

Revising the Prison Manuals to Realize Reformation in the Correctional Institutions

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ABSTRACT

The Criminal Justice System in India, comprising the Judiciary, Police, and Correctional Services, plays a pivotal role in preventing crime, ensuring justice, and rehabilitating offenders. However, a significant proportion of individuals processed through this system belong to socially and economically marginalized communities. The National Crime Records Bureau (NCRB) data from 2019 indicates that a large number of prisoners have limited or no formal education and hail from disadvantaged caste groups. Custodial deaths, particularly suicides, remain a pressing concern, with suicide being the leading cause of unnatural deaths in prisons. Contributing factors include overcrowding, lack of psychological support, isolation from family, and the stigmatization associated with incarceration. Family relationships play a crucial role in the mental well-being and rehabilitation of inmates, yet limited access to communication facilities in Indian prisons exacerbates their sense of hopelessness. Despite existing provisions in the Model Prison Manual and state-specific prison regulations, challenges persist in ensuring prisoners' rights and well-being. This study examines the existing prison facilities, policies, and legal frameworks with a focus on prisoner rehabilitation and family integration. The research underscores the necessity of revising outdated prison laws, implementing uniform correctional policies, and fostering public participation in prison reforms to create a rehabilitative and humane correctional system.

Keywords: Criminal Justice System, Prison Reform, Custodial Deaths, Prisoner Rehabilitation, Social Marginalization, Family Integration, Suicide in Prisons, Correctional Policies, Model Prison Manual, Prison Legislation.

CHAPTER - 1

INTRODUCTION

The Criminal Justice System comprises of three institutions Judiciary, Police, Prison and Correctional Service. These three institutions are playing vital role to prevent and deter the wrongdoers of their criminal involvement thereafter reformation and rehabilitation, reintegration which are integral parts of the correctional services. A large number of persons processed by this Criminal justice system are belonging to socially and economically weaker sections. For instance, 43.4 per cent of prisoners were reported to have educational qualifications less than Standard X, and 25.7 per cent prisoners had no education. Out of 1,44,125 convict prisoners, 51,040 convict prisoners belonged to oppressed and disadvantaged caste communities. Out of 3,30,487 under-trial prisoners, 1,04,058 under-trial prisoners were from these communities (NCRB, 2019)¹.

¹ Prison Statistics India 2019 <https://ncrb.gov.in/prison-statistics-india-2019>

Suicide is a growing problem in the world and is seen not only in the general population but also among those who are behind bars. Custodial deaths have always been looked on by suspicion by the public at large. Death in custody could be by natural or unnatural means. It remains to be a highly sensitive issue and at times difficult to understand. The Prison Statistics India 2019 reveals that a total of 1,775 prisoners have died, while they were in judicial custody during 2019, in the country, out of which 1,544 were natural deaths and 165 were due to unnatural causes and 66 deaths were reported as causes not known yet. Among the unnatural causes of deaths in prisons (165), Suicide (116) was the predominant cause followed by Accidental Deaths (20), Murder by Inmates (10), Deaths due to Negligence / Excess by Jail Personnel (2), Deaths due to Assault by outside elements and Deaths due to Firing (1 each) and Others (15). Out of 116 suicides, the predominant mode was Hanging (108) followed by Self Inflicted Injury (3), Poisoning (1), Drug Overdose (1) and Others (3).

Suicide can be made convenient in a system which places little worth for the life and liberty of prisoners; which feels vindicated when the accused, particularly if they are sex offenders or drug abusers, are wiped off the stage. Most of those who commit suicide are first timers. As soon as they come to jail, they think their life has ended and that the entire world will be talking about them. In such cases, counselling can be very helpful and These cases require individual attention. First, we have a scarcity of clinical psychologists and counsellors, then even those who are there, don't want to come to the jail. No one likes to mix with the prisoners because of their feeling of shame due to incarceration. dehumanizing experience and lack of privacy and overcrowding in prisons. The inmates of prison often feel that they have no control over future, hopelessness and helplessness due to isolation from family, friends, and society². Therefore, many inmates tend to commit suicide.

A large percentage of prisoners are anxious not so much about their futures, but the immediate – that is, their families and relationships. At one level, challenges faced by families get compounded after arrest and imprisonment of their relative. At another level, the hope of coming out of prison depends upon the case and the families' capacities to facilitate release. At yet another level, arrest and imprisonment compromises family relationships. Sometimes crimes are committed to provide for and take care of the family, sometime as a result of strained relationship within family, or sometimes relationships with the family is strained because of act of committing crime. In any case, family is a significant player in the mind of the prisoner³.

