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Equitable quality education and lifelong opportunities to prisoners in India

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Abstract

No doubt education to Prisoners helps in maintaining law and order in jail and outside the jail. With Goal 4 of the 2030 Agenda for Sustainable Development - 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'. In India certain barriers in found in realizing the education goal which are required to be addressed and eliminate. This paper to highlight the challenges in equitable quality education and lifelong opportunities to Prisoners in India and suggest suitable means and ways to achieve the Goal with the help of doctrinal research methodology.

Keywords: Crime and illiteracy, Indian judiciary, prisoners education, challenges, SDG 4

1. Introduction

Equitable quality education can lead to peace, social justice and sustainable development; the challenge is to aim for more than measurable short-term outcomes. This is an opportunity to put in place a framework for sustainable development that is aspirational and courageous. EI advocates a broad notion of quality education, which covers all elements of the education process, including broad-based curricula, adequate teaching and learning materials, and reasonable class sizes. Every student has the right to be taught by a qualified and well supported teacher, and to learn in safe schools with adequate infrastructure, facilities and resources.

The number of inmates who benefited from education and vocational training is included in the NCRB's 2019 Prison Statistics. Nonetheless, these figures are insignificant when compared to the total number of convicts in the country. Fewer than 22% number of convicts in India at the end of 2019 acquired either elementary, adult, or higher education, and less than 12% got vocational training. Not only are these figures deplorable, but the number of convicts educated in prisons has declined from the previous year (About % of prisoners were educated in prisons in 2018)2019. Substandard jail education outcomes in the country are a critical issue that must be addressed as soon as possible for the sake of public welfare and safety. In 2019, a total of 1, 84, 962 offenders were released, and due to a lack of prison reformation, unreformed ex-convicts would re-offend and cause harm to innocent people. The issue of releasing unreformed inmates utterly overlooks the rationale for the existence of prisons in the first place, which is to prevent crime on the streets¹.

According to the United Nations Special Rapporteur on the Right to Education, "[education for those in custody should be safeguarded and enshrined in constitutional and/or other statutory instruments." Muoz (2009), while the influence of education on recidivism, reintegration, and job outcomes is commonly used to assess its usefulness, education is "far more than a vehicle for change."

According to Kennedy "You punish a person for their crimes through the criminal justice system, you don't take their human rights away. Everyone should have the right to an education – this thirst to know about our world and understand it better is common to most of us – people should be given these opportunities, male or female, prisoner or not. And everyone should be a human rights champion because in the end these are needs we all have".

2. Education as Sustainable Development Goal

Since the year 2000, when the six Education for All (EFA) objectives and the Millennium Development Goals (MDGs) were formed, the globe has achieved significant progress in education. However, those objectives were not met by the 2015 deadline, and further effort is required to complete the unfinished agenda.

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With Goal 4 of the 2030 Agenda for Sustainable Development-'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all' (hereafter referred to as SDG4-Education 2030) and its associated targets, the world has set a more ambitious universal education agenda for the period 2015 to 2030. Every effort must be taken to ensure that the goals and targets are met this time ^[2].

SDG4-Education 2030 was produced through a broad consultation process led and owned by Member States, aided by UNESCO and other partners, and coordinated by the EFA Steering Committee. SDG4-Education 2030 is based on thematic consultations on education post-2015 led by UNESCO and UNICEF in 2012 and 2013, the Global Education for All Meeting held in Muscat, Oman, in May 2014, non-governmental organisation (NGO) consultations, the five regional ministerial conferences organized by UNESCO in 2014 and 2015, and the E-9 meeting held in Islamabad in 2014. The Muscat Agreement, which was adopted at the Global EFA Meeting in May 2014 and informed the global education goal and its associated targets and means of implementation as proposed by the United Nations (UN) General Assembly's Open Working Group on Sustainable Development Goals, was a key milestone in its development (OWG) ^[3].

Goal: Ensure Universal Equitable Quality Education

Target 1: By 2030, every child completes a full cycle of continuous, free quality early childhood, primary, lower and upper secondary education, which enables them to achieve their potential as human beings and to contribute positively as active members of society.

Target 2: By 2030, all young people and adults have equitable access to quality postsecondary education and lifelong learning, enabling them to acquire knowledge, skills and competences to achieve their full potential and participate positively in society and in the world of work.

3. Relationship between Crime and Illiteracy

There are 67.59% more inmates with low levels of literacy (defined as those below Class 10) than there are inmates with post-graduate degrees in India's 1,350 prisons. Actually, there is a very large percentage difference between the two aforementioned categories. The shocking discovery was made after examining the Prison Statistics Report of the National Crime Record Bureau.⁴

4. Why education and vocational training?

Importance of education is rectified by Nelson Mandela Rules, that "Spending enough time engaged in meaningful educational or vocational training activities or productive employment is what the Nelson Mandela Rules refer to as "normal occupational life," which prison administrations should strive to duplicate to the greatest extent practicable". Education, particularly the teaching of reading and numeracy, is the basis upon which practically all personal transformation and growth is built. Vocational training, on the other hand, is a fairly simple technique of engaging large numbers of convicts in positive activities, encouraging their employment upon release and hence their capacity to effectively reintegrate into society. While investment in infrastructure and prison staff may be required to carry out these activities, it should be possible to make relatively

rapid improvements in all three areas in countries with varying levels of resources, and to achieve a positive impact both inside the prison walls and for prisoners upon release⁵.

