)

238. Community participation in treatment programmes should be encouraged.

239. A prisoners Welfare Fund should be set up in each State/ Union Territory.

240. Daily routine in prisons and allied institutions should be regulated to provide for diversified treatment programmes. The locking-up time may be shifted by two to three hours after sunset.

CHAPTER XI

WORK PROGRAMMES AND VOCATIONAL TRAINING

241. Prison work programmes and vocational training should be integrated with national economic policies and development plans.

242. Certain specified objectives should form basic foundation for the development of work programmes and vocational training in correctional institutions.

243. Undertrial prisoners who volunteer to work should be encouraged to take up work programmes and receive vocational training.

244. Vocational training programmes in self-employed trades and occupations should be organized in every central and district prison.

245. Prison industries should be organized on business-cum-commercial basis.

246. While designing employment and production policies in prisons the composition of inmates coming from rural and urban areas should be taken into consideration and a variety of opportunities of work and vocational training should be created to cater for the heterogeneous inmate population.

247. Production units should be semi-mechanized and, where possible, fully mechanized.

248. Inmates should be given work experience in every section of a trade industry.

249. In the plan of re-organization of work programmes modernization and diversification of existing prison industries should receive due priority.

250. The possibility of introducing products according to market trends should be explored so that prison products may be able to reasonably satisfy customers expectations.

251. Various products of prison industries should be standardized in terms of specifications, patterns, designs, etc.

252. Tools and equipment should be such as would facilitate production of articles of good quality and should be standardized.

253. In every institution there should be a separate and properly organized maintenance workshop.

254. Adequate funds should be provided for annual replacement of equipment, accessories, spare parts etc.

255. Technical supervision should be improved and a system of quality control should be introduced at every stage of production.

256. A policy for purchase of raw material, consumable articles, stores, tools and equipment, etc., should be laid down.

257. The accounts and stores organization should be modernized on business-cum-commercial principles.

258. Costing of prison products should be done on a rational basis taking into account the various limitations and handicaps of prison management.

259. Comprehensive and detailed statistics for each service unit and production unit should be maintained on systematic basis.

260. An autonomous board for work programmes and vocational training vested with full fiscal and administrative powers, should be set up at the headquarters organization of the Department of Prisons and Correctional Services.

261. At the prison level there should be a committee to implement the policies and programmes as chalked out by the board.

262. Qualified technical personnel should be appointed in adequate numbers in every production unit and for every programme of vocational training.

263. The executive and supervisory personnel should be given training in modern methods of management.

264. Accounts branches should be constituted at the institutional, regional and headquarters level.

265. Accounts of production units should be properly audited.

266. Work programmes in an institution should be planned taking into consideration various relevant factors.

267. Based on plans of each institution a master plan should be prepared for the whole department.

268. The requirements of government departments, semi-government agencies, etc., in respect of prison products should be consolidated in the office of the board.

269. The targets of production for each unit for the ensuing year should be fixed in advance.

270. Plans for employment and production in each institution should be prepared for each quarter on the basis of relevant factors.

271. The chain of command, lines of authority and spans of staff control should be clearly defined at the institutional, regional and board level.

272. Staff meetings and joint staff consultations for evaluating manufacturing processes, personnel effectiveness, production targets, time schedule, etc., should be held regularly.

273. The performance of technical, executive and supervisory personnel functioning the fields of work programmes and vocational training at every level should be evaluated on the basis of the performance of individual staff member.

274. Every State and Union Territory should have a clear policy for the employment of inmates and for production programmes.

275. Tasks for each operation and sub-operation should be standardized and specified with reference to time schedule and the requirements of manpower.

276. Correct work sheet for each prisoner should be maintained by the technical personnel.

277. (a) There should be a complete ban on the use of inmate labour in the offices or at the residential quarters of prison personnel.

(b) The system of half task and two-third task should be discontinued except in specified cases.

278. Every prisoner who starts giving prescribed task should be brought on the wage system. Newly admitted prisoners should be given some token remuneration till they start performing the prescribed task.

279. Rationalized wage system should be introduced in prisons and allied institutions of every State/Union Territory.

280. Hours of work for each group of prisoners should be prescribed in accordance with the programme content of each institution.

281. The daily routine, time schedule, etc., should be worked out for each institution on the basis of the principles laid down in Chapter XXI of the Model Prison Manual.

282. Prisoners should not be made to work in the production units after lock-up of the prisons

283. Certain basic minimum facilities should be provided in work-sheds and other places where prisoners work.

284. Conditions of work in every factory, work-shed, etc., in every institution should be regularly inspected.

285. The traditional conservative policy of minimum investment in prison work programmes should be discarded and new realistic financial policy in all these matters should be adopted by each State/Union Territory.

286. The performance and economic aspects of each unit or work programmes should be got evaluated periodically by a committee consisting of experts.

287. Flow process charts should be introduced in every prison industry.

288. Department of Prisons and Correctional Services should concentrate on the production of articles and supply of services, which are readily marketable.

289. Sales should be promoted through establishment of show rooms and participation in exhibitions.

290. Training programmes should be designed and planned to suit the needs of prisoners sentenced to short, medium and long terms of imprisonment. They may consist of apprenticeship training, on-the-job training and vocational training.

291. Details of the duration of each training course, syllabus and time-schedule should be worked out by the board.

292. Adequate number of instructors should be appointed for organising vocational training programmes.

293. Vocational training programmes should be developed in liaison with the Department of Technical Education, etc., and the inmates successfully

undergoing training programme should be awarded regular certificates by that Department.

294. Adequate provision of finances should be made in the annual budget for vocational training projects.

295. The perspective master plan for the development of work programmes and vocational training should be prepared by each State/ Union Territory.

