

**Training Manual of Vertical Interaction Course for Senior
Officers (Dy. Superintendent to IG/DG, Prisons, Lawyers,
DLSA/ Judicial Officers, Police Officers and NGOs)**
on
**Principles of Prison Management and Constitutional Court
Directions-an Update**
(one week)
2022



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महानिदेशक

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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)

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‘Undertrials’

- LU8: Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Women Prisoners’
- LU9: Constitutional Court Directions in improving Prison Management – Issues concerning ‘Convict Prisoners’
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- LU10: Role of Judiciary in ensuring Rights of Prisoners leading to better Prison Management
- LU11: Role of Police in ensuring rights of Persons in Custody leading to better Prison Management
- LU12: Role of Probation Officers in ensuring Rights of Prisoners leading to better Prison Management
- LU13: Role of Legal Services Institutions in ensuring Rights of Prisoners leading to better Prison Management
- LU14: Role of Monitoring Bodies and Civil Society in ensuring Rights of Prisoners leading to better Prison Management
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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 objective oriented, 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, 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 '**Principles of Prison Management and Constitutional Court Directions – An Update**' is designed for Deputy Superintendent to Inspector General of Prisons, Judicial Officers, District Legal Services Authorities, Police Officers, Lawyers, and NGOs. The objective of the course is to impart knowledge on prison management and constitutional court directions.

This course will introduce the principles of prison management as provided in the national and international standards and guidelines. These principles form the foundation of the administration of prisons and management of prison population.

The course will also discuss the development of jurisprudence on prison management by courts. A number of directions have been passed and reiterated from time to time by the Supreme Court and High Courts to ensure humane and dignified treatment of prisoners.

There are a total of 16 Learning Units. The course will reiterate the role of different functionaries as laid down in the law and court directions towards protecting the rights of prisoners and assisting in better prison management.

(FOR TRAINERS AND PARTICIPANTS)



COURSE GUIDE

**Vertical Interaction Course for Senior Officers (Dy.
Superintendent to IG/DG, Prisons, Lawyers, DLSA/ Judicial
Officers, Police Officers and NGOs)**

on

**Principles of Prison Management and Constitutional Court
Directions-an Update**

(one week)

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INTRODUCTION

Prison work is complex, and requires that prison officers be trained on every aspect of imprisonment, in particular the aspects linked to principles of prison management. It is important that processes and outputs in prisons should be managed efficiently and effectively so as to meet the legitimate expectations of governments, of civil society, of victims and of staff, prisoners and their families. Knowledge of these aspects is valuable not only for prison officers, but also other functionaries of the criminal justice system. Multi-stakeholder trainings improve understanding amid functionaries, and improve coordination – which is an essential element of a functional and efficient criminal justice system.

AIM

To impart knowledge on prison management and constitutional court directions.

DESIGNED FOR

Deputy Superintendent to Inspector General of Prisons, Judicial Officers, District Legal Services Authorities, Police Officers, Lawyers, and NGOs

FACILITATORS

In-House and Guest Faculty. The Guest Faculty can include serving / retired Senior Prison Officers, police officers, judicial officers, lawyers, academicians and experts on prison management and legal jurisprudence.

STYLE OF THE COURSE

This Course encompasses a series of practical learning activities. The Course is delivered through multiple media, styles and activities with a ‘self-directed learning approach’ simulated by the use of field-based situations and sharing of best practices in prison management.

OBJECTIVES

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

Unit – 1

Training Objective

Explain the functioning of the institutions of Criminal Justice System and their impact on Prison Management

Enabling Objectives

- 1.1 Explain the overall mandate of the institutions of Criminal Justice System
- 1.2 Explain the interlink-ages between the functioning of Criminal Justice System and Prison Management
- 1.3 Explain the impact of the functioning of Criminal Justice System and Prison Management
- 1.4 Explain the value of statistics in day-to-day prison management and record keeping

Unit – 2

Training Objective

Explain the principles of Prison Management as provided in the national standards and guidelines

Enabling Objectives

- 2.1 List the national standards and institutions which contribute to development of the Principles of Prison Management
- 2.2 Explain the Principles of Prison Management and the philosophy behind these principles, as laid down in national standards and guidelines
- 2.3 Explain the philosophy behind these principles, as laid down in the ‘national standards/ guidelines’

Unit – 3

Training Objective

Explain the principles of Prison Management as provided in the international standards/ guidelines

Enabling Objectives

- 3.1 List the international instruments/ guidelines that contribute to the development of the Principles of Prison Management
- 3.2 Explain the principles of Prison Management, as laid down in the international standards/ guidelines
- 3.3 Explain the philosophy behind these principles, as laid down in the international standards/ guidelines

Unit – 4

Training Objective

Explain the concepts of ‘policy gaps and ‘implementation gaps’ in the functioning of the Prison System in India

Enabling Objectives

- 4.1 Explain the policy gaps and challenges in the current functioning of the Prison System in India vis-à-vis UN Standard Minimum Rules for the Treatment of Prisoners, 2015
- 4.2 Explain the implementation gaps and challenges in the functioning of the Prison System in India vis-à-vis UN Standard Minimum Rules for the Treatment of Prisoners, 2015

Unit – 5

Training Objective

Describe the chronology of the landmark judgements of the Supreme Court relating to Prison Management

Enabling Objectives

- 5.1 List the Supreme Court’s landmark case laws on prisons

5.2 Describe the relevance of Court's interventions and development of jurisprudence on rights of prisoners in the country

Unit – 6

Training Objective

Explain the main directions of the Supreme Court in the WP (Civil) 406/2013, 'Re-inhuman Conditions in 1382 Prisons'

Enabling Objectives

6.1 Explain the main directions of the Hon'ble Supreme Court in the WP (Civil) 406/2013, 'Re-inhuman Conditions in 1382 Prisons'

Unit – 7

Training Objective

Explain the directions of the Hon'ble Supreme Court in regard to Undertrial Prisoners

Enabling Objectives

7.1 Explain the directions of the Supreme Court in regard to arrest and remand of persons

7.2 Explain the directions of the Supreme Court in regard to bail of Undertrials

7.3 Explain the directions of the Supreme Court in regard to legal aid for persons in custody

Unit – 8

Training Objective

Explain the directions of the Supreme Court in regard to women prisoners

Enabling Objectives

8.1 Explain the national and international standards in regard to the treatment of women prisoners and their special needs

8.2 Explain the directions of the Supreme Court in regard to women prisoners and their children

Unit – 9

Training Objective

Explain the directions of the Supreme Court in regard to convict prisoners

Enabling Objectives

- 9.1 Explain the directions of the Supreme Court in regard to grant of Parole and Furlough to convicts
- 9.2 Explain the directions of the Supreme Court in regard to rehabilitation of convicts and grant of wages
- 9.3 Explain the directions of the Supreme Court in regard to grant of remission and pre-mature release of convicts

Unit – 10

Training Objective

Explain the directions of the Supreme Court in regard to role of Judicial Officers in ensuring rights of prisoners

Enabling Objectives

- 10.1 Explain the role of district judiciary in Prison Management
- 10.2 Explain the role of higher judiciary in Prison Management
- 10.3 Explain the directions of the Supreme Court in regard to role of Judicial Officers in Prison Monitoring
- 10.4 Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of Judicial Officers in Prison Management

Unit – 11

Training Objective

Explain the directions of the Supreme Court in regard to role of police in ensuring rights of persons in custody leading to better prison management

Enabling Objectives

- 11.1 Explain the role of police in regard to rights of persons in custody

11.2 Explain the directions of the Supreme Court in regard to role of police and prisons

11.3 Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of police towards arrestees and prisoners

Unit – 12

Training Objective

Explain the directions of the Supreme Court in regard to role of Probation Officers in ensuring rights of prisoners

Enabling Objectives

12.1 Explain the role of probation officers in regard to rights of prisoners

12.2 Explain the directions of the Supreme Court in regard to role of Probation Officers towards prisoners

12.3 Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of Probation Officers towards prisoners

Unit – 13

Training Objective

Explain the directions of the Supreme Court in regard to role of legal aid institutions in ensuring rights of prisoners

Enabling Objectives

13.1 Explain the role of legal aid functionaries in regard to rights of prisoners

13.2 Explain the directions of the Supreme Court in regard to role of Legal Services Institutions towards prisoners

13.3 Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of Legal Services Institutions towards prisoners

Unit – 14

Training Objective

Explain the directions of the Supreme Court in regard to role of monitoring bodies and civil society in ensuring rights of prisoners leading to better prison management

Enabling Objectives

- 14.1 Explain the role of Monitoring Bodies in regard to rights of prisoners
- 14.2 Explain the directions of the Supreme Court in regard to role of monitoring bodies towards prisoners
- 14.3 Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of monitoring bodies towards prisoners

Unit – 15

Training Objective

Demonstrate the features of ICJS for coordination among functionaries

Enabling Objectives

- 15.1 Explain the main features of ICJS, a technological tool developed by National Informatics Centre
- 15.2 Demonstrate the main features of ICJS

Unit – 16

Training Objective

Explain the directions of the Supreme Court in regard to role of monitoring bodies and civil society in ensuring rights of prisoners leading to better prison management

Enabling Objectives

- 16.1 Describe the good practices observed during field visit

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	
1030-1045	Tea Break	
1045-1200	Impact of the Functioning of the Criminal Justice System on Prison Management ▪ Mandate of the institutions of Criminal Justice System ▪ Relevant Constitutional and CrPC provisions ▪ Observations and Recommendations of some of the Committees/ Commissions on the issue ▪ Relevant statistics from NCRB's 'Prison Statistics India' and 'Crime in India' ▪ Suggestions on improving Record-keeping	1.1 1.2 1.3 1.4
1200-1215	Break	
1215 -1330	Principles of Prison Management: National Standards and Guidelines ▪ BPR&D's National Policy on Prison Reforms ▪ Recommendations of various Committees on prison-related issues	2.1 2.2 2.3
1330-1430	Lunch	
1430 - 1530	Principles of Prison Management: National Standards and Guidelines	2.1 2.2

	▪ Model Prison Manual, 2016 ▪ Ministry of Home Affairs Advisory ▪ National Human Rights Commission Guidelines	2.3
1530-1545	Tea Break	
1545 - 1645	Principles of Prison Management: International Guidelines ▪ Universal Declaration of Human Rights ▪ International Covenant on Civil and Political Rights ▪ United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), 2015 ▪ Basic Principles for the Treatment of Prisoners, 1990 ▪ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1982 ▪ Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 1982 ▪ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 2010 ▪ Any other relevant guidelines.	3.1 3.2 3.3

DAY/TIME	CONTENT	OBJECTIVES
DAY-2 0915 –1030	Principles of Prison Management: International Guidelines (cont.)	3.1 3.2 3.3
1030-1045	Tea Break	
1045 - 1200	Principles of Prison Management in Practice ▪ Group Exercise	4.1 4.2
1200-1215	Break	
1215 - 1330	Principles of Prison Management in Practice ▪ Group Exercise (cont.)	4.1 4.2
1330-1430	Lunch	
1430 -1630 (Tea Break 1530-1545)	An introduction to Constitutional Court Directions in improving Prison Management ▪ Supreme Court’s landmark case laws on prisons ▪ Relevance of court’s interventions and development of jurisprudence on rights of prisoners in the country	5.1 5.2

DAY – 3 0915 – 1030	Constitutional Court Directions in improving Prison Management – Writ Petition 406/2013 ‘Re-inhuman Conditions in 1382 Prisons’ Supreme Court directions in regard to: ▪ Under Trial Review Committees ▪ Overcrowding in Prisons	6.1
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	▪ Board of Visitors ▪ Model Prison Manual, 2016 ▪ Personnel Strength and Training ▪ Unnatural Deaths in Prisons and Compensation ▪ Prison Management System	
1030-1045	Tea Break	
1045-1200	Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Undertrials’ ▪ Important case laws on arrest of persons ▪ Important case laws on remand of prisoners	7.1
1200-1215	Break	
1215 -1330	Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Undertrials’ ▪ Important case laws on bail of Undertrials ▪ Important case laws on legal aid of prisoners ▪ NALSA Early Access Framework ▪ NALSA SOP for Representation of Persons in Custody	7.2 7.3
1330-1430	Lunch	
1430 – 1530	Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Women Prisoners’ ▪ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 2010 ▪ Chapter XXVI of the Model Prison Manual, 2016	8.1 8.2

	▪ R.D. Upadhyaya v. State of A.P. and Others, AIR 2006 SC 1946 ▪ Other important case laws on rights of Women Prisoners	
1530-1545	Tea Break	
1545 – 1645	Constitutional Court Directions in improving Prison Management – Issues concerning ‘Convict Prisoners’ ▪ Chapter XIX of the Model Prison Manual, 2016 ▪ Important case laws on grant of Parole and Furlough to convicts ▪ Chapter XXII of the Model Prison Manual, 2016 ▪ Important case laws on rehabilitation of convicts and grant of wages ▪ Chapter XVIII and XX of the Model Prison Manual, 2016 ▪ Important case laws on grant of remission and pre-mature release of convicts	9.1 9.2 9.3

