



ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

Editorial

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private
circulation*

The world continues to suffer in the prolonged crisis of the pandemic. The Institute has continued with online training programs / webinars on various themes. Amidst the challenges of the pandemic, the UN 14th Crime Congress with the theme of "Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda" was held in Kyoto, Japan in a 'hybrid' format. The UN 'Crime Congress' is held every five years since 1955, and represents the 'world's largest and most diverse gathering of policy-makers, practitioners, academia, intergovernmental organizations and civil society in the field of crime prevention and criminal justice.' It was quite enlightening to participate in this meaningful Crime Congress and contribute to the various discussions on a range of themes like :- life imprisonment, death penalty prison staff training, and prisoners' reintegration. The Kyoto Declaration also 'expressed grave concern about the vulnerability of prisons' in relation to COVID-19, rightly linking this risk to 'long-standing challenges such as prison overcrowding and poor prison conditions.' The way that the countries can deal with these challenges is by implementing the UN Tokyo rules which provide guidance on the use of alternatives to imprisonment by covering both pre-trial detention and custodial sentences.

The Hon'ble Supreme Court of India once again focused on the direction Covid-19 in prisons and the Institute Newsletter covers the directions of the Hon'ble Supreme Court that were given in the second wave of the pandemic. There has to be reduction in prison overcrowding and it is time for us to focus on alternatives to imprisonment.

An increased level of preparedness, alertness and responses to identify, manage and care for new cases of Covid-19 is required. There is no one size fits all approach that applies in managing cases of Covid-19 in prison. However, the practices that are working effectively do guide in the management strategies of the pandemic. Information is the key to developing evidence based policies and a proper health information system for prisons will help to bring prison health into the public health domain. The governments have been urged to protect people and to leave no one behind. The World Health Organization (WHO) data shows that Covid-19 vaccination of people living and working in prisons is increasing. It is encouraging to see this. Even in India both staff and inmates are being vaccinated in many States. In Punjab, more than 80 percent of staff and inmates have been vaccinated. This should definitely help to curtail the spread of the pandemic.

The times have also been painful and tragic, with many lives lost in the second wave of pandemic. The Institute also express its sympathy to everyone who was bereaved with a loss of near one in the pandemic. The Institute continues to focus on the well-being of prison staff and prisoners and the webinar on Well-being received huge appreciation from the participants. In the challenging times, the Institute also managed to conduct a Micro Study on Suicides in Punjab Prisons. Hoping for well-being and healthy times for all.

Dr. Upneet Lalli
Head Coordinator (Trg. & Res.)
ICA, Chd.

Calendar of Online Webinars / Training Programs for Prison / Police Officers during the period from January to June, 2021

Sr. No.	Theme of the programmes	Course for	Dates	No. of Officers
JANUARY, 2021				
1.	One-day Online program on 'Social Defence Issues' in collaboration with NISD, New Delhi	Prison officers	19 January, 2021	51
FEBRUARY, 2021				
1.	Two-days Online program on 'Technology in Correction'	Prison Officers	04-05 February, 2021	68
MARCH, 2021				
1.	One-day Online program on 'Provisions of Transgender Act, 2019' in collaboration with NISD, New Delhi	Prison / Police Officers	25 March, 2021	58
2.	One-day Online program on 'Sexual Harassment of Women at Workplace, Act, 2013.	Prison Officers	26 March, 2021	32
APRIL, 2021				
1.	One-day Online program on 'Anti Corruption Strategies for Prison Department'	Prison Officers	19 April, 2021	69
MAY, 2021				
1.	One-day Webinar on 'Health Management and Well Being'	Prison Officers	31 May, 2021	50
JUNE, 2021				
1.	One-day Webinar on 'Temporary Release of Prisoners – Remission, Parole and Furlough'	Prison Officers	28 June, 2021	74
Total			07 Programmes	402

List of Prison, Police and Other Officers who participated in the Training Programmes/Webinars during the period from 01.01.2021 to 30.06.2021

