

**Training Manual for Specialised Course for Prison Warders
(Warder to Chief Head Warder)
on
Custody of Prisoners and Search Procedures
(one week)
2022**



**Bureau of Police Research and Development
Ministry of Home Affairs
NH-48, Mahipalpur
New Delhi- 110037**

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Published by Bureau of Police Research & Development, Ministry of Home Affairs,
Mahipalpur, New Delhi, India

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Message

Capacity Building of the prison staff is one of the key components of Prison Reforms. This equips the Prison Officers and Staff with the essential knowledge, skills and attitude to diligently discharge their duties in varied and complex areas related to Prisons and Correctional Administration. The MHA has mandated the BPR&D to prepare Training Manuals which can be circulated to all States and UTs for training purposes.

Services of 11 Individual Consultants with subject matter expertise were hired in 2021 to prepare the 50 Prison Training Manuals for various categories of Staff in Prisons. Numerous rounds of stakeholder consultations were held to finalize the drafts. The Manuals have adopted the contemporary principles of training and learning for indoor and outdoor classes, field visits and practical sessions and these have been prepared in compliance with the national and international best practices, the laws of the land, and the technological advancements in Prisons & Correctional Administration. The drafts were also uploaded on the BPR&D website for inviting suggestions/feedback from the stakeholders and citizens.

I extend my special appreciation to the 11 Individual Consultants, the Special Consultant (Master Trainer, DoPT) and the members of the Monitoring Committee who were instrumental in the preparation of these 50 Prison Training Manuals.

I am sanguine that these Manuals will bring about standardization of the training procedures and contents to a large extent and also facilitate capacity building of the Officers and Staff of the Prisons and Correctional Administration in the country.

(Balaji Srivastava)

"Promoting Good Practices and Standards"

Patron

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DAY-1

Learning Unit (LU)

LU-1	Custody
LU-2	Search Procedures
LU-3	Existing Practices Related to Search

DAY-2

LU-4	Contrabands and Prohibited items
LU-5	Means and Methods of Concealment of Contrabands

DAY-3

LU-6	Right to Privacy, Dignity and concerns while conducting Search on inmates
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LU-7 Search on Vulnerable Groups

DAY-4

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participants

DAY-5

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Emergence of the Course

The BPR&D has prepared 50 Prison Training Manuals for various ranks of Staff and Officers in Prison Administration under the categories viz., 05 Basic Courses, 08 In-Service Courses, 30 Specialized Courses, 02 Vertical Interaction Courses and 05 Handbooks for improving the quality and standardizing training of all Prison Officers and Staff across the country and to augment professional competency and capacity building of Prison Officers and Staff.

These Prison Training Manuals are objectiveoriented, learner centric and are outcome of several brainstorming sessions, consultative meetings (Online and Offline) and workshops for conceptualizing the drafts. Comments of the Monitoring Committee, Reports of Training Needs Analysis (TNA) for Prisons & Correctional Administration, and National Training Policy (2012) have also been taken into account. In addition, various national and international practices, MHA Advisories, Landmark Judgements of the Apex Court and the High Courts, Statutory Acts/Rules have also been referred to in course of preparation of these training manuals. The design perspective of the Department of Personnel & Training, Government of India, has been adopted.

Introduction

This is the training manual for the course on ‘**Custody of Prisoners and Search Procedures**’ for Prison Officers. The objective of the course is to impart knowledge and skills on custody and search procedures to Prison Officers.

Invasive body searches lie at the crosshairs of the fundamental principle inherent under the human rights framework that the treatment of prisoners should be humane and respect the inherent rights and dignity of the person. In this context, this prison training manual is prepared with a focus on custody and search of prisoners.

There are a total of ten Learning Units. The course is designed in a way that it gives in-depth information about the topic, use of technology, relevant standards and methods used in other jurisdictions. The course would challenge the prison to transform the current practices towards more humane and dignified treatment of prisoners and respecting the privacy of the individual.

(FOR TRAINERS AND PARTICIPANTS)



COURSE GUIDE

**Training Manual for Specialised Course for Prison Warders
(Warder to Chief Head Warder)
on
Custody of Prisoners and Search Procedures
(one week)
2022**

INTRODUCTION

Prison work is complex, and requires that prison officers be trained on every aspect of imprisonment, in particular the aspects linked to the safety and security of prisons. In this context, this prison training manual is prepared with a focus on custody and search of prisoners.

AIM

To impart knowledge and skills on custody and search procedures to Prison Officers.

DESIGNED FOR

Warders to Superintendent of Prisons

FACILITATORS

In-House and Guest Faculty. The Guest Faculty can include serving / retired Senior Prison Officers, Police officers, in particular to those dealing with contraband items such as narcotic substances or airport security personnel who are trained at detecting contrabands, Legal experts including experts on privacy and Human Rights Laws, etc.

STYLE OF THE COURSE

This course is designed to facilitate learning by adoption of different learning methods, including presentation-based learning as well as experiential learning. It encompasses a series of learning events focused on every particular aspect linked to custody and search of prisoners, as well as search of visitors and staff. To enhance the learning experience, participants are expected to share their own experience of conducting search on persons entering prisons with others.

OBJECTIVES

At the end of the training, the participants will be able to-

Unit – 1

Training Objective

Explain the procedures related to ‘custody’

Enabling Objectives

1. Define ‘Custody’
2. Describe kinds of custody
3. Explain the procedures related to custody

Unit – 2

Training Objective

Explain the search procedures used inside prisons as per national and international standards

Enabling Objectives

1. Describe the purpose of conducting search
2. Describe kinds of search procedures
3. Explain the existing provisions and guidelines regulating search procedures

Unit – 3

Training Objective

Describe procedures related to search

Enabling Objectives

1. List the practices in relation to conduct of search and guidelines on selection of type of search, procedures, seizure of contraband etc.
2. Describe the existing practices
3. Identify procedures for search and seizure of contraband

Unit – 4

Training Objective

Identify contrabands and prohibited items that can be found during search

Enabling Objectives

1. Describe contrabands
2. Identify kinds of contrabands that may be found during search

Unit – 5

Training Objective

Explain the prevalent means and methods of concealment of contrabands

Enabling Objectives

1. Describe methods of concealment
2. Describe methods of concealment from other law enforcement agencies
3. Share experiences among participants to identify innovative concealing methods and ways to detect such instances

Unit – 6

Training Objective

Identify the implications of the right to privacy, dignity and safeguards to protect these

Enabling Objectives

1. Describe the intrusive nature of search procedures
2. Explain safeguards that can guide prison officers while conducting search
3. Identify the implications on the right to privacy and dignity of individuals during the search process

Unit – 7

Training Objective

Explain special requirements while conducting search on vulnerable groups of prisoners.

Enabling Objectives

1. Describe the groups of vulnerable prisoners
2. Describe special needs and vulnerabilities of each group of prisoners
3. Explain the process of addressing the special needs of vulnerable prisoners while conducting search

Unit – 8

Training Objective

Explain the alternative methods for conducting search

Enabling Objectives

1. Describe alternative methods to conduct search, including use of technology
2. State the advantages and limitations of alternative methods

Unit – 9

Training Objective

Demonstrate the practical application of procedures related to search through mock drill

Enabling Objectives

1. Describe the practices to conduct searches
2. Describe the process of documentation and report writing
3. Demonstrate skills of conducting effective searches on fellow participants, and disposal of items seized

Unit – 10

Training Objective

Prepare draft guidelines on conducting search on prisoners, prison staff, visitors and prisons

Enabling Objectives

1. List the reference material required for drafting guidelines for conduct of search
2. Prepare guidelines for conduct of search of prisoners (including those with special needs), staff, visitors, prison premises

ASSESSMENT

The priority during the Course is to assist participants to develop their skills. Assessment is, therefore, concerned with informal feedback and advice to individual participants.