In India, family contact of prisoners is maintained through rules that allow writing letters to family members, visits of family to prison to have face-to-face meetings, telephone calls and meetings through video conferencing facility. Although there are 1350 prisons in India but only 808 prisons have telephone and video conferencing facilities. This condition is considered to be one of the reasons for the lack of communication between inmates and their families. Positive, stable relationships of the prisoner with the family is very crucial for their well-being while in prison and also for their better adjustment in the custodial situation. Therefore, we analyse the existing facilities in the Indian Prisons for its inmates to have regular contact with their children and families and also analyse the Model Prison Manual for revising it in accordance with reformative and rehabilitative theories.

² Ms.Neena.S.Sawant - 'Suicide in Indian Prisoners' issued by Annals of Indian Psychiatry Volume 2. 2018

³ Prisoners' Contact with their families: Procedures, Practices and Experiences, Research study by Prayas, TISS - 2020.

OBJECTIVES OF THE STUDY

1. To provide conducive conditions to the prisoners for their reformation and rehabilitation.
2. To promote public participation in prison programmes as a national policy.
3. To analyse the facilities in the prisons to the inmates for maintaining the relationship with children and families.

SCOPE OF THE STUDY

1. The preamble of the Prisons Act, 1894 needs to be specified in the light of the modern correctional philosophy;
2. The Prisons Act, 1894 has become outdated in the changing scenario which needs to be replaced by the New Central Law on Prisons in order to maintain uniformity in the working of prisons throughout the country.
3. The State Governments should accord priority in revising their Prison Manuals on the lines of the Model Prison Manual prepared and circulated by the BPR&D.
4. The Model Prison Manual should give importance to children and family contact facilities for the inmates in a conducive environment.

CHAPTER - 2

DISCUSSION ON PRISON ACTS, MANUALS, RULES

This chapter discusses the existing prison acts and manuals and rules to get proper understanding of the systemic functions of prisons in India.

1. THE PRISONS ACT 1894

The Prisons Act, 1894 came in to force on 1st July 1894, this act consists of 7 chapters and 62 sections to regulate the prisoners it is one of the key legislations to manage all the matters relating to prison especially with respect to discipline, labour, expenditure, punishment and control. This provision says that Superintendent is the authority who manages all the matters respect to the prison labour.

Prisons have been included at entry number four in the state list (List - II) of the seventh schedule to the Constitution of India, thus the state have all the responsibility and competence to bring about any change which may be required in the current prison law to address any inadequacies in the prison management system.

Therefore, the State Government has to make legislations for quick emergency leave sanction system for remand prisoners and convict. Prison authorities should act swiftly in case of requisition for emergency leave to the prisoners on humanitarian grounds as per existing rules

2. TAMILNADU PRISON MANUALS

The Tamilnadu Prison Manuel consists of four Volumes, specially written document, In Volume I of the manual comprised of three parts that are,

- A. Six Central Acts - The Prisons Act 1894, The Prisoners Act 1900, The Identification of Prisoners Act 1920, The Exchange of Prisoners Act 1948, The Transfer of Prisoners Act 1950, Prisoners (Attendance in Courts) Act 1955.
- B. Four Relevant Acts, - The Indian Lunacy Act 1912, Extracts from the Indian Extradition Act 1903, Extracts from the Indian Penal Code 1860, Extracts from the Code of Criminal Procedure 1973.

C. Tamilnadu Acts and Amending the Prison and Prisoners Act such as The Madras Borstal School Act 1925, The Madras Probation of Offenders Act 1936.

Volume II of the Manual contains the revised rules, viz., This document consists of 56 chapters and 1136 Rules relating to superintendence and management of prisons as per the Tamilnadu Prison Rule, 1983 and framed under section 59 of the Prisons Act, 1894 with forms and Appendices.

Volume III contains rules framed under other enactments viz., CRPC, 1973, The Prisoners (Attendance in Courts) Act, 1982, Indian Lunacy Act, 1912 and other non-statutory rules.

Volume IV contains the executive and the administrative orders and the instructions issued by the government and the Inspector General of Prisons from time to time relating to inspection and superintendents and management of prison and prisoners in the state of Tamilnadu.

3. TAMILNADU SUSPENSION OF SENTENCE RULE, 1982

The Tamilnadu Suspension of Sentence Rule, 1982 came in to force on 2nd July 1982, It consists of 40 rules with three forms, these rules entrust powers on the prison officers to grant leave to the prison inmates on the occasion for attending death or serious illness of father, mother, wife, husband, son, daughter, full sister and full brother of the prisoner or the wedding of the prisoner or son, daughter, full brother or full sister of the prisoner. There are certain other grounds to be considered for granting leave to a prisoner e.g. to make arrangements for family livelihood and settlement of life after release and for the admission of the children in the school or college, construct or repair the house, settling family disputes like partition and agricultural operation like sowing and harvesting etc or in the case of female pregnant prisoner for having delivery outside the prison.

