

## THE CURRENT STATUS OF REFORMATIVE METHOD OF PUNISHMENT TO THE PRISONERS WITH RESPECT TO CHENNAI

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### ABSTRACT

Punishing criminals is one among the criminal justice mechanisms to compensation and reparation for victims and society. In this regards some of the punishments are determined by criminal justice systems in each society. Imprisonment is one among these penalties that specified in this regard and through this punishment the convicted persons are detained in jail. However, the guilty is sentenced to jail and restriction of his or her liberties, but she or he has fundamental rights and freedoms that has got to be protected though in jail and has the right to how to be punished. All of those rights and freedoms are protected by the rule of law. This issue means that how to be punished is restricted under the definite principles that need to be exercised when the retribution and punishment is ongoing. This matter of criminal law and criminal justice is taken into account as right on how to be punished. The area of this right and authority of prison's heads and its personnel is decided by law. Protection of prisoner's human rights and regulation with them and also for prison management, the rule of law provided a group of guidelines. according to these guidelines jail is managed in the legal framework as well as in this context the prisoner's rights are protected effectively. These guidelines are recorded in some of the international legal instruments. This paper focused on the guidelines and instructions that are studied and analyzed through prison visit. This paper investigates these guidelines and respect of their human rights aspects that are associated with the environmental, educational, management, health care, personnel and humanistic dimensions of imprisonment.

**KEYWORDS :** Parole, Imprisonment, Offenders, Punishment, Society.

### INTRODUCTION

Prison is known by different names in several countries like 'Correctional Facilities', 'Detention Centres', 'Jails', 'Remand Centres' etc. (**B Useem 2002**) Earlier notions of prison as a facility in which inmates were forcibly control by depriving freedom as a kind of punishment modified with an amendment in social perception towards prison and prisoners. For over 100 years, there was an emphasis on custody, it was believed, depended on good order and discipline. The notion of jail discipline was to make imprisonment a deterrent. Consequently, hard punitive labour with

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no regard for the human personalities and severe punishments were the most basis of prison treatment. more than forty prison offences are listed within the jail manuals of many States and any infraction was visited by harsh punishments (**J.Chinna Durai**).Today, prison is treated additional as a correctional or improvement facility that itself indicates that there is additional emphasis on reformation of prisoners in the process of punishment. to attain this goal, a congenial atmosphere is required to be created in jails for the advantage of inmates. apart from emphasis on social and moral values for integration with society after release, inmates also need educational, recreational and vocational training facilities (**PS Bawa 2000**). This can facilitate them not only overcome their hostile attitude towards society which can facilitate their integration with the mainstream, but additionally give them with alternate sources of livelihood after release. The need of reformation in the prison systems throughout the world is symbolised in the quotation above, although jail systems everywhere are marked by inertia, few can match India's in immutability of practice.(**S.K. PACHAURI**) A country that over forty years ago cast off British rule still administers its system under the colonial Prisons Act of 1894. perhaps as a result of the act is such a relic of the past, or perhaps because jail officers prefer the route of least accountability, the various state prison manuals that embody the 1894 provisions are collectors' things, not only in brief supply but expensive . a number of prison commissions have tried to update and revise the code, however apart from many states, these efforts haven't received legislative approval. (**FJ Moua 1867**) It's not only the principles and laws but the day to day reality of Indian prisons that is so archaic. the most common use of prisons as a part of the criminal justice system, is in which people are formally charged with or convicted of crimes area unit confined to a Jail or prison till they are either brought to trial to determine their guilt or complete the amount of confinement they were sentenced to, after being found guilty at their trial. (**C Kruttschnitt 2003**) Hence, in its origin the prison was considered as a place of detention of offenders until trial and Judgment and also the execution of the latter. The main **aim of the study** is to highlight the problems with regard to the situation of prisons and give recommended roadmaps to handle these issues.

## OBJECTIVES

### The main objectives of the study is

- To study the effects of the reformation methods on prisoners.
- To study the prisoners' views, attitudes, suggestions regarding jail industries & its Administration.
- To study the prisoners attitude that can be effectively used for better results.
- To study the problems faced by Jail Administration in implementing the various methods of reformation & rehabilitation of prisoners.
- To provide Guidelines for the Prison Reformation.

## REVIEW OF LITERATURE

(**KR Murty 2012**)

### The Dynamics of Recidivism in Andhra Pradesh

**Vol. 61, No. 3 (September – December 2012), pp. 450-464**

The under preliminary detainees are properly not obliged to work under the law yet staying jobless isn't just against their very own advantage yet additionally a national waste. A strategy of influence instead of intimidation to connect under preliminary detainees in work was along these lines pushed and on the off chance that they worked they were to be paid wages.

