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ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

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Editorial

The Global Prison trends Report 2023 was released in June this year indicates that the global prison population stands at 11.5 million . The United States of America with an imprisonment rate of 629 per one lac population, has the largest number of inmates with 1.84 million in its prison system. India is at number four behind Brazil and China. 120 countries have high prison occupancy rates , with some countries like Haiti, Congo, Uganda ,Philippines, Cambodia having extreme overcrowding. While the pandemic had presented an opportunity to end the era of mass incarceration there has been a steady increase in prison population. The biggest drivers of prison overcrowding is the excessive use of pre-trail detention. Over three million people are held in pre trial detention, which may last for years. Extreme overcrowding in parts of Asia is largely due to the punitive drug policies. The report is really useful in understanding the trends prevalent and developments in the prison systems of countries.

India also continues along with Nigeria to have around 70% of pre trial population in prisons. Around 18 lakh prisoners are admitted to prisons in India each year. The Prison Statistics 2021 indicates that 391 out of the 1319 prisons in the country were severely overcrowded, having an occupancy of 150 per cent or more. Most of these inmates are undertrials, many of whom are unable to provide bail sureties. A number of undertrials are languishing in prison because of lack of family support or are financially weak. Roughly 32 per cent of the more than 5 lakh inmates across India belong to socio-economically weak SC and ST sections. Undertrial numbers are related to unwarranted arrests , lack of effective representation, and reluctance to use alternate remedies. NALSA's report submitted to the Supreme Court states that as of 31st January, 2023 there are 5000 undertrials who were in custody despite being granted bail, and 2357 persons were provided legal assistance.

One of the priorities of this year's Budget, under the Guiding 'Saptarishis' is Reaching the Last Mile. 'Support for Poor Prisoners' was announced by the Hon'ble Finance Minister. It envisages provision of required financial support to poor persons who are in prisons and unable to afford the penalty or the bail amount. This will enable poor prisoners, majority of whom belong to socially disadvantaged or marginalized groups with lower education and income level, to get out of prison. Relief to those poor prisoners is really essential.

To further strengthen the process, technology driven solutions will have to be put in place to ensure that benefits reach the poor prisoners. The District Legal Services Authority will have to be strengthened and sensitization and capacity building of all stakeholders is essential to ensure that quality legal aid is made available to needy poor prisoners. The ICA Newsletter covers the Institute's activities and we hope to engage with the Prison Department for policy changes and continuous training of Prison Staff.

Dr. Upneet Lalli

Courses/Workshops organised by the Institute of Correctional Administration, Chandigarh for the period from 01.12.2022 to 31.03.2023

Sr. No.	Theme of the programmes	Course for	Dates	No. of Officers
	December, 2022			
1.	Three days Training Programme on "Prisoner's Rights & Entitlement – Laws, Policies And Apparatus, National And International Perspective, An Update" Sponsored by BPR&D, New Delhi	Prison officers	14th – 16th December, 2022	12
	February, 2023			
2.	Five Days Training Programme on "Trainers (TOT)" Sponsored by BPR&D, New Delhi	Prison officers & Trainers	06th – 10th February, 2023	12
	March, 2023			
3.	Online Colloquiumon "Prison Reforms" In collaboration with Indian Police Foundation	Prison Officers	10th March, 2023	50
4.	Five Days Training Programme on 'Gender Sensitization' Sponsored by BPR&D, New Delhi	Prison Officers	20th-24th March 2023	15

Total Number of Courses and Prisons Officers/Others Trained in the Training Programmes from 01.12.2022 to 31.03.2023

Total Training Programme conducted	:	04
Total Prison Officers Trained	:	88

Details of State Wise Prison Officers who participated in the Training Programmes from 01.12.2022 to 31.03.2023

