



February 20, 2018

JAIL MAIL: Beyond Prison Walls – Conversation on Prisoners' Rights

Dear Friends,

Greetings from CHRI!

Today is World Social Justice Day. The sixty-third session of the UN General Assembly recognized that social development and social justice are indispensable for the achievement and maintenance of peace and security within and among nations. It further recognized the need to consolidate further the efforts and promote ***“gender equality and access to social well-being and justice for all”***.

We advance social justice when we remove barriers that people face because of gender, age, race, ethnicity, religion, culture or disability. Towards this, CHRI, in collaboration with Tihar Prisons, Bureau of Police Research & Development and Delhi School of Social Work, made an attempt to break free all barriers and organized a one-day seminar, ***‘Beyond Prison Walls – Conversation on Prisoners’ Rights’*** for prison inmates to freely interact with the justice system functionaries.

It was one of a kind event which brought together inmates, functionaries, civil society organisations, media, academic institutions and students. During the various sessions, inmates voiced their concerns. Some of them were

- *“police ne pakda hai toh zaroor crime kiya hoga” (if the police has caught someone, he must have committed a crime). The legal dicta “innocent until proven guilty” has no meaning and is commonly crushed by the perception of people.*
- *“Despite many guidelines and direction provided by the Supreme Court over the years, law continues to be very vague as to the offences for which bail can be granted and those for which it cannot be granted. Government is keen on creating more jails; instead they should be creating more Courts to ensure speedy and fair trial.”*
- *“samaaj maaf kar deta hai, parivar bhi maaf kar deta hai lekin insaan apne aap ko maaf nahin kar pata” (the society will forgive, your family will also forgive but you might not be able to forgive yourself)*

The key recommendations of the seminar are as follows –

1. A specific bail provision must be added to record prima facie reasons for denying bail. This will to some extent remove the arbitrariness prevalent in the justice system. (**Hon’ble Dr. Justice B.S. Chauhan, Chairman, Law Commission of India & Dr. Aparna Chandra, Professor NLU Delhi**)
2. "Quality legal aid" must be provided and the need for regular interaction between inmates and lawyers is extremely important. (**Hon’ble Justice Madan B. Lokur, Supreme Court of India**)
3. The legal aid system in the country should be revolutionized and no undertrial should be kept in prison for over 6 months. (**Sr. Adv. Mr. K.T.S. Tulsi, Member of Parliament, Rajya Sabha**)
4. The role of the prison authorities must also extend to and focus on the after-care and rehabilitation. Efforts must be made to ensure that an inmate after serving the sentence is given job opportunities to lead a dignified life. (**Mr. Shailendra Parihar, DIG, Delhi Prisons**)

5. In addition to medical (examination) on entry into a prison, a Centre for First-Entry Stress Management must be set up so that inmates, especially women inmates, are given emotional support and guidance that would help them understand to deal with the trauma of being in prison. **(Ms. Priyanka Yadav, Superintendent, Asha Jyoti Home & Female Beggar Home)**

The complete report of the seminar can be found [here](#).

What you can do?

- If you are a civil society organization, come together and initiate similar conversations between persons behind bars and justice providers.
- If you are a prison officer, try to connect to the social well-being of the inmates lodged in your prison to see the issues from their perspective and apply correctives.
- If you are a judicial officer or district administrator, periodically visit prisons under your jurisdiction and interact with inmates without any perception and stereotypes in order to attempt to remove barriers which may delay access to justice to the needy.

Write to us at chriprisonsprog@gmail.com with your comments and suggestions. Please send us an email if you wished to subscribe to these updates.

Best Regards,

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About *Jail Mail*

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. CHRI was founded in 1987 by Commonwealth professional associations; it is headquartered in New Delhi, India since 1993, and has offices in Accra, Ghana and London, UK.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.

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