CHAPTER-III

PRISONER’S RIGHTS: WITH SPECIAL REFERENCE TO WOMEN PRISONERS

The institution of prison is essential for every country as there cannot be a society without crime and criminals. The prison’s history in India and elsewhere evidently reflects the change in society’s response to crime from time to time, so, the imprisonment system stands for a mixture of different objectives of punishment. Thus, prison may be used as a method of revenge by making the life of offender miserable and difficult or it may serve to deter the offenders. The isolated life of prison and incapacity of inmates to repeat crime while in the prison fulfils the preventive purpose of punishment. That apart, prison may also serve as an organization for the improvement and rehabilitation of offenders. Whatever is the purpose of the punishment, the prison serves to keep offenders under custody and control.¹

The word “Prison” has been taken from the Latin word “Prensio”, “the action or power of making an arrest.” The word “Prensio” had been derived from the verb “Prehendere” or “Prendere”, which meant “to take hold of, take into custody, arrest.” “Prensio” had a form “Prison” that meant “capture” and “place of imprisonment”. The sense “captivity” was
added in the 12th century. The Middle English word “Prisoun” came from Old French. It was first recorded in a work written before 1121 in the sense “imprisonment”. The sense “place of imprisonment” was recorded soon afterward in a text copied down before 1225. Perhaps it was actually written in the Old English period before the Norman Conquest.²

The word prison has different meanings for different people. It is a place where the criminals end up- ‘for the law abiding’. It may be a vague hazard or an unavoidable indignity- ‘for the criminal’. It may be a shelter- ‘for the social inadequate’. It may be the only place where they can find some semblance of championship- ‘for some isolated individuals’. It is his place of work- ‘for a prison officer’. But an experience which slows up time, which crowds them together, sets them apart and changes the course of their lives- ‘for thousands of people’.³

Thus a prison is a place of detention. Prisons are places for under trials also. They are places where the offender can be lodged for his reformation.⁴

Prison, as conventionally defined, is a place in which persons are kept in detention for pending trial. It is a place in which they are confined for the sentence after conviction.
The Oxford English Dictionary describes prison as “A place properly arranged and equipped for the reception of persons, who by legal process are committed to it for safe custody while awaiting trial or punishment”.  

According to the Government of India Prisons Act of 1870, prison means any jail or place. This place is used permanently or for the time being under the general or special orders of a Local Government for the imprisonment of prisoners. 

The Encyclopaedia Britannica describes prison as an establishment for the imprisonment of persons convicted of major crimes.

**HISTORY OF PENAL SYSTEM:**

In the history of prisons, three phases are eminent in general. The first phase lasted until the middle of the 16th century. During this phase, penal institutions were mainly cells of detention rooms in secure parts of forts or city, in which prisoners were kept. During the second phase, different forms of sentences for certain types of offenders (mostly Juveniles) were experimented. During the third phase, imprisonment, as a substitute for all capital punishments was universally adapted.

We can understand the development of prison system in reference to England and America.
DEVELOPMENT OF ENGLAND'S PRISON SYSTEM:

The 16th and 17th centuries were infamous for the application of death sentence for many offences. In the prison, people were held before their trial or while awaiting punishment. The most important improvement of this period was the building of the model house of correction, ‘the London Bridewell’. By the end of the 17th century, houses of correction were immersed into the prison system.

The 18th century was known as the era of the 'Bloody Code'. But the ‘death penalty for all’ (except for the most serious crimes) had started being opposed. By the mid-18th century, imprisonment including hard labour, had begun to be seen as an appropriate sanction for small offenders.

In 1777, John Howard described comprehensive reforms including the setting up of paid staff, a proper diet, outside check and other requirements for prisoners.

In 1791, Bentham planned the ‘panopticon’. It became the example for prison building for the subsequent half century.

During the first half of the 19th century, capital punishment for most serious offences (except murder) had been replaced by the imprisonment. The first national prison was completed at Millbank in London, in 1816.
In 1842, Pentonville prison was built. It used the ‘panopticon’ design. This prison is still used. In 1877, prisons were brought under the charge of the Prison Commission.

The Prison Act 1898 settled the penal-reforms which lie beneath today’s prison policy. At the end of the 19th century, it was identified clearly, that young people should have separate prison institutions. So the ‘borstal system’ was brought-up in the Prevention of Crime Act, 1908. In 1933, the first open prison was built at New Hall Camp which was situated near Wakefield.

The Criminal Justice Act, 1948 put an end to penal servitude, hard labour and whipping.

In April 1993, the Prison Service became an organization of government. In the 2000s, private companies have also got involved in designing, financing, building and running the prisons. Supporters of privatisation find it cheaper and more innovative, while organisations like the Howard League disagree with the private prisons and find them flawed both in principle and in practice.⁹

**THE AMERICAN PRISON SYSTEM:**

The medieval period in the history of American colonies witnessed an era of barbarism and deterrent punishment for criminals. Barbarous methods of treating the prisoners eventually led to the passing of famous Penn's
Charter of 1862. Penn’s Charter tried to put an end to brutal methods of punishment on humanitarian grounds and bring out reforms in prison administration. Earlier the ‘Quaker's Movement' in 1775 had led to remodeling of Philadelphian prison on a new pattern. The prisoners were classified into two main categories, namely, incorrigible or hardened criminals. The condition of Philadelphian prison, however, deteriorated towards the end of eighteenth century. Eventually, two model prisons were set up; one at Pennsylvania and the other at Auburn.

The Pennsylvanian system was first introduced in the Walnut Street Prison in Philadelphia in 1790. Solitary confinement of prisoners in isolated cells was designed to bring about quick reformation but it brought them unspecified miseries and a large number of inmates died. To avoid these horrible results, the system of labour and work was introduced for prisoners but it was to be done in isolated cells and not in congregate shops. Consequently, this prison fell into disuse by the latter half of the nineteenth century.

A new prison modeled on Pennsylvanian pattern was built at Auburn in New York State in 1818-19. The distinguishing feature of this system was that prisoners were to work in shops under a strict rule of silence, but it was undoubtedly a brutal method of treating the offenders and it hardly had any reformative impact on them.
Donald Taft characterized the Pennsylvanian system as the separate system and the Auburn system as the silent system.

