POLICY SHIFTS IN INSTITUTIONAL CORRECTION IN INDIA

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The policy thrust of institutional correction in India is on the reformation of offenders. This has not come about spontaneously. In ancient times, punishment, including imprisonment was inflicted upon wrong-doers to promote 'religious merit' and security in the community. However, in the medieval period, justice was predominantly retributive and swift, and imprisonment uncommon. Till 1919, jails mainly aimed at safe and secure incarceration. When the British left in 1947, reformatory ideals were gradually gaining acceptance, and jails were offering treatment programmes. The post-Independence period is characterised by uncertainties: the policy-makers had intentions but hardly any viable programme to improve the system. Nevertheless, since 1977, there have been a few policy shifts which augur well for institutional correction in the days to come.

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Introduction

On an average day, correctional institutions in India house anything from 150 to 200 thousand inmates. Whether housing undertrials, short-termers or long-termers, all of them are known as jails. Nor is the classification in terms of security arrangements sharply defined. Also, formal nomenclature like maximum, medium or minimum security prisons/jails is not in use, though some kind of gradation does exist and is accepted.

On the subcontinent, there are 74 Central Jails, 234 District Jails, 844 Subjails, 3 Female Jails and 22 Juvenile Jails with a total capacity for 1,86,406 inmates. Usually sub-jails are meant for undertrials, district jails both for undertrials and convicts, and central jails for convicts and that too long-termers. In terms of security, central jails are more stringent than district jails; and in open-jails, security arrangements are at the bare minimum as they offer to the inmates living conditions similar to those available outside in the community.

In all the correctional institutions, attention is paid to proper living conditions for the inmates. The jail manuals (every state in the Union of India has its own version) specify a total living space between 6 to 7 square metres per inmate. Likewise, the jail rules also lay down the diet to be provided. Based on complex calorie-computations the cost of raw-materials ranges from Rs. 8 per inmate per day. The jails also have the facility of a whole-time or part-time doctor. In some central jails, the services of psychologists and psychiatrists are also available though inmates suffering from serious psychological disturbances are transferred to mental hospitals. In spite of the resource-constraints of a developing country, jails in India, officially speaking, have elaborate correctional programmes. These include general education, vocational training, recreational facilities, religious education and self-government. Also in vogue is the practice of having 'convict officers' who shoulder specified administrative responsibilities. To motivate the inmates to change their conduct and behaviour, they are offered such incentives as remission, wage-earning schemes and parole. They are also allowed to maintain links, with the family and the community: they may write and receive letters, meet visitors or in given circumstances, avail themselves of temporary release or furlough.

The correctional institutions, particularly central jails and district jails, have both custodial and treatment staff. The custodial chain is made up of the jail superintendent, jailor, deputy jailor, assistant jailor, head-
warder and warder. On the other hand, the treatment staff comprises such disparate functionaries as doctor, psychologist, welfare officer/social worker, teacher and vocational instructor. As head of the institution, the jail superintendent is responsible to the Inspector General of Prison (IGP), who in turn is responsible for all the jails in his state. In his functioning, the IGP may be assisted by a few Deputy IGP's, Director of Jail Industries and the like.

The foregoing account brings out that, in the country, (the policy thrust of the institutional correction, officially speaking, is on the reformation and rehabilitation of offenders. The attempt is that while in jail they may be provided conditions conducive to behavioural change, exposed to meaningful and purposive programmes and equipped with education and vocational skills which would facilitate their reassimilation into the community. Nonetheless, these policy objectives have not evolved easily or spontaneously. This contention is further reinforced by the fact that correctional institutions have been there in the country for two millennia and more. Indeed, every age has its own genius, its own notions of social living, its own interpretation of objectionable behaviour and its own assumptions governing different modes of punishment. It follows that penal objectives have been changing from period of history to period of history. It may be of more than a passing interest to look a little closely at the policy objectives during different historical phases.

It hardly needs to be pointed out that there have been few policy-documents — nor is there one in contemporary times — which spell out approach to crime, correctional objectives or policy behind institutional correction. However, the absence of policy-documents does not imply the non-existence of a policy. This calls for the piecing together of diverse fragments having policy content. From this flows the methodology employed in the present exercise: a number of events and documents have been looked into so as to get at the policy directions and contents. Further, the evolution of the jail system in the country has been divided into five phases.