The prisoners cannot claim leave as a matter of right under this rule but it is a concession granted to the prisoners by the officers based on the facts and circumstances and the urgency relied upon.

4. MODEL PRISON MANUAL 2016

The Model Prison Manual 2016 has been formulated by the Bureau of Police Research & Development, under the Ministry of Home affairs, Govt. of India. Detailed document consisting of 32 chapters that deal with a variety of issues, including custodial management, medical care, education of prisoners, vocational training and skill development programmes, legal aid, welfare of prisoners, after care and rehabilitation, Board of Visitors and prison computerization.

5. PROBATION OF OFFENDERS ACT 1958

The Probation Services in India are being regulated by Probation of Offenders Act, 1958 and Section 360 of Code of Criminal Procedure, 1973 which allows release of the convict on probation on fulfilling certain conditions in lieu of his stay in prison on conviction. The option of probation has great potential to promote reformation and rehabilitation of prisoners, as it avoids incarceration and its consequent ill effects on the incarcerated prisoners besides adding to congestion in prisons.

6. JUVENILE JUSTICE (CARE AND PROTECTION) ACT 2000

Juvenile Justice (Care and Protection) Act, 2000 mandates that no juvenile who comes in conflict with law and juvenile who needs care and protection should be sent to prison or correctional home. The U.N. Guidelines and various Supreme Court rulings on this subject have also suggested the same which needs to be complied with. It is clearly stated that in Section 7. (1) The Board shall meet at such times and shall observe such rules in regard to the transaction of business at its meetings, as may be prescribed and shall ensure that all procedures are child friendly and that the venue is not intimidating to the child and does not resemble as regular courts.

The Tamilnadu Juvenile Justice Board (Care and Protection of Children) Rules – 2001 in Chapter –II Juvenile in Conflict with Law where rule 11- b) stated that the atmosphere of the Juvenile Justice Board shall be child-friendly. There shall be no raised Dias, witness boxes etc... and the proceeding of the Board shall be like a conference in which the Juvenile Justice Board members, the child, Probation Officers, the Police Officers, the Parents, the Legal representatives etc., shall sit informally and participate in the proceedings. And c) stated that the wall shall also be fitted with pictures, natural scenarios etc., to create a child friendly atmosphere to develop a positive approach. The children conflicting with law should be treated with due respect means then these children of prison inmates also must be treated with same level respect as they are innocent of the case of parent's crime.

CHAPTER - 3

JUDGMENTS ON PRISON REFORMATION

This chapter discusses all the relevant judgments and literatures available in support of periodical revision of prison manuals in the States of India.

Hon'ble Supreme Court has highlighted certain concerns on the welfare of children. In the case, i) **Sheela Barse & Ors vs Union of India & Ors on 13 August, 1986**⁴, The Former Chief Justice of India Shri. P.N. Bhagwati stated that Some years ago we came out with a National Policy for the Welfare of Children which contained the following preambulatory declaration: "The nation's children are a supremely important asset. Their nurture and solicitude are our responsibility. Children's programme should find a prominent part in our national plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skill and motivations needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our large purpose of reducing inequality and ensuring social justice." If a child is a national asset, it is the duty of the State to look after the child with a view to ensuring full development of its personality. That is why all the statutes dealing with children provide that child shall not be kept in jail. Even apart from this statutory prescription, it is elementary that a jail is hardly a place where a child should be kept. There can be no doubt that incarceration in jail would have the effect of dwarfing the development of the child, exposing him to baneful influences, coarsening his conscience and alienating him from the society.

Hon'ble Supreme Court emphasised in its judgments the importance of children and parent's relationship despite of incarceration.

1. **Om Prakash vs. State of Haryana**, reported in 1980 SCC (Cri) 694; It is represented by counsel for the appellant that the convict may be kept in the District Jail, Gurgaon so that his wife and child may be able to meet him occasionally. We think that in such cases humane considerations are important and family ties must be preserved instead of dehumanising attitudes and distances being inflicted.
2. **Rama Murthy vs. State of Karnataka**, reported in (1997) 2 SCC 642. While in jail, communication with outside world gets snapped with a result that the inmate does not know what is happening even to his near and dear ones. This causes additional trauma. A liberalised view relating to communication with kith and kin specially is desirable. It is hoped that the model All India Jail Manual, about the need of which we have already adverted, would make necessary provision in this regard.