The succeeding years, however, witnessed an era of revolutionary changes by the ‘Elmira Reformatory’ in New York which provided for indeterminate sentence, parole and probation. The opening of Reception Centre at Illionis in 1933 marked the beginning of reformative era in the American prison system. The conditions of health and sanitation were considerably improved. The sentence of solitary confinement was completely abolished. Despite a series of prison reforms, the condition of American prisons, by and large still remains deplorable. The general level of American prisons has been appallingly low. However, this attitude of indifference has now radically changed due to human rights consciousness of the American Judges. The constitutional rights of prisoners in USA and are now well honoured and safeguarded.\(^{10}\) In 21\(^{st}\) century, role of human rights organizations has proved important in America in the field of prisoner’s rights.

**PRISON SYSTEM IN INDIA:**

**Ancient India:**

In ancient India, prisons were only places of detention. Inside the prison, an offender was detained, until the process of trial, judgment and the execution took place. We can find the glimpses of the structure of the
society in the writings of Manu, Yagyavalkya, Kautilya and others. Indian society was established on the principles of these laureates.  

After analysing the available data, historians gave a clear picture of jail-life. According to the Hindu scriptures, the main aim of imprisonment was to keep away the wrong doers, so that they might not taint the communal order. Few Smiriti writers gave some information about jail. Yagyavalkya had described that if a person’s involvement was proved in the escaping of a prisoner; he had to suffer capital punishment. Vishnu, in his writing, recommended sentence to an offender, who hurts the eyes of a man. Various types of physical sentences were given like branding, execution, disfigurement and death. According to the ancient Indian penology, incarceration was the mildest type of penalty.  

Fines were decided according to the Varna of the victim, for eg. 1000 cows were fined for murder of a Brahmin, 500 cows were fined for killing a Kashtriya, and 100 cows were fined for a Vaishya.  

Kautilya explained the prison place as well as the instances when the prisoners can be released. The prisons of that time were totally dark holes. There were inappropriate hygienic conditions. No facility for human lodging was available. According to Kautilya’s description, Sannidhata had the charge of jail department. Bhanda Nagar, Adhyaksa and Karka were some of the officials of the jail. The Adhyaksa was
superintendent and the Karka was one of his assistants. Kautilya has further described the responsibilities of the jailor as one who always keeps watch on the actions of prisoners and the appropriate operations of the prison.\textsuperscript{14}

Prof. Ramachandra Dikhitar in his book entitled “Mauryan Polity” has stated that Ashoka was familiar with Kautilya’s Arthashastra. Ashoka affected twenty five jail releases in the course of 26 years since he became the king.\textsuperscript{15}

In the post Ashokan age, the jatakas provided a portrait of the prisoners’ release at the time of war. From Harsha Charitha, it came into view that the prisoners’ condition was not satisfactory. According to Hiuen – Tsang, prisoners were freed at the time of regal coronation.\textsuperscript{16}

So it is clear from the above information that standard prison system, as such, did not exist in ancient India. We cannot compare the ancient prison system with today’s modern prison system in India.

\textbf{Mediaeval India:}

During the Mughal period, Quran was the main source of law. Imprisonment was used mainly as a way of detention only. There were castles situated in different parts of the country, in which the criminals were locked up during their pending trail and final judgement. There were three groups of crimes, namely, crime against God, crime against State
and crime against private persons and there were four types of punishment for the offences. They were, Hadd, Tazir, Quisas and Tasir.  

The first famous ‘Noble prison or Castle’ of Mughal India was in Gwalior. Second ‘Noble prison or Castle’ was in Ranathambore and the last one in Rohtas. The prisoners were released on special occasions. Shahajahan ordered to liberate the prisoners in 1638 AD at the time of carousing the healing from illness of the favorite Princess, Begum Sahib.  

Some rooms in forts (Bhandhikahanas or Adab – Khanas) were retained for prisoners, and offenders who had committed grave crimes.  

During the Maratha period, death penalty, disfigurement and fine were more common forms of punishments than imprisonment. Various forms of punishment (of the ancient and Mughal period) continued in Maratha period also.  

So, it can be said that during the pre-British period, there were no modern prisons; there was no organised internal administration and rules for maintenance of prisons; there was no separate prison service subsisted and courts did not provide centres for prisons.
Modern India:

Prison system during modern India abolished the old fashion system of barbarous punishments. In 1784, the British Parliament authorized the East India Company to rule India. Since then some efforts were made to bring in reforms in the administration of Law and Justice.21

At that time, the jails were an expansion of Mughal rule. These jails were handled by the staff of the East India Company (for the extension of trade).22

In 1835, Lord Macaulay proposed to prepare an improved plan of prison discipline and to advocate reforms, he made the jail at Alipore, a model for other prisons. The council accepted Macauly’s proposal. A committee namely ‘The Prison Discipline Committee’ with Hon’ble H Shakespeare as President and Lord Macauly as one of the members was formed.

The Prison Discipline Committee, 1838, drove the attention of the rulers of India to various problems of the administration of Indian Jails. It condemned the corruption and the negligence of discipline. The committee supported increased strictness of treatment.23

According to the suggestions of the committee, a Central Prison was built at Agra in 1846. This was the first Central Prison in India. After this, more Central Prisons were created. They were at Bareilly and Allahabad in 1848, at Lahore in 1852, at Madras in 1857, at Bombay in 1864, at Alipore in 1864, at Banaras and Fatehgarh in 1864 and at Lucknow 1867.24
The post of first Inspector General of Prisons of the North Western Province was created in 1844 (on an experimental basis for two years). This was extended further. In 1850, the Government of India made it an eternal post and in 1870, the Government of India approved Prisons Act. It laid down the requirement for a Superintendent, a Medical Officer, a Jailor and subordinate officers.²⁵

The Prison Act, 1870, was about the duties of the prison officials and it stressed upon the need to separate the male prisoners from females, child offenders from adults and criminals from civil offenders.

The Joint Commission, 1919, suggested ‘Borstal School’ like separate establishments. This commission stressed upon the need to keep separate the under trials from the convicted.²⁶

The Government of India Act, 1919, shifted the jail department from the control of the Government of India to the Provincial Governments. So, this constitutional change proved a setback to the prison reform movement.²⁷

The Government of India Act, 1935, transferred the subject of jails from the centre list to the control of provincial governments, so, it further abridged the option of homogeneous functioning of a prison policy at the national level.
Dr. W.C. Reckless’ report, 1951, titled 'Jail Administration in India', made an appeal for changing jails into reformation centres. This appeal was also supported by the Eighth Conference of the Inspector General’s of Prisons (1952).