At the same time, the nexus between (1) approach to crime, (2) objective behind punishment, and (3) the policy governing institutional correction may be indicated. Indeed, the three are interlinked. For the present purposes, the philosophical conception of, or approach to, crime is taken to be the fountainhead from which flow penal objectives and policy-options. On the other hand, as 'strategic decision-making' (Freeman and Sherwood, 1970), a policy is thought of as the framework for translating concepts and intentions into viable programmes of action. It follows that a description of one will remain incomplete without of the other. With this in view, the present paper dwells on all the three through the proposed five phases.

First Phase (-1836)

The evidence is recurrent that imprisonment as a form of punishment did exist in ancient India. The concept that crime has implications not only for the victim but also for the entire community was present even during the second millennium before Christ. This is amply reflected in the pointed references in the Mahabharata (see Roy, 1973). The king was called upon the punish the evil-doers (see Kane, 1946; Das, 1977). However, the modes of punishment in vogue, the Manu's Smriti and other ancient literature show, were admonition, reproof, fine, banishment, corporal punishment and death penalty (Mueller, 1890; Hopkins, 1971). Imprisonment as a response to crime is referred to earliest by Kautilya (fourth Century B.C.). In fact, his well
known classic 'Arthashastra' provides elaborate details about the system. He prescribes that (i) a jail should be constructed in the capital city with separate accommodation for men and women; (ii) it should be well guarded; (iii) the jail superintendent would be personally responsible in case a prisoner was deprived of food or water, or was subjected to unjust torture, or a female-prisoner was raped. Likewise, he was also answerable if the physical functions of the inmates like sleeping, sitting, eating or excreting were obstructed. Kautilya does not refer to any programme which might be available to the inmates. Yet he does refer to work done by them which entitles them to certain concessions. He also mentions premature release for the too young and old, for the diseased and the helpless, and on the occasion of the birth of a crown-prince, coronation or victory in war. Apparently, the jail system in Kautilya's times was sufficiently established. Inmates were segregated on the basis of sex, provided food at state expense, required to work, and were also eligible for premature release. Nonetheless, crime was regarded synonymous with sin or evil (perhaps the consequence of demonic influences); and punishment was thought of as necessary so as to cleanse the offender of his sins (see Shastri, 1969). It follows that the policy-objective behind punishment, including imprisonment, used to be two-fold: (a) punishment is productive of religious merit and (b) punishment inflicted upon the offending individual ensures the safety of the community. Religious overtones notwithstanding, collective concern with bringing wrong-doers to book and inflicting punishment upon them in the interest of the larger group is unmistakable. This stands in sharp contrast with the notions of vengeance prevalent in most coeval societies.

Nevertheless, imprisonment as a mode of punishment somewhat declined in medieval India. The period is characterised by Muslim invasions, perpetual armed conflicts and several dynasties ruling different parts of the subcontinent. Although the Mughal empire was sprawling, relatively stable and had an organised administrative system, it differed little from the early Arab regimes, as far as the conception of crime and the punishment to be meted out to the wrong-doer were concerned. During the Muslim-rule spread over a period of about 1000 years, justice used to be short and swift; and common forms of punishment were fine, mutilation, banishment and execution. Chroniclers do refer to the existence of jails particularly in the Mughal period, but imprisonment as a mode of punishment does not appear to have been very popular (Sarkar, 1935). It was resorted to only when other methods of disposal of offenders were thought to be imprudent. To be precise, mostly political dissenters were imprisoned; and were usually housed in abandoned forts or castles. This may in part explain almost total absence of archaeological prison sites pertaining, particularly, to Mughal rulers who were known for their architectural enthusiasm.

It may be added that ideas relating to crime and punishment in the medieval period differed little from those prevailing in ancient India: they lent primacy to the collective good and were deeply influenced by religious tenets, although Vedic and Puranic philosophy was somewhat substituted by Quranic edicts. The objectives which governed different modes of punishment were based on considerations mainly of retribution and partly of deterrence. Since, during this period, there existed no elaborate prison system, it is difficult to identify its policy-thrusts.