296. Diversification of programmes of work and vocational training should be done in such a way that opportunities of work and training are available to different groups of inmates at the institutional, regional or State/ Union Territory level.

297. Production units should be classified into (i) principal and (ii) ancillary and cottage industries. Agricultural farms should be classified as large, medium and small size farms.

298. Agricultural work programmes on agricultural farms should be diversified.

299. Diversification of prisons and classification of prisoners should be planned and executed simultaneously with diversification of programmes of work and vocational training.

300. Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills.

301. Background of inmates should be taken into consideration with planning their employment on work programmes.

302. Work camps and work centres should be developed in areas of community services.

303. Each State/ Union Territory should appoint a committee of experts for the re-organization and development of programmes of work and vocational training.

Agriculture

304. Agriculture, other allied activities and agro-based industries should be given high priority in the planned development of work programmes and vocational training in correctional institutions.

305. A systematic survey of the agricultural land available with various prison institutions should be undertaken to plan its maximum utilization.

306. All farmlands should be examined in terms of soil analysis, irritability, fertility, requirement of drainage, etc.

307. Each new prison building should have farmland.

308. Farms should be divided into suitable plots according to the cropping schemes to be prepared well in advance.

309. Project of land development should be undertaken on priority basis.

310. All uncultivated government land in the vicinity of a prison institution should be attached to the institution for agricultural purposes.

311. Land belonging to the prison development should not be surrendered for the use either of other government departments or of private agencies.

312. Institutional land should be properly fenced.

313. A regular plan for maximum utilization of the existing irrigation facilities and for providing additional facilities should be prepared and implemented for each farm.

314. Necessary buildings should be constructed on each farm.

315. All necessary equipment and spare parts should be made available at each farm.

316. Pucca approach roads and pucca internal roads should be provided for all farms.

317. A maintenance shop should be set up at each large farm.

318. Transport facilities should be provided according to the actual requirements of each farm.

319. Petrol/ diesel depots should be provided at large farms.

320. Requirements of labour at each farm should be met.

321. The practice of putting prisoners working on farms in ankle ring and fetters should be discontinued forthwith.

322. Inmates for open agricultural farms should be properly selected.

323. Before the prisoners are transferred to open institutions, they should be allowed to work for some time in semi-open institutions.

324. Prisoners working on farms should be given adequate and proper wages.
325. Adequate funds should be provided for the development of agriculture and allied activities.
326. Accounts of agriculture and allied activities should be separately maintained.
327. Requisite personnel should be provided at each agricultural unit and their duties and responsibilities should be clearly laid down.
328. Costing of agricultural and other produce should be done on business-cum-commercial lines.
329. The efficiency of each unit should be evaluated in terms of target fixed.
330. The inmate population of an agricultural farm should not exceed 200.
331. Sites for open agricultural prisons should have all infrastructural facilities.
332. Dairies should be developed on open prison farms on commercial lines under proper technical guidance.
333. Dairies in closed prisons should be discontinued.
334. Wherever possible poultries should be organized on open farms. They should be run on commercial lines under proper technical supervision.
335. In Jail Training Schools and Regional Training Institutes, prison personnel should be imparted training in various aspects of agriculture and other allied activities.
336. Bio-gas plants, windmills, solar-cooking ranges etc., should be introduced in open institutions.
337. Vocational training in agriculture and other allied activities should be organized on agricultural farms.
338. The benefit of extension services for agriculture and allied activities should be availed of by the Department of Prisons and Correctional Services.

CHAPTER XII

UNDERTRIAL AND OTHER UNCONVICTED PRISONERS

339. A review of all the police lock-ups should be taken up in each State/ Union Territory and the living conditions in them should be improved.

340. A Board of Visitors should be appointed in each district to visit regularly all police lock-ups.

341. Undertrial prisoners should be lodged in separate institutions away from the convicted prisoners.

342. Institutions meant for lodging undertrial prisoners should be as close to the courts as possible and there should be proper arrangement for the transportation of undertrial prisoners.

343. The recommendation of the Law Commission with regard to speedy trials and simplification of bail procedures made in its 77th and 78th Reports should be accepted and implemented. In addition, bail should be granted to the accused as a matter of right unless proved by the prosecution that his being at large might endanger the security of the society.

344. The feasibility of launching bail hostels on the lines of those sponsored and financed by Xenia Field Foundation (U.K.) should be examined under Indian conditions.

345. Release of accused persons on personal recognizance should be encouraged.

346. The provisions of section 167 of the Code of Criminal Procedure with regard to the time limit for the police investigation in case of accused undertrial prisoners should be strictly followed both by the police and the courts.

347. The classification of undertrial prisoners into class I, II and III or A,B, and C on the basis of their socio-economic status should be abolished.

348. The time spent by inmates in Jails, awaiting investigation and trial, should be put to use or the benefit of both the prisoners and the community.

349. Rights of undertrial prisoners including facilities of access to legal material, legal counsel and legal aid should be protected.

350. All undertrial prisoners should be effectively produced before the presiding magistrates on the dates of hearing.

351. Undertrial prisoners should be allowed to obtain cooked food from their families.

352. Those undertrial prisoners who do not have sufficient clothes should be supplied clothes at government cost.

353. There should be no restriction on the number of letters undertrial prisoners may send at their own cost. However, at government cost they should be allowed to write two letters per week.

354. There should be no restriction on the number of interviews sought by undertrial prisoners for the sake of legal assistance. Interview with family members and friends should, however, be restricted to two per week.

355. Undertrial prisoners should be allowed the facility of canteen available to other prisoners in the prison.

356. The daily routine of undertrial prisoners should include programmes of diversified education and recreational activities.

357. Habitual undertrial prisoners should be segregated from other undertrial prisoners.

358. The management and discipline of undertrial prisoners should be the responsibility of only the paid staff.

359. (a) An effective mechanism of review of the cases of undertrial prisoners regularly both at the district level and the State level should be evolved.