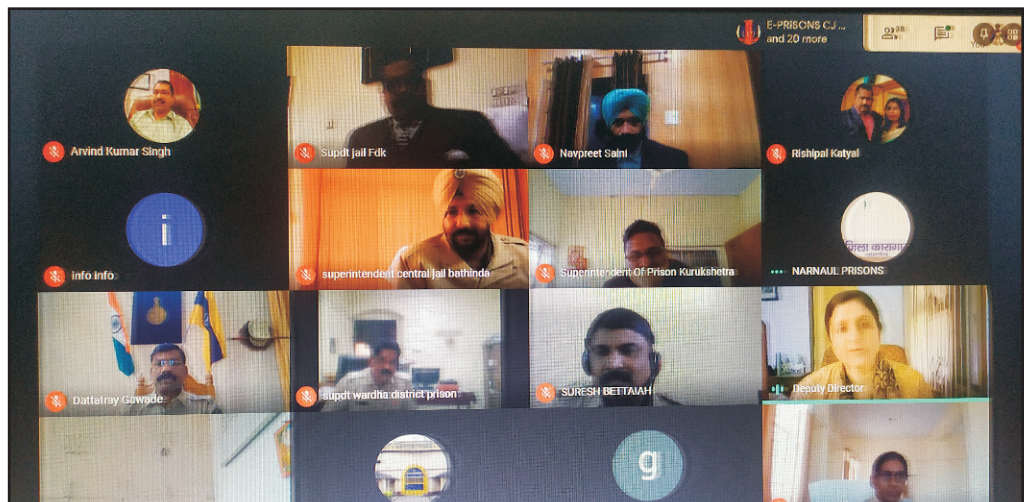
Sr. No.	Others Officers	Total
1	05	05

Total police officers trained	: 14	Online courses / workshops for prison officers :	06
Total prison officers trained	: 383	Online courses / workshops for police officers :	00
NGOs/Others officers trained	: <u>05</u>	Online courses/workshop for Police and Prison :	<u>01</u>
Total officers trained	: 402	Total courses organized	: 15

Activities in the Institute from January to June, 2021

One-day Webinar on 'Social Defence Issues'

The Institute of Correctional Administration, Chandigarh in collaboration with National Institute of Social Defence (NISD), Delhi organized one-day Webinar on 'Social Defence Issues' for the Prison officers of Punjab, Haryana, Uttar Pradesh, Rajasthan, Karnataka, Maharashtra, New Delhi and Chandigarh on 19 January 2021. 51 Prison Officers attended this Webinar. Prof. A.N. Singh, Banaras Hindu University, Uttar Pradesh was the key-note speaker for this Webinar. Dr. Veerendra Mishra Director NISD, Delhi, was the Chief Guest. Dr. Upneet Lalli, informed that Social Defence issues such as Substance Abuse Prevention, Old Age Care, Beggary Prevention, Transgender welfare etc. are a matter of great concern. Therefore, these sections of society require immediate and suitable intervention. Prof A.N. Singh explained that Social defence consists of



Participants of the Webinar on "Social Defence Issues"

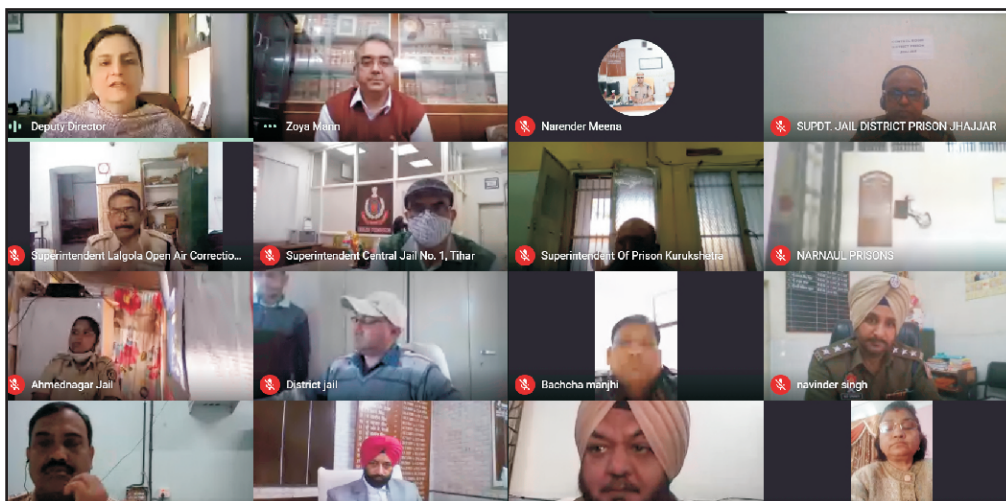
measures relating to drug addicts, transgender, old-age and beggars.

