

**“An Insight into the Psychology and Legal Facet of under trial Prisoners”***\*Aditi Palit**Amity Law School, Delhi  
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(Affiliated to GGSIPU)***ABSTRACT**

It is the obligation of every sovereign state along with judiciary to ensure fundamental human rights to every citizen of the nation. Under-trial prisoners who are under the jurisdiction of the competent courts are devoid of the inherent dignity as human beings. Despite innumerable cases piling up in the Indian judiciary for the rights of the prisoners and appeal for their speedy trial, the authority still lacks to mitigate the hardships of the prisoners. Prolonged detention of under-trial prisoners within infrastructure shared by convicts and absence of provision of separate institutions directly hampers their mental health. This paper incorporates the undetermined implementation of legal aid provisions available to such prisoners. Reasons for delayed investigation and lack of human resources preventing the authority to provide fair opportunity to them will be scrutinized through the lens of human rights. It further emphasizes and enumerates the role of prison authorities to curtail unwarranted actions and unlawful practices rendered against them. There remains an inadequacy of the fundamental needs and humane custodial conditions available to them. The paper also sets a discourse on the demand for inclusion of the idea of rehabilitation and reforms in the policy formulated in India for the under trials prisoners.

**Keywords:** under-trial prisoners, human rights, liberty, psychology, suicide, rehabilitation

**I. INTRODUCTION**

**“The right of every man are diminished when the rights of one man are threatened”-  
John F. Kennedy**

Punishment is the method of substituting injustice with justice, which aims at modifying the behaviour of the criminal. Durkheim talks about punishment as a means of repairing "the wounds made upon collective sentiments". According to him the punishment granted to the offenders promotes the conformists to continue doing warranted acts. Durkheim has conferred the power of punishing the wrongdoers in the state which assumes giving criminal punishment on behalf of the society. Whereas Immanuel Kant, the German philosopher sounds pessimistic when he says: "Judicial punishment can never serve merely as a means to further another good, whether for the offender himself or for society, but must always be inflicted on him for the sole reason that he has committed a crime." .This theory is based on

the doctrine that punishments reform the behaviour of the offenders and deter them to commit any wrong in the future. The object of the punishment should be to substitute justice for injustice. The principle which underlies the doctrine concerning the desirability and objectiveness of punishment is to reduce the incidence of criminal behaviour either by deterring the potential offenders or by incapacitating and preventing them from repeating the offence or by reforming them into law abiding citizens.

Reformative theory is the most rampant form of punishment as it considers prisoners or the wrong on humanitarian grounds. Prisoners can be broadly classified into convicts and under trials. The under trial prisoners are those who are facing trials in the competent courts. It denotes an un-convicted prisoner i.e. one who has been detained in prison during the period of investigation, inquiry or trial for the offence s/he is accused to have committed.

The concept of human rights of under-trials was embraced under The Standard Minimum Rules for the Treatment of Prisoners (1955) also known as 'NELSON MANDELA RULE' which has been adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. The rules laid down under the convention are:

- a. the idea of separation and segregation as the prisoners should be categorized into convicted, under-trial, adult, young, man and women in separate prisons. Categorization on the bases of treatment given for social rehabilitation is also prevalent in the convention.
- b. The idea of opportunity along with providing of the basic necessities such as food, communication, information, wage, security to the prisoners.
- c. The idea of legal aid.

India being a signatory to the convention exemplifies the human rights for under trials through Acts, guidelines, manuals and commissions. The National Human Rights Commission has been taking steps to arrange the release of under trials from various prisons in the country, contemplating the problems both from human angle and Prison Management perspective. The State Legal Services Authority has proposed that Railway Magistrates should hold their courts in the respective jails periodically to deal with such cases.

## II. JUDICIAL PERSPECTIVE

Following are the cases mandated for the provisions of the under trial's treatment-

### 1) Abdul Azeez v. The State Of Mysore

If the accused refuses to legal aid and is not represented then the court can either question the witness himself, or appoint a competent counsel to assist the Court.

### 2) Moti Ram and Ors. v. State of Madhya Pradesh

"The consequences of pre-trial detention are grave. Defendants presumed innocent are subjected to the psychological and physical deprivations of jail life, usually under more

onerous conditions than are imposed on convicted defendants. The jailed defendant loses his job if he has one and is prevented from contributing to the preparation of his defence. Equally important, the burden of his detention frequently falls heavily on the innocent members of his family.”

