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Report on Yerwada Prison

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ABSTRACT

Yervada central prison was built by the British in 1871. It was then outside the city limits of Pune. The jail spreads over 500 acres and it is regarded as one of the largest prison of South-Asia. It provides accommodation for over 2500 inmates and currently it is occupied by over 6000 inmates. Over-crowding has always been a problem here which further leads to poor living conditions of the inmates. This has lead Maharashtra State Human Rights Commission (MHRC) to issue a notice regarding the same.

This paper critically analyses the prison administration of the Yerwada Prison. The author also puts some light on the legislative and judicial reforms while providing suggestion for the same.

Keywords: *Yerwada, Prison, Report Writing, Judicial Approach, Prison Reforms.*

I. YERVADA CENTRAL PRISON

Yervada central prison was built by the British in 1871. It was then outside the city limits of Pune. The jail spreads over 500 acres and it is regarded as one of the largest prison of South-Asia. It provides accommodation for over 2500 inmates and currently it is occupied by over 6000 inmates.

Earlier British crown was found on the entrance door of the prison but after Independence it was replaced by the Ashoka Emblem. Later this was followed by some developmental work in the prison. Providing accommodation for over thousands of inmates the security of the prison is high. It is surrounded by four high walls and this has been divided into various security zones and barracks. The prison is covered by two walls, where the presence of another wall could not be determined from outside as well vice-versa. For high security prisoners it has special cells in the form of egg-shaped cells.

Over-crowding has always been a problem here which further leads to poor living conditions of the inmates. This has lead Maharashtra State Human Rights Commission (MHRC) to issue a notice regarding the same.

The jail has always been concerned about the well-being of the inmates. Though this is one of

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the oldest prisons in Maharashtra but took considerable developmental steps considering the well-being of the inmates. For such reasons, the prison comprises of library, meeting halls, radio stations, stationary stores, small function halls, hall, kitchen, recreation area and also different small production factories. The prisoners along with the officials of the prison helps to keep the prison area clean and green.

The inmates are been categorized based on their behaviour in the prison. Every category has a band of different colour. The red colour band is for inmates of escaping nature and they somehow are a threat to others. The violet colour bands are for volunteers and white is for normal inmates. These bands motivates the inmates to perform better each time as they know that they are being recognised by their behaviour. They are also allowed to meet their family members once a week for those who are under trial and once in 15 days for inmates who are convicted. Approx. 15 minutes are allotted for family members and 30 minutes for their advocates in case of convicts.

Yerwada Open Jail (YOJ) is situated just outside the Yerwada Central jail within the campus and houses life sentence prisoners, who have amicably completed five years in the central jail. Here they live under basic security, and are not put in prison cells.[21][22] Over 150 inmates of the open jail grow organic vegetables, over five guntha of land, which are sent to the Yerwada Central Prison and the women's prison. Besides this, the cow shed has 30 cows, through which manure is collected and used in farming activities.

Every inmate is allowed to receive only 4500 rupees per month from their family. The prison provides its inmates with the opportunity to work and earn on a daily basis. The category work is divided between inmates as skilled, semi-skilled or unskilled and accordingly the daily wage differs. The entire wage is calculated and transferred at the end of the month in the account of the inmates. The income earned by the inmates can also be used by them to send money home for their own family. This keeps their health and mind steady.

The administration of the prison is well maintained by the prison officials. It comprises of 500 personnel including Superintends and Constables. The entire population of inmates ranges from 6000-6500, the administration is managed by these officials who are well trained to combat any situation and they also take help from the inmates who are willing to offer help.

The prison believes in the policy of “Development & Rehabilitation” and adheres by the same.

II. PERSONAL EXPERIENCE

On Monday, 10th August, 2019 Symbiosis Law School conducted a field visit to Yervada

Central Prison, Yervada. With two faculty in-charge per bus, about 80 students were taken to the prison through bus. The aim of the visit is to get the glimpse of the prison administration and to get aware and analyse the problems faced by them. Police officer briefed the students about the daily activities of the inmates and following information is gathered from the same:-

Prisoners are engaged in various vocational, spiritual and educational activities. They are given different badges and different tasks. Prison is divided into various sections and inmates are allotted specific tasks like cooking, cleaning etc. Provision is also made for common programs for the entertainment of prisoners. Children below the age of 6 years are allowed to be with their mothers and are kept in different sections. They are also provided with the playground and toys so that they can enjoy their childhood just like any other normal kid. There are amenities like hospital with availability of well qualified doctors and school for educating children in the premises of prison. Prisoners in jail were even engaged in different vocations like tailoring for which training was provided. The officer also discussed about the daily meal of prisoners which was fixed as per the work done by the prisoners. The Superintendent police officer discussed about the disciplinary rules made for the inmates which they are bound to follow for the purpose of rehabilitation. The daily routine of these prisoners starts with waking up early in the morning and compulsory practice of yoga. Then they are provided with breakfast which is followed by dispersal of inmates to do their respective work allotted to them followed by the lunch. The schedule of the whole day is fixed.