(b) The Code of Criminal Procedure should be suitably amended to provide that as soon as an undertrial prisoner completes the period of detention equal to half of the maximum sentence awardable to him on conviction, he should be released immediately and unconditionally.

360. Broad guidelines about the arrest of persons, especially those involved in minor violations of law, should be laid down.

361. Non-criminal lunatics, persons needing protective custody and children should not be sent to prisons at all.

362. Preventive sections of the Code of Criminal Procedure, especially section 109, should be reviewed and amended suitably to restrict their use only in very genuine cases.

363. Persons detained under executive orders made under provisions of special legislations should be kept away from convicted and undertrial prisoners.

WOMEN PRISONERS

364. All police investigations involving women must, as far as possible, be conducted in the presence of a relative of the accused or her lawyer and of a lady staff member. Women should not be called to the police station for investigation.

365. Police personnel should treat women with due courtesy and dignity while they are in police custody.

366. Women in police custody should invariably be under the charge of women police officials.

367. Instructions of the Ministry of Home Affairs for the guidance of the police on the subject of handling women offenders should be followed.

368. A separate place with proper toilet facilities should be provided on court premises for women prisoners awaiting production before presiding magistrates.

369. Bail should be liberally granted to women undertrial prisoners, and those not able to furnish surety may be released on personal recognizance.

370. The Probation of Offenders Act should be extensively used for the benefit of women offenders.

371. Women prisoners should be lodged in separate institutions/ annexes meant exclusively for them.

372. Enclosures for women in common prisons should be so renovated as to ensure that women prisoners do not come in view of male prisoners. Their enclosures should have a proper double lock system.

373. All prisons/ annexes for women must be staffed by women personnel only.

374. All general duties with regard to women offenders should be performed by women staff only.

375. Women guards should be arranged to look after women prisoners in sub-jails.

376. The staff posted at institutions for women should be properly trained and their service conditions should be on par with those of the male staff.

377. A senior lady officer, if available at the headquarters or organization, should be with the job of looking after the problems of women prisoners.

378. Newly admitted women prisoners should be medically examined for pregnancy. Pregnant women prisoners should be transferred to local maternity hospital for purposes of delivery.

379. While registering the birth of a child to a women prisoner, the place of birth should not be mentioned as prison, if such a birth takes place there; instead the name of locality should be mentioned.

380. Pregnant and nursing women prisoners should be prescribed special diet and exempted from unsuitable types of work.

381. There should be proper arrangement for the segregation of various categories of women prisoners.

382. Women needing protective custody should not be confined in prisons.

383. There should be a separate ward for women in prison hospitals.

384. Women prisoners should be permitted to retain their mangal sutra, glass or plastic bangles, etc.

385. Women prisoners should be given adequate and proper clothing and facilities for personal hygiene and personal maintenance according to their custom.

386. Adequate and proper work and treatment programmes should be organized for women in prisons.

387. Some self-contained units for groups of 8 to 10 women prisoners should be constructed to provide them a kind of family/ group living.

388. Women prisoners should be given the facility of maintaining contacts with their families through letters, visits from relatives and leave.

389. Children (up to the age of 5 years) accompanying women prisoners may be allowed to be kept with them in specially organized crches outside the main prison building.

390. Prisons and annexes for women offenders in common prisons should be open for frequent visits by lady visitors.

391. Special consideration should be given to women prisoners in the matter of premature release.

392. Proper pre-release preparations in respect of women convicts should be made. Avenues for the settlement of marriage after their release may be

explored. On release, women prisoners should, as far as possible, be escorted by women guards in plain clothes.

393. State Governments should encourage and support voluntary women organizations in looking after women offenders.

394. There should be a womens non-official organization at the national level to look after the interests of women prisoners. Such an organization should be given financial assistance by the Central Government.

CHILDREN IN PRISONS

395. Children Act should be expeditiously enacted/enforced in every district of each State/ Union Territory.

396. Necessary infrastructure required under the Children Act should be immediately set up in every district.

397. Cases of children kept in prisons should be brought before the Childrens Courts. Children not involved .or those who have committed delinquent acts of a minor nature should be placed under the care of voluntary probation officers, etc.

398. Persons actually working the field of social work or who voluntarily offer to work in the field should be recognized as voluntary probation officers, fit persons and approved persons for the Children Acts. Good educational institutions having hostel facilities should be recognized as approved institutions.

399. Voluntary probation officers and voluntary organizations should be paid honorarium/ maintenance allowance for taking care of children.

400. Government should exercise effective supervision on voluntary organizations and individuals.

401. Voluntary organizations should be encouraged and given financial aid to set up children institutions for such children as cannot be released on probation or on license.

402. The head of the department of child welfare should be the Chief Authority under the Children Act.

403. Prison superintendent should take a monthly review of children confined in prison and send a report to the appropriate authorities for necessary action.

404. Ministry of Home Affairs and the Ministry of Social Welfare should take necessary action for ensuring removal of children from prisons in various States and Union Territories.

405. Juvenile probation and non-institutional services for children should be effectively organized.

406. A child should be sent to childrens institution only as a last resort. As far as possible, he should be allowed to stay with the family.

407. There should be a statutory ban on keeping boys below the age of 16 years and girl below the age of 18 years in police custody or in a police lock-up.

408. In every district there should be a separate wing in the police organization to be named as Juvenile Aid Bureau.

409. There should be a statutory ban on committing children below the age of 16/18 years to prisons either as undertrials or as convicted persons.

410. The high courts should issue standing orders to all subordinate courts that under no circumstances a child below 16/18 years should be committed to police custody or to judicial custody in prisons.

411. If any court commits a child to the prison, the prison superintendents should be authorized to refuse his admission to the prison.