The Hon'ble Supreme Court of India in *Suo Moto WP (Civil) No.406 of 2013*, in February 5, describes

⁴ Indiankanoon accessed through <https://indiankanoon.org/doc/525548/>

the new Model Prison Manual as a composite document that needs to be implemented with due seriousness and dispatch. It is, therefore, imperative that its aberrations are reviewed before it is recommended to the states for adoption. The judgment by Justice M. B. Lokur in the case iv) *Re-Inhuman Conditions in 1382 Prisons v State of Assam*⁵, in 2017 drew attention to the Rules 58 to 63 of Nelson Mandela Rules¹² that dealt with the contact of the prisoner with the outside world. It stated that *'merely because a person is in prison, it does not mean that he or she should be cut off from the outside world. In fact, the prisoners should be allowed to communicate with his family and friends at regular intervals and should also be permitted to communicate and consult with a legal adviser of his or her choice. This by itself could have a soothing effect on the prisoner'*.

Dr. Mir Mehraj-ud-din in his book *'Crime and Criminal Justice System in India'* has dealt with different aspects of prison visits in Chapter VI headed 'Re-socialization : Search for Goals'. The learned author has said that frequent jail visits by family members go a long way in acceptance of the prisoner by his family and small friendly group after his release from jail finally, as the visits continue the personal relationship during the term of imprisonment, which brings about a psychological communion between him and other members of the family. Imprisonment itself has an element of rehabilitation. The incarceration should provide an opportunity for the prisoners to correct themselves and they should find out alternative behaviour to curb their deviant life style. The rehabilitative model postulate that the purpose of incarceration is to reform the criminals through education, training and counselling. If these programmes are to be successful, then the disturbing conditions in the prison should be eliminated. Depriving the pleasure of communication with fellow prisoners and with the family members would only bring counterproductive results. The poor communication always destroys the relationship. In fact, lack of communication is the number one relationship killer. The best person to talk to, with regard to any problem, is the person with whom anybody is intimate and maintain relationship.

Loucks (2005) suggested that after imprisonment, most of the prisoners lose contact with their families. Factors that affected family visits to prisons included long distances, financial constraints, attitude of the prison staff, lack of information about visits and procedures, inconvenient visiting timings and inefficient booking systems. Hence the families also suffer due to the incarceration of their family member. However, there have been various studies that indicate the importance of family contact in the correctional activities of the prison.

The Commonwealth Human Rights Initiative (2010)⁶, suggests that if a prisoner has lost contact with their families, the prison visitor may help to re-establish contact. S/he may write letters for illiterate prisoners. It mentions that the prison visitor may use his/her authority as a prison visitor to talk to the family members to remove their un-informed biases and try to re-establish familial and social contact.

CHAPTER - 4

INTERNATIONAL PERSPECTIVE OF PRISON REFORMS

This chapter delineates the international perspective of prison reforms, rules and recommendations to adopt in order to improve the correctional institutions.

World Health Organisation strongly recommends that prison and public health care be closely linked.

⁵ Indiankanoon accessed through - <http://indiankanoon.org/doc/88050370/>

⁶ Monitoring Prisons, A Visitor's Guide'; CHRI 2010, Revised edition 2017.

The Moscow Declaration on Prison Health as a Part of Public Health⁷ elaborated on some of the reasons why close working relationships with public health authorities are so important, as under:

Penitentiary populations contain an overrepresentation of members of the most marginalized groups in society, people with poor health and chronic untreated conditions, drug users, vulnerable people and those who engage in risky activities such as injecting drugs and commercial sex work.

The movement of people already infected with or at high risk of disease to penitentiary institutions and back into civil society without effective treatment and follow-up gives rise to the risk of the spread of communicable diseases both within and beyond the penitentiary system. Prevention and treatment responses must be based on scientific evidence and on sound public health principles, with the involvement of the private sector, nongovernmental organizations and the affected population.

The living conditions in most prisons of the world are unhealthy. Overcrowding, violence, lack of light, fresh air and clean water, poor food and infection-spreading activities such as tattooing are common. Rates of infection with TB, HIV and hepatitis are much higher than in the general population.

The Declaration makes a series of recommendations that would form the basis for improving the health care of all detained people, protecting the health of prison personnel and contributing to the public health goals of every Member State in the Region:

- Member governments are recommended to develop close working links between the Ministry of Health and the ministry responsible for the penitentiary system so as to ensure high standards of treatment for detainees, protection for personnel, joint training of professionals in modern standards of disease control, high levels of professionalism amongst penitentiary medical personnel, continuity of treatment between the penitentiary and outside society, and unification of statistics.
- Member governments are recommended to ensure that all necessary health care for those deprived of their liberty is provided to everyone free of charge.
- Public and penitentiary health systems are recommended to work together to ensure that harm reduction becomes the guiding principle of policy on the prevention of HIV/ AIDS and hepatitis transmission in penitentiary systems.
- Public and penitentiary health systems are recommended to work together to ensure the early detection of tuberculosis, its prompt and adequate treatment, and the prevention of transmission in penitentiary systems.
- State authorities, civil and penitentiary medical services, international organizations and the mass media are recommended to consolidate their efforts to develop and implement a complex approach to tackle the dual infection of tuberculosis and HIV.
- Governmental organizations, civil and penitentiary medical services and international organizations are recommended to promote their activities and consolidate their efforts in order to achieve quality improvements in the provision of psychological and psychiatric treatments to people who are imprisoned.
- Member governments are recommended to work to improve prison conditions so that the minimum health requirements for light, air, space, water and nutrition are met.

