

Experimental Research on Challenges Faced by Prison Officials and Prisoners

Sreenadhu VSSG Akhil, Damodaram Sanjeevayya National Law University

Abstract

Hate the Crime and not the criminal

As said by Mahatma Gandhi, every men are equal and are gifted by their creator with some simple rights. Some of these rights are right to life and right to liberty, but if any person doesn't obey with morals of the society then that person is depressed of these rights with suitable punishment. Many people believe that the main goal of prisons is to bring the wrongdoers back to the mainstream society. One must remember that prisons are the places where separation and curator measures would reform the offenders. But the utility of prison i.e. rehabilitation of prisoners has been a controversial issue. My study clearly shows the conditions of prisons i.e. prisoners and prison officials. A structured interview has been conducted for the prison officials to know the conditions and the way prisoners were treated by the prison officers. Proper analysis on different prison reports were conducted and some recommendations were suggested

Keywords: Counselling, Prisoners, Undertrials, Reforms, Overcrowding

Introduction

Punishment was used as a method of reducing the occurrence of criminal behavior either by discouraging future criminals or by preventing them from committing the crime or turning them into law-abiding citizens. Only the prison system can achieve the goal of punishment but according to some reports in actual practice the prison officials are using force and dangerous methods to rehabilitate the prisoners and this makes only temporary change to prisoners and when they are released they are again attracting towards the criminality. This says that the conditions of prisons play a major role not only on the prisoners but also on the society. This Prisonization not only symbolizes a form of retribution but also it is a kind of location where under trails and suspects stay. In every society crime and offenders were prevalent, the prison institution is essential for each state. It is the primary function of all civil societies to prosecute criminals. The mystery of crime and its punishment was an everlasting curiosity of the human mind. However the nature of punishment and public opinion on it has been significantly changed over the past two hundred years due to the people's rapidly changing social values and feelings. In this research the conditions of prisons will be studied by using interview mode of data collection

Objective of the study

The objective of the study is to provide some recommendations by knowing the ground reality of prisons i.e. situation of prison officials and prisoners

Research question

Whether the conditions of prisons i.e. the situation of inmates and prison officials were poor?

Hypothesis

Conditions of prisoners and prison officials were poor and they are suffering from lack of basic human amenities in prisons and in their duties

Literature review

- **Introduction**

The researcher would like to review the previous research reports on prison reforms and the reviewing of this literature helps the researcher to know the status of reforms on paper and reality and this reports also helps the researcher to recommend the solutions to the existing problems

- **Context**

Reports

Report of Indian jail reform committee 1919-20

The Indian Jail Reform Committee was headed by **Sir Alexander Cardew**, who was appointed to propose measures for prison reforms. In addition to the Indian jails, the Committee visited prisons in Burma, Japan, Philippines, Hong Kong and Britain and concluded that prisons should not only have a dissuasive influence, but should also have a reforming effect on prisoners. The Committee highlighted the need for reform approach to prisoners and discouraged the use of physical punishment in prisons. This suggested that inmates be used in productive work to carry out their reformation.

Report of Indian Jail Reform Committee 1980-83

In 1980, under the chairmanship of Justice **AN. Mulla**, the Government of India formed a Committee on Jail Reform. The Committee's basic objective was to review the laws, rules and regulations that take into account the overall goal of protecting society and rehabilitating offenders. In 1983, the Mulla Committee presented its report Several recommendations were made by the All India Jail Reforms Committee (1980-83) concerning the Government of India. Most of these apply to the legal framework and cooperation between States and territories of the Union. These were further examined by the Ministry of Home Affairs and the current implementation position of these recommendations was indicated

Recommendations have been submitted to prison administration and circulated for application of these recommendations to all States and Union Territories. The Committee recommended that a National Prison Commission be formed as a continuing body to restructure prisons in India. This proposed a total ban on the cruel practice of clubbing juvenile offenders together in jails with the hardened criminals. The Mulla Committee has suggested separation and placement in mental

asylum for mentally disturbed inmates. The Jail Committee recommended that prisoners be classified on a scientific and rational basis.

