

HUMAN RIGHTS OF PRISONERS***PRITHIVI RAJ¹****1. Introduction**

The doctrine behind punishment for a crime has been changed a lot by the evolution of new human rights jurisprudence. The concept of reformation has become the watchword for prison administration. Human rights jurisprudence advocates that no crime should be punished in a cruel, degrading or in an inhuman manner.² The punishment amounting to cruel, degrading or inhuman should be treated as an offence by itself.³ The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of never-ending categories such as sex, race, color and so on. The principle of non-discrimination is complemented by the principle of equality, "All human beings are born free and equal in dignity and rights."⁴ The transition caused to the criminal justice system and its correctional mechanism has been adopted worldwide. The inquiry is made to know the extent of inclusion of these human rights of prisoners into Indian legislations.⁵ Human rights are indivisible and interdependent and therefore precisely there cannot be different kinds of human rights. All human rights are equal in importance and are inherent in all human beings.⁶ A prisoner is a person who is kept in a prison as a punishment for a crime that they have committed.⁷ The word 'prisoner' means any person who is kept under custody in jail or prison because he/she committed an act prohibited by law of the land. A prisoner also known as an inmate is anyone who, against their will, is deprived of liberty. This liberty can be deprived by forceful restrain or confinement.⁸ A prison today serves three purposes which may be described as custody, care and correctional. Though the last of these which concerns the use of imprisonment as a form of legal punishment, now takes the primary place, it is in historical perspective a comparatively a new conception, not all the implications of which have yet been worked out. In its origin prison served only the custodial functions; it was a

¹ LL.M, Rajiv Gandhi National University of Law, Punjab

² Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Art. 4

⁴ Article 1 of the Universal Declaration of Human Rights

⁵ P. C. Harigovind, The Indian Jurisprudence on Prison Administration and the Legislative Concerns, IOSR Journal Of Humanities And Social Science , Volume 9, Issue 5 (Mar. - Apr. 2013), PP 24-29

⁶ Dr. H.O. Agarwal, International Law and Human Rights 756 (Central Law Publications, Allahabad, 20th ed., 2014)

⁷ Collins English Dictionary, available at <https://www.collinsdictionary.com/dictionary/english/prisoner>

⁸ Human Rights Violation of Prisoners in India, available at <https://blog.ipleaders.in/human-rights/>

place in which an alleged offender could be kept in lawful custody until he could be tried, and if found guilty punished.⁹ In India, the Protection of Human Rights Act, 1993 defines the term “human rights” and as per this Act “human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India”.¹⁰ The term “prisoner” has not been defined under the Prisons Act, 1894 but the Act itself classified the prisoners into two categories i.e., Criminal Prisoner and Civil Prisoner. The term “Criminal Prisoner” means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial.¹¹ And the term “Civil Prisoner” means any prisoner who is not a criminal prisoner.¹² Prisoners are also entitled to every human right to as a normal human being when they are behind the prison but these rights are subjected to the conditions prescribed by law. The rights of prisoners are guaranteed by various international instruments as well as national instruments.¹³

2. Human Rights of Prisoners’ in National & International Perspective

Human rights, as the term is most commonly used, are the rights that every human being is entitled to enjoy and to have protected. The underlying idea of such rights are fundamental principles that should be respected in the treatment of all men, women and children exists in some form in all cultures and societies. The contemporary international statement of those rights is the Universal Declaration of Human Rights. It is the responsibility of governments to protect the human rights proclaimed by the declaration. Under the provisions of Civil and Political Rights, all governments are to protect the life, liberty and security of their citizens. They should guarantee that no-one is enslaved and that no-one is subjected to arbitrary arrest and detention or to torture. Everyone is entitled to a fair trial. The rights to freedom of thought, conscience, religion, and to freedom of expression are to be protected.¹⁴ The human rights may be regarded as the fundamental and inalienable rights are essential for life as human being. Human rights are the rights possessed by every human being, irrespective of

⁹ Frank New Sam, “The Home Office” Allen and Unwin, London, 1954, p.144

¹⁰ Section 2(1) (d), The Protection of Human Rights Act, 1993

¹¹ Section 3(2) of The Prisons Act, 1894.

¹² Ibid. Section 3(4).

¹³ Idib.

