



UNDERTRIALS - THE BURDEN ON PRISON MANAGEMENT: (A CASE STUDY OF BELAGAVI CENTRAL PRISON)

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Abstract

The first purpose of this study is to know about the present scenario of undertrials in Karnataka and to understand the reason of overcrowding in Belagavi Central Prison. The second purpose is to conduct research study to describe the level of management practices followed by prison officials in Belagavi Central Prison and to look into the problems faced by Belagavi Central Prison. Finally, the study will present suggestions, findings and conclusions for further research. **Methodology:** The methodology used in this research is primary data analysis of 48 sample respondents from Belagavi Central Prison Staff and the secondary data analysis such as the annual reports of the government organisations, prison statistics report, journals and prison websites to test the hypothesis formulated. The tables are constructed and percentages were used to analyse with Likert's 5 point scale. Prison system is to rehabilitate and reintegrate offenders back to the society as productive law-abiding citizens. Belagavi Central Prison a primary goal is to maintain control of the prison system by adopting right management practices, upgrade the necessary skills to manage the burden and amend the policy and procedure needed for the hour. An urgent intervention by Government is needed.

Keywords: Prisons, Prisoners, Undertrials, Problems and Suggestions.

Introduction

'Two-thirds of prisoners in India are undertrials' as per the report released by the National Crime Records Bureau (NCRB). According to the 'Prison Statistics of India 2015' here are some data tells us about the state of Indian prisons. The problems of overcrowding are undertrials. The report calls overcrowding as "one of the biggest problems faced by prison inmates." It results in poor health and hygiene among other problems. "Keeping in view the human rights of the prisoners, it is essential that they are given enough space and necessary facilities in prisons" the report says. The occupancy rate at the all India level at the end of 2015 was 114.4%. At 276.7%, Dadra & Nagar Haveli is reported to have most overcrowded prisons, followed by Chhattisgarh (233.9%), Delhi (226.9%), Meghalaya (177.9%) and Uttar Pradesh (168.8%). Sixty-seven per cent of the inmates in Indian prisons are undertrials, people not convicted of any crime and currently on trial in a court of law. Among the larger States, at 82.4%, Bihar had the highest proportion of undertrials, followed by Jammu & Kashmir (81.5%), Odisha (78.8%), Jharkhand (77.1%) and Delhi (76.7%). Three States from the Northeast also had a high proportion of undertrials, Meghalaya (91.4%), Manipur (81.9%) and Nagaland (79.6%). Most of the undertrials have been under detention for more than a year. The ratio is highest in Jammu and Kashmir. Undertrials, as in every state in the country constitute the largest section in the prisons of Karnataka also. Karnataka is one of the state recording higher numbers of undertrials than the national average. The law of the land presumes these prisoners to be innocent until proven guilty in the court of law. They are entitled for legal representation at the expense of the government. The Supreme Court of India considers speedy trial a fundamental right inherent in Article 21 of the Constitution, which ensures the right to life. However, in practice the lack of legal representation and years of delay in the prosecution of cases amount to denial of justice with the accused languishing in prison as a victim of neglect by the judiciary.

Literature Review

The Model Prison Manual

The Committee prepared the Model Prison Manual (MPM) and presented it to the Government of India in 1960 for implementation. The MPM 1960 is the guiding principle on the basis of which the present Indian Prison management is governed. On the lines of the Model Prison Manual, the Ministry of Home Affairs, Government of India, in 1972, appointed a working group on Prisons. It brought out in its report the need for a national policy on Prisons. It also made an important recommendation with regard to the classification and treatment of offenders and laid down principles. **The Mulla Committee:** In 1980, the Government of India set-up a Committee on Jail Reform, under the chairmanship of Justice A. N. Mulla. The basic objective of the Committee was to review the laws, rules and regulations keeping in view the overall objective of protecting society and rehabilitating offenders. The Mulla Committee submitted its report in 1983. **The Krishna Iyer Committee:** In 1987, the Government of India appointed the Justice Krishna Iyer Committee to undertake a study on the situation of women Prisoners in India. It has recommended induction of more women in the police force in view of their special role in tackling women and child offenders. **Gurpuneet Singh Randhawa and Dr. D.J Singh (2015)** the authors analysed various challenges faced by Indian Prisons system. Paper contributes towards finding the challenges which are obstacle for smooth functioning of Indian prison system. The duty concludes with solutions to these challenges which the