Report of Krishna Iyer committee 1987

Krishna Iyer gave a report on conditions of women prisoners and suggested more intake of women police officers

Various State Jail Reform Committees

Some of the states constitute their own committees and based on their local conditions prepared their reports

▪ Conclusion

Even though many committees gave their reports when it comes to implementation there is very less progress. This is because of the absence of political will and the above reports lack the part of way of implementation of these reforms

Research methodology

Nature of study

Researcher conducts **Analytical and critical** legal study as this problem involves a careful examination of conditions of prisons i.e. infrastructure of prisons, situation of inmates and prison officials and to get a conclusion that whether the conditions are good and this analytical and critical study also involves providing some recommendations based on the conclusion

Primary Sources

Reports of various committees on jail reforms

Type of data needed

The researcher needs qualitative type of data which includes feelings or experiences of people on an issue. As the researcher wants to know about the prisons, he should know about the feelings and experiences of inmates and officials

Method of data collection

Researcher undertakes observation and interview mode of data collection (putting a question to respondents and recording their answers). Researcher intends to observe the conditions of prison to know about the facilities provided and he also intends to take the interviews of prison head and other official to know their experiences and problems and the type of sampling is **stratified sampling** which means Hierarchical study of samples. Here the researcher collects the information from the Superintendent and Head warder of the prison

Place or Geographical area to be covered by study

The place or Geographical of the study is a near by the prison

Type of Sampling to be used

The respondents for the interview is prison officers and prisoners

Scope of study

The Study will be limited to some of the common problems faced by the inmates and officials in a nearby prison and the previous studies like reports will be examined

Significance

This study contributes the solutions to the problems faced by the prisoners and prison officials by knowing the real situation of prisons to the society

Major steps done by the researcher during observational method of data collection

- **Field work preparation**

Researcher performed a lot of field work preparation before entering in to the prison. In his field work he decided to observe the inmates and infrastructure of prison. Researcher gathered information about the prison from external sources before entering into it

- **Selection of research setting**

Research setting of the researcher is prison

- **Gaining entry**

As the prison is a formal organization i.e. it has its rules and regulations, it requires a permission letter. University provided the letter of identification to the researcher by stating that Researcher has the capable of conducting a study and his purpose is a legitimate one which does not have ulterior motives

- **Gaining Rapport and cooperation**

Researcher was not allowed to interact with prisoners so he is non-participant observer

- **Collecting, Recording and observing the field notes**

Researcher recorded the information by taking field notes

Researchers conduct of interview mode of data collection

Researcher conducted a structured interview with the help of interview schedule which contains a set of questions arranged in logical order. Researcher asked the questions to the respondents in a different manner. Researcher conducted the interview to Superintendent regarding Conditions of prisoners and to Head warder regarding conditions of prison officials.

1. To know about the facilities provided, Researcher conducted a structured interview to Superintendent of jail

1.1 Respondent response regarding,

- **Reforms taken by the authorities to bring the change in inmates**

Through the mode of PPP (Public, private partnership) some small scale industries like Book binding, Steel making were established and a skill development center was also established in Central jail which helps the inmates to develop the skills in the works like Plumbing, welding and repairing. When they were released these skills becomes their Bread and Butter. Recreational facilities like Dramas, Sports will be conducted on some occasions and they will be awarded for their performances. All these activities make them socialise and helps them to mingle with society when they were released. District Probation Officer (D.P.O) monitors the prisoners who were

released of Good conduct. This monitoring helps to know whether the prisoner was really changed and when the conduct of inmates were good they were allowed for open air jail which allows to do outside work like working in petrol bunks(Controlled by prison authorities). These type of works also provide good income to them and this encourages the inmates to change their behaviour

▪ **Medical facilities provided to the inmates**

Thirty bedded hospital is there inside the central jail and a deputy surgeon will be available inside the prison. If it is emergence situation, on recommendation of the Medical officer, the prisoner will be sent to the government hospital

▪ **Educational facilities provided to the inmates**

The prisoners will be allowed to pursue degree and all the exams will be conducted in the jail and they were not allowed to write competitive exams. A school, library and digital library were there in Central jail

▪ **Measures to prevent corruption (Ex- Allowing the visitors by taking bribes)**

No chance of corruption as everything is under surveillance. These types of issues are not found in our state commonly

▪ **Awareness about Legal aid**

Prison officials provide awareness about Legal aid. If any under trail prisoner suffers from lack of lawyer it will be intimated to the government and the government will provide them a lawyer for bail. Frequent visits of the judges also helps the under trails regarding the legal aid

▪ **Counseling to inmates to overcome the problems of depression**

Getting into the prison causes a great depression. Even though the prison staff was trained in counseling the inmates. They do not find to provide counseling to them

▪ **Women prisoners and birth of child in prisons**

In central jail there is separate block for women prisoners. If any woman gives birth to child, the child can stay with his/her mother until they attain 6 years. All the facilities for child will be provided by the jail authorities. But no one prefers to make their child stay in prison

▪ **Overcrowding**

Some of the prisons in our state has more number of prisoners than its capacity and some jails has less number of prisoners

