

VOCATIONAL TRAINING TO CONVICTED PRISONERS THROUGH SKILL DEVELOPMENT PROGRAMMES: INDIAN CONTEXT

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Introduction:

Vocational training is one of the major tools for reformation and rehabilitation of the convicted prisoners in correctional Institutions. In India, the vocational training programmes provide opportunities for the prison inmates to engage themselves in fruitful pursuits during the term of their sentence in jails. Such training not only provides prison inmates value for their work but also helps in developing the prisoners learning skills which can enable them to follow a vocation after release from the jail. In India, during the year 2015: (i) A total of 52,105 inmates were trained under various vocational training programmes in different jails. (ii) The maximum number of 8,473 inmates were imparted training in weaving followed by carpentry (5,762), tailoring (4,744) and agricultural activities and (iii) The highest number of inmates trained in tailoring, weaving and making of soap & phenyl were reported from Punjab which stood at 906,919 and 214 inmates respectively.¹ In odisha, a total of 937 inmates were trained under various vocational training programmes in various prisons such as carpentry-20 inmates, tailoring-130-inmates, weaving-390-inmates, making of soap & phenyl-45 inmates, handloom-211 inmates and others-141 inmates at the end of 2015.²

The present paper discusses how vocational training is being imparted and how it has been improving the work-skills of the prisoners in jail. The paper also focuses on the allotment of vocational training among the prisoners and its usefulness after release from prison for reformation, rehabilitation & re-socialization as a good citizen.

Punitive approach to prison labour and use trade or skill of prisoners:

The punitive approach is used as a form of punishment. The earlier emphasis was on hard unproductive labour and efforts were made to make it as unpleasant as possible. In the reformatory approach it is to be used not as an end in itself but as a means to develop certain skills in the prisoner which, apart from disciplining him, shall be help him in finding some vocation to sustain himself after his release and also enable him to earn wages while serving in prison. In addition to these aspects, some prison administrators look at it from the utilitarian angle to justify it since it helps in the prison finances. The prisoner is in a position to contribute something for his maintenance in jail.³

Suggestions of International Penal and Penitentiary Conference:

The 12th International Penal and Penitentiary Conference held at Hague in 1950 suggested 'work' as the best alternative for channelizing the potential of prisoners for a useful purpose. Keeping the prisoners engaged in for productive work would be helpful for their physical and mental fitness. It would also infuse self-confidence among them and they can think of returning to society as a law abiding citizen. The greatest advantage of putting inmates to work as suggested by the penitentiary Conference is that the wages earned by the prisoners can be utilized for supporting their family and dependents. Thus it would be beneficial to inmates and the same time remunerative to the State. It is further suggested that the values of human dignity are respected.⁴

Prisoner's wages as per U.N. norms:

Under article 76 of the Standard Minimum Rules for the Treatment of Prisoners provided that:

- There shall be a system of the work of prisoners.
- Under the system prisoners shall be allowed to spend at least a part of their earning on approved articles for their own use and to send a part of their earning to their family.

1. Sources: Prison Statistics India, 2015.

2. Sources: Directorate of Prisons, Odisha.

3. Ahmad Siddique, *Criminology, (Problems & perspectives)*, (India: Eastern Book Company, 1997) "at 158".

4. Barnes "&" Teeters, *New Horizons in Criminology*, 3rd End. "at 541".

- The system should also provide that a part of the earning should be set aside by the administration so as to constitute a saving fund to be handed over to the prisoner on his release.

Prisoner's wages in U.K.:

The National Minimum Wage Act, 1998 legislation specifically mentions that it shall not apply to the prisoners. Under section 45 “ 45 (1) A prisoner does not qualify for the national minimum wage in respect of any work which he does in pursuance of prison rules”, a prisoner does not qualify for the national minimum wage where he or she works in pursuance of prison rules.

