
MENTAL HEALTH AND PRISON ARCHITECTURE: A GLOBAL CALL FOR THERAPEUTIC ENVIRONMENTS AS A FUNDAMENTAL RIGHT

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ABSTRACT

The design and construction of prisons do not just serve as a background but rather as one of the factors that determine the mental health of inmates. The spaces that are not well designed can lead to the proliferation of psychiatric disorders, or even the poor spatial conditions being the cause of the already existing psychiatric disorders. In India, as per Article 21, every person has the right to live and be treated humanely, which has been further interpreted to include proper living conditions having adequate facilities for prisoners. Yet, the law has barely focused on providing sanitation, ensuring health, and reducing the inmate population to the approved limit. The architectural aspect of mental health still remains as one of the least discussed topics in the constitutional debate. On a global scale, international human rights policies, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (also referred to as the Nelson Mandela Rules), not only conceptualise but also pinpoint the need for such settings capable of addressing the psychological aspect of wellbeing. The use of architectural changes aimed at eliminating compromising conditions and incorporating natural elements, such as light and open spaces, has already been implemented in countries like Norway and the Netherlands. The aim of these changes is to reduce recidivism and enhance rehabilitation. Besides, these cases indicate a worldwide shift toward the adoption of “therapeutic environments”—a term that refers to such a place whose sole purpose is to promote mental health and human dignity. Based on a comparative approach, this study demonstrates the link between the Indian constitutional context and global norms, representing the case of India as part of the world debate on prison reform and highlighting the commonality of mental health problems in prisons. This paper not only discusses the prison infrastructure in relation to human rights but also advocates for an overhaul of the entire correctional policy, shifting from mere tolerance of imprisonment to creating a rehabilitative and respectful environment for prisoners.

INTRODUCTION

The modern discussion about prisons has gradually acknowledged the fact that architecture is not just a functional aspect; it plays a crucial role in the psychological, social, and moral aspects of detention.¹ The modern era has witnessed the worldwide acceptance of human rights norms; therefore, the conditions of prisons have become an indicator of a nation's commitment to dignity and justice.² The total prison environment, together with the spatial distribution, lighting, ventilation, and other sensory inputs, has a significant impact on the mental health of the imprisoned.³ However, in spite of the increasing evidence that poor prison architecture is a cause of psychiatric despair, the discourse on mental health has not progressed much in terms of policy and judicial interpretation on the part of architecture.⁴

Erving Goffman was a pioneering thinker who brilliantly characterised situations of prisoners in his book "Asylums". He proposed the idea of "total institutions," which implies that the architecture and management of such closed organisations like prisons gradually take away people's rights to autonomy and dignity and, as a consequence, cause psychological harm through environmental deprivation.⁵ The other studies also have consistently supported that mental illness is a common problem among prisoners, with prevalence rates as high as 100% in some places and as low as 40% in others, and prison environments further worsen the conditions of prisoners and even lead to the emergence of new psychiatric disorders.⁶ Organisations such as the World Health Organisation and the European Committee for the Prevention of Torture have also highlighted that overcrowding, lack of natural light, poor air circulation, and sensory deprivation are the most significant factors that contribute to the deterioration of mental health in prisons.⁷

In the Indian context, the rights of prisoners have their constitutional foundation in Article 21,

¹ Yvonne Jewkes & Dominique Moran, *Prison Architecture and Design: Perspectives from Criminology and Carceral Geography*, *Geography Compass*, 2 (2017).

² Dirk van Zyl Smit & Sonja Snacken, *Principles of European Prison Law and Policy: Penology and Human Rights* 12 (2009).

³ Roger S. Ulrich et al., *Stress Recovery During Exposure to Natural and Urban Environments*, 11 *J. Envtl. Psychol.* 201, 203 (1991).

⁴ Dominique Moran & Yvonne Jewkes, *'Designed to Deter': Environmental Design in Secure Forensic Mental Health Facilities and Prisons*, 5 *Health & Place* 1, 3 (2020).

⁵ Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* 13 (1961).

⁶ H. Gómez-Figueroa et al., *Mental and Behavioral Disorders in the Prison Context*, 15 *Heliyon* e10942, at 3 (2022); S.M.Y. Arafat et al., *Prison Mental Health in South-East Asia: A Narrative Review*, 18 *Int'l J. Mental Health Sys.* 1, 8 (2024).

