

A Review of Literature Based Study on the Role of Jails in Reducing the Recidivist Behaviour Among Jail Inmates.

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(Abstract)

An effort has been afoot in this study to carry out the review of literature of diversified researches conducted in the concerned field in the past time. The study reviewed are in the context of the role of jails in reducing recidivism and transforming jail inmates into the future responsible citizens of the country. The study covered in this study cover various aspects and angles in the context of jails. Some studies from abroad are also included. Moreover, studies in the context of emerging technologies like artificial intelligence and its use in jail related issues etc are also included. It will not be an exaggeration to say that Jails play a very important role in our society. Not because these are the places to punish culprits but also these are the places for bringing social reforms by transforming these jail inmates as the responsible citizens. The activities and the environment which the jail inmates are subjected to in the jails can be of great use in drifting their attitude away from crimes and making them good and responsible citizens. From this point of view the various reviews of past studies are being studied, synthesised and presented in this study.

Key words: Jail Inmates, Recidivism, Responsible Citizen

1.0 Introduction

The name of prison in modern society gives some horrifying feelings to a common man. Prison connotes something which is extremely unpleasant and unwanted in the life of a person. At the same time, it is equally true that the prisons have their own significance for a civilized society. It has been seen that at times a person who is convicted and goes to jail resorts to crime once again once he comes out of the jail. Many thinkers and philosophers attribute to this tendency of offending again to the type of treatment which the jail inmates generally meet in the jail environment. Particularly in the jails of developing and under developed countries we find that jail inmates are met with experiences which result in further igniting the tendency towards committing crimes and rather than getting reformed they come out even more dreaded criminals when they leave jail and live in society freely once again. There is lot of debates all around the globe to reform the jail system in a manner so that the jail inmates once they come out of the jail behave as responsible citizens of the society.

2.0 Review of Literature:

In this section of the study the review of study of the past studies is presented. Howard J (1777) in his study titled, "The State of the Prisons in England and Wales" has shared his observations on the conditions of

prisons in Europe. His study helped in passing of law which led to the formation of first prisons in Britain. In a way, it can be taken as a historical study as it paved the way for establishing first prisons in Britain. In the context of India, it becomes significant because the same colonial rulers from Britain established jails in colonial era at India and the impression of colonial rules on our jails can still be witnessed. Donald C (1940) in his study titled, "The Prison Community" focused on sociological aspect of prison system. His study comprises of a number of essays, letters as well as answers to questionnaires by the jail inmates. Sutherland and Cressey (1960) found in their study related to Frankfurt during the period comprising of the first part of the sixteenth century that for certain specific offences, the offender shall be put in jail and forgotten for some time. In their study they further observed that jails not only help in restricting the offender from further committing the crime but also helps in checking the tendency of crime in the society as the members of society feel that they will also be punished and put in jail in case they commit the crime. Verma, S.K., & Verma, A. (1989) in their work considered crime as an act which is forbidden by law and in case an offender indulges in it, he is liable to be awarded punishment. The classification of crime is provided in English law in British ages- felonies and misdemeanour. In the first category falls the crimes like robbery, arson and murder etc. In the second category falls crimes like fraud, assault and the breach of statutory obligation etc. Morris, Norval and David J.R (1995) in their study pointed that the prisons of ancient time are no more in existence. Mostly, they are ruined. In some cases, they have been put to other uses. In some cases, they have been converted into museums. In a way, the practice of jails in ancient times or mediaeval Europe can be traced in history book only. Sheila Parveen (2001) in her study concluded that theoretically there are many rights provided to prisoners allowing them for various facilities, however in practice these rules are seldom followed by jail authorities. The states of affairs of women prisoners are very grim. A lot of attention has to be paid in this regard so that proper facilities reached to the women prisoners in India.