DAY/TIME	CONTENT	OBJECTIVES
DAY – 4 0915 – 1030	Role of Judiciary in ensuring Rights of Prisoners leading to better Prison Management ▪ Prisons and district judiciary ▪ Prisons and higher judiciary ▪ Identification of coordination gaps ▪ Important Case laws on Role of Judiciary in prisons ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	10.1 10.2 10.3 10.4
1030-1045	Tea Break	
1045– 1200	Role of Police in ensuring rights of Persons in Custody leading to better prison management ▪ Important Case laws on Prisons and police ▪ Early stages of criminal justice for the accused ▪ Role of police ▪ Medico-legal examination ▪ Police escorts ▪ Identification of coordination gaps ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	11.1 11.2 11.3
1200-1215	Break	
1215 – 1330	Role of Probation Officers in ensuring Rights of Prisoners leading to better Prison Management ▪ Prison and Probation ▪ Probation of offenders act ▪ Role of probation officers ▪ Identification of coordination gaps ▪ Relevant MHA Advisories, NHRC	12.1 12.2 12.3

	Guidelines & Recommendations of various Committees	
1330-1430	Lunch	
1430– 1530	Role of Legal Services Institutions in ensuring Rights of Prisoners leading to better Prison Management ▪ Prisons and legal services bodies ▪ Identification of coordination gaps ▪ Important Case laws on Role of legal services institutions in prisons ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	13.1 13.2 13.3
1530-1545	Tea Break	
1545-1645	Role of Monitoring Bodies and Civil Society in ensuring Rights of Prisoners leading to better Prison Management ▪ Important Case laws on Role of Prison Monitors ▪ External oversight ▪ Internal oversight ▪ Board of visitors ▪ Civil Society Participation in prisons ▪ Identification of coordination gaps ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	14.1 14.2 14.3

DAY – 5		
0915 – 1030	Field Visit to the nearest Central/District prison	15.1
1045– 1330	Field Visit to the nearest Central/District prison (cont.)	15.1
1330-1430	Lunch	

1430 – 1545	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries ▪ Demonstration of the main features of ICJS, a technological tool developed by National Informatics Centre	16.1 16.2
1545-1600	Tea Break	
1600 – 1630	Feedback Session	
1630 – 1645	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

Indoor	6 hr 15 mins (including Sessions and Library)
Outdoor	2 hr 30 mins (including Yoga and Sports)
Breakfast	45 mins
Tea Break/ Break	45 mins
Lunch	1 hr
Dinner	1 hr 30 mins

(FOR TRAINERS ONLY)



TRAINER GUIDE

**Training Manual of Vertical Interaction Course for Senior
Officers (Dy. Superintendent to IG/DG, Prisons, Lawyers,
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on

Principles of Prison Management and Constitutional Court

Directions-an Update

(one week)

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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 participants questions and appropriate responses;
- Contains details of points for briefing & debriefing of case study, exercises, Films, etc.
- Serves as a reminder to administer exercises; and
- Guides on the use of media

Pre-Course Preparation

The following must be ensured:

1. Get an idea on number and list of participants from the course coordinator
2. Resource Kit, Name plates/ Name badges of participants be kept ready
3. Photocopies of Handout, 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. Reference Material

For Participants

- Course Guide
- Resource Material – Handouts, Performance Aid (Posters)
- Reference Material
- Pre-evaluation Questionnaire
- Post-evaluation Questionnaire

DAY-WISE TIME TABLE

DAY – 1

Time	Content	Remarks
0915 – 0930	Registration	Use Registration form, as provided in Appendix-1 for the registration of participants. 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 Distribute Pre-Evaluation Questionnaire to all Participants	Ice-Breaking Activity: Name plates/neck badges of all participants be kept in one corner of the room. Ask every participant to pick up the name plate/badge of any one participant whom he/she does not know, talk to the concerned person and introduce each other. OR Refer to Appendix 2 for other activities. Give 10 min to participants to fill the same and collect them.
1030-1045	Tea Break	The Course Director to go through the responses of the Pre-evaluation Exercise, as provided in Appendix-4 , to understand the knowledge level of participants. The Course Director to share these responses with other resource persons as well so that they can plan their sessions accordingly.

1045-1200	Session-II: Impact of the Functioning of the Criminal Justice System on Prison Management	Use ‘Prison Statistics India’ and ‘Crime in India’ reports to share the latest statistics about the functioning of criminal justice institutions.
1200 - 1215	Stretch Break	
1215-1330	Session- III: Principles of Prison Management: National Standards and Guidelines ▪ BPR&D’s National Policy on Prison Reforms - Recommendations of various Committees on prison-related issues	PowerPoint slides could be used to explain the BPR&D’s National Policy on Prison Reforms and the recommendations of various committees on prison-related issues. Distribute HO-1 on ‘Principles of Prison Management: National Standards and Guidelines’. 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: Principles of Prison Management: National Standards and Guidelines (cont.) ▪ Model Prison Manual 2016 ▪ Ministry of Home Affairs Advisory ▪ National Human Rights Commission Guidelines	PowerPoint slides could be used to explain what are the topics/subjects covered by the mentioned national standards.
1530 – 1545	Tea Break	

1545 - 1700	Session V Principles of Prison Management: International Guidelines ▪ Universal Declaration of Human Rights ▪ International Covenant on Civil and Political Rights ▪ United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), 2015 ▪ Basic Principles for the Treatment of Prisoners, 1990 ▪ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1982 ▪ Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 1982 ▪ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 2010 Any other relevant guidelines.	Distribute HO-2 on ‘Principles of Prison Management: International Guidelines’. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document. In this session, the focus must be on identifying the principles on which prison management must be based, eg. Non-discrimination, respect to inherent dignity, no ill-treatment, respect to needs of vulnerable prisoners, etc. Do not go into the details of the international standards. After a brief introduction to the various international guidelines, a Group Exercise/Team Work may be initiated: Divide the participants in 7 groups and assign each group one international guideline as mentioned in the content. Ask every group to go through the international guideline that is assigned and identify these basic principles in 30 minutes. Chart paper could be given to write these basic principles.
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DAY – 2

Time	Content	Remarks
0900 – 0915	Recap	
0915 – 1030	Session-I: Principles of Prison Management: International Guidelines (cont.)	Ask every group to paste their chart paper on one wall of the hall/room. Go through them one-by-one and certain common principles will come out of this exercise. Add if any important principle is missed out and have a open house discussion on these basic principles.
1030– 1045	Tea Break	
1045 – 1200	Session- II: Principles of Prison Management in Practice ▪ Group Exercise	Team Work: Divide the participants stakeholders-wise, eg. Representatives of the prison department to formulate one group, representatives of judiciary to formulate one group and so on. Distribute the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), 2015, to all the groups. Divide the provisions of the Mandela Rules as applicable to different groups and ask them to discuss the following: i. GAPS: How far are we from reaching the international standards? Identify the on-ground implementation gaps vis-à-vis Mandela Rules. ii. CHALLENGES: What are the obstacles in achieving better standards? Write at least two challenges that you face in your day-to-day work. iii. SOLUTIONS: How do we bridge the gap between “what is desirable” and “what

		exists”? Suggest innovative solutions to these systemic issues.
1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Principles of Prison Management in Practice: ▪ Group Exercise (cont.)	Allocate time and ask the groups to present one-by-one and have discussion.
1330 – 1430	Lunch	
1430 – 1700 (Tea Break 1530-1545)	Session- IV: An introduction to Constitutional Court Directions in improving Prison Management	Provide the chronology of important Supreme Court case laws on matters relating to prison management and rights of prisoners.

DAY – 3

Time	Content	Remarks
0900 – 0915	Recap	
0915 – 1030	Session- I: Constitutional Court Directions in improving Prison Management – Writ petition 406/2013 – ‘Re-inhuman Conditions in 1382 Prisons’ Supreme Court directions in regard to: ▪ Under Trial Review Committees ▪ Overcrowding in Prisons ▪ Board of Visitors ▪ Model Prison Manual ▪ Personnel Strength and Training ▪ Unnatural Deaths in Prisons and Compensation	Distribute HO-3 to all the participants. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.

	Prison Management System	
1030– 1045	Tea Break	
1045 – 1200	Session- II: Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Undertrials’ Important case laws on issues concerning Undertrials – Arrest and Remand	Distribute HO-4 to all the participants. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Undertrials’ (cont.) - Important case laws on issues concerning Undertrials – Bail and Legal Aid - NALSA Early Access Framework - NALSA SOP for Representation of Persons in Custody	Distribute HO-5 and HO-6 to all the participants. 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: Constitutional Court Directions in improving Prison Management – Issues Concerning ‘Women Prisoners’ Important case laws on issues concerning Women Prisoners	Distribute HO-7 to all the participants. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1530 – 1545	Tea break	
1545 – 1700	Session-V:	Distribute HO-8 to all the

	Constitutional Court Directions in improving Prison Management – Issues concerning ‘Convict Prisoners’ ▪ Important case laws on issues concerning Convicts – Parole, Furlough, Remission, Pre-Mature Release, Wages	participants. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
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DAY – 4

Time	Content	Remarks
0900 – 0915	Recap	
0915 – 1030	Session- I: Role of Judiciary in ensuring Rights of Prisoners leading to better Prison Management ▪ Prisons and district judiciary ▪ Prisons and higher judiciary ▪ Identification of coordination gaps ▪ Important Case laws on Role of Judiciary in prisons ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	Distribute Performance aid 1 to all participants. It will act as a quick reference for participants after the training course.
1030– 1045	Tea Break	
1045 – 1200	Session- II: Role of Police in ensuring rights of Persons in Custody leading to better prison management ▪ Important Case laws on Prisons and police ▪ Early stages of criminal justice for the accused	

	▪ Role of police ▪ Medico-legal examination ▪ Police escorts ▪ Identification of coordination gaps ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	
1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Role of Probation Officers in ensuring Rights of Prisoners leading to better Prison Management ▪ Prison and Probation ▪ Probation of offenders act ▪ Role of probation officers ▪ Identification of coordination gaps ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	
1330 – 1430	Lunch	
1430 – 1530	Session- IV: Role of Legal Services Institutions in ensuring Rights of Prisoners leading to better Prison Management ▪ Prisons and legal services bodies ▪ Identification of coordination gaps ▪ Important Case laws on Role of legal services institutions	Distribute Performance aid 2, 3 and 4 to all participants. It will act as a quick reference for participants after the training course.

	in prisons ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	
1530 – 1545	Tea break	
1545 – 1700	Session- V: Role of Monitoring Bodies and Civil Society in ensuring Rights of Prisoners leading to better Prison Management ▪ Important Case laws on Role of Prison Monitors ▪ External oversight ▪ Internal oversight ▪ Board of visitors ▪ Civil Society Participation in prisons ▪ Identification of coordination gaps ▪ Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	

DAY – 5

Time	Content	Remarks
0915 – 1030	Field Visit to the nearest Central/District prison	Coordinate with the respective Central/District Prison
1045– 1330	Field Visit to the nearest Central/District prison (cont.)	

1330-1430	Lunch	
1430 – 1545	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries Demonstration of the main features of ICJS, a technological tool developed by National Informatics Centre	Coordinate with the NIC Representatives and ensure good internet connectivity for live/online demonstration.
1545-1600	Tea Break	
1600-1630	Post-Evaluation Exercise and Feedback Session	Distribute the Post-evaluation Exercise questionnaire as provided in Appendix 5 to all participants: Distribute the feedback form as provided in Appendix 6 to all participants.
1630-1700	Valediction	

The Course coordinator should compile the feedback of the participants and submit to the Head of the Training Institute.

