



PARLIAMENTARY STANDING COMMITTEE ON HOME AFFAIRS

PRESS RELEASE

The Department-related Parliamentary Standing Committee on Home Affairs Chaired by Shri Brijlal, M.P., Rajya Sabha, presented/laid its 245th Report on the subject 'Prison - Conditions, Infrastructure and Reforms' before both Houses of Parliament today i.e. 21st September, 2023. The Committee held 6 meetings on the subject and interacted with the representatives of the Ministry of Home Affairs, domain experts on the subject, and various State Governments. The Committee also collected information from all the States and Union Territories on the issues of Conditions, Infrastructure and Reforms in prison system. The Committee had considered the draft report and adopted the same in its meeting held on 24th August, 2023. The Recommendations/Observations made by the Committee in the Report are enclosed.

The Report is also available on <https://sansad.in/rs>
>Committee>Department Related Standing Committee>Home Affairs>Report

OBSERVATIONS/RECOMMENDATIONS- AT A GLANCE

245TH REPORT OF DRSC ON HOME AFFAIRS ON 'PRISON – CONDITIONS, INFRASTRUCTURE AND REFORMS'

Overcrowding

The Committees, notes that the issue of overcrowding and delayed justice has become a pressing concern, leading to a series of consequences for both the prisoners and the criminal justice system as a whole. The Committee recommends that, prisoners from overcrowded jails may be transferred to other jails with vacant cells in the same State or other States by signing MoUs to that effect. This kind of an arrangement can be mutual in nature between the States signing the MoU.

(para 2.3.4 of 245th Report)

Women prisoners

The Committee recommends that, special attention is to be given to the pregnant women on the line of the judgement of Hon'ble Supreme Court of India in the case of R.D. Upadhyaya vs. State of Andhra Pradesh wherein it was observed that a Jail must have adequate facilities for prenatal and post-natal care for female prisoners as well as their children. Gynaecological examination for female prisons shall be performed in the District Government Hospital. Proper prenatal and post-natal care shall be provided to the prisoner as per medical advice. Pregnant women in jail should be able to give birth outside the prison. Children should be cared properly relating to food, shelter, vaccination, education, recreational space, physical growth until they reach the age of six.

(para 2.4.3)

The Committee acknowledges the fact that the State/UT Governments are following the medical care facilities appropriate to the health of pregnant women prisoners and take care of pregnant and lactating women prisoners as per their prescribed guidelines. The Committee recommends that the babies born in the prison to be allowed to stay with mothers until the age of 12 in order to provide a nurturing environment for the children during their early years while ensuring their well-being and development. Further, as per guidelines issued from time-to-time emphasis should be given towards proper care of children relating

to food, shelter, medical care, education, and physical growth. Apart from this, sports and entertainment facilities are also to be provided to these children.

(para 2.4.7)

The Committee recommends that keeping in mind, the safety, hygiene, and health of women, adequate arrangements for separate toilets and bathrooms with proper water supply and more specialist women doctors are to be provided in women jails. The Committee also notes that Ministry of Home Affairs should from time-to-time instruct all the State Governments/UTs that necessary skill development programmes to be provided to the women prisoners which indeed will help them to find employment after being released. It is also recommended that a further study of inmates who have been freed needs to be conducted to evaluate the effectiveness of rehabilitation programs, identify areas of concern and enhance prison rehabilitation policy.

(para 2.4.8)

The Committee is of view that in spite of laws for the protection of women, it is often observed that women are subjected to discrimination in various stages of life, and if a woman is on the wrong side of law or being convicted for an offence, her miseries increased manifold. As compared to male prisoners, female prisoners face endless problems. Since the prison administration and staff have wide discretion in their hands, the Committee therefore recommends that utmost measures should be taken that their fundamental and basic human rights are not violated and they are being provided with basic necessities and respect available to a prisoner. Women only prison and women only staff should be the motto for all the State Governments to adopt. The Central Government may formulate necessary infrastructure development programmes in that direction.

(para 2.4.9)

The Committee has been informed by the State/UT Governments that, there are separate wards and prisons to house the women prisoners along with their children who are below the age of 6 years. However, it is not clear whether there are separate wards in all the jails which modelled

in a children friendly manner. The Committee recommends that, women prisoners with children may be housed in separate wards in all the jails which shall be modelled in a children and nursing mother friendly fashion.

