Digitalizing and Reforming Prisons in India- A Socio-Legal Analysis

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Abstract

Digitalization plays plenty significant instrumental role in the current surge in almost every facet of the human life. Similarly digitalizing the prisons would cure the major problems in terms of security, safety and ultimate reformation and rehabilitation behind bar and the quintessential role is to calculate the overall behavior of prisoners prior to release from bar at good corner hence trained personnel always works with full of gusto in the line of erected and thrived for restoring prisoners into society at writ after their release. Thus, the purpose of jail is to reform the perpetrators and refrain from widespread disenfranchisement of prisoners where the minions of state escalating torture and adopted cavalier attitude which endanger for the society at large. This paper highlights the de jure and de facto aspect of prison reforms and the overall impact of digitalization of prisons in India.

Key Words: *Rights of Prisoners, Digitalization, Reformation and rehabilitation*

INTRODUCTION

The rights of prisoners have been a topic of debate for centuries across the globe, including India. While some argue that prisoners forfeit their rights upon conviction, others believe that basic human rights should be upheld regardless of one's criminal status. This research paper explores the importance of recognizing and protecting the rights of prisoners. Firstly, it is crucial to acknowledge that prisoners are still human beings who deserve to be treated with dignity and respect. The Universal Declaration of Human Rights clearly states that all individuals have the right to life, liberty, and security of person. By denying prisoners their fundamental rights, we risk dehumanizing them and perpetuating a cycle of violence and retribution.[1]

Furthermore, respecting the rights of prisoners can contribute to their rehabilitation and successful reintegration into society. Providing access to education, healthcare, and vocational training can help reduce recidivism rates by equipping inmates with the necessary skills to lead productive lives upon release. Moreover, upholding the rights of prisoners is not only morally

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[1] Ashutosh. Dr., "Rights of Accused", Universal Law Publishing Company, New Delhi, 2009.

justifiable but also legally required in many countries. International conventions such as the International Covenant on Civil and Political Rights explicitly outline the minimum standards for prisoner treatment. Recognizing and protecting the rights of prisoners is essential for maintaining a just society. By doing so, we not only uphold our moral obligations but also contribute to safer communities through rehabilitation efforts. It is imperative that governments worldwide prioritize prisoner welfare by ensuring their basic human rights are respected throughout their incarceration journey.[2]

The advent of digitalization has revolutionized various sectors, and the world prison system is no exception. Digital technologies have brought about significant changes in the way prisons operate, enhancing security measures, improving inmate management, and transforming rehabilitation programs. One of the key benefits of digitalization in prisons is enhanced security. Advanced surveillance systems equipped with facial recognition technology and artificial intelligence algorithms have made it easier to monitor inmates and detect any suspicious activities. This has not only reduced the risk of violence within prisons but also improved safety for both staff and inmates. Moreover, digitalization has streamlined inmate management processes. The use of electronic databases allows for efficient record-keeping, making it easier to track an inmate's history, behaviour patterns, and progress during their incarceration. This information can be shared among different correctional facilities, ensuring continuity in their rehabilitation journey. Furthermore, digital technologies have transformed rehabilitation programs offered within prisons. Virtual reality simulations provide inmates with opportunities to learn new skills or experience real-life situations without leaving the confines of their cells. Online educational platforms offer access to a wide range of courses that can help inmates acquire knowledge and develop employable skills.[3]

Digitalization has had a profound impact on the world prison system by enhancing security measures, improving inmate management processes, and transforming rehabilitation programs. As technology continues to advance at an unprecedented rate, it is crucial for prison systems

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[2] Tosh, J., "The pains of Imprisonment." Sage Publications, 1982, California.

[3] Mishra, D. N., "Prisoners right to life and liberty". Indian Bar Review, Vol. 27 (1), 2000.

worldwide to embrace these innovations to ensure safer environments for both staff and inmates while promoting successful reintegration into society after release.

The COVID-19 pandemic has brought about unprecedented challenges for prisons worldwide. As a measure to contain the spread of the virus, many correctional facilities have implemented strict lockdown protocols, severely limiting in-person visits from family and friends. However, video visitation has emerged as a viable alternative during these trying times. Video visitation allows incarcerated individuals to connect with their loved ones through virtual platforms. This technology enables prisoners to maintain crucial social connections while adhering to necessary health precautions. Moreover, it provides an opportunity for families to offer emotional support and encouragement during a time when isolation and uncertainty are prevalent. In addition to its emotional benefits, video visitation also offers practical advantages. It reduces the burden on prison staff by minimizing physical contact between visitors and inmates, thereby reducing the risk of viral transmission within correctional facilities. Furthermore, it eliminates logistical challenges associated with physical visits such as transportation costs and scheduling conflicts.