department faces in the proper adjudication of the routine duties in cooperative effort of criminal justice administration in India, with a contribution toward smooth functioning of Indian prisons system. In this paper the challenges faced at the dispersal of duties by the Prisons department with the three other important wings of criminal justice administration that is Police, Judiciary and Prosecution are systematically analysed and some suitable remedies eliminating these challenges and improving the inter departmental cooperation for the better criminal justice administration in India. **Madhurima Dhanuka (2010)** the author have stated the importance of bail provisions and their underutilization has been reiterated on many occasions. No person should be made to suffer the deprivations of incarceration before he/she has been proven guilty in the eyes of law. By depriving them of their right to liberty through unnecessary detention, the existing system “punishes” the accused in violation of the basic principle of criminal jurisprudence that every person shall be presumed innocent till proven guilty. To ensure justice for undertrial prisoners, it is essential to effectively implement the existing provisions of the Cr.P.C. All the agencies of the criminal justice system including the police, the judiciary, the prosecution, the defence lawyers and the prison department must adopt a concerted and a well-coordinated approach to ameliorate the plight of the ‘forgotten souls’ i.e. undertrial prisoners, who languish in prisons unnecessarily. **Prof. R.K. Gupta & Karam Singh (2016)**, speaks about Right to speedy trial is a right to life and personal liberty of a prisoner guaranteed under article 21 of the Constitution, which ensures just, fair and reasonable procedure. The Supreme Court of India has been very vigilant against encroachments upon the Human Rights of the prisoners by giving a liberal and comprehensive meaning to life and personal liberty. Undertrial prisoners are those persons who are facing trial in any court, unable to furnish surety, and have no access to legal aids, are kept in prison for years together, which amounts to gross violation of their human rights. Undertrial prisoners constituted 71.14% of the total prison population in the country. **Vijay Raghavan (2016)** express that across the world, prisons are increasingly used as instruments of social control. With its huge undertrial population in jails, India is headed in the same direction. Measures like restricting visitors' access to prisons only aggravate the situation.

Need for the Study

Today the matter of concern is that 67% are undertrials in our Indian prisons, which is similar to the undertrials detention rates in neighbouring countries like Bangladesh (68%) and Pakistan (66%) but vastly different from those of more developed countries such as the United States (21%) or England and Wales (16.5%). As the latter group of countries have developed well-functioning criminal justice systems, we are at high percentage of undertrials; incarceration is an indicator of stress in our criminal justice system. Normatively, a threshold objection to high levels of undertrials incarceration is simply that the criminal justice system should not imprison people who have not been proven guilty by a court of law. Imprisonment involves a complete loss of liberty without the operation of the due process of the law, which no liberal democracy should accept. Secondly, it has long been a concern in penology that undertrial prisoners, who may very well be innocent, run the risk of 'contamination' when placed in close contact with hardened criminals. A third is that individual undertrial prisoners lose valuable days and months of their lives and are forever stamped with the taint of being imprisoned, regardless of whether they are subsequently proved guilty. Since its inception, the Indian prison system has failed to separate convicted and undertrial prisoners. Hence, this paper focuses on “Undertrials – The Burden on Prison Management: A Case Study of Belagavi Central Prison”.

Objectives of the Study

- To study the present scenario of Undertrials in Karnataka.
- To look in to the reasons of burden on Belagavi Central Prison.
- To examine the management practices followed by Belagavi Central Prison
- To look in to the problems faced by Belagavi Central Prison.
- To suggest findings and conclusions in the backdrop of the study.

Hypothesis

1. Ho - Undertrials are the cause of burden on the Belagavi Central Prison.
H1- Undertrials are not the cause of burden on the Belagavi Central Prison.
2. Ho- Management practices in Belagavi Central Prison are modern and standard.
H1- Management practices in Belagavi Central Prison are not modern and standard.
3. Ho- Belagavi Central Prison are confronting with multiple problems.
H1- Belagavi Central Prison are not confronting with multiple problems.

Scope of the Study

The study covers about the undertrials in prisons of India and Karnataka. It mainly confines itself to analyse the issues relating to the problems faced by the Prison and management practices practiced by prison staff of Belagavi Central Prison. The findings of the study will provide an important contribution to Prisons in terms of reformatory activities to be conducted

and provide necessary corrections for better and able management of undertrials. The study is based on secondary data and Primary data for which Prison officials were supplied questionnaire for collection of information related to the study. The official and staff in Group A is 01, Group B is 01, and Group C is 46 totals of 48 respondents.

