

TABLE OF CONTENTS

CHAPTER I: ACTIVITIES OF THE MISSION

- A. The scope of the mission.
- B. Co- Operation and confidence
- C. Personnel of the mission
- D. Time schedule
- E. The tour programme
- F. The training course
- G. Special participation of the mission

CHAPTER II: EVALUATION OF THE JAIL PROBLEM IN INDIA

CHAPTER III: SUGGESTED REMEDIES

- A. Philosophy of modern jail administration
- B. Positive suggestions
- C. Additional suggestions for consideration

CHAPTER IV: THE NEED FOR FURTHER TECHNICAL ASSISTANCE

- A. Expert advice
- B. The fellowship programme in the correctional field

CHAPTER V: SUMMARY OF RECOMMENDATIONS

Annexure 1: FIFTH ANNUAL SESSION OF THE INDIAN CONFERENCE OF SOCIAL WORK

Annexure 2: RESOLUTIONS PASSED AT THE EIGHTH CONFERENCE OF INSPECTORS GENERAL OF PRISONS HELD AT BOMBAY FROM 13TH TO 15TH MARCH 1952

Annexure 3: PROBATION CONFERENCE: SUMMARY RECORD.

Annexure 4: A BILL FOR THE RELEASE ON PROBATION OF OFFENDERS

Annexure 5: PROBLEMS OF PENAL ADMINISTRATION.

CHAPTER I: ACTIVITIES OF THE MISSION

A. The scope of the mission

Although the mission was designed primarily for the training of jail officers in progressive methods of jail administration, a secondary aspect of the mission, namely the stimulation of local and national interest in the newer approaches to the treatment of adult and juvenile offenders has loomed very eagerly of official and non-official persons, vitally concerned with the jail and related questions, to establish a new era of jail administration in keeping with the independence of India and her future possibilities. Still a third aspect of the mission has loomed large, in face as large as the other two. The Government of India, through the Secretary of the Ministry of Home Affairs, indicated very eagerly that they would be glad to receive the benefit of the mission's observations and suggestions regarding jails. Likewise, in touring the States of India, the mission was pressed by officials and properly so, for suggestions and the mission, in the very limited span of a few days, did what it could to point out ideas which they could consider. And finally, the mission assisted in the organization of and participated in the proceedings of certain all-India conferences. The expert acted as an advisor to many official and non-official persons who came to him in search of solutions. Perhaps the most appealing incident in this connection was the conference the mission had with a poor Indian homeopathic doctor and his neighbour, a reformed ex-prisoner, and former terror in the local police annals, both of whom were helping discharged prisoners and sought advice as to how they might get some help – all this in a state which is struggling hard against the jungle, where no discharged prisoner's a Aid Society exists.

B. Co-operation and confidence

The mission started with somewhat limited and restricted objectives yet its dimensions grew enormously by the very favorable response to it in all parts of India and by the very eagerness of official and non-officials to receive help. Everywhere the press and radio were most generous and did splendid work in informing the public about the mission's work. The co-operation from the government of India and State Governments was excellent and timely. The mission felt that it possessed the full confidence of the Government of India and that the latter was willing to help it in every respect. Likewise, the State Governments and local officials and non-officials exuded confidence in the mission. For this magnificent co-operation and expression of confidence, the mission is deeply grateful.

C. Personnel of the mission

The mission consisted at the outset of Dr. Walter C. Reckless, expert in criminology and Correctional administration, who arrived in India 21 October 1951. The Government of India made the Tate Institute of Social Sciences, Bombay, its intermediary agent in handling details of the mission, since the training course for the deputed jail officers was to be held there. The Director of the Tate Institute of Social Sciences, Dr. J.M. Kumarappa, was responsible for interesting the Government of India in the mission and making preliminary enquiries of United

Nations as to their interest. It became apparent to the expert of the mission quite early after his arrival as well as to the Government of India, and the Director of the Tata Institute of Social sciences that the mission needed the services of an assistant. In order to meet this need the Government of India requested from the United Nations another expert to assist Dr. Reckless. The Director- General of the Technical Assistance Administration appointed for these duties a member of the Social Defence Section of the Department of Social Affairs of the United Nations. This assistant expert, who arrived in India on 9 March 1952, will continue his stay in that country by arrangement and understanding, for some time after Dr. Reckless leaves, to take care of requests which could not be implemented by Dr. Reckless during his stay and to do certain follow-up consultation and visits in several local States. The assistant expert has been the recipient of the same co-operation and confidence from the Government of India and local officials and non-officials as has Dr. Reckless. His assistance in the training course was most timely and effective. Certain projects and coverage of important topics in the training course would not have been possible without the co-operation of the assistant expert. Likewise, interested officials and non-officials have also come to the doorstep of the assistant expert seeking help and advice. He too participated in the proceedings of several concerned with the treatment of offenders and the prevention of crime and delinquency. The assistant expert's participation in the mission freed the expert to render urgently requested services to Government officials and organizations in the correctional field. This final report of the expert contains evolutions and recommendations which have grown out of the joint thinking of the expert and his assistant.

D. Time schedule

The time schedule of the expert was as follows: Arrival and orientation in Bombay, 21 to 25 October; consultation with Government of India, 26 to 30 October; finalizing tour programme and training programme, Bombay, 30 October to 3 November; tour programme, 4 November 1951 to 2 January 1952; training course for deputed jail officers, 5 January to 27 June; post training course period, 27 June to 15 July; preparation of first draft of final report, 15 July to 1 August; final consultations with Government of India, 1 August to 15 August; departure for United Nations Headquarters, 20 August.

For the assistant expert, the time schedule has been as follows: Orientation and administrative and teaching assistance to expert, 9 to 30 March; consultation training course, 8 to 14 April; assistant in training course, 14 April to 27 June; post training-course activities, 27 June to 14 July; consultation with Government of Bombay, on request, 14 July to 30 July; lectures and conferences at University of Baroda, first week of August; consultation with Delhi State, second and third 1Septembe to 1 December.

E. The tour programme

A tour was arranged so that the expert of the mission could get acquainted first hand with the jail problem and related problems all over India. It was felt both by Dr. Kumarappa and the Government of India that this orientation of the expert was necessary prior to the beginning of the training course. Opportunity was given for the expert to meet several of the jail officers who

were to be deputed to the training course and to understand the conditions under which they worked.

But the momentum of interest in the mission carried the expert much beyond these very realistic and worthy objectives. Officials and non officials sought information and solutions to the problem of crime and delinquency. Conferences were held with secretaries of Government, some audiences were held with Ministers (although it was election time), and meetings were arranged with discharged Prisoner's Aid societies, with non –official visitors of jails, with Police Officials, and group of jail officers. Individuals came privately to explain their problems and get help. It seemed as if everyone were seeking help, encouragement, and a way to go ahead.

In consequence, the tour programme turned out to have much broader aspects than the orientation of the expert. The more the expert toured the more he realized that it was necessary to have a look at court operations, police stations in cities and villages, certified schools, probation and after-care societies, remand homes and juvenile courts, where they existed.

Besides Bombay State and Delhi state, the tour programme took the mission through the following States: Madras, Travancore-Cochin, Mysore, Hyderabad, Madhya Pradesh, Punjab (India), Rajasthan, Uttar Pradesh, Bihar, Orissa, and West Bengal. Because of necessary changes in travel schedule, the visit to Madhya Bharat had to be cancelled but it is hoped that the visit of the assistant expert there will more than make up for this.

F. The training course

Forth-seven Jail Officers were deputed to the training course in Correctional Administration at the Tata Institute of Social Sciences, Bombay. They came from 15 States of India; 17 from Bombay, 7 from Punjab, 4 from Uttar Pradesh, 3 from Madhya Pradesh, 3 from Bihar, 2 from Madhya Bharat, 2 from Madras, 2 from Travancore-cochin, 1 from Hyderabad, 1 from Rajasthan, 1 from Tripura, 1 from Assam, 1 from Coorg, 1 from West Bengal and 1 from Patiala and east Punjab States Union. One officer was Superintendent of a Reformatory School; another was Headmaster of a Certifies School; another was an unassigned Assistant Civil Surgeon. All but two of these officers had B.A. degrees. Some had M.A. degrees. Several students came at their own expense without salary and allowances. Most of them made terrific sacrifices in money and family separation. Some deputed officers only received Rs. 100 a month and the actual cost in Bombay was over twice that amount. Special books and reading materials for the course were sent by the United Nations. About 17 of the officers were housed in a hostel provided by the Tata Institute of Social Sciences. The 17 Jail officers from Bombay were assigned to nearby jails and were on duty each day prior to the lectures and after the sessions in the afternoon. The remainder made their own private living arraignments.

The training course was inaugurated 5 January with the Home Minister of Bombay, Mr. Moraji Desai as guest speaker.

The training course consisted of lectures, committee discussion projects, library reading, visits to institutions and film showings.

a. Lectures: The lectures consisted of the following:

1. Criminology, one two-hour lecturer each week for six months.
2. Correctional Administration, the same.
3. Psychiatric aspects of crime and Delinquency, the same.
4. Juvenile Delinquency and its treatment, the same.
5. Probation and After-Care, one two-hour, lecture for three months.
6. Criminal Justice and the court systems, one two-hour lecture, a week for three months.
7. Police Administration, one two-hour lecture, once a month for six months.
8. Interviewing and Case work, one two –hour lecture for 10 weeks.
9. Group Projects and Recreation, one two –hour for 8 weeks.
10. Crime and Indian Social conditions, one two- hour lecture for 4 weeks (requested).
11. Labour Problems, one two-hour lecture for 3 weeks (requested)
12. Social Education, one two-hour lecture by Bombay Director of Social Education (requested).
13. Family Planning, one two-hour lecture by the Director of a Local Clinic (requested).

The faculty for the lectures consisted of the following:

1. Dr. Walter C. Reckless – Criminology and correctional administration.
2. The United Nations expert assistant to Dr. Reckless – Probation and After – Care as well as a continuation of the lectures on Juvenile delinquency.
3. Dr. J.C. Maffatia, Tata Institute of Social sciences, and Director of local Clinic – Psychiatry.
4. Mr. D.V. Kulkarni, chief Inspector of Certified Schools, Bombay State, and former Magistrate – Criminal Justice.
5. Mr. T.S. Vyas, Inspector General of Prisons, Bombay State, and former Magistrate – Criminal Justice.
6. Mr. K.D. Billimoria, Deputy Commissioner of Police, Bombay – Police Administration.
7. Dr. Miss G.R.Banerjee, Tata Institute of Social Sciences – Interviewing and cAse work.
8. Mr. N.F. Kaikobad, Tata Institute of Social Sciences - Group Projects and Recreation.
9. Dr. B.H. Mahta, Tata Institute of Social Sciences – crime and Indian Social Conditions.
10. Dr. M.V. Moorthy, Tata Institute of Social Sciences – Labour Problems.
11. Mr. B.M. Kapadia, director of Social Education, Bombay – Social Education for Prisoners.
12. Dr. Mrs. Shishila Gorge, former United Nations Fellow, Director of Family Planning clinic – Family Planning.

b. Committee Projects:

The committee projects were conducted on the basis of three two-hour periods each week for the six months. The 47 jail officers were divided into small committees of 7 members each. They met separately until ready to give their report. Then the report of each committee was heard and discussed in plenary session and a committee of secretaries was appointed to compose the projects and prepared reports on the same:

- 1) The undertrial problem
- 2) Police Lock-ups and Sub jails
- 3) Topical Contents for a New Jail Manual
- 4) New System of discipline for Jails
- 5) A central Bureau for Advice, Research and Planning in the Correctional Field (adult and juvenile)
- 6) The Use of Welfare Officers or case workers in Jails, Borstals, and Certified Schools in India
- 7) In-Service Training Programmes for Jail Personnel
- 8) Improvement of service Conditions.

All these reports were very well done and well considered. The expert of the mission, who acted as director of the training course, feels that the committee project work was of the most valuable features of the whole course, because it got every trainee to exchange views his association from other states and enabled him to think through Jail problems in his own terms.

C. Library Reading:

Several periods in the week were allotted to library reading, since the Tata Institute books in the subject in addition to the special books provided by United Nations were available. The Librarian also arranged schedules whereby certain much used book could be taken out for several days at a time. Many of the trainees read widely and well. Some, like the Bombay Group, had much less time for reading. Committee Secretaries often went to the Library to get special ideas as a group the trainees made good use of the library and their library time.

D. Educational trips:

Several educational trips were arranged. These took all the way from a half day to two days in duration. The Jail, certified school, remand home and juvenile court, the probation and after-care office at poona and at Nasik were visited. The remark home, juvenile court, probation office, certified school at chembur and the David Sassoon Industrial School were visited. The Mental Hospital at Thana was visited and a clinical demonstration of usual mental cases was held. Also the clinic for emotionally disturbed cases, non-psychotic in nature at the J.J. Hospital in Bombay was visited. Several industrial plants and labour welfare officers were visited – those that had application to the work problem in the jails. A model dairy was visited. Discussions were held the next day after the visit, relative to what the practices and procedures meant for the jail problem. The expert of the mission was highly gratified by the education results of these trips.

E. Film showings:

Several films were shown, having to do with probation and after-care, police administration, administration of justice juvenile court and remand home, borstals and certifies

schools. The film content was discussed the next day after each showing with very fine response from the trainees. The expert feels that this form of visual education was most effective and in the future would advocate a greater concentration on films and immediate follow-up discussion and a reduction in lecturers.

F. Constructive impact on prisoner:

The mission discovered in the tour programme that what the jail officers and other officials were seeking was a more constructive approach to the prisoner than merely custody plus a few humane amenities. They wanted to discover possible ways of having a positive impact on the prisoner, an impact that would ensure a better citizen when the prisoner left the jail. Consequently, the expert of the mission pitched the training course towards operations, procedures, relationships, services and projects in the jail, borstal and certified school which could be expected to have a constructive effect on the adult and juvenile offender. The lectures on criminology and on psychiatry were designed to give the trainees understanding and insight into human behaviour, and the working of personality under certain conditions. This was a behavioural approach to these subjects rather than a legalistic approach. Next to these subjects, the lectures on interviewing and case work, that deal with how to develop a helpful relationship with a person who needs help and guidance, such as a prisoner or juvenile delinquent, made a very great impression on the trainees. The possible applications in all phases of jail administration became very real to the trainees. The lectures, visits, and conferences on probations and after-care also took hold, because of the great possibility of handling the average type of offender more satisfactorily and more economically on probation and by whole-time after-care supervision.

G. Examinations:

Two examinations were held. One at the end of the first three months and the final examination at the end of the training course. The results of both examinations were highly gratifying. Each student's examination paper was evaluated in terms of what was a satisfactory answer. The results showed that the trainees as a group gravitated toward better than satisfactory answers. The trainees proved to be a much better than average lot. They displayed good understanding, good capacity to pull their thinking together, and good judgement. In fact, the level of understanding was so much better than expected, after the results of the first examination, that the expert of the mission had no hesitancy in carrying the trainees pretty far and pretty deep in subsequent lectures. Measured in terms of performance on the two examinations, the Government of India and the United Nations can both be justly proud.

H. Personal Growth of Trainees:

However, personal growth and development took place during the training course, which cannot be measured on examinations, but was clearly obvious to the expert who got to know each jail officer very well and had several opportunities in interviews and on other occasions to sense what was going on insides. The jail officers developed confidence; sharpened up their imaginations; discovered possibilities in themselves; learned to related themselves better to others; learned how to give and take in discussion and developed enthusiasm for the job ahead. It was truly remarkable to observe this to see the trainee's blossom forth. As the expert sensed their dominant spirit at the close of the session, he would put it somewhat as follow: we are

willing to do any job Government asks of us but we would like to have a chance to show our ability to render service and to introduce slowly new projects and procedures which are practical for our local jails. The expert of the mission feels that he can safely say that the Secretary of the Ministry of Home Affairs gained the same impression from his personal interviews with the jail officers during the closing function of the training course.

I. Award of Certificates:

Finally a certificate of Attendance was granted to each trainee, which by agreement was signed by the Secretary of the Ministry of Home affairs, Government of India; by Dr. Reckless and his assistant for the Technical Assistance Administration of United Nations, and by the Director of the Tata Institute of Social Sciences. The certificates were beautifully gotten up and many of the trainees confided in the expert after the closing function that they looked upon this certificate as the greatest thing in their lives. Mr. H.V.R Iyengar, Secretary for the Central Ministry of Home Affairs, Government of India, awarded the certificates at the closing ceremony at which he also made the presidential address.

