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Prison Reform: Socio-Psycho-Legal Factors and Societal Reintegration

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ABSTRACT

Every person has the right to life and liberty and everyone must comply with the rules of the state. If anyone has failed to follow rules or laws or perpetrated an offense that resulted in the legislation being violated, he shall be punished and sent to prison. Its main purpose is to let offenders conscious of what the offense he has did and offer guidance to reintegrate him with the society. For an offence that he's done, the rules, morality and ethics must be taught that every human should follow.

However, their situation in jail is deteriorating, not everyone is treated fairly nor obtains adequate facilities, education or medical assistance and most of them are under trials. This instability in the criminal justice system affects prisoner's emotional state, which makes them more vulnerable to criminal inclinations than before.

This paper explores how prisoners can be improved by undertaking a comprehensive analysis on the rehabilitation of prisoners, the prison and criminal justice system in India, international conventions on the regulation of prisons, the reformation of prisoners on humanitarian grounds and the living conditions of prisoners and the prison environment and how it affects their physiological and psychological health.

This paper suggest ways in which prisoner's physical and mental well-being can be strengthened in order to change the offenders and what measures can be taken to reintegrate the prisoner into society after they come out of prisons.

Keywords: *Prison Reform India, Prisoners, Criminal Justice System, Human Rights, Prison Environment.*

I. INTRODUCTION

A prison is a place wherein prisoners were physically imprisoned as well as refused not to do certain acts as punishment under power of state. Imprisonment is a significant type of punishing an offender. The key objectives of imprisoning an offender is to discourage people from

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committing criminal offences by creating a fear of losing liberty which is enjoyed by others and it is done by confining them in a place and it is done to compensate the wrong done by him and in India imprisonment not only means punishment but to reform the offenders.

A prison should meet need for corrective regime rather than a meaningless place of confinement for the prisoners. In addition to the start of Human rights resulted in improving prison rules entirely changed the scenario of prison environment when it compared with earlier prisons in the world. When a question as to Indian prisons in the same issue is concerned the environment of prison is completely converse to the object of the prison. Perhaps in reality, the prison authorities are trying to carry out the reformation by using pressure and compulsive ways. As a matter of fact, the reformation in prisoners is temporary and that only lasts until they are in jail and, as soon as they come out, they are once again repulsed to do crime.

What a prison is?

In common parlance, a prison is where a person who has committed offence for which he have been awarded punishment by the respective court of law by deciding the case and a person who is suspected of an offence can also be confined in a prison for security purposes. Prisons may be of too many kinds such as Central Jails, District Jails, sub Jails, Women prisons, open prisons, Juvenile protection centres which are protection homes for offenders who have not attained the majority age as per Indian laws.

Section 8 of Prisons Act 1894 states that, “prison” means any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, and it excludes the following -Any place for the confinement of prisoners who are exclusively in the custody of the police-Any place specially appointed by the State Government under section 541 Cr.P.C-Any place which has been declared by the State Government, by general or special order, to be a subsidiary jail³.

Who is a Prisoner?

A prisoner who is also known as *inmate* or *detainee* who is denied of liberty at his/her choice and has been put into a prison as a result of a Judgement, Decree, Order or a Decision by a competent court of law for the offence committed by him and it is for the purpose of Deterrence, Incapacitation, Retribution and reformation⁴.

³ Section 3(1) of Indian prisons Act, 1894.

⁴ Suresh V. Nadagoudar. (2014). *Critical study of prison reforms in India an overview of the prevailing system of prisons in Karnataka: Chapter II- Aims and objectives of Imprisonment*. Shodhganga.

As per the section 3 of the Prison Reforms act there are three type of prisoner viz. Criminal Prisoner, Convicted Criminal Prisoner and Civil Prisoner⁵. A Criminal Prisoner is one who has been duly committed for any writ, order, decree of a court a Convicted Criminal Prisoner means a person who has been convicted after a decision, judgement of a court whereas when a prisoner doesn't come under both these categories he will be called as Civil Prisoners.

II. PRISON REFORMATION:

Circumstances within prisons and the standard of care provided to prisoners can have a positive impact on the results of the inmate population and the community at large. The way in which prisoners are treated inside prison will have an impact on correctional reform and the employment outcomes of prisoners and will have a great social impact. Prison reform is an effort to change prison facilities, improve the effectiveness of the Criminal Justice system, or introduce solutions to imprisonment. It almost always works on promoting the recovery of cases where people are affected by offenses.

