
“Behind bars” Analysing the conditions of prisons in India, Addressing the failure of current prison system, impacting wellbeing and rehabilitation of inmates

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ABSTRACT

Mahatma Gandhi once stated that every individual is created with a few basic rights and is skilled by them. Some of these rights include the right to life and the right to freedom; but, if an individual violates societal norms, they will be deprived of these rights with appropriate discipline. Many people acknowledge that the primary goal of detention centres is to reintegrate the offenders into society. It is important to remember that detention facilities are where the wrongdoers would be changed by partitions and keeper procedures. However, the effectiveness of jail, or the recovery of inmates, has been a contentious topic. The circumstances of detention institutions, i.e., detainees and jail officials, are evident in my thoughts. For the purpose of informing the jail authorities about the conditions and the treatment of inmates by the jail personnel, a formal meeting was held. A few recommendations and reforms were highlighted after a suitable analysis of various jail reports was completed.

Introduction

Punishment was used as a tactic to reduce the likelihood of criminal activity, either by deterring future criminals, preventing them from committing the crime, or transforming them into law-abiding citizens. Although the jail system can achieve the goal of discipline, according to some reports, the jail officials are actually using forceful and dangerous tactics to rehabilitate the inmates. This causes the inmates to

undergo a brief transformation, and upon their release, they are once again being held accountable. This indicates that jail conditions have a significant impact on society as a whole, not just the inmates. This incarceration does not, in a sense, represent retaliation, but furthermore, it might be a place where suspects and undertrials are still present. Every state has a jail system because of the prevalence of misbehaviour and guilty persons in each culture. Arresting offenders is a fundamental task for all civilized social orders. The human intellect has always been interested in the discipline of transgression and its secret. In any case, the rapidly shifting societal norms and attitudes of the populace have fundamentally altered the character of discipline and the open conclusion around it throughout the previous two centuries. This study will use the meet technique of information collecting to analyse the conditions of prisoners.

Objectivity of the study -The goal of the study is to learn about the actual conditions in different prisons and offer some recommendations based on the knowledge of the situation of inmates and prison authorities, with a particular focus on female inmates.

Research question- Were prison conditions—that is, the circumstances of both convicts and prison officials—poor? Are inmates' fundamental and basic human rights being violated?

Hypothesis -According to the hypothesis, both inmates and prison staff suffered from subpar living conditions and a lack of basic amenities while performing their jobs.

Literature Review

Report of Indian Jail Reform Committee 1980-83

The Government of India established a Committee on Jail Reform in 1980, with Justice AN. Mulla serving as its chairman. Reviewing laws, rules, and regulations that include the overarching goal of protecting society and rehabilitating malefactors was the Committee's first goal. The Mulla Committee's report was presented in 1983. The All-India Jail Reforms Committee (1980–1983) provided a number of suggestions to the Indian government. The majority of these pertain to the legislative framework and collaboration between the Union's member states. The Ministry of Home Affairs looked into them in further detail and stated where these recommendations are currently being implemented. Suggestions have been sent to the administration of incarceration and disseminated to the States and the Union for implementation, The Committee suggested that a National Prison Commission be established as an

ongoing entity to reform India's prison system. This suggested a complete prohibition on the inhumane practice of pairing young offenders in prison with more seasoned offenders. For mentally ill prisoners, the Mulla Committee has recommended segregation and confinement in a mental institution. The Jail Committee suggested classifying inmates using a logical and scientific approach.

Report of Krishna Iyer committee 1987

After reporting on the situation of female inmates, Krishna Iyer recommended hiring additional female police officers.

Report of Indian jail reform committee 1919-20

Sir Alexander Cardew led the Indian Jail Reform Committee, which was established to suggest modifications for the prison system. The Committee determined that prisons should not only have a dissuasive effect but also have a reforming effect on inmates after visiting prisons in Burma, Japan, the Philippines, Hong Kong, and Britain in addition to India. The Committee condemned the use of physical punishment in prisons and emphasized the need for reform in the way inmates are treated. This implied that prisoners should be employed in constructive jobs to fulfill their rehabilitation.

Various State Jail Reform Committees

Some states set up their own committees and drafted their findings according to local conditions.

