

PRISON REFORMS IN INDIA – FROM PUNISHMENT TO REHABILITATION

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INTRODUCTION

Prisons serve as an arm of criminal justice system to punish the deviant behaviour of a miscreant. India's jails are emblematic of a criminal justice system grappling with multiple challenges. Overcrowding, outdated infrastructure, and limited resources often impede the delivery of essential services such as healthcare, sanitation, and rehabilitation. These facilities not only house a diverse inmate population—including a growing number of under trial prisoners—but also reveal systemic gaps that affect the human rights and well-being of inmates. In this article, we explore the current state of Indian jails, examine the pressing issues they face, and discuss potential reforms aimed at transforming these institutions into centers of genuine reformation and support.

John Locke, the great English political theorist of seventeenth-century expressed that men were basically good, but laws were still needed to keep down the few desperate men in society. Prisons are meant to be places of correction, not just confinement. Yet, in many countries, including India, they are overcrowded, poorly managed, and often neglect the basic dignity of those inside. Many inmates, especially under trials, spend years behind bars without a conviction, stuck in a system that moves too slowly. The harsh conditions, lack of healthcare, and absence of meaningful rehabilitation programs make it difficult for prisoners to reintegrate into society once released.

"Locking people away does not solve crime, it only hides it temporarily." – Bryan Stevenson

The prisons in India follows the international obligations and guidelines with respect to the care of prisoners and various steps are being taken towards prison reform. According to the

UN Global Report on Crime and Justice 1999, the rate of imprisonment in our country is very low, i.e. 25 prisoners per one lakh of population, in comparison to Australia (981 prisoners), England (125 prisoners), USA (616 prisoners) and Russia (690 prisoners) per one lakh population. A large chunk of prison population is dominated by first offenders (around 90%) The rate of offenders and recidivists in prison population of Indian jails is 9:1 while in the UK it is 12:1, which is quite revealing and alarming.

In India, efforts have been made to improve prisons, but there is still a long way to go. The goal should not just be to lock people away but to help them return to society as better individuals. A humane and rehabilitative prison system is not just about the prisoners—it benefits families, communities, and the entire nation by fostering a safer and more just society.

HISTORY OF PRISON REFORMS IN INDIA

Prison reforms in India is not new concept introduced recently its history dates way back in medieval times. In ancient India, prisons,

referred to as "bandi griha" or "bandi khana," were primarily utilized for detaining war captives and enemies of the state. The primary purpose of these facilities was to hold individuals awaiting trial or execution, rather than serving as a form of punishment itself. Notably, imprisonment was not commonly employed as a punitive measure for ordinary crimes; instead, it served as a means of detention. Kautilya's *Arthashastra* provides detailed references to prison construction and management, suggesting separate accommodations for men and women and emphasizing the importance of prisoner welfare.

During British rule in India, significant prison reforms were implemented to transform the existing penal system such as:

T.B. Macaulay's Role in Prison Reforms in India

Thomas Babington Macaulay (1800–1859), a British administrator and legal reformer, played a significant role in shaping India's criminal justice system, including prison reforms. His influence was primarily through codifying laws, standardizing punishments, and laying the foundation for modern prison administration in colonial India.

T.B. Macaulay played a crucial role in shaping India's prison reforms through his work on the Indian Penal Code (IPC) (1860) and his influence on early prison administration. Macaulay's most significant contribution was the drafting of the Indian Penal Code (IPC). Completed in 1837, the IPC aimed to replace the existing, disparate set of laws with a uniform legal framework applicable throughout British India. The code drew inspiration from English law but was tailored to the specific context of Indian society. It encompassed various aspects of criminal law, defining offenses and prescribing appropriate punishments. The IPC was enacted in 1860 and remains, with amendments, the foundation of criminal law in India today.

