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A COMPARATIVE AND ANALYTICAL STUDY OF PRISON REFORMS IN UNITED STATES OF AMERICA, FRANCE AND UNITED KINGDOM

Dr. Priyadashi Nagda*

Abstract

The concept of prison is meant to serve the dual purpose of keeping away criminals from society and reformation followed by rehabilitation of the criminals. This objective is achieved under an institutional treatment whereby the system scientifically eliminates the conditions, which are found responsible for converting an individual into a criminal. Present day penal philosophy incorporates the prisoner's after-care service also as an integral part, which correctional service presupposes active help and guidance to the discharged prisoners through counseling and surveillance. In theory, the prison system should be geared toward reintegration and reintegration of inmates back into society. The desired goal of reformation /or rehabilitation of criminals are achieved through various tools and techniques in the institution of jail. Some such tools and techniques which are adopted by few advance nations of world are worthy to be followed. In this furtherance fine Prison Reforms Practices of United states, France and United Kingdom are discussed in brief here.

Keywords: Prison, reformative, correction, staff, setup, women.

Introduction

Prison related issues are much talked about the globe because ancient concept of punishing the criminal has not solved behavior of society towards the Prisoners. Earlier the word Prison was itself symbol of place made up of stones and irons which was meant for Purpose of keeping Prisoners just like animals. Now in Modern Context the whole concept is under transformation and Reformations in Prison systems are Primary subject of Governance in every nation. Prison is depicted now as Correctional centers where new reformative techniques are implemented. Concept of reformation in prison originated after the studies that restricting someone to use his, personal, social and political rights leads to increase criminal tendencies. All the Prison setups in world are calling for multilevel reforms and present day mea sure tends to include the socialization of these prisoners into society again. Past

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A few decades have witnessed several significant changes in the prison system across world though a lot more reformation is needed.

United States of America Constitutional Rights

Constitution of America guarantees protection against cruelty and harassments to inmates in prison along with its citizens. All inmates have equal protection of law, equality before law, In U.S.A concept of fair hearing and "due process" mentioned in the constitution are followed strictly by the justice department. Many constitutional amendments provide privilege to prisoners. Right to work, Right to avail education, Right to have access to family, friends and relatives, The right to restricted speech and expression, as well as the right to profess religion, are guaranteed under the constitution.

Rights Exercised by Inmates Other than Constitution

The primary focus of the criminal justice system in the United States in the twenty-first century is on prisoner reform. They have right to avail various professional skilled and Services related Training courses which are run by prison sections. Each institution works to give convicts with industrial training of their choice. Prison officials provide legal access to all inmates. They have been given right to Perform limited electoral Rights, They have right to chose recreational activities of their choice and Inmates can also avail free of cost medical, psychological & psychiatric Treatments on recommendation of doctors.¹ Prisoners who are seriously ill have the right to have someone look after them.

Prison in U.S.A: Judicial Approach

According to recent research related to criminal judicial reforms Judiciary has played major role. According to a U.S. Supreme Court Judge Prison Population "Could be reduced by fifty percent by developing alternative to incarceration for most offenders". U.S congress and Supreme Court have condemned death penalty. At frequent intervals Courts have also instructed prison official to softly deal with inmates. Judgments have been pronounced focusing on pardoning, permitting, reduction of Sentence including admonishments for minor offences. Now Life sentences convicted are given parole facility in U.S.A. Solitary confinement is no longer used in most states in the United States. Judicial Approach is always towards alternative punishments like ordering compulsory community services, promoting internal reformative practices like probation, fines instead Punishment and early release of good mannered prisoners etc.

Modern Prison Reformative approaches

Prison officers and staff is the backbone when American Prison system is talked about. These officers enjoy freedom in dealing and managing the prisoners and making curriculum essential for their reintegration into

society and reformation. Special treatment facility for drug addicts and inmates dealing with mental issues are focused upon. Under trial & convicted prisoner are kept separated. It is duty of officials that the products made by inmates are delivered to local markets. "A new graduate recruitment scheme" has been introduced in which good caliber graduates work as prison officers for initial period and they are paid stipend for that and after few years they can be recruited permanent as prison officers. Also, a new "Prisoner Apprenticeship" path way is launched where quality skilled trainings and education are received by prisoner and they are directly recruited in jobs after they are released. Many prisoners have settled themselves at companies and call centers after their releases from prison. Arrangements are made for better employment opportunities and accommodation compared to the one which they had before entering into prison. New feature is introduced where Human Right reports yearly include separate chapter dealing with Prison where physical facilities, obstacles and steps taken to improve prison practices are mentioned.

Agencies governing prisons in U.S.A.

Mainly Following Agencies works for prison management in U.S.A.

