

MEANING, DEFINITION AND CONCEPTUAL ANALYSIS OF THE TERM 'CRIME', 'PRISON', 'PRISONER' AND 'ADMINISTRATION OF CRIMINAL JUSTICE'

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ABSTRACT

The man is a social being, he lives in the society. But when some humans are residing collectively, in a group, there may be some persons showing unfavourable tendencies. There may be some persons who commit such acts which are forbidden. The ones who commit the act forbidden by the society; and in case of modern world, forbidden by law, are said to have done an offence. The persons committing crimes are sent to prisons-cum-rehabilitation and correctional centres. Sometimes, it may happen that an undertrial, who is still facing a trial and has not been granted bail, may also be sent to prison, at that moment he also becomes a prisoner. The stages through which any person involved in a criminal case undergoes constitute, the part of criminal justice system. The terms are familiar to many people but still need their deep conceptual scrutiny, for better understanding. Therefore, the researcher has taken up the study of conceptually analysing the various terms "crime", "prison", "prisoner" and "administration of criminal justice system" which are necessary to be understood for the basic knowledge of criminology. The nature of study is doctrinal and purely exploratory in nature.

Keywords: crime, prison, prisoners, court, criminal justice system, correction.

INTRODUCTION

In modern world, with modernization, urbanization, unemployment, poverty and other factors, crime is increasing day-by-day. This scenario has pressurised the government to take various steps in favour of people who willingly or unwillingly, have entered the criminal justice system; like for example, providing various schemes in correctional institutions, legal aid, sensitising people by way of organising, allocating much budget for criminal justice system machinery. There are many cases in which people commit crime due to their lack of awareness with respect to legal system. Sometimes, it also happens that some innocent people fall prey to the legal system because of their lack of knowledge and hence, committing some unintentional mistakes. Therefore, this research paper addresses some basic concepts of criminology which are very basic and must to understand by any every common man and also a legal professional. Being a subject of law, it is essential for every citizen to understand the very basics of legal system and things like, as to what constitutes "Crime" and what is a "Prison" and what is the motive of prisons and purpose behind their creation. It is equally important to know, that how the "Criminal justice system" works because criminal justice system have the strongest repercussions which anybody can face.¹ Even the Government has taken the initiative of

¹ Any person after getting involved in criminal justice system, may either get convicted or acquitted. If a person is convicted, such conviction results into lawful deprivation of some of his most cherished fundamental rights. Hence, the result of involvement in criminal justice system, may be worse, curtailing many liberties.

sensitising people with legal knowledge by various methods like, organising legal literacy camps, legal clinics etc.² But it is also a moral duty of a legal professional to aware his countrymen about the basic legal principles of law, by disseminating ideas through different modes, for example, counselling, communication, publishing research papers etc.

CRIME: To define crime with precision is a tough row to hoe. In a general parlance if we peruse societal structure, we find that every society has certain accepted customs, rules, regulations, traditions, beliefs, all of which paved a way for development of the society. The violation of such accepted norms was considered to be against the society and also immoral and sinful. Crime is a social phenomenon. It first arose when the state was organising, and people set up rules, the infringement of such rules is termed as crime, nowadays.³ However, according to legal definition, crime is any kind of act or omission which is a declared to be socially detrimental with respect to the State and is forbidden by law, by imposition of some punishment.⁴ The security of person and property against the crimes, is a cardinal function of law and the same can be achieved through the instrumentality of criminal Law.⁵

The word 'Crime' is derived from the Latin word '**Krimos**' which means '**to accuse**'.⁶ Thus, **Tappan** had defined crime as, "An intentional act or omission in violation of criminal law committed without any defence on justification and punished by the law as felony or misdemeanour."⁷ **Advanced Law Lexicon** defines crime as, "An act or omission which is prohibited by law as injurious to the public and punished by the state."⁸ The Honorable Supreme Court of India in **Harpreet Kaur v. State of Maharashtra**,⁹ says that "crime is a revolt against the whole society and an attack on the civilization of the day." The Honorable Supreme Court in another case titled, **Subramanian Swamy v. Union of India**,¹⁰ held that every instance of crime presents the followings characters:

- (i) It is harm, brought by the conduct of a human being, which the sovereign power in the State desires to prevent.
- (ii) The selected measure of prevention is the threat of punishment.
- (iii) Legal proceedings of special kind are employed to decide whether the person accused did in fact caused the harm, which is forbidden by law. And according to law, is to be held legally punishable for doing so, or not.