We were briefed about the open air prison where convicts of serious offences are also sent for Reformation and Rehabilitation.

Thereafter the superintendent police officer cleared the queries and doubts raised by the students in the question answer session. He even discussed about Parole and Probation.

Then all the female and male students were taken to Central Jail. The very first thing that grabbed the attention of all was the inner premises of the Central Jail which was really vast, very clean and was surrounded by greenery. Inmates were seen engaged in various works. There is availability of library, Vipashyana (meditation centre), computer education, art of living, freedom foundation programs and many more. Police Sub-Inspector was our guide who provided information about various activities and administration of the jail. He informed us about various vocational activities in which the inmates are engaged. During the discussion with the students he told us that the inmates of the jail produce nearly 5,000 clothes daily, and supply it to jails across the state, it has its own textile mill and around 150 inmates, including women, are involved in stitching these clothes. Some of these costumes, like uniforms of

superintends, prisoners, wardens and guards were made for Madhur Bhandarkar's 2009 film Jail.

After Central Jail visit students were taken to Men's Open Prison where there was a factory in which inmates were engaged in making thread. Even here the activities of inmates were divided. Some were seen cooking food in kitchen, some were cleaning and repairing the premises. Thereafter students again had some question answer session with the authority In-Charge.

This was indeed a very special visit as the girls were for the first time allowed to visit the Central prison with the proper security. The perception of students about the jail was very different when we left from the college for the visit. But the whole perception and opinion of the students about the prisoners, the authorities and the administration of prison totally changed after the visit.

III. PRISON ADMINISTRATION

Prison administration of Yervada Central Jail is in accordance with the guidelines mentioned in the Prison Manual that is being followed in the State of Maharashtra. The organisational structure needs to be carefully designed to provide effectiveness of prison administration.

Prison administration is an important element of the criminal justice system in India. In the entire process, the Director General/Inspector General has the sole responsibility to enforce any rules as per the Prison Manual of the state and has also the obligation to prepare budget and sanction expenditure and most importantly to manage the personnel in the department by exercising powers available in its jurisdiction.

The entire department has been fragmented into two departments:

- i. Executive Wing, and
- ii. Correctional Wing

In the executive wing, the officials are assigned with the duty of implementing all necessary measures and adhere as per the Prison Manual of the state. This focuses on the basic requirements of the functioning of the prison and is also involved in other administrative works relating to the welfare of the prison. Whereas, the Correctional wing is responsible for probationary services, welfare services, educational services and other such services.

As per the directive provided in the prison manual, it suggests that every prison should consist of personnel according to the duty posts, category of staffs, prisons size, inmate's population and also based upon the workload and distribution of functions.

Also, the custodial staff is to be determined based on the same criteria for determining personnel size. Along, with the view that each guard to be guarding prisoners. The overall different strength has been divided into 8 broad categories:

- Executive (Superintends, Add. / Dep./ Asst. Superintends)
- Guarding Staff (Chief Head Wardens, Head Wardens)
- Medical Personnel (Medical Officers, Nursing Staff, Pharmacist)
- Welfare Units (Welfare Officer, Law Officer, Psychologist)
- Educational Personnel (Teachers, Physical Training Instructor)
- Technical Personnel (Instructors, Foremen, Electricians, Motor Mechanic)
- Agricultural, (Supervisor, Assistants), and
- Ministerial (Office Superintends, Accountant, Store Keeper, Miscellaneous Staff)

Each category is assigned with general duties and functions to be performed for the overall administration of the prison. This works in coordination with each other to facilitate smooth functioning of the prison administration works.

The executive personnel ascertain that the human rights of the prisoners are entitled to and also ensure that the overall objective of reform and development of prisoners are met. The Superintendent will be in-charge of the management, and will ensure that every duty are followed in the premises, and also to look after suggestions, planning, organizing and guiding the entire prison activities.

