

Digital Liberty: A Crucial Step In The Rehabilitation Of Prisoners

¹Sarthak Sharma, ²Dr. Vaibhav Uniyal

¹Research Scholar, Uttarakhand University, India, ORCID: 0009-0005-7612-4426, E-mail: sarthaks279@gmail.com

²Assistant Professor, Uttarakhand University, India, ORCID: 0000-0002-2481-7950, E-mail: vaibhavuniyal29@gmail.com

How to cite this article: Sarthak Sharma, Dr. Vaibhav Uniyal (2024). Digital Liberty: A Crucial Step In The Rehabilitation Of Prisoners. *Library Progress International*, 44(3), 25974-25979

Abstract

The author in this paper has explained the relation between the terms ‘freedom’ and ‘liberty’, and how the right to exercise liberty in relation to free speech has undergone change in the digital era. The paper informs as to how digital liberty is a sine qua non for securing rehabilitation of persons in the era of technology. In this paper the condition Indian prisons has been analyzed with respect to level of education of the prisoners and the impact of the initiatives for the prison reformation on rehabilitation of prisoners. To explain the impact of initiatives on the rehabilitation of prisoners, reference to a variety of sources has been made. Towards the end of the paper the author has given certain suggestions to reduce the digital divide between the released prisoners and the rest of the society by ensuring digital empowerment of the released prisoners.

Keywords: liberty, free speech, digital liberty, digital divide, rehabilitations, prisoners.

INTRODUCTION

Release of the prisoners back into the society is considered by many as the end to their suffering but a closer inspection into the after-prison life has revealed that most of the prisoners soon after release get caught in the middle of the vortex of extreme socio-psychological hardships. On the basis of various studies it can be said that in many cases the release of a prisoner just symbolizes physical freedom and not socio-psycho freedom. This paper is an attempt to highlight how digital liberty can transform the life of released prisoners by facilitating in meeting the end of rehabilitative approach. Rehabilitating people inside the confines of a correctional facility is a challenging task. Sometimes, traditional institutions find it difficult to equip offenders with the knowledge and abilities needed to prosper in a technologically advanced society. As we rapidly approach a future in which digital literacy is becoming non-negotiable, the difference between people who possess these skills and those who do not plays a crucial role in determining an individual’s post-release fate.

Individual freedom: An essential component for societal prosperity

When men are free there is more fullness of life about their own individuality, and when there is more liveliness in the units there is more in the society which is composed of them (JOHN STUART MILL 2010). When we measure the amelioration of a society by its progress in freedom, we scale it by the elevating development and exercise on the whole of those powers contributing to public good with which faith the member of the general public to be endowed (GEORGE H. SMITH 2015).

Freedom signifies the state where one can choose his own path in the world. To make a choice one should possess required information and should have access to the medium for assertion. Only in presence of both the elements true freedom can exist. The concept of freedom is so sacrosanct to human civilization because in its core lies the element of choice. All the human faculties related to human intellect are exercised only while making a choice. Like muscular capabilities, the intellectual and moral side of any person improves only by being used (JOHN STUART MILL 2010).

Liberty: Not equivalent to freedom but a cornerstone to it

In world of philosophy there has been no one who is absolutely right or wrong, as in philosophy each statement carries a certain weightage to it.

From decades eminent jurists and philosophers have been engaged in debates related to ‘liberty’ and ‘freedom’.

In defining the relation between 'liberty' and 'freedom' the school of thought is divided into two parts. At one side we have a section of those jurists who believe that the terms 'liberty and freedom' are same or equivalent (Swaine 2018). On the other side of arguments we have those jurists who believe that the neither the terms are same nor they are equivalent. According to the latter school of philosophy, liberty is a pre-requisite for freedom and by no means it is freedom in itself (Pitkin 1988). In short words, the medium to exercise freedom is liberty. For this research paper, the author will be adopting the latter view on the nexus between liberty and freedom. As in the Constitution of India, both liberty and freedom are considered as a prerequisite for a prospering democracy and are considered to be inseparable. Though they are inseparable but there lies a difference in their scope and application as the term 'Freedom' has been enshrined under Article 19 of the Constitution and 'Liberty' has been enshrined in Article 21 of the Constitution. According to the Supreme Court of India this difference in the scope and applicability provides comprehensive protection to the rights of the citizens as Article 14, 19 and 21 together forms a golden triangle, where one provision shall be read with the other two (Sangeetha, 2019).

