



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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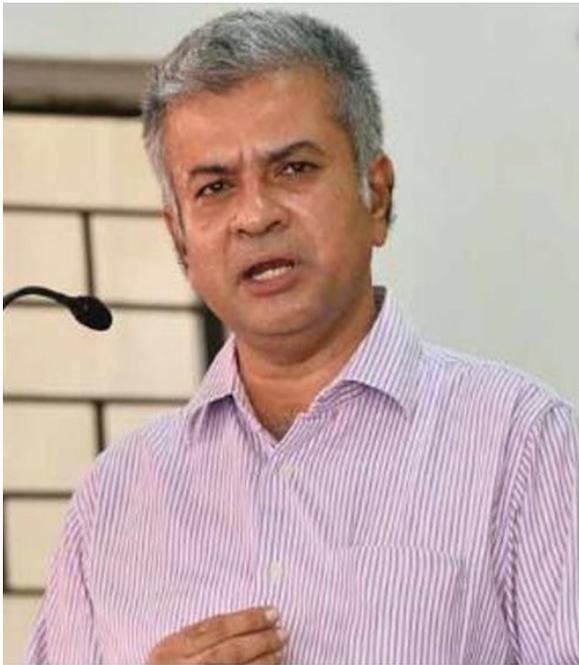
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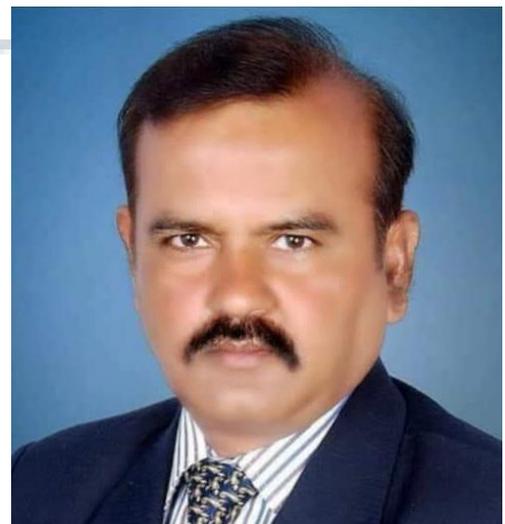
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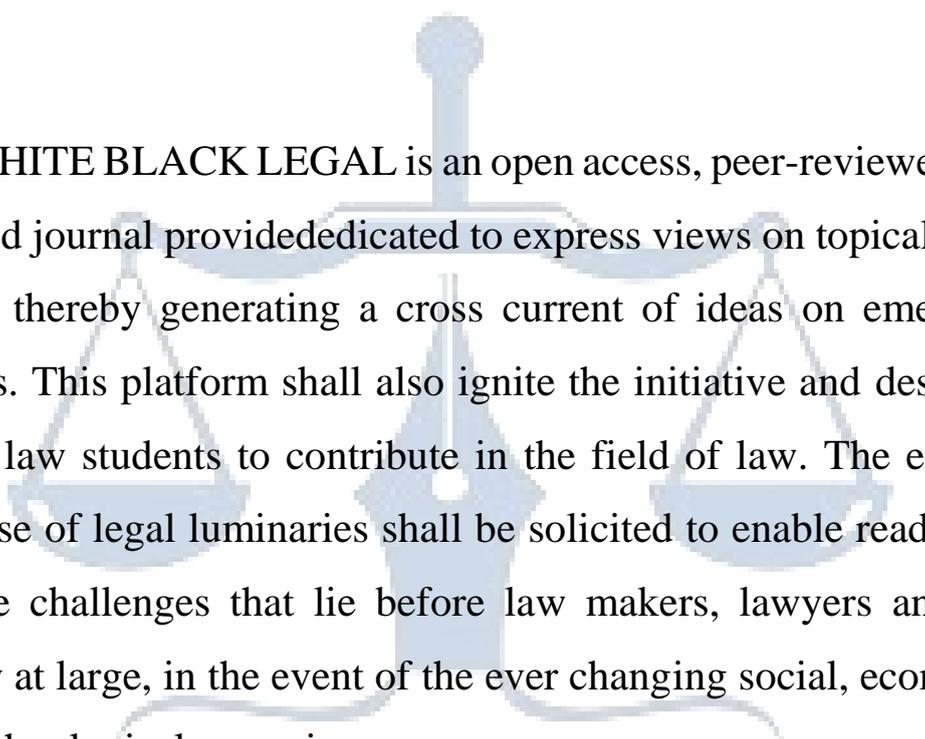


