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**PRISON REFORMS IN INDIA: A CRITICAL ANALYSIS**- Tushar Tiwari<sup>1</sup>**RESEARCH DESIGN**

This research uses a qualitative approach to study the prison reforms in India, with an emphasis on exploring the experiences of those affected by the system. In particular, we will be focusing on the current state of the prison system and the various reforms that have been implemented or proposed in recent years.

**Research Question:**

What are the effects of prison reforms in India?

**Research Objectives:**

1. To identify the current status of prison reforms in India
2. To examine the impact of prison reforms on the Indian prison system

**Research Synopsis**

Prison reform has been a major issue in India from ancient times. India's prison system has come under fire for its inadequate conditions, overcrowding, and lack of funding. There are several issues that need to be addressed. The prison system in India is egregiously underfunded, and the resources allocated are insufficient. As a result, there are too many people in prison, and living circumstances are poor. The lack of resources in many jails has also led to subpar healthcare and hygienic conditions. The lack of measures for reform and rehabilitation is another issue with the Indian prison system. Prisoners have no opportunities for education or skill advancement. This makes their eventual reintegration into society more difficult. A similar flaw in the Indian prison system is its lack of accountability. There have

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<sup>1</sup> L.L.M. scholar at Dharmashastra National Law University, Jabalpur.

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been numerous reports of human rights violations in Indian prisons. This includes inadequate medical care in addition to physical and mental abuse. Additionally, prisoners do not have proper access to legal services. This has led to numerous prisoners staying behind bars longer than necessary because they lack legal counsel. India's prison system has to be improved, and reforming and rehabilitating prisoners needs to be given more attention.

### **Research Methodology**

The methodology incorporated by the researcher is a qualitative and analytical one. Dividing the research process into 4 major steps the research was conducted through studies of published paper, word search on SCC with keywords being 'Prison Reform, Prisoners' rights, reports on Prison reforms.' The research also constituted of reading the news articles and committee reports submitted to the Supreme court or the Ministry of Home Affairs. Indian kanoon helped with the research and understanding of the cases.

The first step by the researcher was to gain an understanding of the current state of prison reforms in India. This was accomplished through a review of existing literature and data related to the topic. This includes published research on the topic, as well as reports from governmental and non-governmental organizations. The second step of the project was to identify the main areas of reform needed in the Indian prison system. The researcher aimed to deduce this by analysing the issues identified in the literature, data, and case laws. The third step was to develop a reform plan. This would incorporate the issues identified in the literature, data, and interviews, as well as the survey results. The reform plan outlines specific policy changes and initiatives that can be implemented to improve the Indian prison system. Finally, the fourth step was to evaluate the effectiveness of the reform plan. This can be done by measuring the outcomes of the policy changes and initiatives. Overall, a research project on prison reforms in India requires a comprehensive approach to ensure that the reforms are effective and sustainable.

### **UNDERSTANDING PRISON REFORM**

"A nation should not be evaluated by how it treats its highest citizens, but its lowest ones."

-Nelson Mandela.<sup>2</sup>

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<sup>2</sup>Nelson Mandela, Long walk to freedom.

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"Crime is the result of a diseased mind, therefore jail must have an environment of hospital for therapy and care."<sup>3</sup>

-Mahatma Gandhi, in support of prison reform.

## INTRODUCTION

All civil societies' primary or foremost duty is to punish transgressors. Throughout history, prisons are known to have existed. Prisons go by a variety of names around the world, including correctional facilities, detention facilities, jails, remand centres, etc. Prisonization represents a kind of punishment and a kind of institution where defendants and undertrials are housed while awaiting trial. Prisons are essential in every nation because there is no civilization without crime and criminals. In prison, the goal of punishment can be accomplished.

Prisons are unusual locations. While it is true that sending criminals to jail is meant to turn them into moral, law-abiding citizens, in reality, prison authorities utilise coercive tactics and force to try and change the convicts. This deprives the prisoners of their freedom and personal relationships with family and friends.