Macaulay was also concerned with the conditions of prisons in India. In his 1835 address

to the Legislative Council, he highlighted the deplorable state of Indian prisons, describing the practices within them as "shocking to humanity." This advocacy led to the formation of the Prison Discipline Committee in 1836, which was tasked with investigating prison conditions and recommending improvements. The committee's report in 1838 led to significant reforms, including the construction of central prisons designed to accommodate long-term inmates and the establishment of standardized prison regulations. As the Chairman of the First Law Commission (1835), he introduced a uniform legal system, replacing arbitrary punishments with structured imprisonment, which became the backbone of India's penal system. His work led to the establishment of the First Prison Reforms Committee (1836), which recommended better prison conditions, the classification of prisoners, and the abolition of inhumane punishments like branding and whipping. Macaulay's influence also contributed to the British practice of penal settlements, leading to the creation of the infamous Cellular Jail in the Andaman Islands. His legal philosophy emphasized rehabilitation over pure retribution, paving the way for later reformatory prison policies in India. Although his reforms were driven by colonial interests, they laid the foundation for **modern** prison administration, influencing independent India's prison manuals, legal frameworks, and correctional facilities. His Indian Penal Code (IPC) remains in use today, reflecting his lasting impact on India's justice and prison systems.

Establishment of Central Prisons:

The establishment of central prisons in India during British rule marked a pivotal shift in the country's penal system. Prior to British intervention, India's penal practices were diverse, often community-based, and varied across regions. Punishments ranged from fines and corporal punishment to exile, with imprisonment being relatively uncommon. The British, upon consolidating their power, sought to standardize and control the justice system to reinforce their authority and facilitate efficient

governance. Central prisons emerged as instruments to achieve these objectives, serving both punitive and deterrent functions.

The modern prison system in India began with the appointment of the Prison Discipline Committee in 1836, chaired by H. Shakespeare, a member of the Governor General's Council (Lord William Bentinck). This committee was tasked with evaluating the conditions and administration of prisons across India. In its 1838 report, the committee recommended increasing the rigor of treatment for prisoners while rejecting humanitarian measures, reflecting the punitive philosophy of that era. Following these recommendations, the British administration initiated the construction of central prisons starting in 1846. These facilities were designed to centralize long-term incarceration, standardize prison administration, and enhance control over the inmate population. This shift marked a move towards a more organized and uniform penal system in India.

The Prisons Act of 1894:

Recognizing the need for a comprehensive legal framework to govern prisons, the British enacted the Prisons Act of 1894. This act aimed to amend and consolidate the law relating to prisons in India, providing detailed guidelines on various aspects of prison management. It outlined the duties and responsibilities of prison officers, established protocols for the admission and discharge of prisoners, and set standards for the accommodation, food, clothing, and medical care of inmates. The act emphasized security and discipline within prisons, reflecting the colonial administration's focus on maintaining order. However, it paid limited attention to rehabilitation and prisoner rights, with the primary goal being the efficient management of prisons rather than the reformation of inmates.

The Prisons Act of 1894, a cornerstone of India's penal system, delineated the structure and management of prisons during the colonial era. It mandated the appointment of key prison

officials such as Superintendents, Medical Officers, and Jailers to oversee prison operations. The Act emphasized prisoner classification, advocating for the separation of males and females, as well as civil and criminal detainees, to maintain order and security. Provisions were included to ensure prisoners received medical examinations upon admission and throughout their incarceration, underscoring the importance of health and hygiene within facilities. Disciplinary measures were outlined to address inmate misconduct, specifying allowable punishments while promoting humane treatment. Additionally, the Act recognized the significance of prisoner rehabilitation by encouraging labour and vocational training, aiming to equip inmates with skills for societal reintegration post-release. The Act has undergone minimal amendments since its enactment, rendering many of its provisions obsolete in addressing contemporary challenges within the prison system. Lack of Focus on Rehabilitation. The Act predominantly emphasizes punitive measures over rehabilitative strategies, neglecting the importance of reforming inmates for their reintegration into society.

