

## A Study on Rights of Prisoners in Society

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### ABSTRACT:

The Prison is the most established corrective organization in the world. With the modern penal systems across the globe embracing the Reformatory Theory of punishment, the idea that a criminal is a product of the social, economic and environmental conditions is increasingly gaining acceptance. This privilege can be followed to fall under the ambit of Article 21 of the Constitution. The rights of prisoners are a complex and crucial facet of any justice system. At the heart of prisoners' rights lies the recognition that every human being possesses inherent worth and dignity, regardless of their actions. This principle translates into several fundamental rights, enshrined in international human rights instruments and national laws. The independent variables used are age, gender, educational qualifications and occupation. The dependent variables are whether Rights are a very important aspect of a man's life and specific laws for prisoners in India. The researcher has followed empirical research with a convenient sampling method. The sample size covered by the researcher is 204. The result observed from the analysis, The undergraduate respondents who work in the public sector have positively responded that there are specific laws for conjugal rights than the postgraduate respondents who work in the private sector and the Male respondents who own a business have positively responded and shown support in bringing specific laws for conjugal visits in India than the female respondents who work in the private sector. Thus, the paper suggests that the Conjugal rights are essential and India has taken a lead from the laws of other nations

**KEYWORDS:** Prison, rights, Bond, Privileges, Criminal justice system

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### I. INTRODUCTION:

The Prison is the most established corrective organization in the world. With the modern penal systems across the globe embracing the Reformatory Theory of punishment, the idea that a criminal is a product of the social, economic and environmental conditions is increasingly gaining acceptance. This privilege can be followed to fall under the ambit of Article 21 of the Constitution. The rights of prisoners are a complex and crucial facet of any justice system. While incarcerated individuals have committed crimes and are serving sentences, they retain fundamental human rights and deserve to be treated with dignity and respect. This concept forms the cornerstone of a fair and humane society.

Understanding the Core Principles

At the heart of prisoners' rights lies the recognition that every human being possesses inherent worth and dignity, regardless of their actions. This principle translates into several fundamental rights, enshrined in international human rights instruments and national laws. These rights include:

The right to be treated with humanity and respect: This prohibits torture, cruel, inhuman, or degrading treatment or punishment. Prisoners deserve to be treated with fairness and compassion, even when facing consequences for their actions.

The right to a fair trial and legal representation: All individuals, including prisoners, deserve access to a fair legal process. This includes the right to be informed of charges, to defend themselves in court, and to be represented by legal counsel.

The right to safe and humane living conditions: Prisons must provide basic necessities like adequate food, water, sanitation, and healthcare. Overcrowding, poor hygiene, and lack of medical care can constitute violations of prisoners' rights.

The right to family contact and communication: Maintaining connections with loved ones is vital for mental and emotional well-being. Prisoners should have the opportunity to communicate with family through letters, phone calls, and visits, within reasonable limitations.

Right to rehabilitation and reintegration: The ultimate goal of incarceration should be to rehabilitate individuals and prepare them for successful reintegration into society. This may involve access to education, vocational training, and mental health service.

In India, the legal landscape surrounding prisoners' rights is shaped by a combination of constitutional provisions, international human rights treaties, and specific prison legislation. Case law plays a crucial role in interpreting these legal frameworks and establishing precedents for upholding prisoners' rights. Here are some key landmark cases that have significantly impacted the rights of prisoners in India:

**State of Maharashtra v. Manubhai Patel (2018):** This case dealt with the right to legal aid for prisoners and emphasized the obligation of the state to provide free legal aid to those who cannot afford private counsel.

**Mukesh Singh v. State of Delhi (2017):** This case, while upholding the death penalty in the Nirbhaya gang rape case, established the right to a dignified execution and laid down strict guidelines to ensure that executions are carried out humanely and without unnecessary suffering.

**Rekha Rani v. Union of India (2011):** This case recognized the right of transgender prisoners to be housed in accordance with their gender identity. This ruling challenged discriminatory practices and promoted the fair treatment of transgender individuals within the prison system.