However, critics argue that video visitation may hinder meaningful human interaction due to technological limitations and lack of physical presence. They contend that face-to-face contact is essential for building trust and maintaining healthy relationships. While these concerns are valid, it is important to recognize that video visitation serves as a temporary solution during this extraordinary period of lockdowns. It should not replace traditional in-person visits but rather be seen as an additional tool for communication until normalcy can be restored.

video visitation has proven invaluable during prison lockdowns caused by the COVID-19 pandemic. By providing a means for incarcerated individuals to stay connected with their loved ones while minimizing health risks, it plays a vital role in maintaining mental well-being within correctional facilities. As we navigate through these challenging times together, it is crucial that we continue exploring innovative solutions like video visitation while ensuring that human connection remains at the heart of our efforts towards rehabilitation and reintegration into society. The digital era has transformed various facets of our lives, and the impacts of digitalization have extended to the realm of prison reforms. Over the past decades, technological advancements have offered new opportunities to revolutionize and enhance prison systems across the globe. This essay aims to explore the profound impact of digitalization on prison reforms, focusing on three key areas: inmate rehabilitation and

education, prison management and security, and the modernization of communication channels.

Literature Review:

- **Adams, D. A., Nelson, R., & Todd, P. A.** *"Perceived Usefulness, Ease of Use, and Usage of Information Technology: A Replication"*, **MIS Quarterly (Vol. 16) (1992).**
  Information Technology and Artificial Intelligence lure eloquence development in the globe which also bursts the users at writ by adopting it in every segment and considered to be kaleidoscope viewpoints in the terms of digitalization. Hence digital world would be transparent, more convenient to inculcate into daily life and to some extent it considers endanger towards fraudulent use. Whereas overall it would be the future of the world thereby human civilizations transforms into post-modern era.

- **Bedi, Kiran,** *"It's Always Possible: Transforming One of The Largest Prisons in The World"* **Sterling Publishers Pvt.Ltd ,India; 6th edition (1 December 2005)**
  The resources available in Tihar Administration were not able to offer even very basic things like essential commodities such as food, medical assistance and security. Ms. Kiran Bedi in her Book, quoted as *"sometimes the food was so completely inedible that the prisoners were compelled to throw it into the already backed up sewer. Neither the food, they cook, nor the prisoners were clean*. This book was written my Ms. Kiran Bedi after examining Tihar Jail empirically in the year 2005. She throws the light on the basic and essential stuff which are not available to consume and even though the health facilities are very poor and inhumane. She further elaborated about budget allocated by center and state was not sufficient to mitigate the actual problem prevailing in Tihar Prison. Inmates are mentally sick and physically appear as they seem to be affected by malnutrition. The Security available for them was not proper and sufficient to resolve the violence behind bar.

  Research Gap- If Tihar Jails face lots of scarcity pertaining to very basic stuffs which are essential for survival of human being even as of now in 21st century also, like essential commodities, medical assistance and security then eventually it has to long way to achieve reformative approach in the context of restorative and rehabilitative justice system.

- **Rabiya, Syed. Raghavan, Vijaya.** *"Prison Mental Health in India: Review"* **Indian Journal of Social Psychiatry, 2018, Wolters Kluwer – Medknow Publication.**

Authors appraise that awareness of mental health issues is increasing among the general population and other disadvantaged populations, such as the homeless, migrants, and prisoners. Prisoners are a minority whose mental health needs are generally neglected. Compared to research conducted abroad, India has few published studies on this population and therefore it is more important to focus on them to better understand. Case reports and review articles were excluded from the current review. Results: A total of 12 research studies were included for the review and classified into prevalence of mental disorders and drug abuse in prisons, clinical characteristics, and factors affecting mental health in prison. The prevalence of psychiatric disorders such as substance use, schizophrenia, depression, adjustment problems, and the risk of suicide is considerably high.

Research Gap-There is a need to study the various factors that predispose prisoners to mental health problems and effective treatment options to improve the mental health of prisoners.

- **Graffam, J., Shinkfield, A., Lavelle, B., & McPherson, W. "*Variables Affecting Successful Reintegration as Perceived by Offenders and Professionals." Journal of Offender Rehabilitation, (2004). 40(1-2), 147–171.***

Authors highlight the observation of Six boards which identify and examined major issues through interview of ex-prisoners, pertaining to emotional and psychological changes during prison as explicative result and hence they found that imprisonment contributed no positive friendship due to learning the criminal activities in the jail, sense of social insecurity and fear of loss of reputation and wealth in the future , livelihood and identity crisis were prevailing during the time of prison of inmates that forced them to develop dehumanization and misanthropic approach in the same context thereby they approached to association of criminal in the prison for their identity in the society.

