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## **Introduction**

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## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

# **BEST PRACTICES FOR PRISONERS' CONJUGAL VISIT RIGHTS IN PUNJAB**

AUTHORED BY - RENU

## **Abstract**

This paper explains the idea of conjugal visit rights for prisoners in Punjab, India. Conjugal visits allow prisoners to meet their husbands or wives in private inside the prison. These visits help prisoners stay connected with their families and protect their human dignity. Earlier, Indian prisons did not officially allow conjugal visits. In 2022, Punjab became the first state in India to start a formal conjugal visit system for prisoners who behave well. This shows a positive change towards prison reform and rehabilitation. The paper discusses prisoners' rights under Article 21 of the Indian Constitution, which gives every person the right to live with dignity. Even though conjugal visits in Punjab are considered a privilege and not a legal right, the policy follows human rights principles and international prison standards. The paper also points out problems like lack of proper rooms, security concerns, health issues, and unequal access for all prisoners. The study suggests simple best practices such as making clear rules, selecting prisoners fairly, providing safe and private rooms, doing health check-ups, offering counselling, and regularly reviewing the programme. The paper concludes that a proper conjugal visit system can improve prisoners' behaviour, support their mental health, and help them return to society in a better way after release. It also helps in protecting family life and human dignity.

**Keywords:** Conjugal Visits; Prisoners' Rights; Prison Reform; Human Dignity; Punjab.

## **1. Introduction**

Prisons are not only meant to punish people. They are also meant to help prisoners improve and become better members of society. When a person goes to jail, they lose their freedom, but they do not lose their basic human rights.<sup>1</sup> One important human right is the right to family life.

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<sup>1</sup> Sunil Batra v. Delhi Administration, (1978) 4 SCC 494.

Prisoners are separated from their husbands or wives for a long time, which can cause mental stress, sadness, and family problems.<sup>2</sup> Conjugal visits allow prisoners to meet their spouses in private inside the prison for a short time. These visits help prisoners feel emotionally strong and keep family relationships alive. In many countries, conjugal visits are allowed as part of prison reform.<sup>3</sup> Such visits help improve prisoners' behaviour and reduce the chances of committing crimes again after release.<sup>4</sup> In India, conjugal visits were not officially allowed for many years. Prisons mainly focused on punishment and discipline. However, modern prison reform focuses on rehabilitation and human dignity.<sup>5</sup> In 2022, Punjab became the first state in India to start a formal conjugal visit policy for prisoners who behave well.<sup>6</sup> Under this policy, eligible prisoners are allowed to meet their spouses in private rooms inside the prison. This paper discusses conjugal visit rights of prisoners in Punjab and explains the best practices for their proper implementation. It focuses on protecting human dignity, improving prisoner behaviour, and maintaining prison safety.

## 2. Meaning of Conjugal Visits

Conjugal visits mean allowing a prisoner to meet his or her husband or wife in private inside the prison. These visits are different from normal meetings because they provide personal privacy, which is not available during ordinary prison visits. The main purpose of conjugal visits is to help prisoners remain connected with their families and maintain emotional stability.<sup>7</sup> Such visits are allowed only for a short period and are governed by strict rules to ensure prison security and discipline.<sup>8</sup> Many countries allow conjugal visits as part of modern prison reform policies. These visits help improve prisoners' behaviour, protect family life, and support the rehabilitation process. By maintaining family ties, conjugal visits also help prisoners adjust better to society after their release.<sup>9</sup>

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<sup>2</sup> United Nations Office on Drugs and Crime, *Handbook on Prisoner File Management* (UNODC, Vienna, 2008).

<sup>3</sup> United Nations Office on Drugs and Crime, *Handbook on Prisoner File Management* (UNODC, Vienna, 2008).

<sup>4</sup> Dirk van Zyl Smit & Sonja Snacken, *Principles of European Prison Law and Policy* (Oxford University Press, 2009).

