



Research Paper

Prison Administration in Tamilnadu A Study

C.K. SURESH

Research Scholar,
Department of Public Administration
(Autonomous)
(Autonomous) Coimbatore

Dr.S. KASIM NASHEER

Associate Professor,
Department of Public Administration Government Arts College
Government Arts College
Coimbatore

ABSTRACT:

Prisons are those dark wells, which are kept separate from the society. Suffering and torture of prisoners are remained in existence from the ancient time. Numerous agonies are faced by prisoners' in name of punishment during their detention as maltreatment, third degree torture, overcrowding or congestion, sanitation etc. The stories of prisons don't come out of their walls generally. Administering of the prison must be in accordance with the law so that the prisoners can live behind walls of prisons with human dignity. Administration of prison and prison rights jurisprudence is linked to each other. The prisoners' rights jurisprudence is evolved and developed because of inhuman attitude with prisoners in jails and growth of human right jurisprudence. Different human rights of the detained persons are protected and enforced through various laws at different times. However, even after the enactment of plethora of legislations not only the instances of violations are still continue but also many sufferings remain untold. The area of human rights is a dynamic in itself, it has been changed with the growth of civilizations. This paper deals with administration of prisons, types of prisons, officers of prisons and their duties. The paper examines the duties of jail officials. The paper has come to an end with the help of doctrinal method of research.

KEYWORDS: Prison Administration, Prison, Officers of prisons and their duties.

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I. INTRODUCTION:

Human rights jurisprudence advocates that no crime should be punished in a cruel, degrading or in an inhuman manner. On the contrary, it can be held that any punishment that amounts to cruel, degrading or inhuman should be treated as an offence by itself. The protection to rights of prisoners is a recognized issue throughout the world but the scope of rights and their protection varies from country to country. In prisons there are different types of prisoners such as convicted, under trials, preventive detainees, women inmates, juveniles in care home, all are having distinct rights according to their needs and requirements. The primary effect of the incarceration is the loss of liberty and the right to locomotion because of which many other liberties and rights are restricted by law. Mahatma Gandhi observed in 1917 "Criminals should be treated as patients in hospitals, and jails should be hospitals admitting such patients for treatment and cure. The outlook of the jail staff should be that of physicians in hospitals. „The prisoners should feel that the officials are their friends" From the twentieth century the issue of protection to rights of prisoners became vibrant and came into focus and come to the end of the century the concern did spread all over the world. The learned justice V.R. Krishna Iyer told that "Imprisonment does not spell farewell to fundamental rights". Government recommends to run jails as indoor hospitals and boarding schools and to avail this goal it is necessary that prison officials would be obligated to behave humanly with jail inmates. The officers must be obligated for not treating them inhumanly. Parliament with the judiciary in their combined efforts have been giving strength to the prison jurisprudence. The protection to prisoners from being abused by the police officials is a major interest in a democratic and welfare state. The tendency of dehumanization or inhuman treatment with prisoners by the prison authorities cannot be appreciated at all. Judicial decisions, given by the Indian Judiciary regarding giving protection to human rights of prisoners indicates that the judiciary has been playing a role of guardian and protector of human rights, whereas the executive and legislature have failed to address the problems of the people. The Supreme Court has come forward to take corrective measures and issued necessary directions to the executive.

Aim of the Department:

Prisons serve the public by keeping in safe custody those committed by the courts and treating them with humanity and helping them to lead a useful life in society as a law abiding citizen after their release from the Prison. The theory of Reformation and Rehabilitation is followed in the Prisons of this State.

Brief of the Department:

The Director General of Prisons who is the Head of Department is an I.P.S. Officer in the rank of Director General of Police. He is assisted by one Deputy Inspector General of Prisons at Headquarters and 4 Deputy Inspector General of Prisons at the Range and one Chief Probation Superintendent in the Probation Branch. There are 10 Superintendents and two lady Superintendent for two women Prisons. Each Central Prison exercises control over Sub Jails situated in Districts under its jurisdiction. The Sub Jail is administered by an Assistant Jailor who is designated as Superintendent of Sub Jail.

