



A Study of Prison System, Punishment and Types of Prisons in India

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ABSTRACT:

The word prison means different things for the different people. To the law be stable it is considered as a place where the criminals end up. To the criminal it could be an obscure hazard or an unavoidable indignity. For the social inadequate it is a shelter. To some isolated individuals it may be the only place where they can find some semblance of championship. It is the place of work for Prison officers. For the psychologist, it is a place of career in studying behavior of the prisoners. But for thousands of the people, an experience which slows up time, which crows them together, sets them apart and changes the conditions of their lives.

KEYWORDS:

Prison, People, Prisoner and Punishment.

INTRODUCTION

The word 'prison' has been traditionally defined as a place in which people are kept in custody pending trial or in which they are confined as convicts undergoing imprisonment. Prison is used as an institution to treat the criminals as a deviant so that there should be lesser restrictions and control over him inside the prison. Prison administration and management has been a part of Indian criminal justice system since ancient. The criminal justice system, with the police, the judiciary and the prison administration and management, are being analyzed at the policy making level. In fact, never before in its history, has the criminal justice system been subjected to such a criticism from the stand point of human rights of persons in custody, as at present. Prisons are environments that are likely to contain a high number of socially excluded people. However, the prisoners do not exist in a vacuum as they have lives before imprisonment, and return to these lives on release. The way in which they choose to learn and participate in society before prison, during their sentences and upon release, are important. Prison life and the conditions of prisoners have acquired crucial importance during recent years in

India. Even though prison administration and management in India is an important limb of the criminal justice system, it has suffered neglect and lack of recognition. A lot has been talked about the police, a little less about the courts and almost nothing about prisons and prisoners. The problems of prison administration need to be highlighted to focus public attention on this very vital sphere of social concern. Indian prisons are characteristically associated with loss of various civil and fundamental rights, spiritually dehumanizing and physically brutalizing prison milieu, status degradation, sexual perversions and secondary criminalization which make the reformation of the convict a false promise. Prisons in India grew mostly under the colonial design of the British Raj to seclude the people as economically as possible under dehumanizing conditions within high walls, and the dominant features of prison administration in independent India are not much different from those in British India.

Prison Concept and Definition

The English word prison came from old French 'prison' and is a place in which people are physically confined and deprived of a range of personal freedoms.¹

The prison is a place for detention of under trials and convicted people who have committed on or the other crime or have acted against the prevalent laws of the country. The word 'prison' has been traditionally defined as a place in which persons are kept in custody pending trial or in which they are confined as convicts undergoing imprisonment.² Prison is used as an organization to treat the criminals as a deviant so that there should be lesser restrictions and control over him inside the prison.³ The term prison is a generic word which applies to penal institution housing both prisoners awaiting trial and prisoners who have been sentenced by judicial authorities.

Punishment - Meaning and Definition

We use the word punishment to describe anything we think is painful; for example, we refer to a "punishing work schedule" or a "punishing exercise program." We also talk of punishment in the context of parents or teachers disciplining children. However, in this discussion we will consider punishment in a particular sense. Flew argues that punishment, in the sense of a sanction imposed for a criminal offense, consists of five elements:

1. It must involve an unpleasantness to the victim.
2. It must be for an offense, real or supposed.
3. It must be of an offender, actual or supposed.
4. It must be the work of personal agencies; in other words, it must not be the natural consequence of an action.
5. It must be imposed by an authority or an institution against whose rules the offense has been committed.

¹David A Crighton and Graham J. Towl, Psychology in Prisons, Published by B P S Blackwell Publishers, USA, Ed.II, 2008, p. 71.

²Encyclopaedia of Social Science, Published by Macmillan Publishers, London, Vol XII, 1951, pp. 57-58.

³N.V. Paranjpe, Criminology and Penology, Published by Central Law Publications, Allahabad, Ed.II, 1996, p. 244.

