



ISSN Print: 2394-7500
ISSN Online: 2394-5869
Impact Factor: 8.4
IJAR 2022; 8(9): 222-225
www.allresearchjournal.com
Received: 05-06-2022
Accepted: 09-07-2022

Sumit Raj Poswal
Research Scholar, School of
Law, G.D. Goenka University,
Haryana, India

Justice in prison administration

Sumit Raj Poswal

Abstract

“Crime is the outcome of a diseased mind and jail must have an environment of hospital for treatment and care”.

-Mahatma Gandhi

No doubt India is creating the good economic condition, however there are people in millions who are still starving and their necessities are not yet being fulfilled due to the unemployment, thus this is still a issue of great concern in India. If a person commits the crime then that person is punished for the crime committed but it does not gives the power to the state to treat the prisoner in a inanimate way. Inaccessibility to justice can cause a great threat to any nation. The main cause of the inability to access the justice can be poverty and illiteracy. There are times when the individual does not have any knowledge about the availability of the legal services to them, thus, they are not able to get the proper justice. This article will be highlighting the importance of justice of the prison administration along with the some solutions and recommendations. In the upcoming paragraphs the reasons why the justice is not accessible to the number of people along with the laws dealing with the prison, some solutions efforts for the organizational change.

Keywords: Justice, access, community, condition, equality, fundamental

Introduction

Prison means “a place properly efficient and equipped for the reception of persons who by legal process are committed to it for safe custody while pending of trail and punishment.”^[1] According to Section- 3(1) of the The Prisons Act, 1894 “prison means any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto”.

The International Covenant on Civil and Political Rights (ICCPR) is the only international treaty for the protection of the rights of prisoners. India ratified the ICCPR Covenant in 1979 and is bound to incorporate its provision in Indian Statute.

Though Rajasthan reporting the highest number, still prisons in Rajasthan are overcrowded about 74 prisoners live in the capacity of 17 prisoners. This paper will specifically deal with the prisoner condition of Rajasthan.

Statistical Data

Rajasthan prison faces three long standing uneasiness.

A. Overcrowding

“After the District Legal Services Authorities filed applications for bail and parole on behalf of prisoners in the courts, over 630 prisoners from various jails in Rajasthan have been released in compliance with the Supreme Court’s recent direction to decongest prisons for controlling the spread of COVID-19,second wave. And about 2200 inmates were shifted from overcrowded jails to further sub-jails.”

Various news reports indicated that, Rajasthan jails are running at an occupancy level as high as 160percent. For instance, the central prison in Jaipur has the capacity 1173 inmates but its population according to June 2018 was 1458. Similarly in Ajmer about 1123 living in the capacity of 960. Udaipur central jail accommodates 1224 instead of 935.

Across India the steady speed of trial leads to overcrowding in jails. Over crowded jails contribute to the poor prison management and living condition around the world. Various reports reflect that overcrowding is the result of criminal justice policy not of rising crime rates.

Corresponding Author:
Sumit Raj Poswal
Research Scholar, School of
Law, G.D. Goenka University,
Haryana, India

It also eats away the ability of prison systems to meet basic human needs, such as healthcare, food, and accommodation. It also compromises the provision and effectiveness of rehabilitation programmes, educational and vocational training, and recreational activities that are planned for prisoners.

Overcrowding, and other related problems such as lack of privacy, can also cause or enhance mental health problems, and aids to the rates of violence in prison cell, self-harm and suicide.

Some groups are in greater disadvantage by prison overcrowding. For example, the needs of women and children in detention-already often given little attention – tend to be even worstly neglected in overcrowded and overstretched prison systems.

B. Understaffing and underfunding

The National Crime Record Bureau's (NCRB) 2016 prison report indicate how Rajasthan prisons have fallen down from the state government's priority list as many jails remain over crowded, and understaffed. According to the report, there is total 4417 sanctioned staff out of which 1953 post are vacant.

"Sweeping cuts to prison officer numbers have had an impact on every part of prison life; Prisoners are spending more time locked up as association periods and library visits are cancelled due to inadequate staffing numbers".

one way to prevent understaffing is to provide an incentive to the people that need to be hired and the ones the facility needs to keep employed.

Due to a lack of budget, not enough prison officers spend time talking to prisoners and seeing the signs that they are stressed. These cuts are a major contributing factor to the sad state of affairs.

Understaffing and underfunding becomes the major reason for jail break as necessary measures are not taken for security in jail. Also discipline is at stake at jail.

C. Violent clashes.

Instances of violent clashes in jails are often in news. One of the main reason for this is overcrowded jails, understaffing, And less emphasis on recreational activities. Groups are formed in jails and at times it turns into violent fight and sometimes murder.

