

Review Article

Prison Institution, Establishment and Inner Working

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1. INTRODUCTION

Prison institutions are one of the three main constituents of the Criminal Justice System. With the changing perception towards prisoners, 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 prisoners in developing a positive attitude towards life and society. A comprehensive database is being developed at the National level on all aspects of these institutions which will be of immense use to prison authorities in planning various activities connected with prison administration. The input forms have been reviewed and made more comprehensive in 2000 to collect data on every institution for the year 2007 is the thirteenth issue in the series.

2. TYPES OF PRISON INMATES

Prison inmates lodged in various jails are categorized as Convicts, Undertrials and Detenués. The population can also be further classified on other parameters such as gender, nationality, mental health etc.

3. CONVICTS

Uttar Pradesh accounted for the highest number of convicted prisoners (19,639) at the end of 2007 among the States & UTs. Other States which had considerably large number of convicts were Madhya Pradesh (16,313), Maharashtra (9,203), Tamil Nadu (6,382), Bihar (6,266), Rajasthan (5,870), Jharkhand (5,865), Andhra Pradesh (5,559), Gujarat (5,069), Haryana (4,976), Punjab (4,959), Chhattisgarh (4,525), Orissa and West Bengal (4,345 each), Karnataka (3,830) and Assam (3,580) (Table-3.1).

Madhya Pradesh (12,841), Uttar Pradesh (12,336), Maharashtra (7,809), Tamil Nadu (6,126), Jharkhand (4,843), Rajasthan (4,692), Andhra Pradesh (4,612), Chhattisgarh (4,346), Gujarat (4,262), Bihar (4,201), West Bengal (3,799), Karnataka ((3,669), Punjab (3,548), Kerala (2,484) and Delhi (2,072) accommodated majority of the convicted prisoners in their Central Jails. District Jails of Uttar Pradesh (6,754), Haryana (3,740), Orissa (3,323), Madhya Pradesh (1,980), Bihar (1,795) and Assam (1,777) catered to a large number of convict prisoners. The number of convicts in sub-jails was higher in Madhya Pradesh (1,492), Orissa (526) and Punjab (247). The lone Borstal School in Punjab reported the highest number of Convicts (85) followed by Haryana (77) and Andhra Pradesh, Himachal Pradesh and Rajasthan (13 each). These States also have one Borstal School each in their jurisdiction.

The Open Jails located in Maharashtra have reported highest number of convicts (624) followed by Rajasthan (431), Andhra Pradesh (334), Kerala (291) and Uttarakhand (220).

The number of convicts lodged in Special Jails was highest in Orissa (329) followed by Uttar Pradesh (318) and Assam (130).

The State/UT-wise, Jail-wise and Gender-wise information on different type of prison inmates is presented in Tables-3.5 to Table 3.12. The Central Jails accommodated higher number of female convicts in the States of Maharashtra (449), Madhya Pradesh (293), Chhattisgarh (207), Karnataka (170), Gujarat (165), Jharkhand (159), West Bengal (151) and Punjab (114) (Table-3.5). Uttar Pradesh

(408) accommodated the highest number of female convicts in their district jails followed by Haryana (108), Orissa (75), Madhya Pradesh (69) and Assam (53) (Table-3.6).

The exclusive women jails in Andhra Pradesh accommodated 195 female convicts, followed by Tamil Nadu (189), Rajasthan (170) and Uttar Pradesh (155). Delhi is the only UT having one exclusive women jail and 63 convicts were lodged in it (Table-3.8).

3.1 Mentally Ill Prisoners

3,252 inmates were mentally ill out of total 3,76,396 inmates lodged in various jails in the country, accounting for only about 1.0% of total inmates. The details are presented in Table 3.23. The number of inmates suffering from Mental illness lodged in jails were considerably large in the States/UTs of Maharashtra (660), Orissa (398), West Bengal (389), Madhya Pradesh (244) and Karnataka (233).

3.2 Civil Prisoners

Information was also collected on Civil Convicted and undertrial prisoners under various IPS and SLL crimes. Only 11 States/UTs have reported lodging a small number of civil prisoners in their jails. Details are presented in Table 3(A). The analysis of such information received from States/UTs is given below.