Chowdhary RJ (2002) in his study pointed that during the first phase of ancient civilization of India, Dharma was supreme. At the same time offenders were treated with great tolerance. However, during Middle Ages, this tolerance was gradually replaced by political influence of King. In the medical period of India, the Muslim law prevailed where imprisonment was not considered as a kind of punishment. Mahaworker (2006) in his study presents a historical preview of prisons in India along with various reforms undertaken in this regard. It is mentioned in his work that the modern concept of jails in India emerges with the minute by TB Macaulay in the year 1835. Homel, R. and Thomson (2005) in their study revealed about no overarching theories prevailing as far as the prison violence is concerned. However, the study confirmed that there were various influential schools of thought. Moreover, it was also mentioned that as far as prison sociology was concerned there were two well established but contrasting school of thoughts are there which are deprivation and importation models. David WM (2010) in his study revealed about the drain of public prison system and consequent role of its privatization during different phases of economic development of the state. According to this study during late 1990, the privatization of the jails of the prison grew because of the fact that federal government resorted to contracts with private correctional companies. P C Har

Govind (2013) in his study focused on the reformatory part of prisons rather than the punishing part of modern prisons. The study highlighted the modern concept of prisons where the reformatory part or action is kept ahead of the punishment. The change world over as far as the administration and management of prisons is concerned is brought about due to the emphasis on human rights all across the globe.

Bilderbeck (2013), the study was conducted on the effect of yoga on prisoners and it was found that yoga improves behavioural control and at the same time decreases psychological distress among the prisoners. The study further revealed that yoga can go a long way in overall improving the well-being and mental health of the jail inmates. It becomes even more contextual considering that jail environment presents a constant high rate of psychological morbidity among the prisoners thus requiring more methods for effective and economical intervention like yoga. Ali S (2014) in this study the researcher presented an overview of prisons in India particularly with respect to their management and administration. The aspect of management and administration of prisons falls exclusively under the domain of state governments as far as India is concerned. Moreover, it is governed by prison Act 1894 and respective state governments prison manuals. The study further reveals that during last one decade the prison population in India has increased steadily. Veena Basant (2014), this study focused on conditions prevailing in Indian prisons. The study is analytical in nature and elaborates on trends related to prisons, reformation of present prison population and other demographic aspect related to jail inmates including deaths in prisons and the expenses incurred on prison administration. Moreover, this study attempts to describe the state wise differential in trends in this regard along with prison conditions. B V N Wijewardhana (2015) in the study, researcher focused on the means to correct female prisoners. In this pursuit, the role of social work intervention was studied in this research. Needless to say that when a woman is in prison, the entire fabric of that family gets disturbed particularly the children of that family. It has been observed that the hard ships faced by family is more when a female of the family gets imprisoned in comparison to when a male counterpart of the family is imprisoned. Zuber A (2016) conducted a study on Indian committees on jail reforms. The outcome of the study revealed that generally jails are considered as hell in our country. It was further pointed out that since 1920, there have been various Indian committees on jail reforms but still a lot remains to be done. There is considerable scope for improving the jail environment so that jail inmates get a real chance of reforming their lives in positive direction. This study amply reflects that though a number of committees and commissions are set up by government of India so as to reform Indian jail administration and management, still when it comes to implementation on ground level, we are badly lacking on this count. It has already been pointed out in chapter one that the recommendations of many committees are still not applied in many jails of India. Jamshed (2016) in his study, focused about the ways the

