



ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

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Editorial



The insightful prodding of St. Francis of Assisi, "start by doing what's necessary then do what's possible and suddenly you are doing the impossible" is so much applicable to the area prison reforms in our country. The problem of overcrowding continues in the Indian prisons as is evident from the latest Prison Statistics India, 2013 released by the National Crime Records Bureau, Ministry of Home Affairs, New Delhi. The primary reasons for overcrowding is due to large number of undertrials in our prisons. Not surprisingly, the proportion of Undertrials continues to remain the same i.e. 67.6%. Out of total prison population of 4,11,992 in 1391 prisons, there were 2,78,503 Undertrials and 1,29,608 (31.5%) convicts. The number of women inmates continue to be almost 4.4% of the total prison population. The occupancy rate is 118.4 % as compared to 112.2% in 2012. Chhattisgarh (261.0%) reported the highest overcrowding in prisons followed by Delhi (216.8%). Despite the legislative changes in the form of plea bargaining and 436-A, the proportion of overcrowding continues to be steadily high.

Custodial Justice needs to be taken seriously. The Hon'ble Supreme Court of India in its recent judgment in the case of Bhim Singh delivered by the Chief Justice Lodha had ordered the release of undertrials who have already undergone more than half the term of the maximum period of imprisonment for their offence, which is in line with the provisions mentioned in Section 436-A of the Cr.P.C. The reports that will be filed by the CJMs and Sessions Judge who will visit the prison to identify the undertrials to be released from prison will have to be analyzed. It remains to be seen how much of judicial activism will result in the release of undertrials. This problem has to be tackled foremost in order to make prisons serve their purpose.

Another question that should be looked into, 'Can Prisons be sustainable'? The impossible can be possible. Green prisons and effective use of prison land for cultivation and training the prisoners in sustainable environment practices are some new innovative developments in prison management. This practices is becoming more popular in prisons in the U.K., USA, and Australia. Our own prisons, particularly open prisons can start to follow this model, as a lot of sustainable practices are already exist. Exciting possibilities exist in this field. The Institute continues to spread ideas, information and challenging the old ways of thinking and running prisons.

Dr. Upneet Lalli

Deputy Director, ICA

**CALENDAR OF COURSES / WORKSHOPS FOR PRISON / POLICE OFFICERS
DURING THE PERIOD FROM AUGUST, 2014 to NOVEMBER, 2014**

*	AUGUST, 2014		
1	Course on "Gender Sensitization in the Context of Crimes Against Women"	H.P. Police Officers	19-22 August, 14
2	Course on 'Gender Sensitization'	Chd. Police Officers	26-28 August, 14
*	SEPTEMBER, 2014		
1	Course on 'Counselling Techniques for Correction'	Prison Officers	8-12 Sept., 14
2	Course on 'Counselling Skills for Effective Policing'	H.P. Police Officers	15-19 Sept., 14
*	OCTOBER, 2014		
1	Course on 'Custody Management in respect of Undertrial Prisoners'	Police and Prison Officers	27-31 Oct., 14
*	NOVEMBER, 2014		
1	Course on 'Contemporary Advances in Criminology and Correction'	Prison Officers	10-14 Nov. 14
2	Course on 'Leadership Skills'	Police Officers	17-21 Nov. 14

Courses / Workshop organized in the Institute from 01.06.2014 to 30.09.2014

1	ToT Programme on 'Juvenile Justice System'	Police Officers of Haryana, Punjab & Chd	10-12.06.2014
2	Outreach Training Programme on 'Gender Sensitization'	Prison Officers of Delhi	19-20.06.2014
3	Course on 'Correctional Administration & Prison Management'	Prison Officers of Haryana	23-27.06.2014
4	Course on 'Human Rights and Custodial Deaths'	H.P. Police Officers	14-18.07.2014
5	Course on 'Health Issues in Prison Management'	Prison Officers / Prison Doctors	21-25.7.2014
6	Course on 'Gender Sensitization in the Context of Crimes Against Women'	H.P. Police Officers	19-22.08.2014
7	Course on 'Gender Sensitization'	Chd. Police Officers	26-28.08.2014
8	Course on 'Counselling Techniques for Correction'	Prison Officers	08-12.09.2014
9	Course on 'Counselling Skills for Effective Policing'	Police Officers	15-19.09.2014

Details of courses / workshops organized and number of police and prison officers trained from 01.01.2014 to 30.09.2014

Total police officers trained	:	177	Total courses for prison officers	:	06
Total prison officers trained	:	331	Total courses for police officers	:	05
Total Prison Medical officers trained	:	03	Workshops for Prison Officers	:	02
Others / NGOs / Prosecutors trained	:	101	Workshop for Police Officers	:	01
			Joint Workshop/Seminar/Course for Police & Prison Officers & Others	:	03

Total officers trained

612

Total courses organized

17

Activities of the Institute from June to September, 2014

A three-days ToT Programme on '**Juvenile Justice System**' was held in the Institute of Correctional Administration from 10th to 12th June, 2014 for the Police Officers of Punjab, Haryana and Chandigarh Administration.

