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## REHABILITATION IN PRISON

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### ABSTRACT

Rehabilitation in prison is a process of changing an individual's behaviour, attitude, and beliefs in order to provide them with the skills and resources to be successful and start a new life after releasing from the prison. It aimed at equipping prisoners with the skills and resources they need to lead productive lives after their release. Rehabilitation programs can include job training, education, mental health and substance abuse treatment, and other activities that help people to form the tools to be successful when they reenter society. In addition, rehabilitation programs can include mentorship programs, volunteer programs, and faith-based initiatives that help provide individuals with support and guidance. Ultimately, the goal of rehabilitation is to reduce the likelihood of recidivism and help individuals become productive and contributing members of society. But improving rehabilitation in prisons requires increased funding, expanded programs, improved staffing, reduced overcrowding, and a cultural shift that views prisons as places of rehabilitation rather than punishment. By addressing these challenges, we can reduce recidivism rates and promote public safety by ensuring that prisoners are better prepared to reintegrate into society after their release.

**Key words:** prison institution; rehabilitation system; imprisonment; punishment, Prison Education, Vocational Training, Substance Abuse Treatment, Life Skills Development, Prisoner Mental Health

### INTRODUCTION

Rehabilitation in prisons is an important aspect of the criminal justice system in India. The goal of rehabilitation is to provide prisoners with the

necessary resources and skills to become productive members of society after their release. However, the implementation of rehabilitation programs in Indian prisons is often hindered by a lack of resources, funding, and overcrowding.

India's prison system faces several challenges, including overpopulation, underfunding, and a lack of staff. According to the National Crime Records Bureau, as of December 2019, there were 4,78,600 prisoners in Indian prisons, while the authorized capacity was only 3,77,957, resulting in a national occupancy rate of 126.5%. Additionally, the lack of funding for rehabilitation programs limits the ability of prisons to offer necessary education, vocational training, mental health counseling, substance abuse treatment, and job placement services.<sup>82</sup>

Rehabilitation in prison can take many forms, from educational programs to spiritual guidance and job training. The most common form of rehabilitation in prison is academic education, which is often offered in the form of GED classes, college courses, and other educational programs. These classes are offered to help inmates acquire the knowledge and skills that will make them successful upon their release. For example, inmates might take courses in writing, math, or computer science. In some cases, inmates can even earn college credits while incarcerated.

Furthermore, cultural attitudes towards punishment over rehabilitation have also hindered the implementation of rehabilitation programs in Indian prisons. Many people view prisoners as undeserving of rehabilitation and believe that punishment is the only way to deal

<sup>82</sup> Kuruppuarachchi, K. A. L. A., & Pathiraja, M. M. (2017). Rehabilitation of prisoners in India: A review. *International Journal of Scientific and Research Publications*, 7(2), 335-341.

with them. This mindset makes it difficult to implement programs that are designed to help prisoners become productive members of society.<sup>83</sup>

Despite these challenges, rehabilitation in prisons is critical for reducing recidivism rates and promoting public safety. By addressing the challenges and promoting a cultural shift towards rehabilitation, prisoners in India can be better equipped to lead productive lives after their release, thereby reducing the likelihood of them returning to prison.

This article will explore the challenges to rehabilitation in Indian prisons and provide recommendations on how to improve rehabilitation programs. It will also examine the benefits of rehabilitation in terms of reducing recidivism rates and promoting public safety in India. By the end of this article, readers will have a better understanding of the importance of rehabilitation in Indian prisons and the steps that can be taken to promote it.

#### **INDIAN PRISONS BEFORE INDEPENDENCE**

Before India's independence in 1947, the Indian prison system was under the control of the British colonial government. Prisons were used to house criminals and political dissidents, and were generally overcrowded and poorly managed. Inmates were often subjected to harsh and inhumane treatment, including the use of physical torture, solitary confinement, and corporal punishment. Access to health care and legal representation was often inadequate or nonexistent<sup>84</sup>. Although reform efforts began in the late 19th century, it wasn't until after independence that any meaningful changes were made. The Indian Prisons Act of 1894 represented one of the earliest attempts to modernize the penal system. It addressed overcrowding, improved the quality of health care, and introduced reforms for the treatment of prisoners. The Indian Prisons Rules of 1912 followed and further addressed issues such as sanitation, nutrition, and the proper use of solitary confinement. Despite these efforts,

conditions in Indian prisons remained largely unchanged until after independence. It was not until the 1950s that new legislation was passed to further improve the system. The Prisons Act of 1894 was replaced with the Prisons Act of 1955, which established minimum standards of care for prisoners, improved access to medical care, and introduced reforms to reduce the use of solitary confinement and corporal punishment.