- **Suggestions you give if you are the member of the committee on jail reforms**

There is no possibility for me to become the member of that committee as they do not take the persons from the ground. In those committees, if they won't consider the opinions from ground they can't get the real situation. Even though if I am the member of any jail reforms committee the main suggestion from me is to consider the opinions of the people who were in roots of the system

1.2 Researcher observation on conditions of prisoners

Researcher observed the conversations among prisoners, interaction of prison officials with prisoners, infrastructure of prison and the things which were doing by the prisoners

- Through conversations among prisoners, Researcher observed that they were friendly to each other and through the interaction of prison officers with inmates; Researcher observed that the prison officials are not strict or rude towards the inmates. The infrastructure of the prison was so good that inmates can adjust it in very easily
- From these observations researcher got to know that infrastructure, conditions of prison are fine

2. To know the conditions of prison officials, Researcher has conducted a structured interview to Head warder who has the experience of 25 years in prison department

2.1 Response of the Respondent regarding,

- **Satisfaction of job, salary and promotion**

No satisfaction in this department as there is very less chance of promotion and their salaries are less and duty hours are more compared to police department. In his 25 years, he only got a single promotion i.e. from warder to head warder

- **System of appointing one of the inmates as prisoners**

Once upon a time it was prevalent but now this system is not following now

- **Training before joining into department**

They too have the weapon training like police department. The officials of prison department has special training of 9 months regarding the counseling and behavior towards the inmates

2.2 Problems observed by the researcher regarding conditions of prisoners

Overcrowding

Overcrowding in prisons of India is seen as the root problem which gives birth to a variety of other health, water, clothing and poor living conditions issues. Overcrowding has also started to affect the prison administration's attempts to provide prisoners with skills that would involve them after release in employment. According to NHRC, prisons ' maximum occupancy capacity needs to be evaluated and arrangements made accordingly. Therefore, central prison will not hold more than 750 prisoners and district jail not more than 400. A grave and long-term answer to this issue of overcrowding in prisons requires an analysis on functioning of the total criminal justice system which includes the arrest system, sentencing policies and criminal notions.

Sixty percent of all arrests were either unjustified or unnecessary, the National Police Commission pointed out. The liberal use of the arrest power, while significantly contributing to the issue of overcrowding, leads to greater expenditure on prisons.

One way to deal with the issue of overcrowding is by decriminalizing certain offenses and finding other ways to imprisonment, especially in small offenses and making minor offenses compoundable. Overcrowding in prisons is responsible for delay in completing trials. A significant factor responsible for delaying trials is the departments inability to provide the court on the days of trial hearings with security escort to the under-trials. The department of prison blames the police department for failing to deliver sufficient escort when needed. Moreover, the police have their own issues, citing the demands of security duties for VIPs and law and order as having highest priority in deciding on the deployment of manpower. The only solution to the problem is for the state government to provide trained manpower solely for the requirement of escorting prisoners from the prison department. It was suggested that it should be under the disposal of the prison

department by the armed police sanctioned for this purpose. Jails are also used as multi-purpose centers, to house not only those convicted of crimes, but also those who do not need detention but medical and psychiatric care. Eventhough, there are many higher court decisions banning the use of jails as residences for mentally ill people, in some cases the practice continues to exist.

Counseling to inmates

Counseling is another problem facing by the prisoners. Lack of counseling leads to increase in depressions and sometimes it leads to suicides. Prison officials should give counseling due to lack of time they are also not performing this part. Even though they perform they are not masters in this profession

3. Problems observed by the researcher regarding conditions of prison officials

Poor and demoralizing working conditions and under staffing

Central to the prison administration is the issue of lack of motivation and demoralization of the prison staff, which was made clear by the Respondent, especially those from the prison department. It was pointed out that in some cases the conditions in which the prison staff's lower level lived were worse than the prisoners conditions. Our interview respondent found out that there are essentially three levels of prison administration: leadership level (IG / DG / DIG, etc.); supervisory level (Superintendents / Asst or Deputy Superintendent / Jailers, etc.); and grassroots level (Head Warden / Wardens, etc.). Management-level officers, most of whom are on police deputation, see this as a punishment posting and are usually too demoralized to make a significant contribution to the department's development. Most are just time servers. The supervisory level, composed of employees of the prison service, is also demoralized due to poor conditions of work and lack of public opportunities. In the grassroots level, the department has people staying inside the prison walls, most of the time engaging with the inmates. Combined with their poor conditions of service, this element dehumanizes them. Others cultivate their own agendas and join hands with criminals. According to the respondent, most jails are suffering from severe shortages. He pointed out the need for other posts related to facilities, such as those of engineers who could help make living and sanitary conditions more comfortable for prisoners and thus reduce the burden on prison staff.