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With this thought, we hereby present to you

W H I T E B L A C K  
L E G A L

# **A CRITICAL ANALYSIS OF INTERNATIONAL INSTRUMENTS RELATING TO PRISON LABOUR SYSTEM**

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## **ABSTRACT**

This research article focuses on International Instruments Relating to Prison Labour System. The term “prison labour” is not a new one. It has existed since the ancient period. The Prison Labour System is a proven method for reforming and rehabilitating inmates. This method, in addition to providing employment for prisoners, assists them financially. It also aids in gaining financial benefit in order to cope with the socio-economic situation after release. This research article is helpful for better understanding on the applicability of international instruments, national laws, and guidelines relating to prison labour system. The effectiveness of these instruments, guidelines, and how they have been put into practise.

**Keywords:** Prison labour system, Correctional mechanism, Reformation, Rehabilitation, International Instruments, Prison Administration, Prisoner’s right

## **INTRODUCTION**

The morality of prison labour has always been a contentious issue. Penal labour is a catch-all term for various types of involuntary labour that prisoners are forced to perform, most notably manual labour.<sup>1</sup> The profit motive behind prison labour privatisation must be completely eliminated because the ultimate goal is rehabilitation. The current wage disparity is unreasonable and arbitrary. This disparity, however, is only the tip of the iceberg, providing a glimpse of the many unnoticed violations of prisoner’s rights.

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<sup>1</sup> [http://en.wikipedia.org/wiki/penal\\_labour#India](http://en.wikipedia.org/wiki/penal_labour#India).

## **PRISON LABOUR SYSTEM – AN OVERVIEW**

### **HISTORY OF PRISON LABOUR SYSTEM**

The industrial revolution in nineteenth-century England created a need for labour, and convicts were the answer.<sup>2</sup> During that time, the government found convict labour to be more convenient than free man labour. According to history, prison labour was considered a form of mandatory labour, and prisoners had no choice. The Criminal Law Act 1776 was the first to include hard labour imprisonment in English law.<sup>3</sup>

Initially, India emphasised prison labour as a “punitive” measure. It was intended to humiliate, disgrace, and eventually crush the prisoner.<sup>4</sup> In almost every country, the wages paid to prisoners are pitiful in comparison to the work done. In this regard, Sweden may be an exception. In Sweden, certain prisons pay full civilian wages to all prisoners, who also pay income tax and a room and board charge.<sup>5</sup>

### **PRISON LABOUR AS A CORRECTIONAL MECHANISM**

Prison is where the criminal justice system places all of its hopes. If the correctional mechanism fails, the entire criminal procedure will be for naught. The doctrine underlying criminal punishment has undergone significant change as a result of the development of new human rights jurisprudence. For prison administration, the concept of reformation has become a watchword. According to human rights jurisprudence, no crime should be punished in a cruel, degrading, or inhumane manner.<sup>6</sup> On the contrary, it is believed that any punishment that is cruel, degrading, or inhuman should be considered an offence in and of itself. The transformation that occurred in the criminal justice system and its correctional mechanism has been adopted globally. The purpose of this inquiry is to determine the extent to which these prisoners' human rights have been incorporated into Indian legislation.

It has become a well-accepted rule on a global scale that the correctional mechanism in criminal justice administration must adhere to reformatory policies.<sup>7</sup> All prisoners must be treated with

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<sup>2</sup> George T. Felkenes, “**The Criminal Justice System; Its Functions and Personnel**” (1983) p.266.

<sup>3</sup> “Public Act, 16 iGeorge III, c. 43”. The National Archives.

<sup>4</sup> N.S. Chandrasekharan, “**Prison Labour – Reformatory and Rehabilitative Aspects**”, [1985] C.U.L.R. at p.162.