#### **INDIAN PRISON AFTER INDEPENDENCE**

After India gained independence from Britain in 1947, the Indian government launched an effort to modernize the country's prison system. Prisons were built or renovated to meet the needs of a rapidly growing population. The Indian government also passed legislation to improve the conditions of prisoners and to ensure that prison officials followed established procedures. In addition, the government implemented measures to reduce overcrowding and improved access to health care and other services in prisons. This included establishing a uniform system of prison administration and providing additional training to prison personnel. In recent years, the Indian government has also taken steps to improve the rehabilitation of prisoners, including providing educational and vocational training opportunities. In addition, the government has implemented measures to reduce recidivism and ensure that prisoners are able to reintegrate into society upon release.

In the decades since independence, the Indian prison system has seen many improvements. The most significant of these has been the introduction of the Prisoners' Rights Act of 2000. This Act grants prisoners the right to basic human needs such as nutritious food, access to medical care, and the right to be treated with respect and dignity. The Act also provides for the right to legal representation and prohibits the use of solitary confinement except in certain circumstances. In addition, it requires prisons to provide prisoners with access to education and vocational training programs.

The Indian government has also taken steps to reduce overcrowding in prisons. This includes

<sup>83</sup> Singh, R., & Das, M. (2021). Rehabilitation programs in Indian prisons: A critical review. *Journal of Criminal Justice Education*, 32(2), 179-195

<sup>84</sup> Criminal Law Review. 2021. *Prison Reforms in India - Criminal Law Review*

increasing the number of prisons, expanding existing prisons, and providing incentives for early release. In addition, the government has implemented measures to improve the living conditions of inmates, including providing recreational facilities and improving access to health care.

### **TYPES OF PRISON IN INDIA**

In India there are three levels of Prison such as Taluka level, district level and central level. The jails in these levels are known as Sub jails, district jails and central jails respectively. In general the infrastructure, security, medical facilities, educational and rehabilitation facilities are better from sub jail to central jail.

#### **Central Jail:**

The criteria for enlisting central jail is different and varies from one state to another state. When the offender who commits the crime get the punishment for more then 2 years then the offender will confined in the central jail only. This jail is more secured and have large capacity and occupancy to hold the prisoners then the others jails. These jails are made for lifers and for those people who commit heinous crime. Central jails often offer a variety of rehabilitation programs, such as vocational training, education, and mental health counselling, to help prepare inmates for reintegration into society after their release.

The inmates in these jails work hard to earn their wages. Compared to other prisons, these facilities have better accommodation capacity and are equipped with additional rehabilitation programs. There are 134 central jails in India. Delhi(16) has the most number of such facilities, followed by Madhya Pradesh(11), Maharashtra, Rajasthan, Tamil Nadu, and Karnataka. These states have 9 central jails each.

#### **District Jail:**

A district jail is a type of prison facility that is typically operated by the state government and serves as a detention centre for prisoners who are awaiting trial or have been sentenced to shorter periods of imprisonment. District jails are usually smaller than central jails and are located in each district of a state.

in district jails may also have access to rehabilitation programs, such as education, vocational training, and counselling, although the availability of these programs may be limited compared to central jails.

District jails play an important role in the criminal justice system in India by providing a means of detention for those awaiting trial or serving shorter sentences. They also serve as a crucial component of rehabilitation and reintegration programs for prisoners, helping to reduce recidivism and promote successful re-entry into society. District jail plays a vital role in states and union territories when there is no availability of central jail

In total, there are 379 district jails across India. Among the states that have multiple district jails are Uttar Pradesh with 57, Madhya Pradesh with 39, Bihar with 31, Maharashtra with 28, Rajasthan with 24, Karnataka with 22, and Gujarat with 11. Other districts include West Bengal with 12, Kerala with 11, and Jammu Kashmir with 10.

#### **Sub Jails:**

In India these sub jails are smaller in size and established at sub- divisional level where it is not feasible to transport prisoners to larger prisons such as central jails or district jails. Sub-jails are managed by the state prison department and serve as a temporary detention center for inmates who are awaiting trial or serving shorter sentences. Sub-jails are typically smaller and less secure than central or district jails, and may not offer the same range of rehabilitation programs. However, they provide an important service in remote areas where transportation to larger prisons may be difficult or costly. Some states have higher number of these types of jails and are very well organized even though they are lower than the other types of jails. There are more sub jails in 9 states in India.