412. If any court insists on committing a child to a prison, the prison superintendent should immediately take all necessary steps for the removal of the child from the prison.

413. Each State and Union Territory should prepare master plan for setting up a network of non-institutional services for children.

414. Each State/ Union Territory should formulate a policy containing guidelines regarding handling of various problems relating to children in need or children in conflict with law.

415. It should be made a statutory responsibility of local bodies to set up child welfare services in their areas.

416. Government of India should prepare a comprehensive Model Bill for children embodying various aspects of child welfare services.

417. The extent and quality of services in childrens institutions should be improved.

418. Necessary financial provision should be made for developing child welfare services.

419. The National Children Fund should be utilised on a high priority basis for developing services for the socially and economically handicapped children, specially in such parts of the country where these services have not yet been developed.

420. A separate department of child welfare should be established in every State/ Union Territory.

421. Children who have difficult behaviour pattern and who attain the age of 16/18 years, while in children institutions should, if necessary, be sent to a Kishore/ Yuva Sadan. Under no circumstances should they be sent to a prison.

422. Children, dependent on prisons, should preferably be kept with the relatives or friends of such prisoners.

423. A common platform of all organizations involved in the work of child welfare could be set up so that child welfare services could be co-ordinated and developed in all parts of India.

424. A committee should be set up at each district headquarters to oversee all matters relating to child welfare.

425. A State level committee should be constituted to advise the Government on all matters pertaining to child welfare.

YOUNG OFFENDERS

426. The subject of treatment of young offenders should be included in the Concurrent List of the Seventh Schedule of the Constitution.

427. A new uniform legislation for young offenders should be enacted on the lines of the Chapter Scheme given in Annexure IV-C attached on Legislation.

428. In case the subject of treatment of young offenders is not brought under the Concurrent List, the Government of India should prepare a model Bill on the lines recommended in Chapter IV on Legislation for being adopted by all the States and Union Territories.

429. A wing at the headquarters of the Department of Prisons and Correctional Services under a senior officer of the rank of Additional /Joint Director of Correctional Services should be created for dealing with the problems of young offenders.

430. Separate courts for young offenders should be established. Pre-sentence investigation reports of the probation officers should be a statutory requirement for deciding the cases of young offenders.

431. Pre-sentence investigation report should include all relevant antecedents of the young offender and should also attempt a prognosis for his resettlement in a socially useful way of life.

432. Young offenders involved in minor violations should, instead of being kept in police custody, be kept with their families/guardians/approved voluntary agencies on the undertaking that they will be produced before the police as and when required for investigation.

433. Young offenders, involved in serious offences, while in police custody should be kept separate from adult criminals and the police custody should be only for a minimum period required for investigation.

434. The investigation of cases of young offenders must be expeditiously done.

435. Bail should be liberally granted in case of young offenders.

436. When it is not possible to release a young offender on bail, he should be kept in a Reception Centre/ Kishore/ Yuva Sadan during the tendency of his trial.

437. In case it becomes necessary to keep young offenders in a sub-jail during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.

438. Young offenders should be sent to institutions only as a last resort. When a young offender is found guilty and is likely to be punished with imprisonment not exceeding one year, the court should take recourse to non-institutional measures. Suitable cases of young offenders likely to be sentenced to periods above one year should also, as far as possible, be processed through the non-institutional approach.

439. The existing Borstal schools and juvenile jails should be converted into a system of diversified Kishore/Yuva Sadans and Reception Centres. Besides this, additional institutions (Kishore/ Yuva Sadans) as worked out in Chapter V on Prison Buildings may be set up. These Kishore/ Yuva Sadans should be developed as centres of scientific study and correctional treatment for young offenders.

440. There should be separate institutions for young offenders to be called Reception Centres and Kishore/ Yuva Sadans.

441. There should be separate institutions for girl young offender.
442. Reception Centres should be organized at district or regional level as per the requirements of each State/ Union Territory. The period of detention in a Reception Centre should not normally exceed eight weeks.
443. Kishore/ Yuva Sadans should be properly diversified.
444. In Kishore/ Yuva Sadans all basic operation for treatment and rehabilitation of young offenders should be adopted.
445. Initially all hopeful cases of young offenders offering good prognosis may be kept in institutions recognized as approved Kishore/ Yuva Sadans or in semi-open Kishore/ Yuva Sadans. Later on, on the basis of their response to training and treatment, suitable young offenders should be transferred to open Kishore/ Yuva Sadans. Difficult, discipline and problem cases and escape risks should be sent to special Kishore/ Yuva Sadans. In due course after observing their response to institutional programmes, these young offenders may be transferred to semi-open Kishore/ Yuva Sadans and later to open Kishore/ Yuva Sadans.
446. Decisions about placement of young offenders in the diversified Kishore/ Yuva Sadans should be taken by the classification committee.
447. Gradation in custody and contents of correctional programmes should be the criteria for versification of institutions into open, semi-open and special Kishore/ Yuva Sadans.
448. Placement of young offenders under non-institutional treatment will result in considerable economy. The savings so affected should be fruitfully diverted for the development of non-institutional programmes and other services for young offenders.
449. Scientific classification should be adopted for young offenders. This will help in their individual treatment and training.
450. At each institution there should be a Review Board.
451. At the end of every six months the Review Board should examine the case of every young offender and determine his suitability for release on licence.
452. Young offenders offering good prognosis may be kept in Kishore/ Yuva Sadans till they attain the age of 25 years.
453. Young offenders requiring institutionalization for more than 5 years should be continue in a Kishore/ Yuva Sadans through the review Of these, deserving young offenders should be released on licence on certain conditions.

Only such young offenders as are intractable, violent, criminal psychopaths, hardened or dangerous, should be transferred to prisons.