3) Sunil Batra (II) v. Delhi Administration

The Protection of the prisoner within his rights is part of the office of Article 32.

The Police Commission Reports and the State Police Manuals emphasize the rights of prisoners during escorting and handcuffing:

- Under trial prisoners and other accused persons should not be handcuffed and chained unless there is reasonable doubt that such persons will use violence or attempt to escape. The police escort must be sufficiently strong to prevent escape.
- In no case should prisoners or accused persons, who are aged and bed-ridden in hospitals, or women or juvenile or civil prisoners, be handcuffed or fettered.

4) D.K. Basu v. State Of West Bengal, State Of U.P

The expression "life of personal liberty" has been held to include the right to live with human dignity. The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convict under trials, detenués and other prisoners in custody, except according to the procedure established by law by placing such reasonable restrictions as are permitted by law.

5) Hussainara Khatoon & Ors v. Home Secretary, State Of Bihar

The right to free legal service is an essential ingredient and is a constitutional mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so requires.

### **III. LEGISLATIVE PROSPECTIVE**

The subjection of prisons for the custody of prisoners and the protection of society against crime shall be discharged keeping with the State's other social objectives and its fundamental responsibilities for promoting the well-being of all members of the society. Prisoners being individuals, forming part of an inclusive society come under the umbrella of state's obligation to promote the development and dignity of all individuals. The idea of fostering human rights of every individual including the prisoners led to the establishment of The National Human Rights Commission (NHRC) of India in the year 1993. The NHRC is an embodiment of India's concern for the promotion and protection of human rights. In India Acts such as prisons act 1894, Prisoners Act 1990, criminal procedure code 1973 and the Constitution of India govern the rights of the prisoners. Manual drafted by Bureau of Police Research and Development manifests that the reorientation of offenders was the overarching goal of the prison administration. Beside these central policies for different states jail manuals and state police commissions have also expedite the human rights of the under trials such as Delhi jail manual, Jail department under Chhattisgarh government and other state government schemes. Delhi jail manual specifically states the duty of the state for rehabilitation and legal aid to the prisoners. The jail department formed under the Chhattisgarh government includes rehabilitation policy which involves a comprehensive prisoner's welfare and rehabilitation

policy focusing on the welfare of prisoners and their eventual successful integration into mainstream of society.

#### A. INCORPORATION : INHERENT RIGHT OF LIBERTY

Right of liberty is a fundamental right granted to every individual subject to certain restrictions. Detention and arrest are one of such restrictions where for public interest accused is detained by various authorities. Whenever a person is arrested a basic right is provided to prevent unnecessary and prolonged detention of an arrested person by ministering the security for his subsequent presence in the competent court, referred as Bail. Meaning of Bail is not per se included under CrPC but right of bail is absolute in terms of bailable offence but a matter of privilege in non bailable offence. The basic rule is “bail not jail” except where it appears from the conduct of the accused that bail may lead to fleeing from justice. Hence the primary approach is to grant bail as the concept of arrest is against the essence of the Constitution of India. The right of bail being depended on the wide discretion and reasonability of judicial and police authority are prone to delay and misuse. Thus many judicial decisions and provisions were added to ensure proper implementation of such wide right which leaned obligations on the respective authorities.

An effective criminal justice system should inevitably certain that the accused under detention should avail the chance of getting tried for the alleged offence. Subsequently decided whether to extend detention or grant bail by order of competent magistrate and recording the reasons for such order. On the question of duration of the detention and successive bail the High court of Bombay in a circular stated that the judicial officers are liable to dispose of the bail applications as expeditiously as possible and cause no delay. No grant of bail should be based on the court’s reasonable presumption that in the presence of some evidence warranting that no amount of bail would secure the presence of the convict at the stage of judgment. Consider the refusal to grant bail as a last resort.

Grant of bail is based on presenting a security bond in favor of appearance of the arrested person before the competent court. The provisions of granting legal aid to the indigent person prove to be futile in its implementation. The Legal Aid Committee appointed by the Government of Gujarat in the year 1971, noted:

“The bail system causes discrimination against the poor since the poor would not be able to furnish bail on account of their poverty while the wealthier persons otherwise similarly situated would be able to secure their freedom because they can afford to furnish bail. This discrimination arises even if the amount of the bail fixed by the Magistrate is not high, for a large majority of those who are brought before the Courts in criminal cases are so poor that they would find it difficult to furnish bail even in a small amount.”

