



## PENITENTIARY REFORMS IN CONTEMPORARY INDIA

By Muthyala Soujanya and Durga Bhatt  
From Gitam School of Law, Visakhapatnam,  
Andhra Pradesh

### ABSTRACT

There is an old saying that *a stitch in time saves nine* and this article predominantly enlightens the need for reformation in the existing Criminal Justice System of India. For a long time, there have been many instances where prisoners are not treated as human beings and are denied basic rights. This research work begins with an attempt to define the concept of Prison, incorporating restorative values in it. A critical analysis has been made on the current status of Indian prisons with the help of illustrations and judgements given by the Supreme Court. India's existing prison reforms had been examined carefully and the best rehabilitative practices were elucidated. This study further looks at some of the interesting correctional programs in other countries. Finally, countermeasures to tackle the problems were discussed. Several research papers and eminent websites were scrutinized for this study.

The main aim of this article is to unbox people's thinking about the prisoners and the problems they face in jails.

Keywords: Prison reforms, Overcrowding, Rehabilitation, Indian prisons.

### INTRODUCTION

*"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that".* - Dr. Martin Luther King, Jr.

Punishing the perpetrator is the foremost culture of all the civilized community. Incarceration is the most common measure of retribution addressed by almost all the legal systems. A layman has a sulky myth that people are usually sent to prisons 'as' punishment but not 'for' punishment. The main objective of the penal system is to permute the prisoners into reputable and law governing civilians, but in reality, the jail officials try to bring out transformation of inmates by the use of excessive force which includes torture to cruel treatment.

*"Criminals are not born criminals, society makes them that way".*

In the present circumstances prison is considered much like a correctional or improvement proficiency which straight away signifies that there is more prominence on reconstruction of prisoners in the form of punishment. There is a greater realization that reforms in the prison system should be globally encouraged and alternatives to confinement should be further developed. Reformation should be a dominant objective of punishment.

### MODERN DEFINITION OF PRISON

Originally a prison or penitentiary was considered as a place of confinement for felons whose freedom has been denied under the authority of the state. Section 3 of the Prisons Act, 1894 had also defined the term Prison, but these traditional and old definitions of prison are inappropriate to the present scenario in the world.

The correctional reforms have impacted the whole world. Mahatma Gandhi also supported the reformatory theory in a way



that we should kill the crime and not the criminal. There is a need to incorporate reformatory values into the meaning of prisons. Justice V. Ramakrishna Iyer, proposed prison as:

*“A reformatory philosophy, rehabilitative strategy, therapeutic prison treatment and enlivening of prisoner’s personality through a technology of fostering the fullness of being such a creative art of social defenses and correctional process activating fundamental guarantees of prisoner’s rights is the hopeful note of national prison policy struck by the constitution and the court.”*

Through his opinion Justice Krishna Iyer rightly emphasized the need for national prison policy in the current situation. His thoughts flawlessly reflect the modern correctional ideology with the use of technology.

## CURRENT SCENARIO OF INDIAN PRISONS

### *Innocent till Convicted?*

- **Undertrials:** As interpreted by the common public of every society or simply a layman, ‘Undertrial’ is a person who is presently under investigation or who is imprisoned because he is not proven guilty. Persons who are constricted in prisons are believed to be innocent in the eyes of law. But the general commoner forms a sticky assumption that once a person visits jail he has definitely committed an offence which not only affects the person’s dignity in the society but also his family.

<sup>1</sup> Business Standard, *67 percent of prisoners in Indian jail’s undertrials*, (April. 12, 2019, 18:00 PM), [https://www.business-standard.com/.](https://www.business-standard.com/)

Undertrial prisoners contribute a major part of the entire prison population. According to the reports of Prisons Statistic India 2015, Released by National Crime Records Bureau (NCRB) of the government of India on October 2016, declared shocking results relating to the inhibition of undertrials, it states that 67.7% of the people in Indian jails are under undertrials which is almost 2/3rd of the total prison population. Numerically, out of 4,33,003 prisoners recorded in jail as on December 31st in the year 2016, the number of undertrial were reported as 2,93,058 which is really a nerve breaking situation.<sup>1</sup>

The Constitution of India, The Universal Declaration of Human Rights and the emerging Prison Reforms clearly defines the standard treatment with prisoners on trial. But the expected scenario is completely different when it is practically applied.

