Chapter-IX

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In response to the question of Mark Williams on current status of prisoners’ rights and the problems they face, the most progressive Justice V.K. Krishna Iyer has replied the following. Prisoners’ rights are guaranteed by the Constitution – not explicitly, but as implicitly by court under Article 21 as a right to human dignity. Other fundamental rights are also guaranteed. All that can be done when a man is sentenced to prison is to suspend his freedom to go out of the prison” (1990). The state can protect the rights of the prisoners inside and out side the jail but what about the response of the society towards him and his family?

The experience of the prisoners in jail does not abrogate his relationship with the family. The prison walls can never create a barrier between him and his family from emotional bondages. Adwain writes that for the family the sense of isolation from the prison world is often greater than the isolation the prisoner has from the world outside (1978:163).

In this chapter, we intend to describe the crises faced by the family in socio-economic frontiers. The problem the members of the prisoners’ family faced are of two types; namely the external and internal. Here external refers to the external to family origin and internal problems refer to those that ooze out from within the
family. For this, only few families have been investigated. Since all categories of
offenders' family could not be incorporated in this investigation due to paucity of
finance and time, the inferences drawn are based on data collected from only those
few families. The role replacement, replacement of the earning members in family,
change in the role of children and other elderly members, social stigma and social
contacts with kin, neighbors, and friends, and the household maintenance of the
family have been covered in this chapter.

In previous chapter, we have seen how more than 52% of offenders were
drawn from nuclear families while less offenders belonged to extended families. Of
course, where the property is kept jointly and families live in separate houses the
crime has been seen to be more in frequency. It has also been observed that the large
sized family is prone to crime. In most of the cases the desire for quick target, other
reasons and interfamily conflicts become the fertile breeding ground for the crime
causation. The above findings give us only the scope of finding the correlation
between some family features and the crime causations.

On investigation it has been observed that families facing difficulties in
economic frontiers can be categorized into three broad types: such as the families
where the imprisoned person was the only economic support with no other sources of
income to maintain; second the families, where there are persons who supplement the
income for maintenance; and the families, having every member as earners with
imprison persons earning being an addition. The first variety of families are normally
derived from the nuclear type and middle class in orientation who face intolerable misery. The second varieties of families face more of social stigma than economic crisis. The third type, normally belong to the lower socio-economic category whose involvement to the imprisoned is found to be tolerable and at times marginal. Among the first variety of families only 21.47% of the murders and 18.38% of non-murder categories faced serious crisis with more specifically those who belong to middle income group and upper caste. Mostly, the second variety if families revealed that 48.04% have been supported by prisoners' in-law family and 23.02% families have been supported by collateral brothers and the parents of the prisoner. The maintained themselves with whatever property they had and the wives of some of the prisoners took up jobs to add financially to the families for maintenance. The third varieties of families indicated that about 37.89% felt relief with the prisoner's remaining behind the bars. Most of those families had mixed sources of financial support. However, the role of family members for their maintenance has been the major support. About 87% of all categories of family, where the conflict was due to intra-family property division, derived no support from any of the prisoner's natal family members. In all about 12% have lost their stable property for maintenance. The role of the bread earner in most of the family has shifted to those who rendered financial support for the families. In case of the nuclear family the crises are qualitatively different from those having joint family linkages. In majority of small nuclear families, irrespective of the case and class origin, the aged females faced severe problem and the young of lower income group got clicked to some one outsider and contributed some help to the
family for maintenance. Care of the small children for middle income group belonging to upper caste have been well supported mostly by in-law members while among the low income and low caste/tribe the care of the children was done by the females. The relation with the husband's parents in considerable cases remained helpful irrespective of the seriousness of the crime provided the prisoner's family has constant income sources from land and other financial sources. The physical supports are derived from the prisoners' neighbours, friends and prisoners in-law members during crisis. The mother has to toil hard for her security and security of the family members. The long timer family maintenance was observed to be substantially different from the family of the short timers. Long time imprisonment and maintenance of their families have been observed to have faced problems like marriage of the daughters, education of the children (more specifically of the girls), maintenance of the landed property and inter family interactions. Murderers families faced the most number of severe problems on the above fronts. For upper income categories this has been the distinct pattern.

Further, it has been observed that while the prisoners get adjusted to the prison inmates in the custody-oriented society, their families faced long duration problems for their security reasons. The prisoners have not only lost their personal liberties but inflict lot of restriction on their family members. A new set of interacting persons emerged. It was observed that the family members withdrew from interaction with the earlier social interacting arena for fear of being looked down upon. This
psychological interaction is more prominent among the educated middle class families.

From the above represented facts, it can be stated that the role replacement of earning member has got close relation with the economic status of the prisoners during pre-conviction period. Further, it can be stated that involuntary separation for the first time for longer duration produces severe crisis of the other types.