Evolution of Prisons in India:

In the past few centuries Prison is the most preferred method of punishing persons who have committed offences however in comparison with the era which signifies the Humanity and Human Rights concepts prisons in previous centuries punish offenders by giving different type of imprisonment likely to affect the utmost basic needs of an individual. The following explains how prison reforms have evolved to this extent as of today in India.

The prison system that we are following in this century is actually developed at early period. Indian system of prison is actually originated with the minute of T.B.Macaulay. The committee suggested increased rigorousness in treatment of prisoners and denying basic humanitarian needs and based on the committee report at 1846 central prisons were constructed in India. The current prison administration system is based on belief that the prison administration will not be useful and significant to a community if it is not one of the good machinery for the infliction of punishment and the system of prison administration is a legacy of British Administration in India⁶.

Certain other specifications on prison system were made as a result of next committee in 1864 with regard to improvement bedding, diet and medical facilities. Another commission in 1877 have been formed and a new draft has been prepared in prison regulation and administration.

⁵ Section 3(2), (3), (4) of Indian prisons Act, 1894.

⁶ Khan, Uzair Ahmad. (2009). *Legal Backdrop of Prison Reform: Ipleaders*. <https://blog.ipleaders.in/legal-backdrop-prison-reforms/>.

In 1894 the draft bill came up with the assent of Governor General and it is known as Prison Act, 1894. The act is still followed in administration and management of prisons in India being one of the oldest act in India it hardly undergone any amendments, changes⁷.

In 1919 “*reformation and rehabilitation*” of the offenders has been made as objective of prison administration by the report of Indian Jail Committee. In 1935 the control of Jails has been transferred from the centre to provincial and state government. The committee concluded that the prisons should not to be deterring in nature but in reformatory way⁸.

Indian government in the year of 1951 took a landmark effort and invited Dr. Walter.C.Reckless who is an expert from United Nations on reformatory works, to undertake a study on prison administration and to make policy reforms. Dr.Reckless prepared a detailed report named ‘*Jail administration in India*’. His report made a considerable suggestion for transforming jails into reformation centres⁹.

People started accepting the fact that prisoners are also human beings they also have to be treated on humanitarian grounds. A committee was appointed for the purpose of examining the actual problems faced by the prisoners known as the all India jail manual committee, 1957 they listed few guidelines and methods for effective administration of prisons¹⁰.

Under the chairmanship held by *Mulla* a committee has been formed by the Indian Government and the objective of setting up the committee is to review the law, act, rules and regulations concerning reformation of prisoners. It was only in late 80’s efforts related to treating of women prisoners were taken by Justice Krishna Iyer committee¹¹.

In 1983, Juvenile Justice Act has been implemented protecting offenders below the age of majority, by providing Juvenile homes as most of the children committing offences will be neglected and abandoned children. Inevitably, the status of the modern prison system has been far better these days, though there are still huge things in the prison administration remains to be done for ethical treatment of prisoners.

⁷ Ahmed, Zubair. (2016). *Jail reforms in India: A study of Indian jail reform committees: International Journal of Multidisciplinary Education and Research*. <http://www.educationjournal.in/download/22/1-3-35.1.pdf>.

⁸ Borah, Keshabananda. (2018). *Jail administration in India: A review of Indian jail reform committee. International Journal of Humanities and Social Science Research*. <http://www.socialsciencejournal.in/download/471/4-2-30-434.pdf>.

⁹ Ahmed, Zubair. (2016). *Jail reforms in India: A study of Indian jail reform committees: International Journal of Multidisciplinary Education and Research*. <http://www.educationjournal.in/download/22/1-3-35.1.pdf>.

¹⁰ Rote Kausabh. (2014). *PRISON REFORM AND SOCIAL CHANGE IN INDIA* <http://www.grkarelawlibrary.yolasite.com/resources/FM-Jul14-LSC-Koustubh.pdf>.

¹¹ *IMPLEMENTATION OF THE RECOMMENDATIONS OF FALL-INDIA COMMITTEE ON JAIL REFORM: BUREAU OF POLICE RESEARCH & DEVELOPMENT, MINISTRY OF HOME AFFAIRS*-New Delhi. thehinducentre.com/multimedia/archive/03191/Mulla_Committee_-i_3191900a.pdf.