Hence based on the evolving number of under trial indigent person provision under Cr.P.C provides for discharge of such indigent person without furnishing securities for bail on discretion of court. The Supreme Court has recognized this for years and has been devising ways to formulae the release of under-trial prisoners on bail. The union government in lieu of

realizing the gravity of the situation amended the Cr.P.C. by incorporating liberal provisions of bail. The undergoing detention for a period extending to one-half of the maximum period of imprisonment specified for that offence under the law, he be released by the Court on his personal bond with or without sureties.

## B. EXPLORING LEGAL DISPENSATION

Needless pre-trial detention, Indiscriminate arrests by police, ignorance of legal rights, delay in trial, reluctance of the courts to grant bail, inability to provide surety, are the reasons that have led to the violation of basic human rights of the under trials and the unneeded detention of large number of under-trial people. According to NCRB at the end of the year 2018 out of the total number of reported prisoners that is 4, 66,084 only 1, 39,488 were convicted leaving a large chunk of prisoners.

### 1. *Wide Discretion Of Detaining Authorities*

Under Cr.P.C police has being given wide power to arrest the suspected accused without a warrant in terms of cognizable offence. However these powers are not absolute and are subject to certain restrictions. Section 41 (1) states the presence of “certainty” and “reason” an essential to such non warrant arrest. The authorized police should have the reasonability drawn out of honest believe and sufficient reasons to exercise power under section 41..The National Police Commission approximated that police arrests were not only unnecessary but also burdened the state exchequer with the maintenance of the arrested persons in jails. 43.2 % of the expenditure was being incurred on the Prisoners arrested for minor offences and also on the convicts who did not have to be arrested at all. Even after the necessary restrictions, the police having the control in the custody does not act judiciously and initiates the illegal arrest of the under- trial prisoners. Essential celebration such as 26<sup>th</sup> January or 15<sup>th</sup> august increases the number of arrest by police for petty offences. According to NHRC the records are being tampered by the very people who are duty bound to maintain law and justice in the cases reported by them. These circumstances lead to the transgression of the primary human rights.

### 2. *Poverty And Delay*

Right to have counsel and legal aid is not only included in the essence of constitution through Article 22 (3) and Article 39 - A but also in criminal procedure code contained in sections 303, 304,50 , 50A, 51, 56, 57. Supreme Court in many cases has realized the basic rules to ensure custodial justice. Studies show that the number of preventive arrests and arrests for petty offences were substantially large, the percentage of under trial prisoners was unusually high and most of them were there because they were not able to post bail or furnish sureties. But still after so many attempts it is a duty not mandate. The model jail manual entitles the indigent under trial prisoner to even have a travel warrant on non-subsistence of money. But

according to National Crime Record Bureau 147605 were provided legal aid. The right of speedy trial is well recognized in India under various cases through guidelines, legislations and jail manuals. But still according to NCRB number of under trials detained for less than one year are 2, 41,541 whereas more than one year were 41,779.

### C. PROBLEMS OF IMPLEMENTATION

Despite the mandatory provisions of legal aid schemes for the indigent persons, the implementation of the concerned policies is disquieting. The plethora of laws is facing multitude obstacles in discharging the schemes in the favor of the penniless.

#### 1. *Lack of Human resource in police administration*

Police authorities having the authority to arrest people has to compulsorily comply with the provisional requirements. Apart from misusing their power the lack of police personnel invariably contributes to the inhumane treatment of under trial prisoners in custody. The inadequacy of police personnel directly affects the psychological and social element of the population. According to the Bureau of Police Research and Development, police per lakh Population Ratio (PPR) against sanctioned total Police (Civil + DAR + Armed) during the year 2018 is 198.65 that is total of one police officer over per 502 (approx.) of people. This distressing number results in the inevitable pressure on the police personnel. Further the authority reports that present 90% of police station staff across states are working more than 8 hours per day, adding to the numbers 68% of SHOs and 76% of supervisory police remain on duty more than 11 hours per day. 73.6% of police staff is unable to avail the weekly off even once a month. The situation becomes unbearable as over 80% of the police personnel are recalled at the off duty hours for emergencies of law and order. Hence such over-exhausted and over-worked personnel are prone to more abuse of power resulting in physical and mental fatigue. 74% of the police personnel in the country have experienced such occupational hazard. As a result there is decreased morale, motivation and self-esteem of the staff.