3.3 Convicted Civil Prisoners

A total of 275 convicted civil prisoners were reported from 9 States/UTs at the end of 2007. Uttar Pradesh has reported the highest number of 213 convicted civil prisoners accounting for 77.5% of total convicted civil prisoners in the country. Such prisoners were reported from Andhra Pradesh (19), Madhya Pradesh (14), Maharashtra and Tamil Nadu (8 each), Himachal Pradesh and Manipur (4 each), Delhi (3) and Rajasthan (2). **No female convicted civil prisoner was reported from any State/UT.**

3.4 Undertrial Civil Prisoners

A total of 876 undertrial civil prisoners were reported from 7 States/UT at the end of the year 2007. Uttar Pradesh (828) has reported the highest number of undertrial civil prisoners accounting for 94.5% of total such prisoners in the country followed by Delhi (17), Karnataka (18), Rajasthan (5), Madhya Pradesh and Maharashtra (3,each) and Jharkhand (2). **No female undertrial civil prisoner was lodged in jails in the country.**

4. THE ORGANIZATION OF THE JAIL ADMINISTRATION

4.1 Jail Management Through Barrack Management

The fundamental intent of Barrack Management is to ensure that there would be meaningful interaction between teams of staff members through the integration of various functions like individual prisoner handling, correctional program and security. Furthermore, barrack management ensures that a Correctional Officer's primary place of work is in the barrack. It should provide for greater staff participation in the decision-making process, with authority for decisions concerning institutional operations and inmate management delegated to the lowest level possible.

4.2 Security Operations

Responsibility for all security operations and inmate management in a Jail rests with a Deputy Superintendent. Each Jail is to be divided into barracks usually holding around 80 to 120 inmates. Each barrack is to be placed under a barrack in charge who may be Head Warder or Senior Warder. He should have full responsibility for the barrack area and the inmates who live there, as well as for the areas around the barrack and the related security posts. He may also hold additional charge of specific program, such as managing visitors and or Correspondence or Recreation. Each barrack in charge may be assisted by a warder.

4.3 Co-Ordination

Communication and Co-operation among various barrack in-charges is to be achieved through the direction of the Block-in-charge or who should be a Sub-Assistant Superintendent or Assistant Superintendent.

The barrack incharges should be fully responsible for individual prisoner's case management and security within their own barracks and the area around.

4.4 Block Managers

Assistant Superintendent/Sub Assistant Superintendent are to be supported by barrack incharges. All shall be responsible for correction as well security functions. The duties of the warders comprise more of security duties (such as patrolling guard duty, watch tower duty, movement control, gate control, searching, frisking, counting, etc.). The Head Warder is also tasked with these duties but should have greater involvement in case management and thus more contact with inmates.

4.5 Head Warders and Warders

They should play a critical role in the development and monitoring of an inmate's correctional treatment plan. This involves reviewing inmate files, and monitoring, assessing and reporting on inmate behaviour. The Head Warders have exposure to inmates at variety of times and in a variety of locations they are best able to actively intervene with inmates in the supervision of the correctional plan.

4.5.1 Warders

May not be assigned barrack management. They are required to report and record information or being honest in the legalistic sense. We want the credibility that comes from acting on what we say we believe in.

5. JAIL INDUSTRIES AND VOCATIONAL TRAINING

Many prisoners have no working skills and have never developed working habits. They do not know how to work like most workers. They have never held a steady job before and never had to work for a living. They either spent the majority of their adult lives in prison or committed crime to subsist. The reformation of offenders through attaining marketable job skills is not an easy task.

One of the hardest things is to learn to work hard and to develop the mental forbearance to continue working and follow the orders of a foreman/instructor. Many prisoners have difficulty in accepting orders from any authority figure. Prisoners generally feel that they need to act defensively.

6. EDUCATING PRISONERS

Education is an important ingredient for an individual's adjustment in normal society. It is essential to educate all prisoners who spend atleast three months in Jail so that they are able to read and write. Long term prisoners should be taught and encouraged to take Board Exams of VIIIth, Xth and XIIth. Sixty percent of prisoners are functionally illiterate. Man who could not read or write or who had absolutely no idea how long a foot was, or how many inches were in a yard.

Rehabilitative potential of a prisoner is strongest where marriage, close family ties, and positive community support exist. Many times it is the love and care of a wife and family that turns an offender around. Education should also focus on imparting family values. Since most offender come from broken/ill adjusted families who do not teach any values to their children.