III. CONSTITUTIONAL PROVISION AND PRISON REFORMS:

Human rights are underlying fundamental, constitutional rights that have become vital for individuals in country. It is the welfare state's duty and obligation to safeguard these rights.

ARTICLE 14:

Right to Equality: Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. Article 14 can be a very helpful tool, as well as the foundation, for prison authorities to identify and classify different classes of detainees with classifications of prisoners concerning the nature of crimes by them viz. central prisons, district prisons, special prisons, open air prisons etc.

ARTICLE 19:

Freedom of Speech and Expression: This article gives citizens of India six rights which must be available to everyone irrespective of any factors however this not made available to convicted prisoners and the following is a list of rights available to a citizen but denied to an offender.

1. Freedom of movement
2. Freedom to reside and to settle
3. Freedom of profession, occupation, trade or business

The reason behind denying the rights of prisoners is to punish them to a considerable extent. However freedom of speech and expression as well as freedom to become a member of an association is permitted even to the prisoners in most of the cases after going through the limitations mentioned in concerned prison rules.

ARTICLE 21:

Right to Life and Personal Liberty: Article 21 reads as: *“No person shall be deprived of his life or personal liberty except according to a procedure established by law”*. Article 21 states that, *no person shall be denied his life and freedom subject to a limitation that except by law. It thus implies that the life and individual freedom of an individual will only be contested if he has committed an offence*. It has clearly been mentioned that the deprivation of Article 21 is justifiable according to procedure established by law; this procedure cannot be arbitrary, unfair or unreasonable¹².

¹² Nagda, Priyadarshi. (2017). *BRIEF STUDY OF CONSTITUTIONAL PROVISIONS REGARDING PRISON*

ARTICLES 32 and 226:

Right to Constitutional Remedies: Dr .B.R Ambedkar called this Article to be “The fundamental of the fundamental right and “heart and soul of the constitution”. Whenever fundamental rights such as freedom of speech and expression, Right to dignified life etc are affected to an individual or it is deprived by way of illegal actions the remedy available to such were enshrined in this articles by way of writs were any citizen of the state can avail constitutional remedy.

IV. CRIMINAL JUSTICE SYSTEM IN INDIA:

On the world’s largest democracy is said to be India (Chellaney, 2018) but there is some lacunae which necessitates the development in matters concerning criminal justice system in India. The major lacunae is effective disposal of cases and speedy justice as per various data huge under trials were left in prisons and the reason behind this is that lengthy trial procedures in court. The significant elements comprising Criminal Justice System in India are Judiciary, Prison and its authorities, Police.

The ministry of home affairs released the *Prison Statistics India (PSI) 2018* report. The report found that 1,845 prisoners died in premises of prison in 2018, which is the highest in Indian prisons in the last 2 decades. The reason behind this may be that due to lengthy court procedures too many under trails have been sent to prison for the purpose of enquiry¹³. Most of the trials don’t even know about their rights such as free air, hygiene life etc in the prison. The following is a detailed explanation of the rights available to prisoners inside the prison.

Rights of Prisoners:

Also in prison, a person as a prisoner continues, to enjoy all of his basic human rights and fundamental rights under the Indian Constitution including his life rights. In compliance with the law procedure, the prisoner shall maintain the remaining constitutional rights if accused of crimes and denied of liberty. The constitutional rights of a prisoner were discussed above.

Rights of Prisoners in Cr.P.C:

- Right to know grounds of Arrest- Sections 50, 55, 73.

SYSTEM AND INMATES IN INDIA

http://ijariie.com/AdminUploadPdf/BRIEF_STUDY_OF_CONSTITUTIONAL_PROVISIONS_REGARDING_PRISON_SYSTEM_AND_INMATES_IN_INDIA_ijariie6016.pdf.

¹³ Madhurima Dhanuka and Siddharth. (2020). India’s prison system needs urgent reform: hindustantimes.com. <https://www.hindustantimes.com/analysis/analysis-india-s-prison-system-needs-urgent-reform/story-HYecwGnYLtYqCZqfV3rycL.html>.

- Right against illegal detainment of arrested persons- Sections 53, 56, 57 & 76.
- Right to Bail- Sections 436, 437, 438.
- Right to legal Aid – Sections 303 and 304
- Right to fair and speedy investigation- 309¹⁴

Indian Penal Code:

Hurting prisoners for the purposes of confessions is a crime in Indian Penal Code under Section 330 and 331. Other than the confinements approved by judiciary or the enquirer's authority will be an aggravated crime¹⁵.

