



ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

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circulation

Message

I extend my best wishes and New Year greetings to all the readers. I am pleased to note that the activities of the Institute of Correctional Administration Chandigarh and its newsletter are getting a very positive response from the different stakeholders. It gives me immense pleasure to inform all the readers of ICA Newsletter that during the year 2020, the Institute of Correctional Administration, Chandigarh, conducted 15 courses / workshops / online webinars and Conference for Prison Officers & Police Officers. 782 Police and Prison officers from various States were imparted training on various themes inspite of critical situation of COVID-19 all over the country. The Institute easily adapted to the challenges and conducted online training programs for prison staff.

The Institute will continue organizing webinars / online training programs which are getting an enthusiastic response taking all precautions in view of pandemic. As a Training Institute, we continuously strive for improving the human resources of our stakeholders. I look forward to another fruitful year of progress for the Institute.

(Arun Kumar Gupta, IAS)
Director, ICA, Chd.

Editorial

"We are what our thoughts have made us; so take care about what you think. Words are secondary. Thoughts live; they travel far."

-Swami Vivekananda.

Mandela day is celebrated to remember and re-strengthen the contributions of Nelson Mandela for democracy, human rights, peace, and reconciliation. In order to commemorate 'Mandela Day', the Institute of Correctional Administration (ICA) in collaboration with Prayas, TISS, Mumbai celebrated the day by organizing a webinar on the theme 'Rehabilitation of Prisoners in the COVID 19 Context: Challenges and Way Forward'. Rehabilitation and reintegration of prison inmates remains a neglected aspect in the Indian correctional system. The rehabilitation process begins from the time of imprisonment and continues much after the release of the prisoners. It has to be psychological, social, moral and legal. Constant dialogue and common understanding will help in developing a better action plans to deal with contemporary challenges of reintegration of the offenders.

While the global world is suffering from Covid-19 Pandemic, it has changed life as we know it and we are left with no other option than to adapt the 'new normal'. It involves various new practices like using masks, frequent sanitization, hand-washing and online learning. However, in the new normal people are also suffering from various mental health issues like anxiety, depression, insomnia, Post-traumatic stress disorder (PTSD) and memory fogs. To focus on increasing mental health and well-being issues, ICA conducted a series of workshops on Holistic Wellbeing, mental health and suicide prevention in prisons. Dr. Ketan V. Shah, a well-known acupressure expert enlightened about usefulness of Acupressure to deal with various mental and health issues that people are facing these times. We salute the prison staff especially those at the cutting edge level for efficiently performing in extremely challenging times.

Successful strategies for overall well being for prison staff and inmates must be mindful of past efforts and outcomes. To contribute in this regard ICA has continued the learning process for staff through online mode and has trained more than 700 prison personnel in a time span of six months. We will continue with online learning support.

We also celebrate a decade of the landmark "Bangkok Rules" dealing with treatment of women offenders and prisoners. These rules recognise the fact that women have special needs, and status as mothers. There is a need to develop gender-responsive and gender-sensitive policies and programs in prison in a wide variety of areas.

Dr. Upneet Lalli
Deputy Director, ICA, Chd.

**Calendar of Courses / Workshops for Prison / Police Officers
during the period from July to December, 2020**

JULY, 2020			
1.	Webinar on 'Rehabilitation of Prisoners in the COVID 19 Context : Challenges and Way Forward'	Prison officers/NGOs/ Interns/Others	17th July, 2020
AUGUST, 2020			
1.	On Line Workshop on 'Holistic Well-Being in COVID-19 Times'	Prison Officers	7th August, 2020
2.	On Line Workshop on 'Mental Health Issues and Well-being'	Prison Officers	21st August, 2020
SEPTEMBER, 2020			
1.	On-line training session on 'Covid-19 Pandemic & Prison Management'	Prison Officers	2nd September, 2020
2.	Online Workshop on 'Constitutional Rights of Prisoners and Modernization of Prisons'	Prison Officers	30th September,2020
OCTOBER, 2020			
1.	Two-days Workshop on 'Temporary Release of Prisoners : Remission, Parole and Furlough	Prison Officers	14th-15th October, 2020
2.	International Conference on 'Restorative Justice and the Challenges of 21st Century' in collaboration with the HPNLU, Shimla	Prison Officers	22nd October, 2020
NOVEMBER, 2020			
1.	Two-day online Workshop on 'Mental Health Problems and Suicide Prevention in Prisons'	Prison Officers	10th-11th November, 2020
DECEMBER, 2020			
1.	One-day online Webinar on 'Implementation of Bangkok Rules in Indian Prison System' in association with HPNLU, Shimla	Prison Officers/ Academicians	10th December,2020