(para 2.4.10)

Young offenders

The Committee has noted that, the picture of young offenders is not clear across States. In view of this, the Committee recommends that, a clear definition of ‘young offenders’ should be given by MHA along with a common guideline to all State/UT Governments describing the procedure to govern them shall be provided for the convenience of the State/UT Governments. State Governments may take steps for holistic development of these young offenders by providing all of them with education, skill/vocational training, nutrition. Also, the rate of recidivism among this category of inmates may be monitored regularly and a study may be conducted to understand the social background of such young offenders.

(para 2.5.3)

The Committee has noted that, not all the State/UT Governments have borstal schools in their jurisdictions. Only Tamil Nadu and 7 other States namely, Himachal Pradesh, Jharkhand, Kerala, Maharashtra, Punjab, Rajasthan & Telangana have borstal schools in their jurisdictions. Taking notice of this fact, the Committee recommends that, at least 2 to 3 borstal schools should be opened wherever it is non-existent on need basis.

(para 2.5.4)

Transgenders in the prison

Transgender prisoners are to be provided the same standards of health care available to other inmates and should have access to necessary health-care services without discrimination on the grounds of their gender identity. The Committee recommends that a doctor of their choice, rather than the prison officials, should examine them before lodging them in appropriate prison so that they may not be misgendered. There should be provisions made in prisons to have medical and health care experts to provide appropriate care to transgender inmates, if it is not feasible to have in house health experts, they may be referred to doctors/ professionals who

specialize in this area of health care.

(para 2.6.3)

The Committee recommends there should be separate infrastructure facilities for transgender prisoners. Separate barracks or ward may be ensured for transmen and transwomen. To preserve their right to privacy and dignity, there should also be provision for separate toilets and bathing facilities for such prisoners.

(para 2.6.4)

Prison staff

The Committee has noted that across all categories of jail staff like - jail cadre staff, warders, correctional staff and medical officers etc., the percentage of vacancies are very high. It has become the most neglected part of the prison administration and it makes the management of the prisons very difficult. Having limited staff and making ad hoc arrangements to address staff shortage will compromise the security. A critical role is played by the Resident Medical Officers, Correctional Staff and Warders in the upkeep of the health conditions of the inmates, reformation and rehabilitation of the inmates and safety and security of the prison and prisoners. The Committee recommends that all posts need to be filled up immediately and no post should remain vacant for more than 3 months.

(para 2.7.3)

The Committee observes that, there are likely chances of jail staff colluding with the inmates in passing contraband articles into the prisons. Such corrupt practices in prison administration compromise the security and discipline in the prison. In order to curb such unholy nexus between the jail staff and inmates, the Committee recommends that, strict penalties/disciplinary measures should be set in their conditions of service.

(para 2.7.4)

Women staff strength

The Committee has noted that the States that house most of the prisoners are still below the benchmark standard set by BPR&D in the Model Prison Manual, 2016 in respect of staff to inmate ratio (1:6). Keeping this in view, the Committee recommends that, all the State prison

Departments should comply with the benchmark standards for the staff to inmate ratio as mentioned in the Model Prison manual, 2016. Non-compliance may lead to the compromise of the safety and security of the prison and the prisoners.

(para 2.8.4)

The Committee has noted that, the representation of women in prison related jobs is generally low and recommends that, advisories may be issued to State Governments to enhance their representation especially in the Correctional Staff category which suites their natural role as care givers. More and more women staffers may be recruited for jails.

(para 2.8.5)

Training given to the prison staff

The Committee observes that, training of prison personnel is very essential to enable them to have a dignified approach towards the inmates and to bring about reformation in criminals. In this regard, the Committee recommends that, the training programmes conducted by the State Prison Departments may be parameterised and their performance to be evaluated for providing funds.

(para 2.10.3)

The Committee also recommends that, a dedicated institute common to all the North Eastern States to impart correctional training to the prison personnel may be established. Each State should endeavour to establish its own training institutions exclusively for training jail staff.

(para 2.10.4)

Rotational transfer of prison staff

The Committee recommends that the Government of India shall create an all-India Jail-Cadre of Union Territories and the jail staffs belonging to the UTs needs to be transferred rotationally from one jail of UT to the other. From the replies of the State/UT Governments, the Committee has noted that there is no exclusive transfer policy in the State Prison Departments and recommends that the Government of India may issue periodic advisories to State Governments to have an exclusive transfer policy for their respective Prison Departments which is in compliance with the Model Prison Manual 2016. Intra-State transfer of prison officials will help them to understand various ecosystems of prisons. This will also minimise nexus with local criminals.

