

A Study of Prison System in India



Social Science

KEYWORDS : Prison, population, demography, inmates, deaths, expenses.

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ABSTRACT

The paper provides an analytical approach to conditions of Indian prisons. The paper throws lights on prison system with objectives of knowing the trends of prisons, reformation, prison population, demography of prison inmates, deaths in prisons and to study the expenses on prisons. Apart from that this paper attempts to describe the state wise differences in trends and prison conditions. Secondary data have been used for this study and data was mainly referred from National Crime Record Bureau (NCRB).

Introduction

'**Gaol**' or '**Jail**', a prison, the two forms of the word are due to the parallel dual forms in Old Central and Norman respectively, jaiole or jaole, and gairole or gayolle. The form "**gaol**" still commonly survives in English and is in official usage, e.g., "gaol delivery". The spelling "jail" is used in American (Mohanty Amarendra and Hazary Narayan, 1990). Prisons, were first used in England for punishment during sixteenth century (Jeanne Hearsch, 1968).

The word 'Prison' and '**Gaol**' derived from the Latin words which respectively to '**seize**' and '**cage**' (Encyclopedia Britannica, 1939). The word prison means different things to different people. To the law abiding it is the place where criminals end up. To the criminal it may be a vague hazard or unavoidable indignity often exercised. To the World Governmentist, it is an instrument of the power system or it is an instrument of the ant-World Governmentist.

Prison institutions are one of the three main constituents of the criminal justice system. In recent times there has been considerable change in social perception towards the prisoners. The prisons are no longer regarded as places for punishment only. They are now being considered as reformatories and greater attention is being given to ameliorate the conditions in jails so that they have a healthy impact on the prisoners in developing a positive attitude towards life and society. The ultimate purpose is to integrate the prisoners in the society after their release from the prison.

Prison and its administration is a State subject as it is covered by item 4 under List II in Schedule VII of the Constitution of India. Prison establishments in different States/UTs comprise several tiers of jails. The management and administration of prisons falls exclusively in the domain of the State governments, and is governed by the Prisons Act, 1894 and the Prison manuals of the respective state governments. Thus, states have the primary role, responsibility and authority to change the current prison laws, rules and regulations. Day-to-day administration of prisoners rests on principles incorporated in the Prisons Act of 1894, the Prisoners Act of 1900, and the Transfer of Prisoners Act of 1950. An Inspector General of Prisons administers prison affairs in each state and territory. The Central Government provides assistance to the states to improve security in prisons, for the repair and renovation of old prisons, medical facilities, development of borstal schools, facilities to women offenders, vocational training, modernization of prison industries, training to prison personnel, and for the creation of high security enclosures.

The Supreme Court of India, in its judgments on various aspects of prison administration, has laid down 3 broad principles regarding imprisonment and custody. Firstly, a person in prison does not become a non-person. Secondly, a person in prison is entitled to all human rights within the limitations of imprisonment. Lastly, there is no justification for aggravating the suffering already inherent in the process of incarceration.

Methodology

For this study, data has been collected from secondary sources like annual report of National Crime Record Bureau (NCRB), journals, Books, news papers and Google etc.

Objectives of the study

The following are the objectives of the present study:

1. To know the trends of the prisons in India
2. To study the prison population and demography of prison inmates
3. To know about the deaths in Prisons
4. To study the expenses on prisons

Results and Findings

A comprehensive database has been developed by the National crime record bureau (NCRB), New Delhi at the national level on all aspects of these institutions which has been found to be of immense use to the prison authorities in planning various activities connected with the prison administration. The input forms have been reviewed and made more comprehensive in 2000 to collect data on every aspect of prison activities. The data used for this study is belongs to NCRB's annual report 2012

Number of prisons in the States/UTs in 2012

The most common and standard jail institutions which are in existence in the States/UTs are better known as central jails, district jails and sub jails. The other types of jail establishments are women jails, borstal schools, open jails and special jails.