Indian Jails Committee (1919-1920):

A significant shift in the approach to prison management occurred with the establishment of the Indian Jails Committee in 1919, chaired by Sir Alexander Cardew. This committee conducted a comprehensive study of the prison system in India, visiting numerous prisons and gathering extensive data on prison conditions, administration, and inmate welfare. In its 1920 report, the committee advocated for a shift towards rehabilitation, emphasizing the need for a reformatory approach to incarceration. It recommended improvements in living conditions, the introduction of vocational training programs, and the provision of educational and recreational facilities for prisoners. The committee also rejected the use of corporal punishment, marking a move towards more humane treatment of inmates. These recommendations laid the groundwork

for subsequent reforms in the Indian penal system, highlighting the importance of rehabilitation alongside punishment

CONDITIONS OF PRISONS IN INDIA – The major problems which lead to worst condition of jails.

Despite the relatively low number of persons in prison as compared to many other countries in the world, there are some very common problems across the jails in India, and the situation is likely to be the same or worse in many developing countries. Overcrowding, prolonged detention of under-trial prisoners, unsatisfactory living conditions, lack of treatment Programs and the allegations for the indifferent and even inhuman approaches of prison staff have repeatedly attracted the attention of the critics over the years. A few major problems of prison systems in India are discussed below.

Over Crowding in the prisons:

Congestion in jails, particularly among under trials has been a source of concern. Law Enforcement Assistance Administration National Jail Census in 1970 had revealed that 52% of the jail inmates were awaiting trial. Obviously, if prison overcrowding is to be brought down then the under-trial population has to be reduced drastically. Of course, this cannot happen without the courts and the police works together.

In the landmark case **In Re: Inhuman Conditions in 1382 Prisons (2016)**, the Supreme Court of India took a compassionate stance on the harsh reality faced by thousands of prisoners living in overcrowded jails. **Re Inhuman Conditions in 1382 Prisons [(2016) 3SCC 700]** is only the recent landmark apex court judgment concerning prison conditions. This was a suo moto case converted from a letter written by former Chief Justice of India, Justice RC Lahoti, Justice Madan B Lokur. The main issues raised were overcrowded prisons, unnatural deaths of prisoners, inadequacy of staff and inadequately trained staff. The bench of Justice Lokur and Justice RK Agrawal

observed, after having a look at the state responses that, by-and-large, the steps taken by the state were facile and lack adequate sincerity in implementation. The Court acknowledged that cramming inmates into overcrowded cells, where basic amenities like space, hygiene, and healthcare are scarce, strips them of their dignity and violates their fundamental **Right to Life** under **Article 21** of the Constitution. Recognizing that most of these inmates are under trials, often languishing for years without conviction, the Court urged authorities to take immediate steps to decongest prisons.

Through state responses the court were apprised of the fact that despite funds being allocated under the 13th Finance Commission for the improvement of conditions in prisons no grant was allotted in as many as 19 States and in the States where grants were allotted, the utilisation was less than 100 percent.

The Model Prison Manual, 2016 cited hereinabove is the result of the nudge given by the apex court in this case since the former prison Manual dated as long back as 2003. Even under trial review committees were set up at district levels in states to ensure that under trials do not have to languish in jails owing to lack of legal aid and their inability to have access to the courts for securing bail. It called for faster trials, easier bail provisions, and a greater emphasis on non-custodial alternatives. Through its directives, the Court underscored that prisons should be places of reform, not punishment, reminding society that even those behind bars deserve to be treated with humanity and dignity.

Corruption taking place within the prisons:

The three biggest issues plaguing India's prisons are festering corruption that allows criminal syndicates to run behind bars, overcrowding due to under trials packed in colonial-era structures, and understaffing and underfunding of many big jails. These are worsened by India's judicial system, especially the lower courts where hundreds of thousands

of cases continue to languish, and the constraints of state governments, which control prisons. A new draft model prison act circulated by the Centre attempts to make some strides across all three aspects albeit with varying levels of intensity, with a focus on bolstering security. The draft proposes a raft of measures to break the nexus between criminals and corrupt officials.

Corruption by prison staff, and its less aggressive corollary, guard corruption, is common in prisons around the world. Given that the substantial power, for guards exercised over inmates, these problems are predictable, but the low salaries that guards are generally paid severely aggravate them. In exchange for contraband or special treatment, inmates supplement guards' salaries with bribes.

