

FUTURE DIRECTIONS AND RECOMANDATIONS FOR PENAL REFORMS

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"Crime is the outcome of a diseased mind, and jail must have the environment of a hospital for treatment and care."

Mahatma Gandhi

INTRODUCTION

The degree of civilization in a society can be judged by entering its prisons. A society cannot be recognized as a civilized society unless it treats the prisoners with sympathy and affection. Prisons should be reformative schools for criminals and not a punishing place. Prison is an umbrella term that is used to describe many kinds of projects and programs that work to improve the conditions within prisons and, by extension, create a penal system that is more effective for society as a whole. In many cases, it has been found that a person's experiences inside prison and the social and economic effects of being incarcerated create situations that lead to recidivism. This is opposite to the effect that prisons are supposed to have, which is to offer a sort of rehabilitation that will lead prisoners to not repeat their crimes or commit other kinds of crimes after their period of incarceration has ended.

Prison reform is an important topic in today's world, addressing the critical need to modernize jail facilities and processes for improved rehabilitation, compassionate treatment, and effective crime prevention. This extensive examination of prison reform delves into its relevance, the state of jail administration in India, current issues, and key committees that have affected the debate. Prisons are known by several names in different nations, including 'Correctional Facilities', 'Detention Centers', 'Jails', and 'Remand Centers'. Prisonization represents a form of punishment and institutional placement for convicts and undertrials during the trial process. There is no civilization without crime

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or criminals. That is why prisons are essential for all countries. Punishing the offenders is the primary function of a civil society. Prisons have existed throughout history. Prisons have been around since prehistoric times. It was believed that strict seclusion and incarceration would reform the offenders. However, experience contradicted this notion, and imprisonment frequently had the reverse impact. With the advancement of behavioral sciences, it became clear that reforming prisoners could not be accomplished alone through imprisonment. Prisons are not ordinary places. Prisoners are denied freedom and personal contact with their families and friends. The role of jail in rehabilitation and preparing convicts for normal life has long been a source of contention. There are many offenders who are otherwise well-behaved and belong to a respectable social class, but they become criminals owing to impulsive behaviour, provocation, or situational conditions. There is another type of prisoner who is otherwise innocent but is forced to endure the rigours of jail life due to a miscarriage of justice.

An offender who has committed an offense is punished. It dissuades others from committing the same crime in addition to the transgressor. The punishment must be carried out by the authority established by the legal system. Jeremy Bentham asserts that "punishment is evil in the form of remedy, which operates through fear." The penal system in India has changed over time, moving from a retributive to a more reformatory one. Historical case laws and the Penal Code both incorporate elements of the reformatory paradigm. The importance of punishment is very well quoted in the lines of the Manu *"penalty keeps the people in restraint, penalty protects them, the penalty remains awake when people are asleep, therefore, the wise have regarded punishment may be a source of righteousness."*¹⁰⁴.

Prisoners maintain other human rights despite losing their fundamental right to freedom, with the exception of those that are inherently limited by their incarceration. To guarantee that this idea is respected and that inmates' human rights are safeguarded, prison reform is required. Consequently, this enhances the chances of rehabilitation and social reintegration for released inmates. Different responses to crime have been seen throughout the history of human civilization. Extreme emotions that society displays have long influenced people's attitudes towards criminals. Because of the Welfare State notion, the goal of punishment has undergone significant modifications over the past few centuries. Let's humanize criminal law and lessen the severity of punishment, according to

¹⁰⁴Divyanshi Gupta(2024)Theories of punishment,Manupatra Articles(<https://articles.manupatra.com/article-details/Theories-of-punishment>)

modern legal thinking. According to reformatory theory, the goal of punishment ought to be corrective.

