



An Analysis of Problems Faced by Prisoners in Prison with Special Reference to Himachal Pradesh

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ABSTRACT

This empirical research aims to investigate the implementation of U.N Standard Minimum Rules for the Treatment of Prisoners, which is accepted as being the good principle and practice in the treatment of prisoners, and is applicable to all categories of prisoners, criminal or civil, untried or convicted. A schedule was prepared after having gone through the secondary literature in order to bring out the real protection available behind the bars. For the purpose of the study, formal permission from the prison authority of Himachal Pradesh Prison was obtained. All the prisoners were approached with a request for answering the questionnaire, and those who willingly agreed were given the questionnaire. 600 respondents have been part of this study. 10 questions were included in the schedule. The answers of these 600 respondents were classified under 10 tables. All these 10 tables have been analysed below through the simple statistical technique of percentage method.

INTRODUCTION:

The Researcher has mainly mentioned to the secondary sources available in the form of internet websites as well as books for the purpose of preparing the research work. . For the purpose of the study, formal permission from the prison authority of HP Prison was obtained. All the prisoners were approached with a request for answering the questionnaire, and those who willingly agreed were given the questionnaire. 600 respondents have been part of this study

1. Accommodation

The basic requirement that preserve human life, i.e. food, clothing and shelter is one of the most important tasks that prison administration is expected to perform after security. This aspect of prison has a direct bearing upon the attitudes and morale of inmate population. For the inmates too, these services represent the basic few things which concern their immediate life. The desire to safeguard the present is far important for long-term prisoners who usually do not hopefully look forward to a very happy future life beyond walls. This down to earth thinking of some prisoners made them vocal about grievances that concern the administration of these services. To highlight the living conditions of prisoners, this aspect has been studied Accommodation in the context of prison life means a place where the prisoners can be confined safely to serve his/her sentence under such living conditions as conducive to correctional treatment and maintenance of basic minimum standards of human dignity. Overcrowding is one of the major problems of prisons in India. Crowding affects the Prisoner psychologically. In India, various prison reform committees have talked about over-crowding in prisons, bad and unhygienic living conditions, and inferior quality of food in prisons.

Rule 10 of the UN Standard Minimum Rules for the Treatment of Prisoners states that, All accommodation provided for the use of prisoners and in particular all sleeping accommodation should meet all requirement of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

Table 1

Number of Prisoners in One Cell	Number of Respondents	Percentage
Less than 5	150	25%
5 to 10	250	41.70%
More than 10	200	33.30%
Total	600	100%

In the above table number 1 the respondents were asked to report number of Prisoners in one cell. It was reported that according to the size of the cell, they were distributed. 33.30% stated that more than ten persons shared the same cell which can occupy only five. There was hardly any privacy. They had to sleep on the floor on dirty beddings.

2. Services for the Prisoners

Rule 12 of the UN Standard Minimum Rules for the Treatment of Prisoners states that the sanitary installations should be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner. Rule 15 and 16 states that in order to enable the prisoners to keep their persons clean they should be provided with water and with such toilet articles as are necessary for health and cleanliness.

Table.2

Prison Services	Number of Respondents	Percentage
Lighting	600 Adequate	100%
Ventilation	200 Inadequate	33%
Water source	600 Adequate	100%
Toilet	600 Shared within and outside cell	100%

In the above table number 2 the respondents were asked to report about the adequacy of the facilities provided to them. With regard to electricity, the responses of respondents were found to be adequate, whereas 160 respondents found ventilation inadequate. Others found it quite adequate. With regard to water source, water source was within prison and found adequate. With regard to toilet, it is shared within and outside the cell. Most of the prisoners were assigned the job of cleaning the toilet. It is to be noted that well-off and educated inmates whose family members were regularly visiting and providing financial support did not perform this duty. They would hire poor, uneducated prisoners with no family support, to do this job for them.