Indian evidence Act:

Almost in all criminal trials the accused is presumed to be an innocent until the alleged crime against him has been proved as per section 101 of the act. Confessions made to a police officer will be inadmissible under section 25 and 28 of the Evidence Act¹⁶.

Prisoners Rights in Judiciary:

Any offender who has been imprisoned will never lose his Human Right whatever may the situation and the offence he have committed. "The court of law or other judicial agency that dealt with their case decreed that they should be deprived of their liberty, not that they should forfeit their humanity"¹⁷.

There are few other rights which are also significant such as the above mentioned and they are listed below.

1. Right against Inhuman treatment of Prisoners.
2. Right to Speedy Trail.
3. Right to Legal Aid
4. Right against Hand Cuffing.
5. Right against Solitary Confinement.
6. Right to talk to their legal representatives.

¹⁴ Bare Act- Code of Criminal Procedure, 1974.

¹⁵ Bare Act – Indian Penal Code, 1860.

¹⁶ Bare Act- Indian evidence Act, 1872.

¹⁷ Cole Andrew, "A Human Rights Approach to Prison Management: Hand Book for Prison Staff. International Centre for Prison Studies, London, 2002, p. 31.

International Scenario of Rights of Prisoners:

International Human Rights without any ambiguity protects the rights of the prisoners. There are numerous conventions, commissions, conferences, committees; organisations etc were established to protect the rights of the prisoners. The significant of all were listed here. ICCPR- International Covenant on Civil and Political Rights, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits torture and cruel inhuman conditions or degrading conditions. United Nations and Standard Minimum Rules for the Treatment of Prisoners and United Nations Standard Minimum Rules for the Administration of Juvenile Justice¹⁸.

V. WHY REFORMATION IS IN NEED?

Prisoners' life is rather horrible and they are treated similar to an animal. The shortage of basic necessities in prison produces inadequate conditions for prison survival. The standard conditions for existence aren't really available to them. The quality of the food supplied to them is of low quality and cannot be eaten. We are exposed to the harsh care of the hardened offenders who run the prison. The overcrowded prison that actually means excess capacity is also a major problem. In *Sunil Batra v. Delhi Administration* one landmark Judgement in Prison reformation: The court case finds that prisoners are inmates, not beasts, and punishing them prison guards they are completely overboard and destroy the dignity of the prisoners. The decision was also taken to prohibit the detention of prison houses by prison authorities. If an inmate is traumatized, a shock enters our constitution. ”.

In this case, it was further mentioned that “No prisoner can be personally subjected to deprivation not necessitated by the fact of incarceration and the sentence of the court. All other freedoms belong to him – to read and write, exercise and recreation, meditation and chant, creative comforts like protection from extreme cold and heat, freedom from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, movement within the prison campus subject to requirements of discipline and security, the minimum joys of self expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment”¹⁹.

WOMEN PRISONERS AND THEIR PROBLEMS

Everyone who is in prison faces so many obstacles, but when it comes to women prisoners we

¹⁸Manual on Human Rights Training for Prison Officials.
<https://www.ohchr.org/Documents/Publications/training11en.pdf>.

¹⁹ AIR 1978 SC 1675

cannot say it in words as they bear so much pain. For the past 15 years, the number of women prisoners is increasing.²⁰ Not every prisoner is accused of crime, some are innocents, some are under trials and for some prisoners, and they don't even know the charge made against them properly. Most women prisoners in India are uneducated, poor, dependant of husband, sons, or daughters and they have no knowledge of what they did until her counsel come up and say.

Women prisoners lack sanitation, pre and post natal care, they are denied basic health care facilities and have no proper living arrangements.

- **Sanitation**

During their menstrual periods, they will be so weak, they need utmost care. Most women prisoners are not even getting the sanitary napkins, instead they get piece of cloth only.

- **Living arrangements**

They must get proper living arrangements like clean prison rooms, clothing and undergarments, way for proper disposal of sanitary napkins, clean restrooms and timely food and medical help facilities.

- **Pre natal and post natal care**

Pregnant women prisoners must be given a special separate accommodation with all medical care. In so many cases, pregnant women's are not given a proper medical, as a result of this, after the delivery, children are prone to diseases and the mother fell sick for the long time.

- **Medical care**

Not only pregnant or aged prisoners, so many prisoners don't get monthly health check up , test and screening for issues like breast and uterus cancer and all.