The Supreme Court of India, has always been the guiding star, and by pronouncing its verdict in the above-mentioned case, it has also enlightened the relevant definition of word "crime". Hence, now it is clear that the concept of crime has evolved with the time. First of all, when the society was getting organised and developing, there was the certain rules which was to be

² For example, the Legal Services Authorities Act, 1987 confers such functions on various authorities constituted under the Act.

³ O.P. Srivastava, *Principles of Criminal Law* 3 (Eastern Book Company, New Delhi, Reprint, 2004).

⁴ Jay Robert Nash, *Compendium of World Crime* 83 (Harrap Limited, Great Britain, 1st Edn., 1983).

⁵ *Sevaka Perumal v. State of T.N.*, (1991) 3 SCC 471.

⁶ *Id.* p.185.

⁷ N.V. Paranjape, *Criminology and Penology with Victimology* 7 (Central Law Publications, Allahabad, 5th Edn., 2012).

⁸ P.Ramanatha Aiyar (ed.), *I Advanced Law Lexicon: The Encyclopaedic Law Dictionary with Words and Phrases Legal Maxims and Latin Terms* (LexisNexis, Haryana, 2019).

⁹ (1992) 2 SCC 177.

¹⁰ (2016) 7 SCC 221.

followed by all the persons, living in the group and was enforced by the members of that group. But thereafter, society became much organised and the rules of society also. Now the rules of society used to be enforced by the help of codified laws. These laws declare many acts or omissions as crime and hence, forbade them. These crimes therefore, certainly the conducts which sovereign power in State will desire to prevent and such prevention is backed by threat of punishment. Such punishments are not even awarded arbitrarily but by following the due course of law, in appropriate proceedings, by appropriate people, appointed in this behalf. Hence, the definition provided by the Apex Court, defining the characters of crime, is most acceptable.

Characteristics of Crimes:

There are certain characteristics which must be attributed to an act, so that it can be named and categorised as crime and punishable under the criminal law. The main characteristics of crime as defined by O.P. Srivastava in his book¹¹ are, human being, guilty intention or mens rea on the part of such human being, actus reus, illegal act or omission and injury to other human being.

1. Human Being. The very first characteristic of crime is that it must be committed by a human being. If any object is instrumentality to crime, then, it cannot be said that such object has committed a crime. For example, in ancient times, the criminal law was dominated by the idea of retribution, punishments were even inflicted on the animals, non-living objects like a stone which fell on a person and resulted in his killing then such stone was thrown out of the boundary of the country. Similarly, as a punishment to a tree, it was made to fall.¹² So, the first essential of crime is human being, who must be under the legal obligation to act in particular manner and shall be fit subject for awarding the punishment.¹³

2. Actus Reus (An Act). To call any act as crime, that act must have been declared as crime by the law, coupled with the intention for its commission. Therefore, to be termed as crime, the act should be declared to be prohibited or forbidden under the existing penal law of the nation. An act, however immoral, shall not be an offence unless it is prohibited by the law of land e.g not giving food to a person dying of hunger on the road or not taking good care of aged parents, may be immoral but not forbidden by law.¹⁴

Actus Rea is the committing of an act towards commission of a crime. There ought to be either an act or omission to constitute a crime. Mere intention or mens rea alone cannot constitute a crime, until and unless it is followed by any external act or effect. Generally, omission to do some act will not amount to Actus Rea of an offence.¹⁵

3. Mens Rea or guilty mind: Mens rea is other ingredient of crime and probably the most important and perplexing ingredient of crime. The principle of mens rea is well expressed in Latin maxim *actus non facit reum, nisi mens sit rea*, which means that an act cannot make

¹¹ O.P. Srivastava, *Principles of Criminal Law* 7 (Eastern Book Company, New Delhi, Reprint, 2004).

¹² S.N. Mishra, *The Indian Penal Code* 7 (Central Law Publications, Allahabad, Reprint, 2003).

¹³ Supra Note 11.

¹⁴ Douglas N. Husak, *Philosophy of Criminal Law* 9 (Rowman & Littlefield, United States of America, 1987).