Macaulay's opinion on prison labour and gainful skills by prisoners:

Prison labour in India was viewed in the beginning as a tool of punishment in order to serve as a deterrent to the inmates. A typical illustration of the approach to the problem was provided by the somewhat cynical and skeptical view expressed by Macaulay in his Minute of 1835. According to him, the experiment of prison labour in terms of acquisition of gainful skills by the prisoner was to prove either successful or otherwise and in either case it was an undesirable consequence. If successful, the essential element of the deterrent aspect of punishment would be neutralized. On the other hand if the experiment proved unsuccessful, all the effort and cost involved would come to naught. He apprehended that if the plan was completely successful, the result would be that by far the best workmen in the country would be those punished as robbers, thieves and rogues of every sort. Further, he was of the view that prison labour ought not to be viewed as a productive asset to meet the finances of jail administration.

Despite the unmitigated conservative strain present in Macaulay's opinion on the subject, it must be conceded that some negative aspects may be involved due to the competition between labour and private industry. The impact of prison labour or training may not, however be as dramatic and powerful as visualized by Macaulay.⁵

Mulla Committee Report:⁶

Chapter 11 of the report has mentioned about work programmes and vocational training. They are:

- The importance of vocational training and work programmes has been emphasized and re-emphasized by various committees and commission during the past decades and a number of valuable suggestions have been made for the reorganization and modernization of prison work programmes. At the national level, the Indian Jail Committee 1919-20, All India Jail Manual Committee 1957-59 and Working Group on Prisons 1972-73, made some important suggestions to plan and reorganize prison work programmes and vocational training in order to make them efficacious for achieving the objectives of imparting work-skills to the inmates for their socio-economic resettlement after release.
- The system of tasks and wages, which is another essential pre-requisite for an organized industry, has also been rationalized. It differs from state to state. Tasks for different production units and their manpower needs have not been standardized on the basis of proper studies of work, time and motion.
- The system of paying wages to prisoners working programmes has not been introduced in number of states and union territories. The rate of wages varies from Rs. 0.10 to Rs.2.00 per day. We found that wages have been fixed on an ad hoc basis. While certain categories of prisoners are eligible for wages others are not. Prisoners on wage system are kept on the same institution even in the same production unit with those who are not eligible to earn wages.
- Vocational training has been recognized as one of the most important components of correctional programmes. The objectives of imparting vocational training to inmates are: (a) training and equipping them for lasting vocational adjustment and for their rehabilitation; (b) imparting training in work-skills, vocational ethics, vocational practices and stages; skills and techniques; (c) improving work habits, work skills, work performance, job intelligence and craftsmanship of inmates and thus equipping them for conditions of work in the outside labour market; (d) creating an active interest in work; (e) developing a sense of self-confidence and pride in their work and vocation; (f) developing reserve pool of trained inmates to maintain continuity in work programmes in prisons.

- We are distressed to note that vocational training of inmates is completely neglected in all the States and Union Territories. In the mass handling of prisoners, as is in vogue at present all over India, vocational training has not received any attention at all. It has been neglected because the main emphasis in prison work programmes has been only on increased production. It is our belief that vocational training must be treated as an important component of treatment programmes so that offenders are trained in terms of their lasting occupational adjustment and for their ultimate re-settlement in society as useful social units.
- Wages system, on the lines by the committee, should be introduced in the prisons of all the states and union territories.
- Prison administration in every state and union territory should undertake through evaluation of the working of the wage system.
- Rate of wages should be fair and equitable and merely nominal or paltry. These rates should be standardized so as to achieve a broad uniformity in the wage system in all the prisons in each state and union territory.
- Wages system should not be operated on a mass basis. It must be individualized so that the element of incentive is retained in the system. The classification committee and the committee as mentioned in Para 11.33.25 should function effectively in this field.

The above recommends continue to be in favour of, not only prison but there is support also for eliminating free labour rendered by prisoners.

Supreme Court guideline's on wage system for allotted trade or work to the prisoners:

The Supreme Court of India was called upon to decide the delicate issue whether prisoners, who are required to do labour as part of their punishment, should necessarily be paid wages for such work at the rates prescribed under the Minimum Wages Act.⁷ Answering in the affirmative, the Apex Court in *State of Gujarat & another V. Hon'ble High Court of Gujarat*,⁸

5. Ibid. at 159.

6. Ministry of Home Affairs, Government of India, *All India Committee on Jail Reforms*, Volume-I, 1980-83, at 143, 148, 149, 158, 159, Para 11.3, 11.19, 11.20, 11.24, 11.25, 11.33.45, 11.33.46, 11.33.47 & 11.33.51.