- **Child care**

Until the age of six, children will be with their mothers in prison. But the problem is, after the age of six, children will be sent to child care institution, so mothers may not know the children's well being like how they are growing up without the love and care of mother.

In case of women prisoners whose child is out there in their usual place of residence, mothers can decide that, with whom her children will be brought up.

- **Prison staffs and other workers**

Wardens, prison officials, staffs, doctors, other workers are to be transferred regularly, and

²⁰ Roy Walmsley. (2015). *World Female Imprisonment: Women and Girl in Penal Institutions including pre trial detainees*. World Prison Brief.

otherwise they might involve in corruption or non ethic activities. These people must be available for prisoners and have to take good care of them.

- **Labor and wages**

In most prisons, wages are not given properly to prisoners irrespective of the effort they make and work they do. Either prisoners are not doing anything productively or they are not give wages. It is the main problem prisoners' face.

OVER-CROWDING IN PRISONS

Overcrowding in prisons lead to think that why there are so many prisoners, why are they inside prisons, did they really commit any offence or are they under trials or they are accused of crime they did not commit? What is the real reason behind the overcrowding?

The first cause for overcrowding is increasing of criminal activities and criminals. For the past fifteen years criminal activities are doubled. Starting from petty crimes like looting, pick pocketing, to the most heinous crimes like murder and rape, every offences are done by people, even by minors.

The second cause is under trial prisoners. Under trial prisoners are people who are under investigation or suspicion to decide whether they committed a crime or not. Most of the under trials are not even investigated by prison officials and Police persons, so they remain under trials for the life time and will die in prison itself for the crime they didn't commit. The third cause is some prisoners are still in prison even after their prescribed punishment period got over.

These are the only three reasons why prisons are overcrowding. Overcrowding leads to so many problems like the prisoners won't get the enough space in the room if prison officials accommodate four or five people in the room two or three. They will not get basic living arrangements or comfortable space for sleeping and all.²¹Not sleeping regularly or not living in good conditions in prisons will lead to serious mental disorders.

Lack of sanitation would raise the health issues, for aged people in prison they need to be regularly checked. Overcrowding is an inefficiency of prison system. Prison officials need to solve this problem and judiciary must make new directives regarding the importance of opening new prisons for prisoners. But if under trials are properly investigated and released if they did not commit any crime and if the prison officials ensure that no prisoners are still in prison even

²¹ Shemin Joy. (2019). *Indian Jails Continue to remain Overcrowded*.
<https://www.deccanherald.com/national/indian-jails-continue-to-remain-overcrowded-770751.html>.

after their prescribed punishment time, and then there will be overcrowding problems.

VI. JUVENILE AND ADULT PRISON SYSTEM

There are numerous differences between juvenile and adult prison system. In adult prisons, prisoners are engaged in labour, while in juvenile even though they are given a work, prison officials engage teachers to educate the juvenile to read and write and involve them in physical activities like sports, exercises and all. In prisons prisoners will be termed as criminals, but in juvenile system, juvenile are not termed as criminal, instead it was considered as delinquent acts. In juvenile prison system, juveniles are taught about the laws, consequences of the delinquent act they committed, moral classes and all. But in adult prison system, in most of the cases these are not taught to prisoners.

VII. LABOR SYSTEM IN PRISON

Why prisoners need to work in prison? No prisoners are allowed to just be in prison. They are involved in various works and activities so that when they get out of prison they will earn money to look after their family. But labour depends upon the crime he committed. Some prisoner will do hard labours for the heinous crime he committed. When they work in prison, they will be given wages by prison officials, which is funded by Government of India for well being of prisoners and their when they get out of prison.

Doing labour will help the prisoners mentally cope up with the prison environment and with other prisoners, they will develop the set of some new skills. But Government and judiciary need to ensure that these labour increases productivity in prisoners as well as the prison department. Because in some districts, there will be a shop which contains only the products made by prisoners. It will be available for sale to public to buy and use.

Prison act, 1894²² explains about employment of civil and criminal prisoners.

Section 34 - Employment of civil prisoners:

Civil prisoners, with the permission of superintendant, may do any work or trade or profession. Civil prisoners shall be allowed to receive the whole of their earnings. But the earning shall be subject to a deduction, and it can be determined by the Superintendent, for the use of implements and the cost of maintenance in prison.

