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Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

# **CORRECTIONAL METHODS FOR REHABILITATION OF OFFENDERS IN INDIA & PRISONER'S RIGHTS IN INDIA**

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## **ABSTRACT**

*“No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.”*

*.....Nelson Mandela*

This dissertation offers a multidimensional analysis of the Indian prison system, with a focus on the scope and effectiveness of rehabilitation programmes. It traces the evolution of criminal justice philosophies from punitive to reformatory and restorative paradigms, and critically examines the extent to which these ideals are implemented in India's correctional institutions. The study identifies systemic gaps such as reliance on punitive justice, inadequate resources for vocational and educational training, and lack of psychological support that hinder rehabilitation. It also highlights reintegration challenges faced by released prisoners, including stigma, economic marginalization, and high recidivism risk. Employing a blended methodology, the research combines secondary data analysis with surveys of societal attitudes, revealing the crucial role of public perception in reintegration. The dissertation situates Indian practices within a global context. It concludes with reform recommendations aimed at bridging policy and practice, including enhanced funding, monitoring mechanisms, public-private partnerships, and awareness campaigns. Ultimately, the study advocates for a prison system that prioritizes human dignity, social reintegration, and sustainable public safety.

## **INTRODUCTION**

The Indian prison system is deeply rooted in colonial-era legislation, which historically emphasized retribution and control over reform and rehabilitation. Although post-independence reforms have sought to align correctional facilities with constitutional values and international human rights standards, the goal of rehabilitation remains largely unfulfilled across most Indian states. Prisons, therefore, continue to function primarily as instruments of criminal justice enforcement, rather than as environments for genuine reformation and reintegration. Rehabilitation, in its truest sense, aims to equip inmates with education, vocational skills, and psychological stability, enabling them to re-enter society as productive citizens. While relevant laws and policy frameworks exist, their effectiveness is heavily dependent on consistent implementation, adequate funding, and supportive societal attitudes. The history of mankind is witness to the fact that in the society and every stage of civilization, the commission of the crime is inevitably found. Similarly, the checks to regulate the conduct of individuals in a society were also prescribed from time to time. Crime was considered by the earlier societies as a deliberate and deviant behavior against the settled and acceptable norms of a civilized society. Accordingly, varied forms of punishment were introduced to deter that offender committing the crime again. With the passage of time, the advancement in behavioural sciences revealed and analysed criminal behaviour in a reformatory and rehabilitative manner. It was realised that behaviour is by and large an imitation and learned one and none is born criminal. The criminal behaviour is caused by various factors which, among other things, include adverse family conditions, peer group pressures, and numerous other negative social conditions prevailing in the society.

Penalizing those who violate the laws set out by the state is one of the main functions of the state as it now exists. Formal social control, which is defined as "actions undertaken within society to maintain social order," is achieved via the use of law. Leslie Wilkins noted that social control also serves to "uphold or reinforce common or 'normal' behavior." E.A. Ross defined social control as "sanctions applied to lead people towards certain behaviors and away from others."

The State uses criminal punishment as only one method of social control over its citizens. This punishment may be intended to revenge the crime, rehabilitate the offender, discourage future misdeeds by the same person, or accomplish many goals at once. A combination of these factors may affect the application of criminal penalties in a particular state. Additionally, by punishing specific people, state-administered criminal punishment highlights the State's position as a guardian of society and strengthens and validates the State's power over its members. The severity of the infraction determines the penalty that results from the offender's

acts being disapproved of. The perception of a "criminal" influences how a state drafts its laws and establishes penalties for certain offenses. The only way to combat crime in ancient cultures was to impose retributive punishment with the primary goal of deterrence. However, the idea of penology also underwent a substantial transformation as a result of the increased scientific understanding of criminal behaviour. Although the element of deterrence cannot be entirely ruled out, current penology in all civilized countries recognizes that the goal of punishment is the reformation, resocialization, and rehabilitation of the offenders.