Course Ends

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

End of Course

PART – B

COURSE GRID

LEARNING EVENT

Course Grid

01	Impact of the Functioning of Criminal Justice System on Prison Management	02	Principles of Prison Management – National Standards and Guidelines	03	Principles of Prison Management – International Guidelines
04	Principles of Prison Management in practice	05	An introduction to Constitutional Court Directions in improving Prison Management	06	Constitutional Court Directions in improving Prison Management – W.P. 406/2013 ‘Re-inhuman Conditions in 1382 Prisons’
07	Constitutional Court Directions in improving Prison Management – Issues Concerning Undertrials	08	Constitutional Court Directions in improving Prison Management – Issues Concerning Women Prisoners	09	Constitutional Court Directions in improving Prison Management – Issues concerning Convict Prisoners
10	Role of Judiciary in ensuring Rights of Prisoners leading to better Prison Management	11	Role of Police in ensuring rights of Persons in Custody leading to better Prison Management	12	Role of Probation Officers in ensuring Rights of Prisoners leading to better Prison Management
13	Role of Legal Services Institutions in ensuring Rights of Prisoners leading to better Prison Management	14	Role of Monitoring Bodies and Civil Society in ensuring Rights of Prisoners leading to better Prison Management	15	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries
16	Field Visit				

LEARNING EVENT

**VERTICAL INTERACTION COURSE FOR SENIOR OFFICERS (DY. SUPERINTENDENT TO IG/DG, PRISONS, LAWYERS,
DLSA JUDICIAL OFFICERS, POLICE OFFICERS AND NGOS) ON PRINCIPLES OF PRISON MANAGEMENT AND
CONSTITUTIONAL COURT DIRECTIONS-AN UPDATE**

(ONE WEEK)

LEARNING EVENT

Unit	1							
Learning Unit	Impact of the Functioning of Criminal Justice System on Prison Management							
Training Objective	At the end of training, participants will be able to explain the functioning of the institutions of Criminal Justice System and their impact on Prison Management							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the overall mandate of the institutions of Criminal Justice System	- Institutions of the Criminal Justice System – Court, Police, Prisons, Legal Aid, Prosecution, Probation, Human Rights Institutions, etc. - Mandate of the institutions of Criminal Justice System - Relevant Constitutional and CrPC provisions	Lecture-cum-Discussion	White Board, Marker, Projection System	15	In-House/ Guest Faculty		Q/A
2	Explain the interlinkages between the functioning of Criminal Justice System and Prison Management	- Relevant statistics from ‘Prison Statistics India’ and ‘Crime in India’ - Observations and Recommendations of some of the Committees/ Commissions on the issue			30			
3	Explain the impact of							

	the functioning of Criminal Justice System and Prison Management							
3	Explain the value of statistics in day-to-day prison management and record keeping.	- NCRB's Prison Statistics India - Suggestions on improving Record-keeping			30			

LEARNING EVENT

Unit	2							
Learning Unit	Principles of Prison Management –National Standards and Guidelines							
Training Objective	At the end of training, participants will be able to explain the principles of Prison Management as provided in the national standards and guidelines							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	List the national standards and institutions which contribute to development of the Principles of Prison Management	- BPR&D's National Policy on Prison Reforms - Recommendations of various Committees on prison-related issues - Model Prison Manual 2016 - Ministry of Home Affairs Advisory - National Human Rights Commission Guidelines	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty		Q/A
2	Explain the Principles of Prison Management and the philosophy behind these principles, as laid down in national standards and guidelines				120			
3	Explain the philosophy behind these principles, as laid down in the 'national standards/ guidelines'							

LEARNING EVENT

Unit	3							
Learning Unit	Principles of Prison Management – International Guidelines							
Training Objective	At the end of training, participants will be able to explain the principles of Prison Management as provided in the international standards/ guidelines							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	List the international instruments/ guidelines that contribute to the development of the Principles of Prison Management	- Universal Declaration of Human Rights - International Covenant on Civil and Political Rights - United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), 2015 - Basic Principles for the Treatment of Prisoners, 1990	Lecture-cum-Discussion	White Board, Marker, Projection System, Chart Paper	30	In-House/ Guest Faculty		Q/A
2	Explain the principles of Prison Management, as laid down in the international standards/ guidelines	- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1982 - Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 1982	Team Exercise and Presentation		120			
3	Explain the philosophy behind these principles, as laid down in the international standards/ guidelines	- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 2010 - Any other relevant guidelines						

LEARNING EVENT

Unit	4							
Learning Unit	Principles of Prison Management in practice							
Training Objective	At the end of training, participants will be able to explain the concepts of ‘policy gaps and ‘implementation gaps’ in the functioning of the Prison System in India							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the policy gaps and challenges in the current functioning of the Prison System in India vis-à-vis UN Standard Minimum Rules for the Treatment of Prisoners, 2015	- United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), 2015	Team Exercise and Presentation	White Board, Marker, Projection System	150	In-House/ Guest Faculty		Q/A
2	Explain the implementation gaps and challenges in the functioning of the Prison System in India vis-à-vis UN Standard Minimum Rules for the Treatment of Prisoners, 2015							

LEARNING EVENT

Unit	5							
Learning Unit	An introduction to Constitutional Court Directions in improving Prison Management							
Training Objective	At the end of training, participants will be able to describe the chronology of the landmark judgements of the Supreme Court relating to Prison Management							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	List the Supreme Court’s landmark case laws on prisons	- Charles Sobraj V Superintendent Central Jail, Tihar, New DelhiAIR 1978 SC 1514 - Hussainara Khatoon &Ors V Home Secretary, Bihar, Patna AIR 1979 SC 1360 - Sunil Batra (2) v. DelhiAdmn.,(1980) 3 SCC 488: 1980 SCC (Cri) 777; - Prem Shankar Shukla V Delhi Administration AIR 1980 SC 1535 - RamaMurthyv. State of Karnataka, AIR 1997 SC 1739; (1997) 2 SCC 642 : 1997 SCC (Cri) 386; - R.D. Upadhyaya v. State of A.P. and Others, AIR 2006 SC 1946 - Re-Inhuman Conditions of 1382 Prisons, WP (Civil) 406/2013 - Shatrughan Chauhan v. Union of India and Others, (2014) 3 SCC 1 - Bhim Singh V. Union of India,(2015) 13 sec 605: (2016) 1 sec (Cri) 663	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty		Q/A
2	Describe the relevance of court’s interventions and development of jurisprudence on rights of prisoners in the country				45			

LEARNING EVENT

Unit	6							
Learning Unit	Constitutional Court Directions in improving Prison Management – Writ Petition 406/2013 ‘Re-inhuman Conditions in 1382 Prisons’							
Training Objective	At the end of training, participants will be able to explain the main directions of the Supreme Court in the WP (Civil) 406/2013, ‘Re-inhuman Conditions in 1382 Prisons’							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the main directions of the Hon’ble Supreme Court in the WP (Civil) 406/2013, ‘Re-inhuman Conditions in 1382 Prisons’	Supreme Court directions in regard to: - Under Trial Review Committees - Overcrowding in Prisons - Board of Visitors - Model Prison Manual - Personnel Strength and Training - Unnatural Deaths in Prisons and Compensation - Prison Management System	Lecture-cum-Discussion	White Board, Marker, Projection System	75	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	7							
Learning Unit	Constitutional Court Directions in improving Prison Management – Issues Concerning Undertrials							
Training Objective	At the end of training, participants will be able to explain the directions of the Hon'ble Supreme Court in regard to Undertrial Prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the directions of the Supreme Court in regard to arrest and remand of persons	- Important case laws on arrest of persons - Important case laws on remand of prisoners	Lecture-cum-Discussion	White Board, Marker, Projection System	25	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to bail of Undertrials	- Important case laws on bail of Undertrials			25			
3	Explain the directions of the Supreme Court in regard to legal aid for persons in custody	- Important case laws on legal aid of prisoners - NALSA Early Access Framework - NALSA SOP for Representation of Persons in Custody			25			

LEARNING EVENT

Unit	8							
Learning Unit	Constitutional Court Directions in improving Prison Management –Issues Concerning Women Prisoners							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to women prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the international and national standards in regard to the treatment of women prisoners and their special needs	- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 2010 - Chapter XXVI of the Model Prison Manual, 2016	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to women prisoners and their children	- <i>R.D. Upadhyaya v. State of A.P. and Others</i>, AIR 2006 SC 1946 - Other important case laws on rights of Women Prisoners			30			

LEARNING EVENT

Unit	9							
Learning Unit	Constitutional Court Directions in improving Prison Management – Issues concerning Convict Prisoners							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to convict prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the directions of the Supreme Court in regard to grant of Parole and Furlough to convicts	- Chapter XIX of the Model Prison Manual, 2016 - Important case laws on grant of Parole and Furlough to convicts	Lecture-cum-Discussion	White Board, Marker, Projection System	25	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to rehabilitation of convicts and grant of wages	- Chapter XXII of the Model Prison Manual, 2016 - Important case laws on rehabilitation of convicts and grant of wages			25			
3	Explain the directions of the Supreme Court in regard to grant of remission and pre-mature release of convicts	- Chapter XVIII and XX of the Model Prison Manual, 2016 - Important case laws on grant of remission and pre-mature release of convicts			25			

LEARNING EVENT

Unit	10							
Learning Unit	Role of Judiciary in ensuring Rights of Prisoners leading to better Prison Management							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to role of Judicial Officers in ensuring rights of prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the role of district judiciary in Prison Management	- Relevant provisions of the CrPC - Important Case laws on Role of Judiciary in prisons - Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	Lecture-cum-Discussion	White Board, Marker, Projection System	15	In-House/ Guest Faculty		Q/A
2	Explain the role of higher judiciary in Prison Management				10			
3	Explain the directions of the Supreme Court in regard to role of Judicial Officers in Prison Monitoring				25			
4	Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of Judicial Officers in Prison Management				25			

LEARNING EVENT

Unit	11							
Learning Unit	Role of Police in ensuring rights of Persons in Custody leading to better Prison Management							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to role of police in ensuring rights of persons in custody leading to better prison management							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the role of police in regard to rights of persons in custody	- Relevant provisions of the CrPC - Early stages of criminal justice for the accused - Medico-legal examination - Important Case laws on police and prisons - Police Escorts - Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	Lecture-cum-Discussion	White Board, Marker, Projection System	10	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to role of police and prisons				15			
3	Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of police towards arrestees and prisoners				25			

LEARNING EVENT

Unit	12							
Learning Unit	Role of Probation Officers in ensuring Rights of Prisoners leading to better Prison Management							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to role of Probation Officers in ensuring rights of prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the role of probation officers in regard to rights of prisoners	- Relevant provisions of the CrPC - Important Case laws on police and prisons - Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	Lecture-cum-Discussion	White Board, Marker, Projection System	10	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to role of Probation Officers towards prisoners				15			
3	Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of Probation Officers towards prisoners				25			

LEARNING EVENT

Unit	13							
Learning Unit	Role of Legal Services Institutions in ensuring Rights of Prisoners leading to better Prison Management							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to role of legal aid institutions in ensuring rights of prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the role of legal aid functionaries in regard to rights of prisoners	- Relevant provisions of the CrPC - Prisons and legal services bodies - Identification of coordination gaps - Important Case laws on Role of legal services institutions in prisons - Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	Lecture-cum-Discussion	White Board, Marker, Projection System	10	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to role of Legal Services Institutions towards prisoners				15			
3	Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of Legal Services Institutions towards prisoners				25			

LEARNING EVENT

Unit	14							
Learning Unit	Role of Monitoring Bodies and Civil Society in ensuring Rights of Prisoners leading to better Prison Management							
Training Objective	At the end of training, participants will be able to explain the directions of the Supreme Court in regard to role of monitoring bodies and civil society in ensuring rights of prisoners leading to better prison management							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the role of Monitoring Bodies in regard to rights of prisoners	- Important Case laws on Role of Prison Monitors - External oversight - Internal oversight - Board of visitors - Civil Society Participation in prisons - Identification of coordination gaps - Relevant MHA Advisories, NHRC Guidelines & Recommendations of various Committees	Lecture-cum-Discussion	White Board, Marker, Projection System	10	In-House/ Guest Faculty		Q/A
2	Explain the directions of the Supreme Court in regard to role of monitoring bodies towards prisoners				15			
3	Explain the guidelines issued by the NHRC, MHA and Committees in regard to role of monitoring bodies towards prisoners				25			

LEARNING EVENT

Unit	15							
Learning Unit	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries							
Training Objective	At the end of training, participants will be able to demonstratethe features of ICJS for coordination among functionaries							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the main features of ICJS, a technological tool developed by National Informatics Centre	Main features of Inter-Operable Criminal Justice System (ICJS)	Lecture-cum-Discussion	Projection system	75	Representative of National Informatics Centre, in-charge of ICJS		Q/A
2	Demonstrate the main features of ICJS		Demonstration (Live/ Online)					

LEARNING EVENT

Unit	16							
Learning Unit	Field Visit							
Training Objective	At the end of training, participants will be able to describe the good practices in regard to Prison Management and coordination with other functionaries							
Enabling Objectives At the end of training, participants will be able to –	Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment	
1	Describe the good practices observed during field visit	- Nearby Central/District Prison - Any other relevant place	- Field Visit and Discussion - Lecture-cum-Discussion		150	In-House / Guest Faculty		

PART - C

RESOURCE MATERIAL

Section 1: Handouts

Section 2: Performance Aid

Handouts

HO-1: Principles of Prison Management: National Standards and Guidelines

HO-2: Principles of Prison Management: International Guidelines

HO-3: Writ petition 406/2013 – ‘Re-inhuman Conditions in 1382 Prisons’: case study

HO-4: Role of Police in ensuring rights of Persons in Custody leading to better Prison Management

HO-5: Rights of Undertrials in regard to bail

HO-6: Rights of Undertrials in regard to legal aid

HO-7: Rights of Women Prisoners

HO-8: Rights of Convict Prisoners in regard to Parole, Furlough, Remission and Prison Wages

Principles of Prison Management: National Standards and Guidelines

The Constitution of India guarantees fundamental human rights to every individual. It further pledges that the state will safeguard these human rights and protect citizens from any arbitrary infringement upon their liberty, security and privacy. The Supreme Court of India has reiterated this principle many a times in the past. Over the years, the Supreme Court has on many occasions emphasised the role of the judiciary as a “guardian of their sentences.” To support this, the court has laid down a number of guidelines and directives for the state to follow.¹

The Ministry of Home Affairs has also issued advisories to the State Governments and the National Human Rights Commission (NHRC) has issued guidelines and written letters to various agencies including the judiciary, the prison department and the state government to ensure that the rights of the prisoners are respected. Unlike case laws, these advisories and guidelines are not binding on states as ‘Prisons’ is a state subject. However, they are formulated with the aim to protect the rights of prisoners and lay down important guiding principles of prison management. Therefore, the State Governments and other stakeholders must endeavour to implement them in letter and spirit.