¹⁵ S.N. Mishra, *The Indian Penal Code* 9 (Central Law Publications, Allahabad, Reprint, 2003).

a person guilty unless, he has done such act with guilty mind.¹⁶ It can be categorised as direct or implied. The implied form of mens rea is also termed as constructive mens rea¹⁷. Mens rea connotes that there shall exist a state of mind, with respect to an Actus Reus. In simpler form, an intention to act in prescribed fashion is mens rea, for that act of crime. But it is important to distinguish between mens rea and motive. Motive provides a ground to arise any intention which leads to perpetration of the crime. For example, if anybody steals some snacks from someone's kitchen, in order to feed a child who is starving, the motive here may be justifiable, nevertheless the mens rea is to commit the theft and the person would be convicted for theft. However, his motive may be taken into account while sentencing such person and he may be awarded with lesser punishment, because of his good motive. Thus, motive should be taken into consideration while sentencing an accused and not for deciding the question of mens rea.¹⁸

4. **Injury:** It is settled proposition of law that crime always have a detrimental impact on society, which may be social, personal, emotional or mental. Crime always comes with a consequence on society as a whole. It is visualised as an injury, to other person or society at large. As per Indian Penal Code,¹⁹ the injury should be illegally caused to any person in body, mind, reputation or property. If there is not any such injury due to conduct of person which is also forbidden by law, then it cannot be called as crime. Therefore external consequence becomes an essential part of the crime.²⁰

PRISON: There are many theories regarding punishment of offenders such as deterrent theory of punishment, retributive theory of punishment, reformatory theory of punishment etc. It has always been the debateable issue that do prisons as an institution, really serve the desired purpose of reformation and rehabilitation of the offenders and reintegrating them back into the society? In India, reformatory theory of punishment is followed and a prisoner hence, is needed to be reformed and shall not to be tortured or subjected to inhuman or degrading treatment. The actual objective to send a person to prison is to reform person in such a way that after his release from prison, he becomes a law abiding citizen and have an aversion for the crime. But this will remain a far off dream, if prison authorities use compulsive methods and force to bring about the required transformation. Resultantly, a temporary change is introduced in the wrongdoers and because it is forced and compulsive, it lasts temporarily up to the period when prisoners are in prison and as soon as they are released, they often return to the criminal world.²¹ This is the logic behind modern trend which focusses to lay greater emphasis on psychiatric conditions of the inmates; so that they can be rehabilitated back to the normal life in community. This goal is successfully being attained through the techniques like, probation

¹⁶ Supra Note 14.

¹⁷ The maxim '*Actus Non Facit Reum Nisi Mens Sit Rea*', means that an act alone not constitute a crime unless it is accompanied by guilty intention. The doctrine elaborately by Will J. In Tolson's case (1869) 23 QBD 168.

¹⁸ Shamsul Huda, *Principles of the Law of Crimes* 170-178 (Eastern Book Company, Lucknow, Reprint, 1993).

¹⁹ The Indian Penal Code (Act No. 45 of 1860), Section 44.

²⁰ O.P Srivastava, *Principles of Criminal Law* 25 (Eastern Book Company, New Delhi, Reprint, 2004).

²¹ K.N Chandrasekharan Pillai, *General Principles of Criminal Law* 87 (Eastern Book Company, Lucknow, Reprint, 2005).

and parole etc. The sincerity, devotion and tactfulness of the prison officials also help considerably in the process of offenders' rehabilitation.²²

Origin of word 'Prison':²³

The origin of word 'Prison' can be traced from Latin word 'Prensio' which means 'a seizing' or 'the act or authority to apprehend'. 'Prensio' also surfaces in the old French texts of the 12th century and used in the sense 'capture' and 'place of imprisonment'. Thus, the literary development of word prison can be attributed to the Latin language. Prisons are also called 'penitentiaries' in United States of America. The word 'penitentiary' was coined in the late 1770s because certain groups believed that through solitary religious study of the Bible, prisoners would become penitent (remorseful) and this would reform their behaviours.²⁴ Others synonyms of prison are jail, cell, lock-up, custody, reformatory, detention, nick, bastille etc.

Meaning of Prison:

The Advance Law Lexicon says "prison, in its general sense can be said to include the various buildings, whether designated as prisons, jails, penitentiaries, houses of correction, or otherwise, which are used for the confinement of persons in judicial custody, in civil or criminal proceedings, either as punishment in form of imprisonment or to ensure their production in further proceedings."²⁵ **Professor Sethana**²⁶ says that "Prisons are those places where the convicted persons are kept or where the persons, on whom proceedings are going on in the court, are kept."