working of prisons has changed over the years in the country. According to the study during old and medieval period the prisons were used to detain persons of the society who have gone or worked against societal norms. Shadang S K (2016) this study considered the life of freedom fighters in jail. The study is conducted in the context of Bhanjanagar jail which was known as Russell Kund or Russell Hills in earlier times. The jail inmates suffering from leprosy were kept in this jail from all across the state. It was done to provide them medical help and facilities. However, there was no provision for any vocational training etc. Mainly the political prisoners were kept in this jail. The study talks about the freedom fighters and the conditions faced by them in Bhanjanagar jail. Antillano & others (2016) conducted the study in the country of Bolivia and pointed towards contradictory trends as the country shows strong inclination towards redistributive politics and orientation towards welfare. However, the same is not reflected in the prison administration as well as human right centric treatment of prisoners. This study presents an interesting contrast wherein we find that there is contradiction between overall philosophy and orientation of country towards human welfare and social justice and the practices in their jail system. Nagda P (2016) in her PhD thesis, the researcher analysed the social and legal aspect of prison system in India along with its reforms. The researcher carried out a detailed study and review of not only Indian jail system since ancient times but the same of different countries across the globe. It was pointed out that divergent views prevailed regarding the management and administration of jails in the country for example Brihaspati and Manu had different opinions and views regarding this. Kerekes (2017), this study was a controlled experimental study and it was found in the study that in comparison to the control group, Yoga group participants exhibited far more positive affect, impulse control as well attention along with decreased negative affect and tendency towards anti-national behaviour and activities. Overall, the results of the study show that practices of Yoga in jails can go a long way in properly rehabilitating the prisoners. This study reflects the relevance of yoga in reforming the behaviour of jail inmates in a healthy manner. Nevada P (2017), this study under took the socio- legal aspect of prison system in India. India as a nation is the largest democracy in the world with free and fair election system, multi-party parliamentary system coupled with free press along with independently working non-government organisations without much and undue influence and control of the government . Dünkel & Morgenstern (2018) in their study examined the effectiveness of national as well as international legal regime for prison monitoring as well as the impact of international laws on prisoners in Germany. The study revealed that how preventive detention law got to be refined under European human rights law. This study clearly reflects that the issue of jails and their administration and management cannot be viewed in isolation of country to other country. In fact, it is an international issue which can be seen from the outcome of this study also where it was found that how European human rights law helped in refining preventive detention law in

Germany. Simon (2018), the study was conducted on United States prisons and it was found that due to absence of proper routine independent prison monitoring system, there are undiscovered large-scale violations of human rights of prisoners.

Tapio & Koskenniemi (2018), this study was conducted on prison laws in Nordic countries. It was found in the study that in these countries human right intensification aimed at deciding explicit definition of prisoners' rights in parliamentary laws as a result of compulsion from international monitoring agencies was seen. In this study again we can see that international laws and compulsions help in reforming the jail system, administration and management in other countries. Caputo & others (2018) in their study focused on a growing tilt of prison systems in Italy towards more human right centric which was triggered by the influence of international monitoring. However, the study further reveals that it resulted only in superficial compliance to international obligations and not sincerely encouraging human rights oriented or centric approach in the country on grounds. Ankita Chakraborty & Deepa Dubey (2019) in their study the researchers focused on the Malimath committee on reforms in criminal justice system which submitted its report in 2003. This committee was primarily concerned with ensuring that truth prevails in criminal justice. It has been the observation of the committee that generally the criminal justice in current times is of the form that it favours the culprits and often proper justice is not done. It is further pointed out that in case the justice defeats, truth defeats. Satyamev Jayate or in other words the truth must prevail in all circumstances is the essence of Indian ethos in the context of criminal justice procedure as a whole. Ahsan Ul Haq Magray (2019), this study is related to the writings by a jail inmate about her experiences in jail. A number of writings has been produced by jail inmates while they were in captivity. In many writings they talk about the ordeals, suffering and traumatic experiences of jail captivity duration.

S. Manikandan and K. Jaishankar (2019), this study was conducted at Tihar Jail, Delhi regarding recidivism among the prisoners. Moreover, the study is done in a qualitative manner. According to the study the recidivism rate in India is 6.4% as per the national crime records which is considerably low. Dr. K Sangeerha (2019) in the study the researcher carried out a critical analysis of law governing parole in India. The study also discusses about the difference between parole and furlough. According to the study parole is considered as an important tool for rehabilitation of offenders in modern times and context. Parole is not just a means to release the pressure of jail population but it is also a means of proper rehabilitation of the offender. Upneet Lalli (2019), This study talks about prison reforms all over the world particularly Indian prison system. The Indian prison system is still governed by the colonial Prison Act of 1894. The study further observes that despite many attempts to improve the conditions of prisons in India, very little / negligible change seems to appear on ground level.

This study relies on empirical data to analyse the attitude of the public, prison staff and lawyers etc. towards prisons and their administration.

