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## PRISON REFORMATION FOR PROVIDING CRIMINAL MANAGEMENT AND PROVIDING SUBSIDIES TOWARDS JAIL BASED CRIMINALS TO TRANSFORM THEM INTO A SOCIALLY RESPONSIBLE CITIZENS

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### Abstract

With change in time and types of criminals and investigation strategy a change in prison reform is also necessary to maintain law and justice in the country. Prison reforms are the need of the hour. First of all, there are around 4 lakh prisoners and we have accommodation facility for only 3 lakh prisoners, we have a poor infrastructure facility with lack of sanitation, healthcare and nutrient based food available for the prisoners, there is shortage of manpower which has resulted in lack of management and security facilities. Prison as an institution is corrupted where rich criminals are given luxury facilities and have access to drugs, mobile phones etc. We see cases of rape occurring every day in the prison; however, no one takes about the right of the prisoners and the victims of rape, women are young girls are harassed. We require reformation in the prison reform by introducing better health facilities and food security scheme for the prisoners, special care for pregnant women and appointing psychologist in every jail for victim's mental health and recovery, arrangement for speedy trials through video conferencing to reduce over crowded, introducing and encouraging women prison and employment of women in the prison for better investigation and governance of women prisoners.

**Keywords:** Prison Reforms, Manpower, Law and Justice, Accommodation, Criminals, Investigation.

### Introduction

Prison can be delineated as an institution where people are legally confined by a judicial authority for committing a crime or people who are kept under trial. The term Prison is coming from the Latin term which indicate to seize. Under the government of India Prison Act 1870, prison means any goal or big house incorporating buildings, airing grounds involved in the use of the prison, prison connote jail or any place which is used for the custody of prisoners temporary or permanently under the special orders of the local government. Prison means different thing for different people for law abiding people it is place for criminals an unavoidable humiliation, for a social inadequate it may act as a shelter and for an isolated person it is place where there can find championship or accompany, for a psychologist is a place to study human behaviour and for a prison officer it is a place to work .and for many it is a place of experience which slows with time. In ancient time, India prison was the only place of custody where an offender was confined till his trial and judgment. There are three levels of prisons in India: the taluka level, district level and central level also known as sub jails, district jails and central jails. However, find better infrastructure facilities and medical, security and rehabilitation facilities at the sub and central jails. We also have special jails for women, special jail, open jail and Borstal schools, the central jails, the criteria for being classified as a central jail varies from one state to another. It is noticed that people who commit crime and the punishment for the crime last for more than 2 years then the people are confined to the central jail. Central jail has huge capacity and accommodation than other jails and also provide rehabilitation facilities. Maximum central jails are situated in Delhi which has 16 followed by Madhya Pradesh which has 11. followed by this we district jails which are primarily found in all states and union territories where we don't have access to central jail for instance there are 57 district jails in Uttar Pradesh, 39 jails in Madhya Pradesh and Bihar has 31 jails. The sub jails are smaller in size in comparison to the district and Central Jail and are located at a sub-divisional area of the states. There are states which are implementing a higher level of sub-jails with well-organized facilities even being at a lower level, Maharashtra has 100 sub jails followed by 99 sub jails in Andhra Pradesh and 96 sub jails in Tamil Nadu. We also a separate women jail, these jails are exclusively meant for female prisoners. There are around 20 women jails which has the capacity to accommodate 5200 women prisoners that is equal to 60%, women jails are existing at the sub-divisional, district and central level. Maharashtra has five women jails, followed by Kerala and Tamil Nadu which consist of 3 women jails each. Borstal School- this is basically meant for youth detention and juveniles and housing minor. Borstal school provides proper medical and rehabilitation facilities and provide adequate care to ensure they are kept in a safe environment, here the juveniles are provided with reformatory training, education and moral influence to prevent them from committing further crimes. There are around 675 inmates in Tamil Nadu having the highest accommodation.

### Research Methodology

For the purpose of this exploration, I have used an amalgamation of two of the archetypical social sciences research tools application –as they are authentic and brilliant method to assemble statistics from multiple appellants in a methodical and convenient way. Question were asked to the parents and their children, survey, interviews –consisting of several interrogation which were dispersed among representative of each contender group.