Two-days Online program on 'Technology in Corrections'

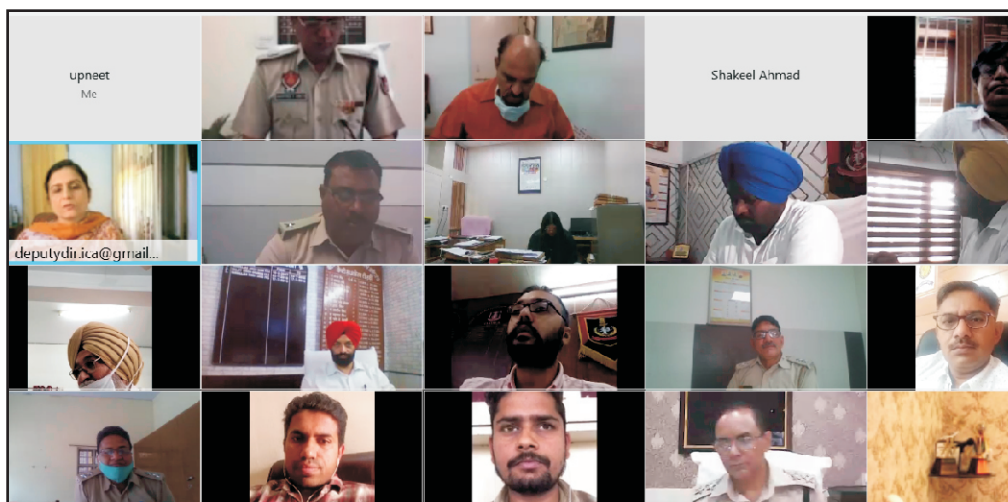
The Institute of Correctional Administration, Chandigarh organized a webinar on 'Technology in Corrections' for Prison Officers on 4th & 5th February 2021 in which around 68 prison officers from various prisons participated. Dr. Upneet Lalli enlightened the participants about the use of technology in prisons. One of the areas where *technology* has made

the areas where *technology* has made the biggest *impact* is in the realm of communication. Online education or training has provided unprecedented learning opportunities to people all over the world. Technology impacts our daily life in many ways and has improved every aspect of our life be it education, health, communication, work or increased office productivity. The use of technology in prisons has also enhanced its productivity in terms of security, management, and communication. We should harness digital technology for further

improvement. Mr. Sharad Kulshreshtha, Former I.G. Prisons, Uttar Pradesh spoke about Artificial Intelligence, (AI) system that has been introduced in various prisons of Uttar Pradesh. Sh. Mahavir Singh, Secretary, State Legal Services Authority, Chandigarh made the participants aware about how data can be retrieved through the use of E-Courts. Sh. Sandeep Suri, Advocate, Punjab & Haryana High Court, Chandigarh



Participants of the Webinar on "Technology in Correction"



Participants of the Webinar on "Provisions of the Transgender Act 2019"

High Court, Chandigarh discussed with the participants on the issues of cyber security. Sh. Amit Kumar Mishra, Head, Invader Technologies Pvt. Ltd. Haryana who designed the Prison Management Software called Phoenix for Haryana prisons demonstrated to the participants about the functioning of the various Softwares.

Meeting of the Board of Management of the ICA, Chandigarh on 12th February, 2021

The online meeting of the Board of Management of the Institute of Correctional Administration, Chandigarh was held on 12th February, 2021 under the Chairpersonship of Mrs. Punya Salila Srivastava, Additional Secretary (WS), Government of India, Ministry of Home Affairs, New Delhi. The Board members from the States of Punjab, Himachal Pradesh, Rajasthan, Jammu & Kashmir and MHA Delhi attended this meeting. Sh. Arun Kumar Gupta, Principal Secretary Home-cum-Director, ICA, Chandigarh who is also a Member Secretary of the Board discussed the agenda of the meeting.

