IMPACT ANALYSIS OF PRISON REFORMS
WITH SPECIAL REFERENCE TO UTTAR PRADESH

SUMMARY
THESIS
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Background and Objectives of the study

Sooner or later every institution faces the problem of “Institutional decay”. Government institutions adopt the process of institutional capacity building-through administrative reforms- to device appropriate response for the factors contributing to this decaying process. It is eminent for policy makers at institutional and governmental level to assess the inputs, strategies, outcomes and viability of these capacity building/reform measures. The purpose of this study is to analyze the Impact of prison reforms undertaken by department of prisons and correctional services, Uttar Pradesh.

Indian Correctional institutions (Prisons) are not an exception to experience such institutional decay. The evidence for the decay has been traced and identified from the very inception, during the Indian freedom struggle movement large numbers of freedom fighters from the populace and political leaders have spent their days in prisons. To address this problem, the first independent government has invited technical assistance from United Nations. Dr. W. C. Reckless, a U.N. Expert on correctional work, visited India during 1951-52 to study prison administration in the country and to suggest ways and means of improving it. His report “Jail Administration in India” is a landmark in the history of prison reforms. However its recommendations have been adopted by few state governments but more or less it has given some strength to the policies and procedures of prison administration.

In the first decades (1950s and 1960s) Indian correctional institutions have been considered as relatively stable in contrast with the situation emerged in the later two decades. In 1970s and 1980s India has witnessed a major governability crisis. This governability crisis is characterized by Atul Kohli in his book, Democracy and Discontent: India’s growing crisis of Governability, as an eroding phase of political order where personal rule has replaced by party rule at all level-national, state and district level. A legitimate, responsive and moderately stable state has evolved into
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a reactive state. Its dominant institutions are in disarray as the entrenched civil and police services have been politicized.

During this period of crisis, the political elite and the populace have revisited the above problem during the phase of national emergency (1975-77) which led to the formation all India prison reforms committee (1981-83), popularly known as the Mullah committee. The committee has recommended broad base reforms for prison reforms.

The looking at the ground realities of Prison Administration shows a very sad picture. After two or more decades, most of the recommendations of Mullah Committee on prison reforms are yet to be implemented. A model prison act has also been drawn, but still remains on paper. There are few concrete examples of prison reforms. There is absolutely no emphasis on the correctional strategy. This problem is acting as a major stumbling block in the realization of the goal of social reconstruction and a great challenge to civil administration.

Prison in modern context is supposed to be a Correctional Institution. Its main objective is to convert its inmates into normal members of society by providing them with useful skills, education and rules. The “Essence of Administration” lies in its capacity to bring about change in the structure and behavior of different administrative institutions, to develop an acceptance for change and to create a system which can sustain change and improve the capacity of institution to change.

The core problem is that this very “Essence of Administration” is lacking, which is resulting that things have gone beyond legislative and judicial remedies. Most of the reform initiatives prove counter-productive because sub-systems of Criminal Justice Systems (Police, Judiciary & Prisons) are interdependent on each other. Prosecution rests on investigation and imprisonment/acquittal of an offender rests on prosecution. The government and top brass administration must exercise its wisdom that these sub-systems especially Prisons without compromising the security and deterrence shall become relatively more open to adapt the much needed administrative reforms and insist on changes in outside environment. The
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legitimacy and autonomy of any sub-system not only depends on man/material resources but also its stakeholders’ support and cooperation. Hence those systems or sub-systems (Prisons) which are closed in nature or insulated from other sub-systems shall sooner or later witness erosion in their legitimacy and autonomy. This study is an endeavor to provide some remedies to restore the essence of prison administration.

The central question of this study to investigate: Why these recommendations on prison reforms remain almost unimplemented? This study presents a system analysis of the prison Administration of Uttar Pradesh. It attempt to provide an elaborate and systematic analysis of prison reforms undertaken by the prison administration, it also focuses on the attitude of prison staff towards reforms, systematically analyzing the prison environment to confirm the suitability to introduce reforms, the handicaps faced by prison administration and also suggest alternative strategies to bring reforms in prison administration.