**List of Prison, Police and Other Officers who participated in Training Courses/Webinars
during the period from 01.01.2020 to 31.12.2020**

Total police officers trained	: 65	Total courses / workshops for prison officers	: 02
Total prison officers trained	: 717	Total courses / workshops for police officers	: 02
Interns trained	: 26	Joint courses/workshop for Police and Prison	: 01
NGOs/Others officers trained	: 119	Online Webinars / training programmes	: 09
		International Conference for Prison Officers and others	: 01
Total officers trained	: 927	Total courses organized	: 15

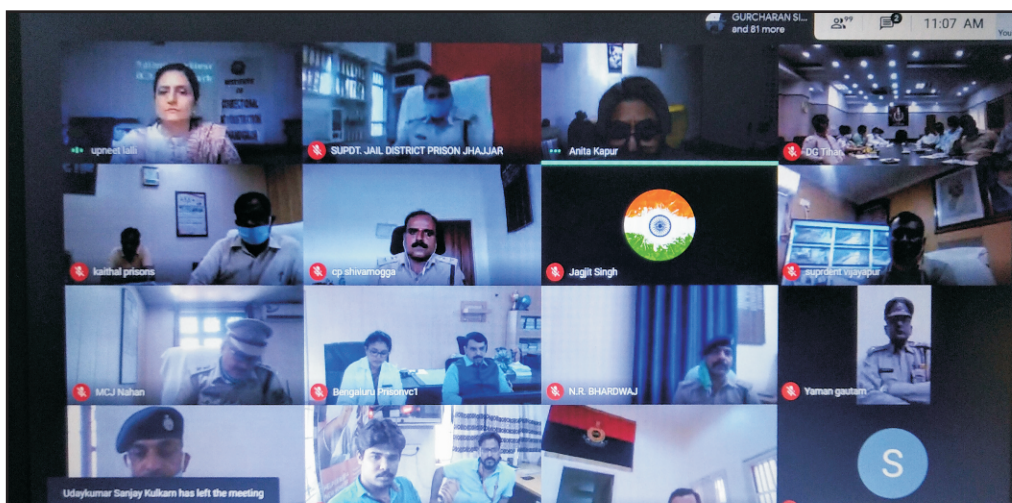
Activities in the Institute from July to December, 2020

National Webinar on 'Rehabilitation of Prisoners in the COVID 19 Context: Challenges and Way Forward'

The Mandela Rules are a significant development for the Correctional Administration. In order to commemorate 'Mandela Day' falling on 18th July, the Institute of Correctional Administration (ICA) in collaboration with the Prayas, Centre for Criminology & Justice, School of Social Work, Tata Institute of Social Sciences organized a National Webinar on 'Rehabilitation of Prisoners in the COVID 19 Context: Challenges and Way Forward' for Prison Officers on 17th July 2020. 106 Officers (Prison Officers, NGOs, / Interns) participated in this Webinar. The main topics that were covered during the Webinar were: Mandela Rules and Rehabilitation of Prisoners; Good practices with Released prisoners and work with families of prisoners in various regions of the country. Dr. Meeran Chadha Borwankar, IPS (Retd.), Former DG, BPR&D, MHA, GOI gave inaugural address

The following recommendations for Rehabilitation and Reintegration of prisoners that emerged from this Seminar:-

1. Rehabilitation covers wide area of activities in prisons and the process should start from the entry of the prisoner inside prison. The prison administration should particularly focus on three



Participants of the Webinar on 'Rehabilitation of Prisoners in the COVID 19 Context: Challenges and Way Forward'

core areas i.e. education, vocational and work programmes inside the prison.

