

Vol 7 Issue 2 Oct 2017

ISSN No : 2249-894X

*Monthly Multidisciplinary
Research Journal*

*Review Of
Research Journal*

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RNI MAHMUL/2011/38595

ISSN No.2249-894X

Review Of Research Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial Board readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

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PRISON ADMINISTRATION IN INDIA- PROBLEMS AND POSSIBLE REMEDIES



ABSTRACT:-

A prison is a place of accommodation for the people who have committed a crime and are undergoing trial for the commission of any offense mainly criminal in nature. A prison in India, their administration is a state subject covered by item 4 of the state list in the seventh schedule of the Constitution of India. The management and administration of prisons purely come under the authority of state Government along with the Prisoners Act 1894 and also the Prison Manuals of the concerned State Government. We all know that crime rate in India is increasing at a rapid pace. But there are no adequate facilities in various prisons in our country to accommodate such person at least by providing facilities for a decent living inside the prisons. Even though there are certain rules and guidelines regarding prison system and administration, many of them are not enforced properly due to the prevailing condition of prisons in India. The present article attempts to highlight the Problems of prison system in India.

KEY NOTES: Prison Administration , India- Problems , Possible Remedies.

I.INTRODUCTION

Prison administrations have been a part of the Indian criminal justice system since time immemorial.

V. Nivedha¹ and Dr. Neelam Pandey²

¹Ph.D Research Scholars, Dept of pol.sci and pub admin, Annamalai University.

²Assistant Professor, Dept of pol.sci and pub admin, Annamalai University.

The criminal justice system in any country evolves in accordance with its own genius, indigenous characteristics and pattern of life, with social, economic and political conditions. Inevitably, the criminal justice system, being directly concerned with an orderly function of human society, undergoes a continuous process of review and reform to cater adequately to the newly-emerging problems of sustenance and solidarity of social structure.

All the sub-systems of the criminal justice system, including the police, the judiciary and the prison administration, are being scrutinized at the policy-making level. In fact, never before in its history, has the criminal justice system been in its history, has the criminal justice system been subjected to such a criticism from the stand-point of human rights of persons in custody, as at present.

PRISON ADMINISTRATION IN INDIA

Prison is a state subject under entry-4 (Prison Reformatories, borstal institutions and other institutions like nature) in the state list (list II) of the seventh schedule to the constitution of India. Therefore the management and administration of prison falls in the domains of the state governments. The prisons are governed by, inter alia, the prisons act, 1894 and the prison manuals/ rules/ regulations framed by the respective state governments from time to time.

Various committees, commissions and working groups had been constituted in the past by the government of India to study and make suggestions for improving the prison conditions and administration, inter alia, with a view to making them more conducive to the reformation and rehabilitation of prisoners.

Some of the important committees are as under:

- ✦ All India jail manual committee (1957)
- ✦ Working group on prisons (1972)
- ✦ All India prison reforms committee (1988-83) known as Mulla committee,
- ✦ All India group on prison administration, security and discipline known as R.K. Kapoor Committee (1986) and
- ✦ National expert committee on women prisoners known as Justice Krishna Iyer Committee (1987) etc.
- ✦ These committees made a number of recommendations to improve the conditions of prisons, prisoners and prison personnel.

HUMAN RIGHTS IN PRISONS-THE ROLE OF JUDICIARY

Never before in its history, was prison administration in India subjected to such a critical review by the higher judiciary as in the last few decades. Discarding its erstwhile “hands off” doctrine towards prisons, the supreme court of India came strongly in favour of judicial scrutiny and intervention whenever the rights of prisoners in detention or custody were found to have been infringed upon. In *Sunil Batra v. Delhi administration and others*, MR. Justice V.R. Krishna Iyer pronounced: “prisoners have enforceable liberties, devalued may be but not demonetized; and under our basic scheme, prison power must bow before judge power, if fundamental freedoms are in jeopardy”. In a number of judgements on various aspects of prison administration, the supreme court of India has laid down three broad principles.

i. A person in prison does not become a non-person

ii. A person in prison is entitled to all human rights within the limitations of imprisonment

iii. There is no justification in aggravating the suffering already inherent in the process of incarceration.

But the gap between the proclaimed principles and actual practices appears to have been widening these years.

PROBLEMS RELATED TO THE PRISON SYSTEM

The problem of prison administration has been examined by numerous expert bodies set up by the government of India. The constitution of India, the universal declaration of human rights and the standard minimum rules for treatment of prisoners clearly specify the standards of treatment with prisoners on trial. But realities in jails transmit an entirely different picture.

The major problem areas, which afflict the prison system in India, which need priority attention are; “overcrowded prisons, prolonged detention of under trial prisoners, unsatisfactory living conditions, lack of treatment programs and indifferent and inhuman approach of prison staff.

Overcrowding in prison is one of the most challenging problems faced by criminal justice systems worldwide. Prison overcrowding is more often a consequence of the way in which criminal justice is administered than a result of rising crime rates. The over-use of pre-trial detention, along with strict sentencing practices, are two main contributory factors. Overcrowding undermines the ability of prison systems to meet the basic needs of prisoners, such as healthcare, food and accommodation. This also endangers the basic rights of prisoners, including the right to have adequate standards of living and the right to the highest attainable standards of physical and mental health. Prison overcrowding brings in its wake a host of serious problems to prison administration. It not only create security problem but also causes severe strain on the services, results in serious health hazards and disrupts penal reformation and rehabilitation programme. In an overcrowding prison segregation of hardened criminals and their separation from mild offenders become impossible. Prison overcrowding compels prisoners to be kept under conditions unacceptable to the United Nations standard minimum rules for treatment of offenders to which India is a signatory.

CONCLUSION

India criminal justice system’s ideological tenets need overhauling. The same system has been in practice for several decades now, most of which was established in the colonial era. Several committees and reports have recognized the need for a reformatory correctional system rather than the retributive one that exists today. But these have remained on paper and no action has been taken. Some states have initiated the transition to

correctional homes, while several others are lagging behind. However, there are some progressive provisions in these antiquated statutes such as the prison visiting system and the reporting system that ensure transparency and accountability in the functioning of prisons. These should be revived and implemented in a continuous manner. Coordination between the various agencies is crucial and the answer to several problems. Most of the difficulties faced by the prisoners and the prison staff today are a result of the lack of sensitization and coordination between the prison department, the judiciary, the law fraternity, the state legal services authority, the police department and civil society.

SUGGESTIONS

- + Inform the prison superintendents about new amendments. Apart from sending circulars, periodic training sessions and workshops could be organized to make the prison staff aware of new provisions. This could also be done in collaboration with appropriate civil society groups.
- + Get prison departments websites operational and put all annual reports on the websites, which would also provide data on matters that people inquire about.
- + Automate the prison system so that which is often erroneous becomes more reliable and accurate. That is the only way to ensure authenticity.

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258/34 Raviwar Peth Solapur-
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