



# ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

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## *Editorial*

Sharing and exchanging ideas with different stakeholders is essential for professional growth and development. The Institute has been actively associated in providing the forum for this purpose through training programmes, newsletters, website and also seminars. The Institute has also partnered with the Universities in organizing various seminars / conferences. Prison Reforms got discussed at the 37th All India Criminology Conference organized in joint collaboration with the Rajiv Gandhi National University of Law, Patiala. The practitioners and academicians need to work together to develop better understanding of issues of crime and its prevention in India. The concept of mercy jurisprudence, particularly in the light of the Supreme Court judgment in Shatrughan Chauhan case was discussed in the seminar organized in collaboration with the Department of Laws, Panjab University, Chandigarh. This newsletter covers these issues along with recommendations.

Nelson Mandela observed "As I walked out the door towards the gate that would lead to my freedom, I knew if I didn't leave my bitterness and hatred behind, I'd still be in prison". Humane treatment inside prison and making prisoners prepared for life outside prison is essential for enjoying freedom outside prison gates. Support of society is needed to help ex-offenders to lead law-abiding and useful life after release. Providing relevant jobs skills helps prisoners to secure employment after release. An innovative programme to help prisoners obtain employment after release is the practice of campus placement undertaken at Tihar Jail, New Delhi, wherein different organizations select some of the prisoners to provide them employment. This newsletter highlights the good practice in this area. Relationship between prison staff and prisoners are at the heart of the prison system. Proper control and security flow from getting that relationship right. Professionalism needs to be built up in the prison staff as there are significant challenges that the Prison Administration faces today. Finally, we also need to encourage prison staff to do right things efficiently and effectively.

**Dr. Upneet Lalli,  
Dy. Director, ICA, Chandigarh**



## CALENDAR OF COURSES / WORKSHOPS FOR PRISON / POLICE OFFICERS DURING THE PERIOD FROM APRIL, 2014 TO JULY, 2014.

S.No.	Theme of the course / workshop	Course for	Dates
	<b><u>APRIL, 2014</u></b>		
1	Basic Induction Training Programme on 'Correctional Administration and Prison Management' for newly recruited Haryana Prison Officers	Prison Officers of Haryana	10.3.2014 to 16.4.2014
	<b><u>JUNE, 2014</u></b>		
1	ToT Programme on 'Juvenile Justice System'	Police Officers Punjab, Haryana & Chandigarh	10-12 June, 14
2	Outreach Training Programme on 'Gender Sensitization' for Delhi Prison Officers	Prison Officers of Delhi	19-20 June, 14
3	Course on 'Correctional Administration and Prison Management' for newly recruited Haryana Prison Officers	Prison Officers of Haryana	23-27 June, 14
	<b><u>JULY, 2014</u></b>		
1	Course on 'Human Rights and Custodial Deaths'	H.P. Police Officers	14-18 July, 14
2	Course on 'Health Issues in Prison Management'	Prison Officers	21-25 July, 14

### Courses / Workshops organized in the Institute from 01.01.2014 to 31.05.2014

Workshop on 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'	Police / Prison Officers	28.01.2014
Workshop on 'Human Rights and Prison Management' in collaboration with PRI & PRAJA	Prison Officers	10.2.2014 to 13.2.2014
Seminar on 'Identifying Priorities for Penal Reforms in India' in collaboration with PRI & PRAJA	Officers of CJS Academicians, NGOs	14.02.2014
Workshop on 'Protection of Children from Sexual Offences Act, 2012'	Chandigarh Police	17.2.2014
37 <sup>th</sup> All India Criminology Conference at RGNUL, Patiala in collaboration with ICA, Chd	Functionaries of CJS Criminologists, Students and others	28.2.2014 to 2.3.2014
Six Weeks Course on 'Basic Training in Correctional Administration and Prison Management'	Haryana Prison Officers	10.3.2014 to 16.4.2014
National Seminar on 'Clemency in Criminal Justice System' At Moot Hall, Law Deptt. Panjab University, Chandigarh	Officers of CJS, Academicians, Students	19.03.2014
Workshop on 'Right to Information Act, 2005'	Haryana Prison Officers	31.03.2014