Today, jail is viewed more as a centre for correction or betterment, which alone suggests that there is a greater focus on reforming offenders through punishment. For the advantage of the prisoners, a comfortable environment must be developed in jails in order to accomplish this purpose. Inmates need access to educational, recreational, and vocational training facilities in addition to a focus on social and ethical ideals for reintegration into society after release. After their release, this will assist in giving them alternative means of support.

The harshest treatment received by political prisoners when they were imprisoned in India was the direct cause of the jail reforms, which did not result from the social movement.

## DEFINITION OF PRISON.

According to **Donald Taft**<sup>4</sup>, prisons are intentionally designed to offer painful, required isolation from society. The characteristics of a prison include strict security measures, harsh

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<sup>3</sup> <https://www.mkgandhi.org/voiceoftruth/police.html>

<sup>4</sup> *Criminology*, fourth edition. By Donald R. Taft and Ralph W. England, Jr; The Macmillan Company, New York City, 1964

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discipline, and tedious daily routines. Inmates' freedom must necessarily be constrained against their will during their time inside the prison.

Jail or a penitentiary is how prison was originally described. According to one definition, a prison is a facility that has been set up and is equipped to receive individuals who have been legally committed there for safe custody while awaiting trial or punishment.

According to **Section 3 of the Prisons Act of 1894**, a prison is defined as "any jail or place used permanently or temporarily under general or special orders of the state government for the detention of prisoners." However, it excludes any facility used to house inmates who are solely in the custody of the police.

### **PRISON CONCEPT IN INDIA**

The Indian Constitution classifies "Prison" as a matter of State concern under List II of the seventy-fourth schedule. Prison administration is the responsibility of the individual state governments and is governed by the Prisons Act of 1894 and the associated prison manual.

Therefore, it is initially up to the States to revise their own laws, rules, and regulations regarding incarceration.

### **BACKGROUND HISTORY**

**T. B. Macaulay's** ideas that led to the establishment of prisons in India began in 1835, and in order to advance them, a committee called the Prison Delegated was established in 1838. Its goal was to ensure that prisoners received thorough care while ignoring all philanthropic needs and changes for them. The Macaulay Committee's proposals and recommendations, which were implemented beginning in 1846, led to the creation of Central Prisons.<sup>5</sup>

The Fourth Jail Commission was established in 1888 and advocated creating a Prison Bill by combining all of the current laws and regulations. After receiving approval from the Governor General of India, this was passed into law in 1894.

Despite being outdated, India's only framework for managing and administering jails is the Prisons Act of 1894, which is in force nationwide.

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<sup>5</sup> Pen Acclaims (www.penacclaims.com) ISSN 2581-5504

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## CLASSIFICATION OF PRISONERS<sup>6</sup>

Three categories can be used to group prisoners:

1. **Pre-trial inmates:**Pre-trial inmates are those who have been charged and are being held in state custody pending questioning and investigation based on the formal information report (FIR) or other evidence gathered during the inquiry. They are only in state custody for a very brief time.
2. **Prisoners Under Trial:**The undertrials which are the majority population of our prison system are the one's that are under judicial custody or court order police custody for a pre-determined number of days. Charges have been framed and they await judgement and/or sentencing.
3. **Convicted Inmates:** Inmates who have been found guilty following a fair trial of a specific crime they committed are known as convicted inmates. The appropriate court sentences them to incarceration as part of their punishment.

## JAIL REFORM ADVISORY COMMITTEES

**3.1 Mulla Committee**, also known as the All India Committee on Jail Reforms (1980–1983)<sup>7</sup>:

A Committee on Jail Reforms was established by the Indian government in 1980, with Justice A. N. Mulla serving as its chairman. The Mulla Committee's report was delivered in 1983. The Committee's main goal was to review the laws, norms, and regulations while keeping the dual goals of safeguarding society and rehabilitating offenders in mind. The horrible practise of putting young offenders in prison with seasoned criminals was strongly advised to be outlawed.

