

Analysis of Challenges faced by Indian Prison System

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Abstract: *This paper presents analysis of various challenges faced by Indian Prisons system. Paper contributes towards finding the challenges which are obstacle for smooth functioning of Indian prison system. The Paper concludes with 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 prisons system. In this paper the challenges faced at the dispersal of duties by the Prisons department with the three other important wings of criminal justice administration that is Police, Judiciary and Prosecution are systematically analyzed and some suitable remedies eliminating these challenges and improving the inter departmental cooperation for the better criminal justice administration in India.*

I. Importance Of Prisons:

The Prisons are an all important wing of Criminal Justice Administration under the Indian Constitutional setup. Prisons are constituted under the constitution of India to restrain man's liberty on having committed a social or civil wrong which is a punishable under the provisions of Indian law. The prisoner is a person who has been convicted by the Court of Law for committing an offence against a person or the State, after having availed all his legal remedies to prove his innocence before the Court of Law. The person thus held guilty for committing an offence punishable under the preview of law is sent to the prisons for his characteristics corrections and this is why prisons in State of Punjab are often called "Sudhaar Ghars". Hence it can be said that the purpose of imprisonment of a wrong doer is to detain him or her in a facility which is cut off from the society and prevent him and hold him back in an environment where he may refrain from indulging supporting and spearheading further severe crimes against a person or society. According to renowned thinker Oscar Wilde depriving liberty, family, friends and home surrounding from a prisoner in imprisonment is a dreadful experience for him.

Prisons are deemed to be the places where the offenders are kept to gets their ways and behavior corrected so that they may become law abiding citizens and live a normal life after they are released. On the other side it is place where the offenders or the criminals are kept separated from the society and hence protecting the society from such dangerous anti social elements.

Speaking in regard to Indian prison system it is seen that the prisons are highly overcrowded also less in number, all this in a scenario where the crime rate and criminals has increased alarmingly. The prisons in India are experiencing a big in flow of prisoners in the form of under trials or the persons who are yet to be found guilty. As per the UN global report on crime and justice 2010 in the Asian countries studies have revealed that more than 30 % of prisons population consist of under-trial / remand detention and in many Asian countries this figure rose to over 50 %. The report also reveals that during the year 1997-2007 there is an increase of 52.6 % in prison population. With such high percentage of increase of prisoners in the prisons during the above said time period, there should have been increase in the infrastructure, facilities and staff strength to maintain such big inflow of the prisoners but instead the situation is deteriorating alarmingly in Indian prisons. So from above scenario it is clear that Prisons system in India is facing various problems which need to be marked out so that these issues may be resolved and redressed to improve Indian Prison system. Through our work we present various challenges faced by Prisons system in India and propose solution to them.

II. Methodology:

Analysis was conducted through questionnaire framed very keenly on most common challenges which the prison officials are facing in the delegation of their duties. The objective of the research was to extract out and mark out the hidden and visual issues that are hindrance for the smooth and effect conduct of prison system in India. In this regards a research questionnaire was prepared after deep literature survey and analysis of relevant available material from various libraries and official gazette records maintained by the relevant departments. For questionnaire preparation different case studies were analyzed to chalk out the various hidden and obvious challenges within department and other concerned wings of criminal justice administration in India. For the purpose of data collection survey was conducted from various prisons selected randomly from the state of Punjab. The officials are selected at different ranks so as to confirm that no issues at any level of prison

management remains overlooked. The prisons officials are approached and they keenly answered to all the questions given in questionnaire. Various officials were interviewed for verbal and written interactions during research, which give a very fruitful outcome narrating exactly the challenges they face in daily routine while the performance of their duties. Statistics obtained are analyzed using scientific methods to produce comparative results as an objective to enhance their work conditions and improve their compatibility with other wings of criminal justice administration. The objective of this survey is to collect baseline information on prison personnel and expenditures to enable detection of problems as well as permit comparisons with the other wings of criminal justice administration i.e is Judiciary, Police and Prosecution. With prior permission of concerned state office which directed the respondents prison officers employed by the service (full-time equivalents), categorized by different ranks. Information on recruitments, vehicle facility, infrastructure facilities, duty hours, transfers, promotions was collected. Other questions of collected data on operating issues were broken down into salaries/wages, benefits, postings, trainings, interference and coordination with other wings of Criminal Justice Administration.

