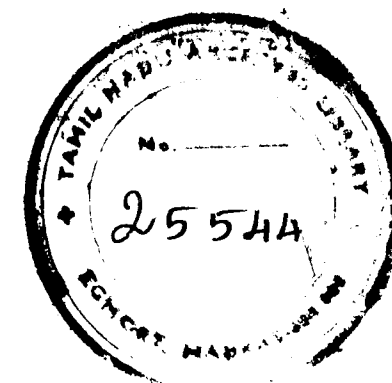


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REPORT OF THE
TAMIL NADU PRISON REFORMS COMMISSION.

CHAIRMAN :

THIRU R. L. NARASIMHAN, I.C.S. (Retd.)
Retired Chief Justice of Patna High Court.

MEMBERS :

1. THIRU S. M. DIAZ, I. P. S. (Retd.)
*Former Inspector-General of Prisons and
now Hon. Professor of Criminology,
University of Madras.*

and

2. DR. A. VENKOBABAO, MD., Ph.D. D. Sc. FAMA, FRCPSY CH, D.P.M.
*Professor and Head of the Department of
Psychiatry, Madurai Medical College.*



REPORT OF THE
TAMIL NADU PRISON REFORMS COMMISSION
(1978-79)
(VOLUME III)

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Central Prison, Puzhal, Madras
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Special Jail for 300 and 500 prisoners
(Drawings C1 to C. 8)

Women Prison at Madurai
(Drawings B0 to B3).

Reception Remand Home for Boys and Girls.
(Drawings D1 to D6).

Approved Schools for Boys and Girls
(Junior and Senior)
(Drawings E1 to E8)

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(Drawing F1)

APPENDIX I.

(Chapter I paragraph 5.)

Statement showing the list of Government references received by the Commission and the decisions arrived at by the Commission.

Number and date of Government reference.	Subject.	Chapters in which decisions have been incorporated.
(1)	(2)	(3)
1 Lr. N . 32249/Pr. II/ 78-1, Home, dated 4th March 1978.	Prisoners—Allegations of torture of prisoners by the prison officials or death of prisoners inside the prison—whether provision for enquiry by the executive Magistrate as in P.S.O. 145 necessary—Remarks of the Commission.	Chapter XXXVIII (paragraph 18).
2 Lr. No. 3357/Pr. II/ 76.20, Home, dated 9th March 1978.	Proposals for streamlining the staff set up in the Prison Department sent by Mr. S. M. Diaz, when he was Inspector General of Prisons—Comments of the Commission.	Chapter XXXI.
3 Lr. No. 28386/Pr. II/ 78.1, Home, dated 25th March 1978.	Whether the 8 hour duty now obtaining in the Central Prison, Salem may be extended to all other Central Prisons also.	Chapter XXXI (paragraph 5).
4 Lr. No. 164917/ Pr. II/ 17.1, Home dated 27th March 1978.	Certain demands of long-term prisoners in Central Prison, Madurai (i.e. release on leave for one or two months in a year without making engeries (2) Transfer of prisoners from one prison to another not be made without the consent of the prisoner (3) Long-term prisoners may be given sufficient financial assistant on release to rehabilitate themselves —Comments of the Commission.	Chapter XXXVIII (paragraph 15).
5 Lr. No. 28390/Pr. II/ 78-1, dated 30th March 1978.	Supply of food by Government to Warders on duty	Chapter XIV (paragraph 11).
6 Lr. N . 11374/Pr. IV/ 78-3, Home, dated 4th April 1978.	Whether prisoners covered under the old age scheme of the State Government should also suffer actual imprisonment for 14 years.	Chapter X.
7 Lr. No. 7251/Pr. IV/ 78-1, Home, dated 27th April 1978.	Recommendation of the Study Team on open Air Prison for grant of remission of one day for a day's work besides 2 days for good conduct and one year remission for good conduct for 5 years of sentence in open-air-prison—Views of the Commission.	Chapter XXII (paragraph 9).
8 Lr. No. 125274/Pr. II/ 77-2, Home, dated 15th July 1978.	Separation of Probation Branch from the Prisons Department.	Chapter IX.
9 Lr. No. 64042/Pr. II/ 78-2, Home, dated 19th July 1978.	Employment of discharged prisoners in Government Services—Amendments to G.O. Ms. No. 1181, Home, dated 22nd May 19	