TIME TABLE

DAY/TIME	CONTENT	OBJECTIVES
DAY-1 0915-1030	Registration Inauguration of the Course Ice Breaking Session & Ground Rules Course Objectives and Expectations of participants	
1045-1200	Definition of Custody Types of Custody Statutory provisions, Guidelines as per Prison Manuals, Procedures at the time of admission	1.1 1.2 1.3
1215 -1330	Purpose of conducting search Kinds of search procedures	2.1 2.2
1430 - 1530	Provisions and guidelines relating to search procedures	2.3
1545 - 1700	Practices related to conducting of search of prisoners, staff, visitors and other places inside prison premises	3.1 3.2 3.3

DAY/TIME	CONTENT	OBJECTIVES
DAY-2		
0915 –1030	Contrabands as defined in Prison Act/Manuals List of Prohibited Articles	4.1 4.2
1045 - 1200	Means and methods of concealment of contrabands in prisons	5.1
1215 - 1330	Methods of concealment from other law enforcement agencies	5.2
1430 -1630	Experiences of participants on kinds of contrabands and modes of concealment	5.3
DAY – 3		
0915 – 1000	Narratives of prisoners and videos	6.1
1000-1200	Safeguards for conducting search, International Standards and other guidelines	6.2
1215 -1300	Implications of search on Right to Privacy and Dignity of individuals	6.3
1430 – 1530	Vulnerable groups of prisoners	7.1
1545 –1700	Identifying vulnerable prisoners Address special needs of vulnerable prisoners	7.2 7.3

DAY/TIME	CONTENT	OBJECTIVES
DAY – 4		
0915 – 1030	Alternative methods for conducting search: Tools used in India and other countries	8.1
1045– 1200	Alternative methods for conducting search: Tools used in India and other countries (cont...)	8.1
1215 – 1330	Advantage and disadvantage of alternative methods	8.2
1430– 1700	Practices related to search Documentation and reporting Conduct of mock searches	9.1 9.2 9.3
DAY – 5		
0915 – 1030	Material on preparing guidelines International and national standards	10.1
1045– 1330	Group exercise	10.2
1430 – 1530	Group exercise (cont...)	
1530 – 1600	Feedback Session	
1600	Valediction	

Note:

Session I	0915 - 1030
Session II	1045 – 1200
Session III	1215 – 1330
Session IV	1430 – 1530
Session V	1545 – 1645
Yoga	0630 – 0730
Library	1700 – 1730
Sports	1730 - 1830
Tea Break	1030 - 1045 1200 – 1215 (Break) 1530 – 1545
Breakfast	0800 - 0845
Lunch	1330 - 1430
Dinner	1930 – 2100

(FOR TRAINERS ONLY)



TRAINER GUIDE

**SPECIALISED COURSE FOR PRISON WARDERS
(WARDER TO CHIEF HEAD WARDER)
ON
CUSTODY OF PRISONERS AND SEARCH
PROCEDURES
(ONE WEEK)**

INTRODUCTION

The 'Trainer Guide' is a comprehensive overview of the content and process of the Course. It is designed in a structured format that presents the assembled information and the planned activities with learning outcomes. Trainer Guide serves as a "Map" for sequential implementation of various content segments.

The Trainer Guide also:-

- Helps continuous recall;
- Provides scope for storing illustrations, faculty questions, anticipated participant's questions and appropriate responses;
- Contains details of points for briefing & debriefing of case studies, exercises, Films, etc.
- Serves as a reminder to administer exercises; and
- Guides on the use of media

Pre-Course Preparation

1. Get an idea on number and list of participants from the course coordinator
2. Resource Kit, Name plates, Name badges of participants,
3. Photocopies of handouts and exercises for participants should be kept separately and distributed before the session.
4. Brief introduction about Resource Persons / Guest Speakers
5. Permissions for field visit to prison

For Trainer

- a. Trainer Guide
- b. Glossary of Terms
- c. References

For Participants

- Course Guide
- Resource kit Tools, Checklists, Recommended Notes, Exercise, Case Studies, Soft Skills Material
- Project

DAY-WISE TIME TABLE

DAY – 1		
Time	Content	Remarks
0915 – 0930	Registration	Registration form-1 and Distribute Course Guide to participants. Participants should be given ten minutes to peruse and make any queries if necessary.
0930 – 1000	Inauguration	
1000-1030	Session –I: Ice–Breaking Session and Course Objectives Detailed Introduction: Name, Designation, Years of Service, Place of Posting	Ice-Breaking Activity: Bingo (Appendix 2) Instructions: Each participant should be given a print out of the table given in the appendix 2. They are required to speak to each participant and mention one name against each question. The person who completes this first, should be given a round of applause by the other participants. Every person to submit the sheet upon completion. The questions given are only for reference, they should be modified as per requirements.
1030-1045	Tea Break	
1045-1200	Session-II: Definition of Custody Types of Custody Statutory provisions, Guidelines as per Prison Manuals, Procedures at the time of admission	

1200 - 1215	Stretch Break	
1215 – 1330	Session-III: Purpose of conducting search Kinds of search procedures	Distribute HO-1 to all participants. Five participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1330 - 1430	Lunch	
1430 –1530	Session- IV: Provisions and guidelines relating to search procedures	
1545 - 1645	Session V: Practices related to conduct of search on prisoners, staff, visitors, and other places inside prison premises	
1630–1700	Tea Break	

DAY – 2		
Time	Content	Remarks
0900 – 0915	Recap	Ask Participants to Recap and Note on Flip Chart the learning points
0915 – 1030	Session- I: Contrabands as defined in Prison Act/Manuals List of Prohibited Articles	
1030– 1045	Tea Break	

1045 – 1200	Session- II: Means and methods of concealment of contrabands in prisons	
1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Methods of concealment from other law enforcement agencies	
1330 –1430	Lunch	
1430 – 1700	Session- IV: Experiences of participants on kinds of contrabands and modes of concealment	

DAY – 3		
Time	Content	Remarks
0900 - 0915	Recap	Ask Participants to Recap the learning points and Note them on Flip Chart
0915 – 1030	Session- I: Narratives of prisoners and videos in relation to search	
1030 – 1045	Tea Break	
1045- 1200	Session- II: Safeguards for conducting search, International Standards and other guidelines	Distribute HO-2
1200 – 1215	Break	

1215 – 1330	Session- III: Implications of search on Right to Privacy and Dignity of individuals	
1330 -1430	Lunch	
1430 – 1530	Session- IV: Vulnerable groups of prisoners	
1530 -1545	Tea Break	
1545 – 1700	Session- V: Identifying vulnerable prisoners Address special needs of vulnerable prisoners	

DAY – 4		
Time	Content	Remarks
0900- 0915	Recap	
0915 – 1030	Session- I: Alternative methods for conducting search: Tools used in India and other countries	Distribute HO 4
1030 - 1045	Tea Break	
1045 – 1200	Session- II: Alternative methods for conducting search: Tools used in India and other countries..(continued)	
1200 – 1215	Break	
1215 – 1330	Session- III: Advantage and disadvantage of alternative methods	
1330 –1430	Lunch	
1430 – 1530	Session- IV: Mock Drill: Group exercise and roleplay	Distribute HO-5

		The trainer will create a plan for the conduct of the mock drill. It may either be held in the training institute with assistance from employees who can be asked to conceal mock contrabands, like a packet of salt, plastic knives etc.. For the conduct of search in prison premises, mock contrabands can be hidden inside one room in the training institute, which can be used for conducting the mock drill.
1530 – 1545	Tea Break	
1545 – 1700	Session- V: Mock drill exercise continued	

DAY – 5		
Time	Content	Remarks
0900 - 0915	Recap	
0915 – 1030	Session- I: Group exercise: Framing guidelines on conducting search in prisons.	Distribute HO-6 to the participants. For this exercise, participants must be divided into four groups, each tasked to prepare guidelines for conducting search on a) Prisoners, b)Staff, c)Visitors d)Prison Premises. The draft guidelines given in the HO-6 can be used by the participants to frame guidelines for their states, or alternatively where guidelines already exist – to compare and prepare consolidated guidelines so that they are comprehensive in nature. Similarly guidelines can be

		developed for the remaining three categories by the participants. Participants should be permitted to use the internet to conduct further research on search procedures and guidelines to aid the preparation in this session.
1030 – 1045	Tea Break	
1045 – 1235	Session- II: Group exercise continued...	
1235 – 1330	Session- III: Group exercise continued	
1330 -1430	Lunch	
1430 – 1500	Session IV: Group presentations	
1530 – 1630	Session- V: Feedback and Valediction	

DAY-WISE TASKS

5-DAY COURSE

Day – 1

- Registration
- Inauguration
- Detailed Introduction
- Expectations of the course
- Course Overview
- Ground Rules
- Course Guide
- Distribution of the training kit (Training material, Name badges, Course Guide, Note pads, etc.)
- Training

Day – 2

- Recap of Day-1
- Training

Post Lunch

- Training

Day – 3

- Recap of Day-2
- Training

Post Lunch

- Training

Day – 4

- Recap of Day-3
- Training

Post Lunch

- Mock Drill

Day – 5

- Recap of Day-4
- Group exercise

Post Lunch

- Group exercise continued...
- Feedback session

The course co-ordinator should compile the feedback of the participant and submit to the head of the Training Institute

End of Course

PART – B

COURSE GRID

LEARNING EVENT

COURSE GRID

COURSE GRID

01	02	03
Understanding Custody: Definition and Procedures	Conducting Search: Purpose and procedures	Existing Practices Related to Search
04	05	06
Contrabands and prohibited items	Means and methods of concealment of contrabands	Right to privacy and dignity: Safeguards for search procedures
07	08	09
Conducting search on vulnerable groups of prisoners	Alternative methods for conducting search	Mock Drill
10		
Guidelines on conducting search		

