



Prison Reforms in India

Selected Recommendations and Guidelines

on 'Capacity' by Prison Reform

Committees in India

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Introduction

Indian prisons are characterised by overcrowding, overwhelming majority of under trials, poor living conditions, lack of health and mental health facilities, poor access to competent legal aid and near absence of correctional and post-release rehabilitation services. Since law and order is a state subject in the Constitution, prison reforms are primarily the responsibility of state governments. In most states, the colonial Prisons Act of 1894 is still the basic law that guides the administration and management of our prisons. The India Justice Report 2019 and 2020 highlight the inadequacy of budget allocations, large number of vacancies in staffing, lack of training of staff, etc.

The Government of India has a responsibility to foster developments and play a facilitative in ensuring that states embark on the journey to bring reform in our prison system. Over the years, several government appointed committees have presented their recommendations suggesting the road map to usher in prison reforms. However, from among these committees, three committees have had a critical role to play. These include: The All India Jail Manual Committee (1957-59), The All-India Committee for Jail Reforms (1980-83) also referred to as the Mulla Committee and the National Expert Committee on Women Prisoners (1987) also known as the Krishna Iyer Committee.

The All India Jail Manual Committee (1957-59) was appointed by the Government of India to devise a model prison manual. This was one of the recommendations made by Dr. W.C. Reckless, renowned American criminologist and UN Correctional Expert, who was invited by the Government of India in 1952 to suggest a roadmap for prison reforms and correctional policy in independent India. Reckless's technical mission submitted its report to the Government of India in 1953. The jail manual committee was expected to focus on the problems pervading prison administration in India and provide a set of solutions which would be applicable to prisons across the country. These recommendations resulted in the creation of the Model Prison Manual 1960.

A watershed in the history of prison reforms in India was the appointment of the All India Committee for Jail Reforms (1980-83) also referred to as the Mulla Committee to review all aspects of prison administration and provide recommendations to resolve the issues pertaining to the same. The committee was set up in backdrop of the shocking findings of the National Police Commission of the languishing of thousands of under trial prisoners in our prisons, which led to filing of several public interest litigations in the Supreme Court and

high courts and landmark judgments like the Hussainara Khatoon 1979 AIR 1819, 1979 SCR (3)1276 and Sunil Batra 1978 AIR 1675, 1979 SCR (1) 392 judgments. The committee provided a total of 658 recommendations on various issues pertaining to prison administration and suggested the need for a National Policy on Prison.

Thereafter, in 1987, the need for a focus on the plight of women prisoners was recognised, resulting in the appointment of the National Expert Committee on Women Prisoners also referred to as the Krishna Iyer Committee (1987) to provide recommendations to resolve issues related to women prisoners.

These committees were the first to emphasise among many other recommendations, on building separate prisons for women, undertaking gender sensitization training for prison staff and put forth the role that social workers and paralegal volunteers could play in assisting the prisoners with legal aid, educational and recreational activities.

Taking into account the significance of the recommendations provided by the aforementioned committees, this report focuses on recommendations put forth by the All-India Jail Manual Committee, Mulla Committee, Krishna Iyer Committee Report and the Model Prison Manual. Through the report, we aim to highlight the recommendations made by these committees and also present additional recommendations by other committees.

The recommendations are focused on the following four indicators: infrastructure, budget, human resources and diversity.

INFRASTRUCTURE

I. Prison Occupancy:

Population in a prison	
Report of the All India Jail Manual Committee, 1957-59	<ul style="list-style-type: none">(i) Convict population at a Central and District Prison should not ordinarily exceed 750 and 400 respectively. (pp. 16)(ii) It is desirable that a sleeping dormitory should accommodate twenty prisoners. (pp. 24)
Report of the Working Group on Prisons in the Country, 1972-73	<ul style="list-style-type: none">(i) The maximum capacity of a central prison should be 750 inmates and of a district prison 400. States with large populations may expand and upgrade some district prisons to central prisons so that all prisoners with sentences of over one year could be placed in central prisons as far as possible. (pp.111)(ii) No dormitories in any of these prisons should have more than 60 inmates. (pp. 139)
Model Prison Manual, 2016	<ul style="list-style-type: none">(i) Closed prisons are classified into three categories that is central prison, district prison and sub-prisons. Authorised population for these prisons should not normally exceed 1000, 500 and 200 prisoners, respectively. (pp. 24)(ii) Each region/division will have an institution for women prisoners according to local requirements. Each central, district and sub-prison will have an enclosure for women prisoners. (pp. 24)(iii) If at any prison over-crowding is likely to continue, the excess number of prisoners will be transferred to other institutions or camps as the case may be, with the prior approval of the Inspector General of

	<p>Prisons. (pp. 27)</p> <p>(iv) In order to improve and modernise infrastructural facilities in prisons, a high-powered Prison Development Board may be set up in each State to have an institutional arrangement conducive to speedy decision making and to take full advantage of modern technology and managerial practices. (pp. 299)</p> <p>(v) The functions of the Board shall be:</p> <ul style="list-style-type: none"> - To examine the living conditions of the prisoners in all the prisons, with specific reference to their basic needs and provision of facilities compatible with dignity of human life. - To build new prisons where existing prisons are not in a satisfactory condition, or are beyond repairs. - To efficiently manage prisons by introducing modern technology, methods and apparatus. (pp. 300)
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Undertrial Prisoners