3. Accessibility and Adequacy of Medical Facilities for the Prisoners

The prison being a total institution has the responsibility of protecting and maintaining the physical and mental health of the prisoners. Different research studies have highlighted a negative picture of medical facilities in the prisons. Mental health problems (including depression, phobias, anxiety, neurosis, self-harm and suicide) are at a high rate. Female prisoners are more vulnerable to ailments like gynaecological problems, headaches, stress and emotional disturbances.

Rule 22 of the UN standard Minimum Rules for the Treatment of Prisoners states that every institution should have the services of at least one qualified medical officer, having some knowledge of psychiatry and services of a qualified dental officer should be available to every prisoner. Where hospital facilities are provided, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners and there should be a staff of suitable trained officers.

Table 3

Response	Number of Respondents	Percentage
Adequate	125	20.8%
Inadequate	375	62.5%
Satisfied	100	16.6%

In the above table number 3 the respondents were asked to comment on the availability and adequacy of medical facilities. More than 62.5 per cent respondents found medical facilities inadequate. Only 16.6 per cent were satisfied. It was found that general medical physician visits the prison whenever called by the prison authorities, but psychiatrist or specialists were not available for the prisoners. There were no registered nurses on the staff. The prisoners whose background qualified them to perform useful healthcare tasks were often given work assignment as assistants. It was observed that medical practitioners were either missing from the prisons or whenever available, they had an authoritarian approach. The time and effort necessary to explain, to help provide insight, to gain acceptance, and to achieve confidence were absent.

4 .Amount and Quality of Food

Different prison reform committees have stated that food quality is not up to the mark in most of the prisons. Quality, not the quantity of food was a problem for most of the inmates. The Prisoners grievances centered on bad preparation of the food and consequential tastelessness and being unpalatable. Rule 20 of the U.N. Standard Minimum Rules for the Treatment of Prisoners states that Every prisoner should be provided at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

Table 4

Food Amount and Quality	Number of Respondents	Percentage
Adequate and Hygienic	240	40%
Just Palatable	160	26.6%
Unhygienic and Bad Taste	200	33.3%
Total	600	100%

5. Religious Practice

It is believed that religion is instrumental in preaching, developing and maintaining morality in people. It influences the behaviour of an individual and refrains him/her from following the path of immoral behaviour. Rule 42 of the

U.N. Standard Minimum Rules for the Treatment of Prisoners states that As far as practicable every prisoner should be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Table 5

Response	No of Respondents	Percentage
Allowed	550	91.6%
Not Allowed	Nil	Nil
Not Always	50	8.3%
Total	600	100%

In the above table number 5 the respondents were asked about their religion and to report whether they are allowed to religious practice. Out of 600 respondents 550 Majority of the respondents i.e. 91.6 per cent mentioned that they were allowed for religious practice. The remaining 8.3 per cent stated that they were not always allowed.

6. Grievances by Prisoners

Rule 35(3) of the U.N. Standard Minimum Rules for the Treatment of Prisoners states that every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels. Further Rule 35 (4) states that unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Table 6

Response	Number of Respondents	Percentage
Allowed to give grievance	50	8.33%
Not Allowed to give complaint	425	70.83%
Very Rare	125	20.83%
Total	600	100%

In the above table number 6 the respondents were asked to specify that whether they were allowed to give a complaint against the prison authorities. Out of 600 respondents 70.83 percent reported that they were not allowed

to give complaints. 20.83 percent mentioned that very rarely they were allowed to give complaints. Only 8.33 percent stated that they were allowed to give complaints.

7. Visits by the Family

The prison allows prisoners to meet their family members. Under trial prisoners are allowed to meet weekly once, whereas convicts are allowed to meet once in 10 days. Different days are fixed for convicts and undertrial. Family members visit prison to enquire about their well being and deliver items of daily needs. Rule 37 of the U.N. Standard Minimum Rules for the Treatment of Prisoners states that Prisoners should be allowed under necessary supervision to communicate with their family and friends at regular intervals both by correspondence and by receiving visits.

