Vol.43, No. 2 • July, 2022

ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

Only for private circulation

Editorial

Changes in the law on Prisoner identification were long due. The Criminal Procedure (Identification) Act, 2022 , replaces the Identification of Prisoners Act, 1920.It widens the ambit of persons and the details that can be taken. The 37th Law Commission (1980) had recommended amending this law keeping in view the scientific advances. Understandably, investigation of crimes and fixing identity of the perpetrators are building blocks of the justice delivery system. It is of utmost importance that the identity of the offender is determined accurately. This law authorises police or prison officers to take 'measurements' of those who have been arrested, detained and convicted. The expanded list of details for convicts includes palm prints, iris and retina scans, behavioural attributes like signatures and handwriting, and other physical and biological samples. Prison administration will have to be geared up for not only having proper identification systems, but also ensuring and maintaining the privacy of the information.

Global Prison Trends is pivotal in bringing to light the information that is available to identify and highlight key trends affecting the 11.5 million people in prisons worldwide. There is 24% increase since 2000 (a rate slightly less than the estimated growth in the world's general population). Around 1 in 3 people in prison globally is held in pre-trial detention, without having been convicted or sentenced. Prison overcrowding remains at critical levels in some countries, with prisons operating above official capacity in 121 countries. COVID-19 measures have failed to reduce the global prison population Release measures to decongest prisons, seen particularly in the early stages of the COVID-19 pandemic, have largely been abandoned. As court backlogs have cleared, prison numbers have risen again, beyond pre-pandemic levels ,including in India. There is an increasing focus on use of alternatives to imprisonment.

Improving digital literacy of people in prison is emerging as a key priority .Many prisons across all regions are seeking to increase access to the Internet and equip people in prison with digital literacy skills, recognising the central role of digital technology in navigating life outside prison. India too will have to identify the priorities for prisons in terms of achieving the goal of Sustainable Development goals of 2030,which call for no one to be left behind. Education and training will play a crucial role and within prisons these activities will help in prisoner rehabilitation and reintegration.

International Women's day commemorates Women's right and gender equality The theme this year was #Break the Bias. A diverse, equitable and inclusive work place is much required .Hope that in prison administration also, the biases will be broken and it will be more gender inclusive.Kudos to all the women working in Prison Administration !

Dr. Upneet Lalli

Calendar of Online Webinars / Training Programs for Prison / Police Officers during the period from January to June, 2022

Sr. No.	Theme of the programmes	Course for	Dates	No. of Officers
	MARCH, 2022			
1.	One-day colloquium on '*Breaking the Barriers: Unraveling the Impediments in Career Augmentation for Women'* in collaboration with the HPNLU, Shimla	Prison officers	08th March, 2022	74
2.	One-day online Webinar on 'Temporary Release of Prisoners : Parole, Furlough and Remission – The comparison of State Policies'	Prison officers	24th March, 2022	75
	MAY, 2022			
1.	One-day Webinar on 'Departmental Inquiry and Disciplinary Proceedings'	Prison Officers	24th May, 2022	48

List of Prison Officers who participated in the Training Programmes/Webinars during the period from 01.01.2022 to 30.06.2022

Total prison officers trained	:	177	Online courses / workshops for prison officers and others	:	03
Faculty/Other officers trained	:	20			
Total officers trained	**:**	**197**	**Total courses organized**	**:**	**03**

State-wise participation of Prison Officers from 01.01.2022 to 30.06.2022

Sr. No.	State/U.T.	Supdtt.	Dy. Supdtt.	Asstt. Supdt.	Total
1.	Delhi	01	17	12	30
2.	Punjab	23	09	19	51
3.	Haryana	04	14	23	41
4.	Himachal Pradesh	04	05	05	14
5.	Rajasthan	03	04	-	07
6.	J & K	07	02	01	10
7.	Uttarakhand	05	-	-	05
8.	Chandigarh	-	02	02	04
9.	Assam	05	-	-	05
10.	Uttar Pradesh	04	03	03	10
	Total	**56**	**56**	**65**	**177**