Similarly, the endeavour must also be to implement the Standard Minimum Rules for the Treatment of Prisoners which were revised by the United Nations in 2015 (these are popularly known as the Nelson Mandela Rules) and various other international standards. Drawing on these international standards, the Ministry of Home Affairs also revised the country’s Model Prison Manual in 2016. The Manual acts as a guide for prison administrators in effectively managing prisons.

There is a growing recognition at the global level to bring about systemic reforms in public institutions. Goal 16 of the UN Sustainable Development Goals (SDGs) 2030 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective,

¹‘Rights Behind Bars, Landmark Judicial Pronouncements and National Human Rights Commission Guidelines’ by the Commonwealth Human Rights Initiative, first edition, 2009

accountable and inclusive institutions at all levels. Prison departments across India too must strive to attain this goal through systemic reforms.

This section will cover an introduction to the various principles and international and national standards.

The contemporary prison administration in India is a legacy of the British rule, governed under the Prisons Act of 1894. While prisons is a state subject under the constitutional framework and state prison rules constitute the main foundation of prison management, there are a number of others which have immensely contributed to the development of prison management in the country. (The part on judicial intervention will be dealt separately in the next sessions.)

- **BPR&D's National Policy on Prison Reforms:** In pursuance to the recommendations submitted by the All India committee on Jail Reforms in 1983, the Ministry of Home Affairs vide their O.M. No. 16011/2/2003-PR dated 1st December, 2005 had constituted a committee under the Chairmanship of Director General, BPR&D for preparing a draft policy paper on the strategy relating to prison reforms and correctional administration. The main mandate of the Committee was to review the recommendations made by the various Committees and cull out tangible recommendations which are required to be implemented by the Centre and the States. The policy is comprehensively formulated and covers the development of the prison system in India with the focus on recommendations on key issues concerning prisons and rights of prisoners.
- **Model Prison Manual, 2016:** The necessity of formulating a model prison manual was stressed upon by the Supreme Court in 1996 in *Ramamurthy v. State of Karnataka*². Prior to this, the All India Committee on Jail Reforms (1980-83) had also recognised the need for a consolidated law on prisons. With this objective in mind, a Model Prison Manual was prepared in 2003 by evolving national consensus on relevant issues relating to prison reforms in India. Again, based on the direction of the Supreme Court, the Model Prison Manual was revised in 2016.

The Model Prison Manual 2016 represents best practices from across the country and strives to reflect the understanding behind constitutional provisions, Supreme Court directions on prison administration and

²AIR 1997 SC 1739

international instruments. The key features of the new Manual include emphasis on prison computerization, special provisions for women prisoners, focus on after care services, prison inspections, rights of prisoners sentenced to death, repatriation of prisoners from abroad, enhanced focus on prison correctional staff to name a few.³

- **Ministry of Home Affairs Advisories on Prison Reforms:** Since 1998, a number of advisories have been issued by the Ministry of Home Affairs to guide and assist the State Governments in ensuring effective prison management in the country. These are on the following subjects:

- 1) Strengthening of Security arrangements in Jails
- 2) Facilities to the children of women prisoners –Guidelines issued by the Supreme Court
- 3) Tightening of security measures in jails
- 4) Sensitization to Prison inmates on HIV / AIDS
- 5) Detention of mentally ill undertrial prisoners – Guidelines issued by the Supreme Court
- 6) Ban of smoking etc. in prison premises
- 7) Transfer of prisoner from one jail to another
- 8) Comprehensive Advisory on Prison Administration
- 9) Improving of security measures in jails to avoid the incident of jail breaking
- 10) Smuggling of drugs into prisons
- 11) Use of mobile phones in prisons
- 12) Advisory on the policy for the treatment of terminally ill prisoners/inmates (TIPs)
- 13) Best Prison Practice
- 14) Advisory for appointment and working of Non-Official Visitors for Prisons
- 15) Overcrowding in prisons
- 16) Advisory regarding guidelines for educational programme for prison inmates
- 17) Use of Section 436A of the CrPC to reduce overcrowding of prisons
- 18) Section 433 A of CrPC and “Restriction on powers of remission or commutation in certain cases”
- 19) Guidelines for safeguarding the interest of Death Row convicts

³ Model Prison Manual, 2016, ‘Introduction’, Page 3.

- 20) Guidelines for reckoning half-life spent in judicial custody of UTPs under Section 436 A of CrPC
- 21) Access of prisoners to Aadhar/NPR in Correctional Homes
- 22) Advisory on adoption of measures by the States/UTs for improvement of security of jails
- 23) Guidelines for allowing visit inside jails by individuals/ NGOs/ Company/Press for the purposes of undertaking research, making documentary or interviewing the inmates, etc.
- 24) Repatriation of prisoners from India to a foreign country or vice versa under the Repatriation of Prisoners Act, 2003
- 25) Security advisory for shifting of high-risk prisoners from the jail of one State/UT to the jail of another State/UT
- 26) Hon'ble Supreme Court direction for installation of CCTV Cameras in all prisons of the country
- 27) Identification of visitors-use of Aadhaar
- 28) Aadhaar Seeding of Prisoners
- 29) Resolutions adopted by 5th National Conference of Heads of Prisons of States/UTs on Prison Reforms

- **National Human Rights Commission Guidelines:** Since its constitution, the National Human Rights Commission (NHRC) has written to the State Governments on a number of issues to check the human rights violations taking place in a closed institution like prisons and also to ensure that the rights of prisoners are realised. The subject-matters of these guidelines include –

- 1) Guidelines regarding conducting of Magisterial Enquiry in cases of Death in Custody or in the course of police action.
- 2) Guidelines for video-filming and photography of post-mortem examination in case of death in police action.
- 3) Procedure/Guidelines on Premature release of Prisoners
- 4) Guidelines on “Prevention of suicides in Prisons

- **Recommendations of various Committees on Prison Reforms:** Over a period of time, a number of national and state-specific committees have been set up to address current issues concerning prison reforms. The recommendations by these committees have contributed a lot on developing the principles of prison management in India. The main committees that have been set up are:

1.2

1. Prison Discipline Committee, 1836
2. All India Jail Committee, 1919-1920
3. Jail Enquiry Committee, 1930s
4. The Mysore Committee on Prison Reforms, 1940-41
5. The U.P. Jail Reforms Committee, 1946
6. The Bombay Jail Reforms Committee, 1946-48
7. The East Punjab Jail Reforms Committee, 1948-49
8. The Madras Jail Reforms Committee, 1950-51
9. The Jail Reforms Committee of Orissa, 1952-55
10. The Jail Reforms Committee of Travancore and Cochin, 1953-55
11. The U.P. Jail Industries Inquiry Committee, 1955-56
12. All India Jail Manual Committee, 1957
13. The Maharashtra Jail Industries Reorganization Committee, 1958-59
14. All India Committee on Jail Reforms, 1980-83
15. National Expert Committee on Women Prisoners, 1986
16. Kapoor Committee on Prison Administration: Security & Discipline, 1986
17. All India Model Prison Manual Committee, 2000
18. Parliamentary Committee on Empowerment of Women, 2001-02
19. Maharashtra Prison Reforms Committee, 2017-18
20. Supreme Court Committee on Prison Reforms, 2018-till date

Principles of Prison Management: International Guidelines

Since its foundation, the United Nations has been active in the development and promotion of internationally recognized principles in crime prevention and criminal justice. Over the years a considerable body of United Nations standards and norms related to crime prevention and criminal justice have emerged, covering a wide variety of issues. They provide flexible guidance for reform that accounts for the differences in legal traditions, systems and structures while providing a collective vision of how criminal justice systems should be structured.

Certain human rights have been considered so important that they must be fully respected and implemented at all times and under all circumstances. These are contained within the International Covenant on Civil and Political Rights (ICCPR). They include the right to life, the right to be free from torture and other cruel, inhuman or degrading treatment or punishment, the right to be free from slavery or servitude and the right to be free from retroactive application of penal laws. As with any State institution, prison systems are responsible for ensuring that they do not violate any of these rights, at any time or under any circumstance.⁴

In addition to the non-derogable rights, people deprived of their liberty have additional rights enshrined in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. There are also specific non-treaty standards applicable to prisoners, notably the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners.⁵

This session would cover the principles of prison management and guidelines as provided in some of the important international standards.

- ❖ **The United Nations Standard Minimum Rules for the Treatment of Prisoners** (the Nelson Mandela Rules) set out “what is generally accepted as being good principles and practice in the treatment of prisoners and

⁴UNODC’s Handbook on prisoner file management, Page 7.

⁵UNODC’s Handbook on prisoner file management, Page 11.

prison management.”⁶ It lays down certain basic principles of prison management:

- 1) All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.⁷
- 2) There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. The religious beliefs and moral precepts of prisoners shall be respected.⁸
- 3) In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory.⁹
- 4) The prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.¹⁰
- 5) The period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.¹¹
- 6) Prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.¹²

⁶ Preliminary Observation 1, Nelson Mandela Rules.

⁷ Rule 1, Nelson Mandela Rules.

⁸ Rule 2(1), Nelson Mandela Rules.

⁹ Rule 2(2), Nelson Mandela Rules.

¹⁰ Rule 3, Nelson Mandela Rules.

¹¹ Rule 4(1), Nelson Mandela Rules.

¹² Rule 4(2), Nelson Mandela Rules.

- 7) The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.¹³
- 8) Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.¹⁴

❖ **Basic Principles for the Treatment of Prisoners, 1990**, provides that:

- 1) All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
- 2) There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 3) It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
- 4) The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
- 5) Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.
- 6) All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
- 7) Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
- 8) Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their

¹³ Rule 5(1), Nelson Mandela Rules.

¹⁴ Rule 5(2), Nelson Mandela Rules.

reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

- 9) Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
- 10) With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
- 11) The above Principles shall be applied impartially.

❖ **Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1982**, as the name suggests, apply for the protection of all persons under any form of detention or imprisonment and enumerate the rights of the detained or imprisoned person at different stages, starting from arrest. Some important principles are:

- 1) All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person (Principle 1).
- 2) Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority. (Principle 4)
- 3) No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.¹ No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment. (Principle 7)
- 4) Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information on and an explanation of his rights and how to avail himself of such rights. (Principle 13)
- 5) Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law. (Principle 35)

HO-3

Writ petition 406/2013 – ‘Re-inhuman Conditions in 1382 Prisons’:

Provide a copy of the judgement to the participants. Group Discussion to be done based on the judgment.

Role of Police in ensuring rights of Persons in Custody leading to better Prison Management

Early Access to Justice at Pre-Arrest, Arrest and Remand Stage

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems provides for the right to legal aid of any person who is "detained, arrested, suspected of, or charged with a criminal offence punishable by a term of imprisonment or the death penalty" at all stages of the criminal justice process¹⁵.

In India, the framework of procedural law and the judgements of the Supreme Court of India provide for legal assistance at early stages of the criminal process. The Supreme Court of India has in various judgements recognized the right to legal assistance to persons in custody and 'near custodial interrogation'.¹⁵

- **Read NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage** – <https://nalsa.gov.in/acts-rules/guidelines/early-access-to-justice-at-pre-arrest-arrest-and-remand-stage>

An arrested person has certain fundamental rights under our Constitution, which are also statutorily recognized under the Code. The power to arrest is subject to the constitutional mandate of personal liberty being paramount which cannot be taken away except in accordance with procedure established by law¹⁶ and prescriptions in the Code.¹⁷

The right to be informed of the grounds of arrest,¹⁸ the right to consult a legal practitioner of her/his choice¹⁹ and the right to legal aid at all stages provide safeguards that are essential to enable an arrested person to clear misconceptions if any and to defend herself/himself.