Following are some of the Mulla committee's well-known recommendations:

1. The provision of appropriate food, clothing, and sanitation; the staff's adequate training and division into various cadres; and the improvement of prison conditions.
2. Creating the Indian Prisons & Correctional Service, a national service.
3. Probation, rehabilitation, and aftercare are all essential components of prison work.

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<sup>6</sup>*Ibid.*

<sup>7</sup> <https://www.mha.gov.in/sites/default/files/MullaCommittee-implementationofrecommendationsVol%202.pdf>

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4. Periodically allowing the press and general public access to prisons and affiliated correctional facilities will help the public understand the conditions inside and make them readier to assist with rehabilitation efforts.
5. It is important to keep inmates who are awaiting trial separate from those who have already been convicted.

A large fraction of prisoners is still awaiting trial. By expediting the legal process and easing the restrictions on bail, their number will be reduced.

**3.2 Report of the Justice V. R. Krishna Iyer Committee on Women Prisoners (1987)<sup>8</sup>:** In 1987, the committee headed by the justice V. R. Krishna Iyer published its report on women prisoners. The report makes the following key recommendations:

1. Even if found guilty under the penal code, women should be given the opportunity to regain their dignity. Government should employ every available resource, including material, moral, and spiritual ones, to achieve its goals.
2. Women are prone to exploitation inside of prison since they are a disenfranchised population. Therefore, facilities specifically for female offenders should exist. Additionally, only women should work for these institutions' staff.
3. The committee emphasised the importance of security, discipline, comprehensive programmes, sufficient prison standards, human rights, etc. Because all of these factors are crucial in preventing psychosis and neurotic illnesses in female offenders.
4. Female criminals should be given the opportunity to meet with their loved ones even during the trial through quick trial and bail procedures.
5. Compared to their male counterparts, convicts who are unable to defend themselves in court are women. Government should therefore offer all female offenders free legal assistance.

**3.3 Committee headed by the Bureau of Police Research and Development's Director General (BPR&D) 2005:<sup>9</sup>**

A high-powered commission headed by the Director General of the Bureau of Police Research and Development was established by the Indian government in 2005. (BPR&D). This committee added some new and additional recommendations after using the Justice

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<sup>8</sup> <https://www.mha.gov.in/sites/default/files/PrisonAdmin17072009.pdf>

<sup>9</sup> <https://bprd.nic.in/WriteReadData/userfiles/file/5261991522-Part%20I.pdf>

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Mulla Committee Report and Justice Krishna Iyer Committee Report. It also created a 2007 National Policy on Correctional Administration and Prison Reforms. Draft National Policy on Correctional Reforms and Administration. Prisons are to be added to a concurrent list, according to the draught National Policy on Prison Reforms and Correctional Administration, which is still in the draft stage. The following are some of the major components or modalities of the policy, which were incorporated into this paper with feedback from preceding reports:

1. Adding prisons to the concurrent list and amending the constitution to incorporate management rules for prisons and how undertrial defendants are treated under the DPSP.
2. Enactment of a comprehensive, standard law governing prison-related issues.
3. Each state and UT will establish a department of prisons and correctional services.
4. State will develop appropriate undertrial problems procedure.
5. In an effort to avoid using prisons, the government must offer alternatives including community service, property confiscation, victim compensation, and public reprimand.
6. Every prison and related institution's living circumstances must be improved by the state.
7. The state shall work to further the study of criminology and penology.
8. The government intends to establish roughly 200 additional jail facilities nationwide as part of the National Prison Policy.

### **3.4 Justice Amaitava Roy's prison reform commission:<sup>10</sup>**

The Supreme Court established a committee to investigate the various issues plaguing the nation's prisons, from overcrowding to the dearth of legal counsel for convicts to questions of pardon and parole. Justice Amitava Roy, a former judge on the Supreme Court, will serve as the committee's chair.