The All India Jail Manual Committee, 1957, gave its report in 1960. It made strong appeal to prepare a uniform policy for the prison system. It also gave important suggestions regarding jail administration, juvenile and remand homes, certified and reformatory school, borstals and protective homes, etc.

The Model Prison Manual (MPM) was presented by the committee in 1960 for implementation. On the basis of its guidance, the present Indian prison management is administered.

The Mulla Committee, 1980, gave its report in 1983. The basic objective of the Justice A. N. Mulla Committee was to re-examine the commandments, rules and regulations keeping in view the whole objective of shielding society and restoring offenders.

The Krishna Iyer Committee, 1987, undertook a study on the situation of women prisoners in India. It suggested bringing on more women in the police force because women officials play special role in dealing with women and child offenders.
The Supreme Court, in Ramamurthy vs. State of Karnataka, also gave directions for a uniform policy of prison laws and to prepare a draft model prison manual.

The All India Committee on Jail Reforms (1980-1983), the Supreme Court of India and the Committee of Empowerment of Women (2001-2002) have all stressed upon the need for a complete review of the prison laws but the pace of any change has been disappointing. The prison system in India is a clever formation of the colonial rulers with the main object of making imprisonment “a fear for wrong doers”. But in 21st century the Supreme Court of India has protected and nurtured the prisoner’s rights jurisprudence through a sequence of rulings. The rights to get information and role of NGOs have proven decisive in prison reforms in India.

OVERALL STATISTICAL VIEW OF INDIAN PRISONS

The snapshot on prison statistics, as published by the National Crime Record Bureau (NCRB), New Delhi, as on 31st December, 2011 shows that the details regarding various prisons in India are as follows:
### Jails Numbers

<table>
<thead>
<tr>
<th>Jails</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Jails in India</td>
<td>1371</td>
</tr>
<tr>
<td>Central Jails</td>
<td>133</td>
</tr>
<tr>
<td>District Jails</td>
<td>333</td>
</tr>
<tr>
<td>Sub-Jails</td>
<td>809</td>
</tr>
<tr>
<td>Open Jails</td>
<td>44</td>
</tr>
<tr>
<td>Special Jails</td>
<td>30</td>
</tr>
<tr>
<td>Women Jails</td>
<td>19</td>
</tr>
<tr>
<td>Other Jails</td>
<td>03</td>
</tr>
</tbody>
</table>

So, in the view of above detail, it can be stated that we still have very few open jails and women jails, which is a matter of concern.30

**PROBLEMS OF PRISONERS IN INDIA:**

There are some major problems which trouble the system. These problems need precedent attention of the society.
• **Overcrowding:**

This is the most noticeable problem, but still, no solution has been found. Prisons in places like A.P., Gujarat, Haryana, M.P., and Maharashtra are badly overcrowded. Even in Delhi, Tihar Jail holds 8700 prisoners; though its capacity is 2200 only. There are various reasons for overcrowdedness in jails, like, excessive delays in trials, larger number of new admissions than capacity, inmates’ incapability to pay the fines imposed on them by courts, inmates’ incapability to earn meals for themselves outside the jail, even, unwillingness of some prisoners to pay "maintenance" to their wives as ordered by courts.

Variety of measures can be taken to solve this serious problem. Such as, non-criminal offenders like ticketless travellers and alarm chain-pullers should be dealt with alternative measures. The National Police Commission revealed that 60% of all arrests were either needless or unfair which resulted in overcrowding and wastage of expenditure of jails. So, following the guidelines set by the Supreme Court would be an effective way to reduce overcrowding in jails.

• **Delay in Trial:**

Delayed trials in the courts have created a serious problem for the system. This was highlighted by the Mulla Committee, National Police Commission and through Public Interest Litigations, but, no sign of
improvement has been seen. Courts are overloaded and it was reflected in 1978, when the pitiable plight of under-trials of Bihar Jails, mainly due to massive overcrowding in courts, brought to light by K.F. Rustomji, resulted in the matter being noted by the Supreme Court. Situation is not very different even today. The National Human Rights Commission has also pointed out this problem of delay. It is affecting the under-trials, including many foreign nationals in various jails in the country. It is the worst aspect of prison administration that has affected the human rights of prisoners. Improvement will be possible only by the joint efforts of all three links; police, judiciary and the legal professionals. Delay begins at the investigation stage itself.

Lack of streamlined supply system to give copies of relevant documents to the accused, long process of recording evidences and examining witnesses, separation of prosecution from the police etc. can be counted as lapses on the part of the judiciary.

Inadequate manpower also results in late production of prisoners or no production, on the dates of hearing in the courts.

Cases are suspended for a couple of months at a time, which further exacerbates delay.

A large number of proposals have been made to decrease delays but still it is one of the major problems of the system.
• **The Problem of Prison Discipline:**

The problem of prison discipline has always been the center of attention of penologists all over the world. The main aim of making prisons is to generate a sense of detestation for prison life among the members of society. The prison life restricts the liberty of inmates against their free will. Through the agency of prison, prisoners realize helplessness against compelling forces of the state. This sense often leads to fight between prison officials and the inmates. Prison-riot, which is basically a result of the joint project of inmates, also creates problem for the prison discipline. Causes of such riots and turbulences are basic disciplinary incidents, political instigations, parting from members of family, dull routine of prison life, differences with the prison staff and partial treatment of jail officials towards some inmates.

• **The Problem of Criminality in Prisons:**

Separation from the family and constant absence from normal life of the society deprives the inmates of sex fulfilment which is one of the fundamental natural urges of human life. This situation leads the prisoners towards offences (such as personal assaults). Paroles and periodical reliefs should be granted to solve it (like some western countries). Petty thefts of necessary articles (soap, oil, utensils) and frequent quarrelling are other causes of criminality among prison inmates.
The tendency of breaking the rules of the prison, corrupt practices resorted by some jail officials and rough-tough behavior of prison staff become reasons of dissatisfaction and cold war among prisoners and that leads them towards criminal behavior.

- **The Problem of Prisoners’ Health:**

Sections 37, 39-A, 39-B and 39-C of the Prisons Act deal with unwell prisoners and necessitate that prisoners at the time of their admission in prison be asked about their health (particularly related to tuberculosis and AIDS etc.). They should be asked about the treatment also, which they have undergone for the disease. This will be helpful in giving such prisoners special treatment and they may be kept apart from rest of the inmates. It is the duty of the state to train the volunteers for nursing in prison and develop a system of self-help for safety against diseases like T.B. or AIDS etc. Presently, prisoners do not get sufficient medical care and as a result, they suffer from a number of health problems.