7. N.V. Paranjape, *Criminology and Penology*, 14th Edn., (India: Central Law Publication,2010) "at 402".

8. AIR 1998 SC 3164.

No prisoner can be asked to do labour free of wages for the work, but also a social imperative and an ethical compulsion. Extracting somebody's work without giving him anything in return is only reminiscent of the period of slavery and the system of beggar.”

Criticism the payment of wages:

The payment of wages for the industrial work done by the prison inmates has also been criticized by those who are convinced of the need for the deterrent element of the of jail sentence. It has been argued that punishment should involve the deprivation of the earning capacity of the offender. It is also pointed out that it is anomalous that while many law-abiding citizens find it difficult to find employment, work and wages are provided to a convicted person.

Types of vocational training in Indian prisons:

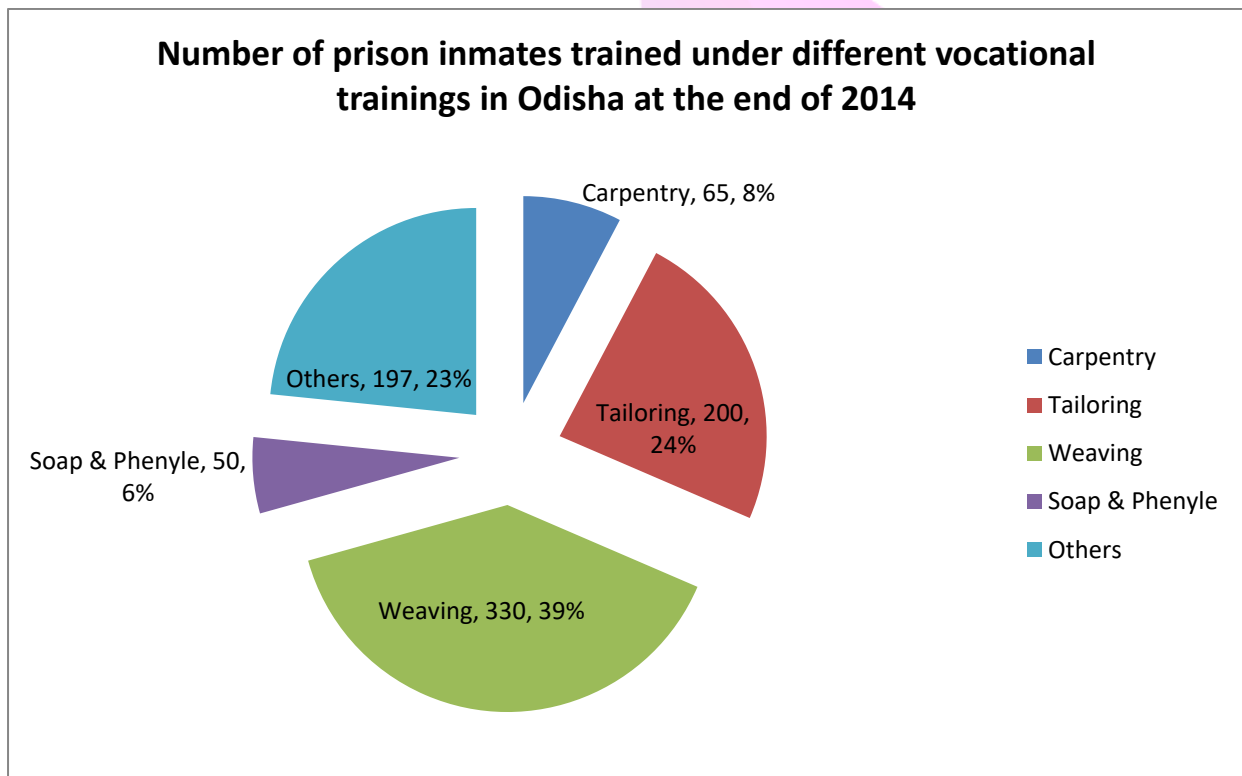
Various vocational training can be provide to the prisoners all over Indian prisons such as construction work, masonry, carpentry, electric fitting, tailoring, fabrication of ready-made garments, leather work, driving, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, maintenance of diesel engines, maintenance of electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer-operating, handicrafts, stenography, cloth printing, embroidery, hosiery, bakery, nankeen making, paper making, printing, tailoring, weaving, soap making, candle making, toy making, sewing machine repair, food processing, etc.⁹ Now prisoner's wage in Tihar Jail, the inmates have employed in factory are provided wages at the rates prescribed by Government Delhi as follows: (1) skill worker: Rs 52 per day. (2) Semi skilled worker: Rs 44 per day. (3) Unskilled worker: Rs 40 per day. In Odisha, the vocational works provide to the prisoners like agriculture, carpentry, tailoring, weaving soap and phenyl making handloom, and other works.

