

A Study on the Prison reform in India by highlighting the challenges faced

Tamanna Tokas¹

Abstract

“As said by Mahatma Gandhi, “Hate the crime and not the criminal.”

All men are born equal and are endowed by their creator with some basic rights. These rights are mainly right to life and liberty, but if any person doesn't comply with ethics of the society then that person is deprived of these rights with proper punishment. Main objective of prisons is to bring the offenders back to the mainstream of the society. If a person commits any crime, it does not mean that by committing a crime, he ceases to be a human being and that he can be deprived of those aspects of life which constitutes human dignity. The growing impact of problems faced by Prisoners in India has kept the Indian Prison Reform system on the research agenda. This paper presents analysis of various challenges faced by Indian prison system. Paper will also contribute towards finding the challenges which are obstacle for smooth functioning of Indian Prison system. The paper will also discuss in brief about what are the various rights of prisoners in India. The paper concludes with the solutions to these challenges which the department faces in the proper adjudication of the routine duties in cooperative effort of criminal justice administration in India, with a contribution toward smooth functioning of Indian Prison System.

¹ Student of K.R. Mangalam University, Gurugram

Introduction

All men are born equal and are endowed by their creator with some basic rights. These rights are mainly right to life and liberty, but if any person doesn't comply with ethics of the society then that person is deprived of these rights with proper punishment. Main objective of prisons is to bring the offenders back to the mainstream of the society. If a person commits any crime, it does not mean that by committing a crime, he ceases to be a human being and that he can be deprived of those aspects of life which constitutes human dignity.

Giving punishment to the offenders committing crime is the primary function of all the civil societies. With time, the practice of punishment and the opinion of people regarding it has been changed to a large extent due to rapid change in social values and the sentiment of people. Thus, punishment can be used as a method of reformation, so that criminal incidence can be reduced to great extent. And the objective of punishment can only be achieved by the prison institution.

Concerns related to prison reform in India

India being a developed country, but still faces some concerns related to prison system in India, which are as follows:

- **80% prisoners are under trials leading to overcrowding of jails.**

One of the concern which the Prison reform system of India faces is the problem of overcrowding in jails which results in improper functioning of systems in prison. Now a day's crimes are increasing to a great extent, because of which inmates of crime are also increasing and the prisons seems to be a small place for them. Due which proper care and attention to each prisoner is not able to be provided to the inmates.

- **Even though bail is granted, prisoners are not released.**

In many prisons, prisoners are not even released even after a bail is granted to them, which need to be reformed.

- **Lack or insufficient attitude of jail authorities.**

The jail authorities are not working with the positive attitude by which they do their duty towards the prisoners.

- **Callous and insensitive attitude of jail authorities.**

Some jail authorities work with the callous and insensitive attitude towards prisoners, by which prisoners do not feel safe in the prisons. In fact, some authorities even behave in an inhuman manner by the prisoners even face mental and physical both kind of problems.

- **Punishment carried out by jail authorities not coherent with punishment given by court.**

Some jail authorities do not keep their punishment coherent to the court, which later becomes a matter of concern in the prison reform system. As some prisoners face more punishment than their actual punishment by which they face a great amount of losses, which can be even in term of financial aspects.

- **Lack of proper legal aid.**

Proper legal aid service system is lacking the prison reform system because of which both the prisoners and the jail authorities are not aware of their rights and duties respectively.

- **High amount of surety ordered by courts which indigent prisoners can't pay.**

High amount of surety ordered by courts which indigent prisoners can't pay is also a great concern which the Indian Prison reform system faces.

- **Rejection of surety bonds due to lack of money or verification of addresses, as indigent prisoners don't have houses.**

- **Corruption and other malpractices.**

As per the current scenario, corruption and malpractices are found in every field, so it so in the prison system also, which leads to be a matter of a great concern.

Rights of prisoners in India

There are various rights available to the prisoners in India, which are as follows:

1. Article 21 of the Constitution² guarantees the right of personal liberty and thereby prohibits any inhuman, cruel or degrading treatments to any person whether he is a national or foreigner. Any violation of this right attracts the provisions of Article 14 of the Constitution³ which enshrines right to equality and equal protection of law.
2. Question of cruelty to prisoners is also dealt with specifically by the Prison Act,1894.
3. Right to legal aid: If a prisoner sentenced to imprisonment, is virtually unable to exercise his constitutional and statutory right of appeal, for want of legal assistance, there is implicit in the court under article 142 read with article 21 and 39-A⁴ of the Constitution, power to assign council for such imprisoned individual for doing complete justice.
4. Right to speedy Trial: Right to speedy trial is a fundamental right of a prisoner implicit in article 21 of the Constitution.⁵
5. Right to Reasonable Wages in Prison: Remuneration, which is not less than the minimum wages, has to be paid to anyone who has been asked to provide labour or service by the state.