<p>Report of the All India Jail Manual Committee, 1957-59</p>	<p>(i) There should be a separate institution for undertrial prisoners with adequate segregation and security facilities at each place where a Central or District prison is at present required to accommodate undertrial prisoners. (pp. 73)</p> <p>(ii) Separate institutions for undertrial prisoners should be set up in large cities. (pp. 73)</p> <p>(iii) Women and adolescent prisoners should be segregated in annexes. Known habitual undertrial prisoners should be segregated from other undertrial prisoners. (pp. 74)</p>
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	<p>(iv) Undertrial prisoners should not be unduly detained in prison. In place where undertrial prisoners are required to remain in the prison for long periods, the question of establishing additional courts for the quick disposal of cases should be considered on a high priority basis. (pp. 75)</p>
<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) Undertrial prisoners should be lodged in separate institutions away from prisoners. (pp. 174)</p> <p>(ii) All undertrial prisoners should be effectively produced before the presiding magistrates on the dates of hearing. Local officers of the prison, the police, the prosecution and the judiciary should evolve set procedures to ensure observance of this essential aspect of judicial process. (pp. 175)</p> <p>(iii) An effective mechanism to review the cases of undertrial prisoners regularly both at the district level and the state level should be evolved. (pp. 175)</p> <p>(iv) At the district level a Review Committee consisting of the following should be constituted: District Judge (Chairman), District Magistrate (Member), District Superintendent of Police (Member), Public Prosecutor (Member) and Prison Superintendent (Member – Secretary) (pp. 176)</p> <p>(v) This committee should be a statutory committee. It should visit the district/central prison in the district at least once a month and meet every undertrial prisoner present on the day. It should, thereafter, hold a meeting to review the cases of all the undertrial prisoners in the district/central prison and see that no undertrial prisoner is unnecessarily detained in the prison. (pp. 176)</p>

	<p>(vi) The Code of Criminal Procedure should be suitably amended to provide that as soon as the 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. This should be a statutory function of the District Review Committee. Such undertrials should for all purposes in law be treated as having been discharged by the court of law. (pp. 176)</p> <p>(vii) A Committee for the review of undertrial prisoners should also be constituted at the State level with the following composition: A Judge of High Court (Chairman), Home Secretary/ Secretary dealing with prisons in the secretariat (Member), Inspector General of Police (Member), Director of Prosecution (Member) and Inspector General of Prisons (Member – Secretary) (pp. 176)</p> <p>(viii) This committee should also be a statutory committee and should meet at least once every three months to review the position of undertrial prisoners in the State as a whole. It should also sort out problems of coordination among various departments resulting into delay in trials.(pp. 177)</p>
<p>Model Prison Manual, 2016</p>	<p>(i) Under-trials and detenues will be lodged in separate enclosures away from convicted prisoners. (pp. 24)</p>

Young Offenders

<p>Report of the All India Committee on Jail Reforms/Mulla Committee,</p>	<p>(i) States having a large number of adolescent offenders (a prisoner who has attained the age of 18 years but not 21 years) should establish Reception Centres</p>
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1980-83, Volume I.

And

Model Prison Manual, 2016

where adolescent offenders sentenced to periods of imprisonment of six months or more can initially be admitted. (pp. 80-81)

- (ii) Where possible, Semi-Open and Open Training Institutions for adolescent offenders may be set up so that the impressionable groups of adolescent offenders can to some extent be saved from getting institutionalized. (pp. 81)
- (iii) Bail should be liberally granted in case of young offenders. When it is not possible to release a young offender (a prisoner who has attained the age of 18 years but not 21 years) on bail, he should be kept in a Reception Centre/Kishore Sadan/YuvaSadan during the pendency of his trial. (Report of the All India Committee on Jail Reforms / Mulla Committee, 1980-83, Volume I, pp. 209) and (Model Prison Manual 2016, pp. 262)
- (iv) Reception Centres should be organised at the district or regional level as per the requirements of each State/Union Territory to provide safe custody for young offenders who cannot be released on bail or probation for their initial classification and subsequent placement. The period of detention in the Reception Centre should not normally exceed eight weeks. (Report of the All India Committee on Jail Reforms / Mulla Committee, 1980-83, Volume I, pp. 209) and (Model Prison Manual 2016, pp. 262)
- (v) Kishore/ YuvaSadans should be diversified on the following lines:
 - An institution recognised as approved Kishore/YuvaSadan by the State Government (hostel run by the Government,

- hostel run by a voluntary agency, hostel of an Industrial Training Institute or of agricultural school, etc);

- Open Kishore/YuvaSadans; Semi-open Kishore/YuvaSadans; Special Kishore/YuvaSadans (medium security institution) (Report of the All India Jail Manual Committee, 1957-59, Part 1, pp. 210) and (Model Prison Manual 2016, pp. 263)

(vi) Initially, all young offenders offering good prognosis, may be kept in institutions recognised as approved Kishore YuvaSadans or in semi-open Kishore YuvaSadans. Later, on the basis of their responses to training and treatment, suitable young offenders should be transferred to Open Kishore YuvaSadans. Difficult, disciplinary and problem cases, and escape risks, should be sent to special Kishore/YuvaSadans. (Report of the All India Committee on Jail Reforms / Mulla Committee, 1980-83, Volume I, pp. 210) and (Model Prison Manual 2016, pp. 264)

(vii) At each institution, there should be a Review Board consisting of the following: District Judge Chairman, 2 members of State Legislature, District Magistrate, Superintendent of Police, District Medical Officer/Civil Surgeon/Medical Superintendent of the Government Hospital, Additional/Joint Director of Correctional Services (Young Offenders), 2 Social Workers interested in the welfare of young offenders, District Education Officer, Prison Welfare Officer, Principal / Superintendent of the Kishore YuvaSadans Member-secretary. ((Report of the All India Committee on Jail Reforms / Mulla Committee, 1980-83, Volume I, pp. 211) and (Model Prison

	<p>Manual 2016, pp. 264-265)</p> <p>(viii) The Review Board should meet at the end of every six months (as per Report of the All India Committee on Jail Reforms / Mulla Committee, 1980-83, Volume I, pp. 211) and The Review Board should meet once in every two months to examine the case of each young offender (as per the (Model Prison Manual 2016, pp. 265). The Review Board must decide the case of every young offender as to whether it is necessary to continue him under institutional treatment. In suitable cases, the question of his conditional release on license should also be examined.</p> <p>(ix) Young offenders who are sentenced to imprisonment for period above 5 years will have to be considered in a different perspective. In deserving cases, even such young offenders should be conditionally released on a license. (Report of the All India Committee on Jail Reforms / Mulla Committee, 1980-83, Volume I, pp. 211) and (Model Prison Manual 2016, pp. 265)</p>
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Women Prisoners