<sup>5</sup> Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608.

<sup>6</sup> Government of Punjab, Department of Home Affairs and Justice, *Guidelines on Conjugal Visits for Convicts*, 2022.

<sup>7</sup> **Francis Coralie Mullin v. Administrator, Union Territory of Delhi**, (1981) 1 SCC 608.

<sup>8</sup> United Nations Office on Drugs and Crime, *Handbook on Dynamic Security and Prison Intelligence* (UNODC, Vienna, 2015).

<sup>9</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), UNGA Res 70/175 (2015).

### 3. Objectives of Conjugal Visits

The main objectives of conjugal visits are:

1. To protect the human dignity of prisoners.
2. To help prisoners keep good relations with their spouses.
3. To reduce mental stress and loneliness in prison.
4. To encourage good behaviour among prisoners.
5. To support reform and rehabilitation of prisoners.
6. To help prisoners live a normal life after release.

### 4. Legal Background of Conjugal Visits in India

In India, there is no specific law that clearly recognizes prisoners' right to conjugal visits.<sup>10</sup> Prison rules primarily focus on maintaining discipline, security, and order within prisons, and generally do not permit private interaction between prisoners and their spouses. However, the Indian Constitution guarantees certain fundamental rights to all persons, including prisoners. Article 21 of the Constitution provides that no person shall be deprived of their life or personal liberty except according to procedure established by law, which has been judicially interpreted to include the right to live with human dignity.<sup>11</sup> The Supreme Court has consistently held that imprisonment does not result in the complete deprivation of fundamental rights and that prisoners retain those rights which are not inconsistent with incarceration. This includes the right to human dignity and, to a reasonable extent, the right to maintain family relationships.

Punjab became the first state in India to formally allow conjugal visits for prisoners through a policy introduced in 2022.<sup>12</sup> Under this policy, well-behaved prisoners are permitted to meet their spouses in designated private rooms within the prison premises for a limited duration. Although such visits are described as a *privilege* rather than a legally enforceable right, the policy marks a significant step towards recognizing prisoners' dignity and family life.<sup>13</sup> This development also aligns with international human rights standards, particularly the United Nations Standard

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<sup>10</sup> See generally the Prisons Act, 1894 (India).

<sup>11</sup> Constitution of India, art 21.

<sup>12</sup> Government of Punjab, Department of Prisons, Policy on Conjugal and Family Visits (2022).

<sup>13</sup> *Jasvir Singh v State of Punjab* (2015) 4 SCC 458.

Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which emphasize the importance of maintaining family ties to support prisoners' mental well-being and social reintegration, thereby reducing the likelihood of reoffending.

## 5. Punjab's Initiative on Conjugal Visits

Punjab is the first state in India to take a progressive step by formally introducing a policy that allows conjugal visits for prisoners.<sup>14</sup> This policy, launched in 2022, is widely regarded as a landmark reform in the Indian prison system. Traditionally, Indian prisons have focused primarily on punishment and strict security, often overlooking the emotional, social, and familial needs of inmates.<sup>15</sup> Punjab's initiative reflects a shift towards recognizing the importance of family life, mental well-being, and rehabilitation in the correctional process.

### 5.1 Historical Context

For several decades, Indian prisons lacked any official rules or policies governing conjugal visits. Prisoners were generally permitted only limited family meetings, conducted under supervision, which were brief, public in nature, and devoid of privacy.<sup>16</sup> Such restrictive arrangements often resulted in feelings of isolation, emotional distress, and weakened family bonds among inmates. Prison reform scholars and international human rights organizations have repeatedly emphasized that maintaining family relationships plays a crucial role in prisoners' mental health and rehabilitation.<sup>17</sup> Strong family ties are also associated with reduced recidivism and smoother reintegration into society after release. Punjab's policy draws inspiration from these international norms and best practices.

