



Educational and Vocational Training in Prisons in India: Issues & Challenges¹

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Abstract

Crime and criminal are part of the society since time immemorial and pose an eminent challenge to the criminal justice system. The role of prisons has evolved with the passage of time as at one point of time prisons were only punitive in nature. But with the change in society, and progression of mindset it became an institution for reformation of the prisoners and the humanitarian aspect is coming to the fore.

The paper studies Nelson Mandela Rules which provide common minimum rules for treatment of prisoners all over the world. India has implemented Model Prison Manual 2016 and distributed it all States and Union Territories for their guidance along with Nelson Mandela Rules. The paper will also study the data of National Crimes Record Bureau on prison statistics to identify the factors which hamper the effective implementation of the educational and vocational training programs in prison and suggest some positive changes.

Key words: Prison, Education, Vocation, Human rights, Reformation, Training

1. Introduction

Crime and criminals are embedded in the society. Thus, no country be it developed or underdeveloped can claim to be crime free. Human beings are social animal and interaction with each other generates different results in different circumstances. In such situations, crime control and regulation is a very important task in which a well managed prison system could be a big asset. The prison system has travelled a long way; it has evolved itself from a very raw institution for keeping the prisoners as a punishment to a centre for reformation. The modern prison system envisages a good reformatory aspect in prison management which is possible only through proper education and training of prisoners.

The criminal justice system of India recognizes the relevance of prison management system for efficient administration of criminal justice system and for this purpose prisons in India exists at 3 levels i.e. "Taluk, District and Zonal/Range" and Jails at these levels are called "sub jail, district jail and central jail"². Moreover, in India, the prisons are referred as "Sudhaar Grah" which put emphasis on the educational and vocational training of prisoners. Prisons in India are basically a state subject as it is governed by "State List" in 7th Schedule³ of the "Constitution of India". The Central Government though from time to time through various legislations, committees and reports have tried to contribute their bit towards prison management system but basically, it's the State that takes care of prison management as it is a State Subject as per the mandate of our Constitution⁴.

Prisons, world-wide, not only serves society by keeping criminals away but are also the means to reform the criminals and reintegrate them back to society. Thus, the rehabilitation and reformation of prisoners is the key function of prison throughout the globe which requires educational and vocational training programs. Thus, United Nations has mandated

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² Infra note 8.

³ Seventh Schedule; State List 4th Entry "Prisons, reformatory, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions."

⁴ Ibidem.

rules for model prison and countries are adopting it.

2. International Perspective on Prison Education and Vocational Training

A person is entitled to certain rights just due to being human i.e. human rights which are inalienable in nature. Thus, every person has these rights whether such person is a law-abiding one or a criminal. One of the most important human rights is right to dignified life for which education and means of livelihood is needed. As the education and means of livelihood are two sides of same coin therefore, are dependable on each-other. In the same manner a prisoner also has right to get education or training which could lead him to have a dignified life. In this regard UN has made binding and non-binding regulations.

The UN has always advocated about the rights and especially of vulnerable class.⁵ The prisoners also fall under the category of deprived persons and therefore, under international law, it is mandated that imprisonment should not only be restricted to depriving a person of his liberty. Rather, it should encompass within its sphere opportunities for prisoners to obtain skills and knowledge which could be helpful for them upon their release in getting gainful employment and they may be able to gel-up with the society which would in turn help in reducing recidivism. The “International Covenant on Civil and Political Rights” mandates that prison system shall aim at reformation and rehabilitation.⁶

The “United Nations Standard Minimum Rules for the Treatment of Prisoners”⁷ which is famously known as “Nelson Mandela Rules” is one of the most prominent international documents which set out standards for treatment of prisoners. It focuses on rehabilitation of prisoners and helps them to lead a life of a law-abiding citizen.

A worthwhile mention could be made here of the metadata analysis conducted in United States by Rand Corporation in 2013 which was about correctional educational studies in the U.S which was commissioned by the “Department of Justice United States of America”. The study established a clear nexus between educational and vocational training programmes and reduction of recidivism and good future job prospects on the other hand. Some important findings of the analysis were that the prisoners who participated in the education and vocational training programmes had lesser chance of coming back to prison (as per the study the precise data is 43 % lesser chance). In addition, even after the release, the prisoners who had undergone prison education and training had higher chances of employment (the exact percentage as per study was 28 % of those who participated in vocational training).⁸

The International Law not only recognises rights of the prisoners for their well-being but has also given prominence to their rehabilitation. The rehabilitation of the prisoners is directly linked to the educational and vocational training provided in the prison.