(para 2.11.3)

Sanitation and health care in prisons

The Committee considering the fact that majority of the natural deaths in Indian prisons are attributed to heart problems, lung related ailments, Cancer, Tuberculosis, kidney problems, liver related ailments, brain haemorrhage and HIV etc., feels that arrangements for providing treatment to such common ailments be made available in the prisons. The required medical experts like urologists, neurologists, oncologists etc., may be requested to visit the prisons on payment of honorarium. A study may be conducted across the States and UTs to check whether there is an increase in the number of HIV positive patients among prisoners. It may also include how far it is on account of unsafe and unhealthy practices of drug use by prisoners since it can have alarming effects on the health of prisoners who are involved in drug abuse.

(para 2.12.5)

The Committee recommends that, there should be sufficient number of toilets and that should be maintained in a clean and decent state. Both men and women prisoners shall be provided with sufficient water and toilet articles necessary for maintaining health and cleanliness. Clothing and linen provided to women should include undergarments, towels and socks in cold climates. Adequate quantity of toilet and washing soap should be provided to all the prisoners. Periodic feedbacks should be taken from all the prisoners regarding the sanitary conditions of the prison, sanitary items provided to them etc. Necessary improvements shall be made based on the feedbacks received.

(para 2.12.6)

Food provided to prisoners

The Committee observes that along with prison reforms availability of quality and nutrient rich diet is also essential for the well-being of prisoners. Lack of nutritious food can reduce their ability to contribute and reintegrate back into the society after their release from the prison. The Committee was informed by many of the State Governments that, inmates are being involved in various agricultural activities within the prison compounds for production of good quality agricultural produce.

The Committee recommends that with the availability of sufficient land, prison administration of all the States may involve inmates in the production of the food via good sustainable agricultural practices and provide for healthy nutritious diet to them.

(para 2.13.3)

The Committee further recommends that surprise checks may be conducted by teams comprising of nutritional experts, medical dieticians, officials from the stakeholder Ministries, FSSAI etc., to ascertain if the quality and calorific value of food provided to the prisoners is as per the benchmark standards set in the Model Prisons Manual 2016.

(para 2.13.4)

The Committee also recommends that, periodic feedbacks should be taken from all the prisoners regarding the quality of food and beverage provided to them. Necessary improvements shall be made based on the feedbacks received.

(para 2.13.5)

The State of Tamil Nadu has constituted a ‘Committee for Change of prisoners Diet’ comprising of Deputy Secretary, Home & Finance Department, Prison Officials, Nutrition Experts from Rajiv Government general Hospital. The mandate of the Committee is to compare the diet pattern of prisoners in Tamil Nadu prisons with that of other States and to review the change in scale and pattern of diet given. The Committee has taken note of this arrangement and recommends that, other States/UTs may also explore constituting such Committees to periodically review and change the diet patterns of their prisoners.

(para 2.13.6)

Types of prisons

The Committee notes that, adequate infrastructure can contribute to the overall functioning of the prison system and the well-being of those within it. Adequate and properly designed living quarters are crucial. Cells or dormitories should provide sufficient space, ventilation, and natural light for inmates. Overcrowding should be minimized to ensure the comfort and safety of inmates. Proper security measures, including secure entry

and exit points, surveillance systems, and secure barriers, are essential for maintaining order and preventing escapes. Utilizing technology for communication, education, and management can enhance the efficiency and transparency of prison operations.

(para 3.2.2)

The Committee noted that many of the representatives of the State Governments who appeared before the Committee submitted that they are undertaking construction of new buildings, barracks and new prisons to accommodate the increasing number of prisoners. However, the Committee notes that these are not enough to address the overcrowding of prisons. In some of the States the prisons are overcrowded to the extent of 185% of its capacity. The Committee therefore recommends there is a need for the State/UT Governments to undertake a comprehensive study covering the population of the region, nature of crimes, rate of conviction, crime rate etc., and accordingly come up with a suitable plan to enhance the capacity of the prisons and/or other alternative. Adequate fund may be allocated by the Central and State Governments for construction of new barracks, buildings and prisons as per the requirement.

(para 3.2.3)

Prison budget

The Committee has noted that, very low sum of money equal to 1.0% (₹ 20.50 Crores) is spent on prisoner welfare activities and hence recommends that, Government of India may undertake a study on the optimum budget expenditure required per prisoner for the successful reformation and rehabilitation. The results of such study may be listed as a standard benchmark in the Model Prisons Manual, 2016 for the States to adopt.