Theoretical Framework

The Theoretical Framework of System Analysis facilitates a systematic and elaborative study of the process of prison reforms and rehabilitation, and the suitability of factors involved this process.

Input-Output Model:

```
INPUTS
• Environment,
• Needs and Demands-Goals.
• Societal norms & laws.
• Human Resources.
• Material Resources.

PROCESS
Organizational transformation
Sub system function

OUTPUTS
• Goods
• Service
• Manpower
• Strategies to influence environment

Direct-Indirect Feedback about Outputs
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Research Objectives:

<table>
<thead>
<tr>
<th>INPUTS</th>
<th>PROCESS</th>
<th>OUTPUTS</th>
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<tbody>
<tr>
<td>➢ To study the emerging trends in the field of Prison Administration and Prison Reforms</td>
<td>➢ To examine the Prison Environment and its suitability to undertake reforms</td>
<td>➢ To find out the reform initiatives undertaken by Prison Administration</td>
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<td>➢ To identify and analyze the demand and goals of Prison Administration</td>
<td>➢ To study the attitude of the Prison Staff towards Prison Reforms and analyze the causes of attitudinal orientation</td>
<td>➢ To analyze the level of implementation of the Reform initiatives.</td>
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<td>➢ To identify and analyze the type of model (pure or hybrid) presently followed by Prison Administration</td>
<td>➢ To find out the administrative lacunas or handicaps for undertaking reforms</td>
<td>➢ To suggest alternative Behavioral and Functional Strategies to overcome these Administrative lacunas or hurdles</td>
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<tr>
<td>➢ To study the existing man and material resources at the disposal of Prison Administration</td>
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Significance of the Study:

- To provide a detailed account of the Impact of Prison Reforms undertaken by the prison administration.
- The Results and Recommendations of this Research will represent the entire of U.P State.
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- Its results and recommendations can be generalized on National level.
- It can be a valuable input for Policy Formulation.

Chapter one is introductory. It deals with discourse on the phenomenon of institutional decay, its traces, its correlation with the Crisis of Governability and how Indian Correctional institutions (Prisons) are not an exception to experience such institutional decay. This chapter discusses the definition of Prison, characteristics of Prison, Role of Prisons in Modern Context and some conceptual & theoretical considerations which reflect upon prison administration.


This chapter highlighted the current national and international trend on certain key issues like how to initiate prison projects for sustainable change, how can deal with cover crowding of prisons, dealing with pre-trial detention, importance of prison staff & their training, how can we encourage the evolvement of civil society in prisons and developing alternative of sentencing. Some basic questions have also been reviewed like purpose of imprisonment, how prisons should be run and looking prison as an alternative. Lastly, we examine India's experimentation with the emerging concepts of prison administration, which basically an account of the reform initiatives adopted in Tihar Jail.

Chapter two discusses the research methodology, which starts with state's demographic profile, Incarceration Profile, decadal growth trend of incarcerated population, organizational structure & profile of Department of prison & correctional services. Then the discussion moves further to address core issues
like research design, research stages (Micro analysis of selected prison facilities & Macro analysis at the level of prison head quarter), sampling design, data collection, data collection tools and lastly nature of data collection.

Chapter three is an extension of review of literature which deals specifically with inputs of prison administration, namely, demand & goals of prison administration, its administrative inclinations towards different penal theories and lastly the management of man material resources at the disposal of prison administration.

The discourse starts with highlighting two mutually reinforcing factors-Legislative minorities for advancing prison reforms and indifferent /apathetic public opinion-which contributes to create the dilemmas of prison administration such as Lack of Man/Material Resources, Overcrowding, Inhuman Conditions, issues of image projection, Malpractices and issues of transparency and Lack of Communication with the stake holders.