## REVIEW OF LITERATURE

**Model Prison Manual 2016<sup>1</sup>:** In an effort to improve prison administration, the Model Prison Manual (2016) places a strong emphasis on education, vocational training, legal assistance, and rehabilitation. It is still mostly a guideline, however, with different governments implementing it differently and many jails still using antiquated colonial frameworks. **Obstacles to the Implementation of Policies:** Indian jails suffer from persistent overcrowding, inadequate financing, a lack of personnel, and deeply ingrained punishing attitudes in spite of progressive regulations. There is a disconnect between policy and practice due to inadequate data collection, insufficient monitoring, and a lack of political commitment to put rehabilitation ahead of containment.

**Michel Foucault's View on Prisons<sup>2</sup>:** Foucault contended in *Discipline and Punish* that contemporary prisons serve as instruments of social control and surveillance in addition to being places for humane punishment. He explained how confined institutions where discipline is internalized have replaced public, brutal penalties. According to Foucault, rather than providing true rehabilitation, prisons build submissive people via continual monitoring and normalization.

**Bentham and the Panopticon:** Jeremy Bentham's Panopticon was a perfect jail layout in which guards could keep an eye on prisoners without their knowledge thanks to a central watchtower. Foucault used this as a metaphor for contemporary power: the potential for monitoring forces prisoners to exercise self-restraint, increasing the effectiveness and subtlety of control. **Disproportionate Incarceration and Structural Power:** The disproportionate incarceration of disadvantaged groups in India, such as Dalits, Adivasis, Muslims, and the

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<sup>1</sup> Bureau of Police Research & Development, Ministry of Home Affairs, Model Prison Manual for the Superintendence and Management of Prisons in India (Government of India 2016)

<sup>2</sup> Michel Foucault: his views on prisons and/ psychiatric hospitals - 1143 Words | Essay Example. (2023, December 6). IvyPanda. <https://ivypanda.com/essays/michel-foucault-his-views-on-prisons-and-psychiatric-hospitals/>

impoverished, may be explained by Foucault's argument. According to this perspective, prisons serve as tools of selective discipline rather than universal justice, reinforcing current social hierarchies and structural injustices.

**Indian Prison Panopticons:** Indian jails continue to place a strong emphasis on hierarchy, strict control, and surveillance due to colonial statutes such as the jails Act of 1894. The panoptic paradigm, which minimizes opposition and internalizes control, is reflected in practices like arbitrary punishment, isolation, and round-the-clock surveillance. This often results in the denial of inmate agency and the normalization of violence against inmates.

**John Howard and Cesare Beccaria:** John Howard prioritized reform above punishment and promoted humane treatment and hygienic conditions in jails. Cesare Beccaria laid the groundwork for contemporary rehabilitative justice by advocating for reasonable, balanced punishment and opposing torture and the death sentence. Perspectives from Indian Reformers and Scholars: Through significant rulings, Justice V.R. Krishna Iyer increased the rights of prisoners by demanding humane treatment and constitutional guarantees. At Tihar Jail, Dr. Kiran Bedi implemented creative changes that prioritized education, career training, and mental health. Academics like N.R. Madhava Menon and Upendra Baxi have advocated for structural changes that address gender, caste, and class prejudices as well as more accountability and openness in jail management.

In conclusion, despite the existence of reformist and rights-based frameworks, colonial legacies, panoptic monitoring, and systemic injustices continue to influence Indian jails. The goal and practice of imprisonment must be fundamentally rethought in order to close the gap between legislative objectives and practical reality.

## RESEARCH OBJECTIVES

1. Explore reintegration challenges faced by ex-prisoners including stigma, economic hurdles, and after-care support.
2. Compare Indian rehabilitation mechanisms with international standards.
3. Provide evidence-based recommendations for institutional and policy reform to enhance rehabilitation effectiveness, inclusivity, and sustainability.

## RESEARCH QUESTIONS

1. How has the Indian prison system's approach to rehabilitation evolved historically, and what theoretical frameworks have influenced its development?

2. How do prison officials, inmates, and members of the public perceive the effectiveness, accessibility, and challenges of rehabilitation and reintegration programs?
3. How do Indian prison rehabilitation and reintegration mechanisms compare with international?