G. Special participation of the mission

a. Refresher Lecturers at Lucknow:

The expert was requested to conduct a series of lectures on treatment of juvenile and adult offenders in Lucknow, under the auspices of the All India Crime Prevention Society. The lectures were held in the lecture hall of the Jail Training School. One hundred and hour persons from all over India attended, mostly from the Uttar Pradesh however. The lecture series were announced as a short refresher course for workers in the correctional field. Mr. P.M. Saxena of the All India Crime Prevention Society had written United Nations about the possibility of the expert being sent to Lucknow for this purpose. The expert fitted this in with his regularly scheduled visit to the Jail Department of Uttar Pradesh, on his tour programme. The expert was asked to sign certificates of Attendance for the participants. He wrote Headquarters and got permission to do so and signed 104 certificates.

b. Chairman, Social Defence Section, Calcutta Conference:

Prior to coming to India, the expert was asked to act as Chairman of the section on Social Defence at the annual Conference of social work at Calcutta, the last of December 1951 and the first of January 1952. The section divided the time available between discussion and papers bearing on the Juvenile offender and the adult offender. The sectional meetings were very well attended, and excellent discussion took place. The section on Social Defence of the Conference prepared a set of resolutions, regarding important needs for development in this area. These recommendations are given in Annex 1 of this report. The idea of a central Bureau was developed at Calcutta. The resolutions also contained the idea that Jail officers should be trained workers and that probation and after-care should be developed. The expert felt very strongly that the sectional meetings on Social Defence were a great success as were the entire meetings of the total conference.

c. Conference of Inspectors General of Prisons:

During the tour of the Jails many Inspectors General of Prisons expressed the desire for an Inspectors General Conference, while the expert was still in India, especially in view of the

fact that an Inspectors General's Conference had not been held since Independence. (The last one was held in 1954). The expert transmitted this finding to the Ministry of Home Affairs of the Government and they in turn issued the call. The Conference was held in Bombay 11-13 March 1952. Twenty –One Inspectors General of Prisons attended. The expert went as an invited observer and friend of many of the attending Inspectors General. He was called on to comment and express views as an individual. The assistant to the expert also was an observer. The minutes were prepared and passed on to the Government of India by the recording secretary of the conference. The Inspectors General expressed the view privately to the expert that they felt it was a very excellent conference. The expert feels that this 1952 conference was on a very much more progressive plane of jail administration than the 1945 conference and he feels that the Inspectors General were looking for a more progressive era of jail administration. They recommended, among other things, better conditions of service for warders and jail officers, better amenities for prisoners, training of jail officers, an advisory bureau at the centre, the use of welfare officers, and the revision of the jail manual. One notes that these subjects have also been taken up in this report. The resolutions of the conference appear in Annex 2 of this report.

d. Conference of Probation and After-care:

The need to have a conference for the discussion of the development of probation and aftercare India was expressed several times to the expert. He approached the Ministry of Home Affairs and they requested the three States, Uttar Pradesh, Bombay and Madras, which have probation and after-care to send each a senior officer in this field. The three officers met with the expert and his assistant in Bombay, 29-31 May 1952. The three senior officers also held two lengthy panel discussions for the 47 jail officers in training at the Tata Institute of Social Sciences. The expert felt that, although this was a small conference, it was one of the best in India. It completely designed the possibilities of probation and after-care for India. It discussed the ingredients of a Model or Central Probation Act for India and delegated the drafting of this Act to Mr. V.K. Menon, Superintendent of Probation, and Madras. This draft has been approved by the two other senior officers and they asked the expert to present it to the Ministry of Home Affairs, of the Government of India. Prior, to this, the complete minutes of the Probation Conference were transmitted to the Ministry of Home Affairs. The assistant to the expert was asked to act as recording secretary of the Conferences and was asked to submit the summarized minutes to the three senior officers for comment and approval. After revision the minutes were forwarded to the Ministry of Home Affairs and the expert suggested the minutes be distributed to cognizant Ministries in the State Government. A summary report of the Probation Conference is supplicated in Annex 3 of this report and the Model Probation Act is presented in Annex 4.

e. Specific Requests:

The expert has been approached many times with specific requests for his private views on certain questions coming within his field of competence. Perhaps the most important of these was a request from the Ministry of Health for the expert's private views on the employment of psychiatrists in the jails of India. He answered this in terms of procuring psychotherapeutically oriented psychiatrists when the jail had staff and programme that could make competent use of such services. There was a request to look over the contemplated plans for improving the lecture course offering at the jail Training School in Locknow. The expert also acted as chairman of the section on child Delinquency of the conference on child Welfare held by the Bombay Presidency Women's Organization.

The expert gave an address to the Bombay After-care Association. He has given several press conferences, in which he has tried to interpret the Jail problem to the public in the proper light. He had given several radio talks at the request of local stations, here again trying to stimulate proper interest in the Jail problems and the juvenile delinquency problem in India.

f. Planning Commission Requests:

Singled out for special mention is the request by the Planning Commission of the Government of India for a statement from the expert on the jail problem and related problems. The planning commission deputed Dr. H.B. Mahta to come to Bombay to get this statement. The expert prepared a short statement (see Annex 5), which he did as an interested private individual, because he could not give the essence of what would be his provisional report to the Government of India and his revised report to the United Nations. The Planning Commission was well satisfied with this arrangement, since it could not wait until the expert's report was finally officially released by United Nations in order to use statements there from.

When the expert went to New Delhi to have his official conference with the Government of India (4 August – 15 August), he was requested to appear before the Planning commission and discuss with the members some of the important items in his provisional report regarding jail problems in India. The expert discovered that the Planning Commission had used the above mentioned statement prepared for them by the expert as a basis for discussing the jail problem and for making recommendations in the forthcoming report to be published by the Planning commission.

One of the members of the Planning Commission requested the expert and his assistant to consult regarding the preparation of a new draft for an All-India Children's Act, covering handling and treatment of delinquent and destitute children.

g. Conference on Plans for new Jail in Delhi:

The chief Commissioner of Delhi State requested the expert to consult with the architect, the Superintendent of the prison jail in Delhi, and other cognizant persons, in reference to the blueprints of the new jail in Delhi. The expert was able to offer suggestions regarding better functional rearrangements in the internal order of the jail and also regarding the facilities for subordinate and superior staff immediately outside the jail walls. It is hoped that a larger amount of space will be found for the education building and for recreational facilities. It is hoped also that juvenile court developments and remand home developments in Delhi State will enable diversion of the Juveniles from the Jail. It was suggested that the quarters used for the Juveniles could be converted into enlarged quarters for women prisoners when juveniles no longer are sent to the adult jail.

h. Requests for additional consultations:

The expert was unable to take care of several requests for consultation. In consequence, arrangements were made to have his assistant take care of these requests beginning the last part of July and continuing on until 1 October. However, it was necessary to have the assistant's assignment to the Government of India extended until 1 December 1952 in order to take care of these requests. It should be noted that whereas the expert in most instances was only able to spend a few days in any given State during his tour programme, his assistant will be able to stay

as long as two weeks in any requesting State. It is interesting to note also that several of the requests are asking the assistant expert to consult particularly about the possibilities of developing probation service and developing special facilities for the juvenile delinquents.

CHAPTER II – EVALUATION OF THE JAIL PROBLEM IN INDIA

In view of the fact that the Government of India expressed a desire to have the expert of the mission make an evaluation of the jail problem in India as he saw it, certain impressions and observations will be listed and certain comments will be put forward for consideration. It is impossible to list all the impressions which have occurred to the expert. He has, therefore, acted selectively and has tried to pick out the most important items.

1. Good Human Materials:

The prisoners in Indian jails which were visited by the expert, even including some police lock-ups, seemed to the expert to represent good human material which could readily be fashioned into good citizens. In spite of poverty, there seemed to be the absence of a pronounced element of derelict and degenerate individuals. The expert feels that this must mean that the police and courts are remanding and sentencing persons to jail who are just about as good human material as exists outside the jails; whereas in some countries one may find that the human material which police and courts send to jails is much poorer, in the sense of degradation, than exists generally on the outside. No matter what might be the explanation, the impression made by the prisoners on the expert was distinctly favourable.

2. Holding Operation:

Although, as mentioned in paragraph 4 below, there are very definite indications of progressive developments in the jails, borstals, and certified schools of India, the main accent on jail administration in India, as is true in most countries of the world, is on holding the prisoner as cheaply and safely as possible. The jails, therefore, impressed the expert as being primarily holding operations or custodial institutions rather than as being centres of social rehabilitation. The concept of social rehabilitation – refashioning the human material sent to jail – seemed to be absent in the thinking of most Government officials and jail officers.

3. The drab Sameness:

As is true of jails everywhere, there is a notable lack of diversification in the jails. They are all built on the same lines and have about the same programmes and same routines. The principle of diverse function to do a specified treatment job and the structuring of the physical plant of the jail to fulfill this specialized function has not been accepted administratively. For example, with so many cultivators in the jails, why could not there be special jail farms for cultivators, especially designed for the variously selected groups of prisoners cultivators, teaching them, in co-operation with the agricultural department, how to farm better and live better? Why could not there be an open borstal for specially screened adolescent prisoners, designed to permit liberal participation without walls, watch and ward, and locks? Why can't there be one specialized medical prison for all the chronically ill, infirm, indigent, psychotic, psychopathic, tubercular specially designed for various medical purposes? Why can't there be maximum security prisons for the most dangerous, desperate and known habitual type, designed

for the purpose? Why not a medium security prison, built for teaching skills in wood-work, metal work, crafts and arts?

4. Progressive Developments:

One finds a wage system here, a canteen system there, an unusually active education programme some other place, and extensive recreational participation for prisoners at still another place. Progressive programmes are here in India but they are scattered and piecemeal. If all the progressive measures could be wrapped up into one package, delivered to each jail, and opened up for full-use in each jail, the jails of India would be truly remarkable. But the seeds of progressive development which are already here are in the minds of only a few progressive jail officers. These seeds planted and distributed widely could work wonders.

5. Negative orientation to Inspector General's Office:

The expert has the distinct impression that the "Office" of the Inspector General of Prisons is centered on the negative aspects of jail such as inspection, "checking up", and maintaining status quo rather than on a positive orientation, such as expediting progressive policies, placing full confidence in superintendents, permitting local initiatives, rewards for good ideas and projects, helping the subordinates to do a fine job for prisoners and to get great satisfaction from doing a good job. The expert feels that the Inspector General's office is designed in former times to run a jail-holding operation by watching for the bad things and the times to run a jail-holding operation by watching for the bad things and the violations of a jail manual. If each jail followed the manual to a tee, then the "Office" could relax. This concept of an "Inspector's Office" does not strike the expert as being in key with India's independence and democracy. Furthermore, the "Office" appears to the expert as helpless. The Inspector General must move a secretary; he must move the Minister; he must move the chief Minister; and he must move the Minister of Finance. All this renders the office impotent. In many instances the Secretary gave the impression that he is only interested in a cheap, smooth holding operation for jails. He merely has a meager administrative concern for keeping the jails under control and no real vital interest in the progressive development of jails. All this network of negation seems to tie up with fact also that the jails seem to be a disadvantaged department of Government everywhere.

6. Disadvantaged Department:

The expert has the distinct feeling that the jail departments of India, as is true elsewhere, are a disadvantaged department. No secretary is really interested in jails. The police get the lion's share of Government consideration, because of internal security. Government and public many times look upon jail administration as corrupt and brutal. The department is likely to get bottom consideration in the priority list. The jail officers feel that they are definitely disadvantaged in conditions of service as over against the police, especially in pay scale. The Conference of Inspector General of Prisons asked for equalization of related pay scales and cadres of service. Even though the expert is naturally biased toward the development of a fine jail department (as he should be), there is much truth in the assertion that jail department should have higher status in Government consideration than police department, because jails can do, if

given the opportunity, a constructive job of rehabilitation. The expert would like to see jail department the equal of medical services and hospitals.

7. Lack of Career Service:

Jail department is not organized at present for a career service. The Inspector general of Prisons may be taken from the doctors in the army or the head of hospitals. He may be a former deputy collector or Magistrate. Superintendents are frequently recruited from outside the department. This may have been all right when jails were just holding operations but if they are going to be rehabilitation centres, it is far from right. We must have men at the top who have the experience, the knowledge, and the skill. The ideal system would be for each recruited or appointed assistant jailor to be selected properly, to be sent for special training, to be promoted to higher grades to have opportunity for refresher training after so many years of service. If it came to pass that an Inspector-General could not be selected from the superintendents of central jails because two or three were too close in qualifications, then we should go outside the State and get a well qualified Inspector – General or superintendent – but not a magistrate, a hospital administrator, a deputy collector. Their skills and competence lie in other directions. There are parallel services from which superintendents, deputy superintendents and other superior jail officers could be recruited, such as probation and after-care officers, remand home and certified school officers. But when we get beyond these, we are recruiting people who do not have the feel for the job to be done with prisoners. All over the world jail service is a makeshift. Misfit service. It is now high time that it becomes a career service and a specialized profession which any Tom, Dick or Harry cannot bring off successfully.

8. Relatively Good Physical Care:

Relative to conditions prevailing on the outside, the food, shelter, clothing, medical attention, and other amenities compare favourably, so much so that many officials and educated laymen believe that jails are attractive to certain poor under-privileged people. The public and the Government will need to realize that it is necessary to have the care of persons in jails better than the standard of poor people. Anything short of this would, in a democracy, create more problems than jail administration could solve or could take necessary for. Jail administration and Government should begin to worry if and when in any jail the care of prisoners approached the level of life found among the poorer classes.

9. Medical Programmes:

The health and sanitation of the larger jails in India appears to be very good. This is due to the fact that the medical side has been stressed the most for the last thirty years in jail administration. But it looks as if responsibility or interest for or in any other programmes for improving the lot of the prisoner stopped. There is no reason why education, vocational training (not industries), recreation, and counselling should not eventually assume as great importance in the total administration of a jail as the medical aspect.

10. The Work Programme:

As is true everywhere, jail industries, and prison labour are poorly organized, from any angle that can be taken. But if we take as the primary concern the meaning of the work programme for the reclamation of the prisoner, it would be better to do away with the system as it is now in effect. One notices lack of meaningful work projects and sees instead a concentration on textiles which many times are shut down because of lack of materials. Labour occupies most of the day, with perhaps a few minutes of education for the illiterates and a bit of recreation before lock-up time in a few scattered places. Or judged from the standpoint of reduction of costs of jail administration through state use of products produced by prisoners, the jail work programme is far short of its potential contribution. The prisoners do not have the interest, the motivation, the helpful instruction, the tools, or the materials to do a good job for themselves or the state.

11. Education Grossly Under-developed:

To re-educate a prisoner for taking his place again in society the principal goal of jail administration in a free democratic country. But by historic accident, educational projects and programme for jails have had very little show alongside the accepted Leviathan of prison labour. The time to balance things is at hand. We should expect more results from a well designed programme of social re-education, than from even a well designed vocational programme and we have to give the educational programmes in jails the necessary personnel, equipment, films, library, posters, radio discussion, and counseling and the required amount of prisoner daily time in order for it to function. The Ministers, the Secretaries, the Inspector General, the superintendents, and the public have to believe in the prime importance of prisoner re-education as over against prison labour or the jails will remain forced labour operations. Education must come ahead of prison labour in the jails of the future. It must get the priority, and work programme, especially the vocational projects, should be used primarily for their re-educational effect and secondarily for production to reduce costs. The prisoner is the ward of the state – not the slave.

12. After Lock-up Time:

There is practically nothing for the prisoner to do after lock-up in the evening (except in a few jails). Jail administration is not organized for a programme at night – from the evening meal until a reasonable hour for adults to go to bed. This period is one of the entire days in which to operate a truly constructive programme with prisoners – religion, education, recreation, discussion sessions, prisoner committees, reading, hobbies, counselling, and so on. The main thing to recognize at this point is that such a block of prisoner time could rightfully be used for constructive purposes rather than for corruption, unrest, and idleness. Modern jail administration must accept this position first of all and later it can find ways to implement a constructive programme during this much overlooked block of daily time.

