

Life After Prison and Rehabilitation

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ABSTRACT

“The hope of the world lies in the rehabilitation of the living human beings, not just the mind but also the souls.”

-Vaclav Havel

The reformatory theory of India believes that regardless of whether a wrongdoer perpetrates a wrongdoing, he will still remain a human being and every human deserves a second chance in life. There could be various reasons as to why a person has been incarcerated but the life after it is more or less the same for them. The innumerable challenges that comes their way in socializing along with the jeopardized mental health makes it arduous to regain their lives. Moreover, it is not just the incarcerators who have to face such challenges but their family and friends too who either completely stop socializing or become heartless over the period of imprisonment. It requires courage, efforts and willpower too again start everything, it is like being reincarnated. Therefore, it must be taken as an opportunity to rebuild one's life in a new and better way however, the society should also learn to accept them back and broaden their mindset to be able to give a fresh perspective to life after prison and rehabilitation.

KEYWORDS: incarcerated, arduous, rehabilitation, socializing, opportunity.

INTRODUCTION

According to the NATIONAL CRIME RECORDS BUREAU (Ministry of Home Affairs) the status of convicts release, under trial release and under trial inmates release in the year 2021 was **93,077**, **14,68,627** and **591** respectively. This data interprets that in India around **15.7 lakhs** prisoners have been released after fulfilling their period of punishments or on bail and now they have to step into the world again which is in contrast with the 6 by 8 feet prison.

Since India is following the reformatory theory of punishment which means that in India the offenders are given an opportunity to reform themselves to be a better version of them and prove them as a changed citizen of the country who is no longer a threat to the society. Keeping this theory in mind the Central Government has taken progressive steps towards building various rehabilitation centers inside the prison cell. Moreover, the Center has prepared a new prison Act to replace the 130 year old pre independence law by “Model Prisons Act, 2023”. The previous Act had focused on how to keep the criminals in custody and maintaining discipline in the prison without any attention on the reformation and rehabilitation of the prisoners who will one day step out of the cell and face the cut throat society. The Act has brought changes like introducing provisions of granting of paroles, furlough and remission of prisoners for encouraging their good conducts, creating special provisions for transgender and women ensuring their physical and mental well being.

LITERATURE REVIEW

- **Digital Prison Rehabilitation and successful re-entry into the society by Eugenia Zivanai & Gilbert Mahlangu:**
This paper talks about digitalization promotes incarceration people's social skills, self esteem, rehabilitation, and re-integration into society. Yet, many offenders are digitally incapacitated because they have never utilized digital technology or because they were denied access to any while incarcerated.
- **Rehabilitation and social behavior: Experiments in prison by Loukas Balafoutas:**
This paper talks about the economic and social significance of crime reduction and criminals' rehabilitation, research evaluating the effects of incarceration on behavior is surprisingly scarce. It reveals that inmates generally become less pro-social towards this out-group the longer they remain incarcerated.
- **A study on rehabilitation of offenders- Whether it works? By Janice Castelino:**
This paper talks about the way in which rehabilitative approach can be put in order to help offenders to gain the benefit of the same.
- **The complexity of rehabilitation in open and closed prison settling by Lana Osment:**
This paper talks about the study that prisoners in open prison are more readily rehabilitated compared to those in closed prison. Furthermore, life in prison is characterized by control and organized forms. The study further revealed that social workers significantly impact the process and degree of rehabilitation of prisoners and therefore play a critical role in the successful reintegration of ex-offenders.
- **Prisoner's perspectives on limited rehabilitative program opportunities by Kerry Edwards:**
This paper talks about the prison's operational structure impeded program access and the study's participants who experienced blocked access were negatively affected, not receiving needed rehabilitative programming and, separately, suffering from the act of disenfranchisement from services.

RESEARCH GAP

Life after prison is challenging and requires careful consideration and support. The individuals who have released from the prison face multitude challenges that make it difficult for them to reintegrate in the society.

There has been a comparison between old Prison Act, 1894 and the new Model Prison Act, 2023 and it was found that the 130 year old pre independence law focuses more on the smooth functioning of the prison rather than rehabilitation and reformation. Therefore, a need occurred for the new Act which showed significance attention on the reformation of the prisoners and make them a better version of themselves.