The training facilities available in the jails depend on the local conditions and state funds. The availability of raw materials, local market needs, demands and marketing of finished products mainly decide the vocational training facilities available in any jail premises.

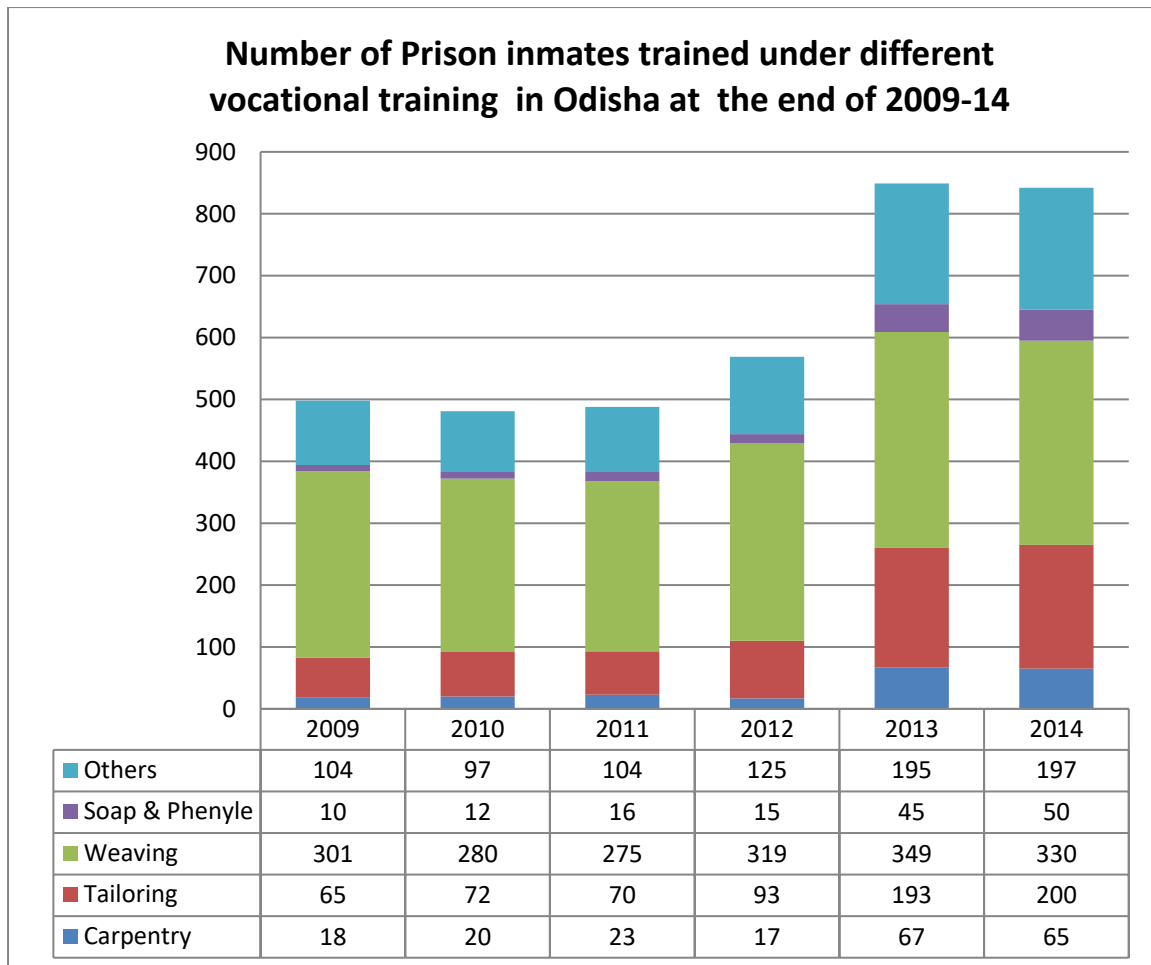
9. Government of India, Ministry of Home Affairs, *Model Prison Manual*, 2016, at 169, Para 15.27.

