

DBRANLU LAW REVIEW 2025

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SOCIAL REINTEGRATION OF RELEASED PRISONERS IN INDIA: AN ANALYSIS OF THE STATES OF KERALA AND TAMIL NADU

- Harsh Mahaseth* and Pratham Shah**

ABSTRACT

Social reintegration of the offenders in the criminal justice system is essential. It becomes important in many aspects, including the aim of preventing crime, promoting social harmony, and giving a second life to the offenders. In India, more than 90% of the prisons are overcrowded with the burden of undertrial prisoners serving a long period of time in the jails. Thus, the mental state of the prisoners deteriorates and because of the social stigma, the released prisoners find it difficult to reintegrate within society. However, the Governments have consistently taken efforts to resolve this issue underlying the importance of rehabilitation programmes. Though there are relevant policies in place by the State Governments, there are many gaps left to be filled which became evident by the report to National Human Rights Commission (NHRC). This paper analyses the report discovering the nature of social reintegration programmes in Kerala and Tamil Nadu. It also tries to critique the analysis with several recommendations that the NHRC can make to the respective State Governments. This paper also emphasises the importance of reintegration programmes in the prison system of India as well as the two States in focus.

Keywords: *Social Reintegration; India; Tamil Nadu; Kerala; Prison; Prisoner*

I. INTRODUCTION

Prison administration in India is governed by the Prisons Act, 1894 and the Prison Manual of the respective state governments.¹ Therefore, state governments have the authority and power to announce any reforms, rules, laws, and regulations for their prisons and administer them according to their rules. The overarching objective of the prison reforms is to assure the

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¹ Meena N, 'Correctional Methods for Rehabilitation of Offenders in India', <<http://14.139.58.147:8080/jspui/bitstream/123456789/319/1/53LLM18.pdf>> accessed March 31, 2022

rehabilitation,² social reintegration of the released prisoners into society,³ and prevent recidivism.⁴ The need for social reintegration also becomes essential as it has been reported that if re-entry needs are not met, the prisoners are likely to face depression and post-release criminal propensity.⁵

The state of Kerala has focused on reformation of the prisons right from 1993, in spite of having overcrowded jails. It has recognized, as per the report of Kerala Jails Committee,⁶ the objective of the prisons to be the reformation of prisoners. Based on their prison rules, it has started many reintegration facilities such as vocational training, labour activities for the convicted. These programmes are set up in order to make them capable of exploiting the employment opportunities in those sectors, where they work.⁷ The rehabilitation, however, becomes graver after the release of prisoners as the state machinery lacks social re-entry initiatives. Not only does the State fail to implement social reintegration initiatives, but also does the labelling and stigma of the released convicts inhibit the social reintegration of the released prisoners in Kerala.⁸ Thus, in Kerala, despite the efforts from NGOs like Prison Ministry of India, the social reintegration becomes more difficult after facing challenges from and the society itself.

Though there have been no official reports on prison reforms, Tamil Nadu has also done phenomenal work in taking initiatives to reintegrate the released prisoners within society. It has introduced vocational courses, recreational facilities for the prisoners to undergo rehabilitation inside the prisons. However, the government fails to continue this process once they are released from the prisons and more reliance is put on non-government initiatives. The reformation programmes have also failed to make any impact as it chooses 'one fits all' approach for all the prisoners. Furthermore, the schemes put in place often fail to get

² United Nations Office on Drugs and Crime, 'the Prevention of Recidivism and the Social Reintegration of Offenders' (2012).

³ Dr. Francis Kodyan MCBS, 'Reformative Explorations: Foundations for A Reformative Psycho-Spirituality and Crimino-Sociology' (2020) 6(1)
https://www.prisonministryindia.org/uploads/5/8/4/3/58439507/reformation_and_rehabilitation_journal.pdf
accessed March 28, 2022.

⁴ Upneet Lalli, 'Putting ex-prisoners on road to reintegration' *The Tribune* (07 November 2020) <<https://www.tribuneindia.com/news/punjab/putting-ex-prisoners-on-road-to-reintegration-167207>> accessed February 22, 2022.