- **Overcrowding:** An essential aspect of prison management is the populace that its officials have to command in a legitimate manner. The major problem which all our Indian jails are going through is the overcrowding population. The national average occupancy was announced as 117.6% in the year 2018<sup>2</sup>. There are various overriding reasons which contribute to this issue. Overcrowding directly relates to the available space for prisoners which results in increasing pressure on already available facilities in jail.

**Table 1: Prison population in India**

<sup>2</sup> PRISON STUDIES, World Prison Brief, <https://www.prisonstudies.org/country/india>.



| S. No | YEAR | TOTAL PRISON POPULATION | PRISON POPULATION RATE |
|-------|------|-------------------------|------------------------|
| 1.    | 2000 | 272,079                 | 26                     |
| 2.    | 2002 | 322,357                 | 30                     |
| 3.    | 2004 | 331,391                 | 30                     |
| 4.    | 2006 | 373,271                 | 32                     |
| 5.    | 2008 | 384,753                 | 33                     |
| 6.    | 2010 | 368,998                 | 30                     |
| 7.    | 2012 | 385,135                 | 30                     |
| 8.    | 2014 | 418,536                 | 32                     |
| 9.    | 2016 | 433,033                 | 33                     |

Source: World Prison Brief (WPB).

From the table one can easily analyze that the rate of prison population is slowly increasing within every 2 years.

- **Problems faced by Female Prisoners:**  
Gender lamination has always remained a problem in our society. It is only the women

<sup>3</sup><https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

who suffers from the discrimination while fighting for their rights for decades. If one would grade the population relating to the solemnness of the health issues, female inmates would be placed at the top of the hierarchy.

An important note is that a greater part of female inmates falls under the category of menstruating age group that is from 18 to 50 years, which states that they should be facilitated with sterilized sanitary napkins from time to time as per their requirement, but sadly this is vanished. Women are delivered only a specific set monthly regardless of their requirement, which encourages the women to adopt contaminated material such as cloth, pieces of left out mattresses including inner stuff of cushions, papers, newspapers, magazines etc.<sup>3</sup>

**Table 2: Female Prison Population in India**

| YEAR | Population of Female Prisoners | The Percentage of total prison population | Female prison population rate (per 1,00,000 of national population) |
|------|--------------------------------|---|---|
|      |                                |   |   |



|      |        |      |     |
|------|--------|------|-----|
| 2000 | 9,089  | 3.3% | 0.9 |
| 2005 | 13,986 | 3.9% | 1.2 |
| 2010 | 15,037 | 4.1% | 1.2 |
| 2015 | 17,834 | 4.3% | 1.4 |
| 2018 | 19,242 | 4.1% | 1.4 |

Source: World Prison Brief(WPB) data

From the table we can clearly state that the prison statistics at every five-year interval reveals an increasing trend in the population of women inmates.

- **Mother & Children in the prison:** Women who are pregnant on entering the prison or become pregnant during the time of confinement (due to the sexual abuses faced by them) require appropriate health care facilities which are often inadequate or bitterly unavailable. Children are usually traumatized by the detention of their mother and the sudden as well as the forced separation. Due to such detention it imports various mental disorders among children which includes anger, anxiety and also depression. “Reintegration” into society after their release is another challenge for many women prisoners as they undergo severe social scar, failure of family relations, fall of employment, absence of financial independence and so on.
- **Health Problems:** The prison environment is rather unhealthy and it serves as “hot-spots” for various infectious transmissions.

Hygienic conditions of prisoners are negatively affected due to shortage of latrines, urinals, and bathrooms which is also because of overcrowding. The majority of the health problems are Drug abuse, Alcoholism, Trauma, Homicide, Violence, Neuropsychiatric, Infectious Disease, HIV/AIDS, Tuberculosis, Sexually Transmitted diseases, Hepatitis B and C infections these health problems also include the mental issues faced due to the torture as well as the abuse.