RESEARCH OBJECTIVE

- ❖ To examine the prisoner's life after their release and the challenges coming in their way in reintegration with society.
- ❖ The requirement of replacement for a 130 years old Prison's Act and formulation of the Model Prisons Act, 2023.

RESEARCH METHODOLOGY

Doctrinal Research:

It refers to a systematic procedure of observing and describing what a subject does without influencing them. It includes surveys, interviews, case studies and observations. It aims at getting answers to what, when, where and how of and achieve an in depth information about the title. It is used best for accumulating unbiased data that reveals behaviors or recurring phenomenon.

Diagnostic Research:

It determines the root cause of the problem and finds the most effective solution. It is used in targeting the area of improvements and potential opportunities for growth. It is used for underlying the causes of an issue and how to address it.

ANALYSIS AND DISCUSSION

“What you do today can improve all your tomorrows.”

- Ralph Marston

Individuals who have been released from the prison face multitude of challenges that can hinder their successful reintegration in the society. These challenges include finding housing, securing employment, and obtaining education. Reintegration in the society is not an easy task and comes with numerous challenges that ex prisoners must overcome. There are financial hardship, difficulties in accessing housing, stigma and mental and physical health issues. Furthermore, they may be exposed to the same environment that led them to offend, increasing their risk of re-offending. However, the successful re-entry depends on the various factors like:

- ✓ Length of the prison sentence
- ✓ The nature of the offence

LENGTH OF THE PRISON SENTENCES:

Longer prison sentences can present greater challenges during reentry in the society. Individuals who have been incarcerated for an extended period may find it more burdensome to come and adjust in the world due to change in technologies, societal norms, and personal relationships.

The length of the prison can be crucial in terms of **employment** aspects also. The employers will be hesitant to hire considering the history of long term incarceration, the job market may have changed during that time, making it harder to find suitable employment.

Society may look at these individuals who have served longer sentences as more dangerous to the public at large and less capable to rehabilitation.

Longer length of prison sentence can have serious impact on mental health. Stress, anxiety, societal pressure, depression can be some of the issues they have to deal with on daily basis in their life after prison.

Longer sentences can strain family relationships, it becomes heavy to maintain relationship with family members and the by that time the dynamics of family change with makes the process even more arduous.

THE NATURE OF THE OFFENCE:

The nature of offence can have serious impact on the individual's life after prison. Individuals convicted of serious offenses, such as violent crimes or offences involving dishonesty, may face greater challenges

in finding employment. Many employers conduct background checks, and a history of serious criminal offences can lead to discrimination in the hiring process.

The severity of the offence can influence how the individual is received by society upon release. For example, individuals convicted of non-violent offences may find it easier to reintegrate compared to those convicted of violent crimes.

The nature of offence may also determine whether individuals face additional **legal consequences** or restrictions after serving their sentences. For instance, certain offences may result in the loss of certain civil rights, such as the right to vote or own a firearm.

A strong determination to stay on the right path may lead individuals to comply with the conditions of their probation and parole. This includes attending counseling sessions, adhering to curfews, and avoiding activities that could lead to re-offending.

There are some more common aspects to be considered examining the prisoner's life after their release and the challenges coming in their way in reintegration with society:-

- Employment
- Housing
- Mental health and substance abuse
- Legal obligations
- Education and development skills
- Avoiding triggers and old habits
- Personal responsibility and accountability
- Legal rights advocacy.

EMPLOYMENT:

Employment plays a critical role in the post-prison life of individuals and can have a profound impact on their successful reintegration into society. Here are several ways in which employment influences life after prison:

- ✚ **Financial Stability**- employment provides individuals with a source of income, contributing to financial stability. Financial independence allows them to meet basic needs such as housing, food, and transportation, reducing the risk of returning criminal activities due to economic desperation.
- ✚ **Increased Self-Esteem and Confidence**: employment can boost an individual's self esteem and confidence. It provides a sense of accomplishment, validation, and a positive identity, which are crucial for rebuilding one's life after incarceration.
- ✚ **Legal Compliance**: employment is often a requirement for individuals on probation and parole. Maintaining stable employment is a positive indicator of an individual's commitment to complying with legal obligations and staying on the right side of the law.
- ✚ **Housing Stability**: employment is closely tied to housing stability. It enables individuals to secure and maintain housing, reducing the risk of homelessness, a factor that can contribute to a cycle of criminal behavior.
- ✚ **Professional Networking**: through employment individuals can build professional networks that may open up additional opportunities for career advancement, skill development, and long term success.

