

Lecture-9



Police and Prison administration

Prison administration

The original term used for prison is **jail** or **gaol**. Prison is defined as **a place properly arranged and equipped for reception of persons who by legal processes are committed to it for safe custody while awaiting trial or for punishment.**^[i] Prison is a place where persons are confined and are denied various freedoms under the authority of State as punishment.

Section 3 of Prisons Act, 1894 (Act IX of 1894) defines prisons as **Prison means any jail or place used permanently or temporarily under general or special orders of the State government for the detention of prisoners and include all lands and buildings appurtenant thereto, but does not include any place for the confinement of prisoners who are exclusively in the custody of the police.**

Prison is a place where under trials as well as the convict inmates are kept today. In ancient era, however, the condition was not the same. The prisons were only for detention of offenders for the period of their trial and not the place where offenders came for punishment.

During the Mughal period, the prisoners were kept under strict surveillance and control of authorities. At the time of the takeover of the country by the Britishers, the prisons in India were in a terrible condition. Finally, Macaulay initiated the task of shaping the criminal law of India which resulted in Indian Penal Code (IPC). From then onwards, various jail committees gave certain recommendations through their reports.

After independence, the subjects of jails, law and order, police and prisons were placed under state list in the VII schedule of the Constitution of India. The government of India adopted various measures to achieve further reforms in prisons.

W.C. Wreckless, who was an expert of the UNO, was invited to make his recommendations in 1951. Later on, a committee was also appointed to prepare an All India Conference of Inspector-Generals of prisons. Government of India appointed the All India Jail Reforms Committee 1980-

1983, whose Chairman was A.N. Mulla J. which has recommended a draft national policy on jail reforms.

Keeping in view the importance of prisons, a number of laws were passed from time to time to improve prison condition. In the present administration of criminal justice, prison is treated as a place for correction where rehabilitation and reformation of a prisoner are the main aim of imprisonment. The reforms regarding the children were also undertaken by the government. The Central Government and the State governments enacted various children's acts for the welfare of children.

A new law has been enacted to safeguard the children which is known as Juvenile Justice (Care and Protection of Children) amendment Act, 2006. The most common jail institutions which exist in States and Union Territories are known as Central Jails, District Jails and Sub jails. Other types of jail administration include women jails, borstal schools, open jails and special jails.

There are a number of positive and negative aspects of prison administration in India. The Prison administration involves security and discipline. It involves enforcement of rules and regulations in the management of prison system.

The various recommendations made by the Jail Committee of 1919-1920 paved the way for abolition of inhuman punishments like treadmill, crank, grinding grain, short drill, mental breaking etc have been abolished and gradually a trend developed in the form of enforcement of discipline based on inducements involving payment of wages for labour rendered, remission of punishment due to good conduct, creation of facilities like canteens etc.

Besides the physical protection given to prisoners and the elimination of unnecessary restraints, many other issues regarding the rights of the prisoners have attracted the attention of courts in India. The Declaration of Human Rights in 1948 showed its concern for prisoners. The constitutional rights of prisoners also cover a wide range of rights of personal and political nature including rights such as pertaining to religion, association, election etc.

The Supreme Court of India has been active in responding to human right violations in Indian jails and it recognized a number of rights of prisoners by interpreting Articles 21, 19, 22, 32, 37 and 39 A of the Constitution in a humane way. The Supreme Court of India in the recent four decades has been very active against violation of the Human Rights of the prisoners. The Jail Reforms Committee 1980-1983 has also make recommendations regarding prisoners rights.

It has recommended the incorporation of some rights in proposed scheme of National Prison legislation like- right to human dignity, right to minimum needs, right to access to law, right to communication, right against arbitrary prison punishment, right to meaningful and gainful employment and right to be released on due date. In present day context, after-care programmes are increasing.

It implies all efforts to enable the prisoner to overcome various social, economic and psychological problems after his release. Under the treatment philosophy, the after-care work commence as soon as the convict begins his prison life. At the time of departure, the prisoner is given some money by the State or his savings, made out of the wages earned in the prison, and a set of clothes to equip him for the new life. At present, some good work is being done by a few public societies. In UP, one of the functions of the Crime Prevention Society is to carry on after-care work through its District Committees.

In India, owing to mass illiteracy, most of the prisoners do not have even elementary education. Only 33 per cent of male convicts are literate and in case of women, the percentage is only 12. [ii] Academic education gives a sense of achievement to the prisoner which goes a long way in exercising corrective influences. In India, rules in the jail manuals recognize the significance of religion and religious instruction for the reformation of prisoners. Prisoners of all communities are offered facilities for their religious observance. Teachers selected by the District Magistrates deliver lectures on religious and moral subjects for an hour, once a week. [iii]

Moving on to prison labour and industry, earlier, the emphasis was on hard unpaid labour. In the reformatory approach, prison labour is used not as an end in itself but as a means to achieve certain skills in prison which shall help him to earn wages while serving in prison. In the famous

They are the people whose trial is being awaited but they are in judicial custody and are supposed to remain there until their sentence is pronounced. The percentage of under trial and convicted prisoners to the total prisoners in various Indian jails has been reported as 67.6% and 31.5% respectively in the country in year 2013. In certain cases they have to live in prison for a longer period than the period of imprisonment which would be awarded to them if they were

Prisons have come to occupy a central place in the administration of punishment all over the world. Since then, the philosophy of prison system is continuously changing. A new feature of prison system is the emergence of open prisons in many parts of world including India. In India a beginning in the open prison system was made in 1952 under the inspiration of Dr Sampurnanand when a camp was opened at Chakia in the Varanasi district of Uttar Pradesh.

The inmates were allowed to work on their own or in local factories and wages were paid to them. In **Dharambir v. State of U.P.**[vii], the Supreme Court supported the institution of open prisons since such prisons had certain advantages in the context of young offenders who could be protected from some of the well known vices to which young inmates were subjected to in ordinary jails.

In recent years, the Supreme Court has come down on the sub-human conditions in prisons. In many States, there are problems of overcrowding, health and hygiene, increase in number of under trial prisoners etc. which attract the attention of press and social activists. To emphasise the constitutional and legal rights of prisoners. Whether the disuse of imprisonment is inevitable or not, but there is no doubt that imprisonment as a mode of punishment has already been affected adversely to a significant extent by other methods like probation, parole and work release.

QUESTIONS:

1. **When someone violate the law, we immediately inform :-**
 - a. Neighbours
 - b. Relative

c. Judge

d. Police

Ans: (d)

2. **Police generally do :-**

a. File report

b. Arrest a person

c. Both (a) & (b)

d. None of these

Ans: (c)

3. **An accused person is decided by :-**

a. Police

b. Court

c. Person himself

d. All of these

Ans: (b)

4. **Key players of criminal justice system are :-**

a. Police & public prosecutor

b. Defence lawyer & Judge

c. Both (a) & (b)

d. None of these

Ans: (c)

5. **Police file a charge sheet in the court & _____**

a. If police arrest a person

b. If a person is suspected for anything

c. If a person commit a crime

d. If investigation proved the person is accused.

Ans: (d)