LEARNING EVENT

**SPECIALISED COURSE FOR PRISON WARDERS
(WARDER TO CHIEF HEAD WARDER)
ON
CUSTODY OF PRISONERS AND SEARCH PROCEDURES
(ONE WEEK)**

LEARNING EVENT

Unit	1							
Learning Unit	Custody							
Training Objective	At the end of the training, participants will be able to explain the procedures related to 'custody'.							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Define 'custody'	Definition of 'custody' as per the international and domestic provisions	Lecture-cum-Discussion	White Board, Marker, Projection System	15	In-House/ Guest Faculty		Q&A
2	Describe kinds of custody	-Types of custody. - State-specific provisions in relation to custody			30	In-House/ Guest Faculty		Q&A
3	Explain the procedures related to custody	- Statutory provisions -Guidelines as per Prison Manuals -Procedures at the time of admission			30	In-House/ Guest Faculty		Q&A

LEARNING EVENT

Unit	2							
Learning Unit	Search Procedures							
Training Objective	At the end of the training, participants will be able to explain the search procedures used inside prisons as per national and international standards.							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describe the purpose of conducting search	Purpose of conducting search on - Prisoners - Staff - Visitors - Other places inside prison premises	Lecture-cum-Discussion	White Board, Marker, Projection System	15	In-House/ Guest Faculty with expertise on security aspects in prison		Q&A
2	Describe kinds of search procedures	-Types of search procedures and Methods -Pat down -Strip search -Body cavity search			30	In-House/ Guest Faculty		Q&A
3.	Explain the existing provisions and guidelines regulating search procedures	-International Treaties and Standards on humane and dignified search procedures -Domestic frameworks and standards on conducting search on prisoners			30	In-House/ Guest Faculty		Q&A

LEARNING EVENT

Unit	3							
Learning Unit	Existing Practices related to search							
Training Objective	At the end of the training, participants will be able to describe procedures related to search							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	List the practices in relation to conduct of search and guidelines on selection of type of search, procedures, seizure of contraband etc	-Practices in relation to conducting search on - Prisoners - Staff - Visitors - Other places inside prison premises	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/Guest Faculty with expertise on security aspects in prison		
2	Describe the existing practices				60			
3	Identify procedures for search and seizure of contraband				30			

LEARNING EVENT

Unit	4							
Learning Unit	Contrabands and prohibited items							
Training Objective	At the end of the training, participants will be able to identify ccontraband and prohibited items that can be found during search							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describecontrabands	- Definition as per provisions in Prison Act/Manuals	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty with expertise on security aspects in prison		Q&A
2	Identify kinds of contrabands that may be found during search	- List of prohibited articles - Narcotics and psychotropic substances - Sharp objects, money and other contraband items.			45	In-House/ Guest Faculty with expertise on various types of contrabands		Q&A

LEARNING EVENT

Unit	5							
Learning Unit	Means and Methods of Concealment of Contraband							
Training Objective	At the end of the training, participants will be able to explainthe prevalent mmeans and methods of concealment of contrabands							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describe methods of concealment							
2	Describe methods of concealment from other law enforcement agencies							
3	Share experiences among participants to identify innovative concealing methods and ways to detect such instances							

LEARNING EVENT

Unit	6							
Learning Unit	Right to Privacy, Dignity and concerns while conducting search on inmates							
Training Objective	At the end of the training, participants will be able to identify the implications of the right to privacy, dignity and safeguards to protect these rights							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describe the intrusive nature of search procedures	- Narratives of prisoners or - Videos with narratives	Lecture-cum-Discussion	White Board, Marker, Projection System	45	In-House/ Guest Faculty		Q&A
2	Explain safeguards that can guide prison officers while conducting search	- Safeguards for conducting search - International standards - Other guidelines			120	In-House/ Guest Faculty		
3	Identify the implications on the right to privacy and dignity of individuals during the search process	- International Conventions - Constitution of India - Judicial pronouncements in India			45	In-House/ Guest Faculty with expertise on privacy laws and human rights		

LEARNING EVENT

Unit	7							
Learning Unit	Search on Vulnerable Groups							
Training Objective	At the end of the training, participants will be able to explain special requirements while conducting search on vulnerable groups of prisoners.							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describe the groups of vulnerable prisoners	- Define vulnerability - Kinds of vulnerable prisoners including: - Women and children - Young offenders - Transgender persons, - Elderly, - Persons with mental illness, - Persons with disability etc.	Lecture-cum-Discussion	White Board, Marker, Projection System	60	In-House/ Guest Faculty		Q&A
2	Describe special needs and vulnerabilities of each group of prisoners	- Identifying vulnerabilities at the time of admission - How to address the special needs	Discussion		30	In-House/ Guest Faculty		
3.	Explain the process of addressing the special needs of vulnerable prisoners while conducting search	- Guidelines relating to vulnerable prisoners - International Covenants and Handbooks	Lecture-cum-Discussion		45	In-House/ Guest Faculty		Q&A

LEARNING EVENT

Unit	8							
Learning Unit	Alternative methods for conducting search							
Training Objective	At the end of the training, participants will be able to explain alternative methods for conducting search							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describe alternative methods to conduct search, including use of technology	- Alternative methods for conducting search - Technological tools used in India and other countries	Lecture-cum-Discussion	White Board, Marker, Projection System	150	In-House/ Guest Faculty		Q&A
2	State the advantages and limitations of alternative methods	- Discussion on advantages and disadvantages of each method - Discussion on viability in the Indian context	Discussion		75	In-House/ Guest Faculty		Q&A

LEARNING EVENT

Unit	9							
Learning Unit	Drill: Mock scenarios and conduct of search on fellow participants							
Training Objective	At the end of the training, participants will be able to demonstrate the practical application of procedures related to search through mock drill							
Enabling Objectives- At the end of the training, participants will be able to		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Describe the practices to conduct searches	-Practices related to search of - place -prisoner -staff -visitor	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty		Moderator remarks
2	Describe the process of documentation and report writing	-Documentation -Report writing -Formats			30			
3	Demonstrate skills of conducting effective searches on fellow participants, and disposal of items seized.	Scenarios for conduct of mock searches of - A room in the Training Institute (items can be hidden in different parts) - prisoner - visitor -staff (participants or Training Institute staff can be assigned each role)	Demonstration and Role Play	White Board, Marker	90	In-House/ Guest Faculty with expertise on security aspects in prison		

LEARNING EVENT

Unit	10							
Learning Unit	Guidelines for conducting search							
Training Objective	At the end of the training, participants will be able to prepare draftguidelines on conducting search on prisoners, prison staff, visitors and prisons.							
Enabling Objectives At the end of the training, participants will be able to-		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	List the reference material required for drafting guidelines for conduct of search	-Reference material on preparing guidelines -International and national standards	Lecture-cum-Discussion	White Board, Marker, Projection System	75	In House/ Guest Faculty		
2	Prepare guidelines for conduct of search of prisoners (including those with special needs), staff, visitors, prison premises		Group exercise		225			

RESOURCE MATERIAL

Section 1 - Handouts

- HO - 1 International and National Standards in relation to Prison Searches: Excerpts
- HO - 2 Implication of search procedures on prisoner's right to privacy and dignity
- HO - 3 Conducting search of prisoners: Need for Policy & Guidelines
- HO - 4 Alternative Methods for Conducting Search
- HO - 5 Mock Drill: Conducting Prison Searches
- HO - 6 Draft Guidelines: Conducting Prison Searches

International and National Standards in relation to Prison Searches: Excerpts

“Effective security and human rights are compatible and both can be delivered within a well-managed prison”

– United Nations Office on Drugs and Crime (UNODC) Handbook on Dynamic Security and Prison Intelligence.

Maintaining safety and security is an important facet of prison administration. Often, primacy of security reasons is cited for disregarding/de-emphasizing correctional or humane considerations. Physical search of prisoners is an important activity to keep the prison safe from drugs, weapons and any other illegal or undesirable substances. However, these searches, if not done properly, can be a traumatic experience for the prisoner. A fundamental principle observed in all international treaties, laws and standards with regard to the treatment of prisoners is that their treatment should be humane and respect the inherent rights and dignity of the human being.

Body searches are usually of three types; pat down search, strip search and body cavity search. Out of these, strip search and body cavity search constitute the most intrusive form of search methods used in prisons and should be used as the last resort. Body searches of all forms can be highly intimidating and degrading, and the level of intrusion of the method increases the feeling of invasion.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) specifically on prison searches states, *“Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.”*

The Model Prison Act 2022, prepared by UNODC as part of its Handbook on ‘Incorporating the Nelson Mandela Rules into National Prison Legislation: A Model Prison Act and Related Commentary’, Article 42 states that, ‘the purpose of a search is to detect concealed articles that a person is not allowed to bring into, or have, in prison and to prevent any attempt to escape.’