He said departments such as the PWD or the Health Department needed support to ensure the smooth running of prisons.

Remuneration and promotion

Issues of the prison staff's remuneration and promotion opportunities have been discussed. Prison services are mostly poorly paid and less paid of all state public services, especially in the lower ranks. Very few will voluntarily enter the jail system and more would still recommend it to others. The feeling in the ranks was that both the government and the general public were totally against to them. Prison officers complained that the only publicity they got from the public was negative and they hardly ever noticed or promoted their success.

It is understood that jail officials have held the same post for twenty-five to thirty years, which is often the cause of lack of motivation. In the prison department, the respondent pleaded for an improvement in the prospects for remuneration and promotion for various ranks. It was suggested that prison-employee pay scales should be similar to those sanctioned in the police department for equivalent ranks

Respondent pointed out that after 20-22 years of service he was promoted to the post of head warder. By that time, his basic remuneration increased to Rs. 2000, while those recruited by the State Public Service Commission through the same examination had at least two promotions in the other services. When warder is promoted to Head Warder's place, he would be 50 years of age on average. Since each promotion requires at least five years of experience in a position, the head warder is often near to the retirement age when this requirement is met.

4. Indian prison reforms

A result of the British Rule is the current prison administration in India. In presenting a note to the Indian Legislative Council on 21 December 1835, Lord Macaulay pointed out for the first time the terrible inhumane conditions prevailing in Indian prisons and called it a "shock to humanity."¹ He recommended the appointment of a committee to propose measures to improve prison discipline. As a result, Lord William Bentinck established a Prison Discipline Committee for this purpose on

¹ 50 J. CRIM. L. & CRIMINOLOGY 166 (1959)

2 January 1836. The Prison Discipline Committee was established for this purpose by Lord William Bentinck. In 1838, the committee presented its report to Lord Auckland, the then Governor General, who revealed the prevalence of widespread corruption in the subordinate establishments of the , the strict discipline and the system of employing prisoners on labor on public roads². The Committee recommended more rigorous treatment of prisoners and rejected all notions of reforming prison criminals through moral and religious teaching, education, or any system of rewards for good behavior. In 1864, a respected attorney, Sir John Lawrence, again investigated the conditions of Indian jails.³ As a result, Lord Dalhousie appointed the Second Commission of Enquiry to investigate prison management and discipline.⁴ In their report, the commission did not focus on the concept of prisoner reform and welfare. Instead, it set up a system of prison uniformity in the name of prison discipline caused by physical torture. The commission, however, made several specific recommendations on housing, food, clothes, bedding, prisoner's medical care only to the degree that they were incidental to the regulation and management of prisons and prisoners⁵

In 1877, an expert conference was held to investigate the prison administration in detail. The conference resolved to enact a Prison Law capable of ensuring system uniformity and addressing such basic issues that were to be taken into account when deciding the sentence term⁶. A draft Prison Bill was actually prepared in accordance with the resolution passed at this conference, but was finally postponed due to unfavorable circumstances⁷. In 1888, Lord Dufferin appointed the Fourth Jail Commission to investigate the jail administration. This commission stated that without the enactment of a single Prison Act, uniformity could not be achieved. A proposal was drawn up by the board. This Bill was circulated by the Home Secretary to the Government of India on March

² E. C. Wines. *State of Prisons and of Child-Saving Institutions in the Civilized World* (1880).

³ Nishant Gokhale, *Life Imprisonment in India: A Short History of a Long Sentence*, 11 NUJS L. REV. 395 (2018).

⁴ Anil R. Nair, *Human Rights Violations of Under-Trial Prisoners: Judicial Irresponsibility or Impunity*, 1 NUALS L.J. 9 (2007).

⁵ J. Chinna Durai, *Indian Prisons*, 11 J. COMP. Legis. & INT'L L. 3D ser. 245 (1929).

⁶ Dolly Biswas, *Human Rights of Women Prisoners in India - A Critical Analysis*, 7 INDIAN J.L. & Just. 140 (2016)

⁷ F. A. Barker. *Modern Prison System of India: A Report to the Department: The Progress of Prison Reform in India during the Twenty Years following the Publication of the Report of the 1919-1920 Indian Jails Committee* (1944).