⁵ Lin Liu, Christy A. Visher, Daniel J. O'Connell, 'Strain During Reentry: A Test of General Strain Theory Using a Sample of Adult Former Prisoners' [2021] *The Prison Journal* 420.

⁶ The Superintendent of Government Presses, 'Report of the Kerala Jail Reforms Committee (1991-93)' 2001 <https://www.keralaprisons.gov.in/userfiles/downloads/prc_reports/apu_report.pdf?v=2> accessed March 06, 2022.

⁷ Vinnetha S., 'Vocational Training and Work Programmes in the Prisons of Kerala' (Thesis, Tata Institute of Social Sciences 2017).

⁸ Varghese J and Raghavan V, 'Restoration of Released Prisoners to Society: Issues, Challenges and Further Ways; Insights from Kerala, India' (2019) 57 *International Annals of Criminology* 61.

implemented properly. For instance, hundreds of released prisoners were not provided the promised aid to eke out a living.⁹

In 2019, NHRC had sanctioned a research report on Social Reintegration of Released prisoners in Kerala and Tamil Nadu to Prof. Santosh, IIT Madras. This paper tries to analyse and summarise the report findings undertaken by the researchers. It has also tried to evaluate the findings from a reformatory perspective and how the report tries to address the loopholes in the prison system of Tamil Nadu and Kerala. Though the researchers did not have a considerable amount of data evidences, it was enough to reach an approximate conclusion on the situation of social reintegration in these two states. The paper also tries to answer how NHRC can implement the report's findings in the two neighbouring states.

Thus, this paper provides a more detailed insight on how the reformation programmes are working in these two states and where their importance lies. It also reviews the research work undertaken by the NHRC to study on the social reintegration of released prisoners in Kerala and Tamil Nadu. The paper tries to address the shortcomings of the existing reintegration programmes with an attempt to make the suggestions by the NHRC reform oriented. The intent of criminal law extends beyond punishment; it seeks to rehabilitate and reintegrate offenders into society. By focusing on education, therapy, and skill development, the criminal justice system aims to transform prisoners into responsible, contributing members of the community.¹⁰ The paper, while making the arguments, emphasizes this intention of criminal law and seeks to focus on the reintegration of the prisoners in the state of Tamil Nadu and Kerala.

II. IMPORTANCE OF REINTEGRATION PROGRAMMES

The Indian government has made several efforts to address issues pertaining to prisoner rehabilitation. To begin, in 1957, the All India Jail Manual committee was constituted to prepare a model prison manual, which laid down the foundation for the Ministry of Home Affairs to designate the Working Group on Prisons. Later, in 1980, the Mulla Committee was set up to further the goal of the rehabilitation and social reintegration of the prisoners. It made

⁹ Shanmugasundaram J, 'Tamil Nadu: Freed prisoners struggle without promised aid' *Times of India* (07 December 2021) https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-freed-prisoners-struggle-without-promised-aid/articleshow/80126441.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst accessed March 11, 2022.

¹⁰ Paul H. Robinson, "The Virtues of Restorative Processes, the Vices of "Restorative Justice," *UTAH L. REV.* 375, 375-390 (2003).

several recommendations¹¹ to the Government of India to achieve this objective, including the need of having a national prison policy.

The prison manual is a comprehensive guide that outlines the rules, regulations, and procedures governing the administration and management of correctional facilities in a prison. The prison manual plays a crucial role in shaping the reintegration programs that aim to rehabilitate and reintegrate prisoners into society. The Indian Prison System is governed by various state prison manuals, with the *Model Prison Manual* (2003) serving as a guiding framework.¹² These manuals encompass a broad spectrum of policies and practices focused on the reformation and rehabilitation of inmates, which are integral to their successful reintegration. By focusing on education, rehabilitation, post-release support, and the protection of prisoners' rights, the manual provides a comprehensive framework to transform inmates into responsible citizens, ultimately contributing to the reduction of crime and the enhancement of social order.