Table 7

Response	Number of Respondents	Percentage
Yes	450	75%
No	85	14.17%
Very rare	65	10.83%
Total	600	100%

In the above table number 7 the Inmates were asked whether their family members come to visit them. There were 75 percent respondents who stated that their family members come to visit them. It made them feel that they were cared for. It provided them an opportunity to meet and hear the loved ones face to face. Further this is the channel through which inmates procured many items of daily needs. There were 14.17 percent respondents who stated that their family members didn't come to visit them. There were some respondents who did not have cordial relations with their family members.

8. Labour and Wage in the Prison

Work programs in prisons are important for several social, psychological and economic reasons. This inculcates in prison prisoners, work habits and familiarity with ways and means of raising an honest living. As a result, their reintegration in the community on their release from prison tends to become relatively smooth and effective. According to the prison manual, only convicts could be given work. For the under trials and those undergoing 'simple imprisonment' participation in work programs is essentially optional. Rule 71(2) of the U.N. Standard Minimum Rules for the Treatment of Prisoners states that: All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer. Rule 89 states that an untried

prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

Table 8

Response	Number of Respondents	Percentage
Yes	175	29.17%
No	325	54.17%
Not Answered	100	16.67%
Total	600	100%

9. Access to Newspapers Books and Television

Rule 39 of the U.N. Standard Minimum Rules for the Treatment of Prisoners states that: Facilities of Television, Radio, News Papers and Magazines should be provided to the prisoners. Further Rule 40 provides that every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Table 9

Response	Number of Respondents	Percentage
Television	400	66.67%
News paper	50	8.33%
Books	150	25%
Total	600	100%

10. Workout in Prison

Table 10

Response	Number of Respondents	Percentage
Allowed	175	29.2%
Not allowed	350	58.3%
Very rare	75	12.5%
Total	600	100%

In the above table number 11 the Exercise and sports are required for preservation of physical and mental health. But findings indicate that more than 58.3 percent are not allowed for exercise. 175 respondents mentioned that they are allowed for exercise and the remaining 12.5 percent reported that, it is very rare they are allowed to do exercise.

Findings

The present research has focused on the minimum rights of prisoners lodged in prison. It is for this reason that a close examination was made to understand the life of the prisoners and their problems in HP State Prison. There are other aspects of prisoners which have been taken into consideration such as the socio-economic background, the types of crime committed by them, fulfilment of basic necessities, the consequences of imprisonment on the inmates and their relationships with their family members, and the life of prisoners. The entire prison structure is based on solitude and separatism. The convict is isolated from the external world. Prisoners confront a unique set of contingencies and pressures to which they are required to react and adapt in order to survive in the prison. Prisoners typically are denied their basic privacy rights and lose control over mundane aspects of their existence. They live in small, sometimes extremely bad space, often have no choice over when they get up or go to bed, when or what they may eat and so on. The degraded conditions under which they live repeatedly remind them of their compromised social status and stigmatized social role as prisoners. With regard to basic facilities, majority of the prisoners are satisfied with the lighting and water source inside the prison. Whereas, 33 percent of the prisoners feel that artificial ventilation is inadequate. There is a lack of adequate medical facilities for prisoners. Non-availability of a Doctor during emergency was a common complaint. No psychiatrist paid a visit to the prisons. Fifty percent of respondents were suffering from common ailments. 17 percent of respondents maintained that they were suffering from some sort of psychiatric problem. Majority of the inmates found the quantity of food to be adequate but for 33 percent the quality of food was unhygienic and unpalatable. For the remaining 26 percent, the food is unpalatable. 7.5 percent of the inmates stated that they were visited by their family members. There were only 14 percent inmates whose family members did not visit them. Some of them belonged to marginalized sections of the society. Poverty stricken family members could not afford to visit the prisoners. Inmates who do not conform to the prison rules can be punished. In any prison, certain ordinary rules of discipline are necessary so that every day prison life may be regulated. Majority of the inmates who violated the code of conduct were punished. 41 percent of the prisoners behaved in conformity with the prison rules and regulations because of the fear of punishment alone. About work and wage in the prison, Majority of the respondents disagreed that they had any work with wages. No work and no wages. Only 29 percent said that they work and get wages. It was found that, more than 50 percent of the inmates had congenial relationship with the prison staff. Others stated that the relationship was workable since they were at the mercy of the prison staff. With regard to access to newspapers books and television. Access to television is highest in percentage, when compared with access to books and newspapers. The findings of the present study clearly indicate that the law provisions are not properly implements in prisons of state haryana. There is a lack of adequate medical, educational and vocational support for prisoners. There is a need to improve the quality of food.