3. Indian Perspective vis-à-vis Model Prison Manual 2016 and Prison Statistics India 2021

India is a welfare state and thus, it has adopted reformatory approach in Criminal Justice system. The first step after independence towards the protection of prisoner’s rights was taken by the Union Government in 1960⁹. Since then, many committees were formed and on their recommendations Model Prison Manuals were made by the Union Government. Yet the problem of rehabilitation persists and to understand the issues and possible solution to them one has to look at Prison Statistics, India and Model Prison Manual, 2016 which are prepared by Ministry of Home Affairs. Both these documents present a complete picture of the issues and challenges in educational and vocational training of prisoners. The Prison Statistics, 2021 through a comprehensive national data depict the true picture and issues while the Model Prison Manual, 2016 could act as a guiding light to tackle this issue.

3.1 “Prison Statistics in India- 2021(National Crimes Record Bureau Ministry of Home Affairs)”¹⁰-

The report contains detailed information on various aspects related to the correctional system in the country. The report does a systematic analysis of the primary data received from the States which depicts that the problem looms largely due to lack of adequate vocational training and financial assistance for re-establishment of prisoners in the society. It cites the

⁵ White, N.D (2023). Protecting Human Rights in UN Peacekeeping, Kings Law Journal, 34(3),463-487

⁶ “International Covenant on Civil and Political Rights, General Assembly resolution 2200A (XXI), Art. 10(3).

⁷ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 (2015), hereinafter referred to as “the Nelson Mandela Rules”, preliminary observation 1

⁸ RAND Corporation (2013): Evaluating the Effectiveness of Correctional Education – A Meta-Analysis of Programs that Provide Education to Incarcerated Adults accessed at Davis, L. M., Bozick, R., Steele, J. L., Saunders, J., & Miles, J. N. V. (2013). *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults*. RAND Corporation. <http://www.jstor.org/stable/10.7249/j.ctt4cgdz5>”

⁹ Model Prison Manual, 1960

¹⁰ Accessible at <https://ncrb.gov.in>

good examples and practices of some of the States like the State of Andhra Pradesh which is imparting education through National Open Schools and Open University as well as establishing computer labs in Central Prisons. Also, the State of Tamil Nadu and Gujarat have done commendable work in this regard. Even a spoken English training course was organized at Vadodara women's prison.

In this paper, only relevant data has been taken. The relevancy is restricted to two aspects: first, which age group has maximum number of inmates and second is to check the nexus between educational and anti-social behaviour of the prisoner. In this regard Chart 1 depicts that majority of offenders are of age group of 18-30. Whereas Chart 2 shows the educational status of the prisoners.

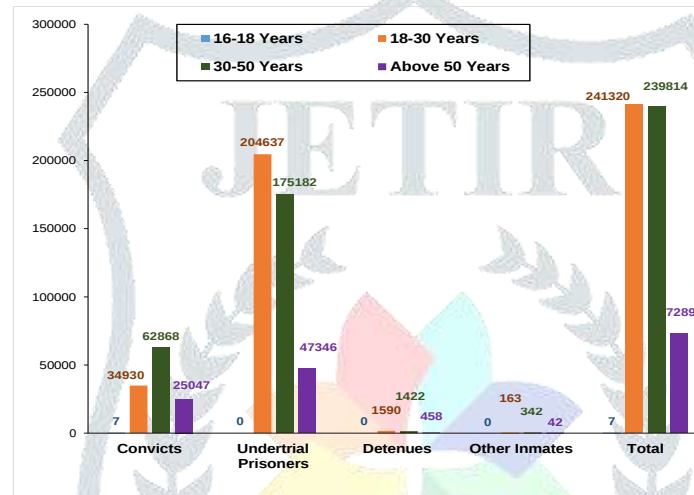


Chart 1

Image source “National Crime Records Bureau Prison Statistics India 2021”- “Age-group wise Type of Prisoners as on 31st December, 2021

Chart 2.8

The above chart depicts majority of prisoners are between the age group of 18 to 50 years. This group is considered as working force¹¹ of any country. They commit offences and get misguided in wrong direction due to lack of proper education and job-related skills. If the prisoners are educated and trained well then, the largest population of the prison will automatically fall down as the rate of recidivism is bound to fall with good prison educational and vocational training. Hence, if these prisoners get proper educational and vocational training then there is high probability of them to be re-integrated into the society. Thus, there is lesser chance of this young generation returning to prisons.