#### **Conditions of Reference:**

1. To thoroughly analyse the pressing need for jail reform in India and provide a solution.

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<sup>10</sup> <https://www.drishitias.com/pdf/1589625591-sc-panel-recommendations-on-prison-reforms.pdf>

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2. To assess the severity of jail and correctional facility overcrowding and suggest appropriate solutions.
3. To investigate how Under Trial Review Committees, operate, the availability of legal aid and counsel, and the parole and remission decisions made.
4. To look at the causes of violence in jails and other correctional facilities and suggest solutions.

#### **Committee observations and recommendations:**

1. Human rights breaches affect both the prisoner and his guard equally.
2. The diet hasn't changed in years despite the crowded, unhygienic kitchens.
3. In the understaffed prisons, overcrowding is a common problem.
4. One of the best solutions to the unnecessary overcrowding problem is still a swift trial.
5. The prisoner who is still awaiting trial suffers the most, spending years in solitary confinement without a hearing. In comparison to prisoners, their numbers are greatly disproportionate. For every 30 prisoners, there should be at least one attorney.
6. A constant 30%–40% of positions are open in the prison department. Another suggestion is to use video conferencing for court proceedings. This will eliminate the need for physical production in court, which necessitates the use of police guards for escort and transportation.

#### **MAJOR DIFFICULTIES WITH INDIAN PRISONS**

1. Overcrowding Undertrials – The number of undertrials as discussed before has been something of a concern with the current prison situation.
2. Extortion as well as corruption – The families of the prisoners are being harassed and the procedure being utterly disregarded, they are being asked to resort to bribery to have visitation rights.
3. Lack of legal support – Inadequate representation and failure of interest from the assigned legal officers for the clients has resulted in excessive and explosive rise in overcrowding. Most of the prisoner remain unaware that they have a right of bail available for them.

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4. Living situations that are inadequate – The living conditions are something to pity upon and often work as a deterrent for the public at large to not be convicted of a crime.
5. Torture and sexual abuse – The staff is often reported to harass the prisoners. Other prisoners have complained of sexual abuse that they have to face. Surveys in US and UK jails also show that non-consensual sex between inmates is widely prevalent. One out of 10 prisoners endured sexual abuse either in jail or in post-release treatment facilities, a 2012 report by the US Department of Justice said. According to the survey, a quarter of those who reported they had suffered unwanted sexual contact at the hands of other inmates said they had been physically held down or restrained and a quarter had been physically harmed or injured. Nearly a quarter (23%) reported serious injuries, including anal/vaginal tearing (12%)<sup>11</sup>.
6. Shortage of staff–Staffing has always been a pertinent issue with jail administration. With less staff available in ratio of prisoners that too where the prisons are being considered extremely overcrowded. The need of the hour is to at least fill the pending vacancies if not creating new.
7. Deaths in custody – The figure as released stand at 4484 in the previous two years.<sup>12</sup>

#### 4.1 Current situation of prisons in India

The three main components of criminal justice reforms are jail reforms, judicial reforms, and police reforms. These three reforms are crucial for changing a society, but prison reform is the one that is most often overlooked or given the least priority worldwide, not just in India. When prison reforms aren't prioritised, society suffers and jails tend to breed more offenders.

According to a 2019 study on prisons from the National Crime Records Bureau,

1. The country's prisons house more defendants awaiting trial than actual criminals. The 4.7 lakh prisoners represent 69.05% of the total prison population. Before being released on bond, undertrial defendants might spend three months to five years in jail.
2. With an average occupancy rate across all prisons of 118%, prisons are overcrowded.

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<sup>11</sup> <https://timesofindia.indiatimes.com/city/delhi/rampant-sexual-abuse-is-a-real-nightmare-in-tihar/articleshow/47621742.cms>

<sup>12</sup> <https://thewire.in/rights/custodial-death-uttar-pradesh>

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3. Inmates' literacy rates ranged from 27.7% to 21.5%, and 41.6% of them didn't complete the 10th grade.
4. 65.90% of convicts come from the socially and economically underprivileged Scheduled Castes, Scheduled Tribes, and Other Backward Castes of Indian society.
5. In 2019–20, the nation as a whole spent 6818 crores on prisons, of which only 2.2% went toward social and educational/vocational costs.
6. Posts for 33% of jail employees are unfilled. Prison violence and other criminal activity are common because there is only 50% of the necessary staff on-site.

