Preface

All human beings are born equal and they are endowed with some basic undeniable rights by the Creator. These rights are in regard to life, liberty and the pursuit of happiness. At the same time, there are some ethics set by our society. The society demands proper punishment and deprivation of the basic rights for those who do not conform to these ethics. Incarceration is indeed one of the oldest forms of punishment, which is still widely practiced in every country. The main object of incarceration right from the inception of this concept in a sovereign state was to curtail the liberty of movement of an individual if he has violated the established law of land. Incarceration literally means imprisonment or to put in prisons.

In my study, I have touched almost each and every sphere of prison life right from the inception of a law-breaker into the prison till he is released to adjust himself to the mainstream of the society. As such I have divided my study into five chapters, each chapter casting different issues pertaining to the prison system.

The first chapter of my study deals with the introductory part of the prison system in India as well as in Jammu and Kashmir. In this chapter, I have tried to outline the basic concepts related to the prisons. I have also outlined the genesis of the prison system which is to curtail the freedom and liberty of movement of an individual broken the laws therein. Two types of groups in the prisons have also been dealt with in this chapter. Besides, I have tried to pinpoint and compare the existing prison system with that of the prisons before independence. Prisons were in bad conditions for a longer period of time and so I have mentioned the initiation of the reformatory movements towards the prisons. Other legislative measures related to prisons have also been dealt within this chapter. At
most, I have given the objectives of the study and methodology adopted therein to complete this study.

Chapter two is the reformation of the prison system. In this chapter, since prisons are beset with numerous problems, I have accentuated on the condition of prisons in India and in the State of Jammu and Kashmir as well. In these two parts, I have tried to touch each and every problem that prisons as well as prisoners and staff are facing inside the four walls of the prison. I have presented the data in qualitative as well as in quantitative form in order to have a deeper insight in the problems. The third sub-part of chapter two deals with the reports of various commissions and committees, which have so far been constituted in the pre-independence period to bring about reformation in the prisons. Sub-part four of this chapter deals with the reports of the committees constituted in the post-independence period, the focus of which was to bring about an overall reformation in the prisons. The final part of this chapter deals with the provisions and other beneficial measures made by the Human Rights organizations towards the reformation of the prisons. Human Rights Organizations have played a vital role towards the reformation of the prison system in the country.

Chapter three of my study is the Prison administration in Post-independence era. In this chapter, I have tried to outline the various administrative functions that take place in the prisons. Treatment of prisoners, recruitment of staff and other activities related to both the prisoners and staff has been dealt in this chapter. Maintenance of discipline is the basic objective of an institution be it a prison or some other private business organization. Prisoners are supposed to work as labourers inside the prisons for which they are paid wages. This leads them to their rehabilitation once they are released from the prisons. Prisoners are also provided with education inside the prisons according to the level they have acquired before they were imprisoned. At the same time, religious education is also being provided to the prisoners so as to have faith in their religion which in-turn could
result in their reformation. Prisoners’ health and hygiene has also been dealt with in chapter three. Focus has been drawn on the after-care and rehabilitation of prisoners. Visiting prisons by the officials and by the outside bodies is also of much importance. This will let the administrators know about the functioning of the system. Little has also been said on the visits by families and conjugal visitation. I have also tried to outline the move of the prisons towards their modernization in which funds were granted to improve the condition of the prisons.

Chapter four is the classification of prisoners. Since there are a variety of prisoners inside the prisons with varied criminal backgrounds, therefore it demands segregation of some prisoners from others. In this chapter, focus has been laid on various types of prisoners. As such casuals and habitual prisoners are there in the prisons. But there are other types of prisoners as well. Under-trial, convicted, detenue and women prisoners are housed there in our jails. All these categories of prisoners have been dealt in this chapter with the help of both qualitative and quantitative data.

Finally, the last chapter deals with the conclusion of the study. I have provided an essence of all the data – both qualitative and quantitative – which has been used in the all previous chapters. At the end, I have included bibliography. However as part of the references, each chapter is having a referential section at the end in which number-wise references have been exuded.