Prison Administration & Mutually Reinforcing Factors-
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The argument moves further with demand analysis where concepts like sources of demands, forms of demands, expression of demands were explained. The study also traces out that the External demands are relatively stable in prison administration due to the close nature of the system. The State Actors demands mostly emphasis on “status quo” or “system maintenance”. A prison officer is supposed to perform the role of custodian and his first and foremost job is secured detention. Prison officer commented that they are held accountable for security not for reforms; because the first one is measurable (Number of escapes) the later is not. But Non-state actors emphasize on Community participation, prison visiting system, Amendments in prison manuals and enactment of progressive laws or laws to cater the needs and challenges of today’s correctional administration. All these demands were elaborately showcased and reviewed in this segment.

This chapter also focuses on the administrative inclination with relation to different penal philosophies like vindication, retribution, penitence, neutralization, deterrence, rehabilitation. Further deterrence was elaborately discussed in context of utilitarian theory where individual & general deterrence examined. Lastly, the chapter also focuses on the utility of statistical information in the management of man/material resources.

Chapter Four gives insight on prison environment, types of prison Facilities (District, Central and a Model Prison). Prison environment has been examined in context of nine factors structure, support, activities, emotional support, freedom, social relations, safety, behavior of prison staff towards inmates at the time of admission and prison’s view on job adherence of prison staff. Data District & Central prison were separately interpreted on the above dimensions. Lastly, project outline of replacing lambardar/ Convict warder system with inmate peer educator has been showcased to introduce paradigm shift change in prison environment.

- Chapter Five provides macro level account of the prison reform initiatives, and then discussion moves further moves towards micro level examination of level of implementation and administrative hurdles through a comparative analysis.
on the basis of three benchmarks- Public Interest Litigation (June 2007), Petitioner, Senior Advocate Viresh Mishra, Allahabad, November 2009 Affidavit by UP Prison Department on Public Interest Litigation (June 2007), Petitioner, Senior Advocate Viresh Mishra, Allahabad and lastly observations during the research in the light of an extensive field Work (June 2008-January 2009) covering 11 correctional facilities of UP Prison Administration. The three benchmarks mutually facilitate to draw us to logical conclusions on the Status of prison reforms in Uttar Pradesh. The ultimate solution to resolve the cardinal issues has been put forward

Chapter Six deals with Conclusion & Recommendations where the core problem has been revisited, the central contention of review of literature and discourses was put forward and lastly the key recommendations which can set right the direction of prison reforms were precisely mentioned.

**Key Recommendations:**

Chapter 1: Review of Literature: Departure from colonial era to contemporary era

1. **Moving emphasis from pre-trial detention to alternatives of imprisonment:** Considering Prison as last resort, moving our focus towards alternatives to imprisonment-Community Service, open prison, biometric & electronic surveillance.

2. **Replacing colonial time prison manual with Modern Prison Manual:** It is time to break the iron frame that is old prison manual and adopting modern prison manual. This shall give uniformity and regularity across states and improve our conceptual clarity to deal with problems, device and implement mechanisms.

3. **Emphasis on Community participation in prisons:** This is the age of participatory management, institution no more works on the margins of civilization, and they have to operate with-in the main stream of national
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development agenda. Hence community participation and seeking stakeholder support is the key to bring sustainable prison reforms.


1. Inmate Monitoring System (IMS): Initiating & Enforcing Basic Screening of Prison Inmates: Introducing a very basic and simple management information system to maintain & filter 3 key aspects regarding detention of an inmate:

