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Prison Population and Health Care a Comparative Study with India and U.S.A

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Abstracts

No person is born as a criminal. There are various circumstances which make a person commit crime. The reasons for developing deviancy towards the accepted rules and regulations has been studied and analysed by various scholars. The State is a protector of all the citizens and has a duty to safeguard everyone, when someone commits crime, it is the failure of the state machinery. When any person has committed an offence and is being penalised for it doesn't render him or her non-human being and therefore, it doesn't confer the power on state to treat him or her in an insensible manner. The constitution of India guaranteed every person the right to life and liberty and he can't be deprived from it unless there's due process of law. This provision is also applied to internees and that's why there's some protection available to them. This exploration focuses on captivity administration of India, especially the treatment of captures, and an sapience into the captivity administration in United States of America, for the purpose of comparing the two systems and assessing the Indian Captivity administration on these lines., it's always a good policy to learn commodity from other inversely competent parties and the same holds true when one is agitating the concern for captures in felonious justice system.

Keywords

Prison Administration, Prisoners Right, Comparative Study, Human Right, Judicial Responses

INTRODUCTION:

No society can be crime free and culprits are therefore set up in every niche and corner of society. These culprits are tried by the courts under the felonious justice system and awarded with discipline, the most usual form of which is imprisonment, either for the remainder of life or for a specific period of time. Therefore, incarcerations stand at that tail- end of the felonious justice system where the cons are temporarily lodged and kept down from society. Incarcerations also serve as support institutions to house under trials and suspects, placed under judicial guardianship during the pendency of their court

trials. The conception of captivity is nearly associated with the propositions of discipline followed with varying degrees in the felonious justice system. The purpose of comparing the two systems and assessing the Indian Captivity administration on these lines. Therefore, when one roof is sheltering nearly all the culprits, it becomes important to take care of the administration of similar four walls of captivity ranging from the limits on the liberty of captures to the introductory rights of captures. The fact that a person has committed an offence and is being penalised for it doesn't render him or her non-human being and therefore, doesn't confer the power on state to treat him or her in an insensible manner. Therefore, on lines of the new approach towards the treatment of lawbreakers and exposure of the discipline, the concern for violation of introductory mortal rights of captures has arisen, which needs to be addressed in light of how the incarcerations are administered. Also, it's always a good policy to learn commodity from other inversely competent parties and the same holds true when one is agitating the concern for captures in the felonious justice system. The captivity administration in India cannot be characterised as ideal administration as far as internee's mortal rights friendly nature is concerned. Therefore, taking some indication from other nations, similar as, United States of America, will be of important help as to how to acclimatise our captivity administration with respect to the captures and their introductory rights. Understanding of the institution of Captivity in general and elaboration of this institution in India and USA incarcerations stand at the tail end of the felonious justice system where the cons are temporarily lodged and kept down from the society. The idea of captivity as a comprehensive system for reformation of the inmates was advanced in America and Europe under the influence of Montesquieu and Beccaria. The correctional policy in post-revolutionary America was resolved on the question, "How incarcerations could be organised to reduce the chance that the malefactors would repeat their felonious exertion" This approach expressed a definite station towards mortal beings that they're adjustable for the better if given the proper occasion. The origin of captivity is connected with the system of imprisonment which began in the first quarter of the nineteenth century. Originally, incarcerations were used as detention houses for undertrials. Persons who were shamefaced of some political offence or war crime or who failed to pay their debts or forfeitures were lodged in captivity cells with a view to prize concession from them or securing the payment of debts or forfeitures. Later, with the march of time, and advancement of knowledge and civilization, the conditions of incarcerations bettered vastly. Incarcerations are no longer bare detention centres or houses but they seek to reform the convicts for unborn life. The ultramodern ways of discipline lay lesser emphasis on reformation, correction, and recuperation of culprits. In India, all the institutions for the confinement of captures are possessed by the State Governments. Prior to the Government of India, Act, 1919, the Jail department was a part of the central government. Under the said Act, it was transferred to parochial control as a reticent subject. The Government of India Act, 1935 abolished dyarchy in the businesses and transferred the department to the minister's control of the businesses. The minister is supported by registers taken from the elderly skeleton of the Indian Administrative Service. The Inspector- General of incarcerations (IGP) is the administrative head of the jail department and is entrusted with the duty of carrying out the policy framed by the minister. IGP is anticipated to visit tête-à-tête all jails and other institutions under the jail department in the course of a time. IGP has the duty to arrange for the advertisement of the superior jail staff, to apportion the quantities distributed for jail structures, to examine and pass the plans, and to check the quantities spent. For the purpose of establishment, the correctional institutions in the countries are substantially divided into two main classes: Central incarcerations and quarter incarcerations. Central captivity naturally consists of one supervisor, one Deputy Superintendent, two or three jailbirds, five to seven Deputy Jailers, five to seven Assistant jailbirds, Matron, Reserve minders, Intramural minders, Medical Officers and Admixture. The establishment of the quarter jails or attachment jails naturally consists of one supervisor, one prisoner, one to two Deputy Jailers, one to three Assistant jailbirds, Intramural minders, Assistant Medical officer and Admixture. The supervisor is the head of the institution and subject to the orders of the Inspector General of Prison manages the captivity in all matters

relating to discipline, labor, expenditure, discipline and control. The supervisor is supported by a Deputy Superintendent in the central captivity and a prisoner in the quarter captivity. The deputy supervisor is of the rank of guardian and there's no distinction between their duties except in designation.