### Details of Courses / workshops organized and number of police and prison officers trained from 01.01.2014 to 31.05.2014

Total police officers trained	: 51	Total courses for prison officers	: 02
Total prison officers trained	: 219	Workshops for Prison/Police Officers	: 06
Others / NGOs / Prosecutors trained	: 95		

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Total officers trained      365  
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Total courses organized      08  
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# Activities of the Institute from January to May, 2014

The Institute of Correctional Administration, Chandigarh organized one day Workshop on 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' on 28th January, 2014 for Police and Prison Officers. 30 police and prison officers of senior ranks participated in this Workshop. The main aim of this workshop was to make the participants aware of the provisions of the Act.

The Institute of Correctional Administration (ICA), Chandigarh in collaboration with the Penal Reform International (PRI) and PRAJA, New Delhi organized a ToT Programme on 'Human Rights and Prison Management' for Prison Officers from 10-13 February, 2014 in the ICA, Chandigarh. 15 Senior Prison Officers from the States of Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir and Chandigarh participated in this workshop. Dr. Riaz Ahmed, Director, APCA Vellore, Tamil Nadu;

Dr. Rani Shankardass, Secretary General, PRAJA; Prof. John Podmore, Associate, Penal Reform International ; Dr. Upneet Lalli, Deputy Director, ICA Course Coordinator engaged the participants in various sessions during this training programme.

Legislation and Regulations and Indian Realities; Principles of Prison Management, etc.

One-day Seminar on 'Identifying Priorities for Penal Reform in India' was organized by the Institute of Correctional Administration, Chandigarh in collaboration with



**Hon'ble Justice Sh. S.N. Aggarwal (Retd.) with the participants at the time of inauguration of the Seminar on Penal Reforms.**

The training programme was inaugurated by Mr. Y.P. Singal, IPS, Director General of Prisons, Haryana. The main sessions that were covered during the workshop included Standards, Norms,

the Penal Reform International and PRAJA, New Delhi for all the senior functionaries of Criminal Justice System, Academicians and NGOs on 14th February, 2014 at Mahatma Gandhi State Institute of Public Administration, Sector 26, Chandigarh. Around 90 officers participated in this Seminar. Eminent experts actively participated in this Seminar and shared their views and experiences. Dr. Upneet Lalli, Deputy Director, ICA welcomed the Chief Guest of the Seminar Hon'ble Justice Sh. S.N. Aggarwal, Former Judge, Punjab and Haryana High Court, Chandigarh who inaugurated this Seminar. In this Seminar, three interesting panel discussions



**Sh. Y.P. Singal, IPS, D.G. Prisons, Haryana at the Inaugural function of the Training Programme.**



took place : 'Promoting Alternatives to Imprisonment'; 'Professionalizing the Prison Service for the 21st Century' and on 'Priorities and Progress towards Penal Reforms'. Hon'ble Justice Sh.

'Clemency In Criminal Justice System' on 19th March 2014 for the senior functionaries of Criminal Justice System Academicians, and Students of Law Department in the moot court hall of the department.

by panel discussion which was chaired by Prof. V. Vijaya Kumar. Prof. Paramjit S. Jaswal, Vice-Chancellor, RGNLU, Patiala analyzed the constitutionality of imposition of death sentence. Dr. K.P. Singh, IPS, Addl. Director General of Police (Reforms), Haryana another panellist while putting light on various provisions of Criminal Procedure Code, Prison Act and Indian Constitution focused on the proposition that clemency is exception to the sovereign's power to punish. The third panellist Dr. Upneet Lalli, Deputy Director, Institute of Correctional Administration discussed the implications of Capital Punishment and clemency provisions for the prison administration.