In India, the Prisons Act, 1894, does not suggest how prison searches need to be made. Review of some jail manuals for various states also reveal that the authorities are expected to conduct a ‘thorough search’ of prisoners but it does not lay down the procedure or guideline on the same. The Model Prison Manual 2016 also prescribes some safeguards and suggests *“reasonable privacy”* should be maintained while conducting body search of prisoners. However, there are no standard comprehensive guidelines which detail the procedures that the prison guards are expected to follow while conducting the search.

In the absence of standard guidelines, the dignity of the prisoner, especially women prisoners is at the hands of the prison staff and they are vulnerable to humiliation, shame and abuse.

Key Excerpts

Model Prison Act 2022 – UNODC Criminal Justice Handbook Series - Incorporating the Nelson Mandela Rules into National Prison Legislation: A Model Prison Act and Related Commentary

Article 42. Searches

- (1) The purpose of a search is to detect concealed articles that a person is not allowed to bring into, or have, in prison and to prevent any attempt to escape.
- (2) All searches shall be conducted in a manner that respects the human dignity and privacy of a person being searched and shall not be used to harass or intimidate such person.
- (3) Searches shall be conducted only by trained staff of the same sex as the person being searched.
- (4) Searches shall be proportionate, legal and necessary, always applying the least invasive method possible.
- (5) Screening methods, such as electronic scanning devices or metal detectors, shall be used first wherever possible.
- (6)
 - (a) Intrusive searches, including strip and body cavity searches, shall be employed only when absolutely necessary and when less intrusive searches, such as pat-down searches or electronic scans, if available, would manifestly be ineffective.
 - (b) A person facing an intrusive search shall be informed of the intention to conduct a strip search or body cavity search and be given the opportunity to surrender any concealed object.
 - (c) Strip searches and body cavity searches shall only be conducted in private hygienic conditions and in a manner that ensures that the person being searched is never fully unclothed.
 - (d) Visual body cavity searches of the lower body shall be conducted only by staff appropriately trained by a medical professional in the standards of hygiene, health and safety.
 - (e) Manual body cavity searches shall be applied only when there are compelling reasons to suspect that the person to be searched may be hiding a dangerous object and shall not be conducted by prison staff.
 - (f) Manual body cavity searches shall not be conducted if it is possible, without endangering the health of the person to be searched, to keep such person under close surveillance and wait for the illicit object to be expelled.
 - (g) There shall be no body cavity searches of children.
- (7) Searches of visitors shall be governed by the following principles:
 - (a) Paragraphs (1) to (6) shall apply fully in order to not deter such visits;

- (b) Intrusive searches shall be avoided wherever possible;
- (c) If a visitor refuses to be searched, the Prison Service may refuse access
- (8) Where personal property or cells of prisoners are searched, paragraphs (1) to (4) apply fully, and the confidentiality of legal documents in their possession shall be respected, and the prisoner shall be present unless he or she poses a serious risk to the persons conducting the search.
- (9) A full record of all searches, including the reasons, identities of those who conducted them as well as the results, shall be kept in the prison management file.
- (10) Procedures shall be set out by regulations, which staff have to follow when searching:
 - (a) All places where prisoners live, work and congregate;
 - (b) Prisoners;
 - (c) Visitors and their possessions; and
 - (d) Staff.
- (11) Any article seized as a result of a search shall be dealt with in the manner prescribed by the regulations.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 2015

Rule 50

The laws and regulations governing searches of prisoners and cells shall be in accordance with obligations under international law and shall take into account international standards and norms, keeping in mind the need to ensure security in the prison. Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.

Rule 51

Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy. For the purpose of accountability, the prison administration shall keep appropriate records of searches, in particular strip and body cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches.

Rule 52

1. Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner.
2. Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

Rule 52.1

Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner.

Rule 53

Prisoners shall have access to, or be allowed to keep in their possession without access by the prison administration, documents relating to their legal proceedings.

Rule 60.2

Search and entry procedures for visitors shall not be degrading and shall be governed by principles at least as protective as those outlined in rules 50 to 52. Body cavity searches should be avoided and should not be applied to children.

United Nations Rules for the Treatment of Women Prisoners and Non - custodial Measures for Women Offenders (the Bangkok Rules)

Rule 19

Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate search methods and in accordance with established procedures.

Rule 20

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

Rule 21

Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, 5 January 2016

Paragraph 23

Body searches, in particular strip and invasive body searches, are common practices and can constitute ill-treatment when conducted in a disproportionate, humiliating or discriminatory manner. Inappropriate touching and handling amounting to sexual harassment during searches is common, as are routine vaginal examinations of women charged with drug offences. These practices have a disproportionate impact on women, particularly when conducted by male guards. The punishment of women who refuse to undergo strip and invasive searches, for instance by placing them in isolation or revoking visitation privileges, is also common. When conducted for a prohibited purpose or for any reason based on

discrimination and leading to severe pain or suffering, strip and invasive body searches amount to torture.

Paragraph 36

Humiliating and invasive body searches may constitute torture or ill-treatment, particularly for transgender detainees. In States where homosexuality is criminalized, men suspected of same-sex conduct are subject to non-consensual anal examinations intended to obtain physical evidence of homosexuality, a practice that is medically worthless and amounts to torture or ill-treatment (CAT/C/CR/29/4).

Paragraph 70

With regard to women, girls, and lesbian, gay, bisexual and transgender persons in detention, the Special Rapporteur calls on all States to:

[...] (j) Ensure that strip and invasive body searches are conducted only when necessary and appropriate, by staff of the same gender with sufficient medical knowledge and skill to perform the search safely and respect the individual's privacy and dignity and in two steps (to ensure that the detainee is never fully unclothed), and to prohibit body searches of females by male staff; [...]

(u) Guarantee all transgender detainees the choice of being searched by male or female officers;

European prison rules

Rule 54.1

1. There shall be detailed procedures which staff have to follow when searching:

- a. all places where prisoners live, work and congregate;
- b. prisoners;
- c. visitors and their possessions; and
- d. staff.

Rule 54.2

The situations in which such searches are necessary and their nature shall be defined by national law.

Rule 54.3

Staff shall be trained to carry out these searches in such a way as to detect and prevent any attempt to escape or to hide contraband, while at the same time respecting the dignity of those being searched and their personal possessions.

Rule 54.4

Persons being searched shall not be humiliated by the searching process.

Rule 54.5

Persons being searched shall not be humiliated by the searching process.

Rule 54.6

Persons shall only be searched by staff of the same gender.

Rule 54.7

There shall be no internal physical searches of prisoners' bodies by prison staff.

Rule 54.8

An intimate examination related to a search may be conducted by a medical practitioner only.

Rule 54.9

Prisoners shall be present when their personal property is being searched unless investigating techniques or the potential threat to staff prohibit this.

Rule 54.10

The obligation to protect security and safety shall be balanced against the privacy of visitors.

Rule 54.11

Procedures for controlling professional visitors, such as legal representatives, social workers and medical practitioners, etc., shall be the subject of consultation with their professional bodies to ensure a balance between security and safety, and the right of confidential professional access.

Principles and Best Practices on the Protection of Persons Deprived of Liberty in the America

Principle XXI - Bodily searches, inspection of installations and other measures

Whenever bodily searches, inspections of installations and organizational measures of places of deprivation of liberty are permitted by law, they shall comply with criteria of necessity, reasonableness and proportionality.

Bodily searches of persons deprived of liberty and visitors to places of deprivation of liberty shall be carried out under adequate sanitary conditions by qualified personnel of the same sex, and shall be compatible with human dignity and respect for fundamental rights. In line with the foregoing, Member States shall employ alternative means through technological equipment and procedures, or other appropriate methods.

Intrusive vaginal or anal searches shall be forbidden by law.

The inspections or searches in units or installations of places of deprivation of liberty shall be carried out by the competent authorities, in accordance with a properly established procedure and with respect for the rights of persons deprived of liberty.

Implication of search procedures on prisoner's right to privacy and dignity

A. Overview

2.1 Understanding the right to privacy and dignity

Maintenance of security and order are among the top most priorities of a prison setting. However, this often takes precedence over upholding the dignity and privacy of prisoners. What is important to understand is that in “security can be best ensured in a well ordered and justly administered system, which treats prisoners with humanity and fairness”.¹

2.2 Search of vulnerable prisoners: women, transgender, persons with disability etc.

“The psychological effect and the violation to the right to dignity can be exacerbated for detainees from particular religious or cultural backgrounds as well as for detainees in situations of vulnerability. Body searches represent a high-risk situation for abuse, ill-treatment or even torture, and may also be misused to intimidate, harass, retaliate or discriminate.”² As such body searches can have extreme impact upon vulnerable prisoners such as women, transgenders, persons with physical or mental disabilities, young offenders, elderly persons etc. Policies that are framed for regulating search procedures must therefore include specific guidelines for conducting search on vulnerable prisoners.