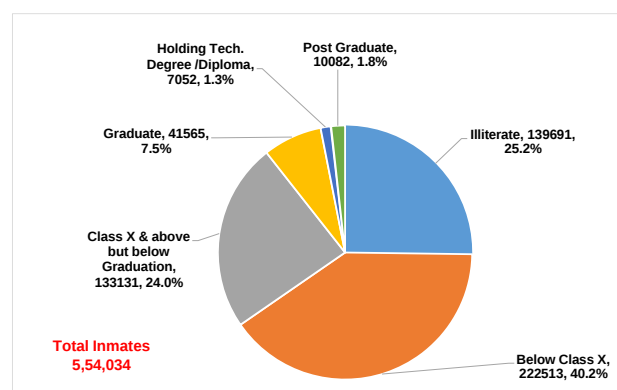


Chart 2

Image source “National Crime Records Bureau Prison Statistics India 2021”- “Educational Profile of Prison Inmates as on 31st December, 2021 Chart 2.8”

¹¹ The working age population is defined as those aged 15 to 64. This indicator measures the share of the working age population in total population. Accessible on <https://data.oecd.org/pop/working-age-population.htm>

The chart above shows the educational status of the prisoners. This pie chart depicts that maximum population of the prisoners are having education below class X i.e. 40.2% and second largest population is illiterate i.e. 25.2% and third largest are above X but below graduation i.e. 24%. The total population amounts to almost 90% which are having education below graduation. The lowest percentage of the population is persons having PG degree i.e. 1.8% and persons holding Technical Degree/Diploma i.e. 1.3% which amounts only to 3.1% whereas 7.5% are graduates. The data suggests that education is one of the factors behind the commission of crime by an individual. And if such individual is trained and educated then there is less chance of recidivism.

3.2 “Model Prison Manual 2016 – (Government of India Ministry of Home Affairs, New Delhi)”¹²

The Ministry of Home Affairs constituted a committee in 2014 to revamp the “Model Prison Manual 2003” and the “Model Prison manual 2016” is an outcome of that¹³. The chapter XIV of the Prison Manual 2016 talks about education of prisoners which says education helps in reducing the tendency to commit crime which in turn will help in better overhauling of prison system. It talks about a well chalked plan for various categories of prisoners like illiterate, intermediate and advanced education system for prisoners. It also talks about language class and establishment of a regular school for young offenders which will be run by the Education Department of the State. Chapter XV talks about vocational and skill development among inmates and focuses on skill development and capacity building. It suggests the establishment of “Board of Skill Development Programme and Vocational Training” under the able chairmanship of Inspector General at prison headquarters. It suggests planning before employment of inmates keeping into consideration age, mental & physical health, length of sentence etc.

4. Issues and Challenges in Prison Education

There is a plethora of rules and regulations for maintaining good standard of prison education and training. What remains to be seen is the implementation at ground level¹⁴. Despite of a lot of efforts, there is lack of authentic information and data about nature and quality of educational and vocational training. Although the National Crime Records Bureau (NCRB) release data in its annual reports, but there is no information about the metrics used to determine these benefits.

It is said that finance is the lifeline of any activity which is to be carried out and if we look at the data of NCRB report 2021,¹⁵ the allocation of funds itself is very low for prison education and from here itself all the problems are steaming out. Interestingly, only 0.6% of the total prison budget was used for prison education and vocational training¹⁶ though it is most important aspect of prison system.

