

A Study on Prison Reformation System In India

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ABSTRACT

All human beings are born independent, free and equal in dignity and rights. They are endowed with reason and conscience and should act accordingly, living in a high spirit of love and brotherhood. All men are born equal and are endowed with some basic rights. These rights are mainly the right to life and liberty, but if any person doesn't comply with the ethics of the society then that person is deprived of these rights with proper punishment. Human rights are rights inherent to all human beings, irrelevant to our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. All are equally entitled to our human rights without discrimination as these rights are fundamental to us. Judiciary in every country has an obligation and a Constitutional role to protect the Human Rights of citizens. As per the mandate of the Constitution of India, this function is assigned to the superior judiciary namely the Supreme Court of India and High courts. In addition to the inmates, there are hundreds of thousands of family members, police personnel, judges, prosecutors, defenders, families of victims, and others who are directly or indirectly involved in the prison system. The major role prisons should play is reformation and making sure that inmates are properly integrated into society. That is possible when more skill development programs are introduced in the jails to enhance their chances of earning. This research paper discusses the study of the prison reformation system in India and to analyze the prison reformation in India.

KEYWORDS: confinement, rights, constitution, citizens, India.

INTRODUCTION

The word 'prisoner' means any person who is kept under custody in jail or prison because he/she committed an act prohibited by law of the land. The Indian socio-legal is based on non-violence, mutual respect and human dignity of the individual (Kleinstuber 2009). By committing a crime, a person does not change from being human and still is endowed with all the aspects which demand him to be treated with human dignity and respect that a human being deserves. Punishing the offenders is the primary function of all civil societies (Beier 1931). Prisons are known to have existed throughout history. Existence of prisons can be traced back to the ancient period. It was believed that rigorous isolation and custodial measures would reform the offenders. Custody, care and treatment are the three main functions of a modern prison organization. For over 100 years, there was emphasis on custody which, it was believed, depended on good order and discipline. The notion of prison discipline was to make imprisonment a deterrent. Consequently, hard punitive labour with no regard for the human personalities and severe punishments were the main basis of prison treatment. More than 40 prison offenses have been listed in the jail manuals of many States and any infraction was visited by quite a few barbaric punishments (Rock 1996). Gradually, the objective of imprisonment changed from mere deterrence to deterrence and reformation. This led to the abandonment of some of the barbaric punishments and introduction of the system of awards for good work and conduct in the form of remission, review of sentences, wages for prison labour, treatment in open conditions, parole, furlough, canteen facilities (Satpathy 2000). Revision has now been made to meet adequately the basic needs of food, clothing, medical care etc. Educational and vocational training programmes along with training in scouting etc, have been introduced in jails. Custodial requirements for individuals are now at some places determined on the basis of their antecedents, conduct and performance. Despite these measures, there is yet no clear cut policy measure on prison reforms. A major problem is overcrowding in prisons especially of under trial prisoners (Guin 2015). The courts in recent years have also been giving serious thought to the violation of human rights of prisoners. Individuals can hope that in the years to come the present gap

between the prisons in theory and practice will be bridged quickly and a well planned and well coordinated programming of treatment and rehabilitation will be implemented for which adequate and efficient staff and financial resources will be provided (Tarapore 1936).

With the development of behavioral sciences, it began to federalize that reformation of offenders was not possible by detention alone. Prisons are not normal places. The prisoners are deprived of freedom and personal contacts with family and friends. The utility of prison as an institution for rehabilitation of offenders and preparing them for normal life has always been a controversial issue (Beier 1931). There are quite a large number of offenders who are otherwise well behaved and are persons of respectable class of society but they fall prey to criminality on account of momentary impulsiveness, provocation or due to situational circumstances. There is yet another class of prisoners who are otherwise innocent but have to bear the rigours of prison life due to miscarriage of justice. Obviously such persons find it difficult to adjust them to the prison (Singh 2001) surrounding and find life inside the prison most painful and disgusting. The real purpose of sending criminals to prison is to transform them into honest and law abiding citizens by inculcating in them distaste for crime and criminality. But in actual practice, the prison authorities try to bring out reformation of inmates by use of force and compulsive methods (Kiely 2014). Consequently, the change in the inmates is temporary and lasts only till they are in the prison and as soon as they are released they again get attracted towards criminality. It is for this reason that the modern trend is to lay down greater emphasis on the prisoners so that they can be rehabilitated to normal life in the community (Choudhury 2017). This objective can be achieved through probation and parole. In India, prison reforms did not emerge out of the social movement but were necessarily an outcome of the worst conditions of treatment faced by the political sufferers in prisons during the period of their imprisonment. Prisoners repeatedly launched protests with the prison authorities and made all possible efforts to see that the rigours of prison life are mitigated and prisoners are humanely treated (Mohanty and Hazary 1990).