Non-availability of full time medical doctor was a common complaint. No psychiatrist paid a visit to the prison. Thus incarceration leaves a permanent imprint on their lives. Thus it becomes difficult for them to lead a normal life after custody.

CONCLUSION

At last by a concluding point that the Prison system has granted a mission to reform the convicts and take them back to the society. An ideal prison must provide adequate work, vocational training and basic educational facilities as well as medical and recreational facilities.

In HP, prison reforms did not emerge out of the social movement but were necessarily an outcome of the worst conditions of treatment faced by the political sufferers in prisons during the period of their imprisonment. The Judiciary has played a vital role for the improvement of the Prison system in the past and hopefully the decisions given by the Apex court in the present case would further help in reducing some of the existing problems in the current prison system. Thus it can be ended that it is just the beginning of a long journey as well as a small step towards better prison system management and administration.

Therefore this study gives to understand the Prison Reforms by looking into the Prison reform as it is not just about prison buildings but what goes on inside them that needs to be changed and the focus must be on the human rights of prisoners besides improving their amenities.

SUGGESTIONS

Regular transfer of jail officials: There should be a regular transfer of the authorities of a Jail, so that these officials do not get involved in corrupt and torturing activities.

Strict implementation of bail provisions: The provision of no bail in jail should be implemented in letter.

Fine cases: In the case of default in paying fine there should be a provision that the person who is not able to pay fine should be allowed to pay it in instalments.

Effective legal service: Should be provided to the prisoners as a effective legal service in every jails to guide the prisoners in the legal matters.

Pregnant women prisoners: There should be special care for the pregnant woman prisoners in the correctional systems. Lady doctor should be appointed by the government as permanent staff in the prisons.

Judicial surveillance: Every District Judge should be given the responsibility of visiting the prison in his area of jurisdiction. This would put check on the various activities which usually go on in prisons and it will also help in curbing the menace of corruption in the prisons.

The Prisoners are kept in prison custody and also under different penal custodies and each prison has a different environment and conditions, which require some changes for healthy environment which are suggested hereunder.

It should be noted that some of the suggestions are common to all prisoners, and some suggestions are specific to a specific type of prisoners. These suggestions are in addition to the recommendations already made by the National Expert Committee and the National Commission for prisoners and the verdicts of the supreme court. The Prisons Act and the Prison Manual shall be suitably changed incorporating the following suggestions to ensure the rights of prisoners and for better prison Management:

1. The provisions shall be made to ensure separation of different categories of prisoners like women, young offenders, first offenders, undertrials, convicts, civil prisoners, detenues, high security prisoners etc. The segregation should be based on scientific, penological and modern reformative principles. This shall facilitate their appropriate treatment for social rehabilitation. Young offenders and the mentally sick shall not be detained in prisons.

Steps should be taken to offer a prisoner on admission with written information about his/her rights, the regulations governing the treatment of prisoners of his/her category, and the disciplinary requirements of the prison which will enable the prisoners to adopt themselves to the life of a prison.