If this is not the case, then the act is not one of punishment but is simply a hostile act. Similarly, direct action by a person who has no special authority is not properly called punishment, and is more likely to be revenge or an act of hostility.⁴ In addition to these five elements, Benn and Peters add that the unpleasantness should be an essential part of what is intended. The value of this definition of punishment resides in its presentation of punishment in terms of a system of rules, and that it distinguishes punishment from other kinds of unpleasantness. Another definition of punishment proposed by Garland is “the legal process whereby violators of criminal law are condemned and sanctioned in accordance with specified legal categories and procedures”.⁵ Here we will discuss forms of punishment that take place as the result of legal processes defined above.

Characteristics of Prison

- The chief characteristic of prison system is, it has a unique position in the society in which organizations compete either for economic resources or for the loyalty and support of group members. It is non-competitive in the sense that no other organization challenges it directly.
- Another characteristic of prison system is, it is relatively an isolated social system. It is a structure composes of a ruling caste and a subordinate caste. The term caste is more appropriate here, however, since there is no possibility of vertical mobility across caste lines in the prison and unlike organizations of a bureaucratic type, the two castes do not share any over-all primary goal through co-operative participation in production.
- Another special feature of prison system is that it is a closed or protected system. Members of the larger society (except for the relatives of the inmates and official and non-official visitors) have no direct stake in the prison in terms of ownership, goods, services or reciprocal relations of any kind. Thus, the prison is relatively protected from outside scrutiny.
- The use of force is another characteristic of prison system. This does not mean that the inmates are systematically flogged or physically tortured. The force used is not the dynamic energy of the whip: it is the static power of tool-proof steel cells. The inflexible restraint of a square of steel is a directly felt prison experience. As time turns the thumbscrew of that square down closer on the mind, the pain may express itself in a physical sensation. When, as often happens, the isolated inmate beats his own head and hands against the walls, the bloody results cannot be easily distinguished from brutality.
- Another characteristic of this authoritarian system is regimentation and de personalization. Life goes on in an absolutely unchanging routine.
- An additional characteristic of the incorrigible unit (prison) is the ever present eye of authority.
- An equally important characteristic is the unresponsiveness of the governing authority.
- A final authoritarian characteristic of the prison system is uncertainly and indefiniteness.

⁴ Philip Bean, *Punishment: A Philosophical and Criminological Inquiry*, Published by Martin Robertson, Oxford, England, Ed.VIII, 1981, pp. 5-6.

⁵ David Garland, *Punishment and Modern Society*, Oxford University Press, Oxford, England, Ed.I, 1990, p. 17.

Importance of Prisons

In every democratic society, prison has a unique role as a formal agency of the criminal justice system. The purpose of imprisonment as a punishment is plain enough the person who has committed a wrong must suffer in return. The state through the prison is entitled if not morally obligated to hurt the individual who has broken the criminal law. Since a crime is by definition a wrong committed against the state. Imprisonment should be punishment, not only by depriving the individual of his liberty, but by imposing a kind of painful condition under which the prisoner must live within the walls. Today prisons serve main three purposes, which may be described as custodial, coercive and correctional. A prison as a place of correction historically is developing and new in conception. Earlier prisons served only the custodial function, where an alleged offender could be kept in lawful custody until he could be tried and if found guilty punished. The Digest of Justianian, in Roman law established the custodial principle with the statement that “a prison is for confinement, not for punishment” and in countries that followed Roman law the principle that imprisonment was not a legal punishment was dominant for many years. In England also the High Court judges went out to “deliver the gaols” to clear them not to fill them. The prisons of the middle ages were, therefore, concurred only with holding prisoners awaiting trial. Penal institutions were chiefly dungeons or detention rooms in secure parts of castles or city towers, used to detain prisoners awaiting trial or execution of sentence. The punishments imposed were torture, banishment, exile, death, branding, mutilation, but never imprisonment.⁶ The coercive function means that imprisonment may be used to persuade a person to comply with an order made by the court of law, whether civil or criminal; if he complies, he is released. The first use of the prison in this way was against convicted offenders, mostly for juveniles, “sturdy beggars”, vagabonds and prostitutes. This function is still active in England, since those committed for non-payment of fines or debts or for contempt of court may secure release by paying what they owe or purging their contempt. The purposes of prison is protection of the community, supply of food, clothing, shelters to convicted criminals, and protection of inmates from each other and from persons in the outside community, imposition of punishment and rehabilitation of criminals. These purposes are assigned by outsiders and are shared by institutional personal, although some of them are logically contradictory. A complex division of labour is established to attempt their achievement, and each of the purposes is achieved to some extent by the people whose institutional behaviour is patterned by the roles that make up the division of labour. The three principal sections in this division of labour are a hierarchy of custodial ranks, an industrial hierarchy, and a social welfare agency and they are devoted to keeping inmates, using inmates and serving inmates.⁷ The prisons, during the last three centuries or so have evolved to the status of an institution of social control and symbol of legitimate coercion. It is no more a resting ground in the legal process where death penalty, banishment, or life transportation may be the verdict. Rather, the institution of prison has imbibed and is influenced by the conventional norms, ideals and assumptions of humanitarianism, enlightenment and the welfare state. It not only carries the bearings of the ideals of the period, but is also impregnated with the