- **Custodial Rapes:** Custodial rape takes place when the rape is done by a man in whose custody the woman is. Men who are generally in a very strong and powerful position sometimes misuse their power to sexually exploit women under custody. The landmark **Mathura rape case** was an incident of custodial rape case in India.<sup>4</sup>
- **Custodial deaths:** Custodial death is the event of demise of an individual, who has been detained by the police on being convicted or undertrial. As per Asian Center for Human Rights (ACHR) in its report which was released on June 26th declared that a total of 1,674 custodial deaths which includes deaths in the judicial custody were 1,530 and 144 deaths in police custody. That means on an average there were 5 custodial deaths per day during that period 2017-2018.<sup>5</sup>

**Ground Reality:** The Apex court delivered a historic order on police reforms in 2006. Which stated that, every state should have a police complaints authority where any citizen can file a complaint against police officials for any act of misdemeanor. But in reality,

<sup>4</sup> Tuka Ram & Anr Vs. State of M.P.,(1979) SCR(1) 810.

<sup>5</sup> Chaitanya Mallapur, *Story in numbers: As many as 100 custodial deaths in 2017, shows NCRB Data,*

BUSINESSES STANDARD,(Nov. 18, 2019, 00:58 AM),



only a few states such as Kerala, Jharkhand, Haryana, Punjab and Maharashtra have implemented this order. Other states have not taken this matter into consideration.

In rural areas, there is no scientific aid to support the process of investigation and in such cases the police officers have the upper hand to use such force. Police stations in such areas lack facilities such as telecommunications signals or network, internet connection, vehicles and sadly even the motorable roads. Conditions in "hawalaat" which means lockup are so bad that just living in such an atmosphere is a torture.

- **Education:** The role of "prison education" is widely recognized in the modern concept of prison reform. Most of the crimes are committed only because of lack of proper education and job opportunities.

**Table 3: Statistics of educated prisoners in India.**

| S. No | Category of Education | Year (2016) | Year (2017) |
|-------|-----------------------|-------------|-------------|
| 1.    | Availing Education    | 1,30,443    | 1,16,968    |
| 2.    | Post-Graduation       | 7,647       | 7,896       |
| 3.    | Graduation            | 25,396      | 27,561      |
| 4.    | Higher Education      | 12,923      | 13,538      |

<sup>6</sup> Joginder Kumar v. State of U.P & Ors.,(1994) 4 S.C.C. 260.

|    |                      |        |        |
|----|----------------------|--------|--------|
| 5. | Elementary Education | 54,776 | 50,751 |
| 6. | Adult Education      | 53,965 | 44,338 |
| 7. | Computer Course      | 8,779  | 8,341  |

**Source: The New Indian Express**

From the above table we can analyze that the proportion of graduate inmates in the country's prison population showed an overall increase of 0.2%. Reports state that this decline has resulted from lack of proper class-rooms, equipment and also lack of proper staff in spite of various reforms available.

- **Unnecessary Arrests:** The power lying in the hands of police to arrest is very vast. The Third Report of the National Police Commission (NPC) recognizes the wrongful use of arrest powers as one of the leading sources of bribery in the police officers and also according to this report it states that nearly 60% arrests made by the police officials are unnecessary and unjustified. In **Joginder Kumar Vs. State of Uttar Pradesh & Others**<sup>6</sup> the Hon'ble Supreme Court declared the guidelines as to what should be the basis of arrest as followed: "Arrest should not be made merely because the police official has the authority to do so in a routine manner". Later, in **Arnesh Kumar Vs. State of Bihar**<sup>7</sup> has reviewed the amended provision on arrest by declaring here by ' That police officers should not arrest the accused unnecessarily and magistrate

<sup>7</sup> Arnesh Kumar v. State of Bihar.,(2014) 8 S.S.C. 273.