Tihar Jail has frequently been in the spotlight for a range of scandals involving contraband, including mobile phones, drugs, and extortion rings. In recent years, multiple investigations and media reports have revealed that despite stringent security measures, inmates have managed to smuggle in mobile phones by various ingenious methods—often hiding them in body cavities or disassembling and reassembling parts of the device. Once inside, these mobile phones are not merely used for personal communication; they enable prisoners to coordinate criminal activities. Gangsters within Tihar Jail have been reported to use these devices to run sophisticated extortion networks, demand ransoms from fellow inmates, and even facilitate drug supply operations by maintaining clandestine contact with external drug suppliers. In 2020, an investigation into the death of inmate Sikander Dogra unveiled a sophisticated smuggling operation where drugs and contraband were hurled over the prison's boundary walls. External collaborators would position themselves strategically to toss packages into designated "drop zones" within the prison premises. Inmates would then retrieve these packages and distribute the illicit substances internally. This method underscored vulnerabilities in

perimeter security and the innovative tactics employed by smugglers.

Tihar Jail, India's largest prison complex, has been plagued by numerous smuggling incidents over the years, highlighting systemic challenges within its security framework. Notable cases such as In 2017, warder Virender Kumar was apprehended while attempting to smuggle drugs, tobacco products, and other prohibited items into the jail. His arrest spotlighted internal corruption and the complicity of certain staff members in facilitating smuggling operations. Such incidents have prompted calls for stricter oversight and comprehensive staff training to uphold prison integrity. In another case of corruption in Tihar jail A 2020 case revealed that inmates Amit Shukla and Naveen Dabas, both associated with the Neeraj Bawana gang, orchestrated an extortion plot targeting a businessman. Operating from within Tihar Jail, they leveraged smuggled mobile phones to coordinate with external associates, demanding ₹2.5 crore from the victim. This incident underscored the critical need for stringent monitoring of inmate communications to prevent criminal enterprises from thriving behind bars.

These cases collectively highlight the multifaceted challenges Tihar Jail faces in curbing smuggling activities. Addressing these issues necessitates a holistic approach, encompassing technological upgrades, robust staff training, and unwavering vigilance to safeguard the institution's integrity.

Unhealthy Living Conditions:

The overcrowding in the prisons leads to unsatisfactory living conditions. Although several jails have reformed outlined earlier have focused on issues like diet, clothing, and cleanliness, unsatisfactory living conditions continue in many prisons around the country. A special commission of inquiry, appointed after the 1995 death of a prominent businessman in India's high-security Tihar Central Jail, reported in 1997 that 10 000 inmates held in that

institution endured serious health hazards, including overcrowding, “appalling” sanitary facilities and a shortage of medical staff.

“No one wants to go to prison however good the prison might be. To be deprived of the liberty and family life and friends and home surroundings is a terrible thing.”

“To improve the prison conditions what does not mean that prison life should be made soft; it means that it should be made human and sensible for prisoners”

The unequal treatment & abuse faced by the inmates:

“Though the prisons may be supposed as the levelling institutions in the world where some different variables that could create/develop the vital effects on the conditions of confinement of the criminal records and their inmates and also their Behaviour in prison, other factors play an important part in many countries” (Neier et al 1991). This report provided by the Human Rights, watch specifically cites countries like India and Pakistan, where a “rigid” class system exists in the prisons. It states that under this system, special privileges are accorded to the minority of the prisoners who came from the upper and middle classes of their irrespective of the crimes they have committed or the way they comport themselves in prison.

The torture brutal physical treatment in custody by police official is another major Problem of jails in India. Third degree tortures within four walls of prison occur frequently and many times they remain unnoticed, such cases comes light when media or human rights commission gives any attention on it. The proper treatments of inmates mentioned in the prison acts and in various manuals along with the guidelines of the apex courts are neglected by the police staff and sometimes it lead to deaths of prisoner under the custody. These tortures make victim to suffer mentally and physically and sometimes it gets long time for them to recover from that trauma. The Reports of

national human rights commission and state human right commission depicts growth of such incidents in last two decades. The real stigma behind these custodial treatments is that the police official picks up any person from any time from any place and keeps them for long durations without showing any sufficient reasons for arrest.