<i>Number and date of Government reference.</i>	<i>Subject.</i>	<i>Chapters in which decisions have been incorporated.</i>
(1)	(2)	(3)
13 Lr. Ms. No. 292, Home, dated 31st January 1979.	Prisoners—Welfare of prisoners—Grant of furlough leave to convicts including lifers as in vogue in the neighbouring States of A.P., Kerala and Karnataka proposals of the I.G. of Prisons, Madras.	(paragraph 3). Chapter XXI.
14 194144/Pr. I/78-1, Home, dated 30th December 1978.	Emergency excess Inquiry Authority—Proceedings relating to the detention of Thiru P. Nagarathinam, Observation regarding condition in Jails—Forwarded to the Prison Reforms Commission.	Chapter XIV.
15 Lr. No. 117057/PR. II/78-7, Home, dated 20th February 1979.	Prison Reforms Commission—Tamil Nadu—Jail Department Segregation of under-trials and other convicts. Abolition of convict warders system—Suggestion of Government of India—Inclusion in terms of reference of Prison Reforms Commission.	Chapter XXXI.

APPENDIX II—QUESTIONNAIRE.

PRISON REFORMS COMMISSION.

New Building (10th Floor), Secretariat,
Fort St. George, MADRAS-600 009.

Chairman:

Thiru R. L. NARASIMHAN
(Retd. Chief Justice of Patna High Court).

Members:

Thiru S. M. DIAZ (I.P.S. Retd.)
Dr. A. VENKOBABAO
Prof. and Head of the Dept. of
Psychiatry, Erskine Hospital (Madurai).

Secretary:

Thiru A. GANESAN.

Letter No. 35/PRC/78, dated 10th May 1978.

Dear Sir,

As you may be aware, the Government of Tamil Nadu have constituted a Prison Reforms Commission to consider the question of improvements to be made in the administration of prisons in the State and to suggest suitable reforms for this purpose.

2. The Commission has held a few sittings and has drawn up a questionnaire for eliciting the views of the officials and non-officials which would help them in making suitable recommendations to Government. I am enclosing herewith a copy of questionnaire.

3. I shall be grateful if you could kindly offer your considered views on some of the questions on which you may be interested. As the time before the Commission to finalise the report is limited, I shall be thankful if you could kindly offer your views within a month from the date of receipt of this letter.

Thanking you.

Yours faithfully,

To

Thiru

M. GANESAN,
Secretary.

QUESTIONNAIRE.

Note.—It is not necessary for every one to answer all the questions.

PART I.

GENERAL PRINCIPLES RELATING TO PENALOGICAL OBJECTIVES.

1. In the international covenant on Civil and Political rights adopted by the General Assembly of the United Nations on the 16th December 1966, to which India is a Party, in Article 10, the rights of prisoners were mentioned as follows :—

(1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

(2)

(3) The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

The United Nations Standard Minimum Rules adopted at the First U.N. Congress on Prevention of Crime and the Treatment of offenders in 1955 states—

“The purpose and justification of a sentence of imprisonment, or a similar measure deprivative of liberty, is ultimately to protect society against crime. This end can be achieved only if the period of imprisonment is used to ensure that, as far as possible, upon his return to society the offender is not only willing but able to lead law abiding and self-respecting life.”

Bearing these principles in mind do you consider that the existing laws and instructions of the Government and the treatment given by the prison staff to the prisoners require any drastic change? if so, please give full details.

2. Mahatma Gandhi had once stated that prisons should function like hospitals as the offenders are very much like sick people and need to be treated. Would you agree with this view and if so, do you consider that the custodial aspect of the treatment of prisoners should not be given more importance than the curative and the rehabilitation aspects?

PART II.

OVER-CROWDING AND HETEROGENITY IN PRISONS.

It is well-known that almost all the prisons are crowded far beyond the sanctioned capacity. It is also recognised that the prison population is of a heterogeneous nature consisting of long term prisoners, habitual offenders and casual offenders, short-term prisoners, remand and

under-trial prisoners, female prisoners and juveniles. Except in a few instances, they are all lodged in the same prison. Do you agree that for proper treatment of prisoners the main pre-requisite is the diversification of correctional institutions?