Activities in the Institute from January to June, 2022

Breaking the Barriers: Unravelling the Impediments in Career Augmentation for Women **held on 8th March, 2022**



Speakers and Participants of the Webinar on *Breaking the Barriers: Unravelling the Impediments in Career Augmentation for Women*

An online Colloquium on ***''Breaking the Barriers: Unravelling the Impediments in Career Augmentation for Women'*** was organized by the Institute of Correctional Administration, Chandigarh in collaboration with Centre for Child and Woman Studies, Himachal Pradesh National Law University, Shimla, on International Women's Day i.e. on 8th March, 2022. Fifty-four Prison Officers from the States of Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Delhi, Jammu and Kashmir, Rajasthan, and 20 faculty members of HPNLU, Shimla participated in the Webinar. The distinguished key speakers during this colloquium were, Prof. (Dr). Nistha Jaswal, Vice Chancellor, HPNLU, Shimla, H.P., Ms. Shubhra Tiwari, IPS, Commandant, 6th IRBn Kolar, Sirmour, H.P., Dr. Upneet Lalli, Head Coordinator (Trg. & Res.), ICA, Chandigarh., Ms. Rajni Sehgal, Superintendent Jail, Jammu, Dr. Deipa Singh, Former Addl. Advocate General, Haryana., and Ms. Navditya Tanwar, Director, Centre for Child & Women Studies, HPNLU, Shimla.

The Colloquium benefitted not only the main stakeholders involved in the protection and administration of justice at various levels but also the academicians, students, policy makers and community as a whole in identifying the prospective roles and functions of society in augmenting the career development for women. The barriers- both internal and societal need to be take care of by women to achieve greater heights.



Ms. Rajni Sehgal Senior Superintendent, Central Jail Jammu and other Prison Officers

Webinar on 'Temporary Release of Prisoners : Parole, Furlough and Remission–The comparison of State Policies held on 24th March, 2022

The Institute of Correctional Administration conducted a one-day webinar on 'Temporary Release of Prisoners : Parole, Furlough and Remission – The comparison of State Policies' on 24th March, 2022 for Prison officers of various States. In this webinar, 75 prison officers from



Sh. Praveen Kumar Sinha, IPS, ADG Prison, Punjab Addressing the Prison Officers

various states participated. The aim of this Webinar was to make the Prison Officers aware of the legal aspects of parole, furlough, remission and the related policies and practices in some states. The Resource Persons for the training programme were, Dr. K.P. Singh, IPS, Former D.G. Prisons, Haryana; Sh. Praveen Kumar Sinha, IPS, ADG Prisons, Punjab; Sh.Jagjit Singh, I.G. Prisons, Haryana; and Sh. Paras Mal Jangid, Principal, Jail Training Institute, Ajmer, Rajasthan.