- (A) "Federal Bureau of Prisons"- Is the leading Federal Agency for managing prisoner and prison affairs in United States of America. It is record keeping agency for all prisoners. It offers many facilities throughout America Including 122 institution, 6 regional offices, Training centers and have Residential management officers. It maintains inmates register and collects all information regarding their medical and legal issues, they run Reentry Programs, educational courses for inmates. It has programmes for female offenders, juveniles, and sexual offenders, among others. Any offender or prisoner can give written grievance regarding mistreatment, cruelty, religious or racial abuse against him to officers working in this agency.
- (B) "American Jail Association" is second leading and much popular agency which works for prison management and its reforms in America. It is Union of prison practitioners and it acts through various committees dealing mainly to set standards for developing better prison culture and introducing new practices in prisons, Training schedule and program that works for reforms in prison are held time to time by organizing conferences where case study methods are taken up and out comes of these conferences are implemented through out American Prisoners. "Basically, many federal programs are administered by the U.S. Bureau of Justice Assistance (BJA) provide resources (funding, technology, training, and technical assistance) to state, local, and tribal corrections and reentry programs"².

United Kingdom

The English jail system is built on Bentham's belief that "prisoners might be controlled and rehabilitated by providing the illusion of constant supervision." The Prison Management is through the prison Act, 1952 which has detail provision for Jail setup. Many white papers have been issued by U.K. Government to modernize. The prison rules and methods for reforming the prisoner can be summarized as: -

1. New prison buildings which have separate open premises for man & women incorporating safety and security concerns including more recreational facility have been constructed.
2. The courts have started fast tracked Trials and target based speedy disposal of criminal matters. "Penalties will be linked directly to their offence and support Rehabilitation" (white paper Dec. 2021)
3. All prisons shall formulate skilled courses for inmates and afterwards CV of inmates is prepared & Bank Accounts are opened before they are released.
4. "Resettlement Passport" shall be made so that prisoners can be declared crimes-free upon release.
5. Special Rehabilitation programmes are launched for Drug or Alcohol/ Addicts from first day in prison.
6. Proposal has been moved to start new prison education service to train offenders in vocational skills.
7. Provisions have been made for deploying employment advisors in prisons to help inmates to find Job & Work after release.
8. In Dec, 2021, U.K Government decided to recruit 5000 officers and 2500 employee in next two years.
9. Special programmes are organised by Academicians, Psychologist and criminologist for sexual and domestic offenders. Many behaviour refresher courses have been launched in order to improve people's thinking, attitudes, and behaviours that may contribute to reoffending.
10. Rewards Incentive scheme has been launched for dedicated and frontline prison staff and officers.
11. Prison governors are entrusted with Administration of prisons and they have been given more autonomy and freedom to run their jails. Those who participated in illicit practices will face consequences.
12. Focus of prison officials is to ensure better mental health of inmates and Intelligence wings has been introduced in jails to prevent to gang wars and violence and drug addiction in the prisons.
13. Prisoners have been categorized on basis of offence they have committed so that rehabilitation can be done accordingly.

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14. Incentive scheme for prisoners is reinvigorated so that they work more. Prisoners are offered with additional time to see their families and Technologies like Skype have allowed for frequent communication.
15. Case study methods have been implemented to check which inmate is to be treated with what strategy.
16. Education can play big role in rehabilitation so more stresses is upon mathematics; Analytical studies and it is taught through management games.
17. Pregnancy and Prisoner - women who are pregnant are given special medical kits containing protein & Iodine Tablets and Daily resting hours are arranged for them visiting cards having phone numbers of doctors for emergency situation are also given to these prisoners. Some of the important prisons having mother and baby units in United Kingdom are Bronze field, Eastwood Park, styal new hale & peterborough.
18. "Following Special Rehabilitation and Reentry Programmes have been launched throughout the United Nations.
 - Disorder treatment and recovery outcomes for adults in reentry.
 - Implementation of the provisions of the Prison Rape Elimination Act) improvement in reentry education and employment outcomes.
 - To develop a center that assists jails in creating and sustaining safe and effective environments.
 - The provision of actionable data to make policy and budgetary decisions.
 - A residential substance abuse treatment program for state prisoners.
 - A program that provides funding, technical assistance, and new tools for identifying the strengths and gaps in reentry systems and improving their overall approach to reentry.
 - Resources for improving supervision outcomes and reduce recidivism."³

French Prison Framework

The French prison module is a masterpiece whenever prison reforms are talked about, it has clear cut influence of scan avian model where crimes rated are lowest in world. New prisons have been built in open regions of cities. In these contemporary jails, the focus is on convicts' autonomy and preparing them for reintegration into society. In France, incarceration for less than a month is being phased out. Alternatives like electronic monitoring using

ITS technology or ordering community services are recent trends. Electronic cameras have been installed in prison premises to restrict use of mobile in jails so that inmates cannot contact to criminals and violence can be restricted. Separate landline facilities have been provided in every cell and time slots have been fixed.

