
THERAPEUTIC AND HUMANITARIAN APPROACHES TO PRISONERS IN THE CRIMINAL JUSTICE SYSTEM

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ABSTRACT

Modern criminal justice systems are slowly moving away from punishing prisoners harshly and are focusing more on helping them change for the better. This paper looks at the laws, human rights rules, and constitutional principles that say prisoners must be treated like human beings. By looking at famous court cases from India and other countries, this study shows that looking after a prisoner's mental health and dignity is a legal duty, not just a favor by jail authorities. The paper also discusses big problems like crowded cells and lack of staff, and suggests simple legal changes to turn jails into places where people can truly correct their mistakes and get ready to join back into society.

Keywords: Prison Reforms, Human Rights, Indian Constitution, Mental Health, Rehabilitation.

INTRODUCTION

How a country treats its prisoners shows how civilized and fair its government really is. For a very long time, jails were only used to make lawbreakers suffer and keep them away from normal people. The idea was that severe pain would stop people from committing crimes. But history shows that just punishing someone cruelly does not stop crime; instead, it often makes prisoners angrier and more dangerous. Today, thinking has changed. Jails are now expected to reform people and help them start a normal life again. This new approach recognizes that crime is often a result of mental trauma, bad surroundings, poverty, and lack of guidance. The Indian courts have clearly said that a person does not lose their basic human rights just because they are behind bars. Jails must run on principles of fairness, care, and respect.

HISTORICAL EVOLUTION OF PENAL PHILOSOPHY

In ancient and medieval times, punishment was violent and simple—an eye for an eye. Jails were not meant for long-term stay or reform. They were just dark rooms where prisoners waited for physical torture, execution, or banishment. Over time, as modern governments grew, longterm jail time became a regular punishment to keep criminals away from society. However, even these modern prisons were built to break a person's spirit through hard labor and complete isolation. In the late twentieth century, experts in psychology and sociology found that crime is deeply connected to personal mental health issues and poverty. This changed the whole philosophy. Instead of just penalizing the bad act, modern systems started trying to fix the root causes that make a person commit a crime in the first place.¹

THEORETICAL FOUNDATIONS OF THERAPEUTIC JURISPRUDENCE

The therapeutic method treats an inmate more like a patient who needs psychological and emotional help. It views crime as a behaviour problem that can be cured through regular counselling, mental health therapy, and de-addiction programs. Therapeutic jurisprudence is a field of study that looks at how laws and court actions affect a person's mind and emotions. It argues that the law should act like a healing medicine rather than a weapon, as long as public safety is maintained. Inside a prison, this means rules should not be so harsh that they cause deep mental trauma. Good behaviour should be encouraged with rewards, and prisoners should

¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1975).

have an easy way to report their grievances without fear of getting hurt.²

HUMANITARIAN APPROACH: PHILOSOPHICAL AND LEGAL BASIS

The humanitarian approach is simple: human dignity belongs to everyone, and no one can take it away, not even the state. Respect is not a gift given to good citizens; it is a right for every human being, including criminals. Therefore, prisoners have a right to basic decency, clean food, and fair treatment during their sentence. This perspective completely rejects the old idea that making someone suffer physically is good for justice. While taking away a person's freedom is a legal punishment, the jail itself must provide clean rooms, fresh air, proper medical care, and safety from violence. It also means protecting them from jail staff abuse and giving them a chance to read, write, and improve themselves.

CONSTITUTIONAL AND STATUTORY PARAMETERS IN INDIA

Article 21 of the Indian Constitution, which protects life and personal liberty, is the most important law for prisoners. The Supreme Court of India has clarified many times that the "Right to Life" does not mean just staying alive like an animal. For prisoners, it includes the right to live with basic dignity, get quick medical help, and be safe from police or custodial torture. Jails must also follow Article 14, which means they cannot discriminate against prisoners or treat them unfairly without a strong, logical reason. Furthermore, Article 39A says the government must provide free legal help to poor people. This is very helpful for undertrial prisoners those who are still waiting for their trial and are stuck in jail simply because they cannot afford a lawyer.³

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The United Nations has a set of global rules for treating prisoners properly, known as the Nelson Mandela Rules. These rules say that all inmates must be treated with respect. Locking someone up is the punishment itself, so jail conditions should not make their life deliberately harder or more miserable. The Mandela Rules say that medical care inside jails must be as good as the hospitals outside, especially for mental health and drug addiction. They also suggest dividing prisoners into different groups to protect weak or young inmates and offering job

² David B. Wexler, *The Development of Therapeutic Jurisprudence: From Theory to Practice*, 68 *Rev. Jur. UPR* 695 (1999).