<sup>5</sup> J.D.Mc Clean and J.C.Wood, op.cit., p.118.

<sup>6</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

<sup>7</sup> International Covenant on Civil and Political Rights, 1966, Art. 10 (3) mandates that the essential feature of correctional system should be reformation and rehabilitation of prisoners.

respect because of their inherent dignity and value as human beings, according to the law.<sup>8</sup> The international legal system has identified a set of rights in order to protect the human dignity and value of prisoners, as well as the reformative theme of correction. It is also argued that the community will never accept a system of punishment that does not maintain a link to the severity of the crime committed.<sup>9</sup> As a result, punishment is always viewed subjectively. Regardless of this perception, the rights of the imprisoned person must be read. It is true that different punishments can be imposed for the same offence; however, one should not be treated unfairly while the sentence imposed by the court is in effect. In this context, the rights guaranteed by the international legal system will be investigated, as will legislatively concern for the same in India.

## **REFORMATION AND REHABILITATION – AN OVERVIEW**

### **THE PRINCIPLE OF REFORMATION AND REHABILITATION**

The true meaning of imprisonment is punishment or “punitive measure” combined with reformation. The failure of the whole idea of conviction is a convict who comes out of prison with his or her mind unchanged. It’s worth considering how much prison labour can aid in reformation. It is possible to argue that prison labour is ineffective because it denies the prisoner opportunities for introspection and repentance.<sup>10</sup> It eliminates the solitude required for self-introspection.

Another criticism is that labour may create a sense of well-being among the prisoners, and they may begin to have positive thoughts about their confinement. This is not what is expected of a person who has been convicted. Work cannot be viewed as a form of punishment. Many prisoners may volunteer to work in order to alleviate boredom.

### **RESTORATION**

So far, we have portrayed rehabilitation as a positive force. In terms of concept, rehabilitation has been linked to the positive concept of restoration, but it can also refer to a process aimed at improving the offender's previous status: a change for the better. We have also noticed that ideas related to offender rehabilitation have tended to be motivated by humanitarian concerns:

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<sup>8</sup> Basic Principles for the Treatment of Prisoners, 1990. Principle 1.

<sup>9</sup> Frank Pakenham, Lord Longford, “**The Idea of Punishment**” (1961), Geoffrey Chapman, London, p. 55.

<sup>10</sup><http://dspace.cusat.ac.in/jspui/bitstream/123456789/11111/1/Prison%20Labour%20E2%80%94%20Reformative%20and%20Rehabilitative%20Aspects.PDF>.

that is, with the goal of “humanising” the criminal justice system and making the offender’s experience with criminal sanctions more positive and constructive.<sup>11</sup>

## **REHABILITATIVE ACTIVITIES IN PRISON ADMINISTRATION**

Over the years, prison administrators have used three principal means of keeping inmate’s busy-work, school, and group discussions. These are by far the most pervasive activities found in prisons today. All three have been described as rehabilitative, but they have also been used as deterrents. Perhaps they are referred to as rehabilitative because the inmates who take part in them show outward signs of not rejecting the middle-class ideal – a life of hard work, self-sufficiency, rationality, and a desire to advance through self-improvement, all of which are ways of “making a contribution to the welfare state”.

## **INTERNATIONAL INSTRUMENTS RELATING TO PRISONER’S RIGHTS**

They were created to protect people from various forms of discrimination, torture, and so on. They are freely available to the public.

### **UN CHARTER, 1945**

This was signed on June 26, 1945, in San Francisco, and went into effect on October 24, 1945. Some vital and fundamental principles for the treatment of prisoners were adopted in these. The following are some of the principles:<sup>12</sup>

1. Prisoners must be treated and valued in the same way as other human beings.
2. No one shall be discriminated against on the basis of race, cast, creed, colour, language, religion, birth, or any other social status.
3. All prisoner’s religious beliefs must be valued and respected.
4. Prisoners should be able to exercise their human rights and fundamental freedoms as outlined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child, the Convention on the Rights of the Child, and other treaties.
5. Prisoners should be allowed to participate in cultural activities and should be given remunerated work in order to help their families financially.

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<sup>11</sup> *Supra* note 31.