13. No Alternative to Jail:

There are only three states in India which have developed probation to a point where it might be considered as a perceptible or imperceptible alternative to a jail sentence. The important thing is that Government Magistrate, Police, Jail Officers, and the public believe that

there should be and can be alternatives to jail sentence for a large probation of ordinary offenders. What these alternatives are must be worked out by each country. But probation is already here in India and should be developed to the point of being more important than the jails. Likewise, premature release to the supervision of whole-time after-care officers is the best alternative to lengthy jail sentences, if retributive punishment and protective detention are not the main concern. The extent to which day fines (Commensurate to wages), judicial reprieve, personal recognizance, sureties, warnings, dismissals, furlough (Case to be brought out if and when a person gets involved again, in addition to probation, can be used will depend on local circumstances. But all of them will involve a calculated risk which the Magistrate should be willing to take or should be instructed to take if he is unable to take responsibility. All of us need to remember that we are doing more harm than good in sending most prisoners to jail. This would even be true if the jails were much better organized than they are today. If a society persists in saying to itself that we just cannot find alternatives to jail sentences, then this society really wants to perpetuate the jail system as the chief instrument of social control. Alternatives to jail sentence will not only be more satisfactory from the standpoint of social salvage but they will also prove to be much more economical in actual social and monetary costs.

14. After-care Undeveloped:

There is very little after-care work actually done, although there are a great many societies which are valiantly trying to help discharged prisoners. Aftercare service must be on a whole-time basis, staffed to take care of the load of cases discharged from prisons, Borstals, Reformatory Schools, and Certified Schools. Private organization can help but they can never operate the service to cover the load of cases requiring after-care help. A partnership between Government and private societies is certainly one very good possibility – in which both make a contribution to the whole-time after-care service. Government and the public should realize that a prisoner who is ready for a premature discharge can be supervised on after-care much cheaper than he can be retained for the same length of time in the jail.

15. Overburdened with Undertrials:

The Jails of India are overburdened with undertrial prisoners, who represent a group which is very difficult to handle properly under present laws and regulations. The accumulation of undertrials in the jails on long successive remand stems from the way the police operate and the courts operate, both of which are not set up to expedite a case within the confines of a few days, a week, two weeks, a month, or at most three months for sessions cases, according to legal gravity. The concept is very widespread in India that nothing can be done or should be done for the undertrial, except to let him languish in idleness. Emphasis needs to be placed on encouraging the undertrial prisoner to use his time in jail advantageously. This should include opportunity to participate voluntarily in a worth-while work programme. Special counselors and activity project leaders should be provided in the undertrial yards and barracks to render helpful service to undertrials and to enable them to use their time in jail constructively. This would definitely require additional staff and a specialized programme especially designed for undertrials and would cost Government money.

16. Short sentence Problem:

Attention has already been called to the necessity for developing substitutes for the jail sentence and this applies particularly to the short sentence. Jail sentence should seldom be used for prisoners under six months if substitutes can be found. But beyond this question, the jails have a very high proportion of their convicted prisoners who are short sentence cases. And the jails are not equipped by programme, work projects, activity projects, or any other kind of helpful services to handle these short term cases. What works can they kind of helpful services to handle these short term cases. What work can they be given – for two weeks, one month, etc? What literacy education can be started? How can the short term etc? What literacy education can be started? How can the short term get something out of the present jail programme? The answer is that he can get very little, because the programme is not geared for his short stay. It is possible to develop a programme for a one-day, a two-weeks, a three-month prisoner, but it takes an entirely different conception of a jail programme than at present. In the first place, it takes a limited objective. Administrators must admit that they cannot do for a prisoner in three months what they can do for him in fifteen months. They can build him up physically in a short stay, they can fit him into work projects and educational and activity projects which do not require any point of entrance and go forward without any build-up of initial skills. They could counsel with him and point out through discussion and interviews how to stay out of trouble on the outside. But the jail programme cannot be expected to have a maximum constructive impact on him, affecting his attitudes and approaches to life. But so much so good.

17. Long Sentences too long:

Prison sentences in India seemed to the expert to be unnecessarily long, including the cases which are committed from the magistrate's courts as well as those from the session's courts in relative perspective. No one would deny the fact that dangerous dacoits should remain in jail for long periods of time. But there are so few offenders of dangerous dimensions. In the opinion of the expert, a well-staffed prison with diversified programme can have the most constructive impact on the average run of long term prisoners between six months and two years and a half. Anything under reduces what a good institutional programme could do for rebuilding a prisoner and anything over is purely punitive or protective detention. If a well-equipped and well-staffed prison, borstal, or certified School cannot do a thorough retraining job in two and a half years time on the most difficult cases, it cannot do it in four years, five years, or ten years. Consequently, from the standpoint of maximum constructive impact on the individual prisoner, the very long sentences cannot be justified. They can only be justified if society does not want to rehabilitate prisoners in the shortest time possible but instead wants to punish and detain.

18. No staff time for Prisoners:

The jails of India, as is true everywhere, are not organized in conception or establishment for the assistant jailors and superintendents to have time to devote to the improvement of the prisoner. Their time is devoted to busy work with registers, warrants, godowns, administrative orders, and so forth. Most of the time the staff must be devoted to actual work with the prisoner and not to books and registers. This is more than a matter of financial the very depth of the concept of jails. The Government, the Inspector General, the Superintendent, the Jailor, the Assistant Jailor, the Warder, the Magistrate, the Police, and the public must believe that the staff

of the jail is there to make a better person out of the prisoner and that most of his working day must be devoted to helping prisoners directly, through (1) admission interviews, (2) orientation, (3) interpretation of rules or action taken, (4) classification for special treatment need, (5) encouragement, (6) counselling, (7) guidance, (8) discussion sessions, (9) relieving worries from without, (10) talking with visiting family members of prisoners, (11) correspondence with probation officers and after-care officers on the outside in reference to incoming, newly admitted, soon-to-be-released and released prisoners, (12) read judgments in the programmes of individual prisoners, (13) preparation for release. The Chief Minister, the Minister in charge of Jails, the Secretary in charge of jails, the Inspector General of Prisons, should be supercharged with grave concern when superior, educated officers as well as the warders are not spending their entire day in intensive personal work with the prisoners but are doing just administrative and register work on the one hand and policing work in the yards of the prison on the other. It would be just as if the sisters or nurses of a hospital and the doctors had no time for patients but merely kept books and saw to it they stayed in bed. So in the spirit of the above conception, India needs to have a Minister, a Secretary, and an Inspector General of Prisons, who is willing to say to the hour or five assistant jailors of a central jail, throw aside your registers and do not touch paper work – get down to the business of personally helping the prisoner. This then would bring in clear focus whether the paper work of the jail is more important than the human work and whether jails are operated for the betterment of prisoners or for the paper work of Government. But in spite of this sharp focus, the belief – the concept – that officers in the jail are there to help prisoners and that most of their time should be devoted to this task is not part of the basic thinking about jails in India, or elsewhere. With India's spirituality, it could become the prevailing idea quicker in India than many other countries of the world.

19. Overlooked Jail Reforms Committees:

The number and quality of jail reforms committees in India is truly remarkable. But the unfortunate thing about such committees everywhere is that the recommendations get shelved and only a few reluctantly get implemented as years roll by. It might not be far from the truth to say that most of the recommendations of the 1919-1920 Indian Jail Reform Committee did not get implemented and that while 75 per cent of its recommendations are now outmoded, 25 per cent would still bear full implementation today. But the fate of the recent jail reforms committees has been just as bad. The Secretary in charge of jails might raise his brow a bit and put certain items on a priority list. The Inspector General might be disinclined to move Government. Unless the Chief Minister and the Minister Incharge of jails have caught the spirit of jail reform and want to follow through, very few reforms advocated by the committee will be introduced. While the jail reform committees in India have been exceptionally good and the Government's response essentially unsatisfactory, one should not overlook the fact that jail reforms committees recommendations are primarily slanted toward improving the amenities of prisoners. They have conscientiously tried to make the jail a more humanized institution.

Although the introduction of greater amenities and the elimination of bad jail practices are very essential in jail development, the expert feels that modern jail administration must be based on a fundamental appreciation of the ways and means by which prisoners as individual human beings can be helped to improve their skills, habits, attitudes and approaches toward life. This is a professional job just as a good hospital is a professional job. Amenities, while most

important to create the right atmosphere for good response to the programme, cannot do this job. Taking the strips out of the prisoner's garments, is a wonderful thing, since it reduces stigma and creates a better feeling, but it will not, even with smoking privileges, visiting privileges, and twenty other amenities like them, re-educate, re-train, and re-build the personality of the prisoner. It takes staff with the know-how and special programme content to do this job. This whole matter is not mentioned by way of criticism or detraction but is merely mentioned to bring the job of modern jail administration in clear focus.

CHAPTER III: SUGGESTED REMEDIES

A. Philosophy of Modern Jail administration

Fundamental to any appraisal of the treatment of adult and juvenile offenders in any country and fundamental to any listing of suggestions and recommendations for improvement, must be a basic philosophy which is the common reference point for criticism of shortcomings and for formulation of new policy. Since a basic philosophy will be a recurring theme in most of the topics discussed in this report it is felt that a short statement of this philosophy is in order.

Modern jail administration must assume that the majority of prisoners received into jails are improvable and can be turned out again into society in a very much improved condition. It also must assume that there will be a minority of prisoners received by jails who are dangerous and difficult types, for whom a jail sentence is primarily a custodial experience. Modern jail administration, if it wants to refashion the improvable human material sent to it, must provide more than amenities. While amenities humanize a prison, they are not sufficient to the task of rebuilding habits, attitudes, and approaches to life of the individual prisoner. Modern jails need personnel and programme content which can have a profound effect on the prisoner's outlook on life and on his approaches to life. The personnel of jails must have the time and the ability to help prisoners. They must be able to build up the proper relationships in order to be of constructive help to a prisoner. Programme content should aim at producing in a jail should always be – is this going to have a positive impact on the prisoner's attitudes and habits?

Modern jail administration assumes that the best way to handle the average prisoner is not to handle him in jail at all but handle him on probation supervision and after-care Supervision. It assumes that courts and trained whole time probation officers can select the kinds of convicted persons who can do well outside the jail and really do not need jail handling. Likewise, modern jail administration assumes that the average sentenced prisoner can be constructively helped in a reasonably short period – say a year or two years, and that lengthy sentence are not necessary for this task. Lengthy sentences can only be justified on punitive grounds or on the grounds of detaining dangerous habitual offenders, so as to protect society from their ravages. Modern jail administration assumes that it is better to have a release procedure which gets the prisoners on sentences over a year out of jail when they have reached a point of readiness. And it assumes that prematurely released prisoners will do very well indeed on whole-time after-care services. It views both probation and after-care service as a guidance service on top of a necessary surveillance service. But probation and after-care service which is purely surveillance is not sufficient to the task.

B. Positive Suggestions based on the evaluation

Very definitely implied in most of the foregoing impressions and comments which constitute the expert's evaluation of the jail problem in India are several suggestions. By way of recapitulation these implied suggestions will be listed, without comment, to bring them to the force. The suggestions that are recapitulated here will usually be the positive expression of the

negative impression or evaluation. For example, a drab sameness was found in the jails of India. The implied positive suggestion is that jails be diversified and specialized in function.

- a. Diversified jails designed in buildings and programme to perform a specialized function.
- b. The Inspector General of Prisons office should have a positive orientation of leadership, help, and service rather than a negative one of inspection, "Checking Up", and maintaining status quo. A Director of Prison Administration, with a staff of assistance, would be a lot better for India than an Inspector.
- c. The conditions of service and pay scale for wardens and superior jail officers should be raised. Better conditions produce better staff and a better staff produces a better jail.
- d. The programme of re-education of the prisoner should have priority over a work programme.
- e. The development of a real career service in the Jail Department.
- f. The development of legal although risk-taking alternates to jail sentences and remands. Calculated risks in all progressive measures must be taken. A start must be made.
- g. The development of probation and after-care as a whole-time service, covering the whole state. More will be said on this.
- h. Reduction of the undertrial cases in jail by more expeditious police and court action.
- i. The development of special personnel and programme for undertrials in prison, to obviate their deterioration.
- j. The development of especially designed jail programmes for the short-term prisoners.
- k. Long sentences should be reduced. The average long term prisoner, who is not dangerous, cannot be rehabilitated in prison as well in five years as he can in two years. Long sentences are purely punitive and custodial; more on this also.
- l. The assignment of staff to operate programme for prisoners and to help them. More on this later.

Suggestions a, b, c, g, I, and j will require money. Suggestions d, e, f, h, and k do not require money. But all of them require a basic change in the philosophy of Ministers, Secretaries, Inspectors General of Prisons, Superintendents, Magistrates, Police, and the Public. Such basic changes are inherent in the spirituality, independence, and democracy of India. While requiring no money, these basic changes in outlook and conception in the way to handle prisoners are the most difficult to bring about, because of traditional apathy toward the jail problem, contrary dogma usually entrenched in police departments and magistrates, and the low priority of the jail problem among all the problems of India? Nevertheless, acceptance of modern, progressive beliefs and concepts about jail administration is the most important change of all. There must be some sort of leadership in India which can bring about the conversion of government, jail officers, police, magistrates, newspapers, and the public, to a new philosophy and a era of jail administration.

C. Additional Suggestions for consideration

In two or three instances the following set of suggestions will expand and enlarge upon suggestions given above. However, most of the suggestions will not have been covered in the

foregoing. Some of the following suggestions will involve central government leadership and participation.

1. Probation and Aftercare:

Probation is already here in India. If no other State has demonstrated its possibilities Madras has. The conference of senior probation officers held in Bombay 29 to 31 May 1952, designed the essential points of probation development. One of its members prepared a modern probation act for India, along Indian lines. This act should become a central act. Certainly, it is more fundamental than the prisons act, the prisoners act, the whipping act. It should be looked upon as the most fundamental piece of central legislation for the handling of juvenile and adult offenders. Probation should be more important to world society and to India than jails. There is good evidence to show that probation supervision as an alternative to jail sentence is the best, most satisfactory, and the most economical way of handling the juvenile and adult offender. In any country, more persons should be placed on probation supervision by courts than are sentenced to jails, borstals, and certified schools. This is exclusive of ticketless riders, ration violators, prohibition cases, beggars, and many petty types of cases now getting short sentences. Some other device is needed for them- not probation. Probation should be well established first for the longer term cases and later, if the system could find any ready way to service short-term cases without being swamped and rendered useless, then it might try. But certainly not now.

Likewise, whole- time aftercare service to supervise the premature release of long term prisoners and juvenile delinquents is the best, most satisfactory and most economical way of handling release, especially when the trained personnel in the jail or certified school finds that the prisoner or delinquent is ready to be released (that is, shows maximum improvement). Probation service and aftercare service need to be organized on a state-wide basis. They can be joined, because the same officer would know how to do both kinds of supervision.

If police are needed to cover a state completely, probation and aftercare service is needed also to cover a state completely. The reason why police are state wide is that society thinks they are important. The same society and the same government must believe that whole time probation and aftercare workers are important too – even important than the police. Here again, probation and aftercare as a whole time, state – covering service, must be in the thinking of the Ministers, the Secretaries, the Magistrates, and the Public. A central probation act would help in this connection.

2. Whole time Revising Boards:

The expert has tried to find that the legal basis of revising boards in India. The nearest he can come to it is Government Regulations. Nevertheless, only the sentences over five years come before the revising boards. The suggestion for consideration here is that by amendment to central acts all sentences over a year be subject to revising boards and that revising boards be made a permanent part of the jail department. Government should be permitted to appoint whole time revising board members, under the Inspector General of Prisons, as are necessary to hold sessions each month in appropriate jails and make recommendations on premature releases to government. The amendments to the central laws on this point should give as much leeway to the professional judgement of revising board members as possible. They might consider

requiring that a prisoner prematurely released by revising board action shall be on supervision for two years. If within that time, the discharge prisoner violates the rules of his discharge or gets into further difficulty with the law, he can be returned to serve out all or part of his original sentences, plus any new sentences.

The principle to keep in mind is that the best time to release a prisoner from jail is when he has reached the maximum he can get and is ready to come out. Another item to keep in mind is that the long sentences in India are too long for any constructive use and that they will still be long when the Penal Code is thoroughly revised, unless the I.P.C. makes every offense an indeterminate one. Still another point to bear in mind is that remission, license, furlough, and revising sentences as of today, represent a very poor, piecemeal system of release as compared with whole-time supervision by whole-time revising board. Finally, the way the revising boards operate today is not satisfactory. They very seldom meet. The District Superintendent of Police can veto a proposed case. The District Magistrate has neither the time nor the interest. The Inspector General of Prisons has very little time for this work. The District Superintendent of Police and the District Magistrate should be law be kept out of revising board work. They are a handicap.