THE SCENARIO OF THE INDIAN PRISON ADMINISTRATION

During the British colonial era in India, English administrators introduced the first prison laws. Early on in their history, Indian prisons lacked basic amenities for inmates, including adequate food, clothes, and medical care. As the British effectively imposed English jurisprudence of law and justice throughout the nation, the administrative organization of the state started to take on a new shape. The Regulation Act, enacted in 1773, created the Supreme Court of Calcutta, granting it jurisdiction over all civil, criminal, admiralty, and religious cases. Consequently, the introduction of incarceration as a form of punishment for criminal justice led to its universal application throughout India with the creation of the Indian Penal Code in 1860 and the Criminal Procedure Code in 1882. The Prisons Act of 1894 was passed by the Indian government after a series of prison reform committees—the conference of 1877, the committee of 1888, and the fifth All India Jail Reform Committee of 1892—submitted their proposals in succession to enact a national prison management and administration statute that is consistent across. In addition to statutory laws, the Indian government's MHA launched the Scheme of Modernization of Prisons, developed National Policies for Prison Reforms, created a Model Prison Manual, and sent out a number of directives and guidelines to the Union Territories and the States that functioned as a common set of guidelines for managing prisons and convicts.

The Constitution specifies law and order as a state function; hence, State governments are principally in charge of jail changes. The Colonial Prisons Act of 1894 continues to be the fundamental statute that directs the management and operation of our jails in the majority of states. Overcrowding, the vast majority of inmates awaiting trial, inadequate living circumstances, a shortage of medical and mental health resources, difficulty accessing qualified legal assistance, and a near-total absence of post-release and correctional services are all features of Indian jails. The insufficiency of budgetary allocations, the excessive number of staffing vacancies, the absence of staff training, etc., are all highlighted in the India Justice Report 2019 and 2020.¹⁰⁵ The Correctional Administration Division was established at the Ministry of Home Affairs' Bureau of Police Research & Development only recently, in 1995. Its extensive and demanding mandate included research, training, and orientation of correctional professionals, professional growth among them, and coordination with both domestic

¹⁰⁵ Sneha Bhambri, Prison Reforms in India-Selected Recommendations and Guidelines on 'Capacity' by Prison Reform Committees in India, Justice Report, University of Cambridge

and foreign organizations. All of this required a great deal of initiative and application. It is the duty of the Indian government to promote advancements and act as a catalyst for states to begin the process of reforming our penal system. Numerous government-appointed groups have over the years offered their recommendations outlining a roadmap for implementing jail changes. Nonetheless, out of all these committees, three have been extremely important. These include the National Expert Committee on Women Prisoners (1987), also known as the Krishna Iyer Committee, the All-India Committee for Jail Reforms (1980–83), commonly known as the Mulla Committee, and the All-India Jail Manual Committee (1957–59).¹⁰⁶

REPORTS OF VARIOUS COMMITTEES ON PRISON REFORM

1. The Krishna Iyer Committee on Jail Reforms

The Justice Krishna Iyer Committee was established by the Indian government in 1987 to research women incarcerated in India. Because of their special role in dealing with female and juvenile offenders, it has pushed for the recruitment of more women into the police force. The National Expert Committee on Women Prisoners, headed by Justice V. R. Krishna Iyer, presented the government with its report in February 1988. Steps Taken by the Government of India for the Administration of Prison Reforms in India: To ensure the appropriate administration of reforms to improve the Measures for Prison Reforms, the Indian government urged that the state governments and various union territories adopt the necessary changes. These kinds of recommendations have occasionally been seen in the prison manuals of several states.

The recommendations or actions for prison reformation are listed below.:

- To establish state and district Review Committees for the population of prisoners awaiting trial
- To assign part-time or full-time law officers to prisons, as well as to offer legal aid to impoverished and defenceless prisoners
- should closely abide by the 1973 Code of Criminal Procedure's regulations governing the deadlines for enquiries and investigations
- To create a time-bound plan that prioritizes electrification, sanitary facilities, and water supply for convicts and to present it to the Ministry of Home Affairs (MHA) for approval.

¹⁰⁶ ibid

To create a State Board of Visitors to periodically inspect prisons and provide reports to the State Government regarding jail conditions.

2. All India Committee on Jail Reforms Report (Mulla Committee)

In light of the Supreme Court's decision, prisoners' rights and responsibilities must be clearly stated. In this regard, Mr. Justice A. N. Mulla chaired the All-India Committee on Jail Reforms from 1980 to 1983. The Mulla Committee stressed the following:

Enough supplies should be made for food, clothes, sanitization, ventilation, and other necessities to enhance the state of jails around the nation. The personnel of the prison has to be divided into several cadres and given proper training. To hire jail personnel across the nation, it would make sense to create an All-India Service known as the Indian Prisons and Correctional Service. Regular access to prisons and other correctional facilities by the public and media would enable them to gather firsthand knowledge of the conditions there and would encourage them to collaborate with prison administrators on rehabilitation initiatives. The minimum amount of undertrials in jail ought to be maintained segregated from the other prisoners who have been found guilty. Expedited trials and the relaxation of bail requirements can help lower the number of undertrials, who make up a significant fraction of the jail population. The government ought to try to supply enough money and resources to support jail reforms.