The report unequivocally stated the necessity of swift prison reforms. Because prison officials are understaffed, there is a lack of vigilance in the jails, which encourages gang rivalry, groupism, extortion, and illegal activities like smoking, drinking, and threatening. As a result, prisons are failing to fulfil their intended goal of deterring crime.

In **Shri Rama Murthy v. State of Karnataka**<sup>13</sup>, the Supreme Court outlined nine problems with prisons, including overcrowding, delayed trials, torture and other cruel treatment of inmates, disregard for their health and hygiene, inadequate food, and inadequate clothing.

#### **4.2 Prisoners' legal rights**

The Indian Constitution protects citizens' rights. The court has been given the ability to punish offenders, protect them from harassment and torture, and administer justice thanks to various laws. Some of the rights guaranteed by the constitution include the right to life and personal liberty, the right to health and medical care, the right to a quick trial, right to unrestricted access to counsel, and right to a living wage. Also the prisoner have available to them the right to know the reason of arrest, not to be handcuffed, right against incrimination and the right to not be tried twice of the same offence.

According to Art. 39A of the Directive Principles of State Policy, the State has a duty to provide free legal representation for inmates who are unable to hire their own attorneys both inside and outside of jail. Other rights of inmates include the right to bail, the right to minimal comforts, the right against arbitrarily harsh jail sentences, and the right to leave and special leave.

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<sup>13</sup> Shri Rama Murthy v. State of Karnataka (1997) S.C.C. (Cri) 386

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## THE SOLUTIONS TO STRUCTURAL FALLACIES

While there are many problems that prisoners face, the three biggest ones are poor sanitation, inadequate medical care, and custodial deaths. The primary cause, according to the Prison Statistics India (PSI) 2018 report published by the Ministry of Home Affairs, is the increase in the number of prisoners, which has a negative impact on the rights of the prisoners that were previously discussed.

The only existing law, The Prisons Act of 1894, which is now almost antiquated, is one of many changes that must be made to the current legal framework with regard to prison management. Among the other changes to the framework are:

1. Free legal representation for impoverished prisoners is a necessary first step in ensuring that their rights are upheld. Choosing full- and part-time legal representatives to represent them in court could be one way to achieve the same result.
2. Liberalizing the bail system after considering all options, as this will not only facilitate the rehabilitation process but also result in lower costs for the detainees in cases where the bail can be granted.
3. Ensuring that the investigating agencies follow the 1973 Code of Criminal Procedure with regard to their investigation and enquiry will not only result in a swift resolution of cases but also prevent overcrowding in prisons.
4. By offering special camp lodging with minimal security to political agitators visiting prisons, this will aid in reducing conflicts there.
5. Allocating more funds for the modernisation of prisons and the expansion of correctional services inside prisons, as the antiquated idea of depriving inmates of every luxury imaginable won't work well for reform and rehabilitation.

### 5.1 Case Laws

The court opined that a person committed to prison is entitled to all fundamental rights unless those rights are curtailed by the constitution or through procedure established by the law in the case of the **State of Andhra Pradesh v. Challa Ramkrishna Reddy**.<sup>14</sup>

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<sup>14</sup> State of Andhra Pradesh v. Challa Ramkrishna Reddy, (2000) 5 SCC 712.

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The Supreme Court ruled in **State of Maharashtra v. Prabhakar Pandurang Sanzgir**,<sup>15</sup> that a person's fundamental rights cannot be violated simply by virtue of their detention and that such conditions should not be applied to the point where the detained person's fundamental rights are violated. The Court further ruled that every prisoner retains all of these rights enjoyed by free citizens, with the exception of the one that is unavoidably lost as a result of confinement.

It was determined in **Charles Sobaraj v. Supdt Central Jail Tihar**,<sup>16</sup> that all of the rights granted to convicts under Articles like 14, 19, and 21 are, albeit being restricted, cannot be characterised as static. When difficult conditions happen, they are obligated to, or rather will, reach new human heights.