Objective of the Research Paper

The main areas of exploration in this paper incorporates

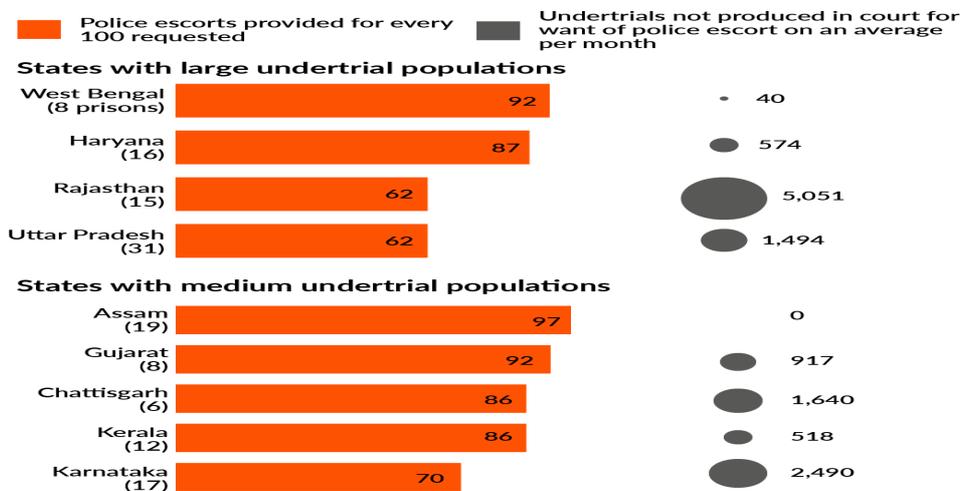
- 1.What do you mean by prison reforms in the context of India.
2. What are the problems encountered by the prisoners
3. Why India has been unsuccessful in implementing Prison reforms.
4. Why India requires Prison Reforms.

Literature Review

Problems of jail came into limelight in 1980 by the effort of K.F Rustanji. His efforts led to the release of around 40,000 under trial prisoners which further led to the formation of two committee related to prison reforms: Justice Mulla Committee Report and Justice Krishna Lyer Committee on Women Prison report-1987. The Mulla Committee report stated to remove prison from the state list and must become a part of the concurrent list, there needs to be a national policy on prison, speedy trial for the under trial prisoners and make the bail process simpler and there should be separate jails for young and adult offender, Children who are under 18 years should be sent to jail, instead there should be separate institution for their care, training, education and rehabilitation followed by which we have second committee, the Justice Krishna Lyer committee on women prison report-1987 which recommends, even if women are convicted under the criminal code there should be essential steps taken to restore their dignity, construction of separate jails for women, which will have women staff only, there needs to sufficient standards of prisons, discipline, human rights and holistic programmes this can help to cure women from neurotic and psychosis orders and transform women offenders and the women offenders should be provided free legal aid from the government. In 2005 the government of India formed a committee was formed under the chairmanship of Director General, Bureau of Police Research and Development which examined both the reports of Justice Mulla Committee Report and Justice Krishna Lyer Committee on Women Prison Report -1987 which led to the drafting of a National Policy on Prison Reform and Correctional Administration 2007, the committee brought in facilities of after care and rehabilitation for prisoners and legal aid for prisoners. The Draft National Policy on Prison and Correctional Administration is still under the draft stage, we are still following the Prison Act of 1894 from the time of colonial rule. However, with time situations, types of criminal, criminal activities has changed which calls for better prison reforms followed by proper infrastructure, health facilities and accommodation, construction of more jails with proper rehabilitation facilities for all and with simple bail process and under trial system so that after their bail they don't become bigger criminals and offenders instead there are cured.

Findings

There are 1387 functional jails in India, with total capacity to house approx 3.5 lakh prisoners but there are around 4.8 lakh prisoners, prison is still a subject list with no voting rights to prison and we still being governed by the Prison Act of 1894 from the time of pre-independence. The National Crime Record Bureau of 2019 on Prison statistics of India 2016 spotlights the predicament of prisoners in India. India is the among the top countries in the world with highest number of under trial population where more than half of all under trial were custody for less than six months in 2016, there were around 4,33,033 people in the prison with 68% population constituted the under trial population in the end of 2016 ,in the year 2018 , there were 70% around under trial prisoners, imprisoned, it is a product of unneeded detain and unsuccessful legal aid, there was also an increase in the number of people held under preventive detention laws in Jammu and Kashmir, we see an increase of 300% with 431 prisoner in 2016 in comparison to 90 in 2015 . The Authorities at time misuse the preventive detention to arrest persons, without trial or charge.