2.3 Insight into the intrusive nature of search procedures

For a procedure that has a possibility of being degrading and intimidating, general suggestions like ensuring “reasonable privacy” are not enough. In the absence of specific procedures and guidelines that prescribe clear do's and don'ts, the possibility of violation is high.

Due to lack of technology in prisons, predominant method of search involves manual frisking by prison staff, mostly the warders. However, a slightest of suspicion on an inmate can end up in him/her getting strip searched or as far as body cavity search being used on them. States which have an existing issue of largescale drug abuse is reflected in its prisons as well. Due to this reason, along with others, extreme search methods are often used on inmates including women and transgender inmates.

¹‘Balancing security and dignity in prisons: A framework for preventive monitoring’, Penal Reforms International, <https://cdn.penalreform.org/wp-content/uploads/2016/01/security-dignity-2nd-ed-v6.pdf>

²Ibid.

2.4Experiences of prison staff: Challenges faced

While it is important to understand the experiences of prisoners, it is equally important to understand the challenges faced by prison staff while conducting search. As much as it is difficult to be searched upon, it is not an easy task to conduct the search either. Conducting searches can also be an intrusive experience, and might have psychological impact on the person conducting the search. Further, the resistance and reaction of the person being searched upon too can have an impact on the prison staff conducting the search. These experiences must be shared and discussed at length, in order to address the challenges, physical or psychological being faced by staff.

Conducting search of prisoners: Need for Policy & Guidelines

A. Overview

3.1 Need for guidelines for body search:

“Body searches need to be regulated by law and clear policies and guidelines need to be put in place to explicitly define the conditions and modalities of their use.”³ Marty Drapkin in ‘Strip Search Policies in Jail’ also suggests the same fact about developing a comprehensive written policy and accompanying procedures governing body searches. According to him, such a policy is important primarily for two reasons: “1) It serves to guide staff members in the performance of their duties. That is, the written policy is management’s formal means for communicating to staff members what strip searches are and how they are to be done, in regard to this reasonably foreseeable circumstance. 2) It serves as a tool in liability risk management. That is, if there is a lawsuit in which strip searches are at issue, the written policy may be used to show that staff members acted properly.”⁴ Also, the prison staff would know what they are allowed and not allowed to do.

3.2 Safeguards that can be adopted while conducting search on inmates are listed below:-

- Prison authorities should resort to body searches, for security purposes, only when strictly necessary in manner that ensures the security of the person being searched.
- A case-by-case assessment should be made to ensure that strip searches are conducted on high-risk detainees or in case of specific suspicion. “Where they are conducted on a routine basis, too frequently, in a systematic or collective way to all detainees, body searches become arbitrary measures and may in themselves constitute humiliating or degrading treatment”⁵
- Intrusive searches, like strip search, shall be conducted in private and by trained staff of the same sex as the prisoner, as it has been reiterated in the Bangkok Rules.
- Body cavity searches shall only be conducted by qualified health-care professionals other than those primarily responsible for the care of the prisoner, or, at a minimum by staff appropriately trained by a medical professional in standards of hygiene, health and safety.
- The policy of body search should be in accordance with the existing prison laws and rules of the respective country and there should be maximum congruence between what the policy says and what is actually practiced in the facility.
- The staff should be trained to follow the enacted policy and the training should be documented.

³ ‘Strip search policies in jail’, M. Drapkin 2011, Corrections one

⁴ Ibid.

⁵ ‘Body searches: Addressing risk factors to prevent torture and ill-treatment’, Detention Monitoring Tool (second edition), Penal Reforms International

- Their functioning and policy implementation should be closely monitored, preferably by an appointed supervisor to look at proper implementation of the policy.
- While a pat-down search can be a standard procedure to be followed for anyone entering prison, strip searches should be used for exceptional cases.
- Prior to being body searched, the inmate, must be explained in writing or orally about the procedure that would be followed and the rules and regulations that outline the process. This would help the subject understand the events to follow.
- Documentation of strip searches should be well-maintained and easily-accessible, and the inmate may be provided with a copy of the strip search report.
- Accurate and thorough documentation of strip searches is very important. It serves as evidence both for the inmate and the prison about the use and need for strip searches.
- Last but not the least, prison staff should make sure that prisoners are treated with dignity, even more, while body searches are being conducted on them. The staff should conduct their duty professionally and make sure that no person is humiliated while they are being searched.
- Since strip searches and body cavity searches are the most intrusive kind of search processes, they should be performed only if absolutely necessary.
- While case by case assessments are made, a list of factors should guide the authorities in making the determination. These may include the type of offence, earlier history of carrying unauthorized items in prison among other things. Many countries make the assessment based on the offence committed. The rationale behind this is that petty offenders are not/less likely to transport restricted items inside prisons and therefore should not have to go through the degrading treatment.⁶
- Ideally, institutions should develop alternatives to such intrusive searches and rely more on technology to conduct searches.

B. Training Objective:

At the end of training, participants will be able to describe and explain the guidelines and procedures that can be adopted for conducting search of prisoners.

Enabling Objectives:

At the end of the training the participants will be able to:

- Explain the need for comprehensive guidelines and procedures to conduct search on prisoners inside prisons.
- Develop a set of guidelines to govern the process of search in prisons.

⁶ ‘Strip-Searches for Failing to Pay a Speeding Ticket? Florence And the Fourth Amendment’, Westlaw Journal – volume 18, issue 11, December 2011.

Alternative Methods for Conducting Search

A. Overview

Latest technology in use in India and other countries may be discussed with the participants.

B. Shortcomings/disadvantages of technology for search

There have been legitimate concerns of serious side effects of using these scanners. While technological improvements have made the working of these equipment safer, it would require time to understand the long-term impact of these equipment on the users. In the mean-time, it is crucial to ensure that security considerations do not overrule safeguards required to make the search process less violative, intrusive and intimidating. If the safeguards are not in place, the process would violate the right to life with dignity guaranteed under Article 21 to all individuals. With respect to security considerations, as observed in ‘Body Searches: Addressing Risk Factors to prevent torture and ill-treatment’, good practice in prison management has shown that when the human rights and dignity of prisoners are respected and they are treated fairly, they are much less likely to cause disruption and disorder and to more readily accept the authority of prison staff. Such a practice has been categorised under what is termed as ‘Dynamic security’. Without these safeguards, there remains a possibility of undignified treatment of prisoners under the garb of ‘thorough’ search.

Mock Drill: Conducting Prison Searches

Mock Drill: A mock drill is a scenario where participants practise how they would react in an event, conducted in order to check preparedness of participant to tackle the situation.

Training: In context of this training the mock drill will pertain to conduct of prison searches by the participants. Every participant will be provided an opportunity to conduct a search of either a prisoner, staff, visitor or a place – to understand the practical application of what has been taught thus far, including the documentation process and procedures.

The trainer will create a plan for the conduct of the mock drill. It may either be held in the training institute with assistance from employees who can be asked to conceal mock contrabands, like packet of salt, or plastic knives etc.. For the conduct of search in prison premises, mock contrabands can be hidden inside one room in the training institute, which can be used for conducting the mock drill.

Assessment: The trainee will be assessed on the basis of how she/he conducts themselves during the training, and the quality of documentation prepared in relation to the search conducted.

Draft Guidelines: Conducting Prison Searches

For this exercise, participants must be divided into 4 groups, each tasked to prepared guidelines for conducting search on

- a) Prisoners
- b) Staff
- c) Visitors
- d) Prison Premises

The draft guidelines given below can be used by the participants to frame guidelines for their states, or alternatively where guidelines already exist – to compare and prepare consolidated guidelines so that they are comprehensive in nature. Similarly guidelines can be developed for the remaining three categories by the participants. Participants should be permitted to use the internet to conduct further research on search procedures and guidelines to aid the preparation in this session.

Standard Operating Procedures for Conducting Search of Prisoners⁷

(Draft for circulation to participants)

Staff should be aware that searches, especially full searches, can be embarrassing and difficult experience for prisoners. Staff must, in particular bear in mind the impact of searches may have on prisoners who may be vulnerable due to various circumstances.

Whatever the type of search, body searches of prisoners by staff can have grave implications for the privacy interests of prisoners, and allow staff access to prisoners' bodies in ways that can be abusive. In this context, this SOP forbids prison staff from conducting any kind of cross-gender search. The SOP also provides guidance for conducting searches on transgender prisoners.

In conducting a search of a prisoners' body, prison authorities should strive to preserve the privacy and dignity of the prisoner. As technology develops, it is possible that sophisticated metal detectors and ion scanners, or any other non-invasive devices will substitute physical searches. However, at present physical searches are more popular and used widely.