A two-days outreach training programme on '**Gender Sensitization**' was organized by the Institute of Correctional Administration, Chandigarh in collaboration with the Tihar Prison Department, New Delhi on

Department participated in this training programme. The course was inaugurated by Mrs. Vimlaa Mehra, IPS, Director General of Prisons, Tihar, New Delhi. **Various exercises on gender sensitization were conducted with the participants and Gender stereotypes were debunked.**



Police Officers / Prosecution Officers participating in the Training Programme on Juvenile Justice

The training programme was attended by 50 police officers of different ranks. The main objectives of the programme were to sensitize the participants to child rights issues and make them aware of the provisions of Juvenile Justice Act, 2000 and the role of police in implementation of the Act. The course concluded with the valedictory address delivered by Sh. R.P. Upadhyaya, IPS I.G. Police, UT, Chandigarh. Prof. Devi Sirohi, Chairperson of Chandigarh Commission for Protection of Child Rights (C.P.C.R), Snehalya, UT, Chandigarh was the Guest of Honour.

19th and 20th June, 2014 at Prison Headquarter, Central Jail, Tihar, New Delhi. 45 Prison officers of the rank of Superintendent to Warder from Tihar Prison

The Institute of Correctional Administration, Chandigarh organized a training programme on '**Correctional Administration and Prison Management**' for the newly recruited Prison Officers of Haryana State from 23rd June to 27th June, 2014 in the Institute in which 35 prison officers of the rank of Deputy Superintendent of Jails to Assistant Superintendent of Jails participated. This training programme was a part of earlier six weeks training programme which was organized for these prison officers in March-April, 2014. The Institute took feedback



Mrs. Vimlaa Mehra, IPS, D.G. Prisons, Tihar with the Prison Officers

of previous training from all these officers who have joined their duties at their place of work. Feedback on their workplace and issues of implementing change were discussed. Mrs. Vimlaa Mehra, IPS, Director General of Police delivered the Valedictory Session.

This course on '**Human Rights and Custodial Deaths**' was organized for the Police Officers of Himachal Pradesh from 14.07.2014 to 18.07.2014 in which police officers of the rank of Deputy Superintendent of Sub Police to Inspector of Police. The course was designed to generate awareness among the police officers about the human rights legislation; sensitize the participants to the human rights of the under-privileged and weaker sections of society including the rights of women; etc. Sh. S.R. Mardi, IPS, Addl. Director General of Prisons, H.P. Shimla was invited as a Chief Guest for the valedictory session on the concluding day of the training programme. The

feedback received from the participants of this training programme was highly positive.

A training programme on

health issues in prisons and to learn about various health problems faced by prisoners and how to handle them. The course



Prof. P.S. Jaswal, Vice Chancellor, R.G.N.U.L. Patiala addressing the participants

'**Health Issues in Prisons**' was held in the Institute of Correctional Administration from 21.07.2014 to 25.07.2014 for Prison Doctors / Prison Officers of different States. Prison officers / Doctors from the States of Punjab, Haryana, Maharashtra and Jammu & Kashmir participated in this training programme. The main aim of the training programme was to make the participants aware of various

concluded with a valedictory address given by Dr. K.P. Singh, IPS, Director General of Police (Reforms), Haryana. Some of the recommendations & suggestions that have emerged from this course were as under :-

- Availability of certain equipments in prisons like ECG machine, automatic defibrillator, Nebulizer and a well equipped Ambulance.
- Proper medical examination of inmates at the time of entry i.e. the reception phase is essential.
- WHO Form for screening substance abuse at point of entry may be used by the prison department to screen out the drug addicts and start their early treatment.



Dr. Sunil Yogachariya taking yoga classess

- Urine testing for drug abuse may also be made mandatory.
- Sputum Microscopy for screening of TB patient and follow-up of T.B. patients.
- Well equipped Laboratory in prisons for conducting minor tests / medical examination.
- Mental health assessment of prisoners at the time of entry should be made.
- Psycho-social assessment of persons who attempt self-harm.
- NACO Guidelines for diagnosing and treating HIV+ persons in prisons.
- Review of medicines available in prisons especially for emergency medical care, particularly life saving medicines.