HOUSING:

Addressing the housing aspect of life after prison can be seen as one of the crucial aspect for promoting successful reintegration in the society. Here are some key aspects-

- ✦ **Housing Discrimination:** Formerly incarcerated individuals often encounter discrimination in the housing market. Landlords may be reluctant to rent to someone with a criminal background may result in automatic disqualification.
- ✦ **Homelessness:** A significant number of individuals leaving prison may experience homelessness, either temporarily or for more extended periods. Lack of stable housing increases the risk of offending and hinders efforts to rebuild one's life.
- ✦ **Limited Housing Options:** Former inmates often face limited housing options due to stigma, criminal records, and financial constraints. Many landlords may be reluctant to rent to individuals with a criminal history, making it challenging for ex-prisoners to secure stable housing.
- ✦ **Employment and Housing Interconnection:** securing stable housing is closely linked to employment opportunities. Limited access to housing can impede an individual's ability to find and maintain employment, creating a cycle of challenges in the post-prison period.
- ✦ **Mental Health Impact:** The stress of finding housing and the fear of rejection can have a significant impact on an individual's mental health. Addressing mental health concerns is crucial for the reintegration in the society.
- ✦ **Legal Barriers:** Certain legal barriers, such as restrictions on public housing for persons with certain criminal records, can further limit housing options. Navigating these legal challenges is essential for successful reintegration. However, there are legal provisions that help in eliminating these barriers and are pro in re integration in the society.

- **CONSTITUTION OF INDIA:** Article 14 of the Indian Constitution guarantees the right to equality and non-discrimination on the grounds of religion, race, caste, sex, or place of birth is enumerated under Article 15. Ex-prisoners, like any other citizens, have the right to reside in public housing unless specific legal restrictions apply.

- **INDIAN PENAL CODE, 1860:** Section 153A criminalizes the use of language that promotes discrimination or violence against people basis of race, caste, sex, place of birth, religion, gender identity, sexual orientation, or any other category.

- **UNIVERSAL DECLARATION HUMAN RIGHTS:** Article 1 says all human beings are born free and equal in dignity. Article 5 says no one shall be subjected to torture or to cruel inhuman or degrading treatment and punishment.

- **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS:** Article 7 says freedom from torture or cruel inhuman or degrading treatment and punishment. Article 10 says the inherent dignity of the human person and the right to be treated with humanity and respect for the inherent dignity of the person deprived of liberty.

MENTAL HEALTH AND SUBSTANCE ABUSE:

Addressing mental health and substance abuse in the post prison period requires a holistic and individualized approach. It involves collaboration between mental health professional, substance abuse treatment providers, community organizations, and support networks to promote successful reintegration and long term well-being. Here are some key aspects-

- ✚ **Co-occurring Disorders:** Co-occurring disorders, where individuals experience both mental health and substance abuse issues, are common. It's essential to recognize both aspects simultaneously for effective treatment and rehabilitation.
- ✚ **Stigma Barriers To Treatment:** Stigma surrounding mental health and substance abuse can prevent individuals from seeking help. Barriers to accessing treatment, such as limited resources or lack of awareness about available services, can further complicate the situation.
- ✚ **Trauma Informed Care:** Many individuals leaving the prison have experienced trauma, and a trauma informed approach to care is essential. This involves understanding the impact of trauma on an individual's life and tailoring treatment strategies accordingly.
- ✚ **Substance Abuse Challenges:** Factors such as addiction, withdrawal, and difficulty accessing rehabilitation programs contribute to the challenges of overcoming substance abuse.
- ✚ **Re-entry Stressors:** The process of reintegration into the society comes with its own stressors, which can exacerbate mental health and substance abuse issues. Challenges such as finding employment, stable housing, and rebuilding relationships can be overwhelming.