⁷ "WORLD HEALTH ORGANIZATION, WHO Guidelines for Indoor Air Quality: Selected Pollutants 35" (2010).

which assures the “right to life and personal liberty”.⁸ In cases like *Charles Sobhraj v. Superintendent (1978)* and *Sunil Batra v. Delhi Administration (1978)*,⁹ the court recognised that prisoners have fundamental rights even while in custody. The Supreme Court has given a wide interpretation to Article 21 and has included humane living conditions, torture prohibition, and access to medical care in its scope. Nonetheless, the courts have mainly intervened in areas such as overcrowding, sanitation, and basic medical services; however, little attention has been given to the healing aspect that accompanies good architectural design for prisons, which remains an uncharted territory.¹⁰

The prison infrastructure of India reflects the colonial punishments and supervision that are evident in the design principle of Jeremy Bentham’s panopticon. This circular building plan allows uninterrupted monitoring while the inmates have no idea who is watching them, thus creating mental discipline through internalised observation. The critiques of Michel Foucault in *Discipline and Punish* revealed that the isolation of prisons was the dominant power technology that ‘produced’ the so-called ‘normal’ people, rather than ‘rehabilitated’ citizens.¹¹ The current Indian prisons are marked by an occupancy rate of 120.1%, with undertrial prisoners constituting 76.2% of the total, and still being utilised as warehouses for the inmates rather than places for rehabilitation.¹²

“The United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules)”¹³ adopted in 2015, prioritised the environment on a global level as an absolute ground for human treatment. In addition to the basic standards already mentioned, the basic requirements necessary for the humane treatment of prisoners are listed in Rules 12 to 17, which include adequate space, natural light, ventilation, and heating. Countries like Norway and the Netherlands are ranked among the most advanced in the world’s transition to “therapeutic environments” (specially designed areas that promote well-being by incorporating biophilic design, utilising natural materials, and allowing for spatial

⁸ India Const. art. 21.

⁹ *Charles Sobhraj v. Superintendent*, (1978) 4SCC 104.

¹⁰ Law Commission of India, Report No. 268, Amendments to Criminal Procedure Code, 1973—Provisions Relating to Bail, 13.1 (2017).

¹¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 195-228.

¹² NCRB, Prison Statistics India 2023, <https://www.policyedge.in/p/ncrbs-prison-statistics-india-2023>.

¹³ “The United Nations Standard Minimum Rules for the Treatment of Prisoners, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf” (last visited Oct. 12, 2025).

freedom).¹⁴

This paper deals with two major research questions that connect constitutional interpretation with the ethical aspects of architecture. The first one deals with the possibility of challenging poor prison design, which worsens psychiatric disorders, as a form of cruel, inhuman, or degrading treatment under Indian and international human rights law. The second one discusses the interpretation of Article 21 of the Indian Constitution in the sense that the State is legally obliged to create and maintain prison environments that positively influence mental health

By utilising a doctrinal, comparative, and interdisciplinary approach that consists of constitutional law, international human rights standards, and environmental psychology, it reveals that the architecture of prisons for justice is not only a physical setting but also a crucial factor in it. This study utilises the broader issues of law, globalisation, and the human rights paradigm to situate prison reform within the broader terrain of global justice and cosmopolitan ethics.

GLOBALISATION, JUSTICE, AND THE HUMANISATION OF PUNISHMENT

The shift in attitude towards punishment from retribution to rehabilitation can be seen as a process through which justice norms have been universalised and cosmopolitan ethics introduced into different legal systems. Moreover, the philosophical theories of justice are those that lay down the normative basis for perceiving prisons not only as places for confining individuals but also as spaces that help restore their dignity.¹⁵ John Rawls's concept of "Justice as Fairness" explains that a just society would guarantee the basic rights of all individuals, including those who have lost their liberty, and provide equal opportunities to everyone. The principles of Rawls require that the social order acknowledge the inalienable right of every human being and give him conditions that are favourable to his working and living as a human being, even if he is in punishment.¹⁶

The capability approach of Amartya Sen significantly contributes to the understanding of this issue by regarding justice and development as the growth of human capabilities, such as

¹⁴ "BBC NEWS, *How Norway Turns Criminals into Good Neighbours*, <https://www.bbc.com/news/stories-48885846>". (last visited Oct. 6, 2025).

¹⁵ John Rawls, *A Theory of Justice*.

¹⁶ *Id.*

psychological health, freedom, and the ability to live a life one values.¹⁷ Sen asserted that freedom and well-being are closely intertwined, so institutions should create such conditions that allow people to grow and utilise their capabilities.¹⁸ Looking at it from this point of view, when it comes to prisons, there should be no conditions that lead to mental health deterioration, and mental health promotion is the core of human capability.