should not authorize detention so casually and mechanically'.<sup>8</sup>

- **Delay of trials:** Many prisoners are continuously detained under process of investigation by the official authorities for a long period of time which is really unnecessary with respect to both the investigator as well as the criminal. No person can hope to get justice under a fairly reasonable period. Comparatively civil cases are much more delayed.
- **Delay in the process of investigation:** This is one of the major problems faced by all the offenders in and around the globe. The criminal spends half of his life as well their wealth in the process of inquiry. There are many such reasons for these delays such as:
  1. Inadequate number of courts
  1. Abuse of Public Interest Litigation (PIL)
  2. Vacancies in Judiciary
  3. Large number of appeals
  4. Frequent Adjournments
  5. Delay in filing Written Statement, the list does not stop here the major issue due to this delay leads to prolonged detention of the prisoners.
- **Jail Administration in India:** Indian Government invited Dr.W.C. Reckless from the UN to examine jail administration in the country and suggest ways to improve it. His report marked another landmark document in the history of correctional reforms. He recommended the establishment of Probation and Revising Boards, Advisory Board for Correctional Administration, National Forum for exchange of expertise and experience, and Specialized training of prison personnel.
- **Indian Jail Manual Committee (1957):** A Model Prison Manual was prepared to inspect the problems of correctional administration and to suggest ways of improving it. The Central Bureau of Correctional Services was set up following the recommendations made by Dr. Reckless and the committee to frame uniform policy and to advise the State Government on the latest methods of prison administration, probation, juvenile homes, after care etc. It also appointed a Working Group on Prisons which highlighted the need for National Policy on Prisons.
- **All India Prison Reforms Committee (1980-83):** A Committee led by *Justice A.N Mulla* was set-up by Government of India in 1980 to assess the prison administration and laws. The final report consisted of 658 recommendations on penal management which was communicated to all the States and Union Territories for implementation. Some of the recommendations include:
  1. Setting up of Department of Prisons and Correctional Services in each State and Union Territory to deal with adult and young lawbreakers.

## PRISON REFORMS IN INDIA

- **All India Jail Committee (1919-1920):** The appointment of this panel was the foremost step taken towards correctional reforms in India. A first-ever study has been made exhaustively on the problems faced by prisoners. From its inception, amelioration and refinement of inmates were recognized as necessary for the administration of prisons.

<sup>8</sup> Lexology, *Law & Rights Before Arrest & After Arrest*, (Feb. 13, 2020, 21:05 PM), <https://www.lexology.com>.



2. Undertrial prisoners should not be unnecessarily detained and shall be confined in separate institutions.
  3. Efficacious enforcement of Probation of Offenders Act, 1958 throughout the country.
  4. Placement of mentally disturbed prisoners in mental asylums. Providing free legal aid to needy felons.
  5. Segregation of juvenile offenders and women prisoners from other prisoners.
  6. Development of inmates through vocational training and work programmes with fair wages and incentives to encourage them.
- **National Expert Committee on Women Prisoners:** This committee was appointed under the chairmanship of *Justice Krishna Iyer* 1986. It has recommended employment of more women into police force to deal with female prisoners, national policy for women prisoners, separate jail for women, proper medical care of the child born to a woman offender in gaol.
  - **The Malimath Committee 2003:** A committee headed by *Justice V.S Malimath* was formed to examine the fundamental principles and functions of the criminal justice system and suggest ways of improving it. The final report comprising 158 suggestions was submitted to Deputy Prime Minister, L.K Advani in 2005. Some of the key recommendations include:
    - a. The Committee felt that few good features of the Inquisitorial system followed in France and Germany should be adopted into the Adversarial system. The main feature of the Inquisitorial system is that the investigation is monitored by a Judicial Magistrate with an aim of seeking the truth.
    - b. Pregnant inmates and children of women prisoners who are under 7 years of age can be placed under house arrest during that period instead of imprisoning them for the welfare of innocent children.
    - c. A retired judge of a High Court should be put in charge of the “Arrears Eradication Scheme” to tackle all the pending cases and dispose of them effectively.
    - d. All the rights of accused must be subsumed in a Schedule to the Criminal Procedure Code and should be translated into regional languages for the free distribution of pamphlets among prisoners.
  - **Non-Plan Scheme on Modernization of Prisons (2002-07):** Most of the prisons are old and were built during British rule. The Government of India took initiative to modernize prisons in India through this scheme in 2002-03 in 27 states for 5 years. The objectives of the scheme include construction of new jails, expansion and renovation of existing jails, construction of staff quarters, sanitation and water supply. This scheme lasted till 2009. As per the report received in September 2011, 119 new jails, 1572 additional barracks in the existing prisons, 8568 staff quarters for the prison personnel have been constructed by the State Governments.
  - **CCTV Surveillance for Prison Security:** For the safety and security of prisoners and to ensure there is no VIP treatment to rich and influential inmates, CCTV cameras have been installed in prisons. West Bengal, Andhra Pradesh, Tamil Nadu, Karnataka, Chhattisgarh, Bihar and Delhi have CCTV systems. Tihar Jail which is the largest in the country has 942 cameras and with the approval of the Government it is set to get 5,692-night vision cameras.
  - **Open Prisons:** The problem of overcrowding in jails can be vanquished to a great extent by the open prison system. The first open prison was built in Uttar Pradesh in 1953. There are about 77 open jails in India with the highest numbers being in Rajasthan. These are designed to rehabilitate the