The **recommendations** that emerged from the Conference included that clemency power has to be controlled by the constitution of Principles of anti-arbitrariness & subject to judiciary innovated doctrine of public accountability i.e., whenever the power is not exercised for the purpose for which it is vested and in a fair, just and reasonable manner then



**Hon'ble Justice Sh. J.C. Verma (Retd.) addressing the participants during the Valedictory Function of the Seminar.**

J.C. Verma, Former Judge, Rajasthan High Court, Jaipur was the Chief Guest for the valedictory session of the Seminar.

A One-day Workshop on 'Protection of Children from Sexual Offences Act, 2012' was held in the Institute of Correctional Administration, Chandigarh on 17.2.2014 for the Police Officers of Chandigarh. The Workshop was attended by 28 police officers from the rank of Inspector of Police to Constable. The aim of this Workshop was to sensitize police officers on Child Rights and make them aware of the Provisions relating to the Protection of Children from Sexual Offences Act, 2012.

The Institute of Correctional Administration, Chandigarh in collaboration with the Department of Laws, Panjab University, Chandigarh organized one-day National Seminar on the theme

Professor V. Vijaya Kumar, Former Vice-Chancellor, TNDALU Chennai, presently Professor of Law and UNHCR Chair on Refugee Law, National Law School of India University, Bangalore delivered the keynote address. Hon'ble Mr Justice Iqbal Singh, former Judge Punjab & Haryana High Court delivered the presidential address. The inaugural session was followed



**Hon'ble Justice Sh. Iqbal Singh (Retd.), Prof. P.S. Jaswal, Dr. K.P. Singh, IPS, Prof. V.Vijaya Kumar, & Dr. Upneet Lalli in the National Seminar on Clemency.**



responsibility and accountability must be fixed. The need of the hour is not merely to concentrate on the death convicts' conditions and rights but to create balance among the interests of the death convicts, victim/victim's family and the society at large. No doubt, foundations had been laid down by the judgements delivered by the

important that the governmental policy on remission must be fair, uniform and transparent throughout the country.

On the request of the Haryana Prison Department, six-weeks Basic Induction Training Programme on 'Correctional

Course was attended by 35 prison officers of the rank of Deputy Superintendent of Jails to Assistant Superintendent of Jails. The main aim of this training programme was to provide basic knowledge of the correctional administration and prison management to the officers. The officers were given training on various aspects of Prison Administration including Jail Manual, CSR provisions, Disciplinary proceedings, RTI, Computer education, IPC/Cr.P.C. / Evidence Act, Prohibition of Sexual Harassment at Workplace, personality development, parole, furlough, remission, etc. This course was inaugurated by Sh. Y.P. Singal, IPS, Director General of Prisons, Haryana. A field visit to Tihar prisons was also organized. This enabled the participants to see the various reforms and activities undertaken in Tihar.

**37th All India Criminology Conference of the Indian Society of Criminology from 28th February to 2 March, 2014 at RGNUL, Patiala, Pb.**



**Dr. Praveen Kumari Singh, Director (SR) MHA with the Prison Officers of Haryana State during the training programme.**

Supreme Court to put a limit on imposition of death sentence due to undue, inordinate, unreasonable and un-explainable delay but there is a need for a formula to determine "what is inordinate delay" and the need for fixing time limit for disposing of all the mercy petitions. The constitutional power vested in the high constitutional functionaries like President or Governor must be exercised not on the aid and advice of simply the Council of Ministers but there must be an 'Expert Committee' comprising of judicial as well as executive members who must assess the offender's/victim's/societal interest before rendering advice to the President or the Governor, as the case may be. Finally, it is very

Administration and Prison Management' was organized by the Institute of Correctional Administration, Chandigarh from 10th March to 16th April for the newly recruited Prison Officers of Haryana State in the Institute. The



**Hon'ble Justice Sh. Iqbal Singh (Retd.) at the inaugural function of the 37th All India Criminology Conference held at RGNUL Patiala.**