Second Phase (1836-1894)

The advent of British rule may be regarded as the beginning of the second phase
of the evolution of the jail system in India. As is well known, the East Indian Company was chartered by Queen Elizabeth I in the year 1622 to engage in trade and commerce in the Orient. The Company started with small trading posts on the peninsula; however, it drifted into politics; and, by the year 1765 it assumed the administration of a vast region in the country. By this time, the prison-system in England had come a long way from gaol to 'houses of correction' to prisons (Orland, 1975). Following the assumption of administrative powers, the Company also organised a few jails — with a notable difference. The housing of prisoners in discarded castles was not favoured and, instead, functional buildings were constructed. However, everything did not go well with the system. The conditions obtaining in the prisons attracted much criticism. Consequently, in 1836, a Jail Inquiry Committee was constituted to look into the organisation and functioning of prisons in the British territory. Following its recommendations, a chain of subjails, district jails and central jails with a total capacity for 75 thousand inmates was constructed. Much happened in quick succession in the second half of the century. In 1857, the British survived a popular upsurge known as the Sepoy Mutiny and, in 1858, Crown-rule replaced the Company-rule. The mutiny had left behind several administrative problems. First, the British had to deal with a multitude of those who had participated in the mutiny. Apart from public hangings, a large number of offenders, mostly mutineers, were transported to Port Blair, in the Andaman and Nicobar Islands, deep south in the Bay of Bengal. Secondly, the criminal law and procedure had to be consolidated. Towards this, the Indian Penal Code (1860) and Criminal Procedure Code (1861) were formulated. Earlier, the menace posed by pindaris and thugs had been tackled effectively (see Malcolm, 1824; Tucker, 1861). Disturbing were, however, a good many communities to which theft, loot and marauding were just another avocation. This led to the appearance of the Criminal Tribes Act (1871) on the statute book. The Crown government also had a second look at prisons. In 1864, a second committee was appointed to enquire into the prison conditions, particularly, the mounting death-rate. Likewise, a third committee and a fourth were appointed in 1877 and 1888, respectively. Yet another committee, the fifth in the sequence, was appointed in 1892 to look into the work done by the earlier committees and to formulate concrete administrative proposals. All these prolonged deliberations led to the consolidation of the laws relating to prisons and the Prisons Act of 1894 came into existence which forms the legal basis, even today, for jails in the country. Yet another event may be highlighted: the Discharged Prisoners Aid Society was organised, in 1894, to provide post-release assistance.

During this period much attention was paid to food, hygiene and general living conditions in jails. Even greater attention was paid to maintain institutional discipline and security. Free communication between inmates was discouraged, and, like their counterparts in the US penitentiaries, they were required to maintain partial silence (Korn and McCorckle, 1958). Prior to 1836, in some places gangs of inmates were deployed on public road-construction work which was severely criticised (as was the case with the chained gangs of the Bavaria camp). Following the Jail Inquiry Committee Report (1836-38), the inmates were given work which was thought to be psychologically monotonous, socially degrading and economically meaningless (see Khan, 1976). Towards this, one of the devices introduced was the stone hand-mill for grinding cereals. This notion was further emphasised in the Indian Penal Code which
had the provision for 'rigorous imprisonment' parallel to 'hard-labour' in England.

It would not take long to make out that during this period crime was regarded mainly as the consequence of innate depravity. This apart, among those who came in conflict with law, many were regarded as 'incorrigibles', fit to be executed or transported. The possibility cannot be ruled out that positivistic ideas of the Italian School (Lombroso, 1911) might have also influenced the penal thinking in the country. Behind imprisonment is also manifest the penal objective of deterrence — it should be exemplary and it should provide the inmate an occasion to be penitent. From this, it is possible to adduce policy objectives: the jails should have reasonable board and lodging arrangements and hygienic conditions, vigorous discipline within, and strict security both within and outside. Unmistakably, all this adds up to safe and secure incarceration of those committed to jails.

Third Phase (1894-1947)

In the jail development in the country, the next phase is crowded with much turmoil extending over half a century. The period witnessed, on the one hand, several cataclysmic political changes and, on the other, several developments as also fluctuations in jail administration. In fact, the two sets of changes are intertwined to the extent that the latter could hardly be appraised without outlining the former.