Another thing that contributes to the preservation of order interior a jail is the manage techniques followed with the aid of using the workforce. Researchers have recognized the cappotential of workforce participants to diffuse tensions and minimise the opportunity of friction as an awesome approach that brings humanity and dignity to each the workforce and the prisoners. Identification of "friction points" (searches, escorting to lockup, etc.) and cautious reaction in such conditions are pivotal in curtailing times of assault. Therefore, the education, age and enjoy of jail workforce are pertinent in getting ready their reaction to such friction points. The overemphasis of the education and officer socialisation programmes on safety dimensions, detachment, over-warning and aversion closer to attractiveness with prisoners, create problems in maintaining effective prisoner-workforce relationships.

The protection method is predominantly contemplated withinside the coverage selections of the primary government. The Ministry of Home Affairs, the primary organization for issuing advisories on jail reforms, has

continuously invisibilized the perceptions of prisoners at the same time as addressing the difficulty of violence inner prisons. There has been no advisory from the Home Ministry directing the country governments to mandate impartial inquiries into times of prisoner-workforce violence. Rather, the 3 advisories issued in 1998, 2006, and 2015 have endorsed the tightening of protection preparations. These advisories comply with a not unusual narrative of 'laxity of protection preparations in jail' as a reason for times of violence at the back of bars. Moreover, in place of selling more transparency and participation of prisoners within side the discourse on prisoner-workforce relationships, the advisories ask the states to limit prisoner interviews, calling them 'glamorisation of criminals.' These coverage selections additionally replicate the punitive ideology of the State. The phrases used to explain prisoners (criminals, terrorists, extremists, militants, and underworld elements) replicate the negligible hobby of the State withinside the reformative perfect and in respecting the worries of the prisoners. Even the Prison Statistics of India file attributes the reasons of jail violence totally to prisoners who 'breach the peace withinside the jail' and 'have a tendency to dedicate offences habitually'.

Sodomy in jails

"The British, at some stage in their live in India, knew that the sexual urge of prisoners need to now no longer be suppressed. Thus, they organized sorts of conferences for the prisoners - kacchi mulaqat and pakki mulaqat. In the latter, the convict becomes allowed to spend time together along with his spouse in isolation in the jail. This way, the rights of the prisoner's spouse are safeguarded, except making sure that criminals are psychologically in a higher body of mind. This exercise has been accomplished away with."

Instances of sexual violence is very much common in prison world. Minor prison are often subject to such violence. Instance have been seen where females inmates were served as sexual products inside the jail by jail officers.

Life in Jail

Prisons have constantly been closed establishments with many ancient attempts to open them up, from being establishments of restraint and nation vengeance to establishments for reformation. With their fortified bodily shape and age old guidelines of control of punishment, prisons had been groomed as locations of low visibility wherein inhumane situations of neglect, abuse and torture prevail whilst the sector stays blind to it. In order to save you this, the nation itself installation numerous supervisory mechanisms. The Prison Visiting System is one such mechanism via way of means of which humans from network outdoor the prisons can be appointed via way of means of the authorities to go into the jail area and screen the human rights conditions inside. In 1894, whilst the Prisons Act turned into constituted, it diagnosed the want to have a mechanism which could see to it that the primary human rights are now no longer denied to prisoners. For the primary time, the Prisons Act 1894 effected a want of non-authorities intervention in prisons withinside the shape of Oversight Mechanisms. Though the idea did now no longer locate vicinity withinside the frame of the primary provisions of the Act, Section 59(25) of the Act empowered the State Government to make guidelines "for the

appointment and steering of site visitors of prisons.” Through this originated the idea of Prison Visiting System that's useful in most states of the country. Visitors to the jail include Official and Non-official Visitors. Taken together, those site visitors make up the Board of Visitors.

Parole is conditional freedom for a prison inmate. The prisoner (called a "parolee") gets out of bars, but has to live up to a series of responsibilities. A parolee who doesn't follow the rules risks going back into custody. Bail is different from parole, bail is given from court and is dealt under CrPc and parole is given jail officer and is governed under jail manual. In the state of Rajasthan, “The Rajasthan Release on Parole Rules, 1958” govern the rules of parole.

Parole Conditions

“Once out on parole, a parolee enjoys the privilege of relative freedom in go back for abiding via way of means of sure situations”. Some not unusual place parole situations are that the parolee:

“keep employment and a residence

keep away from crook pastime and get in touch with any victims

chorus from drug-

and every now and then alcohol-

use attend drug or alcohol healing meetings,

and now no longer depart a exact geographic place with out permission from the parole officer.”