[https://www.jstor.org/stable/26290635?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/26290635?seq=1#page_scan_tab_contents)

**(SR Sankaran 2001)**

**Crime and Punishment: Reforming the Prison and Prisoner**

**Vol. 36, No. 25 (Jun. 23-29, 2001), pp. 2251-2254**

Yet, practically speaking when they pick to work, they are utilized on jail benefits and are in lieu thereof given laboring eating regimen and no wages. As of late, the criminal law has given that the time of detainment as under preliminary will be checked towards the sentence of detainment. This will moderate some hardship yet won't without anyone else's input urge under preliminaries to volunteer for work.

[https://www.jstor.org/stable/4410775?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/4410775?seq=1#page_scan_tab_contents)

**(I Brown 2007)**

**A Commissioner Calls: Alexander Paterson and Colonial Burma's Prisons**

**Vol. 38, No. 2 (Jun., 2007), pp. 293-308**

A significant huge number of under preliminary detainees are confined in prisons for extensive stretches as they can't bear the cost of expenses of legal counselors to safeguard them. As of late the legislature has given some regard for this issue and endeavors are being made to give free lawful guide to poor people. On the off chance that this office is stretched out to countless poor people, it would not just over the long haul bring about the shortening of the time of confinement of under preliminaries yet may sometimes bring about quittance also.

[https://www.jstor.org/stable/20071834?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/20071834?seq=1#page_scan_tab_contents)

**(RD Salvatore 1992)**

**Criminology, Prison Reform, and the Buenos Aires Working Class**

**Vol. 23, No. 2 (Autumn, 1992), pp. 279-299**

The support of jail foundation is a costly undertaking. It is in truth a weight on the general population. In this manner the wrongdoer ought to be kept to the jail for just a base period which is completely vital for their authority.

[https://www.jstor.org/stable/205277?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/205277?seq=1#page_scan_tab_contents)

**(SAHRDC 2011)**

**Prison Reform in India**

**Vol. 46, No. 3 (JANUARY 15-21, 2011), pp. 30-32**

The end of long haul sentences would decrease undue weight on jail consumption. It is additionally proposed that where the term of detainment surpasses one year, an abatement of one month or so every year be allowed to the prisoner in order to empower him main residence and meet his relatives.

<https://www.jstor.org/stable/27918036>

**(CR Henderson 1913)**  
**Control of Crime in India**

**Vol. 4, No. 3 (Sep., 1913), pp. 378-401 (23 pages)**

This will help in his restoration and after his discharge he can confront the outside world valiantly throwing away the shame appended to him by virtue of imprisonment. In the year 1986, a Juvenile Justice Act was instituted and perception homes, exceptional homes, and adolescent homes were established, where the dismissed kids and adolescent reprobate can be conceded and the adolescent reprobate can't be attempted with the non adolescent reprobate wrongdoers and can't be kept inside the jail.

<https://www.jstor.org/stable/1133355>

**(V Hiremath 2008)**  
**Draft Policy on Prison Reforms**

**Vol. 43, No. 26/27 (Jun. 28 - Jul. 11, 2008), pp. 29-32**

Numerous arrangements were made with respect to the requests that could be passed against the adolescent wrongdoers and what can't be passed against the adolescent guilty parties. Under this Act adolescent methods a kid under the age of 16 years and a young lady beneath the age of 18 years.

<https://www.jstor.org/stable/40278901>

**(E Lindsey 1925)**  
**Historical Sketch of the Indeterminate Sentence and Parole System**

**Vol. 16, No. 1 (May, 1925), pp. 9-69**

The Indian Jail Reforms Committee 1919-20 which was named to recommend measures for jail changes was going by Sir Alexander Cardio.

<https://www.jstor.org/stable/10.13169/polipers.15.3.0067>

**(R Gul 2018)**  
**Our Prisons Punitive or Rehabilitative? An Analysis of Theory and Practice**

**Vol. 15, No. 3 (2018), pp. 67-83**

It visited numerous penitentiaries and reached the resolution that detainment facilities ought to have stopping impact as well as they ought to have a transforming impact on detainees. As a proportion of jail change, the Jail Committee further suggested that the greatest admission limit

of each correctional facility ought to be fixed, contingent upon its shape and size. The idea of jail control was to make detainment obstruction.

<https://www.jstor.org/stable/10.13169/polipers.15.3.0067>

**(M GIBSON 2011)**

**Global Perspectives on the Birth of the Prison  
Vol. 116, No. 4 (OCTOBER 2011), pp. 1040-1063**

This prompted the deserting of a portion of the primitive disciplines and presentation of the arrangement of honors for good work and lead as reduction, survey of sentences, compensation for jail work, treatment in open conditions, parole, vacation, flask offices and so on.

<https://www.jstor.org/stable/23307878>

**(KI Vibhute 2000)**

**Compulsory Hard Prison labour and the Prisoners right to receive wages: Constitutional  
"vires" AND judicial voices,**

**Vol. 42, No. 1 (January-March 2000), pp. 1-16**

Correction has now been made to meet sufficiently the essential needs of nourishment, attire, restorative consideration and so on. Instructive and professional preparing programs alongside preparing in exploring and so forth, have been presented in prisons.