Recently, a model prison manual¹³ was drafted by the Central Government to develop the prison system in the country as an effective system for reformation and rehabilitation. The model prison manual suggested that state governments upgrade their prison systems with modernisation and more custodial programmes that can assist prisoners in relocating their lives. These custodial programmes may include cultural programmes, recreational facilities, vocational training, and other activities that help convicts cultivate a range of skills and attributes. These facilities may make it simpler for released prisoners to lead a normal life and reform within society. For instance, vocational training may help prisoners to get employment more easily after they are released from prison.¹⁴ It also includes community-based correctional programmes that assist them to bring changes to their behavioural patterns and become law-abiding citizens. It also makes it easier for them to bond with the community and facilitates their reintegration. The victims' rights and interests should be prioritized in reintegration programs as well.¹⁵

¹¹ Bureau of Police Research & Development Ministry of Home Affairs, 'Implementation of the Recommendations of All-India Committee on Jail Reform 1980-83' (2003).

¹² *Model Prison Manual* (2003), Government of India, Ministry of Home Affairs.

¹³ Bureau of Police Research and Development Ministry of Home Affairs, 'Prison Manual 2016' (2016).

¹⁴ Christopher Uggen, Jeff Manza, Melissa Thompson, 'Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders' [2006] 605(1) *The ANNALS of the American Academy of Political and Social Science* 381.

¹⁵ Sneha Bhura, 'How to effectively implement release of prisoners, a criminologist speaks' *The Week* (India, 23 May, 2020) <<https://www.theweek.in/news/india/2020/05/23/how-to-effectively-implement-release-of-prisoners-a-criminologist-speaks.html>> last accessed March 06, 2022.

The importance of reintegration programmes in society has often been recognized by different research initiatives taken by organisations.¹⁶ There have been specific organisations and non-governmental organisations (NGOs) that have predominantly worked with after-care institutions to rehabilitate criminal offenders.¹⁷ Some scholars have also proposed the idea of public-private partnerships in prison management.¹⁸ However, this comes with a word of caution. This may also help in the speedy social reintegration of prisoners but the threat of corruption can not be waived away. Some have also put forth the argument on how social acceptance is essential to prevent recidivism in society. It is understood that a lengthy prison sentence may have a negative impact on their mental health. Furthermore, the sluggish pace of trials in India puts the accused in prison for an extended period of time, even if they are innocent.¹⁹ This weakens their mental strength, limiting career opportunities for them. It is critical that they no longer face stigma and secondary victimisation in society. As a result, social reintegration has become critical in these contemporary times. It should also be noted that the majority of criminals who wind up in prison have a poor social background and may find it difficult to reintegrate into society after their release. With this in mind, ‘The Padho aur Padhao’ project²⁰ was started in Delhi prisons to educate illiterate criminals. Permanent study centres of the NIOS have been opened in various prisons. The Indira Gandhi National Open University has initiated a programme to set up 94 special study centres in prisons across India for the benefit of around 25,000 prisoners. This has helped prisoners considerably to have a basic elementary education. Some states provide rehabilitation grants to prisoners based on their rules. However, the implementation of this scheme remained largely unsuccessful. The Punjab Prison Rules, 2021²¹ have been signalled as a positive move in the domain of social rehabilitation of the offenders.²² It laid down more emphasis on reforming the inmates within

¹⁶ K.I. Vibhute, “Right to Human Dignity of Convict Under ‘Shadow of Death’ And Freedoms ‘Behind the Bars’ in India: A Reflective Perception” (2016) 58(1) *Journal of the Indian Law Institute* <<https://www.jstor.org/stable/45163060>> last accessed 4 March, 2022.

¹⁷ Dr. Banamali Barik, ‘Rehabilitation of Released Prisoners in India through After- Care Programmes and Services: An Analysis’ (The Law Brigade, 2019) <https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf> accessed 4 January, 2022.