3. All-India Jail Manual Committee

The Indian government established the All-India Jails Manual Committee in 1957 to create a model prison manual and make recommendations for enhancements to jail management. In 1960, the government was provided the committee's report. Among the committee's suggestions were:

1. Regarding administration, the group suggested that prisons be operated as centers for correctional treatment with an emphasis on rehabilitating prisoners.
2. The committee's recommendation was to categorize convicts according to their age, criminal histories, and physical and mental well-being.
3. Treatment of prisoners: The committee suggested that a key component of a prisoner's treatment plan should be vocational training.
4. Education for inmates: The committee suggested providing regular instruction to prisoners.
5. Design of prisons: The committee suggested taking into account the design of prisons.

6. Prison staff: The committee suggested that suitable recruitment, selection, and training be given to prison staff.
7. Facilities for prisoners: The committee suggested that prisons give the bare minimum of facilities.
8. Committee on prisons: The establishment of advisory boards was suggested.
9. Prison aftercare: The committee suggested providing aftercare for inmates.

JUDICIAL INTERPRETATION OF PRISON REFORM

The Indian judiciary has always strived hard to bring about positive changes in the prison to fulfill the reformatory theory of punishment. Courts have suggested multiple recommendations to improve the infrastructure and administration of prisons in India. In *T.V. Vatheeswaran v. State of Tamil Nadu (1983)*¹⁰⁷ the Supreme Court held that inmates are entitled to the same fundamental rights as freemen, including those specified in Articles 14, 19, and 21 of the Indian Constitution. In another case of the *State of Andhra Pradesh v. Challa Ramakrishna Reddy*¹⁰⁸, the court decided that until the constitution restricts them, inmates are entitled to all fundamental rights. The court also emphasized the fundamental rights of the prisoners to be protected in custody in the case of the *State of Maharashtra v. Prabhakar Pandurang Sanzgir*¹⁰⁹. The Supreme Court stated that the fundamental rights of a prisoner cannot be violated in prison. Various concerns relating to prison including overcrowding, trial delays, and insufficient food and clothing, were highlighted in *Rama Murthy v. State of Karnataka (1997)*¹¹⁰. The case of *T. K. Gopal v. State of Karnataka (2000)*¹¹¹ argued in favor of humanitarian prison reforms. In *Sunil Batra v. Delhi Administration*- The cruel circumstances in Tihar Jail were the subject of this case. Guidelines for the protection of prisoners' rights have been provided by the Supreme Court.

The Bombay High Court ruled in *Sheela Barse v. State of Maharashtra* that it is unconstitutional to hold detainees pending trial for longer than the duration allowed by the Constitution. A Supreme Court ruling in *Charles Sobhraj v. Superintendent* states that in order for convicts to exercise their right to healthcare, the state must grant them access to medical services. The Supreme Court established standards for the treatment of female prisoners in *Neeraja Choudhary v. State of Uttar*

¹⁰⁷ 1983 SC (2) 68

¹⁰⁸ AIR 2000 SUPREME COURT 2083, 2000(4) SUPREME 741

¹⁰⁹ 1966 AIR 424

¹¹⁰ AIR 1997 SUPREME COURT 1739

¹¹¹ 2000 INS 291

Pradesh. These standards include separate accommodation, access to healthcare, and vocational training. *SampurnaBehura vs. Union of India*, -This case focuses on the issue of juvenile facilities' overpopulation and poor conditions. The state governments followed the directives from the Supreme Court to enhance the conditions at these facilities. In the case of *RudulSah v. Bihar State*, the Supreme Court mandated that the state governments set up mental health clinics or facilities and ensure that mentally ill prisoners are not housed in regular jail cells.