**Mohammad Arif vs State of Bihar (2014):** This case highlighted the right to speedy trial for undertrial prisoners and set time limits for completing trials to prevent prolonged detention without conviction

## II. OBJECTIVES:

- To examine whether the Rights of a prisoner are a very important aspect of a man's life.
- To know about specific laws for prisoners
- To know about the needs of the prisoners.

## III. LITERATURE REVIEW:

**ACHR, (1969),** The author focused on the duty to offer prisoners healthcare, and the duty to afford prisoners the possibility to enjoy conjugal visits and to beget children. The author also examines the international and regional jurisprudence related to the world's four most important general human rights treaties on civil and political rights, i.e.: (ICCPR, 1966), (ECHR, 1950).

**Palmer and Palmer (2004)**The author examined whether conjugal visitation attenuates sexual violence in prison. The author concludes that conjugal visitation should reduce sexual offending in prison. Results support sexual gratification theory by showing that states permitting conjugal visitation have significantly fewer instances of reported rape and other sexual offenses in their prisons.

**D'Alessio, Flexon, and Stolzenberg (2013)**The author discussed conjugal association programs. The practice of conjugal association in United States prisons has become a controversial issue among policy makers in correction. Seven states now have programs allowing families to visit inmates in private.

**D'Alessio, Flexon, and Stolzenberg (2013); Goetting (1982)**The authors have examined the relationship between participation in conjugal visitation programs and threats of or actual violent behavior facilities. The study did reveal that inmates who had committed index crimes were more likely to commit violence against another inmate.

**Hensley, Koscheski, and Tewksbury (2002)**The author discusses legal and sociological dimensions of conjugal visitation in prisons. The result is to recognise basic human needs, provide for their constructive outlet in an atmosphere of understanding.

**Bowkeretal.(1978)**The author reviews the past responses of the court and assesses the future possibilities of the establishment of a legal right to conjugal visits for prisoners. **Gaither (2009)**The authors discuss the history of conjugal visitation in Mississippi as well as possible consequences associated with discontinuing the program. These include increased levels of violence within the prison system, recidivism once prisoners are released, and the breakup of families.

**McElreath.(2016)** The author's impact of incarceration on the family was studied in 63 inmates and 39 wives, half of whom received conjugal visits through the Family Reunion Program (FRP). Families in both groups were cohesive but not adaptable, and FRP inmates reported feeling closer to their families than non-FRP inmates.

**Carlson and Cervera ( 1991)**In this study the author examined the psychological and social impact of conjugal visits in prisons, permitted only in California and Mississippi.

**Burstein (1983)**This study sought to identify and analyze female inmates' attitudes toward conjugal visits, describe the dynamics of conjugal visitations, and examine the meaning of conjugal visitation programs to the participants.

**Einat and Rabinovitz (2013)** In this study Of the eight Asian countries responding to the survey, only India reported conjugal visits in open air prisons and prison camps, facilities for inmates who have already served much of their sentences.

**McConnell (1999)**This study incorporates a comprehensive review of the literature concerning conjugal visitation programs for men and women in Western and non- Western prison systems.

**Schone (2017)**In this study the author concludes that while those jurisdictions permitting private or conjugal visits feel the positive value of such visits outweigh problems and inconveniences, few new jurisdictions will undertake similar programs in the future.

**Knight and Early (1986) Hopper (1989)**This study examines the effect of prison visitation on the probability of inmate misconduct.

**Siennick, Mears, and Bales (2013)**The author examined the Warden’s Attitude towards conjugal visitation programs. Wardens of state-operated correctional facilities do not believe that conjugal visitation programs have significant positive effects on inmates’ family stability or institutional behavior.

**Hensley, Rutland, and Gray-Ray (2000)**The author examined the conjugal visits in the context of incarceration of women and girls in the State of Bahia,Brazil: Permissions,prohibition and invisibilities.

**Krahn, De Arruda, and Costa (2020)** The author studies have examined the relationship between participation in conjugal visitation programs and threats of or actual violent behavior in correctional facilities.

**Hensley, Koscheski, and Tewksbury (2002)** The author’s study examines the causes and effects of sexual and other assault of inmates aged 18 to 25 in New South Wales prisons and suggests potential remedies.

