

Prisoners' Contact with Their Families: Procedures, Practices and Experiences (2020)

Executive Summary

THE IDEA BEHIND THE STUDY

Every prisoner is entitled to the basic right (among other rights) of contacting the outside world and family during the period of imprisonment. This has been laid down in the UN Standard Minimum Rules for Treatment of Prisoners 1955 and the Nelson Mandela Rules of 2015. The Model Prison Manual 2016 also reiterates this right of the prisoner.

The different means of communication for the prisoner to their families, currently provided in the Indian prisons include the interview system, the phone call, and the inland/postcard/letter. The Manual provides guidelines for the facilitation of these means of communication. The implementation of these guidelines and objectives depends largely on the state governments as 'prisons' come under the State List.

This study is hence an attempt to explore the various means of communication adopted by prisons located in different states of the country. It adopted qualitative means of research to study eleven prisons located across Maharashtra, Delhi, Tamil Nadu and Haryana. Through the journey of this research, varying voices, concerns and opinions of prisoners, their families/friends, and the prison staff have been analysed.

OBJECTIVES

This study was designed with an overarching intention to inform initiatives towards prisoners' contact with families and advocate the right of prisoners to contact their families. The specific objectives were the following:

- a) To explore the family contact systems followed in prisons
- b) To explore perceptions of prisoners and their families about family contact systems
- c) To document good practices for prisoners' contact with families
- d) To understand the relationship between family contact and rehabilitation
- e) To arrive at suggestions for strengthening prison systems for prisoners' contact with families.

METHODOLOGY

A qualitative research methodology was adopted for the study. Prisoners (under trials and convicts) who had contact with their families/friends after incarceration, prisoners who did not have contact, families/friends of prisoners, and the prison staff were interviewed for this study. This was conducted over a period of seven months in 2019 and was able to capture voices from

the following prisons: Yerawada Central Prison, Mumbai Central Prison, Byculla District Prison, Thane Central Prison, Kalyan District Prison, Tihar Prisons, Mandoli Prisons, Gurugram District Prison, Puzhal Central Prison, Thiruhirappalli Central Prisons and Coimbatore Central Prison.

FINDINGS AND RECOMMENDATIONS

The study makes various observations from the prisons and analyses them based on three main themes: the ease of access to the prison system, the priority in focus, and the policy and practice. It further mentions the different good practices followed in each of these prisons.

The following recommendations may be considered to improve contact / relations between prisoners and their families:

1. Visitors should be provided with the facility to pre-book for interviews through online or telephone system. There can be a call centre started for booking *mulakat* (interview) appointments.
2. The facility to send money by the family to the prisoner should be allowed through various means money order, and online bank transfer.
3. Basic facilities should be provided in the waiting / *mulakat* (interview) room, for example, wash rooms, drinking water taps (coolers if possible), ceiling fans and air coolers (at least during the summer months). Information about the time slots for the interview and information items allowed to be given to the prisoners during the interviews should be put up on boards in English, Hindi and the local language.
4. Information and contact details about the free legal aid scheme, government schemes for the welfare and rehabilitation of prisoners and children of prisoners and NGOs working for the welfare of prisoners and released prisoners should be put up on boards in English, Hindi and the local language.
5. Prisoners should be given the option to choose who they want to meet/ contact through interviews/phone calls. The persons that a prisoner may contact should not be limited to that of 'only blood relatives'.
6. The designated prison officers should be in contact with the Child Welfare Committee and District Child Protection Unit to ensure that the children of prisoners are able to meet their imprisoned mothers.
7. Video conferencing facilities should be introduced in prisons facing space constraints for interviews.
8. The rooms for the interviews should be better equipped to enable any person irrespective of age, gender or physical ability to be able to access it. Each of the counters should be connected with phones for effective communication, should be well lit and should ensure privacy while talking. There should be clean and clear glass separating the prisoner and the visitor.
9. There should be minimum once a week frequency of permitted contacts for both under trial and convicted prisoners.

10. Face to face (including scope to touch each other) interviews in a room inside the prison should be allowed in case of interviews between prisoners and their children below 18 years.
11. Video calling facility should be introduced in all prisons so that prisoners can talk to their family members with greater sense of connectedness.
12. Welfare Officers / Social Workers should be appointed in prisons to facilitate better family contact with prisoners and to work towards their rehabilitation.
13. The staff placed in the interview rooms should be given protective gear.
14. Special facilities should be made for visitors who have more than one prisoner to meet in the same prison.
15. A prisoner should be permitted to use multiple means of communication available in the prison in the same week i.e. phone call / video call and *mulakat* (interview).
16. Contact with family/friends should be treated as a basic right and not dependent on the conduct of the prisoner inside the prison.
17. Special facilities should be arranged for visitors with special needs (persons with disabilities) and the elderly. They should be allowed to meet the prisoner in a separate area specified for the purpose.
18. Family should be informed about the admission of the prisoner into the prison by way of a phone call and should be informed about their arrest and next court date.
19. Prisons should support prisoners who do not have contact with family or friends, through programmes like ‘Sparsh’ at Tihar Prisons, whereby cash support is given to prisoners to purchase daily use items from the prison canteen.

CONCLUSION

This study provided a platform for voices of the many stakeholders in the criminal justice system. It is these voices that interact among themselves through stories and experiences. It is these voices that speak for themselves and the study, even with its limitation, has merely become a platform for interaction.

The study adds to the existing body of literature in the discipline. It encourages further research on similar topics and more importantly hopes for concentrated efforts towards positive policy actions.