prisoners who had almost completed their sentence. It facilitates offenders to socialize and get employed. At the end of 2015, out of a total of 419,623 prisoners in India, 3,789 (0.9%) were held in open prisons<sup>9</sup>.

- **Video Conferencing:** This system initially began in Andhra Pradesh in 2001 and has now expanded in Maharashtra, Karnataka, Tamil Nadu, Gujarat, West Bengal, Jharkhand and Delhi. It ensures safety and production of undertrials in courts. This system minimizes transportation and manpower. Some crucial trials have been carried out on the guidelines of the Apex Court. To limit human interface and spread of Covid-19 the apex court had directed to conduct hearings through video conferencing.
- **Educational programmes:** Most of the prisoners are illiterate. Educating them through various degree programs will enhance their decision-making abilities and increase their confidence levels to face the society post release. IGNOU (Indira Gandhi National Open University) through its 'Free Education for Prisoners' initiative is providing higher education to all the convicts across the country. They also facilitate inmates with study materials and a library in jails. Sometimes they are even allowed to attend convocations. Computer courses are also available for prisoners.

An education project had been initiated in 2006 by Amritsar Central Jail. As a result, the literacy rate of Amritsar Central Jail is 74% which is higher than that of Punjab (70%) as

well as India (60%). 29,000 prisoners in 2015 and 17,000 prisoners in 2016 were educated through the "Vidyadaana Yojana Program" by the Telangana state government<sup>10</sup> The main highlight of this scheme is that it encourages educated prisoners to teach their fellow illiterate inmates.

- **Vocational programmes:** Training sentenced persons with various courses will rehabilitate and foster them with required work-skills to re-socialize after their release from jails. Vocational Training Institutes are established in prisons which provide numerous courses like: - welding, carpentry, cooking, tailoring, bakery, weaving, agriculture, horticulture, pottery, soap making, toy making, driving, handicrafts etc. Training facilities in any prison depend on the availability of raw materials, demands, local market needs and marketing of finished products. A total of 52,105 inmates were trained under various vocational training programmes in India in 2015.<sup>11</sup>
- **Prevention of HIV /AIDS /Drug Use:** A number of programmes on health issues like HIV and drugs were conducted in jails with the support of NGOs to raise awareness among inmates. Tihar Jail currently has a 120-bed disintoxication center for drug rehabilitation and treatment of withdrawal symptoms. After detoxification, inmates are placed in therapeutic communities run by NGOs. Tihar Jail in collaboration with UNODC and AIIMS was the first prison in South Asia to start the Opioid Substitution

<sup>9</sup> BBC NEWS, *A prison where the inmates have to go and find jobs*( Feb. 25, 2020, 17:50 PM), <https://www.bbc.com/news/>.

<sup>10</sup> INDIA TODAY, *This Telangana jail encourages educated prisoners teach to fellow illiterate inmates*(Mar. 15, 2020, 19:20

PM),<https://www.indiatoday.in/fyi/story/telangana-jail-helping-prisoners-reform-through-education>.

<sup>11</sup> Dr. Banamali Barik, *Vocational Training to Convicted Prisoners Through Skill Development Programmes: Indian Context*, THE LAW BRIGADE (Mar. 21, 2020, 12:30 PM), <http://thelawbrigade.com/>.



Treatment (OST)<sup>12</sup>. De-stress activities like Yoga and Meditation courses, Art of Living courses and vipassana are also conducted.