The globalisation of human rights has helped in transforming the concept of punishment through international legal documents and cross-border lobbying groups. The Universal Declaration of Human Rights (1948) asserted the inherent dignity and equal rights of all humans, thereby paving the way for global reforms in the penal system.¹⁹ On the other hand, Article 7 of the International Covenant on Civil and Political Rights (ICCPR) (1966) explicitly prohibits any form of torture as well as cruel, inhuman, or degrading treatment or punishment, and allows no exceptions even in times of emergencies.²⁰ Article 10(1) requires further that all those imprisoned be treated humanely and with respect for their inherent dignity.²¹

The Human Rights Committee's General Comment No. 20 elaborates these provisions by stating that it is necessary to protect against inhumane conditions causing psychological harm, and also mentions prolonged solitary confinement, inadequate space, and sensory deprivation as the main types of such treatment. The Committee points out that the conditions of detention must not be so harsh on the individuals that they exceed the unavoidable suffering inherent in the very fact of losing their liberty.²²

The cosmopolitan ethics tradition, as presented by thinkers such as Laura Valentini and Andrew Kuper, maintains that all people are of equal moral worth and thus their rights and duties are no longer confined to the countries where they reside. In this context, cosmopolitan justice in prisons entails providing inmates with conditions that are, at least, 'non-violent' in terms of physical and mental health, and that can therefore be called 'civilised'.²³ The idea of "human dignity" as a right has turned into a universally accepted constitutional value and has

¹⁷ Amartya Sen, *Development as Freedom* 18 (1999).

¹⁸ *Id.*

¹⁹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 1 (Dec. 10, 1948).

²⁰ International Covenant on Civil and Political Rights art. 7, Dec. 16, 1966, 999 U.N.T.S. 171.

²¹ *Id.*

²² See, article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), (Mar. 10, 1992).

²³ Laura Valentini & Andrew Kuper, *Democracy Beyond Borders: Justice and Representation in Global Institutions* 89 (2004).

been affirmed in documents like in section 10 of South Africa's Constitution and also in Article 1 of Germany's Grundgesetz.²⁴

The Nelson Mandela Rules (2015) of the United Nations have established a global standard for humane imprisonment that clearly outlines the requirements for living conditions, in which Rules 12 to 43 cover healthcare and mental health in detail. Rule 13 establishes that living spaces must meet the health requirements and have an adequate amount of air, proper lighting, a minimum floor area, and ventilation. According to Rule 14, the areas for sleeping and living must have windows that are large enough to allow prisoners to read and work during the day by natural light and to receive fresh air.²⁵

Globalisation has contributed to the creation of transnational networks of prison reform advocacy, with the Council of Europe's European Committee for the Prevention of Torture (CPT) being one of the organisations affected by this, as it sets minimum standards regarding spatial and sensory factors that influence the situation in developing countries. The European Court of Human Rights has provided considerable protection for the interpretation of Article 3 of the European Convention on Human Rights, which prohibits the use of degrading detention conditions, including limited space, poor-quality lighting, and inadequate air circulation, through an extensive body of case law.²⁶ Global justice views punitive degradation as incompatible with the legitimate rule of law and the principles of democracy.

The transition from retribution to rehabilitation represents a larger change in the philosophy of punishment that is in line with worldwide social justice movements. Over time, the perspective about punishment has changed in such a manner that it is now viewed not as an act of retribution but rather as a moral rehabilitation and social reintegration.²⁷ The new model requires the existence of places where these changes in behavior can occur, independence can be established, and human dignity can be achieved; all these factors are fundamentally reliant on the nature of the buildings.²⁸

²⁴ S. Afr. Const., 1996, § 10.

²⁵ G.A. Res. 70/175, *supra* note 15 at 7.

²⁶ Ananyev v. Russia, Eur. Ct. H.R. (2012).

²⁷ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, 175 (2001).

²⁸ Anna Lindemuth, *Designing Therapeutic Environments for Inmates and Prison Staff in the United States*, 1 J. Mediterranean Ecology 87, 88 (2007).

ARCHITECTURE, SPACE, AND JUSTICE: A THEORETICAL NEXUS

Space is certainly not an indifferent matter; it is an extremely influential medium where social relations, power struggles, and psychological conditions are created and fought over. The intricate relationship between space and law, where one influences the other, and spatial arrangements become the physical expression of legal norms and power relations. In prisons, the layout and design of the space reflect the concepts of justice, control, punishment, and rehabilitation.²⁹ Places that are overcrowded, dark, and have poor acoustics create a feeling of decay and a lack of control; on the other hand, places that are open, have natural light, and are well-ventilated have a positive psychological effect, giving a feeling of self-worth.³⁰

Environmental psychology is a field that has provided significant evidence of the link between the environment in which we live and our mental health.³¹ Roger Ulrich conducted a study on the effect of natural elements on individuals and found that incorporating natural elements, such as flowers, sunlight, and landscapes, can lead to a more relaxed state of mind, lower blood pressure, and faster mental recovery. On the contrary, sensory deprivation environments combined with artificial lighting and crowded places cause high levels of cortisol, hinder cognitive abilities, and more aggressive behaviour.³²

The natural light has a direct impact on biological rhythms, which has a profound effect on mood, cognitive performance, and sleep quality. The lack of proper lighting has been associated with depression, anxiety, and malfunctioning biological cycles, especially in the case of prisons where inmates are confined indoors for a long time.³³ There is a close relationship between the quality of ventilation and both brain function and respiratory health. The air quality that is less than optimal results in what is known as “sick building syndrome,” characterised by the following symptoms: fatigue, headaches, respiratory irritation, and decreased ability to concentrate.³⁴

“Therapeutic environments” refer to a physical space that is purposely designed around the principles of mental health care and, at the same time, recognises that space can be a major

²⁹ Nicholas K. Blomley, *Law, Space, and the Geographies of Power*, 3 (1994).