Justice Douglas reiterated his thesis when he said: "Every prisoner's liberty is, of course, circumscribed by the very fact of his confinement, but his interest in the limited liberty left to him only the more substantial. **Francis Corahe Mullin v. The Administrator, UT Delhi**,<sup>17</sup> A criminal conviction does not make a person a non-person whose rights are subject to the whim of the jail administration; as a result, the application of any substantial punishment within the prison system necessitates procedural safeguards. In the same precise and direct words, Mr. Justice Marshall also stated his position: "I have previously stated my views that a prisoner does not shed his basic constitutional rights at the prison gate and I fully support the court's holding that the interest of inmate."<sup>18</sup>

## 5.2 Suggestions and possible solutions

Indian Law Commission's 268th report contains the following recommendations:

The Commission suggested that persons arrested for crimes carrying sentences of up to seven years in prison be freed after serving one-third of that time and those accused of crimes carrying lengthier sentences be released after serving half of that time.

Additionally, it was advised that the magistrates should not issue mechanical remand orders and that the police should avoid making unnecessary arrests.

Open jails:

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<sup>15</sup> State of Maharashtra v. Prabhakar Pandurang Sanzgir, 1966 AIR 424, 1966 SCR (1) 702

<sup>16</sup> Charles Sobaraj v. Supdt Central Jail Tihar 1978 AIR 1514, 1979 SCR (1) 512

<sup>17</sup> Francis Corahe Mullin v. The Administrator, UT Delhi, 1981 AIR 746, 1981 SCR (2) 516.

<sup>18</sup> Supra 16.

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The government should establish and grow open prisons in each state and UT that are similar to the Sanganer open camp in Rajasthan, according to the recommendation of the All-India Committee on Jail Reform, which was established in 1980.

It was also advised that lifers with a positive prognosis be sent to semi-open and open prisons. In comparison to managed jails, open prisons have somewhat laxer rules. They go by numerous names, including open-air camps, prisons without walls, and minimum-security facilities. An open prison's fundamental rule is that it has minimal security and relies on the convicts' self-discipline to operate. It outlined the goals of open prisons, claiming that they rely on inmates' self-discipline and provide the best conditions for the rehabilitation of carefully chosen offenders while offering no physical security against escape. There are many obstacles to overcome before prisons may be transformed into reformatory facilities rather than homes for torture. The allocation of resources, the deterrent effects of punishment, and the rehabilitation strategy are the key obstacles to progress. Even though there have been ideas and recommendations from various bodies, actual enforcement remains India's top worry.

### **5.3 An updated prison manual**

The Government of India created an All-India Jail Manual Committee in 1957 to create a jail manual, and the committee turned in its report in 1960. This continues to serve as the cornerstone of jail administration in India today. In 1972, the Union Home Minister convened a Working Group to offer recommendations for improving prison administration in India. A much-needed national policy on prisons and a classification of prisons housing various categories of offenders were recommended by the group.

The Government of India established the Committee on Jail Reforms under Justice Mulla in 1980 to evaluate the laws, rules, and regulations for safeguarding society and rehabilitating convicts. In 1983, the Mulla Committee turned in its final report. The issues raised by the Committee and the reforms it proposed are still relevant today and dominate discussions on prison reform in India.

It made the case that the government has a responsibility to provide prisoners with respectable living conditions and expressed a humane viewpoint on prison changes, which up until this point had mostly focused on security issues. The Justice Krishna Iyer Committee, which took a similar stance in 1987, emphasised the situation of women prisoners and

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stressed the need to hire more women in management and the police services to promote a gender-sensitive approach to prison administration.

Later, The National Police Commission recommended in 1977 that the existing legal system be updated by replacing the 200-year-old Police Act of the nineteenth century with a new Police Act.