<p>Report of the All India Jail Manual Committee, 1957-59</p>	<p>(i) Women offenders should not be kept in institutions meant for men prisoners. Separate institutions should be provided for women prisoners. Where this is not immediately practicable, women offenders should be kept in annexes attached to Central and District prisons. (pp. 17)</p> <p>(ii) Top most priority should be given to the construction or allocation of institutions for juvenile delinquents and women offenders. (pp. 22)</p>
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	<p>(iii) In places where the average daily population exceeds 50, full-fledged separate institutions for women offenders should be established. (pp. 76)</p> <p>(iv) The possibility of selective release of certain women offenders on probation or conditional release under supervision should be considered on a more extensive scale than at present. (pp. 77)</p>
<p>Report of the All India Committee on Jail Reforms/Mulla Committee, 1980-83, Volume I.</p>	<p>(i) Each central prison, district prison and sub-jail should have a separate annexe for women prisoners. In states/union territories where the number of women prisoners is substantial, separate institutions for convicted women prisoners should be established. (pp. 110)</p> <p>(ii) Bail should be granted liberally to women undertrial prisoners, and those not able to furnish surety may be released on personal cognizance. (pp. 187)</p> <p>(iii) The Probation of Offenders Act should be extensively used for the benefit of women offenders in order to keep them away from prisons as far as possible. (pp. 188)</p>
<p>Report of National Expert Committee on Women Prisoners/ Krishna Iyer Committee, 1987</p>	<p>(i) The committee believes that custodial facilities should be set up in every State, separately for convicted and undertrial women. (pp. 129)</p> <p>(ii) The indiscriminate custodialization of women needs to be discouraged through careful sentencing and much greater reliance on non-custodial options than is currently visible. (pp. 143)</p> <p>(iii) The Committee recommends to set up a special Women's Courts or MahilaNyayalayas which can provide specialized mechanism of criminal justice to</p>

women. Such Nyayalayas should be presided over preferably by women judges. Where family courts are already in existence, there is a strong case for expanding their jurisdiction to include women offenders and non-offenders. (pp. 269)

(iv) The Committee views probation as a sound alternative to custodialization particularly in respect of women since they pose lesser risk than men. The same applies to wider use of parole or furlough in case of women. The woman's central role in relation to the family and the strain caused on her immediate family as a result of her imprisonment should also necessitate liberal use of bail, probation, parole, visitation right, and other innovative forms of sentencing. (pp. 270)

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Model Prison Manual, 2016

- (i) There should be four types of accommodations for women prisoners:
 - a. Barracks with accommodation for 20 women prisoners
 - b. Dormitory accommodation for four to six women prisoners each
 - c. Single room accommodation for women prisoners needing privacy for pursuing studies
 - d. Cells for segregation of women prisoners for the purpose of security and punishment. (Model Prison Manual 2016, pp. 248)

Open Prisons/Institutions

Report of the All India Jail
Manual Committee, 1957-59

- (i) In states where separate institutions cannot be immediately set up, adolescent offenders should be kept in semi-open annexes which can be attached to Central or District prisons. (pp. 17)
- (ii) We expect that the probation system will be used on a more extensive scale than at present; short-term sentences will be awarded on a much more restricted basis; most of the non-habitual offenders sentenced to imprisonment for less than one year will be transferred to open work-camps and select non-habitual offenders will be kept in semi-open or open institutions. It is therefore safe to guess that the present pressure on the Central or District prisons will be sufficiently reduced. In places where the average daily population exceeds 50, full-fledged separate institutions for women offenders should be established. (pp. 18)
- (iii) Future institutions for selected non-habitual adolescent or adult offenders may be designed on semi-open or open type of functional architecture. The buildings in the semi-open or open institutions may be of pukka cottage type. These institutions would not require massive meter walls. All these factors would substantially reduce construction cost. (pp. 20)
- (iv) Open Work-Camps, Semi-Open and Open Institutions should be set up. This would considerably relieve the problem of overcrowding in prisons. (pp. 23)
- (v) Life convicts, in whose case the Classification Committee has given a favourable opinion, should be transferred to Semi-open Training Institutions and ultimately to Open Institutions and Open Colonies. (pp. 84)

Report of the Working Group on Prisons in the Country, 1972-73

- (i) Major thrust in the prison administration will have to be on the provision of more and more medium and minimum security and open institutions, including Work Centres and Camps. (pp. 142)

Report of the All India
Committee on Jail Reforms/
Mulla Committee, 1980-83,
Volume I.

- (i) Prisoners sentenced to less than one year should be kept in open camps, mobile or permanent. Prisoners may be allowed to stay in these camps with their families. (pp. 69 and 111)
- (ii) Of those sentenced to a term of imprisonment of one year and above, about 20 percent may be kept in semi-open/open prisons. These institutions should be set up for non-habitual offenders. (pp. 69 and 111)
- (iii) Ordinarily, every life convict should be eligible to be transferred to a semi-open or open institution on completion of two years of imprisonment in a closed prison. (pp. 219)
- (iv) There should be three types of open facilities available to convicted prisoners: semi-open prisons, open prisons and open camps (Sanganer type). (pp. 235)
- (v) More open institutions should be set up to give at least 20 percent of the convicted prisoners sentenced to a term of imprisonment of one year or above, a chance to improve themselves for better resocialization through this community based correctional programme. (pp. 235)
- (vi) All additional institutions for accommodating any future increase in convict population should be of open type. (pp. 236)
- (vii) Open camps (Sanganer type) should be developed in each State/Union Territory as the final stage in the open camp movement. (pp. 236)
- (viii) Closed prisons which have agricultural land attached to them should convert these open areas into small semi-open or open institutions annexed to such prisons. (pp. 236)