¹⁸ Vijay Raghavan, ‘Guidelines for Public-Private Partnership in Prison Management’ (2011) 46 (4) *EPW* <https://www.epw.in/journal/2011/04/commentary/guidelines-public-private-partnership-prison-management.html?0=ip_login_no_cache%3D25c65c81aa1f007c419a839fbfccda8f> accessed 4 April, 2022.

¹⁹ Lalli (n. 4).

²⁰ *Ibid.*

²¹ *The Prisons (Punjab Amendment) Bill, 2021.*

²² Karan Tripathi, ‘Out of Prison, Sentenced to Poverty’ (*The Quint*, 27 July 2021) <<https://www.thequint.com/news/law/out-of-prison-sentenced-to-poverty-covid>> accessed 03 March, 2021.

the prisons. For children, the Juvenile Justice Act of 2015²³ provides for effective social reintegration of children in conflict with the law.

The COVID-19 pandemic acted as a blessing in disguise for the convicts who were imprisoned. The Supreme Court of India recognized the significance of releasing prisoners and effectively implementing them, as well as achieving the goal of restorative justice. However, social acceptance is not something that Supreme Court can impose. It must come from society and, notwithstanding the risk of infection, released prisoners have to face a double stigma. Reintegration is a 'two-way street' involving changes on the part of the returning prisoner as well as society.²⁴ Society needs to judge people not by their misdeeds, but by how they learn from them.

III. REVIEW OF PROJECT - FROM CELL TO SOCIETY: A STUDY ON THE SOCIAL REINTEGRATION OF RELEASED PRISONERS IN KERALA AND TAMIL NADU

The process of social reintegration of released prisoners is slow in India and is not widespread in the majority of states. There is hardly any literature with Indian context on this topic with the exception of Dr Deepti Shrivastava's research report²⁵ on reintegration of released offenders. However, in the southern states of Tamil Nadu and Kerala, they have considerably better prison management rules with a focus on rehabilitation and the reintegration.

3.1. The Role of the NHRC

This research report²⁶ was submitted to the NHRC by Dr Santhosh R, a social sciences professor at IIT Madras. The role of the NHRC was limited to funding the project and deciding the research topic. The NHRC has assisted the researchers with this project by arranging field trips and collecting data from various places. The NHRC also participated in the interim and final reviews of the research project that yielded the policy recommendations on prison management. The NHRC is also responsible for choosing this topic and researchers who will

²³ *Juvenile Justice Act, 2015.*

²⁴ Lalli (n. 4).

²⁵ Dr. Deepti Shrivastava, *Follow up Study of Released Offenders on Their Reformation & Rehabilitation (Bureau of Police and Research Development, 2010)* <<https://bprd.nic.in/WriteReadData/userfiles/file/201610270629525152851Report-FollowUpStudy.pdf>> accessed 4 March, 2022.

²⁶ Dr. R. Santosh, *From Cell to Society: A Study on the Social Reintegration of Released Prisoners in Kerala and Tamil Nadu* (NHRC, 2020) < <https://nhrc.nic.in/sites/default/files/Dr.Santhosh%20Research%20Report.pdf>> accessed 4 April, 2022.

carry out the research project. As an intermediary, the NHRC can influence and advocate for reforms in the prison system and contribute to the effective implementation of social reintegration programs for released prisoners. The NHRC, through its monitoring, advocacy, and collaborations, plays a critical role in driving prison reforms and supporting the reintegration of released prisoners.

The NHRC is mandated to inspect prisons, investigate complaints, and monitor the implementation of laws and regulations related to the treatment of prisoners. Through these activities, the NHRC identifies human rights violations and gaps in the existing prison system. For instance, the NHRC's annual reports often highlight the need for improving prison conditions and stress the importance of rehabilitation programs aimed at reintegration.²⁷ By such an intermediary role, the NHRC can take the responsibility in ensuring the proper implementation of reintegration programmes in line with the prison manual and the policies of the state government.

3.2. Summary of The Project

This research was a collective effort of Dr Santhosh, his fellow researchers, and the probation officers. Probation officers have allowed the researchers to conduct ground visits and examine a group of prisoners over a period of time. The prisoners, whose data had been collected, were of a very limited kind. They could identify 60 prisoners from Tamil Nadu and 48 from Kerala. This figure was not gender-inclusive as more than 97% of the respondents were identified as male.