Policing in a country with large population often neglects the human rights of the police personnel. Policing a country with dearth of police stations and ill-equipped police forces makes the task formidable. The police being the victim of grave conditions such as lack of clean living conditions, under which they have to function, impose the non-fulfillment of the jobs. The inability to form unions (like in other organizations) for their rights and genuine demands is appalling. Supreme Court has also worked with the NHRC for reforming the police administration and to take into account the human rights of police officers by mandatory implementation of the recommendations of various committees, commission. National Police Commission (NPC), Gore Committee on Police Training, Riberio Committee, Padamanabhaiah committee and Police Act Drafting Committee have made recommendations for reforming various aspects of human resource management and

reformation in police services in India. The review committee which was formed on the recommendation of the national police commission and other committees in March 2005 gave 49 recommendations for immediate implementation. Such recommendation involved:

- a. It would be implausible to bring improvement in the police system if the primitive issues of recruitment, qualification, promotion prospects and training. There should be fair, transparent recruitment process to ensure the filling of vacancies.
- b. Involvement of modern techniques to counter organized crimes and better infrastructure.
- c. Establishment of state security commission for reshaping police politician interface.

Hence Committee on National Security and Central Police Personnel Welfare (CNS & CPPW) was set up in 2018, long time after the recommendation was made in 2005. Such delayed implementation throws light on the shortcomings of the Indian system.

## 2. Infrastructure

The infrastructure of the prison plays an imperative role in the consideration of the human rights of the prison. The Model Prison Manual states that: The State Government or the Union Territory Administration will establish sufficient numbers of prisons, as far as possible, and provide minimum needs essential to maintain standards of living in consonance with human dignity and in order to establish efficient management of prisons respective states and union territories should divided the prison into manageable units, norms regarding maximum population for different types of prison. Moreover a detailed architectural pattern is specified in the manual as:

2.05. Prison architecture has to be based on the following:

vii) Closed prisons are classified into three categories that is central prisons, district prisons and sub-prisons. Authorized population for these prisons will not exceed 1000, 500 and 300 prisoners, respectively.

viii) There will be enough open space inside the perimeter wall to allow proper ventilation and sunlight. The area enclosed within the four walls of a prison will not be less than 83.61 sq. meters per head of total capacity. Where land is scarce the minimum area will be 62.70 sq. meters per prisoner.

Even after provided with such detailed requirements to be met by the prison authorities. The numbers do to interpret the same. According to NCRB:

- a. The total number of prisons at national level has decreased from 1,412 in 2016 to 1,339 in 2018, having decreased by 5.17% during 2016-2018.
- b. The actual capacity of the prisons in the year 2018 was 3, 96,223 whereas the number of prisoner at the end of the year were 4, 66,084.
- c. The occupancy rate that is number of inmates staying in jails against the authorized capacity for 100 inmates. In the year 2017 it was 115.1% but in the year 2018 this rate has increased to 117.6%.

Hence the minimum requirement that has to be fulfilled by the prison authorities is unsatisfactory and the non-fulfillment of the basic need of the prisoners is concerning.

### *3. Separation and classification*

India being a signatory of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders ("Standard Minimum Rules") held at Geneva in the year 1955 has ratified rules according to which:

"84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners"

85. (1) Untried prisoners shall be kept separate from convicted prisoner.

With reference to the convention, the all India committee on jail reforms (1980-83) recommended establishment of various institution based on the catering need and requirements of different prisoners one of such recommendation was separate prisons or annexes for under trials.

Under the manual it is required by the state to establish separate institutions for under-trials and detenues away from the convicted prisoners. Prison authorities should also ensure that there is a segregation of categories of prisoners that is: a) Women (b) Young offenders (c) Under trials (d) Convicts (e) Civil prisoners (f) Detenues (g) high security prisoners. No convicted prisoner shall be kept in the same area in which under trial prisoners are kept, or be allowed to have contact with under trial prisoners. Except prisoners working in essential prison services like conservancy, etc. no convicted prisoner shall be allowed to enter the under-trial yard or block. As soon as the work is over, these prisoners should be withdrawn from the yard or block. In all matters where under trial prisoners are concerned, no convicted prisoner shall be used for supervision or similar purpose. All such matters should be handled by staff members.

But these existing provisions are often breached. Most of the states and union territories does not have separate building for the under trails they are often lodged in the same building. Segregation of the categories of under trails is also specified in the manual.

District jails which are lodge primarily under trials; upon conviction prisoners are sent to central jails. But according to NCRB in the district jails about 1, 65,988 under trails prisoner are present whereas 40,136 are the number of convicts. Hence implementation of the concept of segregation is not satisfactory.