3. Get the Juvenile out of Jail:

With exception of a few places, the juvenile under 16 when he is an offender gets in the police lockups and in the adult jails. In spite of the fact that jails try very hard to separate him from adult prisoners, the jail is no place for a child. Likewise, the juvenile should be handled separately from the adult in court. The district magistrate could depute an interested first class magistrate to hold informal court sessions for juveniles and clear the room of all other business. Honorary Lady Magistrates have been tried with good results in India. Remand Homes and certified Schools are the substitutes for child offenders being sent to jail. Some way can be found, if government is really interested in keeping children out of jail, to establish remand home and certified schools. Their per diem cost is already being borne by the jail department.

4. Juvenile bureaus in Police Departments:

If all cases of complaints on children under 16 could be screened and investigated by specially trained inspectors and sub-inspectors in large city police departments, greater discretion could be used and cases could be expedited more quickly and remand in many instances obviated. Such a bureau could also keep an eye on prevailing conditions which are demoralizing children and report such matters for appropriate action. Adults are in back of a lot of petty child delinquency in India as well as elsewhere. But if the police must swell their activity reports at the expense of children whose behaviour could best be overlooked with a warning to parents and a bit of friendly re-assurance, then the delinquency problem will ever be at the mercy of the police. The police can do more for India by trying to help erring children than by charge-sheeting them. Certainly there are progressive officials in the police department of India who feel that the government and the public would like to see 5000 services rendered children than 5000 charge sheets. There is one city in India which is already considering the establishing of a Juvenile Aid Bureau in the Police department.

5. Get the Women Prisoners out of Men's Jails:

Jail is really no place for a woman, unless she is a great menace (which is very unlikely). Although women prisoners in Indian jails are segregated from men prisoners, a men's jail is no place for women offenders. Proper attention and services cannot be given the handful of women offenders confined in a typical man's jail. One wonders why ticketless riders who are women cannot be overlooked and why most ration violators who are women cannot be overlooked. Could there be some way, according to amendments of the central acts to expedite very quickly the handling of women's cases by police and court? Couldn't a truly woman's institution, run by women for women offenders, separate from the man's central jail, be developed in a few states and the long term cases, such as murdering the husband, infanticide, habitual theft be sent there by transfer, on a per diem arrangement as between states as the Prisoners Act now allows? India should by all means do better by its women offenders. Why could not the central government assist four or so large states of India to build and staff women's reformatories or industrial homes (or whatever the woman's jail should be called, instead of jail)? The problem is then one for government to balance: should we let the woman prisoner deteriorate in a man's jail but yet have her nearby where relatives can visit or should we commit her to an institution designed for her where relatives could not visit so often because of cost?

6. Much needed revision of the Jail Manuals:

The most universal complaint which the expert heard from jail officers in India was that the jail manual "hampers us" on all sides. The jail manual is indeed an instrument of the custodial conception of jail administration. In its present form, it truly belongs to an older era and is much behind the times. The conference of Inspectors General of Prisons held in Bombay, March 1952, requested that the jail manual be revised. They appointed a committee consisting of the Inspectors of General of Prisons of Bombay retired from office shortly thereafter and the expert has had no time to take on such a task. Such a task is a bog job and a most important one. The expert feels that some way should be found for the Government of India to appoint a small commission to revise the manual and should pay the expenses for having a Model Jail Manual prepared. Perhaps the governments would release certain requested officers from jail department, if the centre would pay travel and daily allowance. This commission should consist of a very progressive Inspector-General of Prisons as Chairman, two well qualified superintendents of jails, and a whole-time secretary for the length of the assignment. The expert is prepared to make further suggestions as to possible personnel and as to the new lines of thinking for the Model Jail Manual, if such suggestions are requested.

7. Advisory Bureau for correctional administration at the Centre:

This idea is in the minds of most of the jail officers with who the expert came in contact. The section on Social Defence (correctional administration) at the Indian Conference of Social Work, held at Calcutta, 29 December 1951 to 2 January 1952, recommended that there be such a bureau established. The Conference of Inspectors General of Prisons, at their March 1952 meeting in Bombay, also requested such a bureau. The 47 jail officers in the training course at Tata Institute took this topic as a special committee project and developed a report on it. Mr. P.N. Saxena, of Probation and Aftercare, Lucknow, editor of the Penal Reformer, also

developed a plan for this bureau at the Centre. The Government of India's Planning Commission was given a copy of the Saxena plan by the expert Mr. Saxena had presented it to the expert. (See Dr. Mehta of the Planning Commission).

Such an advisory bureau should service both the handling of the juvenile as well as the adult offender. It should be in a position to give necessary help to states which want to develop juvenile courts, remand homes, certified schools, probation service, after-care service, discharged prisoner aid societies Borstals, jails, police lockups – all the agencies which touch the juvenile and the adult offender. The Bureau should also be concerned. It should undertake to standardize the collection of statistics on the handling of the juvenile and adult offender. It should be in position to do necessary research. It should be able to advise on specific programmes and even to help install better and more uniform records and registers. It should be in a position to help functional designs and programmes to meet a certain objectives in a particular prison, Borstal or certified school. It should be able to call in architectural consultants to supplement the plans of the Public works Department. This aspect cannot be overstated. The Government and the Public Works Department cannot build or plan a functional institution to meet a specific purpose. It takes people who know the purposes and operations of a specialized programme – otherwise good money is lost on a bad design. The Bureau should function as between the interests of the Ministry of Home Affairs and Education, since the one has adult offenders and the other has juvenile offenders.

The expert is prepared to make more detailed suggestions, relatives to the organization, personnel, and function of such a Bureau. At this point, only enough of the idea is given to make it clear to the Government of India that it is to a Central Bureau that the jail officers and officers working with delinquents are looking for professional leadership know-how for this central advisory service but if she feels she does not have quite the right men for such an important whole-time assignment, there are ways by which the rights men can be trained for this professional task.

8. Drastic Revision of the Central Acts:

The expert feels, and he is sure his opinion is shared by progressive jail officers in India, that the Central Acts touching on the problem of crime and delinquency need wholesale revision. They are of an old era and ill befit India of today and the future.

- a. The India Penal Code: The terminology of this code is antiquated. The term transportation should be eliminated, for example. Rigorous and simple imprisonment should be out. The code should state that persons sentenced by courts are wards of the State and are committed with the view of social rehabilitation or retraining for good citizenship. A commission should be appointed, a Sociologist (Criminologist or prominent social work professor), all progressive in their thinking, to revise this document and mate it an outstanding human document for the world to pattern after. No piecemeal patchwork will suffice.

- b. The Code of criminal Procedure: The function and organization of courts and police could well be overhauled. This should be done, not in terms of legal concepts, but should be done in terms of the job of handling a complaint upon a violator all the way from the first complaint through police processing, remand and alternates, courts trails, and the dispositions a Magistrate and judge can make. All the provisions applying to prisoners after they receive a sentence at the hands of the court should be eliminated.

The present code impressed the expert as being a very had and jumbled document. India has a wonderful opportunity to show to design a fine, progressive, humane procedure from compliant to sentence, that will implement the penal code in the best way for the prevention of crime and rehabilitation of offenders. But this objective should be in mind of any commission which undertook this job,: how should we handle crime, prevent it, and process the violators in the best way for their rehabilitation? A commission, appointed to do this revision, should consist of very progressive and humane judges and police administrators but they should be required to consult with jail administrators, probation officers, certified school and remand home workers, and social workers, to see that offenders really get handled in the proper way under the new document.

In the instance of undertrials who have been remanded successively for a period of three months, some method should be found to produce such prisoners before the appropriate courts for commencement of trial or for dismissal. (See Paragraph 15 in Chapter II). Time spent in remand should become part of a sentence. The accused in court should be under oath otherwise court trials are a comedy of the accused testifying that police knocked out a tooth, took ghee, assaulted the wife. No Prosecution in a democracy should be associated with Police. Prosecutors should all be attached to the court system. There should be a real court system, entirely integrated and separated entirely from administration of districts. A magistrate cannot be a judge and a Government administrator at the same time. He cannot serve two masters.

The expert is prepared to offer other suggestions if the Government of India so requests. But no piecemeal revision of the Code of Criminal Procedure will do. It must be fundamental and must change the whole concept of police and court organization and function.

- c. The Prisons Act: This is an ancient act also. It needs wholesale revision. Likewise, a small commission could be appointed of one Inspector General and two

Superintendents to revise this act. The expert is prepared to give a section by section wholesale revision of this act, if the Government of India so requests.

- d. The Prisoners Act: The expert admits that he is baffled by this Act, as to what good purpose it now serves. If such an act is needed, it should eliminate the jail officers having to report to courts and all that unnecessary paper work. Why does there have to be legal provisions saying that a superintendent must admit prisoners sent by courts? The right for a Government to transfer a prisoner to any prison and to make arrangements with other States retained. The prisoners act could contain a charter of the rights and privileges of prisoners: sick furloughs, death furloughs, remission (Pulled out of C.P.C.) visiting privileges, guarantees against brutal punishment, etc. Perhaps this act is the place for a clear delineation of a release system with whole time revising boards.

If the Act is to be retained, we should make it a fine useful document. The same commission which revised the Prisons Act could also revise the Prisoners Act.

- e. The Probation and Release of Offenders Act: The importance of probation under supervision has been stressed and the importance of premature release under supervision has been stressed. A model act has been prepared. It should be a Central Act. It should be more important than the Prisons Act, because more offenders should be on probation and after-care supervision than are in jails. A good objective to work for is twice as many offenders, who get sentences over just as many prisoners with sentences over a year released on whole-time supervision in any year as prisoners admitted to jails as convicts. This act must be considered more important than any of the Central Acts covering crime and delinquency with the possible exception of the I.P.C.
- f. The Whipping Act: This could best be abolished. It is not in keeping with the spirit of India or the best way to handle offenders.
- g. The Reformatory Schools Act: This act should be allowed to be superseded when a State develops Certified Schools. For its continued existence until such time, it should be squared with the Children Act. It should apply to cases up to sixteen years committed as juvenile delinquents and all the items of good Certified School procedure should be in the Act which shall just be a transition Act. Three persons should form a commission to revise this temporary Act: an administrator of a Certified School, a Juvenile Court magistrate, and a Superintendent of a progressive Reformatory School. The expert is prepared to suggest names for this if the Government of India so requests. This provision could be done in less than a working week's time.

- h. The Lunacy time: The power of transfer to a mental hospital in the instance of psychotic prisoners or psychopathic and neurotic, epileptic, and feeble-minded is the important thing. This could best be done in the Prisoners Act. The Lunacy Act need not contain provision for the transfer of such cases from jails and certified schools.

9. Provisional Personnel for Jails: Attention was called in the evaluation of the jail problem that the present jail officers had no time to give the proper services to the prisoners. The problem is deeper than this, although it is important to realize that personnel must be giving their time to prisoners rather than to paper work. The expert lists herewith certain specialized professional personnel who are required to do a thorough rehabilitation job with prisoners. It is presumed that each one would have the appropriate training and each one would be selected for his interest in jail service as a career service.

- a. Welfare Officers or Institutional Case Workers: This worker should be the key worker in the prison. He should be a trained person in social work or correctional work (Such as the one conducted recently at the Tata Institute of Social Sciences by the United Nations expert). The welfare officer should deal with the prisoner, as he is admitted, interpret the programme to him, get to know him, get his confidence, orient him to his situation, encourage him, get to know him, get his confidence, orient him to this situation, encourage him, check his progress, prepare him for prisoner all the way through prison. If India wants to individualize the handling of prisoners in jails as well as delinquents in Certified Schools, to overcome mass, impersonal handling, this is the one type of trained professional worker who can do the all-purpose job. He should be of a high cadre of service. One welfare officer for every 100 convicted prisoners or sentenced juveniles should be the starting strength of this service in any correctional institutions.

- b. Supervisor of Education: This may not be the correct title but the idea is to have a highly qualified person who can develop a multi-project programme of education for the particular prison, Borstal or Certified School to which he is assigned. We have said that the educational programmes should be given priority over the work programme in the jails of India. Whatever it takes social education, hygiene education, family education, citizenship education to retrain a prisoner or delinquent for being a good father, good cultivator, good worker, good citizen, that is what this person should develop. If the job requires radio, films, posters, magic lantern, discussion groups, special building, outside volunteers, outside trips, self-teaching, etc., he should diagnose the needs and find the way to get the projects basis the more and the smaller the projects the better. And these projects should be given priority of the whole day and each prisoner should have several assistants, who can organize group educational groups. Education for living is the key note – not formal education in the old form and standards.

- c. Supervisor of Vocational Projects: As in the case of education, the vocational training projects should teach the prisoner several basic skills. Large industries are difficult to justify in jails because of monotonous concentration on a single task, month after month. Vocational projects should have interest and practicality; glass blowing, wood work, toy making, metal work, dairying, gardening, building, farming, tailoring, brick making, motor car servicing, etc. Each jail, Borstal or Certified School should have many varied vocational projects. Each prisoner or delinquent should be participating in at least two projects a day, with opportunity for him to shift to other projects in long-term sentences or long commitments. The vocational

supervisor should design the projects to suit the population of the institution and not make the inmate population fit the projects. He should have vocational teachers instead of foremen. And they should be skilled in several types of work. In many instances, prisoners can be used also as vocational leaders. The supervisor should be a highly trained resourceful person, bearing no affinity to the present day jail factory foreman or supervisors.

d. Supervisor of Recreation: Probably next to educational and vocational training comes a recreational project. The by - products of good recreational projects can be just as constructive as the products as the products of education and vocational training. Ample time in the daily programme should be allowed for recreation. Physical training, sports, and games are all right but small groups working on hobbies, plays holiday celebrations, quiet games, stories, singing, radio listening, entertainments, music can work wonders. The prisoners of Indian jails have hidden talents for signing, music, dances (West Bengal is introducing folk dances), plays, games, etc. These should be developed in small groups. The supervisor should have recreational leaders as assistants. Many of the prisoners can be leaders of recreational groups.

e. Clinical psychologists: When a jail or certified school has personnel of the above strength and caliber, then a clinical psychologist can be used. But he cannot be used effectively until he has professional personnel and multiple training projects. There is no way for him to have his recommendations carried out. He can used to test prisoners for their educational abilities, mechanical abilities, and their interest in various subjects. He can be used to diagnose prisoners who need special attention from a therapeutic psychiatrist. If one is not available, the clinical psychologist can be used to work with mentally disturbed types. This professional person should have Ph.D. training in this era and should be paid quite highly than welfare officers and the above three supervisors.

f. Therapeutic Psychiatrist: The jails and certified schools are ready for a therapeutic psychiatrist when they have professional staff such as welfare officers (social workers), supervisors of education, supervisors of vocational training, supervisors of recreation, and a clinical psychologist. These men know how to devise programmes for psychopathic and neurotic types of prisoners. The psychiatrist must be a psychotherapist, who is capable of working intensively at the deep emotional levels of the prisoners' personality. A psychiatrist to diagnose and classify prisoners according to mental types is not wanted. The medical and other professional staff can spot these types. Unless the psychiatrist is a therapist, he cannot be of maximum value to a jail, Borstal or Certified school. Since therapeutic psychiatrists are very rare and very expensive, part -time service is recommended. They could be used one afternoon a week at any given jail, Borstal or Certified School. They might only be able to work intensively with three emotionally disturbed prisoners or delinquents at this time. If psychiatrist has more time and really know the dynamics of the depth of personality, he can be helpful in consulting with professional staff and going into matters of mental hygiene from the staff and institutional point of view.

g. Recapitulation on Professional Staff: If a correctional institution has a supervisor of education with his assistants, a supervisor of vocational training with assistants, a supervisor of recreation with assistants, a clinical psychologist, and a psychiatrist, plus the longitudinal case guidance of the welfare officer, then the correctional institution, be it jail, Borstal or Certified School, has the resources, programme content and staff which can do a constructive re-training job with the prisoner, adolescent offender, or juvenile delinquent. The institution would then

really be a bee-hive of social rehabilitation. What would the cost be? Surprisingly small over the present cost of establishment; And in addition, there will be several kinds of jails, borstals, and certified schools, where the warder staff can be done away with almost in entirety. Fewer jailors would be needed and their present jobs of busy work with books could be done by most of all correctional institutions can have a positive, constructive effect on prisoners and delinquents. This must be paid for and cannot be side-stepped.