At the close of the century, the British were comfortably administering the subcontinent. Nonetheless, the seeds of political upsurge were being sown, few realising its implications at that time. A few European and Indian intellectuals had formed the Indian National Congress (INC) in 1885. Very soon the INC started pressing for rationalisation in the administration and for participation in government. Early in the twentieth century, the Swaraj (self-rule) movement was launched, which further intensified following the partition of Bengal. The Indian Councils Act of 1909 was passed which, for the first time, allowed some elected members on the Viceroy's and Governors' Councils. This kind of limited participation in government did not satisfy the 'native' political leaders. The demand for 'Home Rule' would have turned more pressing but for World War I. Nevertheless, soon after the war over, the Government of India Act of 1919 "established a moderate form of government under foreign tutelage" (Kothari, 1970). To the INC, however, the Act was 'disappointing'. In the meanwhile, M. K. Gandhi had appeared on the scene. His approach and techniques of 'nonviolence' included, among other things, volunteering for arrest. The jails were packed with political leaders, big and small. The struggle for Independence intensified year after year. As a matter of fact, following the 'salt' satyagraha, (civil disobedience), in 1930, the jails in the country literally and factually over-flowed with political detenus. A great many of them were also transported to Port Blair which by then was having a massive cellular jail. However, the British Government was forced to relent: in 1935, the Government of India Act was passed under which Provincial Ministries with a degree of autonomy were formed. This political arrangement, however, did not last long. The Second World War (1939-1945) broke out, and the Viceroy declared India's participation. As a protest, Provincial Ministries resigned. Along with the holocaust of the war, the struggle for Independence also gained momentum. Under the stewardship of Gandhi, in 1942, 'Quit India Movement' was launched. Once again, the jails in the country overflowed with detenus. So was the case with the penal colony in Port Blair. Interestingly, the Andaman and Nicobar islands fell to the Japanese; and most of
the residents of the penal colony enlisted with the Indian National Army. As is well known, soon after the war was over, India was granted Independence.

That the political events in the country have had a bearing on the jail system, would be seen from the foregoing account. On the other hand, there have been a number of developments which had a direct impact. In 1897, the Reformatory Schools Act came into existence requiring the segregation of the youthful offenders and the organisation of separate Borstal/Reformatory Schools. Emanating from the implications of the Prison Act, a number of procedural problems had surfaced which were sought to be sorted out through the Prisoners Act of 1900. This apart, the jail systems was under close scrutiny elsewhere. The Elmira reformatory movement which started in 1876 in the U S, called in question the entire approach to institutional correction. It profoundly influenced the prisons in Europe including England as also those in India. Evidently, this generated much dissatisfaction with the functioning of jails and, consequently, the Indian Jails Committee was constituted. The Committee recommended major changes in the approach to institutional correction and in the organisation of the jails. It emphasised that the main objective behind imprisonment should be the reformation of offenders and that the subject of jails should be transferred from the Central Government to provincial governments so as to enhance administrative flexibility in the jail organisation and to step up its efficacy. It also criticised the conditions obtaining in the penal colony in Port Blair. Further, it recommended the introductions of the technique of probation (the probation work was started by a few voluntary organisations in the 'twenties and its administrative responsibility was taken over by several provincial governments in the 'thirties). Following the recommendations of the Committee, the jails became the responsibility of the state governments and the transportation of offenders to Port Blair was stopped (political detenus were, however, transported in the 'twenties and the 'thirties).

Several provincial governments also appointed their own fact-finding committees/commissions. In this direction the United Provinces Jail Inquiry Committee (1928-29), the Mysore Committee on Prison Reforms (1940-41), the United Province Jail Reforms Committee (1946-48) and the Bombay Jail Reforms Commission (1946-48) may be mentioned.

In spite of the official concern to improve the functioning of jails little or no substantive progress could be made for obvious reasons: externally, the country was fighting a war and, internally, it was reeling under the pressure of a frenzied Independence struggle. On the other hand, the period marks a notable departure in penal approach and policy. The notion that offenders are different in physical characteristics was negated. A body of literature had accumulated, affording a better understanding of human nature and behaviour. The idea that crime was a 'human act and social fact' (Durkeim, 1938) was gaining some acceptance. From this sprang the recognition that offenders were not a separate species to be exposed to subhuman conditions. Cumulatively, these ideas much influenced the policies relating to institutional correction.

The objective behind imprisonment is the reformation of offenders was strongly advocated by the Indian Jails Committee, 1919-20. Also, this idea gained acceptance, at least officially. As a consequence, a separate jail cadre was created which was mostly headed by medical men. Training organisations were created, offering pre-entry training to jail functionaries at different levels. Much was done to improve living conditions in jails. The jail manuals specified the diet and the clothing for the inmates,
although the scale was different for the native and Anglo-Indian and European inmates: the latter were provided for distinctly higher. In keeping with the reformatory ideals, a variety of correctional programmes were instituted. These included general education, vocational training and so forth. The practice of allowing inmates 'good days' or remission was also started. On the whole, this period marks a notable shift in the policy from punitive incarceration to reformatory institutionalisation, at least officially.