Further, pronouncements by the higher judiciary has contributed immensely to reduce the rigors of the power to arrest of the police by prescribing standards and procedures and by evolving limitations on this exercise of this power by the police in an attempt to balance the individual's interest vis-à-vis the societal interest of crime prevention.²⁰

When any investigation cannot be completed in 24 hours and the accusation is well-founded, the police officer is required to send a copy of the entries in the diary relating

¹⁵ NALSA's Early Access to Justice at Pre-Arrest, Arrest and Remand Stage – <https://nalsa.gov.in/acts-rules/guidelines/early-access-to-justice-at-pre-arrest-arrest-and-remand-stage>

¹⁶ Article 21, Constitution of India

¹⁷ Chapter V of the Code, specifically, Sections 41, 41A, 41B, 41C, 41D, 42, 43, 44, 46, 49, 50A, 54, 55A, 56, 57, 58, 60A

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ See for limitations on arresting powers - Joginder Kumar v State of UP, AIR 1984 SC 1349; DK Basu v State of West Bengal, AIR 1997 SC 610; Nilabati Behera v State of Orissa, (1993) 2SCC 746; See for duty of police to intimate legal aid committee - Sheela Barse v State of Maharashtra, AIR 1983 SC 378

to the case along with the accused to the nearest magistrate. This has been provided because arrest by police without application of judicial mind by a magistrate is undesirable.

Our constitution makers were anxious to make this safeguard an integral part of fundamental rights. The right to be produced before the nearest magistrate within 24 hours from the time of arrest, excluding the time taken to travel to the nearest magistrate, is a fundamental right of an accused under Article 22.

Dr. B.R. Ambedkar's statement on the insertion of Article 15A (which corresponds to Article 22) during the Constituent Assembly Debates is relevant—

“Article 15A merely lifts from the provisions of the CrPC two of the most fundamental principles which every civilized country follows as principles of international justice.... Making a fundamental change because what we are doing by the introduction of A 15 A is to put a limitation upon the authority both of Parliament as well as of the Provincial legislatures not to abrogate the two provisions because they are now introduced in our Constitution itself.”²¹

Production within 24 hours ensures the immediate application of a judicial mind to the legal authority of the person making the arrest and the regularity of the procedure adopted.²² The importance of remand proceedings under Section 167 when the accused person is produced for the first time before the magistrate lies in the fact that this is the earliest stage after an accused person is taken in to police custody that allows for judicial scrutiny of the arrest.²³

Production of Undertrials

The district police, headed by a Superintendent of Police, is mainly responsible for the maintenance of law and order in the district. Apart from the main policing functions, an important task of the police is to ensure the availability of police escorts to ensure that every undertrial reaches court in a timely manner on the date specified by the court warrant that asks for his appearance. The need to produce the accused before the court on each date requires coordination with the prison authorities.

NALSA's Standard Operating Procedure for Representation of persons in custody notes that, “In several districts across the country, the persons in custody are not produced before the courts for days together. This happens even at the stage where the charge sheet has still not been filed. There are many cases where the accused was produced before the court after arrest and was remanded to custody but thereafter was not produced on several dates meant for remand. The reasons given for the same are

²¹ parliamentofindia.nic.in

²² State of Punjab v Ajaib Singh, 1953 CrLJ 180;

²³ CHRI's Reader on Arrest and Remand, can be accessed here - <https://www.humanrightsinitiative.org/publication/reader-on-arrest-remand>

generally non availability of sufficient number of armoured vehicles and of personnel to produce the persons in custody before the courts and that at times the accused are required to be produced in other courts. This is contrary to the mandate of Code of Criminal Procedure and also violates the basic rights of the persons in custody as enshrined in the Constitution and enunciated by the Hon'ble Apex Court in several landmark cases and most importantly is an impediment to their liberty. Due to non-production of the persons in custody before the courts at regular intervals, the courts are unable to consider whether the persons in custody are facing any problems. Legal representation to them cannot also be ensured in such circumstances.” This shows how crucial is the coordination between the police and the prison authorities.

Similarly, the reason of shortage of police escorts/guards is often taken when undertrials are required to be taken to local hospitals for treatment or other districts/states to attend court hearings or taking exams or in case of emergency parole, temporary release on the order of the court, etc.

Other Areas of Coordination between Police and Prisons

For convicts, seeking a favourable report from the concerned police station for grant of parole is a big challenge. Some states have taken initiative to address the issue but the same must be discussed with the functionaries of both the departments in order to understand each other challenges and effort must be made to devise practical solutions to these common problems.

Further, the prison authorities rely on the district police to assist them in case of a security issue in prison. Police authorities also conduct security drills to confiscate contraband items from prisoners, etc.

Important Case Laws

The following tables includes summary of some landmark judgements in regard to rights of persons in custody during arrest and remand vis-à-vis the duties of police.

TABLE OF JUDGMENTS - ARREST

S.No.	CASE DETAILS	FACTS	DECISION
REGISTERING FIR			
1	Surender Kaushik vs. State of Uttar Pradesh 2013 (5) SCC 148 Issue: Whether after registration of the FIR and commencement of the investigation, a second FIR relating to the same incident on the basis of a direction issued by the learned Magistrate under Section 156(3) of the Code can be registered?	A case of conspiracy was filed against a group of people for forging documents. After an order by the Magistrate under Section 156(3) of the code, one of the co-conspirators filed a new FIR against the rest of the co-conspirators alleging forgery of his signatures in the forged documents. The co-conspirators moved the High Court to quash the FIR. The High court refused to quash the FIR, hence an appeal was filed to the Supreme Court stating that two FIRs cannot be registered on similar and identical cause of action and allegations.	The court found the principle of sameness inapplicable in the present case as the allegations made were distinct and separate and that both the FIR's had different spectrums. Nonetheless, the two judge bench reaffirmed the principle as stated in the case of Babubhai v. State of Gujarat, that the court has to examine the facts and circumstances giving rise to both the FIRs and the test of sameness is to be applied to find out - whether both the FIRs relate to the same incident in respect of the same occurrence? If the answer is in the affirmative, the second FIR is liable to be quashed. However, if the two FIRs are in regard to the incidents which are two or more parts of the same transaction, then the FIR cannot be quashed.
2	Khatri vs. State of Bihar AIR 1981 SC 928 Issue: Whether the state is under an obligation to provide free-legal services to an accused under	A number of Undertrial prisoners filed a writ in the Supreme Court, complaining that after their arrest, they were blinded by police officials while in police custody. The Supreme Court also found during the proceedings of the case	The Court reiterated its stance as in Hussainara Khatoon's case, wherein it was held that the right to free legal services is an integral part of Article 21. It also observed that the provision inhibiting detention without remand was a very healthy provision and it is necessary that the Magistrates try to enforce this requirement. Further it stated, that the state is under a constitutional mandate to provide free legal aid to an accused who is unable to secure legal

	Article 21? Also known as the <i>Bhagalpur blinding case</i>.	that no legal representation was provided to the blinded prisoners because none of them asked for it. The judicial magistrates also did not enquire from the blinded prisoners produced before them whether they wanted legal representation at state cost.	services on account of poverty, and this also extends to the period when the accused is for the first time produced before the Magistrate and when he is remanded from time to time. Also all Magistrates and Sessions Judges are under a duty to inform every accused who appears before them, and who is not represented by a lawyer on account of his poverty or indigence, that he is entitled to free legal services at the cost of the state.
3	Sheela Barse v. State of Maharashtra <i>AIR 1983 SC 378</i> ISSUE: Regarding – women safety in prisons, rights of an arrestee and free legal services.	Sheela Barse wrote to the Supreme Court saying that of the 15 women prisoners interviewed by her in Bombay Central Jail, five admitted that they had been assaulted in police lock-up. Given the seriousness of the allegations, the Court admitted a writ petition on the basis of the letter and asked the College of Social Work, Bombay to visit the Central Jail to find out whether the allegations were true. The College submitted a detailed report which, in addition to admitting that excesses against women were taking place, pointed out that the arrangements for providing legal assistance to prisoners were inadequate.	Recognizing that the right to legal aid is also a fundamental right under Articles 21 and keeping in mind the obligations of state under 39A, the court directed that a woman judge should be appointed to carry out surprise visits to police stations to see that all legal safeguards are being enforced. Further, female suspects must be kept in separate lock-ups under the supervision of female constables. Interrogation of females must be carried out in the presence of female police officers. Also -> • A person arrested without a warrant must be immediately informed about the grounds of arrest and the right to obtain bail. • As soon as an arrest is made, the police should obtain from the arrested person, the name of a relative or friend whom she would like to be informed about the arrest. The relative or friend must then be informed by the police. • The police must inform the nearest Legal Aid Committee as soon as an arrest is made and the person is taken to the lock-up. • The Legal Aid Committee should take immediate steps to provide legal assistance to the arrested person at state cost, provided such person is willing to accept legal assistance. • The magistrate before whom an arrested person is produced shall inquire from the arrested person whether she has any complaint regarding torture or maltreatment in police custody. The magistrate shall also inform such person of her right to be medically examined.

4	Joginder Kumar v. State Of Uttar Pradesh <i>1994 AIR 1349; 1994 SCC (4) 260</i> Issue: When can a competent authority/officer place a person under arrest?	The petitioner, a lawyer, was illegally detained by the police for five days. The police maintained that he was never detained and he was only helping in the proceedings of a case.	The court observed that justification of an arrest is different from the right to make an arrest. Hence in that matter, reasonable satisfaction reached after some investigation as to the genuineness and bona fides of a complaint, and a reasonable belief on the part of the arresting Officer, as to the person's complicity and the need to effect arrest is essential for an arrest. Additional rights of the arrestee are- • An arrested person being held in custody is entitled, if he so requests, to have one friend, relative or any person who is known to him or likely to take an interest in his welfare, told as far as is practicable that he has been arrested and where he is being detained. The police officer shall inform the arrested person when he is brought to the police station of this right. • An entry shall be required to be made in the Diary as to who was informed of the arrest. These protections must be held to flow from Articles 21 and 22(1) of the Constitution and enforced strictly. It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with.
5	D. K. Basu v. State of West Bengal <i>AIR 1997 SC 610</i> Issue: Regarding – rights of arrestee, duty of policemen carrying out an arrest, procedure to be followed during interrogation and	D.K. Basu, Executive Chairman of Legal Aid Services, West Bengal, wrote a letter to the Chief Justice of India, saying that torture and deaths in police custody were widespread and efforts are often made by the authorities to hush up the matter. Because of this, custodial crime goes unpunished and therefore is rampant. Basu urged the Supreme Court to examine the issue in depth and (i) develop custody	• Use of third degree methods or any form of torture to extract information is not permitted. • Police personnel carrying out arrest and interrogation must bear accurate, visible and clear identification / name tags with their designations. • Particulars of all personnel handling interrogation of an arrested person must be recorded in a register. • A memo of arrest stating the time and place of arrest must be prepared by the police officer carrying out an arrest. It should be attested by at least one witness who is either a family member of the arrested person or a respectable person from the locality where the arrest is made. The memo should also be counter-signed by the arrested person.

	safeguards against torture. jurisprudence and lay down principles for awarding compensation to the victims of police atrocities (ii) formulate means to ensure accountability of those responsible for such occurrences. The Supreme Court treated the letter as a writ petition. While the writ was under consideration, the Supreme Court received another report about a death in police custody in Uttar Pradesh. This prompted the Court to issue notices to all state governments and the Law Commission of India to submit suggestions on how to combat this pan-India problem.	• The arrested or detained person is entitled to inform a friend, relative or any other person interested in her/his welfare about the arrest and place of detention as soon as practicable. The arrested person must be made aware of this right as soon as s/he is arrested or detained. • The arrested person may be allowed to meet her/his lawyer during interrogation but not throughout the interrogation. • The time, place of arrest and venue of custody of the arrested person must be notified by telegraph to next friend or relative of the arrested person within 8-12 hours of arrest in case such person lives outside the district or town. The information should be given through the District Legal Aid Organisation and police station of the area concerned. • An entry must be made in the diary at the place of detention in regard to the arrest. The name of the friend/relative of the arrested person who has been informed and the names of the police personnel in whose custody the arrested person is being kept should be entered in the register. • The arrested person should be examined by a medical doctor at the time of arrest if s/he so requests. All bodily injuries on the arrested person should be recorded in the inspection memo which should be signed by both the arrested person and the police officer making the arrest. A copy of the memo should be provided to the arrested person. • The arrested person should be subject to a medical examination every 48 hours by a trained doctor who has been approved by the State Health Department. • Copies of all documents relating to the arrest including the memo of arrest should be sent to the Area Magistrate for her/his record. • Departmental action and contempt of court proceedings should be initiated against those who fail to follow these directives.
6	Nandini Satpathy v. P.L. Dani	Nandini Satpathy, the former Chief Minister of Orissa, against The Court held that forcing suspects to sign statements admitting their guilt violates the constitutional guarantee against self-incrimination and