According to **Section 3(1) of the Prisons Act, 1894**²⁷ "Prison means any jail or place used, permanently or temporarily under the general or special orders of a State Government for the detention and reform of prisoners, and include all lands and buildings appurtenant thereto, but does not include:

- a) Any place for the confinement of prisoners who are exclusively in the custody of the police;
- b) Any place specially appointed by the state government under section 541 of the Code of Criminal Procedure, 1882; or
- c) Any place which has been declared by the State Government by general or special orders, to be a subsidiary jail."

According to **Section 2 (b) of the Prisoners Act, 1990** "Prison includes any place, which has been declared by the State government by general or special order, to be a subsidiary jail."²⁸ Therefore, a prison can be simply defined by undergoing the above definitions, as a building or institution to which people are legally committed as a result of punishment for a crime or while awaiting trial and not allowed to leave such place. Prison is a building where law breakers are kept as punishment for their crime or while they are awaiting their trial.

²² N.K Chakrabarti, *Institutional Corrections in the Administration of Criminal Justice* 35 (Deep and Deep Publications Pvt. Ltd., New Delhi, 2nd Edn., 1999).

²³ S.R. Myneni, *Penology and Victimology* .445, Allahabad Law Agency, Haryana, 1st Edn., 2017.

²⁴ Krishna Pal Malik, *Penology, Sentencing Process & Treatment of Offenders* 55 (Allahabad Law Agency, Delhi, Reprint, 2006).

²⁵ P.Ramanatha Aiyar (ed.), III Advanced Law Lexicon: The Encyclopaedic Law Dictionary with Words and Phrases Legal Maxims and Latin Terms (LexisNexis, Haryana, 2019).

²⁶ Krishna Pal Malik, *Penology, Sentencing Process & Treatment of Offenders* 39 (Allahabad Law Agency, Delhi, Reprint, 2006).

²⁷ The Prisons Act, 1894 (Act No.9 of 1894), Section 3 (1).

²⁸ The Prisoners Act, 1900 (Act no. 3 of 1900) Section 2 (b).

PRISONER: The term 'Prisoner' had not been defined in the Prisons Act, 1894 but it distinguishes between different kinds of Prisoners.

Section 3 (2) of the Prisons Act, 1894²⁹ defines "Criminal Prisoner" as "any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of Court martial". **Section 3(3) of Prisons Act, 1894** defines 'Convicted Criminal Prisoner' as any criminal prisoner under sentence of Court or Court martial and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882 or under the Prisoners Act, 1871."³⁰ **Section 3(4) of Prisons Act, 1894** defines 'Civil Prisoner' as any prisoner who is not a criminal prisoner.³¹ According to **Wikipedia**, "A prisoner is a person who is deprived of liberty against his or her will. This can be by confinement, captivity, or by forcible restraint. The term applies particularly to a person serving a sentence in prison. This term does not apply to defendants who are under trial."³²

If an officer arrests an offender and takes him to jail, the layman doesn't think of the offender as being 'in prison' until he is safely behind locked doors, but no one hesitates to speak of him as a 'prisoner' from the moment of apprehension. He is prisoner because he is in prison, whether he was in the walls of prison or only in the stocks, or in custody of any person who had lawfully arrested him.³³ Broadly speaking, prisoner can be classified as (i) Undertrial prisoners and (ii) Convicted prisoners. But the prisoners are related to prisons only, on the other hand, detenu is a person who is detained elsewhere but not in prison. A person on remand may be called detune and not prisoner. However, a person who had been refused bail and not on remand is called prisoner, in Indian legal system.

ADMINISTRATION OF CRIMINAL JUSTICE: 'Criminal Justice' is the procedure by which criminal act or conduct is investigated, arrests are made, evidences are gathered, charges are framed, defences are raised, trials are conducted, sentences are rendered and punishment is carried out. 'Criminal Justice System' is the legal system of enforcing law. It is directly involved in apprehending, prosecuting, defending, sentencing and punishing those who are suspected or convicted of criminal offences. Criminal Justice system includes all activities and agencies, whether state or local, public or private, pertaining to the prevention, prosecution and defence of offences, the disposition of offenders under criminal law and the disposition or treatment of juveniles, adjudicated to have committed an act which if committed by an adult would be a crime. The criminal justice in its ambit includes, in particular, the investigation of crimes and the treatment of offenders.³⁴

It can also be concluded that criminal justice system refers to the collective institutions through which an accused offender passes until the accusation is either proved or disproved. The criminal justice system includes police, public prosecutors, defence counsel, courts, correction systems, mental health agencies, crime victims and all public and private agencies providing

²⁹ The Prisons Act, 1894 (Act No.9 of 1894), Section 3 (2).