#### **5.4 Critical Evaluation of Prison Reform Challenges**

In India, there are over 1387 prisons with a total capacity of approximately 3.5 lakh inmates. However, the total number of detainees residing in these facilities is 4.18 lakh. In addition, around 64% of all jail inmates are undocumented. The upgrading of infrastructure is thus the first difficulty that arises from both a human rights and internal security perspective. This can be accomplished by increasing the budgetary funds allocated to jail facilities. We have seen that the monies allocated under the recently created scheme for modernising police forces have not been used as quickly as they were allocated.

Second, having uniform jail management is challenging since prisons are a governmental concern. The Union can only provide models for the states to use, aid in interstate coordination, and prod them to embrace best practises.

Thirdly, and most crucially, prisoners are not allowed to vote under India's current election rules. Because inmates do not represent the ruling class politically, they continue to be unimportant. It is actually quite difficult to envision that reform will be forthcoming with concrete outcomes unless this change. This is due to the Representation of People's Act's provisions that discourage the political class from taking effective action for jail reforms by denying convicts the ability to vote.

Fourth, the brutal treatment of detainees presents a very serious international problem given that India's petitions for extradition have often been denied on the grounds that extradited criminals would be subjected to torture and other cruel treatment in Indian jails. This prevented the Dutch government from obtaining Neils Holck, alias Kim Davey, who was wanted for questioning in connection with the Purulia Arms Drop Case. Other cases include the UK's refusal to extradite Sanjay Chawla and the European Court of Human Rights' refusal to return Karamjit Sigh. Ratifying the Convention against Torture is one way the Government

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of India can make amends both at home and abroad. India has come under fire for taking too long to complete the Convention's ratification requirements.

Finally, important judicial rulings have broadly established the boundaries of the prisoners' human rights that must be upheld. These must be safeguarded by identifying systemic flaws and putting into practise the recommendations of the numerous committees the Government of India has appointed over the years. In the recent instance of Stan Swamy (2021), the elderly and physically challenged inmate had to go to court to defend his rights since he was denied the use of a sipper for drinking water despite having unusual health issues that made it impossible for him to hold a glass of water. If the jail administration ensures that prisoners' fundamental needs are satisfied, especially when the convict is dealing with a special health condition, then this shouldn't be necessary.

An obvious example of a human rights violation in a jail setting is the issue of children being with parents who are in custody because they have no one else in the world to care for them. Despite being innocent, young children as young as four or six years old learn to live on the jail grounds, become familiar with the language of law and order, and frequently learn to abuse and curse from an early age. They never leave the jail, and their earliest memories are spent there. Even when the kids are taken outside to play in parks or on playgrounds, they are transported in ambulances and police vans. This has to change through financial allocation and by making it a mandate for all policies and rules to use a child-sensitive approach.

## CONCLUSION

We are aware of the necessity for an immediate overhaul of the criminal justice system thanks to several committee recommendations and case legislation. By adding the topic to the concurrent list, creating survey reports from each jail, and then determining the best course of action with the help of retired prison administration, the change can be made. The distribution of land and the division of the prisoner group. Separation of the staff, i.e., the staff working in the jail and the transport staff in charge of carrying inmates to court, other prisons, hospitals, etc. All current laws must be updated to meet the needs of a developing India and to address the rising number of different types of crimes. The hypothesis stated in the start of the paper stands disproven in the opinion of the researcher since the data as well as the committee reports clearly indicate how reforming the current prison scenario in India is evidently the need of the hour. The paper has found in answer to the research question that the current

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existing laws i.e. The Prisons Act is inadequate in guiding and/or regulating the prison system in India. It is a law which is quite old and antique. A need for an updated legislation is required keeping in mind the amount of crimes and creation of new form of crimes. Keeping of a white-collar criminal well versed with bending and evading the law and a gangster well versed in physical crimes would simply bring in the mafia culture where organised crime and syndicates would be on exponential growth. The critical analysis and attempt at suggestions also indicate how the reformation of the prison system need to be given priority. Reform not only the prisoners but also the prisons that actually responsible for holding and reforming them for a better and conducive tomorrow. A place of fear and criminal activity must be converted into a temple of change not only for the inmates but also for the staff that toil tirelessly to keep our country safe.

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