25, 1893, to all local governments in order to obtain their views. It was subsequently presented to the Governor General in Council and finally came into being the Prisons Act of 1894, which is the current law governing the administration and management of prisons.⁸ The process of examining the country's prison issues continued even after the Prisons Act was enacted in 1894. The first ever comprehensive study with the appointment of 'All India Jail Committee' (1919-20) was launched on this subject. Indeed, it is a major landmark in India's prison reform history and is properly called the landmark of the country's modern prison reforms. The reformation and rehabilitation of prisoners was first listed as one of the goals of prison administration in the history of prison administration.⁹

4.1 Recommendations Indian jail reform committee 1919-20¹⁰

The 1919-20 Committee was appointed to propose various recommendations for improving India's different conditions. The recommendations can be summarized as:

1. Prisoner care should be entrusted to the adequately trained staff who are paying enough to render faithful service¹¹.
2. Separation in prison service of executive / custodial, ministerial and technical staff.
3. Prison institutions diversification i.e. separate prison for different prison categories and a minimum area of 675 sq. Feet (75 sq. yards) per prisoner was placed in the prison walls.

The Jail Committee further recommended, as a measure of prison reform, that the maximum capacity of each prison be set, depending on its shape and size. Furthermore, as a form of punishment, there was a backlash against the use of solitary confinement. Due to inappropriate political environment, the Committee's recommendations could not be implemented.¹² The constitutional changes brought about by the 1935 Government of India Act, which resulted in the

⁸ Anita Yadav, Prisoners' Rights in India: An Analysis of Legal Framework, 6 INDIAN J.L. & Just. 131 (2015).

⁹ Walter C. Reckless, Crime and Correction in India, 1953 Y.B. 203 (1953)

¹⁰ Zubair Ahmed, Jail reforms in India: A study of Indian jail reform committees, Volume 1, International Journal of Multidisciplinary Education and Research(2016), (July. 12, 2020), <https://www.google.com/search?client=firefox-b-d&q=Recommendations+Indian+jail+reform+committee+1919-20#>

¹¹ Saket Singh, Role of the Supreme Court Towards a New Prison Jurisprudence, 6 Student ADVOC. 59 (1994).

¹² Kunal Ambasta, An Unclear Empiricism: A Review of the Death Penalty India Report, 13 Socio-LEGAL REV. 130 (2017).

transfer of the subject of prisons under the control of provincial governments, further reduced the possibility of uniform implementation of the 1919-1920 Indian Prison Committee's recommendations in the country. When the subject of prison is transferred to the governments of the State, they set up their own rules for the day-to-day administration of prisons, the maintenance and maintenance of prisoners and the establishment of procedures.¹³

Post-independence reform committees

Numerous commissions were set up after independence in order to improve prison conditions in India. In 1949, the Pakwasa Committee approved the method of using prisoners as labor for road work without the need for close supervision.¹⁴ From this time on, the system was introduced for paying wages to inmates for their labor. Several good time policies have also been implemented in jails where the inmates who performed well during their detention term have been compensated with an acceptable reduction in their probation times. The ultimate objective of these reforms was to protect society from criminals, to reform offenders, to prevent them, and to extract retribution from them.¹⁵

In 1951, the Indian government invited Dr. W.C. Reckless, the United Nations expert on rehabilitative work, to undertake a study on prison administration and to propose policy reforms. His report, 'Jail Administration in India,' pleaded for the transformation of prisons into centers of reformation.¹⁶ He also ordered the updating of old jail manuals. In 1952, Dr. Reckless's recommendations on prison reform were also supported by the Eighth Conference of the Inspector General of Prisons. Accordingly, in 1957, the Indian government appointed the All India Jail Manual Committee to prepare a model prison manual.¹⁷

¹³ Chandrani Chatterjee, *Life of a Prisoner: A Legal Study System and Its Reforms in India*, 9 INDIAN J.L. & Just. 141 (2018).

¹⁴ Gordon James Knowles, *Male Prison Rape: A Search for Causation and Prevention*, 38 HOW. J. CRIM. Just. 267 (1999).

¹⁵ Arthur Griffiths, *History and Romance of Crime from the Earliest Times to the Present Day* (1900).

¹⁶ Patricia Barton, *Imperialism, Race, and Therapeutics: The Legacy of Medicalizing the Colonial Body*, 36 J.L. MED. & Ethics 506 (2008).

¹⁷ Paul Knepper & Sandra Scicluna, *Historical criminology and the imprisonment of women in 19th-century Malta*, 14 THEORETICAL CRIMINOLOGY 407 (2010).