2. Should remand and undertrial prisoners be housed separately?

3. Substantial improvement may be achieved if in every district headquarters there is a separate institution for remand and undertrial prisoners. What would you suggest for prisons located in sub-divisional and Taluk headquarters? Will it be practicable to have separate institutions for the very short-term prisoners lodged in these prisons?

4. At present, there is only one female prison at Vellore. Would you suggest an increase in the number of this type of institution? What is your suggestion as regards female remand and undertrial prisoners? Should there be a separate institution for them in every district headquarters or would you suggest a separate wing in the prison recommended for undertrial male prisoners?

5. There are separate institutions now for housing habitual prisoners at Salem and Cuddalore. Would you suggest increase in the number of this class of institutions to cover other areas of this State?

6. The following institutions now exist for juvenile offenders—

- | | |
|---|----|
| (a) Junior Approved Schools under 14 years .. | 20 |
| (b) Senior Approved Schools under 18 years .. | 2 |
| (c) Approved School for girls | 1 |

All these institutions

PART XIX.

PRISON LAWS, RULES AND REGULATIONS.

1. The following list shows the Laws, Rules, Instructions, etc., relating to prison administration :—

- (1) The Prisons Act, 1894.
- (2) The Prisoners Act, 1900.
- (3) The Transfer of Prisoners Act, 1950.
- (4) The Indian Lunacy Act, 1912.
- (5) The Tamil Nadu Borstal Schools Act, 1925.
- (6) The Tamil Nadu Prisons and Reformatory Manuary Volume II.
- (7) The Prisoners' Attendance in Courts Act, 1955.
- (8) The Identification of Prisoners' Act, 1920.
- (9) The Exchange of Prisoners' Act, 1948.
- (10) The Code of Criminal Procedure, 1973.
- (11) The Indian Extradition Act, 1903.
- (12) The Indian Penal Code, 1860.

(13) The Tamil Nadu Childrens' Act, 1920.

(14) The Probation of Offenders Act, 1958.

Would you suggest any change by way of consolidation, repeal and alternation of the existing provisions on the subject ?

2. There are at present Standing Orders in many prisons dealing with disciplinary matters affecting both the prisoners and the staff. Do you think it will be advisable if in every building inside the prison notices are put up in prominent places in local languages giving full particulars of the privileges and duties of prisoners and also specifying various acts and omissions which constitute prison offences.

3. Do you consider that for certain categories of prison offences, no punishment should be imposed unless the prisoner is given an opportunity to defend himself including personal hearing if he so desires ? If so, what offences, according to you, would require this precondition before imposing punishment ?

4. What offences may be punished summarily without hearing the prisoner ?

APPENDIX-III.

(Chap. I Para 6)

List of persons who sent replies to the Questionnaire.

REVENUE BOARD

The Board of Revenue (Land Revenue), Chepauk, Madras-5.

COLLECTORS.

1. Thiru Om. Kumar, I.A.S.,
Collector of Chengalpattu.
2. Thiru R. Shanmugham, I.A.S.,
Collector of Tirunelveli.
3. Thiru S. Subramaniam, I.A.S.,
Collector of Ramanathapuram at Madurai.
4. Thiru M. K. Balasubramaniam, I.A.S.,
Collector of Kanyakumari at Nagercoil.
5. Thiru P. S. Pandian, I.A.S.,
Collector of South Arcot at Cuddalore.
6. Thiru P. Sankar, I.A.S.,
Collector of Tiruchirappalli.

DISTRICT JUDGES.

1. Thiru K. Muthiah,
District and Sessions Judge,
North Arcot at Vellore.
2. Thiru T. Arulraj,
District and Sessions Judge,
Chengalpattu.
3. Thiru D. Muthuvel,
District Judge, Salem.
4. Thiru T. Arul Raj,
District Judge, Tirunelveli.</