Conclusion

Despite the reports of numerous committees, there has been little progress in terms of implementation. This is due to a lack of political will, and the aforementioned papers do not include a section on how these reforms will be implemented.

Research methodology

Nature of study

Because this problem entails a careful examination of prison conditions, such as infrastructure, inmate and prison official situations, and to determine whether or not conditions are good, researchers conduct analytical and critical legal studies. Based on the findings, these studies also provide recommendations.

Primary Sources

Reports of various committees on jail reforms

Type of data needed

The researcher needs qualitative data, such as people's opinions or experiences regarding a topic. Since the researcher is interested in prisons, he should be aware of the experiences and sentiments of both authorities and convicts.

Method of data collection

In addition to interviewing the prison head and other officials to learn about their experiences and issues, the researcher plans to visit prison circumstances to learn about the facilities offered. Stratified sampling, or hierarchical study of samples, is the method of sampling that will be used.

Scope of study

The study's scope will be restricted to some of the typical issues that inmates and staff at a local prison experience, and earlier research, such as reports, will be reviewed.

Significance

By understanding the actual state of prisons in society, this study helps to find answers to the issues that inmates and prison authorities face.

Problems faced by the prisoners and undertrials in prison

1. Overcrowding

India's overcrowded prisons are said to be the main cause of numerous additional problems with clothing, water, health, and living circumstances. The prison administration's efforts to teach inmates skills that would help them find employment after release have also begun to be hampered by overcrowding. The NHRC states that provisions must be established in accordance with an assessment of prisons' maximum occupancy capacity. An examination of how the entire criminal justice system—including the arrest process, sentencing guidelines, and criminal concepts—operates is necessary to provide a serious and long-term solution to the problem of prison overcrowding.

2. Lacking nutritious food

It is one of the fundamental problems in prisons, the food provided will not meet the standards prescribed and for female prisoner's lack of nutritious food during pre and postnatal care.

3. Need of Essential Civilities

Numerous detainees, particularly those from weaker socio-economic foundations, may not get to essential necessities such as pharmaceutical for ailments, pens, paper, books, and tv.

4. Stuffing

Indian detainment facilities endure from serious stuffing, with national normal inhabitancies rates of 131.4% (Prison Measurements India 2022 by National Wrongdoing Records Bureau). A few central correctional facilities in Delhi have inhabitancy of more than 300%. 75.8%¹ of all the prisoners are undertrials. This leads to a wave of issues counting restricted get to offices, expanded push on assets, and compromised living conditions.

5. Unhygienic Conditions:

Issues of cleanliness, with detainees living in unclean situations that can lead to wellbeing issues.

6. Custodial Torcher

It is one another issue confronted by the detainees. This had indeed driven to the passing of numerous detainees.

7. Unequal treatment for Lawful Rights

Numerous detainees, especially those who cannot bear great lawful representation, battle to secure consents from the court for fundamental necessities. This comes about in a difference in get to to rights based on socio-economic status.

8. Need of Restoration Administrations

Jails frequently come up short to supply satisfactory restoration and reconstruction administrations to prisoners, which are fundamental for their fruitful reintegration into society as law-abiding citizens.

9. Normalizing Obtuse Treatment

There's a societal propensity to standardize uncaring and debasing treatment of detainees, sustaining a

¹ Annual report on prison statistics 2023

cycle of enduring instead of seeing detainment facilities as educate for recovery and change.

Problems faced by the prison officials

1. Understaffing and depressing working conditions

The issue of demoralization and lack of motivation among prison employees, particularly those from the prison department, is central to prison administration. It was noted that in certain instances, the living conditions of lower-level prison employees were worse than those of the inmates. Prison administration can be divided into three main levels: leadership (IG, DG, DIG, etc.); supervisory (Superintendents, Assistants, Deputy Superintendents, Jailers, etc.); and grassroots (Head Warden, Wardens, etc.). Seeing this as a punitive assignment, management-level officers—the majority of whom are on police deputation—are typically too discouraged to contribute significantly to the department's growth. The majority are only time servers. Additionally, disheartened is the supervisory level, which is made up of jail service personnel at the local level, the department employs individuals who spend the majority of their time inside the prison walls interacting with the inmates. This component dehumanizes individuals in addition to their subpar working conditions. Others collaborate with criminals and have their own agendas. The reply claims that there are serious shortages in the majority of jails. He emphasized the need for additional facility-related positions, like as engineers, who could assist in improving the living and hygienic circumstances for inmates and so lessening the workload for prison staff.