Maharashtra had the highest number (215 out of 1,394) of jails among the States/UTs followed by Tamil Nadu (135), Madhya Pradesh (124), Andhra Pradesh (121), Rajasthan (119) and Karnataka (102). Arunachal Pradesh has only one district jail which started functioning since 2009.

Central jail

The criteria for a jail to be categorised as a central jail differs from State to State. However, the common features observed in all the States/UTs are that the prisoners sentenced to imprisonment for a longer period (more than 2 years) are confined in the central jails, which have larger capacity in comparison to other jails. These jails also have rehabilitation facilities. Arunachal Pradesh, Meghalaya, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep do not have any central jail in their territories. Both Maharashtra and Tamil Nadu have the highest number of 9 central jails each followed by Karnataka, Madhya Pradesh, Punjab, Rajasthan and Delhi (8 each).

The available information regarding capacity for prison inmates in central jails in respect of States/UTs indicates that Maharashtra (14841), Tamil Nadu (14127), Punjab (12575), Madhya Pradesh (11603), Bihar (11560) and West Bengal (11012) have comparatively larger capacity followed by Jharkhand (8140), Rajasthan (8013), Gujarat (7686), Uttar Pradesh (6977), Andhra Pradesh (6813), Karnataka (6245) and Delhi (4800).

Central jails in Punjab (1065), Madhya Pradesh (587), Karnataka

ka (485), Gujarat (480) and Maharashtra (427) have comparatively higher capacity to accommodate female prisoners.

District jail

District jails serve as the main prisons in some of the States/UTs. States which have considerable number of district jails are Uttar Pradesh (54) followed by Bihar (31), Madhya Pradesh, Maharashtra and Rajasthan (25 each), Assam (21), Jharkhand (17), Haryana (16) and Andhra Pradesh & Karnataka (15 each).

The district jails in Uttar Pradesh (38913), Bihar (16566), Haryana (14361), Madhya Pradesh (6911), West Bengal (5842), Maharashtra (5841), Jharkhand (4534) and Rajasthan (3809) have the capacity of lodging a large number of inmates with an average capacity of 721, 534, 898, 276, 487, 234, 267 and 152 inmates per jail respectively. Comparatively higher capacity for accommodation of female inmates was also reported in district jails of Uttar Pradesh (2567) followed by Haryana (1202), Bihar and West Bengal (555 each) and Madhya Pradesh (466).

Sub jail

Ten States have reported comparatively higher number of sub-jails revealing a well organized prison set-up even at lower formation. These States are Maharashtra (172), Tamil Nadu (95), Andhra Pradesh (94), Madhya Pradesh (90), Karnataka (74), Odisha (67), Rajasthan (60), West Bengal (33), Kerala (29) and Bihar (16) while 8 States/UTs have no sub-jails namely Arunachal Pradesh, Haryana, Manipur, Meghalaya, Mizoram, Sikkim, Chandigarh and Delhi

The State of Odisha had the highest capacity of inmates (10272) in various Sub-jails followed by Madhya Pradesh (8044), Andhra Pradesh (3,820), Bihar (3506), Rajasthan (3368), Karnataka (3107), Tamil Nadu (3025), Maharashtra (2,361), West Bengal (2132) and Gujarat (1480)

Women jail

Women jails exclusively for women prisoners exist only in 13 States/UTs. Tamil Nadu and Kerala has 3 women jails each and Andhra Pradesh, Rajasthan & West Bengal have 2 women jails each. Bihar, Gujarat, Maharashtra, Odisha, Punjab, Tripura, Uttar Pradesh and Delhi have one women jail each. The total capacity of women inmates was highest in Tamil Nadu (1569) followed by Rajasthan (469), Uttar Pradesh (420), West Bengal & Delhi (400 each), Andhra Pradesh (380), Punjab (320), Maharashtra (262), Kerala (232), Gujarat (200), Bihar (83), Odisha (52) and Tripura (30)

Borstal school

The primary objective of borstal schools is to ensure care, welfare and rehabilitation of young offenders in a different environment suitable for children and keep them away from contaminating atmosphere of the prison. The juveniles in conflict with law detained in borstal schools are provided various vocational trainings. They are also given education with the help of trained teachers.