**Chief Guest Hon'ble Justice Sh. Rajive Bhalla delivering the Valedictory Address in the 37th All India Criminology Conference at RGNUL, Patiala**

The Institute of Correctional Administration, Chandigarh hosted the 37th All India Criminology Conference of the Indian Society of Criminology in collaboration with the Rajiv Gandhi National University of Law, Patiala (Punjab) from 28th February to 2 March, 2014 at RGNUL Campus, Patiala. This Conference focused on prominent social issues and priority crime problems. The main theme of this Conference was 'Crime, Criminology and Criminal Justice : A Relook in the Present Scientific and Technological Era'. The Conference was inaugurated by Hon'ble Justice (Retd.) Sh. Iqbal Singh. The Hon'ble Justice Sh. Rajive Bhalla of Punjab and Haryana High Court delivered the Valedictory Address. Dr. Upneet Lalli Deputy, Deputy Director, ICA presented papers on 'Prison Reforms in 21st Century' and 'Opportunities and Challenges for Institutional and Non-Institutional Mechanisms for Correction' during this Criminology Conference. Renowned Criminologists from the country participated in the Conference.

### **Meeting of the Board of Management of the ICA**

A meeting of the Board of Management of the Institute of Correctional Administration, Chandigarh was held on 7th March, 2014 under the Chairmanship of Sh. S. Suresh Kumar, IAS, Joint Secretary (CS), Government of India, Ministry of Home Affairs, New Delhi. The meeting was



**Sh. S. Suresh Kumar, IAS, Joint Secretary (CS), MHA, chairing the meeting of the BoM of the ICA, Chandigarh.**

attended by the members from the MHA, New Delhi and also from the States of Punjab, Haryana,

Rajasthan, New Delhi, and BPR&D, New Delhi.

### **Visit of Dr. Upneet Lalli to Australia**

Dr. Upneet Lalli had an opportunity to visit some of the prisons in Western Australia in April, 2014. She visited Wandoo Reintegration Facility which is a minimum security prison for young (aged between 18 to 24 years). It provides the youth with skills, education and employment opportunities. The Acacia Medium Security Prisons is another privately managed prison by Serco Australia. Boronia Pre-Release Centre is a prison for women minimum security for female prisoners and their children live in a community style setting. Boronia has a strong focus on maintaining links with the local community through Community Engagement and Advisory Group. Any prison

which provides meaningful programmes helps the prisoners reintegrate better into society.



# BEST PRISON PRACTICES

**R**elelevant job skills and employment opportunities are the most essential components for an effective reintegration of prisoners' programme. Various initiatives are being undertaken around the world to help the prisoners find employment after release. This issue covers these practices in Singapore and Tihar Jail, New Delhi.

## Cafe Training at Singapore

Singapore : A new training kitchen and restaurant has been set up within Changi Prison Complex to enhance the training offered to offenders, so that they are better prepared for careers in the food and beverages or hospitality industries upon release.

Hope Cafe is a joint initiative by the Singapore Corporation of Rehabilitative Enterprises (SCORE) workforce Development Agency and Singapore Prison Service. Inmates who are assessed to be suitable for jobs in the food and beverage sector and hospitality industry will undergo training under the Workforce Skills Qualifications (WSQ) framework. The Café then

provides a setting for them to gain hands on experience.

More than 150 offenders have been trained at the Café since its inception in November last year and another 204 will be trained by the end of this year. Trainees can achieve either a WSQ Certificate in F&B Operations or in Culinary Arts.

SCORE provides employment assistance upon the completion of training to help offenders secure jobs before their release. It will also assign job coaches to help with issues they may face when re-entering the workforce.

The number of employers in the hospitality and F&B industries partnering SCORE has increased from 175 in 2008 to 791. 'This shows that more employers in this sector are receptive towards hiring based on merit and skills, regardless of background or past records'. About 9,000 offenders are released from prison each year.

