

2023

CONDITIONS OF THE PRISON SYSTEM

Samar Fatima

Recommended Citation

Samar Fatima, 'Conditions of the Prison System' (2023) 2 IJHRLR S.I. 54-59.
Available at www.humanrightlawreview.in/vol-2-special-issue/.

This Art. is brought to you for free and open access by the International Journal of Human Rights Law Review by an authorized Lex Assisto Media and Publications administrator. For more information, please contact info@humanrightlawreview.in.

CONDITIONS OF THE PRISON SYSTEM

Samar Fatima¹

"The best road to progress is freedom's road"

– John F. Kennedy

Freedom is the choice to live one's life doing what one wants, live where one wants, eat by own choice and learn what one's heart desires. Prison is one such institution where individuals have a limited scope of freedom. Prisons are not typical places. Criminologists warn of the severe psychological harm done to prisoners and the difficulties in coping with the world outside when released across all security levels and types of administration. The appalling news is the prison systems are still governed by The Prisons Act of 1890. A rigid and outdated system results in horrendous incidents from which recovery becomes problematic, such as the problem of suicide, overcrowding, custodial torture, the probability of one-time offenders turning into habitual offenders etc. The Prison Act is older than 70 years now, implying the aspects of this Act are out of touch. A healthy laid-out structure requiring rigorous amendments is the need of the hour.

The rate of suicide in prison has doubled in 20 years, from 12.12 per 100 000 people, in 2001, to 24.23 per 100 000 people in 2019. In 2019, suicide rates in prisons were 2-3 times higher than those in the general population. Suicide, as the subject, is even further divided into the reasons of psychiatric illness, fear of other prisoners, and shock of confinement. Even considering the deficits and variances in reporting, this disparity is a cause for concern. In 2014, The National Human Rights Commission presented a grim reality that, on average, a person is one-and-a-half times more likely to commit suicide in prison than

¹ Law Student, 1st Year, BA.L.L.B., Himachal Pradesh National Law University, Shimla.

outside. These inhumane and unethical punishments shape our criminal justice system.

Research says, '*A prisoner is 50 per cent more prone to commit suicide when completely cut-off from family and other social relationships of the society.*' Prisons destroy people as it is a secluded place where family, friends, and colleagues have shut those people down as they bring shame to their names. Then, prison relatively becomes a school for crimes.

India still follows the outdated retribution system of throwing people behind bars and letting them rot in jail. A special commission of inquiry in India, appointed after the 1995 death of a prominent businessman in Tihar Central Jail, reported in 1997 that 10,000 inmates in that institution endured severe health hazards, including overcrowding, "*appalling*" sanitary facilities, a shortage of medical staff. It is undeniably true that prisons in many parts of India are overcrowded. For example, there were 8500 detainees in the Tihar Jail of Delhi in 1995 against the limit of 2500 prisoners.

The pernicious impact of crowded is that it doesn't allow segregation among convicts- those punished for grave offences and minor crimes. Subsequently, hardened criminals may spread their influence over different prisoners. It is in direct contravention to the judgement passed in *Francis Coralie v. Delhi Administration*². The court held that the word 'life' includes adequate nutrition and food, clothing, shelter, education facilities, the opportunity to express oneself in diverse forms, and moving freely with fellow human beings.

The handiness of the prisons should be the rehabilitation of offenders and preparing them to lead an everyday life once they exit the dungeon. Still, the whole process of rehabilitating and humanizing requires, in a

² [1980] 2 SCR 557.

broader sense, an inter-disciplinary approach involving studies, research and vocational training on different subjects by the prisoners. However, the state of education in the Prison system is still at a very nascent stage. Today's arrangement of criminal sentences in India is not an answer to injustice. In India, prisoners' education remains largely neglected. There might be a few training programs available. Still, due to other opposing forces of the wrong attitude of inmates or lack of teachers, the contribution towards educating prisoners remains negligible.

The National Crime Records Bureau (NCRB) releases data in its annual reports about the number of inmates who benefited from educational and vocational training programmes each year, there is no accurate information about the metrics used to determine these benefits. In 2018 Prison Statistics India stated that out of 466,084 prisoners in India, less than 25 per cent received an education, and only about 11 per cent received vocational training; therefore, it is an urgent need to build a robust infrastructure for the formal education of prisoners. The Right to education is a Fundamental Right and, consequently, is the right of every citizen of the country. Along with teaching, it is essential that a suitable standard of education should be maintained.

In *Mohammad Giasuddin v. the State of A.P.*³, the court had strived to standardize the approach of work and education offered to the jail inmates, directing the state government to look into the nature of work and instruction given to the prisoners.

The aim is to heal, not harm. The education received by prisoners will expand the horizons of their minds and maturing of the soul. It helps in the critical appraisal of your habits and opinions. Education will help them in becoming a more aware citizen and a better person, thereby, in

³ AIR 1977 SC 1926.

a way, helping us establish a peaceful society. Even the law of the land does not allow infringement of the Fundamental Rights of the prisoners. In the case of the *State of Andhra Pradesh v. Challa Ramkrishna Reddy*⁴, the court held that a prisoner is entitled to all the fundamental rights unless curtailed by the constitution. Courts have upheld the right of prisoners to get educated. They have the right to read, write and learn.

All the system of oppression depends upon the denial of compassion and equality. A lack of empathy makes it easy to treat people as less than human, ignore their inner world, and see them as objects to be used for restraining purposes. Therefore, taking a step in the right direction, there needs to be proper and comprehensive legislation to protect the prisoners. It becomes imperative to understand, significantly, when the crime rate has increased by 14 per cent. It is the need of the hour. Prisons are the status of correctional facilities, but how is that supposed to happen when society is adamant about not providing any tools?

In *DBM Patnaik v. State of Andhra Pradesh*⁵ and *Sunil Batra v. Delhi Administration*⁶ emphatically state that a prisoner is a natural person or a legal person. If a person gets sentenced for wrongdoing, it does not lessen his status, whose rights will get snatched at the impulses of the prison management. As a state subject, Prisons do not have uniform legislation that results in abuse of power and discrimination on different levels. The influential inmates relish in all kinds of illegal luxuries, whereas the tragic or deprived ones are discriminated against because they do not have their credit alike backing. For example, Dalits and Adivasis account for about 24 per cent of the country's population; they constitute 34 per cent of the prison population.

⁴ AIR 1994 SC 2663.

⁵ 974 AIR 2092.

⁶ (1978) 4 SCC 409.

Today's criminal justice system should be about reformation; it is all about rehabilitating these incarcerators and providing helpful education and vocational training. We need to bring a change in the paradigm and shift our focus towards other significant problems. The most horrific unusual exploits of destruction are almost always symptoms of extreme forms of mistreatment and neglect. But when society collaborates with the government authorities, a positive result is bound to happen. The mortar and bricks of the prison system can be solidified only when the community plays a part in this process and shapes the way or shines some light in the darkness.