³⁰ Roger S. Ulrich, *View Through a Window May Influence Recovery from Surgery*, 224 *Science* 420, 421 (1984).

³¹ Özge Kıvanç Madan & Lene Torgersen, *Restorative Effects of Daylight in Indoor Environments: A Systematic Review*, 78 *J. Environ. Psychol.* 102153, at 2 (2024).

³² Roger S. Ulrich et al., *supra* note 3 at 4

³³ Özge Kıvanç Madan & Lene Torgersen, *supra* note 31, at 10

³⁴ WHO Regional Office for Europe, *supra* note 7 at 4,

factor in determining one's emotional stability and behavioural outcomes, either positively or negatively. According to Wilbert Gesler's therapeutic landscape theory, certain places not only provide but also protect psychological and physical wellness by intercepting environmental, societal, and individual factors.³⁵ In prisons, therapeutic design thus means letting in as much natural light as possible, providing good ventilation, opportunities for movement, and sound insulation, giving access to nature, and allowing some degree of autonomy in space use.

The use of biophilic design, which comprises elements such as natural materials, plants, water features, and views of nature, has been proven to have a positive impact on reducing anxiety, depression, and aggressive behaviour in hospitals, for example: Research carried out in jails and prisons where inmates were exposed to outdoor nature, with the presence of trees, natural materials, and abundant sunshine, noted an obvious reduction in disciplinary issues, health complaints, and reoffending rates.³⁶

The Mental Healthcare Act that was enacted in India in 2017 establishes the right to mental health, highlighting the aspects of community integration, dignity and prohibition of inhuman degrading or cruel treatment.³⁷ Section 18 acknowledges the right of the mentally ill to be provided with quality mental health services under the least restrictive conditions possible. Section 21 stated that persons with mental illnesses should have access to procedures that allow them to express their choices regarding medical treatment and to appoint individuals to assist them in making decisions. Nevertheless, this structure is still out of touch with spatial justice in prisons, as architectural adequacy is still not considered in the discourse on prisoners' mental health rights, neither in the legislation nor in the courts.³⁸

Architectural modification, which incorporates the use of daylight corridors, natural ventilation systems, green courtyards, sensory-responsive materials, and spatial flexibility, literally expresses the constitutional principle of dignity. Therefore, architecture is a medium through which the courts can grant people their rights; thus, Article 21 becomes an empty promise. In support of this, spatial theorists indicate that the right to a dignified space is a

³⁵ Wilbert M. Gesler, *Therapeutic Landscapes: Medical Issues in Light of the New Cultural Geography*, 34 Soc. Sci. & Med. 735, 736 (1992).

³⁶ Dominique Moran & Yvonne Jewkes, *supra* note 4, at 4.

³⁷ Mental Healthcare Act, No. 10, Acts of Parliament, 2017 (India).

³⁸ Anup Surendranath, *Mental Health and Criminal Law: A Critique*, Mariwala Health Initiative (last visited at Oct. 1, 2019), <https://mh i.org.in/voice/details/mental-health-criminal-law/>.

prerequisite for the right to life in a globalising world that is dedicated to human rights.³⁹

CONSTITUTIONAL DIMENSIONS IN INDIA: RIGHT TO DIGNITY AND MENTAL HEALTH

Although the Indian Constitution does not expressly address the rights of prisoners, Article 21, which states, “*No person shall be deprived of his life or personal liberty except according to procedure established by law*”, and the extensive interpretation of Article 21 by the Supreme Court has ultimately recognised that the ‘loss of liberty means the loss of fundamental rights’. The Court in *Maneka Gandhi* held that “life” signifies not only the mere existence of an animal but also to live with dignity, and that “procedure” should be just, fair, and reasonable.⁴⁰

The landmark judgment of the *Sunil Batra* case in 1978 established the fundamental principles of prisoners’ rights in India, where Justice Iyer unambiguously stated “*prisoners are persons*” who have the right to constitutional protection, hence turned down the “*hands-off doctrine*” which at that time was keeping prison administration free from judicial oversight. The Court held that imprisonment without any protection measures constitutes an infringement of liberty because prisoners’ fundamental rights remain intact, even in the case of rigorous imprisonment. The ruling emphasised that these correctional facilities/prisons are a place of rehabilitation, not a place of punishment, and therefore humane treatment is a legal requirement.⁴¹

The Court in *Charles Sobhraj v. Superintendent, Central Jail, Tihar* (1978) reiterated that the rights of prisoners could not be affected by quasi-judicial decisions unless a hearing was held and the reasons for the decision were communicated to the prisoner in clear and understandable language. The Court disallowed the irrational application of bar fetters and emphasised that inmates still retain a minor freedom worthy of protection from arbitrary loss.⁴²

The case of *Sunil Batra (II) v. Delhi Administration* (1980) went on to clarify the notion of humane treatment as a right, when the Court came up with the well-known phrase that “prisons are built with stones of law” and added that, despite being imprisoned, their dignity and fair

³⁹ Rishita Banerjee & Arpita Das, *Rehabilitation Through Design: A Study of Various Design Aspects to Facilitate Rehabilitation in Criminals*, 6 Int'l J. For Multidisciplinary Res. 1, 3 (2024).