- (i) On completion of two years of actual imprisonment in case of a life convict, and six months or one-fourth sentence as convict, whichever is more but subject to not more than two years in case of a terminal convict, the Selection/Classification Committee shall examine the case in detail and if it is of the opinion that the inmate is fit for being transferred to a semi-open institution, a report in the prescribed form should be submitted to the Inspector General. On receipt of sanction from the Inspector General, the inmate should be oriented on his new responsibilities in the semi-open institution. (pp. 219)
- (ii) On completion of five years of imprisonment, excluding remission, in the case of a life convict, whichever is more and one year or one-fourth of the sentence as a convict excluding remission, whichever is more but not more than two years in case of a terminal convict, the Selection/Classification Committee should study the case for inmate's eligibility for an open institution. If the Committee is convinced that the inmate is fit for treatment in an open institution, a report in the prescribed form should be submitted to the Inspector General. On receipt of sanction from the Inspector General, the inmate should be oriented for his life in the open institution. (pp. 219)
- (iii) On completion of seven years of imprisonment in case of a life convict, or in the case of a convict sentenced to seven years of imprisonment or more after the convict having undergone half of the sentence, excluding remission as a convict, the Selection/Classification Committee shall examine the inmate's case for being transferred to an Open Colony. If there is no Semi-Open or Open Institution in the State, a prisoner may be transferred directly to an Open Colony after completion of 10 years in a closed 18

Sub Jails

<p>Report of the All India Jail Manual Committee, 1957-59</p>	<p>(i) Each state should prepare standard plans for Sub-jail buildings. Minimum standards for accommodation, water supply, sanitation services etc., should be included in these plans. Sub-jail buildings should be separate and self-contained units. Each state should prepare a plan for construction of independent sub-jail buildings. (pp. 94)</p> <p>(ii) Each state should frame a detailed sub-jail manual. (pp. 95)</p>
<p>Report of the Working Group on Prisons in the Country, 1972-73</p>	<p>(i) A planned and systematic improvement of the sub-jails all over the country should be an item of high priority in jail reforms. (pp. 50)</p>
<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) A daily average number of 10 inmates/undertrial prisoners detained during the past one year should justify the construction of a new sub-jail at an administrative unit where a criminal court functions. (pp. 226)</p> <p>(ii) Each sub-jail building should have separate annexes for women undertrial prisoners with sufficient security measures. (pp. 226)</p> <p>(iii) Each sub-jail building should have separate annexes for women undertrial prisoners with sufficient security measures. (pp. 226)</p> <p>(iv) Each sub-jail building should have separate annexes for women undertrial prisoners with sufficient security measures. (pp. 226)</p> <p>(v) The District Magistrate should constitute a Visiting Committee for each sub-jail under his jurisdiction.</p>

	<p>This Committee should comprise both official and non-official members, the tenure of non-official members being two years. The Committee should visit the sub-jail at least once in three months and should record its observations to be sent to the District Magistrate with a copy to the Inspector General of Prisons. The office of the Inspector General of Prisons in each state should follow up the suggestions and observations of the Visiting Committee. (pp. 228)</p> <p>(vi) The District Magistrate should constitute a committee to review the position of undertrials in each sub-jail under his jurisdiction. The members on this Committee should represent local police, judiciary, prosecution, district administration and the prison department at a fairly high level. The Committee should visit the sub-jail once a month to ascertain that no person is being detained unnecessarily in the sub-jail. If the Committee comes across any case of unnecessary or prolonged detention it should suggest measures for dealing with the case. (pp. 228)</p>
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Healthcare, hygiene and sanitation

<p>Report of the All India Jail Manual Committee, 1957-59</p>	<p>(i) The cells meant for confining prisoners for reasons of punishment and the cells for confinement of prisoners sentenced to death should have attached conveniences like commode, bath, and exercise area etc. As far as possible, these cells should be self-contained units. (pp. 24)</p> <p>(ii) Each dormitory barrack used for sleeping should have attached commode urinals, and wash place at the rate of one unit for twenty prisoners. Commode for day time use should be provided at the rate of one unit per</p>
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	<p>six prisoners. (pp. 24)</p> <p>(iii) Undertrial prisoners suspected of being of unsound mind should be sent to the Mental Hospital or to the Psychiatric Annexe of the Civil Hospital under authorization from the court for purpose of observation. (pp. 74)</p> <p>(iv) A unit for the study and treatment of prisoners suffering from mental disorders and emotional disturbances should be established in a separate wing of a Central prison. Such inmates should be admitted in this unit for observation and treatment. The services of a Psychiatrist, Psychologist and ancillary staff should be available in this unit. (pp. 92)</p> <p>(v) Where practicable, a separate institution should be earmarked for prisoners suffering from mental disorders. (pp. 92)</p>
<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) Each prison should have an independent stand-by arrangement for water supply in the form of adequate tube-wells or hand pumps. (pp. 66)</p> <p>(ii) Clean drinking water should be supplied to prisoners and it should be tested periodically. (pp. 74)</p> <p>(iii) Open gutters and sewers should be covered. Wherever possible, prisons should be connected to the public drainage and sewer systems. (pp. 75)</p> <p>(iv) The ratio of latrines to prisoners should be 1:6. (pp. 75)</p> <p>(v) Flush/septic latrines should be provided in every barrack and cell. (pp. 75)</p> <p>(vi) Adequate number of separate urinals should also be provided. (pp. 75)</p>