### 5.2 Features of Punjab's Conjugal Visit Policy

Punjab's policy establishes a formal and regulated framework for conjugal visits, incorporating the following key features:

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<sup>14</sup> Government of Punjab, Department of Prisons, *Policy on Conjugal and Family Visits* (2022).

<sup>15</sup> The Prisons Act, 1894 (India).

<sup>16</sup> State Prison Manuals in India generally permit only supervised family visits.

<sup>17</sup> United Nations Office on Drugs and Crime, *Handbook on Prisoners with Special Needs* (UNODC 2009).

- **Eligibility Criteria:** Only prisoners who display good behaviour and maintain prison discipline are eligible for conjugal visits. The policy excludes prisoners convicted of serious offences such as terrorism, sexual crimes, gang-related violence, or those considered a security threat. This ensures that conjugal visits operate as an incentive for good conduct while preserving prison order.
- **Frequency and Duration of Visits:** Eligible prisoners are permitted to meet their spouses once every two months, with each visit lasting approximately two hours. This duration seeks to balance meaningful personal interaction with institutional security concerns.
- **Infrastructure and Facilities:** Dedicated rooms have been constructed in selected prisons, including Goindwal Sahib Central Jail, Nabha District Jail, and Bathinda Women's Jail. These rooms offer privacy, attached washrooms, and basic amenities to ensure a dignified and safe environment.<sup>18</sup>
- **Health and Safety Protocols:** Both the prisoner and their spouse must submit medical certificates confirming freedom from communicable diseases such as HIV, COVID-19, and other sexually transmitted infections. Proof of marriage or a legally recognized relationship is also mandatory to prevent misuse of the facility.
- **Supervision and Security:** Although privacy is ensured during the visits, prison authorities maintain external supervision to prevent contraband smuggling or unlawful activities. Any violation of the prescribed rules can result in withdrawal of the privilege.

### 5.3 Goals and Benefits of the Policy

Punjab's initiative aims to achieve multiple objectives:

- **Protection of Human Dignity:** Conjugal visits acknowledge prisoners as individuals with emotional and relational needs, reinforcing their inherent human dignity.
- **Maintenance of Family Bonds:** Prolonged separation often strains marital and familial relationships. These visits help preserve emotional connections vital for mental well-being.
- **Improvement in Prison Behaviour:** The prospect of conjugal visits acts as a positive incentive, encouraging discipline and good conduct among inmates.

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<sup>18</sup> Punjab Prison Department, Official Notifications (2022).

- **Rehabilitation and Social Reintegration:** Strong family support enhances post-release adjustment and reduces the likelihood of reoffending.
- **Reduction of Mental Health Issues:** Emotional intimacy and family contact help alleviate loneliness, anxiety, and depression commonly experienced by prisoners.<sup>19</sup>

#### 5.4 Challenges Faced by Punjab

Despite its progressive nature, Punjab's conjugal visit programme faces several challenges:

- **Infrastructure Constraints:** Many prisons lack adequate facilities to implement the policy effectively, requiring additional financial and administrative investment.
- **Restrictive Eligibility Criteria:** The exclusion of undertrial prisoners and unmarried partners has raised concerns regarding inclusivity and fairness.<sup>20</sup>
- **Cultural and Social Resistance:** Social and cultural taboos associated with conjugal visits may hinder broader acceptance of the policy.
- **Health and Safety Risks:** Effective medical screening and hygiene standards must be strictly maintained to prevent health hazards.
- **Balancing Privacy and Security:** Ensuring prisoners' privacy without compromising institutional security remains a complex administrative challenge requiring trained personnel.

### 6. Legal and Human Rights Considerations

Conjugal visits raise important legal and human rights questions, as they directly relate to the dignity, personal liberty, and family life of prisoners. Modern legal systems increasingly recognize that imprisonment results in the loss of personal liberty but not the loss of all human rights. The legal and human rights framework governing prisons emphasizes humane treatment, respect for dignity, and the reformative purpose of punishment. In this context, conjugal visits are viewed as a progressive measure that supports both constitutional values and international human rights standards.