Section 35 - Employment of criminal prisoners:

Criminal prisoner sentenced to labour or employed on labour at his own desire shall get

²²Bare Act- Prisons Act, 1894- Sections 34, 35, 36.

permission in writing from the Superintendent and be kept to labour for more than nine hours in any one day. The Medical Officer shall examine the labouring prisoners regularly while they are employed, and shall record the details of examination and weight, and it is subjected to revision of prison officials.

When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

Section 36 - Employment of criminal prisoners sentenced to simple imprisonment:

No prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work except by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner. Doing labour will help the prisoners mentally cope up with the prison environment and with other prisoners, they will develop the set of some new skills. But Government and judiciary need to ensure that these labour increases productivity in prisoners as well as the prison department. Because in some districts, there will be a shop which contains only the products made by prisoners. It will be available for sale to public to buy and use.

VIII. OPEN PRISONS

Open prison means, prison with minimum security, less rules compared to prisons, mostly those prisoners have their independent work to do. It is opened with a view to reform the prisoners. The main objective of open prison is to provide most favourable condition for rehabilitation of some selected prisoners as stated in the Nelson Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners)²³. Selected prisoners in this open prisons means, the convict who is in prison for at least five years, but has good record of conduct over her period in prison²⁴.

In these open prisons, prisoners are allowed to go out from their premises after the first roll call and they need to be returned before the second roll call of that day. In these open prisons, prisoners are sometimes allowed to set their own livelihood according to their financial capabilities, and to be allowed live with their families. But sometimes, they will refuse to move on from that place, even after the period got over. Cost of maintaining the open prison is so

²³ Penal Reform International (2015) - *Prison Condition*

<https://www.penalreform.org/resource/standard-minimum-rules-treatment-prisoners-smr/>.

²⁴ Penal Reform International (2015) - *Prison Condition*

<https://www.penalreform.org/resource/standard-minimum-rules-treatment-prisoners-smr/>.

high, the government needs to allocate high funds for maintaining it.

Open prisons are far better than normal prisons. In this open prison chance of reformation of prisoner is so high, when compared to normal prison system. In this open prison, prisoners earn their livelihood independently according to their financial capabilities, but in usual prisons, prisoners are not getting enough wages for the work they do, they have so many restriction and conditions which will affect their mental ability and capability. So in usual prison system, they have no, chance of earning of livelihood which will affect the reintegration of prisoners with society after they leave prison.

IX. LIFE AFTER PRISON

The first thing that affects the prisoner after coming out of prison is getting job with criminal records. No one would dare to give a job for a person who went to prison. So, in these times government is only one helping hand for him to give him a work based on his labour experience in prison. Even if a person learns a new work or any new skill, he must need a platform to show his worthiness. But the criminal record will destroy his future into pieces.

The second one is reintegration with friends, family and society. It is difficult for them to reconnect with people, because people will start rejecting the person who went to prison. Even sometimes his family members and friend would do that, so he will go into state of depression. Sometimes because of this depression, they will start doing the same things that they did before and will take the wrong path again. So the family members and friends should be with the person and guide him to take a new job, new life, right path and all.

CORRECTIVE MEASURES

Prisons are not to punish the person who commits crimes, instead it is to reform, educate the offender about the right and wrong, morality, laws, and tell them about the consequences of the crime they committed and help them to reintegrate them with the society once they go out of prison. The first corrective measure prison can take is giving parole to the prisoner to allow him to spend some time with his family, friends and society. It will reduce the depression of prisoners and they will also have the relief that their family is in good state and nothing to worry about them. But parole will only be given to prisoners who are in prison for more than eighteen months.

The second one is probation. Probation means proving the worthiness. When a prisoner is sent in probation, then he must abide by all the rules that are laid down by probationer officer and prison officials during the time of probation. It will reduce the tension for both him and his

family. Probation is given only to the first time young offender. If he is not given probation and if he is with the other criminals the whole time in prison, it will destroy the life of him. So the concept of probation is to reconnect him with his family and friends and make him move with the society again. The another things is, if there is need, then not only the first time offender, even previously convicted person can be given a probation with the consideration to nature and conduct of offender.

Corrective measures are step towards humanity. They need to turn a criminal into a human being again by educating him in the right way. State cannot be crime free, no matter what, it will always happen one or in other way. So we need to reduce the crime and criminals. No person is born criminal, situations and circumstances make a person criminal. The act of crime happens in a second of time, without even the thinking about the consequence. In many cases bad company lead a man to commit crimes.