The Superintendent is assisted by Additional Superintendent, Deputy Superintendent/Jailor and Assistant Superintendent. All work is distributed among the officials, and it is the general duty of the Jailor to be generally responsible for observance of all rules and regulations. The work assigned to the executive department remains the most prominent task, as it involves managing all the tasks of the prison and adhering to all the rules and regulations as per Prison Manual. Whereas, Guarding Personnel deals with guarding the prisoner. There needs to be one guarding staff for every 6 prisoners, which needs to be followed in 3 shifts. They are responsible for all prisoner related work, i.e., guarding them, escorting them to work, maintaining proper hygiene and other similar related works.

Then, there consists of medical personnel, who are directly responsible for the health of prisoners. And, for every 300 prisoners, there needs to be one Medical Officer. They are also responsible to advice the minimum hygienic condition in the prison premises. Then, there are

Welfare Unit, who are primarily responsible for the well-being of the prisoners. Under, this there should be one correctional officer for every 200 prisoners, and one psychologist for every 500 prisoners.

Unlike others, there is an education personnel, who would be responsible for imparting comprehensive programme of education to prisoners in which various educational functionaries will perform their specific duties.

The technical personnel are responsible for the development of vocational training and diversified programme as an important aspect of reformatory work.

The agricultural personnel are responsible to brush up the skills of prisoners who belong to rural areas and who were mostly involved in agriculture.

On the other hand, the ministerial staff is developed in such a way that they leave no scope for sharing their duties with prisoners.

IV. ISSUES IN PRISON ADMINISTRATION

Practically the prison administration has been defined in the prison manual but practically it has observed that they are not being followed. The administration faces many problems. The foremost problem is the shortage of personnel. The ratio of personnel to prisoners is quite less. The jail capacity for 2500 inmates but at present it is being occupied by 6000 inmates. This is not good in terms of security as well as they are unable to discharge smooth flow of duties in the prison.

Some of major problem include overcrowding in prison. This issue tends to revolve around the jail administration and thus leading to non-adherence of the rules laid down as per prison manual. Considering the most figure of guarding staff, who as per prison manual are supposed to guard 6 prisoners per staff. But, due to excessive load, these criteria fail to meet and raises burden on the guarding staff. Also, considering the same, the medical personnel is supposed to represent 300 prisoners, but due to the same, the burden has increased considerably for the same.

Some of the other prominent issues are as follows – Differential treatment between prisoners belonging to the same category; Custodial deaths; Fake Police encounter; Lack of innovative reformatory schemes; Inhuman and barbaric treatment by Police; Political pressure; Lack of knowledge of legal rights and education; Insufficient legal aid programmes; Inability to pay bail bond due to poverty; Delay in Judicial pronouncement; Lack of coordination between the prison department, police and judiciary.

V. LEGISLATIVE APPROACH ON PRISON REFORM

Indian constitution intimates prison administration as a portfolio of state to legislate on. The fundamental responsibility of prison management is to secure custody and control of prisoners. 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. It is true that the system normally demands for reformative framework that too one in tune with the international human rights law. This objective can be easily achieved by a national legislation rather through varying state laws.

Various Rules have been prescribed for the effective functioning of the prison and also to facilitate overall development of the prisoners. Rules relating to every aspect has been prescribed, whether it be prisoners' barrack, food, toilets, kitchen, recreational facilities and such others. As per Prison Manual, it has specified the number of prisoners in a single barrack should nit be more than 20 prisoners, and also in case of any prisoners is pursuing studies, then they should be provided with a single room and not to mention the fact that if in case of any contagious disease then prisoners should be kept in separate room, so as to avoid contraction of the same with others. Also, every prisoner needs to be provided a secure storage compartment to hold their personal belongings, and during winters the prisoners should be provided with heating facility in their barracks, washroom and at the time of their laundry activities.

Leaving aside the rules of basic requirements of administration for prisoners' development. There are also various rules prescribed concerned with the overall health requirements and development of prisoners' well-being. The prison manual specifies the energy requirements based upon work carried on by them and also nutrients classified based on protein, fats, calcium, vitamins and other such requirements are formally specified. Also, the criteria for different foods are specified and the quantity to e given are also specified. Also, it specifies that prisoners should have 3 meals in a day, a light breakfast in the morning, midday meal and evening meal before the prisoners are locked up for the day. Also, there are provisions, where in case of any religious fast, may receive extra articles of food suitable for such fasts as per local practices. Also, in order to maintain minimum quality control, a register needs to be maintained, where the prisoners can complain of any shortcomings in the food prepared, hygiene and quality of the food as such.