LEGAL OBLIGATIONS:

Individuals who have been released from prison often face various legal obligations as part of their reintegration into society. These obligations are typically imposed to ensure public safety, support successful reentry, and hold individuals accountable for their actions. Here are some key aspects-

- ✚ **Drug Testing:** individuals with a history of substance abuse may be required to undergo regular drug testing as a condition of parole or probation.
- ✚ **Payment of Restitutions:** Individuals may be required to pay restitution to victims as a way of compensating them for any financial losses incurred as a result of the individual's criminal activities.
- ✚ **Travel Restrictions:** Individuals may have limitations on travel, wither within a specific geographic area re requiring permission before traveling outside of the jurisdiction.
- ✚ **Firearm Restrictions:** individuals with certain convictions may be prohibited possessing firearms. Violating these restrictions may have severe consequences.
- ✚ **Financial Obligations:** In addition to restitution individuals may have financial obligations, such as court fees, fines, or other financial penalties that must be paid.
- ✚ **Electronic Monitoring:** Some individuals may be subject to electronic monitoring such as ankle bracelets, as a means of tracking their movements.

EDUCATION AND SKILL DEVELOPMENT:

After leaving the prison education and skill development can be crucial element for successful come back in the society. It can help in enhance employability, promote personal growth, and reduce the likelihood of recidivism. Here are some key aspects-

- ✦ **Adult Education programs:** It offers opportunities for individuals to obtain a high school diploma or equivalent (GED). This foundation education is essential for pursuing further educational and vocational opportunities.
- ✦ **Vocational Training:** Vocational training program provides practical skills and certifications in specific trades and industries. These programs can enhance an individual's employability and open doors to various job opportunities.
- ✦ **Re-entry Educational Initiatives:** Some organizations and community programs specifically focus on providing educational support for individual's re-entry in society. These often offer a combination of educational, vocational, and personal development services.
- ✦ **Online Learning Opportunities:** Online courses and distance learning programs provide flexibility for individuals to acquire new skills or expand their knowledge base. This is particularly valuable for those who may face transportation or scheduling challenges.
- ✦ **Entrepreneurship Training:** Entrepreneurship training programs empower individuals to start their own business. These programs often cover business planning, financial management, and other essential skills for entrepreneurship.
- ✦ **Computer Literacy and Technology Training:** Given the increasing reliance on technology in the workplace, training in computer literacy and technology skills is essential. Thus include basic computer skills as well as proficiency in software relevant to various industries.
- ✦ **Soft Skills Development:** Soft skills, such as communication, interpersonal skills, and emotional intelligence, are crucial in the workplace. Training programs that focus on these skills contribute to successful integration into the workplace.

AVOIDING TRIGGERS AND OLD HABBIT:

Breaking free from negative patterns of behavior and avoiding situations that can lead to relapse is essential for maintaining a positive and productive lifestyle. Here are some strategies to help individuals navigate this aspect of life after prison:

- ✦ **Identifying Triggers:** Understanding personal triggers is the first step. Triggers can be people, places, situations or emotional states that prompt a desire to engage in old habits. Identifying these triggers is crucial for developing strategies to avoid to cope with them.
- ✦ **Develop Coping Strategies:** instead of relying on habits to cope with stress or challenging emotions, individuals should work on developing healthier coping strategies. This might include deep breathing, mindfulness, exercise, or engaging in positive activities.
- ✦ **Avoid High Risk Environment:** Steer clear of environments that may trigger old habits or expose individuals to negative influences. This may involve making conscious decisions about where to live, work, and socialize.
- ✦ **Set Clear Boundaries:** Establishing clear boundaries with individuals who may have been associated with old habits is important. Communicate assertively about personal boundaries and make decisions that prioritize personal well-being.
- ✦ **Develop a Routine:** Creating a structured daily routine can help individuals stay focused on positive activities and reduce the likelihood of falling back to old habits. Structure provides stability and a sense of purpose.

- ✦ **Child and Family Support Services:** Programs that provide support for individuals with families, including childcare services and family counseling, contribute to the stability of the family unit during the re-entry process.
- ✦ **Legal Education and Rights Awareness:** Community resources that educate individuals about their legal rights and provide information about navigating the legal system contribute to informed decision making.
- ✦ **Community Based Re-entry Initiatives:** Community initiatives specifically focused on re-entry provide a comprehensive approach, addressing various needs and challenges faced by individuals returning from prison.