The researchers could not identify any released prisoners for the research project,²⁸ because some ex-convicts refused to answer and others had moved out of their previous addresses. Instead, they relied on samples of prisoners who were either under the supervision of probation officers or were released prematurely from jail. This was the case in both states of Kerala and Tamil Nadu. With very limited time at their disposal, they identified the samples and started conducting their research with the assistance of prison officials and probation officers.

They began by identifying the different types of prisons in each state, as well as the average occupancy in each. According to these statistics, Kerala had a more than 100 percent occupancy rate, while Tamil Nadu had a respectable 63 percent occupancy rate. They also analysed the types of vocational training offered in these prisons and how many prisoners were imparted

²⁷ *National Human Rights Commission Annual Report 2019-2020*

²⁸ *Ibid.*

vocational training. The number was dismal when it was compared to the number of prisoners present in the jail. However, Kerala's 1/4th prisoners could avail the benefits of these programmes. The importance of rehabilitation programmes and welfare programmes in reintegrating offenders into society was discussed earlier. While we discussed the input of these measures, the researchers looked at the goods they produced and how much wages they were paid for their output. Despite the fact that the production rate has increased year after year, their wages remain nominal, and they frequently do not receive them from prison officials. The researchers made a report on welfare programmes, rehabilitation programmes, vocational courses and any other type of grant or help by the government for prison management. The government had planned many programs on paper, but they would not be carried out.

After getting a general idea of the plans of the prison department and the government, they would start analysing the primary data, looking at the demographics of the prisoners. By bifurcating them into age and gender groups, the research will be analysed from this angle as well. The participation of women prisoners in this project was negligible, thus, limiting the scope of this project. Understandably, the data reveals that the vast majority of the people imprisoned in Indian jails hail from socially backward communities as the majority of respondents belong to lower communities. This emphasises how Indian criminal system is skewed towards disadvantaged groups. Moreover, their demographic information included educational qualifications, economic indicators, family profiles, the type of works they carried out before, and health issues. It also surveyed the amount of time spent in jail by each respondent. The average prison sentence of the respondents is between 11 and 15 years.

After establishing a framework of their demographic information, it relied on analysing the efforts they undertook to rehabilitate themselves. It was discovered that the prisoners would not have an opinion on selecting the vocational courses they would prefer. This would also impact their mental strength as they would not have the best course suitable for their minds. A survey on the visits made by their families was also conducted to understand the role of families in social reintegration. This includes the role of parole and how it aids in their social reform. More than 85% of the respondents had availed of parole and had benefitted from it. Thus, it can be inferred that parole plays an important factor in social reintegration in society.

There was an attempt to link the nature of the crime committed with reintegration. However, this could not succeed as it was a very difficult dimension to enter. The other surveys undertaken include visits by religious personnel and welfare officials to facilitate the process of counselling and spirituality.

It has been established that the reintegration process is different in urban and non-urban areas. As the urban areas have ample number of employment opportunities and basic services, the reintegration process of the released prisoners in these areas become easier. However, this is not the case with the released convicts in rural and undeveloped areas.²⁹ The report fails to take the urban-rural disparities into account when the reintegration process is analysed.

Lastly, they conducted a survey on the post-release situation of the offenders. This included questions related to the current economic status, any funds offered by the government or prisons, the role of probation officers, awareness of conditions related to the premature release, involvement in family affairs and whether they faced any harassment or if the vocational training offered in prison assisted them in finding jobs. It could be deduced that the majority of respondents were in a poor economic situation and had difficulty finding work. Furthermore, whoever found the jobs couldn't find any that were similar to the ones they had in prison. Although their engagement in community activities has gradually risen, they are nevertheless prone to feel excluded from society. Most of the respondents did not experience any harassment by the officers and responded positively about probation officers, except for one respondent, who was ultimately released.