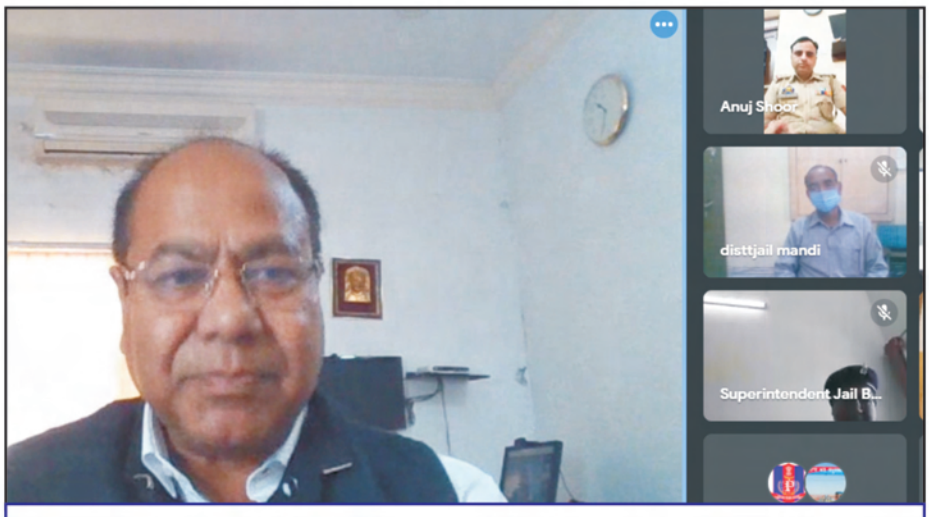
Dr. K.P. Singh, IPS discussed in detail with the participant the topic of 'Legal concept of Parole, Furlough and Remission'. He clarified the misconception / doubts about Parole, Furlough and Remission of the prison officers. Sh. Praveen Kumar Sinha, IPS, ADG Prison, Punjab shared with the participant's policy of Punjab on Premature Release of Prisoners'. Similarly Sh. Jagjit Singh, I.G. Prisons Hayana, discussed with the participants in detail policy of Haryana on Premature Release of Prisoners. Sh. Paras Mal Jangid, Principal, Jail Training Institute, Ajmer, Rajasthan also shared policy of Rajasthan on Premature Release of Prisoners. Participants found the webinar extremely useful and appreciated the knowledge that resource persons provided.

Online Workshop on 'Departmental Inquiry and Disciplinary Proceedings held on 24th May, 2022

The Institute of Correctional Administration conducted a one-day online Workshop on 'Departmental Inquiry and Disciplinary Proceedings' on 24th May, 2022. A total of 48 prison officers participated in this webinar. The aim of this webinar was to make the Prison Officers aware of the legal aspects of departmental inquiry and disciplinary proceedings. The Resource Persons for the training programme were Prof. (Dr.) Nishtha Jaswal, Vice Chancellor, HPNLU, Shimla, Himachal Pradesh; and Sh. S.P. Arora, HCS (Retd.) Chandigarh.

Prof. Nishtha Jaswal, Vice Chancellor, HPNLU, Shimla spoke on 'Principles of Natural Justice' explained the procedure for conducting an inquiry as laid down in the Punishment and Appeal Rules which provides for two types of punishment i.e. minor and major.

Sh. S.P. Arora, HCS, Chandigarh dealt with the topic on 'Procedure to Conduct Departmental Inquiry' and 'The Government Employees (Conduct) Rules, 1966'. The participants really appreciated the course which made them aware about the service rules and regulations and how disciplinary proceedings may be initiated.



Dr. K.P.Singh, IPS former DGP, Haryana Addressing the Prison Officers

A New Jail at Nuh (Haryana)

The state of Haryana has added a new prison at Nuh with capacity of 1000 prisoners. The Hon'ble Chief Minister-Sh. Manohar Lal Khattar inaugurated the prison on 14.02.2022. Constructed at a cost of Rs 68 crore, it is spread over 29 acres of land and is very well designed. A training workshop under the guidance of Mohd.Akil, Director General of Prisons, Haryana was also conducted for the jail superintendents to improve the prison administration and security. It was heartening to see that Hon'ble Chief Minister Sh. Manohar Lal Khattar also keenly attended all the training sessions and resolved the critical issues of the Prison Department. Many dignitaries such as Hon'ble Minister of Jails, Home Secretary, Director General of Police and other senior officers were also present in the training programme. It was an honour for me to deliver a session on training and personnel management at this event.





Hon'ble Chief Minister Manohar Lal Khattar Inaugurated the Newly Constructed Prison at Nuh, (Haryana) on 14th February, 2022

Release of Handbook on 'Drugs and Substance Abuse'

A handbook on 'Drugs and Substance Abuse' was released by worthy Home Secretary-Cum-Director of the Institute, Chandigarh Administration and Members of Advisory Committe of ICA. The copies of the book have been circulated to the Prison Departments of various states such as Haryana, Punjab, Himachal Pradesh, Rajasthan, Uttarakhand, Chandigarh and Ministry of Home Affairs, New Delhi. The handbook provides useful information about types of drugs and drugs related harms as well as treatment aspects. Drug abuse is a real challenge in prisoners and prison staff need to learn how to handle drug addicts.