10. Training Personnel: This is one of the most important recommendations. Staff must be trained. People usually do not come by good practices and procedures of handling and treating adult and juvenile offenders naturally. And what is more that 'Great school of experience' can be bad experience and can do just as much harm as good to the average untrained staff members.

a. In-service Training for warders: Warders need much improved service conditions. They need to be selected better, so as to obviate graft and brutality. But they also need on-the-job training, where they can be won over to relating themselves well to the programmes and prisoners. They can be taught understanding of how best they can do their job. They can be given a sense of worth-whileness. They can be encouraged to speak out and ask questions and give their side. The refresher sessions for warders can be on the job also. Warder training should be in the hands of a sympathetic jail officer who can treat warders like human beings and in whom the warders have confidence. Warder training projects can be done at one prison initially, after selection for service, or can be done at more than one institution. It would be an excellent idea to develop training films for warders, showing how a good warder does. Not- don't do this; don't do that you will be punished for the other.

b. Jail Officer Training: This can be done by each state separately or one state can send its jail officers to the training programme in another state. The Inspectors General of Prison, at their march 1952 Conference, made define recommendation on training of superior jail officers, from assistant jailor on up. The 47 jail officers in the special training course conducted by the United Nations at the Tata Institute of social science developed an important committee project on the whole problem of in-service training programme for the jail departments of India. It is possible to have a Jail officer training school at one particular prison, to which new officers can be given proper orientation and to which older officers can come for refresher courses. It is also possible and to have a mobile training unit in a jail department, which travels from jail to jail and takes over the necessary training of jail officers and warders. At any rate, a specialized assistant to the Inspector General should be in whole-time charge of in-service training for the entire department. There are many of the jail officer trainees in the recent training course that would be well qualified for this job.

c. Special Institute for Professional Training: While each State can take the responsibility for orienting jail officers to their jobs and giving refresher training for the job, many jail officers in India feel that there should be special institute –training for certain deputed officers from States, akin to the recent training course.

The expert feels that basic professional training must be done at an institute or training centre apart from a jail department. He feels that the training must be for the whole field of correctional services: juvenile courts, remand homes, probation, jails, Borstals, certified schools,

after-care, Discharged Prisoners Aid Societies, etc. All these aspects are part of a whole and should be brought together in a fundamental training programme. A trainee deputed to such a training course should be a graduate. He should be deputed by his Government. The training course should extend for one academic year. The course should contain lectures in criminology, correctional administration, treatment of juvenile delinquents, probation, after-care, interviewing and case work, group works projects and recreation, psychiatric aspects of crime and delinquency plus the necessary library books and journals, plus field assignments to learn interviewing and probation and after-care case operations, plus field trips, plus educational films.

d. Tata Institute of Social Science and Lucknow Jail Training School: The Inspectors General of Prisons at their conference recommended that the Jail Training School at Lucknow and the Tata Institute of Social sciences at Bombay develop special training courses for graduate professional training for all types of officers in the correctional field. The 47 jail officers were of the opinion that this job should be done by the Government of India at one Central Institute, possibly in conjunction with the Advisory Bureau mentioned above.

The expert feels that training should be done at private institutes, with the help of money from the centre. Jail Training School at Lucknow has taken a few trainees each year from various States of India for nine months training course, in addition to training the officers in Uttar Pradesh. This school has been operating for several years. It is under the U.P. Jail Department and has a principal and a special staff and special Quarters. Tata Institute of Social Sciences initiated the recent training course and got the Government of India interested in the present mission. It has plans for the development of such a training course. It has sent a graduate to the expert's training programme at Ohio State University to take his Ph.D. degree under the expert in correctional administration. He has been in graduate training there for three years and will return to the Tata Institute in 1953. Tata Institute has the library, the journals, and the books. It is building a large Institute at Chembur where there will be ample hostel facilities and all kinds of nearby training facilities for students-especially at the certified schools, juvenile courts, probation office, case work agencies, neighbourhood centers. The Tata Institute has the Faculty. It has a therapeutic psychiatrist; it has case work teachers, a group work and recreation specialist, a labour welfare specialist, social research specialists, and sociology specialist. The new man being trained by Dr. Reckless will be the specialist in the correctional field, both juvenile and adult. The Tata Institute is prepared to operate a special training programme, on a one year academic basis, to officers deputed by Government, be they eventually assigned to jail, certified schools, probation and after-care work, or remand homes. It could use Central Government support in this Endeavour and should obtain necessary financial assistance.

The Jail Training School at Lucknow likewise would need considerable financial aid from the Centre to develop an Institute for the Training of Correctional workers, on a graduate, professional level. The expert feels that this development should be administratively separate from the jail department of U.P. Such a professional training institute should be operated by a private board, which should be empowered to collect private monies, State monies, and monies from the centre. There should be a qualified Director, a Registrar who deals with admissions and records, a fine library and a faculty consisting of whole-time professors, readers, or lecturers and part-time lecturer. The Institute could exchange services with the old Jail Training School of U.P. Jail department. It could use the Training School's building warders and jail quarters in return for giving special lecturers to ordinarily deputed warders and jail officers of U.P. Jail

department. But the staff and library in its field should be the equal of the Tata Institute or any University in India.

The expert has agreed to assign his assistant to Lucknow to discuss with the Principal of the Jail Training School and with the Jail Department of U.P., its plans for the future. The expert has already intimated that the faculty for such a new institute would have to be top and the library would have to be greatly developed. The expert feels that it would take almost three years to set the new Institute up, to get the monies, the grants, the Governing Board, the proper arrangements with State Governments. The expert fears that the present interest at Lucknow is merely to expand and get support for the present organization of the Jail Training School. The expert could not recommend that professional training of high caliber be under the Jail Department of any State. The Secretary in charge of jails might have to say, we need a cheaper man to teach criminology; the salary of the man who teaches probation will have to be cut; Government cannot afford to keep up subscription to vital journals; no money for books this year; Government needs to post the principal or director elsewhere. Any State can operate its own training programme in the best way possible. But when professional training for all India, for all States, is at stake, then the Institute doing such training had better be a private concern, which can be in complete control of its programme, budget, collection of monies, admission of trainees, granting of certificates, posting of faculty, support of library and so forth.

If luck now can develop a plan for a privately administered Institute, the expert would urge that the Government of India and State Governments grant monies for its support. He would urge that ways and means be found to send important Faculty members abroad for Ph.D. training and that the Board of Governors of the Institute send its carefully selected Director abroad for observation and study of similar training institutes and that a librarian be selected by the Board to begin the collection of necessary books, reports, magazines, and journals. Then when all is ready, appropriate announcements can be made to the various deputed States.

e. A Note of Caution: The expert is much concerned with the possibility that many private schools of social work may put in a curriculum for graduate training of jail officers, certified school workers, probation and after-care officers. He fears that such unwise action may be quite disastrous to good training in the correctional field. India cannot support more than two professional centres at this time. If and when state Governments appoint several probation workers and after-care workers and begin to depute persons for juvenile court work, remand home work, and certified school work, then this will be time enough to expand the present two centres and to think about developing similar professional graduate training at additional private centres. Likewise, the expert is concerned that jail officers from two large States other than Bombay and U.P. have indicated that schools of social work were going to be developed and that professional training for jail officers, certified school officers, probation officers, would be developed therein. The expert fears that as in the case of labour welfare officers when many schools jumped into the fray to train such workers, only to find they were 'training for unemployment', so in the case of training for correctional service, there will be a mushroom growth, without proper faculty and arrangements.

If any State could depute as many as 20 to 25 newly appointed officers with B.A. degrees, each year, to a local school of social work or a local institute of correctional training, for a full academic year's graduate professional training, there could be no objection to setting up of local school. But in five years would the local field be surfeited?

The expert knows there is no way to hold back enthusiasm and local needs. But he hopes that States will take heed and schools of social work will take heed, not to dash into the problem of professional training of workers in the correctional field but to wait and see how the situation shapes up a few years hence.

11. Conference of correctional workers: There should be an all-India conference of persons working in the correctional field, both with juvenile and adult offenders, as well as interested laymen. The All India crime Prevention Society, started enthusiastically by Mr. P.N. Saxena of Lucknow has this in mind but the rest of India has not taken to it and will not take to it. In the first place, it is too embracing and the title, although a good one, is not the proper one for a conference dealing with the treatment of juvenile and adult offenders. In the second place, the feeling throughout India is that the All-India crime Prevention Society is a one man organization and an outgrowth of the U.P. Society. It would be better to have a conference started and begun by an all India representation. Then everybody knows that it is truly all India. Mr. Saxena, who is a very excellent organizer, would not stand in the way of such a conference.

The expert is sorry to report that the Inspectors General of Prisons did not take kindly to the idea, presented to them by the 47 jail officers in training, that some sort of association be established. They feared organization of Government workers. The expert feels that the idea was not clearly presented and that if clearly presented the Inspectors General of Prisons and Government would be wholly in favour.

The conference which the expert has in mind is mainly a professional conference group. It could hold its annual meetings very profitably with the Indian Conference of Social Work and take over one whole section of this larger organization, as set up this year in Calcutta. The conference could publish a small bulletin for distribution among members. It could hold regional meetings and local meetings. It could give the professional leadership which is very necessary local meetings. It could give the professional leadership which is very necessary for a continuously of progress throughout the years. It should keep the fires bright for progressive developments in the total correctional field. It should be the watch dog for retrogression in local places. It should encourage the expression and exchange of new ideas for the field. It should help in the education of the public and of Government, to accept the right policies. The Government of India could well afford to help such an organization get on its feet for the first few years. The payment of the salary of an organizing secretary and his travel for three years, plus the costs of cyclostyling a bulletin, would not cost much and would be a very heartening sign. The expert is prepared to give further suggestions and to suggest possible names, if requested by the Government of India.

12. The Argument for Ministry of Social Welfare:

The expert is mindful of the great interest social workers in India have in the development of a Ministry of Social Welfare, not only at the centre but also in State Governments of the larger states. The expert feels that there are very good reasons why social workers would like to see the administration of a Children's Act, Remand Homes, and Certified Schools placed under a Ministry of Social Welfare. He also senses that placing the administration of juvenile delinquency matters under the Ministry of Education was an

opportunistic move, to make sure that child delinquency problems would get more social welfare consideration by being separated from police and jails. The social workers of India feel that juvenile delinquency, along with destitute and neglected children is a social welfare problem and that it would be best to turn this subject over to a Ministry of Social Welfare, if and when it becomes a reality.

Insofar as probation supervision and after-care are concerned primarily with the guidance and re-adjustment for juvenile delinquents and adult offenders, probation and after-care should also be the concern of a Ministry of Social Welfare. Insofar, finally, rehabilitation of the prisoner, so likewise – the argument goes- jail administration should be transferred to a Ministry of Social Welfare. Because of the traditional emphasis on so many important subjects, the Ministry of Home Affairs at the Centre and Home department in the states can never give jails, probation, and after-care proper consideration. In a Ministry of social welfare the adult offender as well as the juvenile delinquent can be treated as the wards of the State. In the Ministry of Home Affairs, they must be treated as security risks of the State – so the argument goes.

13. An Integrated department of Correctional Administration:

The expert feels quite keenly that India needs to have one department of government in which juvenile courts, remand home, certified schools, probation, Borstals, jails and after-care can join hands and attack the problem of the handling and treatment of juvenile delinquents and adult offenders in an integrated way, where each segment is approaching the matter from the same point of view of social rehabilitation. This should be done by establishing a Department of correctional Administration under one Minister. Such a department should have a Director, who is a trained man that can give leadership to all phases of correctional services. The Department can have a Juvenile Branch, with a deputy incharge of the development and oversight of remand homes and certified schools and any other facilities and services for the social treatment of the delinquent child. The department can have Probation and After-care Branch, dealing with the supervision of juvenile and adult offenders in their own homes, villages, and neighbourhoods when released by courts or released by certified schools, borstals, and jails. The Department should have a Jail Branch, dealing with the prisons to which adult offenders are committed. (Note that the borstal could be placed in the Juvenile branch or the Jail Branch). The Department should have a Revising Board Branch, with sufficient staff to cover all institutions for juvenile and adult offenders once a month. The department should have a lockup Inspection Branch, to inspect periodically all lockups and to make constructive suggestions to police in handling this problem.

Such a department will need to have trained personnel and a career service, with appropriate posting of personnel according to the principle of the best use of personnel. A trained probation officer could become superintendent of a remand home or certified school or of a jail or Borstal. A trained welfare officer of an adult jail could be transferred to the probation and after-care branch, and so on. The central or district jail should in its way be just as good as a Borstal or certified school in its way. In view of the fact that the proper handling of the juvenile delinquents and adult offenders cannot wait until India gets a welfare ministry or finally accepts the feasibility of a Ministry of Social Welfare, the expert feels that the suggestion for the establishment of an integrated department of Correctional Administration under one Minister is the most-practical at this time.

Each branch of an integrated Department of Correctional Administration should have a deputy in charge. Some branches might need assistant deputy directors in charge of special phases of the programme. The Director and his deputies should give positive, constructive leadership to all aspects of the social rehabilitation of offenders.

14. Demonstration Projects.

The expert feels very definitely that India could develop, without much difficulty or expense, several demonstration centres, to which juvenile court magistrates, remand home personnel, probation officers, after-care workers, and superior staff members in certified schools, reformatory schools, Borstals, and prisons could be deputed for short periods of observation or short periods of training. For example, several nearby states could depute some newly appointed officers to observe and participate in the programme of the Children's Aid society of Bombay, under the direction and supervision of Dr. M.S. Sabnis, who is a very well trained man in the field of treatment of juvenile delinquency. The Children's Aid Society operates probation service for delinquent children, a remand home, and certified schools. A deputed officer from Bombay state or nearby states could be assigned to this agency for a certain training period and he would receive excellent demonstration training. Likewise, Mr. V. Krishna Menon's probation setup in Madras would be another outstanding centre for demonstration training in the probation and after-care field. The expert already has suggested to several states in his tour programme that they send delegations to Mr. Menon and Dr. Sabnis, to observe probation operations and specialized facilities for treating the juvenile delinquent.

Besides, the two centres mentioned merely by way of concrete examples, there are several more certified schools, reformatory schools, Borstals, and jails which could be used for demonstration training. The expert is prepared to suggest such a possible list if requested. But the point which needs to be emphasized here is that India has several correctional agencies and institutions which could very easily be used as demonstration training centres and that deputation of personnel to demonstration training centres is a very satisfactory and economical way to train a lot of personnel quickly. They cannot be considered as a substitute for longer term academic institute training centres. A very satisfactory and economical way to train a lot of personnel quickly. They cannot be considered as a substitute for longer term academic institute training, as mentioned previously in this report but demonstration training centres certainly could play a very important training role. In addition, they are a living testimony to doubting government administration and ministers that good practices and procedures are practical in the handling and treatment of delinquent juveniles and adult offenders.

The expert feels that, should India care to develop the plan of using several demonstration centres for quick and short orientation of deputed officers in the correctional field, there should be some way of getting additional staff, technical assistance, training aids so on, at these designed demonstration centres. He is certain that India could approach the Technical Assistance Administration of United Nations for actual personnel to help in the development of demonstration training centres and for actual teaching aids and other necessary equipment. It might even be possible to send specialists who would be assigned for two or three years to certain demonstration centres.

If this kind of programme materialized in India, the expert feels keenly that such demonstration centres should be available for training limited numbers of personnel assigned or

deputed, by proper arrangements, from the Far East, the Middle East, and even Africa, since much more valuable training for personnel from underdeveloped countries could be obtained in India than in Western Europe, England, or the United States. The expert is sure that India would be happy to make her demonstration centres available to other needy nations of the world, for purposes of training.

CHAPTER IV – THE NEED FOR FURTHER TECHNICAL ASSISTANCE

A. Expert advice

The expert feels that the states of India need assistance by a specialist in the organization of juvenile courts, remand homes and certifies schools. Several States of India are already beginning to search for ways and means of getting their delinquent juveniles out of the regular courts and the regular adult jails and finding separate facilities for these children. Although the assistant expert will be able to help several of the States in a preliminary way regarding these matters, his consultations alone are not sufficient to the need, and a specialist in this area could very well spend a year on such an assignment.

The expert also feels that the States of India could very well use a technical assistant in the field of probation and after-care services. There is no question that probation service and premature release from jails on after-care supervision are the most practical and most economic methods for dealing with the average offender in India who now goes to jail for long periods of time. This person should be in a position to help plan the service and the necessary recruiting of probation and after-care officers. Such a technical assistant should be assigned to India for a year.