**Heilpern (1998)**The author says , to uphold a fair system of incarceration, it is important that conjugal rights to prisoners are provided because it helps in reformation and rehabilitation of prisoners.

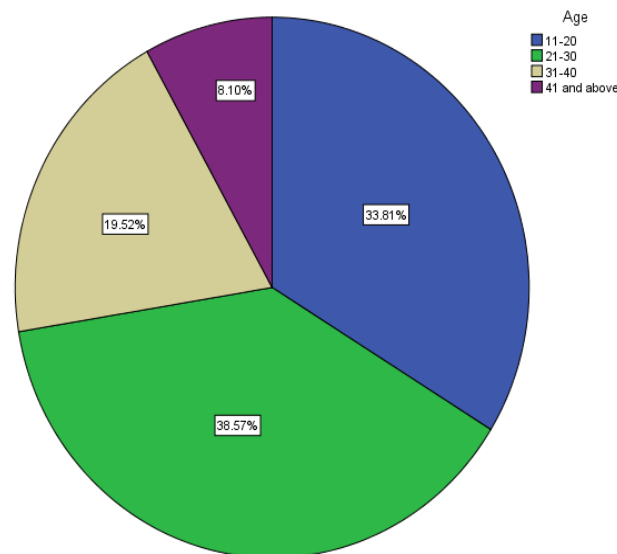
**I Anamika and Anupal (1970)**The author concluded that it is the job of the legislature to explicitly lay down the rights available to the prisoners and the judiciary has to ensure that the rights are properly implemented.

#### IV. MATERIALS AND METHODOLOGY:

The researcher obtained the primary source of data by conducting an empirical study on seeking responses from the general public based on a questionnaire and also relied on secondary sources of data such as books, journals, e-sources, articles and newspapers. The present research is conclusive, descriptive and based on empirical design. This research paper used the empirical type of research which is done by the survey method. The sampling size of the paper is 204. Statistics is on percentage analysis. The independent variables are Age, gender, educational qualifications and Occupations. The dependent variables are any specific laws for prisoners in India and support towards bringing specific laws for prisoners in India .The primary sources are taken from the general public in the form of survey methods. The information was collected from secondary sources from journals, articles, books and reports of the presidency and non-governmental organizations.

#### V. DATA ANALYSIS

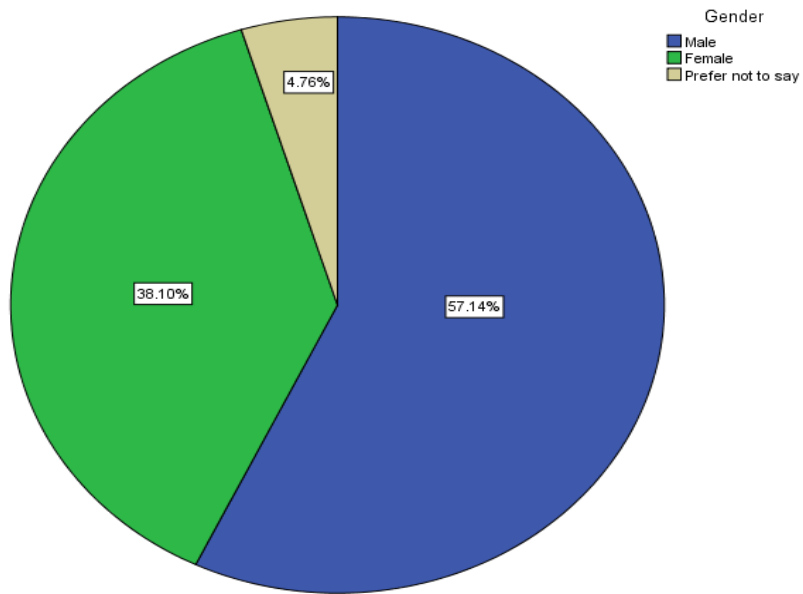
FIGURE 1



**Legend:**

This pie chart represents the percentage of respondents who have responded on the basis of age.