(para 3.3.5)

The Committee was informed by the State Government of Gujarat and Andhra Pradesh that, there are a few colonial era jails in the country which are more than hundred years old which are in a dilapidated condition. The Committee appreciates the proposals of the Government of Gujarat to make Ahmedabad Jail Bhajiya House-cum-Restaurant-cum-historical gallery, a heritage structure depicting the “life and times” of Mahatma Gandhi, Sardar Patel, Kasturba, Bala Gangadhar Tilak, Zaverchand Meghani, who were all inmates of Sabarmati Jail. The Committee recommends that, other States should also come up with similar plans/proposalsto renovate the colonial era prisons to preserve their heritage and earn revenue by encouraging tourism in them.

(para 3.3.6)

The Committee has noted that, very low sum of money equal to 1.0% (₹ 20.50 Crores) is spent on prisoner welfare activities and 0.6% (₹ 13.16 Crores) on Vocational/Educational training of prisoners. The Committee recommends that, the State Governments may create a Prison Development Fund. All the profits and other incomes accrued from the industrial activity undertaken by the Prison Department may go into such developmental fund. The amount in the fund may be used on the welfare activities conducted for the prisoners without depending on the Budget allotment from the Governments.

(para 3.3.7)

The Committee noted from its interactive sessions with the State/UT Governments that, the Central funds have been underutilised by some of the States and a few other States have not timely submitted the utilisation certificates in respect of the funds spent. The Committee in this respect recommends that, all the State/UT Governments should fully utilise the Central funds allotted and timely submit utilisation certificates in respect of the funds spent and the same should be regularly monitored by MHA.

(para 3.3.8)

Technology and modern equipment usage in prisons

The Committee has observed that, the electrical equipment at the disposal of the State Prison Departments is not common across the country. To ensure better security of the prison, the Committee recommends that, MHA may standardise a list of equipment to the extent possible for different categories of prisons for the ease of the State Prison Departments.

(para 3.4.7)

The Committee has noted that, many State Prisons Departments have no jammers installed. Even in prisons where jammers are installed, they are capable of blocking only 2G and 3G network signals. The Committee has also been informed that, mobile phones are one of the major contraband articles that is most frequently smuggled into the prisons. Mobile phones in prisons are a potential hazard for maintaining peace and order in prison. They can be used in gang activity in prisons. With technological advancement in mobile phones, there are chances of advanced mobile phones that operate on 4G and 5G networks being

smuggled into prisons. In order to curb the entry of mobile phones and their usage in gang activity, the Committee recommends that, technologically upgraded jammers that are able to block all signals from 2G to 5G should be installed in all prisons.

(para 3.4.8)

The Committee has observed that, the percentage of interviews through VC has been low despite the facility being available through e-Mulakat. To increase the utilisation of this facility, the Committee recommends that NIC may take feedback from the prison administrations for its low utilisation and take necessary steps to further increase its utilisation.

(para 3.4.9)

The Committee notes that most of the time bail is denied on three counts i.e. the undertrial prisoner may influence or intimidate the witness(es); will try to leave country or commit another crime. The Committee is of the view that technology can be explored to produce cost effective bracelet or anklet tracker that can be worn by the prisoners who have procured bail and are out of prison on bail. Through the use of these kinds of trackers, administrative machinery or human resources staff involved in keeping track of prisoners who are out on bail can be reduced and it could be a cost-effective method for keeping track of such prisoner without the involvement of large administrative staff strength. At the same time it must be ensured that to avoid any kind of human rights violation this scheme or method should be used on voluntary basis after procuring the consent of inmates. The Committee is of the opinion that it can also minimize the problem of overcrowding in prison to some extent.

(para 3.4.10)

e-Prisons software

Through the background notes, submissions during the meetings and replies to Questionnaire, the Committee has ascertained that, all the modules under e-Prisons MIS have not been activated by all the State Government Prison Departments. In this regard, the Committee recommends that, MHA may take up the issue with the State Governments for activating all the modules under e-Prisons MIS.

(para 3.5.5)

Tamil Nadu State informed the Committee in its meeting that, the Crime and Criminal Tracking Network & Systems (CCTNS) and e-Courts are still not integrated with the e-Prisons. In this regard, the Committee recommends that, MHA may escalate the issue with NIC for faster integration of CCTNS and e-Courts with e-Prisons which is going to benefit all the stakeholders like police, prison administration, prosecutors, law courts and forensic laboratories. MHA should issue periodic advisories to all the States to take steps for bringing all their prisons on-board e-Prisons software so that they can obtain the benefits of ICJS.