III. Challenges Faced By Prison Department:

Fig. 1- 13 represent the responses given by the respondent prisons department officials to the questions related to the challenges faced within the department while adjudication of their daily routine duty.

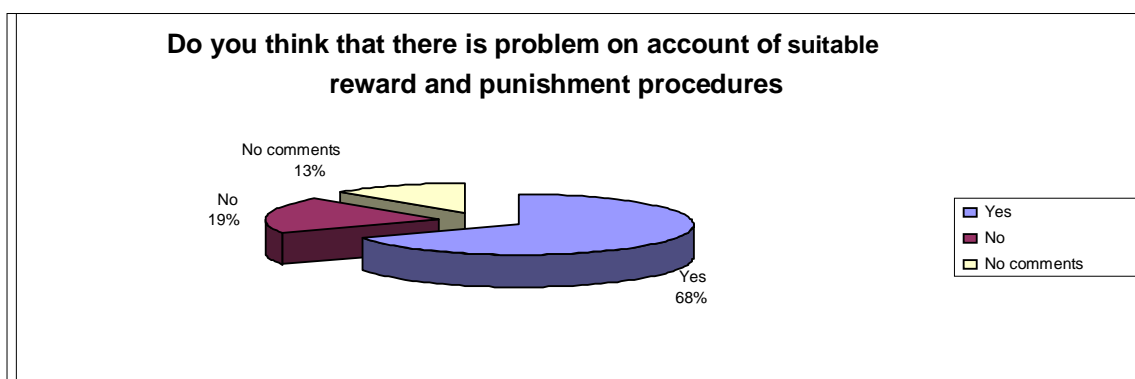


Fig. 1