The Administration of prisons is accorded utmost priority by Government. Concerted efforts are taken to improve the all round welfare measures of prisoners and basic infrastructure facilities. While strengthening the safety and security of Prisons, administrative changes are being made in Prisons. The establishment of Prisoners' Adalat in the Prisons of this State is the first of its kind in the country.

PRISON ADMINISTRATION IN TAMILNADU

The word "Prison" the synonym of the word 'Jail' or 'gaol' or 'Penitentiary' has been defined as a place properly arranged and equipped for reception of persons who by legal process are committed to it for safe custody while awaiting trial or for punishment.

During the period of the Sultanate, there were no regular Prisons. Only old forts and castles were used as prisons.

During the time of Emperor Akbar, there were two kinds of prisons. One for criminals who had committed serious offence and other for ordinary criminals. Important nobles and princes guilty of treason and rebellions were imprisoned in fortresses situated in different parts of the country.

The provision for proper jail building in the whole of India is the contribution of the British Government. The native Governments did not maintain proper jail buildings.

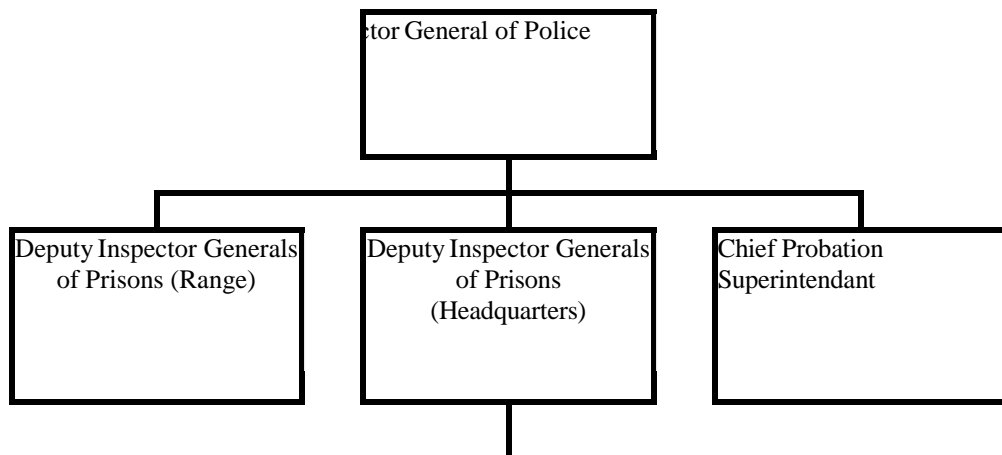
Lord Macaulay a member of the Indian Law Commission initiated the Prison reform in 1835 for the first time in India. Indian Prisons Act of 1894 regulated the prison system in the country. At that time there were 43 civil, 75 criminal and 68 mixed jails in India. These jails were run by District Magistrates.

The Presidency Jail for women in Vellore, was the first prison constructed in Tamil Nadu during the year 1830 followed by Madras "Penitentiary" during the year 1837 and thereafter all other prisons were constructed one by one up to the year 1872. After Independence Central Prison, Puzhal was the only prison constructed during the year 1981 and some additional accommodation was made in other Prisons. All the Prison buildings are more than 150 years old.

The Prisons plays a vital role in the Administration of Criminal Justice system and assisting the courts in the due execution of the sentences awarded by them.