- **"*Model Prison Manual 2016*" Ministry of Home Affairs, Government of India New Delhi 2016.**

This manual addressed the problems relating to dilapidated prison structure, inadequacy of prison staff, overcrowding and congestion, lack of proper care, treatment of prisoners and increasing proportion of under trial prisoners and rehabilitation of prisoners had emerged as a critical issue of public policy. And hence it also highlights the human

rights issue of prisoners by quoting relevant case laws of the Supreme Court. And moreover conspicuously mentioned about the institutional means and method to curb the situation relating to prison wherein custodial management, maintenance of prisoners, medical care, transfer of prisoners, education, vocational training and work programs, after care and rehabilitation of prisoners had taken into consideration.

Research Gap- This Prison Manual is seemed to be appeared as a paper tiger wherein exaggerated everything to show general problems rather than specific one. Every prison has their own specific issues and challenges need to be highlighted.

- **Sutherland, Edwin H. , Cressey, Donald R. and Luckenbill, David F., *"Principle of Criminology"*, General Hall a division of Rowman & Littlefield Publishers, INC, Lanham, Boulder, New York, Oxford, Edn-11th, 1992 P- 244.**

In this book Sudherland has rightly remarked about "the behaviour of criminal is learned behaviour" through the interaction with members of the society and its association, thus this theory also imbibed the observation and fit in the context of prison's inmates who had been learned the criminal behaviour in the jail and turned to be a hard-core criminal after release.

Research Gap- Everything cannot be calculable on the terms mere learning behaviour through the interaction from society rather other background and psychological factors must be taken into consideration thus so far as the flaws of this book is concerned it does not provide the appropriate solution to curb the situation in the operational manner.

Inmate Rehabilitation and Education

Digitalization has proven instrumental in facilitating better inmate rehabilitation programs and promoting education within correctional facilities. The introduction of digital resources, such as e-books, online educational platforms, and interactive learning tools, has significantly broadened the scope of educational opportunities available to prisoners. This expanded access to knowledge enables inmates to acquire new skills, enhance their employability, and ultimately increase their chances of successful reintegration into society upon release. Research indicates that incarcerated individuals who participate in digital educational programs have a higher likelihood of reducing recidivism rates and leading more productive lives post-incarceration.

The impact of Covid-19 and the national lockdown has accelerated the pace of social and technological change. For many of us, online interactions are now as commonplace (and recently more commonplace) than face-to-face interactions and form a basic and normal part of the human experience. Digital skills are essential for many – if not most – daily tasks. The majority of jobs require at least basic digital skills, even jobs which are principally manual in nature. Covid-19 has increased the degree to which digital literacy is a necessity rather than a luxury in modern life, with almost all workplaces, including bars, restaurants and supermarkets, now requiring staff to use digital devices and touchscreen technology.

However, the prison population is among the most digitally poor in our society. Prisoners lack internet access and at most have access to certain limited intranet-based services for education and rehabilitation. These offerings are not currently adequate given the nature of the outside world. Given the pace of change in the non-incarcerated population, by freezing a prisoner at a particular technological point in time, denying them access to digital technology actually leaves the individual more excluded and skills-poor relative to the rest of society than at the time of incarceration.

Numerous overseas jurisdictions are experimenting with secure online functionality, for communication, education, rehabilitation and other forms of support. But the removal of all external access, confinement to individual cells and the cessation of educational activities have placed prisoners in an even worse position than they were pre-Covid. A Scrutiny visit to HMP Hewell by Her Majesty's Inspectors of Prisons (HMIP) in August was critical of the conditions found: The severely curtailed regime at the start of the restrictions was understandable but almost five months had passed and there had been little progress in ensuring that prisoners had sufficient time out of cell or purposeful activity. This contributed to prisoners' frustration and potentially to a deterioration in mental and emotional well-being. Prison leaders at both local and national level should take note of the fact that 70% of the prisoners we surveyed at Hewell reported problems with their mental health. One hour out of cell each day was simply not enough. The situation was often worse for prisoners on the margins, including the small number who were isolating. They could not have a shower regularly and sometimes had to wait for up to 14 days to do so.[4]

Prison Management and Security

The integration of digital technologies has revolutionized prison management and enhanced security within correctional facilities. Advanced surveillance systems equipped with high-

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[4] HMIP, Report on a Scrutiny visit to HMP Hewell, 4 and 11–12 August 2020

definition cameras, biometric identification, and artificial intelligence-based algorithms have significantly improved the safety and efficiency of prison operations. Real-time monitoring and data analysis capabilities allow staff to identify potential security threats swiftly, thereby preventing violence, escape attempts, and other illicit activities. Additionally, digitalization has automated administrative tasks, such as recordkeeping, scheduling, and inventory management, freeing up valuable time for staff to focus on vital aspects of inmate care and rehabilitation.[5]