OBJECTIVE:

- To analyse the the difference between the indian and USA prison system
- To understand the contribution of overcrowding in prison system
- The analysis on the health management of India compared With USA
- To understand the objective of prison health care system of USA

REVIEW OF LITERATURE

1. ([Weirich 2007](#))The prison population is increasing and the health problems of prisoners are considerable. Prison is designed with punishment, correction and rehabilitation to the community in mind and these goals may conflict with the aims of health care. A literature review showed that the main issues in prison health care are mental health, substance abuse and communicable diseases. Women prisoners and older prisoners have needs which are distinct from other prisoners. Health promotion and the health of the community outside prisons are desirable aims of prison health care. The delivery of effective health care to prisoners is dependent upon partnership between health and prison services and telemedicine is one possible mode of delivery. ([Schweiker 1983](#))The oral health of prisoners is linked to their general health status, due in part to the presence of common risk factors such as smoking, drinking alcohol and in some cases use of recreational drugs, poor dietary and poor oral hygiene habits. Barriers to healthcare services can all have an effect on oral disease in this group. This paper highlights some of the common medical problems that oral healthcare providers face when treating prisoners in male UK prison establishments. ([Cupitt 1983](#))This study highlights concurrent high levels of adverse health determinants in prisoners. Targeting these determinants should improve health and decrease the chance of returning to criminality on release. ([Askenasy 1994](#))There are more than 10 million people imprisoned worldwide with the world prison population rate, based on United Nations estimates of national population levels, at 144 per 100 000. ([Friedman and Askenasy 1996](#))The countries with the greatest absolute number of people in prison are the United States of America (with 2.2 million imprisoned people), China (1.65 million imprisoned people and an unknown number in 'administrative detention') and Russia and Brazil; both with over 600 000 people in prison.1 The USA has one of the highest number of prisoners per head of population at 698 per 100 000 people; Iceland has one of the lowest rates in the world at 45 per 100 000 people. ([Diehl and Donnelly 2012](#))Since the year 2000, prison populations have grown by 20% across the world, which is slightly above the estimated 18% increase in the world's general population over the same period. ([Zheng 2018](#))There are however variations in the rate of this growth across countries and continents; in Oceania there has been an increase of over 60% and in the Americas by 40%, whilst there has been a 21% decrease in Europe. The female prison population has increased by 50% since about 2000, while the equivalent figure for the male prison population is 18%.1 In the UK the current prison population stands at 84 000 in England and Wales. ([Soulsby 2017](#))Reducing health inequalities is a fundamental principle of public health, with it featuring as a goal in most public health strategies around the world including the UN's Sustainable Development Goals. ([Sharma et al. 2015](#)) A group experiencing significant health inequalities are people in prisons and other places of detention, such as police custody suites and young offender's institutions. This group faces a higher burden of communicable and non-communicable disease, mental health and substance misuse (drugs, alcohol and tobacco) problems than

the general population. (Markov 1934) Prisons and other places of detention offer an important opportunity for tackling health problems in a way that can deliver benefits to the individual but are likely also to have a potential knock-on effect in supporting their reintegration into community life and future health – providing a ‘community dividend’ to health interventions in prisons. (Strauch 2019) Mental health is a considerable public health challenge in prisons across the world and suicide is cited as the leading cause of death in prisons around the world, accounting for about half of all prison deaths. (Loh-Hagan 2018) The prevalence rates for a range of mental health disorders are considerably higher in people in prison throughout the world than people in the general community. Well conducted systematic reviews have shown that people in prison have rates of psychotic illnesses and major depression two to four times higher, and rates of antisocial personality disorder are about 10 times higher than the general population. (Katić 2013) Although prevalence of substance misuse in prisons at reception into custody can vary widely between and within countries, a systematic review showed that people in prison were much more likely than the general population to use illicit drugs and alcohol. (Cueva 2021) In more recent times, there has also been the rising issue of novel psychoactive substances (NPS) in prisons which continue to pose a challenge for health and prison staff. HM Chief Inspector of Prisons, stated in September 2015 that two-thirds of prisons reported having a ‘significant issue’ with NPS in 2014–15 compared to one-third in 2013–14 (john austin 2012) Harms associated with some forms of substance misuse include blood borne viruses (e.g. HIV, Hepatitis B and C) for injecting drug users, as well as being associated with other behaviours demonstrated in the prison setting such as tattooing and unprotected sex. The prevalence of hepatitis C is considerably higher in the prison population than in the general population. (Martha 2005) In India too, the situation is no better. There are about 1276 prisons in the country with an authorized accommodation of 2,77,304; however, the total number of jail inmates is nearing 4 lacs indicating severe overcrowding in prisons. (agustus 2020) There are problems of drug abuse, alcoholism, trauma, homicide, suicide, violence, neuropsychiatric diseases, epilepsy, stress manifestations, HIV infection and AIDS, sexually transmitted diseases, tuberculosis, skin infections, and so on. (lemarty et el 2001) The reasons for major morbidity in the present study may be prolonged contact between prisoners, inadequate chlorination of water, inadequate water supply, taking bath occasionally because of nonavailability of hot water. (mahatma jain 1999) The second punishment has potential to get inflicted on the family of prisoners. For example, in case a prisoner in US prison, his undetected tuberculosis got ultimately transmitted to his wife and two children one of whom died. Reforming the delivery of prison health care is one of the most important aspects of improving human rights compliance. (Immanuel 2009) The normal life of the inmate is restricted, freedom of movement is curtailed, and private space is limited. Many of the prisons over the globe are overburdened; the population confined behind bars in the US in 2008 was in excess of 1.6 million