Physical abuse of prisoners by the guards is another chronic problem in the prisons of India. Some countries are still continuing to permit corporal punishments and the routine uses of leg irons, fetters, shackles, and chains. In many prison systems in India, unwarranted beatings are an integral part of prison life.

Women prisoners in Indian prisons are particularly vulnerable to custodial sexual abuse. The problem was widespread all over the world especially in the United States, where male guards outnumbered women guards in many women’s prisons. In some countries, Haiti being an exclusive example, female prisoners were even held together with male inmates, a situation that exposed them to rampant sexual abuse and violence. A book reviewing prison services in Punjab reported that to get food supplements, or blankets in the winter season, class c-prisoners must fan the convict officers, or massage their legs, or even perform sexual favors for them in the prison. The enslavement of other prisoners for the convict officers who effectively run the prisons is particularly severe for new comers (known as amdani). In prison, they are teased, harassed, abused, and even tortured as part of the process of breaking them in.

Sunil Batra v. Delhi Administration (1978) AIR 1675 – Sunil Batra, a prisoner on death row in Tihar Jail, filed a petition under **Article 32 of the Indian Constitution** (which allows individuals to directly approach the Supreme Court for the enforcement of their fundamental rights). He brought to the court’s attention the **inhumane and degrading treatment of prisoners**, particularly the torture inflicted on another prisoner by jail officials.

Sunil Batra exposed the **cruel use of solitary confinement and physical abuse** in Indian prisons, sparking a significant debate about the fundamental rights of prisoners. In *Sunil Batra v. Delhi Administration* (1978), the Supreme Court held that even prisoners, including those on death row, retain their fundamental rights under the Constitution. The Court ruled that while prison authorities may impose measures like solitary confinement for security reasons, such measures must not amount to torture or inhumane treatment. Since Batra's death sentence had not been finalized, the Court determined that he could not be subjected to the harsh form of solitary confinement provided under Section 30(2) of the Prison Act. This landmark judgment emphasized that incarceration does not extinguish a prisoner's right to life and dignity, and it reaffirmed the Court's jurisdiction under Articles 32 and 226 to ensure humane treatment within the penal system.

Inadequate prison Program:

Despite the problems of overcrowding, manpower shortage, and other administrative difficulties, innovative initiatives have been undertaken in some prisons. For example, the Art of Living is carrying out a SMART program in Tihar Jail. It includes two courses per month with follow up of the sessions every weekend. Two courses are annually conducted for prison staff. But these may be more by way of exceptions and experiments. A Srijan project is aimed at providing social rehabilitation there. Still, such programs are few and far from Indian prisons. In India, many prisons have vocational training activities, but these are often outdated even. Hardly any of the prisons have well-planned prison programs providing daily structured activities, vocational training, pre-discharge guidance, and post-prison monitoring.

Insufficient Legal Aid:

In India, legal aid to those who cannot afford to retain counsel which is only available at the time of trial and not when the detainee is brought to the remand court. Since the majority

of prisoners, who are in lock up as well as those in prisons have not been tried, the absence of legal aid until the point of trial reduces greatly the value of the country's system of legal representation to the poor. The lawyers are not available at the point when many of them need such assistance.

The lack of good and efficient lawyers in the legal aid panels is also a concern. Several suggestions are made from time to time to speed up the trial processes so that the population of under trials could be reduced to the lower population in prison. Some of the suggestions provided by various committees were expeditious holding of trials, making it more possible for under trials to plead guilty at any stage of the trial, a system of plea bargaining. In a seminar, the tough efforts have been made at the Tihar Jail by the University of Delhi faculty and students of law in the field of legal aid were highlighted. This included imparting legal literacy to the prisoners, sensitizing the prison administration, taking up individual prisoners to provide legal aid, involving para-legal staff to work with prisoners, both convicts, and under trials. The seminar had suggested for Lok Adalat involvement to be greater and that constant monitoring of prisons was necessary to identify inadequacies and shortcomings in the prison administration. It finally suggested that there would be a need for law reform as essential to the entire system of legal aid.