PERSONAL RESPONSIBILITY AND ACCOUNTABILITY:

Personal responsibility and accountability are fundamental aspects of a successful life after prison. Taking ownership of one's actions and decisions is crucial for positive reintegration into the society. Here are key aspects of personal responsibility and accountability in the post prison period:

- ✦ **Compliance with Legal Obligation:** Individuals must adhere to the conditions of parole, probation or any other legal requirements. This includes meeting regularly with supervisory officers, attending court-ordered programs, and fulfilling restitution obligations.
- ✦ **Self Restrictions and Insights:** Regular self-reflection allows individuals to gain insight into their behaviors, attitudes, and decision-making processes. Understanding the factors that contributed to past mistakes can help in making positive changes.
- ✦ **Continuous Learning and Personal Growth:** Embracing the mindset of continuous learning and personal growth reflects a commitment to self-improvement. This can involve acquiring new skills, expanding knowledge, and adapting to changing circumstances.
- ✦ **Adherence to Ethical and Moral Standards:** Upholding ethical and moral standards is integral to personal responsibility. Individuals are accountable for their actions not only in a legal sense but also in terms of their impact on others

LEGAL RIGHTS ADVOCACY:

Legal rights advocacy plays a crucial role in supporting individuals as they navigate life after prison. Advocacy efforts focus on ensuring that individuals with a criminal history have access to their rights, fair treatment, and opportunities for successful reintegration into society. Here are key aspects of legal rights advocacy in the post-prison period:

- ✦ **Record Sealing:** Legal rights advocates work to promote and facilitate the process of record sealing for individuals with criminal records. Clearing or sealing of records can significantly improve employment prospects and reduce stigma.
- ✦ **Voting Rights:** Efforts to restore voting rights of the individuals with felony convictions are part of legal rights advocacy. Advocates work to eliminate or reform laws that restrict voting based on criminal history.

Right to Vote is a Fundamental Right as guaranteed by the Constitution. There are some relevant provisions-

- **UNIVERSAL ADULT SUFFRAGE-** Article 326 of the Indian Constitution provides for universal adult suffrage which means that every citizen of India who is above 18 years of age and above has the right to vote in elections.

- **DISQUALIFICATIONS**- Certain individuals are disqualified from voting, such as convicting of certain offences or when found guilty of corrupt practices in elections.

+ **Access to Education**: Advocacy initiatives focus on removing barriers to education for individuals with criminal records. This includes challenging policies that may limit access to financial aid or educational programs.

- **RIGHT TO EDUCATION**- It is a Fundamental Right that is enshrined under Article 21-A of the Indian Constitution inserted by the 86th Constitutional Amendment in 2002. It says that the State shall provide compulsory education to all children of the age of six to fourteen years in such manner as the State may by law determine.

+ **Restoration of Civil Rights**: Advocates work towards restoration of Civil Rights for individuals with criminal records, including rights related to gun ownership, professional licensing, and other civil liberties.

+ **Addressing Racial Disparities**: Advocacy efforts often address racial disparities within the criminal justice system, working to eliminate discriminatory practices and promote equality in the treatment of individuals with criminal records.

“Reformation is not just fixing what is broken; it’s about creating something new”

-Robin Sharma

Reformation theory in law emphasizes the need for rehabilitation, restoration, and positive change rather than solely focusing on punitive measures.

The importance of rehabilitation in life after prison is multifaceted and encompasses various aspects that contribute to personal growth, reduced recidivism, and the overall well-being of individuals.

Some rehabilitation approaches incorporate restorative justice principles, emphasizing accountability, victim-offender dialogue, and making amends. This approach encourages individuals to understand the impact of their actions and take steps to repair harm.

Rehabilitation humanizes the justice system by recognizing the potential for positive change in individuals. It shifts the focus from punitive measures alone to a more holistic approach that considers the well-being and transformation of the individual.