Overcrowding the Main Obstacle in Jails

India has the second largest population in the world, its over crowdedness is also an obstacle faced in the prison world. It is the prime factor which is a hurdle in the improvement of the jail services. Basically the resources prisons have and the people sitting over there to consume the resources does not match. The manpower which is going to incur during the year is fixed by the government. The budget of the prisons are also fixed. An approximate idea is made about how many prisoners are going to admit during the year and how much availability the prisons have. The maximum capacity of that prison and the human capital is determined beforehand.

However the overcrowding has been an issue for years but tries to stop after the budget “407 115TH International Training Course Reports of the Course” is fixed.

Limited resources such as manpower, technical assistance, medical services, prison administration have to cope with the daily needs of prisoners. Prisoners authorities have planned various reformatory programs for the prisoners yet could not implement due to the overcrowding in jails.

It also affects the calculating data of prisoners. Separate prisons have been made for petty offenders, recurring and heinous offenders, due to unavailability of space these separate places have also got mixed. Which gives the opportunity to the heinous offenders to brainwash the petty offenders and hire them in the gang.

By this reason only, nn some countries convicted and unconvicted prisoners are not kept together,

Consequently, “it makes some inmates tempers worse and some inmates may behave abnormally and even provoke disputes.” Such matters give fire to the violence among the prisoners in jails. Overcrowding can result in spreading of many diseases such as “tuberculosis, hepatitis and other epidemics which may take place and ultimately may cause the death of inmates”.

One of the significant realities is that the public overall ought to be made mindful that the detainees are additionally individuals and they should be treated as people. This comes up short even in the created nations and general society is regularly disparaging of remedial foundations and say that as well numerous offices are accommodating detainees.

Notwithstanding, the fact of the matter is diverse on the grounds that no nations have given such a large number of offices for detainees. It relies upon the level of general improvement of a specific country. At the point when the general population overall are not educated accurately and they are basic of the administration of jail, it certainly hinders the improvement of jail conditions ^[2].

Situation in the state of Rajasthan: prisons in Rajasthan are so overcrowded that prisoners do not have the space to sit for continuous 15 hours ^[3].

Prisons in Rajasthan are so overcrowded that they find difficulty in getting proper food and bedding everyday. It is a big struggle to sleep full stomach in Rajasthan's prisons.

Table 1: The above table shows the given budget in the State of Rajasthan.

| S. No | Name of the State | Sanctioned Budget (In Rs. Lakhs) | | Percentage Variation In 2005-06 Over 2004-05 |
|-------|-------------------|----------------------------------|--------|--|
| 1. | Rajasthan | 3530.1 | 3588.1 | 1.6 |

More than 30 Jails in Rajasthan are suffering from overcrowding, the capacity of jails have been exceeded then their sanctioned capacity. The figures of Rajasthan jails in several prisons is as high as 160 %. The overcrowded jails are situated in the city of Ajmer, Jaipur, Kota, Jodhpur, Ganganagar. Dungarpur is also facing the same problem of overcrowding.

The stats indicated 37 jails are operating beyond their availability, they are awfully overcrowded. For example the Closed Prison of Jaipur has the capacity of 1,173 prisoners yet in the month of June, 2020, in total 1458 prisoners were living in that habitat. The prisons already suffer from low budgets and overcrowding makes the prisoners fight for bread.

Status children of women prisoners

“The National Commission for Protection of Child Rights (NCPDR)” found out in a survey that children of women

prisoners are bullied in jails by the authorities and by other prisoners. They have poor education facilities and jagged up meetings with their mothers. The living standards of such children are very low, they are vulnerable to enter the crime world.

The NCPDR named the survey “Education Status of Children of Women Prisoners in India”. They have observed the condition of the institutions where prisoner mothers are kept with their children. The survey was conducted in 8 jails and 15 children care institutions in the states of Andhra Pradesh, Maharashtra, Uttar Pradesh and Bihar. They reported many irregularities with the education status of the children.

A favourable step has been taken by the “Kerala State Commission for Protection of Child Rights (KeSCPCR)” for the rehabilitation of prisoner women's children, applicable on the children who are of the age 6 or above. They have mentioned that the status of such prisoners is better in the state of Kerala, there is no reporting of bullying or irregular

meetings with the prisoners' children. The committee has submitted various suggestions for the welfare of women prisoners and their children.

The key reform they want to bring is education for those children. The committee has suggested permanent teachers in the jails for teaching. Added courses for children to develop skills and help them stay far away from the crime world.