⁶Mohanty Amarendra, Indian Prison System, Published by Ashish Publishing House, New Delhi, 1990, p.3.

⁷Donald R. Cressy, The Prison: Studies in Institutional and Organizational Change, Published by Holt Rinehart and Winston, New York, 1961, p.5.

expediciencies of organizational science. The prison is not an autonomous body like a church. It is not an independent system of power, but an instrument of the State, shaped by its social milieu and the stage of social, political and economic development. It reacts to and is acted upon by the society as various struggle to advance their interests.⁸

The Purposes of Imprisonment

1. Prisons have existed in most societies for many centuries. Usually they have been places where individuals were detained until they underwent some legal process. They might be waiting to go on trial, or for execution or exile, or until a ransom, a fine or a debt is paid. Occasionally, individuals who posed a particular threat to the local ruler or state might be deprived of their liberty for a long period. The use of imprisonment as a direct punishment of the court was introduced to Western Europe and North America in the 18th century. It has spread gradually to most countries, often as a result of colonial oppression. In some countries, the concept of imprisoning human beings does not fit easily with the local culture.

2. Over the years there has been a lively debate, which is still going on, about the purposes of imprisonment. Some commentators argue that it should be used only to punish criminals. Others insist that its main purpose is to deter individuals who are in prison from committing further crimes after they are released, as well as to deter those who might be inclined to commit crime. Another perspective is that people are sent to prison to be reformed or rehabilitated. That is to say, during the time they are in prison they will come to realize that committing crime is wrong and will learn skills which will help them to lead a law-abiding life when they are released. Sometimes it is argued that personal rehabilitation comes about through work. In some instances, people may be sent to prison because the crime they have committed shows that they present a grave threat to public safety.

3. In practical terms, the purposes of imprisonment will be interpreted as a combination of some or all of these reasons. The relative importance of each one will vary according to the circumstances of individual prisoners. However, a more and more widely held opinion is that prison is an expensive last resort, which should be used only when it is clear to the court that a non-custodial sentence would not be appropriate.

4. The detention of individuals who are awaiting trial is a matter of special concern. Their situation is quite distinct from that of people who have been convicted of an offence. They have yet to be found guilty of any offence and are therefore innocent in the eyes of the law. The reality is that they are often held in the most restricted conditions, conditions that in some cases are an affront to human dignity. In a number of countries, the majority of people who are in prison are awaiting trial. The proportion sometimes is as high as 60 per cent. There are particular problems with the way pre-trial prisoners are treated and when the access that they have to lawyers and to their families is determined not by the prison authorities, but by another authority, such as the prosecutor.⁹

⁸Indra Jeet Singh, *Indian Prison: A Sociological Enquiry*, Published by Concept Publishing House, Delhi, 1979, p.1.