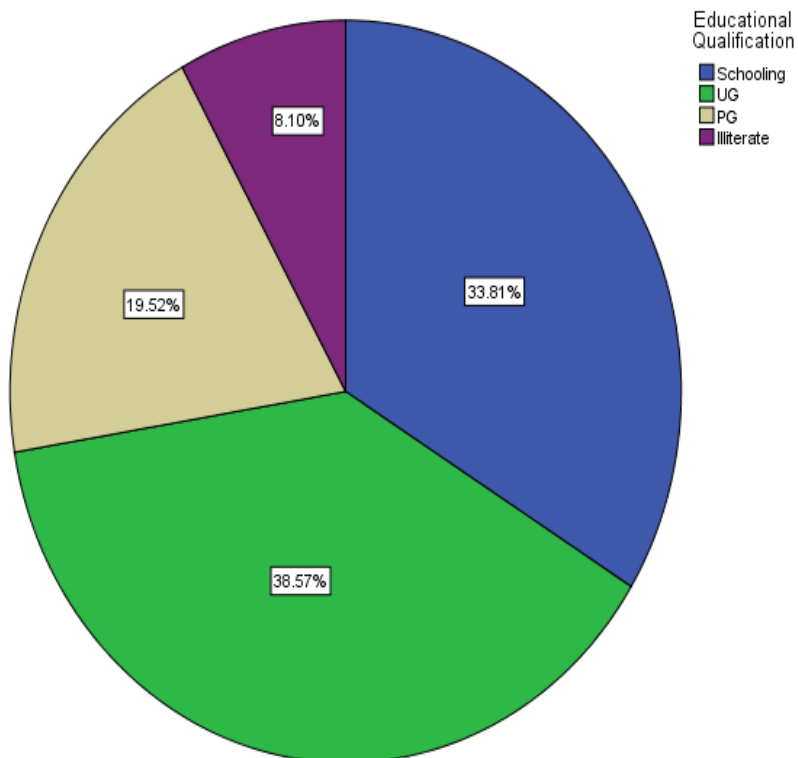
FIGURE 2



**Legend:**

This pie chart represents the percentage of respondents who have responded on the basis of gender.

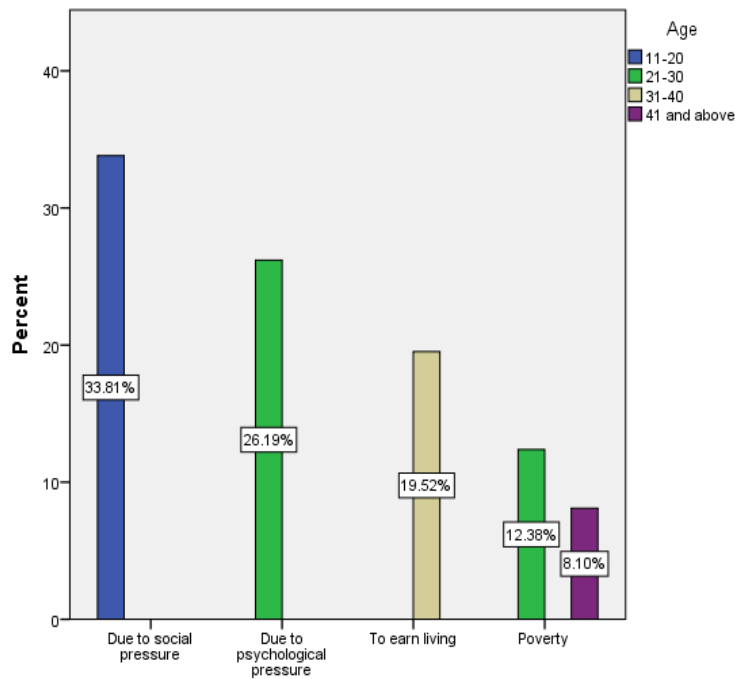
FIGURE 3



**Legend:**

This pie chart represents the percentage of respondents who have responded on the basis of educational qualification.