Methodology (Primary Data, Secondary Data, Research Design, and Sample Design)

For the study primary data of 48 sample respondents from Belagavi Central Prison were selected as sample size. The questionnaire was framed and circulated among the officers and staff. The secondary data was collected from the annual reports of the government organisations, prison statistics report, journals and necessary websites. The tables were constructed and percentages were used to analyse with Likert's 5 point scale.

Issues

1. The overcrowding of prisons in the Karnataka is a long-standing problem that is rarely addressed by the incumbent governments.
2. Prisons in Karnataka has high occupancy rate.
3. The fundamental and human rights of undertrials of these prisons are grossly ignored.

Data Analysis

The analysis is based on the data collected through questionnaire form 48 respondents. The necessary tables are constructed and percentages are used to analyse the data with Likert's 5 point scale.

Table 1: Shows the reasons of Burden on Belagavi Central Prison

Reasons of Burden	Strongly Agree	Agree	Can't Say	Disagree	Strongly Disagree	Total
Undertrials High Population	42 (87.5)	06 (12.5)	-	-	-	48 (100)
Delay in Trial and Undue Adjournments	30 (62.5)	12 (25.00)	06 (12.5)	-	-	48(100)
Non-appearance of Police Witnesses	12 (12.5)	28 (58.33)	08 (16.66)	-	-	48(100)
Non-produce of Undertrials to the court in time	10 (20.83)	32 (66.66)	06 (12.5)	-	-	48(100)
Lack of Coordination between prison officials and police officials	12 (12.5)	26 (54.17)	10(20.83)	-	-	48(100)
Vexatious Arrests	20(41.66)	14(29.16)	04(8.33)	-	-	48(100)
Lower court judgement slowdown	30(62.5)	16(33.33)	02(4.16)	-	-	48(100)

Source: Compiled from Survey, Figures in parentheses indicate percentages.

The reasons of burden on Belagavi Central Prison as response given by the staff as shown in the table no. 1 analysis is that Undertrials high population is 87.5% SA and 12.5% A, Delay in Trial and Undue Adjournments is 62.5% SA and 25.00% A, Non-appearance of Police Witnesses is 12.5% SA and 58.33%, Non-produce of Undertrials to the court in time is 20.23% SA and 66.66% A, Lack of Coordination between prison officials and police officials is 12.5% SA and 54.17% A, Vexatious Arrests is 41.66% SA and 29.16% A, Lower court judgement slowdown is 62.5% SA and 33.33% A, are the opinion given by the respondents respectively.

Hence, the hypothesis set **Ho - Undertrials are the cause of burden on the Belagavi Central Prison is accepted** as more than 70% respondents agreed with their opinion on the above mentioned reasons for the burden. H1- Undertrials are not the cause of burden on the Belagavi Central Prison is rejected.

Table 2: Shows the Management Practices followed by Belagavi Central Prison.

Management Practices	Strongly Agree	Agree	Can't Say	Disagree	Strongly Disagree	Total
Planning	03(6.25)	38(79.17)	04(8.33)	03(6.25)	-	48(100)
Organising	-	03(6.25)	32(66.67)	13 (27.08)	-	48(100)
Staffing	-	12(25.00)	36(75.00)	-	-	48(100)
Coordinating	02(4.17)	37(77.08)	05(10.42)	04(8.33)	-	48(100)
Controlling	-	22(45.83)	14(29.17)	12(25.00)	-	48(100)
Reporting	02(4.17)	46(95.83)	-	-	-	48(100)

Source: Compiled from Survey, Figures in parentheses indicate percentages.

The table 2 reveals that, the management practices in Belagavi Central Prison were followed to some extent and the majority of respondents staff gave their opinion on Planning 79.17% Agree, Organising 66.67% can't say, Staffing 75% can't say, Coordinating 77.08% Agree, Controlling 54.17% as can't say & disagree and Reporting 95.83%. Study found that the management practises are less strongly agree, some are agree, and majority are with can't say & disagree, this represent that the above percentages shows the staff availability and the hierarchy distribution effect.

The management practices are less executed with can't say and disagree represent that **Ho- Management practices in Belagavi Central Prison are modern and standard is rejected.** And H1- Management practices in Belagavi Central Prison are not modern and standard is accepted. Hence, there is no modern and standard management practices in Belagavi Central Prison.

