

Criminal Justice System, Health and Imprisonment in India

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Abstract : Imprisonment is an expansive concept, as it is regulated by laws under criminal justice system of the state. The state sets principles of punishment to control offenders and also puts limits to excess punitive control. One significant way through which it exercises control is through rules governing healthcare of imprisoned population. Prisons signify specialized settings which accommodate both medical and legal concerns. The provision of care operates within the institutional paradigm of punishment. This requires the state to negotiate adequately between goals of punishment and fulfilment of basic human rights of offenders. The present study is based on a critical analysis of prison healthcare standards in India, which include government policies and guidelines. It also demonstrates how healthcare is delivered by drawing insights from a primary study conducted in a correctional home in the state of West Bengal, India, which houses both male and female inmates. Forty women were interviewed through semi-structured interviews, followed by focus group discussions. Doctors and administrative personnel were also interviewed. Findings show how institutional practices control women through subversion of the role of doctors to prison administration. Also, poor healthcare infrastructure, unavailability of specialized services, hierarchies between personnel and inmates make prisons unlikely sites for therapeutic intervention. The paper further discusses how institutional practices foster gender-based discriminatory practices.

Keywords : imprisonment, Indian prisons, prison healthcare, punishment

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