In India, the rights and rehabilitation of ex-prisoners are governed by various legal provisions, both at the constitutional and statutory levels. Here are key aspects of Indian Laws:

➤ **PROBATION OF OFFENDERS ACT, 1958:**

This Act provides for the release of certain offenders on probation instead of sentencing them to imprisonment. It aims to promote the rehabilitation of offenders in the community.

-Section 3 enumerates that the court has the power to release offenders after admonition.

-Section 4 enumerates the power of the court to release certain offenders on probation of good conduct.

➤ **CODE OF CRIMINAL PROCEDURE, 1973:**

The Code of Criminal Procedure contains provisions related to the release of prisoners, including bail and parole.

-Section 436 deals with bail for prisoners

-Section 432 provides for release of prisoners on good conduct.

➤ **LEGAL SERVICES AUTHORITIES ACT, 1987:**

This Act aims to provide free legal aid to the poor and marginalized, including prisoners. Legal aid services can be crucial for ex-prisoners seeking assistance in various legal matters. Article 39-A of the Indian Constitution provides provisions for Free Legal Aid

➤ **NATIONAL LEGAL SERVICES AUTHORITIES (NALSA):**

It is an organization that provides legal aid and services. It is a source of assistance for ex-prisoners.

➤ **JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015:**

For individuals who were juveniles at the time of their offences, this Act provides a separate legal framework focusing on rehabilitation and reintegration.

➤ **NATIONAL CRIME RECORDS BUREAU (NCRB):**

NCRB collects information and maintains data related to crime and prisoners. It provides statistical information relevant to the criminal judicial system, including rehabilitation efforts.

INITIATIVES BY THE GOVERNMENT FOR REHABILITATION AND REFORMATION OF THE EX-PRISONERS

✓ **NATIONAL INSTITUTE OF SOCIAL DEFENCE:**

Under the Ministry of Social Justice and Empowerment, the NSID focuses on training professionals in the social defense sector and is involved in various programs related to the rehabilitation of socially disadvantaged groups, including ex-prisoners.

✓ **PRISON FELLOWSHIP IN INDIA:**

Prison Fellowship in India is an organization dedicated to the transformation and reintegration of prisoners. They work on various rehabilitation programs, including post-release support for ex-prisoners.

THE NEED FOR MODEL PRISON ACT, 2023 AND REPLACEMENT OF THE PRISONS ACT, 1894

The Ministry of Home Affairs (MHA) has prepared the Models Prisons Act, 2023 that will replace a British era law of 1894, to overhaul the prison administration that will focus on the reformation and rehabilitation of the inmates.

Need:

- ✓ There are **several lacunae** in the old pre-independence Act.
- ✓ The Prisons Act, 1894 mainly focuses on keeping the criminals in custody and enforcement of discipline and order in prisons. There was **no provision for reform and rehabilitation of prisoners.**

Salient Features:

- ✓ Provisions for **protecting society from the criminal activities** of hardened criminals and habitual offenders.

- ✓ Providing legal aid to prisoners, parole, furlough and premature release to incentivize good conduct.
- ✓ Security **assessment and segregation of prisoners**, individual sentence planning; grievance redressal, prison development board, attitudinal change towards prisoners and provision of separate accommodation for women prisoners, transgender, etc.
- ✓ There are provisions for use of technology in prison **administration with a view to bring transparency in prison administration**, provision for videoconferencing with courts, scientific and technological interventions in prisons, etc.

Significance:

The Models Prisons Act, 2023 is expected to bring much needed reforms to the Indian Prison System and align it with international standards.

Women and Children:

- ✓ Women criminals are relatively low in number. They face both **physical and mental problems including lack of sanitation** facilities, lack of care during pregnancy, lack of educational training.
- ✓ Children are mostly kept in **correctional homes rather than jails so that they can reform themselves** and go back to their normal life. However, they also face a lot of abuse and undergo psychological traumas.

COMMITTEES FORMED FOR REHABILITATION AND REFORMATION.

- **Mulla Committee (1983)**

The Mulla Committee has put forth notable recommendations, including enhancing prison conditions through the provision of adequate food, clothing, and sanitation. It advocates for the comprehensive training and organization of prison staff into distinct cadres. Additionally, the committee suggests the establishment of an All India Service known as the Indian Prisons & Correctional Service.