(para 3.5.6)

Welfare activities for prisoners

The Committee appreciates the scheme ‘PATTAM’ of the Tamil Nadu Prison Department aimed at reforming the first-time young offenders through counselling and the similar scheme ‘UNNATI’ of the Telangana Prison Department. The Committee recommends that, such programmes aimed at reforming the first-time offenders through the joint effort of police, prison and judiciary need to be replicated in all the States/UTs to enable the first-time offenders to correct themselves and become a responsible member of the society. Such schemes will reduce the rate of recidivism.

(para 4.3.3)

The Committee has also taken note of the health-oriented programmes like – ‘Health ATMs’ of Uttar Pradesh, ‘Reformation Assistant’ of Tamil Nadu, ‘Samarth’ of Gujarat and recommends that, other States/UTs may adopt similar such schemes to benefit the prisoners in the upkeep of their physical and mental wellbeing.

(para 4.3.4)

Under the SRIJAN Initiative, the Assam Prison Department has been aiming to transform jails into correctional homes for rehabilitation of prisoners by providing financial assistance & training for post release settlement and livelihood. The Committee appreciates this initiative and recommends that all the other States/UTs may also strive to bring in such

initiatives to change the prisons from being institutions of punishment into institutions of reformation and rehabilitation.

(para 4.3.5)

Vocational training and skill development programmes

The Committee has observed that only a paltry 0.6% of prison budget (all India level) is given for the vocational/educational training of prisoners and only a 7.09% of the total prisoners in the country are receiving any kind of skill training in the country. The vocational/skill training and educational has a positive impact on the prisoners, in their reformation and rehabilitation. Hence, the Committee recommends that, given the positive impact it has in reforming the criminals. And the Central Government may undertake a study to analyse the reasons for such a low participation of prisoners in skilling/training activities.

(para 4.4.6)

The Committee was informed by various State/UT Governments that, the prisoners are earning while in prisons by way of producing bakery products, carpet weaving, soaps, incense sticks, agricultural products, etc. However, from the presentations it has been found that the wages/earnings which they are getting are very less. Hence, the Committee is of the view that it is essential to ensure that the wages paid to prisoners are fair and equitable and that prisoners are not exploited for their labour. Therefore, the Committee recommends that the wages of the prisoners needs to be increased as this will help to improve the socio-economic conditions of prisoners and reduce recidivism rates.

(para 4.4.7)

The Committee notes that almost all the prisons in various State and UTs are providing skill based vocational training to their inmates for their rehabilitation and future source of livelihood. Prisoners are being imparted training in various trades/industries like welding, masonry, furniture, leather items, garments, bakeries etc. The Committee recommends that the products made by the inmates needs to be marketed through e-marketing platform so that the products can be sold at wider scale. It feels that online selling of these products can create a larger market and give the opportunity to convicts to earn all through the year. NGOs or activists can

be involved for marketing their products. At initial level they can tie up with government offices, institutions, hospitals, schools etc. to sell their products.

(para 4.4.8)

Library and recreation

The Committee is of the view that setting up of libraries in prison can play an important role in the rehabilitation of inmates. Library is a storehouse of vast knowledge and information which can provide unlimited opportunities to prisoners not only to gain and upgrade their educational skills but also to provide free access to relevant resources which may be crucial for their personal growth and overall well-being. It can be a source of alternate and constructive recreational activity for prisoners who are fond of reading. The Committee feels that with limited fund resources, setting up a library may be a daunting task for prison administration. The Committee therefore, recommends that the prison administration which do not have library facilities in their jails, can start by setting up of small library at initial stage by receiving donations and second-hand books, gradually a small allocation of funds for upgrading their libraries may be made on regular basis to have a well stocked library. The Committee also feels the efforts taken by States like Tamil Nadu, Kerala, Rajasthan, etc. for library facilities in their prisons needs to be appreciated and other States have to follow those practices. At the same time, the Ministry may also highlight the importance and utility of library facilities by giving advisory to State/UT prison administration in this regard.

(para 4.5.4)

Educational opportunities and legal literacy

The statistical table above shows that, about 65% of the prisoners in the jails across the country are illiterate or below class X. About 10% of the prisoners are having educational levels above graduation. From these statistical data/facts it may be presumed that, the tendencies of committing a crime are higher in case of a person with lower educational levels. In this regard, the Committee suggests that, all the States need to increase their expenditure on enhancing the educational levels of the prisoners. The prison administrations in the country should focus more on the prisoner's

education by starting more schemes/programmes in that direction. The national/State educational schemes may also be expended to prisoners. The Committee appreciates the efforts of States like Chhattisgarh which are making use of educated inmates to teach other prisoners who are illiterate. Similar arrangements may be made by other State Governments also.