<sup>12</sup> United Nation Chapter, 1945.

## **UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948**

The United Nations General Assembly adopted this in 1948 to provide basic human rights to all people. It is in charge of administering natural justice to all people. Some key principles are as follows: <sup>13</sup>

1. No one shall be subjected to cruel or degrading treatment.
2. Each individual has the right to life, liberty, and security.
3. Everyone charged with a crime has the right to be presumed innocent until convicted by court of law.

## **UN CORE CONVENTIONS AND SPECIFIC, 2006**

This is also one of the most important conventions in terms of prisoner's rights. The act establishes some basic rules, including the following: <sup>14</sup>

1. The principle of equality must be followed.
2. Men and women must be separated as much as possible in separate barracks or institutions.
3. Prisoners held for the commission of civil crimes must be kept separate from those held for the commission of criminal offences, and young inmates must be kept separate from adult inmates.
4. Cruel or degrading punishments must be prohibited, among other things.

Human rights analysis would necessitate a close examination of international treaties. Even though the International Covenant on Civil and Political Rights condemns forced labour, it does not cover prison labour. <sup>15</sup> The same could be said of the European Convention on Human Rights and the International Labour Organization's Convention Against Forced Labour. The European Convention did require prisoners to be treated mercifully and humanely. Private companies that hire prisoners for profit were barred from doing so. Aside from that, it makes no distinction between convict labour and non-convict labour.

The author would like to draw attention to this legal gap. It is unfortunate that "forced prison labour" is not addressed by any of these international treaties. It is understandable that prisoners

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<sup>13</sup> Universal Declaration of Human Rights 1948.

<sup>14</sup> United Nation Core Convention and Specific, 2006.

<sup>15</sup> F.VanPanhuys, L.J.Brinkhart and H.H.Mass (Ed.), "International Organisation and Integration" (1968), p.258.

are not considered ordinary citizens of the country. On the contrary, it is also true that forced labour does not allow for reformation. It may not appear to be easy or pleasant, and it may appear to be forced upon you. Instead, voluntary prison labour could be used.

### **THE INTERNATIONAL COVENANTS ON CIVIL AND POLITICAL RIGHTS, 1966**

Forced labour is a violation of human rights, according to international covenants and conventions. However, they make an exception for prison labour. Prison labour is not covered by the International Covenant on Civil and Political Rights, which condemns forced labour.

According to the Covenant Article 8(3)(a) and (b),

- (a) No one shall be compelled to perform forced or compulsory labour;
- (b) Paragraph 3(a) shall not be construed to preclude the performance of hard labour in pursuance of a sentence to such imprisonment imposed by a competent court in countries where imprisonment with hard labour may be imposed as a punishment for a crime.<sup>16</sup>

### **EUROPEAN CONVENTION OF HUMAN RIGHTS, 1950**

The European Convention on Human Rights imposes on the countries ratifying the convention, the obligation to suppress forced labour in all its forms. But work exacted as a consequence of a conviction in a court of law is outside its coverage. At the same time, it restricts private employers from hiring out of prison labour.

According to Article 4(2) of the Convention, “No one shall be subjected to forced or compulsory labour”. Article 4 clause 3(a) makes the following exception, for the purposes of this article, “forced or compulsory labour” means “any work required to be done in the ordinary course of detention imposed pursuant to the provisions of Article 5 of this convention or during conditional release from such detention”. The above-mentioned Convention’s Article 5 addresses the case of a person’s lawful detention following a competent court’s conviction.

### **ILO (FORCED LABOUR) CONVENTION NO.29.**

The fact that forced labour in prison is not prohibited by international conventions does not imply that it can be exploited to the extreme or that it should always be penal in nature. The main emphasis must be on the reformatory and rehabilitative aspects of such labour in order to

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<sup>16</sup> Article 8(3) (a) and (b) of International Covenants on Civil and Political Rights, 1966.

instil in the prisoner a sense of self-respect and responsibility.

According to Article 1 of the Convention, “each Member of the International Labour Organization that ratifies the convention undertakes to suppress the use of forced or compulsory labour in all its forms in the shortest possible time.”