4. Thiru P. Gopala Menon,
Inspector-General of Prisons,
Government of Kerala.
5. Thiru Mahamood Bin Muhamad, I.P.S.,
Inspector-General of Prisons,
Andhra Pradesh.
6. Dr. B. B. Sethi,
Professor and Head of Department of
Psychiatry,
King George's Medical College,
Lucknow.
7. Thiru D. P. K. Varadarajan,
Principal,
P.S.G. College of Arts and Science,
Coimbatore.
8. Dr. Gurmeet Singh,
Professor of Psychiatry,
Government Medical College,
Patiala.
9. The Inspector-General of Prisons,
Government of Goa, Daman and Diu,
Panaji.
10. Thiru N. R. Manujam, B.Com.,
Superintendent,
After Care Home for Males,
Pallavaram, Madras-43.
11. Thiru J. H. S. Ponniah,
Director of Agriculture in-charge,
Madras-5.
12. The Inspector-General of Prisons,
Meghalaya.
13. The Deputy Secretary to Government
of Tamil Nadu,
Housing Department, Madras-9.
14. Tmt. Lakshmi Panikker, Bar-at Law,
Assistant Registrar (AS),
High Court, Madras-1.
15. The Managing Director,
TANSI, Madras.
16. The Deputy Secretary to Government,
Revenue Department, Madras-9.
17. The Joint Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.
18. The Special Secretary to Government
of Kerala,
Home Department,
Trivandrum.
19. The Assistant Secretary (Jails),
Chief Commissioner's Secretariat,
Andaman and Nicobar Administration.

20. Thiru Sundararajan, B.Sc.,
Probation Officer,
Pudukkottai.
21. The Secretary to the Government
of Karnataka,
Home Department,
Bangalore.

MISCELLANEOUS.

1. Thiru R. R. Dalavai,
Convener,
Madras Civil Liberties Council,
Madras-5.
2. Lion GLN Bapeshwor,
Madras-21.
3. Thiru Rose Chacko,
Professor of Psychiatry,
Christian Medical College,
Vellore.
4. Dr. R. Venkararatnam,
Head of Department of Sociology,
Madurai University,
Madurai.
5. Justice R. Sadasivam,
Chairman,
Pay Commission,
Tamil Nadu.
6. Thiru A. J. Selvaraj,
Chief-de-Cabinet to the Vice Chancellor,
University of Madras.
7. Dr. V. S. Rishi,
Honorary Secretary,
Association for Social Health in India,
Tamil Nadu Branch.
8. Dr. L. P. Varma,
Former Superintendent,
Ranchi Mansik Arogyasala,
Ranchi.
9. The Honorary Secretary,
Discharged Prisoners' Aid Society,
North Arcot Branch,
Vellore-4.
10. Thiru K. George,
Director
The Madras School of Social Work,
32, Cesa Major Road,
Egmore, Madras-8.
11. The Tamil Nadu Discharged Prisoners'
Aid Society Madras 18.
12. The Inspector General of Prisons,
Andhra Pradesh,
Hyderabad.
13. Thiru N. Devanathan, J.P.,
Ex. Special Honorary Presidency Magistrate
Madras.

LEGISLATORS.

1. Tmt. Mandakini Krishnamurthi, M.L.C.
2. Thiru E.S. Venkatesan, M.L.C.

OFFICERS OF THE PRISON DEPARTMENT.

1. Thiru A. Murugesan, I.P.S.,
Inspector-General of Prisons,
Madras-10.

Copy of :

APPENDIX VII.

(CHAPTER I, PARAGRAPH 10)

*Order relating to Co-optation of Thiru S. Murugesan Chief Architect on the Prison Reforms Commission.*Fort St. George,
Madras-9.

Office Order No. 2.

Dated the 28th August, 1978.

Subject :—Prison Reforms Commission—Existing standard of prison buildings—Study for improvements—Thiru S. Murugesan, Chief Architect, Public Works Department—Co-operation to assist the Commission Regarding.

Reference :— 1. G.O. Ms. No. 397, Home Department, dated 17th February 1978.
2. G.O. Ms. No. 712, Home, dated 31st March 1978.
3. Letter No. 116/PRC/78-1, dated 10th July 1978.
4. From the Chief Engineer (Buildings), Madras, Lr. No. Wks. II-4/119016/78-1, dated 31st July 1978.

One of the terms of reference in Clause (iii) of paragraph 3 of the G.O. first read above requires the Commission to examine the existing standards of prison buildings and to recommend improvements that will

help to remedy the present inadequacies of space and physical facilities in most jails. The Prison Reforms Commission considers that it is desirable to co-opt a competent Engineer or Architect, who is fully conversant with the latest developments in prison designs to assist the Commission in this respect.