Vocational Training among the prison inmates in Odisha:

Odisha Prisons have taken far reaching strides in the reformation and rehabilitation of the prisoners and there are continuous efforts on the part of the Prison Administration to channelize the energy of the prison inmates towards the positive causes. The Jail Administration run various vocational and technical programme for skill development, reformation and rehabilitation of inmates in various units such as carpentry, tailoring, weaving, soap, phenyl and others.



Source: Directorate of prisons, Odisha



Year Wise

Source: Directorate of prisons, Odisha

Odisha prison inmates have been trained in various vocations at the end of 2009 to 2014 as mentioned in the above figure. The highest number of inmates has been trained in weaving and the lowest number of inmates has been trained in soap & phenyl. There are no other vocational training like canning, handloom and cooking (food items like Tihar Jail) to providing them.

Recently the skill development training proposal was submitted by Home Department, for imparting training to prisoners, at a meeting held on 27.11.2015 at P.M. in the Conference Hall attached to the office of the Chief Secretary. The Director of Employment & State Employment Mission made presentation on the proposal submitted by Directorate of Prisons

and Correctional Services through Home Department for conducting training for 140 prisoners along with the recommendations of the Project Appraisal Committee was considered by the Committee. The said proposal with the total project cost of Rs. 18, 37,000/- for training of 140 prisoners were approved by the Committee with the following conditions:

- As the identified modules, duration of training cost are aligned to MES norm, the prescribed per the said modules are to be followed.
- Training programme shall be conducted under the direct supervision of concerned superintendent of jail and prison welfare officers.
- The data base of the beneficiaries shall be furnished to Odisha State Employment Mission Society Met by Director of Prisons and Correctional Services.
- The Department may also include trades in Horticulture sector for imparting training to prisoners in their future programme.

The above vocational trainings are being imparted to the jail inmates during their confinement period to make use of human resources and to promote self employment after release from jail. The Odisha prison inmates are being paid imitative @ Rs.40/- per day.

Judicial trend:

In *Mohammad Giasuddin v. State of A.P.*,¹⁰ the court held that unpaid work was ‘bonded labour and humiliating’ and expressed its shock and surprise that two decades after all discussions regarding correction and rehabilitation in the country, the A.P. Government had yet to frame rules for the payment of wages to prisoners. In *Dharambir V. Uttar Pradesh*,¹¹ the court reiterated its support to the work training progress in the following words:

“We are told that the two prisoners are agriculturists by profession. It is better, therefore, that they are put to use as agriculturists, whether within or without the prison campus. Being young,

10. AIR 1977 SC 1926.

11. (1979) 3 SCC 645.

they should also be trained in any other useful craft, if they have aptitude, therefore, so that when eventually they emerge from the prison walls, they may become sensitive citizens and that when prisoners are made to work, as these two ought to be under our directions, a small amount by way of wages could be paid and should be paid so that the healing effect on their minds is fully felt. Moreover, proper utilization of services of prisoners in some meaningful employment whether as cultivators or as craftsmen or even in creative labour, will be good from the society's angle as it reduces the burden on the public exchequer and the tension within."