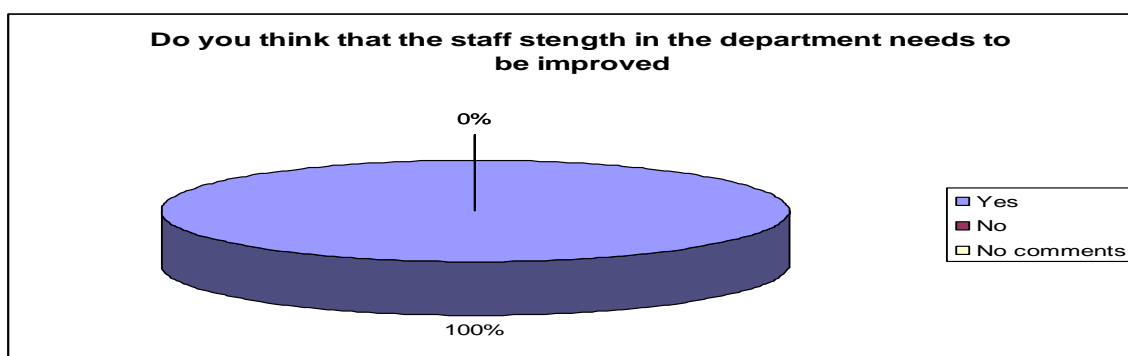


Fig. 2

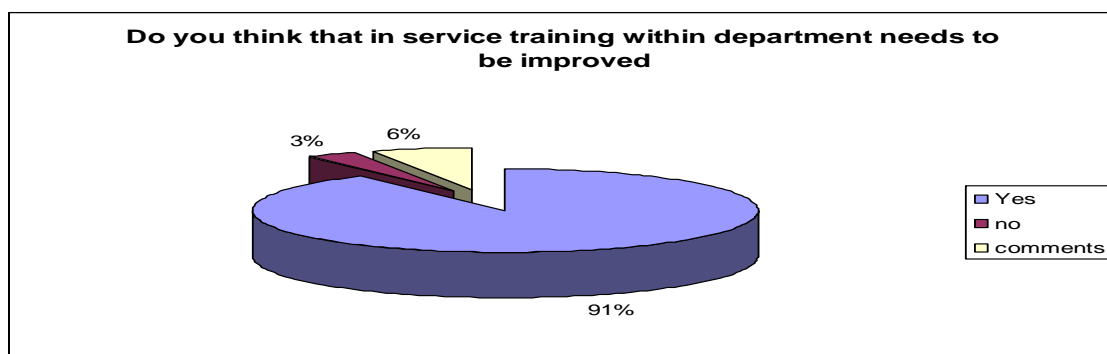


Fig. 3

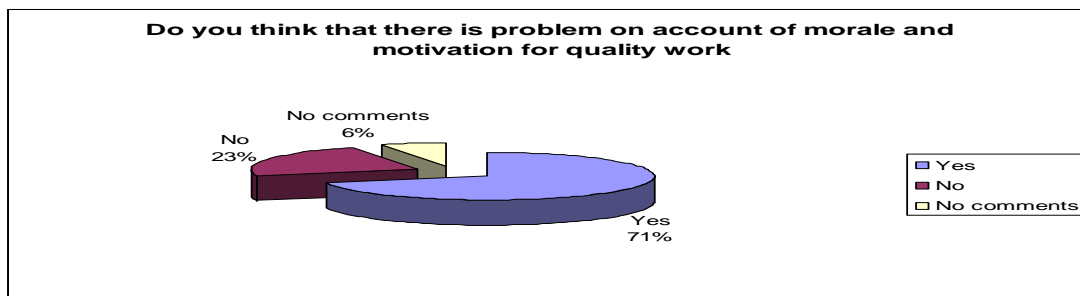


Fig.4

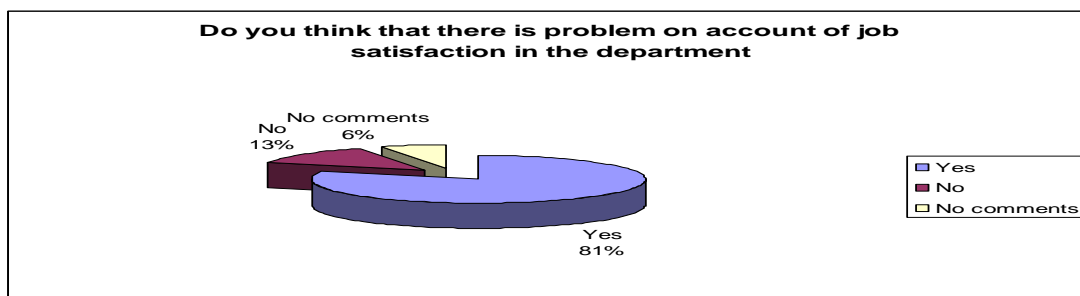


Fig.5

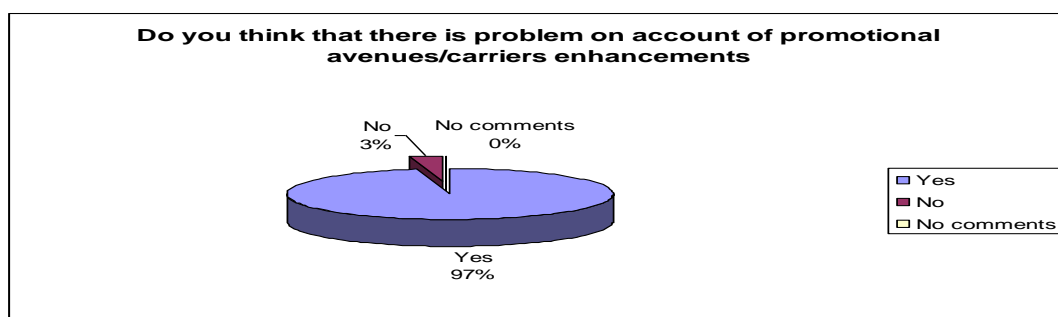


Fig.6

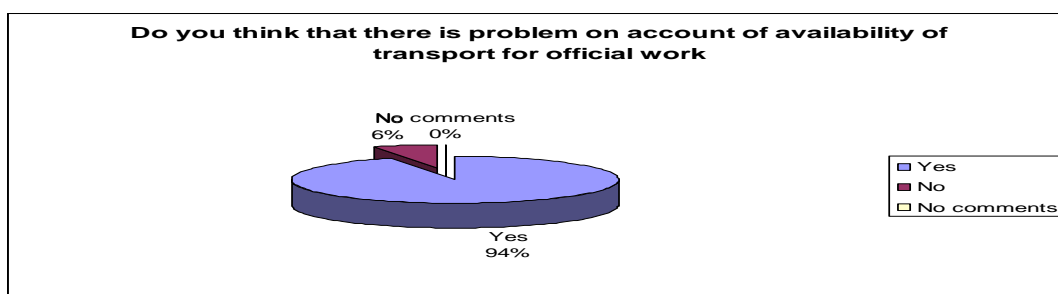
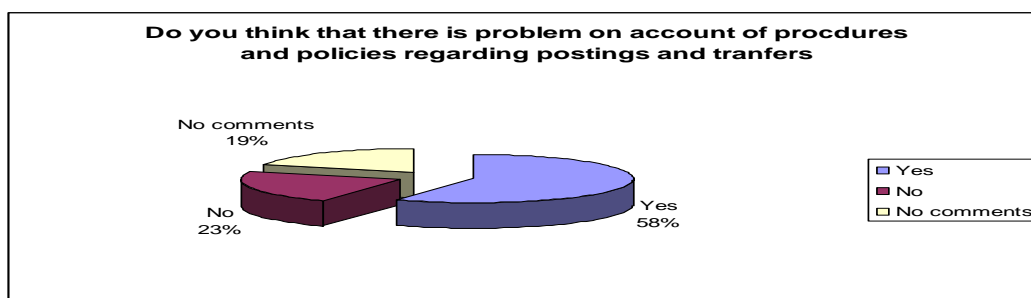