Fourth Phase (1947-1977)

As referred to earlier, the first half of the century was dominated by the struggle for Independence. This also entailed the imprisonment of leaders, from M. K. Gandhi to a multitude of unknown freedom fighters. In 1947, when the country became Independent, most of those who came to occupy the seats of power had been to jails and had varied experiences as inmates — a situation which may have parallels in several nations formerly under colonial rule. That they should have been keen to improve the functioning of jails might have been the natural expectation. Did it happen? In 1950, the country adopted its Constitution. Indeed, it is a comprehensive document encompassing diverse aspects of national life. However, it pays scant attention to correctional objectives or jails, and is content with specifying that prisons would be within the jurisdiction of the state governments. In any case, the 'fifties were full of political, social and economic uncertainties. The states' reorganisation which came about in 1956 further accentuated the unsettled administrative conditions. Notwithstanding the position that Prime Ministers changed during the period (1947-77), the Congress party remained in power at the Centre as well as in the states with a few notable exceptions. However, there is hardly anything to indicate that the political leaders paid any serious attention to jail development.

Nonetheless, the period is notable for social and economic development. Keeping in view the enormity of the problems and the paucity of resources, the country opted for a planned socioeconomic development towards achieving 'democratic socialism'. As is well-known, the first Five Year Plan went off as per schedule, the Fifth was completed haltingly and the Sixth has been on the drawing-board for quite some time. Relevant, however, is the fact that jail development never figured as a part of planned development. This stunted the jail development in the country.

Nothing worthwhile could be done in the early post-Independence years by way of jail development. The Transfer of Prisoners Act, 1950, was at best procedural. However, the succeeding years were rather eventful. In 1951, under the United Nations Technical Assistance Programme, Dr. W. C. Reckless visited India to look into the organisation and functioning of jails and to suggest ways to improve them. He submitted his report a year later in which much emphasis was laid, among other things, on streamlining jail administration and systematic training of jail personnel. Next, following the recommendations of the International Penal and Penitentiary Conference, 1950, the first open-jail was started in 1952. By this time, the jail organisation in the country had grown considerably. But it was not able to respond adequately to the changed social, economic and political needs, the progressive recommendations made by Dr. Reckless, notwithstanding. Behind the relative immobility of the colossus, the chief reasons were the 'jail-manuals'. These were formulated decades and in some cases more than a century ago. At about this time, the first U N Congress on the Prevention of Crime and the Treatment of Offenders, 1955, formulated 'Standard Minimum Rules' for
jails, and pressure was building up that they be incorporated in the rules and implemented. However, owing to resources-constraints, the states were not able to take the initiative in the matter. Finally, in 1957, the Central Government constituted an All India Jail Manual Committee to prepare a document in tune with the changed social conditions and which would serve as a model for the states. The outcome was the 'model prison manual'. Two other developments having some bearing on institutional correction may be referred to here. The Probation of Offenders Act, 1958, was passed. This legislative measure was particularly important because it provided for 'judicial admonition' and it made it mandatory for the sentencing officer to release the offender on probation, when he is a first-timer, has committed a minor offence and is of young age. It was all the more important because it diverted the offenders, and thereby protected jails from system-overload. Likewise, the central Children Act of 1960, a notable progressive measure, came into existence and provided for a differential approach to processing and treatment of juveniles.

Since the subject of jails was the concern of state governments, the Centre had little or no role in their organisation and functioning. This statutory position was giving rise to several problems including those of coordination, consultancy and perspective planning. This was also what was observed by Dr. Reckless. Consequently, in 1963, the Central Bureau of Correctional Services (CBCS) was organised in the Ministry of Home Affairs (MHA). However, after some time the CBCS was transferred from the MHA to the Department of Social Security, later designated as the Ministry of Social Welfare. This kind of change in the ministerial control of the CBCS was possibly brought about to endow it with a welfare approach. Nevertheless, the initiative continued to rest with the MHA. In 1972, they organised a Working Group to suggest 'measures for streamlining and improving the jail administration', comprising administrators, professionals and academicians. The Working Group, in the same year, forwarded its report to the MHA. Its utilisation in policy-formulation, however, was little as had been practically the case with its predecessors, including the Reckless Report and the MPM.