- **The Problem of Prison labour:**

Work is the best way to engage the prisoners in productive manner, to channelize the prisoners potential for a useful purpose, to keep the prisoners mentally and physically fit, to infuse self-confidence among them, to help them in their rehabilitation, to make them law abiding citizens and to help them to earn the wages which can be utilized for
supporting their family and dependents. Work would be useful to inmates and at the same time remunerative to the state. But the working conditions of prisoners are not similar to the free workers. Minimum wages have been paid to prisoners for their labour after taking away the expenses incurred on them, though it is not only the legal right of a workman to have wages for the work, but also a social imperative and a moral obligation.

- **The Problem of Adaptation in Prison Community:**

As per Dr Sutherland’s observation, at the time of admission in the jail, a prisoner goes through the process of prisonisation which is similar with a child’s socialization process by his elders. Every new prisoner learns the rules of the prison and gradually adapts himself to the situations of prison life. Sometimes, a few of them (often political prisoners) presume the role of 'leaders' and pose to look after the interest of other inmates. These leaders prove helpful to maintain harmony inside the prison. Prisoners categorize themselves casually into different groups according to their response to prison life and prison activities but at times, this trend breeds groupism and make the adaptation difficult.

- **The Problem of under trial prisoners:**

The problem of under trial prisoners has assumed new proportions in recent years. Thousands of under trial prisoners are languishing in various
jails for much longer periods than the maximum term for which they could have been punished, if found guilty. Many of them are innocent persons who are caught in the web of the law, eagerly waiting for their trial date and several of them are even prepared to confess their crime and accept the sentence. Pre-trial detention, long police investigation, unsatisfactory bail system and legal representation are reasons behind this problem.  

• The Problem of Privacy and Communication:

Prisoners face the problem of poor communication and privacy between them and their relatives, friends and legal advisors. Many of these aspects have been dealt with in the Mulla Committee Report and deserve urgent execution.

• The Problem of Hygiene:

Overcrowding has enhanced the problem of cleanliness. In many jails, conditions are terrible. In such jails, latrine and bathroom facilities are insufficient to cater to the everyday small needs of prisoners.

• Lack of Effective System of Jail Visitors:

Visitors, together with judicial and non official members, pay superficial attention to peripheral matters. They do not take pains to go into the details of major problems, like the long confinement of under trials,
shortage of Medicare, problems faced by female prisoners, etc. There is a vacuum of effective system of jail visitors which should be taken care of.

- **Lack of Sentence Revising Board:**

There is no uniformity among states about remission. The Mulla Committee had noticed that the remission system usually functions in a random manner. It has little regard to individual differences and the merits of each case. So, lack of Sentence Revising Board is also a problem.

- **Lack of Open Prisons:**

According to the Mulla Committee, to create a positive environment inside the prisons we need open prisons. We still lack open prisons in India.

- **Administrative Matters:**

  i) There is a lack of the requisite expertise in prison administration.

  ii) There is a lack of proper postings of Senior Officers having experience of correctional administration and the requisite expertise both at the centre and in the States.

  iii) There is a lack of acceptance of “Model Prison Manual”, which was prepared and circulated to all states as far back as 1970. But still, the position has not changed.33
PROBLEMS OF WOMEN PRISONERS IN INDIA:

Women in the modern prison face many trials and tribulations; some are because of their lives prior to imprisonment, others are because of their imprisonment itself. But their most important issues remain unaddressed in the prison environment.

- Separation from children and significant others:

Studies have found that almost 75 percent of women prisoners were mothers and most of them had children under the age of eighteen. So, in this scenario, mothers in prison face many problems. They have a challenge to maintain relationships with their children. Apart from this, the distance between the prison and the children's homes, lack of transportation, children’s trauma, emotional reactions (anger, anxiety, depression, and aggression) and inadequate economic resources are other worrying issues. Even mothers of new born babies cannot spend adequate time with their infants. Though, family reunification, rather than extinction of the mother's parental rights, should be a major cause of concern of correctional policy for women prisoners.

- Lack of substance abuse treatment:

Inadequate personality evaluation, imperfect treatment for pregnant, mentally ill, and aggressive women offenders, and a lack of proper
treatment and occupational training are those flaws which limit the effectiveness of the few programs that exist. Women substance abusers are more prone to strong emotional suffering, mental symptoms, and low confidence than male inmates.

- **Lack of physical and mental health care:**

Some women prisoners often have specific health requirements related to their offensive (risky sexual and drug-using) behavior, prior to their imprisonment. Since population of female prisoners is growing continuously, women prisoners are also at risk for communicable diseases, including HIV, tuberculosis, sexually transmitted diseases, and hepatitis B and C infections.

Pregnancy and reproductive health are also sensitive areas of health care. Mental health disorder is also a major cause of concern appurtenant to health care. Almost 25 percent to 60 percent of the female prison population requires mental health services. So, lack of proper and comprehensive healthcare of women prisoners, is a major issue.

- **Lack of vocation and educational programs:**

There is a lack of educational and vocational programs for women prisoners. They are offered fewer vocational and educational program opportunities when compared to male offenders. One aspect of this
meagerness is that many vocational programs for female inmates stress upon traditional roles for women and work.

- **Sexual abuse:**
  The problem of sexual abuse and compulsion is continuing in the modern era. ‘Human Rights Watch’ studied this serious problem. There are four major reasons behind this situation; women prisoners’ incapability to get away from the abuser, ineffective investigative and complaint procedures, lack of worker responsibility (either criminally or administratively) and little or no community concern.

- **Disparate disciplinary practices:**
  Studies have found that women prisoners were named more often and punished more harshly than males. This situation is very bad for women prisoners’ self esteem and mental health.

- **Gender-specific treatment:**
  We do not have many options in our system to deal with the gender and culturally specific problems of female offenders. Gender-specific services should add in physical, psychological, emotional, spiritual, and socio-political issues in dealing with these needs. Since women offenders differ from male offenders in many ways, the requirement for gender-responsive treatment and services is the need of the hour.  

34
RIGHTS OF PRISONERS UNDER INTERNATIONAL LAW:

Various international treaties comprise prisoners’ rights. Most of these treaties came into existence following the two World Wars. International law continues to add and amend prisoners’ rights.