³ M.P. Jain, *Indian Constitutional Law*, 8th Edition, LexisNexis (2018).

training so they can find work after release.⁴ This matches Article 10 of the International Covenant on Civil and Political Rights (ICCPR), which commands that every person who loses their freedom must be treated with humanity.⁵

JUDICIAL CONTRIBUTION AND LANDMARK CASE JURISPRUDENCE

Indian courts have done a lot of work to make jails safer and more human. In the famous *Sunil Batra v. Delhi Administration* (1978) case, the Supreme Court looked at solitary confinement and iron chains put on prisoners. The court said that a criminal conviction does not turn a human into a non-human, and banned these cruel practices under Article 21.⁶ Later, in *Hussainara Khatoon v. State of Bihar* (1979), the court saw that poor people were waiting in jail for years before their trial even started. The judges ruled that a speedy trial is a fundamental right, pointing out the deep mental pain caused by long, endless waiting.⁷ For female prisoners, the court in *Sheela Barse v. State of Maharashtra* (1983) ordered separate lockups, female doctors, and legal aid to protect them from safety issues.⁸ Finally, in the *Inhuman Conditions in 1382 Prisons* (2016) case, the court noticed huge gaps in jail healthcare and ordered the immediate hiring of mental counsellors and psychologists, making mental health a clear part of human dignity.⁹

INSTITUTIONAL REHABILITATION AND REINTEGRATION MECHANISMS

Schooling and job training inside jails are excellent ways to help prisoners change and earn an honest living later. Since many inmates come from poor backgrounds and never finished school, basic reading classes and long-distance college degrees help them grow. In *Mohd. Giasuddin v. State of Andhra Pradesh* (1977), the Supreme Court pointed out that the goal of law is to reform a person, not to enjoy taking revenge, and named education as the best tool for this change.¹⁰ Job training programs focus on teaching practical skills like tailoring, carpentry, or computer work so that prisoners do not return to crime due to hunger or poverty. The court in *Rama Murthy v. State of Karnataka* (1997) stated that a prison without job training fails its

⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), GA Res 70/175 (2015).

⁵ International Covenant on Civil and Political Rights, 1966

⁶ *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675.

⁷ *Hussainara Khatoon & Ors v. Home Secretary, State of Bihar*, AIR 1979 SC 1369.

⁸ *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96.

⁹ *Inhuman Conditions in 1382 Prisons*, In re, (2016) 3 SCC 700.

¹⁰ *Mohd. Giasuddin v. State of Andhra Pradesh*, AIR 1977 SC 1926.

basic purpose.¹¹ To help prisoners adjust to normal life, Open Prisons operate with very low security and high trust, letting low-risk inmates live and work with fewer restrictions. The court praised this setup in *State of Rajasthan v. Balchand* (1977), proving it reduces crime and helps inmates adjust easily.¹²

ADVANCED CRITICAL INTERPRETATION AND SYSTEMIC CHALLENGES

Even though courts have passed wonderful judgments, implementing these human rights changes in real life is very hard. The biggest issue is massive overcrowding, which damages basic space, breaks sanitation, and makes it impossible for doctors to give personal attention to inmates.¹³ There is also a major shortage of professionals like psychiatrists, clinical psychologists, and social workers. To add to the problem, standard security guards do not receive proper training in human rights or psychological handling, so they often use force to control situations. Lastly, society hates and avoids ex-prisoners, meaning governments rarely give enough budget or priority to prison improvements. To fix this, minor or non-violent offenders should be given community service instead of jail time, and the new rules under the *Bharatiya Nagarik Suraksha Sanhita* (BNSS), 2023 must be used to release undertrials early on bail.

CONCLUSION

Treating prisoners with care and therapy is a basic rule under the Indian Constitution and the rule of law. Cruel jail systems fail because they make a person more bitter, leading to more crimes after release. Indian court judgments and international rules clearly show that a prisoner remains a citizen with human value. True safety for society comes from correcting a criminal's mind, not from making them suffer endlessly. Changing our jails into centers of mental recovery, basic education, and job learning fulfils the true meaning of justice mixed with humanity, it repairs the broken individual to safeguard the entire community.

¹¹ *Rama Murthy v. State of Karnataka*, AIR 1997 SC 1739.

¹² *State of Rajasthan v. Balchand*, AIR 1977 SC 2447.

¹³ National Crime Records Bureau (NCRB), *Prison Statistics India 2024*, Ministry of Home Affairs.

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