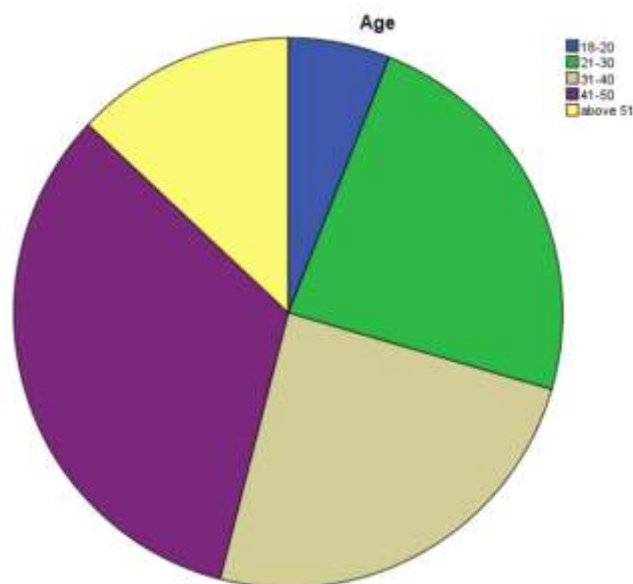
METHODOLOGY

The study deals with empirical research methods. It deals with both primary as well as secondary sources of data and various secondary sources of data and various sources like books, articles, research papers etc. were used as reference. The study deals with survey methods and the main tool for calculating and analysing the results is graph and bar charts. The method of collecting the data is through the survey taken from the general public by raising a questionnaire. Random sample method was used for the purpose of this study. There are a total of 200 Samples collected equal to this study. As an independent variable I have taken Age, educational qualification, gender, residential status and occupation and for as dependent variables I have taken scale in and agreeable questions. Under each graph legend has been added which includes the subject

matter of the graph as whole. Further a Result has been added, which gives the overall result of each graph. Lastly Analysis ends with discussion which gives the reasoning for the result of each graph.

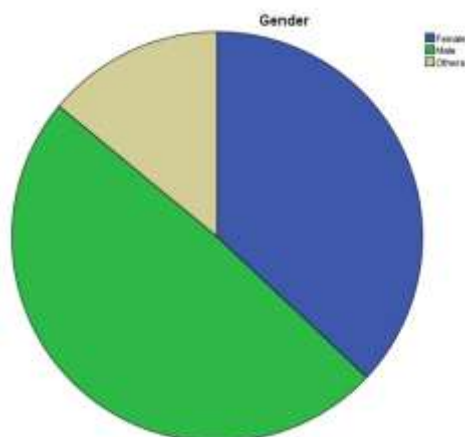
DATA AND INFERENCES INDEPENDENT VARIABLE

FIG 1



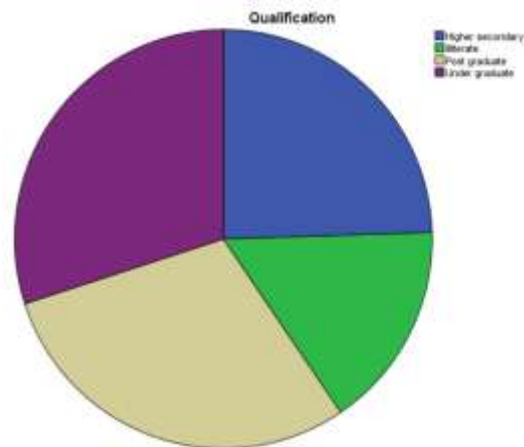
LEGEND: The most respondents are of the age of 41-50

