

CAPACITY BUILDING WORKSHOP FOR PRISON OFFICIALS

6 August 2014

Directorate of Prisons, Jaipur

The Commonwealth Human Rights Initiative was invited by the Rajasthan Prison Department to conduct a one-day training of the prison officials of the rank of Assistant Jailors who have recently been promoted. The objectives of the workshop for prison officials were two-fold: (i) to apprise them of the state prison rules and the various oversight mechanisms established to ensure the rights of the prisoners, mainly undertrials, lodged in sub-jails; and (ii) to sensitise them towards the vulnerable in their custody to be able to efficiently fulfil their duties as prison officials.

The training program was part of the Promotion Cadre Course conducted by the Directorate of Prisons for 35 prison officials, selected from various prisons across the state, who were then promoted to the post of Assistant Jailors/Deputy Jailors. Among them 11 were from the Central prisons, 11 from District prisons and 13 from Sub-jails. It gave them an opportunity, on one hand, to share their experiences and good practices, and on the other, to learn the best possible ways to deal with some of the routine practical problems.

The CHRI representatives, Sh. R.K. Saxena and Ms. Sugandha Shankar, started the session with an exercise on 'Your perspective of Prisons'. The idea was to gauge their perceptions and attitude towards the numerous components of the prisons and procedures involved in a prisoners' life. All of them had a reformatory bent of mind and were of the view that it is only 5% of the prison population who are the trouble makers which needs to be dealt firmly. The rest want to complete their time peacefully and must be ensured every right guaranteed to them by law. The exercise warmed up the group and they began to participate and communicate freely.

The first question raised by the resource persons was who could be confined in sub-jails. This had a good discussion and the participants categorically mentioned the following:

- i. undertrials in whose cases either the preliminary investigation or trial is pending;
- ii. casual offenders sentenced upto 6 months;
- iii. habitual offenders sentenced up to 3 months;
- iv. civil prisoners;
- v. prisoners summoned under the Prisoner's Testimony Act; and
- vi. persons in custody en-route between station.

The discussion then moved towards the rights of those confined in prisons, starting with the right to legal representation. After explaining the Constitutional and other legal provisions, the resource persons made them aware about the structure of the Legal services authorities and their mandate of providing free legal aid to the needy. It was further discussed what is the role of a prison official if any inmate is found whose family is unaware about his/her detention or if somebody is without legal representation or is unable to meet his lawyer or the production of the inmate to the court is irregular due to shortage of police escorts. All

these issues require an active role of the prison officials and it was suggested that they should inform the person, right at the time of entry into prison, about his right to free legal aid if he cannot afford and that the family must be informed. If needy, the prison staff must get the legal services form filled and signed by the person and must forward it to the nearest legal services authority, district or taluka, as the case may be. They should also encourage the lawyers to come and meet their clients in prison by making the visiting rules liberal and must specify a proper place for the meeting.

Further, their role in dealing with the vulnerable categories was emphasized. For example, if a person who appears to be a juvenile is found in the prison, what should they do? While they all agreed that such a case must be referred to the Chief Judicial Magistrate and Child Welfare Committee in order to determine the age and till then the person must be sent to the observation home but they also shared that in reality nobody bothers to do the same and in most of the prisons one would easily find a number of juveniles.

The second example used was of a lonely woman in prison. The participants shared that though the prison rules gives them four options in such cases – to arrange a female friend to stay with the woman or to get a female prisoner from the nearest prison or to employ a female warder to ensure her security or to send her to the nearby prison – the last option is most practical and widely used.

The third vulnerable category discussed was prisoners who are mentally ill and it was emphasized that it is the duty of the prison officials to inform the concerned court to start proceeding under Chapter XXV of the CrPC and to ensure the treatment and care of the person until the person is transferred to the care of the family or to a secure institution.

After a short break, the participants' attention was brought to the various internal and external oversight mechanisms which are mandated to oversee the functioning of the prison administration and keep a check on unnecessary detention and overstays. Most importantly, their role in the functioning of the *Avadhik Samiksha Samiti* (Periodic Review Committee) was stressed on. It is the duty of the prison staff to prepare the list of undertrials eligible under the various legal safeguards available keeping liberty as a paramount value. They must ensure that not a single case of unnecessary or prolonged detention is missed out for review before the *Samiti* every month.

In the end, each participant was asked one thing that they would want to change or would like to work on when joining the new positions in the prison. All of them felt responsible and duty-bound and agreed that their actions can either make or break somebody's life. While some wanted to initiate community participation in prisons, others desired to introduce rehabilitation programs for prisoners. Many pledged to work effectively for the *Avadhik Samiksha Samitis* in order to ensure that not a single person in their prison should be detained beyond the barest minimum period required by law.