One-day Webinar on "Provisions of the Transgender

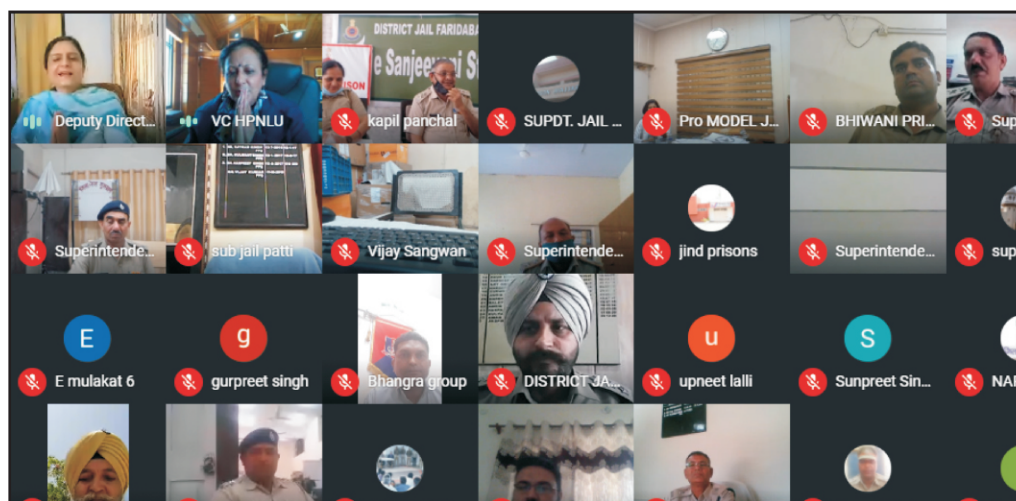
Act 2019"

The Institute of Correctional Administration, Chandigarh in collaboration with National Institute of Social Defence (NISD), Delhi organized an awareness program on the "Provisions of the Transgender Act 2019" on 25th March, 2021. 58 officers (39 prison officers were from the States Punjab, Haryana, Rajasthan, Delhi, Jammu & Kashmir; 14 police officers from Chandigarh; and 05 officials from Social Welfare Department, Chandigarh attended this Webinar. Dr. Rajesh Kumar, Department of Adult and Continuing Education and Extension, University of Delhi, Dr. Santosh Kumar Giri, Transgender expert and Mr. Sonu,

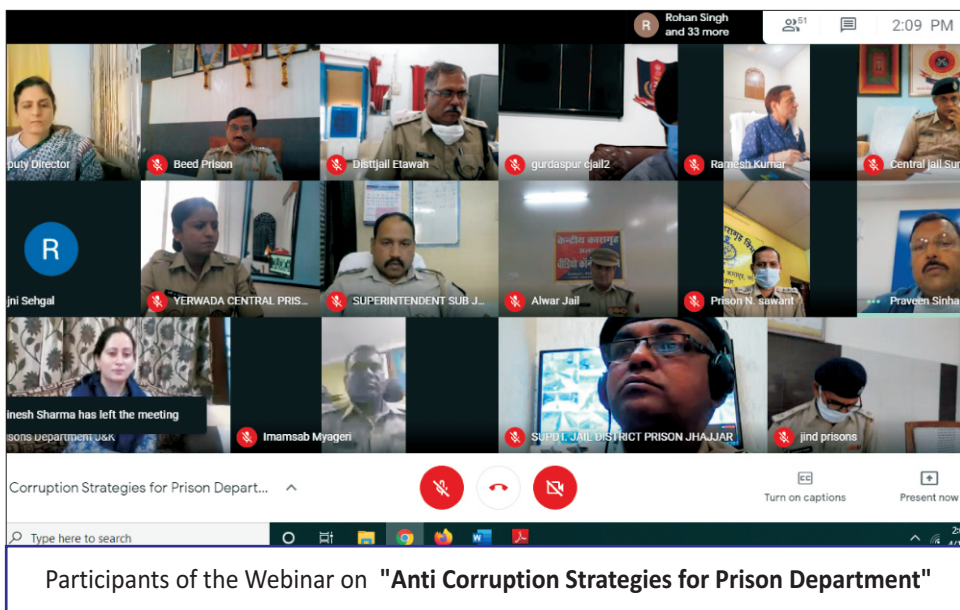
Asst. Prof. DAV College Sector-10 Chandigarh were the resource persons for this Webinar. Dr. Upneet Lalli thanked the resource persons for sensitizing and making the participants aware about the law on transgender and issues pertaining to welfare of transgender persons.