### *4. Prison visitors and staff*

Custodian of the prisoners in the detention is the prison staff or authorities. Hence the interaction of the prison staff with the under-trial plays a vital role in ensuring implementation of human rights. According to the model prison manual there has to be an established board of visitors. The board should consist of The District Magistrate, The

District Judge, The Chief Medical Officer, The Executive Engineer, The District Inspector of School, District Social Welfare Officer, and District Agricultural Officer. The duty of the board is monitoring the correctional work, suggesting new avenues and collecting grievances of the prisoners. While terming the appointment of Board of visitors as per the model prison manual as an “absolute necessity” the bench comprising of Justices Madan B Lokur and Deepak Gupta was informed by advocate Gaurav Agarwal that several states have not yet appointed the board. The appointment of the board has not been notified.

The model prison manual also deals with a detailed system for appointment, allowances, duty hours, and training along with various other aspects. Duties and function of the institutional personnel are: “To ascertain that the compliance of human rights that the prisoners are entitled to, are not impinged upon and restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programs are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of prisoners”. Especially the duty of the superintendent who would be in charge of the executive management of prison is responsible informing the under-trial prisoner in written intimation about the benefits of section 436A of Cr.P.C.

Lack of human resource and available staff per prisoner is also depicted in terms of prison personnel according to NCRB:

- a. All India sanctioned post are 85,840 at the end of year 2018, whereas only 60,024 are actually filled and 25,816 are vacant. That is only 69.93% of the sanction post were filled at the end of 2018.
- b. At the end of year 2018 total number of inmates were 4, 66,084 whereas number of prison personnel were 60,024. That’s 7 inmates per staff.

In conclusion, the condition seems better than the police personnel but still lacks in the adequacy of the trained personnel.

##### *5. Rehabilitation and welfare of prisoners.*

The prisons' regime will prepare prisoners to lead a law-abiding, self-supporting, reformed and socially rehabilitated life. The reformatory environment provided by prison authorities can be classified into:

###### a. Education

Education is vital for the overall development of prisoners. Through education their outlook, habits and total perspective of life can be changed. Education of prisoners benefits the society as well as it leads to their rehabilitation and self-sufficiency. Education reduces the tendency to crime. This would mean less crime, fewer victims, fewer prisoners, more socially productive people, and less expenditure on criminal justice and law enforcement. Education policy formulated by the prison authorities are of three level (a) For the beginners and illiterate inmates (b) For the intermediates (c) For advanced education. Each prisoner should be assigned an educational program with the involvement of 1802 non-profit organization. The education provided would be consisting of (i) Physical and health education (ii) Academic

education (iii) Social education (iv) Vocational education (v) Moral and spiritual education (vi) Cultural education Educational Policy for Inmates. According to NCRB, A total of 1, 15,954 prisoners had been educated in the country during the year 2018. Out of the total prisoners educated, 53,009 prisoners were provided Elementary education, 40,122 prisoners were provided Adult education, 14,380 prisoners were provided higher education and 8,443 prisoners were educated in the field of Computer.

b. Vocational training

Providing training for the prisoners to sustain themselves while the period of detention as well as after the release. Vocational training and work programs should be treated as essential features of the correctional programs. Under Indian prison system various vocational courses are available to the prisoners. According to the NCRB, A total of 54,426 prisons inmates were provided with various vocational training during the year 2018. Among which 9.2% opted for weaving, 7.2% for tailoring, 5.6% carpentry, 2.8% agricultural activities, 1.2% soap making, handloom 1.1%, canning 1.2%.

c. After care

Prisoner after completion of their respective sentences need to be rehabilitated. Hence “after care programs” are essential not only to remove the social stigma but also to ensure remission. The process of after-care and rehabilitation of offenders provided by the Indian Legal System is an integral part of institutional care and treatment. These two should never be unconnected. The after-care of a prisoner is an extension of the institutional treatment program; hence the administrative machinery for carrying out these programs should be effectively integrated with the department of prisons. Such programs are not only for post detention but also for during and immediately after the institutional care. A total of 1,346 prisoners were provided financial assistance on their release in the country during the year 2018. The number of convicts rehabilitated was 2250 at the end of year 2018.

Hence rehabilitation facilities are in abundance in India but the rate of the convicts and under-trials admitted to the prisons are higher than the rehabilitation and welfare process.

#### **IV. PSYCHOLOGICAL EFFECTS ON PRISONERS**

“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.”