The expert feels very keenly that India needs technical assistance in reorganizing the jail industries in the various States. These industries are neither producing the useful products they could produce; nor are they properly training prisoners in useful vocations. A short mission of three months duration, concentrating on suggestions for the reorganization and vocational development of the work programmes in Indian jails, would be of enormous value. It should be noted that all of the forty-seven trainees in the training programme conducted by the expert were interested in getting new ideas about industries and industrial procedures in the Bombay area. They very definitely reorganized the great shortcomings of the industrial and work programme in their own jails.

In this connection, there could be an expert in the specialized field of prison farming operations and the possibility of developing specialized agricultural colonies for the prisoners in Indian jails who are cultivators. India could well afford to produce an abundance of food not only for its jails, but also for other Government operated institutions. Perhaps some arrangements could be worked out with the agricultural phase of the Point Four Programme of the United States Government in India, to secure the necessary machinery for large scale food production on prison farms. However, the cultivators should not only be trained in machine methods, but also be trained in improved non-mechanized methods which he would perform have to follow when he returns to his village.

Finally, the expert feels that there is great need for a technical assistant to help the jails of India develop a new set of records, not only on jail operations but also on the case files of the individual prisoners. The record system now is interfering with the superior officer's actual working with the prisoners. As Indian jails get specialized, trained staff members, it is presumed that such persons will want to record their observations and contacts with the individual prisoner so as to have a complete record on him from admission to release. Such a specialist could make

some very practical plans and suggestions for developing records and keeping the records current. He could do this job in about three months.

If and when the Government of India decides to establish an Advisory Bureau for Correctional Administration, the expert feels that it would be a very good idea to obtain technical assistance by an expert for the initial organization of this Bureau. Because of the Great importance of such a Bureau, it would be best to have such an expert deputed for at least one year for this particular assignment.

Expert assistance should also be provided for organization demonstration centres if India decided to establish such centres. The expert requested to assist in the organization of such centres would be assigned for 2 or 3 years.

B. The Fellowship Programme in the Correctional Field:

The expert was able to confer with many former United Nations fellows in the social defence field during his stay in India. He feels constrained to say that as a group the United Nations fellows are excellent, competent persons, but most of them are working far below their level of competence and most of them are working in positions where they have very little widespread effectiveness. The expert also learned that there was a strong feeling that the State of Bombay got the lion's share of fellowship awards in the social defence area. Comments on this were made particularly in the States of Madras, Uttar Pradesh, Bihar, Madhya Pradesh, and Punjab (India). It should be recommended that these observations only apply to the fellowship of offenders and do not apply to other areas. The expert on several occasions was asked to furnish information regarding fellowship applications. Here again-most of the requests came from Bombay.

The expert hopes that the various states of India will call on the United Nations fellows to help in the policy-making central administration of jails, probation, after-care, and facilities for juvenile delinquents as well as specialized facilities for beggars, prostitutes and habitual criminals (from criminal tribes). This would mean that competent United Nations operations in the various states rather than remaining, as they are today, superintendents of a certified school, superintendents of a jail, chiefs of probation, etc.

Likewise, it is hoped that if and when the Central Government of India establishes the advisory Bureau for correctional Administration at New Delhi, the Government of India would use the former United Nations fellows as well as other trained persons in India. It is hoped also that personnel in such a Bureau would be given an opportunity for further observation and study under a fellowship programme, so that such staff members would receive pertinent training necessary for their work. If and when the Jail Training school at Lucknow gets established on a much higher and better level, several of the faculty would undoubtedly need to have the opportunity for special fellowship study abroad.

CHAPTER V: SUMMARY OF RECOMMENDATIONS

In conclusion, the recommendations given in the main body of the report need to be placed in some order of priority for Government consideration. While it is impractical to list all the suggestions in an order of priority, the principal recommendations will be listed in this way.

1. The Juvenile delinquents of India should be gotten out of adult jails, adult courts, and police lockups and special facilities for delinquents juveniles should be provided in the form of juvenile courts, remand homes, probation, certified schools, and after-care. It is not necessary to have tow probation and after-care services: one for juveniles and one for adults. The probation officers should be trained to perform the proper services for both juveniles and adults and give the proper services for both juveniles and adults and give the proper differential treatment on an individual case basis.
2. The development of whole-time probation service on a district basis in the various States of India, with appropriate central and state legislation and with competent probation officers who make the necessary social investigations for the magistrates and who do the necessary follow-up supervision of cases placed on satisfactory than jail custody.
3. The development of whole-time service for prematurely released prisoners. This service can be performed by probation officers on a district basis and has the same economic advantages of probation service.
4. The establishment of whole-time revising boards which will be concerned with the selection of prisoners for premature release. Jail sentences in India are long and costly and whole-time revising board functions together with whole-time after-care service on a district basis should reduce the cost of jail care for the average non-dangerous prisoner. The district superintendent of police and the district magistrate should no longer be members of the revising boards.
5. If any state establishes a new jail, this jail should perform a specialized function such as an agricultural colony, an open Borstal, a medical and psychiatric unit, a vocational unit, etc. The jail buildings, the staff, and the programme should be designed to perform a specialized function.
6. Several of the old jails in any large State in India should be converted into jails with a specialized programme.
7. The jail manual should be revised and in the revision greater responsibility for the development of a constructive programme for prisoners should be placed in the hands of each superintendent and staff member. It is the relationship of the staff member to the prisoner and the impact of various constructive programmes in a jail which rebuilds the prisoner, and not a lot of unnecessary rules and limitations of a jail manual. As a matter of fact, too many unnecessary rules and regulations stifle initiative and suppress the very kind of development which is desirable in a good jail programme.

8. The superior staff of a jail needs to have training for their work. This one can be done by in-service training or by deputing staff members to special training institutes. In-service training programmes need to be developed to educate the warder staff in terms of how to perform their jobs more effectively.

9. Legal substitutes should be found for short sentences in India, so that petty cases would not have to be sentenced to jail for one day, one month, three months, etc. India needs to come to grips with the short term sentence problem and needs to recognize that the short sentence is not an effective device for social defense.

10. Ways should be found to reduce the number of under-trial prisoners and the period for which they are remanded to jail. This will require expenditure police and court action. In addition, ways should be found to develop a jail programme in which the under-trial could voluntarily participate, so as to prevent his moral and physical deterioration in jails.

11. An Advisory Bureau for Correctional Administration should be established at the central Government immediately. So that the various states can be helped in the development of their programmes of probation, after-care, revising board work, jails, Borstals, Prisoner Aid Societies, Juvenile courts, remand homes, and certified schools.

12. The Central Government should encourage the development of a professional conference among the superior staff members concerned with the care and treatment of juvenile and adult offenders. Professional interchange of ideas is very necessary for the growth of new ideas and the dissemination of these ideas.

13. The large States of India should develop integrated departments of correctional administration under one minister, including jails, Borstals, revising boards, probation, and after-care. The director of such a department should be the modern substitute for the present Inspector – General of Prisons. In the meantime, there is no reason why the Inspector- General of Prisons office cannot have a positive rather than a negative orientation.

14. The Government of India should consider the need for specialized technical assistance in this field, following as quickly as possible the termination of this Mission.

- a. Technical assistance in the field of probation and after-care.
- b. Technical assistance in the field of special facilities for juvenile delinquents.
- c. Technical assistance in the field of prison industries and vocational work programme.
- d. Technical assistance in the field of agricultural programme for prisons.
- e. Technical assistance in developing an adequate system to record keeping.
- f. Technical assistance to help establish the advisory Bureau for Correctional Administration.
- g. Technical assistance to develop demonstration training centres.

15. Fellowship applications in the correctional field should now be considered in terms of preparing a competent person to fill a position where his training and experience can be felt the most widely, e.g. a deputy to the Inspector-General of Prisons or a deputy to the newly suggested

Director of Correctional administration, a staff member in the contemplated advisory Bureau, a teacher or an instructor in one of the institutions which are training correctional officers.

ANNEX 1

FIFTH ANNUAL SESSION OF THE INDIAN CONFERENCE OF SOCIAL WORK

Section IV – Planning Social Defence

Subjects: 1. Treatment and Prevention of Adult Crime.

2. Treatment and Prevention of Juvenile Delinquency

Chairman: Dr. Walter C. Reckless

Secretary: Dr. A.S. Raj

Recorded: Mr. V. Gopalam

This Conference recommends:

1. Some advisory and co-ordinating service at the centre be established to assist in the prevention and treatment of crime and delinquency, in the various states.
2. A nation-wide probation act is adopted and probation service in all districts be established.
3. Whole-time after-care service for juvenile and for adult offenders discharged from correctional and penal institutions is introduced likewise in all districts, more likely grafted on to whole-time probation service.
4. The Model children's Act should be adopted by the centre at an early date and implemented in all the states.
5. Police departments should establish juvenile aid bureau under trained and educated police officers who can screen the complaints against juvenile properly and approach the problem of the delinquency in a more social manner.
6. The appointment of women magistrates in juvenile courts and trained women workers in reception (remand) homes and school for juvenile delinquents.
7. The adult jails should be smaller and more specialized to ensure rehabilitation.
8. The development of a classification unit, composed of psychiatrists, sociologists, psychologists, social workers and medical officers, to diagnose the treatment needs of newly admitted prisoners in a reception prison to which all prisoners of the state should be sent from courts.
9. Probation workers, after-care workers, welfare-workers in prisons, Borstals, reform schools, as well as superintendents and deputy superintendents receive specialised post-graduate training hereafter.

ANNEX 2

RESOLUTIONS PASSED AT THE EIGHTH CONFERENCE OF INSPECTORS-GENERAL OF PRISONS HELD AT BOMBAY FROM 13TH TO 15TH MARCH, 1952.

After a brief account of recent developments in jail administration in Uttar Pradesh by the Chairman, the Conference proceeded to discuss several matters relating to jail administration and adopted the following resolutions:

I. ADMINISTRATION

Appointment of Inspector – General of Prisons Resolution No. 1

The Conference resolved that appointment to the post of Inspector-General of Prisons should be made on the recommendation of the Public Service commission in each state and persons with at least three years experiences in the jail department should be selected. It was further resolved that in Part A and B states, the post of Inspector –General of Prisons should be independent and not combined with any other charge.

Appointment of assistant to the Inspector – General of Prisons Resolution No. 2

It was resolved that in all Part A states a deputy Inspector-General should be appointed to relieve the Inspector-General of his routine duties and in Part B states a post of Assistant Inspectors-General should be created for the same purpose. In part C States where the charge is collateral, an officer of gazetted rank should be appointed to assist the Inspector-General.

Appointment of Director of jail Industries Resolution No. 3

It was resolved that in all Part A and b states, a Director of jail industries should be appointed under the Inspector-General of Prisons.

Resolution No. 4

It was resolved that at least one auditor should be appointed to the office of the Inspector-General of Prisons in Part A and B states.

Superintendent of jails Resolution No. 5

It was received that all district jails should have whole-time superintendents. It was further resolved that the pay and status of the Superintendent of a central jail should be equated with these of the superintendent of police and similarly the pay and status of the deputy superintendents of jails should be equated with those of a deputy superintendent of police.

Organization set-up in jails Resolution No. 6

It was resolved that in unit of 500 the following should be the minimum subordinate staff: one Jailor or deputy superintendent (as in the case of Punjab), two deputy jailors or assistant superintendents (as in the case of Punjab), four assistant jailors (or clerks), one accountant (where population exceeds 500), technical staff such as carpentry foreman etc., will be appointed in accordance with the requirements of each institution.

The Jailor Resolution No. 7

It was resolved that in course the designation of the post of Jailor should be suitably altered. It was further resolved that the post of Jailor should be gazetted and the scale of pay attached to the post of Jailor should not be less than Rs. 300/- to 500/-. Promotion to the category of Assistant superintendent of Superintendent should be limited to 50 per cent from the cadre of jailor. The minimum qualifications for future entrants should be B.A., B.Sc., Preference should be given to men who are qualified in social welfare work.

Subordinate Jail staff resolution No. 8

- a. It was resolved that no member of the jail staff should be required to do more than eight hours duty a day and that in order to conform to this, additional staff should be provided in all jails. In all custodial institutions, the strength of the warder staff should be on the basis of one warden for every ten prisoners. This may be modified in other institutions where emphasis is more on rehabilitation.
- b. It was further resolved that the scale of pay warders should be equated with equivalent in the Police Department and they should be provided with free family quarters or compensation in lieu thereof.
- c. Amenities should be provided for education of children of warders who reside away from the town.
- d. It was also resolved that the armed guard doing duty outside the main-gate should be manned by jail warder staff.

Compounders in jail hospitals Resolution No. 9

It was resolved that in every unit of 500 or less there should be at least one compounder for the jail hospital.

Revision of jail manuals Resolution No. 10

After a brief discussion on the need for revising the several jail manuals of the states, the conference passed the following resolutions:

The jail manual needs a revision in view of the changed attitude from mere deterrence to correction and rehabilitation. It also requires be considerably simplifying and making more elastic so as to give more discretion to the Inspector-General and superintendents. In order to achieve this, the Conference recommends that a committee consisting of Inspector-General of Prisons, Bombay, and two experienced superintendents of district or central jails should examine the question and draft a skeleton jail manual which will be circulated to the Inspector-Generals of several states for their opinions and suggestions. Concomitantly, it will be necessary to revise the existing prisons and prisoners' Act for this purpose.

II. BETTER TREATMENT OF PRISONERS

This conference discussed the resolution of matters relating to better treatment of prisoners and resolved as under.

Resolution No. 11 – Diet

It was resolved that the diet of a labouring prisoner should not be less than an equivalent of 3,000 calories and that for a non-labouring prisoner not less than 2,400 calories. The diet should have variety.

Resolution No. 12 – clothing

- a. The stripes on the Prisoners clothing should not be used any more.
- b. Identity discs wherever they exist should be abolished. Nobody tickets should be worn.
- c. The blanket coat where used should be abolished and replaced by cotton woolen material.
- d. Where climatic conditions warrant it, convict officers and convict watchmen on duty on main wall should be provided with great coats.
- e. Shoes and chappals may be allowed if provided by relatives and friends or if purchased by prisoners at their own cost.

Resolution No. 13 – Accommodation

- a. The floor space for each prisoner should not be less than 60 sq.ft.
- b. Covered feeding places should be provided in all jails.

Resolution No. 14 – Sanitation

- a. Each cook in the cook-house should be provided with one chatak of soap per week.
- b. Convict sweepers should be provided with 1 ½ chatak of soap per week.

- c. Soap, oil, and tooth powder may be allowed to be received by prisoners from their relatives and friends at their own expense.
- d. Night latrines should be provided in all the barracks and the drop system may continue for the present. Arrangement should be made to provide adequate privacy for prisoners in the latrine.
- e. For washing clothes 1 ½ chataks of soap should be provided for each prisoner per week. In place of soap “Sajji” may be provided. Early arrangements should be made to establish a laundry section in each jail.
- f. Juvenile and female prisoners should be provided with one chatak of toilet soap and one chatak of oil per week. Those prisoners who keep long hair should be provided with the same quantity of soap and oil.
- g. Short and close hair cut should not be insisted upon.

Moral and Mental education and physical Welfare Resolution No. 15

- a. Every effort should be made to provide proper education facilities in jails and for this purpose paid teachers should be employed. In order to promote education in the present nation-wide campaign for literacy, people of culture specially equipped for the purpose should be invited to give talks to prisoners as often as possible.
- b. Congregational prayers both morning and evening should be encouraged. Prayers should not embody the tenets of any particular religion but should be in the nature of moral exhortations.
- c. Arrangements should be made to have physical exercises in the morning and games on Sundays and jail holidays. Prison weeks should be organized for display of jail-made articles and also for the purpose of holding sports and games and for enactment of dramas, etc.
- d. Jail libraries should contain books on civics, sociology, history, hygiene, and agriculture.
- e. Prisoners should be provided with newspapers at government cost. It is recommended that there should be one paper for every fifty prisoners. Literate prisoners may be permitted to purchase papers at their own cost. Relatives of prisoners may be allowed to deposit money for this purpose.

Amenities for prisoners Resolution No. 16

Radio sets with loud-speakers should be provided in central jails and in big district jails (at least in first class district jails)

Resolution No. 17

The establishment of co-operative canteens should be encouraged.

Resolution No. 18

The Panchayat system may be introduced in jails. This will foster a spirit of good neighborliness among the prisoners and also encourage them to be civic minded. The details of the system may be worked out in each jail to suit local conditions. The term of membership of these panchayats should not exceed six months. Suitable rules should be framed for the conduct of each Panchayat system.