Freedom: As given under Article 19 of the Indian Constitution

Freedom has thousand faces, each having its own value. One such facet of the freedom has been provided under Article 19 A of the constitution. The makers of the constitution were of the belief that in a welfare state like ours, it is fundamental that its people ought to be aware what the state representatives are doing (NARENDRA KUMAR 2018). Therefore, the right to free speech and expression was made a fundamental right. The right has been provided under Article 19 A of the constitution and it includes within it the right to know matters related to public affairs.

When a citizen is able to express himself fairly upon any matter of public importance, it has an impact not only on the growth and development of the individual but also on the progress of the democratic state (NARENDRA KUMAR 2018). This freedom, to make informed choices and express oneself at micro and macro level in his own nation is the inalienable right of every citizen (H.M Seervai 2014).

No right can survive on its own as it becomes obsolete in absence of its enforcement. For any right to survive it needs institutional backing. Those rights, whose essence is not protected by the government are no more than dead letters as they are vulnerable to oppression at the hand of government and private parties. Therefore, the state authorities and individual entities are regulated by the rule of law so that citizens could stay free to live life in liberty and to pursue contentment through the guarded utilization of their rights (Kennerly Davis Jr 2017). In case of the right to freedom of speech and expression, the government is bound to safeguard the individual's liberty to acquire information and to choose the any medium of expression (Arora, n.d.).

Digital Era: Restructuring the landscape of free speech

In the age of technology, internet connectivity and social media platforms have restructured the dimension of speech and expression all over the world. Interactive nature of social media caters as a thunderous mechanism of expression not only at individual level but also at macro level in form of activism. Everyone who is digitally empowered by having access to online resources can express concerns, criticize the action of those in power and even shed light on injustices. The only limitation now regarding free speech is digital divide, as still there are people who are digitally illiterate or do not have access to internet connectivity, social media platforms. Digital divide pertains to the gap between the section of the society who have access to internet and those who not have it. In context of free speech digital divide is the divide between the populace who can gain from the digital freedom to express themselves and those who cannot. Being digitally illiterate in today's era is nothing short of physical as well as intellectual disability as a digitally illiterate person has no access to various platforms of free speech and expression, and this keeps him from fully exploring the potential of free speech, building quality relation and sharing intellect beyond physical boundaries (Singh 2020).

To overcome the disability caused by digital divide, global cooperation and public private partnership is required. To navigate in the ever-expanding digital world and to address persisting challenges such as poverty, mental health issues, gender inequality, initiatives to increase media literacy and critical thinking in the digital domain are needed.

Article 19 A: A key component in rehabilitation of prisoners

Exercising the right to free speech and expression is essentials to all beings for their growth and development, but for the people released from the prison this right represents their re-birth. As on it, depends their psycho-social re-entry in the society. If the released prisoners are unable to overcome the psycho-social challenges

arising due to their past of incarceration, then the purpose of re-habilitation fails and it opens the gate to a variety of problems such as recidivism, mental health issues.

On the basis of prior research conducted by various individuals and institutions it can be said that there are three essential interconnected dimensions to the rehabilitation of the prisoners. They are as follows:

- Social and legal dimension- It comprises of social and legal relationships and this dimension regulates the social life of a being;
- Personal Dimension- It is the dimension where one interacts with the higher self;
- Financial Dimension- Economic aspects of one's life are part of this dimension (Fischer-Lescano 2020).

Facing setback in any of the dimension due to stigmatization arising out of prison history has many times resulted in recidivism. Social, personal and financial challenges faced by the released prisoners have an adverse impact on their rehabilitation, thus increasing the chance of recidivism (Çorapçıoğlu and Erdoğan 2004).

For ensuring rehabilitation of the prisoners it is necessary that they are able to exercise the liberty which is innate to human existence and has been recognized under law, as liberty of a person is one of the key essentials of wellbeing. Liberty is not only a connecting component with all that is symbolized by the terms civilization, instruction, knowledge, heritage but is itself an essential requirement of all those things (JOHN STUART MILL 2010).