[https://www.jstor.org/stable/43951731?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/43951731?seq=1#page_scan_tab_contents)

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Custodial prerequisites for people are currently at certain spots decided based on their forerunners, lead and execution and so forth. Steadily, the goal of detainment changed from simple discouragement to prevention and reconstruction.

[https://www.jstor.org/stable/43951731?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/43951731?seq=1#page_scan_tab_contents)

**(N Wahi 2002)**

**A Study of rehabilitative penology as an alternative theory of punishment  
Vol. 14 (2002), pp. 92-104**

The prior penological approach held detainment, that is, custodial measures to be the best way to control wrongdoing. Yet, the advanced penological approach has introduced new types of condemning whereby the requirements of the network are offset with the wellbeing of the denounced.

<https://www.jstor.org/stable/44306632>

**(WC Reckless 1954)**

**The Role of the Expert on Correctional Administration to a Requesting Country,  
Vol. 19, No. 2 (Apr., 1954), pp. 211-213**

There is have to utilize the options in contrast to detainment, for example, notice, probation, suspension of sentence, fine and discharge on close to home bond and so forth. Order of criminals based on sex, age, criminal record, social foundation is a fundamental component of present day jail framework.

[https://www.jstor.org/stable/2088404?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/2088404?seq=1#page_scan_tab_contents)

### CASE LAW

1. The Apex Court in *State of Gujarat & another. Hon'ble High Court of Gujarat (AIR 1998SC 3164)* observed, Reformation and rehabilitation is basic policy of criminal law hence compulsory manual labour from the prisoner is protected under Art. 23 of the Constitution.
2. *Mohd. Giasuddin V. State of Andhra Pradesh, AIR 1977 SC 1925*. The Supreme Court held that prisoners who are well educated should not be subjected to rigorous imprisonment, instead they should be engaged in some mental cum manual work.
3. *Bhikhabhai Devshi V. State of Gujarat, AIR 1987* The judgment seeks to enable the inmate to retain self confidence and active interest in life.
4. Law relating to prisoners is the main area where the instrumentality of law has proven social change in the punishment of offenders in the case of *Mohd. Giasuddin v. State of A.P., AIR 1977 SC 1926*.
5. The duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc in *Sevaka Perumal v. State of Tamil Nadu, AIR 1991 SC 1463*.

### CONCLUSION

To ensure good discipline and administration, an initial classification must be made to separate male from females, the young from the adults, convicted from the unconvinced prisoners, civil from criminal prisoners and from casual from habitual prisoners. The main object of prison labour is prevention of crime and reformation of the offenders. And the other main object was to engage them so as to prevent mental damage and to enable them to contribute to the cost of their maintenance. The under trial prisoners constitute a majority of the population in prison than convicted prisoners. The under trial prisoners are presumed to be innocent and most of them are discharged or acquitted after immeasurable physical and mental loss caused to them by detention due to delay in investigation and trial. The courts have in recent years been giving serious thought to the human rights of prisoners and, on that ground, interfered with the exercise of powers of superintendents of jails in respect of measures for safe custody, good order and discipline. Research into crime and the criminal is still in its infancy. The immediate need of research is to evaluate the existing methods of treatment and to suggest new approaches to the prevention of crime. The value of probation, open prisons, parole and home leave as reformatory measures need to be established. Prisoners constitute important institutions which protects the

society from criminals. The obstacles in prison reforms are resource allocation, the deterrent functions of punishment, the notion of rehabilitation, and internal control.

## REFERENCES

1. Criminology and Penology by Dr. N.V. Paranjape
2. Law and Social Transformation in India by Malik & Raval
3. Prison reforms in India by Harpreet Kaur.

## PAPERPILE

1. <https://www.jstor.org/stable/754020>
2. <https://www.jstor.org/stable/44143401>
3. <https://www.jstor.org/stable/4410775>
4. <https://www.jstor.org/stable/10.2307/27918036>
5. <https://www.jstor.org/stable/1133355>
6. <https://www.jstor.org/stable/40278901>
7. <https://www.jstor.org/stable/10.13169/polipers.15.3.0067>
8. <https://www.jstor.org/stable/23307878>
9. <https://www.jstor.org/stable/2088404>
10. <https://www.jstor.org/stable/3088943>
11. <http://www.jstor.org/stable/23005498>
12. <https://www.jstor.org/stable/pdf/2338492.pdf>
13. <https://www.jstor.org/stable/1147696>
14. <https://www.jstor.org/stable/26290635>
15. <https://www.jstor.org/stable/20071834>
16. <https://www.jstor.org/stable/43951731>
17. <https://www.jstor.org/stable/44306632>
18. <https://www.jstor.org/stable/43951731>
19. <https://www.jstor.org/stable/1134297>
20. <https://www.jstor.org/stable/205277>