Every prisoner is entitled to the basic right (among other rights) of contacting the outside world and family during the period of imprisonment. This has been laid down in the UN Standard Minimum Rules

⁷ The World Health Organization and the Russian Federation
https://www.euro.who.int/_data/assets/pdf_file/0007/98971/E94242.pdf

for Treatment of Prisoners 1955 and the Nelson Mandela Rules of 2015. The Model Prison Manual 2016 also reiterates this right of the prisoner.

The different means of communication for the prisoner to their families, currently provided in the Indian prisons include the interview system, the phone call, and the inland/postcard/letter. The Manual provides guidelines for the facilitation of these means of communication.

Keeping the relevance with the UN Standard Minimum Rules for Treatment of Prisoners 1955 and the Nelson Mandela Rules 2015⁸, which lay down facilitating contact with the family and the outside world as one of the basic rights of prisoners. The Model Prison Manual (2016) suggests that the rights of prisoners include the following:

- Right to communication with the outside world;
- Right to periodic interviews; and
- Right to receive information about the outside world through communication media.

According to *Convention on the Rights of the Child*. The UN Convention on the Rights of the Child (UNCRC) quotes in its Preamble the Declaration of the Rights of the Child, which stated “... Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community...” Therefore, it is necessary to allow any child, whatever their situation, to maintain as close a relationship and contact with his family as possible, particularly with his or her parents.

The UN Convention on the Rights of the Child (CRC) quotes in its Preamble the Declaration of the Rights of the Child, which stated, “The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.” The Preamble further recognizes “that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.”

The Convention also puts forward the principle that a child must not be separated from his or her parents except under certain particular circumstances and that a child has a right to contact with both parents, and espouses a number of precepts aimed at protecting the rights of children, among them “the notion that a child has the right not to be discriminated against based on the parents’ status or activities”; “the necessity to respect the child’s best interests as a primary consideration”; and “the State’s obligation to ensure the child the care and protection ‘as is necessary for his or her well-being.’”

The children of imprisoned parents are often described as the forgotten and invisible victims of imprisonment. When a mother or father goes to prison, their children are affected, usually adversely. Yet these effects are rarely considered in criminal justice processes and in correctional institution, which instead focus on determining individual guilt or innocence and punishing lawbreakers. The failure to consider or consult children of imprisoned parents at all stages of the criminal justice process – from arrest to trial to imprisonment to release to rehabilitation into the community – can result in their rights, needs and best interests being overlooked or actively damaged.

UNCRC is examined in more detail, it seems clear that when a child is partially or totally deprived of their family structure, he or she has the right to special protection; Article 20 outlines that “A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance

⁸ The Standard Minimum Rules for the Treatment of Prisoners were first adopted in 1957 and in 2015 was revised and adopted as the Nelson Mandela Rules, by the United Nations General Assembly

provided by the State”. We should also look at Article 9, paragraph 3, which outlines the principle of the child’s right to maintain relationships with both parents. Clearly, this provision can be applied to the rights of a child who is separated from an imprisoned parent (sometimes both parents) to maintain relations (in particular, visits) with the imprisoned parent.

The United Nations Committee on the Rights of the Child Day of General Discussion, 2011: For children left outside when their parent is incarcerated. The Committee emphasises that children have the right to regularly visit their parent(s), if this is in their best interests. In this context, the Committee recommends that measures be taken to ensure that the visit context is respectful to the child’s dignity and right to privacy. Furthermore, the general principles of the UNCRC should dictate the application of the rights of the child. We are, of course, thinking about the right of the child to see his or her best interests taken into account as a primary consideration (Article 3, paragraph 1) and the right of the child to be heard in any decision that affects them; their views being given due weight in accordance with the age and maturity of the child.

At the international level, many countries have given importance to maintain the best relationship between the children and incarcerated parents by providing kids friendly spaces in the prison to have meetings. i.e., Children were able to spend time with their incarcerated fathers at Cleveland Correctional Center on Aug. 27, thanks to the “A Day with My Dad” event and the Covenant with Christ International, Inc.

In a special report titled, Bonding Behind Bars⁹, carried in a September 2016 edition of The Chronicle, Sunday Newsday learnt that children are allowed to see their parents as part of San Francisco’s One Family Visitation Programme. The report alluded to the experience of a 12 years old boy, named Sean Sanchez, who regularly visited his imprisoned father. “The boy won’t just speak to his dad. As part of San Francisco’s One Family visitation programme, he’ll be able to hug him, sit close, play a board game together. He can lean in to tell him what happened at school that week and how much he misses him.