   A. Risk Assessment of an inmate (Low, Medium, High) to determinate the category of inmate for community services, open prison, normal imprisonment, high security detention.

   B. Estimation and Tracking of period of Detention of inmates on regular basis.

   C. Constant tracking of court hearing dates.

2. Re-Structuring of Probationary Services & setting up Voluntary Probationary Services (VPS): Attachment of Probationary officers with prison department to look into matters like early bail, release of prisoners on personal bonds, probation, parole, community services. Setting up Voluntary Probationary Services (VPS), formally associating UGC Junior Research Fellows & Masters in Psychology, Criminology, Law, Sociology, Anthropology, Social Work, Political Science and public Administration.

3. Setting up effective mechanism for alternative to imprisonment:

   Bringing Casual offenders with 6 Months to 3 Years of imprisonment under community Services - Community work at religious places, old age homes, Orphanages, Mortuaries, cremation places which can radically affect or alter their mental state.
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Undergoing Vipasana Meditation camp in each quarter shall be compulsory.

Alternatives to Prison: Monitoring & Evaluation:

Monitoring: Civil Society organizations & Voluntary Probationary Services, the former provide remunerations to VPS through Honorarium. State Government shall assign quota to VPS in Provincial Civil Services.

Evaluation: A 9 member panel (consisting Probationary officer, Universities’ HOD Psychology, Criminology, Law, Sociology, Social Work, Anthropology, Political Science and public Administration) shall hold a monthly review meeting to evaluate the cases subjected to the mechanism.

4. Revival of Prison Visiting Boards: Prison visiting boards shall be re-constituted comprising members of Voluntary Probation Services (VPS) along official member of visiting board.

Chapter 4: Improving Prison Environment

1. Abolition of Convict Warder/ Lamburdar System and introduction of Peer Educator System.

Inmate peer Education Project

- Project Goal-

1. Impact Legal Literacy training of prison inmates through inmate Peer Educators (IPEs)

2. Development of an in-house support system (Organized and sustainable) of communication with inmates

- Main Objectives-
  
  A) To identify and train Inmate Peer Educators (IPEs)
  
  B) To provide Strategic Behavior Change (SBC) and Behavior Communication Change (BCC) for effective inter-personal communication and behavior change
  
  C) To provide supportive supervision peer Education of Inmates.

Implementation: Phase 1:

A) Objective:

Activity 1: Identify IPE in each facility
Activity 2: Conduct Training Need Assessment (TNA) KSA for IPEs
Activity 3: Development of SBC manual and Training materials
Activity 4: Pre-testing of SBC manual
Activity 5: TOT for Coordinators and Facilitators on SBC manual (Basic IPEM)

B) Objective 2:

Activity 1: Conduct Communication Need Assessment (CNA) KSAP for Prison Inmates
Activity 2: Development of Behavior Change Communication (BCC) material
Activity 3: Pre-testing of BCC material
Activity 4: ToT for Coordination and Facilitators for the usage of the material
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- SBC Material: Basic and Intermediate Curriculum for IPEMS.

- **Basic Curriculum**-
  - Session 1: Prison rules (Rights and duties)
  - Session 2: Access legal aid,
  - Session 3: IPE Communication Skills
  - Session 4: General health care & hygiene
  - Session 5: Controlling High risk behavior (HIV, STI AND TB)

- **Intermediate Curriculum**-
  - Session 1: Training to IPESs to support Legal Aid Services
  - Session 2: Training to IPEs to support Conflict resolution
    (Breach of Inmates’ Human rights and situation of prison riots)
  - Session 3: IPE Communication Skills
  - Session 4: Controlling High risk behavior (Drug Abuse)
  - Session 5: Controlling High risk behavior (Sexual Abuse)

C) **Objective 3:**

**Activity 1:** Training of inmate Peer Educators (IPEs)

**Activity 2:** Supportive supervision of inmate Peer Educators (IPEs)

**Organogram:**

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Program Manager

State Coordinator(s)

Facilitators
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## IPEP - Monitoring and Evaluation Plan

<table>
<thead>
<tr>
<th>Objective</th>
<th>Activity</th>
<th>Input</th>
<th>Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td><strong>Activity 1:</strong> Identify IPE in each facility</td>
<td>IPE identify (according to 1:50 IPE and inmate ratio - In case of Uttar Pradesh it will be 1700 IPEs)</td>
<td>List of IPEs</td>
</tr>
<tr>
<td></td>
<td><strong>Activity 2:</strong> Training Need Assessment (TNA)</td>