	<p>(vii) Every prison should have arrangements for storing enough water for at least a week. (pp. 75)</p> <p>(viii) Every prison should provide cubicles for bathing at the rate of 1 for 10 prisoners with proper arrangements to ensure privacy. (pp. 75)</p> <p>(ix) Separate platforms for washing clothes should be constructed. (pp. 75)</p> <p>(x) Properly equipped laundries for periodic washing, disinfecting and fumigating clothing and bedding should be set up at each central and district prison. (pp. 75)</p> <p>(xi) Every prison should be got thoroughly inspected by the local public health officer periodically. (pp. 75)</p>
<p>Report of National Expert Committee on Women Prisoners/ Krishna Iyer Committee, 1987</p>	<p>(i) For personal hygiene, female prisoners may be provided with comb, mirror, washing soap, bath soap, oil, sanitary napkins, etc. (pp. 323)</p>
<p>Model Prison Manual, 2016</p>	<p>(i) The Municipal Health Officer, District Health Officer or the health officers of the corporation, as the case may be, shall visit all the prisons under their jurisdictions once a month and offer suggestions on sanitation and hygiene. (pp. 74)</p> <p>(ii) Cess pools and open drains for accumulation and disposal of sewage are prohibited inside or near a prison. (pp. 75)</p> <p>(iii) All drainage in prison shall be underground which should be connected directly to the public drainage system. (pp. 75)</p> <p>(iv) The latrines shall be thoroughly cleaned twice a day or more often, if necessary, with disinfectants. (pp.</p>

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- (v) Distribution of clean water is of paramount importance. Buckets used for filling water for drinking use and for use in kitchen shall not be used for any other purpose. Water vessels, barrels, tanks and reservoirs shall be frequently cleaned. Every water storage receptacle shall be covered and the lid fastened after it is filled. These shall also be filled with taps to facilitate drawing water from them (pp. 76)
- (vi) Hospital accommodation should be provided on the scale of 5% of the authorised capacity of all Central and District Prisons. The prison hospitals may be of Type 'A' and 'B'. Big hospitals, with 50 beds and above shall be called 'A' type hospitals. Other hospitals, with less than 50 beds, shall be called 'B' type hospitals. (pp. 78)
- (vii) The staff and equipment for both the hospitals should include: Chief Medical Officer (in the rank of Civil Surgeon with Post Graduate Qualification), Assistant Civil Surgeons, Staff Nurses, Pharmacists, Male/Female Nursing Assistants, Laboratory Technicians (to be trained in handling all equipments including E.C.G., X-ray and portable X-ray machines), Psychiatric Counsellors and Junior Assistants. (pp. 78)
- (viii) The following equipment shall be made available to all prison hospitals: dental clinic with all equipment, ophthalmology clinic with all equipment, minor operation theatre with all surgical equipment, clinical laboratory with required equipment, x-ray lab with dark room equipment, physiotherapy unit with

	<p>equipment, de-toxification unit and psychiatric unit with equipment. (pp. 78)</p> <p>(ix) Every case or suspected case of infectious diseases shall be immediately segregated and the strictest isolation shall be maintained until the Chief Medical Officer considers it safe to discontinue the precautions. (pp. 90)</p>
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Video Conferencing

<p>Model Prison Manual, 2016</p>	<p>(i) An undertrial prisoner shall be produced before the court, on the due date of hearing, in person. However, for extension of detention in custody, the prisoner may be produced before the court either in person or through electronic media like, video-linkage. (pp. 227)</p> <p>(ii) For court hearings, video-linkage should be provided to high security enclosures constituting high risk offenders. (pp. 238)</p>
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Budget

Report of the All India Jail
Manual Committee, 1957-59

- (i) Expenditure on service conditions, staff welfare, personnel training etc., should be treated as development and welfare expenditure. Considerations of economy in Correctional Administration should not be mixed up with conventional ideas of running institutions in as cheap a manner as possible. Wherever necessary, economy in expenditure should be enforced. But where welfare expenditure on correctional personnel becomes necessary, conventional financial considerations should not hamper the development of correctional service, especially when the State expects the service to establish sound traditions of social work. (pp. 35)
- (ii) The interests of prisoners and vocational training must not be subordinated to the purpose of making a financial profit from an industry in the institution. Production and vocational training should be properly balanced. (pp. 49)
- (iii) The Superintendent should be authorised to incur necessary expenditure for securing the presence of a prisoner's (here, prisoners sentenced to death) family members and relatives to visit him and for such other purposes as would give all reasonable solace to him. Normally, the Superintendent may spend upto Rs.100 for such purposes. If more money is required, the Inspector General's sanction should be obtained. (pp. 90)

<p>Report of the Working Group on Prisons in the Country, 1972-73</p>	<p>(i) The bulk of the financial resources required (for after-care) will have to come from funds placed at the disposal of the prison departments at the State level, directly or through departments responsible for education and employment, as after-care is a legitimate responsibility of the State. (pp. 208)</p>
<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) Adequate funds for annual repairs/renovation of prison buildings should be earmarked in the budget and placed at the disposal of the Prison Department. These works would be executed by the Prison Department. (pp. 66)</p> <p>(ii) A Prisoner's Welfare Fund should be set up in each State/Union Territory. (pp. 138)</p> <p>(iii) Budget allocation for child welfare services should be adequate and should not be reduced for reasons for economy. (pp. 200)</p> <p>(iv) Per capita expenditure on inmates may be standardized to the extent possible. (pp. 197)</p>