FIG 2



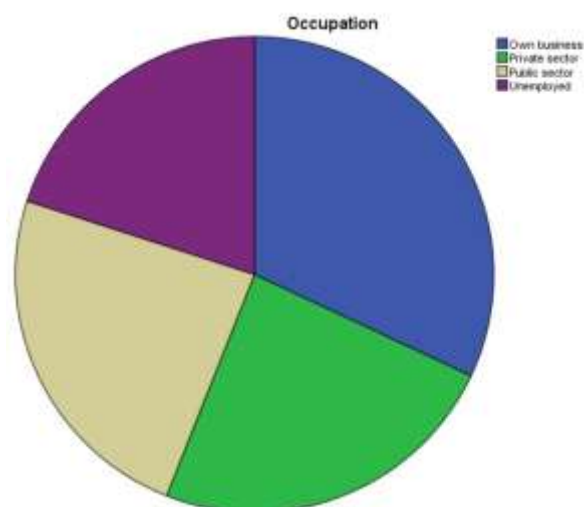
LEGEND: The most respondents are of the gender of male.

FIG 3



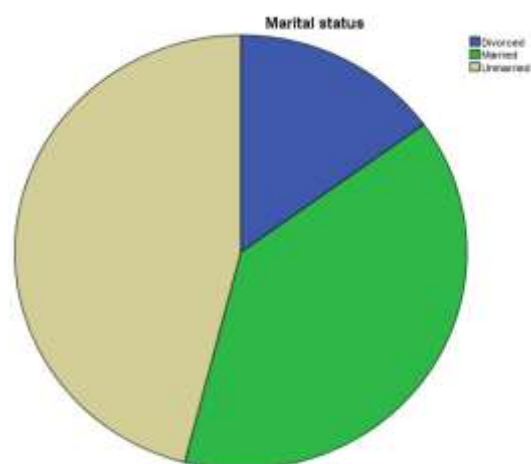
LEGEND: The most respondents are of the UG educational qualification.

FIG 4



LEGEND: The most respondents are of the own business occupation.

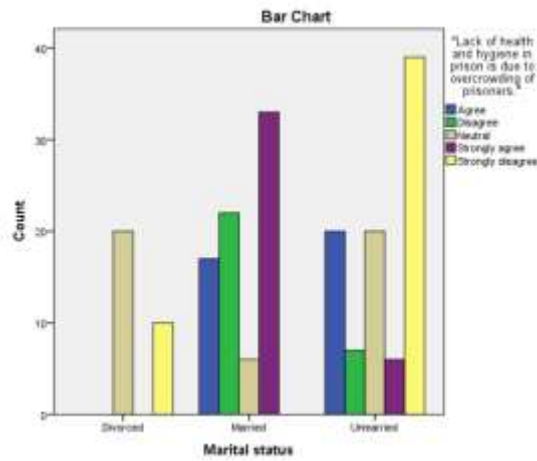
FIG 5



LEGEND: The most respondents are of Unmarried tatus.

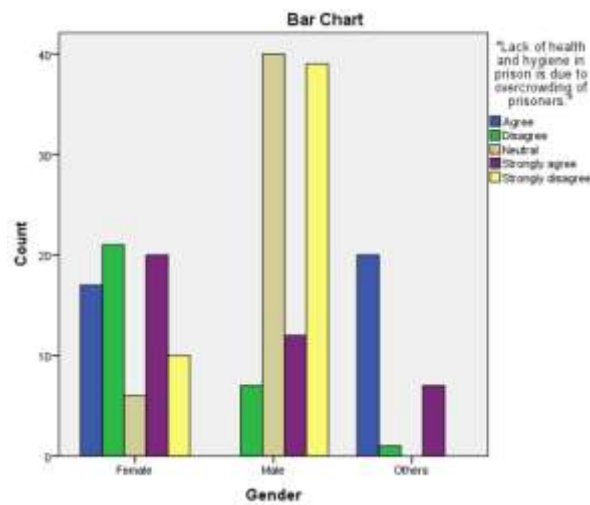
DEPENDENT VARIABLE

FIG 6



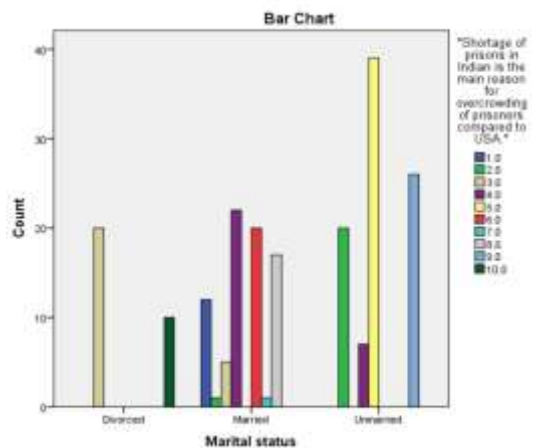
LEGEND: For this question which was correlated with marital status he most respondents strongly disagree.