The exchange of jail officials in response to demands is a common occurrence. Doctors and nurses have been recruited in almost all French prisons. All inmates are sent to disciplinary wings whenever they reach at prison. Online training system is developed during Covid19 for prisoners. Inmates are monitored over a period by special teams consisting of judges, educators, motivational speakers and religious leaders. A time bound evaluation report is prepared for all inmates on basis of their behavior and performance. On this basis profiles are categorized as most dangerous, (treated with strictness), less dangerous (are allowed to work and socialize). Hardcore prisoners are handed over to prison Intelligence service. French prisons are divided into variety of categories like

- (i) Special Jails for minors.
 - (ii) People who are on remand.
 - (iii) Prisoner who are undergoing longer sentence like above 10 years.
 - (iv) Detention Centers for prisoner undergoing average sentences like 2-8 years.
 - (v) Day living Centers for inmates who are undergoing laser punishment.
- "Hybrid 'Structure'" encompasses a wide range of concepts, including a combination of remand prison and detention centre, as well as, if appropriate, a security prison or day-leave facility. In France, the most recent jails are essentially these sorts of prisons.

In terms of security, modern French jails are generally open, and they are designed to minimize interaction between convicts, as well as between inmates and prison employees. Any movement within the jail necessitates passing through a slew of gates and locks. These jails, which were created after the year 2000, follow "joint management" principles, which outsource services such as laundry, meals, work, vocational training, and so on to private enterprises.

Major Steps in France for Prison system and its Reforms

- (i) **Recreational Reformative Tools-** various activities according to age, sex, genders disabilities and traits, are offered to prisoners. It includes cultural, sporting, educational or professional activities.
- (ii) **Treating Special Inmates-** Prisoner suffering from disabilities and from mental or physical abuse are treated clinically separated. Such inmates are kept under supervision of skilled prison officials.
- (iii) **Work and Skill Orientation-** Prisoners may be able to get manufacturing employment from private enterprises or the

correctional industrial service, which they will do in workshops or within their jail cells.

- (iv) **Time to be spent outside**-Various laws require that each prisoner exit his or her cell for at least two hours each day to do a daily routine in the open air.
- (v) **Education**-The prisoners are given choices to adopt education curriculum mentioned in the prison.
- (vi) **The Right to Freedom in Religious Activities**-Prisoners are free to practise whichever religion they want. In each jail, a separate room with neutral design must be set aside for the purpose of worship.
- (vii) **Help Desk System**- Legal facility like understanding the judgment, time to file appeal, filling mercy pleas are made available almost in every prison.
- (viii) **Reformative Approach towards Women Prisoners**-Pregnant inmates must be sent to a public hospital with a maternity ward. The prisoner should not be handcuffed or tied up during labour, and no prison employees should be allowed into the delivery room. Unless a prisoner is deemed dangerous, there should be no surveillance or monitoring throughout their stay in the hospital.
- (ix) **Provisions for Foreigners**-Foreign citizens must be told by administration when they initially enter jail that they can contact their own country's diplomatic and consular authorities. These services' addresses must be submitted to them in order to accomplish this. Foreign convicts can interact with consular personnel in their native language if their home country allows reciprocity in favour of France.
- (x) **Alternatives to Punishment**-The term "alternative" is most commonly used to refer to an option to jail. Except for jail, it collects all restricted freedom punishments. It can be a suspended sentence combined with probation, in which the offender is subjected to a number of responsibilities and the like for a certain amount of time.
- (xi) **Grievance Redressal System**-The term "alternative" is most commonly used to refer to an option to jail. Except for jail, it collects all restricted freedom punishments. It can be a suspended sentence combined with probation, in which the offender is subjected to a number of responsibilities and the like for a certain amount of time.
- (xii) The International Prison Watch French branch is a non-profit non-governmental organization founded in 1996 to advocate respect for detained people's human rights in accordance with international human rights agreements. Essentially, the OIP gathers and disseminates information about detention conditions in order to raise public awareness and alert public authorities to problems that are identified, informs imprisoned individuals about their rights, and

supports them in the procedures to enforce these rights campaigns for the passage of laws and other appropriate measures to ensure that prisoners' rights are guaranteed.

- (xii) **Judicial Reforms-** Categories of different courts have been setup on basis of jurisdiction for delivering speedy trials and judgments. Judges have to justify special reasons for awarding punishment greater than 8 months.
- (xiii) **Introduction of New Bill-** Has been proposed to reduce pre-trial detention so that overcrowding in prisons can be minimized.

Conclusion

In Summary, no Prison System in world has a Perfect Setup. Unemployment, Poverty, Sexual Abuse and Political Crimes has been the consistent Problems Worldwide. Although Criminal Justice System in these Countries are better than rest of the world but still, they too have overcrowding of Prison, Mistreatment of inmates, especially women in prison, is a common occurrence. The analysis of major Prison reforms in the Countries including United States in the last 20 years concludes that although many have failed, some have succeeded.

Many Changes have been prompted by Judiciary and Administration decisions but the crisis exists in Prison -Society and community relations, and there seems to be real rise in serious crimes. Reform strategies included efforts to improve Education, Prison Officers recruitment, organizing trainings and supervision, efforts to Include Psychological Treatment Methods and efforts to change the broader environment of Prison System including the Role of States in Prevention of crimes and Rehabilitation of Prisoners in the Society.