¹⁴ S. Radhakrishnan, *Judge, Bombay High Court, Global Challenges & the Indian Legal System*, Development of Human Rights in an Indian Context, International Journal of Legal Information the Official Journal of the International Association of Law Libraries, Volume 36, Issue 2 Summer 2008

nationality, race, religion, and sex, simple because of a human being. Human rights are thus those rights which are inherent in our nature and without which cannot live as human being. Human rights are fundamental freedoms to fully develop and use the human qualities, intelligence, talents, and conscience and to satisfy physical, spiritual and other needs. Human rights called fundamental rights or basic rights or natural rights.¹⁵

Article 5 of the Universal Declaration specifically states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.¹⁶ Although neither of these initial human rights documents was legally binding, they were generally accepted as part of customary international law.¹⁷ In terms of prisoners' rights specifically, the Universal Declaration served to bring international attention to issues of torture and punishment, upon which further developments on protecting individuals could be established. The United States ratified the ICCPR in 1992, and the Convention Against Torture in 1990, with reservations on specific articles.¹⁸ These reservations present perhaps the greatest obstacle to prisoners' rights in the United States.¹⁹ The reservation on ICCPR Article 7 binds the United States only to the extent that the "cruel, inhuman or degrading treatment" means such treatment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.²⁰ Similarly, the U.S. reservation on the Convention Against Torture's Article 16 makes sure to clarify that the treatment prohibited is only treatment which is cruel, inhuman, or degrading punishment as interpreted via the Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution.²¹ The international conventions relating to civil and political rights gives the minimum stranded rules for treatment of prisoners, Geneva Conventions relating to prisoners were meant for promoting prisoners' rights and are being implemented by member states for the protection of human rights of prisoners.

¹⁵ Dr. S.K.Kapoor, *Human Rights under International Law and Indian Law*, Central Law Agency, 3rd Edition, 2005

¹⁶ Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810

¹⁷ Suzanne M. Bernard, *An Eye for an Eye: The Current Status of International Law on the Humane Treatment of Prisoners*, 25 RUTGERS L.J. 759, 769 (1994)

¹⁸ *International Covenant on Civil and Political Rights: Hearing Before the Senate Comm. on Foreign Relations*, 102d Cong. (1991)

¹⁹ John Henry Stone, *The International Covenant on Civil and Political Rights and the United States Reservations: The American Conception of International Human Rights*, 7 U.C. DAVIS J. INT'L L. & POL'Y 1, 9-10 (2001)

²⁰ ICCPR Hearing, (describing other U.S. reservations, such as those involving free speech, capital punishment, criminal penalties and juveniles)

²¹ Miller, Article 30(1) requiring parties to submit disputes to arbitration and, if no change, to the International Court of Justice. (1990)

The Court an infringement of prisoners' rights in *Helling v. Mc Kinney*²² found that the Eighth Amendment protects against future harm. By looking at objectivity differently, inhalation of second hand smoke from being involuntarily placed with an inmate with excessive smoking habits was determined to be an infringement of a prisoner's rights. While showing actual likelihood that the injury will occur, a prisoner must also show that society would find the risk so grave as to violate contemporary standards of decency. The Supreme Court of United States of America is playing an important role for the protection of human rights of prisoners by constitutional amendments and started protecting the rights of the prisoners through its cases for implementation and interpretation of these rights of prisoners.²³

The common law of England, which has no written constitution, because, historically, the concept of each of the human rights has its origin in the ordinary law of England, and those rights enforced as such by the courts of law, as a part of what is known as the common law. Of decisions underwritten constitutions, primacy should be given to the American Constitution which is the acknowledge matter of modern written constitution.²⁴ In England, the unwritten constitution is prevailing, the implementation of rights of the individual is based on common law of England and also the rights of the prisoners are protected by the legislations.²⁵

The United Nations Standard Minimum Rules for the Treatment of Prisoners

It has been adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. The United Nations Standard Minimum Rules for the Treatment of Prisoners contains so many rules regarding the rights and treatment of prisoners but we can only provide some of them which are most important. These are as follows:-

- Provisions relating to the separation of categories of prisoners.²⁶
- Provisions relating to the accommodation.²⁷
- Provisions relating to the clothing and bedding.²⁸

²² 509 U.S. 25, 35 (1993)

²³ Ibid.

²⁴ Cf. *Bell Vs D.P.P.*, (1986) LR.C(Const.) 392(401) P.C (From Jamaica)

²⁵ Ibid.