2. Assessment and treatment programs should be conducted inside prison to study individual inmates, classification as per interests and assessing their educational qualifications, needs, factors that led to crime and addiction issues.
3. Books and newspapers should be provided to prisoners through prison libraries, which can be linked with the district libraries for lending books and magazines.
4. There should be constructive activities in prisons in order to normalize the environment. During the present pandemic, online skills training could be imparted to them through the assistance of National Skill Development Corporation. Thus, there is a need to equip prisoners with skills during

the prisoners with skills during their stay in the prison for which NGOs, educational institutions, legal aid institutions can help out.

5. Prison Administration should provide decent wages to the prisoners for the work done by them.
6. Rehabilitation and social reintegration is possible by positive engagement between staff and prisoners and promoting the contacts of inmates with their family and community.
7. Prison department should encourage video conferencing and video calling facility (virtual meetings between the prison inmates and their family members).
8. Both physical and mental health of prisoners and staff needs to be in focus. Meditation camps should be conducted inside prison. Psychologists/Counsellors and Social Workers should be

attached with each prison to provide for counseling services and to take care of the mental health of prison inmates.

9. On-line counseling sessions for managing the stress and mental health needs of the prisoners can be arranged by the prison department with various experts.

10. There is a need for developing partnership with community based organizations working for prisoners' rehabilitation. A directory of NGOs engaged in the rehabilitation and reintegration of prisoners may be made available to state prison department.

11. Prisoners being released during this period should be given Covid Free Certificate and also facilitation of transport to their homes should be undertaken. In the absence of Halfway Homes, it is important to identify a temporary space which can accommodate released prisoners till they reach home.

12. Post-release support for people leaving prison:-

- Release plans should be made for each released prisoner. This should include, at a minimum: housing, facilitating transport, financial support, measures to ensure personal safety especially for women and children, and links with community-based support organizations.

- People leaving prison should be recognised as a vulnerable group for the purposes of COVID-19 planning and be given

priority access to any available services including housing support.

- Emergency preparedness and response plans should be developed or enhanced to include post-release support for persons released from detention.

13. A rehabilitation grant should be provided to the prisoners at the time of release so that they are able to start their own work programmes

14. District Administration can take the help of *Sarpanch / Talati* to link schemes with the released prisoner and their families.

15. District Legal Services Authority should be a nodal agency between the prison department and district administration to help link released prisoners and their families to the various welfare schemes. Thus, the families would get some relief from their crisis situation.

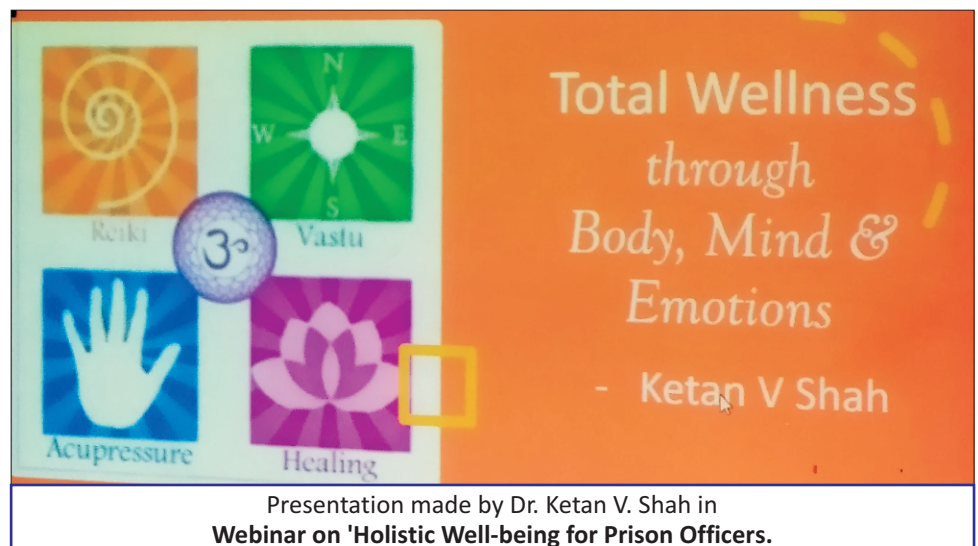
16. District Child Protection Unit and Probation Officer should plan for children of prisoners living outside.