A similar finding had been noted in the NIMHANS-National Commission for Women study in the Central Prison, Bangalore. In the Indian prison many of the women were illiterate, had never stepped out of their houses, had had no any financial resources and many had been arrested on petty charges. Most had no idea about legal procedures, such as, what is the process of trial, how to arrange for a defense lawyer, what laws exist to protect their children or property, etc.

The ill treatment and Challenges Faced by Women in Indian Prisons:

women, considered to be the most vulnerable section of the society are harassed and abused physically in the jail in abundance.

Women prisoners often face the risk of physical and sexual abuse—by fellow inmates, and sometimes even by prison staff. In many facilities, the scarcity of female jail personnel means that male officers are involved in managing women, increasing the risk of harassment and degrading treatment. Intrusive and often dehumanizing practices, such as invasive body searches conducted without sensitivity or adequate privacy measures, further erode their dignity.

For women who are detained by the police, a particular danger is a rape in custody. Many of the victims are migrant women who lack the established community connections that would make protests on their behalf effective. The possibility for custodial rapes varies in India from state to state and jail to jail. Many cases remain unnoticed or unreported only a few come as a matter of chance. According to the PUDR, „chance circumstances“ brought these cases to light. Otherwise, they probably would have gone unreported. To a far greater extent than in Western countries, the victims of rape risk punishment themselves or ostracism if what happened to them becomes known. They may be rejected by their husbands and families and, in the case of unmarried girls, in countries like India chances of marriage are reduced drastically. Such crime statistics are available in India to make it seem that rape in custody is increasing. It is unlikely that the woman's shame would ever be known by anyone other than the victim and her rapists if she maintains silence, the fear of further retribution is especially great when it is the police who are the rapists; the woman has little or no opportunity to raise a prompt outcry after the rape, and the almost certain result of a complaint is that the victim would suffer more while nothing would happen to her rapists.

These women are also often kept isolated from the basic necessities such as period hygiene and gynaecologist.

Women in Indian jails endure conditions that are far from the humane treatment envisioned by international human rights standards. Overcrowding, poor health care, inadequate sanitation, vulnerability to abuse, and the emotional strain of separation from family collectively create an environment that not only degrades their dignity but also hampers any chance for genuine rehabilitation. Addressing these challenges requires a concerted effort from the government, prison authorities, and civil society to implement gender-sensitive reforms, increase investment in infrastructure and healthcare, and ensure that the rights of women prisoners are upheld at every level of the criminal justice system.

Custodial Tortures /Deaths:

The torture brutal physical treatment in custody by police official is another major Problem of jails in India. Third degree tortures within four walls of prison occur frequently and many times they remain unnoticed, such cases comes light when media or human rights commission gives any attention on it. The proper treatments of inmates mentioned in the prison acts and in various manuals along with the guidelines of the apex courts are neglected by the police staff and sometimes it lead to deaths of prisoner under the custody. These tortures make victim to suffer mentally and physically and sometimes it gets long time for them to recover from that trauma. The Reports of national human rights commission and state human right commission depicts growth of such incidents in last two decades. The real stigma behind these custodial treatments is that the police official picks up any person from any time from any place and keeps them for long durations without showing any sufficient reasons for arrest.

One of such cases of custodial death was **Nilabati Behera vs. State of Orissa (1993)** This case dealt with the custodial death of Suman

Behera, whose body was found on railway tracks after being taken into police custody. The Supreme Court held that the state is liable to pay compensation for the violation of fundamental rights under Article 21 (Right to Life) of the Constitution. The court emphasized that public functionaries could not claim sovereign immunity in cases of constitutional rights violations, thereby reinforcing the state's accountability for custodial deaths.

The conditions in Indian jails continue to be a pressing issue, marked by chronic overcrowding, outdated infrastructure, and limited resources that compromise basic hygiene, healthcare, and rehabilitation. While isolated improvements have been noted, systemic shortcomings persist, affecting the dignity and rights of inmates and hampering efforts toward genuine reform. Addressing these challenges through comprehensive policy changes and increased investment in prison infrastructure is essential for transforming these facilities into humane centers for rehabilitation and ultimately restoring public trust in the criminal justice system.