## RESEARCH METHODOLOGY

The research methodology adopted in this dissertation is intentionally hybrid, integrating both doctrinal and empirical approaches to comprehensively capture the legal, institutional, and lived realities of rehabilitation within Indian prisons. This multifaceted approach is crucial, given the complex nature of prison reform and the multidimensional challenges faced by inmates before, during, and after incarceration.

The doctrinal research forms the backbone of the study, involving a systematic review of statutory provisions such as the Bharatiya Nyaya Sanhita (BNS)<sup>3</sup>, Bharatiya Nagarik Suraksha Sanhita (BNSS)<sup>4</sup>, and the Prisons Act, 1894<sup>5</sup>. This legal analysis traces the evolution of prison law from colonial punitive models to contemporary frameworks that increasingly emphasize rehabilitation. Policy documents, including the Model Prison Manual, 2016, and state-specific prison manuals, are examined to understand the formal structure and intended standards for rehabilitation programmes, covering aspects such as education, vocational training, and aftercare services. Landmark Supreme Court and High Court judgments are analyzed to reveal how the judiciary has interpreted prisoners' rights and the state's obligations regarding reformatory justice. In addition, international standards like the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) are referenced to position Indian practices within a global, rights-based context. This doctrinal analysis is essential for identifying the gaps between legal prescriptions and practical realities, enabling the formulation of recommendations that are both legally sound and contextually relevant.

The empirical research component is simulated, closely modelling established empirical studies conducted in India due to logistical and ethical constraints that make direct fieldwork challenging. These simulations draw on real-world methodologies, such as those used in studies from Tamil Nadu and Kerala, and focus on participation in and perceptions of rehabilitation programmes, barriers to effective reintegration (such as stigma and lack of employment), and the roles played by family, community, NGOs, and welfare officers in the

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<sup>3</sup>*Bharatiya Nyaya Sanhita, 2023, Act No. 45 of 2023*

<sup>4</sup>*Bharatiya Nagarik Suraksha Sanhita, 2023, Act No. 46 of 2023.*

<sup>5</sup>*The Prisons Act, 1894, Act No. 9 of 1894*

reintegration process. A parallel simulated public perception survey is included to gauge societal attitudes, stigma, and willingness to support the reintegration of former inmates an essential factor, as social perceptions significantly impact rehabilitation outcomes. This simulated design allows the study to anticipate likely outcomes, identify key variables.

## **STUDY OBJECTIVES**

First, by tracing the historical and theoretical evolution of Indian prisons, the study illuminates how colonial legacies and global philosophies from Foucault's analysis of power and surveillance to Bentham's panopticons continue to shape contemporary correctional practices. Second, the research provides a comprehensive and critical assessment of rehabilitation programs in India, highlighting not only policy intentions but also the realities of implementation on the ground.

Third, the study's focus on social exclusion and public perception brings to light the often-overlooked barriers faced by released inmates, especially those from marginalized communities. By analysing the intersection of caste, gender, and economic status with incarceration, the dissertation underscores the urgent need for both legal and societal reform to break cycles of recidivism and exclusion.

Fourth, the dissertation's legal analysis and comparative perspective offer actionable insights for institutional and policy reform.

Fifth, the highlighting judicial interventions, the study points to concrete pathways for aligning India's prison system.

Finally, this work fills a critical gap in empirical and interdisciplinary prison studies in India. By combining doctrinal analysis with simulated empirical research, it offers a holistic understanding that can inform future fieldwork, policy design, and advocacy efforts.

## **CHAPTER 1**

The Indian prison system is deeply rooted in colonial-era legislation, which historically emphasized retribution and control over reform and rehabilitation. Although post-independence reforms have sought to align correctional facilities with constitutional values and international human rights standards, the goal of rehabilitation remains largely unfulfilled across most Indian states. Prisons, therefore, continue to function primarily as instruments of criminal justice enforcement, rather than as environments for genuine reformation and reintegration. Rehabilitation, in its truest sense, aims to equip inmates with education, vocational skills, and psychological stability, enabling them to re-enter society as productive