Kanchalara S R, Karthikeyan S K, Kumar P (2020), the study revealed that there are various psychiatric disorders prevalent among the jail inmates. In Indian society jails are the places where those people are kept for whom there is no place in the society. This study was conducted on a sample of 100 respondents. It was found in the study that 86 percentage of the respondents were having psychiatric disorder and mental health related issues. K Narendra (2020), this study is primarily concerned with the security of civil liberty in India. It is pointed out in earlier study also that there are number of instances where the person taken in police custody are met with serious police abuse and harassment along with different kind of tortures. The study particularly focused on and emphasized on proper classification of prisons and prisoners in India. It is further suggested in the study to carry out such classification and categorization of prisons and prisoners on the lines as done in case of USA. Dr. C. Paramasivan (2020), the study reveals that prison serves the purpose by keeping those people who are convicted by courts in self-custody treating them with humane approach and helping them to live dignified life in society after they come out the jail. Prison system in India is an old concept with a varying administration and control. Earlier old forts were used for prison. Jai Mala and Anil Kumar Thakur (2020), in their study they talked about the prison reforms particularly in the context of socio- legal challenges to bring about such prison reforms. The study pointed out about the existence of prisons since times immemorial. It is pointed out in the study that when an earning member of the family is imprisoned there are lot of hardships to be faced by the family members as they have to manage various costs like visits to imprisoned family member, his food, legal aid etc. The study pointed out towards many social- legal challenges while bringing about reforms in prison system in the country. Chandi Prashad Khamari (2021), this study focused on constitutional and legal aspects of jail system of India. The study covers various committees set up by the government in this regard. The study highlighted that prison condition in a society reflects a lot about the prevailing overall social condition in the society. Whenever a person behaves or commits any fault which reflects his or her irresponsible citizen behaviour, they are liable to put behind the bars. Pathan Dabeer Fardesn (2021) in his study, the researcher focused on the under-trial prisoners in Indian jails. It was highlighted that for years and years under trial prisoners are kept in jail because of slow judicial procedure. This needs to be improved according to the study. The study also scrutinises the Prison Act 1894 particularly in the context of under trial prisoners and safeguards of their rights. According to the study though there are number of laws and legislation with regards to the rights of under trial prisoners but still they are kept behind the bars for many years and it needs to be checked.

Suryakant Tiwari (2021) in his study, the researcher focused on the utility of open jail concept in correctional efforts to bring about reformatory change among the jail inmates. There are various positive aspects associated with the concept of open jails like provision of recreational facilities, family visits and provision for getting economically engaged or employed. The study further pointed that if implemented properly, the concept of open jails can help overcoming many problems associated with closed jails like overcrowding and lack of proper facilities etc. Gurpreet Singh Randhava, Dr. DJ Singh in their study, the researchers studied about the challenges faced by Indian prosecution system. The study is conducted with the help of a questionnaire survey which was administered to prosecution officials at different ranks. The survey outcome revealed many challenges which are being faced by Indian prosecution system, the main being lack of coordination between other three concerned departments namely judiciary, police and prison. It was pointed out in the study that due to lack of proper investigation by investigation officer which may be due to various reasons like negligence or unawareness about laws and legal procedures which results in weakening of the case put by the prosecution officer and results in acquittal of the culprit. It was further pointed out in the study that on many occasions, prison officials fail to produce the offender at the court on the day of hearing, sighting one or other reason. Janice Casteleno (2021) in her study the researcher focused on the aspect of rehabilitation of the offenders and investigated whether it really works. The essence of criminal justice system all across the world is to maintain law and order by putting those behind the bars who have committed some offence which is against the norms of the society. However, alongside punishing the offender, the important aspect is to rehabilitate him or her so that he or she can become a good and responsible citizen of the society once they come out of the prison. The study showed satisfaction regarding the transition of Indian criminal system towards rehabilitation of the offenders after they come out the prison and live their life as responsible member of society with dignity and self-esteem. Nitin, DS Senger (2022), this study was conducted by researchers in a case study form. The aim was to analyse the impact of implementation of various developmental measures which have been undertaken in Indian Jails and which are already suggested in different available literature on prison and correctional approaches. In some of the studies, it was reflected that due to lack of administrative leadership such measures are not effectively utilized. In other words, we can say that proper leadership and administration can bring a considerable change.