17. The system of open and semi-

open prisons which has been running very successfully in some of the States, needs to be started in other states as well.

Webinar on 'Holistic Wellbeing for Prison Officers'

The Institute of Correctional Administration, Chandigarh organized a Webinar on '**Holistic Wellbeing for Prison Officers**' on 7th August, 2020 was attended by 45 Prison Officers. Dr. Upneet Lalli Dy. Director ICA, Chandigarh introduced the theme of the webinar and the participants were made aware of various mental health issues amidst Covid-19 like hopelessness, job/income insecurity, social withdrawal, loneliness, fear of loved ones lives, and health anxiety. Dr. Upneet Lalli introduced Mr. Ketan V Shah, a well-known Acupressure expert, who was the key speaker for this Webinar. Dr. Shah informed the participants about usefulness of Acupressure to deal with various mental and health issues that people are facing in the times of Covid-19 pandemic. He taught the Participants how to attain the total wellbeing through body, mind, and emotions and gave practical tips on how to press and which points of the body need to be pressed for diabetes, headache, kidney problem, to control heart stroke, asthma, and



to control heart stroke, asthma, and even cancer.

Webinar on 'Mental Health Issues and Wellbeing'

The Institute of Correctional Administration, Chandigarh organized a Webinar on 'Mental Health Issues and Wellbeing' on 21st August, 2020 for Prison Officers in which 27 officers participated. Prof. Ritu Nehra, Department of Psychiatry, PGIMER, Chandigarh; Dr. Shilpa Suri, Trainer Psychologist, Chandigarh; Sh. Jagjit Singh, I.G. Prisons Haryana and Mr. Sunil Bhatia, Tihar Prisons, Delhi were invited as key speakers. Dr. Upneet Lalli, gave a brief presentation on mental health issues and challenges to maintain wellbeing in the times of Covid-19. The participants also shared good prison practices of their respective prisons. Sh. Sushil Kumar, Superintendent, Jail Kanda shared some positive outcome of this pandemic that it has encouraged good habits like hygiene in prisoners and united the staff.

Webinar on 'Covid -19 Pandemic and Prison Management'

The Institute of Correctional Administration, Chandigarh organized a Webinar on 'Covid-19 Pandemic and Prison Management' on 2nd September, 2020 for Prison Officers, in which 82 officers from Prison Departments of eight States participated. Dr. Upneet Lalli Dy. Director ICA gave an overview of Covid-19. Sh. Praveen Kumar Sinha, IPS, ADG Prisons Punjab shared strategies and initiatives that Punjab Prisons are using to deal with Covid-19 pandemic. He informed that standard Operating Procedures (SOPs) of Punjab Prisons include prevention, detection, control, and treatment.



Prison Officers participating in the
Webinar on 'Constitutional Rights of Prisoners and Modernization of Prisons'

Dr. Sharad Kulshrestha, I.G. Prisons Uttar Pradesh, enlightened the participants about strategies and initiatives that Uttar Pradesh Prison Department incorporated to deal with Covid-19 Pandemic. He told unique initiative taken by Uttar Pradesh Prisons on *Rakshabandhan*. Dr. Prakriti Mahajan, from Chandigarh, shared her experience of medical care and treatment required for Covid-19 patients. She made aware the participants about the right way of the using masks, gloves, type of clothing and other precautions to be followed by prison staff doing duty in isolation wards. Prof. Vijay Raghavan and Ms. Cecilia Davies from, Prayas, TISS, Mumbai enlightened prison officers on various perspectives that can be used as prison contingency plan amid Covid-19.