The inability to adapt to the outside social situation will no doubt play a significant part in any prisoner re-offending. There is a definite need to assist offenders in developing social and living skills through programs and opportunities to enhance their potential to become law-abiding citizens. Family has to play a key role in it.

One of the strategic objectives of correction is to ensure that the concerns of the victim are taken into account. Victim Offender Reconciliation Programs may be initiated in selected Jails. It would benefit prisoners to know how much pain and suffering they have caused to their victims. If an offender is not put in touch with his conscience, what prevents him from committing another crime and hurting another person?

7. VALUES IN JAIL ADMINISTRATION

Respect the dignity of individuals, the rights of all members of society, and the potential for human growth and development. Recognize that the offender has the potential to live as a law-abiding citizen.

The vast majority of prisoners complete their sentences and return to society without any change. It is the mission of the Jail Department to ensure that the transition from penal institution to community is effected in such a way that society is best protected from their criminal behaviour. One way to protect society is through the successful reintegration of offenders so that they become law-abiding citizens. Evolve an assertive role-actively encouraging offenders to become involved in correctional programs and treatment.

Believe that we have an obligation to treat those in our care humanely. This means much more than simply providing food, clothing and shelter. It means that we have to be fair in all our dealing with them, recognizing that they retain all their rights as citizens, except those that must be removed by the fact of prison sentence. The critical importance of Jail staff, particularly those who are in daily contact with the offenders has to be kept in view. Sharing of ideas, knowledge, values and experience among the Jail staff is essential to the achievement of our goal. Staff should be responsible, active and visible participates. They should exercise effective interpersonal skills and understanding in their dealings with offenders. Provide them with opportunities to vice their ideas and concerns, to be involved, and to contribute the development of our policies and priorities. Our staff is our most important resource.

Manage Jail Administration with openness and integrity. We must be sensitive to our external environment and endeavor to be a positive presence in the community.

Changes in an organization usually worries and upsets more people than it excites or inspires. Large organizations, and individuals, are often adept at finding reasons to resist change. Both stability and capacity to adapt and change are critical to the success of any organization. People are most impressed by what we do than what we say we do. Managers, senior managers had to be more than just managers or administrators. They had to be leaders.

Lead by example. We have to be leaders who knew where we are going and are prepared to manage and teach with integrity and by example. Trust has to be established among employees through transparent, predictable and consistent decisions and actions on the part of management. Employees perform well if they feel they work for an employer they can count on. Leadership has to be based on a common understanding rather than on the views of a particular individual. We had to show that our actions are intended to contribute to our goal, that our decisions and initiatives are goal-based, and that we are all going in the same direction.

8. THE MAIN OBJECTIVE OF CONTROL ARE :

To ensure correct performance in conformity with plan, co-ordination of action, reduction of waste losses and an assurance that the result corresponds to the standards laid out and goals specified”.

The functions of control include routine planning scheduling, preparation, dispatching, direction, supervision comparison and corrective action.

Control can be exercised in different ways. Some of them are :

1. Observation, audit and review
2. Example
3. Records and reports
4. Limits to the use of delegated authority
5. Standing rules, orders and procedures
6. Budgets
7. Reprimand, disciplinary action and punishment
Promotion reward and profit-sharing.

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9. Promotion reward and profit-sharing

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REFERENCES

A. BOOKS :

1. Datir, R.N.: Prison as a social system
2. Clemmer & Donald, The prison community
3. Grosser G.H., External Setting and Internal Relation of the Prison.
4. Galtung Johan, Social Function of Prison.
5. Richard a berk and peter rosse, Prison Reforms & State Elites.
6. John Howard and corn paul, Open Prison.
7. Vidya Bhushan, Prison Administration in India.
8. Panday J.N., Constitutional Law of India.
9. Mulla Committee Report.
10. Universal Declaration of Human Rights, 1948.
11. European Declaration on Human Right 1953-69.
12. The Eight United Nations Congress Report.
13. National Commission for Women Act, 1990.
14. Prison Institutions in India.
15. Organisation of Jail Administration.
16. Concept and Functions of Management.
17. Dr. J.V. George IPS, Administration of Jails: Issues in Correction.
18. New Jail Manual for Haryana
19. Health services of Jail Inmates in Haryana – jointly prepared by director general health services and director prisons Haryana
20. Reformatory steps – A Report by Prison Department Haryana.