⁹Human Rights and Prisons Manual on Human Rights Training For Prison Officials United Nations, Published by United Nations Publication, New York & Geneva, Ed. XI, 2005, p.3.

Prisons in India

Prisons in India, and their administration, is a state subject covered by item under the State List in the Seventh Schedule of the Constitution of India. The management and administration of prisons falls exclusively in the domain of the State Governments, and is governed by the Prisons Act, 1894 and the Prison Manuals of the respective State Governments. Thus, states have the primary role, responsibility and authority to change the current prison laws, rules and regulations. Day-to-day administration of prisoners rests on principles incorporated in the Prisons Act of 1894, the Prisoners Act of 1900, and the Transfer of Prisoners Act of 1950. An Inspector General of Prisons administers prison affairs in each state and territory. The Central Government provides assistance to the states to improve security in prisons, for the repair and renovation of old prisons, medical facilities, development of borstal schools, facilities to women offenders, vocational training, modernization of prison industries, training to prison personnel, and for the creation of high security enclosures. The Supreme Court of India, in its judgments on various aspects of prison administration, has laid down 3 broad principles regarding imprisonment and custody. Firstly, a person in prison does not become a non-person. Secondly, a person in prison is entitled to all human rights within the limitations of imprisonment. Lastly, there is no justification for aggravating the suffering already inherent in the process of incarceration. Prison establishments in India comprise of 8 categories of prisons. The most common and standard prison institutions are Central Prisons, District Prisons and Sub Prisons. The other types of Prison establishments are Women Prisons, Borstal Schools, Open Prisons and Special Prisons. Some of the Important Prisons are discussed below:

Central Prison

The criteria for a Prison to be categorised as a Central Prison varies from state to state. However, the common feature observed throughout India is that prisoners sentenced to imprisonment for a long period (more than 2 years) are confined in the Central Prisons, which have larger capacity in comparison to other Prisons. These Prisons also have rehabilitation facilities. Maharashtra and Tamil Nadu have the highest number of 9 Central Prisons each followed by Karnataka, Bihar, Madhya Pradesh, Rajasthan and Delhi with 8 each. Arunachal Pradesh, Meghalaya, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep do not have any Central Prisons. Haryana have the number of 3 Central Prisons Ambala, Hisar-I and Hisar-II.

District Prison

District Prisons serve as the main prisons in States/UTs where there are no Central Prisons. States which have considerable number of District Prisons are Uttar Pradesh (53), Bihar (30), Maharashtra and Rajasthan (25 each), Madhya Pradesh (22), Assam (21), Jharkhand (17), Haryana (16) and Karnataka (15).

Sub Prison

Sub Prisons are smaller institutions situated at a sub-divisional level in the States. Ten states have reported comparatively higher number of sub-Prisons revealing a well organized prison set-up even at lower formation. These states are Maharashtra (172), Andhra Pradesh (96), Tamil Nadu (94), Madhya Pradesh (92), Karnataka (74), Odisha (66), Rajasthan (60), West Bengal (31), Kerala (29) and Bihar (16). Odisha had the highest

capacity of inmates in various Sub-Prisons. 8 States/UTs have no Sub-Prisons namely Arunachal Pradesh, Haryana, Manipur, Meghalaya, Mizoram, Sikkim, Chandigarh and Delhi.

Women Prision

Women Prisons are exclusively used for women prisoners, although women may also be imprisoned in other Prisons. They exist only in 12 States/UTs. Tamil Nadu and Kerala have 3 Women Prisons each and Andhra Pradesh, Rajasthan & West Bengal have 2 Women Prisons each. Bihar, Maharashtra, Odisha, Punjab, Haryana, Tripura, Uttar Pradesh and Delhi have one Women Prison each. The total capacity of women inmates was highest in Tamil Nadu