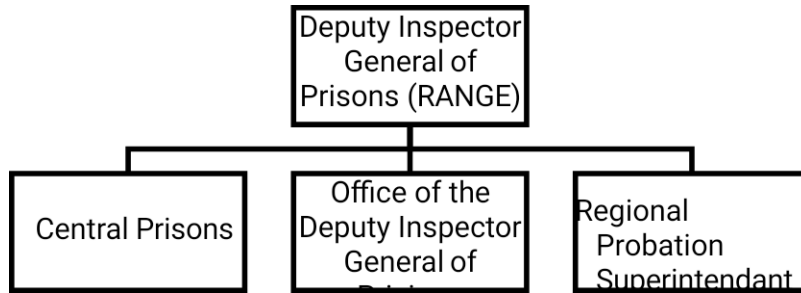
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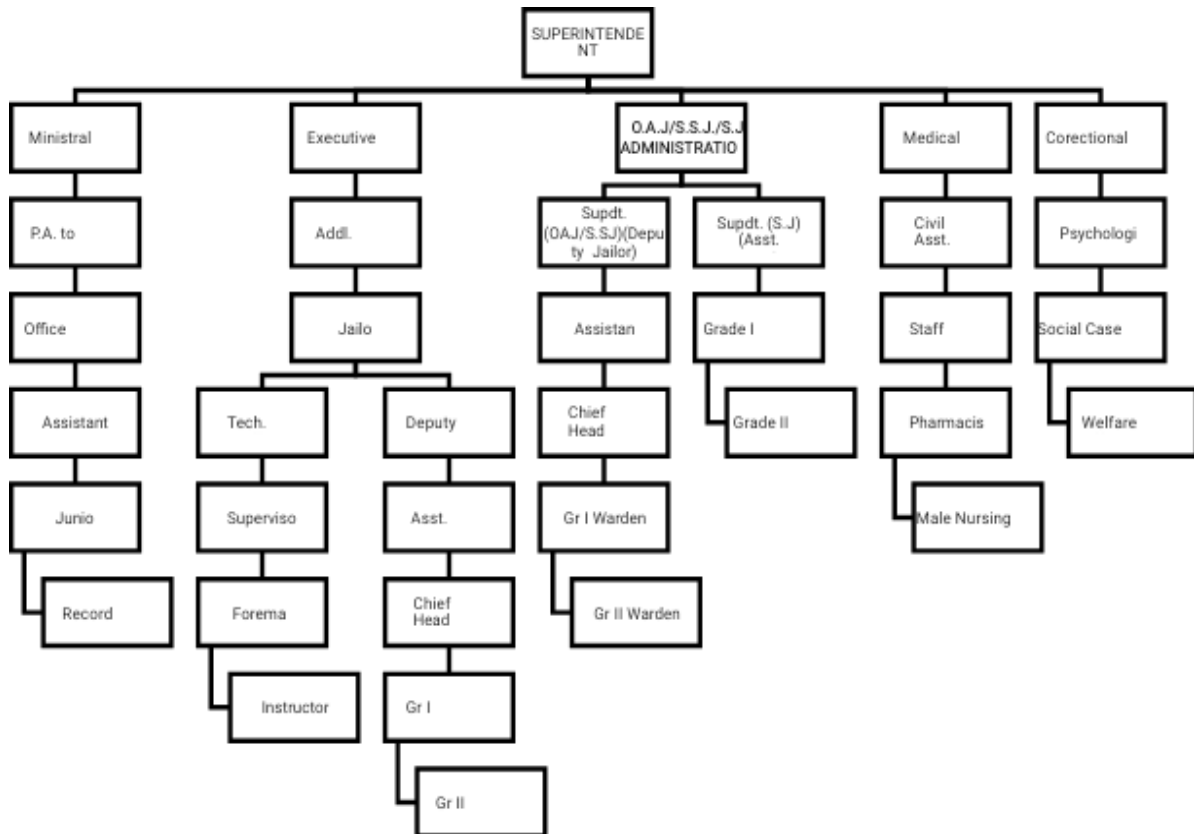