And article 2(c) of the Convention provides, however, for the purposes of this convention, the term “forced or compulsory labour” shall not include<sup>17</sup> any work or service exacted from any person as a result of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals; or any work or service exacted from any person as a result of a conviction.

## **ROLE OF ILO IN PRISON LABOUR SYSTEM**

### **PRISON LABOUR AND FORCED LABOUR SYSTEM**

The Forced Labour Conventions (C29 and C105) of the International Labour Organization (ILO) do not outright prohibit the use of prison labour, but they do set clear limits on it. Only those who have been convicted in a court of law can be sentenced to prison labour. People who have been imprisoned because of a non-judicial decision, as well as those who are awaiting trial, cannot be forced to work. Prisoners must work under the supervision of a public authority, and they cannot be forced to work for private businesses either inside or outside the prison.

### **CONDITIONS OF PRISON LABOUR**

Work or service required of a person as a result of a court conviction and performed under the supervision of a public authority is not considered forced labour, according to ILO Conventions. To ensure that such prison labour is not considered forced, the following conditions must be met:

1. The person has been found guilty of a crime and the verdict has been handed down by an independent court of law after due process has been followed. People who are detained but have not been convicted, such as those awaiting trial or detained without trial, should not be forced to work; however, this does not preclude work being made available to them at their request and performed on a voluntary basis.

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<sup>17</sup> Article 1, 2(c) of ILO Convention No.29.

2. A public authority supervises and controls the work. The prison administration represents this authority in state prisons.
3. No private individuals, companies, or associations may hire or place the prisoner at their disposal.

Compulsory prison labour made available to private individuals or companies violates international standards in the private sector. Private companies or individuals, on the other hand, can employ prisoners if safeguards are in place to ensure that the work is truly voluntary and the prisoner has given his or her formal consent.

The following are some examples of how prison labour can be linked to the private sector:

1. As part of an educational or training programme, inmates may work with a private entity.
2. Inmates may work in prison workshops to produce goods that are sold on the open market to private entities.
3. As part of a pre-release programme, inmates may work for a private company outside of prison.
4. Inmates may work within prisons, contributing to the operation of correctional facilities run by private companies; and
5. During the day, inmates may work for private firms outside the prison, returning at night.

## **UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS, 2015 (THE NELSON MANDELA RULES)**

### **PRISONER'S WORK**

Sentenced convicts must have the chance to work and/or actively participate in their rehabilitation, subject to a physician's or other qualified health-care professional's evaluation of physical and mental fitness. A sufficient amount of productive labour must be provided to keep inmates active for a normal working day.<sup>18</sup> Prisoners must not be subjected to slavery or servitude. No prisoner shall be forced to work for the personal or private gain of any staff member.<sup>19</sup>

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<sup>18</sup> Rule 96 of United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015.

<sup>19</sup> *Ibid.*, at Rule 97.

The work provided shall, to the greatest extent possible, maintain or increase the prisoner's ability to earn an honest living after release. Prisoners who are able to benefit from vocational training in useful trades, particularly young prisoners, will be provided with it. Prisoners shall be able to choose the type of work they wish to perform within the limits compatible with proper vocational selection and the requirements of institutional administration and discipline.<sup>20</sup>

The organisation and methods of work in prisons shall resemble as closely as possible those of similar work outside of prisons, so as to prepare prisoners for the conditions of normal occupational life. The interests of the inmates and their vocational training, on the other hand, must not be sacrificed in order to make a profit from a prison industry.

Private contractors should not be allowed to operate institutional industries and farms. Prisoners must always be supervised by prison staff when they are working in jobs that are not controlled by the prison administration. Unless the work is for another government department, the full normal wage for such work must be paid to the prison administration by those who supply the labour, with the output of the prisoners taken into account.<sup>21</sup>

The same precautions that are in place to protect the safety and health of free workers must be followed in prisons. Provision must be made to indemnify prisoners against industrial injury, including occupational disease, on terms that are not less favourable than those afforded to free workers under the law.<sup>22</sup> The maximum daily and weekly working hours of prisoners must be established by law or administrative regulation, taking into account local rules or customs governing the employment of free workers. The hours set aside will allow for one rest day per week, as well as enough time for education and other activities required as part of the treatment and rehabilitation of inmates.<sup>23</sup>

A system of fair remuneration for prison labour will be established. Prisoners will be able to spend at least a portion of their earnings on approved personal items and send a portion of their earnings to their families under the system. The system should also include a provision for the

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<sup>20</sup> *Ibid.*, at Rule 98.