FIGURE 4

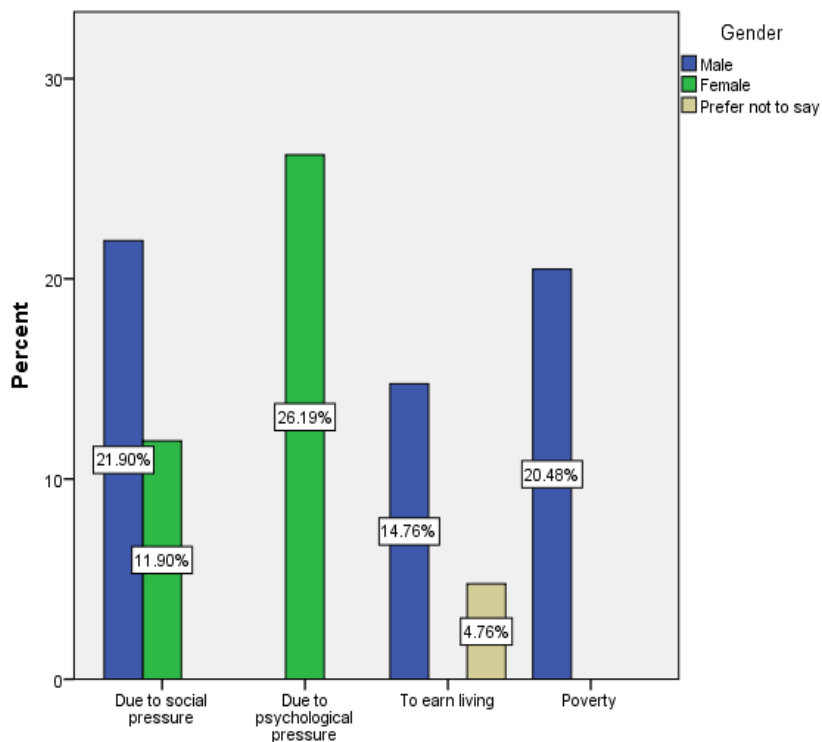


According to you What is the reason for committing crime.

**Legend:**

This figure shows the comparison made between age of the respondents to the question according to you what is the reason for committing crime

FIGURE 5

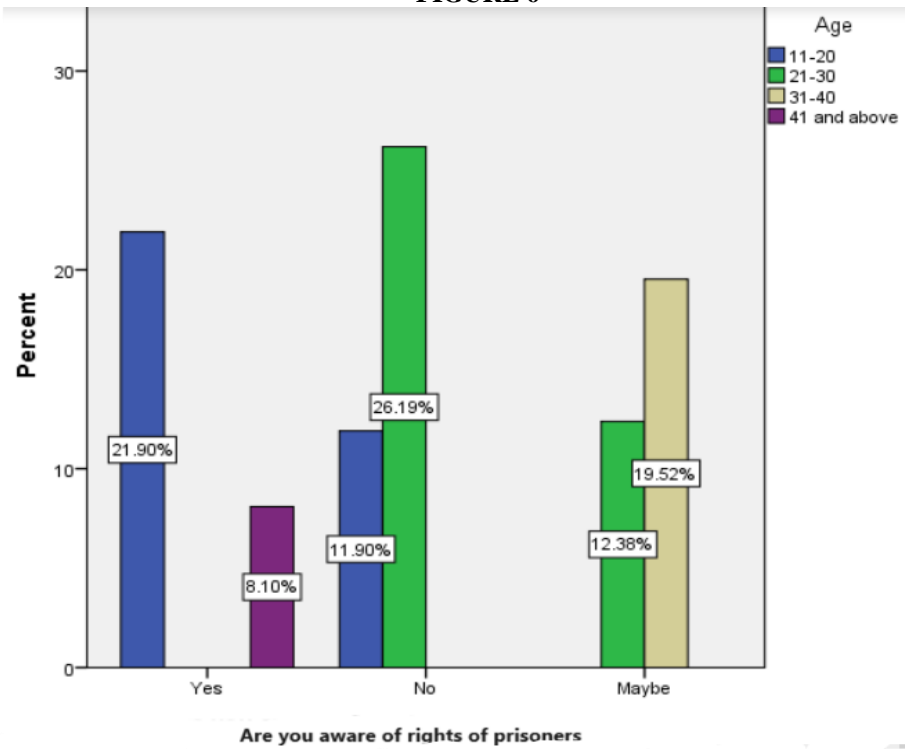


According to you What is the reason for committing crime

**Legend:**

This figure shows the comparison made between gender of the respondents to the question according to you what is the reason for committing crime

