

IT IS ironical that neither a social worker nor a politician but a retired bureaucrat belonging to that much maligned service – the police – should have drawn public attention to the plight of under-trial prisoners inside central jails in Bihar and elsewhere. K.F. Rustamji of the National Police commission, has in his various Tour Notes, narrated with compassion the poignant stories of 37 undertrial prisoners in two Bihar jails. His disclosures and the initiative taken by Ms. Hingorani in the Supreme Court have led to the release of these prisoners. The Supreme Court on May 2, passed orders that all persons who have been in custody for more than six months without trial, be released. The states were asked to make a report at the end of six months as to what action has been taken. It is likely that many undertrials all over the country will be released but the question is, where will they go? Many who have been behind bars for years have no place to go.

We have no social security schemes to assist the citizen who is sick, old or unemployed. Therefore, released prisoners cannot look to the State for help. For them, standing under the sky, penniless and alone, is frightening. Freedom has lost its flavour.

The Five Year Plan provided for the appointment of Welfare Officers in jails. The Model Jail Manual says: "From the time of a prisoner's admission into prison, consideration should be given to his post-release needs..." Fine sentiment this! But what is the reality? An innocent rape-victim stays in jail indefinitely lest she change her mind and fail to turn up as prosecution witness if and when trial takes place. 143 hapless adivasis died in the Seraikhela Jail in Bihar because of overcrowding, rotten food, contaminated water and total lack of medical facilities. In many jails, leprosy patients and lunatics are kept in the same wards as healthy undertrials. Where are the Welfare Officers who will plan "post-release assistance from the time of admission"? Last October, there were

1,763 undertrials and 588 convicts in Delhi's Tihar Jail – the innocent, the vagrant, the potential and the "hardened" criminals all living together. And this inspite of the rule that no jail should hold more than 750 inmates.

The Adult Literacy Scheme ignores jail inmates. In this jail, there is only one teacher for the entire male population, but none for women. And in no jail is there any training facility which might help the undertrials find work after release. For women who have no homes, it is necessary to be very careful in selecting aftercare home and work centers, as there have been cases of these being run as brothels. Small non official vigilance bodies must be set up. Without frequent surprise visits, no government scheme can be successful.

Last September, there were 24,981 children undertrials in jails. If even 10 per cent of them are below 10 and have been in jail a long time, their rehabilitation raises special problems. A number of our states have no Children's Act, and even those which do, have hardly implemented them. The Central Children's Act, 1960, mentions that "every neglected child shall, unless kept with a parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a Board." Yet, neglected children are packed off to jail and there they get trained for a life of crime. In this International Year of the Child, will these children get a chance to escape this vicious circle? The orphans have to be given a father or mother, the nameless a name. This requires a change in the adoption laws.

Some years ago, a surprise check revealed the true nature of a grant-getting children's home run by a 'voluntary agency' home run by a 'voluntary

agency' in Indore. Small children were being kidnapped from distant villages and trained for begging. All were half-starved, and to evoke pity their arms had been twisted, legs bent and fingers broken.

The public has been shocked out of its ignorance and apathy. We must now come forward with specific suggestion and compel the central and state governments to implement them without delay. Our minimum demands should be:

1. Except those accused of heinous crimes, no undertrial should be kept in jail for more than three months. Those who have been in jail for more than this period should be released, on personal bonds if necessary.

2. No one arrested under the Suppression of Immoral Traffic Act for soliciting should be sent to jail, either before or after conviction. Such women should be sent to authorized homes.

3. No woman arrested should be detained overnight in a police lock-up.

4. There should be a non-official vigilance committee for every jail and sub-jail. It must have powers to inspect the jail and talk to individual prisoners without the presence of jail staff.

5. A thorough survey must be made of voluntary organizations in charge of rescue homes, nari nicketans, and orphanages in each state.

6. Institutions should be set up for providing non-formal education and need-based job-oriented training to released prisoners.

7. There should be small non-official committees of persons respected and trusted by the people, to make frequent surprise checks of all such agencies, both voluntary and non-voluntary.

8. A Jail Commission comprising enlightened women and men should be immediately set up to modernize the obsolete and oppressive jail rules. □