Sr. No.	State/U.T.	DIG/ IG	Supdtt.	Dy. Supdtt.	Asstt. Supdtt.	Head Warden/ Warder	Other Prison Officers	Total
1.	Delhi	-	-	2	8	2	-	12
2.	Punjab	1	-	2	2	-	-	5
3.	Haryana	-	12	8	20	-	-	40
4.	Himachal Pradesh	-	-	4	-	-	-	4
5.	Jammu & Kashmir	1	1	2	-	-	-	4
6.	Uttarakhand	-	1	4	-	3	-	8
7.	Chandigarh	-	-	-	3	-	-	3
8.	Madhya Pradesh	-	-	-	1	-	1	2
9.	Karnataka	-	4	-	-	-	-	4
10.	Rajasthan	-	3	-	-	-	1	4
11.	Ladakh	-	-	1	1	-	-	2
	Total	**2**	**21**	**23**	**35**	**5**	**2**	**88**

Activities in the Institute from December 2022 to March 2023

Three-Days Training Programme On "Prisoner's Rights & Entitlement – Laws, Policies and Apparatus, National and International Perspective, An Update" Sponsored by Bureau of Police Research & Development, (BPR&D), New Delhi, 14th to 16th December 2022

The aim of this programme was to create awareness about prisoners' rights and entitlements. A total of 12 Prison officers of middle and senior rank participated in this training programme. The objectives of the training programme were: To create awareness about Human Rights in Prison management, update the participants about the laws on prisons and the International Human Rights framework on prisons, make the participants aware of the Landmark Supreme Court judgements on Prisoner's Rights, discuss the Rights of Women Prisoners and the Bangkok Rules, sensitize about legal rights and issues of prison management and legal issues on Temporary Release of Prisoners. Ms Rani Bindu Sachdeva, IPS, Director, CDTI, Chandigarh inaugurated the training programme. Experts on prison management and the law who discussed the various topics were; Dr. M.R. Ahmed, Former IG of Prisons, A.P. & Former Director APCA, Vellore; Sh. Jagjit Singh, IG Prisons, Haryana; Dr. K.P. Singh, IPS (Retd.), D.G. Police & Prisons, Haryana; Dr. Deipa Singh, Advocate & Former Advocate General, Punjab & Haryana High Court, Chandigarh; Dr. Upneet Lalli, Head (Training & Research), ICA, Chandigarh; and Dr.Seema Deswal, Course Coordinator-cum-Research Assistant, ICA, Chandigarh. Sh.Nitin Kumar Yadav, IAS, Home Secretary-cum-Director, ICA, Chandigarh was the Chief Guest in the valedictory function.



Ms. Rani Bindu Sachdeva, IPS, Director, CDTI, Chandigarh Inaugurated the Training Programme On "Prisoner's Rights & Entitlement – Laws, Policies And Apparatus, National And International Perspective, An Update" Sponsored by BPR&D, New Delhi



Sh.Nitin Kumar Yadav, IAS, Home Secretary-cum-Director, ICA, Chandigarh at the Valedictory Function of the Three DaysTraining Programme On "Prisoner's Rights & Entitlement – Laws, Policies And Apparatus, National And International Perspective, An Update" Sponsored by BPR&D, New Delhi

Five-Days Training Programme For Prison Officers On "Training of Trainers (TOT)" Sponsored by the Bureau of Police Research & Development, (BPR&D), New Delhi- 6th to 10th February 2023

The aim of the programme was to build capacity and competency of trainers / prison officers working in Prison training Institutes, and enable them to undertake responsibility of designing and conducting training courses. Trainers from Prison Training Schools and Prison Officers of middle and senior rank from the States of Haryana, Madhya Pradesh, and New Delhi, participated in this training programme.A total of 12 Prison officers of middle and senior rank from the States of Haryana (06), Delhi (03), Madhya Pradesh (02), and a Course Coordinator-cum- Research Assistant from ICA, Chandigarh also participated in this training programme. Sh. Inder Jeet Mittal, Master Trainer, Department of Personnel and Training (DOPT), Government of India; Sh. Jagjit Singh,



Dr. Upneet Lalli presenting a Memento to Sh. Inder Jeet Mittal, Master Trainer, DOPT, GOI



Dr K.P. Singh IPS. Former D.G. Police & Prison, Haryana distributing Certificates to the Participants in the Valedictory Function



Participants of 'Training of Trainers' Programmes Performing a Group Activity 'Broken Squares Exercise'

Inspector General of Prisons, Haryana; and Dr. Upneet Lalli, Head Coordinator (Training & Research), ICA, Chandigarh were the resource persons in this training programme. Dr. K.P. Singh, Former Director General of Police and Prisons, Haryana was the Chief Guest in the valedictory function.