Office of the Inspector
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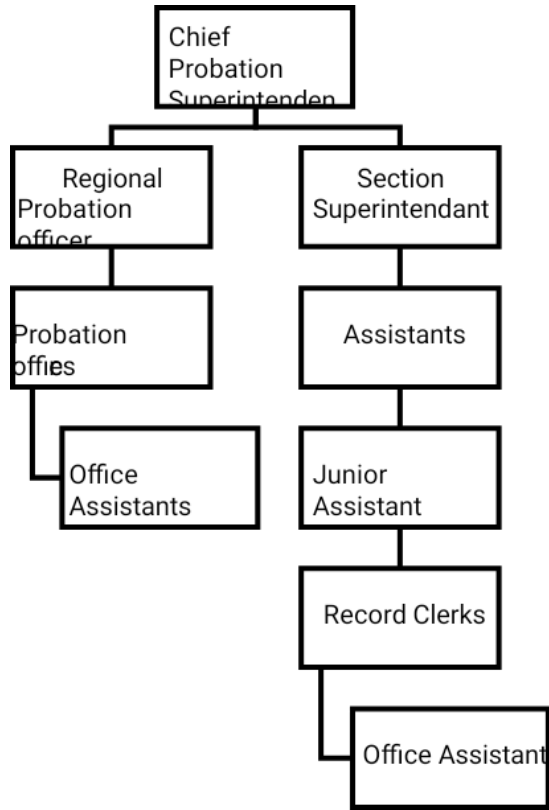
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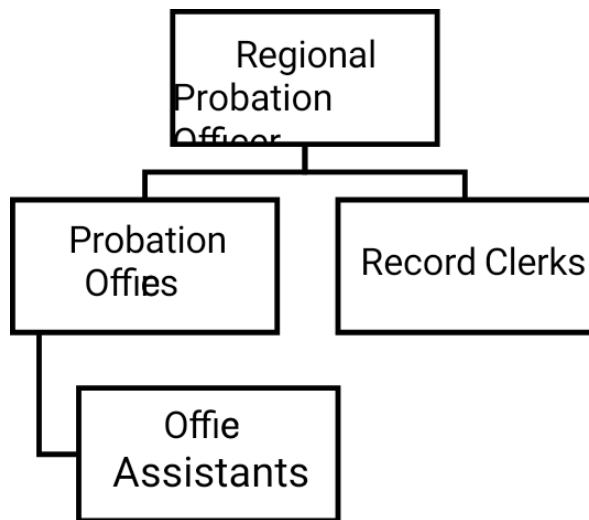
C. P. / B.S. Administration:



Probation Branch:



Regional Probation Office Administration:



Category of Prisons:

There are Eight Central Prisons for confining causal offenders one Central Prison for habitual offenders and three Special Prisons for Women, one Borstal School for Youth Offenders (Aged 18 to 25 years), Three Open Air Jails, Nine District Jails, Two Special Sub Jail for Men, 87 Sub Jails for Men, Three Special Sub Jail for Women and 8 Sub Jails for Women, 11 Borstal Schools for pre convicted adolescent offenders. The capacity of Central Prison ranges from 723 to 2517, Special Sub Jails from 84 to 224, District Jails from 200 to 405, Sub Jails from 18 to 143, Special Prison for Women 469 to 600, Open Air Jail is 150, farm jail is 10 and that of Borstal School is 40.

Model Prison complex- Puzhal

Keeping in view of severe over crowding in Central Prison, Chennai and the need for increasing the capacity, new prison complex at Puzhal was constructed at a total cost of Rs.77 crores. It consists of three prisons viz. Central Prison I Puzhal with a capacity of 1250, for accommodating convict prisoners, Central Prison II Puzhal with a capacity of 1250, for accommodating remand prisoners and Special Prison for Women Puzhal with a capacity of 500 for accommodating women prisoners. The prison complex is situated in a sprawling area of about 212 acres. The construction works were carried out by the Tamil Nadu Police Housing Corporation Ltd. The prison starts functioning from 26.11.2006 onwards. Additional facilities such as Meditation Hall, Rehabilitation Centre, Open Air Theatre, Gymnasium, Computer training Centre has been provided. Apart from the above all cells, blocks and hospitals of this prisons are provided with ceiling fans.

