

It gujarat and another
v. hon'ble high



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BUSTER**

It would also infuse self-confidence among them and they can think of returning to society as a law abiding citizen. The greatest advantage of putting inmates to work as suggested by the penitentiary Conference is that the wages earned by the prisoners can be utilised for supporting their family and dependents. Thus it would save the entire family of the prisoner from being ruined. In this way the inmates can help and support their family from inside the prison itself. In short, work would be beneficial to inmates and at the same time remunerative to the State. It is further suggested that the working conditions of prisoners should be at par with free workers so that the values of human dignity are respected and prisoners are adequately compensated for the injuries sustained or professional sickness suffered by them during work. The system of parole and probation and other treatment methods have helped considerably in the rehabilitation of prisoners.

The Supreme Court of India was called upon to decide the delicate issue whether prisoners who are required to do labour as part of their punishment, should necessarily be paid wages for such work at the rates prescribed under the Minimum Wages Act. Answering in the affirmative, the Apex Court in State of Gujarat & another v. Hon'ble High Court of Gujarat, observed, “Reformation and rehabilitation is basic policy of criminal law, hence compulsory manual labour from the convicted prisoner is protected under Art. 23 of the Constitution.

Minimum wages be paid to prisoners for their labour after deducting the expenses incurred on them. No prisoner can be asked to do labour free of wages. It is not only the legal right of a workman to have wages for the work, but also a social imperative and an ethical compulsion.

Extracting somebody's work without giving him anything in return is only reminiscent of the period of slavery and the system of begar." Referring to the Justice Mulla Committee Report (1983), the Supreme Court observed that it contains a lot of very valuable suggestions as: " All prisoners under sentence should be required to work subject to their physical and mental fitness as determined medically. Work is not to be conceived as additional punishment but as a means of furthering the rehabilitation of the prisoners, their training for work, the forming of better work habits, and of preventing idleness and disorder....." The Court observed that the rates of wages for prisoner's work should be fair and equitable and not merely nominal and paltry. These rates should be standardised so as to achieve a broad uniformity in wage system in all the prisons in each State and Union Territory. However, the State Government may be permitted to deduct the expenses incurred for food and clothes of the prisoners from their wages.

There is nothing uncivilised or unsociable in it. The Court further recommended that the State Government should make law for setting apart a portion of wages earned by the prisoners to be paid as compensation to deserving victims of the offence the commission of which entitled the sentence of imprisonment to the prisoner.