Steps taken by government for prison reforms in India:

The Indian Authorities have started taking some big steps in prison reorganisation to medicalize and solution the multiple problems that plague the prison system of the country including overcrowding, poor healthcare practices, absents re-educational programs/repatriation process, and prisoners' rights protection. This is in line with a broader set of reforms to humane prisons that were conceived of as empowering prisoners with a path to rehabilitation, re-entry and improved conditions once released to society. Among the first and most prominent Reforms were the committees constituted in India for 'Inmate's' improvement (prisons reforms).

The Mulla Committee was set up in 1983 with the Honourable Justice A.N. Mulla as Chairman to study the jails and recommendations for improvement. The committee drew attention to

urgent needs for prisoners, like better living conditions and vocational training and more healthcare. Thereafter, the Justice Krishna Iyer Committee of 1987 advocated a model for reformation of prisons on the basis of protection of human rights and further rehabilitation/potential re-entry into society through vocational training & education to prisoners. Another important committee is the Justice P.K. Thakur Committee (2003) which tried to address the problems of prisoner overcrowding, improvement of prisons infrastructure and ensuring humane treatment. It further recommended the formulation of national prison reform policy. While these committees spelled out the pressing necessity for reforms, it was not until 2005 that anything concrete came with the National Policy on Prison Reforms and Correction Administration as the first phase in future prison reforms. The fabric upon which any subsequent work of prison reform will be based was conceptualized with this policy on prison reforms in India, based on prison condition improvements, human rights protection and re-entry. The core of the policy was the protection of prisoners, particularly long-term and under-trial prisoners. Policy-wise the focus shifted towards converting prisons into correctional facility to reform and rehabilitate through education, skill development, vocation training not just punishing.

Overcrowding still a huge problem in most prisons across India, the government has taken steps to alleviate the pressure from existing prison infrastructure to mitigate infilling. Such as E-Prison Project initiated to digitalize the administration and management of prisons in order to modernize them. This is a useful system for the better documentation and tracking of prisoners that has played a big role in the management of inmates to improve and avoid overcrowding etc. The E-Prison system is also a critical player when it comes to bolstering the transparency and accountability in jail administration. To deal with overcrowding it is making new prisons and taking a look at the

use (and abuse) of preventative detention laws too. Recent reforms by the government have also targeted improvement of prisons health services.

The Supreme Court of India has several times intervened to ensure that criminals get the requisite health facilities because prisoners health had been a very sensitive issue. For instance the Prisoners' Right to Health case (2014), the court ordered that there must be adequate medical facilities in prisons and it included provisions for mentally ill prisoners, as recognized by the state. Other state governments too got into the act with regard to medical care for prisoners. Indian prisons notoriously suffer from bad healthcare, i.e sanitation needs to be much improved and will only spread deadly diseases among inmates of course. In response to this, there are states that have ramped up their medical infrastructure and have implemented health check-up regimens for prisoners.

Mental health also is the latest point around which reform should focus, as visible abuse in prisons cannot be neglected when we fail to diagnose mental illnesses. More programs geared toward the care and treatment of mental illness have since been implemented in prisons, in line with the provisions of the 2017 Mental Health Care Act. Model prisons have been developed by establishing the states model in some states like Rajasthan, Maharashtra or Karnataka to set an example of better execution as well as management conditions in prison. These model prisons are based on international standards and their goals are prisoner welfare, education, vocational training and re-education. The prisoners in these prisons are provided education and skill development opportunities, so that once they are released they can be used in society.