(para 4.6.5)

The Committee notes that, one of the biggest challenges for ex-prisoners is finding employment upon release. Education equips them with relevant skills and qualifications, significantly improving their job prospects. When prisoners participate in educational programs and successfully reintegrate into society, it has a positive ripple effect on their families and communities. Reduced recidivism means fewer families torn apart by repeated incarcerations and fewer victims of crimes, leading to more stable and secure communities. While providing educational opportunities to prisoners involves some initial investment, it can ultimately result in cost savings for society. Lower recidivism rates mean reduced expenses related to law enforcement, courts, and incarceration, as well as increased tax revenue from productive, employed citizens. The Committee also noted that, IGNOU study centres are functional in many of the prisons of various States. The Committee recommends that, IGNOU study centres may be established as far as possible in all the major prisons of the country.

(para 4.6.6)

The Committee appreciates the Email My Case Status (EMCS) system implemented in Gujarat prisons to enable the inmates to observe the procedure of Hon'ble High Court through its You Tube Channel. The Committee also recommends that, such systems should be replicated in the prisons of other States also as it is a best practice and it helps in imparting legal knowledge to the prisoners.

(para 4.6.9)

The Committee recommends that, more and more inmates should be motivated/encouraged to take up training as Para Legal Volunteers (PLVs) for assisting the Legal Aid Clinics established at prisons. This shall help in the spread of legal knowledge among the prisoners. This shall also

empower the prisoners to be aware of their legal rights in the prisons which in turn would facilitate in making the quality of prison administration better. The Governments should strive to impart legal literacy to all the educated prisoners.

(para 4.6.10)

The Committee also recommends that, the statistical data regarding the number of prisoners trained as PLVs may be obtained by the NCRB from all the State/UT Governments and included in the subsequent publications of the ‘Prison Statistics India’ reports published annually. Such data shall be of use to the stakeholders in addressing the issue of lacking legal literacy among the prisoners by devising specific schemes/programmes.

(para 4.6.11)

Age-group wise percentage of prisoners

The Committee considering the fact that the number of convicts and undertrials above the age of 50 years are very less compared with the prisoners of other age groups, recommends that, a panel comprising of medical officers, officers from prison administration, NGOs, social scientists may be constituted to study the possibility of releasing the prisoners who are suffering from health issues and are above the age of 75 years as a respite measure or keep them in open prisons in cases where release is not possible.

(para 4.7.2)

Status of adoption of Model Prison Manual, 2016

Going by the information received from the State/UT Governments, the Committee notes that, most of the State/UT Governments have their own Jail Manual which may be slightly different from the Model Prison Manual, 2016. The picture about adoption of Model Prison Manual, 2016 is not very clear. Some States have adopted the Manual, some have amended their respective Jail Manuals in accordance with the Model Prison Manual, 2016. Some of the States are in the process of adopting the Manual. In this regard, the Committee recommends that, MHA may have more meetings with the State Governments to have a clear picture about its adoption.

MHA may also advise the States to adopt the Manual as it will enable the States/UTs to receive Central Government funds.

(para 4.8.3)

Measures to control criminal activities in prisons

The Committee has noted that overcrowding is one of the major challenges in the prison administration and recommends that, all the State/UT Governments may take necessary actions as early as possible with regard to implementing the ‘Support to Poor Prisoners’ programme announced by the Central Government to benefit the eligible prisoners under this scheme.

(para 4.10.4)

During its interactive sessions with various State/UT Governments, the Committee was informed that, ganja and cell phones are the common contraband items that are most frequently smuggled into the prisons among others. The Tamil Nadu State Government informed that, throw method using catapult is one of the common approaches employed to smuggle the contrabands into the prisons. The Committee observes that, the articles like cell phones inside the prison are used by the inmates to operate criminal activities outside the prison. Possession of cell phones in the hands of the prisoners can also stir up gang wars inside jails. Usage of ganja and other narcotics in prison compromises the reformation and rehabilitation of the inmates. The Committee also observes that, e-Mulakat, video conferencing etc., will also help reduce the smuggling of the contraband into the prison. The Committee has also noted that the prison staffs are helping the prisoners to get the contraband inside the prison. Keeping in view the negative impact the contrabands can have on reformation of prisoners, the Committee recommends that, the frisking standards should be enhanced in all the State prisons. MHA should set benchmark frisking standards to curb the entry of contraband articles and in turn prevent gang wars. All the State/UT Governments shall comply with such standards. Further, drones should be used in prisons to keep an aerial surveillance of the prison premises. Sniffer Dog Squads may also be used in detecting contrabands.