Central Prison, Coimbatore

This Prison was constructed during the year 1872 . The area now occupied by this prison is 167.76 acres. The authorised accommodation of this Prison is 2208. The veteran freedom fighters Thiru. V.O. Chidambaram Pillai was confined in this Prison during the freedom struggle from 09.07.1908 to 01.12.1910.

Central Prison, Cuddalore

This Prison was constructed during the year 1865. This Prison was initially used for accommodating mentally retarded prisoners and thereafter converted as Habitual Prison. During the year 1986 this Prison was re-classified as Prison for Habitual Prison offenders. This Prison was converted as a casual Prison during the year 1996. The National poet Mahakavi Subramaniya Bharathiyar was confined in this prison during the freedom struggle from 20.11.1918 to 14.12.1918. The authorised accommodation of this Prison is 723.

Central Prison, Madurai

This Prison was constructed during the year 1865. This Prison is located on an extent of 31 acres. This Prison is a Casual Prison to accommodate Remand and Under trials and Convicts. The authorised accommodation of this Prison is 1252.

Central Prison, Palayamkottai

This Prison was constructed during the year 1880 It was functioning as a District Jail till 1929. During the year 1929 it was converted as a Borstal School. Due to lesser admission, the Borstal School was shifted to the premises of the the erstwhile District Jail, Pudukottai. The present premises has been functioning as a Central Prison with effect from 1.4.68. The area of the Prison is 117.75 acres. The authorised accommodation of this Prison is 1332.

Central Prison, Salem

This Prison was constructed during the year 1862. The Jail annex was constructed during the year 1934 to accommodate adolescent Prisoners. The area of this Prison is 113.19 acres. The authorised accommodation is 1431. This Prison is classified as a Special Prison for the confinement of Habitual Prisoners and Habitual Prison Offenders. The architectural design of this Prison is circular in shape like lotus petals and all the cells are facing inwardly to a central point.

Central Prison, Tiruchirapalli

This Prison was constructed during the year 1865. The area occupied by this Prison is 289.10 acres. The authorised accommodation is 2517. The architectural arrangement of this Prison is radial blocks with central tower.

Central Prison, Vellore

This Prison was constructed during the year 1867. The total area of this Prison is 153 acres. The authorised accommodation is 2130. The architectural design of this Prison is radial blocks with tower. The

former President of India Shri.R.Venkatraman was confined in this Prison from 30.11.1940 to 25.09.1941 during the freedom struggle. The former Chief Minister of Tamil Nadu Peraringnar Dr.C.N.Annadurai was also confined in this Prison from 16.08.1962 to 24.10.1962.

Borstal School, Pudukottai

This was originally functioning as a District Prison and converted as a Borstal School with effect from 01.04.1968. The young offenders between the age of 18-21 years (Boys) convicted by Courts under Section 8(1) of Tamil Nadu Borstal Act 1925 are confined in this Prison. The area occupied by this Institution is 23.45 acres. The authorised accommodation of this Borstal School is 40. In additional 10 Sub Jails (Nanguneri, Saidapet, Gudiyatham, Panruti, Gingee, Paramathi, Pollachi, Melur, Ariyalur, Thanjavur) have also been converted into Borstal School for pre-convicted adolescent prisoners.

Special Prison for Women, Tiruchirapalli

This Prison was functioning from 04.05.1997. The women Prisoners hailing from all the Southern districts are accommodated in this Prison. This Institution is fully manned by Women Officers and Staff. The authorised accommodation of this Prison is 106

Special Prison for Women, Vellore

This Prison was originally named as presidency Jail for Women and functioning from 15.04.1930. The total area of this Prison is 13.62 acres. The area of the jail premises is 3.23 acres. The women Prisoners sentenced to imprisonment for more than 3 months from all the Southern States namely Andhra Pradesh, Karnataka, Kerala and Tamil Nadu were originally admitted here. After the formation of these States as Independent ones, the name of the Prison was changed as State Prison for Women. Prisoners belonging to the State of Tamil Nadu alone are confined here. Women political leaders like Dr.Radhabai Subbarayah, Dr.(Mrs) Rukmani Lakshmipathi, Mrs.Anmana Raj were confined in this prison. The authorised accommodation of this Prison is 412.