Vocational training and skill development to mainstream prisoners at the time of their release has been among the key reforms undertaken. The introduction of vocational

training and skill development for prisoners with the intent to prepare individuals for re-entry was a major reform initiative. Some of the training programmes that were undertaken by various prison authorities included tailoring, carpentry, welding & metal work, electrical work and computer literacy. The programs are designed to give inmates a marketable skill and decrease recidivism rates by having prisoners who have first completed their sentence through either probation or parole to now be gainfully employed. Also, the government ensuring that prisoners are provided legal aid and the availability of a defense attorney. NALSA has been extremely useful in ensuring that prisoners, especially undertrial prisoners are provided legal aid so that they may challenge the illegal detention of their condition of legal representation. Similarly, the government has delved into human rights programs to be implemented throughout some prisons to give an idea of their legal rights (the right not to torture or ill-treat). This is consistent with India's obligations under a number of human rights treaty obligations – including, notably, to the UN Standard Minimum Rules for the Treatment of Prisoners (The Mandela Rules). The Supreme Court of India from time to time steps in to vindicate prisoner rights. The Court framed directions in 1999 to reduce overcrowding and improve prisoner well-being. It also raised the problem of temporary detention of prisoners for overstay and said those who had been kept in jail for long time without trial should be released. Quick trials and legal reforms are a crucial route to decrease under-trial prisoners. Legal changes, especially in the domain of speedy trials has been key to decelerating the numbers of those languishing as under trial prisoners for long.

In the last few years there have extensive efforts to improve mental health care and reintegration activities. There has been more attention paid to the way juvenile offenders are being reformed and are being kept apart from adult prisons, in homes (often the same home-base from a young age).

Last year, the government presented the Prisoners (Right to Services) Bill, which provided for a minimum of essential services like legal aid, healthcare and access to family communications for prisoners in lawful custody. It takes a human approach towards prisoners in rehabilitation, highlighting the emotional, physical and educational requirement of prisoner. Although these reforms are a step in the right direction, the picture remains one of unwieldy overcrowding, underfunded infrastructure, delayed trial timelines and mental health care that can be truly terrifying. However these move shows that the government is committed to bring reforms in prisons so that they reform a system that is more humane, respectful, rehabilitative and geared towards the re-socialization of prisoners on non-punitive basis. Key to the sustainability of these reforms are the continued focus on prison conditions, skills training, legal aid, and human rights protections.

Conclusion :

Prison reformation in India is an urgent necessity due to issues like overcrowding, poor living conditions, inadequate healthcare, and lack of rehabilitation programs. While prisons serve both punitive and reformatory purposes, the current system fails to uphold these objectives. The existing legal framework, including the Indian Penal Code and the Prisons Act of 1894, is outdated and does not align with modern criminal jurisprudence, necessitating significant reforms. Overcrowding is one of the most critical issues, with prisons operating at over 150% of their capacity. This leads to inhumane living conditions, increased violence, mental health issues, and disease outbreaks. To address this, the government must expand prison facilities, improve existing jails, and adopt alternative sentencing methods such as community service, probation, and house arrest for minor offenses. Healthcare in prisons is severely inadequate, with inmates suffering from mental health disorders, chronic illnesses, and infectious diseases. The absence of proper medical care violates fundamental human

rights and endangers both prisoners and prison staff. The government must ensure the presence of expert medical professionals, well-equipped healthcare facilities, and routine health checkups to prevent disease outbreaks and provide adequate treatment. Rehabilitation and reintegration programs are essential in reducing recidivism, yet they are largely absent in Indian prisons. Vocational training, education, and counseling services should be prioritized to equip inmates with skills necessary for reintegration into society. Additionally, therapy and mental health support can help address trauma, addiction, and psychological issues linked to criminal behavior.

A significant portion of India's prison population consists of undertrial prisoners who remain incarcerated for extended periods due to delays in the judicial process. This not only exacerbates overcrowding but also infringes on their rights. Fast-tracking trials, appointing legal aid, and ensuring timely bail decisions can help address this issue. Finally, systemic reforms in prison staff training and accountability are necessary to prevent mistreatment and corruption. Staff should be trained in human rights, conflict resolution, and rehabilitation practices, and transparent mechanisms must be established to monitor and address prisoner grievances. Comprehensive prison reforms are vital to ensuring a humane and just criminal justice system. By focusing on rehabilitation rather than mere punishment, India can create a system that not only deters crime but also helps offenders reintegrate into society, ultimately contributing to a safer and more just nation.

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Few definitions were taken from internet.