<td>Training needs to IPEs are known to the team</td>
<td>TNA Report</td>
</tr>
<tr>
<td></td>
<td><strong>ACTIVITY 3:</strong> Development of SBC manual and Training material</td>
<td>SBC manual and training material ready</td>
<td>Printed copy of the manual and training material</td>
</tr>
<tr>
<td></td>
<td><strong>Activity 4:</strong> Pre-testing of SBC</td>
<td>Feedbacks from the field</td>
<td>Pre-testing report</td>
</tr>
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<td></td>
<td><strong>ACTIVITY 5:</strong> ToT for Coordinators and Facilitators on SBC manual (Basic IPEM)</td>
<td>Trained Coordinator and facilitator for implementation</td>
<td>Report on ToT with grades/pointers</td>
</tr>
<tr>
<td><strong>B</strong></td>
<td><strong>Activity 1:</strong> Conduct communication Need Assessment (CNA)</td>
<td>Communication needs of inmates are known to the team</td>
<td>CNA Report</td>
</tr>
<tr>
<td></td>
<td><strong>Activity 2:</strong> Development of BCC Material</td>
<td>BCC Material Ready</td>
<td>Printed copy of the BCC material</td>
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<table>
<thead>
<tr>
<th>Activity 1:</th>
<th>Activity 2:</th>
<th>Activity 3:</th>
<th>Activity 4:</th>
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</thead>
<tbody>
<tr>
<td>Training of Inmate Peer Educators (IPEs)</td>
<td>Supportive supervision of Inmate Peer Educators (IPEs)</td>
<td>Pre-testing of BCC material</td>
<td>TOT for Coordinators and Facilitators for the usage of the material</td>
</tr>
<tr>
<td>IPEs trained</td>
<td>Performance and obstacles of IPEs on field</td>
<td>Feedbacks from the field</td>
<td>Trained Coordinator and facilitator for implementation</td>
</tr>
<tr>
<td>Report on IPE training</td>
<td>Monthly field report</td>
<td>Pre-testing report</td>
<td>Report on ToT</td>
</tr>
</tbody>
</table>

### Outputs:
- Publication of SBC and BCC material on inmate Peer Educator Manual
- Train 1700 IPEs (in case of Uttar Pradesh) on SBC and BCC material
- IPEs will conduct 80 session (average) in 12 month project cycle (136000 inmates will be covered in one project cycle)
- About 70% of inmates will opt for access legal aid (70% above from the baseline data on legal aid)
- About 33% reduction in prison offences
- About 3% of IPES will qualify to work as outreach workers (ORWs) to further train new IPEs
- About 70% of will maintain hygiene
About 33% of inmates go for STI screening
About 70% of inmates go for HIV screening
About 70% of inmates HIV identified case will go for ART (Anti Retroviral Therapy)
About 33% of inmates opt for drug de-addiction program
About 33% resolution in the mediation of conflict resolution cases

Outcome:

- Better socialization of inmates with the prison environment
- Reduction in high risk behavior (Prison Offences)
- Increased access to legal aid
- Development of an in-house system of inter-personal communication for inmates
- Development of health seeking behavior among inmates
- Development of a more effective mechanism for conflict resolution mechanism

Chapter 5:

1. Setting an effective mechanism for Access to Legal Aid: Better use of 436 A & 436 (1), least inmates fall under these provisions, the main problem is with the timely submission chart sheets and the manner of drafting chart sheet reports, during the interview of many lawyers reported that most of the chart sheet filed from Investigating (IO) are based on circumstantial evidence and inventory reports and less routed on forensic evidence which leaves considerable amount of use of discretion.

The court procedure is more and more dependent on witnesses, which functions under defunct or non-existent of any witness protection program. All this jeopardize the whole situation. Hence the chart sheet must be produced within the stipulated time frame, more and more rationalized i.e more dependent on forensic evidence and less dependent on human factors (Witnesses)
The word prison means different things to different people. To the law-abiding it is the place where criminals end up. To the criminal it may be a vague hazard. To the social inadequate it may be a shelter. Prison can mean a reality, something ultimately unknown, with special but familiar sights, sounds and smells. It can be a fantasy, something, one roads or hears about, never sees-terrifying, mysterious, perhaps, even exciting. But to a hundreds of thousands of people, an experience which slows up time, which crowds them together, sets them apart and changes the courses of their lives. Thus prison has to take up the mental of a correctional and reformist institution because it is the real barometer to measure the how much a society is civilized.