<sup>21</sup> *Ibid.*, at Rule 100.

<sup>22</sup> *Ibid.*, at Rule 101.

<sup>23</sup> *Ibid.*, at Rule 102.

prison administration to set aside a portion of the earnings to create a savings fund that will be handed over to the prisoner upon his or her release.<sup>24</sup>

## **RIGHTS OF PRISONERS UNDER THE CONSTITUTION OF INDIA, 1950**

The Indian constitution denotes prison administration as a state portfolio to legislate on.<sup>25</sup> The primary responsibility of prison administration is to ensure the custody and control of inmates.<sup>26</sup> Legislation enacted by states will always fall short of establishing unique standards for the protection of prisoner's rights. There should be a national policy framework that replaces the various state laws. True, the system typically calls for a reformative framework that is also in accordance with international human rights law. This goal can be easily achieved through national legislation rather than varying state laws.

Before going to discuss the specific Prison laws in India, we have to look into our relevant provisions which may be said to be the basic rights of the prisoners. Though there are no specific provision of prisoner's right in the Constitution of India, yet certain rights which have been guaranteed in part III of our constitution are also available to the prisoners because a prisoner be treated as person in the prison.

Article 14 of our Constitution provide equality before the law or the equal protection of the law within the territory of India.<sup>27</sup> As a result, Article 14 contemplated that similar things should be treated similarly, as well as the concept of reasonable classification. This Article is very useful guide and basis for the prison authorities to determine various categories of prisoners and their classification with the object of reformation.

Moreover, Article 19 of the Indian Constitution guarantees six freedoms to all citizens of India. the prisoners cannot enjoy because "freedom of movement",<sup>28</sup> "freedom to residence and to settle"<sup>29</sup> and "freedom of Profession".<sup>30</sup> However, there are other freedoms that prisoners can enjoy behind bars as well, and his imprisonment and sentence have nothing to do with these freedoms, such as "freedom of speech and expression," "freedom to join an association," and

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<sup>24</sup> *Ibid.*, at Rule 103

<sup>25</sup> Schedule 7 List II, Entry 4 of The Constitution of India, 1950.

<sup>26</sup> Paul F. Cromwell, Jr., **Jails and Justice** (1975), Charles Thomas Publisher, Springfield, p. 95.

<sup>27</sup> Article 14 of The Constitution of India, 1950.

<sup>28</sup> *Ibid.*, at Article 19 (1) d.

<sup>29</sup> *Ibid.*, at Article 19 (1) e.

<sup>30</sup> *Ibid.*, at Article 19 (1) g.

so on. These liberties are intimately linked to the concept of prisoner reform.

The further provisions of the Constitution though directly cannot be called as prisoner's right but may be relevant are Article 20 (1&2), Article 21, Article 22(4 to 7) which deals with right of any persons. The Court in India by interpretation widen the scope of these Articles and evolved a new jurisprudence of a prisoner's right in India which may be compared with prisoner's right in U.S.A and England.<sup>31</sup>

In **Pathak Vs. State of A.P.**,<sup>32</sup> Supreme Court held that the benefits of Article 42 (The State shall make provisions securing just and equitable conditions of work and maternity relief) may be extended to prisoners and used as the basis for prison reforms, according to the Supreme Court.

It is now established that even where a person is convicted and imprisoned under sentence of court, he does not lose all the fundamental rights belonging to all the persons under the Constitution, excepting those which cannot possibly be enjoyed owing to the fact of incarceration, such as the right to move freely [Article 19 (1)(d)] or the right to practice a profession [Article 19(1)(g)] as held in **Sunil Batra Vs. Delhi Administration.**<sup>33</sup>

#### **State of Maharashtra Vs. Prabhakar**<sup>34</sup>

1. 'Person' in Article 5 of the Constitution included a 'Prisoner'.
2. A person whose freedom of movement has been taken away by sentence of imprisonment or an order of detention, need not lose his other fundamental rights such as the freedom of expression, in so far as that right may be exercised within the valid conditions relating to his imprisonment or preventive detention.
3. Article 21 would require authority of law even for restrictions on personal in jail to publish a book outside the jail.
4. Any other restrictions imposed while in jail, which is not authorized by law.

