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IMPACT OF PRISON OVERCROWDING- Nagasreelekha Yelliboina¹**ABSTRACT:**

This study aimed to examine the overcrowding in prison. Causes and effects of prison overcrowd, open system, what are the reforms need to take to overcome these issue, what are the challenges facing in prison reforms, some suggestions, Supreme Court guidelines on prison reforms 2022, problem of prisoners in prison especially women prisoners are in detail study in these. Prison overcrowding is one of the key factor to poor prison conditions around the world exceeded their maximum occupancy rate, with all national prison system at more than double their capacity. Overcrowding is a consequence of criminal justice policy not of rising crime rates and undermines the ability of prison systems to meet basic human needs, such as health care, food and accommodation. It is also compromises the provision and effectiveness of rehabilitation programs, educational and vocational training and recreational activities.

KEYWORDS:

Overcrowding, Prisons, Pretrial, Prisoners, Inmates, under trail

INTRODUCTION:

John Howard a prison reformer, first time this concept introduced because he seen in one France jail more inhumane treatment. Prison occupancy has been rise over the past five years. Experts point to the pretrial prisoners. Increase in prison overcrowding in India, critics are calling for

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new reforms to the judicial process to decrease the length of trials and reduce the number of inmates. Three out of every four people held in India's prison are inmates known as under trials, who are currently on trial, or awaiting trial. Prison overcrowding become serious problems to prison administration. It not only creates security problem but also causes severe strain on the essential services, results in serious health. Overcrowding of prison means more number of prisoners present in jail than the capacity of that prison, due to overcrowding prisoners facing more problems like no sufficient daily necessities not providing in prison like lack of enough place to sleep due to more persons present in one room.

CAUSES AND REMEDIES OF OVERCROWDING:

- One of the primary reasons for overcrowding of prisons is pendency of court cases.
- As more than three crores cases are pending in various courts and 2 of every 3 prison inmates in the country are under trail, they do not know if bail is granted or not and when bail is granted to them, they stay in jail until decided by the court.
- Overcrowding of prison is facing all over the world is not exception to developed countries both developed and developing countries are facing, neighboring countries of India and well as developed USA, Russia, are also facing same issue.
- The average suicide rate in prisons is over 50% more than in normal conditions, because their conditions are bad, they feel alone as they were away from friends and family without facilities as they have earlier in their life, lifestyle change was seen , to accept the change its take time, in addition that position and bad conditions in prison, prisoners digest the change and may commit suicides in prison, so the overcrowd in prison should be reduce these leads to peaceful environment, quality of life increase in prison authorities in jail are also able to take care the prisoners if they are less in number, it become easy to handle.

Open prisons:

Open prisons are International concepts, other countries are also following. Open prisons have relatively less strict rules as compared to the controlled jails. These are also known as minimum

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security prison, open air camps or prison without bars. The fundamental rule of an open prison is that the jail has minimum security and functions on the self-discipline of the inmates.

The United Nations Standard Minimum Rules for the Treatment of Prisoners, popularly known as the Nelson Mandela Rules, the objectives of open prisons stating, that such prisons provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions, favorable to the rehabilitation is done to the selected prisoners.

Need for reforms:

- a) Under staffing
- b) Underfunding
- c) Overcrowding
- d) Poor hygiene

The prisoners are cut off from family and friends had a 50% more chance of committing suicide than those outside humans. The average suicide rate among the general public for this period is 11 members per 1,00,000 members but incase of the average suicide rate in prison is 16.9 members per 1,00,000 by these we can conclude that suicide rate in prison is more compare to the outside of prison. The average suicide rate in prisons is over 50% more than in normal conditions.

In under trials the prisoners lose their fundamental rights are as follows:

- a) Right to liberty under Article 21 of Indian Constitution
- b) Freedom of movement under Article 19(1)(d) of Indian Constitution
- c) Freedom of occupation under Indian Constitution

No separation is made between hard hand criminals and petty under trails person. All are present in a same jail.

Challenges in prison reforms:

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- a) Prison is a state subject matter so all problem regarding the prisons should take by state only.
- b) No separation is made between criminals.
- c) Nexus between Politicians and Criminals.

Amitva Roy panel by Supreme Court -2018:

- To solves the problem of overcrowding in prison government should arrange special fast-track courts to deal with petty offences these is one of the important step to solve the problem of prison overcrowding in jails.
- Increase in prison crowd and to maintain that crowd in prison there is no sufficient staff in prison. So it is an urgent to recruit staff in prison to develop the peaceful environment in the prison.
- Prisoners who are enter into prison they are allowed to use mobile to talk with their family members for a first one week, these make them not to feel alone in the prison, by these rule there is a another problem by giving access to mobiles by prisoners leads to privacy issue for prison, some may misuse it .

Suggestions:

- Government should frame a National Policy on prison and form a National Commission on prisons.
- Stress management programs and Yoga training should be arrange to make physically and mentally strong of prisoner.
- Government should increase the budget allotment to prisons to maintain overcrowd in prisons.
- Open prison or semi open prison has to be encouraged like that in UP and Rajasthan, for rehabilitation system.
- Amendment of Prison act 1894
- Subject to be considered in concurrent list.
- Jammers to be introduced

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- Educational and other training should provide for under trail and prisoners sentenced to simple imprisonment.
- Address the low personnel-population ratio in prisons
- A board of visitors to be appointed by states to inspect prisons and living conditions of inmates.
- Prisons need to be updated with modern facilities.
- Hardened criminals should be kept in a separate cell
- Proper medical facilities should be provided.