³⁰ The Prisons Act, 1894 (Act no.9 of 1894), Section 3 (3).

³¹ *Id.* Section 3(4).

³² Legal Definition of Prisoner. Available at: <https://en.wikipedia.org/wiki/Prisoner> Last visited: January 2nd, 2022).

³³ *Supra* Note 29.

³⁴ S.R. Myneni, *Penology with Victimology* 141-144 (Allahabad Law Agency, Haryana, 1st Edn., 2017).

services in connection with those elements, whether voluntarily, contractually or by order of a court. Criminal justice system is collaborative and collective effort of various agencies operating under rule of law. The main purpose of these agencies is to maintain order and rule of law in the society. Most criminal justice system has five components:

1. Law Enforcement Authorities (Police): The first contact an accused has within the criminal justice system is usually with the law enforcement authorities i.e the police. Law enforcement officers take reports of crime that happen in their areas. They investigate crime and may arrest the suspected wrongdoer. They are empowered for search and seizure and to use force and other form of legal coercion and means. Police is primarily concerned with keeping peace and enforcing criminal law subject to their jurisdiction. They give testimony during the court process and conduct follow-up investigations if needed.³⁵

2. Courts: The State has the primary function as to administration of justice. It is only criminal law which preserves the society and safeguards individuals from criminals and criminality. The criminal law is administered by the Courts. Courts are run by judges whose role is to make sure that law is followed and oversee what happens in the court.³⁶ In India, Honorable Supreme Court is the highest judicial institution. It is last and final court of appeal.

The Supreme Court enjoys original,³⁷ appellate,³⁸ supervisory and advisory jurisdiction.³⁹ It hears and decides the appeal against the orders and decisions of the various Courts and High Courts of the states. The Supreme Court guarantees fundamental rights of the citizens and is empowered to issue any order or direction in form of a writ⁴⁰. Under the supervision of Supreme Court, various High Courts of different States function. Such High Courts also enjoy the original and appellate jurisdiction. The jurisdiction of High Court has been described under Article 225 of the Indian Constitution. Under High Courts, the Court of Sessions has been established in each district separately. In a Session Court, one or more than one Additional Session Judge and Assistant Session Judge functions. A Session Judge is authorized to award death penalty but the approval of High Court is necessary before its execution.⁴¹ Likewise, Assistant Session Judge is authorised to award the punishment of imprisonment for a period less than 10 years. Sessions Court exercise both original and appellate jurisdiction. The powers of different Courts administering criminal justice with respect to punishment, which they are authorized to award, is contained under Code of Criminal Procedure.⁴²

³⁵ Nitai Roy Chowdhury, *Indian Prison Laws and Correction of Prisoners* 79 (Deep & Deep Publications Pvt. Ltd, New Delhi, 4th edn., 2002).

³⁶ Id. p. 81.

³⁷ Original Jurisdiction of Supreme Court is contained in Articles 131 of the Constitution.

³⁸ The appellate jurisdiction of Supreme Court can be invoked by a certificate granted by the High Court concerned under Article 132(1), 133(1) or 134 of the Constitution in respect of any judgment, decree or final order of a High Court in both civil and criminal cases.

³⁹ Advisory jurisdiction vests power in the Supreme Court to advice President of India and is provided under Article 143.

⁴⁰ Under Article 32 of the Indian Constitution. This Article is contained under the head of Fundamental Right, which means that right to move to the Supreme Court is fundamental right.

⁴¹ Criminal Procedure Code, 1973 (Act No. 2 of 1974), Section 366.

⁴² Id. Section 28 & 29.