Smoking Resolution No. 19

Prisoners may be permitted the use of beedies, cigarettes, and tobacco in accordance with the local rules. For this purpose relatives and friends of prisoners may be permitted to deposit money subject to a reasonable limit. No prisoners below the age of 21 years should be allowed to smoke.

Provision of lights Resolution No. 20

Lighting arrangements should be provided inside the cells and barracks so that prisoners can read, write and play games before lights-out time.

Hospital Resolution No.21

- a. God conduct prisoners when in hospitals may be permitted to sleep in the open, subject to the approval of the Superintendent on medical grounds.
- b. Trained male nurses should be provided in jail hospitals.
- c. Prisoners suffering from tuberculosis and leprosy should be accommodated in special jails.
- d. Prisoners suffering from mental disorders but who cannot be certified for detention in a mental hospital should be accommodated in special jails.

Remission Resolution No.22

- a. It was resolved that in all the states the rules for the grant of remission should be so amended as to provide for a maximum earning of one third of total sentence.
- b. Remission not exceeding 30 days in a year should be awarded to literate convicts who are declared proficient and this should be in addition to one third limits.

Letter and interviews resolution No. 23

Letter may be permitted to the extent of one in a month for ordinary class prisoners. The Superintendent should also have discretion to allow extra letters special interviews over and above the number prescribed under the rules.

Class of Prisoners Resolution No.24

Some of the states still have three classes of prisoner's viz., Class A, B, and C. It is recommended that there should be only two classes of prisoners viz., Class I and II, the former comprising the existing Class A and B and the latter class C.

III. CLASSIFICATION OF PRISONERS

Resolution No. 25

It was felt that present classification of prisoners by courts was rather unsatisfactory and it was therefore resolved to recommend that the classification of prisoners should be removed from the purview of the courts and entrusted to the superintendents of jails. Provision should also be made for appeals to the inspector-generals against an order of classification by the Superintendent. It was also resolved that in the case of undertrials the superintendents of the institutions should try to ascertain the antecedents of the undertrial and if he is found to possess criminal propensities of an habitual, he should be segregated from other undertrials.

IV. PROBATION AND AFTER-CARE

Probation Resolution No. 26

- a. It was resolved that a Probation of Offenders Act should be introduced in all states and the provisions of the Act should be made applicable to all prisoners regardless of age.
- b. It was resolved that an act on the lines of the Uttar Pradesh Release of Prisoners on Probation Act (Act VIII of 1938) should also be adopted by all the states.
- c. It was also resolved that a system of releases as now obtaining in Uttar Pradesh under the ticket of leave rules should be introduced in all leave states.
- d. It was resolved that probation officers should be appointed in every state. It was generally agreed that the appointment of probation officers would result in a considerable saving to the state governments inasmuch as the release of prisoners under probation would avoid expenditure on the maintenance of prisoners in jails.

After-care Resolution No.27

The Conference resolved that a service of after-care work established in each state to guide and rehabilitate discharged prisoners. The after-care officers should have training in social sciences before appointment. In smaller districts the services of probation officers may be utilized for after-care work. Until such time that such services are established to look after the discharged prisoners.

Appointment of welfare officer

Resolution No. 28

The Conference resolved that in every unit of at least 500 there should be a welfare officer especially trained for the purpose on a salary of not less than Rs. 250/- to Rs. 800/- p.m. The Function of the welfare officer will be to maintain personal contact with each prisoner and also to maintain liaison between the family and the prisoner.

Mrs. Vyas dissents to the appointment of a welfare officer.

Appointment of a Psychiatrist

Resolution No. 29

While it was felt that it was rather premature to appoint a psychiatrist to each institution to appoint a psychiatrist to each institution, it was resolved that each state should appoint at least one therapeutic psychiatrist to whom all cases of emotional disturbances should be referred.

V. BORSTAL SCHOOLS ACT AND CORRECTIONAL INSTITUTION

Resolution No. 30

It was resolved that a Borstal Act should be introduced in every state and steps should also be taken to establish Borstal institutions or similar correction institutions for juvenile and adolescent delinquents wherever they do not exist.

VI. TRAINING OF JAIL OFFICERS AND SUBORDINARY STAFF

Resolution No. 31

- a. The Conference resolved that it was very essential that jail officers and jail subordinates in every state should receive training on a scientific basis in all fields of correctional work, namely treatment of crime, probation, rehabilitation, and after-care.
- b. For this purpose it was resolved that each of the larger states should have a training school for subordinate staff (warders and head warders) and smaller states whose finances may not permit a separate institution may combine with neighbouring states for setting up a training institution to serve their joint ends.
- c. In regard to the training of a prison officer, the Conference observed that at present there are two institutions which could well serve the needs of training prison officers for all states in the country. The first institution is the training School for Prisons Officers at Lucknow and the other the Tata School of Social sciences, Bombay. While the general consensus of opinion was against the establishment of separate state training schools, it was agreed that the institution at Lucknow could serve the needs of Northern, Eastern, and Central India, whereas the Tata School of Social Sciences could conveniently cater to the needs of Western and Southern India. The Conference therefore passed the following resolution:

The institution at Lucknow which is at present training prison officers and also the Tata School of Social Sciences at Bombay, which will soon be introducing a course for the training of prison officers, be recognized by the Government of India as suitable institutions for imparting training to all prison officers. These institutions should receive the assistance of the Government of India, both financial and otherwise, in order that they may effectively function as central institutions for the purpose of training prisons officers.

ANNEX 3

PROBATION CONFERENCE: SUMMARY RECORD

At the initiative of the Central Government and on the advice of Dr. Walter C. Reckless, the three States of India, which have established probation services, namely, Madras, Uttar Pradesh, and Bombay, deputed their senior officers in their services for a three day conference in Bombay from May 29 through 31. The conference had two purposes: (1) to exchange information on present developments and future plans in these three States with a view to providing Dr. Reckless with adequate information as background for his official report to the United Nations and the Government of India; (2) to meet with the forty- seven jail officers undergoing training at the Tata Institute of Social Sciences in order to bring to them first-hand information on the operation of probation and after-care services in India.

Those participating in the conference were: Mr. V.K. Menon, Chief of Probation, Madras State, Mr. P.N. Saxena, Chief Probation Officer, Uttar Pradesh, and Mr. G.N. Harshe, Acting Chief Inspector of Certified Schools, Bombay State, Mr. M.M. Joshi, Chief Probation Officer, Poona, accompany Mr. Harsha as a special adviser, Dr. Walter c. Reckless, United Nations expert to the Government of India on correctional matters and the expert assistant to dr. Reckless.

The conference consisted of five sessions, two of which were with the forty-seven jail officers and the remaining three were closed meetings dealing directly with immediately administrative questions and future planning, at which meetings attendance was restricted to the person's name above. At the close of the conference, a Press Conference was held with representatives of six newspapers and press services.

One closed session was devoted to the presentation of information by each representative of the situation in his state with respect to various aspects of administration, personnel policies, and probation practice. The second two closed sessions were set aside for discussion of special problems, immediate goals, and plans for the future. State representative made proposals for the chief topics to be covered during the conference and it was agreed that the Agenda should include the following:

1. The possibility of establishing an All-India Probation Act and the proposed content thereof.
2. Administrative structure of probation and after-care services.
3. Selection and training of personnel.
4. Conditions of work and amenities.

5. Relationship of probation service to adult and juvenile institutions.

ALL –INDIA PROBATION ACT

It was agreed that it would be advisable for the Central Government to sponsor legislation providing for probation services in each state. Should the Central Government decide that it cannot legislate on this subject? It was unanimously recommended that the Central Government should sponsor a draft model, the adoption of which by each State should be advocated by the Centre.

It was decided that this meeting should only act forth the principal provisions to be contained in such an Act and that one member would be delegated to draft the model legislation. Accordingly, the conference agreed upon certain basic principles and instructed Mr. V.K. Menon to draft the legislation along these lines for annexation to this report.

The main concepts agreed upon for inclusion follow:

1. The law should provide that age would not be a factor barring any individual from eligibility to probation.
2. Similarly, a record of previous convictions would not be an automatic disqualification for eligibility to probation.
3. The nature of offence would not be an automatically disqualifying factor except in the case of convictions carrying with them an automatic death sentence.
4. Probation should never be granted for less than one year.
5. A pre-sentence investigation will be made mandatory in all cases and must be used by the Magistrate as a basis for the disposition of the case.
6. Surety will not necessarily be a pre-requisite for eligibility to probation.
7. It will be presumed that all offenders under the age of 21 will be candidates for probation and Magistrates must specify in writing reasons for awarding institutional confinement in the case of youthful offenders denied probation.
8. Where there is special probation legislation in operation, Section 562 of Criminal Procedure Code shall not be applicable.
9. Provision will be made that convictions, which have been followed by probation rather than jail confinement, will not be held as a bar to employment.
10. All sentencing Magistrate shall have the power to grant probation.
11. Rules for the administration of probation should be developed by the individual States.
12. Post-institutional supervision (Parole and after-care services) will be the responsibility of probation department.

ADMINISTRATIVE STRUCTURE

It was agreed that probation services should be exclusively in the hands of full time paid governmental personnel. Probation departments should be organized and administrated at the State level. It was also agreed that both probation and after-care functions should be vested in the same department and that the functions might be carried out by the same persons. It was further agreed that adult and juvenile probation should be in the same department and might be carried out by the same person. In cases where ministries of social welfare are created, the State probation services should be administered under it in conjunction with other correctional services as a single unit preferably in a department of correction. It was agreed that until such time as social welfare ministry is established, the logical ministry for probation services was Home, but that, above all the major consideration was that probation services should not be divided among two or more ministries.

The majority opinion – 2 to 1 – was that, for the present, adult institutions should not be integrated into the one administrative unit including the adult and juvenile probation and parole (after-care) but that, as adult institutions develop a social orientation and are recognized by the public as having done so, it would be appropriate for the services to be unified.

The conference does not urge the elimination of or underestimate the contribution of non-government organizations or individuals rendering services on a voluntary basis, but advocates that these services should be auxiliary to the work of the full-time Government employees and that presently constituted boards of Directors should carry advisory rather than executive functions.

SELECTION AND TRAINING OF PROBATION OFFICERS

It was agreed that the practice now generally existing in the three participating states of requiring a B.A. degree as entrance should be continued. Hope was expressed that in the future, additional training at the graduate level would be required, but that this would not be a realistic requirement at present. Candidates offering graduate training in social welfare today, however, should be given preference. The entering age limit should be set at between 25 to 35. One or more training programmes should be established, as a central responsibility, for newly appointed probation officers to be deputed by State Governments. State Governments would have responsibility for refresher training and for the indoctrination of related services (Police, courts, etc) in the objectives and techniques of probation.

It was further agreed that a basic training manual should be elaborated for the guidance of States in the development of a corps of trained probation officers. Training schemes syllabi now elaborated by the three participating states will be circulated to each other with a view developing a common syllabus.

Conditions of work and amenities

It was agreed that probation officers should receive a salary equal to other Government officials requiring comparable education, experience, and special aptitudes. There should be at least four grades of probation officers in order to provide both adequate professional advancement and the necessary administrative hierarchy. There should be a supervisor of probation officers who would carry a reduced case load and would give major emphasis to

supervising the activities of probation officers for each unit of about six probation officers. In addition to the director of probation for the State, there should be one or more deputies.

In addition to these four classifications, there should be arrangements for in-grade promotions for individuals who have rendered competent service, but for whom promotion to higher responsibility is not to be made available.

Promotion is to be regarded as a career service and appointment to the higher positions is to be made from the junior cadre in all cases where professionally possible. Opportunity must be provided for a high level of professional advancement for probation officers including the possibility as Juvenile court (or even adult criminal courts) Magistrates and institutional administrators.

National professional organization which would provide opportunity for the professional growth of probation officers should be encouragement. An organization for probation officers should form an integral part of the national professional organization for all persons engaged in correctional work, including adult and juvenile institutional personnel.

It was agreed that travel facilities in kind or in cash as well as secretarial facilities are directly related to the quality and quantity of the service which a probation officer can render. Accordingly, adequate travel allowances or facilities and clerical assistance will need to be made. The proper use of peons to assist the probation officer in carrying out minor tasks and thus eliminating wastage of time on routines was advocated as a wise and economical adjunct to probation operations.

Relationship of function to adult and juvenile institutions:

It was agreed that probation and after-care services should be regarded as an integral part of the total correctional services and a close working relationship with institutional personnel was necessary for the mutual benefit and growth of each. Probation personnel should have intimate contact with correctional institutions as often as possible, particularly with reference to persons to be released under their supervision.

Probation and after-care personnel should be recognized by the institutions as its chief source of community service. With respect to investigations and in handling the extra-mural problems of individuals in prison, probation officers should be expected to provide social data needed for decisions concerning release from the institution both with respect to temporary vision (furloughs) and final release from the institution. Probation officers should accept responsibility for the preparation of pre-sentence investigations for the use of institutions even in cases where no decision concerning eligibility to probation is involved.

ANNEX 4

A BILL FOR THE RELEASE ON PROBATION OFFENDERS

Note: Recommended as a central act by Dr. Walter C. Reckless, United Nations expert on Jail Administration to the Government of India prepared by Shri. V. Krishna Menon, Superintendent of Probation, Madras, in collaboration with Shri P.N. Sexana, Chief of Probation, U.P., and Shri G.N. Harshe, Acting Chief of Probation, Bombay. According to Dr. Reckless, this proposed Act is a very practical Act, based on several years of successful experience in three States of India. Estimates indicate that, including liberal T.A. and administrative costs, a convicted person can be handled on probation two to three times cheaper than his cost of food and maintenance in jail (not including establishment costs). And the convicted person can remain with his family and support them. Government should remember that it needs high caliber of men, with B.A. degree, to be probation officers – men who can help convicted persons to straighten out as well as act as surveillance officers. Government should remember that getting the probation officers to make continuous calls in the villages, neighbourhoods, and homes of the probationers is the essential and vital field service. This can only be done by adequate T.A. An inadequate T.A. cripples the surveillance and guidance probation officers should give the probationers.

Dr. Reckless is of the opinion that section (4) sub-sections (2), (3), and (4) can best be applied in India to convicted persons who would ordinarily receive a jail sentence of one year or more. Probation supervision can be more constructive in these longer term cases. Supervision is much more difficult to render effective in cases of ticketless riders, ration violators, and the average run of petty cases usually getting short sentences. The provisions of this Act should be used by High courts and Sessions Courts as well as Magistrates Courts. Any state introducing probation service in the districts should instruct its magistrates and judges in the value and uses of probation service. Otherwise, they will just keep on sentencing convicted persons to jails.

Government should note that under a Probation Act like this many more convicted persons should be handled under sections (3) and (4) subsection (1) than sent to jail. Magistrate must be instructed to take the calculated risks implied, for the sake of the State and the convicted person. And there should be more convicted persons placed on supervision (Section (4) subsections (2), (3), (4) for the longer term offences than are sentenced by magistrates and judges to jails in any given year. Again at great saving to the State and the families of India.

Finally, if Government establishes sufficient number of probation officers in any district, they can also act as whole-time after care officers, covering the same territory on the same T.A. Whole-time after officers would enable Government to use premature release by a whole-time revising board and get the better risk prisoners out of jail sooner. Suppose Government could release a prisoner with a three year sentence in 18 months and put him on after care supervision. Government could supervise him in his own home and village or neighbourhood several cheaper than holding him in jail.

Whole time probation and aftercare service is simply good business – the economical way – if set up amply. Government should look forward to fewer and fewer convicted persons going to jails and staying full terms in jails.

Whereas it is expedient to provide for the release on probation of certain class of offenders and for other matters incidental thereto; it is hereby enacted as follows:-

Short title and commencement.

- I. (1) This Act may be called the Probation of Offenders Act, 195
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) This section shall come into force at once, and the remaining provisions of this act shall come into force in any State or part of a State on such date as the State Government may, by notification in the local official Gazette, appoint in this behalf.
- (4) Where a Probation of Offenders Act already exists in any State or part of a State, the whole act shall come into force at once in such State or part of the State, and the local Act shall cease to be operative.

Interpretation

- II. In this Act, unless there is anything repugnant in the subject or context:
- (a) The "Code" means the code of Criminal Procedure, 1898; and
- (b) Expressions used but not defined in this act and defined in the code have the meanings assigned to them in the code.

Power of court to release certain convicted offenders after admonition.

- III. Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion, having regard to the circumstances,
- A. including the nature of the offense and the character of the offender (that it is expedient to inflict a punishment and unnecessary to release him on a bond), the court may release him after due admonition.