For, ensuring justice, a legal aid clinic is being set up which will ensure organizing legal awareness camps as well as providing free legal services including payment of requisite court

fees, free lawyer services and other such related services.

India still runs with century old legislation for prison administration. Prisons Act is only concerned about the classification and segregation of prisoners by their nature and status of imprisonment. It failed to incorporate many of the principles laid down by the judiciary into its premises as well as recommended by the human rights law. Prisons Act also attempt to cast the responsibility of prison administration over the state. Even the solitary confinement is still retained in the Act against which the judiciary had made their vehement dissent. The liberty to move, mix, mingle, talk, share-company with co-prisoners if substantially curtailed would be volatile of Art. 21, unless the curtailment has the backing of law and this law should lay down a fair, just and reasonable procedure.

Prisons Act is also concerned about the prisoner's right to and meet visitors but that too is confined to under trial prisoners and civil prisoners. The concept of prison labour and earning are very vague from the Act. State on the other side, follows different practices in prison administration. Moreover the prison environment is an unseen one and that makes things more complicated. To conclude over the approach of the Act, it is important to point out that it still maintains separate confinement as a punishment for the offences done inside the prison. This indicates that the strategy of rehabilitation and reformation still have to be made into the Act.

VI. JUDICIAL APPROACH ON PRISON REFORM

In India, the entire prison administration has been under a strict review by the Supreme Court. In numerous cases, the court has uplifted the rights of the prisoners. In a notable case of prisoners rights (*Sunil Batra V. Delhi Administration and Others (1978)*), justice V.R. Krishna Iyer pronounced "prisoners have enforceable liberties, devalued may be but not demonetized; and under our basic scheme, Prison Power must bow before judge power, if fundamental freedom is in jeopardy". Also, in the above case the question of "Are prisoners' persons?" was asked and affirmed, and stated that in order to repudiate the world legal order, which aims to recognize prisoners right which has been signed by our country as well.

Also, based upon numerous judgements, the Supreme Court has laid down three basic aspects of prison administration:

- a. A person in prison does not become a non-person.
- b. A person in prison is entitled to all human rights within the limitations of imprisonment.
- c. There is no jurisdiction in aggravating the suffering already inherent in the process or incarceration.

These principles call for a thorough restructuring of the prison system in terms of the humanization of prison conditions, minimum standards for institutional care, reorientation of prison staff, reorganization of prison programmes and rationalization of prison rules and regulations.

Also, the Supreme Court observed the rights and duties of the prisoners, in respect of which the All India Committee on Jail Reforms (1980-83) headed by Justice A.N. Mulla (“Mulla Committee”) had identified the rights and duties of prisoners. Some of the rights identified by the committee are:

- Right to Human Dignity
- Right to basic Minimum Needs
- Right to Communication
- Right to Access to Law
- Right against Arbitrary Prison Punishment
- Right to Meaningful and Gainful Employment
- Right to be released on due date.

Duties of the prisoners as identified by the committee:

- To obey all lawful orders and instructions issued by the competent prison authorities.
- To abide by all prisons rules and regulations and perform obligations imposed by these rules and negotiations.
- To maintain the prescribed standards of cleanliness and hygiene.
- To respect the dignity and the rights to live of every inmate, prison staff and functionary.
- To abstain from hurting religious feelings, beliefs and faiths of other persons.
- To help prison officials in the performance of their duties at all times and maintain discipline and order.
- To preserve and promote congenial correctional environment in the prison.

Also, Supreme Court of India emphasized the need to bring some level of uniformity in laws and regulations governing prisons in the country. This was emphasized in the case of *Ramamurthy v. State of Karnataka* (1997), wherein after it the need for development of a uniform policy was seen as per the recommendations of the Mulla Committee, with a major objective that prisons in the country shall endeavor to reform and reassimilate offenders in the

social milieu by giving them appropriate correctional treatment. Also, apart from many modalities specified, it laid emphasis on the modality that prison is a closed world and the prisoners need to open towards positive and constructive public and also laid emphasis on overall development of the prisoners.