Existing approach to rehabilitation

Though the state is striving for reforms in the Indian prison system and many initiatives have been taken by the government and its institution, but still there is lot to be done as the pace of deterioration of the prison system is much more than the pace of its reforms. The prison system is till date suffering from certain issues which are more than two decades old (TATA INSTITUTE 2022). Any prisoner who is being released from such a prison system is already suffering because of his past in prison, things for such prisoners become much more complicated and difficult when he faces psycho-social challenges after his release. Life immediately after the release is considered to be the most excruciating period in prisoner's life (Varghese and Raghavan 2019).

It has been stated that problems faced during social re-entry by the released prisoners is an invisible punishment. The released persons face issues due to their imprisonment in the areas of employment, public assistance, driver's licence, voting and jury duty, housing, education, erasing a criminal record, parental rights, adoption and foster care. Earlier research has proved that the stigma of a criminal record can severely impact and deter employment opportunities for released prisoners (Gul 2018). Being exposed to such difficulties without having proper means to overcome them has an adverse impact on the mental wellbeing of a person. Being unable to cope up from such problems for a prolonged period triggers mental health issues such as depression, anxiety, societal phobias, etc. According to a released prisoner, after his release he faced various psychological issues. After his release he was under depression for a quite long time and was hesitant to face the society. His family had to go through a lot of financial difficulties as he couldn't complete his education due to imprisonment, which made it difficult for him to find a job. To fulfill the bare minimum necessities, he worked as a daily wage labor. Still, neither the difficulty in finding the job nor the hard work was his primary grievance. He said that the main cause of his suffering was the fact that society still saw him as a criminal (Varghese and Raghavan 2019). Like him, most people released from prison go through numerous psycho-social issues including stigma, lack of confidence, low self-esteem, hesitation in facing society, etc.

The perception that once a criminal always a criminal is deep rooted in the society. It is an attitude that convicts released from prison immediately start facing as soon as they are released from the prison. Mainly, it happens from community at large and police officials at some points, but in some scenarios, members of house, relatives, as well as friends, also label them as criminals. This has an adverse impact on their life in a worse manner. This resulted in the degradation of the self-image of prisoners (Gul 2018).

The existing rehabilitative measures of the country, though aiming for a smooth re-entry of prisoners in the society have not been able to stand up to the expectations of the policy makers. The situation of the ex-prisoners after release is very complicated to handle in the current scenario where existing measures may help in coping

with the situation within the prisons, but once prisoners are released, the conditions and atmosphere turn upside down and even their family may not accept them as human beings. In this situation, there is a chance of going back to previous situations and remaining a criminal (Varghese and Raghavan 2019).

In the era of technology where digital literacy is a sine qua non for any person's holistic development, the prison population to a great extent is not even properly educated. As of December 2021, about 65% of the 5.5 lakh prisoners were either illiterate or had studied up to Class X. Yet, calculated against the 18 lakh inmates admitted across prisons during 2021, only 89,761 or 5% received some form of education. In 2021 25% of convicts and 25% of UTPs were illiterate, 42% of convicts and 39% of UTPs (below class X), 22% of convicts and 24% of UTPs (Class X & above but below Graduation) (TATA INSTITUTE 2022).

Such prisoners who are already in the position of disadvantage due to them being lacking proper education will get pushed down further in the society due to digital divide in the era of technology. This increases the chance of recidivism and has an adverse impact on the object of rehabilitation.

Around 32% of the prison population admitted during the year comprised of repeaters/habitual offenders (Central Jail, n.d.).

There are various rehabilitation programmes available for prisoners lodged in prisons of Assam such as Vocational Training, Agriculture & Horticulture activities, Educational Programmes, Yoga, Computer literacy etc. The website of the Assam prison states "it is expected that most of the released prisoners have used the skills / knowledge gained from vocational training during their jail term in earning their livelihood". How can one measure the success in rehabilitation of prisoners in absence of a proper record? (ASSAM PRISON HEADQUARTERS, 2021).

When visiting the website of Delhi Central Jail under the headings 'Latest events and new initiatives' there is no mention as to any activity for the digital empowerment of the prisoners. Digitalization of Retail Outlets of Delhi Prison Department Under 'Digital India' Programme and a campus placement drive was initiated in CentralJail-3 in which 43 inmates short listed. Though it a constructive step but is insufficient before the challenges and objects of the prison system. The existing system for rehabilitation needs to be digitally upgraded so as to meet with the ends of the prison system (Central Jail, n.d.).