Fig.7



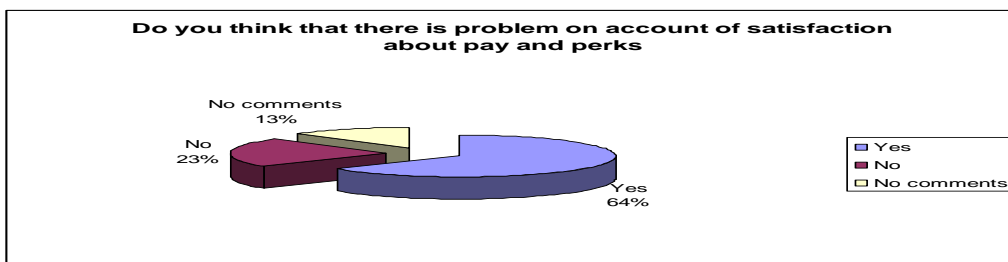


Fig.8

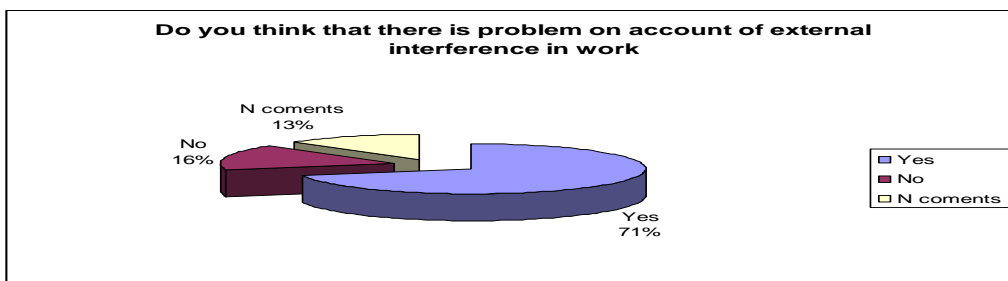


Fig.9

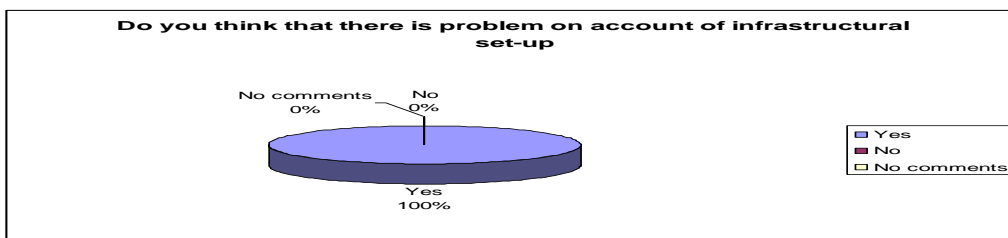


Fig.10

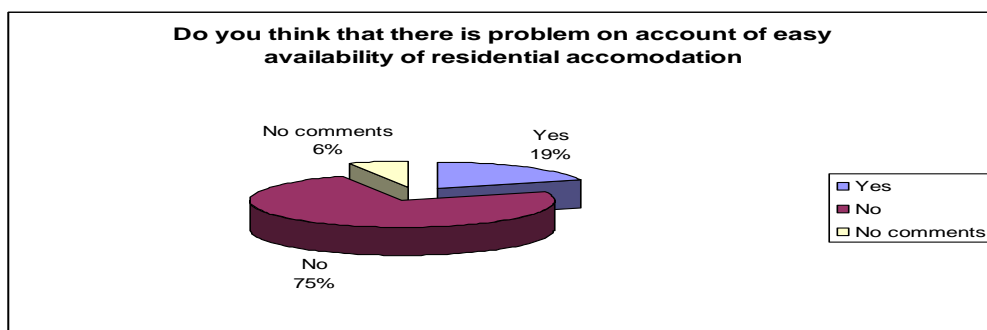


Fig.11

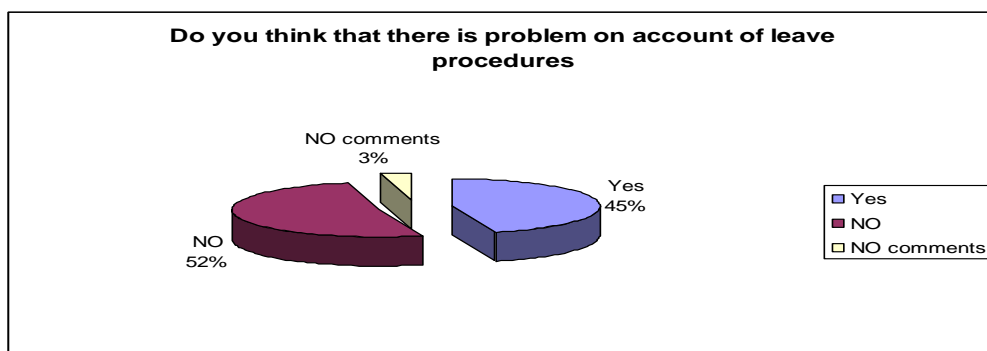


Fig.12

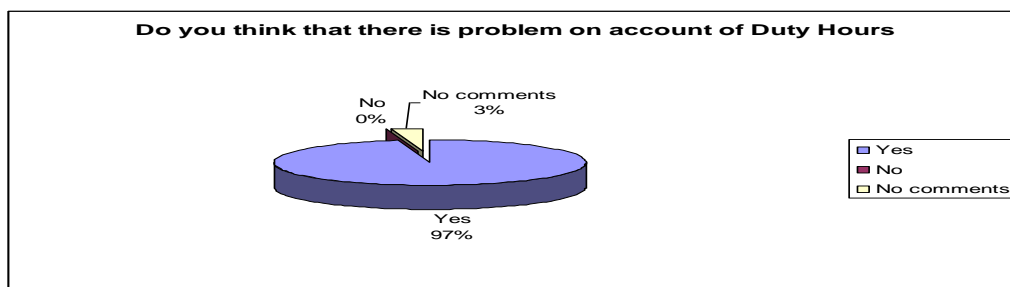


Fig.13

Following are the comments given in response to the questions relating to the challenges faced by the prisons department while working with the other wings of criminal justice administration i.e. Judiciary, Police and Prosecution.