The course on '**Gender Sensitization in the Context of Crimes Against Women**' was organized for the police officers of



Dr. Sagar Sharma, Prof. Emeritus interacting with participants

Himachal Pradesh from 19.08.2014 to 22.08.2014. The participants found the course extremely exciting and enlightening as well as effective in changing their perceptions towards women especially culprits and victims.

Another course on '**Gender Sensitization**' was organized for the police officers of Chandigarh Administration from 26.08.2014 to 28.08.2014. The course was attended by 31 police officers of the rank of Inspector to Assistant Sub

Inspector of Police. Sh. A.S. Cheema, IPS, D.I.G. Police, UT, Chandigarh delivered the Valedictory address.

'**Counselling Techniques for Correction**' was the theme of training programme organized by the Institute for the Prison Officers of different States from 8.9.2014 to 12.9.2014 in which 17 prison officers of the rank of Superintendent to Assistant Superintendent of Jails from the states of Punjab, Haryana, Uttar Pradesh, J&K and Delhi participated. The course was designed to initiate the trainees in counselling techniques so that they can meet the demands of the emerging role of prison as a counselling agency.

A course on '**Counselling Skills for Effective Policing**' was also organized from 15.09.2014 to 19.09.2014 for the Police Officers of Himachal Pradesh. Counselling Skills particularly dealing with women victims of crime and child victims of crime were imparted through the use of role play and other participative techniques.



Sh. A.S. Cheema, IPS, Dy. Inspector General of Police, Chandigarh addressing the Police Officers

BEST PRISON PRACTICES

Good Prison practice for vocational training and employment opportunity indicate how it is essential for effective reintegration.

Sentenced to a Job (STAJ) Programme, Australia.

In the Northern Territory (NT), indigenous Australians comprise over 80% of the NT correctional centres' population. Incarceration rates in NT are approximately five times the rest of Australia. Previous government policies were reducing these numbers and some thinking outside the square was required.

The sentenced to a job programme (STAJ) commenced in September 2012. STAJ provides an opportunity for local businesses to address skill shortages using a locally trained workforce to meet their business's needs. In addition to gaining access to this reliable workforce the business owner is also extracting a social dividend by training and assisting in an inmate's rehabilitation.

Inmates' sentences are planned and managed from the time that they enter the correctional facility. The sentence management plan takes into account information gained through physical, mental, criminogenic, education and work skills assessments to map the pathway for their sentence. This process is really the first step in the STAJ programme and puts the building blocks in place for eventual placement in paid employment.

Currently, NTCI is offering vocational training and employment within our correctional centres

across a broad range of industries. These industries include but are not limited to, food services, horticulture, cabinet making, furniture manufacture, metal fabrication, laundry and facility services.

As part of the training provided by NTCI, the NT Department of Correctional Services (NTDCS), foundation trade skills and tactile learning methods are taught within the industrial areas which allow inmates to engage in hands-on-learning.

TCI provides the inmates with trade skills, knowledge and soft skills that can provide a pathway to paid employment outside of the correctional centre that will hopefully continue after sentence completion. It must be understood and appreciated that many of the inmates may have never worked full time, or accept working full time as being the norm, and that this is a big and potentially life-changing step for them.

Only open-rated inmates that are deemed to offer little or no risk to the community are eligible to participate in the programme. Once a potential employee has been identified as meeting the employer's needs, and the employer agrees to take on the inmate, a leave of absence is arranged for the inmate. Employment draws an offender into mainstream society and plays a very important role in establishing positive influences and relationships with a stable and supportive peer group in 'real world' workplaces.

Inmates employed under this programme are treated by the

employer like any other employee and paid at 'market' rate. Feedback to date is very encouraging from employers and they often say that the inmates are engaged and hardworking.

All payments are made to inmates upon release, deducting purchases, board and lodging in correctional facility, 5% paid to NT victims of crime and tax.

Upon release, inmates have a long term job, a substantial amount of money in the bank, soft skills and technical expertise acquired while engaged in STAJ. Research and preliminary analysis of STAJ indicate that when an inmate combines vocational education and training linked to work opportunities and a job in the community, the likelihood of them returning to a correctional centre reduces dramatically.

(Source : APCCA Newsletter – 36th Edition, March, 2014)

Raising Confidence and Developing employability and communication skills through prison radio : HMP & YOI Styal

HMP & YOI Styal is one of the country's larger women's prisons, serving the North West of England. Many of the women detained come from relatively deprived communities in the Manchester and Merseyside areas. It has an occupational capacity of 460 prisoners. It is a designated local prison and receives about 3000 prisoners each year. The Manchester College has provided learning and skills at the prison since 1992.

