



A Review about Major Problems Of Prisons Relevant To India

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Abstract : Despite the relatively low number of persons in prison as compared to many other countries in the world, there are some very common problems across the jails in India, and the situation is likely to be the same or worse in many developing countries. Overcrowding, prolonged detention of under-trial prisoners, unsatisfactory living conditions, lack of treatment programmes and the allegations for the indifferent and even inhuman approaches of prison staff have repeatedly attracted the attention of the critics over the years.

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Major Problems or Issues :

More crowding

Congestion in jails, particularly among under trials has been a source of concern. Law Enforcement Assistance Administration National Jail Census in 1970 had revealed that 52% of the jail inmates were awaiting trial.

Obviously, if prison overcrowding is to be brought down then undertrial population has to be reduced drastically. Of course, this cannot be happened without the courts and the police working in tandem. The three wings of the criminal justice system would have to act harmonically. Speedy trials are frustrated by a heavy court workload, police inability to produce the witnesses promptly and a recalcitrant defense lawyer who was bent upon seeking adjournments, even if such tactics harm his/her client. Fast track courts have helped to the much extent, but it has not made any measurable differences to the problem of pendency.

Increasing the number of courts could not bring about a desired difference as long as the current 'adjournments culture' continues (Raghavan 2004).

Corruption and extortion

Extortion by prison staff, and its less aggressive corollary, guard corruption, is common in prisons around the world. Given that the substantial power, for guards exercised over inmates, these problems are predictable, but the low salaries that guards are generally paid severely aggravate them. In exchange for contraband or special treatment, inmates



supplement guards' salaries with bribes. An unpublished PhD dissertation from Punjab University on “The Functioning of Punjab Prisons: An appraisal in the context of correctional objectives” cites several instances of corruption in prison. Another article suggested that food services are the most common sources of corruption in the Punjab jails. Ninety five percent of prisoners felt dissatisfied and disgusted with the food served.

Unsatisfactory living conditions

The overcrowding in the prisons leads itself to unsatisfactory living conditions. Although the several jails have reformed outlined earlier have focused on issues like diet, clothing and cleanliness, unsatisfactory living conditions continue in many prisons around the country. A special commission of inquiry, appointed after the 1995 death of a prominent businessman in India’s high-security Tihar Central Jail, reported in 1997 that 10 000 inmates held in that institution endured serious health hazards, including overcrowding, “appalling” sanitary facilities and a shortage of medical staff.

“No one wants to go to prison however good the prison might be. To be deprived of the liberty and family life and friends and home surroundings is a terrible thing.”

“To improve the prison conditions what does not mean that prison life should be made soft; it means that it should be made human and sensible for prisoners”.

Staff shortage and poor training

Prisons in India have a sanctioned strength of around 49030 of prison staff at various ranks, of which, the present staff strength is around 40000. The ratio between the prison staffs and the prisoners in Indian prison is approximately 1:7. It means only one prison officer is available for 7 prisoners in India, while in the UK, 2 prison officers are available for every 3 prisoners.

Inequalities and distinctions

“Though the prisons may be supposed as the leveling institutions in the world where some different variables that could create/develop the vital effects on the conditions of confinement of the criminal records and their inmates and also their behaviour in prison, other factors play an important part in many countries” (Neier et al 1991). This report provided by the Human



Rights, watch specifically cites countries like India and Pakistan, where a “rigid” class system exists in the prisons. It states that under this system, special privileges are accorded to the minority of the prisoners who came from upper and middle classes of their irrespective of the crimes they have committed or the way they comport themselves in prison.

Inadequate prison programmes

Despite the problems of overcrowding, manpower shortage and other administrative difficulties, innovative initiatives have been undertaken in some prisons. For example the Art of Living is carrying out a SMART programme in Tihar Jail. It includes two courses per month with follow up of the sessions every weekend. Two courses are annually conducted for prison staff. But these may be more by way of exceptions and experiments. A Srijan project is aimed at providing social rehabilitation there. Still, such programmes are few and far in from Indian Prison. In India, many prisons having the vocational training activities, but these are often outdated even. Hardly any of the prisons have well planned prison programmes providing the daily structured activities, vocational training, pre-discharge guidance and post-prison monitoring.

Poor spending on health care and welfare

In India, an average of US\$ 333 (INR 10 474) per inmate per year was spent by prison authorities during the year of 2005, distributed under the heads of food, clothing, medical expenses, vocational & educational, welfare activities and others (National Crime Records Bureau (NCRB) 2005). This is in contrast to the US, where the average annual operating cost per state inmate in 2001 was \$ 22,650 (the latter presumably also includes salaries of prison staff). The maximum expenditure is on food in Indian prisons. West Bengal, Punjab, Madhya Pradesh, Uttar Pradesh, Bihar and Delhi reported relatively higher spending on medical expenses during that year, while in Bihar, Karnataka and West Bengal reported relatively higher spending on vocational and educational activities. Tamil Nadu, Orissa and Chattisgarh reported as it is relatively higher spending on welfare activities regarding with the prison.

Lack of legal aid

In India, legal aid to those who cannot afford to retain the counsel which is only available at the time of trial and not when the detainee is brought to the remand court. Since the majority



of prisoners, those are in lock up as well as those in prisons have not been tried, the absence of legal aid until the point of trial reduces greatly the value of the country's system of legal representation to the poor. The lawyers are not available at the point when many of them need such assistance.

A workshop was conducted by the Commonwealth Human Rights watch in the year of 1998 in Bhopal (M.P.), have focused on several aspects related to legal aid. It was pointed out that around 70% of the prison population was illiterate and lacked an understanding of prisoners' rights even. Thus the poor prisoners in the prison did not always get the provisions in law though the State was obliged to provide the legal aid. As also observed by the Mulla Committee, most prison inmates belong to the economically backwards classes and this could be attributed for their inability to arrange the bail bond. Legal aid workers are needed to help such a person in getting them released either on bail or on personal recognizance. The bail provisions must be interpreted liberally in the case of women prisoners with children, as children suffer the worst kind of neglect in the world when the mother is in prison.

Abuse of prisoners

Physical abuse of prisoners by the guards is another chronic problem in the prison of India. Some countries is continued to permit the corporal punishments and the routine uses of leg irons, fetters, shackles, and chains. In many prison systems in India, the unwarranted beatings are an integral part of the prison life.

Women prisoners in Indian Prison are particularly vulnerable for the custodial sexual abuse. The problem was widespread in all over the world especially in the United States, where male guards outnumbered women guards in many women's prisons. In some countries, Haiti being a exclusive example, female prisoners were even held together with male inmates, a situation that exposed them to rampant sexual abuse and violence.

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Conclusion :

A book reviewing prison services in Punjab, reported that, to get food supplements, or blankets in winter season, class c-prisoners must fan the convict officers, or massage their legs, or even perform sexual favors for them in the prison. The enslavement of other prisoners for the convict officers who effectively run the prisons is particularly severe for new comers (known as amdani). In prison, they are teased, harassed, abused and even tortured as part of the process of breaking them.

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