When asked regarding any coordination problems being faced between the Prisons and Police department, the majority of the Prison officials clearly indicated that there are problems on account of co-ordination between Prisons and Police departments. They commented on these problems by stating that the police department is delegated the duty of taking the prisoner to the court and bringing him back to the prison after the court proceeding, but the police at a number of instances don't come to take a prisoner to the court but in such a case the court takes notice of the non appearance of the prisoner in the

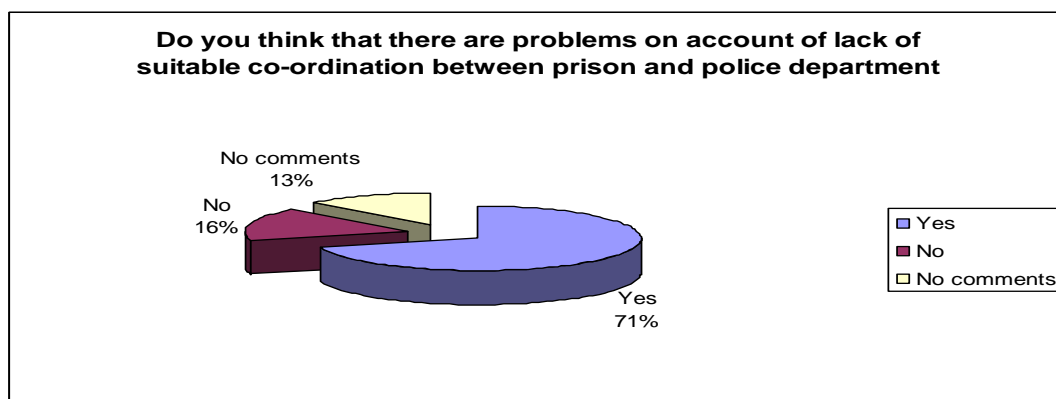


Fig.14

Court. The court summons the Prisons department officials for not sending the prisoner to the court, but actually it is the fault of the police department as it is the duty of the police to arrange the transportation and taking and bringing back of the prisoner from the prison to the court and vice versa. The police department for one reason or the other has been found to commit this mistake repeatedly. This result in non compliance of the courts instructions and the case is adjourned for another date, hence contributes to the delay in the disposal of justice. The police is further stated to react and reply very late even when there is a medical emergency and in cases where the prisoner is required to be urgently shifted to the Government specialty Hospital. The police guard required to take the sick prisoner to the hospital is sent very late and in a very lazy and casual matter which has been found to be dangerous to the life of the prisoner. The urgent medical attention when not provided to the sick person in time may even result in death of the inmate. As per the prevailing system the superintendent of Police(headquarter) is the ordering authority to provide for all the guards required by the prisons department and the if there is any delay or non producing of the prisoner in the court or else where is the responsibility of the police department and generally not of the prisons officials.

Thus there is an atmosphere of non reliability between the Prisons and Police department. It is a very dangerous situation as there should be very cordial and proper co-ordination required between both these wings of Criminal Justice Administration in India.