Online Colloquium on "Prison Reforms" 10th March 2023 in Collaboration with Indian Police Foundation, Delhi

Indian Police Foundation (IPF) in partnership with the Institute of Correctional Administration, Chandigarh organized an online colloquium On "Prison Reform" on 10th March 2023. Serving and retired senior police and prison officers, academicians, researchers, lawyers and judicial officers participated in the colloquium. Distinguished experts and other eminent professionals who addressed the colloquium include- Shri N.Ramachandran IPS (Retd) President of the IPF; Dr. M.R. Ahmed (Retd), former Director APCA, Vellore; Shri Somesh Goyal IPS (Retd), former Director General of Police & Prison, Himachal Pradesh; Prof. Vijay Raghavan from Centre for Criminology and Justice, Tata Institute of Social Sciences Mumbai; Dr. K.P. Singh IPS (Retd), Director, IPF Centre for Prison Reforms and former Director General of Police & Prisons, Haryana; Dr. Ish Kumar IPS (Retd), Director, IPF Centre for Internal Police Reforms and former Director NCRB and; Dr. Upneet Lalli. The participants were keen to raise questions to the panelists.

The following recommendations on Prison Reforms were finalised after the deliberations-

1. Subject matter of Prisons and Prisoners, mentioned as 'Entry 4 in List II – State List'should be shifted to 'List III – Concurrent List' in the Seventh Schedule of the Constitution of India, to bring in uniform standards of correction policies and practices throughout the country.
2. To achieve the objective of correction, All India Prison Service should be constituted. National Commission for Prisons should be established and prisons should be included in National Development Plan.
3. Alternatives to imprisonment at all stages like community service, electronic monitoring, probation, suspended sentence, dusk to dawn custody, open prisons, status penalty etc., should be embedded in laws and procedures.
4. Post Release Rehabilitation of Prisoners' should be included as added responsibility of prison administration, in collaboration with other departments of the government.
5. Revamping of prison training infrastructure in all states to

impart extensive training, including setting up of National Academy of Correctional Services should be the utmost priority of the state government and central government should provide funds for it.

6. Policy issues for improving work environment and motivating the prison staff should be addressed by sanctioning adequate staff and improving their service conditions.

7. Services of law officers, counsellors, technical staff and intelligence set up should be made available in each jail. Prison Modernisation Scheme, on the pattern of Police Modernisation Scheme should be chalked out by the MHA.

8. Central government should issue guidelines to ensure time bound disposal of mercy petitions and applications of premature release.

9. Premature Release Policy and scale of remissions to be awarded by prison authorities should be standardised, to ensure uniformity in their application nationwide.

10. Prisons should be opened for NGO's and non-official visitors for ensuring prisoners welfare and speedy redress of their grievances.

11. Standard Operating Procedures should be prescribed to facilitate prisoners coming out of jail for work during the day time.

The full recommendations are shared on the ICA Website.

Five-Days Training Programme for Prison Officers/Staff On"Gender Sensitization"Sponsored by the Bureau of Police Research & Development, (BPR&D), New Delhi From 20th to 24th March 2023

The Institute organised a five days training programme on the theme of "Gender Sensitization" sponsored by the Bureau of Police Research & Development (BPR&D), New Delhi. A total of 15 prison officers from the States of Haryana, Delhi, Uttarakhand, and Chandigarh participated in this training program. The main aim of this training program was to impart knowledge and skills on Gender Issues and develop gender sensitivity. Eminent Experts Prof Nishtha Jaswal, Vice-Chancellor, Himachal Pradesh National Law University, Shimla; Dr. Deipa Singh, Former Advocate General, Punjab & Haryana High Court, Chandigarh; Ms. Garima Singh, IRS, Secretary Finance, Punjab; Dr. Jyoti Seth, Former Professor, Dept. of Sociology, PGGCG- 42, Chandigarh; Prof. (Dr). Rainuka Dagar, Program Director, Afro-Asian Association for Justice Development (AAAJD); Ms. Khadijah Faruqui, Advocate and Activist, Delhi; and Ms. Dhananjay Chauhan, President Saksham Prakriti Welfare Society, Transgender Activist & Researcher, Chandigarh were invited as Resource Persons. Various participative exercises, films were shown to the trainees. The Training Manual on 'Gender Sensitization' that was designed for BPR&D formed the basis to conduct this training programme. Mrs. Madhvi Kataria, IAS, Director, Social Security Women and Child Development, Punjab was the Chief Guest in the Valedictory function. In her valedictory address, she motivated the staff to practice gender sensitivity and be more aware of their responses and actions.