454. Specially selected and adequately trained personnel should be made available for implementing various programmes for young offenders.

455. Suitable and adequate staff should be provided at institution for young offenders. In this connection reference to Chapter XXIV on Development of Prison Personnel may be made.

456. Adequate funds for all programmes connected with young offenders should be provided.

CHAPTER XVI

PRISONERS SENTENCED TO LIFE IMPRISONMENT

457. Section 433 A of the Code of Criminal Procedure should be amended.

458. The Code of Criminal Procedure should be amended to provide for a pre-sentence study of offenders liable to be sentenced to imprisonment of life. The judge concerned should make use of this material while passing the sentence.

459. On admission of a life convict in a prison a comprehensive, social and psychological study should be made for the purpose of designing a suitable diversified programme of training and treatment for him.

460. A life convict should be allotted work taking into account his aptitude and potentialities and should be imparted multiple skills.

461. Life convicts coming from rural areas should be given training in trades suited to their needs.

462. Special attention should be paid to diversified educational programmes for life convicts.

463. A classification committee of the prison should review the case of every life convict every three months.

464. The planning and research unit at the headquarters of the Department of Prisons and Correctional Services should undertake studies of the pattern of murders committed by individual offenders and by socially conditioned criminals.

465. Broad guidelines for the Review Board/ Advisory Board/ Review Committee should be laid down.

466. The facilities of interviews, letters, and release on leave and special leave should be liberalized in case of life convicts to enable them to maintain contacts with their families and the community.

467. Life convicts who offer good prognosis should be transferred to semi-open and open prisons.

468. The scale of remission for life convicts in semi-open prisons should be liberalized and they should be given the facility of staying with their family members in huts to be constructed on the premises of such institutions.

469. Provisions of Chapter XLII of the Model Prison Manual regarding life convict should be adopted by all the States/ Union Territories.

470. Techniques of supportive therapy should be used to maintain interest in life of a life convict who has to spend a long period in the prison.

471. Pre-release preparations and planning for after-care and follow-up should be paid special attention in case of life convicts.

472. The advisory Committee should hold a separate meeting for reviewing the cases of life convicts only and the final orders in such cases should be passed expeditiously.

CHAPTER XVII

PRISONERS SENTENCED TO DEATH

473. Section of 30 of the Prisons Act, 1804 should be replaced by a fresh legislation providing for a more humane and dignified treatment to prisoners under sentence of death.

474. Immediately after admission, or soon after conviction of an undertrial as the case may be, the superintendent should explain to the prisoner sentenced to death the rules regarding appeal and mercy petitions. Those who require legal assistance should be extended facilities available for free legal aid.

475. Every State should have one or more specified jails where prisoners under sentence of death should be confined. These jails should have proper arrangements for the confinement of such prisoners and for their execution.

476. Security arrangements in the enclosure where prisoners under sentence of death are kept should be on twenty-four hour basis.

477. Prisoners under sentence of death should be provided with the same diet, clothing and bedding utensils, etc. as are given to other prisoners.

478. Prisoners under sentence of death should be encouraged to employ themselves on some useful work, and should be provided with suitable work, if they so desire, in their own enclosures.

479. Those who have some healthy hobby should be given facilities to peruse it subject to rules.

480. They should be allowed to avail of recreational facilities available in the jail.

481. Those who are interested in education may be extended necessary facilities. Books, newspapers and magazines should also be provided to them.

482. They should be allowed to follow their own religion and belief subject to rules and requirements of discipline, and to retain religious and other books.

483. They should be given liberal facilities for interviews with and letters to and from relatives and legal counsels.

484. Canteen facilities, as available to other prisoners, should also be provided to prisoners under sentence of death.

485. Special attention should be paid to their personal and domestic problems.

486. When the death sentence becomes finally executable the prisoner should immediately be transferred to a separate enclosure where arrangements should be made to keep him in a cell under constant watch. During the day he may be allowed to associate with other such prisoners.

487. Before execution arrangements should be made for the prisoner to meet his near and dear ones even at State cost, if necessary.

488. Provisions of paragraphs 10 to 20 Chapter XLVI of the Model Prison Manual should be incorporated in the State Jail Manuals.

CHAPTER XVIII

SUB-JAILS

489. A sub-jail should be located at each place where a criminal court functions.

490. A daily average number of 10 inmates/ undertrial prisoners detained during the one year should justify the construction of a new sub-jail at an administrative unit where a criminal court functions.

491. The necessity of construction of new sub-jails should not be brushed aside only for financial consideration.
492. Sub-jails should not be linked up with police or excise lock-ups.
493. Persons in police custody should not be kept in sub-jails.
494. Sub-jail housed in improvised insecure buildings should be abolished.
495. All new sub-jail buildings should have living barracks and dormitories at a reasonable distance from the main wall.
496. Each sub-jail building should have a separate annex for women prisoners.
497. There should be two types of sub-jail : (i) Class-II sub-jails for an average daily population up to 50 inmates and (ii) Class-I sub-jails for an average daily population exceeding 50 but up to 100 inmates.
498. a time-bound programme for the construction of new sub-jail buildings should be drawn up and implemented by each State Government / Union Territory Administration.
499. All sub-jails should immediately be brought under the administrative control of the respective Inspector General of Prisons and only an officer of the Prison Department should be appointed as officer-in charge of the sub jail.
500. Sub-jails should be adequately and properly staffed.
501. Guarding of sub-jails should be done exclusively by prison staff.
502. Whenever women prisoners are admitted in a sub-jail, arrangements for appointing women guards on purely temporary basis should be made.
503. Sub-jails should have suitable residential accommodation for all the staff members posted there with an independent guardroom attached to the sub-jail building.
504. Living conditions in sub-jails should be compatible with human dignity and should be in accordance with the recommendations made in Chapter VI on Living Conditions in Prisons.
505. Stand-by reserve stock of bedding and serving utensils should be kept in sub-jails.