(para 4.10.5)

The Committee has observed that, more than 70% of the prisoners in Indian jails are undertrials. They are not being released from the prisons for want of sureties/inability to pay fine amounts. The prison administrations are spending lot more money on keeping such prisoners inside jails than the bail money required for their release. In this regard, the Committee recommends that, MHA along with the stakeholders involved should conduct a detailed study and develop a mechanism to make the release of such prisoners possible thus reducing the burden on the prison administration. A fund on the lines of ‘Cheyutha Nidhi’ started by Andhra Pradesh Prison Department for payment of fine amounts for poor prisoners should be created in all the States/UTs.

(para 4.10.6)

From the replies given by the State and Union Territory Governments, the Committee has noted that 12 State Governments and 2 Union Territory Governments did not receive funds from their respective Prison Departments. 8 States did not receive any funds from the Central Government. The Committee also acknowledges the facts that, funds are an indispensable part in carrying out any form of prison reforms and in modernising the prison infrastructure. Keeping this in mind, the Committee recommends that, MHA should take steps for allocation of Central funds to the State Governments that have not received any funds during the last five years in order to enable them to carry out prison reforms and infrastructure development works. The Ministry of Home Affairs may also undertake field visits to ascertain the quality of work done for which the funds were allocated by the Government of India.

(para 4.10.7)

The Committee has noted that generally across all the categories of jail staff like - jail cadre staff, warders, correctional staff and medical officers etc., the percentage of vacancies are very high. It has also noted that the all-India ratio of number of correctional staff to inmates is 1:625 as per NCRB’s PSI, 2021 report. Considering the critical role played by the Correctional Staff in the reformation and rehabilitation of the inmates, the Committee recommends that all vacant posts of correctional staff need to be filled up immediately and no post should remain vacant for more than 3 months. The sanctioned strength of correctional staff should also be increased taking into account the increased prison population.

(para 4.10.8)

The Committee has noted that, the satisfactory rate in respect of staff quarters is very low in some States. The State Prison Departments of Madhya Pradesh and Tamil Nadu have informed the Committee that only

about 54% and 37% of the prison staff got Government staff accommodation in those States respectively. In view of this, the Committee recommends that, all the works related to renovation of old staff quarters should be completed at the earliest. New staff quarters should be constructed wherever required. Care may be taken to make sure that, the staff quarters are situated near the prison and amenities like schools, colleges and hospitals etc., are available nearby.

(para 4.10.9)

The Committee observes that, motivating prison staff is crucial for maintaining a positive and effective correctional environment. Working in a prison can be challenging, and staff members often deal with high levels of stress and burnout. The Committee also appreciates the initiative of the Assam Prisons Department to presented the “Prerona Bota” award to the employees and staff of jails for their exemplary services. The Committee recommends that a public awards program should be instituted for the prison staff for acknowledging their dedication and outstanding contributions towards maintaining secure and rehabilitative correctional environments. Various categories of awards like - exceptional performance, teamwork, innovation, and positive interactions with inmates may be given to the staff. Recognition of their work will boost their morale and job satisfaction.

(para 4.10.10)

During its meeting with the Committee, the Government of Madhya Pradesh had informed that many of the inmates with pre-existing co-morbidity die during the treatment period while being in judicial custody. The Committee was also informed that there is no adequate facility to screen the pre-existing co-morbidities of prisoners at the time of admission into the prisons. As regards this challenge, the Committee recommends that, the initiative such as the one implemented in Uttar Pradesh called ‘Health ATM’ could be started in all the prisons in the country which will enable the prison staff to record the pre-existing co-morbidities of prisoners at the time of admission. Responsible individuals among prisoners may be appointed as ‘Swasthya Rakshak’ as in case of Chhattisgarh who can report to the staff about health ailments of other inmates. Psychological Wellness Centres like ‘Samarth’ as in case of Gujarat may also be implemented to serve the needs to conduct psychological and mental assessment of targeted prisoners with help from professional psychiatrist and counsellors at the time of prisoner’s admission.

(para 4.10.11)

The Committee has noted that, there is reluctance from the prisoner's side to participate in rehabilitative and welfare activities. In this regard, the Committee recommends that, the prisoners should be encouraged and motivated through counselling programmes devised on the lines of 'UNNATI' and 'PATTAM' of Telangana and Tamil Nadu respectively to give up the life of crime and take to useful productive activities. They should be encouraged to indulge in developing a skill, in education to equip themselves for a life after release in the society. Steps should be taken by State Prison Departments to identify the different types of trades traditionally practiced in their jurisdiction and accordingly come up with vocational/skill training courses. This will make it easy for the prisoner to pick a course of his interest.