A UNODC Regional Consultation on 'Health in Detention' was held in Bangkok (1-3 March, 2023).

Dr. Upneet Lalli was invited as an expert for this workshop. Prison officials from Thailand, Vietnam, Laos, Cambodia, Philippines, Indonesia, Maldives, Malaysia, Sri Lanka, India, and Bangladesh participated .The workshop provided a platform for prison officials to share experiences, challenges, lessons learned, and solutions toward improving prison health.

Mr. Marco Teixeira, ROSA Regional Representative UNODC opened the consultation , Mr. Brett Pettit, INL Deputy Director in his opening remarks stated that drug courts have been successful and alternatives to imprisonment are required to be implemented. Ms. Karin Anderson Corrections Adviser UNODC NY gave an overview of the International Standards in the Treatment of Prisoners.Dr. Ehab Salah Prisons and HIV Advisor, UNODC Vienna, informed that 30 million people enter the prison system in a year. Prof Raymund Narag of Southern Illinois University spoke about Prison Decongestion. A visit to



Dr. Upneet Lalli at the UNDOC Regional Consultation on 'Health in Detention' at Bangkok March, 2023



Participants and ICA Faculty at Model Jail Chandigarh on Field Visit as a Part of Training



Prof. (Dr). Rainuka Dagar Interacting with the Participants in the 'Gender Sensitization' Training Programme



Dr. K.P. Singh former DGP and Sh. Somesh Goel, IPS former DGP and Participants of the Online Colloquium on 'Prison Reforms'

Thonburi Remand Prison gave a first hand view of the health facilities there. Dr Upneet Lalli focused on Mental Health in prisons. It was a very useful workshop, in which developments in prison system of S. Asian region were shared.

India Justice Report (IJR)-2022

The India Justice Report (IJR) 2022 was released in April 2023. It is a comprehensive document that provides a quantitative index using the government's own statistics to rank the capacity of the formal justice system operating in various states. It continues to track improvements and persisting deficits in each state's structural and financial capacity to deliver justice based on quantitative measurements of budgets, human resources, infrastructure, workload, and diversity across police, judiciary, prisons and legal aid for all 36 states and UTs.

Legal Aid:

A) 9,417 is the reduction in the number of Legal services clinics dropping to 4,742 (2022) from 14,159 (2020).

B) 7,322 crore the total value of settlement by National Lok Adalats between 2021-2022

Prisons:

A. In 32 states, the share of undertrials is more than 60%.

B. 24 states/UTs provided education to less than 5% inmates during 2021.

C. 5 states i.e., Goa, Arunachal Pradesh, Ladakh, Lakshadweep and Daman & Diu did not provide any vocational training to inmates in 2021.

Inside Punjab Prisons A Study on Prison Conditions by The Commonwealth Human Rights Initiative (CHRI)- 2022

Highlights of the Study:

- **Jails with Deaths (Top five):** Central Jail, Kapurthala (35); Central Jail, Ludhiana (33); Central Jail, Amritsar (27); Central Jail, Bathinda (15); and Central Jail, Faridkot (12).
- **Drugs:** Between September 2017 and August 2018, inmates' accused/charged/ convicted under the NDPS Act constituted 42.1 % of the prison population – with undertrials constituting 27.4% and convicts 14.7%.