If we study some basic common problem in prison education system they are:

- Lack of proper funding (Only 0.6% of total prison budget is used for prison education and vocational training.
- Lack of interest of administrators in reformation¹⁷
- Low salary and payment to teachers and trainers which results in fewer outcomes¹⁸
 - Negative attitude of fellow inmates towards prisoners involved in educational and vocational training¹⁹
- Lack of supervision and recognition to trainers²⁰

5. Conclusion and Suggestions

It would be wrong if we say that no efforts have been done in this regard rather what remains to be done is the effective implementation of the rules and regulations pertaining to improving the qualitative aspect of prison educational and vocational training. It is not enough to make paper tigers rather need of the hour is making the existing laws more systematic with a proper peer review system in place for the management and modification of the pith and substance of prison education

¹² https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms

¹³ <https://pib.gov.in/newsite/PrintRelease.aspx?relid=134687#:~:text=Accordingly%2C%20a%20committee%20to%20propose,of%20the%20Union%20Home%20Minister>

¹⁴ Exploring Discourses on Prison Education by Kiki MaleikaQiu

¹⁵ Accessible at <https://ncrb.gov.in>

¹⁶ Ibidem.

¹⁷ <https://timesofindia.indiatimes.com/india/why-it-is-such-a-struggle-to-get-books-behind-bars/articleshow/91228830.cms>.

¹⁸ Q. Hayat, *Prison Education in India*, Social Defence, Vol. 19 Issue 73, Pgs. 33-45.

¹⁹ Ibidem.

²⁰ Ibidem.

system.

The problem of lack of proper facilities for prison education and vocational training would create a cycle of problems as one of the root causation of crime would remain unhealed which is lack of proper income which leads to lack of proper means to sustain oneself and his family and eventually one commits crime and become a prison inmate and even if here, we don't provide him with proper education the same cycle would keep on repeating itself.

Prison education in India, coined as an 'institutionalized insufficiency'²¹, must be turned into a roaring success so that the nation can enjoy its benefits as it is beneficial not only for the prisoners but also for the society and the country as a whole and the people inside the four corners of a prison must be given proper chance of reformation which can best take place through education and vocational training.

The system of open prison should be encouraged for the inmates who have stayed for a long duration and proved their good conduct the example of Sanganer open prison in Rajasthan could be referred to here where many offenders are living with their family and working as well as taking educational training for a better life. The prisoners should be shown the carrot of open prison to make them understand the relevance of taking the educational and vocational training during their days in prison as the onus of making the education in prison effective is not only upon the authorities but also on inmates that how they perceive and grasp the prison education. The system of borstal school for youthful offenders should also be properly utilised for training and preparing them for life.

Thus, it becomes relevant and evident that prison education and reformation is the need of the hour²² and without its proper implementation the full realization of some of the fundamental human rights is not possible and for doing the same we need to critically analyse the current framework for educational and vocational training and make necessary amends. The government should sensitize the masses like it did in the case of "Sarva Shiksha Abhiyan" apart from this a full-time statutory body like the University Grants Commission seems to be the need of the hour which can bring radical changes in the prison education system.

Education is the passport to a happy future of prison inmates and it must be imparted in the best possible manner keeping in mind the requirement state wise that is why framers of our constitution have made it a state subject so that every state may apply their own means and schemes for prison education and as Mahatma Gandhi had said that education is all- round drawing out best in mind, body and spirit. So, we need to keep this cardinal principal in mind before drawing out schemes and plans for prison education.

Similarly, emphasis needs to be made on vocational training and it should be made should more effective by providing skills that can in the real sense of it provide jobs to the inmates when they leave the prison and for this a market survey should be done in every 2 years to understand the pulse of the market and job sector. We must keep in mind that we need to provide proper facility and environment in the prisons it is only after that we can expect prison system to be reformative in its truest sense. A good job is in many ways a key to a happy life and if a prisoner is able to earn a decent living post release it will give him a sense of satisfaction and happiness for contributing positively towards family and society and he would not look to commit crime again.

Also I would like to mention the fact that if we establish central prisons near industrial areas of the city it would increase the chances of employability by multiple times as industries need skilled and semi-skilled labour force for their work and if they will be getting such workforce close to their workplace it would be definitely a win- win situation for both prison inmates and industry I would like to conclude with the words of Nelson Mandela who said "Education is the most powerful weapon which you can use to change the world"

²¹ <https://sprf.in/prisoners-educational-reforms-in-india-an-institutionalised-insufficiency/>

²² A Realist Model of Prison Education, Growth, and Desistance: A New Theory by KIRSTINE SZIFRIS, CHRIS FOX, & ANDREW BRADBURY