Five prisons across India that focuses on rehabilitating the offenders

Life in an Indian Prison is often intolerable with a very less scope for a productive future. These prisons are hoping to change that notion.

Life of an Indian Prisoner becomes an oppressive affair, especially if you are poor. Problems emerge from inadequate infrastructure, living conditions (general hygiene, sanitation and

² INDIA CONST. art. 21.

³ INDIA CONST. art. 14.

⁴ INDIA CONST. art. 142, 21, 39-A.

⁵ INDIA CONST. art. 21.

food, among others) and the brutal violence that inmates suffer at the hands of both their fellow prisoners and jail officials.

There are few prisons in the country that are promoting activities inside the prisons so that the life of the prisoners can be made better.

The prisons which do so are as follows: -

1. Taloja Jail, Navi Mumbai

This jail offers inmates a chance to spend time with their children and other loved ones without having a glass or any wall separating them. Children under 16 years of age can visit their parents, while those too young can visit with a relative to accompany them.

2. Poogapura Central Prison, Thiruvanthapuram

Poogapura Central Prison offers various training programmes for the offenders which are as follows:

- Self-employment training programme
- Training of basis of computers
- Paper bag making
- Beautician training
- Screen painting
- Courses relating to travel and tourism

3. Central Prison, Kannur

In a unique venture, the Central Prison in Kannaur, Kerala opened a beauty parlour exclusively for men called Phoenix Freedom Expressigns. Various training programmes are organised for the prisoners in these prisons so that they can learn new techniques by growing modern era.

4. Tihar Jail, New Delhi

In Tihar Jail small Automative manufacturing unit is run by prison inmates which provides them with the necessary training to acquire future employment opportunities. This prison also hosts a restaurant for the public where the food is

cooked and served by jail convicts. The prisoners promote products such as bakery products, handloom and textiles, furniture, pure mustard oil, apparel, recycled handmade paper products, paintings, designer candles and lamps, jute bags, herbal products and many more.

The women inmates prepare and sell cookies, pickles, potato chips and clothings.

5. Balasore District Jail, Odisha

In this prison, organic farming venture is introduced in prison so that the inmates can earn well and as well learn skills that they could take with themselves to the outer world.

Suggestions

Various suggestions for prison reform, if followed, will result in a better implementation of prison reform system. These suggestions are as follow:

- **Increasing the number of Prisons so as to remove the problem of Overcrowding. A separate prison cell for Under-Trials.**

If the number of prisons are increased, then the problem of overcrowding will be resolved by which the proper care and punishment can be implemented for all the prisoners. A separate prison cell for Under-Trials.

- **Improving the sanitary measures. Regular check on doctor's attendance.**

Sanitary measures should be improved in the prisons so that the prisoners do live in a clean and healthy environment. And in the prisons a doctor should visit the prisoners on a regular basis for regular check-ups of the patients.

- **The right to the highest attainable standard of health should also apply to prison health conditions and health care.**

Prisoners should have a right to highest attainable standard of health should also apply to prison health conditions and health care.

- **Employment after release, providing training in various fields like carpentry & fabric painting.**

In the prisons, the prisoners should be provided with some training sessions, so that, after release from the prisons the prisoners get proper employment. By providing

employment the family of the prisoner will not face any financial loss after release because immediately after release it would be very difficult to get the job.

- **Improvement in standard of education in jails.**

There should be improvement in the education system of jails so that even the prisoners be educated and the jail authorities will have no difficulty to make them understand about their rights and duties.

- **A uniform jail manual should be drafted throughout the country.**

A uniform jail manual should be drafted throughout the country so that to maintain uniformity in prisons all over the country.

Conclusion

- Recently, the Government of Himachal Pradesh had lifted ban on wearing Gandhi cap in jails. Various seminars are organized by jail authorities to enlighten the prisoners on their legal rights, health and sanitation problems, HIV/AIDS ad issues of mental health.
- The open prison system has come as a very modern and effective alternative to the system of closed imprisonment. Such practices are helping in changing the traditional and colonial outlook of the Indian Prison System and also help the prisoners to become more responsible, creative and potential citizen.
- Yet several steps have been taken to improve the conditions of prisons, but much more is required to be done. Central Government along with NGO's and prison administration should take adequate steps for effective centralization of prisons.