Ten States namely, Tamil Nadu (12), Andhra Pradesh, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Punjab and Rajasthan (1 each) have reported Borstal schools in their respective jurisdiction. Tamil Nadu had the highest capacity for keeping 653 inmates followed by Punjab (500), Haryana (355), Rajasthan (312), Karnataka (200), Maharashtra (105) and Jharkhand (100). Haryana (195), Himachal Pradesh (15) and Kerala (12) are the only States which have reported capacity for lodging female inmates in their Borstal schools. Existence of borstal schools was not reported from any of the UTs.

Open jail

Prisoners with good behaviour satisfying certain norms prescribed in the prison rules are admitted in open prisons. Minimum security is kept in such prisons and prisoners are engaged in agricultural activities.

Only 15 States have reported about the functioning of Open jails in their jurisdiction. Amongst these States, Rajasthan has

reported the highest number of 23 open jails. Maharashtra has 5 followed by Kerala (3), Andhra Pradesh, Gujarat, and Tamil Nadu (2 jails each). The remaining 9 States – Assam, Bihar, Himachal Pradesh, Karnataka, Madhya Pradesh, Odisha, Punjab, Uttarakhand and West Bengal have one Open jail each. Existence of such jails was not reported from any of the UTs.

The highest capacity of inmates in open jails was reported from Maharashtra (972) followed by Kerala (853), Rajasthan (629), Andhra Pradesh (430), Uttarakhand (300), Odisha (125), Tamil Nadu (110), Bihar (104), Assam & Gujarat (100 each), Himachal Pradesh & Karnataka (80 each), West Bengal (70) and Punjab (50)

Special jail

Special jail means any prison provided for the confinement of a particular class or particular classes of prisoners which are broadly as follows:

- i) Prisoners who have committed serious violations of prison discipline.
- ii) Prisoners showing tendencies towards violence and aggression.
- iii) Difficult discipline cases of habitual offenders.
- iv) Difficult discipline cases from a group of professional/organised criminals.

Out of the ten States having Special jails, Kerala has the highest (9 jails) followed by Tamil Nadu (5), West Bengal (3), Gujarat, Karnataka, Odisha and Uttar Pradesh (2 each), Assam, Bihar and Maharashtra (1 each) As far as the available capacity in these jails is concerned, the highest capacity for keeping the prisoners was available in Bihar (3,288) followed by Odisha (1551), Kerala (851), West Bengal (841), Uttar Pradesh (788), Gujarat (650), Tamil Nadu (590), Assam (372), Karnataka (250) and Maharashtra (246) in their Special jails. Provision for keeping female prisoners in these special jails was available in Tamil Nadu (418), West Bengal (95), Gujarat (50), Odisha (39), Kerala (27), Assam & Karnataka (12 each) and Maharashtra (3)

Other jails

Some States/UTs have other jails also besides the jails discussed above. Only three States namely Goa, Karnataka and Maharashtra (1 each) have other jails in their jurisdiction. The capacity of inmates (male & female) in such jails was highest in Karnataka (250) followed by Goa (45) and Maharashtra (28) during the year 2012. (NCRB Prison statistics India- 2012)

Table- 01 Facts in brief

Total number of jails in the country : 1,394			
Central jails	: 127	Open jails	: 46
District jails	: 340	Borstal schools	: 21
Sub jails	: 806	Special jails	: 31
Women jails	: 20	Other jails	: 3
Total capacity of jails in the country : 3,43,169			
Central jails	: 146648 (42.7%)	Open jails	: 4028 (1.2%)
District jails	: 126110 (36.7%)	Borstal schools	: 2438 (0.7%)
Sub jails	: 48474 (14.1%)	Special jails	: 10331 (3.0%)
Women jails	: 4817 (1.4%)	Other jails	: 323 (0.1%)
Total number of jail inmates as on 31.12.2013 : 3,85,135			
Male	: 368184 (95.6%)	Female	: 16951 (4.4%)

Sources: Prison statistics India-2012

Prison Reforms and legal aspects

The history of prison establishments in India and subsequent reforms have been reviewed in detail by Mahaworker (2006). A brief summary of the same is presented below.