⁴⁰ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 (India).

⁴¹ *Sunil Batra v. Delhi Admin.* (1980) 3 SCC 488, 492 (India).

⁴² *Charles Sobhraj v. Superintendent, Central Jail, Tihar*, *supra* note 9 at 5.

treatment rights are to be protected. The Court pointed out that the majority of prisoners come from the weaker segments of society and are made invisible in the world's walled-off areas, which makes the necessity of judicial vigilance to protect against systematic abuse.⁴³

The case of *Re: Inhuman Conditions in 1382 Prisons* (2016) had a huge impact on the whole Indian prison reform debate. It all started when former Chief Justice R.C. Lahoti wrote a letter to the Supreme Court, explaining the extremely poor conditions in 1,382 prisons in India. The Supreme Court considered the letter as a public interest litigation petition. The Court pointed out the problem of overcrowding (131.4% of the capacity in 2016), unnatural deaths, insufficient staff, ineffective training, and no mental healthcare as the main issues of the system that needed urgent action. The Court, in its 2018 ruling, asked the states to assess the application of the Model Prison Manual 2016, which has provisions related to mental health care, rehabilitation, and human living conditions, which the states have already implemented.⁴⁴

Even with progressive jurisprudence, Indian courts have yet to establish environmental and architectural rights as part of prisoners' rights, as the court views physical space as a mere setting, rather than a part of the constitution, that directly influences psychological effects on prisoners.⁴⁵ Natural light, ventilation, green areas, and sensory balance are reported to be systematically neglected in prison audit reports and scholarly research. In its 268th Report (2017), the Law Commission of India recognised the "Crumbling prison infrastructure"; however, instead of addressing the issue of architectural adequacy, the report concentrated mainly on procedural reforms.⁴⁶

The Mental Health Care Act of 2017 is a legislative framework that integrates the Right to mental health with the rights of prisoners. Chapter IV specifically focus on "Mentally Ill Prisoners," as they are generally more vulnerable and require specialised treatment. Section 102 states that mentally ill prisoners will be confined in healthcare facilities instead of regular prisons unless there are sufficient mental health services in the prison.⁴⁷ Nevertheless, its implementation is pathetically poor, and in most states in India, there is no prison mental health

⁴³ Sunil Batra (II), *supra* note 41 at 12.

⁴⁴ *Re: Inhuman Conditions in 1382 Prisons*, Writ Petition (Civil) No. 406 of 2013 (India).

⁴⁵ Ananth Kini, *A Critique on Prisons in India in the Light of Re-Inhuman Conditions in 1382 Prisons*, Indian L. Inst. Winter Issue 74 (2017).

⁴⁶ Law Commission of India, *supra* note 10 at 5.

⁴⁷ Mental Healthcare Act, *supra* note 38 at 11.

service.⁴⁸

Inclusion of the Mandela Rules into the Indian legal system may transform Article 21 into a right to spatial well-being. The interpretation given in the *Maneka Gandhi case* of the “law” would mean that the State not only has the responsibility to maintain, but also to create prisons that are conducive to mental health. So it is possible that judicial creativity could extend the term “humane treatment” to the point where architectural adequacy becomes an enforceable right, that obligate prisons to provide at least the required conditions concerning light, space, ventilation, and sensory balance.

This interpretation is also supported by India’s international obligations. By being a party to the ICCPR, India has to follow Articles 7 and 10, which forbid torture and demand humane environments for prisoners, respectively. The Convention on the Rights of Persons with Disabilities, which India signed in 2007, requires making special arrangements for and providing access to people with disabilities, which includes people with mental illnesses. Such duties form a standard that allows one to think of Article 21 as encompassing the right to the quality of life and dignity through building rights.

COMPARATIVE STUDY

1. Norway:

The Halden Prison, which opened in Norway in 2010, is a perfect example of how rehabilitation can be promoted through architectural design.⁴⁹ The prison building is a joint product of HLM Architects and Erik Moller Architects, which not only has a capacity for 250 inmates but also emphasises rehabilitation, dignity, and community through a single colour scheme. The main idea of the design is based on two opposing aspects: “hard” (involuntary imprisonment) and “soft” (a wish for rehabilitation).⁵⁰

The prison does not present itself as a repressive institution; rather, it attempts to be perceived as a pleasant and humane place by incorporating natural materials such as wood, stone, and glass. The large windows allow natural light to enter to the greatest extent, and the campus

⁴⁸ S.M.Y. Arafat et al., *supra* note 6, at 9

⁴⁹ BBC News, *supra* note 13 at 6.