²⁶ The UN Standard Minimum Rules for the Treatment of Prisoners, Rule 8

²⁷ Ibid. Rules 9 to 14

- Provisions relating to the food.²⁹
- Provisions relating to the exercise and sport.³⁰
- Provisions relating to the medical services.³¹
- Provisions relating to the protection of prisoners against double jeopardy.³²
- Provisions relating to the prohibition of corporeal punishment, punishment by placing in dark cell, and all cruel, inhuman or degrading punishment.³³
- Provisions relating to the information to and complaints by prisoners.³⁴
- Provisions relating to the rights of prisoners to contact with their family and reputable friends.³⁵

Apart from these rules the United Nations Standard Minimum Rules for the Treatment of Prisoners also made rules regarding the treatment of prisoners under sentence, insane and mentally abnormal prisoners, prisoners under arrest or awaiting trial, civil prisoners and persons arrested or detained without charge in a detailed manner.

3. Prisoner Rights under Statutory Law

Prisons Act of 1894 is the first legislation regarding prison regulation in India. This Act mainly focus on reformation of prisoners in connection with the rights of prisoners. In the year of 2016 the Parliament has been passed the Prisons (Amendment) Bill, 2016 to amend the Prisons Act, 1894 with a view to provide protection and welfare of the prisoners in the present context and in tune with the Constitution of India and to create an atmosphere to rehabilitate and socialize prisoners to enable them to re-inter the society. Following Sections of the Prisons Act, 1894 [including the provisions of the Prisons (Amendment) Act, 2016] are related with the reformation of prisoners:-

- Accommodation and sanitary conditions for prisoners.³⁶
- Provisions for the shelter and safe custody of the excess number of prisoners who cannot be safely kept in any prison.³⁷

²⁸ Ibid. Rules 17 to 19

²⁹ Ibid. Rule 20

³⁰ Ibid. Rule 21

³¹ Ibid. Rules 22 to 26

³² Ibid. Rule 30

³³ Ibid. Rule 31

³⁴ Ibid. Rules 35 to 36

³⁵ Ibid. Rules 37 to 39

³⁶ The Prisons Act, 1894, Section 4

³⁷ Ibid. Section 7

- Provisions relating to the examination of prisoners by qualified Medical Officer.³⁸
- Provisions relating to separation of prisoners, containing female and male prisoners, civil and criminal prisoners and convicted and undertrial prisoners.³⁹
- Provisions relating to the prisoner's right to health.⁴⁰
- In case of a pregnant prisoner, her diet and work allocation shall be determined as per medical advice.⁴¹
- A pregnant prisoner shall be entitled to grant of conditional parole for thirty days from the expected date of delivery or thirty days from the date of delivery if the delivery takes place while she is in prison.⁴²
- Provisions relating to the maintenance of hygiene or sanitation in jail premises so the prisoners could maintain their health.⁴³
- Provisions relating to the establishment of separate prisons to keep habitual and hardcore offenders separately from the first time offenders and the offenders convicted for lesser crimes.⁴⁴
- Provisions relating to the skill training in prisons⁴⁵ provided to the prisoners and conduct workshops and seminars on such subjects as would be helpful for rehabilitation of and for educating the prisoners.

4. Rights guaranteed under Constitution of India, 1950

Rights guaranteed under Constitution of India, 1950

Article 21 of the Constitution guarantees the right of personal liberty and thereby prohibits any inhuman, cruel or degrading treatment to any person whether he is a national or foreigner. No person shall be deprived of his or personal liberty except according to procedure established by law. This Article also protects people for being retrospectively punished for activities which were given a status of crime after they committed the act.⁴⁶ The

³⁸ Ibid. Section 24(2)

³⁹ Ibid. Section 27

⁴⁰ Ibid. Sections 37 to 39

⁴¹ Ibid. Section 26A (1) [As inserted by the Prisons (Amendment) Act, 2016]

⁴² Ibid. Section 26A (2) [As inserted by the Prisons (Amendment) Act, 2016]

⁴³ Ibid. Section 39A [As inserted by the Prisons (Amendment) Act, 2016]

⁴⁴ Ibid. Section 58A [As inserted by the Prisons (Amendment) Act, 2016]

⁴⁵ Ibid. Section 58E [As inserted by the Prisons (Amendment) Act, 2016]

⁴⁶ Selvi v. State of Karnataka; (2010) 7 SCC 263

minimum freedom of movement, under which a detainee is entitled to under Article 19,⁴⁷ cannot be cut down by the application of handcuffs. Handcuffs must be the last resort as there are other ways for ensuring security.⁴⁸