Human Resources

Officers and Cadre	
<p style="color: #4F81BD;">Report of the All India Jail Manual Committee, 1957-59</p>	<p>(i) A Correctional Service at the all-India level should be set up. Eighty percent of this cadre should be filled in from departmental personnel and twenty percent by direct recruitment. Inspectors General, Deputy Inspectors General, Deputy Secretaries, Under-Secretaries, Superintendents of Central and District prisons and Senior Training personnel should belong to this cadre. (pp. 29)</p>
<p style="color: #4F81BD;">Report of the Working Group on Prisons in the Country, 1972-73</p>	<p>(i) Direct entry into the Prison Organisation should be restricted to only three levels – viz., Warder Grade II, Assistant Jailor and the lowest level of Superintendent’s cadre by whatever name it is called. (pp. 77-78)</p> <p>(ii) For warders, on the account of the salary level prevalent, the lower educational qualification may remain for the present, S.S.L.C qualified men may be recruited as far as possible; and in due course, when the states are in a position to bear the additional financial burden, the qualification of S.S.L.C. should be enforced with an attendant rise in the salary-level to that of Junior Assistants in Offices. The source of recruitment for this category generally will be the Employment Exchanges and the Open Market. (pp. 78)</p> <p>(iii) The education qualification of Assistant Jailors in most states is a degree and candidates with training in Social Work or Criminology and Correctional Work are preferred. All direct recruitment to the posts of Deputy Jailor and Jailor should be stopped and these posts should be reserved exclusively for promotion from the</p>

lower categories of staff. The direct recruitment for the category of Assistant Jailors may be fixed at 50%. The other half should be filled mainly by promotion from the really good men among the warder staff, who qualify in properly devised promotion tests, and partly by transfer of service in a modified system of direct recruitment with age limits relaxed, from among otherwise qualified members of the ministerial staff. All such personnel should be given special orientation training preparatory to their promotion. (pp. 78-79)

- (iv) Direct entry at the higher executive level will also be for 50% posts in the lowest rank of Deputy Additional/Grade II Superintendents, chosen from among persons with post graduate qualifications, preferably M.As. in Criminology and Correctional Administration or in Social Work, including Correctional Work, or graduates with post-graduate diplomas in these fields. The higher posts will be filled only by promotion. The procedure of selection by the Public Services Commission, both for the Assistant Jailor and Grade II Superintendent, should include a written test and an interview. (pp. 79)
- (v) Promotion to the posts of Assistant Jailors and Grade II Superintendents should be based on tests/interviews by special selection boards, with the association of the Public Services Commission, as necessary. (pp. 79)

<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<ul style="list-style-type: none"> (i) Whereas in small states and union territories it would not be necessary to have a post of Additional Inspector General of Prisons, in a large state, one or two such posts will have to be created depending on the volume of work. (pp. 272) (ii) The Additional/Joint Director of Correctional Services should deal exclusively with the problems of young offenders. (pp. 272) (iii) Direct entry into prison should be restricted to three levels: Warders, Assistant Superintendents, Superintendent, Grade II / Assistant Director, Correctional Services. (pp. 280)
<p>Model Prison Manual, 2016</p>	<ul style="list-style-type: none"> (i) Fifty percent of the posts of Assistant Superintendents and Superintendents, Grade II shall be filled by direct recruitment and the remaining fifty percent by promotion. (pp. 280) (ii) With a view of bringing uniform development of prison personnel in the country and making correctional services an All-India Service, a National Prison Service Cadre called Indian Prisons and Correctional Services should be constituted by the Union Government under Article 312 of the Constitution of India. (pp. 281)

Training

Report of the All India Jail
Manual Committee, 1957-59

- (i) Each state should have a Training School for the training of Correctional officers and guarding personnel. States where the strength of correctional personnel is small may utilize training facilities available in other areas. (pp. 32)
- (ii) A Training Manual should be prepared for All India use. The Head of the Department of Criminology and Correctional Administration, Tata Institute of Social Sciences, and the Principals of Jail Training School, Lucknow and Jail Officers' Training School, Poona and of other training establishments should jointly prepare this manual. Such a manual will be useful for bringing uniformity in the training field. (pp. 33)
- (iii) Methods of joint consultation should be established to enable all grades of correctional personnel to express their opinion on the methods used in treatment of prisoners. Moreover, lectures, visits to other institutions and, if possible, regular seminars should be organized for all categories of staff. It is also necessary that meetings should be arranged at which the members of the staff may exchange information and discuss questions of professional interest. (pp. 33)

Report of the Working Group on Prisons in the Country, 1972-73

- (i) Training of warders should be at an initial stage as against the prevalent in-service training. The duration of the course may be six months. (pp. 81-82)
- (ii) Basic level training programmes to be organized regionally for middle level officers. The training programme should have a predominantly practical orientation and be constantly revised and developed on the basis of current scientific research and evaluation of existing correctional programmes. The duration of the course may be one year and each batch may consist of 25 to 45 officers. (pp. 83-84)
- (iii) The initial training of direct recruits of these ranks will also have to be organized in the Regional Training Institutions. The duration of the course for the higher-level officers may also be one year and each batch should, if possible, not exceed 15 officers. (pp. 85)
- (iv) No category of prison officials should be promoted to the next higher rank without undergoing pre-promotion training. Nor should any member of the ministerial staff, however good, be posted to executive responsibility without suitable orientation training. (pp. 85)
- (v) All guarding staff should be given refresher training after 5 years of services. (pp. 85)

<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) For training of security and administrative staff, a training school should be set up in each State by the State Government. Smaller states and Union Territories can avail of such training facilities in the neighbouring states. (pp. 290)</p> <p>(ii) For training of executive staff, Regional Institutes of Correctional Administration should be set up. One such Institute is already functioning at Vellore. Four more such institutes should be established in the country. The location of institutions including that at Vellore together with the grouping of States/Union Territories for the purpose may be established in Calcutta, Chandigarh, Lucknow and Pune. (pp. 290)</p> <p>(iii) A National Academy of Correctional Administration should be established by the Government of India to meet the training needs of supervisory staff and other senior officers concerned with planning and policy formulation. When the Indian Prisons and Correctional Services is established, this academy would meet the training needs of the members of that Service. (pp. 290)</p>
<p>Report of National Expert Committee on Women Prisoners/ Krishna Iyer Committee, 1987</p>	<p>(i) There is a need for developing specific ingredients in training that can equip custodial staff to comprehend and treat the special needs of women inmates of custodial institutions. (pp. 241-242)</p>
<p>Model Prison Manual, 2016</p>	<p>(i) All new recruits to the prison department, whether inducted as security, custodial, executive, treatment or supervisory staff should be imparted basic training of sufficient duration appropriate to their job requirements. All officers and staff taken on deputation from other departments should be given a short orientation course for one week with regard to</p>

the functioning of the prison department. (pp. 288)