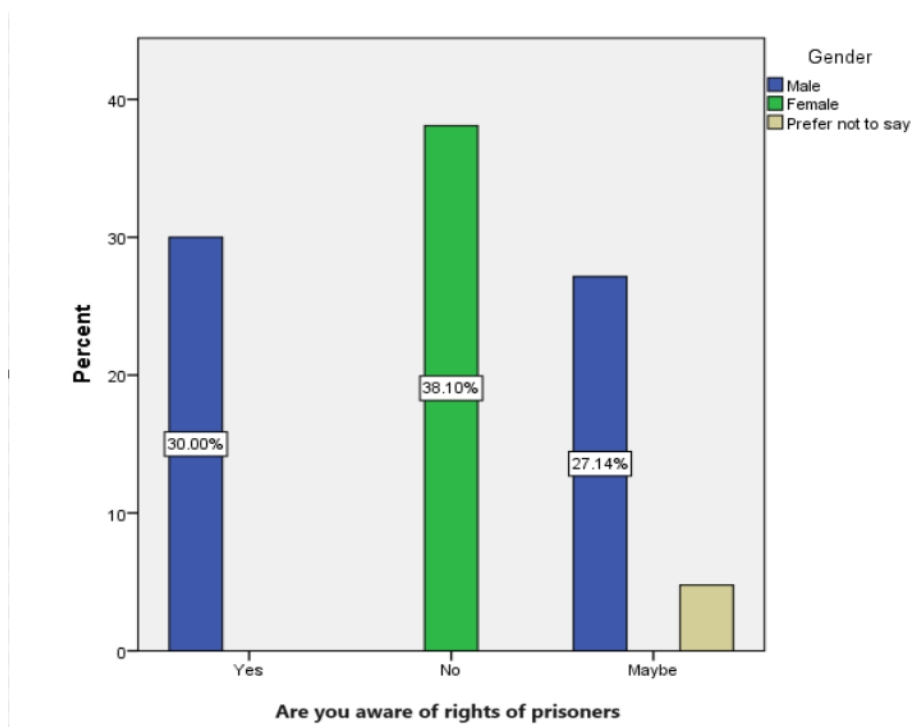
FIGURE 6



**Legend:**

This figure shows the comparison made between age of the respondents to the question are you aware of rights of prisoners

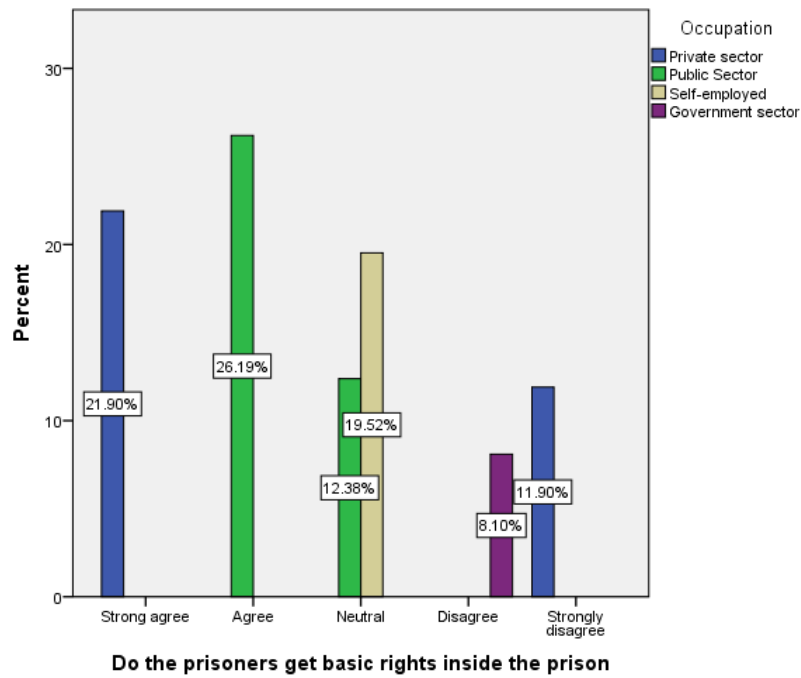
FIGURE 7



**Legend:**

This figure shows the comparison made between gender of the respondents to the question Are you aware of rights of prisoners?