There are basically two broad categories of imprisonment<sup>35</sup>: simple imprisonment and rigorous

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<sup>31</sup> Nitai Roy Chowdhury, **Indian Prison Laws and Correctional of Prisoners**, (New Delhi, "Deep & Deep Publications Pvt.Ltd"), 2013 Edition, at p.75.

<sup>32</sup> AIR 1994 SC 2092.

<sup>33</sup> AIR 1980 SC 1579.

<sup>34</sup> AIR 1966 SC 424.

<sup>35</sup> Section 53 of Indian Penal Code, 1860.

imprisonment. Hard labour is imposed in the case of rigorous imprisonment. The constitution of India guarantees fundamental rights to all citizens but reasonable restrictions are imposed on prisoners. "Prisoners retain all rights enjoyed by free citizens except those lost necessarily as an incident of confinement, rights enjoyed by prisoners under Arts 14, 19 and 21 though limited are not static and will rise to human heights when challenging situations arise."<sup>36</sup>

Right to life and personal liberty enshrined under Article 21 of the constitution applies to prisoners too. A handful of case laws to support the point that constitutional rights are applicable to prisoners can be given as follows:

1. Court expounded the connotation of the word 'life' under Article 21 as "something more than mere animal existence"<sup>37</sup>. The word "person" under this Article includes persons in prison as well.
2. The Supreme Court ruled that the right to life and liberty includes the right to live with human dignity and therefore a detainee would be entitled to have interviews with family members, friends and lawyers without severe restrictions.<sup>38</sup>
3. Torture is not only physical; it can be mental and psychological torture due to fright and submission to commands. When the threats proceed from a person in Authority and that **Charles Sobraj vs The Suptd. Central Jail, Tihar**<sup>39</sup> too by a police officer the mental torture caused by it is even graver.<sup>40</sup>
4. When custodial deaths occur, it is not only to the public at large that those holding custody are responsible; they are responsible also to the Courts under whose orders they hold such custody.<sup>41</sup>
5. Court guaranteed the right against cruel, unusual or oppressive jail practice<sup>42</sup>.
6. Prison restrictions amounting to torture, pressure or infliction, beyond that awarded by the Court must pass the best of scrutiny with reference to Article 21.<sup>43</sup>

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<sup>36</sup> Charles Sobraj vs The Suptd. Central Jail, Tihar. 1978 AIR 1514, 1979 SCR (1) 512.

<sup>37</sup> Kharak Singh v. State of U.P. 1963 AIR 1295, 1964 SCR (1) 332.

<sup>38</sup> Francis Coralie Mullin v. The Administrator, Union Territory of Delhi and others, 1980 AIR 849, 1980 SCR (2)1095.

<sup>39</sup> 1978 AIR 1514, 1979 SCR (1) 512.

<sup>40</sup> Arvinder Singh Bagga v. State of U.P. and Others, 1995 AIR 117, 1994 SCC (6) 565.

<sup>41</sup> Ajab Singh & Anr. v. State of Uttar Pradesh & Ors, 2000 ACJ 470.

<sup>42</sup> Sunil Batra v. Delhi Administration, AIR 1978, SC 1675.

<sup>43</sup> Sheela Barse V. State of Maharashtra, AIR 1983 SC 378 & Javeid V. State of Maharashtra, AIR 1985 SC 231

7. In **Citizens for Democracy V. State of Assam**<sup>44</sup>, the Court held that handcuffing of prisoners should be in exceptional circumstances as it is against human dignity and violative of Article 21.

These case laws highlight the fact that prisoners are entitled to fundamental rights. Only exceptions are the rights that are reasonably restricted due to confinement in the prison.