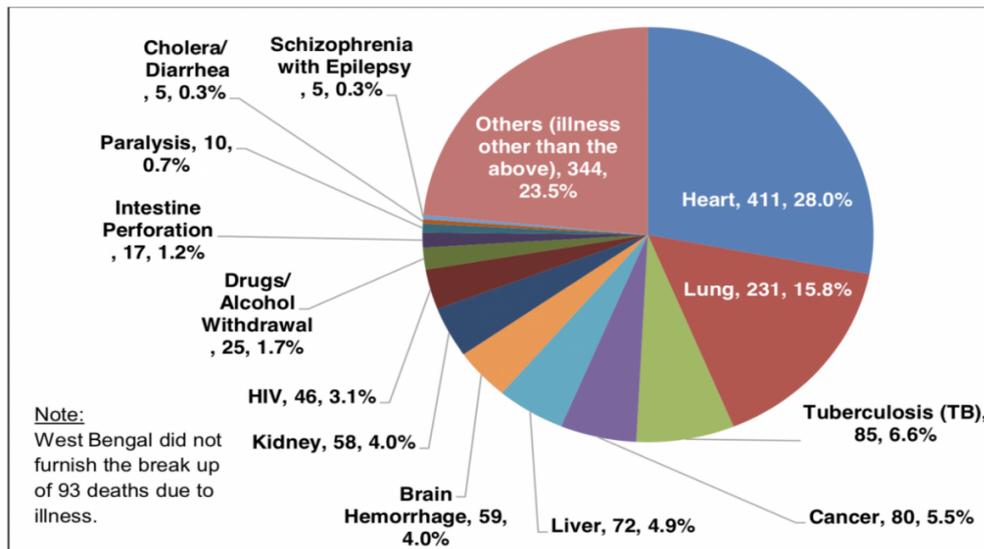
Source: Responses to RTI applications made by Amnesty International India to all district and central prisons in the country Data for the period September 2014-February 2015

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There is a aperture between the number of prisoners who are released and the prisoners who are eligible to be released under section 436A of the code of criminal procedure. only 929 under trials were released in 2016 out of 1557 under trial found eligible, Section 436A allows the release of under trial if they have completed maximum term of imprisonment released on a personal bond.

There have been cases of unnatural death in prisons and with every passing year the number has doubled like from 115 to 231 from the year 2015 to 2016, the rate of suicide has also doubled which was 77 in 2015, increased by 28% in 2016, 102 suicide cases. According to the National Human Right Commission in 2014, it is more likely that we find more suicide cases in prison in comparison to outside and an increase in mental health issues.

Lack of medical facilities available at the jail – there exist only one mental health professional to deal with 21,650 prisoners and only six states and one Union Territory having psychologist. In 2016 there were around 6013 prisoners in the jail with mental illness.



• As per data provided by States/UTs.

**Deaths of Prison Inmates due to illness during 2018**

The increase span of detention and delay in trials is borne by many honest and innocent people resulting in the rise of population and adding the number to the existing population, India lacks jail facilities and the jails are becoming over crowded with majority of under trial cases, over-crowded has resulted aggressive nature of the prisoners which further commit more crime, followed by high rate of suicide cases with no space to breathe.

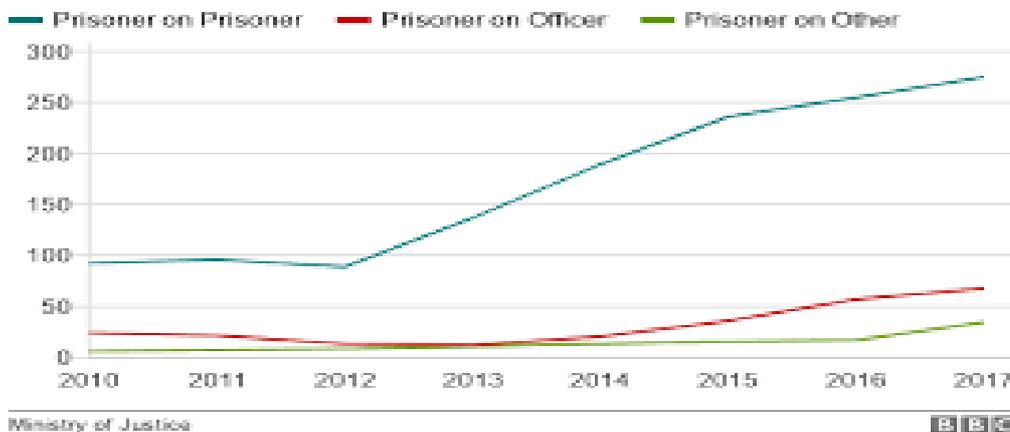
Lack of sanitation facilities in the prison, followed by no health and medical facilities, lack of infrastructure, unhygienic food and drinking water facilities, miserable conditions, there is an increase in the rate of crimes in the jails and custody death, as police and society consider violence as the only means to handle criminals, no safety for the women and their young children, high rate of torture and harassment in prisons, there is lack of staffs and administrative available to look after the jail matters, there is neglect of health in the jail.