One-day Awareness Program on 'The Sexual Harassment of Women at Workplace Act, 2013'

The Institute of Correctional Administration, Chandigarh, organized a webinar on "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" on 26th March 2021. In this program, 32 Prison officers from the states of Haryana, Punjab, and Chandigarh attended the webinar. The aim of the webinar was to equip the prison officers with knowledge on the subject to prevent sexual harassment and learn about its professional competence for implementation of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' in their respective workplaces. Dr Upneet Lalli informed the participants that sexual harassment at a workplace is



Participants of the Webinar on "The Sexual Harassment of Women at Workplace Act, 2013"



which 50 prison officers from the States of Rajasthan, Chandigarh, Punjab, Delhi, J&K and Haryana participated. Ms. Kallolini Patro, Wellness Expert Healer in her session on 'Health and Well-Being', briefed the participants by stating that Health Management is one aspect of wellbeing which can be very simply managed by mindful practices of self help techniques which were demonstrated like Hast Mudra acupressure and breathing techniques. Dr. Shilpa Suri in her session on 'Work Life Balance' discussed with the participants some tips for better work-life

balance like Let go of perfectionism, Exercise and meditate, Change the structure of your life. Dr. Reetinder Kohli while speaking on 'Humour as a Coping Strategy' said that humour is not an emotion but it can elicit emotions including happiness, joy, love, faith, hope and will power and also elicits behaviour like smiling and laughing. Dr. Nirupa Marwah spoke on 'Immunity : Myths and Realities'. She explained the concept of immunity and busted some common myths related to so called immunity building foods with scientific evidence. This very useful practical webinar was appreciated by all the participants.

considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourage women's participation in work.

Prof. (Dr.) Nishtha Jaswal, Vice Chancellor, HPNLU, Shimla thrown more light on the Act by sharing her experience as Chairperson of ICC. She gave insightful examples into the kinds of cases she had encountered as the Chairman of the Internal Complaints Committee. She further elaborated that the Act provides safeguards against false or malicious charges.

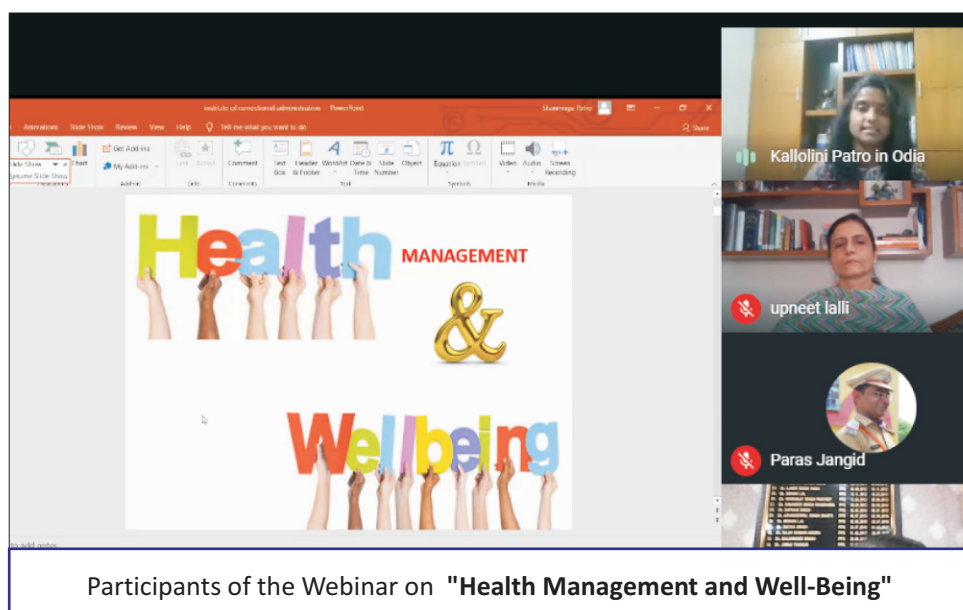
One-day Awareness Program on 'Anti Corruption Strategies for Prison Department'