When comes to the recent development, the State Government have taken steps to update their existing Prison manual and usher in prison reforms. Also, the Supreme Court has continued playing an active role in the process of improving prison administration in the country. It suggested various revisions and additions made to the Model chiefly cover the following:

- Access to free legal services
- Additional provisions for women prisoners
- Rights of prisoners sentenced to death
- Modernization
- Focus on alter-care services
- Provisions for children of women prisoners
- Organizational uniformity and increased focus on prison correctional staff
- Inspection of Prisons

And, now a new chapter on repartition of prisoners (Chapter X) in line with the advisory issued by the Ministry of Home Affairs on the subject dated 10th August, 2015. And, also to bring uniformity and clarifying provisions regarding remission (Chapter XVIII). Along with other reforms related to ‘parole’ and ‘furlough’ in place of leave and special leave (Chapter XIX). Bringing medical services with the domain of the State Medical Services/ Health Department instead of the prison department (Chapter VII). And, a more comprehensive and relevant security classification for high risk offenders (Chapter XXV).

Now, as per the reform suggested, it could be hoped that the present draft provides a satisfactory framework for enabling reforms and impels States to take this process forward with vigour.

VII. SUGGESSTIONS

The Law Commission of India headed by H.R. Khanna J, has recommended several possible remedies to the problem of overcrowding in Jails such as guiding principles to be followed for release on bail in case of non-bailable offences and a need to liberalise provisions for release on bond, strengthening of machinery and equipment, suggested amendments to Code of Criminal Procedure, 1973 and Indian Penal Code, 1860, separate places for detention of under trial prisoners etc.

On similar lines, The Law Commission in its 239th Report has suggested further more steps such as that there should be standardized design of the Criminal Court complex as prescribed which shall inter alia have separate rooms for witnesses, under trial prisoners, police personnel, advocates and prosecutors. Further, all communication of bail orders should be sent to the Jail through e-mail and sufficient number of washrooms and filtered drinking water facilities should be constructed in these complexes.

The Human Rights Law Network has suggested several prisons reforms viz., providing educational facilities to prisoners, introduction of Non-discriminatory provisions for minority groups in jail, computerization of prisons, social audit etc. The All India Committee Jail Reforms suggested that better transport arrangement should be made for taking undertrial to courts, proper record of release of prisoners on leave and special leave should be properly maintained, district level review committee to appraise under trial cases and recommend their release on bail, facilities of food, clothing, medicare, etc. to undertrials at par with convicts.

BPR and D has suggested several reforms viz.,-

- That the principles of management of prisons and treatment of offenders may be incorporated in the directive principle of the state policy embodied in part IV of the Constitution of India; The State shall evolve a mechanism to ensure that no under trial prisoner is detained unnecessarily which can be achieved by regular periodic review of their cases on timely bases and simplification of bail procedure, also the under trial shall be confined in separate institution if possible;
- State government may establish Research & Development Wing in the Directorate of Prisons and Correctional Services of all the States and Union Territories which shall analysis and research on improving the functioning and performance of prisons in India.

VIII. PERSONAL VIEWS

As a citizen of India, and being very much concerned for the under trial prisoners and other inmates as to in which conditions they are living in prisons and whether proper sanitation and medical facilities are available to them. The figures by NCRB are very alarming with over 70 per cent of prison inmates being Undertrials who are either unaware of their legal rights or are poor to pay bail bond. It is such a pity that though their offence has not been proved in the court of law, subject to the right of appeal, they are undergoing their sentence; it seems that only the rich and powerful can get a bail in India.

There is thus without any doubt an urgent need to revamp the prison system in India which would a more humanistic approach as Mahatma Gandhi rightly said "Crime is the outcome of

a diseased mind and jail must have an environment of hospital for treatment and care”

For modernization of Prisons, Government of India must start Prison Modernization Scheme II which is overdue for a decade now. Phase I of the scheme has successfully reduced overcrowding in jails barracks, jail official quarters and resulted in better security of the jails from high hazard such as –drug addicts, terrorists, naxals & dangerous criminals and high risk offenders.

IX. CONCLUSION

There are several legislations and judicial pronouncements which seek to protect the rights of prisoners in India, but still a lot more is required to be done in this direction. Implementation of these rights continues to be one of major hurdle in prison reforms in India. The judiciary has played a vital role for the improvement of the prison system in the past and hopefully the decision given by the apex court in the present case would further help in reducing further some of the existing problems in the current prison system. Thus, it can be concluded that it is just the beginning of a long journey, a small step towards better prison system management and administration.