- (ii) No prison personnel shall discharge any official duty without the completion of basic training. Adequate training reserve should be provided in each cadre of the Prison and Correctional Service so that in-service training can be organised for them. (pp. 288)
- (iii) A National Academy of Correctional Administration should be established by the Ministry of Home Affairs, Government of India under the control of the BPR&D to cater to the training needs of the supervisory staff and other senior officers concerned with planning and policy formulation. When the Indian Prisons and Correctional Services is constituted, this academy would meet the training needs of the members of that service. (pp. 289)
- (iv) On recruitment all correctional officers i.e., Superintendent Grade II, Assistant Superintendent and Warder shall undergo an initial basic training course at a Training School/Institute for one year. After completion of the initial basic training, the trainee officers should be posted for duration of six months for practical training in various branches of the institutional management at a Central Prison in their respective State/Union Territories. (pp. 289)
- (v) On completion of practical training, the trainee officers should be given independent charge of the post for which they have been recruited, for a period of six months. (pp. 290)
- (vi) Serving officers who have had no opportunity to get initial training shall undergo a training course for three months. For such officers, placement for practical training and holding charge will not be necessary. (pp.

290)

- (vii) Serving Superintendents, Deputy Superintendents, Assistant Superintendents, and other correctional officers of all grades will undergo refresher courses of one month duration once in every five years. (pp. 290)
- (viii) Vertical Interaction Courses (thematic) for prison officers. (pp. 290)
- (ix) Short term courses on various aspects of Correctional Administration and Treatment of Offenders. (pp. 290)
- (x) All newly recruited and untrained serving warders shall undergo an initial basic training course for six months. During this period, they will be given practical training in every aspect of institutional management. (pp. 290)
- (xi) Refresher courses of two months duration for custodial/security personnel. It should be obligatory for them to undergo such training once in every five years. (pp. 290)
- (xii) Refresher courses of two months duration for custodial/security personnel. It should be obligatory for them to undergo such training once in every five years. (pp. 291)

Correctional Officers

Report of the All India Jail
Manual Committee, 1957-59

- (i) The appointment of specialized staff such as psychiatrists, psychologists, correctional social workers, teachers, technical instructors, etc. should be favorably considered by Governments. This will help improve the programme in the correctional institution in terms of effectiveness and also in relation to the ultimate rehabilitation of offenders. (pp. 35)
- (ii) The staff performing specialized functions, including administrative functions, should possess professional or technical qualifications necessary for each of the various functions in question. (pp. 37)

Report of the All India
Committee on Jail Reforms/
Mulla Committee, 1980-83,
Volume I.

- (i) In order that professional services necessary for correctional treatment may be suitably planned and integrated with the prison programmes, the headquarters organisation should have whole time service of:

Joint/Deputy Director, Medical and Psychiatric services;
Joint/Deputy Director, Probation and After-Care services;
Joint/Deputy Director, Vocational Training and Prison Industries;
Joint/Deputy Director, Agriculture;
Deputy Director, Education; and
Chief Psychologist (pp. 272)
- (ii) All these officers except Joint/Deputy Director, Probation and After-Care services and Chief Psychologist should be taken on deputation from the concerned department of the government. (pp. 273)

Model Prison Manual, 2016

- (i) There should be one Correctional Officer for every 200 prisoners. (pp. 44)

Medical Officers

Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.

- (i) Medical officers should be deputed from the State Medical Services to prisons. Only such medical officers as have at least 5 years of experience in the clinical field after graduation should be posted to prisons. The term of deputation of medical officers should be between 3 to 5 years. (pp. 84)
- (ii) Every Central and District should have two or more medical officers. A central prison with inmate population of more than thousand should have three medical officers. These officers should work full-time in the prison and reside in the quarters provided for them within the premises. (pp. 84)
- (iii) At every prison where there is a sufficiently large number of women prisoners (25 or above), a whole-time lady medical officer should be deputed. At other prisons, arrangements should be made for part-time lady medical officers. (pp. 85)
- (iv) 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. (pp. 85)
- (v) If the number of women prisoners is too small to justify the appointment of even a part-time lady medical officer, women medical officer from the nearest hospital may be deputed to visit the jail at least once a week and as often as necessary when there are seriously ill patients. (pp. 85)

	<p>(vi) In the psychologist's wing, direct recruitment should be made for the posts of Psychologist, District Prison. (pp. 286)</p> <p>(vii) Psychiatric Social Workers / Case Workers should also be directly recruited. (pp. 286)</p>
<p>Report of National Expert Committee on Women Prisoners/ Krishna Iyer Committee, 1987</p>	<p>(i) Medical diagnostic and care facility must be available to inmates routinely and by a female doctor. Where full or part- time women medical staff are ill-afforded, local female doctors from government health facilities must be inducted to serve the prisoners on a visiting consultant basis. Schools of medicine should also be required to place women medical interns in prisons for specified periods. (pp. 141-142)</p> <p>(ii) Keeping in view the possibility of the expected shortfall in the numbers of trained psychiatrists, a para-psychiatric cadre should be created which could serve as the equivalent of the community-based health worker and the trained midwife. Such a cadre's training could be entrusted jointly to medical and social work schools and an integrated simple curriculum could be devised to meet the needs specific to the mentally ill in Indian society and in prisons. (pp. 203)</p> <p>(iii) Frequent or weekly visits by the psychiatrist must be a normal expectation. Visits from psychologists and psychiatrists are also required to reduce the emotional stress of custodialization on women in general. (pp. 204)</p>