2. Every prisoner shall be provided at the usual hours with food of nutritional value, adequate for health and strength, of wholesome quality, well prepared and served. Moreover outside food shall be allowed for convicts as like under trials. Improvement of Health and Sanitation facilities in Prisons needs to be taken up on priority. For this, a proper system of medical check-up of the male and female prisoners hold be evolved and the information regarding their regularly medical check up including the dates of their entry into the prison and other details can be maintained in a proper format. Adiquate medical facilities and medical examination of the Prisoners must be done at the time of admission in to the prison and in regular intervels thereafter are to be conducted by the well qualified senior medical officers. Prisoners suffering from terminal diseases shall be given affective medical treatment and such prisoner shall be placed in an isolated hospital rooms until such terminal disease was cured, if the disease is of incurable nature than, such Prisoners shall be released from the custody in the initial stage itself to protect the health of other prisoners. The details maintained for the ill or high risk prisoners. On separate performs. Proper care to provide potable drinking water in prisons besides haring the proper maintenance of sewage plants, septic tanks etc. is also required for keeping better health & sanitation facilities in prisons. The heath care system of prisons should be improved. There should be medical examination of the prisoners at the time of their entry to the prison in the prescribed format. Thereafter, regular medical check-ups should be ensured and provisions should be made that the mentally ill prisoners and high risk prisoners The records of the prisoners should be maintained properly. Better sanitation facilities, hygiene and potable drinking water should be provided. The prisons should be provided with mechanical cleaning, treatment and maintenance of sewage plants so that the septic tanks do not have to be manually cleaned by the prisoners.

3. Arrangements shall be made enabling prisoners to receive remuneration by means of employment in the prison. This shall facilitate the prisoners to contribute financial support to their families. After they get vocational training

they may be employed in gainful activities with an chance to earn some money during the imprisonment. The wages paid for their work in the prisons must be fair.

4. Every prisoner shall be allowed for making complaints to the prison administration, the judicial authority or other proper authorities through approved channels. For this every prison shall have a “Complaint Box” for prisoners to give complaints by which their grievances are redressed. Complaint box and prison manual should be provided to the inmates in every prison so that they are aware of their rights, duties and rules. Orientation and refresher courses for prison staff- Short duration and regular courses are needed for prison staff to keep them informed and motivated regarding human rights and work culture to maintain right perspective in them. A complaint box should be provided in the prison premises which shall be opened in the presence of a judicial Magistrate of first class at least once in a week and each complaint or request shall be registered and enquired into it without any delay.

The objective of prison management should be to make prisons a safe place by maintaining security and discipline and to provide basic minimum facilities to prisoners to maintain human dignity. The prisons should act as Reform Centre where the prisoners should learn good lessons and build themselves as useful and civilized persons.

In India prison is a state list subject so provisions regarding prisoners’ rights vary from state to state. Legislations if made by the states will always lack the unique standards for the protection of prisoner’s rights. There should be a national policy frame work that substitutes the varying state legislations. To have a satisfactory human right regime in states there is need to enact national legislations duly incorporating the international provisions of prisoners which in turn will serve as model for state legislation of human rights.

Prisoners should be allowed more contact with family especially with children through visits, phone calls and letters. These facilities are available in UK. In UK the family members especially children also get traveling expenses if they come and meet women prisoners. A satisfactory bail and parole system needs to be put in place. At the time of arrest parents should get the opportunity to make permanent arrangements for their children.

Restructuring of prisons in India and training structure needs prime attention. The success of any system depends less on the governing rules than on the manner and spirit in which those rules are interpreted and applied by the staff in prisons. A prisoner despite his deeds and wrongs is a human being, the prison staff is required to be sensitized and adequately trained that they have to deal with human beings. Some adequate training programmes to awaken a response in them they must be made to feel that they are in the care of fellow humans. Prisoners shall be imparted training which suits their qualifications and skills which makes them economically self-sufficient and capable of living independently in the society.

The main problem with the prisoners is lack of proper education to understand their behaviour in prisons and to build up self-confidence are the main problems, to become aware of their rights in the prison and education for the

prisoners in prison shall be made compulsory. Prisoners shall be imparted training which suits their qualifications and skills which makes them economically self-sufficient and capable of living independently in the society. Goods marketing facility and self-earning potential should form the basis for the training of all the prisoners in custody.

If the women prisoners are with newly born children than it requires adequate orders, in keeping, the interests of both the mother and child, be issued by the sentencing Court. Even after the attainment of five or six years to the child, the prison authorities shall ensure that, the mother and child link is not totally severed the needs of small babies. Degrading and inhuman treatment of prisoners shall be treated as a serious offence, relevant amendments has to be made to Indian Penal Code to punish such prison officers.

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