Webinar on 'Constitutional Rights of Prisoners and Modernization of Prisons'

The Institute of Correctional Administration organized a webinar on 'Constitutional Rights of Prisoners and Modernization of Prisons' on 30th September 2020. The webinar was attended by 47 prison officer from various prisons of Punjab, Haryana, and Chandigarh. Dr. Upneet Lalli,

Deputy Director, Institute of Correctional Administration, Chandigarh and Dr. K.P. Singh, former DG Prisons, Haryana was the key speakers. Dr. K.P. Singh talked about Constitutional rights of prisoners and how modernization of prisons is possible and why it is required. He also elaborated that modernization of prisons are meant to humanize prison conditions. It helps in better implementation of Constitutional rights of prisoners. Modernization of prison can be established through the use of technology like CCTV Cameras, Metal detectors and Prison Management Software (PRISM). Many state prisons of India are already using the PRISM software.

Two-day Webinar on 'Temporary Release of Prisoners: Parole, Furlough and Remission'

The Institute of Correctional Administration conducted a two days webinar on 'Temporary Release of Prisoners; Parole, Furlough and Remission' on 14th and 15th October 2020. In this webinar 71 prison officers from various states i.e. Haryana, Punjab, Rajasthan, Uttar Pradesh, Jammu & Kashmir, Uttarakhand and Delhi participated. Besides prison officers, interns from TISS also participated in the webinar.

Dr. K.P. Singh (IPS) Rtd., Former DG Prisons, Haryana; Sh. Jagjit Singh, IG Prisons, Haryana; Dr. Deipa Singh, Addl. Adv. Gen. Pb. & Hry. High Court; Prof. (Dr) Vijay Raghavan, TISS, Mumbai and Mr. Ravindra Vaidya, Founder & President VARHAD, Amravati were the key-speakers during this Webinar. Shri Ravindra Vaidya, explained the role of social worker in rehabilitation of released prisoners. His NGO-VARHAD coordinated with prison authorities and helped to secure more than 500 prisoners. They enquired with the prison authorities the release of the prisoners and likewise telephonically informed and coordinated with the families about his/ her release. They also provide after-care support to the released prisoners. In this webinar participants were made aware about different rules related to parole, furlough and premature release of prisoners.

One-day online International Conference on 'Restorative Justice and the Challenges of 21st Century'

The Institute of Correctional Administration, Chandigarh in collaboration with the Himachal Pradesh National Law University (HPNLU), Shimla successfully organized a one-day online International Conference on 'Restorative Justice and the Challenges of 21st Century' on 22nd October, 2020. In this Conference 200 participants including 53 prison officers from various states i.e. Haryana, Punjab, Rajasthan, Jammu & Kashmir, and Delhi participated. In the Conference, the students, academicians and researchers from various institutions presented the research papers on various themes related to restorative justice. Former Chief Justice P. Mohan Maithree Peiris, Supreme Court of Sri Lanka

was the Chief Guest for this event. Dr. Brian Steels, Director, Asian Pacific Forum for Restorative Justice (APFRJ) was the key note speaker of the first session. He presented his research paper on the theme of restorative justice. International Expert - Lisa Rea, President, Restorative Justice International (RJI) and Dr. Jeffrey Mark Deskovic, Director, Jeffrey Deskovic Foundation for Justice discussed about wrongful conviction and restorative justice.

