



REHABILITATION OF CRIMINALS WITH A REFERENCE OF GOVERNMENT PROGRAMS

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ABSTRACT

Life in an Indian prison is often an oppressive affair, especially if you are poor. Problems stem from inadequate infrastructure, living conditions (general hygiene, sanitation and food, among others) and the brutal violence that inmates suffer at the hands of both their fellow prisoners and jail officials.

Those who don't have the necessary means to pay for legal aid often languish in jails for years as undertrials. Earlier this year, the Supreme Court took cognizance of unnatural deaths in prisons and asked all High Courts to register a *Suo Moto* Public Interest Litigation to identify the kin of those who died in jails, from 2012 to 2015, and offer them with the necessary compensation.

KEYWORDS:

Prison, Rehabilitation, Jail

INTRODUCTION

In a heartwarming initiative, authorities in the Taloja Jail, Navi Mumbai, are offering inmates a chance to spend time with their children and other loved ones without having a glass or wall separating them.

There are approximately 300 convicts in the jail, not serving sentences more than five years. "Many times, prisoners feel depressed and worried about their families. Some also tend to get suicidal, and purpose of this programme is to bring positivity during their incarceration.

Children under 16 years of age can visit their parents, while those too young can visit with a relative to accompany them. "When a man is convicted, the bond between father and child goes for a toss. Maintaining the relationship is important, and this way, we give them a chance to stay connected.

A critical question before society is whether prisons are set up for punishment or rehabilitation. In the recent past, many prisons across India have offered avenues for prisoners to rehabilitate themselves under various vocational training programmes.

The Poojappura Central Prison in Thiruvananthapuram is offering many self-employment training programmes. Last month, 22 inmates and three former prisoners were cleared for driving licenses.

The prison has already sent its list of additional courses it would like to conduct, to authorities in the Central Jail, including one in travel and tourism. "Prisoners who join such courses are found to be calm and composed," said a jail official. "One of them has approached us seeking advice to set up a paper bag manufacturing unit in his hometown."

In a unique venture, the Central Prison in Kannur, Kerala, opened a beauty parlour exclusively for men called Phoenix Freedom Expressions. Thirty inmates, who have undergone extensive training, run the show.

Training for various jobs is necessary for inmates to earn a livelihood once they are done serving their sentence. The inmates manning this parlour underwent a 30-day training course conducted by the Rural Development and Self Employment Training Institute in Kannur. Services provided in this prison parlour include hair-dressing and facials, among others.

Among other initiatives, the notorious Tihar jail in the nation's capital started a manufacturing unit run by prison inmates, which provides them with the necessary training to acquire future employment opportunities.

The prison also hosts a restaurant for the public with a seating capacity of 45, where the food is cooked and served by jail convicts. Prisoners staffing the restaurant are those mostly charged with murder but have over time shown themselves to be model inmates.

On its website, there a variety of products that Tihar jail factory claims to promote including "bakery products, handloom and textiles, furniture, pure mustard oil, apparel, recycled hand-made paper products, paintings, designer candles and lamps, jute bags, herbal products and many more."

Despite these concerns, there are prisons in the country that are doing their bid to help inmates experience a better life inside, promoting activities or initiatives, and preparing them for the world outside. Here are five prisons doing their bid to make the lives of inmates a lot tolerable.

One of the oldest prisons in the state is hoping to implement an organic farming venture as an attempt to increase not only its earnings but also aid inmates in learning skills that they could take with them to the outside world.

With over five acres of land available on the premises, jail authorities are planning to establish a site for organic farming. Currently, inmates grow vegetables and rice on this piece of land using conventional chemical-based farming methods.

It is a productive venture with the land producing vegetables worth ₹3 lakh annually. Jail authorities believe that the transition to organic farming will increase output by three or four times with the prison authorities confident of providing necessary material for vermicompost generation.

RESEARCH STUDY

The Prison SMART Program transforms the lives of people working in or incarcerated within the criminal justice system. This program teaches skills that reduce stress, heal trauma and provides practical knowledge of how to handle negative emotions in order to live to one's highest potential and contribute to society in a positive way.