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<sup>19</sup> World Health Organization, *Prisons and Health* (WHO 2014).

<sup>20</sup> Law Commission of India, *Report on Prison Reforms* (Various Reports).

## 6.1 Constitutional Framework in India

The constitutional foundation for recognizing conjugal visits lies primarily in Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. The Supreme Court of India has consistently interpreted Article 21 in a broad and dynamic manner, holding that the right to life includes the right to live with dignity, mental well-being, privacy, and meaningful human relationships.<sup>21</sup>

In *Sunil Batra v. Delhi Administration* (1978), the Supreme Court emphasized that prisoners are not denuded of their fundamental rights except those necessarily restricted by incarceration. Similarly, in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981), the Court held that the right to life includes the right to maintain human relations and social connections. These judicial interpretations strengthen the argument that maintaining marital and family relationships through conjugal visits is consistent with constitutional guarantees.

Further, the recognition of the right to privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017) has significant implications. Privacy includes bodily autonomy, personal relationships, and intimacy.<sup>22</sup> When applied to prisoners, this right does not disappear but may be reasonably restricted. Conjugal visits, when regulated and supervised, can be seen as a permissible way to respect prisoners' privacy and dignity within the prison system.

## 6.2 Human Dignity and Reformative Justice

Indian penology has gradually shifted from a purely punitive approach to a reformative and rehabilitative model of justice. The objective of imprisonment is not only to punish but also to reform the offender and prepare them for reintegration into society. Denial of all forms of intimacy and family contact may lead to frustration, depression, aggression, and emotional breakdown among prisoners, defeating the reformative purpose of punishment.

Conjugal visits help preserve emotional stability, reduce feelings of isolation, and promote positive behavior within prisons. From a human rights perspective, respecting the emotional and psychological needs of prisoners is an essential part of humane treatment. Thus, conjugal visits

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<sup>21</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

<sup>22</sup> *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

align with the broader goal of reformative justice and support the constitutional mandate of treating prisoners with dignity.<sup>23</sup>

### **6.3 International Human Rights Standards**

International human rights instruments provide strong support for maintaining family ties during imprisonment. The Universal Declaration of Human Rights recognizes the inherent dignity of all human beings and affirms the protection of family life.<sup>24</sup> Similarly, the International Covenant on Civil and Political Rights mandates that all persons deprived of their liberty shall be treated with humanity and respect for their inherent dignity.<sup>25</sup>

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) emphasize the importance of regular contact between prisoners and their families. While these rules do not explicitly mandate conjugal visits, they encourage prison administrations to adopt measures that allow prisoners to maintain meaningful family relationships. Many countries have interpreted these standards to justify the introduction of conjugal or family visit programs. In this global context, Punjab's initiative reflects compliance with evolving international norms that prioritize humane treatment, rehabilitation, and respect for family life within the prison system.

### **6.4 Rights of Spouses, Women, and Children**

The issue of conjugal visits extends beyond prisoners to include the rights of spouses and family members. Prolonged denial of marital contact can disproportionately affect women, who may face social stigma, emotional distress, and economic hardship. Children of prisoners also suffer due to the absence of a parent, leading to psychological and developmental challenges. Allowing regulated conjugal visits helps protect the institution of marriage and ensures that families are not unduly punished for the actions of one member. From a human rights perspective, spouses and children should not be treated as indirect victims of the criminal justice system. Conjugal visits serve as a mechanism to uphold family unity and social stability.

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<sup>23</sup>*State of Andhra Pradesh v. Challa Ramkrishna Reddy*, (2000) 5 SCC 712.

<sup>24</sup> Universal Declaration of Human Rights, 1948, Arts. 1 & 16.

<sup>25</sup> International Covenant on Civil and Political Rights, 1966, Art. 10(1).