These are also various other courts of Magistrates in each district. These courts are set up by the State Government in consultation with the High Court.⁴³ Such Magistrates are mainly of two types (a) Magistrate of First Class and (b) Magistrate of Second Class. In Presidency towns like Bombay, Calcutta and Madras there are Chief Metropolitan Magistrates from the beginning. They are held responsible for the administering criminal justice within the jurisdiction of such metropolitan city⁴⁴, whose population exceeds one million. The Metropolitan Magistrate or Magistrate of First Class is empowered to award the punishment of imprisonment up to maximum limit of three years and a fine up to rupees 10,000 or both.⁴⁵ The Magistrates of Second Class can award imprisonment of one year and a fine up to rupees 5,000 or both. Apart from this, Executive magistrates are appointed by the State Governments in each district. All the executive magistrates, except the Additional District Magistrate are subordinate to the District Magistrate.

3. **Prosecution:** In criminal cases, the State is prosecutor. The State by the Public Prosecutor contests the criminal proceedings on behalf of the aggrieved party and not the complainant. Public prosecutor means any person appointed under section 24 of Code of Criminal Procedure and includes any person acting under the directions of a public prosecutor⁴⁶.
4. **Defence Attorney or Advocate:** Defence attorney or advocate defends the accused against the government's case. He counsels the accused on the legal process, likely outcomes for the accused and suggests strategies. The accused and not the advocate has right to make final decisions to testify and to accept a plea, offer or demand trial in appropriate cases. It is the defence advocate's duty to represent the interests of client, raise procedural and evidentiary issues and hold prosecution to its burden of proving guilt beyond a reasonable doubt. Defence counsel may challenge evidence presented by the prosecution and present exculpatory evidence and argue on behalf of his client. At trial, the defence advocate may attempt to offer a rebuttal to Public Prosecutor's accusations. An accused is entitled to government paid defence advocate if he is not able to afford to an advocate.⁴⁷
5. **Correction:**⁴⁸ Offenders are then turned over to the correctional authorities from the Court system after the accused has been found guilty. The most publicly visible form of punishment in the modern era is prisons. Prisons may serve as detention centres for prisoners after trial. Early prisons were used primarily to sequester criminals and little thought was given to living conditions within their walls. Prisons nowadays are used to reform the criminals, following the reformatory approach.

Correction officers supervise convicted offenders when they are in jail or in prison or in the community while on probation or parole. In some communities the correction officers prepare pre-sentencing reports with extensive background information about the offender, to help the

⁴³ In Himachal Pradesh, The Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976) deals with such provisions.

⁴⁴ Code of Criminal Procedure, 1973 (Act no. 2 of 1974), Section 8.

⁴⁵ Id. Section 29.

⁴⁶ Id. Section 24.

⁴⁷ B.V Trivedi, *Prison Administration in India and Model Prison Programmes in U.P* 95 (Uppal Publishing House, 1st Edn., 1987).

⁴⁸ Nitai Roy Chowdhury, *Indian Prison Laws and Correction of Prisoners* 78, Deep & Deep Publications, New Delhi, 4th Edn., 2002).

judges decide sentences. The job of the correction officers is to make sure that the facilities that house offenders are secure and safe. They oversee the day-to-day custody of inmates. They also oversee the release processes for inmates and sometimes notify victims, of changes in offender's status. A judge may suspend a jail or prison sentence and instead place the offender on probation⁴⁹ or release him on parole⁵⁰ under certain conditions, after they have served a part of their sentence.

CONCLUSION

Hence, it can be concluded that the journey of an accused or victim starts with the happening of a crime. The accused comes in contact of police first of all. Crime is any wrongful act that is forbidden by law, for which punishment in form of imprisonment is awarded. Crime has many characteristics. First of all, it must have been committed by a human being, such human being must have intention or mens rea for committing the crime which is accompanied by the actus reus and the injury. Police investigate the case and present it before a neutral party in the Court i.e a judge. Thenfter, the judge hears the case, takes evidences, supervise examination of witness and lastly, gives his judgment. If a person is found guilty because of proceedings conducted against him, he is send to correctional homes i.e the prisons. In prisons the convict person reform by application of various reform oriented programmes.

⁴⁹ Probation mainly dealt under the Probation of Offenders Act, 1958 (Act No. 20 of 1958)

⁵⁰ Parole rules are made by each state separately as 'Prison' is comprised in State List. The state of H.P had enacted the Himachal Pradesh Good Conduct Prisoners Probational Release Act, 1968 (Act No. 22 of 1968).