



## From Prison to Correctional Home: A Journey Yet Undefined

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### ARTICLE DETAILS

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**Research Paper**

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### ABSTRACT

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The National Crime Records Bureau data of 2021 reports 5,54,000 prisoners lodged inside the prisons all across India with 77% (4,27,000) under trials and 22% (24,033) convicts. The figure has risen to 573000 in 2023 making India rank fourth after the United States, China and Brazil in terms of the total number of prisoners living in the prisons of their respective countries. The data speaks for itself the incarceration of a huge portion of the Indian workforce behind bars simply counting days in hope for their speedy release; the fate of which is decided by the empirical debates that take place inside the learned courts. However, the journey of a person right from the day of his arrest till release either as a convict or an under trial begins and ends inside the prison. The NCRB states that more than half of the under trials have been lodged in the prisons for more than two years waiting for their trials to complete or grant of bail in their respective cases. The impact that one faces in his life during his/her stay in the prison from all dimensions such as economic, social, psychological and mental is extremely sensitive where the family too has to share the equal share of trauma. Taking cognizance of this highly volatile situation that an individual undergoes, a pan India conference held in 2016 resolved that the term prison services were to be named correctional services. Gradually, the jails / prisons of India have been renamed as correctional homes indicating that the inmates lodged inside are given an opportunity to transform themselves into good human beings. This

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paper tries to locate the general outline of the journey of the nomenclature of the terms comparing it with the existing ground reality.

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The English Political Theorist John Locke in his famous work Social Contract believed human nature and man to be basically good beings as compared to his counterpart Thomas Hobbes. However to Locke laws were considered to be necessary to control the ‘few desperate men in society’ thereby ensuring a good and peaceful life for all in the society. Since time immemorial the value system with which societies of all kind were guided through, there has been witnessed a clear demarcation between morally right and wrong followed by the origin of sovereign state systems changing hands of morality to a visibly stricter form of legality. The forms of punishments have also changed with time from whipping, flogging, execution and the like mostly in arenas with the masses witnessing the ordeal thereby instilling chilling fear amongst the subjects refraining from such offences to a more humane and debatable prosecution and defense mode which created the necessity of housing the accused until the day of final judgement. The accused if convicted is destined to extend his stay in for a longer period usually known by the term Rigorous Imprisonment/ Simple Imprisonment (depending upon the nature of his crime) in which the society expects him to change his thoughts and outlooks of life thereby ready to receive a transformed and better version. This being the primary reason for changing the term Jail to Correctional Home. These Correctional Homes are desired to play the role of a psychological hospital with a positive approach and ambience to cure the patients of their existing negative means of survival into society friendly beings post release.

The concept of reforms inside the prison is generally an under rated, ill-defined and far from reasonable understandings due to the lack of open house resources backed by empirical research works and analytical data collections. One of the primary factors behind this on purpose coating of facts lie in the disinterest of the public domain at large that simply have the attitude of condemning the area as a dark world with only dark souls living inside confinement guarded by un-scalable mighty red walls. For a countable portion of researchers who show some interest in unveiling the veiled reality, the legal procedures to be fulfilled to get to the universe of study followed by highhandedness of few on ground prison staff prove to be too heavy a cost to pay thereby diverting their study to some other mostly easily accessible research area. For a hand few of academically sound inmates living inside confinement as subjects, penning down their experiences post release would only mean re-living the memories of the

dark past which most would not prefer to relish. Therefore the end result being no sufficient literature reviews, literary and academic researches being undertaken in this area of study which should disturb the academic arena because any unattended study area is prone to blanket the scope of academic development. An empirical research demands facts and discussions, pointing of loopholes, criticisms and an alternative way out for the overall development of the subject of study. Therefore anyone associated with the subject, be it the administration or the academic researcher community must keep an open mind for reviews and a humble soul for accepting criticisms and alternative discourses for the benefit of the beneficiaries of the prisons at large.

### **Terminology and Conceptual Transformations**

Referring to the historical facts, the concept of a prison was for the first time initiated by a member of the Indian Law Commission Lord Macaulay on 21<sup>st</sup> December 1835 in his Prison Reforms in the presentation of a note to the Legislative Council in India where he highlighted on “The terrible inhuman conditions prevalent in Indian prisons and termed it as shocking to humanity”. (2020/July/16: Historical Review of Prison Reforms in India)