Two-day Online Workshop on 'Mental Health Problems and Suicide Prevention in Prisons'

The Institute of Correctional Administration conducted a two days online Workshop on 'Mental Health Problems and Suicide Prevention in Prisons' on 10th and 11th November, 2020. In this Workshop 102 officers (83 prison officers and 19 others) from various states participated. Dr. B.K. Waraich, Consultant Psychiatrist, Fortis Hospital, Mohali; Dr. Ritu Nehra, Clinical Psychologist Department of Psychiatry, PGIMER, Chandigarh; Dr. Ajeet Sidana, Professor, Deptt. of Psychiatry, GMCH, Sec. 32, Chd. and Prof. A.K. Kala, Psychiatrist, Clinical Director, Mind Plus, Ludhiana were the key-speakers during this Workshop. Participants found the webinar useful and appreciated the knowledge and tips that resource persons provided. Dr. Lalli thanked the resource persons and the participants for their enthusiastic participation and making the event successful.

One-day Online Webinar on 'Implementation of Bangkok Rules in Indian Prison System'

The Institute of Correctional Administration, Chandigarh, in collaboration with Himachal Pradesh

National Law University, Shimla organized a webinar on "Implementation of Bangkok Rules in Indian Prison System" on 10th December 2020 to mark the International Human Rights Day. Prison officers from various states (Haryana, Punjab, Rajasthan, Madhya Pradesh, Karnataka, Gujarat, Chandigarh, and West Bengal) attended the webinar. Apart from the prison officers, students of HPNLU joined the webinar. Dr Upneet Lalli, Deputy Director, Institute of Correctional Administration, Chandigarh, introduced the theme and elaborated upon the Bangkok rules. She told that it has been a decade, since Bangkok Rules were framed by United Nations. She informed the significance of International Human Rights Day 2020 theme that is 'Recover Better' in the times of Covid-19 pandemic. Prof Nishtha Jaswal, Vice-Chancellor, HPNLU, Shimla, delivered the inaugural address on "Constitutional rights and women in custody", in which she focused on the constitutional provisions and the Supreme Court judgments with regard to the rights of female prisoners. The key speaker Prof. Pam Rajput, member of Parliamentary Committee on the Empowerment of Women talked about the various committees and policies constituted for women under custody. Women prison officers including Swati Sathe, DIG, Rajni Sehgal, Supdt. Jail, Suman Maliwal, Shefali shared their journey of working in the prison department. They told the staff that motivation and professionalism in work was a key to their success. Women prison staff drew inspiration from them.

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GOOD PRISON PRACTICES IN COVID-19 TIMES

Three Levels Testing of New Prisoners- Punjab

The total covid-19 positive cases in Punjab Prisons were 1028 (including 103 staff) at the end of August 2020. Special measures focusing upon testing and separation of new prisoners were taken to prevent and control Covid-19 in the prisons. The Punjab Prison Department converted seven prisons as Special Jails for new admissions including four for men and three for both men and women prisoners.

Punjab prisons are conducting testing at three levels for the newly admitted prisoners. Firstly, the prisoners are tested at the time of admission, and then the prisoners are lodged in a special prison meant for quarantine time period of 14 days. Second testing takes place after completing 14 days quarantine. Then the prisoners are being shifted to the regular jail. In the regular jail itself the prisoner is kept isolated for few days before mixing with other prisoners. Only after the third testing the prisoner is shifted with the other prisoners. The Punjab Prisons are finding this three level testing practice fruitful in controlling the spread of Covid-19 inside Punjab prisons.

Contributions of NGOs and Good Prison Practices

Prayas is an NGO and project headed by Dr. Vijay Raghavan Professor, Centre for Criminology and Justice, TISS, Mumbai. Prayas has designed a

social reintegration programme called the NGO Placement Program, where released prisoners are placed in NGOs, to develop employable skills in the NGO sector. They receive a stipend during this placement. They are mentored to initiate entrepreneurship activities. At the time of lockdown released prisoners had faced financial problems. Prayas provided financial support to the prisoners through cash transfers to their bank accounts. It also created a WhatsApp group of released prisoners to provide them online awareness about the Corona virus, special schemes of the government, acquiring citizenship rights documents, and also online trainings.