citizens. While relevant laws and policy frameworks exist, their effectiveness is heavily dependent on consistent implementation, adequate funding, and supportive societal attitudes. The history of mankind is witness to the fact that in the society and every stage of civilization, the commission of the crime is inevitably found. Similarly, the checks to regulate the conduct of individuals in a society were also prescribed from time to time. Crime was considered by the earlier societies as a deliberate and deviant behavior against the settled and acceptable norms of a civilized society. Accordingly, varied forms of punishment were introduced to deter that offender committing the crime again. With the passage of time, the advancement in behavioral sciences revealed and analyzed criminal behavior in a reformatory and rehabilitative manner. It was realized that behavior is by and large an imitation and learned one and none is born criminal. The criminal behavior is caused by various factors which, among other things, include adverse family conditions, peer group pressures, and numerous other negative social conditions prevailing in the society.

Penalizing those who violate the laws set out by the state is one of the main functions of the state as it now exists. Formal social control, which is defined as "actions undertaken within society to maintain social order," is achieved via the use of law. Leslie Wilkins noted that social control also serves to "uphold or reinforce common or 'normal' behavior." E.A. Ross defined social control as "sanctions applied to lead people towards certain behaviors and away from others." The State uses criminal punishment as only one method of social control over its citizens. This punishment may be intended to revenge the crime, rehabilitate the offender, discourage future misdeeds by the same person, or accomplish many goals at once. A combination of these factors may affect the application of criminal penalties in a particular state. Additionally, by punishing specific people, state-administered criminal punishment highlights the State's position as a guardian of society and strengthens and validates the State's power over its members. The severity of the infraction determines the penalty that results from the offender's acts being disapproved of. The perception of a "criminal" influences how a state drafts its laws and establishes penalties for certain offenses. The only way to combat crime in ancient cultures was to impose retributive punishment with the primary goal of deterrence. However, the idea of penology also underwent a substantial transformation as a result of the increased scientific understanding of criminal behavior. Although the element of deterrence cannot be entirely ruled out, current penology in all civilized countries recognizes that the goal of punishment is the reformation, resocialization, and rehabilitation of the offenders.

As a result, punishment functions as a social control mechanism. Giving it to offenders is intended to discourage them from committing crimes in the future. Along with the actual

criminals, it deters others from committing similar acts in the future. While punishing the culprit serves a societal function by deterring criminal conduct, it also offers some consolation to the victim or his family. For a penalty to be a legitimate means of deterring crime, three conditions must be satisfied. The first is the timely and inevitable detection and prosecution; the second is a fair chance for a "fresh start" after the punishment; and the third is that the State asserting its right to punish must maintain the higher standards that are reasonably expected of the prisoner in order to be acknowledged.

The goal of discipline is to penalize the offender in some manner for violating the law. The idea of using pain or suffering as a form of punishment has changed in light of the ultramodern reformatory techniques that have lately been used to deal with offenders. Amnesty, parole, or exploration are considered a cover for the penalty in this case. Actually, the purpose of the introduction in captivity is to educate the internee the strategies and tactics including specialized training to become a law-abiding citizen rather than to inflict pain or misery.



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## Chapter 2:

The Indian prison system is a legacy of colonial rule, deeply entrenched in the values of deterrence, punishment, and social control. Over time, while some philosophical and policy-based shifts have taken place, particularly in the post-independence period, the practical functioning of prisons continues to reflect an archaic and punitive mindset. This chapter critically examines the evolution of the prison system in India through both historical and theoretical lenses.

It integrates global philosophical frameworks, such as those offered by Michel Foucault and Jeremy Bentham, with contributions from Indian reformers and jurists, to map the complex theoretical foundation upon which the current carceral system is built.

### 2.1 Colonial Legacy and Early Penal Philosophy

The prison system in India, as it exists today, cannot be fully understood without tracing its lineage back to the British colonial era. Under colonial rule, incarceration was never merely a method of dispensing justice it was a carefully calibrated tool of statecraft, a to mechanism, suppress dissent and maintain imperial authority. Prisons were built and run not with the intent of reforming the incarcerated, but to instil fear among the population and reinforce the might of a distant, foreign regime. This foundational philosophy has left a lasting imprint on the Indian penal system.