3.0 Summary of Review of Literature

In this section of the study the summary of various reviews of earlier researches conducted for the purpose of this study is being presented. A total of about forty such studies and their reviews are included in this section of the study. The studies spanning 1777 to 2022 are included in this summary. These studies cover various aspects related to the functioning of

prisons and their role in transforming current offenders into future responsible citizens of the society and the nation.

A number of studies are included in relation to the prison system in India. There are studies which covered demographic aspects like health conditions of prisoners and deaths in prisons etc. Likewise, there are studies which exclusively focused on women prisoners. When a woman is imprisoned, it brings hard and harsh realities of life to be faced by remaining family members particularly the children of the family. In some studies, the role of social work intervention in correcting women prisoners was highlighted.

A number of committees has been set up on national level to study and suggest reformative measures in the context of jail administration and management in the country. It was revealed that though, since 1920, there are a number of committees set up for this purpose and they submitted their reports still Indian jails needed to improve a lot. There are studies covered in review of literature which focused on the transformation of Jail system from punishment to reformation of prisoners.

Some studies focused on the freedom fighters who were kept as prisoners in Indian jails like in one study, it was pointed out that there was one jail at Bhanjanagar exclusively meant for the prisoners suffering from leprosy. Some studies are conducted on the vital aspect of providing free legal aid to under trial prisoners.

There are certain studies which covered the criminal justice system. In one such studies, Malimath committee on criminal justice system was covered by the researchers. Similarly, there are studies which are conducted on social -legal aspects of prisoners. In many a cases incidences of police abuse of accused are noticed. There are studies which focused on aspects like parole, gainful employment and family visits etc. Interestingly enough there are studies covered which are based on the writings of prisoners. Various other aspects related to parole like the conditions in which it is granted and its conceptual difference from other concessions like furlough are also studied in some of the studies.

Studies on correctional methods of offenders in Indian jails are also included in the review of literature. The notion put forward by the father of the nation Mahatma Gandhi that hate the crime and not the criminal is the essence behind the correctional methods adopted in the context of prisoners in Indian jails. The issue of overcrowding of jails and the use of open jails is also discussed in various studies. It was further pointed out that because of various restrictions put on type of criminals which can be subjected to open jails many a times there is improper utilisation of open jail concept in the country. Studies on psychiatric disorders and mental health of jail inmates are also covered in the study

Some studies focused on interesting concepts like Prison Bazar where in the products produced by the prisoners working in various prison industries are sold there by making them gainfully involved in various types of employment which gives them an opportunity to become social

with other workers or jail inmates on one hand and the earning on the other hand. Further the studies related to socio-legal challenges in bringing about reforms in administration and management of jails in India are also covered in the review of literature.

The studies covered also revealed that though there are many provisions for providing facilities to jail inmates still they are faced with many hardships and the condition of women prisoners is even more grim. In one study the researcher showed satisfaction about transformation in positive direction being taking place in Indian jails. Studies on the problems of jails in the context of constitutional and legal provisions are also included. Some of the studies focused on the prosecution system of India and the problems faced by it.

4.0 Conclusion:

This review based has presented review of studies conducted by the researcher for the purpose of this research. These studies span from year 1777 to 2022. A diversified collection of studies is presented in this study so that an idea can be built up about the nature, trend and pattern of the studies conducted in this regard world over. It amply reflects from the studies included in this review-based paper that in the past, the jails were considered as solely the place where the prisoners used to get inhuman treatment and they are kept as slaves and totally detached from the society. The punishment was the only motive of these prisons and the prisoners were treated like animals. However, the modern concept of jails is more humane in nature. Modern jails are more like the places for social reforms. There has been a shift in the outlook of the jails and their administration during last few decades. This change can be beautifully summed up in the words of Mahatma Gandhi- "Hate the sin and not the sinner." This change in the jail system and administration in modern times is a health one but still on the grounds, a lot more needs to be done. Still, we find the plights of the prisoners and how they spent lot of time in jails as undertrial prisoners.

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