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BEST PRISON PRACTICES

National

Assam Prisons: Ashirbad Anusthan 2021 initiative

Assam Prisons started a noble and unique initiative 'Ashirbad Anusthan' for the convicted parents and their young school going children living outside the prison. It was a praise worthy step of prison authorities for reformation and rehabilitation of prison inmates. Assam Prison Headquarters in Central Jail, Guwahati organized a get-together for the convicted parents and their children who were preparing for HSLC/High Madrassa and CBSE 10th final examinations. On 10th December, 2021 children took blessings from their parents, it boosted the morale of the convicted parents who were serving jail term. Shri Niraj Verma, Principal Secretary, Home and Political Department, Government of Assam was the Chief Guest in this event. He delivered a valuable and inspiring speech wherein he spoke words of encouragement for the children present. Each child of convicted inmate who was present there was given a kit containing a dictionary, school bag, pen, pencil and other articles. A thoughtful and meaningful gesture indeed. Children whose parents are inside prison need to be encouraged and motivated.

Source of Information:

https://prisons.assam.gov.in/portlets/best-practices

International:

Model Jail Chandigarh : 'Millet Sweets'

United Nations, the Food and Agriculture Organisation (FAO) on 6th December 2022 declared 2023- An International Year of Millets. A new initiative has been taken by the Model Jail Chandigarh along with The Kheti Virasat Mission (KVM) of making 'Millet Sweets' inside the prison. Various millet products like 'Bajra burfi', 'ragiladdoo', 'bajrasev', 'jowarchakli' and 'jowarmathi' made by prison inmates now will be available at the Nav Srijan, a shop run by the Model jail administration at Sector 22, Chandigarh. Model Prison is the first prison in the country which has introduced the millet products made by the prison inmates. The inmates will be provided training in making millet food items such as flour, pasta, cake, pizza base, cookies, etc., said Dr. Palika Arora, PCS, Additional Inspector General of Prisons, Chandigarh. Millet crops aligns with several UN Sustainable Development Goals (SDGs) as crops like pearl millet (bajra), finger millet (ragi) and sorghum (jowar) require less water, low maintenance, and grow quickly comparatively to other crops. Millets are a good source of protein, fiber, key vitamins, and minerals.

(Source of Information:
https://www.tribuneindia.com/news/chandigarh/now-get-sweets-made-of-millets-at-nav-srijan-in-chandigarh-466516



Dr Palika Arora, Additional Inspector General of Prisons, UT, with members of the Kheti Virasat Mission during the launch of millet sweets at Nav Srijan in Sector 22, Chandigarh

Australia: The Bridge Centre – Reintegration Centre

The Bridge Centre is a Community Reintegration Centre that supports clients transitioning into the community. It offers men the opportunity to continue their rehabilitation journey outside of prison with the support of a team of specialist post-release case-managers and community partners. A team of specialist Post-Release Case Workers provide ongoing case-management support across the breadth of individual reintegration needs. The main vision of the "Bridges" platform is to build cooperation with relevant entities from the public, private and third sector. Since 2019 to 2022, 98 working meetings (online or in person) were organised with 52 cooperating organizations. From beginning of the project, the social curator's methodologists provided interventions for 2,575 clients. During the period mentioned above, 61 convicted persons were interested in employment in one of 18 social enterprises.

The Bridge Centre offers a variety of programs and services that are targeted to support clients to stay connected to their families and the broader community. Clients who were engaging with a clinician and/or community agency whilst at Raven hall Correctional Centre, also receive the opportunity to continue their engagement post-release. The support offered allows clients to set and work towards achievable goals and increase positive community connectedness.

The convicted prisoners can gain work experience in cooperation with employers, develop work skills with the possibility of employment in social enterprises, deal with addiction problems, and re-establish social ties. This helps them to integrate into the community in cooperation with municipalities/ cities and churches.

Source of Information:
https://geogroup.com.au/centres/the-bridge-centre-reintegration-centre/

★★★

Supreme Court of India Judgment

IN THE SUPREME COURT OF INDIA
CRIMINAL APPEAL NO. 722 of 2021
BEFORE
HEMANT GUPTA J, AND A.S. BOPANNA J.J.
THE STATE OF HARYANA & ORS.
VERSUS
RAJ KUMAR @ BITTU
.....