- **The Krishna Iyer Committee (1987)**

In 1987, the Justice Krishna Iyer Committee was tasked with examining the status of female prisoners in India. The committee proposed the increased recruitment of women into the police force, recognizing their unique role in addressing issues related to women and child offenders.

- **Malimath Committee on Criminal Justice Reforms (2003)**

The Malimath Committee refers to the committee established to recommend reforms in the criminal justice system. Its primary goal is to examine the fundamental principles of criminal law with the aim of reinstating public confidence in the criminal justice system.

- **NHRC Committee on Prison Reforms (2018)**

The Chairperson of the National Human Rights Commission, Justice J.S. Verma, emphasized the need for increased sensitivity among judges nationwide to ensure the effectiveness of prison reforms. Currently, over 70 percent of inmates in the country's jails are awaiting trial, and many have been in this status for an extended period. A significant portion of these individuals is detained without substantial justification. Justice Verma conveyed these sentiments during a seminar on 'Prison Reforms' jointly organized by the National Human Rights Commission and the National Institute of Criminology and Forensic Sciences.

- **Committee on Prison Reforms (2019)**

In 2018, the Supreme Court established a three-member committee to address concerns regarding reforms in prison administration and management. The committee's specific mandate includes the examination and proposal of measures for the well-being of children in observation homes, places of safety, and special homes established under the Juvenile Justice (Care and Protection of Children) Act, 2015.

SIGNIFICANT CASE LAWS

- ❖ *State of Andhra Pradesh v. Challa Ramakrishna Reddy*: The court held that a prisoner is entitled to all fundamental rights unless curtailed by the constitution.
- ❖ *State of Maharashtra v. Prabhakar Pandurang Sanzgir*: The Supreme Court stated that mere fact that someone is detained cannot deprive one of his fundamental rights. Every prisoner and ex-prisoner shall enjoy all these rights same as that of a free citizen except for the one that is lost necessarily by confinement.
- ❖ *Rahmath Nisha v. Additional Director General of Prisoner and Others*: The accused was given 10 days leave to visit his wife. But due to serious illness, his wife was transferred to the hospital in ICU by the time he reached home. However, the police escort that accompanied the accused refused to let him visit the hospital citing that permission has been granted to visit home only. The Madras Court held that the prisoner should be allowed to visit his wife in hospital and that the meeting between should not be monitored.
- ❖ *Rasikbhai Ramsingh Rana v. State of Gujarat*: The right to medical treatment is one of the basic human rights and it should not be denied on any grounds and must be available to every person. The court further guided the concerned jail authorities to take proper mental and physical health care of prisoners which were suffering from any type of disease.
- ❖ *Madhav Hayawadanrao Hoskot v. The State of Maharashtra*: The three Judge Bench of Supreme Court of India reads Article 21 and 39-A along with Article 142 and Section 304 of Code of Criminal Procedure together emphasized that the government of the country is under a duty to aid and provide legal services to the convicted or accused individual.

CONCLUSION

Prisoners do not cease to be human beings when put behind bars. The Supreme Court of India and other Courts have reiterated this position in several cases so that prisoners do not have to become a victim themselves. It is incumbent upon the Central and State Governments to not only provide the prisoners with humane conditions but also educate them about their rights so that it is not abused by the powerful inside the prison and also when they come out of the bars they don't feel themselves empty, complete failure and take another long years to stand upon their feet back.

The Supreme Court of India has ordered release of prisoners who have spent 26 years in jail, says "What is achieved by keeping reformed convicts in prison forever?" The Apex Court emphasized the need to consider the rehabilitation and reformation of inmates who may have drastically reformed during their

time in prison. However, it is important to note that there will be challenges to effective implementation of rehabilitation programs and protection of ex-prisoner's rights.

SCOPE FOR FUTURE RESEARCH

There is a broad scope for future research as still there is lack of awareness among the people and the prisoners themselves about their rights, moreover, there is irresponsibility on the part of the officers to fulfill the aspect of rehabilitation and reformation of prisoners so that their life after prison is smooth and reformative. Due to the lack of such awareness these prisoners after coming out of jail face so many hardships and fall prone to many mental, physical and psychological issues including the societal stigma which comes in the background

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