FIG 7



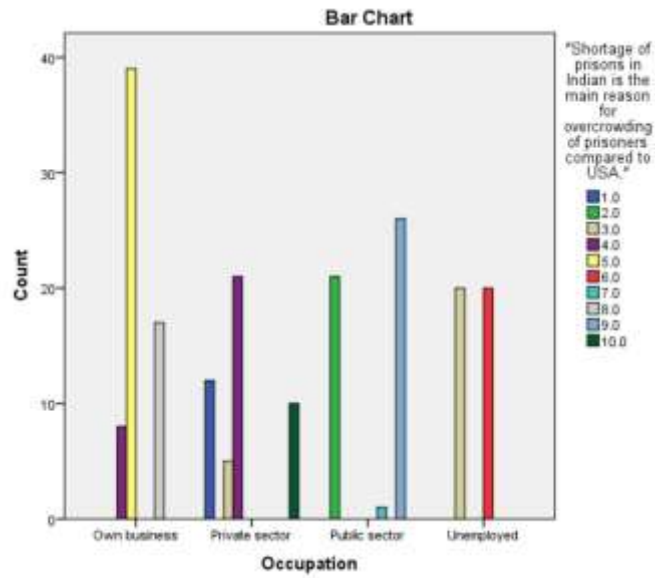
LEGEND: For this question which was correlated with gender where the most chosen was neutrality aware.

FIG 8



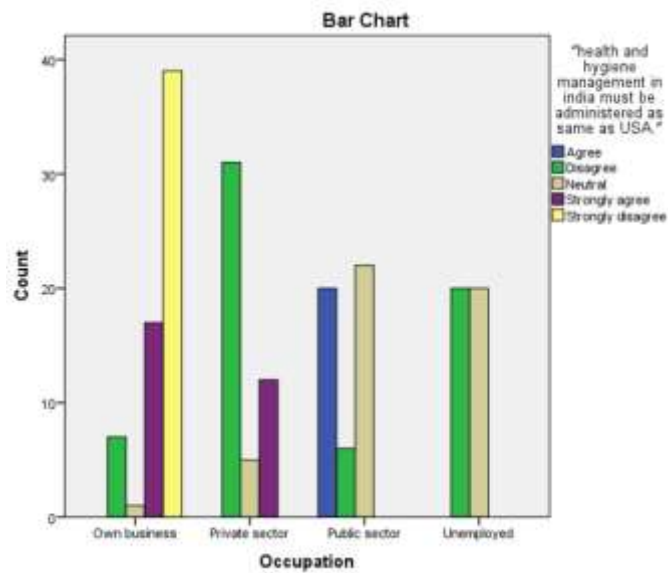
LEGEND: For this question which was correlated with marital status he most chosen answers was 5.

FIG 9



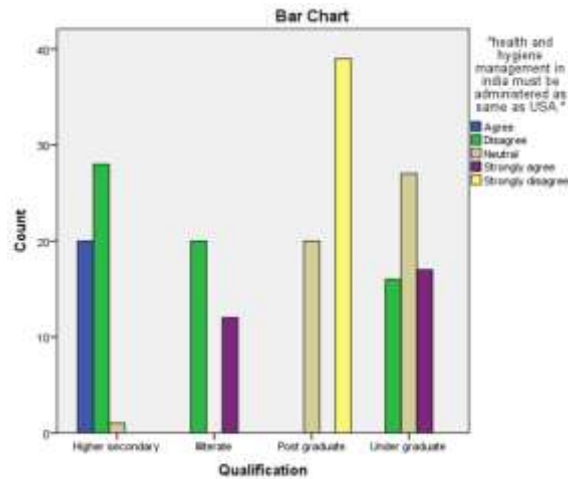
LEGEND: For this question which was correlated with occupation here most of them choose 5.

FIG 10



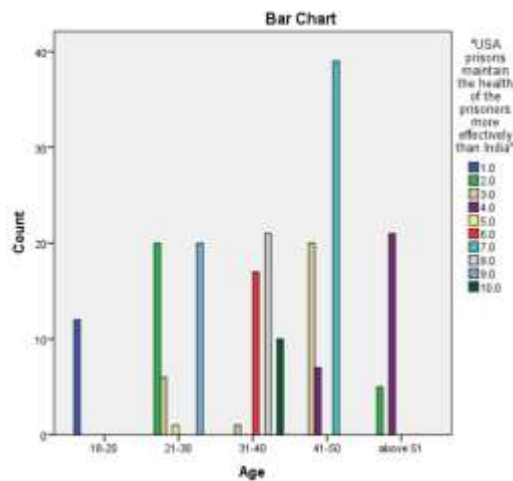
LEGEND: For this question which was correlated with occupation the most answered was strongly disagree.