Thus, based on these surveys and reports, they made some policy suggestions that could be implemented to facilitate the process of rehabilitation programmes. Firstly, there should be proper implementation of the pay to be given to the prisoners. Merely announcing higher pay will not help the case. There were a few incidents where prison officials would take up the money by threatening. Thus, a transparent and fair process needs to be implemented to avoid any corruption or delays. It also stressed the importance of parole and its role in reintegration with society. Thus, paroles should be granted more frequently with less paperwork. Because they are still in a financial bind, the emphasis should be on connecting rehabilitation programs and post-release employment opportunities. It also acknowledged the role of families in social reintegration. Among all the respondents, there was not a single incidence of recidivism that turned into a conviction. As a result, the aim of reducing recidivism has been met; nonetheless, the convicts' economic conditions were dire and could not be disregarded. The researchers also proposed categorizing offenders based on the nature of the crime and keeping them in prison, which would have a positive impact on rehabilitation. The scope of reformation has been

²⁹ Mamta U. Ojha, Catherine M. Pape, Melissa W. Burek, 'Reentry in a Comparative Context: Exploring Past, Present, and Future Participation in Services Between Nonurban and Urban Inmates' [2018] 98(2) *The Prison Journal* 167.

constrained due to specific legislation with rigorous bail conditions. The reports also invited more participation from NGOs to facilitate the process in a smooth and transparent manner. Lastly, a national rehabilitation policy should be implemented so that there is uniformity across the rules of prisons.

A reintegration index was formed by correlating four closed questions related to their post-release life, like income stability, relationships with family and friends and involvement in informal groups. Moreover, they also gave weight to parole, visits from NGOs and probation officers. Based on this, a reintegration index was structured. It was inferred that the social reintegration of the offenders is quite poor and more efforts need to be undertaken by the government. The researchers have also advocated the policy suggestions made by the Mulla Committee in 1983. It also recognised that while the conditions have improved considerably in the last few years, yet efforts need to be taken to meet the purpose of restorative justice. The need to transform the prison system is vital and the onus is on the government to implement the schemes in a fair and transparent manner.

IV. POST SUBMISSION OF THE REPORT

The report³⁰ was submitted to the NHRC in 2020, during the coronavirus pandemic. This may be one of the main reasons why there is very little documented on the external review of the project. As there have been more than 20 policy suggestions made by the report, the state governments of Kerala and Tamil Nadu need to implement them. There are numerous non-governmental organizations (NGOs) in Kerala that work to promote the social reintegration of offenders. The Prison Ministry of India is one such example.

There is a social reintegration programme in place by the Tamil Nadu prison department with a good blueprint. It also invites applications from NGOs to serve as a reformation partner in Tamil Nadu. Furthermore, there have been a number of reformation programmes for inmates. These include yoga, meditation, counselling, educational programmes and many more. The underlying question is whether the implementation is carried out efficiently. This has become complex to answer as the pandemic has disrupted prison management. Based on Dr Santosh's report, implementation of the schemes was absent. Thus, in spite of having pertinent schemes in place, the implementation of these schemes is the key to reformation.

³⁰ Santosh (n. 24).

On the other hand, Kerala too has a similar picture. It carries out vocational programmes, recreation facilities and many other welfare activities. It is, however, difficult to infer the results in such a limited time. All these types of activities can be accessed on the websites of the respective prison departments. There has been no formal recognition of the report by both governments. It needs to be seen whether the NHRC urges the government to acknowledge the policy recommendations and bring about a change in the policy. It is to be understood that mere recognition of schemes is insufficient unless steps are taken to implement them. Thus, the NHRC has a huge role to play in formulating the prison policy in compliance with the report. The state government, with their programmes, will have to ensure the recommendations of the NHRC are implemented effectively.

4.1 Cases of Social Reintegration of Prisoners in Kerala And Tamil Nadu

There have been a few occasions where the reintegration of prisoners was undertaken successfully. Remarkably, the Social Justice Department had completed the rehabilitation of remand prisoners and funded their expenses till the time they were at the Mental Health Centre.³¹ It also invites applications from other inmates who desire to remain at the facility. The Social Justice Department has, thus, done a notable job of working towards the reintegration of prisoners into society even after they are released.