The modern prison in India originated with the Minute by TB Macaulay in 1835. A committee namely Prison Discipline Committee, was appointed, which submitted its report on 1838. The committee recommended increased rigorousness of treatment

while rejecting all humanitarian needs and reforms for the prisoners. Following the recommendations of the Macaulay Committee between 1836-1838, Central Prisons were constructed from 1846.

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. In 1864, the Second Commission of Inquiry into Jail Management and Discipline made similar recommendations as the 1836 Committee. In addition, this Commission made some specific suggestions regarding accommodation for prisoners, improvement in diet, clothing, bedding and medical care. In 1877, a Conference of Experts met to inquire into prison administration. The conference proposed the enactment of a prison law and a draft bill was prepared. In 1888, the Fourth Jail Commission was appointed. On the basis of its recommendation, a consolidated prison bill was formulated. Provisions regarding the jail offences and punishment were specially examined by a conference of experts on Jail Management. In 1894, the draft bill became law with the assent of the Governor General of India.

Inmate population and Overcrowding in prisons

An important aspect of prison administration is the population of inmates that the authorities have to handle in the prisons. One thing that comes out strikingly on the basis of available data is that the jails are over-crowded.

Data relating to the population of both male and female inmates are collected from the prison authorities in order to find the relationship in terms of occupancy/overcrowding between the capacity available in prisons and the actual number of prison inmates. The occupancy in any jail changes on daily basis due to addition of new prisoners and release of old ones, nevertheless, an estimate of population of inmates at the end of the year would serve as a good indicator to determine the occupancy rate. *The occupancy rate defined as number of inmates staying in jails against the authorized capacity for 100 inmates has been calculated to determine the 'Crowding in Prisons'.*

It is evident as per the information available from States/UTs regarding population of inmates in various prisons, that the prison population was satisfactorily managed during the year 2012 in 13 States and 5 UTs as the occupancy rate in these States/UTs remained less than 100%. These States and UTs are Haryana (99.9%), Maharashtra (99.4%), Uttarakhand (99.2%), Gujarat (94.8%), Andhra Pradesh (88.2%), Jammu & Kashmir (87.7%), Bihar (81.3%), Manipur (74.5%), Chandigarh (73.4%), Odisha (71.4%), Tripura (68.2%), Puducherry (68.0%), Mizoram (65.1%), D&N Haveli (61.7%), Tamil Nadu (60.1%), Nagaland (27.4%), Daman & Diu (20.8%) and Lakshadweep (0.0%). Chhattisgarh has reported the highest overcrowding (252.6%) followed by Delhi (193.8%), Uttar Pradesh (169.0%), Punjab (133.4%), Meghalaya (131.3%), Madhya Pradesh (127.7%), Arunachal Pradesh (126.8%), Jharkhand (124.5%), Goa (119.5%), Rajasthan (116.6%), Sikkim (114.0%), Himachal Pradesh (105.5%), Kerala (104.4%), Assam (103.7%), A&N Islands (101.5%), West Bengal (100.7%) and Karnataka (100.3%).

(Prison Statistics India-2012)

Demographic Details of prison inmates

An analysis of the prison inmates has been undertaken in this study on the basis of their education, religion and caste.

Table- 04 Religion and Caste of Prisoners at the end of 2012

Prisoners	Religion						Caste				
	Hindu	Muslim	Sikh	Christian	Others	Total	SC	ST	OBC	Others	Total
Convicts	91188	22687	6322	5108	2484	127789	27898	17696	37451	44744	127789
Under trails	178119	53638	10128	8929	4043	254857	57197	33900	75723	88037	254857
Detenues	1203	543	32	116	28	1922	374	241	680	627	1922

Convicts (127789)

Education Background: A total of 37255 convicts out of 127789 convicts lodged in various jails in the country were reported as illiterate and 58014 were educated below class Xth standard. These two categories accounted for 29.2% and 45.4% respectively which together constitute 74.6% of the total convicts.