The most enduring symbol of this colonial penal legacy is the Prisons Act of 1894<sup>6</sup>, a piece of legislation that still governs most aspects of prison administration in independent India. This law was conceived at a time when the British faced increasing resistance from freedom fighters, peasants, and social reformers. To them, the prison was not just a place of punishment, but a political instrument a space to isolate leaders, break movements, and neutralize any threat to colonial order. The language of the Act reflects this: it is bureaucratic, disciplinary, and overwhelmingly focused on the mechanics of control rules, classifications, punishments, and surveillance. The human being behind the prisoner is almost entirely absent from its provisions.

Inside the colonial jail, the prisoner's experience was deliberately dehumanizing. The architecture itself was symbolic cells designed for isolation, yards for hard labour, and gates for maximum security. Inmates were referred to by numbers, stripped of their names and identities. The daily routine was harsh, repetitive, and devoid of stimulation. Long hours of stone breaking or ropetwisting, poor food, and limited contact with family

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<sup>6</sup>The Prisons Act, 1894, Act No. 9 of 1894 (India).

made prison a space not just of confinement, but of psychological and physical erosion<sup>7</sup>.

Many prominent leaders of India's freedom struggle endured this oppressive regime. Mahatma Gandhi, Jawaharlal Nehru, Bal Gangadhar Tilak, Bhagat Singh, and countless others were incarcerated under conditions meant to break their spirit<sup>8</sup>. Their writings from prison offer first-hand accounts of the punitive and isolating nature of colonial imprisonment. These were not just jails; they were laboratories of obedience, where punishment was as much about crushing hope as it was about enforcing order.

Even after India achieved independence in 1947, the basic structure of prison governance remained largely untouched. While the Constitution of India envisioned a break from colonial hierarchies and the dawn of a rights-based order, the prison system remained frozen in time. The same 1894 law continued to be used, reflecting an uncomfortable truth: while political power had change hands, the mind-set toward incarceration had not under gone a corresponding transformation. In essence, the Indian state inherited a colonial framework and merely re purpose edit to suit its own ends, often perpetuating the same forms of neglect and oppression it once condemned.

## 2.2 Post-Independence Shift: Between Punishment and Reform

The dawn of independence in 1947 was a defining moment in India's legal and political history, marked by a bold promise to move away from colonial oppression toward a system grounded in justice, equality, and human dignity. The Constitution of India, adopted in 1950, enshrined these values, recognizing the fundamental rights of every citizen including those behind bars. Yet, when it came to the prison system, the rupture from the colonial past remained incomplete. While the language of governance evolved, the structures of incarceration largely did not. The Prisons Act of 1894, a colonial relic, remained intact.

Indian reformers such as K.F. Rustamji, Dr.R.N.Sharma, and Justice V.R.Krishna Iyer be came pivotal figures in advocating a more humane, rehabilitative approach to incarceration. They called for prisons to serve not merely as sites of confinement but as institutions of correction, reintegration, and personal development. K.F. Rustamji emphasized the need to humanize the prison environment through education and vocational training<sup>9</sup>. Dr .R.N .Sharma, a prominent penologist, underscored the importance of psychological well-being and community-based

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<sup>7</sup> Jawaharlal Nehru, *An Autobiography* (New Delhi: Penguin Books, 2004); see also Mahatma Gandhi, *The Story of My Experiments with Truth* (Ahmedabad: Navajivan Publishing House, 1993)

<sup>8</sup> Bipan Chandra et al., *India's Struggle for Independence* 162–175 (Penguin Books 1989).

<sup>9</sup> K.F. Rustamji, *I Was Nehru's Shadow* 189–200 (Penguin India 2005)

alternatives to imprisonment<sup>10</sup>.

Justice Krishna Iyer, through his path-breaking judgments<sup>11</sup> and writings, argued that prisoners are not stripped of their fundamental rights upon conviction. In *Sunil Batra v. Delhi Administration*, he declared solitary confinement and custodial torture to be unconstitutional and asserted that prison walls do not protect human dignity. His legacy continues to influence Indian criminal jurisprudence, reinforcing the idea that rehabilitation is not charity; it is a constitutional imperative.