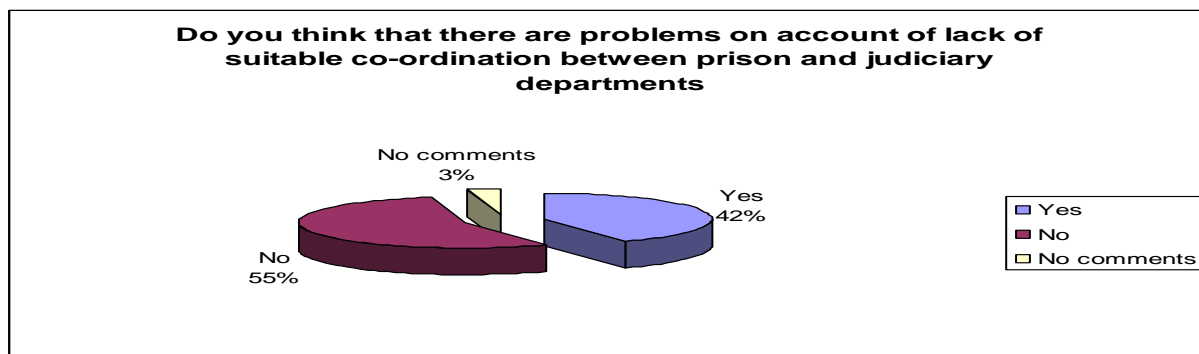
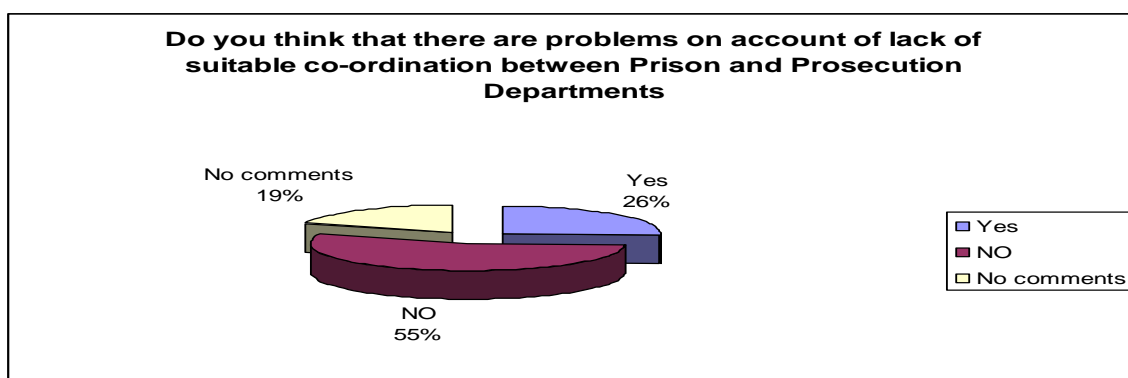


Fig. 15

As per Law it is the duty of the Police to bring the prisoners from the prison to the Courts and then take him back from the court to the prison. All the required transportation and guards are to be provided by the police. The Prisons officials have indicated that a lot is required to be done for the improvement and better co-ordination between the Prisons and Police department. On inquiring problems associated with prisons in co-ordination with judiciary, personnel reported that there are co-ordination problems faced in regard to the Judiciary. In this regards the biggest challenge is associated to taking the prisoner to court during court hearing. The police is deligated the duty of providing the guard and conveyance for taking presenting the prisoner in the court and return him back to the prison. Police personnel do not co-operate and don't send the required police guard for presenting the prisoner in court for one reason or the other, which is rather duty of police to take prisoner to court and return him back after the court proceeding from court. Further due to this the prisoner is not sent to the court and the court summons the prison for not presenting the prisoner in court, but this is duty of police department not prison personnel. As per the settled Law procedures the Prison department has responsibility of taking care of prisoner in prison but the prison department do not have the duty of presenting the prisoner in court. If prisoner is not being presented in the court it most of the times occurs due to the non availability of the police officials as they have not taken prisoner to court but court feels it is fault of prisons officials and due to the non presence of the accused/prisoner for the court proceedings, the Judges summons the prison department officials and demand for the reason for the same, which is not justified.



Fig,16

The Prisons officials also pointed out that due to lack of bails to the prisoners even in the cases of lesser crime gravity and petty offences, the number of prisoners is increasing and the prisons are facing lack of space for new inmates. This situation further facilitates the big offenders and gang heads staying in prison to recruit new innocent people in their gangs. Many of them stated that the courts should thrive in giving bails to the petty offenders/first timers during the trials and send such offenders to the prisons only after their The Prisons officials when asked regarding any coordination problems being faced between the Prisons department and Prosecution department, the majority of the Prison officials indicated that there are no major problems on account of co-ordination between Prisons and Prosecution departments. They commented that as they don't have any direct interaction with the prosecution and thus there is no significant problem. But still a few prisons officials pointed out that due to lack of number of Public prosecutors in ratio to the number of courts, the trials are often seen to be prolonged due to the non appearance/availability of the concerned PP and the whole practice of taking and bringing the inmate to the court turns out to be a futile exercise. They also pointed out that their co-ordination problems with the Judiciary could also be resolved and may never arise if the Prosecutors are well

informed and well communicative with the hon'ble Courts, as it is the duty of the prosecution to apprise the Judge of the actual practices and prevalent duties of the prisons and police department.