⁵⁰ DOGA, *Halden Prison*, <https://doga.no/en/activities/design-and-architecture-in-norway/architecture/halden-prison/> (last visited Oct. 30, 2025).

layout resembles that of a village, promoting social interaction between inmates and staff. The outdoor areas for the inmates feature various elements, including forests, gardens, and sports facilities, all of which help them connect with nature. The size of each cell is approximately 12 square meters, and it features its own sanitary facilities, large windows, and temperature control.⁵¹

It is reported that Norway's recidivism rate has been stable at around 20% after two years, whereas the rates in the U.S.A. and the U.K. have been close to 68% and 50%, respectively, indicating the positive impact of therapeutic design on the rehabilitation process.⁵² This triumph has been made possible due to several factors, including the creation of a humane environment, the hiring of skilled personnel, educational and vocational training, and a fundamental adherence to the philosophy of rehabilitation rather than punishment.

2. Netherlands:

The Pi Flevoland - Lelystad prison, which was generally perceived as the most humane prison in the Netherlands, innovated by moving away from the "cell-block" model and accommodating inmates in small groups with every facility for self-catering. Each unit has 6 cells sharing a kitchen and living space, and Prisoners are responsible for cooking their own meals and setting their own daily schedules. Surveillance is high-tech (sensors and cameras), but many physical barriers (iron bars, locks) are minimised. Studies in the Dutch system have found that inmates housed in these small group units exhibit better behaviour and fewer violent incidents than those in traditional wards. The main assumption is that trust is given and taken: through living more independently, prisoners keep their dignity and are also better equipped for the process of reintegration.⁵³

3. United Kingdom: Rehabilitative Prisons Policy

The United Kingdom is starting to apply the same principles. HMP Berwyn (Wales, opened in 2017) and its successor, Five Wells (England, 2022), have been constructed based on the 'campus' model rather than the traditional fortress model. The prisons are low-rise buildings

⁵¹ ArchDaily, *Halden Prison / Erik Møller Arkitekter + HLM arkitektur* (July 28, 2011), <https://www.archdaily.com/154665/halden-prison-erik-moller-arkitekter-the-most-humane-prison-in-the-world>.

⁵² BBC News, *supra* note 13 at 6.

⁵³ THE GUARDIAN, *Dutch open Big Brother-style prison*, BBC Future (Jan. 19, 2006), <https://www.theguardian.com/world/2006/jan/19/prisonsandprobation.society#:~:text=The%20jail%27s%20estimated%20cost%20per,a%20switch%20to%20another%20room>

that are built around courtyards with gardens, blending seamlessly into the surrounding landscape. The design by Yvonne Jewkes and Bryden Wood is praiseworthy as they have developed the concept of “*cells arranged in smaller groups around sculpted courtyards with carefully chosen greenery,*” to replace the old Victorian-style “K-blocks.”⁵⁴ There are no bars on the windows of inmates; rather, there are vents that they can open for fresh air. Each block features a small gym and a tea kitchen on every floor, as well as a classroom. Officials in the prison claim that this is done to make life in prison more normal. Jaimie Johnston from Bryden Wood says: “Independence and being in charge of one’s own life are among the main reasons... we made this as normal as possible while still securing the area”.⁵⁵ Even the neighbouring population outside the walls has seen a positive change: the Five Wells project was supposed to give the impression of a residential building, and the residents were even pleased to find out that “*it does not look like a prison,*” thus contributing to the stigma being lessened.

CRUCIAL LESSONS FOR INDIA: COST-EFFECTIVE, HIGH-IMPACT INTERVENTIONS

The national and international spread of concepts in several countries at once shows that globalisation is a kind of “concepts will travel” phenomenon. What were once considered too lenient have turned around and are now being praised as best practices. What are the takeaways for India? The main takeaway is not to copy Norway in all its aspects, as the economic and cultural backgrounds differ, but to adopt the principle that prison design should prioritise the mental health of prisoners. Even simple changes – such as adding skylights, more communal spaces, windows in each cell, and modular living units – can mitigate the psychiatric toll of incarceration. Equally important are procedural innovations (allowing small work groups, fostering family visits in pleasant rooms) that the comparative experience suggests are part and parcel of a therapeutic environment. In conclusion, worldwide cases confirm that it is possible to treat inmates with respect by designing and implementing programs that prioritise respect for inmates, which is the most effective approach to rehabilitation, yielding positive results.