Despite these progressive efforts, the Indian prison system has remained torn between two competing ideologies. On one hand, there is the legacy of punishment as retribution—a belief that imprisonment must be harsh to deter crime. On the other, there is a growing but still fragile belief in the reformatory potential of inmates—a belief that crime is often a symptom of deeper social failures, and that offenders deserve a second chance through rehabilitation and reintegration<sup>12</sup>.

Thus, the post-independence period introduced important philosophical shifts, but these have yet to be fully translated into systemic change. Indian prisons today continue to walk a tightrope between the punitive shadows of colonialism and the light of constitutionalism. Real transformation requires more than aspirational ideals; it demands political will, budgetary investment, administrative training, and a collective societal rethinking of what justice truly means.

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<sup>10</sup> R.N. Sharma, *Penology and Correctional Administration* 140–158 (Surbhi Publications 2012)

<sup>11</sup> *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675

<sup>12</sup> B.S. Kamat, “Prison Reforms in India: The Need of the Hour,” *Journal of Indian Law and Society*, Vol. 5, No. 1 (2014): 45–67

## Chapter - 3

Prisons, by their very nature, isolate individuals from society. But isolation alone cannot serve the goals of justice or public safety. A modern, rights based criminal justice system tenure that incarceration does not end with punishment alone, but facilitates reintegration. In India, the rhetoric around prison reform has long emphasized rehabilitation, but the reality remains mixed. This chapter attempts to present a comprehensive overview of rehabilitation efforts undertaken at the central and state levels, and critically assesses the degree to which these initiatives are implemented on the ground.

### 3.1 Central Government Programs

The Central Government of India, through MHA, plays a pivotal role in shaping the national policy landscape surrounding prison administration. While “prisons” is a state subject under the Constitution of India (List II, Seventh Schedule), the central government provides critical guidance, funding, and vision for reforms. Recognizing that punitive incarceration alone fails to address the root causes of crime or enable meaningful reintegration into society, central policy has increasingly sought to embed reformative and rehabilitative components into the prison system<sup>13</sup>.

#### Prison Modernisation Scheme: A Step towards Humane Confinement

Launched in the early 2000s, the Prison Modernisation Scheme was one of the first significant national-level interventions aimed at overhauling prison infrastructure and introducing elements of rehabilitation into an otherwise punitive ecosystem<sup>14</sup>. The scheme provided financial assistance to state governments for constructing new prison buildings, improving security mechanisms, installing surveillance equipment, and crucially introducing vocational training workshops, literacy initiatives, and psychological counselling units<sup>15</sup>.

These funds were intended to address longstanding issues such as overcrowding, dilapidated infrastructure, and the complete absence of reformative programmes in many jails. However, while the physical structures improved in some states, the vision of transformation was not always realized due to uneven implementation and lack of oversight<sup>16</sup>. In many places, the modernization efforts were disproportionately focused on security upgrades, while

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<sup>13</sup> Constitution of India, List II, Seventh Schedule (State List).

<sup>14</sup> Ministry of Home Affairs, *Schemes for Prison Modernisation and Prison Development* (2005), available at: <https://mha.gov.in> (last visited dec 23, 2025).

<sup>15</sup> *Ibid.*, paras 5–10

<sup>16</sup> Commonwealth Human Rights Initiative, *Prison Modernisation in India: Impact Assessment* (2018).

rehabilitation initiatives remained secondary or symbolic<sup>17</sup>.

### Model Prison Manual, 2016: A Blueprint for Rehabilitation

A more holistic and rights-based framework came with the introduction of the Model Prison Manual, 2016, which replaced the outdated 2003 version. Developed by the BPR&D, the Manual incorporates several progressive provisions aimed at standardizing prison conditions across states while emphasizing the centrality of rehabilitation<sup>18</sup>.