In 1960, the committee delivered its report. The report made strong pleas to formulate a uniform policy and state-of - the-art methods related to prison administration, probation, aftercare, youth and premises, certified and reformed school, protective homes, suppression of immoral traffic, etc. The report also proposed changes to the Prison Act 1894 in order to provide a legal basis for correctional work. In 1961, the Central Bureau of Correctional Services was established under the Ministry of Home Affairs in accordance with the recommendations. The Bureau observed the year of probation in 1971, and in 1973, the Bureau published National Prison Policies.¹⁸

4.2 Indian Jail Reform Committee 1980-83{Mulla jail committee}¹⁹

Some of the prominent recommendations of the Mulla committee are

1. Improve the condition of prisons by making appropriate arrangements for food, clothing, sanitation, ventilation, etc.
2. The prison staff should be trained properly and should be organized into various posts. Constitute an All India Service called the Indian Prisons & Correctional Service to recruit prison officials would be advisable.
3. An integral part of prison service for aftercare, rehabilitation and probation. Unfortunately, in the state, rehabilitation law is not being properly enforced.
4. Public and Media should be permitted to visit prisons and related prison facilities on a regular basis so that the public can have first-hand information about conditions within prisons and be willing to cooperate in recovery work with prison officials.
5. Lodging of under trials in jail should be limited to a bare minimum and they should be separated from the inmates convicted. Since a large proportion of the prison population is involved in litigation, their number can be decreased by timely trials and the liberalization of bail provisions
6. The government should provide proper resources and funding for prison reforms

In 1987, the government of India appointed the Committee of Justice Krishna Iyer to conduct a report on the condition of female prisoners in India. It suggested the induction of more women

¹⁸ E. C. Wines. Report of the International Penitentiary Congress of London, Held July 3-13, 1872 (1873).

¹⁹ Justice Mulla, All India Committee on Jail Reforms,(1983), (July. 15, 2020), <https://www.mha.gov.in/MHA1/PrisonReforms/report.html>

into the police force in view of their special role in the fight against child and women offenders. In February 1988, Justice V.R. Krishna Iyer's National Expert Committee on Women Prisoners submitted its report to the government.

4.3 Krishna Iyer Committee on Jail Reform²⁰

In 1987, the Indian government appointed the Committee of Justice Krishna Iyer to conduct a report on the condition of female prisoners in India. Taking recognition of their special role taking handling women and children criminals, it has proposed the inclusion of more women in the police force. In February 1988, Justice V.R. Krishna Iyer's National Expert Committee on Women Prisoners submitted its report to the government.

4.4 Various State Jail Reform Committees²¹

The period from 1937 to 1947 was significant in Indian prisons history because it at least in some progressive states like Tamil Nadu, West Bengal, and Maharashtra, it aroused public awareness and general awareness of prison reforms. The efforts of some of the eminent freedom fighters who knew the conditions in prisons first hand succeeded in convincing these liberal state ' legislatures to select commissions to further study prison conditions and suggest improvements in accordance with their local conditions. Some of the committees that were named during the time²²

1. The Mysore Jail Reforms Committee, 1940-41;
2. The U.P. Prison Reforms Committee, 1946;
3. The Bombay Committee on Jail Reforms, 1946-48

The U.P. Government in the late thirties formed a Prison Enquiry Committee and according to committee recommendations, the ' First Jail Training College' in India was formed for the training of prison officers and warders at Lucknow in 1940.²³ As India got its independence in 1947, the images of terrible conditions in jails were still fresh in political leaders ' minds and they focused on prison reforms on assumption of power.²⁴ The Indian Constitution, however, which came into

²⁰ Justice Krishna Iyer, Krishna Iyer Committee on Jail Reform,(1987), (July. 15, 2020), <https://www.google.com/search?q=justice+krishna+iyer+committee+report&oq=justice+krishna+iyer+committee+report&aqs=chrome..69i57.414j0j7&sourceid=chrome&ie=UTF-8#>

²¹ Supra note 1.

²² Mitali Agarwal, Beyond the Prison Bars: Contemplating Community Sentencing in India, 12 NUJS L. REV. 119 (2019).

²³ Lajpat Rai. Young India; an Interpretation and a History of the Nationalist Movement from Within (1968).

²⁴ Edwin Pears, Editor. Prisons and Reformatories at Home and Abroad, Being the Transactions of the International Penitentiary Congress (1872).

force in 1950 retained the status of the Government of India Act of 1935 on prison matters and kept 'Prison' as a State subject by including it in the Seventh Schedule— State List.