FIG 11



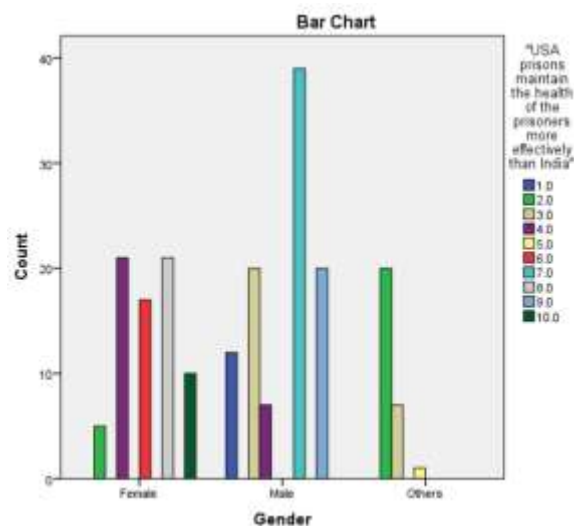
LEGEND: For this question which was correlated with educational qualification the most answered was strongly disagree.

FIG 12



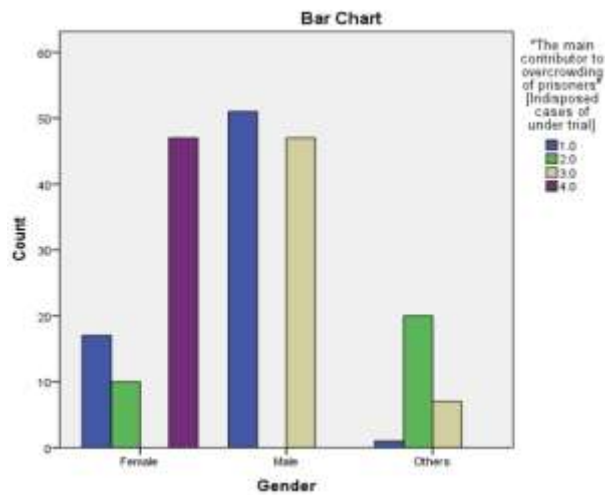
LEGEND: For this question which was correlated with age the most answered was 9.

FIG 13



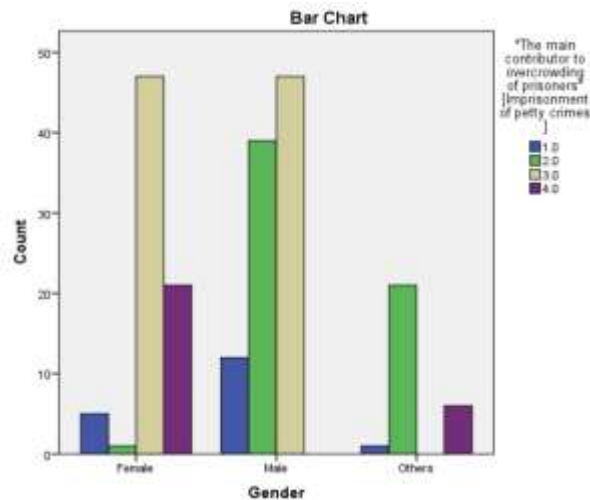
LEGEND: For this question which was correlated with gender he most answered was 7.

FIG 14



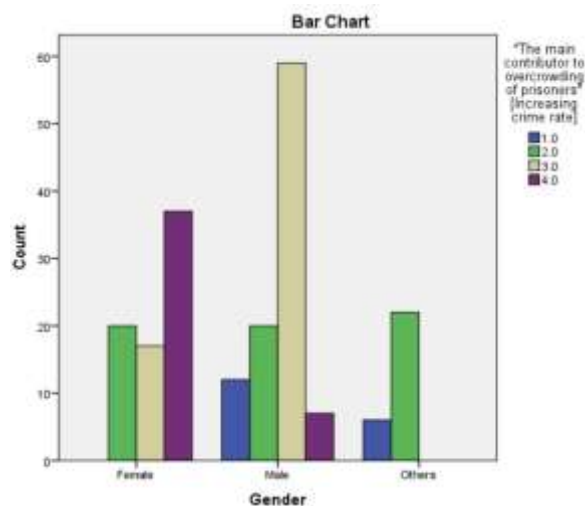
LEGEND: For this question which was correlated with gender qualification the most chosen was 1.

FIG 15



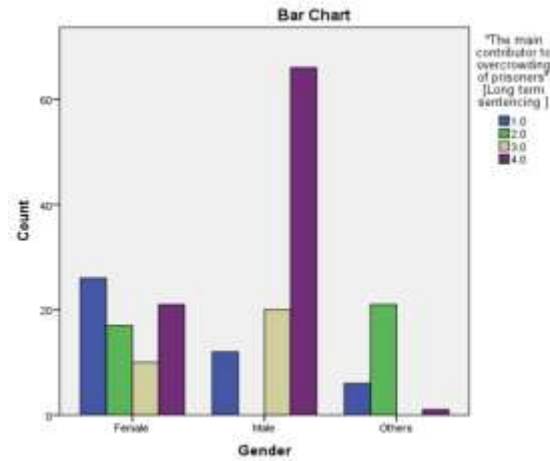
LEGEND For this question which was correlated with gender the most answered was 3.