Borstal School

Borstal Schools are a type of youth detention center and are used exclusively for the imprisonment of minors or juveniles. The primary objective of Borstal Schools is to ensure care, welfare and rehabilitation of young offenders in an environment suitable for children and keep them away from contaminating atmosphere of the prison. The juveniles in conflict with law detained in Borstal Schools are provided various vocational training and education with the help of trained teachers. The emphasis is given on the education, training and moral influence conducive for their reformation and prevention of crime. Ten States namely, Andhra Pradesh, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Punjab, Rajasthan and Tamil Nadu have borstal schools in their respective jurisdictions. Haryana and Himachal Pradesh are the only states that have the capacity to lodge female inmates in 3 of their Borstal Schools. There are no borstal schools in any of the UTs.

Open Prison

Open prisons are minimum security prisons. Prisoners with good behaviour satisfying certain norms prescribed in the prison rules are admitted in open prisons. Prisoners are engaged in agricultural activities. Fourteen states have functioning Open Prisons in their jurisdiction. Rajasthan reported the highest number of 23 open jails. There are no Open Prisons in any of the UTs. India has 1,328 correctional facilities, of which 27 are Open Prisons. Open Prisons, in one form or another, have existed in India for almost half a century. They have developed differently in different states, but prison authorities have always used prison labor in agricultural and other work outside the prison. Open prisons in India can be broadly classified into three categories: Open farms, where inmates do farming and agricultural work assigned to them and live in open areas with other eligible prisoners. Open farms, where inmates do farming and agricultural work assigned to them and live in an open farm area with their families and the families of other eligible inmates. Open camps, where inmates work their own trades and occupations, build their own homes and live with their families. The advantages of open prisons in India are both practical and philosophical. From a practical standpoint, they are less costly than traditional prisons and often profitable for the state. They could help reduce crowding since they are relatively easy to establish and require few staff. Philosophically, open prisons are more humane and reduce the time inmates spend in locked rooms. They are much more effective in keeping families together and help give offenders a sense of social responsibility. According to a Rajasthan State Human Rights Commission on jail reforms

chaired by Justice A.N. Mulla in the early 1980s, the open prison gives inmates an effective exercise in selfreliance, cooperation and community living in a family atmosphere. The commission recommended that each state in India develop an institution such as Sanganer. The commission noted that the purpose of an open camp is to:

1. Minimize the damage of punishment;
2. Let the community see the offender at close quarters;
3. Lay bare an offender's day-today behavior to reveal that not every person who has committed a crime is hardened, vicious and unrelenting;
4. Demonstrate that the presence of family has a moderating effect on the offender; and
5. Show that offending, punishing, restoring and compensating are all part of the social process.

PRI, which has studied the open prisons in India and supports them, lists the following limitations

1. Open prisons are likely to succeed only in societies where the family has a role to play;
2. They have limited success with female offenders. Whereas a man's family is happy to unite with him, in a female offender's case, the family in all likelihood would rather abandon her;
3. Open camps can only succeed ff they are well explained to the public and the community, which is becoming increasingly vindictive as tension and terror increases in society; and
4. Victims and their families feel outraged by such measures, which are seen as "soft" options.¹⁰

Special Prison

Special Prisons are high security facilities that have specialized arrangements for keeping offenders and prisoners who are convicted of terrorism, insurgency and violent crimes. Special Prison means any prison provided for the confinement of a particular class or particular classes of prisoners which are broadly as follows:

1. Prisoners who have committed serious violations of prison discipline.
2. Prisoners showing tendencies towards violence and aggression.
3. Difficult discipline cases of habitual offenders.
4. Difficult discipline cases from a group of professional criminals.

Kerala has the highest number of special Prisons nine. Provision for keeping female prisoners in these Special Prisons is available in Tamil Nadu, West Bengal, Gujarat, Kerala, Assam, Karnataka and Maharashtra.¹¹

¹⁰Glanville Williams, Learning the Law, Published by Cambridge University Press, Ed,XI, 1982, p. 3.

¹¹Rajeev Mehrishi, Prision Statistics India, Published by National Crime Records Bureau, EdXX, 2014, p.15.