Prisoners at HMP and YOI Styal acquire radio broadcasting knowledge, skills and accreditation

that provide an excellent foundation for further training or employment. They also develop a range of transferable skills and improve their self-confidence, self-assurance and personal effectiveness.

Involvement in broadcasting began in March, 2010 when the on-site media and communication suite was opened by the Princess Royal. Although 54 prisons participate in the national prison radio service, HMP and YOI Styal is the only female prison to have such a suite and to broadcast nationally. It provides a vital communication channel, enabling women prisoners to have a 'voice'. In addition to the studio, professional editing equipment, computers and a smart-board are provided.

'Styalistic Radio' as it is known, has quickly become part of the National Prison Radio Service with three broadcast slots in Styal. The request show and Styal Magazine Show are repeated the following weekend. Styal News – consisting of current events and notices to prisoners – is broadcast for two minutes every day. An effective link has been formed with BBC Radio Manchester. Currently, one of their radio journalists is seconded to Styalistic Radio for two days a week to work with, and tutor, prisoners – in addition to being responsible for the content of Behind Bars. This link has resulted in BBC Radio Manchester offering four-week work experience placements at Media City for prisoners towards the end of their sentences.

The Media course helps raise the aspirations of the women. Many could never have imagined taking part in this type of work before. The confidence and the communication skills they develop are all

transferable, particularly in interviews for employment. Many benefit from finding ways to talk about their problems and sharing their experiences in a positive way.

Green Prisons

A successful bid from the Big Lottery secure funding for a Greener On the Outside (Prisons) (GOOP) Project. Together with funding from other sources, the prison is able to provide unique work and training opportunities for up to 50 adult prisoners and young offenders in the garden (approximately 11% of the prison's population). Accreditation in basic horticultural skills is also available.

Prisoners grow a wide range of vegetables, herbs and fruit – which are put to extremely good use – and they learn about diet, nutrition and healthy eating. The pesticide-free, organic vegetables and herbs are used in the prison kitchen and in the self-catering houses, allowing prisoners to have a wider culinary variety, including vegetables they may never have tasted before. Among the produce are beetroot, broad beans, Brussels sprouts, cabbage, cauliflower, chilies, green peppers, lettuce, onions, runner beans, sweet corn, strawberries, rhubarb and tomatoes. Surplus vegetables and herbs are sold thus generating income to invest in the garden.

A wide array of flowers are grown to enhance the garden and for prisoners and staff to purchase – thus providing another source of income. Hard and soft landscaped gardens are being enthusiastically created around the prison grounds to make them more visually attractive and aesthetically pleasing. Prisoners also gain experience in bee keeping, with two bee hives in the

gardens and a third expected soon. Last year 32 jars of honey were extracted from the hives.

To improve sustainability, kitchen and dining waste are collected daily from the residential units, separated and recycled. A large composter 'digests' the unwanted raw and cooked food which is mixed with an equal quantity of wood pellets. When matured, the compost is used for top-dressing the soil.

Prisoners dig, weed, sow seeds and manage crops. They have laid paths, completed the landscaping of a relaxation and sensory garden, developed a reflection (behind the chapel), and sowed a colourful and prolific wild meadow. Those who have been working in the garden for some time put their skills to good use by training and supporting new recruits.

Source : www.ofsted.gov.uk/resources/goodpractice

Acacia's "Clear Vision" gives the gift of sight.

Since Acacia Prison's "Clear Vision" project began 18 months ago, close to 25,000 pairs of reading glasses and sunglasses have been cleaned, repaired and graded by offenders, under the guidance of project founder Colin Verwey. The spectacles are then donated to people in need.

In addition to remote West Australian communities, the glasses are also distributed to third world countries through Acacia's partnership with Youth with a Mission (YWAM). Acacia has provided ongoing meaningful employment for prisoners as well providing them an opportunity to give back to the community in a positive way.

Source : ASPAC Times, SERCO ASIA Pacific Newsletter.

Supreme Court Judgment

(2014) 4 Supreme Court Cases 427

(BEFORE R.M. LODHA AND
F.M. IBRAHIM KALIFULLA, JJ)

Laxmi

..... Petitioners

Vs.

Union of India and others

..... Respondents

Writ Petitions (Crl.) No. 129 of 2006,
decided on July 18, 2013

Criminal Procedure Code, 1973 – S. 357-A – Compensation to victims of acid attack – Quantum and manner of disbursal – Held, a uniform compensation of Rs. 3.00 lakhs should be paid by all States / UTs to victims of acid attack – Rs. 1 lakh should be paid immediately within 15 days – Remaining Rs. 2 lakhs should be paid within 2 months as expeditiously as possible – Authorities directed to give wide publicity to said directions – Constitution of India – Arts. 21 and 32 – Acid Attack.