	<i>AIR 1978 SC 1025</i> Issue: Whether an accused can be compelled to give answers to every question posed by the interrogating authority? Also, regarding adoption of <i>Miranda Warnings</i> in India.	whom a case had been registered under the Prevention of Corruption Act, was asked to appear before the Deputy Superintendent of Police [Vigilance] for questioning. The police wanted to interrogate her by giving her a string of questions in writing. She refused to answer the questionnaire, on the grounds that it was a violation of her fundamental right against self-incrimination. The police insisted that she must answer their questions and booked her under Section 179 of the Indian Penal Code, 1860.	breaches provisions of the Code of Criminal Procedure, 1973. It is also inadmissible as evidence in a court of law. Directions- - An accused person must be informed of her/his right to remain silent and also of the right against self-incrimination. - The person being interrogated has the right to have a lawyer by her/his side if s/he so wishes. - An accused person must be informed of the right to consult a lawyer at the time of questioning, irrespective of the fact whether s/he is under arrest or in detention. - Women should not be summoned to the police station for questioning in breach of Section 160 (1) CrPC.
7	Citizens for Democracy v. State of Assam And Ors. <i>1995 (2) ALT Cri 701</i> Issue: Whether under ordinary circumstances an undertrial can be put in handcuffs or fetters?	Mr. Kuldip Nayar wrote a letter to the Court narrating the pitiable condition in which 7 TADA detenus were locked up in a government hospital in Guwahati. They were handcuffed to the bed even when the room in which they were locked had bars. The Court treated the letter as a petition under Article 32 of the Constitution of India and issued notice to the State of Assam. During the period 1991-94 there have been as many as fifty one	The Court reiterated its pronouncement in <i>Sunil Batra Etc. v. Delhi Administration and Ors 1980 AIR 1579</i> case that Undertrials shall be deemed to be in custody, but not undergoing punitive imprisonment. The relevant considerations for putting a prisoner in fetters are the character, antecedents and propensities of the prisoner. The peculiar and special characteristics of each individual prisoner have to be taken into consideration. The nature or length of sentence, the number of convictions, and the gruesome character of the crime the prisoner is alleged to have committed are not by themselves relevant considerations. There must first be well-grounded basis for drawing a strong inference that the prisoner is likely to jump jail or break out of custody or play the vanishing trick. To be consistent with Article 14 and 19, handcuffs must be the last refuge, not the routine regimen. <i>In all the cases where a person arrested by police in execution of a</i>

		cases of escape and/or rescue of terrorists from police and judicial custody including thirteen terrorists who escaped and/or were rescued from different hospitals of the State. Of them seven escaped from Guwahati Medical College Hospital where these seven detenus were lodged.	<i>warrant or is produced before the Magistrate and remand – judicial or police - is given by the Magistrate, the person concerned shall not be handcuffed unless special orders in that respect are obtained from the Magistrate at the time of the grant of the remand.</i>
COMPENSATION			
8	Nilabati Behera v. State of Orissa & Ors. <i>1993 AIR 1960</i> Issue: Whether or not the State is liable for payment of compensation for violation of the fundamental right to life under Article 21?	The mother of the deceased arrestee wrote a letter to the Court explaining the situation in which her son was taken into police custody and the next day his body was found near the railway tracks away from the police station. The court took up the matter as a petition under Article 32 for violation of right to life.	The compensation is in the nature of exemplary damages awarded against the wrong-doer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort through a suit instituted in a court of competent jurisdiction or/and prosecute the offender under the penal law. The duty of care on the part of the State is strict and admits of no exceptions. The wrongdoer is accountable and the State is responsible if the person in custody of the police is deprived of his life except according to the procedures established by law. The defence of 'sovereign immunity' in such cases is not available to the State.
9	State of M.P. v. Shyamsunder Trivedi & Ors. <i>(1995) 4 SCC 262</i> Issue: Regarding – custodial deaths and	Seven respondents including Sub-Inspector Shyam Sunder Trivedi, gave a beating to Nathu Banjara and tortured him with the intention of extracting a confession of guilt from him. As a result of the extensive injuries caused to Nathu, he died in police	Sentencing four of the respondents to rigorous imprisonment with fine, the court recognized that though Sections 330 and 331 of the Indian Penal Code make causing hurt and extorting confessional punishable, but the convictions have been very few because the atrocities within the precincts of the police station are often left without any ocular or other direct evidence to prove who the offenders are. Disturbed by this situation, the Law Commission in its 113th Report recommended amendments to the Indian Evidence Act to provide that at

	punishment for the same	custody at the police station. The dead body of the deceased Nathu was removed in a jeep to the hospital for post-mortem examination with the ultimate object of cremating the deceased, as an 'unclaimed body'. The object however failed as the local people stood for the deceased and sent a letter to the Magistrate explaining all the events. The High Court acquitted the accused for the lack of evidence to convict them. The State of Madhya Pradesh appealed to the Supreme Court.	the time of prosecution of a police officer for causing bodily injuries to a person while in police custody, if there is evidence that the injury was caused during the period when the person was in the police custody, the Court may presume that the injury was caused by the police officer having the custody of that person during that period unless, the police officer proves to the contrary. The onus to prove the contrary must be discharged by the concerned police official. The recommendation, however, has gone un-noticed and the crime of custodial torture flourishes unabated. The court hoped that the courts will change their outlook and attitude, and should exhibit more sensitivity and adopt a realistic rather than a narrow technical approach.
10	State of Maharashtra v. Christian Community Welfare Council of India &Anr. <i>AIR 2004 SC 7</i> Issue: Regarding safeguards against custodial death and procedure for arrest of women.	The case relates to the custodial death of a person in police custody, and the subsequent molestation of his wife by the police. The petitioner had filed a writ petition demanding compensation for the wife, which the High court allowed. The State of Maharashtra approached the Supreme Court against the said order.	On Custodial death The High Court's direction to the State Government to issue instructions to get every arrestee medically examined before being taken to a Magistrate and to enter the medical report in the station house diary, was upheld. Also the court found that, to get him medically examined every third day in case of police remand and enter the medical report in station house diary was held to be a matter already covered by the directions of the Supreme Court in <i>D. K. Basu's case</i>. On arrest of a lady While arresting a female person, all efforts should be made to keep a lady constable present. However, in circumstances where the arresting officer is reasonably satisfied that such presence of a lady constable is not available or possible and/or the delay in arresting caused by securing the presence of a lady constable would impede the course of investigation, such arresting officer for reasons to be recorded, either

			before the arrest or immediately after the arrest, be permitted to arrest a female person for lawful reasons at any time of the day or night depending on the circumstances of the case even without the presence of a lady constable.
11	Jawahar Singh v. State Of Rajasthan <i>1989 WLN UC 396 (at High Court of Rajasthan)</i> Issue: Whether the date of identification parade can be taken as a date of arrest of the accused in a case even if the accused is under arrest in some other case and has been sent to judicial custody in that case?	The accused was arrested for interrogation as a suspect in a dacoity case. He moved an application for bail and contended that he should be deemed to have been arrested when the Identification Parade was arranged in jail and that the challan having been filed after more than 90 days of that date, he was entitled to be released on bail in view of Sub-section (2) of Section 161. The magistrate rejected his application. In the argumentation it was contended that the date of arrest has to be the date of Identification Parade and not the date when formal arrest memo is prepared.	The High Court held that from the language of Section 167 of the Code and from the policy behind the said section it can be safely said that the starting point of limitation would be the date on which the accused person is available to the police for investigation, while in detention under the orders of the Court. The court found that the joining of the accused in the identification parade by the IO impliedly amounted to his arrest. It was held that since the challan was filed after more than 90 days of the date of the arrest of the accused he has to be granted bail subject to his furnishing a bond. Thus, if an accused person is already in custody in another case and is available to the police in a subsequent case for investigation the period of limitation would start running from the date when he was available to the police.
12	Moti Bai v. State of Rajasthan <i>1954 CriLJ 1591 (at High Court of Rajasthan)</i> Issue: Whether an accused	Moti Bai was arrested by the police on suspicion of being involved in an offence under Section 489A, Indian Penal Code. While she was in police custody, her counsel wanted to interview her, but this interview was not	The Court reiterated Article 22(1) of the Constitution and referred to the right of an accused to consult and be defended by a legal practitioner of his choice. The Court summarized the position as follows: • that ever since his arrest, the accused has a right to be consulted by a legal adviser of his choice and to be defended by him • in order that such consultation may be effective, interviews must be

	or his counsel can demand an interview out of the hearing of the police though in their presence?	granted. The counsel had earlier submitted an application to the Magistrate seeking permission for such an interview. However Counsel's further interview requests were also rejected and eventually the DSP allowed interview only in the presence and within the hearing of the police. Aggrieved by the state of affairs, an application praying that the police be directed to allow interview with the accused out of the hearing of the police though in their presence was made.	allowed to his counsel, when asked for, out of the hearing of the police though within their presence, subject to Section 340 CrPC. that such a right must of course not be abused and must be granted subject to reasonable restrictions as to time and convenience of the police authorities, no less than that of the party seeking the interview. Thus the Court decided that the Counsel for Motibai was within his rights to consult her ever since she was put under arrest and that the police were not right in not allowing such consultation as seems to have been their attitude throughout.
13	Master Salim Ikramuddin Ansari and MaharukhAdenwalla v. Officer-in-charge, The Superintendent and State of Maharashtra through Secretary, Home Department <i>2005 CriLJ 799 (at High Court of Bombay)</i>	A 15 year old boy was arrested in 2001 by the Bombay police. He was never taken to the juvenile justice board and was produced twice before the Magistrate. However after that he was kept in jail without producing him to any court for about 2 years. He was not even produced to the court when the session's court granted him bail. Later on his request the Duty counsel through medical examinations concluded he was a juvenile and he was moved to juvenile home accordingly. However he was still not produced before the juvenile	- With reference to the aspect of non-release of the boy even after bail was granted by the Court of Sessions due to inability to meet the financial condition attached to the bail order, the Court discussed Section 12 of the Juvenile Justice Act which clearly explained the provision relating to bail of a Juvenile and explained how the boy can be released on bail with or without surety. The Court directed the Juvenile Justice Board to release the 1st petitioner on his executing personal bond only. The boy was ordered to receive compensation of Rs. 100000 (Rupees one lakh only). - Terming it as a gross case of violation of Article 21, the Court directed that in all cases in which bails are granted, the Sessions Courts and Magistrates Courts must get the compliance report of their orders after a period of six weeks. That would tell them whether their orders have been complied with or not, because of financial difficulties or otherwise, and whether the accused have been released or not.

		justice board nor was he taken to the session's judge.	
14	Arnesh Kumar vs. State of Bihar 2014 (8) SCALE 250 Issue: Whether the proper procedure was followed in determining the necessity of arrest by the police?	The wife of Arnesh Kumar alleged that she was driven out of the home due to non-fulfilment of the demand for dowry that included Rupees 8 lacs, Maruti car, an air-conditioner, television set, etc. These demands were made by her mother-in-law and father-in law and Arnesh Kumar supported them by raising threats that he would marry another woman. Arnesh Kumar preferred an anticipatory bail application as he apprehended arrest under Section 498A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, which was denied to him by the Sessions Court and the High Court. He, thereafter, moved a Special Leave Petition under Article 136 before the Supreme Court.	The Court gave out the following directions - To the Police: - The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention - The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing - Notice of appearance in terms of Section 41A of Cr.PC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing To Magistrates: - The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court. The subject has also been cited and relied upon in the case of Narendar Parihar vs. State of Rajasthan (SB CrI. Misc. Bail Application 5658/2014) which was decided by the Rajasthan High Court

TABLE OF JUDGEMENTS – REMAND

S. No.	Case Details	Facts	Decision/Directions
1	Shrawan Waman Nade&Ors. v. The State of Maharashtra <i>1994 (2) BomCR 668 (at High Court of Bombay)</i> Issue: Does the signature of the constable instead of the investigation officer on the remand application and non-submission of the case diary, make the remand illegal?	The applicant was arrested by the police in a murder case and was remanded twice. The applicant approached the High Court against the said remand alleging that the application for the remand was improperly filed since it was signed by a police constable and not submitted by the Investigation Office. It was also alleged that the case diary was not submitted to the Magistrate, in violation of provisions of CrPC. Hence, the applicant moved for bail.	Section 167(2) gives power to the Magistrate to remand the accused after satisfying himself that there are grounds for detaining the accused, based on the extracts of the case diary produced before him. This cannot depend upon the application which is presented to him, but the material regarding investigation which is produced before him. Thus, it is not material who signs or submits the application as it is just a ministerial act. Further, under Section 172(1), it is obligatory upon every investigating officer to maintain the said diary which contains various details regarding the progress of the investigation. Without the extracts of the said diary of investigation or case papers, it is not possible for the Magistrate to find out the adequacy of grounds and to get himself satisfied. The Court accepted that as the extracts of the case diary were not submitted, the Magistrate had committed an error in granting remand. However the court dismissed the accused's plea as it had no jurisdiction to grant bail under Section 167 (2) as the charge sheet had already been filed.