Model Prison Manual, 2016

- (i) There shall be at least one Medical Officer for every 300 prisoners. In central prisons, there should be at least one doctor at all times. (pp. 43)
- (ii) One counsellor/psychologist to be appointed for every 500 prisoners. (pp. 44)
- (iii) The Chief Medical Officer/Medical Officer (In charge) shall visit the prison and shall examine the sick prisoners every day. He shall visit the prison on Sundays and holidays as well, whenever necessary. (pp. 80)
- (iv) He shall also make a full medical inspection of all the prisoners once a month. (pp. 80)
- (v) If any epidemic or unusual sickness prevails, or any serious case of illness occurs, he shall visit the prison as often as may be necessary. (pp. 80)
- (vi) Psychologists, social workers / case-workers and correctional staff should be recruited directly. (pp. 280)

Welfare Officers

Report of the Working Group on Prisons in the Country, 1972-73

- (i) Welfare officers should be appointed in all jails at the rate of one for 200 prisoners. It should be a part of duty of these officers, in co-ordination with the after-care agencies in the field, to organise pre-release programmes for prisoners who are due for release in the next six months and getting them ready for release in all aspects. These programmes could include broad-based efforts of systematic counselling and occasional lectures or interviews by suitable persons from the

	After-care Services and voluntary agencies like the Discharged Prisoners' Aid Societies. (pp. 205)
Model Prison Manual, 2016	<p>(i) The welfare personnel will primarily be concerned with the wellbeing of the prisoners, undertaking individualized care for those needing institutional adjustment and responsiveness through correctional programmes. (pp. 44)</p> <p>(ii) Prison welfare officer should be appointed in each central and district prison to look after the welfare and reintegration programs of prisoners. It is advisable to have at least one welfare officer for every 500 prisoners in a central prison and at least one for each district prison. (pp. 44)</p>

Law Officer	
Report of National Expert Committee on Women Prisoners/ Krishna Iyer Committee, 1987	(i) A socio-legal counselling cell to work in prison under the prison department's overall supervision but managed and staffed by schools of law and social work. (pp. 270)
Model Prison Manual, 2016	(i) Appointment of a law officer to advise authorities on the protection of human rights of prisoners within the limitations of imprisonment, arranging free legal aid for indigent prisoners, assisting prison authorities in holding special courts, lokadalats and video conferencing. (pp. 45)

Probation Officer

<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) In the probation wing, direct recruitment should be made for the posts of Probation Officers Grade II and District Probation Officers. (pp. 286)</p>
<p>Model Prison Manual, 2016</p>	<p>(i) Appointment of a probation officer to look after all matters relating to pre-mature release including probation service under the supervision of Assistant Director, Correctional Services. (pp. 45)</p>

Diversity

<p>Report of the All India Committee on Jail Reforms/ Mulla Committee, 1980-83, Volume I.</p>	<p>(i) All prisons/annexes for women must be staffed by women personnel only. No male staff should enter the women's jail, unless accompanied by a female staff member. (pp. 188)</p> <p>(ii) If there is a senior lady officer in any wing of the headquarters organisation of the Department of Prisons and Correctional Services, she should be entrusted with the job of looking after the problems of women prisoners in addition to her own duties. If such a lady officer is not available, the Additional Joint Director of Correctional Services (Young Offenders) may be entrusted with this job. (pp. 272)</p>
<p>Report of National Expert Committee on Women Prisoners/ Krishna Iyer Committee, 1987</p>	<p>(i) Women are under-represented as operators of the prison system. Protected enhanced representation of women in the prison service is a desideratum. In this context, apart from female staff in women's jails, a specific recommendation is to have a woman Deputy Inspector General (DIG) in the State Headquarters to look after the welfare of women prisoners. (pp. 162-163 and pp. 297)</p> <p>(ii) Poor salaries and facilities are just as chronic among women prison staff of lower ranks. Since there are extended hours involved, monetary and non-monetary incentives should be there. Non-monetary incentives can be priority allocation of bank loans, house loans, free health care, free schooling of children, use of prison creche for smaller children, free midday meal, etc. (pp. 163-164)</p> <p>(iii) Keeping in mind the limitations in the upward mobility opportunities for women staff, it is recommended that</p>

	<p>suitable incentives be worked out for women staff after they qualify from training. (pp. 244)</p> <p>(iv) There should be enhanced and protected representation of women in the prison cadre with appropriate recruitment, training, deployment and promotion provisions. (pp. 297)</p> <p>(v) Adequate training and retraining should be provided for female custodial and prison staff to enable them to update their skills. (pp. 296)</p>
<p>Model Prison Manual, 2016</p>	<p>(i) In a prison for convicted women prisoners there shall be one post of a lady Superintendent. (pp. 258)</p> <p>(ii) The woman's enclosures attached to the sub-prisons and district prisons shall be in the charge of a lady Deputy/Assistant Superintendent. They will be assisted by a female Chief head Warder, Head Warder and female Warders. (pp. 258)</p> <p>(iii) There shall be one post of lady Deputy Inspector General (DIG) attached to the prison department's headquarters to look after women prisons, women prison staff and women prisoners. Inquiries pertaining to women prisoners shall be conducted by the lady Deputy Inspector General (DIG), who shall submit her finding to the Inspector General of Prisons with her recommendations. (pp. 258-259)</p>



About India Justice Report

The India Justice Report (IJR) remains the only comprehensive quantitative index using government's own statistics to rank the capacity of the formal justice system operating in various states. This IJR is a collaborative effort undertaken in partnership with DAKSH, Commonwealth Human Rights Initiative, Common Cause, Centre for Social Justice, Vidhi Centre for Legal Policy and TISS-Prayas. It continues to track improvements and persisting deficits in each state's structural and financial capacity to deliver justice based on quantitative measurements of budgets, human resources, infrastructure, workload, and diversity across police, judiciary, prisons and legal aid for all 36 states and UTs.

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