Brief Facts

The State and the writ petitioner before the High Court, were aggrieved by an order passed by the learned Single Bench of the High Court of Punjab & Haryana at Chandigarh on 12.5.2020 whereby the policies of the State Government to grant remission to the prisoners were decided, directing the State to consider the feasibility of drafting a fresh policy particularly in respect of exercise of powers conferred under Article 161 of the Constitution.

The State government policies dated 28.9.1988, 19.11.1991, 8.8.2000 and 12.4.2002 were issued contemplating that cases of premature release would be considered on an individual basis after review by the State Level Committee falling within the purview of Section 433 of the Code and cases thereafter shall be put up to the Hon'ble Governor. However, the policy dated 13.8.2008 did not contemplate that the individual cases will have to be placed before the Hon'ble Governor.

Law Points

The relevant provisions of the Constitution of India and the Code of Criminal Procedure 1973, Article 161- Power of Governor to grant pardons etc., and to suspend, remit or commute sentences in certain cases. Section 432 of CrPC. Power to suspend or remit sentences. Section 433 CrPC. Power to commute sentence. Section 433-ACrPC. Restriction on powers of remission or commutation in certain cases.

Summary of the Judgment

The Hon'ble Supreme Court made a distinction between the 'power to grant remission' as exercised by the Governor and by the State Government ,and observed that the decision in State of Haryana & Ors. Vs. Jagdish, has been analysed in this light. Relying on the decisions in In Maru Ram v. Union of India & Ors. (1981) 1SCC,107 and the Union of India Vs. V. Sriharan, (2016) 7SCC1, found that the power under Article 161 of the Constitution can be exclusively exercised by the State Governments...the policies of the State Government are composite policies encompassing both situations under Article 161 of the Constitution and the Sections 432,433,433A of the Code .The remission under Article 161 of the Constitution will override Section 433A of the Code, if the State Government decides to be governed by its Constitutional power.

The exercise of this plenary power cannot be left to the fancy, frolic or frown of government, State or Central, but must embrace reason, relevance and reformation, as all public power in a republic must.

Power of Remission under the Constitution and its Exercise Vis-À-Vis Section 433-A

- The Court observed that statutory provisions under the Code of Criminal Procedure that deal with remission and suspension of sentences are separate from Article 161 of the Constitution of India and such statutory provisions cannot affect a constitutional power. The two powers are far from being identical and the constitutional power is 'untouchable' and "unapproachable' and cannot suffer the vicissitudes of simple legislative processes.
- However, the Court also explained that the Governor is bound by the advice of the State Government and "the Governor is but a shorthand expression for the State Government." Therefore, in reality, the power under Article 161 is utilized by the State Government and not the Governor.
- Rules are plainly made under the Prisons Act and not under the Constitutional power, the former falls under the pressure of Section 433-A.
- But, when a State Government frames a policy, it can adopt a composite approach and frame a common policy that encompasses both situations under Article 161 of Constitution of India and other statutory provisions. There is no bar that prohibits a State Government from framing such a policy.
- However, the Court cautioned that the power of clemency or pardon is to be exercised carefully and such power was never intended to be used in an unbridled manner as "it is a power which the sovereign exercises against its own judicial mandate. The act of remission of the State does not undo what has been done judicially. The punishment awarded through a judgment is not overruled but the convict gets benefit of a liberalised policy of State pardon."
- And lastly, the Court explained that a right to be considered for remission, keeping in view the constitutional safeguards of a convict under Articles 20 and 21 of the Constitution of India, must be held to be a legal one."

The Supreme Court set aside the directions issued by the High Court on the grant of remission. The power of remission is to be exercised by the State Government, as an appropriate Government, if the prisoner has undergone 14 years of actual imprisonment in the cases falling within the scope of Section 433-A of the Code and in case the imprisonment is less than 14 years, the power of premature release can be exercised by the Hon'ble Governor though on the aid and advice of the State Government. However, the State Government can consider the prisoner in question for premature release after undergoing imprisonment for less than 14 years only under Article 161 of the Constitution. ★★★

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