The Kerala High Court in the matter of Prison Reform Enhancement of Wages of Prisoners¹² stated that, free labour by the prisoners violated Article 23 (1) of Indian constitution. Section 53 of the Indian Penal Code speaks of hard labour and not free labour. The court also considered the issue of quantum of wages on the basis of fair wages and enhanced the wages on ad hoc basis to Rs.8 per day. The advantages accruing out of fair wages to a prisoner were described by the court thus:

- The punishment would appear to be just and fair and not as an exhibition of vindictiveness.
- There would be a possibility of the prisoner being rehabilitated on release.
- The severity of the resultant punishment on the dependants of the prisoner may be softened by payment of a substantial part of the fair wages due to the prisoner to them.
- Any provision for payment of wages to a prisoner is recognition of his human hood, his right as an individual. That may preserve his self-respect.
- Such a measure would take away reasons for nursing vengeance against the society.
- A humane approach would make it easier for the prison authorities to enforce discipline.
- More than all these, the State can absolve itself of the charge that it is exploiting the prisoners by taking free labour, a charge which, in the case of a civilized Government, is certainly not commendable.

12. AIR 1983 Ker 261.

In the case of Gurudev singh V. Stae of H.P.,¹³ the court held that Article 23 of the constitution prohibits 'forced Labour' and mandated that any contravention of such prohibition shall be an offence punishable in accordance with law. The court had no doubt that paying a pittance to them is virtually paying nothing. Even if the amount paid to them were a little more than a nominal sum the resultant position would remain the same. The court finally gave the following observations:¹⁴

It is lawful to employ the prisoners sentenced to rigorous imprisonment to do hard labour whether he consents to do it or not.

- It is open to the jail officials to permit other prisoners also to do any work which they choose to do provide such prisoners make a request for that purpose.
- It is imperative that the prisoner should be paid equitable wages for the work done by them. In order to determine the quantum of equitable wages payable to prisoners the state concerned shall constitute a wage fixation body for making recommendations. We direct each state to do so as early as possible.
- Until the state Government takes any decision on such recommendations every prisoner must be paid wages for the work done by him at such rates or revised rates as the Government concerned fixed in the light of the observation made above. For this purpose we direct all the state Governments to fix the rate of such interim wages within six weeks from today and report to this court of compliance of this direction.
- State concerned should make law for setting apart a portion of the wages earned by the prisoners to be paid as compensation to deserving victims of the offence the commission of which entailed the sentence of imprisonment to the prisoner, either directly or through a common fund to be created for this purpose or in any other feasible mode.

Prison authorities may be implementing the guide lines laid down by the courts in the above judgments, but they act according to the Prisons Act and manual.

13. AIR 1992 SC 776.

14. <http://www.ieagalserviceindia.coni/articles/po.htm>.

Conclusion:

Vocational training plays an important role in the social and economic rehabilitation of the prisoners, after release. However, certain steps need be taken to make it more effective. Adequate, reasonable and informal facilities should be provided in correctional institutions to cater to needs of educational and vocational training programmes as per requirements of the prisoners, so that it can help them in their social and economic rehabilitation just after release from jails. Equitable wages for satisfactory work done should be paid to the prisoners. The wages should be reviewed by a 'Review Board', every five years. A suitable portion of the wages should be deposited in victim welfare fund for monetary compensation to the heirs of victims of the offence as prescribed.¹⁵ Arrangements need be made for issue of certificates on completion of vocational training/education to help a prisoner in his rehabilitation after release and also linkages with State Educational/Vocational programmes should be made to ensure continuity in education after release. The wages of prisoners are not permitted in national wages act not only in India but also other countries like U.S.A and U.K. Further, it is found that the apex courts and various jail committees have suggested & recommended that payment of wages must be reasonable, equitable and hence should be revised so that it can help in rehabilitation of the prisoners after release.

15. Bureau of Police Research and Development, Government of India, Ministry of Home Affairs, *Draft National Policy on Prison Reforms and Correctional Administration*, Part-III, 1st December,2005, at 184.