Thus, in carrying out search of the prisoners, the following procedure is to be adopted as per requirement in relation to the degrees of search required to maintain good order and safe and secure custody at any given time:-

1. General

⁷ These suggestions have been made in reference to the rules applicable in UK (National Offender Management Service – National Security Framework – Searching of the person) 2016 (<https://www.justice.gov.uk/downloads/offenders/psipso/psi-2016/psi-07-2016-searching-of-the-person.doc>) and the ABA Standards for Criminal Justice – Treatment of Prisoners (https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/Treatment_of_Prisoners.pdf)

- 1) All persons should be searched in entry to or within prisons, including prisoners, visitors and staff.
- 2) The search shall not be undertaken by a prison officer who is not of the same gender as the prisoner being searched.
- 3) Search shall not be conducted in the presence or view of another prisoner and shall be conducted in the presence and view only of such number of prison officers (being prison officers who are of the same gender as the prisoner) as are required to ensure the effective conduct of the search).
- 4) The following type of searches of person may be applied
 - i. Rub-down search/frisking
 - ii. Full Search
 - iii. Searching of other body areas
- 5) The search shall be carried out with due regard to the decency, privacy and dignity of the person being searched and at no stage shall a prisoner be left in a state of complete undress.
- 6) If the prisoner refuses to permit the carrying out of a search, such force, as is reasonably necessary and proportionate to carry out the search maybe applied in relation to the prisoner.
- 7) Invasive searching of the orifices or a prisoner's body can be conducted only on specific orders of the Superintendent/deputy superintendent.
- 8) Technical aids as available maybe used to search or as part of a search of prisoners, visitors, staff, in accordance with the instructions and guidance provided herein.
- 9) Records of Searching: Arrangements must be in place for keeping records of searches and finds. In particular,
 - i. On completion of a search, staff must sign for all examinations they have carried out.
 - ii. As a minimum, records must be kept of all non-routine full-searches of prisoners, in circumstances where they are conducted on the basis of intelligence or suspicion. Records must be kept in these circumstances irrespective of whether or not an item is found during the search.
 - iii. Records must detail why, when and where the full search was conducted, who conducted the search and any other relevant information.
 - iv. A Report must mandatorily be completed and submitted to the relevant department where contraband is found as part of a search.
 - v. In case where surprise or additional search has been undertaken the records must indicate why an additional procedure was used, any items found and any relevant material about the conduct of the search.
 - vi. The register of articles seized and retained by the Deputy Superintendent (Security) shall be maintained and the following details shall be entered in such register:-
 - a) Anything so seized and retained,
 - b) The name of the person from whom it was seized
 - c) The name of the person by whom it was seized
 - d) The manner in which the seized article is disposed

- e) Such other particulars as the Superintendent considers appropriate
- 10) If anything unauthorised is found during a search of a prisoner, officers must ask the prisoner for an explanation and include the answer in a written report.
 - 11) Where in the course of a search a prison officer finds or comes into possession of anything that he believes relates to the commission or alleged commission of an offence, he may seize and retain it for use as evidence in any criminal proceedings, or in relation to any proceedings for a breach of prison discipline, for such period from the date of seizure as is reasonable or until the conclusion of any such proceedings.
 - 12) At the time of search, prisoners who have been searched must be kept apart from other prisoners who have not been searched. The officer conducting the search must be watchful to ensure that items of contraband are not passed between prisoners or in connivance with prison staff of any rank.
 - 13) Different search arrangements may exist across various prisons depending on the circumstances of the search and type of prison and prisoner concerned. Some guidance in this regard can be taken from the following table:-

Table 1: Routine Searching of Prisoners: Summary of Requirements

Note: Participants should review each point, and add the type of search to be conducted. These are to be discussed with the larger group of participants during presentation on the guidelines.

CIRCUMSTANCE/AREA	TYPE OF SEARCH (for particular of mode of search see Annexure 2)
1. Male Prisoners Other than High Risk Offenders	
1.1 Initial admission to prison – newly admitted, and not transferred from another prison.	Full search mandated.
1.2 On admission – where prisoner transferred from other prison	Rub-down search and use of hand-held metal detector scan (if available).
1.3 On entry after return from outside – Open Prisons	Rub-down search/basic frisking
1.4 Returns with prison escorts (e.g. hospital escorts)	Rub-down search and use of hand-held metal detector scan (if available).
1.5 All transfers out including to another	Full search by the sending prison

CIRCUMSTANCE/AREA	TYPE OF SEARCH (for particular of mode of search see Annexure 2)
prison	
1.6 On final discharge	
1.7 Cell search	
1.8 Following visits/mulaqaat	Rub-down search and hand-held metal detector scan (if available) mandated after visits
2. Male prisoners who are considered High Risk Offenders	
2.1 All admissions to prison regardless of reason or escort type.	Full search mandated in all circumstances.
2.2 On discharges from prison regardless of reason.	Full search mandated in all circumstances.
2.3 Cell search	Full search mandated in all circumstances.
2.4 After all visits/mulaqaat – family/lawyers	Full search mandated in all circumstances.
3. Young Offenders (18 – 21 years)	
3.1 Initial admission to prison (newly admitted and not transferred from another prison)	Rub-down + hand held metal detector search (if available).
3.2 On admission – transferred from other prison	Rub-down search and hand-held metal detector scan mandated (if available).
3.3 Returns with prison escorts (e.g. hospital escorts)	

CIRCUMSTANCE/AREA	TYPE OF SEARCH (for particular of mode of search see Annexure 2)
3.4 Upon transfer to another prison	
3.5 On release on bail/acquittal/discharge	
3.6 Cell search	Routine cell searches - Rub-down search and hand-held metal detector scan mandated. Cell searches on intelligence/suspicion – full search
3.7 Following visits/mulaqats	Rub-down search and hand-held metal detector scan mandated
4. Women Prisoners	
4.1 On admission to prison	Rub-down search and hand-held metal detector scan mandated (if available).
4.2 On admission – transfer in from another prison.	Rub-down search and hand-held metal detector scan mandated (if available).
4.3 On entry after return from outside – Open Prisons	
4.4 Returns from prison escorts (e.g. hospital escorts).	
4.5 On transferring to another prison	Rub-down search and hand-held metal detector scan mandated (if available).
4.6 On release – bail/acquittal/discharge	
4.7 Cell search	Rub-down search and hand-held metal detector scan mandated (if available).

CIRCUMSTANCE/AREA	TYPE OF SEARCH (for particular of mode of search see Annexure 2)
4.8 Following visits/mulaqat	Rub-down search and hand-held metal detector scan (if available) mandated after visits.

Notes: Types of search in the right-hand column above are minimum requirements. Individual staff may carry out more detailed levels of searches (subject to policy requirements) in specific cases on suspicion or on receipt of intelligence, with the authorisation of the officer-in-charge of the prison.

14) Regarding search of transgenders:

- i. The inmate on admission must be consulted with regard to their comfort and preferred gender of the person checking/ searching them. In case they have a "Transgender Certificate" as issued to the inmate on an application made under Section 5 of the Transgender Persons (Protection of Rights) Act 2019, they must be treated with all respect compliant with their preferred gender. Transgender people at all stages of the gender affirmation process must be encouraged to enter into a voluntary written agreement in respect of their searching arrangements on arrival to an establishment.
- ii. In case the Transgender person does not have a Transgender Certificate issued by relevant authorities, their searches at all times must be conducted by trained and sensitized medical professionals.
- iii. The prison shall train security staff in how to conduct cross-gender pat-down searches and searches of transgender and intersex individuals in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

ANNEXURE 1: Authority for searching and powers

Note: Participants should list out relevant sections from the prison manuals/other laws that grant power to prisoners

Model Prison Manual 2016, Section 5.4.3: Prisoners will be thoroughly searched by a prison official. Female prisoners will be searched by female staff and their washing will be conducted in the female yard. Prisoners will wash and be searched in their yard or respective cell and not in the presence of other prisoners. Searches of prisoners will be made, with due regard to decency and with reasonable privacy.