Religion: Classification of convicts **professing different faiths** revealed that 71.4% (91188) of them adhered to Hindu religion while 17.8% (22,687) were from the Muslim community and the rest belonged to other religions.

Caste: The analysis on the basis of caste of convicts shows that 35.0% (44744) of convicts belonged to General Category while 29.3% (37451) of convicts belong to OBC category. 21.8% (27898) convicts belonged to Scheduled Castes while 13.8% (17696) belonged to Scheduled Tribes.

Undertrials (254857)

Education Background: A total of 76626 undertrial prisoners were illiterate and 110385 were educated below class Xth standard out of 254857 undertrials lodged in various jails in the country. These two categories have accounted for 30.1% and 43.3% respectively which taken together constitute 73.4% of the total undertrial inmates.

Religion: Classification of undertrial prisoners **professing different faiths** revealed that 69.9% (178119 out of 254857) of them adhered to Hindu religion while 21.0% (53638 out of 254857) were from the Muslim community and the rest belonged to other religions.

Caste: The analysis on the basis of caste based classification of undertrial prisoners reveals that 34.5% (88037 out of 254857) and 29.7% (75723 out of 254857) of undertrial prisoners belonged to General and OBC categories respectively. 22.4% (57197) of undertrials belonged to Scheduled Castes while 13.3% (33900) belonged to Scheduled Tribes.

Table- 03 Educational Background of Prisoners at the end of 2012

Prisoners	Educational Standard						Total
	Illiterate	Below Class X	Above X & Below Graduate	Graduate	Post Graduate	Holding Tech. Degree/ Diploma	
Convicts	37255	58014	24417	5356	1580	1167	127789
Under trails	76626	110385	49871	12459	3471	2045	254857
Detenues	654	830	323	93	16	06	1922
Others	207	252	82	16	5	5	567
Total	114742	169481	74693	17924	5072	3223	385135

Sources: Data compiled from the table 5.1 to 5.4 of prison statistics India-2012, Pp: 99, 102, 105 and 108.

Others	314	228	10	02	15	567	124	38	62	343	567
Total	270824	77096	16492	14155	6570	385135	85593	51875	113916	133751	385135

Sources: Data compiled from the table 5.1 to 5.4 of prison statistics India-2012, Pp: 100, 103, 106 and 109. Detenues (1922)

Education Background: Analysis on the basis of **educational qualification** showed that 654 out of 1,922 detenues were illiterate and 830 were educated below class Xth standard. These two categories accounted for 34.0% and 43.2% respectively, which taken together constitute 77.2% of total detenues.

Religion: Classification of detenues on the basis of **religion** reveals that 62.6% (1203 out of 1922) adhered to Hindu religion while 28.2% (543) and 6.0% (116) were belonged to Muslim and Christian community respectively. The rest adhered to other religions.

Caste: The analysis of the detenues on the basis of caste shows that about 35.4% (680 out of 1922) and 32.6% (627 out of 1922) belonged to the OBC and General categories respectively. 19.5% (374 out of 1922) detenues were from Scheduled Castes while 12.5% (241 out of 1922) were from Scheduled Tribes.

Others (567)

Education Background: 207 out of the 567 unspecified prisoners were illiterate and 252 were educated below class Xth. These two categories accounted for 36.5% and 44.4% respectively, which taken together constitute 81.0% of total of such inmates.

Religion: Classification of this category of prisoners on the basis of **religion** reveals that 55.4% (314 out of 567) adhered to Hindu religion while 39.9% (226 out of 567) were from Muslim community.

Caste: The analysis of the prisoners on the basis of caste shows that the highest (60.5%) belongs to General category (343 out of 567) followed by 21.9% (124 out of 567) belongs to Scheduled Castes and 10.9% (62 out of 567) belongs to OBC category. 6.7% (38 out of 567) of the total such inmates were from Scheduled Tribes.