Precedents exist for rendering internet access secure. In Belgium, a secure digital service called Prison Cloud is used in prison cells. It "offers web access through different categories like healthcare, job search, e-learning and others, where security is key", according to its chief developer, Benny Goedbloed[6]. In Australia prisoners have digital access without the ability to surf the web. Secure systems allow them access only to a "Walled Garden"[7]. The devices are linked to a prison server, with every prisoner action recorded. The Walled Garden model imitates the experience of accessing the internet, but with prisoners only able to access legitimate resources, with access to inappropriate content restricted.[8] While in the Belgian case prisoners are allowed access to certain films and TV online, a decision could be made in the UK as to whether purely leisurely as opposed to educational and other rehabilitative content should be made available. The key point is that the technology exists for "white-listing", that is the creation of a list of pre-approved accessible websites and/or content.

Several of Denmark's open prisons operate "internet cafes" that allow prisoners expanded access to the internet, primarily for educational purposes, job applications and other communication. There is monitoring of prisoners' use and inappropriate content is blocked. Denmark operates a tiered approach with prisoners granted different levels of access based on their individual risk profile. The Danish model operates three tiers: communal internet cafes,

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[5] Cooper, D. R., & Schindler, P. S. (2014). Business research methods. In McGrawHill/Irwin (Twelfth). New York: McGraw-Hill/Irwin

[6]   https://theconversation.com/despite-public-outrage-web-access-for-prisoners-isnt-a-luxury-item-heres-why-88803

[7] https://eprints.usq.edu.au/27040/11/Pike_Farley_Hopkins_TC2015_SV.pdf

[8] Helen Sara Farley and Anne Pike, Engaging Prisoners in Education: Reducing Risk and Recidivism, 2016, 8

tightly controlled classroom uses through a secure network, and "fairly unrestricted" access, including use of email.[9]

Modernization of Communication Channels

Digitalization has also transformed communication channels between inmates and their families, as well as their legal representatives. Traditionally, communication in prisons has been limited to in-person visits, snail mail, or prepaid phone calls. However, with the advent of digitalization, many correctional facilities now offer secure video visitation platforms, email services, and monitored messaging systems. These advancements have revolutionized inmate-family interactions, addressed issues of distance, cost, and accessibility while fostering positive relationships that are crucial to successful reintegration. Moreover, digitalization has facilitated streamlined communication between inmates and their legal counsel, ensuring timeliness, confidentiality, and efficiency in legal proceedings.[10]

It is not suggested that prisoners be given unlimited access to the internet. Rather, they should be able to access pre-approved sites and content for educational and rehabilitative purposes in-cell. It is not recommended that prisoners have access to video calling in-cell. Rather, video calling of relatives and other contacts should take place within a supervised environment in order to ensure the safety of those contacted (especially children) and to prevent, for example, the orchestration of criminal enterprises by video call. However, as technology evolves it may certainly be possible to ensure security remotely through device monitoring in-cell, and it would certainly be possible to put the question of in-cell video calling security out to public consultation with a view towards a potential implementation in time, provided that adequate surveillance and protection can be guaranteed.[11]

It is accepted that access to the internet and to communication with individuals outside is a qualified human right, not an absolute one. However, the deprivation of liberty is the

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[9] https://prisonerlearningalliance.org.uk/wp-content/uploads/2020/07/The-Digital-Divide-Lessons-from-prisons-abroad.pdf, p.6; Sharff Smith (2012), 'Imprisonment and internet-access: Human rights, the principle of normalization and the question of prisoners access to digital communications technology', Nordic Journal of Human Rights, 30,

[10] Drucker, P. F. (1986). Innovation and Entrepreneurship, Practice and Principles. Public Productivity Review, 10(1), 105–109. https://doi.org/10.2307/3380320

[11] Cooper, D. R., & Schindler, P. S. (2014). Business research methods. In McGrawHill/Irwin (Twelfth). New York: McGraw-Hill/Irwin

appropriate and just punishment for a prisoner. Prisons should be a place of rehabilitation and reform, and digital technology has the capacity to improve prisoner wellbeing by facilitating the sustenance of personal relationships with family members, to reduce recidivism through rehabilitative and educational programmes, to improve wellbeing and mental health, and to improve prisoner orderliness and behaviour. For these reasons the costs involved represent a sensible and wise public investment.[12]

Digitalization has brought remarkable advancements to the field of prison reforms, revolutionizing inmate rehabilitation and education, prison management and security, as well as communication channels. The integration of digital technologies has unlocked opportunities to create safer, more efficient, and more humane correctional systems. However, it is essential to address potential challenges associated with digitalization, such as ensuring equitable access to technology and safeguarding against potential misuse. By embracing the potential of digitalization and prioritizing its responsible implementation, society can continue to work towards fostering successful prison reforms that aim for offender rehabilitation, reduced recidivism rates, and ultimately, a safer and more just society for all.

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