Digital liberty: Ensuring Rehabilitation in technological era

Rehabilitating prisoners within the constraints of a correctional facility is a challenging task. Traditional methods often struggle to educate inmates with the skills required to prosper in a society that is developing at an unprecedented fast rate, technologically speaking. As we rush into a world where digital literacy (TATA INSTITUTE 2022) is more non-negotiable, the gap between those with and without digital literacy becomes a substantial component in shaping an individual's post-release fate.

As in the age of technology by having digital liberty prisoners can learn the art of living and can also carve their way of life which is in harmony with other components of society. Digital liberty will provide an opportunity to the prisoner in changing the perception that 'once a criminal always a criminal' as in the age of technology, digital liberty has infinite potential when it comes to availability of information, accessibility to resources and mediums for expressing self. Online platforms can be the place providing much needed social support, for example- in an online world one can get himself enrolled and take part in specific self-help courses without being held back due to geographical barrier and hesitation. By engaging in such type of activity one gets to engage in quality interaction which is specifically tailored so to help the participant in developing his mental strength, understanding and also in overcoming hesitation in social interaction arising out of stigmatization of imprisonment. Also, there are several other digital platforms which one can use to deal with the perception that 'once a criminal always a criminal' and the challenges it brings for the person to whom it is attached, as hardships can be organically mitigated by giving the released person a chance to contribute in the society.

Digital empowerment: Core component of Digital Liberty.

Digital empowerment of the prisoners before their release from the prison system will substantially help in making the self-sufficient, thus empowering them socially, personally and financially. In the digital era it will be a significant step in reformation and rehabilitation of prisoners. Few of the initiatives to digitally empower prisoners can be as follows:

Developing Marketable Skills: For ex-offenders, finding work after their release presents a significant hurdle. Digital skills offer a concrete route to fulfilling work, from graphic design to programming and digital marketing. People with these talents become significant assets in a world where companies are digitizing at a never-before-seen rate. This breaks the cycle of unemployment and increases the likelihood of a successful reintegration into society. Below are some suggestions for facilitating digital empowerment of prisoners:

- **Promoting Innovation and Entrepreneurship:** Digital literacy creates doors to entrepreneurial prospects in addition to job options. Prisoners can use their unrealized creative potential to direct their ideas into digital businesses. The world of technology becomes a platform for creativity and independence, whether it is through application development, online content creation, or the provision of digital services. Digital skills enable people to take control of their own lives and make a difference outside of the traditional work environment.
- **Developing Cognitive and Problem-Solving Abilities:** Acquiring digital skills necessitates a deep level of problem-solving and critical thinking. Coders and software developers in prison acquire critical thinking skills and logical reasoning—cognitive qualities that transcend the digital domain. These abilities promote resilience, aid in personal growth, and have a favorable effect on interactions both within and outside of the prison setting.
- **Bringing Inmates and the Outside World Together:** Digital literacy makes connections and communication easier. Technology allows prisoners to stay in touch with their loved ones, access learning materials, and stay updated on the outside world. When the moment for release comes, this connectedness eases the transition by bridging the gap between prison and the outside world.

Problems with Implementation and Solutions

Including digital skills in the rehabilitation of prisoners is not without its difficulties. For these programmes to be successful and long-lasting there are a few issues that need to be resolved: a lack of funding, security worries, and information about the revolutionary power of digital literacy.

- **Securing Resources:** The effectiveness of digital skills initiatives in correctional facilities depends on funding and resources. In order to ensure the sustainability and scalability of these initiatives, advocacy campaigns, partnerships with tech businesses, and collaborations with educational institutions can aid in securing the required resources.
- **Handling Security Concerns:** There are good reasons to be concerned about security when technology is used in prison settings. However, the risks can be reduced with cautious preparation, safe networks, and controlled access. An effective digital skills programme must incorporate both strong cyber security safeguards and personnel training on ethical technology use.