## Campus Placement at Tihar

Tihar has been the trend setters of reforms not only for Indian

Jails but also for the world. A campus placement drive was initiated in Central Jail-3 in which 43 inmates were shortlisted by the Prison Administration and 10 companies participated. Only those prisoners were selected who have unblemished record of good behavior to their credit and their sentence / judicial custody was likely to come to an end within one year. The representative of the company interviewed the prisoners and selected 14 inmates instantly and the offer letter was handed over to the prisoners. Rest 29 prisoners have also been offered different kinds of jobs like Assistant Manager (Marketing), Sales Executive, Assistant, Data Entry Operator on the pay packages ranging from Rs. 7000/- to Rs. 25,000/- per month. This has brought a new ray of hope amongst the prisoners and their family. The following nine companies participated in the campus Placement drive: (1) Aggarwal Packers and Movers; (2) Predo Security; (3) ASP Sealing Products Ltd; (4) Vedanta Foundation; (5) Creative Innovation; (6) Good House Keeping; (7) JRA & Associates; (8) Divya Jyoti; (9) Relaxo Footwear Limited.

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NEWS CLIPPING

## Tihar records 100% placement

The annual exercise has seen 406 inmates being placed till date

Kritika Sharma

**NEW DELHI:** Tihar Central Jail here has achieved a record 100 per cent placement this year. Sixty-six students were short-listed to participate in the placement drive, the seventh so far.

Started with the aim of helping prisoners live a better life once they are out of the jail, the placement drive at Tihar has so far proved to be a success. The annual exercise has seen 406 inmates being placed till date. The authorities believe that the number is going to increase as Lieutenant-Governor Naeib Jung has given a go-ahead to the open jail system.

"Prisoners in the open jail who are selected to work will be able to go out and work like regular people. The only difference is that they will have to return to the jail after work instead of going home. The system will add to the number of inmates



An inmate, who is due to be released in six months, being interviewed during the placement drive inside Tihar Jail in Delhi on Tuesday. PHOTO: AFP

placed," said Tihar spokesperson Sunil Gupta. Thirty-one companies, including Pizza Hut, Ariz Media, RPS Group of compa-

nies, Vedanta Foundation, Universal Enterprises and Tajmahal group of companies, participated in Tuesday's placement drive. The

- It was started with the aim of helping prisoners live a better life once out of jail

- Thirty-one companies, including Pizza Hut, Ariz Media, etc., participated in the placement drive

Inmates have been offered salaries ranging between Rs.8,000 and Rs.35,000 per month for positions like driver, plumber, marketing executive and business development manager.

The highest salary package has been offered to Raju, a graduate in social work from Indira Gandhi National Open University (IGNOU). He secured a job at Tajmahal group of companies, where he will work as Assistant Business Development Manager.

THE HINDU, 7-5-2014



# Supreme Court Judgment

## (2014) 3 Supreme Court Cases

(BEFORE P. SATHASIVAM, C.J. AND  
RANJAN GOGOI AND SHIVA KIRTI SINGH, JJ.)  
**Shatrughan Chauhan and Another**  
..... Petitioners

Vs.

**Union of India and others**

..... Respondents

Writ Petitions (Crl.) No. 55 of 2013 with Nos.  
34, 56, 132, 136, 139, 141, 187-88 and 190-  
93 of 2013 decided on January 21, 2014.

A. Constitution of India – Arts. 21, 20(1), 14, 19, 32 and Arts. 72 & 161 – Disposal of mercy petition of death convicts under Arts. 72 / 161 – Limited judicial review of – Writ Petition seeking – Maintainability and Scope of – Supervening circumstances post confirmation of death sentence by Supreme Court – Non-consideration of such supervening circumstances by President / Governor – When a ground for judicial review and commutation of death sentence of such convicts.