PROBATION BRANCH :

Origin of Probation:

Criminologists and Penologists of the previous and that of the present century gave more thrust to Correction of Offenders through Reformatory and Rehabilitative measures than that of Deterrence and Retribution. Probation had its origin in America through John Augustus a cobbler in Boston who is known as „The Father of Probation.“ He bailed out 2000 men and women who were placed under his supervision and properly rehabilitated. In India the first Legislative effort was the incorporation of section 562 of code of Criminal Procedure 1898 for releasing the Offenders on Probation. This Section was amended in 1923 which gave the Courts enhanced powers to suspend the sentence considerably for more serious offences also.

In 1934 the Government of India informed the Provincial Government to enact their own legislation on Probation. The Old composite state of Madras was the first to adopt Probation after the enactment of „The Madras Probation of Offenders Act, 1936“ which was the first Probation of Offenders Act in India. This act was replaced by the Central Act known as „The Probation of Offenders Act, 1958, Central Act (IX of 1958). In pursuance of this Act, the Government of Tamil Nadu has also framed rules in 1962 to carry out this Act.

Meaning of Probation

Probation is a scientific method of treatment of selected offenders within the community placing them under the supervision of Probation Officers on certain conditions to be specified by the Courts. It is a conditional suspension of sentence and not a let off. It is an alternative to Imprisonment. As such it is called as non-institutional treatment.

Probation Service:

Till 1946 the Probation Services were with the voluntary agencies and Discharged Prisoners Aid society. In G.O. Ms.No.1352, Home © Department dated 30.04.1946 Government ordered at first for the appointment of salaried one Chief Probation Superintendent and 20 District Probation Officers. Pending creation of new service called Probation Services, these posts were brought under The Tamil Nadu Jail Service and Tamil Nadu Jail Subordinate Service respectively. Hence the Probation Branch is under the control of Prison Department since 1946. Considering the increase of the work load in this Branch certain additional posts of Probation Officers and supervisory post of Regional Probation Officers were subsequently created by the Government. At present there are 87 Probation Officers, 9 Leave Reserve Probation Officers, 12 Regional Probation Officers and 1 Chief Probation Superintendent.

Importance of Probation Service

Probation is the most important branch of the Criminal Justice system. It is an alternative to Prisons which helps the reduction of Prison population and thereby enormous savings is made to the Government exchequer. It is a community based treatment. Hence the bread winner of the family is neither separated nor sent to the Prison but allowed to be within the family. The Probation Officers who are the “Eyes and Ears of the Court” help the court for the speedy disposal of cases referred to them under various Acts. Being the “Friend, Philosopher and Guide” to the wards under supervision the Probation Officers are talking all possible steps for their reformation, rehabilitation reintegration, resocialisation.

DUTIES AND RESPONSIBILITIES:

Probation Officers

Probation Officers are enquiring and submitting Preliminary Enquiry Reports to Courts under The Probation of Offenders Act, 1958, The Borstal Schools Act, 1926, and The Juvenile Justice (Care and Protection) Act, 2000. Report on the genuineness of Sureties appearing in the Court and the whereabouts of the Offenders in the NBW cases and witnesses are also sent to the Courts whenever called for. They are submitting enquiry reports regarding the release on Emergency / Ordinary leave and pre-mature release of Prisoners in Prisons. They are supervising the Offenders released under various Acts and Prisoners released prematurely from Prisons. They are checking the Police lock-up to avert illegal custody, and to improve the hygienic condition of the lock-ups. They are also visiting the Sub-Jails.

Regional Probation Officers

The Regional Probation Officers is the inspecting Officer of the Probation Officers under their jurisdiction. He co-ordinates the rehabilitation work by periodically conducting meeting with Probation Officers, arranging the meeting of the Discharged Prisoners Aid Society and contacting the Voluntary Agencies. He is inspecting the Sub Jail and visiting the Central Prison for welfare work. Moreover he is one of the members of the Advisory Board for premature release. He is also one of the four members of the committee headed by the District Collector for recommending the victim compensation fund.