The Supreme Court noted the following major issues with the jail system in the *Ramamurthy v. State of Karnataka*:

Overcrowding:

In a nation, where there are 1412 jails, and they are all overcrowded. The inmates' resources are impacted by the overcrowding. It mostly has to do with the distinctions in prisoner classes. In actuality, there were 4.33 lakh inmates as of December 2016 compared to the 3.81 lakh maximum capacity.

Under-Trial:

The proportion of Indian inmates awaiting sentencing is remarkably elevated. Undertrials make up more than 67% of the jail population, which leads to strange circumstances where individuals serve longer prison terms than they would have if a trial had taken place. In the UK, for instance, 11% of criminals are awaiting trial; in the US, this number is 20%; and in India, it is 67%.

Shortage of staff:

The prison reforms have a true problem with understaffing and underfunding, which leaves prisoners unmonitored and vulnerable to violence and other criminal activity. For example, in India, the jail population and staff ratio is around 1:7, but, in the United Kingdom, there are two prison officials for every three prisoners.

Condition of women prisoners:

Several issues confront female inmates including inadequate food intake, inadequate personal hygiene and sanitation, and instances of rape during detention where victims are intimidated into keeping quiet. In 2018, there were 19,242 female inmates in Indian prisons.

Instances of torture and sexual abuse:

Incidents of brutal altercations, physical abuse, and psychological distress are occasionally inflicted upon prisoners. Custodial violence is the "worst form of excesses by public servants entrusted with the duty of law enforcement," according to the National Human Rights Commission. There were 6,623 mentally ill inmates in prison as of 2018.

Prison inmates living with infectious diseases:

Case studies carried out at several Indian jails showed that prisoners were harboring infectious diseases like HIV and tuberculosis, which placed the general public in danger.

A COMPARATIVE ANALYSIS OF THE PRISONS WITH THE UNITED KINGDOM

When someone is imprisoned, it is a sign of community disapproval that their liberty has been taken away from them for breaking the law. Since the prisoner is expected to live with certain restrictions, such as losing their freedom of movement, imprisonment has a punitive element. The legal system must recognize that a prisoner is a human being with basic human needs that should not be overlooked, even though it is unreasonable to expect that a prisoner's life in jail will resemble their life outside the prison. In the best interests of the general public, the system should guarantee that the prisoner is treated with dignity in addition to penalizing the offender to further the public interest.

In recent decades, both India and the UK have made significant progress towards developing more efficient and humane jail systems, especially when compared to earlier times. Improvements have been made to the conditions inside Indian prisons, and the number of inmates has decreased. The government has enhanced and modernized the prison system in several ways during the last few years. Renovating buildings, offering better medical care, and raising standards for cleanliness and food quality are just a few of these projects. To further reduce the recidivism rate among prisoners, several reformation and rehabilitation programs have been put in place across the country. India currently has a wide variety of jails and prisons, including Open Jails, Juvenile Homes, Central Jails, District Jails, Sub Jails, and Jails for Women. India has many jails, and the numerous state governments that oversee them are in charge of running them.

The legal system in the United Kingdom (UK) has undergone several changes¹¹² and modifications over its existence. The 1990s saw the introduction of private prisons, which boosted innovation and competition in the criminal justice system¹¹³. Among the biggest shifts that occurred during this time was this one. The UK has also taken action to lessen prisoner overcrowding and enhance living circumstances for inmates, including increasing access to healthcare and education for those behind bars. Furthermore, there has been a greater focus on reducing the number of repeat offenders by implementing rehabilitation programs and alternatives to community-based punishment. Her Majesty's Prison and Probation Service (HMPPS)¹¹⁴, an executive agency of the Ministry of Justice, is in charge of overseeing the prison facilities in the United Kingdom. The UK is home to Category A, B, C, and D prisons¹¹⁵ in addition to Young Offender Institutions and Women's Prisons, among other types of correctional facilities. In addition, individuals detained for immigration offenses might be housed in short-term holding facilities or in immigration removal centers. Overall, improvements have been made to the contemporary versions of the criminal justice systems in both India and the UK.