- **Welfare of Mother and Children in Jails:**

According to a study in 2015, 1,866 children of incarcerated women are living in prisons across the country<sup>13</sup>. Children up to six years of age are allowed to stay along with their imprisoned mothers in jails after which they are sent to boarding schools with the help of NGOs. In the case of *R.D. Upadhyay v. State of AP and Ors*<sup>14</sup>, the Supreme Court directed all the States and Union Territories to follow the issued guidelines to take proper care of pregnant prisoners and children of convicted mothers in prisons throughout India.

Recreational facilities like T.V, picnic, playground, library, toys etc. are provided to children and female inmates. Special diet, clothing, education and medical facilities are also furnished to them. Festivals like Diwali, Dussehra, Christmas, Raksha Bandhan etc. are also celebrated in prisons.

- **Legal Aid:** The right to free legal aid has been granted under Art. 39 A of Indian Constitution. Most of the prisoners are illiterate and poor to afford an advocate and seek justice. The Supreme Court laid emphasis on legal aid in its historic decision, *Hussainara Khaton & Ors Vs Home Secretary, State of Bihar*<sup>15</sup> where it ruled

that, “If free legal services are not provided the trial itself may be vitiated as contravening Art.21[5]”. In 2017, National Legal Services Authority (NALSA) took an initiative to provide legal services to those needy prisoners. As a part of this initiative 1,128 Jail Legal Services Clinics were established in jails. Awareness sessions were also conducted to make inmates aware of their rights. NALSA provided legal assistance to 1,63,656 inmates and 2,55,836 inmates more, through the clinics<sup>16</sup>.

- **Visitor Management System:** National Prisons Information Portal (NPIP) provides vital information of inmates along with online visit requests and grievance redressal. Visitors chambers in Tihar Jail are now facilitated with a microphone system, echo proof, better visibility and audibility to ensure privacy and security. Telephone facilities are also available to prisoners for their good conduct. Biometric fingerprints of inmates are recorded for safety purposes.

### INTERESTING REHABILITATION PROGRAMMES IN OTHER COUNTRIES

- **Electronic Monitoring System (EM):** Netherlands is one of the countries with lowest incarceration rate in the world. Prison population in the country has decreased by 50% that it had to close the only 29 prisons it had between 2013 to 2018. The main reason

<sup>12</sup> UNODC, *Rolling out of Opioid Substitution Treatment (OST) in Tihar Prisons, India*(Feb. 25, 2020, 18:20 PM), [https://www.unodc.org/documents/southasia/reports/Scientific\\_Report25-06-13V-3.pdf](https://www.unodc.org/documents/southasia/reports/Scientific_Report25-06-13V-3.pdf).

<sup>13</sup> IndiaSpend, *With Mothers Imprisoned, Nearly 2,000 Children Had To Stay With Them In Jail In 2015*, NDTV( Feb. 19, 2020, 13:30 PM), <https://everylifecounts.ndtv.com/2015-india-17000-female-prisoners-15122>.

<sup>14</sup> R.D. Upadhyay v. State of A.P & Ors.,(1996) 3 S.C.C. 422.

<sup>15</sup> Hussainara Khaton & Ors vs Home Secretary, State of Bihar.,(1979) SCR (3) 532.

<sup>16</sup> Ananya Barua, *2.9 Lakh Await Justice: Meet the Orgs Providing Free Legal Aid to Needy Undertrials*, THE BETTER INDIA( Mar. 2, 2020,19:40 PM),<https://www.thebetterindia.com/india-free-legal-aid-jail>.



behind it being community service and electronic monitoring systems. The ankle monitoring system is given to prisoners on leave or at pre-trial stage or conditional sentence or penitentiary programmes. This system enables prisoners to work outside and earn. The monitoring officer receives notification as soon as the prisoner violates his location order with the equipment. This reduces the recidivism rate. India needs to adopt this system.