Deaths in Prisons

Death of a prisoner is always a matter of serious concern for prison administration. Sometimes such deaths lead to law and order problems. Deaths in jails have been broadly classified into two categories i.e. natural deaths and unnatural deaths. Unnatural deaths include suicide, murder by inmates, death due to firing, death due to negligence or excesses by jail personnel, etc.

A total of 1,471 prisoners were reported dead in jails due to natural and unnatural causes during 2012 in the country out of which 1,345 were natural deaths and 126 were due to unnatural causes. Natural deaths accounted for 91.4% of the total deaths. Uttar Pradesh has reported the highest number of 344 natural deaths followed by Punjab (120), Madhya Pradesh (96), Bihar (93), West Bengal (81), Maharashtra (75), and Andhra Pradesh (74).

Among the unnatural deaths, Punjab has reported the highest number (17) of deaths followed by Rajasthan (15), Bihar (13), Andhra Pradesh and Uttar Pradesh (12 each), Tamil Nadu (8), Karnataka, Odisha and West Bengal (7 each) and Haryana (6). Most of the unnatural deaths have occurred due to suicide (87) followed by deaths due to assault by outside elements during transit or inside prison (10), the state of Bihar has accounted for 6 out of 10 such deaths during 2012.

Punjab has reported the highest number of 17 suicides out of 87 suicides in prisons followed by Uttar Pradesh (10) and Rajasthan (9) such suicides respectively. **A total of one execution from Maharashtra was reported in the country during 2012.** (NCRB Annual Report 2012 (Prison statistics India-2012) Pp:133).

Expenses on prison inmates

The recurring expenditure on prison inmates with details of expenses made on food, clothing, medical, vocational, educational facilities, welfare and other expenses for the year 2012-2013 has been presented in by National crime record bureau in table 12.2.

According to this information, an analysis of expenses made on prison inmates in various States/UTs reveals that the maximum part of expenditure (60.6%) was spent mainly on providing **food** to the inmates. The State of Uttar Pradesh (9460.9 lakhs), Madhya Pradesh (4,249.8 lakhs), Bihar (3894.7 lakhs), West Bengal (3538.1 lakhs), Jharkhand (3188.1 lakhs), Maharashtra (2706.8 lakhs) and Karnataka (2669.1 lakhs) had spent maximum amount of their budget under this head.

Bihar had spent considerable amount of 440.5 lakhs on **clothing** during the financial year 2012-13. Some of the other States / UTs which earmarked a reasonable amount of expenditure under this head were Madhya Pradesh (240.3 lakhs), Andhra Pradesh (179.1 lakhs), Rajasthan (177.2 lakhs) and Jharkhand (176.8 lakhs) Delhi (2098.9 lakhs) followed by Uttar Pradesh (605.4 lakhs), Madhya Pradesh (481.6 lakhs), West Bengal (480.6 lakhs) and Punjab (408.1 lakhs) had spent a large share of their budget under **medical expenses** for the treatment of prison inmates.

The highest expenditure on **vocational / educational facilities** was reported from Odisha (577.5 lakhs), Andhra Pradesh (356.7 lakhs) and Chhattisgarh (350.0 lakhs) out of 22 States / UTs which reported vocational / educational expenses on inmates for the financial year 2012-2013.

Tamil Nadu has reported highest expenditure (685.0 lakhs) on **welfare activities** of prison inmates followed by Odisha (390.8 lakhs), West Bengal (269.6 lakhs) and Bihar (185.1 lakhs).

Delhi, Madhya Pradesh, Maharashtra, Bihar and Andhra Pradesh had spend 6829.3 lakhs, 2785.9 lakhs, 2262.3 lakhs, 2164.8 lakhs and 1727.0 lakhs respectively under miscellaneous expenditures termed as 'other expenses'.

Conclusion

Prison institutions are one of the three main constituents of the criminal justice system. In recent times there has been considerable change in social perception towards the prisoners. The prisons are no longer regarded as places for punishment only. They are now being considered as reformatories and greater attention is being given to ameliorate the conditions in jails so that they have a healthy impact on the prisoners in developing a positive attitude towards life and society. The ultimate purpose is to integrate the prisoners in the society after their release from the prison.

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