Supreme Court guidelines on prison reforms 2021:

- Treat with dignity
- Bail money issue
- Annual review of Model prison manual

Problems in prisons:

- Overcrowding in jails
- Women prisoners with children
- Delay in trial of cases leads to overcrowd
- Torture and ill treatment
- Neglect of health and hygiene
- Insufficient food and inadequate clothing
- Less staff in prisons
- Corruption etc

Prison Reform:

Prison in most of States in India are facing problem of:

- 1) Overcrowding
- 2) Corruption

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3) Discrimination

Issue of Sanitation, food and health related issue and many more.

Problem of jails issue is come out in 1980 by the effort of K.F.Rustamji. He is only police officer who is awarded with Padam Vibhusan for his effort. K.M.Rustamji newspaper article was basis for the first PIL. His efforts lead to release of around 40,000 under trial prisoner.

There are two most important committees related to prison reform are following:

- 1) Justice Mullah Committee Report
- 2) Justice Krishna Iyer Committee on women prison report-1987.

Justice Mullah Committee Report overview in short:

- a) Law making rues of Prison is on State list, it should be moved to the concurrent list.
- b) There should be National Policy on prison.
- c) There should be speedy trial for the under trial prisoner and simplified bail process.
- d) Young offenders should not be confined with adult offender.
- e) Children under 18 years of age cannot send to prisons. There should be a separate institution for them with the facilities for their care, education, training and rehabilitation.

Justice Iyer Committee on women prison report- 1987:

- a) Necessary provisions should be providing to restore the dignity of women even women convicted under criminal cases.
- b) Separate jail for women and the staff should also be women.
- c) There should be adequate standards of prison, human right, discipline, holistic programmers, because such activity can bring reform women offender from psychosis and neurotic disorders.
- d) Government should provide free legal aid to all women offender.

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After Mullah and Iyer committee Indian Government appointed a high powered committee under the chairmanship of Director General, Bureau of Police Research with some additional recommendations. Some of their recommendations are impractical to execute.

A Notable recommendation was the “National Policy on Prison Reforms and Correction Administration”; this policy is still in drafting. Important policies of this drafting are following:

- a) Uniform law and prison Manual related to prison.
- b) Proper mechanism to issue of under trial prisoner.
- c) Need to improve the living condition in every prison.
- d) Constructing more prison building in the country.

Few steps are taken for the improvement of condition of jail after several protests. The introduction of open jail is one of them is effective. Open Jail is a substitute of closed prison where prisoner can rehabilitate themselves.

Rehabilitation of prisoners is made in prison it is only useful if they were employed even after release from jail by them, to make these possible only by providing educational facilities in prison to the interested people. To make these government is providing various courses to even hardcore criminals and women in the courses like bachelor degree and masters to degree holders if they were not literates they are trained with professional to earn after release from prison like carpenter work, painting, baking, stitching and embroidery for woman specially to lead their life with dignity.

Under trials:

Under trials means the people who are not found guilty of the crimes, they have been accused.

National Crime Bureau records – Prison statistics India 2019:

- Marginalized groups face trouble in accessing judicial remedies maximum inmates were of age group 18-30 years is 43.4%.
- Below class X is 41.6%

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- There are 1350 functional jails in India, actually with a total capacity of approximately 4 lakhs prisoners but strength of prisoners in jail exceeds 4.78 lakhs.

Women and their children in prison:

Around 4% of women in India live in prison and around 1800 children live with them.

Some special suggestions for women and children in jails:

1. Counseling and designing child-friendly spaces inside jails.

For example:

- Crèches should be provided for children up to the age of 3 years and also nurseries for children up to 6 years in prisons the children who are living in prisons along with their mother.
 - Nutrition food to children to avoid malnutrition and other health issues in children.
 - Vacation to children who were in prisons to avoid various diseases.
2. Community service to these women who have been jailed for non-violent offences.
 3. Women should be protected from sexual or non-sexual violence they were while in custody. For this, children and women could be placed at one place.
 4. Better accommodation should be given in prison for women, who give birth inside the prison, up to 12 months from the date of the birth with peaceful and hygienic environment for recovery of mother and for baby health.

Prison Violence:

Due to overcrowd in prisons and on other hand less staff in the prison for supervising the prisoners may lead to disputes in prisons. Prisoners are of different types like hardcore criminals and petty cases done prisoners are present in jail, they stay for certain of time until the completion of their imprisonment. In these period of time they become close to each other and become groups among them in prison, among groups in prison disputes arise to stop or control these disputes in bidding stay, sufficient staff should present not leads to violent situation,

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by the reason of less staff and more crowd in prisons leads to increase non violent conditions in prison.

Unequal Imprisonment:

- Women face far worse conditions than men to access basic facilities in prison
- On 29 August, the apex court asked the Centre and the states to share their views on the report.
- 22,918 female inmates lived jails built to house only 6,767 prisoners.
- 77% prisoners in 2021 were under trials.
- The number of women in Indian jails increased by 11.7% between 2014 and 2019.
- The rest of the population lives in enclosures inside the prison facility.
- There is a lack of separate medical and psychiatric wards for female inmates.
- Less than 40% of prisons sanitary napkins to female inmates
- Only prisons in Goa, Delhi, and Pondicherry allowed female prisoners to meet their children without being separated by bars or glass.

CONCLUSION:

Let us conclude that overcrowding in prisons throughout the world is a serious issue. Overcrowding in prisons may lead to increase in the deaths of prisoners. The entire process of a prison reforms looks like an uphill task but it is a fundamental right of a person to be treated in just and humane manner, be it a prison. A lot of assertive effort needs to be done by policy makers otherwise; the criminal justice system is not well served if jails continue to be in such shambles.

REFERENCE:

<https://www.legalserviceindia.com>

<https://en.m.wikipedia.org>

www.fairtrials.org

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