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# Major Problems of Prison Administration in India

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UTKARSH SHARMA<sup>1</sup>

## ABSTRACT

*Prison is one of the utmost important subject of research as it is an important part of our social system. On the first note it is clear that prison is aisolated social system and can be evaluated much easier in the perspective of social system than any other thing. Our society is too big and complex to study if we want to. On the other note, the correctional institution is a form of total institution which have two subsystems: the staffs and inmates. At last, this type of institution are comparatively separated and are different from other organizations in the matter of control mechanisms but they also has an interaction with outside. The Word 'prison' in Prisons Act doesn't includes subsidiary jails and the police custody. The concepts of International human rights law was also developed from the word prison itself. Prison is only a place for convicts as per their norms. The lack of management in these place are a matter of serious concern with its exponential growth. This article tries to throw some light upon such complexions which are today's toxic problems which Indian prison administration is facing.*

## I. INTRODUCTION

Our country doesn't have much prisoners as compared to some other developing countries but we are also facing the same problems which all of the countries are facing. Overcrowding, unhealthy living conditions, repeatedly questions on prison officials has raised serious questions on the prison administration. Some major drawbacks of prison administration in our country is described below.

## II. SIGNIFICANCE OF PRISONS

Prisons are one of the important administrable system in our country. These type of institutions are formed under the constitution so that persons who have done a crime will not remain in an contact with general public. When a human has exhausted all his remedies under the law and judiciary has imposed charges on him of committing a crime than that person becomes a prisoner. The prisons are also named as Correction prisons since people are send

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<sup>1</sup> Author is a student at United World School of Law, Gandhinagar, India.

after committing a crime so that they can realize how much they have affected the general public and they will not repeat the same in the future. So it can be held that prisons are the place made for some specific type of people who have done a wrong and they lives in such a place where apart from society to heal back and so that they will not repeat the same in the future. When a person is forced to live separated from their loved ones than that will become the rigorous place for the criminal as per Oscar Wilde.

Jail is the place where a prisoner is keeper so that he gets realized of his crime and will not abridge the law in the future and becomes a person who follows rule of law. On the other hand, prisons are there so that these people who doesn't believe in rule of law can be lived separated from the society so that they cannot do harm to the society.

India is a big country and the crime rate is also high in this country. But the number of prisons are relatively low in number due to which overcrowding becomes one of the major problem of prison administration .A large population of these are those who are still not convicted or are under trail . As the time proceeds the amount of prisoners also increases but their is not much increase in the other facilities of the prison such as its medical facilities, infrastructure, staff and other things. The situation is bad and their is great need of reform in that part.

### **III. OVERCROWDING**

Overcrowding in jails has remained a matter of serious concern from the very beginning only. The one way to reduce overcrowding in jails is by reducing the people who are under trials. This cannot be done without the mutual cooperation of both police and courts.<sup>2</sup>

One of the drawback of speedy trials is that they creates a type of burden on the courts due to their complicated procedures. Most of the times because of the inability of the cops and the misbehaviour of the defence advocates to work properly becomes a burden on the victims and they thus gets convicted on petty charges. Fast track courts cannot make great difference unless the prison administration as well as other officials works with their utmost potential.

#### **Unhealthy Living Conditions**

One of the factor responsible for unsatisfactory living conditions in prisons is overcrowding. Since most of the prisons has reformed the conditions of prisoners by providing a good diet and sanitary conditions, unhealthy living conditions are in the same condition now also. After the death of a businessman in prison in 1995, a commission of inquiry was appointed and it

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<sup>2</sup>*Seventy Eight Report On Congestion of Under Trial Prisoners in Jails* (Law Commission of India, February 1979).

concludes in its report that prisons lacks several basic facilities like diet, medical and sanitary conditions and lack of determination by administrators towards their work.<sup>3</sup>

No matter how much poison looks good, if a person knows it's bad effects then he will never take it. The same condition is with the prison also. No person wants to go inside it inspire how much luxurious they are. To stay apart from family and friends is a difficult thing. To make good conditions does not mean that conditions have to make luxurious. It means that conditions is to madeliving for human.<sup>4</sup>

### **Unequal Treatment at Prisons**

Prisons are the place where people are kept apart from the society so that they realize their mistake and becomes a good person after getting relieved from the prison. Various types of factors creates different situations in the prisons. The prisoners are judged on the basis of their degree of crime and get special treatment as per their contracts. The Human Rights Watch report has specially mentioned countries like India where a complex system at prison is formed. The document says that a particular class of prisoners enjoys special privileges as per their contracts with political leaders and others. This is an condition which has to be reviewed since chances of harassment with other prisoners becomes relatively high . Also, this creates a thinking in the minds of other prisoners which forces them to become a relatively big criminal in the future.<sup>5</sup>