Corrective measure should improve the lives of prisoners. Just punishing and keeping criminals in prisons cannot help the prisoner or the society. We must educate the people about prison system and how they works and helps in reforming the prisoner to the good human being again. Society rejection and ignorance of prisoners would shake the mental well being of prisoners once they come out of prison. The prisoners will lead a good life after the prison time, only when they are educated and reformed in prison and society if as usual reconnect with him.

Reformation is not only about educating or giving works. It is to know the prisoners instinct, how they commit the crime, why they committed it, what induced to them do the crime, and respect the feelings of prisoners and give them their dignified life. Not in the nature of investigation, but to just listen to them as a fellow human being. Giving them a proper counselling will lift them up from the guiltiness they are living with in prison.

Prison officials need to regularly allow the family members or friends of prisoners, instead of neglecting them. Prisoners should know the rights of prisoners to get bail, to meet with their legal counsel or judicial authorities whenever they want. Most prisoners don't even knowing that they can be released in bail, be in prison for the entire time. In case of illiterate or poor people, they don't even know they can go for a legal counsel to for advice and other matters. It is the responsibility of prison officials to let him know the laws and possible ways of getting bail or parole or probation.

X. LANDMARK JUDGMENTS

Sunil Batra vs. Delhi Administration on 20 December, 1979²⁵

Sunil Batra was a prisoner in Tihar jail, he wrote a letter to Supreme Court of India regarding the inhumane conditions prevailing in the Tihar jail. In that he said about the cruel act of warden and all. Supreme Court recognized this as public interest litigation and took measures regarding prison reforms.

D.K. Basu v. State of West Bengal²⁶

D.K. Basu wrote a letter to supreme court of India about the custodial violence and deaths in police lock-up. Supreme Court held that, Article.21 “No person shall be deprived of his life or personal liberty except according to a procedure established by law.” It cannot be denied to convicts or under trials or prisoners in custody. Any form of cruel, inhumane or degrading treatment is completely prohibited. Redressal mechanism has to be taken seriously. The court applied the principle of strict liability that, the citizen must receive the amount of compensation from the state, the defence of sovereign immunity is not available to them.

Sheela Barse vs. State of Maharashtra²⁷

In this case, women prisoners underwent custodial violence in prison. So Supreme Court on complaint of it, directed that, victims should get justice, legal assistance fully at the state’s expenses and they will be given full protection against cruelty and torture.

Supreme court directed the Inspector General of Prisons in Maharashtra to issue a circular to all Superintendents of Police in Maharashtra, that details of all under-trial prisoners to the Legal Aid Committee with the information regarding, the prescribed period of them in prison, and extension period, what offences they were charged with and the prisoners who have been in jail beyond a period of 15 days. Prisoners need to be given legal assistance to the prisoners by Lawyers nominated by the concerned District Legal Aid Committee to enter the jail and to interview the prisoners who were in need of legal assistance.

XI. SUGGESTIONS

We can surely tell that, Prisoners were denied fundamental rights and equality. They were not given a dignified life in prison, even as a fellow human being. Prisons are meant to reform the prisoners, not to torture the prisoners. Prisoners have the right to complain about the bad

²⁵ 1980 SCR (2) 557

²⁶ 1997 (1) SCC 416

²⁷ 1983 AIR 378

condition of prisoners and if that complaint is made, then judiciary need to look upon the matter, transfer the staffs and officials regularly, investigate the one who tortures the prisoners. Their voices need to be heard.

Every district magistrate need to inspect prison once in a month in their jurisdiction to ensure that prisoners are not tortured like this and all. Doctors need to give counselling and have to check the mental health of prisoners and do record it and it need to be submitted to the prison administration and court. Court must ensure that prisoners are given basic rights and equality and dignity.

XII. CONCLUSION

The change in penal policy and reformation of prisoners must be done at times. People who are illiterate, poor seems to occupy most of the prisons, so not only the prison and judiciary, we people must ensure that, prisoners after coming out of prisons, lead a normal life as other citizens, and not involving in criminal activities again. If we make a world good place for prisoners after coming out of prison, then surely we can tell they can make their lives good along with their family members and friends. The reformative measures said above are best to reclaim peace in society. . We must remember that we should help prisoners to reform, not to hate them. We must remember this. Every crime committed need not be done with full consciousness, it just happens in fraction of second due to sudden anger or hate. We cannot eliminate every single crime but we can reform every single prisoner into a good person again.