• **Third Geneva Convention, 1929:**

The 1929 Geneva Convention on Prisoners of War was changed by the Third Geneva Convention in 1949. All 193 signatories to the UN Charter are bound by the Geneva Conventions.

The Third Geneva Convention describes and supports humanitarian security for prisoners of war. Prisoners of war may not be abandoned from their rights protected by the Conventions.\(^{35}\)

• **United Nation Charter:**

The UN charter is the primary source of authority for human rights. One of the principal aims of the organization is stated in the second preamble paragraph of the charter. It states that it aims to endorse trust in fundamental human rights. It believes in the pride and equal rights for men and women.\(^{36}\)

• **Universal Declaration of Human rights, 1948:**

Universal declaration of human rights grants some basic values based on worldwide notions like parity of conduct; right to life, freedom and safety
of person; freedom from anguish and freedom from brutal or humiliating behaviour.\textsuperscript{37}

- **UN Standard Minimum Rules for the Treatment of Prisoners, 1955:**

  The standards set out by the UN are not lawfully compulsory but offer guidelines in international and municipal laws regarding any person being held in any form of custody. The document states that in custody a person shall be provided with personal sanitation, clothing and bedding, food, work out and game, medicinal services, discipline and punishment etc. In custody, a person shall not be denied contact with the outside world, books, religion and prisoners’ property.

- **International Covenant on Civil and Political Rights, 1976:**

  Article 10 of the International Covenant on Civil and Political Rights states that any person deprived of their freedom shall be treated with kindness and dignity. The article further emphasizes on the need to separate the prisoners in pre-trial detention from those already convicted of crimes and to separate accused juvenile prisoners from adults and bring them before trial promptly.\textsuperscript{38}
• **Amnesty International, 1955:**

The Amnesty International adopted certain rules in 1955 for the treatment of prisoners, which opposes any prejudice among prisoners on grounds of sex, religion, political or other opinion, national or social origin and birth or other category. It further states that hygienic conditions for living should be made; the food served must be of nutritional value; services of qualified medical officers, having knowledge of psychiatry, should also be made available; under trials should be separated from convicts.\(^{39}\)

• **Code of Conduct for Law Enforcement Officials, 1979:**

According to this code, all those who exercise police powers shall value and protect human self-esteem. They shall defend the human rights of all persons. Those who exercise police powers shall use power only when required and only to the amount required to perform their duties.

• **Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty, 1984:**

According to the Economic and Social Council resolution 1984/50, capital punishment may be forced only for deliberately committed serious crimes with fatal or very severe consequences (in the countries which have not abolished the death penalty). It further states that persons below
18 years of age, expecting women, new mothers or persons who have become insane, shall be excluded from the penalty.

- **The Milan Plan of Action, 1985:**

This plan was (adopted by the Seventh Crime Congress, Milan, which sustained from 26 August to 6 September 1985) endorsed by the General Assembly in resolution 40/32. This plan states that governments’ main concern should be the crime prevention and criminal justice through increasing proper means. Priority must be given to fighting terrorism in all its forms.

- **Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New Economic Order, 1985:**

These principles (adopted by the Seventh Crime Congress, Milan) were continued from 26 August to 6 September 1985, and sanctioned by the General Assembly in resolution 40/32. According to these principles, national economy and social structures should be changed to accompany appropriate criminal justice reforms. These principles state that crime prevention should deal with harmful crimes such as economic crimes, environmental offences, illegal drug trafficking, terrorism, apartheid and other similar crimes.
• Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners, 1985:

This agreement was adopted by the Seventh Crime Congress, Milan, which continued from 26 August to 6 September 1985, and approved by the General Assembly in resolution 40/32. Model agreement states that the social resettlement of wrongdoers can be encouraged by making possible the return of persons convicted of crime abroad to their home country, to serve their punishment.

• Standard Minimum Rules for the Administration of Juvenile Justice, 1985:

These rules were adopted by the General Assembly on 29 November 1985 (resolution 40/33), on the recommendation of the Seventh Congress. According to these rules, all the member states shall guarantee basic procedural protection (at all stages of trial) to juveniles and their families; like the right to stay quiet, the right to counsel, the right to the presence of a parent or a guardian etc.

• Standard Minimum Rules for Non-Custodial Measures, 1990:

These rules were adopted by the General Assembly as resolution 45/110 on the recommendation of the Eighth Congress. According to these rules,
the use of non-custodial ways should be encouraged and minimum protection should be established for persons, subject to options to imprisonment.

• **Model Treaty on Extradition, 1990:**

This treaty (adopted by the Eighth Crime Congress, Havana) continued from 27 August to 7 September 1990. According to this treaty, the signatory states shall extradite to the other state any person who is wanted in the demanding state for prosecution for an extraditable crime or for the enforcement of a sentence in respect of such crime.\(^{40}\)

• **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment:**

_This Convention came into force on 1 March, 2002. The European Committee, established by the convention is permitted to visit all places of confinement, defined by the convention as “any place within its jurisdiction where persons are deprived of their liberty by a public authority”._

• **Convention on the Rights of Persons with Disabilities:**

_This Convention came into force on the 30th March, 2007 and has 82 participants. Article 13 of the Convention provides that persons with disabilities shall be ensured effective access to justice by the signatory_
states. For this purpose, states shall promote appropriate training for police and prison staff. 41

RIGHTS OF WOMEN PRISONERS UNDER INTERNATIONAL LAW:

The special status of women is acknowledged and protected by two types of provisions; one requiring women detainees to be accommodated separately from men, and the other on the question of discrimination. The law provides that the rights and special position of women prisoners should be recognised by all police officials. Men and women should be kept as far as possible in separate establishments. In an institution, which houses both men and women, the premise marked for women is to be kept completely separate. Women police officials to supervise women detainees. Women detainees are to be searched by women. Measures applied under the law and planned exclusively to defend the rights and exceptional position of women, particularly pregnant women and tending mothers, shall not be deemed to be discriminatory. All law enforcement officials must be aware of the standards which they have to comply with, in their treatment of detainees and of those standards, relating particularly to women. Officials with command and supervisory responsibilities are to ensure compliance with those standards. Sufficient numbers of women police officials to be appointed, trained and appropriately deployed, so
that they are available to supervise and if necessary, search women detainees. Facilities for the detention of women by police need to be sufficient to respect the rights and special status of women detainees—especially in respect of the requirement for women to be detained separately from men. The sensitization of police officials to the human rights of women in the process of law enforcement and the rights of women in terms of their needs and special status as persons who require protection under law enforcement is also essential.