After dependence, the first decade was marked by heavy efforts to improve prisoners living conditions. The State Governments established many number of Prison Reforms Committees to achieve a certain level of humanization of prison conditions. Some of the committees that made outstanding recommendations were:²⁵

1. The Committee for the East Punjab Jail Reforms, 1948-49
2. The Committee for the Reconstruction of the Madras Prison, 1950-51
3. Orissa's Committee on Jail Reforms, 1952-55;
4. Travancore and Cochin's Jail Reforms Committee, 1953-55;
5. The Committee of Inquiry of the U.P. Jail Industries, 1955-56;

While local Committees were being appointed by State Governments to suggest prison reforms, the Government of India invited technical assistance in this field from the United Nations²⁶

4.5 Steps Taken by Government of India for Administration of Prison Reforms in India²⁷

The government of India has asked the government of the state and different territories of the Union to make changes in order to make the changes properly administered. Different states have adopted these guidelines from time to time in their prison manuals. The following can be summarized as follows:²⁸

1. Study their prison manuals by the end of the year on the basis of the Model Prison Manual.
2. Nomination of Review Boards for District and State inmates on trial
3. Providing legal support for underprivileged inmates and appointing of full-time and part-time law officers
4. Enforcement of current bail laws and liberalization of the bail system upon consideration of all its aspects
5. To adhere strictly to the rules of the 1973 Code of Criminal Procedure on time limits for prosecution and trial

²⁵ Dolly Biswas, Human Rights of Women Prisoners in India - A Critical Analysis, 7 INDIAN J.L. & Just. 140 (2016)

²⁶ Subject Index, 1 BRIT. J. CRIMINOLOGY [i] (1961).

²⁷ Zubair Ahmed, Jail reforms in India: A study of Indian jail reform committees, Volume 1, International Journal of Multidisciplinary Education and Research(2016), (July. 15, 2020), <https://www.google.com/search?client=firefox-b-d&q=Recommendations+Indian+jail+reform+committee+1919-20#>

²⁸ Neera Kuckreja Sohoni, Women Prisoners in India, 18 INT'L Soc. WORK 34 (1975).

6. To ensure that no child is sent to jail in conflict with the law for lack of specialized services under the Central children act 1960²⁹
7. Having at least one School for youthful offenders in each state under the Borstal Schools Act, 1929
8. Establishing separate facilities for women offenders for care, treatment and rehabilitation
9. Must organize in specialist facilities for the care of lunatics³⁰
11. Preparing a time-bound program for improving prisoner living conditions with priority attention to sanitation, water supply, electrification and sending it for approval to the Ministry of Home Affairs³¹
12. Developing literacy, training and work services in prisons systematically
13. Strengthen the prison management program like inspection, supervision and control equipment and ensure that the financial arrangements provided for improving prison administration are properly used³²
14. Organizing a comprehensive network for state and local preparation for prison staff
- 15 Providing additional resources in prison to modernize prisons and develop rehabilitative services; 16. Establishing a State Board of Visitors to regularly visit prisons and report on conditions in prisons for state government consideration; ³³
17. Study and provide the Government of India with views on the plan to set up the National Visitor Board³⁴

²⁹ Anil R. Nair, Human Rights Violations of Under-Trial Prisoners: Judicial Irresponsibility or Impunity , 1 NUALS L.J. 9 (2007).

³⁰ Dr. Kurt Neudek, The United Nations in Imprisonment Today and Tomorrow- International Perspectives on Prisoners' Rights and Prison Conditions eds., Dirk van Zyl Smit and Frieder Dunkel; Kluwer Law and Taxation Publishers, Deventer, Netherlands, 1991

³¹ Saumya Singh & Rima Majumdar, Innocence Project - Righting a Wrong, 7 NIRMA U. L.J. [11] (2018).

³² Prison conditions in India, Human Rights Watch, (1991), (July. 15, 2020), <https://www.hrw.org/sites/default/files/reports/INDIA914.pdf>

³³ Peter Maida, Victimless Crimes: Two Sides of a Controversy - Edwin M. Schur and Hugo Adam Bedau, 10 Issues CRIMINOLOGY 126 (1975).

³⁴ Ibid.

5. Recommendations of researcher regarding conditions of prisoners regarding,

Over crowding

- It is important to determine the maximum capacity of prisons. No more than 750 prisoners and 400 district jails should be held in Central Jails.
- Some offenses should be decriminalized and alternatives to jail should be designed to deal with these cases.
- Police must avoid unnecessary or indiscriminate arrests.
- Some armed police should be raised and kept at their disposal exclusively for the department of the prison.
- Alternative care homes should be designed for non-criminal mentally ill people.