- **The Mekelle Prison Project:** The Mekelle Prison in Ethiopia has initiated a marvelous rehabilitative programme that provides decent work to prisoners through cooperatives, microfinance and microinsurance. 1280 prisoners have been trained in financial literacy and 31 active cooperatives have been established. This project mainly focuses on gender neutrality by providing equal support to women. It also incorporates business development skills in offenders.
- **Prison Cloud:** In Belgium jails, prisoners are equipped with private clouds and virtual desktops that give them access to e-learning programmes and restricted internet access providing a platform for work and entertainment. It also allows offenders to do online food purchasing. These desktops are under continuous supervision by the officers.
- **Redemption through Reading:** Another interesting programme was initiated in Brazil to solve prison overcrowding where inmates can reduce four days of their penalty just by reading a book. Books related to philosophy, classics, science and literature can be read

and at the end an essay should be written related to the book. Their reading activity is strictly evaluated by a panel. This was mainly designed to encourage the habit of reading and increasing literacy. Similar programme was proposed in Calabria, Italy but this is applicable to convicts who have been sentenced to serve more than six months in prison.<sup>17</sup>

- **Norwegian Prisons:** Norway is one of the countries with lowest incarceration rate and recidivism rate of 20% in the world.<sup>18</sup> The main reason is that it focuses on “restorative justice”. The offenders are not sentenced with life imprisonments and capital punishments with 21 years being the maximum life sentence given to criminals. The Halden prison has been regarded as the world's most humane prison by TIME Magazine<sup>19</sup>. The prison is designed in such a way that it connects inmates closely to nature and brings them back to a sense of normalcy. The prison officers support inmates by mentoring them to reform.

## CONCLUSION

The evolution of penitentiary reforms in India is dawdling. But the need for transformation has been realized all over the world as a result, laws safeguarding the rights of the prisoners have been granted by the United Nations and Constitution of India. Since then several law commissions and committees were set up to review the existing criminal justice system and have proposed recommendations. After being subjected to

<sup>17</sup> Carlo Macri, *The more books you read, the less you stay in prison. From Calabria the bill*, CORRIERE CHRONICLES (Mar. 30, 2020, 14:25 PM), <https://www.corriere.it/>

<sup>18</sup> BBC NEWS, *How Norway turns criminals into good neighbours* (Mar. 24, 2020, 19:30 PM), <https://www.bbc.com/news/stories>.

<sup>19</sup> Jessica Benko, *The Radical Humaneness of Norway's Halden Prison*, N.Y. TIMES (April. 01, 2020, 17:40 PM), <https://www.nytimes.com>.



close scrutiny it revealed that only few of them have been put into actual practice. The Supreme Court of India through its landmark judgements has been consistently protecting human rights. But are these existing reforms in India sufficient to subjugate the increasing crime rate?

Reformation needs to take place from the root level i.e. the District Courts. The Legislation, Executive and Judiciary have to work hand in hand. The criminal justice system should equip itself with the latest technology. The correctional facilities available in few prisons should reach out to all other prisons. Some of the best rehabilitation practices can be adopted from other countries in the world. Raising consciousness among fellow humans regarding the rights of prisoners is another indispensable aspect.

***After all prisoners are human beings too!***

## REFERENCES

1. Bureau of Police Research & Development, *National Policy on Prison Reforms and Correctional Administration* (2007).
2. Priyadarshi Nagda.(2017), *A socio-legal study of prison system and its reforms in India*, International Journal of Law, 3(4), 49-56.
3. Rishabh Bhargava.(2018), *A Critical Study of Prison Reforms in India*, Pen Acclaims, Vol 2, 2581-5504.
4. P.C. Harigovind.(2013), *The Indian Jurisprudence on Prison Administration and the Legislative Concerns*, IOSR-JHSS, 9(5), 24-29.
5. Doris L. Mackenzie.(2001), *Sentencing and Corrections in the 21st Century: Setting the Stage for the Future*, U.S. Department of Justice, 189089.
6. Leon Radzinowicz.(1939), *Modern English Prison System*, Modern Law Review, 121-135.
7. Dolan, K., & Larney, S. (2010). *HIV in Indian prisons: risk behaviour, prevalence, prevention & treatment*. The Indian journal of medical research, 132(6), 696–700.
8. Zubair Ahmed.(2016).*Jail reforms in India:A study of Indian Jail reform Committees*. International Journal of Multidisciplinary Education and Research, 1(3), 01-04.
9. Husna Haq, *In Brazil's prisons, inmates shorten sentences by reading*, CS MONITOR (Feb. 02, 2020, 18:30 PM), <https://www.csmonitor.com/>.
10. Editorial Team, *Prisons in Norway: Inside a Norwegian Jail*, LIFE IN NORWAY( Mar. 23, 2020, 15:50 PM), <https://www.lifeinnorway.net/prisons/>.
11. Varun Pathak, *A Brief History of Legal Aid*, LEGAL SERVICE INDIA(Feb. 19, 2020, 18:20 PM), <http://www.legalserviceindia.com/articles/laid.htm>.
12. Shilpi, *Violations of Human Rights of Prison Inmates*, LEGAL SERVICE INDIA( Mar. 15, 2020, 13:50 PM), <http://www.legalserviceindia.com/legal/>.
13. Ambekar, A., Rao, R., Agrawal, A., & Kathiresan, P. (2018). *Research on opioid substitution therapy in India: A brief, narrative review*. Indian journal of psychiatry, 60(3), 265–270. [https://doi.org/10.4103/psychiatry.IndianJPsychiatry\\_385\\_18](https://doi.org/10.4103/psychiatry.IndianJPsychiatry_385_18).
14. Bhumi, *Brief Analysis on Open Prison System in India*, LEGAL SERVICES INDIA(Feb.15,2020,13:20 PM), <http://www.legalserviceindia.com/>.
15. Asha Bhandari, A. (2016). *Women Prisoners and their Dependent Children: A Study of*