## CONCLUSION

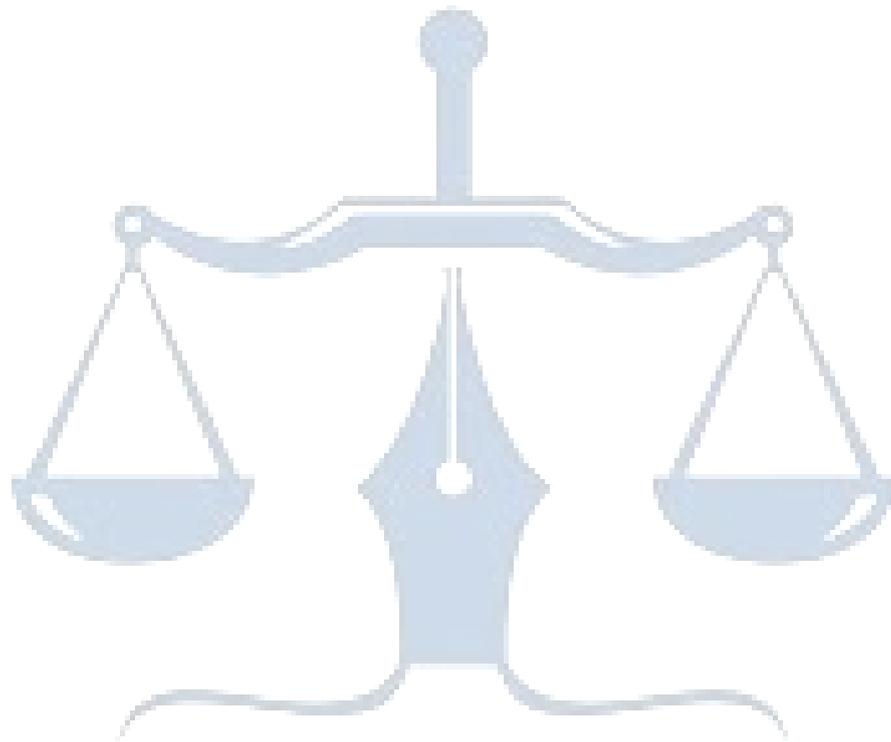
This study deals with an overview of Prison Labour System specially concentrated on International and Constitutional Perspectives of the prison Labour. Development of prison work programmes and vocational training has suffered for want of funds. The subject of prisons has not yet been included in the mainstream of State's developmental plans; it has continued to be in the non-plan-sector. Because of a lack of proper and planned investments, the enormous personnel available in jails has not been adequately exploited in every country. The work programmes and vocational training for prison inmates not only affords value for one's work but also makes the prisoners learn skills which would enable them to follow up a vocation after their release from the jails. And also, these activities lead them towards earning honourable livelihood in post release from the prison. According to modern penology, the work programme is an integral part of the correctional programme implemented by jails. Besides, all the jail inmates participating in work programmes are paid parity to wages. It should consist of services as are required by the community such as construction work, masonry, carpentry, plumbing, electrical fittings, tailoring, fabrication of readymade garments cloth printing, lathe work, etc.

The jail administration should be providing the vocational training and work programmes among the inmates in the availability of raw materials, local market needs, demands and sales. The payment of wages for the industrial work done by the prison inmates has also criticized by those who are convinced of the need for the deterrent element of the jail sentence. If prison labour is to fulfil its true purpose, it must be assigned to inmates based on their skill and the possibility of following that employment outside of jail to earn a living when they are released. If penal content predominates or expediency is the deciding factor in labour allocation, the desired goal may not be met. The difference in the wage rates and the difference in the utility of the trades coupled with the inability of the jail administration to put each prisoner to the type of work he desires to do, result in demoralisation of the prisoners.

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<sup>44</sup> AIR 1996 SC 2193.

If implemented, a plan of financial support from nationalised banks might be effective in launching such businesses both within and outside the prison, making it easier for convicts to receive meaningful training and find acceptable employment after their release. With the implementation of such a programme, labour, even in the current crafts to which inmates are assigned, may become more significant from a rehabilitative standpoint. As a result, the concept of Prisoners and Ex-Prisoners Co-operative Centres is worth considering.



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