ANNEXURE 2: Searching Procedures

1) Rub-Down Searches

- iv.** Rub down searches can be carried out on staff, visitors and contractors on entry to or exit from the prison.
- v.** A rub down search may be carried out by a single officer and must be undertaken using open hands with fingers spread out.
- vi.** A mat or similar item must be provided for the subject to stand on while footwear is being searched.
- vii.** The procedural instructions for rub-down searching (as set out below) require the searching officer to check the back from collar to waist, back of the waistband and seat of the trouser or pyjama or lower. It is understood that some prisons/staff undertake this “check” by feeling underneath the waistband, while others feel around the waistband over clothing.
- viii.** While rub-down searches should be conducted thoroughly within the parameters of the national policy/procedures, they are not intended to be intrusive searches. It would not normally be expected for individuals to be asked to raise or remove their outer clothing (including religious clothing or dresses) to facilitate the searching of a waistband. This can normally be satisfactorily achieved by checking the area over outerwear. If there is intelligence or reasonable suspicion that contraband is concealed in this area, the person may be asked to raise or remove outer clothing but this part of the search must, in all circumstances, be conducted in private out of sight of persons of the opposite sex.
- ix.** The following procedures must be followed. Also see later sections for Pictorial Instructions:-

A. Rub-Down Search For Men

Stand facing the subject.
Ask him if he has anything on him that he is not authorised to have.
Ask him to empty his pockets and remove any jewellery including wristwatch.
Search the contents of pockets; jewellery and any other items, including bags he is carrying then place them to one side.
Ask him to remove any headgear and pass it to you for searching.
Search the head by running your fingers through his hair and round the back of his ears, or asking him to shake out his hair and run his fingers through it. Untie long hair if necessary.
Look around and inside his ears, nose and mouth. You may ask him to raise his tongue so that you can look under it.
Lift his collar, feel behind and around it and across the top of his shoulders (search any tie and ask him to remove it if necessary).
Ask him to raise his arms level with his shoulders. His fingers must be apart with palms facing downwards. Search each arm by running your hands along the upper and lower sides.
Check between his fingers and look at the palms and back of his hands.
Check the front of his body from neck to waist, the sides, from armpits to waist and the front of the waistband.
Check his back from collar to waist, back of the waistband and seat of the trouser. You may need to ask him to turn around.
Check the back and sides of each leg from the crotch to the ankle.
Check the front of his abdomen and front and side of each leg. Ask him to remove footwear and search thoroughly. Check the soles of the feet.
Look at the area around him for anything he may have dropped before or during the search.
Ask him to step to one side to ensure he is not standing on anything he has dropped before or during the search.

B. Rub-Down Search For Women

Stand facing the subject.
Ask her if she has anything on her that she is not authorised to have.
Ask her to empty her pockets and remove any jewellery including wristwatch.
Search the contents of pockets; jewellery and any other items, including bags she is carrying, then place them to one side.
Ask her to remove any headgear and pass it to you for searching.
Search the head by running your fingers through her head and round the back of her ears, or asking her to shake out her hair and run her fingers through it. Unpin/untie long hair if necessary.
Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.
Lift her collar; feel behind and around it and across the top of her shoulders (search any scarf or tie and ask her to remove it if necessary).
Ask her to raise her arms level with her shoulders. Her fingers must be apart with palms facing downwards. Search each arm by running your hands along the upper and lower sides.
Check between her fingers and look at the palms and back of her hands.
Run the flat of your hand underneath and from the shoulders to the top of the bra. At no time touch her breast.
Check her sides and front of abdomen from underneath breasts to and including the waistband.
Check her back from collar to waist, back of the waistband and seat of the trouser or pyjama or skirt. You may need to ask her to turn around.
Check the back and sides of each leg from the crotch to the ankle.
Check the front and sides of each leg.
Ask her to remove footwear and search thoroughly. Check the soles of the feet.
Look at the area around her for anything she may have dropped before or during the search.
Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.

2) Full Searches

- i. Full searches must only be carried out by two officers of the same sex as the person being searched and away from the view of any other person.
- ii. The officer in charge of the search is responsible for controlling it. The second officer is responsible for receiving and searching clothing and other items.
- iii. If available, Hand-held metal detectors may be used during a full search for men and must be used as part of a full search for women.

3) Searches of Other Body Areas

- i) Prison officers can conduct searches of other body areas in certain circumstances. However, prison officers do not have the legal authority to conduct an intimate search, which is defined as intrusion into a bodily orifice.
- ii) **Preservation of Evidence**: Items removed during a search of this nature must be handled in accordance with the prison rules as applicable.

Pictorial Instructions

Rub-Down Search - Male

Face the subject.

Ask him if he has anything unauthorised.

Ask him to empty pockets
and remove jewellery.

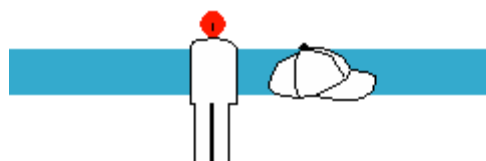
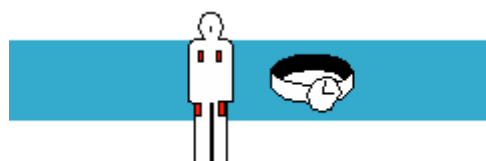
Search pockets and jewellery.

Search any other items carried by the subject,
including bags.

Remove and search headgear.

Search the head and hair.

Look around and inside his ears, nose and
mouth. You may ask him to raise his tongue



so that you can look under it.

Search around collar and tie if worn, and tops of shoulders.

Ask him to raise arms level with shoulder with fingers apart and palms downwards.

Using flat open hand, search each arm.

Check hands.

Using flat open hand: Check front of body from neck to waist, sides from armpits to waist and the front of the waistband.

Check back from collar to waist, back of waistband and seat of trousers.).

Check back and sides of each leg from crotch to ankle.

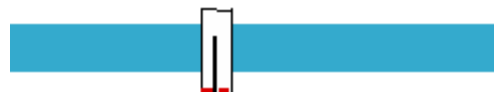
Check front of abdomen and sides of each leg.

Ask him to remove footwear. Search thoroughly.

Check soles of feet.

Observe area around him for objects dropped.

Ask him to step to one side and observe immediate area.



Rub Down Search - Female

Face the subject.

Ask her if she has anything unauthorised.

Ask her to empty pockets
and remove jewellery.

Search pockets and jewellery.

Search any other items carried by the subject,
including bags.

Remove and search headgear.

Search the head and hair.

Look around and inside her ears, nose and
mouth. You may ask her to raise her tongue so
that you can look under it.

Search around collar and tie if worn, and tops
of shoulders.

Ask her to raise arms level with shoulder with
fingers apart and palms downwards.

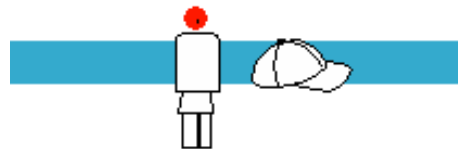
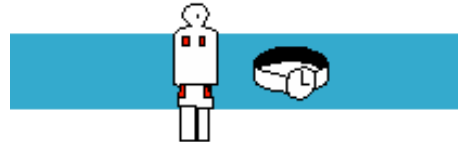
Using flat open hand, search each arm.

Check hands.

Using flat open hand: Check underneath and
from shoulders to top of bra.

Check sides and front of abdomen from
beneath breasts to and including waistband.

Check back from collar to waist, back of
waistband and seat of trousers.



Check back and sides of each leg from crotch to ankle.



Check front of abdomen and sides of each leg.



Ask her to remove footwear. Search thoroughly.



Check soles of feet.



Observe area around her for objects dropped.

Ask her to step to one side and observe immediate area.



ANNEXURE 3: Technical Aids

Note: To be added by participants

ANNEXURE 4: Formats for Search Records

Note: To be added by participants

REFERENCE

S. No.	Title	Weblink
1.	Model Prison Manual, 2016	https://www.mha.gov.in/sites/default/files/PrisonManual2016.pdf
2.	UNODC Handbook on Dynamic Security and Prison Intelligence	https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_on_Dynamic_Security_and_Prison_Intelligence.pdf
3.	State Prison Manuals & Rules	
4.	The United Nations Standard Minimum Rules for Treatment of Prisoners (The Nelson Mandela Rules)	https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf
5.	International Covenant on Civil and Political Rights	https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
6.	A Human Rights Approach to Prison Management: Handbook for Prison Staff – Andrew Coyle	https://www.prisonstudies.org/sites/default/files/resources/downloads/handbook_2nd_ed_eng_8.pdf
7.	Handbook on Management of High Risk Prisoners – UNODC	https://www.unodc.org/documents/justice-and-prison-reform/HB_on_High_Risk_Prisoners_Ebook_appr.pdf
8.	Constitutional Rights of Prisoners (9th ed) – John W Palmer	
9.	Body Searches: Addressing risk factors to prevent torture and ill-treatment	https://cdn.penalreform.org/wp-content/uploads/2016/01/factsheet-4-searches-2nd-v5.pdf
10.	United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders with their Commentary (The Bangkok Rules)	https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf
11.	Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas	https://www.refworld.org/docid/48732afa2.html
12.	European Prison Rules	https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae

13.	Organisation of American States' Prison Rules	http://www.oas.org/juridico/spanish/gapecas_sp_docs_blz2.pdf
14.	World Medical Association Statement on Body Searches of Prisoners	https://www.wma.net/policies-post/wma-statement-on-body-searches-of-prisoners/#:~:text=1.,develop%20guidelines%20for%20their%20members.&text=There%20are%20several%20types%20of,out%20within%20the%20detention%20system
15.	UK: National Security Framework 3.1 Searching of the Person	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899420/psi-07-2016-searching-of-the-person.pdf
16.	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment- 'Body Searches: The Problems and Guidelines to the Solutions'	https://rm.coe.int/0900001680698887
17.	American Bar Association- 'Treatment of Prisoners'	https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_treatmentprisoners/#23-7.9
18.	Africa: Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines)	https://www.achpr.org/public/Document/file/English/conditions_of_arrest_police_custody_toolkit.pdf
19.	Government of South Australia: Correctional Services Act 1982	https://www.legislation.sa.gov.au/_/legislation/lz/ca/correctional%20services%20act%201982/current/1982.48.auth.pdf
20.	New Zealand: Corrections Act 2004	https://www.legislation.govt.nz/act/public/2004/0050/latest/DLM296038.html
21.	Experiences of Prisoners: I have been strip frisked over 1000 times in prison I consider it sexual assault,	https://www.themarshallproject.org/2021/02/04/i-ve-been-strip-frisked-over-1-000-times-in-prison-i-consider-it-sexual-assault
22.	Experiences of Prisoners: Letter of a Woman Prisoner who was stripped naked in front of males	https://www.theguardian.com/australia-news/2021/jan/26/aboriginal-woman-in-act-prison-alleges-she-was-stripped-naked-in-front-of-male-inmates

APPENDICES

- 1. REGISTRATION FORM**
- 2. PRE-COURSE ASSESSMENT**
- 3. POST-COURSE ASSESSMENT**
- 4. FEEDBACK FORM**
- 5. COURSE COORDINATOR'S REPORT**
- 6. FIELD-VISIT FORMAT**
- 7. NOTE FOR THE FACILITATOR ON PANEL DISCUSSION**
- 8. PRISON STATISTICS, 2021 (IN BRIEF)**

(Name of the Training Institute)
(Name of the Course)
(Dates)

REGISTRATION FORM

PARTICIPANT DETAILS

1. Name :
2. Date of birth :
3. Male/Female
- 4.. Qualifications :
(a) Academic
(b) Professional
5. Designation :

ORGANIZATION DETAILS

6. Department/Organization :
7. Address
8. Telephone No.
9. E-mail id :

RESIDENTIAL DETAILS

10. Address
11. Telephone No.
12. Mobile No.
13. Emergency contact details:

Signature
Name
Date

PRE-COURSE ASSESSMENT EXERCISE

Answer the following –

S. No.	Name of Unit (As given in the Course Grid)	Pre-Assessment (Knowledge-level before training)		
		Absolutely Yes	Not Sure	No knowledge
1.	Are you aware of.....			
2.	Do you have an understanding of.....			
.....				

POST-COURSE ASSESSMENT EXERCISE

Answer the following –

S. No.	Name of Unit (As given in the Course Grid)	Post-Assessment (Knowledge-level after-training)		
		Absolutely Yes	Not Sure	No knowledge
1.	Are you aware of.....			
2.	Do you have an understanding of.....			
.....				

APPENDIX- 4

(Name of the Training Institute)
(Title of the Course)
(Dates of the Course)

FEEDBACK FORM

(To be filled-in by individual participants at the end of the Course)

1. To what extent the Objectives of the Course were met

To a great extent 4	To some extent 3	To a limited extent 2	Not at all 1

2. Did you receive advance intimation from the Institution about the Course? If so, did you respond to the Institution?

Yes

No

3. What do you think about the structure and organization of the Course to meet the objectives?

Very well Structured 4	Well Structured 3	Some-what structured 2	Un-structured 1

4. How useful this training would be to you immediately in your job?

Very Useful 4	Quite Useful 3	Of limited Use 2	Not at all Useful 1

5. How useful this training is likely to be for the future jobs you may handle?

Very Useful 4	Quite Useful 3	Of limited use 2	Not at all Useful 1

6. Practical Orientation of the course.

Highly Practical Oriented 4	Practically Oriented to a Great extent 3	Practically Oriented to a Limited extent 2	Not Practically Oriented 1

7. How far have you been benefited from interaction with the other participants in the Course?

Substantially 4	Considerably 3	Fairly 2	Not at all 1

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8. How far was the Course Material supplied relevant and related to the Course Contents?

Extremely Relevant 4	Considerably Relevant 3	Fairly Relevant 2	Not at all relevant 1

9. To what extent are you satisfied with the following:
(The Training Institution may please block the parameters not applicable)

Satisfied Fully 4	Satisfied to a large extent 3	Satisfied to a limited extent 2	Not satisfied 1
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a)	Reception & Transport				
b)	Residential Accommodation				
c)	Food Quality & Service				
d)	Classroom facilities				
e)	Library facilities				

f) Computer facilities

g) Interaction with the staff
of the Institute

10. Feedback on the Training/Faculty:
(Kindly fill up the Annexure)

11. Which parts of the Course did you find most helpful?

12. Which parts of the Course did you find least helpful?

13. Your overall impression of the course:

Excellent 4	Very Good 3	Good 2	Fair 1

14. Did the Course give you any specific ideas Yes/No
about improvements in your working
situation when you get back.

15. If yes, kindly spell them out briefly?

16. Any other comments/observations you wish to make about the Course

Date:

Name:

Designation:

Place:

Organisation:

COURSE COORDINATOR'S REPORT
on
(Name of the Training Course)
(Duration)

1. Name of the Training Institution :
2. Whether the Course was conducted :
In the Institute's Campus or elsewhere
3. Title of the Course :
4. Duration of the Course :
5. Number of participants :
(Attach final list of participants)
6. Details of Training Facilitators :
(Name/Designation/Organization)
(In-House/Guest)
7. States/UTs represented :
8. Details of Sessions with working hours :
9. List of Training Material distributed :
10. Details of Methods/Methodology used:
11. Feedback of participants :
(Attach copies of Feedback Forms)
12. Summary of the Feedback :
13. Summary of the Pre/Post Assessments :
14. Any areas of improvement noticed :
15. Overall impression of the Course :
Coordinator

Signature
(Name of the Course Coordinator)
Designation
Date
(Mobile Number/E-mail)

FIELD VISIT REPORT FORMAT

Format of Field Visit Report

Name of the trainee officer :

Batch No. :

Officer in charge of the visit :

Name of the Institute/organization visited :

Time and Date of visit :

Subject for which visit is made :

Signature of the trainee

Signature of the officer in charge of the visit

Structure of the Report

1. Introduction about the institute
2. Origin and history of the institute
3. Primary duties and functions of the institute
4. Officer with whom interacted
5. Report of the Visit [write summary of learnings from the visit] \
9. Any other Comments/ remarks about the visit and the learning's from the visit.
- .

NOTE FOR THE FACILITATOR ON THE PANEL DISCUSSION

Instructions to Course Coordinator

Invite a member from each of the agencies to have a panel discussion

While conducting the panel discussion, faculty should act as a Moderator

The Moderator should introduce the theme and then the panellists. Each panellist can be given around 15 minutes time to speak and discuss the role of their agencies and areas where coordination is required. After all panellists have spoken, the panel should be open for discussion with question from the participants. The key points of each speaker should be summed up by the moderator and the discussion should be concluded by the moderator well within time. The participants should be instructed to ask specific questions to the panellists.

Group Discussion :

Each Participant should be encouraged to participate. Establish Ground Rules first.

Cull out the important points that emerge from the discussion

Action Plan :Group Work Activity

Prison based Rehabilitation programs

Participants should be divided into groups of 5-6 members of all ranks (warder, to Superintendent) and all should brainstorm and discuss what goals to set for prisoner rehabilitation programs in a particular prison. Action Plan should be time bound and can be short term, medium term and long term. Work Sheets, Flip chart sheets and sketch pen should be distributed to all the groups and facilitator should ensure that all contribute their ideas. Each goal should make clear the responsibility-what you can do at your level (e.g., at Deputy Superintendent level), what can be done by others (e.g. at headquarters). Further review of action is essential. Make clear that there is a start and end date to the action, so the Plan is time bound.

APPENDIX-8

PRISON STATISTICS INDIA – 2021

Total Number of Prison Inmates as on 31.12.2021			
Male	:	5,31,025	
Female	:	22,918	
Transgender	:	91	
Prison Population	:	5,54,034	

Prisoner Types and Demography

Convicts		Undertrials		Detenues		Others	
Male	117846	Male	409346	Male	3381	Male	452
Female	4990	Female	17745	Female	88	Female	95
Transgender	16	Transgender	74	Transgender	01	Transgender	00
Total	122852	Total	427165	Total	3470	Total	547

Number of Jails, Capacity, Population and Occupancy Rate in India at the end of 2021

Type of Jail	Number	Authorized Capacity	Population of Inmates	Occupancy Rate(%)
Central Jail	148	193536	239311	123.7
District Jail	424	163606	254214	155.4
Sub Jail	564	45436	46736	102.9
Special Jail	41	7473	6582	88.1
Open Jail	88	5953	2178	36.6
Women Jail	32	6767	3808	56.3
Borstal School	19	1775	745	42.0
Others	03	1063	460	43.3
Total	1319	425609	554034	130.2

Source: NCRB, MHA (2021) <https://ncrb.gov.in/en/prison-statistics-india-2021>