Some of its features include:

- **Educational Programmes:** The Manual encourages the establishment of formal and informal educational opportunities for inmates, especially for those who are illiterate or have dropped out early. It advocates for prison schools, libraries, and distance learning partnerships with national institutions such as IGNOU and NIOS<sup>19</sup>.
- **Vocational Training and Work:** Recognizing the importance of skill development, the Manual recommends that prisons offer trade training in areas like carpentry, tailoring, handicrafts, plumbing, and digital literacy. The idea is to equip inmates with employable skills that could reduce recidivism and facilitate reintegration post-release<sup>20</sup>.
- **Mental Health and Counselling Services:** Given the psychological toll of incarceration, the Manual underscores the need for mental health professionals within jails. It calls for periodic assessments of inmates' emotional well-being and access to counselling, de-addiction services, and group therapy, especially for vulnerable categories like women, juveniles, and those with a history of substance abuse<sup>21</sup>.
- **Recreational and Spiritual Engagement:** The Manual outlines provisions for sports, yoga, meditation, religious practices, and cultural programmes. These are not treated as luxuries but as essential components of holistic well-being and personal growth within the prison environment<sup>22</sup>.
- **Legal Aid and Rights Awareness:** The Manual reaffirms the fundamental rights of prisoners and recommends measures to ensure they have access to legal counsel, regular interaction with Legal Aid Clinics, and a mechanism for filing complaints or grievances

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<sup>17</sup> Ibid.

<sup>18</sup> Bureau of Police Research & Development, *Model Prison Manual, 2016* (Ministry of Home Affairs, Government of India).

<sup>19</sup> Ibid., chap. IV, section 12.

<sup>20</sup> Ibid., chap. V, section 22.

<sup>21</sup> Ibid., chap. VI, section 30.

<sup>22</sup> Ibid., chap. VII, sections 35–36.

against custodial abuse<sup>23</sup>.

- Gender Sensitivity and Vulnerable Inmates: In line with international standards, it proposes gender-sensitive jail infrastructure, separate care for pregnant women and mothers, and protections for transgender and LGBTQ+ prisoners, who often face harassment and social exclusion within the prison setting<sup>24</sup>.

Aftercare and Reintegration: Perhaps one of the most significant contributions of the Manual is its focus on post-release planning.

It recommends pre-release counselling, coordination with employment agencies, halfway homes, and community-based rehabilitation to ensure that prisoners do not relapse.

## CONCLUSION

The Indian prison system embodies a paradox between constitutional ideals of dignity and rehabilitation and the persistence of colonial punitive practices. This dissertation highlights systemic inefficiencies, legal ambiguities, and societal prejudice that hinder meaningful reform. Key findings reveal the absence of a nationwide vision for rehabilitation, inconsistent state-level implementation, lack of mental health services, and deep-rooted stigma against former prisoners especially women, Dalits, and minorities. Comparative analysis with Norway, the UK, and Japan shows that restorative and community-based models can reduce recidivism and foster reintegration. Economically, rehabilitation is more cost-effective than prolonged incarceration, yet India's budget prioritizes security over reform. The study concludes that prison reform must be recognized as a statutory right, uniformly implemented, supported by community-based corrections, post-release infrastructure, and public sensitization. Ultimately, reform is not just legal or administrative but a societal transformation, essential for upholding justice, liberty, and dignity under the Constitution.

## SUGGESTION

The proposals emphasize strengthening **probation and rehabilitation** within India's criminal justice system. Key measures include:

- Mandatory consideration of probation officer reports before sentencing, expert committees for offender scrutiny, and judicial oversight to encourage probation use.

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<sup>23</sup> Ibid., chap. IX, sections 46–47.

<sup>24</sup> Ibid., chap. XI, sections 60–65

- Better pay, incentives, and recognition for probation officers and correctional staff, alongside awareness programs for police, judiciary, and the public.
- Liberal application of probation laws, juvenile justice provisions, and reformatory sentencing guidelines to ensure fairness and uniformity.
- Infrastructure reforms such as rehabilitative colonies, probation hostels, improved prison facilities, education, vocational training, and open prisons to aid reintegration.
- Stronger legislative safeguards for prisoners' rights, humane treatment, and constructive prison work culture with fair wages.
- Greater use of extra-mural methods like parole, furlough, remission, and individualized sentencing through pre-sentence hearings.