Handbook Release by Sh. Nitin Kumar Yadav, IAS,
Home Secretary, U.T. Chandigarh and Members of Advisory Committee of ICA

BEST PRISON PRACTICES

International



The Yellow Ribbon Project of Singapore is recognised globally as one of the best practices for prisoner's reintegration. It started on 2 October 2004, is a community initiative organised by the Community Action for Rehabilitation of Ex-offenders (CARE) Network in Singapore. The Yellow Ribbon Project's objective is to raise awareness of the need to give second chances to ex-offenders and their families and inspire community action to support rehabilitation and reintegration of ex-offenders back into society. One of the Yellow Ribbon Project's signature annual events is the Yellow Ribbon Prison Run. Funds raised through the event go towards the Yellow Ribbon Fund to rehabilitation and reintegration programmes for ex-offenders and support programmes for their family members. The ICA newsletter has covered it in its earlier edition. This best practice has been adapted in many other nations as well.

The European Prison and Correctional Services

The 7th year of the Czech YRR was dedicated to the often forgotten victims of crimes – "offenders' children". Altogether 700 hundred people supported the Yellow Ribbon Run (YRR) 2022 by either running the main track (relay teams of four people, 16km in total) or completing the individual virtual run (2k or 4k options). There were roughly 160 prison service staff attending the main event in Prague and 290 prisoners completed the virtual run within the prison walls. 20 colleagues from Singapore Prison Service cradle for the YRR – also participated in the virtual run!



National

Good Prison Initiatives Taken in the State of Maharashtra are being shared in this newsletter.

Nagpur Central Jail: Best Practices on Nursing Assistant

Nagpur Central Jail organises different programmes for the inmates at regular intervals. The aim of the programmes is not just limited to entertainment of the inmates; however they focus on skill learning also which shall help support the rehabilitation inmates



D.I.G. Mrs. Swati Sathe and Other Prison Officers,
at Nursing Assistant Training Programme for Nagpur Jail Inmates

post release. The motto of this prison is 'Reform and Rehabilitation.' Following this motto a nursing Assistant training was organized for all the inmates. A total of 20 prisoners registered themselves for this training. Such learning not only shall help the trained inmates to get employment after release, it shall also support better care and timely treatment to aged, mentally ill and sick fellow inmates. Registered inmates are trained to put patient on the bed, taking the patient from the bed on the stretcher, taking great care of the patient's back while shifting, how to feed food to the patient through tube, methods on aged persons massage in the same way. How to measure body temperature and blood pressure, and counting pulse were also taught to the inmates. It is a unique initiative and one of its kinds in India. Other states also may start such vocational training programmes for inmates in their respective prisons.

One Station One Stall

On the occasion of celebrating 75 years of Independence Prime Minister Shri Narendra Modi brought the concept of 'One Station-One Stall'. Under this concept, women's savings group, and items made in the domestic home industry should be made available at every railway station for the sale so that small industries get encouragement. On this line D.I.G. Mrs. Swati Sathe intensified her efforts to install a stall at the railway station of products made by the inmates. Thus stalls were set up at *Ajni* railway station to sell goods and items manufactured by the prisoners of Nagpur jail. The installed stalls at the railway station had products like, handkerchiefs, towels, sheets, bed-sheets, slippers, stand, rugs, cupboards, shawls, and Nagpur weaver sarees made by the prisoners. Since all the products were of good quality, they received a good response by the consumers. Such programmes keep inmates productively occupied, mentally healthy and they earn a good income too. This also helps the prisoners to start earning post their release.