## 6.5 Reasonable Restrictions and State Interests

While conjugal visits promote human dignity, they cannot be claimed as an absolute right. The State has a legitimate responsibility to ensure prison security, discipline, and public safety. Therefore, reasonable restrictions such as eligibility criteria, good conduct requirements, health checks, and controlled supervision are legally justified.

Any restrictions imposed must satisfy the constitutional tests of reasonableness, non-arbitrariness, and proportionality under Articles 14 and 21.<sup>26</sup> Blanket denial without justification may amount to cruel, inhuman, or degrading treatment. A balanced approach ensures that prisoners' rights are respected without compromising administrative efficiency or security concerns.

## 6.6 Judicial Trends and Emerging Recognition

Although Indian courts have not explicitly declared conjugal visits as a fundamental right, there is a growing judicial recognition of prisoners' rights to maintain family life. High Courts in several cases have emphasized the importance of rehabilitation, mental health, and humane treatment of prisoners.<sup>27</sup> These judicial observations indicate a gradual shift toward recognizing conjugal visits as part of prisoners' dignity and reformative needs. Punjab's policy initiative represents a significant step in this direction, showing how state action can fill legal gaps by adopting progressive and rights-based prison reforms.

# 7. Benefits and Challenges of Conjugal Visit Policies

Conjugal visit policies are considered a crucial component of a reformative and human rights-oriented prison system. These policies aim to preserve family ties, support the mental well-being of prisoners, and promote rehabilitation. At the same time, they present several legal, administrative, and security-related challenges that must be carefully addressed.

## 7.1 Benefits of Conjugal Visit Policies

- (i) **Mental and Emotional Well-Being of Prisoners:** Long-term separation from spouses and family members often leads to stress, depression, frustration, and aggression among

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<sup>26</sup>*Modern Dental College v. State of Madhya Pradesh*, (2016) 7 SCC 353.

<sup>27</sup>*Rajeeta Patel v. State of Uttar Pradesh*, 2020 SCC OnLine All 937.

prisoners. Conjugal visits provide emotional support and intimacy, helping prisoners maintain psychological stability. This, in turn, contributes to reduced violence, tension, and conflicts inside prisons.<sup>28</sup>

- (ii) **Preservation of Family and Marital Relationships:** Conjugal visits help protect the institution of marriage by allowing spouses to maintain emotional and physical bonds. These visits reduce the chances of marital breakdown, separation, and family disintegration. Children also benefit indirectly, as continued parental connection supports their emotional and social development.<sup>29</sup>
- (iii) **Promotion of Rehabilitation and Social Reintegration:** Family support plays a crucial role in the rehabilitation of offenders. Prisoners who maintain strong family ties are more likely to exhibit positive behavior and successfully reintegrate into society after release. Conjugal visit policies thus contribute to reducing recidivism and encourage a reformative approach to punishment.
- (iv) **Improvement in Prison Discipline and Behavior:** In many prison systems, eligibility for conjugal visits is linked to good conduct and discipline. This acts as an incentive for prisoners to follow prison rules, maintain discipline, and participate in rehabilitation programs. As a result, overall prison management becomes more effective.<sup>30</sup>
- (v) **Recognition of Human Rights and Human Dignity:** Conjugal visit policies reflect the recognition that prisoners retain their basic human rights, including dignity and family life. These policies align with constitutional values and international human rights standards that emphasize humane treatment of persons deprived of liberty.

## 7.2 Challenges of Conjugal Visit Policies

- (i) **Security and Safety Concerns:** One of the most significant challenges is ensuring prison security. There is a risk of smuggling prohibited items such as drugs, weapons, or mobile phones during conjugal visits. Effective screening, supervision, and monitoring mechanisms are therefore essential.<sup>31</sup>

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<sup>28</sup> State of Andhra Pradesh v. Challa Ramkrishna Reddy, (2000) 5 SCC 712.