Conclusion

The obligations on the prison system are twofold, preventing future crime by using deterrence and reformation of the convicted. The former is negative in nature and the latter one is positive. Both of these obligations can be up-to a great extent duly fulfilled by ensuring judicious rehabilitation of the prisoners. The meaning of the term ‘judicious rehabilitation’ has gone under transformation with the advent of digital age. As to achieve the state of judicious rehabilitation the released prisoners should be digitally literate. There is a need to tell the story of The Role of Digital Skills in Rehabilitation and its transformative potential. Educating the public, prison employees, and legislators about these initiatives is crucial to gaining their support. Case studies and success stories can be effective tools for influencing attitudes and presenting a convincing argument for the inclusion of digital skills education.

By empowering prisoners with the resources to navigate the digital dimension, we not only uplift individuals but also take part in the development of a more digitally literate and inclusive society. Think of a future where everyone, regardless of their past, has the chance to contribute constructively to the age of technology.

Through knowledge, skill-development, and connectivity, we can overcome the issue recidivism and pave the way for a shining, digitally empowered tomorrow for those seeking a second chance.

REFERENCES

- Arora, Devendra Kumar. n.d. “(2013) 7 SCC J-6 Harmonising Liberty and Security in Social Order.”
- ASSAM PRISON HEADQUARTERS. 2021. “Rehabilitation of Released Life Convicts.” GOVERNMENT OF ASSAM. 2021. <https://prisons.assam.gov.in/portlets/rehabilitation-of-released-life-convicts>.
- Central Jail. n.d. “Tihar Prisons.” Government of NCT of Delhi. Accessed May 9, 2024. <https://tiharprisons.delhi.gov.in/>.

- Çorapçıoğlu, Aytül, and Sarper Erdoğan. 2004. "A Cross-Sectional Study on Expression of Anger and Factors Associated with Criminal Recidivism in Prisoners with Prior Offences." *Forensic Science International* 140 (2–3): 167–74. <https://doi.org/10.1016/j.forsciint.2003.11.019>.
- Fischer-Lescano, Andreas. 2020. "Sociological Aesthetics of Law." *Law, Culture and the Humanities* 16 (2): 268–93. <https://doi.org/10.1177/1743872116656777>.
- GEORGE H. SMITH. 2015. *THE SYSTEM OF LIBERTY*. CAMBRIDGE UNIVERSITY PRESS.
- Gul, Rais. 2018. "Our Prisons Punitive or Rehabilitative? An Analysis of Theory and Practice." *Policy Perspectives: The Journal of the Institute of Policy Studies* 15 (3). <https://doi.org/10.13169/polipers.15.3.0067>.
- H.M Seervai. 2014. *CONSTITUTIONAL LAW OF INDIA* . 4th ed. Vol. 2nd. UNIVERSAL LAW PUBLISHING CO.
- JOHN STUART MILL. 2010. *ON LIBERTY*. DOVER PUBLICATIONS, INC (MINEOLA, NEW YORK) .
- Kennerly Davis Jr, J. 2017. "Individual Liberty: The Foundation of National Prosperity What Can Explain the Rise of the Dalits?" <http://repository.uneca.org/bitstream/handle/10855/593/>.
- NARENDRA KUMAR. 2018. *CONSTITUTIONAL LAW OF INDIA*. 10th ed. ALLAHBAD LAW AGENCY .
- Pitkin, Hanna Fenichel. 1988. "Are Freedom and Liberty Twins?" Vol. 16. <https://about.jstor.org/terms>.
- Sangeetha, K. 2019. "Rule of Law and Indian Constitution." *SCC Online*.
- Singh, Abhishek Narain. 2020. "On Digital Transformation and the Technologies That Enable It." *South Asian Journal of Management* 30 (4): 196–200.
- Swaine, Lucas. 2018. "Freedom of Thought as a Basic Liberty." *Source: Political Theory* 46 (3): 405–25. <https://doi.org/10.2307/26504287>.
- TATA INSTITUTE. 2022. "Ranking States on Police, Judiciary, Prisons & Legal Aid." <https://indiajusticereport.org>.
- Varghese, Jenu, and Vijay Raghavan. 2019. "Restoration of Released Prisoners to Society: Issues, Challenges and Further Ways; Insights from Kerala, India." *International Annals of Criminology* 57 (1–2): 61–74. <https://doi.org/10.1017/cri.2020.5>.