Article 14 gives the right to equality and equal protection also to the prisoners. If any excesses committed on a prisoner, by the police is considered as a violation of rights and it warrants the attention of the legislature and judiciary. The right to meet friends, relatives and lawyers are provided under article 14 and article 21. Such rights are pretty reasonable and non-arbitrary. Even prison regulations recognize the right of prisoners to have interview with a legal adviser necessary, in a reasonable manner. Right to free legal aid is also provided under this article 14 and 21.⁴⁹ Following are the rights of prisoners which are implicitly provided under the Article 21 of the Constitution of India, 1950 :-

- Rights of inmates of protective homes.⁵⁰
- Right to free legal aid.⁵¹
- Right to speedy trial.⁵²
- Right against cruel and unusual punishment.⁵³
- Right to fair trial.⁵⁴
- Right against custodial violence and death in police lock-ups or encounters.⁵⁵
- Right to live with human dignity.⁵⁶
- Right to meet friends and consult lawyer.⁵⁷
- Rights against solitary confinement, handcuffing & bar fetters and protection from torture.⁵⁸
- Right to reasonable wages in prison.⁵⁹
- Right to compensation for wrongful arrest, detention and torture.⁶⁰
- Right against delayed execution.⁶¹

⁴⁷ The Constitution of India, 1950

⁴⁸ (1980) 3 SCC 488

⁴⁹ Idib.

⁵⁰ Upendra Baxi v. State of U.P., (1983) 2 SCC 308

⁵¹ M.H. Hoskot v. State of Maharashtra, (1978) 3 SCC 544; the Constitution of India, Article 39-A

⁵² Hussainara Khatoon v. State of Bihar, (1980) 1 SCC 81

⁵³ Jagmohan Singh v. State of U.P., AIR 1973 SC 947

⁵⁴ Rattiram v. State of M.P., (2012) 4 SCC 516

⁵⁵ D.K. Basu v. State of W.B., (1997) 1 SCC 416

⁵⁶ Jeeja Ghosh v. Union of India, (2016) 7 SCC 761

⁵⁷ Sunil Batra v. Delhi Administration, AIR 1980 SC 1579

⁵⁸ Prem Shankar Shukla v. Delhi Administration, AIR 1980 SC 1535

⁵⁹ People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473

⁶⁰ Rudal Shah v. State of Bihar, AIR 1983 SC 1086; Bhim Singh v. State of J & K, (1985) 4 SCC 677

- Right against public hanging.⁶²
- Right of release and rehabilitation of bonded labour.⁶³
- An undertrial or convicted prisoner cannot be subjected to a physical or mental restraint- a) which is not warranted by the punishment awarded by the court, or
b) which is in excess of the requirements of prisoners discipline, or
c) which constitutes human degradation.⁶⁴

5. Role of judiciary for protecting Prisoner Rights

The Hon'ble Supreme Court of India in the case of *Joginder Kumar v. State of UP and Ors.*⁶⁵ Held that the "the quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of criminal law. The horizon of human rights is expanding. At the same time, the crime rate is also increasing. the court has been receiving complaints about violation of human rights because of indiscriminate arrests. A realistic approach should be made in this direction. The law of arrest is one of balancing individual rights, liberties and privileges, on one hand and individual duties obligations and responsibilities on the other; of weighing and balancing the rights, liberties and privileges of the single individual and those of individuals collectively; of simply deciding what is wanted and where to put the weight and the emphasis; of deciding which comes first -- the criminal or society, the law violator or the law abider." The Hon'ble Supreme Court of India had occasion to deal with the rights of prisoners in the case of *Sunil Batra v. Delhi Administration*⁶⁶. In that decision, this Court gave a very obvious answer to the question whether prisoners are persons and whether they are entitled to fundamental rights while in custody, although there may be a shrinkage in the fundamental rights. This is what this Court had to say in this regard: "Are 'prisoners' persons? Yes, of course. To answer in the negative is to convict the nation and the Constitution of dehumanization and to repudiate the world legal order, which now recognizes rights of prisoners in the International Covenant on Prisoners' Rights to which India has signed assent. In the above case the Hon'ble Court has rejected the hands-off doctrine and it has been ruled that fundamental rights do not flee the person as he enters the prison although they may suffer shrinkage necessitated by incarceration. To handcuff is to hoop harshly and