Indian Prison Architecture: Facts, Challenges, and the Urgent Necessity for Amendment:

⁵⁴RICS, <https://ww3.rics.org/uk/en/modus/built-environment/resilient-infrastructure/good-prison-design.html#:~:text=What%20they%20also%20found%20at,%E2%80%9D> (last visited Oct. 6, 2025).

⁵⁵ *Id.*

The prison system in India is an image of the colonial past, severely underfunded and of medical and environmental quality at the most neglectful level. The Prison Statistics in India 2023 report from the NCRB revealed that the total number of inmates in the Indian subcontinent was 5,54,034 and that their distribution was among 1,332 prisons with an overall occupancy of 120.1%, which means that the congregated inmates were 20% more than the designated capacity of the jails. Some areas are faced with an acute crisis: the prisons of Delhi are almost at 200% of their designed capacity, and the number of undertrial prisoners accounts for 76.2% of the total prison population.⁵⁶

The high number of undertrials is an indication that the judicial process is very slow and that Indian courts tend to lean towards pre-trial detention, as reflected in the fact that almost one-third of the undertrials have undergone more than a year of trial-less custody.⁵⁷ The latter group has become a victim of mental illness in an extreme case, as they have to suffer from uncertainty, prolonged separation from their families, and harsh living conditions. Scientific studies have estimated that the percentage of the Indian prison population with psychological problems ranges from 40% to 100%. Besides, the most cited disorders are depression, anxiety, and drug use, leading to a complete loss of contact with reality.⁵⁸

The cellular designs of prisons constructed during British rule were the primary focus of Indian prison architecture, which was mainly influenced by Jeremy Bentham's 'panopticon' Concept, which is more concerned with surveillance and control than rehabilitation. The Mulla Committee (1983) and the Justice Amitava Roy Committee (2018) were responsible for bringing to light the miserable conditions in prisons, which were marked by overcrowding, darkness, Poor ventilation, a lack of sanitation, and inadequate recreational facilities.⁵⁹

Despite the court's recognition of mental health problems and the constitutional right to humane treatment, the reform of the prisons' policy has not attached any value to building characteristics. However, The Model Prison and Correctional Services Act (2023) can be seen as a significant step forward in the direction of a prison system that is reformatory, rehabilitative, and rights-based; but the issue is enforcement of the Act because it varies across

⁵⁶ NCRB, *supra* note 12 at 4.

⁵⁷ IndiaSp end, *Half A Million Indians Behind Bars, 74% Still Awaiting Trial* (Oct. 13, 2025), <https://www.indiaspend.com/governance/half-a-million-indians-behind-bars-74-still-awaiting-trial-968804>

⁵⁸ S.M.Y., *supra* note 6, at 9.

⁵⁹ Law Commission of India, *supra* note 10 at 4.

states.⁶⁰The Act prioritises mental healthcare, vocational training, and community reintegration, but does not establish any architectural standards or provide for their enforcement. The total disregard for architecture in Indian prison policy is indicative of the broader difficulties that arise from the attempt to globalise human rights in developing countries: inadequate resources, conflicting priorities, and a lack of expertise. Nevertheless, India's slow pace in conforming to international standards, even after ratifying global human rights treaties, indicates the existence of a gap between declarations and the actual situation.

In order to put design-based reforms into practice in the national prison policy, it is mandatory that a multidisciplinary team consisting of architects, psychologists, prison guards, and legal experts, along with the respective prison departments, collaborate to create Indian-specific evidence-based design guidelines that consider the country's climate, culture, and resources. Prisons selected for the pilot projects could be the ideal places for testing such inexpensive interventions as courtyard gardens, natural ventilation systems, skylights, and nature-themed murals, the effects of which would be monitored through longitudinal studies of mental health indicators, disciplinary incidents, and recidivism rates.⁶¹

THERAPEUTIC ENVIRONMENTS, PRISONS AND THE INDIAN CONSTITUTION

The transformation of Indian prisons into healing places would require amendments to the constitution, the introduction of new legal frameworks, the adoption of new policies, and the establishment of new partnerships among different sectors. This chapter illustrates through examples some of the ways that can be adopted, which are based on constitutional principles, international commitments, and evidence-informed design techniques.

The reading of Article 21 as a "right to therapeutic space" may be treated by the Supreme Court as a right and placed within the same jurisprudence as that of South Africa, Germany, and the European Court of Human Rights. Here, the State would then be obliged positively to prevent psychological harm by designing the prison environment properly and promoting mental health. The proposed enlargement of the right would be in line with the purpose-oriented interpretation laid down in *Maneka Gandhi*, which stipulates that not only the

⁶⁰ NCRB, *supra* note 13 at 5.

⁶¹ Timothy Ross et al., *Space and Well-Being in High Security Environments*, 13 *Frontiers Psychiatry* 1, 8 (2022).

legalities but also the procedures affecting life and liberty should be fair, reasonable, and just.