There is one Regional Probation Officer, Research Cell in the Office of the Chief Probation Superintendent to undertake research projects on topics connected with correctional administration.

CHIEF PROBATION SUPERINTENDENT

He is the administrative head of the Probation Branch and he is under the direct control of the Director General of Prisons. He is the State level touring Officer having jurisdiction over the entire State.

REHABILITATION

Rehabilitation is the back bone of Probation System. It is part and parcel of the Duties assigned to every Probation Officer. Apart from taking rehabilitation measures for the Probationers released by the Courts and placed under the supervision of the Probation Officers, they are also taking various steps for rehabilitating the prisoners released under the Advisory Board Scheme, Amnesty by Government etc., for whom they are appointed as After Care Officers. Securing employment in Government / Private undertaking, obtaining financial assistance from Discharged Prisoners Aid Society, Banks, N.G.O. etc., Settling family problems, arranging medical assistance, encouraging the savings habit by opening account in bank, guiding and counselling and admitting the destitute children of the Prisoners and victims in a recognized homes run by the Government / N.G.Os, are the rehabilitation measures undertaken by the Probation Officers for the upliftment of the wards as well as their family members

On the occasion of the release of 1405 lifers in commemoration of the birth centenary of Perarignar Anna on 15.09.2008, a rehabilitation function was organized in Central Prison – 1, Puzhal, Chennai 66 on 15.09.2008 with the help of N.G.Os wherein financial as well as material assistance like Tailoring Machine, Bicycle, Beads and Needles and orders for employment in Private Sector undertaking (securities and Office boys) were extended to certain released prisoners by Shri. R.Natraj, I.P.S. the Director General of Prisons, Chennai.

II. SUGGESTION AND CONCLUSION:

Effective prison administration is essential for the betterment of criminal jurisprudence. It will not only give strength to the system but will also helpful in making the policies of government transparent as well as the ultimate goal of penal system will become easy to achieve by reformation of prisoners. In the absence of proper administration of prisons prisoners’ right will become futile. Vacant seats of prison staff must be filled without undue delay as the staff in jails are very less in comparison of required. Problems of sanitation, congestion are very serious issues of jails which must be resolved. Implementation of reformation schemes in an effective way

will make the administration effective and proper in prisons. The provisions relating to arrest and their rights during detention cannot be by-passed by alleging that that there was no arrest in real but that was only informal detention. Informal detention or restraint of any kind by the police is not authorized by law. Jailors are bound by rule of law and cannot defeat the primary purpose of improvement. Prison staff is the backbone of prison administration. Smooth function of prison administration, enforcement of rights in effective way is possible by the sufficient prison staff. Their needs and requirement must be taken into the consideration. The Court has power and responsibility to intervene and protect the prisoner against the mayhem, crude or subtle and may use habeas corpus for enforcing imprison humanism and forbiddance of harsher restraints. Sense and sympathy are not enemies of penal asylums. The aim of incarceration is not only punitive but restorative to be an offender a non-offender. Rehabilitation is a prized purpose of prison hospitalization. A criminal must be cured and cruelty is not curative even as poking a bleeding wound is not healing. Law has been playing an important role in all the modern societies. It has become a norm of organizing all the societies because of its promise to be universal, uniform and equal. The prisoners whether they are convicted or under trials cannot be deprived of their human rights except the right to liberty. Dignity of a prisoner is not diminished on being convicted for the crime. Prisons are for reform and rehabilitation. Human rights are an essential component in any measure of penal reform. The humanitarian approach should be considered in a penal administration. Prison houses are made within the geographical boundaries of the nation and when Part IIIrd, Constitution of India is invoked by a prisoner it cannot be said at bay by the courts of law. The right guaranteed under the Constitution spread the humanity. The non-compliance of the related provisions and failure to inform the accused about his rights would nullify the trial.

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