⁶¹ *T.V. Vatheeswaran v. State of Tamil Nadu*, AIR 1983 SC 361

⁶² *A.G. of India v. Lachma Devi*, AIR 1986 SC 467

⁶³ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802

⁶⁴ P.M. Bakshi, *The Constitution of India* 79 (Universal Law Publishing, New Delhi, 14th ed., 2017)

⁶⁵ (1994) 4 SCC 260

⁶⁶ (1980) 3 SCC 488

to punish humiliatingly. The minimum freedom of movement, under which a detainee is entitled to under Article 19, cannot be cut down by the application of handcuffs. Handcuffs must be the last resort as there are other ways for ensuring security.⁶⁷ Justice V.R. Krishna Iyer in the case of *State of M.P. v Shyamsundar Trivedi*⁶⁸ said that “Convicts are not by mere reason of the conviction denuded of all the fundamental rights which they otherwise possess” “Like you and me, prisoners are also human beings. Hence, all such rights except those that are taken away in the legitimate process of incarceration still remain with the prisoner. These include rights that are related to the protection of basic human dignity as well as those for the development of the prisoner into a better human being.”⁶⁹

Judicially non-enforceable rights in Part IV of the Constitution are chiefly those of economic and social character. However, Article 37 makes it clear that their judicial non-enforceability does not weaken the duty of the State to apply them in making laws, since they are nevertheless fundamental in the governance of the country. Additionally, the innovative jurisprudence of the Supreme Court has now read into Article 21 (the right to life and personal liberty) many of these principles and made them enforceable.⁷⁰ According to Human rights jurisprudence no prisoners should be punished in a cruel, degrading or in an inhuman manner, this type of punishment should be treated as an offence by itself. The correctional systems and criminal justice system have been adopted worldwide.

The Supreme Court of India has in the case *Ajay Hasia v. Khalid Mujibe*⁷¹ declared that it has a special responsibility, to enlarge the range and meaning of the fundamental rights and to advance the human rights jurisprudence. The judgment given in the *Chairman, Railway Board and others v. Mrs. Chandrima Das*⁷² the Supreme Court observed that the Declaration has the international recognition as the Moral Code of Conduct having been adopted by the General Assembly of the United Nations. The applicability of the Universal Declaration of Human Rights and principles thereof may have to be read, if need be, into the domestic jurisprudence.

⁶⁷ Ibid.

⁶⁸ (1994) 4 SCC 395

⁶⁹ *Charles Shobraj vs. Superintendent*

⁷⁰ Justice Sujatha V. Manohar, "Judiciary and Human Rights," *Indian Journal of International Law*, Vol. 36, 1996, p. 39-54

⁷¹ A.I.R. 1981 S.C. 487 at 493

⁷² A.I.R. 2000 (I) S.C. 265

A land mark judgment which was pronounced by the Supreme Court of India is the Right to Compensation in cases of illegal deprivation of personal liberty. The Rudal Shah V. State of Bihar⁷³ is an instance of breakthrough in Human Rights Jurisprudence. The petitioner Rudal Shah was detained illegally in prison for more than fourteen years. He filed Habeas Corpus before the court for his immediate release and, inter alia, prayed for his rehabilitation cost, medical charges and compensation for illegal detention. After his release, the question before the court was "whether in exercise of jurisdiction under Article 32, such an order in the nature of compensation consequential upon the deprivation of fundamental right. There is no expressed provision in the Constitution of India for grant of compensation for violation of a fundamental right to life and personal liberty. But the judiciary has evolved a right to compensation in cases of illegal deprivation of personal liberty. The Court granted monetary compensation of Rs.35,000 against the Bihar Government for keeping the person in illegal detention for 14 years even after his acquittal. The Court departed from the traditional approach, ignored the technicalities while granting compensation. In this case the Apex Court extended a new branch of Jurisprudence has emerged called compensatory Jurisprudence where in for the violations of the prisoners' rights to the executive action, compensation was awarded to the victim by the court. This concept changed the total scenario of Criminal Law. This humanitarian attitude of the judges has helped the poor, illiterate and needy victims who were victimized by the acts of the authorities.

The Hon'ble supreme court of India in the case of Rama Murthy v State of Karnataka⁷⁴ specified 9 problems that the indian prisons are afflicted with. those being: –

- 80% prisoners are under trials
- Delay in trial.
- Even though bail is granted, prisoners are not released.
- Lack or insufficient provision of medical aid to prisoners
- Callous and insensitive attitude of jail authorities
- Punishment carried out by jail authorities not coherent with punishment given by court.
- Harsh mental and physical torture
- Lack of proper legal aid
- Corruption and other malpractices.