<sup>29</sup> United Nations Convention on the Rights of the Child, 1989, Arts. 3 & 9.

<sup>30</sup> S. Chandra, "Prison Reforms and Prisoners' Rights in India" (2019) 61 JILI 245.

<sup>31</sup> Law Commission of India, 268th Report on Prison Reforms (2017) 54.

- (ii) **Administrative and Financial Burden:** Implementing conjugal visit policies requires separate facilities, trained staff, sanitation arrangements, and medical support. For prisons already facing overcrowding and resource constraints, this creates an additional administrative and financial burden.
- (iii) **Eligibility Criteria and Risk of Discrimination:** Determining which prisoners qualify for conjugal visits can be complex. If eligibility criteria are unclear or inconsistently applied, it may lead to allegations of discrimination, favoritism, or unequal treatment among prisoners.<sup>32</sup>
- (iv) **Moral, Social, and Political Opposition:** Some sections of society view conjugal visits as an undue privilege for offenders rather than a rehabilitative measure. Moral objections and political resistance can hinder the acceptance and implementation of such policies, especially in conservative social contexts.<sup>33</sup>
- (v) **Health and Hygiene Issues:** Conjugal visits raise concerns related to sexual health, unintended pregnancies, sexually transmitted diseases (STDs), and hygiene. These challenges require regular medical check-ups, counseling, awareness programs, and access to healthcare services within prisons.

### 7.3 Need for a Balanced Approach

The effectiveness of conjugal visit policies depends on achieving a balance between human rights and prison administration. Clear rules, transparent eligibility standards, adequate security measures, and proper infrastructure can significantly reduce the associated challenges while preserving the intended benefits.

## 8. Comparative Best Practices

A comparative examination of conjugal and family visit policies across different countries helps in understanding how prison systems worldwide balance human dignity, rehabilitation, institutional security, and social reintegration. Comparative penology reveals that imprisonment

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<sup>32</sup> *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

<sup>33</sup> R. Dhavan, "Human Rights and Prison Administration in India" (2018) 60 JILI 121.

need not sever family and marital relationships completely, and that humane prison administration can coexist with security concerns.<sup>34</sup>

Many nations recognize that maintaining intimate and family relationships during incarceration reduces psychological stress, improves inmate behavior, and supports post-release rehabilitation. Countries such as Canada, Brazil, France, Spain, and South Africa have institutionalized conjugal or extended family visits through clear legal frameworks and administrative guidelines. These systems demonstrate that regulated conjugal visits can function effectively as part of a reformatory correctional model.

Comparative studies further indicate that prisoners who maintain strong family connections are less likely to reoffend and more likely to reintegrate successfully into society after release.<sup>35</sup> By linking eligibility for conjugal visits with good conduct and security assessments, prison administrations in several jurisdictions have used such policies as tools for discipline, rehabilitation, and incentive-based prison management.<sup>36</sup> The following table presents a comparative overview of best practices relating to conjugal and family visit policies in selected countries. This is followed by an analytical discussion highlighting key features, safeguards, and lessons that may be relevant for the Indian prison system, particularly in the context of evolving human rights jurisprudence and reform-oriented prison administration.

**Table: Comparative Best Practices on Conjugal / Family Visits in Selected Countries**

| Country | Legal Position                      | Who Can Get Visits                        | Visit Type & Time                    | Main Purpose              | Best Practice                         |
|---------|-------------------------------------|---|--------------------------------------|---------------------------|---------------------------------------|
| Canada  | Allowed under prison rules (Private | Prisoners with good behavior and approved | 48–72 hours in separate family units | Reform and family bonding | Clear rules, discipline-based access, |

<sup>34</sup> N. Morris & D.J. Rothman, *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford University Press 1998) 9.

<sup>35</sup> United Nations Office on Drugs and Crime, *Handbook on Strategies to Reduce Recidivism* (UNODC 2012) 45.