- Jaipur and Jodhpur Central Jails in Rajasthan*. Sociological Bulletin, 65(3), 357-379. (April 3, 2020) [www.jstor.org/](http://www.jstor.org/).
16. National Commission for Women, India, *A study of condition of Women prisoners & Their Children in Eastern U.P Jails* (Mar. 03, 2020, 11:42 AM), <http://ncwapps.nic.in/>.
17. M.C. Valson (1995), *Rights of the prisoner: an evolving jurisprudence*, Cochin University Law Review, Rights of the prisoner : an evolving jurisprudence.
18. Saloni Maheswari & Surbhi Agrawal, *Legal backdrop of prison reforms*, IPLEADERS (Oct. 14, 2019, 18:20 PM), <https://blog.ipleaders.in/legal-backdrop-prison-reforms/>.
19. Ritwik Sneha & Rishab Garg, *The problem of undertrials*, LEGAL SERVICE INDIA (July. 29, 10:05 AM) <http://www.legalservicesindia.com/article/1280/The-Problems-of-Undertrials.html>.
20. IASS Undertrial Prisoners, (Sep. 22, 2018, 15:30 PM), <https://iasscore.in/>.
21. Kiran Vicky, *Problems faced by women prisoners*, ACADEMIA (Mar. 6, 2019, 16:00 PM), <https://www.academia.edu/>.
22. UNODC, *Why promote prison reforms?* (Jan. 28, 2020, 13:00 PM), <https://www.unodc.org/>.
23. Madhurima Dhanuka, *Undertrial Prisoners And The Criminal Justice system*, CHRI, (2 SCC 2010, 25-32), (<https://www.humanrightsinitiative.org/download/>)
24. Angelfire, *Custodial Rape*, (March. 18, 2018, 18:00 PM), <http://www.angelfire.com/>.
25. Sahar Bhog, *What Is Custodial Rape And Why We Need To Be Discussing It*, (April. 16, 2019, 2:00 AM), <https://feminisminindia.com/>.
26. <https://wcd.nic.in/sites/pd>.
27. Vikaspedia, *Women in prisons* (Sep. 18, 2019, 18:00 PM), <https://vikaspedia.in/>.
28. INDIA TODAY, *Poor, young and illiterate: why most indian prisoners fight long lonely battles for justice*, (Nov. 15, 2019, 16:36 PM), <https://www.indiatoday.in/>.
29. Dr. Dharminder, *Judicial Pronouncements On Speedy Trial In India : An Analysis*, 2(5) 2455-2437, <http://thelawbrigade.com/>.
30. LAW JRANK, *Prisons: Prisons for women*, (May. 17, 2019, 18:00 PM), <https://law.jrank.org/pages/1805/Prisons-Prisons-Women-Problems-unmet-needs-in-contemporary-women-s-prison.html>.

\*\*\*\*\*