In 2016, a study was conducted in Kerala regarding social well being of women prisoners. The report was conducted by Nazeer (a social worker). "The study was based on the case R D Upadhyaya Vs State of Andhra Pradesh & Ors on 13 April, 2006, where the Supreme Court had issued guidelines for providing various facilities to the children of woman prisoners and asked the states to implement the said guidelines and make arrangements for food, shelter, medical care, clothing, education and recreation facilities as a matter of right," Nazeer said.

Recommendations

There are many areas where our prison system is lacking. Although the prison system in the past decades have shown drastic changes and the authorities have worked hard to make a better place for prisoners. Many social workers have raised the issue of the prison world and their lifestyle, due to their continuous efforts the prison world has become a better place to live. Moreover prisoners rights are also in current trends. However there are still some places where the changes are required. Here are some recommendations for making prisons a better place.

1. Prisoners Right to Education: The United Nation Standard Minimum Rules for the treatment of Prisoners has enacted some guidelines that every prisoner has the right education and training program by which they can attain all the benefits which helps in reforming oneself. On the other hand The Constitution of India, guarantees certain rights to its citizens for living a dignified life. Right to education is one of them. In prisons education shall be given prime importance as education is a key to every social reform.

Education brings a motive in life, it also changes the whole perspective of viewing the world. It brings open mindedness and self disciplines. However prisons in India are lacking in the field of education.

The data of National Crime Record Bureau till December 2019, shows the statistics that 41.55% of prisoners are educated below class 10th. 27.37% are still illiterate, whereas 21.52% have attained education beyond 10th but are below graduate level. Only 6.31% of the prisoners have graduated and 1.685 have gained masters degrees. Last 1.18% of the prisoners have held a diploma of technical degree ^[4].

Even though our constitution provides free and compulsory education to its citizens, results of the implementations are lacking so badly. Hence the situation in education shall be improved.

2. State of Hygiene Level: Hygiene level in the prisons are very low in India. In California, state prisoners women have access to free sanitary pads and tampons, however in India women are unaware of the use of sanitary pads. This is a basic right of every woman but our prisons do not have the same thought process. Every prisoner shall be bathed every day and have access to clean clothes. Many men and women have

suffered infections, diseases due to unhygienic conditions in the jails.

3. Medical Assistance: No proper medical assistance is provided to the prisoners. A study has shown that 20% of the prisoners are suffering from HIV diseases. Whereas improper treatment has shown worse effects on the prisoners' small diseases.

4. Political Interference: Prisons are a place where criminals undergo their punishments. The rules and regulation of the prisoner's law says that every prisoner shall be treated equally. However, many of the criminals are given honor and respect even behind the bars. Good political connections can even give access to cell phone internet services inside the territory.

Many politicians send their caretakers inside the prisons just to bully any rival or enemy. Bullying is also another factor

5. Management Service: The overcrowding hinders the management services in prisons. Due to overcrowding, the list of prisoners is hard to tally. There are many prisoners in the jails who have either completed their sentence or continued the sentence without the knowledge of the magistrate. It is because getting mixed in separates departments without having proper documentation.

6. Proper Legal Aid to the Prisoners: Timely and proper legal aid should be provided to the prisoners. Many of the prisoners are spending more than their specified sentence. If a proper account has been maintained by the authorities and provided proper legal aid, it will help discharging prisoners from the jails and make space for the new prisoners.

Conclusion

Life in prisons is a taboo, it's beyond the imagination of a normal man. Prisoners suffer vital problems in their daily life. Even for basic necessities such as food, shelter, and clothing, inmates have to fight for their life. The suggestions mentioned in the paper will bring various reforms in the prison world if implemented wisely.

However the condition of prisons was too bad. It has come a long journey and made a slightly better place for living. Yet the prisoners and administration face many difficulties during the tenure which can only be sought through a wise implementation.

Overcrowding is the prime factor which hinders the growth in jails. There is a need to build more jails and recruit more staff. Even though they are criminals yet they are also citizens of our nation. The constitution of India guarantees every citizen the right to life and personalities, which the jail authorities are violating everyday.

References

1. The Oxford English) Dictionary, Vol. viii, p. 1385.
2. https://www.unafei.or.jp/publications/pdf/RS_No57/No57_33RC_Group2.pdf
3. <https://scroll.in/article/943863/in-pictures-the-woeful-state-of-prisons-in-rajasthan-and-a-hopeful-alternative>
4. <https://www.thehindu.com/news/national/indias-2737-prison-inmates-illiterate-over-5600-techies-says-govt-data/article33834874.ece>