2	State of Gujarat v. Swami Amar Jyoti Shyam <i>1989CriLJ501 (at High Court of Gujarat)</i> Issue: Whether the facts pertaining to the delay in investigation relevant in deciding whether the accused should be remanded to police custody or not? Whether extending police remand should be the norm and non-extension an exception?	The respondent was arrested as a suspect in an abduction case. The Investigating Officer produced him before the Metropolitan Magistrate and requested for remand. The magistrate evaluated the available evidence and concluded the case was not fit for remand, as the girl was married to the respondent. The state then carried the matter in revision to the City Sessions Court, Ahmedabad and the learned City Sessions Judge rejected that application citing the same reasons as the Magistrate. The state went in appeal.	In order to facilitate proper and complete investigation, the court should grant such remand as under 167(2), but it cannot be granted as a matter of course. Section 167(3) makes it clear that the Magistrate has to record reasons for granting remand to police custody. It does not expressly provide for recording of reasons for refusing such custody. This is an indication that though investigating agency has to investigate into cognizable offence without any interference from judiciary, it does not mean that whenever request for police remand is made, it has to be granted. The police has to make out a case that the custody of the accused with the police is necessary for further investigation. If the primary evidence is utterly and grossly neglected, it cannot be said that the request for custody of the accused is in any manner legitimate, justified or bona fide. Remand is granted ordinarily in all cases where it is necessary for the purpose of effective further investigation. Thus the court dismissed the petition.
3	Chiguluri Krishna Rao v. Station House Officer and Ors. <i>1989 CriLJ 501 (at High Court of Andhra Pradesh)</i> Issue: Can the provisions of Section 436 be watered down due to lack of infrastructure? Is the practice of delaying production of an undertrial before the magistrate till the fag end of the 24 hours restriction, acceptable?	The applicant was produced before the Magistrate at his residence for procuring remand. The applicant moved for bail, but the Magistrate declined bail citing that there was no infrastructure available at his residence to dispose of the bail application. He also refused to accept surety by the local Bar Association. It was	The language of Article 22 (2) prescribes that immediately after arrest, the accused must be produced before the Magistrate, but in cases where there are sufficient reasons, the police may delay the production of the detenu, but never, beyond twenty-four hours. It needs to be impressed upon the police officers concerned that they must produce the detenues immediately after arrest, before the Magistrates and should not wait in all cases for twenty-three hours

		also submitted that the bail was postponed to the day after, as the next two days were holidays.	and forty-five minutes, as they generally do. With respect to the bailable offences, the Court said that the language of Section 436(1) of Cr.P.C. is so clear that whenever during his custody, the accused offers bail, he has to be let off, whether at that time he is before the court or in the custody of the police. There is a proviso also to this section that instead of taking sureties, the court may discharge detenu on a personal bond for his appearance, which the Magistrate in this case should have allowed and the personal bond would have not required much infrastructure or paraphernalia. It is none of the business of the Magistrate or this Court to recognize or appreciate the difficulty of the jail authorities, who have shown their inability to receive prisoners after working hours.
4	Assistant Collector of Customs R&I (P.), Bombay v. Shankar Govardhan Mohite &Ors. <i>1987(3) Bom CR708 (at High Court of Bombay)</i> Issue: Whether it is illegal to re-arrest after issuance of a discharge order?	Two people were arrested for violating provision of the Customs Act and were produced before the Additional Chief Metropolitan Magistrate, who found that the arrest was illegal as the arrestee was not informed of the reasons for arrest. They were released then. But they were arrested again on the same day and produced before the court and reasons for arrest were informed this time. They were then remanded to judicial custody for 7	With respect to the claim of illegality of re- arrest, the court opined that Section 59 of the Cr.P.C. provides that once the accused is arrested by the police officer, he shall not be discharged except on his own bond, or on bail, or under a special order. However, if the arrest is found to be illegal as in the present case, the question of releasing the accused on his own bond or on bail would not arise and the only proper order would be an order of discharge, i.e. the order of his release by passing of the special order, as contemplated in the latter part of S. 59. Therefore subsequent arrest would not be illegal. In the given case, the time afforded to the investigating

		days. On the 7th day they were granted bail. An application was hence filed by the customs officer for cancellation of bail.	agency to investigate into the instant crime is not adequate and it would be in the interest of justice to cancel the impugned order of granting bail.
5	Muman Kamal Sabedi Patel v. The State Of Gujarat <i>(1971) 12 GLR 481 (at High Court of Gujarat)</i> Issue: Can Section 169 be invoked by the police for having the accused released from the custody of the Magistrate on the ground that there was no sufficient evidence against them?	A group of people were arrested for alleged criminal conspiracy and were put under custody of Judicial Magistrate. Following this, the Divisional Police Inspector sent reports saying that there was not material to file charge sheets against certain people and hence requested their release. But the Magistrate found prima facie case against all of them and rejected the reports. The Police officer approached the Sessions court. The judge referred the High Court and also stated that he found the Magistrate's conclusions to be incorrect, and he cannot force the police to file charge-sheets.	Section 169 gives the police officer making the investigation a right to release the person from his custody if he finds that there is no sufficient evidence or no reasonable ground of suspicion to forward him to the Magistrate on his executing a bond. The custody referred to in this section is the custody of the police and not of the Magistrate. It is, therefore, clear that the police officer was wrong in invoking the aid of Section 169 since the accused were already in the custody of the Magistrate. When the arrestee is required to be released on the ground that there is no sufficient evidence against him, a special order is required to be passed by the Magistrate having jurisdiction to try it under Section 63. That would require the learned Magistrate to look into the matter carefully, and exercise discretion in passing an order requested for by the police officer as prima facie he would be entitled to think that his arrest was properly made viz. on some sufficient evidence, or having reasonable suspicion against him in the case. However, if the facts set out in the final report constitute an offence and there is a case for placing the accused on trial, the Magistrate can take cognizance of the offence under Section 190(1) (c) of the CrPC. The Court, thus decided that the Magistrate

			take cognizance under Section 190(1)(c) since there exists a prime facie case to be inquired into against the accused .
6	Elumalai v. State of Tamil Nadu, represented by the Inspector of Police <i>1983 LW (Crl)121 (at High Court of Madras)</i> Issue: What is the role of a Magistrate while reman-ding an undertrial? Is shortage of police escort a valid reason for non-production?	The writ petitioner was arrested by the Police under S. 41(2) of the CrPC, two months before the filing of this writ petition, and detained in the Central Prison, Madras. The case pending against him consequent upon the arrest was adjourned from time to time and the remand was extended without his being produced before the court except on the date of the initial remand. The reason for his non-production from the Central Prison before the court is stated to be the non-availability of escort. The petitioner contends that his detention is contrary to the provisions of law and the principles of natural justice and as such it is illegal.	When an undertrial prisoner is produced before a Magistrate and he has been in detention for 60 or 90 days, as the case may be, the Magistrate must point out to the undertrial prisoner that he is entitled to be released on bail. Guidelines: 1. S. 167 (2) of the Code would apply to arrests made under S.41 (1), and in exceptional circumstances to arrests made under S.151 (1). 2. S.167 (2) is not at all applicable to arrests made under S.41 (2) of the Code and as such no court can order remand or extension of remand of persons arrested under S.41 (2).The Courts should not mechanically pass orders of remand without verifying the entries in the diaries and satisfying themselves about the real necessity for granting the remand or extension of remand. 3. Under no circumstance can a Magistrate order the detention of any person in custody or extend such detention without the production of the accused before him in violation of the provisions of the Code, viz., proviso (b) to S.167 (2), whatever may be the reason stated by the authorities. The jail authorities should not keep any person without orders of remand from the concerned Judicial Magistrates even for a moment beyond the period of detention already ordered.

7	Chaganti Satyanarayan & Ors v. State Of Andhra Pradesh <i>AIR 1986 SC 2130</i> Issue: Whether or not the calculation of the period of 60/90 days under proviso to S. 167(2) has to be considered from the date of arrest or from the date of remand?	The appellants/accused were arrested in connection with a riot case and were remanded to judicial custody on the next day. The charge sheet was filed on the 90th day from remand, and hence was dismissed by the Magistrate. In the states appeal in the High Court, it was held that the period of 90 days envisaged by the proviso to S. 167(2) has to be computed only from the date of remand and therefore cancelled the bail and directed the magistrate to issue warrants of arrest for the appellants. The accused appealed to the Supreme Court.	In the first place, detention can be authorised by the Magistrate only from the time the order of remand is passed. The earlier period when the accused is in the custody of a police officer in exercise of his powers under S. 57 cannot constitute detention pursuant to an authorisation issued by the Magistrate. Therefore, it stands to reason that the total period of 90 days or 60 days can begin to run only from the date of the order of remand. Secondly, the operative words in sub-s. (2) viz. "authorize the detention of the accused... for a term not exceeding 15 days in the whole" will have to be read differently in so far as the first order of remand is concerned "for a term not exceeding 15 days in the whole from the date of arrest". This would necessitate the adding of more words to the section than what the legislature has provided. The judgment of the High Court was upheld and the appeal was dismissed accordingly.
8	M.A. Dharman v. State of Andhra Pradesh <i>1991 (1) ALT 315 (at High Court of Andhra Pradesh)</i> Issue: Whether or not continued detention of the detenues pursuant to orders of remand without physical production to the Magistrate, is lawful?	The petitioners in the <i>habeas corpus</i> writ petition were arrested for contravening the Customs act and were remanded by both the Magistrate and later by the Special Judge for Economic Offences. However, on later dates the Special kept mechanically extending their remand without them being produced before him. The detenues approached the High	Under Sub-section (2) of Section 167 of the new Code extension of remand of the accused person beyond 15 days is not a matter of course or a routine exercise, and it is only where the Magistrate is satisfied that adequate grounds exist that extension of remand is warranted and not otherwise. Production of the accused person before the Magistrate both at the time of seeking his remand and extension of the remand is <i>compulsory</i>. Physical production at the time of seeking initial remand is indispensable, however due to impossibility of production on later instances can be relaxed.

		Court for relief.	It is open to either the prosecuting agency or the jail authority to put forward a plea of impossibility of production of an accused person and if the learned Magistrate is satisfied that the plea is well founded, he may, for special reasons to be recorded in writing, extend the remand of the accused person even without his production. The successive orders passed by the learned Special Judge remanding the detenus to judicial custody are therefore violative of Section 167(2)(b) of the Code of Criminal Procedure and Article 21 of the Constitution of India, and their detention or custody was illegal and unlawful.
9	Aslam Babalal Desai v. State of Maharashtra <i>AIR 1993 SC 1</i> Issue: Whether or not bail granted under the proviso to Section 167(2) of the CrPC, for failure to complete the investigation within the period prescribed thereunder can be cancelled on the mere presentation of the charge-sheet at any time thereafter?	The accused was arrested for alleged offence under Sec 149, IPC. He moved for bail which was rejected by the session's judge. On a later date, he applied for bail again which was granted by the judge as the investigation was not completed within 90 days. After the charge-sheet was filed and the state moved for cancellation of the bail. The High Court was of the view that since the learned Sessions Judge had granted bail on a technical ground, namely, failure to file the charge-sheet within the time allowed and since the investigation revealed the commission of a serious offence of murder, it was open to the High	It was held that once an accused person has been released on bail by the thrust of the proviso to Section 167(2), the mere fact that subsequent to his release, a charge-sheet has been filed is not sufficient to cancel his bail. In such a situation his bail can be cancelled only if considerations germane to cancellation of bail under Section 437(5) or for that matter Section 439(2) exist. That is because the release of a person under Section 167(2) is equated to his release under Chapter XXXIII of the Code. The purpose and object of providing for the release of the accused under Sub-section (2) of Section 167 on the failure of the investigating agency completing the investigation within the extended time allowed by the proviso was to instil a sense of urgency in the investigating agency to complete the investigation promptly and within the statutory time-frame.

