

A Socio-Legal Study of Prison System and Its Reforms in India

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Abstract: The prison system is expected to make life unpleasant for people who, by their crimes, have made others lives unpleasant. Finally, society wants to reduce crime rates. The prison system is expected to reduce crime rates not only by reforming criminals but also by deterring the general public from behavior which is punishable by imprisonment. The prison system in our country is now been improved much. In general effects of imprisonment are the nature of the progressive weakling of mental powers and of a deterioration of the character in a way which render the prisoners' life fit for useful social life and in consequence more liable to reconviction. Our enormous investment of time, energy and money for reformatory or rehabilitative prison model has been demonstratively successful in preventing and controlling recidivism among prisoners. But in previous time the prison condition was not so good. Now, in Indian prison the caring of the prisoners are better and even improved as we compare with the ancient time. For the reformation in India, many steps are being taken so that it could be possible in India as per in the other countries. For this, the education system and its all facilities have been combined with the prison system so that the prisoners may get the education so that they can live their life when they come out from the prison and live their life respectfully. Through education the prisoners can learn the socialism and learn how to behave with the people living in society. This approach expressed a definite attitude towards human beings that they are modifiable for the better if given the proper opportunity. But many Criminologist, psychologist and sociologist believe that the ways in which inmates adopt to prison life have simplifications not only for the institution and society but also for the future of the prisoners. Thus, through education the reformation in India may be possible and also by the proper management and caring of the prison and prisoners in Indian prison system.

1. INTRODUCTION

The world is full of crime and criminals, tragedy and violence. Crime is a social phenomenon. No society primitive or modern, no country whether under developed or developing or developed is free from its clutches. The focus has mainly and always been on criminal and crime, none on victim. So, the forgotten man in the legal world and society happens to be the "victim" for whose plight remedy we have the whole system. Prisons are a State subject under List-II of the Seventh Schedule to the Constitution of India. Although prison systems everywhere are marked by inertia, few can match India's in immutability of practice. A well organized system of prisons is known to have existed in India from the earliest time. It has been kept in record that Brahaspati laid great stress on imprisonment of convicts in closed prisons. Manu was against this system yet. The British prison authorities made emphatic efforts to improve the conditions of Indian prisons and prisoners as well. Various Committees, Commissions and Groups have been constituted by the State Governments as well as the Government of India (GoI), from time to time, such as the All India Prison Reforms Committee (1980) under the Chairmanship of Justice A.N. Mulla (Retd.), R.K. Kapoor Committee (1986) and Justice Krishna Iyer Committee (1987) 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. They introduced most radical changes in the existing prison system keeping in view the sentiments of the home-grown people. The prison administrators, who were mostly British officers, had classified the prisoners into two heads namely violent and non-violent prisoners. A country which over 40 years ago cast off British rule still administers its system under the colonial Prisons Act of 1894. Perhaps because the act is such a relic of the past, or perhaps because prison officials prefer the route of least accountability, the various state prison manuals that embody the 1894 provisions are collectors' items, not only in short supply but expensive. A number of prison commissions have attempted to update and revise the code, but aside from a few states, these efforts have not received legislative approval. It is not only the rules and regulations but the day to day reality of Indian prisons which is so archaic. The most prestigious and thorough investigation of the prisons, the All India Committee on Jail Reform found 1220 facilities in the country as of December 31, 1980, of which 822 (67 percent) were lock-ups, and almost all of the

others, state prisons; together they held some 160,000 inmates. India's population, and incarcerates more than six times as many people as were actually counted in the Indian system a decade ago.)

2. STATEMENT OF PROBLEM

Prison system has a unique position in the society in which organizations compete either for economic resources or for the loyalty and support of group members. Despite the relatively low number of persons in prison as compared to many other countries in the world, there are some very common problems across the jails in India, and the situation is likely to be the same or worse in many developing countries. Overcrowding, prolonged detention of under-trial prisoners, unsatisfactory living conditions, lack of treatment programmes and the allegations for the indifferent and even inhuman approaches of prison staff have repeatedly attracted the attention of the critics over the years. Complexity of social system represents different types of social phenomena and at the same time emphasizes multidimensional nature of social world. Social system is formed by the characteristic of its components.

3. OBJECTIVE

In the year of 1920 the Indian Jails Committee had unequivocally declared that the reformation and rehabilitation of the offenders, was the ultimate objective of the prison administrations. For the issues of the prison offences and punishment standard minimum rules are very clear. These rules state that "no prisoner should be punished unless he/she has been informed of the offences alleged against him/her and given a proper opportunity of presenting his/her defense". Objectives for the study are formulated as follows:

1. To examine the relations in the prison system as like the social community.
2. To study the prison system or the legal structure of the Prison system in India
3. To study the nature of relationships in the prison system.
4. To present the Social system in the Prisons and the issues related to the system complexities.
5. To critically analyze the reforms in the Indian prison system.

4. PURPOSE OF STUDY

The primary purpose of this study is to analyze the two fundamental issues related with the Prison system of India that are: the Socio-legal study of Prison System in India and the Reformation identified by the Prisons in India.