(para 4.10.12)

The Committee has noted that, the jail inmates are deprived of contact with their family and friends for an indefinite period. Such separation makes them feel isolated/lonely which can be stressful for them. To address this issue, the Committee recommends implementing programmes like - 'Ashirvad Anusthan' of Assam where the children of convicts meet them to take blessings for their class X exams, 'Sparsh' of Delhi to provide financial assistance to prisoners with no family, 'touch and feel' of Tamil Nadu where the prisoners are allowed to meet and touch their family members; would enable the inmates to cope up with their loneliness and stress.

(para 4.10.13)

In order to address the problem of Inadequate technical assistants/DEOs to implement e-Prisons, the Committee recommends that, the respective State/UT Governments may recruit persons for such posts on regular basis or services of technical assistants/DEOs may be obtained by outsourcing the requirement or the under graduate students from courses like criminology/forensics may be taken as interns to inter alia provide such services.

(para 4.10.14)

The Committee is of the view that online availability of prison made products would create awareness among masses about the work done by prisoners and will bring about positive outcome for their reforms. In the meetings of the Committee, some States have pointed out that the prison products need to be exempted from GST. The Committee, therefore, recommends that these products should be kept out of the purview of GST

as it will give a competitive edge for the prison made products over the similar products manufactured by big business houses and help in improving their sales and profitability.

(para 4.10.15)

The Delhi Prisons Department has pointed out that less importance is given to prisons in city planning and there is no standard design/architecture for prisons. The Committee has noted these issues and recommends that, MHA should issue advisories to all the State/UT Town Planning Divisions to consider providing space for prisons whenever they make town/city plans. MHA could also take steps to come up with a standard design/architecture for prisons and share it with all the State/UT Governments.

(para 4.10.16)

The Committee notes that, key reforms that can be considered for addressing the drug problem in prisons are - Strengthen security protocols at entry points to prevent drugs from being smuggled into prisons; use advanced technologies such as body scanners, drug-sniffing dogs, and CCTV surveillance to detect contraband; implement thorough visitor screening procedures to ensure that visitors do not bring drugs into the prison; restrict physical contact during visits to prevent the transfer of drugs; train prison staff to recognize signs of drug use or trafficking among inmates and visitors; educate staff about the dangers of drugs and the importance of maintaining a drug-free environment; conduct regular and random searches of cells, common areas, and inmates to deter drug smuggling.

(para 4.10.17)

The Committee recommends that surveillance technology should be used in prison on drug detection at each and every entry point of the prison. By making all the staff, inmates, visitors, delivery items to be searched before entry into the prison can be a major deterrent. Technology should also be used to address the challenges of smuggling of drugs in prisons as prison staff cannot fully contain this menace and they need the assistance of technological intervention to address this issue. The Committee also recommends that a multilayered approach such as physical search, use of X-ray scanners, other devices that can detect drugs, and

rehabilitation programmes for prisoners afflicted with drug addiction should also be put in place as it can significantly reduce the entry of drugs within correctional facilities/jails. The States/UTs may consider planning programmes like Opioid Substitute Therapy (OST) as in the case of Assam to de-addict and wean away such prisoners, in the jails.

(para 4.10.18)

The Committee is of the view that sometimes out-dated technological devices fail to detect the drugs contraband in jail premises. Therefore, it recommends that considering the technological advancement, prison administration should make a provision for additional investment to procure advanced and modern equipment and make an effort to control this problem at initial stage itself.

(para 4.10.19)

The Committee has noted that, there are no organized programmes available for the aftercare of the inmates. The Committee likes to point to the efforts made by the Telangana State Prison Department in making arrangements for employing the released prisoners in prison industries like petrol pumps and also setting up a placement agency to provide jobs to the released prisoners. The Committee recommends that all the States/UTs may take necessary steps to set up similar such placement agencies for securing a job for the released prisoner. For this purpose, the prison departments may associate with NGOs, industry bodies etc. Such measures will also help the prison departments to observe and study the social behaviour of the released prisoner through feedbacks from the employer.

(para 4.10.20)

Best practices of State/UT Prison Departments

The Committee notes the initiatives taken by various State/UT Governments to improve the conditions and infrastructure of prisons. The Committee is of the view that such best practices may be shared among prison administrations of different States/UTs to reap the benefits of such practices.

(para 4.11.2)