- Giving inmate's opportunity to learn new skills and get job experience will help them stay away from crime when they leave jail, adding to the overarching purpose of prison administration to contribute to public safety.
- Education, vocational training, and employment programmes in prisons can help to maintain order, safety, and security in prisons and help them evolve into (more) positive environments. Inmates who participate in positive activities are less prone to grow dissatisfied and cause issues.
- Prisoners who have been rehabilitated are simpler to control and less likely to engage in violence. While security and rehabilitation are frequently perceived as diametrically opposed, well-managed rehabilitation programmes actually improve safety and control within jails.
- It provide money and other resources for both the offenders engaged in such programmes and the prison system as a whole. These could be direct resources, such as in prisons that grow their own food or through work done by prisoners to clean and maintain the prison; or they could be indirect resources, such as when the products of prisoners' labour are sold and a portion of the profits are reinvested in the prison system.

5. Challenges

▪ Negligence Government regarding Modern Programmes.

The modern programmes are not adequate as per the requirement of the time. Many jails in India provide vocational training programmes, however they are frequently obsolete. Few prisons offer well-planned prison programmes that include daily organized activities, vocational training, pre-discharge counselling, and post-prison monitoring.

▪ Inadequate library facilities.

Libraries serve as the foundation for human growth by providing access to knowledge to individuals who require it for work, leisure, learning, and governance. Inmates who desire to pursue their studies might benefit greatly from the jail library. Access to libraries can also help convicts cope with the harsh realities of prison life but there is lack of library facilities and inadequate facilities of library to fulfill the purpose.

▪ Lack of trained instructor And Inadequate Training.

In India, prisons have a sanctioned staff strength of roughly 49030 prison personnel at various grades, with a current staff size of around 40000. The prison staff to prisoner ratio at the Indian jail is roughly 1:7. It implies that in India, only one jail officer is available for every seven prisoners, but in the UK, two prison officials are available for every three detainees⁶.

▪ Inadequate Budget ratio for education of Prisoners

Generally high rate of expenditure has been found in relation to providing food and other facilities to the prisoners. A small ratio of the budget has been utilised on education of prisoners particularly on Higher Education. States like, West Bengal, Punjab, Madhya Pradesh, Uttar Pradesh, Bihar, and Delhi reported

considerably higher expenditure on medical expenses at the point of time but, states of Bihar, Karnataka, and West Bengal reported relatively higher spending on vocational and educational activities.

▪ **Negative attitude of fellow prisoners towards those involved in educational programmes** ^[7]

A positive attitude of all who are involved in prison education programmes is very essential for the success of the programmes and desired outcome. But, unluckily there is negative attitude of fellow prisoners towards those involved in education programmes.

6. Education of Prisoners in Indian Judiciary

A significant role has been played by the Indian Judiciary in providing educational right of prisoner in India.

In *Mohammad Giasuddin v. State of AP* ^[8], the court attempted to regulate the style of employment and education supplied to jail inmates. The State Government was directed to investigate the nature of the employment and education supplied to the inmates and ensure that the work is "neither repetitive, mechanical, intellectual, or similar in nature coupled with a title manual labour. The court further said that facilities for linkage through correspondence courses must be provided to offenders who wish to pursue higher or advanced education. Basic skills including as tailoring, needlework, and doll-making should also be taught to female inmates. Furthermore, well-educated inmates should be given the opportunity to engage in some type of mental/manual constructive labour.

In *State of Maharashtra v. Prabhakar Pandurang Sangzgir* ^[9], it was found by the court that "an accused jailed under preventive detention was not allowed to send over his unpublished book to his wife for publishing, a violation of Article 21".

In *Rajgopal v. State of Tamil Nadu* ^[10], the Supreme Court decided that there was no legal authority that could withhold permission to publish Auto Shanker's (prisoner) memoirs on the grounds that it would cause defamation of famous IAS and IPS officers. Only if the articles are false can the concerned officials take action after they have been published.

7. Conclusion & Suggestions

Educating the inmates will also help in maintaining law and order in the jail. Most of the people who have indulged in mischief at jail have never been part of any educational activity. The importance of education in the prisoners life has been accepted in a study that "Inmates who participate in correctional educational programmes had 43 per cent lower odds of returning to prison than those who did not", "Employment after release was 13 per cent higher among prisoners who participated in either academic or vocational education programmes than those who did not", "Those who participated in vocational training were 28 per cent more likely to be employed after release from prison than those who did not receive such training". However, "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" has been accepted as one of the sustainable development goals 2030. But in India there is negligence of government regarding modern programmes, inadequate library facilities, lack of trained instructor and inadequate training, inadequate budget ratio for education of prisoners, negative attitude of fellow prisoners towards those involved in educational

programmes.

Therefore, for equitable quality education and lifelong opportunities to Prisoners in India there is requirement of proper attention of the government to implement modern programmes for prisoners, adequate library facilities, trained instructor & adequate training, utilization of adequate budget for education of prisoners, a positive attitude of fellow prisoners towards those involved in educational programmes. Further, programmes like the Sarva Shiksha Abhiyan or the National Adult Education Programme, or a statutory agency like the University Grants Commission (UGC), may put education in prisons under their jurisdiction so that the curriculum that is followed has real world benefits for convicts. Similarly, vocational training should be successful and give skills that are useful in the world outside of jails.

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