Other Prisons

Prisons that do not fall into the categories discussed above, fall under the category of Other Prisons. Three states Goa, Karnataka & Maharashtra have other Prison each in their jurisdiction. No other state/UT has an other prison. The capacity of inmates (male & female) reported by these three States in such Prisons was highest in Karnataka (250) followed by Goa (45) and Maharashtra (28).¹²

Prisoner: Concept and Types of Prisoners

A prisoner, also known as an inmate, is a person who is deprived of liberty against their will. This can be by confinement, captivity, or by forcible restraint. The term applies particularly to those on trial or serving a prison sentence. Any person confined in prison under the order of a competent authority.¹³ At the time when reaction to crime was purely punitive, there was no need for classifying prisoners and all of them were flocked together in a single prison. This system of singular treatment of criminals, however turned the prisons into a living hell on earth with all sorts of vices. The sole object of prisonisation in those days was to subject the inmates to maximum torture and pain and therefore there was no need to classify them. With the evolution of penal science during the late eighteenth and early nineteenth century, the offenders were classified into different categories according to their sex, age and gravity of offence. Even at this time, objective approach to prisoners was not known. It was towards the end of 19th century that the idea of individualization of prisoners drew attention of penologists and this principle has since then been firmly established into practice. Individualization of offender as a method of rehabilitation has now become the cardinal principle of modern penology. Evidently in the changed circumstances the earlier classification of criminals on the basis of their physical differences serves no useful purpose. Therefore modern penologists have worked out an objective classification of prisoners according to differential treatment. In spite of being lodged in maximum security prisons, the modern prisoners are placed in quasi-penal and even non-penal institutions for their reformation. The prisoners are now classified according to the treatment to which they are likely to respond to most favourably. In the modern context, social-defence, namely the protection of society from criminals is the prime object of punishment while classification of prisoners for treatment is the method of it. To achieve this end the criminals are classified in to two broad categories, viz, (1) hardened criminals who are fit for treatment in a conventional jail, and (2) casual criminals, who are fit for treatment in a medium-custody jail or even fit to be sent to Borstal or Reformatory or released on probation.¹⁴

Under the present correctional system in United States the task of classifying inmates for their rehabilitation is performed by the following agencies:-

¹²Rajeev Mehrishi, Prision Statistics India, Published by National Crime Records Bureau, Ed.XX, 2014, p.37.

¹³Goa Prison Rules. (2006). which has been approved by Government of Goa on 12-10-2006 by way of Notification: 9/29/2004-HD(G)/Part .

¹⁴N.V. Paranjape, Criminology and Penology, Published by Central Law Publication, Allahabad, 2008.

- (1) The Central Classification Centre;
- (2) The Classification Committee; and
- (3) The Reception Centre.

All the convicted persons are first brought before the Central Classification Centre where their antecedents, past history and mental attitude etc. are thoroughly examined by the expert psychologists and psychiatrists. If in the opinion of these experts the inmate is considered responsive to reformation, he is sent to an appropriate correctional institution as recommended by the Central Classification Centre. There is a Classification Committee associated with each correctional institution which decides the outline of treatment programme for individual inmate according to his mental attitude, psychology and possible reaction to the treatment. The Reception Centre at each Correctional Institution, on the other hand, receives the new inmate on a trial basis for a month or so and plans to prepare him for his subsequent stay in the institution. Thus the major function of Reception Centre according to Donald Traft is "inmate-orientation through group meetings, pictures booklets and interviews". If this pattern of classification of prisoners is adopted in India, the prison authorities may find it easy to tackle the problems of prison and prisoners and at the same time it may also accelerate the reformation of prisoners.¹⁵ Prison inmates lodged in Indian prisons are categorised as Convicts, Undertrials and Detenues. A convict is "a person found guilty of a crime and sentenced by a court" or "a person serving a sentence in prison". An Undertrial is a person who is in Indian jails in relation to non-Indian Penal Code (IPC) crimes are classified as civil prisoners. They consist of Convicts and Undertrials.¹⁶

The Prisons Act 1894 talks about the following types of prisoners:-

Section 23. Convict officers. Prisoners who have been appointed as officers shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860 (45 of 1860).