The basic message to be derived from this chapter is that human rights cannot be restricted under the jurisdiction of the state or its agents. Actually, they are a lawful concern of international community. From last half century, international community is busy in setting standards, establishing implementation mechanisms and monitoring compliance with the standards.42

**CONSTITUTIONAL STATUS OF PRISONERS IN INDIA:**

The right to life and personal liberty is the most valuable right of human beings. In today’s times, many contemporary constitutions have included certain basic rights, together with the one relating to individual liberty. Englishmen laid stress upon the absolute rights for their citizens. These were the rights of personal security, personal liberty and private property. The American Declaration laid stress upon equality and inalienable rights
of life and liberty. The different declarations of human rights and fundamental freedoms have kept one focus in common, which is, ‘the sanctity of life and liberty’. Effective enforcement of the law in a democracy is based on an equitable balance between the rights of the individual and the welfare of the society. The individual relinquishes a portion of his personal prerogative through the legislative process in order that he and his fellow citizens may be free from criminal activities. Thus, law enforcement depends upon legally sanctioned interference with individuals rights.

Rule of law constitutes the core of Indian constitution. Exercise of powers by the state, whether it is legislative or the executive or any other authority, should be within the constitutional limitations. Preamble of Indian constitution, Article 14, 21 and 22 enshrine fundamental rights relating to personal liberty and states that a prisoner, on his being imprisoned, does not lose all his rights. He loses only a part of his rights that are the necessary consequences of his confinement and the rest of the rights are preserved. Basic commitment of our Constitution is to foster human dignity and the well-being of our people. Thus, in India, prisoners are given important rights:
• **Prisoners do not lose their fundamental rights:**

A convicted person cannot be denied his/her fundamental rights because of the conviction. The convicted persons are permitted all constitutional rights unless their freedom has been constitutionally curtailed. Institutional needs and objectives and the provisions of the Constitution should adjust properly according to human rights. For instance, public lectures by prisoners may be denied but conversation with fellow prisoners cannot be.\(^{44}\)

• **Right of the arrested person:**

A person who is arrested gets three rights. The first is that he must be specified why he is being arrested. The next is that the person arrested must not be detained in custody for more than 24 hours without being produced before a Magistrate. The third is that he gets a right to discuss with and to be protected by a legal practitioner of his preference.\(^{45}\)

• **The Handcuffing only under Court supervision:**

According to the law, handcuffs or other shackles shall not be compulsory for a prisoner (convicted or under trial), whether the prisoner is wedged in a jail or while being transported from one jail to another or from jail to Court and back. But, if the Police or the jail authorities have a concrete proof or finding about the plan of escaping of a particular prisoner, the Magistrate may grant a permission to handcuff the prisoner.\(^{46}\)
• **Right to health:**

In our country, ‘the right to health’ has been granted to all the citizens including prisoners. According to it, prisoners have a right to get the maximum possible standard of physical and mental health. The state has an obligation to the patient (whether he is an innocent person or a criminal) to preserve life.\(^{47}\)

• **Right to free legal aid:**

For an arrested person, the police should, without delay, give intimation to nearest Legal Aid Committee and such committee will make sure that legal support at state cost is provided to arrested person.\(^ {48}\)

• **Rights regarding police custody and remand:**

Freedom of an individual must yield to the security of the state. The right to interrogate the detenus, culprits or arrestees in the interest of the nation, must take precedence over an individual’s right to personal liberty. A person arrested for an offence under the Act can be produced before a Judicial Magistrate, who can remand the accused to custody of investigating agency for a total period of fifteen days, and such Magistrate can remand the accused to judicial custody from time-to-time but each time it shall not exceed fifteen days.\(^ {49}\)

Art.-22 of the constitution of India states that every arrested or detained person shall be produced before the magistrate within the time
prescribed therein and there shall be no detention beyond the said period without the authority of the said magistrate.  

- **Right to speedy trial:**

The right to a speedy trial may not be a constitutional right in India, but it is implicit in the right to a fair trial which is held as a part of the right to life and liberty assured by Art 21 of the constitution. It is the constitutional obligation of the state to devise such a procedure as would ensure speedy trial to the accused.  

- **Capital punishment in rarest of rare case:**

In India, the Indian Penal Code provides for death penalty for seven types of offences. But death sentence need not be meted out, if other punishments are also provided for.  

- **First appeal against conviction is a constitutional right:**

Keeping in view the expansive definition of Art-21, right of appeal (from a Judgment of conviction), is also a fundamental right. Every accused person sentenced to death by a Court of Sessions has not only a right, but an undeniable right to file a first appeal on facts to the High Court against his conviction and sentence.  

- **Equality in privileges is a fundamental right:**

Article 14 of the Constitution of India states that, the State shall not deny to any person ‘equal protection of laws’ within the region of India. Equal
protection means the right of equal treatment in similar circumstances. Thus, it is clear that equal treatment must be in the privileges conferred and in the liabilities imposed. Article 15(1) of the Constitution states that, the State shall not differentiate against any citizen (on grounds of religion, race, caste, sex, place of birth). Articles 14 and 15 (1) clearly shows that, there cannot be any discrimination among the persons similarly situated and there cannot be any discrimination on the ground of place of birth. The classification for the purpose of discrimination must be based on reasonable basis and must have nexus to the object wanted to be attained. Equality does not mean equal treatment of all persons: it merely guarantees the application of the same laws without discrimination to all persons similarly situated.\(^{54}\)

- **No solitary confinement of condemned prisoners:**

The jail authorities will be justified in taking precautionary measures and imposing special conditions like putting in separate wards etc., considering the safety of prisoner under death sentence. But, it cannot imply that each one should be kept in a separate room as it will amount to solitary confinement, whatever the term used. Day and night watch, also, can be arranged for security and safety of the prisoners. The jail authorities are competent to take all steps for safety and security of the prisoners in conformity with the Jail Rules, but they cannot be treated as condemned prisoners and put in condemned cell or separate cell.
• **Wages to be paid to prisoners:**

State shall pay reasonable wages to prisoners so that, motivation for work is generated. Reasonable wages need not be the equivalent of minimum wages. Cost of support of prisoners, circumstances that lead to incarceration etc. can be reckoned in fixing such wages. Broadly stated, something in the approximation of half the statutory minimum wages should be reasonable. State will also take appropriate measures for creation of a fund, for victim care to which an appreciable part of prisoners' earnings could be diverted.\(^{55}\)