5. HYPOTHESIS

No society can be crime free and criminals are found in all age groups, among both sexes and in all strata of society. A prison as a social system is a special subject of research for several reasons. First, a prison is a relatively isolated social system and may be analyzed much easier in terms of social system than other cases, especially a society as a whole is too complex system to research it directly. Second, the correctional institution is an example of total institution which consists of two communities or subsystems: the inmates and the staff. Third, this kind of institution is relatively separated and differs from other organizations in degree of control mechanisms, but it has also connections with outside environment. The contemporary Prison administration in India is thus a legacy of British rule. It is based on the notion that the best criminal code can be of little use to a community unless there is good machinery for the infliction of punishments. Provisions regarding the jail offences and punishment were specially examined by a conference of experts on Jail management.

6. SIGNIFICANT OF STUDY

This study could be important to study since our focus is on the prison system in India and its reformation. This study could play the most important and vital role in the reformation in Indian society as well. Hence this could be very significant to study.

7. NEED OF STUDY

As per considering the prison system in India and its overcrowding, the reformation process could be very important. Also it could make the prisoners to live their life better when they come out of the prison.

8. SCOPE OF STUDY

As per the all complexities of the prison system and India it is very much important to study how the prison system can be improved and well managed. Also by considering the reformation in India and the problems discussed in this research this thesis could be very important to concern.

9. METHODOLOGY

The research would be exploratory in nature. It will be followed by descriptive research.

Exploratory Research:

Exploratory research is an approach that would be used to add new insight into the issues and the problems. Exploratory research often relies on secondary research such as reviewing available literature and/or data, or qualitative approaches etc.

Descriptive Research:

The research would be descriptive in nature. Descriptive research, also known as statistical research, describes data and characteristics about the population or phenomenon being studied.

Coverage of Study:

The study area of the study is limited to the prisons of five identified districts of Rajasthan like Jaipur, Jodhpur, Udaipur, Chittorgarh and Ajmer.

The study of the prison system and the interrogation of the inmates and the staff members would be of the selected districts prisons only.

Sample and Sampling Method:

The selection of the sample size will depend on several issues like:

- Cost considerations (e.g., maximum budget, desire to minimize cost).
- Administrative concerns (e.g., complexity of the design, research deadlines).
- Minimum acceptable level of precision.
- Confidence level.
- Variability within the population or subpopulation (e.g., stratum, cluster) of interest.
- Sampling method.

So after reviewing all the issues it was estimated that 150 inmates and 50 staff members will be the respondents of the study. And the classification would be as follows:

1. 10 Staff Members of each prison of the selected districts for the study, which will result into 50 staff members.
2. 30 inmates of each prison of the selected districts for the study, which will result into 50 staff members.

Random sampling method is used for the purpose of this study for selecting the inmates and for selecting the districts and prisons judgmental sampling will be followed which is influenced by the convenience and the popularity of the district.

Profile of the Samples:

We will select the sample of respondents in such a way that it will represent the whole mass of inmates; means all the inmates punished for several types of crimes would be the part of the sample so that the complexity of the social system could be studied in depth. We will select the respondents from prisons of Jaipur, Jodhpur, Udaipur, Chittorgarh and Ajmer districts of Rajasthan. The study will put its effort to cover all the possible dimensions of the study by interrogating the prison system and the participant of the study (inmates and the staff member of the prisons).

Method of Data Collection:

Tools: We will prepare two different tools for the purpose of the study:

1. Interview schedule for the inmates and the staff members of the prisons.
2. Questionnaire for critical evaluation of prison system and impact of its strategies on inmates, with their opinion about the social system of the prison.
3. Questionnaire for critical evaluation of the staff members for the opinion about the prison system and social complexities of the prison.

These schedule and questionnaire will be prepared with the help of several experts and staff members from the prisons and academicians. We will contact the person to whom we want to interact and will take time from him/her, tell them the purpose of the study and assure them for the confidentiality of data and in this manner we will collect the data from the respondents. There are two types of interviews: structured and unstructured (Ghauri, 2005). A structured interview is one designed around predetermined fixed response categories with a standardized format of attaining such responses (Ghauri, 2005). This can be done by establishing questions before the interview with the intent of obtaining answers to these and only these questions. Unstructured interviews can be described as allowing the respondent to freely react to particular issues by stating their opinions and behaviors while the interviewer leads the interview in the direction of information that the researchers need for their study (Ghauri, 2005).

Secondary Data:

The regulations and the strategies followed and instructed to be followed are studied through the available books and the literatures on internet and the library.

Statistical Analysis:

After the collection of data, data coding and tabulation will be framed for the analysis.

All the calculations will be done through SPSS and wherever necessary the data will be pictorially presented by the use of graphs.

10. RESULT

The prison system as it operates today in our country is a legacy of the British Rule. The education system has been included with the prison system so that there could be reformation possible. The reformation in India is possible by the proper management system of the prisons, providing education, training to the people, use different policies that could be useful for the prisoners, providing legal rights to the prisoners.

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