Counseling

- Some psychiatrists should be appointed to know the conditions of prisoners. Even though the officials were well trained in counseling it is impossible for officials to know the psychological conditions as they are not professionals and they have other duties

Accountability

Even though this is not the mentioned problem the researcher observed that the prison system lacks accountability. As outsiders were not allowed to visit and prisoners fear to file a complaint this department lacks accountability. Some of the suggestions by the researcher are

- An efficient complaint process to allow prisoners to file complaints without fear of punishment should be created. The claims should be thoroughly and fairly investigated and disciplinary action against those found guilty should be taken. Every effort should be made by any member of the prison staff to conceal misconduct.
- Civil society groups should be available to prisons as this would help ensure transparency and accountability in the management of prisons.

6. Recommendations of researcher regarding conditions of prison officials regarding,

- Many expert groups recommended that the Central Government should consider the All India Prison and Correctional Service.³⁵
- Many jails are suffering from manpower shortages. State governments must review the requirements of various types of workers available, including medical, on a regular basis and take steps to remove the shortage.
- Due to lack of promotional opportunities, there is significant dissatisfaction among different ranks in the prison department. Governments must conduct a system examination and create additional promotional incentives based on a work study for different ranks.
- Posts of convict warders should be removed and an equal number of regular posts should be established to satisfy manpower requirements.
- In order to achieve gender balance and responsiveness within the system, a deliberate effort to encourage more women in prison administration is required.
- It is important to review the salaries of the lower ranks in the prison system. State governments should not downgrade prison department posts by prescribing lower salaries for them compared to other department posts, especially when the State Public Service Commission recruits these posts on the basis of a joint recruitment test.³⁶
- After evaluating the job tasks of the identified positions in the two agencies, the State Government can recommend creating parity in the pay scales of the lower ranks in the prison department with those in the police department.

Conclusion

³⁵ Why promote prison reforms, United nations, (July. 15, 2020), <https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>

³⁶ Prisons and human rights, legal tools,(July. 15, 2020),<https://www.legal-tools.org/doc/023c96/pdf/>

Through the observational and interview mode of research the researcher got to know the conditions of prisoners and prison officials were fine and my hypothesis Conditions of prisoners and prison officials were poor and they are suffering from lack of basic human amenities in prisons and in their duties is disproved. Even though they are good some of the improvements should be done and they should be implemented properly and a proper mechanism should be developed to implement the recommendations of various expert committees, workshops and courts from time to time. The National Human Rights Commissions and the State Human Rights Commissions can take up this job and make sure that follow-up action is taken to implement the various expert committee recommendations

BIBILOGRAPHY

- Reports of Indian jail reform committee 1919-20
- Reports of Indian Jail Reform Committee 1980-83{Mulla jail committee}
- Reports of Krishna Iyer Committee on Jail Reform
- Reports of Various State Jail Reform Committees

APPENDIX

QUESTIONS OF INTERVIEW

1. What type of reforms the authorities are undertaking to bring change in inmates?
2. What are the medical facilities the inmates are receiving?
3. What type of educational facilities you are providing to inmates?
If yes is there any person who has passed with a UG or PG degree?
4. What are the measures you take as a prison head to prevent the corruption(In a workshop conducted by MPHRC, they stated that some of the prison officers are taking bribes to allow them to their dear ones or giving special treatment by some of the prison staff for money)
5. Are you providing any awareness about legal aid as many prisoners were illiterate?
6. Are there any instances of custodial death in this prison?
If yes what are they and what are the measures you are taking to tackle that problem?

7. Are you providing any counseling to inmates to overcome the problem of depression and mental trauma?

8. Does this prison have women prisoners?

If yes are you maintaining sufficient no of women staff?

Coming to the problems faced by the Prison officials

9. From one of the reports I heard that some of the prison officers consider the posting in prison as a punishment. What are the reasons for considering this posting as punishment

10. Do we have the system of appointing convicts as warders?

11. Do you have any issues with promotion and remuneration?

12. Have you undergone any special training before getting in to prison department?

13. Do you feel that prison administration has sufficient accountability i.e. giving access to media, NGO's, students like us(it is a long procedure to visit a prison)

If yes why the government is not providing access to people (even though this helps in knowing the conditions of prisoners and increasing accountability and transparency in system)?

14. Do you have the problem of overcrowding? (more no of prisoners less no of officials in your prison)

15. Do you think there is problem on account of Duty hours and leave procedure?

16. Do you have the job satisfaction in this department?

17. Do you think that there are problems on account of lack of suitable co-ordination between prison, police and judicial department?

(In taking prisoners from prison to courts)

18. What are the ways you are taking to tackle the issue of suicides of prisoners?

19. Do you have the problem of staff safety (is there instances of attacking prison officials)?

20. What are your suggestions to improve the conditions of inmates and prison officials?