2. In paragraph 4 of the G.O. first read above, the Commission have been empowered to co-opt at their discretion advisers or assessors to assist the Commission. In accordance with this provision and in consultation with the Chief Engineer, Public Works Department (Buildings), Madras, the Tamil Nadu Prison Reforms Commission Co-opt Thiru S. Murugesan, Chief Architect, Public Works Department to assist the Commission, on matters falling within the scope of clause (iii) of paragraph 3 of the G.O. first read above.

A. GANESAN,
Secretary to Commission.

APPENDIX VIII.

List of persons who sent Independent suggestions on Prison Reforms—

- | | |
|--|--|
| 1. Thiru A.V.P. Asai Thambi, M.P., | 8. Thiru K. Sivaraman, B.Sc.,
Honorary Secretary,
Discharged Prisoners' Aid Society,
Tirunelveli. |
| 2. Thiru P. Manickam, M.L.C., | 9. Thiru S. Kamaraj, Ex-M.C. :
Madurai Municipality,
Madurai. |
| 3. Thiru R. Umanath, M.L.A., | 10. Thiru Selvaraj, B.A.,
Sarvodaya Worker,
Ananthapuram,
South Arcot District. |
| 4. Thiru R. Jabamani, M.L.A. | 11. Rev. Andrew Wingate,
The Tamil Nadu Theological Seminar,
Arasaradi,
Madurai. |
| 5. Thiru D. Gnanasigamani, M.L.A., | 12. Thiru A. Subramania Chettiar, and five others,
Jail Visitors,
Tiruchirappalli. |
| 6. Dr. (Miss) S. Lakshmi,
Principal,
Sri Sarada Training College for Women,
Salem. | |
| 7. Honorary Secretary,
Association for Social Health in India,
Tamil Nadu Branch,
Madras. | |

APPENDIX IX.

List of industries available in the Central Prisons in the State, Borstal School, Pudukottai and After Care Home for males at Pallavaram.

Central Prison, Madras: ..	(1) Carpentry (2) Tailoring (3) Phenyle making: (4) Sealing wax. (5) Tag. (6) Paper making (Hand made.) (7) Binding.	Central Prison, Cuddalore.	(1) Carpentry (2) Tailoring: (3) Weaving (4) Binding
		Central Prison, Palayam-kottai	(1) Carpentry (2) Weaving (3) Tailoring (4) Paper making: (5) Binding
Central Prison, Vellore ..	(1) Weaving (2) Tailoring (3) Binding (4) Leather industry (Boot and shoes) (5) Cumbly making (6) Carpentry.	Central Prison, Coimbatore.	(1) Carpentry (2) Weaving } Power Driven. (3) Tailoring } (4) Dyeing } (5) Tint making (6) Paper making (7) Binding (8) Soap making
Central Prison, Madurai ..	(1) Carpentry (2) Weaving (Handloom) (3) Tailoring (4) Paper making (5) Binding	Borstal School, Pudukottai. :	(1) Carpentry (2) Tailoring (3) Binding (4) Blacksmithy
Central Prison, Salem ..	(1) Carpentry (2) Blacksmithy (3) Weaving (Handloom). (4) Aluminium (5) Paper making (6) Binding (7) Tailoring.	State Prison for Women, Vellore.	(1) Tape making (2) Twisted thread making (3) Weaving (4) Tailoring (5) Needle work (6) Cover making.
Central Prison, Tiruchy ..	(1) Carpentry (2) Weaving (3) Kora Mat and Aloe ropes (4) Tailoring (5) Binding (6) Soap making.	After Care Home for Males, Madras-42.	(1) Carpentry (2) Tailoring (3) Metal Work

No industries are run in any Sub-Jails in this State.

APPENDIX X (Chap. IX Para 14.)

Statement showing the total number of enquiries made by probation officers in Tamil Nadu State.

	1971	1972	1973	1974	1975	1976
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1 Number of Enquiries made under Probation of Offenders Act.	9,504	10,460	14,955	17,483	17,485	16,924
2 Number of cases released under section 3 of Probation of offenders Act by the Courts.	1,15,003	10,55,30	1,51,793	1,43,712	1,41,920	1,26,779
3 Number of cases released under section 4(1) of Probation of Offenders Act by the Courts.	11,730	6,778	13,885	26,831	19,226	18,370
4 Number of cases placed under supervision of Probation Officers under section 4(1) and (3) of Probation of Offenders Act.	2,189	1,776	2,276	2,259	3,094	3,246
5 Number of enquiries made under Children						

