



FACULTY OF JURIDICAL SCIENCES

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Prisons in India: Types and Functions

INTRODUCTION-

A prison is something that can be defined as a kind of accommodation that is meant for individuals who have committed an offence and are undergoing trial for having committed that offence. The prisons and prisoners' law in India are one of those laws that are constantly unnoticed and forgotten. They are not given sufficient importance as they should be for reform in today's scenario. There is a constant lacuna and gap as there is a lack of stringent legislations for people staying in the prisons who also have the right to live a life with all dignity and basic respect which all the citizens of the country are entitled to. There have been many instances wherein the prisoners have been subject to inhuman conditions and have been deprived of amenities such as balanced sanitary conditions and proper food.

There are special orders that have been issued by the State Governments that look into the detention of prisoners and include the land and the property that has been attached thereto. The administration of Prisons is mentioned in the State Lists as part of item 4 in the seventh schedule of the Constitution of India. The process of administration and management of prisons comes under the powers of the state in consonance with the Prisoners Act 1894 and the Prison Manuals that individual states would have individually drafted by states.

The Central Government provides certain rules and regulations with regards to prison rules to the State Government to ensure an effective administration and making sure of the safety within the four walls of the prison.

The Supreme Court of India, through various judgments that encapsulate several rules relating to prison administration. Some of them have been enlisted below-

- Every person is entitled to his very own personal liberty. This means just because a person is incarcerated or is in prison does not mean that the person becomes a non-person.
- A person who has committed an offence becomes entitled for the enjoyment of all different kinds of human rights but within the confinement and limitations of imprisonment.
- As the person is already suffering for the commission of his offence by incarceration, there should be no further aggravation of his suffering.

The Supreme Court has paid heed to various prison issues such as lack of proper healthcare and medical facilities, overcrowding, provision of proper facilities for the inmates as well as free legal aid which is explicitly provided under the Constitution of India.