The Court might set minimum spatial standards (for instance, each person in multi-occupancy cells would need at least 4 square meters of space), requirements for natural light (the minimum would be windows that make up 10% of the floor area), norms for ventilation (the minimum would be air changes per hour according to WHO standards), and access to outdoor spaces (for instance, one hour per day in nature). Such standards would actually be enforced via writ jurisdiction, with prison authorities being held liable for any abuses that take place in violation of such standards

State legislatures are more than welcome to adopt the standards of the Mandela Rules for their Prison Acts and Manuals. The inclusion of specific standards will greatly improve the conditions of the prisons and include the following:

- Architectural design standards setting up a minimum for cell size, window dimensions, lighting, and air.
- The hiring of independent experts for the mandatory architectural audit every two years.
- Mental health assessment and the right to choose a person with a mental disorder who is in the right environment for them.
- Access to natural surroundings, which means having areas with grass, trees, or even a rooftop terrace for all prisons.

The Mental Healthcare Act (2017) must be modified to make it clear that the environment is a determinant of mental health in prisons and that the rights to therapeutic design can be claimed. Additionally, prison reform will not be possible without the collaboration of architects, psychologists, prison guards, public health professionals, and legal scholars. Furthermore, the Ministry of Home Affairs should set up a National Prison Design Committee to draw up evidence-based design guidelines.

The reform of prisons that accompanies therapeutic architecture is a step forward for Sustainable Development Goals 3 (Good Health and Well-being) and 16 (Peace, Justice, and Strong Institutions). The third objective emphasises comprehensive health care and mental

health services to all, whereas the sixteenth one refers to the need for governments that are efficient, accountable, inclusive, and that support the rule of law and equal access to justice.

The right to therapeutic architecture is, therefore, an essential part of the right to life in a globalising world that is based on human dignity, human rights, and human flourishing. The prisons where the main philosophy is based on degrading people and depriving them of all senses create irresponsible people cut off from society; thus, the cycle of alienation and imprisonment is repeated. In contrast, prisons that prioritise human dignity, autonomy, and psychological support lead to the birth of reformed citizens, who in turn are able to take part in the community.

A cultural shift is needed as the final step: viewing globalisation as an opportunity. India, having punitive models in the past and currently crowded prisons, will significantly reap the benefits of reallocation of justice towards rehabilitation. By adopting the global humane standards, India could thereby create a scenario in the Global South where justice and care are not at loggerheads. The vision seeks to transform the Indian prison from a stigma where hopes are lost to a shame of respect. A scholar remarks that there should always be a promise of rehabilitation to a better person after the bars, which can either be made through the architecture or made difficult by it.

CONCLUSION

This study argued that prison architecture is not neutral by any means; rather, it is a significant factor in mental health and thus an issue of justice. Looking at human rights along with design ethics shows us that harsh and oppressive prisons might infringe on prisoners' constitutional rights to life and liberty. The courts in India have admitted that even prisoners have a right to be treated as human beings, and the recent Supreme Court recognition of mental health under Article 21 serves as a solid basis for the application of that principle to the environment. There is a global trend towards moving from punishment to "therapeutic environments" in detention facilities that are in harmony with the universal principles of care and rehabilitation. Moreover, prisons could be places of humaneness, not just punishment. By putting prison design in the context of human rights, India could be a part of this trend.

The fundamental right to life and dignity provided under Article 21, viewed in the context of global and human trends, clearly implies society's obligation to create conditions that promote

healing and actively support mental health. Examples from Norway's Halden Prison, the Netherlands' mental health integration scheme, and the UK, with their rehabilitative design principles, serve to show how, through architecture, punishment can be substituted for rehabilitation, resulting in a lower rate of recidivism and human flourishing. The Nelson Mandela Rules lay down the universal standards that connect mental health with humane treatment, thus providing a very detailed guide to the environmental conditions that protect psychological well-being. For India, the infusion of architectural justice into constitutional law is not just an act of meeting the international standards but rather the development of its moral and legal imagination towards the ideas of substantial justice and human dignity.

The idea of rethinking prisons as places for "therapeutic environments" is not a dream but an ethical demand of a globalised world that is changing the concept of justice to one of restoration and the enhancement of human dignity. Such a transformation entails the reinterpretation of the constitution, the overhaul of laws, the development of new policies, the integration of different fields, and all the necessary political support. Still, the risk is very high: the credibility of the Indian legal system, the psychological well-being of more than a hundred thousand people, and the peace and unity of the society all depend on whether we make prisons that lower the qualities or heal, that just keep the people or reform them, that do not break the circles of violence or nurture true change.

The very benchmark of civilisation is not only the liberties which society declares in its constitution, but the existence of certain places where its prisoners are able to go. Although India is still working towards becoming a global leader in human rights and social justice, prison reform through therapeutic architecture offers a wonderful chance to show that justice, mercy, and rehabilitation are more than just ideas they can be genuine experiences for everyone, including those who have lost their freedom.