506. An effective system of regular/periodic disposal of unserviceable articles should be evolved and strictly followed.

507. A regular stock of clothings should be kept both for men and women for issuing them to needy inmates.

508. Vehicles should be provided /arranged for transportation of prisoners to and from sub-jails.

509. The system of supplying cooked food to prisoners in sub-jails on contract basis should be discontinued and proper cooking facilities should be provided to the prisoners as per scales prescribed in the jails manuals.

510. The scale of diet for inmates of sub-jails should be the same as that of district or central prisons.

511. Proper medical facilities should be provided at each sub-jail.

512. Proper employment on work programmes and recreational facilities should be provided to prisoners at sub-jails.

513. Arrangements should be made for imparting adult education/non-formal education on a regular basis to inmates of sub-jails.

514. A visiting Committee should be constituted by the District Magistrate for each sub-jail under his jurisdiction.

515. The District Magistrate should constitute a committee to review the position of undertrial prisoners in each sub-jail under his jurisdiction. The Inspector General of Prisons should review the situation of undertrials in sub-jails with State Home Secretary once in every three months.

516. State prison rules should be made applicable to sub-jails in all respects.

517. Habitual offenders should not be lodged in sub-jails.

518. Provisions in State jail manuals permitting handcuffing or lettering of inmates lodged in sub-jails should be re-examined.

519. Sub-jails should be regularly inspected by the Inspector General of Prisons and the Deputy Inspector General of Prisons.

520. Accounts and the record of release of inmates should be annually audited.

CHAPTER XIX

OPEN INSTITUTIONS

521. Open camp movement should be developed as a positive measure of correctional treatment.
522. The scope and purpose of open institutions should be clearly defined in the statute.
523. There should be 3 types of open institutions namely, semi-open, open and Sanganer type open institutions.
524. Conditions of eligibility of prisoners for admission to open institutions should be liberalized.
525. The inmate capacity of existing open institutions should be fully utilized.
526. Open institutions in any State should be able to accommodate at least 20 per cent of prisoners sentenced to one year and above.
527. All additional institutions for accommodation any future increase in convict population should be open type.
528. Open camps (Sanganer type) should be developed in each State/ Union Territory as the stage in the open camp movement.
529. Land attached to closed prisons should be converted into semi-open or open institutions.
530. Open camps, mobile and permanent, should be set up at public projects to provide employment to prisoners sentenced to less than one year. Ticket less traveler should be employment on railway projects in camps to be financed by the Railways.
531. Diversified work programmes including those relating to agriculture and industry should be provided at open institutions.
532. Day release system should be introduced as a measure of semi-open facility for suitable inmates confined in prisons.
533. The system of wages in open institutions should be rationalized.
534. All work programmes including agriculture in open institutions should be carried out by prisoners themselves under the supervision and management of the prison department.

535. The inmates in open institutions should be granted liberal facilities for functional literacy, recreation, cultural activities, community participation, visit to neighbouring towns for marketing and recreational purposes, continued contacts with family, remission sentences, leave and premature release.

536. Family reunion of short duration should be allowed to inmates of open institutions by allowing them to stay with their families in huts to be constructed on the premises of such institutions.

537. Before being transferred to an open institution prisoners should be oriented about the requirements and responsibilities of living in such an institution.

538. Prison offences and punishments for inmates in open institutions should be separately defined. Inmates not abiding by the rules of the open institution should be sent back to closed prison.

539. The maximum inmate capacity of an open institution should be 200.

540. The staff posted at open institutions should be carefully selected, trained and oriented to correctional philosophy.

541. The working conditions of the staff at open institutions should be improved.

542. Model rules laying down minimum standards for open institutions should be framed.

CHAPTER XX

SYSTEM OF REMISSION, LEAVE AND PREMATURE RELEASE

Remission system

543. The rules of eligibility in respect of various categories of convicted prisoners for earning ordinary and special remission should be reviewed and rationalized.

544. The Government of India should lay down uniform guidelines to be followed by State Government/ Union Territory Administrations for grant of State remission.

545. The practice of granting remission on occasions or for reasons not justifiable should be immediately stopped.

546. At the institutional level, a committee should be formed to consider grant remission. It should also recommended grant of special remission by the Inspector General of Prisons.

547. Grant of remission should be properly recorded and authenticated.

548. Prisoners with substantive sentences of 2 months and above up to 5 years should be sanctioned remission each month while those sentenced to over 5 years (including life convicts) should be granted remission once in a quarter.

549. Ordinary remission should be calculated for full calendar months. It should not be granted for fraction of a calendar month.

550. For purposes of special remission any fraction of a year should be counted as one complete year.

551. Maximum limit of remission, which a prisoner can earn, should be half of the substantive sentence awarded to him.

552. Grant of remission to prisoners sentenced by Court Martial should be on the same principles as those applicable to other prisoners.

Leave

553. To bring about uniformity in terminology for prisoners temporary release from prisons, there should be two types of leave:

- (i) Leave, and
- (ii) Special leave.

554. Rules of eligibility of convicted prisoners for being released on leave and special leave should be reviewed, rationalized and liberalized.

555. Inspector General of Prisons should be the authority competent for grant of release on leave or special leave. However, special leave may be granted by the superintendent of the prison concerned in the event of an emergent situation.

556. The period spent on leave should count as sentence served, while that spent on special leave should be treated as sentence suspended.

557. Rules regarding surety for release on leave or special leave should be liberalized.

558. The reasons for grant of leave and special leave should be reviewed and liberalized.

559. Record of release of prisoners on leave and special leave should be properly kept.

Premature release

560. Rules for eligibility of convicted prisoners for consideration of premature release should be reviewed and rationalized.