**Corruption in the prison** – Prisoners have access to phones, drugs and many other illegal weapons, prison staff join hands with the criminals in return for money as the salary provided to the staffs are not sufficient, different treatment and facilities is provided to the prisoners. Rich and poor criminals are treated unequally, Rich criminals are provided with all the facilities and needs which are not part of jail living starting from access to weapons, mobile phones, laptop, better food quality etc. whereas the poor are treated badly and murdered many a times.

The story of Ram Singh death brings into limelight the reality of jail rapes and sexual violence against women which not only happens in India but across the world. There has been 59.8% cases of rape in the jail among the under-trial prisoners offences against women and under trial death for dowry death was 23.1% by the end of 2019. Custodial rape and sexual violence inside the jail is a very rare topic of discussion in our society which happens against both men and women, acts of sexual violence are justified by the staffs and



Recorded sexual assaults by prisoners



consider them to be normal and also by the inmates. It is believed that the criminal should also suffer the way he made the victim suffer. The indifferent attitude of the police and other staffs towards sexual violence and rape happening in the prison, never bring justification for these prisons. Justice is for all and not just for a few. The people belonging to the LGBTQ community are more vulnerable to this atmosphere. It is not just about sexual gratification but the aim is to establish a dominant nature and control over the criminals or inmate so that they are incapable of standing against the stronger or violence group. The staffs are kept shut by providing them with all the necessary requirements, there is a prison culture which runs the system which is isolated from the society, here rules, norms and values are formed from a mixture of characteristic as the world outside is very different from the prison world. Moreover, the culture is constructed depending upon the rules, attitude and practice of the prison itself, we see a hidden homosexual character in all the prisoners, this is culture which prevails in the jail, we lack safety and security issues in the jail which at the end led to a drastic human character and which makes them more violence and aggressive in nature.

Police reforms are required to maintain the overall safety and security of all its people. Justice is for all and not just the victims.

Suggestions

1. We need to introduce special insurance policy for lower-level police officials who are working in jail which will provide by home department of every state. The collusion between different state and other sector-based monopoly need to reach to the end by proper governance.
2. We need to introduce special health packages for civic voluntaries, home guards and other contractual protection groups for their immense cooperation in security, safety and crime protection sector.
3. We need to introduce special education package for student of the concern department officials to maintain sustainable growth and harmony.
4. We need to provide excellent facility in terms of health care, family care and child care for pregnant women and their child.
5. We need introduce special banking loan for retired police personnel for their finance management and sustainable family welfare.
6. We need to employ psychologist to provide maximum support and comfort towards investigation and good governance
7. We need to employ women officials to provide comfortable investigation facilities for female gender.
8. We need to reduce the overcrowding of our prisoners for under-trial prisoners by speeding trials in special fast track courts, Lok Adalat, trials in special courts by video conferencing.
9. We need to introduce special prison insurance scheme for the prisoners taking into consideration their safety.
10. We need to introduce special health facilities in the prison for pregnant women and their children.
11. We need to appoint psychologist in every jail for the mental health of the prisoners so that they are able to recover themselves from the truma.
12. We need to appoint special staffs to look after the prisoner and stand for their right especially women who become a victim of rape in the jail.
13. We need to introduce nutrition-based food health scheme for the prisoners for maximum mental and physical health.
14. We need to maintain and better coordination with the police department for prison management and security.
15. We need to provide proper healthcare, sanitation and food facilities to the prisoners so that they come out as normal humans and not criminals after their bail.



16. We need to introduce special health care centres for the children who are born in the jail so that they can grow and sustainable in a healthy atmosphere.

17. We need to amplify the staff number in the prison both male and female staffs need to be appointed and strict actions much be taken for the protection of women along with eradicate corruption in the prison.

18. We need to introduce special education scheme for young children along with introduce special health care facilities to provide maximum support.

### Conclusion

Shortage of manpower in the prison system is one of the reason why there is no proper management and security inside the institute. Of all the reforms required for the effective functioning of our law and justice system. Until and unless we initiate and take measures to bring our prison management in sync with the times our law and justice system shall never be able to work to the optimum level. The various issues that require urgent changes are physical condition of the prisons, condition and treatment of prisoners, training and re-orientation of prison personnel, modernisation of prisons, better administration and management, there is a lot that needs to be done like we need to provide proper health, sanitation and food facilities to the prison, protect prison rights, introduce jail insurance policy, food scheme for pregnant women and their children who are in jails and protection their basic human rights and conjugal rights, we need to make speedy trial for the under trial prisoners many a times non-criminals become a victim of jail because of the delay in under trial system which requires change. The overall jail system require change with overall police and prison staff coordination.

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