One prominent case is that of a prisoner who struggled to survive in society after serving a sentence of more than 20 years. He had found difficulty connecting with his family and friends, as most of his friends would distance themselves. He was unable to find himself a job, which made his survival in the new environment more challenging. However, the Social Justice Department stepped in and assisted him in convincing his parents about the process of rehabilitation and refinement. They also helped him in obtaining employment at a private firm under the Nervazhi programme, an initiative to ensure the social rehabilitation of probationers and ex-convicts. This initiative has been by and large successful³² in facilitating the social rehabilitation of released convicts in Kerala. It has taken great strides in rehabilitating a huge number of prisoners in remote areas of Kerala. This has also assisted in removal of the social

³¹ Express News Service, 'Five inmates of mental health centre rehabilitated' (*The New Indian Express*, 03 February 2021) <<https://www.newindianexpress.com/states/kerala/2020/feb/17/ex-convicts-get-new-shot-at-life-through-nervazhi-in-kerala-2104374.html>> accessed 3 April, 2022.

³² Arun M, 'Ex-convicts get new shot at life through 'Nervazhi' in Kerala' (*The New Indian Express*, 17th February 2020) <<https://www.newindianexpress.com/states/kerala/2020/feb/17/ex-convicts-get-new-shot-at-life-through-nervazhi-in-kerala-2104374.html>> accessed 4 April, 2022.

stigma associated with released convicts.³³ As per official records, the scheme has transformed the lives of 323 prisoners in the state. Moreover, the Social Justice Department has consistently provided a good number of grants to prisoners who finish their terms.

In Kerala, the rehabilitation programme within jails is also effective, with inmates participating in various vocations such as cooking. This also helped them earn a livelihood³⁴ once they are released from prison. In February 2021, the State Cabinet approved a draft probation policy by the Social Justice Department. The proposed probation system seeks to reduce recidivism, address the issue of overcrowding in prisons, and increase the efficiency of the criminal justice system.³⁵ It proposes steps to reform the offender by allowing him to reintegrate with his family and reducing the social stigma attached to the offender's family.

Whereas, in Tamil Nadu, the outreach of reintegration programmes is modest. The implementation of prisoners' schemes to provide grants has not been up to pace.³⁶ The promises of financial support to the prisoners were not fulfilled by the prison department. That made the reintegration of prisoners into society more difficult. Many procedures have been put in place to ensure the rehabilitation of convicts on remand, but there is still a long way to go in putting those efforts into action.³⁷ Even within prisons, jail officials turn a blind eye to any of the injuries inflicted on prisoners. There is a pressing need to formulate a policy³⁸ which can effectively implement the steps in place.

A recent study had found that there are not enough social workers in the correctional institutions to help with the reintegration process.³⁹ It is observed that the relevance of social workers is greater to focus on the physical and mental health being of the inmates. To address this, Tamil Nadu government have acknowledged the post of a qualified social worker in these institutions. This has certainly assisted in furthering the reintegration process.

In the district of Kallakurichi, police have drawn up a plan for the rehabilitation of offenders through counselling and providing assistance through government schemes⁴⁰ for employment

³³ *Deccan Chronicle*, 'Kerala: Rehab for women jail inmates on anvil' *Deccan Chronicle* (Kollam, 26 May 2018).

³⁴ Anakha Arikara, 'Prison Inmates in Kerala Are Making Foodies Happy. Here's How!' (*The Better India*, 2018) <<https://www.thebetterindia.com/129449/prison-inmates-kerala-food-for-freedom/>> accessed 3 March 2022.

³⁵ *Special Correspondent*, 'Probation policy to rehabilitate criminals' *The Hindu* (Thiruvananthapuram, 23 January 2022).

³⁶ *Shanmughasundaram* (n.10).

³⁷ Aditi R., 'The road to reforming women's prisons' *The Hindu* (Chennai, 02 September 2017).