Section 27. Separation of prisoners. The requisitions of this Act with respect to the separation of prisoners are as follows:

- (1) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or separate parts of the same building, in such a manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;
- (2) In a prison where male prisoners under the age of twenty-one are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;
- (3) Civil prisoners shall be kept apart from criminal prisoners. Association and segregation of prisoners. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

¹⁵ Ibid.

¹⁶ Rajeev Mehrishi, Prison Statistics India, Published by National Crime Records Bureau, Ed. XX, 2014, p.73.

Solitary confinement. No cell shall be used for solitary confinement unless it is furnished with the means enabling the prisoner to communicate at any time with an officer of the prison, and ever prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

Prisoners under Sentence of Death

Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by the order of, the Superintendent and all articles shall be taken from him, which the Superintendent deems it dangerous or inexpedient to leave in his possession. Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard. Prison inmates lodged in various prisons are categorised as Convicts, Undertrials and Detenués. This population can also be further classified on other parameters such as Gender, Nationality, Mental health etc. Unconvicted criminal prisoners shall be kept apart from convicted prisoners;

Adolescent Prisoner

Any person as who have been convicted of any offence punishable with imprisonment, or who having been ordered to give security under section 117, Code of Criminal Procedure, 1973 (Central Act 2 of 1974) has failed to do so and who at the time of such conviction or failure to give security, is not less than 18 years, but not more than 21 years of age. b) who has been committed to prison custody during the pendency of his trial and who at the time of commitment, is not less than 18 years, but not more than 21 years of age.

Adult Prisoner

Any prisoner who is more than 21 years of age.

Casual Prisoner

A convicted criminal prisoner other than a habitual offender. Prisoner means any individual involuntarily confined or detained in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute, individuals detained in other facilities by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing.

Civil Prisoner

Any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a court martial and who is not a detenué.¹⁷

Convict Prisoner

Any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure of 1973 and the Prisoners Act of 1900.¹⁸

¹⁷Rajeev Mehrishi, Prison Statistics India, Published by National Crime Records Bureau, Ed.XX, 2014, p.69.

Detenue Prisoner

Any person detained in prison at the order of the competent authority under the relevant preventive laws.

Habitual Offender

A prisoner classified as such in accordance with the provisions of the law or rules. A habitual criminal offender, also known as a repeat offender, refers to a person who has been previously convicted of one or more crimes in the past and is currently facing new charges. Although many habitual offenders tend to commit the same type of crime over and over again, a person does not necessarily have to commit the same crime in order to be called a repeat or habitual offender.

Inmate

Any person kept in an institution. An inmate is a person who lives in a specific place, especially someone who's confined there, like a prisoner. You can call yourself an Inmate if you get sent to your room, but usually inmates are behind bars.

Military Prisoner

A prisoner convicted by court martial. A military prison is a prison built and maintained by the military, which may be used to hold members of the military who have committed crimes relating to military service, prisoners of war, or people who are threats to national security. The conditions in this type of prison and the way in which the prison is used depends on the country in question. In some areas, prisoners in this type of facility might receive better treatment than prisoners who have committed other crimes, particularly because there are often strict rules about ethical treatment of prisoners that are externally monitored. Even so, the conditions inside a military prison may not be as transparent as they seem, and prisoners may be treated very poorly in some cases. Most countries have a military prison system of some sort, but some are more defined than others. The first type of military prisoner housed in this type of prison consists of people involved with the military who have committed a crime relating to the military. Typically, these prisoners have been convicted by a military court. In this sense, a military prison can be used to punish offenders. The other type of prisoner most often housed in a military prison is usually not guilty of committing a crime within the military, but rather is an enemy of the nation or an enemy combatant. Prisoners of war are usually held in this type of prison, but this is not a system explicitly designed to punish prisoners. There are many international rules regarding the treatment of this type of prisoner while within prison, and breaking these rules can have dire consequences for a country. Certain criminals may be considered particularly dangerous for a nation and may be housed in a military prison as well. These criminals, who may include terrorists or spies, are often more vulnerable to poor treatment than prisoners of war. It is sometimes considered acceptable to interrogate this type of prisoner to obtain information. Judgment of this type of criminal is also complex, so a prisoner of this sort may not even be guilty when he or