561. The case of each prisoner eligible for review and premature release should initially be examined by the institutional classification committee before being forwarded to the Review Board.

562. Review Boards should be constituted in each State/ Union Territory for consideration of premature release.

563. The case of every prisoner which is for review should be decided within a maximum period of six months from the date of eligibility.

564. Each State/ Union Territory should formulate a set of guidelines to be uniformly applied to govern the working of Review Board.

565. Section 433 A of the Code of Criminal Procedure should be suitably amended.

566. The management of record relating to review of sentences and premature release should be streamlined.

CHAPTER XXI

COMMUNITY INVOLVEMENT IN CORRECTIONS

567. Public participation in prevention of crime and treatment of offenders must be made a part of our National Policy on Prisons.

568. An intensive public education drive should be taken up to make the society aware of the role it can play in the prevention of crime and treatment of offenders.

569. At the national level, the National Commission on Prisons should locate and enroll individuals and community groups volunteering to serve in the correctional field.

570. A committee should be constituted in each State/ Union Territory to identify and enroll voluntary workers and agencies at the state, district and sub-divisional levels.

571. Selection of volunteers should be done very carefully and cautiously.

572. The government should give due patronage, financial assistance and recognition to voluntary agencies and individual working in correctional field.

573. Voluntary workers should be properly trained and given statutory authorisation for working the correctional field. They should be given all possible help and advice at all levels.

574. Special voluntary social service institutions should be helped to come up for the protection and welfare of children and youth.

575. Voluntary services in the treatment after-care and rehabilitation of offenders should be organized on a system and modalities for the utilisation of voluntary services should be specified; they should be further developed through interaction of voluntary workers with the department of Prisons and Correctional Services.

576. The Inspector General of Prisons and Director of Correctional services should be empowered to de recognize and delist voluntary organizations or individuals and discontinue their involvement in correctional programmes, wherever grounds for such action exist.

AFTER-CARE, REHABILITATION AND FOLLOW-UP

577. After-care prisoners discharged from prisons and allied institutions should be the statutory function of the Department of Prisons and Correctional Services.

578. (a) There should be a properly staffed After-care and Follow-up Unit the headquarters organization of the Department of Prisons and Correctional Services in each State/ Union Territory.

(b) welfare officers should be in charge of after-care and follow-up work, in large states, Regional Probation Officers should be appointed to supervise and co-ordinate the work of probation officers in the districts.

(c) At the institutional level this work should be done by officers in charge of prisoners welfare in close liaison with the classification committee.

579. The after-care and Follow-up Unit should evolve an objective method of assessing Post-release needs of inmates.

580. There should be at least one voluntary organization in each district to which the work of extending help to released prisoners could be entrusted.

581. At the institutional level the classification committee should formulate pre-release plans and should provide the After-care and Follow-up Unit at the headquarters with all necessary data projecting the post-release needs of inmates.

582. Close liaison with prospective employers should be established for the employment of released prisoners.

583. Self-employment work programmes should be devised for prisoners, which they can independently pursue after their release. Necessary arrangements for adequate Finances from various sources should be made before the prisoner is actually released.

584. Officer in-charge of welfare of prisoners should, as a pre-release preparation, chalk out, indefinite terms, the rehabilitative programme that the inmate has to follow on release.

585. After-care services should include all kinds of help, which could result in proper re adjustment of the released prisoners in the society.

586. After-care Homes should be established to meet the immediate needs of released prisoners.

587. Registration on employment of ex-prisoners in government service or public sector undertaking should be record by suitable amendment of the rules.

588. Small Scale Industries Departments of State Governments / Union Territory Administrations should formulate schemes of small production units which could be run by ex-prisoners on co-operative basis. These units could be financed by State Finance Corporation, Co-operative and other Bank under their innovative banking schemes.

589. State Tenancy Acts should be suitably amended to project. rights of prisoners in agricultural land.

590. Women prisoners willing to get married after their release should be rendered all necessary help in settling them in matrimony.

591. The Department of Prisons and Correctional Services in collaboration with the State Department of Information and Publicity should make proper use

of mass media to educate public about the need for rehabilitation of ex-prisoners in society.

592. Government should encourage formation of voluntary organizations for taking up programmes for the help of released prisoners and should give them necessary financial and other help. Services of voluntary workers in the field should be appropriately recognized.

ORGANIZATIONAL STRUCTURE

593. There should be separate Department of Prisons and Correctional Administration in the secretariats of the States. At the Centre, the set-up dealing with prisons in the Ministry of Home Affairs should also be upgraded to the status of a Department. Senior officers having experience of correctional administration should be posted in the secretariat.

594. The prison department in each State / Union Territory should be responsible for institutional training and treatment, probation and after-care of both the adult and the young offenders. This integrated department should be called the Department of Prisons and Correctional Services, and the head of this department should be designated as the Inspector General of Prisons and Director of Correctional Services.

595. The Department of Prisons and Correctional Services in all State/ Union Territories should invariably be headed by an officer from this department.

596. The Inspector General of Prisons and Director of Correctional Services should, at his headquarters, be assisted by senior officers in various aspects of prison administration.

597. A regional set-up should be established in each large State.

598. Each Prison and allied institution should have adequate personnel in accordance with its requirements and the special norms.

599. Each district should have a district prison with a whole-time superintendent.

600. Adequate number of probation officers of various categories should be appointed to look after probation and after-care work in the field.

601. All posts in the Department of Prisons and Correctional Services except where specialized services are required should be manned by persons belonging to the department.

CHAPTER XXIV

DEVELOPMENT OF PRISON PERSONNEL

602. (a) There should be an in-built mechanism in the prison department for continuous and systematic study of the manpower needs.

(b) Direct entry into various wings of the prison service should be at appropriate levels.