2. Remuneration and promotion

There has been discussion about the compensation and advancement prospects for prison employees. Of all state public services, prison services are generally underpaid, particularly at the lower levels. Few people will willingly join the jail system, and even fewer would suggest it to others. The general population and the government were perceived by the ranks as being completely opposed to them. The only public attention prison officials received was negative, and they rarely acknowledged or publicized their accomplishments, according to their complaints, It is well known that jail administrators frequently lack enthusiasm because they have been in the same position for 25 to 30 years. The reply begged for more opportunities for pay and advancement for different ranks in the jail department. Pay scales for inmates were proposed to be comparable to those authorized for equivalent ranks in the police force.

Reforms undertaken to bring the change in inmates.

1. Several small-scale industries, including as book binding and steel manufacturing, were formed using the public-private partnership (PPP) model. Additionally, a skill development centre was built in Central Jail to assist the offenders in developing their talents in welding, plumbing, and repair. These abilities became their bread and butter after they were released.
2. Improved medical infrastructure: Within the prison, there will be a hospital and a deputy surgeon. In the event of an emergency, the inmate will be transferred to the government hospital at the medical officer's recommendation.
3. Facilities for education: Inmates will be permitted to pursue degrees, and all tests will be administered within the prison; they will not be permitted to take competitive exams. Central Jail has a school, a library, and a digital library.
4. Strict application of RTI (Right to Information) and other measures to prevent corruption
5. Knowledge of legal assistance: Officials from the prison raise awareness of legal aid. If a prisoner awaiting trial is found to be without a lawyer, the government will be notified and will offer one to them in exchange for their bail. Judges' frequent visits also benefit the under trials in terms of legal aid.
6. Offering offenders counselling to help them deal with depression: Getting incarcerated results in a deep depression. despite the fact that jail staff members received counselling training. They don't find it necessary to offer them counselling.
7. Women in prison and childbirth within prisons: Women inmates have their own block in the central jail. If a woman has a child, the child may remain with the mother until the child turns six. The jail administration will supply all of the facilities for the youngster.

Reforms undertaken to bring the change in working conditions of prison officials

1. Job satisfaction, pay, and advancement

There isn't any satisfaction in this department because there aren't many opportunities for advancement, and their pay and duty hours are higher than in the police department.

2. The procedure for designating a detainee as a prisoner

By doing this, the issue of understaffing and stress on the current workforce will be avoided.

3. Training prior to departmentalization

Like the police department, they are also trained in weapons. Prison department officials receive

nine months of specialized training on how to counsel offenders and interact with them.

Indian prison reforms

The way prisons are currently run in India is a legacy of British rule. Lord Macaulay first brought attention to the appallingly cruel conditions that prevailed in Indian prisons in a note he presented to the Indian Legislative Council on December 21, 1835, calling it a "shock to humanity."² He suggested forming a committee to suggest ways to enhance jail discipline. For this reason, on January 2, 1836, Lord William Bentinck formed a Prison Discipline Committee. For this reason, Lord William Bentinck created the Prison Discipline Committee. The committee gave Lord Auckland its findings in 1838.

An expert conference was convened in 1877 to conduct a thorough investigation on the prison administration. The conference decided to pass a prison law that would guarantee system consistency and address these fundamental concerns that needed to be considered while determining the appropriate sentence duration³. According to the resolution adopted at this conference, a draft prison bill was really created; but, due to unfavourable circumstances, it was ultimately put on hold.

The Fourth Jail Commission was established by Lord Dufferin in 1888 to look into the jail's management. According to this commission, uniformity would not be possible without the passage of a single Prison Act. The board came up with a suggestion. On March 25, 1893, the Home Secretary to the Government of India distributed this Bill to all local governments to gather their opinions. The Prisons Act of 1894, the current law governing the administration and management of prisons, was eventually created after it was presented to the Governor General in Council.⁴

² 50 J. CRIM. L. & CRIMINOLOGY 166 (1959)

³ Dolly Biswas, Human Rights of Women Prisoners in India - A Critical Analysis, 7 INDIAN J.L. & Just. 140 (2016)

⁴ A. Barker. Modern Prison System of India: A Report to the Department: The Progress of Prison Reform in India during the Twenty Years following the Publication of the Report of the 1919-1920 Indian Jails Committee (1944).