In 1973, the Criminal Procedure Code was substantially revised. In particular, it provided for a time-limit on the detention of undertrials and for legal aid at public expense to the indigent. To some extent, these measures could have reduced the jail population; but this was not to be as would be seen a little later. Yet another event may be mentioned here: the CBCS was renamed the National Institute of Social Defence (perhaps to bring it in line with the then Social Defence Section in the UN); it was also reorganised and entrusted with enlarged research and training functions.

At the same time, during this period (1947-77), the states had also not been inactive. Owing to several indigenous and exogenous factors, some ten states constituted their own fact-finding bodies. To what extent these have influenced jail-policy remains to be seen.

On the whole, the period appears to be full of complacency, confusion and indifference, as far as jail development is concerned. The politicians at the helm of affairs were having first-hand knowledge of the problems of jails but they were, by and large, indifferent, or else, in prison development, they did not see much political mileage. The economic planners, likewise, were indifferent: in their enthusiasm for rapid economic development, little value did they see in social development including jail development. Not only this, the jail organisation itself appeared to suffer from
pervasive inertia. Although a number of experts, groups, committees and commissions deliberated and suggested several innovative measures, jails changed little. All these factors gave rise to a plethora of problems. Among different government departments, the jail department, in terms of growth, came to face virtual stagnancy: at best, the budgetary increases mainly compensated for the inflation. Among the staff, there was little by way of professional development and, more often than not, jail departments were headed by generalists or non-professionals. Similarly, implicit or explicit allegations were made about corrupt practices on the part of different levels of jail functionaries. In turn, these organisational problems told heavily upon the system. In many states, jails were alarmingly overcrowded, living conditions for the inmates were far from satisfactory, and correctional programmes had little relevance or efficacy.

It is, thus, hardly surprising that this phase (1947-77) is characterised by uncertainties and dilemmas. Rapid advances in social sciences were providing an interpretation of crime and the offender in terms which were markedly different. This was accepted — intellectually — by policy-makers also. At the cutting-edge the story was, however, a little different. Frequently, the approach to the crime-problem and to the crime-doer smacked of the nineteenth century, despite professions to the contrary.

The political executive as well as the upper echelons of the bureaucracy had the intention of sorts to provide a progressive orientation to the correctional policy. Much of it could be attributed to Western influence. This is also partly reflected in the constitution of numerous enquiry committees/commissions and their reports. Seldom, however, was this intention translated into viable programmes. As a consequence, the jails continued to function in an antiquated manner. Even the innovative measures like open-jails often appeared little better than centres devised to exact penal servitude or to exploit captive labour.

Fifth Phase (1977-1981)

That jail policies and programmes had been for long in doldrums has been brought out in the preceding section. Although some kind of turning point was reached in 1977, the process was set in motion a couple of years ago. The Central Government had declared 'internal emergency' following which political leaders, also, had been put in jail by the thousands. Among other things, they acquired a personal knowledge of the jail organisation, functioning and conditions. Soon after, the parliamentary elections were announced and political detenus were released, most of whom contested the election under the banner of the newly-formed Janata Party. The elections brought the Janata Party to power. The process continued over the assembly elections in many states held within the span of a few months. Thus, the political executive came to be manned by those who had a recent and varied experience in jails. Consequently, at the political level the jail organisation and its functioning came under close scrutiny. In fact, the political events taking place in the year 1977 are noteworthy in the present context for, to a great extent, they did transform jails, a non-issue, into an issue. Since then, the process has continued, even after the return of the Congress Party to power in 1980.

Owing to the newly infused awareness of jail problems, national economic policies were also readjusted. In 1978, the Central Government pumped Rs. 20 million into the states for the 'modernisation of jails'. In the same year, the Seventh Finance Commission recognised the need for jail development, and recommended that selected states be
provided with central assistance to the extent of Rs. 483 million for the upgradation of their jail organisation. In the year following, the Central Government disbursed another Rs. 40 million in order to enable the states to improve mainly the living conditions in jails. While the central assistance programme ceased in 1980, the recommendations of the Finance Commission became operative; and, as a result, half of the states in the country started receiving central grants/loans.