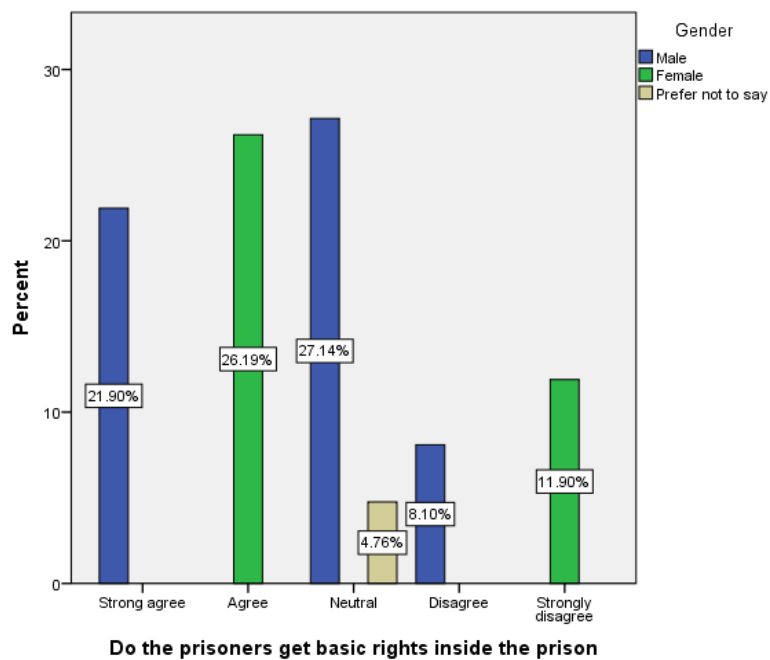
FIGURE 8



**Legend:**

This figure shows the comparison made between the age of the respondents to the question: do the prisoners get basic rights inside the prison?

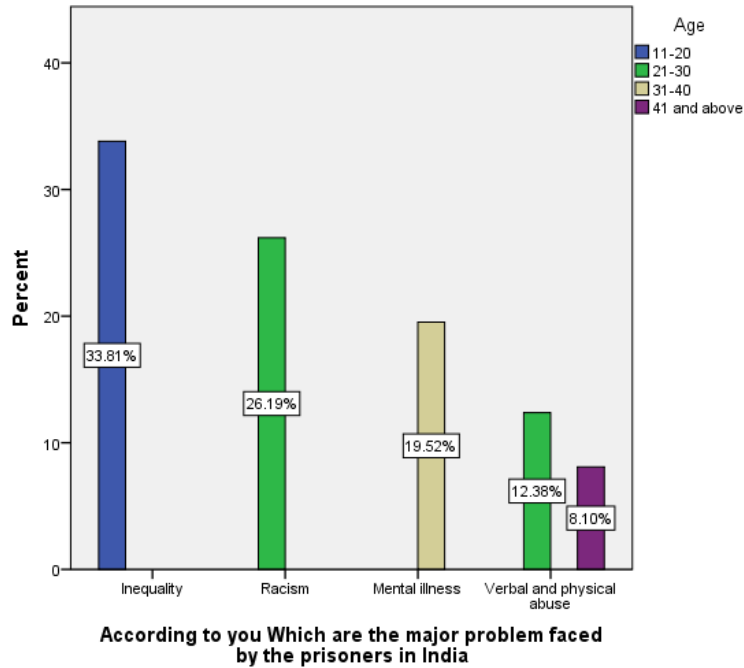
FIGURE 9



**Legend:**

This figure shows the comparison made between gender of the respondents to the question do the prisoners get basic rights inside the prison