The Institute of Correctional Administration, Chandigarh organized one-day Webinar on 'Anti Corruption Strategies for Prison Department' for Prison Officers on 19th April, 2021 in which 69 prison officers from the States of Rajasthan, Maharashtra, J&K, U.P., Chandigarh, Punjab, Karnataka, Gujarat and Haryana participated. The main topics that were covered during this webinar were Curbing Corruption in prisons; The Prevention of Corruption (Amendment) Act, 2018; and an

Open session. Dr. Praveen Kumari Singh, Additional Secretary, C.V.C., New Delhi; Sh. Praveen Kumar Sinha, IPS, A.D.G. Prisons Punjab, Chandigarh; Dr. K.P. Singh, IPS (Retd.) Former D.G., SVB, Panchkula and Dr. Upneet Lalli, ICA, Chandigarh were the key speakers for this Webinar.

One-day Webinar on 'Health Management and Well-Being'

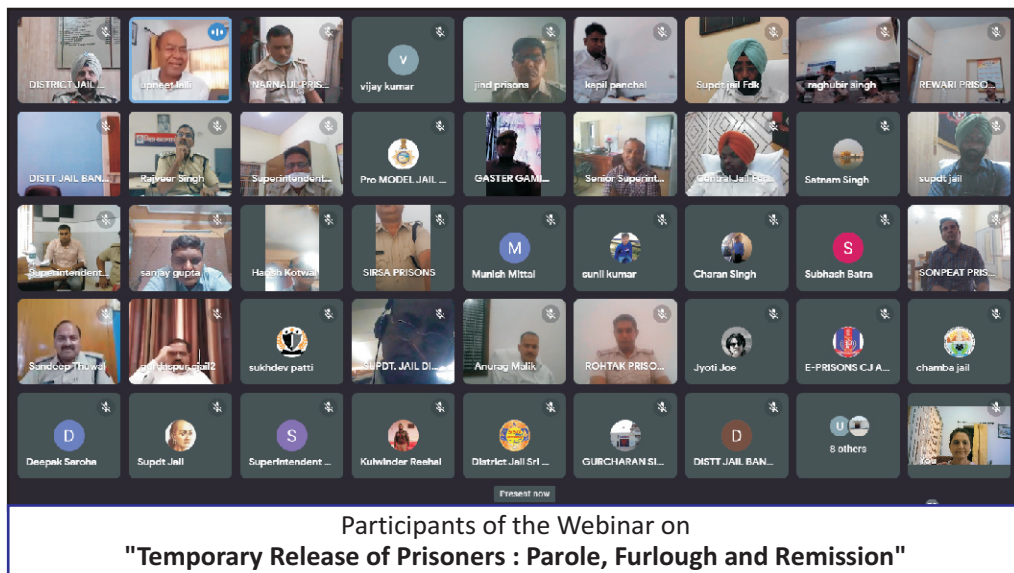
The Institute of Correctional Administration, Chandigarh organized one-day Webinar on 'Health Management and Well-Being' for Prison Officers on 31st May, 2021 in which 50 prison officers from the



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

Micro Study on 'Suicides in Punjab Prisons

The Institute has successfully conducted a Micro Study on 'Suicides In Punjab Prisons: Causative Factors and Preventive Strategies', that was sponsored by the Punjab Prison Department. The suicides in Punjab prisons from 2017-2020 have been studied along with the response of the system.



14TH UNITED NATIONS CONGRESS
ON CRIME PREVENTION AND CRIMINAL JUSTICE
KYOTO, JAPAN 7 – 12 MARCH 2021

was the reiteration that a rehabilitative approach reduces re-offending.

**Sad demise of Sh. Pardeep Singh,
Clerk, Institute of Correctional
Administration, Chandigarh.**

It is with great shock and sorrow that we inform about the untimely death of Sh. Pardeep Singh, Clerk, Institute of Correctional Administration, Chandigarh, who expired on 14th May, 2021 due to corona / heart attack. He rendered about 30 years of service in the Institute of Correctional Administration, Chandigarh and was the senior most staff member of the ICA, Chandigarh. It is a great loss for the Institute which has lost its most experienced employee, who was always working with a smile on his face and the Institute cannot forget his contribution in the ICA, Chandi-garh.