⁷³ (1983) 4 SCC 441

⁷⁴ (1997) 2 SCC 642

A sentence of imprisonment constitutes only a deprivation of the basic right to liberty. It does not entail the restriction of other human rights, with the exception of those which are naturally restricted by the very fact of being in prison. Prison reforms are necessary to ensure that this principle is respected, the human rights of prisoners protected and their prospects for social reintegration increased, in compliance with relevant international standards and norms.⁷⁵

6. Conclusion & Suggestion

While Indian Constitution does not expressly provides for the prisoners' rights but Articles 14, 19 and 21 implicitly guaranteed the prisoners' rights and the provisions of the Prisons Act, 1894 contains the provisions for the welfare and protection of prisoners, the Supreme Court by its interpretation has ruled that it can intervene with prison administration when constitutional rights or statutory prescriptions are transgressed to the injury of the prisoner. The Indian State is a signatory to various international instruments of human rights, like the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights etc. The Universal Declaration of Human Rights states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."⁷⁶ The International Covenants on Civil and Political Rights states that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."⁷⁷ Therefore, both under national as well as international human rights law, the state is obliged to uphold and ensure observances of basic human rights. The prisoner to be treated with courtesy and dignity is the provision under Articles 1 and 2 of the UDHR which advocates that all human beings are equal in dignity, rights and are entitled to all rights and freedoms contained in the instrument without distinction of any kind, such as religion, race, sex, colour, sex, language, religion, political or other opinion, other status among others. Therefore, the fact that a person is a prisoner does not make him lose his citizenship or become a non-human being. In the light of the above, a prisoner is entitled to the right to dignity and to be accorded some rights except for those limitations that are demonstrably necessitated by the fact of incarceration as provided under Article 5 of the Basic Principles for the Treatment of

⁷⁵ Idib.

⁷⁶ Article 5 of The Universal Declaration of Human Rights

⁷⁷ Article 10(1) of The International Covenants on Civil and Political Rights,

Prisoners adopted and proclaimed by General Assembly resolution 45/111 on December 14, 1990.

Prison authorities have a responsibility to ensure that the supervision and treatment of prisoners is in line with the rule of law, with respect to individuals' human rights, and that the period of imprisonment is used to prepare individuals for life outside the prison following release. But often national legislation and rules relating to the management of prisons are outdated and in need to reform.

Suggestions

- Prison welfare schemes should be introduced in prisons all around the world. The atmosphere provided by the jail authorities should be like that it compels the prisoners to work which diverts their mind from other mischievous things.
- The prisoners can also participate in games and sports activities within the.
- Drug de-addiction centers can be opened up in every prison so that the drug abuse and drug addiction of the inmates can be curbed so that they can live a better life after prison.
- Prisoners can be made to work in various factories so they understand the importance of work and inculcate these principles in their life outside prison too.
- Recreational facilities can be given to the inmates such as vocational training, education both for adults and formal education, computer courses, games and competitions are held every now and then, also yoga and meditation, creative art therapy, painting etc. These recreational facilities help the inmates to change their behaviour and become good citizens.
- The Universities like IGNOU and other educational institutions should come forward to educate the prisoners as per their eligibility.
- Job Placement should be provided to the prisoners so that they can earn their dignity back in the society which they lost when they were arrested.
- The prisoners can be allocated creative work like making furniture, showpieces like small temples, flower vases, braille books for the blind, wooden chairs, tables etc. These goods can not only be sold but can also be used by the inmates. But the authority should keep in mind that before allocating work to a prisoner it must look

that a prisoner who resides before his conviction in an area that is surrounded by industries or in a place where the industries are growing up for manufacturing unit is taking into a industry prison to industry. After serving his term, the manufacturing skills acquired in prison improve his employability and earning potential so as to be useful to the society and to have a crime free life after serving his jail term. However, if he decided to move to an area where farming is yielding profit earnings, he has to consider the work like farming, ploughing etc in Jail so that he may raise money for his livelihood.

The prison is supposed to be for a reformatory purpose. However, the entire purpose fails when the prisoners are denied the very rights that are fundamental to their being a human being. Thus, we should take steps to ensure that their basic human rights are not infringed and that they live with dignity, because, after-all, they are humans too.