Parents In Prison Read To Children To Boost Literacy¹⁰ And Connection at Suffolk County House of Corrections. Dna Barbero_teaches literacy and parenting classes and helps fathers record themselves reading from the books before they are sent to their children. This ensures that children receive something more valuable than the physical book — they get personal connections to their fathers through the ability to listen to their voices whenever they want. This is important when parental interactions can be extremely limited.

The Children’s Literacy Foundation also helps parents in prison record themselves as part of their Storybook Program, working across 17 institutions in New Hampshire and Vermont to inspire a love of reading and writing among rural, low-income and at-risk children. They provide books for family visiting rooms, pay for professional authors to perform on visiting days, provide literacy seminars, and help circulate children’s books in prisons so that inmates can read stories to their children at night over the phone.

A playground for visiting children has been installed at Tasmania’s Risdon Prison¹¹ as a way to help “dads be dads”. The Christian Family Centre received a \$50,000 grant from the Tasmanian Community Fund for the project. The equipment is located outside the visitor centre within the Ron Barwick Men’s

⁹ Let prisoners see their children <http://www.newsday.co.tt/news/print.0.243922.html>

¹⁰ Christopher Zoukis, <https://www.huffpost.com/entry/parents-in-prison-read-to-children-to-boost-literacy>

¹¹ Risdon Prison playground for child visits

<https://www.easternshoresun.com.au/risdon-prison-playground-for-child-visits/>

Minimum-Security Facility. Pastor Norm Reed said the idea was to create a normal father-child situation. “The environment in a prison of course is not always a necessarily friendly one and it’s not always kid-friendly,” he said. “Many of the children of prisoners do it very hard, often there is a stigma attached to parents being incarcerated and they find it difficult at school. “A thing like a playground just provides a focus where a dad can certainly be with his children in a playground. It’s the sort of thing they do outside in the community and it brings normalcy for the children.”

The 784-inmate jail, which holds all types of offenders, from those on remand to those serving life sentences, has fully embraced the Scottish Prison Services current ethos — an open, humane approach with an emphasis on rehabilitation. Under chief executive Cohn McConnell, that ethos includes encouraging prisoners to forge closer bonds with their children. Unless there is a history of domestic violence, it is in children’s best interests to spend time with their fathers. Significantly, in Scotland, children’s visits are not dependent on the good behaviour of prisoners, as they are in England and Wales, because the focus is on the welfare of the Child. With this in mind, the prison is always looking for new ways to make the experience less intimidating. One pioneering move has been the setting up of a Scout and Guide club, which allows children and their parents to take part in activities on-site.

Low Moss is not the only prison in the UK to run parenting programmes — those south of the border are more classroom-based — but with its multi-pronged approach, Low Moss is blazing a trail. Its success has attracted international attention, with policy-makers from Ireland, Norway and even China coming to see it for themselves.

Reducing the impression of being in an institution, for example by meeting in special child-friendly facilities, Provision of baby-changing facilities, toys for children to play with before or during visits or by having visits with non-uniformed staff on duty, can significantly improve the quality of the visit for the child and bright furnishings have all been recommended as ways to improve the conditions in which children meet their imprisoned parents. In some prisons in Denmark, children are allowed to go to their parent’s room and have their visit there. Such schemes can make children keener to visit again and as a result strengthen parent-child relationships, with all the positive effects that has for successful post-release family reunification and the likelihood in control of recidivism.

CHAPTER - 5

IMPACT ON CHILDREN DUE TO THEIR PARENTAL IMPRISONMENT

This chapter explores the psycho-social impact of parental imprisonment on children and their rights to maintain contact with their incarcerated parents.

Balancing security concerns with children’s well-being requires greater awareness of child rights within the prison system. In judicial and legal procedures, offenders are rarely recognized as parents, and prison policies seldom consider their family responsibilities. Prison transfers are based on administrative criteria, with little to no consideration given to the needs of the inmate’s children, who are often treated as secondary concerns at best. Disciplinary measures in prisons can also directly affect visits. Prison authorities face the challenge of imposing sanctions on inmates for misconduct—especially during visitation—while ensuring that the rights and emotional well-being of the child are not compromised. Even the most child-friendly prison systems struggle with this dilemma.

Awareness of children’s rights within prisons is crucial to ensuring that their right to maintain contact with an incarcerated parent, as enshrined in Article 9 of the United Nations Convention on the Rights of the Child (UNCRC), is not treated as a privilege that can be revoked as punishment. Security concerns

should not outweigh a child's fundamental right to family contact. Encouragingly, a Universal Periodic Review report recently recognized prison visits as a child's right, stating: "The best interests of the child must be considered when arresting, detaining, sentencing, or granting early release to a sole or primary caregiver. Visits to a parent in prison should be seen as a right of the child, rather than a privilege of the prisoner that can be revoked as a disciplinary measure."