Table 3: Shows the Problems faced by Belagavi Central Prison.

Problems	Strongly Agree	Agree	Can't Say	Disagree	Strongly Disagree	Total
Overcrowding	41(85.41)	06(1.25)	-	-	-	48(100)
Unsatisfied living conditions	08(16.67)	32(66.66)	08(16.67)	-	-	48(100)
Staff Shortage	04 (8.33)	38(79.16)	02 (4.17)	-	-	48(100)
Lack of legal aids	02(4.17)	40(83.33)	06(12.5)	-	-	48(100)
Improper prison structure	02(4.17)	26(54.17)	10(20.83)	10 (20.83)	-	48(100)
Old dilapidated prison building	02(4.17)	32(66.66)	08(16.67)	10(20.83)	-	48(100)
Long working hours	02(4.17)	38(79.16)	08(16.67)	06(12.5)	-	48(100)
Inadequate health facilities	02(4.17)	42 (87.5)	04 (8.33)	-	-	48(100)
Poor cultural facilities	-	-	08(16.67)	40 (83.33)	-	48(100)
Poor education facilities	-	-	07(14.58)	41(85.41)	-	48(100)

Source: Compiled from Survey, Figures in parentheses indicate percentages.

The overcrowding being the major problem with 47 (97.91%) response, Inadequate health facilities 44 (91.66%) response, Staff shortage and Lack of legal aids 84 (87.5%) response respectively, Unsatisfied living conditions and Long working hours 40 (83.33%) response, Old dilapidated prison building 34 (70.83%) response and Improper prison structure 28 (58.33%) response were found.

The problem of overcrowding in Indian prisons is not a new feature and is synonymous with all the other problems of imprisonment. It cripples every attempt to humanise living standards behind bars, and its implications are too obvious and too serious to neglect. Yet the phenomenon has remained unresolved for more than a hundred years. As per the Karnataka prison department data available on its official site it claims overcrowding in Karnataka prisons to be around 41%. The real picture, however, emerges only if we break down the deceptive averages. Bangalore Central Prison, authorised to hold 2,100 prisoners, actually holds 4,800. It is overcrowded by 128% and the picture is no different in other prisons. Several factors determine the level of overcrowding in prisons, in terms of prison administration, and in several prisons many barracks remain closed because they are unsuitable for habitation.

The study found that the hypothesis **Ho- Belagavi Central Prison are confronting with multiple problems is accepted** by majority respondents with 58.33% to 97.91% variations. Hence, H1- Belagavi Central Prison are not confronting with multiple problems is rejected.

Findings and Suggestions

According to the study the major findings are that Undertrials are the cause of burden on the Belagavi Central Prison is accepted as the overcrowding being the major problem with 47 (97.91%) response, inadequate health facilities 44 (91.66%) response, Staff shortage and Lack of legal aids 84 (87.5%) response respectively. Therefore Basic infrastructure and necessary policy amendment has to be adopted. Management practices in Belagavi Central Prison are not modern and standard is accepted. Hence, study found that, there is no modern and standard management practices in Belagavi Central Prison. Only some management practices are practiced and majority management practices are absent, it is to be seen that the implementation of best prison management practices are implemented. The study found that the hypothesis Ho- Belagavi Central Prison are confronting with multiple problems has been accepted by majority respondents with 58.33% to 97.91%. Government and concerned officials has to look into the matter to overcome these problems in Belagavi Central Prison.



Conclusions of the Study

The Karnataka prisons are overcrowded with undertrials, and their condition in the prison is pathetic. No effort has been made to undertake prison reforms and they have repeatedly defied the apex courts directives. Some of the respondents also expressed that mentally retired prisoners are sent to the prison for which they are not trained to handle them, Petty case prisoners are dumped in huge numbers, Supreme and High Court orders are not followed by lower courts, slowdown of Lower courts and police procedure are the main reason for non-disposal of cases at the earliest. It is gross violation of fundamental and human rights of prison inmates. Hence it is high time to undertake prison reforms. This paper focuses on the actual challenges faced by the prisons officials within the department and in coordination with staff in the Belagavi Central Prison. It presents statistical results on the major concerns were obtained in the form of questionnaire from the prisons officials serving at various ranks in the prison. It presents various views and interesting facts obtained after interviewing prison officials. It concludes with the solutions to various important challenges faced by the prisons department that can help in the smooth conduct of the most important wing of criminal justice administration.

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