In the UK, there are various types of prisons, including Category A, Category B, Category C, Category D, Women's Prisons, Young Offender Institutions, and Immigration Removal Centres. Category A prisons are designed to thwart escapes and communication with the outside world, while Category B prisons offer more opportunities for education and rehabilitation. The *Regina v. Governor of Whitemoor Prison* case established that strip searches at Whitemoor Prison did not violate convicts' human rights.

Category C prisons are medium-security, where inmates are considered less dangerous but still place restrictions on their movement and access to the outside world. The House of Lords ruled that officials at Category C prisons must act with integrity and consider the unique circumstances of each prisoner before transferring them to a more restrictive regime. Category D jails house low-risk prisoners nearing the end of their sentences, with the lowest level of security and the ability to work outside the jail.

Women's prisons are exclusively for female inmates and are categorized as either Category A, B, C, or D depending on the degree of security needed. The Corston Report (2007) demanded a comprehensive transformation of the prison system for women in England and Wales, proposing the closure of certain women's prisons and advocating for community-based alternatives to

¹¹²In 2016 According to the Ministry of Home Affairs in Indian Prison System - An Overview.

¹¹³ NAO (2018). Transforming Rehabilitation: Progress evaluation, C&AG report. London: TSO

¹¹⁴ Her Majesty's Prison and Probation Service- HMPPS

¹¹⁵ Prisons and probation." Gov.uk, 16 August 2019

imprisonment.

Young Offender Institutions house criminals under 21 and offer education and training programs to help them get their lives back on track. The Court of Appeal ruled that the Secretary of State breached the law by not providing adequate washing and sanitation facilities to prisoners at Brockhill case

Immigration Removal Centres are detention facilities for individuals arrested by UK immigration authorities for various offenses, including exceeding their visa's validity or entering the country without authorization. Each type of prison has its own rules and requirements, with the 2019 case of *R (Joint Council for the Welfare of Immigrants) v Secretary of State for the Home Department* having important implications for IRCs.

A COMPARATIVE ANALYSIS OF THE PRISONS WITH THE UNITED STATES

The United States Criminal Code provides for prisons and prisoners under Part III of Title 18, spanning from Section 4001 to Section 4351¹¹⁶, running across Chapter 301 to Chapter 319. No citizen shall be imprisoned or otherwise detained by the United States except under an Act of Congress. The control and management of Federal penal and correctional institutions, except military or naval institutions, shall be vested in the Attorney General. The Attorney General has been empowered to provide suitable quarters for the safekeeping, care, and subsistence of all persons held under the authority of any enactment of Congress, to contract with the proper authorities of any State, Territory, or political subdivision thereof for the imprisonment, subsistence, care, and proper employment of such persons.

The Bureau of Prisons shall be in charge of a director appointed by and serving directly under the Attorney General. The Federal penal and correctional institutions shall be so planned and limited in size as to facilitate the development of an integrated system which will assure the proper classification and segregation of Federal prisoners according to the nature of the offenses committed, the character and mental condition of the prisoners, and other factors as should be considered in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions.

¹¹⁶<https://www.law.cornell.edu/uscode/text/18/part-III>

There are five general levels of security within U.S. penal institutions: minimum security, medium security, high or close security, maximum security, and supermax security¹¹⁷. Inmates are generally allowed out of their cells for only one hour a day, often kept in solitary confinement. They receive their meals through ports or 'chuck holes' in the doors of their cells. When Supermax inmates are allowed to exercise, this may take place in a small, enclosed area where the prisoner will exercise alone. Prisoners are under constant surveillance, usually with closed circuit television cameras. Cell doors are usually opaque, while the cells may be windowless. Often cell walls and sometimes plumbing are soundproofed to prevent communication between the inmates. There are three main types of segregation within the US penal institutions: disciplinary segregation, administrative segregation, and protective custody. Disciplinary segregation is used when placing one in the 'hole' as punishment for a specific rule infraction the prisoner has admitted committing or for which they have been convicted. Administrative segregation occurs when officials wish to disrupt or prevent an ongoing or potential security threat. Protective custody involves some degree of solitary confinement.