This recommendation has been supported by the United Kingdom and other advocates for children's rights. The UNCRC also asserts that children should not be separated from their parents unless absolutely necessary. Every child has the right to maintain contact with both parents, and the state has an obligation to ensure that children receive the care and protection necessary for their well-being.

Parental imprisonment affects millions—possibly tens of millions—of children worldwide, many of whom come from disadvantaged and vulnerable backgrounds. These children and their families should not be treated as prisoners themselves; they are free individuals who deserve full access to their rights. Research indicates that children of incarcerated parents are more likely to come from families experiencing unemployment, mental health issues, marital conflicts, abuse, neglect, and other socioeconomic hardships.

The impact of parental imprisonment on children can be profound and long-lasting. Many experience depression, anxiety, and behavioural issues, and they are more likely to drop out of school, face suspension, or perform poorly academically compared to their peers. These children often face discrimination and social stigma, leading to feelings of trauma, fear, shame, guilt, and low self-esteem. Their relationships with other family members may suffer, and some become withdrawn or exhibit regressive behaviours such as bed-wetting. Others struggle with increased health problems, declining school performance, aggression, or antisocial tendencies.

In some cases, the impact on children's physical and mental health is severe. Studies have documented issues such as disrupted sleep and eating patterns, increased use of drugs, alcohol, or tobacco, stress, depression, and even symptoms of post-traumatic stress disorder (PTSD), including flashbacks related to their parent's crime or arrest.

Many children of incarcerated parents are forced to take on new roles within their families, providing emotional, domestic, or financial support. Some must move to a new home, school, or even city due to the stigma associated with their parent's imprisonment. Despite these challenges, criminal justice systems worldwide largely ignore the existence of these children, with many failing to even record information about inmates' children.

Every day, hundreds of children visit prisons to see their incarcerated parents. But do prison officers treat these parents with respect in front of their children? Do they welcome the children warmly? How do they interrupt these meetings? Each child is unique and will respond differently to such situations. Therefore, it is crucial to consult with individual children to understand how best to support them. If a prison officer shouts at an inmate in front of their child, it can be deeply distressing. It is important for children to see their parents treated with dignity. A simple but powerful first step would be for prison authorities to instruct officers to greet children with a smile. While some may see this as a trivial suggestion, it plays a crucial role in making children feel safe and respected.

Maintaining close relationships between children and incarcerated parents can also help prevent future criminal behaviour—both by the parent and the child. Studies indicate that children of imprisoned parents have a higher likelihood of engaging in antisocial or criminal activities later in life. However, a supportive family environment can be a strong deterrent to reoffending, giving released inmates a sense

of responsibility and belonging.

A key goal of any justice system should be to reduce crime and protect potential victims. Recognizing the needs of prisoners' children is not just a matter of human rights—it is also a valuable crime prevention strategy. Maintaining family bonds can reduce the likelihood of reoffending among incarcerated parents, yet many children never get the chance to visit their parents in prison.

CHAPTER - 6

PRESENT PRISON STRUCTURE AND FAMILY INTERVIEW HALL

This chapter examines the current physical structure of prisons in India, highlighting the inadequate family interview halls that lack basic accessibility for children and the families of inmates.

The neglect of children's needs when their parents are imprisoned is a predictable consequence of the judicial system. Prison buildings and visitation policies are often designed without considering their impact on young visitors. As a result, many prisons are located in remote and inaccessible areas, with facilities that are unsuitable for children. When children visit their incarcerated parents, they often find the experience frustrating and emotionally distressing. Restrictions on visit duration and conditions, combined with poorly designed visitation areas—such as communication through a thick wire-mesh partition or conflicts arising in the visiting room—make the experience even more upsetting.

Children, especially young ones, may become tired, bored, or restless during visits, particularly if they have to wait for long periods or travel great distances to reach the prison. To keep them engaged, a child-friendly environment with varied activities is essential. However, many prison settings fail to provide such an atmosphere. Closed visits, where children must communicate with their parents through barriers like wire partitions, are particularly distressing. Wives often describe such visits as horrific, while children experience them with confusion and fear. These negative experiences can make prison visits overwhelming for both children and their guardians, ultimately discouraging future visits and weakening family bonds.

CHAPTER - 7

BEST PRACTICES OF CHILDREN FRIENDLY SPACE IN THE CRIMINAL JUSTICE SYSTEM

This chapter highlights the best practices in the criminal justice system, particularly in Juvenile Courts, POCSO Courts, police stations, and select prisons in Maharashtra.