Even after the Prisons Act was passed in 1894, the nation's prison problems were still being examined. With the creation of the "All India Jail Committee" (1919–20), the first thorough investigation of this topic was initiated. It is, in fact, a significant turning point in India's history of jail reform and is appropriately referred to as the landmark of the nation's contemporary prison reforms⁵. In the history of prison administration, one of the first stated objectives was the reformation and housing of inmates.

Post-independence reform committees

Following independence, a number of commissions were established to enhance jail conditions in India. The practice of employing inmates as laborers for road construction without strict supervision was approved by the Pakwasa Committee in 1949. Since then, a system for compensating prisoners for their labour has been in place. A number of good time rules have also been put into place in prisons,⁶ wherein offenders who did well throughout their incarceration period have been rewarded with a reasonable decrease in their probationary periods. Protecting society from criminals, reforming convicts, stopping them, and exacting revenge on them were the ultimate goals of these changes.

The United Nations expert on rehabilitation, Dr. W.C. Reckless, was invited by the Indian government in 1951 to conduct research on prison management and suggest policy changes. His research, "Jail Administration in India," made a strong case for turning prisons into reformation hubs. He also mandated that outdated jail manuals be updated. The Eighth Conference of the Inspector General of Prisons in 1952 likewise endorsed Rickles's suggestions for prison reform⁷. In order to create a model jail handbook, the Indian government established the All-India Jail Manual Committee in 1957.

The committee's report was delivered in 1960. A standard policy and state-of-the-art techniques for jail administration, probation, aftercare, youth and premises, certified and reformed schools, protective homes, suppression of immoral traffic, etc., were strongly urged in the report. In order to give custodial activity a legal foundation, the report also suggested amendments to the Prison Act of 1894. Following the suggestions, the Central Bureau of Correctional Services was founded in 1961 under the Ministry of

⁵Anita Yadav, Prisoners' Rights in India: An Analysis of Legal Framework, 6 INDIAN J.L. & Just. 131 (2015).

⁶Gordon James Knowles, Male Prison Rape: A Search for Causation and Prevention, 38 HOW. J. CRIM. Just. 267 (1999).

⁷Patricia Barton, Imperialism, Race, and Therapeutics: The Legacy of Medicalizing the Colonial Body, 36 J.L. MED. & Ethics 506 (2008).

Home Affairs. The Bureau produced National Prison Policies in 1973 after observing the probationary year in 1971.

Recommendations

- There is a labour shortage in many correctional facilities. State governments must conduct a standard audit of the requirements for all types of workers available, including restorative workers, and take action to address any deficiencies.
- The jail division's various roles are critically disappointed due to the necessity for specific openings. For a variety of roles, governments must perform a framework analysis and create additional time-limited incentives based on a work ponder.
- To meet manpower requirements, convict jailer positions should be eliminated and a break-even number of regular positions should be established.
- There needs to be a deliberate effort to encourage more women in the correctional organization in order to achieve sexual orientation adjustment and responsiveness within the framework.
- An assessment of the lower-level positions' pay rates within the correctional system is essential. In particular, when the State Open Benefit Commission starts these positions based on a joint enrolment test, state governments should not minimize jail office positions by supporting lower pay rates for them in comparison to other division positions.³⁶,
- The State Government can suggest establishing pay parity between the lower ranks of the jail office and those in the police division after evaluating the duties of the recognized jobs within the two organizations.

Conclusion

In contrast to my hypothesis that the conditions of inmates and prison officials were poor and that they suffered from a lack of basic human amenities in prisons and in their duties, the researcher discovered through observation and interviews that the conditions of inmates and prison officials were fine. While some of the reforms are desirable, they should be adequately executed, and a suitable framework should be created to carry out the suggestions made by various expert groups, workshops, and courts on a periodic basis. This task can be carried on by the State and National Human Rights Commissions, which will ensure that the recommendations of the various expert committees are implemented through follow-

up

measures.

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