The US has experienced the privatization of prisons due to factors such as tougher sentencing laws and the war on drugs¹¹⁸. The prison population is the highest in any democratic, free country. Public administrators rejected initiatives for increased funding due to conflicting demands. Private entrepreneurs gained a foothold in the industry by arguing that they can build necessary facilities using their own capital and charge the government a fee, supposedly cheaper than for state-run institutions. A 'build-and-manage' contract allows a state to sign up for new prison construction without having to go to voters to approve a bond initiative. The private company uses its own capital or financial leverage to build the prison, often with a provision allowing the state to purchase the prison at the end of the contract for a predetermined sum of money. Since the mid-1980s, the privatization of jails and prisons has grown in the US, and prisons have become a big business. The Prison Rape Elimination Act of 2003¹¹⁹ (PREA) also applies to prisons in the USA.

THE INTERNATIONAL CONVENTION ON THE RIGHTS OF PRISONERS

During the World Wars, other people's rights were taken away from them, and some prisoners were forced to labour against their will or died needlessly. International prisoner law was subsequently

¹¹⁷ Law Offices Of John D. Rogers, Synopsis of the Different Federal Prison Levels,(June 24, 2023)

<https://johndrogerslaw.com/synopsis-of-the-different-federal-prison-levels/#:~:text=The%20United%20States%20federal%20prison,violence%2C%20and%20the%20escape%20risk.>

¹¹⁸ Alex Resney,Ballard Brief, Mass Incarceration in the United States, <https://ballardbrief.byu.edu/issue-briefs/mass-incarceration-in-the-united-states>

¹¹⁹ PREA- Prison Rape Elimination Act 2003

altered as a result. The United Nations developed a minimal set of principles for the treatment of detainees. It specifies conditions that must be met by inmates, including access to medical services, enough food, and hygienic conditions and clean bedding. It should be simpler to identify the defendants both before and after the trial. Ensuring that prisoners are not subjected to torture or cruel, inhuman, or degrading treatment is the main goal of these treaties and agreements.

Many international conventions and treaties have been drafted to ensure the safety and security of prisoners' rights throughout the world. Here is a list of some of the most important treaties and agreements relating to the rights of prisoners:

1. The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) ¹²⁰was approved by the United Nations General Assembly in 1948. It contains basic human rights that all people, including prisoners, are entitled to. Article 5 of the UDHR prohibits torture and other cruel, brutal, or degrading treatment or punishment.

2. The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR ¹²¹, commonly known as the Covenant, was adopted by the UN General Assembly. In this document, the rights of those who have served time in jail are discussed in further detail. According to Article 10 of the agreement, everyone who is deprived of their freedom must be treated with respect and decency. In addition, there are regulations covering the prohibition of torture, the right to a fair trial, and the right to decent housing while detained.

3. Convention against Torture and Other Cruel, Inhuman, or humiliating Treatment or Punishment (CAT):

In 1984, the UN GA ¹²² passed the Convention against Torture and Any Bad, Unjust, or Deteriorating Therapy or Penalty (CAT). The practice of interrogation and any other cruel, inhuman, or humiliating punishment or detention is expressly prohibited by this convention. It gives states instructions to take all necessary actions to prevent such crimes from occurring and to provide victims with appropriate recompense. States must also ensure that children are shielded from these kinds of behaviours.

4. The first version of the Standard Minimum Rules for the Execution of Prisoners was approved by the UN General Assembly in 1955 and is currently acknowledged as such. Since then,

¹²⁰ 1948

¹²¹ 1966

¹²² General Assembly

this content has undergone numerous revisions. The SMR¹²³s provide a set of guidelines for the administration of inmates that address a number of topics, including the circumstances of confinement, health treatment, education, and rehabilitation. The booklet provides detailed instructions for jail administration.

5. European Convention on Human Rights (ECHR):

The European Convention on Human Rights (ECHR)¹²⁴ gave prisoners in Europe similar rights and safeguards when it was adopted by the Council of Europe. In addition to other rights, the convention contains provisions pertaining to the right to an unbiased trial, the outlawing of cruel and inhumane treatment, including torture, and the right to adequate living conditions while incarcerated.