OR

B. In any case in which a person is convicted of any offence punishable with not more than two years imprisonment and no previous conviction is proved against him, the court by which he is so convicted may, if it thinks fit, having regard to the circumstances including the nature of the offence and the character of the offender, instead of sentencing him to any punishment, release him after due admonition.

Power of court to release certain convicted offenders on probation of good conduct.

- IV. (1) When any person is convicted of an offence not punishable with death or transportation for life, and the court by or before which he is so convicted is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to

appear and receive sentence when called upon during such period (not exceeding three years) as the court may direct, and in the meantime to keep the peace and be of good behaviour.

Provided that the court shall not direct the release of an offender under this section unless it is satisfied through the report of a Probation Officer that is a fit case for such release and that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation in the place for which the court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Where a court directs the release of an offender under sub-section (1) of this section, and the court is of opinion that (in the interests of the offender and of the public) it is expedient to do so, it may in addition pass a supervision order directing that such offender shall be under the supervision of such probation officer as may be named in the order during the period specified therein which shall not be less than one year, and imposing such other conditions for securing such supervision as may be specified in the order.

(3) A court making, a supervision order under subsection (2) shall require the offender, before he is released to enter into a bond with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants and any other matters as the court may, having regard to the particular circumstances of the case, consider necessary to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(4) A court making a supervision order shall furnish forthwith to the probation officer concerned and the sureties, if any, a copy each of the supervision order.

Power of court to require released offender to pay damages and costs.

V. (1) A court directing the release of an offender under section 3 or section 4 may order the offender to pay such damages for injury and compensation for loss caused to any person by the offender in committing the offence and such costs of the proceedings as the court thinks reasonable and if the offender is under the age of sixteen years, and it appears to the court that the parent or guardian of the offender has conducted by his neglect or in any other way to the commission of the offence, the court may order payment of much of such damages, compensation and costs by such parent or guardian.

(2) Any amount paid by way of damages to a person under this section shall be taken into account in awarding compensation to such person in any subsequent Civil Suit relating to the same matter.

(3) Any amount ordered to be paid under this section may be recovered as a fine in accordance with the provisions of section 386 and 387 of the Code.

Restriction on imprisonment.

VI. (1) No court shall impose imprisonment on a person under twenty one years of age unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate, the court shall obtain and consider information from the Probation Office about the

circumstances and shall also take into account any information before the court which is relevant to his character and his physical and mental condition.

(2) Where a court imposes imprisonment on any such person as is mentioned in the force-going subsection, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and the reason shall be specified in the warrant of commitment.

Courts which can act under sections 3, 4, and 5.

VII. (1) notwithstanding anything contained in the Code or any other enactment, an order under section 3, section 4 or section 5 may be made by any court which has power to try and sentence the offender to imprisonment; it may also be made by an Appellate court or by the High Court when exercising its power of revision.

(2) When an order has been made under section 3 or section 4 in respect of any offender, the High Court may, on appeal when there is a right of appeal to such court, or when exercising its powers of revision, set aside such order and in lieu thereof pass sentence on such offender according to law.

Provided that the High Court shall not under this subsection inflict a greater punishment than might have been inflicted by the court by which the offender was convicted.

Procedure in case of offender failing to observe conditions of release

VIII. (1) if the court before which the offender is bound by his bond under section 4 to appear for sentence when called upon of any court which could have dealt with the offender in respect of his original offence, has reason to believe that the offender has failed to observe any of the conditions of the bond or bonds executed by him, it may issue a warrant for his apprehension or may, if it thinks fit, issue a summons to the offender and his sureties, if any requiring him or them to attend before it at such time as may be specified in the summons.

(2) The court before which an offender is so brought or appears may either remand him to custody until the case is concluded, or admit him to bail, with or without sureties to appear, on the date of hearing.

(3) If the court after hearing the case is satisfied that the offender has failed to observe any of the conditions of the bond or bonds executed by him, it may forthwith:-

- a. Sentence him for the original offence, or
- b. Without prejudice to the continuance in force of the bond or bonds, impose upon him, in respect of the first such failure, a penalty not exceeding the amount of fine which may be imposed for the original offence but in no case exceeding fifty rupees.

(4) If a penalty imposed under clause (b) or subsection (3) is not paid within such period as the court may fix the court may sentence the offender for the original offence.

Provision as to bonds

IX. The provision of sections 122, 126, 126-A, 406-A (b) and (c), 514, 514-A, 514-B and 515 of the Code shall so far as may be apply in the case of sureties given under this Act.

X. (1) A Probation Officer named in the Supervision order may be:-

- a. Any person appointed to be a probation officer by the State Government, or a person authorized by them.
- b. Any person provided for this purpose by a Society recognized in this behalf by the State-Government, or
- c. In any exceptional case, any other person who in the opinion of the court is a fit person to act as a probation officer in the special circumstances of the case.

Explanation: - A Probation Officer may be a person of either sex.

(2) In naming a Probation Officer, in a supervision order, the court shall be guided by any general or special instructions the State Government may issue in this behalf.

(3) A Probation Officer, in the exercise of his duties under any supervision order, shall be subject to the control of the District Magistrate of the district in which the offender for the time being resides.

(4) The court before which an offender is bound by his bond to appear for sentence when called upon, or the District Magistrate of the district in which the offender for the time being resides may at any time appoint another Probation Officer in the place of the person named in a supervision order.

Explanation: For the purposes of this section, the Presidency-town shall be deemed to be a district and the Chief Presidency Magistrate shall be deemed to be the District Magistrate of that district.

XI. A Probation Officer shall subject to rules made under this act:-

Duties of Probation Officer:

(1) Inquire in accordance with any directions of the Court, into the circumstances or home surroundings of any person with a view to assist the court in determining the most suitable method of dealing with the case.

(2) Supervise the Probationers and other persons placed under his supervision and when necessary Endeavour to find them suitable employment.

(3) Advise and assist the Probationers in the regular payment of damages, compensation, or costs ordered by the court.

(4) Advise, assist, and befriend in such cases and in such manner as may be prescribed, persons who have been released from custody.

(5) Perform such other duties as may be prescribed or may be imposed by any enactment.

Variations of conditions of probation on application by probation officers.

XII. The court before which any offender is bound by his bond under section 4 to appear for sentence when called appear:-

(a) may at any time if it appears, upon the application of the Probation Officer, that it is expedient that the bond or bonds executed by the offender should be varied summon him, and if he fails to show cause why such variation should not be made, vary the bond or bonds by extending or diminishing the duration thereof, or by altering the conditions therein, or

(b) may, on application made by the Probation Officer and on being satisfied that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond or bonds executed by him.

Effect of variation of bond on sureties

XIII. (1) When any condition in a bond is released under the provisions of section 12, the condition so released and not the original condition shall be binding the sureties to the bond.

(2) Where any conditions in a bond is made more onerous under the provisions of section 12, such condition shall not be binding in the more onerous form on any surety to the bond, unless he has accepted it in writing, but the conditions in its original form shall continue to bind any surety who has not accepted the condition in its more onerous form.

(3) Where any additional conditions is imposed under the provisions of section 12, such additional condition shall not be binding on any surety to the bond unless he has accepted it in writing.

(4) No variation in, or addition to, the conditions of any bond made under the provisions of section 12, shall affect the liability of any surety to the bond in respect of any condition which has not been varied.

XIV. Any person who is convicted of an offence and is dealt with under the provisions of this Act shall not suffer any disqualification for the offence:

Provided that the section shall not apply to a person released on probation if subsequent to such release he was sentenced under subsections (3) of section 8 or a penalty was imposed on him under that subsection.

OR

XIV. Removal of disqualification attaching to convicting for offences

(1) The conviction of an offence for which an order is made under section 3 or section 4 of this Act shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this act.

(2) Without prejudice to the foregoing provision of this section, the conviction of an offender who has successfully completed his probation or who was released after due admonition shall in any event be disregarded for the purposes of any enactment which imposes any disqualification or disability upon convicted persons or authorizes or requires the imposition of any disqualification or disability.

Power of State Government to make rules

(1) Subject to the control of the Central Government the State Government may make rules, consistent with this act, for carrying into effect the provisions of this act.

(2) In particular and without prejudice to the generality of the foregoing power the State Government may take rules providing for or regulating.

- a. Matters incidental to the appointment, resignation, and removal of probation officers.
- b. The duties of probation officers and the submission of their reports
- c. The payment of remuneration and expenses to Probation Officers or of a subsidy to any Society which provides persons for appointment as Probation Officers; and
- d. The conditions on which societies may be recognized for the purpose of clause (b) of subsection (1) of section 10.

(3) All rules made under this section shall be subject to the condition of previous publication.

Saving of the operation of certain enactments.

XVI. Nothing in this Act shall affect the provisions of section 31 of the Reformatory Schools Act 1897 or of any local Children Act or Borstal Schools Act.

XVII. In any area in which this Act is in force, no order shall be made under section 562 of the Code.

ANNEX 5

PROBLEMS OF PENAL ADMINISTRATION

Prepared by Dr. Walter C. Reckless, United Nations Expert, Criminology and Correctional Administration, deputed to the Government of India.

This statement has been especially prepared for the Planning Commission, at Government request, by Dr. Walter c. Reckless, acting unofficially as an interested individual. It cannot be considered as an official report which he expects to present to the Government of India, through the United Nations, at a later date. Dr. Reckless was sent to India by the United Nations, at the request of the Government of India, to conduct a training course in jail administration for superior jail officers deputed by Government and to make a tour of the jails in India, to get acquainted with the jail problem. He arrived in India in October 1951. His report to the United Nations on his observations will be submitted to United Nations by October 1952 and the United Nations shall then prepare a report to be submitted to the Government of India, soon thereafter. The estimate and recommendations, which follow the prepared statement of Dr. Reckless are the responsibility of the Planning Commission and are not responsibility of Dr. Reckless.

In India conceived of its jails as places where the average convicted person can be helped to lead a better life when he is released again to free society, the jails must be something more than custodial stations. They must be places that can refashion the human material sent to it. They must be centres for retraining prisoners.

In order to contribute, positively and constructively, to the average prisoner's regeneration or reclamation, the jails of India will need great improvement in staff personnel and in programme facilities and content.

The present complement of jail staff is barely equal to the ancient and traditional task of preventing escapes and maintaining order at the least possible cost to government. Practically no staff members are available to spend most of their time helping prisoners. They must keep books, check stores and supplies, make out reports, and so on. Certain staff members must be assigned the whole-time job of assisting prisoners as individuals in their progress and regeneration in the jail. Such persons need to have skill in developing helpful relationships with individual prisoners. They need to be selected and trained with something more in mind than sheer administration and custody.

Adequate work, recreation, education, and religious programme, which will impart training to prisoners, must be developed. These programmes are now far from adequate. Any kind of programme or the absence of any programme for retraining prisoners would suffice, if jails are going to continue to be holding operations. But if they are going to regenerate the prisoner and help him to live a better life on the outside, such programmes must hit a specific target for specific prisoners. This is most easily understood in training prisoners for special trades but the specific target idea must be applied to recreation, education and other rehabilitation programmes. Education should be social re-education – teaching prisoners how to live properly on the outside, how to take care of night soil, prevent ordinary diseases, how to

keep out of trouble, how to understand their government and country, how to get along in a democratic society, etc. Recreation is usually introduced as an amenity, but it needs to inculcate good standards of social relations, good attitudes towards one's fellow man, and the proper way to live. The medical programme in the jails of India is developed way beyond the other programmes and the other programmes must not catch up. It should be remembered that maintaining good health in a prisoner alone cannot ensure good social adjustment outside the prison premises. The supervisors or directors incharge of work, recreational, and educational programme should not be the task or drill-master type but rather a higher type person who knows how to develop vocation, educational, and recreational projects that have actual re-training value. One fine director of education in a prison is worth infinitely more than several drill masters. One fine recreation leader would also be worth several P.T. drill masters. They would know how to organize their programmes, so as to have maximum impact for the improvement of individual prisoners.

The prisoners of India need to adopt certain principles and procedures. The first principle is that of diversification. Practically all jails of India are alike, whereas there should be several different kinds of jails, performing specialized functions in the larger states of India; open Borstal, closed Borstal, agricultural colony for cultivators, maximum security prison for the most dangerous prisoners and the escape risks, minimum security prison for properly screened prisoners, women's prisons, and so on. If a state is small and can only develop a few prisons, the principle of diversification should be applied within separate prisons, so that one prison becomes several prisons in one. At admission, individual prisoners, alone or in small groups, should be properly oriented toward their stay in prison and should be won over to the idea that the jail staff is there to help them and that they can make up for lost time in life by co-operating with the various programmes of the jail. This is not done in a single contact with an overloaded clerk or assistant jailor. It should be done by persons who act in the capacity of welfare officers, probably of top jailor or deputy superintendent cadre. Likewise, prisoners should be retained in reception units in jails before they are put into the general programme of the prison. There they should be in quarantine medically; there they should be properly oriented; there they should be properly studied. When a prisoner, in a reception unit, is studied from a social, medical, psychological, vocational, and educational angle, to see what kind of a prison programme he needs, he is then being classified for the correct programme. Such study procedure is a screening procedure. Individual prisoners should be screened by the expert staff of the male acting as a classification committee, to discover how much security a prisoner needs and what in the way of vocational, medical, education programme it will take to build the prisoner for a better life. The principle of transferring a prisoner from the facilities of the second jail (since it has a specialized function), Should be accepted. This principle can also be thought of as a principle of progressive states: a prisoner advances as he shows progress from maximum to minimum security, from restricted activities to greater responsibility, from one kind of training to another kind of training. The principle also works in reverse if and when the prisoner shows an unwillingness or inability to take greater freedom.

Along with the principle of diversification and the procedure of classification goes still another principle, namely that of the time function in rehabilitation of prisoners. Somewhere between six months and three years is the period where most prisoners can receive maximum benefit from a jail sentence in a jail system which is geared to turn him out a better person. To hold a prisoner five years or ten years with the idea that it takes that long to reconstruct his life is

a gross miscalculation. The more prisoners are held over three years the less one can justify this on ground of reclamation of the offender and the more one has to justify the long stay of punitive grounds. Likewise, although something's can be done for the average prisoner during a short sentence, it becomes increasingly less possible to have a positive impact on him for the good under six months and the more we have to blame short sentence on legal expediency. Substitutes for short sentences should be found and long sentences should be revised except for the cases of dangerous criminals, in which cases a long stay in jail is necessary for social defence.

If India looks toward the development of probation service in most of the districts of its stages, as she has indicated in utterances before United Nations meetings, probation work will have to be carried by specially trained persons who can make proper social investigations and do proper guidance work. Probation can be used also as a substitute for longer term imprisonment in cases of first offender who show possibility for immediate redemption outside the jail. There is no reason why India should not be developing probation laws in its various states (only three have probation service and activated probation laws) and looking toward the development of probation workers, rather than looking only at jail development. In the countries which have tried probation, probation service can be operated several times cheaper per capita probationer than prison service can be operated per capita prisoner. This is also true for the states in India that have developed probation service.

India thinks highly of after-care work and discharged prisoner aid societies. But these are not functioning at all in most places and never will be adequate to the problem. The government will never be able to side step responsibility for whole-time after-care follow-up service, which could be grafted into probation service in most districts. The government can more readily follow a liberal policy of early release of prisoners if it has a whole-time service outside to follow up the discharged prisoners. As is true of probation, whole-time service after-care service can be operated several times cheaper than keeping a man in jail for an extra year or two. It should be remembered that when a man is living with his family, on probation or on after-care release his absence is not creating man other problems for his family and children. A whole-time after-care service is also necessary to hold the policy in line with their excessive policy of surveillance of discharged prisoners. Government will also need to develop, along with its after-care service, hotels for released prisoners, which can operate on a nearly self-sufficient basis. The few existing hostels, operated under public sponsorship are neither adequate nor numerous enough to make any impression on the after-care problem.

Finally, there needs to be a wholesale, diversion of juvenile delinquents from the jails of India. The delinquent juvenile, under sixteen in India certainly deserves better consideration. Children's Act need to be passed by state government; remand homes, special magistrates, certified schools, probation and after-care services, which are necessary to implement such acts, will have to be provided. Police departments in the large cities will also have to develop special bureaus for the proper screening and handling of juvenile cases, with specially trained inspectors and sub-inspectors who can use good discretion and who will know how to work with special magistrates, remand homes, certified schools, and probation officers for the benefit and salvage of children.