GOOD PRISON PRACTICES

This newsletter covers some international good practices related to law and policy on imprisonment issues prevalent in the United States, Australia, Guyana, and Kazakhstan.

The United States and Australia:

Drug Treatment Courts - For those offenders whose addiction and record of criminal behaviour are more entrenched, drug treatment courts, in use in United States and Australia, offer an intensive therapeutic approach to addressing addiction and associated criminal activity as an alternative to imprisonment. Drug treatment courts provide close monitoring by the judge and drug treatment court multidisciplinary team, a treatment plan, with reinforcement and reward, including reduction of time in the program for compliance, and sanctions, including short jail terms, for non-compliance. Successful completion usually requires a specific term in which the participant remains drug free and completion of the goals set in the treatment plan.

Guyana:

Reducing sentences for drug-related offences and using community sanctions In Guyana, where young people and women were being imprisoned due to harsh laws for possession of drugs, including for small amounts, the government approved new legislation in 1999, the Narcotics and Psychotropic Substance Amendment Bill. This law allows courts to exercise discretion in imposing fines of 17 dollars and community service not exceeding 6 months for possession of not more than 5 grams of marijuana for personal use. Under the earlier law a person was fined up to 275 dollars and sentenced to 5-10 years' imprisonment. The problem of drug-related offences is thus being dealt with effectively and rehabilitation is being carried out simultaneously. This approach has been found to be effective.

Good practice : Legislation targeting pregnant women and women with children.

In Kazakhstan women's sentences can be suspended, if they have a child of up to 14 years, except for those who have been sentenced to 5 years and over, for grave or especially grave offences. (Criminal Code of the Republic of Kazakhstan, Article 72) In Russia the execution of a sentence may be postponed and then reduced or cancelled for pregnant women or women who have children under 14 years of age, with the exception of those "sentenced to imprisonment for terms longer than five years for grave and specially grave crimes" (Criminal Code of the Russian Federation, Article 82).

Prison University Partnerships for Better Reintegration

In a variety of national contexts, partnerships have increasingly been developed between universities and prisons. These include programmes in which prisoners can learn alongside university and college students, and can start regular college or university level courses which they can then complete upon release. The United Kingdom-based "Learning Together" initiative has taught prisoners and students criminology courses. University fees for such study programmes are waived in a number of Member States, including in Nigeria.

In Panama, the Ministry of Interior and the University of Panama signed a partnership that allowed the attachment of a university extension in the Women's Rehabilitation Centre in 2013. Since its construction, 200 women have participated, of whom 30 have already graduated. A similar initiative in the men's prison El Renacer was under way in 2017.

In Canada, some educational programmes have been developed both within the prison system and within the community. It is also

important for prisons to strengthen links with local stakeholders within the community, who may be able to offer employment opportunities directly or assist offenders to do so. In some countries, a probation and aftercare service may be well placed to assist prisoners to use any vocational training they have received to obtain suitable work.

WHO provides the following guidance on the correct use of masks:-

- ★ Perform hand hygiene before putting on the mask.
- ★ Inspect the mask for tears or holes, and do not use a damaged mask.
- ★ Place the mask carefully, ensuring it covers the mouth and nose, adjust to the nose bridge, and tie it securely to minimize any gaps between the face and the mask.
- ★ Avoid touching the mask while wearing it.
- ★ Remove the mask using the appropriate technique – untie it from behind, avoiding touching the front of the mask.
- ★ Replace the mask as soon as it becomes damp with a new clean, dry mask.
- ★ Either discard the mask or place it in a clean plastic resealable bag where it is kept until it can be washed and cleaned. Do not store the mask around the arm or wrist or pull it down to rest around the chin or neck.
- ★ Perform hand hygiene immediately after discarding a mask.
- ★ Do not reuse single-use mask. Do not remove the mask to speak. Do not share your mask with others.
- ★ Discard single-use masks after each use and properly dispose of them immediately upon removal.