D.I.G. Mrs. Swati Sathe Showing Stall of Prison Made Products
at Ajni Railway Station, Nagpur

Supreme Court of India Judgment

IN THE SUPREME COURT OF INDIA
CRIMINAL APPEAL NO. 714 OF 2022
(ARISING OUT OF SLP (CRIMINAL) NO. 7887 OF 2021)
ATBIR
..... APPELLANT (S)
VERSUS
STATE OF NCT OF DELHI
.....
RESPONDENT(S)
(Hon'ble Mr. Justice Maheshwari & Hon'ble Mr. Aniruddha Bose)

Issue:

Eligibility for getting remission is not a pre-requisite for obtaining furlough. The scheme of granting furlough is based on the reformation approach and is an incentive for inmates for maintaining good conduct.

The appellant was charged under Section 302 of the Indian Penal Code, 1860 on criminal accusation that he caused death of his step-mother, step-brother, and step-sister by multiple knife-blows. After trial, in Additional Sessions Courts, Delhi, and then in the High Court, Delhi, the appellant was confirmed a case falling in 'rarest of the rare category', and was sentenced to death penalty and life imprisonment was awarded to the co-accused. The appellant is to serve imprisonment for whole of his natural life without parole and without any remission. However, he made an application for grant of furlough in terms of Delhi Prison Rules, 2018, which was rejected by the Director General of Prisons by the order dated 21.10.2019.

Held:

With regard to issue raised in this matter, it is necessary, in the first place, to take note of the relevant applicable provisions. The Supreme Court, through its various pronouncements, laid down the differences between parole and furlough, few of which are as under:

(i) Both parole and furlough are conditional release.

(ii) Parole can be granted in case of short-term imprisonment whereas furlough is granted in case of long-term imprisonment.

(iii) Duration of parole extends to one month whereas furlough extends to fourteen days maximum.

(iv) Parole is granted by Divisional Commissioner and furlough is granted by the Deputy Inspector General of Prisons.

(v) For parole, specific reason is required, whereas furlough is meant for breaking the monotony of imprisonment.

(vi) The term of imprisonment is not included in the computation of the term of parole, whereas it is vice versa in furlough.

(vii) Parole can be granted number of times whereas there is limitation in the case of furlough.

(viii) Since furlough is not granted for any particular reason, it can be denied in the interest of the society.

The Bench maintained that, in the Rules of 2018, the eligibility requirement to obtain furlough is of '3 Annual good conduct reports' and not '3 Annual good conduct remissions'. The expressions employed in Clause (I) of Rule 1223 of the 2018 Rules are that the prisoner ought to maintain 'Good conduct in the prison and should have earned rewards in last 3 Annual good conduct reports' and further that inmate should continue 'to maintain good conduct'.

The Bench enunciated that even if the appellant is to remain in prison for the whole of remainder of his life, the expectations from him of good conduct in jail would always remain; and the lawful consequences of good conduct, including furlough, cannot be denied, particularly when the same has not been prohibited in the order dated 15.11.2012. Taking the case of the appellant, he is a person convicted of multiple murders. Therefore, the requirement of Rule 1225 of the Rules of 2018 may come into operation. However, it cannot be said that his case would never be considered for furlough.

Order

The blanket denial of furlough to the appellant, was done for grant of furlough open for examination by the concerned authorities in accordance with law was allowed; the impugned order dated 02.08.2021 as passed by the High Court of Delhi and the order dated 21.10.2019 as passed by the Director General of Prisons, Prison Headquarters, Tihar, Janakpuri, New Delhi were the case of the appellant for grant of furlough is restored for reconsideration of the said Director General of Prisons. In sum, The Apex Court made it abundantly clear that the prisoner is definitely entitled to seek furlough even if he is not eligible for sentence remission.

★★★★

Please share your success story and best practices in corrections by writing to us at ica26chd@gmail.com

To register your name in the mailing list, please write to us :
Institute of Correctional Administration
Sector 26, Chandigarh

You can also view the newsletter online at http:// www.icachd.net

Printed and Published by : The Director, Institute of Correctional Administration & Printed at Printing Centre, Chandigarh, 2702384