This apart, much was happening directly with regard to jails in the country. The unsatisfactory conditions obtaining in jails, particularly in the northern states, not only attracted public criticism but also judicial scrutiny. Quite a large number of jails were packed with undertrials who had been there for years, at times for much longer period than the stipulated term of sentence under the charges they were arrested. The Supreme Court of India came down heavily on the administration. To a great extent, this mitigated the problem of overcrowding in the jails. The deplorable conditions in jails were further discussed in 1979. The MHA organised a conference of the IGPs., early in the year. This was followed by the Conference of the Chief Secretaries of the states. This was for the first time that the top bureaucracy in the country came round a table to discuss a relatively insignificant subject like jails. Presided over by the then Home Minister, the Conference went into many issues. It was noted that the living conditions in jails were appalling: century-old jail buildings were in dilapidated condition, only 15 per cent of the jails had the facility of tap-water, 33 per cent had septic latrines, and 25 per cent were electrified. The medical services available in jails left much to be desired, and psychological/psychiatric services, mostly in central jails, were the exception rather than the rule. Welfare Officers/social workers were too pre-occupied to pay attention to the welfare-needs of the inmates. The general education programme was more or less optional. Vocational instruction as also trades were antiquated. Indeed, the problems of the jails were endless. However, the Conference concluded happily after urging upon the state governments to revise and update their jail manuals in accordance with the MPM referred to earlier—without seeking additional resources.

Several individuals and organisations had been speaking from perspectives widely different. Politicians, economic planners, bureaucrats and even jail functionaries appeared to be rather vague as to what might be done to bring about the desired change in institutional correction. For example, while the Finance Commission earmarked grants for the expansion of facilities in jails, it recorded its inability to 'lay down the requirements of modernisation of jails, or the correctional services'. These were perhaps some of the reasons which, in 1980, led to the appointment of a committee on jail reforms by the Central Government, the first ever after Independence. During the period, 1977-1980, the state governments were equally active, at least in having their own jail inquiry commissions/committees. Some six states went in for this kind of exercise.

This brings the paper to the point from which it had started. It would be noted that the opening sections of the paper provide the official position of jails and the institutional programmes, while the foregoing discussion brings out the realities existing at the field level. As at present, it is generally accepted that crime is part of social behaviour. It is reflected also in the dealing with different categories of offenders. That offenders are 'people', who are not beyond reclamation, is similarly recognised. Nevertheless, the attitude of the lower-rung functionaries in the criminal justice system as a whole towards crime and the crime-doer is
reported to be a little different. Likewise, the objective of reformation is broadly recognised, although it is doubtful that it is fully accepted. In the upper and intermediate levels of the criminal justice system, the functionaries insist upon a certain element of deterrence. In the lower rungs, the position is even more discouraging. In the correctional institutions, particularly the lower functionaries in dealing with inmates are still given more or less to nineteenth century ways. This they are able to do also because of the peculiar inmate-character: over 95 per cent of them are rural and about 95 per cent, illiterate.

There are hardly any elements in the approach to crime and in the objectives behind punishment including the institutional correction which would differentiate the present phase from the preceding one. What, however, stand out are the shifts in the policy. To begin with, institutional correction was accorded the status of an issue worthy of being discussed by the political executive and the bureaucracy. Next, jail development was deemed fit for 'central' assistance. Not only did the Finance Commission allocate certain grants but also some state governments have included the expenditure on jails in their development plans. What is more, the need for the provision of adequate correctional services has been accepted, though necessary resources for this are yet to be established. Apart from this, there have taken place certain programmatic policy changes as well. First, emphasis has been laid on the 'upgradation' of the jail organisation. This includes expansion in the headquarters as also field facilities. Secondly, the need for improvement in living conditions in jails has been underlined. In this connection, emphasis has been on improving living conditions in jails. Thirdly, attention has been paid to correctional programmes, particularly to vocational instruction and trades. Towards this, diversification of trades, mechanisation of industries, alignment of trades with the outside labour-market and so forth, have been suggested. Lastly, the need for decongesting the jails has been emphasised. To some extent, the existing criminal procedure relating to undertrials has lessened the pressure on jails. Side by side, modalities and financial implications are being worked out to have separate detention arrangements for the undertrials. Taken together, these shifts in policy denote, at best, a modest beginning; nevertheless, they bid fair for the institutional correction in the days to come.

Conclusions

During the preceding two centuries, institutional correction in India has indeed covered much distance. Nonetheless, this growth has been less spontaneous or sustained and more chequered and accidental. While discussing prison development in the country, it is difficult to bypass two features: penal history in India is replete with commissions and committees which have turned up much paper-work; but their impact on policy-making has been somewhat indifferent. Secondly, the work by citizens and voluntary organisations is conspicuous for its almost total absence as far as jail policies and programmes are concerned. Unlike in several other countries (Sykes, 1978), jail development in India is largely the result of governmental concern and initiative. This may in part explain the accidental nature of jail development.