¹⁸Brenda V. Smith, "The Prison Rape Elimination Act: Implementation and Unresolved Issues Torture, Volume 1, Issue 3, 2008.

she is sent to prison. Quality and fairness of a military prison can often be taken to represent the ethics of a military organization itself. These prisons are run entirely by the military, and treatment of prisoners reflects the attitude of the military, as it might be manifested without direct oversight. Looking at behavior within a military prison can therefore be used to talk about changes that need to be made overall to make sure that a military organization behaves ethically in all activities. Quality and fairness of a military prison can often be taken to represent the ethics of a military organization itself. These prisons are run entirely by the military, and treatment of prisoners reflects the attitude of the military, as it might be manifested without direct oversight. Looking at behavior within a military prison can therefore be used to talk about changes that need to be made overall to make sure that a military organization behaves ethically in all activities.

Objectives of the Study

- To assess the awareness of Law provisions enshrined in various Acts among prisoners.
- To examine the adequacy of Prison/Jail Manual in the light prisons Acts Provisions.

Hypotheses of the Study

The organizational management and administrative setup of Prisons in Haryana State is quite satisfactory. The present Prison Management in Haryana does not properly incorporate the modern correctional treatments for prisoners. The rights regimes for prisoners are quite comprehensive and satisfactory. Prison laws and prison manuals intended to protect the fundamental rights and human rights of the prisoners are not being adhered to in letter and spirit and there are no proper mechanisms to monitor the implementation of the laws and manuals.

Research Methodology

Both empirical and doctrinal methods will be followed in this study. The empirical study aims to analyze the prison management in the light of the problems of inmates lodged therein. For the purpose of the study, a formal permission from the prison authority will be obtained. The inmates will be requested to answer the questionnaire, those who willingly agreed were given the questionnaire. Approx. 600 Respondents will have been part of this study and they include both convicts and under-trials. Keeping in view the objectives of the study, both primary and secondary sources of data will have be used. The primary data is collected from the prisoners. The primary dates will be collected with the help of well-structured interview schedules. The secondary data will be collected from reports and files of jail department, books, journal, magazines, newspapers, NGOs reports, National crime records, Bureau reports, National Human Rights Commission Reports, etc. The data will be analyzed with the help of appropriate statistical techniques.

CONCLUSIONS AND SUGGESTIONS

The prisons are no more the institutions designed to achieve only the retributive and deterrent aspects of punishment. They are now the places where the prisoners are lodged not as forgotten and forsaken members of the society but as human beings who have to go out to their surroundings as well behaving and reformed

persons. The post-independence era witnessed the formation of Model Prison Rules, enhanced vocational training, and scope for prison visit, periodic supervision and introduction of wage system. On the whole, attempts to modify the prison culture by shifting from cruelty to humanism were clear. Now there is a shift from the individualization of punishment policy to the progressive new form of individualization of treatment. Prisons are no longer regarded only as places for punishment with the changing perception towards prisoners. In the early days of the post-independence era, the courts did not adopt liberal attitudes towards prisoner's claims of various freedoms concomitant to the fundamental rights concepts. But when the Constitution was adopted and the people got their fundamental rights guaranteed, prisoners' rights also began to draw the attention of the legislators and the judiciary. The Courts have taken the cognizance of the letters and telegrams sent by the prisoners and have triggered off the judicial machinery to protect them, unmindful of the violation of the through proper channel procedure required to be followed by the prisoners while communicating outside.

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