<sup>36</sup> Canadian Correctional Service, *Private Family Visit Program Policy* (Government of Canada 2019).

|                     |                                  |   |   |                                 |   |
|---------------------|----------------------------------|---|---|---------------------------------|---|
|                     | Family Visit Program)            | family relationship                               |   |                                 | strong family support                           |
| <b>Brazil</b>       | Recognized as a legal right      | All prisoners, including women and LGBTQ+ inmates | Regular scheduled conjugal visits       | Human dignity and equality      | Non-discrimination, clear administrative system |
| <b>France</b>       | Allowed by prison administration | Based on security check and relationship proof    | Long family visits in Family Life Units | Family unity and reintegration  | Child-friendly and family-friendly facilities   |
| <b>Spain</b>        | Formally recognized              | Depends on behavior and type of sentence          | Ordinary, intimate, and family visits   | Emotional stability and reform  | Different categories of visits for flexibility  |
| <b>South Africa</b> | Allowed under correctional laws  | Good conduct and security approval                | Controlled private visits               | Human rights and rehabilitation | Constitution-based human rights approach        |
| <b>India</b>        | Limited and state-based          | Depends on state rules and court orders           | Mostly parole or furlough               | Reform and human dignity        | Court-led reforms and pilot schemes             |

### 8.1 Comparative Analysis

The comparative table highlights that countries with explicit legal or regulatory frameworks are more successful in implementing conjugal visit policies consistently. Canada, France, and Spain treat such visits as part of a rehabilitative correctional philosophy, rather than as privileges granted arbitrarily. Brazil stands out for its inclusive approach, extending conjugal visit rights across

gender and sexual orientation, thus aligning prison policies with broader equality and non-discrimination norms.<sup>37</sup> A key best practice observed is the link between good conduct and eligibility, which encourages discipline and positive behavior within prisons.<sup>38</sup> Another important feature is the creation of separate, secure, and dignified spaces that allow privacy without compromising institutional security.<sup>39</sup>

## 8.2 Lessons and Best Practices for India

From the comparative study, the following best practices can be adapted to the Indian prison system:

- 1. Uniform Legal Framework:** A clear national policy on conjugal and family visits would reduce inconsistency across states and ensure uniform standards in prison administration.
- 2. Human Rights-Based Approach:** Conjugal visits should be recognized as part of the right to life and human dignity under Article 21 of the Constitution of India.
- 3. Non-Discrimination:** Equal access must be ensured for women prisoners, and arbitrary exclusion based on gender or marital status should be avoided.
- 4. Rehabilitation-Oriented Eligibility:** Eligibility for visits should be linked to good conduct, security assessment, and participation in reformatory programs.<sup>40</sup>
- 5. Infrastructure Development:** Dedicated family visit units should be created to ensure privacy, safety, hygiene, and dignity while maintaining institutional security.

## 9. Recommendations for Policy Enhancement in Punjab

To make prison reforms in Punjab more effective and humane, especially in relation to conjugal visits and prisoners' rights, the following policy recommendations are suggested:

- 1. Clear and Uniform Legal Policy:** The Punjab Government should frame a clear and written policy or law on conjugal visits. In the absence of detailed rules, inconsistency and unequal treatment may arise. A uniform policy will ensure clarity regarding eligibility, duration, frequency, and conditions of visits.<sup>41</sup>

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<sup>37</sup> Julita Lemgruber, "Prison Policies and Human Rights in Brazil" (2016) 58 JILI 189.

<sup>38</sup> Canadian Correctional Service, *Commissioner's Directive on Private Family Visits* (Government of Canada 2019).

<sup>39</sup> United Nations Office on Drugs and Crime, *Handbook on Prisoner Classification* (UNODC 2020) 67.

<sup>40</sup> *Mohd. Giasuddin v. State of Andhra Pradesh*, (1977) 3 SCC 287.