Post Prisons Act 1894 the All India Jail Committee (1919-1920) headed by Sir Alexander Cardio stands to be remarkable in its contribution to modern prison reforms highlighting on the need for reformatory approach to prison inmates thereby discouraging the use of corporal punishments. For the first time emphasis on the utilization of productive work for the prison inmates in order to allow them to earn their own living leading to optimum human resource utilization was shed light upon by the committee. With this mega revolution in the approach to prisons of India the dawn of modern day prison can be rightly stated to have begun. However to what extent and degree have these approaches been aptly implemented is a big challenge in understanding. The vagueness in the uniformity of laws to be abided in all the prisons of India is due to the inclusion of this subject in the State List covered by item 4 in the Seventh Schedule of the Indian Constitution. This denotes the fact that the administration and management of the subject prison is governed by Prisons Act 1894 exclusively by the State governments along with their state wise prison manuals respectively. As per the data released in 2021 by the National Crime Records Bureau, only 22% of the total prison population is convicts while 77% of them are under trails living in confinement for an average of two precious years of their lives. (ncrb.gov.in). The reason behind the imbalanced ratio has its own sad justifications like slow trial proceedings, overcrowding and increase in the work load of the judiciary etc. However during the stay in the prison, the life of the

inmates tend to undergo a roller coaster ride starting from social stigmatization followed by ostracisation, loss of livelihood, financial bankruptcy, disownment by family members, loneliness, anxiety and mental disturbances. The Supreme Court has placed forward three empathetic principles in its various judgments with regard to prison administration.

‘First, a person in prison does not become a non-person. Second, a person in prison is entitled to all human rights within the limitations of imprisonment. Third, there is no justification for aggravating the suffering already inherent in the process of incarceration.’(en.m.wikipedia.org)

The chronology of events discussed above along with the recommendations placed by the various committees on prison administration and prison transformation clearly point out towards a humanly approach that demands empathy on the part of the staff, positive ambience for reformation and inward change in the lives of the inmates.

### **Need for Sensitive/ Proactive Correctional Homes for a Transformed Society**

There are four major categories of inmates that are lodged in the prisons of India namely

- a. Under trails
- b. Convicts
- c. First time offenders and
- d. Habitual Offenders.

Interestingly, irrespective of their backgrounds, all these prisoners are not lucky enough to gather compartmentalized treatment for their individual status but a generalized crimino centric approach is what is served to them at face value.

From the reports of the National Crime Records Bureau 2021, it is an evident fact that three fourth of the total inmates inside prison are under trials. In this context it is important for us to have a clear understanding of the term Under Trail which means a person who is being held in custody awaiting trial for a crime of which he is accused of. This also indicates the fact that the person if found innocent shall be set free by the judicial system which technically nowhere equates him to be a criminal. In such a situation right from the period of his arrest till the date of his release the treatment served to him in the prison shall definitely have a permanent impact on his overall character. Right from the loss of his

livelihood, social stigmatization to emotional breakdown, the innumerable amount of trauma that he undergoes is simply unfathomable. Most of the time some simply bottle up the emotional turmoil aggravated with the fuel of vengeance and anger that post release they commit serious crimes and land back to the same venue once again. The question being why do such inmates convert into habitual offenders and return back to the prison? Is it that the fear of the law has simply vanished from their hearts or are they happy to stay in confinement? These questions certainly deserve to be thoroughly reviewed.

“Man is by nature a social animal; an individual who is unsocial naturally and not accidentally is either beneath our notice or more than human. Society is something that precedes the human.” is what the famous Greek political philosopher Aristotle stated. This is certainly verified by human need to live together peacefully in social units called families and communities. The emotional as well as psychological necessities of humans bind individuals together through certain unspoken moral regulations designed by the society. When a breach of bond is committed by an individual or is accused of committing it has been generally witnessed that the state intervention is called for whereby the accused is removed from the society for a certain period of time curtailing him of his freedom. Within a short span of time the society generally forgets about him with his family alone grieving for his absence of economic contribution in smoothly running the household. However, completely disowning the person by the society by forgetting about him once he enters prison cannot seem to solve the problem. It is here that the role of the prison by the term Correctional Homes is accentuated to transform the motivation of the accused and convicted inmates by instilling a positive outlook in life. The role to be played by the administration and the staff is extremely sensitive that requires an abundance of empathy, compassion and genuine concern for transforming the lives of the inmates. The reason being after the completion of the trial or the punishment years one needs to ask oneself where do these ex inmates go post release? The answer being they go back to the society that directly or indirectly expects and welcomes a transformed human being. However the return of these very faces back to the prison premises with new criminal cases is in itself a big question mark as to whether these inmates are being sensitively handled or are they instead losing on their moral consciousness due to the kind of treatment they are subjected to.

In this regard reference must be made about the everyday routine that an under trial inmate is made to follow in a correctional home which basically revolves around lock ups inside their cells/ wards and hardly 5 hours of movement inside the demarcated area of the compound.

Going by the everyday routine of the UT inmates it is quite evident that their lives revolve around three major activities i.e. eating, sleeping and chit chatting with fellow inmates. Venting out their frustrations through psychological counseling, games and sports, music, dance, dramatics need to be made compulsory in order to channelize their energy in a positive direction.

### **Conclusion**

Delving deeper into the empirical study of the prison management under the severe problems of overcrowding and its complementary associates, it has been seen that the mere change in the term from Jail to Correctional Home has not been able to be justified in the truest sense of the term. Although the living conditions of the inmates may vary from state to state yet the lack of a unified centralized prison management all around the nation adds more shade to the grey zone of the unaddressed area of study. Proper training and sensitization of the inmates as well as the prison staff is seen to be the dire need of the hour in order to bring about some form of transformation in the lives of the prison inmates. Only then can the term Correctional Home be authentically justified.

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