--Nelson Mandela

Prisoners overall represent a diverse population, belonging to both socially diverse and economically disadvantaged part of the society. They usually have very less knowledge about health and healthy lifestyle. According to the twelfth edition of the world prison population list more than 10.74 people are held around the world in penal institutions. A lot of people in the prisons suffer from a psychological imbalance due to countless reasons such as overcrowding, lack of privacy, violence in prisons, isolation, not being able to cope up with

prison reforms, inadequate health services etc. Prison health has been becoming a major concern for most of the economies around the globe. Mental health of prisoners if not treated properly would lead to higher risk of correctional rehabilitation treatment failure. The use of prisons was incorporated mostly for proper reformation of the offender. With time many psychological problems have evolved in prisoners such as- Delusions, Claustrophobia, Depression and Dissatisfaction with life, Phobias, Stress denial, Criminal activities and many more.

India is considered to be the second largest populated country in the world and there are very few psychiatrists available in the economy to cater the mental health of the population. More than 400,000 people are lodged in Indian prisons. Some of the prisoners due to prolonged detention resort to activities such as drug abuse. Despite strong evidence that prisoners engage in strong risk behavior sometimes, no sufficient measures have seen to be taken up for a long time. The limited treatment options especially in the Indian prison settings have directed towards certain non-acceptable behaviors of the inmates such as discipline rule violations, physical assaults etc. Most of the times due to perceived social taboo around prisoners they are neglected by hospitals. With time the Indian government has increased the number of psychologists for the mental health of the prisoners and catering to their needs of mental health care. The National Human Rights Commission has been focusing its attention on the promotion and protection of human rights of prisoners. The commission has issued guidelines of how mentally ill prisoners should be treated in the prisons and any violation of such rules should direct the prison authorities to pay compensation. It has also requested the chief justices of all the High Courts for a speedy trial of all the cases and directed instructions towards the judges sessions courts to visit the prisons regularly.

Early attempts to treat offender therapeutically can be helpful to provide them with early adaption of the environment without a mental health effect. Addressing mental health needs will improve the health and quality of life of both prisoners with mental disorders and of the prison population as a whole. The health services provided to prisoners should be checked upon on regular basis and should be same as that of the local community of a country. The National Human Rights Commission has directed all the prison authorities to provide the commission with monthly reports on the health of the prisoners. The mental health of all prisoners, including those with mental disorders, will be enhanced by appropriate prison management that promotes and protects human rights. Attention to areas such as sanitation, food, meaningful occupation, and physical activity, prevention of discrimination and violence, and promotion of social networks are essential. A decentralized operational research functions, monthly report analysis, incorporation of more psychologists, trained staff, conduction of programs regarding mental health with the prisoners will bring great benefits to correctional authorities and provide an effective and therapeutic treatment to the offenders. Hence even though the model prison manual includes recruitment of psychologist and correctional staff in the prison. Among the un-natural causes of deaths in prisons (149), Suicide (129) Out of 129 suicides, the pre dominant mode was Hanging (111) followed by Self Inflicted Injury (11), Poisoning (3), Electrocution (1) and others (3). Accidental Deaths

mostly occurred due to fall (2) and Road/Train Accident (1) & Electrocutation (1).out of unnatural death 86.6% were suicide.

## V. CONCLUSION

In the formalistic sense laws are appealing but the laxity in implementation and external influences are prime causes of issue. Strict adherence to the recommendations made by the corresponding committees can prove to be instrumental. Inhumane treatment can be solved by recruiting adequate count of personnel at prison to uphold the level of supervision. The present framework of Formulation of personnel policies for police and the functional changes in the training of the staff can effectuate the reformation of the prisoners. Shifting the working system specifically for the working hours of police may prove to be effective. Inclusion of psychologist on regular bases may mitigate the number of suicides in prisoners. The incorporation of mental health exercises and education can also activate the efficient system. For this context, NHRC in 2014 had stated that on an average, a person is one-and half times more likely to commit suicide in prison than he being outside, which is an indicator perhaps of the magnitude of mental health concerns within prisons. There is a dearth of available data on the effective implementation of the concept of board of members for grievances of the prisoners and even of the psychologist recruited persons in prisons. The required data can prove to be proficient in having a structured grievance mechanisms for the under trials as they are more prone to the inhumane treatment during detention. We all should not leave any stone unturned in formulating and applying the reformative programs by abiding by the initiatives taken by innumerable NGOs and government which might yield conclusive measures.

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