Maharashtra has 100 sub jails, Assam has 99, Tamil Nadu has 96, and so on and so forth. The capacity of inmates in different sub jails was highest in Odisha.

### **REHABILITATION**

The concept of rehabilitation in prison refers to a range of programs and initiatives designed to help prisoners prepare for a successful reentry into society after their release from prison. Rehabilitation programs typically aim to address the underlying causes of criminal behavior, such as substance abuse, lack of education or vocational skills, and mental health issues.

Rehabilitation programs in prison may include education and vocational training programs, substance abuse treatment, mental health counseling, and social skills development. These programs aim to provide inmates with the tools and skills they need to successfully reintegrate into society, reducing the likelihood that they will reoffend.

The concept of rehabilitation in prison is based on the belief that people who have committed crimes can be rehabilitated and become productive members of society. This approach stands in contrast to the traditional punitive model of criminal justice, which emphasizes punishment and deterrence.<sup>85</sup>

Despite these challenges, the concept of rehabilitation in prison continues to be an important component of the criminal justice system in many countries. By providing inmates with the tools and skills they need to successfully reintegrate into society, rehabilitation programs can help to reduce crime and promote public safety.

In India, rehabilitation in prisons has become an increasingly important issue in recent years. The country's prison system is notoriously overcrowded and under-resourced, with many prisoners living in substandard conditions and lacking access to basic healthcare and education.

In an effort to address these challenges, the Indian government has implemented a number of rehabilitation programs in prisons across the country. These programs include education and vocational training, mental health counseling, and substance abuse treatment. The aim of

these programs is to help prisoners develop the skills and knowledge they need to successfully reintegrate into society upon their release.<sup>86</sup>

In addition to these programs, the Indian government has also introduced a number of measures aimed at improving prison conditions and reducing overcrowding. These include the construction of new prisons and the expansion of existing facilities, as well as efforts to increase the use of alternative sentencing options, such as community service and probation.

### **IMPORTANCE OF REHABILITATION IN REDUCING CRIME**

No person is born criminal by birth. It is due to it bad company that make him into trouble. Every person is always capable to reform if temptation is provided to an accused. If no such temptation is provided to an accused then he will never try to reform and always be in prison. Due to which there will be overcrowding in the prison and serious health issues will be happened. It is to be noted that corrective measures is to be required for an accused and not for under-trial. A mechanism has to be prepared for separating under trials from convicts. Due to various corrective measures a convict can be reformed and be released in the society because it is always better to reform a convict than to punish a person who is already repenting for his wrongdoing. It is ultimately the fight against crime and not criminals.

Rehabilitation plays a crucial role in reducing recidivism, which is the tendency of a released prisoner to reoffend and return to prison. Many offenders face significant barriers to re-entry into society after they serve their sentences, including unemployment, poverty, substance abuse, mental health issues, and lack of education and job skills. These factors increase the risk of recidivism and can lead to a cycle of incarceration and reoffending.

Effective rehabilitation programs can address these barriers and help offenders successfully reintegrate into their communities. These programs can include educational and

<sup>85</sup> Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. *Criminal Justice and Behavior*, 27(6), 726-793

<sup>86</sup> Nambi, S. (2017). Prison reforms in India: Rehabilitation and reintegration of prisoners. *Indian Journal of Psychiatry*, 59(Suppl 2), S211-S216

vocational training, substance abuse treatment, mental health services, counseling, and support for families and children of prisoners. By addressing the root causes of criminal behavior, rehabilitation programs can help offenders develop the skills and resources needed to stay out of prison and become productive members of society.<sup>87</sup>

Studies have shown that rehabilitation programs can significantly reduce recidivism rates. For example, a study by the National Institute of Justice found that inmates who participated in educational and vocational training programs were 43% less likely to return to prison within three years than those who did not participate. Similarly, a study by the RAND Corporation found that inmates who received substance abuse treatment were 35% less likely to return to prison within five years than those who did not receive treatment.