FIGURE 10



**Legend:**

This figure shows the comparison made between age of the respondents to the question according to you which are the major problem faced by the prisoners in india

**VI. RESULTS:**

Fig 1 represents the percentage of respondents who have responded on the basis of age. Fig 2 represents the percentage of respondents who have responded on the basis of gender. Fig 3 represents the percentage of respondents who have responded on the basis of educational qualification. Fig 4 shows the comparison made between age of the respondents to the question according to you what is the reason for committing crime. Fig 5 shows the comparison made between gender of the respondents to the question according to you what is the reason for committing crime. Fig 6 shows the comparison made between age of the respondents to the question Are you aware of rights of prisoners Fig 7 shows the comparison made between gender of the respondents to the question Are you aware of rights of prisoners Fig 8 shows the comparison made between the age of the respondents to the question: do the prisoners get basic rights inside the prison Fig 9 shows the comparison made between the gender of the respondents to the question: do the prisoners get basic rights inside the prison Fig 10 shows the comparison made between gender of the respondents to the question: do the prisoners get basic rights inside the prison

**VII. DISCUSSION:**

Figure 1 shows the percentage of respondents who have answered based on the basis of age. Figure 2 shows the percentage of respondents who have responded based on the basis of gender. Figure 3 represents the percentage of respondents who have responded based on the basis of educational qualification. Figure 4 shows the comparison made between the ages of respondents to the question according to you when asked what they think is the reason for committing a crime. Figure 5 shows the comparison made between gender of the genders of respondents to the question according to you when asked what they think is the reason for committing a crime. Figure 6 shows the comparison made between the ages of respondents to the question Are you aware of rights of prisoners. Figure 7 shows the gender comparison made between the genders of the respondents to the question Are you aware of rights of prisoners? Figure 8 shows the comparison made between the ages of the respondents to the question: Do prisoners get basic rights inside the prison? Figure 9 shows the comparison made between the gender genders of the respondents to the question: do prisoners get basic rights inside the prison? Figure 10 shows the gender comparison made between the genders of the respondents to the question: do prisoners get basic rights inside the prison






## VIII. CONCLUSION:

In conclusion, recognizing and safeguarding the rights of prisoners is an integral part of building a compassionate and effective criminal justice system. Balancing the need for punishment with rehabilitation and respecting the inherent dignity of every individual, even those convicted of crimes, is essential for creating a society that values justice, fairness, and human rights. The rights of prisoners are a crucial aspect of any just and humane society. Ensuring that individuals who have been incarcerated are treated with dignity, respect, and fairness is not only a moral imperative but also a legal obligation in many jurisdictions. In conclusion, recognizing and upholding the rights of prisoners is essential for several reasons: Human Dignity and Rehabilitation: Respecting the rights of prisoners is fundamental to upholding their human dignity. The goal of imprisonment should not be solely punitive but also rehabilitative. Providing prisoners with basic human rights contributes to their rehabilitation and eventual reintegration into society. Legal and Ethical Standards: International human rights standards and many national legal systems emphasize the protection of prisoners' rights. Adhering to these standards ensures that justice is not only served during the trial but also continues to be upheld throughout the period of incarceration. Preventing Abuse and Torture: Guaranteeing the rights of prisoners helps prevent abuse and torture within correctional facilities. It establishes a framework for accountability and oversight, reducing the likelihood of inhumane treatment and fostering an environment where prisoners can report violations without fear of reprisal. Reducing Recidivism: Respecting prisoners' rights is linked to lower rates of recidivism. Providing education, vocational training, and access to mental health services while incarcerated can contribute to the rehabilitation of individuals, making them less likely to reoffend upon release.

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Syllables	456
Sentences	6
Unique Word(s)	137 (60%)
Average Word Length (characters)	5.9
Reading Time	2 mins
Average Sentence Length (word)	38
Syllables Per Word(s)	2
Paragraph(s)	1
Difficult Word(s)	94 (41%)
Speak Time	2 mins

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