• **Right to compensation:**

It is now a well accepted proposition that monetary compensation is an appropriate and effective remedy to restore the violation of the fundamental right to life of a citizen by the public servants and the state. In Rudal Shah vs State of Bihar, the petitioner was detained illegally in the prison for over fourteen years. After his acquittal in a trial, the Supreme Court ordered the state to pay to the petitioner a total sum of Rs. 35,000. In Bhim Singh v. State of J&K, the court awarded compensation of Rs. 50,000 to the petitioner for his detention. Indeed, no provision is stated in the constitution of India to grant compensation for violation of a fundamental right to life; nonetheless, the courts have judicially involved the right to compensation in cases of established unconstitutional deprivation of personal liberty of life.\(^{56}\)
• **Right against infiltration of police inside prison:**

The infiltration of policemen into prisons must generally be deprecated for under trial prisoners who are remanded to judicial custody. They are to be immune from the coercive influence of the police. Such interferences are against "the very essence of a scheme of ordered liberty".\(^{57}\)

• **Right to have Interview with the relatives and friends:**

A prisoner has a right to have interviews with the members of his family and friends and no prison rule or procedure can stop him, without a valid reason.\(^{58}\)

• **Right to publish works:**

The prisoner has a right to publish his work, if it does not violate prison regulations. The prisoner can write book and get it published. Mere fact of his confinement cannot prevent him from exercising this right which is guaranteed under Art 19 and 21 of the Constitution of India. The refusal of the State Government to release the manuscript on scientific interest, written by a prisoner for publication was held to constitute an infringement of the personal liberty of the detenu in derogation of the law under which he was detained.\(^{59}\)
• **Bail in bailable offences is a statutory right:**

Bailable offence is an offence where bail can be claimed as a right. In case of bailable offences, the arrested person has the right to be released on bail if he can arrange sureties.  

60

• **Right of compulsory bail:**

The Criminal Procedure Code mandates that an arrested or detained person shall be produced before the concerned or nearest Magistrate before 24 hours, not including the time consumed during journey to the Magistrate’s Court. The Magistrate cannot approve the detention of the charged person in custody for a period more than 90 days (if the investigation relates to an offence carrying a punishment of death, imprisonment for life or imprisonment for a term of not less than 10 years), or 60 days where the investigation relates to any other offence, if the accused person is ready to furnish bail.  

61

• **Execution of death sentence:**

Another aspect of the rights of the prisoner is that whether sentence of death can be executed in a cruel or degrading manner. The court directed that the execution of the death sentence should be carried out in terms of the procedure provided in the rules mentioned in the jail manual only, unless by that time any amendment was made in the rules. The jail manual does not contain any provision permitting public hanging. The apex court held that the execution of death sentence by public hanging
would be a barbaric practice and thus, would be a violation of Art 21 of the constitution.

- **Prisoners' conjugal rights:**

Conjugal rights of prisoners have become a very strong issue. There is no authoritative pronouncement by Indian courts except an observation by Justice Hansaria that the conjugal visits of the prisoners are of great importance. There is no logic for denying the same right to prisoners. They have their emotional and biological needs.\(^6^2\)

- **Every accused has a right to engage counsel of his choice:**

Sec. 303, Cr.P.C. states that, any person against whom trial is instituted under this code, may as a right, can be protected by a pleader of his preference.

The definition, ‘pleader’ includes not only registered practitioners or advocates, but also other persons appointed with the permission of the Court to act in such proceedings. Public Prosecutors are appointed by the Government only for conducting prosecutions in the Courts and they are full-time Government servants.\(^6^3\)

- **Right to Religion:**

India is a secular state. The state is neutral towards any particular religion but it protects the faith of all religious institutions. Religious liberty is essential, as well as, a healthy sign of a democratic state. The Indian
constitution through Article 25 (1) grants the ‘freedom of religion’. It states that citizens of India have the right to freely admit, practice and promulgate religion. This right remains in prison too.64

CONSTITUTIONAL STATUS OF WOMEN PRISONERS IN INDIA:

Constitution of India does not give precise assurance to the women prisoners, but, it gives the ‘status of equality’ to the women. Efforts by makers of the Indian Constitution, to promote the rights of women as well as children, can be seen. Our preamble contains “the ideals and aspirations of the people of India”. One of the basic principles is “the equality of status and of opportunity”. Constitution of India under Article 14 states, “equal protection of laws to the women in India” and Article 15 prohibits ‘the discrimination on grounds of sex’. Government of India approved the Protection of Human Rights Act, 1993 and comprised a body known as the ‘National Human Rights Commission’ for endorsement and protection of human rights. Part IV of the Constitution of India sets out the Directive Principles of State Policy. These directive principles give direction to the State to give economic and social rights to its people in specific manner. India has also approved various International Conventions to secure equal rights of women like Convention on Elimination of All Forms of Discrimination against
Women (CEDAW) in 1993. Article 12 (2) of this Convention provides that state Parties shall make sure to women proper services in relation with pregnancy, imprisonment and the post-natal period, granting free services where necessary, as well as sufficient nutrition during pregnancy and after delivery. Article 10 (1) of the United Nations Covenant 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” and Article 6(1) states that, every human being has the innate right to life. This right shall be protected by law. So, it can be seen, that on both national and international levels, Indian governments have proved their supportive attitude towards women rights. Though, various Governments at different times have passed many laws and constituted various bodies, but, still the situation of Indian woman has not improved remarkably. In fact, it becomes worse, if the woman is a prisoner too.

The Supreme Court of India in the case of Sunil Batra vs Delhi Administration held that whether inside prison or outside, a person shall not be disadvantaged of his guaranteed liberty. So, women prisoners in our country have many rights. Various prison committees and prison acts have incorporated various rights for women prisoners. Prisoner’s right is a state subject, so, the management and administration of prisons comes under the domain of the State Governments. Thus, the state governments,
while making Prison Manuals, should think about all the preceding guiding principles. The different types of human rights, constitutional rights and statutory rights of women prisoners are conferred as under:

- **Section 27(1) of the Prison Act, 1894** states that in a prison, having female as well as male prisoners, the females shall be incarcerated in separate buildings or separate parts of the same building. Females shall be imprisoned in such a way that it shall avert their seeing, conversing or holding any intercourse with the male prisoners; this right is also given by Rule 8(a) of Standard Minimum Rules for the Treatment of Prisoners.