### **Poor Budget for Health and Care in India**

In our country, an average of 10,474 rupees was spend per year for per convict as per the data provided by the prison authorities in 2005. It was distributed under spending on clothes, medical expenses, food, welfare activities, educational and vocal activities and others. Food is the area where maximum expenditure is done in the prisons. Madhya Pradesh, Punjab, West Bengal, Bihar, Delhi and Uttar Pradesh reported a large amount of money on treatment in particular year while Biharhas done a large amount of money on education. Orissa have done large amount of spending on the activities of welfare in prisons.<sup>6</sup>

### **Insufficient Lawful Help**

Our Constitution provides lawful help to all whodon't have the financial condition so have a

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<sup>3</sup>Human Rights Watch (Human Rights Watch and Seven Stories Press, United States of America 2006)

<sup>4</sup>India and The World Essays

<https://catalog.loc.gov/vwebv/search?searchCode=LCCN&searchArg=37005539&searchType=1&permalink=y> (Last Visited on July 12, 2020, 19:39 )

<sup>5</sup>Neier Aryeh, *Watching Rights* <https://www.questia.com/magazine/1G1-11557521/watching-rights> (last visited on July 12, 2020 18:30)

<sup>6</sup>Crimes in India (National Crime Records Bureau, Ministry of Home Affairs, 2005)

counsel appearing from their side and it is only available at the time of court only. Majority of the prisoners and those are in custody doesn't have the legal aid and they doesn't have any legal representation. It is one of the major problem of our Indian legal system that we cannot give proper representation to the poor of our country. The representation is not available at that time when it is urgently needed.

The absence of skilful and capable advocates in the panel is also a matter of great concern. Various suggestions are made by the various committees from time to time on how to reduce the load on the judiciary and to increase the speed of trials so that justice is to be delivered to all. The solutions provided by various groups constituted holds that diligent holding of cases, holding of under trials to be guilty at any time of case etc. Great number of efforts are done by the students of Delhi university in the field of legal aid. It also includes to provide legal knowledge to the prisoners, effective administration of the prison, providing legal information to prisoners, providing legal assistance to both the undertrials and convicts. The efforts suggests the greater role of lok adalat at lower level and timely surveys are required to overcome the inadequacies of the administration of prison. It efforts are concluded by suggesting the needed legal reform to overcome the difficulties that arises in providing the legal aid to the people. In our society there are many women convicts who are illiterate and have no support for them and have no source of income and most of them are convicted on frivolous charges. Majority of them doesn't have any idea about how the legal authorities works such as under what charges they are convicted, how to get an advocate, what laws exists to protect them etc.

#### **IV. CUSTODIAL TORTURE**

The torture brutal physical treatment in custody by police official is another major Problem of jails in India. Third degree tortures within four walls of prison occur frequently and many times they remain unnoticed, such cases comes in light when media or human rights commission gives any attention on it. The proper treatments of inmates mentioned in the prison acts and in various manuals along with the guidelines of the apex courts are neglected by the police staff and sometimes it lead to deaths of prisoner under the custody. These tortures makes victim to suffer mentally and physically and sometimes it gets long time for them to recover from that trauma. The Reports of government and different other public organizations depicts growth of such incidents in last two decades. The real stigma behind these custodial treatments is that the police official picks up any person from any time from any place and keeps them for long durations without showing any sufficient reasons for

arrest.

## **V. CUSTODIAL RAPE**

Rape of a Women in a custody by the police is a serious threat for the system. Most of the victims of these type of crimes are women's who doesn't have connections to expose the crime or to make protests in their favour due to which most of the matter doesn't comes in the light. Degree of custodial rapes differs from city to city and state to state. Only few matters comes to light. Due to some accidental circumstances only these matter comes to the knowledge of general public. The victims gives torture to themselves in the other countries when the crime gets in knowledge of the public. They are then continuously harassed by their own family members and they doesn't have a good image in the public. These type of records shows that harassment has become a normal thing in the custody. The Shame which a women faces can only be understand by the victim and not by any other. If the victim adopts the silence the chances of crime becomes relatively high and when the rape is done by the cops only then it doesn't leave any place for the women to raise their voice due to fear. This is the main reason why no action is taken against the criminals.

## **VI. CONCLUDING REMARKS**

A human who is restricted to do some activities due to some acts or offence pertaining to conviction is known as an imprisoned person. Such condition of Imprisoned person is known as imprisonment. But every person who is imprisoned is entitled to entertains basic necessities of life. It is the necessity of today's era that a well qualified officers are appointed to carry on administrative functions smoothly and the act should be done by strictly adhering to Jail Manuals. Preventive safety measures are also to be taken for the prisoners. A survey should be conducted timely by the official's to ensure the smooth administration of the prisons. All the officials has to work together to ensure social inhabitation of the prisoners.

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