On 6.2.2013, a direction was given to the Home Secretary, Ministry of Home Affairs associating the Secretary, Ministry of Chemical and Fertilizers to convene a meeting of the Chief Secretaries/ Secretaries concerned of the State Governments and the Administrators of the Union Territories, inter alia to discuss the following aspects:

1.1 Enactment of appropriate provision for effective regulation of sale of acid in the States / Union Territories.

1.2 Measures for the proper treatment, aftercare and rehabilitation of the victims of the acid attack and needs of acid attack victims.

1.3 Compensation payable to acid attack victims by the State / or creation of some separate fund for payment of compensation to the acid attack victims.

1.4 Following the order of 6-2-2013, three subsequent orders on 16-4-2013, 9-7-2013 and 16-7-2013 were passed by this Court.

The Centre and States / Union Territories shall work towards making the offences under the Poisons Act, 1919 cognizable and non-bailable.

Over the counter, sale of acid is completely prohibited unless the seller maintains a log / register recoding the sale of acid which will

contain the details of the persons(s) to whom acid (s) is / are sold and the quantity sold. The log / register shall contain the address of the person to whom it is sold.

All sellers shall sell acid only after the buyer has shown

(a) A photo ID issued by the Government which also has the address of the person.

(b) Specifies the reason / purpose for procuring acid.

All stocks of acid must be declared by the seller with the Sub Divisional Magistrate (SDM) concerned within 15 days.

No acid shall be sold to any person who is below 18 years of age.

In case of undeclared stock of acid, it will be open to the SDM concerned to confiscate the stock and suitably impose a fine on such seller up to Rs. 50,000/-.

The SDM concerned may impose fine up to Rs. 50,000/- on any person who commits breach of any of the above directions.

Educational institutions, research laboratories, hospitals, government departments and the departments of public sector undertakings who are required to keep and store acid, shall follow the following guidelines:

(i) A register of usage of acid shall be maintained and the same shall be filed with the SDM concerned.

(ii) A person shall be made accountable for possession and safe keeping of acid in their premises.

(iii) The acid shall be stored under the supervision of this person and there shall be compulsory checking of the students / personnel leaving the laboratories / place of storage where acid is used.

The SDM concerned shall be vested with the responsibility of taking appropriate action for the breach / default / violation of the above directions.

Section 357-A came to be inserted in the Code of Criminal Procedure, 1973 by Act of 5 of 2009 w.e.f. 31.12.2009. Inter alia, this section provides for preparation of a scheme for providing funds for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation.

We are informed that pursuant to this

provision, 17 States and 7 Union Territories have prepared 'Victim Compensation Scheme'.

We accordingly, direct that the acid attack victims shall be paid compensation of at least Rs. 3.00 lakhs by the State Government / Union Territory concerned as the aftercare and rehabilitation cost. Of this amount, a sum of Rs. 1.00 lakh shall be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the State Government / Union Territory) to facilitate immediate medical attention and expenses in this regard. The balance sum of Rs. 2.00 lakhs shall be paid as expeditiously as may be possible and positively within two months thereafter. The Chief Secretaries of the State and the Administrators of the Union Territories shall ensure compliance with the above direction.

Supreme Court orders release of thousands of undertrials languishing in jails

The Supreme Court mobilized judicial officers across the country to visit every prison in their District for the next two months to identify and release undertrial prisoners who have already underwent detention for half the maximum period of imprisonment their offence prescribes under law.

The Court however clarified that the relief does not apply for undertrial prisoners whose offence attracts death penalty.

Magistrates, Chief Judicial Magistrates and Sessions Judges will start their jail visits from October 1, 2014 to identify and release undertrials. Reports will be filed to the respective State High Courts, which will pass them on to the Supreme Court.

The order passed by a three-judge Bench led by Chief Justice of India R.M. Lodha saw the judiciary overtake the Government's efforts to find a way out for undertrial prisoners languishing in jails for years.

The CJI said the situation demands immediate action as 66 percent of the prison population in the country are undertrial prisoners, many too poor to raise bond money for bail.

The Judge drew the Attorney General's attention to Section 436-A in the Criminal Procedure Code (Cr.P.C.), 1973 Justice Joseph said the section exactly corresponds with the Government's announcement.

Source: The Hindu, Dated 5/9/2014.

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

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

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at [http:// www.icachd.org](http://www.icachd.org)