A child-friendly courtroom was inaugurated at the Madras High Court to provide a safe and supportive environment for children involved in legal proceedings. Designed to shield children from the harsh and intimidating atmosphere of a traditional courtroom, this initiative aims to enhance the justice system's response to vulnerable child witnesses and victims. The Child-Friendly Deposition Room, located on the third floor of the additional City Civil Court building within the high court campus, aligns with the provisions of the Protection of Children from Sexual Offences (POCSO) Act, 2012. Features such as in-camera proceedings and one-way mirrors ensure the child's identity remains protected while fostering a non-threatening environment.

The courtroom includes a waiting area furnished with toys and colorful furniture, eliminating the conventional witness box. Additionally, judges and court personnel wear plain clothes to minimize the intimidating feel of a formal courtroom. Similar child-friendly courtrooms have already been established in Goa, Delhi, Hyderabad, and Bengaluru. A key feature of these courts is that children are not subjected

to aggressive cross-examinations, preserving their dignity.

In these courts, judges do not sit on elevated platforms, allowing for direct interaction between the child and the judge. Meanwhile, the accused can observe and listen to proceedings through a two-way video conferencing system, enabling the child to identify them without direct physical confrontation.

Similarly, a unique Child-Friendly Police Corner has been set up at the All-Women Police Station in Salem city. This space is designed to provide a safe and comfortable environment for children who require care and protection, including victims of child abuse and children in conflict with the law. The initiative ensures that these children are kept separate from regular criminals and perpetrators brought into the police station. The Child-Friendly Police Corner is also instrumental in protecting abandoned, runaway, missing, and street children. The concept of child-friendly police stations was first introduced by the Rajasthan Police, given the state's high incidence of child trafficking. Kolkata, particularly in areas like Tiljala, also faces significant child trafficking challenges.

Another noteworthy initiative is the Galabhet program, introduced by the Maharashtra Prisons Department. Under this program, children of incarcerated parents are given the opportunity to spend quality time with them. The initiative was conceptualized and implemented by Shri Bhushan Kumar Upadhyaya, the then Additional Director General (Prisons), who believed in the importance of maintaining communication between imprisoned parents and their children. This program takes place once every three months, allowing children to visit their parents in prison.

Galabhet Program Process:

- The date of the Galabhet program is decided in coordination with prison authorities.
- Social workers prepare a list of children (below 18 years of age) whose parents are incarcerated.
- Families or guardians are informed about the program and instructed to bring the children along with personal identification documents.
- For institutionalized children, a letter from prison authorities is sent to the respective Child Welfare Committees (CWCs) informing them about the program.
- On the scheduled day, social workers verify identification documents before allowing children to enter the prison.
- The imprisoned parents are brought out of their barracks to an open space within the prison to meet their children.
- A tent is set up in the open space to provide shade and create a welcoming environment.
- Activities such as singing, dancing, drawing, and crafting are organized for children in the presence of their parents.
- An NGO sponsors gifts for children, which are handed over by their imprisoned parents.
- Older children are encouraged to share their experiences and emotions regarding the Galabhet program in the presence of their parents and prison officials.

In addition to this initiative, children up to 14 years of age are allowed to meet their imprisoned parents face-to-face on the second and fourth Saturdays of each month. Children under two years old are accompanied by their guardians. In all cases, documents proving the blood relationship are required.

CHAPTER - 8

RECOMMENDATION

The recommendation mainly focused on children friendly interview hall in every prison and its proposed structure and functional procedures.

Children friendly interview hall in each central prisons and special women prisons in the Indian states. The children friendly interview hall should look like a special hall structure like **Anganwadi**. It should be located near the outer gate of prison premises where the prison inmates have already access. This special interview hall should have painted with pictures of flowers and smiling faces and national leaders. The incarcerated parent should be invited with pleasant dress code those who have children as visitors. This hall must be equipped with enough CCTV cameras for the security concerns. The Prison Psychologists and Social Workers should monitor this children parent interview process in the prison and the prison wardens should be deputed in this hall with special knowledge and trained to children rights and child psychology. The prison warden should be stationed in civil dress code at this interview hall. The meeting should be facilitated and monitored with utmost care and important by special supervision of Assistant Jailer.

CHAPTER - 9

CONCLUSION

A child-friendly interview hall in every central prison in India—an area designed for meetings between incarcerated parents and their children—holds great value for society. Such spaces help prevent adults from reoffending and ensure that children do not feel marginalized, reducing the risk of them emulating their parents' crimes in the future. If family bonds among prisoners are broken, the chances of their rehabilitation and reformation decrease significantly. This also affects their reintegration into society and their families after release. Many prisoners who feel abandoned may perceive the outside world as a prison even after gaining freedom, increasing the likelihood of reoffending. To reduce recidivism in India, it is crucial to maintain family connections among prisoners.