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### **Prisons: A General View**

*by*

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#### **Introduction**

In any society people have some norms, beliefs, customs and traditions which are implicitly accepted by its members and conducive to their well being and all-round healthy development infringement of those cherished norms and customs is condemned as anti-social or crime. Hence crime may be considered as immoral, sinful, anti-social and unethical behaviour.

Crime is a result of social disorganisation in any society. Crime is a very big challenge to every society in every period and it is the defeat of human being that it is not being eradicated till now. Even Ram, Krishna, Mahaveer, Budh, Mohammad, Nanak and Gandhi, all leading personalities of the society were unable to change the nature of human being. According to William, A. Thomas and Christopher, A.J.; (2003) "Crime may be considered as an omission of an act which the law of the nation expects the individual to do or commission of an act which it forbids to do."

In the legal terms crime may be defined as "any form of conduct which is declared to be socially harmful in a state and as such forbidden by law under pain of some punishment. But Scott and Marshall (2009) said that "a legal definition of crime may therefore not be sufficient. What a society defines as crime is socially constructed and highly relative. Its definition and accepted etiology (or cause) can be influenced by ideas of morality (in relation to responsibility), and by religious faith (the sinful nature of crime), as well as competing scientific claims as to its origins."

In sociological theories the phenomena of crime cannot be explained without reference to the laws, customs and traditions,—the agencies of social control. When an imbalance is created between the cultural goals and the institutional means then the resultant factor is the development of criminal attitude. According to Cloward and Ohlin (1960), "Crime is the outcome of the disparity between what people are trying to expect and what are really made available to them."



#### **Prisons—An introduction**

To eradicate and stop the crime, society or Government have arranged some rules and regulations. These rules and regulations are fully constructive and known by everyone in society as well as acceptable by the member of a country. Punishment is an universal process for crime. Every criminal gets punished by the society in any form. A criminal should be kept in jail or prison. Accordingly Fairchild, "A penal institution operated by either the State or the Federal Government and used only for adult offenders whose sentences exceed one year" According to Sethna, "A prison (meaning a "cage") is a place for detention. Prisons are places for detention of undertrials also. They are places where the offender can be lodged for his reformation."

In ancient and medieval age, prisons were known only as punishable place only but now a days society is changing its outlook regarding prisoners and prison system.

Actually today prisons are working as reformatory place and concerned staff trying to change the mentality of prisoners. In this reference, the work of Kiran Bedi in Tihar Jail is known as milestone. In a generalised way, prisons are known as the place for detention where a criminal can be lodged for his reformation. It works under State or Central Government. It's a general outlook that when a society loose its control on the member of society, crime increases. Donald Clemmer has done a systematic study on prison community in 1960 as a sociologist and penologist.

**Jail**, or **gaol** (especially in Australia and New Zealand,) or **remand prison**, is a correctional institution used to detain persons who are in the lawful custody of the State. This includes either accused persons awaiting trial or for those who have been convicted of a crime and are serving a sentence of less than one year. Jails are generally small penitentiaries run by individual countries and cities, though some jails in larger communities may be as large and hold as many inmates as regular prisons. "Jail" is also a synonym for "prison" in most countries (excluding the United States), especially when the facility is of a similar size as a correctional facility. As with prisons, some jails have different wings for certain types of offenders, and have work programs for inmates who demonstrate good behaviour.

#### **Major Aims of Prisons are**

- To keep away an offender from the society for some time till the announcement of punishment.
- To give an opportunity to understand and evaluate his work what he has done?
- To create a terror in the mind of the offender and try to construct a



thought in his/her mind to avoid crime in future.

- To show the power of State Government.
- To give the satisfaction to victim and eradicate the feelings of revenge.
- Reformation and rehabilitation of offenders, etc.

#### **Organisation of Prisons in India**

There are three types of organisation for prisons in India—

1. Maximum security prisons
2. Medium security prisons or model jail; and
3. Minimum security prisons or open or wall less prisons.

#### **Prisons as Rehabilitation centre**

Prisons are generally set-up to safeguard the safety and foster the rehabilitation of the criminals. With a view to fulfil this twin objectives, certain basic prerequisites like orientation, classification, education, vocational training, work programmes, health, recreation and counselling are furnished to all the prisoners. Rehabilitation process starts from the prison and ends when a criminal is settled again in the society after releasing. Rehabilitation is the process in which the criminal must experience, as if attained, more socially acceptable life on return to society. The various programmes like social case work, community link services, educational programmes, vocational training, recreational services and after case services are adopted to rehabilitation programmes follow up or after release programmes should be given due emphasis for the successful rehabilitation; since the very motto of rehabilitation programme lies in making such women acceptable. According to Fairchild (1986) "In social sense, rehabilitation means the process or technique of re-educating and redirecting the attitudes and motivations of a delinquent criminal or a social deviate so as to bring

his/her own willing acceptance of social regulations and legal restriction.”

Apart from the basic amenities welfare services are also provided in the prison and there is a separate welfare officer to look after the services. The welfare programmes comprise of—

- Recording the case histories of prisoners on admission;
- Identifying their socio-economic problems;
- Corresponding for settling their property, land, matrimonial and familial disputes; and



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- Arranging recreational and educational programmes.

Most of the sociologists accept that prisons are just like a borderline community because they have certain geographical area, feeling of WE between prisoners in limit, general rules and special name and identification but after all they remain unable to live and participate in general life of community.

### **General Suggestions to Reform Prisons**

Although there have had been many studies regarding the reformation of prisons. Firstly John Howard from England start the process of reformation in prisons in 18th century around 1776. after that Bentham and Crawford, Austin MacCarmic, Lord Macaulay, Sir Cardew, Mahatma Gandhi, A.N. Mulla, Jagat Narayan and Hafiz Hidayat Hussain, Dr. Kiran Bedi, etc. has done studies on prisons reformation. After that we started to feel that there is a need to make some new efforts—

- Firstly, prisons should be high-tech. with security system.
- Prisons should act as reformatory and rehabilitation centre.
- Prisons should not be overloaded with the prisoners.
- Court and Government should give the decisions on pending cases, so that prisoners can save them from painful life.
- Prisoners should be allowed to devote some time to their family within a month during punishment.
- Be careful and polite to lady prisoners.
- Arrange some facilities of recreation for prisoners such as newspapers, magazines, televisions, visit of outsiders, stay with his family members, etc.
- Prisons should have some arrangement to educate the prisoners.
- Prisoners should be allowed to write and get letter after screening.
- Prisoners should be tried to trained for future, so that they get professional training.
- Prisoners should be awarded for good performance and behaviour. Government should give some relaxation in punishment. By this effort, we can motivate the prisoners to avoid misbehaviours.
- There should be a prisoner's welfare fund in prisons to help their families.
- Prisons should be classified scientifically.



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- There should be the positive use of probation and parole.
- Relationship between officers and prisoners should be ideal and in cooperative way.
- For women prisoners, there should be an arrangement to keep their children with them.
- For juvenile delinquents, there should be some constructive atmosphere for their growth.
- Prisons should be neat and clean and food should be served healthy and hygienically.
- Government should take some important steps to eradicate the situation of crime.

At the end, we can say that prison should be equal for all prisoners. There should be objectivity and transparency during punishment. Officers should always remember that criminals are not born but made by situation of society. Mostly criminals attempt criminal activities because of their extreme anger or lack of patience. After crime they feel very bad about their attempt and want to recover from it. Many police officers and reformatory institutions are trying to do some good efforts for the betterment of prisons and benefit for prisoners. We should identify the prisoners as sensitive human being.

### References

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