Voluntary Action for Rehabilitation & Development (VARHAD), Amravati, Maharashtra is another NGO which provided support to the prisoners and their families during the lockdown period. VARHAD arranged transport of more than 70 prisoners to reach their home safely. In cases where the prisoners were not permitted to enter their respective villages, the organization coordinated with the respective authorities and helped the prisoners. Some of the families felt the released prisoners were an additional burden on them, as they were living a hand to mouth existence. So the organization supported such families with cash transfer of Rs.2000/- through Google Pay. Legal aid and ration kits were provided to them.

Around 500 families were helped by the organization during lockdown period.

International Best Prison Practice

Peer to Peer Learning – Ireland

The prisons in the Ireland had least Covid-19 cases in comparison to prisons worldwide. The World Health Organisation is circulating Irish Prison practices as a model of best practice for keeping Covid-19 out of prisons. In 2017, when Tuberculosis occurred, the Irish Prison Service introduced *“a whole of prison approach to infection control”*. Instances of Tuberculosis in Irish prisons had resulted in the establishment of an infection control team. Ireland Prisons have proved their Covid-19 control prison practices as the most effective prison practice, globally. Ireland prisons have started the preventive program in time and thus recorded no case of covid-19 positive in any of Irish Prison. The practice they have adopted was known as 'peer-to-peer learning'. Irish Prisons in collaboration with Red Cross educated 2,300 prison officers and 450 prisoners about preventive measures to control spread of the Corona Virus. These well informed prison staff and inmates further informed their fellows about hand hygiene techniques and coughing etiquettes. WHO has recommended this model for other prisons.

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Punjab & Haryana High Court Judgment

In the High Court of Punjab and
Haryana at Chandigarh

CRWP – 5238 – 2020 (O&M)

Date of Decision: 19th August, 2020

(S. Murlidhar & Avneesh Jhingan, JJ)

Savitri Petitioner

Vs.

State of Haryana and others
Respondents

Facts:

This is a petition challenging the order of the Divisional Commissioner, Hisar, rejecting the Petitioner's application for temporary release/parole, on the grounds that the trial Court awarded the petitioner a sentence of imprisonment for life i.e. whole of her natural life, without any remission, consequent to her conviction for the offences under Sections 302, 343 and 120-B of the IPC. The Bench stated that the power to impose such punishments is only within the limits of Higher Constitutional courts.

Held

- The Bench referred the Supreme Court judgment in the case of Union of India v. Sridharan wherein it was explicitly stated that the power to impose a modified punishment providing for any specific term of incarceration

till the end of the convict's life as an alternate form of punishment to death penalty can be exercised only by the High Court and the Supreme Court.

- On the other hand, learned Additional Advocate General, Haryana, pointed out that the Petitioner sought parole for a period of four weeks on the ground that her house needed repair.
- The Petitioner placed on record a copy of an order passed by Superintendent, Central Jail, Ambala granting parole/temporary release to co-convict who too had been sentenced to undergo rigorous imprisonment for life without remission till natural death and yet, in his case, not only was parole granted, but, in fact, now stands extended as a result of the orders of the High Powered Committee.
- The judgment concluded that while, in the circumstances where it was the High Court that had awarded the modified sentence of imprisonment for life for a minimum of 25 years without remission, the rejection of the plea for furlough was justified, it was clarified that the petitioners there would "be entitled to seek parole even for re-ties."

establishing social and family ties."

- Therefore, in terms of the law explained by the Constitution Bench of the Supreme Court in V. Sriharan, the trial Court awarding the sentence to the Petitioner of rigorous imprisonment for life was in error in adding the rider that it would be for the remainder of her natural life and without any remission.
- The Court informed that notwithstanding the clear legal position explained in V. Sriharan, the trial Courts have been adding riders to orders on sentence passed by them similar to what the trial Court did in this case.
- The Hon'ble Court held that the trial Courts have no power to impose penalty of life term without remission or parole.
- The Court directed that a soft copy of this judgment together with the judgment of the Constitution Bench of the Supreme Court in V. Sriharan be circulated by the Chandigarh Judicial Academy through email to all the judicial officers as well as the Jail authorities in the States of Punjab & Haryana and the Union Territory of Chandigarh.

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