FIG 16



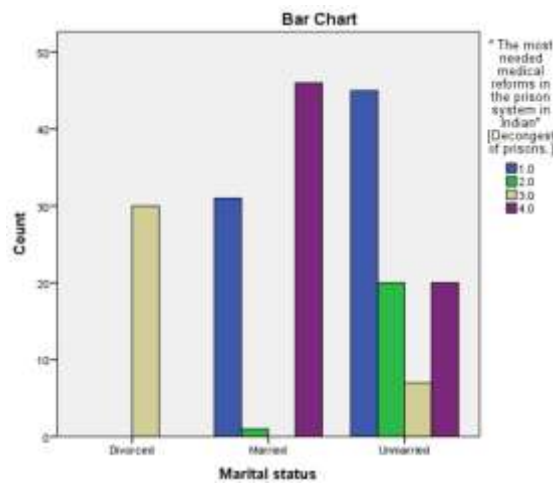
LEGEND: For this question which was correlated with occupation Gender the most answered was 3.

FIG 17



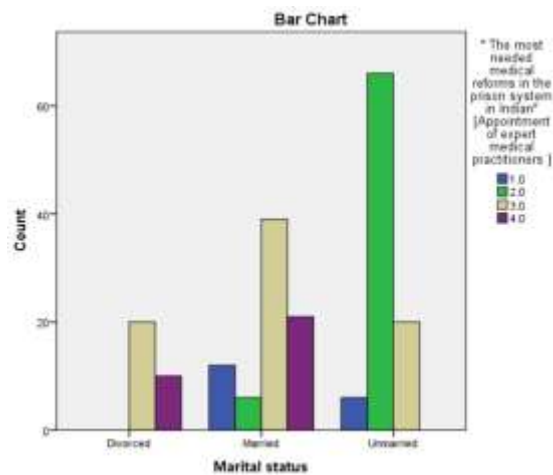
LEGEND: For this question which was correlated with Gender the most answered was 3.

FIG 18



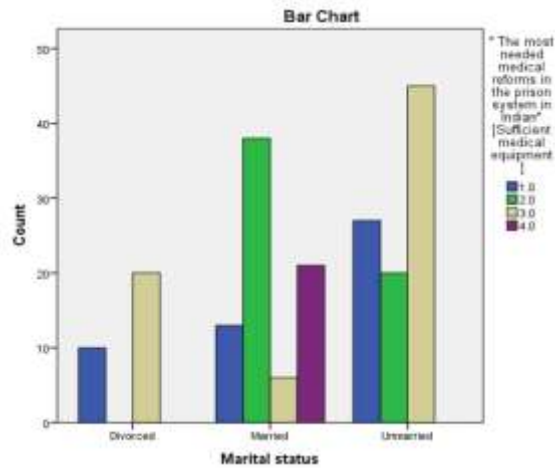
LEGEND: For this question which was correlated with marital status the most answered was 4.

FIG 19



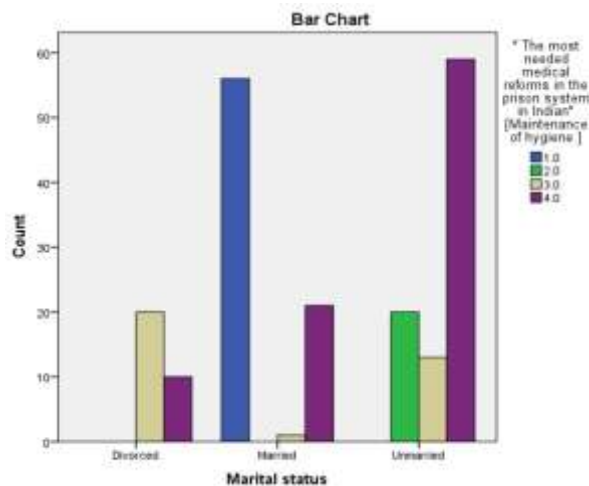
LEGEND: For this question which was correlated with marital status the most answered was 2.

FIG 20



LEGEND: For this question which was correlated with Marital status the most answered was strongly 3.

FIG 21



LEGEND: For this question which was correlated with marital status the most answered was 4.