Many reforms can be made in jail administration, which are mainly: A- Class prisoners can meet their own expenditure by depositing certain amount fixed by the Government for enjoying special services like tea, newspapers, pillow, and 3 times non vegetarian food in a week and if they are vegetarian they will be served ghee, dhal and buttermilk. Many inmates usually complain about inadequate quality and quantity of food, which is required to be improved. The food is required to be prepared in better hygienic conditions. The inmates are also provided training in carpentry and fabric painting. Many jails have also initiated programs for women empowerment by training them in weaving, making toys, stitching and making embroidery items. Wage earning and gratuity schemes and incentives are also used to reduce the psychological burden on the convicts.

The basic premise of most efforts to reform prison system is that this can be done without any fundamental transformation of the structure of the society as a whole (Dolla et al. 2019). The attitude of the society needs to be changed in respect of prisoners. Prison constitutes an important institution which protects the society from criminals (Raju et al. 2011). Prison confines people against their will. The cause of social change is the psychology of man himself. A human being is able to apply new customs and met (Singh 2001)hods to replace the old traditional customs are being formed. Change is the law of life .When change does not occur at the appropriate time, revolutions take place. The causes of social change are diverse, and the processes of change can be identified as either short-term trends or long-term developments (Mooganur et al. 2012). The mechanisms of social change can be varied and interconnected. The main aim of the research paper is to discuss the prison reformation system in India and the effectiveness of prison reforms in India.

OBJECTIVE OF THE STUDY

1. To study about prison reformation system in India
2. To find the significant association between age and prison reformation is effective in Tamilnadu.
3. To find the significant association between age and prisoners are getting basic needs in prison.

HYPOTHESIS

H₀: the reformation system followed in Tamil Nadu is not effective in nature

H_a: the reformation system followed in Tamil Nadu is effective in nature.

RESEARCH QUESTION

Whether the prisoners are getting basic rights inside the prison in Tamil Nadu as it follows the reformatory system?

MATERIALS AND METHODS

This research has been adopted empirical study. The Description of the process used to study this population or phenomena, including selection criteria, controls, and testing instruments (such as surveys).the statistical tools are used for

this research work is chi square, correlation. SPSS graphics and diagrams are attached in this research work. cross table has been used for this research work . The data collected through random sampling method. The sample size is 1511. Present study is based on Primary as well as Secondary sources of data, which are as Primary data is collected by collecting questionnaire from general public and Secondary data is collected through literature of N.G.O. reports, Government Reports, Websites, Research Articles, Newspapers. The Independent variable used here is age and the Dependent variable used here is prison reformation is effective in Tamil Nadu and prisoners are getting basic needs in prison. Statistical Tool used here is chi square analysis and symmetric measurers.

RESULTS AND DISCUSSION

TABLE 1: THE EFFECTIVENESS OF PRISON REFORMATION IN TAMILNADU

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	751	49.7	49.7
	no	622	41.2	90.9
	maybe	138	9.1	100.0
	Total	1511	100.0	100.0

The analyses were considered under different bases depending on the background of the respondents, under which the analysis related to the statement “Do you think prison reformation is effective in Tamil Nadu.” reveals the following; the total number of samples was found to be 1511. The above said 1511 respondent’s answers were either yes or no. Finally, under the said, it is found that out of 1511 respondents, 751 respondents feel that prison reformation is effective in Tamil Nadu and 622 respondents don’t feel that prison reformation is effective in Tamil Nadu.

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TABLE 2: BASIC NEEDS IN THE PRISON

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	665	44.0	44.0
	no	621	41.1	85.1
	maybe	225	14.9	100.0
	Total	1511	100.0	100.0

TABLE 3 : PUBLIC OPINION ON PRISON REFORMATION IS EFFECTIVE IN TAMIL NADU

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	97.389^a	2	.000
Likelihood Ratio	98.408	2	.000
Linear-by-Linear Association	96.369	1	.000
N of Valid Cases	1511		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 58.73.

TABLE 4: PUBLIC OPINION ON PRISON REFORMATION IS EFFECTIVE IN TAMIL NADU

		Value	Asymp. Error ^a	Std.	Approx. T ^b	Approx. Sig.
Nominal by Nominal	Phi	.254				.000
	Cramer's V	.254				.000
Interval by Interval	Pearson's R	-.253	.025		-10.143	.000 ^c
Ordinal by Ordinal	Spearman Correlation	-.253	.025		-10.173	.000 ^c
N of Valid Cases		1511				

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

While analyzing about Whether prison reformation is effective in Tamil Nadu among respondents below 25 years, it is found that 230 respondents feel that prison reformation is effective in Tamil Nadu and 321 don't feel that prison reformation is effective in Tamil Nadu ; among respondents above 25 years, it is found that 521 respondents feel that prison reformation is effective in Tamil Nadu and 301 don't feel that prison reformation is effective in Tamil Nadu Finally 751 respondents feel that prison reformation is effective in Tamil Nadu.