³⁸ S. Prasad, 'Rehabilitation programme for prohibition offenders' *The Hindu* (Kallakurichi, 04 November 2020).

³⁹ Serena Josephine M., 'Not many social workers in correctional institutions: study' *The Hindu* (Vellore, 07 December 2017).

⁴⁰ *Ibid.*

opportunities. As a result, in some areas, it is on the district authorities to lay down the plan for undertaking the reformatting programme. Hence, the implementation of the schemes and programmes is the only key to the effective reintegration of prisoners into society.

V. CONCLUSION

As the report is submitted to the NHRC, it largely depends on the commission how it wants to move forward with the recommendations. The report has comprehensively listed down policy recommendations for the prison departments of respective State Governments that can be implemented to facilitate social reintegration. These recommendations include a systemic classification of prisoners, specialized counselling for prisoners who are charged under POCSO Act 2012,⁴¹ UAPA Act 1967,⁴² and other special acts, increase of welfare officers, skill enhancement programmes and many more. It also recommended the Probation Officers to work with local communities on social reintegration of the prisoners. Setting up of half-way homes, which acts as an active space for prisoners to facilitate their transition from prison life to normal life, is one of the key recommendations.

The NHRC can act as an intermediary to bring these reforms and conduct the social reintegration programmes for released prisoners in the society. As per Section 12(c) of the National Human Rights Commission Act 1993,⁴³ the commission has the powers to make recommendations to the State as well as Central Government after studying the living conditions of inmates in the prisons. Apart from that, it could involve in encouraging NGOs and institutions to work in implementing rehabilitative programmes and various other schemes facilitation reintegration of the offenders. For instance, the Discharged Prisoners Aid society in Tamil Nadu has done some good work in this field. However, they are now facing financial difficulties as they are entangled in court cases. These institutions may also be involved in educating the society about the reformatory theories of punishment to erase the social stigma. Furthermore, the Social Justice Department must also try to implement the laws on the ground level. They need to ensure that the vacancies in welfare officers post should be filled.

⁴¹ *Protection of Children from Sexual Offences Act, 2012.*

⁴² *Unlawful Activities (Prevention) Act, 1967.*

⁴³ *National Human Rights Commission Act 1993, s.12 (c).*

In a recent research study, it was reported that the experience in a prison has a negative impact on reintegration process.⁴⁴ Thus, to prevent this lack of optimism, the State should also emphasise upon educating the prisoners about the smooth reformation process. Among other things, the State should also ensure that the released prisoners are provided with a stable home. There has been a strong connection of recidivism and homelessness among released prisoners.⁴⁵ In of the studies formerly incarcerated men reported that home ownership or entrepreneurship is an important factor for their successful reintegration.⁴⁶ As the issue is socio-economic in nature, the onus is on the society as well to facilitate the process of reintegration of the prisoners. It is our individual duty to change the outlook towards the prisoners and help them in relocating their lives after spending a prolonged time in prisons. Hence, the society is equally responsible in facilitating the process of social reintegration of the prisoners.

Therefore, it is expected from the NHRC to make the representation to the State Governments of Kerala and Tamil Nadu with the policy recommendations and any further initiatives pertaining to the field of reintegration of offenders. The NHRC must also ensure the implementation of these recommendations in these states.

⁴⁴ José Cid, Albert Pedrosa, Aina Ibàñez, Joel Martí, 'Does the Experience of Imprisonment Affect Optimism About Reentry?' [2021] 101(1) *The Prison Journal* 81.

⁴⁵ Edward I. Boman & Katherine Ely, 'Voices of Returning Citizens: A Qualitative Study of a Supportive Housing Program for Ex-Offenders in a Rural Community' [2020] 100(4) *The Prison Journal* 423.

⁴⁶ Tia S. Andersen, Deena A. Isom Scott, Hunter M. Boehme, Sarah King & Tonia Mikell, 'What Matters to Formerly Incarcerated Men? Looking Beyond Recidivism as a Measure of Successful Reintegration' [2020] 100(4) *The Prison Journal* 488.