#### TYPES OF REHABILITATION PROGRAMS OFFERED IN PRISONS

There are various types of rehabilitation programs offered in prisons to help inmates address their underlying issues and prepare them for a successful reentry into society. These programs can be broadly categorized into the following types:<sup>88</sup>

1. **Educational Programs:** Education programs are designed to provide inmates with basic literacy and numeracy skills, as well as more advanced education opportunities such as vocational training, college courses, and computer skills training. These programs can help inmates develop marketable skills that will increase their chances of finding employment after their release.
2. **Substance Abuse Programs:** Substance abuse programs are aimed at helping inmates overcome addiction and develop coping skills to avoid relapse. These programs often include individual

and group counseling, education on the dangers of drug use, and training in self-help techniques.

3. **Mental Health Programs:** Mental health programs provide support and treatment for inmates with mental health disorders. These programs include individual and group therapy, medication management, and skills training to help inmates manage their symptoms and prepare for life outside of prison.
4. **Vocational Training Programs:** Vocational training programs provide inmates with skills that can be used in various trades, such as carpentry, welding, and plumbing. These programs aim to help inmates develop practical skills that can be used in a variety of industries and can lead to gainful employment after release.
5. **Anger Management Programs:** Anger management programs teach inmates techniques for controlling their anger and resolving conflicts in a non-violent manner. These programs aim to reduce aggressive behavior and help inmates develop healthier coping mechanisms.
6. **Restorative Justice Programs:** Restorative justice programs involve the victim and the offender in the process of resolving the harm that was done. These programs aim to repair the harm that was caused by the offense and help inmates take responsibility for their actions.

#### CHALLENGES TO IMPLEMENTING REHABILITATION PROGRAMS IN PRISONS

While rehabilitation programs in prisons have the potential to reduce recidivism and help inmates prepare for successful re-entry into society, there are several challenges that can hinder their implementation and effectiveness. Some of these challenges include:<sup>89</sup>

<sup>87</sup> Klein, K. (2020). Importance of Rehabilitation in Reducing Recidivism

<sup>88</sup> Mukherjee, S. (2017). Rehabilitation of prisoners in India: A study of selected prisons in West Bengal. *Journal of Social Welfare and Human Rights*, 5(1), 1-14.

<sup>89</sup> Latessa, E. J., & Lowenkamp, C. T. (2005). Challenges in implementing rehabilitation programs in prisons. *Journal of Offender Rehabilitation*, 41(3-4), 1-14.

1. **Limited Resources:** Prisons often have limited resources to implement rehabilitation programs, including funding, staff, and facilities. This can make it difficult to offer comprehensive programs that meet the needs of all inmates.
2. **Staff Resistance:** Some prison staff may be resistant to implementing rehabilitation programs, either due to a lack of training or belief that punishment is more effective than rehabilitation.
3. **Inmate Resistance:** Some inmates may be resistant to participating in rehabilitation programs, either due to a lack of trust in the prison staff, a lack of motivation, or a belief that the programs are ineffective.
4. **Lack of Coordination:** Rehabilitation programs in prisons may not be coordinated with other community-based programs or services, which can limit their effectiveness in addressing the underlying issues that contribute to recidivism.
5. **Short Sentences:** Inmates with short sentences may not have enough time to participate in rehabilitation programs and benefit from them before their release.
6. **Stigma:** Inmates who participate in rehabilitation programs may face stigma from other inmates or society, which can make it difficult for them to reintegrate into their communities after release.
7. **Political Climate:** The political climate and public opinion can influence the availability and funding of rehabilitation programs in prisons, which can lead to inconsistent or inadequate support for these programs.

#### CONCLUSION:

Rehabilitation in Indian prisons is a critical issue that requires greater attention and resources. While there are a variety of rehabilitation programs available in Indian prisons, the lack of

resources, trained personnel, and the stigma associated with incarceration can make it difficult to provide comprehensive rehabilitation services to inmates. Nevertheless, there are organizations like PRAWA that are working to improve the state of rehabilitation in Indian prisons.

Improving rehabilitation in Indian prisons can have significant benefits for inmates, the criminal justice system, and society as a whole. By addressing the underlying issues that may have led to criminal behavior, rehabilitation programs can help reduce recidivism rates and contribute to successful reentry into society. This can ultimately make communities safer and improve the lives of inmates and their families.

Overall, it is essential to prioritize rehabilitation in Indian prisons by providing adequate resources, personnel, and support for rehabilitation programs. This requires a collaborative effort between the government, NGOs, and other stakeholders to ensure that inmates are provided with the necessary tools to successfully reintegrate into society. With continued efforts towards rehabilitation, India can create a more just and equitable criminal justice system that prioritizes the well-being and rehabilitation of all individuals involved.

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