TABLE 5: PUBLIC OPINION ON PRISONERS ARE GETTING BASIC NEEDS IN PRISON

		Do you think prisoners are getting basic needs in prison			Total
		yes	no	maybe	
2.Age	Above 25	321	220	102	643
	Below 25	344	401	123	868
Total		665	621	225	1511

TABLE 6: PUBLIC OPINION ON PRISONERS ARE GETTING BASIC NEEDS IN PRISON

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	22.505^a	2	.000
Likelihood Ratio	22.658	2	.000
Linear-by-Linear Association	5.412	1	.020
N of Valid Cases	1511		

While analyzing about Whether prisoners are getting basic needs in prison among respondents below 25 years, it is found that 321 respondents feel that prisoners are getting basic needs in prison and 220 don't feel that prisoners are getting basic needs in prison ; among respondents above 25 years, it is found that 344 respondents feel that prisoners are getting basic needs in prison and 401 don't feel that prisoners are getting basic needs in prison Finally 665 respondents feel that prisoners are getting basic needs in prison

As we discussed above, from table 2, the null hypothesis is rejected, so it is clearly tells that there is relation between age and prison reformation is effective in Tamil Nadu. The respondents have responded the question is whether prison reformation is effective in Tamil Nadu. The respondents had been taken by random sampling method. The sample size is 1511. The Pearson's chi square test has been analyzed in the above table. With careful analysis it can be seen that, In the chi square table the Pearson the value is 0.000, which is lesser than 0.05. The dependent variable used here is prison reformation is effective in Tamil Nadu and the independent variable is age

As we discussed above, from table 3, the null hypothesis is rejected, so it is clearly tells that there is a relation between age and prisoners are getting basic needs in prison. The respondents have responded to the question of whether the prisoners are getting basic needs in prison. The respondents had been taken by random sampling method. The sample size is 1511. The person's chi square test has been analyzed in the above table. With careful analysis it can be seen that, in the chi square table the Pearson the value is 0.000, which is lesser than 0.05. The dependent variable used here is the prisoners are getting basic needs in prison and the independent variable is age.

CASE LAW ANALYSIS

A leading Indian court case dealing with torture is **Sunil Batra (II) v. Delhi Administration 1980** 3 S.C. 488, in which a prisoner was tortured by the insertion of a baton in his anus. The victim was tortured because of "an unfulfilled demand for money." In his opinion for the Supreme Court, Justice Krishna Iyer wrote that this suggested: "that bribery, at the point of barbarity, is a flourishing trade within the house of punishment itself." Reformation is a basic requirement for women prisoners to rehabilitate their life inside prison. In the case **Hiralal Mallick v. State of Bihar in 1977** the SC stressed for the rehabilitation of prisoners and reformation of prisons.

Similarly in landmark case **Hussain Ara Khatun v. State of Bihar** the Court adopted a dynamic and constructive role with regard prison reforms. Court apart from other things stressed on the improvements of the conditions of the prisons in India. Therefore rehabilitations are must in prisons. prisoners should be provided with hygiene food, healthy sanitation, ventilations, clothing, sanitary napkins, etc. They should not be subjected to sexual abuse.

In **Neelabati bahra vs state of Orissa case** "Convicts, prisoners or under-trials are not denuded of their fundamental rights under Article 21 and only such restrictions as are permitted by law, which can be imposed on the enjoyment of the fundamental rights by such persons. Therefore, it is an obligation upon the State to ensure that there is no infringement of the indefeasible rights of a citizen to life, while the citizen is in custody."

RECOMMENDATION

Prison welfare schemes should be introduced in prisons all around the world so that some productive work is done by the prisoners so that they do not indulge in other nefarious activities while they are in prison and utilize their time in doing some reformatory activities. The prison authorities help the prisoners or inmates, as referred to by prison act 1894, to conduct themselves in a better way which helps them to lead a better life after their release. The researcher gives some recommendations to prisoners to improve themselves. Drug de-addiction centers can be opened up in every prison so that the drug abuse and drug addiction of the inmates can be curbed so that they can live a better life after prison. Recreational facilities can be given to the inmates such as vocational training, education both for adults and formal education, computer courses, games and competitions are held every now and then, also yoga and meditation, creative art therapy, painting etc. Job Placement should be provided to the prisoners so that they can earn their dignity back in the society which they lost when they were arrested. The inmates cannot only prepare eatable goods but also shirts, carpets, khadi clothes, etc. Other than this a few inmates can be allocated creative work like making furniture, showpieces like small temples, flower vases, braille books for the blind, wooden chairs, tables etc.

CONCLUSION

The main object of prison reformation System is prevention of crime and reformation of the offenders. And the other main object was to engage them so as to prevent mental damage and to enable them to contribute to the cost of their maintenance. The under trail prisoners constitute a majority of population in prison than convicted prisoners. The courts have in recent years been giving serious thought to the of human rights of prisoners and have, on that ground, interfered with the exercise of powers of superintendents of prison in respect of measures for safe custody, good order and discipline. The immediate need of research is to evaluate the existing methods of treatment and to suggest new approaches to the prevention of crime. The obstacles in prison reforms are resource allocation, the deterrent functions of punishment, the notion of rehabilitation, and internal control. The prison is supposed to be for a reformatory purpose. However, the entire purpose fails when the prisoners are denied the very rights that are fundamental to their being a human being. Thus, we should take steps to after-all, they are humans too. Ensure that their basic human rights are not infringed and that they live with dignity, because,

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