- **Section 31 of the Prison Act, 1894** states that a civil prisoner or an un-convicted criminal prisoner shall be allowed to purchase or receive (from private sources at proper hours) food, clothing, bedding or other necessities. But this shall be the subject to examination and to such regulations as may be approved by the Inspector General.

- **Section 33 (1) of the Prison Act, 1894** states that every civil and un-convicted criminal prisoner shall be supplied clothing and bedding, as may be needed, by the Superintendent (if someone is unable to provide himself with adequate clothing and bedding).
• The prisoners have the fundamental human rights such as; healthy food, clean shelter, medical facilities and facilities of reading and writing. They ought to be treated with dignity in the custody. They cannot be secluded in a separate cell, except on medical reasons or if he/she has confirmed to be hazardous to other prisoners.

• A pregnant lady shall be given full facility (medical and personal) at the time of delivery. Women prisoners, who are pregnant, but cannot be given the full facilities during the pregnancy, can be freed on bail for the delivery.

• The Standard Minimum Rules for the Treatment of Prisoners states as under-

  ➢ Rule 53(1) that in an institution (for both males and females), the part of the institution placed for females shall be under the power of a woman officer.

  ➢ Rule 53 (2) that no male staff member shall enter into the part of the institution placed for women, unless, escorted by a woman officer.

  ➢ Rule 53(3) that the female prisoners shall be administered by women officers. This does not prohibit doctors and teachers,
from carrying out their specialized responsibilities in institutions or parts of institutions placed for females.

- **Rule 23 (1)** states that there shall be special lodging for all necessary pre-natal and post-natal care and treatment in women’s establishments. If a child is born in prison, this fact shall not be stated in the birth certificate.

- **Rule 23 (2)** says that tending infants are permitted to remain in the institution with their mothers. For that, provision shall be made for a nursery (teamed by competent persons), where the infants shall be placed when they are not with their mothers.

- **Rule 24** states that all the prisoners shall be examined immediately after their admission by a medical officer and thereafter as needed. All the necessary measures shall be taken; the separation of prisoners, suspected of communicable or contagious conditions; deciding physical capacity of every prisoner for work etc.

- **Rule 25 (1)** states that the medical officer shall take care of the physical as well as mental health of the prisoners. All the prisoners shall be taken care of daily (according to their medical needs).
Rule 25 (2) says that if the medical officer believes that a prisoner’s health has been or will be badly affected by continued incarceration or by any condition of incarceration, he shall report to the director.

Rule 26 (1) says that if there is no technical personnel in charge in the prison then the medical officer shall examine and recommend the director upon: the amount and quality of food, the appropriateness and hygiene of the prisoners’ clothes and quilts, the cleanliness of the institution and the prisoners, the heating, lights and aeration of the institution, the adherence of the rules regarding physical education and sports.

Rule 26 (2) says that the director shall consider the reports and advice that the medical officer suggests according to rules 25 (2) and 26. If he agrees with the suggestions made, shall take urgent steps to give effect to those suggestions otherwise he shall put forward his own report and the advice of the medical officer to higher authority.

The guidelines set up by NCPCR (The National Commission for Protection of Child Rights) state that even as the nature of the crime cannot be ignored, the situation of women prisoners
(pregnancy, illness or having children dependent on them) could be considered for early release on personal bond, especially, when they have few means and are responsible for young children.

- **Article 39 A of the Constitution of India** states that the State shall endorse justice, on a basis of equal chance, and shall make available free legal aid to ensure that chance for securing justice is not denied to any citizen due to financial or other disabilities. Further it is the right of every prisoner to get legal aid, being sentenced cannot infringe his/her right.

- **309 (1) of the Criminal Procedure Code** states that mere sentence does not limit the right to freedom of religion.

- **The Supreme Court of India** (in the case of Hussainara Khatoon vs Home Secretary, State of Bihar) held that speedy trial is an essential right implied in the guarantee of life and personal liberty protected in Article 21 of the Constitution.

- **The Articles 72 and 161 of the Indian Constitution** empowers the President and the Governors of States ‘to grant pardon or show mercy to the prisoners’.  

- **Various studies have shown that the children living inside prison with their mother** are growing up without inadequate
nutrition, less medical care and little educational opportunities. The Supreme Court (in R.D. Upadhyay v. State of Andhra Pradesh and others) had stated that children who grow up in prison with their mothers should be given food, shelter, medical care, clothing, education and leisure facilities as a matter of right. The fact about their taking birth in the prison shall not be recorded on the birth certificate. Female prisoners are permitted to keep their children with them until the age of six years. After this period they shall be sent to an appropriate organization by the social welfare department. The children shall be kept in crèches under the charge of a female supervisor (while their mothers are at work in jails). 

**CONCLUSION:**

So we can conclude that the Indian prison system has developed over the years. Though prisoners, specially women prisoners, have given various rights under international law and Indian constitution; They still face many challenges and problems. There life inside the jail is difficult.

After taking a look at prisons and prisoners rights in this chapter, we will take a look at Tihar Central Jail and women prisoners in the next chapter.
REFERENCES


7. ‘Encyclopedia Britannica’, Vol – 9, P.710


   Varanasi, Chaukhambha Orientalia publishers, p.322.


   New Delhi, South Asia Books, p-19

   Varanasi, Chaukhambha Orientalia publishers, p.324


   New Delhi, South Asia Books, p-21


26. Prisons Act, 1870, Section 7, Section 30

27. Report of the Indian Jail Committee, 1919, para , 08, 101, 102, 121, 140, 274, 279, 288


34. Law.jrank.org/pages/1805/prisons-women-problems-unmet-needs, Accessed on 24-1-15


41. En.wikipedia.org/wiki/prisoners’-rights-in-international-law,
    Accessed on 26-1-15


44. Ibid, p-760

45. Ibid, p-140-141

46. Ibid, p-174-176


49. Ibid, p-166

50. Ibid, p-151

51. Ibid, p-535


54. *Ibid*, p-738-739

55. *Ibid*, p-741-742


58. *Ibid*, p-742

59. *Ibid*, p-748

60. *Ibid*, p-205

61. *Ibid*, p-217


64. Nitin Roy Chowdhury, and Nirmal Kanti Chakrabarti (2002) ‘*Indian Prison Law and Correction of Prisoners*’, Delhi: Deep and Deep Publication, p-95