* Of late, much awareness and enthusiasm have been shown towards institutional correction. However, it is facing several problems perhaps due to the lack of clearly defined policy objectives. Growth and development activities necessarily entail investments on a scale. This simple fact, however, has escaped the attention of the policymakers. Till recently, jail development was
not regarded as part of developmental expenditure—a fact, which has had several adverse consequences. Around 1850, the authorised capacity of the jails was 75 thousand inmates and by the end of 1978, it had increased to only 186 thousands which is less than three-fold, as against the seven-fold increase in the population and the three-fold increase in the volume of crime. The resource-constraint, a constant feature of developing countries, has allowed scant attention to be paid to such pertinent issues as the optimum size of different types of institutions and their location. It is, therefore, hardly surprising to come across a Central Jail housing over 3 thousand inmates—difficult to manage let alone educate; and to find a state which has no institution worth the name. The stringent resource-position has also adversely affected the living conditions in jails. Notwithstanding the steady inflationary trends, there are states which continue to provide the daily diet costing Rs. 1.50 barely sufficient to buy a refreshment in the community outside. Secondly, the jail personnel policy leaves much to be desired. Apparently, recruitment, training and promotion rules, all need a thorough review. As at present, in many states, the top positions in the jail hierarchy are occupied by non-professionals. This is contrary to what was recommended by the Indian Jails Committee 1919-20, and is hardly conducive to a sustained organisational growth. Besides, what would be the optimum personnel mix of administrative, custodial and treatment staff has seldom been specified. In the overall staff-strength, the treatment staff rarely exceeds 3 per cent, the rest comprising custodial and administrative staff. Emanating from this, there have been several adverse implications. Medical, psychological and psychiatric needs of the residents are often overlooked. Counselling, case-work, and group-work services are almost nonexistent. Various correctional programmes are there without intrinsically achieving much. Likewise, temporary-release and parole are granted without any supervision whatsoever. If institutionalisation is to go beyond mere custodial functions and address itself to the reformation and rehabilitation of offenders, the expansion of treatment staff is imperative. Lastly, mention may be made of ambiguities in policy-approaches. The goings-on relating to correctional institutions give the impression that the people who matter are seldom clear as to what it is that they wish to achieve. The Chief Secretaries' Conference held in 1979 recommended that the states adopt MPM without demanding additional funds—the incongruity is showing. The practice of appointing inmates as convict officers has been a target of criticism ever since 1919. That these convict officers are given to high-handedness, and that they exploit inmates, and indulge in corrupt practices has been often alleged. The authorities have never convincingly rebutted these allegations, nor do they have discarded the practice. In total disregard of the therapeutic value of work in jails, rigorous imprisonment continues on the statute book implying that the inmates are in jail for punishment and, therefore, must be given hard work. The jails continue to function in a compartmentalised manner having little or no coordination with other correctional services let alone with other sectors of the criminal justice system. These are some of the instances which bring out the lack of clarity in policy objectives. As a matter of fact, in spite of all the pronouncements on modernisation and upgradation of jails, a national policy on corrections is yet to be thrashed out.
REFERENCES

Das, S. 1977
Durkheim, E. 1938
Freeman, H. E. & Sherwood, C. C. 1970
Hopkins, E. W. Ed. 1971
Kane, P. V. 1946
Khan, M. Z. 1976
Korn, R. R. and McCorkle, L. W. 1958
Kothari, R. 1970
Lombroso, C. 1911
Malcolm, J. 1824
Mueller, M. 1890
Orland, L. 1975
Roy, P. C, Ed. 1973
Sarkar, J. 1935
Shastri, R. 1967
Sykes, G. M. 1978
Tucker, F. 1961
U. S. Government 1967

Crime and Punishment in Ancient India, New Delhi: Abhinav Publications.
"Work Programmes in Correctional Institutions". Social Defence, 11, 43.
Politics in India, Boston: Little Brown.
Mahabharata (translated from Sanskrit), 3rd Ed. New Delhi: Munshiram Manohar.
Mughal Administration, Calcutta: M. C. Sarkar & Sons.
Criminology, New York: Harcourt, Brace and Janovich.
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