DIRECTIONS AND RECOMMENDATIONS FOR PENAL REFORMS

The government's concern for its population is demonstrated by the creation of legislation and laws to address specific issues. Many laws have been passed to date, both at the federal and state levels, to ensure the efficient operation of prisons in India. Like all other laws, the efficacy of prison-related laws cannot be determined solely by their wording; rather, it is crucial to consider how well they are implemented. The Prisons Act of 1894, which was passed during the British Era, remains the primary piece of legislation that governs the management of prisons in India to this day. The Act's provisions on the reformation, rehabilitation, and social reintegration of inmates are deemed to be absent. The goal of incarceration in today's society is to correct the deviant, but the current system of prisonization does little to go above and beyond this deterrent effect. Legal measures that align with the contemporary perspective on punishment and the consequences of incarceration are necessary if our nation is to move forward in the reform of prisons.

Following are a few recommendations for the improvement and development of the prisons in India: Developing a national correctional policy is a critical first step towards a more efficient correctional system. This policy ought to create a minimum standard of consistency for jail legislation throughout India.

Limited resources are a big obstacle. Implementing the essential systemic changes—such as bettering infrastructure, classifying prisoners scientifically, and creating specialised prisons to better meet the demands of various offender categories—is challenging due to a lack of funds. Furthermore, the efficient provision of correctional services is hampered by a shortage of skilled and knowledgeable prison staff.

¹²³ Standard Minimum Rules

¹²⁴ 1950

To help incoming inmates get through their first week in jail, each one should be granted one free phone call each day to their families.

Providing inmates with efficient legal assistance as well as initiatives to teach and prepare them for the workforce. Vocational training should be mandated in the prison for every prisoner. Just confining and isolating the prisoners will not serve the purpose. Occupying the prisoners at work is necessary not only for their re-habilitation after imprisonment but also for their mental development. Holding a trial via video conference. The prisons are overcrowded due to delays in the trial of prisoners. This also has become a huge issue in India. To make sure that trials are conducted without unnecessary delay trials can be conducted in video conferencing mode to speed up the process resulting in tackling the issues of overcrowding of under-trial prisoners.

Rather than locking up the criminals, the courts might be asked to exercise their "discretionary powers" and impose punishments such as "fines and admonition" when feasible. Additionally, in worthy circumstances, judges may be encouraged to release convicts on probation during the pretrial phase or following trial. This is still one of the finest approaches to addressing the unjustified problem of overcrowding.

Currently, there is not a single lawyer for every thirty inmates, which is against the law. Petty offences that have been outstanding for longer than five years should only be handled by special fast-track courts. In addition, defendants facing minor charges and those who are given bail but are unable to secure a surety ought to be freed on a Personal Recognisance (PR) Bond. In situations when witnesses are present, an adjournment should not be allowed. Instead, the idea of plea bargaining—in which the accused accepts guilt in exchange for a reduced sentence—should be encouraged.

Prisoners need specialized care, particularly those with mental illnesses and expectant moms. As a result, medical facilities and infrastructure must be kept up to date in a similar manner to hospitals outside of jails. Medical personnel may occasionally conduct health and hygiene awareness programs through medical camps to help inmates avoid developing various illnesses while they are incarcerated.

In contrast to an individual in freedom, prisoners reside in an unsanitary and spatially constrained environment, rendering them susceptible to a variety of illnesses and ailments. As a result, the majority of inmates require special diets, which are frequently disregarded with the exception of a small number of people with certain illnesses. These individuals are particularly vulnerable to chronic illnesses, HIV/AIDS, tuberculosis, diabetes, and other age-related disorders. Additionally, a lot of convicts take medication continuously, therefore

Given how common it is for people in a nation like India to be ignorant of the law, the State must raise awareness among both those who will be benefiting from the law and those who will be enforcing it. The Indian government has published several advises and guidelines for the States and Union Territories to abide by in addition to statutory legislation, but these have not been fully followed due to a lack of funding. To create a seamless support network for ex-offenders, a successful rehabilitation approach necessitates collaboration across sectors, including enterprises, government agencies, social organizations, and community groups. Campaigns for public education can change the public's attitude from one of punishment to one of rehabilitation, encouraging compassion and understanding. But we also need to deal with the underlying causes of crime. Mass incarceration disproportionately affects communities of color, and addressing problems like adolescent opportunity gaps, poverty, and mental health inequalities can dramatically lower crime rates. A comprehensive strategy that builds a more just, egalitarian, and safe society must prioritize funding evidence-based initiatives, encouraging teamwork, and addressing these systemic problems.