SRIJAN (Social Rehabilitation of Inmates in Jail and Aiding the Needy) is an endeavor to provide a more holistic rehabilitative intervention to empower the prison inmates, both socially and financially. SRIJAN was started in Tihar Jail in 2010. Workshops are conducted to harness the energies of prison inmates and develop a set of skills, enabling them to earn respectful living through productive work.

Presently, handmade paper production units located on the jail premises are employing these inmates to make paper bags, lampshades, photo-frames, stationery and other utility items. There are two such units on the jail premises and one outside (which is handled by released prisoners). The inmates are paid wages for their and the prison inmates who have been released and are still with SRIJAN and are also paid for their work.

SRIJAN project in Tinsukia Jail, Assam is providing Electrical & Carpentry training to inmates. So far, more than 300 inmates have benefitted from the project.

In Central Jail in Bangalore, the Art of Living foundation runs the project "Punarnava" where 45 female inmates manufacture incense sticks, gift articles and apparel.

The products made are then supplied to companies such as TATA, HCL, IBM, GE Money and Tech Mahindra to name a few.

Till 2000 there was violence. In early 1990s the jails were opened to the community based organisation and NGOs to create a transformatory environment in prisons leading to reduction in violence. In Delhi it is negligible. In case of Madhya Pradesh and Rajasthan it is prevalent to a lesser extent but in Uttar Pradesh due to lack of transparency it continues. In Maharashtra which has high crime rate it is mixed. It all depends on the mindset of the jail officials.

It is reformatory as imprisonment itself is a punishment for the criminal. The environment and ambience in jails have to be reformatory inculcating spirituality, education and teaching to the inmates. Vocational courses for jail inmates should be chosen based on whether the place in which the prison is located is the hub of that trade.

There is also an urgent need to have welfare personnel trained to handle the issues of prison and prisoners. This will go a long way.

Women inmates are treated well in Tihar (Asia's largest) and are kept in a separate jail. In jails which are less populated though there are no separate jails they are kept in a separate ward.

DISCUSSION

The ultimate objective of the prison and correctional administration is rehabilitation of offenders in the main stream of social life. Aftercare can be the harbinger of any rehabilitative process and a vital link in correctional program to reduce the offender's social isolation and dependence, to help him to get over his social handicaps and to remove the stigma that darkens his present and future life.

Barring the statutorily exempted category, hearsay evidence is not acceptable as legal evidence in view of the implied prohibition under Section 60 of the Evidence Act, 1872. Very often non-occurrence witnesses may testify before court that other persons told them that the accused had stabbed the deceased and so on. Such statements as such, need not be recorded unless they constitute res gestae evidence, extra judicial confession or any other exempted category. Where during the course of the trial if one or more accused are found absconding then their bail should be cancelled immediately and his surety shall be summoned to produced such absconding accused or pay-up amount of surety. There are then two options available to the court.

One is to merely issue arrest warrant against them and continue with the trial with the accused present by segregating trail of absconding accused with the present accused. The other alternative is to stop the trial and issue arrest warrant and initiate steps under Sections 82 and 83 of the Code. By following the second course, trial of the case gets disrupted. Use your discretion after evaluating the situation.

Supposing an accused who is lunatic is committed to the court of Session, without there being any inquiry, such committal is illegal because it is for the committal Magistrate himself to conduct an inquiry under Section 328 of the Code. But when accused person who is of unsound mind is committed to the court of Session, Sessions Judge has to follow procedure as provided u/s 329 of the Code.

Section 10 of Evidence Act, 1872 renders anything said, done or written by anyone of the conspirators in reference to their common intention as a relevant fact, not only as against each of the conspirators but for proving the existence of the conspiracy itself. Further, the said fact can be

used for showing that a particular person was a party to the conspiracy. The only condition for application of the rule in S. 10 is that there must be "reasonable ground to believe that two or more persons have conspired together to commit an offence.

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