Judicial review, held, is available where mercy petition is rejected without considering the supervening circumstances of delay, mental illness and other circumstances / factors. Mercy jurisprudence is a part of the evolving standard of decency, which is the hallmark of the society. Right to seek mercy under Arts. 72/161 is a constitutional right and not at the discretion of whims of executive – Every constitutional duty must be discharged with due care and diligence, otherwise judicial interference is the command of the Constitution for upholding its values.

B. Constitution of India – Arts. 72 r/w 74 & 53 and Arts. 161 r/w 163 & 154 and Arts. 21, 14, 19 & 20 (1) – Power of President / Governor to commute death sentence under Arts. 72 / 161 – Nature and scope of power and manner in which said power is to be exercised.

C. Constitution of India – Arts. 21, 20 (1), 14, 19, 32 and Arts. 72 & 161 – Commutation of death sentence – Ground of unjust, unfair and unreasonable procedure of disposal of mercy petition / execution of death sentence. Factors on which such ground may become available – Undue, inordinate, unreasonable and unexplained delay.

D. Constitution of India – Arts. 21, 14 and 32 – Death convicts – Rights of – Minimum 14 days' notice for execution, directed – Further held without sufficient notice of the scheduled date of execution, the prisoner's right to avail of judicial remedies will be thwarted.

The court has inter-alia given guidelines for safeguarding the interest of the death row convicts which need to be adopted by all States / UTs.

a) **Solitary Confinement** : The Supreme Court in the Sunil Batra case had declared that solitary or single cell confinement prior to rejection of the mercy petition by the President is unconstitutional. Even though Prison Manuals of States do have necessary rules the Court felt that the rules should not be interpreted to run counter to the above ruling and violate Article 21 of the Constitution.

b) **Legal Aid** : Legal aid should be provided to the convict at all stages even after the rejection of a mercy petition. Hence, Superintendent of Jails are directed to intimate the rejection of mercy petitions to the nearest Legal Aid Centre apart from intimating the convicts.

c) **Procedure in placing the mercy petition before the President** : As and when a mercy petition is received or communicated by the State Government after its rejection by the Governor, all necessary materials such as Police records, judgments of the trial court, High Court and the Supreme Court and all other connected documents should be called at once fixing a time limit without fail for rendering the same to the Ministry of Home Affairs in one – go and not in a piece-meal manner.

d) **Communication of Rejection of Mercy Petition by the Governor & President** : As a convict has a constitutional right under Article 161 to make a mercy petition to the Governor, he is entitled to be informed in writing of the decision on that mercy petition. The rejection of the mercy petition by the Governor should forthwith be communicated to the convict and his family in writing or through some other available mode of communication. Similarly the convict has a constitutional right under Article 72 to make a mercy

petition and hence the rejection of the mercy petition by the President should forthwith be communicated to the convict and his family in writing.

e) Death convicts are entitled as a right to receive a **copy of the rejection** of the mercy petition by the President and the Governor.

f) **Minimum period for execution of death sentence** : A minimum period of 14 days was stipulated by the Supreme Court between the receipt of the communication of the rejection of the mercy petition and the scheduled date of execution. This is to enable the convict to prepare himself and settle his affairs and meet his family members for one last time or to avail any judicial remedy.

g) **Mental Health Evaluation** : As it is quite possible that some death row convicts might lose their mental balance, there should be regular mental health evaluation and appropriate medical care should be given to those in need.

h) **Physical and Mental Health Reports** : After the execution warrant is issued, the Prison Superintendent should satisfy himself on the basis of medical reports by Government doctors and psychiatrists that the prisoners are in a fit physical and mental condition to be executed. If the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward the report of the same to the State Government for further action.

i) **Furnishing documents to the convict** : Death row convicts should be provided with copies of relevant documents within a week of conviction by the prison authorities to assist in making mercy petition and petitioning the courts.

j) **Final meeting between convict and his family** : It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to his execution.

k) **Post-mortem reports** : After the execution of death penalty, post-mortem would need to be mandatorily performed to ascertain the exact cause of death.

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