603. Conditions of recruitment and promotion should be so fixed as to ensure that persons with requisite qualifications, experience and professional competence are available in the prison service at all levels.

604. Every direct recruit in the service should have opportunities of at least three promotions during the span of his career.

605. Physical fitness and psychological tests should be essential pre-requisites for direct recruitment.

606. Officers and staff for specialised services in the prison department should be taken on deputation from respective departments of the State Governments. They should be given proper incentives.

607. Ministerial staff should be borne on the strength of the prison department. The executive staff should in no case be put on ministerial work.

608. An all India service to be called the Indian Prisons and Director of Correctional Service should be constituted.

609. Prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.

610. Uniform including badges should be prescribed for all security and executive staff in the prison department.

611. Three-shift system of duties should be introduced in prisons.

612. Every member of the staff should be allowed a day off once a week.

613. Adequate leave reserve staff should be provided.

614. The system of convict officers discharging supervisory and disciplinary duties should be abolished in a phased manner.

615. Residential quarters should be provided to all members of the staff.
616. Prison staff, which is entitled to rent-free accommodation but is not provided with such accommodation should be paid 10 per cent extra house-rent allowance allowed to government employees in general.
617. Certain facilities as provided in Chapter XI of the Model Prison Manual should be extended to prison personnel.
618. The Government of India should institute medals for rewarding prison personnel. State Governments/ Union Territory Administrations should suitably recognise special services rendered by prison personnel.
619. All good work done by prison personnel should be given proper publicity.
620. Prison personnel meeting with serious injuries, accidents, etc., while on duty, should be given financial assistance.
621. In case of death of prison personnel in lawful discharge of his duties, a lump sum of Rs. 20,000 should be paid to the survivors in his family.
622. A welfare fund for prison and correctional personnel should be established in each State/ Union Territory.
623. Proper forum should be provided at the institutional and State levels for prison personnel to ventilate grievances.
624. Staff meetings and conferences should be regularly held.
625. All new recruits should be given basic initial in-service training. Officers and staff on deputation should be given a short orientation course.
626. Adequate training reserve should be provided in each cadre of the service.
627. Training of staff should be taken at three different levels: state level, regional level and national level.
628. Qualified persons with aptitude for training and teaching should be posted at these institutions.
629. Directors of Regional Training Institutions should be from the Prisons and Correctional Service and should be of the rank of Inspector General of Prisons. Principals of State level training schools should be of the rank superintendents of Central prison.

630. Permanent academic staff of the training institutions and experts invited ,should be properly informed of the training requirements.

631. Details of syllabi, etc. should be properly evolved and reviewed once every three years.

632. Proper literature should be prepared for meeting the training needs of various categories of prison personnel.

633. Basic initial training, in-service training, refresher courses and special training courses should be organized by the training institutions for various categories of personnel.

634. The Inspector General of Prisons and Director of Correctional Services should prepare a panel of officers for attending conferences and special training courses in the country and abroad.

635. Study teams of senior officers should be deputed to visit prison institutions in various States in the country as also those in other countries.

636. The Central Government, the State Governments and the Union Territory Administrations should encourage setting up of a professional non-official registered body at the national level with its branches in all the States and Union Territories and should provide necessary financial and other assistance to them for their proper functioning.

PLANNING RESEARCH AND DEVELOPMENT

637. The new legislation should clearly define the general objectives of correctional system in the country.

638. Each State Government/ Union Territory Administration should lay down specific objectives and goals not only for the department but also for individual institutions.

639. Organizational and institutional goals should be reviewed at least once a year.

640. The National Commission on Prisons should be functionally linked with State correctional organizations to review the achievement of goals and objectives, etc., and to plan their future organizational, personnel and functional structure in consultation with them.

641. There should be an appropriately manned unit for planning and research at the headquarters of the Department of Prisons and Correctional Services of each State and Union Territory.

642. Each State/ Union Territory should develop an integrated process of long-term and short-term planning and prepare plans for administrative and operational functioning. The National Commission on Prisons should coordinate these plans and monitor their progress so as to have an all India perspective of the development of prisons.

643. The National Commission on Prisons should work out and finance some pilot projects to serve as demonstration projects for the development of prison administration.

644. Research in the correctional field should be problem oriented and practical. Cooperation of outside agencies should also be sought in this work.

645. There should be a systematic collection of statistical data on uniform pattern throughout the country. The national Commission on Prisons should publish an annual statistical report on corrections.

646. A scientific method of keeping and weeding of record in prison department should be evolved.

Prisons and national plans

647. Programmes for reformation and rehabilitation of offenders should find a place in our national plans.

648. Funds for renovation of old buildings and construction of new buildings should be made available to the State Governments by the Central Government under plan.

649. Sufficient outlays should be earmarked under plan by the Central Government for initiating certain centrally sponsored schemes for the welfare of prisoners.

650. Training of personnel should find place under the plan sector.

651. Central financial assistance in the form of matching grants or long-term loans should be extended to the State Governments for modernization or the mechanization of prison industry and agriculture.

652. Other programmes for the development of prisons and reformation of prisoners should be included in the State plan.

653. Under the pretext of economy, cuts should not be effected in the non-plan budget of the prison departments.

CHAPTER XXVI

NATIONAL COMMISSION ON PRISONS

654. Government of India should immediately set up a National Commission on Prisons.

655. The objectives and functions of the National Commission on Prisons should be clearly laid down.

CHAPTER XXVII

NATIONAL POLICY ON PRISONS

656. Government of India should finalize the National Policy on Prisons on the lines suggested, and notify it.

CHAPTER XXVIII

ACTION PLAN

657. Implementation of important recommendations should be phased into immediate, short term and long term action plan.

658. Estimated financial outlays for improvements in certain important areas of prison management have been worked out taking into account broad principles and need for achieving basic minimum standards.