RESULT AND DISCUSSION

The constitution of India puts incarcerations along with police into the state list of seventh schedule. The union government has literally no responsibility of contemporizing incarcerations or streamlining their administration. Indeed the five- time plans, offer a veritably low precedence to the felonious justice area in general and jail administration in particular. Piecemeal from being considered as a low issue by the directors, the captivity administration in India suffers from following problems and unmet requirements - Inadequacy of discoveries keeps the incarcerations in status quo and unfit to modernise in terms of technology. The jail budgets don't indicate commensurable increase in numbers commensurable to the population of the captures. - The government appoints numerous panels and commissions but their reports are simply bandied and kept on the shelf, (to be read by academicians). -Social disdain for captures coupled with government neglect leads to low attention being paid to the irregularities and malpractices in captivity administration. - Being a state subject, the captivity system in India isn't seen in a public perspective. The state governments simply act in an ad hoc

manner and not in a structured and intertwined way. - The structure of incarcerations and the legal governance has become obsolete, which doesn't serve the purpose. For illustration, absence of captivity for public and transnational culprits,(in which case, the countries are frequently seen fighting with each other) and overcrowding in incarcerations.- The position of professionalisation and specialisation is veritably low and frequency of corruption is veritably grandly amongst the officers.-shy rehabilitative programmes and vocational training installations.-Arbitrary use of captivity installations by convicts, and abuse of captivity rules, pertaining to parole, Exploration, aftercare advantages, family connections etc.On the whole, the low precedence given by veritably directors themselves coupled with deteriorating captivitysub-culture, is compromising with the altitudinous claims of being the mortal rights friendly country and adding to the plight of captures. The experience of culprits before, outside, and after the captivity, doesn't differ important and they fall into recidivism. The captivity heightens the crime of a person rather than reforming. It would not be an exaggeration to say that, notwithstanding all the literal, philosophical, and experimental course of events, the captivity system in India remains an outmoded institution, looking after the captivity population which is on the increase every time.

LIMITATION

The study has been limited because the people did not prefer to say about their gender to the questionnaire. As these people are also a part of the society and public they should be aware of the facts to give their opinion .It means that they are not updated to the current situation.The respondents' self-reports might have been biased due to social desirability factor and therefore, the data collected could have hidden the factual information.The secondary sources of data, intended to be available from the state and district database, were found to be inadequate. Therefore, the study suffered from shortage of data from secondary sources.

CONCLUSION AND SUGGESTION

Jail administration in India being an important part of the felonious justice system has suffered neglect and lack of recognition. A lot has been talked about the police, a little lower about the courts and nearly nothing about incarcerations and captures. The problem of captivity administration needs to be stressed to concentrate public attention on this veritably vital sphere of social concern. Following are some of the measures which may be accepted to lighten the stress upon captivity administration and to insure real incarcerations rather than the "dark and light corners" institutions

- Model captivity system must be developed to icing introductory uniformity in the captivity rules across the country. For this purpose, jail administration must be transferred to the concurrent list of the seventh schedule to enable the union government to come up with model legislation which states may borrow after necessary variations.- The union government may establish its own public captivity agencies, like it has in police administration, CBI, CRPFetc., which will be equipped with ultramodern installations to handle hardcore and violent captures, and other special orders of captures.- The training and specialization courses of captivity directors must be better and internee's rights friendly approach must be inculcated in them. This will in turn ameliorate the labour force administration of the incarcerations. - Sufficient backing for enforcing the reports of colourful panels must be assured. It may be one of the issues of participating in the responsibility of captivity administration by the union government. Conclusion the success of the captivity system depends less on the governing rules than on the manner and spirit in which those rules are interpreted and applied by the staff in incarcerations. It has strong applicability for Indian captivity administration. The part of incarcerations has radically changed over the times and now they are no longer regarded as bare custodial institutions. The emphasis has been shifted from guardianship to training and-education of captives. The emergence of the institution of captivity had a specific purpose which has drastically changed over the times. But this change isn't reflected in the station of Indian jail directors who are still living in the social period. The

jail administration is entrusted to state governments, which has witnessed numerous blights in form of backing, perpetration, labour force training etc. On the negative, in US captivity administration, there are civil incarcerations administered by the civil agency, piecemeal from separate state incarcerations. It sets up a model captivity system for the rest of the incarcerations. Secondly, the US Supreme Court has been seeking to bring uniformity in the rights of captures as well as in the executive outlook of the officers. Still, in India, we find the repetition of internee's rights in every internee related case law, without bothering about the ground reality in incarcerations where, the internee isn't indeed apprehensive of introductory indigenous rights. Thirdly, the Indian captivity administration differs from its counterpart in USA in terms of updating captivity installations. The US captivity has insulated the security position according to the conditions of separate internee. The Supermax guardianship involves nearly every measure from cameras to detectors. Such a structure in captivity installations is absent in India, where we will find either kaal Kothari or khuli Kothari. Fourthly, the trend of privatisation of captivity institutions has not started in India, as it lives in the USA. Still, on the basis of analysis of private incarcerations, the experimenter won't suggest a privatisation policy in India. On the whole, present study has enabled the experimenter to negate the thesis formed in the morning of study that the captivity administration in India is less responsive to mortal rights of captures than the administration in USA.

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