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Supreme Court of India Judgment

**I.A. Nos.55273 & 55276 of 2021 in
I.A. No. 48231 of 2020 in Suo Motu
Writ Petition (C) No.1 of 2020**

**(Hon'ble Chief Justice, Hon'ble Mr.
Justice L. Nageswara Rao,
Hon'ble Mr. Justice Surya Kant)**

**IN RE : CONTAGION OF COVID 19
VIRUS IN PRISONS Petitioner
Vs.**

**MR. DUSHYANT DAVE, SR. ADV.(A.C)
AND OTHERS Respondents**

Facts:

On 11.03.2020, the World Health Organization declared Covid-19 as a pandemic. On 23.03.2020, the Hon'ble Supreme Court of India directed the State Governments, Union Territories to constitute High Powered Committees (HPC) to determine the class of prisoners who could be released on parole or on interim bail for appropriate periods in order to avoid the spread of contagion of Covid-19 in Prisons. It was left open to the High Powered Committees to determine the category of prisoners who should be released depending upon the nature of offence, the number of years to which he/she has been sentenced, the severity of offences which he/she is charged with and the stage of trial or any other relevant factor which the Committee thinks appropriate. The High-Powered Committees were directed to take into account the directions contained in para No.11 of the judgment of this Court in *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273. The HPC were constituted in all the States, except a few. On the basis of recommendations made by the High-Powered Committees, a large number of prisoners were released either on interim bail or on parole.

Due to the reduction of the number of active cases, the released prisoners were directed to report back to prisons. Almost 90% of the prisoners who were

released last year had returned to prisons in February and March, 2021. India has more than four lakh prison inmates. The Court observed that some of the prisons in India are housing inmates beyond optimal capacity.

In this regard, the requirement of de-congestion is a matter concerning health and right to life of both the prison inmates and the police personnel working. Reduction of impact of Covid-19 requires this Court to effectively calibrate concerns of criminal justice system, health hazards and rights of the accused. From limiting arrests to taking care of Covid-19 Patients, there is a requirement for effective management of pandemic from within the prison walls so as to defeat this deadly virus.

The following were some of the directions of the Hon'ble Supreme Court:

As a first measure, the Supreme Court, being the *sentinel on the qui vive* of the fundamental rights, needs to strictly control and limit the authorities from arresting accused in contravention of guidelines laid down by this Court in *Arnesh Kumar v. State of Bihar (supra)* during pandemic.

Second, the High powered Committees constituted by the State Government / Union Territories shall consider release of prisoners by adopting the guidelines (such as inter alia, SOP laid down by NALSA) followed by them last year, at the earliest. Such of those States which have not constituted High Powered Committees last year were directed to do so immediately. Commissioner of Police Delhi shall also be a member of the High Powered Committee, Delhi.

Third, due to the immediate concern of the raging pandemic, this court has to address the issue of de-congestion. The High-Powered Committee, in addition to considering fresh release, should forthwith release all the inmates who had been released earlier pursuant to our order 23.03.2020, by imposing appropriate conditions.

Fourth, the Court further directed that those inmates who were granted parole, pursuant to earlier orders, should be again granted a parole for a period of 90 days in order to tide over the pandemic.

Fifth, the fight against the pandemic is greatly benefitted by transparent administration. The DG Prisons are to update the prison-wise occupancy rates of UTPs/ Convicts/ Detenues on their website monthly. Moreover, all the directions of High Powered Committee need to be published on respective State Legal Service Authorities / State Governments / High Courts websites in order to enable effective dissemination of information.

HPC / SLSA to periodically monitor the prison-wise occupancy rates in their respective States, and give a report of the same to this Hon'ble Court of the prison occupancy as on 31st March, 2021, and the prospective increase in occupancy rate on a monthly basis.

Overcrowding of prisons is a phenomenon, plaguing several countries including India. Some prisoners might not be willing to be released in view of their social background and the fear of becoming victims of the deadly virus. In such extraordinary cases, the authorities were directed to be considerate to the concerns of the inmates. The authorities were also directed to ensure that proper medical facilities are provided to all prisoners who are imprisoned. The spread of Covid-19 virus should be controlled in the prisons by regular testing being done of the prisoners and also the jail staff and immediate treatment should be made available to the inmates and the staff. Suitable precautions shall be taken to prevent the transmission of the deadly virus amongst the inmates of prisons. Appropriate steps shall be taken for transportation of the released inmates of the prisons, if necessary, in view of the curfews and lockdown in some states.

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