		Court to direct cancellation of the bail. Hence, the bail was cancelled.	For the above reasons the appeal was allowed and the impugned order of the High Court was set aside.
10	Central Bureau of Investigation v. Anupam J. Kulkarni <i>AIR 1992 SC 1768</i> Issue: Whether or not after the expiry of the initial period of 15 days a person could still be remanded to police custody by the Magistrate before whom he was produced?	The accused was remanded in judicial custody for a case of abduction. The police applied for police custody which was granted by the Magistrate. But on his way to the prison he seemed in need of medical assistance and hence was taken to hospital. After about ten days in the hospital, the magistrate extended his judicial custody for one more week. Since the police couldn't take him into custody, the Investigating Officer reapplied for police custody, 18 days after the initial remand. The Magistrates and the High Court both refused this and granted the accused bail.	Dismissing the appeals of the C.B.I., the Court held that there cannot be any detention in police custody after the expiry of the first fifteen days, even in a case where some more offences, either serious or otherwise, committed by the accused in the same transaction come to light at a later stage. But this bar does not apply if the same accused is involved in a different case arising out of a different transaction. The Magistrate can remand him to either custody under proviso (a) to S. 167 (2) during the first fifteen days. The initial period of fifteen days mentioned in Section 167(2) has to be then computed from the date of such detention and after the expiry of that period the accused can be remanded to only judicial custody. The Judicial Magistrate can in the first instance authorise the detention of the accused in either custody from time to time (and also order change of custody from time to time if necessary), but the total period of detention cannot exceed fifteen days in the whole.
11	Uday Mohanlal Acharya v. State of Maharashtra <i>2001 (2) ACR 1213 (SC)</i>	The appellant surrendered to the Special judge who ordered for judicial custody for an offence under Sec 420 IPC. After 60 days of his remand, the appellant filed	Dismissing the High Court's decision, the court held - When an application for bail is filed by an accused for enforcement of his indefeasible right, the Magistrate/Court must dispose it on being

	Issue: When can an accused be said to have availed of his indefeasible right for being released on bail under the Proviso to Section 167(2) of the Code of Criminal Procedure, if a challan is not filed within the period stipulated thereunder?	for bail, citing that no challan was filed in the 60day period. The Special judge refused to allow the bail, and he appealed to the High Court. Between the time of the appeal and the hearing, the Investigating Officer filed the challan before the Special Judge. The High Court relied on Sanjay Dutt vs. State (1994) 5 SCC 410 and found no need to grant bail.	satisfied that in fact the accused has been in custody for the period of 90 days or 60 days, as specified, and no charge-sheet has been filed by the Investigating Agency. • If the accused is unable to furnish bail, as directed by the Magistrate, then by a conjoint reading of Explanation I and Sec 167(2), the continued custody of the accused even beyond the specified period in paragraph (a) will not be unauthorised, and therefore, if during that period the investigation is complete and charge-sheet is filed then the indefeasible right of the accused would stand extinguished. • On expiry of the period specified under Sec 167(2)a, if the accused files an application for bail and offers also to furnish the bail, on being directed, then it has to be held that the accused has availed of his indefeasible right even though the Court has not considered the said application and has not indicated the terms and conditions of bail, and the accused has not furnished the same.
12	Rajeev Chaudhary v. State (N.C.T.) of Delhi (2001) 5 SCC 34 Issue: Interpretation and construction of the expression ‘offence punishable with imprisonment for a term of not less than ten years.’”	The accused, charged under Sec 386 IPC, was released on bail by the order of the Metropolitan Magistrate as the charge-sheet was not filed within 60 days. However, the Additional Sessions Judge found that clause (i) of the proviso (a) to Section 167 (2) would be applicable, and set aside	Under Section 167, it is apparent that pending investigation relating to an offence punishable with imprisonment for a term not less than 10 years, the Magistrate is empowered to authorise the detention of the accused in custody for not more than 90 days. For rest of the offences, the period prescribed is 60 days. Hence in cases where offence is punishable with imprisonment for 10 years or more, accused could be

		the order. But the High Court in its understanding of the clause, found it inapplicable in the case and hence set aside the order of the Sessions Judge. This was further appealed in the Supreme Court.	detained up to a period of 90 days. In this context, the expression ‘not less than’ would mean imprisonment should be 10 years or more and would cover only those offences for which punishment could be imprisonment for a clear period of 10 years or more. Hence offence under Sec 386 does not fall under this class and bail was granted.
13	Khinvdan v. State of Rajasthan <i>1975 CriLJ 1984 (at High Court of Rajasthan)</i> Issue: Can the Magistrate take cognizance of offence upon police report after the expiry of 60 days from the date of the arrest of the accused and further remand him to judicial custody?	The petitioner was detained in a case of murder and was remanded by the orders of the Judicial Magistrate. On the expiry of 60 days, the petitioner applied for bail. Refusing the bail, the magistrate took cognizance of the matter under Sec 309 of the CrPC. The petitioner approached the High Court contending that his detention after the first 60 days was unlawful and that bail should be granted to him.	It was held that the learned Magistrate could by a warrant remand the petitioner in custody under Section 309(2) only if the police report under Section 173 was filed before him within 60 days from the date of arrest of the accused, and if after taking cognizance of the offence or commencement of the trial, he considered it necessary to postpone the commencement of, or adjourn, the inquiry or the trial. If the Magistrate is permitted to avail himself of Section 309(2) of CrPC for remanding the accused to custody in spite of the fact that the custody or detention has already become illegal prior to his taking cognizance of an offence, the accused would be deprived of a valuable right to be enlarged on bail beyond a period of 60 days from the date of his arrest. Moreover, if immediately before taking cognizance on a police report by a Magistrate, the accused is in continued illegal detention beyond a total period of 60 days on account of incomplete investigation, the accused can move for bail under Section 167(2). The Magistrate is legally bound to admit him to bail.

14	G.K. Moopanar v. State of Tamil Nadu <i>1990 CrLJ 2685 (at High Court of Madras)</i> Issue: Regarding – Magistrates satisfaction to order remand, scope of Sec 57 and 167.	A petition was submitted to the court for the release of the people arrested and remanded from a protest by the Congress. It was also observed that in Tamil Nadu, many Magistrates had passed orders in a routine and mechanical manner remanding the arrested persons for 15 days, whenever the executive sought remand.	The Court discussed the four stages governing the exercise of power under 167(2): First Stage: As per Article 22 (2) and Section 57 Cr.P.C, a person cannot be detained for more than 24 hours without a special order of a Magistrate under S. 167. Second Stage: As per Section 167(1), Cr.P.C, an investigating officer can ask for remand only when there are grounds for believing that the accusation or information is well founded and it appears that the investigation cannot be completed within the period of 24 hours fixed by Section 57. Third Stage: The Magistrate on being satisfied, not as a matter of routine but after judicial scrutiny, by the entries in the diary transmitted to him that a further detention is necessary can remand the arrested person in custody for a period of 15 days either at one stretch or for a shorter period, from time to time not exceeding 15 days in whole Fourth Stage: The Magistrate, having jurisdiction to authorize detention of the accused person otherwise than in the custody of the police, beyond the period of 15 days and the Magistrate being satisfied that adequate grounds exist for so doing, for maximum period of 90 days/ 60 days depending on the offence. On the expiry of the period of 90 days or 60 days, as the case may be, the accused is entitled to be released on bail subject to the conditions contemplated therein.
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15	Hira Lal v. State of Rajasthan <i>RLW 2005 (3) Raj 2014 (at High Court of Rajasthan)</i> Issue: Regarding – offences falling under proviso Sec 167(2), acceptance of challan in the absence of FSL and meaning of ‘if already not availed of’.	The applicant was arrested under the Narcotic Drugs & Psychotropic Substances Act for an offence punishable with a sentence of up to ten years. In his case it was submitted that the session’s judge wrongfully rejected his bail under Sec 167(2). It was also contended that the Magistrate is not competent to authorise detention of the petitioner after 60 days from the date he was initially produced before the Magistrate. It also appeared in the case that FSL report had not been received by the police and after preparing the challan, it was sought to be submitted before the Court. For all these reasons the applicant sought bail from the High Court.	The case of the petitioner falls under proviso (ii) to Sub-section (2) of Section 167 of the Code. Wherever the clause provides the sentence "up to ten years", it would be the discretion of the Court trying the offence to sentence the accused for a period up to ten years or any period less than 10 years. In the case where the punishment provided is "not less than ten years", in such cases the Court trying the offence will have no jurisdiction to award lesser sentence than ten years and can award the sentence of 10 years or more. The High Court held that the learned Sessions Judge erred in refusing bail to the petitioner. For some reason if the FSL report is not forthcoming within the stipulated period, then in that situation, the investigating officer should made a request to the court for filing the FSL report subsequent to the filing of the challan, and the Court should normally accept the challan. It would be more in consonance with the legislative mandate to hold that an accused must be held to have availed of his infeasible right, the moment he files an application for being released on bail and offers to abide by the terms and conditions of bail. That apart, when an accused files an application for bail indicating his right to be released as no challan had been filed within the specified period, there is no discretion left in the Magistrate and the only thing he is required to find out is whether the specified period under the statute has lapsed or not, and whether a challan has been filed or not.
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Rights of Undertrials in regard to bail

Case study & Group Discussion:

- The list is only illustrative. Latest landmark judgments may be added by the trainer from time to time.
- Good Practices of the State also to be added.

Rights of Undertrials in regard to legal aid

Case Study & Group Discussion:

- The list is only illustrative. Latest landmark judgments may be added by the trainer from time to time.
- Good Practices of the State also to be added

Rights of Women Prisoners

Case Study & Group Discussion:

- The list is only illustrative. Latest landmark judgments may be added by the trainer from time to time.
- Good Practices of the States/UT also to be added

HO-8

**Rights of Convict Prisoners in regard to Parole, Furlough,
Remission and Prison Wages**

Case Study & Group Discussion:

- The list is only illustrative. Latest landmark judgments may be added by the trainer from time to time.
- Good Practices of the States/UTs also to be added

Performance Aid

1. Inspection Format of Tihar Prisons/State Prisons as a Template.
2. Legal Aid SOP of NALSA
3. NALSA SOP on Representation of Persons in Custody
4. Undertrial Review Committee Guidelines

REFERENCE MATERIAL

LIST OF REFERENCE BOOKS/JOURNALS/REPORTS

- **UNODC Handbook on Prisoners with Special Needs –**
https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Special_Needs.pdf
- **UNODC’s Handbook for Prison Leaders –**
https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_for_Prison_Leaders.pdf
- **UNODC’s Handbook on prisoner file management –** [Handbook on prisoner file management \(unodc.org\)](https://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_prisoner_file_management.pdf)
- **Book – ‘Managing prisons in a time of change’ by Andrew Coyle –**
[managing_prisons_0.pdf \(prisonstudies.org\)](https://www.prisonstudies.org/files/Managing%20prisons%20in%20a%20time%20of%20change.pdf)
- **‘Effectively Managing State Prison Infrastructure’ by Gabriel Petek –** [The 2020-21: Effectively Managing State Prison Infrastructure \(ca.gov\)](https://www.ca.gov/publications/Effectively_Managing_State_Prison_Infrastructure.pdf)
- **UNOPS’S Technical Guidance for Prison Planning –** [Technical-guidance-Prison-Planning-2016_EN.pdf \(unops.org\)](https://www.unops.org/publications/Technical-guidance-Prison-Planning-2016-EN.pdf)
- **A Handbook for Correctional Management by Sh. S. Ramakrishnan, Regional Institute of Correctional Administration (RICA), Kolkata(physical copy)**
- **Bureau of Police Research and Development’s (BPR&D) National Policy on Prison Reforms –**https://bprd.nic.in/content/196_1_NPPRCA.aspx
- **Model Prison Manual, 2016 -**
<https://bprd.nic.in/WriteReadData/userfiles/file/5230647148-Model%20Prison%20Manual.pdf>
- **Standard Minimum Rules for the Treatment of Prisoners -**
https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf
- **Prison Management through a Human Rights Lens -**
https://www.prisonstudies.org/sites/default/files/resources/downloads/handbook_2nd_ed_eng_8.pdf
- **CHRI’s ‘Rights Behind Bars: Landmark Judicial Pronouncements**
 - **First Edition (2010–2019)**
https://humanrightsinitiative.org/publications/prisons/rights_behind_bars.pdf
 - **Second Edition (2020)**
[https://www.humanrightsinitiative.org/download/1601533201Rights%20Behi nd%20Bars%202020.pdf](https://www.humanrightsinitiative.org/download/1601533201Rights%20Behind%20Bars%202020.pdf)
- **A compilation of case laws:**
<https://www.prisonforum.in/files/Landmark%20Judgements%20About%20Prisoners'%20Rights%20and%20Prison%20Reforms.pdf>

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

APPENDIX- 2

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.....			
.....				

APPENDIX- 3

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

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

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:

APPENDIX- 5

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)

APPENDIX-6

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

- Introduction about the institute
- Origin and history of the institute
- Primary duties and functions of the institute
- Officer with whom interacted
- Report of the Visit [write summary of learnings from the visit] \
- Any other Comments/ remarks about the visit and the learnings from the visit.

APPENDIX-7

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>