IV. Proposed Solutions To The Problems:

The prisons department officials when asked regarding the above stated challenges faced within the department and with other departments of criminal justice administration in India, the respondents replied to all these challenges in a very professional approach. From the interviews and discussions conducted the following are the few proposed solutions to the problems:

V. Utilizing The Technology

The use of modern techniques such as video conferencing should be widely emphasized as it will be time saving, energy saving and cost friendly also. As per the prevailing practices a lot of money, time and manpower is being wasted in escorting the prisoners from prisons to the courts.

The courts should consider granting the bails to the petty offenders/ first timers especially during the trials. As this will be stopping the exposure of petty offenders to the big gangs king pings languishing in prisons and will also bring down the overcrowding of the prisons. The speedy trials shall also be encouraged to provide speedy justice and which will save the prisons space for deserving culprits.

VI. Monthly Departmental Interactions For Better Cooperation

The practice of holding monthly meetings between the judiciary police prosecution and prisons departments should be encouraged and mandatory on district level. The provision should be made for setting up wing of mobile courts in the prisons which may be helpful in speedy dispersal of bails and trials in petty cases. The basic cooperation between the police and prisons department needs to be improved and an atmosphere of accountability and inter faith requires to be improved at the earliest.

VII. Manpower Enhancement And Accountability

The number of employees with the prison department should be increased. It has been observed that since 1992 no major recruitments have been made in the Punjab prison department in the ranks of constables, warders, head warders, security etc which is a big cause of overwork load, mismanagement and also threatening preposition in the ratio of inmates and administrators i.e the ratio of prisoners and prison staff. There is a huge shortage of employees on the lower ranks of prisons department. It is due to these circumstances that there are riots and gang wars in prisons almost every day. The Punjab prison department has hired services of temporary security guards to serve as security guards in the prison department, which is a dangerous practice as the temporary guard cannot be held responsible to give proper adjudication of service. Such a practice can be disastrous and no wonder why there is increase in the drug abuse and easy access to the dangerous weapons even in the prisons. The department should immediately recruit regular employees who should be accountable for their duty on lower ranks.

It has been observed that the medical assistance at the prisons level needs to be improved. The doctors in the prisons department generally do not take care of the urgent medical needs of the prisoners and straight way refer the ill prisoner to the hospital without even doing the preliminary investigations of the medical condition of the inmate. Further in a number of such cases the inmate hospitalized in the hospital flee away. The doctors posted in the prisons should be made accountable to the medical needs of the prisoners and prison staff as it is their duty to cater to the medical needs of the prisoners and not just to refer the ill person directly to the hospital. It has also been seen that the severely ill prisoners are also treated at the expenses of the prisons department and the burden of the whole treatment such as surgery etc are met by the department. This practice may also be culminated by bailing out the ill person or giving medical parole to such prisoner.

VIII. Basic Infrastructure Enhancement

The infrastructure in the prisons should be modernized and the staff should be trained accordingly and be literated as per the changing technology. The training programs in accordance to the changing crimes and criminals should be organized frequently to train prisons staff, so as to make them well prepared accordingly. The prison department has been found to be even lacking in transport facilities due to which for every transport of prisoners or otherwise the prison department has to look to the police department at every such requirement. The infrastructure of the prisons department needs to have a big facelift and it should not be treated as a neglected wing of criminal justice administration. Historically in the pre independence era the British used to have the prisons department as the major and most advanced wing of criminal justice administration as they knew that the key to have a proper control over a big country like India is by keeping the prisons ready to keep as many as prisoners as possible and to suspend the rights of the political person by sending them in prisons. They funded the prisons department and made big prisons to accomplish to their goal. It is worth mentioning

that majority of Indian prisons had been made during the british rule and no major improvements have been made since then.

IX. Conclusion:

This paper presents various challenges faced by the Prisons department as being an important wing of criminal Justice administration in India. This paper focuses on the actual challenges faced by the prisons officials within the department and in coordination with other department of criminal justice administration. It present statistical results on the major concerns obtained in the form of questionnaire from the prisons officials serving a various ranks in the department. It presents various views and interesting facts obtained after interviewing prison officials. It concludes with the solutions to various important challenges faced by the prisons department that can help in the smooth conduct of the most important wing of criminal justice administration.

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