<sup>41</sup> Punjab Jail Manual, 1996 (as amended), Preface and Ch. II.

2. **Protection of Human Dignity and Family Life:** Prison policies should recognize that imprisonment does not take away a person's basic human dignity. Conjugal visits help maintain family bonds, reduce emotional stress, and support rehabilitation, thereby aligning with constitutional values under Articles 14 and 21.<sup>42</sup>
3. **Improvement of Prison Infrastructure:** Punjab prisons should develop proper infrastructure for conjugal visits, including separate, clean, and secure rooms that ensure privacy, hygiene, and safety without compromising discipline.<sup>43</sup>
4. **Transparent and Fair Eligibility Criteria:** The process for granting conjugal visits should be transparent, fair, and free from discrimination. Clear eligibility criteria should be publicly available, and decisions should be properly recorded to prevent misuse of power.
5. **Gender-Sensitive and Child-Friendly Approach:** Special attention must be given to women prisoners. Policies should ensure their safety, privacy, and health. Where prisoners have children, arrangements must protect the best interests of the child and avoid emotional harm.
6. **Training and Sensitization of Prison Staff:** Regular training programs should be conducted for prison staff on human rights, reformatory justice, and ethical conduct. Sensitized staff can ensure smooth and respectful implementation of policies.<sup>44</sup>
7. **Monitoring and Regular Review:** Continuous monitoring through inspections and reports is necessary. Periodic review of the impact of conjugal visits on mental health, discipline, and recidivism will help improve policy effectiveness.<sup>45</sup>
8. **Involvement of Experts and Civil Society:** Legal experts, psychologists, social workers, and civil society organizations should be involved in policy formulation and review to ensure a balanced approach between security and rehabilitation.<sup>46</sup>

## 10. Conclusion

This study concludes that the objective of the prison system should not be limited to punishment alone, but should also focus on the **reformation, rehabilitation, and social reintegration of**

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<sup>42</sup> *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494.

<sup>43</sup> National Crime Records Bureau, *Prison Statistics India 2021* (Ministry of Home Affairs) 52.

<sup>44</sup> S. Chandra, "Human Rights Training for Prison Officials" (2020) 62 JILI 301.

<sup>45</sup> World Health Organization, *Prisons and Health* (WHO 2014) 112.

<sup>46</sup> R. Dhavan, "Civil Society and Prison Reform in India" (2018) 60 JILI 121.

**prisoners.** Prisoners' rights, particularly the concept of **conjugal visits**, form an important part of a humane and reform-oriented prison policy. Such practices help prisoners maintain emotional stability, reduce psychological stress, and preserve family relationships, which are essential for positive behavioral change.

Punjab's initiative toward recognizing conjugal visits reflects a **progressive and human-rights-based approach** to prison administration. It is consistent with constitutional values, especially the right to life and personal dignity under Article 21, and also aligns with international human rights principles that emphasize respect for family life even during incarceration. However, effective implementation of this policy requires overcoming several challenges, including the absence of a comprehensive legal framework, infrastructural limitations, security concerns, and administrative constraints. Therefore, the state needs to develop clear, transparent, and uniform guidelines applicable to all prisons, ensuring fairness and consistency in practice. Special attention must also be given to **women prisoners, pregnant inmates, and prisoners with children**, as their needs require a more sensitive and protective approach. Additionally, regular training and sensitization of prison staff are crucial for ensuring respectful and ethical implementation of reformative policies. Periodic monitoring and evaluation will further help assess the impact of conjugal visits on prison discipline, mental health, and recidivism.

In conclusion, if prison policies in Punjab are framed and implemented in a **balanced, humane, and reformative manner**, they can significantly contribute to protecting prisoners' rights while maintaining institutional security. Conjugal visit policies, when properly regulated, can play a vital role in transforming prisons into centers of correction and rehabilitation, thereby strengthening the overall criminal justice system.